

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 Petrunaro, 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)
10320100

Français

ONTARIO REGULATION 398/19

made under the

HIGHWAY TRAFFIC ACT

Made: November 28, 2019

Filed: November 29, 2019

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Printed in *The Ontario Gazette*: December 14, 2019**AUTOMATED SPEED ENFORCEMENT****Definitions**

1. (1) For the purposes of Part XIV.1 of the Act,

“photograph” includes any form of image that is recorded and stored electronically and that can be displayed as an image, and includes a copy, reproduction or enlargement of all or part of the image or photograph.

(2) In this Regulation,

“posted speed limit” means the maximum rate of speed prescribed under section 128 of the Act for a highway or portion of a highway.

Automated speed enforcement system

2. (1) For the purposes of Part XIV.1 of the Act, a system is an automated speed enforcement system if it consists of a combination of a camera and speed-measuring equipment that can be used to take a photograph of a motor vehicle and determine and record the rate of speed at which the motor vehicle is travelling at the time the photograph is taken.

(2) An automated speed enforcement system may be permanently or temporarily located on or adjacent to any highway.

Information or data on photograph

3. (1) A photograph taken by an automated speed enforcement system may show or have superimposed upon it any information or data, including:

1. The time and date when the photograph was taken.
2. A description of the location where the photograph was taken, including the names of streets and the direction of travel.
3. The rate of speed at which a motor vehicle shown in the photograph was travelling when the photograph was taken.
4. A mark, line or other indicator to identify the motor vehicle shown in the photograph that was determined to have been speeding.
5. Subject to subsection (2), an indication of the lane in which the motor vehicle was travelling.
6. The posted speed limit on the highway at the time when and the place where the photograph was taken.

(2) For the purposes of paragraph 5 of subsection (1), the lane furthest to the right side of a highway may be identified as lane 1, and each lane to the left of lane 1 may be identified as lane 2, lane 3 and so on.

Photographs as evidence

4. (1) Subject to subsection (2), a photograph obtained through the use of an automated speed enforcement system shall be received in evidence in a proceeding under the *Provincial Offences Act* in respect of an alleged offence under section 128 of the Act.

(2) The photograph must comply with the requirements of this Regulation.

(3) A photograph that purports to be certified by a provincial offences officer as having been obtained through the use of an automated speed enforcement system shall be received in evidence as proof, in the absence of evidence to the contrary, that the photograph was obtained through the use of an automated speed enforcement system.

(4) A provincial offences officer shall not certify a photograph as having been obtained through the use of an automated speed enforcement system unless the automated speed enforcement system was tested and established to be accurate within the 12 months immediately preceding the date of offence.

(5) A photograph of a motor vehicle obtained through the use of an automated speed enforcement system is proof, in the absence of evidence to the contrary, that,

- (a) the automated speed enforcement system was located on or adjacent to a highway and was working properly at the time that the photograph was taken;
- (b) the information or data that is shown or superimposed on the front or the back of the photograph, including any information or data authorized under section 3, is true; and
- (c) the motor vehicle was being operated at a rate of speed in excess of the posted speed limit contrary to section 128 of the Act.

(6) In order to be received in evidence, an enlargement of a photograph must clearly show the number plate of the vehicle that is the subject of the photograph and as much of the rest of the photograph as is necessary to show that the enlargement is of part of that photograph.

(7) An enlargement or reproduction of a photograph or part of a photograph taken by an automated speed enforcement system is not required to show or have superimposed on it any information, if the enlargement or reproduction is tendered in evidence together with the photograph of which it is an enlargement or reproduction.

(8) No person who has entered a plea of not guilty at trial shall be convicted of an offence on the basis of a photograph obtained through the use of an automated speed enforcement system unless the photograph is tendered in evidence at trial.

Statements of officer

5. (1) The certified statements of a provincial offences officer in a certificate of offence are admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate.

- (2) A provincial offences officer who prepares a certificate of offence shall, in the certificate,
 - (a) state that the system used to take the photograph was an automated speed enforcement system under subsection 2 (1) when the photograph was taken; and
 - (b) set out the manufacturer's name and the model number of the automated speed enforcement system used to take the photograph.

