



## **Staff Report for Council Meeting**

**Date of Meeting:** February 26, 2020

**Report Number:** SRCS.20.07

**Department:** Community Services  
**Division:** Community Standards

**Subject:** **SRCS.20.07 Automated Speed Enforcement**

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### **Purpose:**

To provide an update on Automated Speed Enforcement in the Province and the Regional Municipality of York's Pilot program.

### **Recommendations:**

- a) That the Ministry of Transportation of Ontario be advised of Richmond Hill's support for revisions to Highway Traffic Act regulations that would enable use of an Administrative Monetary Penalty System for adjudication of Automated Speed Enforcement offences; and
- b) That a copy of this report be sent to the Ministry of Transportation of Ontario, the Ministry of the Attorney General, the Regional Municipality of York, local municipalities in York Region, and the Ontario Traffic Council.

### **Contact Persons:**

Melinda Fartsalas, Supervisor of Administrative Monetary Penalty Systems, Extension 5480

Hubert Ng, Acting Manager of Transportation, Extension 6501

Tracey Steele, Director of Community Standards, Extension 2476

### **Report Approval:**

**Submitted by:** Ilmar Simanovskis, Commissioner of Community Services

**Approved by:** Mary-Anne Dempster, City Manager (Acting)

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner and City Manager. Details of the reports approval are attached.

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### **Background:**

#### **What is Automated Speed Enforcement (ASE)?**

Automated Speed Enforcement (“ASE”) is a technology-based safety tool that uses a camera and a speed measurement device to detect and capture images of vehicles travelling in excess of the posted speed limit. Camera images are reviewed and used to issue certificate of offence and associated fine to the registered owner of the vehicle. No demerit points are issued and the driving record of the vehicle owner is not impacted; however, vehicle license plate renewal may be denied if fines are not paid.

ASE is intended to increase community safety by altering driver behavior. Richmond Hill Council indicated support for municipal use of ASE via a Council Motion approved in January of 2017 (Attachment 1).

#### **Provincial Legislation**

In May 2017, the Ontario government passed Bill 65, the Safer School Zones Act, 2017, which established the framework for Ontario municipalities to use ASE technology in designated School Zones and Community Safety Zones (“CSZs”). The Safer School Zones Act was proclaimed into effect on December 1, 2019, at the same time that Ontario Regulation 398/19 under the Highway Traffic Act, R.S.O. 1990 (“HTA”) was enacted. Ontario Regulation 398/19 sets out the operational, procedural, and evidentiary requirements for use of ASE including details associated with photographs and certificates of offence and requirements for notice signs at ASE sites. Ontario Regulation 398/19 requires that ASE photographs be received in evidence in proceedings under the Provincial Offences Act, R.S.O. 1990, and does not provide for adjudication through an Administrative Monetary Penalty System (“AMPS”).

#### **ASE Technology and Joint Processing Centre**

In May of 2019, the City of Toronto issued a Request for Proposals (“RFP”) on behalf of all municipalities in Ontario for the provision of ASE technology and services over a period of five years. Toronto awarded the contract to Redflex Traffic Systems (Canada) Limited (“Redflex”), the highest scoring proponent in the evaluation process meeting all RFP requirements. As a result, Redflex will supply, install, operate, test and maintain ASE systems at various sites identified by municipalities. The single contract will ensure that the same equipment is used throughout the Province and will enable municipalities to realize cost savings associated with group purchasing.

The City of Toronto has also set up a Joint Processing Centre (“JPC”). The JPC employs Provincial Offences Officers to review images captured by the ASE cameras, and issue resulting certificates of offence. Toronto has indicated a willingness to process ASE offences for other municipalities subject to cost-sharing partnerships.

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### **York Region 2020-2021 ASE Pilot Project**

On October 3, 2019, given award of the ASE technology contract to Redflex and the establishment of the JPC, the Regional Municipality of York (“York Region”) approved a two-year, limited use ASE Pilot Project to commence in 2020. York Region’s ASE Pilot Project is intended to evaluate the ASE technology, quantify the number of offences issued at specific sites, estimate the rate at which offences are disputed, and assess impacts on York Region’s Provincial Offences courts.

The Pilot Project involves operation of a single mobile ASE unit that will be rotated amongst twelve CSZs located on Regional roads throughout the nine local municipalities. Locations were selected through a data-driven approach that considered speed, violation, collision, and pedestrian density data. Two of the locations are in Richmond Hill. The first location is on Bayview Avenue, between 16<sup>th</sup> Avenue and 19<sup>th</sup> Avenue, and ASE is anticipated to be installed at this site in late 2020. The second Richmond Hill site is on Bloomington Road, between Yonge Street and Bathurst Street, and is scheduled to be part of the pilot in Q2 of 2021.

Currently, York Region is working to execute two agreements – one with Ministry of Transportation (“MTO”) to access the province’s license plate registry for ASE offence purposes, and one with the City of Toronto for use of the JPC. York Region intends to initiate a detailed education campaign around the use of ASE in February 2020. Public awareness activities will include the required posting of notice signs 90 days in advance of ticket issuance at ASE sites. It is anticipated that the first pilot program ASE ticket will be issued from the Rutherford Road CSZ in Vaughan in May of 2020 pending the execution of the necessary agreements.

