

NOTICE OF PROPOSED GUIDANCE DOCUMENT

All-Terrain Vehicles and Utility Terrain Vehicles (DTSD96)

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on All-Terrain Vehicles and Utility Terrain Vehicles (DTSD96), WI STAT Ch. 23, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website:

<https://trust.dot.state.wi.us/act369/?id=DTSD96&uri=https://wisconsindot.gov/Pages/doing-bus/real-estate/permits/atv-utv.aspx&division=DTSD&tags=23>

2. Mailing written comments to:

Division of Transportation System Development
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7965
Madison, WI 53707-7965

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsindot.gov to allow for ongoing comment.

AGENCY CONTACT

dotdtsdguidancedocs@dot.wi.gov



State of Wisconsin Department of Transportation

All-Terrain Vehicles and Utility Terrain Vehicles

State ROW permits

Highway maintenance

State ROW permits

ATVs/UTVs

Utility permits

Utility accommodation
policy

Utility coordination

STH connection permits

Work on highway ROW
permits

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Introduction



Photo courtesy of the Wisconsin ATV Association

Wis. Stat. s. 23.33 allows all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) to operate on a state highway in certain cases, which are detailed in sections A - C below. An ATV ordinance must be enacted by a municipality and/or county before operation may occur. For the remainder of this webpage, ATVs and UTVs will be labeled collectively as ATVs. Since ATVs are not allowed to operate on interstate highways, none of the information on this webpage applies to interstates.

ATV routes — definition

ATV routes by statute are on the roadway portion of a highway and not the shoulder or other parts of the right-of-way (ROW). A roadway is defined in Wis. Stat. s. 340.01(54) as the, "portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder." On a 2-lane rural highway, the "roadway" is the area between the fog lines (white lines) as shown in picture (1). In an urban area, it is the area between the curbs in picture (2).

(1)



(2)



► It is important to understand that a roadway is not an ATV route until there is a signed ordinance and the roadway is signed/posted according to law.

ATV routes on state highways

The following information is divided into three sections based on current Wisconsin statutes.

A - ATV route designation on state highways

A town, village, city or county may enact an ordinance under Wis. Stat. s. 23.33(8)(b)1. to designate a highway not under its jurisdiction as an ATV route. In this case, ATV operation on a state highway or connecting highway is allowed only if WisDOT approves the route. WisDOT's approval consists of an ATV route order that is issued for the designated segment of state or connecting highway. WisDOT will review an ATV ordinance to verify that the termini of the designated route is what WisDOT and the municipality or county agreed upon prior to issuing the route order.

B - ATV operation on state highways with speed limits of 35 mph or less within municipal boundaries

A town, village or city may enact an ordinance under Wis. Stat. s. 23.33(11)(am)4. to authorize the operation of ATVs on a highway that has a speed limit of 35 mph or less and is located within the territorial boundaries of the town, village or city regardless of who has jurisdiction over the highway. In this case, ATV operation on a state highway is not subject to WisDOT approval. WisDOT will review an ATV ordinance to verify that the statute language "authorize the operation" has been correctly used instead of "designated."

Much of the state highway system operates with speed limits above 35 mph, and these higher speed highways remain off-limits to ATV use without approval from WisDOT. Speed limits on any highway are set after careful consideration to enhance safety and facilitate traffic flow for the traveling public and are typically not based on a specific type of vehicle. Anyone interested in how speed limits are established is encouraged to view WisDOT's [pamphlet](#) on the topic.

C - ATV operation over state highway bridges 1,000' in length or less

Under Wis. Stat. ss. 23.33(4)(d)3.b. and 11(am)3., ATVs may be authorized to operate on the roadway or shoulder of a highway to cross a bridge 1,000 feet or less in length that is located within the territorial boundaries of a county, city, village or town, regardless of who has jurisdiction over the highway, and only if a county **and** a city, village or town **both** enact ordinances that apply to the bridge. In this case, ATV operation on a state highway bridge is not subject to WisDOT approval.


Under the law, ATVs must exit the highway as quickly and safely as practicable after crossing the bridge. WisDOT defines this as the first available road designated as an ATV route on either side of the bridge that is not a dead end, or an ATV trail on WisDOT right-of-way that is established after crossing the bridge in which ATVs may use. A bridge is any structure (bridge, box culvert, etc.) over a navigable waterway, highway or railroad.

