

NATURAL RESOURCES BOARD AGENDA ITEM

SUBJECT: Request Adoption of Board Order CF-26-11(E) -- To revise ch. NR 64 to establish a trail-route combination for all-terrain vehicles (ATVs)

FOR: MARCH 2012 BOARD MEETING

TO BE PRESENTED BY / TITLE: Diane Conklin, Snowmobile and All-Terrain Vehicle Grant Manager

SUMMARY:

This emergency rule will establish a new category of all-terrain trail commonly called a "troute", or a trail-route combination, that provides a connector between trails and allows grant funding for these unique trails. An emergency rule is needed because we anticipate that the permanent rule revisions to chs. NR 50 and 64 in Board Order CF-16-11 approved for adoption at the Board's February 22 meeting, that include these hybrid trails or "troutes" will not be effective until Sept 2012, at the earliest.

About 1/3 of the trails in northern Wisconsin are "troutes" and have been funded as trails since the program started. Our partners count upon grant funds for troute maintenance. Our plan is to publish the Emergency Rule on June 15, 2012, and hold a public hearing on June 25... all in time for the next round of ATV grants including "troutes" in July 2012, as is our practice.

Please note that a separate fiscal estimate for CF-16-11(E) was not developed since all provisions for hybrid trails or "troutes" found in this emergency rule were already included in the fiscal estimate for the permanent rule Board Order CF-16-11. The fiscal estimate for Board Order CF-16-11 is attached.

RECOMMENDATION: Adopt Emergency Board Order CF-26-11 (E)

LIST OF ATTACHED MATERIALS:

- | | | | | | |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input type="checkbox"/> | Fiscal Estimate Required | Yes | <input checked="" type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/> | Attached |
| No | <input type="checkbox"/> | Background Memo | Yes | <input checked="" type="checkbox"/> | Attached |

APPROVED:

Mary Rose Teves

Bureau Director, Mary Rose Teves

02/29/2012

Date

for Julie Sauer

Administrator, Julie Sauer

02/29/2012

Date

Cathy Stepp

Secretary, Cathy Stepp

3/6/12

Date

cc: NRB Liaison
DNR Rules Coordinator

DATE: February 29, 2012

TO: Natural Resources Board Members

FROM: Cathy Stepp 

SUBJECT: **NRB ADOPTION OF EMERGENCY RULE ORDER CF-26-11 (E)**
REVISING ch. NR 64 – ALL-TERRAIN VEHICLES

Background:

Chapter NR 64, Wis. Adm. Code, establishes standards for the implementation of the all-terrain vehicle (ATV) program to develop and maintain trails. Ch. NR 64 was last revised and effective in January 2004.

The Natural Resources Board approved the scope statement and authorized staff to proceed with rule drafting for this emergency rule at its February 22, 2012, meeting. Much of this emergency rule mirrors text that appears in the permanent rule Board Order CF-16-11 that was adopted by the Board also at their meeting on February 22, 2012.

This emergency rule will establish a new category of all-terrain trail commonly called a "troute", or a trail-route combination, that provides a connector between trails and allows grant funding for these unique trails. An emergency rule is needed because we anticipate that the permanent rule revisions to ch. NR 64 that will include troutes will not be effective until September 2012, at the earliest. Without this emergency rule, DNR will not be able to award grants to project sponsors for ATV "troutes" in July 2012, as is our practice. About one-third of the trails in northern Wisconsin are "troutes" and have been funded as trails since the program started. Our partners count upon grant funds for troute maintenance.

This rule change supports the grant program and recommendations from the Off Road Vehicle Council to use grant funds to develop a trail-route combination and keep active trails open and well maintained.

The Fiscal Estimate and Economic Impact Analysis conducted for the permanent rule Board Order CF-16-11 are included in this emergency rule package since relevant information for the hybrid trail or troute is a part of the permanent rule.

