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**Testimony before the House Natural Resources Subcommittee on National  
Parks, Forests and Public Lands Hearing about Off-Road Vehicle Enforcement**

Thank you for the opportunity to speak to you about a very serious problem that is getting worse as more and more off-road vehicle riders come out to our communities causing widespread damage and nuisance.

I live in a small town in the California desert. My neighbors and I are just like other rural Americans who seek a friendly community to live-in surrounded by wide open public land.

We have reached a point of desperation as we witness our rural communities taken over by off-roaders who have no respect for our private property rights. Many of our calls for help are ignored because there is insufficient funding and support for law enforcement who are often overwhelmed by the problem. In our communities, ORV trespass and nuisance is a major complaint to law enforcement both local and federal. Every holiday weekend, and often in between, people from urban areas haul their vehicles out to our neighborhoods and act in a way they would never act in their own neighborhoods - they treat our communities like off-road vehicle playgrounds: riding cross-country and trespassing on both private and public lands.

Large staging of 10, 20, 30, 50 ORVs assemble on someone's five acre weekend getaway and ride day and night creating noise and dust -- degrading the quality of life in our communities. Every weekend we suffer from helmeted riders who act as though they are invincible by trespassing on our lands and disappearing into the distance before law enforcement can respond. They are nearly impossible to identify because they do not have license plates. And due to the lack of local as well as federal law enforcement, residents have been forced out of their homes while the riders continue to break the law with impunity.

Our public lands are lacking adequate route designations to inform riders where they can and cannot go in addition to information like maps and signage. Because off-road vehicles are going anywhere and there is no information to contradict this notion, we see Real Estate ads promoting irresponsible behavior by implying that people can ride anywhere they want.

Can you imagine what it's like to be a prisoner in your own home, or the feeling of helplessness as dirt bikes, quads and sand rails ride past your "no trespassing" signs right onto your private property? Don't I have a right to peace and quiet? to the safety of my home? to the full value of my property?

One especially egregious circumstance was told to me last week involving a private residence bordering on BLM land that includes a wash adjoining the private property. With the coming of spring weather, groups of riders numbering 8 to 10 at a time are beginning their annual treks along the wash as if it were a Disneyland ride. According to County code enforcement officers, the BLM office has informed them that the wash is now an “established route” because of its “common use”. BLM personnel have also said that “washes are generally allowed routes”. Our understanding has always been that vehicles are allowed *only* on routes specifically designated on official maps. No exceptions have ever been given, not to mention how so-called common use might be established. Is this like Tombstone justice where if anyone wants to open up their own ORV trail on BLM land they only have to use it three times or so? What is the BLM thinking and why is no one –not even Congress—holding them accountable?

The “checkerboard” pattern of private, public and BLM lands can create misunderstandings and ambiguities in the interpretation of the law. It can also lead to encroachment onto the outer boundaries of Joshua Tree National Park, where it has been made clear that *no* off-road traffic is ever allowed. The BLM’s lack of clear rules and specific areas for off-road vehicles leads to riders carrying over their lawless behavior onto all lands—both private property and National Parks.

You need to know that we also suffer from retaliation by riders who engage in harassment of their neighbors who call for help. Some riders use their vehicles to intimidate and try to deny us due process of the law. There are horror stories of residents who have received threats, have been physically attacked, brushed past closely by vehicles, their pets killed, and their property destroyed. There have even been shootings over this conflict.

We need to find effective ways to deal with this problem before it gets even more out of hand.

I live in Joshua Tree, California, located in the Morongo Basin in San Bernardino County, the largest county in the nation, where you can find the largest designated off-road vehicle open area in the United States, but riders do not stay in designated areas and we have been suffering from the onslaught of abuse.

Three years ago, a group of residents and business owners could not take it any more and got together to find solutions to this problem. We organized meetings, conferences and public education campaigns and have asked our local law enforcement for relief. As a result:

- \* We assisted the local Sheriff’s department obtain more than \$250,000 in state ORV law enforcement grants.

- \* We coordinated a series of stakeholder meetings with residents, conservation groups, off road vehicle vendors and state, local and federal law enforcement agencies to create an informational brochure encouraging safe and responsible riding, informing the public about the law and providing a map showing clearly where it is legal to ride. Thousands of these brochures have been distributed to riders throughout our area. (Brochures for distribution).

- \* We participated in a stakeholder process to create a county ordinance that is helping to fairly

and effectively protect private property. The ordinance was passed unanimously by the San Bernardino Board of Supervisors, and according to the Sheriff's department, code enforcement and residents, the law is working. ( Copies of the ordinance for distribution).

\* We have formed volunteer groups to serve as stewards of our public lands since the BLM has not been able to protect our cultural and natural resources. Adobe ruins, stagecoach sites, mining districts and other historic treasures are routinely damaged by uncaring riders. We need help from the BLM and other federal land management agencies to protect these places that are part of our national heritage.

Rural communities all over our country are suffering from the reckless, unchecked motorized sport and it is very important that we take a national approach to this growing problem.

We ask that our Congress craft legislation to give relief to rural American communities and would like to suggest the following:

1. We need stricter laws, greater fines, confiscation of vehicles and jail time for repeat offenders. We must have zero tolerance for harassment and intimidation.
2. We need a national campaign to educate riders about where to ride legally, to respect private property and public lands, and advice on how to ride safely and responsibly.
3. Every vehicle should have a visible license plate so that property owners and law enforcement can identify offenders. The presently used small sticker on the back of the vehicle is impossible to see when it is moving.
4. ORV vendors must finally take responsibility to promote responsible riding through their advertising campaigns and at the dealerships.
5. Our federal law enforcement agencies must begin to respond to this huge problem with a concentrated effort, special task forces, and cooperation with local authorities and law enforcement agencies.
6. Parents must be financially responsible for the actions of their children who ride dangerously and damage private property and public lands.
7. We must find less dangerous and less destructive recreation for our youth.
8. State and county law enforcement should not have to compete with federal law agencies for state-funded grants for ORV enforcement. It's time for the BLM to take their mandate seriously and protect our public lands, many of which have become illegal, de facto off-road vehicle open areas.
9. Riders should be required to cover the cost of the impact of their sport through fees and fines.

10. Rider should pass a driver's test that educates them on their responsibilities and the impact of trespass.

It has been a privilege to be able to testify before this committee and I hope you will take these comments to heart and provide the leadership we need to address this serious problem.

Thank you.