

# MACLEAN'S

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## Mad About ATVs

*Who'd think the Nova Scotia Tories would buy ATVs for kids?*

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Nova Scotia's minority Conservative government used its alternative procurement process this past June to spend \$230,000 on 66 kid-sized all-terrain vehicles (ATVs) and gear, touting the buy as a means of training a new generation of off-roaders. At the same time, a class of third-graders in Glace Bay—eight- and nine-year-olds—went on summer vacation packing not only report cards but, compliments of an ATV manufacturers' group, DVDs starring Rascal Raccoon, a cartoon off-roader who shows kids how to "drive safe." Education Minister Karen Casey told the CBC that schools are a good place to teach children safety. "We live in a rural province," she said. "ATVs are very much a part of [the] lifestyle." Another cabinet minister, under attack by the MLA for Glace Bay who protested the distribution of the DVDs to kids in his constituency, then threatened to axe plans for a new middle school long-promised there. He was joking, he said later.

But by now few Nova Scotians find ATVs funny. The kiddie-ATV buy, and the Rascal Raccoon DVD giveaway, ignited a furor in a province where the battle lines over ATVs have already been clearly drawn. On one side are off-roaders and the provincial government. On the other are homeowners complaining that they are invaded by the machines day and night, and that for nine years the Tories have overturned municipal ATV bans and ceded more and more of their privacy and property rights to

“rural hooligans” and the rural vote. But with tensions already high, the government’s help in involving children in off-roading was a shock and a flashpoint.

In Nova Scotia, despite years of warnings from ER docs that kids under 16 shouldn’t be on ATVs anywhere, even as passengers, the province allows parents to register ATV drivers as young as six. Catastrophic ATV injuries and deaths are up in kids, says Dr. Doug Sinclair, chief of emergency medicine at Halifax’s children’s hospital. A report by the Canadian Pediatric Society in 2004 said that 2,500 Canadians are hospitalized each year as a result of ATV injuries. Half of all deaths are children under 16. “Mini-ATVs are a misnomer,” Sinclair says. “They’re still powerful vehicles that are unstable in the hands of children. Using public funds to purchase them boggles the mind.”

James Anderson of ATVANS, the ATV Association of Nova Scotia, says he doesn’t know if doctors have weighed all the facts, but he claims parents have. Anderson’s kids, aged 10 and 12, ride with him. He says “responsible” off-roading is approved by the vast majority of Nova Scotians. But public outcry, a rare thing in Nova Scotia, forced the province to offload the kiddie machines to ATVANS, which promised repayment using donors it wouldn’t identify. They turned out to be ATV manufacturers, with whom ATVANS claims no official connection. In six months the manufacturers have been good for 35 cents on the dollar, according to a government spokesperson who says there’s no guarantee of recovering more. Taxpayers wait on the pleasure of Arctic Cat, Honda, Kawasaki, et al —while ATVANS enjoys 66 free machines.



*RCMP Officers in Upper Tantallon, NS ticket an ATV rider for having an after-market muffler*

Far down from the 43,427 Nova Scotia-registered ATVs reported by a manufacturers’ national umbrella group in 2005, Nova Scotia registered 22,426 ATVs last year. (Many go unregistered.) Halifax’s 9,000 run in the city outskirts where the province trumps the municipal noise bylaw. The rest

are rural. The premier “would eat his young before he’d forfeit rural votes,” says an observer who wouldn’t be named for fear of reprisal from off-roaders. This year, registrations are down again, by 13 per cent. Bob Connell, for 25 years a supervisor of trails in Nova Scotia and now retired, says it’s a three-year North American trend reflecting market saturation. “Who’s your next target? Kids,” he says. “It’s like Big Tobacco. To generate more sales, you indoctrinate eight-year-olds.”

