

Bill 107

Getting Ontario Moving Act



The Highway Traffic Act Changes

- Part X.3 of the Act deals with “OFF-ROAD VEHICLES”
- Bill 107 – Getting Ontario Moving Act, received Royal Assent June 6, 2019.
- Section 191.8 of the Act was amended.
- Ontario Regulation 316/03 comes into effect January 1, 2021

Common Off-Road Vehicles (ORV's)

All Terrain Vehicles - ATV



Side by Sides



Common Off – Road Vehicles

Off Road Motorcycle - ORM



Extreme Terrain Vehicles - XTV



Common Off-Road Vehicles

Dirt Bike



4x4 Vehicle



Section 191.8 Amendments

- Section 191.8 (2) The Minister may make regulations, subsection (2.1) was added.
- (2.1) A regulation made under subsection (2) may provide that a provision of the regulation that permits the operation of off-road vehicles on a highway or part of a highway does not apply with respect to a highway or part of a highway that is under the jurisdiction of a municipality if the municipality has by by-law prohibited such operation.

Section 191.8 Amendments

- Section 191.8 (3) The Council of a municipality may pass by-laws; Subsection (3)(a) is repealed and the following substituted:

(a) Permitting the operation of off-road vehicles with three or more wheels, or prohibiting the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway

Section 191.8 Amendments

- Section 191.8 (4) By-laws may regulate times of operation, was repealed, and the following substituted:

(4) A by-law passed under subsection (3) may apply only during specified times.

What does this mean?

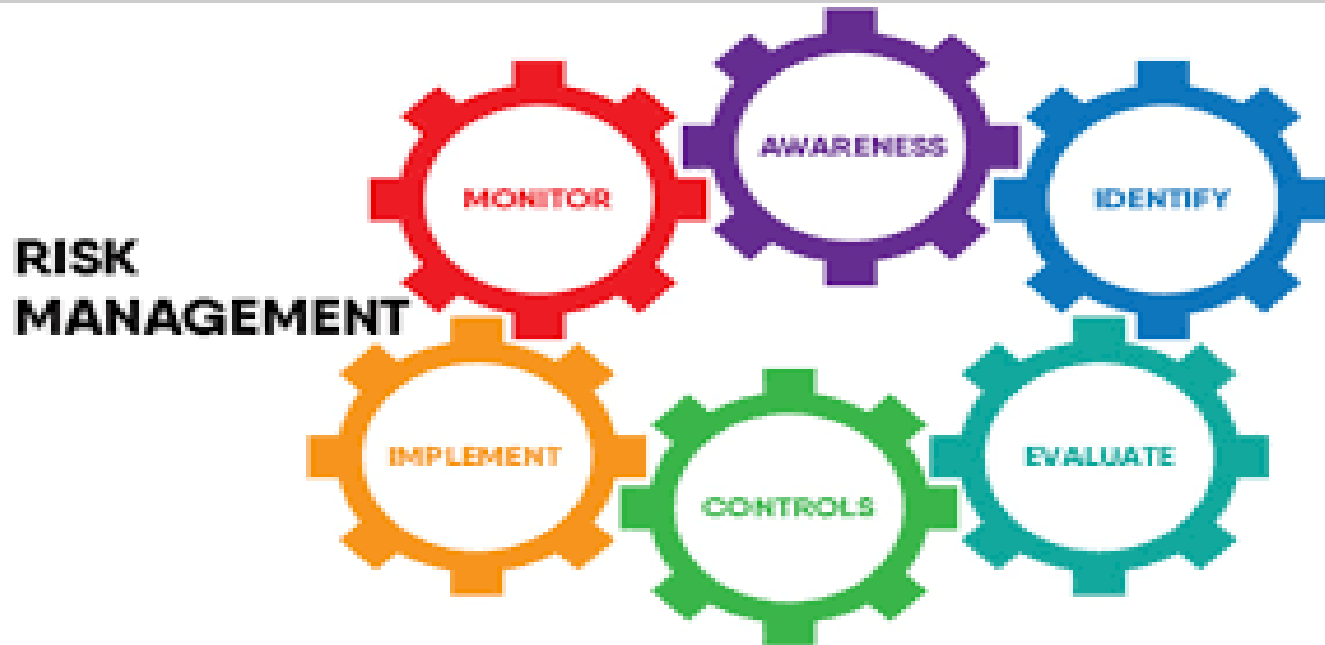
- Essentially the regulatory amendments enable the use of the municipal road allowance unless the municipality restricts the use by By-law.
- The regulation is intended to open the use of municipal roads to off road vehicles where supported by local Council.



What Does This Mean for Council?

- Currently, the use of ORV's on Municipal Highways is regulated By-Law 2019-077.
- By-Law adopted by Council.
- Current By-Law restricts ORV use on Municipal Highways within the City of Kawartha Lakes, unless otherwise permitted in Schedule A.
- With the onset of Bill 107, The Highway Traffic Act now permits ORV use on all Highways unless a municipality creates a by-law to prohibit the use of ORV's on Municipal Highways.
- Council could opt to permit ORV use on all Municipal Highways within the City of Kawartha Lakes or if By-Law 2019-077 remains status quo to continue to restrict ORV traffic on all roads outside of those roads permitted in Schedule A.

What Does This Mean for Safety and Liability?



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RISK MANAGEMENT CONSIDERATIONS

Conduct a road review to determine suitability of roadway/shoulder for ORV use, including;

- Traffic volumes, haul routes, cycling routes, or pedestrian usage
- Adequate shoulder width to reduce need for ORV's to drive on paved portion of roadway
- Condition of pavement/shoulder, drop offs, or deteriorated edges
- Avoidance of areas prone to flooding, washouts
- Sight lines, hidden entrances, hazards, and general topography of the roadway
- Future construction, upgrades, or issues that may impact usage
- limit/identify specific roadways and segments to lessen impact on traffic

What Does This Mean for Safety and Liability?

