

Clause 7 in Report No. 10 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on June 28, 2018.

7

Automated Speed Enforcement Update

Committee of the Whole recommends adoption of the following recommendations contained in the report dated May 25, 2018 from the Commissioner of Transportation Services:

1. The Regional Chair prepare a letter to the Premier and leaders of the opposition parties to advocate for legislative and regulatory amendments to permit the enforcement of red light camera and automated speed enforcement infractions by the municipalities operating these programs through an Administrative Penalty System.
2. The Regional Clerk circulate this report to Clerks of the local municipalities, York Regional Police, Association of Municipalities of Ontario, Ontario Traffic Council, Ministry of Transportation of Ontario and Ministry of the Attorney General.

Report dated May 25, 2018 from the Commissioner of Transportation Services now follows:

1. Recommendations

It is recommended that:

1. The Regional Chair prepare a letter to the Premier and leaders of the opposition parties to advocate for legislative and regulatory amendments to permit the enforcement of red light camera and automated speed enforcement infractions by the municipalities operating these programs through an Administrative Penalty System.
2. The Regional Clerk circulate this report to Clerks of the local municipalities, York Regional Police, Association of Municipalities of Ontario, Ontario Traffic Council, Ministry of Transportation of Ontario and Ministry of the Attorney General.

2. Purpose

This report provides Council with an update on the status of implementing automated speed enforcement technology in Community Safety Zones.

3. Background and Previous Council Direction

York Region may choose to use automated speed enforcement on Regional roads to enhance safety

Speeding is the most common traffic concern raised by community members. Automated speed enforcement (ASE) is a technology-based safety tool to address speeding that supplements traditional speed enforcement. Changing driver behaviour to slow down and comply with speed limits has a positive effect on community health and well-being. The industry reports ASE can reduce the number and severity of collisions.

Council has advocated the Province to enact legislation to allow automated speed enforcement to improve safety on Regional roads

In [October 2006](#), Council endorsed a report to advocate 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.

In [February 2017](#), Council adopted a resolution to advocate for amendments to allow technology-based enforcement of offences be administered through an administrative penalty system (APS). Council has requested the Ministry of Transportation of Ontario to proclaim s. 21.1 of the *Highway Traffic Act (HTA)* in effect and to enact a Regulation designating red light camera and ASE infractions be enforced through administrative penalties.

The Ontario legislature passed Bill 65, *Safer School Zones Act, 2017* permitting municipalities to use automated speed enforcement technology in Community Safety Zones

After a decade of advocating, the Province is allowing municipalities to use ASE as a community safety tool. On May 30, 2017, the Ontario legislature passed Bill 65, the *Safer School Zones Act, 2017* permitting municipalities to use ASE technology as an aid to reduce speeds and increase safety in community safety and school zones. Bill 65 included an amendment to the *HTA* to replace the old photo radar system with a new Part XIV.1 entitled Automated Speed Enforcement. Part XIV.1 is not in effect until proclamation. Before this part will be proclaimed, the Province must enact a Regulation designating the equipment to be used and setting out the evidence and procedure for ASE infractions. Once the Regulation is ready, Part XIV.1 will be proclaimed in effect.

4. Analysis and Implications

Region staff are participating in a multi-municipal working group to develop the automated speed enforcement program

The Ontario Traffic Council has formed a working group consisting of municipalities, the Ministry of Transportation of Ontario and the Ministry of the Attorney General to develop and cost-share in a consistent ASE program province-wide. Staff will have the opportunity to ensure the needs of York Region will be incorporated into the ASE program and will be knowledgeable in how best to apply this new safety tool. The working group is responsible for but not limited to:

- Investigating the use of an administrative penalty system for both red light cameras and automated speed enforcement
- Creating location selection criteria, communication and official signage
- Selecting technology, including equipment and hardware (fixed and mobile systems)
- Developing a request for proposal for a joint processing centre for ASE, including administration of infraction processing

Based on the past experience of establishing the red light camera program, it is anticipated that this process to establish common procedures for implementing automated speed enforcement programs will take approximately one to two years.

