
For Information

REPORT TITLE: Automated School Bus Stop Arm Camera – Interim Update

FROM: Andrew Farr, Interim Commissioner of Public Works

OBJECTIVE

To provide an interim update on the development of options, scope, and costs for implementing an Automated School Bus Stop Arm Camera program in the Region of Peel.

REPORT HIGHLIGHTS

- The legislative framework necessary to support school bus stop arm camera programs in Ontario is developing quickly and effectively, but crucial gaps still exist.
 - Available court capacity may limit the scope of potential stop arm camera programs in the short term as penalties must be processed under the *Provincial Offences Act* (POA); future regulatory changes to allow an Administrative Monetary Penalties System (AMPS) are required to address this constraint.
 - A cost-neutral program requires penalty revenue be directed to the program administrator; to direct revenue to the Region, agreements between municipal bodies will be required under POA, and legislative changes will be required under AMPS.
 - Understanding that Provincial legislative changes are necessary to enable a Regional stop arm camera program, the Region together with other Ontario municipalities and organizations continue to lobby the Province requesting legislative amendments.
 - In parallel, staff are investigating various program scales, including a limited pilot, partial, and full-scope implementation.
 - Regional staff are working with subject matter experts to define the specific business processes that must exist between a processing centre and the courts, to ensure charges and fines can be successfully administered.
 - Legislative requirements for technology and privacy also continue to evolve; Regional staff are investigating technical and privacy requirements and are in the process of obtaining assistance to develop technical specifications for system hardware and software.
 - Staff anticipate a further update to Regional Council early in 2021.
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DISCUSSION

1. Background

The Region of Peel, along with the City of Brampton, the Town of Caledon, and the City of Mississauga, have adopted or support Vision Zero policies to recognize that no loss of life from a collision is acceptable. The Region of Peel also recognizes that the safety of students while traveling to school is of paramount concern.

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On December 12, 2017, the Province passed Bill 174 – *Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017* which amends the *Highway Traffic Act* to include new sections requiring drivers to stop when a school bus has its overhead red signal-lights flashing or its stop arm actuated. The amendment also provides for the use of automated school bus stop arm camera systems and evidence obtained from such systems. The Province indicated that it is up to municipalities, with the cooperation of School Boards, to implement automated school bus stop arm camera systems.

At its meeting held on December 12, 2019, Regional Council approved Resolution 2019-1134 indicating that the Region of Peel supports the implementation of cameras on school buses to promote the safety of Peel Region students and their families. A working group was formed to provide recommendations to Regional Council on how best to proceed with development of an automated school bus stop arm camera program. Councillors Downey, Fonseca, Palleschi, and Ras were appointed to the School Bus Stop Arm Cameras Working Group as per Resolution 2019-1140. Staff from the City of Brampton, the Town of Caledon, the City of Mississauga, and the Region of Peel, Student Transportation of Peel Region, Peel school boards, Peel Regional Police, and the Ontario Provincial Police were also named as members of the Working Group.

The Region's School Bus Stop Arm Camera Working Group developed a memo that was presented to Regional Council on June 11, 2020 (Resolution 2020-436) providing recommendations on how to best to develop a program for Peel Region.

Based on the recommendations of the Working Group, Regional Council unanimously passed Resolution 2020-446, directing Regional staff to:

- Report back to Regional Council with options, scope, and costs for implementing an automated school bus stop arm camera program in the Region of Peel, and
- Support the Student Transportation of Peel Region's procurement process for a suite of modern school bus technologies, with the option to leverage that procurement for the acquisition of compatible stop arm camera hardware and software.

Additionally, Regional staff were requested to investigate the feasibility of the Region of Peel taking the lead in the implementation of a processing centre for the Administrative Monetary Penalties System (AMPS), as per Resolution 2020-436.

2. Updates

Regional staff have been working with various partners, stakeholders, technical staff, and specialists to research and report back on a stop arm camera program. Regional Council received an update on September 10, 2020 from Andrew Farr, Interim Commissioner of Public Works (Resolution 2020-697) which provided preliminary information relating to recent regulatory advancements and Regional staff's work with stakeholders. The following provides a more detailed update on program progress.

