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(FORM UPDATED: 08/11/2010)

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

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Transportation, Tourism,
Forestry, and Natural Resources (SC-TTFNR)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Senate Bill 265

Relating to: nonmotorized trail maintenance and use, granting rule-making authority, and making appropriations.

By Joint Legislative Council.

August 11, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

September 17, 2009 **PUBLIC HEARING HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Appearances For

- Darryl Lloyd, Madison
- Jim Wendt, Oregon
- Mary Motiff, Washburn — Bayfield County Tourism & Recreation
- Brian Conger, Madison — Bicycle Federation of Wisconsin
- Mike Wollmer, Cross Plains — Ice Age Trail Alliance
- Robbie Weber, Madison
- David Phillips, Madison — Non-motorized Trail Committee
- Gary Werner, Madison
- Jim Sullivan — 5th Senate District
- Sue Drum, Presque Isle

Appearances Against

- Tom Walker — Wisconsin Transportation Builders Association

Appearances for Information Only

- Peter Biermeier — DNR

Registrations For

- Jolene Plautz — U.S. Sportsment Alliance
- Don Erickson, Birchwood
- Dean Dversdall — Ice Age Trail Association
- Chris Fortune — Saris Cycling Group
- Mari-Anne Westigard, Luck
- Teri Power
- Mike Bauer, Cushing

- Barb Delaney, Dresser
- Marvin Wanders, LaCrosse
- R.J. Wickham, Omro
- Pat Olsen, Stevens Point
- Jules Cappelle — Badger Trail
- Krist Pottorff, Kenosha
- Art Hicks — Kenosha Racine Bike Club
- Jim Cullen, Janesville
- Nancy Frank
- Wanda Brown, St Croix Falls
- Vernell Theisen, Wausau
- Lisa Ruesch, Brookfield
- Dorothy Jeffries, Osceola
- David Cash, Whitewater — Ice Age Trail Association
- John McKenzie, Fort Atkinson
- Lee Hazlett, Hancock
- Sharon Pomaville, Salem
- Karen Kroll, Columbus — Wisconsin State Horse Council
- Ric Damm, Ripon — Ripon College Cycling Coach
- Jean Schermer, Luck
- Mark Giese, Racine
- Jacob Kueber, Bruce
- Jane Haasch, Waupaca
- Barb Woods, Westfield
- Mike Charron, LaCrosse — Human Powered Trails
- Ishi Buffam, Madison
- Mel Whiteside, Bayfield — North Coast Cycling Association
- Patrick Molzahn, Oregon
- Barbara Wollmer, Dane
- Jeremy Gragert, LaCrosse
- Jody Cloews, Madison
- Michael Leger, Madison
- Christopher Schoggen, Hartford
- Ann Sweeney, Madison
- Todd Lindlow, Milwaukee
- L.G. Friedrichs, Sussex
- John Durham, Mosinee
- Shayne LaBudda, Lancaster — 151 N Tyler St
- John Siegert, Racine
- Brian Huttenburg, Madison
- Rachel Mokolke-Heineman, Middleton
- Brian Buttchen, Madison — 5253 Verona Rd
- Brian Turany, Madison
- Jim DeRosia, Iron River
- Kent Wenger, Madison

- Peter Gray, Madison
- Joan Blakenship, Fitchburg
- JoAnn Schmidt
- Chris Schalow — Trek Bicycle Corporation
- Suzanne Rosenblatt, Shorewood
- Brian Porter, Madison
- Michael Prichard
- Justin Pitts, Menominee
- Carolyn Senty, Madison
- Alex deLucenay, Madison
- John Feeney, Madison
- Ken Lambert, Waupace
- Claire Pettersen, Madison
- Margaret Heller, Kenosha
- Amy Kinast, Madison
- Tim Carls, Racine
- Ed Werstein, Milwaukee
- Greg Hawley, Appleton — Oshkosh Cycling Club
- Robert Skalton, Howards Grove
- Angie Tornes, Madison

Registrations Against

- John Manske, Madison — Cooperative Network

Registrations for Information Only

- None.

April 22, 2010

Failed to pass pursuant to Senate Joint Resolution 1.

Elizabeth Novak
Committee Clerk



DATE: September 11, 2009 File Reference: SB 265 2009

TO: Laurie Osterndorf, Administrator, Lands Division

FROM: Daniel Schuller, Director, Bureau of Parks and Recreation

SUBJECT: Background Information on Proposed SB 265: Non-motorized Trail Maintenance and Use.

Increasing trends in recreational and commuting trail use in Wisconsin (Wisconsin SCORP 2004) are putting a financial strain on state, local units of government and non-profit entities who provide trail maintenance and operational funds. Few providers have created a fee based trail system, and for those that have, the funds collected have been inadequate to address maintenance needs. Providers, supported by users, faced with diminishing tax dollar support have sought to find a stable source of funding for trail maintenance to assure long-term upkeep and viability. As noted in detail below, the volume of trails administered by local units of government and non-profit groups located across the state, combined with the lack of maintenance funding for those trails has created a critical need for funding. Proposals such as SB 265 could provide the type of funding necessary to grow and maintain the networks of trails for a variety of purposes for all trail providers in Wisconsin.