Municipalities are envisioning a joint processing centre as the best model to ensure consistency and reduce costs for processing automated speed enforcement infractions

Municipalities and the Province are considering a joint processing centre for ASE, similar to the red light camera program, which has been very successful. In the case of the red light camera program implementation, the joint processing centre is a centralized processing centre, operated by the City of Toronto, that ensures all infractions are treated the same throughout the province and reduces costs to municipalities using ASE. The City of Toronto is developing a request for proposal for the feasibility of establishing a joint processing centre for ASE infractions.

Legislative and regulatory changes are required to allow municipalities to operate automated speed enforcement and retain the associated fine revenue to offset costs

In [February 2017](#), Council adopted a resolution asking the Province to enact legislation and regulations to allow for red light camera and ASE offences to be administered through an administrative penalty system. Without such amendment, ASE offences would be administered through the *Provincial Offences Act* and would be payable or disputed through the *Provincial Offences Act* court system. York Region's Court Services is at full capacity for scheduling the current volume of disputed charges. Any increase in charges brought about by ASE infractions would add significant pressure on the court system, resulting in unreasonable delays in the time to trial for all charges. Court Services does not have the capacity to schedule additional trial requests resulting from ASE charges.

An administrative penalty system is an alternative to charges laid under the *Provincial Offences Act*. APS transfers disputes from the courts to a system where disputes are dealt with by dispute resolution officers and ultimately, hearings officers, if the dispute is not resolved. APS allows for a faster, more flexible and customer-focused process for dealing with violations of the law. It also helps to relieve constraints on court capacity, reserving court time for matters requiring in-person evidence by enforcement officers and witnesses.

Section 21.1 of the *HTA* allows the Province to enact a regulation designating certain offences to be administered under an administrative penalty system. This section has not been proclaimed in effect. Council's 2017 resolution requested that this section be proclaimed and further, that a regulation be made to permit administration of ASE through administrative penalties. A further amendment is needed to ensure the revenue from ASE offences is payable to the municipality operating the system. Section 21.1(13) of the *HTA* currently provides that any

Automated Speed Enforcement Update

revenue from administrative penalties imposed under that Act are payable to the Crown. Absent such a provision, municipalities should seek agreements with the Province to ensure the APS revenue would flow to municipalities operating ASE.

Implementing automated speed enforcement supports the 2015 to 2019 Strategic Plan and aligns with Vision 2051

Automated speed enforcement on the Regional road network will improve traveller safety, aligning with the 2015 to 2019 Strategic Plan priority area of community health and well-being. Implementation of such a program reflects a responsive public service, a focus area of Vision 2051.

5. Financial Considerations

Costs associated with development and implementation of an ASE program and a joint processing centre will be subject to budgeting and Council approval. Staff will inform Council of the costs associated with program implementation and operation as more information becomes available.

6. Local Municipal Impact

Local municipalities support the Region using automated speed enforcement in Community Safety Zones on Regional roads. They are also permitted under current legislation, once proclaimed, to use automated speed enforcement on local roads.

7. Conclusion

York Region may choose to use automated speed enforcement on Regional roads for safety benefits. It is important for staff to participate in the multi-municipal working group to ensure the needs of York Region are incorporated in the automated speed enforcement program and to be knowledgeable in how best to apply this new safety tool.

For automated speed enforcement to be effective, it is necessary to persuade the Ministry of Transportation of Ontario to make legislative changes in the *Highway Traffic Act* to allow automated speed enforcement charges to be administered under an administrative penalty system.

Automated Speed Enforcement Update

For more information on this report, please contact Joseph Petrunaro, Director, Roads and Traffic Operations, at 1-877-464-9675 ext. 75220.

The Senior Management Group has reviewed this report.

May 25, 2018

8462098

Accessible formats or communication supports are available upon request