

March 31, 2016

**TRANSPORTATION & INFRASTRUCTURE COMMITTEE MEETING**  
**Douglas County Board of Supervisors**  
**Wednesday, April 6, 2016, 9:30 a.m., Highway Department Office**  
**7417 S. County Road E, Hawthorne, Wisconsin**

Please call the Chair, the Highway Department Office (715-374-2575) or  
County Clerk's Office (715-395-1397) if you cannot attend.

MEMBERS: Kay Johnson, Chair                      Marvin Finendale, Vice Chair                      Nick Baker  
Pat Ryan    Charlie Glazman

**A G E N D A**

**(Committee to maintain a two-hour meeting limit or take action to continue meeting beyond that time.)**

1. Roll call.
2. Approval of minutes from the March 2, 2016, meeting (attached).
3. Action Items/Referrals:
  - (a) ATV Route Approval – CTH Y from East Mail Rd. to Barron Drive (attached); and
  - (b) From County Board meeting – DNR correspondence regarding Douglas County Ordinance 5.04, All-Terrain Vehicle Routes and Operation (attached).
4. Informational:
  - (a) Capital projects request (to be distributed at meeting);
  - (b) ATV policy amendments (attached);
  - (c) Work Zone Safety Awareness Week press release (attached);
  - (d) Proposed ordinance for establishing temporary speed limits;
  - (e) 2015 Assembly Bill 198 (attached); and
  - (f) Reports:
    - (1) Administrative;
    - (2) Projects;
    - (3) Equipment; and
    - (4) Budget (attached).
5. Future agenda items.

cc: Shelley Nelson                      Carolyn Pierce                      Sue Sandvick                      Andy Lisak  
Candy Anderson                      County Board Supervisors

NOTE: Attachments to the agenda are available at the County Clerk's Office for review or copying and at the Douglas County website at [www.douglascountywi.org](http://www.douglascountywi.org). Action may be taken on any item listed on the agenda. The County of Douglas complies with the Americans with Disabilities Act of 1990. If you are in need of an accommodation to participate in the public meeting process, please contact the Douglas County Clerk's Office at (715) 395-1341 by 4:00 p.m. on the day prior to the scheduled meeting. Douglas County will attempt to accommodate any request depending on the amount of notice we receive.

Posted/Daily Telegram/Government Center/Courthouse:

 3/31/2016

Name

Date

**TRANSPORTATION & INFRASTRUCTURE COMMITTEE MEETING**  
**Douglas County Board of Supervisors**  
**Wednesday, March 2, 2016, 9:30 a.m., Highway Department Office**  
**7417 S. County Road E, Hawthorne, Wisconsin**

Meeting called to order by Chair Johnson.

**ROLL CALL:** Present – Kay Johnson, Marvin Finendale, Nick Baker, Pat Ryan. Absent: Charlie Glazman. Others present – Dan Corbin, Brett Corlett, Jason Jackman, Judy Nicoski, Ryan Haworth, Steve Wedan, Mark Schroeder, Andy Lisak, Cheryl Westman, Committee Clerk.

**APPROVAL OF MINUTES:** Motion by Ryan, second Finendale, to approve minutes from the January 6, 2016, meeting. Motion carried.

**ACTION ITEMS/REFERRALS:**

**Budgetary:**

**2015 Carryovers/Reserves:** Summary of 2015 budget carryovers/reserves reviewed.

**ACTION (REFERRAL/RESOLUTION):** Motion by Ryan, second Finendale, to approve 2015 carryovers/reserves as presented, and refer to Administration Committee and County Board. Motion carried unanimously.

**Transfer/Reserve Releases:** Summary of transfer/reserve releases reviewed.

**ACTION (REFERRAL/RESOLUTION):** Motion by Baker, second Ryan, to approve 2015 transfer/reserve releases as presented, and refer to Administration Committee and County Board. Motion carried unanimously.

**INFORMATIONAL:**

**ATV Route – CTH Y from East Mail Road to Barron Drive:** Item requested to be on next month's meeting agenda – route landowner has withdrawn easement and reroute is required as a temporary measure. (Map of area distributed.) Schroeder explained loss of easement impacts trail funding and local businesses – and April 15<sup>th</sup> is grant writing deadline for trail funding.

**ACTION:** Motion by Ryan, second Finendale, to refer item to next agenda. Motion carried.

**Business 53 Road Closure for AAD Shrine Car Show:** Correspondence in packet (map distributed) – AAD Shriners request temporary closing of Business 53 for car show purposes on August 6, 2016 (from 9:00 a.m. to 4:00 p.m.).

**2016 General Transportation Aids – Final Calculation:** 2016 final calculation summary reviewed – totals \$830,295.45.

**Review Other County Mailbox Policies:** Reviewed; Jackman to draft policy for Douglas County for review at future meeting.

**Review Other County ATV Policies:** Reviewed; Jackman to develop language to be included in current policy, allowing for review of a route revision outside of current timeline.

**Reports:**

**Administrative:** Jackman reported on upcoming meetings, staffing updates, and advised Spring road restrictions will go into effect Monday, March 7<sup>th</sup> at 12:00 p.m. (noon).

**Projects:** Haworth reported activities include: plowing, brushing, clearing right of ways and patching.

**Equipment:** Wedan reported all 2015 equipment deliveries should be completed in the near future; mentioned an informal in-house advisory group created to discuss and explore ways to save money with equipment acquisitions.

**Budget:** Nicoski reviewed budget for period ending January 31, 2016.

**Future Agenda Items:** ATV Route-CTH Y from East Mail Road to Barron Drive; ATV policy revision.

**ADJOURNMENT:** Motion by Ryan, second Finendale, to adjourn. Motion carried. Meeting adjourned at 10:34 a.m.

Submitted by,

Cheryl Westman, Committee Clerk

## Application to Designate an ATV Route On the Douglas County Trunk Highway System

ATV Route On CTH: Y Length of Requested Route: 1/4 Mile

Starting at (be specific): Baron Drive Gordon, WI

Ending at (be specific): East Mail Rd. Gordon, WI

State why the CTH segment described above should be designated as an ATV Route:

An existing ATV Trail easement crossing Private Land has been revoked due to health reason for the dust, noise pollution, and safety concerns with small children play on the property in question. Rose Arndt is the land owner and has given her notice that this will be closed down by ATV summer season. This has cut off a segment of our existing Trail 17 which ties the Lower Eau Claire Lakes Businesses, Campers, and Residents to the local trails that the club has worked so hard to establish and maintain.

The 1/4 mile of road route we are requesting is posted at 35mph. We feel this is an Emergency and requires special consideration. This can affect the funding we currently have as well as any we may be getting this season if this route is closed. There is a very good possibility that our club could be receiving up to \$9000 annually in funding for Summer ATV, but if this route is not secured soon we could lose it.

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Does an alternate route exist without using the County Hwy? Y or N: Yes Length: 6 Mile  
detour

Comments: The alternate route is 6 miles from Barron Drive around to Schaefer Rd., south on Johnson rd. into Wascott Township on East Mail road and back North to Cty Y. Not sure on whether East Mail in Wascott is open to ATV at Johnson Rd.

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Has the Town / Village been contacted for comments or concerns? Y or N - Yes

Town / Village comments or concerns: No concerns, in favor of getting this passed.

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Signed by Town / Village Representative

715 376-2205

Phone #

715-816-4320

**IMPORTANT: Please attach statements from landowners denying access for off road trails if lack of access is a reason for requesting route designation.**

Application Submitted by: Brett C. Corlett (President)

Contact Person: Brett Corlett \_\_\_\_\_ Telephone: 218-393-8044 \_\_\_\_\_

Address: PO Box 64 Gordon, WI 54838 \_\_\_\_\_

Organization Affiliation: Get-Er-Done Club of Gordon \_\_\_\_\_

**FOR HIGHWAY DEPARTMENT USE ONLY**

Comments / restrictions applying to this application: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Northwest Trails Assoc. Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ By: \_\_\_\_\_

Town / Village Contacted: \_\_\_\_\_ Phone#: \_\_\_\_\_

Highway Department: Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ By: \_\_\_\_\_

Sheriff's Department: Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ By: \_\_\_\_\_

Douglas County T & I Committee: Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

October 15th new applications to the Transportation & Infrastructure Committee for review from NW Trails  
November Transportation & Infrastructure Committee meeting for initial review  
January Transportation & Infrastructure Committee meeting for final review and forward to County Board

## Daniel D Corbin

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**From:** Brett Corlett <BCorlett@halvorlines.com>  
**Sent:** Wednesday, February 24, 2016 8:07 AM  
**To:** Schroeder, Mark; jmdeterl@centurytel.net; Daniel Corbin  
**Cc:** 'geterdoneclub@gmail.com'  
**Subject:** RE: Mandatory Re-Route - Emergency ATV Road Route Request on Cty Y

Thanks for following up Mark. I know this is a stressful time of year for you with all the funding applications coming due.

