



**Yukon Legislative Assembly**  
32<sup>nd</sup> Yukon Legislative Assembly

**Report of the Select Committee  
on the Safe Operation  
and Use of Off-road Vehicles**

**March 2011**

March 23, 2011

Honourable Ted Staffen, MLA  
Speaker of the Yukon Legislative Assembly

Dear Sir:

Your Select Committee on the Safe Operation and Use of Off-road Vehicles, appointed by Order of the Assembly on November 18, 2009, is honoured to present its report and commends it to the House.

Hon. John Edzerza  
Chair of the Committee  
(MLA - McIntyre-Takhini)

A handwritten signature in blue ink, reading "John Edzerza", written over a horizontal line.

Donald Inverarity  
Vice-chair of the Committee  
(MLA - Porter Creek South)

A handwritten signature in blue ink, reading "Donald Inverarity", written over a horizontal line.

Steve Cardiff  
Member of the Committee  
(MLA - Mount Lorne)

A handwritten signature in blue ink, reading "Steve Cardiff", written over a horizontal line.

Brad Cathers  
Member of the Committee  
(MLA - Lake Laberge)

A handwritten signature in blue ink, reading "Brad Cathers", written over a horizontal line.

## **Select Committee on the Safe Operation and Use of Off-road Vehicles.**

### **Members of the Committee:**

Hon. John Edzerza, Chair of the Committee  
MLA (McIntyre-Takhini)

Donald Inverarity, Vice Chair  
MLA (Porter Creek South)

Steve Cardiff  
MLA (Mount Lorne)

Brad Cathers  
MLA (Lake Laberge)

### **Clerk to the Select Committee:**

Sandra Rose  
Committee Clerk  
Yukon Legislative Assembly Office

## **Acknowledgements**

The Select Committee would like to acknowledge the contribution of those individuals and organizations who expressed their views to the Committee at public hearings, through written submissions, and by completion of the opinion survey. We sincerely thank them for their valuable input. Their participation was fundamental to our work and has informed our recommendations.

The Committee also wishes to acknowledge the helpful contributions of staff from the Legislative Assembly Office who provided administrative and procedural support throughout the consultation process.

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## Introduction

The Select Committee on the Safe Operation and Use of Off-road Vehicles is an all-party<sup>1</sup> committee of the Yukon Legislative Assembly established on November 18, 2009 when the Legislative Assembly adopted a motion moved by Steve Nordick (MLA - Klondike).

The motion, in response to an accident and injury in the Dawson City area, was meant to address safety concerns; it was not intended to deal with off-road use or environmental damage. However, public expectation and ambiguity in the wording of the motion made it necessary for the Committee to consider the broader issue.

For the purposes of this report, the term “all-terrain vehicle” (ATV) does not include snowmobiles. The term “off-road vehicle” (ORV) includes both all-terrain vehicles and snowmobiles.

Members of the Committee include Hon. John Edzerza (MLA - McIntyre-Takhini), Donald Inverarity (MLA - Porter Creek South), Steve Cardiff (MLA - Mt. Lorne), and Brad Cathers (MLA - Lake Laberge).

It should be noted that once the Committee’s report has been presented to the House, it is up to the government to accept, or reject, any or all of the Select Committee’s recommendations.

## Mandate

The Committee’s mandate is set out in the motion (Motion #834) that created the committee. The motion specifies that the Committee is charged with conducting public consultations on the safe operation and use of all-terrain vehicles and snowmobiles in the territory and reporting its findings and recommendations to the Legislative Assembly<sup>2</sup> no later than the Fall 2010 sitting.

The text of the Order, as recorded in the *Journals*, follows:

THAT a Select Committee on the Safe Operation and Use of Off-Road Vehicles be established,

THAT the membership of the Committee be comprised of equal representation from the Government Caucus, the Official Opposition Caucus, Third Party Caucus and include the Independent Member,

THAT the Premier, the Leader of the Official Opposition, and the Leader of the Third Party name their respective caucus member(s) to the Committee,

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<sup>1</sup> On an all-party committee each of the parties represented in the Legislative Assembly has one member on the Committee.

<sup>2</sup> The Committee’s recommendations are not binding on government. Once the Committee’s report has been presented to the House, it is up to the government to accept, or reject, any or all of the Select Committee’s recommendations.

THAT the Committee conduct public consultations for the purpose of receiving the views and opinions of Yukon residents and prepare a report making recommendations on the safe operation and use of all-terrain vehicles and snowmobiles in the territory,

THAT the Committee report its findings and recommendations in the 2010 Fall Sitting of the Legislative Assembly,

THAT the Committee have the power to seek background information from experts and to call and hear these expert witnesses; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

On November 2, 2010, the Yukon Legislative Assembly adopted a motion (Motion #1226) to amend the Committee's reporting timeline from the fall of 2010 to the spring of 2011. The text of that motion follows:

THAT the terms of reference of the Select Committee on the Safe Operation and Use of Off-road Vehicles, as established by Motion #834 of the 1st session of the 32nd Legislative Assembly, be amended by changing the date of its reporting to the House from the 2010 Fall Sitting of the Legislative Assembly to the 2011 Spring Sitting of the Legislative Assembly.

## **The Consultation Process**

Pursuant to the Select Committee's terms of reference<sup>3</sup>, the Committee undertook public consultations for the purpose of receiving the views and opinions of Yukon residents on the safe operation and use of all-terrain vehicles and snowmobiles in the territory.

The Committee began soliciting feedback on the issue through ads placed in local newspapers in August 2010. The Committee encouraged Yukoners to participate in the online consultation process or to provide their comments in writing to the Committee.

An information card explaining the Committee's work and directing individuals to the online opinion survey was delivered to Yukon household in late August. Shortly thereafter a copy of the actual survey was distributed to households throughout the territory.

The Committee agreed to consider requests for public meetings where there was sufficient interest and accepted requests for public meetings until September 30, 2010. The deadline for written submissions and opinion surveys was October 31, 2010.

There were three ways in which Yukon residents could provide their views to the Committee - written submissions, the Committee's opinion survey (online or hardcopy), or at one of the public meetings.

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<sup>3</sup> Contained in Motion #834 (see page 5 of this report).

In addition to public meetings, and in response to meeting requests, the Committee met individually with the following groups: the Yukon Off-Road Riders Association, the City of Whitehorse, Trails Only Yukon Association, and the Yukon Fish and Game Association.

Note: Some individuals availed themselves of more than one means of voicing their concerns. That is, some individuals or groups who spoke at a public meeting also submitted surveys and/or written submissions to the Committee.

## Opinion Survey

Completion of the Committee's opinion survey was one of the methods available to Yukoners to register their opinions on the safe operation and use of off-road vehicles in the territory. In mid-August the opinion survey was posted on the Legislative Assembly's website<sup>4</sup> in both English and French. In addition to the online version, hardcopies were mailed to each household in early September. Copies were also made available through the Legislative Assembly Office, the Yukon government information desk, and the Department of Environment.

The Committee received a total of 2489 completed surveys; 1191 online and 1298 in hard copy. The comments received on the surveys are in line with what the Committee heard at the public meetings and through written submissions.

The questionnaire is attached as Appendix 1.

## Written Submissions

The Committee also accepted written submissions. During the consultation period, mid-August to October 31, 2010, the Committee received a total of 25 written submissions, 9 of which were from groups or organizations and 16 from individual citizens. The Committee continued to receive letters and emails on the issue until early March 2011.

Copies of the following group submissions are available on the Committee's webpage<sup>4</sup>:

- Canadian Off-Highway Vehicle Distributors Council
- City of Whitehorse
- Laberge Renewable Resources Council
- South Klondike Local Advisory Council
- Trails Only Yukon Association
- Whitehorse Cross Country Ski Club
- Wildlife Conservation Society of Canada
- Yukon Off-Road Riders Association
- Yukon Outfitters Association

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<sup>4</sup> The Yukon Legislative Assembly's homepage is: [www.legassembly.gov.yk.ca](http://www.legassembly.gov.yk.ca)

<sup>4</sup> The Committee's webpage is: <http://www.legassembly.gov.yk.ca/681.html>



## Public Meetings

While the Committee encouraged Yukoners to participate in the online consultation process or to submit their comments in writing, the Committee considered requests for public meetings where there was sufficient interest. Requests for public meetings were accepted until September 30, 2010.

In response to requests received, the Committee held public meetings in Faro, Dawson City, Carmacks, Mt. Lorne, Teslin, and Whitehorse.

The views and opinions expressed at the public meetings closely align with what the committee had heard previously through the opinion survey and written submissions.

The schedule of public hearings was as follows:

Faro	November 23, 2010	28 people in attendance
Dawson City	November 24, 2010	24 people in attendance
Carmacks	November 25, 2010	6 people in attendance
Mt. Lorne	November 29, 2010	7 people in attendance
Teslin	November 30, 2010	18 people in attendance
Whitehorse	December 1, 2010	98 people in attendance

## Input from First Nation Governments

In August 2010, letters explaining the formation of the Committee and its mandate were sent to each of Yukon's fourteen First Nations, as well as the Council of Yukon First Nations. The letters invited First Nation governments to provide any comments or concerns they may have with regard to the safe operation and use of off-road vehicles in their communities to the Committee. No responses were received.

## What We Heard

Opinions and suggestions ("what we heard") about the safe operation and use of off-road vehicles were vastly diverse, ranging from very intense views at either end of the spectrum to everything in between. Some are strongly in support of off-road vehicle legislation while others are vehemently opposed.

One thing is clear: Yukoners are passionate about the issue. Comments tend to be emotionally charged and closely tied to what Yukon means to each individual. For example, some view Yukon as the last frontier and want it to remain that way. For them it's about protecting their personal rights and freedoms and having the ability to choose. Others see it as that pristine, untouched wilderness experience. For them it's more about respect and the principle that Yukon belongs to all of us and must be protected for future generations.

It was pointed out that had Yukon addressed the ATV/snowmobile issue ten or even twenty years ago, the broad conflicts that exist today between off-road vehicle (ORV) users and non-users would not be as acrimonious as witnessed in public meetings, surveys and submissions.

This responsibility becomes even more urgent when the potential population growth over the next ten years is considered. Even a modest increase in population will see a significant increase in back country use by all citizens and the conflicts between user groups will continue to escalate. There were many stories of ATVs racing past and nearly hitting hikers or skiers and of non-motorized users throwing objects or threatening riders with ski poles. This apparent intolerance and unwillingness to share is becoming a serious safety concern for both groups.

The Committee heard over and over again that education is critical. There were many calls for education and enforcement of existing rules before new or additional regulations are considered. There were calls for education on the safe and respectful operation of ATVs and for education on respectful and responsible environmental stewardship. The Committee also heard that education alone is not the answer; that it must be paired with efficient and effective infrastructure, regulation and enforcement.

While many Yukoners believe the focus of any rules or regulations pertaining to the use of off-road vehicles should be safety, many felt that "off-road" use shouldn't be subject to licensing, registration, and insurance. "On-road" use was considered a different issue. Most people agreed that if an ATV or snowmobile is to be driven on Yukon roads or highways, it should be subject to the same rules and regulations as any other motorized vehicle.

There was a large bloc calling for legislation to protect Yukon's fragile environment. The Committee heard about ongoing environmental devastation and wildlife being forced from its breeding grounds and natural habitats. At the same time, if access to some areas is to be restricted in the name of environmental protection, there are those who believe that all access should be restricted - motorized and non-motorized alike. Environmental protection legislation which penalizes damage to the environment rather than type of user was suggested by many.

The Committee heard that the majority of off-road riders are responsible and respectful people. However, small numbers of irresponsible off-roaders will have a lasting effect on Yukon's delicate ecosystems. Many Yukoners feel that additional regulations will only serve to further restrict and punish the law-abiding responsible users and, that without strict enforcement and serious consequences, new rules will have little impact on the irresponsible thrill-seekers who will likely continue to wreak havoc on the environment.

The Committee heard that this is an urban versus rural issue. There were repeated calls for more stringent regulations in residential areas and in Yukon campgrounds with less need for increased regulation identified for the back country. Many Yukoners believe this is a "Whitehorse only" issue and that any legislation or additional regulations should be community specific.

And finally, lack of enforcement of existing laws and the potential inability to enforce any new laws also came up over and over again. There were numerous calls for increased enforcement in and around the Whitehorse area. Yukoners repeatedly commented on the futility of enacting more laws that can't or won't be enforced. Suggested methods of enforcement included the RCMP, bylaw officers, conservation officers, water inspectors and possibly even a program similar to Turn in Poachers.

## Recommendations

Off-road vehicle use is a complex matter requiring analysis of several pieces of legislation, i.e. the *Motor Vehicles Act*, *Highways Act*, *Lands Act*, *Environment Act*, *Wildlife Act*, *Forest Protection Act*, and any others that may be applicable. In addition to the legislation that must be analyzed and considered, the variety of users and uses including, but not limited to, recreation, hunting, trapping, outfitting, resource industries, and tourism, must also be considered.

In looking over the reports and submissions made to the Committee, it is important to consider the long-term impact of our recommendations. As legislators, we have a duty to address this issue today so that future generations will look back on our deliberations and view our work as positive, proactive, and forward-looking.

With regard to trails, environmental concerns and restrictions on where off-road vehicles should be able to travel, this is a complex matter on which we heard differing points of view. While it is clear there are strong arguments to be made for further restrictions on off-road vehicle access to some areas, the Committee does not have sufficient knowledge or expertise to determine which areas should be restricted. The Committee also heard from many people who regard the ability to travel in the backcountry by ATV and snowmobile as a very important personal freedom. In our recommendations, we attempt to be fair and balanced to all user groups and citizens, and acknowledge the importance of appropriately protecting environment and wildlife.

The Committee believes recommendations should include broad statements that give direction to government and its departments in crafting both amendments to existing and, if needed, new legislation that promotes the overall objectives of the Committee's mandate, that being the safe operation and use of off-road vehicles in the territory.

To fulfill this mandate, the Select Committee must report its findings and recommendations to the House. It should be noted that once the Committee's report has been presented to the House, it is up to the government to accept, or reject, any or all of the Select Committee's recommendations.

The Select Committee on the Safe Operation and Use of Off-road Vehicles recommends the following:

1. THAT, legislation and regulations governing the use of off-road vehicles are inclusive of all and do not exclude anyone to the advantage of another.
2. THAT, there is consistency throughout all legislation and regulations governing the use of off-road vehicles in the territory.

3. THAT, government undertake an extensive advertising/educational campaign to raise public awareness of any and all existing restrictions on off-road vehicle use along with penalties and means of enforcement.
4. THAT, government undertake an educational campaign which, in addition to existing laws and regulations, focuses on the safe, responsible and respectful operation of off-road vehicles as well as environmental stewardship.
5. THAT, legislation governing “on-road” use of off-road vehicles (ORV) be provided for through amendments to Yukon’s *Motor Vehicles Act*.
6. THAT, as it pertains to “on-road” use, provisions in the Yukon government’s existing policy<sup>6</sup> regarding the operation and registration of all-terrain vehicles be given the force of law and enshrined in legislation.
7. THAT, all off-road vehicles that travel on or cross over any Yukon road or highway be subject to registration and liability insurance and require that operators hold a valid Class 5 driver’s licence.
8. THAT, government consider the issues of registration, operator licensing, and insurance for “off-road” use and that government look at how other jurisdictions have approached these issues prior to determining the best approach for Yukon.
9. THAT, the definition of “highway” in the *Motor Vehicles Act* be clarified and THAT, the terms “on-road” and “off-road” be clearly defined in the Act.
10. THAT, government encourage and support voluntary driver training on the safe and environmentally responsible operation of ATVs and snowmobiles.
11. THAT, the issues of age requirements, underage riders, adult supervision, and age vs. size of machine be addressed in legislation and/or regulation and that government consider how other jurisdictions have approached these issues in determining the best approach for Yukon.
12. THAT, helmet use be mandatory when operating an off-road vehicle or snowmobile on-road. The Committee did not reach consensus on helmet requirements for “off-road” use.
13. THAT, legislation address the needs of municipalities in identifying offenders and enforcing their bylaws.
14. THAT, off-road vehicle legislation and regulations provide for the ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats. Ensure that legislation and/or regulations provide for the ability to restrict the growth of trail networks in sensitive areas, to close trails or overused areas as necessary, to exclude off-road vehicles from specific types of land or habitats, and to have certain areas designated as access routes only;

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<sup>6</sup> See Appendix 3.

THAT, environmental and access restrictions be implemented in areas where problems exist or are developing and, when not required for wildlife or environmental protection, efforts be made not to reduce access to existing use areas;

THAT, government review penalties for environmental damage caused by any method, motorized or non-motorized means, to ensure penalties are appropriate. The Committee further recommends that government take steps to improve public awareness of these penalties; and

THAT, government consider separate environmental protection legislation that targets and penalizes environmental damage rather than restricting specific users.

## **Conclusion**

While Yukon currently has some protected areas, legislation, and management plans in place that impose certain restrictions or limitations on outdoor recreational use within the territory, Yukon is the last jurisdiction in Canada without legislation specifically governing the operation and use of off-road vehicles.

This issue is important to Yukoners and to the Yukon. There will be some tough decisions to be made and, given the vast diversity in public opinion, it will not be possible to please everyone.

The Committee believes that legislative tools and education programs that discourage poor practices, prevent ecological degradation, and teach ecological stewardship are required. Yukon's regulatory framework must be established and implemented in an objective and unbiased fashion. All users, motorized and non-motorized alike, and the scale of environmental impact must be considered when developing operational, safety and environmental standards. Our approach must not only be responsible and progressive, it must be respectful of all Yukon citizens.

The Committee believes that implementation of its recommendations is an important step in ensuring the respectful and responsible operation of these vehicles.

## Appendix 1: Opinion Survey



# Yukon Legislative Assembly

## Select Committee on the Safe Operation and Use of Off-road Vehicles

32<sup>nd</sup> Yukon Legislative Assembly

### Safe Operation and Use of Off-road Vehicles

## Opinion Survey

This questionnaire can be done online at: [www.legassembly.gov.yk.ca/offroad\\_survey.html](http://www.legassembly.gov.yk.ca/offroad_survey.html)

#### **What is this questionnaire about?**

In November 2009 the Yukon Legislative Assembly set up an all-party committee to ask Yukoners what they think about the safe operation and use of off-road vehicles in the territory.

#### **Who should fill out this questionnaire?**

The Committee wants to hear from all Yukon residents who have something to say about the safe operation and use of all terrain vehicles and snowmobiles. There are no right or wrong answers.

#### **Why is my opinion important?**

The answers you give will help the Committee decide if Yukon needs more rules around safety and use of all terrain vehicles and snowmobiles.

#### **How will my information be used?**

The Committee will use your answers to identify problems and to make recommendations to the Legislative Assembly about the laws that apply to safety and use of off-road vehicles.

#### **How will my privacy be protected?**

This is a voluntary survey. The Committee will keep the names of individuals responding to the survey (as opposed to groups making submissions) confidential. Your answers will be combined with others. In the Committee's final report, your name will not be disclosed, nor will comments be identified by individuals' names.

#### **If I have questions, or need help with the questionnaire, who can I call?**

For help with the survey, please call the Yukon Legislative Assembly Office at 867-667-5494 or Toll-free: 1-800-661-0408 (extension 5494).

#### **What is the deadline for sending in my response?**

The Committee will accept completed surveys or written submissions until October 31, 2010.

The Committee will consider requests for public meetings where sufficient interest exists. The deadline for requesting a public meeting is September 30, 2010.

*For additional hardcopies of the survey, contact the Yukon Legislative Assembly Office.*

*La version française du sondage est disponible en ligne au [www.legassembly.gov.yk.ca/fr/offroad\\_survey.html](http://www.legassembly.gov.yk.ca/fr/offroad_survey.html)*

*Pour obtenir un exemplaire papier, veuillez communiquer avec le bureau de l'Assemblée législative.*

## All Terrain Vehicles (ATVs) - Safe Operation

1. Do you think there should be a minimum age for operating an ATV unsupervised?  Yes  No  
If yes, what age? \_\_\_\_\_
2. Do you think underage riders should be allowed to operate an ATV with adult supervision?  Yes  No  
If yes, at what age? \_\_\_\_\_
3. Do you think ATV users should have to have driver training?  Yes  No  
If yes, should training requirements be different for minors?  Yes  No
4. Do you think all ATV users should have to have a driver's licence?  Yes  No
5. Do you think all ATV users should have to wear a helmet?  Yes  No  
If no, do you think minors should have to wear a helmet?  Yes  No
6. Do you think there should be exemptions to helmet use in some circumstances?  Yes  No  
If yes, under what circumstances? \_\_\_\_\_  
\_\_\_\_\_
7. Do you think ATV users should have to carry liability insurance?  Yes  No
8. Do you think ATVs should have to be registered?  Yes  No

## Snowmobiles - Safe Operation

1. Do you think there should be a minimum age for operating snowmobiles unsupervised?  Yes  No  
If yes, what age? \_\_\_\_\_
2. Do you think underage riders should be allowed to operate a snowmobile with adult supervision?  Yes  No  
If yes, at what age? \_\_\_\_\_
3. Do you think snowmobile users should have to have driver training?  Yes  No  
If yes, should training requirements be different for minors?  Yes  No
4. Do you think snowmobile users should have to have a driver's licence?  Yes  No
5. Do you think all snowmobile users should have to wear a helmet?  Yes  No  
If no, do you think minors should have to wear a helmet?  Yes  No

6. Do you think there should be exemptions to helmet use in some circumstances?  Yes  No

If yes, under what circumstances \_\_\_\_\_  
\_\_\_\_\_

7. Do you think snowmobile users should have to carry liability insurance?  Yes  No

8. Do you think snowmobiles should have to be registered?  Yes  No

### **Off-road Use**

Some rules already apply to the use of off-road vehicles in the territory. For example, you are only allowed to use vehicles on certain trails in the Tombstone Park. You are not allowed to use vehicles for sheep hunting in Kluane National Park or for hunting caribou along the Dempster Highway Corridor during certain times of the year.

