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Details:

(FORM UPDATED: 07/12/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2007-08**

(session year)

**Senate**

(Assembly, Senate or Joint)

**Committee on ... Transportation and Tourism  
(SC-TT)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)
  - (**ajr** = Assembly Joint Resolution)
  - (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



**Wisconsin Utilities Association**  
44 East Mifflin Street, Suite 202  
Madison, Wisconsin 53703

**To:** Wisconsin Legislature

**From:** Bill Skewes, Executive Director   
Wisconsin Utilities Association

**Re:** Amendment to SB 158

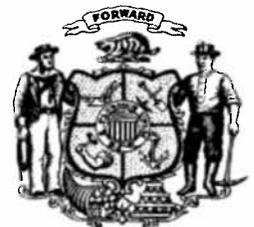
**Date:** July 31, 2007

On behalf of Wisconsin's investor-owned gas and electric utilities, the Wisconsin Utilities Association (WUA) respectfully requests a brief but important amendment to SB 158.

On page 3, line 15 after "public utility", insert "or its agent". This change would clarify that the contractors that are often hired by the utilities for line work or other related tasks are also covered by the exemption provided in the bill to utilities and others.



# WISCONSIN STATE LEGISLATURE



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# BOB JAUCH

WISCONSIN STATE SENATOR

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TO: Sen. Roger Breske, Chairman, Senate Committee on Transportation  
Members, Senate Committee on Transportation

FROM: Senator Bob Jauch

DATE: July 31, 2007

RE: Senate Bill 158

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Chairman Breske, Vice-Chair Plale, members of the Committee, thank you for allowing me the opportunity to testify on Senate Bill 158. This is an important bill and I appreciate that the Committee has scheduled it for a hearing.

As you know, this legislation allows for limited operation of lightweight utility vehicles (LUV) on public roadways, such as for crossing the road from one side of a property to another and official emergency operations by local government units. Under this legislation, LUVs are subject to the standard rules of the road. Though the allowances created for crossing roadways in this legislation may seem insignificant, the change is vastly important to the many farmers and landowners whose day-to-day operations are ill-affected by the current law prohibitions.

Under current law, lightweight utility vehicles – such as Gators, which are often used on farms for hauling equipment and feed – are not allowed to be driven on, or to cross, public roads. While farmers may use “implements of husbandry”, or vehicles with solely a farming purpose to cross roads, LUVs by definition are multi-use vehicles and therefore do not qualify as an implement of husbandry, despite being used for farming purposes.

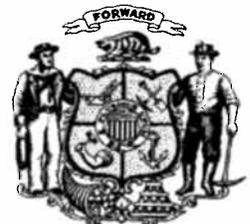
Unfortunately, because many farmers’ land is bisected by a road, they are precluded from crossing it in a Gator or other LUV to get from one side of their property to another. As a result of the increasing popularity and usefulness of Gators and other LUVs, many farmers are unable to legally perform the day-to-day farm operations required of them.

SB 158 is identical to 2005 Assembly Bill 219, which was introduced by Rep. John Ainsworth. 2005 AB 219 passed the full Assembly and the Senate Committee on Transportation unanimously, but expired before being brought to a vote on the Senate floor.

Again, thank you for scheduling SB 158 for a hearing. I look forward to working with each of you to advance this legislation.



# WISCONSIN STATE LEGISLATURE





**Mary Hubler**

**State Representative**

July 31, 2007

## **Hubler Testimony to the Senate Committee on Transportation, Tourism and Insurance**

### **Senate Bill 158**

Thank you, Chairman Breske and committee members for receiving my testimony on Senate Bill 158.

I proposed this Assembly version of this bill at the request of constituents who use light utility vehicles in their farming operations. My constituents were warned by Wisconsin State Troopers that they could not legally cross a public road in a Light Utility Vehicle, even in the course of performing farm chores. This made it illegal for them to haul tools, equipment, and light loads of wood, brush or other refuse from one part of their farm to another in a vehicle that is otherwise perfectly suited for that task.

