



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #567

Snowmobile Accident Prevention (DNR -- Fish, Wildlife, and Recreation)

[LFB 2009-11 Budget Summary: Page 466, #11]

CURRENT LAW

The Department is responsible for state enforcement of snowmobile laws by DNR conservation wardens and coordination of snowmobile safety programs. In 2007-08, the Department's wardens recorded 15,200 hours on this activity and issued 1,597 snowmobile citations. Currently, 9.0 positions of effort is allocated annually for snowmobile enforcement activities from tribal gaming program revenues.

2005 Act 209 prohibited the operation of a snowmobile at a speed limit of 55 miles per hour during the hours of darkness effective from July 1, 2006 to July 1, 2007. 2007 Act 29 extended the speed limit through July 1, 2010. Current law defines "hours of darkness" to be the time between one-half hour after sunset and one-half hour before sunrise and any other time when there is not enough natural light to clearly see a person or vehicle 500 feet away.

Since 2005-06, DNR has increased snowmobile patrol efforts, as part of the Department's Snowmobile Accident Reduction (and Alcohol Enforcement) Team (SART). The team focuses on accident deterrence, alcohol-related enforcement, and enforcing the 55 mile per hour speed limit as well as educational activities aimed at deterring illegal snowmobile activity.

Other enforcement costs are funded out of the segregated snowmobile account of the conservation fund. These costs include aids to counties for up to 100% of eligible county costs incurred enforcing snowmobile laws. Aid payments are prorated if claims exceed the appropriation level. For enforcement activities that occurred over the winter of 2007-08, counties requested reimbursements totaling \$462,500. State reimbursement represented 86.5% of the eligible costs of their local snowmobile patrol activities. These requests were reimbursed in fiscal year 2008-09.

GOVERNOR

Provide \$127,900 SEG annually for increased snowmobile enforcement and accident reduction efforts.

DISCUSSION POINTS

1. In December, 2006, DNR requested \$122,400 from appropriation s. 20.270(3)(aq) to provide funding during 2006-07 for the Snowmobile Accident Reduction and Alcohol Enforcement Team through a s. 13.10 request. The Joint Committee on Finance did not approve the request. However, DNR deployed the team for three weekends from December to February using existing tribal gaming enforcement revenues. DNR deployed the team for four weekends during the 2007-08 snowmobile season and did not deploy the team during the 2008-09 season.

2. The bill would provide \$127,900 annually to support deployment of the SART for 10 weekends. However, recent estimates indicate that the cost of 10 deployments of the SART would be approximately \$125,400 annually. Therefore \$125,400 annually could be provided to support 10 deployments (Alternative 2). The team focuses on accident deterrence, alcohol-related enforcement, and enforcing the 55 mile per hour nighttime speed limit. Generally, the team has concentrated patrols in areas of traditionally high snowmobile use, areas with special snowmobile events, or areas that have experienced traditionally high numbers of snowmobile fatalities. These areas have included Hurley, Eagle River, St. Germain, Minocqua, Lakewood, Yellow Lake and Lake Wisconsin. Funds would support meals, lodging, overtime, and supplies for six wardens per weekend (generally Thursday, Friday, Saturday and Sunday) on trail patrol duty from December to February. The team utilizes six snowmobiles and three well-marked trailers. Conservation wardens from the local areas also work with the team to provide an additional law enforcement presence (four local wardens per weekend).

3. DNR argues that the additional warden patrols and increased law enforcement presence in the field combined with increased educational efforts may reduce accidents, and ultimately reduce fatalities. Further, the increase in a visible law enforcement presence may serve as a deterrent to individuals who may otherwise operate their snowmobiles in an unsafe manner (such as speeding or driving under the influence).

4. During the 2008-09 snowmobiling season, Wisconsin recorded 23 snowmobile fatalities. The following table presents information regarding snowmobile fatalities over the last 10 snowmobile seasons.

TABLE 1**Snowmobile Fatalities in Wisconsin**

<u>Year</u>	<u>Fatalities</u>	<u>Fatalities Per 100,000 Registrations</u>	<u>Percent Showing Alcohol as a Contributing Factor</u>
1998-99	20	9	61%
1999-00	39	17	66
2000-01	26	11	46
2001-02	15	7	47
2002-03	26	12	84
2003-04	25	11	72
2004-05	37	17	76
2005-06	36	17	56
2006-07	26	12	54
2007-08	25	12	68
2008-09	23	10	65

5. The Department believes that increasing the presence of conservation wardens in the field during times of high snowmobile traffic may decrease the number of fatalities by increasing warden contacts with snowmobile operators, and providing a deterrent to individuals who might otherwise disregard snowmobile regulations. However, historically, the number of fatalities has not appeared to have been strongly correlated to variations in the number of hours allocated to snowmobile enforcement or the number of citations issued in a given year. The following table shows the number of warden enforcement hours and citations issued for the last eight fiscal years, compared to the number of snowmobiling fatalities that occurred in each of those years.

