### Chapter NR 64

**ALL-TERRAIN VEHICLES**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>NR 64.01</td>
<td>Purpose and applicability. This chapter applies to owners and operators of all-terrain vehicles, dealers who sell all-terrain vehicles, towns, villages, cities, counties, the state and federal agencies. This chapter establishes standards for the implementation of the all-terrain vehicle program under s. 23.33, Stats.</td>
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<tr>
<td>NR 64.02</td>
<td>Definitions. In this chapter:</td>
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<tr>
<td>(1)</td>
<td>“All-terrain vehicle area” means a designated area that contains all-terrain vehicle riding courses and support facilities.</td>
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<td>(2)</td>
<td>“All-terrain vehicle route” means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction.</td>
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<td>(3)</td>
<td>“All-terrain vehicle trail” means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways which are not seasonally maintained for motor vehicle traffic.</td>
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<td>(4)</td>
<td>“Applicant” means the unit of government or agency applying for a grant under this chapter.</td>
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<td>(5)</td>
<td>“Approval” means the signing by the secretary or secretary’s designee of a project agreement encumbering a specified amount of state aid funds for a specific purpose.</td>
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<tr>
<td>(6)</td>
<td>“Department” means department of natural resources.</td>
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<td>(7)</td>
<td>“Enforcement” means the detection and prevention of civil violations.</td>
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<td>(8)</td>
<td>“Force account” means the performance of a development or maintenance project with the forces and resources of the sponsor, including personal services, equipment and materials.</td>
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<td>(9)</td>
<td>“Fringe benefits” means employers' contributions or expenses for social security, employee’s life and health insurance plans, unemployment insurance coverage, workers' compensation insurance, pension retirement plans, and employee benefits in the form of regular compensation during authorized absences from the job (i.e., annual, sick, court or military leave). These contributions and expenses must be equitably distributed to all employee labor activities.</td>
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<td>(9m)</td>
<td>“Hybrid Trail (Troute)” means an all-terrain vehicle trail and route combination that allows all-terrain vehicles and motor vehicles to utilize the same linear surface and the combination is used as a trail connector as defined in sub. (15).</td>
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<td>(10)</td>
<td>“Indirect costs” means those costs not directly assignable to a grant, program or project. Such costs are generally administrative in nature, are incurred for a common or joint purpose, or are not readily assignable to a project or program.</td>
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<td>(11)</td>
<td>“Project agreement” means a contract between the sponsor and department setting forth the obligations with regard to a portion or all of a specific project.</td>
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<td>(12)</td>
<td>“Project period” means the period of time specified in the project agreement during which all work shall be completed.</td>
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<td>(12e)</td>
<td>“Raceway facility” means an area, including a marked warmup and testing area, specifically designated by a sponsor for the purpose of conducting a sanctioned race or derby for which any required local permits have been obtained.</td>
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<td>(12r)</td>
<td>“Sanctioned race or derby” means a competitive all-terrain vehicle event sponsored by a local unit of government, chamber of commerce, an all-terrain vehicle club, promoter, or similar organization.</td>
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<td>(13)</td>
<td>“Secretary” means the secretary of the department of natural resources.</td>
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<tr>
<td>(14)</td>
<td>“Sponsor” means local unit of government, state agency, or federal agency receiving assistance.</td>
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<tr>
<td>(15)</td>
<td>“Trail Connector” means an all-terrain vehicle trail that connects one trail to another trail or services.</td>
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**History:** Cr. Register, July, 1986, No. 367, eff. 8—1—86.

### NR 64.03 Registration. **(1) APPLICATION.** Upon receipt of the required fees under s. 23.33 (2), Stats., payment of any sales and use taxes due under s. 77.61 (1), Stats., and an application on a form provided by the department, the department shall issue a registration certificate stating the registration number, the name and address of the owner, and other information the department deems necessary.

**History:** Cr. Register, July, 1986, No. 367, eff. 8—1—86; cr. (12e) and (12r), Register, November, 1989, No. 407, eff. 12—1—89; CR 11—050: cr. (9m), (15) Register July 2012 No. 678, eff. 8—1—12.

