

Deputation
RE: PW2021-002
Off Road Vehicles Task Force Recommendations
Committee of the Whole
May 4, 2021

Mr Mayor and Council,

Thank you for the opportunity to speak.

Council is considering recommendations to open all 2500 km of roads to machines designed to be OFF ROAD ONLY.

Safety is by far the most important consideration.

HKPR

In 2013, our health unit warned that ATVs were a *“significant source of injury and death for ATV users and often involve collision with another vehicle”* and recommended that Council *“not implement a bylaw that would allow road access for ATVs.”*

In 2019, Public Health Ontario reported that this health unit had the highest number of ATV accidents in its peer group.

Now, 2021, HKPR reports Kawartha Lakes ATV accident rate is 5 times the Ontario rate – and:

“there are higher rates of fatalities and serious injuries for ORV riders on roadways compared to off-roadways,

being on roadways increases the risk of collisions with other motor vehicles,

design characteristics of these vehicles, particularly ATVs, make them unsafe on roadways”.

The Health Unit states: “Restricting ORVs to trail use only would be the preferred best practice from a public health standpoint”

In 2015, CKL ATV accidents represented 30% of the total ATV accidents in this health unit. By 2019, it was 60%.

This is without allowing ATVs south of Glenarm Rd and primarily in rural areas.

Off Road Vehicles present an even greater risk on roads *today* than in 2013.

Manufacturers such as Polaris, Kawasaki, Yamaha and Honda all have warnings about gravel roads such as:

<p>“Always avoid operating an ATV on any paved surfaces ,including sidewalks, driveways parking lots and streets,” and “[n]ever operate an ATV on any public street, road or highway, even a dirt or gravel one” Yamaha Raptor 350</p>
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Rural roads are not safer.

ORVs would be on roads with school buses, traffic, gravel trucks, farm equipment, children, bikes – in the dark, with no sidewalks, no lights, and speed limits up to 80kmh.

These roads are busier by the year - the lull that we are currently experiencing will not last much longer.

Insurance and Risk Management:

Warned that the City's insurer advised: "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." They then included an extensive list of safety review considerations from the City's insurance provider.

Public Works:

Recommend that "*the matter should be deferred* and reviewed in conjunction with the relating master plans (Trails Master Plan and the Transportation Master Plan)." They stress that public safety is paramount and warn that incidents on municipal roads would increase; experts recommend *against* the use of ATV/ORVs on roads; and manuals for ORVs and ATVs recommend against it.

No amount of insurance removes the safety risk to others of ORVs on roadways.

If Council approves these recommendations there WILL be more accidents; more hospitalizations and inevitably, more deaths.

The high, and escalating, rate of ATV related accidents in Kawartha Lakes shows us there is a problem. It needs to be addressed as the safety issue that it has become.

No pilot. No changes to the current bylaw.

Accessing the trails can be done – safely and legally - using a trailer.

Thank you.

Heather Stauble

ORV Crash Test <https://www.youtube.com/watch?v=yCKBcMr0fGU>

Global News Peterborough KATVA https://globalnews.ca/video/5459601/collisions-involving-off-road-vehicles-on-the-rise/?fbclid=IwAR0lwbcq--U03uLz6-5H-ZOTpu92Rvo25dp8O4_cspTyMTKfDVXooL4b0pA

The Epidemiology of All-Terrain Vehicle and Snowmobile-Related Injuries in Ontario, Public Health Ontario, 2019

<https://www.publications.gov.on.ca/CL29309>

Consumer Federation of America <https://consumerfed.org/pdfs/ATVs-on-roadways-03-2014.pdf>

More fatal all-terrain vehicle crashes occur on the roadway than off: increased risk-taking characterises roadway fatalities

<https://injuryprevention.bmj.com/content/19/4/250>

Specialty Vehicle Institute of America (SVIA): POSITION IN OPPOSITION TO ON-ROAD OPERATION OF ATVs

Recreational Off Highway Vehicle Association (ROHVA): POSITION IN OPPOSITION TO ON-HIGHWAY OPERATION OF ROVs

AMO, Joint and Several Liability: <https://www.amo.on.ca/advocacy/municipal-finance/municipal-liability-and-insurance-costs>

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

TD ATV Insurance <https://www.tdinsurance.com/products-services/recreational-vehicle-insurance/tips-advice/atv-eligibility-and-restrictions>

MTO email

Highway Traffic Act <https://www.ontario.ca/laws/statute/90h08>

Off Road Vehicle Act <https://www.ontario.ca/laws/statute/90o04>