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- a) **Evidentiary Rules – The legislative framework necessary to support school bus stop arm camera programs in Ontario is developing quickly and effectively, but significant gaps still exist.**

Effective September 1, 2020, the Province of Ontario amended the *Highway Traffic Act* with *Ontario Regulation 424/20 – School Bus Cameras* to introduce a regulatory framework which sets out evidentiary rules to govern automated school bus stop arm camera programs. Municipalities that choose to implement automated school bus stop arm camera programs will be able to use evidence from camera systems in court without requiring a witness to introduce that evidence.

In support of municipalities interested in setting up automated school bus stop arm camera programs in their regions, the Ministry of Transportation of Ontario (MTO) has developed a guidance document for automated school bus stop arm camera programs (Appendix I). This document provides relevant information to assist municipalities in developing automated school bus stop arm camera programs in their communities by providing information on legislative requirements, processes, and responsibilities. These guidelines provide a good foundation to establish a program; however, they do not address issues such as:

- Required technical guidelines for hardware and software (for example, hardware isolation requirements)
- Data transfer and storage requirements
- Processing centre requirements (such as data sharing protocols with MTO, for example, license plate data)

Regional staff are currently investigating these issues through research on similar programs, environmental scans, consultation with stakeholders and advocacy with the Province.

- b) **Processing – Available court capacity will limit the scope of potential stop arm camera programs in the short term as penalties must be processed under the *Provincial Offences Act (POA)*, however future regulatory changes to allow for an *Administrative Monetary Penalties System (AMPS)* will address this constraint.**

Provincial guidelines state that municipalities may choose to set up their own automated school bus stop arm camera programs with municipally-operated evidence processing, or may consider a joint processing approach between a group of municipalities.

Penalties for the offence of passing/overtaking a school bus are laid under the POA. This poses a current challenge due to limited court capacity. Based on a 2016 pilot program, the School Bus Stop Arm Camera Working Group estimated that there would be between 150,000 to 500,000 offences per year if a full program roll-out of nearly 1,500 school buses were implemented. Local courts have indicated they are unable to process that volume of violations. Staff are investigating various implementation scales that the Region could choose to move forward with, including a limited pilot, partial and full-scope implementation.

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To allow automated school bus stop arm camera programs to lay penalties under an AMPS, further regulatory changes are required; these changes are underway. On June 6, 2019, Bill 107 – *Getting Ontario Moving Act (Transportation Statute Law Amendment)*, 2019 received royal assent. The sections that would allow for future AMPS to be developed are awaiting proclamation, which is expected sometime between 2021 and 2023. AMPS would reduce the burden of an automated school bus stop arm camera program on the court system and would expedite the processing of penalties; the extent of these benefits would depend on the specific language within future regulations.

Regional staff are currently defining existing and pending legislative requirements and continue to investigate the feasibility of a Region of Peel AMPS processing centre, as well as actively advocating for legislative change with our partners. Due in part to the constraints on the local court system, a Regional program is not feasible without Provincial legislative changes.

In parallel to these activities, Regional staff are in the process of procuring external subject matter assistance to develop a process that ensures continuity of evidence, and defines the relationship between processing and legislative requirements. This work will define the specific business processes between a processing centre and the courts to ensure charges and fines can be successfully administered. This work will take place throughout the duration of 2020 and into 2021.

- c) Revenue – Striving for a cost-neutral program requires that revenue be directed to the program administrator; to direct revenue to the Region, agreements between municipal bodies will be required under POA, and legislative changes will be required under AMPS.**

Under current legislation, penalties for automated school bus stop arm camera offences are to be laid under the POA. Revenues collected through POA for programs such as Automated Speed Enforcement or Red Light Camera are directed to local municipalities. If a program is enforced through the POA, any potential revenue-neutral program would require that revenue be directed to the municipality administering the program. If the Region administers a program, this could be accomplished by establishing agreements between municipalities.

Once AMPS legislation comes into force, as it is currently structured, revenue collected would be allocated to the Province. The Region, together with other Ontario municipalities and organizations such as the Association of Municipalities of Ontario (AMO) and the Ontario Traffic Council (OTC), continue to lobby MTO requesting legislative amendments for the use of AMPS for an automated school bus stop arm camera program where municipalities would receive the revenue from penalties. Without these changes, Regional Council's direction for a cost-neutral program could not be met.

In addition, staff's investigation has identified significant differences between an automated school bus stop arm camera program and existing electronic enforcement programs, such as Automated Speed Enforcement and Red Light Camera. In these existing programs, operations costs are much lower, allowing revenue to be directed to local municipalities to cover court costs. An automated stop arm camera program would have significantly higher setup and operations costs in part due to hardware and software needs.

