

To: Council, City of Kawartha Lakes agendaitems@kawarthalakes.ca
Re: ATV routes Pontypool to Bethany, Janetville, Omemee, process and pilot
December 10, 2021

Dear members of Council,

I am writing with respect to the safety of ATV routes proposed for approval by Council, the process and the pilot.

I am a resident of this area and am very familiar with these routes. I have provided a detailed list for review at the end of this correspondence.

1. SAFETY and RISK ASSESSMENT

The ORV Task Force adopted the following statement at the April 27, 2021 Task Force meeting:

"1. Open up rural roads "excepting those deemed unsafe by the City staff and committee" https://jumpinkawarthalakes.ca/orv/news_feed/revise-task-force-recommendations April 27, 2021, ORV Task Force

No member of the ORV Task Force is qualified to determine what constitutes a safe road for ATV use and staff have not been directed by Council to review the roads for safety and risk. Direction to staff to either undertake a safety and risk assessment or engage an outside consultant must be done by Council.

It is incumbent upon Council to undertake a safety and risk assessment of each route before any final approval is given by Council. To do any less is a complete abdication of Council's responsibility.

Traffic counts

Staff have the information based on previous traffic counts for many roads. This information needs to be provided to Council and context provided so that all members of Council have a clear understanding of the traffic patterns and volume before making a final decision on any of these routes.

Remove unsafe roads

Council removed roads in the Cameron and Bobcaygeon areas based on safety and enforcement concerns. Those concerns also apply to roads in other areas. A list of roads with concerns that should be removed is attached for your information.

2. PROCESS and PUBLIC MEETING

Council needs to call a Public Meeting – which residents are told about – in advance.

The Special Committee of the Whole meeting was only seen by those who watch the JumpIn site. The media release and Notice appeared in the paper on Thursday, after the meeting had occurred. Some residents did not get their papers until Saturday – 4 days after the meeting.

Public Meetings, meant to engage the public includes a real effort at notifying them – not a ticking of the minimal requirements. The rest of Kawartha Lakes deserve the same kind of consultation as residents in Lindsay received. The Procedural Bylaw does allow for an actual "Public Meeting".

Council can and should call a public meeting, with notice to all residents, particularly residents who live on or near the routes; and those who travel those roads, with press releases and notices in the paper for 3 weeks in a row, and an opportunity to sign up at the time of the meeting, as has been the practice for other Public Meetings on matters of public interest and under the Planning Act.

Despite claims that Councillors have heard from supportive residents, those same Councillors have complained that angry residents have called them. Clearly, the public is not as supportive as Councillors are claiming. There were no Councillor Facebook posts asking for input. No Town Hall meetings. Notices to the public on the last page of the paper, delivered after the meeting, look designed to tick boxes, and avoid public engagement. There is actually more notice for changes to the garbage collection schedule.

Residents, who have been intimidated on social media, need to be able to provide their feedback without fear or threats. Staff advised the ORV Task Force that a confidential survey (with an unbiased set of questions), on a road by road basis, can be done with a direct notice to the residents showing how to access all reports.

3. PILOT

The ORV Task Force have omitted the collection of any data from the health unit. A pilot that claims to be safe, needs to be able to prove that it is safe. Baseline data needs to be established along with a request to the health unit to track real time data on ER visits, hospitalizations, fatalities as well as type, location, time and date of the incident.

Police and Bylaw must track similar information related to complaints for road use, trail violations, noise, and hours. Complaints must be collected without judgment throughout the City of Kawartha Lakes to determine whether opening more roads to ATVs impacts ATV traffic on other roads within CKL.

An independent economic assessment to determine whether there is any economic benefit will help to assess whether there is any truth to the claims.

Education and public safety awareness are critical to reducing harm and infractions.

