



PARLIAMENTARY



COMMITTEE



on Off-Highway Vehicles



[WORKING PAPER]

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Table of Contents

Message from the Minister for Transport	5
Introduction	7
1 Process	9
2 Regional Coordination	10
Mandate of the Coordinating Panel	10
Membership	11
Coordination	11
Advisory Committee	11
3 Funding for Inter-Regional Networks	12
Restructuring and Maintenance of Permanent or Semi-Permanent Inter-Regional Networks	12
4 Sustainability of Trails	13
Neighbourhood Inconveniences, Noise, and Odours	13
Landowners Granting Wayleave	14
5 Stricter Rules	15
Public Health and the Environment	15
Safety	15
OHV Rental	16
Municipal By-laws	16
Abandoned Railroad Rights-of Way	16
Federal Jurisdiction	16
6 Patrolling Trails	17
Police	17
Trail Security Officers	17
7 Awareness	19
OHV Users	19
Young Users	19
Municipal and Regional Authorities	19
8 OHVs as a Means of Transportation for Natives	20
9 Synopsis of Proposals	21

Publication of this working paper is not related to the class action filed by the Coalition pour la protection de l'environnement du parc linéaire "Petit train du Nord". Similarly, the Parliamentary Committee will not deal with the facts involved in this class action.



Message from the Minister for Transport

MEASURES FOCUSED ON PEOPLE

There are 450,000 off-highway vehicles registered in Québec, and more than a million users. The soaring popularity of these vehicles produces significant economic and tourism benefits for regions, but it also raises a variety of concerns among traiside residents with respect to protecting their health and the environment.

The purpose of the public consultation process that I chaired in May and June of 2005 was to listen to all of the individuals and groups who were interested in stating their views and offering suggestions in order to ensure the continued use of off-highway vehicles while respecting the rights of traiside residents.

I would like to thank the approximately 1,000 people who attended one of the public hearings, which were held in 16 cities. We would not have been able to arrive at the approaches that are proposed in this paper without the participation of the public, elected officials, interest groups, and off-highway vehicle federations.

Our study of the proposals and opinions that we received enabled us to come up with several avenues of approach that are primarily related to regional coordination, patrolling trails, safety, noise levels, health, the environment, and funding.

These proposed solutions are consistent with the government's main priorities of sustainable development, regional development, and improving public health and safety through prevention.

The primary purpose of the approach that is proposed in this paper is to ensure the quality of life of traiside residents, and to involve them in the process so that they can state their views. This must be done in partnership with all of the other regional stakeholders who are working toward solutions that will allow off-highway vehicle users to continue to drive in complete safety, while ensuring the protection of the environment.

If we wish to arrive at innovative, sustainable solutions that are adapted to each community and respectful of everyone's interests, we must work together, and everyone must have a role to play.

I commend everyone who contributed to the success of this process toward harmonious cohabitation. I assure you that you can count on my full cooperation.

Julie Boulet

Minister for Transport

Minister responsible for the Mauricie Region

This paper is a product of the public consultation on off-highway vehicles that was held in May and June of 2005. All of the potential solutions described herein reflect the suggestions, comments, and recommendations made by the individual and groups who took part in the various hearings.

The government's approach aims to reconcile the differing perspectives of trailside residents, users, and socioeconomic stakeholders with respect to the location of trails, in the context of sustainable development.

By relying on regional coordination to establish inter-regional networks, the public emerges as the winner, because decisions will be made in their own community, and they will be able to express their opinions to regional authorities more easily.

We are of the opinion that the proposals that are laid out in this paper represent the best ways to achieve fairness for everyone. Therefore, these proposals will be discussed by the Parliamentary Committee, and may change in accordance with the views expressed in the course of the Committee's work.

Process

In December 2004, the government adopted a series of measures designed to tighten the rules respecting to the use of OHVs in order to improve cohabitation between off-highway vehicle (OHV) users and trail-side residents.