1. Do you think there is a need for new or additional rules in areas that are not currently regulated?  Yes  No

If yes, should the same rules apply to all types of motorized off-road vehicles?  Yes  No

If no, should access to areas be limited by the type of off-road vehicle (i.e. quad, motorized trail bikes, argos, 4x4's, etc.)?  Yes  No

If yes, please explain \_\_\_\_\_  
\_\_\_\_\_

Recent changes to the *Motor Vehicles Act* gave municipalities the power to place more rules on off-road vehicle use within their boundaries. However, municipalities cannot make the laws less restrictive than current territorial laws or override any current territorial laws.

2. Do you think rules should be the same in cities and towns as they are in rural areas or remote trails?  Yes  No

3. Do you think laws and other rules for off-road vehicles should be the same in all Yukon communities?  Yes  No

If no, please explain \_\_\_\_\_  
\_\_\_\_\_

4. Do you think the rules that apply to the use of off-road vehicles should be the same for businesses and for individuals?  Yes  No

### **Other Comments**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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(Attach additional pages if necessary.)

**Basic Information**

What is your name? (Names will be kept confidential.) \_\_\_\_\_

What community do you live in? \_\_\_\_\_

Do you own or operate off-road vehicles in the territory?  Yes  No

Do you own or operate snowmobiles in the territory?  Yes  No

You are:  Male  Female

Which age group are you in?  Under 16  
 16-24  
 25-44  
 45-64  
 65 or older

For information about the work of the Committee or to give us your opinions on the safe operation and use of off-road vehicles, you may contact the Committee at:

Select Committee on the Safe Operation and Use of Off-road Vehicles  
Yukon Legislative Assembly Office  
P.O. Box 2703 (A-9)  
Whitehorse, Yukon Y1A 2C6

Email: [yla@gov.yk.ca](mailto:yla@gov.yk.ca)  
Phone: (867) 667-5494  
Toll-free: 1-800-661-0408 (extension 5494)  
Fax: (867) 393-6280  
Website: <http://www.legassembly.gov.yk.ca/681.html>

*The Committee will accept completed surveys or written submissions until October 31, 2010.*

*The Committee will consider requests for public meetings where sufficient interest exists. The deadline for requesting a public meeting is September 30, 2010.*

## Appendix 2: Survey Results

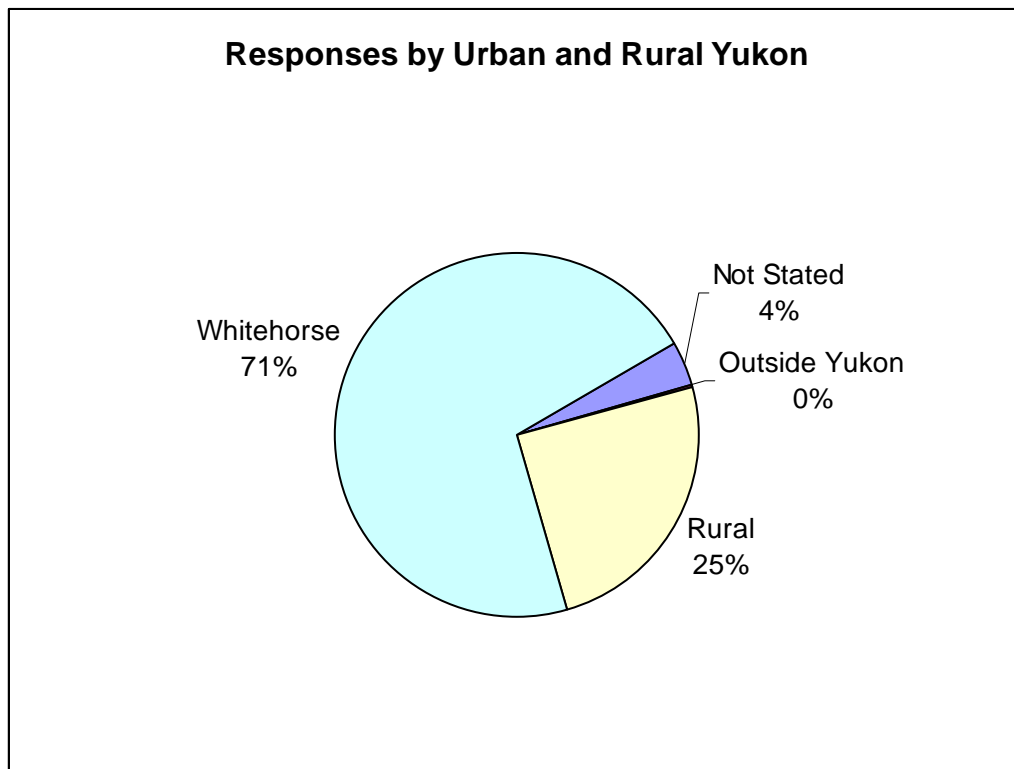
The results presented here are not representative of the population as a whole. This was a voluntary survey to which everyone was welcome to respond, if they chose to do so. Respondents in this survey were self-selecting. Accordingly, those who have strong opinions about off-road vehicle regulation were more likely to respond than those with neutral views. The information in this report is very informative because so many people participated in the survey, but we must keep in mind that the respondents do not necessarily speak for all Yukoners.

### Demographics

The Committee received 2489 completed opinion surveys, 71% of which were from Whitehorse residents; 25% from rural Yukoners. The remaining 4% either did not indicate their community or do not reside in the territory.

The 9 responses from outside the territory are included in overall percentages and, because 8 of these respondents identified themselves as either owning or operating ATVs or snowmobiles in the territory, they are also included in the breakdown of users vs. non-users. They are not included in the breakdown of urban and rural Yukon.

10% of respondents indicated they had submitted the survey online as well as in hardcopy. There was no way to identify and remove duplicate entries.

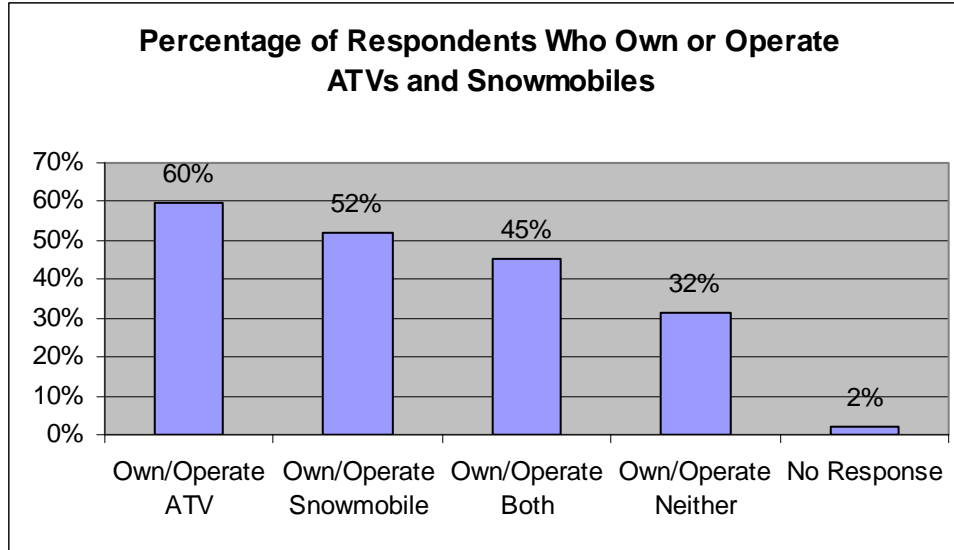


The following chart indicates the number of responses received from individual communities.

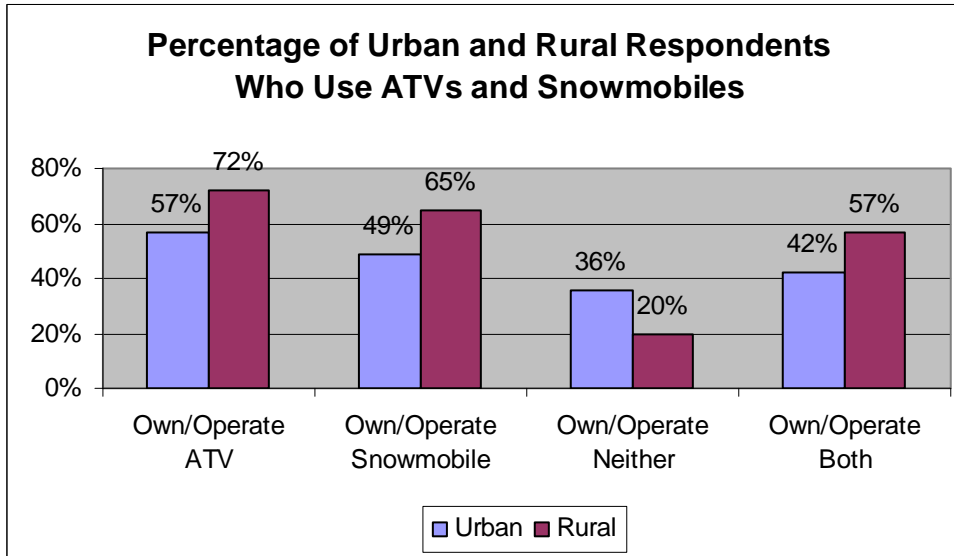
<b>Number of Responses by Community</b>	
Beaver Creek	3
Burwash Landing	8
Carcross	19
Carmacks	11
Dawson City	87
Destruction Bay	4
Faro	34
Golden Horn	5
Haines Junction	85
Hidden Valley	4
Keno City	4
Kluane Lake	3
Lake Laberge	12
Marsh Lake	73
Mayo	21
Mendenhall	4
Mt. Lorne	31
Old Crow	8
Pelly Crossing	8
Ross River	4
Southern Lakes area	1
Tagish	21
Teslin	23
Watson Lake	76
Whitehorse	1767
Whitehorse periphery	53
Yukon rural	14
Yukon-wide	1
Not Stated	96
Outside Yukon	9

## Breakdown of responses by ATV/snowmobile users and non-users.

Of the 2489 surveys received, 60% of participants indicated they own or operate all-terrain vehicles (ATV) in the territory, 52% identified themselves as snowmobile users, 45% indicated they own or operate both all-terrain vehicles and snowmobiles, and 32% said they don't own or operate either one<sup>7</sup>.



Approximately two thirds of the respondents were ATV or snowmobile users.

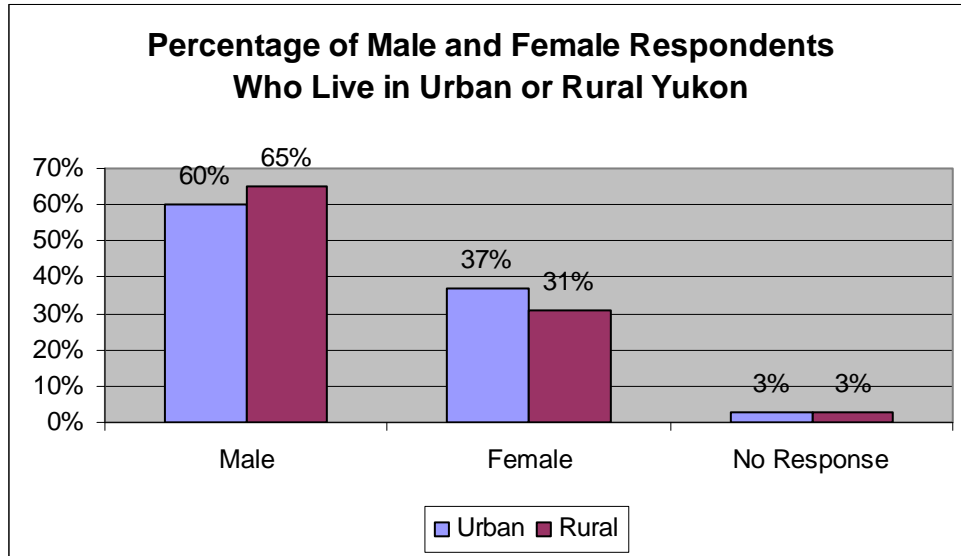


<sup>7</sup> The total percentage exceeds 100% by the percentage of respondents who own or operate both all-terrain vehicles and snowmobiles.

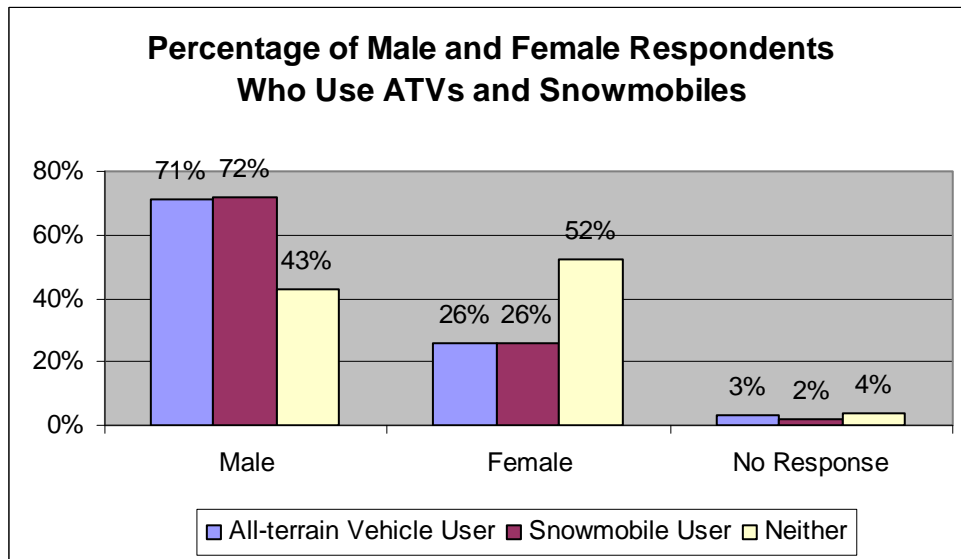
## Gender of Participants

Of the 2489 surveys received, 60% of the respondents were male and 35% were female. The remaining 5% did not state their gender.

Female respondents were slightly more common in urban areas, as compared to rural Yukon.

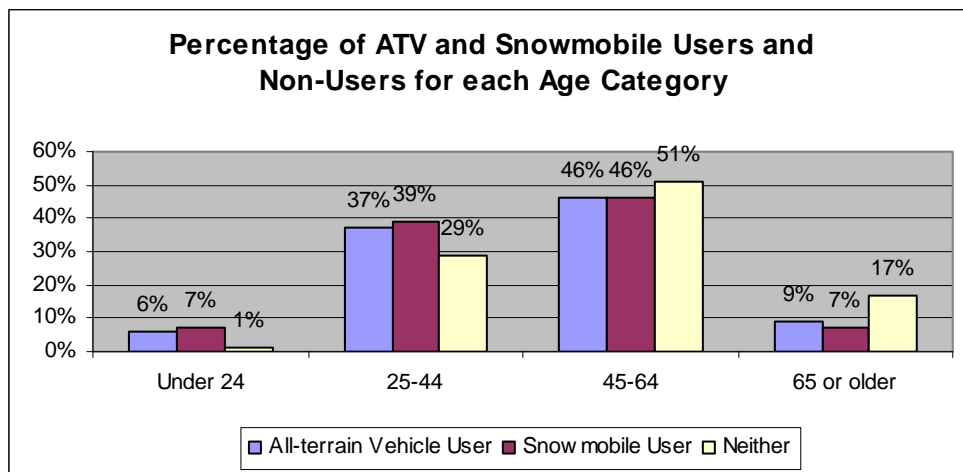
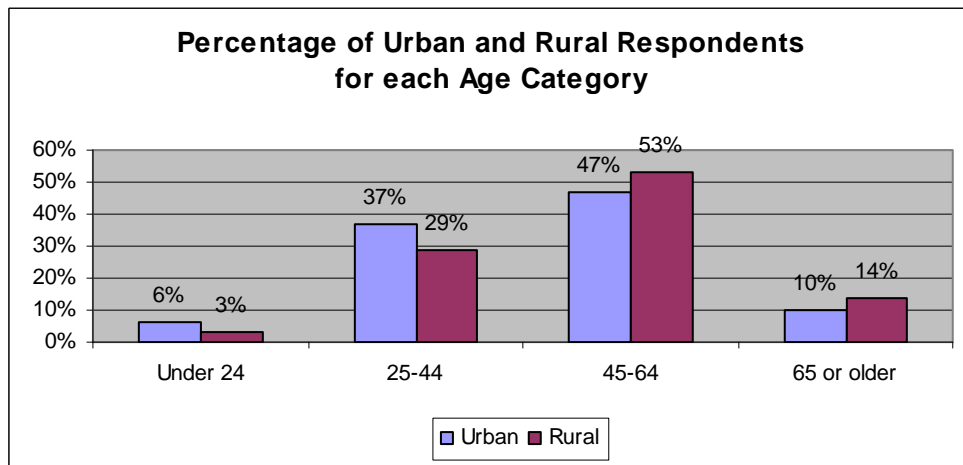
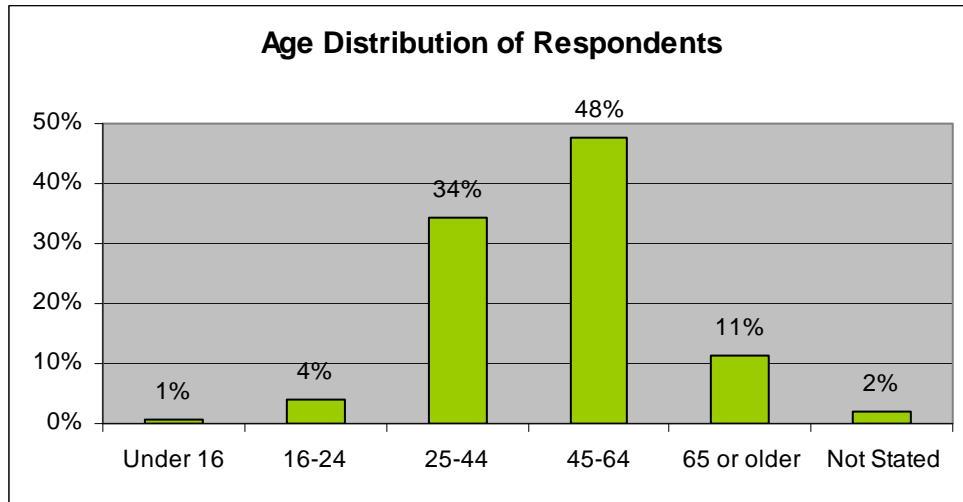


The breakdown of male and female responses by users vs. non-users shows a higher percentage of female non-users responding to the survey than males.



## Age of Respondents

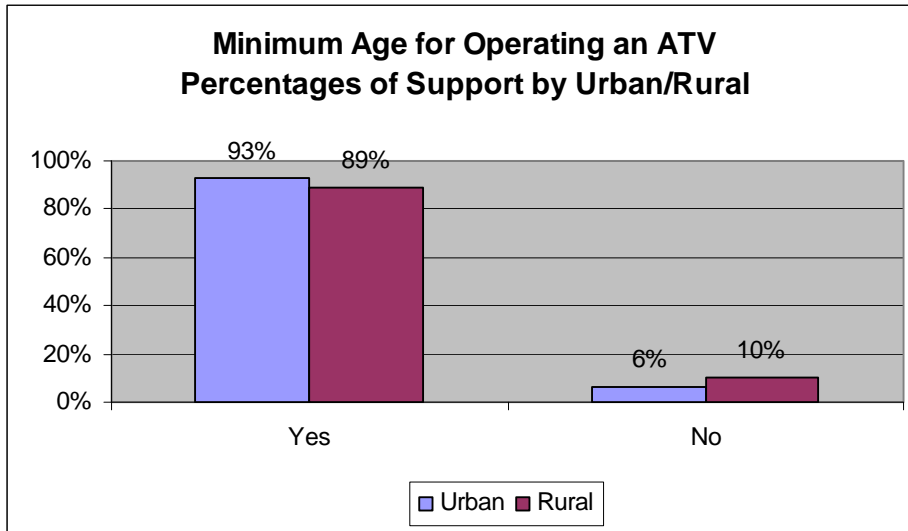
The majority of respondents were in the 25-64 age range.



