



Community Services Department
50 Wolfe Street
Lindsay, ON K9V 2J2
(705)324-9411 ext 1304
cshanks@kawarthalakes.ca

April 15, 2021

City of Kawartha Lakes
ORV Task Force

Re: ORV Task Force Recommendations

Thank you for the opportunity to provide comments regarding the ORV Task Force recommendations. Please accept these comments on behalf of the **Community Services Department**.

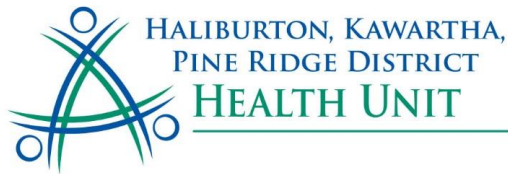
Comments on recommendations;

- There is no definition between rural and urban so how are rural and urban roads defined?
- The recommendation is as a 2-year Pilot Project. Both the Active Transportation Plan and the Trails Master Plan are about to be implemented. What if the time of use for the VRTC changes within it and creates a contradiction in this Pilot?
- A recommendation is for a user to be a member of the KATVA or affiliate. Who are affiliates? Will enforcement agencies know?
- While the KATVA gives annual support to the City, these recommendations seem as though they will boost KATVA revenues. Perhaps the City should have an agreement with the KATVA which stipulates a formal annual provision of funding support of a set amount.
- While it is understood that certain routes in urban centres are recommended as permitted or not, it further recommends that any road being used for travel to a trail is permitted. Therefore, this is effectively opening up all roads because enforcement agencies will not be able to prove that this is not the purpose of the travel.
- In Lindsay specific it references using the road route until the trail head for the VRTC on the northern end of Lindsay. There is no formal/official VRTC trail head in the North of Lindsay.
- The recommendation is to allow access to the VRTC via road routes for all ORVs. However, side-by-sides are currently only permitted on the VRTC north of Somerville Concession #3. Therefore, why would road routes south of Somerville Concession #3 be permitted to allow side-by-sides access to a trail they are not permitted access too.

Thanks you for the opportunity to provide comment on behalf of the Community Services Department. If you have any questions, please do not hesitate to contact me directly.

Sincerely,

Craig Shanks
Director of Community Services
City of Kawartha Lakes
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1-866-888-4577

April 14, 2021

Off Road Vehicle Use of City Roads Task Force
Attention: Pat Dunn, Chair ORV Task Force

(via bharrison@kawarthalakes.ca)

Re: Off Road Vehicle Consultation

Dear Mr. Dunn,

The Haliburton, Kawartha, Pine Ridge District Health Unit (HKPRDHU) is mandated by the *Health Promotion and Protection Act* (HPPA) and the Ontario Public Health Standards to deliver public health programs and services that promote and protect the health of residents in Haliburton and Northumberland Counties and the City of Kawartha Lakes (CKL).¹ This includes addressing road safety to reduce the burden of preventable injuries as well as promoting active transportation and supporting the creation of age-friendly communities.

We understand that the recently introduced provincial Bill 107 has made it necessary for municipalities to address if and where the use of Off-Road Recreational Vehicles (ORVs) will be permitted on municipal roads. As this has potential implications for the health of CKL residents, I am providing recommendations for the CKL ORV Task Force to carefully consider prior to submitting a final report to CKL Council.

The recommendations included in this letter address road safety related to ORV use but also address the connection between ORV use and active transportation where it may be relevant and necessary to do so.

Attached please find a report from our Epidemiology Department which provides health and safety-related evidence and information relating to general and on-road ORV use. For the purpose of this letter, the term ORV is inclusive of all-terrain vehicles (ATVs), side-by-side ATVs, utility-terrain vehicles, and off-road motorcycles (i.e., dirt bikes), and does not include snowmobiles, except where specified.

Over a 5-year period from 2015 to 2019, statistics in the attached report show that there were 1,286 ATV related emergency department (ED) visits among HKPR residents, with almost half of these (602 visits) involving CKL residents. Among residents of CKL, the age groups 10-19, 20-29 and 30-39 accounted for 74.3% of ATV related ED visits during that time. Also in CKL, there was an increase in ED visits from 119 in 2018 to 141 in 2019. During this same 5-year time period, there were 140 hospitalizations in HKPR as a result of ORV injuries, 55 of them involving CKL residents. Of note, the age-standardized rate of ATV-related hospitalizations in CKL in 2019 was 5 times greater than the rest of Ontario.

.../2

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ORV-related incidents are classified according to whether they occur on roadways ("traffic") or off-roadways ("non-traffic"). Research indicates that there are higher rates of fatalities and serious injuries for ORV riders on roadways compared to off-roadways,^{2,3,4} being on roadways increases the risk of collisions with other motor vehicles.^{2,5,6} Also, certain design characteristics of these vehicles, particularly ATVs, make them unsafe on roadways.^{2,7} As indicated in the attached report, CKL experienced 45.8% of all HKPR traffic-related ED visits. Some of the risk factors for ORV associated injury in Ontario include alcohol and drug use, riding at night, lack of helmet use, and excessive speed.^{8,9} Research has shown that the majority of ORV-related ED visits occur on the weekend (Friday to Sunday), and almost all are related to recreational use of ORVs.⁸ It is also important to note that accidents involving ORVs are classified as non-traffic accidents unless the contrary is stated, which may under-report ATV related traffic accidents.

Restricting ORVs to trail use only would be the preferred best practice from a public health standpoint, but as CKL has already included limited road access in its current bylaw, HKPRDHU understands that reverting to trail use only is probably not a viable option. We would however recommend that the City continue to take a precautionary approach in their response to the provincial legislation change. A precautionary approach would mean to continue with a restrictive ORV by-law, that identifies specific routes that connect trails, possibly in the southern end of the municipality as the current bylaw is more focused on the northern section. Implementing any changes for a set period of time and then reviewing and possibly revising, as the ORV Task Force is currently recommending, is a sensible and safe approach. It allows for additional access to be granted if this is deemed appropriate or for access to be restricted/revised if necessary.

Taking a precautionary approach would also allow time and space for coordination of the ORV bylaw with the Active Transportation (AT) Master Plan, which is also in process. The HKPRDHU is concerned that opening up ORV access to the extent currently being recommended by the ORV Task Force will be at cross purposes with the goals of the AT Master Plan. Active transportation systems are designed to create infrastructure that supports citizens to conduct their essential activities in an active manner first with increased recreation opportunities as a secondary benefit. Priority areas for active transportation infrastructure development are settlement areas as this supports citizens being able to walk, cycle, or wheel to access essential goods and services. Expanding and enhancing ORV use through increased access is primarily about supporting a recreational activity that has grown significantly in recent years. The HKPRDHU appreciates the challenge faced by CKL Council to implement active transportation and to also increase opportunities for ORV recreational use but believes that this would be best achieved by prioritizing access (and infrastructure) in settlement areas for active transportation by not allowing ORV use in these areas. By doing so, this also promotes safe accessibility within a community which is an important building block of age friendly communities.

In addition, if the CKL ORV Task Force feels that ORV use cannot be restricted to trail use and trail connections only, the HKPRDHU recommends:

1. Restrict ORV use on rural arterial municipal roads. Rural arterial roads tend to have higher traffic volume and higher traffic speeds.
2. In addition to restricting ORV use on rural arterial municipal roads, additional CKL roads or sections thereof may also be restricted if public or staff feedback suggest that road characteristics would not be safe for ORV use. This could include sections of CKL roads that traverse through settlement areas, areas where the road is heavily used by cyclists or walkers/pedestrians or roads that have already been identified as a road cycling route, promoted through City maps.

