

## **Automated Speed Enforcement Update and Results of the Request for Proposal 9148-19-0048 for the Provision of Automated Speed Enforcement Services**

**Date:** June 26, 2019

**To:** Infrastructure and Environment Committee

**From:** General Manager, Transportation and Chief Purchasing Officer

**Wards:** All

### **SUMMARY**

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On May 30, 2017, the Province of Ontario passed the Safer School Zones Act, 2017 to facilitate the municipal adoption of automated speed enforcement (ASE) technology on roads with speed limits under 80 km/h in school and community safety zones. However, this legislation has not yet been proclaimed as in force, and the associated regulations proposed to be enacted are not yet drafted. The City cannot implement an ASE program until the Province proclaims that this legislation is in force.

In January 2018, City Council authorized the General Manager, Transportation Services, to proceed with the development of ASE in conjunction with the Province and other partnering municipalities. Since then, City staff have been working with the Ministry of Transportation, the Ministry of the Attorney General, and other partnering municipalities to jointly develop this program.

The purpose of this report is to:

- provide an update on the results of the ASE Study;
- provide an overview of the ASE program;
- advise on the financial impact of the program;
- advise on the impact of the program on the provincial offences court system;
- advise on the status of the Request for Proposal (RFP) 9148-19-0048 for the provision of Automated Speed Enforcement Services in the City of Toronto;
- request authority to hire additional staff necessary to operate the automated speed enforcement program;
- request authority to enter into an agreement with the partnering municipalities for the joint processing centre;
- request authority to enter into agreement(s) with Her Majesty the Queen in Right of Ontario, as represented by the Minister of Transportation, for the access and use of licence plate registration information; and

- request authority to conduct an educational campaign, including the use of warning letters.

## **RECOMMENDATIONS**

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The General Manager, Transportation Services and the Chief Purchasing Officer recommend that:

1. City Council authorize the reallocation of funds from Transportation Services' 2019 Capital Budget to Court Services' 2019 Capital Budget in the amount of \$2.1 million gross and debt for funding to build courtrooms to handle increased disputes of fines related to the speeding offences, as presented in Attachment 1.
2. City Council authorize the General Manager, Transportation Services, to negotiate, enter into, and execute a new agreement(s) between the City of Toronto and one or more of The Corporation of the City of Mississauga, The Corporation of the City of Burlington, The Regional Municipality of Peel, The Regional Municipality of Durham, the City of Ottawa, The Regional Municipality of Waterloo, the Town of Ajax, the City of London, The Corporation of the City of Brampton, the City of Hamilton, and the County of Oxford for Automated Speed Enforcement record processing and for their cost-sharing of the expenses of the joint municipal processing centre and to amend such agreement(s) to add additional partnering municipalities within the first year of the program, all on terms and conditions generally as set out in the body of the report (June 27, 2019) from the General Manager, Transportation Services, and upon such further terms and conditions satisfactory to the General Manager, Transportation Services and in a form satisfactory to the City Solicitor.
3. City Council direct the General Manager, Transportation Services, to conduct a public information and communication campaign, as may be appropriate, that may include warning letters as described in this report, prior to and/or for a period of time after provincial legislation and regulations concerning automated speed enforcement coming into force to the discretion of the General Manager, Transportation Services, and authorize the General Manager, Transportation Services, to negotiate, enter into and execute any agreements necessary to carry out the public information and communication campaign on terms and conditions satisfactory to the General Manager, Transportation Services, and in a form satisfactory to the City Solicitor.
4. City Council authorize the General Manager, Transportation Services to negotiate, enter into and execute new agreement(s) with Her Majesty the Queen in Right of Ontario, as represented by the Minister of Transportation (the "MTO"), for the access and use of license plate registration information on terms and conditions generally as set out in the report (June 27, 2019) from the General Manager, Transportation Services, and on such other terms and conditions satisfactory to the General Manager, Transportation Services and in a form satisfactory to the City Solicitor.

5. Infrastructure and Environment Committee direct the General Manager, Transportation Services and Chief Purchasing Officer to report directly to City Council on the results of the Automated Speed Enforcement procurement 9148-19-0048.

## **FINANCIAL IMPACT**

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### **Award of RFP No. 9148-19-0048**

The procurement process for the Automated Speed Enforcement procurement is still ongoing. Once completed, a report outlining the financial impact of contract will be provided directly to Council anticipated for July, 2019.

