

There has been some confusion in our town regarding where all-terrain vehicles (ATVs) can be ridden. Are ATVs allowed on all Class IV town roads in town as a matter of law?

No. The state law that governs ATVs states: “An all-terrain vehicle may not be operated . . . along a public highway unless it is not being maintained during the snow season or unless the highway has been opened to all-terrain vehicle travel by the selectmen . . . and is so posted by the municipality except an all-terrain vehicle being used for agricultural purposes may be 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).

In our opinion under this statute a road that is not maintained by the town during snow season is “fair game” for ATV riders during the snow season. Some towns have questioned whether the statute authorizes ATV’s to use roads not maintained during the snow season year round. While the statute is not crystal clear on this issue, in our opinion the purpose of the statute is to allow ATVs on roads that are not plowed during the winter. It simply does not make sense to open up ATV use to these same roads as a matter of law during the non-snow season.

Support for this position is found in this same statute, which authorizes the selectboard to identify the roads that ATV’s can utilize. The VLCT model ATV ordinance is set up to allow selectboards to identify the roads ATV riders may use in the winter (the roads that are not plowed), and the other roads in town (they can be any Class of Town Highway) the selectboard chooses to identify and post for ATV use, year round.

Please call the VLCT Law Center for guidance, or for a copy of our model ATV ordinance. In addition, see the July 1999 *VLCT News* column for more information on regulating ATV use.

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