



HOWARD MARKLEIN

STATE SENATOR • 17TH SENATE DISTRICT

October 4, 2017

**Senate Committee on Transportation and Veterans Affairs
Testimony on Senate Bill (SB) 392**

Good morning!

Thank you Chair Petrowski and committee members for hearing Senate Bill 392 (SB 392), which would allow municipalities to have a greater voice in authorizing all-terrain vehicle and utility terrain vehicle operation on highways within the municipality.

This issue was brought to my attention by the Chief of Police for the City of Darlington, Jason King. You should have copies of correspondence in support of SB 392 from Chief King. He was unable to be here in person due to a scheduling conflict.

In addition to the letter of support for SB 392, you should have two additional documents, a map of a proposed half-mile ATV route on Hwy 23/81 in Darlington, and a detailed description of their proposal with traffic data. Last year the city council made this request to DOT, but it was not until late spring of this year, when Chief King inquired about the status of their request that they were informed it had been denied without input from the city or local law enforcement.

Darlington already has an ATV ordinance enacted, which has allowed ATV routes on city streets without any history of crashes for 26 years. Had the request to DOT been approved, the city council could amend their current ordinance providing access for residents south of the river to the Cheese Country Recreation Trail system.

SB 392 allows a municipality to pass an ordinance authorizing ATV/UTV use on a state highway that is within the municipality's boundary, and has a posted speed limit of 35 m.p.h. or less. Darlington has several city streets and county highways that are designated ATV/UTV routes within the city, but they have been denied access to a half-mile stretch of Galena Street (State Hwy 23/81) with a posted speed limit of 25 m.p.h.

Chief King is drawing on two decades of experience in law enforcement, and traffic data from the other routes in the community that are approved for ATV/UTV traffic currently. I believe that local law enforcement and city officials make public safety for their community a high priority, and should be trusted to make these decisions. The ATV route access challenges faced by the City of Darlington are also common throughout the state. This legislation would help all of those communities.

Thank you again for allowing me the opportunity to testify in support of this bill, and I welcome any questions.

Wisconsin ATV / UTV Association
1539 N. 33rd Place, Suite A
Sheboygan, WI 53081



To: Committee on Transportation and Veterans Affairs

Re: Senate Bill 392 Relating to All-Terrain Vehicle and Utility-Terrain Vehicle Operation on Highways Within the Municipality

Members of the Committee,

The ATV and UTV program in Wisconsin continues to grow at an astonishing rate. With this growth, local communities throughout Wisconsin are finding the economic benefit of allowing ATV's and UTV's access to their local road systems. This access is not only vital to support our nearly 2,000 miles of off-road trails by connecting them together, but also to serve the needs of local citizens who enjoy the sport for local access purposes.

Over the last five years, the growth of local access routes has increased exponentially throughout all of Wisconsin. This rapid increase in routes has allowed ATV and UTV traffic to flow in and out of the numerous towns that were previously off-limits to our users. The additional access to the towns brings additional benefits, especially economic growth from the increased tourism and local traffic.

There are some communities that share their roads with Department of Transportation highways. Opening a local road that's under 35 miles per hour often involves countless meetings and political bottlenecks. These bottlenecks only hurt the local municipalities as it often takes years to clear the bureaucracy prior to allowing access on specific roads. In a few cases, these bottlenecks prevented off-road vehicle trail access to certain communities.

Local law enforcement is seeking the DOT's trust to manage and oversee the sections of ATV/UTV routes within their boundaries. Local law enforcement should be making decisions with their local municipal leaders.

The Wisconsin ATV / UTV Association supports Senate Bill 392 and Assembly Bill 485 as it will help increase the riding opportunities for our users.

Randy Harden
President
Wisconsin ATV / UTV Association



City of Darlington Police Department

Excellence ~ Initiative ~ Integrity

Jason King, Chief of Police

627 Main Street ~ Darlington, WI 53530 ~ (608)776-4980
www.darlingtonwi.org

September 26, 2017

Senate Committee on Transportation and Veterans Affairs
Wisconsin State Capitol
Madison, WI 53703

RE: SB 392

Dear Friends:

I am writing to you this day to thank you for your consideration of Senate Bill 392 and to offer my support. As a Police Chief and EMT in an ATVing community, I believe I can offer a unique perspective on the issue that, perhaps, others cannot.