- Announced measures:
 - Stricter traffic rules: speed limit reduced to 30 km/h within 30 m of homes, no driving at night along abandoned railroad rights-of-way, etc.;
 - The *Act to amend the Act respecting off-highway vehicles* (Bill 90): temporarily suspend certain legal actions until May 1, 2006;
 - Inter-departmental committee drafting a discussion paper;
 - Public consultation in May and June of 2005:
 - 17 public hearings, 16 regions;
 - meetings with native communities;
 - 1,000 participants, more than 300 briefs and statements received;
 - Parliamentary Committee: to come.
- Following study of the briefs and statements received, this paper lays out the approaches that the government would like to subject to private consultations in the context of the Parliamentary Committee.
- The purpose of the proposed approaches is to address the expectations and needs expressed during the consultation process, particularly focusing on improved governance of the use of OHVs, the need for regional coordination, funding, additional safety measures, increased patrolling of trails, awareness, and education.

The briefs submitted by groups or organizations are available online, at the Ministère des Transports website (www.mtq.gouv.qc.ca).

Regional Coordination

Québec's networks of OHV trails have been developed over the years, as the number of users has increased.

The challenge is to ensure that these networks allow for OHV use that respects trailside residents and the environment, while generating benefits for the local economy.

In this respect, a number of groups, including elected officials, very clearly called for the creation of a regional coordinating body.

The government's initial approach is to create a coordinating panel at the regional level, which will be overseen by the Regional Elective Council (REC) or another regional body designated by the REC. It is worth noting that the Kativik Regional Government and the Cree Regional Authority are considered to be RECs.

MANDATE OF THE COORDINATING PANEL

The primary mandate of these coordinating panels will be to establish an inter-regional network of permanent or semi-permanent trails for snowmobiles and another one for quads for each region. To the extent possible, quad trails should be usable throughout the year. Regional authorities will have until May 1, 2009 to map out these networks.

These networks will serve to interconnect the regions, and will be based on wayleaves obtained from landowners for periods of three to five years. With the consent of the parties involved in this process, an effort should be made to negotiate wayleaves for a longer term, or even on a permanent basis.

The network that is currently maintained by the Fédération des clubs de motoneigistes du Québec (FCMQ) includes approximately 33,500 km of trails, and that of the Fédération québécoise des clubs quads (FQCQ) includes more than 17,000 km. In establishing the location of trails, the panels should begin with existing trails. In fact, it will be neces-

sary to make an effort to streamline the trails for a number of reasons, including controlling operating costs. However, few trails have been developed in some regions, such as Nord-du-Québec. Therefore, the network structure in those areas should be improved in order to prevent off-trail travel, which entails a greater risk for users and greater inconveniences for residents.

Each panel will be given a mandate to examine the specific case of trails developed in abandoned railroad rights-of-way. These trails should be rigorously assessed in order to determine whether they should be relocated, whether mitigating measures should be installed at specific locations that are more sensitive, or whether the status quo is acceptable. Trailside residents will have a say in these discussions. Trails that are laid out on farmland will also be assessed, in order to determine whether measures will be taken to eliminate off-trail riding. These measures will be assessed in cooperation with the affected landowners.

In some more densely populated areas, or in regions where there is little public land, the use of road and powerline rights-of-way, backroads, etc. may be considered and thoroughly studied with the consent of the authorities concerned. Similarly, in areas where there are no forestry operations planned in the near future, the preferred use of logging roads by OHVs might be considered, provided that the forestry companies concerned take part in the talks, and that the priority remains forestry operations.

Some of the criteria that should be applied in planning these inter-regional networks are residential development, safety, environmental protection, network coherence, and the vulnerability of the physical environment or the presence of protected areas. The layout of networks must also take into account RCM master plans and municipal planning in order to ensure respect for the public and the tranquility of residential zones. On public land, the Regional Plans for Public Land development that are produced by the Ministère des Ressources naturelles et de la Faune must also be taken into consideration.

These networks can only be effective instruments of sustainable development if they are closely integrated with the offer of services, and especially tourism, in order to maximize the benefits to the local economy.

MEMBERSHIP

The coordinating panels will be made up of the regional stakeholders who are concerned with OHV use, including:

- representatives of residents;
- federations and clubs;
- local and regional authorities, such as municipalities, RCMs, local development centres, and recreational associations;
- the agricultural community;
- the business community, especially service firms and the tourism industry;
- the Association touristique régionale (ATR);
- forestry operators;
- representative environmental groups;
- leading government departments and agencies affected, such as the Ministère des Transports, the Ministère des Ressources naturelles et de la Faune, the Ministère du Développement durable, de l'Environnement et des Parcs, Santé publique, and the appropriate police force (Sûreté du Québec or municipal forces).

