

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARING
FR-38-10

NOTICE IS HEREBY GIVEN THAT pursuant to s. 27.01 (17), Stats., the Department of Natural Resources will hold a public hearing on revisions to ch. NR 45, Wisc. Adm. Code, relating to the promulgation of a rule that specifies when and where golf carts are allowed in the Governor Thompson State Park and the Peshtigo River State Forest. Section 27.01 (17) Stats., created under 2009 Wisconsin Act 54, required the Department to promulgate this rule.

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held on:

December 16, 2010
Thursday

Stephenson Town Hall, W11280 County Road X,
Crivitz at 4:00 p.m.

The proposed rule and supporting documents, including the fiscal estimate may be viewed and downloaded and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov> (Search this Web site using the Natural Resources Board Order No. FR-38-10). Written comments on the proposed rule may be submitted via U.S. mail to Mr. John Lubbers, Division of Forestry, Wisconsin Department of Natural Resources, 2984 Shawano Avenue, Green Bay, WI 54313-6727 or by e-mail to john.lubbers@wisconsin.gov. Comments may be submitted until December 31, 2010. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearings. If you do not have Internet access, a personal copy of the proposed rule and supporting documents, including the fiscal estimate may be obtained from Kristin Lambert, Bureau of Forest Management, P.O. Box 7921, Madison, WI 53707 or by calling (608) 261-0754.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses. The Department's Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us or by calling (608) 266-1959.

Related statute or rule: Related statutes or rules include but are not limited to the following provisions:

340.01	Vehicles – General Provisions, Words and phrases defined.
349.18	Vehicles – Powers of State and Local Authorities, Additional traffic-control authority of counties and municipalities.
23.33(11p)(a)2	Conservation, All-terrain vehicles, Local ordinances, Utility terrain vehicle pilot program.

Plain language analysis: The rule defines “golf cart” as a vehicle that can go no more than 20 miles per hour, can carry one to two people and equipment, and is intended for the game of golf.

The rule authorizes the use of golf carts in the Governor Thompson State Park and the Peshtigo River State Forest. The rule describes specifically, which areas on the above mentioned properties are authorized for golf cart use, including six (6) boat landings, one (1) town park leased from the Department, one (1) Department road, and other locations as posted.

The rule also describes how the golf cart must operate, that golf cart operators must possess a valid drivers license, and minimum safety features that the golf cart must possess.

Summary of, and comparison with, existing or proposed federal regulation:

Iowa - Iowa Code s. 347.247 - Golf cart operation on city streets.

Minnesota - Minn. Stat. s. 169.045 Special Vehicle Use on Roadway.

Michigan - Mich. Comp. Laws s. 257.244 - Operation of vehicle by manufacturer, subcomponent system producer, dealer, or transporter with special plate; unauthorized use of special plate; penalties; surety bond or insurance; number of plates; operation of vehicle with dealer plate by vendee or prospective purchaser; issuance of registration plate to move vehicle or trailer.

Illinois - 625 ILCS 5/11-1426.1 - Operation of non-highway vehicles on streets, roads, and highways.

Comparison with rules in adjacent states: A search of rules in Minnesota, Michigan, Iowa and Illinois revealed that these adjacent states do not have any similar rules.

Summary of factual data and analytical methodologies: The Department gathered input in the form of interviews, from user groups, local residents, local units of governments and WPS to determine historical use of golf carts before the Department acquired the lands. In addition, significant consultation occurred with the Department of Transportation and the Town of Stephenson on existing golf cart ordinances, authority and safety elements.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: There are no new compliance, reporting, or bookkeeping requirements, nor are there any associated performance standards associated with the proposed rule.

Agency contact person:

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NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Rudolph Bentley at (608) 267-9481 with specific information on your request at least 10 days before the date of the scheduled hearing.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary