October 3, 2017

Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: SNL-077-2017]

On September 5, 2017, Service NL received the transfer of your request for access to the following records:

“All records of communication between provincial government and the city of St. John’s / Northeast Avalon towns and their residents on motorcycle noise in 2017.”

Officials in Service NL searched for information within the department that is responsive to your request. I am pleased to inform you that a decision has been made by Service NL to provide access to the requested information. However, access to specific text contained within the records that would reveal personal information, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

Section 40(1): “The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.”

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL A1B 3V8
You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-729-7437 or by email at ellenhaskell@gov.nl.ca.

Sincerely,

ELLEN HASKELL
ATIPP Coordinator

Enclosures
Access or correction complaint (Section 42)

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

   a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

   b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

   a) a request that is disregarded under section 21;

   b) a decision respecting an extension of time under section 23;

   c) a variation of a procedure under section 24; or

   d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant (Section 52)

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

   a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

   b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has
refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45 (2).
May 11, 2017

Honourable Eddie Joyce
Minister of Municipal Affairs &
Service NL
Confederation Building
P. O. Box 8700
St. John’s, NL A1B 4J6

Honourable Andrew Parsons
Minister of Justice and Public Safety
Confederation Building
P. O. Box 8700
St. John’s, NL A1B 4J6

Honourable All Hawkins
Minister of Transportation & Works
Confederation Building
P. O. Box 8700
St. John’s, NL A1B 4J6

Dear Ministers Joyce, Parsons and Hawkins:

Re: Motorcycle Noise

For several years, the City of St. John’s has been receiving complaints about motorcycle related noise, which noise is believed to be associated with post purchase modification of exhaust systems, and throughout this time period, the undersigned and City staff have been both corresponding and meeting with Provincial Ministers and staff to seek a solution to this ongoing issue.

Copies of our correspondence are attached for your review, and most recently last fall City staff met with representatives of your departments to discuss future cooperation.

At the fall meeting, the idea of a “spring blitz” was discussed. Such an exercise would see a checking of all vehicles, including motorcycles, for compliance with the Highway Traffic Act, including post purchase modifications such as window tinting and exhaust system modification. Staff of your departments were to see if the Province was amenable to the exercise and, if so, to confirm that the Provincial Crown would prosecute violators.

To date, we have not received a reply from the Province, despite follow up email. As it is now late spring, we can expect that motorcycles will be appearing in ever increasing numbers on our roadways, and the issue of motorcycle noise will once again become a priority for our citizens.
On behalf of Council, I therefore request the Province’s position and action plan for enforcement of the provisions of the Highway Traffic Act related to vehicle post purchase modification.

Sincerely yours,

Dennis O'Keefe
Mayor

Attachments
cc: Members of Council
    Kevin Breen, City Manager
    Cheryl Mullett, City Solicitor
MAY 29 2017

Mayor Dennis O'Keefe
City of St. John's
P.O. Box 908
St. John's, NL A1C 5M2

RE: Highway Traffic Act - Motorcycle Noise

Dear Mayor O'Keefe:

Thank you for your May 11, 2017 letter regarding motorcycle noise in the City of St. John’s.

Staff from Service NL, Motor Registration Division, have been working with the Royal Newfoundland Constabulary and Royal Canadian Mounted Police on a plan to address noise issues related to modified exhaust systems on vehicles and motorcycles in the City of St. John’s.

I can confirm that the previously discussed “spring blitz” will proceed in the form of a series of enforcement activities which commenced in May 2017 and will take place throughout the summer. These activities will be unannounced to minimize avoidance of check points by the motoring public.

I can also advise that since becoming Minister of Service NL, I have heard from a number of stakeholders suggesting increasing fines for specific Highway Traffic Act (the Act) offences. I am reviewing the level of fines under the Act with a view to providing greater deterrence. Any such changes would require legislative amendments.

Sincerely,

PERRY TRIMPER, MHA
District of Lake Melville
Minister of Service NL

cc: Alan Doody, Registrar, Motor Registration Division
July 13, 2017

The Honourable Andrew Parsons
Minister of Justice and Public Safety

The Honourable Perry Trimper
Minister of Service NL

Dear Ministers Parsons and Trimper:

I contacted City Council to ask them to address the issue of noisy motorcycles taking over the downtown (particularly Water Street) and destroying the peace and enjoyment of city residents and visitors. I was informed that this is an issue of provincial jurisdiction, as per a detailed rationale from the City solicitor.

So I turn to you to address this plague of summer that has been getting worse every year!

Over the past few years I cannot get over the proliferation of motorcycles racing back and forth Water St., making a horrific racket and spewing unhealthy exhaust fumes.

We have a couple of months where we can sit outside in the city, and when we go downtown to enjoy a coffee or other beverage on a deck, we can barely talk to each other or hear ourselves think! This constitutes both noise and fumes pollution and should not be allowed to continue.

And what an insult to the tourists who come here for the supposedly relaxed lifestyle that we spend thousands of dollars advertising each year! We tout the value of the historic area of our city, and then we allow it to be defiled by motorcycle noise and pollution. I also feel badly for the buskers who are trying to earn a living on Water St. and the downtown visitors who are trying to enjoy their music.

How can we let one group hijack our very short summer for the rest of us?

I urge the Province to deal with the noise levels by making it illegal for motorcycles to modify their exhaust systems so that they can create this awful noise. If indeed this is already illegal, then it must be enforced as soon as possible! (As a side note, I am writing this from the downtown, where I can hear the constant noise of motorcycles in the background.)

