

Highway Department

Brian M. Kelley, PE
Highway Commissioner



TO: CHIPPEWA COUNTY HIGHWAY COMMITTEE
FROM: BRIAN KELLEY – HIGHWAY COMMISSIONER
SUBJECT: ATV & SNOWMOBILE USAGE OF COUNTY HIGHWAYS
DATE: 11/30/2017

MEMORANDUM

Highway Committee Members,

The Chippewa County Highway Department has been receiving an increasing number of requests regarding motorized recreational use of the County's right-of-way. The issue has been brought up in a number of committee and board meetings, with the County often being portrayed negatively. Addressing the wide variety of requests has taken a significant amount of staff time. This memo is meant to give you a better understanding of the challenges we are facing, along with the relevant laws and guidelines that we have to take into consideration before authorizing recreational vehicle travel on County highways.

Snowmobile Routes

Background

Snowmobile groups have struggled with keeping access to trails on private property and have also had very short riding seasons in recent years due to lack of snow. The warmer winters also do not allow lakes and wetlands to freeze deep enough to allow safe riding. These combined factors have resulted in the local clubs requesting permission to create new snowmobile routes within the County right-of-way. The snowmobile clubs are frustrated that new ATV routes are being added to the County ordinance while snowmobile routes are not being considered.

State Law

In terms of where routes are allowable within highways, snowmobile laws are much more clear-cut than ATV laws. Wisconsin State Statute Section 350.02 addresses the operation of snowmobiles on or in the vicinity of highways. <https://docs.legis.wisconsin.gov/statutes/statutes/350/02>. This statute clearly defines how far snowmobiles need to stay off of the highway pavement, both during daytime and nighttime hours. Additionally, this statute allows snowmobiles to travel on the roadway to cross a bridge or culvert unless the County posts signage indicating that the crossing is specifically closed to snowmobiles.

ATV/UTV Routes

Background

The popularity of ATV's and UTV's has continued to grow in the County, largely due to the excellent trail riding opportunities in the County forest, along with a few private trails throughout the County. Many local Towns and other counties have taken a much more relaxed approach to ATV routes, often times opening up their entire municipality's roadways. This issue has continued to gain attention in different areas throughout the County, with the Town of Lafayette currently being one of the primary areas for

new route requests. The County has an ATV Advisory Committee that is responsible for advising the ATV organizations on correct procedures to establish new routes and making recommendations regarding approval/denial of new route requests. The ATV Advisory Committee provides updates to the Highway Committee, but any ordinance changes must be approved by the Executive Committee and County Board. The ATV Advisory Committee has made it their goal to bring an updated County Ordinance forward, complete with approval guidelines, prior to considering any further route requests.

State Law

The laws governing ATV & UTV routes on highways allow local government agencies more flexibility than with snowmobiles. Wisconsin State Statute Section 23.33 address ATV's and UTV's. This statute includes language regarding ATV regulations and local ordinances.

<https://docs.legis.wisconsin.gov/statutes/statutes/23/33>

Wisconsin Administrative Code Chapter NR 64.12 authorizes local government to establish route ordinances on their roadways and defines the required route signage.

http://docs.legis.wisconsin.gov/code/admin_code/nr/001/64/12

Other Guidelines

The Wisconsin DNR recently released a set of guidelines meant to assist local government with this issue. At the same time, the Wisconsin Highway Safety Coordinator's Association released a set of templates for local government to model their ATV/UTV ordinances after. As stated in the DNR guidelines, there are many important factors that need to be taken into consideration before approving ATV routes such as:

- A benefit can be additional access to local businesses such as gas stations, motels, and restaurants
- DNR wardens cannot enforce local ATV ordinances. Enforcement is basically done entirely by local law enforcement
- ATV crashes that occur on public roads have a high probability of resulting in serious injury or death, even at low speeds
- Exhaust systems are not regulated, noise complaints are usually generated
- Area residents should be informed and asked for input prior to approving ATV routes
- ATV's were not designed or built for safe use on a public roadway. Features such as low pressure tires, 4-wheel independent suspension, narrow width, and high center of gravity make these machines susceptible to rollovers
- ATV/UTV Safety Education Courses do not provide training on traffic laws. Young riders are typically not educated on traffic laws until Driver's Education training
- DNR continues to recommend that roads only be designated as ATV routes when necessary to connect a network of off-road trails

Conclusion

I often hear that allowing more snowmobile and ATV routes on our highways will provide tourism and economic development for the area businesses. Although supporting small businesses is very important, public safety on our highways & protecting the County from unnecessary liabilities will continue to be my top priorities. As Highway Commissioner, I can only carry out the direction that the committees and board provide.

In terms of snowmobile routes, the County does not have an ordinance allowing snowmobiles on highways beyond what is allowed by State Statute 350.02 and should not assume the liability of creating such an ordinance. Any existing routes on County Highways beyond what is allowed by State law should be removed.

In terms of ATV & UTV routes, the ATV Advisory Committee and I ask for your support in upholding the State Statutes and following DNR guidelines to develop a reasonable ATV/UTV ordinance that considers both public safety and economic development. Research has shown that there is an increased likelihood of accidents by allowing machines that were not designed for paved surfaces to travel on our roadways. I've enclosed a newspaper article from the Rice Lake Chronotype which contains very relevant information on the safety impacts of ATV's and UTV's on roadways. I look forward to working with you and the rest of the County Board to update our ordinance and inform the public.

Please feel free to contact me at any time if you would like to discuss.

Regards,



Brian Kelley, PE
Highway Commissioner

Cc: (via email)

Frank Pascarella – County Administrator

Jim Sherman – Corporation Counsel

Jared Zwiefelhofer – County Board Supervisor / ATV Advisory Committee Member

Mike Dahlby – County Forest Administrator and Public Liaison / ATV Advisory Committee Chair

Lt. Mitch Gibson – Sheriff's Department / ATV Advisory Committee Member

Kevin Christorf – WisDNR / ATV Advisory Committee Member

Enclosure