



AGENDA

Eau Claire County Highway Committee
Thursday November 2nd, 2017 / 6:15 am
Eau Claire County Highway Department - Room 101
2000 Spooner Avenue, Altoona, WI 54720

1. Call the meeting to order.
2. Confirmation of meeting notice
3. Approval of past committee meeting minutes (9/21)
4. Public comment
5. WHSCA ATV Route Guidelines - Discussion
6. Highway Commissioner report
 - Beet Heet product usage with salt brine
 - Highway maintenance and construction update
7. Payment vouchers (9/22, 9/29, 10/6, 10/13, 10/20, 10/27)
8. Future meeting dates, times, and agenda items
9. Adjourn.

* the Committee may hear comments from the public for up to 30 minutes; not more than 5 minutes/person is allowed; this period is not considered a public hearing.

cc: Members, Media, Kathryn Schauf, Keith Zehms, Jon Johnson, Rod Thorson

Please note: Upon reasonable notice, efforts will be made to accommodate the need of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839-4710, 839-1669 (FAX) or 839-4735 (TDD) or by writing to the ADA Coordinator, Human Resources Department, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703.



MINUTES

**Eau Claire County • Committee on Highway
Thursday, September 21st, 2017 / 6:15 am**

Highway Department Meeting Room 101 • 2000 Spooner Avenue, Altoona, WI 54720

Members Present: Chairman Ray Henning, Vice Chairman Steve Chilson, Supervisor Kathy Clark, Supervisor Carl Anton, Supervisor Katy Forsythe
Staff Present: Highway Commissioner Jon Johnson, Operations Manager Brian Spilde, Accountant Michael Donaldson, Highway Engineer Rod Thorson

1. Call meeting to order

Chairman Henning called the meeting to order at 6:15 a.m.

2. Confirmation of meeting notice - Review

Meeting notice confirmed.

3. Past committee meeting minutes (9/7) - Review/Action

Motion: Supervisor Clark moved for approval. Motion Approved 5-0

4. Public comment – No public comment

5. Discussion and Action on ATV Route request ; CTH HH, K, NN, I, V, D

Commissioner Johnson discussed an updated Eau Claire County map showing approved and proposed ATV routes on county highways with the Highway Committee. Purpose of ATV Route requests is to have connecting routes between approved township roads. Approved route requests may be reviewed and voted on again after one year if route causes complaints or erosion concerns.

- Motion by Supervisor Clark to approve ATV routes request; Motion carried 5-0

6. Highway Commissioner Report

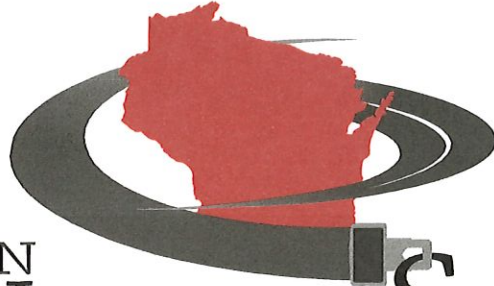
- Winter Maintenance Fund
 - Resolution had its first reading. Finance Committee proposed reducing the reserve amount to \$750,000. Historical averages of the fund show the original 1 million dollar asking amount would give the needed flexibility with ever changing winter outcomes. Next step is for County Board review.
- Highway maintenance and construction update
 - CTH HH – Large culvert backfilled under the road; CTH NL – D ; first lift of asphalt; CTH X (XX-Wooden) – paved; CTH I ; just started paving; CTH Q – planned on starting first week of October: Meigs awarded fog sealing bids for 27 miles of road.
 - Bids for epoxy for 6-8 bridge decks are in progress
 - Operations met and re-prioritized remaining work based on remaining funding and time left in season
 - Private/Public partnership meeting between the highway department and Kwik Trip was held over signal project on intersection of CTH EE and STH 312 (North Crossing). Project completed in 4 months with cooperation of contractors and WI-DOT.
 - Regional Transportation meetings completed which discussed Highway department and regional townships working together to share programs, technologies, and project costs currently available.
 - Analysis completed comparing vehicles per mechanic positions which is similar to the analysis used by the armed forces. With increasing newer equipment, the highway shop operations will operate with current staffing.
 - PASER ratings by engineering department should be completed next month.
 - West central Regional commissioner meeting being held on Oct 30th at 9 a.m. at 29 Pines in Eau Claire.

7. **Payment vouchers (9/8, 9/15)**
Vouchers were reviewed
8. **Future meeting dates, times and agenda items**
Future Meetings: October 5th & Oct 26th
9. Adjourn – 8:03 a.m.

Respectfully submitted,

Michael Donaldson

Michael Donaldson
Eau Claire Highway Department



WISCONSIN
HIGHWAY SAFETY
COORDINATOR'S ASSOCIATION
**ATV ROUTE
GUIDELINES**



Prepared by:

Gary D. Eddy, ATV/Snowmobile Administrator, WI DNR

Jon Sonnenberg, Town of Rome Superintendent of Highways and Public Works

WHSCA President, Cory Roeseler

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Also included is a DNR document titled “ATV Route Guidelines for Local Government”. This document is a draft version at this point and subject to revision. This may also change due to pending legislation.



