

Report to Civic Works Committee

To: Chair and Members
Civic Works Committee

From: Kelly Scherr, P. Eng., MBA, FEC, Managing Director,
Environmental and Engineering Services and City Engineer
and
Barry R. Card, Managing Director, Corporate Services and
City Solicitor

Subject: Automated Speed Enforcement – Spring 2021 Update

Date: March 30, 2021

Recommendation

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer and the Managing Director, Corporate Services and City Solicitor, the Automated Speed Enforcement (ASE) program BE DEFERRED until the results of the Parliamentary Assistant to the Minister of Transportation's review of the ASE program are available.

Linkage to the Corporate Strategic Plan

The following report supports the Strategic Plan through the strategic focus areas of Strengthening Our Community and Building a Sustainable City. Automated speed enforcement could enable Londoners to move around the city safely and easily in a manner that meets their needs by improving safety for all modes of transportation in accordance with Vision Zero principles.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- Civic Works Committee – May 15, 2018, [4.1 Automated Speed Enforcement](#);
- Civic Works Committee – September 24, 2019, [2.6 Automated Speed Enforcement Contract Award](#), and
- Civic Works Committee – March 10, 2020, [2.10 Automated Speed Enforcement Update](#).

1.2 Context

On October 1, 2019, Municipal Council approved the contract award for services to implement the automated speed enforcement (ASE) program. On November 28, 2019, Ontario Regulation 398/19 was passed by the Province of Ontario to permit the implementation of ASE. The regulation included operational parameters which were not contemplated by the ASE Working Group when the ASE program was developed.

On March 24, 2020 Municipal Council resolved:

- a) the program BE DEFERRED for not greater than one year, in order to fully understand the effectiveness and viability of the ASE program as amended by the Ministry of Transportation, Ontario on November 28, 2019, and to allow for the Civic Administration to provide additional information and updates to the Civic Works Committee; and,
- b) the Mayor BE REQUESTED to draft a letter to the Province of Ontario expressing the implementation complications that have been raised at the Municipal level with respect to the recent legislative changes as part of the 180-day consultation period. (2020-T08) (AS AMENDED) (2.10/4/CWC)

This report provides an update on the ASE program in Ontario over the past year including impacts related to the COVID-19 Pandemic.

2.0 Discussion and Considerations

2.1 ASE Municipal Observations

Six municipalities (Brampton, Durham, Hamilton, Ottawa, Niagara Region and Toronto) have implemented ASE with many others waiting for the outcome of the provincial review. Toronto installed their first ASE unit in December 2019; however, due to the Pandemic the first infraction was not issued until the following summer. Most of the other municipalities installed their first ASE units in the Fall of 2020.

The ASE regulation unexpectedly included additional requirements for the use of “Municipal Speed Camera Coming Soon” and “Municipal Speed Camera In Use” signs. The “Coming Soon” signs must be erected 90 days prior to the installation of the ASE camera unit and then “In Use” signs are installed at the time of activation. The “In Use” signs must be removed when the ASE camera unit is removed. There are concerns that the effectiveness of the ASE program would be lessened with these additional sign conditions, particularly for communities that were planning the rotation of cameras through a number of locations. That said, municipalities who have installed cameras are reporting that they continued to record lower speeds after the ASE units were removed. Most ASE programs have been in place for only a few months; therefore, it cannot be determined if the ASE program will result in lower speeds in the longer term.

The guidelines from the Ministry of Transportation recommended that warning notices be issued in lieu of infraction notices for the first 90 days of the ASE program and whenever an ASE unit is deployed. Thus far, the issuance of warning notices by participating municipalities has been quite limited and less than the MTO recommendation.

ASE infractions are currently part of the Provincial Courts Administration (POA) the same as police-issued speeding tickets. The demand of ASE infractions on the POA is a great concern for all municipalities and some municipalities have stated they will not implement ASE until their infractions can be moved to the Administrative Monetary Penalty System (AMPS). The Province was initially opposed to the change, but are now more open to considering allowing all automated enforcement to be part of AMPS. There is no timing for when this may occur. The proposed plan developed for London and presented to Civic Works Committee in 2020 accounted for the capacity available in the POA however administration of penalties through AMPS would provide efficiencies.

Another common theme from those municipalities with ASE is the staff resources required to operate ASE are high. Those municipalities with ASE deployment like London’s proposed program, stated that an additional staff person was required to

manage inquiries, data collection and reporting. This additional resource requirement will be reflected in future business cases.

Some municipalities have experienced problems with vandalism and theft of the ASE units. The vendor supplying the equipment is responsible for addressing these issues at no expense to the municipality; however, it does impact the effectiveness of the ASE program when the units are not operational.

2.2 COVID-19 Impacts

These past 12-months have provided unprecedented challenges worldwide and automated speed enforcement in Ontario is no exception. A review of the ASE program by the Parliamentary Assistant to the Minister of Transportation was to be conducted 180 days after the implementation start of the program. The purpose of the review is to determine if the program is operating as intended or if further legislative, regulatory or policy changes are needed. The 180-day review is on hold due to the Pandemic and no date has been provided when the review will commence. The review of the ASE program could result in changes that impact the viability of the program.

Conclusion

The few municipalities that have implemented ASE have provided some learnings. However, uncertainty and risk to program effectiveness and the reliability of the business case will remain until the Parliamentary Assistant to the Minister of Transportation's review is complete. Additional learnings from operational municipalities and provincial guidance on moving automated enforcement into the Administrative Monetary Penalty System (AMPS) will be incorporated into future business cases for Council.

It is recommended that London's ASE program be deferred until the Parliamentary Assistant to the Minister of Transportation's review is complete.

Prepared by: Shane Maguire P. Eng., Division Manager, Roadway Lighting and Traffic Control

Submitted by: Doug MacRae, P. Eng., MPA, Director, Roads and Transportation

Recommended by: Kelly Scherr, P. Eng., MBA, FEC, Managing Director, Environmental and Engineering Services and City Engineer

Recommended by: Barry R. Card, Managing Director, Corporate Services and City Solicitor

April 14, 2021/

cc. Provincial Court Administration Office
London Police Service
Transportation Advisory Committee
Community Safety and Crime Prevention Advisory Committee