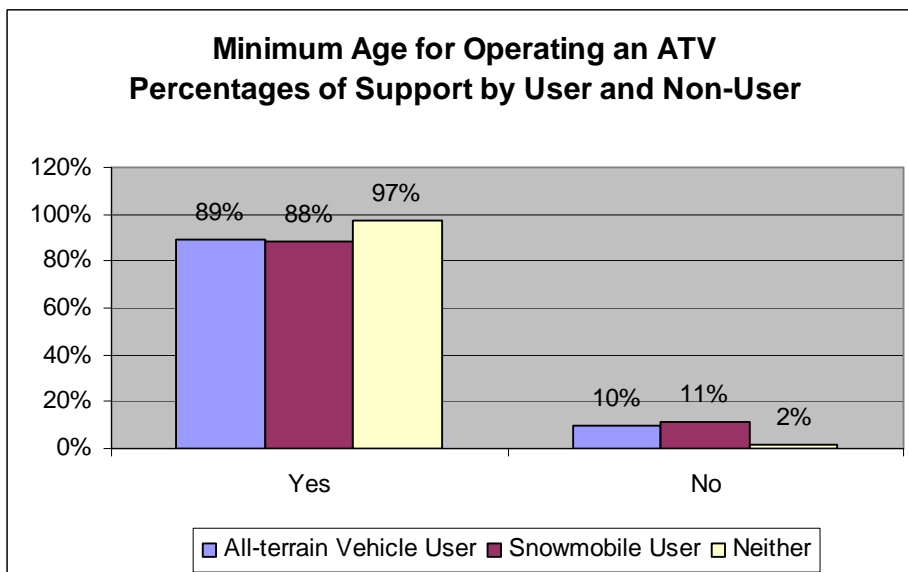
## All-Terrain Vehicles (ATVs) – Safe Operation

Question #1 – Do you think there should be a minimum age for operating an ATV unsupervised?

92% of respondents support a minimum age for operating an ATV without supervision. However, the question did not consider the size of the machine in relation the size and age of the operator. Many respondents indicated that they had answered based on full-size machines and stated that they believe there should be an age/size of machine relationship.



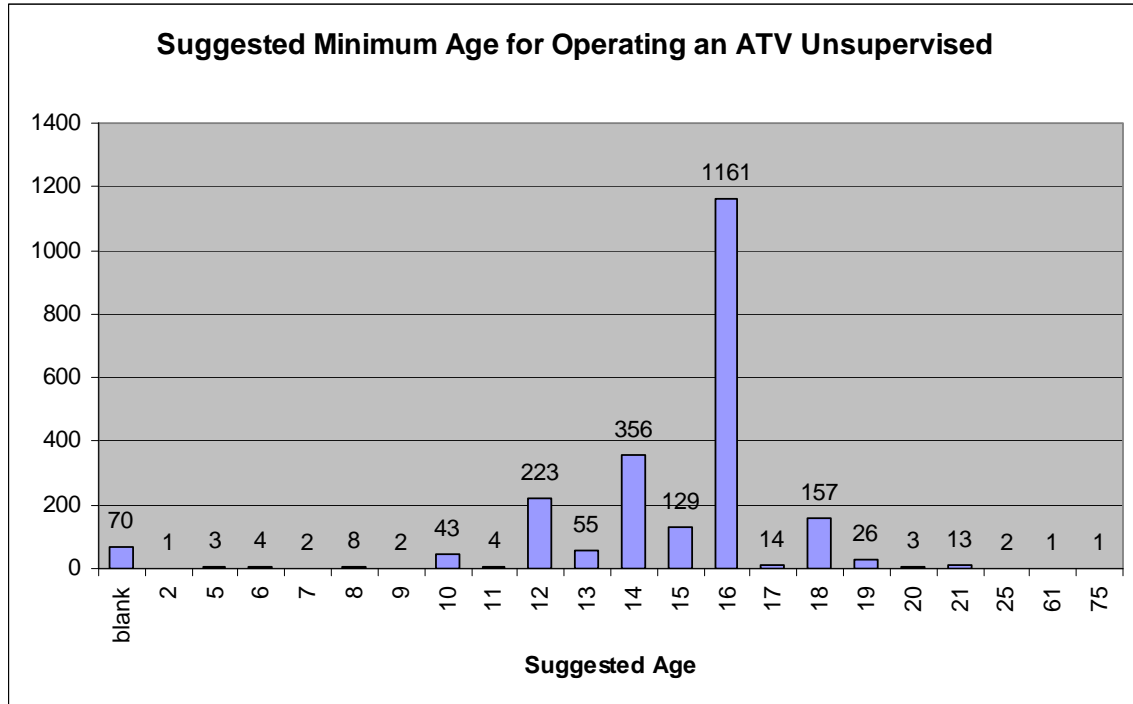
Breakdown of the percentages<sup>8</sup> by user indicates marginally more support for a minimum operating age among the non-user group.



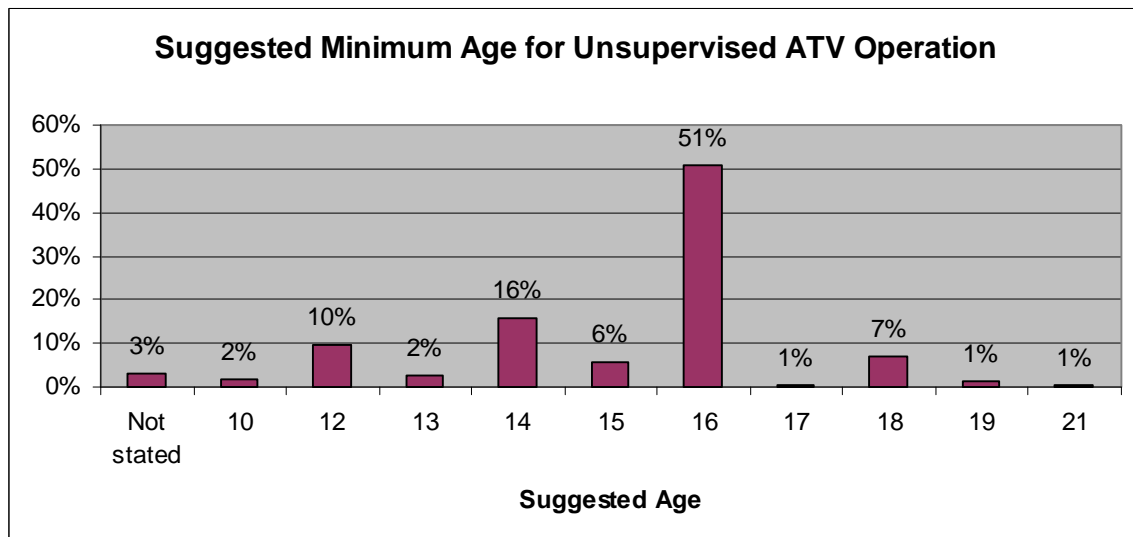
<sup>8</sup> Percentages don't add to 100% because non-responses aren't displayed in the chart but they were used to calculate the percentages.

## Question #1 - If yes, what should the minimum age be?

The suggested minimum age for unsupervised ATV operation ranged from 2 years old to 75 years old. The following chart shows the number of responses received for each age suggested.



Of the 2278 respondents who answered yes to the minimum age question, the majority felt that the minimum age for unsupervised operation of an ATV should be 16 years.<sup>9</sup>

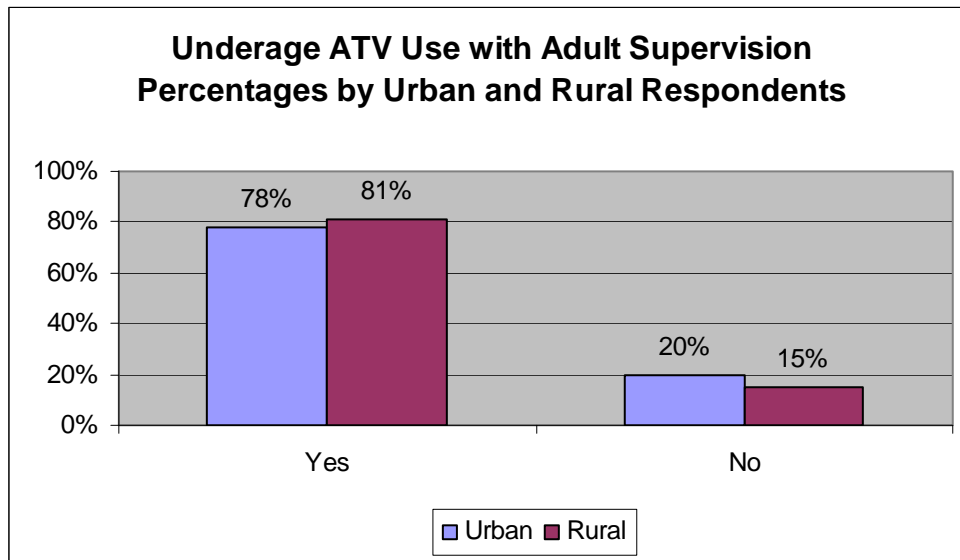


<sup>9</sup> Zero percentages are not included in the chart.

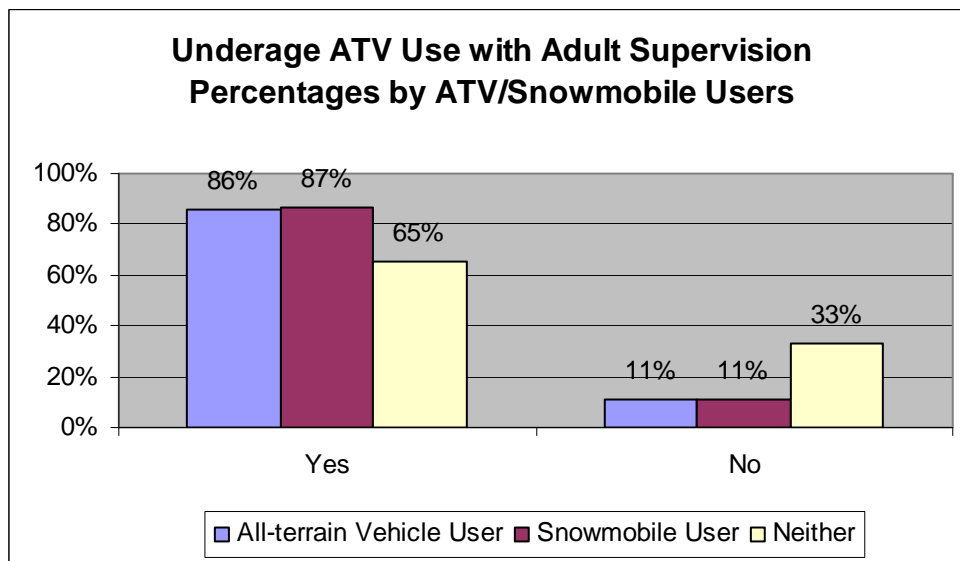


**Question #2 – Do you think underage riders should be allowed to operate an ATV with adult supervision?**

78% of respondents believe that underage riders should be allowed to operate an ATV with adult supervision; although, many of those felt that the term “adult supervision” required clarification. 19% do not support allowing underage riders to operate and ATV and 2% of respondents did not answer this question.

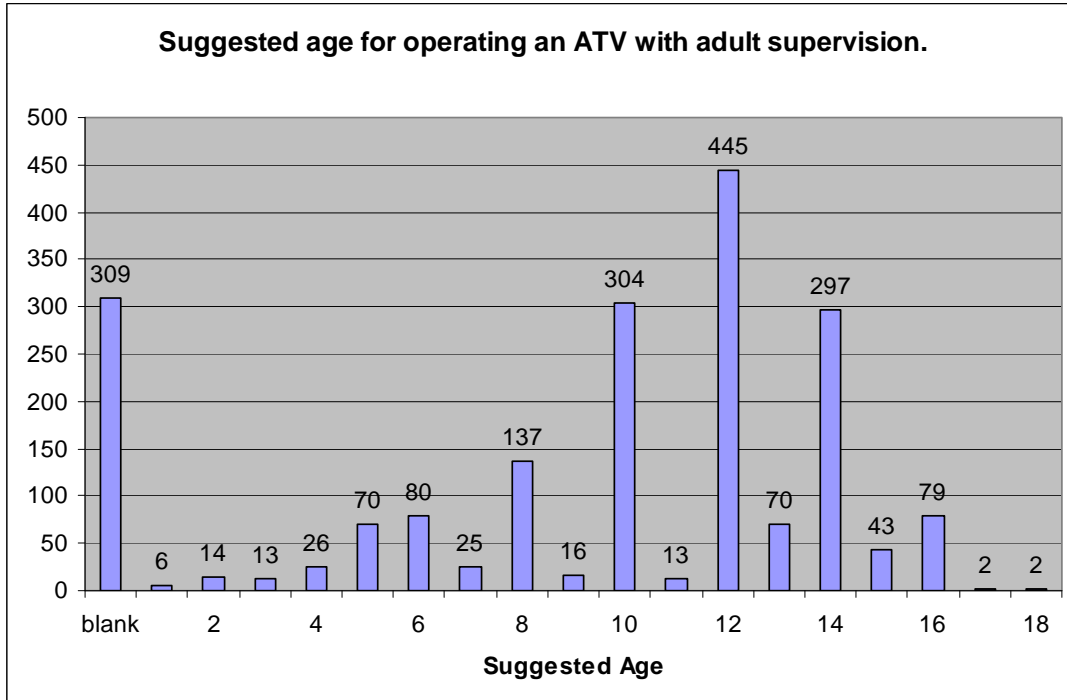


The breakdown of urban vs. rural responses is relatively consistent with the overall percentages. The breakdown of ATV and snowmobile users vs. non-users indicates substantially less support for allowing underage riders among the non-user group.

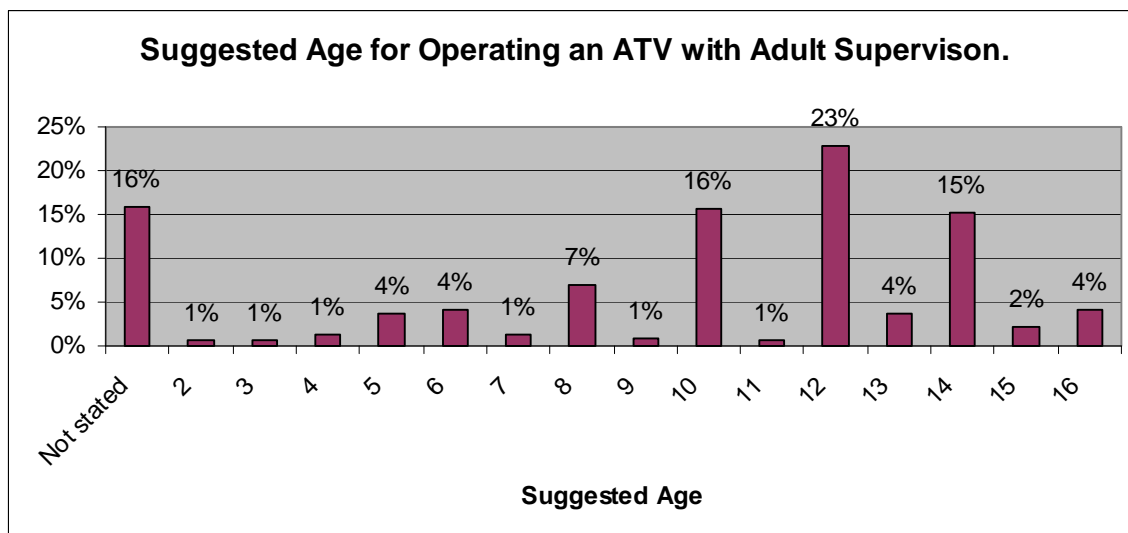


## Question #2 – If yes, at what age?

The suggested minimum age for underage riders operating an ATV with adult supervision ranged from 1 year old to 18 years old. The following chart shows the number of responses received for each age.



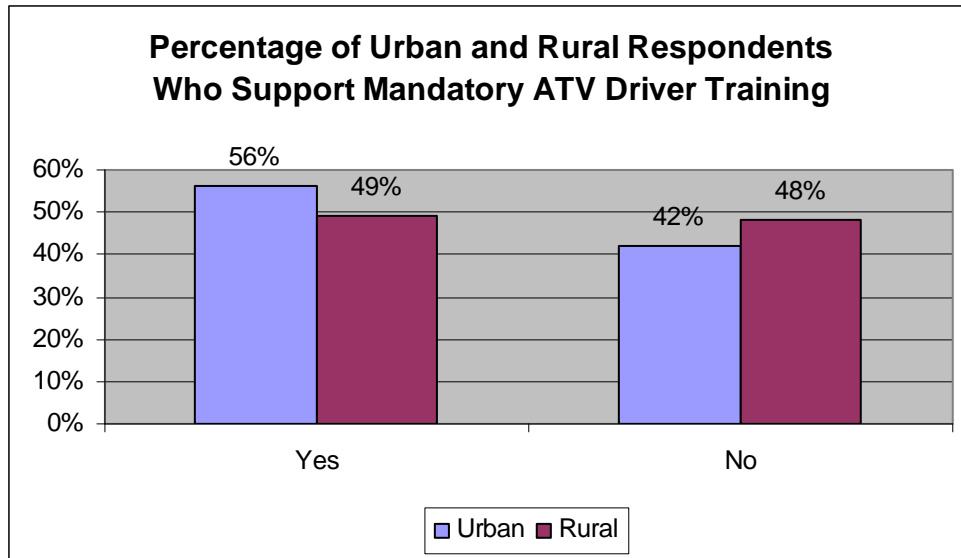
Of the 1951 respondents who felt that underage riders should be allowed to operate an ATV with adult supervision, the ages 12, 10, and 14 were most commonly chosen, in that order. No specific age stood out as having the support of the majority of respondents.<sup>5</sup>



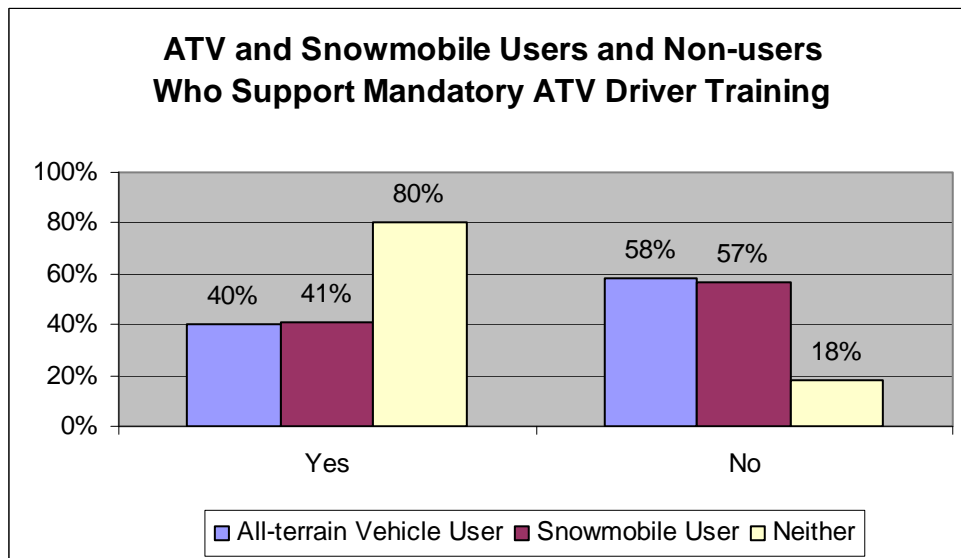
<sup>5</sup> Zero percentages are not included in the chart.

### Question #3 - Do you think ATV users should have to have driver training?

55% of respondents are supportive of mandatory driver training for ATV users, 44% do not support mandatory training, and 2% of respondents did not answer the question. Respondents from urban Yukon were slightly more likely than rural residents to support mandatory driver training.

