

City of Mississauga

Corporate Report



Date: June 5, 2020

To: Mayor and Members of Council

From: Geoff Wright, P.Eng, MBA, Commissioner of
Transportation and Works

Originator's files:

Meeting date:
June 24, 2020

Subject

Automated Speed Enforcement Update

Recommendations

1. That the report from the Commissioner of Transportation and works, dated June 5, 2020, entitled, "Automated Speed Enforcement Update", be received for information.
2. That the Transportation and Works Department continue to identify and implement new school zone speed limits and Community Safety Zones as part of the Neighbourhood Speed Limit Project, as time and resources permit during the COVID-19 pandemic.
3. That all new school zone speed limits and Community Safety Zones be in place for a reasonable period of time prior to the deployment of Automated Speed Enforcement to allow communities time to adapt to the lower speed limit prior to enforcement activities being implemented;
4. That the launch of Automated Speed Enforcement Phase 1 be postponed until the beginning of 2021 at the earliest, and a start date be determined once the full impact of COVID-19 on City services is better known;
5. That the Purchasing Agent be authorized to execute an agreement with Redflex Traffic Systems (Canada) Limited, including any ancillary documents and amending agreements, in the estimated amount of \$520,000.00 excluding taxes, for the supply, installation, operation and maintenance of Automated Speed Enforcement Systems for a four (4) year period, starting when the agreement is executed, in accordance with the terms and conditions of the Request for Proposal executed by the City of Toronto on behalf of the City of Mississauga and other participating Automated Speed Enforcement municipalities, in a form satisfactory to Legal Services.
6. That the Purchasing Agent be authorized to execute amendments to the agreement with Redflex Traffic Systems (Canada) Limited to increase the value as required to

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accommodate growth and for expansion of the ASE program where approved in the budget.

7. That the City Manager and CAO of the City of Mississauga provide a letter to the City of Toronto to request they undertake centralized municipal processing of Mississauga's Automated Speed Enforcement offence notices.
8. That the Purchasing Agent be authorized to execute an agreement with the City of Toronto, including any ancillary documents and amending agreements, in the estimated amount of \$880,000.00 excluding taxes, for a four (4) year period, starting when the agreement is executed, to undertake the processing of Mississauga's Automated Speed Enforcement offence notices, in a form satisfactory to Legal Services.
9. That the Purchasing Agent be authorized to execute amendments to the agreement with the City of Toronto to increase the value as required to accommodate growth and for expansion of the ASE program where approved in the budget.
10. That the Commissioner of Transportation and Works be authorized to execute an agreement with the Ontario Ministry of Transportation related to the operation of the Automated Speed Enforcement Program, including any ancillary documents and amending agreements, in a form satisfactory to Legal Services.
11. That a letter be sent on behalf of Council of the City of Mississauga to the Minister of Transportation Ontario to request that the Province enact legislation to allow the use of Administrative Penalties to process Automated Enforcement violations, including the creation of all necessary legislative amendments that would direct the net revenue from Automated Enforcement penalties to municipalities.
12. That a letter be sent on behalf of Council of the City of Mississauga to the Minister of the Attorney General to request that additional Justices of the Peace be allocated to the City of Mississauga to address the increase in provincial offences as a result of Automated Speed Enforcement.
13. That the Transportation and Works Department develop criteria and a Policy for the application of Community Safety Zones beyond the previously approved school zone areas.
14. That the appropriate City staff plan for the deployment of a robust Automated Speed Enforcement Phase 2 Program, including the determination of the preferred dispute resolution system, including all necessary budgets, staffing requirements, and facilities.

Report Highlights

- In April 2019, the City of Toronto issued a Request for Proposal (RFP) on behalf of all participating municipalities for Automated Speed Enforcement (ASE), which resulted in the selection of Redflex Traffic Systems (Canada) Limited as the successful vendor.
- A City of Mississauga ASE Phase 1 Program was proposed as part of the 2020 Business Planning Budget process and subsequently approved as part of the 2020 Budget.
- An ASE Program advances the City's commitment to Vision Zero and delivers on action items outlined in the Transportation Master Plan.
- In December 2019, Council approved a Neighbourhood Area Speed Sign (NASS) Project that included 30 km/h neighbourhood school zone speed limits and school area Community Safety Zones.
- The COVID-19 pandemic has delayed the NASS Project, including the implementation of City-wide 30 km/h neighbourhood school zone speed limits and school area Community Safety Zones.
- COVID-19 has also resulted in the temporary closure of all Municipal Courts, which has impacted the ability to deploy ASE in 2020 as planned.

