



Joint Testimony from Sen. Petrovski and Rep. Mursau

WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

Senate Bill 395 – Off Highway Motorcycles

Senate Committee on Transportation and Veterans Affairs

January 14, 2016

Committee Members,

Thank you for scheduling a hearing on SB 395, a bill creating a registration and funding system for recreational off-highway motorcycle trails.

The Off Highway Motorcycle Association (OHMA) has been working for several years to create a registration and trail funding program for Off Highway Motorcycles (OHM) that is similar to Wisconsin's All-Terrain Vehicle (ATV) registration and trail funding system. The bill in front of you is a responsible and limited bill that authorizes and promotes outdoor motorcycle recreation in Wisconsin.

Recreational vehicle trails are an important and growing component in Wisconsin tourism. Yet, as the number of OHM enthusiasts continues to increase, Wisconsin hasn't provided available spaces for these folks to ride. In essence, off-highway motorcyclists are traveling to other states to find a better riding experience. There is potential for a significant economic impact from local riders and out-of-state visitors if we work to create OHM trails.

This bill does all of the following:

- Requires DNR to develop and supervise a system of OHM trails and a registration process similar to ATVs and UTVs
- Allows counties, municipalities and/or DNR to designate OHM routes and corridors through lands they own or control
- Defines an OHM as a motorcycle designed for off-highway operation, regardless of whether it is or is not also designed for on-highway operation.
- Distinguishes motorcycles registered by the Department of Transportation (DOT) from those that are not. It does not restrict the OHM owners from registering the motorcycle with DOT for highway use. However, if an owner operates an OHM on publicly funded OHM trails, the owner *must* register it with DNR and pay an annual registration fee.
- Exempts DNR registration in a manner similar to exemptions under current law for ATVs and UTVs. The bill also requires a person who sells OHMs for a profit at retail to register with DNR as an OHM dealer. These registration fees are placed in the transportation fund.

- Restricts the operation of “limited use” OHMs similarly to ATVs and UTVs
- Regulates the operation of OHMs on areas that are adjacent to roadways or highways, and imposes a ten miles per hour speed limit OHMs are within 150 feet of a dwelling, 100 feet of people not in or on a motorized vehicle, or within 100 feet of a fishing shanty.
- Creates an intoxicated operation law that applies to OHM routes, trails, and other off-highway places that are open to the recreational use of OHMs
- A person under the age of 12 may not operate an OHM on a highway under any circumstance and may operate an OHM off a highway only if he or she is under continuous verbal direction or control of a parent, guardian or a designated adult.
- Anyone who is at least 12 years of age and who was born after January 1, 1998, must hold a valid safety certificate issued upon completion of the safety instruction program. Age restrictions do not apply to the operation of OHMs on private property if the property owner consents and does not hold out the property to the public for OHM use.
- Requires DNR to establish a safety certification program on OHM laws similar to the current instruction requirements for operators of ATVs and UTVs.
- Requires DNR to establish a program to award grants to organizations promoting the safe operation of OHMs in a manner that is responsible and does not harm the environment.
- Creates an OHM council consisting of five members who must be members of OHM clubs. It authorizes the council to make recommendations to DNR on matters relating to OHM trails and routes and on other matters relating to the operation of OHMs.

An amendment has been introduced that makes minor technical changes to the bill to keep things consistent with other recreational programs and that of Act 89, which passed earlier this session and gives DNR flexibility on how it administers various registration, certification, and approval documents, among other changes.

Thank you again for hearing this bill today. We're happy to take any questions you might have.

My name is Bryan Much and I live in Oconomowoc.

I want to thank Representative Mursau, Senator Petrowski, and the co-sponsors for offering this bill. I also thank the committee for considering my remarks this morning.

My background related to this action is as follows:

-I have been working with Rep Mursau for several years as a member volunteer representing the Wisconsin Off-Highway Motorcycle Association and off-highway motorcyclists to develop this bill.

-I also serve as the Off-Highway Motorcycle representative to and Chairman of the Governor's State Trails Council and as a member of the Governor's Off-Road Vehicle Council. I'm not speaking for those councils today, I only mention it as part of my background related to trail and off-road issues.

