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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 400**

Relating to: operation of all-terrain vehicles to remove snow.

By Senators Holperin, Kreitlow, Cowles, Taylor, Plale, Olsen, Schultz, Erpenbach and Hansen; cosponsored by Representatives Jorgensen, Clark, Ballweg, Townsend, Radcliffe, A. Ott, Suder, Petrowski, Mursau, Gunderson, Kaufert and Nygren.

November 18, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

January 20, 2010 **PUBLIC HEARING HELD**

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

Absent: (0) None.

##### Appearances For

- Rob McConnell — WATVA
- Randy Harden, Sheboygan — Wisconsin ATV Association
- Edward Folger — Marshview Riders ATV Club

##### Appearances Against

- Major Dan Lonsdorf — WI DOT

##### Appearances for Information Only

- None.

##### Registrations For

- Jim Holperin, Eagle River — 12th Senate District
- Andy Jorgensen — 37th Assembly District
- Jack Sauer — Lafayette County
- Lee McCarville — Iowa County
- Jed Gant — Lafayette County
- Jeff Plale — 7th Senate District
- John Raf, Darlington — Tri-County ATVs

##### Registrations Against

- None.

##### Registrations for Information Only

- Gary Eddy — WI DNR

February 4, 2010

**EXECUTIVE SESSION HELD**

Present: (6) Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Absent: (1) Senator Plale.

Moved by Senator Sullivan, seconded by Senator Hansen that **Senate Amendment LRB 1456** be recommended for introduction and adoption.

Ayes: (6) Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes: (0) None.

Absent: (1) Senator Plale.

INTRODUCTION AND ADOPTION OF SENATE AMENDMENT LRB 1456  
RECOMMENDED, Ayes 6, Noes 0

Moved by Senator Hansen, seconded by Senator Sullivan that **Senate Bill 400** be recommended for passage as amended.

Ayes: (6) Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes: (0) None.

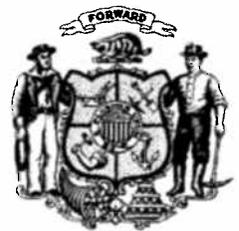
Absent: (1) Senator Plale.

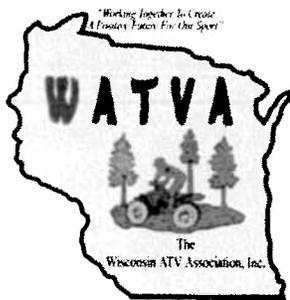
PASSAGE AS AMENDED RECOMMENDED, Ayes 6, Noes 0

Elizabeth Novak  
Committee Clerk



WISCONSIN STATE LEGISLATURE





Public Hearing  
1/20/10

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

Testimony provided by Randy Harden & Rob McConnell of the Wisconsin ATV Association (WATVA)

**Chair - Senator Jim Holperin**

*Senators' Jim Sullivan, Jeff Plale, Dave Hansen, Joe Leibham, Neal Kedzie, Glenn Grothman*

***Re: SB 400 - Relating to the operation of all-terrain vehicles to remove snow***

**Requesting your support for this bill**

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Thank you for the opportunity to testify on this bill. The Wisconsin ATV Association supports this legislation because it appeals to our members and citizens who purchased an ATV enabling them to experience and explore the many versatile ways in which to use them.

