



Legislative Fiscal Bureau

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December 14, 2006

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Natural Resources: Section 13.10 Request for Snowmobile Enforcement Operations –
Agenda Item II

REQUEST

The Department of Natural Resources (DNR) requests \$122,400 in appropriation s. 20.370(3)(aq) from the snowmobile account of the conservation fund to increase snowmobile patrol and safety efforts. The funding is requested as one-time in 2006-07.

BACKGROUND

The Department's responsibilities include the investigation and enforcement of laws relating to fish and wildlife, recreational vehicles, environmental protection, and water regulation and zoning. These activities are performed primarily by conservation wardens whose enforcement authority varies depending on the type, location, and severity of the violation. Currently, 9.0 positions of effort is allocated annually for snowmobile enforcement activities. These costs (totaling \$1,082,700 annually for the 2005-07 biennium) are supported by tribal gaming revenues.

Other enforcement costs are funded out of the segregated snowmobile account of the conservation fund. These costs include aids to counties for up to 100% of eligible county costs incurred enforcing snowmobile laws. Aid payments are prorated if claims exceed the appropriation level. For enforcement activities that occurred over the winter of 2004-05, counties were reimbursed \$347,200, which represented 100% of the eligible costs of their local snowmobile patrol activities.

The Department is also responsible for coordinating snowmobile safety courses taught by instructors certified by DNR. Any person born after January 1, 1985, must hold a valid snowmobile

safety certificate in order to operate a snowmobile.

In addition, 2005 Act 209 prohibited the operation of a snowmobile at a speed limit exceeding 55 miles per hour during the hours of darkness (effective from July 1, 2006 to July 1, 2007). Current law defines "hours of darkness" to be the time between one-half hour after sunset and one-half hour before sunrise and any other time when there is not enough natural light to clearly see a person or vehicle 500 feet away.

Unlike the other accounts in the conservation fund, which were administratively created by the agency, the snowmobile account is statutorily designated to ensure that certain revenues are utilized for specific purposes. The major source of revenue to the snowmobile account is the snowmobile fuel tax revenue transferred to the account. An appropriation is made annually, which equals the amount of motor fuel tax assessed on 50 gallons of gasoline as of the last day of March of the previous fiscal year multiplied by the number of registered snowmobiles as of the same date, with this result multiplied by 1.4. The next largest revenue source for the account is registration fees. A fee of \$30 is assessed for each snowmobile registered for general use in the state. The registration is valid for two years. Snowmobiles registered in other states or countries need not be registered in Wisconsin if they are in the state for a period of less than 15 consecutive days. Other fees are charged for registering public use, commercial use, and antique snowmobiles. In addition, snowmobiles not registered in Wisconsin are required to display an \$18 annual trail use sticker to use public snowmobile corridors.

The Snowmobile Recreational Council provides recommendations to DNR and elected officials on matters related to snowmobile policy. The Council consists of 15 members appointed by the Governor with the advice and consent of the Senate for staggered, three-year terms. Under statute, at least five members of the Council are appointed from the territory north, and at least five members from the territory south, of a line running east and west through the southern limits of the City of Stevens Point.

ANALYSIS

The Department has indicated that it would use funds provided under the request to increase snowmobile patrol efforts, as part of the Department's Snowmobile Accident Reduction and Alcohol Enforcement Team. The team would focus on accident deterrence, alcohol-related enforcement, and enforcing the recently enacted 55 m.p.h. nighttime speed limit as well as education activities aimed at deterring illegal snowmobile activity. Funds would support meals, lodging, overtime, and supplies for six wardens per weekend (including Thursday, Friday, Saturday, and Sunday) on trail patrol duties for 10 weekends from December to February. Patrols would be deployed to areas with a high concentration of snowmobile users as well as areas with traditionally high numbers of snowmobile accidents. The team would be assigned six snowmobiles and three well-marked trailers. Conservation wardens from the local area would also work with the team to provide an additional law enforcement presence (the Department anticipates three local wardens per weekend).

Last season, the Department was able to fund 10, three-day deployments of the Accident Reduction Team as a result of several factors including decreased snow in some parts of the state, and a larger number of warden vacancies allowing for salary redistribution (DNR did not have a warden recruit class in 2004-05). However, DNR officials indicate that this is not the case in 2005-06. The Department has a class of nine recruits who are currently in training and has hired a class of 10 who will begin training in January.