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<td>(2)</td>
<td>Issuance. (a) The department shall issue 2 registration decals with the registration certificate for each all-terrain vehicle owned by an individual owner. The decals shall be no larger than 4 inches in height and 4 inches in width or 4 inches in diameter and shall contain reference to the state, the department, and a machine identification number. Registration decals for all-terrain vehicles registered for public use shall also contain a reference to the expiration date of the registration.</td>
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<tr>
<td>(b)</td>
<td>The department may designate authorized distributors of registration decals.</td>
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**History:** Cr. Register, July, 1986, No. 367, eff. 8—1—86; cr. (9m), (15), Register July 2012 No. 678, eff. 8—1—12.

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<td>(3)</td>
<td>Expiration. (a) All-terrain vehicle public use registration shall be valid for 2 years beginning July 1 or the date of issuance or renewal and ending June 30 of the second year following the date of issuance or renewal.</td>
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<tr>
<td>(b)</td>
<td>All-terrain vehicle private use registration shall be valid from the date of issuance until ownership of the all-terrain vehicle is transferred.</td>
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**History:** Cr. Register, July, 1986, No. 367, eff. 8—1—86; cr. (9m), (15), Register July 2012 No. 678, eff. 8—1—12.

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<td>(4)</td>
<td>Duplicate. If a registration certificate or registration decal is lost or destroyed, the owner may apply for a duplicate on a form provided by the department. Upon receipt of a proper application and the required fee, the department or its authorized agents shall issue a duplicate registration certificate or registration decal to the owner.</td>
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**History:** Cr. Register, July, 1986, No. 367, eff. 8—1—86; cr. (9m), (15), Register July 2012 No. 678, eff. 8—1—12.

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<td>(5)</td>
<td>Transfer. Upon transfer of ownership of an all-terrain vehicle for which a registration certificate has been issued, the</td>
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seller shall deliver the assigned certificate to the purchaser at the
time of sale. The purchaser shall complete an application for
transfer on a form provided by the department and mail or deliver
to the department within 10 days after the date of purchase.

(6) RENEWAL. Prior to the end of the registration period, the
department shall send the owner of each all−terrain vehicle regis-
tered for public use a 2 part renewal application. The owner shall
complete and sign both portions of the renewal application and
return one portion and the proper fee to the department. Upon
receipt of the registration certificate and the registration decals,
the owner shall destroy the remaining portion of the application.

Failure to receive a renewal application does not relieve the owner
of the obligation to renew the all−terrain vehicle registration.

(7) If an all−terrain vehicle is junked, the owner shall return
the registration certificate to the department marked “junked.”

(8) All−terrain vehicles owned and operated by the state or by
any county or municipality of this state shall display registration
decals. Municipalities may charge a seasonal or daily all−terrain
vehicle area use fee but may not charge a seasonal or daily trail use
fee if the municipality receives trail maintenance aids under s. NR
64.14.

(9) No municipality may register or license all−terrain vehi-
cles. Municipalities may charge a seasonal or daily all−terrain vehicle area use fee but may not charge a seasonal or daily trail use
fee if the municipality receives trail maintenance aids under s. NR
64.14.

(10) (a) An all−terrain vehicle that is not registered pursuant
to s. 23.33 (2) (a), Stats., or is not exempt from registration under s.
23.33 (2) (b) 1., 3., or 4., Stats., is exempt from displaying out
of state registration if the all−terrain vehicle displays a current
Wisconsin all−terrain vehicle nonresident trailpass and has not
been in Wisconsin for more than 15 consecutive days.

(b) The nonresident trail pass shall be permanently affixed to
the forward half of the all−terrain vehicle in a manner that is vis-
able at all times.

Note: This exemption will allow nonresidents to operate their ATVs in the state
for up to 15 days without obtaining Wisconsin registration even though the ATV is
not registered in the nonresident’s home state.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86; am. (4), Register, Decem-
ber, 1999, No. 528, eff. 1−1−00; CR 05−053; cr. (10) Register February 2006 No. 602,
eff. 3−1−06.

NR 64.04 Registration decals. (1) Registration decals shall be perma-
nently affixed to the all−terrain vehicle by the
decal’s own adhesive on both sides of the vehicle in a position for-
ward of the operator that is clearly visible. The owner of an all−
terrain vehicle shall maintain the registration decals in a legible
condition at all times.

(2) Except as provided in sub. (3), the decals shall be perma-
nently attached and displayed on the all−terrain vehicle before any
person operates the vehicle.

(3) A person may operate an all−terrain vehicle without hav-
ing the registration decals displayed as provided in sub. (2) if the
owner has a receipt validated by the department or its authorized
agents. The operator shall have the validated receipt in his or her
possession at all times when operating the all−terrain vehicle and
shall exhibit it upon demand for inspection by any person autho-
rized to enforce this section under s. 23.33 (12), Stats. Upon
receipt, the registration decals shall be displayed in the manner
indicated in sub. (2).

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86; am. (2), cr. (3), Register,
May, 1991, No. 425, eff. 6−1−91; am. (3), Register, December, 1999, No. 528, eff.
1−1−00.

NR 64.05 Change of address. If the owner of a regis-
tered all−terrain vehicle changes his or her address, the owner
shall notify the department in writing of the new address within
15 days after the address change.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86.

NR 64.06 Completion of application for registration
by all−terrain vehicle dealers. (1) When an all−terrain vehi-
cle dealer sells an all−terrain vehicle, the dealer shall require the
buyer to complete an application for a registration certificate and
collect the required fee at the time of sale. The dealer shall mail
the application and fee to the department no later than 7 days after
the date of sale. The department shall provide combination appli-
cation and receipt forms and the dealer shall furnish the buyer with
a complete receipt showing that application for registration has
been made. The operator of the all−terrain vehicle shall have this
completed receipt in his or her possession while operating the all−
terrain vehicle until the registration decals are received. No dealer
may charge an additional fee to the buyer for performing the ser-
vice required under this section.

(2) When an all−terrain vehicle dealer sells an all−terrain
vehicle to a person from another state who wishes to register that
all−terrain vehicle in his or her home state, the dealer shall com-
plete an application that the all−terrain vehicle is to be registered
in another state, furnish the buyer with one copy and retain one
copy for the dealer’s records and shall mail one copy to the depart-
ment no later than 7 days after the date of sale.

(3) Every all−terrain vehicle dealer shall maintain, for one
year, a record in the form prescribed by the department for each
new all−terrain vehicle sold. These records shall be open for
inspection by the department.

(4) Commencing 6 months after August 1, 1986, no dealer
may accept an all−terrain vehicle in trade unless it is registered
with the department or another state.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86.

NR 64.07 Operating rules. (1) In addition to the provi-
sions of s. 23.33 (3), Stats., no person may operate an all−terrain
vehicle:

(a) On or across a cemetery, burial ground, campground, park,
school property or church property without consent of the owner.

(b) On the lands of an operating airport or landing facility
except for personnel in performance of their duties or with con-
sent.

(c) At a rate of speed that is unreasonable or improper under
the circumstances.

(2) The operator of an all−terrain vehicle shall slow his or her
vehicle to a speed not to exceed 10 miles per hour and yield the
right−of−way when traveling within 100 feet of a person who is
not on an all−terrain vehicle, a snowmobile or a motorcycle except
as provided under ch. 346, Stats., where applicable.

(3) ALL−TERRAIN VEHICLE NOISE EMISSIONS AND TESTING. No
person may manufacture, sell, rent or operate an all−terrain vehi-

Note: This section is a consolidation of former Wis. Stats., by the Legislative Reference Bureau.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86; am. (4), Register, Decem-
ber, 1999, No. 528, eff. 1−1−00; CR 05−053; cr. (10) Register February 2006 No. 602,
eff. 3−1−06.

NR 64.08 Sanctions. No person who violates any
provisions of this section may be subject to the following san-
cions:

(a) A civil penalty not to exceed $1,000.

(b) A civil penalty not to exceed $5,000 and a suspension of
the all−terrain vehicle registration for up to 12 months.

(c) A civil penalty not to exceed $10,000 and a suspension of
the all−terrain vehicle registration for more than 12 months.

Notes: This section is a consolidation of former Wis. Stats., by the Legislative Reference Bureau.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86; am. (4), Register, Decem-
ber, 1999, No. 528, eff. 1−1−00; CR 05−053; cr. (10) Register February 2006 No. 602,
eff. 3−1−06; correction in (4) (c) made under s. 13.92 (4) (b) 6., Stats., Register April 2013 No. 688.

NR 64.075 Sanctioned races and derbies. The spon-
sor conducting a sanctioned race or derby on a raceway facility shall:
(1) Make provisions to keep spectators at least 100 feet away
from race competitors on the frozen surfaces of public waters.

(2) Give notice of the race or derby to the local conservation
warden or law enforcement agency having jurisdiction.

History: Cr. Register, November, 1989, No. 407, eff. 12–1–89.

NR 64.08 Owner permitting operation. An owner or
other person having charge or control of an all−terrain vehicle
may not authorize or permit any person to operate the all−terrain
vehicle if the person is:

(1) Prohibited from operating an all−terrain vehicle under s.
23.33 (5), Stats.,

(2) Incapable of operating an all−terrain vehicle because of a
physical or mental disability, or

(3) Under the influence of fermented malt beverages, in-
toxicating liquor or controlled substances.

History: Cr. Register, July, 1986, No. 367, eff. 8–1–86.

NR 64.085 Refusal to allow testing. No operator or
owner of any all−terrain vehicle may deny inspection or may
refuse to operate his or her all−terrain in a manner prescribed by
the law enforcement officer who reasonably suspects a violation of
all−terrain equipment requirements found in s. 23.33, Stats.

History: Cr. Register, December, 1999, No. 528, eff. 1–1–00.

NR 64.09 Safety certification program. The depart-
ment shall establish a program of instruction on all−terrain vehicle
laws, regulations, safety and related subjects. The program shall
include the following:

(1) The program may be conducted by instructors certified by
the department or the department shall establish a correspon-
dence−type course.

(2) The department shall procure liability insurance coverage
for certified instructors for work within the scope of their duties
under this section.

History: Cr. Register, July, 1986, No. 367, eff. 8–1–86; CR 00–110: t. (3) and (4) Register April 2002 No. 556, eff. 5–1–02.

NR 64.10 Accident report confidential. No report
required under s. 23.33 (7), Stats., to be filed with the department
may be used as evidence in any trial, civil or criminal, arising out
of an accident, except that the department shall furnish upon
request to enable all−terrain vehicle operators to follow the route.

History: Cr. Register, July, 1986, No. 367, eff. 8–1–86.

NR 64.11 Coroners and medical examiners to
report: require blood specimen. (1) Every coroner or medi-
cal examiner shall, on or before the 10th day of each month, report
in writing to the department the death of any person within his or
her jurisdiction during the preceding calendar month as the result
of an accident involving an all−terrain vehicle and the circum-
stances of such accident.

(2) In cases of death involving an all−terrain vehicle in which
the decedent died within 6 hours of the time of the accident, a
blood specimen of at least 10 cc. shall be withdrawn from the body of
the decedent within 12 hours after death by the coroner or medi-
cal examiner or by a physician so designated by the coroner or
medical examiner or by a qualified person at the direction of a
physician. All morticians shall obtain a release from the coroner
or medical examiner prior to proceeding with embalming any
body coming under the scope of this section. The blood drawn
shall be forwarded to a laboratory approved by the department of
health services for analysis of the alcoholic and controlled sub-
stance content of the blood specimen. The coroner or medical
examiner causing the blood to be withdrawn shall be notified of
the results of each analysis made and shall forward the results of
each analysis to the department of health services. The depart-
ment of health services shall keep a record of all such examina-
tions to be used for statistical purposes only. The cumulative
results of the examinations, without identifying the individuals
involved, shall be disseminated and made public by the depart-
ment of health services. The department shall reimburse coroners
and medical examiners for the costs incurred in submitting reports
and taking blood specimens and laboratories for the costs incurred
in analyzing blood specimens under this section.

History: Cr. Register, July, 1986, No. 367, eff. 8–1–86; correction in (2) made under s. 13.93 (2m) (b) 6., Stats., Register, December, 1999, No. 528; corrections in (2) made under s.13.92 (4) (b) 6., Stats., Register April 2013 No. 688.

NR 64.12 Routes. (1) An all−terrain vehicle route may be
established by a town, city, village or county by adopting an ordi-
nance designating a highway as an all−terrain vehicle route and
signing the highway in accord with s. 23.33 (8), Stats., and rules of
the department.

(2) A town, city, village or county may adopt an ordinance
designating a state trunk highway or connecting highway as an
all−terrain vehicle route if the department of transportation
approves the designation.

(3) A town, city, village or county may adopt an ordinance
designating a sidewalk of a state trunk highway bridge as an
all−terrain vehicle route with the approval of the department of trans-
portation.

(4) A town, city, village or county may designate a route as an
all−terrain vehicle route during certain periods of the year and pro-
hibit the operation of all−terrain vehicles on that route during
other periods of the year.