I submitted the Application for ATV road route to NTA like I did last year for the other section of Y we wanted open. Dan said he was going to work close with the club to get this submitted, but I have not heard anything back as of yet.

Dan, How are things going on your end? Let me know when you need me to be at a meeting!

Thank you All,

Brett

**From:** Schroeder, Mark [mailto:Mark.Schroeder@douglascountywi.org]  
**Sent:** Tuesday, February 23, 2016 3:04 PM  
**To:** Brett Corlett <BCorlett@halvorlines.com>; jmdeterl@centurytel.net; Daniel Corbin <dandcorbin@gmail.com>  
**Cc:** 'geterdoneclub@gmail.com' <geterdoneclub@gmail.com>  
**Subject:** RE: Mandatory Re-Route - Emergency ATV Road Route Request on Cty Y

Hi John and Dan,

I'm in the process of working up my grant proposals to DNR for the upcoming season and was wondering if NTA has proposed this to the Highway Committee and if so what their thoughts were? The loss of the easement for atv use puts a small gap in the continuity of the trail that could lead to problems this summer with folks outlawing on CTH Y or running on closed trails and jeopardizing more agreements.

Thanks.

Mark

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**From:** Brett Corlett [<mailto:BCorlett@halvorlines.com>]  
**Sent:** Monday, February 15, 2016 3:41 PM  
**To:** [jmdeterl@centurytel.net](mailto:jmdeterl@centurytel.net); Daniel Corbin  
**Cc:** Schroeder, Mark; 'geterdoneclub@gmail.com'  
**Subject:** Mandatory Re-Route - Emergency ATV Road Route Request on Cty Y

NTA,

Get-Er-Done Club needs to request an ATV Road Route on County Road Y from Barron Drive to East Mail Rd. in Gordon, WI

The land Owner whose property our Trail goes through has had enough and wants it removed. Dust from the ATVs is causing health issues amongst other legitimate reasons. She is allowing us to keep it Open through the Winter Season, but summer time ATV's will need to find another route ASAP.

I know the rules and stipulations for requesting ATV Road Routes on Cty. Highways, but I see this as an Emergency.

The Gordon Town Board will be discussing this tomorrow night at an Emergency Town Meeting. Once they give us their blessing I am hoping NTA will work with the County to get this approved. I will be present to make our case at any meetings.

The Usual Questions:

This closure causes a Gap in the middle of Trail 17 which is Winter ATV Funded and connects the Park and ride area at Mooney Dam and other residents and business in the area.

It is 6 + Miles around to legally travel this route on ATV and brings in another Township which would also require approval.

The Speed limit on the section of Cty. Y that we are requesting is 35MPH

The Distance is ¼ Mile.

Barron Drive is already an ATV Route.

The **Red Line** shows the existing Trail. The **Blue Lines** show the Extension of the Road Route on Barron Drive to Cty. Y.

The **Yellow Line** is the Road Route we are requesting on Cty. Y.



Thanks and let's talk soon!

**Brett Corlett**

## Daniel D Corbin

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**From:** Brett Corlett <BCorlett@halvorlines.com>  
**Sent:** Tuesday, February 16, 2016 7:50 AM  
**To:** Daniel D Corbin  
**Subject:** RE: Mandatory Re-Route - Emergency ATV Road Route Request on Cty Y

The other route we asked for on Cty Y is about 3 Miles West of this location.

The town will say Yes tonight. I will start the formal paper work like I did for the last one.

Thanks again for the help on this.

Here added the light blue line to show what we are losing.



**From:** Daniel D Corbin [mailto:dandcorbin@gmail.com]  
**Sent:** Monday, February 15, 2016 4:13 PM  
**To:** Brett Corlett <BCorlett@halvorlines.com>  
**Cc:** dandcorbin@gmail.com  
**Subject:** RE: Mandatory Re-Route - Emergency ATV Road Route Request on Cty Y

Brett, we work with you on this. The tough part will be convincing the highway committee about the emergency. So when you get everything together with the support from the Town contact me ASAP. In the mean time I will contact the highway committee chair and the Highway commissioner. Also where is this in comparison to the route that was just approved.



January 28, 2016

County of Douglas  
C/o County Board Chairman Douglas Finn  
1313 Belknap Street  
Superior WI 54880

Subject: ATV Route Ordinance 5.04

Dear Chairman Finn;

The Department of Natural Resources recently received a copy of your ATV Routes and Operation Ordinance 5.04. The ordinance was received by me on January 22, 2016, for review. Thank you for sending a copy of the ordinance as required.

While reviewing the ordinance, I found inconsistencies with state statute in Section IV that may make enforcement challenging:

- Subsection C states: "All ATV operators shall have their headlight illuminated, and taillight, if available, while operating on a county highway." Sec. 23.33 (6)(a), Wis. Stats., states: "A person who operates an all-terrain vehicle or utility terrain vehicle during hours of darkness or during daylight hours on any highway right-of-way is required to display a lighted headlamp and tail lamp on the all-terrain vehicle or utility terrain vehicle." Ordinance 5.04 would create language less restrictive than state statute allows and is not authorized.
- Subsection D states: "All ATV operators who are born after January 1, 1988, and operating on a county highway are required to have an ATV Safety Certificate. No one under 12 years of age is allowed to operate an ATV on a county highway." Actually, Sec. 23.33(5)(a)4, Wis. Stats, states: "No person who is under 16 years of age may operate an all-terrain vehicle under the authority provided under sub. (4) (d) 4 or 7 (roadway operation) unless the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian." Ordinance 5.04 would create language less restrictive than state statute allows and is not authorized.
- Subsection E states: "All ATV operators and passengers under 18 years old shall wear protective headgear while operating on county highways." I believe this language this is meant to address Sec. 23.33(3g)(a), Wis. Stats, which states: "No person may operate or be a passenger on an all-terrain vehicle or utility terrain vehicle without wearing protective headgear of the type required under s. 347.485 (1) (a) and with the chin strap properly fastened, unless... (a) The person is at least 18 years of age." Statutory language would make this clearer as operators would have to adhere to helmet specifications under Sec 347.485 (1) (a), Wis. Stats.

You may list these subsections in your ordinance, but simply eliminating them and adding wording such as: "The applicable provisions of 23.33 regulating ATV operation pursuant to routes are adopted" may avoid misinterpretation and avoid ordinance revisions when changes occur. Subsection V(B) of your ordinance states

this, but this wording should be moved to Section V. I have enclosed a manual entitled ATV Route Guidelines and Suggestions (A Community Officials Handbook). See page 10 for a model ordinance and this example.

It also appears that there is no language regarding utility terrain vehicles (UTVs) in your ordinance. If it is your intention to prohibit UTV operation on your routes, this must be specifically stated in your ordinance and routes will have to be marked accordingly. If it is your intention to allow UTVs to operate on ATV routes, UTV language must be included in your ordinance.

The original ordinance you submitted (copy enclosed) will be filed with the Department along with this letter. Please submit revised or amended copies as needed. If you have questions or concerns, please feel free to contact me by phone at 715-635-4112 or by email at [mark.little@wi.gov](mailto:mark.little@wi.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Little", with a long horizontal flourish extending to the right.

Mark A. Little  
Recreational Safety Warden, Spooner DNR

## 5.04 ALL-TERRAIN VEHICLE ROUTES AND OPERATION

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DOUGLAS DOES ORDAIN AS FOLLOWS:

### SECTION I. INTENT

Following due consideration of the recreational and economic value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created pursuant to County Board authority under Wis. Statutes 59.02, 23.33(11)(am) and 23.33(8)(b) as amended.

### SECTION II. ATV ROUTES

County trunk highways designated as ATV routes shall be established and approved by the Highway Committee and Douglas County Board. The Highway Committee shall develop policies and procedures for designation of ATV routes including appropriate criteria for making a designation. Any modification to a designated ATV route shall be approved by the Highway Committee. A copy of ATV routes, along with a map showing their location, shall be kept on file at the Highway Department. The Douglas County Highway Department shall have the authority to close or terminate any ATV route on the County Trunk Highway System, subject to approval by the Highway Committee.

