

Chapter NR 64

ALL-TERRAIN VEHICLES

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NR 64.01 Purpose and applicability. This chapter applies to owners and operators of all-terrain vehicles, dealers who sell all-terrain vehicles, towns, villages, cities, counties, the state and federal agencies. This chapter establishes standards for the implementation of the all-terrain vehicle program under s. 23.33, Stats.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86.

NR 64.02 Definitions. In this chapter:

c1d XAll-terrain vehicle areaY means a designated area that contains all-terrain vehicle riding courses and support facilities.

c2d XAll-terrain vehicle routeY means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction.

c3d XAll-terrain vehicle trailY means 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 which are not seasonally maintained for motor vehicle traffic.

c4d XApplicantY means the unit of government or agency applying for a grant under this chapter.

c5d XApprovalY means the signing by the secretary or secretary[s] designee of a project agreement encumbering a specified amount of state aid funds for a specific purpose.

c6d XDepartmentY means department of natural resources.

c7d XEnforcementY means the detection and prevention of civil violations.

c8d XForce accountY means the performance of a development or maintenance project with the forces and resources of the sponsor, including personal services, equipment and materials.

c9d XFringe benefitsY means employers[contributions or expenses for social security, employee[s] life and health insurance plans, unemployment insurance coverage, workers compensation insurance, pension retirement plans, and employee benefits in the form of regular compensation during authorized absences from the job c.i.e., annual, sick, court or military leaved. These contributions and expenses must be equitably distributed to all employee labor activities.

c9md XHybrid Trail cTroutedY means an all-terrain vehicle trail and route combination that allows all-terrain vehicles and motor vehicles to utilize the same linear surface and the combination is used as a trail connector as defined in sub. c15d.

c10d XIndirect costsY means those costs not directly assignable to a grant, program or project. Such costs are generally ad-

ministrative in nature, are incurred for a common or joint purpose, or are not readily assignable to a project or program.

c11d XProject agreementY means a contract between the sponsor and department setting forth the obligations with regard to a portion or all of a specific project.

c12d XProject periodY means the period of time specified in the project agreement during which all work shall be completed.

c12ed XRaceway facilityY means an area, including a marked warmup and testing area, specifically designated by a sponsor for the purpose of conducting a sanctioned race or derby for which any required local permits have been obtained.

c12rd XSanctioned race or derbyY means a competitive all-terrain vehicle event sponsored by a local unit of government, chamber of commerce, an all-terrain vehicle club, promoter, or similar organization.

c13d XSecretaryY means the secretary of the department of natural resources.

c14d XSponsorY means local unit of government, state agency, or federal agency receiving assistance.

c15d XTrail ConnectorY means an all-terrain vehicle trail that connects one trail to another trail or services.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86; cr. c12ed and c12rd, Register, November, 1989, No. 407, eff. 12-1-89; CR 11-050: cr. c9md, c15d Register July 2012 No. 679, eff. 8-1-12.

NR 64.03 Registration. c1d APPLICATION. Upon receipt of the required fees under s. 23.33 c2d, Stats., payment of any sales and use taxes due under s. 77.61 c1d, Stats., and an application on a form provided by the department, the department shall issue to the applicant a registration certificate stating the registration number, the name and address of the owner, and other information the department deems necessary.

c2d ISSUANCE. cad The department shall issue 2 registration decals with the registration certificate for each all-terrain vehicle owned by an individual owner. The decals shall be no larger than 4 inches in height and 4 inches in width or 4 inches in diameter and shall contain reference to the state, the department, and a machine identification number. Registration decals for all-terrain vehicles registered for public use shall also contain a reference to the expiration date of the registration.

cbd The department may designate authorized distributors of registration decals.

c3d EXPIRATION. cad All-terrain vehicle public use registration shall be valid for 2 years beginning July 1 or the date of issuance or renewal and ending June 30 of the second year following the date of issuance or renewal.

cbd All-terrain vehicle private use registration shall be valid

from the date of issuance until ownership of the all-terrain vehicle is transferred.

c4d **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 decal to the owner.

c5d **TRANSFER.** Upon transfer of ownership of an all-terrain vehicle for which a registration certificate has been issued, the seller shall deliver the assigned certificate to the purchaser at the time of sale. The purchaser shall complete an application for transfer on a form provided by the department and mail or deliver it to the department within 10 days after the date of purchase.

