



Legislative Fiscal Bureau

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TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 840: Night Time Snowmobile Speed Limit and Enforcement Operations

Assembly Bill 840 would appropriate \$32,700 in general purpose revenue (GPR) in 2005-06 only to increase resources available for snowmobile patrol and safety efforts. Further, the bill would set a maximum speed limit of 55 miles per hour for snowmobile operation during the hours of darkness.

CURRENT LAW

The Department of Natural Resources (DNR) responsibilities include the investigation and enforcement of laws relating to fish and wildlife, recreational vehicles, environmental protection, and water regulation and zoning. These activities are performed primarily by conservation wardens whose enforcement authority varies depending on the type, location, and severity of the violation. Currently, 12 FTE of effort is allocated annually by DNR for snowmobile enforcement efforts. These costs (totaling \$1,082,700 annually for the 2005-07 biennium) are supported by tribal gaming revenues.

Other enforcement costs are funded out of the segregated snowmobile account of the conservation fund. These costs include aids to counties for up to 100% of eligible county costs incurred enforcing snowmobile laws. Aid payments are prorated if claims exceed the appropriation level. For enforcement activities that occurred over the winter of 2004-05, counties were reimbursed \$347,200, which represented 100% of the eligible costs of their local snowmobile patrol activities.

The Department is also responsible for coordinating snowmobile safety courses taught by instructors certified by DNR. 1999 Act 9 created a requirement that effective January 1, 2001, any person born after January 1, 1985, must hold a valid snowmobile safety certificate in order to operate a snowmobile.

Unlike the other accounts in the conservation fund, which were administratively created by the agency, the snowmobile account is statutorily designated to ensure that certain revenues are utilized for specific purposes. The major source of revenue to the snowmobile account is the snowmobile fuel tax revenue transferred to the account. An appropriation is made annually, which equals the amount of motor fuel tax assessed on 50 gallons of gasoline as of the last day of February of the previous fiscal year multiplied by the number of registered snowmobiles as of the same date, with this result multiplied by 1.4. The next largest revenue source for the account is registration fees. A fee of \$30 (increased from \$20 under 2001 Act 16) is assessed for each snowmobile registered for general use in the state. The registration is valid for two years. Snowmobiles registered in other states or countries need not be registered in Wisconsin if they are in the state for a period of less than 15 consecutive days. Other fees are charged for registering public use, commercial use and antique snowmobiles. In addition, snowmobiles not registered in Wisconsin are required to display an annual trail use sticker to use public snowmobile corridors beginning with the winter of 1998-99. The fee for the annual sticker, originally set at \$10, was increased to \$13 in 1997 Act 237 and to \$18 under 2001 Act 16.

The Snowmobile Recreational Council provides recommendations to DNR and elected officials on matters related to snowmobile policy. The Council consists of 15 members appointed by the Governor with the advice and consent of the Senate for staggered, three-year terms. Under statute, at least five members of the council are appointed from the territory north, and at least five members from the territory south, of a line running east and west through the southern limits of the City of Stevens Point.

SUMMARY OF BILL

The bill would appropriate \$32,700 GPR in 2005-06 for state snowmobile enforcement and safety operations. Further, the bill would establish a 55 mile per hour snowmobile speed limit during the hours of darkness. "Hours of darkness" are currently defined as the time between one-half hour after sunset and one-half hour before sunrise and any other time when there is insufficient natural light to clearly see a person or vehicle 500 feet away. The provisions of the bill would be effective beginning on the first day of the third month after publication of the act. Therefore, if the bill were signed by the Governor and published by December 31, 2005, the 55 mile per hour night time limit would go into effect on March 1, 2006.

FISCAL EFFECT

The Department would use funds provided under the bill to increase snowmobile patrol efforts. Conservation wardens would focus on alcohol-related violations and education related to the night time speed limit. Funds would support a portion of the overtime costs incurred to assign an additional six conservation wardens per weekend (including Friday, Saturday, and Sunday) to trail patrol duties primarily from late December through the end of February. (It should be noted that the provisions of the bill would not be effective until March, 2006, at the earliest.) Remaining costs associated with warden overtime, lodging, mileage, and meals (anticipated to total \$16,300 in 2005-06) would be reallocated from existing DNR operations funding.

