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## WISCONSIN LEGISLATIVE COUNCIL

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### ENHANCING RECREATIONAL TRAILS FOR NON-MOTORIZED USE

Ramada Convention Center  
Aspen Room  
Eau Claire, Wisconsin

August 14, 2008  
1:00 p.m. – 5:45 p.m.

[The following is a summary of the August 14, 2008 meeting of the Special Committee on Enhancing Recreational Trails for Non-Motorized Use. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

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#### Call to Order and Roll Call

Chair Sullivan called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Sen. Jim Sullivan, Chair; Rep. Jim Ott, Vice-Chair; Reps. Spencer Black and Dean Kaufert; and Public Members Charlie Dee, Jack Hirt, Mary Motiff, Joel Patenaude, and David Phillips.

COMMITTEE MEMBERS EXCUSED: Public Members Mike Carlson, Chris Fortune, and Harry Wozniak.

COUNCIL STAFF PRESENT: Mark Patronsky and Don Salm, Senior Staff Attorneys; and Dan Schmidt, Senior Analyst.

APPEARANCES: Brigit Brown, State Trails Coordinator, Bureau of Parks and Recreation, Department of Natural Resources (DNR); Diane Conklin, Snowmobile, All-Terrain Vehicle (ATV) and Recreational Boating Grant Manager, Bureau of Community Financial Assistance, DNR; Rodney Clark, Director, Bureau of Transit, Local Roads, Railroads and Harbors, Division of Transportation Investment Management, Wisconsin Department of Transportation (DOT); Thomas Huber, State Bicycle and Pedestrian Coordinator, DOT; John Duffe, Program Manager, Bicycle and Pedestrian Facilities Program, DOT; and Jane Severt, Executive Director, Wisconsin County Forests Association.

## Opening Remarks

**Mark C. Patronskey, Legislative Council Staff**, described the Joint Legislative Council, which created the study committee, and some of the procedures applicable to committee members, such as submission of travel vouchers, and committee procedures, such as mailings of written materials to members.

**Senator Jim Sullivan, Chair**, welcomed committee members and described his interest in various issues, particularly focusing on the use of bicycle paths for commuting to work.

## Introduction of Committee Members

Each of the committee members described his or her background, experience, and interest in issues.

## Distribution of Materials

**Don Salm and Dan Schmidt, Legislative Council Staff**, described the publications that had been distributed to committee members prior to the meeting.

- **Memo No. 1, State Statutes and Administrative Rules Related to Trails (August 4, 2008)**
- **Memo No. 2, Summary and Recommendations of the 2006 Legislative Council Special Committee on State Trails Policy (August 4, 2008)**
- **Publication, *Funding For Wisconsin Trails*, PUB-PR-464, prepared by the Wisconsin Department of Natural Resources' Bureau of Parks and Recreation and Community Financial Assistance, the Wisconsin Department of Transportation, and the Wisconsin Department of Administration (April 2002, edited December 2003)**

## Presentations by Invited Speakers

[Note: PowerPoint presentations and other documents referred to by the speakers are posted on the committee's Internet site.]

- **Brigit Brown, State Trails Coordinator, Bureau of Parks and Recreation, DNR**

Ms. Brown described the 42 state trails and the shared jurisdiction in which DNR manages some of the trails and counties manage the rest. She said that trails used by motorized vehicles have a guaranteed source of funds for maintenance while there is no funding guaranteed for maintenance of hiking or biking trails. She said that motorized and non-motorized use can be accommodated on the same trail with proper planning from the start. She added that current levels of maintenance funding are not sufficient for the maintenance needs of non-motorized trails, and the available per-mile funding has diminished.

Chair Sullivan asked for information on the sources of funding for trails in other states. Ms. Brown said that if trails are perceived as a broad-based public good, then broad funding sources such as state taxes may arguably be used to support the trails. If the primary benefit of trails is for more limited user groups, arguably fees are a better source of revenue.

Mr. Phillips asked about Wisconsin's per capita spending for parks and trails. Ms. Brown responded that Wisconsin is nearly last among the states in this funding. Mr. Hirt asked about compliance with trail pass requirements. Ms. Brown said that DNR will be commencing a trail monitor program for this purpose.