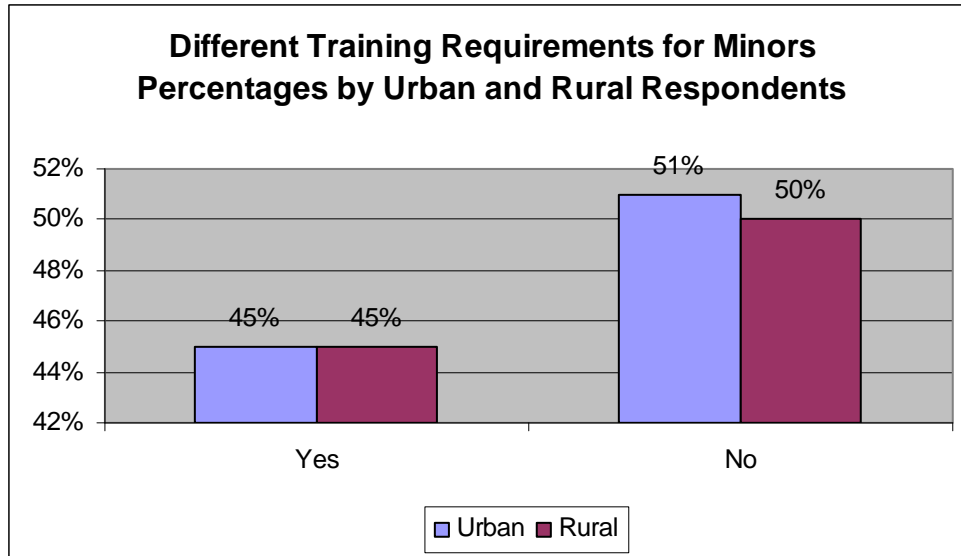


ATV and snowmobile users were much less likely than non-users to support mandatory driver training.

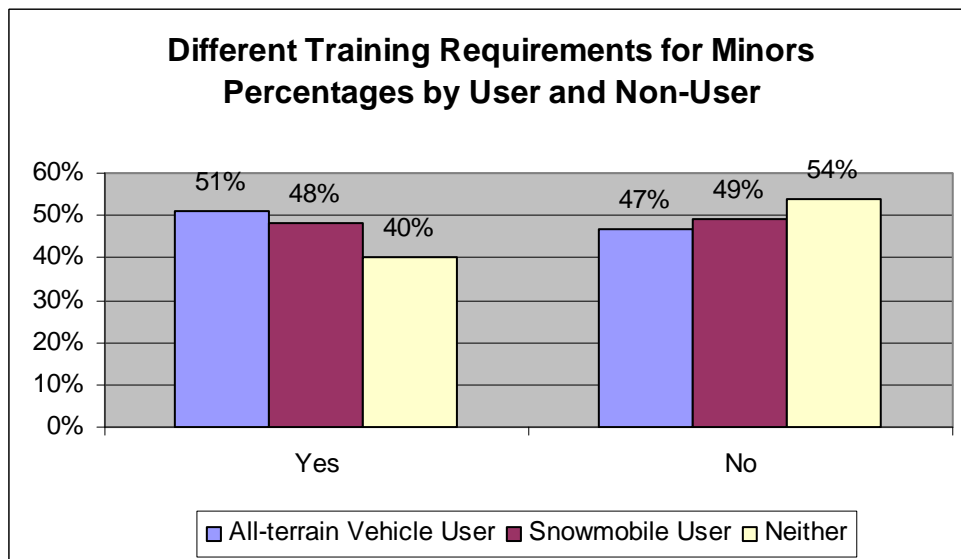


### Question #3 - If yes, should training requirements be different for minors?

45% of the 1357 respondents who believe driver training should be mandatory for ATV operators felt that training requirements for minors should be different than training requirements for adults. 51% felt that training for both, minors and adults, should be the same and 4% of the 1357 respondents did not respond to this question. The breakdown of percentages by urban and rural Yukon is in line with the overall responses.

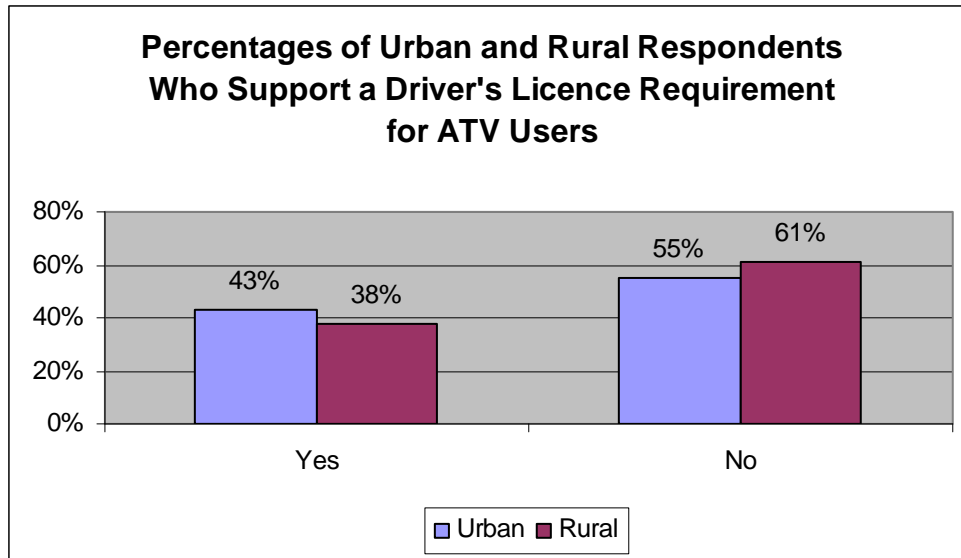


ATV and snowmobile users were slightly more likely than non-users to support different training requirements for minors and adults.

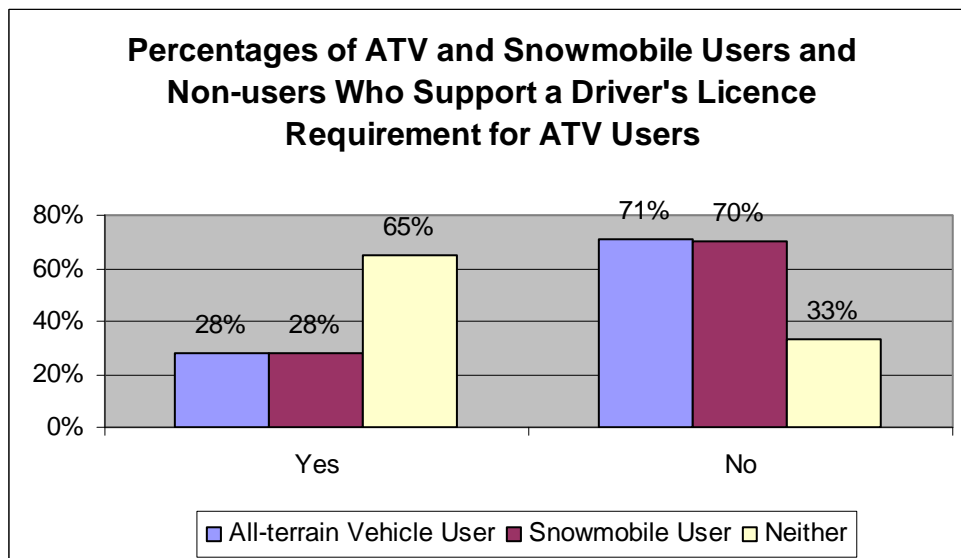


#### Question #4 - Do you think all ATV users should have to have a driver's licence?

41% of respondents support ATV users having to have a driver's licence, 57% don't support a driver's licence requirement, and 2% of participants did not answer this question. The breakdown of responses by urban and rural Yukon indicates slightly lower support for a driver's licence requirement among rural Yukoners.



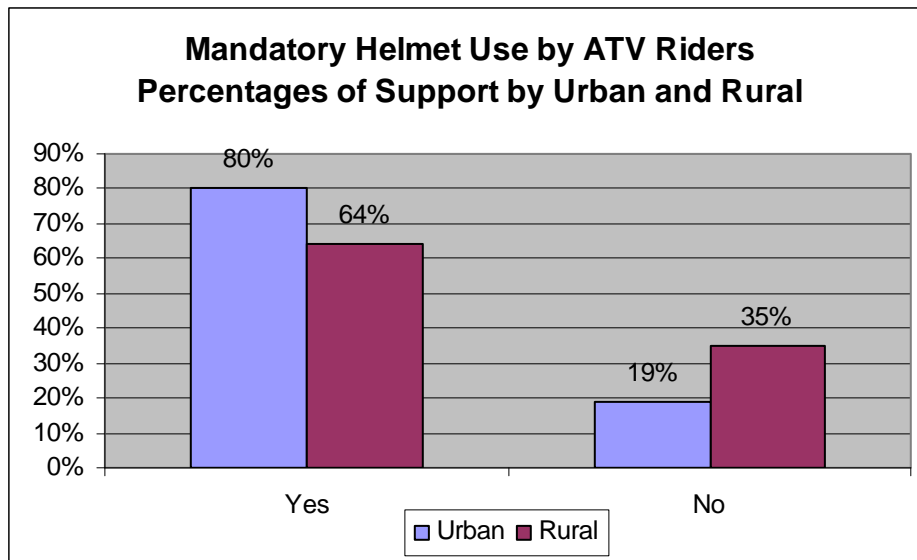
The majority of support for a driver's licence requirement is coming from non-ATV/snowmobile users.



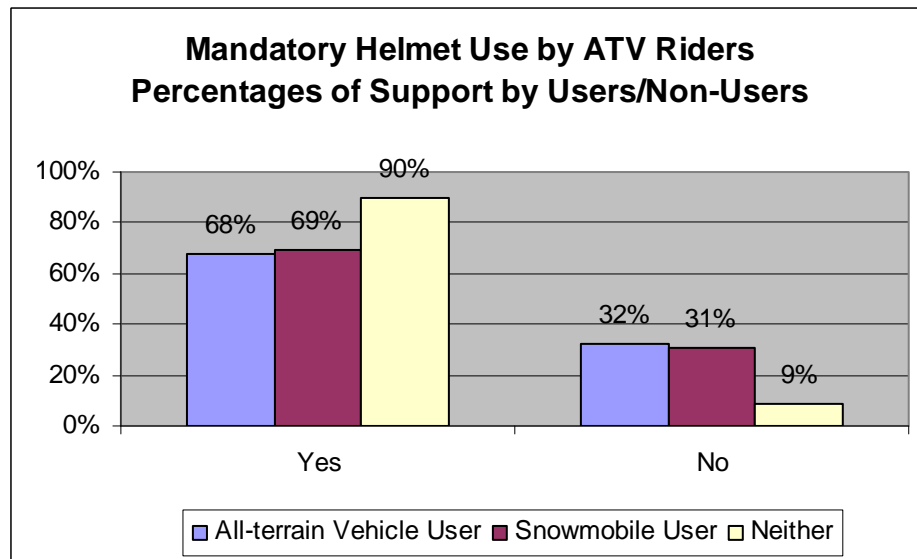
### Question #5 - Do you think all ATV users should have to wear a helmet?

76% of respondents believe that all ATV operators should have to wear a helmet, 23% do not support mandatory helmet use, and 1% of participants did not answer this question.

There was slightly more support for mandatory helmet use from urban than from rural respondents.

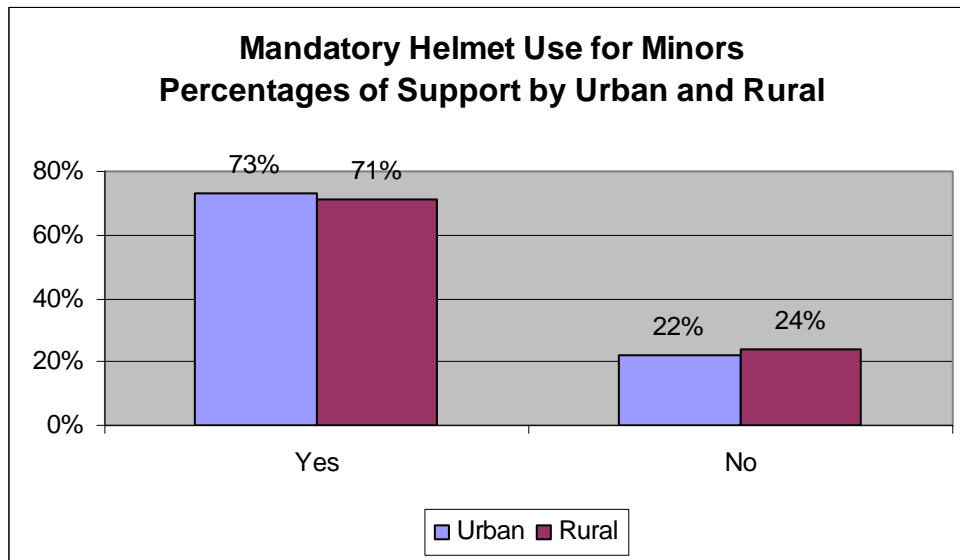


While support for mandatory helmet use was high across the board, ATV and snowmobile users were somewhat less likely to support mandatory helmet use than non-users.

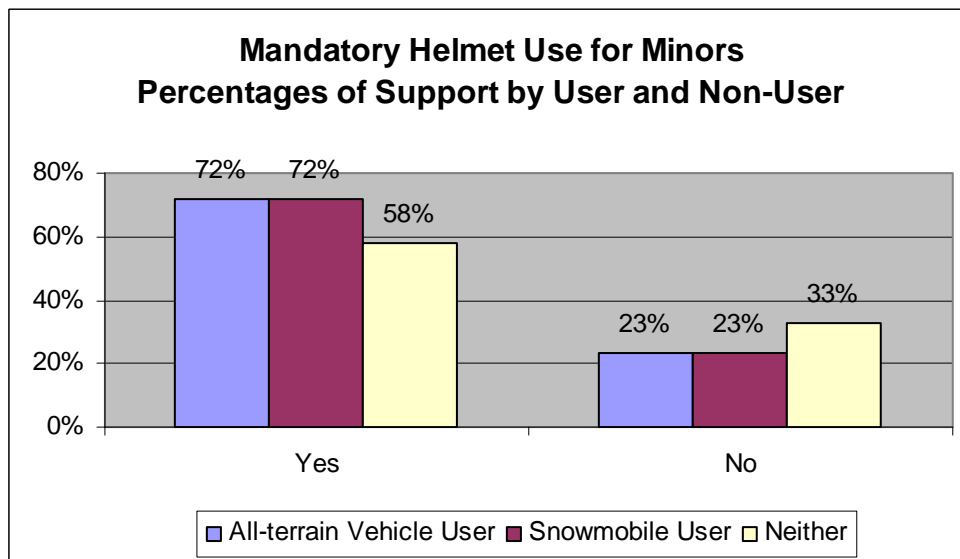


**Question #5 – If no, do you think minors should have to wear a helmet?**

Of the 575 respondents that did not support mandatory helmet use for all riders, 71% believe that helmet use should be mandatory for minors, 24% don't believe helmet use should be mandatory, even for minors, and 6% of participants did not answer this question. Breakdown of responses by urban and rural Yukon is consistent with the overall percentages.



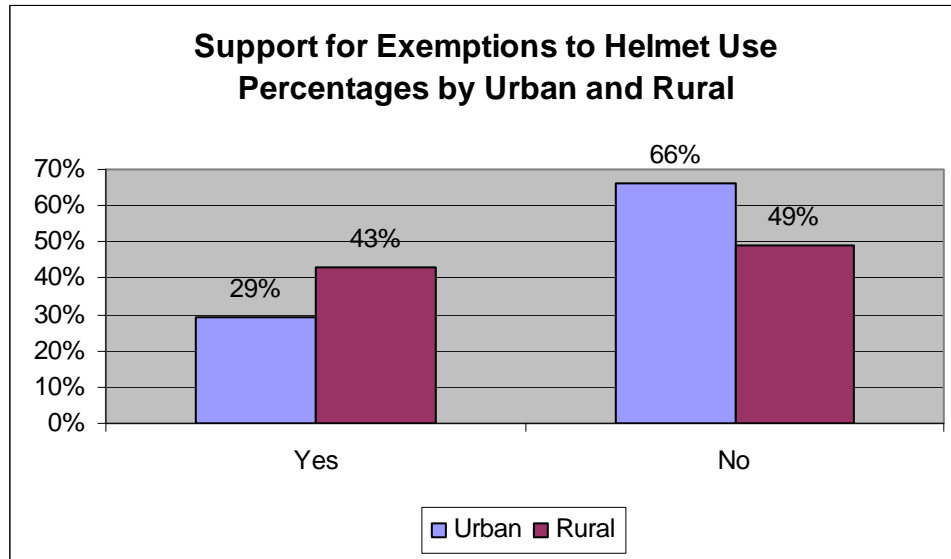
Among those who do not support mandatory helmet use for all ATV riders, those who use ATVs or snowmobiles were more likely than non-users to support mandatory helmet use for underage riders.



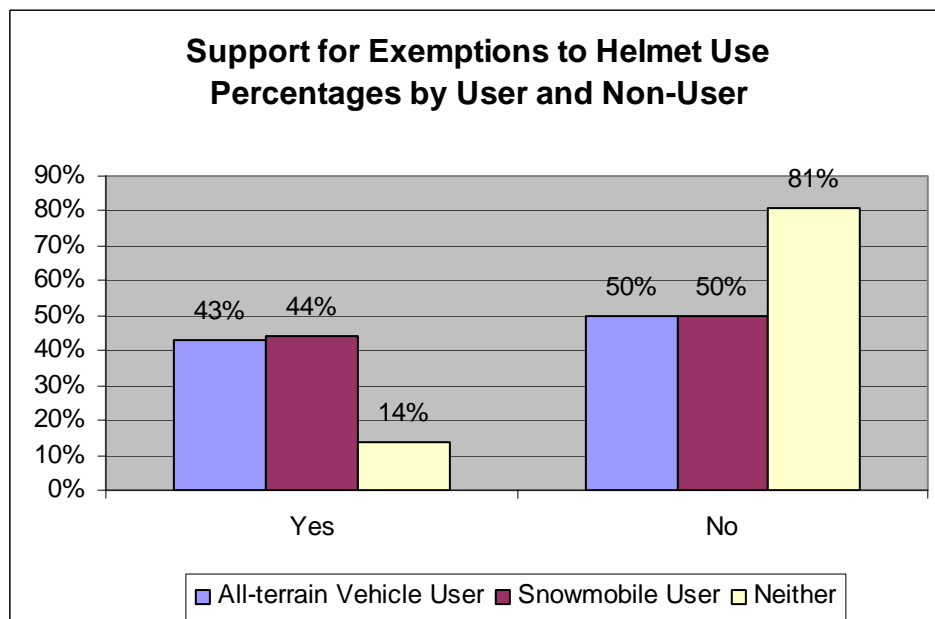
## Question #6 - Do you think there should be exemptions to helmet use in some circumstances?

33% of respondents believe that exemptions to helmet use may be warranted under some circumstances, 61% do not support exemptions under any circumstances, and 6% of respondents did not answer this question.

Rural respondents were more likely than urban respondents to support exemptions to helmet use requirements.



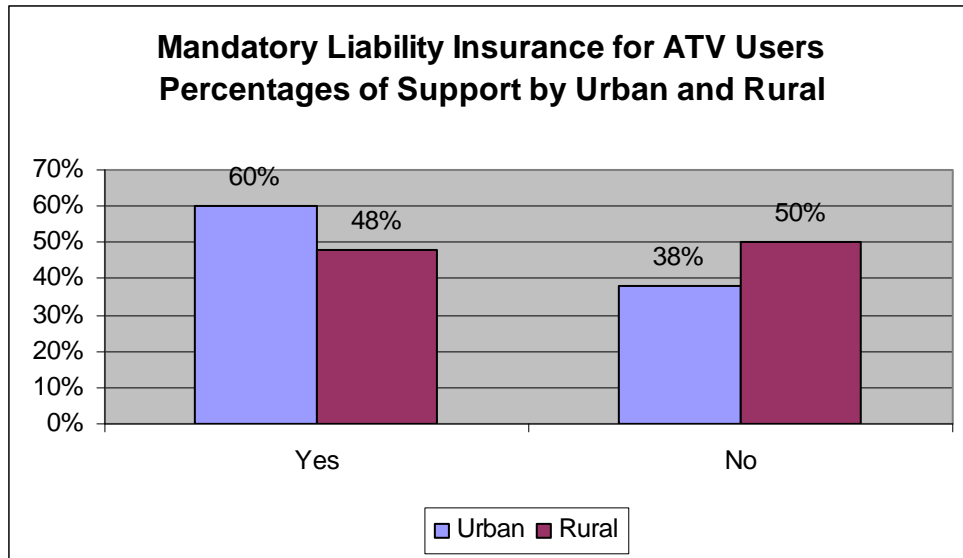
While the breakdown of responses by user does not favour exemptions to helmet use, there is substantially more support for exemptions from ATV and snowmobile users than from non-users.



