

Aguila-Wong, Christine

To: Regional Clerk
Subject: RE: Regional Council Decision - Automated Speed Enforcement

From: Regional Clerk [mailto:ClerkGeneralLine@york.ca]
Subject: Regional Council Decision - Automated Speed Enforcement

On October 17, 2019 Regional Council made the following decision:

1. Council authorize the use of automated speed enforcement technology on a two-year limited use pilot on Regional roads to assess the technology and impacts on the Region's Provincial Offences Courts.
2. Council authorize the Commissioner of Transportation Services to enter into an operating agreement with the Ministry of Transportation of Ontario for the use of automated speed enforcement technology by York Region.
3. Council authorize the Commissioner of Transportation Services to enter into an agreement with Redflex Traffic Systems (Canada) Limited to provide automated speed enforcement services.
4. Council authorize the Commissioner of Transportation Services to enter into a partnering agreement with the City of Toronto for processing automated speed infractions.
5. Council request that the Minister of Transportation seek approval of the Lieutenant Governor in Council to proclaim section 21.1 of the Highway Traffic Act into effect and enact a regulation pursuant to section 21.1(14) that would designate automated speed enforcement, red light camera and any future school bus stop arm camera offences as those for which an administrative penalty may be used.
6. The Regional Clerk circulate this report to York Regional Police and to the Clerks of the local municipalities with a recommendation that they advocate for legislative and regulatory amendments to allow automated speed enforcement to be administered through an administrative penalty system.
7. Staff report back within 12 months following implementation of the pilot on progress regarding automated speed enforcement technology and impacts on the Region's Provincial Offences Courts.

The original staff report is attached for your information and a proposed resolution for your Council to consider.

Please contact Joseph Petrungaro, Director, Roads and Traffic Operations at 1-877-464-9675 ext. 75220 or Lisa Brooks, Director, Court Operations at 1-877-464-9675 ext. 73209 if you have any questions with respect to this matter.

Regards,

Christopher Raynor | Regional Clerk, Regional Clerk's Office, Corporate Services

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The Regional Municipality of York

Committee of the Whole
Transportation Services
October 3, 2019

Report of the Commissioner of Transportation Services
and the Regional Solicitor

Automated Speed Enforcement

1. Recommendations

1. Council authorize the use of automated speed enforcement technology on a two-year limited use pilot on Regional roads to assess the technology and impacts on the Region's Provincial Offences Courts.
2. Council authorize the Commissioner of Transportation Services to enter into an operating agreement with the Ministry of Transportation of Ontario for the use of automated speed enforcement technology by York Region.
3. Council authorize the Commissioner of Transportation Services to enter into an agreement with Redflex Traffic Systems (Canada) Limited to provide automated speed enforcement services.
4. Council authorize the Commissioner of Transportation Services to enter into a partnering agreement with the City of Toronto for processing automated speed infractions.
5. Council request that the Minister of Transportation seek approval of the Lieutenant Governor in Council to proclaim section 21.1 of the Highway Traffic Act into effect and enact a regulation pursuant to section 21.1(14) that would designate automated speed enforcement and red light camera offences as those for which an administrative penalty may be used.
6. The Regional Clerk circulate this report to York Regional Police and to the Clerks of the local municipalities with a recommendation that they advocate for legislative and regulatory amendments to allow automated speed enforcement to be administered through an administrative penalty system.

2. Summary

This report seeks Council authority to implement automated speed enforcement on a two-year limited use pilot on Regional roads to assess the technology and impacts on Provincial Offences Courts.

Key Points:

- Since 2006, Council has endorsed the use of automated speed enforcement to improve road safety and influence driving behaviour
- Staff proposes to operate one mobile automated speed enforcement unit on a two-year limited use pilot starting in 2020 to assess technology and impacts on the Region's Provincial Offences Courts
- The Region needs to execute agreements with Ministry of Transportation of Ontario (MTO), Redflex Traffic Systems (Canada) Limited and City of Toronto to use automated speed enforcement technology

3. Background

The Ministry of Transportation released a proposal for an automated speed enforcement regulation on September 3, 2019

The Ministry released a proposal for [regulations](#) to support use of automated speed enforcement (ASE) by municipalities. Comments on the proposed regulation are due October 3, 2019.

The proposed regulation will outline the operation, procedural and evidentiary requirements for the use of ASE. These requirements will include a description of how photographs are to be used as evidence, the types of ASE technology that may be used, and a description of the enforcement procedures for POA charges.

