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Chapter NR 6

SNOWMOBILE STANDARDS CERTIFICATION AND SNOWMOBILE RAIL CROSSINGS

Subchapter I — Snowmobile Standards Certification

NR 6.01	Purpose.
NR 6.02	Applicability.
NR 6.03	Definitions.
NR 6.05	Department approval.
NR 6.06	Modification.
NR 6.07	Inspection.
NR 6.08	Testing criteria.
NR 6.09	Races and derbies.
NR 6.11	Display of trail use sticker.

NR 6.12 Transfer of trail use sticker.

Subchapter II — Snowmobile Rail Crossings

NR 6.40	Purpose.
NR 6.41	Definitions.
NR 6.42	Maintenance standards for established snowmobile rail crossing.
NR 6.43	New snowmobile rail crossing standards.
NR 6.44	Maintenance standards for new rail crossings.
NR 6.45	Liability insurance for new and established rail crossings.
NR 6.46	Variations.

Note: Chapter NR 6 as it existed on February 28, 1977, was repealed and a new Chapter NR 6 was created effective March 1, 1977.

Subchapter I — Snowmobile Standards Certification

NR 6.01 Purpose. The purpose of this subchapter is to establish procedures for certification of snowmobile equipment standards pursuant to s. 350.09, Stats., and establishes requirements for snowmobile races and derbies.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. Register, November, 1989, No. 407, eff. 12-1-89; am. Register, May, 1995, No. 473, eff. 6-1-95.

NR 6.02 Applicability. The provisions of this subchapter are applicable to all snowmobiles which are manufactured, sold or offered for sale within the state of Wisconsin.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. Register, May, 1995, No. 473, eff. 6-1-95.

NR 6.03 Definitions. In this subchapter and in ch. 350, Stats., these definitions shall apply.

- (1) "Department" means the department of natural resources.
- (2) "Headlamp" has the meaning designated in s. 340.01 (21), Stats.
- (3) "Raceway facility" means an area, including a marked warmup and testing area, specifically designated by a sponsor for the purpose of conducting a sanctioned race or derby for which any required local permits have been obtained.
- (4) "Sanctioned race or derby" means a competitive snowmobile event sponsored by a local unit of government, chamber of commerce, snowmobile club, promoter or similar organization.
- (5) "Snowmobile" has the meaning designated in s. 340.01 (58a), Stats.
- (6) "Sound level" (noise) means total noise emission from the entire snowmobile.
- (7) "Tail lamp" has the meaning designated in s. 340.01 (66), Stats.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; renum. (1) to (5) to be (5), (1), (6), (2) and (7), cr. (intro.), (3) and (4), Register, November, 1989, No. 407, eff. 12-1-89; am. (intro.) Register, May, 1995, No. 473, eff. 6-1-95.

NR 6.05 Department approval. (1) No snowmobile manufactured after January 1, 1977 may be sold or offered for sale by any manufacturer, distributor or dealer in the state of Wisconsin unless such snowmobile is constructed so as to meet the requirements of s. 350.09, Stats. Proof of compliance with the foregoing requirements shall be in the form of either:

(a) A Snowmobile Safety and Certification Committee, Inc. certified label conspicuously attached to the snowmobile, showing that such snowmobile meets the requirements of s. 350.09, Stats., or

(b) A letter from the applicant to the Wisconsin Department of Natural Resources, Box 7921, Madison, Wisconsin 53707 (atten-

tion: Snowmobile Safety Section) listing the following information on each model of snowmobile:

1. The description and model number of the snowmobile to be approved;
2. A copy of the test results required by s. NR 6.08 done by an independent testing laboratory currently engaged in the examination, testing and evaluation of noise control devices and which maintains or employs adequate staff and facilities to perform such function;
3. A certificate certifying that the snowmobile has been tested in accordance with s. NR 6.08 and meets the requirements of s. 350.09, Stats.

