

To: Joint Safety and Facilities Services and Community and Operations Services Committee

From: Adam Grant, Commissioner,  
Safety and Facilities Services Department

Kevin Alexander, Commissioner,  
Community and Operations Services Department

Report Number: SF-24-25

Date of Report: June 5, 2024

Date of Meeting: June 10, 2024

Subject: Automated Speed Enforcement Investigation and Proposed Program

Ward: All Wards

File: 03-05

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## **1.0 Purpose**

The purpose of this Report is to respond to Council's direction of November 20, 2023, concerning Item SF-23-35: "That Council direct staff to investigate and report back on the potential implementation of Automated Speed Enforcement systems and associated technologies within the City of Oshawa to enforce the rate of speed of vehicles on City roads."

**Attachment 1** is a detailed breakdown of the structure of an Automated Speed Enforcement Administrative Monetary Penalty.

## **2.0 Recommendation**

That the Joint Safety and Facilities Services and Community and Operations Services Committee recommend to City Council:

That based on Report SF-24-25, dated June 5, 2024 concerning Automated Speed Enforcement Investigation and Proposed Program:

1. The proposed Automated Speed Enforcement program model be approved in principle as detailed in Section 5.5 of this Report; and
2. That Council pass an Automated Speed Enforcement Administrative Monetary Penalty By-law, and in a final form and content satisfactory to the City Solicitor, the

Commissioner, Community and Operations Services and the Commissioner, Safety and Facilities Services that is in compliance with the legislated requirements of the Highway Traffic Act, R.S.O. 1990, c. H.8 O. Reg. 355/22 – Administrative Penalties for Contraventions Detected Using Camera Systems;

3. That Council pass a By-law to amend Screening and Hearing Officer By-law 17-2024 that is in compliance with the appeal requirements as legislated by the Highway Traffic Act, R.S.O. 1990, c. H.8 O. Reg. 355/22 – Administrative Penalties for Contraventions Detected Using Camera Systems and in a final form and content satisfactory to the City Solicitor and the Commissioner, Safety and Facilities Services;
4. That Council pass a By-law to further amend Delegation of Authority By-law 29-2009, as amended to authorize the Commissioner, Safety and Facilities Services and/or the Director, Municipal Law Enforcement and Licensing Services to execute agreements with the Ministry of Transportation and the Ministry of the Attorney General to implement an Automated Speed Enforcement program under the Administrative Penalty enforcement model, in accordance with the Municipal Act, 2001, S.O. 2001, c. 25 and in a final form and content satisfactory to the City Solicitor and the Commissioner, Safety and Facilities Services.

### **3.0 Executive Summary**

As adopted and recognized by many municipalities throughout Ontario, Automated Speed Enforcement (“A.S.E.”) provides an efficient and effective means of enforcing the maximum posted rate of speed resulting in the reduction of vehicle speeds and improvement in overall community safety. In November 2023, Council directed staff to investigate this enforcement technology and explore the potential implementation in the City of Oshawa. The investigation details:

- the City’s authority under the Highway Traffic Act, R.S.O. 1990, c. H.8 and ability to implement an A.S.E. program;
- the impact of vehicle rate of speed on traffic safety;
- the City’s current approach to speed regulation and enforcement, and the associated strategies to improve road safety; and,
- how municipalities have demonstrated the effectiveness of A.S.E. through a variety of program models using industry best practices.

Based on information presented, staff recommend the implementation of an A.S.E. Program in the City of Oshawa to complement existing enforcement strategies with the primary goal of reducing vehicle speeds and improving community safety. Although staff are unable to predict the anticipated impact on driver behaviour, this report will illustrate that A.S.E. has the ability to:

- decrease the average speed of vehicles;
- increase compliance with the posted speed limit;
- decrease the number of repeat offenders; and,
- create downstream impacts of reducing the volume and severity of motor vehicle accidents on roads resulting in less strain on paramedical and medical services, and an overall reduction in negative externalities associated with vehicle collisions (e.g. traffic congestion, road maintenance, increased insurance premiums, etc.).

