



**Legislative Assembly of Prince Edward Island**

**Standing Committee on Fisheries, Intergovernmental Affairs and Transportation**

Published by the Order of the Hon. Greg Deighan, Speaker

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**Date of Hearing:** Thursday 16 February 2006

**Meeting Status:** Public

**Locations:** Fortune Community Centre (afternoon); Murray River Hall (evening)

**Subject:** Proposed amendments to all-terrain vehicle regulations

**Committee:**

Wes MacAleer (Chair), MLA Charlottetown-Spring Park  
Jim Bagnall, MLA Montague-Kilmuir, replaces Andy Mooney, MLA Souris-Elmira  
Mike Currie, Minister of Development and Technology  
Cletus Dunn, MLA Alberton-Miminegash  
Robert Ghiz, MLA Charlottetown-Rochford Square, Leader of the Opposition  
Ron MacKinley, MLA North River-Rice Point  
Fred McCardle, MLA Borden-Kinkora

**Member absent:**

Philip Brown, Minister of Tourism

**Guests:**

Jean Eldershaw; John Callaghan; John MacDonald; Grace Blackette; Adam Arsenault;  
Tanner Nicholson; Corey McGuigan; Liam Farrell; Kenneth White; Glen Ryan; Barry Ryan;  
Chuck White; Donna Arsenault

**Staff:**

Marian Johnston, Clerk Assistant and Clerk of Committees

Edited by Hansard

The Committee met at 2:00 p.m.

**Chair (MacAleer):** This is a committee of the Standing Committee on Fisheries, Intergovernmental Affairs and Transportation. It's Thursday, February 16<sup>th</sup>, 2:00 p.m., and we're at the Fortune Community Centre.

We're here to further consider Motion No. 9, which is proposed amendments to the off-highway vehicle regulations, and we have four presenters this afternoon. We're about to hear from the first presenter, Jean Eldershaw. Jean, are you here? Yes, she is.

Thank you. Approach the microphone. Would you just, for sound quality, give us your name and who you're representing, just to make sure we're on?

**Jean Eldershaw:** It's Jean Eldershaw. I don't know if we need this. I'm not representing any particular group. I'm here as -

**Chair:** You're on the record. You're okay? Okay, go ahead.

**Jean Eldershaw:** Okay?

**Chair:** The floor is all yours, and when you're done, we'll assume that you will be prepared to answer some questions.

**Jean Eldershaw:** I'll do my best.

**Chair:** Okay.

**Jean Eldershaw:** First of all, just to give you a little background. I'm from Morell. My husband and I owned and operated a service station for 36 plus years and I'm sort of like almost full-time volunteer over those years. I've been particularly involved with youth in minor hockey, figure skating. I've been on the board of Sport PEI, Junior Achievers. So I've been particularly interested in the youth end of it and in

community things like community school. I'm presently a trail officer on the Confederation Trail, a volunteer, and I'm on the community council in Morell. I just finished the stint in the Canada Games big committee. So I've been involved in a number of things.

Anyway, to get to the ATVs, I must first of all commend government for bringing in an amendment to the act. ATV: all-terrain vehicle. Let's think about the terrain on PEI. One of my very favourite things when I'm out of the province for awhile to come back is to be able to just go out to walk, or in the summertime to bike or to go to the beach or to enjoy whatever.

I think we take it all for granted. We live here all the time and there are very few people who cannot go outside and enjoy the great outdoors. On the other hand, we have these all-terrain vehicles and that pretty well covers - they can go everywhere. I think we need to think about: Should we be encouraging this, and to what degree, or should we be discouraging it?

We are very quick to jump up and say: That was just a small group that surveyed, when it's in the press that we're not very fit as a province. We pride ourselves on our environmental steps that we're taking to keep our environment. It's one of our greatest treasures that we have. The number of people that I meet on the Confederation Trail when I'm out there patrolling that tell me how fortunate we are to have that trail, to be able to just go out there and enjoy it.

So I think it's important that we think about that in the context of what it's doing to the environment. Just yesterday, I heard that the ATVs were down at - I don't know, I shouldn't say ATVs, but that ATVs had tore up the golf course at Peakes Tee. On Sunday I went for a walk down on the beach. The ATVs have been down on the beach. Yesterday, I'm at my kitchen window, which

overlooks the Morell River, and there are three ATVs going, which is kind of interesting: two on one side of the road and one on the other, and they're going in the same direction.

As it stands now, ATVs can pretty well go wherever they want and do whatever they want regardless of whose property. Over the past couple of years I know they've been on the ball field in Morell. My neighbour, who is a senior, she and her husband were living alone, both in ill health, and the ATVs just come in her yard and go up over the bank. Just a few metres from her window, from her door, all hours of day and night.

The other thing that needs to be looked at is: Should we be encouraging our youth to be out on ATVs? Is this what we want our youths to be doing for recreation? Is it helping them in developing their character? I'm not saying it's not a recreational activity. Obviously, it is. But these are questions that might need to be looked at.

So that's kind of a look at the broader issue. To get into specifics, I see that there are two main areas where we need to be really serious. First of all is: Whose rights come first? The ATVs' right to drive wherever or the property owners, or - and it's not always the person that owns the property, it's the people who are out trying to enjoy the great outdoors and they're intimidated by the ATVs, so they don't go.

I'm quite positive that if you look at the Confederation Trail, the sections of trails that are used the most, in our section from Morell to St. Peters is widely used, a lot by local people who get out there daily to exercise. But there are sections that are not used very much, if you go particularly to the western end. I think that that's a big factor. It is because there are motorized vehicles on the trail and that is intimidating.

Occasionally I get telephone calls. People

say to me: How often do you have to go on the trail? I said: There's lots of other eyes on the trails and I get calls from people who see - they'll see a vehicle or an ATV and they'll report it. But when I get the call, they let me know that they're intimidated by - that they no longer feel safe. So I think that's another factor. Those people who want to feel safe and enjoy it need to be able to do that. So that's one issue.

The other issue is the safety. I think by encouraging younger people, young youth, quite young - people are buying these machines for their kids. We all want to keep our kids happy and we like to give them what they want, but is that really what they need? I don't have the medical background to give you a lot of information on that, and I'm sure your Committee has received input on that end of it. But when it comes to the legislation I think we should - we don't let people drive cars until they're 16 and until they take their training. I think there has to be training and I think there has to be that age. As far as giving younger youth that opportunity with supervision, I'm not so sure that that works because I'm not so sure that the supervision is going to be there.

My bigger concern is that whatever legislation comes in, it has to be enforceable. Right now you can get on an ATV, you can drive wherever. You can be the most law-abiding citizen in the world and obey all the rules, and that's fine. But you can be drunk, you can be stoned, you can be high on whatever, you can be carrying whatever with you illegally. Great vehicles to go breaking in wherever. I'm not saying it has happened. I'm not saying it hasn't. But I'm suggesting that it's a possibility.

It's really hard to identify the vehicle. At least with a truck, a car, it can only go on the roads. They can't go into the ditch, over the hills, wherever, and cars have to be licensed. They have their makes and models on them. ATVs are really hard to identify. I think they

have to be registered and they have to have a good size license plate that you can read from a distance.

The other thing, I think there has to be good, strong consequences. There has to be fines. I'm saying \$200 or \$300 the first offence, and I'm saying at some point there has to be the option to seize the machine.

I have seen some pretty scary things with young people. There were a couple of them doing round and round over in the church lot across from us, one fellow with a young lad on the back with no helmet on. So then you can look at a situation like that and say: Who's responsible? Is it the kids that are on the machine? Or it's the owners? I think that's another important area.

I think owners have to be responsible for their machines regardless of who's driving them. Otherwise, they can just - and I hear that now. I'll say: They'll tell me so-and-so is on the trail but I can't say who is driving it. So like, we need to know. The owner should be responsible for the machine and for whoever is driving it.

I think that covers most of my - any questions?

**Chair:** Yes, okay. Does any Committee member like to ask Jean a question?

Mr. Dunn.

**Mr. Dunn:** Thanks very much, Jean, for your presentation. You (Indistinct) about concerns from people who are pedestrians on the trail, either walking or cycling. I guess the biggest issue - you've identified a lot of issues that we have to deal with as a committee, with vehicle identification, who's using the vehicle, whether it should be on the trail or not.

The other side of the coin is this is a growing industry. We feel we now have

probably close to 7,000 vehicles on PEI of which only 1,200 of them are registered. We have to deal with the issue. We can't just turn a blind eye to it. Any suggestions for the ATVers? Like, we have a lot of presentations on the dirt bike people but they seem to be very well organized and they do a lot of their competitions on particular sites. They don't use other areas a whole often

I guess the ATV issue is: Where do they drive? Like you mentioned they're on the golf courses. They're on highways. They're on sand dunes. They're on trails. Right now, these are all illegal areas for motorized vehicles.

**Jean Eldershaw:** I suppose you've heard the saying, you know, if you lived in Florida would you buy a Ski-Doo? People are buying these machines. They have nowhere to drive them. Like I was trying to think of an example. I'm just trying to think of what it is. It's really weird because I can't, like you can't - there are all kinds of regulations in place of what you can and cannot do. But you don't even have to own any property. You don't even have to have a place to park it, you can buy an ATV. There's like, and that's - it's a whole other issue, and I know it's a little late for that because I see they're coming. I mean, there are more and more of them every day. So maybe there has to be a place.

It's really interesting how there are so many of them here. My brother-in-law years ago, it was really my first experience with running into ATVs. They live in Nova Scotia and he had an old van. He and his wife would go out with friends, but they went - like, they would go out, they would go camping. They would go out to go hunting in places that were not accessible any other way, or to go fishing. It's like people, I've seen people going down to the bridge in Morell to go fishing. I mean, really, is it that big of a deal to walk from Morell to the bridge? There's no place on PEI that you really need these

all-terrain vehicles to reach, but I guess I'm being political. I'm not answering your question.

**Mr. Dunn:** You're doing a good job of it. Some people tell us that they have a need for them, like farmers use them on farms. I know a lot of people in my area use them for the Irish moss industry on the shores. A lot of people in forestry use them for cutting woods. They go back, rather than taking a tractor back, they take - the four-wheeler is quite easy. Put the chainsaw on the back and away you go. So there's a number, seem to be, legitimate reasons to have a four-wheeler. It's the recreational side, I guess, that we're trying to deal with.

**Jean Eldershaw:** Yes, and this is about ideas and I presume there's maybe some people here that are big ATV fans, and let's not hold this against me because I have different views. There probably needs to be - and this I'm sure is a huge challenge for government - to find places where ATVs can go. I think it's the nature of the vehicle that they want a more challenging place than the Confederation Trail. Because what's the thrill in just running straight along? Because my understanding of the machines and seeing what they can do is they go whoop, and then go into the ditches and up and out, that I think they need a challenging area.

Again, even if and when that happens, there still has to be legislation taking care of those people in terms of safety. The issues, the same as the issues of drunk driving, etc., are there for the motor vehicle. I mean, some of these machines are huge and they can travel. I'm not saying there's not uses for them.

**Chair:** Mr. Bagnall.

**Mr. Bagnall:** We're hearing a lot, and the recommendation is that anybody 14 years of age would not be permitted to drive an ATV. What's your feeling on that?

**Jean Eldershaw:** I agree with that.

**Mr. Bagnall:** Would you say that if there was 14 years of age and under that were supervised by a parent or an adult, would you be agreeable to that?

**Jean Eldershaw:** No. I just see no reason for encouraging our young people to be driving ATVs. I guess the thing will come up in terms of recreational, if it's a family thing, and there are some ATVs that are built for carrying a passenger. That would be my -

**Mr. Bagnall:** ATVs, there's none built for taking two, or not supposed to be.

**Jean Eldershaw:** None at all?

**Mr. Bagnall:** Not supposed to be, they're only one passenger vehicle. If you see two on it, they're driving illegal.

**Jean Eldershaw:** Sorry, I thought there was a few that were.

**Mr. Bagnall:** But in the ATVs, they do have smaller sizes. Like, they have 50 cc's for younger kids. They have 65, 85, 100 cc's, different sized machines that people have today, and that supervise their children very well with them. I guess what we're trying to find out: Do we make it a 14-year across the board or do we allow a 14-year with some exceptions, like that they're driving the proper sized machine and they have the proper supervision from parents or an adult? That's been a thing that's come to us quite a bit. The next part I want to ask you is: You don't think they should be on the trail?

**Jean Eldershaw:** No.

**Mr. Bagnall:** Why?

**Jean Eldershaw:** If they're on the trail, I'm not on the trail.

**Mr. Bagnall:** Okay. They're telling us - whether it's true or not now - comments we got last night that the trails are nine feet wide and the machines, at the widest, are 54 inches wide, and there's three feet or a little more left on the trails. Now I'm not sure if the trails are all nine feet wide, and I'm sure when I get John up here I'll find that out. They're saying if proper speed limits are posted, if there's a proper code of ethics for them to use on the trails, that both can survive on the trails. Do you think that could happen?

**Jean Eldershaw:** I have spoken with a number of people from other provinces where they are on the trail, they share the trail with the ATVs.

**Mr. Bagnall:** Yes.

**Jean Eldershaw:** They are so pleased that it's illegal to be on the Confederation Trail. If I can just jump back to the under 14 issue, I guess my biggest concern is that I don't think we should be promoting our youth to be on the machines. I think there are lots of other things we should be promoting our youth to do, and I believe in our youth.

**Mr. Bagnall:** Thank you.

**Chair:** Mr. Currie.

**Mr. Currie:** Jean, back in the early 1990s there was, I guess, a large injection of Ski-Doos on Prince Edward Island that were unregistered. Taxes weren't paid. Farmers, landowners, were upset because they were everywhere and they were driving over fences and breaking fences, driving over people's properties and abusing the rights of the landowners.

What came out of that at the time was if there was a pathway or a designated area for them to drive, that all of the snowmobilers agreed that they would come in and pay a one-time registration fee or whatever which

was agreeable, I think, at the time by the government of the day. A set of rules, I guess, or code of ethics was put in place for these people to use the Confederation Trail at the time. That took them out of the fields. It took them off the properties to a large degree. A lot of them I guess, Jean, are responsible citizens of the province and they want to be legal, I guess.

