



**City of Kingston
Report to Council
Report Number 21-180**

To: Mayor and Members of Council
From: Sheila Kidd, Commissioner, Transportation & Public Works
Resource Staff: Ian Semple, Director, Transportation Services
Date of Meeting: August 10, 2021
Subject: Automated Speed Enforcement

Council Strategic Plan Alignment:

Theme: 3. Improve walkability, roads and transportation

Goal: 3.2 Enhance public safety through active transportation and a focus on pedestrian access and enforcement.

Executive Summary:

Automated Speed Enforcement (ASE), also referred to as photo radar, is an automated system that uses a camera and speed measurement device to enforce speed limits. In Ontario, the ASE program was introduced into the Highway Traffic Act through the Safer Schools Act, and can be implemented specifically in municipally designated School Zones and Community Safety Zones. It is intended to be used in conjunction with other road safety strategies, such as police enforcement, road calming measures, and education campaigns.

Under the program, if a vehicle exceeds the posted speed limit in an ASE location, a photograph of the vehicle's license plate is captured for review and processing. Once a charge is verified, a ticket is mailed to the registered owner of the vehicle, who can pay the fine or contest the ticket through the City's local provincial offences court. Since the registered owner of the vehicle may not be the driver that committed the violation, no demerit points are applied as part of the ticket.

Installations of ASE cameras may be semi-fixed, or they may be mobile and rotated to different designated School Zones or Community Safety Zones. A 90-day advisory period must be met by municipalities prior to activating ASE cameras in each location, which involves posting advisory signage and issuing communications to the public each time the cameras are

August 10, 2021

Page 2 of 14

installed/rotated. More information about the general aspects of the program and how it operates in Ontario can be found at www.aseontario.com/faq.

Based on a review of the processes other municipalities have followed to implement the ASE program, establishing an ASE program locally would likely involve the following steps:

1. Establishing and formally designating School Zones and Community Safety Zones within the city
2. Undertaking data collection including speed studies, collision assessments, geometric reviews, pedestrian counts, etc. to confirm candidate School Zone and Community Safety Zone locations for potential implementation of ASE
3. Developing a plan for the installation and rotation of cameras throughout candidate School Zone and/or Community Safety Zone locations within the city
4. Executing agreements with regulatory bodies and vendors to initiate the ASE program
5. Establishing processes and capacity within the City's Provincial Offences Administration for the management of the ticket payments and contests
6. Implementing advisory period requirements for the initial deployment of the ASE cameras on-street, including posting advanced signage and issuing communications to the public
7. Data collection and monitoring at ASE camera locations to review efficacy of the program and determine when and where to rotate cameras, including implementing advisory period requirements for new ASE camera locations

The ASE program has been in operation in a number of Ontario municipalities for approximately one year, however it's rollout has been impacted by COVID-19 and there are several areas of the program that remain uncertain for new municipalities looking to launch the program, particularly in terms of understanding resource requirements and cost impacts for the program. These areas of uncertainty include:

- Requirements for advisory periods and communications to setup or change ASE locations
- Temporary capacity limitations in ticket processing that caps the number of violations the City can issue per year
- Potential changes from the Moving Ontarians More Safely Act (2021), currently under consideration, that may change the operating parameters and costs of the program particularly for the local Provincial Offences Administration
- Program costs particularly as it relates to the ticket processing and administration. The Provincial ASE Steering Committee has flagged that ASE will not be a revenue generating program under the current program parameters and fine revenue.

A Provincial review of the ASE program was planned after the first 180 days of operation in 2020 to assess whether the program is operating as intended, and to determine if further regulatory and/or policy changes are required. This review was postponed by the Province due to COVID-19, and the timing for this review is not currently known. Operating and financial impacts may arise following the Provincial review of the program and potential changes to the program could follow.

August 10, 2021

Page 3 of 14

Accordingly, staff are recommending a report back to Council once this Provincial review has been completed with further information on the details of the program, resourcing, and cost impacts. This may also allow some of the operating and ticket processing capacity barriers to be resolved or better understood as these operations stabilize further after the impacts of COVID-19.

