

Public Works and Safety Committee Meeting Agenda

August 4, 2020 – 5:30 p.m.

Meeting Available on Zoom.us at the following meeting number:

<https://us02web.zoom.us/j/83013428087>

Dial in: 312-626-6799 Meeting ID: 830 1342 8087

1. Call to Order
2. Approve Minutes of July 7, 2020 meeting
3. Citizen Comments
4. Old Business
 - a) Discussion and Possible Action Regarding use of All Terrain Vehicles and Utility Terrain Vehicles on Village Streets
5. New Business
 - a. Discussion of Proposed Sanitary Sewer Study with the City of Pewaukee.
 - b. Discussion and Possible Action Regarding Stop Signs on Oakton Avenue.
 - c. Discussion and Direction Regarding Annual Curb Painting.
 - d. EPA Mandate on AWIA Risk and Resilience Assessments and Emergency Response Plans
6. Adjournment

Note: It is possible that members and/or possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; action will not be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in the notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. To request such assistance, contact the Village Clerk at 262-691-5660.

**Village of Pewaukee
Public Works and Safety Committee Meeting Minutes
July 7, 2020**

Zoom Meeting called to order by Yonke at 5:33 pm.

Members present: Ed Hill, Kevin Yonke, Mark Grabowski, Laurin Miller, Art Compton and Casey Smith

Members absent: Wayne Vaughn

Also Present: Director of Public Works Naze, Lt. Mark Garry and Clerk Smith

Agenda Item 2 – Minutes of June 2 2020 meeting

**Miller moved, seconded by Grabowski to approve as presented.
Motion passed unanimously roll call vote.**

Agenda Item 3 – Citizen Comments

John Fay @ 126 Island Drive – Mr. Fay expressed he would prefer ATV's and UTV's and does not support the usage of golf carts on the road.

Jim Grabowski @ 128 Park Ave. - Mr. Grabowski expressed that he supports golf carts to be operated on Village roads but doesn't support ATV's or UTV's as there is already a concern for high speeds downtown.

Agenda Item 4 – Old Business

a) Discussion and Possible Action Regarding Proposed Ordinances for use of Golf Carts and Low Speed Vehicles on Village Streets.

Lt. Garry stated that after researching the golf cart usage on public streets he agrees with Attorney Blum as the State Statutes only allow golf carts to be operated on public streets if there is a golf course within one mile. Lt. Garry stated he spoke with two other communities which allow golf carts to operate but who were unaware of the State Statute and were going to address this further. Lt. Garry stated he doesn't believe the Village meets the criteria to authorize usage of golf carts on Village roads. Lt. Garry stated that low speed vehicles are a very specific vehicle which are registered by the Department of Motor Vehicles which would then be legal on our streets; ATV's and UTV's are regulated by the Department of Natural Resources which would require specific paths, streets and signage to operate. The Committee expressed they are concerned with the liability of golf carts as the State Statutes doesn't allow for them.

**Hill moved, seconded by Compton to provide a recommendation to the Village Board to consider the proposed low speed vehicles ordinance and not consider the proposed ordinance for golf carts.
Motion passed unanimously roll call vote.**

Agenda Item 5 New Business

a) Optimized Corrosion Control Treatment Submittal to DNR Bureau of Drinking Water and Ground Water

Director Naze gave some background on the testing and explained that in 2017 the Village Water Utility Department tested as necessary and were in violation by 1 part per billion for Lead and Copper Rule (LCR) testing. Part of the DNR order was to complete an Optimized Corrosion Control Treatment plan. The report makes recommendations that view the system from the perspective of water biology, not the introduction of more chemicals as a solution. More regular

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testing and evaluation of water system parameters will be necessary with the recommendations. The report was submitted may 28 and staff has not yet gotten a reply. As part of LCR compliance, due to the 2017 exceedance the DNR instructed the Village to have 40 residents sample twice in 2018, and 20 residents once during 2019, normally a triannual requirement. This process includes residents filling the testing bottles while adhering to a set of instructions. The Village has been in compliance during 2018 and 2019 but, each time residents are asked to test there are some that ask to not be contacted any longer. Currently the Village has 23 residents remaining who agree to conduct the testing and it's likely 20 will be needed for 2020 testing. Compton stated that the lead issue is not in the Village's water it is in the homes where pipes could contain lead and copper. Naze stated that the DNR uses a one size fits all approach for all communities with no regard for each utility's available resources. Naze responded to Grabowski stating that the houses the DNR targets are houses built between 1983-1984 as there was some solder that was sold containing lead which contractors used before and possibly after it was banned.

Agenda Item 6 – Adjournment

**Casey moved, seconded by Miller to adjourn the meeting at 6:03 p.m.
Motion passed unanimously roll call vote.**

Respectfully Submitted,
Casandra Smith
Village Clerk



To: Kevin Yonke, Chair
Public Works & Safety Committee

From: Scott A. Gosse
Village Administrator

Date: July 29, 2020

Re: Agenda Item Regarding ATV/UTV Discussion

BACKGROUND

The topic of ATV/UTV routes in the Village is on the agenda at the request of Trustee Yonke. Attached for your review and information please find the "ATV Route Guideline and Suggestions (A Community Official's Handbook) to provide guidance on this topic as ATVs are regulated by the WI DNR.

ACTION REQUESTED

The action requested of the Public Works & Safety Committee is to review the attached information and to provide direction to staff on how to proceed.

ANALYSIS

A few observations from the ATV Route Guidelines are as follows:

1. The intent of a route is outlined "...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". – page 3;
2. Speeds are restricted to 10 mph when within 100' of pedestrians and 150 of a home (additional restrictions for minors) – page 5;
3. Communities are not allowed to place one sign at corporate limits to notify the public that all roads are considered ATV routes – page 9;
4. ATV routes must be signed and arrowed with beginning and end of routes marked – page 20.

