

Memo

To: Mayor Burton and Members of Council

From: Jill Stephen - Director, Transportation and Engineering
Jim Barry – Director & Executive Sponsor – Plan-It Program

Copy: Jane Clohecy, Chief Administrative Officer
Phoebe Fu - Commissioner, Community Infrastructure
Neil Garbe – Commissioner, Community Development

Date: April 9, 2024

Subject: Automated Speed Enforcement (ASE) Program Execution Timeline

The September 18, 2023, staff report outlined an anticipated timeframe for the launch of the ASE program as Q2 2024, with an expectation that all required agreements and system upgrades would be completed before Q2 2024.

Our ASE program is dependent on the ability of the Joint Processing Centre to process our tickets. They have recently indicated to us that they are currently updating their system and will be rolling out ASP in Toronto as of November 1st, with our program to follow. Accordingly, our program start will be delayed until late Q4 2024.

Following is a detailed update on the dependent elements necessary to launch the ASE program. In addition, the memo includes an evaluation of two alternatives to implementing the program, neither of which would allow us to deliver ASE any sooner.

Dependent Elements to deliver the ASE program

1. Development of Ticket Management System:

JPC System Upgrades

The JPC requires upgrades to their processing system for APS tickets which are expected to be complete by November 1, 2024, and will represent the launch of the APS for ASE ticket program by the JPC. JPC management staff have informed Oakville that the JPC will begin issuing ASE tickets under the APS system for Toronto's Transportation Department as of November 1, 2024. After that launch date, the JPC anticipates a short period to stabilize the system and ensure its integrity. Once this is done, the JPC has committed to onboard the Town of Oakville. We anticipate this timeframe to be late in Q4 2024.

As a background, the City of Toronto's Transportation Services Department obtained approval (Appendix A) from their Council on February 7, 2024, to establish an administrative penalties system for Red Light Camera and ASE contraventions under Ontario Regulation 355/22. This report outlines prospective timelines and system upgrade requirements needed to launch the program.

Ticket Processing Software-Oakville

Ticket processing and adjudication will be completed through the town's current parking and by-law ticket management software. Ticket recipients will be able to pay their ASE ticket in a similar way as parking ticket recipients. Configuration is dependent on final MTO/MAG agreements and integration with the JPC's APS system. Configuration of Oakville's ticket processing system is expected to be completed prior to the JPC's APS program launch on November 1, 2024..

2. Agreement Status:

All municipalities are required to enter into agreements with the Ministry of Transportation (MTO) and the Ministry of Attorney General (MAG) to operate the ASE program under APS legislation.

MTO Agreement

This agreement governs access to license plate information, outlines record management procedures, and mandates reporting requirements for municipalities. Oakville received the finalized version in late summer 2023. Although this agreement is ready to be signed, the ministry has identified that this agreement must be the last agreement signed before going live with ASE and therefore will remain as pending until just before the ASE program launch.

Privacy Impact Assessment

A Privacy Impact Assessment (PIA) is a requirement by the MTO prior to launching the ASE program. Through joint efforts with other municipalities, consultation with the Information and Privacy Commissioner of Ontario (IPCO) was completed on August 17, 2023, during which they reviewed a joint PIA. In alignment with IPCO's guidance, the town is actively working on an Oakville-specific PIA to ensure comprehensive compliance with relevant regulations and standards. We expect the PIA to be completed by the beginning of Q3 2024.

MAG Agreement

This agreement incorporates crucial components such as the formula for calculating the victim's justice fund component of the ASE tickets and the guidelines for completing plate denial procedures. MAG is currently collaborating with the JPC to determine the layout of file numbers. This determination will impact the file upload process for plate denial with the town. We expect this review to be completed May 2024. Once the ticket

file format is completed, the MAG contract can be finalized and executed with the MTO agreement. Staff anticipate the final MAG agreement to be finalized by Q3 2024.

JPC Agreement

The JPC is currently in the process of finalizing a new agreement with the partnering municipalities that wish to pursue ticket issuance under APS using requirements contained in new MTO and MAG agreements. It is anticipated this new JPC agreement will be available for signature in Q3 2024.

3. ASE Cameras:

Arrangement for the lease and delivery of 14 ASE cameras was completed in February 2022. The vendor is holding the cameras for us until all other provincially required agreements, approvals and steps have been completed. We will not be charged for the leases until the cameras are installed.

