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**Item No. 15.1.5**  
**Halifax Regional Council**  
**March 5, 2024**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed

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Cathie O'Toole, Chief Administrative Officer

**DATE:** December 18, 2023

**SUBJECT:** **Impacts of Provincial Road Trails Legislation**

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**ORIGIN**

Item 15.4.1 of the April 25, 2023 meeting of Halifax Regional Council:

MOVED by Councillor Hendsbee, seconded by Councillor Mancini

THAT Halifax Regional Council direct the Chief Administrative Officer (CAO) to provide a staff report regarding the new provincial Road Trails Act legislation that allows municipalities to designate certain streets as "Road Trails" as a way for Off Highway Vehicles to access off road trail corridors.

MOTION PUT AND PASSED

**LEGISLATIVE AUTHORITY**

Halifax Regional Municipality Charter, Section 192(e) *"Without limiting the generality of Section 188, the Council may make by-laws respecting off-road vehicles on public or private property."*

Nova Scotia Road Trails Act, Subsection 5(2) *"A municipality may, by by-law, designate a highway or part of a highway that is not a road owned by the Crown in right of the Province as a road trail."*

**RECOMMENDATION**

It is recommended that Halifax Regional Council direct the CAO to:

1. Create a By-law to enable the designation and regulation of road trails on portions of HRM roadways; and
2. Upon creation of the By-law, establish a program, consistent with the approach used by the Province, to designate road trails on portions of HRM roadways.

## **BACKGROUND**

The Province of Nova Scotia launched the Nova Scotia Off-Highway Vehicle Pilot Project (The Pilot) in October of 2018 to test whether off-highway vehicles (OHVs) could safely operate on public roads, both on the shoulder and paved portion, under specific road and safety conditions. The purpose of The Pilot was to allow OHVs to use public roadways, at selected sites, to safely travel between established trails (enhancing trail connectivity), or to access nearby services and amenities (such as gas stations and restaurants) that could support trail users.

There were several established trails identified that would benefit from enhanced trail connectivity or access to amenities and services, for OHVs, if designated public roadway access was allowed. Rules were created regarding the safe use of the shoulder and paved portion of the roadway and sites were selected based on safety criteria such as posted speed of 80 km/h or less, low vehicle volume, and good sightlines. Seven locations were selected for The Pilot:

1. Porters Lake – 110m of Myra Rd, crossing West Brook Bridge
2. New Germany – Trunk 10 from Maple Dr to Varner Rd
3. Weymouth – Trunk 1 from railway trail near Sissiboo Rd to railway trail near Riverside Rd
4. Walton – Bancroft Rd to Shore Rd to Route 215, then either northwest on Route 215 to Old Fellows Hall Rd, or northeast to Walton Woods Rd and McBurney (Quarry) Rd
5. Sherbrooke – Trunk 7 from near the west end of Bennett's Loop to Main St and then either Trunk 7 to Old Road Hill, or Main St to Court St
6. Gabarus – Oceanview Rd south of Gabarus Louisbourg Rd to Route 327 and along Route 327 to near Mohawk Rd
7. Ship Harbour – West Ship Harbour Rd from near Ferry Rd to Trunk 7 and then along Trunk 7 to Bruce Dr

The Pilot helped to inform whether a permanent solution was possible, and the conditions needed to help ensure, as much as possible, the safety of all road users. An evaluation was undertaken to determine if OHVs:

- Safely integrated with other vehicles
- Impacted the roadway infrastructure
- Impacted the local economy
- Whether the road safety rules and conditions of The Pilot were appropriate

The evaluation helped to guide decisions around appropriate rules and conditions required to allow continued access to public roadways by OHVs. Consideration was given to the site selection process and the high importance of ensuring road safety, while also considering community concerns.

Information obtained through the assessment of The Pilot (Attachment 1) supported a positive outcome and as a result, the Province created the *Road Trails Act* (Attachment 2), allowing the continued use of public roadways, under the jurisdiction of the Province, by OHVs under specific road and safety conditions.

## **DISCUSSION**

The *Road Trails Act*, proclaimed and in force as of September 29, 2023, provides the ability for portions of Provincially controlled, public roadways to be designated for use by operators of OHVs to make connections between established trails and to access nearby amenities and services supporting OHV activities. The legislation also provides Municipalities with the ability to designate and regulate road trails on portions of public roads under their control via By-law.

Where HRM encompasses a large rural area with significant, interconnected trail systems, staff anticipates there will be interest by ATV associations to have road trails created on municipal roads to support enhanced trail connectivity and access to trail-related amenities. As such, staff recommends drafting the necessary By-law to support road trails on HRM roadways.

As noted in the background section of this report, The Pilot project looked at specific road and safety conditions when assessing locations to be considered for road trail designations. Not all roads would be appropriate for OHVs to be permitted to operate on. It also needs to be that the intent of The Pilot and the resulting Road Trails Act is not to allow widespread use of OHVs on all roadways or to create a situation where OHVs would be used as an alternate mode of general transportation. The Pilot and resulting legislation are intended to enhance and support existing off-road activities and associated industries.

Where much of the area that would be appropriate for consideration of the application of road trails would be at or very near the interface between HRM and Provincial jurisdiction, a Municipal Road Trails program should be consistent with the Provincial program. Consistency between the two programs would avoid confusion and ensure ease of understanding by those interested in participating as well as by the general public. Staff has been in touch with their counterparts at the Province and it is understood that some conditions and details are still being worked out for their program. That said, staff recommends drafting the necessary By-law to provide the legislative ability to create and regulate road trails on HRM roads and will work in parallel with the Province to ensure a consistent program is rolled out.

### **FINANCIAL IMPLICATIONS**

No financial implications at this time.

### **RISK CONSIDERATION**

No risk considerations were identified.

### **COMMUNITY ENGAGEMENT**

No community engagement was required.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications were identified.

### **ALTERNATIVES**

Regional Council could choose not to approve the recommendations identified in this report and not proceed with allowing the designation of road trails on HRM roadways.

### **ATTACHMENTS**

Attachment 1 – Nova Scotia Off-Highway Vehicle Pilot Project Evaluation  
Attachment 2 – Nova Scotia Road Trails Act

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Roddy MacIntyre, P.Eng., Manager, Traffic Services & Road Safety, Public Works

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NOVA SCOTIA OFF-HIGHWAY VEHICLE  
PILOT PROJECT EVALUATION

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2022

GROUP ATN CONSULTING INC

[www.groupatn.ca](http://www.groupatn.ca)

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# 1 INTRODUCTION

## 1.1 Context

In October 2018, Nova Scotia launched a Pilot Project to test whether four-wheeled off-highway vehicles<sup>1</sup> (OHVs) could safely use the shoulder and paved roadways. This Project enables OHVs at the selected sites to use provincial roadways to safely travel from one OHV trail to another, or to access amenities such as gas stations and restaurants.

The Pilot Project provides the opportunity to test and evaluate the integration of these four-wheeled OHVs on the province's roadways, for the purpose of connectivity and access to amenities. It will help inform whether a permanent solution is viable and under what conditions, to protect the safety of all road users as much as possible. Data from the Registry of Motor Vehicles (RMV) indicates the number of four-wheeled OHV registrations has been increasing an average of 9% annually since 2015, growing from 25,500 to more than 37,000 in 2020.<sup>2</sup> It is important to remember that OHVs are called off-highway vehicles for a reason. They are not designed for road use. For example, OHVs are equipped with very rugged, low-pressure tires which are designed for un-paved, loose surfaces and thus do not have the same handling characteristics on smooth pavement. Also, OHVs often lack the same road safety equipment as motor vehicles intended for the road (e.g. signal lights). Ensuring the safest use of the roadways for motorists and other users is critical.

An OHV Pilot Project Steering Committee composed of representatives from the Departments of Public Works (DPW), Natural Resources and Renewables (DNRR), and Environment and Climate Change (DECC) were selected to oversee the Pilot and its evaluation.

Pilot sites were selected based on a series of factors including proven benefit in trail connectivity as recommended by the ATV Association of Nova Scotia (ATVANS), distance needed for road access, average daily traffic on roadways, road speed, priorities of OHV riders, and opportunities for community economic benefit. Highway signage would be installed to indicate the possible use by OHVs of the roadway in the areas designated by DPW.

Seven established trails with designated public roadway access were identified for the OHV Pilot Project:

1. Porters Lake, Halifax Regional Municipality (110 meters of Myra Rd. crossing West Brook bridge)

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<sup>1</sup> Pilot only included OHVs that have four or more wheels, the tires of which are all in contact with the ground, and either has a steering wheel or handlebar. It does not include dirt bikes or snowmobiles.

