

## CITY OF VAUGHAN

### **EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 19, 2019**

Item 8, Report No. 34, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on November 19, 2019.

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#### **8. UPDATE ON AUTOMATED SPEED ENFORCEMENT**

**The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Public Works and the Deputy City Manager, Community Services, dated November 5, 2019:**

##### **Recommendations**

1. That the Ministry of Transportation of Ontario consider the option of using an Administrative Monetary Penalty System (AMPS) for offences enforced using an ASE program to avoid burdening the Provincial Offences Act courts; and
2. That the City Clerk forward a copy of this report to York Region, the Ministry of Transportation of Ontario, the Ministry of the Attorney General, local municipalities in York Region, and the Ontario Traffic Council.

## Committee of the Whole Report

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**DATE:** Tuesday, November 05, 2019

**WARD(S):** ALL

**TITLE: UPDATE ON AUTOMATED SPEED ENFORCEMENT**

**FROM:**

Zoran Postic, Deputy City Manager, Public Works

Mary Reali, Deputy City Manager, Community Services

**ACTION:** DECISION

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**Purpose**

To provide an update on the automated speed enforcement (ASE) program.

**Report Highlights**

- York Region is rolling out an ASE pilot at selected Regional Road locations. The Region will include location(s) within the City of Vaughan as part of their pilot program.
- York Region Court Services does not have capacity to process the anticipated volume of ASE charges from local municipalities.
- The ASE Municipal Working Group (MWG) has requested the Province to allow ASE charges to be administered through an Administrative Monetary Penalty System, instead in the Provincial Offences Act (POA) courts.

**Recommendations**

1. That the Ministry of Transportation of Ontario consider the option of using an Administrative Monetary Penalty System (AMPS) for offences enforced using an ASE program to avoid burdening the Provincial Offences Act courts; and
2. That the City Clerk forward a copy of this report to York Region, the Ministry of Transportation of Ontario, the Ministry of the Attorney General, local municipalities in York Region, and the Ontario Traffic Council.

## **Background**

**The Province enacted Bill 65, the Safer School Zones Act, 2017, to allow the operation of automated speed enforcement (ASE) technology in school and community safety zones.**

In May 2017, the Ontario legislature passed Bill 65, the Safer School Zones Act, 2017 permitting municipalities to use ASE technology as a tool to manage speed compliance in school and community safety zones. Bill 65 included an amendment to the Highway Traffic Act with a new Part XIV.1 Automated Speed Enforcement. The Province must now enact a regulation designating the equipment to be used, and the procedures for handling ASE infractions, before Part XIV.1 can be proclaimed.

**Council provided direction for Staff to participate in the OTC ASE Municipal Working Group.**

At the committee of the whole meeting May 8, 2018, Council directed staff to launch a photo-radar demonstration project to manage speed compliance on Kipling Avenue, north of Hwy 7, for a period of no less than six (6) months, when permitted by the Province, and when policies and procedures for the operation of photo-radar in Ontario have been established.

In June 2018, Staff reported back to Council on the status of Bill 65, and provided an overview of the ASE development. The report explained that the Ontario Traffic Council (OTC) had formed the ASE MWG consisting of municipalities across the Province, the Ministry of Transportation of Ontario and the Ministry of the Attorney General, to guide the planning and development of the ASE program. At that meeting, Council directed staff to work with the ASE MWG on the planning and development of the ASE program.

Since then, staff have been participating in the OTC ASE MWG with the aim of establishing common principles for administrating and operating ASE across the Province. Work undertaken by this group will also include providing input to the Province's regulatory framework.

**The Ministry of Transportation released a proposal for an ASE regulation on September 3, 2019. It is anticipated that the regulation will be passed in December 2019.**

On September 3, 2019, the Ministry released a proposal for regulations to support use of ASE by municipalities. The proposed regulation outlined the operation, procedural and evidentiary requirements for the use of ASE. These requirements included a description of how photographs are to be used as evidence, the types of ASE technology permitted

in the province, and the enforcement procedures for POA charges. It is anticipated that the regulation will be passed in December 2019, establishing the framework for operating and administering ASE in Ontario.

