

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDS

PART 135
OFF-HIGHWAY VEHICLE TRAILS ON PROPERTIES OWNED, LEASED OR
MANAGED BY THE DEPARTMENT OF NATURAL RESOURCES

Section	
135.10	Purpose
135.20	Definitions
135.30	Statewide Regulations Applicable
135.40	Use of OHV Site
135.50	Registration
135.60	Season Dates and Hours of Operation
135.70	Usage Permit and Fees
135.80	OHV Site Rules
135.90	Safety Requirements

AUTHORITY: Implementing and authorized by the Recreational Trails of Illinois Act [20 ILCS 862], the Illinois Vehicle Code [625 ILCS 5], and the Civil Administrative Code of Illinois (Department of Natural Resources (Conservation) Law) [20 ILCS 805].

SOURCE: Adopted at 48 Ill. Reg. _____, effective March 27, 2024.

Section 135.10 Purpose

The establishment and maintenance of recreational trails that are open and accessible to the public is important for the promotion of recreation and conservation within the State of Illinois. For this purpose, the Department seeks to develop, operate, and maintain facilities on select properties owned, leased or managed by the Department to be dedicated for use as off-highway vehicle sites, trailside facilities and trails that are open and accessible to the public.

Section 135.20 Definitions

As used in this Part:

"All-terrain vehicle" or "ATV" means *any motorized off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer's dry weight of 1,500 pounds or less, traveling on 3 or more non-highway tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers.* [625 ILCS 5/1-101.8]

"Department" means the Illinois Department of Natural Resources.

"Director" means the Director of Natural Resources.

"Facilities" means equipment or other man-made improvement that is directly associated with, and provided for, a recreational trail. Typical recreational trail facilities include signage, gates, culverts, trail bridges, railings, benches, security cameras, security lighting, aggregate and other erosion control measures, picnic shelters, informational kiosks, and vault toilets. [20 ILCS 862/10]

"Off-highway motorcycle" or "OHM" means any motorized device designed to travel primarily off-highway on 2 wheels, having a seat or saddle for the use of the operator, upon or by which any person, persons or property may be transported or drawn. [625 ILCS 5/1-153.1]

"Off-highway vehicle site" or "OHV site" means a State recreational or conservation area or other Department owned, leased, or managed property which contains recreational trails, routes or areas dedicated primarily for use by OHVs, ATVs, or OHMs.

"Recreational off-highway vehicle" or "OHV" means any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer's dry weight of 2,000 pounds or less for gas-powered engines or 3,000 pounds or less for electric-powered engines, traveling on 4 or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers. [625 ILCS 5/1-168.8]

"Recreational trail" means a thoroughfare or track across land or snow or along water, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, aquatic or water activity, and vehicular travel by motorcycle or off-highway vehicles. [20 ILCS 862/10]

"Vehicle" means, for purposes of this Part, any OHV, ATV, or OHM.

Section 135.30 Statewide Regulations Applicable

All regulations set forth in 17 Ill. Adm. Code 110 and 17 Ill. Adm. Code 130 will apply to all Department properties used for OHV sites, unless specific regulations contained in this Part are more restrictive.

Section 135.40 Use of OHV Site

Use of the recreational trails, routes, or areas within an OHV site is restricted for use by OHVs, ATVs, or OHMs only. Users must comply with the OHV site rules and all OHVs, ATVs, or OHMs must meet the standards set forth in this Part. All operators 16 years of age or older shall have a valid driver's license in order to operate a vehicle at an OHV site.

Section 135.50 Registration

- a) The owner or primary operator of a vehicle using the OHV site must register at the site by completing the Department's Registration Form and Release of Liability and Indemnity Agreement (Form) each time they obtain a Usage Permit. Failure to do so is a petty offense, see 20 ILCS 862/38. The form shall include, for all persons that may use or operate the OHV, ATV, or OHM at the site that day, the following information:
 - 1) name;
 - 2) date of birth; and
 - 3) proof that all the individuals listed on the form over the age of 16 are in possession of a valid driver's license.
- b) The form shall be provided by the Department and shall be available at the site and by electronic means. All forms must be delivered to Department before a vehicle is allowed to be operated on the OHV site each day.

Section 135.60 Season Dates and Hours of Operation

The dates and hours of operation an OHV site will be open for use will be determined and established by the specific OHV site and published by the Department. Each OHV site shall publish the number of vehicles that will be allowed to operate that day. Information required to be published at an OHV site shall be posted at the Site and may also be published by electronic means. No one shall operate an OHV, ATV, or OHM outside of the OHV site posted dates and hours of operation or on non-OHV trails. No additional OHV, ATV, or OHM will be allowed to operate on OHV trails when the published number of vehicles that will be allowed to operate that day has been admitted.

Section 135.70 Usage Permit and Fees

- a) Usage Permit
All vehicles being operated at an OHV site must have a permit issued by the Department and attached to the vehicle at all times while using the OHV site. The permit must be displayed on the vehicle and be at all times visible for inspection. Permits shall be sold by the Department and must be purchased at the OHV site. Permits may not be transferred between vehicles.

- b) The fee for a one-day permit is \$20.00 per vehicle. Each one-day permit is valid only for the day that appears on the permit, for the vehicle the permit was purchased for, and only during the OHV site hours of operation.
- c) The fee for a four-day permit is \$65.00 per vehicle. Each four-day permit is valid only for the days listed on the permit, for the vehicle that the permit was purchased for, and only during the OHV site hours of operation for the days listed on the permit.
- d) All permit fees are nonrefundable, including, but not limited to, site closure due to weather or dangerous conditions.