## **4.0 Input From Other Sources**

The following City branches were consulted in the preparation of this report:

- Corporate Communications
- Finance Services
- Information Technology Services
- Legal Services
- Legislative Services

As part of this investigation, staff conducted extensive benchmarking on Automated Speed Enforcement programs from the following municipalities:

- Town of Ajax
- City of Barrie
- City of Brampton
- Region of Durham
- Essa Township
- City of Hamilton
- City of Newmarket
- City of Ottawa
- City of Pickering
- City of Toronto
- Region of York

## **5.0 Analysis**

### **5.1 Background**

Automated Speed Enforcement (“A.S.E.”) is a technology-enabled enforcement tool that is comprised of a camera and a speed measurement device to enforce maximum posted rate of speed by capturing photographs of vehicles exceeding the maximum posted speed. In Ontario, A.S.E. cameras are strategically positioned in School Zones and Community Safety Zones to promote and improve community traffic and pedestrian safety. Offences captured by A.S.E. systems are reviewed and certified by Provincial Offences Officers and issued to the vehicle’s registered owner. This enforcement tool aims to reduce excessive speed of vehicles as well as complement existing educational, engineered and other speed reduction measures.

In 2023, staff from Municipal Law Enforcement and Licensing Services (“M.L.E.L.S.”) and Community Support Services (“C.S.S.”) conducted preliminary research into the

effectiveness of A.S.E. on reducing the rate of speed of vehicles. Through this research, staff established that from examples and evaluations in Canadian jurisdictions, A.S.E. is considered to be an effective tool for creating behavioural changes in motorists with respect to their rate of speed and results in improved traffic and community safety.

On November 20, 2023, Council directed staff (SF-23-35) to conduct further investigation into, and report back, on the potential implementation of an A.S.E. Program in the City of Oshawa (“City”). **Figure 1** illustrates the phases of the A.S.E. investigation project.

**Figure 1 – A.S.E. Investigation Plan**



### 5.1.1 Traffic Safety and Impacts of Speeding

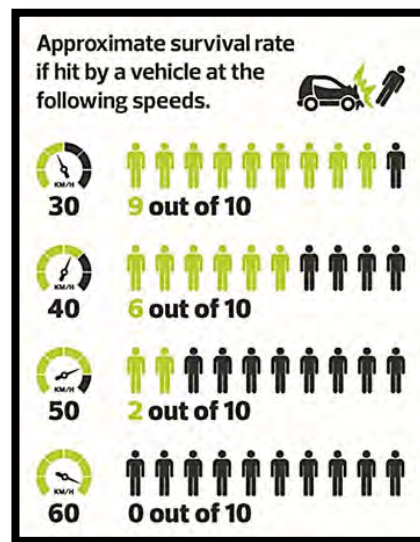
The Ontario Traffic Council cites that vehicle rate of speed is a factor in approximately one-third of fatal collisions in Canada. Furthermore, the Canadian Association of Road Safety Professionals (“C.A.R.S.P.”) cites a direct correlation between the rate of speed of vehicles and the likelihood of collision occurrence, seriousness of injury and odds of fatality.

All users of the road right-of-way are negatively impacted by high rates of speed, with vulnerable users (children, pedestrians, cyclists, etc.) most exposed to unsafe conditions. In some cases, conventional police speed enforcement cannot be undertaken as road conditions present a risk to stopped motorists and officers. The impact of vehicle speed and the relation to pedestrian collisions is illustrated in **Figure 2** (Source: City of Edmonton via C.A.R.S.P.).

Unsafe road conditions due to vehicular speed not only impacts road users, but have downstream consequences on emergency services, road infrastructure and insurance

premiums. Reducing the rate of vehicular operating speeds and the number of vehicles operating above the maximum posted speed limit creates a safer and more sustainable transportation network, benefitting everyone from individual road users to the community at large.

In some situations, posted speed limits do not necessarily have an impact on the operating speed of a roadway. In other words, some motorists operate the vehicle at a speed in which they feel comfortable based on the road design, environmental factors and vehicle performance. While reducing maximum posted speed limits alone may have limited effect on vehicular speeds, it may be appropriate from a policy perspective when considering long-term goals related to road safety. Lowering maximum speed limits in residential neighbourhoods could be considered the first step towards a goal of creating a safer road environment. Enforcement strategies, such as A.S.E., and/or changes to the physical characteristics of the roadway through engineering design or by implementing traffic calming techniques would be required to achieve safer operating speed for some roadways.



