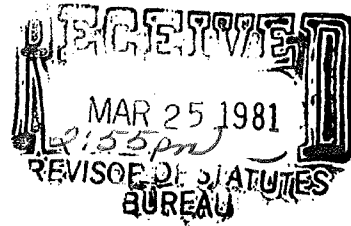


CR 80-245

CERTIFICATE



STATE OF WISCONSIN

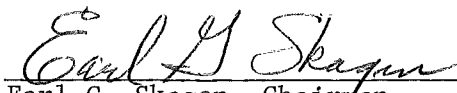
DEPARTMENT OF TRANSPORTATION

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS.

I, Earl G. Skagen, Chairman of the Rustic Roads Board, and custodian of the official records of said board, do hereby certify that the annexed rules and regulations, relating to the creation and operation of a system of rustic roads in Wisconsin, were duly approved and adopted by this board on January 12, 1981.

I further certify that said copy has been compared by me with the original on file in this board, and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand in the City of Burlington, this 20th day of March, A.D. 1981.

  
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Earl G. Skagen, Chairman  
Rustic Roads Board

'6-1-81

## RUSTIC ROADS BOARD

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IN THE MATTER OF REPEAL OF	:	
CHAPTERS RR 1 THROUGH RR 11 AND	:	
ADOPTION OF CHAPTER TRANS-RR 1,	:	ORDER ADOPTING
WIS. ADM. CODE, RELATING TO	:	RULES
<u>THE OPERATION AND ADMINISTRATION</u>	:	
OF THE WISCONSIN RUSTIC ROADS	:	
PROGRAM.	:	

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Analysis Prepared by the Department of Transportation

General summary of the rule. This rule involves the re-numbering of Chapters RR 1 through RR 11 to Chapter TRANS-RR 1, Wisconsin Administrative Code. The renumbering is being done as part of the overall restructuring and revision of departmental rules. In addition, the following substantive changes reflect recent statutory revisions regarding the rustic roads program:

1. TRANS-RR 1.02 changes the administrative rules to conform with statutory language changes effected by Chapter 29, Laws of 1977, regarding membership on the Rustic Roads Board. The changes include deletion of a Wisconsin Department of Transportation representative. This was formerly provided by the chairman of the now abolished Wisconsin Highway Commission or designee. The number of legislative representatives on the Rustic Roads Board is made variable by merely providing for membership for each chairman of any committee dealing with transportation. Previously, the statutes referred to the committees directly by name.

2. TRANS-RR 1.04(3) changes the functional classification system against which a rustic road is compared to the system used for distribution of state transportation aids. The latter functional system is more widely recognized by most local units of government.

3. TRANS-RR 1.05 defines the application procedures for rustic road designation. The most significant change results from the statutory change permitting cities, villages and towns to have jurisdiction over rustic roads. Previously, all officially designated rustic roads were required to be under county jurisdiction.

This section also makes a public hearing on the rustic road designation optional at the choice of the affected municipality. If a hearing is held, it must be held in accordance with the public meeting provisions of Chapter 19, Wis. Stats., rather than Chapter 80, Wis. Stats. This change simplifies the hearing notification requirements.

4. TRANS-RR 1.06 codifies present policy regarding the numbering of rustic roads. The Rustic Roads Board has the sole power to determine the numbering of rustic roads. The numbers are preceded by a prefix "R" and are sequential in the order approved.

5. TRANS-RR 1.07 defines the authority the governing unit has over a rustic road. The changes in this section result from the statutory authority that towns, cities and villages have over rustic roads.

6. TRANS-RR 1.09(1) removes the provision encouraging the continuation of the same pavement type on a rustic road as was in place at the time of its designation.

7. TRANS-RR 1.11(2) permits the judicious use of herbicides for vegetation control along rustic roads. Current rules prohibit herbicide usage.

8. TRANS-RR 1.11(3) simplifies the mowing provisions by deleting the detailed requirements of how mowing is to be performed. Mowing practices are left up to the maintaining authority.

9. TRANS-RR 1.12 defines the type of marking signs eligible for state reimbursement under provisions of sec. 83.42(8m), Wis. Stats., to include the standard brown, yellow and white rustic roads marker, the brown and yellow numbering placard, the brown and yellow mileage placard, as well as necessary auxilliary markers. This rule also codifies the placement of the rustic road marking signs.