2. New Germany, Lunenburg County (Trunk 10 from Maple Dr. to Varner Rd.)
3. Weymouth, Digby County (Trunk 1 from railway trail near Sissiboo Rd. to railway trail near Riverside Rd.)
4. Walton, Hants County (Bancroft Rd. to Shore Rd. to Rte. 215, then either northwest on Rte. 215 to Odd Fellows Hall Rd. or northeast to Walton Woods Rd. and McBurney (Quarry) Rd.)
5. Sherbrooke, Guysborough County (Trunk 7 from near the west end of Bennett's Loop to Main St. and then either Trunk 7 to Old Road Hill, or Main St. to Court St.)
6. Gabarus, CBRM (Oceanview Rd. south of Gabarus Louisbourg Rd., to Rte. 327 and along Rte. 327 to near Mohawk Rd.; and
7. Ship Harbour, Halifax Regional Municipality (West Ship Harbour Rd. from near Ferry Rd. to Trunk 7 and then along Trunk 7 to Bruce Dr.).

Rules regarding the safe use of the roadway and shoulder of the roadway were established for the Pilot. This included requiring riders to have a valid motor vehicle driver's licence (i.e., not a learner's licence), and the OHV to be insured and have a valid off-highway vehicle permit. Requirements also included time of day restrictions, wearing helmets, keeping speeds to below 25 km/hr, using hand signals to make turns, as well as staying on the shoulder as much as possible and using the road portion only when needed. Passengers below the age of 9 were not permitted, among other considerations.

A full summary of the rules of the road for OHV Pilot sites is provided in **Appendix A**.

## 1.2 Objectives

The OHV Pilot Project gives government the ability to test and evaluate the integration of OHVs on the province's roadways for the purpose of connectivity and access to amenities. It will help inform whether a safe, permanent solution is viable and under what conditions, to protect the safety of all road users as much as possible.

The evaluation was undertaken to determine if four-wheeled OHVs:

- Can safely integrate with other vehicles
- Impact the roadway infrastructure
- Impact the local economy, and
- Whether the road safety rules of the Pilot are appropriate.

The evaluation will help inform decision-making regarding the rules and conditions associated with the continued access of public highways by four-wheeled OHVs. It will consider the site selection process along with the primacy of ensuring road safety, while giving due consideration to community concerns.

The OHV Pilot Project Evaluation encompasses significant research and multiple lines of evidence supporting the full engagement of stakeholders and community members. The evaluation methodology aligned with the working evaluation plan approved by DPW Senior Management and the OHV Steering Committee. The approach included both secondary data analysis and primary research, including two dedicated surveys (i.e., OHV riders and community members) as well as bilateral interviews with key stakeholders (identified by DPW officials) and business operators in the vicinity of the OHV Pilot sites (identified by DPW officials and additional leads generated through this research).

## **1.3 Methodology**

This study employed several research modalities – both quantitative and qualitative – as part of the multiple lines of evidence approach GATN utilized evaluating the OHV Pilot Project. The various research methods are outlined below.

### ***1.3.1 Primary Quantitative Research and Analysis***

Three surveys, each targeting specific stakeholder groups were developed and activated as part of this project.

#### OHV Rider Survey

The link to the OHV rider online survey was shared on social media by Communications Nova Scotia in January and February 2021. The link was also distributed to the members of:

- ATVANS
- Snowmobile Association of Nova Scotia (SANS)
- Nova Scotia Federation of Hunters and Anglers
- NS Trails; and
- Members of the Legislative Assembly.

The survey generated a total of 2,761 responses from OHV riders, which is believed to be predominantly ATVANS members as they have been active supporters of the Pilot Project and who pushed the survey links out to their membership.

#### Community Survey

A Community Survey was also posted online, specifically intended for residents of Nova Scotian communities with OHV Pilot sites. Community members were asked to provide details about their recent experiences with OHVs, especially in the vicinity of the Pilot sites. Respondents were recruited through a variety of channels including:

- Social media via Communications Nova Scotia
- Email to individuals the interdepartmental OHV Pilot evaluation project team believed live near the Pilot sites.

- Email to Municipal councillors and members of the legislature for distribution to residents through their community networks; and
- Promoting the survey on multiple Facebook pages, including trail associations, ATV clubs and communities.

Community outreach efforts generated 297 responses in total. As hoped, seven in ten (68%) of community respondents reported living in or near a Pilot community. It should be noted however, that three quarters (74%) of the respondents described themselves as OHV riders. Thus, community responses are somewhat swayed to rider's opinions. However, effort was made to illustrate any differences in the data between community members who were riders from those who were not.

### Business Survey

The business survey was conducted through telephone interviews in March 2021. Google Maps and stakeholder interviews identified 45 businesses in the vicinity of the seven Pilot sites. Business contact information was assembled through an online search and each operator was contacted a minimum of three times over a two-week period with the following outcome:

- 18 businesses completed the survey (40%)
- 10 businesses declined to participate (22%)
- 12 businesses were not reached after multiple attempts (27%); and
- 5 businesses could not be contacted due to closure or insufficient contact information available through online and supplementary sources (11%).

### **1.3.2 Secondary Quantitative Data Research and Analysis**

OHV related data from Department of Environment and Climate Change (DECC), Department of Justice (DOJ), Department of Health and Wellness (DHW), and DPW were collected and analyzed as part of the evaluation. Data from these departments, however, include information on all off-road vehicle types, including snowmobiles and dirt bikes. Some of these vehicle types were not included in the Pilot Project, but their data cannot be separated from OHV data. Hence, in the administrative data report, references are typically to the broader inclusion of all off-road vehicles (ORV) rather than the more limited type of OHVs involved in the Pilot. Administrative data from these departments was used to infer the effects of the Pilot Project on the safe operation of OHVs on the highways.

The OHV Pilot Project regulations created penalties under the Motor Vehicle Act (MVA) pertaining to improper driving of an OHV at the Pilot site, such as not wearing a helmet, not using hand signals before turning, and child passengers under 9 years of age. Further

penalties already existed under the Off-Highway Vehicle Act (OHVA), such as operating without appropriate registration, permits or insurance; not displaying an identification number; failing to wear a helmet; being underage and/or without supervision and/or safety training as required, among many others.

For the purposes of the Pilot, offences pertaining largely to the safe operation of OHVs were selected for analysis in both the data provided by DECC and DOJ. The complete list is provided in the Administrative Data Analysis Report.

Conservation officers with DECC patrol the roads and trails for violators under the OHVA. RCMP and municipal police officers are also able to charge violators under the OHVA, as well as the MVA. However, it is noteworthy that in 2020, COVID-19 health protocols and related redeployment hampered the ability of officers to patrol as they typically would and enforce the MVA or OHVA with regards to all ORVs. There were also times ORV riders were not permitted to ride the trails, or at least not as they might normally do so. Hence, data from 2020 was not incorporated in the evaluation analysis.

It should also be noted that serious injuries and deaths due to ORV collisions reported in this evaluation has two sources. DPW collects and tracks data specific to ORV collisions “on” public roadways, while DHW collects information for both “on” and “off” public road collisions resulting in serious injury or death.

### 1.3.3 Qualitative Research and Analysis

Qualitative outreach and engagement involved eleven bilateral interviews with key stakeholders as outlined below. The interviews provided stakeholders with an opportunity to share feedback on various aspects of the OHV Pilot Project including rules of the road, site selections, and future considerations. The confidential interviews lasted between 45 and 60 minutes.

<b>Key Stakeholders and Staff Interviewed as Part of OHV Pilot Project Evaluation</b>	
<b>Organization</b>	<b>Representative</b>
ATV Association of Nova Scotia (ATVANS)	Corey Robar, Trails Coordinator
Snowmobile Association of Nova Scotia (SANS)	Mike Eddy, General Manger
Nova Scotia Federation of Anglers and Hunters (NSFAH)	Harley Conrad, OHV Committee Chair
Nova Scotia Kayak and ATV Outside Adventure Tours (NSOA)	Chris White, Proprietor
<b>Government Department</b>	<b>Staff</b>

Nova Scotia Department of Public Works	Michael Balsom, Area Manager Basil Pitts, Area Manager Tony Harvey, Area Manager Cody Roland, Area Manager
Nova Scotia Department of Natural Resources and Renewables	Lori Blackburn, Senior Strategist Meagan Mahoney, Senior Strategist
Nova Scotia Department of Environment and Climate Change	Jason Cleaves, Regional Enforcement Manager

## 2 RESEARCH FINDINGS

### 2.1 Jurisdictional Review

A jurisdictional review conducted by DPW provides valuable context for the evaluation of Nova Scotia’s OHV Pilot Project. Nova Scotia and Newfoundland and Labrador are the only Canadian provinces that do not allow some road access for OHV operators. PEI is currently conducting an OHV Pilot similar to Nova Scotia’s but only on unpaved, seasonal roads with low traffic volumes and few private residences. Quebec allows OHVs to be operated on roadways where marked by a road sign or signal for a maximum distance of 1 km to reach a trail or service station. British Columbia has a permitting system in place where OHV riders must apply to the RCMP detachment closest to the area they are interested in accessing. Ontario's legislation grants access on all roads unless the road is specifically excluded. Ontario also permits local municipalities to enact by-laws to further outline the operational requirements for OHV riders. New Brunswick, Alberta and Saskatchewan have a process where municipalities can enact a by-law permitting travel for off-road vehicles.