## 5.2 Legislative and Regulatory Environment

### 5.2.1 Highway Traffic Act, R.S.O. 1990, c. H.8

The [Highway Traffic Act, R.S.O. 1990, c. H.8](#) (“Highway Traffic Act”) is provincial legislation that regulates the licensing, standards, and penalties associated with the operation of vehicles on public highways within Ontario. Under the authority provided through Section 128 and Section 214 of the Highway Traffic Act, municipalities are able to pass by-laws which establish and enforce the rate of speed of vehicles on public highways within their respective jurisdictions, including the implementation of School Zones (“S.Z.”) and Community Safety Zones (“C.S.Z.”).

- A **S.Z.** is an area of a road in close proximity to a school that are designated by by-law to have a reduced maximum rate of speed. This maximum rate of speed is either implemented during specific times or twenty-four (24) hours per day and are within 150 m of a school.
- A **C.S.Z.** is an area designated by by-law to identify a road segment or segments which have a higher risk or safety concern. Several Highway Traffic Act fines are doubled in C.S.Z.s, with areas typically being connected to schools, parks and other community amenities.

In 2017, the Highway Traffic Act was amended through [Bill 65, Safer School Zones Act](#) to enhance the existing speed enforcement tools at the disposal of a municipality by enabling the implementation of A.S.E. systems on roads with speed limits less than 80 km/h in S.Z.s

and C.S.Z.s. The addition of A.S.E. to the Highway Traffic Act complemented existing proven technology-enabled enforcement tools (Red Lights Cameras), and predated further amendments to enable School Bus Stop-Arm Cameras (2020) and Street Car Cameras (2021). Among the legislative power granted to the Lieutenant Governor in Council to establish specific A.S.E. regulations, Section 205 of the Highway Traffic Act institutes the liability of owners/drivers upon conviction of an A.S.E. offence, meaning tickets do not result in imposition of demerit points or impact vehicle insurance. Though not connected to an owner's driving record, failure to pay an A.S.E. fine is enforced through the plate denial process through the Ministry of Transportation ("M.T.O.").

### **5.2.1.1 O. Reg. 398/19 Automated Speed Enforcement**

**O. Reg. 398/19 Automated Speed Enforcement** ("O. Reg. 398/19") establishes the regulations related to the implementation and ongoing operation of A.S.E. programs by municipalities. Fundamental components of O. Reg. 398/19 include the following regulations:

- Automated Speed Enforcement systems consist of a combination of a camera and speed-measuring equipment that can be used to take a photograph of a vehicle and records the rate of speed that the vehicle is travelling at the time of the photograph.
- Information regarding the captured offence (time and date of photograph, location of offence, rate of speed, posted speed limit, etc.) must be shown on the photograph to be received in evidence as proof of the offence.
- Captured offences and proof of offence (A.S.E. photograph) must be reviewed and certified by a Provincial Offences Officer before an offence notice and accompanying fine is issued.
- Offence notices and accompanying fines are issued to the registered vehicle owner and served via regular mail with options for payment or dispute of the offence/fine.
- When A.S.E. systems are in operation, municipalities must advise motorists with applicable regulated signage (**Figure 3**).

**Figure 3 – A.S.E. Sign**



### **5.2.1.2 O. Reg. 355/22 Administrative Monetary Penalties for Contraventions Detected Using Camera Systems**

The introduction of A.S.E. in Ontario, including the resulting offences and penalties, relied on conventional court process through the [Provincial Offences Act, R.S.O. 1990, c. P.33](#) ("P.O.A."), similar to non-A.S.E. Highway Traffic Act offences. Administration and adjudication of A.S.E. appeals through the P.O.A. requires significant resources and adds strain to an overburdened provincial court system. In recognition of this burden on the courts, along with the demonstrated effectiveness of alternative compliance methods

through similar enabling legislation ([Municipal Act, 2001, S.O. 2001, c. 25](#) (“Municipal Act”), [Building Code Act, 1992, S.O. 1992, c. 23](#) (“Building Code”)), the Highway Traffic Act was further amended in 2022 to allow for municipal A.S.E. programs to be enforceable through Administrative Penalties (“A.M.P.”).