So I guess I'm kind of doubling up on Jim's question. I guess what we're hearing at some of the hearings and from some of the people that have ATVs and they want - there's a willingness on their part to share in this public asset that we have, and they're willing to use some dirt roads, are willing to use some old gravel pits. As you say, they would still want the challenges, and if they can connect some way where on the Rails to Trails that is not being used or they can go around communities, do you think there's any way that that would ever be viewed as possible?

**Jean Eldershaw:** I'm very familiar with the Ski-Doo issue because they used to come through our yard. We used to hear them, and it was a rather interesting thing because we did some landscaping in the backyard and we put in a little cement wall and then there was another one. In the wintertime the next winter, they didn't realize it was there and one fellow got hung up on it, so that solved our problem. But I think it's a different situation with the Ski-Doos. The Ski-Doos can only go when there's snow.

Just last night I heard that the ATVs are a problem for the Ski-Dooers because they go on the trail and their tracks - they go all year round, right?, they're on there now, they're probably on there now more than they are in the summertime - they're actually dangerous because of the ruts they make in the trail and they do a lot of damage. I bike a lot in the summertime. I start as soon as the snow goes. Well, before the snow goes sometimes. I'm carrying the bike over a few banks

before it's completely gone. There are big - when the trail is soft and these machines - and most of them, again, what's the fun in just driving the thing along? So they like to stop and, I don't know, they make all kinds of strange marks, rough marks.

Now if you're walking you're going to notice them. But if you're biking, you're going - which just doesn't add to the experience. So I cannot see sharing them. I think you have to look totally different for the ATVs and you have to look at an all season trail. Because the Ski-Dooers have problems. I don't know if you've had any presentations from Ski-Dooers. It hasn't been a great year for Ski-Dooing on the trail, though I did see a couple going yesterday. So they can't be on when the Ski-Dooers are on, and I think they need a totally separate trail.

I don't think that we've come anywhere close to capturing how important the trail is in terms of our own health, in terms of the people that I know in the Morell area, for example, that are using it, and the potential for people to get out, but also in terms of tourism. I mean, the people that I run into, that's what people are looking for. They're looking for the outdoors. They're looking for - like the kayaking in Morell is huge. They're going there all the time. People are looking for that outdoor experience.

I just don't see how we can get to any point that we could share the ATV with the - and the other question, you see, with the ATV is that when an ATV comes up to you and you're walking on the trail, this person comes up. They've got a helmet. You've got no idea who they are. You've got no idea what condition they're in. So if I'm going to be meeting ATVs on the trail, whether I'm walking or biking, I'm just not going there.

**Mr. Currie:** Okay.

**Chair:** Mr. McCardle.

**Mr. McCardle:** Do you know people now who are intimidated to the point of not going on the trail because there are ATVs there?

**Jean Eldershaw:** Not in our area, I can't say that I know people there, but I have heard of other areas, yes.

**Chair:** Any other questions? Mr. Ghiz.

**Leader of the Opposition:** Thanks, Jean. Is most of the area here, I guess, from Morell to Elmira or the eastern tip, is it all being used by walkers and bikers? Or are there sections that aren't being used?

**Jean Eldershaw:** It depends on when you go. It's become a very popular thing for people to come and do the whole trail. For example, one day I was talking to a group of three ladies who used to, they were good friends at, I don't know, high school or university and then they'd all gone their separate ways. Like one was way down in the States, one was out west, and they had come together on the Island, and they were biking tip to tip. I'm seeing that quite a bit. People coming and just doing - so there might be a section of trail, yes, where people - like, I think our section is the Morell-Mount Stewart through St. Peters are used pretty regularly.

There may be some sections up east that are not used all that often, but then in terms of the people that are coming, the challenge is to do the tip to tip. I mean, I've biked the whole trail so it's like - so in that sense, I don't think there's a section of trail you could say that's not being used. It might not be used - like, there's nobody walking it regularly or biking it regularly but then, there are people, I mean, people go and they do 40, 50, 60 kilometres, no big deal. I never thought I'd see the day when 40 kilometres wouldn't faze me, but it doesn't.

**Leader of the Opposition:** Okay.

**Chair:** Thank you, Jean. Appreciate your comments, particularly since they involve the trail. We probably have had more presentations involving the use of the machines as opposed to the recreational use of the trail. So thank you very much. Appreciate your appearing before us, and we'll certainly read into the record your comments.

Our next presentation is from John Callaghan. John, do you want to - John, is your presentation in two parts?

**John Callaghan:** Yes.

**Chair:** Okay. Do you just want to read into the microphone your name and who you represent so we can make sure that we understand that it's you that's making the presentation?

**John Callaghan:** Thank you, Chairman Wes. My name is John Callaghan and I work for the Department of Tourism as the Confederation Trail Coordinator. Ready?

**Chair:** Go ahead.

**John Callaghan:** As managers of Confederation Trail, we are pleased to have the opportunity to express our support for the proposed changes to the *Off-Highway Vehicle Act*. Increasing the age of and educating those who operate ATVs is responsible leadership. Whenever changes are made to improve the safety of Islanders and tourists, we gladly grant our support.

Today, as managers of Confederation Trail, we wish to speak about the concerns we have with the illegal use of ATVs on Confederation Trail. We are very proud of the trail's uniqueness and realize the appreciation both Islanders and tourists have for it.

Owners and operators of ATVs must be encouraged to display their utmost

responsibility while driving these vehicles and must be held accountable for actions performed outside the parameters of the law.

When operators of ATVs decide to use Confederation Trail as a means of commuting to and from different communities, two very serious concerns arise.

The first concern is that of public safety. ATVs travelling at high rates of speed dramatically decreases the safe and peaceful environment Confederation Trail offers. Those individuals and families who are using the trail in a responsible and appropriate manner expect and deserve to be in a safe and quiet environment.

I would like to refer you to section 29 of the Melanber Study commissioned by the government of PEI shortly after the purchase of the abandoned rail land from Canadian National Railway, and presented to government in August 1994. This section clearly states motorized vehicles, with the exception of snowmobiles in winter, should not have access to the trail.

As each year passes, government receives more and more reports of 'near misses' involving ATVs and users of the trail. We are fortunate that, to date, no serious accidents have occurred between these vehicles and responsible trail users. However, based on the growing number of ATVs using Confederation Trail illegally and the increasing numbers of trail users, the risk of such an accident becomes inevitable.

The second issue is damage done to the trail. Maintenance costs, while already high, are inflated many times with the continued abuse of the trail by the operators of ATVs. Those most frustrated are maintenance personnel, as they spend many long, hard working days leaving the trail in perfect condition, only to have it torn up by drivers of ATVs shortly after they leave. In spite of

this abuse, we must recognize the high standard to which maintenance staff are able to keep the trail.

Confederation Trail is still in its infancy. Our tourism industry and the newly formed Tourism Advisory Council view Confederation Trail as one of the next major tourism development opportunities for PEI. With information contained in the phase II Development Study recently completed by Baker Consulting, we see the great potential this product has. The study shows the huge impact cycling tourists have in the economy of provinces like Ontario and Quebec.

In 2002, Quebec hosted 190,000 bicycle tourists. They spent an average of \$112 per day as opposed to other tourists who spent \$52 per day. They also stayed an average of 6.5 nights as opposed to other tourists who stayed 3.1 nights. Results such as these can only be accomplished by supplying a first-class trail product, and in particular, a trail product where its users feel safe. As managers of the Confederation Trail, Tourism PEI will do our utmost to protect it for those users for whom it was originally intended.

In the near future, we will be submitting proposed changes to the *Trails Act* regulations to the Legislative Review Committee for their review, changes we feel are essential to ensure the safety of those using Confederation Trail. We are also working with other government departments, namely the Highway Safety Division of Transportation and Public Works and the environment division of agriculture, fisheries, aquaculture and forestry, on a pilot project which would see their law enforcement personnel assist in the policing of Confederation Trail this summer and into the future.

This initiative will support the outstanding efforts of volunteer trails officers who last year alone committed 2,289 volunteer hours

patrolling Confederation Trail. On behalf of Tourism PEI and trail users, I would like to express our appreciation to those volunteers.

In addition to the proposed amendments to the *Off-Highway Vehicle Act*, we see a further amendment is required to Section 2(1). Although this section requires ATVs be registered if operated outside the owner's property, this registration appears to get lost as the owners of the vehicles change. We are suggesting changes to this section which would include a minimal annual registration fee.

For the registration fee, the owner would receive a registration plate or sticker that they could place on their machine similar to a highway vehicle. This would greatly assist those patrolling the trail to identify who owns the machine if the driver wishes not to cooperate.

Finally, as the number of ATVs owned by Islanders continues to grow, we must explore all possible opportunities to provide an alternative trail experience for those wishing to operate an ATV.

In closing, I wish to compliment Minister Shea and her staff of Transportation and Public Works for initiating these public hearings for the proposed amendments to regulations of the *Off-Highway Vehicle Act*.

**Chair:** John, are you going to show us slides now?

**John Callaghan:** I'll show you a few pictures, yes.

**Chair:** Why don't we wait and see his pictures first and then we'll go to the questions. Are you going to make a commentary?

**John Callaghan:** Do I start over?

Okay, here you can see a typical family out

enjoying the trail. As you can see, going back to Jim's question to Jean a while ago, there's not a lot of room there for an ATV to pass by, or somebody would have to get off the trail if that was the case.

**Mr. Bagnall:** Is the trail (Indistinct)?

**John Callaghan:** Yes, the trail is basically three metres wide, all the way along, yeah.

[There were technical difficulties with the slide show]

There you see the trail after it's been groomed and rolled and you see how flat and smooth it is for cycling and/or walking. You can see just past the post there where there's a little track up there where the ATVs go around the gate. You see it clearer there. You see the trail is starting to get roughed up. Here you see where they're coming on to the side and the tracks are getting deeper and worse. It becomes more difficult for cycling.

**Mr. Currie:** Could you tell us what area of the province, John, you're at?

**John Callaghan:** I think that's from up west but I couldn't say for sure, but I'm pretty sure that's up west.

**Mr. Currie:** Okay.

**Mr. Dunn:** The Kinkora area.

**Mr. Bagnall:** John, wouldn't the problems automatically get there because you're making every machine go through that one area rather than if they were all on the trail? Like, everybody has to come off of there onto the trail at that one spot. It seems like that's the spot where every machine goes off and goes on.

**John Callaghan:** Yes, but the law now doesn't allow them on.

**Mr. Currie:** (Indistinct).

**Mr. Bagnall:** But you see, you're picking one spot and you're probably picking the worst spot, from what I can see, where they could go on.

**Mr. Dunn:** No, there are some bad ones, there are some bad ones, Jim.

**John Callaghan:** No, no, we're not picking the worst spot.

**Mr. Bagnall:** Do you have other ones?

**Mr. Dunn:** We'd be here all night.

**John Callaghan:** Well, I'm not going to show them all.

Here you see the groomer at its work, the maintenance crew. You see how smooth it is after the groomer goes through. They will then go through with a roller, quite a heavy roller, and pack that down. It's just as smooth as it can be.

**Mr. McCardle:** (Indistinct).

**John Callaghan:** This is the groomer. This is the new groomer that TPW, the staff there, built last year. Right at the moment the engineering students at UPEI are working on that groomer to improve it, to pick out the grass better and separate it, and larger stones and that sort of thing. So we're looking for better things.

Again, you see them coming off the trail here.

**Mr. McCardle:** What do they do there, hold the brake and spin her?

**John Callaghan:** Must have held his brake and spun, yeah.

**Mr. McCardle:** That's just vandalism.

**John Callaghan:** Yeah, a hole ten inches deep.

**Mr. Dunn:** (Indistinct).

**Unidentified person:** (Indistinct) an ATV.

**Mr. Bagnall:** Was that an ATV that did that or a 4x4?

**John Callaghan:** What do you mean a 4x4?

**Mr. Bagnall:** Just a truck.

**John Callaghan:** No. Well, no, it's, 99% sure it was an ATV but I suppose if you didn't see them doing it, how could you say for sure?

**Mr. Dunn:** Narrow wheelbase.

**John Callaghan:** There you see it in its good condition.

**Mr. Currie:** It's pretty nice (Indistinct).

**John Callaghan:** That's what our tourists like to see when they come, when they're cycling from one end of the province to the other. That's it.

**Mr. Bagnall:** Nice scenery.

**John Callaghan:** Sure is. That's what we like to sell to our tourists.

**Unidentified reporter:** John, what do you do for tourism?

**John Callaghan:** My role is coordinator of the Confederation Trail.

**Chair:** Why don't you go back to (Indistinct) and we'll ask you some questions. That's all your slides, John?

**John Callaghan:** Yes.

**Chair:** Yeah. Okay, questions? Mr. Ghiz.

**Leader of the Opposition:** Thank you very much for that presentation, John.

I'm interested in your studies here from Baker Consulting with regards to the tourism industry and the impact on bicycle tourists and how much they spend per day. We've heard reports from some of the ATV organizations that are pushing to allow ATVs on the Confederation Trail where they say it could be upwards of a \$30 million boost to the tourism industry. Has there been any studies done into that and do you know - could you talk about that?

**John Callaghan:** Not that I'm aware of, or not that we have been involved in in our department. I can't speak for the other departments but no, not that I'm aware of.

**Leader of the Opposition:** Do you think - because I have it, I know all members have heard it - we've heard it here from witnesses and we've heard it at our meetings, in our offices and everywhere. I'm wondering is the Department of Tourism looking at how much ATV use in Prince Edward Island could contribute to the Island economy?

**John Callaghan:** Not that I'm aware of in my section of the department, no. But I'd like to go back to I guess my second last statement in my presentation was: as the number of ATVs owned by Islanders continues to grow, we must explore all possible opportunities to provide an alternative trail experience.

