



CR 90-228

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES)

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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-61-90 was duly approved and adopted by this Department on January 24, 1991. 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 1st
day of April, 1991.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

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ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
RENUMBERING, RENUMBERING AND AMENDING, AMENDING,
REPEALING AND RECREATING, AND CREATING RULES

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IN THE MATTER of renumbering s. NR 64.14(8)
to (10); renumbering and amending s. NR 64.13(10);
amending ss. NR 64.04(2), 64.14(1)(c) and 64.14(5)(a);
repealing and recreating s. NR 64.14(1)(d) and (2);
and creating ss. NR 64.04(3), 64.13(10)(b) and (c),
64.13(14), 64.14(1)(e) and (8) of the Wisconsin
Administrative Code pertaining to the
administration of the all-terrain vehicle program.

CA-61-90

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 23.33(2)(h), 23.33(8)(a) and 227.11(2)(a), Stats.

Statutes interpreted: s. 23.33, Stats.

Chapter NR 64 provides rules for the administration of the all-terrain vehicle program. The proposed rule will add provisions that allow the operation of an all-terrain vehicle upon validation of the registration receipt at a DNR office, add a new funding category, allow for retroactive payment of certain costs, and allow the DNR to grant variances if it is in the best interests of the program. In addition the rule will increase the allowable maintenance rate per mile and modify the priority distribution of trail grant funds.

SECTION 1. NR 64.04(2) is amended to read:

NR 64.04(2) ~~The~~ Except as provided in sub. (3), the decals shall be permanently attached and displayed on the all-terrain vehicle before any person operates the vehicle.

SECTION 2. NR 64.04(3) is created to read:

NR 64.04(3) A person may operate an all-terrain vehicle without having the registration decals displayed as provided in sub. (2) if the owner has a receipt validated by the department. 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 authorized 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).

SECTION 3. NR 64.13(10) is renumbered NR 64.13(10)(a) and as renumbered is amended to read:

NR 64.13(10)(a) ~~Project~~ Except as provided in pars. (b) and (c), project expenditures shall be within the project period, project scope and project amount as shown on the project agreement.

SECTION 4. NR 64.13(10)(b) and (c) are created to read:

NR 64.13(10)(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.

SECTION 5. NR 64.13(14) is created to read:

NR 64.13(14)(a) The department may approve a variance from nonstatutory 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.

SECTION 6. NR 64.14(1)(c) is amended to read:

NR 64.14(1)(c) Acquisition of land by ~~fee~~, easement, lease or other agreements for the use of land; ~~and~~

SECTION 7. NR 64.14(1)(d) is repealed and recreated to read:

NR 64.14(1)(d) Major rehabilitation of bridge structures or trail segments;

SECTION 8. NR 64.14(1)(e) is created to read:

NR 64.14(1)(e) Acquisition of land in fee and development of new all-terrain vehicle areas and trails, including routes.

SECTION 9. NR 64.14(2) is repealed and recreated to read:

NR 64.14(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) \$60 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) \$125 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.

(c) \$185 per mile for year-round maintenance. Trails eligible for year-round maintenance shall be maintained not less than 8 months per year, including winter maintenance as provided in par.(a).

SECTION 10. NR 64.14(5)(a) is amended to read:

NR 64.14(5)(a) Any ~~local unit of government~~ 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.

SECTION 11. NR 64.14(8) to (10) are renumbered NR 64.14(9) to (11).

SECTION 12. NR 64.14(8) is created to read:

NR 64.14(8) MAJOR REHABILITATION. (a) Any town, village, city, county, or state or federal agency may receive aids for up to 100% of eligible costs for the major rehabilitation of bridge structures or trail segments requiring significant improvements or repair.

(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 s. NR 64.14(2).

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 24, 1991.

The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2)(intro.), Stats.

Dated at Madison, Wisconsin April 1, 1991

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DEPARTMENT OF NATURAL RESOURCES

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By Carroll D. Besadny
Carroll D. Besadny, Secretary

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