A 2008 Legislative Council Special Committee on *Enhancing Recreation Trails for Non-Motorized Use* created a legislative framework for a 2009 Senate Bill which is intended to provide new funding to non-motorized trails in Wisconsin. The proposed SB 265 addresses funding issues for those trails as follows:

- Creates a fund equal to \$10 million or 1% (whichever is less) of the Wisconsin motor fuel tax collected in the prior fiscal year for the benefit of non-motorized trails. DNR would administer the program after promulgating rules.
- Provides funding that will enhance non-motorized use of trails for both recreation and transportation (e.g. commuting to work on bicycle).
- Stipulates that funding will be available for a wide network of trails open for public use, to include those maintained by local unit of governments, State of Wisconsin, and non-profit organizations.
- Includes support for a wide variety of trail uses including water trails.
- Continues to allow for fees to be charged for trail use, but by its creation fills a funding void that may eventually allow for fees to be eliminated where now applied.
- Includes a provision to fund education and dissemination of information on trails, such as maps, trail access, transportation alternatives and trail events.

- Significantly restricts reimbursable activities, thus assuring that funds provided will be focused on keeping trails maintained.

Background. Wisconsin has experienced a steady growth in the number and mileage of non-motorized trails and in the uses and users of trails during the past decade. Maintaining and operating trails is the responsibility of state and federal agencies, local units of government and non-profit organizations. One of the main barriers to creating new trails and maintaining existing trails to desired standards is the lack of maintenance funding available. This funding problem is shared by state, local, and non-profit non-motorized trail providers. This proposal could provide a stable source of funding for the Department as well as for other trail providers across the state that have already invested in trails. In addition, it would provide a significant incentive for local units of government that do not currently have a network of trails to build trails with the understanding that maintenance funding would be available. Lastly, this funding may allow trail providers to keep trail fees low or non-existent, providing a greater incentive to use trails for commuting (and other non-motorized transportation) and recreation, thus lowering the burdens on the existing road and highway system.

In FY 08 the Department spent an estimated \$3.6 million in operation and maintenance dollars to provide and maintain its statewide system of trails, while generating only \$1.26 million in trail pass revenues. In FY 08, the State Parks System (WSPS) alone spent approximately \$2.5 million operating and maintaining its trails. This amount does not include development of or major repairs on new or existing trail segments. Trail pass fees generated approximately \$1.25 million to the WSPS leaving a deficit of approximately \$1.25 million in relation to FY 08 costs. These excess maintenance costs were absorbed within existing GPR and SEG budgets, which negatively impacts the solvency of the Parks SEG account. Other Departmental programs (including: Forestry, WM, F&L) incurred costs of approximately \$1.1 million for trail operation and maintenance in FY 08, while generating approximately \$100,000 in trail pass revenues. The difference in the amount required to operate a state trail and individual property trails and the funds received from the sale of state trail passes is covered by monies from the separate operating accounts which includes funds from state Conservation and Forestry SEG accounts and some state tax dollars.

The Department currently has approximately 4,086 miles of trails, with 1,786 miles of linear rail trails open to the public (Table 1). These trails include a variety of remote natural surfaced trails, gravel surfaced linear rail grades, and asphalt surfaced urban trails.

Table 1. State of Wisconsin Trail Mileage by Program

Trail Location by Program	# of Miles
State Park System	2,860
Northern State Forests	958
Wildlife Management	168
Other Program	100
Total DNR-Operated Trail Miles:	4,086

The Department has established an average per-mile cost for maintaining trails based upon trail surface type and whether it is on an existing rail corridor or not. State estimated per-mile costs parallel other studies done by neighboring states as well as the National Rails-to-Trails Conservancy. Based upon these standards, the Department should be spending almost \$6.1 million/year (Table 2) to maintain and operate its current system of trails. Given that the Department currently spends \$3.6 million annually, the estimate of additional maintenance funding needed annually is \$2.5 million, based on existing mileage at FY 08 spending levels.

Table 2. Projected Costs to Maintain Department Trails

Trail Type	# of Miles	Maintenance Cost/mile	Total Cost
Rail Trail (paved or crushed stone)	1,786	\$2,100	\$3,750,600
Non-rail trail	2,300	\$1,000	\$2,300,000
DNR Mileage & Cost Totals:	4,086		\$6,050,600

In addition to an extensive state trail system, non-motorized trail mileage constructed and operated by local units of government and non-profits exceeds 6,000 miles by DNR estimates. This includes 3,500 miles of county trails, 2,000 miles by municipalities, and over 700 miles by non-profit groups. Applying the estimated trail costs developed by the Department yields an annual maintenance cost of \$7.76 million for these trails (Table 3) that must be absorbed by other means or simply neglected, which can lead to increased expenses long-term and can compromise user enjoyment and safety.