Regardless of the outcome of the Provincial review, the City can only implement ASE in designated School Zones and Community Safety Zones. Currently, the City has one location formally designated as a School Zone and four locations formally designated as Community Safety Zones.

Staff are recommending that in the interim, as the ASE program is reviewed at the Provincial level and the operations stabilize, the City review existing school areas and identify new School Zones and Community Safety Zones in these locations. Reviewing existing and adding new School Zones and Community Safety Zones within school areas does not represent a commitment to implement ASE but does prepare the locations as potential candidates for ASE in the future if the City implements the program. The formal designation of these zones introduces higher penalties for speeding which can also be enforced by police.

Recommendation:

That staff be directed to complete an assessment of and prepare recommendations for school areas that could be designated as formal School Zones and Community Safety Zones within the City of Kingston, and report back to the Environment, Infrastructure & Transportation Policies Committee in Q3 2022; and

That staff be directed to report back to Council following the review of school areas within the City and the Province's review of the Automated Speed Enforcement program, with refined information on program implementation, operation, and costs.

August 10, 2021

Page 4 of 14

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Sheila Kidd, Commissioner,
Transportation & Public Works**

ORIGINAL SIGNED BY CHIEF
ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Community Services	Not required
Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Brad Joyce, Commissioner, Corporate Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Sheila Kidd, Commissioner, Transportation & Public Works	Not required

August 10, 2021

Page 5 of 14

Options/Discussion:

On December 17, 2019, City Council passed the following motion:

That staff report back to Council by the end of Q3 2020 with an information report that provides an overview of Automated Speed Enforcement (ASE), the approach to ASE that has been developed for Ontario municipalities, a summary of any available information on the programs that are being implemented in Ontario, their associated costs, and the resources needed to implement ASE in Kingston should Council be so inclined.

As reported in [Council Report Number 20-168](#), the strategic priority and associated motion related to speed enforcement was delayed based on COVID-19 impacts since Ontario municipalities were delayed in bringing their photo radar for speed violations online. This report is presented to Council with the information available on the ASE program at this time.

Overview of Automated Speed Enforcement in Ontario

ASE, also referred to as photo radar, is an automated system that uses a camera and speed measurement device to enforce speed limits. ASE, similar to Red Light Cameras (RLC), is a province-wide automated safety enforcement program that can be used to complement other traffic safety initiatives. It is intended to be used in conjunction with other road safety strategies, such as police enforcement, road calming measures, and education campaigns.

In 2017, the Ontario Provincial government's Bill 65, known as the Safer School Zones Act, amended the Ontario Highway Traffic Act (HTA) to allow the use of ASE in municipally designated School Zones and Community Safety Zones in Ontario where the speed limit is less than 80 kilometres per hour. On November 28, 2019, the Government of Ontario approved Ontario Regulation 398/19 to allow municipalities to begin operating automated speed enforcement programs within the Province. Similar to RLC programs, municipalities must operate the program according to Provincial regulations and guidelines.

At locations where the ASE cameras are installed speeding vehicles have a photograph of a vehicle's rear license plate, the vehicle's passing speed, the posted speed limit, and the corresponding time and location of the offence captured and sent to Provincial Offences Officers at the ASE Municipal Joint Processing Centre (JPC) for review and verification of the violation. If a charge is verified, an Offence Notice Form is mailed to the registered owner of the vehicle. The Offence Notice Form, or ticket, contains the photo of the offence and enlargement of the license plate. The registered owner of the vehicle can then pay the fine or contest the ticket through the local provincial offences court.

The fine amount for a speeding infraction issued through the ASE program is a set fine based on the excess speed the vehicle is traveling over the speed limit plus a victim surcharge fee and court costs. The fine amounts for speeding follow the fine amounts laid out in the HTA, ranging from \$5.00 per kilometre up to \$12.00 per kilometre over the posted speed limit, plus victim surcharge fees and court costs. If the vehicle is travelling 50 kilometres per hour or more over the limit, the offence is converted into a Part 3 traffic ticket and there is no out-of-court

August 10, 2021

Page 6 of 14

settlement option. All ASE tickets are issued to the registered owner of the vehicle. Since the registered owner of the vehicle may not actually be the driver that committed the violation, no demerit points are applied. Tickets issued by police officers for speeding infractions are based on the same fine amounts in the HTA and may also include demerit points associated with the ticket, depending upon the excess speed.