The following routes are established:

- A. CTH A, Pioneer Trail to Hunter=s Lane; one mile;
- B. CTH B, Otto Road to Najt Road; .2 miles;
- C. CTH B, Church Road to Hallberg Road; approximately one-half mile;
- D. CTH BB, Breitzman Lake Road to Gandy Dancer Trail; .2 miles;
- E. CTH T, Swedish Highway to North Road; one mile;
- F. CTH T, Rocky Brooke Trail to Crotte Brooke Trail; .5 miles;
- G. CTH T, Big Beaver Road to Town Road FF (One Buck); .75 miles;
- H. CTH Y, Bass Lake Road to Snowberry Lane; .5 miles;
- I. CTH Y, Eau Claire River to RR overpass; .3 miles; extend all the way to Wild Rivers Trail, west on CTH Y;
- J. CTH S, East Lake Boulevard to South Lake Boulevard; approximately one mile;
- K. CTH H, Leppanen Road to Kauppi Road; one mile;
- L. CTH C, Corridor 43 (Finn Road) of Snowmobile Trail to Mertes Road; .25 miles;
- M. CTH L, East Lyman Lake Road ending South Lyman Lake Road; .5 miles;
- N. CTH A from Sjoberg Road to Jerseth Road; 1.7 miles;
- O. CTH E from Bebe Road to Wasko Road; .4 miles;
- P. CTH L from S. Lyman Lake Road to Pikes Peak South Road; 1.0 miles;

- Q. CTH A from Jackson Box Road to Lucas Road; .4 miles;
- R. CTH M from Jackson Box Road to Holmes Camp Road; 1.0 miles;
- S. CTH E from Old #11 Road to Middle River Road; .25 miles;
- T. CTH U from USH 2 to Tri-County Corridor; .1 miles;
- U. Business 53, Solon Springs, Holly Lucius Road to North Boundary Road; 1.7 miles;
- V. County Trunk BB, School Forest Road to Breitzman Lake Road; 1 mile;
- W. County Trunk Highway A, Michelsky Road to Tri-Lakes Road; ½ mile;
- X. County Trunk Highway B from the Najt Road to Kopper Kettle parking lot; ½ mile;
- Y. County Trunk Highway T from Chipmunk Hollow Road to East Lakewood Drive; ½ mile; and
- Z. County Trunk Highway Y from the western entrance of Eau Claire Acres Circle to Connors Meadow Road; 0.568 mile.

### **SECTION III. ATV ROUTES ONLY ON ROADWAY**

All ATV's shall operate only on the paved portion of the roadway. Operation on the gravel shoulders, grassy inslope, ditches, or other highway right-of-way is prohibited and illegal.

### **SECTION IV. OPERATION OF ALL TERRAIN VEHICLES ON COUNTY HIGHWAYS**

- A. All ATV operators shall observe posted roadway speed limits for ATV operation.
- B. All ATV operators shall ride in single file on the right hand side of the paved portion of the highway.
- C. All ATV operators shall have their headlight illuminated, and taillight if available, while operating on a county highway.
- D. All ATV operators who are born after January 1, 1988, and operating on a county highway are required to have an ATV Safety Certificate. No one under 12 years of age is allowed to operate an ATV on a county highway.
- E. All ATV operators and passengers under 18 years old shall wear protective headgear while operating on county highways.

### **SECTION V. SIGNAGE OF ALL-TERRAIN VEHICLE ROUTES**

Pursuant to Wisconsin Statutes 23.33(8)(d), the following restrictions are placed on the use of all-terrain vehicle routes designated by this ordinance:

- A. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. The Douglas County Highway Department has sole responsibility for ATV signage on county highways. No person may do any of the following in regard to signs marking all-terrain vehicle routes:
1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign.
  2. Possess any uniform all-terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. ATV operation shall be subject to all provisions of WI Stats. 23.33, which is adopted as a part of this ordinance by reference.

#### **SECTION VI. ENFORCEMENT**

This ordinance shall be enforced by any officer employed by the Douglas County Sheriff=s Department or any other law enforcement official as set forth in Wisconsin Statute 23.33(12).

#### **SECTION VII. VIOLATIONS/PENALTY**

The penalty for operating an ATV off the roadway of a designated ATV route (i.e., the gravel shoulder, grassy inslope, ditch, or other highway right-of-way) or violating any other provision of this ordinance shall result in a forfeiture of not less than \$25.00 or more than \$500.00, plus court costs. Citations may be issued in accordance with the attached deposit schedule, which does not include law enforcement training penalties, jail assessments or other applicable costs.

#### **SECTION VIII. SEVERABILITY**

Should any sub-section, clause, or provision of this ordinance be declared by the Court to be invalid, the same shall not affect the validity of the section as a whole or any part thereof, other than the part so declared to be invalid.

**SECTION IX. MAINTENANCE**

Designation of segments of the Douglas County Highway System as ATV routes does not impose upon the Douglas County Highway Department a greater duty of care or responsibility for maintenance of those segments than for any other segment of county highway. Operators of ATVs on county highways assume all the usual and normal risks of ATV operation.

**SECTION X. EFFECTIVE DATE**

This ordinance becomes effective immediately upon passage by the County Board of Supervisors and publication.

Dated this 21<sup>st</sup> day of May, 2009.

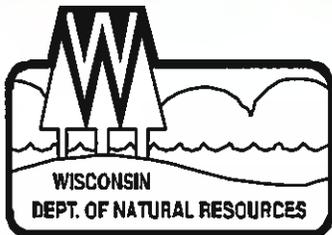
Amendments:        June 18, 2009  
                          March 18, 2010  
                          May 20, 2010  
                          March 17, 2011  
                          July 21, 2011  
                          May 15, 2014  
                          November 19, 2015  
                          January 21, 2016

### DEPOSIT SCHEDULE

1. Illegal Operation of an ATV off roadway.	\$200.00
2. Speeding, on or off roadway:	
a. 1 - 10	\$100.00
b. 11 - 15	\$150.00
c. 16 - 19	\$200.00
d. 20 - 24	\$250.00
e. 25 and over	\$300.00
3. Failure to Operate Single File	\$150.00
4. Failure to Illuminate Headlights or Taillights	\$150.00
5. Operating an ATV Without Safety Certificate	\$150.00
6. Operating an ATV Without Protective Headgear	\$150.00
7. Damage to Route or ATV Sign or Removal of Sign	\$500.00
8. Illegal Possession of ATV Sign	\$250.00

# **ATV Route Guideline and Suggestions**

## **(A Community Official's Handbook)**



**Produced by the Bureaus of Law  
Enforcement and Community Financial  
Assistance**

**Publ # *LE-109* 4/03**

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**ATV Route Guideline and Suggestions**  
**(A Community Official's Handbook)**

This guideline and attached suggested ordinance is provided to assist the county, town, city, or village administrator with examining the considerations for ATV routes within the community.

There are specific statutes and codes that govern routes. A complete list of the statutes and codes are provided in the appendix of this guideline.

**Original Route Intent** - The route is generally recognized as a means to connect the terminal end of a trail (when it is obstructed by a city, village, river, railroad track or other impediment) back to the trail on the other side of the obstruction.

**Route** - A Route is a highway or sidewalk designated for use by ATV operators by the governmental agency having jurisdiction. Routes are identified at the beginning point by a 24"X18" sign showing a white silhouette of an ATV on a green background. White directional arrows (12"X9") on a green background, show the continuation of the route.

**Trail** - A trail is a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways which are not seasonally maintained for motor vehicle traffic. Trails are identified by 6"X6" signs showing a white silhouette of an ATV on a brown background.

State law does not allow ATV residential or lodging access within communities in the manner that is afforded to snowmobile users. However, significant trends involving routes have been seen within several communities recently. These trends are in two forms; 1) Attempt to mimic the snowmobile statutes by opening all town roads to ATV use, 2) Create routes for meaningful riding experiences or as total means of ATV recreation. Providing the latter as a riding experience is generally contrary to the original route purpose, safety practices and machine design. Regardless of the trend's purpose, neither of these route types is created in the context of the original route function. But, is that all bad? Deciding whether these types of (route) uses hold positive or negative effects greatly depends on individual circumstances within the community. It is difficult to broad brush either trend good or bad, but loosely, both trends raise concerns for the Department of Natural Resources (DNR), which is charged with the ATV safety and law enforcement components.

Before we begin to discuss the finer points of routes, signage and legal requirements, we should first discuss the unsaid and perhaps the intangibles that affect ATVers, routes, communities and of course you, the administrator.

There are several of these intangible issues that will affect ATV use in your county and as the community administrator it is incumbent upon you to consider each area carefully. Some of the considerations are; **Safety & Liability, Law Enforcement, Tourism & Community Acceptance.**

## **Safety & Liability**

The single most important route consideration will be the safety of all ATV riders, pedestrians, bicyclist, automobile operators and others. As the administrator and potentially the advocate for the adoption of a route, you should know certain things about ATVs and the way they handle so that you can make informed recommendations.

It seems simple enough that ATV routes will likely increase ATV user participation. With that said, you might not have considered that the ATV riding public would be subject to more frequent intermingling with automobiles. The more automobiles and ATVs mix the higher the risk to each party, especially when you consider the following;

Many of the ATVs in use today are not equipped with brake lights; taillamps yes, but not brake lights; this includes currently produced machines. When you realize this fact you can certainly see mixing ATVs with motor vehicles in a very different light.