**Leader of the Opposition:** One of the issues that's come up a few times - and someone's going to ask you this question so I might as well - is if they can create an alternate trail from tip to tip, but there might be some odd sections where the trail would have to be used at the same time, is that something that's feasible or not feasible in your opinion?

Like, I understand in Nova Scotia, it's more done, their trails done more, there are municipalities that run certain sections of the trail and then they have a sign, we've been

told - this is just from witnesses - where it says that on here are walkers, joggers and ATVers. If there's an ATVer on there for a short period of time, they have to pull over to the side and allow the walkers or bicycles to go through. Have you heard any of those things?

**John Callaghan:** I know that is what they do in Nova Scotia, in certain sections of the trail in Nova Scotia. As far as here is concerned, I don't see myself supporting it, and I don't know if I should speak for the department but I'd be somewhat surprised if the department would support it.

The inquiries that I get from people outside of the province, potential tourists who plan to come here to do the trail, they're doing it from tip to tip. I have never gotten a phone call saying: We'd like to come to your province, we'd like to do the trail from Summerside to Charlottetown or from Charlottetown to Morell. It's tip to tip that they talk about.

**Leader of the Opposition:** So you think we should try to find an alternate route for ATVs from tip to tip?

**John Callaghan:** Yes.

**Leader of the Opposition:** Okay.

**Chair:** Mr. Currie.

**Mr. Currie:** John, how many people do you say use the trail in the summertime or, you know, walk the trail, bicycle the trail?

**John Callaghan:** The trail being what it is, being spread over the whole province, it's not like a golf course where you can determine exactly who comes in and who goes out. It's somewhat difficult to say. But the last exit survey we did back, I believe, in 2002-2003, we had in the vicinity of over 200,000 people in that exit survey who said they used Confederation Trail as part of their

vacation.

**Mr. Currie:** That was just tourists, that's not locals.

**John Callaghan:** That's just tourists, yes.

**Leader of the Opposition:** Two hundred thousand?

**John Callaghan:** Yes.

**Mr. Currie:** A second question I have. Was your department ever contacted or did you have any kind of proposal from the saddle horse people? There's supposed to be somewhere around 3,000 horses, that they're also looking for access to the Rails for Trails?

**John Callaghan:** Not since I have started in my role, I haven't had that inquiry. They did have some of the abandoned rail line that is not developed into the Confederation Trail or was not developed into the Confederation Trail. I was approached by them to use that section of the trail, but since then -

**Mr. Currie:** A specific area.

**John Callaghan:** Yes. But since then that particular area has been developed to Confederation Trail standards.

**Mr. Currie:** Thank you.

**Chair:** Any other questions? Thanks, John. Appreciate your input.

**John Callaghan:** Thank you.

**Chair:** Our next presenter is Robert Affleck. Robert, are you here? Robert is not here.

Then we should go to John MacDonald. John? Welcome, John. Could you give your name and who you represent, just for the sound check, make sure we're recording what you got to say?

**John MacDonald:** Okay, thank you, Mr. Chairman.

My name is John MacDonald. I'm currently a blueberry producer in Kings County, in the east end. I wish to welcome such high calibre people here today from other sectors of the province. Hopefully I'll be able to make my point in defence of the all-terrain vehicles.

I presently own a 250 Suzuki and it's a four-wheeler. We use it mainly for inspecting fields, particularly in the spring, to see how the fields got through the winter, and then on the occasional parts of recreation, just travelling around the countryside. I do travel on side roads, an odd time near the farm on the main road. I just recognize this piece of equipment as another tractor. That's what they do in the United States and in Quebec. They just call them tractors.

They're mainly used down in Maine, big time, around irrigation and just scouting fields. I worked down there in the Cherryfield area, and Cherryfield Foods, example, have about 35 four-wheelers. Jasper Wyman and Sons have about 25 and at Jasper Wyman's I know there are Hondas. There's a mixture of Kawasakis and Hondas at Cherryfield Foods.

The Frenchmen there, whenever we meet the guys from Quebec, they inform me that Canadian customs doesn't charge them any sales tax. I never tried to take one across the border, but they just consider them as farm tractors and that'd be great if the Provincial Treasury wouldn't even charge sales tax on them here.

They're mainly used in Maine for - I know Fred McCardle does a lot of irrigating. I don't know how he hauls his hydrants around, but they're on the go all the time taking the hydrants out, or rather putting the sprinklers on the hydrants with them, and

they're used 24 hours a day.

They never caught on big time up here like they have down there, but I hope that, that will happen someday, and they're also used as an important element doing soil samples, as they have gadgets on them now to do soil samples.

I hope there won't be too many restrictions come on the boys here, and girls. They need to start off with something. The most popular element now of machinery seems like it's four-wheelers among the young people. We do have our occasional problem with people. Like, they travel into fields. But I think in the last year we've broken them off that. When I meet them I always give them a wave and they wave back to me. I don't have any idea who they are. But I couldn't say in the last year they have done any harm in the fields, and they do travel with a certain amount of respect, particularly on the road from Elmira right down through the Tarantum Road, Grant's Road, where they're going to build a power line now out to Dingwell's Mills corner. It's travelled a lot with four-wheelers and very much with respect.

Some young fellows do get into scrapes with the law, but there are worse situations going on with respect to drugs and other things. I think that we have to use a common sense approach to this issue and keep our young people within their perspectives to handle these rigs with care.

I know that if you wanted somebody to come to work with you today and he had a certain amount of four-wheeler experience and you couldn't get somebody to handle the machine, these would be the boys you'd first head for, as farm boys are getting scarce today. But they are the first fellows picked to do more heavier work around construction business and other industries in that respect where they have the background to handle these pieces of equipment.

I didn't understand what they were talking about in respect to Rails to Trails. Rails to Trails is a very sensitive thing to us farmers. My family have been here for seven generations and we still think that we can go on the trails and travel anytime we feel like it. We get offended whenever there are cops around. We're always careful of those cops and we're trying to just to watch out for them, but at the same time some of our farms are split in two where they're on one side of the railroad track and the other side of the railroad track, and that's the only way that we have access to them.

There was a policy there before that we could get permission from somebody within Rails to Trails to travel down there. I remember the last time I did that was about two years ago when we were trying to get bees down there to put them in a quiet area where they could rest for the summer on a farm like that. It was difficult enough, but we got around that. I actually think that for anybody that wants to use Rails to Trails, to use it with care, and they be allowed to go down there either with the ATVs or with whatever.

There may be some day that we'll have to go back and get the roads - if the fuel goes up to \$5 a gallon, we may have to go back and get these trails back and use them for a mode of transportation, and we'll probably have to slow down the highway speeds to about 40 kilometres an hour like they are - or 40 miles an hour, rather - down in Amish country in New Holland, Pennsylvania, where the horses are a main mode of transportation. But there may be a day, you know, we'll have to cut back our speeds and live with that. That's a situation which we'll have to look at with respect to all-terrain vehicles as well.

That's all for now. Thank you.

**Chair:** Do you have any questions? Mr. Dunn.

**Mr. Dunn:** Yes, thank you, John, for your presentation. I guess you triggered an idea when you were talking about the all-terrain vehicles and finding a place for them. I was just thinking of the power lines, the transmission lines that Maritime Electric run across the province. I don't know what distance they have, probably the size of a roadbed, 33 feet or 60 feet. I know there's a stretch going through O'Leary up to O'Leary corner there which would be ideal for ATVs, because there's lots of space on each side of those poles for people to transport ATVs across that area, and it's not smooth. It's what they're looking for.

So you may have sort of created an option for us for an alternative route for people to travel on is to follow the power lines, the transmission lines. Because they own a lot of land around, on those poles. Anyway -

**Mr. Currie:** They don't own all the land, it's easement.

**Mr. Dunn:** Easement.

**Mr. Currie:** Mostly private property in a lot of cases.

**Mr. Dunn:** Could you not use that easement to transport?

**Mr. Currie:** It's a private corporation. They have the easement.

**Mr. Dunn:** But it could be an option if Maritime Electric would, as part of their easement -

**Mr. Currie:** They might have a liability issue.

**Mr. Dunn:** Yes, no question. Anyway, it was just a thought. Thanks, John.

**Chair:** Any other questions?

**Mr. Bagnall:** Just a couple.

**Chair:** Mr. Bagnall.

**Mr. Bagnall:** John, I agree with you. I think the all-terrain vehicles do have a place and they should continue to be used. I have a problem, where, of course. But I think that the - and I'm thinking more and more - that there may be a place for both on the trail under certain guidelines. I know that ATVs have been becoming more popular on farms, like what you use them for. Not only for that, for fencing and for wooding, all different small jobs. They can jump on that and go, much more economical, much easier to use. What's your feeling on kids driving them?

**John MacDonald:** Would you repeat that again?

**Mr. Bagnall:** What's your feeling on children driving ATVs, 14 years of age and under?

**John MacDonald:** I think, you know, that there could be some people that could handle them. You'd have to sort out who couldn't handle them. As long as they have the proper safety equipment on, and maybe, you know, through something like 4-H or something, they'd be trained to have a course to handle them, they'd be allowed to handle them.

I was telling Chairman Wes there that I think people can fly airplanes if they're 12 years old, as long as they got the proper training. If they get their pilot's license, they can go to it. The same thing for people on all-terrain vehicles. The thing that is important to the Province of Prince Edward Island is we don't really have a good ski corridor - excuse me, a good Ski-Doo corridor - like New Brunswick has. I'm not too familiar with Nova Scotia, but I know there are lots of them up around the Miramichi area. This is something that's needed for Prince Edward Island, and we may have to share. I feel that the first thing we have to go and

look at is to share Rails to Trails.

**Mr. Bagnall:** Thank you.

**Chair:** Any other questions? Mr. Currie.

**Mr. Currie:** You mentioned in your presentation, John, that you were farmers for a lot of generations. Did I gather in your comments that you mentioned that you felt that the rails, when the trails, or the trains left, that the property should have went back to the landowner? Is that what I -

**John MacDonald:** I thought that, but not since government's got into it, particularly the last few years. I thought we were - you know, I don't mind really, I don't mind sharing land, even my own land. If you want to go down through it, you want to travel across there on a particular roadway, I would feel you would be allowed to. I feel that it shouldn't be made too big an issue, that we should be allowed to continue to use the Rails to Trails as we have in the off and on previous.

I know you used to wait for the train to go by and then you'd go across the track or go down a way part ways on the track to get to a certain place. It's a sensitive issue with certain people yet, and you just have to make the best of it.

**Mr. Currie:** The ones that use your land as a courtesy, I guess - and every farmer would probably will recognize the fact that if you're going to use their land, you always follow the hedges. You don't drive all across the middle or whatever. Do you find that now on your property, that they drive the headlands or do they drive over your -

**John MacDonald:** No, in most cases, they would drive over the headlands. There's nobody goes out in the middle of the field. If there is a problem with somebody and they don't understand it, you get it worked out.

**Mr. Currie:** That's fine, thank you.

**Chair:** Any other questions? Thank you, John, appreciate your input.

**John MacDonald:** Thank you.

**Chair:** We certainly will record your comments and observations and take them into consideration.

Our fourth presenter will not be appearing. Is there anyone in the audience that would like to approach the microphone and comment on the subject? We will gladly receive them. If not -

**Jean Eldershaw:** Am I allowed to just make one other comment (Indistinct)?

**Chair:** Yes, you may. Can you come up, Jean? It's just that all comments are appreciated and being recorded allows us to take them into consideration. That's all.

**Jean Eldershaw:** I just wanted to comment on the number of - somebody asked how many people use the trail. It's not all that unusual for me, in biking from Morell to St. Peters, to encounter 100 people in that short trek. That section is really used a lot.

**Mr. McCardle:** Most people would walk about two kilometres and walk back, is that a familiar pattern?

**Jean Eldershaw:** That would be mostly cyclists that I would be seeing. The people that I know that walk regularly, like some of them go early in the morning. I know like one fellow goes, he takes his flashlight, because in the winter, in the late fall, right?, when it's dark. So everybody has their times. There are people -

**Mr. McCardle:** But they walk out of town and then walk back in.

**Jean Eldershaw:** Yes, or they'll go the

other way. There are people from up this way will go too. It's quite a big item with some of the cruise lines. They will take a group out to go cycling. A couple of years ago, actually, we ended up loaning our bikes because when we - actually it's about four years ago now - people were here in the province from Chicago and they were coming back on a cruise. The biking was one of the options for the cruise so they actually biked it when they were here visiting first, so when they stopped here on the cruise, they could do something else.

There are a lot of groups. There are youth groups I run into. It's not unusual to run into that kind of thing too. I keep saying I'm going to keep a list of people that I know that use it regularly in terms of trying to get the numbers, but I haven't done it. Anyway, I just wanted to - and that's just one section of the trail that is probably the most popular.

The other question, like I'm really, really disturbed with the notion that you think bikers and walkers can share the trail with ATVs. I suggest that you all get out on the trail for a good section of it. The other one comment I wanted to make was the slides and the damage. That could be anywhere from one end to the other. In certain sections it's more common, but there's one picture on there that I would say could be from Morell to St. Peters.

**Chair:** Thank you for your input. Yes?

**Grace Blackette:** Could I make a comment?

**Chair:** Yes, you may. Simply identify yourself so that we have it for the record.

**Grace Blackette:** My name is Grace Blackette. I'm from Cardigan. I'm a volunteer with Island Trails and I'm also a staff member with Island Trails during the summer.

I've been involved with the Confederation

Trail since 1995, and I was one of several people from the Cardigan area who was responsible for building the first three kilometres of trail in Cardigan. We, as a volunteer committee, went out and raised \$7,000, which was one-third of the cost to build three kilometres of trail. At that point, it was \$7,000 a kilometre to build trail. We went out and raised the money and the trail was built. We built it with the understanding that there would be no motorized vehicles on it.

