



---

**NEWS RELEASE**

**FOR IMMEDIATE RELEASE**

---

July 5<sup>th</sup>, 2017

**COUNTY OF RENFREW COUNCIL DESIGNATES ALGONQUIN TRAIL AS MULTI-USE**

**PEMBROKE, ON:** On June 28, 2017, County of Renfrew Council passed a motion recommending that the 219 km Algonquin Trail portion of the Ottawa Valley Recreation Trail (OVRT) be designated as multi-use, which includes all methods of self-propelled transportation, as well as horseback riding, snowmobiles, ATVs and side-by-sides as defined by the *Off-Road Vehicles Act, O. Reg 316/03, s. 1*, as amended. The motion includes a provision that the County would consider bypass/twinning alternatives presented by local municipalities that are prepared to support and fund them. This motion follows the original intent of the use of the corridor and provides direction on the future use of the Algonquin Trail within the Management Plan.

Partnering with Lanark County and Papineau-Cameron Township, the 296 km OVRT corridor stretches from Smiths Falls to Mattawa. Renfrew County hosted six public open houses in the fall of 2016, many comments were received about motorized versus non-motorized use of the trail. With the passing of this motion the County of Renfrew joins its partner municipalities who have also declared their sections to be multi-use. Branch trails or bypasses could be designed to encourage specific use (e.g. motorized) and would consequently enable some sections of the main trail to become non-motorized while still offering a continuous motorized trail. The trail corridor passes through 10 municipalities within the County and the City of Pembroke and will form the “spine” of a future County-wide trail network as contemplated in the County of Renfrew Trails Strategy.

Chair of the Algonquin Trail Advisory Committee and the Development & Property Committee, Councillor Bob Sweet states, *“The County Council resolution enables the County to move forward with the creation of a Management Plan and also allows the local municipalities to explore options for use in their jurisdiction.”*

Warden of the County of Renfrew, Jennifer Murphy expresses, *“This is a great milestone to see sections of the Algonquin Trail being open for the public to enjoy this fall.”*

The County of Renfrew, along with its Partners, has engaged the Ontario Trails Council (OTC) for the creation of a Management Plan for the entire trail. The OTC will be reviewing all public comments supplied through the open houses, emails and phone conversations. The completion date for the Management Plan is August 31, 2017.

The County of Renfrew will be working on a number of sections of the Algonquin Trail (Petawawa, Renfrew and Arnprior and with proceeds from the Zombie Run a portion of the trail in Pembroke) throughout the summer and fall to make the necessary improvements to start opening the trail to the public.

**For More Information Please Contact:**

Jason Davis	Manager of Forestry & GIS, County of Renfrew	613-735-3204
Michael Barber	Media Relations/Grants Coordinator, County of Renfrew	613-735-7288