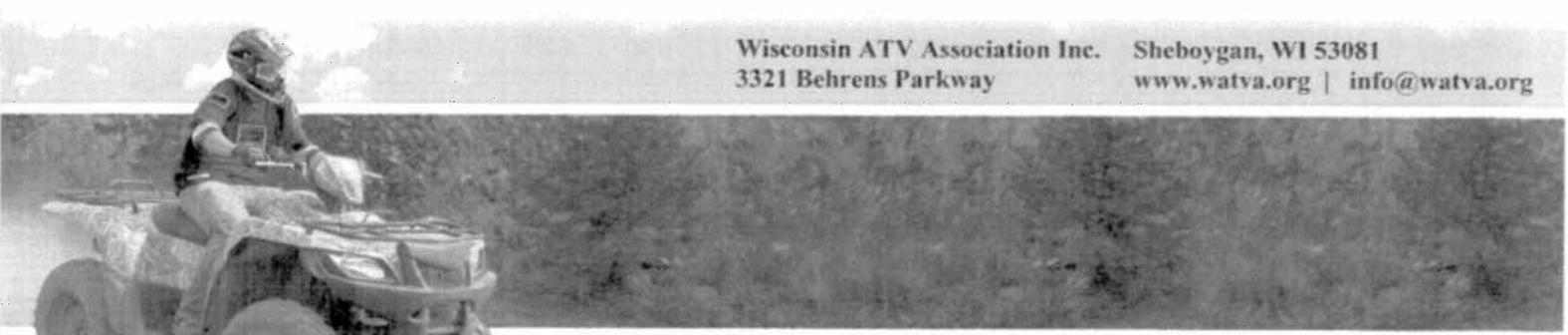
The majority of our involvement typically deals with recreational trail use. This legislation however, provides a common sense solution that occurs when the ATV owner needs to convert the ATV from a recreational use to a snow removal work purpose.

This legislation was written in such a way that the ATV is no different than any other snow removal equipment being used now.

Please support passage of SB 400.

Wisconsin ATV Association Inc.  
3321 Behrens Parkway

Sheboygan, WI 53081  
www.watva.org | info@watva.org





**Wisconsin Department of Natural Resources testimony on  
SB 400  
Operation of All-terrain Vehicles on Roadways for the Purpose  
of Snow Removal  
Senate Committee on Transportation, Tourism, Forestry and  
Natural Resources  
January 20, 2010 at 10:00 AM  
Room 300 SE**

**Position of Department of Natural Resources: Info. Only**

Testimony by: Gary Eddy, Snowmobile Safety Administrator

The Department is appearing for informational purposes regarding SB 400 which permits all-terrain vehicles to operate on roadways for the purposes of snow removal.

Currently, law enforcement and local community officials are struggling with this issue. Communities may permit ATVs to operate on roadways once an ordinance is enacted and DOT standard signs are posted on all roadways designated as such. This is not an attractive option for most communities that only wish to allow ATVs on roadways only for snow removal purposes. Some agencies choose to do nothing with ATVs plowing snow while others restrict the activity. This bill would provide some statewide consistency with this issue.

This bill contains several appropriate safety requirements such as speed limits, operation on the far right hand side of the road and display of a flashing yellow light.

I would be happy to take any questions you may have.

Major Dan Lonsdorf  
(608) 266-3048

1/22/10



## Novak, Elizabeth

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**From:** Lonsdorf, Daniel - DOT [Daniel.Lonsdorf@dot.wi.gov]  
**Sent:** Friday, January 22, 2010 12:48 PM  
**To:** Novak, Elizabeth  
**Subject:** SB 400

Liz, per your voicemail. Here's what I have on my testimony. Let me know if you need anything more.

**SB 400** Operation of all-terrain vehicles to remove snow. (DTSD) [Similar to 2007 SB 443—oppose; failed to pass] [Discussed as LRB 1726/5--11/16/09 **Meeting Discussion:** The bill allows an ATV with a snow plow to operate on a roadway, up to 2 miles, to get to a site to remove snow. **Concerns include: (a) operator age (i.e. allows children as young as age 12 to operate an ATV in the roadway, even though they have no knowledge of rules of the road or experience operating a motor vehicle in traffic), (b) distance (i.e. allows ATVs to operate in the roadway for up to 2-miles), (c) damage to roads (i.e. ATVs tear up gravel shoulders), and (d) safety (i.e. ATVs are low profile vehicles that “hide” in traffic, especially in low visibility conditions and in between parked cars near driveways or in parking lots – *although the bill provision requiring a flashing/rotating amber light is an excellent idea* – and ATVs are inherently dangerous on hard surfaces due to steering/handling design – e.g. no rear wheel differential, which makes turning movements hazardous). 11/23/09 Meeting Discussion: **WisDOT Position: Oppose****

Also, link to DNR data on 2009 ATV fatalities in Wisconsin:

<http://dnr.wi.gov/org/es/enforcement/safety/atvstats.htm>

*Major Daniel W. Lonsdorf*

Director, Bureau of Transportation Safety  
Wisconsin State Patrol, WisDOT  
Madison, Wisconsin 53705  
Office: 608-266-3048  
Cellular: 608-807-8592  
daniel.lonsdorf@dot.wi.gov