(5) All−terrain vehicle operation is not permitted on state
trunk highways or connecting highways except as provided for
under s. 23.33 (4), Stats., or sub. (2) or (3).

(6) No person may operate an all−terrain vehicle on a
restricted all−terrain vehicle route during any period of the year
when the operation of all−terrain vehicles is prohibited.

(7) Signs for all−terrain vehicle routes on highways, hybrid
trails, and sidewalks designated for use by the governmental unit
having jurisdiction as authorized under s. 23.33 (8), Stats., shall
meet the following requirements:

(a) The all−terrain vehicle route sign shall have a reflectorized
white symbol, border and message on a reflectorized green back-
ground. The sign, including the stylized all−terrain vehicle sym-
bol and the word message “ATV ROUTE”, shall conform to the
standard design on file in the department of transportation.

Note: For information on whom to contact for the construction of signs for all−ter-
rain vehicle routes, contact your DNR Regional Community Service Specialist
shown online at http://dnr.wi.gov/files/PDF/pubs/cf/CFAlt03.pdf.

(am) The standard and minimum size of an all−terrain vehicle
route sign shall be:

1. For an all−terrain vehicle route sign on a hybrid trail that is
not receiving gas tax funding: no smaller than 6 inches by 6
inches and no larger than 24 inches by 18 inches.

2. For all other all−terrain vehicle route signs not identified in
subd. 1., the minimum size shall be 24 inches by 18 inches.

(b) The directional arrow marker (M7 series) shall have a
reflectorized white arrow and border on a reflectorized green back-
ground. The standard and minimum size of a directional
arrow shall be 12 inches by 9 inches.

(c) An all−terrain vehicle route sign with directional arrow,
where appropriate, shall be placed at the beginning of an all−ter-
rain vehicle route and at such locations and intervals as necessary
to enable all−terrain vehicle operators to follow the route.
NR 64.12 WISCONSIN ADMINISTRATIVE CODE

ALL TERRAIN VEHICLE ROUTE SIGN AND ARROWS (M−7 SERIES)

GREEN REFLECTORIZED BACKGROUND WITH WHITE REFLECTORIZED LETTERS, SYMBOLS, AND BORDER

(d) All−terrain vehicle route signing shall be done by or under the direction of and is the responsibility of the unit of government which designates the all−terrain vehicle route.

NR 64.13 General aids provisions. The following provisions are applicable to the all−terrain vehicle aids program and law enforcement aids to counties.

(1) Acquisition of real property shall be in accord with state guidelines for preparation of appraisals and relocation assistance.

(2) Before development of certain public facilities begins, formal approval may be required from state agencies concerning health, safety or sanitation requirements.

(3) Assistance may be given to develop leased real property provided control and tenure of such property is commensurate with the proposed development.

(4) Donated labor, materials, land or other activities which do not result in an actual expenditure by the sponsor and indirect costs are not allowable in the claim.

(5) Direct costs which are supported by time sheets, vouchers or similar documentation reflecting specific assignment to a project are eligible project costs.

(6) Actual costs of force account labor and equipment is allowable. Equipment rental rates may not exceed the county machinery rates established annually by the department of transportation.

(7) Where a machinery rate schedule is established by the department for both equipment and operator, the total of force account labor and equipment may not exceed the rate specified in the schedule.

(8) Actual fringe benefits paid as part of the direct labor costs claimed are eligible project costs.

(9) Claims for payment shall be submitted within 6 months of the project termination date.

(10) (a) Except as provided in paras. (b) and (c), project expenditures shall be within the project period, project scope and project amount as shown on the project agreement.

(b) Expenditures for land acquisition made prior to entering into a project agreement may be reimbursed upon prior written approval of the department. To receive approval, the sponsor shall submit a written statement demonstrating a need to acquire land prior to the approval of a project agreement.

(c) Expenditures for necessary engineering or planning costs made prior to entering a project agreement may be reimbursed by the department.

(11) A request for a project extension shall be submitted prior to the project termination date.

(12) All payments are contingent upon final audit. Financial records including all documentation to support entries in the accounting records to substantiate charges for each project shall be kept available for review by state officials for a period of 3 years after final payment.

(13) Reasonable entrance or user fees may be charged to offset operation and maintenance costs of all−terrain vehicle use areas. Fees are subject to department review.