My family own an ATV. I'm married into a fishing family, and I certainly believe there are areas where ATVs should be used and respected. It's not the sharing of the trail, that's not the problem. When you look at the Snowmobile Association, the Snowmobile Association does not share the trail with anyone. I had proposed to the Snowmobile Association about six years ago: What about giving the skiers a Thursday morning or a Monday afternoon to go and ski? They said their insurance would not permit that so that was the reason why.

Having turned my 50<sup>th</sup> birthday a few years ago, my granddaughter and I biked the trail from tip to tip. It was an absolutely wonderful experience, but I can tell you, we've had some horrifying experiences and close calls with ATVs on the trail. As I said, there are places for ATVs, but I honestly believe that ATVs, bicycles and pedestrians do not mix.

The other thing I question: Do the ATVs really want the whole trail? Is that the terrain that ATVs want? Like, it's a pretty level trail, and to cycle on that after the ATVs have been on it, it's really pretty strenuous in spots. Because it is, as one of the former speakers mentioned, Jean and a couple of others, it does get very rough and rocky.

But the biggest concern that I have as a trail user and as a volunteer is the safety aspect. I ask that you people who sit on this

Committee please think about that and we, in Island Trails, I'm sure - although we're involved with trail development and trail care, trail events - I'm sure we do have members within our organization that would be happy to work with the ATV groups in developing a trail in terrain that's more suitable for them.

Thank you.

**Mr. McCardle:** Can I ask a question?

**Chair:** A question. Mr. McCardle.

**Mr. McCardle:** You were with a group blazing a trail through forest, is that what -

**Grace Blackette:** No.

**Mr. McCardle:** Where were you creating a trail that it'd cost you \$7,000?

**Grace Blackette:** We were involved with the development of the rail trail in Cardigan.

**Mr. McCardle:** So it was the railway bed that you were developing?

**Grace Blackette:** It was the railway bed.

**Mr. McCardle:** What do you mean? Cutting the bushes back or -

**Grace Blackette:** No, raising money for the gravel and things like that.

**Mr. Dunn:** This was before the government got involved. They were the first pioneers.

**Mr. McCardle:** Okay.

**Mr. Currie:** There's a number of communities have done that across PEI, as it was linked and joined. They started at some areas first, probably up west, I think, first.

**Grace Blackette:** Yes, it was up west. It was in 1995 we formed the committee in

Cardigan and checked with all the landowners at that time. Got approval. Then we found out from the provincial government: We don't have enough monies, but there are infrastructure monies available, if you can raise a third of the cost, which was \$7,000 for one kilometre. The feds gave us seven and the province gave us seven for a total of \$21,000 to build the three kilometres of trail within the village. Montague did the same thing at the same time.

**Chair:** Grace, thank you for your input.

**Grace Blackette:** Thank you.

**Chair:** Much appreciated. I'm glad you came forward.

**Mr. Bagnall:** Just a comment (Indistinct) another area on PEI where the trail is used extensively is in Montague, and from Montague out to the Robertson Road and down toward Georgetown it's phenomenal the amount of people that walk there every day. I would say that in the summer you would get 200 or 300 people walk that trail in a day. There are cars there and they come all day long right through to the evening, and it's just phenomenal the amount of people that do walk it. I know that in that area they don't want ATVs on the trail.

**Chair:** Okay Committee members, this evening -

**Mr. Dunn:** Can I just read something into the record?

**Chair:** Yes.

**Mr. Dunn:** I questioned about the manufacturing of three-wheelers at the very first meeting we had. I got a call from one of the presenters, Sally Lockhart. She called the manufacturers. They are still being manufactured, but not being sold in Canada. They are manufactured in Canada but

they're sold outside the country. So three-wheelers are still being manufactured, but they're not being sold within Canada, but they are being sold in other countries. I just wanted to read it into the record.

**Chair:** Grace.

**Grace Blackette:** One final question.

**Chair:** Sure. Just say your name again, sorry.

**Grace Blackette:** Yes, it's Grace Blackette and I have one final question. I'm not sure if any of you can answer that. But do the municipalities not have control over their sections of trail? Can they not say that: Yes, ATVs are allowed, or no, they're not?

Because looking at it now, if you look at Montague, if you look at Charlottetown, dirt bikes or ATVs or anything motorized is not allowed within the municipalities. So would you not be looking at, if there were to be changes, of dealing with all the municipalities?

**Mr. Currie:** It's a public - it's a government land. I'm not sure, Grace, I'm just not sure. I don't think so.

**Grace Blackette:** Who made the rules for Montague and Summerside and Charlottetown?

**Mr. Dunn:** (Indistinct).

**Grace Blackette:** Oh, I realize that but do the municipalities, do they not overrule that? Like when Montague said -

**Mr. Bagnall:** Municipality rules can never be - they have to comply with provincial laws, and they can't be over stringent or under - either one or the other.

**Mr. Dunn:** They can't go under; they can go over.

**Mr. Bagnall:** Yeah, they can't go over anything provincial but they can - under - but they can increase it in the municipal bylaws. So there'd have to be a town plan and bylaws put in place. If the bylaws were in effect that no ATVs were permitted to be operated inside the town of Montague, then in that area they could control that, or dirt bikes or whatever. So it would be under the jurisdictions that have their own municipal bylaws.

**Grace Blackette:** Okay.

**Mr. Bagnall:** But they can't be less stringent than the province's laws, but they can be greater.

**Grace Blackette:** Okay, thank you.

**Mr. Bagnall:** As long as they're approved.

**Chair:** Okay. For the record, this Committee will convene again this evening at Murray River Hall at 7:00 p.m. Thank you for your input.

[The Committee recessed until 7 p.m.]

**Chair:** We'll call the meeting to order. This is a meeting of the Standing Committee on Fisheries, Intergovernmental Affairs and Transportation.

We're here to consider Motion No. 9 passed in the Legislature which involves proposed changes to the off-highway vehicle regulations. We've had a number of meetings from across the Island and some very interesting comments by a lot of individuals and groups. I think as a committee we've learned a great deal more about this subject than when we started. Tonight we're going to hear at least five presenters with respect to this issue, maybe more. I'll call Adam Arsenault to the table. Adam, good, okay.

The proceedings, by the way, these mikes

are not meant to really amplify our voices. They're meant to record your comments so that we can take them back for consideration on this issue. That's why it's so important that the red light be on when you're speaking and we know who you are.

So Adam, if you want to begin by introducing yourself and your colleague and just who you represent. We'll make sure that you're being heard. Okay.

**Adam Arsenault:** My name is Adam Arsenault and this is Tanner Nicholson. I work with the PEI Motocross Association.

**Chair:** Okay. Good, the floor is yours.

**Adam Arsenault:** All right.

I would first like to thank you for giving me the opportunity to speak on this matter. I'll offer my personal thoughts and opinions on the proposed amendments to the *Off-Highway Vehicle Act*. I've been riding dirt bikes since the age of seven and have been participating in organized competitions for the last six years. I am the rider representative for the Prince Edward Island Motocross Association. If any rider or parent has any concerns regarding safety or any other matter, they come to me and I take appropriate measures to see that this issue is resolved.

It is the number one focus of the Prince Edward Island Motocross Association to promote safety in motocross on Prince Edward Island. There are three key areas where safety comes into play: proper safety equipment, an appropriate sized machine and a safe operating environment.

As a child, I was never allowed near my dirt bike without all of my appropriate safety gear: proper riding boots, knee and shin guards, long pants, a long-sleeved shirt, a chest protector, gloves, an approved helmet, and goggles or eye protection. I continue this

practice today because I wish to be as safe from injury as possible in the event of a crash.

I began riding on a 50 cc machine that had an adjustable throttle limiter so that my parents could gauge my speed to my riding ability. When I started, I could go no faster than a walking pace and I advanced in bike size only as my skill warranted.

Before any competition, a race track is inspected to ensure the highest level of rider and spectator safety. You will also find that a parent or supervising adult will do this before allowing a young rider access to any new riding area.

So you see, any age group can operate a dirt bike or ATV if certain safety guidelines are observed.

**Chair:** Another member of our Committee.

**Adam Arsenault:** Okay, I'll start there.

So you see, any age group can operate a dirt bike or ATV if certain safety guidelines are observed. When children are younger their capacity to learn is much greater. Therefore, it is at a young age that we should teach our youth about responsible off-highway vehicle use.

On any given weekend, you may find dozens of off-highway vehicle users enjoying the outdoors, be it in an old gravel pit, a woods trail or on a practice track. The atmosphere will always be laid back and friendly. Motorcyclists are the nicest people you'll meet anywhere. You could show up with a brand new machine or one that's seen better days. You could be five or you could be 50. One thing's for sure, you will always be treated the same. The more experienced members of our sport are never afraid to lend a hand with riding tips or other knowledge.

Nearly every weekend throughout the summer my father, my brother and more recently my neighbour, Tanner, and I go riding. Tanner is ten years old and he first swung his leg over a motorcycle six years ago. He always wears his riding gear and has never been injured while riding. He is one of the most competent trail riders that I know. He never gets in over his head and knows the limitations - his limitations as well as the limitations of his machine. I know many riders who started riding in their late teens who often lack the knowledge and experience to operate their machines as safely as others.

On any race day, you will note that most people have their entire family present as they enjoy the relaxed atmosphere and family friendly setting, not to mention the exciting action out on the track. You will also note that everyone gets involved with motocross. Whether it's working on bikes, or helping out with the track, it's definitely a great place for a family to be.

A lot of young riders will learn by absorption and by mentoring by older, more experienced riders, but training schools are put into place by the Prince Edward Island Motorcross Association and are geared towards beginning riders. These riding schools teach the basic fundamentals of safe, off-highway vehicle use in a controlled environment.

I'd like to touch, for a moment, on the difference between dirt bikes and ATVs. While these machines operate on off-highway settings, they are made very different in their handling characteristics and a distinction should be made. Take my friend, Tanner, for instance. He now rides a 65 cc machine because of his size. I have some photographs here I'll just pass around. As you can see, he can touch the ground with no problem. Because of his size, it's physically impossible for him to mount a full-size machine. He can't mount it and he

can't get it going. But a full-size ATV, there's no problem for him to climb aboard, push the starter button, and he's off. But this wouldn't be safe or appropriately sized for him to handle. That's not to say there are not appropriate size ATVs for all ages.

In conclusion, I would like to state this: in raising the legal riding age to 14, more criminals will be created because many will not abide by this law. An unsafe condition could be created with older riders entering the sport without the training and experience necessary to operate a full-size machine, and a great family sport for all ages will become discriminatory towards our youth who we'd like to have involved.

**Chair:** Okay, great. Two points, Adam. We'll have questions from the Committee. Does Tanner wish to say anything?

**Adam Arsenault:** I think he'll answer your questions if you have something to say.

**Chair:** All right. So Cletus, Mr. Dunn.

**Mr. Dunn:** Thanks very much, Adam and Tanner. I had a chat with Tanner back there. Tanner's been riding for a few years, four years now. Do you enjoy the sport?

**Tanner Nicholson:** Yes.

**Mr. Dunn:** What happened to your hand?

**Tanner Nicholson:** I hurt it playing hockey.

**Mr. Dunn:** You ruined by punch line. No, I didn't expect any different.

I guess with all the presentations we had, we had quite a few presentations from motocross people, and the people who present to us are very responsible, very cognizant of the safety issues, very aware of their young children of their abilities, their appropriate size machines. You guys aren't the problem. It's the ones that are not

responsible that are causing the problems. I guess that's in any - no matter what you drive. People driving cars are not responsible as well.

**Adam Arsenault:** We're just trying to make you aware that we're out there.

**Mr. Dunn:** Whether it's through legislation or through regulation, how do we make those people more responsible?

**Adam Arsenault:** I'm not sure how you can make it enforceable. If I go riding - and I've ridden with people all over the Island - and there are some irresponsible ones we've been with and we don't call those people any more. They're not invited to come with us: people who are disrespectful to other people's property, things like that. I don't ride with those people and I'm the first one to stop them and say: Hey, look, stop that or we're all going to go home or whatever. I don't know what you can do beyond that. I mean, a lot of people come up and they say they have problems with people riding on the trails, but that's already illegal. Right?

**Mr. Dunn:** Right.

**Adam Arsenault:** So, I mean, we have to start somewhere with enforcing the current laws, I guess -

**Mr. Dunn:** That leads into my second question.

**Adam Arsenault:** Sorry.

**Mr. Dunn:** No, you just led me down the road. Where do you drive them, if you can't drive on the trails and you can't drive on the road?

**Adam Arsenault:** We have a lot of trails. Most of the land we use, we have permission from owners.

**Mr. Dunn:** So you have your own set of

trails?

**Adam Arsenault:** Our own set of trails. The thing with bikes is we usually have to load them in the truck and lug them around, but once we get to our riding area we can unload and we can go for quite a ways. And old pits, there are some trails through the woods near our home, and several practice tracks that are sort of private but -

**Mr. Dunn:** Do you feel it would be a challenge as a dirt biker to ride on the trail?

**Adam Arsenault:** To ride on the Confederation Trail?

**Mr. Dunn:** Yes.

**Adam Arsenault:** No, but it would be a good way to link trails.

**Mr. Dunn:** I agree with you. Okay, thank you.

**Chair:** Okay, Mr. MacKinley.

**Mr. MacKinley:** When we were in Kensington we got in a little late there, a couple of minutes late, but we were in Kensington. One of the Police Association was there and they basically said if you're riding on a trail, they don't have enough police officers or anybody around to enforce it anyway. They can't catch you, period.

I know around my own farm there there's probably a lot of ATVs and dirt bikes go through it. We never have any problems. Actually, I don't mind them going through because they sort of look after the place for me, too.

There's just one thing. The ATVs - and you're dirt bikes, so my son's in dirt bikes too - but the ATVs, if you have proper training to drive them - and something I've been thinking about is roll bars or a cage. You can buy a cage.