### **2019 Budgetary Impact**

All resources required to operate the Automated Speed Enforcement (ASE) program starting December 1, 2019 will be managed within existing budgets. Any funding required for 2019 is available on a one-time basis within existing resources in the 2019 Operating Budgets for Transportation Services, Court Services, and Legal Services. Additional resources required to operate the ASE program January 1, 2020 will be included in the operating budget submission for consideration during the 2020 Budget process.

As a result of recommendations in this report, funding of \$2,100,000 in the 2019-2028 Capital Budget & Plan for Transportation Services will be reallocated to Court Services to build courtrooms to handle increased disputes of fines related to the speeding offences.

Any future capital funding required for the ASE program will be included in the capital budget submission for consideration against other unfunded City priorities in future capital budget processes.

### **2020-2022 Budgetary Impact**

In order to fully implement the ASE program, City Divisions including Transportation Services, Court Services, and Legal Services will require increased capacity and resources based on the projected number of charges expected to be issued with an initial installation of 50 cameras and a distribution of cameras across a variety of road classifications, and assumes improved driver behaviour following ASE introduction as compared to speed data collected prior to ASE introduction.

Beginning in 2020, fine revenue and processing fee revenue (from other municipalities) is expected to make the ASE program fully cost recoverable.

The table below summarizes the estimated charge volumes expected to be issued during operation of the ASE program:

Jurisdiction	Projected Charge Volumes			
	2019*	2020*	2021	2022
City of Toronto	0	209,000	250,000	250,000
Other Partnering Municipalities	0	434,000	520,000	520,000
<b>Total Projected Charge Volume</b>	<b>0</b>	<b>643,000</b>	<b>770,000</b>	<b>770,000</b>

\*2019 and 2020 projected charge volumes are based on the assumption that warning letters may be issued initially as part of an educational campaign.

The ASE program's costs will include additional staffing, court related costs, the Joint Processing Centre (JPC), and the estimated ASE contract value. The Toronto JPC will be processing charges for partnering municipalities in Ontario and the recoverable funds for this service are captured as revenue in the table below. A revised cost estimate based on future years, will be provided in the supplementary report to City Council once the costs of the ASE contract are known.

In the event the actual charge volumes exceed the projected amounts, any additional resources would be included in the operating/capital budget submissions for consideration during future Budget processes.

Estimated Operating Budget Impact for future years (2020-2022) in millions (excluding contract award).

Millions	2020	2021	2022
Expenditures	\$11.63	\$12.02	\$12.02
Revenues	\$18.74	\$23.08	\$23.08
<b>Total Net Revenue</b>	<b>(\$7.11)</b>	<b>(\$11.06)</b>	<b>(\$11.06)</b>

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

**EQUITY IMPACT STATEMENT**

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The Vision Zero Road Safety Plan is a critical part in building a safe and inclusive city. It is an important mechanism to remove barriers for equity seeking groups by prioritizing vulnerable road users.

Vision Zero's data driven approach has allowed staff to investigate the relationship between Killed and Serious Injury collisions and other demographic factors including children and older adults. Automated Speed Enforcement is a tool that is applied evenly and consistently to all motorists and is not biased towards or against any sector of the population.

## DECISION HISTORY

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At its meeting on June 26, 2018, City Council approved amendment to necessary bylaws to designate the extended frontages of the 754 kindergarten to grade 8 (K-8) public elementary schools within the City as Community Safety Zones. Doing so made the Zones eligible for automated speed enforcement under the Province's Bill 65, Safer School Zones Act, 2017, once the applicable sections are proclaimed in force, while providing the immediate benefit of speeding fines being doubled in these key walking and biking routes to schools. The Council decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PW30.5>

At its meeting on May 22, 2018, City Council authorized the General Manager, Transportation Services, to negotiate, enter into and execute an agreement with Her Majesty the Queen in Right of Ontario, as represented by the Minister of Transportation, for the access and use of licence plate registration information on terms and conditions satisfactory to the General Manager, Transportation Services and in a form satisfactory to the City Solicitor, for the purposes of the automated speed enforcement pilot and subsequent speed enforcement program. The Council decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PW29.6>

At its meeting on January 31, 2018, City Council directed the General Manager, Transportation Services to proceed with Automated Speed Enforcement in conjunction with the Province of Ontario and other partnering municipalities, including the issuance of a Request for Proposals investigating the feasibility for the City of Toronto to manage the Joint Processing Centre on behalf of the partnering municipalities for the future Automated Speed Enforcement program. The Council decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PW25.10>

