

August 1, 2011

As a representative of the Hillcrest Trails and Greenspaces Committee, a sub-committee of the Hillcrest Community Association, I attended the July 19th meeting when By-law presented the Snowmobile By-law Report to Council.

Our committee presented two submissions to the Task Force, as well had correspondence with By-law about the makeup of the Task Force.

Although I was informed that there was to be no more input to the process, I was so overwhelmed by attending this meeting that I felt I needed to summarize my thoughts for City Council and By-law.

**JURISDICTION:** At the Council meeting there seemed to be a lot of confusion about the overlap between Territorial legislation and City by-laws, and which organization should be making which rules around off-road vehicles.

**COMPLIANCE:** There was a general sense of futility around being able to legislate or educate off-road drivers around their driving habits.

**TRAIL AND GREENSPACE DESIGNATIONS:** There seemed to be confusion around the meanings of many terms.

**TRAIL-RELATED DECISION MAKING:** Generally, as a person who closely follows trail-related aspects in our city, I am dismayed by the complexity of processes and the lack of consultation that exist around how the city controls trail-related items.

**CONCLUSION:** The "might is right" attitude one councillor mentioned at the meeting should be a cry of shame, not pride!

*To do nothing is to approve of the current wrecking of trails by off-road vehicles. Council needs to take some clear stances.*

Peter Long, Hillcrest

## • JURISDICTION

The Yukon government's off-road vehicle report noted the difference between rural and Whitehorse-based needs.

My non-lawyer understanding on jurisdiction as I read in the report's background information is:

### **Territorial control**

- classification: off-road cars and trucks, motorcycles, ATVs, snowmobiles

Snowmobiles are vehicles under the Motor Vehicles Act;

the OCP defines Motorized Recreation as "the use of all-terrain vehicles (ATVs) or snowmachines for recreation."

- mechanical: lights, brakes, appropriate power, noise, exhaust, tire tread
- vehicle licensing: licence plates, registration, insurance
- driver: age, helmet, licence, training, testing

### **City control**

- where to drive: environmental damage, areas, trails
- driving: courtesy, how to 'share the road'
- speed: The report's recommended trail speed limit of 50 km/hour is too fast; even 30 km/hour is too fast!! The speed needs to be much less near pedestrians or on narrow winding trails. Perhaps if a trail is 2 metres or less in width then 15 km/hour would be appropriate.

Five of the 13 recommendations in By-law's report were said by some of Council to not be City responsibilities. It seemed to me that Council were seeing this concept for the first time.

By-law's work on this report would have been more useful if instead of making recommendations for by-laws that were really Territorial Government responsibilities, they could instead have focussed on how to solve the problems that any regulation of motor vehicle drivers will face.

## • COMPLIANCE

In the many reports cited in By-law's report, in the Task Force report and in listening to discussions at the Council meeting, it seems that off-road drivers may be impossible to control. They, or at least "the 5% bad apples" will always do whatever they want. By-law can't catch them with their very limited resources. The RCMP has no interest in helping even when it's Territorial law that's being broken. Barriers and signage doesn't work. Self-policing doesn't work. Education seems a catch phrase for "there's nothing we can do."

As a result there seemed to be a feeling that there should be no rules since they will only be disobeyed.

This is discouraging. Would it help if the supposed 95% of good drivers were to use peer pressure on the bad apples? How about better understanding the various groups of off-road drivers so pressure could be applied appropriately.

Another suggestion is making the rules less complicated. Any and all drivers to wear a helmet. All drivers to be

licensed. All vehicles to have a clearly readable licence plate. Motorized trails in the city to be clearly marked.

## • TRAIL AND GREENSPACE DESIGNATION

Non-restricted areas, larger hinterland, out and away areas, recreate at distance—no wonder these vehicles flaunt by-laws! We need simpler, clearer rules and maps telling where off-road motor vehicles can be driven. As it stands, it's impossible to understand what By-law's report is proposing.

- The Snowmobile By-law Report says to have out-and-away trails as designated trails and to place significant penalties for persons found operating off of out-and-away trails or other trails outlined in the Bylaw.

It refers to ....keeping snowmobilers on designated trails until they are "out and away."

It refers to ....announcements to be put into place to advise snowmobilers when they can snowmobile off-trail in non-restricted areas.

- The OCP says: ...recommend the idea of "out and away" trails. These trails would be designated for motorized use, allowing those residents routes to get away from the local green space and into the larger hinterland.
- It also says "strongly discourage the use of all terrain vehicles on non-motorized trails and in environmentally sensitive areas."
- The Protected Areas by-law prohibits them in a few selected areas, mostly the borders of subdivisions; at this time, snowmobiles can be driven here if drivers want to!
- The Trail Plans says ...important that motorized users have appropriate urban/rural interface routes which allow them the opportunity to recreate at a distance from built-up areas.

### **Suggestions**

What would likely help motorized vehicle drivers would be some very clear rules, some very clear definitions that apply to any type of motorized vehicle.

The OCP's Urban Containment Boundary is a reasonable area to be a restricted area, in other words, no motorized vehicles can drive there except on a motorized trails.

Motorized vehicles should only stay on motorized trails.

A non-motorized trail should be any trail not designated as motorized.

