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Handicapped senior denied use of UTV for winter mobility

The Ontario Highway Traffic Act rule on UTVs has shattered the dream of one handicapped senior citizen of Dufferin County by outlawing what he had thought would serve as the solution to his winter-time mobility.

Or should a town be required to keep winter sidewalks clear?

The UTV (utility task vehicle) is a four-wheel machine that can serve as an ATV (all-terrain vehicle). It differs from the ATV in that the driver has a regular seat and a steering wheel, and can accommodate one or more passengers whereas the driver straddles the seat of an ATV, steers with handlebars, and has no accommodation for a passenger.

The handicapped senior uses a wheelchair on sidewalks in the summer months, which he can do on almost any street where he might want to go in Shelburne. In winter, the sidewalk he needs to use the most ? on the town's Gordon Street ? becomes inaccessible for him as there is no boulevard between it and the travelled portion of the street, so inevitably the sidewalk is at least partially blocked by the plowing of snow.

For the senior, the four-wheel UTV seemed to be a solution as it would be capable of operating on the plowed streets. As well, it could be enclosed for protection from the weather.

But Shelburne Police Service nixed the idea, and Mayor Ed Crewson invited Police Chief Kent Moore to explain the reasons at Monday's meeting of town council.

The chief had a simple explanation. Citing sections of the Act with respect to UTVs and ATVs, he said neither is considered ?roadworthy,? and although there's a prohibition on provincial highways for both kinds of vehicle, a municipality may allow the use of an ATV on municipally owned roadways but the ban on UTVs is absolute with the exception that farmers and licensed trappers and hunters while in the course of their business might be allowed to display a Slow Moving Vehicle sign and use the UTVs on certain highways when necessary.

Were the situation not a serious problem for the handicapped senior, one might be tempted to paraphrase Romeo and Juliet, as in ?Oh UTV, UTV, wherefore art thou UTV??

Said Councillor Tom Egan: ?The problem is in the name. The UTV is used for mobility purposes, so we'll call it something else.?

But the giveaway is in the design of the machine. And both federal and provincial regulations have rules on modifying motor vehicles ? which UTVs and ATVs are defined as, according to Chief Moore.

Although someone at the meeting suggested, ?blame it on the cops,? the sidewalk problem might not be that simple.

The sidewalk is at the root of the problem because it is partially blocked in winter. There are reported Superior Court references to ?reasonable sidewalk maintenance.?

Apparently if a town chooses to install sidewalks, it has a legal obligation to provide a reasonable level of both summer and winter maintenance.

By Wes Keller