

## **Staff Report 2019-0271**

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Meeting Date: December 3, 2019

Subject: Automated Speed Enforcement Implementation

Submitted By: Arash Olia, Interim Manager, Transportation Engineering

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### **RECOMMENDATION**

That the Automated Speed Enforcement implementation in Caledon, as outlined in Staff Report 2019-0271, be endorsed;

That the Town enter into a Memorandum of Understanding with the Region of Peel to govern the roles and responsibilities of each level of government in order to implement Automated Speed Enforcement in Caledon;

That a copy of this report be forwarded to the Ministry of Transportation (MTO), the Ministry of the Attorney General, Region of Peel and Ontario Provincial Police.

### **REPORT HIGHLIGHTS**

- The legislation that allows municipalities to use Automated Speed Enforcement (ASE) was passed on May 20, 2017, to use ASE's only in School Zones, and in Community Safety Zones.
- The Region of Peel has proposed that a portable ASE be installed at Community Safety Zones/School Zones along the Regional Roads within the Town of Caledon. The timing on this is based on Region's agreement with the Vendor, Toronto Joint Processing Centre, and the Province, and has been earmarked for 2020.
- The number of ASE tickets are estimated to be 31 per hour per ASE site (7,500 per year).

### **DISCUSSION**

#### **Background and Purpose**

On May 30, 2017, Bill 65, *the Safer School Zone Act*, was passed by the Province of Ontario. This legislation permits municipalities to use Automated Speed Enforcement (ASE), commonly referred to as "photo radar", to enforce speed limits on roadways in Community Safety Zones and School Zones where posted speed limits are less than 80 km/h.

To assist in the consistent implementation of ASE's across the province, the Ontario Traffic Council (OTC) organized an ASE Working Group that includes representatives from different government organizations across Ontario. The OTC's ASE Working Group

has been working together for over a year the technical details related to ASE implementation, including development of technical standards, agreement on a common set of technology/equipment to be used across the province, and input into the development of provincial government regulations under which the ASE program will operate (see Schedule A). Being a priority for the Town, staff from the Town's Traffic Engineering division have been participating in the OTC ASE Working Group from the beginning.

On September 24, 2019, Council provided the following staff direction:

That the Province of Ontario/Ministry of Transportation of Ontario be requested to list the Town of Caledon in the Provincial regulation related to Automated Speed Enforcement; and

That Town staff continue to work in collaboration with Peel Region, the Ontario Provincial Police, the Ministry of Transportation of Ontario, the Ministry of the Attorney General, other municipalities in Ontario, and Ontario Traffic Council to further investigate how the Automated Speed Enforcement (ASE) program can be implemented and report back to Council.

The purpose of this report is to provide an update with the Council regarding staff investigation on the implementation and implications of the deployment of ASE to reduce operating speeds and improve safety within designated Community Safety Zones/School Zones in the Town of Caledon.

### **Automated Speed Enforcement Operations**

ASE's are installed roadside with camera technology and speed measurement devices that can automatically detect the speed of a vehicle, compare that speed to a posted speed limit, and if necessary take photographs of the license plates of vehicles that are travelling in excess of the posted speed limit. ASE's can be either fixed or mobile deployment. The benefit of mobile ASE's is that they can be moved regularly between sites to reduce the operating speed across the network.

Similar to red light camera images, it is proposed that all ASE images/photos will be delivered to the Toronto Joint Processing Centre (JPC). Provincial Offences Officers at the JPC review the photos and determine if an offence occurred. Based on the review, an offence notice/ticket is mailed directly to the owner of the vehicle, and a copy is sent to the municipality where they are filed with the Court Office by a designated Provincial Offences Officer.

To allow for the operation of the ASE Program, the Region of Peel has been working on operational agreements with the City of Toronto to manage the processing centre as well

as with the Ministry of Transportation of Ontario to provide the vehicle licence plate information and the vendor for leasing a portable camera.

### **Automated Speed Enforcement Site Selection**

Recently, the Region of Peel has proposed that a portable ASE be installed within the Community Safety Zones/School Zones within Caledon. The timing on this is subject to completion of an agreement between the Region and JPC, the Province and Vendor and has been earmarked for 2020.

For the purpose of the initial deployment, a mobile ASE device will be rotated through selected Community Safety Zones subject to detailed design review and assessment of each site by staff with the approved vendor.

To allow for the implementation of ASE in Caledon, Town staff recommend that the Town negotiate and enter into a Memorandum of Understanding with the Region of Peel to govern the roles and responsibilities of each level of government in order to implement ASE within Community Safety Zones/School Zones along Regional Roads in Caledon.