**Adam Arsenault:** If you had a cage for a four-wheeler -

**Mr. MacKinley:** Yes.

**Adam Arsenault:** - in the incident of a crash because there's no seat belt, you could get pinned under the cage.

**Mr. MacKinley:** No, you'd have to put a seat belt on. Like, you can get seat belts for ATVs.

**Adam Arsenault:** Can you?

**Mr. MacKinley:** Yes,

**Adam Arsenault:** Okay, this is all news to me, I don't own an ATV.

**Mr. MacKinley:** No, no, I checked with the dealers. You can get a cage. So say, for instance, if you're under 16 and you could drive with the proper training - which most people will have - but have, you know, like the cage. Like on a farm tractor, you can't drive a farm tractor unless you have a roll bar and a seat belt. I thought of roll bars when I talked to some of the manufacturers, and they call them cages. You know, they go up around. How would you think that would work?

**Adam Arsenault:** The only thing is I'm not an experienced ATVer, but I know in certain instances it's safer for you to sort of step off or move away from the machine if there was a collision. Right? That'd be my only concern.

**Mr. MacKinley:** I just wonder that.

**Adam Arsenault:** The nature of an ATV, you have to lean to move a lot to counteract its inertia, so a seat belt would be restrictive to their riding position, in my mind.

**Mr. MacKinley:** Because this government seems to want to regulate everything we do

and, you know, you're in a committee here and they want to bring in these regulations. We're going to be forced to vote and I'm only one vote on the Committee, type of thing. You know, you could see regulations. It's not the act that goes through the House. It's the regulations that go through Executive Council that's really the ones that tie your hands up.

**Adam Arsenault:** I don't know. That'd be a question to ask maybe some of the ATV people.

**Mr. MacKinley:** All right.

**Chair:** Our next questioner is Mr. McCardle, but before that, I'd like to welcome the Premier to the meeting, Pat Binns. You're welcome to join us at the table. I'll let that to be your choice, if you wish. You're an ex-officio member of every committee of the House. Anyway, welcome.

Mr. McCardle, followed by Mr. Currie.

**Mr. McCardle:** Thank you for your presentation, Adam. You mentioned training schools.

**Adam Arsenault:** Yes.

**Mr. McCardle:** So you put them on?

**Adam Arsenault:** I've actually agreed to help with one this spring, but I've attended some as well.

**Mr. McCardle:** Who puts them on?

**Adam Arsenault:** It's sort of in conjunction with the PEI Motocross Association.

**Mr. McCardle:** Are they approved courses?

**Adam Arsenault:** They're not necessarily approved by anyone because we're not - I don't think we know of any that are approved or approved instructors.

**Unidentified person:** Not for a motorcycle.

**Adam Arsenault:** Not for a motorcycle - the thing that a lot of -

**Unidentified person:** (Indistinct) the people who put our courses on are pro riders. (Indistinct) drivers that have probably 15 years at least under their belt, they've been trained by professional riders, they are training people and they teach them safe practices.

**Mr. McCardle:** Is there a safety course for motocross?

**Adam Arsenault:** The thing is -

**Mr. McCardle:** The CYC are the ones we talked about.

**Adam Arsenault:** Yeah, in Charlottetown, there was a gentleman presented about the CSA or whatever. If you had a safety training course for off-highway vehicles, it wouldn't be as feasible if it was mandatory because what they're going to teach Tanner, for example, at a training course is all about four-wheelers, and they handle totally differently than a bike and you can't really compare them.

**Mr. McCardle:** But are there separate courses?

**Adam Arsenault:** I don't know. Like Scott said, we have pro riders who teach all of our schools who are very experienced, most of them with upwards of 15 or 20 years on bikes. In my mind, that's the best way to learn is through mentoring and learning from people who know.

**Mr. McCardle:** We had testimony in Charlottetown to people who put on these courses for ATVs.

**Adam Arsenault:** Yes, I was there.

**Mr. McCardle:** Even experienced riders always learn something.

**Adam Arsenault:** Yes.

**Mr. McCardle:** To have an experienced rider is certainly a good advantage.

**Adam Arsenault:** Oh yes, but if there was a course that was specific for an off-road motorcycle instead of an ATV or a four-wheeler because - I'm not a four-wheeler rider and I don't plan to be. If I took this course, it's not going to help me at all once I go back to my bike because it's a totally different handling characteristics, different terrain that you use and this sort of thing.

**Chair:** Mr. Currie.

**Mr. Currie:** Did you take a safety course, Tanner?

**Tanner Nicholson:** No.

**Mr. Currie:** Sorry?

**Tanner Nicholson:** Not yet.

**Mr. Currie:** No. You got a track in your own yard.

**Tanner Nicholson:** Yes.

**Mr. Currie:** But you've been guided by, you're supervised by your parents all the time.

**Tanner Nicholson:** Yes.

**Mr. Currie:** I think, Adam, it probably was a good learning experience for us in a lot of these sessions as we went across PEI was I guess, what we learnt is a lot of parents take a lot of time and pride in teaching the kids how to drive, whether it be motocross - mostly motocross, I guess, but even ATVs. There's always a few that don't provide the

necessary training. If we had a lot of those parents that teach you and that teach Tanner and would agree, I guess, or take safety training courses, we probably wouldn't be having these meetings, I guess, to some degree. I think that's what we're trying to get is to gauge opinion and find -

**Adam Arsenault:** Well I agree -

**Mr. Currie:** - on common ground that we can make it safe for everybody.

**Adam Arsenault:** - there should be mandatory training for off-highway vehicle use. I'm not sure how you'd do it, is all, but I mean that's -

**Mr. Currie:** What do you do with the ones that want to abuse and have no respect for people's property?

**Adam Arsenault:** What do you do with people who speed or drive recklessly on the road?

**Mr. Currie:** You put fines in place.

**Adam Arsenault:** Fines in place, I guess. I don't know. Most of the things that are happening, especially on Prince Edward Island are on private land, right?

**Mr. Currie:** You guys have controlled courses?

**Adam Arsenault:** Controlled, most of our environments are controlled, yes.

**Mr. Currie:** It's the ATVs that we're -

**Adam Arsenault:** But there's no public trail system for the ATVs either, right? The land that they're using is mostly private.

**Mr. Currie:** So are the laws - I guess your regulations would only apply to government property. It doesn't apply to private property.

Do you race competitively, Tanner?

**Tanner Nicholson:** Yes.

**Mr. Currie:** Just on PEI?

**Adam Arsenault:** He raced off-Island this year.

**Mr. Currie:** Off-Island too?

**Tanner Nicholson:** Off-Island, one race.

**Mr. Currie:** He's the reigning peewee champion for Prince Edward Island this year.

**Mr. Currie:** That's good.

**Mr. Dunn:** We heard that.

**Adam Arsenault:** His reputation precedes him.

**Chair:** Mr. Bagnall.

**Mr. Bagnall:** What size machine do you race?

**Tanner Nicholson:** A 65.

**Mr. Bagnall:** A 65?

**Tanner Nicholson:** Yes.

**Mr. Bagnall:** So what did you start with?

**Tanner Nicholson:** I started with a 50.

**Mr. Bagnall:** A 50, and you developed your skills on a 50 and then moved up to a 65.

**Tanner Nicholson:** A PW 80 first.

**Mr. Bagnall:** Okay. I take it you wear your safety gear every time you're on it?

**Tanner Nicholson:** Yeah.

**Mr. Bagnall:** What do you feel about those proposed regulations that right now they're proposing anyone under 14 years of age not to be permitted to drive ATVs or off-highway vehicles? How would you feel about that?

**Tanner Nicholson:** Not good.

**Mr. Bagnall:** You wouldn't feel good, would you? Okay. Are you always supervised when you drive?

**Tanner Nicholson:** Yes, either by Adam or my parents.

**Mr. Bagnall:** At all times? Okay. Do you have friends who drive with you?

**Tanner Nicholson:** Yes.

**Mr. Bagnall:** How many do you have in the area that you drive with?

**Tanner Nicholson:** Ten or 11.

**Mr. Bagnall:** Okay, that should be it for now.

**Chair:** Go ahead, Mr. McKinley.

**Mr. MacKinley:** How old did you say you were?

**Tanner Nicholson:** I'm 10.

**Mr. MacKinley:** Ten, and you've been driving for -

**Tanner Nicholson:** Since I was four.

**Mr. MacKinley:** Since you were four. There's no trails that I know of, I don't think, on PEI for motorcycles or dirt bikes to go on, is there? Like you know like, you know how we got the Rails for Trails. If there's nowhere really I guess, maybe you can in the country, where you can go out and go driving for say, five or 10 kilometres. Is

there any place like that?

**Tanner Nicholson:** Not really.

**Adam Arsenault:** No. We got to load our bikes in the truck and haul them to wherever we want to ride.

**Mr. MacKinley:** So if there was a trail system, like you know, our Rails to Trails, we have Ski-Doos on in the winter. We have hikers and then walkers in the summer. Maybe we should be looking at - and this would go to you. Adam, is it?

**Mr. Dunn:** Tanner.

**Mr. MacKinley:** Tanner. The question I have you for, Tanner, is: Do you think it would be good to have, say, a five or 10-kilometre trail where you and your friends could go and drive on it?

**Tanner Nicholson:** Probably, yeah.

**Mr. MacKinley:** All right.

**Mr. Bagnall:** Just one more thing, Wes.

**Chair:** Mr. Bagnall.

**Mr. Bagnall:** You have the safety program, like, they're talking whether you should have safety programs. I know you use all the safety equipment, but training, how do you feel about training? If you went for training and you were allowed to drive with supervision under the age of 14, with training and with safety equipment, how would you feel about that?

**Tanner Nicholson:** Not very good.

**Mr. Bagnall:** Would you feel better not having it at all?

**Tanner Nicholson:** No, I'd rather have like an adult or a bigger kid.

**Mr. Bagnall:** Okay, so you don't think you need training?

**Tanner Nicholson:** Yeah, I want training.

**Mr. Bagnall:** You want training, okay. But if you had an opportunity to drive under 14 with supervision and training, it's a better option than 14 and not driving, right?

**Tanner Nicholson:** Yes.

**Mr. Bagnall:** Okay, so you'd be happy with that?

**Tanner Nicholson:** Yes.

**Chair:** Adam, the last word is yours. Do you want to sum up your position?

**Adam Arsenault:** No, I don't think so. I think I got all my points across.

**Chair:** Well, thank you and Tanner for your presentation. Now we'll call up Jim Evans. Jim Evans is not here? Then we'll call Corey McGuigan. Corey?

Okay, I'm not sure who Corey is. Corey is the dad, all right. Somebody's well organized. Corey McGuigan. Could we begin by having the speaker state your name and who they represent, if you represent yourself or an organization, so we can make sure that when we record your voice we know who you are.

**Corey McGuigan:** My name is Corey McGuigan and this is my son, Liam Farrell. I guess I represent a concerned parent and a motocross fan and rider and parent of a rider.

**Liam Farrell:** My name is Liam Farrell.

**Corey McGuigan:** Liam's got a little letter he wants to read.

**Chair:** Sure.

**Liam Farrell:** Hello, ladies and gentlemen. My name is Liam. I am seven years old. I have been driving a dirt bike for two years. I always wear my safety gear. When I ride my dad always supervises me. My rider friends and I know that safety is number one. I love riding. Please don't take it away. Thank you.

**Chair:** Very good.

**Corey McGuigan:** Good job, buddy.

First of all, I'd like to say thank you for the opportunity to hear our thoughts and opinions. Like my son Liam has said, he's been riding for approximately two years and hopes to do so for a number of years to come. With us, safety is a number one issue.

I guess before I go too much farther, I guess I should say that I represent the dirt bike side of things, if there is one. We don't have any experience with four-wheelers or we don't own any. We're a dirt bike family. My wife has one as well. We look forward to it every weekend right from the time it dries up in the spring until the time it freezes in the fall.

Like he said, safety is a number one issue with us. Whenever we ride, whether it's myself or together with Liam and my wife Shelley, it's full gear in controlled environments, whether it's the tracks around PEI or our own little practice track in our own yard. It's a controlled environment. We typically ride where there are no trees or rocks or anything that would harm us. All the riders go in the same direction. It's as safe as it can get. We're not naive to think that the sport itself doesn't come without its own risk, but most sports certainly do have their own risks associated with them.

It is a family activity. We look forward to it every weekend. We're involved with the PEI Motocross Association and we look forward to every meet. We have, I believe there are six of them upcoming this summer and there were four or five last year. All the families

involved are willing to help and they're really into the scene. It's a growing activity on PEI and it's a very nice community to be involved with. I believe that with any sport it's the responsibility of the parents to make sure that their children aren't in over their heads, whether it's sending kids out on the ice with older kids that they're not ready to compete with or standing in front of a pitch that's coming too fast at them. I believe that dirt biking is no different.

You should start with smaller dirt bikes and move their way up through. Actually, the Liam's first machine, he got a PW50 when he turned five years old. I'll remember this fondly for the rest of my life. I spent an hour to an hour and a half pushing and pushing and pushing him on it in the yard just so he would get accustomed to the feel and the handling characteristics of the bike. I don't believe that any ATV or dirt bike should be considered a toy or a pastime where parents let their children play with it as they would a dinky or a truck. They are a vehicle, for sure.

I believe this is your sixth or eighth meeting on this subject and you've probably heard a lot of the comments and I'm probably not saying anything new to you, but I guess if you're looking for recommendations I would agree with the idea of having some kind of a safety course for beginner or novice or young riders. As well, parent's participation should be mandatory in that as well.

Another recommendation would be to have designated riding areas. I hear a lot of trail talk, but in our dirt biking scene or sport, trail riding is fun but it doesn't have to be miles and miles of track. It can be just a few acres where you can make your own track.

That's pretty well all I have to say about the issue. Like I say, we really enjoy the sport. It's a family activity. We look forward to it every dry day, some wet days too. It would be a shame to take it away from him at this point.

**Chair:** So I assume you'll answer questions?

**Corey McGuigan:** Pardon me?

**Chair:** You'll answer questions from the panel or members of the Committee?

**Corey McGuigan:** Yes.

**Chair:** Mr. Dunn.

**Mr. Dunn:** Liam, I'm assuming - and I guess your dad can help you here too - is that are there different lengths of courses for different age groups? Like how many - do you go the same distance as everybody else goes in racing?