### 2.2 Outreach & Engagement

Phone interviews were held with 11 key stakeholders knowledgeable about the implementation of the OHV Pilot. Officials from each of the government departments involved, three associations representing OHV riders and one outdoor tour operator were selected. Discussions followed several themes including safety, infrastructure and signage, enhancement opportunities, and next steps regarding OHV use of the roadways.

#### Safety

The stakeholders generally viewed the Pilot as enhancing safety for both OHV riders and the general public. Safety related protocols set by the Pilot regulations made sense when viewed through a risk management and harm reduction lens as suggested by some stakeholders. OHV riders indicated legalizing risky activities (e.g., using the roadways illegally) was seen to “elevate expectations” and create “positive peer pressure”. As noted by

one government official - with the increase in legal riders associated with the Pilot, illegal practices are decreasing. This view was also shared by enforcement officials. ATVANS and SANS were recognized for their efforts to promote compliance and responsible behavior through their membership and chapter activities. Among the OHV stakeholders, the Pilot was acknowledged to be a privilege and to be respected through responsible behavior. It was suggested that the predominance of legal and responsible OHV behavior means that illegal behavior "is conspicuous as an outlier", elevating the standard. The thoroughness and clarity of DPW's OHV permitting, licensing, and registration rules were credited by several stakeholders for contributing to the success of the Pilot.

Interestingly, the DECC officials noted the Pilot facilitated enforcement. Since much of the surveillance is conducted through patrols on OHVs, the Pilot sites also permitted officers to use the road to connect to the next trail.

Stakeholders were unaware of any collisions or safety incidents associated with the Pilot sites. The only safety related concern raised by one stakeholder regarded the optics of a Pilot site providing OHV riders access to a licensed pub.

#### Infrastructure and Pilot Site Signage

There were no reports from DPW stakeholders of OHV related wear and tear on the shoulder or asphalt at the Pilot sites. However, one submission from a DOT winter maintenance operator noted evidence of OHVs "rutting out the shoulder". Hence, while the road shoulders may experience some degradation, concerns raised prior to the Pilot related to OHV damage of the road surface was largely alleviated.



Most stakeholders indicated that Pilot signage was adequate, However, a couple of association representatives noted opportunities to improve the signage for both safety and navigation. It was observed that the beginning and end of a Pilot zone was not always signed, and in some cases, it was not clear to OHV drivers where they are to reenter the next trail.

#### Enhancements for OHV Road Use

Several suggestions to enhance OHV road use rules going forward arose from the interviews with associations representing OHV riders. This included allowing OHVs to exceed 25 km/hr. as they are slowing traffic behind them, and it would reduce the potential frustration of motor vehicle drivers. Also, it was proposed to expand the hours beyond sunrise to sunset to provide consistency and predictability, by setting fixed beginning and end times that remain unchanged year-round. There was also a request to launch a snowmobile pilot. These options were offered in the context of opportunities to enhance the next phase.

It should be noted that there are other references in provincial legislation and regulation using sunrise and sunset as time markers. The OHVA and laws around hunting to name two. Sunrise and sunset references make allowances for the seasonal changes in the amount of daylight, which specifying set hours would not do.

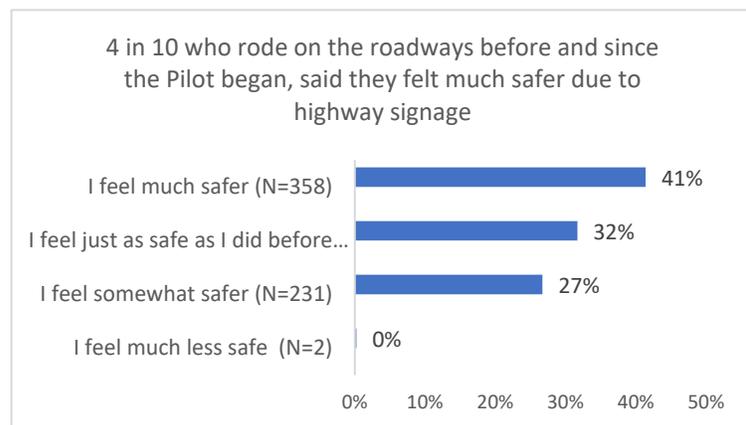
Association representatives suggested that the Pilot facilitated additional organized group rides – including those operated and sanctioned by local clubs/chapters. They also speculated that outdoor tour operator businesses would be bolstered because the Pilot enables them to comply with liability and insurance requirements. One stakeholder offered examples of OHV destinations such as the [Hatfield and McCoy Trail](#) system in West Virginia that the Pilot could help Nova Scotia communities aspire to.

### Considerations for Next Steps Regarding OHV Use of the Roadways

In the context of next steps, both government and association stakeholders offered many suggestions to expand and allow other trails to have use of the roadways. A sample of these suggestions included permitting use in Yarmouth (Water Street), Digby (George St.) and “all secondary roads”; as well as extending the areas of existing sites being piloted, such as in Gabarus and New Germany to include more businesses. Similarly, both government and association stakeholders believed that OHV use of more roadways could be done safely. As one government official suggested “the Province’s large network of trails, combined with our low-density population means the Pilot sites are generally not overused”

## 2.3 OHV Rider Survey

Pilot feedback via the OHV rider survey was very positive. Many riders (41%) who admitted to riding on the road both prior to and since the Pilot began, indicated they felt much safer due to addition of highway signage warning motorists of OHVs at the Pilot area. According to the survey, most OHV riders feel very safe using the public roadway/shoulder at Pilot areas, although several noted that the significantly slower speed they were to travel when on the roads (25 km/hr.) made them feel vulnerable. Many riders also noted that they are currently driving on or along a public roadway that are not part of as Pilot site (83%).



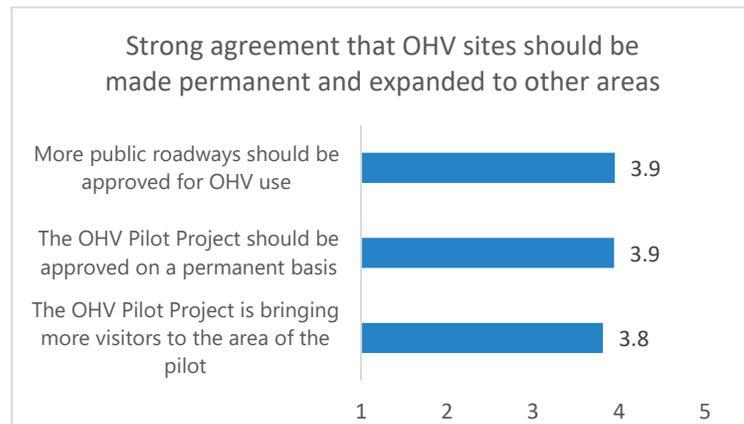
Riders who indicated they did not feel safe using the public roadway/shoulder at Pilot areas cited high traffic volumes, blind crests/bends in the road, poor shoulder conditions, that

sometimes it is not well known that OHVs are allowed on the highway, and the speed at which some OHV riders use the roadways is unsafe (i.e., too fast).

Although half of the riders reported not seeing any OHV highway warning signage for the Pilot, signage at the Pilot sites was considered adequate by riders (ranging from 84% to 94%). Many of the suggestions to improve the highway signage involved improving the visibility of signage by increasing the size and the number of signs. Some respondents commented that signage was inadequate but seemed to be referring to wayfinding issues on the trail instead of the highway. It is possible that there was some confusion as to what signs the riders were assessing.

With regards to the other safety rules, riders noted being aware of the requirements of using a hand signal before turning (90%), and that the maximum speed limit was 25 km/hr. (82%); fewer were aware that children under the age of 9 were not permitted to be passengers when on the roadway (65%).

