



Driving Safer Communities

Guidelines for the use of Automated Speed Enforcement in Ontario

Prepared by the Ontario Traffic Council
in conjunction with the
ASE Steering Committee
December 2019

Background

Since the enactment of the Safer School Zones Act, 2017, the Ontario Traffic Council has been working with interested municipalities alongside the MTO through an ASE Working Group on the implementation of automated speed enforcement in Ontario. The legislation authorizes the use of automated speed enforcement in school zones and community safety zones. Automated speed enforcement, commonly referred to as ASE, is the use of a device that consists of a camera, a speed measurement device and technology that operate in combination to result in images of motor vehicles being taken, and data recorded, when a motor vehicle travels on a road way past the device at a rate of speed greater than the posted speed limit. The operation of the device does not require that a human be present or on site.

The OTC ASE Working have worked to develop a transparent, consistent, sustainable ASE program as a road safety tool for Ontario municipalities. Considerable research was undertaken to determine how automated speed enforcement was introduced in other jurisdictions both within Canada and across North America. The legislative authority for Automated Speed Enforcement was enacted effective December 1, 2019. Various communication platforms have been developed by the OTC to inform the public with regards to the automated speed enforcement program in Ontario. One example is the microsite: aseontario.com. The public has the right to expect a fair and transparent automated speed enforcement program that is consistent across Ontario and that generates charges based on the proper use of a device that meets the requirements of the Automated Speed Enforcement Regulation and the application of other, clear guidelines. Open and transparent communication with the public is viewed as essential to the success of the program.

Given that approximately sixteen municipalities are expected to use automated speed enforcement in the first year, these guidelines have been prepared to ensure that lessons from and decisions made during the initial implementation phase are documented not only to provide guidance for those municipalities to follow but to provide a summary to the public for transparency regarding the operation of automated speed enforcement in their communities. In preparing these guidelines, the implementation group had the benefit, for example, of the National Highway Traffic Safety Administration's Speed Enforcement Program Guidelines and Speed Enforcement Camera Systems Operational Guidelines; Winnipeg's Photo Enforcement Final Report; the Saskatchewan Evaluation of the Photo Speed Enforcement Pilot Program and the Alberta Automated Traffic Enforcement Technology Guidelines. As with the Alberta and other guidelines, these guidelines are intended to promote consistent, fair, effective and transparent use of automated speed enforcement as a road safety tool throughout Ontario.

Guideline Objective

To ensure that automated speed enforcement is used as a road safety tool to promote compliance with posted speed limits in school and community safety zones with a resulting improvement in collision and other outcomes. ASE must only be operated as part of a road safety plan to improve speed compliance and reduce collisions.

With this objective in mind, the following are guidelines for, or features of, a road safety based automated speed enforcement program. These guidelines shaped the implementation by participating municipalities of the program and have more recently been supplemented by guidelines produced by the Ministry of Transportation.

OTC Guidelines

1. **Municipal Decisions:** A municipality will set their own hours of operation for ASE. The criteria for site selection will be determined by each participating municipality, including whether ASE operates in a School Zone or a Community Safety Zone or any combination thereof.
2. **Evaluation:** The operation of automated speed enforcement should be subject to evaluation to ensure that the objective of improved speed compliance is being met in specific sites as well as generally within communities and across municipalities. Evaluation results should be made available to the public.
3. **Site Selection:** To support the objective, automated speed enforcement should only be utilized in school and community safety zones that meet or exceed the criteria for site selection as set out in Appendix A. Individual municipalities may score site selection in a manner that best reflects issues specific to that municipality; however site selection assessments should be reflective of risk; low or poor speed compliance; frequency of collisions and volume of vulnerable road users in or around that site.
4. **Signage:** Automated speed enforcement should only be operated in school and community safety zones that are designated by by-law and signed as required. All sites must have signage indicating the posted speed limit for that site. Neighbourhood or area signage is not sufficient. Advisory signage indicating that drivers are approaching an ASE site should be posted.
5. **Speed Limit:** The speed limit for the site must be posted. Default speed limits cannot be used. Time of day or variable speed limits also cannot be used unless MTO approves signage that permits clear communication of the applicable speed limit.