**Holperin, Jim**

*Keep w/ bill jacket...*

**From:** Holperin, Jim  
**Sent:** Tuesday, February 02, 2010 11:49 AM  
**To:** 'randy.harden@nohvis.com'  
**Subject:** RE: SB 400 - ATV Snowplowing Bill

Randy:

Yeah, we'll probably add a minimum age. Also, we will probably consider amending the bill to keep ATVs with plows off highways with speed limits above 45 mph. So, the language would be to the far right side of the road (but still allowed on the pavement) for roads 45 and below, but completely off the paved portion of the road (on the graveled shoulder, basically) for roads above 45. Something like that?

Jim

**From:** Randy Harden [mailto:randy.harden@nohvis.com]  
**Sent:** Friday, January 22, 2010 1:22 PM  
**To:** Novak, Elizabeth; Sen.Holperin  
**Cc:** Rob McConnell; Eddy, Gary D - DNR; Hank Wozniel; randy.harden@nohvis.com  
**Subject:** SB 400 - ATV Snowplowing Bill

Hi guys:

After Rob and I left the committee meeting room this past Wednesday, we spoke with the Major about his concerns regarding youth / age and the distance of 2 miles.

For utility work purposes, I don't think the Wisconsin ATV Association members will have any heartburn by inserting an minimum age into the bill either 16 or 18 if the folks at DNR law enforcement foresee no issues? Not sure how the others up in Oconto feel but after hearing the concerns we are certainly supportive of that change.

Regarding the distance of two miles and the Major (State Patrol) wanting it to be less.....to tell the truth I am unsure where the 2 mile distance came from? The Major stated it might say "in the local neighborhood" but after that brainstorm in the hallway we all agreed that term was not really definable? I'm guessing this figure / distance is somewhat hard to enforce even with a mile given (Gary?) but we're also flexible on distance.....and certainly trust your office to adjust as you think fit (again the Oconto folks might be the ones adamant about the distance more than our association?).

Thanks for all your office does.

*Randy Harden*

WATVA / NOHVIS  
3321 Behrens Parkway  
Sheboygan, WI 53081  
1-888-470-3966  
Direct Line 920-694-1881

Wisconsin All-Terrain Vehicle Association Inc.  
<http://www.watva.org>

OHV Non-Profit 501-C4 NOHVIS Group. Inc.  
<http://www.nohvis.com>

2/2/2010



**Holperin, Jim***File w/ bill jacket...*

**From:** Randy Harden [randy.harden@nohvis.com]  
**Sent:** Tuesday, February 02, 2010 12:18 PM  
**To:** Holperin, Jim  
**Subject:** RE: SB 400 - ATV Snowplowing Bill

Hi Jim:

I foresee no problems if the amendment says no ATVs w/snow removable devices on any roads with road speed limits above 45 MPH **period?**

Most of the construction / landscapers who use the ATVs with plows are moving inner town/city side streets or on highways in towns where speed limit is lowered 45 and under anyway. By not allowing on any roads over 45 MPH should also help keep the chances of people trying to abuse the law?

Thanks for your help and efforts, let me know if I can be of further help or assistance.

Randy

**From:** Holperin, Jim [mailto:Jim.Holperin@legis.wisconsin.gov]  
**Sent:** Tuesday, February 02, 2010 11:49 AM  
**To:** Randy Harden  
**Subject:** RE: SB 400 - ATV Snowplowing Bill

Randy:

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**Sent:** Friday, January 22, 2010 1:22 PM  
**To:** Novak, Elizabeth; Sen.Holperin  
**Cc:** Rob McConnell; Eddy, Gary D - DNR; Hank Wozniel; randy.harden@nohvis.com  
**Subject:** SB 400 - ATV Snowplowing Bill

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2/2/2010

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Thanks for all your office does.

*Randy Harden*

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BILL

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

2009 BILL 465

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

1 AN ACT to amend 23.33 (4) (b), 23.33 (5) (a), 23.33 (8) (e) and 346.94 (1); and to  
2 create 23.33 (1) (jq), 23.33 (3) (hg), 23.33 (3) (hr) and 23.33 (4) (f) of the statutes;  
3 relating to: operation of all-terrain vehicles to remove snow.