10. TRANS-RR 1.13 requires that normal winter maintenance will be continued and not be reduced due to the fact that a road becomes a rustic road.

11. TRANS-RR 1.14 revises the speed limit regulations to bring the code into conformance with statutory changes made in 1977, which establish a speed limit of 45 mph if posted. The maintaining authority also has the power to alter this limit.

12. TRANS-RR 1.16(3) codifies the existing practice of notifying affected utility companies of rustic roads designated in their service areas.

13. TRANS-RR 1.19(1) changes the rules on withdrawal of a rustic roads designation to reflect the allowance of town, village and city jurisdiction over rustic roads. This rule codifies the public hearing requirements for rustic roads designation withdrawal.

14. TRANS-RR 1.21 amends the administrative rules to be in conformance with Chapter 100, Laws of 1979, regarding the payment of state transportation aids on rustic roads. The rule states that rustic roads are paid state transportation aids in the same manner as any other public road.

Authority for rule. Section 15.461(2), Wis. Stats., provides: "The rustic roads board shall have the program responsibilities specified for the board under s. 83.42." Section 83.42(9), Wis. Stats., provides: "The board shall promulgate rules and establish standards for the maintenance, identification, construction, use and preservation of the rustic roads system."

Fiscal estimate. These rules have no fiscal effect beyond the fiscal effect of laws (Chapter 67, Laws of 1977, and Chapter 100, Laws of 1979). The impact of Chapter 67, Laws of 1977, is felt by local government (towns, villages, cities and counties) in that the law sets a maximum speed limit of 45 mph for rustic roads, but only if the new speed limit signs are posted. To abide by the intent of the law, local governments may be required to post speed limit signs on roads which ordinarily would not carry such signs. Such costs, including only the initial signing costs, are estimated at \$150-\$200 per mile. Based on an average length of 5 miles per rustic road and an estimate of 10-15 roads designated in the next biennium, the impact would be between \$7,500 and \$15,000.

The impact of Chapter 100, Laws of 1979, is felt by both the state and local governments. This law permits the state to pay for the initial erection of rustic road marking signs (identifying the road as a rustic road). The law transfers this cost from the local unit of government to the state. It is estimated that such costs amount to \$100-\$150 per mile. Using the average of 5 miles per rustic road and an estimate of 10-15 roads designated in the next biennium, the fiscal impact would amount to between \$5,000 and \$11,250.

This analysis has been prepared by Douglas F. Dalton, Division of Planning and Budget, Department of Transportation (608) 266-0639.

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Pursuant to authority vested in the Rustic Roads Board by secs. 15.461(2) and 83.42(9), Wis. Stats., the Rustic Roads Board hereby repeals Chapters RR 1 through RR 11, Wisconsin Administrative Code, and creates Chapter TRANS-RR 1, Wisconsin Administrative Code, as follows:

RULE TEXT

SECTION 1. Chapters RR 1 through RR 11 are repealed.

SECTION 2. Chapter TRANS-RR 1 is created to read:

TRANS-RR 1.01 DEFINITIONS. As used in this chapter:

(1) "Board" means the rustic roads board of the Wisconsin department of transportation.

(2) "Department" means the Wisconsin department of transportation.

(3) "Maintaining authority" means the county or municipality which has jurisdiction over a road.

(4) "Municipality" means town, city or village.

(5) "Rustic roads marking signs" means the brown, white and yellow standard statewide rustic road sign approved by the rustic roads board and designed by the department of transportation, the standard brown and yellow placard denoting the numerical identification of the rustic road within the statewide system, the standard brown and yellow placard denoting the length in miles of the rustic road, and all necessary auxiliary signs.

TRANS-RR 1.02 Membership of the board. [s. 15.465(2), Stats.] The board of the department is composed of the following members: (1) Chairpersons of the senate and assembly standing committees having jurisdiction over transportation matters as determined by the speaker of the assembly and the president of the senate, and

(2) 8 members appointed by the secretary of transportation for staggered 4-year terms of whom at least 4 members shall be selected from a list of nominees submitted by the Wisconsin county boards association.

