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Town of Aurora

## **General Committee Report**

No. PDS20-050

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**Subject:** Implementation of Automated Speed Enforcement Program

**Prepared by:** Michael Bat, Traffic/Transportation Analyst

**Department:** Planning and Development Services

**Date:** October 6, 2020

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### **Recommendation**

- 1. That Report No. PDS20-050 be received; and**
- 2. That staff report back on the findings of the Region's Automated Speed Enforcement Program following completion of the two-year, limited use pilot program.**

### **Executive Summary**

As directed by Council at its meeting in November 2016, this report provides an overview of the automated speed enforcement (ASE) program.

- The Province of Ontario filed Ontario Regulation 398/19, under the Highway Traffic Act, allowing municipalities to operate ASE in school and community safety zones;
- The Town currently has four designated community safety zones under By-law No. 4574-04.T;
- York Region has recently implemented a two-year, limited use pilot program with one mobile ASE unit to assess the technology and the impacts on the Region's Provincial Offences Courts;
- According to the current provisions of the legislation municipalities are not authorized to process ASE offences under the Administrative Penalty System (APS); and,

- Staff recommends deferring consideration of the ASE program until the Region has completed its two-year, limited use pilot program.

## Background

In November 2016, Council passed the following motion:

“Be It Further Resolved That when the provincial government gives municipalities the authority to set up photo radar cameras, staff be directed to report back regarding the implementation of photo radar cameras in all community safety zones.”

## Analysis

**The Province of Ontario filed Ontario Regulation 398/19, made under the Highway Traffic Act (O. Reg 398/19), allowing municipalities to operate ASE in school and community safety zones**

On December 1, 2019, the Province of Ontario proclaimed into force Bill 65, *Safer School Zones Act*, which amended the *Highway Traffic Act* to further increase safety for vulnerable road users and improve driver behaviour. This legislation permits municipalities to implement and operate ASE technology to enforce speeding traffic offences in school and community safety zones on roads with a speed limit under 80 km/h. O. Reg 398/19 supplements this legislation by setting out evidentiary and procedural rules for ASE systems.

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. The captured images will be reviewed by the Provincial Offences Officers and tickets will be issued to the registered owner of the subject vehicle. Upon conviction, the only penalty is a fine, no demerit points will be issued nor will the registered owners driving record be impacted.

ASE program is currently implemented at the following municipalities:

- City of Toronto
- York Region
- City of Hamilton
- Peel Region (in collaboration with the Town of Caledon)

- City of Ottawa
- Durham Region

**The Town has four designated community safety zones under By-law No. 4574-04.T**

In accordance with Section 16.0 of By-law No. 4574-04.T, the following locations are designated as community safety zones:

- Orchard Heights Boulevard between Laurentide Avenue and Yonge Street;
- McClellan Way between Henderson Drive and Bathurst Street;
- Murray Drive between Wellington Street West and Kennedy Street West; and,
- Stone Road between Bayview Avenue (north leg) and Bayview Avenue (south leg).

Aurora's Community Safety Zones are illustrated in Attachment 1.

**York Region has recently implemented a two-year, limited use pilot program with one mobile ASE unit to assess the technology and the impacts on the Region's Provincial Offences Courts**

A two-year, limited use pilot program was recently introduced by the Region on selected community safety zones (within Regional roads) using their risk exposure index. The mobile ASE unit will be rotated throughout all nine local municipalities and based on the deployment schedule the mobile ASE unit will be deployed in Aurora at the following locations and they are illustrated in Attachment 2:

1. Wellington Street:

- Targeted school includes: St. Maximilian Kolbe Catholic High School, Aurora High School and Aurora Senior Public School;
- The single mobile unit will be situated on the south side of Wellington Street (east of Murray Drive) targeting the eastbound direction traffic; and,
- 90 days advance notification period will be installed from August to October 2021 and the mobile ASE unit will be deployed on November 2021.

2. Bloomington Road:

- Targeted school includes: Ecole Secondaire Catholique Renaissance and Cardinal Carter Catholic High School;

- The single mobile unit will be situated on the north side of Bloomington Road (east of Elderberry Trail) targeting the westbound direction traffic; and,
- 90 days advance notification period will be installed from October to December 2021 and the mobile ASE unit will be deployed on January 2022.

As part of the two-year, limited use pilot program, the Region will assess the capacity and impact on the Provincial Offences Courts. Data will be collected to quantify the number of charges and rate of disputes. In addition, the technology and service provided by the vendor of the mobile unit will be evaluated.

The Region will share the findings with local municipalities upon completion of the two-year, limited use pilot program.

Based on discussion with the Region, this program will only be focusing on community safety zones under the jurisdiction of the Region and local municipalities can consider implementing local ASE program.

