



# 14.0 R E S T R I C T E D U S E P O L I C I E S

- 14.0 RESTRICTED USE POLICIES
- 14.1 CAMPING
- 14.2 GEOCACHING
- 14.3 HUNTING
- 14.4 LONG-TERM PARKING
- 14.5 PAN HANDLING/SOLICITING
- 14.6 SMOKING
- 14.7 TRASH--DUMPING OF HOUSEHOLD GARBAGE
- 14.8 VEHICLES – ABANDONED AT REST AREAS AND WAYSIDES
- 14.9 SERVICE ANIMALS AT REST AREAS
- 14.10 NON-SERVICE ANIMALS AT REST AREAS

# **Wisconsin Rest Area Maintenance (RAM) Program**

## ***Restricted Use Policies Introduction***

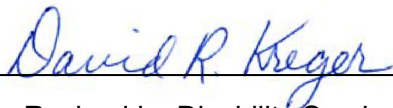
This Section is intended to provide RAM service providers with appropriate Wisconsin Statutes and Wisconsin Department of Transportation guidelines regarding the public use of Department rest areas, seasonal waysides and other roadside facilities. It is necessary to ensure that all Department operated roadside facilities provide a safe environment for the traveling public at all times.

If you have any questions about any of these policies or would like to recommend a section, please contact the DSPN office by phone or e-mail.

# Wisconsin Rest Area Maintenance Program **Camping Policy**

A. Roadside sites are provided for the safety, comfort, convenience and enjoyment of the traveling public. Activities which are not safety related are not compatible with the intended use of the roadside facility. Wisconsin Department of Transportation policy prohibits camping by any person on public highways or adjacent lands. This policy is supported by the following Wisconsin Statute.

1. **Wisconsin Statutes 86.025, Camping on highways.** It shall be unlawful for any person or persons to camp in wagons, tent or otherwise on the public highways or lands adjacent thereto, after a notice to remove therefrom by the owners of such adjacent lands, or the owner of land abutting on the highway, or by a member of the board of supervisors or any trustee of any town or village where such camping place is made. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$10 or imprisoned in the county jail not exceeding 30 days, or both.



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# Wisconsin Rest Area Maintenance Program Geocaching / Metal Detection Policy

A. Geocaching at Wisconsin Department of Transportation Roadside Facilities is not permitted at Department roadside facilities.

1. **What is Geocaching?**

Geocaching is an adventure game for GPS users. The basic idea is to have individuals and organizations set up caches\* all over the world and share the locations of these caches on the internet. GPS users can then use the location coordinates to find the caches. Once found, a cache may provide the visitor with a wide variety of rewards. All the visitor is asked to do, if they find a cache, is to leave something in the cache for the next person.

2. **Department Policy**

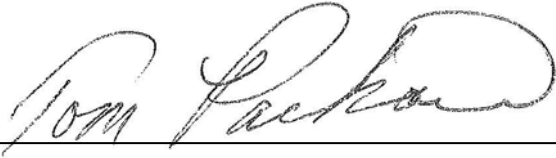

The Wisconsin Department of Transportation has reviewed geocaching activity information in March 2005 and has indicated that it will not be allowed at Department roadside facilities. This is something that the Department cannot allow at rest areas, Wisconsin Welcome Center's, or even at their waysides for reasons of liability/safety. They do not wish to open the door to other activities such as paintball, regular sports activities/leagues, ultimate frisbee, etc. all of which present problems. They will not allow any of this type of activity at any of their roadside facilities. Any geocaching activity that has already been initiated should be terminated. The Department has no problem with this "geocaching" activity in and of itself - it just doesn't belong in the Department's roadside facilities.

**Please inform DSPN if you receive a request to geocache or if you discover this type of activity already occurring at a Department roadside facility.**

\*\*"Caches" are often small metallic or plastic boxes placed in less than obvious places on a site. However, do not assume that any such item found is harmless. Always call authorities to secure and remove such items from the site.

## **Recreational Metal Detecting:**

Roadside sites are provided for the safety, comfort, convenience and enjoyment of the traveling public. Activities which are not safety related are not compatible with the intended use of the roadside facility. Therefore, the recreational use of metal detectors by the public is not allowed.

