January 29, 2020

The Honourable Caroline Mulroney  
Minister of Transportation  
Sent via e-mail: minister.mto@ontario.ca

The Honourable Christine Elliott  
Minister of Health  
Sent via e-mail: christine.elliott@ontario.ca

Dear Honourable Ministers,

Re: Off Road Vehicles (ORV) and Bills 107 and 132

Peterborough Public Health (PPH) is mandated by the Ontario Public Health Standards and the Health Promotion and Protection Act to deliver public health programs and services that promote and protect the health of Peterborough City and County residents.\(^1\) One of our stated goals is to reduce the burden of preventable injuries, where road safety is an important factor. Given the Provincial Government’s recent passing of Bills 107 and 132, we anticipate changes to Ontario Regulation 316/03 are being drafted and wish to express several concerns and propose recommendations to consider. For the purpose of this letter, the term ORV is inclusive of all-terrain vehicles (ATVs), side-by-side ATVs, utility-terrain vehicles, and off-road motorcycles (i.e., dirt bikes), and does not include snowmobiles.

The popularity of ORVs has greatly increased over the last 30 years and with increased use, ORV-related injuries and deaths have also risen.\(^2,3\) In Canada in 2010 there were 435 ORV users seriously injured and 103 ORV-related fatalities. This compares to 149 seriously injured users in 1995 and 45 fatalities in 1990.\(^2\) These statistics are based on police reported data and medical examiner files. Hospital records are another source of data where Emergency Department (ED) visits, hospitalizations, and deaths may be identified to be caused by an ORV injury. In Ontario in 2015 to 2016, there were over 11,000 ORV-related ED visits and over 1,000 ORV-related hospitalizations.\(^4\) There have been between 29 and 52 fatalities each year relating to ORV or snowmobile use from 2005 to 2012.\(^4\) The most affected demographic group has been males aged 16-25.\(^2,4\) Rollovers, falling off the vehicle, and ejection are the most commonly cited mechanisms for ORV injury.\(^4\) The most common cause of death is due to head and neck injuries.\(^4\)

ORV-related incidents are classified according to whether they occur on roadways (“traffic”) or off-roadways (“non-traffic”). Research indicates that there are higher rates of fatalities and serious injuries for ORV riders on roadways compared to off-roadways.\(^5,6,7\) Riding on roadways increases the risk of collisions with other motor vehicles.\(^5,8,9\) Also, design characteristics of certain classes of ORVs make them unsafe on roadways.\(^5,10,11\) Indeed, across the border in 2007 it was found that 65% of ATV rider deaths occurred on roads. There was also a greater increase in on-road than off-road deaths between 1998 and 2007, which coincided with more states increasing legal ATV access to roads in some way.\(^11\)
Some of the associated risk factors related to ORVs used in Ontario include alcohol and drug use, riding at night, lack of helmet use, and excessive speed.\textsuperscript{4,12} It has been found that the majority of ORV-related ED visits occur on the weekend (Friday to Sunday), and almost all are related to recreational use of ORVs.\textsuperscript{4}

With these factors in mind, in revision of O. Reg 316/03, we recommend the following in PART III:

- **Equipment requirements:**
  - Maintain current* contents of section, ensuring content is up-to-date and is applicable to all classes of ORVs that will be permitted on roads.

- **Operation requirements:**
  - Maintain current* contents of section and requirements. Specifically:
    - Requiring the driver to hold a valid driver’s licence, with restrictions on number of passengers at night for novice young drivers;
    - Requiring all riders to wear an approved helmet; and
    - Setting maximum speed limits of 20 kilometres per hour, if the roads speed limit is not greater than 50 kilometres per hour, and 50 kilometres per hour, if the roads speed limit is greater than 50 kilometres per hour.
  - Under “Driver’s licence conditions”, include the condition that the blood alcohol concentration level of young or novice drivers be zero, as per the Highway Traffic Act (2019).

Finally, we encourage the Ministry of Transportation and the Ministry of Health to establish an effective communication strategy to educate all road users about forthcoming changes to ORV road-use laws, as well as to communicate the risks of riding ORVs on roads.

In summary, ORV-related accidents continue to be a significant cause of injury, with on roadway accidents resulting in higher proportions of severe injury (hospitalization) and fatalities than off roadway accidents. We appreciate your consideration of the safety implications of on-road ORV use as you revise O. Reg. 316/03.

If you have any questions or would like additional information about our comments, please contact Deanna Leahy, Health Promoter, at 705-743-1000 ext. 354, dileahy@peterboroughpublichealth.ca.

Sincerely,

*Original signed by*

Mayor Andy Mitchell  
Chair, Board of Health

*cc: The Hon. Doug Ford, Premier of Ontario  
Dr. David Williams, Chief Medical Officer of Health  
Local MPPs  
Opposition Health Critics  
The Association of Local Public Health Agencies  
Ontario Boards of Health*

\textsuperscript{*“current” refers to O. Reg. 316/03: Operation of off-road vehicles on highways, dated January 1, 2018*}
References