## Melinda Reith, Head, Clara & Maria

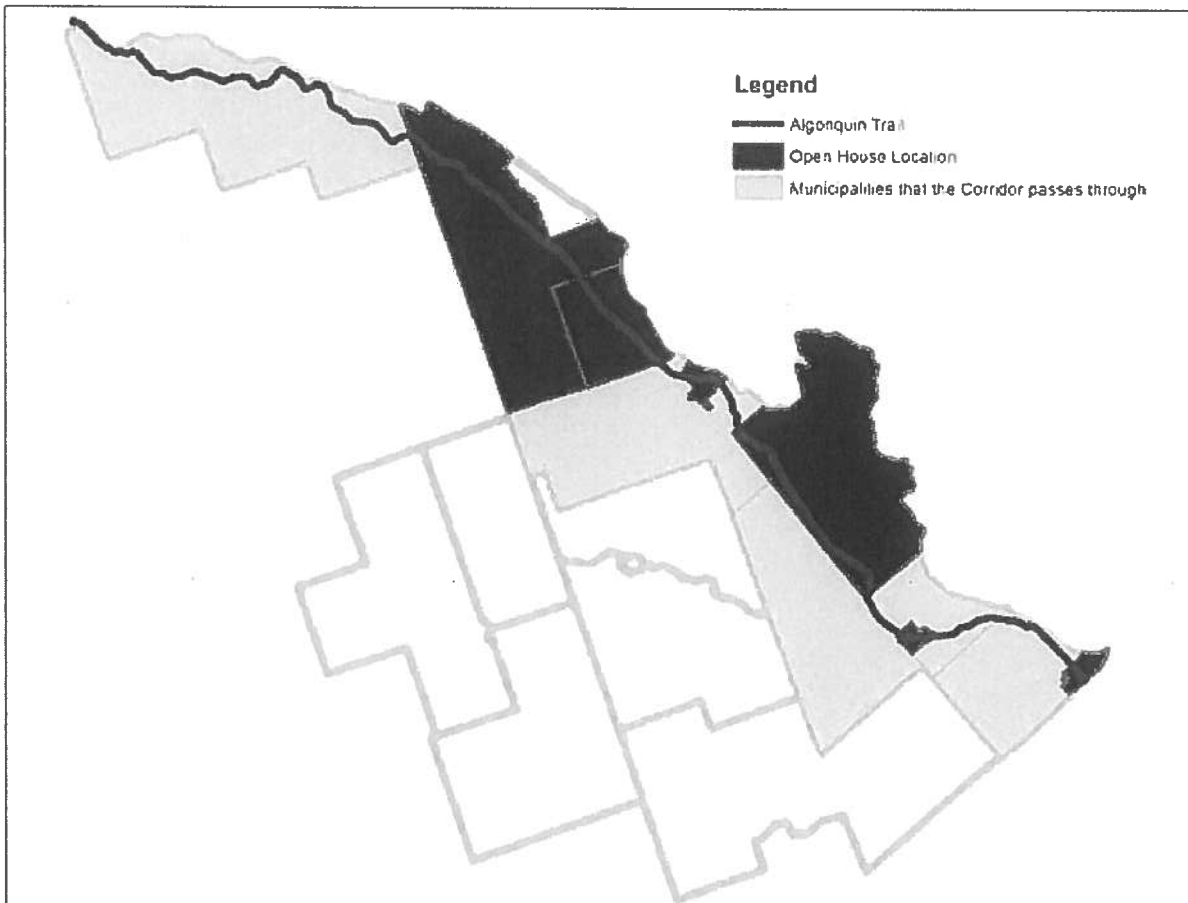
---

**From:** Craig Kelley <Kelley@communitydevelopment.ca>  
**Sent:** Thursday, August 24, 2017 10:54 AM  
**To:** Township of Head Clara Maria  
**Cc:** Jason Davis  
**Subject:** FW: Algonquin Trail

Melinda –

Further to your request, we've compiled some information for you:

- The purchase of the corridor has been ongoing since 2011 with a number of media releases throughout the years
- The former Mayors (including Mr. Gibson) had been on the Development and Property Committee and County Council when all discussion and **decisions** concerning the corridor occurred. We're assuming that information was passed along from your representative on County Council.
- County staff held 6 open houses for public and municipal comments
  - The number and locations were determined to maximize cost effectiveness, staff resources and County coverage. All events were well attended by the public and municipal elected (see map below).
  - In September 2016 staff sent a letter to municipalities informing the municipalities of the open houses and requesting that the dates and locations be posted on their websites



- County staff created a direct email account for all public email correspondence
- Staff sent letters to all abutting landowners providing an update on the corridor purchase
- Until recently, it is our understanding County staff did not receive request for more information from Head, Clara & Maria staff. If you could confirm otherwise, that would be helpful.
- We will be circulating to municipalities, the Management Plan for the Algonquin Trail (in draft format) for comments from your municipal council(s). This document will take into consideration many of the comments received, but will not necessarily address them in the fashion that some landowners have asked.
- County Council has adopted a resolution (previously sent to you) that acknowledges and allows local municipalities to find alternative routes for motorized use, if so desired. To date, we have only had one request for a twinned trail; subject to OMCC funding.
- With regards to the question of authority over the planned use of the trail, etc., as we've heard debated in your municipality, we are working under the assumption that the Municipal Act provides for this authority under Section 11 and Section 13

We continue to receive and hear feedback from residents – both negative and positive. We are hopeful to open several sections of the trail this fall/winter for the enjoyment of all; we see this trail as a major benefit to the entire region and hope that we can work successfully with all affective municipalities to make it a benefit to their communities as well. To that end, we are working with almost every community on an OMCC application that will lead to overall betterment of the trail moving forward.