COORDINATION

In order to facilitate the creation of the panels, a qualified person could be hired in each region to coordinate the work. This person could also serve as liaison between the clubs, the public, the regional partners, and the various government bodies.

The REC or the regional body that it designates could obtain annual funding from the Ministère des Transports for this. This funding will last for three years in order to ensure that the development plan can be completed. Therefore, approximately 15 people could be hired in the regions.

ADVISORY COMMITTEE

A Québec-wide advisory committee will be created in order to coordinate all of the regional panels.

Among other things, its mandate will include:

- overseeing the work of the panels with respect to establishing the trails that comprise the inter-regional networks;
- mediating potential conflicts between bordering regions so that the networks connect the regions;
- discussing various problems that the regional panels might encounter.

This committee will be made up of the government departments concerned, as well as specific organizations, including OHV federations, municipal unions, the UPA, the Regroupement national des conseils régionaux en environnement, and at least one representative of residents.

Funding for Inter-Regional Networks

The development and location of trails is a concern for trailside residents and OHV users. Trail markings and patrols minimize the impact on residents, encourage respect for the environment, and limit off-trail traffic. Various regional groups emphasized inadequate funding, which hampers the development of safe networks that are adequately integrated into the surrounding environment.

RESTRUCTURING AND MAINTENANCE OF PERMANENT OR SEMI-PERMANENT INTER-REGIONAL NETWORKS

Three-year funding, with the amount to be determined, will be allocated for the creation of inter-regional networks.

These funds will come from existing programs that are managed by the Ministère des Affaires municipales et des Régions. The government contribution will cover part of the costs, with the percentage determined according to the criteria of the program that provides the funding. The community (e.g.: municipalities, clubs through the sale of permits, and private companies) will be encouraged to make up the difference. Other applicable government programs, such as Phase II of the forest development program, which is managed by the RECs, could also be called upon in order to complete the funding.

Eligible projects must meet specific criteria, such as providing a connection between two regions, forming part of the inter-regional network, installing measures to mitigate the impact along abandoned railroad rights-of-way, on farmland, or in certain built-up areas, or relocating a trail in order to diminish inconveniences for residents, etc.

The federations assess trail maintenance costs at \$500 per km for snowmobiles, and \$323 per km for quads. There is currently a financial assistance program for snowmobile and quad clubs, which is primarily aimed at trail maintenance. Funding comes from the additional registration fees that the SAAQ charges on OHV registration. During the public hearings, the OHV federations and clubs asked the government to increase these fees, because more financial assistance is needed. It should be noted that the maintenance costs of trails that link regions are higher than local trail maintenance costs, partly due to the long distances that grooming equipment has to travel.

Many other groups also suggested that the user-pays principle should be applied in order to cover part of the costs associated with the use of OHVs. **This could be achieved by adjusting the additional registration fees that the SAAQ charges, which are currently \$25 for snowmobiles and \$6 for quads.** Other specific components, such as measures designed to protect wildlife and the environment or awareness and education campaigns for OHV users, could also be added.

During the public hearings, the Fédération des clubs de motoneigistes du Québec (FCMQ) and its clubs also called for a review of the program's current equalization formula, in order to ensure a more equitable distribution of funding among the regions.

Sustainability of Trails

The approaches proposed in this paper are primarily intended to tighten the rules respecting OHV use, in order to ensure greater respect for trailside residents and the environment. They endeavour to reduce the inconveniences associated with OHV use as much as possible, so that trailside residents and OHV users can coexist peacefully, but they provide no assurance that inter-regional trails will remain open.

Many of the participants in the public consultation process asked the government to regulate OHV use, and to take all necessary steps to ensure the sustainability of trails.

It is worthwhile to remember that Bill 90 was passed in December 2004 in order to provide protection against potential legal action based on neighbourhood disturbances or any other damage relating to noise, odours, or other contaminants for facts that occur between December 16, 2001 and May 1, 2006. The *Act respecting off-highway vehicles* further states that legal action against the operator or owner of an OHV who contravenes the Act or its regulations is admissible.

The following approaches stem from the recommendations made by groups from most of the regions in Québec. They will be discussed during the Parliamentary Committee, and therefore, they are subject to change in accordance with the views expressed in the course of the Committee's work.

