



Risk Management Considerations for Off Road Vehicles on Municipal Roads

Off Road Vehicles (ORV's) are popular year-round utility and recreational vehicles. ORV's include several different vehicles designed for off-road use, however only ORV's meeting the requirements of Ontario Regulation 316/03 – Operation of Off-Road Vehicles on Highways will be permitted to operate on Ontario's municipal roads.

Recent amendments to the *Highway Traffic Act* and O.Reg. 316/03 have changed the rules for allowing ORV's on roads as follows:

1. For municipalities listed in Ontario Regulation 08/03 – Local Municipalities where 80 kilometers per hour speed limit applies, after January 1, 2021 all ORV vehicles types including the new types of vehicles will be permitted on all municipal roads unless the municipality passes a bylaw to restrict or prohibit their use. Current bylaws permitting ORV use will no longer apply.
2. Municipalities which are not listed in O.Reg. 08/03, where a bylaw was passed to permit ORV use, the current bylaw remains valid after January 1, 2021. If a municipality wants to include the two new types of ORV's permitted by the revision to O.Reg. 316/03 (off-road motorcycles and extreme terrain vehicles)

and the bylaw was passed prior to July 1, 2020, the bylaw will require amendment.

3. Municipalities who have not passed a bylaw and who are not listed in O.Reg. 08/03, ORV's are prohibited unless a bylaw is passed to allow ORV's.

Upper and lower tier municipalities may want to work together and provide consistency as to what type of roads (arterial, collector, local residential, urban or rural, paved or unpaved) ORV use will be restricted, prohibited or allowed across a region or county. The upper tier may consider promoting where ORV's are permitted and where they are not allowed for all roads within the upper tier and lower tier to enable ORV groups in the planning of trips.

Definitions

All-Terrain Vehicle means an off-road vehicle that, (a) has four wheels, the tires of which are all in contact with the ground, (b) has steering handlebars, (c) has a seat that is designed to be straddled by the driver, and (d) is designed to carry, (i) a driver only and no passengers, or (ii) a driver and only one passenger, if the vehicle, (a) has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and (b) is equipped with foot rests for the passenger that are separate from the foot rests for the driver and includes:

1. Single-Rider All-Terrain Vehicle
2. Two-Up All-Terrain Vehicle

Highway includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

Off-Road Vehicle means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel, (a) on not more than three wheels, or (b) on more than three wheels and being of a prescribed class of vehicle.

ORV means an Off-Road Vehicle and includes:

1. Extreme Terrain Vehicle
2. Multi-Purpose Off-Highway Utility Vehicle
3. Off-Road Motorcycle
4. Recreational Off-Highway Vehicle

Roadway means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively.

Rules of the Road

According to Section 24 of O.Reg. 316/03, an ORV is to operate on the shoulder of the highway in the same direction as the traffic using the same side of the highway. If there is no shoulder or the shoulder is not wide enough

or if the shoulder is obstructed an ORV may operate on the roadway in the same direction as the traffic using the same side and as close to and parallel with the right edge of the roadway as can be done practicably and safely. An ORV shall not be driven in a median strip or within a part of the highway designated as a construction zone or where highway maintenance is being carried out.

Section 22 of O.Reg. 316/03 states: an ORV shall not drive at a rate of speed greater than; (a) 20 kilometres per hour, if the speed limit established under the *Highway Traffic Act* (the Act) for that part of the highway is not greater than 50 kilometres per hour; or (b) 50 kilometres per hour, if the speed limit established under the Act for that part of the highway is greater than 50 kilometres per hour.

Restricting, Prohibiting or Allowing ORV Use

If a municipality is listed in O.Reg. 08/03, the municipality must enact a bylaw to restrict or prohibit the use of ORV's on select or all municipal roads. If a municipality is not listed in O.Reg. 08/03 the municipality must pass a bylaw to allow ORV's on municipal roads. To restrict, prohibit or allow ORV use, as the case may be, a municipality should undertake a field review of their road network that includes but may not be limited to conditions identified in the following table. Once the field review is complete staff at the municipality should determine if there are means of mitigating any hazards found during the review as an alternate to restricting or prohibiting. Before passing a bylaw, the findings on restricting, prohibiting or allowing ORV use, the public and ORV user groups should be consulted to acquire their input both for and against ORV use on highways.

ORV OPERATION	REVIEW SHOULD CONSIDER	DISCUSSION
Road shoulder	If the shoulder is wide enough to allow operation of the ORV on the shoulder, identify all fixed object hazards on the shoulder (e.g. guiderail, bridge abutment, etc.).	Ensure that any fixed object hazards are continuously visible on the approach to the hazard so that the ORV operator can visually detect and recognize the hazard ahead and make a decision on the appropriate action (slow or stop the ORV and ensure the way is clear) rather than make an evasive maneuver which may be a swerve into the path of a motor vehicle to avoid hazard.
Road surface paved	If operation on the shoulder is not possible, determine the condition of the pavement.	Look at the condition of the entire travel portion of the pavement identifying: bumps, depressions, potholes, ruts, surface discontinuities and other distortions that may cause the driver of the ORV to swerve potentially into the path of motor vehicles to avoid bumps, depressions, potholes, etc. at the edge of pavement and likewise the driver of a motor vehicle may also swerve into the path of the ORV to avoid bumps, depressions, potholes, etc.

ORV OPERATION	REVIEW SHOULD CONSIDER	DISCUSSION
Road surface unpaved	Determine the condition of the road surface.	Determine the frequency in which bumps, depressions, potholes, ruts, surface discontinuities (washboards) and other distortions return to the road surface after maintenance grading is complete and will these bumps, depressions, potholes, ruts, surface discontinuities (washboards) be an issue causing the ORV operator to drive an irregular path to avoid bumps, depressions, potholes, ruts, surface discontinuities (washboards) and create a potential for conflict with motor vehicles.
Highways without sidewalks	Identify other vulnerable road users (cyclists, pedestrians, seniors) who may use the roadway or shoulder for walking or cycling.	Determine the frequency of use by pedestrians and cyclists and all potential conflicts including sight obstructions.
Narrow roadway	Determine if there are any sight obstructions on the roadway.	Sharp curves and steep hills are two (2) examples of sight obstructions where the driver of a motor vehicle may not see an ORV ahead. If a significant speed differential exists, the driver of the motor vehicle may not have enough sight distance or sufficient space (due to on-coming motor vehicles) to implement an evasive maneuver to avoid the ORV.
Downtown core area or other similar areas of the municipality	Identify areas with high pedestrian movement, high volume of on-street parking turnover, transit stops, dedicated bicycle lanes, etc.	Adding another moving object hazard (ORV's) to areas with high pedestrian movement, high volume of on-street parking turnover, transit stops, dedicated bicycle lanes, etc. may increase potential conflicts between motor vehicles, cyclists, pedestrians and ORV's.
Time of day	Operating ORV's at night may increase potential conflicts with other motor vehicles on the road. Operating ORV's at night may be a disturbance in otherwise quiet neighbourhoods.	Determine if street lighting is adequate for safe operation of a slower moving vehicle (ORV) operating along the curb at night. Also, illuminated or digital signage at businesses may be a distraction for drivers who may be focusing their attention on the sign rather than what is occurring along the curb.
Time of year	Operation of ORV's in winter	Determine if snow banks at intersections and driveways would be kept at a height that would not obstruct the sight triangle at an intersection or driveway and offer a clear view of an approaching ORV.

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