Rule Summary:

The Department proposes to revise ch. NR 64, Wis. Adm. Code, to create a new trail + route category eligible for ATV grant funding called a hybrid trail but commonly referred to as a "troute". This Emergency Rule defines a trail connector, amends signage requirements for ATV routes to include hybrid trails, adds hybrid trails to signage requirements for ATV routes, describes the maintenance grant funding available for ATV hybrid trails, and amends reimbursement for trail rehabilitation to include hybrid trails.

Public Hearing and Written Comments

Section 227.24(4), Stats., requires the Department to hold a public hearing within 45 days after it promulgates an emergency rule. State Statute 227.24(4), requires a public hearing to be held within 45 days of the effective date of the emergency rule. Our plan is have this rule be effective June 15, 2012, and to hold a public hearing on June 25, 2012.

As mentioned, the permanent rule Board Order CF-16-11 also contained provisions of the hybrid trail or trout. Notice concerning the public comment period for that permanent rule was published in the *Administrative Register* (#672 B) on December 31, 2011. One public hearing was held by video conference on January 11, 2012, and broadcast simultaneously in Madison, Rhinelander, and Rice Lake. Public hearing comments and written comments were collected; a summary of comments relevant to the hybrid trail or trout and the Department's response is attached as Appendix 1.

The Emergency Rule Order CF-6-11(E) also incorporates comments from the Wisconsin Legislative Council Rules Clearinghouse that were provided to the DNR regarding the permanent Rule Order CF-16-11 and are relevant to this emergency rule order. (See Appendix 2).

Summary of the Proposed Rule Revisions:

Proposed changes fall into the following categories:

- 1 – Revisions made in response to the Council's and public input.
- 2 – Revisions made per the request of Wisconsin Legislative Council Rules Clearinghouse.

Revisions in Response to Public Input and Department Review

A special situation exists in that corrections to the emergency rule language for the hybrid trails commonly referred to as "troutes" have been made already. Relevant emergency rule language was included in the permanent rule Board Order CF-16-11 which had a public hearing on January 11, 2012. A public hearing is planned for June 25, 2012 for the emergency rule Board Order, CF-26-11 (E).

Appendix 1 includes a portion of the Department's response to public comments to permanent rule Board Order CF-16-11 and is relevant for this emergency rule Board Order CF-26-11(E).

Small Business and Regulatory Flexibility Analysis:

Proposed revisions to ch. NR 64 contain no requirements for small business and so there is no direct impact to small business. There are no small business requirements for reporting, bookkeeping, or other procedures or a certain type of professional skill for compliance for the rule.

As is the case at present in ch. NR 64, records must be kept by the ATV clubs that perform trail maintenance and then seek reimbursement for those costs from the county. The only changes for counties or clubs regarding reporting, bookkeeping, or other procedures comes from the need to keep similar records and follow the same procedures for the new hybrid trail project category as are already in place for all other current routes and trails. The proposed rule would not require skills any different than those required by the current ch. NR 64.

Environmental Analysis:

The Department has determined that this rule is a Type III action under s. NR 150.03(7)(a)4.b., Wis. Adm. Code, and no environmental analysis is required.

Impacted Parties:

Parties impacted by the proposed changes are as follows:

ATV Clubs – These groups perform trail maintenance, incur costs, and then seek reimbursement for those costs from the county. Club members often donate their time. There may be initial increased signage costs as a result of acknowledgement of the new hybrid trail category referred to as a “troute”; signage costs are grant eligible.

Counties – Counties reimburse ATV clubs for trail maintenance work. Counties may request ATV grants from the Department in the form of reimbursement grants for payments made throughout the year to ATV clubs.

Wisconsin Tribes – Tribes may also reimburse ATV clubs for trail maintenance work. Tribes may also request ATV grants from the Department in the form of reimbursement grants for payments made throughout the year to ATV clubs.

