



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Transportation Operations and Maintenance Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	January 13, 2020
SUBJECT/REPORT NO:	Automated Speed Enforcement (PW20002) (City Wide)
WARD(S) AFFECTED:	City Wide
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SUBMITTED BY:	Edward Soldo Director, Transportation Operations & Maintenance Public Works Department
SIGNATURE:	

RECOMMENDATION

That staff report back in Q4 2020 on the implications and feasibility of Automated Speed Enforcement following the Ontario Ministry of Transportation review and report.

EXECUTIVE SUMMARY

As outlined in the 2017 and 2018 Annual Collision Reports, collisions that occurred because of driver behaviour related to speeding and aggressive driving (lost control, following too close, exceeding speed limit, improper passing), accounted for approximately 50% of all collisions. The introduction of Automated Speed Enforcement (ASE) will be a tool for municipalities to address driver behaviour.

Council has implemented various traffic safety measures and plans, most significantly the initial Hamilton Strategic Road Safety Program in 2014 and the approval of the Vision Zero Action Plan 2019-2025 in February 2019. These programs and policies have been the genesis of several safety initiatives both implemented and pending assessment, of which ASE has been identified as a possible measure. Funding for the traffic safety measures and plans in 2019 relied on a substantial portion of the Red-Light Camera (RLC) Reserve. Sustainability of the RLC reserve and programs supported requires an ongoing evaluative approach.

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.

Staff have identified ASE as a net cost program which includes several unknowns that raises financial risks of levy impact and other practical concerns. Instead of immediately implementing an ASE program in Hamilton, staff recommend a period to allow assessment of other ASE implementations to consider the impact of any possible changes the Ontario Ministry of Transportation requires or recommend at the completion of their 180-day review period. An evaluative approach is supported by Council's approved traffic safety policies, keeping in mind the goal is to improve safety of the public and that a range of alternatives exist for Council efforts to further improve safety on City streets.

Staff will report back in Q4 of 2020 with recommendations which would allow for Council to make an informed decision and provide further clarity on levy impact pertaining to the implementation of an ASE program in the City of Hamilton.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

N/A

HISTORICAL BACKGROUND

On May 30, 2017, the Province of Ontario passed the Safer School Zones Act, to facilitate the municipal adoption of Automated Speed Enforcement (ASE) technology on roads with speed limits under 80 km/h in school and community safety zones. As a result, a provincial Automated Speed Enforcement Steering Committee was established of which the membership consisted of various municipalities throughout Ontario.

In February 2019, the Public Works Committee and City Council approved the Hamilton Strategic Road Safety Program and Vision Zero Action Plan 2019-2025 through Report PW19015, which identified the evaluation of the use of ASE technology.

The Ontario Traffic Council, Automated Speed Enforcement Steering Committee, has been working with the Ministry of Transportation for over the past three years to establish the protocols, procedures and Provincial Legislation to operate ASE cameras in the Province of Ontario, specifically for use by municipalities. A request for proposal closed on June 13, 2019 and based on the review of an established evaluation team, the contract has been awarded to Redflex Traffic Systems (Canada) Limited.

On December 2, 2019 the Province of Ontario released regulation O.Reg. 389/19 Automated Speed Enforcement. This regulation outlines the rules and requirements for the implementation of Automated Speed Enforcement. The regulation is attached to Report PW20002 as Appendix "A".

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

City of Hamilton Vision Zero Action Plan 2019-2025

Hamilton Strategic Road Safety Program

In addition, in December 2019, the Ministry of Transportation released the regulations under which municipalities might implement ASE under the Highway Traffic Act and other provincial legislation, being O.Reg. 389/19, as well as the Ministry's Guidelines for the ASE Program.