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3. Any exceptions to this restriction (Recommendation 1.) being considered should be based on an objective assessment of the risks and benefits and a clear understanding of what criteria needs to be met for a road to be deemed safe for ORV use. A process would need to be determined for quantifying and comparing the benefits and risks of permitting ORVs on the section of the rural arterial municipal road.

4. The ORV by-law should continue to include information that is applicable to the roads where ORVs are permitted:

- Specify speed limits
 - As per O. Reg. 316/03 (2018), set maximum speed limits of 20 kilometres per hour, if the roads speed limit is not greater than 50 kilometres per hour, and 50 kilometres per hour, if the roads speed limit is greater than 50 kilometres per hour.
- Specify restrictions to time of operation.
 - Prohibit night-time riding. Language that references “dusk to dawn” better addresses seasonality of night-time and is preferred to set times e.g., 7 a.m. to 9:30 p.m. as is currently being proposed.
 - Align the timing of access to roads with that of the trail system (May 1st to December 1st) as the ORV Task Force has proposed.
 - Emphasize provincial regulations relating to minimum age and safety requirements, such as requirement to wear an approved helmet.
 - Determine ways that users can be educated about ORV road-use laws and the risks of riding on the roads. If ORVs are to be permitted on more CKL roads, a coordinated communication strategy for all road users should be employed. This may be a role for the Kawartha ATV Association.
 - Work with local police services to increase enforcement campaigns and gather data that can be used to determine if ORV access should be revised/expanded at the end of the pilot period.

In summary, ORV-related accidents continue to cause injury and death. We ask that as the ORV Task Force moves forward with updating the CKL ORV bylaw, they consider the health implications of increased ORV use on municipal roads, not only in the context of safety itself but also in relation to how it impacts the development of the AT Master Plan and the implications for all other road users and/or impacts on accessibility of settlement areas. We trust that the information and recommendations provided by the HKPRDHU will assist the municipality in establishing a bylaw that meets the needs of not only ORV users, but all citizens of the City of Kawartha Lakes.

Please feel free to use the local statistics provided in the attached report and direct any questions related to this letter of recommendations to Andrew Harris, Epidemiologist (aharris@hkpr.on.ca) or Doreen Boville, Health Promoter (dboville@hkpr.on.ca).

Sincerely,

BOARD OF HEALTH FOR THE HALIBURTON,
KAWARTHA, PINE RIDGE DISTRICT HEALTH UNIT



Natalie Bocking, MD MIPH CCFP FRCPC
Medical Officer of Health, Haliburton, Kawartha, Pine Ridge District Health Unit

References

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Epidemiology report, which provides health and safety-related evidence and information relating to general and on-road ORV use.

Methods

Data were obtained from the National Ambulatory Care and Reporting System (NACRS), the Discharge Abstract Database (DAD), and Vital Statistics (VS), via the Ontario Ministry of Health's IntelliHEALTH application. Population estimates and projections were obtained from the Ontario Ministry of Health's IntelliHEALTH application, extracted March 13th, 2021.

Emergency department (ED) visits and hospital discharge records in Canada are coded using the International Statistical Classification of Diseases and Related Health Problems, 10th revision, Canada (ICD-10-CA). Overall injuries for ATV-related ED visits were identified by the ICD-10-CA codes listed in Table 1 below. The included codes for other all-terrain or other off-road motor vehicles, where the vehicle type was known, do not include snowmobiles (with the exception of V86.2, V86.4, and V86.7, where these are not separated), specialty vehicles mainly used in agriculture, or special construction vehicles. These codes also exclude motorcycles and three-wheeled motor vehicles, unless their primary purpose is for off-road use. Geography is assigned to residents based on where they reside, not where an injury occurred or the location of the emergency department attended.

Table 1. All-terrain or other off-road motor vehicle codes, International Statistical Classification of Diseases and Related Health Problems, 10th revision, Canada (ICD-10-CA). CIHI, 2015.

V86.08 Driver of other all-terrain or other off-road motor vehicle injured in traffic accident
V86.18 Passenger of other all-terrain or other off-road motor vehicle injured in traffic accident
V86.2 Person on outside of all-terrain or other off-road motor vehicle injured in traffic accident
V86.38 Unspecified occupant of other all-terrain or other off-road motor vehicle injured in traffic accident
V86.4 Person injured while boarding or alighting from all-terrain or other off-road motor vehicle
V86.58 Driver of other all-terrain or other off-road motor vehicle injured in nontraffic accident
V86.68 Passenger of other all-terrain or other off-road motor vehicle injured in nontraffic accident
V86.7 Person on outside of all-terrain or other off-road motor vehicle injured in nontraffic accident
V86.98 Unspecified occupant of other all-terrain or other off-road motor vehicle injured in nontraffic accident

Note: V86.2, V86.4, AND V86.7 may include persons injured from snowmobiles.

Within the ICD-10-CA, a traffic accident is defined as any vehicle accident occurring on a public highway (i.e., originating on, terminating on, or involving a vehicle partially on the highway): "A public highway or street is the entire width between property lines (or other boundary lines) of land open to the public as a matter of right or custom for purposes of moving persons or property from one place to another. A roadway is that part of the public highway designed, improved and customarily used for vehicular traffic" (p.888; ICD-10-CA; Canadian Institute for Health Information (CIHI), 2015). Accidents involving

off-road motor vehicles are classified as nontraffic accidents unless the contrary is stated, which may under-report ATV-related traffic accidents. For ED visits specifically identified as traffic accidents the ICD-10-CA codes used are listed in Table 2 below.

Table 2. Traffic accident all-terrain or other off-road motor vehicle codes, International Statistical Classification of Diseases and Related Health Problems, 10 th revision, Canada (ICD-10-CA). CIHI, 2015.
V86.08 Driver of other all-terrain or other off-road motor vehicle injured in traffic accident
V86.18 Passenger of other all-terrain or other off-road motor vehicle injured in traffic accident
V86.2 Person on outside of all-terrain or other off-road motor vehicle injured in traffic accident
V86.38 Unspecified occupant of other all-terrain or other off-road motor vehicle injured in traffic accident

Note: V86.2 may include persons injured from snowmobiles; traffic-related ATV accidents may be under reported as accidents involving off-road motor vehicles are classified as nontraffic accidents unless the contrary is stated.

The data provided include a combination of counts, percentages, and age-standardized rates. Age-standardized rates were calculated using the 2011 Canadian population as the standard population. Age-standardization ⁴is statistical method to account for differences between age-distributions in the populations being compared. Confidence intervals (CIs) are the range of variability around an estimate. The 95% CI displays the range surrounding an estimate in which there is a 95% probability that the population value occurs.

⁴ Statistics Canada. [Age-standardized Rates \(statcan.gc.ca\)](https://www150.statcan.gc.ca/n1/pub/82-625-x/2013001/article/00001-eng.htm)

Results

Overall ATV-related emergency department (ED) visits

Over the 5-year period 2015 – 2019, there were 1,286 ATV-related emergency department (ED) visits among residents of the Haliburton, Kawartha, Pine Ridge District Health Unit (HKPRDHU), an average of 257.2 per year. Across counties, the majority of these ATV-related ED visits occurred among residents of Kawartha Lakes (602), followed by Northumberland (516), and Haliburton (168). By 10-year age-group, the highest number of ATV-related ED visits occurred among residents 10-19 years of age (386; 30.0%), 20-29 years of age (363; 28.2%), and 30-39 years of age (159; 12.4%) (Table 3). These three age-groups accounted of 70.6% of all ATV-related ED visits over the 2015 – 2019 period.