(2) The certification and test reporting procedure followed shall be approved by the department, provided that:

(a) The snowmobile has a S.S.C.C. label conspicuously attached, showing that said snowmobile meets the requirements of s. 350.09, Stats., and has been tested in accordance with the provisions of s. NR 6.08, or

(b) Certification has been obtained from an independent testing laboratory as defined in sub. (1) (b) 2., and said certification and test report states that the equipment has been tested in accordance with the provisions of s. NR 6.08. The certification shall be accompanied by a full and complete test report setting forth the specifications and the general conditions under which the test was conducted.

(3) Upon receipt of a copy of an acceptable certification under sub. (2) (b), the department shall by letter notify the applicant that the snowmobile has been approved and that it may legally be manufactured, imported, offered for sale and sold in the state of Wisconsin.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

NR 6.06 Modification. No manufacturer shall modify a snowmobile on which approval has been issued so as to change its conformance with the requirements of s. 350.09, Stats., without resubmission of the modified snowmobile for approval in the same manner as required for the original snowmobile.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

NR 6.07 Inspection. The department may, in order to insure compliance with the requirements contained in s. 350.09, Stats., and s. NR 6.08 inspect during normal business hours any snowmobile manufacturing plants and any snowmobile being offered for sale in the state of Wisconsin by commercial dealers.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

NR 6.08 Testing criteria. Testing criteria are as follows:

- (1) **SOUND LEVEL LIMIT.** (a) The total vehicle noise produced by every snowmobile manufactured after July 1, 1972 and offered for sale or sold in the state of Wisconsin shall not exceed 82 dB

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on an A weighted network at 50 feet when measured in accordance with the procedures required herein.

(b) The total vehicle noise produced by every snowmobile manufactured after July 1, 1975 and offered for sale or sold in the state of Wisconsin shall not exceed 78 dB on an A weighted network at 50 feet when measured in accordance with the procedures required herein.

(c) The sound level requirements and testing criteria of the Society of Automotive Engineers Technical Report J192a, as amended 1975, shall be adhered to in certifying compliance with snowmobile sound level requirements.

(2) **HEADLAMP REQUIREMENTS.** After February 12, 1970 the headlamp(s) on a snowmobile may be of the single beam or multi-beam type; in either case, the headlamp requirements and testing criteria of the Society of Automotive Engineers Technical Report J280, as amended 1973, shall be adhered to.

(3) **TAIL LAMP REQUIREMENTS.** After February 12, 1970 the tail lamp(s) on a snowmobile shall adhere to the tail lamp requirements and testing criteria of the Society of Automotive Engineers Technical Report J279, as amended 1972.

(4) Copies and amendments of the 1975 Society of Automotive Engineers Technical Report J192a, entitled "Exterior Sound Levels for Snowmobiles"; 1973 Society of Automotive Engineers Technical Report J280, entitled "Snowmobile Headlamps"; and 1972 Society of Automotive Engineers Technical Report J279, entitled "Snowmobile Tail Lamps", are available for inspection in the following offices:

(a) The Department of Natural Resources, 101 S. Webster St., Madison, Wisconsin.

(b) The Office of the Secretary of State, 30 W. Mifflin St., Madison, Wisconsin;

(c) The Legislative Reference Bureau, One East Main St., Madison, Wisconsin. Copies may also be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, Pennsylvania 15096.

(5) Copies of the Snowmobile Safety and Certification Committee, Inc. minimum safety standards for snowmobile product manufacture, entitled "Safety Standards for Snowmobile Product Certification" October 15, 1974, are available for inspection in the following offices:

(a) The Department of Natural Resources, 101 S. Webster St., Madison, Wisconsin;

(b) The Office of the Secretary of State, 30 W. Mifflin St., Madison, Wisconsin;

(c) The Legislative Reference Bureau, One East Main St., Madison, Wisconsin. Copies may also be obtained from the Snowmobile Safety and Certification Committee, Inc., Suite 850 South, 1800 M Street, NW, Washington, D. C. 20036.

