



Minnesotans for Responsible Recreation

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Memorandum

To: Sen. Steve Murphy, Chair, Senate Transportation Committee; Rep. Bernard Lieder, Chair, House Transportation Finance Committee and Rep. Frank Hornstein Chair, Transportation and Transit Policy Subcommittee, Committee Members and Staff
From: Jeff Brown, Executive Director, Minnesotans for Responsible Recreation
Re: Gas-tax diversions to motorized recreation unconstitutional?
Date: February 1, 2008

When viewed electronically, this document contains links to additional information on MRR and state websites.

Minnesotans for Responsible Recreation (MRR) appreciates the financial and other challenges facing you in caring for the state's roads and bridges this legislative session. Over the past eleven years MRR has documented the unwanted effects of gas-tax funded motorized recreation. Most recently, it has come to our attention that the ~3% - \$16 million - in gas-tax revenue annually diverted to motorized recreation appears to violate the Minnesota Constitution which dedicates 100% of gas-tax revenue to trunk highways, state-aid highways and municipal streets:

Sec. 5. HIGHWAY USER TAX DISTRIBUTION FUND. There is hereby created a highway user tax distribution fund to be used solely for highway purposes as specified in this article. The fund consists of the proceeds of any taxes authorized by sections 9 and 10 of this article. The net proceeds of the taxes shall be apportioned: 62 percent to the trunk highway fund; 29 percent to the county state-aid highway fund; nine percent to the municipal state-aid street fund.

(Review all gas-tax related text in the Minnesota Constitution: [Highlighted Minnesota Constitution Restricts Gas-tax Revenue to Minnesota Roads and Bridges](#))

[Minnesota Statute 296A.18](#) diverts ~3% of the state's annually collect gas-tax to motorized recreation. While gas-tax revenue is diverted away from roads and bridges for snowmobiles and ATVs and other motorized recreation, these machines legally travel in the state's right-of-ways as non-paying customers. (DNR Rules Allow Use of Right-of-way.) ATVs, dirt-bike motorcycles and four-wheel drive trucks are doing extensive damage to the state's right-of-ways. In 2001 MN/DOT found that "ATVs are known to cause significant erosion problems...Erosion causes harm to state waters and erosion repair causes additional maintenance for the trunk highway authority". Gas-tax funded snowmobile and ATV clubs are trespassing on private property with their bulldozers, damaging forests and wetlands and misusing gas-tax funds. Local units of government in Minnesota, including the state's largest county, St. Louis County, are in violation of gas-tax-for-motorized-recreation grant-in-aid agreements. (MRR [Case Studies for Reforming or Abolishing Gas-tax Funding of Motorized Recreation](#).)

Every year, while Minnesota's under-funded roads and bridges crumble, 3% - \$16 million – in gas-tax revenue is diverted to motorized recreation. 1% of the state's gas-tax - \$6 million - goes to local snowmobile clubs whether it snows or not. In the DNR's own words "the actual effect of [ATV] trail designation is to transfer [gas-tax] funds from the state to local clubs". Gas-tax funding of motorized recreation not only short changes the people and roads of our state, it is resulting in accumulating financial and other costs to the state's taxpayers and environment.

Minnesotans want roads not ruts for their gas-tax dollar. Minnesotans for Responsible Recreation calls on the Senate and House Transportation Committees to amend Minnesota Statute 296A.18 by deleting gas-tax diversions to snowmobiles, ATVs, dirt-bike motorcycles, four-wheel drive trucks and motorboats.

A basic MRR principle is *there is a place for everything when everything is in its place*. We believe Minnesotans would support you in restoring the state's gas-tax to its rightful constitutional and most practical place. We will work to enhance and mobilize that support. We also pledge to you, to provide legislation being drafted by Rep. Alice Hausman, to provide user-funded programs to make a place for these machines.

MRR's has an eleven year landmark history protecting private property owners, taxpayers, the state's quiet seeking majority and our environment from the unwanted effects of motorized recreation. Please call on me at 218-740-3175 for any other information we might provide to end diversions of the state's gas-tax to motorized recreation. Thank for your time and attention.

Sincerely,

A handwritten signature in black ink that reads "Jeff Brown". The signature is written in a cursive, flowing style.

Jeff Brown
Executive Director

p.s. Visit our website at www.MnResponsibleRec.org to learn more about MRR and gas-tax funding of motorized recreation and its unwanted effects on the state's roads and environment.