



1.0 General Policy

In addition to attributes such as pavement, shoulders, sidewalks, drainage structures, signs, etc., the highway right-of-way (ROW) is increasingly being used to accommodate recreational routes and trails, whether longitudinal or crossing the ROW. This includes bicycle, pedestrian, all terrain vehicle (ATV), utility terrain vehicle (UTV), snowmobile and equestrian use, or shared use by these transportation modes. This policy only covers ATV¹ routes and trails.

WisDOT’s policy is to allow the accommodation of ATV routes and trails on highway ROW **only** when it does not adversely affect the safety, operability, mobility and maintenance of the highway. WisDOT may deny an ATV route or trail request if there is a highway improvement project scheduled in its 6-year program that may utilize the ROW where the proposed request is located. In addition, a request may be denied when connectivity is available via a local road system.

2.0 Legal Authority and Definitions

The following Wisconsin State Statutes and Administrative Rules are referenced in this policy:

Department of Natural Resources Laws	Other State Laws
<ul style="list-style-type: none"> • 23.33 All-terrain vehicles and utility terrain vehicles • 23.33(1)(ng) Utility terrain vehicle (UTV) • 23.33(1)(c) All-terrain vehicle route • 23.33(1)(d) All-terrain vehicle trail • 23.33(8) Routes and trails • NR 64.12 All-terrain vehicles – Routes 	<ul style="list-style-type: none"> • 86.07(2) Digging in highways... • Trans 231 Permits for driveways and alterations in state trunk highways • 340.01(2g) All-terrain vehicle (ATV) • 340.01(54) Roadway • 990.01(9a) Freeway² • 990.01(12) Highway (a.k.a. State Trunk Highway or STH)

3.0 Distinction between ATV Routes and Trails

ATV **route** means a highway or sidewalk (e.g., a bridge sidewalk) designated for use by ATV operators by the governmental agency having jurisdiction. ATV routes are on the **roadway** portion of a highway.

ATV **trail** means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by ATV operators by the governmental agency having jurisdiction, but **excluding roadways** of highways except roadways not seasonally maintained for motor vehicle traffic.

4.0 ATV Routes and Trails – WisDOT and DNR Authority

Under Wis. Stat. [s. 23.33\(8\)\(b\)](#) and [NR 64.12\(2\)/\(3\)](#), no STH or [connecting highway](#) may be designated as an ATV **route** unless WisDOT approves the designation. Under Wis. Stat. [s. 86.07\(2\)](#), WisDOT may approve or deny permits for ATV **trails** adjacent to STHs.

The DNR has jurisdiction for encouraging and supervising a system of ATV routes and trails, and establishing standards and procedures for certifying the designation of ATV routes and trails.³ See <http://dnr.wi.gov/topic/atv/> for information on ATV registration, safety courses, trail maps, and regulations.

¹ For brevity, references in this policy to ATVs also include UTVs.
² Any highway with full access control and grade separated crossroads. Designation is not relevant under the ATV laws.
³ Wisconsin DNR Pub-LE-500 2014, Wisconsin All-Terrain Vehicle & Utility-Terrain Vehicle Laws

5.0 ATV Rules of Operation

Under Wis. Stat. [s. 23.33\(3\)\(cm\)](#), no person may operate an ATV on public property that is **posted as closed** to ATV operation or on which the operation of an ATV is prohibited by law. WisDOT may use this statute to prohibit ATV routes/trails on STHs unless the exceptions listed in Wis. Stat. [s. 23.33\(4\)](#) control.



5.1 ATV Operation On or Near STHs

Wis. Stat. s. 23.33(4) is specific to ATV operation on any highway. ATV operators may use the roadway portion of any highway in specific situations that do not require a permit or any other type of authorization from the highway's maintaining authority, which is WisDOT for STHs. On the portion of a STH **beyond** the roadway, WisDOT has permitting authority on the use and establishment of ATV **trails**.