(6) **REFUSAL TO ALLOW TESTING.** No operator or owner of any snowmobile may deny inspection of the equipment or operating system of a snowmobile or may refuse to operate his or her snowmobile in a manner prescribed by the law enforcement officer who reasonably suspects a violation of snowmobile equipment requirements found in either ch. 350, Stats., or this subchapter.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; corrections in (4) and (5) made under s. 13.93 (2m) (b) 6., Stats., Register, January, 1989, No. 397; cr. (6), Register, December, 1999, No. 528, eff. 1-1-00; correction in (4) (c) and (5) (c) made under s. 13.93 (2m) (b) 6., Stats., Register, December, 1999, No. 528; **corrections in (4) (c) and (5) (c) made under s. 13.92 (4) (b) 6., Stats.**

NR 6.09 Races and derbies. The sponsor conducting a sanctioned race or derby when on the frozen surfaces of public waters shall:

(1) Make provisions to keep spectators from within 100 feet of a race or derby.

(2) Give prior notice of the race or derby to the local conservation warden or law enforcement agency having jurisdiction.

History: Cr. Register, November, 1989, No. 407, eff. 12-1-89.

NR 6.11 Display of trail use sticker. No person may operate and no owner may permit operation of a snowmobile which is subject to the snowmobile trail sticker requirement of s. 350.12 (3), Stats., unless a snowmobile trail sticker is permanently affixed by its own adhesive to the bottom center portion of the snowmobile windshield. If there is no windshield, the sticker shall be displayed in a highly visible location on the front of the cowling of the snowmobile.

History: Cr. Register, December, 1999, No. 528, eff. 1-1-00.

NR 6.12 Transfer of trail use sticker. Once affixed a trail use sticker may not be removed or transferred to another snowmobile.

History: Cr. Register, December, 1999, No. 528, eff. 1-1-00.

Subchapter II — Snowmobile Rail Crossings

NR 6.40 Purpose. The purpose of this subchapter is to establish maintenance, design and construction standards for snowmobile railroad crossings.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95.

NR 6.41 Definitions. In this subchapter these definitions shall apply:

(1) "Established snowmobile rail crossing" has the meaning given in s. 350.139 (1) (a), Stats.

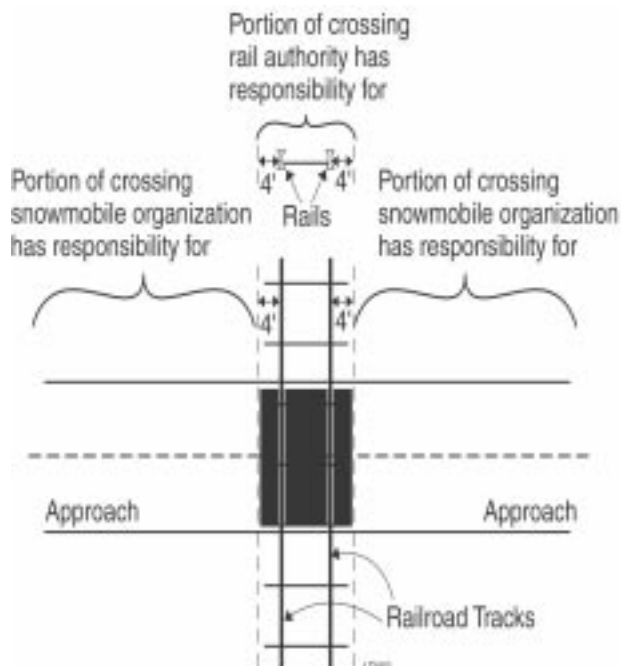
(2) "Rail authority" has the meaning given in s. 350.138 (1) (b), Stats.

(3) "Snowmobile organization" has the meaning given in s. 350.138 (1) (f), Stats.

(4) "The portion of the snowmobile rail crossing for which the rail authority has responsibility" means the area on the track and that portion of the crossing that extends outward 4 feet from each outer rail.

(5) "The portion of the snowmobile rail crossing for which the snowmobile organization has responsibility" means the area of the crossing that is outside of the portion of the crossing that extends outward 4 feet from each outer rail.

Note: The following illustration graphically describes the areas defined in subs. (4) and (5).