-I also serve as a volunteer Associate State Partner for the National Off-Highway Vehicle Conservation Council (NOHVCC) and am a member of a number of off-highway and dual sport motorcycle clubs in Wisconsin and the Great Lakes region.

-Most important though, is that I have a lot of fun off-highway motorcycling and I want to see us develop more opportunities to enjoy and benefit from this recreational interest here in Wisconsin.

Motorized recreation is well established in our national culture. The number of people involved in motorized recreation continues to grow. With proper planning, we have been able to provide recreational opportunities for a variety of users on our public lands. In the motorized area, some groups like snowmobile and ATV riders have made great strides in establishing trails particular to their recreational interest. In the case of off-highway motorcycles, the unique trails that provide the desired experience are sorely lacking in Wisconsin. Many off-highway motorcyclists find that they must travel to other states to ride. Our citizens, and our state economy, would be well served if we better provided for this type of recreation within our own borders.

As an example, Michigan has about 3,500 miles of off-road vehicle trails. Of that, about 22% (somewhere around 760 miles) is restricted to off-highway motorcycles only. Other trails are also open to OHM.

In Wisconsin, we have about 2,000 miles of ATV trails. In addition, we have about 53 miles of public single track off-highway motorcycle trail. There are about 6 miles in Douglas County that spill over from a Minnesota motorcycle trail, about 17 miles in Clark County (12 closed for rehab), about 28 miles in Jackson County, and about 2 miles at the Bong Recreation Area in Kenosha County. ATV trails are often not open to off-highway motorcyclists. This is determined by the local jurisdiction.

Off-highway motorcyclists often seek the same kinds of experiences as other recreationists. They can ride their motorcycles to enjoy scenic views, observe wildlife, take photographs, and generally enjoy the outdoors with family and friends. In some cases it can be aptly described as motorized hiking.

In addition, off-highway motorcyclists seek the challenge, excitement, adventure, and sense of accomplishment of riding well designed and constructed off-highway motorcycle single track trails. Just as a mountain bike trail is unique to the needs of mountain versus street bicyclists, so is the unique trail design sought by off-highway motorcyclists.

Although off-highway motorcycling is fun on a variety of paths including some ATV trails, the preferred recreation experience is on single-track motorcycle trail.

What are some of the characteristics of the trails we seek via this bill?

These trails are generally narrow with clearances of 40" at the shoulders and 18-30" near the tread way. (ATVs are up to 50" wide.) Since these trails are narrow and winding and are often laid out in wooded areas, they are usually not very visible to someone not on the trail. They often resemble well-worn game trails.



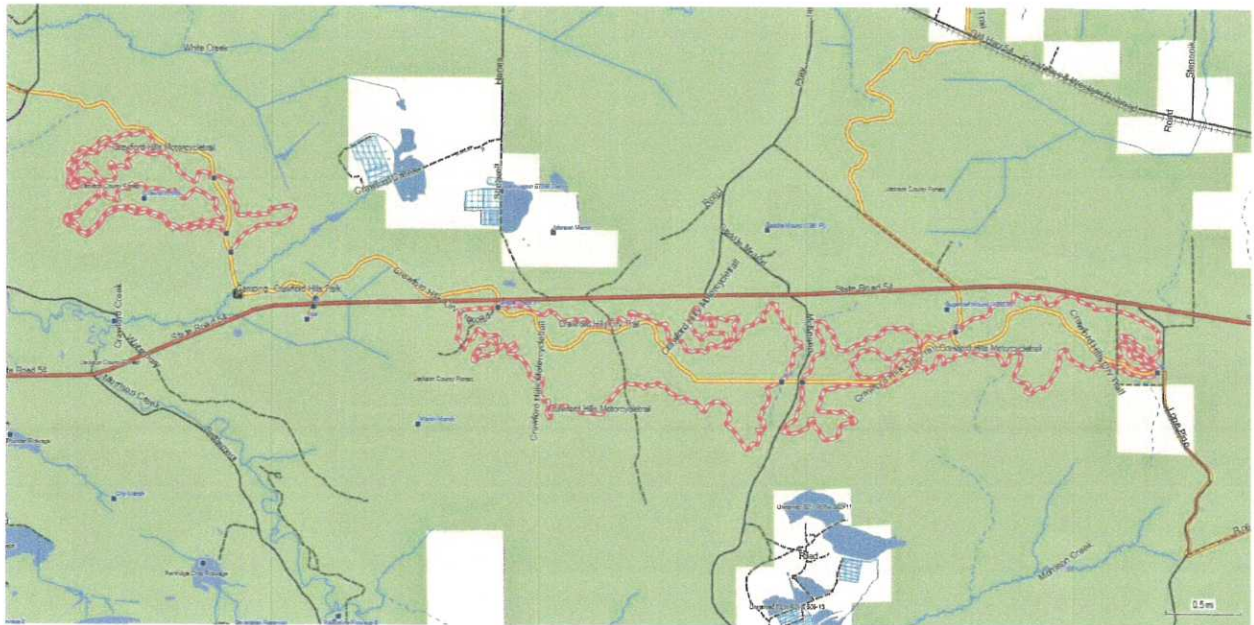
Some trail loops are tight and technical and others are more open and flowing to accommodate a broad range of skill levels. Lots of curves and rolling terrain make for an excellent experience.

