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## **Introduction to the Automated (Speed) Enforcement Program Staff Report to Council**

Report Number: 2023-07

Department(s): Legislative Services

Author(s): Flynn Scott, Lead Project Manager

Meeting Date: January 30, 2023

### **Recommendations**

1. That the report entitled Introduction to the Automated (Speed) Enforcement Program, dated January 30, 2023, be received; and,
2. That Council direct staff to proceed with Option 1 or Option 2, as set out in this Report; and,
3. That Should Council direct staff to proceed with Option 1 or Option 2, that staff be authorized to submit the required applications, negotiate, enter into, and execute new agreement(s) with His Majesty the King in Right of Ontario, as represented by the Minister of Transportation (the "MTO"), for the access and use of license plate registration information to support the establishment of an automated speed enforcement program in Newmarket on terms and conditions generally set out in this report; and/or (in the event that Council directs staff to proceed with Option 1) that staff be authorized to submit the required applications, negotiate, enter into, and execute new agreements with the City of Toronto for the administration of an ASE program; and,
4. That Staff be authorized and directed to do all things necessary to give effect to these recommendations.

## **Executive Summary**

In July 2022, the Province of Ontario amended the Highway Traffic Act to allow automated enforcement programs to become enforceable under Administrative Penalties. This change allows municipalities interested in automated enforcement options to consider developing an in-house program or begin consultation for feasibility to join an existing processing centre (i.e. City of Toronto).

This report presents options for Council's consideration on which program is best suited for Newmarket residents to enhance overall street safety for all users, including those most vulnerable throughout our community.

## **Purpose**

The purpose of this report is to present options for Council's consideration to adopt an automated speed enforcement program for the Town of Newmarket.

## **Background**

### **What is Automated Speed Enforcement?**

Automated speed enforcement ("ASE") programs offer many benefits to communities, including increased safety for drivers, pedestrians, and cyclists. ASE programs use automated cameras and other technology to detect speeding vehicles and issue citations 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. Programs are now being developed across Ontario municipalities seeking a more efficient way to enforce traffic laws and reduce speeding-related incidents.

### **Legislative Changes for ASE Programs**

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.

On July 4 2017, Corporate Services [Information Report 2017-11](#) was provided as an update to Town Council on the Administrative Monetary Penalty System ("AMPS") and monitoring for future ASE program opportunities.

In September 2019, [Staff Report 2019-89](#) introduced the Town's in-house AMPS program and received Council approval to enforce all parking-related offences under AMPS. The program was further expanded throughout 2020 where AMPS is now relied upon as the primary escalated enforcement tool, wherever necessary.

In July 2022, the Province of Ontario amended [O.Reg. 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 may request to do so through the Ministry of Transportation (MTO), Ministry of Attorney General (MAG), and Information and Privacy Commissioner of Ontario (“IPC”).

It is important to note that 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.

### **The Town’s Ongoing Commitment to Street Safety**

The Town of Newmarket has identified ‘Safe Transportation (Streets)’ as a Council Strategic Priority, and has implemented a number of initiatives to address this issue. This includes, but is not limited to:

1. Installing traffic-calming measures such as speed bumps, raised crosswalks, road bollards, and solar radar speed boards.
2. Constructing dedicated bicycle lanes and multi-use pathways.
3. Installing pedestrian-activated signals and warning signs at intersections.
4. Improving lighting and visibility at intersections and along roadways.
5. Conducting safety reviews of roadways to identify areas for improvement.
6. Implementing a street-sweeping program to remove debris and reduce the risk of accidents.
7. Establishing speed limits and other traffic laws which are enforced by York Regional Police.
8. Collaboration with local schools to develop safe drop off and pick up areas, and walking and cycling routes.
9. Promoting and implementing public education campaigns to increase awareness of road/street safety.
10. Developing policies to address road safety and traffic calming throughout Town.

The Town has also adopted an “**Active Transportation Implementation Plan**”, which sets out a number of goals and objectives to improve street safety for all users, particularly vulnerable road users. This includes initiatives such as the adoption of a “**Complete Streets**” policy, increasing the number of bicycle and pedestrian infrastructure projects, and developing a pedestrian safety action plan.

As part of Town Council’s 2018-2022 Strategic Priorities, ‘safe transportation’ was identified as a key pillar. Specifically referenced under this plan is the potential use of future technology (ASE) as one means to address speeding and enhance street safety throughout Town.

On September 30, 2019, Town Council further adopted a Traffic Calming Policy (agenda item 9.1.16) as part of the larger Town-wide Traffic Mitigation Strategy. The Traffic Calming Policy underwent public consultation with the goal of creating a Town-wide

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speed reduction policy. Various standard and emerging traffic calming measures were reviewed and evaluated to determine if those measures would work well on Town roadways. The resulting policy was engineering-based and community-supported based in the 3 'E's of road safety: Engineering, Education, and Enforcement; in addition to the concepts of Vision Zero to promote safe driving behaviours.