By implementing an A.M.P. enforcement model, municipalities are responsible for the administration and processing of captured A.S.E. offences as well as the appeals process for disputing penalties. [O. Reg. 355/22 Administrative Monetary Penalties for Contraventions Detected Using Camera Systems](#) (“O. Reg. 355/22”) established the regulations related to the implementation and ongoing operation of municipal A.S.E. programs under the A.M.P. enforcement model. Highlights from O. Reg. 355/22 include the following components:

- The roles within an A.M.P. A.S.E. program are clearly defined:
  - Provincial Offences Officers employed by the municipality may impose and issue Administrative Monetary Penalties.
  - Screening Officers employed by the municipality may review and make decisions on appealed penalties.
  - Hearing Officers appointed by the municipality may review, adjudicate and make decisions on appealed decisions of the Screening Officer.
- A.M.P. A.S.E. program appeals have a regulated process for dispute resolution as well as payment of penalties.
- A.M.P.s issued under the A.S.E. program are dynamic and based on the magnitude of the offence with portions of A.M.P. A.S.E. program penalties to be recovered by the M.T.O. and the Ministry of the Attorney General (“M.A.G.”).
- A.S.E. A.M.P.s are dynamic and based on the captured speed of the contravention. Details on the structure of an A.S.E. A.M.P. can be found in **Attachment 1**.

### **5.2.2 Speed Enforcement and Jurisdictional Responsibility**

Ahead of the introduction of A.S.E. in Ontario, the enforcement of vehicle rate of speed was wholly borne by jurisdictions responsible for police services. While the Highway Traffic Act allowed for local-tier municipalities to set their own maximum rate of speed, upper-tier/single-tier municipalities were tasked with enforcement efforts, which require specialized and in-demand policing resources. A.S.E. presents a complementary enforcement approach which can be implemented at the local level, allowing for an overall increase in community speed enforcement.

### **5.3 Traffic Safety in Oshawa**

The City’s [Traffic and Parking By-law 77-99, as amended](#) (“Traffic and Parking By-law”) regulates traffic and parking on highways, in parking lots and parkades, on municipal

property under the jurisdictions of the City and on private property, and includes the regulation of the rate of speed of vehicles on City roads. The Region of Durham's Regional Traffic and Parking By-law 44-2006 regulates the rate of speed of vehicles on roads under Regional jurisdiction in Oshawa.

Aggressive driving and speeding on Oshawa's streets remains a widespread concern from the public. There have been recent efforts to slow down vehicles in Oshawa through the implementation of best practices adopted in the Neighbourhood Traffic Management Guide, and the citywide expansion of 40 km/h Areas, however speed enforcement is still a significant tool to slowing down traffic.

### **5.3.1 Traffic Safety Initiatives and Strategies**

#### **Neighbourhood Traffic Management Guide**

In 2022, City Council approved a revised [Neighbourhood Traffic Management Guide](#) ("N.T.M.G."). The N.T.M.G. is an update to the 2002 version which incorporates the latest best-practices in traffic calming. The guide aims to illustrate how traffic management can be used to address speeding, excessive traffic volumes, and other traffic safety concerns in neighbourhoods. The guide sets out processes for how traffic calming should be implemented. Included in the guide are warrants and screenings for specific measures including C.S.Z., Flexible Bollards, and 40 km/h Speed Limits.

The N.T.M.G. also speaks to how A.S.E. can be used as an effective enforcement option in C.S.Z.s to expand on enforcement capacity to promote lower speed limits.

#### **40 km/h Speed Limit Areas**

At its meeting of March 25, 2024, from recommendations presented in Report [CNCL-24-26](#), Council approved the implementation of the city-wide 40 km/h Area Program. The program will allow for entire residential neighbourhoods to be regulated with a maximum posted speed limit of 40 km/h. The new 40 km/h speed limit areas will be implemented over a four (4) year period (2024-2027).

Prior to city-wide approval, a 40 km/h Area Pilot Program was completed to review the effectiveness of the 40 km/h Areas. The pilot program included a speed study conducted for each pilot 40 km/h area to evaluate the before and after rate of speed of vehicles travelling within the area. Overall, the results of the 40 km/h Area Pilot Program indicated no consistent and measurable differences in the rate of speed of vehicles. Some road segments indicated a decrease in the rate of speed while others indicated an increase. This data showed that reduced maximum posted speed limits alone does not necessarily result in lower operating speeds.