The footprint of a trail system can vary from being compressed into a small area to being more spread out as opportunities allow.

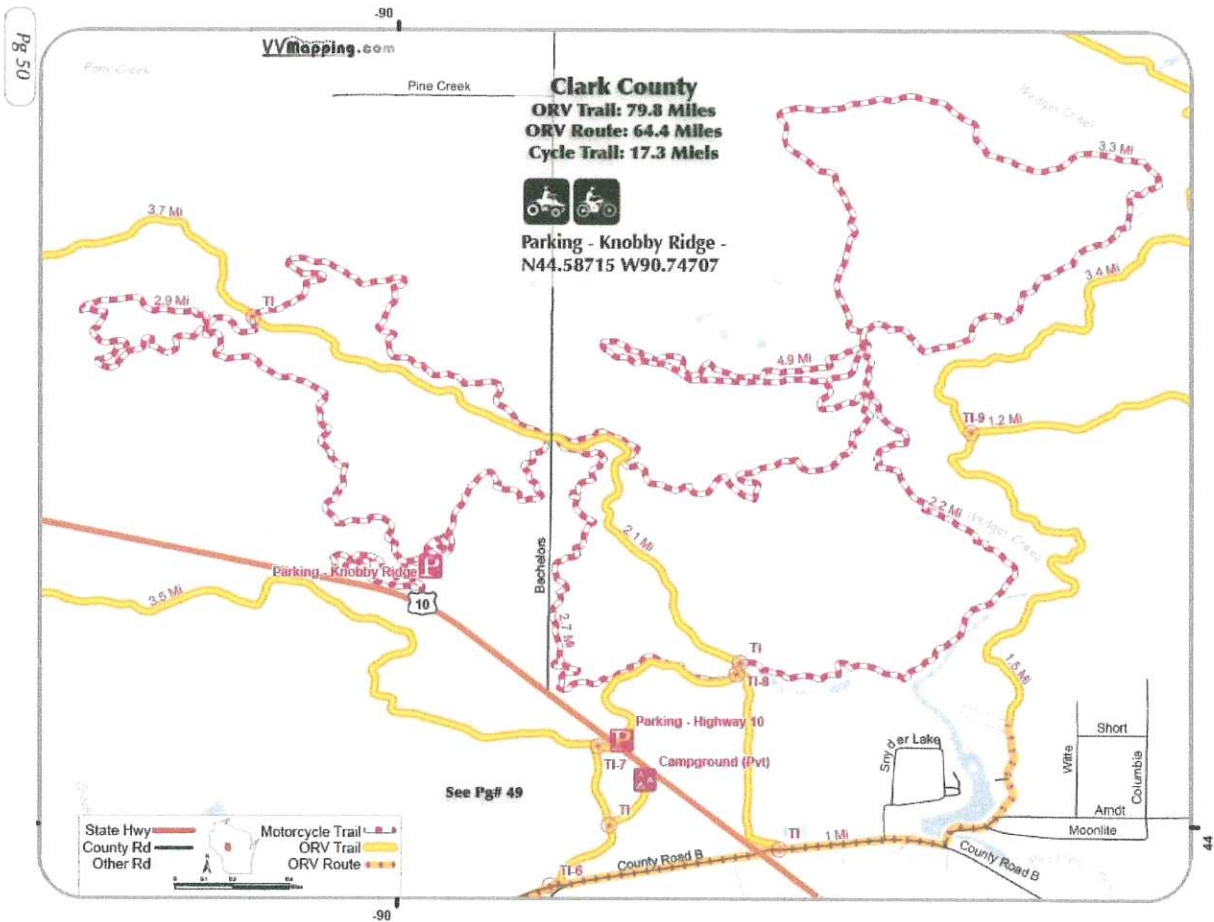
Generally these trails are inexpensive to construct and maintain since there isn't a lot to them. In many cases, facilities like trailheads and parking areas can be shared with other trails or recreation sites.

