



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

CR 89-55

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SEP 29 1989  
11:05 am  
Revisor of Statutes  
Bureau

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. CA-8-89 was duly approved and adopted by this Department on June 29, 1989. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-  
unto set my hand and affixed the  
official seal of the Department at  
the Natural Resources Building in  
the City of Madison, this 26<sup>th</sup>  
day of September, 1989.

  
Bruce B. Braun, Deputy Secretary

(SEAL)

12-1-89

ORDER OF THE STATE OF WISCONSIN  
NATURAL RESOURCES BOARD  
AMENDING AND CREATING RULES

IN THE MATTER of amending ss. NR 64.14(2),  
64.14(6)(b)1., 2., and 4.; and creating  
NR 64.02(12e), 64.02(12r), 64.075,  
64.14(2m), 64.14(6)(c)3., 64.14(8)(j),  
64.14(9), of the Wisconsin Administrative  
Code pertaining to the administration of the  
all-terrain vehicle program.

CA-8-89

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 23.33 and 227.11(2)(a), Stats.

Statutes interpreted: s. 23.33, Stats.

Chapter NR 64, Wisconsin Administrative Code, provides rules for the administration of the all-terrain vehicle program. The proposed rule will add provisions covering competitive events, aids for route signing, sign standards for signs explaining the intoxicated all-terrain vehicle operator law, penalties for failure to comply with grant conditions, expanding eligible project costs to include production of trail maps, and useful life. Changes proposed pertain to width of new bridge structures and width of new trails.

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SECTION 1. NR 64.02(12e) and (12r) are created to read:

NR 64.02(12e) "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.

(12r) "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, promotor, or similar organization.

SECTION 2. NR 64.075 is created to read:

NR 64.075 SANCTIONED RACES AND DERBIES. The sponsor 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.

SECTION 3. NR 64.14(2) is amended to read:

NR 64.12(2) TRAIL MAINTENANCE. The department may provide state aid for trail maintenance costs equal to the approved eligible project costs to maintain the all-terrain vehicle trail each year but not to exceed \$100 per mile for an all-terrain vehicle trail available for use at least 8 months per year ~~and~~. The department may provide state aid not to exceed \$50 per mile for an all-terrain vehicle trail available at least 2 months per year but less than 8 months per year.

SECTION 4. NR 64.14(2m) is created to read:

NR 64.14(2m) MAINTENANCE OF ROUTES. The department may provide state aid up to 100% 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).

SECTION 5. NR 64.14(6)(b)1. and 2. are amended to read:

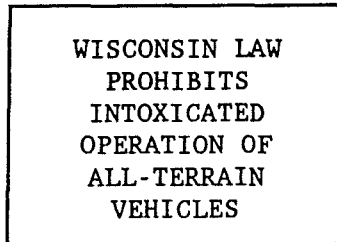
NR 64.14(6)(b)1. The minimum ~~graded~~ cleared width for one-way trails is 6 feet and the maximum is 8 feet.

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

SECTION 6. NR 64.14(6)(b)4. is amended to read:

NR 64.14(6)(b)4. All-terrain vehicle trails ~~shall~~ may not be routed over bodies of water. If stream crossings make bridging necessary, bridges shall be at least ~~6~~ 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.

SECTION 7. NR 64.14(6)(c)3. is created to read:



INTOXICATED OPERATION SIGN

Purpose: To inform all-terrain vehicle operators that operating while intoxicated is illegal.

Size: 24 inch by 24 inch.

Color: Reflective black letters and border on reflectorized white background.

SECTION 8. NR 64.14(8)(j) is created to read:

NR 64.14(8)(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.

SECTION 9. NR 64.14(8)(k) is created to read:

NR 64.14(8)(k). The cost of producing trail maps is an eligible expense under a maintenance or development project.

SECTION 10. NR 64.14(9) is renumbered to NR 64.14(10).

SECTION 11. NR 64.14(9) is created to read:

NR 64.14(9) 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:

<u>Activity</u>	<u>Description</u>	<u>Maximum Useful Life in Years</u>
Maintenance	Includes brushing, signing, grooming, minor structural repairs	0
Acquisition	Annual easements and leases	0
	Fee simple	Perpetuity
Insurance	Purchase of liability coverage by governmental sponsor	0
Development	General trail construction	0
	Bridge structures	10
	Culverts	3
	Gates	3

Multi-purpose buildings	20
Trail shelters	5

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 29, 1989 .

The rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 277.22(2)(intro), Stats.

Dated at Madison, Wisconsin September 26, 1989

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By: Carroll D. Besadny  
Carroll D. Besadny, Secretary

(Seal)

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State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary  
Box 7921

Madison, Wisconsin 53707  
TELEFAX NO. 608-267-3579  
TDD NO. 608-267-8897

September 27, 1989

In reply refer to: 1020

RECEIVED

SEP 29 1989

Revisor of Statutes  
Bureau

Mr. Orlan L. Prestegard  
Revisor of Statutes  
Suite 702  
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. CA-8-89. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Government Operations and the Senate Committee on Transportation, Conservation and Mining pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

C. D. Besadny  
Secretary

Enc.