In order to further improve road safety and reduce the potential for injuries involving motor vehicle collisions, particularly in school and community safety zones, the Town is now purposefully looking at the development of ASE as the next appropriate traffic safety measure.

## **Discussion**

The Town of Newmarket has prioritized street safety on an ongoing basis. This includes regular road condition assessments, making improvements to infrastructure, increasing enforcement of traffic laws, installing radar speed signs and speed cushions, and participating in public awareness campaigns to educate motorists about safe driving practices.

Town Council has proactively advocated for an ability to further enhance street safety by considering automated enforcement options, as they become available. With the province now allowing municipalities to operate an ASE program under Administrative Penalties, rather than through the provincial court system, Town staff are presenting options for Council's consideration for the development of an automated enforcement program.

### **Options available for an ASE program**

The province has introduced a number of flexible program options for interested municipalities to consider when electing to adopt an ASE program. Speed reduction and traffic safety are the primary goals of an ASE program, and those goals can be demonstrated through the numerous initiatives that Newmarket has already undertaken as outlined above.

Town staff are seeking Council's consideration to proceed with one of the following options presented as follows:

### **Option 1: Develop ASE Program through Toronto's JPC**

The City of Toronto began operating a Joint Processing Centre ("JPC") in **December 2019** and currently has 14 upper and lower tier municipalities piloting their ASE program, including York Region. Participating municipalities rely on Toronto's Joint Processing Centre ("JPC") for citation processing and dispute resolution of all camera-based fines imposed for speeding. Presently, City of Toronto offers their program under the Provincial Offences Act ("POA"), which requires disputed tickets to be processed via the provincial court system. City of Toronto advised they will be prepared to offer an

ASE program under administrative penalties (“APs”) by Q3 or Q4 2023, with implementation as early as **Q1 2024**.

In consultation with City of Toronto, the following information was provided regarding their Joint Processing Centre and ASE program:



The Town will be required to pay a one-time fee of \$90,000 to join.

**20/50**

Toronto retains \$20 per ticket as an administrative processing fee. Average speeding ticket (base price) is approximately \$50.



Toronto will begin offering an ASE program under administrative penalties in Q4 2023 (implementation by Q1 2024).



Toronto currently has no waitlist to join, but now caps the # of tickets annually (based on their own capacity/resource limits).



Toronto will be in control of the overall size and scope of a Town program, regardless of data or community need.

By selecting this option, Town staff will contact the City of Toronto with intent to join their Joint Processing Centre and obtain further information for Council’s consideration at a future meeting.

Under this option, Town staff will still be required to seek program approval and enter into an independent agreement with the Ministry of Transportation. The Town will also be required to sign contracts with both City of Toronto and their camera-leasing vendor, Redflex. Staff are not presently aware of which constraints, if any, may be applicable to the Town’s ASE program upon joining (i.e., future waitlist, capped number of citations, supply chain challenges, etc.). Further information will be provided to Council as the program is developed.

Further to this, in terms of the Town’s Procurement By-law 2014-27, the proposed arrangement with the City of Toronto is considered a “government to government” procurement and as a result exempted from the provisions of the Town’s Procurement By-law under Schedule A, Section 15 as well as the government procurement provisions of Chapter 5, Article 504, subsection 11 of the Canadian Free Trade Agreement (CFTA).

It is important to note however that the portion of the arrangement with the City of Toronto relating to the camera-leasing supplier, Redflex, is considered a non-competitive arrangement since the competitive procurement issued by the City of Toronto did not include Town of Newmarket specific deliverables. It would be impractical to the City of Toronto's proposed arrangement for the Town to suggest that it secure its own competitively acquired camera – lease vendor as this would impact the operational and technical capability of the City of Toronto's overall arrangement and the City of Toronto is unlikely to consider such an arrangement. As a result, if the Town wishes to move forward with the City of Toronto's model, it must enter into an agreement with the City of Toronto's selected camera-vendor, Redflex (which was selected through a competitive City of Toronto procurement. This could be supported by section 13.5, subsection (iii) of the Town's Procurement By-Law whereby a suppliers unique capability to deliver goods and or services is an important consideration as well as Chapter 5, Article 513, subsection (b), (iii) of the Canadian Free Trade Agreement (CFTA) whereby the goods and services can only be supplied by a particular supplier and no other reasonable alternative or substitute goods or services exist as a result of an absence of competition for technical reasons.

The term of the City of Toronto's arrangement covers a period of five (5) years from its effective date (July 2019) with an additional optional term of five (5) years. Should the Town exercise this option, the Town's term would be expected to co-terminate with the City of Toronto's term.