WisDOT reviews both municipal and county ATV ordinances developed under the two bridge statutes to verify that:

- The ATV route has the appropriate termini on each side of the bridge (the first available road or ATV trail as described above) and that both ordinances mention the same roads or trails.
- All five items listed in s. 23.33(11)(am)3.(a)-(e) are also included, which is required by the statute.

- The statute language "authorize the operation" has been correctly used instead of "designated."

The term "jurisdiction" in sections A - C above refers to maintenance jurisdiction instead of the right-of-way (fee title) owner or highway easement owner.

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ATV trails on state highway ROW

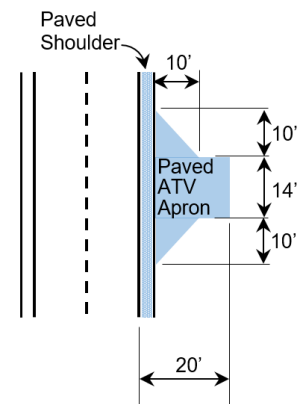
WisDOT may authorize an ATV trail within the ROW of a state highway if sufficient space is available, and the proposed trail does not affect the safety, maintenance and operation of the highway. ATV trails on state highways require a [WI DT1504](#) permit from WisDOT, and a municipality or county must be the applicant. For more information on the permitting process, go to the [STH connection permits](#) webpage.

ATV route or trail crossings of state highways

Under Wis. Stat. [s. 23.33\(4\)\(d\)1](#), ATVs are allowed to cross roadways when traveling on an existing roadway. Also, most existing driveways have been issued a permit. Therefore, WisDOT permits are not required in the following situations because vehicular crossings already exist:

- At town, village, city or county road crossings. For example, ATV routes and trails crossing state highways.
- From a driveway on one side to a local road on the other side (or vice-versa).
- From a driveway on one side to a driveway on the other side.

ATV Paved Apron Detail



WisDOT permits are required in the following situations:

- Where no current vehicular crossing currently exists. For example, a new trail crossing from public/private property to public/private property.
- At a T-intersection where a new trail on public/private property would cross a state highway to a local road.

When ATV trails connect to the roadway of a state highway, construct a paved apron to prevent maintenance issues such as gravel or mud deposits on the roadway surface and damages to wing blades when plowing snow. WisDOT may waive or temporarily suspend this requirement if appropriate. See detail for apron dimensions. Consult with WisDOT for apron requirements in urban areas that have curb and gutter.

ATV registration

All ATV registration is handled by DNR not WisDOT. See DNR's [website](#) for more information.

ATV ordinances

WisDOT does not have approval authority of local government ordinances, nor can WisDOT offer legal advice on how ordinances should be written. WisDOT only reviews ATV ordinances prior to processing traffic signing permit applications for ATV routes to verify that a town, village, city or county has referenced the appropriate sections(s) in s. 23.33 as described in sections A - C above.

The Wisconsin DNR does have sample ordinance language in Appendix A of its publication *ATV Route Guideline and Suggestions (A Community Official's Handbook)*. If necessary, consult your local government's corporation counsel or legal representative for advice.

ATV route sign permitting



ATV route signs are required on state highways in order for ATVs to legally operate

on them. A traffic signing permit is also required from WisDOT. The application [wi form](#) may be filled out by a local government elected official or employee, or a county highway department may fill it out for the local government. **Send the completed permit application to the [transportation region office](#) along with a copy of the approved ATV ordinance(s).**

The permit application must include a map or sketch showing the general location of the signs. Once approved, the permittee orders the signs and related materials. County highway departments typically install signs on state highways since they have expertise with the [Wisconsin Manual of Uniform Traffic Control Devices](#) (WMUTCD) and install many WisDOT signs. A municipality may install the signs or hire a licensed contractor with WMUTCD expertise upon prior WisDOT approval. All signs erected must comply with the WMUTCD.

Special ATV route signing



Under Wis. Stat. [s. 23.33\(8\)\(e\)3.](#), a town, village, city or county may erect a

sign on any highway that crosses its territorial boundary to alert motorists that all highways under its jurisdiction have been designated as ATV routes. On state highways, WisDOT approval is not needed, but a traffic signing permit is still required. The D11-10A sign — similar to the

one shown on the left — may be used. The sign size on state highways is 36" x 36." WisDOT will review a town, village, city or county ATV ordinance to verify that it has designated all of its roads as ATV routes prior to granting permit approval to erect the sign on a state highway.



Smaller sign sizes may be used on local highways. A white sign with black letters

(regulatory sign) may also be used as shown on the right. Consult the person in charge of road maintenance or a county highway department for more information on local road signing.