(3) The provincial offences officer who used the evidence obtained through the use of an automated speed enforcement system to identify the owner of the motor vehicle involved in the alleged offence, and who issued the certificate of offence and offence notice, shall not be required to give oral evidence at trial unless a summons requiring the officer to attend is issued at trial under section 39 of the *Provincial Offences Act*.

(4) A provincial offences officer who certifies that a photograph was obtained through the use of an automated speed enforcement system shall not be required to give oral evidence at trial unless a summons requiring the officer to attend is issued at trial under section 39 of the *Provincial Offences Act*.

(5) No summons shall be issued to a provincial offences officer referred to in subsection (3) or (4) unless a justice is satisfied that the defendant will not be able to have a fair trial if the officer is not required to give oral evidence.

Evidence of ownership

6. Evidence of ownership of the motor vehicle involved in the alleged offence may be contained in the certificate of offence or it may be set out in a separate document.

Offence notice

7. (1) An offence notice issued in a proceeding based on evidence obtained through the use of an automated speed enforcement system may be served by sending the offence notice by regular prepaid mail or by courier to the person charged at the address that appears on the Ministry's records on the date of the alleged offence within 23 days after the occurrence of the alleged offence.

(2) If the person is charged as the owner of the motor vehicle, the offence notice shall be sent to the address of the holder of the plate portion of the permit for the motor vehicle.

(3) If the provincial offences officer who issued the certificate of offence also mails or couriers the offence notice or causes it to be mailed or couriered, that officer shall certify, on the certificate of offence, the fact that the offence notice was mailed or couriered and the date it was mailed or couriered, and that certified statement shall be received in evidence and is proof of service in the absence of evidence to the contrary.

(4) Where the provincial offences officer who issued the certificate of offence believes that the person charged resides or, in the case of a corporation, has its principal place of business outside Ontario, the address outside Ontario at which the officer believes the person resides or has its principal place of business shall be used, and proof of ownership of the motor vehicle and of the owner's address shall be provided in accordance with section 210.1 of the Act.

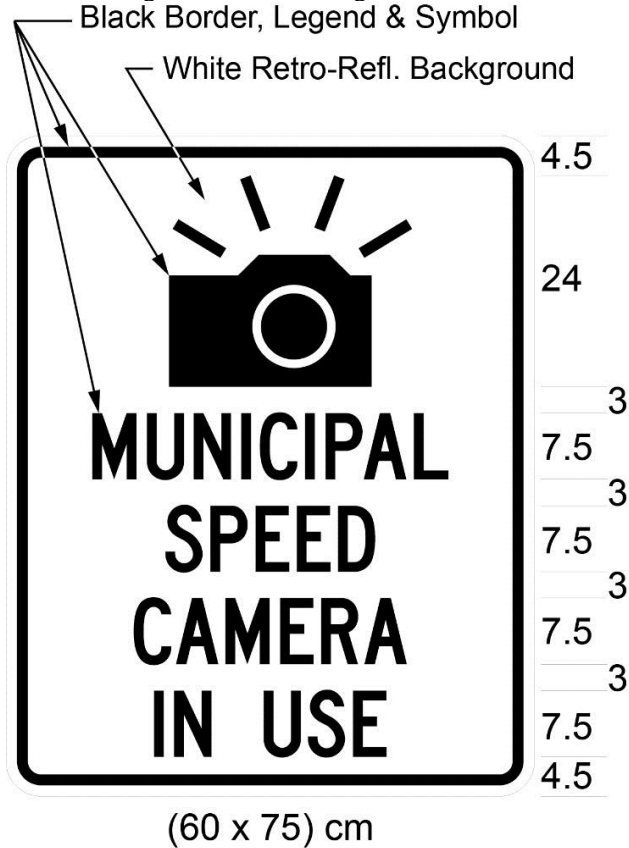
(5) Service of an offence notice mailed or couriered in accordance with this Regulation shall be deemed to be effected on the seventh day following the day on which it was mailed or couriered.

