

### Fiscal Estimate - 2007 Session

Original       Updated       Corrected       Supplemental

<b>LRB Number</b> <b>07-1042/1</b>	<b>Introduction Number</b> <b>AB-0059</b>
<b>Description</b> The operation of all-terrain vehicles on highways for the purpose of certain types of access and granting rule-making authority	
<b>Fiscal Effect</b>	
<b>State:</b>	
<input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs	
<b>Local:</b>	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input checked="" type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs      4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected <input checked="" type="checkbox"/> Towns <input checked="" type="checkbox"/> Village <input checked="" type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.370(3)(as)	
<b>Affected Ch. 20 Appropriations</b>	
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>
DNR/ Joe Polasek (608) 266-2794	Joe Polasek (608) 266-2794
	<b>Date</b>
	3/21/2007

## Fiscal Estimate Narratives

DNR 3/22/2007

LRB Number	<b>07-1042/1</b>	Introduction Number	<b>AB-0059</b>	Estimate Type	<b>Original</b>
<b>Description</b> The operation of all-terrain vehicles on highways for the purpose of certain types of access and granting rule-making authority					

### Assumptions Used in Arriving at Fiscal Estimate

Summary: This bill authorizes a county, city, town, or village (municipality) to enact ordinance(s) allowing persons to operate an all-terrain-vehicle (ATV) on a portion of a roadway or shoulder of a highway for purposes of residential access to or from an ATV route or trail or for access to an ATV route or trail to or from lodging establishments. On state trunk highways, municipalities must receive approval from the DOT for ATV operation on distances longer than 1/4 mile. For other highways, municipalities may allow ATVs to travel a distance of not more than 5 miles on highways within their jurisdictions to travel between ATV routes and trails and residences or places of lodging. The bill further provides that a municipality may not enact an ordinance allowing ATV access on any highway that is located in a state park or state forest if the operation of ATVs is prohibited in the park or forest. This bill directs the Department and the off-road vehicle council to jointly prepare model ordinances as examples of ordinances that a municipality may enact.

Fiscal Effect: Based on the hundreds of municipalities that have enacted ordinances regulating ATVs on ATV trails and routes designated by municipalities, the Department assumes that a similar number of municipalities may enact the ordinances authorized by this bill, thereby significantly increasing ATV enforcement workload throughout the state for the Department and for the state patrol and local law enforcement officers.

The DNR is currently authorized 9.0 FTE wardens for ATV regulation and enforcement. ATV wardens provide oversight to counties currently receiving ATV enforcement aids, and provide training for local government ATV law enforcement programs. This effort is currently focused on counties that have enacted ATV ordinances and ATV trails. Under current law, ATV use is confined to recognized ATV trails, and the Department is viewed as having primary ATV enforcement duties in many areas of the state. Consequently, local law enforcement has played a minimal role in ATV enforcement in many areas of the state.

Given that this bill allows municipalities to authorize ATV use on portions of highways, streets, and roads where such use is not currently authorized and where the Department may have limited enforcement presence, the Department assumes that the role of local law enforcement and the state patrol in ATV enforcement would increase significantly as a result of this bill. The extent to which local law enforcement efforts would increase would depend upon a number of factors, including the miles of roadway on which ATV use would be newly authorized, and the amount of ATV traffic and user conflicts on those roads.

The Department has no reliable means to estimate the extent of the fiscal impact on the state patrol and municipalities given the many variables involved and therefore labels the increase "indeterminate." However, given the potential number of municipalities that may enact an ordinance allowing ATV use on hundreds of miles of roadway where ATV use is not now allowed, the impact could be significant. The Department also assumes that municipalities will incur costs related to posting additional signage, and installing additional gates and rock barriers to prevent illegal ATV use on public lands adjacent to roadways open to ATV traffic under the ordinances referenced in the bill. Additionally, the Department assumes that municipalities will incur costs related to ATV damage to public roadways and areas adjacent to roadways including drainage ditches, culverts, driveways, roadside turf, gravel shoulders, pavement edges, railroad right of ways, bridges, utility lines, utility poles and shorelines of waterways due to legal and illegal ATV operation.

Although the Department assumes that the primary enforcement workload related to the increased ATV traffic resulting from this bill would fall to municipal law enforcement and the state patrol, the Department's workload will also increase related to field enforcement, complaint responses, training municipal law enforcement officers, and investigating fatal ATV accidents. The Department assumes that its ATV enforcement and training workload would increase by approximately 30 hours annually for each of 208 credentialed wardens for a total of 6,240 hours, or in excess of 3.0 FTE. Assuming an average warden salary and fringe costs of \$79,000 per warden, and annual supplies expenditures of \$4,000 per warden, the

Department estimates the annualized fiscal impact at \$249,000 [\$83,000 x 3 FTE].

In addition, the Department will incur one-time expenses related to: 1) additional equipment such as speed detection equipment with dash mounts for warden trucks, dash mounted video cameras, sound level meters to assist with enforcement of ATV laws on roadways as well as citizen complaints; and 2) additional training costs including radar certification and roadway traffic accident reconstruction. The Department assumes these additional costs supply and training costs will total \$20,000 to \$30,000. Additionally, the Department assumes that it will incur one-time staffing costs associated with drafting the model ordinances totaling \$1,600.

### **Long-Range Fiscal Implications**

None.

## Fiscal Estimate Worksheet - 2007 Session

Detailed Estimate of Annual Fiscal Effect

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  Updated     
  Corrected     
  Supplemental

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<b>Description</b> The operation of all-terrain vehicles on highways for the purpose of certain types of access and granting rule-making authority			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>  Equipment, training, and staffing costs: \$21,600 to \$31,600.			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes		\$237,000	\$
(FTE Position Changes)		(3.0 FTE)	
State Operations - Other Costs		12,000	
Local Assistance			
Aids to Individuals or Organizations			
<b>TOTAL State Costs by Category</b>		<b>\$249,000</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
GPR			
FED			
PRO/PRS			
SEG/SEG-S		249,000	
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
<b>TOTAL State Revenues</b>		<b>\$</b>	<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
		State	Local
NET CHANGE IN COSTS		\$249,000	\$
NET CHANGE IN REVENUE		\$	\$
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
DNR/ Joe Polasek (608) 266-2794		Joe Polasek (608) 266-2794	3/21/2007