

CAHA Off-Road Vehicle Driving Regulatory Negotiation
Vehicle Characteristics, Equipment and Operations Subcommittee
Working Document DRAFT 10/20/08

Please note that these are options and ideas developed by the Subcommittee. The written document is to be understood in the context of the detailed deliberations had by the subcommittee. Because both the writer and written word are imperfect, there may be points below that are unclear or confusing. We ask the Committee reader's to consider this document in that light, and to ask questions for clarification and understanding before moving to assumptions or conclusions that may not be intended by this Subcommittee.

This document was developed through conference calls and emails. Conference calls were held on July 22, August 1, August 11, ~~and~~ August 28 and October 20.

The members of this Subcommittee are: Renee Cahoon, Derb Carter, Jim Keene, Neal Moore, Patrick Paquette and Paul Stevens.

I. GENERAL

ENFORCEMENT: Such regulation shall be enforced by the NPS according to graduated law enforcement principles.

STAKEHOLDER INPUT: The Park shall establish and maintain a standing ~~ORV stakeholder advisory~~ [FACA] committee with representatives from various sections/geographies of the Park representing diverse and balanced interests to provide input to the Park ~~Superintendent?~~ on, among other things, ORV-related issues via a standing ORV subcommittee. ; vehicle characteristics. [NOTE: NPS notes that this may function best as a standing ORV subcommittee of a general park management FACA advisory committee.]

EXEMPT VEHICLES: Vehicles that may be exempted from these regulations are divided into two groups. Tier 1 Vehicles, emergency vehicles used for All emergency vehicles (vehicles used for EMS, rescue, or fire,) are exempt from these vehicle characteristics and operations regulations. Tier 2 Vehicles, Any operators of other essential vehicles (vehicles used by NPS or with NPS permission), excluding emergency Tier 1 vehicles as identified above, must be trained and authorized to drive on the beach by NPS prior to operating in any way beyond normal public use.

COMMERCIAL FISHING: Commercial fishermen shall be exempt from these regulations. ORV operations by commercial fishermen will be addressed in the Commercial Fishing CFR (CFR 7.58).

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II. VEHICLE CHARACTERISTICS

PURPOSE: Manage and regulate the type of vehicle allowed to drive on CAHA beaches.

SCOPE: Applied for all driving on all routes, trails, and areas designated for ORV driving.

VEHICLE CHARACTERISTICS: All vehicles must exhibit the following characteristics to drive on the Park's beaches. Drivers are responsible for ensuring their vehicles meet these characteristics.

1. All vehicles must be registered, licensed, and insured and comply with inspection regulations within the state, country or province where the vehicle is registered.
2. Four-wheel drive vehicles are allowed.
3. Two wheel drive vehicles are allowed after the operator obtains a special use permit.
4. Motorcycles are prohibited on the ocean beachfront.
5. ATVs are prohibited.
6. The Park Superintendent will determine the acceptability of new or state of the art vehicles (those that are not listed in items 2-5) for driving on CAHA as needed, with input from the standing advisory group and/or state law.
- ~~6.7.~~ There is a three axle maximum for vehicles (this is the axle maximum for the powered vehicle only and does not include the additional number of axles on towed trailers).
- ~~7.8.~~ Any trailers are limited to no more than two axles.
- ~~8.9.~~ The maximum vehicle length is thirty (30') feet (this is the maximum length for the powered vehicle and does not include the additional length of a towed trailer).
- ~~9.10.~~ Tires must be U.S. Department of Transportation listed and/or approved tires only.

III. REQUIRED AND RECOMMENDED EQUIPMENT

PURPOSE: To identify special equipment required and recommended to safely operate a vehicle on the beach

REQUIRED EQUIPMENT: All vehicles operated on the beach shall contain the following required equipment.

1. A low-pressure tire gauge effective down to 5 psi.
2. A shovel
3. A jack
4. A jack support
5. Trash bag or container

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6. ~~A flashlight Flashlight for any driving between dusk and dawn.~~
7. Copy of the current ORV regulations and map.