The pilot must include:

- Signage identifying permitted and prohibited routes, contact agencies and information.
- Establish baseline data and data to be collected
- Track all complaints, charges, throughout the City of Kawartha Lakes
- Track all collisions, accidents, ER and hospitalizations, charges, types of ATVs, times, locations
- Track costs
- Provide enforcement for pro-active and timely responses to outlying areas
- Provide an education and public safety program delivered by the municipality in co-operation with bylaw and police enforcement
- Set timeline for Report back to Council and Notice to stakeholders
- Identify City staff and agencies who will gather information and report to Council
- Identify methods for collection of data
- Survey residents who travel, and live on or near routes, before the end of first year and ask about the impact on quality of life, personal health and safety
- Survey residents again before the end of the term of the pilot and ask if they are in favour of continuing to allow road access to ATVs

- Track ATV on road traffic, times, locations, types
- Communication to all residents and stakeholders
- Conduct independent economic impact assessment of ATVs on roads

Pilot Hours and Dates

The pilot program as proposed would run from 7:00am and 9:30pm, May 1st to December 1st. This would mean ATVs are running in the dark for almost 5 hours a day by the end of November and this year, ATVs would have been on roads through several major snow storms before Dec 1st.

Council needs to restrict ATV access to roads to “dawn to dusk” and from “May 1st to Oct 31st”.

Enforcement

ATV, side by side and dirt bikes being driven by adults and children on municipal and provincial roads and there is little to no enforcement.

Highway Traffic Act

Following the Highway Traffic Act is not enough to protect ATV riders or others on the road.

In the last few weeks, there have been eight serious accidents on the roads near Pontypool, Janetville and Bethany due to weather conditions. Two people died. These were not ATVs – they were cars and trucks designed for on road use with safety equipment such as seat belts, air bags, lights, brakes.

None of these people expected to crash or die that day. They were unlucky and we had terrible weather. During those storms, vehicles lost control, slid off the road, into other vehicles, and were stopped for hours.

Had the pilot program been in effect, ATVs, which are NOT designed for on road use, would have been on the roads as well, without the benefit of that safety equipment.

Council has a higher responsibility

Council is not the ORV Task Force. Council has a Duty of Care. Council is required to be more accountable and transparent than the members of the ORV Task Force. They are responsible to all constituents. Council was advised by the Medical Officer of Health, experts and staff against allowing more ATV road access. Council was advised that the rates of ATV accidents have increased over 5 years. On road accidents did not include accidents on trails, or private race tracks or in other municipalities. Council needs to listen to the experts.

Almost all the input Council has received has been in opposition to allowing recreational ATVs use on roads.

The survey conducted by the ORV Task Force – which was very heavily promoted to ATV owners and KATVA members was answered almost entirely by ATV owners – 75%. This same number, approx 1500 respondents out of 75,000, supported access to all roads. 2% of the population.

Most residents, even those in the rural areas, do not want recreational ATVs on roads. They are dangerous. Many people have them, use them for farm work, trailer them to trails and use them in remote areas. There is no need to turn busy roads into a playground. The risks are simply too great.

Council has a choice.

Unlike other types of traffic, there is no requirement by the province to allow ATVs on municipal roads – anywhere. Kawartha Lakes was NOT required to allow ATVs on our roads. A licence and insurance does not make them legal. Council makes that decision. The province does not allow ATVs on most of their roads – because they are not safe.

Council needs to do their due diligence and conduct a full safety and risk assessment, with a report back to Council before any final approval of any ATV routes.

Accidents do happen

Whether Council wants to believe it or not, ATV accidents do happen and there have been fatalities. The Health unit reported 45% were traffic related, almost all due to recreational use in the evening and on weekends. The OPP reported 47% were road related. Those road related accidents are being generated in rural areas – where the speed is high, there is a large amount of daily traffic and commuters and school buses travel along with farm equipment and gravel trucks every day. Council is not doing anyone any favours by ignoring those facts.

In conclusion, a list of roads which are located in the southern area of Kawartha Lakes which need to be reviewed for safety and risk before any approval is attached to this correspondence.

