



**Subject: Vision Zero Road Safety Program – Niagara Region Courts
Inter-Municipal Amending Agreement**

To: Council

From: Public Works Department

Report Number: 2022-05

Meeting Date: February 22, 2022

Recommendation:

That Public Works Department Report 2022-05 be received;

That the Amending Agreement to the Niagara Region Courts Inter-Municipal Agreement attached as Appendix A to Public Works Department Report 2022-05 be approved for purposes of advancing the Vision Zero Program;

That the Mayor and Clerk be authorized to execute the Amending Agreement to the Niagara Region Courts Inter-Municipal Agreement.

Purpose:

The purpose of this report is to seek Council's approval of the required amendments to the Niagara Region Courts Inter-Municipal Agreement (IMA) in support of a financially sustainable Region-led Vision Zero Program.

Background:

Vision Zero is a multi-national road traffic safety project that aims to achieve a road network with no fatalities or serious injuries involving road traffic.

The Niagara Region's Vision Zero Program (the Program) will include Automated Speed Enforcement (ASE) and Red-Light Cameras (RLC). The goal of the Program is to change driver behavior and to reduce overall speeding on roads within the Region.

The Program was approved as part of the Region's 2020 budget, contingent on successful negotiations of a revised IMA with the local area municipalities (LAMs) to address apportionment of revenue and costs of the program.

Guiding principles of improving road safety and equitable financial outcomes were considered during discussions with local area municipal CAOs and treasurers.

Discussion:

The Niagara Region Courts Inter-Municipal Agreement (IMA) is necessary for the implementation of the Region's Vision Zero Road Safety Program. Staff have attached a copy of the IMA in Appendix A of this report. The IMA requires unanimous approval and execution by all LAMs in order to allow for the launch of the Program, as approved by Regional Council. Staff have reviewed the draft and support the amending agreement to the IMA being proposed by the Region.

Analysis

Regional Staff received authorization from Regional Council to initiate discussions with the LAMs regarding the required amendments to the IMA in November 2019 (PW 64-2019).

Regional staff initially met with LAM Treasurers and CAOs in March 2019; with follow-up discussions with the CAO group in September 2019. The delay in discussions was a result of staff's attention being allocated to pandemic response, with a renewed focus on the initiative in the Fall of 2020. Regional presentations and discussions have centered on program overview, financial implications and proposed amendments to the IMA with guiding principles of improving road safety and equitable financial outcomes.

The implementation of the Program by the Region requires a significant upfront investment, and as such the Amending Agreement provides that the Region shall be permitted to recover its Vision Zero Program Implementation and Operating Costs from the gross Vision Zero Program revenues, prior to distribution of the net Vision Zero Program revenues pursuant to sections 8.2 and 8.3 of the Intermunicipal Agreement.

The original IMA was approved by all 12 local area municipalities and Niagara Region on April 26, 2000 with revenue sharing arrangement between the Region and the 12 local area municipalities (LAMs), 50% of net revenues are retained by Niagara Region and 50% of net revenues are shared with the LAMs; which will apply to net Vision Zero Revenues.

Regional Council has expressed support for an amendment to the IMA that would allow the Region to recover the costs of the Program from gross revenues to ensure it is financially sustainable; and share net revenues 50/50 with the local area municipalities.

Term of Agreement

The proposed term of this Amending Agreement is three years from the Effective Date (being the date the first ticket issued under the Program is filed with the Court) and

includes an opportunity for the parties, on or about two (2) years from the Effective Date, to engage in discussions to collectively review available data related to the Program for purposes of considering long-term projections and plans for the Program, including possible sites for future capital investment and any further amendments that may be required to the IMA.

A minimum commitment of three years is being requested to get the Program up and running. This time will allow the Region to ensure there is enough data to assess the Program, to support that it is making a difference to driver behavior and increasing road safety. There is an initial financial risk as there are many unknowns associated with volumes, staffing levels required, timing and collections of infraction revenue. A minimum of three years of 100% of the Vision Zero infraction revenue in excess of Court Services' operating costs is anticipated to be required to cover the Region's investment over those three years.