**Liam Farrell:** Not really.

**Mr. Dunn:** Not really, okay.

**Corey McGuigan:** Typically, they shorten the track to an area where the parents can access their child if they tip the bike over or go out and assist them or anything like that, if they get stuck in the mud.

**Mr. Dunn:** What would be the normal length for a course for, say, a 12-year old? Like are you looking at a mile or a half mile? I have no idea.

**Liam Farrell:** I don't know.

**Corey McGuigan:** They typically run them by times. Scott, what is the norm? Eight minute moto?

**Unidentified person:** Eight minute moto, they're eight minutes plus a lap. The lap time is geared for a full-sized rider on the tracks, the track (Indistinct) is 45 seconds (Indistinct) probably 30. If there is a smaller bike, they cut the course, they're probably doing it, I mean they're going much slower. They're going probably two-thirds of the track and their lap time is probably four

minutes or three and a half minutes.

**Mr. Dunn:** So it's the same track for everybody, just you have different -

**Unidentified person:** (Indistinct) certain sections of it (Indistinct) the smaller bikes.

**Mr. Dunn:** Okay. I guess we had mentioned the other day too, in trying to compare dirt bikes with an ATV material bikes, they tell me there's a different skill set to operate each one. Do you feel that way?

**Corey McGuigan:** I've got limited experience on a four-wheeler but I have driven them before. I know that we grew up on bicycles, most of us. It's a more natural characteristic to a dirt bike than there is a four-wheeler. Certainly the rider-to-vehicle weight ratio is tighter so you have more control over a dirt bike than you do a four-wheeler. Then again, I haven't driven a four-wheeler a whole lot either.

**Mr. Dunn:** Is there a ratio between age and sizes? Like a 50 cc, there's a weight relationship there between the age and the size of the machine? You're saying a ratio.

**Corey McGuigan:** Yes. That's not a scientific ratio or anything like that. That's just a -

**Mr. Dunn:** A manufacturer's recommendation.

**Corey McGuigan:** A manufacturer's recommendation. Typically, as the skill set gets more developed and the child grows, you usually get into a bigger machine that he can fit into.

**Chair:** Mr. Bagnall.

**Mr. Bagnall:** Just getting back to that, Corey. Do you think there should be an age group for a size or it should be age for the size of the machine or size of the individual?

**Corey McGuigan:** Age is a little bit tough, because I guess Liam's a pretty big boy for his age, but I imagine he's pretty close to what would ever be recommended. Some other issues to consider there might be two-stroke and four-stroke, because a four-stroke motor is typically - or a two-stroke is, the cc is - how do I put this? - a four-stroke displacement motor usually has to be twice as big as a two-stroke to produce the same amount of power.

**Mr. Bagnall:** Like one of our presenters here, we had (Indistinct) presented and he said that for safety, his recommendation I think was that for ages 6 to 8, that they should be riding about a 50 cc bike, ages 8 to 12 could go up to 100 cc.

**Mr. Dunn:** He was talking ATVs.

**Mr. MacKinley:** You're talking about ATVs.

**Mr. Bagnall:** He was talking ATVs and dirt bikes. I got both of them marked here.

**Mr. MacKinley:** I didn't think he was talking dirt bikes.

**Mr. Bagnall:** The second one was the supervision, that they always should be supervised and they all have a training course. Obviously, anybody that we've heard from in motocross is all going through training courses. Has Liam had a training course of any kind yet?

**Corey McGuigan:** Not a formal one, but like I say, it's a very community-based sport where we ride with Tanner and Scott and all those in attendance here. When there's help to be had, it's there.

**Mr. Bagnall:** Do you think that the dirt bikes and the ATVs should be grouped together?

**Corey McGuigan:** No.

**Mr. Bagnall:** They should be handled separately?

**Corey McGuigan:** Yes.

**Mr. Bagnall:** Okay, thank you.

**Chair:** Any other questions from the panel?

**Mr. MacKinley:** I have just a quick one. My children both started with 50 cc's dirt bikes. They weren't into ATVs, but they were into dirt bikes, and then they went up to the 250s at the last end of it. I could drive the 50 one. I didn't do that good job on a 250, I found it too heavy. But an ATV now, a dirt bike is - I think you want to be able to have your feet touch the ground when you're taking the turns and after if you're just driving along. Where an ATV, you don't do that. I found an ATV a lot easier to drive, say, than a dirt bike. That's just sitting on them and starting to drive.

But the ATVs are more of a sightseeing machine, I think, or you can use them for taking in clams or quahogs or you can use them for different things. Where a dirt bike is more for the tracks and recreation type of thing like that. Is that not right?

**Corey McGuigan:** Certainly, there's a farming ability or whatever you want to call it that can be used with the four-wheelers that doesn't exist with the dirt bikes, yeah.

**Mr. MacKinley:** Like for instance, on my farm, if there's a young fellow 12 years old or 10 years old and he can jump on a hay mower and go cut hay, if he's been used to dirt bikes or ATVs, that he has the training or whatever it was to drive them. He can sit on a machine and run it. Where somebody could be out of college and never had any of that experience, but yet came from a farm but hadn't been around a farm, couldn't drive one. I think the people that are on ATVs, dirt bikes or whatever these machines, are a lot better drivers on our

highways when they turn 16 too, because they sort of come up through the system.

**Corey McGuigan:** I agree with you 100%, yeah.

**Chair:** Any other questions? Thank you Corey and Liam.

**Corey McGuigan:** Thanks everybody.

**Chair:** Very much appreciate your being here.

**Liam Farrell:** Thanks.

**Chair:** Thanks for bringing your son. Appreciate that.

We'll now call on Ken White. Ken is here somewhere. You have others with you. Bring your chairs with you if there's a bunch. Okay, who's going to be the spokesperson here, or are all three of you going to speak?

**Kenneth White:** I'll speak and these two will speak too.

**Chair:** When you start out, can you just say your name and who you're representing so we make sure that we understand who's speaking?

**Kenneth White:** Okay. I'd like to thank you all for coming this evening. My name is Kenneth White and I belong to Eastern PEI ATV Four-Wheeler Association.

**Chair:** The floor is yours. Whatever you want to do.

**Kenneth White:** I'll introduce them.

**Glen Ryan:** I'm Glen Ryan and I'm representing the Eastern PEI ATV Association.

**Chuck White:** I'm Chuck White,

representing Eastern PEI ATV Association, and a concerned parent of a four-wheeler driver who's under 14.

**Chair:** Welcome. Who's going to speak?

**Kenneth White:** I guess I'll go first.

My issues on ATV four-wheelers, is the age. Fourteen and under should be able to drive ATV four-wheelers. We're looking for a training course under the age of 14, and over 14, parent's guidance. That's what we're looking for. Pass you on to, Glen.

**Glen Ryan:** I'm looking for under 14 being able to drive them. Because I have a boy with me here now that is and he does and we'd hate to lose the privilege for him. I'd like to see a training course for whatever age, but up to 14 for sure to be mandatory. I know my son wouldn't have any problem taking that course. We'd hate to lose the sport because him and I drive a lot and the only time he ever drives is when he's with me. I'm always with him. If he has friends over he doesn't take the bike out. That's not what it's - and we drive as safe as we can and so far we've been lucky.

**Chuck White:** I have a 12-year old son that drives a four-wheeler. He's been driving it for probably three years now. He knows it's not a toy. He doesn't use it for play. He does enjoy an occasional drive on it, with my supervision, of course. He likes to move the snow in the yard if we happen to get some. He does a good job of it. He knows that he has rules and parameters. If he's on the machine, the machine goes into low-range gear and he's not to go out of second-gear which he can't exceed 10 or 15 miles an hour. Either me or his mother are there supervising him at all times. He knows his limits. It teaches him responsibility to the point where he knows if he does something wrong or if he tries to horse around, he loses that privilege that he gets.

We spend a lot of time on it as a family. I have a two upseat and we go on Saturdays or after school or whatever. It's a great way to spend some time together. It'd be nice to have access to more wide-ranging trails which, as you guys know, we've been trying to work on you with that a little bit. It's a challenge sometimes to get from point A to point B, but we can do it. We work around it. He's taught to respect the machine and respect people's property and treat it right. It's basically an early learning experience for life. Thank you.

**Kenneth White:** We also have a club down in Abney. We hold a monthly meeting, first Sunday of every month. We have 50 paid up members. We have 300 applications out there of ATV persons who want to be members in our club and they all have children under the age of 10. What they're looking for is family outings. Take your family out for the weekend, your little kids, on smaller machines, 50s and up. So we're looking for smaller bikes for underage kids and bigger bikes for older age kids. That's what we're looking for. And a place to drive them.

**Chuck White:** And training.

**Kenneth White:** And a training course, of course. We approached the government here two years I think, the Premier - I think it was a couple of years - about a trail system, since we don't have access to the Confederation Trail. We tried to get half and half on the trail system. We even offered to help maintenance on the trail system, which there are too many people out there that are against ATV four-wheelers.

So if we have a place to drive ATV four-wheelers on a trail which can be heavily supervised and maybe policed, that we can have the younger kids out there and get them out of the villages, off the streets, off private land, and on a trail system. They should be made to take a training course. That's what

we're looking for. Thank you.

**Chair:** We're going to ask you some questions. Are you ready for them?

**Kenneth White:** Yes.

**Chair:** Mr. Bagnall was first, followed by Mr. Dunn.

**Mr. Bagnall:** Glen, how old is your young fellow?

**Glen Ryan:** Eleven.

**Mr. Bagnall:** Eleven. What size machine does he drive?

**Glen Ryan:** He drives a 250.

**Mr. Bagnall:** Drives a 250.

**Glen Ryan:** He started off, he had a 50 cc when he was probably six. He went up to a 90, and now he's up to a 250 because he's big for his age and he can handle it.

**Mr. Bagnall:** Okay. You have no problem if it came down - I think the proposed regulations say that at 14 years and under they wouldn't be permitted to drive ATVs. That's what we had in front of us here. If that is changed to under 14 that they must have a mandatory training course, mandatory that they wear safety equipment, mandatory that they drive machines that are compatible with their age, and under the supervision of parents, would you be agreeable to all those conditions?

**Glen Ryan:** If he had to drive a bike smaller, he's take it, yeah, instead of losing it altogether. We'd go back to a smaller bike for him. I would.

**Mr. Bagnall:** Okay. What about your young fellow, Chucky? He's twelve. What size machine is he driving?

**Chuck White:** He's driving my bike, 400 Arctic Cat.

**Mr. Bagnall:** Oh, 400 Arctic Cat.

**Chuck White:** That's where I use the low range side of my transmission, Jim, to regulate his speed.

**Mr. Bagnall:** But that's a pretty big machine for a young person, isn't it? That's what we've been told all the way through these hearings. That kids, you know, that's the problem. Even when the people from Halifax, from the IWK, were there, that was one of the things, that their complaint was, that children were driving machines that were too big for them. Do you feel it's too big for him?

**Chuck White:** I feel the safeguards that we've put in place for him, he capable of handling it. He's a fairly good chunk of a kid for 12.

**Mr. Bagnall:** Does he always wear safety gear?

**Chuck White:** Yes, always. Not allowed to turn the key if he doesn't have his gear on.

**Mr. Bagnall:** Okay, thanks.

**Chair:** Mr. Dunn followed by Mr. MacKinley.

**Mr. Dunn:** Jim asked two of my questions. I was just going to ask the manufacturer's recommendation and you both addressed that. Getting back, Ken, you talked about your club, you have fifty-some members there. A quick question for you. Are most of your vehicles registered and licensed?

**Kenneth White:** Yes. That's a requirement of being in the club. We also got an identification sticker.

**Mr. Dunn:** Of your club?

**Kenneth White:** Of our club, yes.

**Mr. Dunn:** So they'd be recognizable anywhere.

**Kenneth White:** On ATV four-wheeler.

**Mr. Dunn:** Okay. I guess the last one that I think is the biggest issue, of the age issue here, is the safe site where you guys can travel.

**Kenneth White:** Right now we're on a lot of private land.

**Mr. Dunn:** With permission.

**Kenneth White:** With permission. Definitely, no question about it. We do not go on until we ask. We hold ATV poker runs and we donate part of the proceeds to charities. Christmas Daddies and stuff like that. We've been doing it every year for the last, what?, three or four years now.

**Glen Ryan:** Four years, I think.

**Kenneth White:** We've been doing that. We get permission and we go ahead with our trail system.

**Mr. Dunn:** I guess this is my sort of pet issue. I hear a lot of people demanding, and in Elmsdale last night we had about probably 50 people there, a lot of ATVers there, and they all want to get on the trail. I've never driven an ATV in PEI. I've driven in Ontario. I just find I think people would be bored silly driving the trail.

**Kenneth White:** It's a straight trail.

**Mr. Dunn:** Straight and flat.

**Kenneth White:** That's right.

**Mr. Dunn:** They're all-terrain vehicles meant to drive on off-road systems.

**Kenneth White:** All-terrain.

**Mr. Dunn:** So we need an alternative site to the Confederation Trail. I don't think the Confederation Trail is the answer. It may help link up sites.

**Kenneth White:** Yes, that's an idea.

**Mr. Dunn:** And you may use a section of the trail in order to get from this site -

**Kenneth White:** Point A to point B, that's right.

**Mr. Dunn:** That's right. I can't believe when some people said - I told a guy the other night, I said: Don't sell yourself out that the Confederation Trail is the answer. It's not. And you'd be bored silly. The Confederation Trail is just going to become a speedway.

**Kenneth White:** But it would be nice, though, to link you from point A to point B without putting a whole bunch of money into it, involved into it like, when the trail system's already there. But no, we don't want to go and go bam to point A to point B. No, we don't want that. We want to get from point A to point B slowly on rough terrain or whatever, stop in at pits, stuff like that.

But we want to make sure that we still get from point A to point B. Because we've got people that come in rallies with us, poker runs and stuff like that, from the other end of the Island. It would be kind of nice if they can jump on their bike and take a trail system.