Background

The City of Mississauga has identified a speeding problem on many of its roadways. As part of the 2020 Budget, Council approved an expedited program to implement 40 km/h Neighbourhood Area Speed Zones, 30 km/h School Zones within neighbourhoods, and School Area Community Safety Zones in all City neighbourhoods. Reducing the posted speed limit on residential roads does not often result in a corresponding reduction in vehicle operating speeds. Additional countermeasures are needed in order to address the anticipated difference between operating speeds and the new posted speed limits.

Though many programs and initiatives have been implemented in order to address speeding issues in some areas, the speeding problem persists. Automated Speed Enforcement (ASE) has been used effectively in other jurisdictions to address excessive speeding.

Provincial Announcement

The much-anticipated Regulation for ASE was filed on November 29, 2019. The topics covered in the Regulation and corresponding material provided by the Ministry of Transportation Ontario (MTO) include general operating requirements, site selection guidelines, an education/warning period, mandatory warning signage, and a mandatory municipal and MTO evaluation period and criteria. There was also an indication that the Parliamentary Assistant to the Minister of Transportation will conduct a 180-day review of ASE to ensure municipal ASE programs are meeting transparency and road safety objectives.

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Mississauga ASE Planning

A limited ASE Phase 1 Program was approved through the 2020 budget process which was planned to begin operation in September of 2020. In addition, through the 2020 budget process, the city-wide implementation of 30 km/h neighbourhood school zone speed limits and neighbourhood school area Community Safety Zones was approved.

In an effort to address as many locations as possible, while working within the limitations of early deployment of ASE, a Phase 1 Program operating 2 mobile ASE cameras was proposed. As the ASE program evolves, the type of equipment, number of operating days, daily operational hours, and the number of cameras deployed may change.

Through the planning process, it was anticipated that Mississauga's court system could handle approximately 8,700 annual charges with current resources.

Preliminary ASE planning and potential ASE charge volumes were based on a school zone speed limit of 40 km/h. The planned Neighbourhood Speed Limit Project, which includes the lowering of speed limits within neighbourhood school zones to 30/km, is anticipated to significantly increase the projected charge volumes.

Comments

ASE Vendor

The City of Toronto, on behalf of all municipalities interested in operating ASE, issued a Request for Proposal (RFP) in 2019. The RFP consisted of a proof of performance evaluation, technical proposal evaluation and cost of services. A number of staff from various municipalities throughout the province participated in the evaluation. A fairness monitor was also retained to oversee the RFP process. Based on the technical proposal score and the cost of services score, Redflex Traffic Systems (Canada) Limited was evaluated as the highest scoring proponent meeting the requirements set out in the RFP.

A number of Ontario municipalities have deployed, or are in the process of deploying ASE equipment. However, no speeding charges have been issued at this time.

COVID-19 Impacts

The COVID-19 emergency has had a number of impacts on ASE within the Province, specifically:

- Some municipalities are considering delaying the deployment of ASE until school resumes in September, although municipalities continue to re-evaluate this decision and consider the impacts of speeding in their communities;

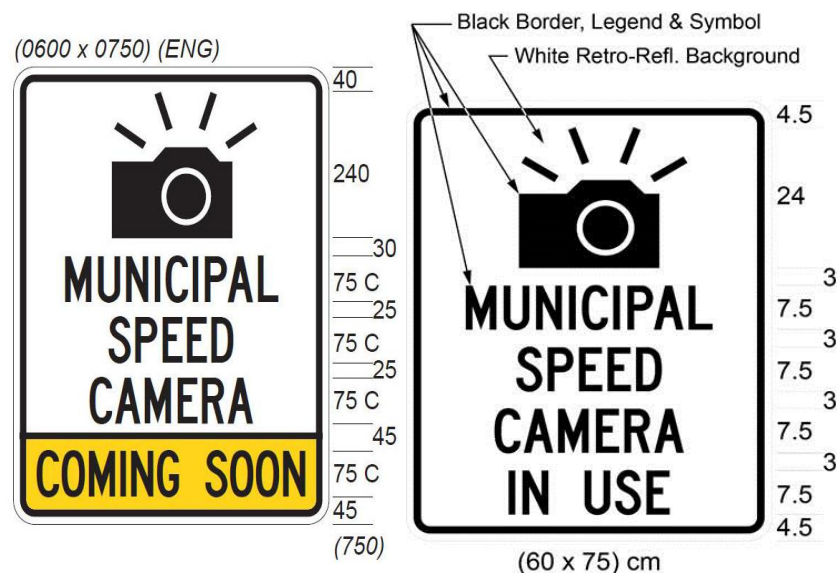
- The Joint Processing Centre (JPC) operated by the City of Toronto was initially deemed non-essential and was closed when the pandemic emergency began, therefore the City of Toronto did not start issuing ASE charges as planned in April; this decision continues to be reevaluated;
- All Ontario provincial courts are closed and the impact on municipalities' ability to process ASE charges is currently unknown and being investigated.

