

What are the general rules of thumb regarding all-terrain vehicles (ATVs) and town roads?

The local governing body has the authority to open any Class 2, 3, or 4 road or public trail for ATV use, and post it as such. 23 V.S.A. § 3506(b)(1). Therefore, it is illegal to operate an ATV on the aforementioned roads if the selectboard has not declared them open and posted them for ATV use. The local governing body may also enact regulations concerning the time or manner of use, such as speed or direction. 23 V.S.A. § 3510. Class 1 roads are the exception. The state controls the opening of these roads to ATVs; only the Agency of Transportation Traffic Committee has the authority to open and post Class 1 roads as such. 23 V.S.A. § 3506(b)(11).

There are additional rules of thumb that apply whether or not a road is open and posted for ATV use. All-terrain vehicles may *cross* all town roads, with no distinctions made between classes of roads. The crossing must take place at a 90-degree angle with the road. 23 V.S.A. § 3506(b)(2)(A). All-terrain vehicles may also be used “within the confines” of a farm, no closer than three feet from the traveled portion of the road, again with no distinction made between classes of roads. 23 V.S.A. § 3506(b)(1).

All-terrain vehicles may also be used on Class 4 highways in the winter, if the highways are not being maintained and plowed. The statute reads, “An all-terrain vehicle may not be operated...along a public highway unless it is not being maintained during the snow season...” 23 V.S.A. § 3506(b). This statute has met different interpretations. VLCT’s opinion is that the word “being” implies a temporary duration. Thus, if the road is not maintained during the winter, this does not create an automatic license to operate an ATV on the road during the summer.

There is a reference chart detailing this information available on the VLCT Web site (www.vlct.org) in the Municipal Assistance Center section. A model ordinance may be obtained by contacting the Municipal Assistance Center.

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(Editor’s Note: Questions about ATVs are among the most frequently asked of the VLCT Municipal Assistance Center. Accordingly, they have also been addressed in previous Ask the League columns. Please see the July 1999 and November 2001 issues of the VLCT News for prior Ask the League questions on ATVs. See also “ATVs and Local Roads” article in the August 2003 VLCT News.)

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