The lack of brake lights complicates a young rider's multitasking skills when coupled with the need to use both hands to handle the ATV and the need to use hand signals. Add this to required braking, (needed) quick decision-making skills and you can have a very confused rider, not to mention an unsafe one.

- You should note that the DNR has concerns about increasing the use of ATVs on roadways with a broad-brush approach. The entire engineering makeup of an all-terrain vehicle is based on the premise of off-road use. Specifically, the ATV tires dictate that the machines be used off the roadway. All-terrain vehicle tires are designed to provide tread slip under some conditions, yet provide grip under others. The majority of problems associated with roadway accidents are a result of losing control due to the physics of tire and roadway incompatibility. The mere change in the road surface can and does cause crashes when not used properly.

Considerations should be given to route speed limits when changes in road surfaces occur. Changing from pavement to mud, gravel, etc. or any combination thereof can create a hazardous riding situation if speeds are excessive. The ATV will handle differently on each surface.

- An additional complication is noted when all-terrain vehicles are operated with one set of wheels on the paved portion of the road and the other set of tires on the non-paved portion of the road. The wheels on the paved portion grip the roadway with stress and rotate slower than the wheels on the non-paved surface. This type of operation coupled with a turn, slight bump or rut can create a physical upset of the machine under certain conditions.

ATVs can be used responsibly on paved roadways when precautions are taken to reduce the crash potential. Anecdotal accounts by reviewing ordinances have noted route speed restrictions from 10-25 mph. Also, when applicable, the ordinances mimic state speed

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restrictions, restricting operation to 10-mph when within 100 feet of pedestrians and when within 150 feet of a home. Although it's required by state statute, route ordinances have generally restated:

- Headlights and tail lights must be turned on at all times
- Youth under 16 are required to have safety certificates
- All persons under 18 operating and/or riding on an ATV must wear a helmet

Of all the areas that can truly create discomfort for an administrator, it will be in the area of public safety and the need to act reasonably. The administrator or town/county official should be mindful to any area involving the safety of the ATVing public.

**Suggestion: Prior to creating a route, consider the amount and type of automobile traffic the road receives; the potential number of ATV riders that will use the route, ATV rider age potential, speeds that can be generated by ATVs, proper speed limits, stop signs/lights, intersections, pedestrian traffic, road surfaces (pavement, ice, mud, gravel,).**

## **Law Enforcement**

The ATV statutes and codes fall specifically within the DNR's jurisdiction, but that doesn't mean as much as you might think when considering who actually enforces these laws. Certainly, conservation wardens enforce ATV laws and in addition so can an officer of the state traffic patrol under s. 110.07 (1), inspector under s. 110.07 (3), county sheriffs/deputies or municipal peace officers. But, the assumption that conservation wardens will be the main law-enforcing officers of these laws (routes) will be a mistake that could cause distress for the administrator later on.

### **DNR Law Enforcement...**

The DNR has 4-position (FTE) equivalents that are dedicated to the ATV program. These equivalents translate into 7,320 hours. The hours are distributed among the entire warden service (209) and are used for a variety of ATV related duties; including law enforcement, safety education, court, maintenance, accident investigation, public relations, and other activities. Unfortunately, this breakdown also translates into roughly nine hours of enforcement work that is available per warden/ year. The "DNR-hours dilemma" is that the agency is not authorized to work time beyond what the legislature has granted and there has been limited success in acquiring new FTE. Results: The DNR must rely heavily on local enforcement efforts.

### **County Law Enforcement...**

The DNR provides grant money to counties for ATV law enforcement purposes. However, the county sheriff's offices are the only law enforcement branch eligible for the

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grants. Of the 72 Wisconsin counties, only 18-20 have traditionally participated in the patrol grant process and only \$70,000 state dollars are available for distribution.

**Local Law Enforcement...**

Local enforcement efforts besides the sheriffs' have generally been limited as well. Part of limited enforcement efforts could be because of grant ineligibility: cities and villages cannot apply. Additionally, when a city or village determines priorities for deploying officers and working criminal activity, ATV riding can receive low rankings and can be even lower on the agency's priority list. The results can sometimes yield high numbers of violations, high complaints and low community tolerance - end result - frustration and trail/route closures.

An additional consideration - Most towns do not employ their own law enforcement officers as do cities and villages. Creating a route in the township, away from the city or village, places additional law enforcement responsibility upon the DNR and/or sheriff patrols. Under current conditions increased coverage is not likely to be available.

To be successful, local law enforcement must support the use of ATVs and the use of a route(s) or at least commit to help keep problems to a minimum. If law enforcement is not available to handle the problems that may occur with associated/increased use, you will suffer the effects of poor planning even if the route is later removed.

**Suggestion: Consider your law enforcement resources carefully prior to creating a route.**

## **Tourism & Community Acceptance**

ATV use within the community has been on the increase, and at times it's been increasing despite the lack of trails and or routes. One of the benefits of having an ATV trail interrupted by a city is that a properly placed route can divert ATV traffic to local businesses as long as the route passes adjacent to the businesses. Restaurants, motels, gas stations and chambers of commerce can see a substantial increase in foot traffic that is delivered via ATV. There are both pros and cons to the diverted ATV use in the business community.

- ATVs use can bring tourism dollars to the business.
- Increased ATV use in the city/village can bring congestion, which in turn will create frustrations for automobile operators and ATVs.
- At times, ATV users may take shorts cuts with automobile right of way laws.
- Increased ATV use among automobile traffic increases apprehensions about risking vehicular collisions, not only for citizens, but law enforcement as well.
- A small number of ATV users will take liberty by "exploring" areas/roads away from the route and will create a negative image for all ATV users.

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Route signing must be clear to everyone. Adjustments may be necessary if ATV users constantly become lost or stray from the route. This should not be a problem with a properly posted route.



The use of posted signs showing *NO ATVs* can prevent problems ahead of time. However, once you begin to use a system of signs, you must stay with it. The Trail Signing Handbook (PUB-CF- 023) will provide the proper guidance for posting legally required signs. Review your routes - the ATVer may be confused if you post the *NO ATV* sign at some intersecting roads and then fail to place them at others. Inconsistency may give the impression that it's okay to ride there.

Look beyond your own community and attempt to determine the effects a route will have on adjoining towns, cities or villages or county, state or federal lands. Will the other town/city/village accept the dead-end traffic to their jurisdiction? Will the route end up connecting to another route or trail? Does the route fulfill the original intentions of the route concept?

**Suggestion: Consider carefully, the totality of the circumstances; law enforcement needs/requirements, community acceptance, tourism benefits and safety (vehicle and ATV) prior to creating a route. Consider the long term results and/or comments (pros and cons) that you might receive, or the comments town officials and law enforcement may receive. Consider ATV traffic that may unintentionally divert from the route to business services that are not directly adjacent to the route.**

## MEETING THE LEGAL REQUIREMENTS FOR ROUTES

### Process

- A. When the route ordinance has been passed/approved by the local jurisdiction, the clerk of jurisdiction **MUST** send a copy of the route/ordinance to:  
  
Department of Natural Resources  
ATTN: ATV Section  
P.O. Box 7921,  
Madison, WI 53707
- B. The clerk of jurisdiction **MUST** also send a copy of the route/ordinance to the law enforcement agency having jurisdiction over the highway(s).

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- C. The unit of government that designated the route SHALL post the proper route signs or ensure that it is done. Sometimes the county, town, city or village, while maintaining supervisory responsibility, designates this task to an ATV club or an ATV association. Ultimately the designating unit of government is responsible for signing the route.

**NOTE: Failure to sign the route, yet allowing ATVs to operate, sets a dangerous stage for litigation to follow any ATV accident that occurs on the unsigned route.**

**Failure to sign a route also creates very difficult enforcement situations.** Law enforcement officers, especially state officers or county officers who may not be as closely connected to the city or village activities, won't always know that a route/ordinance has been adopted. In fact, this is more likely to be the case than not. If this circumstance arises and the officer observes an ATV operating on a roadway (unsigned route), the instinctual response is to determine the lawfulness of the operation. Even though the operator may feel that he/she is legally operating pursuant to the route allowances (which are written on paper only), the person may in fact be violating the law. The governing body that failed to place the signs is also culpable. Keep in mind that if an ATV route/ordinance is passed, the ATVers will likely be the first to know of it and will attempt to use it immediately.

A citation issued under these circumstance immediately draws negative attention to the governing body that created the route and every official that deals with the charge; including the judge and the officer.

The DNR does not have ordinance review authority over routes or the ordinances governing routes, but suggestions are made when inconsistencies are found .