Average scores on a scale of 1 to 5 indicate there was broad agreement by riders that Pilot areas do create valuable connections to other trails and local amenities. Similarly, there was a strong agreement that the Pilot Project should be made permanent and expanded.



Concerns raised by the riders involved improved signage needed in some areas and the low speed limit while on the roadways being a concern.

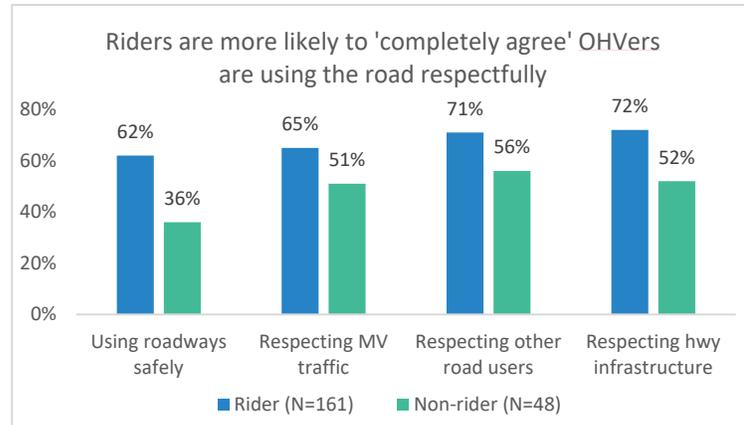
## 2.4 Community Survey

The community survey was developed to capture input from the general public living near the Pilot sites. Despite outreach efforts through established networks, there was only modest survey uptake among non-OHV rider community members. The survey attracted mostly riders (74% vs 26% non-riders) so there may be some overlap between the respondents of the community survey and the OHV rider survey. Two thirds (68%) of the respondents lived near one of the Pilot communities, and almost half of these lived in or near the Porter’s Lake site specifically. The local municipal councillor’s support in promoting the OHV surveys (e.g., posting on 24 Facebook pages) likely contributed to the geographic concentration of responses.

Overall, there was strong support for the Pilot in the community survey. Both riders and non-riders reported that the Pilot created valuable connections to other trails (97% and 83% respectively) and to local amenities (91% and 75%).

The majority of riders that responded to the community

survey completely agree they are using the roadways safely (62%); and are respecting motor vehicle traffic (65%), other road users such as pedestrians and cyclists (71%), and highway infrastructure (72%). While non-riders do not feel as strongly that OHVs ride safely (36%), more than half still completely agree OHVs are respectful of other traffic (51% motor vehicles, 56% other road users) and the infrastructure (52%).

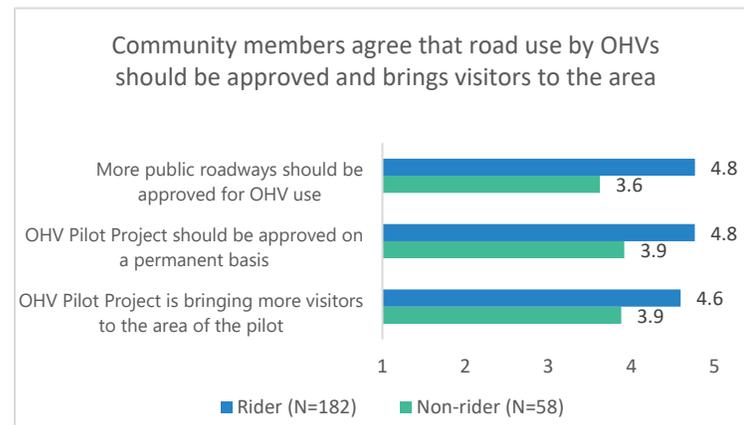


Some community members expressed concerns about safety, property damage, substance use and a lack of enforcement. Suggestions for improvement included increasing the visibility of OHV signage, a better public awareness campaign, adding safety features on OHVs, and stronger enforcement of regulations. A small percentage of community survey respondents (6%) revealed they experienced a 'close call' within a Pilot area.

Average scores on a scale of 1 to 5 indicate there was overall community agreement that the Pilot is bringing visitors to the area; and should be approved on a permanent basis and expanded for more roads by both riders and non-riders.

Concerns raised by community members were related to driver behaviour and attitude

regarding respect for private property by a minority of riders.



## 2.5 Business Survey

Overall, representatives of local businesses rated OHV drivers and the Pilot Project positively. While most businesses did not report a change in sales, one grocery retailer speculated that the lack of change in sales might be attributed to the fact that OHVs have always been riding their vehicles in the Pilot areas, even before the Pilot was in place.

There was strong support for the Pilot and OHV drivers as noted by businesses approving the OHV Pilot on a permanent and expanded basis (average score of 4.4 and 4.07 respectively on a five-point scale). Businesses found the Pilot to be beneficial because it attracts visitors and rallies to their communities.

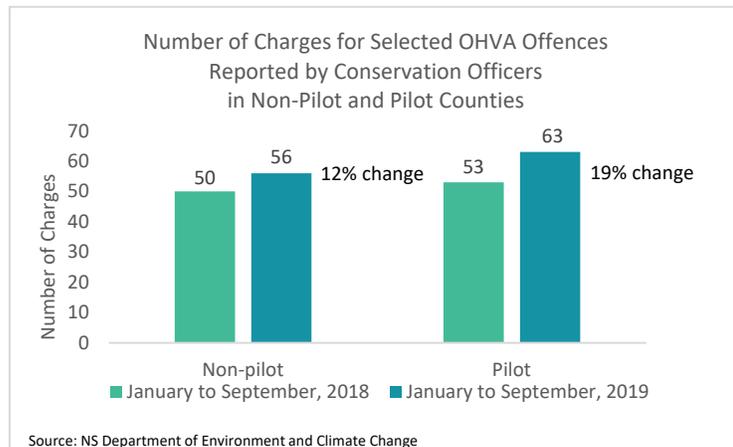


While overall feedback on the Pilot from businesses was very positive, a couple of areas of improvement were noted. Although most businesses did not believe that there were any challenges resulting from the Pilot, 28% were concerned that OHV drivers do not drive safely and 11% wanted to see better enforcement of regulations.

## 2.6 Administrative Data

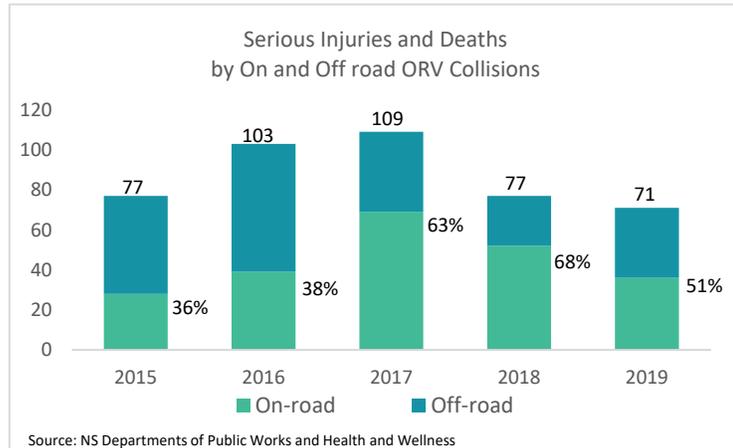
Government’s administrative data provided insights into several trends in OHVA offences and ORV-related serious injuries or deaths.

While warnings issued by Conservation Officers across the provinces decreased by 18%, the number of charges issued increased by 16% when comparing the first nine months of 2018 to same time in 2019. Counties with Pilot sites were more likely to experience a higher increase in the number of charges issued (19%). Data from the Department of Justice reflecting select OHVA charges issued by both RCMP, and the Conservation Officers also increased more in counties with Pilot sites, as compared to counties without a Pilot site (84% vs. 36%).



Whether warnings or charges, the top offences of ORV drivers for January to September of 2018 and 2019 were operating on a highway, shoulder or median; not wearing a helmet; driving without a permit; driving without appropriate insurance; and not displaying an identification number.

Although the number of serious injuries and deaths caused by ORV collisions has decreased in the past couple of years, the proportion that are occurring on-roads has increased. On average over the past five years, 62 serious injuries or deaths occurred annually in Nova Scotia. On average, 45 of these occurred on-roads. Riders in the 36 to 55 age group were most likely to experience serious injury or death overall, while those 16 to 25 were slightly more likely than the other age groups to have serious injuries or death when the ORV collision occurred on-roads.