At its meeting on July 12, 2016, City Council authorized the General Manager, Transportation Services to request the Ontario Ministry of Transportation to allow the City of Toronto to implement a mobile automated speed enforcement pilot project in school zones and construction zones. The Council decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PW14.1>

## COMMENTS

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### **ASE as a tool for School Safety and ASE Study Results**

In 2017, Toronto City Council unanimously approved Toronto's first Vision Zero Road Safety Plan which focuses on reducing traffic-related fatalities and serious injuries on Toronto's roads. The Plan emphasizes safety for the most vulnerable road users, especially school children. Since the Plan's inception, the City has implemented a number of safety interventions aimed at protecting school children including:

- 56 School Safety Zones which includes the installation of signs that display vehicle's speed, flashing beacons and enhanced pavement markings
- 188 mobile "Watch Your Speed" signs that can be rotated amongst other schools to advise vehicles of their speed.

- Educational campaigns including "School Safety", "Art of Distraction" and the "Please Slow Down" lawn sign campaign
- 754 kindergarten to grade 8 (K-8) schools designated as Community Safety Zones
- Active and Safe Routes to School Pilot at 5 schools

The ASE Study Pilot that was conducted between September and December 2018 which included the installation of signage and speed measuring / camera devices around 8 schools and illustrated excessive speed, with speeds measured in excess of 100km/h at 7 of the 8 sites that were studied.

Location (speed limit)	Average Weekly Vehicles detected above the speed limit	Average Weekly Vehicles detected more than 10km/h above the speed limit	Average Weekly Volume	Max Detected Speed (km/h)
Gateway Blvd (40km/h)	10,347	1,010	52,911	86.9
Don Mills Rd (60km/h)	5,743	1,058	85,488	137.9
Queen St (40km/h)	23,748	5,587	52,150	127.4
Renforth Ave (40km/h)	25,511	7,370	37,091	202.3
Wilson Ave (50km/h)	52,151	16,937	83,867	156.4
Dufferin St (50km/h)	14,139	2,192	63,498	124.4
Rockcliffe Blvd (30km/h)	49,608	32,571	56,230	102.8
Avenue Rd (40km/h)	60,170	22,013	103,180	109.8

Excessive speed is one of the leading contributing factors to traffic related injuries, influencing both the risk of a collision as well as the severity of the injuries that result from collisions. Law enforcement agencies perform an essential role in speed management and through the use of highly visible and sustained speed enforcement programs, are widely known to reduce speeding related collisions and improve speed limit compliance.

ASE systems have shown to be particularly effective in School Zones. New York City, which has one of the most extensive and robust ASE programs in North America reported that traffic fatalities near schools with ASE sites were reduced by more than half, and speeding was reduced by more than 60 percent. The City of Edmonton, together with the University of Alberta has also conducted a number of studies on the effectiveness of their ASE program in and have found that severe collisions (fatal and injury) have been reduced by 32% and speed related collisions have been reduced by 27%.

### **Procurement Process – Award of RFP No. 9148-19-0048**

RFP No. 9148-19-0048 for the provision of the Automated Speed Enforcement Services in the City of Toronto was issued by the Purchasing and Materials Management Division (PMMD) on April 18, 2019. As the procurement process is still underway, the details of the award will be reported directly to Council at their meeting on July 16, 2019. This award process is a crucial step as the product selected is intended to be included in the Province's ASE regulation.

### **Impact on the Provincial Offences Court System**

The provincial offences court system in the City of Toronto is operating at nearly full capacity and the initiation of the ASE program will result in additional charges being administered through the provincial court system. To support the administration of the new ASE charges, the Province will need to appoint additional judicial resources to support new courtrooms. The appointment of judicial resources is outside the City's control.

The City Solicitor and Director of Court Services are submitting a report to the June 27, 2019 Infrastructure and Environment Committee with a status update on the feasibility of implementing an Administrative Penalty System (APS) for the Red Light Camera (RLC) and Automated Speed Enforcement programs. This report speaks to capacity issues within the provincial offences court system and describes the benefits of moving these programs to APS dispute resolution. It also describes the steps required to implement an APS for RLC and ASE offences as soon as possible.

