

May 26, 2020

Ministry of Transportation
Road Safety Policy Office
Safety Policy and Education Branch
87 Sir William Hearst Avenue
Building "A", Room 212
Toronto, ON
M3M 0B4

To Whom it may concern,

RE: Regulatory Registry Proposal 20-MTO027 regarding proposed Amendment to Ontario Regulation 316/03 made under the *Highway Traffic Act*

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 38,000 farm family businesses across Ontario. These farm businesses form the backbone of a robust food system and rural communities with the potential to drive the Ontario economy forward.

OFA does not oppose expanding on-road access for selected forms of off-road vehicles, such as the ARGO and off-road motorcycles, through amendments to Ontario Regulation 316/03 made under the *Highway Traffic Act*.

That being said, we reiterate our long-standing concern that too many police and by-law enforcement officers seem to be unaware of the provisions in Clause 2 (2)(b) of the *Off-Road Vehicles Act* and section 27 of Ontario Regulation 316/03 made under the *Highway Traffic Act* that authorizes farmers to operate their off-road vehicles on a highway for agricultural purposes.

Another unintended outcome of expanded on-road access for off-road vehicles beginning in 2003 has been an increase in farmer-reported incidents of trespass by off-road vehicle riders. Trespassing on private property is an ongoing concern for Ontario farmers. One or more off-road vehicle riders in a farmer's field can cause significant crop or soil structure damage through soil compaction, rutting and accelerated erosion. The *Off-Road Vehicles Act* imposes an absolute duty to stop on everyone driving an off-road vehicle, when directed to stop by a peace officer or the "owner or occupier of land". Driver's of off-road vehicles are also required to identify themselves, name and address, to the person who stopped them, including the owner or occupier of the land.

OFA requests that a public awareness campaign be launched to enhance public awareness that farmland and other rural property is mostly private and that anyone wishing access private property must first obtain the permission of the owner. The consequences of trespass and the provisions of the *Off-Road Vehicles Act* should also be conveyed.

Furthermore, should the proposed amendment to Ontario Regulation 316/03 made under the *Highway Traffic Act* be adopted, the government must ensure enforcement officers have full knowledge of the provisions in the *Trespass to Property Act*, the *Off-Road Vehicles Act* and Ontario Regulation 316/03 made under the *Highway Traffic Act* regarding on-highway operation of off-road vehicles for agricultural purposes and enforcement of trespass by off-road vehicles.

Sincerely,



Keith Currie
President

KC/pj

cc: The Honourable Carolyn Mulroney, Minister of Transportation
The Honourable Sylvia Jones, Solicitor General of Ontario
The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs
OFA Board of Directors