Municipal speed camera signs

8. (1) Where an automated speed enforcement system is in use on a part of a highway designated as a school zone under clause 128 (5) (a) of the Act, or designated as a community safety zone under subsection 214.1 (1) of the Act, a sign and, if applicable, an additional sign shall be displayed in accordance with this section.

(2) A sign that meets the following requirements shall be displayed at or immediately before the location at which the automated speed enforcement system is in use:

1. The sign faces approaching traffic and is displayed on the right side of the highway.
2. The sign is not less than 60 centimetres in width and 75 centimetres in height.
3. The sign bears the markings and has the dimensions as illustrated in the following Figure:



(3) In an area designated in the Schedule to the *French Language Services Act*, an additional sign that meets the following requirements shall be displayed at or immediately before the location at which the automated speed enforcement system is in use:

1. The sign faces approaching traffic and is displayed on the right of the sign prescribed in subsection (2).
2. The sign is not less than 60 centimetres in width and 75 centimetres in height.
3. The sign bears the markings and has the dimensions as illustrated in the following Figure:



(4) The sign prescribed in subsection (2) and the additional sign prescribed in subsection (3) shall not be displayed when an automated speed enforcement system is not in use.

(5) Sections 44, 46, 47 and 52 of Regulation 615 of the Revised Regulations of Ontario, 1990 (Signs), made under the Act, apply, with necessary modifications, with respect to the sign prescribed in subsection (2) and the additional sign prescribed in subsection (3).

Commencement

9. This Regulation comes into force on the latest of,

- (a) **December 1, 2019;**
- (b) **the day that section 5 of the *Safer School Zones Act, 2017* comes into force; and**
- (c) **the day this Regulation is filed.**

Français

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Ontario Automated Speed Enforcement (ASE) System Program

Municipalities are responsible for all aspects of their ASE program administration, subject to the rules and procedures included in the Highway Traffic Act and its regulations. These guidelines are provided to support municipalities in developing responsible and safety-oriented ASE programs in their communities.









Municipalities are responsible for ensuring that their ASE systems are deployed transparently and for the express purpose of promoting road safety, while maintaining public trust.

Provincial Guidelines

<p>General Operating Requirements</p>	<p>Municipalities that choose to deploy ASE system technology should ensure that:</p> <ul style="list-style-type: none"> ▶ Municipal ASE systems are deployed exclusively in school zones and community safety zones with speed limits under 80km/h; ▶ They sign and remain in compliance with the Ministry of Transportation's data sharing agreement; ▶ Municipal ASE charges and deployed camera technology comply with provincial legislation and regulations; ▶ Municipal ASE systems are deployed where speed limits are clearly posted and not in areas where speed limits transition; ▶ Municipal revenue, collected under any Municipal ASE program, that exceeds the costs of delivering the Municipal ASE program is used to support local public safety and educational initiatives. ▶ Reasonable and consistent enforcement thresholds are established across all participating municipalities which are not inconsistent with current law enforcement practices.
<p>Site and Zone Selection</p>	<p>Appropriate site selection is essential to achieving the highest level of safety benefit. Priority municipal enforcement sites should be located where the risk of speeding-related crashes, injuries, and fatalities is greatest.</p> <p>To support this objective, municipalities should consider the following factors when selecting school zones and community safety zones for ASE system deployment:</p> <ul style="list-style-type: none"> ▶ Speed related collisions, fatalities and injuries; ▶ Population density; ▶ Concentration of vulnerable road users, especially pedestrians and cyclists; ▶ Proximity to sensitive community areas, such as schools, senior residences, hospitals, libraries, community centres, etc.; ▶ Existing roadway design features and infrastructure (e.g. lack of sidewalks or crosswalks); ▶ Adequate signage locations to inform drivers that they are approaching a municipal speed camera.
<p>Education/ Warning Period</p>	<p>Municipalities should implement a communications/public education plan to inform the public about their ASE programs, including website and question and answer documents, both in advance of their launch and during their application. This should include information about the municipal ASE program, warning period and when enforcement will begin.</p> <p>Municipalities should establish a 90-day warning period in advance of an ASE system activation and each new municipal ASE camera deployment to educate the public and raise awareness of the upcoming implementation. This warning period should include:</p> <ul style="list-style-type: none"> ▶ Signage where ASE system is deployed ▶ Issuing warning letters to drivers who exceed the speed limit in prospective zones
<p>Mandatory Signage</p>	<p>Signage has been proven to maintain transparency and openness, which increases public acceptance of a municipal ASE regime by establishing a sense of fairness to drivers. The goal is to indicate where ASE is being used in the municipality and that drivers should not speed.</p> <p>Well-designed advanced warning signs of the presence of speed cameras have a great potential for early speed reduction in advance of the camera site.</p>
<p>Offences</p>	<p>Existing Highway Traffic Act speeding fines apply under section 128. ASE remains an owner liability offence for which no demerit points or licence suspensions are imposed. In addition, ASE offenders are subject to licence plate denials and other penalties for defaulting on fines.</p>
<p>Evaluation</p>	<p>As per the Provincial-Municipal (ASE) Agreement, municipalities are required to remit program data at required times, including:</p> <ul style="list-style-type: none"> ▶ Dates of mobile ASE placement/relocation, the dates of signage installation/modification, and the times of ASE activation; ▶ Vehicle speed data; ▶ Number of charges laid (via ASE); ▶ Number and types of injuries, fatalities, and property damage only collisions that occurred on each road segment adjacent to an installed ASE device.
<p>Program Review Period</p>	<p>Parliamentary Assistant to the Minister of Transportation, Vijay Thanigasalam, will be conducting a 180-day review to ensure the ASE program is operating as intended or if further legislative, regulatory or policy changes are needed to ensure that municipal ASE programs are meeting the objective of transparently improving road safety while retaining the public's trust. Municipalities and members of the public are encouraged to submit comments SPEB@Ontario.ca.</p>