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d) Advocacy – The Region of Peel and its partners have been active in advocating for legislative changes to support stop arm camera programs.

As highlighted above, an automated school bus stop arm camera program in Peel would require several legislative changes to ensure the program meets the objectives set out by council related to cost neutrality, and to consider impacts on and support the needs of our partners.

To this end, Regional staff contributed to a letter distributed by the Ontario Traffic Council (OTC) on May 26, 2020 to the Ministry of Transportation of Ontario to advocate for an AMPS for automated school bus stop arm camera offences.

On June 11, 2020 Regional Council endorsed the recommendations contained in the Automated School Bus Camera Working Group Letter dated June 2, 2020 which in part states “that correspondence be sent from the Region of Peel to the Ministry of Transportation to advocate for the above mentioned legislative changes”. In response, Regional Chair Nando Iannicca wrote to Hon. Caroline Mulroney, Ontario Minister of Transportation on October 15, 2020 to advocate for changes that would allow municipalities to create stop arm camera programs enforced through an AMPS, and that would direct penalty revenue to the municipalities (Appendix II).

To build on these efforts, Regional staff have developed a stakeholder engagement plan that identifies key steps for advocacy, including follow-up correspondence to the Province as more information on AMPS is released. Staff will also collaborate on advocacy with other Municipalities and stakeholders, including the AMO and the OTC with whom the Province has initiated consultations on proposed AMPS changes. Staff are investigating additional advocacy options during this information-gathering process and will adjust plans based on any new information from the Province.

e) Technology and Privacy – Legislative requirements for technology and privacy continue to evolve; technical specifications will need to be developed for camera hardware and software.

Relevant regulations in the *Highway Traffic Act* have established some camera technology requirements, such as minimum video frame-rate, but do not address items such as GPS accuracy, hardware isolation requirements or data transfer. The Province has indicated that additional standards, such as province-wide signage requirements, have yet to be developed, but will be outlined as part of future agreements with MTO necessary to support implementation of a stop arm camera program.

Various regulations relating to privacy have been identified that apply to automated school bus stop arm camera programs. Under the *Provincial Offences Act* Section 3 (2), only a designated provincial offences officer may issue an offence notice. Participating municipalities will be required to enter into a data access agreement with MTO for the purposes of accessing licence plate registrant information, which will only be accessible for designated provincial offences officers. Lastly, municipalities are recommended to undertake a privacy assessment before launching an automated school bus stop arm camera program.

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Regional staff are in the process of further defining technical specifications and privacy requirements to inform the Region's selection of technology, such as camera hardware and software. Staff are in the process of procuring assistance in the development of technical guidelines and specifications to support future procurement of stop arm camera technology should Council proceed with a program.

- f) Procurement – Although the Region is not in a position to procure camera hardware and software at this time, staff are protecting future opportunities for procurement of technology compatible with the existing school bus technology suite.**

At this time, the Region has not selected a program model or a committed funding model, and legislation and specifications that will ultimately inform the requirements of stop arm camera systems in the Province of Ontario are in active development. When initiated, the Region's procurement of hardware, software, and other technology services to support a successful automated school bus stop arm camera program will be conducted to align with applicable laws and the latest regulatory and legislative requirements

On September 3, 2020, the Region of Peel was notified by the Student Transportation of Peel Region (STOPR) that they have selected a vendor for the procurement of a suite of modern school bus technologies. STOPR's technology suite includes internal cameras, tablets, GPS tracking tools, and a parent app, as well as the option to purchase stop arm cameras. Consistent with Resolution 2020-446, staff are working with STOPR to maintain the option to leverage their procurement process in the future.

Should Regional Council proceed with the development of a program, staff will work to define specific technology and program framework requirements and to explore various available procurement options to ensure best value for the Region, in accordance with Procurement By-law 30-2018, as amended. Procurement options may include, but are not limited to, proceeding to a competitive procurement process, leveraging the STOPR sole source procurement process, or proceeding with a separate direct negotiation for technology compatible with existing school bus technology.