Table 3. Local Unit of Government and Non-Profit Operated Trail Estimates – 2008

Trail Surface	# of Miles	Maintenance Cost/mile	Total Cost
Native surface trail	2,000	\$700	\$1,400,000
Paved trail	1,500	\$1,000	\$1,500,000
Non-native surface trail (e.g. gravel, wood chips)	2,700	\$1,800	\$4,860,000
Non-DNR Mileage and Cost Totals:	6,200*		\$7,760,000

Combining this amount with the existing Departmental need (\$6.1 million) yields an estimated cost of **\$13.86 million/ year** to maintain non-motorized trails statewide at an acceptable standard that will provide non-motorized trails that can be safely enjoyed and that are maintainable and minimize their impact on the surrounding environment.

SB 265. Under the provisions of the proposed Senate Bill 265:

- The Department would promulgate rules and administer the program under specific authority provided in the Bill.
- Eligibility is limited to entities listed in the legislation.
- Priority for funding would be allocated under a prioritized system for maintenance activities and use-enhancement activities. The Bill provides significant detail in how funds should be allocated for each use.
- The program would not be eligible for use in purchasing equipment, supplying law enforcement, or paying for administrative or overhead costs. Recipients must agree to spend the funds for maintenance of non-motorized trails.
- Funds are to be held in a separate account in the Conservation Fund that is designated as the non-motorized trail account. No transfers can be made to any other account or to any other appropriation in any other account.

Notes:

- The *Wisconsin State Trails Plan* calls for approximately 3,660 additional miles of statewide trails, which have yet to be developed.
- Maintenance per-mile cost estimates include items such as materials and supplies costs, and LTE (seasonal) maintenance labor; they do not include cost of permanent salaries, law enforcement, or public contact staff.
- *These numbers represent likely minimal numbers of trail miles operated by local units of government, and non-profit organizations. The numbers have been assembled from data available to the Department.



State of Wisconsin
JOINT LEGISLATIVE COUNCIL

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LEGISLATIVE COUNCIL STAFF
Terry C. Anderson
Director
Laura D. Rose
Deputy Director

TO: MEMBERS OF THE SENATE COMMITTEE ON TRANSPORTATION, TOURISM,
FORESTRY, AND NATURAL RESOURCES

FROM: Terry C. Anderson, Director *TCA*

RE: Hearing on 2009 Senate Bills 264, 265, and 266

DATE: September 14, 2009

Enclosed, for your information, is a copy of Wisconsin Legislative Council Report to the Legislature, RL 2009-06, dated August 14, 2009.

The following recommendations of the Special Committee on Enhancing Recreational Trails for Non-Motorized Use have been referred to your committee:

1. **2009 Senate Bill 264**, relating to trespass by operators of snowmobiles, all-terrain vehicles, and other off-road vehicles.
2. **2009 Senate Bill 265**, relating to nonmotorized trail maintenance and use, granting rule-making authority, and making appropriations.
3. **2009 Senate Bill 266**, relating to creating a Nonmotorized Recreation and Transportation Trails Council.

These bills are scheduled to be considered by your committee at its meeting which will be held on **Thursday, September 17, 2009, beginning at 10:01 a.m., or immediately following adjournment of the executive session, in Room 300 Southeast, State Capitol.**

If you have any questions relating to the above report or bills, please feel free to contact Don Salm, Senior Staff Attorney, at 266-8540, or Dan Schmidt, Senior Analyst, at 267-7251.

TCA:wu;ksm
Enclosure







WE BRING CYCLING TO LIFE.

September 15, 2009

Senate Committee on Transportation, Tourism,
Forestry and Natural Resources

Dear Members of the Committee:

I would like to express my support for three bills that are being reviewed by your committee tomorrow, September 17. These bills have been introduced by the Joint Legislative Council. All bills are introduced to promote safety on non-motorized trails. There is an increase in interest in cycling, walking and running, and these bills will enhance safety of these users on Wisconsin's trails.

Senate Bill 264 expands existing statutes relating to trespassing on private property by ATV's, snowmobiles, etc. to apply to public property, giving wardens and law enforcement officers enforcement rights. Please support this bill.

Senate Bill 265 makes segregated funds set aside for the trail maintenance a continuing appropriation. Without proper maintenance, even the best of trails become unsafe. Please support this bill.

Senate Bill 266 creates a council to study and make recommendations on matters related to non-motorized recreation transportation and trails. Members are to be appointed by the governor. As the chair of another such council, the Governor's Bicycle Coordinating Council, I am well aware of the benefit that comes from public members and representatives from government meeting and working together on common issues. The result of such groups is that all output is a well thought-out, well coordinated effort that benefits the citizens of Wisconsin. Please support this bill.

Thank you for your consideration of my request.

Sincerely,

A handwritten signature in cursive script that reads "Chris Fortune".

