

## ASK THE LEAGUE

*Parking along a state highway at a popular local recreation area is creating traffic problems.*

*Our town has no parking ordinance.*

*Do we have any other authority to prevent parking in this area?*

Yes. The state traffic committee has the authority to make, amend, or repeal rules for vehicular, pedestrian, and animal, traffic, and public safety on state highways. 23 V.S.A. § 1004(a). This committee may prohibit motorists from parking or leaving any vehicle within the main-traveled part of a state highway in “no-parking zones” and where designated by signs. 23 V.S.A. §§ 1005, 1101(a). Where parking *is permitted* on state highways, drivers must leave the highway unobstructed for the passage of other cars and also to ensure a clear view in both directions. 23 V.S.A. § 1101(b).

A law enforcement officer (which includes a town constable with law enforcement authority) may enforce parking restrictions set by the state traffic committee on state highways. He or she may issue tickets and is authorized to “move” by towing or “require the driver or other person in charge to move” vehicles in violation of 23 V.S.A. § 1101, or vehicles that are obstructing traffic or maintenance of the state highway. 23 V.S.A. § 1102. The summons and complaint form (i.e., traffic complaint) is specified in 4 V.S.A. § 1105. A ticket for these types of violations is considered a traffic violation according to 23 V.S.A. § 1004 (c), and would be heard in the Judicial Bureau as required by 23 V.S.A. § 2305.

Since violations of 23 V.S.A. §§ 1101 and 1102 are violations of state law, there is no need for a selectboard to adopt an ordinance that repeats the law. However, the selectboard may wish to adopt a resolution that describes where parking is not allowed on state highways within the town to help inform the public.

For more information about restrictions on state highways, contact the Traffic Operations Unit of the Vermont Agency of Transportation at 802-

828-1055 or visit

[www.aot.state.vt.us/progdev/sections/Highway%20Info/RoadTrafficOps62011.htm](http://www.aot.state.vt.us/progdev/sections/Highway%20Info/RoadTrafficOps62011.htm).

[This is an update of an April 2000 *VLCT News* article.]

Stephanie Smith, AICP, Senior Associate  
VLCT Municipal Assistance Center