

# **PUBLIC CONSULTATION**

***on Off-Highway Vehicles***

**[ DISCUSSION PAPER ]**

Legal Deposit

Bibliothèque nationale du Québec 2005

ISBN : 2-550-44296-2



# TABLE OF CONTENTS



	<b>MESSAGE FROM THE MINISTER FOR TRANSPORT</b>	<b>5</b>
	<b>INTRODUCTION</b>	<b>7</b>
<b>Section 1</b>	<b>LEGISLATIVE AND REGULATORY FRAMEWORK</b>	<b>9</b>
	<i>Act respecting off-highway vehicles</i>	9
	<i>Regulation respecting off-highway vehicles and other regulations</i>	10
	<i>Highway Safety Code</i>	10
<b>Section 2</b>	<b>LAND USE PLANNING</b>	<b>11</b>
	General planning rules	11
	OHVs and municipalities	12
	OHVs and agricultural areas	14
	OHVs and natural resources	16
	OHVs and provincial parks	19
<b>Section 3</b>	<b>PUBLIC HEALTH AND ENVIRONMENT</b>	<b>21</b>
	Effects of noise	21
	Impact of exhaust fumes	23
	Vehicles	24
<b>Section 4</b>	<b>SAFETY</b>	<b>25</b>
	OHVs: Safety on and off the road	25
	OHVs and financial assistance programs	29
	OHVs and public security	30
<b>Section 5</b>	<b>TOURISM</b>	<b>33</b>
	Snowmobiling: A mature tourism product	33
	ATVing: A tourism product under assessment	34
	Future of OHV tourism in Québec	35
	<b>CONCLUSION</b>	<b>36</b>

This consultation paper has not been produced within the context of the class-action suit by the Coalition pour la protection de l'environnement du parc linéaire "Petit train du Nord". Similarly, the public consultation will not focus on the facts involved in the class action. In the event of a discrepancy between this English document and the original French document, the French version will take precedence.



## Message from the Minister for Transport

Québecers invented the snowmobile more than half a century ago. Since then, this vehicle's popularity has grown phenomenally, especially through recreational usage. In 2005, there are more than 450,000 snowmobiles and all-terrain vehicles in use in Québec. We call them "off-highway vehicles", or OHVs. They are a prime tourist attraction with worldwide appeal. We have every reason to be proud of this home-grown initiative.

The public consultation on OHVs that is being held in the Spring of 2005 in the regions is the result of a real desire to find permanent solutions to the issues associated with the use of these vehicles. This discussion paper describes the situation by discussing certain observations and issues seen from a variety of perspectives, and raises questions for which the public and groups concerned can suggest possible answers. It will serve as the basis for discussion during the public consultation hearings.

The Government cannot resolve this matter alone. The issues at stake call for all stakeholders to become involved, including Regional County Municipalities, Regional Elective Councils, municipalities, manufacturers, federations, and all of the people and organizations that have to participate actively in shaping innovative solutions that are suitable for each setting.

The proposed solutions must be in keeping with the Government's top priorities, which include sustainable development, regional economic development, and improving public health and safety through prevention.

The challenge that faces us in this process is to strike the right balance between ensuring that residents enjoy tranquility and a healthy environment and allowing users to engage in their recreation freely and safely.

In this context, I invite every concerned person and organization to take part in this public consultation. I am convinced that, together, we will discover ways to arrive at a harmonious coexistence.

Julie Boulet  
Minister for Transport  
And Minister responsible for the Mauricie region







## INTRODUCTION

In Québec, off-highway vehicles (OHVs), namely snowmobiles and all-terrain vehicles (ATV), which are also known as “quads”, not only have recreational and practical uses, but in many regions, they also provide substantial leverage for economic development. However, with governments and Québécois increasingly sensitive to protecting public health and the environment, the time has come to question both how to position the use of these vehicles and the future development of these activities in Québec society.

In light of this, it is important to find permanent solutions that balance the expectations of residents with the expectations of users, without losing sight of the \$2 billion dollars<sup>1</sup> that these industries generate, \$800 million of which is involved in manufacturing<sup>2</sup>, along with 1,200 jobs. The cost of OHV accidents to the health system must also be considered.

The proposed solutions must be in keeping with the Government’s top priorities, which include sustainable development, regional economic development, and improving public health and safety through prevention.

In this context, the effects on the environment and the health of users and residents must be addressed. Speeding or altering vehicles in order to make them louder, frequent traffic near residential areas, the steadily growing number of OHVs, and the power of these vehicles are a few of the problems raised. From the standpoint of sustainable development, the challenge is to find ways to improve the quality of people’s lives and to uphold everyone’s right to a quality environment.

For a solid grasp of the importance of the issue, it is important to note that the number of OHVs in use in Québec has risen very sharply over the past 15 years, from 194,988 registered vehicles in 1990 to 456,146 in 2004. The steepest climb came in the number of ATVs, which quadrupled during that period, to 294,706 registered vehicles in 2004. Assuming that at least two people use each vehicle, Québec has close to one million OHV riders.

The recreational use of these vehicles on trails is overseen by two non-profit organizations, the Fédération des clubs de motoneigistes du Québec (FCMQ) and the Fédération québécoise des clubs quads (FQCQ), which have 85,000 and 51,000 annual members respectively. Snowmobilers have a 33,500-km network to travel, and ATV riders a 17,000-km one, more than half of which is accessible in winter, and more than one quarter of which is accessible year-round.

Trail layout, maintenance, signage, and supervision are handled by volunteer members of the two federations’ clubs. They are also the ones who every year negotiate wayleaves with landowners. The FCMQ negotiates 50,000 wayleaves each year, while the FQCQ negotiates 7,000. These rights can be cancelled at any time, which means that the continuity of a trail can be broken, not only making it problematic for users, but also creating a negative impact on tourism in areas where this occurs, because trail conservation is vital for tourism development.

1 Zins Beaudesne study in 2002 and 2003 study by the Fédération québécoise des clubs quads (FQCQ).

2 It should also be noted that the ministère du Développement économique, de l’Innovation et de l’Exportation, in association with certain partners, is now doing a technical-commercial study that will provide a more accurate portrait of Québec’s position in manufacturing recreational motor vehicles.



To cover part of the costs of grooming, as well as the purchase of grooming equipment and signs, there is a \$25 surcharge on OHV registration for snowmobiles, and a \$6 surcharge for ATVs. This program is administered by the ministère de l'Éducation, du Loisir et du Sport. In 2005-2006, the FCMQ will receive \$4 million, and the FQCQ will receive \$1.8 million. The federations also charge access fees for their trails to go towards development and grooming costs. All OHV traffic is governed by the *Act respecting off-highway vehicles*, which is administered by the ministère des Transports du Québec.

By providing an overview, this paper is meant to lay the groundwork for discussion in the public consultation concerning OHVs. It describes the present situation from a variety of perspectives, including the legislative and regulatory dimension, land use planning, health, the environment, safety, and tourism, and asks fundamental questions about these issues. It also aims to inform individuals and groups who are interested in voicing their views during the consultation.

The Government is counting on all of its key partners in this area, namely the Regional County Municipalities, Regional Elective Councils, municipalities, manufacturers, federations, various organizations, and all citizens to develop means and to find compromise solutions that are adapted to each region.





The use of OHVs is primarily governed by the *Act respecting off-highway vehicles*, which was passed in 1996, and by three regulations: the 1972 *Regulation respecting snowmobiles*; the 1988 *Regulation respecting all-terrain vehicles*; and the 2004 *Regulation respecting off-highway vehicles*.

### Act respecting off-highway vehicles

The Act regulates the use of OHVs on public and private property and roads. It establishes traffic rules and specifies the mandatory equipment for users and vehicles, as well as the obligations of the clubs that operate the trails. The Act further stipulates that peace officers and trail security officers are responsible for its enforcement. Finally, the Act indicates what provisions it constitutes an offence to violate, and the applicable penalties. Here is a more detailed look at a few of the obligations set forth in the legislation and regulations.

#### Scope:

- The Act applies to snowmobiles and all-terrain vehicles (ATV);
- ATVs must be motorized, equipped with handlebars and at least two wheels, and designed to be straddled; hence they include four-wheel ATVs (quads), three-wheel ATVs, and off-highway motorcycles.

#### Mandatory equipment:

- Riders must wear a helmet; if the helmet has no visor, safety glasses are required; proper footwear is also required;
- OHVs must have an exhaust and a braking system, a white headlight and a red stop light, a rear-view mirror, and a speedometer.

#### Where permitted:

- OHVs are generally allowed on public land and private roads;
- On private land, the owner's permission is required;
- Travel on public roads is only allowed as an exception and requires explicit permission from the network manager, namely the ministère des Transports or municipality, within the limits established by the Act;
- OHVs may not be operated within 30 m of a home; however, a municipal bylaw may modify that distance.

