

ISSUE PAPER SERIES



## ATV Recreation: Considerations for Municipalities

September 2025

NEW YORK STATE TUG HILL COMMISSION

DULLES STATE OFFICE BUILDING · 317 WASHINGTON STREET · WATERTOWN, NY 13601 · (315) 785-2380 · [WWW.TUGHILL.ORG](http://WWW.TUGHILL.ORG)

The Tug Hill Commission Technical and Issue Paper Series are designed to help local officials and citizens in the Tug Hill region and other rural parts of New York State. The Technical Paper Series provides guidance on procedures based on questions frequently received by the Commission. The Issue Paper Series provides background on key issues facing the region without taking advocacy positions. Other papers in each series are available from the Tug Hill Commission. Please call us or visit our website for more information.



# **ATV Recreation: Considerations for Municipalities**

**September 2025**

## Table of Contents

Introduction.....	4
ATVs: A Mix of Benefits and Challenges.....	4
ATV Recreation on Tug Hill by County .....	5
Jefferson County .....	5
Lewis County .....	5
Oneida County .....	5
Oswego County .....	5
Mapping the Current ATV Trail System .....	6
Data Sources and Development .....	6
ATV's Recreation in Other Selected States .....	9
Montana .....	9
Pennsylvania.....	9
Vermont.....	10
Maine .....	10
Relevant New York State Laws .....	10
Registration.....	10
Use of Municipal Roads .....	12
Use of Public Lands .....	12
Court Case Review.....	14
January 1999, Santagate v. Franklin County.....	14
March 2003, Brown v. Town of Pitcairn .....	14
August 2003, Brown v. Town of Pitcairn .....	14
2004 Hutchings v. Town of Colton .....	15
2007 ADK Council et al. v. Lewis County.....	15
2007 State of NY vs. Horicon .....	15
2008 Krug v. Town of Leyden.....	15
2009 O'Brien Daily v. Town of Lyonsdale.....	16
2015 ADK Council v. Town of Forestport.....	16
2018 DeSantis v. Village of Constableville .....	16
2019 Pena v. State of NY .....	16
2021 ADK Council v. Town of Clare .....	17
New York Attorney General's Opinion (2005-21).....	17
Case Law Review: Takeaways for Municipalities.....	17
Vehicle and Traffic Law Interpretations .....	18
Town of Clare Case Study.....	19
DeSantis Decision and Order.....	19
Case Law Summary .....	20
Municipal Considerations.....	20
Insurance.....	20
Highway.....	22
Signage.....	22
Emergency Response and Volunteer Fire Departments .....	25
State Policy Considerations .....	26

Law Enforcement Considerations .....	27
Ticket Citations .....	27
ATV/UTV Crash Data .....	30
Summary.....	32

The commission would like to thank and acknowledge New York Municipal Insurance Reciprocal, NYS Department of Environmental Conservation, NYS Department of State, Lewis County, Oswego County, various regional ATV clubs, and our many municipalities for their efforts in gathering and reviewing the information contained herein.

## Introduction

The Tug Hill Commission first published an issue paper entitled “*ATVs in the Tug Hill Region: Issues to Consider*” in August 2004. In 2006, a final report was produced by Camoin Associates, “*Tug Hill Region Economic Impact Study*” for the Cooperative Tug Hill Council, addressing the economic impacts of ATVs, best practices of trail systems as seen throughout the United States, as well as recommendations on law enforcement, trail siting, and promoting ATV as a family-friendly sport. Over the past two decades, all terrain vehicle (ATV) recreation on public roads and lands, as well as private trails and land, has grown. Recent increases in the number of technical assistance requests from communities to the Tug Hill Commission, as well as significant staff turnover since the initial issue paper, led to this update.

This paper aims to consolidate information and serve as an educational tool. Its contents address the following: existing ATV resources (e.g. trails, clubs, highway connections) in the Tug Hill region, where ATVs stand in New York’s current legal framework (state law, local law, and court case review), the benefits and challenges municipalities may face when deciding to legislate on this activity, suggestions for best practices when preparing a law to connect ATV trails via a highway segment, and larger policy considerations. ATVs are an important activity from a recreation, economic, and tourism standpoint, and various considerations can help reduce municipal liability and ensure safety for all parties involved.

## ATVs: A Mix of Benefits and Challenges

In the last two decades, ATV recreation has increased in popularity, leading to continued development of off-road trails in the region and the opening of town, village, and county roads for ATV use. In a 2022 economic and fiscal impact study by Camoin Associates commissioned by Lewis County, off-highway vehicle (OHV) trails were estimated to have driven approximately 8.2 million dollars in sales in Lewis County alone. Looking closely at operators utilizing those trails during ATV season, the majority were reported to be from outside of the market. Local operators benefit from the presence of these trails, of course, but these attractions also generate revenue and tax dollars from tourists that primarily visit the region for motorized recreation opportunities.

For both local and out-of-market operators, ATVs provide an opportunity for motorized recreation outside of the snowmobile season. Tug Hill, famous for its snow, has developed a significant recreation winter economy. More recently, however, changing winter conditions have affected both motorized and non-motorized winter recreation activities. Changeable weather, snowfall uncertainty, and lack of snowpack have led to some postponed or cancelled events. A trend of relatively “poor” winters has impacted communities and businesses who are reliant on a seasonal economy. For tourists

specifically interested in motorized recreation, ATV opportunities might seem an appealing alternative to snowmobiling.

Expanding ATV trails and highway connectors is not without its challenges, however. While ATV recreation is a growing industry, it's not without controversy. The legal procedures involved in legislating road segment opening for ATV traffic must be documented and followed carefully. When local laws are challenged in court, municipalities bear the burden of proof that these processes were duly followed, and historically, these municipalities have faced an uphill battle. This is a stressful situation for municipalities to cope with, and can be avoided or mitigated with best practices.

## **ATV Recreation on Tug Hill by County**

**Jefferson County** has no established ATV trail system. There are limited ATV trails on some county forest lands, but they are not clearly mapped or marketed.

**Lewis County** has a countywide OHV trail [permit system](#) of approximately 100 miles of off-road trails and 450 miles of access roads to ATV trails (or ATV areas) that encompasses dirt bikes, ATVs, and side by sides up to 2000 lbs. Income from the permit system is deposited in a dedicated recreational trails fund and used exclusively for the establishment, enforcement, maintenance and operation of the trail system. The trail system is scheduled to open annually on April 1 based on conditions (late spring will delay opening) and closes the Tuesday after Columbus Day in October but can change due to weather and trail conditions. Permits are required for all off-road trails but are not required for town and county roads that are open for ATV access. Countywide trail maps can be purchased from Lewis County.

As of the writing of this paper, permits fees are \$65 for the first OHV and \$20 for each additional OHV. There is a \$20 season permit discount for members of local clubs with an active Lewis County trail agreement. The county also offers a three-day pass for three consecutive days at \$20 per pass, per machine. Fines for riding without a permit are \$250 for the first offense and \$500 and a permanent revocation of access and your OHV can be confiscated for a second offense. Other fines are for riding on areas outside of the designated trails: \$500 for the first offense, machine impounded thereafter; altering trails to create hazards \$500 first offense, \$1000 thereafter, and violating traffic rules \$250 for first offense, \$500 thereafter.

**Oneida County** does not have a formalized, county-wide trail system. There has been more interest recently in developing ATV trails in Oneida County, particularly in connecting to Lewis County where they adjoin.

**Oswego County** has approximately 100 miles of ATV trail developed by the [Oswego County ATV Club](#), and is a combination of off-road trails and sections of town and county roads.

Trails open the third Sunday of April, conditions permitting, and close September 30. The club is largely self-policing, with individuals violating the rules of the club removed.

As of the writing of this paper, club membership fees are \$40 for a single membership, \$50 for a family membership, and \$20 for a day pass. Members are given a club sticker that must be displayed on recreational machines.

Several ATV clubs cover portions of the Tug Hill region, as well as one association:

- [Black River Valley Four Wheeler Club, Inc.](#),
- [Highmarket Wheelers ATV Club Inc.](#)
- [Northern Oneida Co ATV Club](#)
- [Oswego County ATV Club](#)
- [Tug Hill Wheelers ATV Club](#)
- [Tug Hill–Adirondacks ATV Association](#)
- [Central Oswego County Riders](#)
- [Lost Traction ATV & SXS Club](#)

## Mapping the Current ATV Trail System

### Data Sources and Development

Based on state law, roads are not open to ATV traffic unless specifically permitted by local law. To begin to develop a regional map of ATV trails and road openings, the following data sources were gathered: NYS Department of Transportation Roads data, local laws for all villages, towns, and counties within the region, off-road trail data from ATV clubs and county departments, and court cases regarding ATV-based local laws.

NYS DOT's GIS data was used as a base data layer for establishing an ATV-accessible roadway layer. Local laws relating to ATVs for each town, village, and county were compiled from county websites and the [NYS DOS Local Law Search](#). This information was then cross-referenced with the DOT layer to sort out roadways from municipalities with no ATV laws and edit road geometries to reflect enabled road segments. Final edits of the mapped data were informed by court cases where local laws were challenged and repealed.