c6d **RENEWAL.** Prior to the end of the registration period, the department shall send the owner of each all-terrain vehicle registered for public use a 2 part renewal application. The owner shall complete and sign both portions of the renewal application and return one portion and the proper fee to the department. Upon receipt of the registration certificate and the registration decals, the owner shall destroy the remaining portion of the application. Failure to receive a renewal application does not relieve the owner of the obligation to renew the all-terrain vehicle registration.

c7d If an all-terrain vehicle is junked, the owner shall return the registration certificate to the department marked Xjunked.Y

c8d All-terrain vehicles owned and operated by the state or by any county or municipality of this state shall display registration decals.

c9d No municipality may register or license all-terrain vehicles. Municipalities may charge a seasonal or daily all-terrain vehicle area use fee but may not charge a seasonal or daily trail use fee if the municipality receives trail maintenance aids under s. NR 64.14.

c10d **cad** An all-terrain vehicle that is not registered pursuant to s. 23.33 c2d cad, Stats., or is not exempt from registration under s. 23.33 c2d cbd 1., 3. or 4., Stats., is exempt from displaying out of state registration if the all-terrain vehicle displays a current Wisconsin all-terrain vehicle nonresident trailpass and has not been in Wisconsin for more than 15 consecutive days.

cbd The nonresident trail pass shall be permanently affixed to the forward half of the all-terrain vehicle in a manner that is visible at all times.

Note: This exemption will allow nonresidents to operate their ATVs in the state for up to 15 days without obtaining Wisconsin registration even though the ATV is not registered in the nonresident[s] home state.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86; am. c4d, Register, December, 1999, No. 528, eff. 1-1-00; CR 05-053: cr. c10d Register February 2006 No. 602, eff. 3-1-06.

NR 64.04 Registration decals. c1d Registration decals shall be permanently affixed to the all-terrain vehicle by the decal[s] own adhesive on both sides of the vehicle in a position forward of the operator that is clearly visible. The owner of an all-terrain vehicle shall maintain the registration decals in a legible condition at all times.

c2d Except as provided in sub. c3d, the decals shall be permanently attached and displayed on the all-terrain vehicle before any person operates the vehicle.

c3d A person may operate an all-terrain vehicle without having the registration decals displayed as provided in sub. c2d 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 c12d, Stats. Upon receipt,

the registration decals shall be displayed in the manner indicated in sub. c2d.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86; am. c2d, cr. c3d, Register, May, 1991, No. 425, eff. 6-1-91; am. c3d, Register, December, 1999, No. 528, eff. 1-1-00.

NR 64.05 Change of address. If the owner of a registered all-terrain vehicle changes his or her address, the owner shall notify the department in writing of the new address within 15 days after the address change.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86.

NR 64.06 Completion of application for registration by all-terrain vehicle dealers. c1d When an all-terrain vehicle dealer sells an all-terrain vehicle, the dealer shall require the buyer to complete an application for a registration certificate and collect the required fee at the time of sale. The dealer shall mail the application and fee to the department no later than 7 days after the date of sale. The department shall provide combination application and receipt forms and the dealer shall furnish the buyer with a complete receipt showing that application for registration has been made. The operator of the all-terrain vehicle shall have this completed receipt in his or her possession while operating the all-terrain vehicle until the registration decals are received. No dealer may charge an additional fee to the buyer for performing the service required under this section.

c2d When an all-terrain vehicle dealer sells an all-terrain vehicle to a person from another state who wishes to register that all-terrain vehicle in his or her home state, the dealer shall complete an application that the all-terrain vehicle is to be registered in another state, furnish the buyer with one copy and retain one copy for the dealer[s] records and shall mail one copy to the department no later than 7 days after the date of sale.

c3d Every all-terrain vehicle dealer shall maintain, for one year, a record in the form prescribed by the department for each new all-terrain vehicle sold. These records shall be open for inspection by the department.

c4d Commencing 6 months after August 1, 1986, no dealer may accept an all-terrain vehicle in trade unless it is registered with the department or another state.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86.

