

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. OI-2024-0011

**FOR THE CONSIDERATION OF
COUNCIL**

June 19, 2024

SUBJECT: Introduction of Automated Speed Enforcement in The Town of Georgina

1. RECOMMENDATION:

- a. That Council receive Report No. OI-2024-0011 prepared by the Operations Division, Operation & Infrastructure Department, dated June 19, 2024 regarding the Introduction of Automated Speed Enforcement in the Town of Georgina;
- b. That Council authorize the amendment of Bylaw Number 2022-0052 (reg-1), being a Bylaw to establish an administrative penalty system for violations of Bylaws within the Town of Georgina, relating to the changes necessary to incorporate camera-based enforcement, consistency in appeals and general housekeeping in order to prepare for automated speed enforcement in the Town of Georgina; and,
- c. That staff report back in Q3 of 2024 outlining the final details for implementation of Automated Speed Enforcement program inclusive of location selection and criteria, financial outlook, and communications plan, along with any remaining bylaw amendments, prior to activating cameras in the Town of Georgina.

2. PURPOSE:

To provide information regarding Automated Speed Enforcement (ASE), the details of ASE preparation in a municipal environment, and the forecasted timeline and requirements for the implementation within the Town of Georgina.

3. BACKGROUND:

Traffic safety in the Town of Georgina revolves around the balance of the three E's of a traffic safety program: Engineering, Enforcement, and Education. These 3 pillars form a comprehensive approach to reduce traffic accidents and enhance safety for all road users. Engineering focuses on designing and constructing safer roadways and traffic environments, based upon a required need (reduced crossing width, speed reduction

etc) and can include road design, traffic calming, intersection improvements, 'complete streets' design, and infrastructure improvements. Education aims to inform and educate the public about traffic safety and can include public awareness campaigns, school programs, community outreach, and training programs, amongst others. Enforcement ensures that traffic laws and regulations are followed to maintain safety, and can include police presence, by-law enforcement and speed enforcement. Automated speed enforcement is a relatively new way of enforcing speed limits throughout Ontario.

What is Automated Speed Enforcement?

Automated speed enforcement ("ASE") programs offer many benefits to communities, including increased safety for drivers, pedestrians, and cyclists by reducing vehicular speeds. ASE programs use automated cameras and other technology to detect speeding vehicles and issue citations (tickets) to the registered owners of those vehicles. The purpose when adopting an ASE program is to reduce the number of traffic accidents and fatalities resulting from speeding, as ASE programs are proven to reduce speeding, improve traffic flow, and decrease the frequency and severity of accidents. ASE programs are now being developed throughout Ontario municipalities who are seeking a more efficient way to enforce traffic laws and reduce speeding-related incidents.

It is important to note that the MTO has the final decision-making power for allowing a municipality to operate an ASE program. This decision is ultimately based on necessity and a demonstrated need for that municipality to reduce traffic or speeding incidents within their jurisdiction.

Legislation

On May 30, 2017, the Province of Ontario passed the Safer School Zones Act, 2017 to facilitate the municipal adoption of ASE technology on roads with speed limits under 80 km/h in school and community safety zones.

A Municipality must use ASE within School Zones and/or community safety zones, which are created only by municipal bylaw under the Municipal Act.

In July 2022, the Province of Ontario amended the Highway Traffic Act and Ontario Regulation. 355/22 to allow ASE programs to operate under Administrative Penalties rather than the provincial court system. Any municipality seeking to adopt an ASE program is now able to do so by registering a request through the Ministry of Transportation (MTO), Ministry of Attorney General (MAG), and Information and Privacy Commissioner of Ontario ("IPC"). Municipalities must pass Administrative Monetary Penalty System bylaws to facilitate the processing of tickets.

How are Tickets Processed?

The ASE system (camera) takes pictures of vehicles exceeding a set speed limit (set by the Municipality). After the ASE system captures an image of the vehicle exceeding the speed limit, the image is temporarily stored and sent to a processing centre. The image is reviewed by a human provincial offences officer before a ticket is mailed to the registered plate owners.