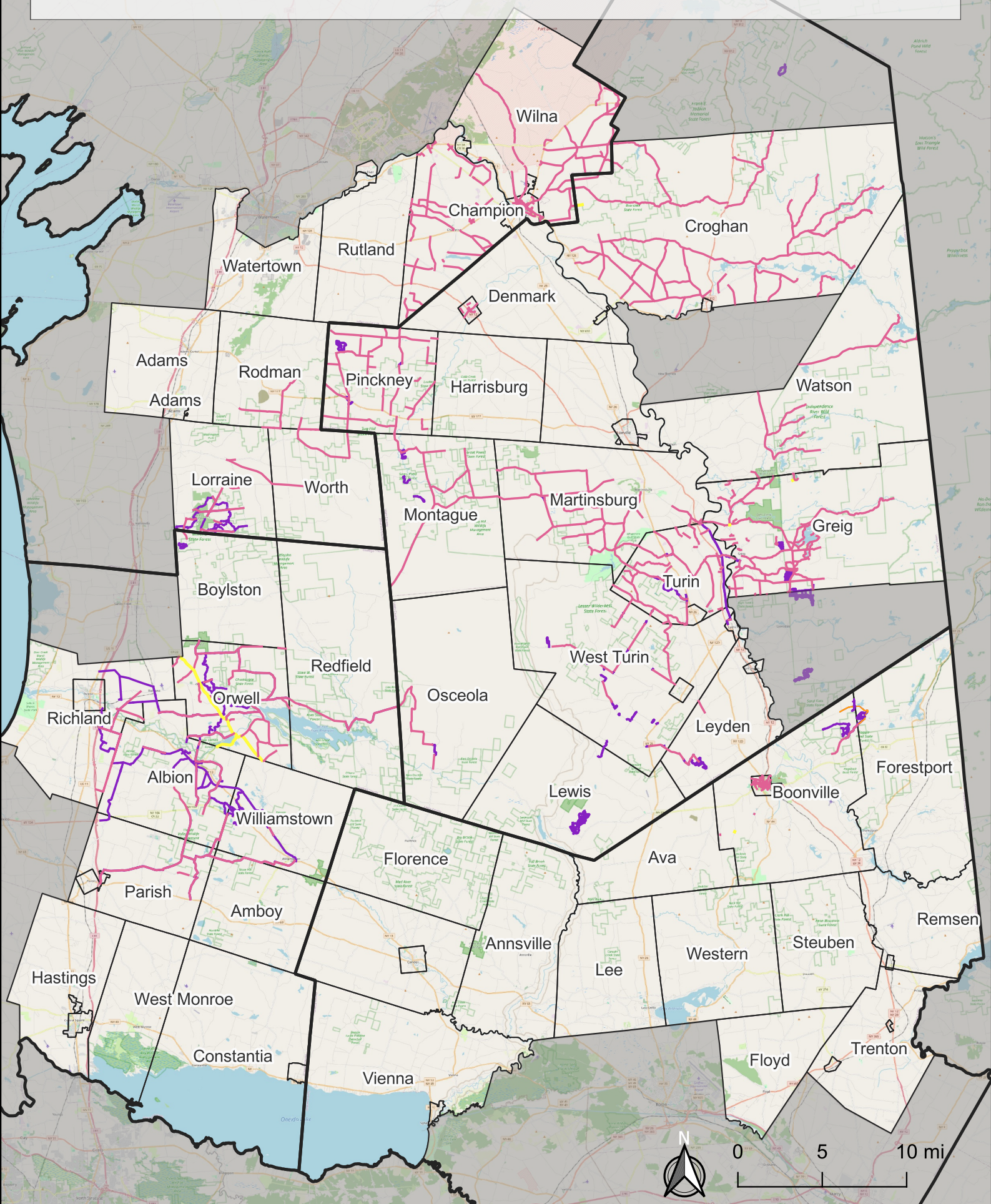
During the mapping process, significant discrepancies were found between local laws, trail data, and on-site signage. The following map reflects the discrepancies and may appear very different from county or club publications. Only roadways that directly correspond with listings in the gathered body of legislative and case law were included on the map. Any roads that could not be fact-checked or substantiated with a legal source were omitted from the map for the purposes of this paper. This data is by no means complete. Off-trail data is incomplete for counties where there is no centralized ATV trail dataset. Roadway data is limited in part due to human error in the promulgation, filing, receipting, and online availability of the local laws at all levels of government. Commission staff will be reaching

out to relative entities to provide and acquire information and assistance in getting these discrepancies corrected.

This information was compiled for planning purposes and is NOT a survey product. THC shall not be liable for misuse or misrepresentation of this information. THC makes no claim as to the accuracy or completeness of the data contained herein.



# ATV Highway Access and Off-Road Trails



## Legend

- Off-Road ATV Trails
- Roads Designated for ATV Use
- Data/Laws Unclear
- County Boundary

This information was compiled for planning purposes and is NOT a survey product. It may not be reproduced or transmitted for commercial purposes or for any other purpose without the prior authorization of the NYS Tug Hill Commission. THC shall not be liable for misuse of misrepresentation of this information. THC makes no claim as to the accuracy or completeness of the data contained herein.

For a full list of data sources and methodology, please see the "Data Sources and Development" section of the commission's technical paper "ATV Recreation: Considerations for Municipalities."

## ATV's Recreation in Other Selected States

### Montana

In [Montana](#), an ATV is classified as an Off-Highway vehicle (OHV) alongside motorcycles, Recreational Off-Highway Vehicles (ROVs) or side-by-sides, dune buggies, amphibious vehicles, and air cushion vehicles. To ride an OHV on public land or trails, it must be registered and titled through the Montana Department of Justice, Motor Vehicle Division. Owners are issued a permanent decal for off-road use that must be displayed in a conspicuous location on the OHV. To ride an OHV on paved highways, it must be street legal and have a license plate. The license plate must be attached to the rear of the OHV. These registrations are considered permanent unless the OHV transfers ownership, at which time a new registration must be obtained.

The Montana State Legislature created a Resident Trail Pass for OHVs. Revenues from trail passes are used to maintain and improve designated OHV routes and trails open to the public on both public and private lands in Montana. The funds are distributed via grants.

### Pennsylvania

In [Pennsylvania](#), ATVs are regulated by the Department of Conservation and Natural Resources of the Commonwealth. ATVs are divided into two specific vehicle classes: Class I (maximum width of 50" and maximum dry weight of 1,200 pounds) and Class II (exceeding a width of 50" or a dry weight exceeding 1,200 pounds). Class II ATVs require specific written permission for accessing the same road, trail, or area as Class I ATVs. Operators must possess a valid registration certificate and visible decal issued by the state to lawfully operate an ATV. Any transfer of ownership requires new issuances.

The Department of Conservation and Natural Resources of the Commonwealth collects monies from the following: the registration and issuance of title certificates for ATVs; revenue from the sale of any publications or services relating to ATVs; all fines, penalties, fees, and costs collected from enforcement activities. These monies are deposited to the "ATV Management Restricted Account" established in the state treasury. Monies are dispensed via an application and approval process as Grant-in-aid to municipalities, profit and nonprofit organizations. Eligible expenses include: plans, specifications, and engineering surveys; fees and costs related to the preparation or performance of right-of-way lease agreements; land acquisition; construction, maintenance, and rehabilitation of trails and other facilities for ATVs; training and education activities related to ATV use; maintenance, rehabilitation, and construction of ATV trails on land owned by the Commonwealth (profit and non-profit organizations only).

In general, it is considered unlawful to operate an ATV on a highway or street not designated and posted as an ATV road by jurisdictional government agency (excluding direct lateral crossings or as necessary to cross a bridge or culvert). The Department of Transportation or



local authorities may use its discretion to designate any road, highway, or street within its respective jurisdiction as an ATV road.

### **Vermont**

In [Vermont](#), ATVs are defined as any non-highway recreational vehicle not exceeding 64 inches in width and having a dry weight of less than 2,500 pounds. ATVs must have a valid registration in the operator's name through the Vermont Department of Motor Vehicles and must display a Vermont ATV Sportsman Association ([VASA](#)) Trail Access Decal. ATVs are to be operated on State land designated by the Secretary of Natural Resources.

ATVs are not to be operated along a public highway except in the following circumstances: the highway has been opened to ATV travel by the legislative body of the municipality where the town highway is located; the State highway has been designed by the Secretary of Transportation; the ATV is being used for agricultural, forestry, or utilities; for a 90 degree direct crossing of the highway.

VASA is recognized in Vermont Statutes, Title 23, Chapter 31. VASA is directed by law to enter into an agreement with the state through the Agency of Natural Resources and Department of Forests, Park and Recreation. This agreement authorized VASA to develop and manage statewide ATV trails with monies accrued through the registration of ATVs and the issuance of citations related to ATV infractions and violations.