Section 135.80 OHV Site Rules

- a) Trail Usage
 - 1) Right-of-Way. Vehicles traveling uphill shall have the right-of-way and all other vehicles shall move to the right side of the trail to make way.
 - 2) Pedestrians. Pedestrian traffic is not permitted on OHV trails.
 - 3) Stopping, Standing or Parking on OHV Trails. No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon any OHV trail when it is practicable to stop, park or so leave such vehicle off the OHV trail, but in every event an unobstructed width of the OHV trail opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from as much of a distance is possible from the location of the standing vehicle.
 - 4) Speed limits for vehicles using the OHV trails shall be posted by the Department and must be obeyed at all times.
- b) Vehicle travel is only allowed on designated trails and may not be operated on any other road, trail or location on Department owned, leased, or managed lands. No vehicle shall be operated in a such a manner as to damage any natural feature or property. Creation of new trails is prohibited unless specifically authorized by the Department.
- c) United States Department of Transportation or ASNI Z90.1 approved safety helmets are required for all operators and passengers in designated riding areas unless the vehicle is equipped with a fully enclosed metal cab or roll bar protection and seatbelts.

- d) Passengers are only allowed on vehicles which are designed by the manufacturer to carry a passenger. Passengers may only be allowed to ride on a vehicle pursuant to vehicle manufacturer's specifications. No passenger is allowed to ride in a vehicle cargo area.
- e) All persons located at an OHV site must comply with all posted signs.
- f) All vehicles operating at an OHV site must have working brakes.
- g) All vehicles and trailers must be parked in designated parking areas and may not be left unattended at any other location at the site.
- h) Vehicles or hauling equipment that is left on Department owned, managed or leased land for more than 24 hours without the permission of the Department may be towed at the owner's expense. The Department is not responsible for providing towing or hauling services for any vehicle using OHV trails. Any damage done to Department property during the towing or hauling of any vehicle shall be paid by the owner of the OHV, ATV or OHM.
- i) No vehicle shall be operated at an OHV site that exceeds a sound level of 96 decibels. Such sound restrictions include, but are not limited to, vehicle exhaust systems, stereo speakers or any item or attachment to a vehicle. Any vehicle which is on Department owned property is subject to sound level testing upon the request of the Department.
- j) All OHVs and ATVs must be equipped with a flexible mast of no shorter than 72 inches in length with an orange flag attached to the top of the mast. The orange flag must measure at least 72 square inches.
- k) Any vehicle which is inoperable must be removed from the trail and riding area by the operator and properly parked at a designated parking area. The operator of any such vehicle must have permission of the Site Superintendent or Site Staff to leave the vehicle in the parking area overnight due to an inoperable or damaged condition.
- l) Any person who violates any provision of this Part or Illinois law shall be subject to arrest and/or removal from the premises where the violation occurred. Such removal shall be in compliance with 17 Ill. Adm. Code 2530 Subpart H.
- m) Anyone who is arrested at an OHV site, removed from an OHV site, or cited for a violation of this Part or any law of the State while at an OHV site and who has paid a permit fee shall not receive a refund of such fee.

Section 135.90 Safety Requirements

- a) Restrictions for Vehicle Operators Under the Age of 18 on General Access Trails
 - 1) Operators age 16-17 must have a valid driver's license and a signed waiver from a parent or legal guardian delivered to the Department before operating a vehicle on an OHV Site.
 - 2) Operators under the age 16 must have a signed waiver from a parent or legal guardian and be under direct supervision of a person over the age of 18 with a valid driver's license.
 - 3) Any other site restrictions shall be posted at the site's webpage and shall be posted at the entrance of the OHV site. All such postings shall be obeyed at all times.
 - 4) For purposes of this Section, direct supervision means being able to communicate with the minor child and being within line-of-sight at all times in order to prevent or stop unsafe behavior, unsafe operation, or to warn of dangerous conditions.
- b) Restrictions for Vehicle Operators on Youth Trails

Access to youth trails shall be limited to only those operators under the age of 16 and their accompanying supervisor who shall be over the age of 18. There shall be one supervising person over the age of 18 per youth operated vehicle. Such supervisor may be located in a separate vehicle, but in no instance shall there be more than one supervising vehicle per youth operated vehicle.
- c) Operation with Passengers
 - 1) Number of passengers cannot exceed manufacturer's recommended capacity and the number of restraints designed and installed for the vehicle.
 - 2) For an ATV or OHM, the passenger must be seated behind the operator and have the ability to securely hold on to the passenger handles or operator.
 - 3) For an OHV, a passenger must be able to place both feet flat on the floorboards with their back resting against the seat back.
- d) OHV Requirements
 - 1) The OHV must be equipped with a roll-over protection system (ROPS) installed by the manufacturer.

- 2) The OHV must be equipped with manufacturer seat belts or equivalent that are in good working order.
 - 3) Passengers must wear seat belts at all times and must keep feet and hands inside of the vehicle while the vehicle is in motion.
 - 4) The OHV cannot be wider than 64 inches.
- e) All OHVs, ATVs, and OHMs must have properly functioning spark arrestors and mufflers. Any ATV, OHV, or OHM which does not meet the requirements of this Part shall be prohibited from entering or remaining upon OHV trails.