In 2016, the common council of the City of Darlington asked me to petition the Department of Transportation for permission to use one-half mile of Galena Street (Hwy 23) in the city as an ATV/UTV route. The sole purpose of the request was to provide residents on the south side of the river with a direct, safe route to the Cheese Country Recreation Trail. In 2017, the D.O.T. denied the request without consulting anyone in Darlington for input. For this reason, I support SB 392, which gives local authorities, who have direct knowledge of local issues, a say in these matters. I have attached our 2016 D.O.T. request to this letter to give you more details about why we assess, with high confidence, our request is reasonable and safe.

Please understand I have policed the streets and trails of Darlington and have served as an EMT on them since the trail's inception over two decades ago. I have firsthand knowledge of what poses a threat and what does not. Use of ATV/UTVs on paved streets/highways at reasonable speeds by responsible operators has not posed a public safety threat to our community. In fact, we have not had a single person injured in a crash on our routes in the City of Darlington over the past two decades.

We have been told the D.O.T. has concerns with this proposal, and we understand. In fact, many years ago I would have shared in those concerns. However, over two decades of experience in Darlington proves the safety concerns are unwarranted. Take, for instance, the busiest intersection in Lafayette County – Hwy 23 at Alice Street in Darlington. It has been an ATV/UTV route for over two decades and we have not had a single injury crash.


I thoroughly appreciate the D.O.T.'s concerns surrounding the idea of ATV/UTVs racing around on our state highway system. We realize ATV/UTVs were not designed for use on paved surfaces at high speeds, but we are not asking for that. Our residents are simply asking for the privilege of using one-half mile of Galena Street, a 25-mph zone, to access the trail system in a convenient, safe fashion. They're already doing it on the other 20-miles-worth of streets and county highways we have in Darlington, and have been for many years, without significant problems.

I sit on our county's Highway Safety Committee with D.O.T. officials. I know very well the D.O.T. takes an evidence-based approach in everything they do. We respectfully request they consider the evidence in this situation as well before opposing it.

In conclusion, I wish to point out I do not own an ATV/UTV so this proposal's outcome does not personally affect me. I'm simply offering my support of what I consider a reasonable request by reasonable people within the community I serve. As an EMT and Police Chief, I consider myself a public safety advocate. I would not send you this letter of support if there was any evidence to suggest this proposal would adversely affect the residents of Darlington.

Thank you for your consideration. If I can be of any assistance, please do not hesitate to contact me at 608-776-4981. I wish you all continued success in your future endeavors.

Respectfully,

A handwritten signature in black ink that reads "Jason King". The signature is written in a cursive, flowing style with a large loop at the end of the name.

Jason King
Chief of Police
Emergency Medical Technician

P.S. I'm sorry I was unable to attend your hearing in person. My schedule was already booked full for the day.

City of Darlington Request for permission to use .5 mile (1/2 mile) of Hwy 23/81 in the City of Darlington as an ATV route.

Important Notes regarding safety:

The Darlington Police Department assesses with high confidence the proposed route will not pose a significant safety threat to users of Hwy 23/81. This conclusion is based upon the fact the agency has no crash history upon other routes within the city. The busiest intersection in Darlington is Hwy 23 at Alice Street with a daily average traffic count of 7,500 to 10,000 vehicles. This location has been an ATV route crossing since 1990 and we have no crash history at that location. Hwy 23 from Alice Street south to River Street is already an ATV route and has been since 2015 pursuant to Wis. Stats. 23.33(4)(d)3.b. We have no crash history there, either. The entire City of Darlington (all streets) has been an ATV route since 2012 and we have no crash history.

This proposal is for use of Hwy 23/81 from River Street to Union Grove Lane. The daily traffic count there of 6,700 is less than other areas of the city that already have ATV routes. Since we have had ATV routes on city streets (including Hwy 23 at Alice Street) for 26 years without any crash history, we have no cause to believe the proposed route would be any different.

We expect the average daily count of ATVs upon this proposed route to be between one and 25 daily, but it is a seasonal trail route that is closed in the winter. The route will serve to connect the south side of Darlington via the Main Street bridge to the Cheese Country Recreation Trail system.

Unique Circumstances:

Residents upon Galena Street cannot access the Cheese Country Trail system because Galena Street is a state highway. Galena Street is the only street that connects the south side of town to the trail system due to the river and sole

bridge being upon Hwy 23. Residents upon connecting streets like Wisconsin, Ravine, Summit, Huntington, Kennedy, Union Grove, and others cannot access the trail system because there is no other way to access the trail other than by way of Galena Street. Approving this request will complete citywide access to the trail system.