President

5253 Verona Road Madison, WI 53711
PH: 608.274.6550 / 800.783.7257
FX: 608.274.1702

www.saris.com

www.cycleops.com



OFFICE OF SENATOR JIM HOLPERIN

Entered in Forward:

Date Received: 9/15 ^{2009?} Date Closed: _____

Closed in Forward:

Name: Sue Drum

Address: 11384 County Hwy B

City & Zip: Presque Isle

Phones: (H) 715-686-2655 (W) _____

E-Mail: _____

Nature of Problem: _____ Assigned to: _____

Details: SB-266

SB 265

SB-264

Northwoods Citizens Responsible Steward

NCRS

- visit at _____
- phone call
- e-mail
- letter
- voice mail
- office hours at _____
- Jim personal contact



Holperin, Jim

From: Heinen, Paul H - DNR [Paul.Heinen@Wisconsin.gov]
Sent: Wednesday, September 16, 2009 9:53 AM
To: Novak, Elizabeth; Holperin, Jim
Subject: FW: Bike Fed Action Alert!

File w/ SB 265

FYI

You may be getting some calls and e-mails.

Paul

Bicycle Federation of Wisconsin Action Alert

September 15, 2009

We have an excellent opportunity to improve Wisconsin's non-motorized trail system but we can't do it without YOUR VOICE AND SUPPORT. Please support Senate Bill 265 which creates a new \$10 million funding source (or 1% of state motor fuel taxes) for maintenance of non-motorized trails. Without strong and immediate public support, this bill will likely die in committee. Attend the public hearing or contact the senate members listed below to voice your support of this important legislation.

Two other bills are also being considered that will positively impact the Wisconsin bike experience, SB 266 & SB 264. See below for more information on all three Senate Bills.

- What - Public hearing before the Senate Committee on Transportation, Tourism, Forestry and Natural Resources
- When - 10:00am, Thursday, September 17th
- Where - Wisconsin State Capitol, Room 300 SE

Action Needed - Attend the public hearing and voice your support of these 3 bills, especially SB 265, and/or contact the Senate Committee members listed below:

Senator Jim Holperin (Chair) -
Sen.Holperin@legis.wisconsin.gov<mailto:Sen.Holperin@legis.wisconsin.gov> , ph: (608) 266-2509
Senator Glenn Grothman -
Sen.Grothman@legis.wisconsin.gov<mailto:Sen.Grothman@legis.wisconsin.gov> , ph: (608) 266-7513
Senator Neil Kedzie -
Sen.Kedzie@legis.wisconsin.gov<mailto:Sen.Kedzie@legis.wisconsin.gov> , ph: (608) 266-2635
Senator Joseph Leibham -
Sen.Leibham@legis.wisconsin.gov<mailto:Sen.Leibham@legis.wisconsin.gov> , ph: (608) 266-2056
Senator David Hansen -
Sen.Hansen@legis.wisconsin.gov<mailto:Sen.Hansen@legis.wisconsin.gov> , ph: (608) 266-5670
Senator Jeffrey Plale -
Sen.Plale@legis.wisconsin.gov<mailto:Sen.Plale@legis.wisconsin.gov> , ph: (608) 266 - 7505
Senator Jim Sullivan -
Sen.Sullivan@legis.wisconsin.gov<mailto:Sen.Sullivan@legis.wisconsin.gov> , ph: (608) 266-2512

Senate Bill 265 -Funding for Non-motorized Trail Maintenance Senate Bill 265 would create a much needed funding source for the maintenance of Wisconsin's non-motorized trails. The bill would allocate \$10 million or 1 percent of state motor fuel taxes, whichever is less, to be spent on the maintenance of non-motorized trails.

The Wisconsin Department of Natural Resources would administer the program in manner similar to existing programs that support motorized trails. This bill would grant local

nonprofits and governments money to maintain existing non-motorized trails.

The bill was supported by the Special Committee on Enhancing Recreational Trails for Non-motorized Use, and it has received support from the horseback riding community and the Bike Fed. A strong public show of support is needed for this bill to have a chance at passing. For the full text of this bill click here<<http://www.legis.state.wi.us/2009/data/SB-265.pdf>>.

Senate Bill 266 - Non-motorized Recreation and Transportation Council

Senate Bill 266 would create a council dedicated to non-motorized recreation and transportation. This bill is predicted to pass, and is worthy of your support. For the full text of this bill click here<<http://www.legis.state.wi.us/2009/data/SB-266.pdf>>.

Senate Bill 264 - Trespassing Penalties for off-road motor vehicles

Senate Bill 264 aims to discourage trespassing of off-road motorized vehicles on non-motorized trails and properties. This bill is also likely to pass, and is worthy of your support. For the full text of the bill click here<<http://www.legis.state.wi.us/2009/data/SB-264.pdf>>.

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@lists.bfw.org<<mailto:leave-1315153-7317344.724bdac6c59dbba439cf5ef2c61c6c59@lists.bfw.org>>





Fax

To: Senator Jim Holperin

Fax: 608-267-0309

From: Michael G. Wollmer, Executive Director

Date: September 16, 2009

Pages: 3

Re: **Support for Senate Bills 264, 265 and 266**



September 16, 2009

Senator Jim Holperin
 Room 409 South, State Capitol
 PO Box 7882
 Madison, WI 53707-7882

Dear Senator Holperin,

The Ice Age Trail is one of only eleven National Scenic Trails and Wisconsin's only State Scenic Trail. It stretches more than a thousand miles across the state, highlighting our world-renowned Ice Age heritage and natural resources.

