

**1999 DRAFTING REQUEST**

**Bill**

Received: **12/15/98**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **Lorraine Seratti (608) 266-3780**

By/Representing: **Scott**

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact:

Alt. Drafters:

Subject: **Nat. Res. - boats snomos ATVs**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

All-terrain vehicle and snowmobile bridges over certain rivers

**Instructions:**

See 302.04 (5) NR in admin code; bridges over wild rivers OK if done by ATV or snowmobile club

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	gibsom 02/23/99	ygeller 02/24/99	ismith 02/24/99	_____	lrb_docadmin 02/24/99	lrb_docadminState 03/26/99	

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#### **NR 302.04 Wild rivers alteration.**

(5) **Bridges.** (30.12, 30.26, 31.23, 227.11) To preserve the natural condition and beauty and other incidents of navigation in the wild **rivers**, no **bridges**, except as provided in s. NR 302.07, shall be permitted unless they comply with the following requirements:

(a) Reasonable access to a residential dwelling is not available without use of a bridge crossing and the applicant proves a need as defined in par. (b).

(b) Bridges shall be designed to accommodate foot traffic only unless an applicant proves a need, other than convenience, for vehicle passage over the bridge. Provided, the obtaining of property rights or ownership, or development of property to which access is sought, subsequent to the effective date of these rules does not prove need for vehicle passage over a bridge.

(c) **Bridges** shall be clear span and provide a minimum clearance of 5 feet between the ordinary high watermark and the stringer or lowest portion of the **bridge**, unless the department determines a lesser clearance is appropriate due to aesthetic conditions will not infringe on public rights in navigation on the wild **river** in the area of the proposed **bridge** placement.

(d) **Bridges** shall be constructed in a manner that results in the least impact on the natural condition and beauty of the **river**, taking into consideration materials necessary for the traffic and weight the **bridge** is to support.

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#### **NR 302.07 Municipal and department of transportation public highway bridges.**

(1) The provisions of this chapter do not apply to the replacement, reconstruction, maintenance or repair of department of transportation public highway bridges falling within the provisions of s. 30.12 (4), Stats., and the replacement and reconstruction of municipal public highway bridges falling within the provisions of s. 30.122, Stats.

(2) Consistent with the legislative direction in ss. 30.12(4), 30.122 and 84.01 (23), Stats., the department shall actively consult with the department of transportation in the development of standards for the design and replacement of state, county, town, village and city **bridges**, arches or culverts to prevent undue impairment of public rights in the wild **rivers**. It shall further act under cooperative agreements with the department of transportation so that adverse affects of **bridge** replacement, reconstruction, maintenance and repair on the wild **rivers** and lands adjacent thereto are minimized to the fullest extent practicable under legislative mandates. In the development and implementation of such standards for wild **rivers**, necessary new structures should cross the stream in the same location as the old crossing or adjacent to it when practical, consonant to highway safety and a practical alternative site with lesser impacts on the wild **river** is not available.

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State of Wisconsin  
1999 - 2000 LEGISLATURE

RMR  
LRB-1293/31  
MGG...  
JG

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

gen cat

1 AN ACT ...; relating to: construction of certain bridges over wild rivers.

***Analysis by the Legislative Reference Bureau***

Under current law, the legislature may designate rivers as part of the state's wild river system. The department of natural resources (DNR) administers the system to preserve, protect and enhance the rivers' natural beauty and unique recreational values. Currently portions of the Pike, Pine and Popple rivers are designated as wild rivers.

Under current rules promulgated by DNR, bridges, other than state and municipal highway bridges, may only be constructed over scenic rivers if they meet certain conditions. These conditions include requirements that the bridge is necessary for access to a dwelling and that the bridge results in the least impact possible on the natural condition and beauty of the river. The bridge must be limited to pedestrian use unless there is a need, other than for convenience, that vehicles be allowed on the bridge.

Under this bill, DNR may not prohibit or impose any requirements on the construction of a bridge over a wild river if the use of the bridge is limited to snowmobile operators, all-terrain vehicle operators or pedestrians, or any combination of these persons, and if the bridge is constructed in whole or in part by a snowmobile or all-terrain vehicle club.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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









**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 2/24/99

**To:** Representative Seratti

**Relating to LRB drafting number:** LRB-1293

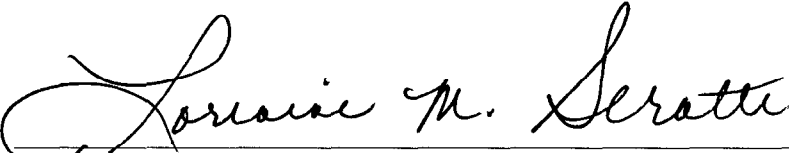
**Topic**

All-terrain vehicle and snowmobile bridges over certain rivers

**Subject(s)**

Nat. Res. - boats snomos ATVs

1. **JACKET** the draft for introduction



in the **Senate** \_\_\_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Mary Gibson-Glass, Senior Legislative Attorney  
Telephone: (608) 267-3215