



HOWARD MARKLEIN

STATE SENATOR • 17TH SENATE DISTRICT

February 14, 2024

Senate Committee on Financial Institutions and Sporting Heritage Testimony on Senate Bill 959

Good Afternoon!

Thank you Chair Stafsholt and committee members for hearing Senate Bill (SB) 959 that makes numerous changes to laws relating to all-terrain vehicles (ATVs), utility terrain vehicles (UTVs), off-highway motorcycles (OHMs), and snowmobiles.

The main provisions of SB 959 include:

1. Update the careless operation of an ATV or UTV statute to include reckless or negligent operation and allow for damage recovery by the person responsible for maintenance of the property.
2. Allow ATVs and UTVs to cross a bridge of any length that is otherwise closed to ATV/UTV traffic provided the municipality and the county where the bridge is located approve a resolution allowing it. The current maximum length set in statute is 1,000 feet. This change also eliminates the requirement to stop before crossing the bridge. Oftentimes, these users are trying to reach connecting trails, refueling stations, or go to a restaurant. Eliminating the 1,000 foot requirement maintains local control while allowing for greater ATV/UTV access to businesses and connecting trails.
3. Allow operation of an ATV and UTV on any roadway if the operation is for emergency purposes during a declared emergency.
4. Expand the definition of “authorized emergency vehicle” to include ATVs, UTVs and snowmobiles operated by law enforcement, fire departments, conservation wardens and ambulance services.
5. Create the definitions for “patrol all-terrain vehicle”, “patrol utility terrain vehicle”, “patrol off-highway motorcycle” and “patrol snowmobile”. The bill exempts those vehicles from certain operation limitations when responding to emergencies or violations of the law, while using sirens and lights.
6. Revises the Department of Transportation (DOT) Highway Maintenance Manual (HMM) to remove the restriction from using short segments of state trunk highways to connect ATV routes or trails to businesses along the highway.

An amendment has been introduced, after hearing concerns from the County Highway Association. Senate Amendment (SA) 1 simply removes Section 14 of the bill and maintains current law.

This legislation was drafted with input from the Wisconsin ATV/UTV Association (WATVA) and they are here to testify on the bill.

Thank you again for hearing SB 959, and your timely action on this proposal.



Jeff Mursau

STATE REPRESENTATIVE • 36TH ASSEMBLY DISTRICT

Senate Committee on Financial Institutions and Sporting Heritage
SB 959 – Operation of ATV and UTV, OHM, and Snowmobiles

February 14, 2024

Thank you for the opportunity to testify in support of SB 959, relating to the operation of all-terrain and utility terrain vehicles, off-highway motorcycles, and snowmobiles and revision of the Department of Transportation highway maintenance manual.

We introduced this legislation after discussions with members from the ATV/UTV Association and changes they felt would enhance the enjoyment and safety of their members. Other outdoor sport enthusiasts such as the Off-Highway Motorcycle (OHM) Association and the Association of Snowmobile clubs also shared an interest in seeing the proposed changes.

The changes in Senate Bill 959 include:

1. Updates the careless operation of an ATV or UTV statute to include reckless or negligent operation and allow for damage recovery by the person responsible for maintenance of the property.
2. Allow ATVs and UTVs to cross a bridge closed to ATV/UTV traffic if the municipality and the county where the bridge is located approve a resolution that would allow it. This change also eliminates the requirement to stop before crossing the bridge. This will allow users to reach connecting trails, refueling stations, or local businesses.
3. Allows operation of an ATV and UTV on any roadway if the operation is for emergency purposes during a declared emergency.
4. Expands the definition of “authorized emergency vehicle” to include ATVs, UTVs and snowmobiles operated by law enforcement, fire departments, conservation wardens and ambulance services.
5. Creates definitions for “patrol all-terrain vehicle”, “patrol utility terrain vehicle”, “patrol off-highway motorcycle” and “patrol snowmobile”. The bill exempts those vehicles from certain operation limitations when responding to emergency or violations of the law, while using sirens and lights.
6. Revises the Department of Transportation (DOT) Highway Maintenance Manual (HMM) to remove the restriction from using short segments of state trunk highways to connect ATV routes or trails to businesses along the highway.

After discussions with the county highway commissioners, we introduced an amendment that would remove the section relating to local ordinances and eliminating the requirement that the highway have a speed limit of 35 miles per hour or less. The intent of that provision was about better connectivity between routes. We are happy to work with our local partners and DOT to find other solutions in the future that will address the concerns of the clubs in this regard.

Thank you for holding a public hearing on this important piece of legislation. I’m happy to answer any questions.

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Senate Committee on Financial Institutions and Sporting Heritage

2023 Senate Bill 959

Changes to laws for all-terrain vehicles, utility terrain vehicles, off-highway motorcycles, and snowmobiles.