The Ice Age Trail Alliance, Inc. is a nonprofit member- and volunteer based organization that creates, supports, promotes and protects the Ice Age Trail. Our organization has more than 3,000 members and hundreds of volunteers who last year dedicated more than 42,000 hours of their time to the Ice Age Trail.

The Ice Age Trail Alliance fully supports Senate Bills 264, 265 and 266.

We support Senate Bill 264 because it would allow more consistent monitoring of motorized use violations on the Ice Age Trail. Motorized use on the Ice Age Trail causes damage to the Trail's tread that must be repaired by our volunteers and may result in the closure of Trail segments, which forces hikers to walk on potentially unsafe roads. Because this bill would allow more consistent monitoring of motorized use violations on Trail segments crossing both private and public land, it will help keep off-road Ice Age Trail hiking experiences open to the public.

We support Senate Bill 265 because it would create a much-needed funding source for maintaining Wisconsin's non-motorized trails in general, and the Ice Age Trail specifically. In terms of building citizen support for the Ice Age Trail and making sure it has the reputation as an accessible, enjoyable-to-use public recreation resource, our organization's top priority is to make sure that every mile of the Trail is well-maintained. Nothing hurts our cause more than users having a poor experience while hiking the Ice Age Trail. Though volunteers working through Ice Age Trail Alliance-organized activities contributed tens of thousands of hours of their time to maintaining the Trail last year, various parts of the Trail



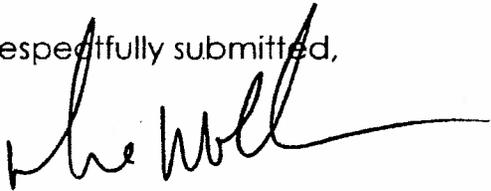
are still found by Trail users to be in need of maintenance. Adding the backing of a fund for non-motorized trail maintenance would leverage our own financial and volunteer resources, greatly increasing our ability to meet the goal of a uniformly well-maintained Ice Age Trail.

We support Senate Bill 266 because it would create a council representing the interests of non-motorized trail users that would provide recommendations on matters related to such trails at the highest levels of Wisconsin government. The fact that DNR and DOT would need to consult with the council regarding non-motorized trail planning, acquisition, development, maintenance and management is viewed by our organization as a critical means for voicing our members' and volunteers' concerns on issues affecting their enjoyment of Wisconsin's non-motorized recreational resources, such as the Ice Age Trail.

The Ice Age Trail Alliance supports Senate Bills 264, 265 and 266 and urges the Committee on Transportation, Tourism, Forestry and Natural Resources to recommend passage by the Senate.

Thank you for your consideration.

Respectfully submitted,



Michael G. Wollmer
Executive Director

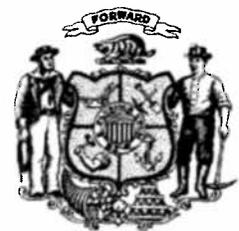
working to Create, Support and Protect the Ice Age National Scenic Trail
Ice Age Trail Alliance (formerly Ice Age Park & Trail Foundation)
2110 Main Street • Cross Plains, WI 53528
800-227-0046 • www.iceagetrail.org



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WISCONSIN STATE LEGISLATURE





Wisconsin State Horse Council, Inc.

P.O. Box 72
Columbus, WI 53925
Phone: (920) 623-0393
Fax: (920) 623-0583

A NON-PROFIT ORGANIZATION REPRESENTING THE INTERESTS OF HORSES AND HORSEMEN IN WISCONSIN

September 16, 2009

The Honorable Jim Holperin
Wisconsin Senate
Room 409 South, State Capitol
P.O. Box 7882
Madison, Wisconsin 53707-7882

Dear Mr. Holperin:

I am contacting you as the chairman of the Senate Committee on Transportation, Tourism, Forestry, and Natural Resources. Your committee is discussing Senate Bill 265 relating to creating a non-motorized trail maintenance and use program in the Department of Natural Resources (DNR), including a funding mechanism and rule-making authority for the program and distribution of its funds.

Wisconsin State Horse Council (WSHC) is in full support of this bill. We agree with the finding that Wisconsin's non-motorized trails will benefit greatly from a purposeful program for maintenance and encouragement of use. The funding identified in Bill 265 for this program is sensible because it does not create an additional tax burden for Wisconsin citizens. Recreational riding and driving is the largest usage of horses (78%) in Wisconsin (identified in a 2008 survey for WSHC by the UW-River Falls Survey Research Center). Horse owners care a great deal about trails and keeping them usable. Funding for maintenance of non-motorized trails is a serious missing piece in the DNR budget. We feel the funding level in this bill is appropriate for a stable and aggressive trails maintenance program.

Another bill that has our support is Senate Bill 266 to create a Non-motorized Recreation and Transportation Trails Council in the DNR. Non-motorized recreation continues to increase in popularity for many reasons - enjoyment, health, education, and exploration. With increased usage comes an increased demand for quality trail experiences. An advisory group of trail users would be beneficial to state agencies and government in planning, maintaining, and managing non-motorized trails. This bill creates a good conduit between citizens and our recreation and tourism industries.

