

Bill 65 - Safer School Zones Act

Background

In May 2017, the Legislative Assembly of Ontario passed Bill 65, the Safer School Zones Act. This bill included provisions to allow more flexibility to establish speed limits for areas within the municipality, provides a more streamlined process for municipalities to participate in Ontario's Red Light Camera program and authorizes the use of Automated Speed Enforcement systems in community safety zones. These amendments are described in more detail below.

Reduced Speed Limit Areas

At the November 16, 2015 Operations Committee meeting, staff presented a report entitled "Speed Limits in the City of Greater Sudbury."

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&language=en&id=857&itemid=10396>

This report provided an overview of how speed limits are determined throughout the City and a summary of observed operating speeds based on posted speed limits. Bill 65 provides an amendment to the Ontario Highway Traffic Act (HTA) which allows municipalities to designate a speed limit within an area which differs from the statutory speed limit of 50 km/h. At this time, the regulation to enact this change has not been developed so it is unclear how municipalities will be permitted to designate these areas. Staff will bring forward a report describing how these reduced speed limit areas can be used within the City once the regulation has been developed.

Red Light Camera Systems

Bill 65 provides a more streamlined process for municipalities to participate in Ontario's Red Light Camera (RLC) program. A study is underway to determine if any intersections within the City would benefit from the installation of a Red Light Camera system. A report on the findings of the study will be brought forward to the Operations Committee in Q2 of 2018.

Automated Speed Enforcement

Bill 65 also allows municipalities to implement Automated Speed Enforcement (ASE) in school zones, as defined in the HTA, and in areas designated as a Community Safety Zone where the posted speed limit is below 80 km/h. ASE will provide municipalities another tool along with education, enforcement and engineering solutions to help control speeding in areas of concern. Similar to the Reduced Speed Limit Areas, the regulation that will enact the use of ASE has not been developed so it is unclear what options will be available to municipalities.

Community Safety Zones

While there will be support for implementing ASE within school zones, there will likely be strong demand to establish Community Safety Zones throughout the community so ASE equipment can be deployed to more areas.

An April 4, 2012 report to the Operations Committee provided an overview of what Community Safety Zones (CSZs) are and the experiences of other municipalities in the province.

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&lang=en&id=535&itemid=5262>

As described in the report, other municipalities in the province have found that CSZs have not been an effective tool to reduce speeds due to the high level of enforcement that is required. The introduction of ASE may help address the enforcement issue associated with CSZs.

Ontario Traffic Council Automated Speed Enforcement Working Group

The Ontario Traffic Council (OTC) was formed in 1950 by a small group of municipal officials, who saw the need for a co-ordinated effort to improve traffic management in Ontario, by drawing together the knowledge and expertise of those in the field of Enforcement, Engineering and Education. The OTC mission statement is "OTC is the voice for enhancing the engineering, education and enforcement sectors of the traffic management sector in Ontario".

As part of their mandate, the OTC has organized an ASE Working Group that includes municipalities from across Ontario, the Ministry of Transportation and the Ministry of the Attorney General to discuss the development and implementation of the ASE program. The ASE Working Group is collaborating on where ASE should be implemented, how ASE should operate and the impact that ASE may have on municipalities. City staff have been part of this working group since its inception.

Provincial Offences Court Implications

A major concern raised by the ASE Working Group is the impact that ASE will have on the existing court system. Speeding infractions are handled by municipal Provincial Offences Act (POA) courts pursuant to a Memorandum of Understanding with the province. There is concern that ASE infractions may overwhelm the court system in some municipalities and that the province will not be able to supply enough Justices of Peace for the trials.

A potential solution to this problem that has been identified by the ASE Working Group is moving Red Light Camera and ASE infractions to an administrative monetary penalties system (AMPS). AMPS is similar to the existing POA Court system but the resources required to manage AMPS are solely the responsibility of the municipality. This would give municipalities the ability to adjust their resources depending on their needs. In 2015, the Ministry of the Attorney General undertook a public consultation regarding the implementation of an online AMP system for POA matters throughout the province. Based on the feedback received through this consultation, the ministry indicated that rather than pursuing an AMP model it intended to focus on improving the existing, court-based system for POA matters. Since the close of this consultation, and to date, the province has not expressed an interest in processing ASE or RLC infractions through an AMP system; however, the ASE Working Group intends to promote the use of AMPS for these types of charges.

Next Steps

The ASE program may prove to be a valuable tool for municipalities to improve road safety and to help reduce the negative impacts of speeding vehicles on area roads. However, there are many unknowns regarding this program at this time. It is recommended that staff continue to participate in the development of the ASE program through the ASE Working Group. It should be noted that committing to participation in the development of the ASE program does not commit the City to implementing ASEs. As details regarding the ASE program are finalized, staff will bring forward another report to seek support for the implementation of an ASE program in the City and to adopt a policy for the designation of Community Safety Zones. In regards to the Reduced Speed Limit Areas, once the supporting regulation has been finalized staff will bring forward a report to the Operations Committee explaining how these areas can be designated.

References:

Ontario Highway Traffic Act, Accessed online:
<https://www.ontario.ca/laws/statute/90h08>