NR 64.07 Operating rules. c1d In addition to the provisions of s. 23.33 c3d, Stats., no person may operate an all-terrain vehicle:

cad On or across a cemetery, burial ground, campground, park, school property or church property without consent of the owner.

cbd On the lands of an operating airport or landing facility except for personnel in performance of their duties or with consent.

ccd At a rate of speed that is unreasonable or improper under the circumstances.

c2d The operator of an all-terrain vehicle shall slow his or her vehicle to a speed not to exceed 10 miles per hour and yield the right-of-way when traveling within 100 feet of a person who is not on an all-terrain vehicle, a snowmobile or a motorcycle except as provided under ch. 346, Stats., where applicable.

c3d **ALL-TERRAIN VEHICLE NOISE EMISSIONS AND TESTING.** No person may manufacture, sell, rent or operate an all-terrain vehicle that is constructed or altered in a manner that noise emitted from the all-terrain vehicle exceeds 96 decibels on the A scale when measured in the manner prescribed in the reaffirmed 1998-07, Society of Automotive Engineers Standard J1287, entitled *Measurement of Exhaust Sound Levels of Stationary Motorcycles*.

c4d Copies and amendments of the Society of Automotive Engineers Technical Report 1998-07, Society of Automotive Engineers Standard J1287, entitled *Measurement of Exhaust Sound Levels of Stationary Motorcycles*, is available for inspection in the following offices:

cad The Department of Natural Resources, 101 S. Webster St., Madison, Wisconsin 53707.

cbd The Office of the Secretary of State, 30 W. Mifflin St., Madison, Wisconsin 53707.

ccd The Legislative Reference Bureau, One E. Main St., Madison, Wisconsin.

cdd The Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, Pennsylvania 15096.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86; CR 05-054: cr. c3d and c4d Register February 2006 No. 602, eff. 3-1-06; correction in c4d ccd made under s. 13.92 c4d cbd 6., Stats., Register April 2013 No. 688.

NR 64.075 Sanctioned races and derbies. The sponsor conducting a sanctioned race or derby on a raceway facility shall:

c1d Make provisions to keep spectators at least 100 feet away from race competitors on the frozen surfaces of public waters.

c2d Give notice of the race or derby to the local conservation warden or law enforcement agency having jurisdiction.

History: Cr. Register, November, 1989, No. 407, eff. 12-1-89.

NR 64.08 Owner permitting operation. An owner or other person having charge or control of an all-terrain vehicle may not authorize or permit any person to operate the all-terrain vehicle if the person is:

c1d Prohibited from operating an all-terrain vehicle under s. 23.33 c5d, Stats.,

c2d Incapable of operating an all-terrain vehicle because of a physical or mental disability, or

c3d Under the influence of fermented malt beverages, intoxicating liquor or controlled substances.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86.

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 requirements found in s. 23.33, Stats.

History: Cr. Register, December, 1999, No. 528, eff. 1-1-00.

NR 64.09 Safety certification program. The department shall establish a program of instruction on all-terrain vehicle laws, regulations, safety and related subjects. The program shall include the following:

c1d The program may be conducted by instructors certified by the department or the department may establish a correspondence-type course.

c2d The department shall procure liability insurance coverage for certified instructors for work within the scope of their duties under this section.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86; CR 00-110: r. c3d and c4d Register April 2002 No. 556, eff. 5-1-02.

NR 64.10 Accident report confidential. No report required under s. 23.33 c7d, Stats., to be filed with the department may be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department. This information will be provided solely to prove a compli-

ance or failure to comply with the requirement that such a report be made.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86.

NR 64.11 Coroners and medical examiners to report: require blood specimen. **c1d** Every coroner or medical examiner shall, on or before the 10th day of each month, report in writing to the department the death of any person within his or her jurisdiction during the preceding calendar month as the result of an accident involving an all-terrain vehicle and the circumstances of such accident.

c2d In cases of death involving an all-terrain vehicle in which the decedent died within 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be withdrawn from the body of the decedent within 12 hours after death by the coroner or medical examiner or by a physician so designated by the coroner or medical examiner or by a qualified person at the direction of a physician. All morticians shall obtain a release from the coroner or medical examiner prior to proceeding with embalming any body coming under the scope of this section. The blood drawn shall be forwarded to a laboratory approved by the department of health services for analysis of the alcoholic and controlled substance content of the blood specimen. The coroner or medical examiner causing the blood to be withdrawn shall be notified of the results of each analysis made and shall forward the results of each analysis to the department of health services. The department of health services shall keep a record of all such examinations to be used for statistical purposes only. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated and made public by the department of health services. The department shall reimburse coroners and medical examiners for the costs incurred in submitting reports and taking blood specimens and laboratories for the costs incurred in analyzing blood specimens under this section.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86; correction in c2d made under s. 13.93 c2md cbd 6., Stats., Register, December, 1999, No. 528; corrections in c2d made under s. 13.92 c4d cbd 6., Stats., Register April 2013 No. 688.