The primary purpose of a processing centre is to manage the data collected by ASE camera systems, process violations captured, facilitate the payment of fines or disputes, and the reporting of key information to respective governing bodies. A processing centre requires agreements with the Ministry of Transportation (“MTO”), Ministry of Attorney General (“MAG”), and confirmation from the Information and Privacy Commissioner of Ontario (“IPC”) that a Town’s program complies with all statutory laws enacted.

The first processing centre that was established near the Town of Georgina was established by the City of Toronto. This processing centre reached maximum capacity quickly resulting in other municipalities establishing processing centres for their localized needs. The framework of new municipal processing centres allows other municipalities without a processing centre to enter into agreements with them to process ASE generated images. This efficient method of local processing ensures municipalities interested in automated enforcement options do not require abundant resources to begin ASE.

The Town of Newmarket is the nearest municipality which is establishing a processing centre that is expected to start processing ticket as soon as September of 2024.

Administrative Monetary Penalty System

The Town began operating the Administrative Monetary Penalty System (“AMPS”) program on December 18th, 2023. The Town of Georgina AMPS Bylaw No. 2022-052 (reg-1), as amended, currently transfers the administration of Parking Enforcement from the Provincial Offences Act to an Administrative Monetary Penalty System. Under AMPS, tickets are no longer disputed in court, but rather they are adjudicated by a Hearing Officer under the regulations of AMPS prescribed in the Municipal Act, 2001.

In early spring of 2024, Town Council carried Resolution NO. C-2024-0108 that authorized staff to enter into an agreement with the Town of Newmarket to facilitate and conduct AMPS adjudication reviews. The resolution also appointed Town of Newmarket Hearing Officers to adjudicate penalty notices under the Town of Georgina AMPS-Bylaw.

Within the authority delegated under the Municipal Act and Ontario Regulation 333/07, municipalities historically have had the discretion to establish their own administrative fees for the AMPS program.

However, with the introduction of automated camera-based enforcement under the AMPS framework, the province has regulated the administrative fee amounts within Ontario Regulation 355/22 under the Highway Traffic Act. In addition, the new regulation provides more specific direction on the appeal process for camera-based penalties issued under AMPS. This legislation only applies to camera-based enforcement and there is no requirement for a municipality to adjust its practices for other municipal bylaws. The addition of camera-based penalties will need to be included into The Town of Georgina's current AMPs bylaw.

History of ASE within the Town

On June 14th, 2023, Town of Georgina Council carried resolution NO. C-2023-0234 endorsing the support of Cambridge requesting permission to locate Automated Speed Enforcement system units elsewhere in municipalities other than community safety zones and school safety zone, and that this position be forwarded to the Ministry of Transportation for consideration.

On November 22, 2023, Town of Georgina Council carried resolution No. C-2023-0395 to receive Report No. OI-2023-0028 regarding the Biannual Traffic Report. Within the report the Operations Division outlined the intent to continue to meet with Regional and Municipal partners, at all levels, to further the understanding on how ASE would best function in the Town of Georgina. Staff committed to providing a comprehensive plan in 2024 on the potential for implementation in Georgina.

On March 6th, 2024, the Operations and Infrastructure Department proposed next steps for the implementation of ASE within the Town to Mayor and Council. Resolution No. C-2024-0087 was carried directing staff to proceed with implementation of Automated Speed Enforcement in the Town of Georgina and provide an information report in Q2 of 2024 regarding ASE.

The Town's Ongoing commitment to Street Safety

The Town's Traffic Calming Policy describes the implementation of various traffic calming measures utilized to promote road user safety, specifically in relation to speeding vehicles. The Operations Division actively seeks new initiatives to improve road user safety by implementing new speed reduction measures. Recently in 2021, the first bollards were installed within the Town. Following soon after, the first speed humps were installed in 2023 through a pilot program initiated in 2022. The ASE program will be another extension of the Town's current policies to improve community safety and depicts the Town's commitment to the ongoing improvement to street safety by reducing vehicular speeding.

4. ANALYSIS:

An initial analysis and proposed plan has been developed by the Operations Division. Below is an outline of completed and anticipated next steps in order to implement ASE by December 2024.

To Date:

In March of 2024, staff entered into an intent to contract agreement with The Town of Newmarket under delegated authority. Understanding Georgina's existing relationship with Newmarket as it relates to AMPs, and the necessity of support to get ASE implemented in Georgina (lack of resources and understanding), this contract outlines the intent for a collaborative relationship between the municipalities, and provided the Town with necessary confidential information to plan for ASE.

