

Extending On-road Access to Additional ORV types

Proposal Under Consideration:

Amend *Highway Traffic Act* (HTA) Regulation 316/03 to extend on-road access to additional ORV types that carry one or more passengers (e.g. side-by-side ATVs, two-up ATVs, utility terrain vehicles).

Background:

- Currently, only “single-rider” ATVs that meet industry standards and additional HTA requirements are the only type of ORVs given limited on-road access to operate:
 - along the shoulders or the travelled portion where the shoulder is obstructed or unavailable of permitted provincial highways; or,
 - where allowed via by-law on municipal roads.
- Over the years, the ministry has regularly been requested to consider amending HTA Reg. 316/03 to allow other types of ORVs the same limited on-road access.
- There are industry standards for some of these additional ORV types, while for some no industry standard exists.
- Ministry internal analyses have identified various safety concerns (based on collision data, vehicle design, jurisdictional best practices, etc.) but, as we reconsider these proposals again, the ministry seeks to receive feedback that will assist to develop workable solutions that balance safety concerns with supporting a regulatory environment which encourages local economic development, tourism and enhanced mobility benefits.

Past Consultation Feedback:

- Broaden current definition of ATV and extend on-road access to other ORVs – have received many requests to extend on-road access to side-by-side ATVs, two-up ATVs, and utility terrain vehicles.
- Current provincial highway assessment criteria should be enhanced and clearly communicated to stakeholders, municipalities and the public (e.g. through public education initiatives, proper signage).
- Continue to allow municipalities to implement by-laws governing on-road access.

1. What assessment criteria should the ministry use to determine what roads an ORV could travel along the shoulder of (or the travelled portion where the shoulder is obstructed or unavailable)?

Examples of highway selection criteria could include average traffic volumes, specified distance solely for the purpose of connecting trails where ORVs are permitted, proximity to amenities (e.g. gas station, lodgings, and restaurants), etc.

Please comment on Question #1 below.

OFAH comments:

- It is important to consider geography and the varying uses of ORVs (second vehicle, recreation, work, etc.)
- Traffic volume may vary seasonally (especially in the north)
- Specified distances (trail-head to trail-head) should not be used as this assumes the operator only requires road access for recreational trail riding. Need to consider use of ORV for access to Crown resources, local amenities, etc.
- Proximity to amenities is an important consideration but will vary greatly across the province and therefore may not be the best assessment criteria for provincial decisions.
- Any assessment criteria needs to acknowledge and incorporate the variety of uses ORVs by Ontario residents. May require the development of different assessment criteria based on geography and local demands.

2. Should existing on-road access, which is limited to operate along the shoulder of a highway, be maintained? Or should it be expanded to include other permitted areas that may better accommodate larger ORV types (e.g. off roadway but within the right-of-way similar to snowmobiles)?

Please comment on Question #2 below.

OFAH comments:

- Existing on-road access (shoulder/road) should be maintained for ORV use.
- Existing access should only be expanded where the landscape or infrastructure exists to allow for safe use of the ORV by the operator.
- If access is expanded to within the right-of-way this should be as an alternative option and should not exclude continued on-road access.
- Consideration needs to be made about geographic location, landscape topography, number of required road crossings, and seasonality (spring melt) of right-of-ways.

3. Should municipalities be required to specify that travelling on-road is meant only for recreational purposes (e.g. travel between one trail head to the next within a reasonable distance to access amenities such as food and gas)?

Please comment on Question #3 below.

OFAH comments:

- No, there are many ORV/ATV users that require on-road access for non-recreational activities.
- In some parts of Ontario access to amenities is not considered recreational, but rather essential as ORV/ATV(s) are used as second vehicles.
- The criteria for determining which road allows on-road use of ORV/ATV(s) should include consideration for access to Crown resources for low impact natural heritage activities, not just recreation (trail riding).

4. If so, what is a reasonable distance for off-road vehicles to be on-road (e.g. 1 kilometre in order to connect between one trail head to the next)? Are there other criteria, aside from measured distance, that could be used to determine what a reasonable allowance is? Please explain.

Please comment on Question #4 below.