5.2 Prohibited Uses

No person may operate an ATV on any part of any freeway:

- That is a part of the federal system of interstate and defense highways.
- Unless WisDOT, or an incident commander, authorizes the use of an ATV on any other freeway.
- With a snow removal device attached under any circumstances.



ATV trails should not be allowed on expressways for safety reasons. No person may operate an ATV on other STHs except as identified under *Authorized Uses* (5.3), or as approved by WisDOT. WisDOT may deny ATV trail requests due to safety, environmental, operational and maintenance concerns. Allowing ATVs on highway ROW may increase potential conflicts with other highway users and risks to ATV operators. Potential highway ROW problems include rutting, erosion and damage to vegetation.

5.3 Authorized Uses

Operation on roadways: A roadway is defined as the traveled lanes and not the shoulder⁴. It includes the portion of a highway between the regularly established curb lines, which may include parking lanes. Additional details regarding specific authorized uses are in Wis. Stat. [s. 23.33\(4\)\(d\)](#). A person may operate an ATV on the roadway portion of any highway only in the following situations:

1. To cross a roadway, if it is done in the most direct manner practicable, and if it is made at a place where no obstruction prevents a safe and quick crossing.
2. On any roadway that is seasonally not maintained for motor vehicle traffic.
3. (a) To cross a bridge, culvert, or railroad ROW, unless the crossing is not authorized because the roadway is **officially closed**⁵ to ATV traffic, except (b) To operate an ATV on the roadway **or shoulder** of any highway to cross a bridge 1,000 feet in length or less, if the use is in compliance with an approved ordinance⁶ from the county **and** the local unit of government (C-V-T)⁷, the bridge is located within the territorial boundaries of the county or C-V-T regardless of whether the county or C-V-T has jurisdiction over the highway, and adheres to Wis. Stat. [s. 23.33\(11\)\(am\)3](#).
4. On roadways designated⁸ as ATV routes.
5. On roadways if the ATV is an implement of husbandry or is used exclusively for agricultural purposes, and registered for private use.
6. The operator holds a Class A or B permit under Wis. Stat. 29.193(2) and is traveling for hunting.
7. On roadways of highways that are ATV trails.

⁴ Includes paved, gravel and earth shoulders

⁵ "Officially closed", means that the road must be posted with an official highway sign. See example at the top of this page.

⁶ The affected WisDOT region office should request a copy of the ordinance and keep it on file. The local WisDOT Division of State Patrol office will be mailed a copy from the clerk.

⁷ City-Village-Town

⁸ In (3)(b), WisDOT does not have to designate the roadway portion on either side of the bridge as an ATV route. It is optional.

The term “designated” is not defined in Wis. Stat. 23.33. For this policy, “designated” shall mean an official “order” from WisDOT. It shall also include signing the STH as an ATV route under [NR 64.12](#) (1) & (7). As a prerequisite for WisDOT designating an ATV route, a county and/or a C-V-T shall pass an ordinance designating the ATV route whether or not Wis. Stat. 23.33(4)(d)3.b is used. A memorandum of agreement may also be developed between WisDOT and the county and/or C-V-T(s) involved, which would become a part of the order when any highway improvements, maintenance, cost-sharing, etc. is applicable. An order is an official document that must be signed by the Bureau of Highway Maintenance Director or State Maintenance Engineer. See the example on page [7](#).



Operation adjacent to roadway: A person may operate an ATV adjacent to a roadway **when permitted by WisDOT in conjunction with a locally designated ATV route/trail** if the person operates the ATV according to Wis. Stat. [s. 23.33\(4\)\(e\)](#):

1. At a distance of 10 or more feet from the roadway along U.S. numbered highways and state and county highways. Travel on the median of a divided highway is prohibited except to cross.
2. Outside of the roadway along town highways.
3. During hours of darkness in the same direction as motor vehicle traffic in the nearest lane unless all of the following apply:
 - a. The ATV route or trail is located at least 40 feet from the roadway or is separated from the roadway by a head lamp barrier.
 - b. The use of the ATV route or trail is approved by WisDOT with respect to all-terrain vehicle routes or trails located near or crossing STHs or by the officer in charge of maintenance with respect to ATV routes or trails located near or crossing other highways.
- 3m. During daylight hours, travel may be in either direction regardless of the flow of motor vehicle.
4. Not in excess of the speed limits of the adjacent roadway.
5. With due regard to safety and in compliance with rules promulgated by the DNR and approved by WisDOT.

