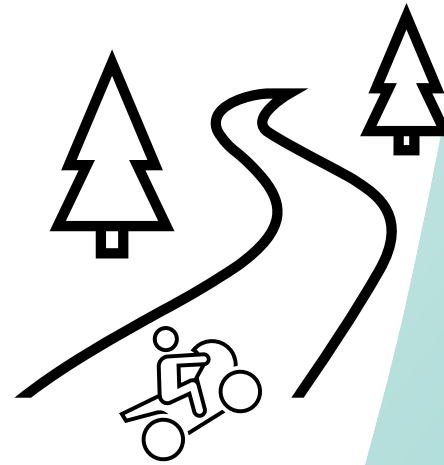


Ontario's Off-Road Vehicle (ORV) Safety Enhancement Strategy

Stakeholder Engagement
Presentation

June 2, 2023



TSD
Transportation Safety Division

Purpose



1. Provide an overview of current ORV safety in Ontario.



2. Outline proposed recommendations for further safety enhancements.



3. Engage in stakeholder dialogue on the proposed recommendations.

Context

MTO must prioritize the development and implementation of policy options to address ORV safety in Ontario, given several ongoing concerns:

McLeod Coroner's Inquest (2020) into an ORV fatality involving a youth, where the Ministry of Transportation (MTO) was required to respond and committed to acting on some of the recommendations.

Ministry research shows clear ORV safety enhancement opportunities, especially around youth ridership.

The ministry has not made substantive road safety changes to the ORV program since 2015.

Highway Traffic Act (HTA) regulates on-road use and *Off-Road Vehicles Act* (ORVA) regulates off-road use. This creates inconsistency for the regulating sector based on operating environment.

Legislative History

July 1, 2015

- Ontario expanded on-road access to include: two-up all-terrain vehicles, side-by-side off-road-vehicles, and utility-terrain vehicles **that meet industry standards** found in s.10 of Ontario Regulation 316/03. Only vehicles that meet these requirements are permitted on-road.
- Off-road motorcycles (ORMs) and ARGOs (amphibious off-road vehicles that have 6+ wheels) are not permitted on-road anywhere in the province as they do not meet industry standards and are restricted to off-road use only.

June 6, 2019

- The *Getting Ontario Moving Act* (GOMA) amended the HTA to allow ORV access on all roads under the jurisdiction of municipalities identified in Ontario Regulation 8/03 (formerly known as townships) unless restricted or prohibited by by-law.
 - Prior to the change, all municipalities were required to issue a by-law to allow ORVs access on their roads.
 - This was done for the purpose of expanding off-road riding in Ontario.

December 12, 2019

- The *Better for People and Smarter for Business Act* amended the HTA to permit additional types of ORVs on-road access and to continue to allow municipalities to decide (using by-laws) which additional types of ORVs would be permitted on their roads.
- Supporting regulations are required and will set out the specific parameters for how these changes can be implemented (e.g., what equipment requirements the new vehicle types will need to meet).

Ministry Actions to Date

2005 +

- Responded to Welsh Inquest.
- Produced marketing & education material on ORV/snowmobile safety.
- Collaborated with Ontario Federation of Snowmobile Clubs (OFSC) and Ontario Federation of All Terrain Vehicle Clubs (OFATV) to promote the materials.

2006-2015

- Engaged ORV stakeholders in 2006, 2008, and 2015.
- In 2015, the following changes were made:
 - Helmets and seat belts required for passengers
 - Minimum passenger age of 8
 - Passenger limit of two
 - Mandatory compliance labels
 - More ORV types permitted on-road

2020-2021

- Testified at the McCleod Inquest hearing.
- Issued a response to the Coroner's recommendations.
- Developed ORV Enhancements Action Plan.

Overview of Key Problem Areas



1. Alcohol and drugs are highly overrepresented in severe ORV collisions.



2. Drivers <16 have higher ER and hospitalization rates than any other age group and have greater difficulty controlling ORVs due to mass, strength; likely to have head injuries and fractures.



3. No minimum age required for ORV passengers and no restrictions for passengers in single-rider ORVs. This does not align with on-road requirements.



4. Evidence shows increased risk of serious injury and death in ORV where the operator was not wearing a seat belt at the time of collision but seat belts are not required in Ontario unless fitted/installed by the manufacturer.