Sincerely,  
Craig

-----Original Message-----

From: Melinda Reith, Head, Clara & Maria [mailto:hcmclerkmreith@gmail.com]  
Sent: Monday, August 14, 2017 1:29 PM  
To: Craig Kelley [mailto:CKelley@countyofrenfrew.on.ca]  
Subject: FW: Ontario Municipal Commuter Cycling Program (OMCC) Funding

Hello Craig

I am reviewing some information to create a report for Council for its September public meeting concerning the use of the rail bed throughout HCM, including your email below. It seems that the County has made some significant decisions related to the use of the trail within our municipality and it is an topic of some contention. I have been reviewing County documents from some months back (in fact years) and keep locating reference to "municipal consultation". Would you please provide me with evidence of municipal consultation or attempt at municipal consultation with HCM concerning policy development and trails strategy? I admit, with a small office, we may have missed it.

Further, when the public consultation meetings were held last fall, was there ever any public indication that these meetings would be the ONLY opportunity for public consultation?

And finally, considering that the "trail" runs throughout our entire municipality, can you provide the rationale for not hosting a consultation meeting within our community?

Sincerely

Melinda

M. Reith



**NOTICE OF OPEN HOUSES/PUBLIC INFORMATION SESSIONS  
Ottawa Valley Recreation Trail (formerly known as the CP Rail Line)**

The County of Renfrew has scheduled six open houses to engage, inform and seek input from County residents on the proposed future use of the corridor.



**Wednesday, October 19 – 6:30 p.m. – 8:30 p.m.**  
Chalk River & Area Lions Hall  
11 Kellett Street, Chalk River Ontario

**Thursday, October 20 – 6:30 p.m. – 8:30 p.m.**  
Cobden Legion Branch #550  
43A Main Street, Cobden Ontario

**Tuesday, October 25 – 6:30 p.m. – 8:30 p.m.**  
Bonnechere Manor Auditorium  
470 Albert Street, Renfrew Ontario

**Thursday, October 27 – 6:30 p.m. – 8:30 p.m.**  
Petawawa Town Hall  
1111 Victoria Street, Petawawa Ontario

**Tuesday, November 1 – 6:30 p.m. – 8:30 p.m.**  
St. John Chrysostom Knights of Columbus Hall  
285 Albert Street, Arnprior Ontario

**Thursday, November 3 – 6:30 p.m. – 8:30 p.m.**  
County of Renfrew Council Chambers  
9 International Drive, Pembroke Ontario

Please join us at one of the open house sessions and we would be happy to answer your questions and listen to your feedback. For more information contact us at [OVRT@countyofrenfrew.on.ca](mailto:OVRT@countyofrenfrew.on.ca) or contact Jason Davis, Manager of Forestry & GIS at 613-735-3204.

NOTE: All comments and submissions received will become part of the public record.



**Notes and references to accompany the brochure entitled:  
The Myths and Facts about “Shared Use” Trails in Nova Scotia**  
Nova Scotians Promoting Active-transportation on Community Trails,  
February 2009.

[http://nspacts.ca/docs/Shared\\_Use.pdf](http://nspacts.ca/docs/Shared_Use.pdf)