- g) Program Models – Various options for a Regional program exist; therefore, staff are working to examine them for feasibility and cost in order to bring an informed report and recommendations to Council.**

There are numerous program models that would support the development, implementation, and management of an automated school bus stop arm camera program. These models vary in:

- the scope of deployment (pilot or partial vs full)
- the legislative framework for penalties (POA vs AMPS)
- the type of processing centre (Regional, Municipal, Joint with other Regions, etc.)
- the inclusion of other types of offense processing (red light camera and automated speed enforcement)
- cost sharing models.

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The many combinations of these attributes will be examined for both feasibility and cost. Staff have identified and performed a preliminary analysis on some of these program models and will be further refined in collaboration with subject matter experts.

3. Proposed Direction

Regional staff will report back to Regional Council with options, scope, and costs for implementing an automated school bus stop arm camera program once all relevant information has been collected. Work to date has included consultation with stakeholders, review of legislative requirements, examination of technical requirements, advocacy, and program scope review.

As described above, in order to provide Regional Council with an informed recommendation for an automated school bus stop arm camera program, staff will be undertaking the following work over the next months:

- Developing technical guidelines for both hardware and software, with a focus on privacy
- Evaluating program models for feasibility and cost
- Reviewing potential funding models
- Exploring options for a Peel Processing Centre
- Reviewing applicable regulations and guidelines to ensure a future program is compliant
- Actively advocating for AMPS regulatory changes

Staff will report back to Council with a further update in early 2021, and will provide interim communications to Council should they be warranted as a result of legislative or other unforeseen changes in this rapidly developing field.

RISK CONSIDERATION

Risk that violations remain unprocessed. If AMPS legislation does not come into force before an automated school bus camera program is established, offences would be laid under POA and local courts would not have sufficient capacity to process or ticket the volume of violations expected. This risk leaves the Region vulnerable to outlay costs without improving safety outcomes for students and their families.

Risk that cost-neutrality cannot be achieved if revenues are directed to the Province. If AMPS legislation does come into force as it is currently structured, revenue collected would be allocated to the Province. The operational costs of an automated school bus stop arm camera program are expected to be higher than for similar electronic enforcement programs such as the Red Light Camera and Automated Speed Enforcement. Without the appropriate legislative changes, Regional Council's direction for a cost-neutral program could not be met.

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Risk that technology adopted early will not meet evolving legislative requirements for a program. If Regional staff do not undertake the necessary due diligence on the privacy and technology requirements for an automated school bus stop arm camera enforcement program, it is possible that the Region acquires technology or establishes a program that is not compliant with existing and future legislation and guidelines. This would result in misspent outlay costs and would delay an effective program launch.

Regional staff believe the risks described above are being addressed as part of the ongoing investigation into program options, scope, and costs for implementing a Region of Peel automated school bus stop arm camera program.

It will be important to ensure that the main objective of the program is to improve safety, change driver behaviour and see a reduction in the need for tickets. As more information is released by the Province, Regional staff will provide Council with options to move forward with a program that supports student safety and is aligned with applicable laws and regulations.

CONCLUSION

As directed in Resolution 2020-446, Regional staff will continue to investigate all options, scope, and costs for implementing an automated school bus stop arm camera program in the Region of Peel. Staff will also continue to review all updates from the Province, advocating for the appropriate legislative changes that are required to offset the costs of Regional program enforced through the Administrative Monetary Penalties System.

Current constraints related to local court capacity and program costs make the successful implementation of a Regional program dependent on these legislative changes. This investigation process is aligned with the program development used for existing electronic enforcement programs, including the Automated Speed Enforcement and Red Light Camera programs. The time spent in the planning phase has supported a smooth and successful roll out of these programs, supporting stakeholder needs and positive outcomes in the community.

APPENDICES

Appendix I – Ministry of Transportation Ontario Guidance Document for School Bus Stop Arm Camera Programs

Appendix II – Communication from Regional Chair Nando Iannicca to Hon. Caroline Mulroney, Ontario Minister of Transportation on October 15, 2020

For further information regarding this report, please contact Sean Carrick, Manager, Traffic Engineering, Ext. 7868, sean.carrick@peelregion.ca.

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Reviewed and/or approved in workflow by:

Department Commissioner, Division Director and Financial Support Unit.

Final approval is by the Chief Administrative Officer.

A handwritten signature in black ink, reading "Nancy Polsinelli". The signature is written in a cursive style with a large initial "N" and a distinct "P".

N. Polsinelli, Interim Chief Administrative Officer