In summary, the correlation between government’s administrative data and the OHV Pilot is inconclusive. For example, while more charges tended to be issued in counties with a Pilot site and for illegally using the shoulder/road, data constraints preclude directly connecting this to the Pilot. The steady increase in the number of OHVs registered in the province is also a consideration. However, it can be definitively stated that there were no serious collisions at the Pilot sites. This positive outcome could be the combined result of Pilot highway warning signs and road safety conditions related to Pilot site selection criteria and the roadway driving rules set by Public Works.

### 3 SUMMARY OF FINDINGS

Keeping in mind the data nuances previously noted in the methodology section, the Pilot was largely viewed positively by field staff, businesses, riders and community members. It was seen to enhance trail connectivity and access to services for OHV riders without significant degradation of the pavement surface in most locations.

The Pilot was viewed by many stakeholders to alleviate major safety concerns. The Pilot sites were used appropriately by most OHV riders. Criteria for site selection, highway signage at the Pilot sites, and road safety rules were seen to contribute to the Pilot’s success. Also, there were no charges for road safety violations, or serious injuries or deaths at a Pilot site.

The Pilot was largely endorsed by local businesses. In general, businesses at the sites designed to permit access to amenities, reported benefiting from OHVs visiting their establishments, as did other businesses in the vicinity of all the sites. However, it is challenging to quantify the economic impact on communities through this evaluation due to respondent difficulty in providing precise estimates of changes in business levels.

Although not immediately in the vicinity of the Pilot sites, some tourism businesses in the Province have a strong niche with OHV riders. Further development of OHV activity would enhance tourism business opportunities (e.g. OHV tour companies, accommodations, campgrounds, restaurants, outfitters, etc.). An example of a destination that has more fully developed this niche was noted in the research and provides a reference point for possible outdoor tourism growth.

Overall, the evaluation evidence suggests that, under the conditions of the Pilot Project:

- The criteria for site selection is appropriate for these four-wheeled OHVs
- There was not significant degradation of the roadway at the Pilot sites
- Although not economically quantifiable, most businesses interviewed benefitted and were supportive of OHV use of public highways in their area
- Under the road safety rules of the Pilot OHVs safely integrated with other road users, and
- There is support for creating additional opportunities for road access. Potential options for future sites were raised by stakeholders and survey participants.

## 4 FOR FUTURE CONSIDERATION

The OHV evaluation analysis offers the following for future consideration.

### Designate the Pilot sites with permanent status.

This option was largely supported by the various evaluation participants. While one stakeholder suggested that OHV driver standards may relax if road access at specific sites becomes permanent, others countered that the Pilot has provided adequate time for the “bar to be raised” for responsible OHV use. Considerations, however, include the legislative effort and timeline to amend the *Motor Vehicle Act* and the *Off-Highway Vehicle Act*.

### Designate additional sites.

Similar to the above this option was unanimously supported by stakeholders. This approach would scale the benefits – including economic, social, recreational, and quality of life - associated with the initial Pilot sites. Furthermore, expansion would potentially extend the array of businesses in the network to include accommodation and recreation enterprises while increasing the number of fuel and food related businesses. This would enhance the OHV user experience, attract more tourists and elevate the province’s OHV destination status. The outreach and engagement process offered numerous options for expansion consideration. Discontinuance of road access attracted little support through the outreach and engagement discussions.

## Support Enhanced Business Measurement.

As noted above, business representatives were unable to attribute quantifiable changes in their business activity to the OHV Pilot. Measuring business impact could be enhanced, if a future study was conducted, by providing businesses with the opportunity to establish a baseline measure of OHV related activity and impacts, along with a tracking tool to capture activity in real time. This would help address feedback where respondents generally found it difficult to quantify their responses, while more precisely connecting business activity with the Pilot. Data collection of this nature could also be configured to enable economic impact measurement of the Pilot specifically, or the OHV sector generally.

## **APPENDIX A: SUMMARY OF THE RULES OF THE ROAD FOR OHV PILOT AREAS ONLY**

### **Vehicles Permitted – Four Wheeled OHVs**

- All-Terrain Vehicles
- Multi-Purpose Off-Highway Utility Vehicle (i.e., utility side by sides); and
- Recreational Off-Highway Vehicle (i.e., recreational side by sides).

### **Licensing and Registration**

- Registration fees and application processes apply as outlined in the Off-Highway Vehicle Act.
- To operate an OHV on the right of way, the operator must hold a valid driver's license under the Motor Vehicle Act. Drivers holding a learner's licence will not be permitted to take part in the Pilot. For non-residents of Nova Scotia, the equivalent of a Class 5 in their jurisdiction of residence will be required.
- Any OHV accessing Pilot areas must have a number plate affixed to the vehicle; and
- OHVs shall be insured in accordance with Section 15B of the Off-Highway Vehicles Act.

### **Operation**

- When operating in Pilot areas OHVs will be operated at speeds of no more than 25km/h.
- OHVs will only be permitted to travel in Pilot areas from the hours of one-half hour before sunrise to one half hour after sunset; and
- OHVs will be permitted to be driven on the shoulder of the designated highway only in the same direction as traffic using the same side of the highway.

### **OHVs will be permitted to be driven on roadways in the same direction as traffic using the same side of the highway if:**

- One or more of the following exists:
  - There is no shoulder.
  - The shoulder is obstructed.
  - They are preparing to make a left turn across the roadway.
  - The shoulder is not wide enough to be driven with all tires completely off the roadway, or
  - When being driven across a level railway crossing.

- When entering the shoulder or roadway of a designated highway OHVs will be required to yield the right of way to any traffic already using the shoulder or roadway. OHVs will be permitted to enter shoulder only when safe to do so.
- Before commencing a left turn the OHV will be required to (without interfering with traffic) move away from the shoulder or right edge of the roadway and be positioned on the roadway in the position to make a left turn. Upon completing a left turn, the OHV will be required to (without interfering with traffic) move back to the right edge of the roadway or shoulder.
- The Off-Highway Vehicle Act prohibits OHVs from being equipped with turn signals. Therefore, prior to commencing any turn OHVs will be required to indicate the intention to turn following the hand signalling instructions provided in the Motor Vehicle Act.
- OHVs will be required to travel in single file on the shoulders and roadways and are not permitted to pass when riding in Pilot areas; and
- The operation of an OHV on the shoulder or roadway with a passenger younger than 9 years old is prohibited in Pilot areas.

## **Equipment**

- OHVs may only carry passengers aged 9 or older in Pilot areas if the OHV is designed by the original equipment manufacturer to carry both a driver and a passenger; and
- In addition to any other provision in the Pilot regulations, no person will be permitted to operate an OHV in a Pilot area unless it meets all equipment requirements in accordance with the Nova Scotia's Off-Highway Vehicle Act and general regulations.

# Road Trails Act

CHAPTER 4 OF THE ACTS OF 2023



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Published by Authority of the Speaker of the House of Assembly  
Halifax

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CHAPTER 4 OF THE ACTS OF 2023

**An Act Respecting the Operation of  
Off-highway Vehicles on Designated Highways**

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**Short title**

**1** This Act may be cited as the *Road Trails Act*. 2023, c. 4, s. 1.

**Purpose**

2 The purpose of this Act is to enable the operation of off-highway vehicles on designated parts of highways to allow for trail and amenity connectivity. 2023, c. 4, s. 2.

**Interpretation**

3 In this Act,

“all-terrain vehicle” means a vehicle that is

- (a) equipped with four or more wheels, all of which are normally in contact with the ground;
- (b) equipped with a steering wheel or handlebars for steering control; and
- (c) designed for the transportation of persons, property or equipment exclusively on marshland, open country or other unprepared surfaces,

but does not include a snow vehicle;

“conveyance” means any thing in, on or by which any person or property is or may be transported or drawn on a highway and includes

- (a) a vehicle;
- (b) a bicycle;
- (c) a personal transporter;
- (d) a pedicab;
- (e) a rickshaw;
- (f) an animal being ridden, herded, led or driven;
- (g) an off-highway vehicle;
- (h) a recreational apparatus; and
- (i) any other thing prescribed by the regulations,

but does not include a mobility aid;

“designated trail” means a trail or any part of a trail on public or private land designated under subsection 12D(1) of the *Off-highway Vehicles Act*;

“ditch” means the area between the boundary of a highway and the line of the shoulder farthest removed from the travelled portion of the highway;

“driver” includes the operator of an off-highway vehicle and, where applicable, the operator of any vehicle;

“highway” means

- (a) a public highway, street, lane, road, alley, park, beach or place including the bridges thereon; and
- (b) private property that is designed to be and is accessible to the general public for the operation of a motor vehicle;

“Minister” means the Minister assigned responsibility for this Act;

