
HALDIMAND COUNTY

Report ECW-12-2021 Automated Speed Enforcement (Photo Radar) Program Overview



For Consideration by Council in Committee on December 7, 2021

OBJECTIVE:

To provide Council with an overview of the Automated Speed Enforcement program currently available to Ontario municipalities.

RECOMMENDATIONS:

1. THAT Report ECW-12-2021 Automated Speed Enforcement (Photo Radar) Program Overview be received.

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Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

Speeding is one of the most frequent and consistent concerns raised by residents of Haldimand County. The local Ontario Provincial Police (OPP) detachment does provide traditional speed enforcement as part of its service contract with the County however resources are limited given the relatively large geography of the County. Haldimand County Council has taken measures to control speeding such as installing electronic speed signs, reducing speed limits in selected areas and raising the issue at the Police Services Board.

Automated Speed Enforcement (ASE) is a relatively new technology, and is currently being used or being considered for use by about fourteen municipalities to enforce speed limits in specified areas. This technology has been proven to reduce speeding in localized areas where speeding has been identified as a safety issue contributing to accidents.

Given the length of time and staff resource commitment required for an ASE program implementation, the high financial cost, the lack of control related to the Provincial Court resources and the relatively limited impact of the program, staff are recommending that an Automated Speed Enforcement program not be implemented at this time. It is staff's opinion that other measures such as establishing Community Safety Zones, deploying additional electronic speed signs and increasing staff communication with the OPP related to speed enforcement will be more effective to manage speeding on a County wide basis.

BACKGROUND:

Automated Speed Enforcement (ASE) technology is an electronic speeding detection system using cameras and sensors to detect vehicle speed. The ASE units detect vehicles that exceed the posted speed limit and record information used to issue speeding fines to the identified registered owner of the

vehicle. The ASE system is installed and operated through existing contracts used by the other municipalities utilizing the system.

Provincial Legislation

The implementation of an ASE system is a heavily regulated activity governed by several pieces of provincial legislation. This legislation is discussed in the following sections.

On September 1, 1998, the *Highway Traffic Act* (HTA) was amended to allow municipalities to establish Community Safety Zones on public roads under their jurisdiction. Delegated authority was given to Council to designate by by-law, a part of a highway under its jurisdiction as a community safety zone if, in the Council's opinion, public safety is of special concern on that part of the highway. On December 8, 2016 the HTA was further amended giving municipalities the authority to designate by by-law School Safety Zones.

On May 30, 2017, Ontario passed Bill 65, *Safer School Zones Act* which amended the *Ontario Highway Traffic Act* to authorize the use of Automated Speed Enforcement (ASE) technology in School Safety Zones and Community Safety Zones with posted speed limits less than 80 kilometres per hour.

The regulations went into effect on December 1, 2019 and by mid-2020 several larger municipalities including the City of Toronto and the City of Hamilton had implemented pilot programs using the ASE technology. Currently approximately fourteen municipalities have either implemented or are considering implementing an ASE program.

Council Direction

At the June 23, 2021 Haldimand County Police Services Board meeting, staff were given direction through the following resolution:

1. *THAT the Police Services Board request County staff to look into the installation of photo radar within the community;*
2. *AND THAT staff report back at a future Council in Committee meeting for Council's consideration.*

This direction resulted from a number of discussions at Council meetings related to the issue of speeding throughout the County and the desire to consider all tools available to the municipality to address one of the most common concerns of residents.

Automated Speed Enforcement – System Operation

Once the location of the ASE deployment is selected by the County the system is installed on the side of the road with speed measurement devices and camera technology that can automatically detect vehicle speeds. The speed is then compared to the threshold speed set in the device and if the threshold is exceeded the system will record a photo of the vehicle and its license plate. The ASE system installations can be either fixed or mobile, however if the unit is going to be moved then a mobile setup is recommended.

The camera images of those vehicles that have exceeded the speed threshold by the camera are stored locally on the system and a Redflex operator retrieves and transports them in a secure manner to the Joint Processing Centre (JPC) operated by the City of Toronto.