In 2006 the province struck an off-highway vehicle (OHV) advisory committee which was to include all stakeholders in the ongoing conflict. But doctors were frustrated and left a year ago, and municipalities, whose OHV bans are continually overridden by the province, chose never to attend. Connell has a seat on the committee but he’s leaving. The Canadian Off-Highway Vehicle Distributors Council, the national industry group that brought us Rascal Raccoon, has a committee member; another seat is held by a dealer. Other off-roaders hold 15 more of the 23 seats; with the manufacturers’ and dealers’ reps they make up 90 per cent of the committee, since four of the remaining six seats are now vacant. According to the U.S. Environmental Protection Agency, ATVs made before 2006 throw 35 times the emissions of cars, and environmentalists routinely decry OHVs for wrecking wilderness and nature trails. But judging by committee minutes, the lone environmental rep hasn’t spoken in a year. “He’s too conciliatory,” says Mark Dittrick of the Sierra Club. The committee chair did not return calls.

The one group never represented, Connell says, “was 95 per cent of Nova Scotians”—who, for the most part, don’t realize they help fund Nova Scotia’s 500 km of “motorized” trails (as trails that walkers, runners, hikers, cyclists and horseback riders must share with OHVs are called), or that they contribute to salaries and operating costs of some OHV lobbyists via funds paid out by the Department of Health Protection and Promotion. When emailed for salary amounts, a department spokesperson did not reply. Federal taxpayers also contribute to trail-building for motorized vehicles, maintenance, and the operations of some lobbyists via the Atlantic Canada Opportunities Agency. In one case, ACOA’s \$402,135 contribution to a 44.6-km walking trail went to develop a motorized trail instead. A relatively tiny trail-building fund—about \$1.2 million last year—comes from OHV users themselves. Citing “a few” wilderness areas and one village trail for unmotorized traffic, Anderson says that motorized trails don’t get more government money than unmotorized trails. But a health department spokesperson says the department contributes funds to 53 km of unmotorized trails in the province. That’s about 10 per cent of all trails. The rest are motorized. Connell says OHVs have “a government goose egg. Non-motorized trails return their costs nearly ten-fold in health-care savings. Motorized trails cost eight to 10 times more to maintain. It’s nuts. It’s all nuts.”

The OHV lobby has demonstrated it can hobble community consensus, hijack public consultations, and jettison laws. At least that’s what seems to have happened in Paradise, a hamlet on the Annapolis River where a provincial government ban on ATVs lasted 10 months before the same government reversed it. “Now we have wheelies in the cemetery, farmers’ fields, people’s lawns—dust two storeys high,” reports a Paradise resident who won’t be named. “Night riders are scary and noisy, sometimes impaired.” (Like a number of trails that some riders drive drunk in order to avoid police on highways, Paradise’s ends at a pub.) A gouged, muddy, garbage-strewn trail divides farmer George Lilly’s house from his barn, just yards from each building. “It’s unfortunate,” says Anderson. “But the trail isn’t on [Lilly’s] property and technically doesn’t go through his backyard.” Dale Dunlop, a lawyer representing Paradise homeowners pro bono, says the government acted above the law by rescinding the ban because its flip-flop subverted its own policy rules for changing binding agreements. He’s seeking judicial relief to return the trail to nature.

Meanwhile, a senior government official has said he hopes the Paradise reversal will be imposed on other communities. In Smith's Cove, a pretty waterside village further down the Valley, it's already happened—an OHV ban has now fallen there, too, along with property values. Smith's Cove homeowner Gail Smith says, "The rules changed. When you're in the garden you might as well be on the trail. No one wanted it. Why is it here?"

The premier's June 2007 "Progress Report" promises 500 more km of trails for an unbroken circuit around the province. OHVs "will soon have access to new trails and riding areas," the report says. New highway designs will connect them. For years in outlying Halifax neighbourhoods, OHVs have screamed past houses overnight. Now more routes will go through more communities—through more of the yards, private farms and woodlots the province allows them to cross.

The nationwide Trans Canada Trail, originally designated as non-motorized by the foundation that has developed it since 1992, will no longer prohibit ATVs on its Nova Scotia routes. Dunlop says the TCT shouldn't have developed trails where ATVs ran. Neither should it have agreed in October to legitimize ATVs on its Nova Scotia trails. "Every other province, except for remote areas of Alberta and Newfoundland, realizes you don't have motorized traffic on a national trail," Dunlop says. "We stick out like a sore thumb. Look at P.E.I.'s Confederation Trail. It's done right; it's a tourist attraction. It should be a no-brainer."