### **Public Information and Communication Campaign for Automated Speed Enforcement**

Following the ASE data collection study that occurred in Q4 2018 and noted previously, Transportation Services determined that there are a significant number of vehicles travelling at speeds that greatly exceed the speed limit.

As a result of these findings, Transportation Services intends as may be appropriate to commence a public information and communication campaign that may, at the discretion of the General Manager, Transportation Services, include the use of ASE technology and warning letters. This campaign will commence prior to the enactment of ASE legislation, with the ability to use the technology procured through the RFP process, initially with 2 cameras, with the potential, if deemed appropriate, of up to an additional 48 cameras to follow, and may also continue for a period of time after the

legislation and associated regulation is enacted, to the discretion of the General Manager of Transportation Services.

Signage will be installed in the vicinity of the camera installations to inform the public that operational cameras are installed and will be taking photographs.

It is intended for the cameras to photograph vehicles determined to be violating the speed limit, capturing an image of the vehicle and its licence plate. Photographic data will be manually collected from the cameras by the successful Vendor on the RFP and provided to Transportation Services staff. Utilizing this photographic data and information received from the MTO, Transportation Services staff will identify owners of vehicles recorded travelling in excess of the speed limit and send the owner a communication in the form of a "warning letter". The "warning letter" to the vehicle owner will include a photograph of the speeding vehicle, a statement of the date, time, and specified location that the vehicle was detected speeding, and a statement alerting the vehicle owner that, should provincial legislation and/or regulations come into force in the future or, if already in force, the City's ASE program could and/or will soon be utilized to charge the vehicle owner with an offence.

The public information and communication campaign is intended to promote the health, safety and well-being of persons by functioning, in itself, as a tool to reduce speeding across the City.

### **Operational Agreement(s) with the MTO**

The Operational Agreement(s) with the MTO are necessary in order for the City to obtain access to the Provincial motor vehicle registration information and to enable the City to conduct an educational campaign, including warning letters, and, once the legislation and associated regulation is proclaimed in force, enable charges to be laid under the ASE program. In the event that the City does not enter into an Operational Agreement(s), the City's authority to operate ASE systems would be delayed. No agreement would result in the loss of the financial investment made by the City to reduce speeding in School Zones and Community Safety Zones as there would be no ability to issue warning letters or lay charges.

The terms of the Operational Agreement(s) are generally the same as those contained in the existing agreement with MTO for Red Light Camera operations, although the proposed uses for licensed information now includes issuing warning letters in addition to potentially laying charges upon the legislation and associated regulation being proclaimed into force.

The Operational Agreement(s) outlines a licensed information and transmission protocol and specifies the responsibilities and requirements of each party. In exchange for licence plate ownership information, the City is required, among other things, to:

- use licence plate registration information through the joint municipal processing centre for only the purposes authorized in the agreement;
- maintain staff and system security provisions to protect confidential information;
- comply with privacy laws;



- ensure employees who handle confidential information undergo training provided by the MTO;
- post signs at ASE sites alerting motorists to the presence of ASE;
- make fee payments to the MTO with respect to the ASE system to, among other things, reimburse the MTO for the City's proportionate share of MTO's costs for the system by means of a cost recovery fee.

Other terms of the Operational Agreement(s) include:

- MTO has the right to amend which licence plate registration information it provides to the City and the right to stop providing licence plate registration information to the City at any time;
- MTO has the right to amend the City's authorized uses for the licence plate registration information at any time;
- the City will be in default if the City, among other things, is in default under any other agreement with MTO relating to access or use of any confidential information;
- in the event of default by the City, MTO can, without notice to the City, terminate the agreement; suspend, cancel, or revoke the City's accounts or privileges under the agreement, or pursue other legal remedies;
- either party can terminate the agreement at any time, without cause and for any reason, upon 30 days' notice to the other party;
- the City is responsible for any breaches of the non-disclosure agreement by any of the other partnering municipalities and also when the partnering municipality fails to comply with audit requirements;
- the City must provide the MTO with a very broad indemnity and a limitation of liability;
- MTO has the right to adjust its fees in order to cover all costs to the Province related to ASE Systems;
- MTO does not provide any warranty with respect to the licensed information provided by MTO
- MTO denies any liability of any kind on the part of MTO to the City; and
- MTO has the right to audit the City for compliance with the agreement from time to time and charge the cost of such audit to the City.