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# Wisconsin Rest Area Maintenance Program *Hunting Policy*

A. There have been instances in the past where people have been found hunting on Wisconsin Department of Transportation roadside facility properties. It is necessary to ensure that all Department operated roadside facilities provide a safe environment for the traveling public at all times. This includes safety during various hunting seasons. No person may load or discharge a firearm on roadside facility property (other than law enforcement officers). Wisconsin Department of Transportation policy prohibits hunting on highway right-of-way land and is supported by state statutes. Roadside facilities (including rest areas, welcome centers, waysides, scenic overlooks, historical marker sites, welcome signs, and table sites) are considered to be part of the highway right-of-way. If you discover people hunting on roadside facility properties, the following laws can be cited to prohibit them from continuing to hunt on the properties.

1. **Wisconsin Statute 167.31(2)(c)** No person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle. Because our turnouts are part of the highway, people shooting within these turnouts are violating s. 167.31(2) (d), Stats. They need to get off Department highway lands before shooting.
2. **Wisconsin Statute 167.31(2)(d)** Except as provided in sub. (4)(a), (bg), (cg), (e) and (g), no person may discharge a firearm or shoot a bolt or an arrow from a crossbow from or across a highway or within 50 feet of the center of the highway or within 50 feet of the center of a roadway. "Roadway and highway are not synonymous. The "highway" is the entire right-of-way;
  - a. 340.01 (54) "Roadway" means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway collectively.
  - b. 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 purpose 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 grounds of public schools, as defined in sub. (46)
  - c. 334 N.W. 2d 77 (1983) Except for disabled people with permits, guns cannot be shot from vehicles.
  - d. 167.41 (4) Exceptions to the rule are many and varied. The significant exception is disabled people with permits.

<i>David R. Keger</i>	12/08/05
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# Wisconsin Rest Area Maintenance Program

## *Long Term Parking Policy*

Roadside sites are provided for the safety, comfort, convenience and enjoyment of the traveling public. Long term parking at highway rest areas is not allowed, as it is not consistent with the purpose and design of the facilities and can cause problems relative to the use and maintenance of the site.

Long term would be considered as vehicles parked at a roadside site for more than a 24-hour continuous period, occupied or not. If a vehicle is parked at a roadside facility for more than this time period, it will be reported to the State Patrol and the procedure for removal will begin. Maintenance supervisory personnel can use their discretion in emergency situations. Refer to Section 14.8 – Abandoned Vehicles, for more information.

*David R. Keger*

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*Thomas A. VonBeck*

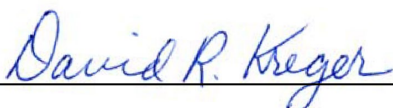

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# Wisconsin Rest Area Maintenance Program *Soliciting/Pan Handling Policy*

- A. Panhandling or Unauthorized Solicitation is not allowed at Wisconsin Department of Transportation roadside facilities.
  - 1. "Panhandling" means asking for money on the street.
  - 2. "Solicit and Solicitation" means to approach with a request or plea.
  
- B. There is no specific state statute which addresses panhandling or unauthorized solicitation at roadside facilities. The Wisconsin Department of Transportation State Highway Maintenance Manual, Section 80.20 (A) General Policy, states that "roadside sites are provided for the safety, comfort, convenience, and enjoyment of the traveling public to use the facilities (rest rooms, etc.). Activities which are not safety related are not compatible with the intended use of the roadside site."
  
- C. Panhandling and Unauthorized Solicitation is not a safety related activity.
  - 1. No receptacle or signage for donations, or receipt of contributions is allowed without a permit from the Department. No individual(s) may demand, threaten, or have intimidating contact with the public. No individual(s) may obstruct, delay, or interfere with or distract from the free movement of either pedestrians or vehicular traffic, or hamper or impede the conduct of any authorized business. Rest area maintenance supervisory personnel may request that any person(s) soliciting / panhandling leave the premises. The State Patrol should be notified if the individual(s) refuse to leave.
  - 2. Authorization may be given, by permit from the Wisconsin Department of Transportation, to nonprofit organizations to organize "safety or wake breaks" and serve free non-alcoholic beverages (coffee, soft drinks, etc.) to the traveling public. The specific activity must relate to highway safety.

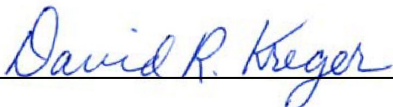
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# Wisconsin Rest Area Maintenance Program Smoking Policy

A. For public health and safety, smoking is not allowed in roadside facilities. If you discover people smoking in roadside facilities, the following laws can be cited to prohibit them from continuing to smoke in the facilities.