#### Trail layout:

- In order to lay out a trail, a club must obtain permission from the owner of the land or the competent authority;
- A club that operates a trail must lay out and maintain it, and put up signs;
- Clubs may charge access fees to use their trails.

#### Drivers and passengers:

- The minimum age for driving an OHV is 14; 14 and 15 year old drivers are required to have a certificate of competence;
- A driver's license is only required for driving on a public road within the limits set by law;
- The owner of an OHV must have at least \$500,000 of civil liability insurance; note that the Société de l'assurance automobile du Québec (SAAQ) automobile insurance plan generally does not compensate OHV accident victims unless the accident occurs on a public road and also involves a road vehicle in motion;
- Carrying more passengers than the capacity specified by the OHV manufacturer is prohibited; if there is no specification, only one passenger may be carried on a snowmobile and none on an ATV.



#### **Traffic rules:**

- The speed limit for snowmobiles is generally 70 km/h, and 50 km/h for ATVs;
- OHV drivers must obey the signs and follow the orders of a peace officer or trail security officer.

#### **Fines:**

- vary, depending on the offence;
- \$250 for speeding;
- \$100 for not wearing a helmet;
- \$500 for allowing someone under the age of 14 to drive.

#### **Regulation respecting off-highway vehicles and other regulations**

The *Regulation respecting off-highway vehicles*, along with the *Regulation respecting snowmobiles* and the *Regulation respecting all-terrain vehicles*, complement and clarify certain provisions of the 1996 *Act respecting off-highway vehicles*. The snowmobile and ATV regulations were adopted under the *Highway Safety Code*, which preceded the Act. Some sections of the regulations were incompatible with the Act, and therefore, the 2004 *Regulation respecting off-highway vehicles* repealed those that had lapsed in 1996. Here is a summary of the main provisions of the three regulations in effect.

#### **Regulation respecting off-highway vehicles:**

- 30 km/h speed limit within 30 m of homes;
- No driving between 10:00 p.m. and 6:00 a.m. on trails laid out on abandoned railroad rights-of-way; municipalities may modify those times by bylaw;
- Establishment of the criteria for recruiting trail security officers;
- Standardization of signs (dimensions, shape, installation).

#### **Regulation respecting snowmobiles:**

- Every snowmobile exhaust pipe must have a muffler;
- The mandatory equipment must not be altered, particularly the exhaust system;
- A segment of trail laid out on a frozen body of water must only be used during the period determined by the trail operator, who must provide sufficient information for snowmobilers likely to use it;
- In general, a snowmobiler cannot use a trail that is reserved exclusively for another sport.

#### **Regulation respecting all-terrain vehicles:**

- No person may drive an ATV where the muffler installed by the manufacturer has been modified, removed or rendered inoperative.

#### **Highway Safety Code**

The *Highway Safety Code* basically applies to OHVs only for registration, which is mandatory even if the OHV is only driven on private land. The Code gives municipalities the power to regulate OHV traffic on public roads under their jurisdiction.



### General planning rules

The *Act respecting off-highway vehicles* requires clubs that operate OHV trails to obtain a wayleave from every owner of land their trails cross.

The wayleave is generally granted for free with a one-year term. This principle ensures respect for property rights. However, it means considerable work for the club volunteers, who have to meet with all the landowners every year. Moreover, the landowners can rightfully refuse or revoke a wayleave. This results in having to alter the route of trails and possibly substantial layout costs for the clubs, such as for clearing woods or building bridges and culverts. To encourage landowners to renew rights-of-way, the Fédération des clubs de motoneigistes du Québec (FCMQ) has organized a program that thanks one landowner every month by holding a draw for prizes, such as tractor accessories.

The Act generally prohibits OHVs from passing within 30 m of a home, health establishment, or place intended for educational, cultural, recreational, or sports activities. Municipalities may pass a bylaw to change the 30-m minimum. However, this distance does not apply with express authorization from the home's owner or tenant, on public or private roads, or on trails laid out on abandoned railroad rights-of-way and indicated on a land use planning and development plan.

Trails on abandoned railroad rights-of-way are often considered links between regions and their geometric configuration often make them snowmobile freeways. These trails are therefore considered the ones capable of producing the most economic benefits for regions. However, the possible proximity of homes also makes them places with an increased risk of conflicts concerning usage. Since passage of the *Regulation respecting off-highway vehicles* in December 2004, driving on them between 10:00 p.m. and 6:00 a.m. is prohibited. Municipalities have the authority to pass a bylaw to change those times in order to adapt them more closely to local circumstances.

Throughout Québec, the speed limit for OHVs is now 30 km/h on all trails located within 30 m of homes, even when on abandoned railroad rights-of-way.

Even though the two OHV federations have signed a memorandum of understanding intended to separate ATV from snowmobile trails for safety reasons, there are some exceptions where segments of trails are used jointly to reduce the number of road crossings or to reach a shared bridge. However, there are few parallel ATV and snowmobile trails, which could concentrate OHV traffic in certain agreed-upon places. OHV clubs are increasingly asking municipalities to use local or regional facilities that are normally not used in winter, such as bicycle paths. In some regions, such joint usage is giving rise to conflicts.



### QUESTIONS

- 2.1 What criteria should be followed in laying out trails to ensure respect for frontage residents, especially in terms of what distances to maintain and what measures to adopt for mitigating the inconveniences?
- 2.2 Should traffic rules for OHVs be considered in order to reduce the irritants for residents, such as banning driving at night on all trails?

## OHVs and municipalities

Municipal authorities are increasingly confronted by the issue of OHVs, because snowmobile and ATV riding has surged in popularity in recent years, and trails and paths are managed at the local and regional level. Since the 1990s, the government has acquired abandoned railroad rights-of-way in order to maintain their integrity and keep them in the public domain. Thus 1,300 kilometres of snowmobile trails were built on abandoned railroad rights-of-way. In many cases, management of those rights-of-way has been assigned to the Regional County Municipality (RCM) under a 60-year lease that makes the RCM responsible for developing, improving and maintaining the right-of-way. Some RCMs have made non-profit groups responsible for organizing activities in those rights-of-way (cycling, snowmobiling, cross-country skiing etc.). This has led to the creation of many regional parks.

### a) Municipal powers over OHV traffic

On public land, OHV traffic is allowed subject to the conditions, restrictions or prohibitions established by law, government regulation, or municipal or RCM bylaw.

#### A local municipality may pass a bylaw to:

- Allow OHVs to travel on some municipal public roads subject to certain criteria. These bylaws require Minister of Transport approval. This issue is discussed in more detail in the section entitled "Safety" below<sup>3</sup>;

- Set speed limits on some public or municipal land, prohibit or limit OHV traffic there to certain types of vehicles or periods of time and, in the case of such restrictions, establish specific operating conditions<sup>4</sup>;
- Establish the distance, particularly from homes, within which OHV traffic is prohibited. This distance does not apply where the owner or tenant of the house has given express authorization, on public or private roads, or on trails on abandoned railroad rights-of-way that are indicated on an RCM's development plan<sup>5</sup>.

The inclusion of these trails in an RCM's development plan involves prior public consultation. However, it may be difficult for a resident to foresee all of the consequences of the RCM's development plan and oppose it.

OHV trails generally form circuits that can be considered regional infrastructures. Still, there can be a certain lack of coordination with respect to the development plan for these trails and different municipal bylaws in the same region.

Some RCMs have formed coordination panels to improve trail planning at the regional level and thereby ensure some permanence of the network.

<sup>3</sup> Section 626 and 627 of the *Highway Safety Code*.

<sup>4</sup> Section 48 of the *Act respecting off-highway vehicles*.

<sup>5</sup> Section 48 of the *Act respecting off-highway vehicles*.

## QUESTION

- 2.3** Should RCMs or RECs play a greater role in coordinating and harmonizing OHV trail development, layout, and municipal bylaws, particularly through regional coordination panels? If so, how?



Moreover, the Regional Elective Councils (REC) are coordinating and planning bodies made up of elected municipal officials and representatives of various socio-economic sectors. The RECs are the Government's preferred voice in the realm of regional development.

**b) Land use planning**

The *Act respecting land use planning and development* requires an RCM's development plan to describe and plan the organization of ground transport. RCMs therefore have to identify OHV trails. Identifying and locating these trails are important because the development plans are subject to public consultation. This process allows people to state their views on issues related to OHV trails, but sometimes they do not have sufficient information to realize all the ramifications of a sometimes voluminous and complex development plan.

Moreover, the course of trails in a development plan can quickly become obsolete. In fact, their location can change from one year to the next as a result of changes to wayleave agreements with private land owners.