TABLE 2**Warden Enforcement Effort and Snowmobile Fatalities**

<u>Year</u>	<u>Enforcement Hours</u>	<u>Citations Issued</u>	<u>Fatalities</u>
2000-01	6,765	2,062	26
2001-02	5,639	1,130	15
2002-03	6,262	869	26
2003-04	9,842	1,447	25
2004-05	7,486	1,057	37
2005-06	6,675	969	36
2006-07	15,570	1,224	26
2007-08	15,200	1,597	25
2008-09	13,500	*	23

*Final figures for 2008-09 citations were not yet available.

6. The impact of increasing snowmobile enforcement hours on reducing fatalities is difficult to determine. Other factors, including weather, trail conditions, and snowfall vary from

year to year, and may dramatically affect snowmobiling conditions and the likelihood of accidents occurring.

7. Historically, increasing the number of hours dedicated to snowmobile enforcement has not clearly demonstrated a measurable impact on reducing the number of fatalities, or a reduction in the percentage of fatal accidents linked to alcohol consumption. From this perspective, it may be argued that increasing funds for additional law enforcement patrol efforts may not be the most effective means of addressing the issue. However, when Wisconsin imposed a 50 mile per hour nighttime limit by emergency rule for the 2000-01 snowmobile season, fatalities may have declined modestly that season and declined significantly the following season. After the most recent nighttime snowmobile speed limit became effective (July 1, 2006) snowmobile fatalities went from 36 during winter 2005-06 to 26 during the 2006-07 snowmobile season (25 during the 2007-08 season and 23 during the 2008-09 season). The Department also argues that the efforts of the SART were effective in reducing fatalities in the areas targeted during the 2005-06, 2006-07, and 2007-08 seasons. Fatal accidents did not occur in the areas the team patrolled during nine of the 10 weekends patrolled in 2005-06 (two fatalities occurred on one weekend). The team issued 402 citations during the 2005-06 season. In addition, fatal accidents did not occur in the areas the team patrolled during any of the weekends patrolled during the 2006-07 and 2007-08 seasons. In 2006-07, the team was deployed over three weekends and issued 84 citations, and during 2007-08, the team was deployed over four weekends and issued 172 citations.

8. On the other hand, it may be argued that the general public's perception of the safety of snowmobiling in Wisconsin may be negatively impacted by the number of snowmobile fatalities. From this perspective, a visible increase in the presence of conservation wardens on snowmobile trails may provide some assurance to concerned snowmobilers, easing concerns over potential tourism impacts.

9. The snowmobile account of the conservation fund is expected to have a June 30, 2011, available balance of approximately \$1.8 million. Therefore, adequate revenues exist to support the request. However, the number of registered snowmobiles and nonresident trail passes sold varies from year to year primarily due to the level of snowfall during a given season.

10. Neighboring states have utilized a combination of tools to reduce snowmobile fatalities including speed limits, law enforcement, and linking operating while intoxicated (OWI) violations occurring on snowmobiles to the operator's motor vehicle drivers license. It could be argued that increased enforcement would be more effective if, for example, it was also linked to more serious OWI penalties. Such a combined approach could be considered as separate legislation. On the other hand, some would argue that increasing the enforcement presence under the biennial budget is appropriate, while other enforcement policies (such as OWI laws) may be more appropriately considered separately.

11. Some have raised concerns regarding the use of snowmobile SEG for increased state enforcement activities. DOA indicates that funding under the bill was provided from snowmobile SEG funds rather than tribal gaming revenues (which support 9.0 positions of effort for snowmobile enforcement) because tribal gaming revenues amounts not appropriated for other purposes are

deposited to the general fund. Administration officials note tribal gaming revenue appropriations were generally maintained at base levels, or reduced under the bill as part of an effort to maintain a general fund balance. In order to increase general fund revenues in fiscal year 2008-09, the administration directed DNR to reduce snowmobile enforcement expenditures from the tribal gaming appropriation. DNR patrolled approximately 2,000 hours less in 2008-09 than in 2006-07 as a result of that directive and a need to reduce mileage costs. While tribal gaming revenues have primarily funded state snowmobile enforcement for a number of years, historically, snowmobile enforcement has been funded from snowmobile SEG (local enforcement aids continue to be funded from snowmobile SEG). If snowmobile SEG funds were not provided, the Department indicates that it may reallocate existing tribal gaming funds (reduce enforcement in areas with lower levels of snowmobile use) in order to conduct SART patrols in more heavily traveled areas.

12. If the Committee is interested in providing some additional patrols, but at a lower amount, it could provide \$62,700 annually to support five SART patrols rather than 10 (Alternative 3).

ALTERNATIVES

1. Adopt the Governor’s recommendation to provide \$127,900 annually to support Snowmobile Accident Prevention Team patrols.

2. Adopt the Governor’s recommendation as modified to provide \$125,400 annually for 10 deployments of the SART each year.

ALT 2	Change to Bill Funding
SEG	- \$5,000

3. Provide \$62,700 annually to support five deployments of the SART each year.

ALT 3	Change to Bill Funding
SEG	- \$130,400

4. Delete provision.

ALT 4	Change to Bill Funding
SEG	- \$255,800

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