#### **Speed Enforcement - Durham Regional Police Service**

Currently, Durham Regional Police Service ("D.R.P.S") is the only existing option for providing speed enforcement on City roads and therefore, speed enforcement is limited to D.R.P.S.'s staffing and availability. A.S.E. would provide an additional and effective speed



enforcement option on City roads that would complement the existing speed enforcement efforts provided by D.R.P.S. Currently, A.S.E. has been implemented on Regional roads.

### **5.3.2 Traffic Safety and Automated Speed Enforcement**

A.S.E. is a proven and effective speed enforcement option. Implementing A.S.E. on City roads would provide staff with an efficient and effective speed enforcement tool which would support and enhance current and future traffic safety efforts to reduce speeding and improve safety on Oshawa's roads. The implementation of A.S.E. on City roads provides a dynamic and scalable enforcement option allowing staff to respond and deploy speed enforcement based on the changing needs of the community.

### **5.4 Automated Speed Enforcement: A Proven Enforcement Tool for Changing Driver Behaviour**

A.S.E. systems and the immediate impact on reducing vehicular rate of speed and improving community safety has been evaluated and proven to be an efficient and successful safety measure. While behavioural change and the overall reduction of vehicular rate of speed will vary by jurisdiction, several evaluations have demonstrated that the implementation of A.S.E. cameras will:

- significantly increase compliance with the posted speed limit;
- decrease the average speed of vehicles;
- significantly decrease the number of vehicles travelling above the posted speed limit;
- decrease the of speed related recidivism (repeat offences); and
- create further downstream impacts of reducing the volume and severity of motor vehicle accidents on roads resulting in less strain on paramedical and medical services, and an overall reduction in negative externalities associated with vehicle collisions (e.g. traffic congestion, road maintenance, increased insurance premiums, etc.).

Notable program and impact evaluations conducted by Canadian municipalities have yielded the following results:

#### **City of Winnipeg**

- A.S.E. cameras are as effective in changing rate of speed behaviour as conventional police enforcement.
- A.S.E. cameras reduce road traffic injuries and fatalities where speed is a contributing factor.

- A.S.E. cameras have the potential to decrease average vehicle speed by 1-15% and decrease the volume of vehicles travelling above the maximum posted rate of speed by 14-65%.

**City of Toronto** (The Hospital for Sick Children and Toronto Metropolitan University)

- A.S.E. is an effective tool to significantly reduce vehicular speed and change driver behaviour.
- A.S.E. cameras reduced the overall proportion of motorists operating above the maximum posted speed limit by an average of 45%.
- Where implemented, A.S.E. cameras reduced the vehicular operating speed an average of 7 km/h.
- A.S.E. cameras decreases the number of motorists travelling at 15 km/h over the maximum posted speed limit by 72%.

**City of Ottawa**

- A.S.E. cameras increased compliance with the maximum posted speed limit by 200%.
- A.S.E. cameras led to an 11% decrease in the 85<sup>th</sup> percentile speed (the speed at which 85% of the traffic is travelling or below).
- A.S.E. cameras decreases the number of motorists travelling at 15 km/h over the maximum posted speed limit by 72%.

**Region of Durham**

- A.S.E. is an effective tool to change driver behaviour, reduce vehicular speed and improve safety on roads.
- Since the establishment of the A.S.E. program, data collected has indicated an 8 km/h reduction in average operating speeds where A.S.E. cameras are deployed.
- Since program implementation, there has been a decrease in recidivism, decrease in the number of charges issued and increase in compliance with the posted speed limit.

**5.4.1 Municipal Benchmarking**

A significant number of municipalities across Ontario have or are in the process of establishing A.S.E. programs for their respective jurisdictions. As part of the Council directed investigation in to A.S.E., staff conducted a comprehensive benchmarking exercise with eleven (11) municipal comparators to understand A.S.E. program models and best practices. Municipalities contacted and researched included:

- Town of Ajax
- City of Barrie
- City of Brampton
- Region of Durham
- Essa Township
- City of Hamilton
- City of Newmarket
- City of Ottawa
- City of Pickering
- City of Toronto
- Region of York

**Table 1** provides an overview of the feedback received by benchmarked municipalities, highlighting the two (2) main components of a municipal A.S.E. program.