### **ASE on Local Roads in Richmond Hill**

Under the current legislation, local municipalities are permitted to use ASE on local roads. However, there are two significant obstacles preventing Richmond Hill from implementing ASE:

1. If the City wishes to implement ASE on local roads, the City would be responsible for all costs including the estimated annual cost of \$250,000 per year for the operation of each ASE camera, and the cost associated with processing of images and issuing offences. Typically, fine revenue is used to offset these costs, but currently fine revenue associated with HTA offences is collected by York Region pursuant to the Inter-Municipal Agreement regarding operation of Provincial Offences Courts in York Region.
2. York Region’s Court Services system has limited capacity to process the additional volume of disputed offences that may be generated by local municipality ASE. The Provincial Offences court is already experiencing capacity issues, which are being addressed, at least in part, by moving various offence types into the AMPS (for example, parking and by-law offences). Efficient adjudication of ASE offences is likely to require the ability to process through AMPS as well.

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Given the obstacles described above, the implementation of ASE on Richmond Hill roads is not recommended at the present time. Instead, it is recommended by both City staff and York Region (Report of the Commissioner of Transportation Services and the Regional Solicitor to Committee of the Whole regarding Automated Speed Enforcement, dated October 3, 2019) that Richmond Hill advocate for the Province to reconsider their position and allow ASE to be administered through an AMPS by approving this report and forwarding it to MTO.

Additionally, staff will continue to prepare the City for the implementation ASE in designated school zones or CSZs on local roads in the future by continuing to:

- Identifying and designating School Zones and CSZs in Richmond Hill;
- Analyzing and prioritizing candidate School Zones and CSZ sites ; and,
- Representing the City during Regional AMPS Working Group and Ontario Traffic Council discussions around ASE.

### **Financial/Staffing/Other Implications:**

There are no financial or staffing implications associated with the recommendations of this report.

### **Relationship to the Strategic Plan:**

ASE aligns with the Strategic Plan goal of A More Vibrant Richmond Hill and the strategy of maintaining a clean and safe community through education, community involvement and enforcement.

### **Conclusion:**

As of December 1, 2019 provincial legislation has been in place providing for municipalities to operate ASE in School Zones and CSZs. Additionally, the ASE technology to be used in Ontario has been determined through a contract issued by the City of Toronto, and the City of Toronto has set up a JPC that municipalities can use through partner arrangements to process images and offences.

Commencing in February 2020, York Region will be conducting a two-year, limited use ASE pilot program which will include two sites in Richmond Hill. The Pilot Project will provide an evaluation of the technology and service provided by the vendor, quantify the number of offences issued, estimate the rate at which ASE charges are disputed, and assess impacts on York Region's Provincial Offences courts.

In order for a municipality to recover the cost of ASE and to ensure that ASE offences do not place unmanageable burden on the Provincial Offences courts, amendments to Ontario Regulation 398/19 to enable adjudication of ASE offences by way of AMPS are recommended.

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### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call the contact person listed in this document.

- Attachment 1 - January 23, 2017 Council Motion regarding amendment to Bill 65 and Highway Traffic Act, R.S.O. 1990

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### Report Approval Details

Document Title:	SRCS.20.07 Update On Automated Speed Enforcement.docx
Attachments:	- January 23, 2017 Council Motion Amendment to Bill 65 and Highway Traffic Act.pdf
Final Approval Date:	Feb 18, 2020

This report and all of its attachments were approved and signed as outlined below:

**Tracey Steele - Feb 18, 2020 - 1:47 PM**

**Ilmar Simanovskis - Feb 18, 2020 - 1:50 PM**

**MaryAnne Dempster - Feb 18, 2020 - 4:51 PM**



## Member Motion

### Section 5.4.4(b) of Procedure By-law

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**Meeting:** Committee of the Whole

**Meeting Date:** January 23, 2017

**Subject/Title:** Amendment to Bill 65 and *Highway Traffic Act*

**Submitted by:** Regional and Local Councillor Spatafora

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Whereas the Legislature introduced Bill 65, *Safer School Zones Act, 2016* (Bill 65) on November 15, 2016 to appeal the existing photo radar provisions of the *Highway Traffic Act* (HTA) and replace them with provision for automated speed enforcement;

And Whereas Bill 65 would allow municipalities, by by-law, to implement and operate automated speed enforcement in community safety zones and school zones on roads under their jurisdiction;

And Whereas municipalities would be responsible for the implementation and operational costs of automated speed enforcement on roads under their jurisdiction;

And Whereas the by-laws designating community safety zones and school zones or implementing the automated speed enforcement would be enacted under the HTA and would create HTA offences;

And Whereas HTA offences are administered through the *Provincial Offences Act* courts and any HTA fine revenue collected through the POA courts would be retained by the POA court program not the local municipality;

And Whereas the *Municipal Act, 2001* authorizes municipalities to implement an administrative monetary penalty system for parking and licensing bylaws, and Bill 68 *Modernizing Ontario's Municipal Legislation Act, 2016* proposes to expand authority for administrative monetary penalties to other municipal bylaws;

And Whereas penalties for offences arising out of enforcement through technology such as automated speed enforcement and red light cameras can be administered effectively and efficiently through an administrative monetary penalty system;

And Whereas legislative amendments to the HTA are required to authorize enforcement of automated speed enforcement through administrative monetary penalties rather than POA courts;

Therefore Be It Resolved:

- a) That Council for the Town of Richmond Hill requests the Government of Ontario to amend the *Highway Traffic Act*, and implement any other legislative, regulatory or administrative changes required, to permit municipalities to administer automated speed enforcement and other technology based enforcement of offences through administrative monetary penalties ("AMPs");
- b) That a copy of this resolution be sent to the Attorney General of Ontario, the Minister of Municipal Affairs and the Minister of Transportation.

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**Moved by:           Regional and Local Councillor Spatafora**

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