



WISCONSIN LEGISLATIVE COUNCIL
REPORT TO THE LEGISLATURE

SPECIAL COMMITTEE ON
ENHANCING RECREATIONAL
TRAILS FOR
NON-MOTORIZED USE
[SENATE BILLS 264, 265, AND 266]

August 14, 2009

RL 2009-06

Special Committee on Enhancing Recreational Trails for Non-Motorized Use

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PART I

KEY PROVISIONS

OF COMMITTEE RECOMMENDATIONS

The Joint Legislative Council recommends the following for introduction in the 2009-10 Session of the Legislature.

2009 Senate Bill 264, Relating to Trespass by Operators of Snowmobiles, All-Terrain Vehicles, and Other Off-Road Vehicles

The bill expands the current statutes that prohibit trespass with an all-terrain vehicle (ATV), snowmobile, or off-road vehicle to apply to all property, rather than just private property. The penalty for violation of these prohibitions is unchanged (a forfeiture not to exceed \$250).

2009 Senate Bill 265, Relating to Nonmotorized Trail Maintenance and Use, Granting Rule-Making Authority, and Making Appropriations

Nonmotorized Trails Maintenance and Use Program

The bill creates the nonmotorized trails maintenance and use program in the Department of Natural Resources (DNR). Funding for the program is described below. The DNR is directed to implement the program by promulgating rules necessary for the program and for distributing the funds for trail maintenance and use. The funds are distributed: (1) directly to state agencies; and (2) through a grant program to local units of government and to nonprofit organizations for nonmotorized trails. The bill also permits funding to be used for the provision of education and public information about nonmotorized trails.

Funding

The bill authorizes the DNR to expend funds in a nonmotorized trail maintenance program. The funding mechanism consists of segregated funds from the conservation fund and is a continuing appropriation, allowing DNR to retain and expend in future fiscal years any funds that are not expended in the current fiscal year. The amount in the appropriation is either \$10 million or 1% of the amount of the motor fuel tax collected in the prior fiscal year, whichever is less.

2009 Senate Bill 266, Relating to Creating a Nonmotorized Recreation and Transportation Trails Council

The bill creates the Nonmotorized Recreation and Transportation Trails Council in the DNR. The bill requires the Governor to appoint and determine the number of members on the council. In appointing the members, the bill directs the Governor to seek geographic diversity in the membership and to consider appointing members from statutorily specified categories. These categories include, but are not limited to: water trails, pedestrian travel, bicycle commuters, equestrian trail riding, long-distance hiking, nature-based activities (e.g., bird watching, nature study, hunting, fishing), snow sports (e.g., cross-country skiing and snowshoeing), bicycling, local forests and parks, trail accessibility, tourism promotion, and tribal lands.

The council is directed to carry out studies and make recommendations to the Legislature, Governor, DNR, and Department of Transportation (DOT) on all matters related to nonmotorized

recreation transportation and trails, including matters relating to the categories specified above and other related categories and issues. The DNR and DOT must seek the advice of and consult with the council regarding the planning, acquisition, development, maintenance, and management of these trails.

PART II

COMMITTEE ACTIVITY

Assignment

The Joint Legislative Council established the Special Committee on Enhancing Recreational Trails for Non-Motorized Use and appointed the chairperson by an April 9, 2008 mail ballot. The committee was directed to review safety issues regarding conflicts between motorized and nonmotorized uses, ways to avoid conflicts among trail uses, education programs to provide information about how to avoid trail use conflicts, and increased enforcement by DNR wardens, regarding safety, noise, and operational issues. The committee will also review the availability of private land for nonmotorized recreation and address ways to increase that availability.

Membership of the Special Committee, appointed by a June 9, 2008 mail ballot, consisted of one Senator, three Representatives, and eight public members. A list of committee members is included as *Appendix 3* to this report.

Summary of Meetings

The Special Committee held three meetings on the following dates:

August 14, 2008
September 26, 2008
December 5, 2008

At the August 14, 2008 meeting, the Special Committee heard testimony from the following invited speakers:

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 nonmotorized 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 nonmotorized trails, and the available per-mile funding has diminished.