It is important to understand that these signs only apply to town, village, city or county roads **under its jurisdiction** — not all roads within a municipality or county. For example, a sign with the message, "ALL ADAMS COUNTY ROADS ARE ATV ROUTES EXCEPT AS POSTED," only applies to county-maintained roads — not all town, village or city roads located within Adams County. ATV routes within those jurisdictions would require separate signing at their boundaries.



If the D11-10A sign is used, a "NO ATV TRAFFIC" sign (R5-51) may be displayed on any highway where ATVs are prohibited. Since it is a regulatory function, a white sign with black letters must be used. An example is shown on the right. The size on state highways is 24" x 24."



Note: At this time, the ATV symbol is not approved for use on regulatory signs in the Federal MUTCD. WisDOT is working with the Federal Highway Administration to combine the ATV symbol, the red "No" circle, and the words "No ATV" as shown at the left for use on Wisconsin highways.

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ATV route signing - Frequently asked questions (NEW)

WisDOT has received many questions regarding ATV route signing both on state and local highways. To guide local units of government and ATV clubs on appropriate ATV route signing, this "frequently asked questions" webpage has been established. As more questions are asked of

WisDOT, the questions and answers will be posted.

1. Do local units of government have to follow the WMUTCD for ATV route signing?

A> Yes, the WMUTCD must be followed on all state and local highways. Per Wis. Stat. s. 349.065, local authorities shall place and maintain traffic control devices upon highways under their jurisdiction to regulate, warn, guide or inform traffic. The design, installation and operation or use of new traffic control devices placed and maintained by local authorities after the adoption of the uniform traffic control devices manual under Wis. Stat. s. 84.02(4)(e), shall conform to the manual. After January 1, 1977, all traffic control devices placed and maintained by local authorities shall conform to the manual.

2.  **W**  **hy is it important to only use signs that are**

recognized in the WMUTCD?

A> It provides consistency for all motorists that travel on all highways throughout the United States. Homemade signs may be hard to read or confuse some motorists. Most importantly, these signs may not be deemed as official if their validity was challenged in court.

3. May the ATV/UTV word signs or ATV/UTV symbol signs shown in pictures (1) or (2) be used on state or local highways?

A> No. Neither one of these signs is recognized in the WMUTCD. Only the D11-10 sign in picture (3) may be used. It is also applicable to UTVs.

(1)  (2)  (3) 

4. May an ATV route sign be erected on the same post as a STOP sign?

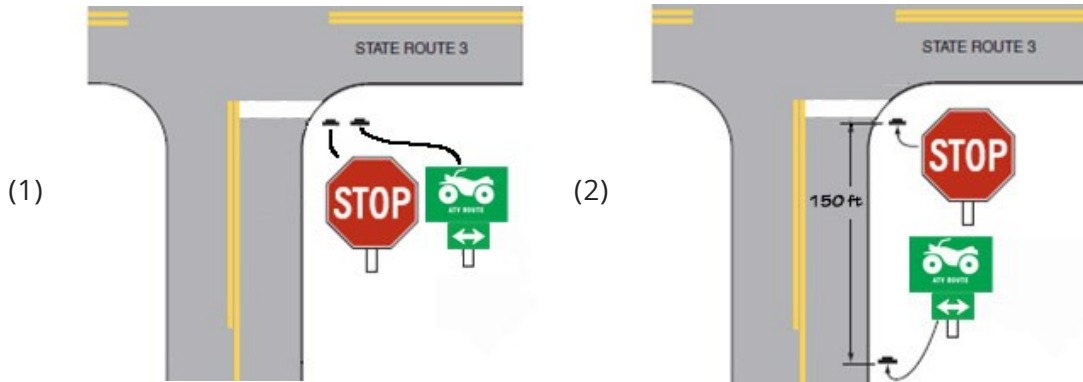
A> No. It must be on a separate post. No other sign should interfere with the regulatory importance of a STOP sign. Mount ATV route signs on their own post — not on an existing sign post, utility pole, fence post, etc.

5. May an ATV route sign be placed next to a STOP sign?

A> Yes. See diagram (1) below.

6. How far in advance of a STOP sign should an ATV route sign be placed?

A > 150 feet. See diagram (2) below.