Appendix 1

Public Hearing for Permanent Rule CF-16-11 and Comment Summary Relevant to Proposed Emergency Rule CF-26-11 (E)

The Department held one public hearing by video conference on January 11, 2012 for permanent rule Board Order CF-16-11. Below are specific comments that are relevant to the proposed emergency rule Board Order CF-26-11(E) for the hybrid trail or “troute” and illustrate the support for this trail category. Note that a public hearing will be held specifically for the emergency rule. The anticipated Public hearing date is June 25, 2012.

The hearings originated in Rice Lake and linked the following locations: Madison and Rhinelander. In total, nine people registered at the hearings and comments were all supportive of the proposed rules with some particular emphasis noted.

In addition to the comments received at the public hearing, three written comments were submitted electronically by the deadline. All three comments received were in favor of the proposed changes with minor suggested adjustments that were noted and accepted. The three written comments were also summarized by persons that attended and registered to speak at the public hearing.

Specific public comments received relevant to the hybrid trails or troutes and the Department’s responses to those comments follow.

Public Comment and Department Responses

Written Comments: In section 11, propose to change the first sentence to read, “Troutes existing before June 5, 2008.” Also, it should read that “the department may provide state aid of up to 100% of the per-mile rate listed in sub. (2).” instead of 50%. Commenter further requests that the final sentence under s. NR 64.14(2r)(a) “County forest roads used as all-terrain vehicle routes are not eligible for funding under this section.” be removed from the proposed changes. Commenter also requests that proposed changes under ss. NR 65.14(2r)(b)(1) and NR 64.14(2r)(b)(2) be changed to begin with “For eligible applicants” rather than “municipalities. This wording would make it clearer that trails on USFS lands would be eligible for grant funding as well. (Note: Other comments not relevant to hybrid trails or troutes omitted.)” *Jane Severt, WCFA Director, Rhinelander, WI*

Department Response: Most suggested changes made to the final proposed rule. DNR legal counsel informs us that the specific date can not be included and these rule revisions take into account those hybrid trails or “troutes” in existence before the effective date of this proposed rule. Some grammatical changes also suggested in the written comments were not included. (CF-16-11)

Comment: “Supports all of the new rules in their entirety. Can provide testimony at NRB hearing. Feels that we should retain the term “Troute” for hybrid trails.” *Rob McConnell, VP WATVA, Reedsburg, WI*

Department Response: The Department appreciates the comments of support for the proposed rule (CF-16-11) changes and thanks everyone for attending the public hearing.

Written Comments: “WATVA submitted written comments in support of the proposed changes and specifically the bridge design load requirements and easements, the new trail+route category, and the

increased per mile costs for summer ATV maintenance.” *Randy Harden, President of WATVA, and Rob McConnell, Vice President, WATVA*

Comment: Supports all of the proposed changes. Concerned that s. NR 64.14 (2r) accurately reflects 100% funding for those hybrid trails or troutes already funded. Also, maintenance funding is strongly needed and for definition of County Forest Roads, suggests we use the definition in s. 86.315, Stats., for County Forest Roads.” *Mike Peterson, Washburn County Forest Administrator, Spooner, WI*

Written Comments: “Representing Washburn County Forestry as well as the chair of the Legislative Committee of Wisconsin County Forest Association, it is noted that they are in support of changes to chs. NR 50 and 64 regarding minimum easement/lease agreements, increased bridge design loads, increased threshold for supplemental funds, eligible costs for bridge development and rehabilitation, and increased maintenance funding for ATV trails. They further support the trail+route definition (troute) and have existing and new Troutes to be signed as an ATV route providing the signage on non-gas tax roads can be a much smaller sign than required on public roads. Concerned about the troutes that are currently in place be eligible for 100% funding rather than the noted 50%. I would also suggest that we adopt the definition of a County Forest Road as is identified in s. 86.315 to prevent any misunderstanding. Last, I would support the ATV trail signage defining the season of use as much needed.” *Mike Peterson, Washburn County Forestry and Chair, Legislative Council, WCFA, Spooner, WI*

Department Response: All suggested changes made to the final proposed rule (CF-16-11).

The above comments were incorporated into emergency rule Board Order CF-26-11 (E).