History: Cr. Register, May, 1995, No. 473, eff. 6-1-95; **CR 02-044: cr. (4) and (5) Register November 2002 No. 563, eff. 12-1-02.**

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NR 6.42 Maintenance standards for established snowmobile rail crossing. A snowmobile organization shall assist a rail authority in maintaining an established snowmobile rail crossing in the following manner:

(1) The snowmobile organization shall maintain adequate drainage along the snowmobile trail approaching the rail crossing and along the portion of the snowmobile rail crossing for which the snowmobile organization has responsibility, both in the snowmobile and non-snowmobile season, to prevent the pooling of water or saturation of the track subgrade.

(2) The snowmobile organization shall be responsible for furnishing, installing and maintaining in a legible condition all signs at the crossing including crossbucks, crossing placards and snowmobile STOP signs, and all signs prior to the crossing including an advance railroad crossing caution sign. The snowmobile organization shall comply with the sign specifications and posting requirements described in s. NR 6.43 (3).

(3) During the winter season, no snow may be compacted by snowmobile trail grooming machinery on the portion of the snowmobile rail crossing for which the rail authority has responsibility. Any snow deposited on this portion of the rail crossing by the grooming machinery shall be removed manually by the operator of the trail grooming machinery after the machinery is clear of this area of the crossing.

(4) A snowmobile organization may not perform any maintenance work on the portion of the snowmobile rail crossing for which the rail authority has responsibility with the exception of the snow removal work required under sub. (3). The rail authority shall maintain the portion of the snowmobile rail crossing for which the rail authority has responsibility. The snowmobile organization shall maintain the portion of the snowmobile rail crossing for which the snowmobile organization has responsibility.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95; CR 02-044: r. and recr. Register November 2002 No. 563, eff. 12-1-02.

NR 6.43 New snowmobile rail crossing standards.

(1) **CONSTRUCTION RESPONSIBILITY.** All permitted snowmobile rail crossings shall be constructed in the following manner:

(a) The rail authority or its contractor shall construct the portion of the snowmobile rail crossing for which the rail authority has responsibility.

(b) All other construction of the snowmobile rail crossing shall be performed by the snowmobile organization or its contractor.

(2) **DESIGN AND CONSTRUCTION STANDARDS.** (a) *Horizontal alignment.* The intersection between the snowmobile trail and the railroad track shall be as close to 90° as possible, but may not be less than a 70° angle on either side of the track. The alignment within 30 feet of the outside rail on either side shall be a straight line.

(b) *Vertical alignment.* The surface, without snow, of the snowmobile trail approaching the crossing for a distance of 26 feet from 4 feet outside the nearest rail may not be higher than one foot lower than the top of the nearest rail or 1.5 foot lower than the top of the nearest rail.

(c) *Drainage.* Where the grade of the snowmobile trail approach descends toward the crossing, provisions shall be made to intercept surface and subsurface drainage and discharge it laterally. Routing of drainage may require ditches, culverts, french drains, piping, geotextile fabrics or combinations of these improvements.

(d) *Train speed.* Public snowmobile trail crossings may not be sited across rail lines where the maximum allowable speeds through the section of track exceed 69 miles per hour.

(e) *Sight distances.* The snowmobile rail crossing shall be located so that when stopped on the crossing approach at the crossbuck and posted STOP sign, the snowmobile operator has a

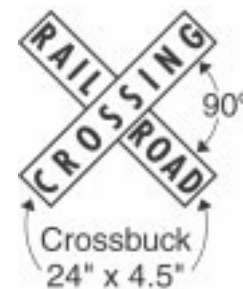
sight distance along the tracks in both directions, free of obstructions, to determine whether a train is approaching. The position from which the sight distance is measured is 15 feet outward from the nearest rail. The sight distances set forth in Table 1 for the corresponding maximum allowable train speeds shall be available in both directions from this position. Snowmobile rail crossings may not be sited at locations where sight distances are less than specified in Table 1.

