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**Date** June 22, 2022 **Report No.** 2022-422

**To** Chair and Members  
Vision Zero Road Safety Committee

**From** Heidi de Vries  
General Manager, People, Legislated Services & Planning

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## 1.0 Type of Report

Consent Item	<input checked="" type="checkbox"/>
Item For Consideration	<input type="checkbox"/>

## 2.0 Topic Provincial Offences Act Camera Based Offences and Administrative Penalty System [Financial Impact - Unknown]

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## 3.0 Recommendation

- A. THAT Report No. 2022-422 titled "Provincial Offences Act Camera Based Offences and Administrative Penalty System" BE RECEIVED; and
- B. THAT Staff BE DIRECTED to commence the steps necessary to implement an Administrative Penalty System in preparation for the implementation of camera-based offences in the City of Brantford, including the negotiation of all agreements necessary to commence this program, the preparation of by-laws, and the procurement of the necessary software, among other things, and to include the costs of the APS program as an unavoidable increase in the 2023 Provincial Offences Administration Court budget; and
- C. THAT Staff BE DIRECTED to bring forward a report in Q4-2023 with an implementation plan for Automated Speed Enforcement including financial and operational impacts for all impacted departments.

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## 4.0 Background

On November 29, 2021, the Vision Zero Committee received Report No. 2021-742, Automated Speed Enforcement Update. The report set out the details of what would be required and the anticipated costs of implementing an Automated Speed Enforcement program. A copy of Report No. 2021-742 is attached to this report as Appendix “A” for ease of reference.

Within Report 2021-742, it was noted that the costs of administering the charges arising from the program were not fully included in the cost estimate provided to the Committee and that staff were considering the implementation of what was then known as an Administrative Monetary Penalties System, an alternate means to administer and dispute charges issued under municipal by-laws and camera based offences.

Camera based offences are currently administered and prosecuted through the Provincial Offences Act Court (“POA”) in the municipalities that impose charges for Red Light Camera (“RLC”) and Automated Speed Enforcement (“ASE”) offences. At present, the POA Court is experiencing a reduction in judicial resources to one third of the level provided prior to the pandemic. It is unlikely that there will be a recovery to full judicial resourcing for years to come; meaning that the current capacity of the POA Court would not be able to absorb the influx of anticipated camera based charges at its current staffing and resource levels. The reduction in judicial resources is being experienced throughout the Province and is not unique to Brantford.

In April 2022, in an effort to reduce delays caused by a lack of judicial resources and streamline the process for dealing with camera based offences, the Province of Ontario passed O. Reg. 355/22 “Administrative Penalties For Owner Contraventions Detected Using Camera Systems” under the *Highway Traffic Act*, R.S.O. 1990, c. H.8. This streamlining initiative allows camera based enforcement programs to be processed through an Administrative Penalty System (“APS”). APS programs have the potential to reduce the processing time associated with the adjudication of matters through traditional court systems and would allow a means to overcome the reduced availability of judicial resources.

On April 25, 2022 a meeting was held with the Ontario Traffic Council (“OTC”) and various municipalities to discuss the next steps associated with the announcement of O. Reg. 355/22 “Administrative Penalties For Owner Contraventions Detected Using Camera Systems” under the *Highway Traffic Act*, R.S.O. 1990, c. H.8. The information discussed in this meeting prepared

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municipalities for the process of moving camera based offences out of the POA Court and into an APS program.

While municipalities now have the legislative ability to administer and prosecute camera based offences through an APS program a significant roadblock was identified during the OTC meeting. The APS software needed to administer the new types of offences has not yet been developed. This software is needed to communicate the information between the court and the Province in relation to these traffic based offences, and to provide for a financial reconciliation to record and transmit the Victim Surcharge component of the fine. A working group has been created to work with the Ministry of Transportation (“MTO”) and Ministry of the Attorney General (“MAG”) to create guideline(s) and software requirements for automated camera based enforcement.

## **5.0 Analysis**

### **5.1 Staffing Costs**

Implementing an APS in Brantford will allow the City to process offences without the need to rely on judicial resources supplied by the Province. It is a necessary companion to the implementation of camera based offences, where the volume of charges is significantly higher than the offences issued through traditional enforcement measures, specifically at a time when those judicial resources are not available at levels required to process that volume of offences.

