

COMMITTEE OF THE WHOLE – JANUARY 17, 2005

PHOTO RADAR PILOT PROJECT

Recommendation

The Commissioner of Legal and Administrative Services in conjunction with the Senior Manager of Enforcement Services recommends that this item be received.

Purpose

This report is to provide an update on photo radar in general and the City of Vaughan's request to pilot a photo enforcement project.

Background - Analysis and Options

At its meeting of June 28, 2004, Report 54, Item 6, Council gave direction for Enforcement Services staff to *"approach the Ministry of Transportation to discuss the feasibility of implementing a photo enforcement project that would allow for the enforcement of traffic violations on municipal roads"*.

Subsequent to that direction, a project briefing note (attached) was delivered and discussed with Thornhill Member of Parliament, Mario Racco. He agreed to present the proposal to the Ministry of Transportation. Inquiries made to date have not identified a position on the proposal from MTO.

On December 8, 2004 the Senior Manager of Enforcement Services attended a seminar hosted by the Ontario Association of Chiefs of Police's Traffic Committee. At this seminar the future of photo enforcement was discussed.

The seminar outlined how the photo radar program was established in 1993 and what lessons had been learned. It is the government's intent to move forward with bringing photo radar back into use and use the lessons learned from past experiences. It is expected that the roll out of the project will be in about 18-24 months and will be accompanied with an extensive public relations campaign. The focus of the project will not be revenue. Any profit will be required to be re-invested into traffic safety programs.

The Ontario Association of Chiefs of Police's position is that they support the program as a one dimensional enforcement program. They also are taking the position that only sworn police officers can operate the equipment, and that police officers should be the only people involved in traffic enforcement.

The Police Association of Ontario is also taking the same position. This would make any chance of Special Constables or other city staff being involved in this or any other traffic enforcement project fairly remote.

In contrast, the City of Edmonton Police Force also presented at the seminar. They operate six photo radar vans and two units attached to radar message boards. Their units are operated by Special Constables with strict police oversight. Edmonton generates \$20 million per year from their program. The program also has 80% public support. This is due in large part because accident and speed statistics are reported regularly, extolling the virtues of the program.

While the technological enforcement (as photo radar will be called) is set to return, it appears as though the individual municipalities will not have control over the project in their areas and must rely on the police to operate the units.

Relationship to Vaughan Vision

The subject discussed in this report is in keeping with the Vaughan Vision by promoting community safety. At this time resources have not been approved or allocated.

Conclusion

While photo enforcement appears to be returning the project will be operated by police agencies not the individual municipalities.

Attachments

Project Briefing Note.

Report prepared by:

Tony Thompson, Senior Manager Enforcement Services

Respectfully submitted,

Robert J. Swayze,
Commissioner of Legal & Administrative Services

Traffic Enforcement Project Briefing Note

Title: City Of Vaughan Traffic Enforcement Pilot Project

Purpose: Improve traffic safety in residential communities

Proposal: To pilot a traffic enforcement project where City of Vaughan Enforcement Services staff will enforce only provisions of Section 144 of the Highway Traffic Act through Section 207 using video technology and staff observations. This project should be in effect for no longer than two years before a comprehensive evaluation is undertaken.

Methodology: City of Vaughan Enforcement Section staff will monitor stop sign controlled intersections using a combined approach to gathering evidence. A mobile video camera and recording will be utilized to capture all traffic movements at a given intersection. The intersection street names will be included in the frame, as will the date and time. Should a driver proceed through the stop sign without stopping, the officer will make note of the time of the offence and vehicle description.

The registered owner will be issued a Provincial Offences Notice using the provisions of Section 207 of the HTA. In the event of a dispute, the video footage of the offence can be produced to prove the offence in conjunction with the evidence of the officer observed the offence.

The process outlined addresses the evidentiary questions, having undisputable proof of the offence, and an independent witness to each violation.

Cost: The cost of developing and piloting this project will be bourn by the City of Vaughan. It is anticipated that the equipment and set up costs will be approximately \$150,000. The staff costs will be approximately \$250,000. per year.

There will be a requirement for a comprehensive evaluation of the process and that would likely cost out at approximately \$50,000.

Benefits: The Provincial Government can pilot a project that speaks to alternate means of improving traffic safety and enforcement. These are very much in demand from the residents of Vaughan and York Region.

The City of Vaughan can address the ever increasing demands for traffic calming and complaints regarding traffic in residential communities.

There is no officer/violator contact therefore eliminating any risk to the safety of the officer or public.

The legislation is in place to permit a pilot project of this nature.

There is no risk to the Government, either through cost or liability as the cost of the project is being covered by Vaughan and insurance will indemnify the Government if required.

As this is a combination of video and staff observation related charges, most of the defense arguments surrounding "Photo Radar" are eliminated.

Conclusion: This pilot project provides for the testing of alternate means of traffic enforcement within the existing legislation, at no cost to the Provincial Government, and is responsive to the wishes of the electorate.