This bill would rectify that by allowing limited access to public roads. I stress the word "limited." During testimony for the Assembly companion bill, the Department of Transportation indicated that the nature of LUVs made them a hazard to other vehicles. I don't believe LUVs would present special hazards.

This bill defines Light Utility Vehicles and sets rules for operation of LUVs on public thoroughfares. It restricts LUV use on public highways to these circumstances:

- 1. The lightweight utility vehicle is owned by a municipality, state agency, or public utility and the operator is performing emergency or official functions in a manner that does not jeopardize safety.**
- 2. The operator is performing a land surveying operation in a manner that does not jeopardize safety.**
- 3. The operator is at least 16 years old, and he or she is crossing a roadway, bridge, culvert, or railway.**
- 4. The operator is at least 16 years old, and he or she is operating the lightweight utility vehicle on a roadway that is seasonally not maintained for motor vehicle traffic, or he or she is operating on a roadway that is designated as a route for all terrain vehicles or lightweight utility vehicles.**

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This bill creates extremely limited LUV access to roads. LUVs would be allowed to travel along the extreme right hand side of designated ATV routes or would cross the road as indicated above. These are rights now granted to certified ATV users who are as young as 12.

The DOT testified for instance about concerns that LUVs, with top speeds of say 25 mph, are too slow to cross state highways safely or keep up with traffic.

Again, LUVs would be to the right, out of the normal traffic flow. I believe that a vehicle capable of going 15 to 25 miles per hour has ample power to cross a road as safely as an ATV. Bicycles routinely cross state trunk highways. In fact, crossing any road at a speed exceeding 25 mph would be foolhardy.

The DOT testified that the agency had learned "anecdotally" that some communities are considering designating the entire local road network as an ATV route. Perhaps there are communities considering this but the DOT could not name them and my internet search failed to uncover any.

The DOT stated fears that LUVs may become the "grocery-getter of choice for repeat drunken drivers." I considered that a stretch at best. The grocery store would have to be on an ATV route, as would the repeat drunken driver's residence. The bill incorporates rules against operating while intoxicated.

This bill is identical to 2005 AB 219, which was introduced by Representative John Ainsworth. The bill was passed unanimously in the Assembly but expired before being taken up by the Senate.

Representative Ainsworth testified for his bill on February 1, 2006, and explained that he had modified it to answer most of the concerns of the Departments of Transportation and Natural Resources. DOT did not testify against AB 219.

Please note that the budget passed by the Assembly on July 10 establishes a pilot program in eight counties to investigate the effects of using light utility vehicles on trails and roadways currently authorized to be used by ATVs. That provision lifts language from my bill regarding the definition of LUVs, except for maximum wheel rim diameters and tire operating pressure. It expands the allowable the use of LUVs to designated ATV trails.

Senate Bill 158 is more modest in scope than the pilot. It seeks to allow limited access to public roads and aims, generally, to provide a means of access to sections of private property bisected by highways.

I appreciate that law enforcement agencies have a legitimate interest in restricting access to roads to vehicles that can be certified and licensed. This proposal does not seriously compromise these restrictions and is a minor expansion of rights already granted to snowmobiles and ATVs.

Safety considerations should accompany the operation of any vehicle. LUV operators will have to exhibit the same care as bicycle, moped, skateboard, and ATV users etc. All of these vehicles can legally cross state trunk highways.

Thank you.



# WISCONSIN STATE LEGISLATURE





# Wisconsin Department of Transportation

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Governor

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## Senate Committee on Transportation, Tourism, and Insurance Hearing July 31, 2007 SB 158, relating to lightweight utility vehicles

### The Wisconsin Department of Transportation OPPOSES SB 158

This bill proposes to allow off-road utility vehicles to be used on public roads. Off-road utility vehicles are not made for on-road use so they do not have on-road safety equipment. They do not meet federal equipment and safety standards for on-road vehicles, including standards for occupant protection intended to protect passengers in the event of a crash.