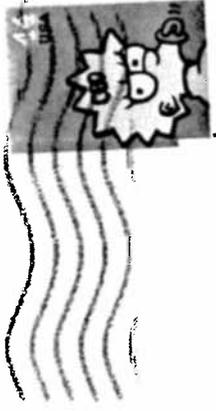
Speaking for WSHC, I ask you and your committee to vote favorably in support of these two bills.

Sincerely,

Karen Kroll
President



Alex Engel
2411 N Camp Ave
MKE, WI 53211



MILWAUKEE WI 532
16 SEP 2009 PM 4 T

Dear Senator Jim Holperin,

As a college student in Milwaukee, biking is a very important way for me to get around. Cars are too expensive and our bus system is underfunded; biking is the best way for me to get around.

Please support Senate Bill 265. As a pollutant, gas should be taxed more heavily anyway to decrease its use. And with this mild additional tax, millions of dollars will be used to support bicycling, further reducing the amount of pollution Wisconsin creates.

Bicycling is not a big issue, but it is important. If we act now, Wisconsin will be a better place to bike and live.

Please support Senate Bill 265, as well as Senate Bills 264 and 266.

Forward,
Alex Engel



OFFICE OF SENATOR JIM HOLPERIN

Entered in *Forward*:

Date Received: 9/16/07 Date Closed: _____

Closed in *Forward*:

Name: Kent Wenger

Address: 1711 Regent

City & Zip: Madison

Phones: (H) _____ (W) _____

E-Mail: _____

Nature of Problem: _____ Assigned to: _____

Details: Support 264, 265, 266

- visit at _____
- phone call
- e-mail
- letter
- voice mail
- office hours at _____
- Jim personal contact

OFFICE OF SENATOR JIM HOLPERIN

Entered in *Forward*:

Date Received: 9/14/09 Date Closed: _____

Closed in *Forward*:

Name: Jeremy Gregert

Address: 756 N 24th St

City & Zip: LaCrosse, WI

Phones: (H) (612) 220-1970 (W) _____

E-Mail: _____

Nature of Problem: _____ Assigned to: _____

Details: Supporting SD 265

- visit at _____
- phone call
- e-mail
- letter
- voice mail
- office hours at _____
- Jim personal contact

OFFICE OF SENATOR JIM HOLPERIN

Entered in *Forward*:

Date Received: 9/16 ← 2009? Date Closed: _____

Closed in *Forward*:

Name: John Feeney

Address: 1518 Nevada Rd

City & Zip: Madison WI

Phones: (H) (609) 241-3031 (W) _____

E-Mail: _____

Nature of Problem: _____ Assigned to: _____

Details: SB 265

→ Support SB 265

good bill

- visit at _____
- phone call
- e-mail
- letter
- voice mail
- office hours at _____
- Jim personal contact





Wisconsin County Forests Association

518 W. Somo Ave. Tomahawk, WI 54487

715-453-6741 wcfa@mac.com

www.wisconsincountyforests.com

WCFA Testimony for

September 17, 2009 Public Hearing of the

Senate Committee on Transportation, Tourism, Forestry, and Natural Resources

2009 Senate Bill 265

Chair Holperin and members of the Senate Committee on Transportation, Tourism, Forestry, and Natural Resources:

Thank you for the opportunity to provide this testimony on 2009 SB 265. Wisconsin County Forests Association (WCFA) represents the 29 counties in Wisconsin with county forest lands established under state statutes §28.10 & 28.11. Collectively these 29 counties manage nearly 2.4 million acres of forests, the largest public land base in Wisconsin.

WCFA generally supports the proposed legislation contained in SB 265. However, we do have some concerns.

If the program to provide funding for maintenance and use of non-motorized trails were to be created we feel it is imperative to house this program in the Grants Section of Community Financial Assistance in the WDNR Division of Customer Assistance and Employee Services. We feel it would be inappropriate for WDNR Division of Facilities and Lands to distribute funds and prioritize projects when they are recipients of program dollars.

If the program is created as outlined in the proposed legislation WCFA would like to be involved in the writing of the program rules and the establishment of priorities for funding. We feel our counties contribute a significant number of miles of non-motorized trails to the recreation base in Wisconsin. Currently, Wisconsin's County Forests provide and maintain over 350 miles of X-Country ski trails, nearly 300 miles of equestrian trails, nearly 300 miles of bike trails, and over 430 miles of designated hiking trails. In addition, we offer over 200 miles of hunter walking trails, 50 miles of dogsled trails, and 27 miles of designated snowshoe trails. We also provide canoe portage routes on designated water trails and downhill ski areas. Timber sale revenue on county forests currently provides the needed funds for maintenance of our trails. It has long been recognized that timber sale revenue subsidizes the recreation opportunities on county forests. A new source of revenue for trail development and maintenance would be welcomed.

In light of the many miles of recreation trails our counties build and maintain in the northern ½ of the state, we are concerned that a high priority placed on non-motorized transportation corridors in southern Wisconsin may result in little or no monies coming to northern Wisconsin for non-motorized trails.