The Department anticipates that the additional warden patrols and increased law enforcement presence in the field may reduce accidents through the enforcement of snowmobile safety laws. Further, the increase in a visible law enforcement presence may serve as a deterrent to individuals who may otherwise operate their snowmobiles in an unsafe manner (such as driving under the influence or speed too fast for conditions). Funding is provided on a one-time basis to allow DNR to evaluate the effectiveness of the initiative at the end of the season before deciding whether to invest further resources in the effort. The Department indicates that both the Recreational Snowmobile Council and the Association of Wisconsin Snowmobile Clubs support the bill.

During the 2004-05 snowmobiling season, Wisconsin recorded 37 snowmobile fatalities. The following table presents information regarding snowmobile fatalities over the last several years.

TABLE 1

Snowmobile Fatalities in Wisconsin

<u>Snowmobile Season</u>	<u>Fatalities</u>	<u>Fatalities per 100,000 Registrations</u>	<u>Percent Showing Alcohol as a Contributing Factor</u>
1998-99	20	10	61%
1999-00	39	18	66
2000-01	26	12	46
2001-02	15	6	47
2002-03	26	11	84
2003-04	25	12	72
2004-05	37	17	76

It should be noted that the Natural Resources Board passed an emergency rule imposing a 50 mile per hour night-time speed limit for the 2000-01 snowmobiling season, largely in response to the record number of fatalities recorded in 1999-00. The rule was not renewed after the 2000-01 season.

Increasing the presence of conservation wardens in the field during times of high snowmobile traffic may decrease the number of fatalities by increasing warden contacts with snowmobile operators, and providing a deterrent to individuals who might otherwise disregard snowmobile regulations. However, historically, the number of fatalities has not appeared to have been strongly correlated to variations in the number of hours allocated to snowmobile enforcement or the number of citations issued in a given year. The following table shows the number of warden enforcement hours and citations issued for the last five fiscal years, compared to the number of snowmobiling fatalities that occurred in each of those years.

TABLE 2

Warden Enforcement Effort and Snowmobile Fatalities

<u>Year</u>	<u>Enforcement Hours</u>	<u>Citations Issued</u>	<u>Fatalities</u>
1999-00	6,753	921	39
2000-01	6,765	2,062	26
2001-02	5,639	1,130	15
2002-03	6,262	869	26
2003-04	8,942	1,447	25

The impact of increasing snowmobile enforcement hours on reducing fatalities is difficult to determine. Other factors, including weather, trail conditions, and snowfall varies from year to year, and may dramatically affect snowmobiling conditions and the likelihood of accidents occurring.

In recent years, snowmobile fatality rates have been lower in neighboring states than in Wisconsin. During the 2004-05 snowmobiling season, Minnesota reported 15 fatal snowmobile accidents, and Michigan reported 25 snowmobile-related fatalities. As shown in the following table, both states have a higher number of registered snowmobiles than Wisconsin, yet posted significantly lower fatality rates for the 2004-05 snowmobiling season.

TABLE 3

Snowmobile Fatalities by State, 2004-05 Season

<u>State</u>	<u>Fatalities</u>	<u>Registered Snowmobiles</u>	<u>Fatalities per 100,000 Registrations</u>
Wisconsin	37	222,900	17
Minnesota	15	269,000	6
Michigan	25	381,000	7

From 1992 through the 1997 snowmobiling season, Minnesota averaged 24.4 fatalities per year, while Wisconsin averaged 25.8. After an increase in the number of fatalities during the 1996-97 season (to 32 fatalities, including two separate crashes where snowmobilers who had been drinking had collided with non-snowmobiling children), Minnesota revised its snowmobile enforcement regulations. Since these modifications were enacted, Minnesota has averaged 16 fatalities per year, while Wisconsin continued to average approximately 26 per year. Further, the number of registered snowmobiles in Minnesota has remained consistently higher than in Wisconsin (by approximately 40,000 machines).

While the specific cause of this disparity is uncertain, some comparisons may be made between snowmobile operating regulations in Wisconsin and those in surrounding states. Minnesota, Michigan, and Wisconsin each offer a snowmobile safety course, and impose requirements as to who must have safety certification prior to operating a snowmobile. Minnesota and Michigan both require a helmet when operating a snowmobile (although Minnesota exempts individuals who are traveling on land owned by immediate relatives from this requirement). Wisconsin does not require the use of a helmet.