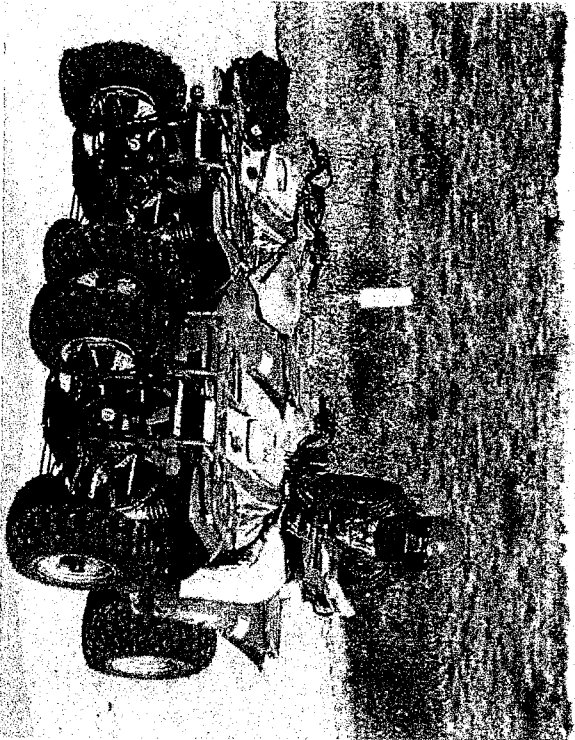
Lt. Mark Garry spoke with an area WI DNR Warden who advised that there are NO ATV/UTV trails in or around the Village of Pewaukee at this time. The Warden indicated that if routes were to be created and there OWI incidents that those incidents would not be covered under Chapter 346 of Wisconsin Statutes which means that the operators would not be subject to state OWI penalties that would impact their driving abilities for regular motor vehicles.

Additionally, if there is a decision to move forward with creating ATV/UTV route(s), there will need to be a defined area/roadways that are being ATV/UTV routes. Once routes are identified, an evaluation of the routes could be made as to the potential impact of the proposed routes.

Attachment

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

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

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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 ATVs, 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; tailhumps 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

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 resisted:

- 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 sheriff's/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 (2009) 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

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 sheriff's 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 complainants 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's 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 property 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 short 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.

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).

- 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 ATVer will likely be the first to know of it and will attempt to use it immediately.

A citation issued under these circumstances 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 seating 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.

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 weighed 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 10th Day of January 2010

Dunn Village Clerk

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 _____ 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 or 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

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-

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

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.

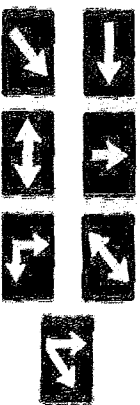
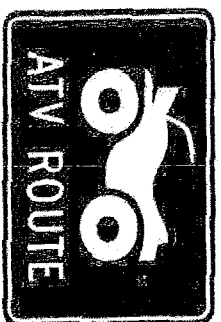
- (2) "All-terrain vehicle **ROUTE**" means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction.

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.

(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**.



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**;
 - (c) Acquisition of land in fee and development of new all-terrain vehicle areas and trails, including **ROUTES**.

(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(1) 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).

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

Appendix C



PUBLIC WORKS DEPARTMENT
1000 Hickory Street
Pewaukee, WI 53072

Memo

To: Public Works and Safety Committee Members
From: Dan Naze, P.E., Director of Public Works/Village Engineer
Date: July 30, 2020
Re: Discussion of Proposed Sanitary Sewer Study with the City of Pewaukee.

I continue to have discussions with the City regarding the replacement and design of the Kopmeier Lift Station, a project that was scheduled for 2020. At present we are investigating the possibility of a gravity sewer relay in Kopmeier Drive flowing to the City lift station.

A component of these discussions for the City was the long term planning and ability to provide sanitary sewer service to the area of the City North of Highway 16. We requested a proposal from Ruckert Mielke Engineers to study the relevant sanitary pipes within the Village, including placing three flow meters to evaluate actual flows and the volume of inflow and infiltration occurring during wet weather.

The cost of the study would be split by the municipalities, with the cost of the flow monitoring and an accurate survey of flow line elevations in the Village being our responsibility.

The City Common Council approved their portion of the cost of the study July 20th. I will pay our portion from the Wastewater utility operating budget in engineering services, and Outlay – repairs for the flow monitoring. Since work for this engineering proposal is entirely within the Village, the study Agreement is in the name of the Village. I have included page 1 of the study proposal as background information.

Recommendation:

Direction to staff to sign engineering proposal for the “City of Pewaukee Northwest Area Sanitary Sewer Study” to Ruckert Mielke, estimated costs to be \$19,136.50 for the City and \$7,835.50 for the Village, totaling \$26,972.00.

June 19, 2020, 2020

Mr. Dan Naze, P.E.
Director Public Works – Village Engineer
Village of Pewaukee
235 Hickory Street
Pewaukee, WI 53072

RE: City of Pewaukee Northwest Area Sanitary Sewer Study – Proposal

Dear Dan,

The Village is in the initial stages of the design upgrade for the Kopmeier Drive sewage lift station. The station serves 27 homes in the Village on Kopmeier Drive along with the northwestern part of the City of Pewaukee. This area is served with the City's Kopmeier Drive lift station located approximately 3,200 feet west of the Village's lift station. The City's lift station discharges through a force main on Kopmeier Drive up a hill, to a short gravity sewer that discharges easterly to the Village's lift station. The existing agreement between the Village of Pewaukee and the City of Pewaukee stipulates that all sanitary sewerage from the City flowing through the Village flows through the City's Kopmeier Drive lift station.

A large part of the City's northwestern service area tributary to the lift station is undeveloped. As part of the Village's lift station design upgrade project, the Village has coordinated with the City of Pewaukee on the planned peak hour flow rate coming from the City's undeveloped area.

In response to a flow restriction on the immediate upstream gravity sewer tributary to the City's Kopmeier lift station, and for long term planning, the City started a sanitary sewer study in 2019 on the best way to serve the northwestern part of the City. The report was completed in February of 2020 and is titled "Kopmeier Sanitary Sewer and Lift Station Capacity Review". This study, along with a previous study conducted by Ruekert & Mielke, Inc. (R/M) for the City in 2014, included an area in the City planned for sanitary sewer service that is outside of the Southeastern Wisconsin Regional Planning Commission (SEWRPC) existing sanitary sewer service area.

The City's 2020 study conclusions indicated that the City would continue to use the sanitary sewer upstream of the City's Kopmeier station and that this sewer would increase in size with a pipe bursting upgrade. In addition, this study identified a second sanitary sewer Village entry point in the vicinity of Park Hill Drive that would reduce the projected peak hour flow rate from the northwestern portion of the City through the City and Village Kopmeier Drive lift stations. This second entry point is logical based on the topography in the area. The second entry point would be to the High Street sanitary sewer in the Village. The additional flow route that R/M would evaluate will follow the path of the existing sewer north of Partridge Court and Meadowside Court, east of Park Hill Drive, and south to West Wisconsin Avenue.