HIGHLY RECOMMENDED EQUIPMENT: The following equipment is recommended but not required.

1. A full size spare tire
2. First aid kit
3. Fire extinguisher
4. Tow strap with loop ends, no hooks, with a rating capacity at or above the GVW of item being recovered or moved unless vehicle is equipped with an operable electric or hand winch

IV. VEHICLE OPERATIONS

PURPOSE: Ensuring the safety of all public users of the Park and protection of Park resources.

SCOPE: Applied for all driving on all routes, trails, and areas designated for ORV driving.

DRIVER'S LICENSE: All drivers must carry a valid driver's license.

SPEED LIMITS: ~~The following are speed limits for driving on the beach within CAHA. Speed-The speed~~ limit on ~~park-CAHA~~ beaches is 15 mph ~~May 15-September 15~~year-round, unless otherwise posted ~~and 25 mph September 16-May 14, unless otherwise posted.~~

TIRE PRESSURE: Lower the pressure on all tires to 20lbs or less. The softer the sand, the lower the pressure needed. ~~Generally drive with 20-25 lbs. pressure in the tires.~~ When you return to paved roads, inflate the tires to normal as soon as possible.

NIGHT DRIVING: (To be discussed after turtle presentation at November Committee meeting.)

RIGHT OF WAY: Right of way shall be as follows:

1. A vehicle exiting the beach via a Ramp or Interdunal Road has the right of way until reaching state-regulated roads.
2. When traveling parallel to the ocean or sound, the vehicle with the water to it's right side has the right of way.

SELF-CONTAINED VEHICLE CAMPING: Camping in designated areas (campsites or other) is allowed in self-contained vehicles and available at sites year-round including at least Cape Point Campground, Ocracoke Campground, and the Oregon Inlet Campground with

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applicable fees as appropriate. [NOTE: There may be resource constraints that make this difficult. Committee members should discuss implementation issues with NPS.]

TENT CAMPING: Tent camping in designated areas (campsites or other) is allowed and available at sites year-round including at least Cape Point Campground, Ocracoke Campground, and the Oregon Inlet Campground with applicable fees as appropriate. [NOTE: There may be resource constraints that make this difficult. Committee members should discuss implementation issues with NPS.]

OTHER RELEVANT REGULATIONS: Other pertinent and relevant federal or state regulations include:

- Camping is only allowed at designated areas. (36 CFR 2.10)
- Obstructing traffic on park roads is prohibited. (36 CFR 4.13)
- Driving under the influence of alcohol or drugs is prohibited. (36 CFR 4.23)
- All drivers and passengers are required to wear seatbelts. (36 CFR 4.15)
- A valid state driver's license is required for all operators of motor vehicles on park roads. (36 CFR 4.2)
- Operating a motor vehicle without due care or at a speed greater than which is reasonable and prudent considering wildlife, traffic, weather, road and light conditions and road character is prohibited. (36 CFR 4.22)
- Operators of motor vehicles involved in accidents resulting in property damage, personal injury, or death shall immediately report the accident to park rangers. (36 CFR 4.4)
- The operators of authorized emergency vehicles, when responding to an emergency or when pursuing or apprehending an actual or suspected violator of the law may disregard traffic control divides, exceed the speed limit, and obstruct traffic. (36 CFR 4.3)

OUTSTANDING TOPIC

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As the topic of *napping and short-term sleeping on the beach* remains under discussion by the subcommittee, it is not included in the document above. Due to enforcement challenges, this topic is closely linked to the topic of camping on the beach.

Related issues and concerns raised include:

- Equity: those on the beach without vehicles are permitted to nap, so those with vehicles should also be allowed to do so.
- Brief Interludes: desire for those who drive to the beach for a long day of fishing to be allowed to nap while awaiting the tide or other conditions.
- Enforcement: Want regulations that are enforceable. Assuming that camping anywhere on the beach is not allowed for a variety of reasons, because it is difficult for rangers to make a distinction at night between those who are truly camping and those napping, allowing napping at all makes the no camping regulation difficult to enforce.