WISCONSIN
HIGHWAY SAFETY
COORDINATOR'S ASSOCIATION

The Wisconsin Highway Safety Coordinator's Association would like to thank you for all that you do to make Wisconsin's roads safer. As we work towards that goal, we continually need to develop tools that will allow us to streamline processes and help organizations make more informed decisions.

ATV/UTV traffic on our roads has become a hot topic in many counties and municipalities. Representatives from the Wisconsin Highway Safety Coordinators Association coordinated with staff from the DNR, Law Enforcement, and the ATV Industry to develop a general use application, guidelines, and policy to utilize as consideration is given to opening up additional road routes. Municipalities, Counties or Traffic Safety Commissions can use these documents as a reference tool when considering ATV routes.

This systematic approach will ensure that safety is the primary consideration when looking at expanding road routes. Ultimately, it will give a well thought out route a better chance of passing at a Town or County Board meeting.

On behalf of the Wisconsin Highway Safety Coordinator's Association, we hope that these resources serve you well as you give consideration to ATV/UTV routes in your area.

Cory Roeseler, Association President

Jon Sonnenberg, Association Vice President

SUGGESTED ATV ROUTE/ORDINANCE FORMAT

All-Terrain Vehicle Route
_____ of _____, _____ County

AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL TERRAIN VEHICLES

Section I - Intent

The _____ of _____, _____ County adopts the following all-terrain vehicle route for the operation of all-terrain vehicles upon the roadways listed in Section III.

Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this route(s) has been created.

Section II - Statutory Authority

This route is created pursuant to village authority under section 1.1.01 as authorized by 23.33 (8) (b), Wis. Stats.

The applicable provisions of 23.33 regulating ATV operation pursuant to routes are adopted.

Section III - Routes

The following roads are designated as routes:

- A. _____ Road, beginning at _____ Road and ending at _____ Road.
- B. _____ Lane in its entirety.
- C. Said routes are further described and identified by the attached map.

Section IV - Conditions

As a condition for the use of this route, the following conditions shall apply to all operators (and passengers);

- A. All ATV operators shall observe posted roadway speed limits.

- B. All ATV operators shall ride single file.
- C. All ATV operators shall slow the vehicle to 10-mph or less when operating within 150 feet of a dwelling.
- D. Routes must be signed in accordance with NR 64.12, and NR 64.12(7)c.
- E. You can address hours of operation if wanted here.

Section V - Enforcement

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

Section VI - Penalties

Wisconsin state All-Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.

Section VII - Severability

The provision of this ordinance shall be deemed severable and it is expressly declared that the County/Town/City/Village would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

Section VIII - Effective Date

This ordinance becomes effective upon passage and publication. Passed this _____ Day of _____ 20____.

_____ of _____ Clerk (signature) _____.

ALL-TERRAIN VEHICLE (ATV) AND UTILITY TERRAIN VEHICLE (UTV) ROUTE DESIGNATION ON THE COUNTY TRUNK HIGHWAY SYSTEM

The _____ Highway Committee recognizes that ATV/UTV use within the County is on the increase and has been increasing despite the lack of ATV/UTV routes on the _____ County Trunk Highway System. An ATV/UTV route is a highway, or section of highway, designated for the use of ATV/UTVs by the governmental agency having jurisdiction.

A route is generally recognized as a means to connect municipal routes and the terminal ends of a trail when they are obstructed by impediment. The Wisconsin state statutes give the Counties the authority to accommodate ATV/UTVs on County Trunk Highways designated as routes. The single most important route consideration is the safety of all users. Use Wisconsin DNR publication LE-109 to ensure that you are giving due consideration to all options.

NEW ATV/UTV ROUTE APPLICATIONS

The application form for a new route must be completed and approved by a municipality within _____ County and shall be forwarded to the _____ County Highway Department for consideration. Applications may be for multiple routes within a municipality and may be submitted at any time. Any change in an existing approved route will cause that route to be considered as new and cause a new route application to be submitted. The New Route Application fee is \$150 and shall be included with the application.

To determine if an application qualifies for further consideration, the Highway Department will evaluate it based upon the following criteria:

- Was the application submitted complete with a route map?
- Has the applicant notified all property owners by US Mail, published the proposal as a Class 2 Notice and held a public meeting concerning the proposed route?
- Have alternative routes been investigated leaving no other practical options other than the use of the CTH?
- Is the route being requested for one of the following reasons:
 - Connects trails or municipal road route networks
 - Safety issues
 - Access to business or services
- Length of segment requested
- Posted speed limit of the roadway
- Traffic volume on requested segment
- Vertical or horizontal alignment safety concerns

ACCEPTED APPLICATIONS

If the application is qualified, the Highway Department shall request input and approval from the Sheriff's Office.