York Region Automated Speed Enforcement Program (2-year pilot) Proposed Deployment Schedule

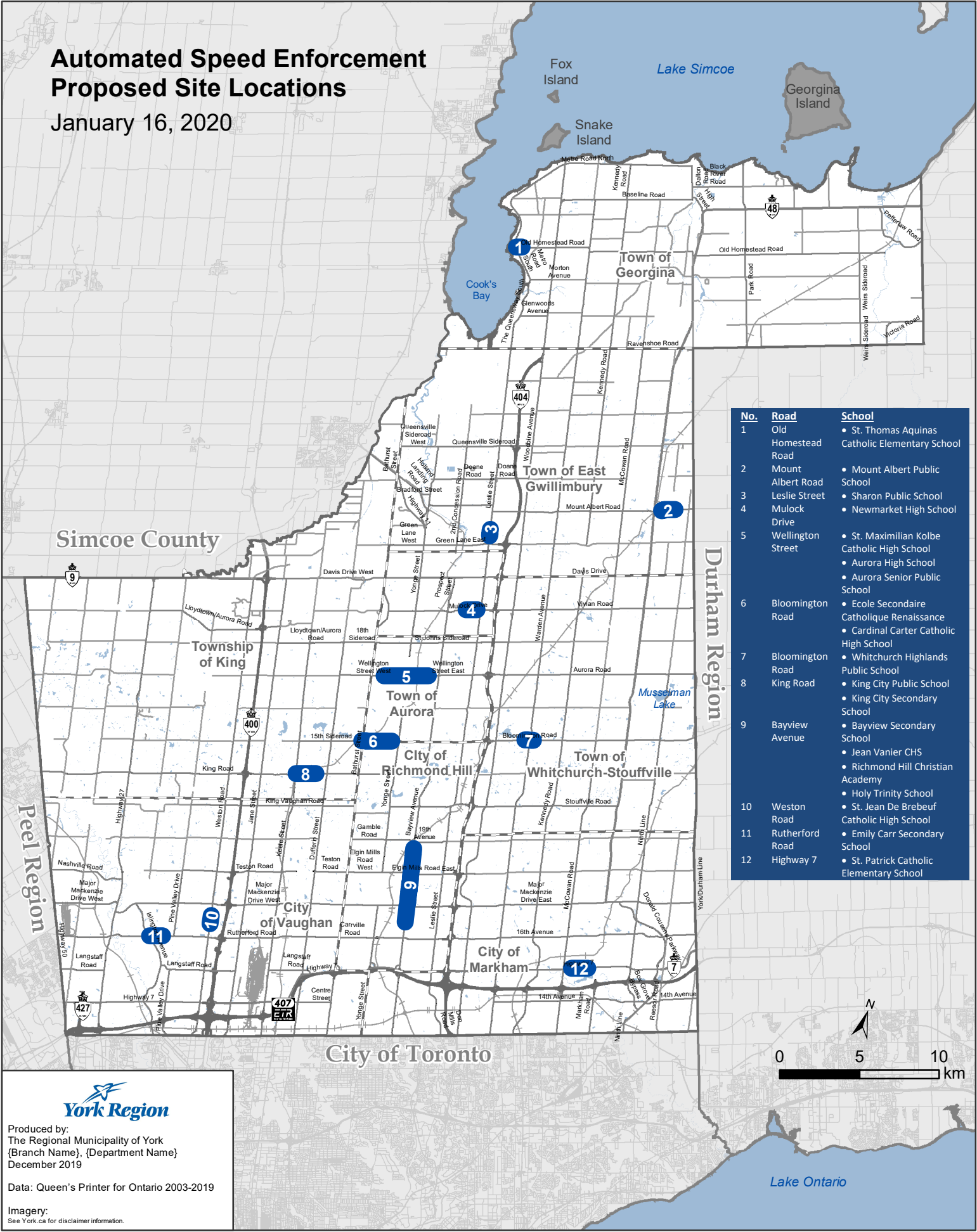
	Location	Mun.	Schedule	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
YEAR ONE	Rutherford Road (Y.R. 73)	VA													
															