NR 64.12 Routes. **c1d** An all-terrain vehicle route may be established by a town, city, village or county by adopting an ordinance designating a highway as an all-terrain vehicle route and signing the highway in accord with s. 23.33 c8d, Stats., and rules of the department.

c2d A town, city, village or county may adopt an ordinance designating a state trunk highway or connecting highway as an all-terrain vehicle route if the department of transportation approves the designation.

c3d A town, city, village or county may adopt an ordinance designating a sidewalk of a state trunk highway bridge as an all-terrain vehicle route with the approval of the department of transportation.

c4d A town, city, village or county may designate a route as an all-terrain vehicle route during certain periods of the year and prohibit the operation of all-terrain vehicles on that route during other periods of the year.

c5d All-terrain vehicle operation is not permitted on state trunk highways or connecting highways except as provided for under s. 23.33 c4d, Stats., or sub. c2d or c3d.

c6d No person may operate an all-terrain vehicle on a restricted all-terrain vehicle route during any period of the year when the operation of all-terrain vehicles is prohibited.

c7d Signs for all-terrain vehicle routes on highways, hybrid trails, and sidewalks designated for use by the governmental unit having jurisdiction as authorized under s. 23.33 c8d, Stats., shall meet the following requirements:

cad The all-terrain vehicle route sign shall have a reflectorized white symbol, border and message on a reflectorized green background. The sign, including the stylized all-terrain vehicle symbol and the word message XATV ROUTEY, shall conform to the standard design on file in the department of transportation.

Note: For information on whom to contact for the construction of signs for all-terrain vehicle routes, contact your DNR Regional Community Service Specialist shown online at <http://dnr.wi.gov/files/PDF/pubs/cf/CF0023.pdf>.

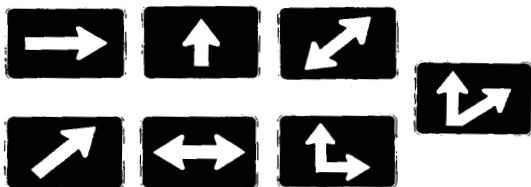
camd The standard and minimum size of an all-terrain vehicle route sign shall be:

1. For an all-terrain vehicle route sign on a hybrid trail that is not receiving gas tax funding: no smaller than 6 inches by 6 inches and no larger than 24 inches by 18 inches.

2. For all other all-terrain vehicle route signs not identified in subd. 1., the minimum size shall be 24 inches by 18 inches.

cbd The directional arrow marker cM7 seriesd shall have a reflectorized white arrow and border on a reflectorized green background. The standard and minimum size of a directional arrow shall be 12 inches by 9 inches.

ccd An all-terrain vehicle route sign with directional arrow, where appropriate, shall be placed at the beginning of an all-terrain vehicle route and at such locations and intervals as necessary to enable all-terrain vehicle operators to follow the route.



ALL TERRAIN VEHICLE ROUTE SIGN AND ARROWS
cM-7 SERIESd

GREEN REFLECTORIZED BACKGROUND WITH WHITE REFLECTORIZED LETTERS, SYMBOLS, AND BORDER

cdd All-terrain vehicle route signing shall be done by or under the direction of and is the responsibility of the unit of government which designates the all-terrain vehicle route.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86; CR 11-050: am. c7d cintro.d, cad, cr. c7d camd Register July 2012 No. 679, eff. 8-1-12.