RELEVANT CONSULTATION

The following key stakeholders have been consulted with respect to the development and content of this report:

- Provincial Automated Speed Enforcement Steering Committee;
- Hamilton Strategic Road Safety Committee;
- Road Safety Committee of Ontario (ROSCO);
- Ontario Ministry of Transportation;
- Ontario Traffic Council;
- Divisional Finance;
- Legal Services;
- City Clerks; and
- Provincial Offences Administration

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Ontario Traffic Council, Automated Speed Enforcement Steering Committee, has been working with the Ministry of Transportation for over the past three years to establish the protocols, procedures and Provincial Legislation to operate Automated Speed Enforcement Cameras in the Province of Ontario, specifically for use by municipalities. Regulation O.Reg. 389/19 Automated Speed Enforcement defines the rules of engagement of which municipalities are to follow.

The ASE program in Ontario has been setup and established in the same manner as the Red-Light Camera program and as such, the City of Toronto has agreed to process ASE infractions through the Joint Processing Centre.

Review of the Provincial Regulation and Guidelines by City staff has identified there are several potential financial risks associated with implementing an ASE program in the City of Hamilton. The Automated Speed Enforcement Steering Committee has identified that ASE was intended to strictly be a safety tool and evaluation of data from various municipalities and identified that ASE would not be a revenue generated program.

The following is a list of concerns identified by staff,

- Staffing increase needed for implementation;
- Physical spacing requirements;
- Current court processing limitations;
- Suggested guidelines for additional signage and ongoing warning letter distribution for each new location; and
- 180-day provincial review of the ASE program and financial impact on agreements.

The evaluative approach to assessing ASE is necessary to follow through on the Hamilton Vision Zero Action Plan 2019-2025 which provides a variety of options that Hamilton could implement for public safety and which staff might recommend as priorities after full evaluation of ASE.

There are multiple financial, staffing and legal implications from implementing ASE and vary based on the extent that Hamilton would implement ASE.

O.Reg. 389/19 Automated Speed Enforcement permits deployment in identified school zones and community safety zones. The City does not have community safety zones defined in the Traffic By-law. Staff are working on establishing community safety zone selection and identification criteria and a future recommendation will be brought forward to Public Works Committee for consideration in Q3 of 2020.

The City has approximately 150 school zones where ASE can be applied. Implementation in school zones may affect signage and flashing beacons already in place. If this initiative resulted in 200 locations in the city where evaluation allows for use of mobile ASE equipment, the number of ASE devices required for regular enforcement and the number of charges generated could be significant. Staff likely would suggest mobile devices remain at a location for a four-week period. The actual number of charges that would be generated by an ASE device will vary based on driver behaviour on the roads where they would be located but the intent is to consider high traffic areas as one criteria. A letter from the Ontario Traffic Council, dated December 10, 2019, to the Province which outlines the ASE program concerns is attached to Report PW20002 as Appendix “B”.

Implications will be better assessed with information on Council’s expectation for ASE implementation and coverage. Further Ministry review of ASE may lead to additional measures to control impacts on the Provincial costs involved in judicial and other supports for Provincial Offences courts. Most of the costs of the courts in Hamilton are borne by the City, but the appointment of judicial staff and judicial control of court schedules rely on the Provincial appointments.

With education campaigns, new signage, and initial warning notices required to implement ASE at each new location, it is difficult to assess driver behaviours in the short or long term. This factor alone makes it difficult to assess the number of speeding charges ASE would generate annually. Staff have taken a cautious approach to itemizing potential implications if the City were to implement ASE immediately, but the uncertainty involved is a significant concern for financial risks and because of the expected levy impact. The delay recommended by staff to collect and analyse information will assist in refined evaluation.

Discussions in December with the ASE sub-committee indicate further refinements may be sought on agreements and Ministry Guidelines which may delay or alter plans for early adoption and possibly necessitate updated reports as developments occur if they present barriers to direction to implement ASE. The cost of ASE and Hamilton's reliance on the RLC reserve for major traffic safety efforts could be affected by unknowns that should be settled with the recommended waiting period. Staff have made initial determinations that ASE will involve net costs regardless of the possibility of generating new fine-payment revenue, and the unknowns pose risk to the City's reserve funding and its use for ongoing and future safety initiatives.