Off-road utility vehicles are not like ATVs and snowmobiles. They will not increase tourism because tourists are not likely travel to or within Wisconsin to ride them. The Department believes this bill, as drafted, will only expand the use of utility vehicles by residents who already own them for other uses, or who might buy one for short local trips instead of using their cars. The Department has heard anecdotally that some communities want to designate their entire local road network as ATV routes, so ATVs and now off-road utility vehicles, can be used as local transportation.

The Department believes this is a dangerous trend. The Department only gets accident reports for ATV and snowmobile accidents that occur on public roads AND involve another motor vehicle, such as a car. In 2005, ATV and snowmobile accidents on roads--with other cars--resulted in 2 fatalities, 43 persons injured, and 32 accidents causing at least \$1,000 property damage. The Department expects this number will climb as more off-road vehicles are allowed to use the roads.

The bill does not require the rider to have a driver's license. LUVs may become the grocery-getter of choice for repeat drunk drivers whose licenses are revoked, or for people who have never learned the rules of the road, or who have been unable to pass a driving test. Riders without a driver's license will NOT make our roads safer.

The burden will principally fall on local governments to deal with these problems since operation within or alongside the stream of traffic applies to local roads and county trunk highways. This bill also allows riders to cross highways (not freeways), and to cross bridges, culverts, and railroad right-of-ways on any highway. While we are concerned about safety risk in crossing highways with high-speed traffic passes, the bill places some limitations that may minimize the risk.

We have participated in discussion with Sen. Jauch and the DNR, and have expressed the changes that we believe necessary to the bill. These changes would eliminate the operation of LUVs on the roadway of any ATV route, and, if not eliminate operation adjacent to ATV routes, at least limit operation alongside the roadway to the shortest distance needed to cross a bridge, culvert, or railroad right of way. We hope that Sen. Jauch will consider our requested changes. Without those changes, we must oppose the bill, as we have serious concerns about mixing off-road vehicles, not designed for highway operation, with larger, stronger, more dangerous vehicles.

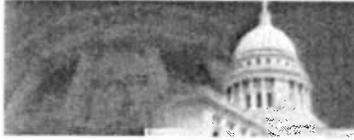
Thank you for considering DOT's comments, as you deliberate this bill.



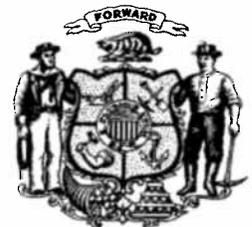
CARSON HAS MET W/ JAUCH'S DNR TO GET AT DOT'S CONCERNS

CONCERNS:

1. SAFETY VEHICLES
2. DOESN'T REQUIRE DRIVER'S LICENSE



# WISCONSIN STATE LEGISLATURE



**Meinholz, Susan**

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**From:** Walsh, Patrick  
**Sent:** Monday, August 27, 2007 4:13 PM  
**To:** Stephens, Liz; Meinholz, Susan  
**Subject:** LUV specifications

Liz, these are specifications that I have for LUV's

- 60 inches wide at a maximum
- 1,500 pounds dry weight limit
- 800 cc engine maximum
- 94 inch wheel base maximum
- Cargo box as manufactured no custom cargo boxes
- Must have separate driver and passenger seats
- Required to have front and rear lights

Sue, did I miss anything?

*Beth*  
*see me*  
*put in SB158 bill*  
*file?*  
*yes*

**Meinholz, Susan**

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**From:** Stephens, Liz  
**Sent:** Monday, August 27, 2007 4:25 PM  
**To:** Walsh, Patrick; Meinholz, Susan  
**Subject:** RE: LUV specifications

Thanks, Pat.

Sue, let me know if there are other changes to be made. We have no problem with making our legislation parallel to yours.

Thanks again for keeping me clued in.

Liz

**Liz Stephens**

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