Council needs to hold a Public Meeting – open to the public – when it can be done without the restrictions of COVID. Opening roads to ATVs is “not a must do”. If Council is so sure that there is broad public support, then you can wait for COVID to pass and then welcome a large and supportive crowd.

In the meantime, pause and let staff do the safety and risk assessments and develop criteria to ensure any pilot is done safely, based on facts, with the engagement and support of the public, not just one particular recreational user group. That is not the case currently.

Yours sincerely,

Heather Stauble

Attached: Safety concerns on roads proposed for ATV pilot

Council, City of Kawartha Lakes

Safety concerns on roads proposed for ATV pilot

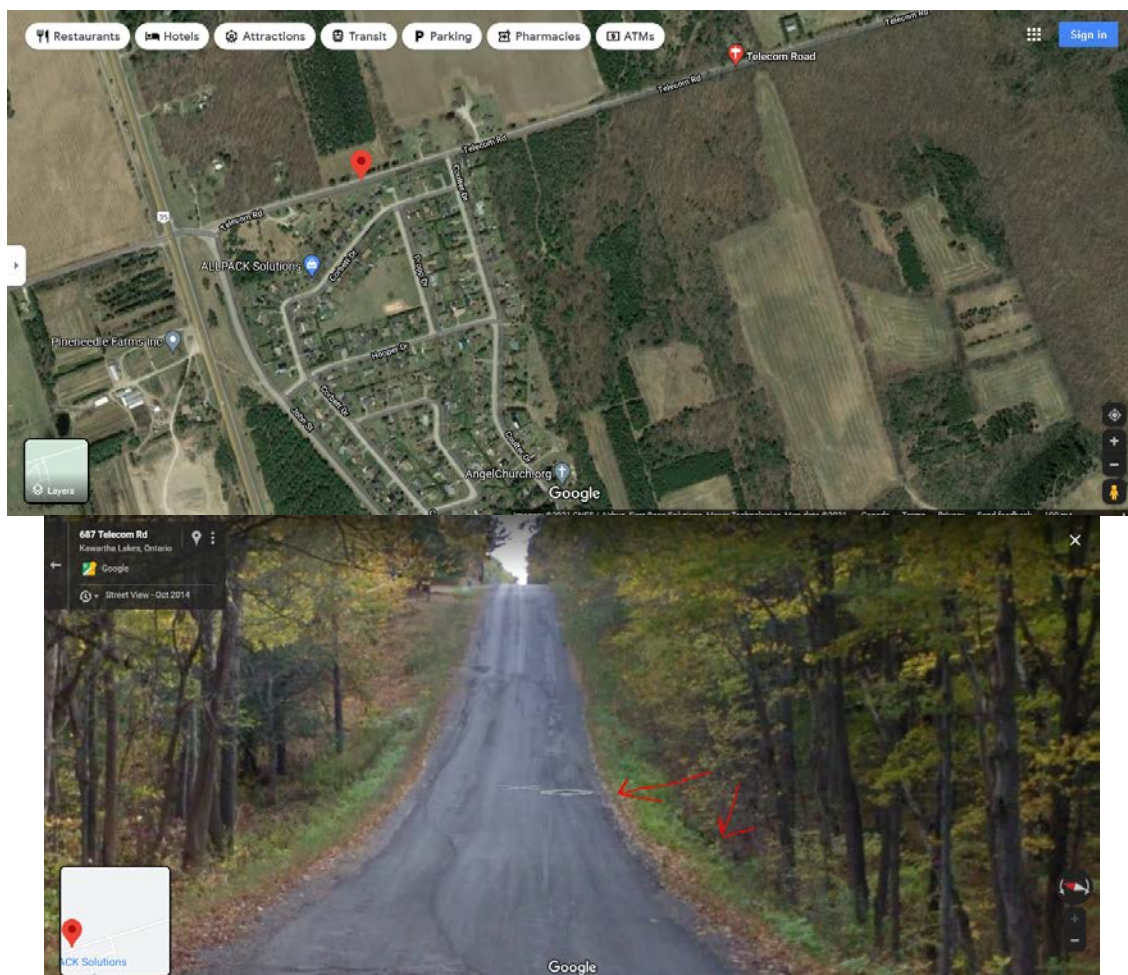
December 14, 2021

ROADS and MAPS

Click to see maps: <https://www.kawarthalakes.ca/en/news/council-discusses-orv-task-force-recommendations-on-additional-connection-routes.aspx>

