**Ministry of Transportation**

**Reviewing Off-Road Vehicle Safety in Ontario**

The Ministry of Transportation (MTO) is currently reviewing the statutory framework for off-road vehicle (ORV) safety in Ontario. The ministry is seeking feedback on various ORV-related safety issues from the general public, independent riders and any interested organizations including those representing recreational and non-recreational riders, enforcement, municipalities, public health, manufacturers, agricultural groups and environmental or trail organizations.

This review seeks to broadly examine and gather input on a number of ORV-related issues, including, but not limited to, the current rules for operating ORVs in the province, the potential for extending on-road access for single-rider all-terrain vehicles (ATVs) to additional ORV types (e.g. two-up ATVs, side-by-side ATVs, utility terrain vehicles), a minimum ORV operating age, mandatory helmet use and rider training.

This public posting is an extension of consultations ministry staff held in January 2015 with a diverse group of stakeholders. Please review and respond to the questions outlined in the feedback form below.

Please submit all comments in writing or by email to the ministry **on or before April 13, 2015**:

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| Written submissions: | Ministry of Transportation1201 Wilson Avenue Building “A”, Room 212Downsview, ON M3M 1J8 |
| Electronic submissions:  | SPEB@ontario.ca  |

Keywords: Highway Traffic Act (HTA), HTA Regulation 316/03, off-road vehicles (ORVs), all-terrain vehicles (ATVs), side-by-side ATVs, two-up ATVs, utility terrain vehicles, utility task vehicles, dirt bikes, off-road motorcycles

**Reviewing Off-Road Vehicle Safety in Ontario**

**Public Consultation Feedback Form**

Your feedback is very important to the Ministry of Transportation. We would like to hear what you think about various issues concerning the operation of ORVs in Ontario. We ask that you please provide as much detail and evidence as possible when responding to the questions below. This will assist ministry staff when reviewing and evaluating comments. This will also allow all comments to be carefully considered and used to inform future government decisions.

Please feel free to make general comments in addition to responding to our specific questions outlined below.

Please input all comments below and submit your completed form in writing or by email to the ministry on or before **April 13, 2015**:

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| **About You:** (please check appropriate box)[ ]  Recreational rider[ ]  Non-recreational rider [ ]  Enforcement[ ]  Municipality[ ]  Public health [ ]  Trail organization[ ]  Local ATV club member[ ]  Manufacturer[ ]  Agricultural group[ ]  Cottage and/or Resident  Association member[ ]  General public[ ] Other: *Insert here* | **Area of the province you represent or reside:**(please check appropriate box)[ ]  1. Central ONT[ ]  2. Eastern ONT[ ]  3. Greater Toronto Area[ ]  4A. Northwestern ONT[ ]  4B. Northeastern ONT[ ]  5. Southeastern ONT[ ]  6. Southwestern ONT[ ]  7. Western ONT |  |

Before proceeding to the questions below, please review the background ORV safety information contained within the embedded document and at these web links.

Doing so will better ensure all respondents are providing responses based on a similar understanding of the statutory framework under which ORVs currently operate under in Ontario.

1. [Smart Ride Safe Ride - What you need to know to operate an ATV in Ontario](http://www.mto.gov.on.ca/english/pubs/atv/index.shtml)
2. [Ontario's Off-Road Vehicles Legislation/Regulations (2003)](http://www.mto.gov.on.ca/english/dandv/orv.shtml)

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| **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.** |
| *(insert comments here)* |
| 1. **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.** |
| *(insert comments here)* |
| 1. **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.** |
| *(insert comments here)* |
| 1. **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.** |
| *(insert comments here)* |
| 1. **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.** |
| *(insert comments here)* |
| 1. **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.** |
| *(insert comments here)* |
| 1. **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.** |
| *(insert comments here)* |
| 1. **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.** |
| *(insert comments here)* |

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| **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.
 |
| 1. **What should be the minimum operating age for off-road use? Please provide a rationale with your comment.**
 |
| **Please comment on Question #9 below.**  |
| *(insert comments here)* |
| 1. **What should be the minimum operating age for on-road use? Please provide a rationale with your comment.**
 |
| **Please comment on Question #10 below.** |
| *(insert comments here)* |
| 1. **How should “adult supervision” be defined for riders under the age of 12 years?**
 |
| **Please comment on Question #11 below.** |
| *(insert comments here)* |
| 1. **Should “adult supervision” also be required for riders between the ages of 12 and 16 years?**
 |
| **Please comment on Question #12 below** |
| *(insert comments here)* |
| 1. **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.**  |
| *(insert comments here)* |

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| **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.
 |
| 1. **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.** |
| *(insert comments here)* |
| 1. **Should a certificate be created similar to the** [**Motorized Snow Vehicle Operator’s Licence**](http://www.mto.gov.on.ca/english/dandv/driver/handbook/section7.2.3.7.shtml) **to accommodate drivers who are too young or decide not to obtain a driver’s licence?**
 |
| **Please comment on Question #15 below.** |
| *(insert comments here)* |
| 1. **Should mandatory training only be required for certain operating tasks (e.g. on-road use, carrying passengers)?**
 |
| **Please comment on Question #16 below.** |
| *(insert comments here)* |
| 1. **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.** |
| *(insert comments here)* |

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| **General Comments** |
| *(insert comments here)* |
| **Thank you for your comments!****Please submit your feedback in writing or email:**

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**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.

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|  | **ORV Types** |
|  | **Single-rider ATV** | **Two-up ATV** | **Side-by-Side ATV** | **UTV** | **All ORVs** |
| **Permitted Operation in Ontario** |  |  |  | yamaha2008rhino700fiauto4x4utvredside400 |  |
| **“On-road” along the side of the road (i.e. shoulder)** | ✓ | 🗶 | 🗶 | 🗶 | 🗶 |
| **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 ORVs[[1]](#footnote-1) 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:**
	+ 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 (MVSR) 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.
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. [↑](#footnote-ref-1)