The City of Brantford historically received between 10,000 to 15,000 charges per year (pre-pandemic). Brantford’s POA court is currently staffed with one prosecutor, three administrative staff, one collections staff and the Court Manager to handle this caseload. Initial estimates indicate the POA office will receive approximately 6,000 to 10,000 or more additional charges once the (already approved) City Red Light Cameras and Brant County ASE are implemented. The numbers above are without the implementation of ASE in Brantford. Staff have estimated that upon ASE implementation in Brantford, charges received will amount to at least 30,000 per year. Discussions with other municipalities indicate this number may be a modest projection and that the numbers could be significantly higher.

The setup of an APS has many similar features to the POA Court Office. APS staff will be required to process the tickets, which processing then communicates with the Province to provide information and to collect the Victim Surcharge. For those matters that are contested, a screening officer (similar to a prosecutor), would review the evidence, potentially meet with the offender to

discuss resolution, or proceed to a hearing where the evidence would be presented to a hearings officer. The hearings officer would then decide whether to cancel, reduce or affirm the fine.

In order to run the program with the number of anticipated offences, two administrative staff, one screening officer and a part time hearings officer would be required. This would be sufficient to process approximately 15,000 to 20,000 camera based offences per year. In speaking with other municipalities, their experience suggests that an additional administrative position would be required for every additional 10,000 offences per year.

## **5.2 Challenges that may Impact Implementation**

For an APS program to operate a designated Provincial Offences Officer needs to issue the penalty order. This is currently done through a contract signed with the Joint Processing Centre (“JPC”) located in Toronto. Due to increasing demand on the JPC, the number of municipalities and the number of penalties processed at the JPC are being restricted. Until an expansion of the JPC occurs or there is the creation of a JPC by another municipality, any expansion of automated enforcement programs that are not already approved will have to be placed on hold.

Those municipalities that create a JPC do so with staff who are dedicated to reviewing the evidence received from the camera and are not involved in the administration or prosecution of the offences. In order to maintain the integrity of the program and to ensure the public’s confidence in the judicial system, Provincial Offences Officers who issue a penalty order cannot participate in the administration or screening process through the APS system as this would give rise to a conflict of interest.

## **5.3 Additional Work Required Prior to Implementation**

Discussions with the Ministry of the Attorney General and other jurisdictions currently involved in APS programs have set out that operating camera based enforcement through APS will require a by-law to establish the program and signed agreements with the MTO, JPC and MAG (MAG agreement not currently completed) in order to run the program.

## **5.4 Implementation of ASE**

Staff did not receive direction from Council through Report No. 2021-742, to move forward with an ASE program. Should this Committee wish to make a

recommendation to Council in this regard, the recommendations contained within this report would provide the necessary direction to staff to move forward with the implementation of ASE, subject to future reporting on actual costs and departmental impacts, as well as the implementation of an APS program to handle the increased prosecution of offences arising from the ASE program and to address the lack of judicial resources within the POA courts.

## 6.0 Financial Implications

The cost to purchase the APS software is currently unknown as it is in development. The working group created to develop a camera based APS software program is optimistic that something could be made available in late 2022 or early 2023. With multiple municipalities involved in the working group, including the City of Brantford, there is an opportunity to use the purchasing power of the collective to realize a reduced cost that may not be seen if the software were purchased independently.

Other undetermined overhead charges and costs associated with running business will be incurred. Such costs include Moneris, facility, office supplies, books/reference materials, possible software licences, interpretation services, etc. These costs will not be fully attributable to the APS program and the apportionment would be determined by the charges administered under the program.

The table below identifies the approximate 2023 staffing costs for a City to run an APS program.

**STAFFING REQUIREMENTS FOR APS FOR 2023**

Description	Cost
Court Manager (50% of annual costs)	\$73,512.00
*POA/APS Administration Clerk (2 @ \$100,000)	\$200,000.00
Assistant Prosecutor/Screening Officer (1 @ \$115,000)	\$115,000.00
Hearings Officer (contracted at \$500/day) (1 day per week)	\$26,000.00
Total Cost	\$414,512.00


\*(Additional Admin Clerks recommended every 10,000 charges)

The costs set out in the chart above capture the staffing costs of the program that would be used to administer charges arising from all camera based offences. The total above would not be fully attributed to the ASE program.

