



2023 ASSEMBLY BILL 649

November 8, 2023 - Introduced by Representatives CALLAHAN, BEHNKE, EDMING, GREEN, MOSES, PENTERMAN, RETTINGER, ROZAR, SCHMIDT, SORTWELL and JACOBSON, cosponsored by Senators MARKLEIN, FELZKOWSKI, BALLWEG, COWLES and QUINN. Referred to Committee on Transportation.

1 **AN ACT** *to create* 82.36 and 86.302 (1j) of the statutes; **relating to:** seasonally
2 maintained highways.

Analysis by the Legislative Reference Bureau

This bill provides that a town may designate any highway or portion of a highway under its jurisdiction as a seasonally maintained highway, which the town is not required to maintain as passable for motor vehicle traffic from December 15 to March 31.

Under the bill, a seasonally maintained highway must be designated as a snowmobile route and marked with signs identifying the highway as seasonally maintained and closed to motor vehicle traffic during the applicable period. A seasonally maintained highway may not be the sole means of access to a residence, a private parcel containing improvements, an improved boat landing, or a lake larger than 20 acres. A seasonally maintained highway may not be the sole means of access to a business or a private parcel that does not contain improvements unless the business owner or parcel owner agrees in writing to the designation of the highway as a seasonally maintained highway. When designating a seasonally maintained highway, the town shall ensure that remaining maintained highways provide for the most direct access to residences. The bill also provides that a town is not liable for damages arising from motor vehicle operation on a seasonally maintained highway while it is closed to motor vehicle traffic.

Under current law, the Department of Transportation administers a general transportation aid program that makes aid payments to a municipality based on the greater of a share-of-costs formula or an aid rate per each mile of highway under the

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jurisdiction of the municipality. As part of the aid-rate-per-mile calculation, each municipality must file with DOT a plat showing the highways under its jurisdiction.

Under the bill, a town must include in the plat it files any highway that is designated as a seasonally maintained highway. If DOT determines the seasonally maintained highway meets the requirements under the bill, DOT must include the highway in computing general transportation aid.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 82.36 of the statutes is created to read:

2 **82.36 Seasonally maintained highways.** (1) A town board, or its
3 designated superintendent of highways, may designate any highway or portion of a
4 highway under its jurisdiction as a seasonally maintained highway.
5 Notwithstanding ss. 82.03 (1) (a) and 82.05 (2), the town board and the
6 superintendent of highways are not required to keep a seasonally maintained
7 highway passable for motor vehicle traffic from December 15 to March 31.

8 (2) A highway under the jurisdiction of a town is eligible for designation as a
9 seasonally maintained highway only if all of the following apply:

10 (a) The seasonally maintained highway is designated as a snowmobile route
11 as provided under s. 350.047.

12 (b) The town erects a sign at each point where the seasonally maintained
13 highway begins and at each point where the seasonally maintained highway
14 intersects a highway that is not designated as a seasonally maintained highway. The
15 sign shall be designed in accordance with the manual of uniform traffic control
16 devices adopted by the department under s. 84.02 (4) (e) and shall display the words
17 “seasonally maintained highway.” During the period specified under par. (c), the
18 town shall erect an additional sign that displays the words “road closed” and words

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1 specifying the vehicles that are exempt from the closure, as specified by town
2 ordinance.

3 (c) The period of closure under par. (b) begins no earlier than December 15 and
4 ends no later than March 31 of the following year.

5 (d) The seasonally maintained highway is not the sole means of access to a
6 residence, a private parcel containing improvements, an improved boat landing, or
7 a lake larger than 20 acres.

8 (e) The seasonally maintained highway is not the sole means of access to a
9 business or to a private parcel that does not contain improvements, unless the owner
10 of the business or the parcel agrees in writing to the designation of the highway as
11 a seasonally maintained highway.

12 **(3)** When designating a seasonally maintained highway under this section, the
13 town shall ensure that remaining highways provide for the most direct access to
14 residences and do not require that a residence be accessed from only one direction,
15 unless the residence is located on a road that terminates beyond the residence.

16 **(4)** Notwithstanding s. 893.83, a town shall not be liable for damages for
17 injuries sustained by the operator or passenger of a motor vehicle that is operated
18 on a seasonally maintained highway during the period that the highway is closed to
19 motor vehicle traffic.

20 **SECTION 2.** 86.302 (1j) of the statutes is created to read:

21 86.302 **(1j)** A town shall include in the plat filed under sub. (1g) any highway
22 that is designated as a seasonally maintained highway under s. 82.36 (1). If the
23 department determines the seasonally maintained highway meets the requirements

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SECTION 2

1 of s. 82.36 (2), the department shall include the highway in making computations of
2 transportation aid.

3 (END)