The Province has not enacted a regulation to allow operation of automated speed enforcement under an administrative penalty system to reduce impacts on Provincial Offences Courts

Many interested municipalities, including the Region have indicated an administrative penalty system is the preferred system for dealing with automated speed enforcement charges to reduce impacts on the Region's Provincial Offences Courts (Courts). Technology-based offences such as ASE and red light camera infractions are well-suited for enforcement using administrative penalties. This would create a faster, more flexible customer-focused process for dealing with violations while relieving court capacity constraints.

Ministry of Transportation of Ontario staff has already indicated the Province will not enact a regulation to administer ASE through an administrative penalty system at this time and there is no such provision in the proposal released for consultation in September. Offences will therefore not be processed through an administrative penalty system as part of the initial rollout. The Region and interested municipalities will continue to advocate the Province for legislative changes to permit the use of an administrative penalty system for ASE and red light camera offences. Staff has provided comments in response to the consultation asking for enactment of amendments to authorize administrative penalties for ASE.

Council supports the use of automated speed enforcement to improve safety and influence driving behaviour

In [October 2006](#), Council endorsed a report to advocate for the use of automated speed enforcement systems (i.e. photo radar). Council recommended the Regional Chair send a letter to the Ministry of Transportation of Ontario and Attorney General requesting the Province enact legislation to allow provincial and municipal police services in Ontario to use automated speed enforcement.

In [December 2007](#), Council adopted the Intelligent Transportation System Strategic Plan identifying automated speed enforcement as one of the initiatives that can improve safety on the Regional road network.

Council has repeatedly advocated for legislative and regulatory amendments to allow automated speed enforcement and red light camera offences to be administered through an administrative penalty system

In [February 2017](#), Council adopted a resolution to advocate for proclamation of s.21.1 of the *Highway Traffic Act* and regulations to allow technology-based enforcement of offences be administered through an administrative penalty system.

In [June 2018](#), Council reaffirmed the Region's support to implement automated speed enforcement technology on Regional roads for its safety benefits and to advocate for enforcement of both ASE and red light camera offences through an administrative penalty system.

In September 2018, the Regional Chair sent a letter to the Attorney General of Ontario in support of the June 2018 resolution. No response has been received.

In May 2019, York Regional Police Services Board requested the Attorney General, in support of Council's resolution calling for legislation to allow for administrative penalties, to be imposed for red light camera and automated speed enforcement. In the letter, the Board highlighted the impacts of limited court capacity on Courts and York Regional Police.

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

In [June 2019](#), Council was provided with an update indicating:

- The Region's Courts do not have the capacity to schedule additional trials resulting from ASE charges within current resources
- Staff will undertake a review of the feasibility of implementing ASE on a pilot basis to assess the impact on Courts
- Staff will continue to advocate for the operation of automated speed enforcement under an administrative penalty system

The City of Toronto, on behalf of participating municipalities, awarded the services of Redflex Traffic Systems to provide automated speed enforcement

In May 2019, the City of Toronto issued a Request for Proposal on behalf of all municipalities in Ontario for the provision of ASE services for a period of five years. The vendor is required to supply, install and test new ASE systems at various sites identified by municipalities.

The City of Toronto awarded the contract to Redflex Traffic Systems (Canada) Limited, the highest scoring proponent identified in the evaluation process that met the requirements as set out in the Request for Proposal. Redflex Traffic Systems will be responsible for the supply, installation, operation, maintenance and decommissioning of an automated speed enforcement system and maintenance of ASE image processing services.

This process ensures the same equipment is used throughout the Province and provides cost savings associated with group purchasing. Award of this Request for Proposal is a crucial step as the specific model of ASE equipment selected is prescribed in the *Highway Traffic Act* regulation. The Region's participation aligns with co-operative purchasing provisions set out in the Region's Purchasing Bylaw. The contract between the City of Toronto and Redflex permits termination of the agreement, for convenience, with 30 days prior notice. In the event that the pilot is terminated after two years, the Region will exercise its termination rights under the contract with Redflex Traffic.

4. Analysis

Courts are currently operating at full capacity for scheduling the current volume of disputed charges

Any increase in charges brought about by ASE infractions would add significant pressure to the court system, resulting in the potential for unreasonable delays in time to trial for all charges, creating the need to add additional resources. Recognizing there would be significant increased pressure on Courts; staff has reviewed the feasibility of a limited use pilot.

