

Dear Douro-Dummer Council Members:

We are writing to express our concerns regarding the use of Off Road Vehicles (ORVs) on our public roads. We are fervently opposed to the use of ORVs on our roads for the following reasons:

### Safety Concerns

- As indicated in the name, Off Road Vehicles are not designed for safe use of roads. In the USA where more safety studies have been conducted, the consensus is to recommend strongly against use of ORVs on public roads of any type. The **US National Library of Medicine, the National Institute of Health, the Specialty Vehicle Institute of America, the Consumer Federation of America, the ATV Trade Association and all ATV manufacturers strongly recommend against driving on roads, paved or otherwise** because the low pressure tires are designed strictly for off-road use and are dangerous due to potential loss of control on roads. In fact ATV manufacturer Honda goes so far as to recommend riders get off their ATV and walk it across roads. Polaris is now even requiring warnings in published advertisements warning “Polaris off-road vehicles can be hazardous to operate and are not intended for on-road use.” In addition ORVs do not all come equipped with turning signals or proper headlights for use on roads which are both serious safety issues. ORVs are not designed for use on roads and therefore are a safety concern not only for their drivers, but also for others using the public roads.
- In their response to Bill 107, (Getting Ontario Moving Act, 2019) in which the Ford Government switched the onus to allow the use of ORVs on roads unless expressly prohibited by municipalities, the **Association of Municipalities of Ontario** (AMO) stated use of ORVs on roads “could be dangerous for both drivers of cars and off-road vehicles. Not only will this create more work for municipal governments by adding a by-law review to their agendas, but expansion of the use of these vehicles could open municipal governments up to court claims for any accidents that may occur under the current joint and several liability regime...AMO urges the Standing Committee to undo this proposal to respect the decisions municipal governments have taken and to protect municipal taxpayers from any potential liability claims.”
- We repeatedly hear from ATV clubs who wish to open the roads that there have been “no problems whatsoever” in municipalities where roads have been opened up, but that is clearly not accurate:

From **Haliburton, Kawartha, Pine Ridge District Health Unit**:

1. Between 2015–2019, there were 1,286 ATV-related emergency department (ED) visits, an average of 257.2 per year.
  2. The majority of these ATV-related ED visits occurred among residents of Kawartha Lakes (602), followed by Northumberland (516), and Haliburton (168). (Not surprisingly, these are the municipalities where ORVs are permitted on roads.)
  3. The highest number of ATV-related ED visits occurred among residents 10-19 years of age (386; 30.0%)
  4. **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. Also, certain design characteristics of these vehicles, particularly ATVs, make them unsafe on roadways.
  5. **Restricting ORVs to trail use only would be the preferred best practice from a public health standpoint.** <https://hamilton.civicweb.net/document/63954/>
- The Consumer Federation of America published a March 2014 study recommending soundly against use of ATVs on public roads. It contains quotes from manufacturers’ manuals all of which strongly recommend against use of ATVs on any public roads and includes conclusions based on statistical analyses stating the following:
    - **From 1997 to 2007, on-road ATV deaths increased twice as fast as off-road deaths**
    - **65 percent of ATV deaths occur on roads**
    - **74 percent of ATV deaths on public roads are on paved roads**
    - The Consumer Product Safety Improvement Act in the USA requires ATV warning labels that clearly warn against riding on public roads.
    - Specialty Vehicle Institute of America (SVIA) has advocated against expanding the legal use of ATVs on roads.

<http://consumerfed.org/pdfs/ATVs-on-roadways-03-2014.pdf>

<https://www.ncbi.nlm.nih.gov/pubmed/26065484>

In fact, despite claims to the contrary from ORV enthusiasts, there are often serious accidents and related fatalities, and almost always they involve roads. Just this past week we had a serious crash in Selwyn Township, and a tragic double fatality of a mother and her 5 year old daughter near Port Perry. Both accidents occurred on a road, apparently due to a loss of control. There are of course many more tragic accidents:

### Accidents in Peterborough County:

[illegible]

There have also been many disastrous issues since the roads were opened to ORVs in Haliburton:

[https://www.google.ca/search?q=atv+accidents+on+roads+in+haliburton+ontario&complete=0&hl=en&ei=iK1-Yub\\_AYUGQsRspCqD0&ved=0ahUKJEWim4\\_Gmld33AHUL080KtREZBN0Q4dUDCA&og=atva+accidents+on+roads+in+haliburton+ontario&qgs\\_lcp=Cqrd3Mtd2i6Eaw6CqgAEeCsAMQyQM6BwgAEeCsAM6BqgHEApKBahBGABKBAhGGABQIAZsy51qpT1oAXABeACAAZ4BIAHGCZIBAZyUnZAACABAcaBCMBABAO&sclient=aws-wiz](https://www.google.ca/search?q=atv+accidents+on+roads+in+haliburton+ontario&complete=0&hl=en&ei=iK1-Yub_AYUGQsRspCqD0&ved=0ahUKJEWim4_Gmld33AHUL080KtREZBN0Q4dUDCA&og=atva+accidents+on+roads+in+haliburton+ontario&qgs_lcp=Cqrd3Mtd2i6Eaw6CqgAEeCsAMQyQM6BwgAEeCsAM6BqgHEApKBahBGABKBAhGGABQIAZsy51qpT1oAXABeACAAZ4BIAHGCZIBAZyUnZAACABAcaBCMBABAO&sclient=aws-wiz)

- The fact that ATV club members choose to pursue riding on public roads despite knowing full well that ATVs are not considered safe to drive on roads according to both experts and all manufacturers puts in question their sincerity regarding safety and willingness to abide by the rules and recommendations.

Since the last time this topic was of issue, other types of ORVs have been grouped in with ATVs, including Side-by-Sides and amphibious vehicles which are often almost as wide as a small car. Vehicles that wide driving on a road shoulder are an accident waiting to happen because on-road vehicles allowed to travel faster will have to adjust when passing to avoid collisions and the spray of gravel. It is currently illegal to drive on the shoulder of a road for safety reasons, (so drivers can exit the travelling lanes in an emergency,) why should ORVs be exempt from that law?

## Liability

When so much information is available in advance from experts recommending against use of ORVs on roads, opening our roads to ORV use is also dangerous financially because it unlocks the potential for litigation against the Townships and/or councillors if/when there is a serious or fatal accident involving an ORV on a road. This is made even worse when considering the relatively new joint and several liability regime, which states if any negligent parties involved in a lawsuit were unable to pay, the other parties involved take on the financial responsibility. (eg. If an uninsured rider that is found to be negligent, even if the municipality is only found to be 1% liable, the courts will look to the Township to compensate the injured parties, which could be in the millions of dollars.)

In their study “Off Road Vehicle use on Municipal Roadways” the township of Hamilton included responses from their insurer to several questions including the following: “Does allowing ORVs to use Township roads open more avenues for the Township’s liability, such as: not providing road and shoulder surfaces suitable for ORV’s, not providing caution and warning signs on hills, curves and blind spots not posting speed limits so ORVs know which 2/3rd speed is allowed?” Response: “**Yes! There could potentially be lawsuits claiming that the roads were unsafe for permitted use.**” <https://hamilton.civicweb.net/document/63954/>

We have had plenty of forewarning therefore we should heed the warnings and not wait for more tragic accidents and costly lawsuits. The ORV manufacturers understand this, hence their warnings. Why are we even considering this?

## Increased Expenses

As was indicated in the June 2022 Stantec Report “Operation of Off-Road Vehicles on County Roads”, opening our public roads to ORV use will undoubtedly also add extra strain on township expenses resulting in an added tax burden to our citizens:

1. It will require additional policing at a significant extra expense adding hundreds of thousands of dollars where budgets are already tight, and officers are already busy.
2. Road maintenance expenses will increase because ORVs do significant damage to surfaces upon which they travel. This is especially a concern for chipped roads as apparently ORVs are typically expected to drive on the shoulder where the road is most susceptible to damage. When there is no shoulder on the road, there is no choice but to damage the edge of the road making it less safe for all vehicles.
3. New signage will be necessary to indicate speed limits and where ORV use is permitted or prohibited, at additional cost.

Especially now when many constituents are struggling to make ends meet, it is unfair to taxpayers to increase costs by hundreds of thousands of dollars annually just to improve convenience for a relatively small interest group who knew use of ORVs on roads was already illegal when they opted to purchase their machines.

