

***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?***

Yes, Vermont law allows selectboards to open up town highway to snowmobile and ATV use. The selectboard accomplishes this by adopting a municipal ordinance regulating the time and manner of use and setting out locations where snowmobiles and ATVs may travel within its jurisdiction. The selectboard also must post signs on the highways where such use is permitted. All traffic control signage must be consistent with the *Manual of Uniform Traffic Control Devices* standards as required in 23 V.S.A. § 1025. Finally, any ordinance regulating snowmobile and ATV on town highways must be consistent with state law. 23 V.S.A. §§ 3210, 3510.

Snowmobile use of a town highway is limited under Vermont law if there is no municipal ordinance opening up the highway to their use. The law prohibits snowmobile operation along public highways, except under two 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).

Similarly, 23 V.S.A. § 3506 prohibits ATV use along public highways unless:

- (1) the highway is not being maintained during the snow season; or,
- (2) 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.

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.

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