

Clearinghouse Rule 99-047
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

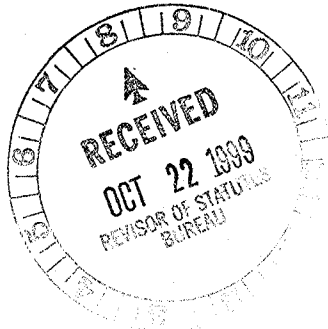
Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. LE-13-99 was duly approved and adopted by this Department on August 25, 1999. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



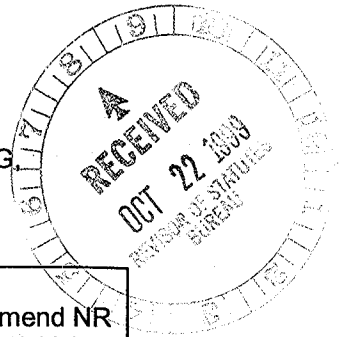
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 20th day of October, 1999

George E. Meyer
George E. Meyer, Secretary

(SEAL)



ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING, RENUMBERING, RENUMBERING AND AMENDING, AMENDING
REPEALING AND RECREATING AND CREATING RULES



The Wisconsin Natural Resources Board proposes an order to repeal NR 64.14(2)(c); to renumber NR 50.09(4)(f)4.; to renumber and amend NR 50.03(7), NR 50.09(4)(f)3.; to amend NR 8.01(1), 50.09(7), 50.10(5), 50.11(4)(intro.), (d)(intro.), 64.03(4), 64.04(3), 64.13(8), 64.14(2)(a) and (b), 64.14(11), 64.15(2), (3)(d)(intro.) and 2.; to repeal and recreate NR 50.10(3)(a)2., 60.09(4)(c)3.b., (f)1.a., b., c. and 2., 50.12(3)(e), 64.14(9)(a)1.; and to create NR 6.08(6), 6.11, 6.12, 8.02(1m), 50.09(4)(f)3., 64.085, 64.14(9)(am), 64.15(3)(g) relating to snowmobiles

LE-13-99

Statutory authority: ss. 23.33(2)(h) and 227.11(2)(a), Stats.

Statutes interpreted: ss. 23.33(2),(6) and (9); 350.05 , 350.12 and 350.13, Stats.

In this order section 1 creates inspection authority for and testing of snowmobiles and snowmobile equipment. Section 2 creates display and transfer regulations of trail use stickers. Section 3 regulates the sale of the trail use sticker. Section 4 requires the issuance of trail use sticker by all license agents. Section 5 creates the definition of department regional office. Section 6 provides regulations for signs for snowmobile trails. Sections 7 and 8 changes supplemental application deadline dates and changes the contacts from district to regional offices. Section 9 creates a cap on supplemental maintenance reimbursements. Sections 10, 12,13 and 15 change contacts from district to regional; offices. Section 11 provides regulations for signs on snowmobile routes. Section 14 is created to give guidelines for patrol reimbursement. Sections 16 and 17 allow duplicates and receipts to be issued by authorized agents. Section 18 creates test of equipment authority. Section 19 allows fringe rates as part of project costs. Section 20 changes the winter maintenance rate from \$60 to \$80 and the summer maintenance rate from \$125 to \$220 per mile. Section 21 repeals the year around maintenance rate. Section 22 allows for up to 100% of ATV trail development costs and up to 75% of payment once a signed contract has been approved. Section 23 allows 75% of advanced payment of an ATV major rehabilitation project. Sections 24 and 25 change the location where applications are to be sent. Sections 26 and 27 provide guidelines for patrol reimbursement.

SECTION 1. NR 6.08(6) is created to read:

NR 6.08(6) Refusal to allow testing. No operator or owner of any snowmobile may deny inspection of the equipment or operating system of a snowmobile or may refuse to operate his or her snowmobile in a manner prescribed by the law enforcement officer who reasonably suspects a violation of snowmobile equipment requirements found in either ch. 350, Stats., or this subchapter.

SECTION 2. NR 6.11 to 6.12 are created to read:

NR 6.11 Display of trail use sticker. No person may operate and no owner may permit operation of a snowmobile which is subject to the snowmobile trail sticker requirement of s. 350.12(3), Stats., unless a snowmobile trail sticker is permanently affixed by its own adhesive to the bottom center portion of the snowmobile windshield. If there is no windshield, the sticker shall be displayed in a highly visible location on the front of the cowling of the snowmobile.