### **Previous Reports/Authority**

Council Motion at its November 3, 2015 Committee of the Whole Meeting – Speed Limit Policy:

[https://www.vaughan.ca/council/minutes\\_agendas/AgendaItems/CW1103\\_15\\_15.pdf](https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW1103_15_15.pdf)

Council Motion at its May 8, 2018 Committee of the Whole Meeting – Photo-Radar:

[https://www.vaughan.ca/council/minutes\\_agendas/AgendaItems/CW\\_0508\\_18\\_29.pdf](https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW_0508_18_29.pdf)

Staff Report at June 19, 2018 Council Meeting – Update to Automated Speed Enforcement:

<https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=2637>

York Region Report of the Regional Solicitor February 2017 – Bill 65 Safer School Act, 2016:

<https://www.york.ca/wps/wcm/connect/yorkpublic/d0b8df5e-d594-4a2f-ba61-7fb198b24d6c/feb+9+safer+ex.pdf?MOD=AJPERES&CVID=mu8z80d>

York Region Memorandum June 5, 2019 – Automated Speed Enforcement Update:

<https://yorkpublishing.escribemeetings.com/filestream.ashx?DocumentId=7406>

York Region Report October 3, 2019 - Automated Speed Enforcement:

<https://yorkpublishing.escribemeetings.com/filestream.ashx?DocumentId=7969>

Provincial legislation Bill 65, the Safer School Zones Act:

[Bill 65 – Safer School Zones Act](#)

### **Analysis and Options**

**On behalf of partnering municipalities, the City of Toronto has awarded the services of Redflex Traffic Systems to provide ASE. The City has eligibility to partake in the resulting contract.**

On behalf of municipalities participating in the ASE MWG, the City of Toronto issued a request for proposal (RFP) #9148-19-0048 for the provision of ASE Services. The RFP closed and Redflex Traffic Systems has been awarded to provide ASE services. Redflex Traffic Systems will be responsible to supply, install, operate and maintain the ASE system. Municipalities will be able to partake in the execution of the ASE contract. This

process ensures that the same equipment is used throughout the Province and assures cost savings associated with group purchasing. Equipment options such as mobile, semi-fixed, and fixed ASE are available. The ASE MWG is also developing guidelines for the use of ASE equipment including site selection and signage.

The City of Toronto will operate an ASE Joint Processing Centre (JPC) on behalf of partnering municipalities, which issues the Certificate of Offence. The ASE JPC will employ Provincial Offences Officers, designated by the Province, to issue charges captured by the cameras, as well as, supporting staff for site selection, investigation, contract management and record management. Operating costs for the ASE JPC will be cost-shared by partnering municipalities.

To operate an ASE program, a municipality is required to enter into agreements with:

- MTO for use of ASE technology and access to the license plate registry;
- City of Toronto for the operation and cost-sharing of the JPC to process automated speed infractions; and
- Redflex Traffic Systems to provide ASE services.

**The Region's POA Courts do not have the capacity to schedule additional trial requests resulting from ASE charges from local municipalities. The Region will operate an ASE pilot on Regional Roads to assess the technology and impacts on the Region's Provincial Offences Courts.**

The Province requires that ASE offences be processed, settled and disputed using the POA court system. However, the initiation of the ASE program will likely result in additional charges being administered, and the Provincial Offences Court system in the Region has indicated that it will not be able to absorb the additional charge volume anticipated from a full implementation of the ASE program with current facility and judicial resources.

To address the capacity concern, York Region adopted a Court Services-led resolution in February 2017 to advocate for amendments to the Highway traffic Act to allow enforcement of technology-based offences to be administered using an Administrative Monetary Penalty System (AMPS). Moreover, to limit the anticipated load increase on York Region's court services, the Region will be operating a two-year limited use ASE pilot on Regional Roads, starting in 2020. This will allow the opportunity to assess the technology and impacts on the Region's Provincial Offences Courts.