We are curious about how the dollar amount stipulated in the proposed legislation was arrived at. \$10 million dollars is a large amount of funding. We are not sure who provided information to the special committee regarding the current costs of non-motorized recreation and transportation trail maintenance, but the counties were not part of that process.

We are concerned with regards to the amount of funding that would be available for education and public information about non-motorized trails. It is undoubtedly important to have some funds available for this purpose but the main focus of the proposed program should be trail development and maintenance.

Public entities currently providing the majority of non-motorized trails in our state should be involved in any development of statewide standards for trail design and maintenance.

Currently, the motorized trails grant programs provide a portion of funding for law enforcement on trails. We are concerned that law enforcement is an ineligible expense in the proposed legislation.

We are concerned with Section 3 23.176 (8) Use of Funding (c) in the proposed legislation. It appears as though an eligible recipient will not be provided funding unless they agree to spend their own funds in the amount equal to what has been spent on maintenance in the past two years. This is definitely confusing. Why would you spend funds on trail maintenance if you are able to get a grant through the proposed program? Will this lead to spending of unnecessary dollars or will it favor rehabilitation projects in the grant ranking process?

We feel it is imperative for the awarding of grants under the proposed program to be decided by an independent Council similar in structure to the Governor appointed Snowmobile Council or Waterways Commission.

Thank you again for the opportunity to provide this testimony on SB 265. We were unable to appear in person on September 17. If there are questions or a need for further input from our organization please do not hesitate to contact us.





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WTBA Testimony

Senate Committee on Transportation, Tourism, Forestry, and Natural Resources

Public Hearing – SB 265

Tom Walker, Director of Government Affairs

Wisconsin Transportation Builders Association

September 17, 2009

Thank you Chairman Holperin and Members of the Committee.

My name is Tom Walker. I serve as Director of Government Affairs for the Wisconsin Transportation Builders Association, or WTBA.

WTBA is a statewide organization of more than 260 contractors, consultants, and associated businesses. Our members design, build, rehabilitate, improve, reconstruct, expand and modernize every form of transportation infrastructure, including state and local roads and bridges, airports, railroads, and bicycle and pedestrian infrastructure. Most of our contracting members are multi-generational Wisconsin companies that employ numerous workers and pay family supporting wages and benefits.

I want to stress our support for an all mode Transportation System. We explicitly support, for example, High Speed Rail Development, Commuter Rail, RTA's and Transit System Operating Support.

I want to emphasize our partnership with the Wisconsin Bicycle Federation over the last two budgets. Working together, we successfully advocated for Wisconsin's first stand-alone bicycle/pedestrian program, for the use of state funds in this appropriation, and for the new Complete Streets law, that assures that bicycle and pedestrian needs are accommodated in all highway and bridge reconstruction projects.

You might expect, then, our endorsement of this bill.

Unfortunately, that is not the case. Let me explain our policy and fiscal objections.

Policy Concerns

Transportation Purpose?

This bill is the recommendation of the Special Committee on Enhancing Recreational Trails for Non-Motorized Use. Note that the word transportation is missing here and in the Committee's Mission.

In the bill draft on p.3, the term used in Section 1 is Recreation Aids – Nonmotorized trails. On p.6, (6)(b) there are eleven listed priorities, only one of which is partially connected to commuting (#2).

However, the Leg Council report creates the term “non-motorized recreation transportation”.

What then is a recreational trail vs. a transportation trail? One potential definition is that a recreational trail is a facility used for enjoyment by itself; a horse trail is a great example. By comparison, a transportation trail is one use primarily for getting from one place to another. It is a trip.

These are two different policy objectives and should be treated as such. Yes, recreational trails are mixed use facilities, but their use by bicyclists or walkers is by no means the best way to accommodate most bicycling and pedestrian commuting trips. That is the precise reason why there is and should be a robust state commitment to state and federal funding for these two increasingly important travel modes. We presume that most off-road bicycle trails are used by bikes built for that purpose, and have limited commuting purposes.

The core justification for using the Transportation Fund to pay for recreational trail maintenance is congestion relief. We certainly agree that other modes can help do this, but are equally convinced that recreational trail use will not provide such relief to the extent that measurable motorist time savings or delayed capacity needs are achievable.

The Leg Council report (p.13) lists 12 categories of recreational trail use.

It seems clear to us that the transportation tie-in has only one purpose, namely, to capture DOT funding.

We would also like to note that these trails were not built with SEG funds. Why, then, should they be maintained with SEG funds?

Validity of Using State Transportation Funds?

We assume that there are real trail maintenance funding needs, and would be supportive of a state commitment to provide maintenance aids. The issue really is the source of funding.

In addition to the lack of any clear transportation objective in justifying the use of DOT funds, this bill violates another core principle of eligibility for Segregated Transportation Funds.

Beginning with the 1995 Biennial Budget, and despite transfers to the General Fund, the policy upheld by both parties has been that the program must be managed by DOT. If the money is transferred to another agency, then it is that agency's core responsibility, and the program should be funded from that agency's resources or fees. In SB-265, the SEG Transportation Fund is simply the piggy bank, from which transportation user fees are transferred to DNR to administer this program. It is by definition a DNR program. If SB-265 were enacted, DNR would be a perennial advocate for more SEG funding from DOT, precisely because they would not have to prioritize these funds among all their programs.