### **Maine**

In [Maine](#), an ATV is defined as being less than 65 inches wide and less than 2,000 pounds per the manufacturer's specifications. ATVs must be registered with the Maine Department of Inland Fisheries and Wildlife, unless the operator limits its use to their private property. Registration stickers must be visible on the machine. An operator's license is not required.

A person may not operate an ATV on a public way except in the following circumstances: to travel the distance necessary to directly cross a public road, bridge, overpass, underpass, sidewalk, or culvert not in excess of 500 yards; during special events wherein the public way has been closed to other vehicular travel; if the public way is designated as an ATV-access route by the appropriate governmental authority (DOT, county commissioners, or municipal officers); or in emergency circumstances as designated by the jurisdictional law enforcement agency.

## **Relevant New York State Laws**

### **Registration**

***Vehicle and Traffic Law (VTL) Article 48-B*** addresses registration of ATVs. Registration of all-terrain vehicles falls under the jurisdiction of the NYS Department of Motor Vehicles (DMV) (VTL Section 2280). ATVs must be registered with the DMV, and be equipped with brakes, muffler, spark arrester, and tires. NYS honors valid out-of-state ATV registrations. If

your home state does not require ATV registration, you must obtain a [New York State ATV registration](#) before operating your ATV in NY.

Section 2281 of VTL defines the all-terrain vehicle (ATV) as “any self-propelled vehicle which is manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways providing that such vehicle **does not exceed seventy inches in width, or one thousand pounds dry weight** (emphasis added). Provided, however, this definition shall not include a "snowmobile" or other self-propelled vehicles manufactured for off-highway use exclusively designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats which utilize an endless belt tread.”

Section 2286 of VTL allows the requirement of a permit by the agency or municipality having jurisdiction over any state or local park or any other public lands for use of ATVs on such public lands. A municipality may charge a fee for use of ATVs on such public lands.

Section 2288 of VTL states that no owner or other person in possession of any ATV shall authorize or knowingly permit any person under sixteen years of age to operate such ATV in violation of any provision of this article. According to the [NYS DMV website](#), a driver license is not needed to operate an ATV in NYS, but certain restrictions apply to operators under age 16.

If you are aged 14 to 15, you may operate an ATV only:

- under adult supervision; or,
- without adult supervision on lands owned or leased by your parent or guardian; or,
- on any lands where ATV use is permitted, without adult supervision, if you have completed an [ATV safety training course](#) approved by the DMV. You must carry your course completion certificate when you operate any ATV.

If you are under age 14, you may operate an ATV only:

- under adult supervision; or,
- without adult supervision on lands owned or leased by your parent or guardian.

Funds received from the registration of ATVs and related fees collected are remitted to the NYS general fund.

**VTL Article 48-C** addresses the rules for the operation of ATVs. Its legislative purpose is to promote the safe and proper use of ATVs for recreation and commerce in NY, to ensure the safety and well-being of all persons concerning the use of ATVs, to minimize detrimental effects of such use upon the environment, and to provide a method whereby municipalities shall consider the designation of appropriate public lands for ATV use and regulation. It allows the DMV Commissioner to adopt rules and regulations:

- a) for conducting special events;

- b) for the administration and enforcement relating to liability insurance;
- c) establishing comprehensive ATV information and safety education programs
- d) with respect to uniform signs or markers to be used by governmental agencies which are necessary or desirable to control, direct or regulate the operation and use of ATVs. Signs used on highways shall also be approved by the Department of Transportation commissioner

Any state agency may adopt rules and regulations not inconsistent with the provisions of the vehicle and traffic law in a manner appropriate to such agency to permit or regulate the use of ATVs on specifically designated land, including highways, under its jurisdiction.

### **Use of Municipal Roads**

VTL Section 2405 (1) speaks to the designation of highways for travel by ATVs, stating that governmental agencies (including towns and villages) “may designate and post any such public highway or portion thereof as open for travel by ATVs when in the determination of the governmental agency concerned, ***it is otherwise impossible for ATVs to gain access to areas or trails adjacent to the highway*** (emphasis added).” In other words, the use of ATVs on municipal roads is essentially banned unless a municipality takes action (through either a local law or ordinance) to specifically designate highways under its jurisdiction for ATV use.

### **Use of Public Lands**

VTL Section 2405 (2) essentially says that public lands are not open for ATV use unless the municipality or designated governmental agency specifically opens land for ATV use. For towns and villages this option includes municipal forest or park land; for counties it involves county reforestation land; and for New York State it includes state forests, wildlife management areas, multiple use areas, unique areas and conservation easement lands.

### **Forest Preserve**

ATVs are not permitted on forest preserve lands except for certain routes designated as Motorized Access Program for People with Disabilities (MAPPWD). The Adirondack State Land Master Plan provides for ATV use on existing public or administrative roads open for such vehicles. Because “areas or trails” open to ATV access are prohibited on the forest preserve, the opening of public motor vehicle roads for ATV use would not comply with VTL 2405. Certain administrative roads may be open to limited ATV use under the NYS Department of Environmental Conservation’s (DEC) MAPPWD program which provides access to programs for qualifying persons with disabilities under permit from the DEC.

### **State Forest**

State land may accommodate ATV use under certain conditions. The designation of ATV routes on state forests (state reforestation, multiple use and unique areas) is guided by the Strategic Plan for State Forest Management (SPSFM). This plan allows for ATV routes to be considered under the following circumstances:

- as may be considered to accommodate a “connector trail” through Unit Management Planning or a similar public process; and
- on those specific routes designated for use by DEC-issued MAPPWD.

### **Connector Trails**

In the event another entity is establishing a legitimate public ATV trail system on lands adjacent to a state forest, and a state forest is needed to serve as a connecting link, or when a state forest road or trail could serve to connect already designated ATV trails open to the public, DEC will evaluate and consider the proposal. Any such trail proposal must comply with state law, DEC policy and regulations. If it is determined to be environmentally compatible, a connecting trail could be established on the state forest. This would be dependent on the availability of sufficient funds to establish and maintain a sustainable trail. The state forest-based connector trail, if approved, must follow the shortest environmentally acceptable route available.

The inclusion of a connector trail in a Unit Management Plan (UMP) and the subsequent establishment of any such trail could only occur if it does not compromise the protection of the natural resources of the unit, significantly conflict with neighbors of state forests, or interfere with other established recreational areas. Such designation shall only occur through the amendment or adoption of a UMP or another process which provides similar opportunities for public review and comments and full SEQRA review of the proposed designation.

Connector trails will be monitored to ensure that the legal use does not lead to unacceptable adverse impacts, or illegal off trail use within state forest lands or on neighboring private property. Should illegal use increase significantly adjacent to any connector trail, that trail will be subject to closure.

### **Conservation Easement Lands**

As DEC obtains “working forest” conservation easements on forested properties, there may be opportunities to develop ATV trails on those easement properties, depending on the terms of the easement as negotiated with the fee landowner, an assessment of natural resource impacts and inclusion in a Recreation Management Plan (RMP) or RMP amendment.

### **Wildlife Management Areas**

Except when otherwise posted, motorized vehicles are allowed to operate on public roads and parking areas within Wildlife Management Areas (WMAs). The speed limit is 25 miles per hour where such use is authorized. Motorized vehicles including ATVs and UTVs are prohibited from operating elsewhere on WMAs, including off road use, except where specifically authorized by posted notice, a Temporary Revocable Permit (TRP), or MAPPWD permit. Damage to state assets (e.g., gates and signs) and natural resources (e.g., soils

and vegetation) is prohibited. 6 NYCRR Part 51 and WMA management plans describe the limitations on utilizing ATVs, UTVs or other vehicles on these state lands.

## **Court Case Review**

### **January 1999, Santagate v. Franklin County**

Court: Supreme Court of Franklin County (Judge John A. Lahtinen)

Summary: Franklin County passed a law designating road use for both snowmobile and ATV use on thirteen county roads. Petitioners argued that the county had no authority to designate town roads for snowmobile use in lieu of towns, cities, or villages pursuant to Parks, Recreation, and Historic Preservation Law (PRHPL). Petitioners also argue that while the county is authorized by Vehicle and Traffic Law (VTL) to open its jurisdictional roads to ATV use, the county did not properly follow the designation process and therefore opened roads arbitrarily. Respondents could not provide any documentation on its determination process. The court found that the law failed to properly follow VTL 2405 and provide documentation on ATV-use designations for its roads.

Result: Local Law No 3 of 1998 was rendered invalid.

### **March 2003, Brown v. Town of Pitcairn**

Court: Supreme Court of St. Lawrence County (Judge David Demarest)

Summary: The Town of Pitcairn passed a local law enabling the use of ATVs and snowmobiles on all town roads. Petitioners argue that the promulgation of such a law is contrary to VTL Article 48-C as well as Parks, Recreation and Historical Preservation Law (PRHPL) Article 25, and that the town did not use due diligence in assessing each roadway. In reviewing the town's public meeting and town board meeting minutes, the court found that the town failed to deliberate each roadway's access and to document its determination process.