Among residents of Kawartha Lakes, the highest number of ATV-related ED visits occurred among residents 10-19 years of age (197; 32.7%), 20-29 years of age (163; 27.1%), and 30-39 years of age (87; 14.5%). These three age-groups accounted of 74.3% of ATV-related ED visits for residents of Kawartha Lakes, over the 2015 – 2019 period.

Table 3. Number of ATV-related emergency department visits by age-group, 2015 – 2019, HKPRDHU.

Age-group	ATV-related ED visits (#) 2015 - 2019	Percent of all ATV- related ED visits (%) 2015 - 2019
00-09	34	2.6
10-19	386	30.0
20-29	363	28.2
30-39	159	12.4
40-49	144	11.2
50-59	123	9.6
60-69	45	3.5
70-79	25	1.9
80+	7	0.5
All Ages	1,286	100.0

Table 4. Age-standardized rates of ATV-related emergency department visits, 2015 - 2019, by selected geography.

Geography	Year	ATV-related ED Visits	Age-standardized Rate per 100,000	Lower 95% Confidence Interval	Upper 95% Confidence Interval
KAWARTHA LAKES	2015	110	174.9	143.3	211.1
	2016	105	169.9	138.7	205.7
	2017	127	198.8	165.3	236.9
	2018	119	190.2	157.2	227.8
	2019	141	226.0	189.8	266.8
HKPRDHU	2015	238	156.0	136.4	177.6
	2016	253	171.6	150.8	194.4
	2017	251	167.6	147.2	190.0
	2018	276	185.4	163.8	209.0
	2019	268	186.4	164.4	210.3
ONTARIO*	2015	5,285	39.1	38.0	40.1
	2016	5,190	37.9	36.9	39.0
	2017	5,099	36.9	35.9	38.0
	2018	4,894	34.9	33.9	35.9
	2019	4,843	34.2	33.3	35.2

*For comparison purposes, Ontario contains all other areas in the province, excluding the HKPRDHU.

Traffic accidents ATV-related ED visits

From 2015 – 2019 there were 48 ATV-related ED visits specifically identified as traffic accidents² among residents of the HKPRDHU (3.7% of all ATV-related ED visits), an average of 9.6 per year. Traffic-related ATV injuries resulting in an ED visit occurring among residents of the HKPRDHU occurred most frequently among those 20-29 years of age (20; 41.7%), 10-19 years of age (12; 25.0%), and 30-39 years of age (6; 12.5%). Over the 5-year period, residents of Kawartha Lakes accounted for 45.8% (22/48) of ED visits specifically identified as a traffic-related ATV injury, ranging from an annual high of 71.4% to a low of 33.3%.

Overall ATV-related hospitalizations

Over the period of 2015 – 2019, there were 140 hospitalizations from ATV-related injuries, an average of 28 per year. The majority of these ATV-related hospitalizations occurred among residents of Northumberland (61), followed by Kawartha Lakes (55), and Haliburton (24). By 10-year age-group, the highest number of ATV-related hospitalizations occurred among residents 20-29 years of age (29;

² Traffic-related ATV accidents may be under reported as accidents involving off-road motor vehicles are classified as nontraffic accidents unless the contrary is stated.

20.7%), 50-59 years of age (27; 19.3%), and 40-49 years of age (23; 16.4%) (Table 5). These three age-groups accounted of 56.4% of all ATV-related hospitalizations over the 2015 – 2019 period.

Among residents of Kawartha Lakes, the highest number of ATV-related hospitalizations occurred among individuals 10-19 years of age (11; 20.0%), 50-59 years of age (10; 18.2%), and both 40-49 and 30-39 and year-olds (9 each; 16.4% each). These four age-groups accounted of 70.1% of ATV-related hospitalizations for residents of Kawartha Lakes from 2015 – 2019.

Table 5. Number and percent of ATV-related hospitalizations by age-group, 5-year total (2015 – 2019), HKPRDHU.

Age-group	ATV-related Hospitalizations (#) 2015 - 2019	Percent of all ATV-related Hospitalizations (%) 2015 - 2019
00-09	3	2.1
10-19	20	14.3
20-29	29	20.7
30-39	17	12.1
40-49	23	16.4
50-59	27	19.3
60-69	10	7.1
70-79	7	5.0
80+	4	2.9
All Ages	140	100.0

In 2019, the age-standardized rate of ATV-related hospitalization for residents of the HKPRDHU was 15.8 per 100,000 population, about 3.5 times greater than the rest of Ontario (4.4 per 100,000). The age-standardized rate of ATV-related hospitalizations in 2019 for Kawartha Lakes residents was 22.8 per 100,000 population, about five times greater than the rest of Ontario (4.4 per 100,000) (Table 6). Over the 5-year period 2015 – 2019, the number of ATV-related hospitalizations ranged from a low of 23 to a high of 33, though no annual trend over time was observed (Table 7).

Table 6. Age-standardized rates of ATV-related hospitalizations, 2019, by selected geography.

County	Year	Hospitalizations (#)	Age-standardized Rate per 100,000	Lower 95% Confidence Interval	Upper 95% Confidence Interval
KAWARTHA LAKES	2019	14	22.8	12.4	38.0
HKPRDHU	2019	23	15.8	9.9	23.7
ONTARIO*	2019	627	4.4	4.2	4.9

* For comparison purposes, Ontario contains all other areas in the province, excluding the HKPRDHU.

Table 7. Number of ATV-related hospitalizations, 2015 – 2019, HKPRDHU and Kawartha Lakes.

Year	HKPRDHU ATV-related hospitalizations (#)	Kawartha Lakes ATV-related hospitalizations (#)	Kawartha Lakes percent (%) of HKPRDHU ATV- related hospitalizations
2015	27	9	33.3%
2016	31	10	32.3%
2017	26	14	53.8%
2018	33	8	24.2%
2019	23	14	60.9%
2015 - 2019	140	55	39.3%

ATV-related Mortality

Currently, provincial mortality data is only available until the end of 2015, therefore mortality data covering the same 2015 – 2019 period is not available. Over the ten-year period 2005 – 2015, there were 11 ATV-related deaths among residents of the HKPRDHU. The youngest death occurred in the 10–14-year-old age group and the oldest death occurred in the 75-79-year-old group. The majority of deaths (54.5%) occurred among residents aged 25-29 and 45-49. Over the most recent six-year period (2010-2015) there were 3 ATV-related fatalities within the HKPRDHU (Table 8).

Table 8. Number of ATV-related deaths, 2010 – 2015, HKPRDHU and Kawartha Lakes.

County	Year	ATV-related deaths, 5-year total (#)	Age-standardized Rate per 100,000	Lower 95% Confidence Interval	Upper 95% Confidence Interval
HKPRDHU	2010 – 2015	3	2.2	0.5	6.2
ONTARIO	2010 – 2015	235	1.8	1.5	2.0



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Memo

To: Councilor Pat Dunn, Chair ORV Task Force
From: Jolene Ramsay, Insurance Risk Management Officer
Date: April 14, 2021
Re: ORV Task Force Recommendations

Thank you for the opportunity to comment with respect to the ORV Task Force recommendations and your request of March 24, 2021.