(14) (a) The department may approve a variance from non−statutory requirements of this chapter upon the request of a sponsor if:

1. The department determines that the variance is essential to effect necessary grant actions or program objectives; and

2. Special circumstances indicate that the variance is in the best interest of the program.

(b) In determining whether to grant a variance under par. (a), the department shall take into account such factors as good cause and circumstances beyond the control of the sponsor.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86; renum. (10) to be (10) (a) and cr., am., cr. (7) and (10) (b) and (c) and (14), Register, May, 1991, No. 425, eff. 6−1−91; am., (8), Register, December, 1999, No. 528, eff. 1−1−00.

NR 64.14 All−terrain vehicle trail aid. (1) DISTRIBUTION. The department shall distribute all−terrain vehicle project aids on the basis of a priority system according to the following priority ranked purposes:

(a) Maintenance of existing approved all−terrain vehicle areas and trails, including routes;

(b) Purchase of liability insurance;

(c) Acquisition of land by easement, lease or other agreements for the use of land;

(d) Major rehabilitation of bridge structures or trail segments;

(e) Acquisition of land in fee and development of new all−terrain vehicle areas and trails, including routes.

(2) TRAIL MAINTENANCE. The department may provide state aid for trail maintenance costs equal to the approved eligible project costs which may not exceed:

(a) $100 per mile for winter maintenance. Trails eligible for winter maintenance shall be maintained and groomed for a total of not less than 2 months nor more than 6 months per year including the months of January and February.

(b) $600 per mile for summer maintenance. Trails eligible for summer maintenance shall be maintained for a total of not less than 3 months nor more than 8 months per year including the months of June, July, and August.

(2m) MAINTENANCE OF ROUTES. The department may provide state aid up to 100 percent of the cost of the purchase of all−terrain vehicle route signs and arrows, trail crossing warning signs, and signs briefly explaining the intoxicated all−terrain vehicle operator law. All−terrain vehicle routes, whether a part of an approved all−terrain vehicle trail or not, are not eligible for per mile maintenance payments under sub. (2).

(2r) MAINTENANCE FUNDING OF HYBRID TRAILS ("TROUTES"). (a) Hybrid trails existing before August 1, 2012. The department may provide state aid up to 100 percent of the per−mile rate listed in sub. (2). Any hybrid trail that received funding under this chapter prior to August 1, 2012, and is posted with signs as a hybrid trail, shall continue to be eligible to receive the per−mile maintenance reimbursement rate under sub. (2) (a) or sub. (2) (b) or both. Any hybrid trail that received funding under this chapter
prior to August 1, 2012, and is posted with signs as a hybrid trails, shall be eligible for rehabilitation costs of up to 100 percent of costs.

(b) Hybrid trails existing on August 1, 2012 or later. All hybrid trails developed on August 1, 2012 or later, shall be posted with signs as hybrid trails and are eligible for funding under this chapter as follows:

1. For eligible applicants not receiving gas tax for a road on which all-terrain vehicles will also be traveling, not more than 50 percent of the per-mile rate as identified in sub. (2).

2. For eligible applicants receiving gas tax for a road on which all-terrain vehicles will also be traveling, the per-mile rate identified in sub. (2) minus the gas tax received, not to exceed 50 percent of rate in sub. (2).

(3) AREA MAINTENANCE. The department may provide state aid for maintenance of an all-terrain vehicle area equal to 50 percent of the approved eligible project costs to maintain the all-terrain vehicle area. Sponsors receiving maintenance aid for all-terrain vehicle areas from the motorcycle recreation program are not eligible for maintenance aid under the all-terrain vehicle aids program.

(4) PRORATION. Should funds not be sufficient to satisfy the total request for a priority ranked purpose, i.e., either maintenance, insurance, or land acquisition, the funds shall be distributed to sponsors on a proportional basis for that purpose.

(5) ACQUISITION. (a) Eligibility. Any town, village, city, county, or state or federal agency may receive aids to purchase lands or secure easements, leases, permits or other appropriate agreements, written or oral, permitting use of private property for public all-terrain vehicle trails, facilities and areas.

(b) Fee simple. The cost of purchasing land in fee simple for all-terrain vehicles shall be based on the appraised value of the land.