The Myth	The Facts	Notes
Off-highway vehicles (ATVs, dirt-bikes & snowmobiles) are safe.	Numerous health organizations in North America have issued advisories that off-highway vehicles are extremely dangerous.	Even ATV manufacturers acknowledge that their machines are unsafe and carry explicit warnings to buyers that even operating under typical use conditions can tip the machines over causing serious injury or death. Among those providing safety advisories are the Canadian Paediatric Society, The Canadian Consumer Council, Safe Kids Canada, the [USA] Orthopaedic Trauma Association, and the American Academy of Orthopaedic Surgeons.
Studies show that ATVing is a “Healthy Outdoor Lifestyle”.	No studies show that ATVing is a healthy active lifestyle.	This is claimed in a brochure co-published by the Nova Scotia Department of Health Promotion and Protection in 2008. When asked to provide references a spokesperson for one co-publisher said that “a study is in progress.” A review of the scientific literature attempting to substantiate this claim came up blank.
“Shared use” trails with off-highway vehicles works well in Nova Scotia.	Two Nova Scotia studies clearly indicate that off – highway vehicles displace physically active users from trails. Communities can attest that “shared use” with OHVs is a nightmare”	See: 1. Gardner Pinfold Consulting Economists Limited (January, 1999) <i>A Survey of Nova Scotia Hiking Trail Users</i> . Halifax: Nova Scotia Department of Economic Development and Tourism Nova Scotia Sport and Recreation Commission Human Resource Development Canada. 2. Janmaat, John and VanBlarcom, Brian (2009) <i>Impact of all terrain vehicle access on the demand for a proposed trail</i> , <i>Managing Leisure</i> , 14:1,57 — 70
ATVing promotes environmental stewardship	ATVs cause considerable damage to sensitive landscapes; no evidence exists that off-highway vehicle access to community trails reduces that damage.	The same brochure making claim for a “healthy outdoor lifestyle” also suggests that driving an ATVing develops an appreciation for the environment. The Nova Scotia evidence is overwhelming that ATVing causes widespread landscape damage, check out: <a href="http://www.publicland.ca/home/index.html">http://www.publicland.ca/home/index.html</a>
ATVs and Snowmobiles are Environmentally Friendly	US EPA tests show that ATVs produce from 15 to 33 times the pollution of a family car. Snowmobiles are much worse, 98 times worse.	Refer to the US Environmental Protection Agency website: <a href="http://www.epa.gov/otaq/nonroad.htm">http://www.epa.gov/otaq/nonroad.htm</a> See also: <i>Environmental and Social Effects of ATVs and ORVs: An Annotated Bibliography and Research Assessments</i> , University of Vermont, School of Natural Resources, November 2000 See: Scott Emerson, MD. <i>New Perspectives Concerning Public Health and Economic Aspects of Snowmobiling for the State of Michigan</i> . July, 2003. Position Paper presented to the Michigan Natural Resources Commission.
We save communities money with “shared Use”	Experience in Nova Scotia shows that ATV trails cost considerably more to maintain than Active Transportation trails.	While no authoritative whole cost economic analysis of ATVing and snowmobiling has been attempted in Nova Scotia claims are often made that “shared use” saves tax payers money. Trails cost more to build and to maintain to support ATVing and snowmobiling compared to active transportation such as walking and biking. Supporting the growth of ATVing and snowmobiling costs more for trail upkeep, policing, and for healthcare as the serious injury and death rate is extremely high. The damage to landscapes and costs to the atmosphere is considerable.
ATVers are good citizens.	ATVs create a 2 mile ‘auditory footprint’ – one mile coming and one mile going, that creates community stress.	See: <a href="http://www.prtvt.org/atv-free-roads.html">http://www.prtvt.org/atv-free-roads.html</a> . See also: Whyle Laboratories Report, California, Sept 2005 at: <a href="http://ohv.parks.ca.gov/pages/1140/files/ca%20ohv%20noise%20report%20wr%202004-31-06.pdf">http://ohv.parks.ca.gov/pages/1140/files/ca%20ohv%20noise%20report%20wr%202004-31-06.pdf</a>