Operation with snow removal device attached: A person may operate an ATV with a snow removal device attached on or adjacent to a roadway or on a public sidewalk between October 1 and April 30 if the operation is necessary to travel to or from a site where the snow removal device will be used. The travel to and from the site may not exceed two miles, and the roadway speed limit shall be 45 miles per hour or less. Operation on a roadway is authorized only on the extreme right side, and the ATV shall display at least one or more flashing or rotating yellow or amber lights with at least one visible for 360°. Additional information is available in Wis. Stat. ss. [23.33\(4\)\(f\)](#) and [23.33 \(11\)\(am\)2](#).

6.0 *ATV Route and Trail Requests*

WisDOT’s region access management (AM) coordinator or engineer is the initial point of contact for ATV route and trail requests. Review the request for the following items as needed based on its complexity:

	Planning	Tech Services	Maintenance	Traffic	PDS
Route Request	AM coordinator or engineer: <ul style="list-style-type: none"> • AM principles and policy • Wis. Stat. 84.25 • Other access restrictions • Build trail to/from bridge⁹ 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • Shoulder drop-offs • Rutting • Guardrail / barriers • Loose gravel 	<ul style="list-style-type: none"> • AADT • % trucks • Crash data • Signing • Pavement marking 	<ul style="list-style-type: none"> • Current project (either conflicts with request or potential to incorporate request into the project)
Trail Request	Projects: <ul style="list-style-type: none"> • Project in 6-year plan (either conflicts with request or potential to incorporate request into a project) 	<ul style="list-style-type: none"> • Utilities • Survey monuments • Excess parcel(s) • Environmentally sensitive areas 	<ul style="list-style-type: none"> • Rutting / erosion • Drainage • Vegetation • Head lamp screening 	<ul style="list-style-type: none"> • Signing • Flashing beacons (crossings) 	

⁹ See section [6.2.1](#)

ATV **route** approvals are made in the Bureau of Highway Maintenance (BHM) since an official “order” is required. ATV route orders do not go through the permitting process although there are similarities in how they are developed. After the region has reviewed the route request, it is sent to the State ROW Permits Engineer in BHM. BHM shall coordinate with the region during the route designation process, and enter both approved and denied requests into the Highway Access Management System (HAMS).

ATV **trail** approvals are made at the region level. When approved, the region will work with the requesting party to develop the necessary agreement and/or permit conditions to assure WisDOT interests are satisfied. Since ATV trails, whether longitudinal or crossing, are access management related and considered “connections” to a STH, use permit application form [DT1504](#) and issue to the maintaining authority of the trail, **which must be a governmental agency (county, C-V-T, DNR, etc.)**. Upon completion of the approved permit, the region enters it into HAMS and then notifies BHM.

6.1 Permits for ATV Route/Trail Crossings of STHs

Under [s. 23.33\(4\)\(d\)1](#), ATVs are allowed to cross roadways when traveling on an existing roadway. Also, most existing driveways have been issued a permit.¹⁰ Therefore, WisDOT permits are **not required** in the following situations since vehicular crossings already exist:

- At county, town or local road crossings. For example, ATV routes and trails crossing STHs.
- From a driveway on one side to a local road on the other side (or vice-versa).
- From a driveway on one side to a driveway on the other side.

WisDOT permits **are required** in the following situations:

- Where no current vehicular crossing currently exists. For example, a new trail crossing from public/private property to public/private property.
- At a T-intersection where a new trail on public/private property would cross a STH to a local road.

Some exceptions apply, e.g., ATVs used for surveying and utility operations may cross STHs anywhere.