TRANS-RR 1.03 Purpose of the board [s. 83.42(1), Stats.] The purpose of the board is to govern the creation and preservation of a system of rustic roads for vehicular, bicycle and pedestrian travel in unhurried, quiet and leisurely enjoyment.

TRANS-RR 1.04 Qualifications for rustic road designation.

(1) A rustic road has outstanding natural features along its borders such as rugged natural terrain, native wildlife and native vegetation, or includes open areas with rustic or agricultural vistas which, singly or in combination, set this road apart from other roads as being something unique and distinct.

(2) A rustic road is a low-volume local use public road which is usable year-round.

(3) A rustic road functions as a local access road, i.e., one which serves the adjacent property owners and those wishing to travel by auto, bicycle or hiking, for purposes of enjoying its rustic features. This would generally preclude designating as a rustic road any road serving as a collector or arterial as defined in chapter Hy35, Wisconsin Administrative Code.

(4) A rustic road is one not scheduled or anticipated for major improvement which would change its rustic characteristics.

(5) A rustic road preferably has no high density development along it, but the development as exists at the time the

road is designated shall be compatible with the surroundings and shall not detract from the rustic, natural, unspoiled character and visual impact of the road area.

(6) A rustic road preferably has a minimum length of 2 miles and, where feasible, provides a completed closure or loop or connects to major highways at both ends of the route.

(7) The land adjacent to the rustic road preferably is zoned compatible with the maintenance or preservation of its rustic character and low density development.

TRANS-RR 1.05 Application procedures. [ss. 80.39, 83.025(1), 83.42(3), Stats.] (1) For a road to be designated a rustic road, a petition from 6 or more resident freeholders of the municipality in which the road is located, or a petition from a majority of the resident freeholders along the road, shall be presented to the governing body of the municipality in which the road is located. The process may also be initiated without petitions by a resolution of the governing body of the municipality in which the road is located. Upon such a petition or resolution, the governing body of the municipality may hold a public hearing on the proposed rustic road designation. If such a hearing is held, it shall be held in accordance with ss. 19.83 and 19.84, Stats., and any applicable local ordinances.

(2) Upon its final approval, the governing body of the municipality shall determine whether a jurisdictional change is desired. If so, the governing body of the municipality shall petition the county highway committee for approval of

the rustic road designation and approval of the transfer of jurisdiction of the road to the county. If the county highway committee approves the jurisdictional transfer and the rustic road designation, the county highway committee shall petition the board for its approval. If no transfer of jurisdiction is desired, the governing body of the municipality shall petition directly to the board for its approval of the rustic road designation.

(3) (a) Rustic road designation of a road under county jurisdiction shall follow a procedure similar to the above, whereby initiation of the rustic road designation process shall be by county highway committee resolution, or by a petition from 6 or more resident freeholders of the county, or by a petition from a majority of the resident freeholders along the subject road. The county highway committee may hold a public hearing on the proposed rustic road designation. If such a hearing is held, it shall be held in accordance with ss. 19.83 and 19.84, Stats., and any applicable local ordinances.

(b) If a transfer of jurisdiction is desired, the governing body of the municipality assuming jurisdiction, as well as the county highway committee, shall approve the transfer and the rustic road designation.

(c) Any change in the designation of a county trunk highway, whether it be transferred to a municipality or changed to an "other road under county jurisdiction," requires the approval of the department. Upon departmental approval,



the governing body of the municipality assuming the jurisdiction of the rustic road shall petition the board for approval of the rustic road designation.

(d) If no transfer of jurisdiction is desired, the county highway committee shall petition the board for approval of the rustic road designation.

(4) Before its approval, the board shall provide final review as to the subject road's qualifications for designation. In its review, the board may require photos or slides describing the rustic qualities of the road or a personal inspection by one or more members of the board.

(5) Additionally, before its approval for designation is granted, the board, in accordance with s. 83.42(5), Stats., shall ensure that a road under joint jurisdiction of 2 or more municipalities, or a municipality and a county, or 2 or more counties, has had the approval of the governing bodies of all affected governmental units having jurisdiction over the subject road.

