



Staff Report for Committee of the Whole Meeting

Date of Meeting: November 6, 2024

Report Number: SRCS.24.15

Department: Community Services
Division: Community Standards

Subject: **SRCS.24.15 – Automated Speed Enforcement Program**

Purpose:

The purpose of this report is to seek Council approval to move forward with the implementation of an Automated Speed Enforcement Program.

Recommendations:

- a) That staff report SRCS.24.15 regarding a proposed Automated Speed Enforcement Program be received;
- b) That the proposed Automated Speed Enforcement Program, using Newmarket's Joint Processing Centre and internal adjudication of Penalty Orders (tickets) through the City's Administrative Monetary Penalty System, be endorsed;
- c) That the Administrative Penalties for Automated Enforcement By-law No.123-24 (Attachment 1) be enacted.
- d) That the City Manager be delegated authority to execute all necessary agreements with the Town of Newmarket, Ministry of Transportation and Ministry of Attorney General to implement the Automated Speed Enforcement program.
- e) That staff report back to Council in 2025 with an update on the Automated Speed Enforcement Program to confirm the number and location of sites, outline a comprehensive public awareness plan, and present an implementation timeline.

Contact Person(s):

Melinda Fartsalas, Manager By-law Policy and Adjudication, Extension 5480

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Tracey Steele, Commissioner Community Services, Extension 2476

Paolo Masaro, Commissioner Infrastructure and Engineering Services, Extension 6540

Report Approval:

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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Key Messages:

- Automated Speed Enforcement (“ASE”) is a technology-based enforcement tool that is demonstrated to reduce vehicle speeds and improve traffic safety.
- Richmond Hill’s Traffic Safety and Operations Strategy (“TSOS”), approved by Council on December 13, 2023, recommends implementation of an ASE program.
- The recommended ASE program will involve use of Town of Newmarket’s Joint Processing Centre, and internal adjudication of Penalty Orders (tickets) through the City’s Administrative Monetary Penalty System.
- It is anticipated that ASE program capital costs (adjudication software) and operating costs (including staff, camera rentals, site preparation and ticket processing charges) will be offset by fine revenues and associated administrative fees.
- If the proposed ASE program is endorsed, staff will report back to Council in 2025 with recommended camera sites, a comprehensive public awareness plan, and an anticipated schedule for implementation.

Background:

Automated Speed Enforcement (“ASE”) is a technology-based enforcement 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 tickets with a fine to the registered owner of the vehicle. No demerit points are issued, and the driving record of the vehicle owner is not impacted.

In accordance with the Ontario *Highway Traffic Act* (Section 205.1), ASE may only be used in designated School Zones and Community Safety Zones. “Municipal Speed Camera Coming Soon” signs must be placed at each community safety zone site 90 days prior to the start of ASE. Additionally, ASE cameras may only capture images of the rear license plate of vehicles ensuring vehicle occupant privacy. Camera images are encrypted and stored on a secure device and transferred to a processing centre where only designated officers have access to the data. Once the data has been reviewed and downloaded for the purposes of processing a ticket, all recorded data on the storage unit is erased.

ASE has proven to be an effective tool to facilitate speed limit reduction in Ontario. From January 2020 to December 2022, the City of Toronto found the percentage of vehicles exceeding the speed limit decreased by 80% in locations with an ASE device. Additionally, the occurrence of excessive speeding (driving 20 kilometres per hour or more over the limit) was reduced by 87%. Similarly, during the first 18 months of York Region’s Pilot ASE Project, average compliance with the posted speed limit more than doubled and operating speeds reduced by nine kilometres per hour. York Region is now in the process of expanding their program to an additional 60 fixed camera sites.

In February 2020, Council received SRCS.20.07, which provided an introduction to ASE and the supporting provincial legislation. At the time, Administrative Monetary Penalties

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(“AMPS”) were not permitted as a means of adjudication for ASEs. In April 2022, the province filed *Ontario Regulation 355/22 Administrative Penalties for Vehicle Owner Contraventions Detected Using Camera Systems* (“O. Reg. 355/22”) thereby establishing a regulatory framework for use of AMPS in enforcement and adjudication of ASE and making ASE financially viable for the City of Richmond Hill.

On December 13, 2023, Council approved the City’s *Traffic Safety and Operations Strategy* (“TSOS”) (SRIES.23.005). The TSOS recommended enhanced traffic safety and operations policies, programs and processes that allow for an improved proactive approach to traffic safety and operations in the City. One recommendation of the TSOS was for the implementation of an ASE program between 2025 and 2029. ASE not only reduces vehicle operating speeds and increases road safety for all road users including pedestrians and cyclists, but also reduces police workload associated with areas that generate significant complaints about speeding. As a first stage to implementing the TSOS ASE recommendation, 86 Community Safety Zones were approved earlier this year (SRIES.24.003), and associated signage will be installed by the end of 2024.