Roads:

Telecom Rd is a hardtop road, hilly and heavily wooded with a number of hidden driveways, steep ditches, sections where there is little or no shoulder. It runs immediately adjacent to the north end of the village of Pontypool. It is highly unlikely that people will trailer their ATVs to the edge of the village. They will just drive their ATV through the subdivision and the village - where there are children playing, riding bikes and people pushing strollers.



Porter Rd south of Hwy 7A is an arterial road that is very heavily travelled by cottage and commuter traffic, gravel trucks and school buses. The traffic is usually travelling well over the posted 80 kmh. Just south of Telecom Rd, there is a CPR level crossing which is still used by CPR, where many vehicles cross into oncoming traffic. The road base is narrow and there are already issues with cars and trucks being pushed onto the shoulders by oncoming gravel trucks. Now, they will have to squeeze between gravel trucks and ATVs. Shoulders are narrow in places and break away due to traffic and rain. Ditches are extremely deep in a number of areas. I have stopped on a number of occasions to help people who have rolled their cars, been stopped by jack-knifed tractor trailers and regularly see cars and trucks driving up onto the shoulders to avoid oncoming gravel trucks.

ATVs, dirt bikes and other ORVs are regularly seen being driven by both adults and children on Porter Rd.

At the Hwy 7A and Porter Rd intersection, there have been numerous complaints about the visibility, speed and volumes of traffic. Gravel trucks continuously cross Hwy 7A. Heavy traffic coming from the east and Ski Hill Rd in Bethany turns left to go south on Porter Rd.

On March 9, 2021, Councillor Richardson asked for and received Council's support asking for the installation of lights in support of a request to MTO.

"The intersection at Porter Road and Highway 7A poses a safety concern. As the intersection is so heavily used, it is imperative that a streetlight be installed to adequately illuminate it" Councillor Richardson, March 9, 2021 Committee of the Whole Minutes

Visibility is also obstructed by an MTO sign on the west and south side of Hwy 7A and by Phragmites growing in the ditch on the SE corner. It would be difficult for someone on an ATV to see properly. Porter Rd is used for farm equipment which takes up most of the road width when they are travelling on the roadway.



Porter Rd, north of Hwy 7A, narrows a few hundred feet north of Hwy 7a due to Graham's Cemetery which juts out several feet into the roadway. During the last term of Council, the owners of Ground Covers Unlimited asks for a re-alignment of the road due to the large number of close calls between gravel trucks coming over the hill by the cemetery and people were pulling out of the Ground Cover Unlimited driveway.

Porter Rd at Ground Covers Unlimited and Graham's Cemetery

5.3.1 CC2017-30.5.3.1

Public Comments - Tax-Supported Capital Budget

Sandy Spearing attended Council to speak in support of the proposed Capital Budget allocation for road reconstruction on Porter Road. She expressed the need to move the project forward, reduce liability and ensure roads are safe



The arrow shows where the road narrows at the Graham's Cemetery





These photos show the street level view of Graham's Cemetery retaining wall that juts out into Porter Rd as well as the narrow road signs and hidden entrance at Ground Covers Unlimited.

Porter Rd, north of the cemetery, was built by the gravel company to use to avoid dump trucks going through Bethany. It is still used by the gravel pit with trucks starting to line up around 4:30 or 5:00 am to get into the pit and continuing into the evening. It is very dusty and difficult to see anything in dry conditions. Public Works often get calls asking for dust control. The road base is deceiving because it is all dirt but the actual room to accommodate gravel trucks and ATVs and regular traffic is not that great.



