



Office of the Regional Solicitor
Legal and Court Services Department

MEMORANDUM

To: Members of Committee of the Whole

From: Joy Hulton
Regional Solicitor

Date: June 13, 2019

Re: School Bus Cameras and Administrative Penalties

On April 4, 2019, Committee of the Whole received a communication from the Town of Newmarket dated [March 11, 2019](#) and an attached letter from the Minister of Transportation dated December 20, 2018 outlining changes proposed for enforcement of section 175 of the *Highway Traffic Act* (passing a stopped school bus). This memo responds to a request by Committee for information related to the process, roles and timelines for implementation of school bus cameras.

Legislation was enacted in 2017 to provide for use of automated school bus cameras to enforce section 175 of the *Highway Traffic Act*

On December 12, 2017 the province passed Bill 174, the *Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017*. It includes amendments to the *Highway Traffic Act* to improve efficiency of enforcement through use of “automated school bus cameras.” The amendments to *Highway Traffic Act* contained in Bill 174 have yet to be proclaimed. If the amendments are proclaimed and a regulation is enacted detailing the equipment and process to issue charges, enforcement of offences would operate in a manner similar to red light cameras. A provincial offence notice would be issued to the registered owner of the plate and the offences would be prosecuted in the *Provincial Offences Act* courts.

Before automated school bus cameras can be used as the basis for POA charges, the province must create a regulatory framework similar to that in place for red light cameras. The Minister’s letter of December 20, 2018 sets out the steps required to implement this framework.

Minister of Transportation recently announced proposed legislation to promote school bus safety

On April 25, 2019 the Minister of Transportation issued a media release entitled “Ontario Announces Measures to Increase School Bus Safety.” The release includes two measures: enacting the proposed changes noted above to permit prosecution of offences using evidence from automated school bus cameras; and proposed new legislation to “allow municipalities to target drivers who threaten the safety of children on school buses with new, additional monetary penalties.”

To date, no work to create a framework for enforcement of contraventions of section 175 of the *Highway Traffic Act* using automated school bus cameras has commenced and there is no indication of when this work will begin. It is also not clear that municipalities will have the opportunity to participate in the development of this framework.

Bill 107, *Get Ontario Moving Act (Transportation Statute Law Amendment), 2019*, was introduced on May 2, 2019 and received Royal Assent on June 4, 2019. Schedule 1 to Bill 107 contains amendments to section 21.1 of the *Highway Traffic Act* to expand the regulatory power for use of administrative penalties for certain designated offences by municipalities. It does not include any provisions specifically dealing with school bus cameras or new offences related to passing a stopped school bus.

Advocacy is still required to allow enforcement of certain offences as administrative penalties

The Ontario Traffic Council (OTC) is currently leading the development of a framework for implementation of automated speed enforcement in consultation with the Ministry of Transportation and municipalities including York Region. The program is expected to be ready for implementation by December 2019, subject to enactment of required regulations. Municipalities have called on the government to proclaim section 21.1 into effect and enact a regulation designating automated speed enforcement and red light camera offences as offences for which administrative penalties be issued. This is urgently needed to avoid additional pressure on the capacity of POA courts once automated speed enforcement is ready for implementation.

While the amendments to section 21.1 of the *Highway Traffic Act* contained in Bill 107 may assist in this regard, they are not sufficiently clear to ensure that municipalities can operate automated speed enforcement using administrative penalties, thereby removing an additional burden on the POA courts and retain the revenue from these offences to offset the cost of the program. The OTC and the Association of Municipalities of Ontario made submissions seeking further clarification in Bill 107 and requesting that these offences be included in an administrative penalty scheme.

Regional staff are active participants in the OTC development of the automated speed enforcement program and will engage with OTC and the Ministry when work begins on school bus cameras. Staff will report back to Council as more information becomes available. In the meantime, advocacy in support of administrative penalties will continue.

Joy Hulton
Regional Solicitor

Bruce Macgregor
Chief Administrative Officer

#9599961