



Town of Newmarket
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Update on the Automated Speed Enforcement Program Staff Report to Council

Report Number: 2023-51

Department(s): Corporate Services

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Esther Armchuk, Commissioner of Corporate Services

Meeting Date: June 28, 2023

Recommendations

1. That the report entitled Update on the Automated Speed Enforcement Program dated June 28, 2023, be received; and,
2. That Council direct staff to proceed with the size and scope of an Automated Speed Enforcement program as outlined in Option #1 in this Report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

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).

On January 30, 2023, Council received a presentation and [Staff Report 2023-07](#) with options for developing an automated speed enforcement (ASE) program in Newmarket. After considering the options, Council directed staff to apply for provincial approval to operate an independent ASE processing centre under administrative penalties. This option would allow the Town the maximum flexibility to design the size and scope of an ASE program to the needs of Newmarket. This option would further prioritize street safety for all users, including those most vulnerable throughout our community.

Following Council's January 30 direction, Town staff requested authorization from the MTO to develop an ASE program using an independent Newmarket processing centre. The MTO responded and provided a number of standard conditions that need to be satisfied before final approval. Those conditions and their status are outlined in this report. In addition, the Town's internal ASE Working Group has been developing a proposed size and scope of the program for Council's consideration.

Purpose

The purpose of this report is to present options for Council's consideration on the initial size and scope of an Automated Speed Enforcement ("ASE") program for the Town of Newmarket. This report also seeks Council's approval to proceed with seeking approval to obtain a Joint Processing Centre ("JPC") designation by the Ministry of Transportation ("MTO") for future consideration to expand the Town's program.

Background

The Town of Newmarket has long been committed to ensuring the safety of its residents on roadways through a variety of initiatives. The potential use of automated enforcement cameras to reduce excess speeding and collisions throughout Town has been identified in Town Council's Strategic Priorities throughout several terms of Council and continues to remain a top priority for this Council, our residents, and Town staff.

On January 30, 2023, [Staff Report 2023-07](#) was presented to Council to seek preliminary direction on exploring options for an ASE program. Council directed staff to proceed with applications to the Ministry of Transportation and the Ministry of the Attorney General for approval to operate an independent processing centre under administrative penalties. Council also directed staff to report back with potential options on the size and scope of an in-house ASE program.

On February 13, 2023, Automated Enforcement By-law 2023-09 and Traffic By-law Amendment 2023-10 were adopted and enacted by Council to meet provincial legislative requirements for an ASE program under administrative penalties.

This report provides an update on the work completed to date, and outlines several options for Council's consideration on the overall size and scope of an initial ASE program.

Discussion

Recent legislative changes provide municipalities greater flexibility when adopting an automated enforcement program. The provincial government now authorizes municipalities to operate an ASE program through their own processing centre or via a Joint Processing Centre ("JPC"). A 'processing centre' refers to a municipality overseeing their own ticket issuance, processing, and dispute resolution processes through staff resources employed by the Town.

How ASE works

The ASE system captures and records images of vehicles traveling in excess of the posted speed limit, and consists of three parts:

- 1) A speed measurement component;
- 2) A data processing and storage component; and
- 3) An image capture component that includes specific data required by legislation.

What information is captured and recorded by ASE cameras?

At the time a photograph is taken, the ASE system will capture the following:

- Time and date of the offence
- A description of the location, including the name of streets and direction of travel
- The rate of speed at which a motor vehicle shown in the photograph was travelling
- A line, mark, or other indicator to identify the motor vehicle shown in the photograph that was determined to be speeding
- An indication of the lane in which the motor vehicle was travelling
- The posted speed limit on the roadway at the time and place the photograph was taken

Internal Working Group

Following the February 13, 2023 Council meeting, a cross-organization internal working group was formed to explore options for an in-house ASE program. The working group includes all members of the Strategic Leadership Team (“SLT”), key members of the Operational Leadership Team (“OLT”), and several staff from departments such as, Corporate Communications, Customer Services, Engineering/Transportation, Legal, Legislative Services, Operations, and Procurement. A sub-group was also formed and is comprised of members from SLT and the Town’s Finance Department to fully evaluate the financial implications of an ASE program and to prepare a business case for each option being explored by the working group.

Work Completed Since January 30, 2023

1. Applications to Ontario Ministry of Transportation and the Ministry of the Attorney General

Applications were submitted to the Ontario Ministry of Transportation (MTO) and the Ministry of the Attorney General (MAG) for approval to operate an ASE program in Newmarket using an independent processing centre under Administrative Penalties. The MTO responded and provided a number of standard conditions to be met before the Agreement can be finalized. The Agreement with the MAG for use of the Town’s Administrative Monetary Penalty System (AP’s, an in-house dispute resolution process), has been finalized.