The Ministry's Guidelines for the ASE Program participants included information that the Ministry plans to review the operation of ASE after 180 days to see if the program is operating as intended, and determine whether further legislative, regulatory or policy changes are required. Staff expect Ministry's follow-up on its review will take additional time, so are anticipating a report early in Q4 2020. Staff believe it is advisable to wait for the outcome of that review in case changes affect ASE in material ways. The Ontario Ministry of Transportation's own review and assessment will be helpful context regardless of whether it results in changes to ASE. The City will also have access to data from the implementation by various early adopter municipalities. Staff believe this information will be necessary for properly informing Council on evaluation of ASE in Hamilton. With ASE requiring various expenditures and consideration of other financial, legal and staffing implications, staff are recommending waiting for these developments to properly evaluate ASE for Hamilton and allowing Council an informed decision.

ALTERNATIVES FOR CONSIDERATION

Full ASE Implementation – 2 mobile camera systems

A minimal approach to application of ASE, using 2 mobile ASE camera systems, could possibly generate upwards of 25,000 charges annually based on high traffic placement near schools and new community safety zones. The number could be significantly higher or lower depending on driver behaviours and ASE application.

Using 25,000 charges for calculations, staff estimates are:

Operating Costs

ASE Equipment Contract	\$ 400,000
ASE Infraction Processing (City of Toronto)	\$ 500,000
Vehicle License Information (MTO)	\$ 30,000
POA administration	\$ 1,250,000
Communications (OTC working group)	\$ 20,000
Education, Awareness and Signage	\$ 150,000
Contingency	\$ 100,000
Total estimated operating cost (without HST)	\$ 2,450,000
Estimated Recovery Costs of Violations (25,000 @ \$70/ticket)	\$ 1,750,000
Net Cost	\$ 700,000

Other Implications from the charge volume estimate:

- i) Judicial Resources and capacity of POA court schedule: In the first half of 2020 staff expect Hamilton's POA judicial resources (as appointed by the province) to decrease. The reduction is reflected in a reduced court schedule, which will limit the ability of the court to process additional charges. If the Province anticipates court demand and appoints new judiciary in early 2020 they would not likely be available until late 2020. Without the addition of judiciary and a growing, rather than shrinking court schedule, the volume of additional charges is likely to have an affect POA fine revenues. This impact would be on the full range of fine revenue received by the City, not just newly added charges. In 2018 POA Administration received and processed 80,000 charges in our court operation. There may be significant barriers in judicial resource and court schedules for adding 25,000, regardless of the City supplying its own additional resources.
- ii) City Staffing Implications: ASE processing would be done partly through contract with Toronto. Charges issued would be filed with the City's staff in POA Court Administration staff, and with the help of the Prosecution Offices the charges will be processed for trials, early resolution meetings and fine collections. Estimated staffing impacts are the addition of:
 - Five Court Administration Clerks (5,000 charges/clerk);
 - One Court Reporter;
 - Three Prosecutors;
 - One Prosecution Administration Clerk; and
 - One Roadway Safety Technologist

These, or potentially greater staffing implications, will affect available space or capital costs in the City's Courthouse, and higher levels of charges may need consideration of expanded court space for courtrooms if a court schedule expansion were likely to be approved. Staffing and work space costs have not been included as part of the cost estimation.

Costs and implications outlined above would potentially affect City POA revenues and the reserve used for traffic safety, though the fiscal impact may develop over a period of time. Because of the above, ASE deployment is not a recommended alternative for Hamilton.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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

Appendix "A" to Report PW20002 – O.Reg. 389/19 Automated Speed Enforcement

Appendix "B" to Report PW20002 – December 10, 2019 Ontario Traffic Council Letter to the Province of Ontario