The application will be reviewed with the applicant so that all needed information can be exchanged, and, all requirements and restrictions can be explained. Additionally, signage requirements and other costs to execute the project will be identified. Once the applicant has met all requirements of this policy, the Highway Department shall notify the Highway Committee of its findings

Following due consideration of public input, economic and recreational value of connecting trails and municipal routes, weighted against public dangers, public health, liability aspects, terrain involved, traffic density and history of automobile and truck traffic; the _____ Highway Committee is authorized to establish necessary and reasonable ATV/UTV routes on the County Trunk Highway System. New route approvals are valid until March 31st of the following year.

After Highway Department approval, an ordinance must be drafted and submitted to the _____ Board of Supervisors for approval. If approved by the Board, the County Clerk must send a copy of the route ordinance to the DNR and to law enforcement agencies having jurisdiction.

The County Highway Department, as the maintaining authority for highways designated as ATV/UTV routes, shall have oversight of the installation of signage in compliance with Wisconsin Statute Chapter NR 64. All costs for signage, installation, maintenance and removal shall be borne by the requesting municipality. Additionally, all maintenance costs that arise for the highways due to ATV/UTV traffic or damage shall be charged to the requesting municipality. The municipality may assist the department in the installation of signs under the direction of department staff to help defer costs of installation.

ROUTE RENEWAL APPLICATIONS

The municipality must renew all routes annually by submitting them with a \$50 renewal fee to the Highway Department on or before January 1st.

To determine if a renewal application is approved, the Highway Department will evaluate it based upon the following criteria:

- Was the application submitted on time and complete?
- Is the route exactly as previously approved?
- Were there any incidents or complaints reported to the DNR or other law enforcement?
- Is there any significant negative public input?

- Is there signage or route maintenance needed?
- Have all previous costs been paid?

Route renewals may be approved or denied by the Highway Commissioner. If they are approved, they are valid until March 31st of the following year.

APPLICATION DENIAL OR ROUTE CLOSURE

If an application is denied, the Highway Commissioner shall notify the applicant in writing and explain the reason for the action.

Additionally, the Highway Commissioner shall have the authority to suspend or close a route subject to review and final determination by the Highway Committee. Temporary signs indicating the route closure will be erected. Should the designated route be permanently closed, the route signage will be entirely removed.

If an application is denied, or a route revoked, the applicant may request a review of the decision. The request must be in writing and received by the Highway Department within 30 days of the action. The Highway Committee shall then schedule a hearing within 60 days of receipt. The person making the request shall be given written notice of the hearing and at the hearing shall have the opportunity to present evidence to the committee concerning the reasons for the request.

Within 30 days of the hearing, the _____ County Highway Committee shall make its decision regarding the request. The Highway Committee may reverse, confirm, or modify the previous decision. The Highway Department shall take action in conformance with the committee's decision.

This policy shall become effective upon passage by the _____ County Board of Supervisors of an ordinance designating ATV/UTVs routes and their regulation on the County Trunk Highway System.

Adopted on the ____ day of _____, 2017 by the _____ Highway Committee.

**_____ HIGHWAY COMMITTEE POLICY FOR
ALL-TERRAIN VEHICLE (ATV) AND UTILITY TERRAIN VEHICLE (UTV) ROUTE
DESIGNATION ON THE COUNTY TRUNK HIGHWAY SYSTEM**

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To determine if an application qualifies for further consideration, the Highway Department will evaluate it based upon the following criteria:

- Was the application submitted complete with a route map?
- Has the applicant notified all property owners by US Mail, published the proposal as a Class 2 Notice and held a public meeting concerning the proposed route?
- Have alternative routes been investigated leaving no other practical options other than the use of the CTH?
- Is the route being requested for one of the following reasons:
 - Connects trails or municipal road route networks
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The municipality must renew all routes annually by submitting them with a \$50 renewal fee to the Highway Department on or before January 1st.

To determine if a renewal application is approved, the Highway Department will evaluate it based upon the following criteria:

- Was the application submitted on time and complete?

- Is the route exactly as previously approved?
- Were there any incidents or complaints reported to the DNR or other law enforcement?
- Is there any significant negative public input?
- Is there signage or route maintenance needed?
- Have all previous costs been paid?

Route renewals may be approved or denied by the Highway Commissioner. If they are approved, they are valid until March 31st of the following year.

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If an application is denied, the Highway Commissioner shall notify the applicant in writing and explain the reason for the action.

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Within 30 days of the hearing, the _____ County Highway Committee shall make its decision regarding the request. The Highway Committee may reverse, confirm, or modify the previous decision. The Highway Department shall take action in conformance with the committee's decision.

This policy shall become effective upon passage by the _____ County Board of Supervisors of an ordinance designating ATV/UTVs routes and their regulation on the County Trunk Highway System.

Adopted on the _____ day of _____, 2017 by the _____ Highway Committee.