### **Economic Development or Loss?**

- The tourism we currently enjoy depends on the beauty and serenity of nature, which is not compatible with noisy, polluting and destructive ORVs. Cyclers, paddlers, hikers and campers will stay away in droves if the natural quiet is lost in favour of noisy ORVs. Any economic development that might be gained from allowing ORV use on roads in the area is likely to be off-set and probably exceeded by losses from reduced visitorship to our parks like the Warsaw Caves Conservation area which is well known as a quiet place to camp, hike, paddle and enjoy nature. If you take that away because noisy ORVs are frequenting the area in such close proximity, visitorship will most certainly drop and Warsaw will no longer be a chosen destination for campers etc.
- There has still not been any real unbiased study of the economic benefit the township is likely to expect from having additional ORV traffic. Since most ORVs are not typically equipped to carry much more than their rider(s), it is unlikely there will be any benefit beyond the sale of small quantities of gasoline and/or snacks etc. This makes it difficult to justify considering the potential economic losses and safety issues solely in the name of added convenience for ORV riders.

### **Noise**

- ORVs are very noisy. Because they are designed for off-road use they are not required to conform to the same noise limitations as vehicles designed for on-road use. We can certainly testify to this fact as we often have ATVs using our road illegally, and the noise is beyond excessive. Our house is fairly distant from the road and shielded by forest, but we hear ATVs coming long before they are anywhere near our address, and long after they have gone by. Asking residents to accept that amount of noise potentially as early in the day as dawn is unreasonable. Too many homes in our area are within a few feet of public roads and it is unfair to ask residents to sacrifice their peace and quiet (and their ability to sleep) because ORVs are roaring by disturbing the peace...especially on weekends which is undoubtedly when there would be the most ORV traffic. A car or truck making similar noise as that of an average ORV would be subject to receiving a ticket for excessive vehicle noise, so why would we allow noisy ORVs to use the roads with impunity?
- We expect that like us, many residents of Peterborough County have sacrificed the convenience of living in a city and chosen to live here because of its natural beauty, clean air, peace and quiet. These are all qualities that are at risk if ORVs are allowed on our roads. By the admission of ATV club spokesmen, the request to allow ORV traffic on public roads is entirely a matter of convenience to make it easier for riders to get to the ATV trails. We think it would be extremely unjust to sacrifice the tranquility of Peterborough County's residents just to increase the convenience factor for some recreational ATV riders, some of which may not even be residents or tax-payers.

### **Emissions**

In these days of extreme global climate change concerns, we should not be promoting recreational activities that rely on fossil fuels and consequently contribute to air pollution and add significant amounts of carbon dioxide to the atmosphere. It only takes a short ride on an ATV to negate much of the work of those of us who are trying to reduce our carbon footprint in an attempt to help with the reduction of global climate change.

### **Bias in Stantec Study**

- We hope council will treat the 2022 Stantec study with some scepticism as it is obviously biased toward opening roads to ORVs. The comparative assessment has some very debatable findings:
  - o "Supports public health and safety" scores evenly between Opening all roads, and opening none! This obviously weights the very limited health benefits of driving a self propelled ORV over the well documented safety concerns of driving on roads...both for riders and the general public.
  - o "Improves recreational access and physiological health"...perhaps for ORV riders, but to the detriment of everyone else when considering the noise, pollution, and CO2 emissions we can no longer afford.

- To state that bylaw enforcement and signage costs would increase if the roads continue to be closed to ORVs is ridiculous. They're already closed, so nothing need change with respect to bylaw enforcement or signage if they remain closed.
- Stantec may have something to gain from opening the roads, since they recommend additional annual studies and assessments. If the roads remain closed to ORVs, no additional expensive studies are necessary.
- The report makes a large and questionable assumption that insurance costs would not change if roads were opened, but we know with roads opened there will be more serious accidents and associated litigation. This is not seriously considered and would undoubtedly be a very significant expense for tax payers when civil suits are often in the millions of dollars.

### **Increased Undesirable Traffic**

As is evidenced by the experience in Haliburton, opening our roads to potentially thousands more noisy and destructive ORVs is a very bad idea. While of course it doesn't apply to everyone, ORVs attract people that like to "tear it up" and often don't respect laws, property rights or nature. Those wishing to open up the roads to ORVs are trying to do so with complete disregard for the negative affect they would have on their fellow citizens' rights to live in safety, peace and quiet, financial security and environmental safety into the future.

We believe strongly that opening up any roads is a grave mistake that will be very difficult to reverse. We hope council will not cave to pressure from a persistent few who by their own admission are just looking for convenience for their chosen recreational activity, but with no regard for the negative impact they have on the lives of others. We hope you will agree the evidence overwhelmingly supports that the only responsible decision is to deny the use of ORVs on our public roads.

Thank you again for this opportunity to express our concerns.

Sincerely

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Warsaw ON