The following are the risk management considerations that were provided and included in the Off Road Vehicle Use on Municipal Roads Presentation - CC2020-08.7.1, presented to Council on August 20, 2020:

RISK MANAGEMENT CONSIDERATIONS

Conduct 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 ORVs 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

Determine if roadway/shoulders are suitable for Extreme Terrain Vehicles (XTV) and Off-Road Motorcycles (ORM) 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 ORVs 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.

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 ORVs, 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 Minimum Maintenance Standards 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 a consideration.

OPTION: Engage the City insurer to conduct a risk assessment

It is understood that the mission of the ORV Task Force is to provide advice and recommendations to Council on the use of Off Road Vehicles (ORV) on municipal roads. For the purpose of this review, the term ORV applies solely to All-Terrain Vehicles (ATVs) and Side-by-Side units and does not include Extreme Terrain Vehicles (XTV) and Off-Road Motorcycles (ORM).

It is further understood that for the purpose of the Task Force, ORVs are not for general transportation, but to encourage users to enjoy the use of permitted trails.

Any amendments to By-law 2019-077 will need to align with the provincial regulations and any additional rules the City adopts as noted in the General Recommendations provided by the Task Force. The amended by-law should clearly identify the roadways where ORV use is permitted and roadways, parks, trails etc. where ORVs are prohibited. Updated mapping and enhanced public education for ORV users and non-users will be required. The MTO Smart Ride Safe Ride handbook provides clear information regarding the on-road riding requirements for drivers, passengers and ORVs. A link to this document or similar publications could be added to the City's website to increase public education, awareness and promote safe riding:

<http://www.mto.gov.on.ca/english/driver/pdfs/smart-ride-safe-ride-ATV.pdf>

The Task Force recognizes that ORVs are not for general transportation, but to encourage users to enjoy the use of permitted trails. It is therefore recommended that the usage of ORVs is limited to certain municipal roadways and segments which would facilitate user access to the nearest designated ORV trail. This would help to limit the potential for conflicts between pedestrians, cyclists, motor vehicles and other users of the roadway to effectively manage the risk. Roadways with lower traffic volumes and routes through less populated areas would be better suited for ORV use. The distance ORVs are permitted to travel on the municipal roadways should be limited when considering roadways/routes with the primary goal being to provide the closest and most direct route to a sanctioned trail. Roadway shoulders should be wide enough to accommodate safe ORV use. Roads without shoulders place ORVs in conflict with other motorists as they would be required to share the road, albeit at a much reduced speed than other roadway users.

The Minimum Maintenance Standards (MMS) will need to be reviewed to determine what standards are applicable to areas travelled by ORVs and any increased inspection and maintenance obligations of the City:

<https://www.ontario.ca/laws/regulation/020239>

The Task Force may also need to consider designated parking areas at trail heads to accommodate vehicles with trailers and provide sufficient space to load/unload ORVs in order to avoid any unpermitted or roadside parking and safety issues.

The Task Force has recommended that all ORV operators possess a valid KATVA or Affiliate Membership. Use of municipal roadways would likely not require such a membership, however accessing a KATVA or Affiliate sanctioned trail would. Further investigation into membership requirements for municipal roadway usage is recommended.

Any commitments between the City and KATVA should be formalized with an agreement or amendments to existing agreements to clarify the roles and

responsibilities of both parties. Any roadways that border with a neighboring municipality will require further discussion and possible updates to Boundary Road Agreements with those neighboring municipalities.

The City's insurance broker has advised that permitting the use of ORVs on municipal roadways will not have an immediate impact on insurance premiums. A claim or poor claims experience related to ORV use will however have a direct effect on future premiums. Due to the City's high self-insured retention (deductible), the costs incurred to investigate and defend any such claim(s) would largely be the responsibility of the City. If the ORV owner was uninsured or has insufficient liability limits, joint and several liability would apply which would further expose the City to increased costs, claims expense and future premium increases.

In addition to the risk management considerations and recommendations provided, the link below and publications attached from Frank Cowan Company identify additional issues for the consideration of the Task Force:

<https://www.frankcowan.com/centre-of-excellence/view/risk-management-considerations-for-off-road-vehicles-on-municipal-roads>



Risk Management Considerations for Off Road Vehicles on Municipal Roads

Off Road Vehicles (ORV's) are popular year-round utility and recreational vehicles. ORV's include several different vehicles designed for off-road use, however only ORV's meeting the requirements of Ontario Regulation 316/03 – Operation of Off-Road Vehicles on Highways will be permitted to operate on Ontario's municipal roads.

Recent amendments to the Highway Traffic Act and O.Reg. 316/03 have changed the rules for allowing ORV's on roads as follows:

1. For municipalities listed in Ontario Regulation 08/03 – Local Municipalities where 80 kilometers per hour speed limit applies, after January 1, 2021 all ORV vehicles types including the new types of vehicles will be permitted on all municipal roads unless the municipality passes a bylaw to restrict or prohibit their use. Current bylaws permitting ORV use will no longer apply.
2. Municipalities which are not listed in O.Reg. 08/03, where a bylaw was passed to permit ORV use, the current bylaw remains valid after January 1, 2021. If a municipality wants to include the two new types of ORV's permitted by the revision to O.Reg. 316/03 (off-road motorcycles and extreme terrain vehicles) and the bylaw was passed prior to July 1, 2020, the bylaw will require amendment.
3. Municipalities who have not passed a bylaw and who are not listed in O.Reg. 08/03, ORV's are prohibited unless a bylaw is passed to allow ORV's.

Upper and lower tier municipalities may want to work together and provide consistency as to what type of roads (arterial, collector, local residential, urban or rural, paved or unpaved) ORV use will be restricted, prohibited or allowed across a region or county. The upper tier may consider promoting where ORV's are permitted and where they are not allowed for all

roads within the upper tier and lower tier to enable ORV groups in the planning of trips.

Definitions

All-Terrain Vehicle means an off-road vehicle that, (a) has four wheels, the tires of which are all in contact with the ground, (b) has steering handlebars, (c) has a seat that is designed to be straddled by the driver, and (d) is designed to carry, (i) a driver only and no passengers, or (ii) a driver and only one passenger, if the vehicle, (a) has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and (b) is equipped with foot rests for the passenger that are separate from the foot rests for the driver and includes:

1. Single-Rider All-Terrain Vehicle
2. Two-Up All-Terrain Vehicle

Highway includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

Off-Road Vehicle means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel, (a) on not more than three wheels, or (b) on more than three wheels and being of a prescribed class of vehicle.

ORV means an Off-Road Vehicle and includes:

1. Extreme Terrain Vehicle
2. Multi-Purpose Off-Highway Utility Vehicle
3. Off-Road Motorcycle
4. Recreational Off-Highway Vehicle

Roadway means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively.

Rules of the Road

According to Section 24 of O.Reg. 316/03, an ORV is to operate on the shoulder of the highway in the same direction as the traffic using the same side of the highway. If there is no shoulder or the shoulder is not wide enough or if the shoulder is obstructed an ORV may operate on the roadway in the same direction as the traffic using the same side and as close to and parallel with the right edge of the roadway as can be done practicably and safely. An ORV shall not be driven in a median strip or within a part of the highway designated as a construction zone or where highway maintenance is being carried out.