ATV Route Designation Application for the Public Roadways

ALL APPLICATIONS	Municipality _____	Date of Application _____	
	Contact Name _____	Contact Phone _____	
	Street _____		
	Address _____ City _____ State _____ Zip _____		
	Email Address _____		
	Application Type and Fee		
	New <input type="checkbox"/>	Renewal <input type="checkbox"/>	
		Fee attached? <input type="checkbox"/>	
**NEW APPLICATIONS	1) Attach a map of the requested Route. Indicate the trail-ends and approved municipal routes to be connected. Additionally, highlight and list businesses that will be served.	Attached? <input type="checkbox"/>	
	2) Attach a list of all property owners on the proposed route and the notice mailed to them.	<input type="checkbox"/>	
	3) Indicate the date that the Public Meeting was held by the affected jurisdiction to discuss the route.	_____	
	4) Attach the municipal ordinance authorizing the Route.	<input type="checkbox"/>	
	Route on County Trunk Highway _____	Length of Route _____ Miles	
	Starting _____	GPS _____	-----
	Ending _____	GPS _____	-----
	Route justification:		

	Are there any use restrictions recommended by the jurisdiction? (i.e. speed limit, hours of operations, open/close dates)		

Renewal	1) Attach map of route. <input type="checkbox"/>	2) Are there ANY changes from last year's approved route? (Yes / No)	
	Note: if any change has been made from last year's approved route the application must be submitted as "New"		
ALL APPS	Applicant Signature (Municipality) _____	Date _____	

*Add extra routes and/or explanations on attachments

FOR PUBLIC ROADWAY MAINTENANCE PERSONNEL USE ONLY

Comments/restrictions applying to this application:

SIGNAGE MUST MEET ALL APPLICABLE MUTCD STANDARDS; STATUTES 23.33 (8) (e) AND NR64.12 (7)

****New Applications**

# of Signs Needed:	ATV Silhouette _____	Route Arrows _____	Start/End _____
Purchase \$ _____	Installation \$ _____	Annual Mainten. \$ _____	Total \$ _____
Reviewed with Applicant on _____		By _____	
Highway/Street Dep't: Approved	<input type="checkbox"/>	Disapproved	<input type="checkbox"/>
By _____		By _____	
Law Enforcement Approved	<input type="checkbox"/>	Disapproved	<input type="checkbox"/>
By _____		By _____	
Highway Committee:	Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	Date _____
_____	_____	_____	_____
_____	_____	_____	_____

Application Renewal

Were there any incidents in the prior year?	Yes / No	Count	_____
Were there significant complaints?	Yes / No	Count	_____
Comments:			

Highway/Street Dep't:	Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	By _____
Law Enforcement:	Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	By _____
Is there any required signage or route maintenance needed?	Yes / No	_____	
Have all previous costs been paid?	Yes / No	_____	
Comments:			

Chairperson or designee:			
	Approved _____	Denied _____	
By _____			Date _____

****All ordinances granting road routes must be on file with the DNR**



2017

ATV Route Guidelines for Local Government



WisDNR – Bureau of Law Enforcement

8/1/2017

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2017 ATV/UTV Route Guidelines
(For Local Government Use)

Definitions

"All-terrain vehicle" (ATV) - a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.

"All-terrain vehicle route" - a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.

"All-terrain vehicle trail" - a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways that are seasonally not maintained for motor vehicle traffic.

"DOT" – Department of Transportation.

"Municipality" - a city, village or town.

"Utility terrain vehicle" - A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:

- A weight, without fluids, of 2,000 pounds or less.
- Four or more low-pressure tires or non-pneumatic tires.
- A steering wheel.
- A tail light.
- A brake light.
- Two headlights.
- A width of not more than 65 inches.
- A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
- A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

"Utility terrain vehicle" – also means a commercially designed and manufactured motor driven device to which all of the following applies:

- It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
- It has a width of 50 inches or less.
- It is equipped with a seat designed to be straddled by the operator.
- It travels on 3 or more low-pressure tires or non-pneumatic tires.

2017 ATV/UTV Route Guidelines
(For Local Government Use)

Introduction

The Wisconsin Department of Natural Resources (DNR) is authorized to encourage and supervise a system of certain routes and trails. The DNR may establish standards and procedures for certifying the designation of routes and trails; however the DNR does not certify the designation of routes at this time.

These guidelines and model ordinances are provided to assist local governments with examining considerations for routes within their community and enacting ordinances that comply with the requirements of the Wisconsin State Statutes and Administrative Code. Ordinances are local laws that must be developed with the oversight of appropriate legal counsel representing the local government. Failure to do so may create significant liability concerns for the local government.

There are specific statutes and codes that govern routes; they are provided in the appendix portion of this guidelines document. Please refer to the Wisconsin Legislature homepage for the most current versions of these laws.

Whereas State law requires that all ordinances be officially filed with the DNR, it does not authorize nor require that the DNR review or approve ordinances. The information contained within this document, if followed, will provide all the necessary direction for creating a route ordinance in compliance with state law. It also provides contacts and informational sources regarding all other issues related to ordinances and routes.