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 nonmotorized 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.

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.

Following the testimony, Chair Sullivan asked each of the committee members to conclude with a summary of the topics that they would like to see the committee investigate further. The topics mentioned by committee members included:

- A trail damage mitigation fund for motorized recreational vehicles.
- Information on the costs over the next 10 to 15 years, both capital and maintenance, to complete the state trail system.
- Providing a credit from the transportation fund to a trail maintenance fund for the calculated reduction in gasoline usage by nonmotorized trail users.
- Water trails.
- Fees for the sale of recreational equipment keeping motorized and nonmotorized trails separate.
- An overall increase in funding for trails.
- Increased emphasis on user fees.
- The need for an advisory council in the DNR for nonmotorized uses.
- Grants from DNR being made available for maintenance costs of trails.
- Use of a voluntary donation at the point of sale for recreational goods for funding.

At the September 26, 2008 meeting, the Special Committee heard testimony from the following invited speakers:

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

Ms. Brown handed out summaries of: (1) estimated trail costs, and noted that this does not include recent increases in construction costs; and (2) examples of methods for funding trails in other states. Chair Sullivan asked what would be the bottom line as far as moneys needed for trail maintenance on a statewide basis. Ms. Brown said that, just for the state trail system only, approximately \$790,000 per year would be needed based on current costs.

Peter Biermeier, External Relations Section Chief, Bureau of Parks and Recreations, DNR

Mr. Biermeier summarized the challenges of developing and maintaining a trail system, as well as anticipating changes in use over time. He said that a particular challenge is mixing of uses of trails, such as mixing pedestrian use and bicycle use. He said that one solution is to make trails wider.

Dan Schuller, Bureau Director, Bureau of Parks and Recreation, DNR

Mr. Schuller described the need for stable funding sources for trail maintenance, particularly for routine maintenance that is generally a lower priority than large-scale maintenance projects. He said that the Natural Resources Board has supported increased acquisition of land for the North Country and the Ice Age Trails, with a goal of facilitating trail use by multi-day hikers. He said that the water trails program is getting renewed interest, with proposals for signs, access, and campsites. He said that connections between various trails, including local, state, and regional trails, is important. He said that the recent revisions of the state trail network plan calls for more partnerships with local governments and more connections between trails.

Rodney Clark, Director, Bureau of Transit, Local Roads, Railroads and Harbors, Division of Transportation Investment Management, DOT

Mr. Clark was joined by Thomas Huber, State Bicycle and Pedestrian Coordinator, DOT, and John Duffe, Program Manager, Bicycle and Pedestrian Facilities Program, DOT, to respond to questions from committee members.

The Special Committee also heard public testimony from the following speakers:

Harold Schmidt, Secretary, Wisconsin Off Road Bicycling Association (WORBA), Milwaukee

Mr. Schmidt said that many off road bicycle trails are currently being built.

Marty Weigel, WORBA, Milwaukee County Trails Council, West Allis

Mr. Weigel discussed his involvement with the Milwaukee County Trails Council. He said that this group builds trails on public lands and builds them for multiple uses.

Following public testimony, the Special Committee discussed the committee assignment. Chair Sullivan asked for further information to illustrate the current use of gas tax funds. Representative Ott said that avoiding a tax increase would be a good idea. He said that the DOT budget could be reviewed to determine if there are any opportunities for saving costs under existing expenditure authority of the DOT, to allow the transfer of funds to trail functions in the DNR. Ms. Motiff said that not just the DOT, but other departments in the state, such as Health Services, Tourism, Commerce, DNR, and the Office of Energy Independence could be reviewed for any opportunities to transfer surplus funding to trail purposes in DNR. The committee discussed the state trail pass program, the current fee for which is \$20 annually. Chair Sullivan argued that the benefits of trails apply to a much broader range of citizens

than just those who purchase trail passes. Ms. Brown noted that most states do not have a trail pass system.