Appendix 2

Revisions made to proposed Emergency Rule CF-26-11 (E) for ch. NR 64 per comments from the Wisconsin Legislative Council Rules Clearinghouse on Permanent Rule Board Order CF-16-11 (Clearinghouse No. 11-050)

The Department incorporated all changes suggested by the Legislative Council Rules Clearinghouse (see attached) into this rule order except the following:

2d. The Department has chosen to define the trail+route combination as a “hybrid trail (troute)” rather than a “multi-use trail” or “trail connector” as suggested by the Rules Clearinghouse. We did this because the terms suggested by the Rules Clearinghouse do not fit with common terminology used in either sport. By utilizing the term “hybrid trail (troute)”, we are able to distinguish a specific type of “hybrid” trail that is unique to this situation.

ADMINISTRATIVE RULES – FISCAL ESTIMATE

1. Fiscal Estimate Version

Original Updated Corrected

2. Administrative Rule Chapter Title and Number

Ch. NR 50, County Snowmobile Aids, and ch. NR 64, All-Terrain Vehicles

3. Subject

Revise bridge design and signage requirements and trail maintenance costs; define trail/route combinations.

4. State Fiscal Effect:

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No May be possible to absorb within agency's budget.
		<input type="checkbox"/> Decrease Costs

5. Fund Sources Affected:

GPR FED PRO PRS SEG SEG-S

6. Affected Ch. 20, Stats. Appropriations:

ss. 20.370(5)(cq), (cs), (ct), (cu), Wis. Stats

7. Local Government Fiscal Effect:

<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Revenues	<input checked="" type="checkbox"/> Decrease Costs

8. Local Government Units Affected:

Towns Villages Cities Counties School Districts WTCS Districts Others: Tribes

9. Private Sector Fiscal Effect (small businesses only):

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No May have significant economic impact on a substantial number of small businesses
	<input type="checkbox"/> Yes <input type="checkbox"/> No May have significant economic impact on a substantial number of small businesses	<input type="checkbox"/> Decrease Costs

10. Types of Small Businesses Affected:

Proposed revisions to chs. NR 50 and NR 64 contain no requirements for small business and so there is no direct impact to small business.

11. Fiscal Analysis Summary

The Department proposes to revise ch. NR 50 as follows:

- Increase bridge design load requirements from 12,000 pounds to 14,000 pounds to better accommodate the weight of modern snowmobile trail grooming equipment.

- Clarify minimum length for easements or lease agreements between the grant recipient and owners of private land on which a bridge will be located if up to \$50,000 of snowmobile trail aids funds were used for either bridge construction or rehabilitation.

- Identify a process by which the Governor's Snowmobile Trail Council can establish higher minimum year length for easements or lease agreements if the cost of a bridge receiving grant funding is more than \$50,000.

- Increase from \$130 per mile to \$150 per mile the minimum expenditure needed before a county is eligible to

apply for a supplemental snowmobile trail maintenance grant. Making this change will make ch. NR 50 consistent with s. 350.12(4)(bm)2., Wis Stats.

The Department proposes to revise ch. NR 64, Wis. Adm. Code, to be consistent with Wisconsin statutes as follows:

- Include guidelines for ATV bridge design load requirements.
- Include a minimum three-year length for easements or lease agreements between the grant recipient and owners of land on which a bridge will be located if ATV trail aids funds were used for either bridge construction or rehabilitation.
- Increase per-mile ATV trail summer maintenance reimbursement rates from \$450 per mile to \$600 per mile.
- Identify changes for seasonal signage
- Create a new trail + route category eligible for ATV grant funding (also referred to as a "troute").

The changes proposed for chs. NR 50 and NR 64 are not expected to have a state, local or small business fiscal impact.

12. Long-Range Fiscal Implications

13. Name - Prepared by Patrick Kirson	Telephone Number 608-266-2747	Date 08/05/2011
14. Name - Analyst Reviewer	Telephone Number 608-266-2159	Date 8/12/2011
Signature - Secretary or Designee	Telephone Number 608-266-2744	Date 08-12-2011

This document can be made available in alternate formats to individuals with disabilities upon request.