**Staff recommended the Region include a site within the City of Vaughan as part of their ASE pilot. Data from the Region's pilot program will assist the City to assess the impact of ASE on court capacity, driver behaviour, and community support.**

Staff has engaged Regional staff on the feasibility of operating a City ASE program through the Region's Provincial Offences Court system. Given that the Province will not enact a regulation designating ASE offences be processed through an AMPS, and that the Region's POA courts are limited in capacity, the Region is unable to support the request at this time. As an alternative, staff has requested that Regional staff consider a site in Vaughan as part of their pilot.

Regional staff have indicated that they will share their experiences on the anticipated number of charges, as well as the associated ASE capital and operating costs with local municipalities. Local municipalities can then use the data to estimate the number of anticipated charges and to develop a business case for ASE operation. This will allow staff to assess the impact of ASE on court capacity by quantifying the number of infractions, the rate at which these charges are disputed, driver behaviour, community support and road safety impacts.

**Given the limited capacity in the Region's Court Services system to process the anticipated volume of ASE charges from local municipalities, the City is not currently in a position to roll out the ASE program.**

The City has investigated and continues to investigate many reports from concerned citizens regarding speeding in school zones. ASE is an additional safety tool to manage speed compliance. Kipling Avenue, north of Hwy 7, is recommended as the candidate for a demonstration project as set out in the council motion presented at the May 8, 2018 Committee of the Whole meeting.

Data from the Region's pilot program will support a staff assessment of the number of charges generated from the ASE program. Staff from Finance, By-law and Compliance, Legal services, and Transportation and Fleet Management Services can then review the shared data, assess the City's program cost for administering and operating ASE and investigate the adoption of AMPS for the City's ASE program.

**The Province has not enacted a regulation to allow operations of ASE under an AMPS to reduce impacts on Provincial Offences Courts. Many municipalities across the province are advocating for an AMPS.**

AMPS is a municipally administered alternative to the Provincial Offences Courts' judicial process for matters authorized by the Province that enables a more expedient alternative to addressing by-law violation disputes. At present, the City of Vaughan has enacted AMPS for parking disputes and business licensing offences.

Staff support the option of using AMPS to process ASE offences. For the City to manage the ASE program under AMPS, the Province must first enact enabling legislation. Upon receiving Provincial authority, the City's AMPS program would then likely need to expand to manage the anticipated additional volume of adjudication required. As a result, resource and funding implications will need to be assessed.

The OTC has recently requested that the Province consider implementation of an AMPS for ASE and Red-Light Cameras on behalf of the municipalities (attachment No. 1 is a letter from the OTC to the Province). Further, Regional Council, the York Regional Police Services Board and York Regional Police have requested support from the Ministry of the Attorney General to use AMPS to manage disputes with respect to ASE and Red-light cameras to help align road safety initiatives with enforcement (attachment No. 2 is a letter from the York Police Services Board). Both requests would also mitigate the expected demand on the Provincial Offences Court system.

### **Financial Impact**

The Capital Project, RP-6767-18 Road Safety Program: Automated Speed Enforcement in the amount of \$56,650, was set up as part of the 2018 capital budget to carry out the investigation of the initial ASE program development. Staff will inform Council of the costs associated with program implementation and operation as more information becomes available. The ability to recover costs will also be reviewed.

The City is unable to recover Provincial Offences Act fines to offset the costs of operating ASE on local roads, as outlined in the Region's October 3, 2019 report.

### **Broader Regional Impacts/Considerations**

Considering the limited capacity of the Region's POA courts system, the Region will be operating ASE on Regional roads on a pilot basis, with limited use. The Region has committed to sharing their data and best practices in administering and operating ASE with local municipalities.

### **Conclusion**

City Staff continue to work with the OTC ASE MWG to facilitate the development and implementation of ASE in the Province of Ontario.

Based on the program progress, it is anticipated that the Region will be implementing ASE technology in school zones and community safety zones on Regional roads on a pilot basis, starting in 2020. Regional staff will share their data and experience with local municipalities to support them in building their respective ASE program.

**For more information**, please contact Donald Eta, Director Transportation and Fleet Management Services, and Gus Michaels, Director of By-law and Compliance Licensing and Permit Services.