Provincial Offences Officers at the Joint Processing Centre review the images and using the Ministry of Transportation (MTO) vehicle ownership database prepare the ticket. The ticket and associated information related to the infraction are mailed to the court (administered by the County Provincial Offences staff) and the registered owner of the vehicle. In order to maintain confidentiality and a clear chain of custody all data is stored by the Joint Processing Centre.

Automated Speed Enforcement – Site Selection

The County is required to provide 90 day signage notification of the proposed location of the ASE system (whether a mobile or permanent installation) and has to maintain signage during the deployment that the ASE system is in use. The ASE system is not intended to be a stealth system and obvious notifications have to be provided to motorists that the system is in use.

As regulated by the *Safer School Zones Act*, ASE can only be deployed in School Zones or Community Safety Zones (CSZ) with posted speed limits under 80 km/hour. Haldimand County currently has no approved School Zones or Community Safety Zones.

The County does have a Community Safety Zone Policy, approved in 2003, that provides parameters for the establishment of CSZ's. This Policy will need to be reviewed and potentially modified if the County implements an ASE program.

It should be noted that speeding fines are doubled in Community Safety Zones.

Automated Speed Enforcement - Effectiveness

Based on a review of other municipalities, vehicle compliance to the posted speed limit in the area of the ASE system increased by approximately 30% and the average reduction of the 85th percentile speed (the speed at or below which 85% of vehicles travel) between the pre-enforcement period and enforcement period was between 5 and 10 km/h.

Residual benefits were also observed after ASE units were removed and relocated as the 85th percentile speed between the pre-enforcement period and post-enforcement period was slightly reduced.

These results indicate that ASE technology can reduce vehicle operating speeds through deployment and that there is some continuing benefit once the units are removed. It should be noted that the duration of the post-enforcement benefit is expected to decline over time.

ANALYSIS:

The implementation of an Automated Speed Enforcement (ASE) system in the County will require significant staff time and financial resources. If Council directs staff to initiate an ASE program it is expected to take between 18 and 24 months to complete all the steps required to implement the system.

The Ontario Traffic Council (OTC) through the ASE Working Group (made up of municipalities, the Ministry of Transportation and the Ministry of the Attorney General) has set up an ASE program for municipalities which ensures consistency across the province.

The fundamental components of the ASE program includes the supply, installation, operation, and maintenance of the ASE equipment, ticket processing through the Joint Processing Centre with access to the MTO vehicle ownership plate database and prosecution through the court system.

In order to implement an ASE program, the County will have to enter into three legal agreements with the following entities:

Redflex Traffic Systems (Canada) Limited (camera equipment)

Redflex Traffic Systems supplies, installs, operates and maintains the equipment for the ASE program through an existing City of Toronto contract. The County would join this contract through an agreement and would be subject to the same terms from the vendor as the other municipalities in the program.

Redflex Traffic Systems will install and move the cameras as requested and is also responsible for keeping the equipment operating including repair/replacement if the units are vandalised, damaged or stolen.

City of Toronto (Joint Processing Centre)

The City of Toronto operates the ASE Joint Processing Centre (JPC) for the Province. The JPC is staffed by 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.

The operating costs for the JPC are shared by partnering municipalities based on a cost-sharing formula that considers proportional cost sharing for items such as staffing and consumables based on charge volumes, fixed cost sharing for items such as office space rental, and one-time initial costs that cover program setup items such as MTO system costs, consultant costs, and other fees. The setup costs are paid by each municipality that joins the program and the funds are used to reimburse the municipalities that initially paid to set up the program.

The agreement with the City of Toronto for the JPC will detail the responsibilities of both parties as well as the formula used to determine the distribution of cost sharing. The services to be provided by the joint municipal processing centre will include:

- verification of ASE records
- obtaining license plate ownership information
- preparation of warning letters (if requested)
- preparation of charging documents and notices
- preparation of evidence to be used in municipal prosecutions

The County will be required to formally request to enter into an ASE Processing Services and Cost Sharing Agreement with the City of Toronto and City staff will then bring a report to their Council to approve the inclusion the County in the program. Based on discussions with City of Toronto staff they are proposing to seek delegated authority to staff to add additional municipalities to the program without having to obtain specific Council approval each time. This would be similar to the delegated authority for the red light camera processing centre managed by the City.