Section 22 of O.Reg. 316/03 states: an ORV shall not drive at a rate of speed greater than; (a) 20 kilometres per hour, if the speed limit established under the Highway Traffic Act

(the Act) for that part of the highway is not greater than 50 kilometres per hour; or (b) 50 kilometres per hour, if the speed limit established under the Act for that part of the highway is greater than 50 kilometres per hour.

Restricting, Prohibiting or Allowing ORV Use

If a municipality is listed in O.Reg. 08/03, the municipality must enact a bylaw to restrict or prohibit the use of ORV's on select or all municipal roads. If a municipality is not listed in O.Reg. 08/03 the municipality must pass a bylaw to allow ORV's on municipal roads. To restrict, prohibit or allow ORV use, as the case may be, a municipality should undertake a field review of their road network that includes but may not be limited to conditions identified in the following table. Once the field review is complete staff at the municipality should determine if there are means of mitigating any hazards found during the review as an alternate to restricting or prohibiting. Before passing a bylaw, the findings on restricting, prohibiting or allowing ORV use, the public and ORV user groups should be consulted to acquire their input both for and against ORV use on highways.

ORV Operation	Review Should Consider	Discussion
Road shoulder	If the shoulder is wide enough to allow operation of the ORV on the shoulder, identify all fixed object hazards on the shoulder (e.g. guiderail, bridge abutment, etc.).	Ensure that any fixed object hazards are continuously visible on the approach to the hazard so that the ORV operator can visually detect and recognize the hazard ahead and make a decision on the appropriate action (slow or stop the ORV and ensure the way is clear) rather than make an evasive maneuver which may be a swerve into the path of a motor vehicle to avoid hazard.
Road surface paved	If operation on the shoulder is not possible, determine the condition of the pavement.	Look at the condition of the entire travel portion of the pavement identifying: bumps, depressions, potholes, ruts, surface discontinuities and other distortions that may cause the driver of the ORV to swerve potentially into the path of motor vehicles to avoid bumps, depressions, potholes, etc. at the edge of pavement and likewise the driver of a motor vehicle may also swerve into the path of the ORV to avoid bumps, depressions, potholes, etc.
Road surface unpaved	Determine the condition of the road surface.	Determine the frequency in which bumps, depressions, potholes, ruts, surface discontinuities (washboards) and other distortions return to the road surface after maintenance grading is complete and will these bumps, depressions, potholes, ruts, surface discontinuities (washboards) be an issue causing the ORV operator to drive an irregular path to avoid bumps, depressions, potholes, ruts, surface discontinuities (washboards) and create a potential for conflict with motor vehicles.
Highways without sidewalks	Identify other vulnerable road users (cyclists, pedestrians, seniors) who may use the roadway or shoulder for walking or cycling.	Determine the frequency of use by pedestrians and cyclists and all potential conflicts including sight obstructions.

ORV Operation	Review Should Consider	Discussion
Narrow roadway	Determine if there are any sight obstructions on the roadway.	Sharp curves and steep hills are two (2) examples of sight obstructions where the driver of a motor vehicle may not see an ORV ahead. If a significant speed differential exists, the driver of the motor vehicle may not have enough sight distance or sufficient space (due to on-coming motor vehicles) to implement an evasive maneuver to avoid the ORV.
Downtown core area or other similar areas of the municipality	Identify areas with high pedestrian movement, high volume of on-street parking turnover, transit stops, dedicated bicycle lanes, etc.	Adding another moving object hazard (ORV's) to areas with high pedestrian movement, high volume of on-street parking turnover, transit stops, dedicated bicycle lanes, etc. may increase potential conflicts between motor vehicles, cyclists, pedestrians and ORV's.
Time of day	Operating ORV's at night may increase potential conflicts with other motor vehicles on the road. Operating ORV's at night may be a disturbance in otherwise quiet neighbourhoods.	Determine if street lighting is adequate for safe operation of a slower moving vehicle (ORV) operating along the curb at night. Also, illuminated or digital signage at businesses may be a distraction for drivers who may be focusing their attention on the sign rather than what is occurring along the curb.
Time of year	Operation of ORV's in winter	Determine if snow banks at intersections and driveways would be kept at a height that would not obstruct the sight triangle at an intersection or driveway and offer a clear view of an approaching ORV.

While the Frank Cowan Company does its best to provide useful general information and guidance on matters of interest to its clients, statutes, regulations and the common law continually change and evolve, vary from jurisdiction to jurisdiction, and are subject to differing interpretations and opinions. The information provided by the Frank Cowan Company is not intended to replace legal or other professional advice or services. The information provided by the Frank Cowan Company herein is provided "as is" and without any warranty, either express or implied, as to its fitness, quality, accuracy, applicability or timeliness. Before taking any action, consult an appropriate professional and satisfy yourself about the fitness, accuracy, applicability or timeliness of any information or opinions contained herein. The Frank Cowan Company assumes no liability whatsoever for any errors or omissions associated with the information provided herein and furthermore assumes no liability for any decision or action taken in reliance on the information contained in these materials or for any damages, losses, costs or expenses in a way connected to it.

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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What to look for

Section

- 1 Single-rider ATV
Two-up ATV
- 2 Side-by-side Off-Road Vehicle
Utility Terrain Vehicle
- 3 Riding on-road
Riding off-road
- 4 Municipal by-laws
Private property
Liability
Enforcement
- 5 Impairment
- 6 Young riders
- 7 Be prepared
Legislation sources

All-Terrain Vehicles (ATVs) and Off-Road Vehicles (ORVs) are popular year-round vehicles for outdoor enthusiasts. Before riding, it is important to be aware of the applicable laws and safety precautions.

This booklet is a guide and outlines the legal requirements for ATVs/ORVs in Ontario and promotes safe and responsible riding practices.

For more information on legal requirements, go to the Off-Road Vehicles Act (ORVA) and the Highway Traffic Act (HTA) by visiting: ontario.ca/laws

In Ontario:

- No passengers under the age of 8 when on-road
- Drivers and passengers must wear an approved motorcycle helmet, and
- Must use a seat belt and foot rests, where provided, when travelling on-road
- Graduated licensing requirements apply to young and novice drivers when travelling on-road

Find out more inside...

Single-rider All-Terrain Vehicle (ATV)

A type of ORV that has:

- Four wheels
- Steering handlebars
- A seat that is straddled by the driver to carry only a driver

No passengers are allowed.



Two-up All-Terrain Vehicle (ATV)

A type of ORV that has:

- Four wheels
- Steering handlebars
- A seat that is straddled by the driver
- A passenger seat directly behind the driver
- Separate foot rests for the passenger

May carry a passenger who is at least 8 years old and able to reach the foot rests when on-road.



A single-rider ATV that has been modified to carry a passenger by installing an after-market seat and foot rests is not considered a two-up ATV.

2

Side-by-side Off-Road Vehicle (ORV)

A type of ORV that has:

- Four or more wheels
- Steering wheel
- A driver's seat
- Seating for passengers beside/behind the driver
- Seat belts for each seating position
- Roll-over protective structure
- Maximum engine displacement of 1,000 cubic centimetres

*May carry passengers who are at least 8 years old when on-road.
Passengers must wear a seat belt properly.*



Utility-Terrain Vehicle (UTV)

A type of ORV that is similar to a side-by-side that has:

- Four or more wheels
- Steering wheel
- A driver's seat
- Seating for a passenger beside/behind the driver
- Seat belts for each seating position
- Occupant protective structure
- A cargo box with a minimum cargo capacity of 159 kilograms

*May carry passengers who are at least 8 years old when on-road.
Passengers must wear a seat belt properly.*



On-Road Riding

Driver/Passenger Requirements

- Driver must be at least 16 years of age and hold a valid G2, M2 licence or greater
- Driver must carry the registration permit of the ATV/ORV or a true copy
- No passengers under the age of 8
- Driver and passengers must wear an approved motorcycle helmet securely fastened under the chin by the chin strap
- Drivers and passengers on ORVs must occupy a seating position with a seat belt which must be worn properly
- Passengers on 2-up ATVs must be able to reach and use the footrests provided

ATVs and ORVs that have a compliance label on the machine are allowed to operate on roads where permitted.

