

Date: 2023-08-08

Subject: **Administrative Penalty (AP) System Processing Centre Update**

Contact: Paul Morrison, Commissioner, Legislative Services

Report Number: Legislative Services-2023-638

Recommendations:

1. That the report from Paul Morrison, Commissioner, Legislative Services to the Council Meeting of August 9, 2023, re: Administrative Penalty (AP) System Processing Centre Update, be received;
2. That the establishment of a Processing Centre for Automated Speed Enforcement infractions in Brampton be approved, contingent on securing a suitable location;
3. That staff report back on capital costs for fit-up requirements for the facility when more information on the location of the Processing Centre is available;
4. That the transition from Provincial Offences Act Part I and Part III tickets to Administrative Penalties System for contraventions detected using speed enforcement camera systems be approved;
5. That staff be directed to update all by-laws and policies, including revising the wording "Administrative Monetary Penalty" to "Administrative Penalty" to address legislative changes;
6. That sixteen (16) full-time, permanent complement consisting of nine (9) Provincial Offences Officers to lay infractions, three (3) Screening Officers to review appeals, one (1) Manager, one (1) Supervisor, one (1) Analyst and one (1) Clerk, and associated funding in the estimated amount of \$1,722,842, be included in the 2024 operating budget submission, pending Council approval;
7. That revenues will fully offset direct and indirect costs of this program including all new staff asks;
8. That all expenditures and associated revenues of this program be included in the 2024 budget submission, subject to Council approval;
9. That staff be directed to develop a strategy to implement 135 additional cameras over the next four (4) years;
10. That the CAO and Commissioner be authorized to execute all agreements necessary to establish and operate the Automated Speed Enforcement Processing Centre, as approved by the City Solicitor and the Director of Public Works and Engineering; and
11. That staff be directed to report back to Council once the Ontario Ministry of Transportation and the Ministry of the Attorney General approve the forms, policies and standard operating procedures in alignment with Ontario Regulation

355/22 (Administrative Penalties for Contraventions Detected Using Camera Systems).

Overview:

- **The Joint Processing Centre (JPC) in Toronto processes automated speed infractions on behalf of Brampton and many other municipalities in Ontario**
- **The JPC limits the number of images they process on behalf of Brampton**
- **Implementing a processing centre within the City of Brampton will permit the City to better utilize the capacity of the cameras and provide an increased revenue stream to help offset road safety initiatives geared to reducing fatal and major injury collisions on municipal roadways**
- **Implementing a processing centre supports the long-term effectiveness of the ASE Program at achieving greater speed compliance where cameras are installed, and over time, altering driver behavior to decrease speeding and increase road safety**
- **Transitioning from Provincial Offences Act tickets to Administrative Penalties (APs) shifts disputes from courtrooms to municipally administered screenings and hearings**

Background:

Automated Speed Enforcement (ASE)

Automated Speed Enforcement (ASE) is an automated system that uses a camera and a speed measurement device to detect and capture images of vehicles travelling in excess of the posted speed limit. It is designed to work in tandem with other methods and strategies, including engineering measures, education initiatives and traditional police enforcement. ASE is focused on altering driver behaviour to decrease speeding and increase safety.

At the December 12, 2019 Council meeting, Council endorsed a report that contained a number of recommendations required to allow staff to move forward with the implementation of Automated Speed Enforcement (ASE) on City streets (Resolution C449-2019). The ASE Program aims to increase road safety, reduce speeding and raise public awareness about the need to slow down and obey posted speed limits.

Starting in January 2020, staff met with Councillors in order to determine ASE locations within their wards. Initial locations were selected based on existing Community Safety Zones (CSZ) that were identified as problematic in the past. Additional sites that would

benefit from increased enforcement were identified through the Neighbourhood Traffic Management Guide considering:

- Operating speeds;
- Vehicle volume;
- Collisions;
- Presence of sidewalks;
- Adjacent schools;
- Presence of parks, playgrounds and recreation areas;
- Cut-through traffic;
- School crosswalks;
- Active transportation facilities; and
- School walking routes.

Brampton has designated 185 CSZ with the 50 speed enforcement cameras rotated through those zones on a regular basis.

