

The Regional Municipality of York

Committee of the Whole
Transportation Services
January 16, 2020

Report of the Commissioner of Transportation Services
and the Regional Solicitor

Automated Speed Enforcement Update

1. Recommendations

1. The Regional Clerk send a letter to the Minister of Transportation of Ontario in response to Ontario Regulation 398/19 indicating the Region's intent to conduct a two-year, limited use automated speed enforcement pilot in compliance with the Regulation.
2. The Regional Clerk circulate this report to York Regional Police, the Association of Municipalities of Ontario, York Region School Boards and to the Clerks of the local municipalities.

2. Summary

This report provides Council with an update on automated speed enforcement.

Key Points:

- The Province enacted Ontario Regulation 398/19 allowing municipalities to operate automated speed enforcement in community safety zones
- Municipalities are responsible for all aspects of their ASE program, subject to the *Highway Traffic Act* and its regulations
- One mobile automated speed enforcement unit is proposed to be rotated between 12 community safety zones during the Region's two-year, limited use pilot
- Automated speed enforcement signs will be installed on Regional roads to raise awareness of the upcoming enforcement of speeding offences in community safety zones
- Residents and motorists will be informed of the automated speed enforcement program through a range of communication strategies
- More meaningful data related to the impact on Provincial Offences Courts is expected to be available in the later stages of the Region's two-year, limited use pilot

3. Background

Council authorized staff to use automated speed enforcement to increase safety on Regional roads and to execute the necessary agreements

On [October 3, 2019](#), Council adopted a report authorizing staff to operate an automated speed enforcement (ASE) program to increase safety on Regional roads on a two-year, limited use basis. This pilot will allow staff to:

- Assess impact on Provincial Offences Courts
- Quantify the number of charges and the rate at which charges are disputed
- Evaluate the technology and service provided by the vendor

Council also authorized staff to enter into operating and partnering agreements with the Ministry of Transportation of Ontario, Redflex Traffic Systems (Canada) Limited and the City of Toronto for use of ASE technology, providing ASE services and processing infractions. Principles of these agreements have been discussed with staff and are currently being drafted.

Council and York Regional Police have advocated for an administrative penalty system for processing automated speed enforcement and red light camera offences

In September 2018, the Regional Chair sent a letter to the Attorney General of Ontario to advocate for enforcement of both ASE and red light camera offences through an administrative penalty system.

In May 2019, York Regional Police Services Board requested the Attorney General of Ontario allow administrative penalties be imposed for ASE and red light camera offences.

In June 2019, the Regional Clerk sent a letter to the Premier of Ontario informing Council's support of the York Regional Police Services Board's position in relation to timely implementation of measures to ease pressure on Provincial Offences Courts (Courts) to support enforcement of road safety.

The Province enacted Ontario Regulation 398/19 allowing municipalities to operate automated speed enforcement in community safety zones

On December 1, 2019, Bill 65, *Safer School Zones Act, 2017*, was proclaimed by the Province and came into effect. At that time, Ontario Regulation 398/19 was enacted under the *Highway Traffic Act*, allowing municipalities to operate automated speed enforcement in community safety zones (Attachment 1). An administrative penalty system is not currently included in the ASE regulation.

The Province issued guidelines with suggestions for municipalities to consider when developing their automated speed enforcement program

In addition to Ontario Regulation 398/19 (Regulation), the Province published guidelines to assist municipalities in the development of their ASE program (Attachment 2). Additional suggestions relate to general operating requirements, site selection and signage. The guidelines also suggest warning letters be issued instead of tickets for the initial 90-days at each site, this suggestion is not a requirement in the Regulation.

The Ministry of Transportation of Ontario will undertake a 180-day review of the automated speed enforcement program

The guidelines also suggest the Ministry of Transportation of Ontario (MTO) will conduct a 180-day review of the ASE program. The review may determine whether legislative, regulatory or policy changes are needed to ensure municipal ASE programs meet the objective of transparency and improve road safety while retaining public trust. Municipalities and the public are encouraged to submit comments to MTO during the program review period. Staff will provide available data within the provincial 180-day review period. More meaningful data, particularly with respect to the impact on Provincial Offences Courts (Courts), is expected to be available in the later stages of the Region's two-year, limited use pilot.

4. Analysis

One mobile automated speed enforcement unit is proposed to be rotated among twelve community safety zones during the two-year, limited use pilot

Staff developed a risk exposure index to select fixed speed limit community safety zones with the highest potential risk for school children. The index takes into account criteria such as traffic volume, school population, travel speed, speed-related collision data and roadway design features and infrastructure. In collaboration with York Regional Police, sites were selected based on highest risk. At least one site was selected for each local municipality to maximize Regional coverage.

The Council approved budget to operate ASE on a two-year, limited use pilot program is \$500,000. Staff proposes to rotate one mobile ASE camera (Figure 1) monthly, among 12 community safety zones covering 19 schools. The camera will be installed at each location following a 90-day advance notification period. The proposed operating time will be adjusted to accommodate infraction processing in the Region's Provincial Offences Courts. The proposed deployment schedule and site locations are shown in Attachments 3 and 4. Pending execution of the operating and partnering agreements, the Region is proposing to start the communication plan in February 2020, with tickets starting to be issued in May 2020.