NR 6.12 Transfer of trail use sticker. Once affixed a trail use sticker may not be removed or transferred to another snowmobile.

SECTION 3. NR 8.01(1) is amended to read:

NR 8.01 (1) "Approval" means any type of approval or authorization issued by the department under ch. 29, Stats., through the automated license issuance system, including any license, permit, certificate, card, stamp, tag, sticker, purchase receipt or customer identification number, unless the context requires a different meaning.

SECTION 4. NR 8.02(1m) is created to read:

NR 8.02(1m) All license agents shall issue the nonresident snowmobile trail use stickers required under s. 350.12, Stats.

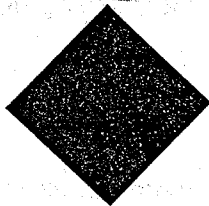
SECTION 5. NR 50.03(7) is renumbered NR 50.03(17m) and amended to read:

NR 50.03(17m) "~~District~~" Region" means one of 6 5 field administrative offices of the department.

SECTION 6. NR 50.09(4)(c)3.b. is repealed and recreated to read:

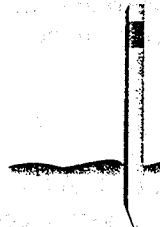
NR 50.09(4)(c)3.b. With the exception of snowmobile guide and information signs, signs for use on snowmobile trails to regulate snowmobile traffic or advise the snowmobile user of a specific trail condition shall be totally reflectorized. Guide signs which assist the snowmobile driver to reach a destination shall have the letters and legend reflectorized. Information signs do not need to be reflectorized. Trail signs shall also conform with the following specifications and illustrations:

Trail Blazer



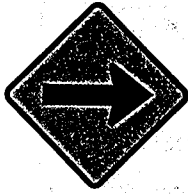
Purpose: To delineate the trail and to reassure the user that he or she is on the trail.
Size: 6" x 6"
Color: Orange

Field Staking



Purpose: Acceptable alternative to use of blazers in agricultural areas and other cleared areas.
Size: Minimum of 6 square inches of reflective orange material mounted 4" - 6" below top of stake. Material is mounted on each side of stake and stakes are installed in pairs. Top 12" - 16" of stake is painted non-reflective orange.

Directional Arrow



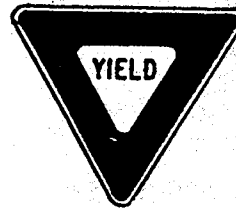
Purpose: Indicates a change in trail direction.
Size: 9" x 9"
Color: Orange background with back arrow and border
Legend: 5" directional arrow

Regulatory Signs - Right of Way



STOP SIGN

Purpose: Halt snowmobile operators at a road crossing, railroad crossing or trail intersection.
Minimum size: 12" x 12"
Color: Red background and white letters and border.
Legend: 4" Upper case letters



YIELD SIGN

Purpose: To notify snowmobile operator that the right of way should be given to other vehicles, snowmobiles or other trail users at trail intersections and limited vehicle crossings.
Minimum size: 12" x 12" x 12"
Color: Red background and letters with white border and center
Legend: 4" Upper case letters

Regulatory - Movement

Purpose: To inform snowmobile operator of laws or regulations.
Minimum size: Either 12" x 18" or 12" x 12"
Color: White background and black letters and border. Additional colors such as red or green may be added to reinforce sign message of snowmobile prohibition or permission.

Examples



ONE WAY
12" x 18"



SPEED LIMIT
12" x 18"



RESTRICTIVE
12" x 12"



DO NOT ENTER
12" x 12"

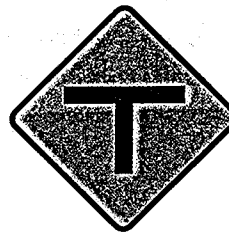
Caution Signs

Purpose: To advise the snowmobile operator to proceed with caution at a reduced speed or to advise of a specific trail condition.

Minimum size: 12" x 12"

Color: Yellow background and black letters and/or legend.

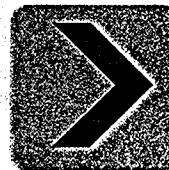
Examples



INTERSECTION
12" X 12"



STOP AHEAD
12" X 12"



CHEVRON
12" X 12"

Hazard Markers



Left



Right

Purpose: Used in pairs, hazard markers indicated the trail opening through which a snowmobile operator may pass over a bridge or culvert. The stripes of each sign face inward and show the bridge opening. Used singly, a hazard marker indicates a trail obstruction. The stripes of the sign point down toward the path around the obstruction.

