

*Solutions for a Sustainable Future:*

**Final Recommendations  
for  
Registration, Licensing and  
Management of  
Off-Road Vehicles in  
British Columbia  
Final Draft**

December 2005

Coalition for Licensing & Registration of  
Off-Road Vehicles in British Columbia



*Solutions for a Sustainable Future:*

**Final Recommendations  
for  
Registration, Licensing and Management  
of  
Off-Road Vehicles in British Columbia**

December 12th, 2005

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**Coalition for Licensing & Registration of  
Off-Road Vehicles in British Columbia**

*The ORV Coalition project has been administered by*

**The Grasslands Conservation Council of  
British Columbia**

*For more information, please visit [www.ORVCoalitionBC.org](http://www.ORVCoalitionBC.org)*

**The ORV Coalition, a broad-based coalition of stakeholders representing more than 120,000 British Columbians, is pleased to provide our final recommendations for the registration, licensing and management of off-road vehicles in British Columbia.**

The final recommendations reflect shared agreements reached by the Coalition after three years of dedicated effort, including a thorough public consultation and review process.

The ORV Coalition urges the provincial government to act on our recommendations in a timely manner with the target of developing and introducing a new Off-Road Vehicle Act for British Columbia in 2006.

**Sincerely, the Member Organizations of the ORV Coalition**

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British Columbia Cattlemen's Association

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British Columbia Snowmobile Federation

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Canadian Parks and Wilderness Society –  
BC Chapter

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Federation of British Columbia Naturalists

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Grasslands Conservation Council of British  
Columbia

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Greater Kamloops Motorcycle Association

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Okanagan Trail Riders Association

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Outdoor Recreation Council of British  
Columbia

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Pacific Northwest Motorcycle Association

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Trails BC

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Quad Riders Association of British Columbia  
(ATV BC)

## **Preface**

A broad-based coalition of stakeholders was formed in 2002 to improve the management of off-road vehicles (ORVs) in British Columbia. The Coalition for Licensing and Registration of Off-Road Vehicles includes ORV users and other recreation interests, along with ranchers and conservation interests, representing eleven organizations.

The ORV Coalition is a stakeholder driven initiative that has been working closely with government so that effective legislative changes can be made to improve the sport and the environment. An effective and balanced ORV strategy will help ensure the positive aspects of ORV recreation and tourism are realized while reducing or eliminating negative effects on the environment and other users.

The Coalition's goal is to provide government with a cost effective and sustainable solution for the licensing and registration of ORVs in BC and to provide the framework for an effective management strategy. The final recommendations provided in this report reflect the shared agreements reached by the Coalition, after three years of work dedicated to meeting its goal.

## Acknowledgements

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- Agriculture Environment Initiative
- ATV BC and ATV Clubs
- BC Cattlemen's Association
- Cariboo Regional District
- Canadian ATV Association
- Canadian Parks and Wilderness Society
- East Kootenay Regional District
- Federation of B.C. Naturalists
- Grasslands Conservation Council of BC
- Greater Kamloops Motorcycle Association
- Jones Brown Inc. Insurance Brokers and Consultants
- Kamloops Naturalist Club
- Law Foundation of BC
- Ministry of Agriculture and Lands
- Ministry of Environment
- Ministry of Forests and Range
- Ministry of Public Safety and Solicitor General
- Ministry of Small Business and Revenue
- Ministry of Tourism, Sport and the Arts
- Ministry of Transportation
- Pacific Northwest Motorcycle Association
- Public Conservation Trust Fund
- The Brainerd Foundation
- The Real Estate Foundation
- Thompson Nicola Regional District
- Trails Society of BC
- West Coast Environmental Law Association

Thank You for your Support!

Sincere appreciation is extended to the individuals representing member organizations of the ORV Coalition who kindly participated at the September 2005 ORV workshop where share agreements were reached, and previously through conference calls, phone calls and e-mails. Representatives of the ORV Coalition and their affiliations include (**attendees** at the workshop in **bold**):

- **Ken Anderson**, Independent
- **Les Auston**, BC Snowmobile Federation
- **Joan Best**, Federation of BC Naturalists
- John Blinston, ATV/BC

- **Peter Bonter**, BC Cattlemen’s Association
- Dave Borth, BC Cattlemen’s Association
- **Terry Burke**, Okanagan Trail Riders Association
- Leanne Colombo, Grasslands Conservation Council of BC
- Marie Crawford, Union of BC Municipalities
- Jim Dallin, Royal Canadian Mounted Police
- **Bruno Delesalle** (Coalition Co-chair), Grasslands Conservation Council of BC
- **Jennifer Eastwood**, Ministry of Forests
- **Bev Felske** (Coalition Co-chair), ATV/BC
- **Andrew Florence**, Pacific North West Motorcycle Association
- **Dawn Hanna**, Outdoor Recreation Council of BC
- Bill Hinde, ATV/BC
- **Dianne Lawson**, Kamloops Yamaha
- Corrie Leung, Canadian Parks and Wilderness Society – BC Chapter
- David Lock, Pacific North West Motorcycle Association
- **Ken McClelland**, Greater Kamloops Motorcycle Association
- **Pat McHugh**, ATV/BC
- **Bev Ramey**, Federation of BC Naturalists
- Eva Riccius, Canadian Parks and Wilderness Society – BC Chapter
- **Tasha Sargent** (Coalition Coordinator), Grasslands Conservation Council of BC
- Murphy Shewchuk, Trails BC
- Norma Wilson, Outdoor Recreation Council of BC
- **Carl Withler**, Ministry of Agriculture, Food & Fisheries
- Taylor Zeeg (past Coalition Coordinator), Grasslands Conservation Council of BC

Attendees at the ORV workshop also included:

- **Ed Alder**, Pacific North West Motorcycle Association
- **Kent Antoniak**, Greater Kamloops Motorcycle Association
- **Cindy Haddow**, Ministry of Environment
- **Mark Hayden**, Ministry of Environment
- **Bill Marshall**, Ministry of Tourism, Sport and the Arts
- **Tara Moorhouse**, Ministry of Tourism, Sport and the Arts (Coalition liaison with government)
- **Susan Rutherford**, West Coast Environmental Law (legal counsel for Coalition)
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- **Terje Vold** (Coalition consultant)
- **Bob Zimmerman**, BC Snowmobile Federation
- **Ellen Zimmerman**, Canadian Parks and Wilderness Society – BC Chapter

Special thanks to two key volunteers who helped make the workshop a success:

- **Sydney Johnsen**
- **Samantha Kelly**

## **Summary of Final Recommendations**

### ***Legislation***

The ORV Coalition recommends that the provincial government:

1. *develop and pass an Off-Road Vehicle Act (ORV Act) for British Columbia that replaces the existing, antiquated and incomplete Motor Vehicle (All Terrain) Act where key requirements concerning ORV use will be provided in one law to foster awareness of legal requirements including enforcement provisions; the ORV Act would be responsive to different types of ORVs (e.g. snowmobiles, all-terrain vehicles or ATVs, motorized dirt bikes) where appropriate; and*
2. *engage the ORV Coalition and its partners in the development and legislative review of the new ORV Act and regulation(s) and other related legislative changes.*

### ***Vehicle Registration***

The ORV Coalition recommends that the provincial government:

3. *require a single, one-time registration of all ORVs at time of purchase/transaction that records ownership and provides for its visible identification (through a decal or plate) where it is not already provided for under the Motor Vehicle Act;*
4. *mandate the Insurance Corporation of BC (ICBC) to register all ORVs;*
5. *require that the cost for registration and issuance of plate/decal not exceed current comparable cost of vehicles registered under the Motor Vehicle Act; and*
6. *provide in law a one-year transition period of no-cost ORV registration as an incentive for all ORV owners to register their vehicle in recognition of a number of important financial and social benefits to government and the public to have ORVs registered.*

### ***Vehicle Licensing***

The ORV Coalition recommends that the provincial government:

7. *require annual licensing of all ORVs used on public land for public (non-commercial) recreation, where a small sticker would be placed on the registration decal or plate as proof of annual licensing;*
8. *require that annual license fees for ORV vehicles be designed so that affordable discount packages are available for individuals and families who own several ORVs, and where consideration is given to discount fees for short-term use;*
9. *not require ORV licensing for already tenured commercial recreation or non-recreational uses or for use exclusively on private or reserve lands; a distinctive registration decal or plate can be provided for these uses where no licensing is required; and*
10. *recognize in legislation and policy that the attributes of an effective license system include being: affordable; efficient and cost/revenue neutral to administer; safe, secure and confidential data system; compatible with enforcement; simple for*

*riders to obtain; high percentage going back to Trust Fund; and recognition that ORV owners receive tangible value for dollars spent (e.g., crossing of public roads).*

### **Trust Fund**

The ORV Coalition recommends that the provincial government:

11. *establish in law that all of the revenue collected as part of the licensing of ORVs, with the exception of licensing administrative costs, be dedicated to a Trust Fund (i.e. where funds cannot legally be diverted to general revenue), to be administered by a board, where the Trust Fund will be used in the following five program areas: education and safety programs, trail development including maintenance and enhancement, enforcement, and conservation and stewardship;*
12. *require that the majority of funds be proportionally distributed (i.e. based on contributions to the Trust Fund from portion of license fees) to provincial ORV riding organizations for disbursement to local clubs, while some funds may be authorized by the board for strategic and provincial projects;*
13. *require that the Trust Fund be managed by a board of riders and non-riders and that the following be recognized:*
  - *equal representation is not expected, but balance (e.g. 60/40) is important between riders and non-riders, and*
  - *that the board use a democratic process, in the spirit of shared decision-making, to make decisions;*
14. *require that the Trust Fund board be supported by non-voting technical agency representation; and*
15. *establish explicit rules to govern the Trust Fund and these must include (but are not limited to): dedicated funds (unused funds remain in the trust); use in all five program areas every year; partnership and in-kind contributions; audits; penalties for improper use; ability to attract and accept donations; and portion of fines and penalties going to Trust Fund.*

### **Education**

The ORV Coalition recommends that the provincial government:

16. *develop, in partnership with the Trust Fund board (or ORV Coalition until the board is in place), a comprehensive communication strategy regarding new ORV management framework, with particular focus on registration and licensing to help ensure compliance, that:*
  - *establishes a framework to encourage and facilitate partnerships to develop different communication and extension strategies (e.g., handbook, signage) to educate ORV users, other interest groups and the general public;*
  - *is based on a variety of tools, including best management practices, signage, pamphlets, school education, internet, dealer/buyer relationships; and*
  - *explains and guides responsible ORV use with particular focus on low-impact practices that respect the environment and other users.*

### **Safety**

The ORV Coalition recommends that the provincial government:

17. *require use of helmets designed to an appropriate safety standard for all recreational riders on public land;*
18. *require ORV riders to be a minimum 16 years of age and hold a valid driver's license if using public road (i.e. highway) right-of-way including road crossings;*
19. *clarify public and resource road designations (e.g., Forest Service Roads) on maps and in the field so that ORV riders can better comply with legal requirements;*
20. *promote use of the manufacturer's recommendations to guide ORV use (e.g. age, height) in partnership with provincial ORV riding organizations;*
21. *strongly encourage, in partnership with provincial ORV riding organizations, that young riders under 16 years of age be under direct adult supervision with the exception of riders 12-15 years of age who have completed a safety course where riding unsupervised may be appropriate;*
22. *require user third party liability insurance for public recreational ORV use on trails where it is deemed necessary by the government authority responsible for the trail;*
23. *provide incentives to encourage ORV operators to acquire third party liability insurance in other areas;*
24. *make the necessary legislative amendments to allow a single insurance provider to be able to meet a rider's insurance needs for both off-road use as well as incidental public road (highway) use;*
25. *prohibit operators from riding while impaired by drugs or alcohol; and*
26. *require use of headlight and tail light on ORVs used at night.*

### **Trails**

The ORV Coalition recommends that the provincial government:

27. *require that any Trust Funds used by ORV groups for new trail development (including planning) will be used for trail development and planning that is done responsibly; this means that the trail is designed to be safe and:*
  - *avoids adverse impacts to specific sensitive ecological areas and associated habitat (as defined by government),*
  - *strives to minimize and/or mitigate adverse environmental impacts (e.g. soils, spread of invasive plants, and wildlife),*
  - *avoids adverse impacts on other users through consultation with non-motorized recreational users, tenured users, and landowners, and*
  - *is consistent with approved land use plans;**and where:*
  - *it is founded on a process of consultation with all stakeholders and public notification,*

- *there is a commitment to sustainable trail management, and*
  - *explicit authorization is provided by government.*
28. *recognize that a portion of Trust Funds can be used for maintenance and enhancement of existing trails;*
  29. *make provisions in ORV legislation that trails may be prescribed as part of a provincial trail pass system by ORV type (e.g. in support of groomed snowmobile trails);*
  30. *design the ORV license system in a manner that it links efficiently and effectively with the provincial trail pass (and other incentives like insurance) to make it easy for ORV riders to obtain;*
  31. *require that the provincial trail pass acknowledges differences between winter and summer trail use;*
  32. *allow for use of public road (highway) use (including right-of-way) where safe to do so in areas identified and designated by government as part of an approved ORV trail; and*
  33. *provide funding to help ensure incidental public road use is done safely (e.g. identify and sign crossings) in consideration of the gas tax paid by ORV riders.*

### ***Compliance and Enforcement***

The ORV Coalition recommends that the provincial government:

34. *designate and resource the Conservation Officer Service to have the lead responsibility for compliance and enforcement of ORVs;*
35. *define ORVs in legislation in a manner that is broad enough to capture new technologies;*
36. *develop a clear list of infractions in legislation;*
37. *provide adequate prosecutorial and administrative tools including clear prosecutable offences and associated fines to help ensure effective compliance and enforcement;*
38. *direct agencies with provincial enforcement responsibilities related to ORVs to develop a Memorandum of Understanding (MOU) amongst themselves, and with the RCMP, with provincial riding organizations, and other applicable stakeholders, that clarifies how each party will work with the others to encourage compliance and enforcement of the new ORV Act, including clear “observe, record, report” guidelines; and*
39. *enable the Trust Fund to be used, in partnership with the provincial government, in a manner that helps ensure volunteer wardens are appropriately trained, equipped and funded.*

### ***Conservation***

The ORV Coalition recommends that the provincial government:

40. *provide solid, clear legislation, in consultation with stakeholders, to provide effective underpinnings for environmental protection from public recreational use that causes damage to the environment (as defined by government), where that legislation will have links with the new ORV Act;*
41. *prohibit malicious or damaging behaviour to environment, wildlife, livestock and/or resource features from ORV use;*
42. *require that ORV riders must stay on existing, visible roads and trails in sensitive habitats (as defined by government) unless authorized by government to leave the road or trail's hardened surface;*
43. *enable the Trust Funds to be used by local riding clubs to partner with other groups to rehabilitate an area should there be damage to the environment (as defined by government);*
44. *require on public land that muffler and exhaust system be kept in good working order and not be allowed to exceed 96 db as measured by approved industry standards; and promote use of spark arrestor mufflers through incentives and education;*
45. *continue to enable local government and trail managers to be able to address noise via by-laws and rules;*
46. *endorse and/or promote the policy that "if you pack it in, you pack it out" in partnership with provincial ORV riding organizations; and*
47. *recognize that emission standards on ORVs be federally controlled given its effect on manufacturers.*

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## **1.0 Introduction**

### 1.1 Backgrounder on the ORV Coalition

Eleven organizations, representing over 120,000 British Columbians from across the province, collaborated to form the Coalition for the Licensing & Registration of Off-Road Vehicles in British Columbia (the “ORV Coalition”) in order to improve the management of off-road vehicles in BC. The Coalition is a broad-based alliance of motorized and non-motorized recreation interests, conservation organizations, and the ranching sector.

The Coalition’s goal is to provide government with a cost effective and sustainable solution for the licensing and registration of off-road vehicles (ORVs) in BC and to provide a framework for an effective management strategy. ORVs include all-terrain vehicles (ATVs), snowmobiles, and off-road motorcycles (dirt bikes).

The ORV Coalition is a stakeholder driven initiative, working closely with the provincial government, so that effective legislative changes can be made to improve the sport and the environment.

Many British Columbians and visitors to the province enjoy ORV recreation and most are responsible individuals who want to minimize the impacts of their use. Both guided and non-guided ORV activities contribute significantly to tourism in the province, particularly in rural communities.

Unfortunately, the actions of a few irresponsible ORV riders often negatively impact sensitive ecosystems such as grasslands, wetlands and alpine areas; disturb wildlife or livestock; disrupt other public or commercial recreation users or other users; and cause harm or injury to themselves as well as others.

The *Motor Vehicle (All Terrain) Act* was introduced in the early 1970’s and since then there has been no systematic review and update. The Act applies only to snowmobiles, as regulations concerning other ORVs were never introduced. As a consequence, there are no off-highway registration or licensing requirements for ORVs (other than a one-time registration for snowmobiles). Nearly all jurisdictions in North America have registration and licensing requirements for ORVs. British Columbia is one of the few jurisdictions, if not the only one in North America, that does not require the registration or licensing of ATVs for recreational use.

Registration and licensing of ORVs is important for a variety of reasons including vehicle use, safety, theft prevention, improved management, communication and education, and as a means of facilitating enforcement of legal infractions. It is difficult to identify irresponsible riders on unmarked ORVs who may disobey laws. This can hurt the image of the sport for the majority of riders who are working hard to promote responsible ORV recreation and also impacts negatively on tourism revenues.

The Coalition was formed recognizing that the steady growth of recreational ORV use in the province has been accompanied by a number of social, economic and environmental issues. The Coalition believes that part of the solution for managing such challenges will involve making changes to the legislation applicable to ORVs, and that vehicle registration and licensing lie at the core of any changes as a logical first step in developing a workable ORV management strategy for BC.

An effective ORV management strategy will seek to maximize the positive effects of ORV recreation and tourism (e.g., in contributing to the provincial economy) while mitigating or minimizing adverse effects on the environment, rangelands, other resource users, and rider safety. In the case of ORV use, the potential positive and negative effects can be considerable, thereby underscoring the need for long-overdue legislative and management attention.

### ***Common Goal Statement***

In recognition of the need to improve land stewardship, and achieve the registration and licensing of ORVs for BC, the Coalition developed early in its mandate a *Common Goal Statement*:

- *We agree to work together in an environment of trust and cooperation to achieve a common goal for the benefit of the general public and for the mutual benefit of our organizations.*
- *We support legislation that would require licensing and registration of all motorized off-road vehicles in British Columbia, including the prominent display, on the vehicle, of a vehicle license and/or decal.*
- *We agree that some of the general revenue collected by the government (or their representatives) as part of the licensing of off-road vehicles be dedicated to a Trust Fund managed by a government ministry or by a representative body, supported by an appointed advisory board. This fund will be available for off-road vehicle recreation groups in proportion to their revenues generated to this fund. The funds will be used for education and safety programs, trail development including maintenance and enhancement, enforcement, and conservation and stewardship. Trail development will involve consultation with all local stakeholders.*

The Common Goal Statement has guided the work of the Coalition and has enabled this multi-stakeholder group to focus on common ground, collaboration, and building a ‘win-win-win’ solution for government, user groups and the environment.

## 1.2 Process

The ORV Coalition has undertaken its task in four stages:

- Stage 1: Develop process, review interests, background research including review of other jurisdictions.
- Stage 2: Prepare rationale for a licensing, registration and management strategy.

- Stage 3: Investigate solutions, develop options and review implications.
- Stage 4: Recommend an ORV strategy including its effective implementation.

Stages 1 and 2 were completed in August 2004 with the preparation of the *Solutions for a Sustainable Future: Interim Report*.<sup>1</sup>

Stage 3 was completed in July 2005 with preparation of the preliminary options report entitled *Solutions for a Sustainable Future: Options for the Registration, Licensing and Management of Off-Road Vehicles in BC* (“options report”) and supporting Appendices document.<sup>2</sup> The report outlines several options for registration and licensing of ORVs including the administrative framework, provides options for the proposed Trust Fund and board, and includes several options for the management of ORVs.