February 14, 2024

Good afternoon, Chair Stafsholt and members of the Committee. I am Lt. Jacob Holsclaw, and I serve as the Off-highway Vehicle Administrator for the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on Senate Bill 959 (SB 959), related to numerous changes to laws relating to all-terrain vehicles (ATVs), utility terrain vehicles (UTVs), off-highway motorcycles (OHMs), and snowmobiles.

ATVs, UTVs, and snowmobiles are used by conservation wardens, sheriff's departments, fire departments, and other first responders for law enforcement patrol and emergency response. Under current law, ATVs, UTVs, and snowmobiles are not included as authorized emergency vehicles.

Emergency vehicles are afforded privileges that are not present with other vehicles. Some of these exemptions include stopping, proceeding past a stop sign after slowing down as necessary for safety, exceeding the speed limit, and disregarding regulations governing direction of movement or turning in specified directions.

The proposed legislation would create definitions for patrol ATVs, UTVs, OHMs, and snowmobiles in chapter 23 which creates consistency for emergency operation. It is important to recognize that ATVs, UTVs, OHMs, and snowmobiles would be required to use lights and sirens for authorized emergency operation. There may be some confusion with defining these machines as patrol vehicles since fire departments or EMS services do not typically patrol but instead respond. It may be more clear to designate these as emergency ATVs, UTVs, OHMs or snowmobiles which correlates with the authorized emergency vehicle statute, s. 340.01(3) Wis. Stats. It may also be beneficial to move the patrol or emergency snowmobile definition to chapter 350 which covers current snowmobile law.

The bill contains language which states: or in the pursuit of an actual or suspected violator of the law. Since this is combined with other emergency services, it may be prudent to note that only authorized law enforcement officers could pursue a violator of the law.

SB 959 documents a change to the careless operation statute for ATVs and UTVs. Currently, no person may operate an all-terrain vehicle or utility terrain vehicle in any careless way so as to endanger the person or property of another. This bill adds language to prohibit reckless or negligent operation and impairing the life of another person or property of another. It also adds the ability for a court to hold the defendant responsible for treble damages. The department does not see an issue with these additions as they clarify application of the statute and could potentially discourage unsafe and damaging behavior on our trail and route system.

This bill adds authorization for privately owned ATVs and UTVs to be operated on any roadway if the government having jurisdiction over that roadway declares an emergency. The ATV or UTV would have to be operated for emergency purposes. It may be good to define "emergency purpose" in this chapter since an emergency could have many different meanings to members of the public. The department does not anticipate this change would produce significant safety concerns if the ATV or UTV operation is done in compliance with other safety rules currently covered in state statute however with increased operational opportunity, this could cause some negative interaction with other members of the public during the declared state of emergency.

Under current law a local unit of government can institute an ordinance allowing operation of ATVs and UTVs on all roadways within its jurisdiction if the speed limit is posted below 35 mph. This bill removes the 35-mph limit. It also removes the ordinance approved 1000-foot maximum bridge requirement for ATV and UTV operation, stopping before crossing the bridge, and revision of the highway maintenance manual. Increased opportunity on a roadway may cause increased negative interaction with other members of the public or crash incidents. Last year, 55 percent of ATV and UTV fatalities occurred on a roadway.

The department would defer comment on revision of the highway maintenance manual to the Wisconsin Department of Transportation.

On behalf of the Department of Natural Resources, we would like to thank you for your time today. I would be happy to answer any questions you may have.

WCHA Chairperson:
Marv Thompson, Barron County

WCHA Vice-Chair:
Matthew Budde, Calumet County

WCHA Past Chairman:
Tim Kessler, Washburn County

WCHA Treasurer:
Jim Griesbach, Marathon County

WCHA President:
Robbie Krejci, P.E., St. Croix County

WCHA Secretary:
Craig Hardy, Iowa County

WCHA Past President:
Roland Hawk, P.E., Wood County

WCHA Executive Director:
Patrick B. Vander Sanden



February 14, 2024

TO: Members, Senate Committee on Financial Institutions and Sporting Heritage
FR: Patrick Vander Sanden, Executive Director

RE: 2023 Senate Bill 959

Senators,

Thank you, Senator Stafsholt and members of the Senate Committee on Financial Institutions and Sporting Heritage, for conducting this hearing on Senate Bill 959. The Wisconsin County Highway Association (WCHA) has concerns about provisions included in Senate Bill 959/Assembly Bill 1039, which makes wide-ranging changes to the regulation of ATV/UTV and other off-road vehicles in Wisconsin.