OFAH comments

- There is insufficient data/mapping available of trails and roads across the province to allow a set distance for on-road use by ORVs to be suggested/considered.
- Due to the variety of uses, topography, and infrastructure across the province, a "set distance" is unlikely to meet the requirements of all Ontarians and should be avoided.
- Set distances have the potential to become overly complex and would be difficult to communicate to the public and ORV operators.
- The OFAH cannot suggest the appropriate criteria, however it should be made as simple as possible (e.g. entire road segments/communities).

5. How can reasonable distance be easily and consistently communicated across Ontario (e.g. standard signage to navigate riders to connections between one trail head to the next)?

Please comment on Question #5 below.

OFAH comments:

- The OFAH does not support limiting on-road ORV use to “set distances” or “between trail-heads”.
- However there does need to be sufficient and effective communication to road users and ORV operators as to where and when on-road use is permitted.
- Communication options should include...
- Detailed signage at the beginning, end and throughout the traveled portion of the road.
- Accurate province wide mapping (paper and digital).
- Use of road markings in combination with or in lieu of road signage (e.g. bike lane markings).

6. Should ORVs that meet an industry standard (i.e. 2-up ATVs, side-by-side ATVs, UTVs) only be considered for on-road access? Or should others that do not meet any industry standards also be considered? Please explain.

Please comment on Question #6 below.

OFAH comments:

- Industry safety standards and criteria should be developed and applied.
- Vehicles permitted for on-road use should meet the minimum safety standards.
- We require further clarification what is meant by “others that do not meet any industry standards”?

7. If the ministry were to extend on-road access to other ORV types, should there be passenger restrictions for operating on-road with an ORV operator (e.g. no passengers or limiting the number of passengers and passenger-age restrictions)?

Please comment on Question #7 below.

OFAH comments:

- Any restrictions on passengers should be based on scientifically defensible data and align with the aforementioned industry safety standards.
- There should be no set number of passengers for an off road vehicle type as there are an increasing variety of vehicles being produced by industry with various passenger seating options to meet consumer demands (side-by side, 4 seat ORV, 6 seat Argo, etc.).
- The number of passengers should be prescribed by the manufactures design for the unit under industry safety standards (e.g. number seats/belts).

8. Do you have any concerns with allowing “single-rider” ATV, or other ORV, use on Crown land roads within a municipality?

Currently they are permitted on Crown land roads that are not within municipal boundaries. This would allow ORV travel on Crown land roads, except where the road authority, Ministry of Natural Resources and Forestry, restricts these roads to travel by ATV users for public or environmental safety reasons, etc. Potential benefits include more consistent rules as well reduced environmental impacts.

Please comment on Question #8 below.

OFAH comments:

- The explanation of this question is confusing and needs revision.
- The OFAH has no concerns with allowing ATV/ORV use on Crown land roads within or outside a municipality.
- The fact that there is currently differences in access allowance seems overly complicated and unwarranted. How does being within a municipality impact the use of a Crown road by ATV/ORV(s)? More specifically what is the difference between a Crown road within a municipality and outside of a municipality? What science/data is available that suggests there should be different allowances based on municipal boundaries?

Minimum Operating Age

Proposal Under Consideration:

Stakeholders have previously requested the ministry to consider enhancing the existing off-road vehicle operating age requirements. Proposed changes, that are being considered, have included clear passenger age restrictions and a clear definition for “adult supervision”.

Background:

- **On-road operation**
 - Operators must be 16 years or older
 - Hold a valid Ontario driver’s licence to travel across a highway
 - Hold a minimum G2 or M2 licence to operate along permitted public highways.
- **Off-road operation**
 - **Unsupervised operation** – 12 years or older
 - **Supervised operation** – under 12 years of age
 - No licence is required for off-road use
- **Private property**
 - No age restrictions apply

Past Consultation Feedback:

- Some support for a minimum operating age of 16 as appropriate with additional restrictions on operators between the ages of 12 and 16 (e.g. age-appropriate machines, proof of training).
- Young operators should be properly supervised at all times, ideally, by an experienced rider.
- Young operators should receive some form of training in addition to being supervised at all times.
- There is a need for reasonable passenger restrictions such as not allowing young riders on two-up ATVs if they cannot actively ride or if they cannot properly use the safety equipment provided.