**Mr. Dunn:** My other question, too, is that I feel that the ATVers are where the snowmobiles were 20 years ago. I remember we had a snowmobile club up west in St. Lawrence and they had the same thing you have. They had private land, permission to go on private land, and they had their own trails. This was before the Confederation

Trail was developed. So you people are probably in the same boat as they were, 20 years later, because the ATV industry is starting to boom now. There's a lot of vehicles out there.

**Kenneth White:** Yes, it's picking up heavily. Do you have a comment?

**Chuck White:** A comment for Cletus. We've done quite a bit of travelling on the mainland, both New Brunswick and Nova Scotia, as a club and as just five or six individuals get together and go. Make new contacts with the mainlanders, guys we know over there, and go. Over there they do use Confederation Trail. Well, they don't call it Confederation Trail. They call it the rail beds there. They do exactly what you're talking about. They use it as link-ups. You might use it to get from one mountain to another or link up different areas. You've got to get gas at some point. It's nice to be able to go somewhere and have a meal. If you could use that part of the trails in that sense.

But we don't want to go just in a straight line from here to - we're not going to go to Sobeys and buy our groceries on these machines. We're out for something to do. We want to have a good time. Like you said, they're built for all-terrain and that's what they're meant to be used as, with the proper training and safety requirements needed.

**Mr. Dunn:** Thanks, Chuck.

**Chair:** Mr. MacKinley.

**Mr. MacKinley:** I'm going to just - I don't know that much about them, but up in Cornwall there's probably a dozen farmers and ATVs have trails through all their properties. We never had any trouble with them. There's one thing here we're talking about. I think that a course or a course by the parents or if you're trained, you know. Everybody's got to learn somewhere. So

that's important. It's important with the gear such a helmet, etc.

The only thing is I'm looking at - before I came down I phoned one of the parents, a couple of the parents I guess, and asked them how old their children were driving ATVs through the farms. One guy said his son was 11, one girl was 10 and one young fellow, I think he said, is 13. I mean there's about 10 of them and I see them going. I could be cultivating or I could be back with the cattle in the field, and to me there's no supervised parents or anything. But they're all - like I have no problem with driving on the farm because they're careful. They're not over racing or anything like that.

So I'm just wondering, like with the proper training, you seem to be talking supervision of parents but I'm wondering. I can't see too much wrong with, say, your 10 and 12-year olds, if they have the proper training, driving by themselves. Maybe I'm all out to lunch on it, but I'm just talking about experience on my own farm. I've seen them. I couldn't believe one young fellow he said he's - I thought he was about 15 or 16 but he's 13.

Anyway, this is from my observation of watching them. I tell you, they're a lot better than a group of adults driving Skid-Doos through the farms on a Friday night or a Saturday night maybe. Not all adults, but a few. I thought they were very capable of what they're doing. What do you think of that, say under 14 without supervision?

**Chuck White:** I know my young fellow, Ronnie, I would have no problem letting him go. He knows his limitations. We all got to remember, this is PEI. Everybody knows everybody else's business.

**Mr. MacKinley:** That's right. You can't move.

**Chuck White:** If something happens, if my young fellow's on your front yard tearing

around in circles, I'm going to know about it in short order.

**Mr. MacKinley:** Yes, you would.

**Chuck White:** He's responsible and he knows the rules. As a responsible parent, if you don't know what your child's capable of or you don't trust your child enough to let them do this, you've got to give your head a shake and give it a second thought and maintain your control. Because it's just as simple as teaching them right. That's the big thing.

**Mr. MacKinley:** Teach them right.

**Chuck White:** That's my biggest feeling.

**Mr. MacKinley:** I guess it's training or teaching them right by the parents and they respect each other's property and we have no problems. The other farmers have no problems.

**Kenneth White:** That's why they should start at a younger age. Don't start teaching them when they're 14 years of age. If you take the thing away from, like they can't drive under 14, they're not going to learn anything because they're not going to able to drive it, the ATV (Indistinct). Start them young.

**Mr. MacKinley:** They're going to drive anyway.

**Kenneth White:** That's right. No question about it.

**Mr. MacKinley:** I mean, how are you going to stop it? How are you going to stop somebody driving? You can't catch the speeders on the road now, let alone stop the ATVs. Because the Police Association was in Kensington and said - and I put it right to him. If there was an ATV going down the Rails to Trails - not a young person, I'm talking somebody probably our age going

down, or your age there - going down the trails, two or three of them, and you want to get them off the trails, well, first of all they can't catch them with a police car because they tried that and they got caught. By the time they go and get an ATV and that, they're gone. He said they wouldn't try to catch them anyways because it would probably cause more damage trying to catch them.

**Kenneth White:** Than just letting them go.

**Mr. MacKinley:** How do you police it? You can't.

**Chair:** Mr. McCardle.

**Mr. McCardle:** You said you used the trails in New Brunswick.

**Chuck White:** Yeah.

**Mr. McCardle:** Other than the rail beds.

**Chuck White:** Yeah.

**Mr. McCardle:** Who made those trails?

**Chuck White:** The ATV clubs in the area.

**Mr. McCardle:** Of their own expense and everything.

**Chuck White:** Yes. I guess their own. They did have -

**Kenneth White:** Got a lot of (Indistinct) Kimberly-Clark -

**Chuck White:** Government assistance.

**Kenneth White:** - lands like that over there.

**Mr. McCardle:** But no government assistance.

**Chuck White:** I don't know. Do they have government assistance in the mainland?

They do a certain amount of it.

**Kenneth White:** I think some of the ATV clubs, yeah, do. I think they get some funding from the government to help.

**Mr. McCardle:** They're on Crown land probably, are they?

**Kenneth White:** A lot of it's on Crown land and stuff like that.

**Chuck White:** There is vast potential there for tourism, too. You know, I've seen as high as 15, 18 of us go over and spend a couple of nights in a hotel and buy food at the restaurants and buy their gas. That's got to be pumping money into the economy. We do not have anything like that here on the Island.

**Kenneth White:** Yes. They're just dying to get over too. Some place to drive. What do you do? Drive around your back woods.

**Chuck White:** We can show them the trails we have and they're running on our permission, basically, that we have permission to go on them, so they're with us so they have permission to go as well. But it'd be nice for them to be able to come over and just say: This is where the clubhouse is and here's a little map and you can go and do a little exploring. Maybe they'll spend three or four days or a weekend or something like that and make a little bit of a tourism thing.

**Mr. McCardle:** There are some trails on PEI now.

**Chuck White:** The ones that we've developed, yeah.

**Mr. McCardle:** How many miles do you have?

**Kenneth White:** Just depends on which way you look at it. Like, we're using a lot of

these secondary roads, on seasonal roads, we travel on. We know we're not supposed to be on them but we're using them to get from point A to point B. But we do have a fair number of trails, but they're really more or less - a lot of them call them rabbit paths. They're not passable for two machines at the same time, in different areas.

**Mr. McCardle:** Are the New Brunswick trails passable?

**Kenneth White:** Yes, they are on a lot of their trails.

**Mr. McCardle:** So there's a better standard.

**Kenneth White:** Really.

**Chuck White:** They're a lot more advanced than we are, too. They've been at this racket for a lot longer than we have. Things here just, what, the last four years basically. Since the ATV clubs got involved.

I've been on ATVs since I was 10 years old. My father bought one when I was young and we've just been on it ever since. When I could afford it financially, I bought one and my son started on it. It's almost a family tradition, if you want to go that far with it. Goes back when we had the first machines, we had one of the first machines in this area. It was pretty limited to where you could go. Whereas now you can pick your trails and we know where there are trails. We know where there are more trails all the time. We're making them. It's just more accessible. It's not perfect but it's getting better.

**Chair:** Mr. Currie.

**Mr. Currie:** Most of the presentations that were made to us, especially by parents, indicated that there's a willingness to take their kids through a proper safety training program and supervise. You've got to start them at an early age, and if they're watched

and supervised I don't think there's any problem in that, especially in a bit of a controlled environment.

The only ones that objected to under the age of 16, or totally banning, as what some people were referring to here tonight, were the health professionals who made presentations indicating that there has been accidents, there has been some deaths, and they were concerned about it. But those were the only ones that made presentations against a total ban under 16. I think what we're doing is trying to gauge opinion and learn for ourselves, I guess. I think it's a good lesson for us to see the amount of time that responsible parents spend with their kids, and they do make them adhere to safety gear and proper eye wear and their size to the size of the bike or the ATVs.

With that, I think I'll leave it at that. I think, if I understood right, you guys said that under 14 you did agree to supervision and over 14 they should be allowed to ride on their own. Is that what I understood?

**Chuck White:** I would go for that as a parent, but that's my own personal opinion.

**Mr. Currie:** With training.

**Chuck White:** With the training course, yeah.

**Mr. Currie:** You all agree to the training.

**Kenneth White:** That's when the law came out there about the bicycles, about helmets and stuff like that. There was quite a few incidents of falling off their bicycles and banging their head up. Then they made a law about you had to wear a helmet. So if there was strict laws, the ATV owners, you know -

**Chuck White:** Training can't hurt anybody. Anyone. Myself, if there was a training course offered, I would certainly take it.

There's nothing wrong with having the training. If you don't learn something every day, it's a wasted day. There's nothing you can't learn.

**Chair:** Okay. Mr. Dunn.

**Mr. Dunn:** I just want to, before we lose you guys, is one of the biggest issues, no matter what rules and regulations we make, if we can't enforce them, they're a waste of your time and ours being here.

I'm really pleased that you guys do identify your machines. Because I had some farmers call me when this came out first and they were upset that the four-wheelers up spinning around on top of the silage piles and all this kind of stuff, that they couldn't identify them anyway because they're not registered, they're not licensed, there's no decals on them. They had helmets on. They told them to get off and they just sort of gave them the finger and kept on going. It's instances like that that give ATVers a bad name. There's only a few of those too.

**Chuck White:** A few bad eggs.

**Mr. Dunn:** I was going through Hunter River one day a couple of weeks ago and it was snowing pretty heavy and this guy was just pounding her up the hill with a ball cap on backwards, trying to dodge the snowflakes, no helmet on, no nothing on. He had a huge machine.

That's the part that frustrates a lot of people, is that when something is done wrong, they can't report it. Like, if somebody is tearing up your front lawn or tearing up your silage pile, because there's no registration or very few people register their vehicle, there's no identification there. That's what frustrates a lot of people. There are only very few people that are delinquent.

**Kenneth White:** That's right.

**Mr. Dunn:** But everybody gets painted with the same brush. I guess what I'm trying to say is that if we had some way to enforce it. We talked to the manufacturers and sales people the other day in Ellerslie, and the guy that sells them said maybe the people who sell these machines should license them right on the spot, put the plates on them, put the decals on them, the numbers on them so that they're identifiable.

**Chuck White:** That's the way they're done with a car. If you buy a car on the lot you can't drive it off the lot without a plate on it.

**Mr. Dunn:** We asked the guy would you mind doing that and he had no problem doing that at all. He said: If that's going to help our industry.

**Chuck White:** Yes, it's right.

**Mr. Dunn:** That seems to be the big issue in the general public eyes, is that they have no way to identify who the culprits are. Most people they say they're honest, they're neighbours and everything else, but they want to - I had a guy out in my area that they kept driving over his lawn and just tore it all to hell. So he put a spike mat out on the lawn. He got the four-wheeler, all right.

**Kenneth White:** I don't blame him.

**Mr. Dunn:** Yes, but they got his windshield and side windows gone the next night.

**Kenneth White:** Go away.

**Mr. MacKinley:** Quite a bunch up your way.

**Mr. Dunn:** Smashed his windshield out and two side windows out.

**Kenneth White:** Serious?

**Mr. Dunn:** Oh, yes.

**Kenneth White:** One good turn deserves another, I guess.

**Mr. Dunn:** So he lost in the end. He was really upset with it. He stopped them himself. He said: I went out and I stopped the person and asked them: Don't drive over my lawn. That didn't happen and he'd ask them again. The third time he said he put the spike belt out and he lost his windshield. But I was out the other day and they're still driving over his lawn.

Anyway, those are the instances that - and he knows who some of them are. He has reported them, but most of them he can't identify because they had helmets on and no identification on their vehicles. That seems to frustrate a lot of people, the people that do abuse and lack of respect.

**Chuck White:** That's where a bit of a trail system would help too. This individual may be in a location maybe where they can't get around any other way than this section of lawn. Not making excuses for them but -

**Kenneth White:** That's an ID card for our membership and the logo on the back is the license plate that goes on the bike.

**Mr. Dunn:** That's on the bike, okay.

**Kenneth White:** That's on the bike. So if anybody is causing any disturbance or on anybody's land without permission or stuff like that, if they can get a look at that thing there, there's a number on it too.

**Mr. Dunn:** Oh, there's a number on it too?

**Kenneth White:** Each person's got a number, 66, 64. Just comes back. All they have to do is notify the Eastern PEI ATV Association, and we can pick out that person who's been doing any vandalism or anything like that, in our club. We have 50 members.

**Mr. Bagnall:** You said that all your

members are registered? Their machines are all registered?

**Kenneth White:** All ours.

**Mr. Bagnall:** You guys are the exception from what we've been hearing, because we hear there's about 8,000 machines on PEI and that there's only 1,200 to 1,300 machines registered on PEI.

**Chuck White:** Jim, we made that a regulation in our bylaws. To be a member of the club you should be registered.

**Kenneth White:** Not only that, when we go off-Island here too, like, you got to be registered and insured.

**Mr. Bagnall:** What type of insurance do you have?

**Kenneth White:** She's fully covered. I've got fire, theft, vandalism, and swampness now, which cost me \$65 more.

**Mr. McCardle:** What is it?

**Kenneth White:** Swampness. If she falls through the ice, anything like that.

**Mr. Bagnall:** Do you have a liability insurance with it?

**Kenneth White:** Liability Insurance.

**Mr. Bagnall:** How much? What kind of a liability insurance do you have with your machine?

**Kenneth White:** A million bucks. I think it's a million dollars.

**Mr. Dunn:** Same as a car.

**Kenneth White:** Yes. There was something about \$500,000 or something like that but then we started doing a lot of travelling in Nova Scotia, down in the valley with

Dutchie Cavanagh and those fellows.