The committee continued to discuss various suggestions contained in Memo No. 3. The committee discussed and rejected funding proposals relating to increasing the cost of the state trail pass, tax check off, sales tax on certain recreational equipment, a vehicle registration fee increase, special license plates, use of general purpose revenues, and a real estate transfer fee increase.

The committee discussed the proposal for a segregated account, which would help to give trail users a sense of ownership of money that they paid to use the trails. Representative Black added that a specific fund would probably be necessary if funding is transferred to DNR for trail maintenance from the transportation fund. Representative Black said that there is also concern that the funds transferred to the DNR should be retained only for the purposes of trail maintenance.

The committee requested proposed legislation to create a nonmotorized trails council in the DNR and to authorize DNR wardens to enforce trespass prohibitions on public land.

The committee discussed the possibility of reintroducing legislation from the previous session to create a damage fund for damage caused by motorized trail uses.

At the December 5, 2008 meeting, the Special Committee heard public testimony from the following speakers:

Jerry Gensch, Fox Hill Nordic

Mr. Gensch said that grooming trails for downhill and cross-country skiing is critical and requires a great deal of equipment. Chair Sullivan asked about the amount of gasoline consumption, and Mr. Gensch said that the club spends \$300 to \$400 per year on gas and oil for trail maintenance.

Morris Nelson, Association of Wisconsin Snowmobile Clubs

Mr. Nelson said that he expects the Legislature to increase the registration fee for snowmobiles and noted that the snowmobile account in the conservation fund is out of money. Chair Sullivan asked for support for the committee's proposal for nonmotorized trail maintenance. Mr. Nelson said that users should pay for trail use. Representative Kaufert asked whether nonmotorized trail users have provided any support for maintenance of snowmobile trails. Mr. Nelson said that this has been done mostly by the snowmobile clubs. Ms. Motiff said that there are not many dual-use trails in Bayfield County, but that silent sports participants provide volunteers too.

Ned Zuelsdorff, Executive Director, American Birkebeiner Ski Foundation

Mr. Zuelsdorff said that the Birkebeiner Foundation has approximately 80 km of trails on 160 acres of land and that this requires year-round maintenance. Mr. Zuelsdorff discussed the economic benefits of having this facility nearby and said that grooming costs approximately \$84,000 per year and is performed by \$400,000 worth of equipment. Mr. Dee asked whether the Birkebeiner Foundation promotes youth skiing. Mr. Zuelsdorff said that youth are given a discount for using the facility.

Tammy Kubiacyk, Langlade County Recreation Coordinator

Ms. Kubiacyk said that the county applied to DOT for transportation enhancements, but the application was denied. The DOT refused to provide reasons why the application was denied.

Mike Wollmer, Executive Director, Ice Age Park and Trail Foundation (IAPTF)

Mr. Wollmer noted that nonmotorized trails are invaluable to the state, considering their recreation, economic, and health benefits.

Jamie Patrick, Sports Manager, Greater Madison Convention and Visitors Bureau

Mr. Patrick discussed the value in tourism dollars of various events held in Madison.

Don Erickson, Member of the Superior Lobe Chapter of IAPTF

Mr. Erickson said that he is a volunteer for the Ice Age Trail and discussed the issue regarding a segment of the Ice Age Trail which is used by motorized vehicles. Mr. Erickson said that funding is needed for a new trail location to separate the trails. Representative Ott asked what length of trail must be duplicated. Mr. Erickson said that about five miles would need to be moved.

Following public testimony, Don Salm, Legislative Council Staff, described the contents of WLC: 0243/1, relating to trespass by operators of snowmobiles, all-terrain vehicles, and other off-road vehicles, and providing penalties. Chair Sullivan questioned the increased penalty for trespass. Mr. Dee said that trespass is a problem. Representative Kaufert noted that mandatory minimum penalties are not widely supported by courts and the Legislature. Representative Black noted that there is little chance of an inadvertent trespass when a person is following a trail. The draft was approved, as amended (enhanced penalties removed), by a vote of Ayes, 10; Noes, 0; and Absent, 2.