Speed limits for ATVs/ORVs

Posted speed limit
of 50 km/h or less

Maximum speed is
20 km/h



Posted speed limit
more than 50 km/h

Maximum speed is
50 km/h

On-Road Riding

ATV/ORV Requirements

- ATV/ORV must be registered, have a rear licence plate and must be insured under a motor vehicle liability policy
- ATVs cannot exceed the manufacturer's overloading warning label when travelling on-road
- Side-by-sides and UTVs must not exceed the width and weight requirements of the manufacturer
- Must be driven in the same direction of traffic on the shoulder of the road with all lights on. If the shoulder is unsafe, impassable or not wide enough so all tires can be completely on the shoulder, then the travelled portion of the road may be used.
- Can travel on Highways 500 to 899, many 7000 series and low traffic highways
- Prohibited from the 400 series highways, the Queen Elizabeth Way and sections of the Trans-Canada Highway

For a complete list, refer to the Ontario Highway Traffic Act Regulation 316/03, Schedules A and B.

Off-Road Riding

Driver/Passenger Requirements

- Driver must be at least 12 years of age unless they are under direct supervision of an adult. It is highly recommended that young riders are always supervised by an adult.
- Cannot directly cross a highway until they are at least 16 years old and have a valid driver's licence, e.g. G1, M1 or greater
- Driver must carry the registration permit of the ATV/ORV or a true copy
- Driver and passengers must wear an approved motorcycle helmet securely fastened under the chin by the chin strap

Be a Responsible Rider

- Ride according to trail, road and weather conditions
- Use extreme caution when turning, crossing, climbing and descending hills and when crossing obstacles
- Ride in designated areas only
- Preserve the environment and keep noise levels low.

Off-Road Riding

ATV/ORV Requirements

- ATV/ORV must be registered, have a rear licence plate except in exempt areas such as Far Northern Ontario
- Must be insured under a motor vehicle liability policy



Municipal Bylaws

ATVs/ORVs are prohibited from travelling on a municipal road if a bylaw has not been issued. Municipalities decide which roads, the time of day and season when they are permitted. They can also establish additional rules. It's the rider's responsibility to check with the municipality if ATVs/ORVs are allowed.

Private Property

ATVs and ORVs that are driven on the vehicle owner's land are exempt from the following:

- Insurance
- Driver must be at least 12 years of age unless they are under direct supervision of an adult. It is strongly recommended that young riders are always supervised by an adult.
- Wearing a helmet, although it is strongly recommended that drivers and passengers wear a helmet when they ride

Liability

The owner of an ATV/ORV is liable for injury or damage that may occur when someone else is operating their vehicle. The owner may also be charged and convicted of an offence under the Off-Road Vehicles Act (ORVA), its regulations or a municipal bylaw if the driver of the vehicle is not complying with the Act.

Enforcement

When stopped by police or a conservation officer, you must produce the following when requested:

- Driver's licence, when required
- Registration permit
- Proof of insurance

Remember, when riding on private property, you must stop when signaled by a land owner and provide your name and address if requested.

Impairment

Off-Road

Drivers operating an ATV/ORV along a roadway, on Crown Land, private property, or a trail system while impaired with a Blood Alcohol Concentration level greater than .08 will face impaired driving charges under the Criminal Code of Canada.

On-Road

In addition to the impaired driving laws under the Criminal Code, drivers operating an ATV/ORV along a roadway, on Crown Land, private property, or a trail system, must also obey Ontario's drinking and driving laws under the Highway Traffic Act (HTA) as noted below.



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Drivers caught with a Blood Alcohol Concentration level of .05 to .08 face the following:

- Escalating roadside driver's licence suspension of 3, 7, 30 days
- \$180 administrative monetary penalty
- Remedial Measures Program for second and subsequent offence
- 6 month ignition-interlock condition on driver's licence for third or subsequent offence

Drivers caught with a Blood Alcohol Concentration level greater than .08 or who fail /refuse to comply with a demand of alcohol/drug testing face the following:

- Roadside driver's licence suspension for 90 days
- Roadside vehicle impoundment for 7 days
- \$180 administrative monetary penalty

Note: If the driver is later convicted, they face a further suspension period upon conviction (minimum 1 year for first offence). They must also complete the Remedial Measures Program, followed by the installation of an ignition interlock device in any of the driver's vehicles for a minimum of 1 year.

Novice and Young drivers (under 22)

If caught with any amount of alcohol in their system, they face an immediate 24-hour driver's licence suspension, and, if convicted, a minimum 30-day suspension and a fine up to \$500.

Young Riders



Age

- 12 years of age or older to ride off-road, e.g. trails, private property, or Crown Land. If under age 12 must be under direct supervision of an adult. No licence required.
- 16 years of age or older with a valid G1, M1 or greater driver's licence to directly cross a permitted road
- 16 years of age or older with a valid G2, M2 driver's licence or greater to drive along a permitted road
- Must be at least 8 years old to be a passenger on a side-by-side, UTV, and also be able to reach and use the foot rests on a 2-up ATV when on-road

Ability

- Manufacturers strongly recommend that adult sized ATVs/ORVs not be driven by anyone under the age of 16
- Young riders should only drive ATVs/ORVs that are designed for their size, strength and ability
- Young riders should always be supervised by an experienced adult and take an ATV training course

Safety Gear

- Riders and passengers must wear an approved motorcycle helmet that is securely fastened under the chin by the chin strap
- Goggles, boots, pants, gloves and a long sleeved shirt are recommended

7

Be Prepared

- Take an ATV/ORV safety course. Learn to ride from an expert. For information on courses and other related information, visit the Ontario Federation of All-Terrain Vehicles at: **ofatv.org**
- Know your machine. Read the operator's manual.
- Ride within your ability and skill level. Always stay in control.
- Always check your machine and keep it in good working condition. Check oil, gas, other fluid levels, lights, brakes, tires and air pressures.
- Ride with others if possible. Always let someone know where you are going and when you expect to return.
- Carry an emergency kit, and a mobile phone if service is available
- Be courteous and responsible when riding

Legislation information sources

Visit: ontario.ca/laws

Highway Traffic Act Ontario Regulation 316/03

- Part 1 Definitions
- Part III Equipment Requirements
- Part IV Exemptions
- Schedule A: Prohibited Highways
- Schedule B: Permitted Highways

Off-Road Vehicles Act, Ontario Regulation 863

- Schedule 1: Prohibited Highways for crossing

For more safety and legal information on ATVs/ORVs

Visit: **ontario.ca/atv**





KAWARTHA LAKES POLICE SERVICE

6 Victoria Avenue North, LINDSAY, Ontario K9V 4E5
Telephone (705) 324-5252
Facsimile (705) 324-6492
kawarthalakespolice.com

April 9, 2021

Off Road Vehicle Task Force
Attention: Councilor Pat Dunn (Task Force Chair)
Sent via email

Councilor Dunn, members of the ORV Task Force and Kawartha Lakes Council:

Thank you for your March 24 correspondence, inviting comment from the Kawartha Lakes Police Service (KLPS) on the ORV Task Force recommendations.