Here are examples of two trail layouts in Wisconsin (the candy stripe is the single track motorcycle trail and the gold is ATV trail):

Jackson County.



Clark County.



As a point of clarification, Jackson and Clark County currently sell county trail passes to motorcyclists that use their trails.

With regard to the number of off-highway motorcyclists that will be served by this bill. It is difficult to determine an exact number. Once a program is in place, like for ATVs and snowmobiles, it is easy to count registrations. Without one, it is a matter of making some kind of estimate.

The Wisconsin Statewide Comprehensive Outdoor Recreation Plan (SCORP) no longer breaks out specific user groups when it estimates those that participate in off-road vehicle riding. I did find that Chapter 2 of the 2005-2010 WI SCORP indicates that of those that participated in outdoor recreation in Wisconsin at that time, 5.9% participated in off-road motorcycling with the number of participants being estimated at 245,000. Even though this is old data, we know that motorized recreation has continued to show steady growth so the number would be even greater now.

We also must consider that as we create more trails, opportunity will grow the sport and create even more demand.

With regard to economic impact, there are direct and indirect expenditures associated with off-highway motorcycling. A comprehensive study conducted in Colorado (http://www.nohvcc.org/docs/economic-impacts/CO_OHV_Economic_Impact_FR.pdf?sfvrsn=0) indicates that average state resident household day trip expenditures ran about \$111 and overnight trip expenditures ran about \$315 dollars. For non-resident households, day trips ran about \$142 and overnight trip expenses averaged \$1,021.

Annual expenditures (things like maintenance, repairs, storage, and miscellaneous items) ran an average of \$1,288 dollars for participating Colorado households.

Beyond the direct trip and annual expenditures, there is also the economic impact of sales of off-highway motorcycles and the indirect and induced downstream sales (multiplier effects) that add even more to the favorable economic impact of off-highway motorcycling. The sales value of new dirt or dual sport motorcycles in Colorado was estimated at nearly \$28M.

We already know the positive and significant economic impact of snowmobile and ATV riding here in Wisconsin. Off-highway motorcycling is more of the same excellent economic benefit.

We want trail opportunities here in Wisconsin so we can spend our recreation dollars here in our home state instead of having to travel elsewhere to find the recreational experience we are looking for. Let's build our economy and create more job opportunities here at home - especially in the rural areas where much of our trail riding would be done. Food, fuel, lodging, clothing, vehicles, trailers, parts, repair services, and accessories are all part of the mix.

With this enabling legislation, we can create the opportunities that will keep our dollars circulating in our economy instead of sending them to another state. Not only do we keep our dollars at home, but we also encourage people from other states to spend their recreation dollars here in Wisconsin.

So, how does this bill make all this happen?