The City of Brantford currently provides provincial offences court services to the County of Brant and Six Nations. There is a cost sharing agreement in place to offset the administrative costs of the program. All revenue received from tickets is used to first pay for the administrative costs of the court and the remaining revenue is split between the municipalities based on the number of tickets received from each municipality. The agreement requires that if the municipalities are contemplating an APS they have to renegotiate the terms of the agreement. As this process moves forward, staff will need to renegotiate the agreement to include the APS program in the agreement and ensure that costs and revenue allocation is proportionately split in accordance with the current formula, based on the location in which the ticket paid was issued by municipality. The cost sharing agreement would reduce the costs incurred by the City to administer the APS program. Once the program is fully operational it is expected that with RLC, County ASE charges and eventually City ASE charges that the program costs will be offset by revenues through the camera based enforcement tools and streamlining to an APS program.

## 7.0 Conclusion

An APS program will be necessary to in order to administer the quantity of charges expected to result from the implementation of camera based offences in Brantford. The full picture of the costs associated with the APS are not known at this time as the software component, necessary to administer camera based offences through the APS, has not yet been developed. Further, it is difficult to quantify how overhead costs would be apportioned to this program without knowing the volume of offences arising from the ASE program. Given the experience of other municipalities; however, staff expect that the program costs will be offset by revenues received once the program is fully operational. An APS will assist in achieving the Vision Zero Committee's mandate through increased deterrence with timely hearings and the minimization of administrative delays.



Heidi de Vries  
General Manager, People, Legislative Services & Planning

Prepared By:

Jason Carriere, Manager of Court Administration

Attachments: Report 2021-742

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required ☐ yes ☒ no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk ☐ yes ☒ no

Is the necessary by-law or agreement being sent concurrently to Council? ☐ yes ☒ no



Alternative formats and communication supports available upon request. Please contact accessibility@brantford.ca or 519-759-4150 for assistance.

**Date** November 29, 2021 **Report No.** 2021-742

**To** Chair and Members  
Vision Zero Road Safety Committee

**From** Inderjit Hans, P.Eng., PMP  
General Manager, Public Works Commission

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## 1.0 Type of Report

Consent Item ☐  
Item For Consideration ☒

## 2.0 Topic **Automated Speed Enforcement Update [Financial Impact – \$241,400]**

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## 3.0 Recommendation

A. THAT Report No. 2021-742 titled “Automated Speed Enforcement Update” BE RECEIVED.

## 4.0 Executive Summary

Speeding complaints are a primary concern raised by Councillors and residents throughout the municipality. ASE assists municipalities by improving speed compliance when a camera has been installed in a designated community safety zone and/or school zone.

The Province of Ontario approved regulations in December 2019 for municipalities to utilize Automated Speed Enforcement (“ASE”). A small number of municipalities began ASE operations in 2020 setting up camera locations following provincial guidelines and regulations. Overall, the use of Automated Speed Enforcement cameras has had a positive impact in reducing vehicle speeds within these designated zones. Based on the evaluation of these



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programs, several operational impacts have been identified in processing violations.

The Province of Ontario is currently reviewing adding Automated Enforcement programs to the Administrative Monetary Penalty System. In preparation for these changes and to consider Automated Speed Enforcement in 2023, it is recommended that staff evaluate how to establish an Administrative Monetary Penalty System in Brantford and begin developing a ranking of roadways that would be suitable for Automated Speed Enforcement. It is proposed that staff will report to Committee and Council in 2022 with further details and the expected resources required.

## **5.0 Purpose and Overview**

To present to the Vision Zero Road Safety Committee an analysis of the costs associated with Automated Speed Enforcement for discussion and recommendation to City Council.

## **6.0 Background**

At the Vision Zero Road Safety Committee meeting held August 25, 2021, members received a presentation on the results of the Red Light Camera Feasibility study. The following recommendation was approved at City Council on September 28, 2021:

- F. THAT Staff BE DIRECTED to report back to the Vision Zero Road Safety Committee with further analysis of the costs of the Automated Speed Enforcement (ASE) program.