While there has been some indication from the police and media that the number of stunt driving charges (usually 50 km/h or more above the limit) has increased due to less traffic on roadways throughout the province, speed data observed on Mississauga's residential roadways indicates operating speeds remain consistent with historical levels.

Site Selection

ASE will be deployed to neighbourhood Community Safety Zones (once the new speed limit and School Area Community Safety Zone designations have been implemented) where known speeding concerns exist. These sites will be prioritized based on the severity of the speeding concern and taking into account other factors such as overall traffic volumes, the presence of sidewalks or cycling facilities, neighbourhood pedestrian generators such as schools and parks, and collision history. Expansion beyond neighbourhood School Area Community Safety Zones is not recommended at this time.

All ASE sites will be communicated to the public to ensure a fair and transparent process. In addition, in advance of any ASE charges, provincially-mandated advisory signs will be installed at each site. Once an ASE site becomes active, the 'Coming Soon' signs will be replaced with advisory signs indicating that ASE is in use.



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Mississauga Provincial Court Update

Staff from Court Administration and Prosecutions have been involved in ASE planning and contributed to the preparation of this report.

Any ASE program results in the issuing of a provincial offence ticket for violating the Highway Traffic Act which is provincial legislation falling under the authority of the Provincial Offences Act (POA). Vehicle owners who get a provincial offence ticket have three options to resolve it:

- Pay your provincial offence ticket online, by phone or in person at the courthouse;
- Request an early resolution meeting to settle your ticket without going to trial; or
- Request a trial to dispute your ticket.

All trials and early resolution meetings scheduled between March 16 through to and including July 3, 2020 are being adjourned due to COVID-19 and with the potential for an extension of the court closure, more adjournments may be required.

Due to the closure of all Courts and the need to re-schedule hearings/matters which were scheduled during this period, and the increasing strain on judicial resources, there are serious concerns with the ability of the court system to be able to take on additional charges in 2020 and into early 2021. This is a concern that will likely be similar throughout the province.

Staff is working closely with our local judiciary to find ways of safely re-opening the courts when we are directed to do so. However it has been made clear that physical distancing will remain critical thereby restricting the number of matters that will be dealt with in each courtroom. These anticipated changes to the system will only exacerbate the current backlog created by the closure due to the pandemic and will likely result in many traffic offences not being dealt with well into 2021. From a court administration perspective, there are a number of issues that will need to be addressed before the City is able to add any new volume of charges to the system.

ASE Approval

In order to implement an ASE program, staff require City Council authority to enter into an agreement with:

- Redflex Traffic Systems (Canada) Limited for the supply, installation, operation and maintenance of ASE Systems for a four (4) year period, starting when the agreement is executed, in accordance with the terms and conditions of the Request for Proposal executed by ASE municipalities;
- the City of Toronto to undertake the centralized municipal processing of Mississauga's ASE offence notices;
- the Ontario Ministry of Transportation related to the operation of the ASE program.

In order to execute the necessary agreements between the above-mentioned parties, approximately six (6) months lead time is required. A report to City Council will be brought forward to City Council approximately six months prior to ASE deployment in Mississauga.

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ASE Revenue

With any automated enforcement program there is a resulting net revenue source resulting from paid fines. Depending on the size of the ASE program, and the necessary resources associated with its operation, many automated enforcement programs eventually become a revenue neutral or revenue positive initiative. From the very beginning of ASE planning in 2009, Mississauga intended to allocate any revenue above the operating costs back into road safety programs. This approach was mirrored in the provincial guidelines for ASE which state that '*municipal revenue, collected under any Municipal ASE program, that exceeds the costs of delivering the Municipal ASE program is used to support local public safety and educational initiatives.*'

Future ASE Planning

A limited ASE Phase 1 Program was developed and approved through the 2020 Budget Planning Process. This program is limited in scope and therefore preliminary planning for ASE – Phase 2 began through the 2021 Budget Planning Process. An expanded ASE program would work towards the deployment of ASE technology rotating frequently through the more than 200 residential school zones within the city (when speeding compliance is observed to be a concern). In addition, any proposed expansion to ASE would be developed so that ASE technology would be deployed in an equitable manner across the City's 11 Municipal Wards.

