

Risk Management Considerations for ORV/ATVs on Municipal Roads

Effective July 1, 2015, more types of ORVs and ATVs are allowed on municipal roads, where permitted. These vehicles now include:

- Single-rider ATV
- Two-up ATVs
- Side-by-Side ORVs
- Utility Terrain Vehicles (UTV)

According to the Highway Traffic Act, Regulation 316/03 – Operation of Off-Road Vehicles on Highways, Section 4.1, off-road vehicles may be driven on municipal roads only if the municipality passes a by-law.

The municipality may stipulate in the by-law the designated roads, the months of operation and the hours these vehicles may access the roads. Without a by-law, these vehicles cannot operate on municipal roads. If the municipality had passed such a by-law in 2006, then they only need to update the existing by-law

The Highway Traffic Act applies to these vehicles. The vehicles must be insured in accordance with the Insurance Act and with Section 2 of the Compulsory Automobile Insurance Act. The speed limits that apply are 20 km/hr maximum on roads that have speed limits 50 km/hr or less and 50 km/hr maximum on roads that have speed limits over 50 km/hr. The municipality can designate a lower speed limit.

Municipal Issues to Consider:

- Private property damage and trespassing issues may be more prevalent as these vehicles access municipal roads
- Public property damage
- Financial impacts on policing and education
- Do police have the required equipment to go after drivers that are breaking the rules?
- Increased municipal maintenance requirements
- Increased municipal liability
- Road safety audit to address the risks/threats to the safe operation of these vehicles on the shoulder and road allowance
- If these vehicles are allowed on the roads, will this put pressure on the municipality to allow them on their trail systems?
- Does the municipality have the manpower to maintain the roads and enforce the rules?

Risk Management Recommendations:

- Let the public know (via newspaper/radio/social media/website) that ORV/ATVs are allowed/are not allowed on municipal roads



- Specify the roads and the months of operation as well as the hours of operation on municipal roads in all communications
- Post signage as drivers approach the designated roads, such as “You are now entering an area where ORV/ATVs are allowed to operate – please share the road.”
- Post speed limits for ORV/ATV vehicles
- Determine your inspection and maintenance requirements and update your existing road policies/procedures and documentation
- Gravel shoulders and drop-offs must be properly maintained for common law duty of care purposes
- Review the sufficiency of the shoulder that would permit the operation of the ORV/ATV on the shoulder. If the ORV/ATV must be operated on the roadway, are there stopping sight distance constraints (horizontal or vertical alignment) on the roadway that would cause a motorist overtaking an ORV/ATV to take evasive action to avoid a collision with a slower moving ORV/ATV?
- Municipalities should avoid including in the by-law roads where the shoulders are not adequate for the use of ORV/ATVs
- Municipalities should determine which roads are not compatible with recreational usages, i.e. commuter routes/truck routes

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