Discussion:

In order to manage the complexity of implementing an ASE program, staff have been consulting with various municipal groups (including the Ontario Traffic Council and the Regional AMPS Working Group) and other municipalities, while reviewing applicable legislation (*Highway Traffic Act* and associated regulations) and template agreements required by the Ministry of Transportation (“MTO”) and the Ministry of the Attorney General (“MAG”).

Automated Enforcement By-law

Implementation of an ASE program requires the City to enact a by-law which provides an administrative penalty framework in alignment with O. Reg. 355/22. A By-law is a prerequisite for entering into the required ASE agreements with MTO and MAG (further discussed below).

The *Administrative Penalties for Automated Enforcement By-law* (By-law No. 123-24) recommended for enactment is attached to SRCS.24.15 as Attachment 1. As required by O. Reg 355/22, the recommended By-law:

- Enables the issuance of an AMPS ticket (called a Penalty Order or “PO”) for a speeding violation captured by an ASE camera within 23 days of the violation.
- Sets out the requirements for information that must be included on the PO (including a unique file number, vehicle owner name and address, description, location and photograph of the violation, and an administrative penalty (fine), as well as payment and appeal options.).
- Indicates the manner in which a PO may be served and establishes the requirement for the PO to be paid within 30 days unless an appeal (AMPS Screening Review) is requested.

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- Establishes the specific AMPS adjudication processes that apply should the PO be appealed including the potential for a Screening Review to be conducted orally, electronically or in writing; the ability for the Screening Officer to confirm, vary or set aside the PO; the process for proceeding to the second stage of adjudication (Hearing Review); and hearing processes.
- Sets out a process for requesting an extension to the 30 day time periods for requesting a Screening or Hearing Review.
- Establishes the information a Screening or Hearing Officer may consider when reviewing a PO.
- Sets the Administrative Penalty amounts for offences (see Schedule ‘A’; for example, \$5.00 per kilometre for the first 1 to 19 kilometres over the limit).

Joint Processing Centre and Camera Equipment

A Joint Processing Centre (“JPC”) manages the data collected by an automated enforcement camera and issues tickets/POs for violations. Photographic data is electronically sent from the camera to the JPC where the data is reviewed and confirmed by a Provincial Offences Officer. Once the violation is confirmed, the JPC requests the name and address of the vehicle owner from MTO and issues a ticket.

Richmond Hill may choose to open and operate its own JPC or contract with another JPC operator. Currently, the City of Toronto, York Region and the Town of Newmarket are operating, or are in the process of establishing JPCs, that are potential options for Richmond Hill:

- The City of Toronto began operating its JPC in December 2019. Joining the City of Toronto’s JPC requires a one-time fee of \$90,000.00 and an administrative fee of \$20 per ticket issued. The City of Toronto’s JPC is currently operating at or near capacity.
- York Region is aiming to have a JPC operational in late 2024 with potential expansion to service municipal partners in 2025 (although its operation is not dependent on the Region securing partners). Costs have not yet been released.
- Town of Newmarket is currently operating a JPC intended to service both Newmarket and municipal partners. Newmarket’s JPC allows partner municipalities to tailor the service to meet their own needs by selecting program components that Newmarket will provide including public communication assistance, processing of POs, MAG reporting, and AMPS adjudication. Penalty Orders are processed for a fee of \$20.00 per ticket issued and there is no fee for joining.

It is standard that JPCs require municipalities contracting their services to use the same camera vendor as the JPC operator. This requirement is because the camera vendor also supplies the software that facilitates JPC communication with the cameras. In both the case of Toronto and Newmarket, required camera vendors were selected through a competitive group buying procurement process consistent and compliant with Richmond Hill procurement policies.

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Given the state of readiness of the Town of Newmarket JPC, competitive camera vendor and processing fees, service flexibility and the ability to maintain full control over the operational specifics of ASE program, it is recommended that Richmond Hill enter into an agreement with Newmarket for the purposes of renting cameras, processing POs and reporting data to MTO.

Ministry of Transportation and Ministry of Attorney General Agreements

Once an automated enforcement by-law is enacted, the City will need to execute an agreement with MTO, naming Town of Newmarket as the City's Joint Processing Centre providing access to license plate registration information for the purposes of issuing POs, and committing the City to maintain confidentiality of the information. Additionally, the required template MTO agreement requires that the City submit annual and bi-annual data reports documenting the number of POs issued, contested and paid.

The City will also need to sign a separate template agreement with MAG to establish the specifics of the City's commitment to remit the Victim Component of penalties to the province and provide monthly and semi-annual reports on the details of Victim Components collected and outstanding. This agreement also sets out requirements to send plate denial requests to MTO via the Ministry's Defaulted Fine Control Centre if POs are unpaid, as well as other reporting requirements to the Ministry.