In their development plan, RCMs also have to determine the thoroughfares whose current or planned presence means that land use near them is subject to major restrictions for reasons of public safety, public health, or general well-being. In this respect, RCMs can oblige municipalities<sup>6</sup> to adopt provisions in their zoning and subdivision bylaw for controlling or prohibiting subdivision and land uses as well as buildings and structures

near OHV trails. Based on the available information, these provisions have never been applied to OHV trails.

On a regulatory level, local municipalities could intervene more actively to control the location or establishment of planned uses near OHV trails. In fact, all too often they simply use the usual zoning and subdivision rules whereas they could also regulate by restriction as mentioned above.

Also, when using their regulatory powers under the *Act respecting land use planning and development* (comprehensive development program, site planning and architectural integration program, conditional uses and special projects to construct, alter or occupy a building), local municipalities could take into account the impact of the presence of an OHV trail near the proposed site for a project. These powers make it possible to assess a project's qualitative dimension and attach special conditions to its implementation. Despite these options, the presence of residences and existing uses near such a trail remain an issue difficult to solve simply by regulating development.

Aside from some specific issues, RCMs and local municipalities have the necessary powers to determine the location of trails on their territory and regulate activities next to them. However, they do not use them sufficiently, perhaps because of unfamiliarity with the available options, including the technical solutions or means available to them. In fact, municipalities are not necessarily aware of best development practices for areas bordering trails and measures for mitigating the effects of

<sup>6</sup> Section 5 of the *Act respecting land use planning and development*.

**QUESTIONS**

**2.4** Do RCMs and local municipalities have the tools required to properly manage OHV operation on their territory?

**2.5** Is a permanent network desirable?

OHV operation on the surrounding area because there are no known rules on setbacks, building materials for dampening reverberation, the orientation of buildings, or any other measures to consider in developing land located near OHV trails.

### **c) The new OHV regulation and its impact on municipal finances**

The stricter operating rules in the *Regulation respecting off-highway vehicles* passed in December 2004 might require more policing. Municipalities might therefore have to bear some of the financial impact because, under the Police Act, the basic services that municipal police forces or the Sûreté du Québec have to provide for the public include enforcing the *Act respecting off-highway vehicles* and policing OHV trails.

The new regulatory measures include:

- No driving an OHV at more than 30 km/h in areas within 30 m of a home;
- No driving an OHV between 10:00 p.m. and 6:00 a.m. on trails laid out on abandoned railroad rights-of-way that are indicated on an RCM's development plan. Local municipalities may modify those times.

The potential additional cost to municipalities could be offset by a provision of the Regulation that gives trail security officers official status. The role of these sworn officers is prevention and education along the trails. They are volunteers whose patrolling complements that of peace officers.

### **OHVs and agricultural areas**

Many OHV trails are located in agricultural areas on properties often owned by farmers.

Year after year, the agricultural world in a spirit of coexistence has accepted the consequences of the presence of these trails. In the case of snowmobiles, the disadvantages are rather slight given the seasonal nature of the activity. However, with the development of ATV trails used year-round, the agricultural world faces the presence of a more worrisome activity on its territory.

Moreover, sometimes farmers have to work on their property near snowmobile or ATV trails, particularly when tree farming or tapping maples. This increases the risk of accidents, especially when felling trees or hauling logs with machinery.

#### **a) Snowmobile trails on farmland**

The snowmobile trails were mainly developed in the early 1970s. At first, coexistence was not easy. However, mutual recognition has facilitated the settlement of most of the conflicts over the years.

The main concern associated with snowmobile trails in agricultural areas is loss of yield on the trail strip. Even though fields and pastures or cultivated soil are less sensitive, the ground freezes more under snowmobile traffic, which can mean lower yields and delayed planting. As yet, there seems to be no precise assessment of the financial losses that might be caused by the presence of the trails, but they would appear to be marginal in relation to overall farm operations. Under normal circumstances, no compensation would be paid to the farmers.

In areas where farmers raise livestock in pastures, openings are made in the fences for snowmobiles to pass. While the direct costs are low, the farmers have to do the work of opening and closing the gaps before and after each winter.

In wooded agricultural areas, the trails are usually laid out on existing bush roads. Hence the loss of yield is minimal. Access to the woods and safety during tree-farming operations could, however, be compromised.

As for noise, there is no study associating damage to livestock with the proximity of the trails.

The development of maple syrup production and use of tubing for harvesting also poses a problem that has emerged over the years. Maple syrup producers have to do additional work to allow the trails to be used. Although the necessary techniques exist, this can mean extra costs and occasionally less productive harvesting equipment. However, the clubs can contribute towards the costs.

### **b) ATV trails on farmland**

The context of ATV trail layout differs from that of snowmobiles because it is a summer, winter or year-round activity.

The coexistence of agriculture and summer or all-season trails is more difficult. The presence of crops in fields and fences, and the lack of snow to fill agricultural ditches make ATV traffic a greater concern for farmers.

Coexistence in tree-farming or maple-growing areas is generally easier. Since tree harvesting is usually done in the fall or winter, the impact of ATVs is comparable to that of snowmobiles, but ATVs travelling on wet bush roads can mean extra maintenance costs. However, the clubs generally take care of trail maintenance and the related costs.

### **c) Multiple usage and coexistence**

A growing number of studies indicate that agricultural areas allow for a multiplicity of uses that are a source of wealth for both the community and individuals.

Hence the fact that recreational activities requiring large amounts of space can be engaged in on farm property enables economic development that benefits a number of groups. Some types of agricultural activities, such as sugar cabins, can take advantage of this economic input by offering food services to OHV riders.

Despite common economic interests, it should not be forgotten that the recreational activity takes place on private property. The owners want to make sure that the trail routes minimize potential damage. Negotiating wayleaves makes it possible to determine the best course.

For the agricultural world, OHV traffic is part of a much larger whole that encompasses harmonious coexistence and recognition of the development of agricultural activities by farmers.

Some farmers, together with their association, sometimes use pressure tactics by calling into question granting wayleaves to OHVs to negotiate certain issues with government bodies.

## **QUESTION**

**2.6** What measures might ensure access to land and improve agricultural community participation without calling into question the granting of wayleaves?

## **OHVs and natural resources**

### **a) OHVs on public land**

The *Act respecting lands in the domain of the State* stipulates that this land is generally open to everyone. However, there may be certain exceptions specified in a law or regulation. The layout of different types of trails on public land, such as those for OHVs, requires authorization from the Minister of Natural Resources and Wildlife.

The ministère des Ressources naturelles et de la Faune (MRNF) has approved the layout of more than 18,000 km of recreational trails on public land. In addition to this, a large number of trails use forestry roads and require no specific authorization. Snowmobile trails, with 11,500 km, account for most of the recreational trails on public land. This is included in the 33,500-km network of FCMQ trails.

Upon receiving a request to lay out a trail on public land, the MRNF takes into consideration the compatibility of that usage with those already in place and the property rights already granted on that terrain. Certain planning documents, approved together with regional partners, serve to govern and plan the issuance of authorizations for such trails in order to limit usage conflicts on public land.

### **b) OHV access to forestry roads**

OHV clubs charge a fee for using their trails. The money is used mainly to cover the costs of maintenance and signs for their network. However, when a trail is on a forestry road, the clubs may not charge a fee for using it. In fact, the road retains its status as a forestry road and must remain freely open to all. In this regard, there is some confusion about public lands among the various users of forestry roads such as trappers and cottage owners, and OHV clubs. Sometimes the latter, when operating trails with segments that use a forestry road, ask other users of the road to pay the toll, but on a forestry road, the OHV clubs have no rights other than to use it just like anyone else. They have no right to operate a trail or charge a fee on forestry, mining or other roads, because these roads are freely open to all.



### c) OHVs and Hydro-Québec facilities

Various OHV clubs ask Hydro-Québec for wayleaves. Thus OHVs travel along power lines, on bodies of water such as reservoirs, and on some dams. The main purpose of the various roads built by Hydro-Québec is to provide access to its equipment for maintenance and repair, and not to accommodate OHVs.

Hydro-Québec identifies three types of locations for wayleaves, namely:

- its own property (near substations, power lines, power stations);
- servitudes on private land;
- public land made available to it by the MRNF.

With respect to the distribution network, at present Hydro-Québec Distribution has yet to adopt an official management practice. Its involvement is done in ad-hoc fashion on the land, the priority remaining the safety of the public and its equipment, as well as user accountability.

Hydro-Québec is presently working on establishing a uniform management practice for OHV traffic on its properties. The process is in the deliberation stage. Some 80 agreements have been signed with OHV clubs. These authorizations are signed annually, and cover a five-month period from November 15 to April 15. The authorization can be cancelled upon simple notice from the government corporation, and they must not interfere with Hydro-Québec's ability to carry out its mission.