The options report was prepared based on:

- nine conference calls with stakeholder interests on the Coalition and government;
- a case study review of ORV legislation in five provinces including three (Ontario, New Brunswick and Nova Scotia) which recently undertook comprehensive province-wide task force reviews of ORV management;
- a case study review of three non-ORV registration, licensing and Trust Fund systems where lessons learned may be applicable to ORV management; and a
- review of three existing inter-jurisdictional reviews of ORV legislation in Canada and North America.

The Coalition posted the options report on its website and widely contacted and distributed the report to a comprehensive and diverse range of stakeholders and individuals to encourage review and comment. These efforts and the comments received are provided and summarized in *Public Review of ORV Coalition’s Options Report*<sup>3</sup> prepared in October 2005. The options report and the comments received were the basis for the ORV Coalition to develop its recommendations.

Stage 4 was completed in November 2005 with the preparation of this final recommendations report, which has been submitted to the provincial government for action. The Coalition achieved a significant accomplishment by reaching shared agreement on 47 recommendations at a two-day workshop held in September 2005 in Quilchena, BC which are reflected in this final report.

The 47 shared agreements/recommendations represent the conclusion of three years of concerted research and consideration of options, collaborative effort and community building among the diverse group of stakeholders that belong to the Coalition. The ORV

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<sup>1</sup> *Solutions for a Sustainable Future: Interim Report*. August 2004. Prepared by North West Environment Group Ltd and Susan Rutherford for Coalition for Licensing & Registration of Off-Road Vehicles in BC.

<sup>2</sup> *Solutions for a Sustainable Future: Options for Registration, Licensing and Management of Off-Road Vehicles in British Columbia*. July 2005. Prepared by Terje Vold and George Sranko for Coalition for Licensing & Registration of Off-Road Vehicles in BC.

<sup>3</sup> *Public Review of ORV Coalition’s Options Report*. October 2005. Prepared by Terje Vold and George Sranko for Coalition for Licensing & Registration of Off-Road Vehicles in BC.

Coalition submits that these recommendations constitute a solid foundation upon which the provincial government may now confidently move forward with reforms to the legislative and management framework, to make ORV recreation more sustainable for British Columbia.

For more information about the ORV Coalition, including access to all Coalition documents, visit [www.ORVCoalitionBC.org](http://www.ORVCoalitionBC.org).

### 1.3 Organization of the Report

This final recommendations report builds on the Coalition’s Stage 1 & 2 Interim Report and the Stage 3 Options Report, while minimizing repetition. Key new information that is reflected in this report includes the public review comments on the Options Report and the results from the Coalition stakeholder workshop.

Section 1.0 provides an overview of the project, including a background to the ORV Coalition.

Section 2.0 provides the ORV Coalition’s final recommendations related to new ORV legislation (i.e., an ORV Act).

Section 3.0 provides the Coalition’s final recommendations with supporting rationale regarding the registration and licensing of ORVs, and the establishment of a Trust Fund, as endorsed by the Coalition through its Common Goal Statement.

Section 4.0 provides the Coalition’s final recommendations with supporting rationale on some key management issues, with a focus on those issues that require legislative attention. These are described in five program areas that have been identified by the Coalition: education, safety, trails, enforcement, and conservation & stewardship.

Section 5.0 describes the benefits to government in implementing the inter-related “package” of recommendations.

## **2.0 Legislation**

**Recommendation #1:** The ORV Coalition recommends that the provincial government:

*develop and pass an Off-Road Vehicle Act (ORV Act) for British Columbia that replaces the existing, antiquated and incomplete Motor Vehicle (All Terrain) Act where key requirements concerning ORV use will be provided in one law to foster awareness of legal requirements including enforcement provisions; the ORV Act would be responsive to different types of ORVs (e.g. snowmobiles, all-terrain vehicles or ATVs, motorized dirt bikes) where appropriate.*

Considerations and rationale:

- The 1972 *Motor Vehicle (All Terrain) Act* is antiquated and has not been systematically reviewed.
- The Act is an oxymoron in that it only applies to snowmobiles by regulation and does not apply to ATVs or dirt bikes.
- Since the Act was introduced over 30 years ago, the technology of ORVs has substantially changed and ORV use has increased dramatically.
- New Brunswick recently systematically reviewed legislation that applies to ORVs and introduced a new *Off-Road Vehicle Act*. Other provinces generally have off-road vehicle legislation.
- Legal requirements related to ORVs and their use should ideally be consolidated in (or clearly linked with) one ORV Act so that riders, non-riders and enforcement officials clearly understand what provisions apply.
- An ORV Act needs to recognize the distinctive differences between snowmobiles, ATVs and dirt bikes, where applicable.

**Recommendation #2:** The ORV Coalition recommends that the provincial government:

*engage the ORV Coalition and its partners in the development and legislative review of the new ORV Act and regulation(s) and other related legislative changes.*

Considerations and rationale:

- The ORV Coalition and partner organizations have undertaken a comprehensive three-year review of ORV legislation and various stewardship issues, including registration and licensing, as it applies to British Columbia. Several technical documents have been prepared (available on the Coalition website at [www.ORVCoalitionBC.org](http://www.ORVCoalitionBC.org)).
- The ORV Coalition represents a broad set of interests in an effort to ensure that recommendations to improve ORV legislation are balanced, fair and effective.
- The Coalition has appreciated the support provided by the provincial government throughout the initiative.
- The Coalition expects government to respond to its recommendations and undertake actions that lead to a new ORV Act in a timely fashion, ideally in 2006.

- The Coalition also expects government to involve the Coalition and its partners when developing new legislation and regulations to continue to promote good working relations with affected stakeholders and to help ensure legislative changes meet the needs of riders and non-riders.
- The ORV Coalition wants to play a strong role in legislative reform to help ensure that legislative revisions reflect Coalition recommendations.

### **3.0 Vehicle Registration & Licensing, and Trust Fund**

The ORV Coalition firmly believes that a fundamental component of any ORV stewardship strategy is the registration and licensing of ORVs. The rationale for registering and licensing ORVs is detailed in the Coalition's *Interim Report*.<sup>4</sup> Inextricably linked with the Coalition's vision of registration and licensing is the Trust Fund, as the instrument that will direct resources to all of the programs necessary for proper management of ORVs.

#### 2.1 Vehicle Registration

**Recommendation #3:** The ORV Coalition recommends that the provincial government: *require a single, one-time registration of all ORVs at time of purchase/transaction that records ownership and provides for its visible identification (through a decal or plate) where it is not already provided for under the Motor Vehicle Act.*

#### Considerations and rationale:

- Registration of ORVs is needed for a variety of reasons which include:
  - theft prevention (readily identified ORVs can deter stealing),
  - improved compliance by riders with legal requirements (i.e. riders are more likely to comply with the law knowing they can be identified),
  - needed support for improved enforcement (via identification of vehicles),
  - increasing dealership sales in BC and corresponding provincial tax revenue (where lack of registration has resulted in out-of-province purchases),
  - enabling dealers to comply with legal requirements under the *Motor Dealer Act* (e.g. to verify that used ORVs sold have not been stolen),
  - providing use opportunities for riders in many jurisdictions where registration is a requirement,
  - providing opportunities to communicate with riders and provide educational material,
  - enabling government to collect data on the number of vehicles and their location, to inform land use and other (e.g. insurance) planning, and
  - increasing access to insurance for riders.
- Virtually all jurisdictions in North America require registration or licensing of ORVs.
- BC has no requirement to register recreational ATVs or motorized dirt bikes.
- A vehicle registered under the *Motor Vehicle Act* should not need to be registered for off-road use.
- A vehicle registered for off-road use should not need to be registered yet again under *Motor Vehicle Act* for incidental on-road (highway) use as currently exists for snowmobiles.

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<sup>4</sup> *Solutions for a Sustainable Future: Interim Report*. August 2004. Prepared by North West Environment Group Ltd and Susan Rutherford.

- Details regarding the “visible identification (through a decal or plate)” should be discussed by enforcement officials in consultation with riding organizations to help ensure the decal or plate is prominently displayed in balance with safety and practicality consideration to help ensure its visibility from a reasonable distance for effective enforcement.
- Registration would apply to “all” ORVs including those used for public and commercial recreation and non-recreation (e.g. ranching, mining, forestry) on public and private land, and for tenured and non-tenured purposes.
- Diverse stakeholder feedback on options report generally supports registration for all ORV including those from commercial recreation and non-recreational interest groups who use ORVs for work.
- Distinctive plates or decals would be used for public recreation ORV use on public land where licensing is required versus other uses (e.g. commercial recreation, non-recreation) where licensing is not required (see below).

**Recommendation #4:** The ORV Coalition recommends that the provincial government: *mandate the Insurance Corporation of BC (ICBC) to register all ORVs .*

Considerations and rationale:

- The Registrar of Motor Vehicles is responsible for the registration of off-road vehicles in most jurisdictions.
- The Insurance Corporation of BC (ICBC) provides that service in BC through Autoplan Brokers for motor vehicles and should be set up to provide that role for off-road vehicles.
- Enforcement officials are familiar with the ICBC registration system.
- ICBC’s registration system is safe, secure and confidential – all necessary attributes of a registration system.
- ICBC has expressed an unwillingness to “take on” the registration of off-road vehicles but should be mandated by government to do so.
- ICBC has a network of agents that should help ensure that registration can be readily obtained at time of purchase (e.g. at the dealership).

**Recommendation #5:** The ORV Coalition recommends that the provincial government: *require that the cost for registration and issuance of plate/decal not exceed current comparable cost of vehicles registered under the Motor Vehicle Act.*

Considerations and rationale:

- Motor vehicle owners are currently charged \$18 to register their vehicle and additional fees related to obtaining a vehicle plate. Registration and license fees for motor vehicles go directly to government revenue. The cost to deliver registration and licensing services (e.g., administration of programs and commissions to Autoplan Brokers) is borne by ICBC.
- Initial ICBC estimates for cost of registration of off-road vehicles would be prohibitive to ORV owners if they were required to pay the full cost.

