

JERRY PETROWSKI

WISCONSIN STATE SENATOR

Senate Bill 364

September 7, 2021

Good afternoon, members of the committee, thank you for the opportunity to speak today on Senate Bill 364.

I drafted this bill at the request of the Association of Wisconsin Snowmobile Clubs to make the snowmobile trail maintenance funding program more user friendly and easier to administer, along with a few small changes to snowmobile regulations.

Physical obstructions sometimes prohibit snowmobile trails that are located adjacent to a roadway from maintaining the current law 40' buffer. This bill will allow snowmobile trails that have two-way travel at night and that are located within 40 feet 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.

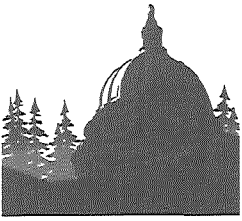
This bill also makes other minor changes to Chapter 350. Those changes include a requirement that a person operating a snowmobile during the hours of darkness dim their headlamp when an oncoming snowmobile, ATV/UTV, or motor vehicle is within 500 feet. It also modernizes Wisconsin law with regards to certain requirements relating to snowmobile noise levels.

This legislation is based on a recommendation from the Snowmobile Recreation Council Funding and New Trail Mile Report (dated January 1, 2019) and prepared by the Governor's Snowmobile Recreation Council (as required by 2017 Wisconsin Act 59 the 2017-2019 Biennial Budget Bill). The legislation was also drafted in consultation with the Wisconsin Department of Transportation and Department of Natural Resources.

Thank you again for your time and I would be happy to answer any questions.

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September 7, 2021

Testimony on Senate Bill 364

Senate Committee on Transportation and Local Government

Good morning and thank you, Chairman Petrowski, Vice-Chairman Cowles, and committee members for hearing Senate Bill 364. SB 364 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

SB 364 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.



Senate Committee on Transportation and Local Government

2021 Senate Bill 364

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

September 7, 2021

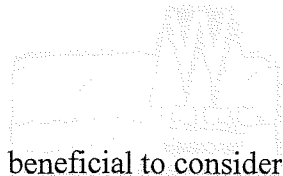
Good afternoon Chair Petrowski and members of the Committee. My name is Martin Stone, Off-Highway Vehicle Administrator with the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on Senate Bill 364 (SB 364), related to snowmobile noise and 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.

SB 364 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.

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Wisconsin ATV Association, Inc. (WATVA)
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September 2, 2021

To: Senator Petrowski and members of the Committee on Transportation and Local Government.

Re: Senate Bill 364 Relating to snowmobile noise and the operation of snowmobiles, all-terrain vehicles, and utility terrain vehicles near highways.

The Wisconsin ATV/UTV Association (WATVA) has reviewed the proposed SB Senate Bill 364 legislation and we fully support this bill and an amendment that mirrors the changes involving the 40' headlamp barrier requirement for ATVs and UTVs.

We would appreciate your consideration and past support and request that you approve and advance this legislation.

As a statewide organization, our team has been working along with the Association of Snowmobile Clubs in trying to find a solution to eliminating the expensive and onerous 40' headlamp barrier requisite. This bill is important to both organizations and their programs, it is a well thought out approach that will continue the growth and popularity of our sports while maintain safe trails, along with increasing the recreational and financial opportunities for Wisconsin residents and businesses.

The Wisconsin ATV/UTV Association and its **100** Chapter Clubs, its many businesses and travel partners that provide an invaluable economic stimulus to the surrounding counties and areas thank you for this opportunity to present our opinion and comments.

Sincerely,

Randy Harden

Randy Harden – President

WATVA Trails Committee

Rob McConnell

Rob McConnell – Vice President

WATVA Board of Directors



Association of Wisconsin Snowmobile Clubs – AWSC

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TO: Chairman Petrowski and Members of the Senate Committee on Transportation and Local Government

FROM: Dave Newman, President, Association of Wisconsin Snowmobile Clubs

DATE: September 7, 2021

RE: Testimony in Support of SB 364

Mr. Chairman Petrowski and Committee Members:

Thank you for the opportunity to testify before the Senate Committee on Transportation and Local Government. I am here today to ask you to please support SB 364.

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 SB 364 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 on a snowmobile trail that is at least 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.

Currently, some segments of trail are less than 40 feet from the roadway. That is because it is not uncommon that portions of a trail must be rerouted around private property where a landowner does not allow access, or because that is the only way to connect segments of trails. Typically, this is only for a short distance. In some cases even trails located along the edge of private property may also fall within 40 feet of a rural road. In most cases it is not possible to locate the trail on both sides of the roadway, and 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.

