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**Subject:** Automated Speed Enforcement – Safer School Zones Act

**Report to:** Public Works Committee

**Report date:** Tuesday, July 9, 2019

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## Recommendations

1. That Regional Staff **BE AUTHORIZED** to partner with the Ministry of Transportation, the Ministry of the Attorney General, and other partnering Municipalities in the Ontario Traffic Council's (OTC) Automated Speed Enforcement (ASE) Working Group (WG) to set-up a consistent program for all Municipalities in which to operate ASE technology in Ontario, with a target date of Fall 2019 for Legislative Approval.
2. That Regional Staff **REPORT BACK** to Public Works Committee upon completion of the OTC working group review and RFP findings, on the award terms and conditions for the Province approved Vendor to supply, install, operate and maintain the ASE System throughout Niagara Regional roads, for a five-year period from 2019 to 2023 with the option to extend up to five additional years; including Transportation operating costs.

## Key Facts

- Speeding is a primary crash factor and a leading road safety problem, often contributing to one-third of fatal crashes and serving as an aggravating factor in most crashes.
- In 2016, fatal and serious injury collisions on Niagara Regional roads increased by 9.31% over 2015 recorded statistics.
- The statistical analysis of 2016 ranked Niagara Region 20% higher in the number of collisions than similar jurisdictions within Ontario.
- There were approximately 2,648 traffic collisions on Niagara Regional roads in 2017, of which, approximately 17 collisions resulted in traffic fatalities and 324 in serious injuries.
- For many years, Niagara Regional Staff have been dealing with concerns raised by residents regarding speeding; in particular in school zones.
- Bill 65 – Safer School Zones Act, 2017 allows Municipalities, through by-law, to implement and operate technology-based enforcement in community safety zones and school zones on roads under their jurisdiction.

- Automated speed enforcement is complementary to traditional enforcement, focusing on school safety zones and community safety zones.
- The OTC has formed a multi-Municipal working group consisting of Municipalities across Ontario, the Ministry of Transportation Ontario and the Ministry of the Attorney General to develop and cost-share an ASE program for Municipalities throughout the Province.
- By participating in the Working Group Committee, Niagara Regional Staff will have the opportunity to ensure that the needs of Niagara Region will be incorporated in the ASE program and Staff will understand the requirements associated with implementing this new safety tool.

## **Financial Considerations**

Initial funding of this safety initiative will be covered under the approved 2019 Transportation Services Operating Budget for the cost of partnership with the other Municipalities and OTC resources to discuss threshold speeds, site selection criteria, prosecuting issues, legal agreement, communications, joint processing centre requirements, RFP evaluation and other important program details.

Regional Staff will be finalizing and reporting back to the Public Works Committee details of implementation, operation and cost for further consideration. This will be jointly discussed and finalized with Legal and Court Services Staff and introduced as part of that upcoming report.

## **Analysis**

On May 30, 2017, the Ontario Legislature passed Bill 65, the Safer School Zones Act that amended the Ontario Highway Traffic Act (HTA) to, among other things, authorize Municipalities to use ASE technology (known as photo radar) as a tool to address vehicle speed concerns and collision patterns involving speeding.

The Ministry of Transportation is currently preparing the necessary regulations to allow for the implementation of Bill 65. It is anticipated that these changes will be brought forward in Fall 2019, following which municipalities will be able to employ the use of the ASE in community safety and schools zones.

## **Bill 65 – Safer School Zones Act**

Bill 65 amendments to the HTA permits Municipalities to utilize ASE in school zones and in community safety zones where the prescribed rate of speed is less than 80 km/h, and to reduce speed limits on roads with statutory speed limit of 50 km/h by designating areas (by by-law) where speed limits may be lower.

The Ministry of Transportation, in coordination with Ontario Traffic Council, the City of Toronto and 15 other Municipalities is currently developing the necessary regulatory changes to allow for the above.