This proposal is to evaluate two alternatives for serving the northwestern part of the City of Pewaukee. These alternatives are the same as in the City's most recent study:

1. Alternative 1 - Keep one entry point through Village. All flow from the City would be routed through the City's and Village's Kopmeier Drive lift stations.
2. Alternative 2 - Use two entry points through Village as described above.

This study will determine a conceptual design and capital cost of the needed improvements to the Village Kopmeier Drive lift station and gravity sanitary sewer system for each alternative. Relay of sanitary sewer in the Village may be required due to insufficient capacity or poor condition. West Wisconsin Avenue in

dnaze@villageofpewaukee.com

From: Arnott, David <darnott@ruekert-mielke.com>
Sent: Friday, June 19, 2020 2:58 PM
To: Wagner, Magdelene
Cc: Ward, Ken; dnaze@villageofpewaukee.com
Subject: RE: Wagner to Naze-20200617-Request for R/M to Propose Cost Share Arrangement
Attachments: Naze-20200422-City of Pewaukee Northwest Area Sanitary Sewer Study Draft.pdf

Maggie,

Since the proposed arrangement with the second entry point of sanitary sewage from the City to the Village will mostly benefit the City, and since the existing agreement between the City and the Village states that all sewage from the City goes through the City's Kopmeier pump station, we feel that the vast majority of the proposed study should be paid for by the City.

There are two project components that will benefit the Village. These are the sanitary sewer manhole measure-downs to verify the Village GIS data, and the sewer flow monitoring. These parts of the project will help the Village with management of their system. However, this information will also help determine if the second entry point is feasible. We propose that the cost of these two parts of the study are split evenly between the Village and the City. For the sewer measure downs, the Village would not be doing this activity if not for this study.

With the above assumptions, the estimated cost for each part community would be as follows:

Total Study - \$26,972.00
Village of Pewaukee - \$7,835.50 (\$1,500.00 for measure-downs and \$6,335.50 for the flow monitoring)
City of Pewaukee - \$19,136.50

Attached is a copy of the final proposal for reference.

Thank you for your consideration of this cost share arrangement. Let me know if you have any questions or concerns.

David W. Arnott, P.E.
Team Leader / Senior Project Manager

 **Ruekert • Mielke**

☎ 262-953-3080
☎ 262-923-6188
🌐 ruekertmielke.com



From: Wagner, Magdelene <wagner@pewaukee.wi.us>
Sent: Wednesday, June 17, 2020 8:44 AM
To: dnaze@villageofpewaukee.com
Cc: Arnott, David <darnott@ruekert-mielke.com>; Ward, Ken <kward@ruekert-mielke.com>
Subject: Wagner to Naze-20200617-Request for R/M to Propose Cost Share Arrangement

Hi Dan,



PUBLIC WORKS DEPARTMENT
1000 Hickory Street
Pewaukee, WI 53072

Memo

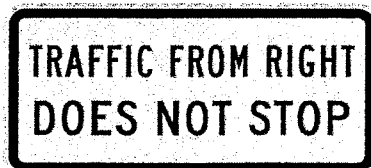
To: Public Works and Safety Committee Members
From: Dan Naze, P.E., Director of Public Works/Village Engineer
Date: July 30, 2020
Re: Discussion and Possible Action Regarding Stop Signs on Oakton Avenue.

During the recent railroad crossing work on Wisconsin Avenue and month long closure, a temporary stop sign was placed at the west bound intersection of Capitol/Oakton/Capitol during two construction periods. There seems to be some public interest in making that stop sign permanent. I have observed that following the crossing changes, it is now difficult for vehicles to bypass another Oakton eastbound making a left turn on Capitol.

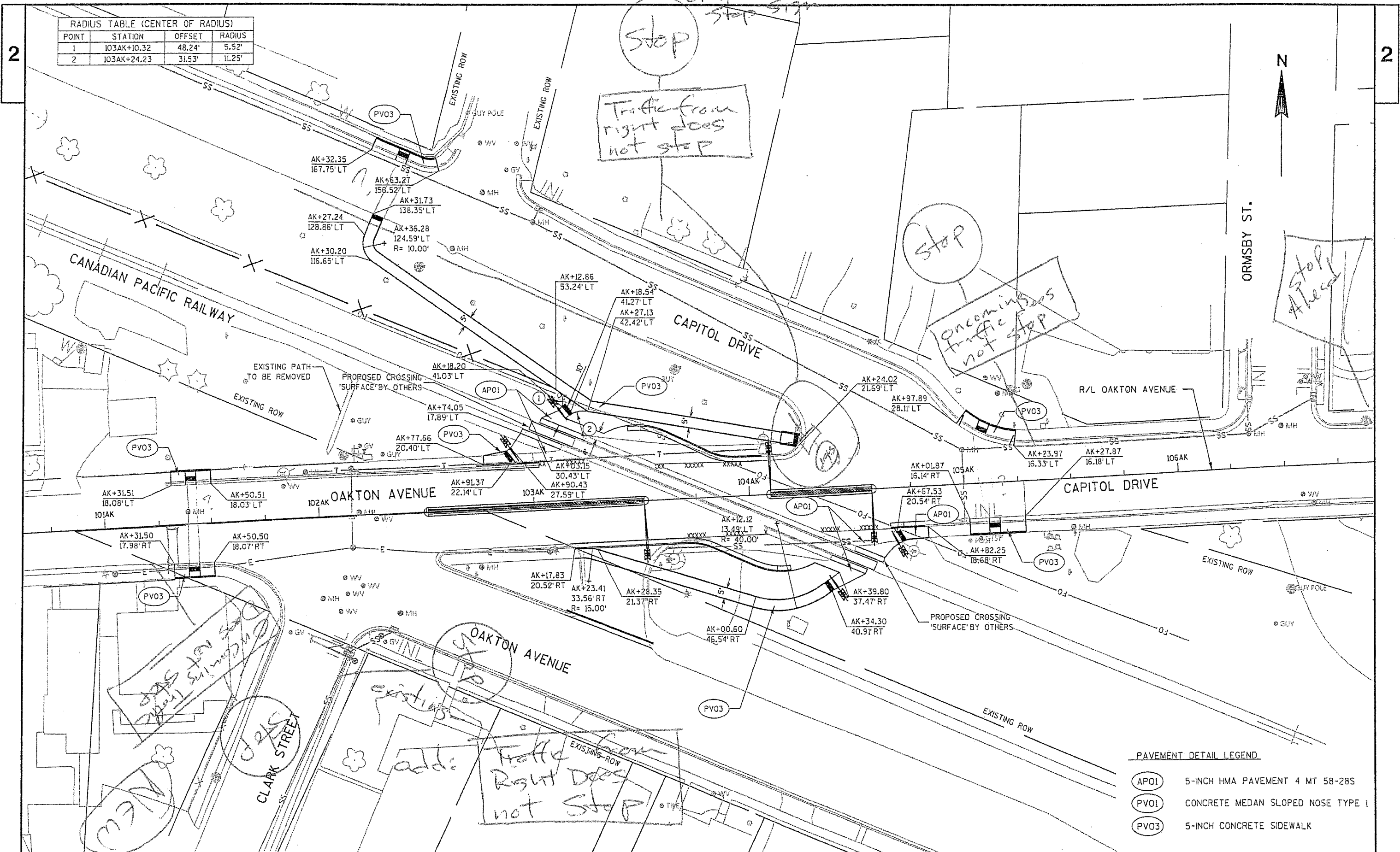
The intersection of Oakton and Capitol, all the way to Clark and Oakton, is a very unusual geometric arrangement, made more complex with the addition of the crossing medians. Attached is a sketch using the WISDOT sealed corridor plan sheet I drafted for a possible signing arrangement.