9. What should be the minimum operating age for off-road use? Please provide a rationale with your comment.

Please comment on Question #9 below.

OFAH comments:

- Unsupervised operation – 12 years or older.
- Supervised operation – under 12 years of age.
- Need definition of “supervised” and all legislated responsibilities with being a supervisor.
- Must meet minimum weight and height requirements for operation of vehicle as identified in the industry safety standards?

10. What should be the minimum operating age for on-road use? Please provide a rationale with your comment.

Please comment on Question #10 below.

OFAH comments:

- Follow the OFSC model.
- 16 years of age or older.
- Ontario driver’s licence **or** a “motorized off-road vehicle operator’s licence” (needs to be developed)
- The administration of the “motorized off-road vehicle operator’s licence” should be similar to the Ontario boater licence (online, small one-time fee).

11. How should “adult supervision” be defined for riders under the age of 12 years?

Please comment on Question #11 below.

OFAH comments:

- Within sight of an individual over the age of 18.
- Need a better understanding of the legalities of being a “supervisor”. For example is the supervisor liable for the activities of the rider?
- Supervisor should not be limited to member of family as this could be overly restrictive and difficult to enforce.

12. Should “adult supervision” also be required for riders between the ages of 12 and 16 years?

Please comment on Question #12 below

OFAH comments:

- No, if the operator has an Ontario driver’s licence **or** a “motorized off-road vehicle operator’s licence” (needs to be developed) then they should be deemed competent enough to ride **off-road** without supervision.
- Need to be 16 years of age or older with an Ontario driver’s licence **or** a “motorized off-road vehicle operator’s licence” to ride on-road, no adult supervision required.

13. Should there be additional rider requirements for young riders both on-road and off-road (e.g. requiring the use of size-appropriate ORVs)?

Please comment on Question #13 below.

OFAH comments:

- Any additional rider requirements (young or old) should be addressed in the aforementioned industry safety standards.
- Requirements more likely to be related to operator weight/height than age for safe use.
- Difficult to enforce, would not apply to private land.

Mandatory Training

Proposal Under Consideration:

In addition to clarifying age restrictions, the ministry has also previously been asked to encourage more off-road vehicle riders to receive proper training on how to handle their vehicles. Consideration is being given to mandating training for operators under the age of 16 years similar to the requirements placed on snowmobile operators.

Background:

- ORV training is not mandatory in Ontario.
- Motorized snow vehicle operators are required to have an operator's licence if they are under the age of 16 and do not hold a valid Ontario driver's licence; operators under the age of 16 must take a course with the Ontario Federation of Snowmobile Clubs (OFSC) if they want to use their trails.
- ORV operators do not have an equivalent certification program.

Past Consultation Feedback:

- There are nationally-recognized training programs that are currently being used by trail organizations and clubs.
- There is a need for proper training for those under the age of 16 years.
- Operators under the age of 16 would benefit from being supervised.

14. Should mandatory training and testing requirements be in place for riders under the age of 16 years or should mandatory training and testing apply to all riders? Should training include a practical on-vehicle component?

Please comment on Question #14 below.

OFAH comments:

- Mandatory training and testing requirement should only be required for riders between the age of 12 to 16 for off-road riding; or for operator over the age of 16 without a valid Ontario driver's license for on or off-road riding.
- The training should be made available in person and on-line (for free or a small fee) to ensure it is accessible by all members of the public.
- There should be no practical on-vehicle component as this is not a requirement for watercraft or snowmobiles.

15. Should a certificate be created similar to the Motorized Snow Vehicle Operator's Licence to accommodate drivers who are too young or decide not to obtain a driver's licence?

Please comment on Question #15 below.

OFAH comments:

- Yes, however opportunities to consolidate licences should be investigated.
- Is a separate snowmobile and ATV/ORV licence required or could they be combined?

16. Should mandatory training only be required for certain operating tasks (e.g. on-road use, carrying passengers)?

Please comment on Question #16 below.

OFAH comments:

- **Should stick to the OFSC model and keep it simple.**
- **Introducing activity specific licences (on road, passenger) is too complex and difficult to enforce.**

17. What role do you think the government should play in rider training (e.g. approve curriculum-based standard, outline instructor qualifications, etc.)?