Result: Local Law No 2 of 1996 was rendered invalid.

### **August 2003, Brown v. Town of Pitcairn**

Court: Supreme Court of St. Lawrence County (Judge David Demarest)

Summary: Following the annulment of its previous local law, the Town of Pitcairn promulgated another local law to enable the ATV and snowmobile traffic on twenty-four out of its twenty-six town roads. Petitioners argue that this local law yet again fails to follow the road justification process in VTL 2405 for ATVs and PRHPL 25.05 for snowmobiles and that only six roads are necessary for ATV trail connectivity. Petitioners also argue that the local law was improperly enacted due to lack of environment assessment per the State Environmental Quality Review Act (SEQRA). The court found that the town failed to properly justify roadway openings per statutory requirements.

Result: Local Law No 1 of 2003 was declared partially null and void, with the court upholding ATV-use designation on a handful of local roads, and null and void in its entirety regarding snowmobile traffic.

**2004 Hutchings v. Town of Colton**

Court: Supreme Court of St. Lawrence County (Judge Demarest)

Summary: In an Article 78 proceeding, the court follows similar judicial interpretations of VTL 2405 as found in *Brown v. Pitcairn*. Based on case law, the court finds that the local laws in the Town of Colton were made in violation to the lawful procedures required by VTL 2405 and SEQRA.

Result: Local Law No 2 of 1999 and Local Law No 1 of 2004 were annulled.

**2007 ADK Council et al. v. Lewis County**

Court: Supreme Court of Lewis County (Judge Joseph D. McGuire)

Summary: Petitioners argued that the county failed in its substantive and procedural requirements pursuant to SEQRA in passing Local Law No. 7 of 2006, namely in thoroughly assessing potential environmental impacts. Respondents argued that, in fact, the local law does not introduce new environmental impacts, but seeks to regulate existing illegal ATV activity in these lands. The court found that the Board of Lewis County failed to comply with the provisions of SEQRA by making errors in lawful procedure in adopting Local Law No. 7 of 2006.

Result: Respondents were enjoined from further actions in reliance on Local Law No. 7 of 2006 pending compliance with SEQRA.

**2007 State of NY vs. Horicon**

Court: State of New York Supreme Court, Appellate Division, Third Judicial Department (Judge J. Crew III, J.P. Mercure, Spain Peters, JJ. Rose)

Summary: The Supreme Court annulled the law, which allowed ATV use on routes through state forest lands, on several grounds. The Court found that the state owned the relevant land in the town of Horicon, and that the routes traveled by ATV traffic did not fit the definition of “highways by use” under Highway Law Section 189. Further, the court found that the town failed to perform a proper environmental impact assessment required by SEQRA, and that the town failed to provide the evidence needed to substantiate ATV-use per VTL 2405.

Result: the Supreme Court granted petitioners’ motion for summary judgement, leading to the annulment of Local Law No. 2 of 2002 in its entirety.

**2008 Krug v. Town of Leyden**

Court: Supreme Court of Lewis County (Judge Joseph D. McGuire)

Summary: The town of Leyden passed a local law enabling all its town roads for ATV use. Petitioners argued that the town’s law violates both the NYS Constitution (Article IX, Section 2) as well as VTL (Article 48-C). The court found that the town had not followed the strictures of VTL regarding the criteria and determinations needed to designate roads for ATV use. References were made to case law seen in *Brown v. Pitcairn*, *Hutchins v. Colton*, and *Santagate v. Franklin County*.

Result: Town of Leyden Local Law No. 1 of 2002 is null and void.



**2009 O'Brien Daily v. Town of Lyonsdale**

Court: Supreme Court of Lewis County (Judge Joseph D. McGuire)

Summary: The town of Lyonsdale passed a local law which opened portions of its town roads to ATV use. The court found that the town failed to “take a hard look” regarding the environmental impacts as required by SEQRA, the environmental review forms were perfunctory and incomplete, and that the adoption of the law itself failed to follow the lawful procedures required by SEQRA and VTL 2405.

Result: The court declared Local Law Number 1 of 2009 null and void.

**2015 ADK Council v. Town of Forestport**

Court: State of New York Supreme Court (Judge Samuel D. Hester)

Summary: The court found that the town board failed to substantiate its findings regarding the necessity of opening the designated roadways to ATV traffic, and therefore failed to discharge its obligations under VTL 2405. Additionally, the court found that the town failed to provide proper environmental review under SEQRA. This case was compared to *State vs. Town of Horicon*.

Result: Local Law No. 3 of 2015 was nullified.

**2018 DeSantis v. Village of Constableville**

Court: Supreme Court of Lewis County (Judge Peter A. Schwerzmann)

Summary: The village of Constableville enacted a local law in furtherance of the existing county-wide ATV Trail System. Petitioners argue that the village failed to make the necessary findings on road openings pursuant to VTL 2405, and that other procedures pursuant to SEQRA were not followed. The court notes that the ATV Trail System has had a positive economic benefit, and that “ease of use” arguments in favor of trail connectivity are sympathetic. However, the court found that upon applying a strict interpretation of Vehicle and Traffic Law and applying current case law, the village failed to fulfill its obligations per statutory requirements.

Result: Local Law No. 1 of 2017 is nullified.

**2019 Pena v. State of NY**

Court: Court of Claims (Judge Walter Rivera)

Summary: The claimant sought to hold the state liable for an accident where the claimant’s vehicle was struck by an ATV operated by a state employee. This claim was dismissed in part, as the court found that an ATV did not meet the criteria to be classified as a motor vehicle under VTL 388 or insurance law 5202(f). However, the court determined that the claimant could still allege negligence on behalf of the state’s ownership and operation of the ATV.

Result: The court dismissed the suit in part on the grounds that an ATV is not a motor vehicle in New York State law; claimants were given the opportunity to re-file.

## **2021 ADK Council v. Town of Clare**

Court: State of New York Supreme Court (Judge Mary M. Farley)

Summary: The town of Clare passed an “ATV Use Law” enabling the use of one town road, Tooley Pond Road, for ATV traffic. Petitioners contended that the town did not properly follow VTL 2405 and SEQRA. The court found that the law in question sufficiently addressed criteria in Traffic Law due to the existing trailhead near the road and two significant obstructions (a river, wild forest land where ATV use is not allowed) that makes passage otherwise impossible without using the highway as a connector. The court failed to find any evidence that the town issued an improper negative declaration regarding its environmental impact assessment. References were made to case law seen in *Brown v. Pitcairn* and the *State v. Horicon*, although this court’s ruling differed.

Result: The court ruled in favor of the respondent, town of Clare, upholding the local law and dismissing the suit.

Lastly, while not an example of case law, the following opinion from the comptroller has some relevance into the ongoing legal discussion about ATVs and highway use:

### **New York Attorney General’s Opinion (2005-21)**

While Vehicle and Traffic Law authorizes governmental agencies to permit ATV on highways under their jurisdiction, it is only in limited circumstances. A Lewis County attorney wrote to the Comptroller’s office requesting clarity on the designation of highways for use by all-terrain vehicles in VTL 2405(1), namely on these questions: 1) if town highways duly designated for ATV use may thereafter be considered “trails adjacent to the highway,” thereby permitting further designation of additional county roads, and 2) if a municipality may designate a public highway open for ATV use in order for operators to access private trails and areas (e.g. parking lots, private commercial establishments).

To summarize the informal opinion of the New York Attorney General,

*Municipal highways may be designated for use by ATVs only when necessary to provide access to adjacent trails. Highways previously designated for use by ATVs do not qualify as “adjacent trails” for this purpose. Trails on private land that are open to the public for recreational ATV use may qualify as “adjacent trails.”*

This opinion clarifies that, so long as trail or area is open to the public, municipalities may designate public highways to provide access to such trail or area. However, each roadway in consideration must still meet the “otherwise impossible” criteria outlined in VTL2405(1) and routinely upheld by local courts (*Brown v. Pitcairn*, *Hutchins v. Town of Colton*, *Santagate v. Franklin County*.)

## **Case Law Review: Takeaways for Municipalities**

In every case (listed above) where the municipal respondent was challenged regarding its ATV road-access laws (excluding *ADK Council v. Town of Clare*, where the local law was upheld), the courts ruled in favor of the defendant on grounds that the respondent failed to properly follow VTL 2405 when implementing its local law. Several of these towns were also found to have improperly followed SEQRA (*Hutchins v. Town of Colton*, *State v. Horicon*, *O'Brien Daily v. Lyonsdale*, *ADK Council v. Forestport*, *DeSantis v. Constableville*). In these cases, the errors made on behalf of the municipalities in the legislative process are effectively the same, and the lessons learned from these court cases might help inform other municipal bodies on best practices in promulgating their own laws.