TRANS-RR 1.06 Numbering of rustic roads. Upon approval by the board of a rustic road designation, the board shall assign a numerical identification to the rustic road that is preceded by the prefix "R." The rustic roads shall be numbered sequentially beginning with R1.

TRANS-RR 1.07 Jurisdiction and authority. [s. 83.42(7), Stats.] Upon approval of the board of rustic road designation

and except as otherwise provided in these administrative rules, the county highway committee, the municipalities and counties shall have the same authority over rustic roads as they possess over other highways under their jurisdiction-- including responsibility for maintenance.

TRANS-RR 1.08 General maintenance. A rustic road shall receive the level of maintenance necessary for safe public travel by auto, bicycle or hiking for recreational enjoyment, while still preserving the rustic qualities of the route.

TRANS-RR 1.09 Road bed maintenance. (1) Rustic roads may be dirt, gravel or hard surface. Necessary improvements may be made in surface to improve safety or drainage or to reduce maintenance problems, but shall not disturb the rustic characteristics for which the road was designated. Drainage and road improvements shall be kept as narrow as possible to retain the rustic charm of the road as well as keeping the driver's speed lower. The improvements shall be kept to a minimum to avoid disturbance of vegetation or unusual scientific or cultural sites which have been designated.

(2) Where it becomes a necessity, dust treatment may be used.

TRANS-RR 1.10 Cross drainage maintenance. (1) Cross drainage shall be maintained where necessary to prevent damage to the road, possible washouts and other problems which may be detrimental to proper safety.

(2) When bridge replacement is necessary, it is preferable that it be of a design and construction with a rustic appearance such as timber or stone structure.

(3) Repairs to an existing bridge of rustic character shall be made with an effort to preserve the rustic qualities of the structure.

(4) When deemed advisable, the maintaining authority may impose weight limitations on structures on a rustic road in lieu of structure replacement or repair.

TRANS-RR 1.11 Vegetation maintenance. (1) Where necessary for safety or protection of the traveling public, tree branches and shrubs may be trimmed or whole trees removed. This shall be done with proper tools so as not to leave unsightly scars. Land and forest management may be practiced.

(2) Control of undesirable vegetation shall be accomplished by mowing or selective cutting. However, when herbicides are necessary, they shall be used judiciously and in a prudent manner to avoid unnecessary browning of roadside vegetation.

(3) Mowing shall be performed only as necessary for health, safety and ecological reasons with the aim of encouraging, where appropriate, the growth of prairie flora adjacent to the road.

TRANS-RR 1.12 Sign maintenance. (1) The standard statewide rustic road sign and the numerical identification placard shall be erected at all important public entrance points to a rustic road as mutually agreed upon by the maintaining authority and the department. Beneath the

standard statewide rustic road sign, affixed to the same sign post, shall be the standard placard denoting the numerical identification of the rustic road within the statewide system of rustic roads.

(2) At each terminus of the rustic road an additional standardized placard denoting the length, in miles, of the rustic road shall be affixed to the post supporting the rustic road sign and placed below both the rustic road sign and the placard denoting the numerical identification of the individual rustic road.

(3) The "rustic road marking signs" may be placed on existing information or highway identification sign posts but shall not be placed on any regulatory or warning sign posts.

(4) The expense of furnishing and installing the initial "rustic roads marking signs" on official rustic roads shall be borne by the department. The department shall either install the "rustic road marking signs" or reimburse the maintaining authority for its costs in erecting such signs. [s. 83.42(8m), Stats.] Maintenance of these signs, as well as initial erection and maintenance of regulatory, warning and other signs is the responsibility of the maintaining authority.

(5) All informational, regulatory, warning and identification signs shall be erected and maintained as necessary, in accordance with chs. 86 and 349, Stats., and ch. TRANS 200, Wisconsin Administrative Code.

TRANS-RR 1.13 Winter Maintenance. Normal winter maintenance practices shall be continued on any officially designated rustic road.

TRANS-RR 1.14 Speed limits. [s. 346.57 and s. 349.11, Stats.] (1) The speed limit on all officially designated rustic roads is 45 miles per hour but may be changed by the maintaining authority. Any increase in the speed limit above 45 miles per hour requires the approval of the department.

(2) Pursuant to sec. 346.57(6), Stats., official signs giving notice of the speed limit shall be posted by the maintaining authority for the speed limit to be in effect.