The *Safer School Zones Act* specified ASE could only be used by municipalities in School Zones and Community Safety Zones with posted speed limits less than 80 km/h. The OTC has recently issued a Guidelines for the use of ASE in Ontario to ensure that automated speed enforcement is used as a road safety tool to promote compliance with posted speed limits in school and community safety zones with a resulting improvement in collisions and other outcomes. The Guidelines provides guidance on the evaluation, site selection, signage, speed limit, devices, transition zones, charging process.

The site selection process is based on the traffic volume, travel speed, length, time of service, collision records, zone environment, and school population. Prior to finalizing the locations, a site audit should be conducted to ensure there are no physical impediments that may prevent or restrict the full functionality of the ASE equipment, including power supply. The following criteria will be reviewed at all proposed sites:

- All necessary regulatory signs are in place;
- There are no obstructions to the ASE equipment including on-street parking;
- There is no road work planned. ASE should not be used if there is road work or construction in the school or community safety zone;
- If the location involves a change in the posted speed limit, the ability to accommodate a sufficient buffer;
- There is adequate boulevard space to accommodate the ASE equipment;
- There are no sharp curves in the road or extreme grading that may affect the operation of the ASE system;
- No speed limit reductions are planned or recently implemented.

## **Impact on Legal Services**

Legal Services staff have been working with Transportation Engineering staff on this initiative to provide support for the proposed program. The volume of speeding offences is expected to be significant (particularly in the initial few months of operation) and therefore, there is concern regarding available court resources to manage the expected demand.

Based on the existing traffic data, Transportation staff estimate that the number of ASE tickets could be 31 per hour (7,500 per year) per ASE site. The Region of Peel is responsible for the installation, operation, maintenance, repair and removal of the ASE and the Town is responsible for the prosecution after an ASE ticket is issued. For the Town, this includes operating and administering the Provincial Offences Court and collection of fines from the infraction tickets. The estimated cost to run an ASE site is \$300,000 per year and is paid for by the Region of Peel; this is based on the deployment of a mobile site generating 5,000 offences annually.

Transportation Engineering staff and Legal Services staff are working together to ensure the volume of charges can be managed and will monitor to ensure that the resources are made available so that the program will not be put in jeopardy.

## **FINANCIAL IMPLICATIONS**

Based on the estimation of ASE deployment, the current Caledon POA courthouse could handle the estimated 7,500 tickets. Currently, the average charge volume for Caledon is approximately 28,000 matters per year, of which approximately 14,000 are scheduled matters (for either trial or early resolution), and on average, 480 are appealed to a higher court per year. The impact on the prosecution team will have to be assessed and will be monitored as ASE is deployed. As stated, Peel Region is expected to be responsible for installation, operation, maintenance, repair and removal of the ASE system on Regional Roads in Caledon. The Town of Caledon will be responsible for the operation and administration of the Provincial Offences Court, including handling the prosecution of ASE-related infractions and collection of fines.

Fines for speeding in Ontario are pro-rated for each kilometer 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.

At this time, staff are planning to monitor the volume of work, whether there will be an overall net cost projected for the Town related to the ASE deployment and the accuracy of the projected number of tickets. The monitoring will include the Town costs related to ASE (including fine payment processing, courier costs from Toronto to Town Hall for the certificate of offences, court scheduling, prosecution and adjudication time/costs,

collections) along with the associated fine revenue to determine the 2021 and future budget impacts. Staff will also work with the Region to obtain information on the effectiveness of the ASE program in Caledon when the data is available.

On November 19, 2019 Council directed Staff to investigate using the Caledon Policing Reserves, held at the Region of Peel, to fund costs associated with ASE and Red-Light Cameras. Staff discussed the matter with the Caledon OPP as to whether this could be considered a Policing matter. As the programs are joint Town and Region initiatives, which do not involve or require oversight by the police, the Caledon OPP's response was that these are not considered a police matters. Town staff also consulted with Regional Staff as it relates to the use of the Caledon Policing Reserves. Based on the description and the purpose for which the capital reserve and rate stabilization were approved (as "OPP"), Regional Staff provided an opinion that was in line with the OPP response, e.g. that this is not a police matter, therefore the use of the "OPP" reserves would not be appropriate.

### **COUNCIL WORK PLAN**

This work aligns with the Sustainable Growth pillar in the Council Work Plan 2018-2022, to continue implementation of the Transportation Master Plan including transit, infrastructure, cycling, traffic management, traffic calming, liveable and walkable communities.

### **ATTACHMENTS**

Schedule A: OTC Response to the Ministry of Transportation regarding ASE