

Some individuals have asked the selectboard if they can use their all-terrain vehicles (ATVs) and snowmobiles on town highways. Does the board have the authority to allow this, and if so, must the board adopt an ordinance in order to enforce any rules it wants to impose on the vehicles' use?

The laws pertaining to snowmobile use prohibit their operation along public highways, except under three specific circumstances (23 V.S.A. §3206(b)):

- (1) the highway is not being maintained and plowed for motor vehicle use during the snow season; OR,
- (2) the operator is not closer than five feet from the plowed portion of the road (unless it is a Class IV road or trail that is privately maintained or plowed); OR ,
- (3) the highway has been opened to snowmobile travel by the local governing body AND the road has been posted for such use. This means that the selectboard has the obligation to put up signs on the roads along which such use is to be allowed. Consequently, snowmobile operators MUST assume that a highway IS NOT open to their use unless it is posted to the contrary!

Similarly, the laws relating to ATV use along public highways prohibit such use unless (23 V.S.A. §3506):

- (1) the highway is not being maintained during the snow season; OR,
- (2) the highway has been opened to all-terrain vehicle travel by the local legislative body AND is so posted by the municipality. Signage must be consistent with the *Manual of Uniform Traffic Control Devices* standards as required in 23 V.S.A. §1025.

The one exception to ATV use prohibition along public roads is if the ATV is being used for agricultural purposes, AND is operated not closer than three feet from the traveled portion of any highway for the purpose of traveling within the confines of the farm. 23 V.S.A. §3506(b)(1).

The law also contains specific provisions for state registration of ATVs and snowmobiles, as well as equipment, age restrictions, and other operation requirements. The selectboard should be familiar with these provisions if it intends to allow ATV and/or snowmobile use along local roads.

The selectboard also has clear authority to regulate the time, manner and location of the use of ATVs and snowmobiles within its jurisdiction. However, in order to do so, the board must adopt a municipal ordinance and the ordinance must be consistent with state law 23 V.S.A. §§3210, 3510.

VLCT News, July 1999