Ministry of Transportation (licence plate information)

An agreement with the Ministry of Transportation (MTO) is necessary in order for the County to obtain access to the Provincial motor vehicle registration information and to enable the County to conduct an educational campaign, including warning letters, and enable charges to be laid under the ASE program.

The agreement outlines a licensed information and transmission protocol and specifies the responsibilities and requirements of each party. In exchange for license plate ownership information, the County is required, among other things, to:

- use license plate registration information through the Joint Processing Centre only for the purposes authorized in the agreement
- maintain staff and system security provisions to protect confidential information
- comply with privacy laws
- ensure employees who handle confidential information undergo training provided by the MTO
- post signs at ASE sites alerting motorists to the presence of ASE

Based on discussions with the City of Toronto all three agreements can be negotiated concurrently however it is recommended that the agreement with the MTO be in place prior to executing the other

two agreements as tickets cannot be processed without the access to the MTO vehicle registration information.

In addition to obtaining the three agreements the County would also be expected to consult with stakeholders including the court system and the Ontario Provincial Police (OPP). It is also recommended that a communications strategy be developed and a public awareness campaign be conducted by the County prior to implementation of the ASE system.

Staff Analysis of ASE Program

While the majority of this report outlines the process for implementing an ASE program staff have also considered if an ASE deployment would achieve the County's objective of speed enforcement across the County in an effective manner.

In order to present this in an objective manner as possible for Council's consideration, staff have compiled the following list of advantages and disadvantages related to the ASE program:

Advantages

- Defined process to join ASE program
- Proven technology with consistent implementation process within Ontario
- ASE program has limited staff involvement once implemented (except POA staff)
- Localized speed enforcement is achieved

Disadvantages

- Significant staff time and resources required to implement ASE program
- Significant annual financial cost that is not offset by fine revenue
- ASE implementations limited to larger municipalities at this time
- Location specific with long lead time to change locations
- Penalizes vehicle owner not driver
- Not manageable with current POA resources and will require a significant increase in staffing
- Provincial Court resources will need to be increased which is outside the County's control
- Other speed enforcement methods may provide more effective County wide coverage

Staff have also reviewed the speed data along Parkview Road in Hagersville as it was indicated by Council that this was a preferred location for an ASE deployment. The installation of the electronic speed sign in the 50 km/h zone in front of the hospital appears to have been an effective method of controlling speed as the measured 85% percentile vehicle speed for the month of October was 59 km/h which is typical for an urban road of this type. Effectively, the same impact is being achieved with the electronic speed sign as would be expected from an ASE deployment.

Given the length of time and staff resource commitment required for an ASE program implementation, the high financial cost, the lack of control related to the Provincial Court resources and relatively limited impact of each deployment, staff are recommending that an Automated Speed Enforcement program not be implemented at this time. It is staff's opinion that other measures such as establishing Community Safety Zones, deploying additional electronic speed signs and increasing staff communication with the OPP related to speed enforcement will be more effective to manage speeding on a County wide basis.

During discussions with County of Brant staff related to their planned ASE implementation they indicated that they had been using paid duty OPP officers on a regular basis for speed enforcement across the County. Staff have discussed this option with both the OPP and our solicitor and the general opinion is that while this may be an option, speed enforcement is included in the existing contract and is recommended to be dealt with by the Police Services Board as part of ongoing contract management.

FINANCIAL/LEGAL IMPLICATIONS:

Legal - POA Court System

The County's Legal and Support Services Division is responsible for the administration of the Provincial Offences Court, which prosecutes charges issued under the Provincial Offences Act (including Highway Traffic Act offenses), and collecting fine revenue for the Cayuga catchment area.

The Provincial Offences Court is currently operating at full capacity due to recently downloaded requirements under the *Stronger, Fairer Ontario Act* and the *Protect Support and Recover from COVID-19 Act*, requiring Provincial Offences staff to complete reviewing certificates of offence, entering convictions, imposing and setting fines, reviewing applications for payment extensions, all duties that were previously completed by the Justice of the Peace.