Recommendation:

1. Take no action, place temporary stop sign only during lakefront closures.
2. Make west bound Capitol at right turn on Capitol at Oakton, at stop bar location, permanent. An "Oncoming Traffic Does Not Stop" sign is likely appropriate.
3. Discuss my possible signing arrangement or some other format. Due to this complex geometry it would be appropriate to engage a Professional Traffic Operations Engineer to provide an opinion and recommendation.



RADIUS TABLE (CENTER OF RADIUS)			
POINT	STATION	OFFSET	RADIUS
1	103AK+10.32	48.24'	5.52'
2	103AK+24.23	31.53'	11.25'



PAVEMENT DETAIL LEGEND

(AP01)	5-INCH HMA PAVEMENT 4 MT 58-285
(PV01)	CONCRETE MEDIAN SLOPED NOSE TYPE 1
(PV03)	5-INCH CONCRETE SIDEWALK



PUBLIC WORKS DEPARTMENT
1000 Hickory Street
Pewaukee, WI 53072

Memo

To: Public Works and Safety Committee Members
From: Dan Naze, P.E., Director of Public Works/Village Engineer
Date: July 30, 2020
Re: Discussion and Direction Regarding Annual Curb Painting

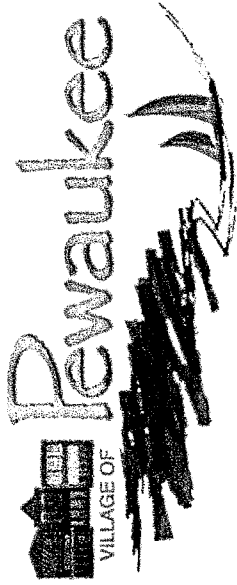
As part of annual pavement marking the DPW performs, curb painting with yellow paint is done to denote curbing where there are parking restrictions. This year required approximately 70 gallons of yellow paint and a full time and part time employee for nearly a week to complete. In many cases these are at intersection radii and pork chop islands, at driveways, or where there are signs indicating restrictions for some distance. I estimate that materials cost is approximately \$1,800, and equipment and labor is approximately \$1,800.

Attached is a sketch generally showing where curb is painted, and guidance from the Manual of Uniform Traffic Control Devices (MUTCD).

In my opinion this is generally a redundant effort. Most areas where curb painting is conducted are signed no parking and/or are statutorily not parking areas. I am interested in a discussion on the value this effort provides the Village.

Recommendation:

Direction to staff on continuing annual no parking curb painting.



PUBLIC WORKS DEPARTMENT
1000 Hickory Street
Pewaukee, WI 53072

PAVED SURFACES OF SURFACES THAT ARE AVAILABLE, USE SPEED ADEQUATE MARKINGS THAT ARE PROVIDED ENTIRELY ON THESE SURFACES. MARKING SIGNS THAT ARE USED IN CONJUNCTION WITH THESE MARKINGS (SEE 2B.38.21).

Section 3B.21 Curb Markings

Support:

Curb markings are most often used to indicate parking regulations or to delineate the curb.

Standard:

Signs shall be used with curb markings in those areas where curb markings are frequently obliterated by snow and ice accumulation unless the no parking zone is controlled by statute or local ordinance. Where curbs are marked, the colors shall conform to the general principles of markings (see Section 3A.04).

Guidance:

Except as noted in the Option, when curb markings are used without signs to convey parking regulations, a legible word marking regarding the regulation (such as "No Parking" or "No Standing") should be placed on the curb.

Option:

Curb markings without word markings or signs may be used to convey a general prohibition by statute of parking within a specific distance of a STOP sign, driveway, fire hydrant, or crosswalk.

Guidance:

Retroreflective solid yellow markings should be placed on the noses of raised medians and curbs of islands that are located in the line of traffic flow where the curb serves to channel traffic to the right of the obstruction.

Retroreflective solid white markings should be used when traffic may pass on either side of the island.

Option:

Local highway agencies may prescribe special colors for curb markings to supplement standard signs for parking regulation.

Support:

Since yellow and white curb markings are frequently used for curb delineation and visibility, it is advisable to establish parking regulations through the installation of standard signs (see Sections 2B.38 through 2B.41).

Where the curbs of the islands become parallel to the direction of traffic flow, it is not necessary to mark the curbs unless an engineering study indicates the need for this type of delineation.

Curbs at openings in a continuous median island need not be marked unless an engineering study indicates the need for this type of marking.