1. We create a sticker program to generate the funds to pay our own way to build and sustain motorcycle trails here in Wisconsin. These funds can also contribute toward our use of other motorized trails. As a side note, the bill does not throw open the door to use ATV trails. That decision will still be made, as it is now, by local jurisdictions.
2. We implement a safety education program that puts us on a par with other users of public land like snowmobiles, ATVs, and hunters. We don't teach people how to ride a motorcycle in a course like this, we teach them how to share public resources safely and responsibly.
3. We provide for off-highway motorcycle routes just as we have for ATVs. These are corridors where unlicensed vehicles are allowed to traverse roads that connect segments of a trail system. Not all trail systems can manage to have complete loops without using a roadway to cross a bridge, avoid a wetland,

or other land not available to ride on. Without routes, the trail would end at the road. As an example, this is a problem in Jackson County right now. If a family were riding the county trail in a mixed group of motorcycles and ATVs, the trail would end for the motorcycles when it joined a road. Routes for off-highway motorcycles fixes this problem.

4. We establish the necessary regulation of off-highway motorcycle riding on public land and on the frozen waters of Wisconsin. I should mention that ice riding is a popular winter activity for off-highway motorcyclists here in Wisconsin.

Keep in mind that off-highway motorcycling has already been going on for years - long before ATV riding and snowmobiling. What is new is that this legislation formalizes a self-sustaining program while providing the required regulation.

So to summarize, this bill allows us to create a program that:

- allows off-highway motorcyclists to pay their own way in pursuit of their recreational interest.
- keeps the recreation dollars of Wisconsin citizens at home to grow the Wisconsin economy instead of exporting those dollars to other states.
- implements the necessary safety education and regulation.
- allows for the creation of off-highway motorcycle routes.

In the handout I attached some notes that summarize the registration particular aspects of the bill which may answer some of the basic questions. I also included some information about the types of motorcycles that are being addressed in this bill. I know that the terminology associated with the various types of bikes can be confusing so I hope those notes make the distinction clearer.

I also want to thank the Wisconsin ATV Association for sharing their insight and experience as we developed a program for off-highway motorcycles. Sharing their knowledge and offering their support proved to be very valuable as we sought to get a well-developed and compatible program for motorcycles. I believe the committee has a letter of support for this bill from the Wisconsin ATV Association.

Thank you for your consideration in this matter and I ask for your support of the bill. It is very important to the many citizens of Wisconsin that enjoy off-highway motorcycling and to those that could benefit from the positive economic impact.

With that, I will be happy to answer any questions you may have now or anytime during the hearing.

(Bill) "Off-Highway Motorcycle" means a 2-wheeled motor vehicle that is straddled by the operator, that is equipped with handlebars, and that is designed for use off a highway, regardless of whether it is also designed for use on a highway.

Includes both:

Dual Sport (DS) Motorcycle: A type of street legal motorcycle that is designed for on and off-road use. Dual sport motorcycles are equipped with street legal equipment such as lights, mirrors, turn signals, a horn, and therefore can be registered with the Department of Transportation and licensed for highway use. This type of motorcycle affords the benefit of being able to travel on highways on a motorcycle that is capable of been ridden on off-highway motorcycle trails or frozen waters. For the purposes of registration and regulation, dual sport motorcycles are considered as off-highway motorcycles when ridden on designated trails in the off-highway mode. Dual sport motorcycles are often ridden on dirt forest roads and paths that are open to other vehicles licensed for highways. A "Limited Use Off-Highway Motorcycle" is generally not permitted to travel these roads under current guidelines.



Dirt Bikes (also known as limited use off-highway motorcycles): Commonly referred to as "dirt bikes", these motorcycles are designed for informal off-road recreation over varied terrain. They may or may not have lights, but are generally not equipped with all of the components required to register them with the Department of Transportation for highway use. May be ridden on ice with studded tires.



(Bill) "Limited use off-highway motorcycle" means an off-highway motorcycle that is not registered by the department of transportation for use on highways.

Includes:

Dirt Bikes (also known as limited use off-highway motorcycles): Commonly referred to as "dirt bikes", these motorcycles are designed for informal off-road recreation over varied terrain. They may or may not have lights, but are generally not equipped with all of the components required to register them with the Department of Transportation for highway use. Maybe be ridden on ice with studded tires.



Trials Motorcycle: Trials motorcycles are made as light as possible, with no seat (as they are designed to be ridden standing up), in order to provide maximum freedom of body positioning and stunt capability for use in observed trials competitions. Trials riding usually involves low speed motorcycle handling in which the rider is required to negotiate complicated obstacles and terrain using great balance and skill. These motorcycles need to be considered as it is appropriate to develop public Trials motorcycle riding areas.



