



Office of the Commissioner
Transportation Services Department

MEMORANDUM

To: Members of Committee of the Whole

From: Paul Jankowski
Commissioner of Transportation Services

Date: June 5, 2019

Re: Automated Speed Enforcement Update

This memorandum provides an update on the automated speed enforcement program in Ontario.

Council advocated the Province to enact legislation to allow automated speed enforcement to improve safety

In February 2017, Council adopted a resolution to advocate for amendments to the *Highway Traffic Act* to allow administration of technology-based enforcement for offences 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 automated speed enforcement (ASE) and red light camera (RLC) offences through an administrative penalty system.

In September 2018, the Regional Chair sent a letter to the Ministry of the Attorney General of Ontario to request legislative and regulatory amendments to permit municipalities to process ASE and RLC infractions through administrative penalties and allow municipalities to retain associated fine revenues to recover program costs.

The Province enacted legislation to allow automated speed enforcement in community safety zones

In May 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 *Highway Traffic Act* 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 set out the evidence and procedure for ASE infractions.

The Region's preference is to operate automated speed enforcement under an administrative penalty system to reduce impacts on Court Services

Like York Region, many municipalities, including the City of Toronto, have indicated an administrative penalty system is the preferred system for dealing with ASE infractions. Formal requests to allow the use of an administrative penalty system for ASE and RLC offences have been made to the Province. The Province has advised that ASE offenses will proceed as charges under the *Provincial Offences Act*. Despite recent amendments to the *Highway Traffic Act*, there is no indication that the Province will permit enforcement of ASE as administrative penalties.

***Provincial Offences Act* courts do not have the capacity to schedule additional trial requests resulting from automated speed enforcement charges**

Our *Provincial Offences Act* courts are currently operating at full capacity with many constraints beyond their control, and do not have the capacity to schedule additional trial requests resulting from ASE charges. An administrative penalty system is an alternative to the *Provincial Offences Act* courts, in which matters are diverted from the courts to municipalities using locally appointed Hearing Officers. Technology-based offences including ASE and red light cameras are well suited for enforcement using administrative penalties, and doing so would create a faster, more flexible and customer-focused process for dealing with violations and relieve court capacity constraints.

Staff continues to participate in development of the automated speed enforcement program

In January 2017, the Ontario Traffic Council formed the ASE working group, consisting of municipalities, the Ministry of Transportation of Ontario and the Ministry of the Attorney General, to guide development of ASE program regulations, administration and technology. To ensure the Region's best interests are included during development of the ASE process staff continues to participate in the Steering Committee. The Steering Committee is intended to ensure consistent operation of ASE throughout the province and will provide ASE operational guidelines, including site selection guidelines, operating hours, advanced signage requirements and communications.

The City of Toronto will operate an automated speed enforcement joint processing centre on behalf of partnering municipalities

Through discussions with the Province and partnering municipalities, the current plan is for the City of Toronto to operate an ASE joint processing centre, separate from the current red light camera joint processing centre. 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. If the City is not able to operate a joint processing centre due to the volume of its own ASE offences, an alternate processing centre would be required to allow other municipalities to implement ASE.

The City of Toronto has issued a request for proposal for provision of automated speed enforcement services, on behalf of participating municipalities

On behalf of participating municipalities in the province, the City of Toronto recently issued a request for proposal for the provision of automated speed enforcement services for a period of five years. The successful vendor will be required to supply, install and test new ASE systems at various sites identified by municipalities. Equipment options (i.e. mobile versus fixed ASE), site requirements and operating parameters have not yet been confirmed. These factors will be determined once a vendor is selected and the Steering Committee provides direction on the required operating conditions for all participating municipalities.

The request for proposal is expected to close for evaluation by July 2019. The City of Toronto is planning to issue warning tickets for a few months prior to full implementation of the ASE program by year end.

York Region is reviewing the feasibility of implementing automated speed enforcement on a pilot basis

Given that the Province will not enact a regulation designating ASE offences be processed through an administrative penalty system as part of the initial rollout, and in light of the concerns regarding the capacity of the Region's *Provincial Offences Act* courts to absorb the additional caseload anticipated from ASE, Regional staff is currently assessing the feasibility of introducing ASE on Regional roads on a pilot basis. This would allow staff to assess the impact of ASE on driver behaviour and road safety as well as the impact on court capacity by quantifying the number of infractions and rate at which these charges are disputed. It would also provide an opportunity for the Region, and community, to become familiar with the technology and system.

Staff propose to provide further updates to Council as this issue evolves.

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