§ 25.05 Operation on highways. It shall be unlawful for any person to drive or operate any snowmobile on a highway other than as follows:

1. Operation on thruway, interstate highways and controlled access state highways prohibited. Except in a snow emergency as so declared under the provisions of subdivision two of this section, snowmobiles shall not be operated on the state thruway or interstate and controlled access state highways.

1-a. Notwithstanding the provisions of subdivision one of this section, the commissioner, with the concurrence of the commissioner of transportation, may designate for temporary snowmobile use a trail or portion of a trail listed in this subdivision within the right of way of a state route. The commissioner's designation shall include conditions, developed in consultation with the commissioner of transportation, on the use of such trail by snowmobiles to provide for the safe use of such route and the safe operation of snowmobiles on the trail. Designations made under this subdivision shall be effective for no longer than a period of one year and may be renewed with the concurrence of the commissioner of transportation. The following trails or portions thereof may be temporarily designated for snowmobile use pursuant to this subdivision:

(a) state route one hundred four between the western county line of Wayne county and the northern town line of the town of Hannibal in Oswego county; and

(b) state route three hundred seventy-four from the vicinity of route marker 374-7102-1331 at the intersection of state route three hundred seventy-four and state route twenty-two to the vicinity of route marker 374-7102-1250 in Cadyville near the intersection of state route three hundred seventy-four and state route three.

1-b. Notwithstanding the provisions of subdivision one of this section, the commissioner, with the concurrence of the commissioner of transportation, may designate for snowmobile use a trail within the right-of-way of state route three between state route one hundred four in the town of Hannibal and county route three in the town of Granby in Oswego county. The commissioner's designation shall include conditions,

developed in consultation with the commissioner of transportation, on the use of such trail by snowmobiles to provide for the safe use of state route three and the safe operation of snowmobiles on the trail. Designations made under this subdivision shall be effective for no longer than a period of one year and may be renewed with the concurrence of the commissioner of transportation.

1-c. Notwithstanding the provisions of subdivision one of this section, the commissioner, with the concurrence of the commissioner of transportation, may designate for snowmobile use a trail within the right-of-way of state route eight in the town of Deerfield in Oneida county between mile marker/area locations route marker 8-2607-3237 and route marker 8-2607-3260. The commissioner's designation shall include conditions, developed in consultation with the commissioner of transportation, on the use of such trail by snowmobiles to provide for the safe use of state route eight and the safe operation of snowmobiles on the trail. Designations made under this subdivision shall be effective for no longer than a period of one year and may be renewed with the concurrence of the commissioner of transportation.

1-d. Notwithstanding the provisions of subdivision one of this section, the commissioner, with the concurrence of the commissioner of transportation, may designate for snowmobile use a trail within the right-of-way of state route twelve in the town of Boonville in Oneida county between reference marker 12-2604-3212 and 12-2604-3213 and a trail within the right-of-way of state route twenty-eight in the town of Boonville in Oneida county between reference marker 28-2607-1142 and 28-2607-1143. The commissioner's designation shall include conditions, developed in consultation with the commissioner of transportation, on the use of such trails by snowmobiles to provide for the safe use of state route twelve and state route twenty-eight and the safe operation of snowmobiles on the trails. Designations made under this subdivision shall be effective for no longer than a period of one year and may be renewed with the concurrence of the commissioner of transportation.

1-e. Notwithstanding the provisions of subdivision one of this section, the commissioner, with the concurrence of the commissioner of

transportation, may designate for snowmobile use a trail within the right-of-way of state route two hundred nineteen in the town of Concord in Erie county between reference marker 219-5314-1121 and 219-5314-1127. The commissioner's designation shall include conditions, developed in consultation with the commissioner of transportation, on the use of such trail by snowmobiles to provide for the safe use of state route two hundred nineteen and the safe operation of snowmobiles on the trail. Designations made under this subdivision shall be effective for no longer than a period of one year and may be renewed with the concurrence of the commissioner of transportation.