2017 ATV/UTV Route Guidelines
(For Local Government Use)

Community Considerations

ATVs/UTVs on public roadways have been on the increase despite the lack of off-road trails. Past trends were to enact ordinances opening public roads to ATVs only when necessary to connect areas of off-roads trails together or to access vital services such as fuel. Most riders desired a challenging, off-road trail experience. They were uncomfortable on roadways and found it the least enjoyable part of their trip. Current trends are to open roads for the purpose of operating exclusively on roadways. Current riders may not have grown up with trail riding and dislike getting dirty or riding on off-road surfaces.

One of the benefits of having an ATV route is to provide riders access to local businesses such as gas stations, motels and restaurants. This is more beneficial when the route is connected to a local, off-road trail system. Trail systems primarily draw in tourism to areas and riders then use routes to visit businesses in relative close proximity to the trail system. Operating ATVs/UTVs on frozen waterbodies can be a popular winter activity whether simply riding, participating in a special ice event or ice fishing. ATV Routes can also assist with access to businesses in close proximity to the ice.

Some disadvantages with having ATV routes include:

- Some municipalities, usually towns, which enact ordinances designating road routes, do not employ their own law enforcement. County and DNR law enforcement officers are often unable to respond to local road route complaints due to higher priority calls or limited availability. DNR wardens cannot enforce local ordinances.
- Crashes that occur on public roads have a high probability of resulting in serious injury or death, even at low speeds.
- Exhaust systems are not regulated the same as automobiles therefore noise complaints are usually generated, especially at night.
- Some riders may become bored with riding roads and create volunteer trails in the ditch area or ride with one set of wheels on a gravel shoulder to improve stability which ends up damaging these areas. Riders may also perform stunts on the roads such as wheelies or donuts.
- Riders may be tempted to trespass onto unauthorized areas which they now have access to such as private roads, other public roads, farm fields, snowmobile trails, nature preserves, other government owned properties, waterways, etc.

When considering enacting ordinances to designate road routes, local officials should take steps to adequately inform as much of the affected public as possible, including absentee landowners. People may have very strong feelings regarding this topic, both in favor and against that should be taken into account.

2017 ATV/UTV Route Guidelines
(For Local Government Use)

Safety & Liability

The single most important route consideration will be the safety of all public roadway users including ATV/UTV riders, pedestrians, bicyclist, automobile operators, etc. as well as adjacent property owners. As a local government official and potentially the advocate for the designation of routes, you should know certain things about ATVs and UTVs and their unique characteristics so that you can make informed recommendations.

Per the manufacturers, ATVs/UTVs were not designed or built for safe use on public roadways. They do not have any of the mandated, Federal automobile safety features for road use. Characteristics that make ATVs/UTVs safe and maneuverable on off-highway terrain make them unsafe for operation on roadway surfaces. Features such as low-pressure tires, four-wheel independent suspension, narrow width and a high center of gravity make these machines susceptible to rollovers.

Combining ATV/UTV traffic with automobile traffic has its risks. Most ATVs/UTVs are low profile and less visible than automobiles. Some UTVs with accessories such as cabs, doors, windows, boxes, spare tires, etc. have restricted visibility. Additional mirrors can help, but are not required equipment. ATVs/UTVs tend to operate at slower speeds on public roadways due to their instability on paved surfaces. Some local governments also set lower speed limits for them. Either way the end result is that automobiles operating at highway speeds are sometimes forced to navigate through slower recreational traffic. This may cause traffic back-ups, violations of passing in no-passing zones or other unsafe situations.

Engine braking occurs with many ATVs/UTVs. When the operator lets off on the accelerator the machine's engine RPMs wind down and the machine immediately starts slowing much more quickly than an automobile would. Since the brake and brake lights aren't activated, this may cause a safety concern while mixed in with automobile traffic. Automobile operators may not have sufficient warning that an ATV/UTV is slowing down.

The entire ATV/UTV safety program including safety education and safety regulations is geared towards their intended use on off-road surfaces. The ATV/UTV Safety Education Courses do not provide training on all the various roadway laws or hazards. These topics are typically covered in a Driver's Education type training course for automobile operators. This also creates a gray area of laws related to motorized vehicles sharing public roadways. ATVs/UTVs follow one set of laws and the automobiles follow a different set of laws. For example, the automobile operator is

2017 ATV/UTV Route Guidelines
(For Local Government Use)

mandated to have a valid operator's license and insurance on their vehicle; a UTV operator is not. An arrest for operating while intoxicated on a public roadway goes on an automobile operator's driving record; an arrest for operating an ATV on a public roadway does not.

ATVs and UTVs can be used responsibly on public roadways; however a high degree of caution needs to be exercised at all times. The Department continues to recommend that roads only be designated as ATV routes when necessary to connect a network of off-road trails, however local governments have the authority to designate any roads they maintain.

There are no funds available to provide road maintenance for ATV/UTV damage. Some unpaved roads may experience more ATV/UTV traffic than automobile traffic. These roads usually become rutted and damaged and become unsafe for automobile travel. Local governments are then forced to repair this damage utilizing their road maintenance monies. Local governments with many unpaved road routes may see a rapid depletion of their road maintenance monies.