**EMERGENCY ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
RENUMBERING, AMENDING, AND CREATING RULES
CF-26-11 (E)**

The Wisconsin Department of Natural Resources proposes an emergency order to ch. NR 64, All-Terrain Vehicles, as follows: to renumber NR 64.14 (9)(d); to amend NR 64.12 (7)(a) and NR 64.14 (9) (a) 1.; and to create NR 64.02 (9m), NR 64.02 (15), NR 64.12 (7)(am), NR 64.14 (2r)(a) and (b), and NR 64.14 (9)(d), relating to the all-terrain vehicle grant programs and trail-route combinations.

Analysis Prepared by the Department of Natural Resources

1. Statutory Authority: Sections 23.09(26), 23.33(8)(a), 23.33(9)(b)3 to 5, and 227.11, Stats.

2. Statutes Interpreted: Sections 23.33(8)(a), 23.33(9)(b)3 to 5 and 227.11, Stats.

3. Explanation of Agency Authority: Sections 23.33(8)(a), 23.33(9)(b)3 to 5, and 227.11, Stats., authorizes the Department to promulgate rules for the development and maintenance of all-terrain vehicle routes or all-terrain vehicle trails and the administration of state all-terrain vehicles grant program and related costs. Section 227.11, Stats., authorizes the department to promulgate rules for the general administration of department programs.

4. Related Statute or Rule: Section 23.33(9)(b)4, Stats., allows for development and maintenance of a snowmobile or off-road motorcycle trails if the trail is open for use by all-terrain vehicles (ATVs).

5. Plain Language Analysis: Chapter NR 64, Wis. Adm. Code, establishes standards for the implementation of an ATV grant program, including a trail aid program.

The Department proposes to revise ch. NR 64, Wis. Adm. Code, by creating a new trail + route category eligible for ATV grant funding (also referred to as a hybrid trail but commonly referred to as a “troute”).

Section-by-section details of this rule order are outlined below:

SECTION 1 defines a hybrid trail, commonly referred to as a “troute”, or ATV trail and route combination in ch. NR 64, Wis. Adm. Code.

SECTION 2 defines a trail connector.

SECTION 3 amends signage requirements for ATV routes to include hybrid trails.

SECTION 4 adds hybrid trails to signage requirements for ATV routes.

SECTION 5 creates a subsection that describes the maintenance grant funding available for ATV hybrid trails.

SECTION 6 amends reimbursement for trail rehabilitation to include hybrid trails.

SECTION 7 renumbers a paragraph of the rule.

SECTION 8 creates criteria for grant funding for hybrid trail rehabilitation.

SECTION 9 provides information on effective dates of this rule.

SECTION 10 provides information on Board adoption.

6. Summary of, and comparison with, existing or proposed federal regulations: The federal government has one program that is somewhat similar to the Wisconsin ATV grant program: the Recreational Trails Act (RTA) grants. This federal program provides grant funds for the acquisition, development, rehabilitation of trails and structures (such as bridges and culverts) and maintenance of motorized, non-motorized, and mixed-use trails. The Department has received RTA funds for many years and often matches RTA grant funds from the motorized subprogram to Wisconsin ATV grant awards. In the RTA program, maintenance and rehabilitation activities are the two highest priority categories for grant funding; these priorities are shared by the Wisconsin ATV grant program. The WI ATV grant program can make grant awards for 100% of eligible project costs. However, in order to stretch state grant funds farther, the Department often matches a 50% grant from its ATV grant programs with a 50% RTA grant.

There is no current requirement for trail – route combination in the RTA program.

7. Comparison with Rules in Adjacent States: Minnesota, Michigan, Iowa, and Illinois all have ATV trail grant programs. Only Michigan allows ATVs on both trails and routes.