## • TRAIL-RELATED DECISION MAKING

The 2007 Trail Plan said that citizens want to be involved in future trail planning and management. It proposed a Trails & Greenways Committee to provide an oversight mechanism to ensure balanced representation of user interests and a means to ensure that local interests do not overwhelm the larger City-wide interest.

Still today, there's little neighbourhood consultation on trails and greenspaces, and City departments each have their own trail-related agendas. It's frustrating.

- A private consultant was hired to create a report on the status of trails around neighbourhoods. This report became the basis of trails in the City's Trail booklet. This was done with no input from the Hillcrest Community Association. We've yet to be given a copy of the whole report.
- In the 2010 OCP neighbourhood process, the Planning department used very poorly chosen map boundaries to solicit neighbourhood input, thereby limiting Hillcrest, in particular, to only giving feedback on a small part of the greenspace that our neighbourhood uses.
- The Planning department recently held a development charrette for Downtown South that only looked at a small part of the airport escarpment trail, a core trail important to neighbourhoods like Riverdale and the above-the-airport neighbourhoods.

Instead of examining a staircase behind the ball diamonds at Robert Service Campground which would link to the Millennium Trail and Bridge, it recommended the possibility of a staircase up a steep part of the clay cliff be examined; the chosen site is a relatively short distance from the existing Black Street staircase.

- The By-law department leads a city-wide snowmobile task force with only 2 neighbourhoods allowed to participate, but includes a snowmobile dealership, a snowmobile club and an environmental non-profit group with a Yukon-wide focus.
- "Out and away" motorized trails selection is presently being done by the snowmobile drivers, working together with Parks and Recreation, picking the trails they want to designate as theirs; this is happening even before City Council reviews the Snowmobile By-law Report.

At the Council meeting, there was talk of creating a staging area near the disc golf course between Hillcrest and Hamilton Blvd. But staging areas are supposed to be

at trail junctions and presently there are no motorized vehicle trails at all running through this area.

By-law's report says: Any new designated trails within residential areas are to be designated as outlined in the Trail Plan by a Trail Committee comprised of members of the community where the trail is being proposed. Our neighbourhood's input has not been sought!

Note that the 2007 Trail Plan says: Particular attention would need to be paid to making sure no one "type" of user – such as motorized vs. non-motorized – dominated, and that polarization of issues along such lines is prevented. Why are motorized drivers steering what should be a neighbourhood consultation?

### *Hillcrest Trails and Greenspaces Committee*

This Hillcrest committee is working with other above-the-airport neighbourhoods on district planning. We look at this as a community-building process. We see our role as stewards of our local trails and greenspaces.

- Hillcrest asked the Task Force to consider having some areas, such as Paddy's Pond/Ice Lake Park, designated as non-motorized. There should be some places in the city where one can go without encountering off-road vehicles.

Our suggestion was ignored. Even if those who assembled the Task Force and By-law reports didn't agree, this should at least be included in the report as a suggestion that was disagreed with. This was also a suggestion ignored in the 2007 Trail Plan and the 2010 OCP.

- Or, Parks and Recreation hires a private contractor who chooses which trails in our area the City will adopt as formal City trails. The contractor says not to think long-term with our ideas, and we can give feedback on their choices.
- Or, we have City Engineering choosing which trails will be paved for active transportation network.
- Or, in Paddy's Pond/Ice Lake Park we have Parks and Recreation opening a barrier gate to allow snowmobiles to use a rough road that's not a designated motorized trail. The gate was installed by By-law and our committee to help stop vehicles from destroying a wetland trail in the area.

## • CONCLUSION

People at the Council meeting seemed to often throw out cost as a limiting factor. Yet, consider the benefits of healthy walking residents, who rather than damaging the environment, are often the ones trying to be involved in

stewardship, saving the City tax dollars in caring for the greenspaces and trails.

### *Why were there two Task Forces?*

Snowmobile people say their snowmobiles don't cause problems; and they lobby to go where they want. There's an implication that it must be ATV drivers who are to blame for environmental damage.

However, by the end of the winter in our area, snowmobiles have tried almost every trail, no matter how small and winding. Then, as drivers shift to their ATVs, they follow their snowmobile trails. Some trails have become unusable even for off-road vehicles, never mind walkers and others.

The city could have saved much effort and money by having one off-road task force. Then By-law would have only one off-road by-law to enforce.

- Page 7 mentions dealing with off-road vehicles as two task forces because "feedback was that these groups wanted to be dealt with separately."
- Drivers of snowmobiles and ATVs are often the same people. (45% of the people answering the survey owned or operated both.)
- They often use the same greenspaces and trails.
- They both deeply believe in self-policing.
- The inability of By-law to control or educate these drivers seems the same.

### *Are we looking ahead to years of more trail problems?*

Now, we're stuck with another Task Force process where we're to pretend there's new issues to discuss, new ways of dealing with yet another group of new people who also say they can't be controlled.

So, unless something changes, we'll continue to suffer many more years of trail conflicts and trail destruction.

Council should carefully read the many pages of on-line comments section of the Public Survey on the Task Force results. People are fed up with what's happening!

What about having a community charette on choosing motorized trails, where trail discussions can take place in a civilized manner with professional facilitators?

The organizers need to be a true mix of neighbourhoods and Parks and Recreation representatives. Other departments, governments, user groups and merchants would make presentations during the charette.