We save communities money with "shared use".	Liability insurance costs are considerably higher for trails that permit off-highway vehicles. To off-set these costs, trail insurance is subsidized by taxpayers.	Community Trail-Building Groups and Organisations obtain insurance for their trail system under the General Insurance Program offered through the <i>Nova Scotia Trails Federation</i> (NSTF). This program is subsidized by Nova Scotia taxpayers and no special rate is provided to those trails associations restricting use to less dangerous activities such as active transportation.
ATVers and Snowmobilers are Good Neighbours	The provincial ATV association says that its membership is larger than most of the communities they travel through and therefore they should have the major say in how any trail "asset" system is used.	There is a growing number of communities in Nova Scotia where ATVing and snowmobile trails have been imposed upon communities against their will. According to the spokesperson for the Nova Scotia ATV Association in a radio broadcast in 2008, the will of ATV and snowmobile riders should have precedence over local communities' rights to enjoy the peaceful enjoyment of their properties and communities.
Property values increase where there are trails	Property values are improved by active transportation trails. No research shows that property values increase when trails are used by ATVs, dirt-bikes or snowmobiles.	See: <i>Rail-Trails and Safe Communities: the experience on 372 trails</i> . The Rail to Trails Conservancy, 1998.
Crime is reduced on shared pathways	Police in Seattle said "that they did not anticipate crime being a problem as long as motor vehicle use on the trail was prohibited."	See: <i>Rail-Trails and Safe Communities: the experience on 372 trails</i> . The Rail to Trails Conservancy, 1998.
Only a few off roaders are bad apples	The provincial OHV federation represents a very small number of off roaders; most don't belong and don't play by any rules.	When community people complain about the unsafe and noisy behaviour of ATVers and snowmobilers, the response is almost always that 'there are just a few bad apples' that don't belong to a club or the provincial association. In fact only a very small percentage of operators belong to a club; most riders are beyond the influence of organised clubs and many behave badly.
Sharing trails with Off Roaders is safe for others.	The energy produced in an ATV collision at 80km/h is 50 times greater than biking at 25km/h.	Even utility ATVs designed for the farm or woodlot are advertised to exceed 80 kilometres an hour, recreational ATVs can go faster. A collision of an ATV traveling at 80km/h with someone walking will create a collision with 50 times the kinetic energy that a cyclist going at 25km/h will create. Such an impact will typically cause serious injury to an unprotected walker or cyclist. See: <i>Trauma Manual</i> by Ernest Eugene Moore, Kenneth L. Mattox, David V. Feliciano, 4 <sup>th</sup> ed. McGraw-Hill Professional, 2002
ATVs are accepted on the Trans Canada Trail (TCT) so they must be OK.	"We [the TCT] do not endorse motorized activity on the Trail in the summer months but ... reluctantly accept them."	Nova Scotia is one of just a few provinces that allow ATVs on the Trans Canada Trail. The initial vision was to promote active transportation on the TCT and most fund raising efforts promote this.

Type of Decision									
Meeting Date	Friday, March 24, 2017				Report Date	Friday, March 10, 2017			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

Snow on Roads and Missing Link Snowmobile Club (MLSC) - Report #24/03/17/1202

**Subject:**

Request for permission from the MLSC and follow up to correspondence and conversation between municipal staff and the MLSC executive.

**RECOMMENDATION:**

That Council consider the requests of the MLSC to work together for the health and safety of the entire community.

**WHEREAS** a misunderstanding between verbal approvals provided by Council in 2016 and actual practise on the part of the Missing Link Snowmobile Club (MLSC) occurred which resulted in letters sent from the Clerk to the club executive dated February 22, 2017 and March 8, 2017 requesting that they immediately stop placing snow on municipal roads;

**AND WHEREAS** a personal meeting between the executive and the Clerk on Thursday, March 9, 2017 occurred resulting in the club agreeing to stop placing snow on municipal roads and in turn making requests of Council hoping to allow continued use of the rail bed for snowmobiling for the 2017-2018 season;

**AND WHEREAS** under Ontario law, a municipality may pass a by-law regulating, governing or prohibiting operation of snow mobiles on municipal roads;

**AND WHEREAS** no such by-law exists in Head, Clara & Maria;

**AND WHEREAS** the Motorized Snow Vehicle Act allows that snowmobiles cross serviced roads at a 90 degree angle ;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby:

1. Authorize Motorized Snow Vehicles to share the rural and residential road known as Pine Valley Road with vehicles from the Highway to the rail bed, provided that the operator obeys provincial legislation;
2. Authorize the Missing Link Snowmobile Club to continue posting signage directing snowmobilers to travel on Pine Valley Road to link the current trail to the rail bed;

3. Allow the club groomer to cross municipal roads at a 90 degree angle, paying careful attention to remove as much snow as possible avoiding any build-up of snow on municipal roads;
4. Authorize municipal staff to remove snow placed inadvertently on trail crossings either by the groomer and/or snowmobilers at no cost to the club;
5. Expect that barriers will be placed along the trail in the approach to municipal road crossings engineered to slow snowmobile traffic prior to crossing all municipal winter maintained roads;
6. Authorize the installation of club provided "Trail Crossing Ahead" signs along municipal roads on the approach to trail crossings;
7. Prohibit the use of Yates Road for snowmobile traffic; and
8. Prohibit the Missing Link Snowmobile Club from placing snow on any municipal road.