Mark Patronsky, Legislative Council Staff, commenced the discussion of Memo No. 4, *Issues for Discussion by Members Regarding Creation of a Non-Motorized Trail Council* (November 19, 2008). Chair Sullivan noted the issue of confirmation by the Senate and said that some confirmations are held up in political disagreements. He suggested deleting confirmation, allowing a designee of any council member and encouraging the Governor to appoint council members from certain specified groups in the bill draft.

Mr. Patronsky then described WLC: 0343/1, relating to nonmotorized trail maintenance, for the committee. Discussion ensued and Chair Sullivan argued for a broad definition of transportation to include nonmotorized travel. He said that nonmotorized travel relieves pressure caused by motorized travel and that this could be one of the key arguments for using funding derived from motorized vehicles. Representative Ott agreed with this but argued for a smaller amount than the \$10 million in the draft. Representative Ott urged the committee to review DOT funding and search for other sources within the agencies budget. The committee discussed the amount and there was a consensus to keep the appropriation at \$10 million per year.

Finally, the Special Committee discussed the procedures for modification and approval of the bill drafts. Upon conclusion of this discussion, Chair Sullivan directed staff to prepare final drafts for the draft on the nonmotorized trail council, nonmotorized trail maintenance, incorporating the provisions in the committee's discussion that appeared to have substantial support. Chair Sullivan then directed staff to: (1) send these drafts to committee members, giving committee members an opportunity to review the drafts and provide additional suggestions; and (2) unless he determined that an additional meeting was required as a result of the responses, prepare the drafts in final form and send them to committee members for final approval by mail ballot.

PART III

RECOMMENDATIONS INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL

This part of the report provides background information on, and a description of, the bills as recommended by the Special Committee on Enhancing Recreational Trails for Non-Motorized Use and introduced by the Joint Legislative Council.

2009 Senate Bill 264, Relating to Trespass by Operators of Snowmobiles, All-Terrain Vehicles, and Other Off-Road Vehicles

Background

The issue of DNR warden enforcement of trespass on public land has been discussed for a number of years and generally has had the support of the warden force. The current statutes prohibit the operator of an ATV from operating on the private property of another without the consent of the owner or lessee. The committee determined that the statutes should be modified to add public land (primarily county forests) to this prohibition so that DNR wardens would also be authorized to enforce the prohibition of trespass on public lands, as well as on private lands as under current statutes. This would potentially assure that ATV operators obtain permission wherever the vehicles are operated and would prevent further conflict between ATV operators and nonmotorized trail users.

Description

The bill expands the current statutes that prohibit trespass with an ATV, snowmobile, or off-road vehicle to apply to all property, rather than just private property. The penalty for trespass remains the same as it is under current law (a forfeiture of up to \$250).

2009 Senate Bill 265, Relating to Nonmotorized Trail Maintenance and Use, Granting Rule-Making Authority, and Making Appropriations

Background

Trails are an important part of Wisconsin's effort to increase transportation options to state residents and have a major impact on the state's multi-billion dollar tourism industry, attracting many visitors from outside of the state. Improved trails may decrease overall traffic congestion by giving commuters another option when traveling. Increased commuter trail use may also reduce overall travel time and fuel consumption.

One of the issues that is common to all trails is the ongoing need for maintenance. Without maintenance, or with insufficient maintenance, trails may become unusable. At a minimum, when trails are eroded, rutted, overgrown, or otherwise deteriorate, trail use is likely to decrease significantly.

The Warren Knowles-Gaylord Nelson Stewardship Program provides a significant source of funds for acquisition of land for trail corridors, and funding for initial development of trails, but without funding for maintenance, a purpose for which the funds are not currently available. With respect to maintenance, the Special Committee identified a disparity between trails used for motorized and nonmotorized activities. Snowmobiles and ATVs each have a source of funding for trail maintenance in the registration fees paid for the vehicles, and from motor vehicle fuel tax transfers. There is no

comparable source of revenue for maintenance of nonmotorized trails. Although the state has a trail pass, it is required for the use of only a limited number of trails, and does not produce enough revenue for more than a very basic trail maintenance program.