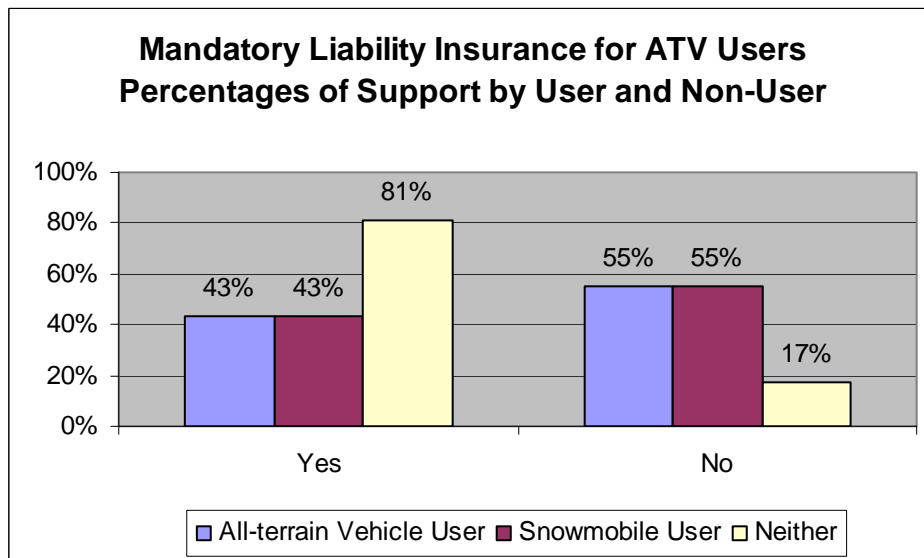


### Question #7 - Do you think ATV users should have to carry liability insurance?

57% of respondents support mandatory liability insurance for ATV users, 41% do not support mandatory liability insurance, and 2% of participants did not answer this question. Urban respondents showed slightly higher support for a liability insurance requirement than rural respondents.

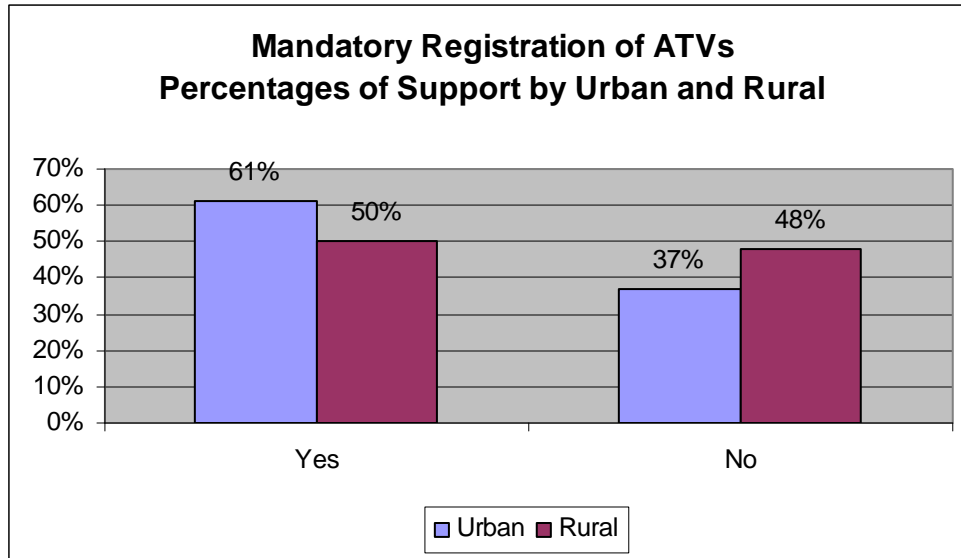


ATV and snowmobile users were much less likely than non-users to support the idea of mandatory liability insurance.

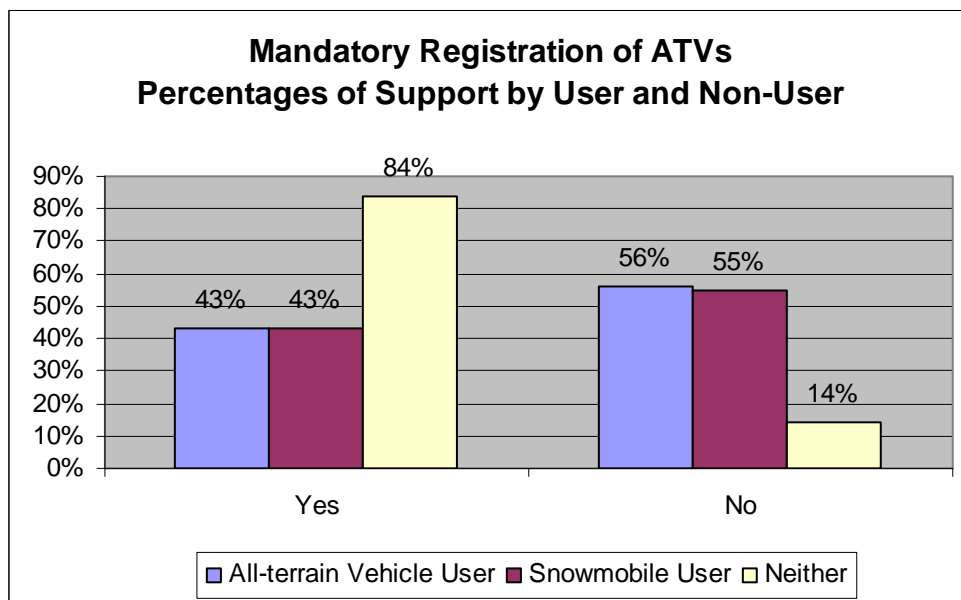


## Question #8 - Do you think ATVs should have to be registered?

58% of respondents support registration of ATVs, 40% do not support ATVs having to be registered, and 2% of participants did not answer this question. Support for ATV registration was higher among urban than rural respondents.



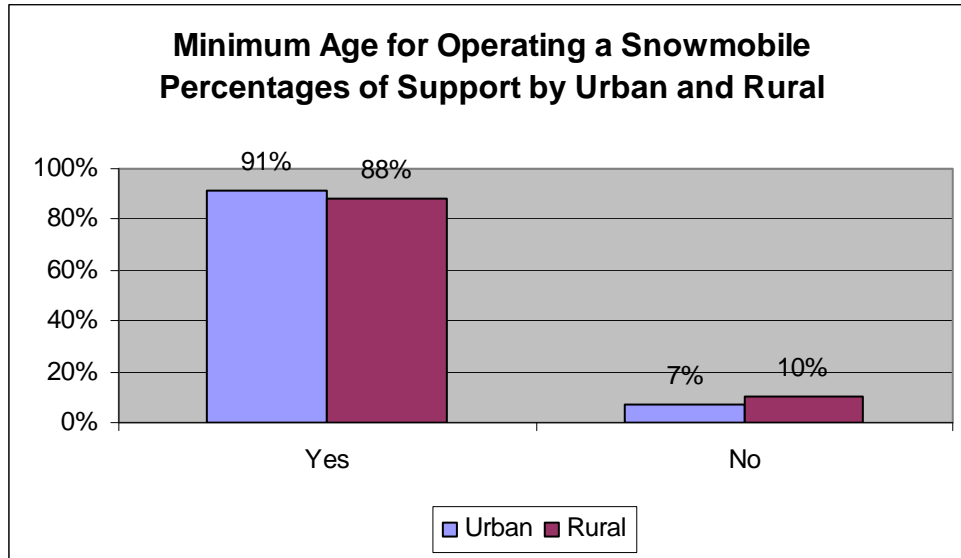
ATV and snowmobile users were much less likely than non-users to support mandatory ATV registration.



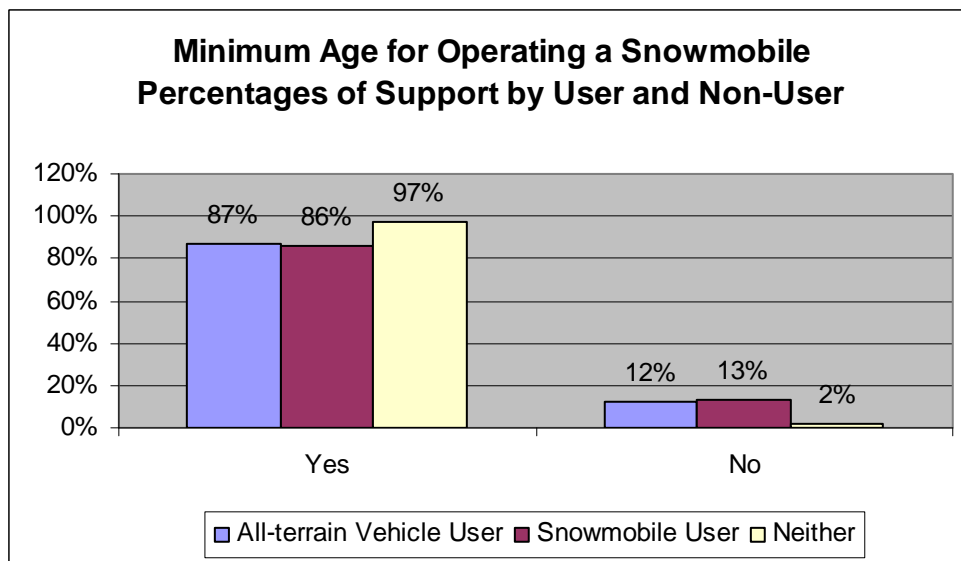
## Snowmobiles – Safe Operation

Question #1 – Do you think there should be a minimum age for operating snowmobiles unsupervised?

90% of respondents support a minimum age for operating snowmobiles without supervision; 8% do not support a minimum age requirement; and 2% did not answer the question. Percentages were relatively constant when broken down by urban and rural Yukon.

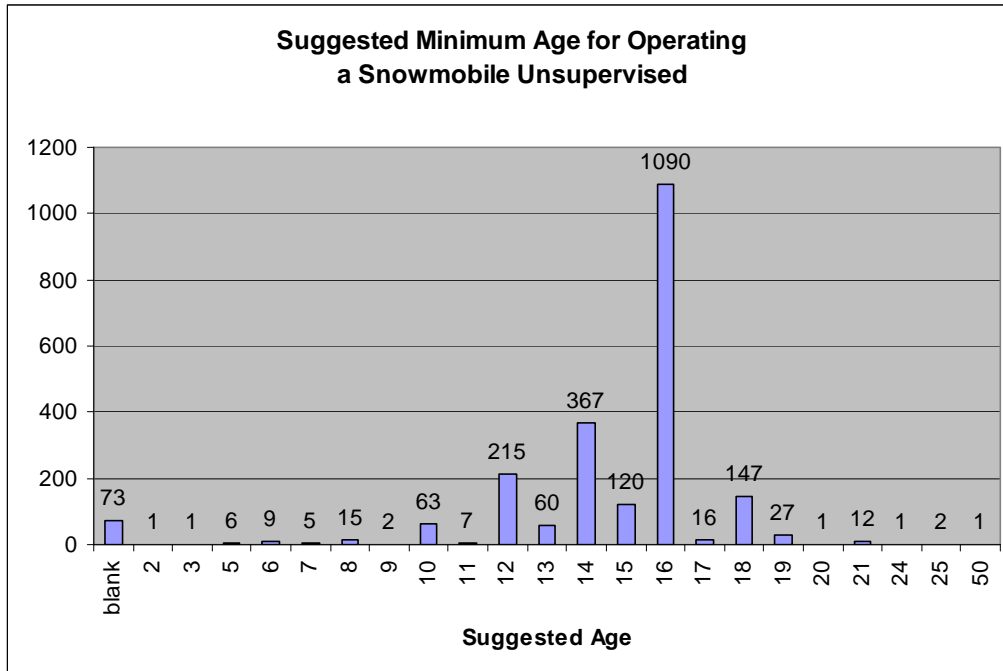


Among those who used ATVs and snowmobiles, there was a high level of support for a minimum age requirement for unsupervised snowmobile use. Those who did not use ATVs or snowmobiles showed almost universal support for a minimum age requirement.

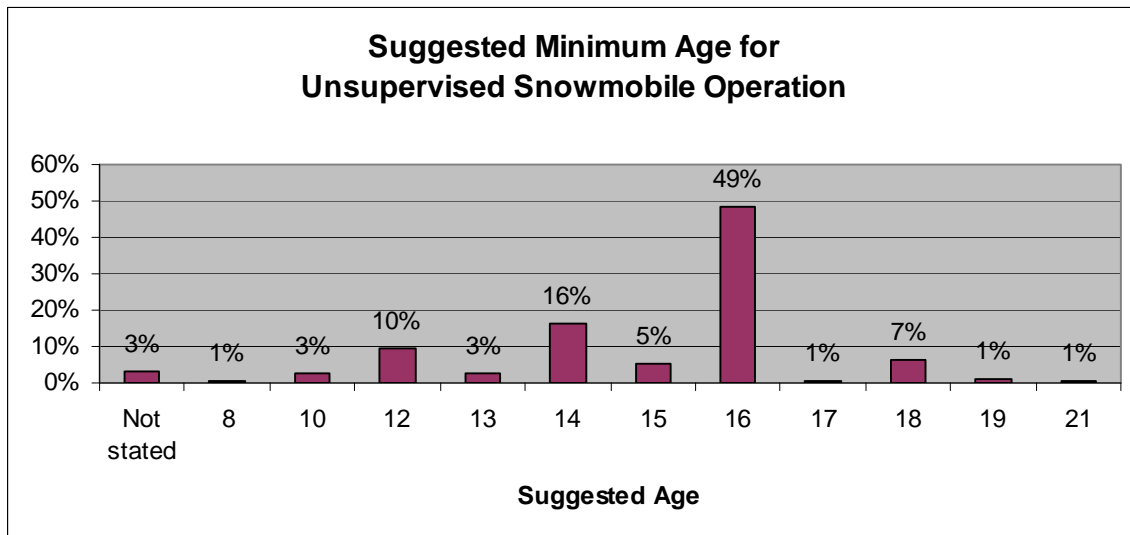


## Question #1 - If yes, what should the minimum age be?

The suggested minimum age for unsupervised snowmobile operation ranged from 2 years old to 50 years old. The following chart shows the number of responses received for each age suggested.



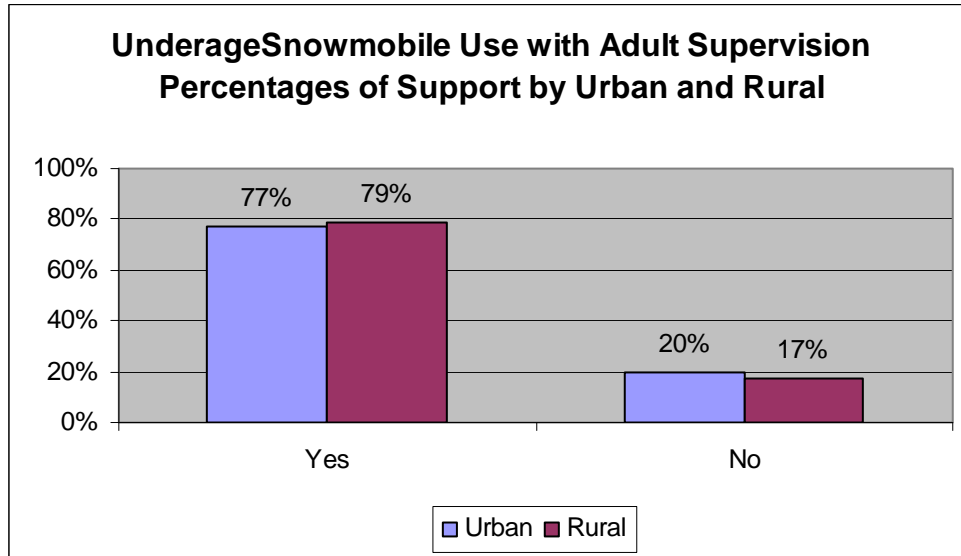
Of the 2241 respondents who support a minimum age for operating a snowmobile, 49% felt that the minimum age should be 16 years.<sup>6</sup>



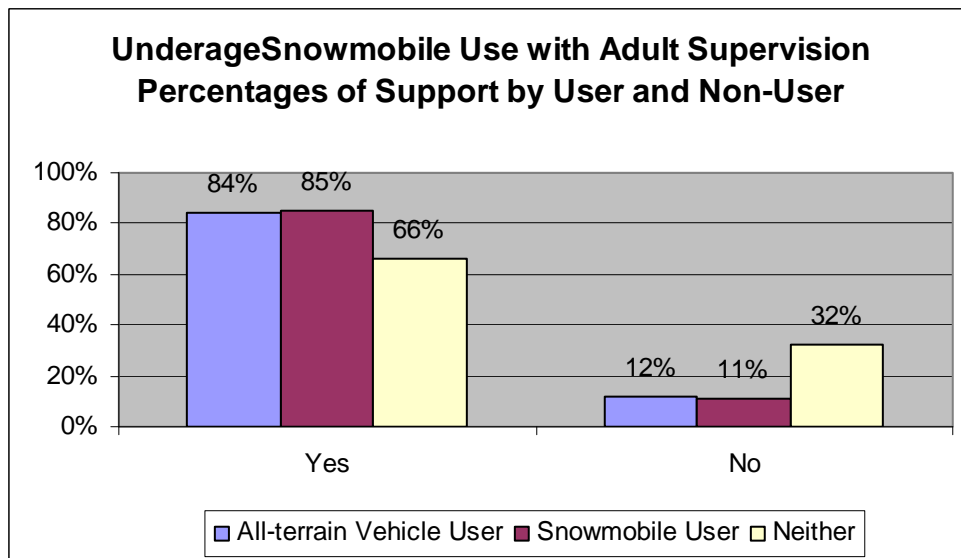
<sup>6</sup> Zero percentages are not included in the chart.

## Question #2 - Do you think underage riders should be allowed to operate a snowmobile with adult supervision?

77% of respondents believe that underage riders should be allowed to operate a snowmobile with adult supervision although many of those felt that the term “adult supervision” was not clear and required clarification.

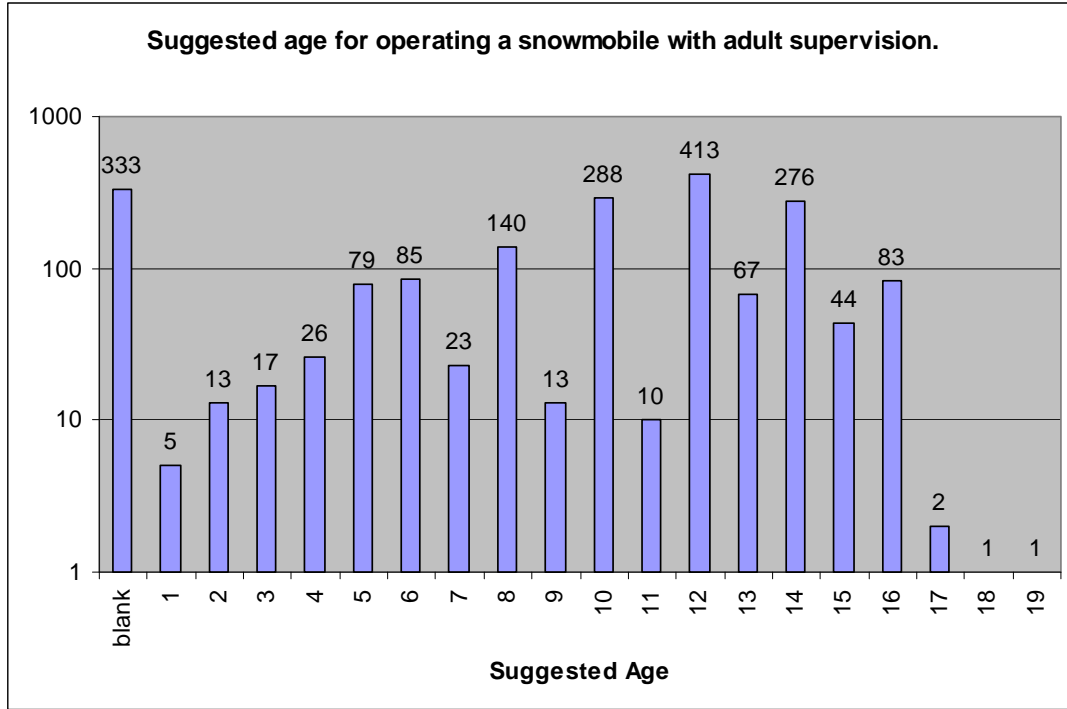


Urban and rural respondents showed similar levels of support for supervised underage snowmobile use. However, snowmobile and ATV users were more likely than non-users to support supervised underage use.