Please comment on Question #17 below.

OFAH comments:

- **The curriculum content and instructor qualifications should be developed by government.**
- **Curriculum could be administrated by and accredited organisation, however the government must maintain oversight and accountability.**
- **For example the Ontario Federation of Snowmobile Clubs administers the Snowmobile driver-training course and issues the motorized snow-vehicle operator's licence in cooperation with the Ministry of Transportation.**

General Comments

It is our understanding that ATV's are currently not recognized as farm (work) vehicles by MTO with respect to on-road use and therefore are not covered by insurance. Many ATV/ORV owners may be required to use the road to access their property for farm/work purposes. Any decisions made by MTO should consider the multitude of uses of these machines (work, farm, recreation, second vehicle, etc.) and potential impacts on the insurability of these vehicles.

Thank you for the opportunity to provide input. The OFAH would like to remain involved in any and all discussions related to off-road vehicle use in Ontario. Off-road vehicle use is important to anglers and hunters, and the majority of our members own one or more off-road vehicles. We look forward to working with the ministry of Transportation on this important initiative.

Thank you for your comments!

Please submit your feedback in writing or email:

Written submissions: Ministry of Transportation
1201 Wilson Avenue
Building A, Room 212
Downsview, ON
M3M 1J8

Electronic submissions: SPEB@ontario.ca

Notice to Consultation Participants

Submissions and comments provided to the Ministry of Transportation are part of a public consultation process to solicit views on the various off-road vehicle issues. This process may involve the ministry disclosing submissions, comments, or summaries of them, to other parties during and after the public consultation period.

If you, as an individual, want to make a submission or provide comments and you do not want personal information to be made public, you should not include it or other information by which you could be identified in the main body of the submission. As well, you should not include the names of other individuals or any other information from which other individuals could be identified. By submitting your comments you are consenting to the use and disclosure of your comments by the Ministry of Transportation.

Off-Road Vehicles in Ontario

Off-Road Riding:

Currently, in Ontario, all off-road vehicles (ORVs) are allowed to operate off-road on trails and private property.

To operate an ORV off-road (e.g. on trails), an operator must be at least 12 years of age unless directly supervised by an adult. There is no licence requirement for riding off-road.

If an ORV is being operated off-road on the vehicle owner's private property then there are no age restrictions.

On-Road Riding:






Currently, in Ontario, all ORVs, including all-terrain vehicles (ATVs), can directly cross a public road where permitted. To directly cross a public highway, an operator must be at least 16 years of age and have a valid licence. However, Ontario only allows "single-rider" ATVs to travel along permitted provincial highways. In order to operate along permitted highways, operators must be at least 16 years of age and hold a valid G2 or M2 licence. "Single-rider" ATVs must ride along the shoulder of the highway in the same direction of traffic. If the shoulder is obstructed or if there is no shoulder, a "single-rider" ATV may drive on the roadway.

Additionally, municipalities have the authority to determine whether or not "single-rider" ATVs should be allowed access to roads under their jurisdiction.

Under the *Highway Traffic Act* (HTA) Regulation 316/03, an ATV is defined as an ORV that has four wheels wherein the tires are in contact with the ground, steering handle bars, a seat that is designed to be straddled by the driver and is designed to carry a driver only and no passengers.

Additional ORV types such as two-up ATVs, side-by-side ATVs and utility terrain vehicles (UTVs) are not permitted to operate on-road.

Furthermore, under HTA Reg. 316/03, there are exemptions in place for Far Northern Ontario and unorganized territory.

	ORV Types				
	Single-rider ATV	Two-up ATV	Side-by-Side ATV	UTV	All ORVs
Permitted Operation in Ontario					
“On-road” along the side of the road (i.e. shoulder)	✓	x	x	x	x
Directly across the road	✓	✓	✓	✓	✓
Off-road (e.g. trails)	✓	✓	✓	✓	✓
Private property	✓	✓	✓	✓	✓

Ontario ORV Registration:

Riding ORVs has become an increasingly popular year-round activity. Based on the Ministry of Transportation’s data, the number of ORV registrations has steadily increased in Ontario from 68,634 in 1988 to 390,821 in 2012.