### **Ontario Traffic Council (OTC)**

The OTC mission statement is “OTC is the voice for enhancing the engineering, education and enforcement sectors of the traffic management sector in Ontario”. As part of their mandate, OTC organized the ASE Working Group that includes to date 15 Municipalities, the Ministry of Transportation and the Ministry of the Attorney General to discuss the development and implementation of ASE. Niagara Regional Staff aim to work in partnership with all parties in the working group to set-up a consistent program for Municipalities in which to operate ASE in Ontario.

A RFP for the supply, installation, operation and maintenance of ASE equipment was issued by the City of Toronto in April 2019. All participating Municipalities will be able to partake in the execution of the ASE contract. This process ensures the same equipment is used throughout the Province with cost savings associated with group purchasing. Similar to the red light camera program, the Ontario Highway Traffic Act would have to be amended to include the specific model of ASE equipment. Municipalities will only use the equipment specified in the Highway Traffic Act.

The ASE WG is also drafting guidelines for the use of temporary and permanent ASE equipment. The guidelines will include recommendations for where ASE should be used, not used and suggestions to help Municipalities optimize the use of the ASE. At this stage, the proposed ASE will be restricted to school zones and community safety zones only. ASE outside those areas are not anticipated at this time.

### **Provincial Offences Act Court Implications**

Speeding infractions are handled by the Municipal Provincial Offences Act Courts pursuant to a Memorandum of Understanding with the Province. In some municipalities there is a concern that Automated Speed Enforcement may overwhelm the court system and that the Province will not be able to supply enough Justices of Peace for trials. This is not anticipated to be the case in Niagara Region.

To facilitate the prosecution of offences, a Joint Processing Centre will be introduced as the best model to ensure consistency and integrity in the operations of ASE. This process would allow Municipalities to share and reduce Municipal operating costs associated with processing infractions. The City of Toronto will establish the Joint Processing Centre for ASE infractions in the Province for all Municipal partners.

## **Details of Fall 2019 Report to Public Work Committee**

To date, nine Municipalities are designated to introduce automated speed enforcement by December 1, 2019, namely, City of Toronto, City of Mississauga, City of Burlington, City of London, City of Brampton, City of Ottawa, Town of Ajax, Regional Municipality of Peel, Regional Municipality of Waterloo, and Regional Municipality of Durham to place 189 automated speed cameras. In total, sixty (60) cameras will be fully operational by December 2019.

With the approval of the Public Works Committee, this will also allow Niagara Region to be a partner of this program.

The Staff report will be prepared to provide an update to the Public Works Committee on:

- Information on how the automated speed enforcement program will be administered and operated throughout the Province
- Financial impact of the program for the proposed 2020 budget
- Results of the Request for Proposal (RFP) 9148-19-0048 for the provision of Automated Speed Enforcement Services in the Province issued by City of Toronto
- Request authority to award the contract to the recommended bidder
- Request authority to enter into operational agreements with Joint Processing Center and Ontario Ministry of Transportation
- Details of communication and education plan

## **Relevant Consultation**

This report has been written in consultation with Staff from Legal and Court Services, Public Health, and the members of the Niagara Student Transportation Services, the Ontario Traffic Council and Steering Committee Automated Speed Enforcement Working Groups.

## **Alternatives Reviewed**

Potential alternatives will be provided in a future report to the Public Works Committee once costs and implications are defined through the finalization of the evaluation and administration process.

## **Relationship to Council Strategic Priorities**

### **Alignment to Niagara Region Transportation Master Plan**

Niagara Region is undergoing significant change and by 2041 will have grown and evolved on economic, demographic, social and technological fronts. This

recommendation will support growth and enhance Niagara globally by promoting an integrated network of roads and highways for the safe movement of people and goods.

Also, this is a step forward to adopting a Vision Zero Road Safety Plan in Niagara Region; helping to reduce aggressive driving and speeding in areas within Niagara Region that have higher concentrations of school children and families.

### **Other Pertinent Reports**

None.

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