ASE is a tool to improve road safety and change driver behavior. The automated system uses a digital camera system (“camera”) to detect and capture images of vehicles travelling in excess of the posted speed limit. Provincial Offence Officers from the City of Toronto’s Joint Processing Centre (“JPC”) review the images and when a vehicle travelled in excess of the posted speed limit, a ticket will be issued to the owner of the vehicle. The only penalty that can be imposed is a fine; no demerit points are issued and there is no impact to a driver’s record. The JPC is currently reviewing capacity issues and will not be accepting any additional municipalities until approximately 2023.

In December 2019, the Province of Ontario approved regulation O.Reg. 398/19 under the Highway Traffic Act, R.S.O. 1990, c. H.8: Automated Speed Enforcement. This regulation allows municipalities to administer ASE in

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community safety zones and school zones. The purpose of the program is to reduce operating speeds in zones, which would need to be formally designated through a municipal by-law.

## **7.0 Corporate Policy Context**

City of Brantford, Council Priorities, 2021-2022

Priority #3: A safe, efficient transportation system connects the community across neighbourhoods, with neighbouring communities and provincial transportation networks.

Tier 2 Priority d) Investigate City-wide traffic technologies to enhance traffic safety, including mobile radar units

City of Brantford's Road Safety Plan

2021 – 2022 Enforcement Actions and Evaluations

Action B: Complete high level feasibility study for Automated Speed Enforcement (ASE) Program.

## **8.0 Input From Other Sources**

Legal and Real Estate Services Department  
Finance Department

## **9.0 Analysis**

Speeding complaints are a primary concern raised by Councillors and residents throughout the municipality. ASE assists municipalities by improving speed compliance when a camera has been installed in a designated community safety zone and/or school zone.

ASE operates in a similar manner to that of the Red Light Camera program. Once City Council approves the use of Automated Speed Enforcement, the municipality must enter into three agreements. The agreements are:

1. Automated Speed Camera Vendor; and
2. Ministry of Transportation Ontario; and
3. The City of Toronto Joint Processing Center

Roadways will be reviewed and ranked based on provincial requirements that take into consideration the following:

- Roadway Volume
- Identified Zones with Speed Issues

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- Collision history
  - Roadway Design Features and Infrastructure
  - Community Areas (e.g. schools, seniors, community centres, etc.)

A copy of the Ministry of Transportation ASE Guidelines are attached as Appendix “A” to this report.

### **Processing of Violations**

Violations under the ASE program are currently processed through the City of Toronto’s JPC on behalf of all participating municipalities. The JPC employs Provincial Offences Officers and administrative staff for reviewing and issuing charges. The JPC is currently reviewing capacity issues and will not be accepting any additional municipalities until approximately 2023. Costs associated with operating the JPC would be shared by participating municipalities and is calculated based on the number of charges issued within each respective jurisdiction.

### **Administrative Monetary Penalty System (“AMPS”)**

The addition of ASE would also have an increased burden on the City’s Provincial Court system. The Court would be unable to absorb the ASE program with its current staffing levels and COVID-19 protocols. This is a similar concern that has been raised across the Province. The Ministry of Transportation Ontario is currently exploring moving all Automated Enforcement programs to the Administrative Monetary Penalty System (“AMPS”) to help ease the burden the ASE program has put on the Provincial Court system; however, the necessary legislation has not yet been passed.

AMPS enforcement transfers the dispute of charges issued under by-laws from the courtroom to the municipality through the use of Screening and Hearings Officers who are able to modify, cancel, or affirm penalties. This approach aids in reducing congestion in the courts and provides access to an alternative dispute resolution system.

Reallocating Automated Enforcement programs, when possible, or the prosecution of other municipal by-law offences to AMPS would assist in reducing the impact on the Provincial Court.

### **Staffing**

The City of Brantford currently does not operate AMPS. In a number of municipalities, AMPS have been established through their Parking Enforcement programs.

Staff would need to review operations to determine how best AMPS would operate at the City of Brantford. It is expected that additional staff would be required to administer the program. The cost to administer the AMPS program is not covered in this report.

The ASE program has a significant impact on Transportation staffing resources. This is a result of the Provincial guidelines and regulatory requirements that must be followed, including; traffic studies, site preparations, evaluation, tracking and reporting of system operations and establishing new community safety zones. In order to accommodate this program one Operational Services Traffic Technologist would be required to effectively run the ASE program.