Per the regulations approved by the Province, installations of ASE cameras may be semi-fixed or mobile, which allow for municipalities to relocate the equipment and enforce in different locations providing that the criteria as School Zones or Community Safety Zones is met. A 90-day advisory period must be implemented by municipalities prior to activating ASE in each location, which involves posting 'coming soon' advisory signage in locations where ASE is scheduled for implementation. Tickets cannot be issued if this advisory period is not met.

Additional information about the general program and process that is used in Ontario can be found at www.aseontario.com/faq.

A Provincial review of the ASE program was planned after the first 180 days of operation of the program in Ontario to assess whether the ASE program is operating as intended, and to determine if further regulatory and/or policy changes are required. This review was postponed by the Province due to COVID-19, and the timing for this review is not currently known. Municipalities currently operating ASE have identified some uncertainty around elements of the program including compliance requirements for the advisory periods and communications. Financial and operational impacts may arise following the provincial review of the program and potential changes to the program that could follow.

Preliminary Implementation and Operation Information

The ASE program in Ontario can only be operated in established School Zone and Community Safety Zones which are designated through municipal bylaws. The designation of these zones along City roadways double the fines associated with speeding in these locations and are intended to encourage heightened awareness and slower speeds for motorists. School Zones are typically designated and enforced corresponding to the times and days that schools are in operation, whereas Community Safety Zones are in effect year-round and can include School Zones. The formal designation of these zones introduces higher penalties for speeding which can also be enforced by police.

Based on a review of the processes other municipalities have followed to implement the ASE program, establishing an ASE program locally would likely involve the following steps:

1. Establishing and formally designating School Zones and Community Safety Zones within the city
2. Undertaking data collection including speed studies, collision assessments, geometric reviews, pedestrian counts, etc. to confirm candidate School Zone and Community Safety Zone locations for potential implementation of ASE
3. Developing a plan for the installation and rotation of cameras throughout candidate School Zone and/or Community Safety Zone locations within the city

August 10, 2021

Page 7 of 14

4. Executing agreements with regulatory bodies and vendors to initiate the ASE program
5. Establishing processes and capacity within the City's Provincial Offences Administration for the management of the ticket payments and contests
6. Implementing advisory period requirements for the initial deployment of the ASE cameras on-street, including posting advanced signage and issuing communications to the public
7. Data collection and monitoring at ASE camera locations to review efficacy of the program and determine when and where to rotate cameras, including implementing advisory period requirements for new ASE camera locations

Currently, the city has one location formally designated as a School Zone and four locations formally designated as Community Safety Zones. The City would need to review and determine candidates for School Zones and Community Safety Zones and amend its bylaws to formally designate these and additional locations for eligibility in the ASE program.

An Ontario municipality that elects to enroll in and operate ASE must also execute a series of agreements and establish increased capacity within existing municipal court administration to process ASE violations. The ASE program would require on-going support from a variety of City departments and external stakeholders through the planning, commissioning, and operation of the program. The parties that the City must enter into agreements with to implement the ASE program are detailed in Table 1.

Table 1 – Automated Speed Enforcement Program Agreements

Agreement	Vendor/Party	Scope
Authorized Requester Agreement	Ontario Ministry of Transportation (MTO)	Access to MTO's license plate registry for processing offences.
Violation processing services	City of Toronto Joint Processing Center (JPC)	Processing tickets and issuing certificates of offence.
Equipment vendor agreement	Redflex Traffic Systems (Redflex)	Supply, installation, operation and maintenance of the ASE cameras.

Unlike the RLC program, municipalities are not currently required to select the vendors designated by the ASE consortium for equipment and violation processing services, however these vendors, listed in Table 1, are presently the only option to provide these services in Ontario. The equipment vendor, Redflex, is currently operating on a five-year contract term with a five-year extension. The initial period is from July 2019 to July 2024, with a five-year extension option from July 2024 to July 2029. Municipalities can join at anytime throughout the term of the contract, however operating fees increase based on the year of entry.