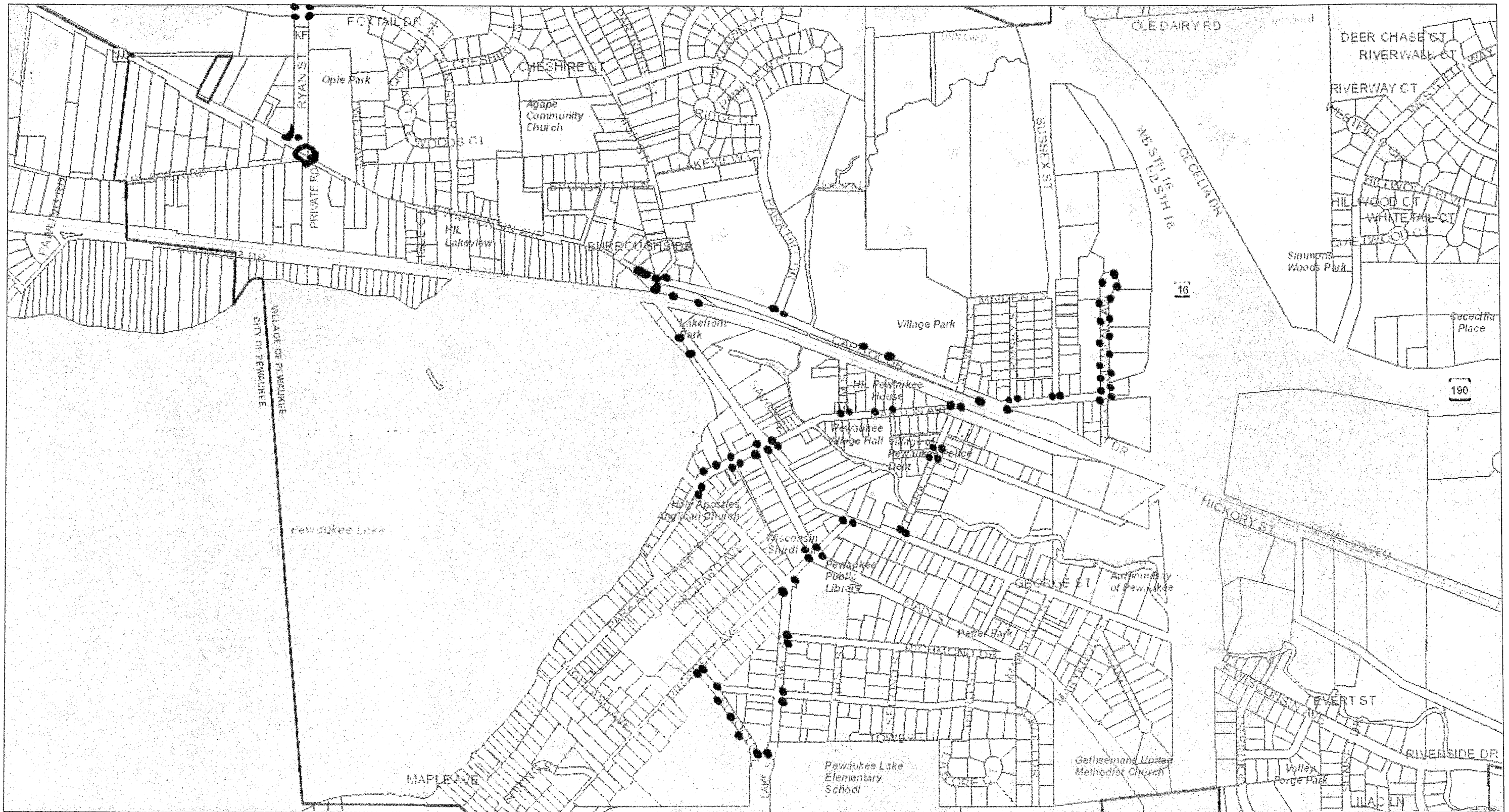
Area to Paint	Type of Painting	Paint Color	Date Completed
W. Wisconsin to Park	Divider Line & Arrows	White	7-7
Main to Oakton	Divider Line & Arrows	White	7-13
Capitol to High	Divider Line & Arrows	White	7-13
Capitol & High to W. Wisconsin	Divider Line & Arrows	White	7-13
W. Wisconsin to R&R Crossing	Divider Line & Arrows	White	7-13
W. Wisconsin to Ryan	Divider Line & Arrows	White	7-13
Lake from School to Lookout	Divider Line & Arrows	White	7-14
Lake to Prospect	Divider Line	White	2-9
Capitol to Dynex	Divider Line & Arrows	White	7-13
Dynex to Capitol	Divider Line & Arrows	White	7-13
Hickory & Forest Grove	Divider Line	White	8-9-13 7-9
D.P.W.	Parking Line	White	7-13
Hickory to Oakton Extension	Curb	Yellow	7-16
Oakton & Clark to Dynex	Curb	Yellow	7-16
Simmons to Cul-du-sac and back	Curb	Yellow	7-16
Capitol & Simmons to Sussex	Curb	Yellow	7-16
Capitol & Sussex to Ormsby	Curb	Yellow	7-16
Ormsby & Capitol to Capitol & Caldwell	Curb	Yellow	7-16
Oakton & Capitol to Park Hill	Curb	Yellow	7-16
Capitol No parking sign to Park Hill 15' North	Curb	Yellow	7-16
Oakton & Capitol by R&R Crossing to Elm	Curb	Yellow	7-16
Oakton & Elm to W. Wisconsin	Curb	Yellow	7-16
Park from Main to Lake	Curb (Both Sides)	Yellow	7-16
Main from Park to Laundry Mat	Curb (Both Sides)	Yellow	7-16
E. Wisconsin from Oakton to Prospect	Curb	Yellow	7-16
Prospect & E. Wisconsin to E. of Clark	Curb	Yellow	7-16
Clark St Bridge to Prospect & E. Wisconsin	Curb (North Side)	Yellow	7-16
E. Wisconsin & Prospect to Oakton	Curb	Yellow	7-16
E. Wisconsin & Oakton to Village Hall	Curb (Both Sides)	Yellow	7-16
Clark & Oakton to Hickory	Curb	Yellow	7-16
Main & Prospect to Lake	Curb (Both Sides)	Yellow	7-16
Prospect & School to Pirates Pass	Curb (Both Sides)	Yellow	7-16
	Curb (Around Corner Both Sides)	Yellow	7-16

Area to Paint	Type of Painting	Paint Color	Date Completed
Prospect at Pirates Pass	Curb (Around Corner Both Sides)	Yellow	7.17
Lake & Houle Circle to East Cross Walk	Boulevard End Cap	Yellow	7.17
Houle Circle & Lake Cross walk to Lookout	Curb (Both Sides)	Yellow	7.17
Lake & Richmond	Whole Intersection	Yellow	7.17
W. Wisconsin & High to E. End of Parking Lot	Curb (Both Sides)	Yellow	7.17
Well #2 Parking Lot	Curb	Yellow	7.17
W. Wisconsin & Ryan	Whole Intersection	Yellow	7.17
Ryan & Quinlan	Whole Intersection	Yellow	7.17
Lakefront Emergency Lane (2)	Curb / Pavement	Yellow	7.17
W, Wisconsin & High Median	Pavement	Yellow	7.20
Central Park	Symbols / Pavement	Blue	7.21
Capitol in front of Central Park by Ball Field	Symbols / Pavement	Blue	7.21
Well #2 Parking Lot	Symbols / Pavement	Blue	7.21
W. Wisconsin Lakefront	Symbols / Pavement	Blue	7.21
Village Hall	Symbols / Pavement	Blue	7.21
Koepp Park	Symbols / Pavement	Blue	7.21
Lake St By Elementary School	Symbols / Pavement	Blue	7.21
Simons Park	Symbols / Pavement	Blue	7.21