**A complete set of guidelines for signing trails can be located in the Department of Natural Resources "Trail Signing Handbook" Publication number PUB-CF-023.**

## **GRANTS AND REIMBURSEMENTS - ELIGIBILITY (PAYING FOR SIGNS)**

The cost of the initial set of route signs (to and from a trail and/or from a trail to services and back to a trail) is eligible for grant funds. However, you should know that the DNR distributes available funds using a ranking system. Most of the grant applications (for route signs) do not rank high enough to receive priority during the grant distribution setting process. Therefore, the county, town, city or village is often left with paying for the signs completely. This result often places the unit of government in a difficult position to make a conscious decision "To sign or Not to sign." Taking the later approach is tempting, especially when the all town roads have been opened as a route.

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The DNR discourages towns from managing routes in this manner. The cost for maintaining a route is not a reimbursable expense.

**NOTE: Merely placing one sign at the village, city or town limits and attempting to notify the public that the entire set of roads within the jurisdiction are considered routes, will not be sufficient to comply with the route-signing requirements. Each road designated as a route must be marked in accordance with the route-signing handbook Pub-CF-023 99Rev.**

**The Grant Application process is -**

- ✓ Complete and submit form 8700-159, which includes a brief description of your project and a breakdown of the type of sign, quantity, and price. This must be accompanied by the following documents:
- ✓ An ordinance passed by the municipality at a formal meeting,
- ✓ A map of the municipality identifying the roads being opened, where services are and where signs are being proposed, and
- ✓ A resolution approving the municipality's participation in the program (a sample is on the back of 8700-159).

**Applications must be received by April 15 of each year. Funding is based upon priorities.**

**NOTE: Before completing your ordinance or application, it is recommended that you talk to your Community Services Specialist and/or local warden about the project.**

## SUGGESTED ATV ROUTE/ORDINANCE FORMAT

### All-Terrain Vehicle Route

### Village of Dunn, Dane County



#### AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL TERRAIN VEHICLES

### Section I - Intent

The Village of Dunn, Dane County adopts the following all-terrain vehicle route for the operation of all-terrain vehicles upon the roadways listed in Section III.

Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this route(s) has been created.

### Section II - Statutory Authority

This route is created pursuant to village authority under section 1.1.01 as authorized by 23.33 (8) (b), Wis. Stats.

The applicable provisions of 23.33 regulating ATV operation pursuant to routes are adopted.

### Section III - Routes

The following roads are designated as routes

- A. Clancy Road, beginning at Road 1 and ending at Town Line Road.
- B. Johnsonville Lane in its entirety.
- C. Said routes are further described and identified by the attached map.

### Section IV - Conditions

As a condition for the use of this route, the following conditions shall apply to all operators (and passengers);

- A. All ATV operators shall observe posted roadway speed limits.
- B. All ATV operators shall ride single file.
- C. All ATV operators shall slow the vehicle to 10-mph or less when operating within 150 feet of a dwelling.
- D. Routes must be signed in accordance with NR 64.12, and NR 64.12(7)c.

## **Section V - Enforcement**

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

## **Section VI - Penalties**

Wisconsin state All-Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.

## **Section VII - Severability**

The provision of this ordinance shall be deemed severable and it is expressly declared that the County/Town/City/Village would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons circumstances shall not be deemed affected.

## **Section VIII - Effective Date**

This ordinance becomes effective upon passage and publication.

Passed this 10<sup>th</sup> Day of January 2010

Dunn Village Clerk

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**All-Terrain Vehicle \_\_\_\_\_**

\_\_\_\_\_ of \_\_\_\_\_

AN ORDINANCE DESIGNATING \_\_\_\_\_

**Section I - Intent**

The \_\_\_\_\_ of \_\_\_\_\_  
adopts the following all-terrain vehicle ordinance/route for the operation of all-terrain vehicles upon the roadways listed in Section III.

Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

**Section II - Statutory Authority**

This route is created pursuant to \_\_\_\_\_  
authority under \_\_\_\_\_ as authorized by 23.33 (8) (b), Wis.  
Stats.

*Optional - the provisions of 23.33 are adopted.*

**Section III - Routes**

The following roads are designates as routes;

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. Said routes are further described and identified by the attached map.

**Section IV - Conditions**

As a condition for the use of this route, the following conditions shall apply to all operators (and passengers where applicable);

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. Routes must be signed in accordance with NR 64.12, and NR 64.12(7)c.

## Section V - Enforcement

This ordinance shall be enforced by any law enforcement officer of the

\_\_\_\_\_,  
County, Wisconsin.

## Section VI - Penalties

Wisconsin state All-Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.

## Section VII - Severability

The provision of this ordinance shall be deemed severable and it is expressly declared that the \_\_\_\_\_ would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons circumstances shall not be deemed affected.

## Section VIII - Effective Date

This ordinance becomes effective upon passage and publication.

Passed this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_, Clerk

\_\_\_\_\_

Appendix B  
**ATV ROUTES**

## **A Reference of Statutes and Codes**

**23.33(1)(c)** "All-terrain vehicle **ROUTE**" means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.

**23.33 (4) Operation on or near highways.**

(d) Operation on roadway. A person may operate an all-terrain vehicle on the roadway portion of any highway only in the following situations:

4. On roadways which are designated as all-terrain vehicle **ROUTES**. Operation of all-terrain vehicles on a roadway which is an all-terrain vehicle **ROUTE** is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.

(e) Operation adjacent to roadway. A person may operate an all-terrain vehicle adjacent to a roadway on an all-terrain vehicle **ROUTE** or trail if the person operates the all-terrain vehicle in the following manner:

**23.33 (8) ROUTES and trails.**

(a) Department authority. The department shall encourage and supervise a system of all-terrain vehicle **ROUTES** and trails. The department may establish standards and procedures for certifying the designation of all-terrain vehicle **ROUTES** and trails.

(b) **ROUTES**. A town, village, city or county may designate highways as all-terrain vehicle **ROUTES**. No state trunk highway or connecting highway may be designated as an

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all-terrain vehicle **ROUTE** unless the department of transportation approves the designation.

- (d) **Restrictions.** The designating authority may specify effective periods for the use of all-terrain vehicle **ROUTES** and trails and may restrict or prohibit the operation of an all-terrain vehicle during certain periods of the year.
- (e) **Signs.** The department, in cooperation with the department of transportation, shall establish uniform all-terrain vehicle **ROUTE** and trail signs and standards.
- (f) **Interference with signs and standards prohibited.**
  - 1. No person may intentionally remove, damage, deface, move or obstruct any uniform all-terrain vehicle **ROUTE** or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle **ROUTE** or trail sign or standards if the sign or standard is legally placed by the state, any municipality or any authorized individual.
  - 2. No person may possess any uniform all-terrain vehicle **ROUTE** or trail sign or standard of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain vehicle **ROUTE** or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle **ROUTE** or trail sign or standard creates a rebuttable presumption of illegal possession.

**23.33 (9) Administration; enforcement; aids.**

- (b) **All-terrain vehicle projects.** Any of the following all-terrain vehicle projects are eligible for funding as a state all-terrain vehicle project from the appropriation account under s. 20.370 (1) (ms) or for aid as a nonstate all-

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terrain vehicle project from the appropriation accounts under s. 20.370 (5) (ct) and (cu):

3. Development of all-terrain vehicle **ROUTES** or all-terrain vehicle trails.
4. Development or maintenance of a snowmobile **ROUTE** or trail or an off-the-road motorcycle trail or facility if the **ROUTE**, trail or facility is open for use by all-terrain vehicles.
5. Maintenance of all-terrain vehicle **ROUTE** or all-terrain vehicle trails.

**23.33 (11) Local ordinances.**

- (a) Counties, towns, cities and villages may enact ordinances regulating all-terrain vehicles on all-terrain vehicle trails maintained by or on all-terrain vehicle **ROUTES** designated by the county, city, town or village.
- (am) Any county, town, city or village may enact an ordinance which is in strict conformity with this section and rules promulgated by the department under this section, if the ordinance encompasses all aspects encompassed by this section.
- (b) If a county, town, city or village adopts an ordinance regulating all-terrain vehicles, its clerk shall immediately send a copy of the ordinance to the department and to the office of any law enforcement agency of the municipality or county having jurisdiction over any highway designated as an all-terrain vehicle **ROUTE**.

**23.33 (13) Penalties.**

- (f). Restoration or replacement of signs and standards. In addition to any other penalty, the court may order the defendant to restore or replace any uniform all-terrain vehicle **ROUTE** or trail sign or standard that the

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defendant removed, damaged, defaced, moved or obstructed.

**ANNOT.** County forest roads open to vehicular traffic are highways that can be designated as **ROUTES** under sub. (8) (b). 77 Atty. Gen. 52.

## RULES AND REGULATIONS

### NR 64.12 ROUTES.

- (2) “All-terrain vehicle **ROUTE**” means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction.