**Table 1 - Benchmarked Municipal A.S.E. Programs**

<b>Municipality</b>	<b>Enforcement Model</b>	<b>Offence Processing</b>
Ajax	P.O.A. (moving to A.M.P.)	Outsourced (Toronto)
Barrie	P.O.A. (moving to A.M.P.)	Internal
Brampton	P.O.A.	Internal
Durham	P.O.A. (moving to A.M.P.)	Outsourced (Toronto)
Essa	A.P.	Internal
Hamilton	P.O.A.	Outsourced (Toronto)
Newmarket	A.P.	Internal
Ottawa	P.O.A. (moving to A.M.P.)	Internal
Pickering	P.O.A.	Outsourced (Toronto)
Toronto	P.O.A. (moving to A.M.P.)	Internal
York	P.O.A. (moving to A.M.P.)	Outsourced (Toronto)

#### **5.4.1.1 Enforcement Model and Offence Processing**

Until recently the majority of municipal A.S.E. programs followed a similar model, with offences being captured through leased cameras and offence processing being administered through the P.O.A. process by the Joint Processing Centre (“J.P.C.”) managed by the City of Toronto. J.P.C.s as well as standalone internal processing centres are comprised of Provincial Offences Officers reviewing and certifying contraventions through computer software, with the Toronto J.P.C. managing this service for participating municipalities for a set fee (portion of offence penalty). In-line with the P.O.A. court process, dispute resolution is managed by local P.O.A. courts with appeals adjudicated by a Justice of the Peace (“J.P.”).

Several municipalities including the City of Ottawa and City of Brampton have moved the processing of tickets to in-house J.P.C.s, in order to more effectively manage the scope of their own A.S.E. program effectiveness as well as offer processing services to other municipalities. Offences issued in these new J.P.C.s continue to follow the P.O.A. process ahead of the Highway Traffic Act A.M.P. amendments detailed in Section 5.2.1.2.

Feedback received by staff indicates that the Highway Traffic Act A.M.P. amendments have spurred the majority of municipal A.S.E. programs to either begin investigating or fully adopt A.M.P. enforcement of A.S.E. offences, with many establishing in-house processing centres.

#### 5.4.1.2 Additional Feedback

##### Camera Style

- From feedback received, there is no best practice for deploying mobile or permanent A.S.E. cameras, although there are some valuable lessons learned from municipalities who have more mature A.S.E. programs in place.
- New hardware solutions and technology are constantly being developed and A.S.E. cameras can take several forms. **Figure 4** shows two (2) A.S.E. camera solutions used by Region of Durham.

**Figure 4 - Permanent (left) and Mobile (right) A.S.E. Cameras**



##### Vandalism

- The majority of municipalities contacted indicated that their A.S.E. cameras have been subject to some form of vandalism.
- As several municipalities utilize similar hardware, this may be attributed to the height in which A.S.E. cameras are deployed.

##### Public Response to A.S.E. and Communications

- All municipalities indicated that their A.S.E. programs were well-received by their respective community, with the vast majority of the community in support of the program.

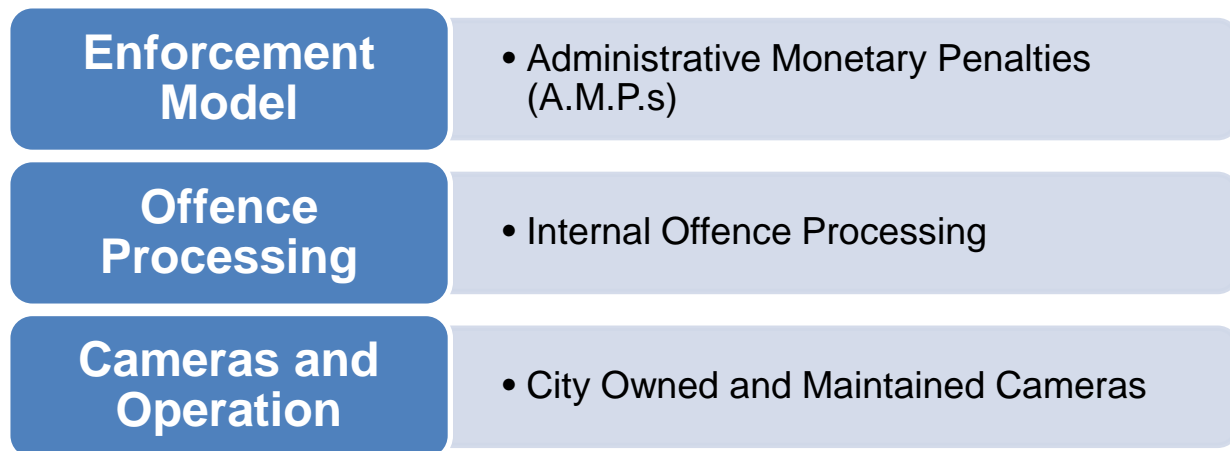
- Generally, members of the public who are not supportive of the A.S.E. program are those who are receiving A.S.E. offences.
- Comparators stressed the importance of strategic and continued communications with the public regarding the implementation and ongoing operation of the A.S.E. program.
- Surplus penalty revenues, over and above the costs associated with the A.S.E. program, should be re-invested in to municipal traffic safety initiatives.