ASE cameras can become operational after the necessary advisory signage has been installed and in place for 90 days. For semi-fixed and mobile camera installations, the advisory signage process is required each time a camera is relocated. Additional communications materials may

August 10, 2021

Page 8 of 14

be required such as advisory letters as part of the advisory notification, however, specific details of what is needed to satisfy these requirements are currently unclear.

All other operational aspects of the program, including collection and monitoring of safety data at ASE sites, complying with advisory requirements including signage requirements prior to implementation in each location, managing payments, managing ticket contests, and determining where and when to move the cameras is the responsibility of the municipality.

Preliminary Financial Information

The ASE program is comprised of infrastructure, processing, and administration costs and fines/fees associated with the tickets issued. Staff has gathered information from other Ontario municipalities that have recently launched the ASE program, summarized in Table 2 below, to provide a summary of expected program costs. These elements would be subject to confirmation at the time of enrolling in the program as most costs require additional information.

Table 2 – Cost Information for Automated Speed Enforcement Program

Item	Components	Approximate Costs
Fixed costs for cameras	Camera hardware, installation and maintenance provided by the contracted service	Approximately \$35,000 per camera per year + initial installation costs which could range from \$250-\$35,000 depending on the location and infrastructure required. This pricing is applicable for 2021 only and would need to be confirmed for subsequent years.
Variable External Operational Costs	City of Toronto Processing Centre Entry Fee (one time fee)	To be determined. The cost share for current municipalities who have joined the program is approximately \$100,000 per municipality.
Variable External Operational Costs	Violation processing fees provided by the City of Toronto	To be determined. This is currently estimated to be approximately \$20 per violation, however the JPC has identified that this is subject to further review, pending the JPC confirming a permanent location for operations and better understanding staffing requirements for the program as it continues to grow. These elements will impact the cost to the municipalities for the processing services.

August 10, 2021

Page 9 of 14

Item	Components	Approximate Costs
Variable External Operational Costs	MTO processing and administration fees related to accessing registered owner information	Approximately \$1 per violation.
City Administration Costs	Management and administration of the red-light camera program, and Legal and prosecution support for violation appeals	To be determined. Municipalities have reported that the largest impacts for the program are to their Provincial Court Administration, requiring additional staffing recruitment and additional space requirements.
City Administration Costs	Education, awareness and signage	To be determined – subject to the number of locations and application (fixed or mobile). The provincial review of the program may impact this pending clarity on the awareness and communication requirements for the program.

The fixed annual costs for the ASE camera program are currently understood to be approximately \$35,000/camera plus initial installation costs that vary depending on the site and type of installation completed (mobile or semi-permanent). This is based on a tiered pricing structure so pricing for the camera equipment would need to be re-confirmed at the time of entry into the program.

Although the types of costs are known, there is uncertainty around the scale of the financial implications of the program. Participating municipalities expect continued impacts on their Legal and Provincial Offences Administration (POA) staff which will vary depending on the volume of charges. There are currently several components where municipalities have identified additional costs being incurred beyond initial estimates, such as the advisory components due to lack of clarity on the requirements as well as the court administration resources required to support the program. Other cost components are dependent on the scale of the program that is implemented as well as some of the supporting process pieces being further refined including capacity at the JPC to confirm the exact costs to municipalities for processing of the violations.

Accordingly, more information is required to determine the total costs for any future program considered in the city. The potential impact on the City's Provincial Courts, and the requirements for City administration of the program are the greatest unknowns at this time.

Table 3 provides an overview of the fines and fees issued to the registered owners of vehicles, and the portions of fine amounts which the City receives.

August 10, 2021

Page 10 of 14

Table 3 – Fines and Fees

Offence (speed)	Fine amount	Amounts Received by City
1 – 19 kilometres per hour over speed limit	\$5 per kilometre + victim surcharge fee* + \$5 court cost	\$5 per kilometre + \$5 court cost
20 – 29 kilometres per hour over speed limit	\$7.5 per kilometre + victim surcharge fee* + \$5 court cost	\$7.5 per kilometre + \$5 court cost
30 kilometres per hour to 49 kilometres per hour over speed limit	\$12 per kilometre + victim surcharge fee* + \$5 court cost	\$12 per kilometre + \$5 court cost
50+ kilometres per hour over speed limit	If a vehicle speed is 50 kilometres per hour or more over the speed limit, the violation is processed as a Part 3 offence and there is no out-of-court settlement.	TBD

* Victim surcharge fees are approximately 20% - they are specifically determined in accordance with O.Reg. 161/100 – Victim Fine Surcharges under the Provincial Offences Act.