The cameras will be placed in Community Safety Zones, two in each ward. The locations have been reviewed and provided to the vendor. “Coming Soon” signage will be installed at least 90 days in advance of the deployment of the ASE cameras.

4. ASE By-law:

An ASE by-law dealing with APS contraventions is required before starting the ASE program. A draft has been prepared pending the finalization of MTO and MAG agreements. The ASE by-law is anticipated to be presented to Council in Q3 2024.

Evaluation of Alternative Program Delivery

The APS for ASE legislation came into force in July 2022 in order to reduce the burden on the court system. **To date, no municipalities are operating ASE under the APS as any launch is contingent on the updates to agreements and JPC processing.** Municipalities who wish to operate under APS are all subject to the same agreement requirements that Oakville is, as outlined above.

Staff have reviewed options for an earlier ASE program start such as setting up an independent processing centre and/or launching the program under current POA regulations.

ASE Program under POA Regulations

For municipalities ASE programs operating under POA, ASE tickets are issued by the JPC, however, the adjudication process is managed through the provincial court system. The ability for the other municipalities (Mississauga, Brampton and York Region) to move forward with ASE is due to availability of room in their court system under POA process. For Oakville, the Halton Court Services is already overburdened,

causing a significant delay in offering dispute resolution. Currently, the Town of Oakville is allocated approximately one-half day per month to have all by-law matters for the town reviewed in court at Halton Court Services with no capacity to take on additional matters within this allocation. Therefore, Oakville approach to ASE is to manage the program under APS, not under POA under the Halton Court Services.

Setting up Oakville's own processing centre

While some municipalities outside of Toronto are starting their own JPCs, these municipalities are planning to operate using POA courts and are further behind Toronto in terms of readiness for using APS. Toronto will have their APS systems ready for November 1, 2024. If other municipalities were to switch to APS, they will not be ready until after Toronto's launch given the interdependency on the execution of MTO and MAG APS agreements.

Staff reviewed the potential of creating our own processing centre or partner with another municipality in a smaller JPC to determine if there were cost savings and ability to introduce ASE earlier in 2024, ahead of Toronto. This scenario would also mean that the town would need to hire Provincial Offences Officers to issue ASE tickets. The town would also require separate approvals from MTO and MAG and another full Privacy Impact Assessment to operate our own processing centre or partner with another. This option will require the restart the agreement process and additional resources and will negatively impact Halton Court system under POA approach. The timeline of joining another municipality or operate our own JPC will not result in the implementation of ASE sooner than Q4, 2024.

Results

As there is no cost and time savings in establishing our independent processing centre or joining with another municipality, Staff recommend continuing with the Toronto JPC to launch the town's ASE program under the APS approach.

Conclusions and next steps:

Council directed staff to move forward with ASE through APS in October 2021. Since that time, staff have been collaborating closely with key stakeholders to ensure that all required components of the program are in place to launch the ASE program under APS.

Although the journey has been longer than anticipated, the alternative of ticket issuance under the POA is simply not an option given the restricted courtroom availability in Halton Court Services. APS provides a quicker dispute process offering the public quicker resolution to their charges.

The launch of Oakville's ASE program will be delayed until shortly after the JPC goes live with APS for ASE in Toronto on November 1, 2024. **With the anticipated launch of Oakville ASE program in late Q4 2024, the 'Municipal Speed Camera Coming**

Soon' signs will be installed the last week of August 2024 to comply with the provincial requirement of installing these signs 90 days before activating the ASE cameras.

Please see below for updated timelines based on the required key milestones to launch the ASE program under APS in Oakville:

Key Milestones	Dates
MTO Agreement	Q3 2024
MAG Agreement	Q3 2024
Coming Soon Sign Installation	Q3 2024
Privacy Impact Assessment (PIA)	Q3 2024
APS for ASE By-law to Council	Q3 2024
JPC's Launch of APS (Toronto)	November 1, 2024
Oakville ASE Program Launch	Late Q4

If the program launch is delayed further, it will be based on delays in readiness by the JPC to issue APS tickets for ASE and/or MTO/MAG agreement execution. Should this happen, staff will assess the impacts to launch the ASE program. Staff will continue to work closely with the JPC and MTO/MAG to ensure we are updated on milestones and any risks to their project timelines.

Appendix A: City of Toronto Council Report ([Administrative Penalty System for Red Light Camera and Automated Speed Enforcement Violations](#))