Total White used 135 gal

Total Yellow Used 70 gal

Total Blue Used 2.5 gal



Village of Pewaukee

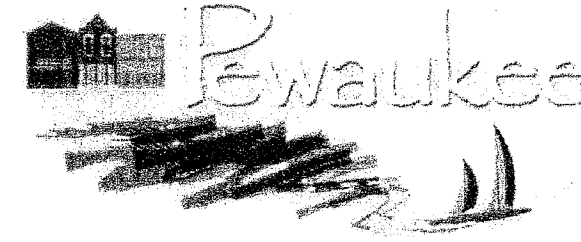
DISCLAIMER:

This map is not a survey of the actual boundary of any property this map depicts.

The Village of Pewaukee does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

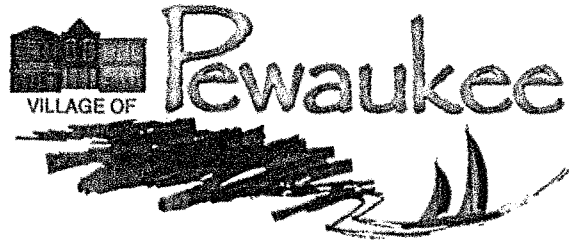


SCALE: 1 = 667'



Village of Pewaukee
 235 Hickory Street
 Pewaukee, WI 53072
 262-691-5660

Print Date: 7/28/2020



PUBLIC WORKS DEPARTMENT
1000 Hickory Street
Pewaukee, WI 53072

Memo

To: Public Works and Safety Committee Members
From: Dan Naze, P.E., Director of Public Works/Village Engineer
Date: July 30, 2020
Re: EPA Mandate on Risk and Resilience Assessments and Emergency Response Plans.

The American Water Infrastructure Act (AWIA) of 2018, Section 2013, requires community water systems that serve more than 3,300 people to complete a risk and resilience assessment and develop an emergency response plan (ERP). The ERP needs to cover all aspects of contemporary utility operations including cyber security, malevolent acts, natural disasters, coordination with other agencies, protection of and alternate water sources, conducting training exercises, meeting EPCRA (Emergency Planning and Community Right to know Act), etc., etc.

The Village (Water Utility) must conduct a risk and resilience assessment and submit certification of its completion to the U.S. EPA by June 30, 2021. Following that we must develop an emergency response plan and certify completion to the U.S. EPA no later than six months after risk and resilience assessment certification. Unfortunately these assessments and plans require significant institutional knowledge and even if contracted will require major time investment.

These are time consuming and burdensome new regulations to meet along with other increasing demands. The attached brochure and FAQ's provide additional detail on the requirements.

Recommendation:

None, informational only.

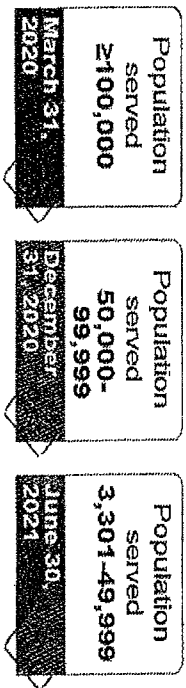
Section 2013 of America's Water Infrastructure Act

Frequently Asked Questions

This document compiles frequently asked questions (FAQs) about the requirements of America's Water Infrastructure Act (AWIA) Section 2013 and is intended to complement the existing information on the EPA's AWIA Section 2013 website.

On October 23, 2018, America's Water Infrastructure Act was signed into law. This law requires community water systems (CWS) serving more than 3,300 people to conduct risk and resilience assessments, prepare or revise emergency response plans (ERP), and certify to the Environmental Protection Agency (EPA or Agency) that this work has been completed. A CWS's risk and resilience assessment (R&RA) certification statement is due to the EPA on specified dates based on population served, see the graphic below, and the ERP certification statement is due to the EPA no later than six months thereafter. Also, CWSs shall review their R&RAs and ERPs at least once every five years after the applicable certification submission deadlines.

More information on these AWIA requirements, as well as information on compliance tools and resources are available on the EPA's website. If you have any questions related to Section 2013 of AWIA, please email the EPA at dwrresilience@epa.gov. The document is divided into six main sections: (1) Community Water Systems Required to Comply Under Section 2013 of AWIA; (2) Community Water System Requirements; (3) Community Water System Compliance; (4) Tools and Resources; (5) Funding; and (6) Contacts and Outreach.



Emergency Response Plan (ERP)
Certify your ERP no later than six months after certification of the risk assessment.

Community Water Systems Required to Comply Under Section 2013 of AWIA

1. Community water systems (CWS) serving a population of 3,301 or greater are required to certify a risk and resilience assessment. How is the EPA determining a CWS's population served?

The EPA is using the population served number that each CWS reported to its respective state for the Safe Drinking Water Information System (SDWIS) database as of the date of AWIA's enactment on October 23, 2018.

2. How does AWIA Section 2013 address small systems that serve less than 3,301 people?

Part (e) of AWIA Section 2013 states, "the Administrator [of the EPA] shall provide guidance and technical assistance to community water systems serving a population of less than 3,300 persons on how to conduct resilience assessments, prepare emergency response plans, and address threats from malevolent acts and natural hazards that threaten to disrupt the provision of safe drinking water or significantly affect the public health or significantly affect the safety or supply of drinking water provided to communities and individuals."

EPA intends to develop guidance for CWSs that serve populations of less than 3,301 people that will be available in late 2020 on the EPA's AWIA website.

3. How does a CWS that sells water calculate its population served in relationship to the AWIA Section 2013 risk and resilience assessment (R&RA) and emergency response plan (ERP) requirements?

When determining population served, CWS wholesalers should account for the community or communities to which they sell or provide water. AWIA Section 2013 requirements also apply to those community water systems with consecutive connections that individually serve less than 3,301 people, but their aggregate population served is greater than 3,300 people.