8. Summary of factual data and analytical methodologies:

The Department is aware that several ATV trails in Wisconsin overlap existing roads. From the onset of the program, these overlapping paths were identified as trails, signed accordingly, and were eligible to receive ATV grant funds. A few years ago, the ORV Advisory Council and WI County Forestry Association proposed that the Department revise ch. NR 64 to accommodate paths used by both ATVs and motor vehicles. These trail-route combinations – also called hybrid trails but commonly referred to as “troutes” – will be eligible for future maintenance grant funding at the current rate if it can be shown that the hybrid trails (“troute”) existed prior to the effective date of this rule.

This emergency rule will establish a new category of all-terrain trail commonly called a "troute", or a trail-route combination, that provides a connector between trails and allows grant funding for these unique trails. An emergency rule is needed because we anticipate that the permanent rule revisions to ch. NR 64 that will include troutes will not be effective until Sept 2012, at the earliest. Without this emergency rule, DNR will not be able to award grants to project sponsors for ATV "troutes" in July 2012, as is our practice. About one-third of the trails in northern Wisconsin are "troutes" and have been funded as trails since the program started. Our partners count upon grant funds for troute maintenance.

Without this Emergency Rule, the integrity and safety of troutes could be severely compromised. Our partners may be forced to close troutes without grant funding to maintain them until the permanent rule is effective. If troutes are closed, riders could be stranded in an unfamiliar

location or be forced to turn around and ride back the same way they came instead of continuing onto their destination.

9. Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

Include new trail-route category in ATV grant program. The Department expects that this emergency rule will have no negative fiscal effect on small business. Trail-route combinations already exist and are part of the ATV program, but identified only as trails. DNR legal counsel had earlier opined that a new ATV category be created to recognize trail-route hybrids thereby making program administration more consistent.

Positive Economic Impact of the ATV Grant Program in Wisconsin. A March 2004 Executive Summary of the Economic & Demographic Profile of Wisconsin's ATV Users Report by the WI Division of Tourism in conjunction with the Wisconsin ATV Association (WATVA) and the University of Wisconsin – Madison Extension Department of Urban & Regional Planning, showed \$295.3 million was spent by ATV trail users during the period of June through October 2003. The report showed that 86% of ATV trail users were from Wisconsin. The total annual spending in Wisconsin by out-of-state ATVer was \$34.7 million. Using the Consumer Price Index (CPI) to adjust, ATVer spending could be as high as \$362.2 million and spending by out-of-state ATVer as high as \$42.6 million during 2011. Specific information from the report is as follows:

**ATVer Expenditures per Trip
During June through October 2003
(Daily Average Spending = \$200.62)**

<u>Category</u>	<u>ATVer</u>
Food/beverage:	\$107.52
Entertainment:	\$50.98
Shopping:	\$87.15
Gas/Transportation:	\$100.72
Convenience Stores:	\$36.35
Lodging:	\$144.78
Gaming:	\$47.12
<u>Other:</u>	<u>\$67.38</u>
Total:	\$642.00

10. Effect on Small Business: ATV grants assist with the cost of construction, development, and maintenance of specific trails. Those trails draw riders and their disposable income. Small businesses located in the area of ATV trails benefit when trail users make the following purchases: fuel and other items at convenience stores; retail items; accommodations or lodging; sales of replacement vehicle parts; repair or maintenance of snowmobiles or ATVs; rider clothing, protective gear, and accessories; food and drink at restaurants and other establishments.

11. Agency Contact:

Diane Conklin, Grant Manager
All-Terrain Vehicle and Snowmobile Grant Programs
Phone: (715) 822-8583
E-mail: Diane.Conklin@wisconsin.gov

12. Submit comments by US Postal Service or e-mail as follows:

Mailing address: Diane Conklin, Grant Manager
All-Terrain Vehicle and Snowmobile Grant Programs
WI Department of Natural Resources
P.O. Box 397
1341 2nd Avenue
Cumberland, WI 54829
E-mail Address: Diane.Conklin@wisconsin.gov

SECTION 1. NR 64.02 (9m) is created to read:

NR 64.02 (9m) "Hybrid Trail (Troute)" means an all-terrain vehicle trail and route combination that allows all-terrain vehicles and motor vehicles to utilize the same linear surface and the combination is used as a trail connector as defined in sub. (15).

