



**CITY OF HAMILTON**  
**PUBLIC WORKS DEPARTMENT**  
**Roads & Traffic Division**

|                           |  |
|---------------------------|--|
| <b>TO:</b>                | Chair and Members<br>Public Works Committee  |
| <b>COMMITTEE DATE:</b>    | January 14, 2019   |
| <b>SUBJECT/REPORT NO:</b> | Bill 65 - Automated Speed Enforcement<br>(PW19002) (City Wide)<br>(Outstanding Business List Item)                     |
| <b>WARD(S) AFFECTED:</b>  | City Wide  |
| <b>PREPARED BY:</b>       | David Ferguson, C.E.T.<br>(905) 546-2424, Extension 2433<br><br>Martin White, C.E.T.<br>(905) 546-2424, Extension 4345 |
| <b>SUBMITTED BY:</b>      | Edward Soldo, P.Eng.<br>Director, Roads & Traffic<br>Public Works  |
| <b>SIGNATURE:</b>         |  |

**RECOMMENDATION**

- (a) That the Mayor submit a letter to the Ministry of the Attorney General and the Ministry of Transportation Ontario, on behalf of City Council, seeking legislative and regulatory amendments to allow municipalities to administer Automated Speed Enforcement and Red-Light Camera Enforcement programs through the Administrative Monetary Penalty system;
- (b) That the Outstanding Business List Item on LINC and Red Hill be identified as completed and removed from the list.

**EXECUTIVE SUMMARY**

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

At the November 22, 2016 City Council meeting, staff were directed to report back to Committee respecting the potential for implementation of the ASE, when enacted, in

community safety zones and on the Lincoln M. Alexander Parkway (LINC), and the Red Hill Valley Parkway (RHVP). The direction from City Council is as follows:

- (a) That, when provincial legislation permitting the establishment of photo radar is in place, staff be directed to consider establishing Community Safety Zones in the City of Hamilton;
- (b) That staff be directed to report to the Public Works Committee on the actions required to establish photo radar, conforming with forthcoming Provincial Legislation, in Community Safety Zones; and
- (c) That consideration be given to making the Lincoln M. Alexander Parkway and the Red Hill Valley Parkway a Community Safety Zone for the purpose of establishing photo radar speed enforcement.

The Ontario Traffic Council (OTC) formed a working group consisting of municipalities, the Ministry of Transportation Ontario, and the Ministry of the Attorney General to develop the ASE program. A similar working group was in place in connection with the development of the Red-Light Camera (RLC) program. City staff have been actively working in partnership with other municipalities on the working group to set up a consistent program for municipalities in which to operate ASE in Ontario, with a target date of 2020.

Through the OTC review process, the working group has identified a concern in connection with processing of ASE violations in the provincial offences court system which administers offences under the *Provincial Offences Act* (POA), as it is currently proposed by the Province. An assessment of the potential violations that would be issued under the ASE program shows there is the potential for up to 13,000 violations being issued per location, per day. These additional violations could have a significant negative impact on the workload of the existing POA court system; with the potential to result in a significant increase in processing times and prosecution times of disputed charges. Unless significant resources and staffing is dedicated to increasing the capacity of the existing POA system, this additional work load will back log the courts and make the program unsustainable.

Staff identified that for ASE system to operate in an efficient and effective manner, the enforcement process should be operated through the Administrative Monetary Penalty (AMP) system. The AMP system transfers disputes from the courts to a dispute resolution officer and a hearing officer if the dispute is not resolved. AMPs allow for a faster and more flexible process for dealing with violations. For that reason, and to further aid in alleviating pressures on the POA Court system, it is also recommended that enforcement under the RLC program be also transferred to AMP system by the Province. It is recommended that the Mayor, on behalf of Council, send a formal letter to

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

the Ministry of the Attorney General and the Ministry of Transportation, to request that necessary legislative and regulatory amendments be implemented to allow the enforcement of ASE and RLC infractions under the AMPS.

The November 22, 2016 Council direction to consider the use of ASE on both the LINC and the RHVP as well as designating the Parkways as Community Safety Zones (CSZ's) was reviewed. The relevant amendments to the HTA permit municipalities to utilize ASE in designated community safety and school zones where the speed limit is below 80km/h. ASE would not be authorized on the LINC or the RHVP by these amendments as the speed limit on both roadways is not less than 80 km/h, and the roadways, therefore, do not meet the legislated criteria.

There are no CSZ's established within the City of Hamilton. They are established on roadways where public safety is of special concern, including roadways near schools, day care centres, playgrounds, parks, hospitals, senior citizen residences, and may also be used for proven collision prone areas within a community. Under the HTA, set fines such as speeding, and traffic signal related offences are doubled in community safety zones to discourage bad driving habits. For CSZ's to be effective in reducing speeds, research has shown that consistent enforcement and monitoring is required.