TRANS-RR 1.15 Land use protection. (1) Local authorities are encouraged to preserve the natural and scenic characteristics of land along rustic roads. Local zoning powers, building setback regulations, access control, sign control and other powers may be used to protect and preserve the rustic character of the road by discouraging industrial, high density residential and most commercial development and encouraging the development or the continued existence of commercial establishments compatible with a rustic road, such as antique shops, craft shops, rock shops and produce markets.

(2) Upon petition for a zoning change to the county or municipality having authority over zoning, the board shall be notified in order to appear and present testimony at the zoning hearing, if the board deems it necessary.

TRANS-RR 1.16 Utility installation. (1) All utility companies shall be encouraged to bury electric power and communication lines on private easements where possible.

Where it is not possible additional lines may be placed on existing poles or towers, or buried. Any utility installation shall attempt to preserve or restore the rustic quality of the route.

(2) Restoration of the rustic quality shall be required for all utility installation within the right-of-way of a rustic road.

(3) Upon approving a rustic road application, the board shall notify all utility companies providing service in the area of the rustic road as to the official rustic road designation.

TRANS-RR 1.17 Advertising sign control. Municipalities shall be encouraged to adopt local zoning ordinances restricting off-premise advertising signs and which address the control of existing signs and the erection of additional signs once a road has been designated a rustic road.

TRANS-RR 1.18 Development of county rustic roads plans. Each county shall be encouraged to inventory its roads for potential candidates for inclusion in the rustic roads system and using this inventory, along with previous inventories of scenic roads, develop a countywide plan of rustic and scenic roads which is compatible with the functional classification plan in the county.

TRANS-RR 1.19 Withdrawal of rustic roads designation [s. 83.42(4), Stats.] (1) A road may be withdrawn from the rustic roads system with approval of the board after petition of the board by the maintaining authority and upon the

holding of a public hearing by the maintaining authority for such a removal. The public hearing shall be held in accordance with ss. 19.83 and 19.84, Stats., and all applicable local ordinances.

(2) The board may wish to withdraw rustic road designation for a particular road if the road no longer possesses the rustic character originally qualifying it for designation due to over-development. The board shall have the authority to remove the designation following a public hearing on the removal. The public hearing shall be held in accordance with ss. 19.83 and 19.84, Stats.

(3) The removal of rustic road designation shall cause the jurisdiction of the road to revert to the status held before original designation by the board.

TRANS-RR 1.20 Identification of complementary rustic features. The maintaining authority is encouraged to identify with roadside markers any historical names, structures, places and events which complement and enhance the rustic character of the road.

TRANS-RR 1.21 State aids [s. 83.42(8), Stats.] State aids for each rustic road shall be determined in accordance with the local transportation aids provisions of sec. 86.30, Stats.

(END)

The renumbering, repeals, adoptions and amendments contained in this rule shall take effect upon publication as provided in sec. 227.026(1)(intro.), Wis. Stats.

  
\_\_\_\_\_  
Chairman  
Rustic Roads Board

Dated: Mar 20, 1981





State of Wisconsin \

DEPARTMENT OF TRANSPORTATION



PLEASE REPLY TO:

OFFICE OF GENERAL COUNSEL

4802 Sheboygan Avenue

P. O. Box 7910

Madison, WI 53707

Telephone: (608) 266-8810

March 24, 1981

OGC 80-132

Mr. Orlan L. Prestegard  
Revisor of Statutes  
Room 411 West, State Capitol  
Madison, WI 53702

Re: Clearinghouse Rule 80-245

Dear Mr. Prestegard:

Enclosed for filing, pursuant to sec. 227.023, Wis. Stats., please find a certified copy of CR 80-245, an administrative rule relating to the operation and administration of the Wisconsin Rustic Roads Program. This rule repeals Chs. RR 1 to 11 and creates Ch. TRANS-RR 1. This rule is submitted by the Rustic Roads Board.

An additional copy of CR 80-245, not certified, is attached to be used for printer's copy.

Sincerely,

Philip Peterson  
Assistant General Counsel

PPP:hml

Enclosures

cc: Roger Schrantz  
George Gunderson  
Doug Dalton