### 5.5 Proposed Automated Speed Enforcement Program

As a result of the investigation into A.S.E. systems and the potential positive public impact these programs have on traffic and community safety, staff recommend implementing A.S.E. in the City of Oshawa. The implementation of A.S.E. in Oshawa will aim to address the ongoing speeding concerns voiced by the public and align with Council-approved City strategies, including the Oshawa Strategic Plan and the N.T.M.G.

With this recommendation, staff have developed a proposed A.S.E. program model based on the current legislative environment, observed industry best practice and feedback received from municipal comparators. The three (3) main components of the proposed A.S.E. program model are illustrated in **Figure 5**.

**Figure 5 - Proposed A.S.E. Program Model**



#### 5.5.1 Enforcement Model and Offence Processing

Operating under the A.M.P. enforcement model allows the City to effectively and efficiently manage, process and certify offences captured through the A.S.E. system. The City of Oshawa has an existing administrative penalty program with City enforcement efforts flowing through a similar compliance model. The A.M.P. program also has a mature and efficient appeals program for the prompt and fair resolutions of penalty disputes, which would not require significant organizational changes to include A.S.E. appeals.

A.S.E. offences are reviewed and certified by Provincial Offences Officers under the P.O.A. The City has existing positions which require this type of appointed officer, including Municipal Law Enforcement Officers. Similar to other municipalities developing or operating an A.M.P. enforcement model, staff would utilize appointed officers to review and certify A.S.E. offences.

The number of staff required to operate an A.S.E. program will be determined by the number of anticipated offences to be captured and processed on an annual basis, based on an assumed behavioural change in speed-related offences.

### **5.5.2 Cameras and Operation**

Staff conducted an analysis on several solution models for the implementation of an A.S.E. program. Staff recommend the outright purchase of A.S.E. hardware with ongoing maintenance completed by City staff. In addition to the high cost of annual leasing fees, factors leading to this recommendation include:

- the City currently utilizes an offence processing software that can be integrated with A.S.E. hardware;
- the outright purchase and maintenance of hardware provides the most flexibility in the ongoing operation of an A.S.E. program;
- C.S.S. and Operations Services staff have the skills and expertise to carry out the regular movement and maintenance of A.S.E. cameras; and,

A.S.E. is a law enforcement tool, with the placement and deployment of cameras regulated to municipal S.Z.s and C.S.Z.s. City staff will work collaboratively alongside regional partners (D.R.P.S. and Region of Durham Traffic Operations) to identify the most appropriate and effective C.S.Z.s and locations for placing A.S.E. cameras. Should Council approve the program in principle, the ongoing operation of the A.S.E. Program including the initial placement and periodic movement of cameras will fall within the [Enforcement By-law 92-2014, as A.S.E. is an enforcement tool](#).