Revenue Distribution

Given that the charges issued under the Program are processed by Court Services through the Provincial Offences Court, infraction revenue from the Program will flow through Court Services similar to other traffic ticket revenue. Vision Zero related infraction revenue will be segregated and will be used firstly to offset the Program Court costs incurred by Court Services; and then to fund the capital and operating costs associated with the implementation and operation of the Program. Any remaining revenue will be distributed pursuant to sections 8.2 and 8.3 of the IMA.

In the event that the Program gross revenues are less than the Court Costs at the end of any fiscal year, the Region will provide funding to cover the deficit from the Region's share of the net revenue distribution, so that the net revenues distributed to all municipalities, with the exception of the Region, are not negatively impacted by the Program. In subsequent years, any net Program revenues will first be used to repay the Region for previous years' deficit and then used for the operation and reinvestment in the Program.

Reporting Requirement

The Amending Agreement includes a requirement to report to Regional Council on an annual basis regarding operational costs and technical performance of the Vision Zero Program and the use of the net Vision Zero Program revenues to ensure transparency.

Approval of the Amendment to the Agreement

As was the case with the original IMA dated April 26, 2000, each of the 12 LAM Councils and Regional Council would need to approve the execution of the Amending Agreement in order for the revisions to take effect. In the event that the Amending Agreement is not approved, the Program, based on the current Regional Council approval and Regional Staff assessment of financial viability, would not proceed.

Regional Staff believe that the Program is critical to enhancing road safety for all residents of, and visitors to, the region and accordingly are seeking to advance implementation of the Program in or about Q2 2022.

Region Lead

A Region-led Program will mean the Region is responsible for the consistent delivery of the Program, stakeholder engagement and fielding questions or concerns from the public related to the Program. The Region will assume the financial risk during implementation of the Program, such as covering the significant upfront financial investment, uncertainty around revenue collection and ensuring there are adequate funds available to offset costs. The Region is a current member of ASE working group and will be able to leverage this relationship during implementation. Initial investments in ASE technology at the outset will be in approved community safety zones on Regional Roads. Regional Roads have larger intersections, higher traffic speeds and volumes, as such the technology will have the largest impact on these roads. Investment will be undertaken strategically based on consultant recommendations to ensure the largest community impact. The goal of this Program is to change driver behaviour throughout the Region with a strategic broad lens to implications to all 12 LAMs.

Administrative Monetary Penalty System

Region Transportation staff are participating in a working group established by the Ontario Traffic Council related to possible legislation being considered by the Province that would permit municipalities to process vision zero related charges outside of the Provincial Offences Court through an Administrative Monetary Penalty System (AMPS); similar to the way local area municipalities currently deal with parking by-law offences. If the legislation is approved and implemented, charge revenue related to the Program would not flow through the POA courts, and there would be a need to establish and resource an AMPS framework to manage these charges in its place.

Internal Consultations:

This program and Report have been discussed with all LAM CAOs and Treasurers at separate meetings with Region of Niagara staff. Carolyn Ryall, Beth Brens, and Judy MacPherson from the Niagara Region Transportation Services Division will be attending the Council Meeting on February 22, 2022 and their presentation is attached as Appendix H.

Financial Implications:

Financial:

Infractions issued under the Program will be processed through Niagara Region Provincial Offences Court which is administered by the Court Services division of the Niagara Region. Under the revenue sharing methodology prescribed by the IMA, the Region and the 12 local area municipalities (LAMs) share net revenues 50/50; this would include net revenues realized as a result of the Program.

The establishment of the Program will require significant upfront investment and ongoing operating costs, including but not limited to: equipment installation, leasing and maintenance costs, infrastructure upgrades, communication and education. The proposed Amending Agreement would allow the Region to recover the Program Implementation and Operating Costs (as defined in the Amending Agreement) from the gross Vision Zero Program revenues, prior to distribution of the net Vision Zero Program revenues.

