

ALL TERRAIN VEHICLE ROAD USAGE LAW

Town of Berkshire Local Law No. 2 of the year 2005

◆SECTION I - PURPOSE

The Town of Berkshire wishes to foster and encourage all types of agriculture and open space, including recreational facilities. The goal is the encouragement of land owners and organizations to develop trails for use by motorized vehicles. Several private all terrain vehicle (ATV) trails have been developed within the Town and are frequently used by clubs and individuals for recreational purposes. Because of the difficulty of getting from trail to trail without traveling on portions of Town of Berkshire roads, this law authorizes ATV users, under the conditions specified herein, to legally travel on all Town of Berkshire roads for the express purpose of going from one trail to another trail.

Authorization for this law is granted under New York State Consolidated Laws for Vehicles and Traffic (Article 48-C Section 2405).

◆SECTION II - DEFINITIONS

1. "ATV" means all terrain vehicle or four-wheel motorized machine designed for off-road usage.
2. "Operate" means to ride in or on, other than as a passenger, or use or control the operation of an ATV in any manner, whether or not said ATV is under way.
3. "Operator" means every person who operates or is in actual physical control of an ATV.

◆SECTION III – OPERATION OF ATV; WHERE PERMITTED

1. Highways:

- a. An ATV may make a direct crossing on state or county highways, other than an interstate highway or a controlled access highway, provided:
 - i) the crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - ii) the vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
 - iii) the driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;
 - iv) in crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway, and
 - v) if the crossing is made within the specified time frame laid forth in this law.

2. Private Property:

- a. No person shall operate an ATV on the private property of another without the consent of the owner or lessee thereof.

◆SECTION IV – OPERATION RULES ON TOWN OF BERKSHIRE ROADS

- 1. The operator of an ATV shall:**
 - a. operate at a rate of speed not to exceed 25 MPH;**
 - b. operate at a rate of speed which is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing;**
 - c. stop and yield to an authorized ambulance, civil defense, or police ATV or police vehicle being operated as an emergency vehicle and approaching from any direction;**
 - d. comply with any lawful order or direction of any police officer or other person duly empowered to enforce the laws relating to ATVs;**
 - e. operate the ATV as far to the right of the roadway as conditions allow;**
 - f. operate all ATVs in single file fashion.**
- 2. No sleigh, sled, toboggan or trailer shall be towed or traileed by and ATV on Town of Berkshire roads.**
- 3. ATVs may be operated on Town of Berkshire roads between the hours of 7:00 AM and 10:00 PM on Sunday through Thursday and between the hours of 7:00 AM and 11:00 PM on Friday and Saturday.**

◆SECTION V – EQUIPMENT

- 1. No person shall operate and ATV on Town of Berkshire roads unless it is equipped with:**
 - a. brakes in good working condition;**
 - b. a muffler system in good operating condition which meets federal standards as established in 40 CFR (Code of Federal Regulations) part 205.166, sub Part E;**
 - c. a spark arrester approved by the United States Forest Service;**
 - d. tires having at least two-thirty seconds of an inch of tread with no visible breaks, cuts, exposed cords, bumps or bulges;**
 - e. a lighted white headlight and a lighted red taillight, approved by the commissioner, must be on at all times while under operation on Town of Berkshire roads;**
 - f. a rear view mirror.**
- 2. No person shall operate and ATV or ride as a passenger on an ATV unless he is wearing a protective helmet of a type approved by the commissioner.**
- 3. No person shall operate an ATV on Town of Berkshire roads without a valid motor vehicle operator's license.**