Registration DOES NOT refer to DOT registration (although DOT registration is relevant for street legal motorcycles).

To operate off-highway must be registered (sticker and card) unless: (pg 10-11)

- registered by a tribe or band
- exclusively used for racing on a raceway facility
- manufacturer exemption for advertising
- first full weekend in June of each year (similar to ATV free-weekend program)

Can be registered for private use if: (pg 11)

- agricultural purposes
- immediate family on land owned or leased by immediate family

Dealers must require buyers to register as appropriate. (pg 11-12)

Unregistered motorcycles sold by other than a dealer must be registered as appropriate when they are sold or traded. (pg 13)

Registered bikes require transfer of the registration. (pg 12)

Dealers cannot accept a bike in trade unless it is registered or exempt. (pg 13)

(Registration assists with accountability that deters theft. Motorcycles that are not able to be DOT licensed have no titles.)

Public use registration runs for two years - April 1 through March 31. \$30 fee. (pg 13-14)

Private use registration does not expire. \$15 fee. (pg 13)

Decal must be properly affixed, clearly visible, and maintained in legible condition on the MC. No specific location is designated due to the variety of bike configurations. (pg 14)

Duplicate fees are \$5 each decal and \$5 each certificate. (pg 14)

Non-Resident Trail Passes: (pg 17-18)

- properly affixed to MC and clearly visible
- ANNUAL fee of \$34.25
- 5-day non-resident trail pass is \$19.25
- ANNUAL non-resident passes expire March 31 (same as others)
- exemption for the first full weekend in June (same as resident and ATV free weekend)

Motorcycle dealers are required to register with the DNR as MC Dealers. Two year commercial certificate with 3 decals for temporary placarding of vehicles. \$90 fee. Additional decals \$30 each. (pg 16)



Committee on Transportation and Veterans Affairs

Off-highway motorcycle operation, registration, nonresident trail pass, grant aids, project funding and safety education program SB395

Good morning Chairman Petrowski and committee members. My name is Linda Olver, Policy Advisor in the Bureau of Customer and Outreach Services of the Wisconsin Department of Natural Resources (DNR). Thank you for the opportunity to testify for informational purposes on SB 395, which establishes requirements for off-highway motorcycle (OHM) operation, registration, nonresident trail passes, grant aids, project funding, and a safety education program similar to the requirements that apply to ATVs and UTVs under current law.

OHM registration and trail passes

SB 395 defines an "off-highway motorcycle" as a motorcycle that is designed for off-highway operation, regardless of whether it is also designed for on-highway operation.

This bill generally requires the owner of an off-highway motorcycle (OHM) to register with the Department if the OHM will be operated off the highways. The owner of an OHM may register it with the Department for public use on trails and routes and other areas open for public use. An OHM may be registered for private use if the operation is limited to agricultural purposes or if operation is by the owner of the motorcycle or a member of his or her immediate family only on land owned or leased by the owner or a member of his or her immediate family. The Department is required to provide a registration certificate to an applicant for registration of an OHM upon receipt of the application, the payment of any applicable fees and any sales or use taxes that may be due. Each registration certificate issued to the owner of an OHM shall be accompanied by a registration decal with adhesive so that it may be affixed to the exterior of the OHM. In addition, this bill requires the Department to notify each owner of an OHM registered for public use of the upcoming date of expiration at least 2 weeks before that date.

This bill establishes registration fees and a period of validity identical to the ATV/UTV registration program. The original or renewal of a *public* use registration is \$30, while the original or renewal of a *private* use registration is \$15. A duplicate public or private use registration certificate or decal is \$5 each. The transfer of a registration certificate for public or private use is \$5. Public use OHM registration is valid beginning on April 1st or the date of issuance or renewal and ending on March 31 of the 2nd year following the date of issuance or renewal. Private use registration remains valid from the date of issuance until ownership of the OHM is transferred.