6. Devices: Automated speed enforcement must only be operated using devices that fully comply with the requirements of the Automated Speed Enforcement Regulation made under the *Highway Traffic Act*.
7. Transition Zones: Automated speed enforcement must not be used to detect motor vehicles travelling above the posted speed limit in so-called transition zones. The definition of transition zone as developed in Alberta applies to the use of ASE in Ontario. A transition zone is the area immediately adjacent to a maximum speed limit sign, when the sign indicates a speed change from a higher speed to a lower speed; or vice versa, in accordance with the Table in Appendix B.
8. School Zones: ASE cannot be used in school zones where the lower speed limit is signaled or communicated through the use of flashing beacons as there is no ability to prove whether the flashing lights or beacons were in operation at the time of the offence. Signage communicating the lower speed limit must be posted through the use of tabs or otherwise.
9. ASE Steering Committee: This body was created to bring together the municipalities that have council approval to implement ASE. The Steering Committee will decide on key elements of the ASE program using OTC ASE Working Group discussions as a basis for decision making. Municipalities with council approval that are interested in launching ASE should contact the Chair of the ASE Steering Committee to request involvement.
10. Required JPC Information: Municipalities must provide the Joint Processing Centre with copies of By-Laws for School Zones and Community Safety Zones in which ASE will be operating as well as the by-laws prescribing the rate of speed, if applicable. The JPC must be provided with pictures of the site location such that the Provincial Offenses Officers can identify the site.
11. Threshold speeds: Municipalities will operate automated speed enforcement using the threshold speeds as established by the ASE Steering Committee. These threshold speeds reflect information gained through an extensive literature review of experiences in other jurisdictions; guidelines or recommendations in use in other jurisdictions or from agencies involved in speed or traffic safety enforcement; traditional or police speed enforcement practices in Ontario municipalities and considerations of long-term program sustainability. The use of automated speed enforcement should not result in all motor vehicles travelling above the posted speed limit being charged. Such an approach is not sustainable due to overall volume as well as severely diminished acceptance of ASE by the public. As any operation of a motor vehicle above the posted speed limit is speeding, and therefore an offence under section 128 of the *Highway Traffic Act*, threshold speeds are not to be publicized or communicated in any way by participating municipalities or individuals involved in

implementing or delivering the program, in order to avoid the appearance or creation of higher speed limits than those posted.

12. **Charging Process:** All motor vehicles captured by the automated speed enforcement device travelling above the posted speed limit, and for which the alpha numeric characters are clearly ascertainable, shall be charged with speeding. No motor vehicles are exempt from being charged with speeding; however some vehicles, such as emergency vehicles, may claim a statutory exemption, as set out in the *Highway Traffic Act*, and those charges, provided that the incident falls within a listed exemption, may be withdrawn by the prosecutor. Only provincial offences officers, employed by municipalities and designated as such to enforce the *Highway Traffic Act* by the Minister of Transportation, may review images, obtain vehicle plate registration information and complete and sign charging documents. All images or incidents captured by the ASE device will be processed by the JPC whether under Part I or Part III of the *Provincial Offences Act*.
13. **Required Motor Vehicle Information:** Irrespective of whether images are processed by and charges laid by a joint processing centre or a processing centre run by an individual municipality, or group of municipalities, no charges shall be laid unless there is plate registration information for the date of the offence; there is information that the offence took place in a school or community safety zone; that the evidence was obtained using a device that met the requirements of the regulation; that the motor vehicle plate alpha numeric characters are clearly identifiable; that the motor vehicle is somehow marked in the image, as set out in the regulation, to identify that motor vehicle as the one travelling in excess of the posted speed limit and that the provincial offences officer has viewed the certificate of accuracy for the device issued within 12 months of the offence date.

Municipal Provincial Offences Officers: The Joint Processing Centre will send the certificates of offence to the participating municipality. Those certificates must be filed with the POA Court Office within very strictly controlled time limits by the person who is designated as a provincial offences officer for this purpose. It is recommended that two or three individuals be designated due to vacations, sick days and other leaves. It is usually staff in the Clerk's Office that would be designated. The municipality must send individual names to the Manager of the Joint Processing Centre for him/her to forward to the MTO to issue the designation. There is a straightforward process that staff will have to strictly adhere to in order to ensure that the municipalities ASE charges are properly filed and filed on time.

14. **Communications:** The OTC, alongside a communications consultant created a number of tools to communicate how ASE works and the value it provides municipalities and vulnerable road users (Appendix C). One of the key communication resources provided to municipalities is an internal communications plan, which can be shared

with municipal staff, politicians, partners and other stakeholders. It is recommended municipalities follow similar script when communicating around ASE to ensure consistent positive messaging. Whenever possible the public can be pointed to ASEontario.com for current information about ASE in Ontario. A brand guideline has been created (Appendix D) to ensure logo and tagline consistency across the program.

15. Agreements: There are agreements required between the municipality and the vendor, the municipality and the Province and the municipality and the Joint Processing Centre.

A municipality, that has obtained approval of the Municipal Council to use automated speed enforcement, should comply with these guidelines; obtain information from staff at the Ministry of Transportation and the Joint Processing Centre; enter into the various required agreements; have a plan to process charges and actively engage in public communication regarding the use of ASE in that municipality. As a local decision, municipalities may, for example, determine their own hours of operation of the ASE devices as well as the duration of use of ASE; however such decisions must be made in conjunction with the processing centre to best allow for the orderly processing of images within the statutory framework. ASE must not be used as a revenue generating tool. Site selection and other related decisions must be driven by the over-arching objective of road safety.