Road route ordinances are local laws that require certain legal elements. Local governments which enact ordinances without legal consultation may have inconsistencies which expose them to significant liability risks. Questions specific to a local government's liability as it relates to ATV routes and ordinances must be directed to the legal representative of the local government in question.

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Law Enforcement

The ATV/UTV statutes and codes fall specifically within the DNR's jurisdiction and the DNR must implement these laws, however these laws can be enforced by any law enforcement officer in the state. DNR conservation wardens focus on enforcement of ATV/UTV laws when they can, but these laws can also be enforced by any law enforcement officer in the state including any officer of the state traffic patrol under s. 110.07 (1), inspector under s. 110.07 (3), county sheriffs/deputies or municipal peace officers. Even so, local governments should not assume that any of these law enforcement agencies can act as primary enforcement for any local ordinances they enact. DNR wardens can enforce state laws, but cannot enforce local ordinances.

COUNTY LAW ENFORCEMENT

The DNR provides grant money to counties for ATV/UTV law enforcement purposes. County sheriff's offices are the only law enforcement entities eligible for these grants. Approximately 30-35 counties participate in the patrol grant process and receive prorated payments distributed from \$495,000 in available state funds. None of these patrols are 100% funded from the available state grant monies. Traditionally, only counties with ATV trails applied for these grants but with the expansion of road routes the number of counties applying for these grants has increased.

MUNICIPAL LAW ENFORCEMENT

Municipal law enforcement agencies are not eligible for DNR ATV patrol grants and therefore local enforcement efforts are sometimes limited. County and DNR law enforcement tend to focus their patrol efforts on off-road trail systems or other roads/areas often without a visible law enforcement presence. Municipal law enforcement agencies that have a lot of road routes may experience a drain on their resources as ATV/UTV complaints, crashes and violations increase.

Most towns do not employ their own law enforcement officers and look to DNR wardens and/or sheriff patrols to assist. Under the current expansion of routes, increased coverage is not likely to be available. If law enforcement is not available to handle the problems that may occur due to increased use, local governments will suffer the effects of poor planning even if the route is later removed.

It is recommended that local governments consider their law enforcement resources/options carefully prior to designating road routes.

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Legal Requirements for Routes

Generally speaking, in order for ATVs/UTVs to legally operate on a public road a few things must happen.

- 1) An ordinance must be officially enacted by a city, town, village or county that designates certain public roads as an "ATV Route".
- 2) The clerk of the local government that enacted the ordinance must send an official signed copy to the DNR and a copy to other law enforcement agencies active within their jurisdiction. Ordinances should be filed with the DNR at:

WI Department of Natural Resources
ATV Safety Program
101 S. Webster Street, P.O. Box 7921
Madison, WI 53707-7921

- 3) "ATV Route" must be erected. Signing shall be done by or under the direction of and is the responsibility of the local government which designates the route.

ORDINANCES

ATV route ordinances are local laws that require certain legal elements. Local governments which enact ordinances without legal consultation risk making errors that could expose them to significant liability risks. The DNR is required to provide a model ordinance for which local governments can follow. This model is found in the Appendix portion of this guidelines document. Even so, any ordinance should be reviewed by the legal representative of the local government.

All ATV/UTV ordinances must be filed with the DNR; however the DNR does not approve or certify ordinances. Following the guidance provided within this document will assist with meeting the requirements established in state law. Local governments should not expect the DNR to review their ordinances and highlight all inconsistencies with state law. The DNR does not have review nor approval authority. First and foremost, review and approval needs to be conducted by the legal representative of the local government.

The following are some common issues with route ordinances that can make them inconsistent with state law:

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ISSUE – Ordinance Format

As mentioned, routes must be designated by ordinance. The DNR cannot accept or recognize any documents that are not ordinances. Items such as resolutions, meeting minutes, notes, memos, stand-alone maps, etc. do not meet the requirement to legally designate an ATV route.

Avoid copying ordinances from a neighboring jurisdiction as any legal inconsistencies would be transferred over. All ordinances filed with the DNR must be official, signed copies.

ISSUE – Ordinance Language

The State Legislature has authorized local governments to designate road routes. The key element for establishing a route is that the ordinance must specifically designate (a) public roadway(s) as a route. Using language such as “ATVs are allowed on roads” does not satisfy this requirement. Similarly, stating “All roads marked with ATV Route signs are designated routes” is too ambiguous. The specific roads have to be identified by name or portion thereof. The only exception would be if all roads, without limitation, were to be designated as routes, then it would be acceptable to just state that all roads under a certain jurisdiction (city, town, village, county) are designated as routes. Example: “All Town of Oak roads are designated as ATV Routes.”

ISSUE - Authorization

Again, the key element for establishing a route is that the ordinance must specifically designate (a) public roadway(s) as a route. Local governments cannot bypass the ordinance requirement by authorizing another entity within local government to designate road routes. Local government boards are the only bodies which may enact ordinances; not committees, commissioners or department heads.