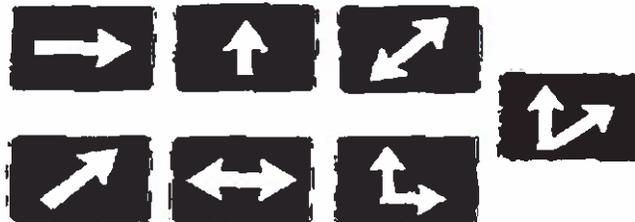
### NR 64.12 ROUTES.

- (1) An all-terrain vehicle **ROUTE** may be established by a town, city, village or county by adopting an ordinance designating a highway as an all-terrain vehicle **ROUTE** and signing the highway in accord with s. 23.33 (8), Stats., and rules of the department.
- (2) A town, city, village or county may adopt an ordinance designating a state trunk highway or connecting highway as an all-terrain vehicle **ROUTE** if the department of transportation approves the designation.
- (3) A town, city, village or county may adopt an ordinance designating a sidewalk of a state trunk highway bridge as an all-terrain vehicle **ROUTE** with the approval of the department of transportation.
- (4) A town, city, village or county may designate a **ROUTE** as an all-terrain vehicle **ROUTE** during certain periods of the year and prohibit the operation of all-terrain vehicles on that **ROUTE** during other periods of the year.
- (5) All-terrain vehicle operation is not permitted on state trunk highways or connecting highways except as provided for under s. 23.33 (4), Stats., or sub. (2) or (3).
- (6) No person may operate an all-terrain vehicle on a restricted all-terrain vehicle **ROUTE** during any period of the year when the operation of all-terrain vehicles is prohibited.

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- (7) Signs for all-terrain vehicle **ROUTES** on highways 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"X18". 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.
  - (b) The directional arrow marker (M7 series) shall have a reflectorized white arrow and border on a reflectorized green background. The standard and minimum size of a directional arrow shall be 12"X9".
  - (c) An all-terrain vehicle **ROUTE** sign with directional arrow, where appropriate, shall be placed at the beginning of an all-terrain vehicle **ROUTE** and at such locations and intervals as necessary to enable all-terrain vehicle operators to follow the **ROUTE**.

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ALL TERRAIN VEHICLE **ROUTE** SIGN AND ARROWS  
(M-7 SERIES)  
GREEN REFLECTORIZED BACKGROUND WITH WHITE  
REFLECTORIZED LETTERS, SYMBOLS, AND BORDER

- (d) All-terrain vehicle **ROUTE** signing shall be done by or under the direction of and is the responsibility of the unit of government which designates the all-terrain vehicle **ROUTE**.

**NR 64.14 All-terrain vehicle trail aid.**

- (1) **DISTRIBUTION.** The department shall distribute all-terrain vehicle project aids on the basis of a priority system according to the following priority ranked purposes;
  - (a) Maintenance of existing approved all-terrain vehicle areas and trails, including **ROUTES**;
  - (e) Acquisition of land in fee and development of new all-terrain vehicle areas and trails, including **ROUTES**.

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- (2m) **MAINTENANCE OF ROUTES.** The department may provide state aid up to 100% of the cost of the purchase of all-terrain vehicle **ROUTE** signs and arrows, trail crossing warning signs, and signs briefly explaining the intoxicated all-terrain vehicle operator law. All-terrain vehicle **ROUTES**, whether a part of an approved all-terrain vehicle trail or not, are not eligible for per mile maintenance payments under sub. (2).
- (6) **Development**
- (d) The department shall distribute aids for all-terrain vehicle areas and trail development projects, including **ROUTES**, considering the following criteria:
1. All-terrain vehicle **ROUTES**, areas and trails in counties where **ROUTES**, areas, and trails are in short supply in comparison to demand.
  2. All-terrain vehicle **ROUTES** and trails that provide connecting loops or origin-destination segments over dead end segments.
  3. All-terrain vehicle **ROUTES** or trails that provide connections from one jurisdiction to another.
  4. All-terrain vehicle **ROUTES** and trails that have potential for year round use.
  5. All-terrain vehicle **ROUTES**, areas and trails to be developed on publicly owned land or land under easements or other agreements for 3 years or greater.

## MISCELLANEOUS STATUTES and references

**84.02(1) Designation.** The system of highways known as the trunk highway system heretofore selected and laid out by the legislature and by the highway commission and by special legislative state trunk highway committees and approved by said highway commission and as revised, altered and changed by and under authority vested by law in the highway commission, is hereby validated and confirmed and designated the state trunk highway system but without prejudice to the exercise of the power given to change such system, and all acts by which parts of said system were heretofore adopted or declared to be trunk highways are confirmed and validated. Section 80.32 (2) does not apply to the state trunk highway system.

**84.02(11) Connecting highways.** The state trunk highway system shall not include the marked routes thereof over the streets or highways in municipalities which the department has designated as being connecting highways. Those municipal streets or highways so excluded as state trunk highways but marked as such and designated as connecting highways are further described and the aids determined therefor under s. 86.32.

### **84.29 National system of interstate highways.**

**86.32(1)** The department may designate, or rescind the designation of, certain marked routes of the state trunk highway system over the streets or highways in any municipality for which the municipality will be responsible for maintenance and traffic control and the maintenance and operation of any swing or lift bridge. Such maintenance, operation and traffic control of the connecting highways and swing and lift bridges shall be subject to review and approval by the department. Those marked routes of the state trunk highway system designated as connecting streets prior to July 1, 1977, shall become the connecting highways in municipalities which are eligible for aids payments under this section. The character of travel service provided by a route, uniformity of maintenance, the effect on the maintaining agency, and the municipality's maintenance capability will be considerations by the secretary, in cooperation with the municipalities and counties in making changes in the connecting highways of the state trunk highway system in municipalities. The decision of the secretary to designate or rescind a designation may be appealed to the division of hearings and appeals, which may affirm, reverse or modify the secretary's decision.

**340.01 (22)** "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in s. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. (46).

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**340.01 (60)** "State trunk highway" means any highway designated pursuant to s. 84.02 or 84.29 as part of the state trunk highway system, exclusive of connecting highways.

To view the state truck highway system, see "Official State Trunk Highway System Maps," Wisconsin Dept of Transportation, Division of Transportation Infrastructure Development

### **State Trunk Highways**

*"The Department of Transportation's (DOT) state trunk highway program is responsible for the construction, improvement and maintenance of the state's 11,752 mile trunk highway system."*

*"The responsibility for roads and highways is divided between local governments and the state. The state generally has jurisdiction over arterial roads, which function as corridors for interstate and interregional travel. This network is called the state trunk highway system. Generally, counties are responsible for collector roads, which serve short distance, intraregional traffic or provide connections between arterial roads and local roads. Municipalities are responsible for local roads, such as residential streets and town roads, which provide property access and short distance, local mobility services. Jurisdiction does not always follow this functional classification. For instance, a county road can begin to function as an arterial highway if traffic patterns change. However, current DOT policy is to align jurisdictional responsibilities with functional classifications whenever possible."*

*"Although state highways comprise only 10.5% of total road mileage, they carry 59.7% of the total traffic volume. Of the 11,752 miles of state highway in the system, about 87% are rural, 8% are urban and 5% are considered connecting highways."*

### **Connecting Highways**

*"Connecting highways are state trunk highways that lie within the corporate limits of larger municipalities."*

"State Trunk highway and Connecting Highways" - Source - John Dyck Wisconsin Legislative Fiscal Bureau, Madison, WI, 2001

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**Appendix C**

## **DOUGLAS COUNTY POLICY FOR ALL-TERRAIN VEHICLE (ATV) ROUTES ON THE COUNTY TRUNK HIGHWAY SYSTEM**

The Transportation & Infrastructure Committee recognizes that ATV use within the County is on the increase and has been increasing despite the lack of ATV routes on the Douglas County Trunk Highway System. An ATV route is a highway, or section of highway, designated for the use of ATV's by the governmental agency having jurisdiction. A route is generally recognized as a means to connect the terminal ends of a trail when it is obstructed by a city, village, river, railroad track or other impediment. The Wisconsin state statutes give the Counties the authority to accommodate ATV's on County Trunk Highways designated as routes. One of the benefits of having routes is that local businesses adjacent to the route can benefit from increases in sales year round. Restaurants, motels, gas stations, and chambers of commerce can see a substantial increase in foot traffic that is delivered via ATV's.

