



1.0 Authority

State Statute 346.94 (5) states: No person shall place or cause to be placed upon a highway any foreign substance which is or may be injurious to any vehicle or part thereof. The penalty for which is stated in State Statute 346.95(3): Any person violating s. 346.94 (5) or (14) shall be required to forfeit \$50 for each offense.

2.0 Maintenance Responsibilities

The Department has a public obligation to effectively operate the state highway system for reliable and safe travel. In carrying out this stewardship role, it is essential appropriate measures be taken to address known conditions that might result in hazards to highway users. When snow or ice incidents occur due to snow making operations, response to the potential hazard should be through the County Highway Department (the winter service provider.) The County Highway Commissioner or County Patrol Superintendent should notify the Wisconsin Department of Transportation maintenance staff, and the staff will assist the county as needed.

3.0 Guidance

If manufactured snow is believed to be a problem on a highway, the following sequential actions are recommended:

1. Regional office investigates incidents, complaints, or crashes in suspect zone, and notifies service provider of concerns.
2. Winter Service Provider documents mobilizations in suspect zones for treatment in storm reports as incidents.
3. Regional office contacts BHM to gather and save weather data for zone and storm events (or lack of storm events.)
4. Regional office meets with owner / ski hill operator and shares results of findings from above. Notes of the meeting should be written to assist in making a plan. A reasonable plan should be developed on how to eliminate this problem in future. A plan may include reduced or no snow making on days where wind direction and speed may produce undesirable results. Moving snow making equipment to a different location may also be part of the plan. Every effort should be made to work together and eliminate the need for future legal action.
5. When regional personnel cannot come to a viable snow-making plan with ski hill operator, OR if ski hill operator is non-compliant with previously agreed upon plan, region staff and winter service provider will gather crash data and indicate severity of situation to BHM.
6. When subsequent meetings with the non-compliant owner / ski hill operator are needed, law enforcement should be involved. Law enforcement should make the owner/ski hill operator aware of crash reports potentially indicating causes attributed to artificial snow being placed on the roadway as causes or factors.

4.0 Non-Compliance

After steps 1 through 5 in section 3.0 have been completed and a non-compliant ski hill operator has been identified, law enforcement should be contacted and provided with the following information:

1. WisDOT's position is snow placed on the roadway as a result of snowmaking operations is not considered an "act of God" therefore is done at the liability risk of the ski hill operator.
2. WisDOT, through the county highway department, as the winter service provider, will continue to respond and treat the roadway if necessary when snowmaking operations cause the roadway to be slippery.

3. Law enforcement officers should cite the ski hill operators when it is deemed the hazardous condition on the roadway is caused by the snowmaking operations of the ski hill. The citation should be under State Statute 346.95(3).

5.0 Maintenance Costs

All costs for equipment, manpower, and materials shall be documented when responding to substances on the roadway placed by snow making operations. These costs shall be kept separate from other maintenance activities by using a separate Damage Claim ID number. The costs shall include all call out hours as well as any office personnel's time.

6.0 Official Correspondence

All correspondence with the ski hill operator/owner, law enforcement, Department staff, counties, and other interested parties shall be recorded and kept in a file (sorted by each recurring incident.)

7.0 Recovering the Costs

All costs associated with responding to snow deposited on the roadway by snowmaking operations shall be billed to the ski hill operator.

If the ski hill operator does not respond to a billing, the regional damage claim coordinator can follow the "Damage Claim Process" to start a claim which can be used by DOT-Risk Management. The claim will likely not have an accident report, so the regional staff will have to collect as much information as possible about the claim including highway location, name & address of the Ski Hill and include the Contractor charges Worksheet (form Dt1785) with the counties charges on it. This information is needed by the regional damage claim coordinator. The Risk Management Unit will then proceed with the claim.