With the current economic conditions, nonmotorized trails are becoming increasingly significant as a method of transportation that can be used for getting to work, school, recreation, and shopping. These trails provide many benefits, such as reducing the use of nonrenewable resources; giving the trail user an opportunity to reduce personal transportation costs compared to driving a motor vehicle; reducing traffic congestion, noise and air pollution; and delaying the need for future road and bridge projects. These economic benefits are likely to increase over time. Nonmotorized trails also provide social benefits as people travel the trails together and gather at destinations. With regard to tourism, one of the state's major industries and attractions, resident and nonresident users of these trails increase revenue for the state and local economies.

Finally, the use of trails for nonmotorized activities may provide health benefits, and potential reduced health care costs, by increasing the availability of various methods to exercise, and encouraging lifelong exercise that is a benefit to individuals as well as the entire state.

The Special Committee identified an urgent need for a consistent, dependable, and sufficient funding source for trail maintenance that relates to the transportation benefits of the nonmotorized trails. The committee identified the motor vehicle fuel tax revenues which are deposited in the transportation fund as an appropriate source of nonmotorized trail funding. Some of the use of nonmotorized trails may be a substitute for the use of gasoline or diesel-powered vehicles. By using motor vehicle tax revenues for trail maintenance, the trails can be improved and the advantages of the trails as a substitute for motor vehicle transport can be enhanced. In general, this funding mechanism will ensure the continued viability of nonmotorized trails in this state.

According to information provided to the Special Committee, the current costs of nonmotorized recreation and transportation-trail maintenance equals or exceeds the funding amount provided for in the bill and these costs will only climb with increased trail usage and with ongoing and future increased construction of trails.

In addition to the need for trail maintenance, it is important that trails for nonmotorized uses be publicized, so that potential users can find the trails and trail access points, learn the facilities that are accessible from the trail, and plan activities on the nonmotorized trail. Thus, the bill includes a provision for education and public information about nonmotorized trails.

Description

Funding

The bill authorizes the DNR to expend funds in a nonmotorized trail maintenance program. The funding mechanism consists of segregated funds from the conservation fund and is a continuing appropriation, allowing DNR to retain and expend in future fiscal years any funds that are not expended in the current fiscal year. The amount in the appropriation is either \$10 million or 1% of the amount of the motor fuel tax collected in the prior fiscal year, whichever is less.

Nonmotorized Trails Maintenance and Use Program

The bill creates the nonmotorized trails maintenance and use program in DNR. Funding for the program is described above. The DNR is directed to implement the program by promulgating rules necessary for the program and for distributing the funds for trail maintenance and use. The funds are distributed: (1) directly to state agencies; and (2) through a grant program to local units of government and to nonprofit organizations for nonmotorized trails. The bill also permits funding to be used for the provision of education and public information about nonmotorized trails.

2009 Senate Bill 266, Relating to Creating a Nonmotorized Recreation and Transportation Trails Council

Background

The committee requested the creation of a nonmotorized trail council, the purpose of which would be to give nonmotorized trail users a separate and stronger voice in making policy suggestions relating to trails. In the statutory structure of the executive branch of state government (ch. 15 of the statutes), a “council” is a “part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government.” The DNR is currently advised by two statutory councils related to trails, the Snowmobile Recreational Council and the State Trails Council. The DNR is also advised by the Off-Road Vehicle Advisory Council, the statutory existence of which was repealed in 1999 but which was continued by the DNR.

Description

The bill creates the Nonmotorized Recreation and Transportation Trails Council in the DNR. The bill requires the Governor to appoint and determine the number of members on the council. In appointing the members, the bill directs the Governor to seek geographic diversity in the membership and to consider appointing members from statutorily specified categories. These categories include, but are not limited to: water trails, pedestrian travel, bicycle commuters, equestrian trail riding, long-distance hiking, nature-based activities (e.g., bird watching, nature study, hunting, fishing), snow sports (e.g., cross-country skiing and snowshoeing), bicycling, local forests and parks, trail accessibility, tourism promotion, and tribal lands.