### **Vehicle and Traffic Law Interpretations**

Regarding Article 48-C § 2281 infractions, the language of contention lay in the following: "... [a municipality] may designate and post any such public highway or portion thereof as open for travel by ATVs when in the determination of the governmental agency concerned, it is otherwise impossible for ATVs to gain access to areas or trails adjacent to the highway." Therefore, while VTL does enable a municipality (villages, towns, cities, counties) to designate their jurisdictional roads for ATV traffic, they must do so with a strong justification for which road segments and why. The implicit language of VTL and the established case law indicate that road segments enabled for ATV use are meant to be kept short, and to directly connect off-road trails. However, VTL as written has two problems: 1) there is no elaboration on what documented processes qualify as valid in determining whether or not a roadway is to be opened, and 2) it offers no concrete guidance on which criteria can validly be considered "otherwise impossible" for travel.

This ambiguity of the law as written leaves room for confusion and interpretation, as evidenced by the promulgation of local laws and in court rulings when those laws are challenged. Case law firmly places responsibility on municipalities to select and rationalize which roads meet criteria pursuant to VTL. In all cases where the towns were ruled to have improperly fulfilled their obligations regarding VTL 2405, the court found insufficient or nonexistent documentation regarding compliance in the evaluation stage of designating road access for ATV use (*Santagate v. Franklin County*, *Brown v. Pitcairn*, *Hutchings v. Colton*, *State v. Horicon*, *Krug v. Leyden*, *O'Brien v. Lyonsdale*, *ADK v. Forestport*, and *DeSantis v. Constableville*). In these cases, the village/town board minutes and public meeting minutes were reviewed by the courts as supporting documents, but found that in these minutes, the municipality did not deliberate each road opening on its own merit pursuant to statutory requirement. Therefore, the courts found that the municipality failed in its procedural duties.

Notably, in *DeSantis v. Constableville*, the petitioner argued that no ATV area is truly "impossible" to access, as ATVs can be trailered from location to location. However, if VTL was truly intended by legislators at the time of writing to be so strictly interpreted, then the legal right granted to municipalities to designate their jurisdictional roadways would be moot. The only rational conclusion that can be drawn between statutory law and case law is

the following: while highways clearly cannot and should not be designated for ATV traffic in a perfunctory manner that travel is “otherwise impossible,” there is clearly a lack of high-level guidance on best practices and procedures to fulfil the obligations of VTL.

There is a clear tension developing between the motivation of towns and counties to connect their trail systems for economic and recreational purposes and the law as currently written.

### **Town of Clare Case Study**

*ADK Council v. Town of Clare* is a notable exception where a court upheld an ATV local law in full. *(In the August 2003 ruling of Brown v. Pitcairn, twelve out of the twenty-four roads enabled for ATV local traffic was declared null and void, with the remaining twelve of the original local law being upheld.)* A possible interpretation for why the town of Clare case arrived at a different ruling than the others examined here is that the town clearly identified two obstructions to the ATV trail and trailhead areas. While the local law’s “Section 2: Purpose and Findings” only obliquely references trail connectivity as the purpose behind the law, meeting minutes from the public meeting prior to the law’s passage document in-person project input from a county senior civil engineer as to the rationale behind the road opening. The recorded minutes of the public meeting, as well as an affidavit from the same expert, supported the town’s findings and justification of purpose. These articulated obstructions around Tooley Pond Road (Grasse River and the Forest Land Preserve) justified the town’s findings that a portion of the town road needed to be opened to provide full access to the trail, thereby satisfying the “otherwise impossible” language of Article 48-C.

### **DeSantis Decision and Order**

In the case of *DeSantis v. Constableville*, the full Decision and Order document provides a nuanced and balanced discussion on the subject of ATVs and their highway access. While Judge Schwerzmann ruled against Constableville’s local law in this case, the court acknowledged the overall benefit large-scale trail systems play in both contributing to economic development and expanding recreation opportunities for the public. The following is an excerpt from the Decision and Order document from 2018:

*As Justice Demarest [in Brown v. Pitcairn] noted, had [large-scale road openings] been the intention of the Legislature when it enacted [VTL 2405], then there would have been no need to require a determination by the municipality regarding impossibility of access. The fact that the Legislature included the term "otherwise impossible" and mandated a specific determination by the municipality requires the Court to conclude it was not the Legislature's intent to allow any section of public highway to be opened to ATV use simply by a municipality deciding to do so. There must be fact finding following an investigative process which then concludes with the required determination. **Quite frankly, clearing the "otherwise impossible" hurdles seems like a daunting, if not impossible task. However, modifying or eliminating that hurdle is a matter for the Legislature.*** (emphasis added)

This discussion acknowledges the uphill battle municipalities and counties may face in connecting large-scale trail systems through highway access, even in an ideal-case scenario where the municipality in question followed VTL and SEQRA processes perfectly. This difficulty is due to the specific language of VTL 2405. Changing the status quo is therefore not a matter for the courts, who are bound to interpret the laws as written, but a matter for the state legislature. While several bills addressing various aspects of ATV recreation have been proposed in recent NYS legislative sessions, none have been passed by both houses and signed into law by the governor.

### **Case Law Summary**

As things currently stand, municipal boards should keep in mind the following when considering a local law enabling road use for ATV traffic:

- Municipal boards should keep thorough records of their factual deliberation process, e.g., municipal board minutes, public feedback, expert input;
- Enabled roadways should be thoughtful and well-planned;
- Avoid blanket laws that open all town highways;
- Carefully follow the SEQR process prior to implementing the law; and,
- Thoroughly document any obstructions or rationale regarding highway segments needed to connect trails or lands within the law itself to fulfill the “otherwise impossible” criteria of Article 48-C.

## **Municipal Considerations**

### **Insurance**

In general, if a municipality owns properties which are used by ATVs and/or snowmobiles, or has enabled its jurisdictional roadways for ATV use, that municipality has a greater liability exposure from an insurance perspective. This may also result in higher insurance premiums.

If a municipality is applying for or renewing its insurance policy, jurisdictional roadways designated for ATV use may be calculated into assessing risk and liability, depending on the insurance carrier. Insurance companies refer to Article 48-C § 2281 and any local laws or ordinances passed by a municipality to look for the following: that each municipality is only acting with respect to highways under its jurisdiction, that municipal roads are not being used as an alternative to trails or areas where none exist, and that the municipality has shown compliance with SEQRA.

For example, NYMIR’s Annual New Business Application (revised 03/28/2025), linked [here](#), is an excellent reference for a comprehensive list of ways a municipality may be exposed to risk. Shortly into the application, the applicant is asking whether the municipality has passed a local law allowing ATV or snowmobile use on public roads and streets. (More detailed information regarding long stretches of enabled roadway may also be of interest if available, e.g. engineering and traffic studies.) This is only one question in a larger matrix of risk and liability, but it is still a factor that may affect cost of coverage. If a municipality is

considering passing a local law regarding ATV use on its roadways, this a factor that should be weighed amongst the pros and cons of such an action.

Possible ATV claims may include:

- ATVs operating on a designated snowmobile trail
- Trail maintenance in question, unit malfunction
- ATV rollover hazard
- ATV accident, possible maintenance issue

Liability issues related to ATVs may include:

- Rules/regulations for use
- Trail grooming/maintenance
- Signage
- Trail/rule enforcement
- Contracted groups for grooming/maintenance/signage
- Trail mapping
- Written prior notice/notice of defect

Proactive steps like rules, regulations, trail maintenance, signage, and enforcement may not prevent accidents, but they can help win lawsuits when or if they occur. In general, ATV or snowmobile liability issues fall under general liability coverage, especially regarding bodily injury or property damage. These questions are best directed to a municipality's own insurance carrier for details.

There are ways for a municipality to minimize its liability, however. Reasonable care is required to maintain the facilities and warn the public of defects or dangers. For example, a municipality might develop a comprehensive inspection program, fully documented and reviewed, with minimum requirements:

Post rules regarding ATV use;

- Periodically inspect municipally-owned trails and areas;
- Remove physical hazards that obstruct pathways;
- Post warning signs for terrain changes
- Maintain roads and trails in a reasonably safe condition
- Ensure proper signage

Moreover, installing and maintaining signage on designated roadways is key in reducing liability and ensuring compliance with state regulations. A municipality must ensure that the proper signage is in place on its designated roads, per the Manual on Uniform Traffic Control Devices. The NYS Department of Motor Vehicles [website](#) reminds operators that:

You may not operate an ATV on a highway unless it has been designated and posted for ATV use by the state or local authority. Usually, only the part of a highway between two off-highway trails will be posted. Check with local police to be sure.

Operators bear responsibility for safe and responsible operation of their ATV, but the onus of designating, maintaining, and communicating to the public about these roadways is on the municipality.

### **Highway**

One of the concerns involved in enabling town roads for ATV traffic is how increased traffic might affect jurisdictional roads. ATVs may not be considered a class of motor vehicle in New York State, but they certainly contribute to traffic on roadways. Large ATV events may require a separate permitting and insurance process at the county level, but how does the promulgation of local laws enabling more regular patterns of ATV traffic affect local highway systems?

Data on this subject is exceedingly limited. However, based on preliminary outreach to highway departments, it appears that more regular use of ATVs on town roads may lead to a bump in necessary budget allocations to local highway departments.