ASE Joint Processing Centre

In 2019 Brampton participated in a joint procurement with other Ontario municipalities to retain a vendor to supply and operate the speed enforcement cameras, as well as the software, equipment and support services to maintain a Joint Processing Centre (JPC) in Toronto. Capital and operating costs associated with the JPC are allocated and invoiced to each municipality based on its number of images reviewed versus the total number of ASE images reviewed and processed.

In 2022, the JPC reviewed approximately 42,800 images for the City of Brampton, of which approximately 30,000 resulted in formal charges under the *Highway Traffic Act* (Certificates of Offence, or “tickets”). The current capacity limit of 42,800 images represents a small fraction of the number of images Brampton’s 50 ASE cameras are capable of capturing (a conservative estimate suggests 42,800 could be captured by just two (2) cameras). It is likely that a processing cap will remain in place on a go-forward basis as a result of limited court capacity to hear the charges and the staffing limits within the JPC itself. Limiting the processing of speed camera infractions compromises the City’s intent in reaching Vision Zero goals of preventing fatal and serious injury collisions.

The multi-party agreement signed with the vendor in 2019 allows for additional processing centres to be established in other municipalities with the same specifications as those used for the JPC in Toronto.

The intention of the report is to first, provide an overview of automated enforcement processing options including costs and projected revenues and secondly, provide staff’s recommended option and high-level next steps required to successfully deliver on the approach.

Current Situation:

Automated Camera Processing Centre

Automated speed enforcement is a system that uses a speed camera to capture photographs of vehicles that are determined to be violating a posted speed limit. Photographic evidence indicating specific vehicle, licence plate, rate of speed, time and date of violation is securely provided to the ASE JPC in Toronto for review by a designated ASE Provincial Offences Officer. The officer reviews and validates whether a violation has occurred and whether the evidence meets appropriate enforcement criteria. Utilizing the photographic evidence and vehicle registration information received from the Ministry of Transportation (MTO), the ASE Provincial Offences Officer identifies the registered owner of the vehicle and issues the owner a Certificate of Offence (speeding ticket).

As a result of Brampton's capacity limits imposed by the JPC and the court's ability to process more charges, two options were assessed, with one option being status quo and the other option being the establishment and operation of a processing centre in Brampton. A summary of both options and corresponding estimated costs and revenues are discussed below.

Option 1 – Status Quo

Under this option, the City of Brampton will continue to depend on the City of Toronto for ASE infraction processing. In this option, annual processing caps are likely to continue which will limit the number of infractions processed on an annual basis despite the underutilized capacity of Brampton's 50 cameras. As a result of the 30,000 infractions processing cap imposed by the JPC, Brampton will have to continue to throttle back the cameras and drastically reduce image capture, while still incurring the daily rental fee per camera.

There may be capacity for the City of Toronto's JPC operations to expand in future years, which may result in a higher cap or elimination of a cap, however this remains unknown. It is likely that processing caps will continue to be placed on all partnering municipalities as many are actively expanding ASE programs, including the City of Toronto.

Option 1 - Conclusion

This option is not in the best interests of the City of Brampton as it limits the effectiveness of Brampton's ASE Program, does not support the intention and goals of Vision Zero and limits future funding for road safety initiatives.

Option 2 – Establish and Operate a City of Brampton ASE Processing Centre Administrative Penalties System

Administrative Penalties System (APS) is an alternative to Provincial Offences Act Part I and Part III offence notices. Ontario Regulation 355/22 (Administrative Penalties for Contraventions Detected Using Camera Systems) enable the use of Administrative Penalties for vehicle-based contraventions captured by automated enforcement systems including automated speed enforcement and red light camera systems. APS

provides an alternative method to adjudicate speed-related or red light camera contraventions. The APS uses Screening and Hearing Officers who are able to modify, cancel or affirm penalties, rather than court resources.

Brampton is working with a municipal working group to develop forms and standardized operating procedures to enable the transfer of camera-based offences from POA Part I and Part III to APS. Once the APS framework is finalized and approved as to form, Brampton will need to report to the Ministry of Transportation to identify the implementation date and for which specific program (i.e. ASE) the APS framework was adopted. It is expected that the ASE APS will be available early in 2024.

This option will see the City of Brampton give notice to terminate (not renew as the current agreement which ends July 15, 2026) its ASE Processing Services and Cost Sharing Agreement with the City of Toronto and implement its own Processing Centre (PC) dedicated to processing speed enforcement camera infractions laid in Brampton.