**According to the current provisions of the legislation municipalities are not authorized to process ASE offences under the Administrative Penalty System (APS)**

Under the current regulation, ASE offences are administered through the Provincial Offences Act (POA) and payable or disputed through the POA court system. Based on the staff report authored by the Region on ASE, York Region's Court Services is currently operating at full capacity and any additional increases in demand generated from the ASE infractions would add significant operating pressure on the existing court system.

York Region and City of Toronto have been advocating for legislative amendments to permit the use of an APS for ASE. In general, 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.

Staff supports the Region's position that the use of an APS for ASE will enhance processing time and relieve court capacity.

**Staff recommends deferring the consideration of the ASE program until the Region has completed its two-year, limited use pilot program**

Under the current legislation, local municipalities will be fully responsible for all costs associated with the ASE program. Any revenue generated will be directed to the Region's Provincial Offences Courts, hence there will be no opportunity for local municipalities to offset the costs of operating the ASE program.

Upon completion of the two-year, limit use pilot program, the Region will share valuable data with local municipalities including the number of charges, rate of disputes and overall capacity and operating costs. This information can be used to develop a business case for a local ASE program. Once the data is received, Town staff will be reporting to Council to advise of the findings and whether to recommend implementation of a ASE program for Aurora.

**Advisory Committee Review**

Staff Report No. CAC20-006 was presented at the Community Advisory Committee meeting on September 17, 2020 and the Committee is generally in supportive of the staff recommendations.

**Legal Considerations**

The Safer School Zones Act, amended the Highway Traffic Act to allow the use of an ASE system in a community safety zone or school zone that is designated as such in a municipal by-law. At the time of its passing, regulations to allow the operation of ASE were not yet in force. O. Reg 398/19 is now in effect and sets out the evidentiary and procedural rules for the ASE system, including requirements to post municipal speed camera signs as prescribed in the regulation. In addition, the province issued guidelines to support municipalities in developing responsible and safe ASE programs and which encourage an education and 90-day warning period prior to the use of the cameras and devices in a specific zone.

**Financial Implications**

While the Town does not have exact financial details available for implementing the ASE program at this time, the City of Toronto has acted on behalf of municipalities in Ontario including York Region to manage the ASE program. This includes issuing an

RFP to rent the ASE units at approximately \$50,000 per year, deployment (and redeployment) to different locations and general maintenance of the equipment.

The City of Toronto is also operating an ASE Joint Processing Centre (JPC) on behalf of partnering municipalities including York Region. The Toronto JPC employ Provincial Offences Officers, designated by the Province to issue and process ASE charges. The cost-sharing amount is to be calculated based on the number of charges.

The total operating cost for Aurora can be estimated once the Region completes the two-year, limited use pilot program and shares the data with local area municipalities.

## **Communications Considerations**

The Town of Aurora will use 'Inform' as the level of engagement for this project. There are five different levels of community engagement to consider, with each level providing the community more involvement in the decision making process. These levels are: Inform, Consult, Involve, Collaborate and Empower. Examples of each are found in the Community Engagement Policy. These options are based on the International Association of Public Participation (IAP2) Spectrum and assist in establishing guidelines for clearly communicating with our public and managing community engagement. In order to inform the public, this report will be posted to the Town's website.

## **Link to Strategic Plan**

This report supports the Strategic Plan goal of Support an Exceptional Quality of Life for All by examining traffic patterns and identify potential solutions to improve movement and safety at key intersections in the community.

## **Alternative(s) to the Recommendation**

1. That Council provide direction.

## **Conclusions**

As directed by Council in November 2016, this report provides an overview of the ASE pilot program that the Region is currently administering.

A two-year, limited use pilot program was recently introduced by the Region on selected community safety zones (within Regional roads) using the risk exposure index

developed by the Region. The mobile ASE unit will be rotated throughout all nine local municipalities and based on the deployment schedule the mobile ASE unit will be deployed in Aurora at the following locations:

1. On the south side of Wellington Street (east of Murray Drive) targeting the eastbound direction traffic; and,
2. On the north side of Bloomington Road (east of Elderberry Trail) targeting the westbound direction traffic.

Upon completion of the two-year, limit use pilot program, the Region will share valuable data with local municipalities including the number of charges, rate of disputes and overall capacity and operating costs. Therefore, staff are recommending deferring the consideration of the ASE program until the Region has completed the two-year, limited use pilot program. Staff will report back to Council after completion of the Region's pilot program to report on its findings and whether to implement an ASE program for Aurora.

## **Attachments**

Attachment 1: Town of Aurora Community Safety Zones  
Attachment 2: York Region Mobile ASE Unit Locations (Wellington Street and Bloomington Road)

## **Previous Reports**

Community Advisory Committee Report No. CAC20-006, Implementation of Automated Speed Enforcement Program, dated September 17, 2020.

## **Pre-submission Review**

Agenda Management Team review on September 17, 2020

## **Approvals**

**Approved by David Waters, MCIP, RPP, PLE, Director, Planning and Development Services**

**Approved by Doug Nadorozny, Chief Administrative Officer**