<https://www.kawartha411.ca/2020/08/25/driver-injured-after-gravel-truck-rolls-into-the-ditch-near-bethany/>

Hogsback Rd runs along a ridge on top of hills. The ridge is very narrow and very steep. The drop in elevation is sudden, steep and long - comparable to the drop of Devil's Elbow ski hill, which is across the valley –a "Black Diamond" ski hill. It is unmaintained, extremely steep and unstable with rocks and rubble and is an accident waiting to happen.

It is part of the Ganaraska Hiking Trail. There has been no consultation with any other stakeholders on this trail use.

As Hogsback drops down into the valley, it is extremely wet and vehicles get stuck. Between the steep angle of the trail, the wet conditions and the unstable footing, this trail is dangerous for motorized use. It is an accident waiting to happen.

YouTube of Hogsback: <https://youtu.be/lt8fhLS9qKI>

Made during a dry period, in August 2021, this video shows the trail as proposed along Hogsback Rd from Mount Horeb Rd to Ski Hill Rd just south of the entrance of the Cham Shan Temple, and then it continues on across Ski Hill Rd towards the Devil's Elbow subdivision.

Hogsback Rd leads out to Ski Hill Rd which is not included on your list but it will result in traffic on this extremely busy arterial road. Ski Hill Road runs through both Cavan Monaghan and Kawartha lakes. It is very heavily used by commuters and cottagers and the traffic travels over 80 kmh. The Cham Shan Temple is located at the intersection of Ski Hill Rd and Hogsback Rd. Several branches of Hogsback come out onto Ski Hill Rd at different locations.

Janetville Rd and Golf Course Rd are also busy arterial roads. They abut Janetville on two sides and will result in a ATVs driving through the residential areas.

Mount Horeb Rd is also an arterial road. It is busy, has very steep ditches, hills, hidden entrances and stretches where passing is not advisable.

All of these roads lead to Bethany, where the Victoria Rail Trail ends. There are already issues with ATVs driving illegally through the residential areas in Bethany and Devil's Elbow and on Hwy 7A.

There is NO gas station in Bethany.

These roads do not have the width to accommodate ATVs and/or parking along with other traffic.

Traffic counts, safety and risk assessments need to be conducted on these roads either by staff or a consultant with a report to Council before final approval by Council.

Further reviews of Hogsback Rd:

"bottom of it is not really passable after 100 feet, for about 300 feet. You could try, if you're brave. Its a very steep and rocky down hill section. Very rutted from local 4X4 trucks and jeeps.

"I could only recommend this to guys running blue plates on dual sports, ... not sure about legality. The group of quads I ran into had a couple of dirt bikes mixed in. ... The road is a mix of large gravel and rocks, and dirt. Lots of mud, lots of trail branches. Respect the gated farm fields. Watch for quads and trucks. "<https://www.odsc.on.ca/index.php?threads/hogsback-rd-near-bethany-cavan-omemee-on.14621/>

"Its well known, and used a lot by legal riders and illegal yahoos on anything with wheels. Residents in the south end also try to close it off once in a while due to the noise and speed of the vehicles on it, so tread lightly there.... its local to me and would like to see it kept open. You need to watch for garbage dumpers and flat tires... a large load of shingles with nails was dumped in the middle of the road a few years ago." <https://www.odsc.on.ca/index.php?threads/hogsback-rd-near-bethany-cavan-omemee-on.14621/>

" **The Southernmost access**, directly across from the paved section of Hogsback Rd. Involves a steep but short climb up to the trail. If you choose to start from this point be warned, about 600 meters along, there's a VERY steep, VERY long hill that you'll have to climb back up on your return. The hill is nasty enough in the July heat and humidity. However, the base is composed of thumb to fist sized rounded loose stone..." <https://2oldguyswalking.wordpress.com/2019/12/04/the-hogsback-omemee-trail-review/>

The roads and sections of road listed above present safety and enforcement issues and should be removed from the proposed pilot routes.