The costs to the Town under this arrangement include, but are not limited to, a \$90,000.00 one-time fee to the City of Toronto in addition to an approximate annual fee of \$35,405.00 plus HST, per camera to Redflex.

### **Limitations to Option #1**

By selecting an ASE program using City of Toronto's JPC, staff anticipates the following limitations:

1. Reliance on POA (court) system **or** program under AP's expected by **Q1 2024**;
2. Capped ticket counts (*despite safety or need*);
3. Loss of revenues to Toronto admin fees;
4. Costly ticket dispute process (**\$50** fee per ticket); and
5. Limited control of program.

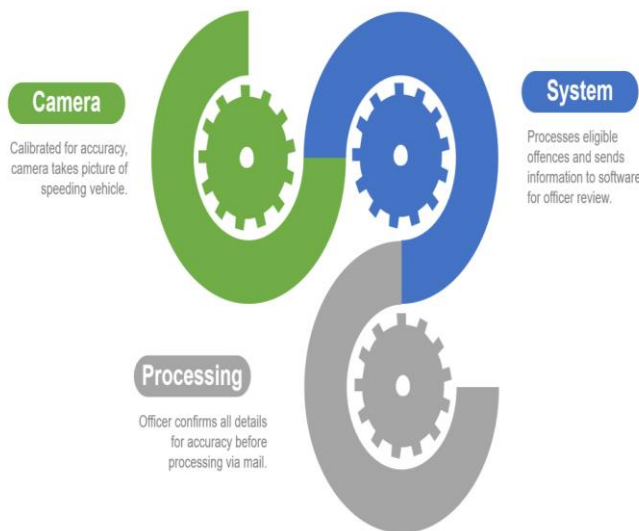
## Option 2: Develop an ASE Program through Town Processing Centre (Recommended Option)

Town Council has maintained an express interest in automated enforcement options to reduce speeding and traffic collisions throughout our community. The decision to operate an independent processing centre under administrative penalties would allow the Town maximum flexibility to shape and design the size and scope of an ASE program to the needs of Newmarket. This would further prioritize street safety for all users within our community.



### What is a 'processing centre'?

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 the Town’s program complies with all statutory laws enacted. Similar to Option #1 above, the Town must obtain authorization from MTO to operate an ASE program. The Town will also have greater flexibility to select the camera-leasing vendor for this program to meet the specific needs of our community.

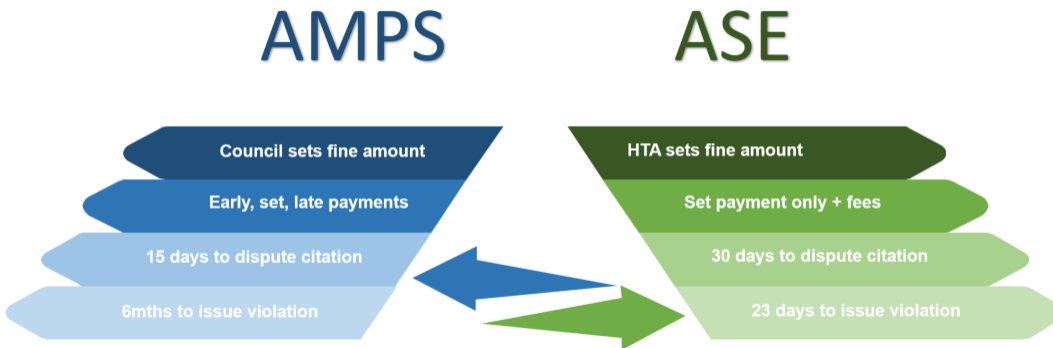
### Differences between AMPS and AP Programs

Operating an ASE program under Administrative Penalties (“APs”) offers many benefits to our community and is a familiar program to operate for Town staff: The Town began operating the Administrative Monetary Penalty System (“AMPS”) program in January 2020, which is an in-house dispute resolution process as an alternative to the provincial court system. Despite key legislative differences existing between the AMPS program



and an ASE program under APs, there are several similarities which can be mirrored and incorporated as an extension of the Town's existing processes.

Key differences between AMPS and AP programs are as follows:



Should Council wish to proceed with Option #2, staff strongly recommend the adoption of the proposed Automated Enforcement Bylaw to allow MTO to begin their consideration for a Town ASE program under APs. MTO approximates a 6-month wait time for ASE agreement approvals and staff foresees a potential backlog as more municipalities become interested in ASE options throughout 2023. It is relevant to note that the proposed by-law establishes the program's legislative framework but does **not** confirm preferences of the program. For example, the by-law will set criteria such as:

- 📷 statutory timelines the Town has to issue a penalty;
- 📷 statutory timelines an appellant has to dispute a penalty;
- 📷 powers of a screening and hearing officer;
- 📷 fees a municipality may charge in relation to speeding; and
- 📷 speeding thresholds\*

*\*To be consistent with York Regional Police practices.*

Specifics about the program, such as number of cameras, placement of cameras, and camera counts, etc. would be presented for Council's consideration and input at a future meeting.