In a hypothetical, “ideal-case” scenario, the biggest costs of ATV traffic on roads are: labor costs for highway crew, more grading and maintenance on roadways where ATV traffic is allowed, increased cost of materials (e.g. gravel), equipment use, and cost of signage. In this scenario, expenses for highway departments might increase by thousands of dollars for necessary upkeep.

Studies on ATV tourism show that motorized recreation is a lucrative source of income for some communities. However, more data is needed to provide a detailed understanding of the costs and benefits of regular ATV traffic from a municipal perspective. It is only with more data on how ATV laws and increased ATV traffic on town jurisdictional roadways impact the physical roads themselves and the resulting impact on town budgets, negligible or otherwise. This data ideally would come from a) case studies, b) traffic studies, and/or c) comparative analysis of highway budgets for towns in which ATV traffic has been designated for specific road sections.

### **Signage**

The Department of Transportation’s *Manual on Uniform Traffic Control Devices for Streets and Highways (2009)* was intended to enhance highway safety and operation by requiring uniform, understandable, and effective traffic control devices on facilities open to public travel. Traffic control devices installed on such facilities within the State of New York are required to conform to the MUTCD, published by the Federal Highway Administration (FHWA). Deviations from the MUTCD are published in the New York State Supplement to the MUTCD (NYS Supplement), and are justified in cases where: New York law does not allow or support use of a device as described in the MUTCD; more restrictive guidance is desired; traffic control devices unique to New York need to be included; and/or the exclusion of optional traffic control devices is desired. These deviations are adopted

through the State Administrative Procedures Act (SAPA) process and by permission of the FHWA.

The *New York State Supplement to the Manual on Uniform Traffic Control Devices for Streets and Highways (2009 Edition)* added [further guidance](#) on traffic control devices. This supplement was adopted by the New York State legislature and became effective March 16, 2011.

Highway signs are also important municipal assets to be carefully employed, managed, and maintained. Proper use of signs can help a municipality manage its risk and liability. For municipalities considering an ATV road use law, signs are an important follow-up step to the promulgated local law. This should be communicated between the municipal board and its highway department to ensure that ATV operators can clearly visualize which road segments are valid to ride on (and in other cases, which roads are not open to ATV traffic).

According to the Vehicle and Traffic Law Article 48-C, the roadways are ineligible for ATV traffic by default, unless specifically designated by their jurisdictional agency. However, for towns and villages that may have some roads open for ATV use, indicating start and stop points through signage might be helpful in informing operators of the proper routes. For municipalities with safety concerns around motor vehicle accidents on ATV crossings or road segments serving as trail connectors, warning signs may be an appropriate step to raise awareness for vehicle operators.

SIGN DRAWING SD-G14	Green Background	White Legend
<b>Snowmobile &amp; All Terrain Vehicle Route Signs</b> <b>(NYM7-1, NYM17-1, NYM17-2)</b>		



NYM7-1



NYM17-1



NYM17-2

Sign	Size	Border
NYM7-1, NYM17-1 & NYM17-2	24" x 18"	.5"

*Section 2D.105 of the MUTC Supplemental provides a template for ATV Route signs (NYM17-1 and NYM17-2) which shall be used on highways where all terrain vehicles are*



permitted by official designation, in accordance with Section 2405 of the Vehicle and Traffic Law.

SIGN DRAWING SD-R8	White Background	Black & Red Legend
<b>Selective Exclusion Signs</b> <b>(NYR5-12, NYR5-13, NYR5-21, NYR5-26, NYR5-27, NYR5-28)</b>		



NYR5-13



NYR5-12



NYR5-21



NYR5-26



NYR5-27



NYR5-28

Section 2B.39 of the MUTC Supplement shows an example of a “No-All Terrain Vehicles” Sign (NYR5-27) among its selective exclusion signs.

<b>SIGN DRAWING SD-W17</b>	<b>Yellow Background</b>	<b>Black Legend</b>
<b><i>Vehicular Traffic Signs</i></b> <b><i>(NYW5-18, NYW5-19)</i></b>		



NYW5-18



NYW5-19

	<b>Sign</b>	<b>Size</b>	<b>Margin</b>	<b>Border</b>
	NYW5-18 & NYW5-19	24" x 24"	.375"	.625"
<b>C</b>	NYW5-18 & NYW5-19	30" x 30"	.5"	.75"
	NYW5-18 & NYW5-19	36" x 36"	.625"	.875"

*Section 2C.49 of the MUTC Supplement posits that ATV signs (NYW5-18 and NYW5-19) may also be potentially used as vehicular traffic warning signs.*

### **Emergency Response and Volunteer Fire Departments**

ATV crashes often occur in remote, difficult-to-access areas where local volunteer fire departments serve as the first—and often only—immediate responders. These departments, staffed largely by unpaid community members, are typically first on scene, well before ambulances or county emergency crews arrive. They are a critical part of the safety net for ATV riders, routinely providing emergency medical care, technical rescues, and coordination with EMS for transport. Their role becomes even more vital in areas with limited cellular coverage, rugged terrain, and long response times for backup services.

However, most rural volunteer fire departments are not equipped with specialized gear (e.g. rescue UTVs, GPS-tracking tools, or off-road extraction equipment) often needed to respond effectively. Many ATV-related incidents occur in terrain inaccessible to ambulances and require off-road rescues or air support, delaying care for the affected parties, tying up limited personnel and equipment for extended periods, and reducing capacity for other emergencies. Many local departments rely on limited budgets, borrowed equipment, and personal experience. Unlike paid departments, these volunteers must juggle emergency calls with full-time jobs, families, and other responsibilities.

This growing mismatch between the increase in ATV use and the under-resourced nature of rural departments puts serious strain on local emergency response systems. The burden is even greater in municipalities that do not have legal ATV roads or trails but still experience high levels of unauthorized use. In such cases, departments are asked to respond to emergencies caused by activities the municipality has not sanctioned, without the necessary tools, training, or support. Notably, unlike other equipment eligible for grant opportunities (e.g. Assistance for Firefighters Grant through FEMA), ATVs/UTVs are not considered an eligible expense to write for; this increases the financial burden on emergency response entities who may need to increase contract costs with municipalities or increase fundraising efforts in order to secure the equipment necessary to respond to these calls.

As ATV recreation continues to grow in popularity, it is essential that municipalities include their local fire departments in planning discussions. When new roads or trails are opened to legal ATV use, fire departments must be informed and consulted in advance. This communication allows them to assess equipment needs, pursue grant opportunities, arrange mutual aid support, and ensure they are prepared for a potential increase in call volume and complexity. Municipalities must view emergency preparedness as a shared responsibility, especially when the safety of both residents and recreationists depends on it.

## State Policy Considerations

**Definitions and Classification** - The current definition of ATVs in state law is problematic, as almost all ATVs/OHVs in use today exceed the weight and/or width dimensions laid out by New York statute. The outdated parameters of maximum width and dry weight outlined in both New York State law and the laws of other neighboring states indicate that the technology is changing faster than the law is changing with it. In practice, local law enforcement does not issue tickets for this violation, which may be contributing to some riders feeling that other laws do not apply to them as well.

As recently as 2019, in *The State v. Pena*, the courts upheld that ATVs did not meet the legal criteria of a motor vehicle based on the definition in VTL 388 or insurance law 5202(f). However, now that ATVs/OHVs have become much bigger, heavier, and more sophisticated machines, the question of reconsidering the legal definition of ATVs in New York State might reasonably be raised. For example, should ATVs be considered a type of vehicle class? Or should the state, rather than classifying ATVs by size and weight, simply require that any OHV driven on a public road be street-legal and driven by a licensed driver, thereby making it a motor vehicle? In the state of Montana, for example, ATVs/OHVs are considered motor vehicles by statute, and therefore are required to be street-legal and bear a license plate under the Department of Justice Motor Vehicles Division.

**Case Law and Implications for State Law** - As seen in the case law examples, the language concerning ATVs in Vehicle and Traffic Law is murky in practice. Regardless of whether a person is a) a proponent for increased accessibility and trail connectivity, or b) if such a person supports the continued restricted access of ATVs on town, village, or county highways, the following is clear: the issue of highway access and the validity of local laws has continually required courts to resolve the dispute, requiring time and money from both plaintiffs and respondents. Is VTL 2405 worth revisiting at the state level, especially concerning the “otherwise impossible” clause? If the language and intent of the law is indeed still appropriate, further guidance for proper protocols pursuant to Article 48-C might be necessary.

**Fees and Accounts** - In New York, ATV registration fees are deposited in the state’s general fund, rather than a dedicated account. Setting at least a portion of these fees in a specific fund to support ATV trail maintenance and enforcement, like what is done for snowmobiles, would level the playing field and potentially reduce some of the issues related to ATVs. In Maine, Montana, Pennsylvania, and Vermont, monies collected from trail passes, license plates and decals, enforcement efforts, etc., are funneled into a specific fund and then distributed to municipalities or recreation groups via grants or application. The establishment of something similar in New York State might reduce the burden on recreation groups, nonprofits, municipalities, and counties for expenses like education programming, enforcement, equipment purchases, trail maintenance, and trail expansion.