Currently, Redflex is the vendor used by all parties to the JPC Agreement, supplying case management (i.e. processing) software and cameras including support for both. This agreement expires in February 28, 2025, with an option to renew for five (5) years. It is recommended that the City continue under the current agreement with Redflex for the remainder of the agreement term, as this would provide continuity throughout the changeover to the new processing centre.

Under this option, Traffic Services in Public Works and Engineering would continue to run the ASE Program, while Legislative Services would staff and operate the Brampton ASE PC. Court Administration would process the penalty notices in the same manner as it processes City by-law penalty notices.

Benefits of a Brampton based ASE PC include:

- Allows for better control over ASE infraction processing activities;
- Generates increased ASE Program revenue which will allow for greater investments to implement road safety measures geared toward reaching Vision Zero goals of preventing fatal and serious injury collisions on municipal roadways;
- Supports the long-term effectiveness of the ASE Program to achieve greater speed compliance where cameras are installed and help change driver behavior as it relates to speeding;
- Aligns with Council's decision to expand the ASE Program; and
- Creates more jobs within the City of Brampton.

Staff will aim to have the ASE PC in full operation in Q3 2024. At a future date, once the PC is operating efficiently, consideration will be given to expanding the ASE PC and converting it into an ASE Joint Processing Centre on a fee-for-service basis similar to the model used at Toronto's JPC. A joint processing centre in Brampton would have the ability to process ASE infractions on behalf of other Ontario municipalities participating

in the speed camera enforcement program. A Brampton-based ASE JPC would also further improve province-wide ASE processing capacity.

Expense and Revenue Estimates

There are various capital and operating expenses associated with ramping up and running an ASE PC. Currently, the quarterly invoices from Toronto's JPC covers Brampton's share of costs for staff compensation, office supplies, rental of required office equipment, rental of office space and postage charges. Each of these expenses were analyzed to determine the cost effectiveness of building a processing centre for Brampton.

The following table shows actual 2022 expenses and revenues based on 30,000 infractions compared with proposed costs and revenues based on 280,000 infractions. Considering camera rentals and operating expenses, 30,000 infractions result in a net revenue of \$388,900 compared to a net revenue of \$19,596,600 based on 280,000 infractions.

	Actual 2022 full year data	Projected Yearly
Total infractions	30,000	280,000
Total gross revenue (approximate)	<u>\$ 2,600,000</u>	<u>\$ 24,300,000</u>
Less		
Camera rental	\$ 1,950,900	\$ 1,950,900
Operating expenses	<u>\$ 260,200</u>	<u>\$ 2,752,500</u>
Total gross expense	<u>\$ 2,211,100</u>	<u>\$ 4,703,400</u>
Net Revenue	<u>\$ 388,900</u>	<u>\$ 19,596,600</u>

ASE is a self-funding program and will have no impact on the tax base.

Receipt of revenues based on affirmed offences has been impacted by the Province's decision to eliminate licence plate renewal fees and validation stickers. Unpaid fines will result in plate denial and will require full payment of all amounts outstanding prior to reinstatement.

Staff Complement

It is recommended that Brampton's ASE PC be operated by a new division under Legislative Services, entitled Automated Enforcement. Using Toronto's existing ASE JPC organizational structure as a benchmark, the new division will initially require a total of 13 full-time equivalent positions consisting of:

- 1 Manager, to be filled on a contract basis in 2023;
- 1 Supervisor, (one supervisor for every 9 Provincial Offences Officers);
- 1 Analyst;
- 1 Clerk; and
- 9 Provincial Offences Officers (one for every 30,000 infractions processed), to be filled starting in January 2024.

In addition, three (3) Screening Officers positions, reporting to Prosecutions under the Deputy City Solicitor, will be required. They will be filled starting in April 2024 to allow time for training prior to go-live of the Brampton PC.

Existing Ministry of Transportation of Ontario (MTO) regulations stipulate that only city employees designated as Provincial Offence Officers are permitted to lay ASE infractions. As the ASE Program continues to expand and the volume of infractions grows, staffing requirements will also increase.