6.2 Requirements for ATV Routes on STHs

Collect/address the following when developing an “order” to designate an ATV route:

1. *Requestor*: The request shall be made by a county and/or a C-V-T to ensure perpetuity of maintenance agreements and ROW repairs if applicable.
2. *Location details*: A map showing the location and description of proposed route, which includes the termini and the adjacent ATV route(s) or trail(s) that will tie in with this segment. A plat map should also be included to verify section-town-range.
3. *Memorandum of Agreement (MOA)*: A signed agreement between WisDOT and a county and/or C-V-T that defines the roles and responsibilities for specific ATV route items such as maintenance, roadway improvements (shoulder paving, pavement markings, signing, etc.), and repairs including any associated costs. The MOA allows local units of government to discuss these conditions and seek approval at official meetings prior to the WisDOT order. BHM and the region office will develop the MOA, which becomes part of the order. MOAs are not always required with ATV route orders.
4. *County and C-V-T ordinances*: The county and/or C-V-T must pass ordinances designating the STH segment as an ATV route. The ordinances are recorded at the county's and/or C-V-T's expense. Verification must be obtained from DNR that the ordinances are properly written and enacted.
5. *DNR ATV route/trail network*: The request supports statewide DNR route/trail planning efforts and provides linkage.
6. *STH safety and design standards*: Safety concerns, whether on the roadway or adjacent to it, shall be addressed and mitigated (plan/profile, sight distance, vision corners, clear zone, etc.).
7. *No short segments to only serve businesses*. A route request shall not be allowed for a short STH segment to connect a local route/trail to a gas station, grocery store, bar, etc.
8. *Signing and pavement markings*: The local unit(s) of government shall pay for the materials, installation and maintenance of all necessary ATV route signs and pavement markings when applicable. See [7.0](#). Detail this information in the MOA.

¹⁰ Region should verify if a valid permit exists

6.2.1 Local ATV Route Designation over STH Bridges

Under Wis. Stat. [s. 23.33\(4\)\(d\)3.b](#), a county and a C-V-T may enact ordinances to operate an ATV on the roadway **or shoulder** of any highway to cross a bridge 1,000 feet in length or less, if the bridge is located within the territorial boundaries of the county or C-V-T regardless of whether the county or C-V-T has jurisdiction over the highway, and adheres to Wis. Stat. [s. 23.33\(11\)\(am\)3](#). Even though the statute gives local units of government this right, WisDOT may determine that due to safety and operational factors for both ATV and roadway users an ATV trail must be built to and from the bridge instead of allowing ATVs to travel on the roadway or shoulder. Verification must be obtained from DNR that the ordinances are properly written and enacted.

6.3 Permit Requirements for ATV Trails on STHs

Use form [DT1504](#) to document and permit all ATV trail requests (longitudinal and crossings). Enter the completed permit into the Highway Access Management System (HAMS). The permittee shall be the maintaining authority of the trail, **which must be a governmental agency (county, C-V-T, DNR, etc.)**. A governmental agency may require a local ATV club to be responsible for trail maintenance, signing, costs, etc., but the agency is still bound by WisDOT's permit.

In addition to the permit application form, other information is required. This includes, but is not limited to, the following:

1. *Applicant*: The request must be made by a governmental agency to ensure perpetuity of maintenance agreements and ROW repair if needed. Do not issue permits to individuals, groups, or clubs.
2. *Location details*: A map showing the location and description of proposed trail as it approaches and crosses the STH ROW including any proposed longitudinal occupation. It includes the termini of the proposed trail including, if applicable, a map showing the adjacent ATV route(s) or trail(s) that will tie in with this segment. A plat map should also be submitted to verify section-town-range.
3. *Memorandum of Agreement (MOA)*: A signed agreement between WisDOT and a governmental agency that defines the roles and responsibilities for specific ATV trail items such as regular inspections, maintenance, highway improvements (head lamp screening, culverts, signing, etc.), and repairs including any costs that may be applicable. The MOA allows the governmental agency to discuss these conditions and seek approval at official meetings prior to WisDOT permit issuance. *The region office will develop the MOA, which becomes part of the approved permit.*
4. *C-V-T ordinance*: The C-V-T must pass an ordinance designating the STH segment as an ATV trail. The ordinance is recorded at the C-V-T's expense. Verification must be obtained from DNR that the ordinances are properly written and enacted.
5. *DNR ATV route/trail network*: The request supports statewide DNR route/trail planning efforts and provides linkage.
6. *Community support*: Adjacent land owners or general public support the request.
7. *STH safety and design standards*: Safety concerns, whether on the roadway or adjacent to it, shall be addressed and mitigated (plan/profile, sight distance, vision corners, clear zone, etc.).
8. *Crossings*: Obtain copies of signed use agreements with property owners on each side of highway. This encourages and validates the applicant's responsibility. All other permit items should be similar to driveways (e.g., sight distance, spacing, culverts, etc.). Send each affected property owner a copy of the approved permit.

To supplement the permit request, consider having the applicant provide information on:

9. *Demonstration of unique circumstances*: A map showing that no other trail alternative exists or is practical to highway ROW accommodation, and/or a letter of support from DNR or a local agency also attesting to unique circumstances involved (e.g., avoidance of wetlands/waterways, archeological, historical or other environmental concern).
10. *Environmental issues*: Sensitive natural and cultural resources shall not be adversely impacted.
11. *Signing*: The permittee shall pay for and maintains all necessary advisory signs. See [7.0](#).

12. *No short segments to only serve businesses.* A trail request shall not be allowed for a short STH segment to connect a local route/trail to a gas station, grocery store, bar, etc. However, a short segment may be allowed when it is the only reasonable option to safely cross a WisDOT maintained bridge/culvert over a waterway, railroad, or other topographic or environmentally sensitive feature.
13. *Trail improvements:* An improved trail¹¹, whether gravel or paved, may be warranted to prevent damage to the highway ROW and alleviate as many environmental concerns as possible.
14. *Other features:* An abandoned railroad bed or other similar corridor is being proposed as the trail.

6.3.1 ATV Trails on Controlled-Access Highways

ATV trails may be allowed on controlled-access highways that are not freeways, but STH access shall be made only at authorized access points. Do not allow additional access unless it is in the public interest¹². If that occurs, develop a new authorization and update the plat accordingly. Also, use form [DT1812](#) to approve the work instead of a DT1504¹³. Revise authorizations to include ATV trails when they are allowed over existing authorized access points. Enter the completed permit into HAMS.

7.0 ATV Route and Trail Signing on STHs

Signing for ATV routes and trail crossings intended to inform or warn roadway users shall conform to the [Wisconsin Manual of Traffic Control Devices](#). A signing permit from the appropriate WisDOT region traffic office is required for the signs to be manufactured and installed [TGM 2-15-16](#). Signing for ATV trails within highway ROW intended only to inform or warn the trail user shall conform to Wisconsin DNR standards. No separate permit is required for these signs, which are included in the DT1504 as part of the trail permit. A county or C-V-T shall pay for all STH signs used for ATV routes and trail crossings.

A county or C-V-T shall obtain the signing permit. WisDOT shall order all signs and related materials. County highway departments (CHDs) shall perform the work since they are under contract with WisDOT to do STH maintenance and sign installation and have knowledge of WisDOT sign specifications. When the work is final, WisDOT bills the permittee. This also includes any required pavement markings.

If needed, a CHD may apply for the signing permit instead of the C-V-T to help/quicken the workflow and billing processes. WisDOT then bills the CHD for just the cost of the signs utilizing the Sales to Others form. The CHD still installs the signs under its normal process following all WisDOT standard installation procedures. However, instead of billing WisDOT for time and materials, and then WisDOT sending a bill back to the CHD, and then the CHD billing the ATV club, the CHD bills the ATV club directly for the time and materials for the installation.