2. Consultation with the Information and Privacy Commissioner

The Town has consulted with the Information and Privacy Commissioner on the requirements for a privacy impact assessment, and work is underway on that assessment.

3. Staff training

Four Regulatory Services staff members have completed the required training to be able to enforce the Highway Traffic Act for a moving violation (i.e., speeding). Application is now underway with MAG to designate those officers as having the authority to verify violations and issue penalties under an ASE program.

4. Proposed Office location for ASE

The Town has identified an initial location where an ASE program and processing centre will operate. In consultation with SLT and the Town's Parks and Facilities department, Town staff are proposing to pilot the ASE program from the Town Offices, located at 395 Mulock Drive. A secure office space has been established and a future location will be considered should the program seek expansion.

5. Request for Proposals for Vendors

The Town is working towards issuing the RFP for the camera vendor and case management software by September 2023, or earlier.

6. Insurance Provisions

The Town has requested the required insurance certificate for an ASE program.

7. Communications Plan

A Communications plan is being developed and will be shared with Council in advance of launching the ASE program.

The plan includes the following:

A robust three-phased communication plan will guide us in our efforts to educate residents and drivers about the new program starting now with the pre-launch phase through to its implementation and then sustained with ongoing communications as it becomes a standard Newmarket initiative.

Communications will focus on educating residents about automated speed enforcement, which we can call "speed cameras" and the important role speed management plays in protecting Newmarket residents, particularly our children.

Communications will aim to:

- Educate residents on the value speed cameras provide in keeping our community safe.
- Empower champions who support community safety to help get the message out.

- Inform drivers how the program operates. Simplify complex operations.
- Change behavior. Reduce speeding in Newmarket.

To start, we will develop and gradually build a hub on newmarket.ca where residents will have access to information about how the program runs, where cameras are located (once determined) and how to action any tickets they receive. As we prepare to launch, we will engage local safety champions and work alongside members of Council to connect with residents and schools within the identified zones where cameras will be located. Communications will include: video(s), FAQs, website, social media, Council toolkit, Town Page, Newmarket Now, advertising, school outreach, mailout to all residents and more. Signage will be in place at minimum three months prior to launch to provide advanced warning to local drivers and offer an opportunity to change driving behavior before tickets are issued.

We recognize many municipalities across Ontario have or are launching ASE programs, including here in Newmarket on regional roads. We will look to use consistent messaging to ease understanding.

8. Customer Service considerations have been reviewed

The Town has embraced a Centralized Service Delivery model, where Customer Services Associates are typically the first point of contact for resident interactions. This approach has served the community and the organization very well. The delivery of the ASE program is being proposed under this same model: any resources allocated for administration within the ASE program will be recruited and trained as Customer Services Associates.

By adopting this model, residents will be empowered to continue contacting the Town through familiar channels, while also allowing greater flexibility for staff scheduling, rotational coverage, and cross-training of the ASE program for Customer Service Associates to be able to provide first level assistance to residents regardless of the channel they choose to interact with us. More complicated issues will be escalated to the team of Provincial Offences Officers, using our existing CRM processes.

Options for the initial size and scope of an ASE program in Newmarket

In preparing the options for Council's consideration, several factors were evaluated:

1. The legislative requirements for an ASE program.
2. Traffic data which demonstrates rationale for the use of automated cameras to reduce speeding and/or collisions on Town roadways.
3. Traffic data to support the location(s) and proposed number of automated cameras within school or community safety zones.
4. The total number of tickets captured annually for enforcement and operational capacity purposes.
5. The overall budget, including resources, allocated to the program.

Recognizing that the intention of the ASE program is to enhance compliance with posted speed limits throughout Town, Council direction is being sought for which option best reflects the Town's objective to promote road safety.

Option 1: Introductory pilot program (recommended option)

This Option would include the initial installation of 7 cameras (1 per Ward), 2 Provincial Offences Officers designated to issue penalties under AP's, 2 Screening Officers to manage disputes, 2 support staff to manage all administrative aspects of the program and 1 Manager of the new operational department. This Option would enable the Town to carefully transition to a new operational program, while managing the technical and legislative requirements of the program. It will be important to fully understand the operations and requirements of an ASE program before expanding.

Option 2: Medium scale program

This Option would include the initial installation of 14 cameras (2 per Ward), 4 Provincial Offences Officers designated to issue penalties under AP's, 4 Screening Officers to manage disputes, 4 support staff to manage all administrative aspects of the program, 1 Supervisor and 1 Manager of the new operational department. This Option would require significant resources to run effectively. An operation of this size would require more staff management as well as significantly increased demands on Customer Service, IT support and on dispute resolution. Until staff have a solid understanding of all aspects of the ASE operations, as well as the impacts to other areas of the organization (IT support, Customer Service Support, and AP Hearing Officer workloads), staff do not recommend that this Option for the initial ASE Program.