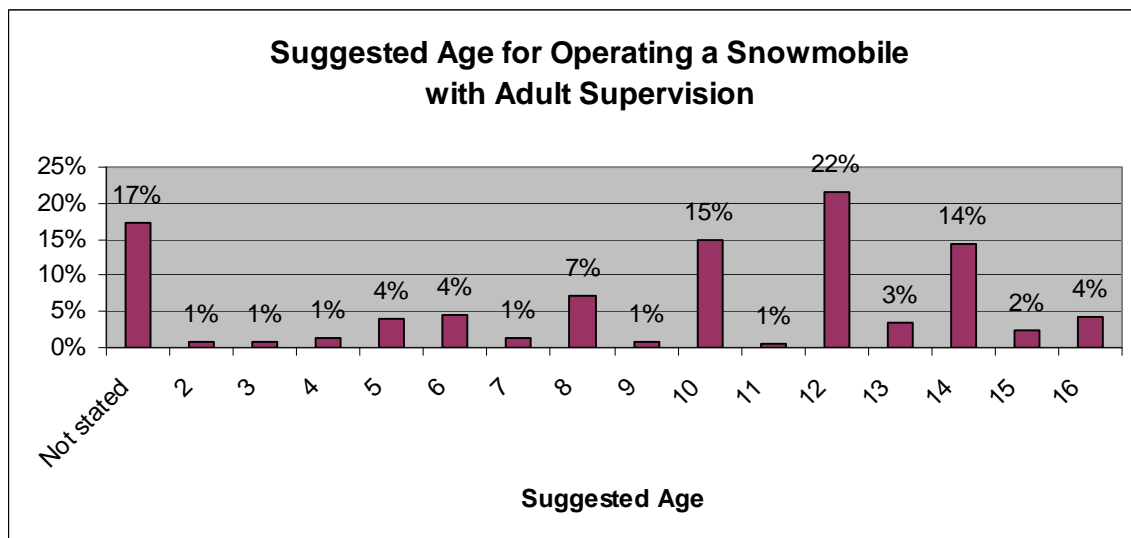


## Question #2 – If yes, at what age?

The suggested minimum age for underage riders operating a snowmobile with adult supervision ranged from 1 year old to 19 years old.



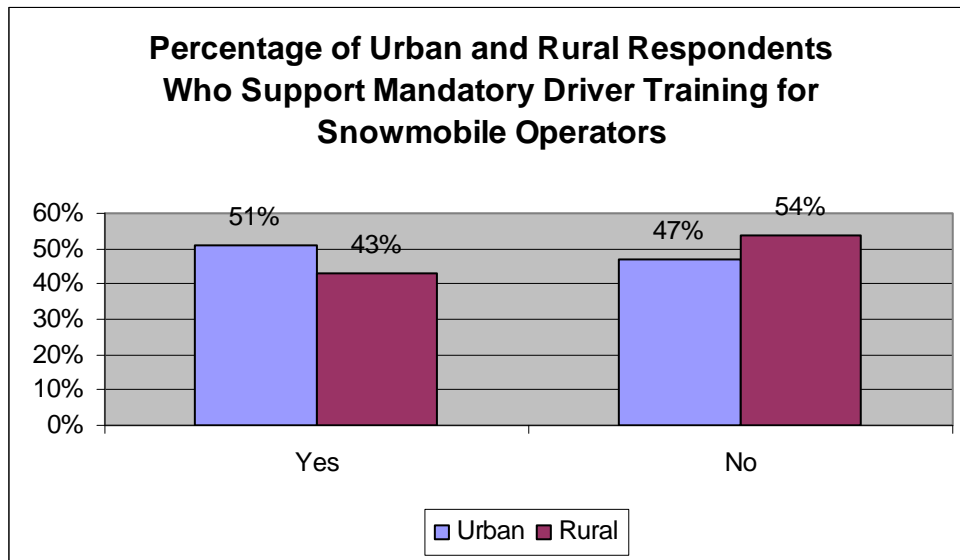
Of the 1919 respondents who felt that underage riders should be allowed to operate a snowmobile with adult supervision, the ages 12, 10, and 14 were most commonly chosen, in that order. No specific age stood out as having the support of the majority of respondents.<sup>7</sup>



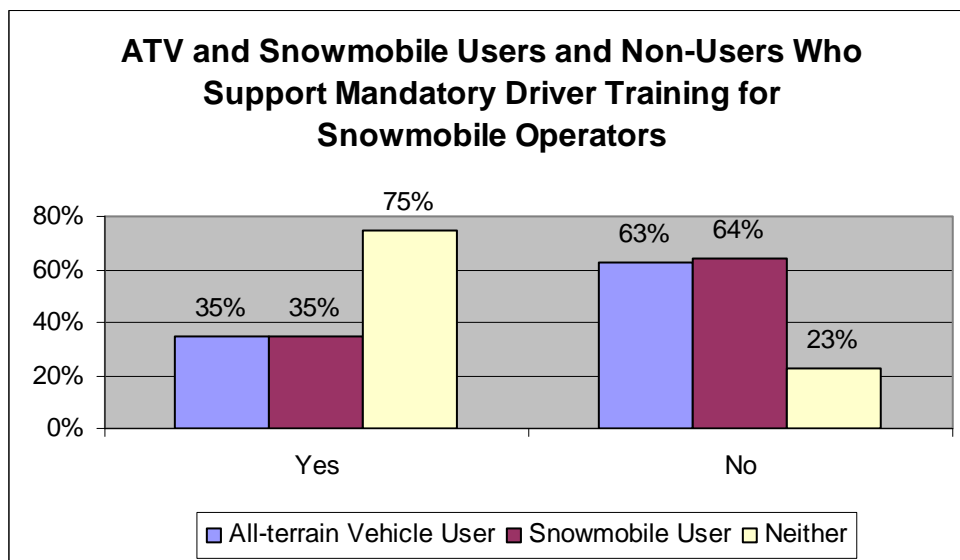
<sup>7</sup> Zero percentages are not included in the chart.

### Question #3 - Do you think snowmobile users should have to have driver training?

There was an even split in the overall responses for mandatory driver training for snowmobile operators. 49% of respondents are supportive of mandatory driver training and 49% do not support mandatory training. 2% of respondents did not answer the question. The breakdown of responses by urban and rural Yukon is relatively consistent with slightly less support for driver training among rural Yukoners.

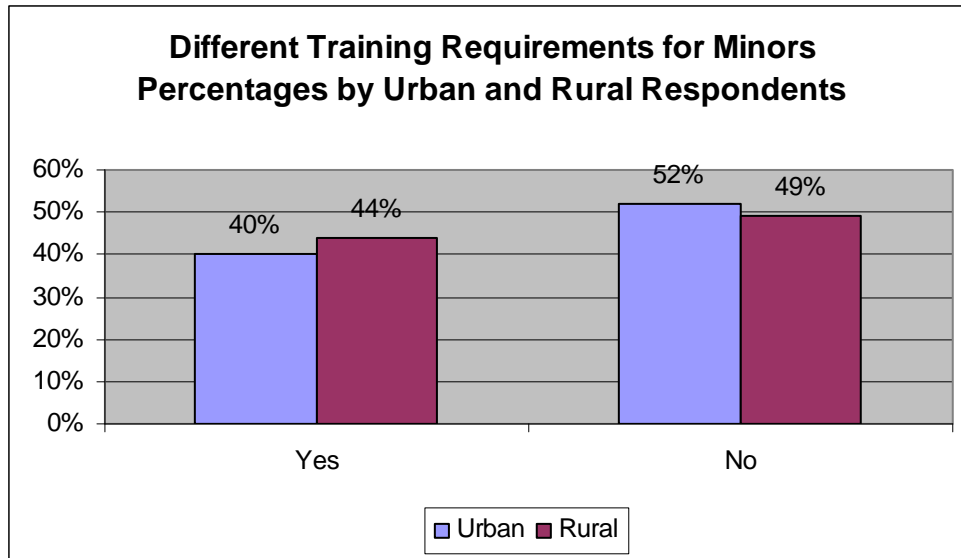


Respondents who use snowmobiles or ATVs were less likely than non-users to support mandatory driver training.



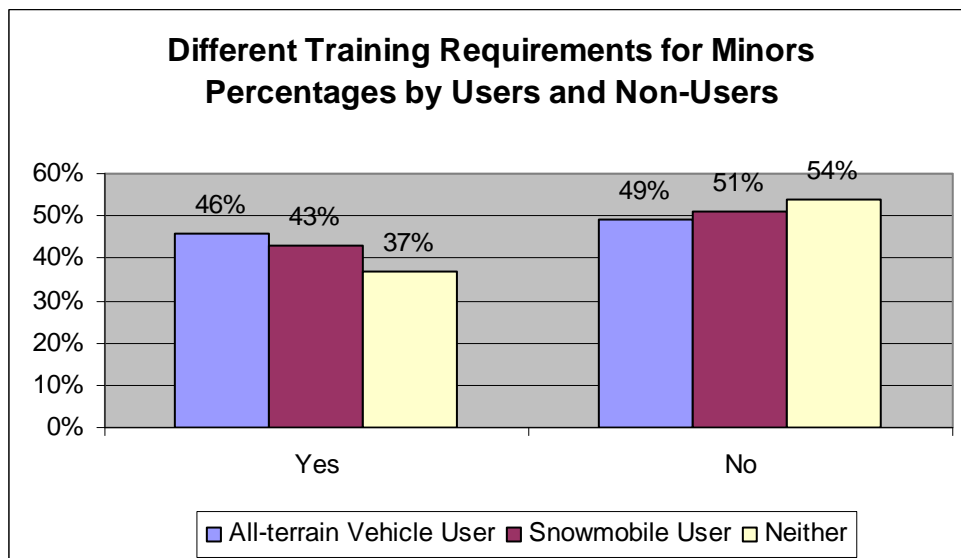
### Question #3 - If yes, should training requirements be different for minors?

Of the 1222 respondents that support mandatory driver training for snowmobile operators, 41% felt that training requirements for minors should be different than training requirements for adults and 51% felt that training for both, minors and adults, should be the same. 8% of participants did not respond to this question.



Urban and rural respondents were similar in their level of support for different training requirements for minors.

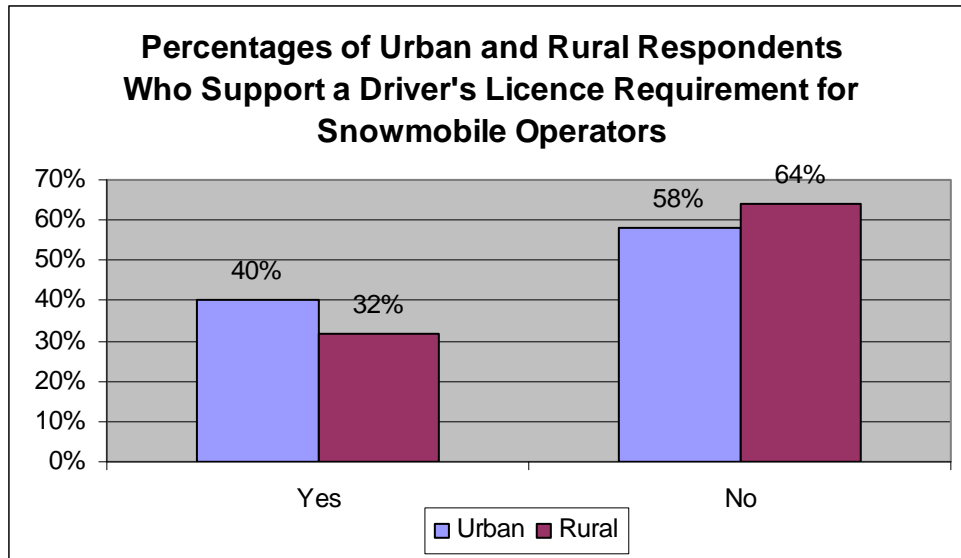
There were only slight differences between ATV and snowmobile users and non-users in terms of their support for different training requirements for underage snowmobile users.



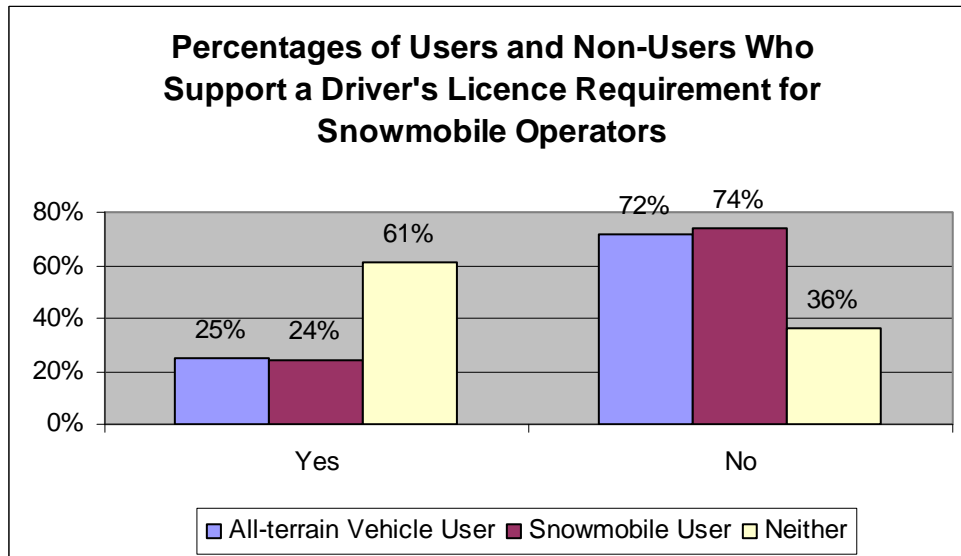


### Question #4 - Do you think all snowmobile users should have to have a driver's licence?

38% of respondents support a driver's licence requirement for snowmobile operators, 60% do not support a driver's licence requirement, and 2% of participants did not answer this question. The breakdown of responses by urban and rural Yukon indicates slightly less support for a driver's licence requirement from rural Yukoners.



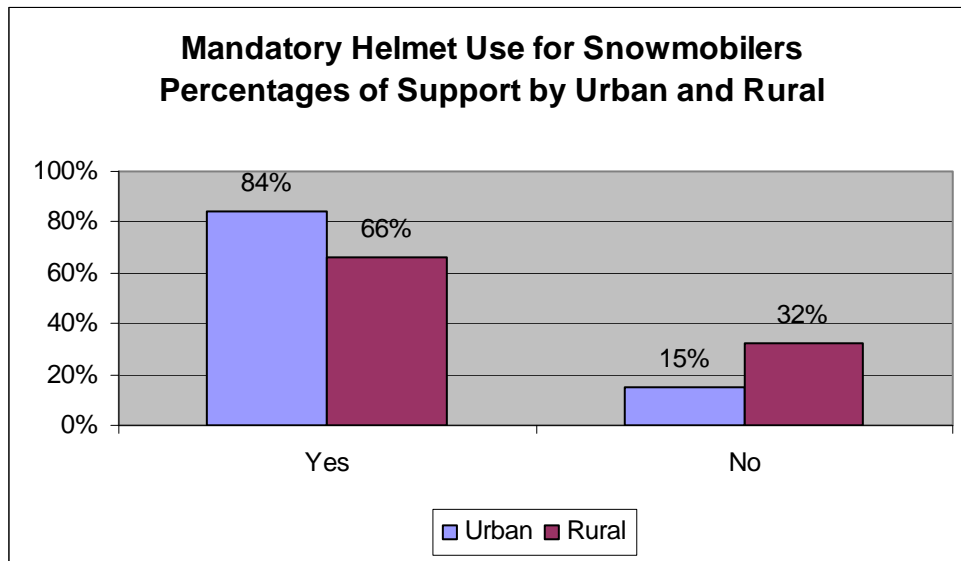
The majority of support for a driver's licence requirement comes from non-users of ATVs and snowmobiles.



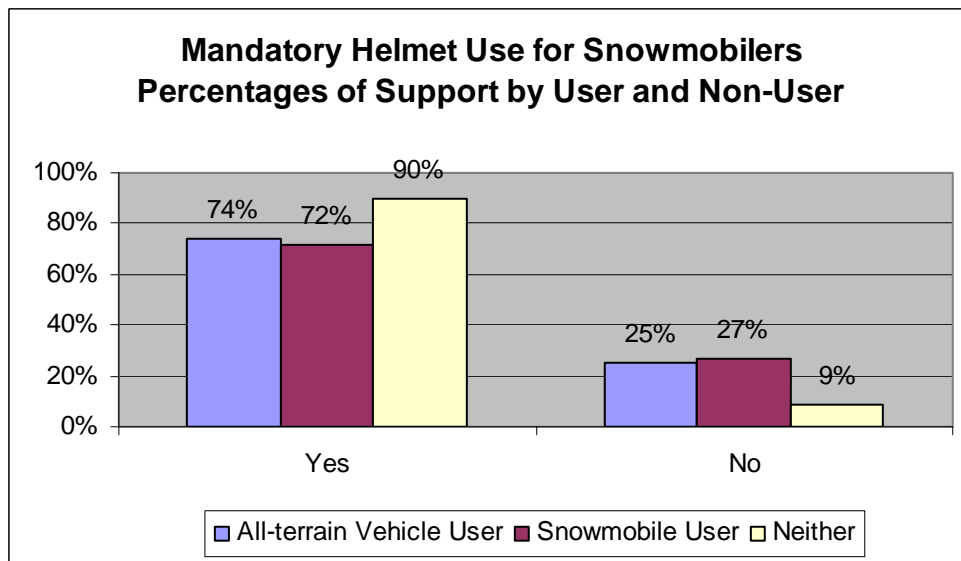
## Question #5 – Do you think all snowmobile users should have to wear a helmet?

79% of respondents believe that all snowmobile operators should have to wear a helmet, 20% do not support mandatory helmet use, and 2% of participants did not answer this question.<sup>8</sup>

The breakdown of responses by urban and rural Yukon indicates more support for mandatory helmet use among the urban population than from rural Yukoners.



Support for mandatory helmet use was particularly high among non-users of ATVs and snowmobiles.

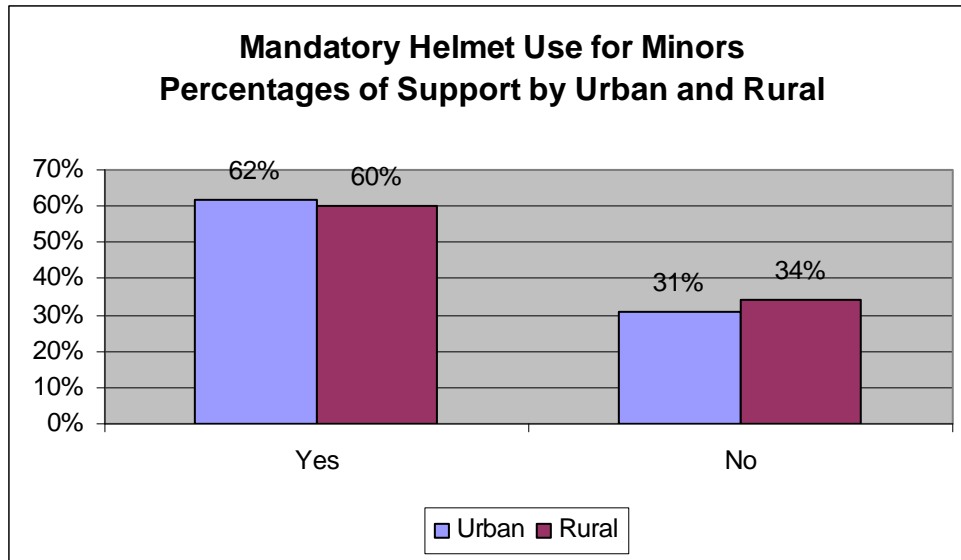


<sup>8</sup> Rounding accounts for percentages in excess of 100%.

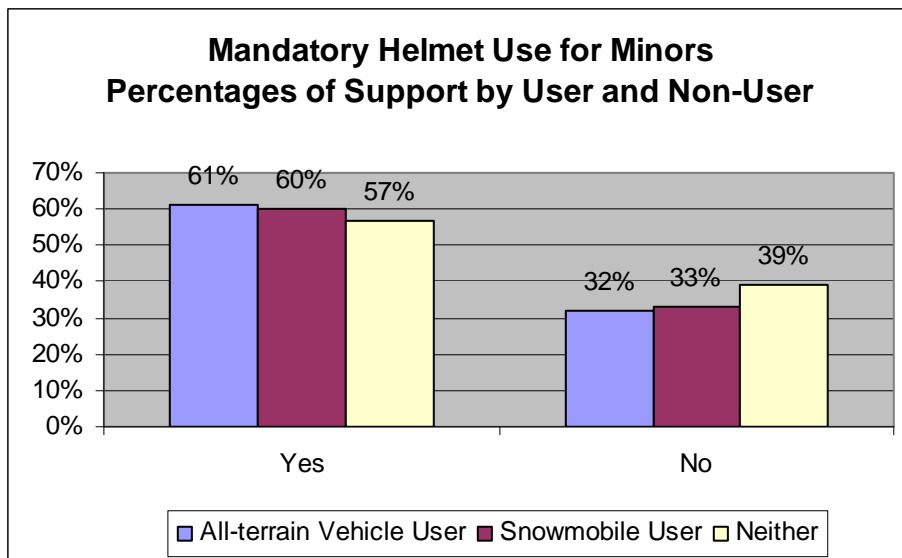
### Question #5 – If no, do you think minors should have to wear a helmet?