	Old Homestead Road (Y.R. 79)	GE													
															
	Highway 7 (Y.R. 7)	MA													
															
	Mount Albert Road (Y.R. 13)	EG													
															
	Bayview Avenue (Y.R. 34)	RH													
															
YEAR TWO	Leslie Street (Y.R. 12)	EG													
															
	King Road (Y.R. 11)	KG													
															
	Weston Road (Y.R. 56)	VA													
															
	Mulock Drive (Y.R. 74)	NM													
															

	Location	Mun.	Schedule	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
	Bloomington Road (Y.R. 40)	WS													
															
	Wellington Street (Y.R. 15)	AU													
															
	Bloomington Road (Y.R. 40)	AU/ RH													
															
	Rutherford Road (Y.R. 73)	VA													
															

Note: The proposed operating time will be adjusted to accommodate Provincial Offences Courts capacity

Automated Speed Enforcement Proposed Site Locations

January 16, 2020



No.	Road	School
1	Old Homestead Road	<ul style="list-style-type: none"> St. Thomas Aquinas Catholic Elementary School
2	Mount Albert Road	<ul style="list-style-type: none"> Mount Albert Public School
3	Leslie Street	<ul style="list-style-type: none"> Sharon Public School
4	Mulock Drive	<ul style="list-style-type: none"> Newmarket High School
5	Wellington Street	<ul style="list-style-type: none"> St. Maximilian Kolbe Catholic High School Aurora High School Aurora Senior Public School
6	Bloomington Road	<ul style="list-style-type: none"> Ecole Secondaire Catholique Renaissance Cardinal Carter Catholic High School
7	Bloomington Road	<ul style="list-style-type: none"> Whitchurch Highlands Public School
8	King Road	<ul style="list-style-type: none"> King City Public School King City Secondary School
9	Bayview Avenue	<ul style="list-style-type: none"> Bayview Secondary School Jean Vanier CHS Richmond Hill Christian Academy Holy Trinity School
10	Weston Road	<ul style="list-style-type: none"> St. Jean De Brebeuf Catholic High School
11	Rutherford Road	<ul style="list-style-type: none"> Emily Carr Secondary School
12	Highway 7	<ul style="list-style-type: none"> St. Patrick Catholic Elementary School

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