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## WISCONSIN LEGISLATIVE COUNCIL

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### ENHANCING RECREATIONAL TRAILS FOR NON-MOTORIZED USE

Room 412 East  
State Capitol, Madison

December 5, 2008  
10:00 a.m. – 2:45 p.m.

[The following is a summary of the December 5, 2008 meeting of the Special Committee on Enhancing Recreational Trails for Non-Motorized Use. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

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#### Call to Order and Roll Call

The meeting was called to order and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Sen. Jim Sullivan, Chair; Rep. Jim Ott, Vice-Chair; Reps. Spencer Black and Dean Kaufert; and Public Members Mike Carlson, Charlie Dee, Chris Fortune, Jack Hirt, Mary Motiff, Joel Patenaude, and David Phillips.

COMMITTEE MEMBER EXCUSED: Public Member Harry Wozniak.

COUNCIL STAFF PRESENT: Mark Patronsky and Don Salm, Senior Staff Attorneys.

APPEARANCES: Jerry Gensch, Fox Hill Nordic; Morris Nelson, Association of Wisconsin Snowmobile Clubs; Ned Zuelsdorff, Executive Director, American Birkebeiner Ski Foundation; Tammy Kubiaczyk, Langlade County Recreation Coordinator; Mike Wollmer, Executive Director, Ice Age Park and Trail Foundation (IAPTF); Jamie Patrick, Sports Manager, Greater Madison Convention and Visitors Bureau; and Don Erickson, member of the Superior Lobe Chapter of IAPTF.

**\* ATTENTION:** This was the final meeting of the Special Committee on Enhancing Recreational Trails for Non-Motorized Use. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved by the committee.

## **Approval of the Minutes of the Committee's September 26, 2008 Meeting**

*Mr. Dee moved, seconded by Rep. Ott, to approve the summary of proceedings of the September 26, 2008 meeting. The motion carried on a voice vote.*

### **Distribution of Materials**

Don Salm, Legislative Council staff, noted the materials that had been distributed to committee members prior to the meeting.

- WLC: 0243/1, relating to trespass by operators of snowmobiles, all-terrain vehicles and other off-road vehicles, and providing penalties.
- Memo No. 4, *Issues for Discussion by Members Regarding Creation of a Non-Motorized Trail Council* (November 19, 2008).
- WLC: 0343/1, relating to nonmotorized trail maintenance.
- Chart, *2005-06 Transportation Fund Revenue by Source*, prepared by Wisconsin Legislative Council Staff (November 2008).
- Chart, *2005-06 Allocation of Transportation Fund Revenue Among All Functions*, prepared by Wisconsin Legislative Council Staff (November 2008).
- *Wisconsin State Park System Strategic Plan 2008*, PUB-PR-061, prepared by the Wisconsin Department of Natural Resources State Park Systems Strategic Planning Team (2008).
- Wisconsin Legislative Fiscal Bureau Informational Paper 40, *Transportation Finance* (January 2007).
- Wisconsin Legislative Fiscal Bureau Informational Paper 41, *Motor Vehicle Fuel and Alternative Fuel Tax* (January 2007).
- Report, *Transportation Finance Issues: How does Wisconsin's transportation funding compare to other states?*, prepared by the Wisconsin Department of Transportation (DOT) (2008).
- Report, *Transportation Finance Issues: How is transportation money spent?*, prepared by the Wisconsin DOT (2008).
- Report, *Transportation Finance Issues: How does Wisconsin Fund Transportation?*, prepared by the Wisconsin DOT (2008).

## **Presentations by Invited Speakers**

[Note: PowerPoint presentations and other documents referred to by the speakers are posted on the committee's Internet site.]

### **Public Testimony**

**JERRY GENSCH, Fox Hill Nordic**, said that grooming trails for downhill and cross-country skiing is critical and requires a great deal of equipment. Chair Sullivan asked about the amount of gasoline consumption, and Mr. Gensel said that the club spends \$300 to \$400 per year on gas and oil for trail maintenance.

**MORRIS NELSON, Association of Wisconsin Snowmobile Clubs**, said that he expects the Legislature to increase the registration fee for snowmobiles and noted that the snowmobile account in the conservation fund is out of money. Chair Sullivan asked for support for the committee's proposal for nonmotorized trail maintenance. Mr. Nelson said that users should pay for trail use. Representative Kaufert asked whether nonmotorized trail users have provided any support for maintenance of snowmobile trails. Mr. Nelson said that this has been done mostly by the snowmobile clubs. Ms. Motiff said that there are not many dual-use trails in Bayfield County, but that silent sports participants provide volunteers too.

**NED ZUELSDORFF, Executive Director, American Birkebeiner Ski Foundation**, said that the Birkebeiner Foundation has approximately 80 km of trails on 160 acres of land and that this requires year-round maintenance. Mr. Zuelsdorff discussed the economic benefits of having this facility nearby and said that grooming costs approximately \$84,000 per year and is provided by \$400,000 worth of equipment. Mr. Dee asked whether the Birkebeiner Foundation promotes youth skiing. Mr. Zuelsdorff said that youth are given a discount for using the facility.