4. What are the CWS initial R&RA and ERP certification submission deadlines for a new facility that comes online after a compliance deadline has passed?

Each CWS will follow the R&RA and ERP certification submission deadlines based on the population served in the next five-year reporting cycle. For example, a CWS that comes online after the March 31, 2020 deadline and serves 100,000 people or more, is required to certify the completion of its R&RA no later than March 31, 2025.

Five Year Recertification Deadlines

Population Served	Risk and Resilience Assessment	Next 5-Year Cycle Submission Date
≥100,000	March 31, 2020	March 31, 2025
50,000-99,999	December 31, 2020	December 31, 2025
3,301-49,999	June 30, 2021	June 30, 2026
Population Served	Emergency Response Plan*	Next 5-Year Cycle Submission Date*
≥100,000	September 30, 2020	September 30, 2025
50,000-99,999	June 30, 2021	June 30, 2026
3,301-49,999	December 31, 2021	December 31, 2026

*ERP certifications are due six months from the date of the R&RA certification. The dates shown above are certification dates based on a utility submitting a R&RA on the final due date.

5. Are transient non-community water systems or non-transient non-community water systems impacted by Section 2013 of AWIA?

No, Section 2013 of AWIA only applies to community water systems which are defined as public water systems that supply water to the same population year-round.

Transient non-community water systems are public water systems that provide water in a place such as a gas station or campground where people do not remain for long periods of time. A non-transient non-community water system is a public water system that regularly supplies water to at least 25 of the same people for at least six months per year. Some examples are schools, factories, office buildings, and hospitals which have their own water systems. For more information about CWSs please visit this site: <https://www.epa.gov/wwreginfo/information-about-public-water-systems>

6. Should populations served by a CWS's emergency connections be considered when calculating its A WIA compliance service size?

No. Emergency connections are defined as a source that is neither part of a public water system's routine or regular operation nor expected to be used on a seasonal or interim basis. An emergency source is available if an unanticipated event or emergency should arise (e.g., maintaining pressure until a water main is repaired or replaced). Both year-round and seasonal systems may have emergency sources. An emergency source is one that would be used for a limited period of time (e.g., maintaining water pressure). Therefore, emergency connections should not be considered when calculating a CWS's population served.

Community Water System Requirements

1. How do I and how soon can I submit a community water system (CWS) risk and resilience assessment (R&RA) or emergency response plan (ERP) certification?

The EPA strongly recommends that you electronically submit your CWS R&RA and ERP certifications. For information on how to certify, go [here](#). You can also view a video tutorial on how to electronically certify [here](#). You can submit your certification as soon as possible, but no later than the certification deadlines set in Section 2013 of AWIA: see the table above for R&RA and ERP certification submission deadlines. Please note that once a CWS certifies the completion of its R&RA or ERP, they will be unable to electronically recertify for the next five-year R&RA or ERP certification cycle until one year prior to the associated certification deadline date(s).

2. Who is qualified to certify a risk and resilience assessment or emergency response plan on behalf of the CWS?

Each CWS determines who the certifying official will be for the risk and resilience assessment and emergency response plan. There are no specific requirements for the utility certifying official, however, the official must be a utility employee.

3. When certifying completion of a R&RA or ERP using the EPA's electronic certification system, can one User ID be used to certify for more than one CWS, as identified by a Public Water System Identification (PWSID) number?

For those that own or manage more than one community water system, users of the EPA's electronic certification system can register for, create, and use one User ID and password to certify R&RAs and ERPs for multiple PWSID numbers.

4. What are the mandatory components related to cybersecurity in the ERP?

AWIA Section 2013(b) states that ERPs "... shall include strategies and resources to improve the resilience of the system, including...cybersecurity." Thus, while there are no specific cybersecurity requirements outlined in AWIA, CWSs are required to consider cybersecurity

resiliency when developing or updating their ERPs. Please access the following EPA cybersecurity resources for more information:

[Cybersecurity Incident Action Checklist](#) to help water utilities prepare for and respond to cyber incidents.

[Cybersecurity Guide for States](#) to help state primary agencies start a conversation with water systems about cybersecurity threats.

[ERP Template and Instructions](#) to develop an ERP in accordance with AWIA Section 2013(b) requirements, including cybersecurity.

5. What specifically is meant by “financial infrastructure” in the risk and resilience assessment in Section 2013 of AWIA?

Financial infrastructure of a CWS means utility billing, payment, and financial account management systems, including those operated by a third party on behalf of a utility. It does not include measures of financial stability, such as bond rating or asset and debt ratios.

6. Is the “construction of flood protection barriers” required within the ERP referring to temporary or permanent construction?

Flood protection barriers can be either temporary or permanent, depending on the findings and countermeasures identified in the utility’s risk and resilience assessment. CWSs whose risk profile, as determined in their risk and resilience assessment, includes flooding should indicate in their ERP that they considered the following specific flood mitigation actions: 1) the development of alternative source water options; 2) the relocation of water intakes; and 3) the construction of flood protection barriers.

Community Water System Compliance

1. What is the penalty for a community water system (CWS) that does not comply with the risk and resilience assessment (R&RA) and emergency response plan (ERP) certification deadline defined in the law?

If a community water system fails to conduct a R&RA, develop an ERP, and certify those results to the Agency before the statutory deadlines, then the EPA may exercise its enforcement discretion to bring an action to require compliance and may also seek a civil penalty. Note that the EPA exercises its enforcement discretion on a case-by-case basis. Please see Section E, Public water systems regulated under the Safe Drinking Water Act, of EPA’s COVID-19 enforcement discretion memorandum for further information.

Generally, pursuant to Section 1414 of the Safe Drinking Water Act (SDWA), if the EPA finds that a public water system does not comply with any “applicable requirement,” the Agency may issue an order under subsection (g) or commence a civil action under subsection

(b) to require the system to comply. Under SDWA Section 1414, the EPA also has the authority to seek a civil penalty not to exceed \$57,317 (adjusted annually for inflation) for each day in which such violation occurs. “Applicable requirement” is defined in SDWA Section 1414(i) and includes any requirement of SDWA Section 1433.

2. What is the process for requesting an extension of the compliance deadlines in Section 2013 of AWIA?

Please see Section E, Public water systems regulated under the Safe Drinking Water Act, of EPA’s COVID-19 enforcement discretion memorandum for further information. In general, under SDWA Section 1414, whenever the Administrator of the EPA finds that any public water system does not comply with any applicable requirement, including the schedule for certification of assessments required by Section 1433, the Administrator may commence an enforcement action. For violations of an applicable requirement, the Agency may take enforcement to require the system to return to compliance. The EPA may also seek penalties for such violations under SDWA. In short, the EPA cannot change the statutory deadlines in Section 1433. If a CWS fails to certify, it has conducted the required assessment or plan preparation or revisions by the applicable deadline, then it is in noncompliance. The EPA has enforcement discretion in terms of how it responds to such noncompliance.