NEIGHBOURHOOD INCONVENIENCES, NOISE, AND ODOURS

In light of the fact that the rules respecting OHV use will be tightened in order to ensure greater respect for trailside residents, **a legislative amendment will be proposed to protect the inter-regional networks against legal action based on neighbourhood inconveniences or damages due to noise or odours.**

In order to be eligible for this protection, trails must respect the following conditions:

- Trails that are part of the inter-regional networks that will be recognized by the government, and will be modified based on recommendations from the coordinating panels;
- Compliance with certain rules for developing these trails, particularly environmental standards and intervening distances determined by the Act or municipal by-law;
- Respect for traffic rules that minimize the impacts of noise, especially speed limits, hours of use, and a ban on modifying mufflers;
- No protection in the event of gross or deliberate negligence.

This measure is essential to ensuring the network's inter-regional linkage, protecting the investments of the various levels of government and federations in terms of the layout or restructuring of trails, and maintaining the economic benefits generated by OHVs in the regions.

Failure to provide such protection could result in hesitation on the part of the regions in terms of creating or maintaining a network that might shut down at any time. Closing down the trails would lead to off-trail riding on public roads and private land by some 450,000 registered OHVs in Québec, which in turn would lead to accidents, complaints to the police, and greater inconveniences for the public.

LANDOWNERS GRANTING WAYLEAVE

Landowners who grant a wayleave for trail development on their property generally do so for free. These individuals help to create crucial benefits for the economic survival of the regions by gratuitously allowing the layout of infrastructures on their property, and should receive the benefit of some protection against legal action in the event of an accident.

For example, if liability in the event of an accident on a trail is associated with the layout or maintenance of the trail, victims can be compensated by the insurance coverage of the club that operates the trail. However, property owners can also be sued, which could entail consequences, particularly in terms of their insurance.

A legislative amendment will be proposed to protect landowners who grant a wayleave against legal action except in the case of gross or deliberate negligence on their part. This measure will make it possible to keep the trails open.

Stricter Rules

The regional tour gave many people an opportunity to voice their concerns with respect to the use of OHVs, especially in terms of health, the environment, and safety. There were demands for stricter rules governing OHV use, particularly through legislative and regulatory amendments.

PUBLIC HEALTH AND THE ENVIRONMENT

Certain measures, including legislative amendments, are proposed in order to provide better protection for public health and the environment:

- **Clarify the ban on modifying OHV exhaust systems, including mufflers, in order to make it easier to enforce.** The special trail security officers that are discussed in the next chapter will be responsible for its enforcement;
- **Prohibit the sale of equipment for modifying OHVs, and especially exhaust systems;**
- **Inform municipalities of their power to prohibit the use of OHVs on waterways that serve as drinking water reservoirs, pursuant to section 19 of the *Municipal Powers Act*.**

The federal government has enacted manufacturing standards that are applicable to OHVs, especially snowmobiles. The current Society of Automotive Engineers (SAE) noise standards for snowmobiles are under review. Fuel emission standards are expected to take effect in 2007. **For OHV engines that fail to meet these two types of standards, a legislative amendment will be proposed that will enable the Québec government to adopt regulations prohibiting the use of these vehicles as of a date that will be determined following an assessment of the existing fleet of OHVs.**

A socioacoustic study will be coordinated by the *Ministère du Développement durable, de l'Environnement et des Parcs*, in association with the *Ministère des Transports* and other ministries concerned, to specifically assess the impact of the noise produced by OHVs, and to establish

criteria for laying out trails in such a way as to reduce this impact, including mitigating measures that could be installed along certain trails.

Following this study and the assessment of the OHV fleet, the government will propose regulations respecting the noise produced by the loudest OHVs, in order to restrict their use on the network of trails.

Concerns were raised in several regions with respect to evacuating injured persons from remote trails. Some organizations have drawn up evacuation plans for the injured, but not all regions have such plans. **Therefore, it is proposed to increase the awareness of regional officials with respect to the necessity of developing a plan for evacuating injured persons and for emergency intervention, and to encourage them to develop such plans.**

Finally, the *Institut national de santé publique (INSP)* conducted an analysis in order to assess the social costs associated with OHV accidents.