Staff proposes to operate one mobile unit on a two-year limited use pilot starting in 2020 to assess technology and impacts on Courts

To assess the capacity of Courts to absorb additional requests, staff proposes to operate one mobile ASE unit on a two-year limited use basis on Regional roads, starting in 2020. This would allow staff to quantify the number of charges and rate at which these charges are disputed. This opportunity will also allow for staff to evaluate the technology and service provided by the vendor. Staff will report preliminary findings to Council in 2021.

Staff will rotate the mobile unit among community safety zones throughout all nine local municipalities. The mobile unit allows for maximizing coverage across the Region. This will

help create a broad awareness of ASE to familiarize motorists with the technology and system.

Agreements with Ministry of Transportation Ontario, Redflex Traffic Systems and City of Toronto are required to operate an automated speed enforcement program

To operate an ASE program, the Region is required to enter into necessary agreements with the following:

- Ministry of Transportation Ontario - an operational agreement for the use of automated speed enforcement on Regional roads and access of license plate registry.
- Redflex Traffic Systems (Canada) Limited - for the supply, installation, operation and maintenance of the ASE mobile unit within York Region.
- City of Toronto - for the operation and cost-sharing of the joint processing centre, which issues the Certificate of Offence. The City of Toronto will operate an ASE joint processing centre on behalf of partnering municipalities. The ASE joint processing centre will employ Provincial Offences Officers, designated by the Province, to issue charges captured by the cameras, as well as additional support staff for site selection, investigation, contract management and record management. Operating costs for the ASE joint processing centre will be cost-shared by partnering municipalities.

An education campaign will create driver awareness of operating automated speed enforcement in the Region

Staff will create a communication plan to advertise the use of ASE in community safety zones on Regional roads. The communication plan will include the following tactics to effectively reach residents and motorists:

- On Street Regulatory Signage (Figure 1)
- Social media posts (Facebook, Twitter, Instagram)
- Website content about the program (york.ca)
- Information in York Region Matters
- Communication for public school boards to share
- Radio advertising (680 News tags, 105.9 The Region)

Figure 1
Automated Speed Enforcement Sign



Implementing automated speed enforcement supports the 2019 to 2023 Strategic Plan and aligns with Vision 2051

Automated speed enforcement on the Regional road network will improve traveller safety, aligning with the 2019 to 2023 Strategic Plan priority area of supporting community health, safety and well-being. Implementation of an ASE program reflects a responsive public service, a focus area of Vision 2051.

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 2019 Transportation Services Operating Budget and Outlook as well as the 2020 Transportation Services budget submission.

Any increase in charges resulting from ASE infractions by the Region and/or its local municipalities would add significant pressure to the court system, resulting in the potential for unreasonable delays in time to trial for all charges, creating the potential need to add additional resources.

6. Local Impact

Local municipal staff have been advised of the Region's intentions to operate ASE in community safety zones on Regional 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.

Local municipalities are also permitted under the current legislation, once proclaimed, to use ASE on local roads and are responsible for all costs associated with a local ASE program. Revenue from local fines collected would remain with the Region's Provincial Offences Courts and would not be available to local municipalities to offset the costs of operating ASE on local roads.

Local municipalities are encouraged to advocate the Province to allow automated speed enforcement to be administered through an administrative penalty system

Given the limited capacity in Courts and the inability for local municipalities to recover Provincial Offences Act fines, local municipalities should consider advocating the Ministry of Transportation Ontario to make legislative changes to the *Highway Traffic Act* to allow ASE to be administered under an administrative penalty system. Local municipalities will significantly benefit if the legislative changes are made as community safety zones and school zones are predominantly found on local roads. Local municipalities would benefit from the use of ASE by lowering operating speeds and allowing for the collection of revenue to offset operating costs.

7. Conclusion

The Region's Courts are currently operating at full capacity for scheduling the current volume of disputed charges. To assess capacity, staff proposes to operate one mobile ASE unit on a two-year, limited use basis on Regional roads, starting in 2020. This would allow staff to quantify the number of charges and rate at which these charges are disputed. This opportunity would also allow staff to evaluate the technology and service provided by the vendor. To allow for the use of automated speed enforcement on Regional roads, the Region needs to execute agreements with Ministry of Transportation Ontario, Redflex Traffic Systems (Canada) Limited and City of Toronto.

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

September 19, 2019
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