Adjudication

A service option was presented to the City by the Town of Newmarket to facilitate adjudications (at a cost) of all Penalty Orders issued. It is recommended that the adjudication and reporting of ASE Penalty Orders take place within Richmond Hill's own well established AMPS program to ensure cost effectiveness and prioritization of City program objectives.

Implementation Timeline

The following is an anticipated timeline for implementation of the ASE program:

2024 Q4

- SRCS.24.15:
 - Endorsement of ASE program utilizing Newmarket's JPC and internal AMPS adjudication
 - Enactment of the Administrative Penalties for Automated Enforcement By-law No. 123-24 (Attachment 1)
 - Approval to execute all necessary agreements (JPC, MTO, MAG)
- 2025 capital request and approval for PO payment and adjudication process management software

Q1-Q3 2025

- Execute necessary agreements
- Determine recommended camera sites

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- Software purchase/configuration
- Privacy Impact Assessment to ensure alignment with the *Municipal Freedom of Information and Protection Act* and appropriate management of confidential information (including license plate data)
- Development of a comprehensive public awareness plan, which includes the required 90 day “Coming Soon Signs” and issuance of warning tickets

2025 Q4

- Staff Report:
 - Approval of ASE site specifics (including number and location of sites)
 - Endorsement of activation timelines
 - Approval of comprehensive public awareness plan
- 2026 Capital and Operating Budget requests and approvals

2026 Q1

- Implementation of comprehensive public awareness plan
- Installation of 90 day “Coming Soon” signs
- Issuance of warning notices

2026 Q2

- ASE Go Live at specific sites

Financial Implications:

Pilot studies and findings from ASE program implementation in other municipalities suggest that ASE fine revenue will offset program capital and operating costs, which are as follows:

Capital Costs

An Information Technology Software (“IT software”) solution is required to process PO payments and manage the PO adjudication process. Staff will investigate whether the AIMS case management software currently used for parking enforcement and AMPS adjudication of by-law offences can be configured to meet ASE needs, or whether it will be more cost efficient to purchase a new software solution.

The 2025 Draft Capital Budget will include a \$250,000 ASE Program project to cover IT software costs.

Operating Costs

Operating costs associated with the proposed ASE program include:

- Camera costs (including camera rental, installation and maintenance under the Newmarket contract)
- Site set-up costs (signage)
- Processing centre fees

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- Public awareness initiatives
- Postage (PO's as well as follow-up AMPS correspondence are issued via mail to vehicle owners)
- MTO fees for obtaining license plate registration data
- Personnel/staffing (2 new, full-time permanent positions will be required in 2026: AMPS Screening Officer and Senior Traffic Analyst)

Newmarket's camera vendor contract provides options for stationary and mobile (semi-stationary) cameras, but as the intent is to rotate cameras through identified Community Safety Zones the mobile option is the obvious choice. Additionally, Newmarket has indicated that while their vendor contract includes only camera rental pricing, the vendor is willing to provide a purchase option if requested; however, they strongly recommend against purchasing cameras. The rental contract fully covers maintenance and repair (which a purchase contract would not) and pilot studies have shown that the cameras are subject to vandalism.

The Operating Costs identified above will not be incurred until 2026 when the ASE program goes live and warning tickets or POs are issued. The AMPS Screening Officer position will be required because operation of six ASE sites has the potential to double the number of tickets contested through AMPS and we are already operating with a contract staff to meet target Screening Review service levels. The Senior Traffic Analyst will address the technical components of the program including identification of priority camera sites, coordination of camera installation, liaison with the camera contractor to facilitate camera maintenance, and response to resident complaints and inquiries.

Relationship to Strategic Plan 2024-2027:

The City's Traffic Safety and Operations Strategy recommends adoption of an ASE program as an effective tool to reduce vehicular speeds and improve safety within community safety and school zones. The ASE program supports Pillar 1 of the Strategic Plan – Growing a Livable, Sustainable Community, and specifically relates to Priority 1 of enhancing transportation infrastructure to support the safety of community members, and Priority 3 of making decisions that are evidence-based and data-driven to enable the City's long term financial sustainability, as well as social, environmental, and economic sustainability.

Attachments:

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

- Attachment 1 - Administrative Penalties for Automated Enforcement By-law No. 123-24

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Report Approval Details

Document Title:	SRCS.24.15 Introduction to the City Automated Enforcement Program-Speed Enforcement.docx
Attachments:	- Attachment 1 - Administrative Penalties for Automated Enforcement By-law No. 123.24.docx
Final Approval Date:	Oct 28, 2024

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

Don Guy - Oct 23, 2024 - 10:41 AM

Dan Terziewski - Oct 23, 2024 - 10:42 AM

Tracey Steele - Oct 23, 2024 - 2:48 PM

Paolo Masaro - Oct 24, 2024 - 2:47 PM

Darlene Joslin - Oct 28, 2024 - 1:18 PM