Minimum size: 6" x 12"

Colors: Alternate black and yellow 45° diagonal stripes.

Barrier Markers



Left



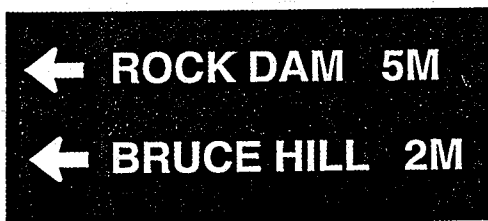
Right

Purpose: Barrier markers are used in pairs to indicate a barrier or gate that restricts entry to a trail or road for snowmobiling. The stripes of each sign face inward and toward the center of the trail or road.

Minimum size: 6" x 12"

Colors: Alternate red and white 45° diagonal stripes..

Guide Sign



Purpose: Directs snowmobile operator to a destination

Size: Variable - 2" upper case letters

Colors: Brown background with reflective white letters and legend.

Information Signs



Purpose: Furnish information about trails or facilities.

Size: Variable - 2" upper case letters

Colors: Brown background with white letters.

Special Sign - Corridor Marker



Purpose: To indicate that the trail is part of the designated state corridor trail system.

Size: 6" X 6"

Colors: Blue background with reflective white border, shield and letters

SECTION 7. NR 50.09(4)(f)1.a., b., c., and 2 are amended to read:

NR 50.09(4)(f)1.a. The county applies for a supplementary snowmobile trail maintenance payment for the snowmobile trail maintenance expenses of the previous fiscal year by ~~October 1~~ August 1 of the current fiscal year.

b. The reimbursement claim for the previous fiscal year maintenance expenses is submitted to the appropriate ~~DNR district~~ department regional office prior to ~~October 1~~ August 1 of the current fiscal year.

c. The county has expended the entire amount of ~~\$200 per mile~~ specified under s. 350.12(4)(b).1., Stats., on eligible snowmobile trail maintenance cost items in the previous year.

2. All counties qualifying under subd. 1 shall be subject to a cap of ~~\$150~~ \$250 per mile for all eligible non-snow grooming activities listed in s. NR 50.03(19) in the calculation of a supplemental snowmobile trail maintenance payment.

SECTION 8. NR 50.09(4)(f)3. and 4. are renumbered 4. and 5, and 50.09(4)(f)4., as renumbered, is amended to read:

NR 50.09(4)(f)4. Counties requesting supplemental snowmobile trail maintenance payments shall submit full financial documentation prescribed by the department to the appropriate DNR ~~district~~ department regional office for audit purposes. Counties may request an advance payment of 50% of the audited supplemental request prior to ~~October 1~~ August 1 of the current fiscal year.

SECTION 9. NR 50.09(4)(f)3. is created to read:

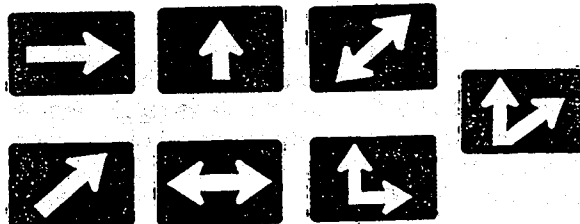
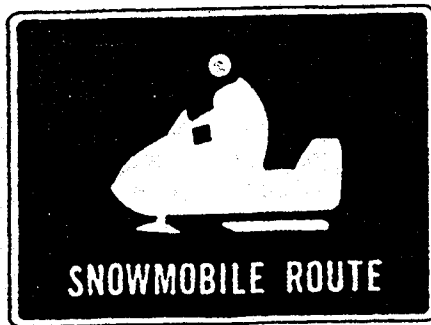
NR 50.09(4)(f)3. All counties qualifying under subd.1 are subject to a cap of 3 times the per mile maximum for maintenance specified under s. 350.12(4)(b)1., Stats., for all eligible snowmobile maintenance activities in the calculation of a supplemental snowmobile maintenance payment.

SECTION 10. NR 50.09(7) is amended to read:

NR 50.09(7) PROCEDURE FOR APPLYING FOR GRANT. Contact appropriate department ~~district~~ regional office for prescribed application forms and instructions. Submit completed application to the ~~district~~ regional office by April 15.

SECTION 11. NR 50.10(3)(a)2. is repealed and recreated to read:

NR 50.10(3)(a)2. Reflectorization. The reflective material for all reflectorized signs shall meet the specifications of paragraph 637.2.2.1 on reflective sheeting in the state of Wisconsin department of transportation division of highways standard specifications for road and bridge construction, edition of 1981.