(c) Easement or lease. For trail purposes, the width of the all-terrain vehicle right-of-way may not exceed one rod. The easement or lease shall contain, at a minimum, the right to sign, right of limited construction, right to maintain, right of use by all-terrain vehicles and necessary trail grooming equipment. Cost sharing is limited to the minimum land area necessary for the all-terrain vehicle trail.

1. All local units of government, state and federal agencies shall certify to the department that easements, leases, permits, or other appropriate agreements secured grant public access and use of the land for all-terrain vehicles. The local units, state or federal agencies shall maintain a current file of all easements, leases or permits which include the name of the property owner, description of the property, duration of the lease, easement or permit, and amount to be paid for the lease, easement or permit.

2. The department may provide aid to pay $.10 cents per rod for easements or leases for an all-terrain vehicle trail.

3. The cost of leasing land for all-terrain vehicles other than trail right-of-ways shall be based on the appraised value of the easement.

(6) DEVELOPMENT. (a) Development shall begin within one year of the date land is acquired.

(b) All-terrain vehicle trail shall meet the following design requirements and specifications:

1. The minimum cleared width for one way trails is 6 feet and the maximum is 8 feet.

2. The minimum cleared width for two way trails is 10 feet and the maximum is 12 feet.

3. A height of 8 feet above the trail shall be cleared.

4. All-terrain vehicle trails may not be routed over bodies of water. If stream crossings make bridging necessary, bridges shall be at least 8 feet wide clear of obstruction. If the bridge is located on an abandoned railroad grade, the bridge width shall be at least 10 feet clear of obstruction. The department shall determine the need for bridging or if fords or ice crossings may be used.

5. Trails shall not be routed through or by areas of anticipated conflict that may include, but are not limited to, wilderness areas, game preserves, winter browse areas, experimental stations, nurseries, plantations and residences.

(c) Signs for use on all-terrain vehicle trails shall have the same specifications as those under s. NR 50.09 (4) (c) 3. b., with the following additions:

WINTER USE TRAIL MARKER

SUMMER USE TRAIL MARKER

YEAR ROUND USE TRAIL MARKER

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.
year-around use trails, the sign shall be split in half with the upper half using the winter design and colors and the lower half using the summer design and colors.

Note: The department considers signs with titles indicating "WINTER" or "SUMMER" to be the equivalent to signs with titles indicating "WINTER USE" or "SUMMER USE.

2. The all-terrain vehicle symbol for permissive and restrictive signs shall be the same as under sub. 1.

(b) For bridge rehabilitation projects that involve total deck replacement, the deck shall be reconstructed to be at least 8 feet wide and free from obstruction.

(c) When a bridge rehabilitation project is located on an abandoned railroad grade and involves total deck replacement, the deck shall be reconstructed to be at least 10 feet wide and free from obstruction.

(d) Sponsors of projects for major rehabilitation of a trail segment shall explain to the satisfaction of the department why the rehabilitation activities cannot be accomplished through the use of trail maintenance funds under sub. (2).

9. ALLOWABLE COSTS, BILLINGS AND AUDITS. (a) 1. Reimbursement of costs of development of all-terrain vehicle areas and trails shall be up to 100 percent of approved eligible project costs. Reimbursement of costs of development of hybrid trails existing before August 1, 2012, shall be up to 100 percent of approved eligible project costs. Sponsors may request an advance payment of up to 75 percent of the signed contract amount for development.

2. Development project costs may not be incurred until a project agreement has been approved by the department and the sponsor.

(am) 1. Reimbursement of costs of major rehabilitation of all-terrain vehicle bridges or trail segments shall be for not more than 100 percent of approved eligible project costs. Sponsors may request an advance payment of up to 75 percent of the signed contract amount for major rehabilitation.

2. Major rehabilitation project costs may not be incurred until a project agreement has been approved by the department and the sponsor.

(ar) 1. Eligible costs for all-terrain vehicle bridge development and rehabilitation projects include all of the following: construction and replacement of entire structure including approaches and abutments, construction and repair to the superstructure of the bridge, construction and replacement of the entire deck and railings and construction and repair or construction and replacement of protective riprap around abutments or footings.

2. Costs that are not eligible for development and rehabilitation cost sharing include all of the following: construction and replacement of bridge railings only, decking and patching of decking, grading or minor repair to approaches, construction and bridge repairs to bring bridge structure within any existing codes, construction and reinforcement of bridge structures to accommodate weights in excess of 14,000 pounds and deck construction and replacement for the primary purpose of accommodating larger grooming equipment.