Local governments are free to establish an internal process for deciding which roads to designate as routes. For example, a highway committee can forward its recommendations to the full board for consideration and vote. Once the board concludes its decisions, an ordinance must be drafted or amended reflecting those decisions.

ISSUE – Access Provisions

Local governments have not been authorized to enact access type ordinances. This means that there is no authority to allow a local resident to operate on any road to get to and from the closest route or trail from their dwelling. Operation is only allowed on roads that have been designated as routes and that are posted with route signs as required.

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ISSUE – Attachments

Many route ordinances mention maps, appendixes or other attachments. Attachments cannot act as stand-alone documents and must be part of the fully published ordinance. For example, if additional routes are approved through an internal process; the local government clerk cannot simply send the DNR an updated map or appendix as a substitute for filing the full ordinance. Those changes, with attachments, must be enacted by a board, published in a fully amended ordinance and filed with the DNR.

ISSUE – Inclusion of Other Vehicle Types

Only ordinances regulating vehicles which the DNR regulates are required to be filed with the DNR. Ordinances cannot include vehicles that are not regulated by the DNR such as golf carts, go carts, mini-bikes, mopeds, etc. These “other” machines should be addressed in a separate ordinance. There also is no mention of “UTV routes” in state law; there are only ATV Routes which are also open to UTVs.

ISSUE – Conflicting Legal Language

Local ordinances often times copy certain portions of statutory or administrative code language to highlight or emphasis a safety regulation. If the state law changes then those portions of the ordinance may become inaccurate and/or less restrictive than the current state law.

ISSUE – Route Signs Posted Without Ordinance

Routes cannot be legally posted until a legal ordinance is enacted and filed with the DNR.

ROUTE SIGN REQUIREMENTS

Route signing must be clear to everyone. Adjustments may be necessary if riders constantly become lost or stray from the route. This should not be a problem with a properly posted route. Route signs not only reassure riders that they are operating on a road legally, but they also alert automobile operators that there may be ATV/UTV traffic. If a route ends at a jurisdiction line, there should be a sign posted to properly notify riders so that they do not continue onto closed roads.

State law requires that route signs with directional arrow, where appropriate, be placed at the beginning of a route and at such locations and intervals as necessary to enable operators to follow the route. Route signing shall be done by or under the direction of and is the responsibility of the unit of government which designates the ATV route. Failure to comply with signing standards can create liability concerns for local governments.

ATV route signs shall have a reflectorized white symbol, border and message on a reflectorized green background. The standard and minimum size of this sign shall be 24” x 18”. The sign, including the stylized all-terrain vehicle symbol and the word message "ATV ROUTE", shall conform to the standard design on file in the department of transportation. There also is no mention of “UTV routes” in state

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law; there are only ATV Routes which are also open to UTVs.

IMPORTANT: ATV route signs must also be placed in conformance with the **Wisconsin Manual on Uniform Traffic Control Devices** which dictates specifications such as height, distance, material type, etc. for traffic signs placed along all public roadways in the state. For more information contact the Wisconsin Department of Transportation (WI DOT).

Guidelines for signing trails can be located in the Department of Natural Resources "Trail Signing Handbook" Publication number PUB-CF-023.

The following are some common issues with route signage that can make them inconsistent with state law:

ISSUE – Lack of Route Signs

Other than a few special circumstances such as farm use, ATVs/UTVs cannot legally operate on public roads that are not officially designated and signed as routes. Posting one route sign for an entire stretch of road will not be legally sufficient.

ISSUE – Irregular Signs

As previously mentioned, route signs shall conform to the standard design on file with the WI DOT. Posting non-standard signs is unauthorized and may confuse the ATV/UTV rider as well as automobile operators. If signs are paid for by non-governmental groups such as ATV clubs, the local government needs to conduct the ordering of the signs to make sure they meet legal standards. Non-governmental groups may order signs that are not in full conformance with the legal requirements. For example, an "ATV/UTV route" sign is not an approved sign.

ISSUE – Improperly Posted Signs

Posting of route signs is the responsibility and must be done under the direction of the local government which enacted the route ordinance. ATV Routes signs are official highway/street signs and should not be thought of as trail signs. Whereas, ATV clubs may be authorized to post ATV trails signs along certain off-highway trails; highway/street signs are the responsibility of the local government that enacted the ATV route ordinance and must follow the Wisconsin Manual on Uniform Traffic Control Devices. Local governments need to ensure they have a plan in place to properly post route signs prior to enacting any ordinances.

Failure to sign a route also creates difficult enforcement situations. Generally, if a law enforcement officer observes an ATV/UTV operating on a roadway and no ATV route signs are observed in the immediate area, the ATV/UTV is on the road illegally.

If no other special exceptions exist, the rider may be ticketed. The subject may believe they are operating legally, especially if public notices have been posted indicating such. The local government must ensure the public is aware that operation on any designated road routes cannot initiate until the roads are properly posted with route signage that has been inspected by the local government.