## **Operating Cost Sharing Implications with other Municipalities**

Through discussions with the Province and 11 other municipalities, the City will be operating an ASE Joint Processing Centre for the Province, separate from the RLC Joint Processing Centre. The Centre will be staffed by Provincial Offences Officers, who must first be designated by the Province, to issue charges captured by the cameras, as well as additional support staff for site selection, investigation, contract management, and record management.

The operating costs for the JPC will be shared by partnering municipalities based on a cost-sharing formula. A cost sharing and distribution model has been developed for the JPC that will consider:

- Proportional cost sharing for certain items such as staffing and consumables based on charge volumes;
- Fixed cost sharing for items such as office space rental; and

- One-time initial costs that cover program setup items such as MTO System costs, consultant costs, and other fees. This would apply to municipalities who join initially as well as those who join at a later date.

Each partnering municipality's share of the operating costs paid to the City of Toronto will be calculated based upon the number of charges actually issued.

The partnering municipalities are:

- The Corporation of the City of Mississauga
- Corporation of the City of Burlington
- The Regional Municipality of Peel
- The Regional Municipality of Durham
- City of Ottawa
- The Regional Municipality of Waterloo
- The Corporation of the Town of Ajax
- City of London
- The Corporation of the City of Brampton
- City of Hamilton
- County of Oxford

Additional municipalities may be joining within the first year of the program.

### **ASE Processing Agreement(s) with the Partnering Municipalities**

The City will enter into Agreement(s) with Partnering Municipalities which details the services and functions undertaken by the joint municipal processing centre. The agreement will detail the responsibilities of the Partnering Municipalities and the City, including liability and indemnity provisions, and will include the formula used to determine the distribution of cost sharing.

The City's joint municipal processing centre will review all photos, assist with warning letters (both pre and/or post legislation), and (once the legislation and associated regulation are proclaimed in force ) process evidence, issue tickets and prepare evidence to be used in court proceedings for ASE matters by City staff and the staff of Partnering Municipalities.

Each Partnering Municipality will be required to formally request that the City enter into an ASE Processing Services and Cost Sharing Agreement with it.

The terms of the Partnering Municipality Agreement(s) for ASE will be generally the same as those contained in the existing agreement with partnering municipalities for the RLC program. The services to be provided by the joint municipal processing centre will include:

- verification of ASE records;
- obtaining licence plate ownership information;
- preparation of warning letters if requested, both pre and post legislation;
- preparation of charging documents and notices (once the legislation and associated regulation are proclaimed in force) ; and

- Preparation of evidence to be used in municipal prosecutions (once the legislation and associated regulation are proclaimed in force).

Other terms of the processing agreement will include:

- The formal establishment and role of a municipal steering committee for ASE in overseeing the joint processing centre, including ensuring the consistent and cooperative operation of ASE across Ontario, and that issues are addressed swiftly and completely;
- Indemnity provisions, including that the City may be responsible for its proportionate share of the cost for repairs incurred as a result of a breakdown of processing centre equipment;
- Requirements for fee payments in accordance with the cost-sharing arrangement described above; and
- Requirements that partnering municipalities comply with privacy and other provisions required by the MTO or connected to the City's obligations under the Operational Agreement with MTO.

## Site Selection Process

Once the legislation and associated regulation(s) have been proclaimed in force, there will be two (2) ASE cameras installed in each ward, for a total of 50 sites within the first term of the contract. The selection of the specific sites will be determined using a data-driven approach which involves a thorough analysis of speed and collision data. The criteria for prioritizing and selecting sites was developed through the ASE Municipal Working Group and will incorporate best practices as outlined by the National Highway Traffic Safety Administration's (NHTSA) operational guidelines for Speed Enforcement Camera Systems, and lessons learned from other Canadian jurisdictions.

## CONTACT

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## SIGNATURE

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## ATTACHMENTS

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### Attachment 1. Transportation Capital Budget Reallocation

## Attachment 1. Transportation Capital Budget Reallocation

Program Area	CTP Account	2019 Approved Cash Flow	2019 Proposed Adjustment	Revised 2019 Cash Flow
RSP Transportation Safety & Local Improvement Program	817-03	\$1,765,871	-\$700,000	\$1,065,871
RSP Local Geometrics Safety Improvement and School Children/Pedestrian Emphasis Area	717-58	\$13,359,265	-\$1,400,000	\$11,959,265