**Mr. Bagnall:** That's another problem that we're hearing, that there's a lot of machines and a lot with drivers on them that aren't insured. They don't have insurance on them and they don't have them registered.

**Kenneth White:** That's understandable. A lot of them don't want to pay the taxes if they buy an ATV four-wheeler off-province. You pay big bucks for a machine and then come back and pay the taxes on it.

**Mr. Bagnall:** So if we put something in where you were allowed to drive them but they had to be registered -

**Kenneth White:** Sure.

**Mr. Bagnall:** - registered, licensed and insured.

**Kenneth White:** Yeah, definitely. They should be anyway, because even out on our trails that we got permission from the public and stuff like that, it's kind of nice to have the guy coming up behind you who's going to ram you or something like that and if he ever hurt you serious at least you'd have some kind of insurance on you. That's the way we look at it too. Especially when you're travelling in different territories like Nova Scotia and New Brunswick.

**Mr. Dunn:** Do you have liability for your trail?

**Kenneth White:** Pardon me?

**Mr. Dunn:** Do you have liability on your trail?

**Kenneth White:** No, we don't have liability on our trail system because it's on private land, but what we do, we have signs posting, like, the land owner is not responsible for anything that happens on his land.

**Mr. Dunn:** So it gets him away from the liability.

**Kenneth White:** Then when we have poker runs and stuff like that, everybody signs a waiver form before they leave the clubhouse to travel on people's property. That way it protects us from being sued and protects the landowners from being sued.

**Chair:** Okay, last question, Mr. MacKinley.

**Mr. MacKinley:** I think - I'll ask the question - but I think the law on PEI now is every ATV has got to be registered.

**Kenneth White:** That's right.

**Mr. MacKinley:** If that is the law now, and if you break the law you're fined 50 bucks. So your law is already there. The government has the law and the law is already there. People just aren't registering. They can't enforce the laws they got now. They're talking about bringing in more laws, but they can't enforce them now. Do you got the law there?

**Kenneth White:** Yes. Why change the laws and we got them here?

**Mr. MacKinley:** It's all there.

**Kenneth White:** It's all here. Even the age here. I don't know why we're not including snowmobiles. They got it right here with snowmobiles: 10 of age may be operated unsupervised. Ten of age.

**Mr. MacKinley:** It's all there. I don't know what they're doing myself.

**Glen Ryan:** I'd far sooner give my son the 400 Arctic Cat and let him go unsupervised at 12 years old than give a 10 year old a 1,000 cc snowmobile and say: There's your field, go find it.

**Kenneth White:** Those snowmobiles, they

travel 100-some miles an hour or more.

**Mr. MacKinley:** Like along here, these operate during daylight hours. There's people operating them after night.

**Kenneth White:** You're allowed. You're allowed to drive them after night. You're allowed to drive them in the ditch the same way as the traffic's flowing. In the daytime you drive them the opposite direction, in the daytime.

**Mr. MacKinley:** But the laws are already here. They're just not - these are the regulations. You guys, not us, but highway or the justice department just aren't enforcing the laws there now. The reason they're not enforcing them - I asked the police fellow the other day there - was they don't have enough manpower to enforce them. I think he said he could use an extra I forget how many more officers. Then if they do try to enforce them, they can't enforce them because they can't catch them in the first place.

**Kenneth White:** They'd have to have an officer at every person that's got an ATV (Indistinct).

**Mr. MacKinley:** The laws are already there.

**Kenneth White:** I sat in on the one up in Fortune there this afternoon. They got people that are patrolling the trails and stuff like that. But I got a phone call the other day about - I was just wondering if wildlife wardens are allowed to write out tickets for people driving on that Confederation Trail. Is that legal?

**Mr. Dunn:** Has been suggested.

**Mr. MacKinley:** I'm not sure if it's legal or not. The guy that was at there the other day is a warden, isn't he?

**Mr. Dunn:** Yes.

**Mr. MacKinley:** Yes, he could. He said up west they were going down this day, him and somebody else, and they caught a guy with a Christmas tree, an ATV, a shotgun, on a Sunday. So they figured he stole the Christmas tree. The shotgun wasn't registered and the guy had no license. The ATV wasn't licensed. The guy driving it had no license. But the guy stopped. But he said if he hadn't have stopped they wouldn't have been able to catch him.

**Kenneth White:** Right. Because I know we drive on the trails down this way and if we meet anybody we pull over, let them walk by. Some of the people are really nice too. They even pull over and we slow down and drive off. I know we're not allowed on them, but it's kind of nice to get from point A to point B, to territories where we can't get. We can't drive by the road.

**Mr. MacKinley:** There'd be nobody catch you anyway.

**Chuck White:** Tell him about the instance, Kenny, where we had one of our members was ploughing the trail for the walkers for a couple of winters. He was actually using his machine, his own gas, to clear the trail so the walkers could get out and walk on this section of trail. They were driving from communities all around to walk on this trail because there was too much snow for them to walk anywhere else.

**Mr. Dunn:** That's illegal. They're not supposed to be on the trail. Walkers.

**Chuck White:** He had a pile of paperwork that high -

**Kenneth White:** Yes, he had a lot of paperwork.

**Chuck White:** - from the provincial government to allow him to do it.

**Mr. MacKinley:** Oh, yes, there's lot of

paperwork. We had a Dr. MacQuarrie before us and he said he'd rather have ATVs and the dirt bikes driving by his place than the walkers causing him trouble.

**Mr. Dunn:** Yes. Because they don't stop to use the bathroom.

**Mr. MacKinley:** What?

**Mr. Dunn:** They don't stop to use the bathroom.

**Mr. MacKinley:** Whatever. No, but I'm just saying, like, so, there's different opinions.

**Chair:** Okay, Ken, can you sum up your position to us?

**Kenneth White:** Yes. I'd like to thank you guys again for coming out tonight and listening to our arguments, I guess, or whatever, and everybody else here in different communities and stuff like that. We've been talking back and forth to different ATV clubs. You guys have been up west and Gary Ballem and Jamie Fox and them and stuff like that.

That's all we're looking for. We're looking for, you know, something fair for the kids and stuff like that, safety training course, and some place to drive instead of on the private land. Thank you very much.

**Chair:** Thank you. Appreciate your input.

We'll now call on, I believe Donna Arsenault wants to -

**Kenneth White:** Wes, I think Barry wanted to say a little something.

**Chair:** Oh, I'm sorry.

**Glen Ryan:** Can my young fellow say a few words?

**Chair:** Yes, yes. Identify yourself.

**Barry Ryan:** I think the law should be that -

**Chair:** Could you give us your name first?

**Barry Ryan:** Barry Ryan.

**Chair:** Okay.

**Barry Ryan:** I think that the law should be anybody under 14 should be supervised, and if the parent thinks they can drive the bike that fits them right, they should be able to buy it for them.

**Glen Ryan:** Because you drive a bigger one than you're supposed to be, right?

**Mr. McCardle:** (Indistinct) But you can handle it.

**Barry Ryan:** Yes.

**Mr. Dunn:** He's a big boy.

**Glen Ryan:** He's a big boy and he can handle it.

**Mr. Bagnall:** Have you taken a training course yet?

**Barry Ryan:** No.

**Mr. Bagnall:** Would you be willing to?

**Barry Ryan:** Yes.

**Glen Ryan:** He'd love to have a training course if there was one available, wouldn't you? I guess that's everything.

**Chair:** Great, thank you very much.

Now do we have Mrs. Arsenault in the audience? Oh, there she is. Okay.

Could you just identify yourself for the purposes of the recording and who you represent? If it's yourself, that's fine.

**Donna Arsenault:** My name is Donna Arsenault and I represent mothers.

**Chair:** Great. Great institution.

**Donna Arsenault:** I just wanted to say a few words on the fact that my boys started riding when they were five and seven. They're 19 and 21 now. They've been riding, racing, when it wasn't cool. It was one of the things - they couldn't race here on the Island. Everything was off-Island. They took their first motocross school in Riverglade, New Brunswick. Now they are offered in conjunction with the races.

Usually one weekend they have the training school and one of the pros offers it and gives them tips and points on how to do things and what's best and how to get around a jump and go faster. That doesn't always make me happy. I'd like them to go slow, but that's not what they're in it for.

I enjoy the races. I try not to miss them now. I never used to go. I used to just stay home and worry. Now I just hold my breath for eight minutes at a time. It's exhilarating to see them go from little boys to grown men to race, and the look on their face when they come across the finish line. Now I see them teaching the younger ones. There's nothing for me to come home from work during the summer and find five or six little fellows in my yard needing a pointer here or maybe my frame broke. I have a welder for a son. He's getting good at that. He's had experience. He does teach them, and when they do things that aren't right or not the way they should, he doesn't stop. He gives it to them. You know: If you're going to ride with me this is the way it's got to be or you've got to go home.

One Saturday I went away and left \$40 on the counter and came home and they said: Thanks, Mom. I said: thanks for what? Oh, there was a bulldozer here today. We now have a track in our back yard. So we have

piles of dirt. So as they get older they can clear them fairly well. But now you can see the younger fellows coming over and they're going over them a little, and as they get older and they move up a bike or two, like Tanner, you can see them going along and they come and say: How did I do that time or what do I need to do now? You can see them all in the yard doing this.

They don't put their bikes away for the winter. One winter they studded the tires and rode all winter. Christmas day, New Year's day, they've had them out. So I mean, it's just one of those things. When my boys were young they learned, and now they're teaching the younger ones, and I think it would be a shame for the younger ones not to have the experience to ride. I see them at the track and I'm not scared to mom all over them if I see them doing something wrong. They say: Oh, mom, leave them alone. I say: No. That's why I go. I like to see it.

The boys on Saturday night, you'll see them home getting their gear packed up because they're racing on Sunday. They're not out carousing and tearing up. They're home. They're packing up their gear. They're getting ready to race in the morning.

**Chair:** Okay. Thank you for your comments. Would you entertain some questions?

**Donna Arsenault:** Sure.

**Chair:** Anyone would like to ask Mrs. Arsenault -

**Mr. Bagnall:** I know Donna. My son lived -

**Donna Arsenault:** Next door.

**Mr. Bagnall:** - right next door to the boys when they were driving and they used to drive, and I know they were well supervised and they were well trained and well looked after. It turned into a family sport. I know

that the problems that may exist out there don't come from your family or others. But there are individuals that make it bad for everybody, as we all know.

**Donna Arsenault:** Yes.

**Mr. Bagnall:** You're to be commended for the way you've handled, the way your boys have - and your son Adam deserves a lot of credit for taking initiative to work with young kids in the area and out there. That's all I wanted to say. You've done a great job.

**Donna Arsenault:** Thank you.

**Chair:** Anyone else want to make a comment or have a question? Yes, Mr. Currie.

**Mr. Currie:** I think what you guys have done with your children certainly is to be commended. I don't think that I can speak for everybody on the Committee here, but we're not trying to paint everybody with the same brush. There are some that do not take the time to teach their kids, do not teach them to have respect for other people's property or for safety. That's the hard part that we're wrestling with, and we just hope that we find a balance. I think we will, especially with presentations made by yourself and Adam and Cory and them. So, appreciate it. Thank you.

**Chair:** Fine. Appreciate you coming forward.

**Donna Arsenault:** Thank you.

**Chair:** We do have a number of people in the audience tonight, and our reason to be here is to receive as much input. Is there anyone that would like to approach the microphone and speak? We would be pleased if you do. If you don't, that's all right too. We'll be still ready to talk to you after the meeting. Does anyone here feel that they'd like to comment or make some

observations?

If not, thank you very much. Appreciate everyone coming. This is the last meeting we will have of the Committee. The Committee will now adjourn and review the observations that have been given to us. We'll be making a summary of these and hopefully introducing some suggestions in the Legislature this coming spring.

Mr. Currie wants to say something.

**Mr. Currie:** Is there an opportunity, then, for, if there are people in the audience from, not only in Murray River but anywhere, are you going to receive written submissions?

**Clerk of Committees:** Mr. Chairman, there's a comment form on our website. They can send in their comments.

**Chair:** Why don't you just tell - the Clerk of Committees says here you can send it in electronically.

**Clerk of Committees:** Yes. If you go to the website of the Legislative Assembly there's a comment form. If you comment on the link that says All-Terrain Vehicles you can send in your comments by email. That website is <http://www.legassembly.pe.ca>.

I'll hand out some cards after the meeting if anyone wants a card with that address on it.

**Chair:** Thank you.

**Clerk of Committees:** Thank you, Mr. Chairman.

**Chair:** Just an overview here. Our job as representatives of the community are not here to restrict people and prevent them from enjoying what they want to enjoy. We're really here to help people achieve what they want to achieve. That's the objective. As politicians, yes, compliance is important, but what's also important is that

you enjoy your community without in some way hindering the enjoyment that others may want to have.

So it's our job to try to come down with a happy medium, so that's what we're going to try to achieve. The recommendations we'll be making will be made public and certainly they will be discussed in the Legislature. I ask you to just stay tuned to that. We're also open for comments that you may wish to have even after we leave your community. But our intention here is to try to accumulate and compile all the advice that we received at the six meetings we were at, and to try to, I would say, reach a level of compromise that is going to make the majority of you happy.

But I want to tell you that we were very much made aware of the level of responsibility that you people are taking. I think it's unfortunate that maybe the people we should be speaking to aren't here tonight. But on the other hand, we have to be aware that there are some people that live outside what's reasonable and we have to deal with them. We need your help to try to keep ATVs and dirt biking at that level in which we all want it kept, so that the whole community has respect for what you do.

So again, thank you for your continued support. We want to support you and your community and we'll need your help in the future. Don't worry, you haven't heard the last of this issue. But hopefully, we'll be on our way to making it better for all of us.

Thanks for coming tonight.

[The Committee adjourned]