When a county and a C-V-T have used their authority under Wis. Stat. s. 23.33(11)(am)3 to enact ordinances designating a STH bridge 1,000 feet in length or less as an ATV route, WisDOT shall not erect ATV route signs until both ordinances have been reviewed by BHM and DNR's ATV Administrator. The Region shall obtain copies of both ordinances and send them to the State ROW Permits Engineer in BHM who will inform the Region traffic section when the signs may be ordered.

A sample signing layout is shown on page [8](#).

8.0 County Trail Maps, ATV Clubs, and Statewide Associations

See the [Wisconsin ATV Association](#) and [United States Department of Agriculture Forest Service Trails](#).

¹¹ WisDOT will not construct/maintain an improved trail, and by law is not permitted to use federal funds to develop trails for ATVs.

¹² Wis. Stat. [s. 84.25\(4\)](#)

¹³ A DT1504 form is used only when a STH connection is revocable. On s. 84.25 highways, WisDOT has already authorized an access point, which is not revocable.

SAMPLE ORDER for ATV ROUTE on STATE TRUNK HIGHWAY

**ORDER TO DESIGNATE ATV ROUTE ON THE STATE TRUNK HIGHWAY (STH) SYSTEM
A SEGMENT OF STH 40 IN SAWYER COUNTY**

The State of Wisconsin, Department of Transportation, deems that it is in the public interest to designate a segment of STH 40 as an ATV route, from Second Street to Stone Lake Road, in the Town of Eagle Ridge, located in S 20, T 38 N, R 17 W, a total distance of 0.8 miles.

FINDINGS

- Local units of government in Sawyer County have requested that the Wisconsin Department of Transportation (WisDOT) establish an ATV route on the above-referenced segment of STH 40.
- The Town of Eagle Ridge enacted ordinance # 2015-5 effective on 6-1-2015 that designated the same segment of STH 40 as an ATV route.
- Sawyer County enacted ordinance # 15-10-22 effective on 6-5-2015 that designated the same segment of STH 40 as an ATV route.
- The ATV route segment has the support of the Department of Natural Resources and ties into the existing ATV route/trail system in the Town of Eagle Ridge and Sawyer County.
- The designated ATV segment of STH 40 would not change anything on the STH System within Sawyer County.
- Under Wisconsin Statute s. 23.33(8)(b), WisDOT has the authority to approve ATV route designations.

DETERMINATIONS

Now, it is determined that:

1. WisDOT designates a segment of STH 40, from Second Street to Stone Lake Road, in the Town of Eagle Ridge as an ATV route.
2. WisDOT shall install ATV route signs as required, which shall be paid for by Sawyer County and the Town of Eagle Ridge. Supplemental signing on Town roads shall be installed by the Town at its own expense.
3. (Optional) ATV route pavement markings will be installed by WisDOT on STH 40 for the ATV route. See the attached Memorandum of Understanding.
4. A copy of this decision shall be filed in the offices of the Clerk of Sawyer County and the Town of Eagle Ridge, and sent to: Department of Natural Resources, ATV/UTV Section, 101 S. Webster St., Madison, WI 53707-7921

Dated this 3rd day of August, 2015.