The Department anticipates that the additional warden patrols and increased law enforcement presence in the field combined with increased educational efforts may reduce accidents, and ultimately reduce fatalities. Further, the increase in a visible law enforcement presence may serve as a deterrent to individuals who may otherwise operate their snowmobiles in an unsafe manner (such as speeding or driving under the influence). Funding is requested on a one-time basis to allow DNR to evaluate the effectiveness of the two-year initiative at the end of the season before deciding whether to invest further resources in the effort. The Department indicates that both the Recreational Snowmobile Council and the Association of Wisconsin Snowmobile Clubs support the request.

During the 2005-06 snowmobiling season, Wisconsin recorded 36 snowmobile fatalities, the third highest level on record. The following table presents information regarding snowmobile fatalities over the last eight snowmobile seasons.

TABLE 1

Snowmobile Fatalities in Wisconsin

<u>Year</u>	<u>Fatalities</u>	<u>Fatalities per 100,000 Registrations</u>	<u>Percent Showing Alcohol as a Contributing Factor</u>
1998-99	20	9	61%
1999-00	39	17	66
2000-01	26	11	46
2001-02	15	7	47
2002-03	26	12	84
2003-04	25	11	72
2004-05	37	17	76
2005-06	36	17	56

The Department believes that increasing the presence of conservation wardens in the field during times of high snowmobile traffic may decrease the number of fatalities by increasing warden contacts with snowmobile operators, and providing a deterrent to individuals who might otherwise disregard snowmobile regulations. However, historically, the number of fatalities has not appeared to have been strongly correlated to variations in the number of hours allocated to snowmobile enforcement or the number of citations issued in a given year. The following table shows the

number of warden enforcement hours and citations issued for the last seven fiscal years, compared to the number of snowmobiling fatalities that occurred in each of those years.

TABLE 2

Warden Enforcement Effort and Snowmobile Fatalities

<u>Year</u>	<u>Enforcement Hours</u>	<u>Citations Issued</u>	<u>Fatalities</u>
1999-00	6,753	921	39
2000-01	6,765	2,062	26
2001-02	5,639	1,130	15
2002-03	6,262	869	26
2003-04	8,942	1,447	25
2004-05	7,486	1,057	37
2005-06	6,675	969	36

The impact of increasing snowmobile enforcement hours on reducing fatalities is difficult to determine. Other factors, including weather, trail conditions, and snowfall vary from year to year, and may dramatically affect snowmobiling conditions and the likelihood of accidents occurring.

In recent years, snowmobile fatality rates have been lower in neighboring states than in Wisconsin. Over the past two snowmobiling seasons, Minnesota reported 15 (2004-05) and 22 (2005-06) fatal snowmobile accidents, and Michigan reported 25 and 24 snowmobile-related fatalities. As shown in the following table, both states have a higher number of registered snowmobiles than Wisconsin, yet posted significantly lower fatality rates for the 2005-06 snowmobiling season.

TABLE 3

Snowmobile Fatalities by State, 2005-06 Season

<u>State</u>	<u>Fatalities</u>	<u>Registered Snowmobiles</u>	<u>Fatalities per 100,000 Registrations</u>
Wisconsin	36	215,800	17
Minnesota	22	270,900	8
Michigan	24	375,000*	6

*Estimate

From 1992 through the 1997 snowmobiling season, Minnesota averaged 24.4 fatalities per year, while Wisconsin averaged 25.8. After an increase in the number of fatalities during the 1996-97 season (to 32 fatalities, including two separate crashes where snowmobilers who had been

drinking had collided with non-snowmobiling children), Minnesota revised its snowmobile enforcement regulations. Since these modifications were enacted, Minnesota has averaged 16 fatalities per year, while Wisconsin continued to average approximately 26 per year. Further, the number of registered snowmobiles in Minnesota has remained consistently higher than in Wisconsin (by approximately 50,000 machines).

While the specific cause of this disparity is uncertain, some comparisons may be made between snowmobile operating regulations in Wisconsin and those in surrounding states. Minnesota imposes a nighttime 50 mile per hour speed limit on all public lands and waters. (Wisconsin's 55 mile per hour nighttime speed limit will only apply in the 2006-07 snowmobile season.) Minnesota, Michigan, and Wisconsin each offer a snowmobile safety course, and impose requirements as to who must have safety certification prior to operating a snowmobile. Minnesota and Michigan both require a helmet when operating a snowmobile (although Minnesota exempts individuals who are traveling on land owned by immediate relatives from this requirement). Wisconsin does not require the use of a helmet.