- The ORV Coalition feels that the costs of registering and plating/decating an off-road vehicle should not exceed that charged motor vehicles.
- The registration system should be designed by ICBC to be cost-effective in consideration of the needs of enforcement officials.
- Registration fees in other jurisdictions, including plate or decal, are:
  - \$16 (excluding \$25 surcharge for Trust Fund) in New Brunswick;
  - \$32 in Nova Scotia (with \$10.65 for re-registration due to change in ownership)
  - \$35 for ATVs and \$30 for snowmobiles in Ontario;
  - \$43 in Alberta (where registration is an annual process).
- The province should accept any shortfalls in revenues collected by ORV owners relative to costs of administering the registration system in consideration of:
  - the gas tax paid by ORV riders for which there are currently little or no direct road-related benefits to the riders with respect to ORV use,
  - the expected increase in provincial sales tax (PST) revenues when ORVs are sold with a mandatory registration system, and
  - the need for improved management and stewardship of ORVs, with registration playing a core role.

**Recommendation #6:** The ORV Coalition recommends that the provincial government: *provide in law a one-year transition period of no-cost ORV registration as an incentive for all ORV owners to register their vehicle in recognition of a number of important financial and social benefits to government and the public to have ORVs registered.*

Considerations and rationale:

- The recommendation applies to existing owned ORVs plus ORVs acquired during the one-year transition period.
- The recommendation would apply to registration only; licensing fees would still apply.
- There is no requirement to register ATVs and dirt bikes in BC and these owners therefore currently pay nothing for registration. Existing ATVs and dirt bikes were purchased with an understanding that no registration fees were required in BC.
- Snowmobile owners are required to register their machines at a cost of \$10.
- If registration fees were \$28 plus an additional cost for plate or decal, this would represent a significant new cost burden on ORV owners particularly those owners and families that currently own several ORVs that did not anticipate a registration fee.
- The increased cost will be a deterrent to achieving high compliance without punitive enforcement measures, which would likely be unpopular.
- Positive incentives to achieve high compliance should be well-received by riders and will help ensure new registration requirements are successfully implemented and associated benefits to riders, to the environment, to non-riders, and to the province are realized.

- If an estimated existing 150,000 ORVs in BC were all given free registration for one year at an estimated cost of about \$40 (for registration and a decal or plate), this would result in a one-time cost to the province of about \$6 million.
- This one-time cost however should be borne by government in recognition of:
  - An estimated \$14 million of gas tax revenue paid by riders each year for which riders receive little or no direct road-related benefit with respect to ORV use;
  - Increased provincial sales tax (PST) revenues associated with the sale of new and used ORVs;
  - Increased business revenue, employment and associated taxes paid by ORV dealers particularly in border communities where vehicles have been purchased in adjacent jurisdictions like Alberta;
  - Increased voluntary compliance by riders and decreased thefts which will reduce the cost burden on enforcement officials;
  - Increased ability to identify ORVs where riders are in non-compliance with legal requirements;
  - Increased contributions from associated licensing to the Trust Fund for improved stewardship of ORV use in BC that will in turn increase tourism benefits to local communities from trails while reducing costs/impacts and conflicts with the environment, rangelands and other users.

## 2.2 Vehicle Licensing

**Recommendation #7:** The ORV Coalition recommends that the provincial government: *require annual licensing of all ORVs used on public land for public (non-commercial) recreation, where a small sticker would be placed on the registration decal or plate as proof of annual licensing.*

### Considerations and rationale:

- Licensing can be considered a user fee or permit for public (non-commercial) recreation use of public land.
- Annual licensing helps ensure vehicle ownership is up-to-date, enables damaged registration decals or plates to be replaced, provides links to liability insurance, and enables regular contributions to the Trust Fund. It could also serve as a regular point of contact for facilitating collection of fines or enforcement of other infractions.
- There are no off-road licensing requirements for ORVs in BC.
- Most other jurisdictions require an annual license or permit of ORVs.
- A small sticker (as with motor vehicles) can be placed on a larger decal or plate to visibly verify that licensing has occurred; this approach is used in jurisdictions such as New Brunswick and Ontario, which recently reviewed ORV legislation.

**Recommendation #8:** The ORV Coalition recommends that the provincial government: *require that annual license fees for ORV vehicles be designed so that affordable discount packages are available for individuals and families who own several ORVs, and where consideration is given to discount fees for short-term use.*

Considerations and rationale:

- A very significant concern exists for a number of riders that annual vehicle licensing could result in excessive costs, particularly to individuals or families who own several ORVs.
- The licensing of the ORV operator rather than the vehicle could reduce costs by enabling an operator to ride several different vehicles.
- An annual permit or license in most other jurisdictions, however, applies to the vehicle not the operator; applying a license to the ORV would parallel the approach taken with motor vehicles.
- To address the concern that costs could be prohibitive, the Coalition supports the concept where license fees are discounted for individuals and families who own several ORVs. For example, a family that owns five ORVs would pay considerably less per ORV than an individual who owns one ORV.
- Fees paid based on type of vehicle licensed would be used to determine the amount of Trust Funds to be allocated to each of the three provincial riding associations (ATV/BC; BC Snowmobile Federation; and one for off-road motorcyclists).
- Some ORVs are used sparingly for public recreation use on public lands; a discounted short-term use license should be considered in these instances which can be identified via a sticker on the registration decal or plate.
- Annual licensing is considered a key component of sustainable ORV use and provides the key mechanism to enable contributions to be made to a dedicated Trust Fund; the ORV Coalition, however, is sensitive that costs must be affordable to riders.

**Recommendation #9:** The ORV Coalition recommends that the provincial government: *not require ORV licensing for already tenured commercial recreation or non-recreational uses or for use exclusively on private or reserve lands; a distinctive registration decal or plate can be provided for these uses where no licensing is required.*

Considerations and rationale:

- The key focus of the ORV Coalition is the provision of sustainable solutions for the improved management and stewardship of public (non-commercial) recreation use on public lands that are currently not tenured or effectively managed.

- The annual license fee provides key funding for the Trust Fund which supports public recreation use activities – not tenured uses on public lands or uses on private lands or reserves.
- Tenured commercial recreation ORV use (e.g., guided snowmobiling) and non-recreational ORV uses (e.g., for ranching, mining, forestry, etc) are already regulated through tenure conditions including operational plans and permits.
- Therefore the annual license fees should not apply to ORV use for tenured activities or on private lands or on First Nation reserves.

**Recommendation #10:** The ORV Coalition recommends that the provincial government: *recognize in legislation and policy that the attributes of an effective license system include being:*

- *affordable;*
- *efficient and cost/revenue neutral to administer;*
- *safe, secure and confidential data system;*
- *compatible with enforcement;*
- *simple for riders to obtain;*
- *high percentage going back to Trust Fund; and*
- *recognition that ORV owners receive tangible value for dollars spent (e.g., crossing of public roads).*

Considerations and rationale:

- Most of these considerations are discussed further in the Options Report.
- The higher the percentage of the license fee collected that goes to a dedicated Trust Fund, likely the higher the acceptance by riders; increased funds to the Trust would enhance opportunities for ORV stewardship that in turn would benefit riders, other users and the environment.
- Satisfactorily addressing other key Coalition recommendations (e.g., those related to incidental use of public roads as part of an authorized trail) are key to garnering rider support for annual licensing – riders need to be able to see the overall benefits of the entire package of recommendations as part of the context for supporting licensing.
- The Coalition chose not to make a recommendation on the preferred model for delivering annual licensing (public, public/private, or private); the Coalition feels that government can decide this (in consultation with the Coalition) keeping in mind these key attributes for an effective system. Implications related to these models are provided in the Options Report.

## 2.3 Trust Fund

**Recommendation #11:** The ORV Coalition recommends that the provincial government: *establish in law that all of the revenue collected as part of the licensing of ORVs, with the exception of licensing administrative costs, be dedicated to a Trust Fund (i.e. where funds cannot legally be diverted to general revenue), to be administered by a board, where the Trust Fund will be used in the following five program areas: education,*

***safety programs, trail development including maintenance and enhancement, enforcement, and conservation and stewardship.***

Considerations and rationale:

- New program areas may be given consideration by the Trust Fund board.
- The draft recommendation supports components of the Common Goal Statement: *We agree that some of the general revenue collected by the government (or their representatives) as part of the licensing of off-road vehicles be dedicated to a Trust Fund managed by a government ministry or by a representative body, supported by an appointed advisory board. This fund will be available for off-road vehicle recreation groups in proportion to their revenues generated to this fund. The funds will be used for education and safety programs, trail development including maintenance and enhancement, enforcement, and conservation and stewardship. Trail development will involve consultation with all local stakeholders.*
- There is a need for legislative protection of the funds collected from the riders for the Trust to ensure that they are, in fact, dedicated and cannot be used as general revenue. Legislation would need to clearly stipulate the rules governing the Trust Fund board and disbursement of trust funds.
- Local clubs are accountable to their provincial riding organizations; provincial riding organizations are accountable to the Trust Fund board; and the board is accountable to the trustee and corresponding requirements and rules governing the trust.
- The Coalition recognizes the balanced importance of each of the five program areas to the success of ORV management, and the corresponding need for a periodic review by the Trust Fund board. The review period will be determined by the Trust Fund board.

**Recommendation #12:** The ORV Coalition recommends that the provincial government: ***require that the majority of funds be proportionally distributed (i.e. based on contributions to the Trust Fund from portion of license fees) to provincial ORV riding organizations for disbursement to local clubs, while some funds may be authorized by the board for strategic and provincial projects.***

Considerations and rationale:

- This is consistent with Common Goal Statement that calls for proportional disbursement of funds to ORV recreation riding organizations.
- The majority of funds (e.g. 90%) would be automatically allocated proportionally to the three provincial riding organizations (i.e., BC Snowmobile Federation, ATV/BC, and a provincial body that represents off-road motorcyclist/dirt bike interests) for distribution for local projects by local member clubs. The provincial riding organizations would develop a fair distribution approach with local member clubs consistent with the purpose and rules of the Trust Fund (e.g. see recommendation #15).
- Local member clubs (rather than individuals) would apply to the respective provincial riding organization for funding based on the programs. This will help

- foster membership in local clubs which in turn increases membership in provincial riding organization and corresponding information that is readily available from those organizations about responsible riding.
- Audits help ensure accountability, and penalties can be levied to local clubs or provincial riding organizations if the rules governing the trust are breached.
  - Some funds (e.g. 10%) would be managed by the Trust Fund board for strategic and provincial projects that benefit riders and non-riders in general (see recommendation #13).
  - Trust funds can be used to leverage partnership funding consistent with the five program areas such as for training of volunteer wardens (see recommendation #39), invasive plant control, rehabilitation (see #43), etc.