- Determine if roadway/shoulders are suitable for XTV and ORM use or if such use should be restricted on CKL roadways
- Restrict usage to spring/fall season (May to November) to avoid winter maintenance operations
- Media/Update City Website to educate public where ORV's are permitted, operational requirements, restrictions
- Appropriate signage for all users of the roadway including "Share the Road" as well as warning signs of any additional hazards
- Consult with KATVA and other stakeholders

What Does This Mean for Safety and Liability?

The City has a Duty of Care to ensure compliance with the Minimum Maintenance Standards (MMS)

- Determine additional maintenance/inspection requirements such as grading of shoulders to remove ruts left by ORV's, increased inspection during peak usage
- Update existing policies, procedures, and documentation to consider ORV usage and ensure staff are trained
- Financial implications will include increased resources to manage the additional maintenance/inspection requirements to ensure MMS are being met as well as the purchase and installation of any additional signage deemed necessary
- The costs related to potential liability claims are unknown, however would be subject to the City's deductible. Insurance premiums may increase due to the additional exposure and the potential claims as Joint and Several Liability will be consideration.

OPTION: Engage the City insurer to conduct a risk assessment

What Does This Mean for Roads Operations?



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- The exact financial implications are not known at this time.
- It could possibly increase the need for routine maintenance such as grading, shoulder grading, sign maintenance / repair / installation and pot hole patching.

What Does This Mean for Municipal Law Enforcement (MLE)?



What Does This Mean for Municipal Law Enforcement (MLE)?

- Review of the current By-Law 2019-077, possible future amendments may be needed to the By-Law to reflect the changes made to the *Highway Traffic Act* and *Ontario Regulation 316/03: Operation of Off Road Vehicles on Highways*. (definitions and specific wording)
- Few complaints have been received for violations of the current By-Law 2019-077
- Increasing the available road access may lead to increase complaints to MLE for example, use of unauthorized roads, road damage, speeding and noise
- Financial impact is not known at this time, but as complaint response data is collected future impacts will be considered
- Potential impact to limited MLE resources, increase demand may slow response to other enforcement issues

What Does This Mean for Municipal Law Enforcement (MLE)?

- MLE does not have the authority to stop vehicles on municipal highways – may lead to increase MLE requests to the Police services for assistance.
- Police Services and MLE – 2020, a cooperative approach sharing resources has been developed which may assist complaints for violations of By-Law 2019-077
- Public education will be needed – coordination with Police Services, MLE, Public Works and Communications Team to inform the public of any By-Law changes.

What Does This Mean for Kawartha Lakes Police Services?



What Does This Mean for Kawartha Lakes Police Service (KLPS)?

- Currently, KLPS has partnered with MLE to utilize their ATV, in addition to a local community partner who has offered the KLPS the temporary use of an ATV to conduct patrol on the trails
- Potentially would require additional budget for the purchase of an ATV(s) and equipment such as safety gear
- KLPS would ensure training for their officers that would be operating ATV's to patrol the trails
- In partnership with the City, educate the public, both local residents and ATV operators, to address public concerns, and ensure safety of all

The KLPS has no enforcement concerns as the police service is accustomed to adapting and evolving as the needs of the community change over time

What Does This Mean for Economic Development?



Economic Impact of ATV Tourism in Ontario



- Ontario's economic impacts from off-highway vehicle users (excluding snowmobiles) currently results in over **\$211 million in GDP**, creates over **9,000 direct and indirect jobs**, and contributes \$27 million annually in tax revenue for provincial and federal governments, with an additional **\$5.8 million in tourism spending**, and creates an additional 60 full time equivalent jobs.
- Source: [The Destination Ontario ATV Program Partnership Report \(2019\)](#)

Economic Impact of ATV Tourism in Kawartha Lakes



- ATV riding is a popular shoulder season activity in Kawartha Lakes, contributing to tourism visitation and visitor spending in the slower seasons of Spring and Fall.
- Enhancing ATV trail connections and opportunities for ATV riders to visit communities and businesses in Kawartha Lakes has the potential to increase visitor spending and overall visitation to the region.

Economic Impact of ATV Tourism in Kawartha Lakes

Development of ATV trail connections in Kawartha Lakes aligns with goals set out in the Corporate and Economic Development Strategic Plans:

2020-2023 City of Kawartha Lakes Strategic Plan

Strategic Priority Area: A Vibrant and Growing Economy

Goal 3: Enhance Tourism

The Kawartha Lakes Economic Development Strategy

Goal: Grow Tourism Business Cluster

Objective: Expand visitation into the shoulder-season and winter and connect these off-peak activities to culture

Options



Option 1

- Remain status quo, the current By-Law 2019-077 will govern the use of ORV's on Municipal Highways in the City of Kawartha Lakes

The Corporation of the City of Kawartha Lakes

By-Law 2019-077

A By-law to Repeal and Replace By-law 2009-116 as amended,
Being a By-law to Regulate the Operation of ATVs and ORVs on
Municipal Highways in the City of Kawartha Lakes

Option 2

- Repeal By-Law 2019-077, and adhere to the changes in the *Highway Traffic Act and Ontario Regulation 316/03*



Option 3

- Create a Council – led staff and community task force to review options and determine if an ORV route is possible
- Amend By-Law 2019-077



Next Steps

- Report will be brought to Council in October 2020 to provide further review and recommendations.



Questions / Comments?