- **Diane Conklin, Snowmobile, ATV and Recreational Boating Grant Manager, Bureau of Community Financial Assistance, DNR**

Ms. Conklin noted that state funds are available for some kinds of non-motorized trails. She said that under the stewardship program, land acquisition and development expenditures must now be "nature based." She said that maintenance is the biggest issue in trails. Ms. Motiff said that Bayfield County has developed cross-country ski trails and has no money available for maintenance. She said that one issue is taking land off the tax rolls when private land is donated to a local unit of government. Ms. Conklin suggested the committee could consider fees imposed on various types of recreational equipment that is sold within the state.

- **Rodney Clark, Director, Bureau of Transit, Local Roads, Railroads and Harbors, Division of Transportation Investment Management, Wisconsin DOT; Thomas Huber, State Bicycle and Pedestrian Coordinator, DOT; and John Duffe, Program Manager, Bicycle and Pedestrian Facilities Program, DOT**

Mr. Duffe said that federal funding available to the Wisconsin DOT for trails does not include money for maintenance. Chair Sullivan asked how much DOT money has been committed to the Henry Aaron trail. Mr. Duffe said that approximately \$6 to 7 million dollars has been spent for this purpose. Mr. Clark added that maintenance costs for trails are not an eligible cost under U.S. DOT funding. He said that U.S. DOT opposes fees for trail use, although this attitude may be shifting at the federal level. He added that federal rules prohibit ATVs on bicycle/pedestrian trails under most circumstances. The committee members engaged DOT staff in an extended discussion of the amount of money available to the state and the amount of that money that is expended in federal trails programs. Mr. Clark cautioned that trails require a great deal of effort to complete because of the multiple jurisdictions involved and the multiple funding sources.

Representative Black said that the DOT could project long-term gas price trends and trail expenditures could be modified to support projects that address long-term fuel price trends. Chair Sullivan suggested that the Legislature could determine in the budget how enhancement funds from the US DOT can be spent. Representative Kaufert said that the Legislature will not give up control of distribution of these funds to the Wisconsin DOT.

## **Public Testimony**

- **Jane Severt, Executive Director, Wisconsin County Forests Association**

Ms. Severt noted that timber sales provide funds for recreational activities that do not have other funding sources. County forest administrators work with interest groups regarding this funding. She said that most of the trail mileage in county forests is not eligible for funding from state trail passes. Ms. Severt added that timber sales offset county property taxes which is very important for county boards. Ms. Severt said that there is substantial competition for county recreational funding.

## **Discussion of Committee Assignment**

Chair Sullivan asked each of the committee members to summarize the issues that they would like to see the committee investigate further. The following are a few of these suggestions. The full discussion is included in the recording of the committee proceedings.

Mr. Patenaude suggested further inquiry into a trail damage mitigation fund for motorized recreational vehicles.

Representative Black said there was a need for information on the costs over the next 10 to 15 years, both capital and maintenance, to complete the state trail system.

Mr. Phillips said that a credit could be provided from the transportation fund to a trail maintenance fund for the calculated reduction in gasoline usage by non-motorized trail users. He also suggested consideration of water trails.

Ms. Motiff noted that many trails have seasonal use and that should be accounted for in cost estimates.

Mr. Hirt said that the committee should consider fees for the sale of recreational equipment and said that motorized and non-motorized trails should be kept separate.

Mr. Dee suggested an overall increase in funding for trails.

Chair Sullivan said that more emphasis should be placed on user fees. He suggested a need for an advisory council in the DNR for non-motorized uses. He said that grants should be available from DNR for maintenance costs of trails. He suggested a potential voluntary donation at the point of sale for recreational goods.

## **Other Business**

There was no other business brought before the committee.

### **Plans for Future Meetings**

The next meeting of the Special Committee will be September 26, 2008, from 10:00 a.m. to 4:00 p.m., at the Safety Building, 2100 N. Calhoun Road, Brookfield, Wisconsin.

### **Adjournment**

The meeting was adjourned at 5:45 p.m.

MCP:DLS:jb;wu