Figure 1
Mobile Automated Speed Enforcement Camera



Signs are proposed to be installed at automated speed enforcement sites to raise awareness of the upcoming enforcement of speeding offences in community safety zones

Through their operating agreement, MTO mandates an advance notification period whereby automated speed enforcement warning signs (Figure 2) must be installed 90-days in advance of issuing tickets. Once the camera is in use, the warning sign will be replaced with the ASE regulatory sign (Figure 3). An ASE regulatory sign can only be posted if an ASE camera is in the area.

Utility locates have been obtained for all proposed ASE site locations to allow for installation of the warning signs in February to align with the proposed deployment schedule.

Figure 2
Automated Speed Enforcement Warning Sign



Figure 3
Automated Speed Enforcement Regulatory Sign



Residents and motorists will be informed of the automated speed enforcement program through a range of communications

Staff has created a communication plan to message the use of ASE in community safety zones on Regional roads. The following communications will be used to effectively reach residents and motorists:

- Web page content on york.ca
- Communication notice for public school boards to share
- Social media messages (Facebook, Twitter, Instagram)
- Radio advertising (680 News tags, 105.9 The Region)
- York Region Matters
- On-street ASE signs
- A link to provincial partner websites

Staff anticipates the communication plan will start in February 2020 to align with installation of the warning sign. However, this launch is pending execution of the operating and partnering agreements. Staff will evaluate the communication plan and feedback gathered from the community to help measure the success of the two-year, limited use pilot.

Municipalities are responsible for all aspects of their ASE program, subject to Ontario Regulation 398/19

Municipalities are responsible for all aspects of their ASE program, including program administration, site selection, installation of camera and signage, infraction processing and communications. Suggestions relating to general operations exceeding stipulations in the Regulation were also included in these published guidelines. The guidelines suggest that the ASE camera issue warning letters to drivers who exceed the speed limit during the 90-day advance notification period at each site.

Staff has developed a two-year limited use automated speed enforcement pilot which complies with the Regulation. The staff proposed program is constructed to maximize the effectiveness of the Region's two-year, limited use pilot within the Council approved budget.

Staff considered the suggestions in the guidelines. However, these would serve to limit the effectiveness of the program. The Region's one mobile unit would be committed to one location for 120-days (90 days of warning letters and 30 days of tickets). This would reduce the total number of pilot program sites from 12 to five, limiting the collection of meaningful data. Furthermore, each warning letter would cost the Region's tax levy funded program \$30 to process with no offsetting cost recovery thus limiting longer term implementation.

Meaningful data related to Provincial Offences Courts is expected to be available in the later stages of the Region's two-year, limited use pilot

The Region has been advocating for administrative penalties as the preferred system for dealing with automated speed enforcement charges to reduce impacts on Courts. This would create a faster, more flexible customer-focused process to deal with violations while relieving court capacity constraints.

The duration of MTO's 180-day review of the ASE program may be limited to assess the impact on Courts. Due to the time required to process infractions and current court schedules, there would likely be no ASE trials scheduled within this timeframe to test how defendants may challenge prosecution. This could affect the Province's assessment of administrative penalties as being unnecessary since the review may indicate the impact on Courts is limited. The Region's two-year, limited use pilot is expected to provide more meaningful data.

5. Financial

The estimated cost to operate ASE on a two-year, limited use pilot program is \$500,000. The ability to recover costs will be reviewed. Costs are included in the approved 2020 Transportation Services Operating Budget and Outlook.

6. Local Impact

Local municipal staff has been advised of the Region's intention to operate ASE in community safety zones on Regional roads. The Towns of East Gwillimbury, Newmarket and City of Vaughan have expressed interest in using automated speed enforcement on local roads.

Findings from the Region's two-year, limited use pilot will be shared with local municipalities for their future consideration of ASE in community safety zones.

7. Conclusion

On December 1, 2019, the Province enacted Ontario Regulation 398/19 allowing municipalities to operate automated speed enforcement in community safety zones. Staff recommends the Regional Clerk send a letter to the Minister of Transportation of Ontario in response to the Regulation indicating the Region's intent to conduct a two-year, limited use automated speed enforcement pilot compliant with the Regulation. Municipalities are responsible for all aspects of their ASE program, subject to the *Highway Traffic Act* and its regulations.

The Region's automated speed enforcement program consists of rotating one mobile camera between 12 community safety zones during a two-year, limited use pilot. Residents and motorists will be informed of the automated speed enforcement program through a range of communications. Staff will provide available data within the provincial 180-day review period. More meaningful data related to Provincial Offences Courts is expected to be available in the later stages of the Region's two-year pilot.

Pending execution of operating and partnering agreements, staff is proposing to start the communication plan in February 2020, with tickets starting to be issued in May 2020.

For more information on this report, please contact Joseph Petrungaro, Director Roads and Traffic Operations, at 1-877-464-9675 ext. 75220, or Lisa Brooks, Director Court Operations at ext. 73209. Accessible formats or communication supports are available upon request.

Recommended by: **Paul Jankowski**
Commissioner of Transportation Services

Joy Hulton
Regional Solicitor

Approved for Submission: **Bruce Macgregor**
Chief Administrative Officer

December 20, 2019
Attachments (4)
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