### d) Wildlife territories

In controlled zones (ZECs), outfitting operations or wildlife reserves, OHVs can travel subject to the specific provisions for each type of land, which mainly involve registration of the people, fees and the specified locations. It is also worth distinguishing two types of users: members of a ZEC or outfitting operation that use OHVs for hunting and fishing, and outside users in the form of OHV club members who cross these areas to get to another trail.

The main issue encountered by OHV club members in ZECs is the double fee for travelling on federated trails. After several years of negotiations between the Fédération québécoise des clubs quads (FQCQ) and the Fédération québécoise des gestionnaires de ZEC (FQGZ), an agreement was reached that allows FQCQ members to travel in ZECs without paying the normal toll if they have a sticker that costs \$30 a year and they use the trails maintained by the FQCQ. However, there are still a few problems with implementing this agreement in certain ZECs. No agreement has yet been reached with the FCMQ despite talks along those lines.

On wildlife reserves, OHV regulation is limited to the trails that are laid out for that purpose by OHV clubs in the cases specified for users or employees doing their jobs. The Société des établissements de plein air du Québec (SEPAQ) works on controlling off-trail traffic and planning trails with OHV clubs.

## QUESTION

**2.7** Could more widespread use be made of the land under Hydro-Québec power lines to lay out OHV trails?

At outfitting operations, operating OHVs is also allowed providing the persons register. Moreover, outfitter customers commonly go for OHV rides as part of the activities offered by lodges.

On wildlife sanctuaries, OHV traffic is prohibited aside from the exceptions that are provided for by regulation.

### **e) Wildlife habitats and fragile environments**

OHV traffic in aquatic settings and wetlands can have an impact on fragile wildlife habitats. Unless guided, OHV traffic on waterways, marshes, swamps, peat bogs and tidal flats has the potential to damage these wildlife habitats.

The purpose of the *Regulation respecting motor vehicle traffic in certain fragile environments* (Q-2, r.2.2) is to protect these environments such as marshes, swamps, peat bogs, dunes, beaches and shores. OHV trails that require major layout work or run along river banks, or through aquatic settings or wetlands are subject to section 22 of the *Environment Quality Act* in terms of the obligation to hold a certificate of authorization. Other provisions also apply: the *Act respecting the conservation and development of wildlife*, the *Regulation respecting wildlife habitats*, the *Fisheries Act*, the *Forest Act* and the *Regulation respecting standards of forest management for forests in the domain of the State*.

Persistent OHV traffic, especially off-trail, and the proliferation of trails can have an impact on wildlife such as habitat deterioration and behavioural changes in wild animals.

To minimize the damage caused to wildlife habitats, the FQCQ and Fondation de la faune du Québec (FFQ), in association with the Government departments concerned, have published a layout and maintenance guide for ATV trails. However, laying out trails in line with the guide's recommendations means costs for the clubs, particularly for constructing infrastructures that are both safe for users and adapted to the wildlife habitats.

## QUESTION

- 2.8** What should be done to minimize the impact on wildlife of OHVs travelling through wildlife territory and habitats

### OHVs and provincial parks

Regulations prohibit operating OHVs in Québec provincial parks. Hence there are no ATV trails. As a general rule, snowmobiles are also banned from provincial parks. However, snowmobiles are allowed in a few rare situations, for very specific circumstances and as an exception, such as a recreational vehicle on official trails that existed before the park was created and that serve as an interregional link essential for the continuity of the Trans-Québec trail network.

This tolerance, however, is limited and temporary. Thus there are some snowmobile trails in provincial parks that had already been laid out there when the regulation was adopted. The wayleave granted to these trails will only remain until a course acceptable as an alternative is built outside the park. With new parks, the alternative trail must be laid out as quickly as possible, with a deadline of three years after the park's creation.

At present there are nine snowmobile trails in 5 Québec provincial parks, spanning a total of 115 kilometres that break down as follows:

Mont-Tremblant	4 trails	85 kilometres
Mont-Valin	2 trails	21 kilometres
Plaisance	1 trail	6 kilometres
Oka	1 trail	2 kilometres
Mont-Orford	1 trail	1 kilometre

Alternative solutions are under study to identify, together with the stakeholders involved, other acceptable courses outside the five provincial parks concerned.





OHV noise and exhaust fumes are the main sources of concern for the health and welfare of people living along OHV trails. Transport Canada imposes noise and exhaust fume certification standards on all OHVs sold in the country. Furthermore, OHV operation is subject to the specific rules contained in the *Act respecting off-highway vehicles* and its regulations. Their enforcement can contribute to controlling these kinds of issues to a certain extent.

### Effects of noise

In the present-day state of knowledge, the perception of inconveniences due to noise depends on the nature of the source of the sound and its acceptance by communities. Socio-acoustic studies show that there are substantial differences in the perception of the annoyance between the sound of rail, road and air traffic for identical average noise levels. OHV traffic has specific acoustic characteristics and it would be hazardous to assess the annoyance by using the models applicable to any of the other previously mentioned forms of transportation.

Development of a model for predicting the acoustic impact of OHV traffic, such as the one for road traffic noise, would enable better assessment of the acoustic impact on the basis of appropriate indicators before embarking on the operation of a trail or altering its course. It might also eventually be useful in terms of dealing with the existing issues.

Motor vehicles such as OHVs can create a certain level of noise that can be unexpected, unpleasant or undesirable. The noise can have an effect on a portion of the exposed population.

In fact, depending on the decibel level, the noise may affect the hearing of the people exposed to it, and interfere with communication. As a result of the interference that it may cause, the noise could also be associated with certain safety problems. Depending on the level, it may add to stress to some extent, and in the long run, may become an additional risk factor for the occurrence of cardiovascular problems. If the noise is too loud at night, it can disrupt sleep.

Those with the most exposure to OHV noise are primarily the riders themselves because of their close prolonged contact with the vehicle. Thus regular riders can be exposed to high noise levels for several hours a day. Although wearing a helmet is a mitigating factor, the noise level can be high enough to interfere with oral communication in particular and possibly, in the more or less long term, affect hearing.



## QUESTIONS

- 3.1 What measures could be taken to reduce the noise and odours from OHV traffic?
- 3.2 Did the regulation adopted in December 2004 make it possible to ensure a better quality of life for people living or staying near OHV trails?

Even though the vast majority of marked trails are located far from homes, some segments run next to or through residential areas, particularly to get to food, lodging or fuel. People living near OHV trails can then be subjected to certain levels of noise which, depending on the circumstances, the distance between the trail and homes, the speed of the traffic, the traffic volume, the type of OHV engine, the time of day, are likely to cause more or less pronounced effects on their health.

A key issue is the right of people living near areas crossed by OHVs to a peaceful acoustic environment and to quiet. Another big issue is the noise at its source. Aside from the decibel level of snowmobiles leaving the manufacturing plant, the environmental noise created by OHVs is not governed by any specific regulation protecting hearers.

The ministère du Développement durable, de l'Environnement et des Parcs is issuing a guideline on noise from stationary sources that sets certain ceilings based on the time of day and zoning. The ministère des Transports du Québec also has a policy on noise limits for the highways and autoroutes under its jurisdiction. Meanwhile municipalities have the power to regulate noise but have rarely adopted bylaws on environmental noise from mobile sources.

Other issues involve adjusting the course of certain segments of trails to move OHVs away from inhabited areas. Another relates to the behaviour of OHV users, such as speed and the time of the traffic.

## QUESTIONS

- 3.3** How can we arrive at a better assessment of the public perception of the acoustic impact of OHV traffic?
- 3.4** Is there some other way to control the behaviour of users in the most sensitive zones?

### Impact of exhaust fumes

Under given dispersal conditions, the odours can be controlled by work on the route, trail operating conditions, and the environmental performance of engines. Ideally, all the conditions should be such that the odours are imperceptible at all times. Odour dispersion models can be developed or used to assess the olfactory impact more precisely.

Many OHVs presently in use have two-stroke engines. This technology, mainly due to incomplete combustion of the hydrocarbons, emits certain amounts of pollutant gases into the environment.

These gases are primarily:

- asphyxiating gases such as carbon monoxide;
- irritating gases such as nitrogen oxide (NOx), sulphuric oxide (SOx) and fine particles;
- volatile organic compounds such as benzene from incompletely burned gasoline in two-stroke engines.

Forming convoys can contribute to users experiencing increased exposure to the exhaust gases.