The fact is that transportation is an element of virtually anything we do. It is easy to create a transportation nexus and put in a claim for SEG funding. The consequences of such a policy would be absurd. Here's an example. Counties transfer inmates between jails and to court. Should we create a Transportation Fund appropriation for inmate mobility and send the money to Corrections to administer?

Some might argue that DOT funds already pay for Snowmobile, ATV's and Boating programs in DNR. Why not recreational trails?

The answer is simple. In all of these cases, motor fuel taxes are paid by those vehicles. Instead of creating a complex system of rebates, the Legislature decided to allocate those fees to DNR, for programs that benefit those fee payers. In this case by definition, non-motorized recreational trail use generates no fees to rebate.

Fiscal Concerns

Let me start by summarizing the historic challenges facing the Transportation Fund, both in this biennium and even more so, in future biennia as the economy rebounds.

The fuel tax is on life support. A fuel tax-based program initiative will fail.

I think that everyone in this room understands and supports the importance of reducing fossil fuel use.

Most of that reduction will come from technology. The next decade will focus on a variety of hybrid and electric vehicles, which will significantly reduce motor fuel use. EPA is in the process of implementing a federal rule to require that fleet averages of autos and light trucks must achieve 35 mpg by 2016.

This will trigger a sea-change in transportation funding, that will be politically controversial. But it must happen.

Today's Situation:

Recently, the Joint Committee on Finance found out that the Transportation Fund was running a \$49 million deficit in the current biennium. After acting, the deficit stands today at just over \$29 million. The Transportation Fund is broke.

There are three causes. The first is the recession, less travel, fewer registrations. But the second is the impact of new fuels and more efficient engines. The third, of course, is the repeal of indexing, resulting in no fee adjustments to deal with rising costs during an era of global commodity inflation.

Motor fuel use has clearly peaked, and with that decline comes the loss of transportation revenues, even before the impact of inflation is considered.

The 2011 Biennial Budget:

Unlike the General Fund, in which economic growth will provide additional revenues, a stronger economy will lead to more purchases of very fuel efficient vehicles, further reducing fuel tax collections.

It is very reasonable to project that state transportation revenues will be flat, at best. Without new revenues, there will be no funding available for increased costs or new initiatives, including the one proposed in this bill.

The largest annual SEG appropriation is for General Transportation Aids. Other large SEG appropriations include STH Rehabilitation, STH Maintenance, and Transit Operations. These are clearly the state's priorities when transportation revenues are declining.

Future Transportation Needs:

I know you are all familiar with a growing list of transportation challenges that will be vying for any new revenues in the next few biennia. Some obvious examples include urban road reconstruction needs; Interstate Highway deterioration; high speed rail operating costs; and of course, a rapidly deteriorating Zoo Interchange. The list is long and the cost is high, especially considering that revenue projections are flat – at best.

In the context of multiple demands in a Biennial Budget, it is difficult to conceive that recreational transportation trail maintenance would be selected for very limited new funding.

Wisconsin Is Unique:

The first vehicle registration fee was enacted in 1908; the first fuel tax in 1921. Since then, the Legislature has failed to do what every other state has done: broaden the transportation revenue base beyond historic highway fees. It is simply not reasonable for highway users as one class of users to pay for programs that provide little if any benefits to those who pay the fees.

Look at Minnesota. The fuel tax there is constitutionally dedicated to state and local highways, roads and streets. The entire sales tax on new and used vehicles is constitutionally dedicated, 40% for highways, 40% for transit capital costs, and 20% is flexible between these two areas.

Each county in the 7-county Twin City region is allowed by enact a ¼ of 1% sales tax for transit operations. There is also a regional property tax dedicated to transit.

Rail and Harbor programs are paid for by the General Fund, as well as funding for the Elderly and Disabled.

Each state has found its own solution. Tolling is being used more and more. Mileage fees are a likely way to collect revenues in about 10-15 years.

The point I want to emphasize here is that there are other solutions than the fuel tax. I would be willing to wager that no other state uses highway fees to pay for recreational trails. Why should Wisconsin?

First Draw:

This bill allocates 1% of fuel tax revenues to recreational trails, or a minimum of \$10 million annually, whichever is less.

According to DOT's fiscal note, this is effectively a first draw of transportation revenues, after debt service is paid. In effect, this program would be the highest transportation priority in Wisconsin. Does that make sense?

We suggest that it would also set a precedent where each stakeholder group may ask for its own percentage allocation, in effect undermining the flexibility for the Legislature to set spending priorities in the biennial budget.

Summary

In summary, WTBA opposes this bill for two reasons. First, recreational trail maintenance is not a legitimate way to use Segregated transportation funds. Second, the transportation cookie jar is empty; there are not even any crumbs left.

As you consider this bill, we encourage you to ask yourselves if you support highway fee increases to pay for it – that's what it will take.

Thank you for the opportunity to testify. I would be pleased to answer any questions.



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