Ontario Safety Collision Trends:

- Between 1988 and 2012, there were more than 9,000 collisions involving ORVs¹ reported by police that occurred on public roads, off-road trails, private properties, or on frozen lakes. These crashes resulted in 334 fatalities and 7,645 injuries. From this data we found that:
 - The frequency of ORV collisions increased after 1999 and has shown no considerable changes in the last decade.
 - The frequency of fatal ORV collisions remained steady in the last decade at the level of 15-20 crashes annually.
 - As compared to all motor vehicle casualties, ORV collisions represented 1.5% of all fatalities and 0.4% of all injuries.

- **Time of Week & Day:**

¹ ORVs include a two-wheeled ORV (defined as a recreational motorcycle equipped for use other than streets, roads or public highways) and three-wheeled and four-wheeled ORVs. Other ORVs designed primarily for recreational use off-highway (e.g. amphibious vehicles and snowmobiles) are not included in collision analyses.

- The majority of ORV collisions occur on weekends.
- Although 71% of ORV collisions occurred during daylight hours, the most serious fatal and injury collisions were most likely to occur at dusk between the hours of 5:00 PM and 7:00 PM.
- **Collision Location:**
 - Most ORV collisions are not intersection-related and occur on private property, trails, frozen lakes or rivers, other off-highway locations or small municipal roads.
 - The highest number of ORV crashes occurred on private property and municipal and township roads.
 - Most of these collisions occurred in cottage country locations such as Sudbury and Parry Sound Districts as well as Algoma, Hastings and Simcoe Counties.
- **Collision characteristics:**
 - In cases of multi-vehicle collisions, an ORV was most likely to collide with passenger cars, passenger vans and other off-road vehicles.
 - However, the majority (58%) of all ORV collisions involved a single ORV.
- **Driver Action:**
 - Only 22% of ORV drivers involved in collisions were coded as “driving properly”.
 - Other common driver actions included “lost control” and “speeding too fast for conditions”. In fatal collisions, these two driver action categories comprised 60% of all cases.
 - The most common ORV driver maneuver at the time of collision is “going ahead” (72.2%), indicating that speed is a significant contributing factor to the severity of ORV collisions.
- **Driver Condition:**
 - Alcohol is one of the main contributing factors to ORV collision occurrence, and in particular to the most severe crashes.
 - A total of 19.7% of ORV drivers involved in fatal and injury collisions were drinking drivers. However, among ORV drivers killed, almost half (48.4%) either had been drinking or were impaired at the time of the crash.
- **Operator Age:**
 - Drivers aged 14-16 years are more likely than other age groups to be involved in collisions while riding an ORV. The drivers most often involved in ORV collisions are aged 15-17 years, and the highest number of ORV drivers killed or injured occur at age 15-16 years.
 - The number of teen drivers operating 4-wheeled ORVs and involved in collisions is 2-3 times higher than the number of teen drivers operating 2-wheeled and 3-wheeled ORVs.

Males constitute almost 85% of ORV drivers involved in collisions, and females contribute to the remaining 15%.

Internal Vehicle Design Analysis:

- **Federal Standards (Transport Canada):**
 - Single-rider and two-up ATVs must only meet two safety standards under the Canadian Motor Vehicle Safety Regulations (MCSR) for “Restricted Use Motorcycles”.

- Side-by-side ATVs and UTVs that are designed for off-road use only do not need to meet any standards under the MVSR. While on-road motorcycles must meet at least 12 safety standards and passenger cars must meet 44 standards.
- ORV manufacturers acknowledge ORVs are not designed or tested for on-road use. In particular, there are some vehicle design features that pose safety concerns when operated on-road:
 - The physical design features of ORVs negatively impact vehicle stability and their ability to maintain control on paved roadways, which presents safety risks such as an increased likelihood of the vehicle rolling over.
 - Certain design features that are specific to ATV types impact on-road vehicle stability:
 - A high centre of gravity, relative to the width (particularly two-up ATVs);
 - Loss of traction due to low pressure, knobby off-road tires being driven on paved surfaces; and,
 - Solid drive axles as opposed to differential-equipped axles that may make it difficult to turn or increase skidding. Differential axles are essential in providing good vehicle control on paved surfaces.