### **Attachments**

1. OTC Letter to the Province advocating for AMPS, July 2019
2. York Regional Police Services Board Letter Re: Provincial Offences Act Court, Impacts on Road Safety, May 2019

### **Prepared by**

Margie Chung, Manager, Traffic Engineering, 6173

Rudi Czekalla-Martinez, Manager of Policy and Business Planning, 8782

### **In Consultation with:**

Gus Michaels, Director of By-law and Compliance Licensing and Permit Services

Joe Italo Luzi, Manager of Enforcement Services

Carol Ramchuram, Regulatory Policy Analyst

Surangi Parikh, Manager of Business Relationships



**Ontario Traffic Council**  
www.otc.org

## Ontario Traffic Council

47 Colborne St, Suite 204  
Toronto, Ontario M5E 1P8  
Tel: 647-346-4050 Fax: 647-346-4060  
E-mail: [info@otc.org](mailto:info@otc.org)

July 3, 2019

Honourable Caroline Mulroney  
Minister of Transportation and  
Minister of Francophone Affairs  
77 Wellesley Street West  
Ferguson Block, 3rd Floor  
Toronto, ON M7A 1Z8

Dear Minister Mulroney,

I am writing to you as a follow-up to the Ontario Traffic Council (OTC) letter of May 23, 2019, to the Honourable Jeff Yurek regarding our request to implement an Administrative Penalty system (APs) for Ontario's Automated Speed Enforcement (ASE) and the Red-Light Camera (RLC) Programs within Regulations to Bill 107.

The Ontario Traffic Council (OTC) is leading the development of the ASE Program for Ontario municipalities. A number of municipalities will be participating in the first phase launch of ASE anticipated for December 2019, however, there are others not participating or are participating at a much lesser extent (less cameras and site locations and limited deployment times) because of the stress on their already over-burdened POA court system.

Ultimately, ASE would work more effectively to protect Ontario's vulnerable road users - our daycare and school aged children, seniors and other vulnerable members of our communities under an AP system.

I would welcome the opportunity to meet with you to discuss the value of allowing the Automated Speed Enforcement and Red-Light Camera Programs to fall within an Administrative Penalty system.

Yours truly,

Geoff Wilkinson, CAE  
Executive Director

c.c. Mayor John Tory, City of Toronto  
Mayor Ed Holder, City of London  
Mayor Bonnie Crombie, City of Mississauga  
Mayor Jim Watson, City of Ottawa

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## The Regional Municipality of York Police Services Board

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To Make a Difference in Our Community

17250 Yonge Street, Newmarket,  
Ontario, Canada L3Y 6Z1

Tel: 905.830.4444 or 1.877.464.9675 ext. 77906

Fax: 905.895.5249

E-mail: [psb@yrp.ca](mailto:psb@yrp.ca) • Web: [yrpsb.ca](http://yrpsb.ca)

May 7, 2019

The Honourable Caroline Mulroney  
Ministry of the Attorney General  
McMurtry-Scott Building  
720 Bay Street, 11<sup>th</sup> Floor  
Toronto, ON M7A 2S9

Via Email: [caroline.mulroney@pc.ola.org](mailto:caroline.mulroney@pc.ola.org)

Dear Minister:

### **Re: Provincial Offences Act Court – Impacts on Road Safety**

We are writing to you on behalf of the York Regional Police Services Board and York Regional Police, to bring your attention to a matter of great concern with respect to our ability to effectively improve road safety through enforcement. On September 26, 2018 Chairman Wayne Emmerson wrote to you on behalf of Regional Council seeking support for the use of administrative penalties to enforce automated speed enforcement and red light cameras to help ease the burden on Provincial Offences Courts and align road safety initiatives with enforcement. We share the concerns raised by Regional Council as outlined in that letter.

As Attorney General, we are asking for your support of the request of our Board and York Regional Police, supported by Regional Council, to the Province of Ontario for legislative and regulatory amendments needed to address the significant impact of judicial shortages and outdated legislation on the capacity of our Provincial Offences Act (POA) Courts and the operations of York Regional Police.

In York Region, our POA Courts handle approximately 160,000 charges per year, of which 75% are charges filed by York Regional Police. Approximately 90% of the matters in our POA courts arise from charges laid under the Highway Traffic Act as part of our ongoing efforts to improve road safety through enforcement.