### **Municipal Scan**

Below is a list of municipalities that are currently running ASE programs:

- City of Brampton
- Durham Region
- City of Hamilton
- City of London
- City of Mississauga
- City of Ottawa
- Peel Region
- City of Pickering
- City of Toronto
- City of Waterloo
- York Region

### **Next Steps**

Legal and Real Estate Services Staff are monitoring the legislative changes proposed, and considering the implementation and the costs of the AMPS program. A report on the costs of the AMPS program is being prepared, but given the proposed changes to the legislation and the impact it will have on this program, the report is not available at this time.

Operational Services staff will undertake a review of roadways for implementation of Automated Speed Enforcement, in conjunction with establishing Community Safety Zones, and report to the Vision Zero Committee in Q3 of 2022.

## 10.0 Financial Implications

The cost to operate the ASE program is based on a number of variables, including: year entering the contract and camera type to be installed. Should City Council direct staff to join the ASE program in 2023, staff estimate an annual revenue of \$298,951.41. Staff recommend revenues be transferred to an ASE reserve account for the sole use of roadway safety initiatives as supported through the Vision Zero Action Plan. A summary of the costs are outlined in Table 1 below:

### 2023 ASE Program Cost Summary

Description	Cost
*Violations	\$1,000,000
Vendor Costs	(\$49,048.59)
MTO/JPC Costs (not including startup cost of \$100,000)	(\$410,600)
Municipal Costs	(\$241,400)
Potential Revenue	\$298,951.41

\*Staff estimate 10,000 violations per year with an average of \$100 per violation.

A further breakdown of the ASE program estimated costs are outlined below.

### Vendor

Staff recommend the use of a mobile camera system. The camera will be rotated monthly to the identified areas. A summary of the vendor costs are outlined in Table 2 below:

### Vendor Cost Summary

Description	Cost
Camera Setup Cost	\$253.29
Camera Redeployment Cost (12 Locations)	\$900.00
*Camera Daily Operational Rate (\$131.22 per day)	\$47,895.30

Yearly Vendor Cost	\$49,048.59
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\*The daily cost to operate the camera system in years six (6) through ten (10) is reduced to \$75.80 per day for municipalities that begin operations within the first five (5) years of the contract (2019 through 2023).

### **Ministry of Transportation Ontario and City of Toronto Joint Processing Centre**

The MTO provides vehicle ownership information to the JPC. A summary of the MTO/JPC costs are outlined in Table 3 below:

#### **MTO/JPC Cost Summary**

Description	Cost
MTO vehicle ownership information (\$1.06 per violation)	\$10,600
Joint Processing Setup Cost (One Time Cost)	\$100,000
JPC Violation Processing fee (\$20.00 per violation)	\$200,000
Victim Surcharge fee (20% of the violation cost)	\$200,000
Total Cost	\$510,600
Total Yearly Cost (minus setup fee)	\$410,600

### **Municipal Operating Costs**

Municipal operating costs associated with ASE are outlined in Table 3 below:

Description	Cost
*Provincial Offences administration fees (Estimate 20% of violations will be contested)	\$130,000
Operational Services Transportation Technologist position	\$98,000

Signage	\$2,400
Communications	\$5,000
Traffic Studies (12 locations)	\$6,000
Total Municipal Operating Cost	\$241,400

\*The cost to administer the AMPS program is not covered in this report. This number is subject to change upon further analysis of the costs of the AMPS program and its impact on Provincial Offenses operations, which may still be required to process tickets and payments prior to diversion of the dispute of a charge to the AMPS process.

## 11.0 Conclusion

The operation of Automated Speed Enforcement assists municipalities improve speed compliance and road safety within the designated safety zones. The JPC is currently reviewing capacity issues and will not be accepting any additional municipalities until approximately 2023. ASE also aligns with the City of Brantford's Vision Zero Action plan goal of eliminating serious and fatal injuries.



Inderjit Hans, P. Eng., PMP  
General Manager, Public Works

Prepared By:

David Ferguson, Manager, Traffic Services

Attachments (if applicable)

Appendix "A" – Ministry of Transportation Automated Speed Enforcement Guidelines

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required

☐ yes ☒ no

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Agreement(s) or other documents to be signed by Mayor and/or City Clerk      ☐ yes   ☒ no

Is the necessary by-law or agreement being sent concurrently to Council?      ☐ yes   ☒ no