### **5.5.3 Proposed A.S.E. Program Model: Implementation Details**

The implementation of the proposed A.S.E. program model would include:

- The City will establish an A.S.E. Program utilizing A.S.E. cameras under the A.M.P. enforcement model through a City offence processing centre;
- M.L.E.L.S. and Legal Services will develop the appropriate By-laws to effect the new A.S.E. Program;
- M.L.E.L.S. and Finance Services will consult with Durham Municipal Insurance Pool ("D.M.I.P.") on any concerns related to entering into relevant A.S.E. agreements with the M.T.O. and M.A.G.;

- M.L.E.L.S. staff will work with Legislative Services in collaboration with the chosen hardware vendor to conduct a Privacy Impact Assessment for the use and storage of A.S.E. contravention data;
- M.L.E.L.S., C.S.S. and Operations Services staff will collaborate on the development of a deployment plan for A.S.E. cameras to ensure the most effective and impactful use of enforcement resources, based on factors including traffic data, complaint history and industry best practice;
- M.L.E.L.S. staff will work with Finance Services to establish a discretionary reserve for potential surplus revenues intended for re-investment into community safety initiatives; and
- M.L.E.L.S. staff will work with Corporate Communications to develop a robust and strategic communications plan to highlight the implementation of the A.S.E. program.

Should Council approve the proposed A.S.E. program model, the following components of the proposed A.S.E. program model would be referred to the Mayor's budget for consideration:

- Capital and operating costs associated with the implementation of an A.S.E. program.

Staff estimate that all components required to implement the proposed A.S.E. program model would take twelve (12) to eighteen (18) months to complete.

## **6.0 Financial Implications**

The intention of the proposed A.S.E. program model is to increase compliance with maximum posted rates of speed resulting in improved community safety. Penalty revenue is used to recover the cost of the A.S.E. program, with potential surplus revenues being dedicated to re-invest in community safety efforts. Staff are unable to accurately predict program revenue due to the complex variables associated with driver behaviour. Through break-even analysis, staff are confident in the proposed A.S.E. program model being fully cost recovered.

## **7.0 Relationship to the Oshawa Strategic Plan**

The recommendations in this report respond to the Oshawa Strategic Plan Goals of Accountable Leadership and Social Equity.

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Phil Lyon, Director,  
Municipal Law Enforcement and Licensing Services

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Kevin Alexander, Commissioner,  
Community and Operations Services Department

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Adam Grant, Commissioner,  
Safety and Facilities Services Department



## Automated Speed Enforcement Administrative Monetary Penalty Regulated Penalty Structure

As per [O. Reg. 355/22 Administrative Monetary Penalties for Contraventions Detected Using Camera Systems](#) (“O. Reg. 355/22”), Automated Speed Enforcement (“A.S.E.”) Administrative Monetary Penalties (“A.M.P.s”) must follow structure of “A” + “B” + “C”, where:

- “A” is dynamic rate calculated by the is the number of km/h which the vehicle is travelling over the posted speed limit multiplied by the penalty rate for applicable range of speeds found in **Table 1**;

**Table 1 – A.M.P. Portion**

km/h over the maximum speed limit	Penalty rate in community safety zone or school zone
1 to 19 km/h over the maximum speed limit	\$5.00 per km
20 to 29 km/h over the maximum speed limit	\$7.50 per km
30 to 49 km/h over the maximum speed limit	\$12.00 per km
50 km/h or more over the maximum speed limit	\$19.50 per km

- “B” is a static rate of \$8.25 to account for the cost of accessing relevant vehicle ownership information from the Ministry of Transportation (“M.T.O.”) – this portion of the penalty collected by the municipality is remitted to the M.T.O.; and
- “C” is the Ministry of the Attorney General (“M.A.G.”) Victim Justice Fund portion of the penalty. This is a dynamic rate found in **Table 2**, which is determined by value calculated by portion “A”. This portion of the penalty is collected by the municipality and remitted to the M.A.G.

**Table 2 – Victim Justice Fund Portion**

Amount determined under portion “A”	Amount to be used for portion “C”
\$0 - \$50	\$10
\$51 - \$75	\$15
\$76 - \$100	\$20
\$101 - \$150	\$25
\$151 - \$200	\$35
\$201 - \$250	\$50
\$251 - \$300	\$60
\$301 - \$350	\$75
\$351 - \$400	\$85
\$401 - \$450	\$95
\$451 - \$500	\$110
\$501 - \$1000	\$125
>\$1000	25% of “A”

**Example:** an A.S.E. A.M.P. for driving 16 km/h over the posted speed limit would result in a total monetary penalty of \$108.25.