Community Support:

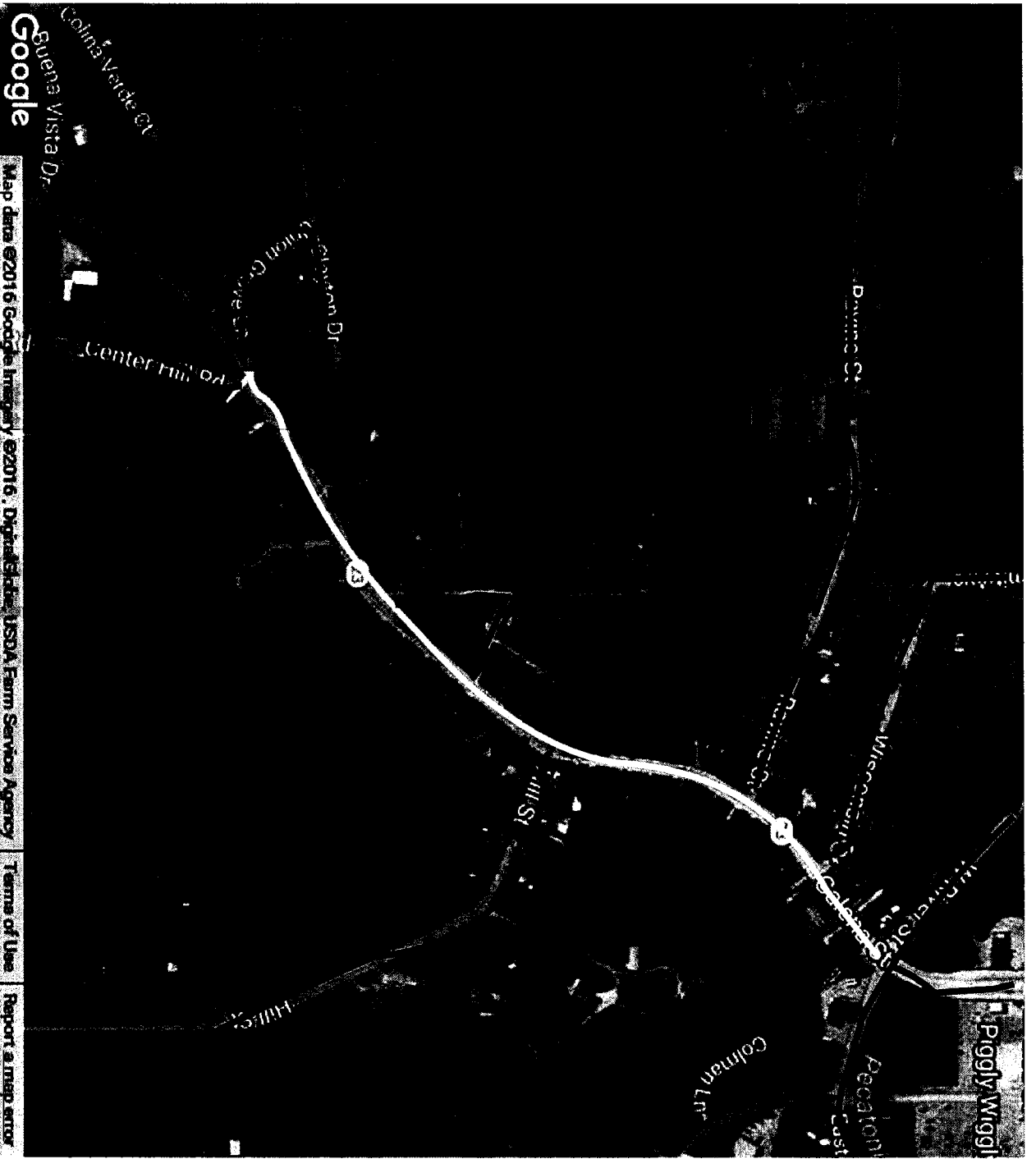
This request is being made on behalf of the citizens of Darlington. The matter was taken up by the common council and this application was approved. A copy of the council minutes are attached. Our trail system is a multimillion dollar economic generator for our community and has wide community support.

Ordinance Information:

The city already has an ATV ordinance in place. It will simply be amended to include Hwy 23/81. The ordinance is attached.

Signs:

The city has a long standing relationship with the Tri-County ATV Club who maintains the signs throughout Darlington.



Red Lines show existing ATV routes upon city streets.
Yellow Line shows proposed route upon State Highway 23/81 that would connect all the red lines and make it possible to connect to Cheese Country Recreation Trail system.
Yellow line is land locked due to state highway. Dozens of residents on yellow line cannot access the trail system.