Moreover, it should be noted that in 2000 Environment Canada<sup>7</sup> estimated that all snowmobiles and ATVs in Québec annually emitted approximately 400,000 tons of carbon dioxide (CO<sub>2</sub>) into the atmosphere. By way of comparison, in 2000 the road transport sector (light and heavy vehicles) emitted some 28 million tons of CO<sub>2</sub>.

Emissions of volatile organic compounds and nitrogen oxide can lead to urban smog.

The introduction of vehicles with engines that perform better in terms of environmental protection and the replacement of traditional two-stroke engines represent a significant issue for the protection of health and the environment.

With the scheduled application in 2007 of new federal approval standards for OHV exhaust gases, one can expect a steady improvement as the fleet of vehicles is gradually replaced.

<sup>7</sup>*Reducing Emissions of Greenhouse Gases from Off-Road Vehicles and Equipment, A Discussion Paper*, Transportation Systems Branch, Environment Canada, September 2004, Appendix C, p. 67-68.

## Vehicles

OHV construction standards fall under federal jurisdiction. Those currently applied, such as the ANSI/SVIA (American National Standards Institute/Specialty Vehicle Institute of America) ones for ATVs, are those used for North America. However, the legislation and regulations now in force in Québec specify certain mandatory equipment for OHVs, such as an exhaust system, rear-view mirror, and speedometer, although some manufacturers do not equip all of their models with all of the required equipment.

The *Act respecting off-highway vehicles* prohibits removal of the mandatory equipment and equipment necessary to operate an OHV. Also forbidden is altering an OHV so as to reduce its stability or braking capacity or to improve its power of acceleration.

In Canada, there is no specific standard governing the installation of four-stroke instead of two-stroke engines in OHVs, even though more and more new OHV models are equipped with four-stroke engines. Some manufacturers are currently working on developing advanced technologies for environment protection, but these technologies are not yet ready for application to OHVs.

Even when they do become applicable to OHVs, these technologies will only be found on new vehicles. Older models will still remain in use for some time, and it will take years before the vehicle fleet is renewed. In 2003 the average age of snowmobiles in Québec was 8.5 years, and 8.7 years for ATVs.

### QUESTION

**3.5** What technological advances might improve vehicle performance in terms of environmental protection?





## OHVs: Safety on and off the road

### a) Use of public roads

The *Act respecting off-highway vehicles* generally prohibits OHVs from travelling on public roads. The concept of public road that applies is the one found in the *Highway Safety Code*; hence it includes the full width of the road right-of-way from one fence to the other, and excludes the forest roads under MRNF management. The Act also states that the required minimum distance of 30 m between homes and OHV trails does not apply to public roads. This means that OHVs can travel there, within the limits allowed by the Act, within 30 m of homes.

The Act also makes certain exceptions to the ban on travelling on public roads, particularly use of the roadway for a maximum distance of 500 m to reach a service station or another segment of a trail where appropriate road signs are installed. For all these exceptions, authorization from the manager of the road network, namely the ministère des Transports or the municipality, is required. The resulting authorization is a privilege and not a right. For safety reasons, this type of traffic has to remain limited and an exception.

Depending on the parts of road used and distances they cover, the authorization might require the passing of a bylaw. Municipal bylaws allowing OHVs to use public roads must be approved by the Minister of Transport in order to take effect. To foster more direct local community involvement, some municipalities want the approval process to be simplified.

Travelling on the banked edge, i.e.: the part of road right-of-way between a ditch and a fence, can also be authorized within the framework specified in the *Regulation respecting off-highway vehicles*. The essential criteria that must be met include an obligation on the part of the OHV club that wants to use the banked edge to reach an agreement with the road network manager.

Road crossings must be at the locations where allowed by the road network manager. Those locations meet standards, especially with respect to visibility distances, and are marked by appropriate road signs.

In all instances, the managers that give the authorizations must ensure that the requested traffic is safe. In fact, travelling on public roads in an OHV can be hazardous. Moreover, according to ATV manufacturers, these vehicles are not designed for use on public roads or asphalt pavement. Every year, approximately 15 OHV fatalities occur on public roads, which represent more than one quarter of all OHV deaths.



## QUESTIONS

- 4.1 Should OHV traffic on public roads be regulated differently, particularly by revising the maximum distances allowed?
- 4.2 Should the mechanism for approval by the Minister of Transport and the ability of municipalities to pass bylaws that permit OHV traffic on public roads be revised?

## **b) Use of forestry roads**

Forestry roads are used by a very large number of users, including forestry companies. More and more often, OHVs are travelling on forestry roads. The joint use of forestry roads by OHVs and different road vehicles, including many heavy ones, can be expected to increase the number of accidents.

In fact, driving on forestry roads can often become risky because one has to expect to cross paths with heavy trucks used in logging operations. These trucks very often drive down the middle of the road to avoid unbalancing their load on soft shoulders, making it harder to manoeuvre. In addition, the gravel surface of forestry roads greatly reduces tire grip, increases braking distance and the risks of skidding, and the dust stirred up reduces visibility. The shape of these roads, often narrow and winding, with unforeseeable curves and single-lane bridges, makes the situation even more of a problem.

## **c) Trail safety**

The clubs have a legal obligation to lay out, maintain, and install signs on the trails they operate. They are also obliged to ensure safety on the trails, as well as compliance with the Act and its regulations, including the presence of trail security officers, who are volunteers recruited by the clubs.

Currently there are no specific standards for the geometric shape of trails. However, a club that does not properly fulfill its obligations could be held liable in the event of negligence causing harm. As for signs, the *Regulation respecting off-highway vehicles* specifies certain standards, particularly for the dimensions, shape and installation of the panels.

It is important to note that the responsibilities of trail layout, maintenance and signage are entirely handled by club volunteers.

The data on fatal OHV accidents indicate that the trails are by far the safest places to travel, providing the traffic rules are obeyed. The federations and Québec government are therefore encouraging users to travel on the marked trails. To attract more riders to the trails and improve safety, the Government helps clubs to fulfill their maintenance and signage obligations through financial assistance programs based on the user-pays principle and financed by OHV registration. These programs are described later in this section.

## **d) Rider behaviour**

Rider behaviour is often called into question. The behavioural issues primarily involve obeying the traffic rules and wearing the mandatory gear, such as the helmet. This makes it important to hold drivers responsible so that they adopt safe habits.

The main safety rules are found in the *Act respecting off-highway vehicles* and ensuing regulations. They are explained in detail in Section 1 on the legislative and regulatory framework.

Every year failure to obey these minimum rules leads to fatal accidents. In fact, speeding, drunk driving, carelessness and rollovers are the most common causes of accidents that have killed OHV riders.

### e) Leading causes of OHV accidents<sup>8</sup>

The use of OHVs can cause accidents and injuries. Regrettably, every year in Québec an average of nearly 60 deaths and 1,000 hospitalizations are related to riding OHVs. In the case of hospitalizations, in the past three years Québec has averaged 354 hospitalizations a year due to snowmobile accidents and 632 hospitalizations due to ATV accidents. In the three years, at least 19,907 hospital days can be attributed to OHVs. While the trend in the number of hospitalizations due to snowmobile accidents is downward, for ATV accidents it has climbed steadily since 1997-98. Granted, the number of registered ATVs has risen from 162,892 in 1997 to 294,706 in 2004. Four out of five of the hospitalized victims are males. Despite the ban on driving an OHV before the age of 14, and despite the ban on carrying passengers on the vast majority of ATV models, the percentage of hospitalized victims under age 14 is about 5.6% for snowmobiles and 11% for ATVs.

The Government has conducted a number of prevention and awareness campaigns in association with the Fédération des clubs de motoneigistes du Québec (FCMQ) and the Fédération québécoise des clubs quads (FQCQ). The main topics covered have been the use of marked trails, travelling on public roads, speeding, drinking and driving, and preventing drowning. Despite the increase in the number of registered OHVs, the number of fatal accidents remains stable.

The most common causes of death are found to be:

- **Speeding:** there has been a noticeable increase in the power of the OHVs launched on the market in recent years, which means driving faster and therefore a greater risk of injury;
- **Travelling on public roads:** accidents on public roads account for more than one quarter of OHV deaths. Travelling on and crossing roads illegally increases the risk of an accident;
- **Drinking and driving:** according to Bureau du coroner statistics, 35% of snowmobile fatalities tested revealed blood-alcohol content above the legal limit of 0.08;
- **Rollovers and not wearing protective gear:** a number of deaths are the result of ATV rollovers; moreover, some riders don't wear the mandatory helmet or the proper clothing.

Carrying a passenger on an ATV designed for one person is forbidden, but is very common. While few passengers have been killed, the practice is generally unsafe and can cause accidents.

Moreover, riding OHVs for many hours over hundreds of kilometres of trails can also greatly stress the spinal column of driver and passenger due to the vibrations, bumps and motions involved in driving.

