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Testimony on Assembly Bill 366

Assembly Committee on Transportation

Good morning and thank you, Chairman Plumer, Vice-Chairman Spiros, and committee members for hearing Assembly Bill 366. AB 366 makes the snowmobile trail maintenance funding program more user-friendly and easier to administer while also making several other small changes to snowmobile regulations.

The bill will allow snowmobile trails that have two-way travel at night and that are located within 40' of a roadway to receive trail maintenance funding from the snowmobile program's segregated account.

Eliminating the 40' requirement will bring Wisconsin law relating to snowmobile trails more in line with requirements from our neighboring states, including Michigan and Minnesota.

Aside from changing the 40' rule, the bill also modernizes law:

- Requirement for snowmobile and ATV/ UTV drivers to dim their headlights when oncoming traffic is within 500'
- Drivers must still remain at least 10' from any US numbered highway
- Lowers vehicle the noise decibel from 88 to 82

AB 366 was crafted at the request of the Association of Wisconsin Snowmobile Clubs and bases on a recommendation from the Governor's Snowmobile Recreation Council. Also in coordination with the Department of Transportation and Department of Natural Resources.

Thousands of visitors come to Northern Wisconsin every year to enjoy trail riding and this bill guarantees safer trail systems and practices for those riding on the trails as well as driving on the highways.

This bill is crucial for the longevity of outdoor recreation in the Northwoods and the State of Wisconsin.

Thank you again for giving this bill your attention and consideration.



Assembly Committee on Transportation

2021 Assembly Bill 366

Snowmobile noise and the operation of snowmobiles, all-terrain vehicles, and utility terrain vehicles near highways.

August 31, 2021

Good morning Chair Plumer and members of the Committee. My name is Martin Stone, Off-Highway Vehicle Administrator with the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on Assembly Bill 366 (AB 366), related to snowmobile noise and the operation of snowmobiles, ATVs, and UTVs near highways.

Two provisions of this bill would update existing Chapter 350 sound level laws pertaining to snowmobiles. These updates to sound level standards and exhaust modification restrictions are timely and would allow law enforcement officers to more effectively address snowmobiles that may be in violation and respond to citizen complaints. Changes to snowmobile engine design in recent years have made it difficult for law enforcement to employ the current 2004 edition of the Society of Automotive Engineers (SAE) snowmobile sound level testing standards. Updating the statutes to reflect the use of the 2015 edition of the SAE standards will allow for testing on advancing snowmobile engine technology currently out on our trails.

Current law restricts persons from making exhaust modifications to a snowmobile in any manner that may amplify or otherwise increase total noise levels from original manufacture, but it does not prevent the operation of a snowmobile with modified exhaust. Law enforcement has had difficulty addressing the snowmobile sound level laws if the operator did not actually do the modification. This bill proposes to close this loophole and restricts the operation of a snowmobile with a modified exhaust that has increased the total noise levels from the original manufacture.

AB 366 also proposes to allow snowmobiles, ATVs, and UTVs to operate against motor vehicle traffic at night adjacent to a roadway. Currently, at night snowmobiles, ATVs, and UTVs operating along roadways must operate with motor vehicle traffic, unless separated by a headlight barrier or operating at least 40 feet from the roadway. On US, state, or county highways snowmobiles, ATVs, and UTVs are required to stay at least 10 feet away from the traveled portion of the roadway. On town highways snowmobiles, ATVs, and UTVs can operate immediately adjacent to the traveled portion of the roadway.

Under the bill, snowmobiles, ATVs, and UTVs would be able to operate against motor vehicle traffic at night while operating on a marked and designated snowmobile or ATV trail. The only restriction would require operators to stay at least 10 feet away from the traveled portion of the roadway while on US, state, or county highways. The bill does not include a restriction to stay a certain distance away from the roadway on town highways while operating against traffic at night. This may cause conflict and possibly unsafe passing beside motor vehicles due to headlight glare along town highways because it is common for snowmobiles to operate only feet from the roadway on town highways. Therefore, it may be

beneficial to consider extending the 10-foot restriction at night to include town highways to prevent potential conflict between snowmobiles, ATVs, UTVs, and motor vehicles passing beside each other at such close distances.

