



Jeff Mursau

STATE REPRESENTATIVE • 36TH ASSEMBLY DISTRICT

Assembly Committee on Local Government
AB 516- Posting of speed limits applicable to ATV/UTV's

October 6, 2021

Chairmen Novak and Committee Members:

Thank you for the opportunity to testify in support of Assembly Bill 516, which authorizes the posting of speed limits applicable to all-terrain and utility terrain vehicles.

Currently, local governments must place signs of posted speed limits for vehicles that are operated on highways under their jurisdiction. Wisconsin statutes (with limited exceptions) also establish the applicable speed limits.

At the same time, local governments have the authority to designate a highway as an ATV route. However, ATV's and UTV's that travel on these highways are required to comply with the applicable speed limit established under current law. Often those speed limits are not safe for ATV and UTV travel.

Senator Petrowski and I are introducing this bill to clear up the ambiguity in our current statutes related to whether or not local governments have the authority to post speed limits applicable to only ATV's and UTV's on these highways. Under this bill, if a local authority designates a highway under its jurisdiction as an ATV route, the local authority may post a speed limit applicable only to ATV and UTV's that is lower than the statutorily established speed limit for that highway.

The senate companion bill passed out of the Transportation and Local Government Committee on a 5-0 vote. The bill is also supported by the Towns Association, the League of Municipalities, the Counties Association, and the Wisconsin ATV Association.

Once again, thank you for holding a public hearing on this common sense legislation. I am happy to answer any questions you may have.



Assembly Committee on Local Government

2021 Assembly Bill 516

Authorizing posting of speed limits applicable to all-terrain vehicles and utility terrain vehicles

October 6, 2021

Good morning Chair Novak and members of the Committee. My name is Martin Stone, Off-Highway Vehicle Administrator with the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on Assembly Bill 516 (AB 516), related to authorizing posting of speed limits applicable to all-terrain and utility terrain vehicles.

Speed limit restrictions were enacted in March 2020 for all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) when operated on the roadway. When operating on a roadway, operators of ATVs and UTVs are required to comply with the "applicable speed limit." Questions have been raised as to whether the applicable speed limit is the posted limit for motor vehicles, or a lower posted limit marked specifically to apply to ATVs and UTVs.

SB 506 clearly defines that local governments may, by ordinance, post speed limits applicable only to ATVs and UTVs that are lower than the posted speed limit for motor vehicles on roadway routes. This change would provide added clarity to local governments and enforcement authorities working to ensure roadway ATV and UTV speed compliance.

ATV roadway route signing has been problematic in some areas of the state and has posed challenges for some local governments considering posting ATV route signage. It's not uncommon to see more than one design, size, or color of ATV route or speed limit signage due to a lack of clear language specifying the type of ATV speed limit signage that shall be used. The legislature may wish to consider adding additional language to statute to further clarify the type of signage that should be used to help eliminate non-standard regulatory signing and achieve greater consistency and clarity for local governments and ATV and UTV riders statewide.

On behalf of the Department of Natural Resources, we thank you for your time today. I would be happy to answer any questions you may have.

Wisconsin Assembly Committee on Local Government Hearing

Recommendations for Amendments to AB 516

October 6, 2021

I am Glen Schwalbach, P.E. I live at 1090 Moonriver Dr., De Pere, WI. I have been on the Planning Commission for the Town of Rockland in Brown County for over thirteen years. I have worked on ATV/UTV ordinances with my town and others.

Representatives, thank you for holding this hearing on AB 516 regarding ATV/UTV use. It now makes it legal to do what many towns and villages were already doing to try to make ATV/UTV safer on local roads. I requested this action in testimony last year. In that same testimony, I asked for some other issues to be addressed via amendments to further improve the statute which are discussed below.

We all must be concerned about the safety hazards of ATV's and UTV's using our roads. In 2020, there were 38 fatalities from ATV/UTV use in Wisconsin. Twenty-five of these occurred on public roads. Twenty-three of these fatalities involved loss of control of the ATV/UTV on hard pavement.