1. **Wisconsin Statute: 101.01(12)** "Public building" means any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).

- a. 101.123 Smoking prohibited.
- b. 101.123(2) (a)
- c. (a) Except as provided in sub. (3), no person may smoke in the following places:
- d. 101.123(2) (a) 1. Public conveyances.
- e. 101.123(2) (a) 2. Educational facilities.
- f. 101.123(2) (a) 3. Inpatient health care facilities.
- g. 101.123(2) (a) 4. Indoor movie theaters.
- h. 101.123(2) (a) 5. Offices.
- i. 101.123(2) (a) 6. Passenger elevators.
- j. 101.123(2) (a) 7. Restaurants.



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# Wisconsin Rest Area Maintenance Program *Dumping of Household Garbage Policy*

A. Roadside facilities (including rest areas, waysides, scenic overlooks, historical marker sites, welcome signs, and table sites) are considered to be part of the highway right-of-way. No person may dispose of household garbage, waste, or hazardous materials on Wisconsin Department of Transportation roadside facility properties. If you discover people disposing garbage or other materials on roadside facility properties, the following Wisconsin Statutes can be cited to prohibit them from continuing.



1. **Wisconsin Statute: 287.81 Littering.**
  - a. 287.81(2) Except as provided in sub. (3), a person who does any of the following may be required to forfeit not more than \$500:
  - b. 287.81(2) (a) Deposits or discharges any solid waste on or along any highway, in any waters of the state, on the ice of any waters of the state or on any other public or private property.

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# Wisconsin Rest Area Maintenance Program

## ***Abandoned Vehicles at Rest Areas and Waysides***

- A. People leave their vehicles at Wisconsin Department of Transportation (Department) highway rest areas and waysides for several days at a time. Often these vehicles turn out to be abandoned. This becomes a problem due to lack of parking spaces during the busy summer season, creating obstacles for winter parking lot maintenance, and also as an added safety concern in light of homeland security issues.
1. The Department has instructed that any vehicle that sits unattended for 24 hours at a site should be immediately reported to the Regional State Patrol Office. If there is no response from the State Patrol Office, please contact Disability Service Provider Network at 608-661-2917.

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# Wisconsin Rest Area Maintenance Program

## Service Animals at Rest Areas

A. A person with disabilities or a service animal trainer who is accompanied by a service animal is permitted to accompany the person with a disability or the service animal trainer to all areas of the public place that are open to the general public. This would include restrooms, vending area and any information available inside the facility.

**1. Wisconsin Act: 354**

- a. 106.52 (1) (fm) "Service animal" means a guide dog, signal dog, or other animal that is individually trained or is being trained to do work or perform tasks for the benefit of a person with a disability, including the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.
- b. 106.52 (3) (am) 2. Subivision 1. Applies to a service animal trainer only if the animal accompanying the service animal trainer is wearing a harness or a leash and special cape. Does not prohibit a person who is accompanied by an animal from being asked whether the animal is a service animal that is being trained to be a service animal and does not prohibit a service animal trainer from being required to produce a certification or other credential issued by a school for training service animals that the animal is being trained to be a service animal. Prohibits a person with a disability from being required to produce documentation of his or her disability or a certification or other credential that the animal is trained as or is being trained to be a service animal.
- c. 106.52(3) (am) 4. A public place of accommodation or amusement shall modify its policies, practices, and procedures to permit the full and equal enjoyment of the public place of accommodation or amusement by a person with a disability or a service animal trainer who is accompanied by a service animal. Those policies, practices, and procedures shall ensure that a person with a disability or a service animal trainer who is accompanied by a service animal is not separated from the service animal, that the service animal is permitted to accompany the person with a disability or the service animal trainer to all areas of the public place of accommodation or amusement that are open to the general public, and that the person with a disability or the service animal trainer is not segregated from other patrons of the public place of accommodations or amusement.

  
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# Wisconsin Rest Area Maintenance Program

## *Non-Service Animals at Rest Areas*

- A. All animals other than service animals whether in transport cages or not, may not be allowed into the rest area building. Non-service animals are to be confined either in the owner's vehicle or may use the pet walk area when accompanied by the owner. All animals are to be on a leash while on the rest area premises.

See Section 14.9 of the Program Manual for additional information.



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