**Recommendation #13:** The ORV Coalition recommends that the provincial government: *require that the Trust Fund be managed by a board of riders and non-riders and that the following be recognized:*

- *equal representation is not expected, but balance (e.g. 60/40) is important between riders and non-riders, and*
- *that the board use a democratic process, in the spirit of shared decision-making, to make decisions.*

**Considerations and rationale:**

- The Trust Fund needs to be managed by a balanced representation of rider and non-rider interests for accountability and public legitimacy; balance is needed to help ensure all five program areas receive due attention; and balance provides the credibility needed to help ensure that the Trust Fund is sustained over time and is able to attract partnership funding, in-kind contributions, and donations.
- Provincial riding organizations need to be able to explain to riders (who are the only party required to pay into the fund) that their interests are served on the Trust Fund (thus the need for approximately a 60/40 split with respect to riding and non-riding interests); this is key to garnering acceptance by riders.
- Most funds (e.g. 90%) are automatically allocated proportionally to the provincial riding organizations as discussed in recommendation #12.
- Some funds (e.g. 10%) would be committed to strategic and provincial projects that would benefit all riders as well as non-riders as agreed to by the Trust Fund board.
- The Trust Fund board should make decisions based on shared agreements (as was the case with the ORV Coalition) with the recognition that voting may be necessary from time to time to help ensure that funding decisions related to strategic and provincial projects are made in a timely manner (e.g., within a 24 month time period) so that the benefits of the fund for each of the five program areas can be effectively delivered.
- Board representation would likely consist of two representatives each from the three provincial riding organizations (i.e. BCSF; ATV/BC; and one formed by dirt

bike interests) for a total of six; and a representative each from conservation, non-motorized recreation, ranching, and tourism interests for a total of four.

**Recommendation #14:** The ORV Coalition recommends that the provincial government: *require that the Trust Fund board be supported by non-voting technical agency representation.*

Considerations and rationale:

- Provincial government agencies have expertise in all five program areas and appropriate agency staff should provide technical input to the Trust Fund board on potential projects.
- This model exists in New Brunswick and can be emulated in BC.
- Trust Fund board members will likely consist of volunteer representatives from various riding and non-riding organizations who will need to be supported in their decisions by the technical review provided by staff from agencies such as Ministry of Tourism, Sport and the Arts; Ministry of Environment; Ministry of Agriculture and Lands; Insurance Corporation of BC; Ministry of Transportation; Ministry of Forests and Range; Ministry of Public Safety and Solicitor General; and/or others as appropriate.
- The Trust Fund however should not pay for agency programs (i.e., where agencies download their responsibilities on to the Trust), but could be used to partner with agency programs to enhance project delivery.

**Recommendation #15:** The ORV Coalition recommends that the provincial government: *establish explicit rules to govern the Trust Fund and these must include (but are not limited to):*

- *dedicated funds (unused funds remain in the trust);*
- *use in all five program areas every year;*
- *partnership and in-kind contributions;*
- *audits;*
- *penalties for improper use;*
- *ability to attract and accept donations; and*
- *portion of fines and penalties going to Trust Fund.*

Considerations and rationale:

- Some of the proposed rules are part of the Common Goal Statement; the need for most of these rules is explained in the Options Report; see other recommendations such as #27 on trails for related recommendations.
- Trust rules must ensure that each of the 5 programs has funding every year; each of the three provincial riding associations must fund each of the 5 programs each year but they should decide how much goes to each program.
- At the start, some programs may need increased funding support (e.g., education), but each program needs some level of reasonable funding.
- With respect to rules that govern use of the Trust Fund, the provincial ORV riding organizations are accountable to the board, and local riding clubs are accountable

to their provincial ORV riding organization. Annual spending reports from ORV riding organizations to the Board will help facilitate, along with audits, periodic program reviews to ensure no program areas are being neglected and to address any other issues concerning the fund.

- If an ORV rider is fined due to a violation, the fees should go to the respective program area under the Trust Fund or as directed by the Trust Fund board.
- This will help ensure the infractions that cause the greatest concern are remedied, and will provide an incentive for responsible riders and non-riders to “observe, record and report” alleged violations as the damages caused could be addressed by the fines paid.
- The Trust Fund board may develop additional rules as required to help ensure that the funds are efficiently and responsibly administered and used. For example, it is anticipated for most small projects that disbursement of funds will occur as reimbursement following project completion and submission of receipts; however, it is also anticipated that larger projects may need Trust Fund disbursement prior to project completion.

## **4.0 Management Issues**

Legislative change is needed to address the registration and licensing of ORVs and to establish a dedicated Trust Fund. ORV legislation will invariably need to address management issues. The focus of the recommendations below is on key management issues that may require legislative change to help ensure that the five program areas supported by the Trust Fund are appropriately and effectively funded. The management issues described below are therefore linked to the five program areas under the proposed Trust Fund.

One key management issue that has been deliberately omitted from this report is recreational access management. The Coalition urges government to address access and other management issues.

### 3.1 Education

**Recommendation #16:** The ORV Coalition recommends that the provincial government: *develop, in partnership with the Trust Fund board (or ORV Coalition until the board is in place), a comprehensive communication strategy regarding new ORV management framework, with particular focus on registration and licensing to help ensure compliance, that:*

- *establishes a framework to encourage and facilitate partnerships to develop different communication and extension strategies (e.g., handbook, signage) to educate ORV users, other interest groups and the general public;*
- *is based on a variety of tools, including best management practices, signage, pamphlets, school education, internet, dealer/buyer relationships; and*
- *explains and guides responsible ORV use with particular focus on low-impact practices that respect the environment and other users.*

#### Considerations and rationale:

- Education through communication will be required to help ensure any new management regime for ORVs, including registration, licensing, and the Trust Fund, are comprehensively conveyed to all riders and interested non-riders in order to foster understanding, acceptance and compliance.
- Many quality programs have been developed by various provincial, national and international riding organizations that promote safe riding and low impact practices.
- Partnerships with dealers, non-riding interests, government and others can help ensure these programs are improved, expanded, and more widely delivered to riders, other interest groups, and the general public.
- The Trust Fund can be used as “seed” money to help start an education program and to foster partnerships and in-kind contributions that allow for improved education and communication.
- Incentive programs are needed to encourage riders to join local and provincial riding organizations in order to facilitate the education process; for example,

lower cost insurance premiums for riders who belong to a local and provincial riding organization and/or who have taken an educational course that addresses safe and responsible riding practices.

- The Coalition recognizes that there are a wide variety of educational and communication tools that can and should be used to promote responsible ORV riding; all applicable tools should be considered in the development of a comprehensive communication strategy.
- Educational communication strategies are needed to support all other program areas covered under the Trust Fund.
- In order to reduce conflicts caused by ORV impacts on the environment and other users, an initial focus should be on low-impact “responsible use” practices.

### 3.2 Safety

**Recommendation #17:** The ORV Coalition recommends that the provincial government: *require use of helmets designed to an appropriate safety standard for all recreational riders on public land.*

Considerations and rationale:

- All provinces except BC, Alberta and Newfoundland require use of a helmet when riding a snowmobile.
- With minor exceptions, there are no helmet requirements for any ORV riders in BC even though helmet use is mandatory for bicyclists; this sets a poor example for young ORV riders.
- Most responsible ORV riders use helmets for protection but those who do not are at greater risk of serious personal injury which in turn can elevate insurance premiums for all riders and increase medical health care costs for all taxpayers.
- Provisions in law need to specify what kind of helmets are suitable for various types of ORV use; no “official” standards exist, therefore review of various standards is needed when providing an effective legal requirement.
- Several existing standards exist (e.g. Snell, DOT, or industry recognized manufacturing standard) that need to be examined and reconciled by government, in consultation with provincial riding organizations and manufacturers, so that an appropriate and clear standard is specified in legislation.

**Recommendation #18:** The ORV Coalition recommends that the provincial government: *require ORV riders to be a minimum 16 years of age and hold a valid driver’s license if using public road (i.e., highway) right-of-way including road crossings.*

Considerations and rationale:

- Minor incidental public road (highway) use is a common activity by most ORV riders; for example, crossing a road as part of a longer ORV trail.
- A snowmobile operator in BC who uses a public road (highway) right-of-way must be at least 16 years of age and hold a valid driver’s license; the

recommendation extends this requirement to other ORV users to enable their safe and legal use of public roads (highways) as discussed under “Trails”.

- Most jurisdictions in Canada have a driver’s license requirement for incidental snowmobile use of highways (public roads).
- Some jurisdictions allow younger riders, for example between 12-15 years of age, who have completed a safety course, to cross a public road.
- BC has the most restrictive laws in Canada with respect to incidental public road use by ORVs (see “Trails”); the opportunity to improve incidental access to public road rights-of-way in BC should be enhanced with a requirement that riders be at least 16 years of age and hold a valid driver’s license.