SECTION 12. NR 50.10(5) is amended to read:

NR 50.10(5) APPLICATION PROCEDURE. Application forms and instructions are available from any department ~~district~~ regional office. Completed applications shall be submitted to the appropriate ~~district~~ regional office by April 15.

SECTION 13. NR 50.11(4)(intro.) is amended to read:

NR 50.11(4) PROCEDURES FOR APPLICATION. (intro.) Submit department application to the proper ~~district~~ regional office by October 1. Application shall include:

SECTION 14. NR 50.12(3)(e) is repealed and recreated to read:

NR 50.12(3)(e) In order to help achieve uniformity, accountability and cost controls, the following standards are established:

1. For the purpose of patrol reimbursement, each patrol is eligible for reimbursement for only those hours for which the ratio of hours per arrest is no more than 3 times the state average of hours per arrest for participating sheriff patrols for the past 3 years computed from the statewide snowmobile sheriff patrol records. Two documented written warnings will be given the same weight as an arrest. No more than 50% of the credits to reach the standard may be for written warnings.

2. For the purpose of reimbursement of leased snowmobiles or trailers, the amount may not be more than 50% above the average depreciation cost of the prior year for snowmobiles or trailers for all snowmobile patrols claiming depreciation. If a personal snowmobile is used for patrol, the reimbursement rate shall be no more than the maximum rate for leased snowmobiles prorated for the days of use.

3. When more than 50% of the eligible patrols are submitting claims, no one patrol may receive more than 10% of funds available and at no time may any patrol receive more than 20% of funds available.

4. A minimum of 20 patrol hours is required in order to be eligible for reimbursement.

5. For the purpose of administering reimbursement, search and rescue enforcement costs are eligible only for officers actively looking for snowmobile operators and passengers who are, or who are reasonably believed to be, alive, in distress or in a life threatening situation.

6. For the purpose of reimbursement of capital equipment under s. 350.12(4)(a)4., Stats., for law enforcement aids to counties, the amount is limited to depreciation for snowmobiles and snowmobile trailers.

SECTION 15. NR 50.13(4)(d)(intro.) is amended to read:

NR 50.13(4)(d)(intro.) On or about September 1 of each year, 3 sets of the following forms will be sent by the department to each municipality which has an active intent to patrol form on file. The appropriate official ~~fills~~ shall fill out all of the forms, ~~retains~~ retain one set for the municipality's records, and ~~files~~ file 2 sets with the appropriate ~~district~~ regional office as specified in s. 30.79, Stats., covering the patrol expense for the preceding calendar year. Claims which are received by the department after this date ~~cannot and~~ will not be processed for payment.

SECTION 16. NR 64.03(4) is amended to read:

NR 64.03(4) Duplicate. If a registration certificate or registration decal is lost or destroyed, the owner may apply for a duplicate on a form provided by the department. Upon receipt of a proper application and the required fee, the department or its authorized agents shall issue a duplicate registration certificate or registration decals to the owner.

SECTION 17. NR 64.04(3) is amended to read:

NR 64.04(3) A person may operate an all-terrain vehicle without having the registration decals displayed as provided in sub. (2) if the owner has a receipt validated by the department or its authorized agents. The operator shall have the validated receipt in his or her possession at all times when operating the all-terrain vehicle and shall exhibit it upon demand for inspection by any person authorized to enforce this section under s. 23.33(12), Stats. Upon receipt, the registration decals shall be displayed in the manner indicated in sub. (2).

SECTION 18. NR 64.085 is created to read:

NR 64.085 Refusal to allow testing. No operator or owner of any all-terrain vehicle may deny inspection or may refuse to operate his or her all-terrain in a manner prescribed by the law enforcement officer who reasonably suspects a violation of all-terrain equipment requirement found in s. 23.33, Stats.

SECTION 19. NR 64.13(8) is amended to read:

NR 64.13(8) Actual fringe benefits ~~not exceeding 20% of~~ paid as part of the direct labor costs claimed are eligible project costs.

SECTION 20. NR 64.14(2)(a) and (b) are amended to read:

NR 64.14(2)(a) ~~\$60~~ \$80 per mile for winter maintenance. Trails eligible for winter maintenance shall be maintained and groomed for a total of not less than 2 months nor more than 6 months per year including the months of January and February.

(b) ~~\$125~~ \$220 per mile for summer maintenance. Trails eligible for summer maintenance shall be maintained for a total of not less than 3 months nor more than 8 months per year including the months of June, July and August.