7. What is the offset from the edge of pavement that an ATV route sign should be placed?

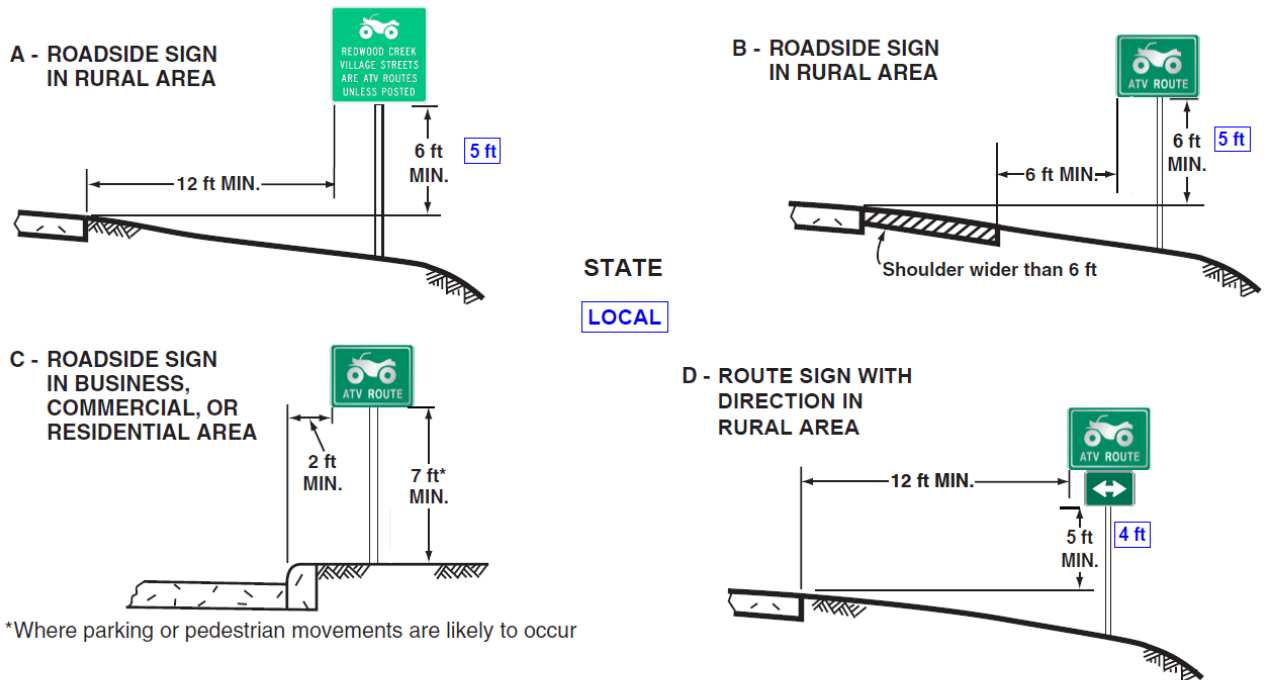
8. What height should an ATV route sign be placed?

9. What height should a ATV route sign with an arrow assembly be placed?

A > For questions 7-9, see the diagrams in Figure 2A-2 below (amended from the Federal MUTCD).

Figure 2A-2. Examples of Heights and Lateral Locations of Sign Installations

Note: Height and offset tolerance is ±6.0"



*Where parking or pedestrian movements are likely to occur

Exception: On conventional roads in areas where it is impractical to locate a sign with the lateral offset prescribed by Section 2A-19 of the 2009 MUTCD, a lateral offset of at least 2 feet may be used. Minimum of 3 feet is preferred on rural roads due to snow plowing.

Signs are to be mounted so as to project 1" to 1-1/2" above the top of the post.

In the picture below, the ATV route sign is placed too low and may pose a hazard if struck by

an errant vehicle or motorcycle. The sign must be on its own post too.



10. May the ATV symbol be used on an ATV speed limit sign?
 11. May an ATV speed limit sign have green letters on a white background?



A> No for questions 10 and 11. The ATV symbol is only recognized in the WMUTCD for guide signs (white lettering on a green background). A speed limit sign is a regulatory sign. It must have black lettering on a white background. The correct design for an ATV limit sign is (4) above.

12. **Where does the D11-10A sign need to be placed, i.e., at a municipal or county border, or at the beginning of the ATV route?**

A> Near the border. Under Wis. Stat. s. 23.33(8)(e)3., “[a] town, village, city, or county may erect a sign on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county.”

13. **May a town, village or city install ATV route signs on a county road?**

A> Maybe. The maintaining authority of the highway decides who erects ATV route signs on its roads.