**Recommendation #19:** The ORV Coalition recommends that the provincial government: *clarify public and resource road designations (e.g., Forest Service Roads) on maps and in the field so that ORV riders can better comply with legal requirements.*

Considerations and rationale:

- Some public roads (highways) are unpaved and receive infrequent public use, while receiving resource use such as for forestry. Forest Service Roads and roads under Road Permit by forest licensees are often managed to a similar standard and are indistinguishable to public recreationists including ORV riders.
- Incidental use of public roads by snowmobiles, including crossings, has unique and extremely complex and cumbersome requirements. ATVs and dirt bikes cannot legally cross a public road for public recreation use even if unpaved. These severe restrictions on ORV use of public roads in BC (see “Trails”) appear to be more cumbersome than those found in any other jurisdiction in Canada and likely North America based on the findings documented in the options report.
- ATVs and dirt bikes can operate on a Forest Service Road (FSR) provided that the rider has a valid driver’s license and the vehicle is covered with a minimum of \$200,000 third party liability insurance. Snowmobiles, on other hand, cannot use FSRs unless the road is unploughed. There are about 45,000 km of FSRs in BC.
- There are no legal restrictions for use of roads under a Road Permit. There are likely over 120,000 km of roads under permit in BC.
- There are likely well over 200,000 km of non-status roads, also with no legal requirements with respect to ORV use, that at times can be difficult to distinguish relative to a “status” road (e.g. FSR or road under permit) managed to a “wilderness road” standard.
- Unpaved public roads, FSRs, and roads under permit are often not clearly marked on a map or on the ground – forcing riders to deal with a tangle of ambiguous legal requirements.
- The uneven requirements for ORV use on roads that are often managed to a similar set of standards do not make sense.

**Recommendation #20:** The ORV Coalition recommends that the provincial government: *promote use of the manufacturer’s recommendations to guide ORV use (e.g., age, height) in partnership with provincial ORV riding organizations.*

Considerations and rationale:

- ORV manufacturers generally specify the suggested minimum criteria for an operator to be able to ride an ORV safely (e.g. minimum age and/or height).
- Manufacturers are creating smaller ORVs for young riders for family use.
- Through communication and education, the recommended manufacturer standard for operators needs to be promoted so that riders voluntarily comply with these important safety considerations.

**Recommendation #21:** The ORV Coalition recommends that the provincial government: *strongly encourage, in partnership with provincial ORV riding organizations, that young riders under 16 years of age be under direct adult supervision with the exception of riders 12-15 years of age who have completed a safety course, where riding unsupervised may be appropriate.*

Considerations and rationale:

- There are no minimum age restrictions for ORV riding on public land in BC and no requirements for adult supervision of young riders.
- Family-oriented ORV riding is a frequent recreational activity in BC and throughout North America.
- Other jurisdictions generally require adult supervision for young riders, except for those aged 12-15 who have completed a safe operator-training course.
- Two aspects of this message need to be strongly advocated and promoted: a) the need for young riders to be under adult supervision, and b) the need for unsupervised riders aged 12-15 to take a safety course.

**Recommendation #22:** The ORV Coalition recommends that the provincial government: *require user third party liability insurance for public recreational ORV use on trails where it is deemed necessary by the government authority responsible for the trail.*

Considerations and rationale:

- To protect ORV trail users, trail managers, and persons or properties that could be damaged by ORV use, third party liability insurance requirements may need to be specified for some trails.

**Recommendation #23:** The ORV Coalition recommends that the provincial government: *provide incentives to encourage ORV operators to acquire third party liability insurance in other areas.*

Considerations and rationale:

- Currently in BC there are no third party liability insurance requirements for ORV riders, except for use of Forest Service Roads, and incidental public road use by snowmobiles such as for crossings.
- As noted previously, there may be a need for mandatory insurance on designated trails.

- Third party liability insurance is generally required in most other jurisdictions for ORV use that covers all on- and off-road use, including incidental use of highways such as for crossings.
- Mandatory liability insurance for all ORV riders in BC represents an additional cost to riders beyond current requirements – and in addition to proposed requirements for registration and licensing including contributions to the Trust Fund.
- The cumulative financial impact of these new initiatives may be unaffordable to some riders and could be met with considerable resistance – particularly from those who own and operate several machines.
- Mandatory liability insurance for young riders who participate in family-oriented ORV activities may be particularly expensive or even difficult to obtain.
- Incentives that can encourage riders to voluntarily obtain liability insurance can include potential discounts associated with taking a safe operators training course and membership in a local and provincial riding organization; streamlined insurance requirements (see below); and information/ education where riders are made aware of the many specified situations where coverage is required (e.g. use of FSRs).
- As more riders obtain insurance, premiums are expected to decrease due to economies of scale and competition.

**Recommendation #24:** The ORV Coalition recommends that the provincial government: *make the necessary legislative amendments to allow a single insurance provider to be able to meet a rider’s insurance needs for both off-road use as well as incidental public road (highway) use.*

Considerations and rationale:

- Tenured ORV users generally have their own insurance coverage via their business so this recommendation applies to public recreation ORV use.
- One private insurance provider generally offers a full range of coverage in other jurisdictions for both on- and off-road use including incidental use of highways such as crossings.
- Currently in BC only ICBC can provide on-highway insurance.
- As a consequence, to be insured, a recreational rider (currently only snowmobiles under very restrictive conditions for recreational use) must obtain full ICBC insurance for incidental public road use, and obtain separate off-highway insurance from a private insurance provider (although ICBC can also provide this).
- It is important that public recreation riders have the ability to obtain all their insurance needs from a single insurance provider; this is more efficient and likely less costly to the riders, and therefore provides an added incentive to obtaining insurance.

**Recommendation #25:** The ORV Coalition recommends that the provincial government: *prohibit operators from riding while impaired by drugs or alcohol.*

Considerations and rationale:

- This needs to be specified in law so that other riders and users, and riders themselves, are better protected.

**Recommendation #26:** The ORV Coalition recommends that the provincial government: *require use of headlight and tail light on ORVs used at night.*

Considerations and rationale:

- This is a frequent requirement in other jurisdictions to help ensure riders have good visibility and can be clearly seen while traveling at night.

### 3.3 Trails

**Recommendation #27:** The ORV Coalition recommends that the provincial government: *require that any Trust Funds used by ORV groups for new trail development (including planning) will be used for trail development and planning that is done responsibly; this means that the trail is designed to be safe and:*

- *avoids adverse impacts to specific sensitive ecological areas and associated habitat (as defined by government),*
- *strives to minimize and/or mitigate adverse environmental impacts (e.g. soils, spread of invasive plants, and wildlife),*
- *avoids adverse impacts on other users through consultation with non-motorized recreational users, tenured users, and landowners, and*
- *is consistent with approved land use plans;*

*and where:*

- *it is founded on a process of consultation with all stakeholders and public notification,*
- *there is a commitment to sustainable trail management, and*
- *explicit authorization is provided by government.*

Considerations and rationale:

- In recognition that invasive plants are an important issue province-wide and that the motorized recreation sector is not solely responsible for the spread of invasive plants; all land users have a responsibility to minimize the spread of invasive plants and to play a role in reducing their spread.
- It is also recognized that tenure holders have legal responsibility to control invasive plants, and that awareness by non-tenure users, such as the general public and people recreating on crown land, can positively contribute to the efforts to control and manage invasive plants.
- New trail development is potentially controversial for many non-riding interests and therefore it is important to clearly explain to riders and non-riders the requirements that constitute responsible trail development.

- Responsible trail development can provide needed trail use opportunities to resident and non-resident riders and thereby contribute to the province’s goal of increasing tourism revenue; trail use may also help alleviate off-trail impacts.
- This recommendation largely reflects current legal requirements for trail authorization under the *Forest and Range Practices Act* (and associated *Forest Recreation Regulation*), provisions in the Common Goal Statement, and recommended rules governing the Trust Fund (as previously discussed).
- S. 57 of the Act prohibits a person from constructing, rehabilitating, or maintaining a trail on Crown land without authorization from the minister who can specify conditions for use (e.g. to ensure consistency with land use decisions and recreation access plans). S. 4 of the regulation requires that the proponent satisfy the minister that the proposal will not cause significant risk to public safety, unacceptable damage to the environment, or unacceptable conflicts with other resource values or users.
- For the purposes of s. 57 of the Act, the regulation specifies in s. 3(1) that the “construction, rehabilitation or maintenance of a trail” does not include:
  - marking a route with ribbons, cairns or other directional indicators, or
  - minor clearing of brush, downed trees or repairs to a trail.
- S. 3(2) of regulation also states that, despite s. 57 of the Act, a person may construct, rehabilitate or maintain a trail without authorization if doing so is the only reasonable means of minimizing a risk to personal safety.
- S. 56 of the Act enables the minister to establish a “recreation trail”. Specific requirements apply to established recreation trails under the regulation and local enforceable rules can also be established and posted. Fees may be charged for use of established recreation trails to recover costs of providing a service (such as the grooming of snowmobile trails).
- It is expected that authorities under s. 56 and s. 57 of the Act will be transferred from the Ministry of Forests and Range (MOFR) to Ministry of Tourism, Sport and the Arts (MOTSA) given the transfer of forest recreation staff.
- Trust fund rules can reinforce the recommendation via various requirements such as the need for local stakeholder consultation, mitigation, and audits and penalties if rules related to the use of funds for trails are abused.

**Recommendation #28:** The ORV Coalition recommends that the provincial government: *recognize that a portion of Trust Funds can be used for maintenance and enhancement of existing trails.*

Considerations and rationale:

- Given need to clarify in detail what constitutes responsible new trail development, it is important to stress that the Common Goal Statement also notes that the Trust Fund can be used for trail maintenance and enhancement.
- Maintaining or enhancing existing trails may be a more important priority in some areas relative to the development of new trails.

- Authorization is required under s. 57 of the *Forest and Range Practices Act* for trail maintenance and, by inference, enhancement, except as noted under s. 3 of the *Forest Recreation Regulation* (see considerations under recommendation #27 for further details). Trust funds will not be used to support activities that are illegal.
- Efforts should be made to grandfather existing trails so that they are authorized under s. 57 or s. 56 (see considerations under recommendation #27). This would register and thereby help protect riders' interests in the use of trail, and would help ensure that any safety, environmental and other user concerns are addressed.
- In the context of the Trust Fund, existing trails that are seen to be problematic should be assessed through consultations with user groups and government using existing processes where in place.
- If there are environmental impacts or impacts to other users associated with trail maintenance and enhancement that were not accounted for in the authorization of the trail, then the same principles outlined in recommendation #27 need to be considered.