Option 3: Full scale program

This Option would include the initial installation of 14 cameras (2 per Ward), 10 Provincial Offences Officers designated to issue penalties under AP's, 10 Screening Officers to manage disputes, 10 support staff to manage all administrative aspects of the program, 2 Supervisors and 1 Manager of the new operational department. This Option would also require significant resources to run effectively. An operation of this size would require extensive staff management as well as significantly increased demands on Customer Service, IT support and on dispute resolution. This Option would enable the Provincial Offences Officers to process more violations and issue more penalties. However, there would be a corresponding increase in disputes and the need for a very robust dispute resolution team as well as additional Hearing Officers to manage the volume of disputed tickets. Until staff have a solid understanding of all aspects of the ASE operations, as well as the impacts to other areas of the organization (IT support, Customer Service Support, and AP Hearing Officer workloads), staff do not recommend that this Option for the initial ASE Program.

Option 4: Do not proceed/alternative options

As an alternative to the options provided above, Council may choose to not proceed with an ASE program at this time. The rationale for not proceeding includes the ability to monitor other municipalities' progress and explore opportunities to develop a program in partnership with a future Joint Processing Centre, which is not operated by the Town.

Council may also direct staff to not proceed with the development of an in-house ASE program and explore opportunities to join LAS' ASE program development, similar to the City of Barrie. Under this option, Council can expect program constraints, such as fees paid to LAS for their services provided and less flexibility to control many aspects of an ASE program. Recent legislative changes provide municipalities greater flexibility when adopting an automated enforcement program. The provincial government now authorizes municipalities to operate an ASE program through their own processing centre or via a Joint Processing Centre ("JPC"). A 'processing centre' refers to a municipality overseeing their own ticket issuance, processing, and dispute resolution processes through staff resources employed by the Town.

The importance of ASE to promote safety

Safe Transportation '(Streets)' has been a longstanding Council Strategic Priority. A number of initiatives have already been implemented 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 currently 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 dedicated bicycle and pedestrian path 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. The potential use of future technology (ASE) was identified as an important tool to address speeding and enhance street safety throughout Town.

Conclusion

ASE is a proven and effective tool for improving road safety in various communities. It has reduced the number of speed-related offences, as well as collisions, injuries, and fatalities related to speeding. The Town of Newmarket has taken several steps to improve road safety throughout our community and the implementation of an ASE program would be a beneficial addition to these initiatives.

Following Council's direction to proceed with a preferred option, Town staff will begin taking formal steps to adopt and design an ASE program for implementation. A final Council report will be provided in advance to formalize Provincial Offences Officer designations of staff recruited and to update Council with timing and rollout of the ASE program.

Business Plan and Strategic Plan Linkages

Safe Transportation '(Streets)' has been a longstanding Council priority. This matter also aligns with Council's current priority of customer-centric service delivery by providing exceptional transportation experiences across all modes through continuous improvement of safety, accessibility, and efficiency.

Consultation

Consultation has been completed with the following agencies:

- Ministry of Transportation
- Ministry of the Attorney General
- Information and Privacy Commissioner of Ontario
- York Region
- York Regional Police

Consultation has also been completed with the internal ASE Working Group, which includes the following departments:

- Corporate Communications
- Customer Services
- Engineering/Transportation
- Finance
- Information Technology
- Legal
- Legislative Services
- Operations

- Procurement

Human Resource Considerations

Each option presented in this report outlines the proposed number of staff resources needed to meet the legislative demands and service delivery requirements of an in-house ASE program.

It is relevant to note that there are no ASE programs currently in operation under administrative penalties. Existing ASE programs rely on court processes for dispute resolution and outcomes, whereas the Town is proposing an ASE program which operates independently from the provincial court system. This limits the research available for understanding administrative burden re: processing and adjudicating violations, which the Town will need to consider and allocate resources to. Due to a lack of relevant information available, staff relied on existing data collected as part of the Town's Administrative Monetary Penalty System ("AMPS") when providing recommendations for allocated resources within the ASE program.

Budget Impact

Financial forecasting and analysis is currently being conducted for the 3 options for the initial size and scope of an ASE program in Newmarket.

Attachments

None.

Approval

Esther Armchuk, Commissioner of Corporate Services

Ian McDougall, Chief Administrative Officer

Contact

For more information about this report, please contact Esther Armchuk, Commissioner of Corporate Services at earmchuk@newmarket.ca