

Staff Report 2023-0028

Meeting Date: February 7, 2023

Subject: Automated Speed Enforcement Implementation Plan and Single Source Contract Award

Submitted By: Arash Olia, Manager, Transportation Engineering, Engineering Services

RECOMMENDATION

That the Mayor and Clerk be authorized to execute Automated Speed Enforcement Agreements with the Ministry of Transportation Ontario (MTO Agreement) and the Joint Processing Service Agreement with the City of Toronto (City of Toronto Agreement) and any related amendments and extension thereto, together with such further agreements and ancillary documents that may be required for participation in and delivery of Automated Speed Enforcement (ASE) in Caledon, upon approval by the Director of Engineering Services and the Town Solicitor;

That a single source contract be awarded to Redflex Traffic Systems (Canada) Limited for a two-year period (up to July 2024) with an optional 5-year contract extension period based on the cost breakdown outlined in Table 2 of Staff Report 2023-0028; and

That a copy of this report be forwarded to the Ontario Provincial Police - Caledon Detachment and the Region of Peel.

REPORT HIGHLIGHTS

- In 2022, Council directed staff to develop an Automated Speed Enforcement (ASE) Program for Town roads.
- Through the 2023 Budget, staff are proposing to procure and deploy two mobile ASE cameras for installation in community safety zones across the Town.
- Full utilization of the Town's ASE program is largely dependent on the court's capacity to process the tickets. The maximum court capacity in Caledon that can be currently allocated to this program is 12,000 tickets per year.
- By adding two new ASE cameras, Caledon will have the 2nd most ASE cameras per capita in Ontario.
- The Town must execute agreements with the Ministry of Transportation of Ontario (MTO), Redflex Traffic Systems (Canada) Limited (ASE service provider), and the City of Toronto to use the ASE technology.
- An additional technical resource in the Transportation Engineering Division will be required to support and administer the new ASE Program.

DISCUSSION

The purpose of this report is to provide Council with supplementary information regarding the Change in Service Level 2023-073, Automated Speed Enforcement Implementation Plan, in the draft 2023 budget.

In September 2020, the Region, in consultation with the Town, piloted an Automated Speed Enforcement (ASE) program within community safety zones on Regional roads. The ASE pilot program was administered by the Region and consisted of one ASE camera unit that was moved to different locations within the Town. This pilot program was successful and provided an opportunity for both the Region and the Town to better understand the operational needs and implications of delivering an ASE program. On January 12, 2023, Regional Council adopted a Staff Report entitled: Update on Regional Automated Speed Enforcement Pilot, which resulted in the Region's ASE Program becoming a permanent program. A copy of the relevant Regional staff report is included as Schedule 1 to this report.

Council approved an ASE Program for Town roads

Building on the initial success of the Regional pilot program, Council allocated funding in the amount of \$270,000 in the 2022 Capital Budget towards the development of an ASE program for Town roads and directed staff to prepare an implementation plan.

It was originally anticipated that the Town would leverage the Region's existing administration and service agreements to facilitate the Town's ASE program. However, it was later determined that the Region was unable to assist due to contractual reasons and resource constraints, so Town staff had no alternative but to develop a stand-alone program. This included the need to negotiate separate agreements with the City of Toronto Joint Processing Centre (JPC), Ministry of Transportation Ontario (MTO), and the ASE service provider (RedFlex) for the hardware, installation, site assessments, and maintenance. These agreements are now ready for execution, subject to Council approval.

Service Agreements with external public agencies are required for the Town ASE Program

To operate an ASE program, the Town is required to enter into service agreements with the following public agencies:

- Ontario Ministry of Transportation - an operational agreement for access to license plate data so vehicle owners can be identified; and
- The City of Toronto - for the operation and cost-sharing of the Joint Processing Centre, which issues the Certificate of Offence. The City of Toronto operates the Joint Processing Centre on behalf of partnering municipalities. The Joint Processing Centre employs Provincial Offences Officers designated by the Province to issue charges captured by the cameras.

In 2022, Legal and Transportation Staff worked with these parties to review and finalize the draft agreements.

A service agreement with Redflex Traffic Systems (Canada) Limited is required for the ASE hardware and deployment

In May 2019, the City of Toronto issued a Request for Proposal on behalf of all participating municipalities in Ontario for the provision of ASE services for a period of five years. The City of Toronto awarded the contract to Redflex Traffic Systems (Canada) Limited, the highest-scoring proponent identified in the evaluation process that met the requirements as set out in the Request for Proposal. Redflex Traffic Systems is responsible for the supply, installation, operation, maintenance, and decommissioning of automated speed enforcement systems and the maintenance of ASE image processing services. Toronto's procurement process provided the opportunity for the same equipment to be used throughout the Province and cost savings associated with group purchasing. Entering into a contract with this service provider is a crucial step as the specific model of ASE equipment selected is required by Toronto's JPC. The Town of Caledon was not specifically listed in the City of Toronto bid document. In accordance with international trade treaty regulations, this award is classified as a single-source contract.