**Recommendation #29:** The ORV Coalition recommends that the provincial government: *make provisions in ORV legislation that trails may be prescribed as part of a provincial trail pass system by ORV type (e.g., in support of groomed snowmobile trails).*

Considerations and rationale:

- The intent of this recommendation is to enable clubs and associations to develop trail pass systems, if they so desire.
- A user-pay trail pass can be key to sustainable trail management in that it helps to ensure riding is safe and enjoyable, and potential impacts on other users and values are avoided, minimized or mitigated.
- Trail pass funds can reduce pressures to use Trust Fund monies for trails, thereby hopefully allowing more funds to be made available for the other four program areas.
- The BC Snowmobile Federation and local snowmobile clubs have a snowmobile trail pass system that has been legally adopted for some established recreation trails.
- Most jurisdictions have a legislatively recognized provincial snowmobile trail pass system that is usually managed by the provincial snowmobile federation through agreement with the province.
- A trail pass is particularly important for snowmobile trails due to maintenance costs associated with the trail grooming.
- Other ORV riders (e.g. ATV and dirt bikers) may need a trail pass in the future to help provide sustainable trail management.

**Recommendation #30:** The ORV Coalition recommends that the provincial government:

*design the ORV license system in a manner that it links efficiently and effectively with the provincial trail pass (and other incentives like insurance) to make it easy for ORV riders to obtain.*

Considerations and rationale:

- To encourage “one-stop” shopping, the issuance of a trail pass should be tied to the annual license system (i.e., where a license is prerequisite to obtaining a trail pass). That way, riders can obtain their license sticker, and efficiently decide at the same time if they also need to obtain a trail pass or possibly insurance coverage.

**Recommendation #31:** The ORV Coalition recommends that the provincial government: *require that the provincial trail pass acknowledges differences between winter and summer trail use.*

Considerations and rationale:

- For example, legislation would enable a provincial snowmobile trail pass to apply to identified (prescribed) managed (generally groomed) snowmobile trails for winter snowmobile use. The requirement for a snowmobile trail pass in the winter would not apply to, or be charged to, summer use of that trail.
- Trail passes that reflect the differences between winter and summer trail use could provide a mechanism for educating riders about potential impacts on the environment and other users (for example, inappropriate ATV use of groomed snowmobile trails and damage to wetlands when not frozen).

**Recommendation #32:** The ORV Coalition recommends that the provincial government: *allow for use of public road (highway) use (including right of way) where safe to do so in areas identified and designated by government as part of an approved ORV trail.*

Considerations and rationale:

- BC appears to be the most restrictive jurisdiction by far with respect to incidental use of public roads (highways). For example, any use of ATVs or dirt bikes for public recreation use on public roads is illegal. Legal snowmobile use is extremely restricted and cumbersome to obtain; snowmobiles must be registered, licensed and insured by ICBC under *Motor Vehicle Act* (in addition to existing requirements for registration under *Motor Vehicle (All Terrain) Act*) and (with the exception of the Gold Rush Snowmobile Trail) each individual rider must obtain an RCMP operating permit to use each applicable section of road from each applicable RCMP detachment. Sometimes there must be pre-approval in-principle to obtain the operating permit before going to ICBC, with yet another trip to the RCMP detachment once all the ICBC-related requirements have been met.
- Current restrictions in BC to incidental public road use are a major barrier to trail development, and associated economic development and tourism; these issues were raised and acknowledged at a 1999 Premier’s Economic Summit in BC but

have yet to be resolved by the province. Other jurisdictions have addressed and resolved the issue. For example, Ontario allowed for greater incidental highway use by ORVs through its 1999 *Red Tape Reduction Act*. This has allowed for long-distance trails that are an incremental part of Ontario's tourism strategy.

- Barriers to incidental public road use such as crossings not only affects use of the road right-of-way but also greatly impacts approval or authorization of the substantive portions of the trail that are away from public roads. For example, forest district managers have been reluctant to authorize trails on Crown forest land that are intended to cross a public road if there is no authorization in place to do so.
- Despite the substantive legal obstacles to incidental use of public roads such as crossings, this activity is in fact frequently undertaken by riders throughout the province. Existing legal provisions just don't make sense to riders and therefore the law is not respected and is being ignored – and seldom enforced.
- Municipal by-laws can allow road use, but many rural communities are not municipalities.
- Most other jurisdictions allow crossing of highway use where safe to do so, and allow for other types of highway use (e.g. parallel use of right-of-way away from the road surface) under specified conditions.
- The recommendation is more restrictive than what most other jurisdictions allow (since it is focused on use of public roads that are part of an approved trail), but nevertheless would be a major step forward in addressing the significant legal obstacles to trail use imposed by existing public road use restrictions under current legislation in BC.

**Recommendation #33:** The ORV Coalition recommends that the provincial government: *provide funding to help ensure incidental public road use is done safely (e.g. identify and sign crossings) in consideration of the gas tax paid by ORV riders.*

Considerations and rationale:

- Incidental public road use as part of an approved trail needs to be safely designed and managed, and may require related improvements such as signage.
- ORV riders are estimated to pay about \$14 million per year in gas tax for which they receive no direct road-related benefits with respect to ORV use.
- Government should therefore provide the necessary funding to address incidental public road use in consideration of the gas tax paid by riders; using limited Trust Fund monies for this could reduce opportunities to fund other vital program areas.

### 3.4 Compliance & Enforcement

**Recommendation #34:** The ORV Coalition recommends that the provincial government: *designate and resource the Conservation Officer Service to have the lead responsibility for compliance and enforcement of ORVs.*

Considerations and rationale:

- Currently it is unclear which enforcement officials have primary responsibilities for enforcing legal provisions that relate to ORV use in BC.
- This can cause confusion with respect to contacting the appropriate enforcement agency when infractions occur.
- The Conservation Officer Service has officers located throughout BC who regularly interact with ORV riders, and the Service has indicated a willingness to provide leadership; however, they need to be adequately resourced by government to address the proposed new requirements for registration, licensing and management of ORVs, including provisions for environmental protection.

**Recommendation #35:** The ORV Coalition recommends that the provincial government: *define ORVs in legislation in a manner that is broad enough to capture new technologies.*

Considerations and rationale:

- An “off-road vehicle” needs to be defined in legislation so that it is clear which vehicles and operators the legal provisions apply to.
- There are many examples of how “off-road vehicles” have been defined in existing legislation in other jurisdictions, including provinces like New Brunswick who have recently revised their legislation after a comprehensive Task Force review.
- The definition of ORVs needs to capture potential new technologies so that frequent amendments to legislation or regulation are not needed.

**Recommendation #36:** The ORV Coalition recommends that the provincial government: *develop a clear list of infractions in legislation.*

Considerations and rationale:

- Riders, non-riders and enforcement officials have all pointed out that the existing legal requirements in various enactments for ORV use are unclear and confusing.
- This prevents understanding by riders and non-riders as to what constitutes an infraction in law, and can frustrate officials who need to enforce the laws.

**Recommendation #37:** The ORV Coalition recommends that the provincial government: *ensure adequate prosecutorial and administrative tools including clear prosecutable offences and associated fines to help ensure effective compliance and enforcement.*

Considerations and rationale:

- An appropriate range of tools needs to be considered from ticketing to court prosecutions and impoundment of vehicles where offences are severe and/or are a high risk for public safety.
- Reasonable yet significant penalties will help ensure compliance by riders.

**Recommendation #38:** The ORV Coalition recommends that the provincial government: *direct agencies with provincial enforcement responsibilities related to ORVs to develop a Memorandum of Understanding (MOU) amongst themselves, and with the RCMP, with provincial riding organizations, and other applicable stakeholders, that clarifies how each party will work with the others to encourage compliance and enforcement of the new ORV Act, including clear “observe, record, report” guidelines.*

Considerations and rationale:

- Conservation officers, RCMP, forest officers, land officers and others may have the ability to enforce various legal provisions that apply to ORVs.
- Riding organizations, through appropriately trained volunteer wardens, can (and already do) augment and compliment the important role of enforcement officials by being the “eyes and ears” in the backcountry and through structured government programs such as “observe, record and report.” Although these opportunities are already in place, they need to be expanded.
- Other stakeholders who observe infractions by ORV riders need to understand their role in supporting enforcement officials and trained volunteer wardens.
- An MOU by all parties needs to be cooperatively prepared so that respective roles and responsibilities are clear, complimentary and mutually supportive.

**Recommendation #39:** The ORV Coalition recommends that the provincial government: *enable the Trust Fund to be used, in partnership with the provincial government, in a manner that helps ensure volunteer wardens are appropriately trained, equipped and funded.*

Considerations and rationale:

- Riding organizations such as the BC Snowmobile Federation have had a trained volunteer warden program in place for many years. These efforts need to be expanded, and other riding organizations ideally need to develop comparable programs.
- Volunteer wardens assist riders with respect to safety and education, informing them of requirements (such as registration, licensing, protecting the environment) and best practices, while providing an important trained “observe, record, report” support role for provincial enforcement officials who have compliance and enforcement responsibilities.
- The Trust Fund is a logical source of “seed” money to help ensure that volunteer wardens are appropriately trained, equipped and funded to augment and compliment the role of enforcement officials consistent with any signed MOU. This may involve providing support for enforcement officials to assist in the training programs.

### 3.5 Conservation

**Recommendation #40:** The ORV Coalition recommends that the provincial government: *provide solid, clear legislation, in consultation with stakeholders, to provide effective underpinnings for environmental protection from public recreational use that causes damage to the environment (as defined by government), where that legislation will have links with the new ORV Act.*

Considerations and rationale:

- Legal provisions to protect the environment exist by law or as a condition of tenure for tenured users of public land. For example, planning and practice requirements to protect the environment are provided the *Forest and Range Practices Act* and regulations as they apply to forest and range tenure holders. An approved Management Plan under the *Land Act* must provide measures to avoid, minimize or mitigate environmental impacts which, when approved by government, become a condition of tenure.
- There are no comparable provisions in law to protect the environment from damage caused by non-tenured public recreation use by either ORV riding or other activities such as off-road four-wheel drive use, mountain biking, horseback riding or hiking.
- Riders, non-riders and enforcement officials are frustrated by the lack of laws that protect the environment from damage caused by irresponsible ORV riders or other recreationists.
- Clear provisions in law are needed to ensure effective compliance and enforcement.
- ORV organizations promote low-impact practices and responsible riding and do not want the environmental damage caused by a few irresponsible riders (as a result of major gaps in provincial government laws) to tarnish the sport for the majority of riders who care about the environment.
- There should be general provisions to protect the environment from any damage caused by public recreation use and these umbrella requirements should be linked to ORV legislation so that they clearly apply to ORV use.
- Government must be consulted regarding what may constitute damage to the environment.