1. Amend the bill to explicitly state that towns shall set specific speed limits for ATV/UTV's on town roads—

One thing to consider is that manufacturers do not usually design ATV/UTV's for hard pavement use. Suspensions, steering, and tires are designed for softer surfaces. Thus, they are more difficult to operate safely on the paved roads than on dirt or gravel trails. Also, based upon their designed use, some ATV's can achieve speeds of over 60 mph and some UTV's up to 50 mph. These are dangerous speeds for these vehicles on paved roads. High speed limits, suitable for other vehicles, result in risky handling for ATV's and UTV's and endangers other users of the roadway such as bicyclists and pedestrians. Also, a very low speed limit can be dangerous because cars and trucks coming upon a slow ATV or UTV, especially on hilly or curvy roads, may not be able to slow down fast enough to avoid a collision. For these reasons and based upon recommendations of experts, including the DOT and DNR, a maximum speed limit of 35 mph or, if lower, the posted speed limit for other vehicles, is appropriate and can significantly reduce fatalities

AB 516 should be amended to state that ATV/UTV routes shall have specific speed limits at the lower of 35 mph or the posted speed limit designated for other vehicles.

2. Amend the bill to clarify that ATV/UTV operators on highways, including town and county roads, must have a driver's license and, possibly, insurance along with the currently required safety certificate—

Safety certificate training for ATV/UTV use does not include the rules-of-the-road which are taught in driver license training. Both the DOT and DNR are concerned with young operators being allowed on roads under current law without the training that other vehicle operators must have to drive on public roads. A requirement for liability insurance should also be considered for the protection of others.

AB 516 should be amended to require ATV/UTV operators to have driver's licenses to operate on public roads and, possibly, liability insurance.

3. Amend the bill to clarify that only one person is allowed on an ATV unless the manufacturer's operating manual states otherwise—

Statute 23.33 (3) (em) refers to seating for passengers in UTV's. But this provision does not apply to ATV's or is vague. ATV's usually have long seats to facilitate the movement of the operators to balance ATV's when turning and going up and down hills. But operators often interpret that the long seat is to accommodate passengers. Most ATV's are designed to handle only the operator. The operator manuals point out that no passengers should be allowed unless there is a specific seat for a passenger. Only a few ATV's are designed with a separate passenger seat. The statute should clarify this safety requirement.

AB 516 should state that passengers are not allowed on ATV's used on public roads, routes or trails unless the manufacturer's operator manual states that having a passenger is allowable.

4. Amend the bill to disallow drinking or carrying open containers of alcoholic drinks on ATV's and UTV's—

Current statute has provisions to disallow the operation of an ATV or UTV while the operator is intoxicated but has no restrictions for drinking or carrying open containers of alcoholic drinks. Operating on ATV/UTV trails or on private property is quite different than operating on public roads. The rules for ATV/UTV's should be the same as for other vehicles operating on public roads. Also, current statute allows a confusing message to our children as regards "drinking and driving".

AB 516 should state that drinking or carrying of open containers of alcoholic drinks is not allowed when operating an ATV or UTV on public road routes.

5. Amend the bill to allow counties, cities, villages and towns to post "ATV/UTV Route" signs, not just "ATV Route" signs—

Turns out, the DOT indicates that, when a political subdivision decides to allow ATV's and UTV's on their public roads, only "ATV Route" signs can be posted. The reason is that Wisconsin follows the federal Manual of Uniform Traffic Control Devices (MUTCD) which provides for "ATV Route" signs but not "ATV/UTV Route" signs. Political subdivisions may add separate information signs to state that UTV's are also allowed. But this provision adds to the cost of signage for a local government and complicates communication to the community.

AB 516 should state that white-letters on green background "ATV/UTV Route" signs may be used by political subdivisions when routes are designated for both ATV's and UTV's.

6. Amend the bill to explicitly state that golf cart-type vehicles are not allowed on highways including town and county roads—

DOT and DNR publications state that the ATV/UTV rules do not apply to golf carts. Some local ordinances make the same statement. The public usually interprets this to mean that there are no restrictions on the use of golf carts on public roads

AB 516 should explicitly state that s. 23.33 does not allow golf carts on public roads.