**TAMMY KUBIACZYK, Langlade County Recreation Coordinator**, said that the county applied to the Department of Transportation (DOT) for transportation enhancements, but the application was denied. The DOT refused to provide reasons why the application was denied.

**MIKE WOLLMER, Executive Director, Ice Age Park and Trail Foundation (IAPTF)**, noted that nonmotorized trails are invaluable to the state, considering their recreation, economic, and health benefits.

**JAMIE PATRICK, Sports Manager, Greater Madison Convention and Visitors Bureau**, discussed the value in tourism dollars of various events held in Madison.

**DON ERICKSON, Member of the Superior Lobe Chapter of IAPTF**, said that he is a volunteer for the Ice Age Trail and discussed the issue regarding a segment of Ice Age Trail which is used by motorized vehicles. Mr. Erickson said that funding is needed for a new trail location to separate the trails. Representative Ott asked what length of trail must be duplicated. Mr. Erickson said that about five miles would need to be moved.

## Discussion of Committee Assignment

Mr. Salm described the contents of WLC: 0243/1, relating to trespass by operators of snowmobiles, all-terrain vehicles and other off-road vehicles, and providing penalties. Chair Sullivan questioned the increased penalty for trespass. Mr. Dee said that trespass is a problem. Representative Kaufert noted that mandatory minimum penalties are not widely supported by courts and the Legislature. Representative Black noted that there is little chance of an inadvertent trespass when a person is following a trail.

*With changes noted by consensus, Rep. Ott moved, seconded by Mr. Phillips, to approve WLC: 0243/1. The motion carried on a vote of Ayes, 10 (Sullivan, Ott, Black, Kaufert, Carlson, Dee, Hirt, Motiff, Patenaude, and Phillips); Noes, 0; and Absent, 2 (Fortune and Wozniak).*

Mark Patronskey, Legislative Council staff, commenced the discussion of Memo No. 4, *Issues for Discussion by Members Regarding Creation of a Non-Motorized Trail Council* (November 19, 2008). Chair Sullivan noted the issue of confirmation by the Senate and said that some confirmations are held up in political disagreements. He suggested deleting confirmation, allowing a designee of any council member and encouraging the Governor to appoint council members from certain specified groups in the bill draft.

Representative Ott suggested reviewing the makeup of the existing trails council. Mr. Phillips suggested expanding the council, and its title, to cover transportation trails as well as recreational trails. There appeared to be consensus to make this change. Ms. Motiff suggested the addition of local trails to the membership of the council. She also suggested that the trail appointments should provide geographic diversity. There was consensus for this change. Chair Sullivan suggested that the number of council members should be designated by the Governor.

Mr. Patronskey commenced the discussion of WLC: 0343/1, relating to nonmotorized trail maintenance. Chair Sullivan argued for a broad definition of transportation to include nonmotorized travel. He said that nonmotorized travel relieves pressure caused by motorized travel and that this could be one of the key arguments for using funding derived from motorized vehicles. Representative Ott agreed with this but argued for a smaller amount than the \$10 million in the draft. Representative Ott urged the committee to review DOT funding and search for other sources within the agencies budget. The committee discussed the amount and there was a consensus to keep the appropriation at \$10 million per year.

Mr. Dee suggested additional language in the draft to prevent current recipients from replacing current funding with the new funding provided under the draft. Representative Black said these provisions occur in federal programs and are called “anti-backsliding” provisions. Mr. Dee also suggested additions to the prefatory note referring to health benefits, particularly those that consist of lifelong activities. There was a consensus as to addition of these changes.

Representative Kaufert expressed concerns regarding oversight of the funding. Chair Sullivan suggested adding a requirement of an annual report. Mr. Fortune said that the prefatory note should include references to greener renewable energy use.

Ms. Motiff suggested that administrative costs of the Department of Natural Resources should be funded, including a position for staff.

The Special Committee discussed the procedures for modification and approval of the bill drafts. Upon conclusion of this discussion, Chair Sullivan directed staff to prepare final drafts for the draft on the nonmotorized trail council, nonmotorized trail maintenance, incorporating the provisions in the committee's discussion that appeared to have substantial support. Chair Sullivan then directed staff to send these drafts to committee members, giving committee members an opportunity to review the drafts and provide additional suggestions. Chair Sullivan then directed staff to prepare the drafts in final form and send them to committee members for final approval by mail ballot. He added that, following this approval, a final report of the committee will be prepared by staff and the committee's report may be ready to be presented to the Joint Legislative Council at its first meeting in 2009.

### **Other Business**

There was no other business before the Special Committee.

### **Plans for Future Meetings**

Chair Sullivan said that his intent is to complete drafting and approval of the drafts without the need for a future meeting.

### **Adjournment**

The meeting was adjourned at 2:45 p.m.

MCP:DLS:jb;wu