POA Court has capacity to process 12,000 tickets per year from the Automated Speed Enforcement and Red Light Camera Program

According to the Highway Traffic Act (HTA), ASE may only be implemented within Community Safety Zones or School Zones. The Ministry of Transportation (MTO) permits municipalities to establish the ASE program and charge vehicle owners using Provincial Offences Act (POA) traffic tickets.

Under this POA framework, a ticket is issued, and vehicle owners can then dispute their offenses in court if they choose to contest the offense, like any typical traffic ticket. Filling all ASE offences through the POA court system puts a burden on the scarce judicial resources provided by the Province. If there is too high a volume of tickets appealed to the POA court, then they will not be dealt with in a timely way which may result in the need to dismiss the ticket or de-prioritize and dismiss other charges. Therefore, having ASE tickets disputed through POA court will significantly affect the number of cameras a municipality is able to deploy.

Under the current legislation, ASE offences are processed by municipalities through the Provincial Offences Act (POA) courts. At this point, the Caledon POA has sufficient capacity to process 12,000 tickets per year produced by traffic enforcement cameras. Having ASE ticket disputes administered through POA courts will significantly affect the number of cameras a municipality is able to deploy, as any increase in charges brought about by ASE infractions adds pressure to the court system, resulting in the potential for unreasonable delays in time to trial for all charges.

Currently, if a court date is not provided within a period of 18 months, the ticket may be thrown out. If ASE charges begin to overwhelm the system, not only can ASE charges be thrown out, but other more serious offences could also be thrown out. Due to a shortage of judicial resources and court scheduling time, some municipalities are not participating at all in ASE initiatives because of their already over-burdened POA court system. Therefore, and as a balanced approach, staff recommend a phased expansion of the program without jeopardizing the limited judicial resources provided by the Province.

Recognizing there would be significantly increased pressure on courts, Transportation Engineering and Legal staff have reviewed the viability of two additional mobile ASE cameras and found it feasible to be implemented in 2023 so long as the 12,000 limit is maintained.

Staff Propose a Phased Deployment Strategy with the Objective of Securing two Cameras in 2023.

Implementing and scaling up the ASE program largely depends on the court's capacity to process the tickets. Based on the capacity of 12,000 tickets per year, staff recommend a phased approach to roll out the program sustainably, with the objective of securing two cameras in 2023. This will also allow staff to validate the assumptions, such as compliance rates, and the opportunity to further expand the program. The operation of the two cameras will be carefully monitored so as to not generate more tickets than POA judicial capacity allows.

AES camera site selection will follow Ontario Traffic Council (OTC) Guidelines

In accordance with the Highway Traffic Act, municipalities are authorized to use ASE only in Community Safety Zones (CSZ) and School Zones (SZ). Town's Transportation Engineering staff followed the Ontario Traffic Council (OTC) Guidelines to rank and prioritize CSZ's sites across Caledon, which is consistent with all other participating municipalities. The guidelines take into consideration factors such as road geometry, traffic conditions, average daily traffic volumes, operating speed, and collision data.

In selecting ASE sites, a two-staged process will be used that was developed based on best practices and provincial guidelines.

- Stage 1: involves an initial screening of all Community Safety Zones within the Town to identify and prioritize candidate locations for ASE deployment based on the following criteria:
 - Collision's data
 - Vehicle speed
 - Average daily traffic volume
 - Presence of a school
 - Presence of sidewalk and on-street parking

- Stage 2: Once the locations have been prioritized, a manual review of the site will be conducted to identify the ideal location for the ASE camera, which included the following considerations:
 - Necessary regulatory and advisory signage (Community Safety Zone, Speed Limit, and ASE).
 - No obstructions or impediments to the equipment.
 - Adequate boulevard space to accommodate the equipment.
 - No planned road works.
 - No sharp curves or extreme grading changes.

Transportation Engineering staff will be assessing all CSZ's on Town roads against the criteria to select the feasible and highest rank locations at each ward for the camera to be rotated among them. The locations need to be approved by the Toronto JPC, and regulatory and advisory signage must be installed at least 90 days before the camera is operational. It should be noted that ASE may not be considered at certain locations based on the limitation of the equipment, roadway characteristics, and physical obstructions.

Staff will rotate the mobile unit among community safety zones throughout all wards. The mobile unit allows for maximizing coverage across the Town and will help create a broad awareness of ASE technology.

An Education Campaign Will Create Driver Awareness of Operating Automated Speed Enforcement in The Town

Staff will create a communication plan to advertise the use of ASE in community safety zones on Town roads. The communication plan will include the following tactics to effectively reach residents and motorists:

- On Street Regulatory Signage (90 days "Coming Soon") sign.
- Media relations.
- Website content about the program.

An additional staff resource is required to administer the Town's ASE Program

The implementation of an ASE Program for Town roads is a new line of business. This program will require significant work effort to manage the associated service contracts, site selection, equipment deployment, data collection, and performance monitoring. To support and administer this program, an additional full-time employee in the Transportation Engineering Division is required. This new position will also support other traffic operational matters, such as traffic control and traffic calming initiatives.