## **Law Enforcement Considerations**

Municipalities have the power to legislate local policies, but law enforcement efforts are greatly needed to enforce local and state policies and to control some of the problems associated with ATV use. Some ATV Clubs, like the Lost Traction ATV & SXS Club in Oneida County, require signed attestations on its membership applications recognizing that irresponsible operation of ATVs may result in revocation of membership. In recent years, clubs have improved their education and safety awareness. Strengthened enforcement and increased penalties from law enforcement would help to mitigate the effect that irresponsible operators have on the larger motorized recreation community.

## **Ticket Citations**

State and local law enforcement agencies are required to send the Department of Motor Vehicles copies of universal tickets issued for violations of applicable laws (VTL, Thruway Rules and Regulations, Tax Law, Transportation Law, Parks and Recreation Regulations, Local New York City Traffic Ordinances, and NYS Penal Law) in the course of operating a motor vehicle. These tickets enter a processing system used by the courts to record and track tickets from issuance to disposition. The Traffic Safety Law Enforcement & Disposition Program (TSLED) is used by local courts throughout most of NYS, excluding bureaus in New York City, Western Suffolk County, Rochester, and Buffalo. All ticket data included in this paper is sourced from TSLED.

The most-recently published dataset, “Traffic Tickets Issued: Four Year Window,” is maintained at the central DMV office in Albany and can be retrieved from [data.ny.gov](https://data.ny.gov). This ticketing dataset provides information issued by state, local, and public authority law enforcement agencies during the noted time period. (Please note that the issuance of a traffic ticket is not equivalent to an individual being found guilty.) While ATVs are not classified as a motor vehicle under state law and case law, cited violations concerning ATVs are included in the dataset.

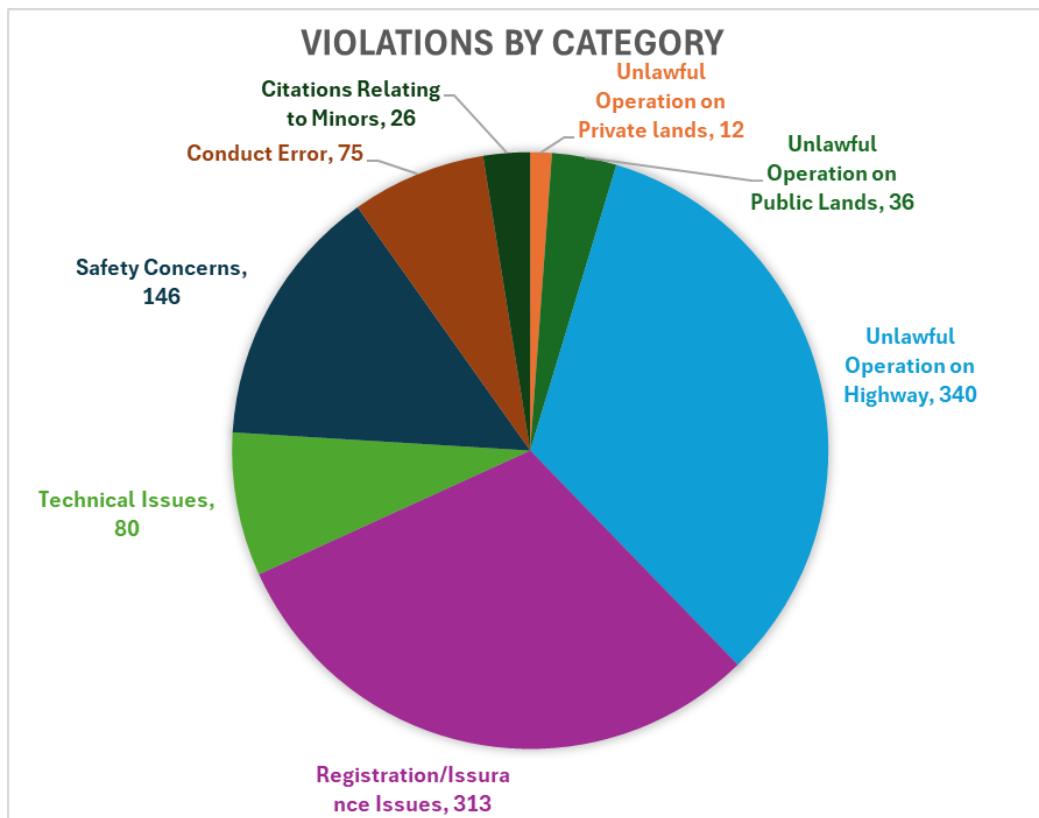
The full dataset includes approximately 10.7 million tickets. Results were narrowed to 19,130 statewide tickets with the search query “ATV.” From there, data was exported and unrelated municipalities were excised.

According to this dataset, in approximately the last four years, 1,028 ATV/UTV citations were issued as answerable to a court that either: 1) a municipal court contained within the geographic boundary of Tug Hill, or 2) a court affiliated with a municipality that is a member of a Council of Government (COG) based within the Tug Hill region.

#### Citation Categories

This dataset lists only the primary violation inciting each ticket. All 1,028 tickets included in this four-year window fall under one of thirty listed violations. These citations can be loosely clustered into several categories, outlined below.

- Unlawful operation on highway
- Violations relating to insurance/registration (unregistered ATV, uninsured ATV, failure to produce proof of insurance, failure to transfer registration, failure to change address)
- Violations relating to safety (unreasonable speed, reckless driving, no helmet, use of substances)
- Violations relating to technical/mechanical issues with the ATV itself (improper/no lights, improper brakes, improper/no muffler, improper seating, no plates, misuse of dealer plates)
- Conduct error (failure to notify injury/accident, failure to comply with orders, failure to yield ROW, etc.)
- Unlawful operation on public lands
- Violations relating to minors (operator under 16, lack of supervision, etc.)
- Operation on private lands without owner consent



Approximately one-third of all citations can be attributed to one violation: the unlawful operation of ATVs on highways where ATV traffic is not designated by a jurisdictional agency. The violation description, “UNLAWFUL OPER ON HIGHWAY ATV” is the most commonly-cited reason for ATV-related tickets in the last four years.

Violations related to registration and insurance (violation descriptions, “FAIL PRODUCE INSURANCE/INJURED ATV,” “FAILURE TO CHANGE ADDRESS ATV,” FAILURE TO TRANSFER REG ATV,” “OPERATE/PERMITTING UNINSURED OPERATION ATV,” “UNINSURED ATV,” and “UNREGISTERED ATV”), when added into a sum, are the second-most common reason for ticket citations. These violations account for a little less than another third of all citations.

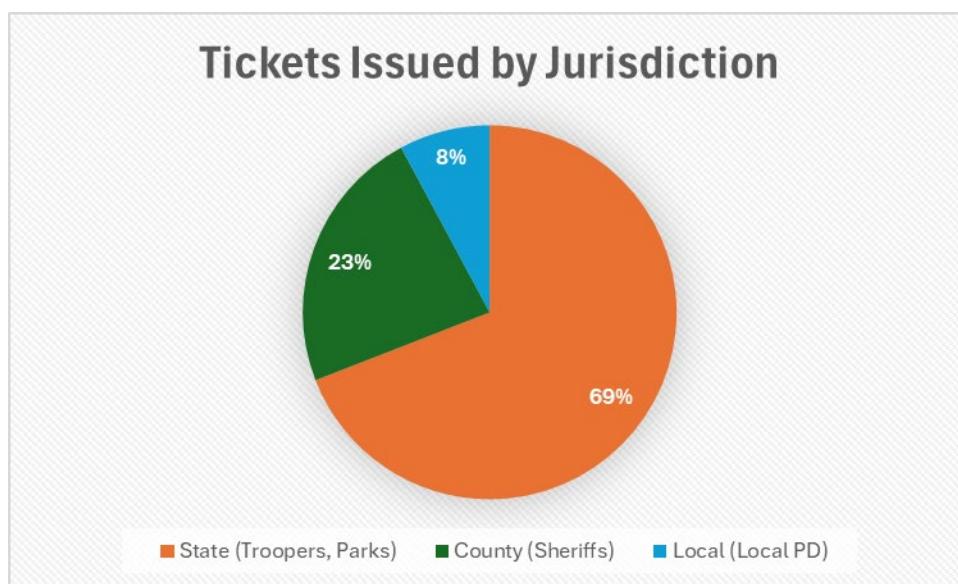
Violations related to safety (violation descriptions “DWI ATV-ALCOHOL/NARCOTICS/DRUGS,” “NO HELMET ATV,” “RECKLESS DRIVING ATV,” and “SPEED NOT REASONABLE AND PRUDENT ATV.”) are the third most commonly-identified reasons for citation, accounting for approximately 14 percent of all issued tickets. If the violation descriptions were categorized a little differently (to include violations categorized as technical and mechanical, e.g. improper brakes and lights, or operator conduct error, e.g. failure to yield ROW, as safety-related) this percentage would be even higher, account for closer to 22 percent of all ticket citations.