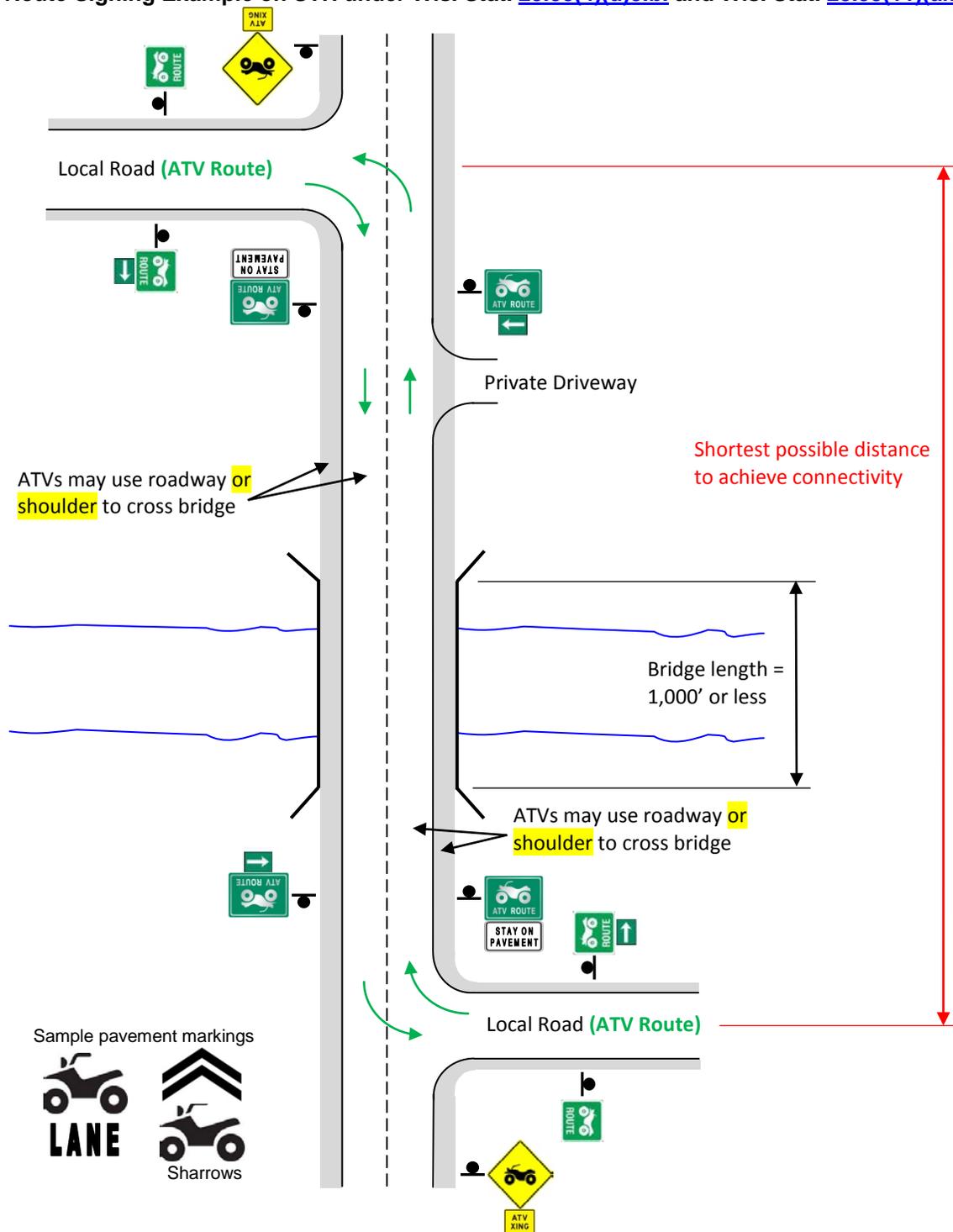
Wisconsin Department of Transportation



By: _____

Name and Title: Director, Bureau of Highway Maintenance

ATV Route Signing Example on STH under Wis. Stat. [23.33\(4\)\(d\)3.b.](#) and Wis. Stat. [23.33\(11\)\(am\)3.](#)



- This example shows an ATV route signing layout when a county and a C-V-T both enact ordinances for the use of a bridge 1,000' or less on a STH, and both units of government designate the segment between the two local roads shown above as an ATV route.
- ATV route signing is **required** on STHs. Supplemental signing (example above and right) may also be required. Pavement markings may be used to indicate where ATVs should travel. Sharrows may be necessary when ATVs need to share lanes with vehicles and other transportation modes due to narrow or unpaved shoulders. An ATV crossing warning sign, if WisDOT determines is needed, shall be paid for by WisDOT.
- Local road signing is also required under [NR 64.12](#) for route continuity and is shown for reference.
- STH signing is performed by county highway departments working under contract with WisDOT. The county or the C-V-T shall obtain a permit from the WisDOT region traffic office for sign materials and installation, and pay all costs associated with both.