NR 64.13 General aids provisions. The following provisions are applicable to the all-terrain vehicle aids program and law enforcement aids to counties.

c1d Acquisition of real property shall be in accord with state guidelines for preparation of appraisals and relocation assistance.

c2d Before development of certain public facilities begins, formal approval may be required from state agencies concerning health, safety or sanitation requirements.

c3d Assistance may be given to develop leased real property provided control and tenure of such property is commensurate with the proposed development.

c4d Donated labor, materials, land or other activities which do not result in an actual expenditure by the sponsor and indirect costs are not allowable in the claim.

c5d Direct costs which are supported by time sheets, vouchers or similar documentation reflecting specific assignment to a project are eligible project costs.

c6d Actual costs of force account labor and equipment is allowable. Equipment rental rates may not exceed the county machinery rates established annually by the department of transportation.

c7d Where a machinery rate schedule is established by the department for both equipment and operator, the total of force account labor and equipment may not exceed the rate specified in the schedule.

c8d Actual fringe benefits paid as part of the direct labor costs claimed are eligible project costs.

c9d Claims for payment shall be submitted within 6 months of the project termination date.

c10d cad Except as provided in pars. cbd and ccd, project expenditures shall be within the project period, project scope and project amount as shown on the project agreement.

cbd Expenditures for land acquisition made prior to entering into a project agreement may be reimbursed upon prior written approval of the department. To receive approval, the sponsor shall submit a written statement demonstrating a need to acquire land prior to the approval of a project agreement.

ccd Expenditures for necessary engineering or planning costs made prior to entering a project agreement may be reimbursed by the department.

c11d A request for a project extension shall be submitted prior to the project termination date.

c12d All payments are contingent upon final audit. Financial records including all documentation to support entries in the accounting records to substantiate charges for each project shall be kept available for review by state officials for a period of 3 years after final payment.

c13d Reasonable entrance or user fees may be charged to offset operation and maintenance costs of all-terrain vehicle use areas. Fees are subject to department review.

c14d cad The department may approve a variance from non-statutory requirements of this chapter upon the request of a sponsor if:

1. The department determines that the variance is essential to effect necessary grant actions or program objectives; and
2. Special circumstances indicate that the variance is in the best interest of the program.

cbd In determining whether to grant a variance under par. cad, the department shall take into account such factors as good cause and circumstances beyond the control of the sponsor.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86; renum. c10d to be c10d cad and am., cr. c10d cbd and ccd and c14d, Register, May, 1991, No. 425, eff. 6-1-91; am. c8d, Register, December, 1999, No. 528, eff. 1-1-00.

NR 64.14 All-terrain vehicle trail aid. c1d DISTRIBUTION. The department shall distribute all-terrain vehicle project aids on the basis of a priority system according to the following priority ranked purposes;

cad Maintenance of existing approved all-terrain vehicle areas and trails, including routes;

cbd Purchase of liability insurance;

ccd Acquisition of land by easement, lease or other agreements for the use of land;

cdd Major rehabilitation of bridge structures or trail segments;

ced Acquisition of land in fee and development of new all-terrain vehicle areas and trails, including routes.

c2d TRAIL MAINTENANCE. The department may provide state aid for trail maintenance costs equal to the approved eligible project costs which may not exceed:

cad *\$100 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.

cbd *\$600 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.

c2md MAINTENANCE OF ROUTES. The department may provide state aid up to 100 percent of the cost of the purchase of all-terrain vehicle route signs and arrows, trail crossing warning signs, and signs briefly explaining the intoxicated all-terrain vehicle operator law. All-terrain vehicle routes, whether a part of an approved all-terrain vehicle trail or not, are not eligible for per mile maintenance payments under sub. **c2d**.

c2rd MAINTENANCE FUNDING OF HYBRID TRAILS CX-ROUTESYD. cad *Hybrid trails existing before August 1, 2012.* The department may provide state aid of up to 100 percent of the per-mile rate listed in sub. **c2d**. Any hybrid trail that received funding under this chapter prior to August 1, 2012, and is posted with signs as a hybrid trail, shall continue to be eligible to receive the per-mile maintenance reimbursement rate under sub. **c2d cad** or sub. **c2d cbd** or both. Any hybrid trail that received funding under this chapter prior to August 1, 2012, and is posted with signs as a hybrid trails, shall be eligible for rehabilitation costs of up to 100 percent of costs.

cbd *Hybrid trails existing on August 1, 2012 or later.* All hybrid trails developed on August 1, 2012 or later, shall be posted with signs as hybrid trails and are eligible for funding under this chapter as follows:

1. For eligible applicants not receiving gas tax for a road on which all-terrain vehicles will also be traveling, not more than 50 percent of the per-mile rate as identified in sub. **c2d**

2. For eligible applicants receiving gas tax for a road on which all-terrain vehicles will also be traveling, the per-mile rate identified in sub. **c2d** minus the gas tax received, not to exceed 50 percent of rate in sub. **c2d**.

c3d AREA MAINTENANCE. The department may provide state aid for maintenance of an all-terrain vehicle area equal to 50 percent of the approved eligible project costs to maintain the all-terrain vehicle area. Sponsors receiving maintenance aid for all-terrain vehicle areas from the motorcycle recreation program are not eligible for maintenance aid under the all-terrain vehicle aids program.

c4d PRORATION. Should funds not be sufficient to satisfy the total request for a priority ranked purpose, i.e., either maintenance, insurance, or land acquisition, the funds shall be distributed to sponsors on a proportional basis for that purpose.

c5d ACQUISITION. cad *Eligibility.* Any town, village, city, county, or state or federal agency may receive aids to purchase lands or secure easements, leases, permits or other appropriate agreements, written or oral, permitting use of private property for public all-terrain vehicle trails, facilities and areas.

cbd *Fee simple.* The cost of purchasing land in fee simple for all-terrain vehicles shall be based on the appraised value of the land.

ccd *Easement or lease.* For trail purposes, the width of the all-terrain vehicle right-of-way may not exceed one rod. The easement or lease shall contain, at a minimum, the right to sign, right of limited construction, right to maintain, right of use by all-terrain vehicles and necessary trail grooming equipment. Cost sharing is limited to the minimum land area necessary for the all-terrain vehicle trail.

1. All local units of government, state and federal agencies shall certify to the department that easements, leases, permits, or other appropriate agreements secured grant public access and use of the land for all-terrain vehicles. The local units, state or federal agencies shall maintain a current file of all easements, leases or permits which include the name of the property owner, description of the property, duration of the lease, easement or permit, and amount to be paid for the lease, easement or permit.

2. The department may provide aid to pay \$.10 cents per rod for easements or leases for an all-terrain vehicle trail.

3. The cost of leasing land for all-terrain vehicles other than trail right-of-ways shall be based on the appraised value of the easement.

c6d DEVELOPMENT. cad Development shall begin within one year of the date land is acquired.

cbd All-terrain vehicle trail shall meet the following design requirements and specifications:

1. The minimum cleared width for one way trails is 6 feet and the maximum is 8 feet.

2. The minimum cleared width for two way trails is 10 feet and the maximum is 12 feet.

3. A height of 8 feet above the trail shall be cleared.

4. All-terrain vehicle trails may not be routed over bodies of water. If stream crossings make bridging necessary, bridges shall be at least 8 feet wide clear of obstruction. If the bridge is located on an abandoned railroad grade, the bridge width shall be at least 10 feet clear of obstruction. The department shall determine the need for bridging or if fords or ice crossings may be used.

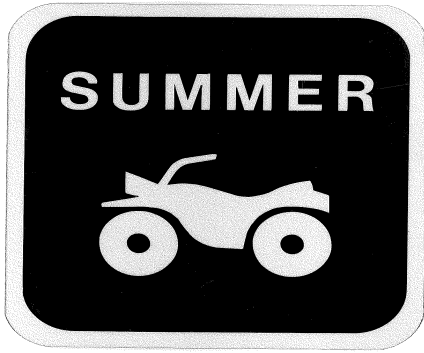
5. Trails shall not be routed through wilderness areas, game preserves, winter browse areas, experimental stations, nurseries, or plantations.

ccd Signs for use on all-terrain vehicle trails shall have the same specifications as those under s. NR 50.09 c4d ccd 3. b. with the following additions:

WINTER USE TRAIL MARKER



SUMMER USE TRAIL MARKER



YEAR ROUND USE TRAIL MARKER



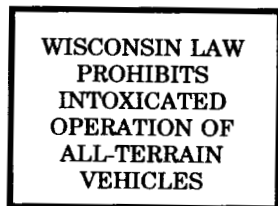
1. Purpose: To delineate when the trail is available for all-terrain vehicle use during the year.