While many of the changes contained in the bill seem to be straightforward and reasonable with regard to opening up the ability for these vehicles to be utilized as emergency vehicles and by law enforcement in emergency situations, the specific items we oppose are any that take away authority for counties to manage their own local road systems and ceding the ability for local government to designate ATV/UTV routes on the county truck highway system.

We appreciate and thank Senator Marklein's understanding of our particular concerns by amending the bill to remove Section 14, 23.33(11)(am) which amends the statute to allow a city, village, or town to enact an ordinance to authorize the operation of ATVs/UTVs on a highway located within the territorial boundaries of the city, village or town regardless of whether the city, village or town has jurisdiction over the highway. This removes county authority over this and had the bill not be amended, there would likely have been a few of our members here to oppose the bill.

WCHA, as the representative of the county highway departments in Wisconsin, are the custodians of county roads in the state under State Statute 83.01 and will act to protect the authority to regulate and maintain that system. We acknowledge efforts to foster increasing interest in the use of ATV/UTVs in our state as it is a great opportunity for tourism and sporting interests, particularly in northern and rural parts of Wisconsin. Safety on those roadways is paramount for all users of the system. With that, WCHA would request and offer to be a part of continuing conversations on how these changes will affect the whole transportation system, in particular the county system.

WCHA is willing to further discuss the goals of this legislation with the authors of the bill or other stakeholders to address our concerns.

Thank you.

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Testimony of Wisconsin Department of Transportation
Assistant Deputy Secretary Joel Nilsestuen
Before the Senate Committee on Financial Institutions and Sporting Heritage
February 14, 2024

Re: Senate Bill 959, relating to operation of all-terrain and utility terrain vehicles, off-highway motorcycles, and snowmobiles and revision of the Department of Transportation highway maintenance manual.

Thank you, Chairman Stafsholt, and members of the Committee for your consideration of the department's input on Senate Bill Senate Bill 959, relating to operation of all-terrain and utility terrain vehicles, off-highway motorcycles, and snowmobiles and revision of the Department of Transportation highway maintenance manual.

The Wisconsin Department of Transportation (WisDOT) has established the Zero in Wisconsin safety strategy and recognizes that even one fatality is too many. WisDOT has identified key areas in the proposed language that cause safety concerns on Wisconsin state highways:

1. Eliminating the requirement that a highway have a speed limit of 35 miles per hour or less for ATV/UTV operation within municipal boundaries regardless of who maintains the highway.
2. Eliminating the 1,000-foot or less limitation of ATV/UTV operation on bridges.
3. Requiring WisDOT to revise the Highway Maintenance Manual to remove language that requests for ATV routes or trails to use short segments of state trunk highways to connect to businesses may not be approved.

For item 1, the bill would allow ATVs/UTVs unconstrained access to the state trunk highway system except for Interstates and freeways. Municipalities would be allowed to enact ordinances that allow ATVs/UTVs to travel on state highways regardless of speed, traffic volumes, urban or rural, etc.

ATV/UTVs are not made for on-highway use and are exempt from federal on-road motor vehicle safety and equipment standards. State trunk highways are designed for motor vehicle use, not ATV/UTV use. ATV/UTVs can be unwieldy on a road increasing the likelihood of run-off-the-road crashes and collisions with motor vehicles. The risk is greatly amplified with higher speeds and traffic volumes. At a time in our state when risky driving behavior is at unacceptable levels, increasing speed and speed differentials increases the risk for all operators.

ATV/UTV operators are not required to have a valid driver license and operators can be as young as 12 to operate an ATV and 16 years old to operate a UTV. With the

absence of a driver license, operators may not have any training or knowledge of pavement markings, road signs, traffic laws, hazard identification, etc. – i.e., basic “rules of the road” operation.

For item 2, eliminating the ATV/UTV 1,000-foot or less length restriction and the stop requirement for bridges will increase exposure of ATV/UTV operators to bridge traffic and increase the likelihood that an ATV/UTV may enter the facility in an unsafe or inconsistent manner, surprising motorists on the highway. Longer bridges may have sight distance limitations. There are major river crossings with significant traffic volumes and truck usage that would be included under the bill.

For item 3, The provisions in WisDOT’s Highway Maintenance Manual provide staff with guidance in making engineering decisions to regulate requests for ATV routes or trails to be on short segments of state trunk highways. Factors that are considered include if an ATV route or trail would be compatible with state highway traffic, existing and future highway improvement projects, and the safety and operations of all highway users. Current WisDOT policy allows ATV/UTVs on state trunk highways only to establish local route and trail continuity where a connection is needed because local road intersections are offset. However, the potential for short segment requests solely to get to bars or restaurants with bars being taken out of WisDOT’s hands conflicts with the Zero in Wisconsin safety strategy.