Table 1

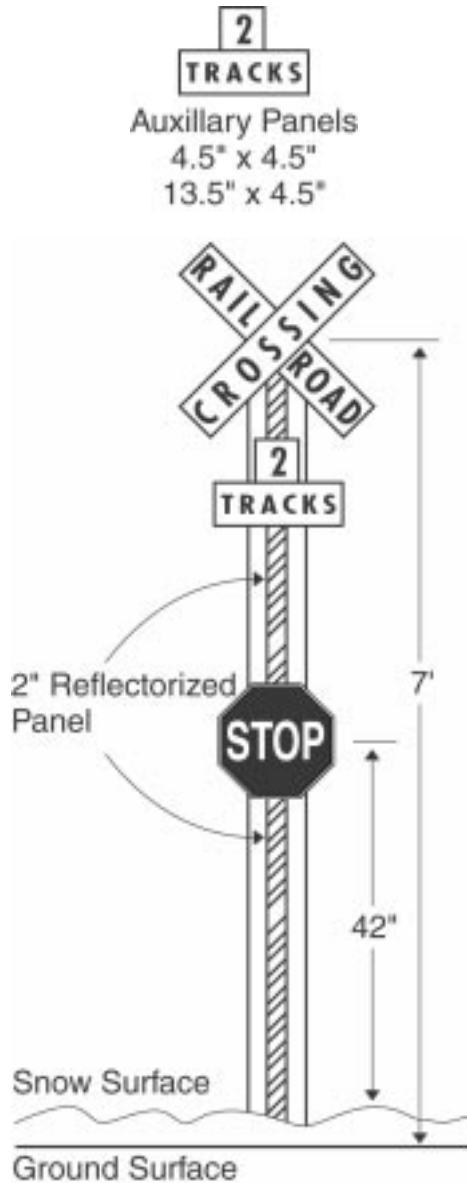
Maximum Allowable Train Speed (mph)	19	29	39	49	59	69
Distance Along Railroad from Crossing (feet)	240	480	720	960	1200	1440

(3) **SIGNS.** (a) *Responsibility.* The snowmobile organization shall be responsible for furnishing, installing and maintaining in a legible condition all signs identified in this section.

(b) *Signs at the crossing.* A railroad crossing sign, commonly identified as a crossbuck, shall be used to notify the snowmobile operator of the railroad crossing. The crossbuck shall be 2 panels 24" long by 4.5" wide mounted perpendicular to each other at the midpoint of each with the legend RAILROAD and CROSSING, respectively. The sign color shall consist of white reflective background with black lettering. The size of the lettering shall be 2". The sign shall be doubled sided and constructed with commercially manufactured reflective sheeting applied to an aluminum or treated wood backing. Where physically possible, the crossbuck sign shall be located on the right hand side of the trail. Where circumstances do not allow the posting of the crossbuck on the right hand side of both approaches, the crossbucks may be posted on the left. The crossbuck shall be erected 10 feet outward from the nearest rail and no further from the trail edge than 6 feet. The panels of the crossbuck shall be mounted so that the panels cross approximately 7 feet above bare ground on a preservative treated 4" x 6" post with the 6" side parallel to the tracks. The post shall have a 2" reflective white panel on both sides extending from 6" below the intersection of the crossbuck blades to 6" above the anticipated level of snow. A minimum of one crossbuck shall be used on each approach to the crossing. An additional crossbuck may be posted on the left hand side of the trail at a distance of 10 feet outward from the nearest rail. If the number of pairs of tracks is 2 or more, the number of pairs of tracks shall be indicated with 2 auxiliary placards. The first placard shall be 4½" by 4½" square placard placed beneath the crossbuck with the legend indicating the number of tracks. The second placard shall be 13½" by 4½" rectangular placard placed beneath the square placard with the legend TRACKS. Both placards shall have a 2" black number or letters on a reflective white background. A STOP sign that complies with s. NR 50.09 (4) (c) 3. b. shall be posted beneath the crossbuck at a level approximately 42" above the anticipated level of the snow. An additional STOP sign may be posted on the left hand side of the trail. Please refer to the following illustrations.



Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.



(c) *Signs prior to the crossing.* Prior to the snowmobile rail crossing, the snowmobile trail shall be signed with an advance caution railroad crossing sign. This sign shall be a circular sign of minimum 12" diameter. Sign color shall be a reflective yellow background with black letter and legend. The letters shall be 4" upper case and the black legend shall be 2" in width. Please refer to the following illustration. The advance caution railroad crossing sign and an advance caution "Stop Ahead" sign meeting the requirements of s. NR 50.09 (4) (c) 3. b. shall be placed in a manner to enable a snowmobile operator to come to a safe stop at the crossbuck and STOP sign.