Size: 6 inches by 6 inches

Color: For winter use trails, the sign shall be a reflective white background, reflective brown border and symbol, and reflectorized words WINTER USE. For summer use trails, the sign shall have a reflectorized brown background, reflectorized white border and symbol, and reflectorized words SUMMER USE. For year-around use trails, the sign shall be split in half with the upper half using the winter design and colors and the lower half using the summer design and colors.

Note: The department considers signs with titles indicating YWINTERY or YSUMMERY to be the equivalent to signs with titles indicating YWINTER USEY or YSUMMER USEY.

2. The all-terrain vehicle symbol for permissive and restrictive signs shall be the same as under subd. 1.



INTOXICATED OPERATION SIGN

3. Purpose: To inform all-terrain vehicle operators that operating while intoxicated is illegal.

Size: 24 inches by 24 inches.

Color: Reflective black letters and border on reflectorized white background.

cdd The department shall distribute aids for all-terrain vehicle area and trail development projects, including routes, considering the following criteria:

1. All-terrain vehicle routes, areas and trails in counties where routes, areas, and trails are in short supply in comparison to demand.

2. All-terrain vehicle routes and trails that provide connecting loops or origin-destination segments over dead end segments.

3. All-terrain vehicle routes or trails that provide connections from one jurisdiction to another.

4. All-terrain vehicle routes and trails that have potential for year round use.

5. All-terrain vehicle routes, areas, trails, and bridges to be developed on publicly owned land or private land under a written easement, lease, permit, or other agreements for a minimum of 3 years or greater. The length of any easement, lease, permit or other agreement for the placement of a bridge on private land that is either developed or rehabilitated with funds under this chapter shall be for a period of at least 3 years if the total cost of the bridge is \$50,000 or less. Any easement, lease, permit or other agreement for the placement of a bridge on private land that is either developed or rehabilitated shall be in writing. The length of any easement, lease, permit, or other agreement may be a factor in determining the amount of funds awarded under this chapter.

Note: The Off Road Vehicle Advisory Council will, at one of its duly-noticed meetings, consider public comment, develop criteria for easements, leases, or permits, and recommend these criteria to the department, including minimum year lease requirements beyond the required 3-year lease for bridge projects costing more than \$50,000. The Council may meet with the Governor's Snowmobile Recreation Council to develop joint recommendations for easement criteria for joint snowmobile and ATV trails to the department. See online materials at <http://dnr.wi.gov/AidMeetings.html>. Click on tab Off road vehicles.

c7d MAINTENANCE. Local units of government and state or federal agencies shall be required to maintain all-terrain vehicle areas and trails developed on land receiving aids for acquisition or development.

c8d MAJOR REHABILITATION. cad Any town, village, city, county, or state or federal agency may receive aids for up to 100 percent of eligible costs for the major rehabilitation of bridge structures or trail segments requiring significant improvements or repair.

cbd For bridge rehabilitation projects that involve total deck replacement, the deck shall be reconstructed to be at least 8 feet wide and free from obstruction.

ccd When a bridge rehabilitation project is located on an abandoned railroad grade and involves total deck replacement, the deck shall be reconstructed to be at least 10 feet wide and free from obstruction.

cdd Sponsors of projects for major rehabilitation of a trail segment shall explain to the satisfaction of the department why the rehabilitation activities cannot be accomplished through the use of trail maintenance funds under sub. c2d.

c9d ALLOWABLE COSTS, BILLINGS AND AUDITS. cad 1. Reimbursement of costs of development of all-terrain vehicle areas and trails shall be up to 100 percent of approved eligible project costs. Reimbursement of costs of development of hybrid trails existing before August 1, 2012, shall be up to 100 percent of approved eligible project costs. Sponsors may request an advance payment of up to 75 percent of the signed contract amount for development.

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

camd 1. Reimbursement of costs of major rehabilitation of all-terrain vehicle bridges or trail segments shall be for not more

than 100 percent of approved eligible project costs. Sponsors may request an advance payment of up to 75 percent 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.

card 1. Eligible costs for all-terrain vehicle bridge development and rehabilitation projects include all of the following: construction and replacement of entire structure including approaches and abutments, construction and repair to the superstructure of the bridge, construction and replacement of the entire deck and railings and construction and repair or construction and replacement of protective riprap around abutments or footings.