Due to COVID related staffing restrictions at the JPC, the JPC has asked newly entering municipalities to limit their charges to a total of 5,000 tickets annually across all ASE sites within a municipality until capacity increases, effectively limiting fines and fees in the short term. Although this would be a lower number of charges to process at the municipal court administration level, a baseline need for staffing to set up, operate, and manage the ASE program would still be required and are sunk costs. Additionally, the costs for the JPC services, which are on a per violation basis, are still subject to review and confirmation for the program more permanently, as their services and costs have been impacted by COVID-19.

Regardless of these unknowns and the impacts of COVID-19, a study by the Provincial ASE Steering Committee has flagged that the ASE program will not be a revenue generating program. Municipalities are unlikely to recover the full cost of the ASE implementation under the current program parameters and fine revenue.

Operating Information from Ontario Municipalities

Seven Ontario municipalities launched the ASE program in the latter part of 2020 with a number of program launches deferred due to COVID-19. One municipality has launched the program in 2021, there are currently two municipalities that are enrolled in the program but are not yet operational, and two municipalities in the process of enrolling into the program in 2021. Table 4 summarizes the list of municipalities in Ontario which have initiated or are in the process of initiating the program.

August 10, 2021

Page 11 of 14

Table 4 – Ontario Municipalities Enrolled in ASE

Municipality	Program Launch	Status
City of Toronto	July 2020	Enrolled in program, launched with 50 cameras.
City of Ottawa	July 2020	Enrolled in program. Launched with 4 cameras, increased to 8 cameras in December 2020.
City of Brampton	September 2020	Enrolled in program. Launched with 5 cameras, expanded to 50 cameras in 2021.
Peel Region	September 2020	Enrolled in program, launched with 1 camera.
Durham Region	September 2020	Enrolled in program, launched with 4 cameras.
City of Hamilton	October 2020	Enrolled in program. Launched with 2 cameras as a 1-year pilot.
York Region	November 2020	Enrolled in program. Launched with 2 cameras as a 2-year pilot.
City of Mississauga	July 2021	Enrolled in program. Launched with 2 cameras.
Niagara Region	To be determined	Enrolled in program. Not yet operational.
Region of Waterloo	Summer 2021	Enrolled in program. Not yet operational.
City of London	To be determined	Enrolling in program. Not yet operational.
City of Pickering	To be determined	Enrolling in program. Not yet operational.

Other municipalities have expressed interest in enrolling in the ASE program, however they are waiting for the outcome of the Provincial review of the program.

Municipalities that are operating ASE are compiling and analysing the results of the program, however, as the program is new and has only been operating for one year, there is insufficient information available to provide a comprehensive analysis on the program's impact on speed reduction and safety at this time. Early indications from those operating the program show measured speed reductions relative to prior months in the locations where ASE has been implemented. Municipalities are typically operating mobile ASE systems and have begun to relocate their units to new areas with some anticipation that speeding issues may return once cameras are re-deployed to new locations.

Some municipalities have raised concerns regarding the variable operating costs of some aspects of the program. The most significant costs identified by those currently operating or planning to launch the program are the costs to set up or expand the municipal court administration's capacity. Municipalities have identified the need to recruit staff for court administration, management of a high volume of issued tickets, and processing contests. The number of tickets issued depend on a variety of factors such as traffic volumes, speed limit, speed limit adherence, hours of operation, etc. The number of tickets issued can be in the range

August 10, 2021

Page 12 of 14

of 10,000 per camera, annually. Municipalities also anticipate incurring additional staffing costs across various departments for different aspects of the ASE program including program management, data collection and evaluation, and education and communications.