As a result of COVID 19 courts are currently operating in a combination of in-person and remote using available technology. Even though progression to in-person court is planned, the expectation is that it will continue to be a quasi in-person/remote court for the foreseeable future which continues to draw on POA resources.

Based on a review of 2016 to 2021 data (excluding 2020 due to COVID) the monthly average of tickets currently processed through POA is 248. Based on an analysis of the Parkview Road traffic speed data it is anticipated that an ASE installation at this location would generate 3,500 tickets annually or about 292 tickets per month which more than doubles the current POA monthly average. The current staffing level will not be able to manage the additional volume of tickets and the associated processes that they involve and a minimum of 1.5 additional FTE's would be required to manage the increased ticket volumes.

It is also important to note that this will also have a significant impact on the number of dockets to be added to the courts (for those who wish to seek early resolution to obtain a lesser charge or opt to go to trial) for a system that is already facing delays due to Justice of the Peace shortages. To support the administration of the new ASE charges, the Province would also need to appoint additional judicial resources to support the anticipated increase in dockets, which is outside the County's control.

One of the future administrative changes anticipated to significantly reduce the administrative burden on the POA system from the ASE programs is the proposed transition to the Administrative Monetary Penalty System (AMPS).

AMPS are a civil mechanism for enforcing compliance with regulatory requirements such as traffic violations, speeding, etc. They are an effective, quick and transparent way for regulators to respond to infractions of the law and allow a monetary penalty to be assessed and imposed in the form of a notice with a prescribed date and time for payment without having to hold a court hearing.

Although there has been discussion with respect to the transitioning of ASE to the Administrative Monetary Penalty System (AMPS), the regulatory framework still requires development by the Ministry of the Attorney General which will govern AMPS across the Province and is expected to be released in mid-2022 for a mid-2023 potential launch. Even with the transition from POA to AMPS, there will be an overlap with courts processing charges and AMPS section for a few years.

It is important to note that if the program is approved by Council, the staffing requirements will be based on permanent positions due to the fact that the CUPE collective agreement does not allow for temporary positions beyond a 2-year period. If there is a transition to AMPS, the elimination of the POA positions would follow collective agreement and Employment Standards Act provisions in terms of severance, etc.

Financial

Based on staff's analysis considering discussions with the City of Toronto and Brant County, review of reports from other municipalities with ASE programs and information discussed at the Chief Financial Officers (CFO) association the ASE program is not a revenue neutral program and is expected to have a considerable financial cost to the County.

The costs to operate the ASE program consist of a one time setup fee (currently estimated at \$100,000 based on the number of municipalities in the ASE program), fixed costs for the camera operation based on a per diem rate and variable costs based on the number of tickets processed.

The variable costs are difficult to quantify as they are based on the number of tickets processed and can vary widely depending on the effectiveness of the ASE deployment. The variable costs consist of the Joint Processing Centre costs per ticket, the MTO database access per license plate, court costs per ticket and municipal staff time per infraction.

At a high level it is expected that a single camera ASE program generating 3,500 tickets would cost the County approximately \$350,000 per year consisting of the following items:

• Redflex Traffic Systems (one camera)	\$ 40,000
• MTO Motor Vehicle Database Access (3,500 tickets processed)	\$ 5,000
• Joint Processing Centre (3,500 tickets processed)	\$ 70,000
• POA Staff Increase (1.5 FTE)	\$110,000
• Other County Staff Time (estimated)	\$ 45,000
• Overhead (estimated at 30%)	\$ 80,000

The expected revenue is based on City of Hamilton data from their pilot program which indicated that the City collected approximately \$80 per ticket processed. Based on an estimated 3,500 tickets this would result in approximately \$280,000 of revenue on an annual basis from one camera.

Based on this analysis the program is estimated to run a deficit of approximately \$70,000 per year for each camera. It should also be noted that the first year of the program will also incur the \$100,000 entry fee to the JPC as well as approximately \$25,000 in one time capital costs related to the new POA staff.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. None