Upon completion of the OTC working group review, staff will provide a report on the feasibility of implementing ASE in Hamilton as well as a plan to implement CSZ's in the City.

### ***Alternatives for Consideration – Page 6***

### **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: No Impacts

Staffing: No Impacts

Legal: Bill 65 amendments to the HTA permit 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 amendment does not allow for ASE on the LINC and RHVP, as those two roadways have speed limits that are higher than the 80 km/h. Additional legislative amendments are required to authorize the enforcement of the ASE under the AMPS.

## **HISTORICAL BACKGROUND**

Speeding is one of the most common driver behaviours contributing to motor vehicle collisions throughout the Province of Ontario. For many years, municipalities throughout Ontario have been advocating changes to the Ministry of Transportation Ontario for provincial legislation to allow municipalities to use photo radar to address road safety concerns.

On May 30, 2017, the Ontario Legislature passed Bill 65, the Safer School Zones Act, 2017, that amended the HTA to allow municipalities to use ASE technology as a tool to reduce speeds and increase safety in designated community safety and school zones. Before the ASE can be implemented, the Province must enact a Regulation designating the equipment to be used and setting out the evidence and procedure for ASE infractions. This is the same process that was taken for the successful implementation and operation of the RLC program.

At the November 22, 2016, City Council meeting, staff were directed to report on actions required to establish photo radar, conforming to provincial legislation in CSZ's with consideration given to making the LINC and RHVP a CSZ for photo radar.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Additional legislative amendments are required to authorize the enforcement under AMP system for the ASE and RLC programs.

Once Provincial regulations for the implantation of ASE are established, and the program is operational, in order to implement ASE in the City of Hamilton, amendments to the existing Traffic By-law will be required to designate certain areas as CSZ's. Staff will report back to Public Works Committee with the proposed amendments.

## **RELEVANT CONSULTATION**

This report has been written in consultation with staff from Legal Services and the members of the Ontario Traffic Council Automated Speed Enforcement working group.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

City staff have been participating in a multi-municipal working group to develop the ASE program for municipalities throughout the Province of Ontario.

The OTC has formed a working group consisting of municipalities, the Ministry of Transportation Ontario and the Ministry of the Attorney General to develop and cost-share in a consistent ASE program province-wide. By participating in the working group,

staff have the opportunity to ensure that the needs of the City of Hamilton will be incorporated in the ASE program and staff understand the requirements associated with implementing this new safety tool.

The working group, which includes a Legal sub-committee working group, have been reviewing and developing criteria in the following areas;

- Investigating the use of the AMP system for both RLC and ASE programs;
- Creating location selection criteria, communications and official signage;
- Selecting technology, including hardware and equipment (fixed vs. mobile systems); and
- Developing a request for proposal for a joint processing centre for ASE including administration of infraction processing (current system of RLC program).

Based on experience from setting up the RLC program, it is expected that this process, to set up a common procedure for implementing ASE, will be completed in 2020.

At the City Council meeting of November 22, 2016, staff were directed to report back on actions required to establish photo radar conforming to provincial legislation in CSZ's with consideration given to making the LINC and RHVP a CSZ for photo radar.

The proposed regulations related to the use of ASE under the HTA will allow municipalities to use ASE in designated school zones and community safety zones where the prescribed rate of speed is less than 80 km/h. As the LINC and RHVP are designated at 90 km/h, the roadways would fail to meet the Provincial criteria for CSZ designation and therefore do not qualify for the use of the ASE program.

As with the RLC program, the OTC working group is envisioning a joint processing centre 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 is currently conducting a feasibility review for Toronto to establish a joint processing centre for ASE infractions in the province.

The current regulations for RLC and proposed regulations for ASE require offences to be administered through the POA court system. Given the pressures faced by Hamilton's POA court system, any increase in charges brought about by ASE infractions, would add significant pressure on the court system, with a high potential of resulting in backlog and delays in prosecuting charges. The ASE program has the potential to add up to 13,000 violations being issued per location/per day, thus overwhelming the existing court system.

As discussed at the OTC working group meetings, the alternative to address this increased volume in charges, is to operate and process ASE infractions through the AMP system. The AMP alternative allows for the transfer of disputes from the courts to a dispute resolution officer and ultimately a hearing officer if the dispute is not resolved. AMPs allows for faster, more flexible and customer-focused process for dealing with violations. It will also assist to relieve constraints on court capacity, reserving court time for matters requiring in-person evidence by enforcement officers and witnesses.

It is recommended that a request be made to the Province to exercise its authority and implement the necessary legislative changes to authorize the municipalities to process both the RLC and ASE program violations through the AMP system, with the view of alleviating the current pressures on the POA court system.

Staff will continue to participate in the provincial working group committee meetings and provide a future report to Public Works Committee once the impacts are more clearly defined.

## **ALTERNATIVES FOR CONSIDERATION**

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

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

### **Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

### **Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

### **Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

## **APPENDICES AND SCHEDULES ATTACHED**

None.