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Do ATVs and snowmobile operators have the right to use town highways?

Yes, to a certain extent. Snowmobile operators have the right to travel on any town highway that is not maintained by the town in winter. In addition, snowmobiles may be operated on a town highway if the path of travel is located five or more feet from the plowed portion of the highway. 23 V.S.A. § 3206.

All-terrain vehicle (ATV) operators also have the right to travel on any town highway that is not maintained by the town in winter. The law also provides that an ATV that is being used for agricultural purposes on a farm may be operated three or more feet from the traveled portion of any highway within the confines of that farm. 23 V.S.A. § 3506.

Both snowmobiles and ATVs may be operated across a town highway when all of the following conditions are present:

1. the crossing is made at an angle of 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
2. the operator brings the snowmobile to a complete stop before entering the traveling portion of the highway;
3. the operator yields the right of way to motor vehicles and pedestrians; and
4. the operator is 16 years of age or older, or, if 12 to 16 years old, is under the direct supervision of a person 18 years of age or older.

Because the above rights are bestowed by state law, a town must allow such snowmobile and ATV use. A town may, however, impose restrictions regarding the time and manner of operation of snowmobiles and ATVs. 23 V.S.A. §§ 3210, 3510; 24 V.S.A. § 2291(4). Such restrictions must be imposed in the form of an ordinance in order to be enforceable. For instance, a town may – with some exceptions – prohibit the operation of snowmobiles between the hours of 11 p.m. and 6 a.m. 23 V.S.A. § 3206(b)(20). Any ordinance regulating use must be consistent with state law. 23 V.S.A. §§ 3210, 3510. Model snowmobile and ATV ordinances are available on the VLCT website, <http://www.vlct.org/league-resources/>.

Snowmobiles and ATVs may also be operated on any town highway that has been opened by an act of the selectboard and posted as such. 23 V.S.A. §§ 3206, 3506. For a selectboard to “open” a highway it is sufficient to adopt a policy or pass a resolution (take a formal vote) at a duly warned selectboard meeting that declares that such highway is open for snowmobile and/or ATV use. Note, however, that if the selectboard intends to impose any enforceable restrictions on the time and manner of such operation, those restrictions must be imposed in a duly adopted ordinance in order to be enforceable. Regardless of the mechanism that the selectboard uses to “open” the highway, the selectboard must also have signage posted on the highway that provides notice that the highway is open to snowmobile and/or ATV travel. Signage must be in conformance with the *Manual of Uniform Traffic Control Devices* (<http://mutcd.fhwa.dot.gov/>), as required by 23 V.S.A. § 1025.

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