As our elected representatives, Council for the City of Kawartha Lakes is responsible for establishing public policy at the municipal level. The Police Service respects that role and will support any decision by Council to the best of our ability. The following information is submitted to assist council in their deliberations and ultimate decision.

KLPS has reviewed the recommended travel routes that would allow recreational ATV riders to follow a road route through Lindsay and connect the Northern trail head to the Southern trail head. We recognize the concerns regarding the combination of ATV's, regular motor vehicles and pedestrians on busy roadways. In particular, ATV's that are limited to 20 km/h and sharing the roadway with motor vehicles travelling at 50 km/h, is an area of concern. We also acknowledge that any route through Lindsay will inevitably require some access to these roadways.

If a road route(s) through Lindsay is approved, proper management will be an important consideration to ensure public safety. Whether education and enforcement are the responsibility of police, by-law, volunteer trail wardens or a combination of these resources, it is important that the associated risks are properly mitigated. Those risk factors include speed, underage use, and failing to use proper safety equipment.

Council should be aware that KLPS does not currently have its own off-road vehicles to provide a motorized presence on the trail system. If the intended purpose of the recommendations is to increase the volume of ATV's coming to Lindsay, Council may wish to make a request to the KLPS Police Services Board for the Service to increase its capacity in this area. The Board will also be discussing this issue at their May 20, 2021 meeting.

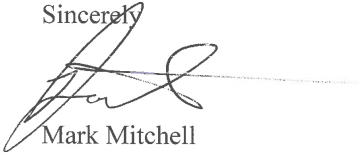
We have also reviewed Recommendation 3 under "Lindsay", which would allow an operator to drive on any street in Lindsay if they are traveling between their residence and the designated route(s). This provision would be very difficult for the police to enforce. Without arbitrarily stopping an ATV operator, an officer would not be able to determine if the operator was in compliance with the by-law.

ADDRESS ALL CORRESPONDENCE TO THE CHIEF OF POLICE

As requested by the Task Force, we have already submitted data on motor vehicle collisions involving off road vehicles in our policing jurisdiction. We will continue to collect those statistics so that Council and the community can evaluate the impact of any changes, once implemented.

We appreciate the opportunity to submit this information for your consideration. As stated earlier, we will provide our support to whatever direction Council chooses on this issue. I would also be happy to appear before either the task force or Council to answer any further questions.

Sincerely



Mark Mitchell
Chief of Police

ADDRESS ALL CORRESPONDENCE TO THE CHIEF OF POLICE



The Corporation of the
City of Kawartha Lakes
Municipal Law Enforcement & Licensing
37 Lindsay Street South
Lindsay, Ontario
K9V 2L9
Tel: (705) 324-9411 ext. 1223
Or 1 888-822-2225
Fax: (705) 324-8619
esloan@kawarthalakes.ca

April 12, 2021

Pat Dunn
Chair ORV Task Force

Re: Use of City Roads Task Force

Dear Mr. Chair and Committee members,

Thank you for allowing me the opportunity to submit my input and comments concerning the committee recommendations and proposed trail connections.

Currently, we have by-laws that permit an access route through Fenelon Falls connecting two sections of the VRTC trail and permits limited road use in the northern portion of the municipality. These long-standing bylaws have resulted in very few MLEL complaints regarding VRTC trail use, road use and noise. Most riders/users, who use the trails and roads, do so in a respectable manner.

I am submitting this letter to speak in support of the proposed general recommendations, Bobcaygeon routes, and the Lindsay route 1). I prefer the second option that directs the traffic off the trailhead at Logie St. and straight out to Lindsay St. I support the rest of the recommendations as written. These routes will allow riders to access a route that provides access to amenities in the communities such as fuel and food services, while using the roadways of sufficient width and visibility to be safe. I would also suggest that each community designate specific parking areas, to allow for walking use of the downtown core areas.

I do not recommend that we permit riders to drive in Lindsay on Kent St. W. or park downtown in the on street parking stalls.

Keeping in mind that these recommendations are a starting point for the trial period. I will suggest that complaints received by the various enforcement bodies and BIA's are monitored, summarized and supplied in a future report to Council at the conclusion of the trial period.

Currently, my concerns with permitting the activity also consider that the Municipal Law Enforcement and Licensing Division could see an increase in complaints regarding road



use (areas where not permitted) and noise. I will suggest to the committee that the MLEL authority is very limited and does not extend to stopping vehicles on public roadways for passes, insurance checks, speeding and/or noise. The future version of the by-law should detail this authority limitation.

Additional detail regarding the MLEL services can be provided if needed.

Yours truly

A handwritten signature in black ink, appearing to read "A. Sloan", written over a horizontal line.

Aaron Sloan, CPSO, MLEOC, CMMIII
Manager of Municipal Law Enforcement and Licensing
City of Kawartha Lakes

Ontario
Provincial
Police

Police
provinciale
de l'Ontario



City of Kawartha Lakes Detachment
Detachement de la ville de Kawartha Lakes

3028 Highway 35
Lindsay, ON K9V 4R1

3028, Autoroute 35
Lindsay, ON K9V 4R1

Tel: 705 324-6741
Fax: 705- 324-8479

Tél. : 705 324-6741
Télééc.: 705 324-8479

File Reference:

Dear Chair Dunn
ORV Task Force

I have taken the opportunity to review the ORV Taskforce recommendations dated March 24th 2021. Although I will not provide comment on whether I feel that the municipality should, or should not, implement a bylaw allowing the expanded operation of ATV's on the roadway, I have no concerns with any of the recommendations put forth by the Taskforce. I support the direction of the Taskforce to encourage ORV operators towards the permitted trails and away from using the roadways for general transportation.

We have previously provided collision data that indicates that for all ORV collisions that have been investigated by my detachment between 2016-2021 YTD, 47% have occurred on the highway and 53% have occurred on trails/private property.

We will support the municipality in whichever direction they decide to proceed on this bylaw.

Kindest regards,

A handwritten signature in black ink, appearing to read "Tim Tatchell", is written over a horizontal line.

Inspector Tim Tatchell
Detachment Commander
Ontario Provincial Police
City of Kawartha Lakes Detachment

From: "Flindall, Robert (OPP)" <
Date: April 13, 2021 at 9:40:31 AM EDT
To: Kathleen Seymour-Fagan <
Cc: "Tatchell, Timothy (OPP)" <
Subject: RE: Orv injuries

Good morning Kathleen,

I've reviewed all ORV collisions occurring on CKL roadways from 2016-2020. This has resulted in 23 personal injury collisions in which 28 people were injured and required medical attention. There have been no ORV fatalities on CKL roadways during this time period. All fatalities have occurred on private property.

Have a great day,

Robert FLINDALL | [REDACTED] | City of Kawartha Lakes OPP
3028 Highway 35, Lindsay, ON K9V 4R1 | [REDACTED]
P: 705.324-6741 | F: 705.324-8479 | [REDACTED]
OPP 24 Hour Police Service 1-888-310.1122 | www.opp.ca

From: Bryan Robinson <brobinson@kawarthalakes.ca>
Sent: Friday, April 2, 2021 12:44 PM
To: ORVTaskForce <orvtaskforce@kawarthalakes.ca>
Cc: Tracy Richardson <trichardson@kawarthalakes.ca>; Kathleen Seymour-Fagan <kseymourfagan@kawarthalakes.ca>; Ron Taylor <rtaylor@kawarthalakes.ca>
Subject: RE: ORV letter

Thanks for reaching out to me Pat.