Please see this page for a list of resources and tools that can assist CWSs in complying with AWIA.

3. What is the relationship between AWIA Section 2018 (e.g., chemical storage, release, and notification) and the R&RA and emergency response plan (ERP) requirements under AWIA Section 2013?

AWIA Section 2018 amends the Emergency Planning and Community Right to Know Act (EPCRA), specifically Sections 304, Emergency Release Notification, and 312, Hazardous Chemical Reporting. Currently, facilities that handle or store an extremely hazardous substance (EHS) under EPCRA or hazardous substance (HS) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) at specified threshold planning quantities (listed in regulation) are regulated by EPCRA. Under Section 304, if a facility spills an EHS at or above the reportable quantity (listed in regulation), the owner/operator must notify the State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC) immediately. If a facility spills a CERCLA HS, the owner/operator must also immediately notify the National Response Center in addition to notifying the SERC and LEPC. Under the new EPCRA Section 304 amendments in AWIA, a SERC that is notified must forward the initial notification and subsequent follow-up notification to the state drinking water primary agency and the primary agency must forward the notifications to any community water system whose source could be affected by the release.

In addition, AWIA Section 2018 amends EPCRA Section 312 to give community water systems the right to hazardous chemical inventory data (referred to as a tier II inventory) for any facility subject to annual EPCRA reporting requirements that falls within that community water system's source water protection area. The community water system must make the request to the SERC or LEPC.

AWIA Section 2013 also requires water systems to coordinate with their LEPCs to the extent possible when preparing or revising their risk assessment and emergency response plan. This coordination ensures the community ERP includes any chemicals used by the water system and that the water system has access to Tier 2 hazardous chemical inventory data and obtains release notifications required under EPCRA Section 304. Community water systems can use the Tier II chemical inventory information to update their risk assessment. They can also use the notification procedures and results of any potential chemical spill risk to update their ERP.

Tools and Resources

1. How do I certify my Section 2013 AWIA-compliant risk and resilience assessment (R&RA) or emergency response plan (ERP)?
Please visit the EPA's website for more information on how to certify a CWS R&RA and ERP. Also please see a PDF document tutorial explanation or a video tutorial.
2. What training or resources does the EPA have available to assist CWSs with meeting the requirements under Section 2013 of AWIA?

The EPA has developed several tools and resources to aid in complying with AWIA Section 2013 requirements. For the risk and resilience assessment, the EPA has created the VSAT Web 2.0 Tool and the Baseline Information on Malicious Acts for CWSs. The EPA has also developed Guidance for Small Community Water Systems on Risk and Resilience Assessments under America's Water Infrastructure Act, which will be available in June 2020. The EPA created the Emergency Response Template and Guidance to support compliance with the Emergency Response Plan requirements.

3. Which standards can a CWS use to comply with the R&RA and/or ERP requirements?
Section 2013 of AWIA does not require the use of any standards, methods or tools for the R&RA or ERP. Your utility is responsible for ensuring that the risk and resilience assessment and emergency response plan address all the criteria in AWIA Section 2013(a) and (b), respectively. The EPA recommends the use of standards, including American Water Works Association's 1100-10 Risk and Resilience Management of Water and Wastewater Systems, the EPA's ERP guide and template, along with the EPA's Vulnerability Self-Assessment Tool Web 2.0 or Guidance for Small Community Water Systems on Risk and Resilience Assessments under America's Water Infrastructure Act, to facilitate sound risk and resilience assessments and emergency response plans.

4. Can the current version (Web 2.0) of the EPA's Vulnerability Self-Assessment Tool (VSAT) be used to conduct a compliant risk and resilience assessment?
Yes. VSAT Web 2.0 has been updated to meet the requirements of Section 2013 of AWIA. The EPA recommends using VSAT Web 2.0 as a resource to complete an AWIA-compliant risk and resilience assessment.

5. Can I familiarize myself with VSAT Web 2.0 without being tied to a specific utility, such as remaining anonymous, prior to using the tool for the CWS's risk and resilience assessment?
Yes. Any individual can use VSAT Web 2.0 to develop a test utility and familiarize themselves with the tool.

6. Who can I contact for additional questions regarding VSAT Web 2.0 or the Emergency Response Plan Guidance and template?
Please email the EPA at dvrresilience@epa.gov.

7. What tools are available for CWSs to meet the cybersecurity assessment component of the risk and resilience assessment and emergency response plan, as required for AWIA Section 2013?
Cybersecurity is one of the concerns addressed within the VSAT Web 2.0 tool and emergency response plan guide and template. In addition, you can use the EPA's Cybersecurity Incident Action Checklist for water utilities, and the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency offers a wealth of guidance on cybersecurity.

8. What tools are available to assist in conducting a financial infrastructure assessment, as required by AWIA?
The main, high-risk threat on financial infrastructure is "Cyber Attack Business Enterprise Systems," as identified in the EPA's Baseline Information on Malicious Acts document. This document provides information on estimating the threat likelihood, along with references to additional resources to reduce risk. For additional information, the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency offers more guidance on cybersecurity.

Funding Assistance

1. Is there funding available for conducting the risk and resilience assessment (R&RA) to meet the A WIA Section 2013 requirements?

Currently, there is not one stream of funding that is designated specifically to address the new risk assessment requirement. However, conducting a risk assessment is considered an eligible project under the EPA's Drinking Water State Revolving Fund (DWSRF). The risk assessment may yield a project that the utility may want to invest in to improve the overall system resilience. Each state develops a list of priority projects for funding under the DWSRF, so please check with your state to see if they have set aside funds for this function specifically.

2. Are there grants or funding specifically available to small CWSs in order to meet the requirements under Section 2013 of A WIA?

Currently, no funding has been appropriated by Congress.

Contacts and Outreach

1. Who can I contact from the EPA for more information?

For A WIA Section 2013 or 2018 questions, please email the EPA at dwrresilience@epa.gov. For specific questions related to Emergency Planning and Community Right-to-Know Act (EPCRA), reach out to the EPA's Regional EPCRA contacts at: <https://www.epa.gov/epcra/epcra-regional-contacts>