Additionally, as a result of this collaboration, The Town of Georgina can:

- Use the existing applications and plans Newmarket has previously developed
- obtain the supply, delivery, installation and maintenance of automated speed enforcement cameras from the Town of Newmarket's Camera Supplier Jenoptik, Smart Mobility Solutions.
- utilize the Town of Newmarket's Joint Processing Centre to process images captured from the ASE cameras, quantify, and mail-out
- utilize the Town of Newmarket's reporting features for required declarations to the Ministry of Transportation on a monthly basis
- leverage the alignment of both the Town's AMPS programs and the existing agreement with the Town of Newmarket's for Hearing Officers to adjudicate penalty notices under the Town of Georgina's AMPS Bylaw.

The development and implementation of an ASE Program requires a significant amount of Staff time, resulting in the need to hire an additional staff member. The Operation's Division successfully hired an Operations Technologist contract position to fill this need on a cost-recovery basis. This will be the first dedicated position to traffic and traffic safety within the Town. This staff member will be dedicated to:

- Implement and run the ASE program- act as the required Municipal Representative
- Redevelop relative Town policies with acceptable warrant criteria to integrate ASE as a traffic calming solution
- Manage traffic related communications including the plan for ASE implementation
- Continue to manage all other traffic related inquiries, results, implementations and reports

Next Steps

1. Review of Community Safety Zones: Summer 2024

- The Highway Traffic Act authorizes the council of a municipality to pass a bylaw designating a portion of a roadway as a community safety zone if there is a special concern (park, community facility etc) for public safety on that portion of the roadway

- Automate Speed Enforcement programs can only be implemented in Community Safety and School Zones.
- The Operations Division will be reviewing current Community Safety Zones in summer of 2024 and propose any additions or deletions during the upcoming reports to ensure that areas where road users may be more vulnerable to traffic risks are identified.

2. Finalization of MTO, MAG and Town of Newmarket agreements: by September 2024

- *MTO Automated Speed Enforcement Administrative Penalty Agreement:*
 - outlines the provincial expectations of the municipality when tracking and processing the **operations** of the program.
 - Establishes a sub-client data sharing agreement with the MTO, establishing that the Town of Georgina is a sub-client of the Town of Newmarket's Processing Centre allowing the Town of Newmarket to receive the information and process penalties associated with the Automated Speed Enforcement Administrative Penalty Agreement on behalf of the Town of Georgina.
- *Ministry of the Attorney General (MAG) Camera Administrative Penalty Enforcement Programs Agreement:*
 - outlines the provincial expectations of the municipality when tracking and processing the **financials** of the program
- *The Town of Newmarket Joint Processing of Administrative penalties for Automated Enforcement agreement:*
 - Outlines the expectations of both the Town of Newmarket and The Town of Georgina.
 - This may include fees for service, processing dispute requests, reporting requirements, and remittance to the province.
 - Includes details pertaining to the service level agreement with Jenoptik

3. Privacy Impact Assessment: by September 2024

- The Information and Privacy Commissioner (IPC) requires that, when municipalities are undertaking an activity that may engage the public's privacy rights, such as an ASE program, municipalities are responsible for evaluating the activity against the requirements of applicable privacy legislation. This includes undertaking a privacy impact assessment.
- A Privacy Impact Assessment (PIA) is a risk management tool used to identify the actual or potential impacts that a proposed or existing information system, technology, program, process, or other activity may have on an individual's privacy.