The ASE program in Ontario currently requires municipalities to implement advisory signage however the requirements for advisory to motorists that may be subject to a ticket remains unclear. The guideline published by the Province suggests warning letters be issued instead of tickets for the initial 90 days that cameras are in place at each site, however this guidance is understood not to be a requirement under the Regulation.

Municipalities currently operating ASE have implemented communication and education plans to satisfy this requirement based on their interpretation of the provincial requirements however a range of approaches are presently being used. A number of municipalities have identified concerns with the efforts and costs to issue direct advisory notifications, and more clarity has been requested of the Province on the specific requirements to satisfy the advisory elements of the program. Some municipalities have identified that the current processes they have set up for complying with the advisory components of the program are financially unsustainable.

The Ontario Traffic Council (OTC) has also requested additional clarity on the details of the advisory components to ensure that all municipalities are adhering to the requirements and meeting the Province's intent and the Ministry of Transportation Ontario (MTO) is currently reviewing this.

Temporary Joint Processing Centre Capacity Limitations

A temporary program limitation that has been identified is the capacity of the JPC to process the projected volume of charges. Currently, the JPC is operating at partial capacity due to COVID-19 in a temporary workspace and has identified capacity issues with processing violations.

The JPC has requested that new municipalities entering the program limit their annual charges to 5,000 violations per municipality as a total, regardless of the number of cameras. This limitation is expected to be removed in the future as the JPC returns to regular staffing capacity and establishes a permanent location for their operation. Timing for this is not currently known.

Along with these changes, the addition of other municipalities to the program and increases in volume of tickets issued is expected to result in changes to the price per violation for the processing support. It is uncertain as to how the operating and financial aspects of the program will stabilize after these changes.

Potential Legal Changes and Impact on Court Administration

Potential changes from the Moving Ontarians More Safely Act (2021), currently under consideration, could also change the operating parameters and costs of the program. The Province is exploring the option to include ASE and RLC charges as Administrative Monetary Penalties (AMP), which would mean additional court resources may not be required, however additional resources would be required to manage the AMP process and payments.

August 10, 2021

Page 13 of 14

In July, the Province introduced changes to the Highway Traffic Act that reduced the threshold for stunt driving from 50 kilometres per hour over the posted speed limit to 40 kilometres per hour over the posted speed limit on roads that have a speed limit less than 80 kilometres per hour. At this time, this has not impacted the threshold for Part 3 Offences for charges issued through the ASE program, however, if this is amended to coincide with the newly reduced stunt driving threshold, this may require additional increases in administration resources because all Part 3 Offences require a court appearance.

Provincial Ministerial Program Review

A Provincial Ministerial review was scheduled 180 days after program start-up to assess whether the ASE program is operating as intended and to determine if further regulatory or policy changes are required. Some municipalities have proposed to wait for the results of this review before entering into the program as there is uncertainty around potential financial and operational impacts that may follow from this review.

At this time, the review has been postponed due to COVID-19, and the timing for this review is not known.

Next Steps

As the ASE program can only be implemented in designated School Zones and Community Safety Zones, it is recommended that the City complete an assessment of school areas within the City and prepare recommendations for the designation of formal School Zones and Community Safety Zones in these locations. It is anticipated that this information could be presented to the Environment, Infrastructure & Transportation Policies Committee in Q3 2022.

Completing the review of School Zones and Community Safety Zones in school areas will allow these locations to be considered for candidacy for the ASE program but does not represent a commitment to implementing ASE in any zone. The formal designation of these zones introduces higher penalties for speeding which can also be enforced by police.

Staff will continue to monitor the ASE program rollout and will report back with additional information following the Provincial review of the ASE program, stabilization of the program from the impacts of the COVID-19 pandemic, and the review of school areas within the city.

Existing Policy/By-law:

None

Notice Provisions:

None

Accessibility Considerations:

None

August 10, 2021

Page 14 of 14

Financial Considerations:

The review for the designation of School Zones and Community Safety Zones within school areas can be completed within existing operating and capital budgets. Any additional scope of work beyond what is outlined in this report would require additional resources and would need to be integrated into future work plans.

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Other City of Kingston Staff Consulted:

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Exhibits Attached:

None