If you cannot deal with the jumped up exhaust systems immediately, then I suggest you ban motorcycles from the downtown and other areas where pedestrians congregate in large numbers. I hear that this approach is being taken in other jurisdictions; has the Province done the necessary research on this issue?

This situation has been allowed to go on way too long! We are experiencing a lovely summer and it would be so pleasant to be able to sit on a deck regularly without this annoyance.

I expect a substantial response on you from this matter and not simply a letter "acknowledging" my concerns.

I thank you in advance for your response.
July 27, 2017

Premier Dwight Ball
P.O. Box 8700
St. John’s, NL A1B 4J6

Dear Premier Ball,

The City of St. John’s has, for many years, been receiving consistent complaints from residents of the City regarding the operation of excessively loud motorcycles and vehicles. The City has continued to advocate on behalf of residents to the Provincial Government to address this concern. The City does not have the legislative authority to enforce the modification of vehicles or the authority to stop vehicles for moving violations as prescribed under the Highway Traffic Act.

In your November 26, 2015 correspondence to the City of St. John's, you indicated that you shared the City’s concerns about the noise pollution caused by certain motorcycles and committed to convening a meeting of stakeholders to try and rectify the shortcomings in regulations to address this matter. To date no such meeting has taken place.

In recent days I have released all correspondence between the City and the Province in relation to this matter to the public for their review. The documents clearly state the position of the City.

I will continue to advocate on behalf of my constituents and therefore I ask that you act on this commitment made to the City of St. John’s and convene a meeting of stakeholders, Royal Newfoundland Constabulary and residents to find a resolution to this matter.

While I appreciate that matters such as this fall under the purview of the Department of Justice and Service NL; I would appreciate hearing from you directly on this matter as this was a commitment you personally made.

Regards,

[Signature]

Jonathan P. Galgay
Councillor, Ward 2
AUG 18 2017

RE: Motorcycle Noise

Dear [Name]

Thank you for your July 13, 2017 letter regarding motorcycle noise in the City of St. John's, Newfoundland and Labrador.

Officials at Motor Registration Division (MRD) have been working with the Royal Newfoundland Constabulary (RNC) and Royal Canadian Mounted Police (RCMP) to address the issue of noise pollution, specifically from motorcycles, in the City of St. John's. Together, officers have coordinated enforcement blitzes to detect after factory modifications to vehicles which contribute to extreme noise. Additionally, this fall government will bring forward legislation changes in Bill 13 that, if passed by the House of Assembly, will result in increased fines for after vehicle modifications. MRD will continue its enforcement blitz coordinated with the RCMP and RNC.

Thank you for contacting me with your concerns. If you have any additional questions, please contact Mr. Alan Doody, Registrar of Motor Vehicles, at 1-877-636-6867 or alandoody@gov.nl.ca.

Sincerely,

S. Sherry Gamblin-Walsh, MHA
Placentia-St. Mary's
Minister

cc Alan Doody, Registrar - Motor Registration Division
August 18, 2017

Jonathan P. Galgay
Councillor, Ward 2
City of St. John’s
PO Box 908
St. John’s, NL A1C 5M2

Email: jgalgay@stjohns.ca

Dear Mr. Galgay:

Thank you for your July 27, 2017 letter regarding motorcycle and vehicle noise in the City of St. John’s.

Since becoming Premier, and at my request, officials from Service NL and the Department of Justice and Public Safety met on October 13, 2016 with officials from the City of St. John’s to discuss the challenges with addressing this complicated issue. Officials agreed that the best approach would be through a combination of changes to existing legislation and a coordinated approach to enforcement. I understand that Members of the House of Assembly, representing districts within the City, also met with City officials in late September on a number of items, including this subject.

For its part, the Provincial Government has undertaken a number of measures to address the issue of excessive motorcycle noise through legislation and increased enforcement. Section 187.(5) of the Highway Traffic Act and Section 29.(1) of the Licensing and Equipment Regulations apply to the operation of vehicles with equipment that increases the noise produced by an exhaust system. Removing baffles from exhaust systems or installing after-market systems without baffles constitutes an offence under this legislation. As part of enhancing the enforcement of this existing legislation, officials at Service NL’s Motor Registration Division (MRD) have been working with the Royal Newfoundland Constabulary (RNC) and the Royal Canadian Mounted Police (RCMP) to coordinate enforcement activities to detect illegally modified exhaust systems which contribute to excessive noise. This included a recent enforcement blitz that identified a number of motorcycles with illegal modifications, and in each of those cases the owners of the vehicles charged and are required to report back to Service NL with proof that the exhaust system has been corrected to meet the original manufacturer’s standard.

This fall, the House of Assembly will debate legislative changes to the Highway Traffic Act that, if passed, will increase the minimum fine for this offence from $20 to $100. The maximum fine will increase from $90 to $170.
The Provincial Government will continue its coordinated enforcement activity with the RNC and RCMP. This enforcement activity will inform Service NL’s work in evaluating the current legislation to determine whether other changes need to be made to address this issue. However, it is important to note that the City of St. John’s also has a role to play. The city has the legislative authority under the City of St. John’s Act to set and enforce bylaws regarding noise and traffic control within city limits.

Thank you for contacting me with your concerns. Our government will continue to encourage collaboration wherever possible to address this issue.

Sincerely,

[Signature]

Dwight Ball
Premier

Cc: Hon. Sherry Gambin Walsh – Minister, Service NL  
Hon. Andrew Parsons – Minister, Justice and Public Safety  
Hon. Eddie Joyce – Minister, Municipal Affairs and Environment