On behalf of the Department of Natural Resources, we thank you for your time today. I am happy to answer any questions you may have.



Association of Wisconsin Snowmobile Clubs – AWSC

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TO: Chairman Plumer and Members of the Assembly Committee on Transportation
FROM: Dave Newman, President, Association of Wisconsin Snowmobile Clubs
DATE: August 31, 2021
RE: Testimony in Support of AB 366

Mr. Chairman Plumer and Committee Members:

Thank you for the opportunity to testify before the Assembly Committee on Transportation. I am here today to ask you to please support AB 366.

As president of the Association of Wisconsin Snowmobile Clubs (AWSC), I speak on behalf of our 41,000 members, and the 603 snowmobile clubs across the state. It is these clubs and their volunteer members that are responsible for developing and maintaining most of the nearly 25,000 miles of interconnecting snowmobile trails across Wisconsin which are all open to the public.

AB 366 addresses an issue that in recent years has impeded funding for maintenance activities on certain snowmobile trails. To understand the problem that AB 366 solves, some brief background is necessary. Under current law, snowmobiles are not allowed to travel adjacent to a roadway counter-directionally at night unless one of two exceptions applies. The first exception is that travel is along a snowmobile trail that is 40 feet from the roadway. Second, and alternatively, nighttime counter-directional travel that is adjacent to a roadway may occur if operation of the snowmobile is separated from the road by a headlamp barrier.

In recent years, the Snowmobile Recreational Council has begun approving funding for additional miles of snowmobile trails. Some segments of these trails cannot receive funding because they are less than 40 feet from a roadway as is required under current law, and because installing a headlamp barrier is too costly and burdensome. The reason some segments of trail are less than 40 feet from the roadway is because it is relatively common that portions of a trail must be redirected around private property where a private landowner does not allow access. Typically, this is only for a short distance. In most cases it is not possible to locate the trail on both sides of the roadway, and as mentioned above, expensive

head lamp barriers are not an option. As a result, certain segments of trails are less than 40 feet from the roadway and cannot receive funding.

AB 366 addresses this problem by eliminating the 40-foot requirement, and allowing operation of snowmobiles in either direction at night, but only when on a designated and marked snowmobile trail. AB 366's requirement that counter-directional travel at night only occur on a snowmobile trail preserves safe travel for both snowmobilers and vehicular traffic. The effect of this proposed statutory change is that certain portions of trails that are already within 40 feet of a roadway, or new trails that can only be placed within 40 feet, may be eligible to receive funding for maintenance activities from the statewide snowmobile program.

AWSC also supports the simple amendment to AB 366 that will mirror these changes to the 40 foot rule for ATVs/UTVs, which have similar current law statutory requirements for operation adjacent to a roadway at night.

During the drafting process, AB 366 received significant consideration and input from the DOT and DNR. During those discussions, the DOT noted that neighboring states' nighttime snowmobile operation rules do not contain a 40-foot requirement like Wisconsin.

AB 366 makes several other changes to the snowmobile statutes for which we ask for this Committee's support. The bill requires that a person operating a snowmobile dim their headlight when any oncoming vehicle is within 500 feet. This is a common sense safety provision.

Additionally, AB 366 makes updates to noise requirements for snowmobiles. First, although snowmobiles manufactured today are becoming increasingly quieter, a major problem snowmobile clubs have when working with landowners to access their property is individuals who modify a snowmobile to make it louder. Current law already makes modifying a snowmobile's exhaust in this manner illegal. AB 366 goes one step further and prohibits the *operation* of a snowmobile that has been modified to increase noise levels. This will prevent a snowmobile operator from skirting noise level requirements by arguing that the noise modification to his/her snowmobile was made by someone else.

Second, AB 366 allows law enforcement to use updated sound procedures under the Society of Automotive Engineers Standard J2567 stationary sound test. This will now allow law enforcement to test snowmobiles out on the trail using a lower and safer RPM level.

I want to thank Rep. Swearingen and Sen. Petrowski for authoring this bill. I hope that we can count on the support of this Committee to move this common sense legislation forward.