3. Cost sharing for the purchase and installation of prefabricated bridges shall be limited to structures with a maximum design load of 14,000 pounds.

4. Cost sharing for the purchase of materials and construction of bridges built on site by either contractors or clubs shall be limited to a maximum design load of 14,000 pounds unless there are circumstances that warrant a capacity greater than 14,000 pounds for no demonstrated increase in cost.

Note: For bridge design, see the bridge guidelines for new and replacement snowmobile and all-terrain bridges at http://dnr.wi.gov/files/PDF/pubs/c/CF0005.pdf.

(b) Payment of liability insurance costs for liability insurance purchased by a local unit of government for approved trails shall be 100 percent of eligible costs.

(c) Sponsors may request advance payments of up to 50 percent of the project amount for maintenance. To be eligible for maintenance advance payments a sponsor shall have settled all maintenance claims from previous years.

(d) Rehabilitation of hybrid trails existing after August 1, 2012 and not receiving gas tax for a road on which all-terrain vehicles will also be traveling, at 50 percent, excluding structures.

(dg) Claims will be on a reimbursement basis except for development and maintenance project advances.
(e) Sponsors shall be required to keep a separate account for all-terrain vehicle project costs.

(f) Winter trail grooming rates shall be established annually by the department.

(g) Equipment rates for other maintenance activities and trail development performed by force account or all-terrain vehicle clubs or organizations may not exceed the county machinery agreement established annually by the department of transportation.

(h) Labor rates for other maintenance activities and trail development performed by all-terrain vehicle clubs or organizations shall be established annually by the department.

(i) Labor rates for other maintenance activities and trail development by municipal employees or others included in a labor contract shall be as established by the contract.

(j) Reductions in grant payments for failure to comply with the requirements of maintenance or development project agreements may be made on a case−by−case basis. A partial or total reduction in funds shall be preceded by specific written notification of conditions which were not met and include a timetable for improvement in performance. Continued failure to comply with the grant agreement within the prescribed timetable may result in a reduction of grant funds. The reduction shall be calculated based on a percentage of poor performance in relation to the total trail system included in the grant agreement.

(k) The cost of producing trail maps is an eligible expense under a maintenance or development project.

(10) USEFUL LIFE. (a) A table of maximum useful life for project elements is established for the purpose of project record management. The listing of the maximum useful life figures for all-terrain vehicle maintenance, development, insurance, and acquisition projects is as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Maximum Useful Life in Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance</td>
<td>Includes brushing, signage, grooming, minor</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>structural repairs</td>
<td></td>
</tr>
<tr>
<td>Acquisition</td>
<td>Annual easements and leases</td>
<td>0</td>
</tr>
<tr>
<td>Insurance</td>
<td>Purchase of liability coverage by governmental</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>sponsor</td>
<td></td>
</tr>
<tr>
<td>Development</td>
<td>General trail construction</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Bridge structures</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Culverts</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Gates</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Multi−purpose buildings</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Trail shelters</td>
<td>5</td>
</tr>
</tbody>
</table>

(11) APPLICATION FOR AID. A local unit of government or a federal agency which seeks to receive aids for all-terrain vehicle projects for the following year shall contact the appropriate department regional office for prescribed application forms and instructions and submit a completed application by April 15.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86; am. (2), (6) (b) 1., 2. and 4., rem. (9) to be (10), cr. (2m), (6) (c) 3., (8) (j) and (k) and (9), Register, November, 1989, No. 407, eff. 12−1−89; am. (1) (c) and (5) (a), r. and recr. (1) (d) and (2), remun. (8) to (10) to be (9) to (11), cr. (1) (e) and (8), Register, May, 1991, No. 425, eff. 6−1−91; am. (2) (a), (b) and (11), r. (2) (c), r. and recr. (9) (a) 1., cr. (9) (am), Register, December, 1999, No. 528, eff. 1−1−00; CR 03−044: am. (2) (a) and (b) Register December 2003 No. 576, eff. 1−1−2004; CR 11−050: am. (2)−(b), cr. (2r), am. (6) (c) (intro.), 1., (d) 5., (9) (a) 1., cr. (9) (ar), remun. (9) (d) to be (9) (dg), cr. (9) (d) Register July 2012 No. 679, eff. 8−1−12.