The roadway safety concerns that arise from this bill for all road users must be considered, and we would look forward to further discuss ATV/UTV safety statistics and trends in the state. WisDOT welcomes the opportunity to work with stakeholders to evaluate and potentially revise existing policy in determining when and where ATV/UTVs would be allowed on the state trunk highway system.

Thank you for your time and consideration. I would be happy to answer any questions you might have.



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

February 10, 2024

To: Senator Stafsholt and members of the Committee on Financial Institutions and Sporting Heritage.

Re: Support for Senate Bill 959 relating to operation of all-terrain and utility terrain vehicles, off-highway motorcycles, and snowmobiles and revision of the Department of Transportation highway maintenance manual.

The Wisconsin ATV / UTV Association would like to express our full support for Senate Bill 959, which addresses crucial aspects related to the operation of all-terrain and utility terrain vehicles, as well as the revision of the Department of Transportation highway maintenance manual,

After a thorough review of the proposed legislation, our organization is in favor of the seven important changes outlined in Senate Bill 959. These changes are essential in addressing existing issues and providing effective solutions for the benefit of our riding community.

As a statewide organization, our team has had an extensive amount of discussion with our club membership, the Association of Snowmobile Clubs, and the Wisconsin Off-Highway Motorcycle Association to find common ground to continue the growth and popularity of our sports while maintaining a realistic way of increasing the recreational and financial opportunities for Wisconsin residents and businesses.

We would appreciate your consideration and past support, and request that you approve and advance this legislation.

The Wisconsin ATV / UTV Association, and its 130 Chapter Clubs, and collaborative partners, including numerous local businesses, play a vital role in contributing an invaluable economic stimulus to the state's economy.

We appreciate your attention and thank you for the opportunity to express our opinion and support for this bill.

Sincerely,

Randy Harden – President

Rob McConnell – Vice President

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

February 11, 2024

To: Senator Stafsholt and members of the Committee on Financial Institutions and Sporting Heritage.

Re: Endorsement of Senate Bill 999 relating to motorized access to roads and trails on open managed forest land (MFL) and road repair program.

The Wisconsin ATV / UTV Association is an organization dedicated to finding a harmonious balance between recreational access opportunities and the preservation of our natural resources.

We would like to convey our unwavering support for Senate Bill 999, specifically focused on motorized access to roads and trails on open managed forest land and the implementation of a road repair program. Recognizing the delicate balance required in managing such areas, we believe this bill strikes an appropriate chord in addressing the desire for vehicular travel on managed forest land while ensuring responsible and sustainable practices.

By allowing the utilizing of forest roads and trails, Senate Bill 999 presents a viable solution to expand recreational access, fostering connections to regional trail and route networks surrounding properties enrolled under the open managed forest land program. The implications of such provisions extend beyond immediate recreational benefits; they contribute to the enhancement of Wisconsin's outdoor experience and the preservation of our natural landscapes.

Passing this bill would not only enable higher-quality recreational experiences but also respond to the growing demand within the motorized recreational community for equal access to scenic areas and natural features. This aligns with the broader goal to make possible a diverse range of recreational activities across our state.

The Wisconsin ATV / UTV Association, and its Chapter Clubs, and collaborative partners, numerous businesses, and travel partners that play a significant role in Wisconsin's economy, expresses its sincere gratitude for the opportunity to voice our steadfast support for Senate Bill 999.

Thank you for your time and consideration. We look forward to the positive impact that Senate Bill 999 can have on our community and the broader Wisconsin outdoors.

Sincerely,

Randy Harden – President
Rob McConnell – Vice President

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To: Committee on Financial Institutions and Sporting Heritage
Chair Senator Stafsholt
Vice Chair Senator Felzkowski
Member Senator Tomczyk
Member Senator Spreitzer
Member Senator Agard

From: Rick Ottino, St. Croix County Transportation Committee Chair
Robbie Krejci, St. Croix County Highway Commissioner

RE: Relating to: operation of all-terrain and utility terrain vehicles, off-highway motorcycles, and snowmobiles and revision of the Department of Transportation highway maintenance manual.

We are writing to express our concerns with SB959 and the companion AB 1039. We have significant concerns with the portion regarding ordinances authorizing ATV and UTV operation on highways. This proposed section would remove a county's authority on the County Trunk Highway system to effectively manage ATV/UTV use. St. Croix County continues to manage its system with traffic safety as the most important factor when making system-based decisions. This proposal would remove decision-making authority from the county on its own highway system. These decisions are best made by the jurisdiction of authority and those who know their system best.

For these reasons, we oppose SB595.

Sincerely,

Rick Ottino
County Board Member/Transportation Committee Chair
St. Croix County

Robbie Krejci, P.E.
Highway Commissioner
St. Croix County