SECTION 21. NR 64.14(2)(c) is repealed

SECTION 22. NR 64.14(9)(a)1. is repealed and recreated to read:

NR 64.14(9)(a)1. Reimbursement of costs of development of all-terrain vehicle areas and trails shall be up to 100% of approved eligible project costs. Sponsors may request an advance payment of up to 75% of the signed contract amount for development.

SECTION 23. NR 64.14(9)(am) is created to read:

NR 64.14(9)(am)1. Reimbursement of costs of major rehabilitation of all-terrain vehicle bridges or trail segments shall be for not more than 100% of approved eligible project costs. Sponsors may request an advance payment of up to 75% of the signed contract amount for major rehabilitation.

2. Major rehabilitation project costs may not be incurred until a project agreement has been approved by the department and the sponsor.

SECTION 24. NR 64.14(11) is amended to read:

NR 64.14(11) APPLICATION FOR AID. A local unit of government or a federal agency which seeks to receive aids for all-terrain vehicle projects for the following year shall contact the appropriate department ~~district~~ regional office for prescribed application forms and instructions and submit a completed application by April 15.

SECTION 25. NR 64.15(2) is amended to read:

NR 64.15(2) Claim forms shall be filed with the department's ~~bureau of law enforcement~~ appropriate regional law enforcement safety specialist on or before September 1 of the year following the 12-month period for which the claim is made. Claims shall be made for the July 1 to June 30 period immediately preceding the filing date.

SECTION 26. NR 64.15(3)(d)(intro.) and 2. are amended to read:

NR 64.15(3)(d)(intro.) On or about June 1 of each year, 3 sets of the following forms shall be sent by the department to each county which has an intent to patrol form on file. The appropriate official shall fill out all of the forms, retain one set for the county's records, and file 2 sets with the department's ~~bureau of law enforcement~~ appropriate law enforcement safety specialist on or before September 1, covering the patrol expense for the preceding 12-month period of July 1 to June 30. Claims which are received by the department after this date may not be processed for payment.

2. Form 8700-61-Salary schedule. This form is to be completed by the appropriate county official who shall list the names and salaries of persons engaged in the enforcement of s. 23.33, Stats. Salary rate is restricted to no more than regular straight time rate which the certified law enforcement officer normally receives. ~~Fringe benefit rates may not exceed 20% of the gross salary~~ are actual costs up to a maximum of 29% of the reimbursable straight time salary rate.

SECTION 27. NR 64.15(3)(g) is created to read:

NR 64.15(3)(g) In order to help achieve uniformity, accountability and cost controls, the following standards are established:

1. For the purpose of patrol reimbursement, each patrol is eligible for reimbursement for only those hours up to 3 times the state average of arrests per hour for participating sheriff patrols for the past 3 years computed from the statewide all-terrain vehicle sheriff patrol records. Two documented written warnings will be given the same weight as an arrest. No more than 50% of the credits to reach the standard may be for written warnings.

2. For the purpose of reimbursement of leased capital equipment, the amount may not be more than 50% above the average depreciation cost of the prior year for all all-terrain vehicle patrols claiming depreciation.

3. When more than 50% of the eligible patrols are submitting claims, no one patrol may receive more than 10% of funds available and at no time may any patrol receive more than 20% of funds available.

4. A minimum of 20 patrol hours is required in order to be eligible for reimbursement.

5. For the purpose of administering reimbursement, search and rescue enforcement costs are eligible only for officers actively looking for all-terrain vehicle operators who are, or who are reasonably believed to be, alive, in distress or are in a life threatening situation.

6. For the purpose of reimbursement of capital equipment under s. 23.33(9), Stats., for law enforcement aid to counties, the amount is limited to depreciation for all-terrain vehicles and all-terrain vehicle trailers.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on August 25, 1999.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

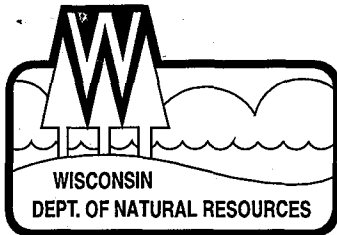
Dated at Madison, Wisconsin October 20, 1999

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)

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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
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October 18, 1999

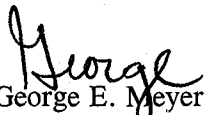
Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LE-13-99. These rules were reviewed by the Assembly Committee on Tourism and Recreation and the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


George E. Meyer
Secretary

Enc.