Notably, 105 of the 146 tickets reflected in the above pie chart were specifically related to helmets. Per the NYS DMV, operators and passengers must wear a USDOT-approved helmet

when riding an ATV. Face shields or goggles, protective clothes, and footwear are also recommended, but not required. For more specific information related to required equipment worn by operators and passengers and equipped to an ATV, see the [NYS DMV website](#).

#### Citations by Police Agency

This dataset lists the law enforcement entity that issued each ticket by name.



Of the 1,028 issued tickets in the last four years, over two-thirds of all ticketed violations (704 tickets) were documented by state law enforcement. This includes the state troopers assigned to the various offices throughout the region (Troop D of the New York State Police), Parks Police (New York State Parks, Recreation, and Historic Preservation), and NYS En-Con officers (NYS DEC). Just under a quarter of all tickets (235 tickets) issued were done so by county law enforcement agencies. Local police department efforts account for 8 percent of all tickets (89 tickets) issued.

This dataset only offers limited geographic information: each ticket can only be attributed to the respective police agency and the court tracking the ticket data. Therefore, it is difficult to assess precisely where each citation occurred (state, county, or local property or jurisdictional roads), and further analysis on the proportional split between jurisdictional efforts is not possible.

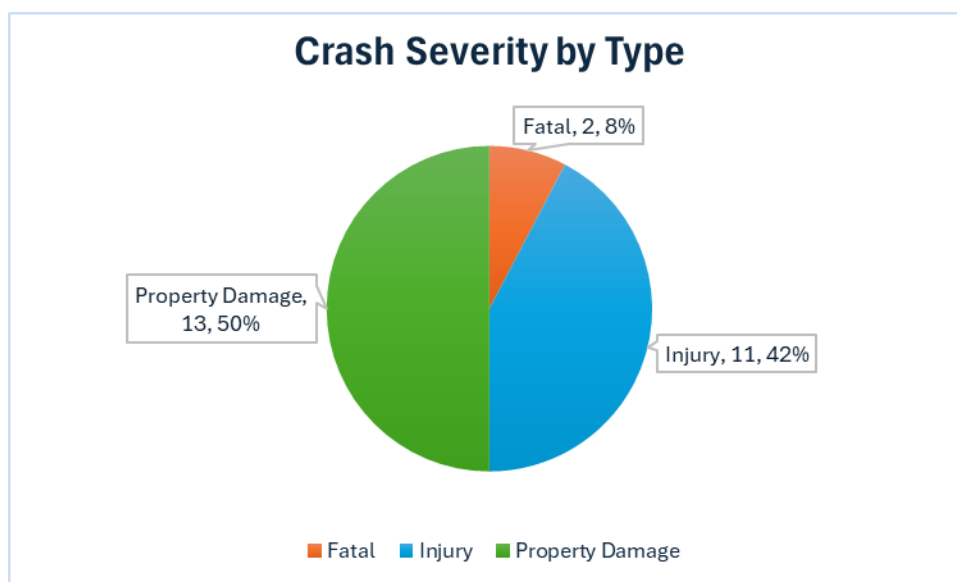
#### **ATV/UTV Crash Data**

The New York State Department of Transportation CLEAR (Crash Location Engineering Analysis Reporting) Crash Data Viewer offers some insight into ATV-related accidents from 2020-2024. (The data for the current year is incomplete, due to a latency period in which reports are made, processed, and uploaded onto the site.) The CLEAR data viewer offers crash information on the locomotive type or vehicle class involved in an accident, the date

and time of day, geographic location of the crash, environmental factors, accident severity, and apparent factors that led to the accident.

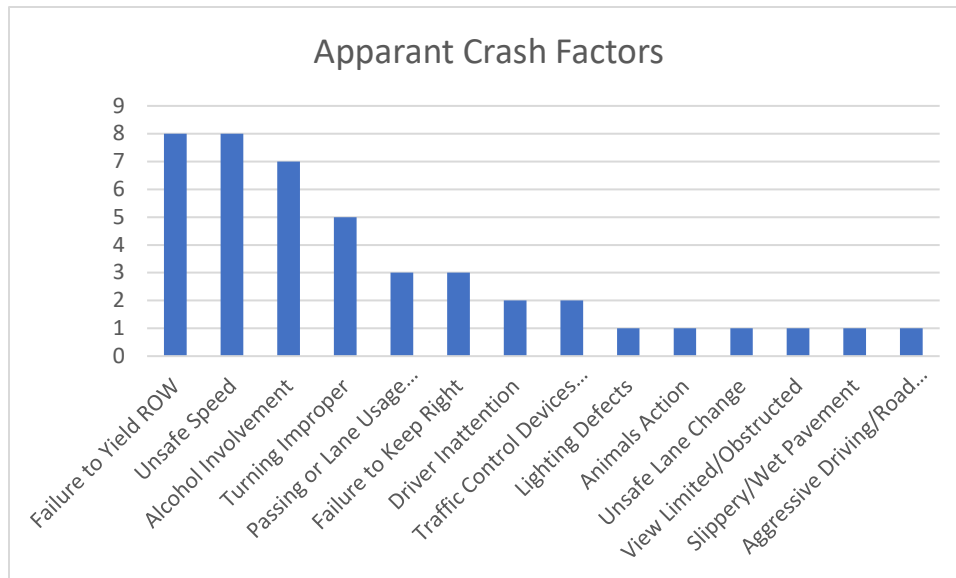
According to this resource, in approximately the last five years, fifty-seven ATV/UTV accidents were documented in Jefferson, Lewis, Oneida, and Oswego counties. Twenty-six of those documented accidents occurred in a municipality that either: 1) is contained within the geographic boundary of Tug Hill, or 2) is a member of a COG based within the Tug Hill region. These 26 accidents are being examined for the purposes of this paper.

Crash Severity by Type: When looking at crash severity by type, these accidents are classified by the greatest degree of harm inflicted during and after the accident (property damage, injury, or fatality). Half of all ATV accidents culminated in a worst-case scenario of property damage. In slightly less than half of those accidents, the accidents resulted in a measurable injury. A small percentage led to fatalities.



Top Contributing Factors to Crashes: Each CLEAR listing includes a report on “apparent factors,” or factors that law enforcement assesses or observes as being reasons for the reported incident. These factors are not necessarily definitive or final, but are part of the initial assessment and documentation of an accident. Among the 26 accidents studied here, “failure to yield right of way” and “unsafe speed” are the most commonly documented leading causes of crashes. Alcohol involvement was the second most commonly-cited factor. Other crash factors as indicated by law enforcement involved improper turning, a failure to keep right, and improper passing and lane usage. In other words, apparent crash factors related to operator error or inattention contribute to accidents in the region more often than environmental conditions or animal interference.





Crashes by Geography: ATV/UTV crashes appear throughout all four counties on both roadways and off-road trails. Approximately a quarter of reported ATV/UTV crashes occurred on, or in the immediate vicinity of, a roadway or trail enabled for ATV use by its respective municipality. The rest occurred on roadways not enabled for ATV traffic, implying operator error misconduct, whether intentional or unintentional. Irresponsible and illegal ATV use can and does happen anywhere, meaning that law enforcement efforts relating to ATV activities must cover the full geographic scope of their jurisdiction, much in the same way emergency medical services need to be prepared to potentially respond to an accident in any terrain or circumstances within their service area.

Per the NYS DMV's website, both highway department and DPW superintendents are expected to be knowledgeable about their municipalities enabled roadways and ensure compliance in signage. Local law enforcement is also expected to be knowledgeable about ATV/UTV road access, communicate road accessibility clearly to the public if engaged on the subject, and duly enforce rules and regulations of the same.

## Summary

Much of the ATV discussion from 2004 is still relevant today. As the viable snowmobile season continues to be undependable due to changing weather patterns and decreased snowpack, motorized recreation opportunities involving ATVs and OHVs become more and more appealing options to recreationists. The increased popularity of these activities suggests a need for municipalities to evaluate whether their communities have an interest in leaning into these growing recreational and economic opportunities.

Encouraging ATV off-road trails and minimizing the number and length of necessary road openings reduces municipal exposure to liability and reduces the opportunity for OHV and

passenger vehicle accidents. Municipal insurance carriers will welcome this as well. When municipalities open a section of road for ATV recreation, they should develop written findings to support their decision in case the local law is challenged in court. Municipalities should also include sections in their comprehensive plans about motorized recreation and specifically OHVs, to support what their residents indicate they want, and any future local laws related to motorized recreation.

By focusing on minimizing the problems created by ATV recreation (trespass, noise, accidents, decreasing enjoyment for non-motorized recreationists), taking special care in following Vehicle and Traffic Laws and SEQRA when developing local laws, and optimizing the benefits that come from ATV recreation (jobs, income to businesses, tax income, increasing enjoyment for motorized recreationists), this sector of the recreation economy will continue to mature in the Tug Hill region.