The council is directed to carry out studies and make recommendations to the Legislature, Governor, DNR, and DOT on all matters related to nonmotorized recreation transportation and trails, including matters relating to the categories specified above and other related categories and issues. The DNR and DOT must seek the advice of and consult with the council regarding the planning, acquisition, development, maintenance, and management of these trails.

Committee and Joint Legislative Council Votes

The following drafts were recommended by the Special Committee on Enhancing Recreational Trails for Non-motorized Use to the Joint Legislative Council for introduction in the 2009-10 Session of the Legislature.

Special Committee Vote

The Special Committee voted to recommend WLC: 0243/1, as amended, WLC: 0343/3, and WLC: 0377/2 to the Joint Legislative Council for introduction in the 2009-10 Session of the Legislature. The vote on the drafts are as follows:

- WLC: 0243/1, relating to trespass by operators of snowmobiles, all-terrain vehicles, and other off-road vehicles; and provide penalties. The motion to recommend, as amended, passed on a vote of Ayes, 10 (Sen. Sullivan; Reps. Ott, Black, and Kaufert; and Public Members Carlson, Dee, Hirt, Motiff, Patenaude, and Phillips); Noes, 0; and Absent, 2 (Public Members Fortune and Wozniak). (It was subsequently redrafted as WLC: 0243/2 with the enhanced penalties removed.)
- WLC: 0343/3, relating to nonmotorized trail maintenance, granting rule-making authority, and making appropriations. The motion to recommend passed on a vote of Ayes, 9 (Sen. Sullivan; Rep. Black; and Public Members Carlson, Dee, Fortune, Hirt, Motiff, Patenaude, and Phillips); Noes, 2 (Reps. Ott and Kaufert); and Not Voting, 1 (Public Member Wozniak).
- WLC: 0377/2, relating to creating a nonmotorized recreation and transportation trails council. The motion to recommend passed on a vote of Ayes, 11 (Sen. Sullivan; Reps. Ott, Black, and Kaufert; and Public Members Carlson, Dee, Fortune, Hirt, Motiff, Patenaude, and Phillips), Noes, 0; and Not Voting, 1 (Public Member Wozniak).

Joint Legislative Council Vote

At its March 26, 2009 meeting, the Joint Legislative Council voted as follows on the recommendations of the Special Committee:

Sen. Kreitlow moved, seconded by Rep. Ballweg, that the following two drafts recommended by the Special Committee on Enhancing Recreational Trails for Non-Motorized Use, be introduced by the Joint Legislative Council:

- 1. WLC: 0243/2, relating to trespass by operators of snowmobiles, all-terrain vehicles, and other off-road vehicles.*
- 2. WLC: 0377/2, relating to creating a nonmotorized recreation and transportation trails council.*

The motion passed on a roll call vote as follows: Ayes, 22 (Sens. Risser, Coggs, Darling, Decker, Fitzgerald, Harsdorf, Kreitlow, Miller, Robson, Schultz, and Wirch; and Reps. Schneider, Ballweg, Black, Berceau, Fitzgerald, Kaufert, Nelson, Pocan, Sheridan, Staskunas, and Vos); Noes, 0; and Absent, 0.

Sen. Robson moved, seconded by Rep. Black, that WLC: 0343/3, relating to nonmotorized trail maintenance, granting rule-making authority, and making appropriations, be introduced by the Joint Legislative Council. The motion passed on a roll call vote of Ayes, 13 (Sens. Risser, Coggs, Darling, Kreitlow, Miller, and Robson; and Reps. Schneider, Black, Berceau, Nelson, Pocan, Sheridan, and Staskunas); Noes, 9 (Sens. Decker, Fitzgerald, Harsdorf, Schultz, and Wirch; and Reps. Ballweg, Fitzgerald, Kaufert, and Vos); and Absent, 0.