“municipality” means a town, a county or district municipality or a regional municipality;

“off-highway vehicle” means

- (a) an all-terrain vehicle;
- (b) a dirt bike;
- (c) a dune buggy;
- (d) a four-wheel-drive or low-tire-pressure vehicle;
- (e) a snow vehicle; or
- (f) a vehicle belonging to a class of vehicles designated as off-highway vehicles by the regulations,

but does not include a vehicle registered under the *Motor Vehicle Act* or a vehicle or class of vehicles exempted from this Act by the regulations;

“peace officer” includes a member of the Royal Canadian Mounted Police, a police officer appointed by a municipality, a motor vehicle inspector appointed under the *Motor Vehicle Act* or the *Motor Carrier Act* and a conservation officer as defined in the *Forests Act*;

“Registrar” means the Registrar appointed under the *Motor Vehicle Act*;

“road trail” means the shoulder and travelled portion of a highway designated under Section 5 or by a municipal bylaw, but does not include a ditch;

“seat belt” means a device or assembly securely fastened to the off-road vehicle by the vehicle manufacturer, composed of straps, webbing or similar material and includes a pelvic restraint or an upper torso restraint, or both of them, capable of restraining the movement of a person in order to prevent or mitigate injury to the person;

“sheriff” means a sheriff as defined in the *Motor Vehicle Act*;

“snow vehicle” means a vehicle designed for the transportation of persons, property or equipment exclusively or chiefly on snow or ice, or both;

“vehicle” means any vehicle or other conveyance to which the *Motor Vehicle Act* applies. 2023, c. 4, s. 3.

#### **Application of Motor Vehicle Act and Off-highway Vehicles Act**

**4 (1)** Subject to subsection (2), in the event of a conflict between this Act and the *Motor Vehicle Act* or the *Off-highway Vehicles Act*, this Act prevails.

**(2)** In the event of a conflict between this Act and the regulations made under Section 307 of the *Motor Vehicle Act* authorizing a project, those regulations prevail.

**(3)** Except as otherwise provided in this Act, the *Motor Vehicle Act* and the regulations made under that Act applicable to motor vehicles apply to

the operation of an off-highway vehicle on a road trail, except those provisions that by their very nature can have no application. 2023, c. 4, s. 4.

#### **Designation of road trail**

**5 (1)** The Minister may by regulation, with the approval of the Minister of Public Works, designate a highway or part of a highway as a road trail.

**(2)** A municipality may, by bylaw, designate a highway or part of a highway that is not a road owned by the Crown in right of the Province as a road trail.

**(3)** A designation under subsection (1) or (2) may not include a controlled-access highway or part of a controlled-access highway. 2023, c. 4, s. 5.

#### **Operation on road trail**

**6 (1)** Notwithstanding Section 11 of the *Motor Vehicle Act*, a driver may operate an all-terrain vehicle, a dirt bike, or another off-highway vehicle of a class prescribed by the regulations, on a highway or part of a highway that is designated as a road trail under Section 5, if the driver meets all requirements under this Act and the *Off-highway Vehicles Act*.

**(2)** For greater certainty, nothing in this Act allows an off-highway vehicle to be operated on the roadway or shoulder of a controlled-access highway. 2023, c. 4, s. 6.

#### **Due care and caution**

**7** Every driver of an off-highway vehicle on a road trail shall exercise due care and caution at all times when operating the vehicle. 2023, c. 4, s. 7.

#### **Licence required**

**8** No driver shall operate an off-highway vehicle on a road trail unless that driver is the holder of a valid driver's licence issued under the *Motor Vehicle Act* that is not a learners class driver's licence. 2023, c. 4, s. 8.

#### **Must carry and present licence**

**9** Every driver shall carry the driver's valid driver's licence at all times when operating an off-highway vehicle on a highway and shall produce the licence at all reasonable times on the demand of a peace officer. 2023, c. 4, s. 9.

#### **Third-party liability insurance**

**10 (1)** No driver shall operate an off-highway vehicle on a road trail unless that driver carries third-party liability insurance in at least the amount required by the regulations.

**(2)** A driver shall carry proof of insurance at all times while operating an off-highway vehicle on a road trail and shall produce the proof of insurance at all reasonable times on the demand of a peace officer. 2023, c. 4, s. 10.

**Assumption of risk**

**11 (1)** Notwithstanding any other enactment, a driver or passenger on an off-highway vehicle on a road trail is deemed to have willingly assumed all risks related to the operation of the vehicle on the road trail.

**(2)** For greater certainty, neither the Minister, the Crown in right of the Province, nor any department or official of the Government nor any municipality is liable for any damage, death or injury resulting from the operation of an off-highway vehicle on a road trail. 2023, c. 4, s. 11.

**Seat belts required**

**12 (1)** Where an off-highway vehicle is equipped with a seat belt, each driver and passenger for whom a seat belt is available shall wear the seat belt at all times while the vehicle is being operated on a road trail, other than when the vehicle is in reverse.

**(2)** No person shall remove or disable a seat belt on an off-highway vehicle that was installed by the manufacturer as original equipment. 2023, c. 4, s. 12.

**Helmets required**

**13** Every driver and passenger on an off-highway vehicle shall wear a helmet that meets the requirements set out in the regulations and with the chin strap of the helmet securely fastened under the chin at all times while the vehicle is on a road trail. 2023, c. 4, s. 13.

**Passengers under 16**

**14** A driver shall not permit a passenger under the age of 16 years to be a passenger on an off-highway vehicle on a road trail unless the passenger is wearing a seat belt as required by subsection 12(1) and a helmet as required by Section 13. 2023, c. 4, s. 14.

**Lighting requirements**

**15 (1)** An off-highway vehicle operated on a road trail must be equipped with headlamps and a rear-facing red light that meet the requirements set out in the regulations.

**(2)** Headlamps must be activated at all times while an off-highway vehicle is being operated on a road trail.

**(3)** No off-highway vehicle operated on a road trail may be equipped with front-facing red lights.

**(4)** Nothing in this Section applies to a vehicle used in an official purpose by

- (a) a police department;
- (b) a fire department;
- (c) the Department of Natural Resources and Renewables;

or

- (d) an entity prescribed by the regulations. 2023, c. 4, s. 15.

**Side mirror required**

**16** An off-highway vehicle must be equipped with a left-hand side mirror that meets the requirements set out in the regulations while the vehicle is being operated on a road trail. 2023, c. 4, s. 16.

**Noise level**

**17** No driver shall operate an off-highway vehicle if the noise level of the vehicle is higher than the level originally set by the manufacturer because of the removal of the muffler or other noise-dampening device or the modification of the muffler or other noise-dampening device so as to increase the noise level. 2023, c. 4, s. 17.

**Indication of turns**

**18** The driver of an off-highway vehicle shall, while the vehicle is on a road trail,

(a) where the vehicle is not equipped with turn signal lights, signify

(i) a left turn by extending the driver's left hand and arm horizontally from the vehicle, and

(ii) a right turn by either

(A) extending the driver's left hand and arm out and upward from the vehicle so that the upper and lower parts of the arm are at right angles, or

(B) extending the driver's right hand and arm out horizontally from the vehicle;

(b) where the vehicle is equipped with signal lights that are visible from behind and in front of the vehicle, signify a right or left turn by either

(i) activating the appropriate turn signal light, or

(ii) extending the driver's hand and arm as described in clause (a); and

(c) signify a stop or decrease in speed by extending the driver's left hand and arm out and downward from the vehicle so that the upper and lower parts of the arm are at right angles, unless the vehicle is equipped with a visible red light at the rear that is activated when the driver operating the vehicle applies the brakes. 2023, c. 4, s. 18.

**Required equipment**

**19** An off-highway vehicle being operated on a road trail must be equipped with any equipment prescribed by the regulations as being required for an off-highway vehicle of its class. 2023, c. 4, s. 19.

**Prohibitions respecting operation**

**20 (1)** No driver shall operate an off-highway vehicle on a highway unless the driver is

- (a) operating the vehicle lawfully on a road trail; or
- (b) permitted to operate the vehicle on a highway under the *Off-highway Vehicles Act* or the regulations made under that Act.

**(2)** Where the use of a road trail is restricted to a class or classes of off-highway vehicle, no driver shall operate an off-highway vehicle of a non-permitted class on the road trail.

**(3)** Where a road trail is restricted

- (a) for use only at certain times of day or certain times of year; or
- (b) for use by a class or classes of off-highway vehicle only at certain times of day or certain times of year,

no driver shall operate an off-highway vehicle in contravention of those restrictions.