Provincial Offence Officers must be:

- Trained and have received designation from the Ministry of Transportation of Ontario (MTO) which authorizes them to issue Offence Notices (under POA) and Penalty Notices (under APS); and
- Registered as an officer with the Ministry of Transportation to grant them access to the secured licence plate database required to retrieve vehicle owner information.

The above financial summary is based on the City's existing fleet of 50 cameras. As the City phases in additional cameras, there will be a requirement for more staff and equipment within the Traffic Services division in order to run an effective program, comply with the Highway Traffic Act requirements and comply with reporting requirements of the Ministry of Transportation. Staff are required to install signs 90 days in advance indicating 'Speed Cameras are Coming Soon' which are then replaced by signs indicating 'Speed Cameras in Use' when the cameras are installed and operational. Additional staff and equipment costs will be requested in subsequent budgets.

Screening and Hearing Officers

In contrast to the City's current appointment of Screening Officers, Ontario Regulation 355/22 (Administrative Penalties for Contraventions Detected Using Camera Systems) under the *Highway Traffic Act* requires that Screening Officers for administrative penalties relating to camera-based offences be employed by the municipality. Expenses included in the table above also include three (3) additional staff for Prosecutions that will be employed as Screening Officers. Analysis of current volumes of screening requests and the expected increase in ticket volume associated with a Brampton based ASE PC suggests more Screening Officers will be required to ensure timely screening of disputed penalties.

Hearing Officers for by-law related administrative penalties are currently appointed by Council. The Hearing Officers for the camera-based APS will continue to be appointed by Council and managed by Courts Administration. It is anticipated that more Hearing Officers will be needed as the volumes increase.

Protections are put in place (e.g. unbiased decision maker, right to be heard) to ensure that the process for imposing a penalty is fair and in accordance with the principles of natural justice. Currently, penalty notices can be disputed through an in-person Screening Review meeting and subsequent Hearing Review appeals to the Screening Review.

The administrative penalty dispute process, in conjunction with a new portal, will provide a more customer-focused and streamlined service. The first step will be a written submission which will be reviewed by a Screening Officer. Subsequent appeals to a Hearing Officer will be administered virtually using Microsoft Teams. This new process is expected to provide the public with greater flexibility as to where, when and how they interact with the City in resolving their penalty notice.

It is expected that ASE infractions will transition from POA offences to Administrative Penalties early in 2024.

Facility Space

A minimum of 10,000 square feet of administrative space is required to accommodate an ASE PC in Brampton. This space must:

- Include security features to limit access to staff that are directly involved in processing ASE infractions;
- Be able to house existing and future ASE PC staff all of whom must work on-site, and their designated workspaces in addition to vendor personnel and equipment;
- Have a connection to the Public Sector Network (PSN) to enable secure, high speed data transfer;
- Be able to accommodate the storage of supplies and space required to undertake printing and mailing functions;
- Be accessible by Canada Post to pick-up penalty notices; and
- Meet corresponding *Integrated Accessibility Standards (IASR)* of the *Accessibility for Ontarians with Disabilities Act, 2005, (AODA)* in addition to the City's Accessibility Design Standards (ADS).

More space will be required as the number of officers (and supervisors) increase to process more images and if/when Brampton decides to establish a joint processing centre.

The City will need to find a suitable location to house the processing centre. The table above includes an annual allowance for rent or lease of \$380,000.

Capital Costs

To achieve a Q2 2024 go-live for a Brampton ASE PC, there are one-time start-up costs. Capital costs for the PC include:

- Vendor costs including hardware (desktops, servers, printers), software licensing and support;
- Facility retrofit costs;

- System integration costs to develop a digital interface between Redflex (image processing system) and Gtechna (case management system);
- Provision of workstations for the manager, supervisor, analyst, clerk, Provincial Offence Officers (POO), Redflex Engineer and QC Clerk, and Screening Officers;
- Provision of laptops and monitors for the manager, supervisor, analyst, clerk, POO's (to access MTO ARISS) and Screening Officers;
- A server room, storage space as well as a mail room space to accommodate folding and mailing of offence notices; and
- Security features to ensure limited access to the physical space.

Staff report back on finalized capital costs for fit-up requirements for the facility when more information on the location of the Processing Centre is available

Option 2 - Conclusion

Option two gives the City greater control over processing activities and will permit the City to better utilize the capacity and intent of the cameras for speed enforcement and provide a revenue stream that can be used to offset costs for road safety initiatives.