Appendix 2

Joint Legislative Council

[Joint Legislative Council Members Who Selected and Appointed Committee and Its Membership]

Co-Chair

FRED RISSER

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419 West Franklin
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This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

Joint Legislative Council

[Current Joint Legislative Council Members Who Received Committee Report]

Co-Chair

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Senate President

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JEFF FITZGERALD

Minority Leader

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Horicon, WI 53032

DEAN KAUFERT

1360 Alpine Lane
Neenah, WI 54956

THOMAS NELSON

Majority Leader

1510 Orchard Drive
Kaukauna, WI 54130

MARK POCAN

309 N. Baldwin Street
Madison, WI 53703

MICHAEL SHERIDAN

Speaker

1032 Nantucket Drive
Janesville, WI 53546

TONY STASKUNAS

Speaker Pro Tempore

2010 South 103rd Court
West Allis, WI 53227

ROBIN VOS

4710 Eastwood Ridge
Racine, WI 53406

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

Appendix 3

Enhancing Recreational Trails for Non-Motorized Use

Senator Jim Sullivan, Chair
2650 North 72nd Street
Wauwatosa, WI 53213

Representative Spencer Black
5742 Elder Place
Madison, WI 53705

Mike Carlson
Gathering Waters Conservancy
211 South Paterson Street, Suite 270
Madison, WI 53703

Chris Fortune
Saris Cycling Group
5253 Verona Road
Madison, WI 53711

Mary Motiff
Tourism and Recreation, Bayfield County
P.O. Box 832
Washburn, WI 54891

David Phillips
Governor's State Trails Council
30 Southwick Circle
Madison, WI 53717

Representative Jim Ott, Vice-Chair
11743 N. Lakeshore Drive
Mequon, WI 53092

Representative Dean R. Kaufert
1360 Alpine Lane
Neenah, WI 54956

Charlie Dee
Milwaukee Area Technical College
2024 North Hi Mount Boulevard
Milwaukee, WI 53208

Jack Hirt
Bicycle Federation of Wisconsin
1845 N. Farwell Avenue, Suite 100
Milwaukee, WI 53202

Joel Patenaude
Silent Sports Magazine
P.O. Box 152
Waupaca, WI 54981

Harry Wozniak
Wheel and Sprocket
5722 South 108th Street
Hales Corners, WI 53130

STUDY ASSIGNMENT: The committee is directed to review safety issues regarding conflicts between motorized and non-motorized uses, ways to avoid conflicts among trail uses, education programs to provide information about how to avoid trail use conflicts, and increased enforcement by DNR wardens, regarding safety, noise, and operational issues. The committee will also review the availability of private land for non-motorized recreation and address ways to increase that availability.

12 MEMBERS: 1 Senator; 3 Representatives; and 8 Public Members.

LEGISLATIVE COUNCIL STAFF: Mark Patronsky and Don Salm, Senior Staff Attorneys; Dan Schmidt, Senior Analyst; and Wendy Ulrich and Joan Bloom, Support Staff.

Appendix 4

Committee Materials List

(Copies of documents are available at www.legis.state.wi.us/lc)