**(4)** No driver shall travel in a bicycle lane while operating an off-highway vehicle.

**(5)** No driver shall use an off-highway vehicle to tow another vehicle on a road trail.

**(6)** No driver shall operate an off-highway vehicle on a road trail at a rate of speed greater than 25 kilometres per hour.

**(7)** No driver shall operate an off-highway vehicle on a road trail in the period between 30 minutes after sunset and 30 minutes before sunrise. 2023, c. 4, s. 20.

**Prohibitions respecting passengers**

**21 (1)** No driver shall operate an off-highway vehicle on a road trail with a passenger who is under nine years of age.

**(2)** No driver shall use an off-highway vehicle to transport a passenger on a road trail unless the driver and passenger meet all requirements prescribed by the regulations and the vehicle is equipped with the equipment prescribed by the regulations. 2023, c. 4, s. 21.

**Prohibitions respecting blocking trails**

**22 (1)** No person shall stand or park any vehicle in a manner that blocks others from accessing or leaving a designated trail or a road trail from a highway.

**(2)** No person shall erect any barrier, obstacle or structure that blocks others from accessing or leaving a designated trail or a road trail from a highway. 2023, c. 4, s. 22.

**Operation on shoulder and roadway**

- 23** (1) The driver of an off-highway vehicle on a road trail shall
- (a) drive in the same direction as the traffic using the same side of the highway;
  - (b) drive on the shoulder of the highway, except as provided in subsection (2); and
  - (c) when driving on the shoulder of a highway, drive as close to and parallel with the right edge of the shoulder as is safely and practicably possible.
- (2) The driver of an off-highway vehicle may operate the vehicle on a roadway that is a road trail if
- (a) the highway does not have a shoulder;
  - (b) the shoulder of the highway is insufficiently wide for the off-highway vehicle to be driven completely off the roadway;
  - (c) the shoulder is obstructed; or
  - (d) the driver is preparing to make a left turn across the roadway.
- (3) When the driver of an off-highway vehicle operates the vehicle on a roadway as permitted under subsection (2), the vehicle must be driven as much on the shoulder as practicably possible and, where the vehicle is on or partially on the roadway, as close to and parallel with the right edge of the roadway as is safely and practicably possible.
- (4) When entering a roadway or shoulder, the driver of an off-highway vehicle shall yield the right of way to any traffic already in the roadway or shoulder and may only enter the roadway or shoulder when it is safe to do so.
- (5) Except when passing a vehicle, including another off-highway vehicle, the driver of an off-highway vehicle on a road trail shall travel in single file with other vehicles.
- (6) Notwithstanding subsections (1) and (2), the driver of an off-highway vehicle shall drive the vehicle on the roadway when crossing a level railway crossing that intersects a road trail. 2023, c. 4, s. 23.

**No passing**

- 24** The driver of an off-highway vehicle on a road trail shall not pass any moving vehicle travelling on the same shoulder or the roadway. 2023, c. 4, s. 24.

**Procedure for left turn**

- 25** (1) Before beginning a left turn, the driver of an off-highway vehicle on a highway must, without interfering with the flow of traffic travelling in the same direction as the vehicle, move away from the shoulder or the right edge of the roadway and be positioned on the roadway in the position from which the left turn is to be made.

(2) After completing a left turn from a highway to another highway, the driver of an off-highway vehicle shall, without interfering with the movement of traffic travelling in the same direction as the vehicle, move to the right edge of the roadway or the shoulder. 2023, c. 4, s. 25.

#### **Duties where accident**

26 (1) The driver of an off-highway vehicle directly or indirectly involved in an accident on a road trail shall immediately stop the vehicle at the scene of the accident.

(2) The driver of an off-highway vehicle involved in an accident on a road trail resulting in injury or death to any person or damage to property shall

(a) give the driver's name, address and the registration number, if any, of the driver's vehicle and exhibit the driver's licence of the driver to the person struck or to the driver or occupants of any vehicle collided with or to a witness; and

(b) render to any person injured in the accident reasonable assistance, including the carrying of the injured person to a physician or surgeon for medical or surgical treatment if it is apparent that treatment is necessary or is requested by the injured person and the vehicle is capable of transporting the injured person in a safe manner without causing additional injury.

(3) When an accident on a road trail results in damage to an unattended vehicle or to property upon or adjacent to a highway or designated trail, the driver of every off-highway vehicle involved in the accident shall

(a) take reasonable steps to locate and notify the owner of, or a person who has control over, the unattended vehicle, or the property, of the circumstances of the accident; and

(b) give to the owner or person the name, address and driver's licence number of the driver and the registration number of the vehicle, if any.

(4) Where the driver of the off-highway vehicle involved in an accident is unable to locate and notify the owner or person who has control over the unattended vehicle or the property, the driver shall within 24 hours after the accident give to the chief of police or any regular member of the police force in the case of an accident occurring in a municipality with a police force, or the nearest detachment of the Royal Canadian Mounted Police in the case of an accident occurring elsewhere, the information required by subsection (3) together with a description of the unattended vehicle or the property. 2023, c. 4, s. 26.

#### **Duties where accident causing injury, death or damage**

27 (1) The driver of an off-highway vehicle involved in an accident resulting in injury or death to a person, or property damage to an apparent extent of \$2,000 or more, shall, within 24 hours,

(a) where the accident takes place within a municipality with a police force, forward a written report of the accident, or report the accident in person to the nearest detachment of the Royal Canadian

Mounted Police, or to the chief of police or any regular member of the police force of the municipality; or

(b) where the accident takes place other than within a municipality with a police force, forward a written report of the accident or report the accident in person to the nearest detachment of the Royal Canadian Mounted Police.

(2) Where the driver of the off-highway vehicle is physically incapable of making a report, and there is a passenger of the vehicle, the passenger shall make the report.

(3) Copies of any report made under subsection (1) must be transmitted by the person receiving the report to the Registrar and to the Provincial Traffic Authority within 24 hours of receiving the report.

(4) Any peace officer who is a witness to or who investigates any accident in which an off-highway vehicle upon a highway is involved, whether or not required to be reported under this Section, shall forward to the Registrar, in addition to any other report that may be required under this Section, a report containing

- (a) full particulars of the accident;
- (b) the names and addresses of the persons involved;
- (c) the extent of the personal injuries or property damage, if any;
- (d) whether an information has been laid against a driver in connection with the accident; and
- (e) any other information that may enable the Registrar to determine whether any driver involved in or contributing to the accident should be prosecuted.

(5) The Registrar may require any person involved in an accident, or having knowledge of an accident, or the parties thereto, or of any personal injuries or property damage resulting therefrom, to furnish, and any peace officer to secure, any additional information and make any supplementary reports of the accident as the Registrar may deem necessary to complete the Registrar's records, and to establish, as far as possible, the cause of the accident, the persons responsible, and the extent of the personal injuries and property damage, if any, resulting therefrom.

(6) Except as provided in subsections 28(1) and (3), all reports made under this Section are for the information only of

- (a) the Registrar;
- (b) the Department of Public Works;
- (c) where there is no vehicle safety division of the Department, the vehicle safety division of any department of the Government;
- (d) the police force to which the reports are made; and

(e) the vehicle safety division of the municipality to which the reports are made, and no report or any part thereof or any statement contained therein is open to public inspection or admissible in evidence in any trial, civil or criminal, arising out of the accident except as evidence that the report has been made or in connection with a prosecution for making a false statement therein in violation of Section 28. 2023, c. 4, s. 27.

### Reports

**28** (1) Where a person, an insurance company or the Crown in right of the Province has paid or may be liable to pay for damages resulting from an accident in which an off-highway vehicle is involved, the person, the insurance company or a public officer responsible for risk management for the Government of the Province, as the case may be, and any solicitor, agent or other representative of the person, company or public officer authorized by the person, company or public officer in writing, may obtain from the Registrar a copy of any report made under this Section and, in furnishing a copy of the report, the Registrar is authorized, subject to subsection (2), to disclose any personal information contained in the report.

(2) Before furnishing a copy of a report under subsection (1), the Registrar shall remove from the report any personal information that the Registrar considers to be appropriate to remove.

(3) The Registrar may provide data derived from reports made under this Section to any person conducting research respecting traffic safety or off-highway vehicle safety.

(4) A medical examiner or other official performing like functions shall make a report to the Registrar with respect to any death found to have been the result of an accident involving an off-highway vehicle on a road trail.

(5) The Registrar may require an insurer or other person who pays damages for injury to person or property caused by an off-highway vehicle on a road trail to report the same to the Department of Public Works within seven days after the date of payment and to furnish proof thereof if required by the Department. 2023, c. 4, s. 28.