SAFETY

Other legislative amendments will be proposed:

- **Raise the minimum age for driving an OHV from 14 years to 16 years;**
- **Make training and the competence certificate mandatory for 16- and 17-year-olds;**
- **Clarify the obligation to hold a permit for using the trails in order to improve its enforceability. The special trail security officers will be responsible for enforcing this requirement;**
- **Scale the fines for speeding, as in the *Highway Safety Code*;**
- **Establish a fine for OHV users who drive on private property without authorization from the owner or tenant;**

- **Increase the distance for travelling on public roads from 500 m to 1 km in areas where OHV traffic is permitted by posted road signs and where such traffic is safe;**
- **Improve the visibility of the license plate in order to make it easier to read and to identify offenders.**

OHV RENTAL

People who offer OHVs for rent and those who rent them require more information in order to ensure their safety. This is especially true of tourists. Every year, we see fatal snowmobile accidents involving tourists, and in many of these cases, the snowmobiles are rented. However, there are no specific rules governing the rental of OHVs at the present time.

The Ministère du Tourisme will work on establishing a professional accreditation program in order to test and certify the skills of snowmobile guides, along the lines of those in place for adventure tourism guides. The Ministère du Tourisme has also developed a quality process, which is currently in the trial phase. It covers certification of the quality of services for various tourism sectors, including nature and adventure tourism, which is a sector that includes a number of firms that offer snowmobiling packages. This process, which is on a voluntary basis, encourages firms to meet the requirements related to the safety of their customers. In order to promote the quality process and to give certified firms a higher profile, there is a plan to implement incentives for firms to engage in the process, as well as a communication plan to give them exposure.

With respect to guide training, a specialized organization will be given a mandate to develop a specific course, which will ensure that the services provided are safe and follow the rules. In order to encourage firms to train their guides, the Ministère du Tourisme will encourage tourists to deal with those firms, and will publicize them in tourist publications.

MUNICIPAL BY-LAWS

Municipal by-laws governing OHV traffic on municipal public roads require approval from the Minister of Transport, as specified in the *Highway Safety Code*. **A legislative amendment will propose that this approval be replaced, primarily by a municipal obligation to inform the Minister.** Since traffic allowed on the municipal network can impact the MTQ network, municipalities will have to inform the MTQ when such by-laws are adopted. The municipal by-laws must also include a safety report and a signage plan.

ABANDONED RAILROAD RIGHTS-OF-WAY

The *Regulation respecting off-highway vehicles*, which was enacted in December 2004, prohibits driving at night (between 10:00 p.m. and 6:00 a.m.) on trails developed along abandoned railroad rights-of-way.

The Regulation gives local municipalities the power to adjust the hours according to its own needs. However, these railroad rights-of-way are often under the control of an RCM through a lease. **A regulatory amendment will be proposed to clarify RCM powers to modify driving hours** in order to ensure greater regional consistency in the hours, and to make it easier for peace officers to enforce them.

FEDERAL JURISDICTION

Some of the approaches that were proposed during the public consultation process come under federal jurisdiction, and officials in Ottawa have been informed. The main demands involve vehicle manufacture: limiting the power of OHV engines and limiting noise levels and fuel emissions through stricter standards.

Patrolling Trails

Respecting the rules that are in force is the foundation of healthy cohabitation between OHV users and trailside residents. The challenge of patrolling trails and off-trails was raised at every one of the consultation hearings, and the clubs requested more powers for their security officers.

The *Act respecting off-highway vehicles* states that, in addition to peace officers, trail security officers are also responsible for its enforcement. These security officers are volunteers who are recruited by OHV clubs, and who must meet specific selection criteria. They already have certain powers to carry out their duties, but **the government proposes giving more powers, particularly with respect to issuing fines, to some of these officers who will be specially trained.**

POLICE

The SQ and municipal police forces are continuing the process of training their officers in the enforcement of the *Act respecting off-highway vehicles* in order to patrol OHV trails.

More ongoing cooperation between the police and OHV clubs would be advantageous in terms of planning certain police operations. Club representatives are familiar with their trails and the people who use them, and can suggest strategic locations and problem periods to the police.

TRAIL SECURITY OFFICERS

Trail security officers have an essential role to play in a concerted effort to improve enforcement of the Act and its regulations. According to the OHV federations, nearly 3,000 trail security officers have been sworn in. These officers are volunteers, with a high annual turnover rate, and therefore, their level of training varies.

A medium-term agreement has been reached by the SQ and OHV federations with respect to training the trail security officers, based on the cascading principle.