Of the 490 respondents that did not support mandatory helmet use for all snowmobile riders, 60% believe that helmet use should be mandatory for minors, 34% do not believe helmet use should be mandatory for minors, and 7% of the 490 participants did not answer this question.

The level of support for mandatory helmet use by minors was similar among urban and rural respondents.



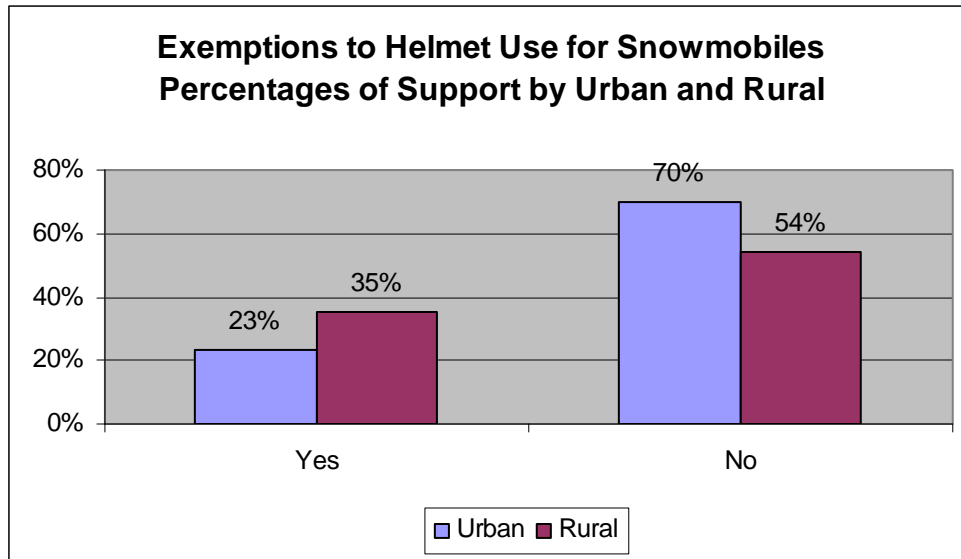
The level of support for mandatory helmet use by minors was also similar among ATV and snowmobile users and non-users.



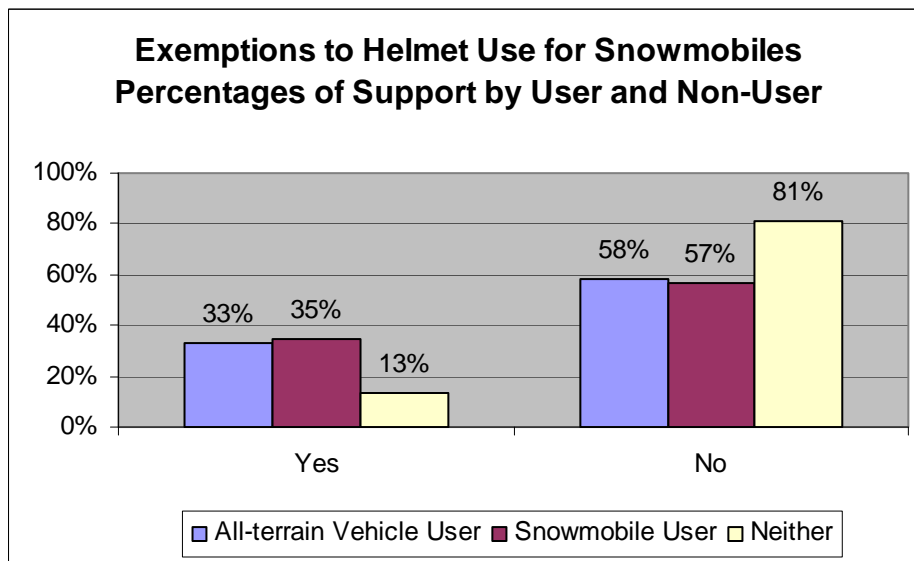
## Question #6 – Do you think there should be exemptions to helmet use in some circumstances?

26% of participants believe that exemptions to helmet use may be warranted under some circumstances, 66% do not support exemptions under any circumstances, and 8% of respondents did not answer this question.

Rural respondents were somewhat more likely than urban respondents to support exemptions to helmet use.



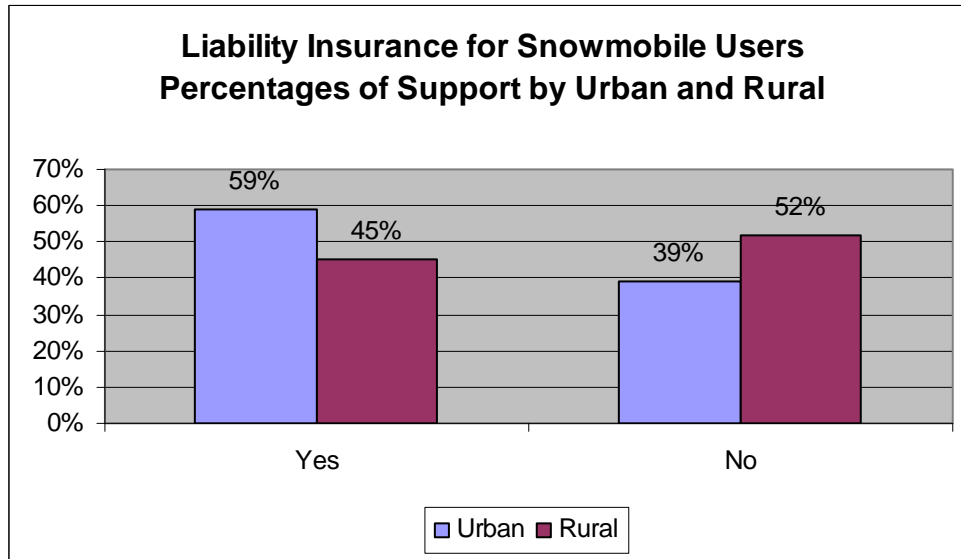
ATV and snowmobile users were more likely than non-users to support exemptions to helmet use. However, in no case did a majority support helmet use exemptions.



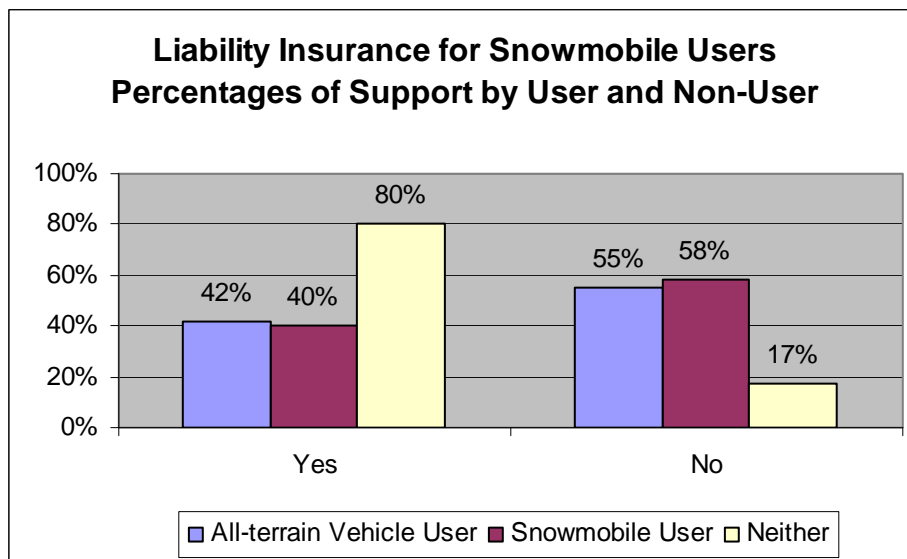
## Question #7 - Do you think snowmobile users should have to carry liability insurance?

55% of respondents support mandatory liability insurance for snowmobile users, 42% do not support mandatory liability insurance, and 3% of participants did not answer this question.

Urban respondents were more likely than rural respondents to support mandatory liability insurance.

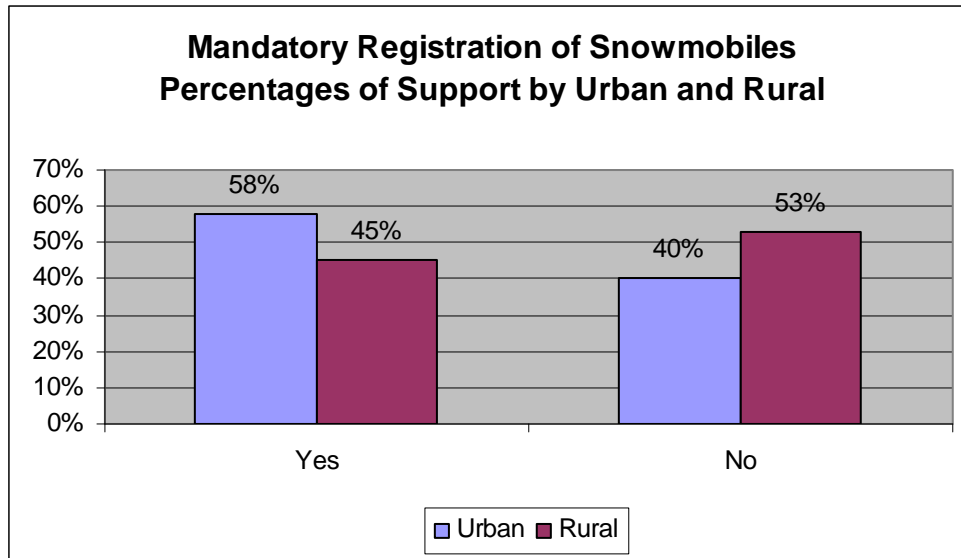


ATV and snowmobile users were much less likely than non-users to support mandatory liability insurance.

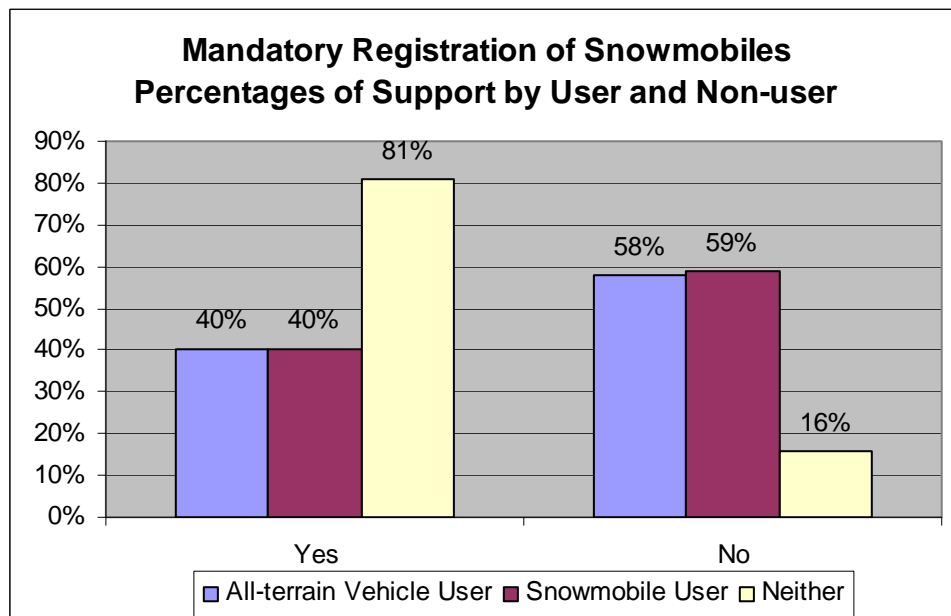


## Question #8 - Do you think snowmobiles should have to be registered?

Overall 55% of respondents support registration of snowmobiles, 43% do not support snowmobiles having to be registered, and 2% of participants did not answer this question. Urban respondents were more likely than rural respondents to support mandatory registration of snowmobiles.



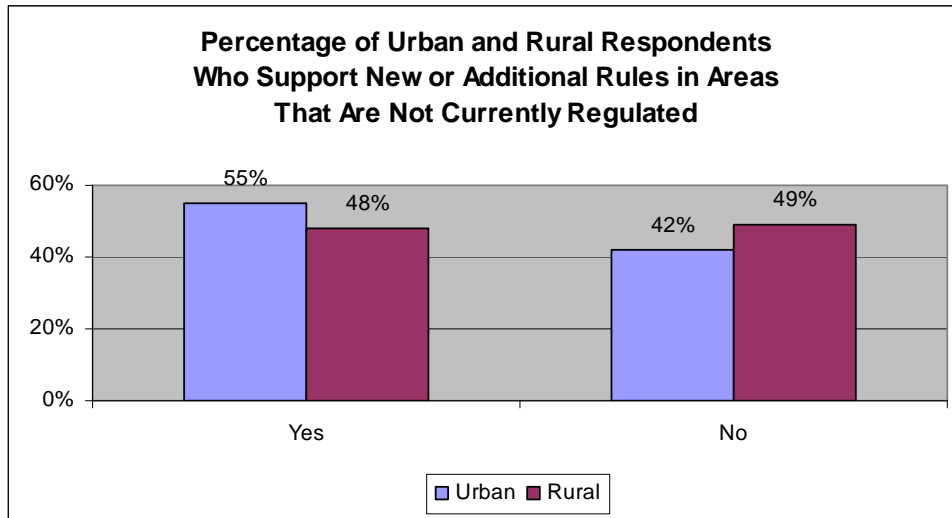
ATV and snowmobile users were much less likely than non-users to support mandatory registration of snowmobiles.



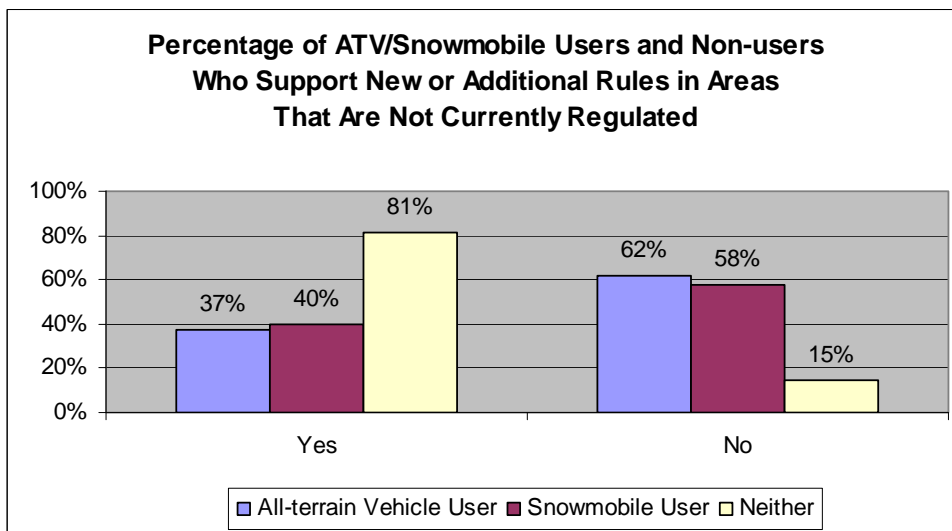
## Off-road Use

Off-road #1 – Do you think there is a need for new or additional rules in areas that are not currently regulated?

53% of respondents support new or additional rules in areas that are not currently regulated, 44% do not support new or additional rules, and 3% of respondents did not answer this question. Urban respondents were slightly more likely than rural respondents to support new rules in areas that are not currently regulated.

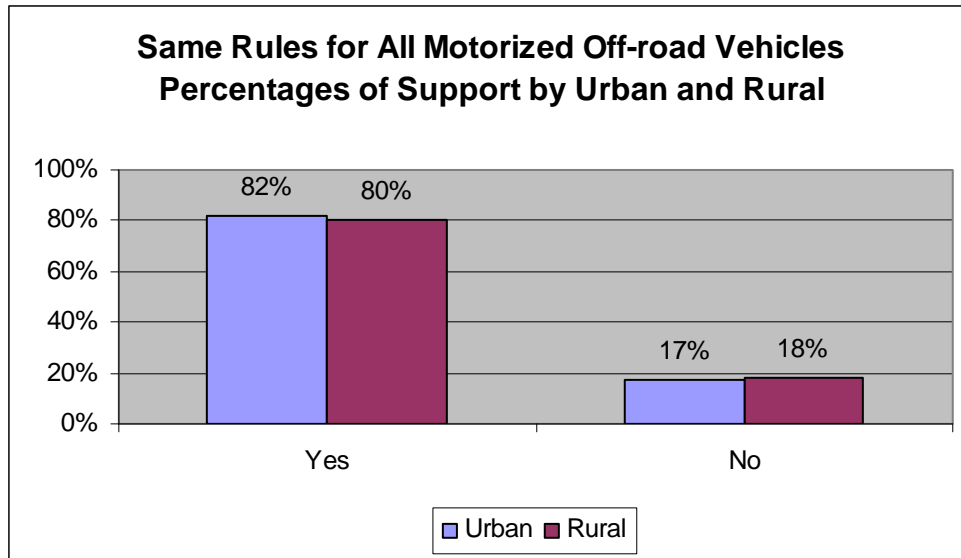


ATV and snowmobile users were much less likely than non-users to support new or additional rules in areas that are not currently regulated.

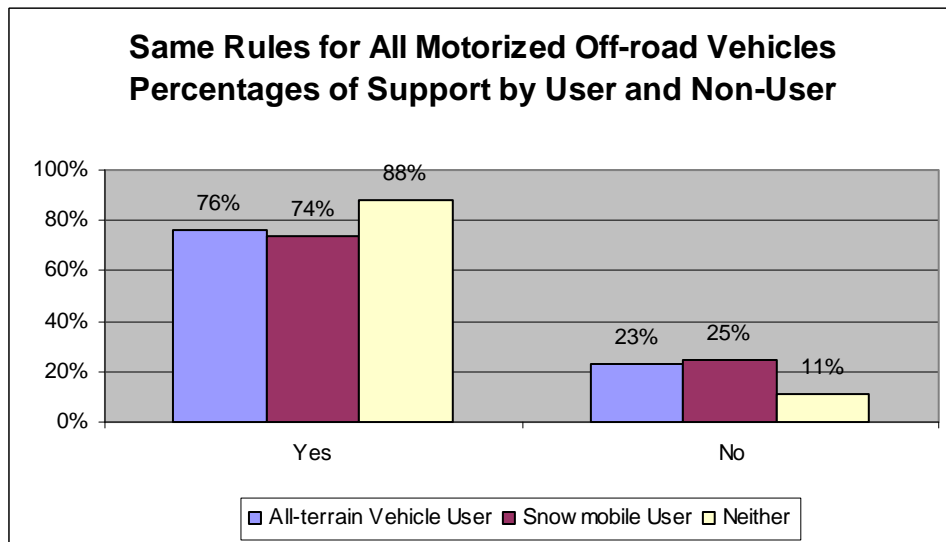


## Off-road #1 – If yes, should the same rules apply to all types of motorized off-road vehicles?

Of the 1324 respondents that supported new or additional rules in areas that are not currently regulated, 82% felt that the same rules should apply to all types of motorized off-road vehicles, 17% believe there should be different rules for different vehicles, and 2% of the respondents did not answer this question.



There was little difference between urban and rural respondents. However, ATV and snowmobile users were slightly less likely than non-users to support having the same rules for all motorized off-road vehicles.