Proposed Recommendations for Problem Areas



1. Zero blood alcohol concentration (BAC) and presence of drugs for young drivers (under 22) while driving off-road*



2. Minimum age of 14 to operate off-road



3. Passenger changes:

a. Minimum passenger age of 12

b. No operator under 18 to carry passengers

c. Prohibit passengers on single-rider ORVs off-road



4. Require seat belts, when available, to be worn while riding off-road.

*Off-road means not on or within the property lines of any “highway” as defined by the Ontario Highway Traffic Act. Off-road means using areas or trails that are not intended for or used by the general public for the passage of vehicles. Examples of off-road include the Black Bear Ridge Trail and Gopher Dunes. Note that public forestry roads and roads on reserves are not considered off-road, nor generally are private roads.

Ministry Recommendation 1

(Addresses McLeod Recommendation #5)

Current State	Proposed Change
<p>Although ORV riders can be charged criminally with impaired driving (on- or off-road), there is no zero BAC/drug offence available for off-road operation, as the HTA does not apply off-road.</p>	<p>Zero blood alcohol concentration (BAC) and presence of drugs for young drivers (under 22) while driving off-road.</p>

Ministry Recommendation 2

(Addresses McLeod Recommendation #3)

Current State	Proposed Change
Operator must be at least 12 years old, unless directly supervised by an adult or driving on land occupied by the owner of the ORV.	Minimum age of 14 to operate off-road regardless of supervision or driving on land occupied by the owner of the ORV.

Ministry Recommendation 3

(Addresses McLeod Recommendations #7, #8, #24)

Current State



Proposed Change

Passenger Rules


- a. The minimum passenger age for on-road use is 8, and there is no minimum age for off-road use.
- b. No restriction for off-road. Minimum age to operate on-road is currently 16, with no passenger age restrictions.
- c. Passengers are prohibited on single-rider ORVs on-road, with no restrictions for off-road.

Passenger Rules

- a. Minimum passenger age of 12 for on-road and off-road.
- b. No operator under 18 to carry passengers on-road and off-road.
- c. Prohibit passengers on single-rider ORVs off-road.

Ministry Recommendation 4

(Addresses McLeod Recommendations #4, #8)

Current State		Proposed Change
Seat belts must only be worn while riding on-road, when available.		Require seat belts, when available, to be worn while riding off-road.

Engagement w/ Municipalities & Interministerial Partners

Points for Discussion






Will the proposed changes affect any work-in-progress being conducted by ministry partners?

What are the possible impacts these changes may have on municipal projects?

Can any potential impacts to local economies be identified and if so, what countermeasures can be considered to minimize the impact?

Appendix A : ORV Definition

Off-Road Vehicle (ORV) is a general term used to capture a number of different vehicles designed for off-road travel. These vehicles are propelled or driven otherwise than by muscular power or wind.

ATVs		A “single-rider” all-terrain vehicle (ATV) is designed to travel on four low-pressure tires, having a seat designed to be straddled by the operator, handlebars for steering control and it must be designed by the manufacturer to carry a driver only and no passengers.
		A two-up all-terrain vehicle (two-up ATV) is designed and intended for use by an operator or an operator and a passenger. It is equipped with straddle-style seating and designed to carry only one passenger.
Side-By-Sides		A recreational off-highway vehicle (ROV) has two abreast seats, typically built with a hood, and uses a steering wheel instead of a motorcycle steering handlebar.
		A utility terrain vehicle (UTV) has similar characteristics to a recreational off-highway vehicle (ROV) but typically also features a box bed. UTVs are generally designed for utility rather than for recreational purposes.
Restricted-Use Motorcycle		Under the federal <i>Motor Vehicle Safety Act</i> , an off-road motorcycle (ORM) is defined as a restricted-use motorcycle and must bear a label, permanently affixed, that the vehicle is not intended for use on public highways.

Appendix B: McLeod Inquest

- The Office of the Chief Coroner called an inquest into the death of nine-year-old Horatio McLeod from an off-road vehicle (ORV) collision in 2017.
- The inquest took place in Trenton from November 9 -16, 2020 (MTO officials testified) and was held to raise awareness and provide recommendations to prevent similar incidents from occurring in the future.
- The inquest verdict set out 24 recommendations to address ORV safety, 18 of which were addressed to the Ministry of Transportation (MTO).

Appendix C: Welsh Inquest

- The Office of the Chief Coroner called an inquest into the death of seven-year-old Chapen Welsh from an off-road vehicle (ORV) collision in 2004.
- The inquest took place in Morrisburg from August 31 –September 1, 2005 and was held to look at the regulatory system surrounding the operations of ORVs in Ontario, in particular with regard to children operating ORVs.
- The inquest verdict set out six recommendations to address ORV safety; all were addressed to MTO.

Thank You

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