Recommendations to the Joint Legislative Council (March 26, 2009)				
<ul style="list-style-type: none"> • Results of the March 26 Meeting. • Proposed Report to the Legislature. • WLC: 0243/2, relating to trespass by operators of snowmobiles, all-terrain vehicles, and other off-road vehicles. • WLC: 0343/3, relating to nonmotorized trail maintenance, granting rule-making authority, and making appropriations. • WLC: 0377/2, relating to creating a nonmotorized recreation and transportation trails council. 				
January 26, 2009 Mail Ballot				
<ul style="list-style-type: none"> • WLC: 0343/3, relating to nonmotorized trail maintenance, granting rule-making authority, and making appropriations. • WLC: 0377/2, relating to creating a nonmotorized recreation and transportation trails council. • Memorandum to members of the Special Committee on Enhancing Recreational Trails for Non-Motorized Use from Senator Jim Sullivan, Chairperson (January 6, 2009). <ul style="list-style-type: none"> ○ WLC: 0343/2, relating to nonmotorized trail maintenance, granting rule-making authority, and making appropriations. • WLC: 0377/1, relating to creating a nonmotorized recreation and transportation trails council. 				
December 5, 2008 Meeting	Notice	Agenda	Audio	Minutes
<ul style="list-style-type: none"> • WLC: 0243/1, relating to trespass by operators of snowmobiles, all-terrain vehicles and other off-road vehicles; and providing penalties. • WLC: 0343/1, relating to nonmotorized trail maintenance. • Memo No. 4, <i>Issues for Discussion by Members Regarding Creation of a Non-Motorized Trail Council</i> (November 19, 2008). <ul style="list-style-type: none"> ○ Enclosure, <i>Councils With Responsibilities Related to Trails</i>. ○ Enclosure, <i>s. 15.09, Stats</i>. • Charts, <i>2005-06 Transportation Fund Revenue by Source and 2005-06 Allocation of Transportation Fund Revenue Among All Functions</i>, prepared by Wisconsin Legislative Council Staff (November 2008). • Wisconsin State Park System Strategic Plan 2008, PUB-PR-061, prepared by the Wisconsin Department of Natural Resources State Park Systems Strategic Planning Team (2008). • Wisconsin Legislative Fiscal Bureau Informational Paper 40, <i>Transportation Finance</i> (January 2007). • Wisconsin Legislative Fiscal Bureau Informational Paper 41, <i>Motor Vehicle Fuel and Alternative Fuel Tax</i> (January 2007). • Report, <i>Transportation Finance Issues: How does Wisconsin's transportation funding compare to other states?</i>, prepared by the Wisconsin Department of Transportation (DOT) (2008). • Report, <i>Transportation Finance Issues: How is transportation money spent?</i>, prepared by the Wisconsin DOT (2008). • Report, <i>Transportation Finance Issues: How does Wisconsin Fund Transportation?</i>, prepared by the Wisconsin DOT (2008). 				
September 26, 2008 Meeting	Notice	Agenda	Audio	Minutes
<ul style="list-style-type: none"> • Memo No. 3, <i>Issues for Discussion by Members and Related Background Information</i> (September 19, 2008). • Chapter 4: <i>Compatibility and Conflict in Wisconsin Outdoor Recreation</i>, Wisconsin Statewide Comprehensive Outdoor Recreation Plan, 2005-2010. • Wisconsin Trail Condition & Incident Visitor Self-Report, Form 2500-119 (R1/07), DNR Bureau of Parks and Recreation. 				

- [Brochure](#), Wisconsin Trail Etiquette & Safety Guidelines (Tips for Trail Users), DNR Bureau of Parks and Recreation, PUB-PR-472 2005.
- [Handout](#), "Ranking the States," from Jack Hirt, Committee Member.
- [Handouts](#), "State Sources of Funds for Non-Motorized Trails" and "Estimated Trail Costs - September 2008," DNR.
- [Handout](#), list of transportation enhancement projects, calendar year 2008, DOT.
- [Letter](#) from Sue Drum.
- The [2005-2010](#) Wisconsin Statewide Comprehensive Outdoor Recreation Plan (SCORP).
- 2001 Wisconsin State Trails [Network Plan](#).
- [List](#), "Trail Cost Model - Synopsis," DNR.

August 14, 2008 Meeting	Notice	Agenda	Audio	Minutes
<ul style="list-style-type: none"> • 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, <i>Funding For Wisconsin Trails</i>, PUB-PR-464, prepared by the Wisconsin Department of Natural Resources' (DNR) Bureau of Parks and Recreation and Community Financial Assistance, the Wisconsin Department of Transportation (DOT), and the Wisconsin Department of Administration (April 2002, edited December 2003). • PowerPoint presentation by DOT staff. • Miles of Non-Motorized Trails on Wisconsin's County Forests, Wisconsin County Forests Association (August 19, 2008). • Notes summarizing the testimony of Diane L. Conklin, Snowmobile, All-Terrain Vehicle (ATV) and Recreational Boating Grant Manager, Bureau of Community Financial Assistance, DNR. 				