1-f. Notwithstanding the provisions of subdivision one of this section, the commissioner, with the concurrence of the commissioner of transportation, may designate for snowmobile use a trail within the right-of-way of state route nine hundred fifty-four-h in the village of Bemus Point in Chautauqua county between reference marker 17-5201-1282 and 17-5201-1286. The commissioner's designation shall include conditions, developed in consultation with the commissioner of transportation, on the use of such trail by snowmobiles to provide for the safe use of state route nine hundred fifty-four-h and the safe operation of snowmobiles on the trail. Designations made under this subdivision shall be effective for no longer than a period of one year and may be renewed with the concurrence of the commissioner of transportation.

2. Emergencies. (a) In an emergency, for the purpose of emergency travel only, during the period of time when and at locations where snow upon the highways renders travel by motor vehicles impractical, as so declared and permitted in the case of the state thruway by the thruway authority, in the case of other state highways by the state agency or authority having jurisdiction to regulate traffic thereon, and in the case of other highways by the chief executive officer of the municipality having jurisdiction over such highways.

(b) A snowmobile may also be operated on a highway otherwise closed to snowmobile travel in emergency situations when the specific travel for a specific purpose is authorized or directed by a peace or police officer, or a highway superintendent or executive officer of a county, town, city

or village.

3. Highway crossings. On highways other than the thruway, interstate highways and controlled access highways, snowmobiles may take a direct crossing at any time of the day provided:

(a) 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; and

(b) The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and

(c) The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard; and

4. Culverts and bridges. Snowmobiles may be operated on highways other than the thruway, interstate and controlled access highways, when necessary to cross a bridge or culvert.

5. Unplowed highways. Snowmobiles may be operated on county, town, city or village highways, or portions thereof, during the periods when and at locations where the highway is customarily unplowed and unused during the winter months for vehicle travel. The governing body of a county, town, city or village shall designate those highways or portions thereof which are so customarily unplowed.

6. Outside banks. On highways other than the thruway, interstate and controlled access highways, snowmobiles may be operated on the outside banks.

7. Highways designated by governmental agencies. Snowmobiles may be operated on the following portions of highways, other than the thruway, interstate highways or controlled access state highways, which have been designated and posted as provided in section 25.09.

(a) Shoulders and inside banks. On the shoulders and inside banks of such highways or portions thereof so designated;

(b) Roadways. On roadways of such highways or portions thereof in case the outside banks or shoulders are determined by the governmental agency to be impassable or non-existent by reason of prevailing snow conditions

or conditions of terrain;

(c) Access areas. On such highways, for a distance of not to exceed five hundred yards when in the determination of the governmental agency concerned it is otherwise impossible for snowmobiles to gain access to areas or trails adjacent to the highway, for the purpose only of gaining access to and from the areas of operation.

8. Limitation on highway operation. (a) No person shall so operate a snowmobile on any highway, when otherwise permitted, between sunset and sunrise except on the right side of such right of way and in the same direction as the highway traffic or the nearest lane of the roadway adjacent thereto.

(b) When operation on a roadway is permitted by any provision of this article, snowmobiles shall travel in single file, shall not ride tandem or abreast each other except in overtaking another snowmobile, and shall travel on the right side of the road in the same direction as the flow of vehicular traffic.

(c) No person shall operate a snowmobile on or across a highway while pulling a person on skis or drawing or towing a sleigh, sled or toboggan which carries or transports any person. No person on skis shall be pulled by, and no person shall ride on or in a sleigh, sled or toboggan which is being towed or trailed by a snowmobile on a highway.

(d) No person shall operate a snowmobile on the frozen surface of public waters within one hundred feet of a person, including but not limited to a skater, not in or upon a snowmobile or within one hundred feet of a fishing shanty or shelter except at the minimum speed required to maintain forward movement of the snowmobile or on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the public water.

(e) No person shall operate a snowmobile within one hundred feet of a dwelling between twelve o'clock midnight and six o'clock a.m., at a speed greater than minimum required to maintain forward movement of the snowmobile.

9. Emergency vehicle. The provisions of this section shall not apply to operation as emergency vehicle.