2. Costs that are not eligible for development and rehabilitation cost sharing include all of the following: construction and replacement of bridge railings only, decking and patching of decking, grading or minor repair to approaches, construction and bridge repairs to bring bridge structure within any existing codes, construction and reinforcement of bridge structures to accommodate weights in excess of 14,000 pounds and deck construction and replacement for the primary purpose of accommodating larger grooming equipment.

3. Cost sharing for the purchase and installation of prefabricated bridges shall be limited to structures with a maximum design load of 14,000 pounds.

4. Cost sharing for the purchase of materials and construction of bridges built on site by either contractors or clubs shall be limited to a maximum design load of 14,000 pounds unless there are circumstances that warrant a capacity greater than 14,000 pounds for no demonstrated increase in cost.

Note: For bridge design, see the bridge guidelines for new and replacement snowmobile and all-terrain bridges at <http://dnr.wi.gov/files/PDF/pubs/cf/CF0005.pdf>.

cbd Payment of liability insurance costs for liability insurance purchased by a local unit of government for approved trails shall be 100 percent of eligible costs.

ccd Sponsors may request advance payments of up to 50 percent of the project amount for maintenance. To be eligible for maintenance advance payments a sponsor shall have settled all maintenance claims from previous years.

cdd Rehabilitation of hybrid trails *existing after* August 1, 2012 and not receiving gas tax for a road on which all-terrain vehicles will also be traveling, at 50 percent, excluding structures.

cdgd Claims will be on a reimbursement basis except for development and maintenance project advances.

ced Sponsors shall be required to keep a separate account for all-terrain vehicle project costs.

cfid Winter trail grooming rates shall be established annually by the department.

cgd Equipment rates for other maintenance activities and trail development performed by force account or all-terrain vehicle clubs or organizations may not exceed the county machinery agreement established annually by the department of transportation.

chd Labor rates for other maintenance activities and trail development performed by all-terrain vehicle clubs or organizations shall be established annually by the department.

cid Labor rates for other maintenance activities and trail development by municipal employees or others included in a labor contract shall be as established by the contract.

cjd Reductions in grant payments for failure to comply with the requirements of maintenance or development project agreements may be made on a case-by-case basis. A partial or total reduction in funds shall be preceded by specific written notification of conditions which were not met and include a timetable for improvement in performance. Continued failure to comply with the grant agreement within the prescribed timetable may result in a reduction of grant funds. The reduction shall be calculated based on a percentage of poor performance in relation to the total trail system included in the grant agreement.

ckd The cost of producing trail maps is an eligible expense under a maintenance or development project.

c10d USEFUL LIFE. cad A table of maximum useful life for project elements is established for the purpose of project record management. The listing of the maximum useful life figures for all-terrain vehicle maintenance, development, insurance, and acquisition projects is as follows:

Activity	Description	Maximum Useful Life in Years
Maintenance	Includes brushing, signing, grooming, minor structural repairs	0
Acquisition	Annual easements and leases	0
Insurance	Purchase of liability coverage by governmental sponsor	0
Development	General trail construction	0
	Bridge structures	10
	Culverts	3
	Gates	3
	Multi-purpose buildings	20
	Trail shelters	5

c11d 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 regional office for prescribed application forms and instructions and submit a completed application by April 15.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86; am. c2d, c6d cbd 1., 2. and 4., renum. c9d to be c10d, cr. c2md, c6d ccd 3., c8d cjd and ckd and c9d, Register, November, 1989, No. 407, eff. 12-1-89; am. c1d ccd and c5d cad, r. and recr. c1d cdd and c2d, renum. c8d to c10d to be c9d to c11d, cr. c1d ced and c8d, Register, May, 1991, No. 425, eff. 6-1-91; am. c2d cad, cbd and c11d, r. c2d ccd. r. and recr. c9d cad 1., cr. c9d camd, Register, December, 1999, No. 528, eff. 1-1-00; CR 03-044: am. c2d cad and cbd Register December 2003 No. 576, eff. 1-1-2004; CR 11-050: am. c2d cbd, cr. c2rd, am. c6d ccd cintro.d, 1., cdd 5., c9d cad 1., cr. c9d card, renum. c9d cdd to be c9d cdgd, cr. c9d cdd Register July 2012 No. 679, eff. 8-1-12; 2019 Wis. Act 183: am. c6d cbd 5. Register March 2020 No. 771.