FINANCIAL IMPLICATIONS

The corresponding revenue and expenses are captured in the 2023 Proposed Budget as a Change in Service Level (CISL), reference no. 2023-0073 – Automated Speed Enforcement Implementation Plan and **Table 2**. The cameras are invoiced with a monthly fee by the service provider and the processing fee by Toronto Joint Processing Centre and MTO. The cost breakdown of the service provider is shown in **Table 1**.

Table 1: Single Source Contract Cost Breakdown - Redflex Traffic Systems (Canada) Limited

| Year | Number of Cameras | Cost | Non-recoverable HST | total |
|-------------|--------------------------|-------------|----------------------------|--------------|
| 2023 | 2 | \$95,790.6 | \$1,685.9 | \$97,476.5 |

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In terms of assumptions for the business case for this project, it is to be noted that fines for speeding in Ontario are pro-rated for each kilometre over the posted speed limit, as prescribed in section 128(14) of the Highway Traffic Act. As such, the total fine revenue is subject to the number of infractions as well as the degree to which speeding infractions are over the legal limit.

The current prepay rate (the percentage of people who will pay the fine without electing to fight them in court) for the Region's ASE program is about 40%. Accordingly, the fine revenue for 10,000 infractions per year, assuming 40% prepay rate, is estimated to be \$400,000 per year (40% X 10,000 X \$100). Court administration costs such as staffing, building costs, judicial and prosecutorial costs, and costs for technological infrastructure such as audio and video equipment, licensing fees, etc. are deducted from fines collected on an annual basis before revenue is realized by the Town.

Accordingly, and subject to realizing the number of tickets per year (10,000 tickets), the net cost of the program is estimated to be \$241,000 in 2023. It is to be noted that this estimate is based on the 10,000 infractions per year, 40% prepay rate, and \$100 per ticket and does not include any consideration of costs to administer the Court. It should also be noted that POA fine revenue is collected in aggregate and not dedicated to the program. POA fine revenue forms part of general Town revenue and is estimated and budgeted annually. Any allocation is an estimate.

It is important to note that the number of cameras in place does not effect the overall limit of 12,000 camera related offences per year. For example, whether there is 1 active camera or 5 active cameras, the ticket limit per year remains the same and so does the revenue generated.

As part of the initial implementation plan, staff will report back the findings to Council as part of 2024 budget requests if additional budget is required due to a higher compliance rate, lower number of issued tickets, or payrate rate. Currently, there is an approved budget with the amount of \$270,000 for this program under the Transportation Engineering Division (01-09-500-49115-365-64188) and \$70,000 under POA. The remaining financial requirements are being requested in CISL 2023-0073.

Table 2: Annual ASE Program Financial Plan (2 Camera)

| Item | Costs |
|--|------------------|
| ASE Cameras | \$96,000 |
| Infraction's processing fee (MTO and Toronto JPC) | \$250,000 |
| One time fee to join the program – Paid to JPC | \$65,000 |
| Deployment and Operation | \$50,000 |
| POA 18-month Contract position (non-permanent headcount) | \$70,000 |
| Traffic Operations Technologist | \$110,000 |
| Total Costs (A) | \$641,000 |
| Estimated Revenues | |
| Total Estimated Fine Revenue (B)¹ | \$400,000 |
| Net cost of the Program | |
| Net cost of the Program (A-B) | \$241,000 |

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1. Based on realizing 10,000 tickets and 40% payrate per year. This does not include any costs associated with administering the courts system

The table above reflects the annual cost of the ASE Program. Some of the costs have already been approved in previous budgets. The balance of the cost is included in the CISL 2023-0073.

Next Steps

- Subject to budget approval, the necessary documents and agreement with the City of Toronto JPC, Ministry of Transportation Ontario, and Redflex Traffic Systems (Canada) Limited will be prepared by staff to be executed by the Mayor and Clerk.
- New Full Time Employee at Transportation Engineering Division will be hired to supervise the program. No permanent headcount or resources are allocated to the court administration or prosecution services.
- Transportation Engineering staff will work with Corporate Communication on the communication plan to keep the residents informed about the program.
- "Coming Soon" warning signs will be installed for at least 90 days, wherever a speed camera will be placed to alert motorists of its upcoming installation or re-installation. Once the speed camera goes live, the coming soon sign will be replaced by a "Municipal Speed Camera in Use" sign.
- The ASE camera will go live at each location for 90 days, and simultaneously "Coming Soon" sign will be installed for new locations.
- Town staff will monitor these locations by completing "before" and "after" speed study to measure the effect that the ASE has had on speed compliance and report the findings to MTO, per requirements.

COUNCIL WORK PLAN

Sustainable Growth

ATTACHMENTS

Schedule A: Regional Council Report entitled Update on Regional Automated Speed Enforcement Pilot, dated 2023-01-12, as adopted by Resolution Number 2023-33