<sup>8</sup> Bureau du coroner, ministère des Transports du Québec and Med-Echo file data.

#### **f) OHV rental and renter training**

Rental of OHVs, particularly snowmobiles, is an important economic activity, especially with European tourists. Tour groups may be accompanied by a guide, who is usually an experienced snowmobiler with some mechanical skills, but with no special training as a guide. Before going on a ride, the renters may receive basic training on the main safety rules and can generally watch a video.

Unfortunately, every year a few OHV-renting tourists rank among the accident victims, particularly with snowmobiles.

#### **g) OHVs as a daily means of transportation**

OHVs are not just recreational or utility vehicles. In some regions, especially those north of the 49th parallel and on the Lower North Shore, OHVs are also used for transportation. The realities and requirements therefore differ from those noted for recreational use of the vehicles, primarily as regards the distances to maintain between homes and OHV trails, number of passengers allowed, etc. On the Lower North Shore, the ministère des Transports maintains the Route blanche, which serves as a snowmobile connection between a number of municipalities that would otherwise be cut off by land during the winter.

Some municipalities and communities that are not linked to Québec's highway network maintain roads, some of which are not considered public as defined by the *Highway Safety Code*, but are used by various types of vehicles such as trucks, cars, and OHVs. The coexistence of all these vehicles can be hazardous for OHV riders and other drivers.

Some OHV owners use their vehicles to reach their hunting, fishing or trapping grounds, or for activities related to their subsistence. When using federated trails, they have to pay a trail permit fee, which can be perceived as an irritant. The current legislative and regulatory framework fails to differentiate among the various uses made of OHVs, and applies everywhere and to everyone in the same way.

Moreover, in these regions, certain legal obligations are difficult to apply, particularly the requirement to carry civil liability insurance.

The public consultation concerning OHVs will also be conducted among Native communities, especially those north of the 49th parallel and on the Lower North Shore.

### QUESTIONS

- 4.3** Should there be better supervision of OHV renters, including training?
- 4.4** Should the existing rules be adapted to the specific characteristics of regions where OHVs are mainly used as a means of transportation or for traditional activities?

### OHVs and financial assistance programs

The main source of funds for OHV clubs is the sale of trail permits to their members. These permits allow riders to use the trails that are laid out, maintained and marked by the clubs throughout Québec. The Government has established financial assistance programs to help the clubs fulfill their obligations specified in the *Act respecting off-highway vehicles* in the area of trail operation.

The ministère de l'Éducation, du Loisir et du Sport is responsible for managing the financial assistance programs for the FCMQ, FQCQ and their clubs. These assistance programs, based on the principle of user pays, are funded by a surcharge on OHV registration. At present the surcharge is \$25 for snowmobiles and \$6 for ATVs. The last hike in the snowmobile surcharge occurred in 1999. The ATV surcharge has remained the same since its introduction in 1998.

These standards-based programs are intended to improve the safety of OHV users in association with the two federations responsible for the safe development of these activities, particularly through trail maintenance, the purchase of maintenance equipment, signs, safety campaigns, regional development, and the training of trail security officers. For snowmobiles, there is also an equalization measure.

In 2003, the federations asked the Government to raise the registration surcharge. More financial assistance could improve trail maintenance and safety, and thereby reduce the number of OHV accidents and increase regional economic benefits. More funding could also be used to develop mitigating measures along certain trails.

If the surcharge is increased, the FCMQ and FQCQ have agreed in principle to add to the programs a component that focuses on environmental and wildlife protection for OHV-related projects.

In some regions where snowmobile tourism is particularly important, the regional tourism associations and local tourist industry are providing increasing support for the clubs, especially for trail maintenance.

### QUESTIONS

- 4.5 What role should the federations play in the coming years to meet the new challenges?  
.....
- 4.6 Should the assistance programs be modified to include other components, particularly to put mitigating measures into place in residential areas, and to protect the environment and wildlife?  
.....
- 4.7 Could the surcharge be increased to develop permanent trails farther away from inhabited areas?



## OHVs and public security

### a) Policing

Security is a collective responsibility. OHV riders have to adopt and maintain safe habits to ensure their own safety and that of others.

The ministère de la Sécurité publique (MSP) pursues a mission of providing Québécois with a safe living environment where they can exercise their personal rights and freedoms, conducive to individual and community development. As regards OHVs, the police are responsible for enforcing the *Act respecting off-highway vehicles* and its regulations, municipal bylaws, and the *Criminal Code*. Since 2001, the *Police Act* specifies that police forces – both the Sûreté du Québec (SQ) and municipal officers – must patrol OHV trails and include that surveillance in the police organization plan for the territory they serve.

The SQ has more than 125 stations distributed throughout Québec. At each one, except for those on autoroutes, the SQ is now in the final stages of creating teams qualified to patrol OHV trails. The patrols are based on identified needs. Moreover, for planned operations, each station can count on the support of its district constabulary support unit<sup>9</sup>.

The MSP has established policies on preventing crime and introducing the community police approach, which favours greater community participation in crime prevention strategies and problem solving. The principles used in the community police approach, such as getting closer to the people, strategic partnerships, problem solving, and stronger preventive measures, can often serve as a means of solving police intervention problems related to OHVs.

To improve the coordination among the various stakeholders, some RCMs have formed public security committees to discuss what priorities the community wants to adopt in this area. These committees do not deal with land planning issues.

Policing is a job that involves preventing and eliminating crime. Numerous operations along these lines are planned each year. With respect to OHVs, more than 1,350 operations totalling nearly 10,000 hours were carried out in 2003 by all police forces in Québec. On top of that, the police intervene on a timely basis during regular patrols or in response to complaints.

<sup>9</sup> Québec is divided into 10 districts, each of which has a constabulary support unit.

## QUESTION

**4.8** Should the police and trail security officers be given greater powers of intervention?

## **b) Trail security officers**

Trail security officers are volunteers recruited by the OHV clubs to ensure safety and compliance with the provisions of the Act and its regulations in cooperation with the police. To be sworn in, the security officer must meet the criteria specified in the *Regulation respecting off-highway vehicles* such as not having been found guilty of a criminal offence related to driving a road or off-road vehicle.

In particular, the security officers have the power to:

- Order an OHV to stop and inspect the mandatory equipment;
- Demand proof of the driver's age and certificate of competence;
- Ask to see the vehicle registration and insurance certificate.

When they come upon a violation of the Act or one of its regulations, the security officers can fill out a general violation report. This report is sent to the prosecution, usually the municipality, so that the offender can be issued a ticket.

The security officers must be trained to do their job as effectively as possible. In the early 1990s the SQ launched a training program for snowmobile club security officers. However, since there is a high turnover among security officers, and since ATV club officers have also been added since December 2004, it is becoming difficult for the SQ to provide the training every year in several regions. Because police have greater patrol duties, it might be worth asking what organization would be best suited to provide the training.

## **c) Issues not related to police intervention**

There are concerns about other issues related to the use of OHVs, such as odours and noise. However, these issues do not fit into the public security mission, but are instead the domain of specialists in those fields.

### **QUESTION**

**4.9** Who should train the volunteers serving as trail security officers?







### **Snowmobiling: A mature tourism product**

Snowmobiling is considered to be a priority tourism product in Québec. For more than 20 years, Tourisme Québec, regional tourism associations (ATR), and the Fédération des clubs de motoneigistes du Québec (FCMQ) have been developing and jointly promoting snowmobiling in tourism markets outside of Québec. For this, Tourisme Québec provides the FCMQ with funding from time to time to produce promotional tools and tourism studies.

The gradual linking up of the regional trails has enabled snowmobilers to travel long distances from one region to another, thereby giving rise to a new type of tourism. The network criss-crosses most tourist regions. For many of them, snowmobiling is the only product with winter appeal. Moreover, Québec's network of trails ranks as the top snowmobiling destination in North America.

According to FCMQ statistics, despite an increase in the number of registered snowmobiles since 1995-96, the number of trail permits to Québec snowmobilers has dropped by 10%. For Québec's tourism industry, this decline has been offset by the arrival of new clientele. Thus snowmobilers from the United States and rest of Canada now account for 15% and 6% of the clientele, up by 180% and 124% respectively. In 2003-04, American snowmobilers bought 13,627 trail permits, while those from elsewhere in Canada purchased 5,664.

In 2003-04, 15 of Québec's 21 ATRs allocated budgets specifically for marketing the snowmobiling product, primarily for a regional map, website, promotional activities in international markets, and familiarization tours. In regions where this activity is the most developed, the ATRs and tourism industry are becoming increasingly involved in supporting the snowmobile clubs and in trail grooming.