### Failure to report and false statements

**29** (1) Any person who fails to report or furnish any information or written statement required by Section 27 or 28 is guilty of an offence.

(2) Every person who knowingly makes any false statement in any report made under Section 27 or 28 is guilty of an offence. 2023, c. 4, s. 29.

### Registrar may require copies

**30** Notwithstanding the *Personal Health Information Act*, the Registrar may require copies of medical and other reports relating to any incident that occurs on a highway involving an off-highway vehicle to be provided to the Registrar. 2023, c. 4, s. 30.

**Municipal bylaws**

**31 (1)** The council of a municipality may make bylaws regulating the operation of off-highway vehicles on road trails designated under subsection 5(2).

**(2)** A bylaw made under subsection (1) may

(a) restrict the use of a road trail to a class or classes of off-highway vehicles;

(b) restrict the times of day or times of year a road trail may be used, including restricting the times of day or times of year the road trail may be used by certain classes of off-highway vehicles;

(c) prescribe a maximum rate of speed lower than 25 kilometres per hour for the operation of off-highway vehicles on road trails within the municipality or within a specified area of the municipality;

(d) establish speed and noise restrictions for the operation of off-highway vehicles on road trails within a specified distance of certain buildings, types of buildings or areas;

(e) establish traffic rules and restrictions, not less restrictive than those in this Act or the regulations, respecting the operation of off-highway vehicles on specific roads, intersections and road infrastructure;

(f) create offences and prescribe penalties for the violation of bylaws made under this Section.

**(3)** A municipality shall publicize any designation made under Section 5 or restriction made under clause (2)(a) or (b) in a matter determined by the municipality. 2023, c. 4, s. 31.

**Powers of peace officer**

**32 (1)** A peace officer may enforce this Act on any highway or designated trail.

**(2)** A peace officer may enforce

(a) any enactment, including the *Motor Vehicle Act*, the *Motor Carrier Act* and the *Off-highway Vehicles Act*; and

(b) any municipal bylaw

that relates to the operation of an off-highway vehicle on a highway or designated trail. 2023, c. 4, s. 32.

**Peace officer may stop vehicle**

**33 (1)** A driver shall stop an off-highway vehicle on the direction of a peace officer.

**(2)** A peace officer may stop an off-highway vehicle for the purpose of determining whether this Act, the *Motor Vehicle Act*, the *Motor Carrier Act*, the *Off-highway Vehicles Act*, the *Liquor Control Act*, the *Cannabis Control Act* or a municipal bylaw has been contravened. 2023, c. 4, s. 33.

**Seizure of vehicle**

**34 (1)** A peace officer may seize an off-highway vehicle if the peace officer has reasonable and probable grounds to believe that an offence has been committed under this Act, the *Motor Vehicle Act* or the *Off-highway Vehicles Act* and may detain the vehicle until the final disposition of the case at trial or any charges are otherwise disposed of, if the peace officer has reasonable and probable grounds to believe the seizure and detention is necessary to prevent the continuation or repetition of the offence.

**(2)** Where an off-highway vehicle is seized and detained under this Act, the costs of impounding and storing it must be paid by the person to whom the vehicle is to be released before it is released.

**(3)** Where the costs of impounding and storing an off-highway vehicle under this Act have not been paid within 30 days of the final disposition as provided in subsection (1), the sheriff shall sell the vehicle in the same manner and in all respects as other goods are sold under execution.

**(4)** The sheriff shall pay from the money recovered under subsection (3)

(a) the sheriff's fees, commission and poundage expenses;  
and

(b) the costs of impounding and storing the off-highway vehicle,

and any surplus that remains to the person entitled thereto.

**(5)** Where money is levied upon an execution under this Section, the *Creditors' Relief Act* does not apply to the portion of the money obtained by the levying on and selling of the off-highway vehicle under the execution. 2023, c. 4, s. 34.

**Owner of vehicle liable**

**35 (1)** The owner of an off-highway vehicle is liable to incur the penalties provided for a violation of this Act or the regulations unless, at the time of the violation, the off-highway vehicle was in the possession of a person without the owner's consent, either expressed or implied.

**(2)** Where the owner of an off-highway vehicle is present on or in the vehicle at the time of the violation of a provision of this Act or the regulations by another person operating that vehicle, the owner as well as the operator is guilty of the offence. 2023, c. 4, s. 35.

**Offences and penalties**

**36 (1)** A person who violates Section 8 or subsection 15(1) or 22(1) or (2) is guilty of an offence and liable on summary conviction to the penalties provided for a category A offence in the *Summary Proceedings Act*.

**(2)** A person who violates subsection 12(1) or (2), Section 14 (where the offence relates to a failure to wear or require a person to wear a seat belt), subsection 15(2) or Section 18 is guilty of an offence and liable on summary

conviction to the penalties provided for a category B offence in the *Summary Proceedings Act*.

(3) A person who violates subsection 15(3) or Section 16 or 17 is guilty of an offence and liable on summary conviction to the penalties provided for a category C offence in the *Summary Proceedings Act*.

(4) A person who violates Section 8 or subsection 20(1), (2) or (3) is guilty of an offence and liable on summary conviction to the penalties provided for a category D offence in the *Summary Proceedings Act*.

(5) A person who violates Section 7 or 10, subsection 20(5), (6) or (7) or Section 23 is guilty of an offence and liable on summary conviction to the penalties provided for a category F offence in the *Summary Proceedings Act*.

(6) A person who violates Section 13 or 14 (where the offence relates to a failure to wear or require a person to wear a helmet), or subsection 21(1) or Section 25 is guilty of an offence and liable on summary conviction to double the penalties provided for a category F offence in the *Summary Proceedings Act*.

(7) A person who violates subsection 20(4) or Section 26, 27 or 29 is guilty of an offence and liable on summary conviction to the penalties provided for a category G offence in the *Summary Proceedings Act*.

(8) A person who violates a provision of the regulations is guilty of an offence and liable on summary conviction to the penalties provided for that offence in the regulations. 2023, c. 4, s. 36.

### Regulations

- 37 (1) The Minister may make regulations
- (a) designating a highway or part of a highway as a road trail;
  - (b) restricting the use of a road trail to a class or classes of off-highway vehicles;
  - (c) restricting the conditions, times of day or times of year a road trail may be used, including restricting the times of day or times of year a road trail may be used by certain classes of off-highway vehicles;
  - (d) respecting equipment that must be installed on an off-highway vehicle for it to be allowed for use on a road trail, including prescribing different equipment that must be installed on different classes of off-highway vehicle;
  - (e) respecting equipment that must be installed on an off-highway vehicle for the vehicle to be used to transport a passenger on a road trail, including prescribing different equipment that must be installed on different classes of off-highway vehicle;
  - (f) establishing or adopting standards for equipment and helmets required under this Act.

(2) Regulations made under subsection (1) may adopt by reference or otherwise standards or specifications established or approved by the Canadian Standards Association or other testing organization with or without modifications or variations or may require that any equipment conforms to the standards or specifications established or approved by the Canadian Standards Association or other testing organization or bear the approval of the Canadian Standards Association or other testing organization.

(3) The Minister of Public Works must consent to any designation made under clause (1)(a).

(4) The Governor in Council may make regulations

- (a) prescribing a thing as a conveyance;
- (b) designating a class of vehicles as off-highway vehicles;
- (c) designating a class of off-highway vehicles as a class that may be operated on a road trail;
- (d) prescribing additional restrictions on the operation of a class of off-highway vehicles on road trails;
- (e) respecting the operation of off-highway vehicles or classes of off-highway vehicles on municipal roads;
- (f) respecting third-party liability insurance required for the operation of an off-highway vehicle on a road trail;
- (g) prescribing entities to whose vehicles Section 14 does not apply;
- (h) expanding or restricting the powers of municipalities to make bylaws under this Act;
- (i) respecting fines, including setting categories of fines and fines for specific offences against this Act or the regulations;
- (j) defining any term used but not defined in this Act;
- (k) further defining any term defined in this Act;
- (l) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out the purpose of this Act.

(5) The exercise by the Minister or the Governor in Council of the powers contained in this Section is a regulation within the meaning of the *Regulations Act*. 2023, c. 4, s. 37.

**Motor Vehicle Act amended**

38 to 40 *amendments*

**Off-highway Vehicles Act amended**

41 and 42 *amendments*

**Effective date**

**43** This Act has effect on such day as the Governor in Council orders and declares by proclamation. 2023, c. 4, s. 43.

Proclaimed - September 27, 2023  
In force - September 29, 2023

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