14. **Do I need a permit to put up ATV route signs?**

A> On state highways, yes. The WisDOT region office will issue the permit. On municipal and county highways, contact the maintaining authority of the highway.

15.  If a route on a local road continues straight at an intersection with a state


highway, can you just erect the up arrow, or do you need an ATV route sign and the arrow?

A> While an ATV route sign in addition to the up arrow is preferred, on local highways the

up arrow by itself would be adequate. On a state highway, the arrow cannot be by itself.


16. **Do you have examples of ATV route signing diagrams?**

A> Yes. Click on any of the examples below.

 [Example 1](#) - Bridge crossing

 [Example 2](#) - 35 mph speed limit or less and D11-10A signing

 [Example 3](#) - Bridge crossing, 35 mph speed limit or less, and D11-10A signing

 [Example 4](#) - Close-up of Example 3

17.  **When should the PREFERRED sign be used with an ATV route sign?**

A> Wis. Stat. [s. 23.33\(8\)\(e\)5](#). allows a municipality or county to designate a preferred route and erect signs marking the route over highways under their jurisdiction that have been designated as ATV routes.

18. **Are U-channel posts okay to use to mount ATV route signs?**

A> Yes, if installed in accordance with the MUTCD. The WMUTCD did not change the language from the Federal MUTCD. From Section 2A.19, Paragraph 2: "Post-mounted sign and object marker supports shall be crashworthy (breakaway, yielding, or shielded with a longitudinal barrier or crash cushion) if within the clear zone."

Section 1A.13 of the MUTCD defines crashworthy: "Crashworthy—a characteristic of a roadside appurtenance that has been successfully crash tested in accordance with a national standard such as the National Cooperative Highway Research Program Report 350, "Recommended Procedures for the Safety Performance Evaluation of Highway Features."

FHWA has issued eligibility letters for sign supports that have passed National Cooperative Highway Research Program Report 350 (NCHRP 350). These letters may be found at this [link](#).

Starting January 1, 2020, NCHRP 350 will be superseded by the Manual for Assessing Roadside Hardware (MASH). FHWA is issuing eligibility letters for sign supports that pass MASH. These letters may be found at this [link](#). There are only two letters currently published there. WisDOT's understanding is that both perforated square steel tube post and U-channel posts have passed MASH, and that FHWA just needs to get the letters written and published.

19.  **Our municipality is developing an ATV ordinance that prohibits ATV**

operation during the hours of 12AM to 7AM, and proposes ATV speed limits on highways. Understanding the route signing requirements under Wis. Stat. s. 23.33, may signs be erected that would also include these hour restrictions and speed limits as part of the signs?

A> No. A municipality or county has the authority to impose hours of operation and speed

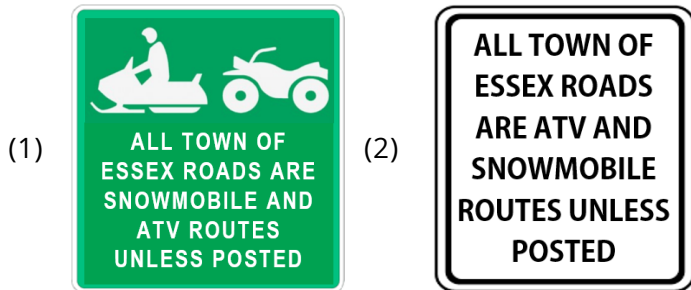
restrictions in their ordinance. However, those restriction messages, if used, should be posted on supplemental signs using the correct regulatory color scheme - black letters on a white background. They cannot be included as part of a D11-10 (top right) or D11-10A sign.



Generally, guide signs and regulatory signs should be on separate posts. In this case, it may be better to place the hours' restrictions underneath the D11-10 sign as a plaque, but still black-on-white so it is regulatory like the example (bottom right). The ATV speed limit sign shown in question 11 (4), may be on a separate post to the right of these signs.

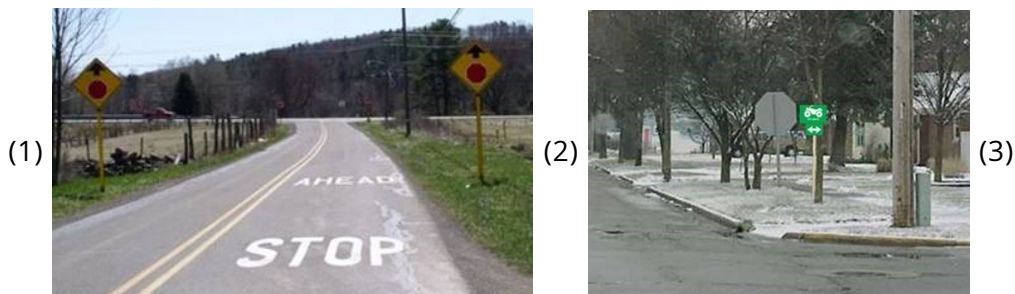
- 20. Our municipality has an ordinance that designated all of our highways as ATV and snowmobile routes. Can the D11-10A sign be modified to include this message as shown in picture (1)?

