

DNR ATV Enforcement Program

Issue

Fatal accidents, injuries and other public safety concerns along with calls for law enforcement service on ATV violations outstrip the ability of conservation wardens and municipal patrols to take action and adequately provide service and protection to the public. Law enforcement management must place work limits due to funding restrictions in these areas. The demand for enforcement and safety education services is much higher than the current effort can handle, and is growing. The county ATV patrols normally patrol in areas of high use and are a resource that is used in leveraging the manpower and areas that can be covered in promoting safe ATV use statewide. Currently the appropriation which allows payments up to 100% will be paying at less than 67% for this last years claims. The overall effect of this this funding limitation is to reduce enforcement presence on the trail, in light of an increasing pressure by the user. Less enforcement presence translates into higher accident rates

Background

The number of registered ATVs rose by 51% since 2003 to approximately 290,000 today. This significant increase has occurred since the last consideration of ATV staffing and funding. During 2005 the highest number of fatal ATV accidents on record occurred in Wisconsin. – 22 fatalities.

Conservation wardens investigate all fatal ATV incidents. Wisconsin Law requires that a conservation warden or law enforcement officer be notified immediately of any incident that results in a fatality or an injury requiring medical treatment by a physician. In addition, the operator(s) involved in these reportable incidents must file a written report with the Department of Natural Resources within 10 days of the incident, insofar as they are capable of doing so.

Currently the Bureau of Law Enforcement is allocated 9 positions or 16,200 hours of dedicated enforcement and educational outreach work in ATV safety and enforcement programs. Nine positions to address a growing program are insufficient. Certain pressing tasks must immediately be addressed – investigation of accidents, teaching of the safety education courses, investigation of violations in progress. What tend to fall by the wayside are high visible patrols and improvements in media efforts. The patrol effort is essential to build a sense within the public that promotes voluntary compliance. An increased amount of high visibility patrol maximizes the number of contacts with and observations of the community, deters violations, reduces the violation rate and achieves voluntary compliance. Studies in California and New York have shown that the component of the patrol strategy that emphasizes field contacts - improves compliance.

Wisconsin conservation wardens engage in directed patrol in order to deter and prevent violations. Directed patrol is visible, emphasizes observations of activity, encourages contacts (initiated by the warden) of the user public while they engage in their recreational activity and focuses on specific problems and activities. Patrol is planned through the annual work planning process, strategy sessions prior to major opening dates and one on one decisions based on past complaints from citizens - oftentimes those complaints that did not merit an immediate response. Wardens direct their patrol activity in those areas having past violation history and a concentration of the resource needing protection.

We believe that a lack of patrol and an enforcement stance that places the warden service in constant reaction mode to problems (i.e. accident investigation, demand for immediate service by the public, complaints of violations in progress) in the face of rising numbers of users are behind the increase in fatalities. To address it, law enforcement must have sufficient staff to be proactive in patrol and media campaigns.

The Department also needs to address the growing costs of county ATV patrols. Funding levels are considerably less than the eligible costs incurred by county patrols. For example last year's funding level was less than 67% of eligible costs for ATV patrols. The demand for additional county patrols is rising rapidly. New local patrols are not signing up due to lack of funding.

Current DNR Program Costs

Program	Current Cost	Number of LE FTE
ATV Safety & Enforcement/Education	\$1,088,200	9
ATV County Patrols	\$200,000	n/a

Current Local Enforcement Patrol Costs versus Available State Funding

Patrol Type	2005 Eligible Patrol Costs	Pro-rated Reimbursement	Difference
ATV Patrol	\$298,535.00	\$200,000.00	-98,535.00*
By law, • ATV patrols are eligible for 100% reimbursement for eligible costs			

Current ATV Patrol Effort

The increase in the number of ATV patrols has steadily climbed from 6 patrols in the early 1990's, to 19 patrols in 2002, to 30 patrols in FY05 who have sought reimbursement. There are 62 county patrols who have recently filed intents to patrol. This is following the steady increase in the numbers of ATVs registered from 50,000 in the 1990's to 296,000 today. ATV county patrol payments have improved from \$100,000 in FY04 to \$200,000 in FY05, but that sum is still insufficient by nearly \$100,000 to meet the needs of eligible reimbursable costs of the county patrols. That sum is well below what is needed if the 62 patrols who have filed intents to patrol do submit a claim.

In FY05 the average claim by a patrol was \$9,933.00. If all 62 patrols on record submit an average claim, then the Department would need to have an appropriation of \$615,000.00 to meet this expense. We believe that the counties who file intents to patrol but do not submit a claim, do so because of a lack of sufficient funding on the part of the state.

DNR ATV Safety Education and Enforcement

Currently the Bureau of Law Enforcement is allocated 9 positions or 16,200 hours or dedicated enforcement and educational outreach work in ATV safety and enforcement programs. These nine positions in each program must perform the following work needs:

1. Investigation of citizen's calls for service and patrol.
2. Conduct a statewide safety education program including participation in individual student classes.
3. Investigate accidents
4. Review local ordinances, evaluate and train county patrols.
5. Promote safety messages through the media
6. Administration and Supervision of the statewide and regional programs.

Total Citations Issued (DNR and County patrols)

2005	1380
2004	1085
2003	1302
2002	1112
2001	737