The attached Application Form must be completed and forwarded to the Transportation & Infrastructure Committee by the Northwest Trails Association for consideration. Before a highway segment can be considered for designation as an ATV route, the petitioner(s) shall demonstrate to the Transportation & Infrastructure Committee that no other practical option as an off road trail exists. The single most important route consideration is the safety of all users: ATV riders, pedestrians, bicyclists, motorcyclists, automobile and truck operators, and others. All applications shall be submitted to the Transportation & Infrastructure Committee by the October 15th deadline. Applications will be reviewed at the November meeting and if needed the December meeting. The route approval/denial of the applications will be acted on at the January meeting. **The Transportation & Infrastructure Committee reserves the right to consider other ATV applications outside the aforementioned time frame.** The following criteria shall be considered by the Transportation & Infrastructure Committee during the review and approval of reasonable requests for ATV route establishment.

- Has the route application been submitted by Northwest Trails Association in accordance with the annual October 15th deadline?
- Is the required application form completed with sufficient detail?
- Have all alternatives been fully investigated?
- Does the requested segment connect segments of ATV road route networks?
- Is the applicant's location considered to be a "starting point" of an ATV route? To be considered a starting point, an establishment must post a sign designating an adequate parking area for loading and unloading of ATV's.
- Length of segment requested
- Posted speed limit of the roadway
- Traffic volume on requested segment
- Pavement condition (PASER Rating)
- Vertical or horizontal alignment safety concerns
- Pavement width
- Is the route approved by the County Highway Department?
- Is the route approved by the County Sheriff's Department?

The County as the unit of government that designates the routes is responsible by statute to post the proper route signs. Route signing must be clearly understandable to everyone. The County Highway Department as the maintaining authority of the highway's designated as ATV routes shall install and maintain the legally required signage. Northwest Trails Association shall reimburse the County Highway Department for all costs related to furnishing and installing required signs and for all costs associated with sign replacement or maintenance. Northwest Trails Association shall also reimburse the County Highway Department for all costs associated with other required roadway maintenance, such as gravel shoulder maintenance, caused by ATV use.

The posted speed limit for ATV's shall typically be 25 miles per hour.

If a situation develops that warrants closure of a designated ATV route, the Highway Commissioner shall have authority to temporarily suspend or close the route subject to review and final determination by the Transportation & Infrastructure Committee. Temporary signs indicating the ATV route closure will be erected until final determination by the Transportation & Infrastructure Committee. Should the designated route be permanently closed, the ATV route signage will be entirely removed.

Following due consideration of the economic and recreational value to connect trail opportunities and weighted against public dangers, public health, liability aspects, terrain involved, traffic density and history of automobile and truck traffic; the Douglas County Transportation & Infrastructure Committee is authorized to establish necessary and reasonable ATV routes on the County Trunk Highway System. The Douglas County Transportation & Infrastructure Committee shall retain sole authority for closure or termination of any ATV route on the County Trunk Highway System. The designation and opening of an approved ATV route will become effective upon County Board action to add the route to the County Ordinance and publication in the official County newspaper.

This policy shall become effective upon passage by the Douglas County Board of Supervisors of an ordinance designating all-terrain vehicle routes and their regulation on the County Trunk Highway System.

Adopted this \_\_\_\_ day of May, 2015 by the Douglas County Transportation & Infrastructure Committee.

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Kay Johnson, Chair

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Marvin Finendale, Vice Chair

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Pat Ryan

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Nick Baker

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Charlie Glazman

Work Zone Safety Awareness Week Press Release

## **Douglas County Officials Remind Drivers to Drive Safely in Work Zones this Construction Season**

The Douglas County Highway Commissioner, Jason Jackman, urges people to drive carefully in highway work zones as the start of maintenance and construction season begins throughout Wisconsin. As the weather turns, work zones will be more prevalent putting more highway workers and drivers at risk. In 2013, the most recent year in which data is available, the Wisconsin Department of Transportation reported that there were nearly 1,600 work zone crashes in Wisconsin alone, resulting in 629 injuries and nine fatalities. In 2015, the construction season was marred by three tragedies in which Wisconsin County Highway workers were killed within work zones.

National Work Zone Awareness Week, sponsored by federal, state and local transportation officials each April, draws attention to the safety needs of road workers during construction season. Generally, crashes occur when drivers speed through a work zone, do not pay attention to changing road conditions, run into other vehicles or highway equipment, or drive off the road completely. Due to the importance of this week,

“Many sections of our state and county roads will be busy with workers and drivers in the coming months as construction and maintenance activities begin to ramp up,” said Douglas County Highway Commissioner, Jason Jackman. “By following the rules of the road in work zones, we can keep people safe during National Work Zone Awareness Week and all year long. Please remember that our road workers are performing their duties in order to provide for a safe and efficient transportation system. They are community members, spouses, parents, and friends within our County and deserve to go home safe every night.”

While typical construction work zones are prevalent throughout the county and state, there are also significant number of maintenance operations that may be short-term or moving operations. Drivers are reminded of the state’s “Move Over, Slow Down” law which requires drivers to shift lanes or slowdown in order to provide a "safety zone" for a squad car, ambulance, fire truck, tow truck, utility vehicle, or highway maintenance vehicle that is stopped on the side of a road with its warning lights flashing.

The Douglas County Highway Department has another busy year of maintenance and construction projects planned throughout this year. Additional information on specific projects can be found on their website at [www.douglascountywi.org](http://www.douglascountywi.org). Any questions may be directed to the Douglas Highway Department at 715-374-2575. The Douglas County Highway Department workers and families thank you in advance for slowing down and driving attentively through our work zones.



## 2015 ASSEMBLY BILL 198

May 5, 2015 - Introduced by Representatives SPIROS, BERCEAU, BILLINGS, E. BROOKS, EDMING, KAHL, KESSLER, KRUG, KULP, T. LARSON, MURPHY, OHNSTAD, PETRYK, QUINN, SPREITZER and SUBECK, cosponsored by Senators PETROWSKI, BEWLEY, CARPENTER, COWLES, GUDEx, MARKLEIN and OLSEN. Referred to Committee on Transportation.

1     **AN ACT to amend** 346.95 (1); and **to create** 346.89 (4m) of the statutes; **relating**  
2             **to:** the use of a cellular or other wireless telephone while driving a motor vehicle  
3             in a construction zone and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits inattentive driving of a motor vehicle, which includes 1) being engaged or occupied with an activity, other than driving the vehicle, that interferes with the person's ability to drive the vehicle safely; 2) driving a motor vehicle while composing or sending an electronic text message or an e-mail message, subject to various exceptions; 3) a probationary license or instructional permit holder driving a motor vehicle while using a cellular or other wireless telephone; and 4) operating or being in a position to directly view an electronic device that provides visual entertainment, subject to various exceptions. Any person convicted of the first two forms of inattentive driving may be required to forfeit not less than \$20 nor more than \$400, and any person convicted of the third or fourth forms of inattentive driving may be required to forfeit not less than \$20 nor more than \$40 for a first offense and not less than \$50 nor more than \$100 for a second or subsequent offense within one year.

This bill prohibits a person from driving a motor vehicle while using a cellular or other wireless telephone in a construction zone, except to report an emergency. The prohibition does not apply to the use of a voice-operated or hands-free device if the person does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device. The prohibition includes using the



83500	DOUGLAS COUNTY, WISCONSIN					
MHWYR15	BUDGET SUMMARY REPORT				03/30/16	
DL0016A16	NET COST - BUDGET AND ACTUAL				10:00:53	
All Revenues and Expenditures						
For the Two Months Ending February 29, 2016						
	2016					
	Amended	2016	2016	%	%	2015
	Budget	Actual	Balance	Actual	Balance	Actual
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<b>Revenues</b>						
Intergovernmental Revenues	(155,166.70)	(138,381.86)	(16,784.84)	89.18	10.82	(151,785.22)
Public Charges For Services	(1,649.18)	(209.77)	(1,439.41)	12.72	87.28	(100.00)
Intergovt. Charges For Serv.	(426,454.16)	(453,818.97)	27,364.81	106.42	(6.42)	(475,781.18)
Miscellaneous Revenues	(1,216.66)	(12.46)	(1,204.20)	1.02	98.98	(1,966.39)
Other Financing Sources	(446,666.66)	(446,667.00)	0.34	100.00	-	(696,666.66)
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Revenues	(1,031,153.36)	(1,039,090.06)	7,936.70	100.77	(0.77)	(1,326,299.45)
<b>Expenses</b>						
Personnel Services, Less OT	475,805.16	473,350.53	2,454.63	99.48	0.52	413,443.53
Personnel Services--Overtime	39,822.46	38,268.71	1,553.75	96.10	3.90	16,483.92
Contractual Services	1,370,023.32	1,312,224.38	57,798.94	95.78	55.03	469,526.40
Supplies & Expense	218,667.76	244,843.43	(26,175.67)	111.97	(11.97)	186,999.10
Fixed Charges	570,916.70	571,779.31	(862.61)	100.15	(0.15)	513,888.94
Grants & Contributions	12,956.00	12,956.00	-	100.00	-	28,619.00
Department Allocation	43,327.89	30,333.00	12,994.89	70.01	29.99	27,971.88
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Expenses	2,731,519.29	2,683,755.36	47,763.93	98.25	3.26	1,656,932.77
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Net Cost	1,700,365.93	1,644,665.30	55,700.63	96.72	12.79	330,633.32
	=====	=====	=====	=====	=====	=====
		17,994.53	Machinery operation and other allocation items that create variances due to budget spread entries.			
			(Will clear at year-end.)			
		1,662,659.83	Revenues greater than expenses. Favorable variance, actual to budget, in the amount of \$37,706.10.			