Should Council adopt this option, Town staff will submit the required materials as substantially set out accompanying this report (including the by-law, if adopted) as a request for authorization of an ASE program through MTO. The Town's internal ASE Working Group would begin developing a proposed size and scope of the program for Council's consideration by **May 2023**.

Should Council select this option, staff would target a program launch date of **Q4 2023** (subject to the timing of the MTO and other government approvals, as well as the timing of the supply and delivery of the required cameras and supporting software).

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### **Option 3: Do not proceed with an ASE program at this time**

Should Council select this option, staff will defer consideration of an ASE program at this time. Staff will review and report back in one year with any new options or updates available, as more municipalities adopt ASE programs.

### **Additional Resources for Council's Consideration**

With the adoption of the Town's AMPS program in January 2020 for parking-related offences, Town staff presented a model which proposed the recruitment of an AMPS Coordinator, Screening Officer(s), and Hearing Officer(s) as part of the program. During the early phases of the program, the Town proceeded to recruit 3 (now 2) Hearing Officers on contract, but piloted the AMPS Coordinator and Screening Officer positions by leveraging existing resources within Legislative Services.

#### **AMPS Coordinator and Screening Officer**

The Town has since expanded its AMPS program to include over 24 regulatory by-laws, which necessarily increases citation counts and (ultimately) the number of disputes seeking resolution. Town staff intend to proceed with the recruitment of a full-time contract AMPS Coordinator to oversee the dispute resolution processes involved and a part-time contract Screening Officer for both the AMPS program and the future ASE program under APs.

#### **Case Management Software**

In addition to the human resources needed immediately to support the development and implementation of an ASE program above, Town staff are also seeking Council approval to proceed with an RFP for case management software for the Regulatory Services Division (bylaws). Municipal Enforcement Officers are not currently relying on any one software platform for case management and the Town is seeking to automate and digitalize processes for maximum efficiency. Town staff are seeking an all-encompassing software to manage daily operations pertaining to:

- 📷 property standards;
- 📷 parking enforcement;
- 📷 animal services;
- 📷 licensing and permits; and
- 📷 any future ASE program standard requirements.

Despite the current need to obtain case management software for existing service delivery-level requirements, it will be critically important that the Town obtains the necessary software for all auditing, reporting, and financial obligations that are required to be met between the province and Town for an ASE program under APs.

## Conclusion

Adopting an ASE program is an effective and efficient way to reduce excessive speeding and improve overall safety within Town community safety and school zones. Town Council has advocated for the use of automated technology and the adoption of an ASE program is another step forward in Town Council's action plan for promoting street safety.

Town staff are recommending Council proceeds with Option 2, as outlined in this report. As both Options 1 and 2 requires an application to be made with the Ministry of Transportation, Town staff will report back by **May 2023** with more specific details on a proposed ASE program for Council's consideration. Staff will also provide an update upon receiving a response from the MTO on the initial application.

## Business Plan and Strategic Plan Linkages

This report aligns with Council's Strategic Priority – Safe Transportation (Streets): Providing exceptional transportation experiences across all modes through continuous improvement of accessibility, safety, and efficiency.

This report also aligns with Council's vision of being “well beyond the ordinary”.

## Consultation

### Internal consultation was completed with:

Engineering (Transportation) Services  
Financial Services  
Information & Technology Services  
Legal Services  
Legislative Services

### External consultation was completed with:

City of Toronto  
Information and Privacy Commissioner (“IPC”) of Ontario  
Ministry of Transportation (“MTO”)  
York Regional Police  
Central York Fire Services  
York Region

## Human Resource Considerations

Should Council adopt Options 1 or 2, staff will proceed with the recruitment of a full-time contract AMPS Coordinator and a part-time contract Screening Officer, as outlined in this report.

Future human resource considerations will be presented as staff gain a better understanding of the resource needs to administer an ASE program.

## **Budget Impact**

Should Council select **Option 1** (City of Toronto's JPC), staff estimates a potential annual net income (after expenses) of approximately **\$600,000** per year.

Should Council select **Option 2** (Newmarket-specific processing centre), staff estimates an annual net income (after expenses) of approximately **\$2million** per year.

## **Attachments**

Attachment #1 – Proposed Automated Enforcement By-law 2023-09

Attachment #2 – Amended Traffic By-law 2023-10

Attachment #3 – Guidelines on ASE Programs

## **Approval**

Esther Armchuk, Commissioner, Corporate Services

Ian McDougall, Chief Administrative Officer

## **Contact**

Flynn Scott, Lead Project Manager, Legislative Services