Red Light Cameras

Currently the Region of Peel operates the Red Light Camera (RLC) Program with 34 active red light cameras on Regional Roads in Peel including 14 cameras in Brampton, 19 in Mississauga and 1 in Caledon. There is a separate RLC Joint Processing Centre in Toronto that processes those infractions.

With the dissolution of Peel Region, Brampton may need to take over management of the RLC Program on Brampton area roads. It is recommended that a feasibility study be conducted to consider operating a RLC processing centre in Brampton. With the exception of camera models and case management software, a RLC processing centre will operate much like an ASE processing centre and require the following:

- Facility space;
- Facility retrofits and fit-out;
- Security features to ensure limited access to the physical space;
- Connection with PSN;
- Furnishings, technology and equipment related to the PC;
- Mandatory training of staff required to obtain designation by Ontario's Ministry of Transportation as Provincial Offence Officers to allow the officers to issue Highway Traffic Act offence and penalty notices related to the RLC program.

Corporate Implications:

Financial Implications:

This initiative requires 13 permanent, full-time positions to operate the Processing Centre for Automated Speed Enforcement and an additional 3 permanent, full-time Screening Officers. Funding for all positions will be included in the 2024 operating budget submission, subject to Council approval. The estimated cost of these positions is

\$1,722,842, to be fully offset by revenues in 2024. Once fully implemented, this initiative is expected to have a net zero increase to the tax base.

All estimated revenues and operating expenditures are summarized in the below table. Revenue estimates are based on 50 cameras capturing 8,000 images each per year, resulting in an estimated 280,000 infractions. Other expenditures include camera rental costs, facility space rental fees, postage fees, and other associated expenses.

	\$ Amount
Labour Expenditures	1,722,842
Other Expenditures	2,980,514
Revenues	<u>(-24,300,000)</u>
Net Operating	(-19,596,644)

Legal Implications:

Several agreements will need to be negotiated to permit the operation of the processing centre.

Brampton will need to sign a contract with the Ministry of Transportation (MTO) for each automated enforcement system program (i.e. ASE and red light camera) to access the plate registrant information delivered through Authorized Requestor Information Services (ARIS). The agreement will also stipulate what information Brampton will be required to remit to the Ministry by way of reporting requirements. ARIS for Automated Enforcement Programs (i.e. ASE and RLC which are part of the *Highway Traffic Act* enforcement) falls outside of MTO's Authorized Requestor Program (ARP) ARIS access associated with by-law parking enforcement.

Brampton will also need to sign a separate contract with the Ministry of the Attorney General (MAG). This contract will contain:

- Provisions outlining the Victim Component (VC) fee requirements;
- Requirements for sending plate licence denial requests to MTO via MAG's Defaulted Fine Control Centre (DFCC) interface for the purposes of enforcing unpaid administrative penalties; and
- Reporting requirements to MAG.

In addition to agreements with MTO and MAG, Brampton will also need to negotiate an amendment and extension to the agreement with the speed camera vendor Redflex. Current contract provisions allow establishment of a processing centre and for a five (5) year extension to the existing contract set to expire July 1, 2024.

Brampton will also need to provide notice of termination to the JPC, discontinuing processing of Brampton's ASE images.

Term of Council Priorities: This report aligns with the Healthy and Safe City Priority in the 2022-2026 Term of Council Priorities, specifically focusing on community safety, improving mental health support, and encouraging active and healthy lifestyles. The Streets for People connected initiative incorporates the Vision Zero framework into transportation planning and design operations to prevent fatal and serious injury from motor vehicle collisions within the City right-of-way. The ASE Program is an integral component of the Vision Zero framework.

Conclusion:

Staff recommend that an ASE Processing Centre (PC) be established and operated in Brampton. Legislative Services would operate the ASE PC while Traffic and Parking Operations, Road Maintenance in Public Works and Engineering would continue to deliver the City's ASE Program.

Speed camera infractions are a key component of the City's Vision Zero. Better utilization of the existing speed cameras and increase processing capacity in Brampton will support the City's goals of preventing fatal and serious injury collisions.

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Attachments:

- Attachment 1 – Resolution C449-2019