**AND FURTHER THAT** Council reinforces staff position, as outlined in the letters dated February 22, 2017 and March 8, 2017 and authorizes staff in future to take such actions as necessary to ensure that council/staff position is complied with to ensure safety of the travelling public as per *the Highway Traffic Act*;

**AND FURTHER THAT** a copy of this resolution and supporting documentation is forwarded to the Missing Link Snowmobile Club and the Snow Country Snowmobile Association - OFSC District 6 executive for their information and dissemination to association membership.

#### **BACKGROUND/EXECUTIVE SUMMARY:**

It is the responsibility of council through staff to protect the interests of the municipality. Of utmost concern is reducing liability and mitigating consequences of any actions by completing due diligence and being careful to not place council, staff or the municipality in a position of negligence or increased liability.

Under the *Motorized Snow Vehicles Act, R.S.O. 1990* a municipality may pass a by-law "regulating, governing or prohibiting" the operation of motorized snow vehicles. So long as a by-law does not exist prohibiting such activity, under Ontario law, snowmobiles are allowed on certain municipal roads assuming they obey all other conditions of the Act. Failure to obey the Act might result in a fine from a law enforcement officer of up to \$1,000 per infraction. The practise of travelling on rural municipal roads is generally of little concern to the municipality unless such use is causing damage to roads and/or residents file complaints.

When this issue was first considered by HMC Council some years ago, it was determined that a by-law to prohibit motorized snow vehicles and/or off road vehicles from using municipal roads was not required and would be difficult to enforce.

Under *the Highway Traffic Act, R.S.O. 1990* no person shall deposit snow or ice on a roadway without permission in writing to do so from the road authority responsible for the maintenance of the road.

Over the 2016-2017 season, the Clerk was not aware that over the course of the winter snow was regularly being placed onto Yates Road by groomer operators from the snow



banks and also building up where the trail crossed Boat Launch Road. Once being made aware, steps were taken to immediately stop this process.

A letter was written on February 22 and delivered immediately via email to the MLSC executive, which was ignored. Grooming continued on Yates Road. A second letter was then written on March 8, again delivered via email. This too was ignored until after the meeting of March 9<sup>th</sup> where the executive represented by Todd Dowser, Chris Dowser, Brent Allen and Marlene Gibson agreed to stop placing snow on municipal roads.

Although, it seems the issue has been resolved, it is troubling that it took a ~~full month~~ <sup>two weeks</sup> between the time of the first letter sent to the executive and the date a promise was made to stop grooming Yates Road.

\* - clerk error corrected

Officially, the municipality has received complaints from two parties who are concerned with the danger that snow being placed on municipal roads poses to the travelling public. The concerns also include the dangers of speed, increased opportunity for accidents, speed of machines crossing Boat Launch Road, and the habits of trail users in proximity to residences – public urination to be exact. There are also concerns with noise.

Staff concerns include: the banks being obliterated so that it is no longer clear where the road ends and the trail/ditch begins; groomed area on the east side of Yates road directing snow mobile traffic to travel in both directions on the one side of the road, disobeying normal road rules; and the speed with which machines travel on and while crossing municipal roads, being completely insensitive to other vehicular traffic.

Through the rumour mill and off the record staff have also been made aware of other concerns. The clerk has agreed to facilitate a meeting with local residents and members of the MLSC in an attempt to come up with solutions which will alleviate ratepayer concerns. Secretary Gibson is to arrange a time; staff have agreed to help share the message and provide a venue. The Clerk will attend as municipal representative but will not take any part in chairing the meeting.

It is staff position that the matter of snow being placed on municipal roads, snow banks being leveled to the shoulder so that there is no distinction between the road, the trail and the ditch is off the table at this meeting. If contraventions are noticed, staff have been authorized to follow up as explained in the letters sent.

Municipal concern cannot be with the viability of the snowmobile club, the continuance of snowmobiling in Head, Clara Maria or even at this point public complaints. Our concern is liability; personal and corporate. For those who state that not being able to use municipal roads will be the end of snowmobiling in the community, there are alternative paths for snow machine travel to provide continued use of the trails connecting to the rail bed which do not include municipal roads. There needs to be a will to make the change.