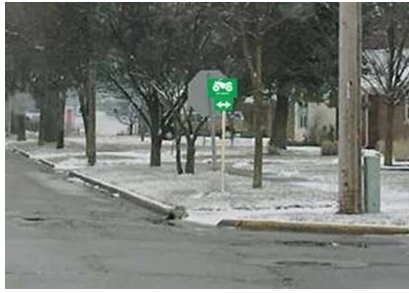
A> No. That particular sign is not allowed in the WMUTCD. However, a white sign with black letters (regulatory sign) could be made without the symbols as shown in picture (2).



- 21. We have several roads with double STOP signs, e.g., signs on both sides of the road as shown in picture (1). Is it okay to place ATV route signs as shown in pictures (2) and (3) below?

A> Yes to both situations. This is similar to question 5 only the ATV sign is facing the opposite direction.





22. Should the END sign go on top of or underneath the ATV route sign?

A> On top as in picture (2). Also, the MK4-6 sign is "END" not "ENDS."



23. Our town has designated all of its roads as ATV routes and wants to use the D11-10A sign on all town roads. If we erect a D11-10A sign near the boundary, what signs would we need to install on the other side of the town road if the neighboring town does not allow ATVs on its roads?

A> You would need to erect the MK4-6 sign and the D11-10 sign as shown in question 22, picture (2).

24. Are NO ATV TRAFFIC (R5-51) signs required on a highway that is not designated as an ATV route if it intersects a road that is designated as an ATV route?

A> No. However, if ATVs are operating on the non-designated highway, NO ATV TRAFFIC signs should be erected. This is referenced in Wis. Stat. s. 23.33(8)(e)4.

25. A county highway department is requiring the use of the NO ATV TRAFFIC sign in combination with placing a D11-10A sign on every county highway at the mutual county/town boundary since ATVs are not allowed on county roads. Is this permitted? Doesn't Wis. Stat. s. 23.33(8)(e)6. state that, "If a town, village, city, or county erects and maintains signs under subd. 3., the department may not require the town, village, city, or county to erect any additional signs marking the all-terrain vehicle routes within the town, village, city, or county."

A> Under s. 23.33(8)(e), subd. 3. was developed to allow a municipality or county to erect a sign on each highway that crosses its territorial boundary to alert motorists that all highways in the municipality or county have been designated as ATV routes. If D11-10 signs are erected, then a municipality or county does not have to erect signs on all ATV routes as required in subd. 2. Subd. 6., however, does not refer to the R5-51, which is a regulatory sign prohibiting ATV operation. In addition, "the department" refers to the Department of Natural Resources, not a county highway department (CHD). Since the CHD has jurisdiction over the county highways it maintains, it may require R5-51 signs on those highways.

Stay safe on the road



Share the Road

Wisconsin law* enables city, village or town officials to authorize ATV/UTV use **on any road posted 35 mph or less** within their territorial boundaries.

*2017 Wisconsin Act 67


Watch for riders, and please *always drive carefully.*


NEWWOOD CREEK VILLAGE STRIETS ARE ATP ROUTES UNLESS POSTED

Visit WisconsinDOT.gov for more information.

Whether driving a car or operating an ATV, it's important to always eliminate distractions, be patient and stay focused.

- Motorists who encounter ATVs on the road should slow down and wait for a safe opportunity to pass.
- ATV riders should always be aware of their surroundings, stick to authorized areas and always use helmets and protective gear.

The [Wisconsin DNR](#) publishes additional resources on ATV safety and registration. Additionally, interested parties can help spread the word by displaying the  "[Share the Road](#)" flyer (pictured right).

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Questions

For questions regarding this webpage, contact:

Bob Fasick

Wisconsin DOT
Bureau of Highway Maintenance
4822 Madison Yards Way, 5th Floor South
Madison, WI 53705
(608) 266-3438
robert.fasick@dot.wi.gov