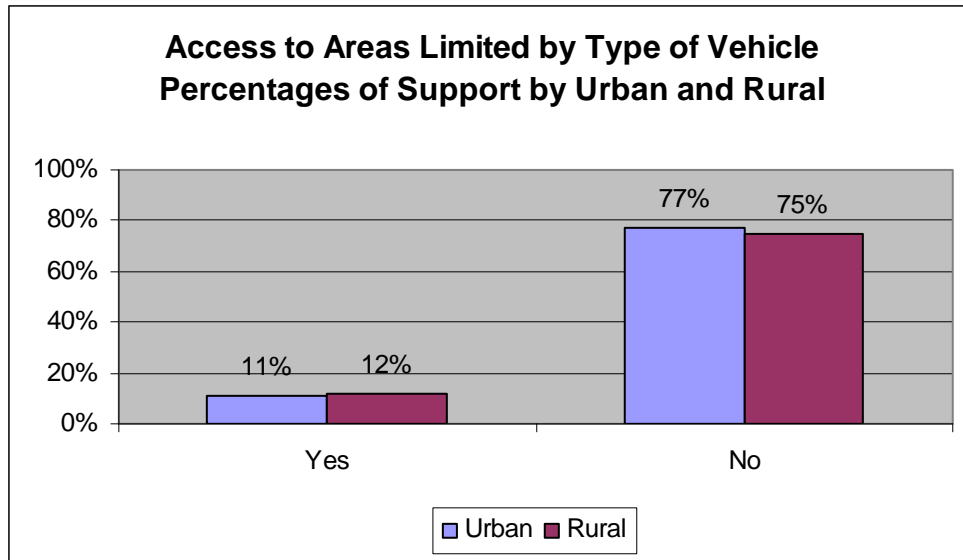




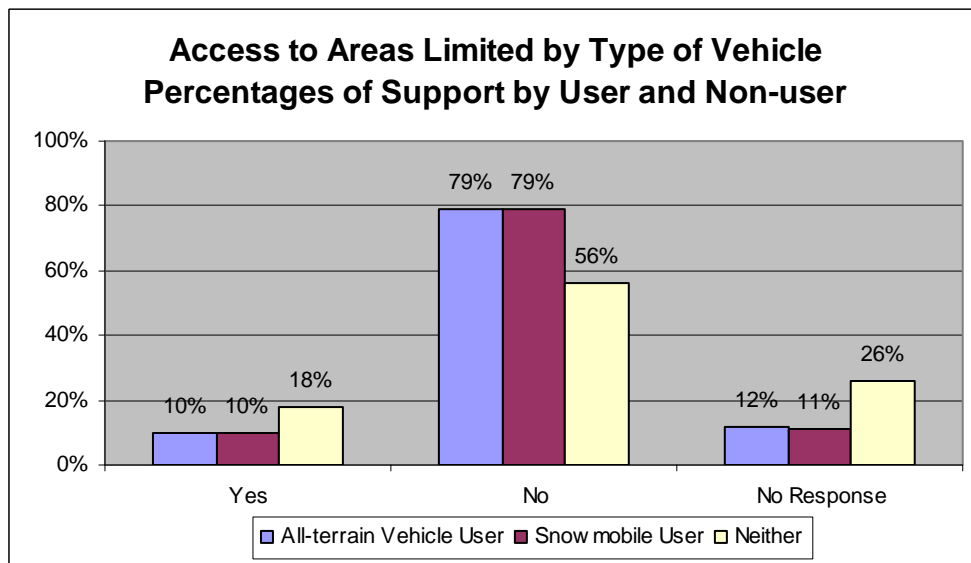
## Off-road #1 – If no, should access to areas be limited by the type of off-road vehicle?

Of the 1091 respondents that did not support new or additional rules in areas that are not currently regulated, 11% felt that access to certain areas should be limited by the type of off-road vehicle, 76% do not believe access should be limited based on the type of vehicle, and 13% of the 1091 respondents did not answer this question.

Breakdown of support by urban and rural Yukoners is consistent with the overall percentages.

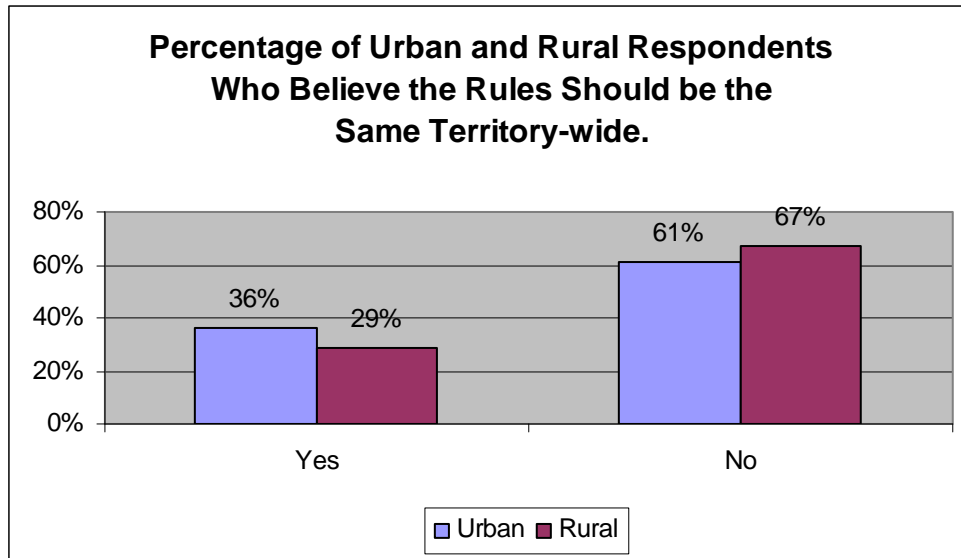


ATV and snowmobile users were less likely than non-users to believe access to areas should be limited by type of vehicle.

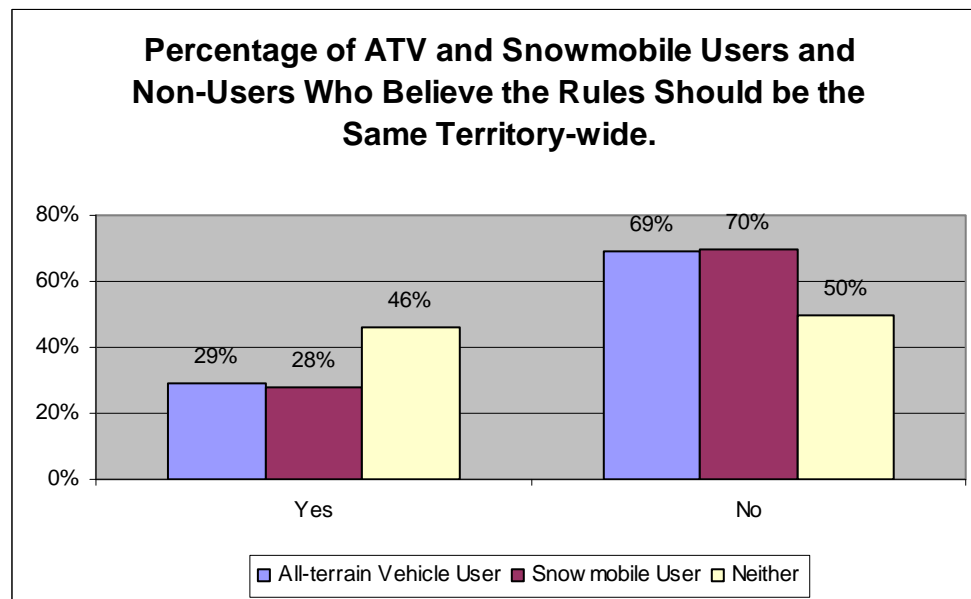


## Off-road #2 – Do you think rules should be the same in cities and towns as they are in rural areas or remote trails?

35% of survey respondents support the same rules in cities and towns as in rural areas or remote trails, 62% do not support the same rules territory-wide, and 3% of the respondents did not answer this question. Urban respondents were slightly more likely than rural respondents to believe the rules should be the same territory-wide.

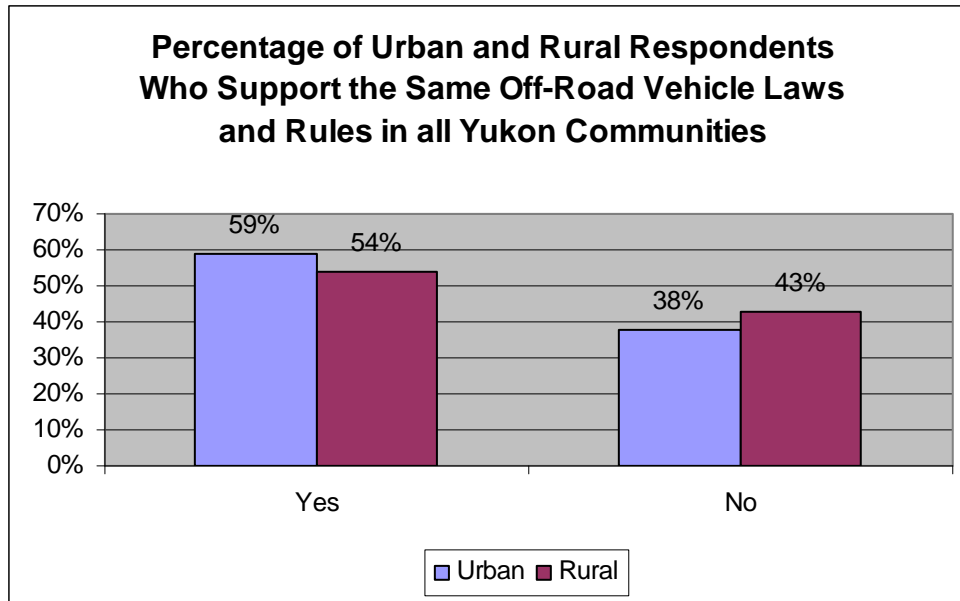


ATV and snowmobile users were less likely than non-users to believe the rules should be the same across the territory.

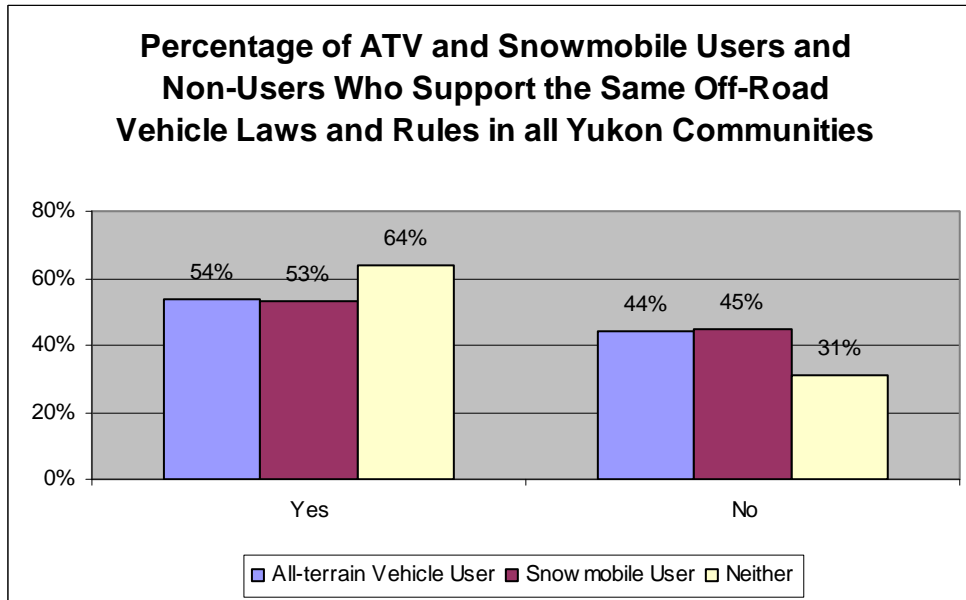


### Off-road #3 – Do you think laws and other rules for off-road vehicles should be the same in all Yukon communities?

58% of survey respondents support the same laws and rules for off-road vehicles in all Yukon communities, 39% do not support the same rules in all communities, and 3% of respondents did not answer this question. Urban respondents were slightly more likely than rural respondents to support having the same laws and rules in all communities.

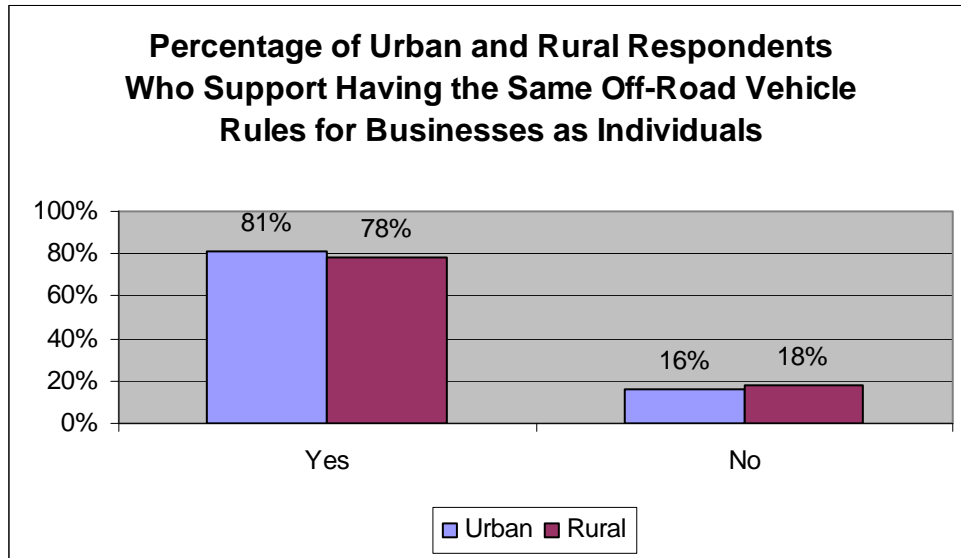


ATV and snowmobile users were slightly less likely than non-users to support having the same laws and rules in all Yukon communities, yet in all categories of respondent, the majority supported unified laws and rules.

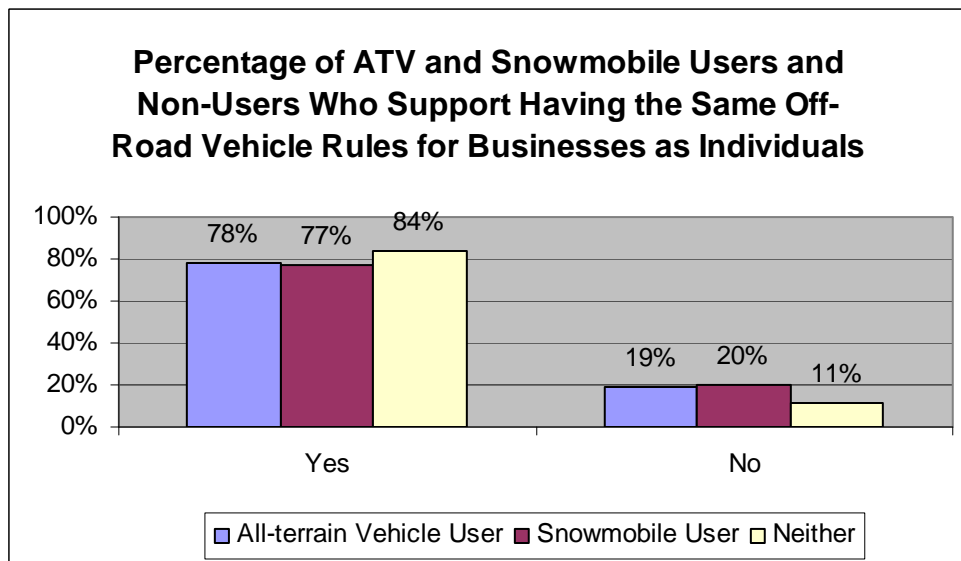


## Off-road #4 – Do you think the rules that apply to the use of off-road vehicles should be the same for businesses and for individuals?

80% of survey respondents support the same rules for businesses as for individuals, 16% do not support the same rules for businesses as individuals, and 4% of respondents did not answer this question. Responses were similar in urban and rural Yukon.



ATV and snowmobile users and non-users were similar in their levels of support for having the same off-road vehicle rules for individuals and businesses.



## Appendix 3: Motor Vehicles Branch Policy and Guidelines for All Terrain Vehicles



Community and Transportation  
Services

MOTOR VEHICLES SECTION

Number 3.0

Amendment Number \_\_\_\_\_

T R A N S P O R T   S E R V I C E S

# POLICY AND PROCEDURES

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## REGISTRATION OF ALL TERRAIN VEHICLES

This memo is to advise you of the revised policy regarding the operation and registration of All Terrain Vehicles (ATVs) for on highway use in the Yukon and supercedes all other polices issued by this branch.

Department of Justice had earlier supported my opinion that ATVs, because of their size and operating characteristics, are viewed in accordance with Section 39 of Motor Vehicle Act, as a hazard to other users of the road and thus were not permitted to be registered for on road use in the Yukon. Unfortunately, due to staff changeovers or misinterpretation, ATVs continued to be registered in an ad hoc basis in some areas of the territory.

Justice has also advised that Section 38 has enough flexibility to allow the registrar to make exceptions which would now allow registration of ATVs. Therefore, registration of ATVs will be allowed throughout the territory and will be modelled on that for snowmobiles. This policy is a temporary exception and is in place until such time as the Motor Vehicles Act and Regulations are reviewed and revised.

The Attached policy and guidelines are in place effective immediately. If you have any questions, please do not hesitate to call.

LYNN ALCOCK

Authorization: \_\_\_\_\_

94-09-08

Date: \_\_\_\_\_



Community and Transportation  
Services

MOTOR VEHICLES SECTION

Number 3.6

Amendment Number \_\_\_\_\_

T R A N S P O R T   S E R V I C E S

# POLICY AND PROCEDURES

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## GUIDELINES FOR ATV ON HIGHWAY USE

1. Driver must observe all the rules of the road as stated in Part 13 of the Motor Vehicles Act which applies to bicycles, motorcycles, mopeds, and snowmobiles and generally comply with other parts of the Motor Vehicles Act.
  
2. Drivers must ride as near as practicable to the right hand curb or edge of the roadway with the exception of the following major highways:
  - Alaska Highway
  - Klondike Highway
  - Campbell Highway

where, due to heavy RV and ore haul traffic, drivers are encouraged to use the untravelled Right Of Way when possible.

3. Drivers must ride in single file except for passing.
  
4. Drivers are encouraged to wear a helmet for their own personal safety.

Authorization: 

Date: 91-12-04



Community and Transportation  
Services

MOTOR VEHICLES SECTION

Number 3.5

Amendment Number \_\_\_\_\_

T R A N S P O R T   S E R V I C E S

## POLICY AND PROCEDURES

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### REGISTRATION POLICY ON ALL TERRAIN VEHICLES EFFECTIVE 16 DECEMBER 1991.

1. Only four (4) wheel All Terrain Vehicles (ATV) will be registered for on highway use in the Yukon. Three (3) wheel vehicles will not be registered.
2. A minimum of \$200,000. Public Liability/Property Damage (PL/PD) insurance is required.
3. Driver must possess a valid Class 5 Drivers' licence.
4. NVIS card or Bill of Sale required at time of first registration. Notice of registration renewal for subsequent registration.
5. Registration will be in accordance with the normal registration season. Snowmobile plates to be issued.
6. Vehicle must meet requirements of Motor Vehicle Equipment Regulations pursuant to the snowmobile sections:
  - head lamp
  - service brake
  - tail lamp
  - muffler (exhaust system)
  - brake light

Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

- (c) the vehicle is not a rented vehicle; and
- (d) a certificate of registration is issued under this Act in respect of the vehicle within the seven day period. *S.Y. 1998, c.18, s.9; R.S., c.118, s.38.*

#### Miniature motor vehicles

40(1) Miniature motor vehicles of the type known to the trade as "go carts" and three or four-wheeled vehicles of like nature, and any other three or four-wheeled vehicle which, because of its novel size or operating characteristics, the registrar considers would present a hazard to other highway users, shall not be registered as motor vehicles.

(2) Despite the provisions of subsection (1), a miniature motor vehicle designed primarily for the use of a physically handicapped person may be operated on a highway if the vehicle

- (a) is registered in the name of a physically handicapped person;
- (b) is operated solely by a physically handicapped person who has a subsisting operator's licence issued under this Act; and
- (c) is equipped in compliance with the requirements of this Act or the regulations thereunder relating to motor vehicles. *R.S., c.118, s.39.*

#### Reciprocal agreements concerning licensing

41(1) The Commissioner in Executive Council may make or authorize to be made with the government of any other province, state, district, or territory a reciprocal arrangement or agreement

- (a) exempting any class or classes of motor vehicle owners ordinarily resident in that other province or territory from the application of this Act as to

véhicule;

c) le véhicule n'est pas un véhicule loué à court terme;

d) un certificat d'immatriculation est délivré sous le régime de la présente loi à l'égard de ce véhicule pendant cette période de sept jours. *L.Y. 1998, ch. 18, art. 9; L.R., ch. 118, art. 38*

#### Karts

40(1) Les petits véhicules automobiles appelés karts ou « go carts », les véhicules semblables à trois ou quatre roues et tout autre véhicule à trois ou quatre roues qui, en raison de leurs dimensions ou de leurs caractéristiques, présenteraient, de l'avis du registraire, un danger pour les autres usagers de la route ne peuvent être immatriculés comme véhicule automobile.

(2) Malgré le paragraphe (1), un petit véhicule automobile conçu principalement pour les handicapés physiques peut circuler sur les routes si les conditions suivantes sont réunies :

- a) il est immatriculé au nom d'un handicapé physique;
- b) seul l'handicapé le conduit et l'handicapé est lui-même titulaire d'un permis de conducteur délivré sous le régime de la présente loi;
- c) il est muni de l'équipement prévu pour les véhicules automobiles par la présente loi ou les règlements. *L.R., ch. 118, art. 39*

#### Accord réciproque

41(1) Le commissaire en conseil exécutif peut conclure avec le gouvernement d'une province, d'un État, d'un district ou d'un territoire un accord ou un arrangement réciproque portant sur les questions suivantes, ou en autoriser la conclusion :

- a) exemption de toute catégorie de propriétaires de véhicules automobiles résidant habituellement dans la province ou l'autre territoire de l'application de la