Road safety has been a significant part of our Strategic Plan and Business Plans for the past 20 years. Our community has identified road safety

consistently as one of our top 5 community priorities. As a result of this input from the community we too have made road safety as one of our top priorities.

York Region operates the second largest POA Court program in Ontario, second only to Toronto. Our courts are currently operating at capacity and the consistently high rate of dispute continues to put increasing pressure on these courts. These identified high dispute rates have resulted in 34,560 hours of officer time in court in 2018 at a cost of approximately \$1.9M, which is on the conservative side. This is a significant amount of lost community engagement and police resources due to our front line officers having to spend considerable time in travelling to and from court and in court away from their assigned community.

Through the use of technology and shared initiatives, York Regional Police and the Region's POA court services team have introduced efficiencies and innovation to address court capacity and minimize negative impacts of the lack of capacity on the operations of York Regional Police, including the introduction of the first video testimony program in Ontario's POA courts. However, there are many pressures on the courts that are beyond our control and can only be addressed by the provincial government.

Despite the best efforts of our staff, decreased court availability due to judicial shortages combined with an increasing dispute rate continues to have a negative impact on our officers, citizens and road safety initiatives. We firmly believe that opportunities exist that would support your government's goal to create a justice system that is efficient, accessible, and responds to the needs of the public. By working together, we can create efficiencies through modernization and streamlining of our current POA court system while enhancing community safety and timely access to justice.

Our greatest concern centres on the lack of judicial resources and frequency of court closures. Over the past three years alone, our courts have seen a 9 % reduction in the number of available court days due to a shortage of Justices of the Peace. In many instances, a full day of court time is lost without advance notice due to the unexpected absence of a Justice of Peace.

A detailed outline of our current challenges and full recommendations is included in the attachment to this letter. Below is a brief summary of our concerns and some recommendations for consideration:

**Challenges:**

- Court Availability has decreased as a direct result of the province-wide judicial shortage. This has increased both scheduled and unscheduled court closures

- An increase in trial requests threatens York Region's ability to schedule matters within the tight constitutional timeframe
- Time to trial is increasing, denying fair and timely access to justice

**Recommendations:**

- Proclaim all provisions of Bill 177 *Stronger, Fairer Ontario Act (Budget Measures)*, 2017, Schedule 35 to implement modernization measures
- Proclaim s. 21.1 of the Highway Traffic Act, amend s.21.1(13) to add that an administrative penalty is a debt due to the crown or to a municipality as provided for in regulation, and enact a regulation that would allow for administrative penalties to be imposed for red light camera and automated speed enforcement offences with the revenue dedicated to the municipality operating the program
- Conduct a review of the judicial complement to ensure our POA courts are adequately resourced and court closures reduced or eliminated

Knowing that your government is committed to finding efficiencies as part of their mandate and vision, we believe our recommendations align with the government's goals including the mandate of your Ministry to improve the efficiency of the justice system to support and enhance community safety. We also believe that through consultation and collaboration, the province and York Region can achieve significant positive results towards meeting these goals and our common objectives.

Given the importance of these issues to the Region, our Board and York Regional Police, we request the opportunity to meet with you and Ministry staff to share this information in more detail and discuss the opportunities for legislative and regulatory amendments, and potential solutions to address judicial shortages.

Sincerely,



Chair Virginia Hackson  
York Regional Police Services Board



Chief Eric Jolliffe  
York Regional Police

Copy to: Chairman Wayne Emmerson, Regional Chair, York Region  
Hon. Sylvia Jones, Solicitor General  
Hon. Jeff Yurek, Minister of Transportation  
Hon. Christine Elliott, MPP Newmarket-Aurora  
Hon. Michael A. Tibollo, MPP Vaughan-Woodbridge  
Michael Parsa, MPP Aurora-Oak Ridges-Richmond Hill  
Stephen Lecce, MPP King-Vaughan  
Logan Kanapathi, MPP Markham-Thornhill  
Gila Martow, MPP Thornhill  
Daisy Wai, MPP Richmond Hill  
Paul Calandra, MPP Markham-Stouffville  
Billy Pang, MPP Markham-Unionville  
Association of Municipalities of Ontario