For example, the expansion of ASE to a program where 22 cameras rotate through neighbourhood community safety zones in an equitable manner across the City's 11 Municipal Wards would generate in excess of 160,000 annual charges. Further expansion of ASE operating hours, or ASE deployment on major collector or arterial roadways would exponentially increase the number of annual charges.

In most municipalities, the potential for ASE to overwhelm the court system exists which has led to many municipalities formally requesting the Province to allow the use of an Administrative Penalty System for ASE. The Administrative Penalty System is the City's preferred method for dealing with ASE charges. In order for Mississauga's ASE Program to expand to the desired level, the Province must implement an Administrative Penalty System for ASE, including the creation of all necessary legislative amendments that would direct the revenue from ASE penalties to municipalities.

The Getting Ontario Moving Act was passed in 2019, and allowed for the creation of the future regulations to enable administrative penalties for school bus cameras. The City, and many other municipalities throughout the Province, continues to advocate for the use of an Administrative Penalty System to process all charges generated by all Automated Enforcement programs. At the time this legislation passed, the government committed to developing an Administrative Penalty regime for school bus cameras exclusively and would likely be in a position to implement that regime by 2022. The Province is now exploring the possibility of expanding the scope of this work to include ASE and Red Light Cameras as part of the same initiative.

The planned reduction of speed limits within residential school zones to 30 km/h will further increase the capacity constraints of the ASE program. This further emphasizes the importance

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of the Province proclaiming amendments to the Highway *Traffic Act* that will allow for the use of Administrative Penalties for vehicle-based infractions.

It should be noted, that additional Provincial Courtrooms, as well as all the associated Court and Prosecution resources, would be required to handle a substantial increase in the number of Provincial Offences that an ASE program would generate. Similarly, should the Province allow ASE to operate under an Administrative Penalty System, additional resources would be required to expand the capacity of Mississauga's Administrative Penalty System.

Financial Impact

An ASE Phase 1 Program was proposed as part of the 2020 Business Planning Budget process and subsequently approved as part of the 2020 Budget in cost center 23972. The decision to delay the implementation of ASE Program to 2021 will have a financial impact in 2020 as per the table below.

	2020 Actuals	2020 Budget	Var Actual to Budget Fav/(Unfav)
Labour Costs	43,880	43,880	0
ASE Operating Cost	77,000	255,000	-178,000
Revenue		-230,000	230,000
Net Costs	120,880	68,880	52,000

The program costs identified in this report for the period of four (4) years is estimated to be \$520,000 for contract services provided by Redflex Traffic Systems (Canada) Limited for the delivery, installation and maintenance of the equipment for the program, and \$880,000 to undertake centralized municipal processing of Mississauga's Automated Speed Enforcement offence notices by the City of Toronto. The total potential cost to the City is \$1,400,000.

Once ASE is operational, the total estimated costs to operate the ASE program including the contract award, additional staffing, court related costs, and centralized processing are expected to be offset by fine revenue from charges issued during the operation of the program.

The financial impact for subsequent years will be included in the Operating Budget submission for consideration during the 2021 and respective future budget process.

Conclusion

The planned change in City-wide neighbourhood speed limits further increases the need for countermeasures such as ASE to reduce operating speeds within neighbourhoods. While the impacts of the COVID-19 pandemic on many City services are not completely known at this time, there are currently detrimental impacts on both the delivery of the Neighbourhood Area

Speed Limit Project and Court capacity in the short to long term. It is therefore important to continue to plan and position the City to be a municipality where ASE is deployed among the first group of municipal ASE programs.

Staff from the Transportation and Works Department request Council endorse the implementation of the Automated Speed Enforcement, grant authority to enter into a purchasing agreement with Redflex Traffic Systems (Canada) Limited for the delivery, installation and maintenance of the equipment for the program, and execute all necessary Agreements with other parties required to implement the program, such as MTO with respect to operation of the program and the City of Toronto to undertake the centralized municipal processing of Mississauga's ASE offence notices.



Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

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