As stated in the resolution, some type of speed deterrent is recommended on the trail approach to municipal roads. The following is a photo of a type of barrier which is expected by staff leading up to municipal road crossings. Since the Act states that a snowmobile is to come to a full stop before crossing a serviced road; this should not be a challenge.



Photo of type of barriers expected. Could be created with pressure treated lumber, steel posts? Made completely of reflective material? Lit to increase awareness? Signed etc.? Options are numerous. They could be made out of material which would give/break if someone hit them? They are used in other locations for this exact purpose.

#### **Financial Considerations/Budget Impact:**

The above resolution suggests having municipal staff clear excess snow off roads placed by either the groomer or machines while crossing roads free of charge. Council might consider charging for this service.

Should there be a significant incident with the continued practise; the municipality will likely be found liable. With joint and several liability and the deep pocket syndrome, this is not a position which the municipality would like to find itself in.

#### **Policy Impact:**

Significant. It is council's legislated obligation to ensure safe travel on municipal roads.

#### **Others Consulted:**

Mayor Gibson, Other local municipalities, MIS-municipal insurer, MLSC executive.  
The Motorized Snow Vehicles Act and Regulations  
The Highway Traffic Act and Regulations  
The Off Road Vehicles Act and Regulations

#### **Approved and Recommended by the Clerk**

Melinda Reith, Municipal Clerk

*Melinda Reith*



Type of Decision									
Meeting Date	Friday, April 21, 2017				Report Date	Tuesday, April 18, 2017			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

Snow on Roads, Rail Bed as Snowmobile Trail - Report #21/04/17/1101

**Subject:**

Snow on municipal roads, use of the CP rail bed as a snowmobile trail. New information received allows this issue to be brought to Council even though the March resolution was deferred to October.

- New\*** Complaints received from residents concerning the use of the rail bed as a snowmobile trail.
- New\*** Timing required to make trail changes.
- New\*** Information from the Municipal Insurer.

**RECOMMENDATION:**

That Council consider the requests of local residents personally affected by the change in the route of the snowmobile trail over this past season.

That Council consider the requests of the MLSC to work together for the health and safety of the entire community.

Resolution #1

**WHEREAS** staff have received written complaints concerning the use of the rail bed as a snowmobile trail through the community this past winter season;

**AND WHEREAS** staff have previously identified significant safety challenges with trail operations as they occurred over 2016/2017;

**AND WHEREAS** new information has been obtained which warrants reviewing these issues at this time;

**AND WHEREAS** Council and staff acknowledge the economic benefits provided by snowmobiling in Ontario and our local community;

**AND WHEREAS** Council and staff recognize the implications of increased liability by not keeping roadways clean and clear of obstructions including snow on roads, speed and snowmobiles not stopping at municipal road and trail crossings;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby:

1. Prohibit the creation of trails along municipal roads and/or ditches;
2. Prohibit the modification of municipal road snowbanks for use by snowmobiles;
3. Request that the Missing Link Snowmobile Club reroute their "A" trail to the south side of Highway 17 avoiding travel through the centre of the community of Stonecliffe;
4. Allow trail crossing of Pine Valley and Yates Roads at 90 degree angles to provide trail access to accommodation along Pine Valley Road and services at Yates General Store;
5. Direct staff to enter into a Land Use Agreement with the club transferring liability to the club for any municipal road crossings;

**AND FURTHER THAT** a copy of this resolution and supporting documentation is forwarded to the Missing Link Snowmobile Club and the Snow Country Snowmobile Association - OFSC District 6 executive for their information and dissemination to association membership and permit holders.

Resolution #2 Deferred from March 24, 2017 meeting. **Amended.**

**WHEREAS** a misunderstanding between verbal approvals provided by Council in 2016 and actual practise on the part of the Missing Link Snowmobile Club (MLSC) occurred which resulted in letters sent from the Clerk to the club executive dated February 22, 2017 and March 8, 2017 requesting that they immediately stop placing snow on municipal roads;

**AND WHEREAS** under Ontario law, a municipality may pass a by-law regulating, governing or prohibiting operation of snow mobiles on municipal roads;