4. Establishment of Municipality Specific ASE Parameters: by September 2024

- Hours of Operation

- The Operations Division will consider and recommend whether operation of the ASE system is continuous or only during select hours of operation, depending on the type of location.
- Fee Structure
 - The total fine amount for penalties is calculated based on the number of kilometres over the posted speed limit a vehicle is traveling. The total fine amount consists of three components:
 - Rate of Speed
 - Victim Component fee
 - License Plate Search fee
 - Penalty calculations are regulated by the province under O. Reg. 355/22 and cannot be modified by the municipality
 - Additional fees to the penalty calculations can be implemented by the Municipality. They include:
 - No-Show Fees: applied when the Appellant fails to attend a schedule screening or hearing
 - Late fee: Applied when a penalty is past due
 - No additional fees: Municipalities can choose not to add any additional fees to the Penalty calculations
- Warning Period
 - Warning periods are not a requirement of the ASE program; however, Municipalities can consider whether to implement a warning period prior to issuing penalties (typically at the beginning of a program)
 - Warning notices can be issued within the 90-day period where the Municipal Speed Cameras Coming Soon signs are required to be posted
 - Warning notices are distributed through the mail similar to fines
- All parameters specific to municipality's discretion will be brought to Mayor and Council with recommendations for review within Fall of 2024.

5. Number of Units, Location Selection and Duration Criteria: by September 2024

- The Operations Division will recommend to Council, through a report, the number of units and the potential for different criteria options to be used for site selection and the movement of the ASE cameras within the Town.
- Location selection and movement will be linked to the Traffic Calming Policy
- Specific advanced warning signage will be installed 90 days in advance at locations that are selected for the ASE cameras.

6. Communications Plan: Fall 2024

- Internal
 - An internal communications plan is required to provide staff with information about the ASE program necessary for ensuring staff feel well-informed and supported.

- The information will include expected launch dates, camera locations, how the camera system works, data and statistics in support of the program, ticket fine structure, and dispute process.
- Development of a working group involving representatives from various departments who may be impacted or be able to provide feedback in relation to ASE implementation.
- External
 - Working closely with the Communications Division, Operations will develop a public facing communication strategy
 - Best efforts will be made to ensure that information is accessible to all individuals
 - A dedicated page within the Towns Website will be established outlining the ASE program within the Town.

7. Amendment to Administrative Monetary Penalty System Bylaw: by September 2024

- The Town of Georgina AMPS Bylaw No. 2022-052 (reg-1) requires an amendment to align with the ASE Program requirements
- With the introduction of automated camera-based enforcement under the AMPS framework, the province has regulated the administrative fee amounts within Ontario Regulation 355/22 under the Highway Traffic Act. In addition, the new regulation provides more specific direction on the appeal process for camera-based penalties issued under AMPS.

8. Cost recovery and Financial outlook for the ASE program: by September 2024

- The Operations division will present all the forecasted financial implications in a report presented to council in the Fall of 2024
- ASE programs are developed for cost recovery. This program is new to many municipalities, allowing for additional time for reporting financials will help ensure the most relative data is used for financial forecasting

9. Camera System Procurement: by December 2024

- Consult with the Town of Newmarket to facilitate the camera vendor procurement, Jenoptik
- The service level agreement with Jenoptik encompasses all aspects of the camera system, including installation, maintenance repair and calibration
- The Town of Georgina will be responsible for the ongoing costs associated with powering the ASE equipment.

10. Installation of Cameras: December 2024

- The Operations Division is anticipating installing the required advanced warning signage 90 days in advance with the automated speed enforcement cameras to be installed December 2024.

5. RELATIONSHIP TO STRATEGIC PLAN:

Delivering service excellence

Commitment to citizen-centric service delivery
Build a future-focused, results driven organization

Creating a vibrant, healthy, and safe community for all- Support a safe, healthy and inclusive community

6. FINANCIAL AND BUDGETARY IMPACT:

The Town's ASE program is designed for 100% cost recovery with no budgetary burden to the Town. During the Fall 2024 report, a detailed financial outlook and analysis will be completed.

7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

A robust communications plan will be established and presented in the Fall of 2024 outlining the specialized communications plan associated with the implementation of the ASE program.

8. CONCLUSION:

ASE programs use automated cameras to help promote and implement traffic safety by ensuring that vehicles are traveling the posted speed limit. With the Town's commitment to on going street safety, the Operations and Infrastructure Department explored options for ASE program implementation. The most suitable option was determined to be a collaboration with the Town of Newmarket based on a preexisting framework within the AMP's program. There is growing excitement to be able to utilize ASE as another measure to ensure public safety within the road network of Georgina. Anticipated installation of the first automated speed enforcement camera's are expected in December 2024.

APPROVALS

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Recommended By: Michael Vos, Director, Operations and Infrastructure

Approved By: Ryan Cronsberry, Chief Administrative Officer