### **a) Tourism revenues**

Snowmobiling produces substantial recreotourism revenues in Québec regions. A study published in 2002 by the firm of Zins Beauchesne et associés estimated spending related to recreotourism snowmobiling at \$720 million. The study also found that in the 2001-02 Québec snowmobilers spent \$478 million, Americans and other Canadians \$189 million, and Europeans \$53 million.

### **b) Issues and concerns**

The necessity of negotiating numerous wayleaves, the financial problems faced by some clubs, the drop in the number of volunteers to lay out and groom the trails, higher maintenance costs, and pressure from various groups mean that the network of trails and its permanence are constantly called into question.

Also, maintenance of the network of trails requires continuous upgrades to the infrastructures, as many bridges and culverts have to be regularly rebuilt to ensure safety. Because of the stricter government standards and higher construction costs, these infrastructures are increasingly costly to build. Therefore the clubs have a hard time bearing that responsibility alone. Thus, in the past four years, Tourisme Québec has provided \$600,000 for restoring priority infrastructures, an amount that matches the FCMQ's investment.



### **ATVing: A tourism product under assessment**

Since the mid-1990s, Tourisme Québec has funded studies aimed primarily at assessing the tourism potential and economic benefits of ATVing.

Development of the network of ATV trails is not at the same level as the one for snowmobiles because the interregional links are hard to create in many regions. One of the main reasons for this is the presence of provincial parks where ATV traffic is banned, wildlife reserves, or ZECs. Despite these difficulties, Québec is considered a very good ATV destination from a tourist standpoint because it has the most extensive network of trails, allowing for long rides.

According to the preliminary figures from a study done by the firm SOM among Québec members of the Fédération québécoise des clubs quads (FQCQ) in October 2004<sup>10</sup>, the triangle formed by the Lanaudière, Laurentides and Mauricie regions drew 56% of ATV trips in 2003-04, and the winter linear network formed by the Estrie, Montérégie, Centre-du-Québec, Chaudière-Appalaches and Bas-Saint-Laurent regions received more than 50% of ATV excursions during the same period. This appeal is mainly due to the fact that these regions are connected by interregional trails.

Although Tourisme Québec has no promotional campaign to sell ATV tourism in international markets, some tourism industry members are nonetheless promoting it.

### **a) Tourism revenues**

ATVs generate substantial recreotourism revenues in Québec regions. According to the preliminary figures from the October 2004 SOM study of FQCQ members, in 2003-2004 they took 51,000 ATV trips involving at least one night away from their principal residence, and nearly 1 million ATV outings, resulting in a total of \$130 million in tourism revenues. Seasonally, 32% of the trips and 57% of the outings took place in winter (December to March), producing an estimated \$66 million in tourism revenues.

While the FQCQ cannot determine the precise number of tourists who go on an ATV trip or outing in Québec, it estimates that 2,000 to 3,000 members who were not Québec residents went ATV riding here in 2003-2004.

### **b) Issues and concerns**

Given the similarity between ATVs and snowmobiles, ATV development is coping with the same issues and faces the same challenges as those associated with snowmobiling, be it configuration and permanence of the network, higher maintenance costs, or the pressure applied by various other groups of land users.

<sup>10</sup> These figures are unofficial; the final report will be published in 2005.

### Future of OHV tourism in Québec

Québec has gained solid international renown, especially for snowmobiling. However, in order for snowmobiling to remain a top-notch tourism product and continue to meet the needs and expectations of the various clienteles, Tourisme Québec considers it essential to:

- Have a network of trails that give tourists interregional access along with access to tourism services such as rentals, lodging, restaurants, fuel and tourist attractions;
- Give tourists a quality experience, which means safe trails that are well laid out, groomed, and marked in accordance with requirements, as well as infrastructures that meet established standards.

The same applies to ATVing, depending on how this activity develops as a tourism product. Otherwise these activities could have a hard time remaining or becoming products with appeal. That would make it increasingly difficult to support marketing efforts aimed at national and international clienteles.

#### QUESTIONS

- 5.1** How can the networks of trails simultaneously deal with tourism imperatives, such as the presence, proximity, and quality of services and tourist attractions, and the health and well-being of the people living nearby and other land users?
- 5.2** Should a permanent multipurpose network of recreotouristic trails, whose configuration and usage might vary from region to region, be developed in Québec?

## C O N C L U S I O N

The main purpose of the public consultation on off-highway vehicles that is being launched in the spring of 2005 in the regions is to come up with permanent solutions to the issues that are associated with the use of these vehicles. This discussion paper has described the situation by discussing the main observations and issues, while asking certain questions to which interested individuals and groups might have answers.

The Government is counting on the active participation of all stakeholders, including RCMs, RECs, municipalities, manufacturers, federations, and all the people and organizations that have to participate actively in shaping innovative solutions that are suitable for each setting.

The cities and dates, along with the procedure for participating in the public consultation, will be announced in the media and through the ministère des Transports website ([www.mtq.gouv.qc.ca](http://www.mtq.gouv.qc.ca)), in order to encourage broad participation by everyone who is concerned about off-highway vehicles.



Table 1	Snowmobiles – General Statistical Trend – 2000 to 2004	39
Table 2	ATVs – General Statistical Trend – 1999-2003	39
Table 3	Québec Snowmobile Registration Trends – 1999-2003	40
Table 4	Québec All-Terrain Vehicle Registration Trends – 1999-2003	41
Table 5	Snowmobile Clubs and Trail Length by Region – 2004-2005	42
Table 6	ATV Trail Length by Region – 2004	43
Table 7	Snowmobiles – Trail Permits by Region – 2003-2004	44
Table 8	ATVs – Trail Permits by Region – 2003	45
Table 9	Hospitalizations Due to OHV Accidents – 1995-2003	46
Table 10	OHV Fatalities – 1995-2004	47
Table 11	Number of Registered Off-Highway Vehicles – 1990-2004	48



**SNOWMOBILES – GENERAL STATISTICAL TREND  
2000-2004**

**Table 1**

Year	Number of registered snowmobiles <sup>1</sup>	Number of clubs	Membership <sup>2</sup>	Trail length in km
2004-2005	161,440	231	N/D	33,700
2003-2004	157,370	232	98,016	33,640
2002-2003	145,843	233	96,723	33,640
2001-2002	149,915	233	86,091	33,640
2000-2001	148,498	235	105,733	33,640

<sup>1</sup> Source: Société de l'assurance automobile du Québec.

<sup>2</sup> The Fédération des clubs de motoneigistes du Québec considers anyone who purchases an access permit (daily, weekly or annual) as a member. In order to compare on the same basis as membership in the Fédération québécoise des clubs quads, the ministère des Transports only takes into account annual members, who numbered 85,000 in 2004.

Source: Fédération des clubs de motoneigistes du Québec.

**ATVs – GENERAL STATISTICAL TREND  
1999-2003**

**Table 2**

Year	Number of registered ATVs <sup>1</sup>	Membership (October 31) <sup>2</sup>	Trail length in km <sup>2</sup>	Number of clubs (April 30) <sup>2</sup>	Number of new ATVs sold in Canada <sup>3</sup>	Number of new ATVs sold in Québec <sup>3</sup>
2003	278,576	51,108	17,159	140	94,078	28,605
2002	257,993	43,867	16,436	130	90,989	27,303
2001	238,151	33,658	15,046	121	79,996	23,415
2000	222,596	31,711	11,334	109	72,677	21,816
1999	191,311	23,517	8,906	100	59,251	17,807

Sources:

<sup>1</sup> Société de l'assurance automobile du Québec (SAAQ).

<sup>2</sup> Study done for the MTQ in 2003 and based on Fédération québécoise des clubs quads statistics.

<sup>3</sup> Canadian ATV Distributors Council (CATV).

Table 3

**QUÉBEC SNOWMOBILE REGISTRATION TRENDS  
1999-2003**

	Year				
	1999	2000	2001	2002	2003
Gaspésie-Îles-de-la-Madeleine	5,798	5,503	5,608	5,443	5,829
Bas-Saint-Laurent	9,521	9,444	9,355	9,291	9,891
Saguenay-Lac-Saint-Jean	21,540	20,606	20,303	19,863	20,797
Capitale-Nationale	14,927	14,759	14,686	14,234	15,364
Chaudière-Appalaches	11,445	11,653	11,897	11,914	13,294
Mauricie	8,212	8,131	8,120	7,737	8,079
Centre-du-Québec	4,663	4,668	4,968	4,891	5,441
Estrie	3,204	3,248	3,520	3,647	4,182
Montréal	12,600	12,300	13,556	12,938	13,704
Montréal	4,378	4,281	4,290	4,005	4,514
Laval	2,156	2,164	2,118	1,994	2,169
Lanaudière	8,458	8,427	8,332	7,926	9,073
Laurentides	8,609	8,663	8,910	8,692	9,597
Outaouais	6,033	5,757	5,889	5,632	6,280
Abitibi-Témiscamingue	15,529	14,915	14,553	14,084	14,860
Côte-Nord	11,106	10,765	10,739	10,487	11,111
Nord-du-Québec	3,248	3,035	2,867	2,901	3,007
Unspecified	181	179	204	164	178
<b>Total</b>	<b>151,608</b>	<b>148,498</b>	<b>149,915</b>	<b>145,843</b>	<b>157,370</b>

Source: Société de l'assurance automobile du Québec.  
Statistical Record, 2003 Review, p. 154.