**Recommendation #41:** The ORV Coalition recommends that the provincial government: *prohibit malicious or damaging behaviour to the environment, wildlife, livestock and/or resource features from ORV use.*

Considerations and rationale:

- Similar general provisions exist under the *Motor Vehicle (All Terrain) Act* but need to be expanded to cover other resource values and to address all ORV use.
- Resource features can include a variety of important values including range developments, recreation features and cultural heritage resources as identified by government under the *Forest and Range Practices Act (Government Actions Regulation)*.

**Recommendation #42:** The ORV Coalition recommends that the provincial government: *require that ORV riders must stay on existing, visible roads and trails in sensitive habitats (as defined by government) unless authorized by government to leave the road or trail's hardened surface.*

Considerations and rationale:

- Although ecosystems vary from region to region, government definitions for sensitive ecosystems are those which are fragile and/or rare, or those ecosystems which are ecologically important because of the diversity of species they support, including wetlands, riparian areas, natural meadows and grasslands.
- Certain areas are sufficiently sensitive (e.g., grasslands and wetlands) that ORV riders, if allowed to use the area, should be required to stay on existing roads and trails and not create additional disturbances unless authorized by government in consideration of factors such as season of use. For example, a wetland may be sensitive in the summer but not in winter if frozen; an ungulate winter range may be sensitive in winter but not in summer).
- Many visible roads and trails are already in place in BC due to a variety of non-recreational and recreational activities; riders should avoid creating new disturbances where possible, particularly in sensitive areas.
- Minimizing additional linear disturbances reduces impacts on soil, habitat and rangelands, and can help reduce the spread of invasive plants.
- Where there are unacceptable environmental impacts associated with existing roads or trails, these roads or trails should be re-evaluated and possibly re-located and/or rehabilitated, based on a process of stakeholder consultation.
- ORVs must avoid roads and trails that are being reclaimed for ecosystem restoration where this is clearly marked and sanctioned by government.

**Recommendation #43:** The ORV Coalition recommends that the provincial government: *enable the Trust Funds to be used by local riding clubs to partner with other groups to rehabilitate an area should there be damage to the environment (as defined by government).*

Considerations and rationale:

- Local riding clubs would have the opportunity to use the Trust Fund to partner with other groups to repair areas damaged by irresponsible ORV use, and non-riding groups would have the opportunity to make partnership proposals.

- A partnership approach can help foster positive collaborations between local riding clubs and non-riding interests such as local conservation groups and ranchers.
- Local ORV and conservation groups are encouraged to work together with government to promote restoration planning including the identification of areas with unacceptable impacts and the use of approved rehabilitation practices and MOE advice including “best practices” documents).

**Recommendation #44:** The ORV Coalition recommends that the provincial government: *require on public land that muffler and exhaust system be kept in good working order and not be allowed to exceed 96 db as measured by approved industry standards; and promote use of spark arrestor mufflers through incentives and education.*

Considerations and rationale:

- BC has no provincial noise requirements for ORVs, and some levels are becoming increasingly recognized as industry standards (e.g. 96 db).
- Most jurisdictions prohibit modification of manufacturer’s muffler systems and/or have decibel limits.
- A spark arrestor is needed to reduce flames or sparks that could cause a damaging wildfire.

**Recommendation #45:** The ORV Coalition recommends that the provincial government: *continue to enable local government and trail managers to be able to address noise via by-laws and rules.*

Considerations and rationale:

- Noise control by-laws can be passed by municipalities; regional districts also have some authorities to control noise.
- A trail manager can restrict noise by posting an enforceable rule on a designated recreation trail using provisions under the *Forest Recreation Regulation*.
- These enabling provisions should be continued.

**Recommendation #46:** The ORV Coalition recommends that the provincial government: *endorse and/or promote the policy that “if you pack it in, you pack it out” in partnership with provincial ORV riding organization.*

Considerations and rationale:

- Recreation trails are generally managed on a “you pack in, you pack out” policy that provides for the proper disposal of garbage and helps prevent littering.
- This policy needs to be further promoted so that it is understood by all riders.

**Recommendation #47:** The ORV Coalition recommends that the provincial government: *recognize that emission standards on ORVs be federally controlled given its effect on manufacturers.*

Considerations and rationale:

- Manufacturers currently design ORVs to meet or exceed federal emission standards.
- If each province developed its own standard, it would be confusing and inefficient for manufacturers and in turn this could adversely affect dealers and riders.
- A clear and consistent federal emission standard for ORVs works best.

## **5.0 Benefits to Government**

The ORV Coalition firmly believes that the inter-related “package” of recommendations benefits riders, non-riders, the general public and the environment. The Coalition also strongly submits that the recommendations, taken collectively, will greatly benefit government. For example:

### ***Protection of the Environment***

BC has many provisions enabled in law to protect the environment from damage caused by tenured resource users including commercial recreation. BC does not have effective laws to protect the environment from the abusive impacts caused by irresponsible public recreationists, including irresponsible ORV riders. As a consequence, responsible riders, non-riders, conservationists, the general public and enforcement officials often witness significant degradation without the ability to do anything about it. This frustrates all concerned and tarnishes BC’s image to many non-residents who are aware of these serious gaps in BC’s ability to protect the environment. Some riders come to BC because there are no effective regulations, and they can cause damage that they would not be allowed to do in their own jurisdiction. This attracts the wrong riders for the wrong reasons and exacerbates damage to the environment.

The recommendations provided by the ORV Coalition, which include identifying a need for environmental protection legislation to address damage and degradation by recreationists, measures to clarify and consolidate offences, measures to address muffler noise issues and spark hazards, and the establishment of a Trust Fund authorized to devote some of its funds to conservation and stewardship projects, directly address this severe and significant oversight on the part of government.

### ***Increasing Tourism***

The province is committed to doubling tourism and to helping ensure rural communities benefit from this goal. Responsibly located and managed ORV trails are an integral part of tourism strategies in other provinces and states. Appropriately located trails not only provide opportunities for resident and non-resident riders to enjoy their sport but also shift attention away from off-trail areas where ORV impacts may be of concern. In the absence of trails in BC, resident riders spend more time and money in other provinces and states that do provide opportunities for trail riding, and BC misses out on attracting responsible non-resident riders who want to enjoy the unique riding experiences that the province has to offer.

A serious barrier to providing responsibly located and managed trails is secure funding. A second significant barrier to trails is posed by the uniquely restrictive legal requirements for incidental public road use in BC. The recommendations provided by the ORV Coalition directly address these important issues under “Trails.”

### ***Reducing User Conflicts***

The lack of ORV management and stewardship in BC has resulted in many serious user conflicts which can severely divide local communities, resource users and the public. The

province has taken an *ad hoc* role in addressing user conflicts that have only increased over time. The Coalition’s recommendations provide the basis for a sustainable multi-stakeholder approach, including support for proactive and cooperative conflict resolution. For example, many conflicts involving ORV use could be resolved as more riders become involved in organized clubs, partly in response to incentives associated with a Trust Fund.

### ***Streamlining and Reducing Red Tape***

The Coalition acknowledges that some of its recommendations increase regulatory requirements for riders; for example, through registration and licensing. However, many of the recommendations reduce the regulatory burden on riders and government and significantly reduce red tape. For example, implementation of the recommendations would:

- eliminate the current duplicative dual registration requirement for snowmobile owners (i.e. one for off road use under *Motor Vehicle (All Terrain) Act* and one for incidental use of public roads under *Motor Vehicle Act*);
- enable riders to obtain all insurance needs from one private insurance provider (rather than two as exists presently: one for off-road use, and another from ICBC for incidental use of public roads such as crossings);
- enable riders to more effectively cross public roads and use road rights of way where part of an approved trail (as Ontario enabled through its 1999 *Red Tape Reduction Act*);
- consolidate legal requirements for ORVs in one “Off-Road Vehicle Act” to make them clear to riders and agency staff (existing provisions are confusingly found in an disparate array of other enactments or are seriously omitted in other legislation).

### ***Making Riding Safer and Reducing Medical Costs to Taxpayers***

Many of the recommendations provided by the ORV Coalition are intended to require or promote safe riding. For example, recommendations to require use of helmets; to promote third party liability insurance and adult supervision for young riders; and to design incidental public road crossings in safe locations. These and other measures should help reduce accidents and fatalities associated with ORV use, which in turn, can relieve medical costs borne by the general public through taxation.

### ***User Pay***

The recommendations made by the Coalition are premised on the principle of “user-pay”. This is reflected in contributions to the Trust Fund and snowmobile trail passes. The recommendations should not increase the tax burden on non-riders, yet many recommendations are expected to increase tax revenues to the province (e.g., through increased provincial sales tax revenues associated with the sale of new and used ORVs which will need to be registered) and reduce the burden on the public purse (e.g., environmental and medical costs).

***Reducing Costs to Government***

Although some recommendations taken alone may increase costs to government, the Coalition strongly believes that overall the costs to government will be reduced through the implementation of its package of recommendations. For example:

- recommendations that better protect the environment will help avert costs associated with environmental damage and rehabilitation;
- recommendations that help reduce user conflicts will reduce the significant costs government now bears to address numerous ORV issues throughout the province;
- recommendations that make riding safer will help reduce associated medical costs; and
- recommendations to register and license ORVs should help reduce theft and associated enforcement costs to government.

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\*all ORV Coalition references available at: [www.ORVCoalitionBC.org](http://www.ORVCoalitionBC.org)