SECTION 2. NR 64.02 (15) is created to read:

NR 64.02 (15) "Trail Connector" means an all-terrain vehicle trail that connects one trail to another trail or services.

SECTION 3. NR 64.12 (7) (a) is amended to read:

NR 64.12 (7) Signs for all-terrain vehicle routes on highways, hybrid trails, and sidewalks designated for use by the governmental unit having jurisdiction as authorized under s. 23.33 (8), Stats., shall meet the following requirements:

(a) The all-terrain vehicle route sign shall have a reflectorized white symbol, border and message on a reflectorized green background. ~~The standard and minimum size of this sign shall be 24" x 18"~~. The sign, including the stylized all-terrain vehicle symbol and the word message "ATV ROUTE", shall conform to the standard design on file in the department of transportation.

SECTION 4. NR 64.12 (7) (am) is created to read:

NR 64.12 (7) (am) The standard and minimum size of an all-terrain vehicle route sign shall be:

1. For an all-terrain vehicle route sign on a hybrid trail that is not receiving gas tax funding: no smaller than 6" x 6" and no larger than 24" by 18".
2. For all other all-terrain vehicle route signs not identified in subd. 1., the minimum size shall be 24" by 18".

SECTION 5. NR 64.14 (2r) is created to read:

NR 64.14 (2r) MAINTENANCE FUNDING OF HYBRID TRAILS ("TROUTES"). (a) Hybrid trails *existing before* July 1, 2012. The department may provide state aid of up to 100% of the per-mile rate listed in sub. (2). Any hybrid trail that received funding under this chapter prior to July 1, 2012, and is posted with signs as a hybrid trail, shall continue to be eligible to receive the per-mile maintenance reimbursement rate under sub. (2) (a) or sub. (2) (b) or both. Any hybrid trail that received funding under this chapter prior to July 1, 2012, and is posted with signs as a hybrid trails, shall be eligible for rehabilitation costs of up to 100% of costs.

(b) *Hybrid trails existing on* July 1, 2012, *or later*. All hybrid trails developed on July 1, 2012, or later, shall be posted with signs as hybrid trails and are eligible for funding under this chapter as follows:

1. For eligible applicants not receiving gas tax for a road on which all-terrain vehicles will also be traveling, not more than 50% of the per-mile rate as identified in sub. (2)
2. For eligible applicants receiving gas tax for a road on which all-terrain vehicles will also be traveling, the per-mile rate identified in sub. (2) minus the gas tax received, not to exceed 50% of rate in sub. (2).

SECTION 6. NR 64.14 (9) (a) 1. is amended to read:

NR 64.14(9) (a) 1. Reimbursement of costs of development of all-terrain vehicle areas and trails shall be up to 100% of approved eligible project costs. Reimbursement of costs of development of hybrid trails existing before July 1, 2012, shall be up to 100% of approved eligible project costs. Sponsors may request an advance payment of up to 75% of the signed contract amount for development.

SECTION 7. NR 64.14 (9) (d) is renumbered as s. NR 64.14 (9) (dg)

SECTION 8. NR 64.14 (9) (d) is created to read:

NR 64.14 (9) (d) Rehabilitation of hybrid trails *existing after* July 1, 2012, and not receiving gas tax for a road on which all-terrain vehicles will also be traveling, at 50%, excluding structures.

SECTION 9. Effective Date. This rule shall take effect upon June 15, 2012, after publication in the official state newspaper, as provided in s. 227.24 (1)(c), Stats.

SECTION 10. Board Adoption. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____ .

Dated in Madison, Wisconsin _____ .

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

(SEAL)

BY _____
Cathy Stepp, Secretary