Both Minnesota and Michigan link operating violations committed on snowmobiles to the operator's driver's license. In Michigan, a person convicted of manslaughter, negligent homicide, or any felony resulting from snowmobile operation, or who operates a snowmobile under the influence of alcohol or a controlled substance or with an unlawful blood alcohol content would have six points assessed against their driver record. A person who is convicted of operating a snowmobile while visibly impaired due to consumption of alcohol or a controlled substance would have four points assessed against their record. In Minnesota, operators who appear to be impaired are required to submit to a field sobriety test by enforcement officers. Impaired individuals lose snowmobile operating privileges for one year, as do operators who refuse to submit to a field test. Convictions and refusals related to operating a snowmobile under the influence are also recorded on the violator's drivers license record, and are treated the same as if they had occurred in a motor vehicle.

Wisconsin does not link operating under the influence violations that occur on recreational vehicles with the operator's drivers license records. In Wisconsin, an individual who has had their driver's license revoked or suspended may still register and operate a snowmobile. Individuals operating a snowmobile under the influence generally receive citations, but do not lose snowmobile operating privileges, even in the case of repeat offenses.

Historically, increasing the number of hours dedicated to snowmobile enforcement has not clearly demonstrated a measurable impact on reducing the number of fatalities, or a reduction in the percentage of fatal accidents linked to alcohol consumption. From this perspective, it may be argued that increasing funds for additional law enforcement patrol efforts may not be the most effective means of addressing the issue. However, when Wisconsin imposed a 50 mile per hour nighttime limit by emergency rule for the 2000-01 snowmobile season, it appears fatalities may have declined modestly that season. Further, the following season (2001-02) fatalities declined significantly, and DNR officials believe this reduction was due, in part, to the fact that the expiration of the speed limit was not widely publicized and had a lingering effect on nighttime speed on snowmobile trails the following year. The Department also argues that the efforts of the

Accident Reduction Team were effective in reducing fatalities in the areas targeted in the 2005-06 season. Fatal accidents did not occur in the areas the team patrolled during nine of the 10 weekends patrolled in 2005-06 (two fatalities occurred on one weekend). The team issued 332 citations including 39 arrests for operating while intoxicated (61% of total OWI arrests made during the 2005-06 season).

Further, it may be argued that the general public's perception of the safety of snowmobiling in Wisconsin may be negatively impacted by the increase in snowmobile fatalities. From this perspective, a visible increase in the presence of conservation wardens on snowmobile trails may provide some assurance to concerned snowmobilers, easing concern over potential tourism impacts.

The snowmobile account of the conservation fund is expected to have a June 30, 2007, available balance of approximately \$670,000 (\$550,000 if the request is approved). Therefore, adequate revenues exist to support the request on a one-time basis in the current fiscal year. However, budgeted expenditures are expected to exceed revenues by approximately \$300,000 in 2006-07. While snowmobile registration levels have fluctuated somewhat over the past several years, overall registrations have been trending down slightly. Further, with the repeal of motor fuel tax indexing enacted earlier this year, it is unlikely that the account will see significant revenue growth in the next biennium (registration revenue and the snowmobile gas tax transfer make up most of the account revenues). Therefore, it is unlikely that the account will be able to support additional expenditures in the 2007-09 budget (DNR has not requested any snowmobile related expenditure reductions or fee adjustments in its budget request to the Governor).

Alternatively, the Department could conduct 10 patrols for three days each instead of the requested four days. In 2005-06 the Department funded 10, three-day patrols (Friday, Saturday, Sunday) from December through February. Funding for 10 three-day patrols would be expected to be approximately \$89,100. Under this alternative, if additional resources became available for reallocation (for example through decreased snowfall in some areas of the state) the Department could extend patrols.

ALTERNATIVES

1. Approve the Department's request for \$122,400 SEG on a one-time basis in 2006-07 from the snowmobile account of the conservation fund to increase snowmobile patrol and safety efforts.
2. Provide \$89,100 snowmobile SEG on a one-time basis in 2006-07 to increase for snowmobile patrol and safety efforts.
3. Deny the request.

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