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Grant Eligibility

GRANTS AND REIMBURSEMENTS - ELIGIBILITY (PAYING FOR SIGNS)

The ATV route signs (to and from a trail and/or from a trail to services and back to a trail) are eligible for grant funds. However, you should know that the DNR distributes available funds using a ranking system. Most of the grant applications (for route signs) do not rank high enough to receive priority during the grant distribution setting process. Therefore, the local government is often left with paying for the signs completely.

Local grants are coordinated through the ATV Coordinator with each county. These duties are commonly held by a county forestry or parks employee.

WI DOT

Trails in and around and routes on any state highways, including bridges or right of ways require the involvement of the Wisconsin Department of Transportation. In some instances, the WI DOT will require a permit. Any ordinances that relate to state highway use should also be sent to the WI DOT. Local government officials in charge of road maintenance should work through their local WI DOT contact.

APPENDIX A

Suggested ATV Route Ordinance Format

All-Terrain Vehicle Ordinance #17-001 Village of Pine, Maple County

AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL TERRAIN VEHICLES

Section I - Intent

The Village of Pine, Maple County adopts the following all-terrain vehicle route for the operation of all-terrain vehicles upon the roadways listed in Section III.

Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this route(s) has been created.

Section II - Statutory Authority

This route is created pursuant to village authority under section 1.1.01 as authorized by 23.33 (8) (b), Wis. Stats.

The applicable provisions of Wisconsin Statutes 23.33 and Administrative Code NR 64 regulating ATV/UTV operation pursuant to routes are adopted.

Section III - Routes

The following roads are designated as routes

- A. Clancy Road, beginning at Main Road and ending at Village Line Road.
- B. Smith Lane in its entirety.
- C. Said routes are further described and identified by the attached map.

Section IV - Conditions

As a condition for the use of this route, the following conditions shall apply to all operators (and passengers);

- A. All ATV operators shall observe posted roadway speed limits.
- B. All ATV operators shall ride single file.
- C. Routes must be signed in accordance with NR 64.12, and NR 64.12(7)c.

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Section V - Enforcement

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

Section VI - Penalties

State of Wisconsin All-Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.

Section VII - Severability

The provision of this ordinance shall be deemed severable and it is expressly declared that the County/Town/City/Village would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons circumstances shall not be deemed affected.

Section VIII - Effective Date

This ordinance becomes effective upon passage and publication. ATV routes are not open to the public until properly posting of ATV route signs.

Passed this 1st day of January 2017

Signed,

Clerk, Village of Pine

President, Village of Pine

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All-Terrain Vehicle _____

_____ of _____

AN ORDINANCE DESIGNATING _____

Section I - Intent

The _____ of _____
adopts the following all-terrain vehicle ordinance/route for the operation of
all-terrain vehicles upon the roadways listed in Section III.

Following due consideration of the recreational value to connect trail
opportunities and weighted against possible dangers, public health, liability
aspects, terrain involved, traffic density and history of automobile traffic,
this ordinance has been created.

Section II - Statutory Authority

This route is created pursuant to _____
authority under _____ as authorized by 23.33 (8) (b),
Wis. Stats.

Optional - the provisions of 23.33 and NR 64 are adopted.

Section III - Routes

The following roads are designates as routes;

- A. _____
- B. _____
- C. Said routes are further described and identified by the attached map.

Section IV - Conditions

As a condition for the use of this route, the following conditions shall apply to
all operators (and passengers where applicable). (Note: ordinances may be
more restrictive than state law, but not more lenient;

- A. _____
- B. _____
- C. Routes must be signed in accordance with NR 64.12, and NR 64.12(7)c.

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Section V - Enforcement

This ordinance shall be enforced by any law enforcement officer of the

_____, _____
County, Wisconsin.

Section VI - Penalties

Wisconsin state All-Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.

Section VII - Severability

The provision of this ordinance shall be deemed severable and it is expressly declared that the _____ would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons circumstances shall not be deemed affected.

Section VIII - Effective Date

This ordinance becomes effective upon passage and publication.

Passed this _____ Day of _____, 20_____

Clerk

Appendix B

ATV Routes Related Statutes and Codes

NOTE: Complete and most current edition of these laws can be viewed at the Wisconsin State Legislature website: <http://legis.wisconsin.gov/>

STATE STATUTES

- 340.01(2g)** "All-terrain vehicle" definition.
- 23.33(1)(c)** "All-terrain vehicle route" definition.
- 23.33(1)(d)** "All-terrain vehicle trail" definition.
- 23.33(1)(ng)** "Utility terrain vehicle" definition.
- 23.33 (4)** Operation on or near highways.
- 23.33(4)(d)3.b.** State highway bridge crossings.
- 23.33(11)(am)3** State highway bridge crossings.
- 23.33 (8)** Routes and trails.
- 23.33(8)(e)** Signs.
- 23.33(11)** Local ordinances.
- 23.33(12)** Enforcement.
- 23.33(13)** Penalties.

ADMINISTRATIVE CODES

- NR 64.12(6)** Routes.
- NR 64.12(7)** Signs.