Analysis by the Legislative Reference Bureau

Under current law, all-terrain vehicles (ATVs) may be operated on the roadways of highways and areas adjacent to roadways only in limited circumstances. These include roadways or sidewalks that have been designated as ATV routes or trails or roadways that are not seasonally maintained for motor vehicle traffic. Also, the operation of ATVs on roadways is permissible in order to cross from one side of a roadway to another or to cross a bridge or culvert and is permissible on a sidewalk that is designated as an ATV route.

Under this bill, an ATV with a snow plow or similar device may be operated on a roadway, adjacent to a roadway, or on a public sidewalk from October 1 through April 30 for the purpose of traveling to a site to remove snow regardless of whether the area to be traveled is an ATV route or trail if the ATV has certain lighting equipment and if operation on the roadway or the sidewalk is necessary to travel to or from a site where the snow removal device will be used. The travel necessary to or from the site may not exceed two miles. The bill also imposes specific speed limits on operation of an ATV with a snow removal device depending on its proximity to a dwelling and whether it is being operated on a roadway or an area adjacent to the roadway as opposed to a sidewalk.

BILL

1 period beginning on October 1 and ending on April 30 of each year for the purpose  
2 of removing snow if the all-terrain vehicle has a 360-degree flashing or rotating  
3 amber or yellow light mounted at the highest practicable point and that is activated  
4 and visible from any direction, and if such operation is necessary to travel to or from  
5 a site where the snow removal device will be used. The travel necessary to or from  
6 the site may not exceed 2 miles. Operation on a roadway of such an all-terrain  
7 vehicle is authorized only for the extreme right side of the roadway except that left  
8 turns may be made from any part of the roadway where it is safe to do so given  
9 prevailing conditions. Operation adjacent to a roadway of such an all-terrain vehicle  
10 shall comply with the applicable speed limit and with par. (e) 1., 2., 3., and 5.

SECTION 6. 23.33 (5) (a) of the statutes is amended to read:

12 <sup>(change of)</sup> 23.33 (5) (a) Age restriction. No person under 12 years of age may operate an  
13 all-terrain vehicle unless he or she is operating the all-terrain vehicle for an  
14 agricultural purpose and he or she is under the supervision of a person over 18 years  
15 of age or unless he or she is operating a small all-terrain vehicle on an all-terrain  
16 vehicle trail designated by the department and he or she is accompanied by his or her  
17 parent. No person who is under 12 years of age may operate an all-terrain vehicle  
18 which is an implement of husbandry on a roadway under any circumstances. No  
19 person who is under 12 years of age may operate an all-terrain vehicle on a roadway  
20 under the authorization provided under sub. (4) (d) 6. under any circumstances. No  
21 person who is under 12 years of age may operate an all-terrain vehicle under the  
22 authorization provided under sub. (4) (f) under any circumstances. No person who  
23 is under 12 years of age may rent or lease an all-terrain vehicle. For purposes of this  
24 paragraph, supervision does not require that the person under 12 years of age be  
25 subject to continuous direction or control by the person over 18 years of age.

BILL

SECTION 7. 23.33 (8) (e) of the statutes is amended to read:

2 23.33 (8) (e) Signs. The department, in cooperation with the department of  
3 transportation, shall establish uniform all-terrain vehicle route and trail signs and  
4 standards. ~~The standards may not require that any additional signs be placed on~~  
5 ~~all-terrain vehicle routes concerning the operation of all-terrain vehicles with snow~~  
6 ~~removal devices attached.~~

SECTION 8. 346.94 (1) of the statutes is amended to read:

8 346.94 (1) DRIVING ON SIDEWALK. ~~The~~ Except as authorized in s. 23.33 (4) (f) or  
9 ~~when the sidewalk is an all-terrain vehicle route, as defined in s. 23.33 (1) (c), the~~  
10 operator of a vehicle shall not drive upon any sidewalk area except at a permanent  
11 or temporarily established driveway unless permitted to do so by the local  
12 authorities.

(END)