A person who is an OHM dealer is required to register with the Department and obtain a commercial OHM certificate and 3 accompanying commercial registration decals. The OHM dealer certificate is valid for 2 years. The fee for a commercial OHM certificate with 3 decals is \$90. Additional commercial registration decals are available for \$30 per decal. The fee for issuance of a duplicate commercial OHM certificate is \$5 and the fee for each duplicate decal is \$2.

This bill generally requires a nonresident operator of an OHM on an off-highway motorcycle corridor to possess and permanently affix a nonresident trail pass on the exterior of the motorcycle. The fee for an annual nonresident trail pass is \$34.25 and the fee for a 5-day nonresident trail pass is \$19.25. Any person who issues a nonresident trail pass, including the Department, shall collect an issuing fee of 75 cents. An agent appointed by the department may retain 50 cents of the issuing fee.

OHM operation

SB 395 establishes restrictions on the operation of limited use OHMs on highways and areas adjacent to the roadway portion of highways that are similar to those applicable to ATVs and UTVs. With limited exceptions, a person under 18 years of age must wear a helmet when riding on an OHM off the highways. Under this bill, a person under age 12 may not operate an OHM on a highway under any circumstance and may operate an OHM off a highway only if he or she is under continuous verbal direction or control of a parent or guardian or of an adult who has been designated by the parent or guardian. This bill requires anyone who is at least 12 years of age and who was born after January 1, 1988, to hold a valid safety certificate. In addition, this bill requires the department to establish a safety certification program on OHM laws and related subjects and to issue certificates to persons who successfully complete the program. This bill also creates an intoxicated operation law with provisions similar to those in current law relating to the operation of an ATV or UTV while under the influence of an intoxicant.

OHM safety grant program and project funding

SB 395 requires the department to establish a program to award grants to organizations that promote the operation of OHM vehicles in a manner that is safe and responsible and that does not harm the environment. An organization that is awarded a grant under this program must use the grant moneys to promote and provide support to the safety education program on OHM laws.

This bill allows the department to use funding generated from OHM registration and trail pass fees for specific types of OHM projects undertaken by the department or by local governmental units. In providing funding for OHM projects, the department is to give higher overall priority to projects for facilities and trails that are open only for use by OHMs. This bill establishes additional considerations to be taken into account when determining which OHM project will be provided funding.

OHM council

This bill creates the Off-highway Motorcycle Council consisting of five members who must be members of OHM clubs. This bill authorizes the council to make recommendations to the department on matters relating to OHM trails and routes and on other matters relating to the operation of OHMs.

I hope you find this information helpful as you consider SB 395. I am happy to answer questions you may have.



To: Chairman Petrowski, Senators Marklein, Cowles, Carpenter, and Hansen of the Senate Transportation and Veterans Affairs committee

Re: SB 395 / AB 470 Relating to operation of off-highway motorcycles (OHM), granting rule-making authority, making appropriations and providing penalties

Thank you for hearing testimony related to SB 395, which would establish an OHM registration program similar to our ATV & UTV system we are intimately involved with. Sorry we cannot be present in person but please accept this written testimony on our organization's behalf.

We support and applaud the organizational efforts of the off-highway motorcycle enthusiasts. As our organization well knows, the key to responsibly and proactively managing any recreational trail program, starts first with creating a mechanism to financially support the personnel and infrastructure to adequately protect and sustain our natural resources.

Furthermore, our group appreciates the time and efforts taken by our OHM friends, specifically Mr. Bryan Much. We were pleased that Bryan reached out to our leadership team numerous times in an effort to share their future program objectives with our own leadership team and how the two registration programs can best complement each other.

As our group did in a previous version, we support passage of this bill. It is our hope the committee does as well. Should you or any committee member have any questions or concerns, please feel free to reach out to myself or anyone on our leadership team.

Randy Harden
President
Wisconsin ATV UTV Association Inc.

CC: WATVA Legislative Committee Members - Rob McConnell, Hank Wozniel, Lee Van Zeeland

Wisconsin ATV-UTV Association Inc.
1539 N 33rd Place Suite A
Sheboygan, WI
Phone: 920-694-0583
Web: www.watva.org | E-mail: info@watva.org