**QUÉBEC ALL-TERRAIN VEHICLE REGISTRATION TRENDS  
1999-2003**

**Table 4**

	Year				
	1999	2000	2001	2002	2003
Bas-Saint-Laurent	10,040	11,853	12,874	13,929	14,804
Saguenay–Lac-Saint-Jean	19,298	22,310	23,728	25,446	26,969
Capitale-Nationale	14,156	17,053	18,386	20,177	21,957
Mauricie	11,925	13,823	14,461	15,482	16,543
Estrie	10,543	11,735	12,476	13,304	14,161
Montréal	5,449	6,655	7,116	7,615	7,991
Outaouais	10,896	12,913	14,056	15,509	17,013
Abitibi-Témiscamingue	13,369	14,867	15,466	16,363	17,448
Côte-Nord	6,660	7,698	8,067	8,606	9,092
Nord-du-Québec	1,764	1,951	2,046	2,173	2,315
Gaspésie–Îles-de-la-Madeleine	5,533	6,151	6,808	7,559	8,206
Chaudière-Appalaches	19,805	22,832	24,012	25,656	25,741
Laval	2,881	3,537	3,850	4,241	4,584
Lanaudière	12,916	15,314	16,711	18,205	19,799
Laurentides	15,880	18,791	20,349	22,385	24,669
Montréal	20,017	23,748	25,763	28,394	31,588
Centre-du-Québec	10,030	11,200	11,796	12,747	13,682
Unspecified	149	165	186	202	214
<b>Total</b>	<b>191,311</b>	<b>222,596</b>	<b>238,151</b>	<b>257,993</b>	<b>278,576</b>

Source: Société de l'assurance automobile du Québec.  
Statistical record, 2003 Review.

Table 5

**SNOWMOBILE CLUBS AND TRAIL LENGTH BY REGION  
2004-2005**

Region	Number of Clubs	Trail Length (Km)
Gaspésie-Îles-de-la-Madeleine	18	2,959
Bas-Saint-Laurent	16	1,826
Chaudière-Appalaches	39	2,783
Côte-Nord	14	2,103
Saguenay-Lac-Saint-Jean	15	3,329
Québec-Charlevoix	12	2,179
Mauricie-Centre-du-Québec	15	3,000
Lanaudière	18	2,264
Abitibi-Témiscamingue	11	3,532
Cantons de l'Est	17	1,895
Montérégie	25	2,294
Laurentides	23	2,806
Outaouais	8	2,730
<b>Total:</b>	<b>231</b>	<b>33,700</b>

Source: Fédération des clubs de motoneigistes du Québec.

**ATV TRAIL LENGTH BY REGION  
2004**

**Table 6**

	SUMMER Km	2004 WINTER Km	TOTAL
Bas-Saint-Laurent	1,797	520	<b>2,317</b>
Saguenay–Lac-Saint-Jean	993	277	<b>1,270</b>
Québec	346	382	<b>728</b>
Mauricie	735	430	<b>1,165</b>
Estrie	217	813	<b>1,030</b>
Outaouais	1,242	1,230	<b>2,472</b>
Abitibi	997	108	<b>1,105</b>
Côte-Nord	321	-	<b>321</b>
Nord-du-Québec	98	-	<b>98</b>
Gaspésie–Îles-de-la-Madeleine	516	180	<b>696</b>
Chaudière-Appalaches	485	1,610	<b>2,095</b>
Lanaudière	932	901	<b>1,833</b>
Laurentides	667	901	<b>1,568</b>
Montréal	508	1,190	<b>1,698</b>
Centre-du-Québec	148	1,057	<b>1,205</b>
Laval	-	74	<b>74</b>

Source: Fédération québécoise des clubs quads website.

Table 7

**SNOWMOBILES – TRAIL PERMITS BY REGION****2003-2004**

Region	1, 2 and 3 days	Weekly	Annual	Rental
Gaspésie–Îles-de-la-Madeleine	460	114	3,791	32
Bas-Saint-Laurent	494	196	2,593	31
Chaudière-Appalaches	2,489	383	8,083	61
Côte-Nord	340	8	4,241	20
Saguenay–Lac-Saint-Jean	855	50	8,578	124
Québec-Charlevoix	1,102	228	6,724	438
Mauricie–Centre-du-Québec	743	223	6,179	188
Lanaudière	1,638	1,737	6,877	478
Abitibi-Témiscamingue	1,076	343	4,492	28
Estrie	1,577	161	4,396	43
Montérégie	404	23	6,584	77
Laurentides	1,073	201	7,473	608
Outaouais	1,079	196	4,064	68
<b>Total</b>	<b>13,130</b>	<b>3,863</b>	<b>74,075</b>	<b>2,196</b>

Source: Fédération des clubs de motoneigistes du Québec.

**ATVs - ACCESS PERMITS BY REGION  
2003**

**Table 8**

Unit Cost <sup>2</sup>	Number of Access Permits Sold <sup>1</sup>		
	Annual \$100	Summer \$60	Total N/A
Bas-Saint-Laurent	1,852	1,025	<b>2,877</b>
Saguenay-Lac-Saint-Jean	2,301	565	<b>2,866</b>
Québec	3,136	61	<b>3,197</b>
Mauricie	2,606	316	<b>2,922</b>
Estrie	3,505	-	<b>3,505</b>
Outaouais	3,846	-	<b>3,846</b>
Abitibi	533	354	<b>887</b>
Côte-Nord	145	-	<b>145</b>
Nord-du-Québec	-	155	<b>155</b>
Gaspésie-Îles-de-la-Madeleine	357	277	<b>634</b>
Chaudière-Appalaches	5,481	201	<b>5,682</b>
Laval	920	-	<b>920</b>
Lanaudière	5,963	356	<b>6,319</b>
Laurentides	6,468	-	<b>6,468</b>

<sup>1</sup> Number of access permits sold = number of FQCQ members.

<sup>2</sup> Breakdown of the unit cost.

Source: Study done for the ministère des Transports.

December 2003 – Data provided by the Fédération québécoise des clubs quads.

Table 9

**HOSPITALIZATIONS DUE TO OHV ACCIDENTS**  
**1995-2003**

Year	Snowmobile	ATV	Total
1995-1996	463	484	947
1996-1997	390	387	777
1997-1998	435	403	838
1998-1999	378	503	881
1999-2000	365	559	924
2000-2001	379	583	962
2001-2002	309	649	958
2002-2003	373	664	1037
<b>Total</b>	<b>3,092</b>	<b>4,232</b>	<b>7,324</b>
Average			
2000-2001 to 2002-2003	354	632	986

Source: MedEcho file data.

**OHV FATALITIES**  
**1995-2004**

**Table 10**

Year	Snowmobile	ATV	Total
1995	27	18	45
1996	32	18	50
1997	28	19	47
1998	28	19	47
1999	41	22	63
2000	21	23	44
2001	28	30	58
2002	26	25	51
2003	38	26	64
2004	29	38	67

Source: Ministère des Transports du Québec, in association with the Bureau du coroner.



Table 11

**NUMBER OF REGISTERED OFF-HIGHWAY VEHICLES  
1990-2004**

Year	Snowmobiles	ATVs	Total
1990	113,758	81,230	<b>194,988</b>
1991	122,189	99,176	<b>221,365</b>
1992	128,585	116,004	<b>244,589</b>
1993	140,248	128,901	<b>269,149</b>
1994	149,311	138,172	<b>287,483</b>
1995	158,982	147,647	<b>306,629</b>
1996	154,697	156,194	<b>310,891</b>
1997	157,905	162,892	<b>320,797</b>
1998	157,220	175,026	<b>332,246</b>
1999	151,608	191,311	<b>342,919</b>
2000	148,498	222,596	<b>371,094</b>
2001	149,915	238,151	<b>388,066</b>
2002	145,843	257,993	<b>403,836</b>
2003	157,370	278,576	<b>435,946</b>
2004	161,440	294,706	<b>456,146</b>

Source: Société de l'assurance automobile du Québec  
January 2005