Trail security officers mainly have the power to:

- order an OHV to stop, and inspect the mandatory equipment;
- ask to see the registration certificate, proof of insurance, and competence certificate;
- impound an OHV in order to stop the commission of an offence; the owner must pay the towing and impound fees in order to recover the vehicle;
- fill out a general violation report that leads to the issuing of a ticket.

In order to ensure greater respect for trail security officers by users, the federations are assessing the possibility of outfitting officers with distinct uniforms and helmets, so that users can readily recognize them. Their vehicles should also be identified.

The FCMQ, in association with various partners, including the Ministère des Transports, has set up a special patrol program involving trail security officers. These officers are more experienced and better trained. The experience of the past three years indicates that they are given more respect, and they have more credibility than other security officers when carrying out their duties.

In light of this, the deployment of special security patrol squads in every region will be made a priority, in order to improve the enforcement of the *Act respecting off-highway vehicles* on both FCMQ and FQCQ trails.

The squads in each region will have a specific number of security officers, who will be recruited by the federations based on more demanding criteria than for the other security officers. They will receive comprehensive training, and will have to meet higher selection and training criteria than the other trail security officers, particularly in terms of criminal records. These criteria will be established by regulation.

The value of creating a special multi-day training course will be assessed by the École nationale de police du Québec, in association with the federations, police forces, and the Ministère des Transports. The training will cover various aspects of the security officer's job, including intervention techniques, knowledge of the Act, court appearances in the event of contestation, and cardiopulmonary resuscitation (CPR).

This special patrol will be given more powers, particularly the power to directly issue tickets for certain violations, such as non-compliant mandatory equipment on vehicles, including mufflers, and failure to pay the required trail access fee. The fact that the security officers will be able to directly issue tickets to offenders, without requiring review by a municipality or the Attorney General, will ensure greater respect for them by users.

The snowmobiles and quads driven by members of this special squad shall be equipped with red rotating and flashing lights, because blue is reserved for peace officers. The officers must also have clearly identifiable uniforms and helmets.

Awareness

The public consultation process revealed a substantial need for increased education and awareness among OHV users. The behaviour of OHV users might actually make it possible to achieve harmonious coexistence with trailside residents.

OHV USERS

Users must be educated with respect to various aspects of OHV use. First of all, users must be taught to obey the traffic rules governing OHVs in order to increase safety and reduce the number of OHV accidents and deaths. Consideration for trailside residents, which mainly means slowing down near homes, respecting the ban on modifying exhaust systems, and respecting private property, is essential for facilitating harmonious coexistence. Protecting the environment, especially fragile areas, and protecting wildlife are also important issues within the context of OHV use.

This must be a large-scale awareness campaign, and therefore, OHV manufacturers will contribute financially. In an effort to educate and raise the awareness of users, the campaign will have one component dedicated to snowmobiles and another dedicated to quads.

Manufacturers will also be prompted to focus their ad campaigns more on tourist attractions than on speed and performance.

Finally, registration renewals will be accompanied by inserts that encourage users to show more consideration for trailside residents, and that educate them with respect to the powers of trail security officers and the rules governing OHVs.

YOUNG USERS

There were some concerns raised with respect to young users. **This group can be reached through education during certain activities in Secondary V.** A committee working on educational reform at the Ministère de l'Éducation, du Loisir et du Sport will assess the options. Ideally, education concerning safe driving and respect for the public and the environment will be provided by secondary schools in regions where OHV use is more widespread.

MUNICIPAL AND REGIONAL AUTHORITIES

The public hearings made it very clear that the powers that municipalities currently hold are not well known. **The Ministère des Transports will work with the Ministère des Affaires municipales et des Régions to inform municipalities of their powers.**

In addition, guides will be published in order to help municipalities exercise their regulatory powers, particularly with respect to regulating OHV traffic on their public roads.

OHVs as a Means of Transportation for Natives

The public consultation on OHVs included meetings with representatives of certain native communities. Most of the statements received came from the Grand Council of the Crees, the Kativik Regional Government (KRG), the Makivik Corporation, and representatives of Innu communities.

At the meeting with the Cree authorities, it was agreed that a committee would be created to focus mainly on safety in order to determine how the *Act respecting off-highway vehicles* and its regulations could be adapted to better meet the needs of Cree communities. This committee has already held its first meeting. As was the case during discussions that took place in 2001, certain issues were raised by Cree representatives: Cree trappers not being required to pay access fees in order to use the trails; traditional sleds exempt from safety equipment standards; legal liability insurance not mandatory due to the difficulty of obtaining that type of coverage north of the 49th parallel; participation in trail planning; and youth training.