(4) SCHEDULING AND SUPERVISION OF APPROACH CONSTRUCTION. The snowmobile organization shall schedule the snowmobile rail crossing approach construction with the appropriate railroad authority and Diggers Hotline (800-242-8511). All work performed by the snowmobile organization within 25 feet of the track shall be under the direct physical supervision of the rail authority or with explicit written permission from the rail authority to perform the work without direct physical supervision. The snowmobile organization's workers shall comply with the safety requirements established by federal and state law and the rail authority. The rail authority shall provide the snowmobile organization with a written copy of the rail authority's safety requirements applicable to outside contractors who perform work on the rail authority's property.

(5) APPROACH INSTALLATION AND COMPONENTS. (a) The approaches of the snowmobile rail crossing may be all aggregate or a combination of aggregate and asphalt. The height of the approach installed by the snowmobile organization shall match the height of the crossing established by the rail authority. Crushed aggregate shall be thoroughly compacted with a roller vibrator. Where asphalt is used in combination with a crushed aggregate base, the asphalt shall be a minimum thickness of 3", installed in 2 equal layers. Asphalt material used for an approach shall conform to Section 407, Wisconsin Department of Transportation (DOT) Standard Specifications for Highway and Structure Construction, 1996, incorporated by reference herein. Crushed aggregate shall be grade 2 or 3 in accordance with Section 304 of the same publication.

Note: Copies of the DOT Standard Specifications for Highway and Structure Construction, 1996, are available for inspection in the offices of the Department of Natural Resources, Secretary of State and the Legislative Reference Bureau in Madison. Copies may also be purchased from the Department of Transportation, P.O. Box 7910, Madison, WI 53707-7915.

(b) A snowmobile organization shall properly dispose of all unused materials from the construction of the portion of the crossing for which it is responsible.

(c) A snowmobile organization may contract out the construction of the portion of the crossing for which it is responsible.

(6) CLOSURE OF CROSSING FOR NON-SNOWMOBILE USE. The snowmobile organization shall be responsible for erecting a gate or barrier on both sides of the crossing and securing the gate or barrier to prevent the use of the crossing by other vehicles when not actively used for snowmobiling. The gate or barrier shall span the entire width of the crossing. The gate or barrier shall be signed with the standard barrier markers as specified under s. NR 50.09 (4) (c) 3. b. The placement of the gate or barrier shall be at the same location as the existing right-of-way fence or if no fence exists, the right-of-way line.

(7) RAIL CROSSING CONSTRUCTION PERMIT. (a) No person may construct a snowmobile rail crossing that is not located on a railroad crossing of a highway or street unless the person is a snowmobile organization and has a permit issued under this subchapter.

(b) A separate permit is required for each snowmobile rail crossing constructed under this subchapter.

(c) A snowmobile organization may contact department regional offices for prescribed application forms and instructions. An application submitted under this section shall include adequate descriptions and drawings showing the proposed location of the snowmobile rail crossing, the proposed design of the rail crossing, a list of materials needed to construct the portion of the crossing for which the snowmobile organization is responsible and the location of snowmobile trails that connect with the snowmobile crossing. The completed application form with necessary attachments and the \$150 application fee authorized under s. 350.138 (5) (a), Stats., shall be submitted to the appropriate department regional office. Upon receipt, the department shall send a copy of the application to the agent of the applicable rail authority designated under s. 350.138 (2m), Stats. The department may reject an application within 15 days after it is submitted

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if the application is incomplete or is not sufficiently detailed to determine whether to approve or deny the application.

Note: Copies of permit application forms and instructions are available from Regional Department of Natural Resources Offices located at:

West Central Region

1300 W. Clairemont Avenue
Eau Claire WI 54702

Southeast Region

2300 N. Martin Luther King
Jr. Dr.
Milwaukee WI 53212

South Central Region

3911 Fish Hatchery Road
Fitchburg WI 53711

Northern Region

810 W. Maple Street
Spooner WI 54801

Northeast Region

1125 N. Military Avenue
Green Bay WI 54307

Northern Region

107 Sutliff Avenue
Rhineland WI 54501

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95; CR 02-044: **renum.** (1) to be (2) and **am.** (2) (b) and (e), r. (2), (3) and (7) (d), cr. (1) and (3), r. and **recr.** (4), (5) and (7) (a), **am.** (7) (c) Register November 2002 No. 563, eff. 12-1-02.