**AND WHEREAS** no such by-law exists in Head, Clara & Maria;

**AND WHEREAS** the Motorized Snow Vehicle Act allows that snowmobiles cross serviced roads at a 90 degree angle ;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby:

1. Allow the club groomer to cross municipal roads (Pine Valley and Yates) at a 90 degree angle, paying careful attention to remove as much snow as possible avoiding any build-up of snow on municipal roads;
2. Authorize municipal staff to remove snow placed inadvertently on trail crossings either by the groomer and/or snowmobilers at no cost to the club;
3. Authorize the installation of club provided "Trail Crossing Ahead" signs along municipal roads on the approach to trail crossings;
4. Prohibit the use of Yates Road or Pine Valley Road for snowmobile traffic;

**AND FURTHER THAT** a copy of this resolution and supporting documentation is forwarded to the Missing Link Snowmobile Club and the Snow Country Snowmobile Association - OFSC District 6 executive for their information and dissemination to association membership.

## BACKGROUND/EXECUTIVE SUMMARY:

It is the responsibility of council through staff to protect the interests of the municipality. Of utmost concern is reducing liability and mitigating consequences of any actions by completing due diligence and being careful to not place council, staff or the municipality in a position of negligence or increased liability.

Concerns of ratepayers who consider their safety and/or quality of life should be considered as it was when previous council voted against supporting the re-location of Air Swisha to MNR property at the end of Logger's Road. Letters from concerned residents have been included for your information and action.

It is recognized that snowmobiling in Ontario contributes to the economic prosperity of an area. It must also be recognized that quality of life of permanent residents is important as well. Ultimately the use of the rail bed as a snowmobile trail is not one of this Council but instead rests with the county trails committee. They will ultimately make the decision on what types of use are allowed for each section of the trail. It is expected that local councils will be consulted in making that determination however; that has yet to occur.

The lack of or presence of alternate routes for trail use should not affect a decision of council concerning the safety of the travelling public and snow on municipal roads.

The municipal insurer has expressed an opinion after reviewing the March 24<sup>th</sup> meeting report and resolution. It was not received in time for that meeting.

*"You have done a great job on your response on the bylaws and regulations, your recommendations are great. You have addressed the issue with the groomer leaving extra snow on the road as soon as you became aware of it. You are also correct – **snow should not be deposited on the road - and your plows do have to remove it.**"* The entire email is included for your reference.

It has been stated that public consultation did not occur prior to re-routing the trail last fall due to the lack of time required to do so. As expressed in the letters from ratepayers, if this issue is once again deferred to "fall" will the same situation not occur for the next season?

It is staff recommendation that a Council decision should be made now so that the club can make appropriate changes over the course of the summer when trail improvements/changes are normally made. As stated previously, ultimately this is in the purview of the County however; Council does control the use of/and or crossing of municipal roads.

In attempting to determine what others have done in similar situations to slow or calm traffic of snowmobiles crossing municipal roads, staff have contacted various municipalities across the province. Recommendations include:

1. Any liability should be transferred to the club through a Land Use Agreement should continued crossing of municipal roads be allowed;
2. Gates or chicanes can be installed at road crossings narrowing the width of the trail; causing riders to slow;
3. Rocks or other barriers could be used for the same traffic calming purposes – narrow the trail, cause an s/z shape prior to road crossings;
4. Revoke their authorization.
5. Let them get hit by a truck...

**Financial Considerations/Budget Impact:**

The above resolution suggests having municipal staff clear excess snow off roads placed by either the groomer or machines while crossing roads free of charge. Council might consider charging for this service.

Should there be a significant incident with the continued practise; the municipality will likely be found liable. With joint and several liability and the deep pocket syndrome, this is not a position which the municipality would like to find itself in.

**Policy Impact:**

Significant. It is council's legislated obligation to ensure safe travel on municipal roads.

**Others Consulted:**

Ratepayers' letters: Jim Watters, Robert and Jancis Elder, Crystal Fischer  
MIS-municipal insurer representative – Alanna Taylor  
Ontario Municipalities  
MLSC executive  
*The Motorized Snow Vehicles Act and Regulations*  
*The Highway Traffic Act and Regulations*  
*The Off Road Vehicles Act and Regulations*

**Approved and Recommended by the Clerk**

Melinda Reith, Municipal Clerk

*Melinda Reith*