The KRG and Makivik demands involved adapting to specific Inuit realities, such as driving on public roads. The fact is that the residents of Inuit villages use OHVs as a means of transportation instead of cars, which means that it is inconceivable for them not to be allowed to drive on public roads. Furthermore, not all of the roads in Inuit villages are paved. On the other hand, OHV users must be made aware of the importance of driving more prudently, for example by respecting speed limits, wearing helmets, etc. Like the Cree, the KRG and Makivik raised the issue of legal liability insurance and traditional sleds.

The regional governments of both of these nations are considered to be RECs. Therefore, they can work toward creating coordinating panels to develop inter-regional networks that take into consideration their concerns with respect to trail layout. At the present time, there are not many networks in Nord-du-Québec that belong to the federations. The Cree and Inuit raised specific concerns related to funding and the location of trails, such as along traplines.

The use of OHVs on the Lower North Shore also warrants special consideration. As is the case north of the 49th parallel, OHVs serve as a means of transportation. In addition, the Ministère des Transports maintains the Route blanche, which connects municipalities that would otherwise be unreachable by road during the winter. The Innu community representatives that were met cited youth education, mandatory legal liability insurance, and awareness as major concerns.

The First Nation representatives who were contacted expressed views that reflect the realities and needs of residents of areas where OHVs are used as a means of transportation or for engaging in traditional activities. This calls for an approach that is attuned to those characteristics. **The creation of safety and education committees is proposed.**

Although safety must always come first, certain specific factors must be examined, such as driving on public roads, the distances between trails and homes, night driving, and the problem of obtaining civil liability insurance.

The regulatory changes that will be proposed will take into account the special factors associated with the use of OHVs as a means of transportation, particularly among native communities in Nord-du-Québec and Côte-Nord.

Synopsis of Proposals

In brief, the government proposes the following approaches:

REGIONAL COORDINATION

- Create regional coordinating panels in order to establish an inter-regional network of snowmobile trails and a network of quad trails
- Hire a coordinator for each regional panel
- Form a Québec-wide advisory committee

FUNDING FOR INTER-REGIONAL NETWORKS

- Financially support the restructuring and maintenance of inter-regional networks
- Adjust the equalization formula of the financial assistance program that is funded by the additional registration fees that the SAAQ charges on OHV registration, in order to make it more equitable

SUSTAINABILITY OF TRAILS

- Ensure the sustainability of trails by providing limited protection with respect to neighbourhood inconvenience, noise, and odours
- Protect landowners who grant a wayleave against legal action

STRICTER RULES

- Strengthen the ban on modifying vehicles
- Ban the sale of exhaust systems used to modify vehicles
- Raise the minimum age for driving an OHV to 16

- Make training mandatory until age 18
- Specify the obligation to hold a permit in order to use the trails
- Scale the fines for speeding
- Introduce a fine for driving on private land without authorization from the owner or tenant
- Increase the distance for driving on the roadway under certain conditions
- Improve the visibility of the license plate
- Replace the requirement for municipalities to obtain approval of OHV by-laws with an obligation to inform, among other provisions
- Clarify RCM powers to adjust the hours during which driving along abandoned railroad rights-of-way is allowed
- Grant regulatory power to prohibit the use of vehicles with engines that do not meet environmental standards
- Encourage the appropriate authorities to establish evacuation plans for the injured on remote trails
- Create a training program for OHV rental guides
- Inform municipalities that they have the power to prohibit driving on waterways that serve as drinking water reservoirs
- Conduct a socioacoustic study

PATROLLING TRAILS

- Create special squads of trail security officers who have more powers
- Improve identification and training for trail security officers

AWARENESS

- Organize an awareness campaign for users, in partnership with manufacturers
- Introduce the concepts to 16- and 17-year-olds in a school setting
- Establish a process for informing municipal and regional authorities with respect to their powers pertaining to OHVs

OHVs AS A MEANS OF TRANSPORTATION FOR NATIVES

- Adapt the regulations to the realities of specific regions
- Create OHV safety and education committees in certain native communities in Nord-du-Québec and Côte-Nord

