



## MEMORANDUM

To: Mayor and Members of Development Services Committee

From: Brian Lee, Director, Engineering, Ext. 7507

Prepared by: Loy Cheah, Senior Manager, Transportation, Ext. 4838  
David Porretta, Manager, Traffic Engineering, Ext. 2040

Date: February 24, 2020

Re: **Automated Speed Enforcement in School Zones Information Update (All Wards)**

---

### RECOMMENDATION:

1. That the memo entitled, “Automated Speed Enforcement in School Zones Information Update (All Wards)” be received.

### PURPOSE:

This memorandum provides Council with information regarding Ontario Regulation 398/19 under the Highway Traffic Act, R.S.O. 1990, c. H.8: Automated Speed Enforcement. This Regulation allows municipalities to administer Automated Speed Enforcement (ASE) in school zones. This memo highlights the administrative, regulatory and procedural requirements of ASE, capital and operating impacts, and a summary of York Region’s proposed two-year pilot program.

### BACKGROUND:

#### **What is Automated Speed Enforcement (ASE)?**

ASE is an automated system that uses a camera and a speed measurement device to detect and capture images of vehicles travelling in excess of the posted speed limit. Provincial Offence Officers review captured images and when a vehicle travelled in excess of the posted speed limit, a ticket will be issued to the owner of the vehicle, regardless of who was driving the vehicle at the time. The only penalty that can be imposed is a fine; no demerit points are issued and there is no impact to a driver’s record.

#### **The Province has passed O. Reg. 398/19, allowing municipalities to administer ASE in school zones**

As of December 2, 2019, O. Reg. 398/19, under the Highway Traffic Act, was enacted and is now in effect. Having its origins from Bill 65 (Ontario Safer School Zones Act, 2017), the regulation grants municipalities authority to administer ASE programs for the purpose of reducing operating speeds in school zones, which would need to be formally designated through a municipal by-law.

### **The Ontario Traffic Council developed the framework for operating ASE in school zones**

In January 2017, The Ontario Traffic Council (OTC), comprised of municipalities across Ontario, established a working group to develop the technical criteria and administrative program to operate an ASE program in school zones, in anticipation of the forthcoming regulation. OTC agreed that the City of Toronto would operate a Joint Processing Centre (JPC) where the following services would be provided:

- Verification of ASE record;
- Obtaining license plate information from the Province;
- Warning letter preparation;
- Preparation of charging documents/notices.

Costs associated with operating the JPC would be shared by participating municipalities and is calculated based on the number of charges issued within each respective jurisdiction.

### **City of Toronto is working jointly with participating municipalities to operate ASE in school zones**

The City of Toronto, on behalf of participating municipalities, issued a Request for Proposal (RFP) in May 2019 for goods and services related to ASE technologies for an initial period of five years. The contract was awarded to Redflex Traffic Systems who will be responsible for the supply, installation, decommissioning, operation, and maintenance of a mobile camera system, including image processing. Participating municipalities agreed to bulk purchase goods and services to receive better pricing, streamline the procurement process, and allow for consistency across the GTA. The following municipalities are participating with the City of Toronto and are proceeding with the use of ASE in school zones:

- Regional Municipality of York;
- Regional Municipality of Peel;
- Regional Municipality of Durham;
- Regional Municipality of Waterloo;
- County of Oxford;
- City of Ottawa;
- City of Hamilton;
- City of Mississauga;
- City of London;
- City of Brampton;
- City of Burlington; and
- Town of Ajax.

### **Municipalities must have agreements with multiple agencies to use ASE in school zones**

In order for municipalities to participate in the ASE program, agreements with the following agencies are required:

1. Ministry of Transportation of Ontario – An agreement to administer ASE in school zones on roads under the jurisdiction of the municipality and to have access to the license plate registry.

The Ministry will also undertake a 180-day review of the program to ensure the ASE program is operating as intended.

2. City of Toronto – Charges under the ASE program will be processed through the City of Toronto's JPC on behalf of all participating municipalities. The JPC employs Provincial Offence Officers designated by the Province and administrative staff for reviewing and issuing charges;
3. The Vendor (Redflex Traffic Systems) – For the supply, installation, operation, and maintenance of the ASE system.

### **Provincial Offences Court System is operating at capacity**

Ministry of Transportation of Ontario has specified that speeding charges from the ASE program be processed under the Provincial Offences Act. However, the Provincial Offences Court system is currently operating at capacity and is experiencing a significant backlog. Participating municipalities have expressed their preference to have charges processed under the administrative penalty system to help avoid putting more strain on the Provincial Offences Court system. The Ministry has not waived on this decision.

### **All school zone locations with ASE require a minimum 90-day warning period**

Once a school zone site has been selected for ASE using the Province's site selection guidelines, a municipality must provide a warning period for a minimum of 90 days before charges can be issued. During the warning period, warning letters may be issued through the JPC for motorists who exceed the speed limit. The administrative costs to issue the warning letters will be the same as issuing a charge, and municipalities have expressed their concern about the cost implication of this requirement.

## **DISCUSSION:**

### **York Region is proceeding with a two-year ASE pilot to evaluate & monitor performance**

On January 16, 2020, Regional Council approved a York Region staff recommendation to proceed with a two-year, limited use ASE pilot (see Attachment "A").

The two-year program includes the procurement of one mobile ASE unit, to be rotated between 12 school zones across the nine local municipalities. The objective of the pilot program is:

- assess the operations of the automated camera technology;
- quantify the impact to the Provincial court system;
- understand the actual ongoing operating costs to administer the program; and
- assess the improvement in safety through reduced vehicle speeds within the school zones.

At this time, York Region has elected not to issue warning letters, but will instead rely on an extensive 90-day public communications campaign to inform the public of the impending activation of the ASE pilot at each school zone.

City staff have been advised by York Region staff that the City of Markham's ASE school zone site will be on Highway 7, at St. Patrick Catholic Elementary School, located in Ward 4. The camera will be in

service for a period of one month starting September 2020, immediately following the 90-day public communications campaign.

York Region staff have estimated that the cost to initiate and operate one camera for a two-year pilot is approximately \$500,000. This cost includes the following:

- Vendor Costs to Operate & Maintain ASE:
  - Initial setup of (1) mobile camera (\$340);
  - Camera redeployment (\$1100);
  - Operating (1) mobile camera (\$62,500);
- Administrative & Legal Costs:
  - Operation of the City of Toronto JPC (\$388,000);
  - MTO license plate look-up (\$18,800);
  - Provincial Offences Court services (\$31,000).

**City Staff will monitor and assess the performance of the Region's two-year pilot program**

ASE on municipal roads is new to Ontario, and as such, the overall implications of operating a sustainable ASE program is not fully understood yet. In particular, the limited locations in which ASE can be applied (i.e. only in school zones), its use on Markham streets (as opposed to high volume, high speed Regional arterials), the operating costs/challenges of administering the program and actual safety benefits need to be understood before staff can make any recommendation to Council.

In the meantime, City staff will monitor York Region's two-year ASE pilot and continue ongoing engagement with the OTC, York Region, and other municipalities initiating their respective ASE programs. Staff will also consider the use of an ASE program in school zones within the context of a future City-wide road safety plan.

**ATTACHMENTS:**

Attachment A – York Region staff report to Regional Council, “*Automated Speed Enforcement Update*”, (January 16, 2020)