On October 6, 2020, Staff presented report RD2020-008 with the following proposed recommendations which remain our recommendations:

That Report RD2020-008, **Off Road Vehicle Use of Municipal Roads**, be received;

That ORV and ATV use on Municipal Highways in the City of Kawartha Lakes be reviewed in conjunction with the Trails Master Plan in 2021;

That the amendments to Section 2.07 and Section 4.01 of By-Law 2019-077, being a By-Law to Regulate the Operation of ATV's and ORV's on Municipal Highways, outlined in Appendix A be approved;

That the necessary By-Law to amend By-Law 2019-077 be forwarded to Council for approval; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

As you are aware, Council chose to develop the current task force in lieu of review with the Trails Master Plan. As a general comment and in alignment with most municipalities, PW remains of the opinion that the matter should be deferred and reviewed in conjunction with the relating master plans (Trails Master Plan and the Transportation Master Plan). With that said, PW's operational comments specifically related to the recommendations presented are:

- 1) The Task Force has yet to review and distinguish between ORVs and ATVs and the types of vehicles within each category. Currently the recommendation is to open roads to both types of vehicles. I understand that some of our trails north of Northline Road currently permit the use of ORVs only as a pilot. All trails south of Northline Road do not permit ORV's, so opening roads to that vehicle type could cause confusion. By permitting ORV's on roads with intent of accessing trails, the pilot could become complicated and there would be increased pressure to keep those trails open to both types of vehicles and expand trail use north and south of Lindsay. This is a decision that should form part of the discussion in the Trails Master Plan and Transportation Master Plan update.
- 2) PW believes if the City moves forward with approval of road use, only MTO regulations for safe use should apply. There is no MTO requirement for holding a valid KATVA pass.
- 3) Within the two-year pilot recommended there is recommendation to review. What are the indicators or factors that are to be reviewed and who will be assigned to undertake the review? Consider items such as complaints, damage, cost impact, number of accidents? Review via task force, public consultation or Staff (PW, Engineering, Office of Strategy Management?)

- 4) Concerns have been raised from the public about safety of the Task Force's recommendations. Due to their shorter wheel base, effects of surface discontinuities (potholes) on ATV/ORVs is heightened and risk of accidents increase. As always, public safety should be considered paramount. Should Council adopt opening of roads, one would naturally expect that incidents on municipal roads would increase. To the best of CKL's Staff knowledge, there is no established criteria for review of safety. Staff are currently discussing how best to evaluate safety of roads should general ORV / ATV use be approved. Timing of this review is currently undetermined.
- 5) Enforcement is the responsibility of the respective police agency. Comments should be obtained on the capability for active enforcement and if there are any fiscal impacts for desired enhanced activity. Any additional costs and/or resources should be included in the recommendations to Council.
- 6) Recommend the task force request and consider an opinion from the City's Insurance and Risk Management Division and our insurance provider before any recommendation are brought to Council. Should Council endorse opening roads, PW would recommend direction for PW to document and record any damage or increased maintenance costs resulting from ATV/ORV activity and would amend the annual operational budget request accordingly.
- 7) The Task force needs to provide more specifics on increase Communication and Education (added after the public meeting). Again, what is expected and who is this expected from (KATVA, Police, CKL Staff, etc.) ?
- 8) General recommendations from experts recommend against use of ATV/ORVs on asphalt roads (<https://atvexpertwitness.com/dangers-of-asphalt-riding-or-driving/>). Manuals for ORVs and ATVs recommend against it. Has the task force considered this in their recommendations?

Ultimately PW is an operational department. If Council adopts the recommendations, we will continue to implement necessary measures to maintain the road network and request budgets accordingly. The greater question of infrastructure requirements and safety should form part of master plans.

Thanks for the opportunity to provide feedback into the Task Force recommendations. If you have any questions, please feel free to reach out to me.

Regards,
Bryan Robinson
Director of Public Works
City of Kawartha Lakes
www.kawarthalakes.ca

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From: Laurie McCarthy
Date: March 19, 2021 at 12:48:18 AM EDT
To: Kathleen Seymour-Fagan
Cc: Rebecca Mustard; Chris Marshall
Subject: Atv statement

Hi Kathleen,

Thank you for the opportunity to comment on the economic impact of ATV's and Off-road vehicle tourism in Kawartha Lakes.

Tourism is one of the top economic drivers in Kawartha Lakes. The natural assets that exist including our waterways, conservation areas and trail systems are identified as the strongest assets for driving tourism in the region. ATV and Off-Road Vehicle tourism is an increasingly popular tourist activity throughout Ontario, and has the potential to increase visitor spending in our local communities. Connected trail systems that allow these visitors to safely visit the downtowns and nearby businesses is essential in generating economic impact from the ATV and Off-Road Vehicle tourist market.

The 2020 Kawartha Lakes Strategic Plan identifies the goal to Enhance Tourism under the priority of A Vibrant and Growing Economy. The Economic Development Strategy recognizes the objectives to develop operator experiences to boost tourism traffic; develop a guided touring sector; and expand visitation into the shoulder seasons and winter. Development within the ATV and Off-Road Vehicle tourist market aligns well with these objectives particularly the opportunity to increase visitation and spending during the shoulder season months.

Kind Regards,

Laurie McCarthy
Economic Development Officer – Tourism
Development Services, City of Kawartha Lakes
705-324-9411 ext. 1233
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Topic: CKLEAC Motion on ORV Task Force Recommendations

At the CKLEAC meeting on April 8th the following motion was passed by the committee.

Motion: That the City of Kawartha Lakes Environmental Advisory Committee recommends to Council that it retain current bylaw 2019 - 077 (A By-Law to Regulate the Operation of ATVs and ORVs in the City of Kawartha Lakes

Rationale

1. The majority of the committee would like to keep the status quo on streets in CKL
2. There are significant concerns about the safety of ORVs on roadways, especially in urban areas. A healthy environment and personal /public safety go together.
3. Measures that will expand and enhance recreational use of carbon-emitting ORVs are inconsistent with the environmental goals set and commitments made by Council.

A healthy environment is one of Council's three main goals in the municipality's Corporate Strategic Plan." In 2019 Council adopted the Healthy Environment Plan, the product of two year's effort and shaped through conversations with over 2,600 people and 40 organizations, institutions and community groups. The plan's intro states: "As a community and a corporation, Kawartha Lakes is committed to taking action to protect our local environment."

The aim of the Healthy Environment Plan (HEP) is to reduce Green House Gas emissions. It's worth noting, as the plan does, that in 2015 transportation accounted for close to half of those emissions (48%). It sets as a goal cultivating sustainable, low-carbon transportation---encouraging walking, bicycling, use of transit, electric vehicles.

4. Preparation of an Active Transportation Master Plan funded by Council is now underway and the committee recommends that this be a priority for Council before expanding access to ORVs
5. A focus on promoting and enabling active forms of transportation is a good economic driver and helps create a quality of life that would make our community appealing as a destination. In a presentation to council, data showed “The average non-cycling tourist in CKL spends \$83 per day and the average cycling tourist spends \$127 per day”

(Your CKLEAC committee respectfully suggests that Council wait until an AT plan is completed before expanding access and consider linking trail heads outside urban areas at that time).