It is important to mention that our snowmobile clubs do not want their trails any closer to roads than absolutely necessary, and prefer to keep them as far away as possible. When it is necessary to locate a trail in the road right of way, the distance from the traveled portion of the road may depend on the usable area in that right of way. State and county roads have a much wider right of way, but not enough space to place a trail more than 40 feet away from the road. Where trails are located next to town roads it is not unusual to have barely enough room to place a trail between the road and private property or trees and other vegetation. In these cases, we are typically dealing with low speed rural roads with very little traffic. Nothing in this bill changes the current law that requires snowmobiles to operate at least 10 feet from U.S., state and county roadways and off the traveled portion of a town road unless designated as a snowmobile road route.

SB 364 makes a limited change to current law by eliminating the ban on nighttime, counter-directional travel on a snowmobile trail that is located less than 40 feet from a roadway. SB 364'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 SB 364 that will mirror these changes to the 40-foot rule for ATVs and UTVs, which have similar statutory requirements for operation adjacent to a roadway at night. The Wisconsin ATV Association has submitted a letter of support for this amendment.

During the drafting process, SB 364 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.

SB 364 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, SB 364 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. SB 364 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 avoiding noise level requirements by arguing that the noise modification to his/her snowmobile was made by someone else.

Second, SB 364 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. This test will help identify someone who has tampered with their snowmobile to make it louder from those snowmobiles be operated as they were when purchased new.

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



Association of Wisconsin Snowmobile Clubs – AWSC

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TO: Chairman Petrowski and Members of the Senate Committee on Transportation and Local Government

FROM: Sam Landes, AWSC Director for Dane County & Legislative Comm. Chair

DATE: September 7, 2021

RE: Testimony in Support of SB 364

Dear Chairman Petrowski and Committee Members:

My name is Sam Landes, and I am the long-time AWSC Director for Dane County, and currently serve as the AWSC's Legislative Committee Chair. I have also been an appointed member of the Governor's Snowmobile Recreation Council (SRC) since 2003. This 15-member citizen's council recommends all snowmobile trail aids grants, and projects related to and including current and new miles of trails to be funded. Those funds come out of the snowmobile segregated trail aids fund, which are collected entirely from registrations, trail passes and fuel tax revenues used by snowmobiles. No public tax dollars are used.

SB 364 was drafted in consultation with the DNR, the DOT, the AWSC and the authors of this bill. The SRC is on record in support of SB 364. Thanks to the new trail pass program implemented in 2015, the snowmobile segregated fund has had enough money for the SRC to recommend approval of over 1,400 new miles of public snowmobile trails. For the most part, these trails have been solely provided and maintained by the volunteer AWSC Clubs.

However, some of those trail requests cannot be approved for funding because they are less than 40 feet away from the traveled portion of the road, and headlamp barriers are too costly and burdensome to install. SB 364's elimination of the current law ban on riding on a trail counter-directionally at night within 40 feet of a roadway will allow a good portion of these trails to qualify for funding.

A number of current trails have been in locations that are less than 40 feet from the traveled portion of the roadway without complaint, conflict or incident for many years. A review of fatalities in the past 10 years does not include any incidents related to any trails off of the side of the road. Also keep in mind, as a part of the bill, riders will be required to dim their headlights within 500 feet of any oncoming traffic within the roadway.

I would like to give you a few examples of trails that currently exist closer than 40 feet to a roadway. Specifically, trail 27 from Muscoda to Boscobel in Grant County has been in its location right alongside state road 133 since the early 1970s. The trail cannot meet the current 40-foot nighttime counter-directional travel requirements due to the steep ditch line and the Wisconsin River wetlands on the north side, and the WSOR Rail line being close to the roadway on the other side for most of that trail.

Another example is the trail along County K just north of Blue Mounds. There is a section of the trail where there is a two-way travel that is closer than 40 feet due to very steep ditches on both side of the road, wetlands on the west side, and a property fence line on the east side that we are not allowed to move.

Both of these trail examples will benefit from SB 364, because they will become legally compliant trails that will be able to receive snowmobile segregated account funds.

Another concern with current law happens when emergency reroutes are needed. Due to severe flooding in Dane County in August of 2018, we were forced to do mandatory reroutes within roadways to connect trails. One major route was trail 36 along County P between Dane and Cross Plains. That reroute infringed on the current law nighttime 40-foot rule, but would be legal under SB 364. The local club felt they had no choice at the time, because the alternative of not connecting that heavily used east-west trail would have had a much more concerning outcome. The clear invitation of off-trail riding or road riding by those wanting to stay connected to the trail system would have been far more dangerous than using the provided marked trail that was less than 40 feet from the roadway.

SB 364 is common sense legislation. It allows the volunteer AWSC snowmobile clubs to continue to provide the greatest snowmobile trail system in the country and the massive tourism dollars that come with it.

Please support and pass SB 364. Thank you.