Both Minnesota and Michigan link operating violations committed on snowmobiles to the operator's driver's license. In Michigan, a person convicted of manslaughter, negligent homicide, or any felony resulting from snowmobile operation, or who operates a snowmobile under the influence of alcohol or a controlled substance or with unlawful blood alcohol content would have six points assessed against their driver record. A person who is convicted of operating a snowmobile while visibly impaired due to consumption of alcohol or a controlled substance would have four points assessed against their record. In Minnesota, operators who appear to be impaired are required to submit to a field sobriety test by enforcement officers. Impaired individuals lose snowmobile operating privileges for one year, as do operators who refuse to submit to a field test. Convictions and refusals related to operating a snowmobile under the influence are also recorded on the violator's drivers license record, and are treated the same as if they had occurred in a motor vehicle.

Wisconsin does not link operating under the influence violations that occur on recreational vehicles with the operator's drivers license records. In Wisconsin, an individual who has had their driver's license revoked or suspended may still register and operate a snowmobile. Individuals operating a snowmobile under the influence generally receive citations, but do not lose snowmobile operating privileges, even in the case of repeat offenses.

Minnesota also imposes a 50 mile per hour speed limit on all public lands and waters, with the exception that counties may enact a daytime speed limit of 65 miles per hour for marked trails on lakes that are over 10,000 acres. When Wisconsin imposed a 50 mile per hour night time limit by emergency rule for the 2000-01 snowmobile season, it appears fatalities may have declined modestly that season. However, the following season (2001-02) fatalities declined significantly. DNR officials believe this reduction was due, in part, to the fact that the expiration of the speed limit was not widely publicized and had a lingering effect on night time speed on snowmobile trails the following year.

The bill would appropriate \$32,700 GPR on a one-time basis for snowmobile spot enforcement efforts this winter. However, since the general fund balance is currently below the statutory minimum the bill could not be passed unless it is exempted from the balance requirement.

During biennial budget deliberations, expenditures from the snowmobile account of the conservation fund were expected to exceed revenues by over \$800,000 during the 2005-07 biennium. However, fiscal year 2004-05 revenues appear to have exceeded expectations by over \$1 million, primarily as a result of the growing popularity of DNR's online registration system expediting snowmobile registration responses. While the benefit of the expedited registration system on revenue collections is anticipated to be primarily one-time in nature, the snowmobile account is now anticipated to have a balance of over \$200,000 as of June 30, 2007.

Therefore, the snowmobile account of the conservation fund is expected to have sufficient funds to support the expenditures under the bill. Although GPR has not been appropriated for snowmobile law enforcement, previously, the snowmobile program received \$125,000 GPR annually for local trail aids. However, this funding ended in 2002-03. Since that time, the snowmobile program has been supported by the gas tax transfer, registration revenues, and tribal gaming revenues. Currently, snowmobile account SEG supports county enforcement and snowmobile safety training efforts as well as trail maintenance and development activities. Therefore some may argue that the snowmobile account would be a more appropriate source of revenue for the \$32,700 in snowmobile enforcement activities.

It should also be noted that supplemental snowmobile trail aids are provided from snowmobile account SEG. Counties are eligible for snowmobile trail grooming and maintenance costs that exceed \$250 per mile in a given year, and of those maintenance costs, the cost for grooming the trails exceeds \$150 per mile in the same year. Supplemental trail aids are primarily funded by a 40% multiplier to the snowmobile gas tax transfer formula and from certain nonresident trail sticker revenues. These revenues are expected to total \$1,848,800 in 2005-06. However, supplemental trail aid claims for the 2004-05 snowmobile season are expected to total \$1,988,000, or approximately \$140,000 more than is available. If claims exceed available funds DNR may prorate payments (pay approximately 93% of claims in fiscal year 2005-06) or may seek a transfer of available snowmobile account SEG from the Joint Committee on Finance at a quarterly meeting. Alternatively, \$140,000 SEG in 2005-06 could be appropriated to DNR under the bill to fully fund estimated supplemental snowmobile trail aids (a June 30, 2007 account balance of at least \$27,000 would be expected if enforcement costs under the bill and supplemental trail aids were funded with snowmobile SEG).