83500 DOUGLAS COUNTY, WISCONSIN					
MHWYR08 Highway Department--Budget Detail					03/30/16
DL2016 For the Two Months Ending February 29, 2016					10:18:53
	3 YR Prior	2 YR Prior	1 YR Prior	Current Yr	Current Yr
	Actual	Actual	Actual	Amended	Actual
Account Description	Amount	Amount	Amount	Budget	Amount
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<b>Revenues</b>					
General Property Taxes	3,448,613.00	3,449,794.00	3,537,971.00	3,413,992.00	-
Transportation-Fed Grant-FEMA	-	3,161.58	-	-	-
Transportation-State Grants	3,209,219.01	4,296,615.98	954,571.98	1,086,000.00	138,381.86
Wide-load Moving Permits on	850.00	470.00	650.00	500.00	30.00
Highway Maint & Construction	9,578.07	4,479.86	47,496.72	9,395.00	179.77
Transportation	2,050,042.97	1,932,625.35	2,019,966.09	1,952,278.00	453,818.97
Interest Income	-	-	339.34	-	12.46
Office Space Rental	14,846.76	15,073.08	15,306.42	7,300.00	-
Sale of Gravel & Sand	222.75	121.25	100.00	-	-
Sale of Salvage & Waste Prod	5,062.20	254.80	13,644.67	-	-
Gain/Loss on Sale (Prop.& Equip)	-	9,995.21	21.40	-	-
Insurance Recoveries	16,499.16	19,657.21	11,270.00	-	-
Reimbursement of Expenses	33,932.91	4,586.25	94.48	-	-
Other Revenue	-	-	2,674.18	-	-
Transfer from Debt Equity	289,950.00	560,867.00	5,119,400.00	2,680,000.00	446,667.00
Transfer to-Residual Equity	-	-	(245,000.00)	-	-
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<b>Revenues</b>	<b>9,078,816.83</b>	<b>10,297,701.57</b>	<b>11,478,506.28</b>	<b>9,149,465.00</b>	<b>1,039,090.06</b>
<b>Expenses</b>					
Personnel Services	3,022,865.00	2,908,169.86	3,049,744.55	3,206,292.00	511,619.24
<b>Contractual Services</b>					
Legal	99.00	4,619.13	-	1,000.00	-
Electric	52,012.70	42,148.13	42,396.67	48,300.00	5,000.36
Natural Gas	45,951.81	69,599.05	40,965.62	65,900.00	9,511.78
Telephone	17,874.71	18,281.85	18,974.37	19,550.00	2,677.32
Maint. Agreement	536.10	487.56	573.17	600.00	25.91
Laundry Services	5,322.64	6,587.48	7,131.98	7,500.00	1,146.26
Other Repair & Maint.	-	4,619.50	2,431.74	3,000.00	-
Internet Service	659.68	611.28	617.18	700.00	103.88
Cellular and Pager Service	5,266.67	5,236.52	4,472.58	4,500.00	827.08
Fire Protection/Prevention	854.80	1,435.90	976.90	1,800.00	1,014.67
Landfill Service	1,743.49	1,921.50	1,958.21	2,000.00	161.61
Other Outside Services	2,235,325.01	1,626,395.37	4,600,226.02	4,425,700.00	1,291,755.51
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<b>Total Contractual Services</b>	<b>2,365,646.61</b>	<b>1,781,943.27</b>	<b>4,720,724.44</b>	<b>4,580,550.00</b>	<b>1,312,224.38</b>
<b>Supplies &amp; Expense</b>					
Postage	1,683.98	1,249.29	1,175.68	1,500.00	256.30
Office Supplies & Expense	3,576.36	5,806.15	6,586.24	6,000.00	1,334.20
Printing & Duplication	393.80	548.65	300.79	350.00	136.00
Other Computer Supplies	6,114.14	744.93	26.87	4,000.00	-
Membership Dues	490.00	345.00	345.00	400.00	330.00
Training & Seminars	6,710.55	13,272.08	5,921.98	9,150.00	5,762.82
Advertising	928.89	948.41	1,343.10	1,000.00	319.68
Licenses & Permits	466.69	102.04	180.84	175.00	20.00
Mileage	-	-	-	100.00	-
Janitorial Supplies	3,466.86	2,057.46	4,580.20	3,250.00	1,360.86
Other Operating Supplies	2,154.59	84.03	6,967.81	3,250.00	-
Gas & Fuel	472,361.91	498,023.28	266,857.82	333,000.00	48,074.96

83500 DOUGLAS COUNTY, WISCONSIN					
MHWYR08 Highway Department--Budget Detail				03/30/16	
DL2016 For the Two Months Ending February 29, 2016				10:18:53	
	3 YR Prior	2 YR Prior	1 YR Prior	Current Yr	Current Yr
	Actual	Actual	Actual	Amended	Actual
Account Description	Amount	Amount	Amount	Budget	Amount
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Oil Grease & Accessories	20,226.32	22,006.54	14,565.15	22,315.00	4,084.20
Repair Parts & Maintenance	279,606.45	311,066.42	316,508.13	279,450.00	49,782.59
Painting Supplies	260.06	644.43	174.33	525.00	8.41
Tires & Batteries	42,302.07	49,411.42	46,653.13	46,250.00	1,808.04
Bldg Maint. Supplies	6,771.63	7,072.25	8,761.69	7,500.00	1,434.40
Consumable Tools	16,027.29	19,644.25	22,040.74	16,500.00	3,373.46
Sign Parts & Supplies	7,095.34	12,867.30	5,867.95	11,400.00	210.94
Welding Supplies & Expense	1,832.84	1,686.15	2,065.20	2,000.00	1,428.47
Inventory Adjustment	10,947.10	5,223.21	5,968.94	-	-
Road Supplies	328,212.74	377,384.22	230,151.46	432,792.00	122,781.96
Shop Supplies	20,193.30	14,476.93	17,882.87	18,400.00	4,648.60
Ready for Use	(9,596.86)	(6,546.63)	(13,467.26)	(6,420.00)	(2,312.46)
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Supplies and Expense	1,222,226.05	1,338,117.81	951,458.66	1,192,887.00	244,843.43
Fixed Charges					
Insurance	137,180.00	153,755.00	148,132.00	160,000.00	26,692.00
Rents and Leases	(1,373.48)	13,106.28	(11,138.10)	-	-
Equipment	3,615.93	5,110.19	5,264.86	5,500.00	884.08
Depreciation/Amortization	2,665,628.35	2,811,827.68	3,178,044.76	3,252,885.00	541,821.37
Depreciation Exp. -STATE	7,842.00	7,804.51	11,303.95	7,115.00	2,381.86
Sales Tax Expense	-	68.55	-	-	-
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Fixed Charges	2,812,892.80	2,991,672.21	3,331,607.47	3,425,500.00	571,779.31
Debt Service					
Grants & Contributions					
Bad Debt Exp/Other Losses	6,427.02	-	1,980.00	-	-
Aid to Localities	82,002.80	108,348.33	19,121.04	77,736.00	12,956.00
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Grants & Contributions	88,429.82	108,348.33	21,101.04	77,736.00	12,956.00
Department Allocations					
Machinery Operation	(29,720.79)	(30,239.85)	(32,999.47)	(30,000.00)	-
Other Inter-dept Allocation	(14,581.56)	(27,933.73)	35,382.48	-	-
Capital Asset Acquisitions	(1,965,735.94)	(1,911,851.68)	(5,286,742.02)	(3,890,500.00)	-
Data Processing Allocation	182,505.03	182,418.29	208,664.47	182,000.00	30,333.00
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Department Allocations	(1,827,533.26)	(1,787,606.97)	(5,075,694.54)	(3,738,500.00)	30,333.00
Total Operating Expenses	7,684,527.02	7,340,644.51	6,998,941.62	8,744,465.00	2,683,755.36
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NET COST WITHOUT CAPITAL OUTLAY	(1,394,289.81)	(2,957,057.06)	(4,479,564.66)	(405,000.00)	1,644,665.30
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NET COST	(1,394,289.81)	(2,957,057.06)	(4,479,564.66)	(405,000.00)	1,644,665.30
	=====	=====	=====	=====	=====