NR 6.44 Maintenance standards for new rail crossings. A snowmobile rail crossing permitted under this subchapter shall be maintained in the following manner:

(1) A snowmobile organization may not perform any maintenance work on the portion of the snowmobile rail crossing for which the rail authority has responsibility with the exception of the snow removal work required under s. NR 6.44 (5). The maintenance of that portion of the snowmobile rail crossing for which the rail authority has responsibility shall be performed by the rail authority.

(2) The snowmobile organization shall maintain adequate drainage along the snowmobile trail approaching the rail crossing and along the portion of the snowmobile rail crossing for which the snowmobile organization has responsibility, both in the snowmobile and non-snowmobile season, to prevent the pooling of water or saturation of the track subgrade.

(3) The snowmobile organization shall maintain the portion of the snowmobile rail crossing for which it has responsibility that becomes worn or damaged as a result of use and shall repair the wear or damage as soon as practical using the materials and following the installation requirements contained in the permit and this subchapter.

(4) The snowmobile organization shall be responsible for maintaining in a legible condition all signs at the crossing including crossbucks, crossing placards and snowmobile STOP signs, and all signs prior to the crossing including advance caution railroad crossing signs.

(5) During the winter season, no snow may be compacted by snowmobile trail grooming machinery on the portion of the snowmobile rail crossing for which the rail authority has responsibility. Any snow deposited on this portion of the rail crossing by the grooming machinery shall be removed manually by the operator

of the trail grooming machinery after the machinery is clear of this area of the crossing

(6) Gates or barriers shall be constructed, erected and maintained by the snowmobile organization to prevent vehicular use of the crossing during non-snow seasons and shall be maintained in working order. Barrier markers specified under s. NR 50.09 (4) (c) 3. b. shall be affixed to the gates or barrier and maintained in a legible manner.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95; CR 02-044: **r. and recr.** Register November 2002 No. 563, eff. 12-1-02.

NR 6.45 Liability insurance for new and established rail crossings. (1) A snowmobile organization shall maintain in effect liability insurance to indemnify the applicable rail authority for damages resulting from the design, construction, maintenance, existence or use of an established snowmobile rail crossing or a snowmobile rail crossing for which a permit has been issued by the department.

(2) The snowmobile organization need not maintain liability insurance to indemnify the rail authority for injuries sustained by a person engaged in a recreational activity if the rail authority would be immune from liability for those injuries under s. 895.52, Stats.

(3) The snowmobile organization shall designate the applicable rail authority as a named insured on the insurance policy. Any liability insurance that is required for the purpose of indemnifying a rail authority that is a rail transit body shall also indemnify the owners and operators of any railroad using the tracks of the rail transit body.

(4) Regardless of the number of established or permitted rail crossings that a snowmobile organization maintains, the amount of the liability insurance that is required to be maintained shall be at least \$2,000,000 for each snowmobile organization.

(5) A snowmobile organization shall furnish an insurance certification form with an attached proof of insurance to the department and the applicable rail authority annually commencing on December 1, 2001 and by December 1 of each following year.

Note: Copies of the insurance certification form are available at the Regional Department of Natural Resources Offices.

History: CR 02-044: **cr.** Register November 2002 No. 563, eff. 12-1-02.

NR 6.46 Variances. The department may approve in writing variances from nonstatutory requirements of this subchapter upon request of a snowmobile organization when the department determines that the variances are essential to effect necessary permit actions or the department's snowmobile program objectives, and where special circumstances make variances in the best interests of public safety and the snowmobile program. Before granting a variance, the department shall take into account factors such as good cause and circumstances beyond the control of the snowmobile organization.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95; CR 02-044: **renum.** from s. NR 6.45 Register November 2002 No. 563, eff. 12-1-02.