As part of the 2020 Regional Operating Budget, Regional Council approved a business case for the Program (Appendix B). That business case outlined costs to be incurred for both Court Services and the Niagara Region (in the transportation and business licensing divisions), in the first full year of operations, of approximately \$4M annually with a break-even ticket volume of approximately 32,500 tickets. It is anticipated that the tickets generated from the Program will allow for enough funds to cover both the increased costs in Court Services as well as to cover the costs to implement and operate the program in the first 1 – 3 years. The Program has been included in the Court Services 2022 operating budget with an estimated start date of Q2 2022 and revenues equal to expenditures. There is no anticipated net revenue available for distribution in relation to the Program in 2022.

Table 1 – Three Year Operating Expense Budget Impacts (in millions)

	2021	2022	2023
Niagara Region*	\$ 1.75	\$ 2.32	\$ 2.27
Court Services	1.07	1.69	2.05
Total	\$ 2.82	\$ 4.00	\$ 4.31

*Transportation and Business Licensing

According to Provincial Guidelines, any municipal revenue collected under a Municipal ASE program that exceeds the costs of delivering the Municipal ASE program is required to be used to support local public safety and educational initiatives. Based on this guideline, all revenue that exceeds the costs of delivering the Program would be used for future reinvestment into the Program. Reinvestment includes such things as strategically expanding technology, intersection improvements, geometrics, street lighting, signage, pavement markings and pedestrian crossovers, communications and education platforms.

Therefore, the Region Transportation Services Division shall use its share of the net Vision Zero Program revenues exclusively for the operation and enhancement of the Vision Zero Program. The Amending Agreement similarly provided that the local area municipalities agree to use their share of the net Vision Zero Program revenues exclusively either: (a) for vision zero road safety projects and initiatives in their own municipality; or (b) to support the Region's operation and enhancement of the Vision Zero Program to be in alignment with Provincial requirements. Further recognizing the Provincial reporting required to be undertaken by the Region regarding the Vision Zero Program and revenue use; the Amending Agreement specifies that the local area municipalities will also provide reporting as necessary to achieve alignment with Provincial reporting requirements established from time to time, and in any case at least annually, as to their use of their share of the net Vision Zero Program revenues.

The goal of the Program is to change driver behavior and to reduce overall speeding on roads within the region. The financial impact of reduced speeding tickets on the LAM revenue distribution is difficult to estimate until trends from the Program are available. Staff believe that the worst-case scenario is if no speeding tickets were issued by NRPS annually, the lost revenue available for distribution is estimated at \$80,000 for all 12 LAMs. In relation to RLC tickets, there are very few red-light tickets issued annually by the NRPS. The worst-case impact to the distribution to the LAMs if no red-light tickets were issued is estimated at \$6,000 for all 12 LAMs.

It is anticipated that the Niagara Regional Police Service will continue to allocate similar resources to policing roads throughout the region and would be able to shift their focus to areas outside of the ASE and RLC areas.

Staffing:

This is a Regional led program with representation and collaboration from City of Port Colborne Public Works staff

Public Engagement:

Niagara Region strives to achieve a prosperous, safe and inclusive community that embraces natural spaces and promotes holistic wellbeing and quality of life. This project will address Niagara Region's commitment to the safe system approach, by recommending extensive, proactive and targeted initiatives, informed by data and aimed at eliminating serious injury and fatalities on Niagara Regional roads.

Once the Region receives unanimous approvals from all 12 LAMs and Regional Council, the Region plans to launch a communication and education campaign throughout Niagara Region to inform the residents of the Vision Zero Road Safety Program

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
 - Value: Financial Management to Achieve Financial Sustainability
 - Governance: Communications, Engagement, and Decision-Making
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Conclusion:

Staff believe that the Region's Vision Zero Program is critical to enhancing road safety for Port Colborne's residents and as such recommend that Council approve the Niagara Region Courts Inter-Municipal Agreement in order to initiate the program.

Appendices:

- Appendix A Amending Agreement to Niagara Region Court Intermunicipal Agreement for Vision Zero
- Appendix B Vision Zero 2020 Business Case
- Appendix C PW 36-2019 Red Light Camera
- Appendix D PW 38-2019 Community Safety Zones
- Appendix E PW 64-2019 Vision Zero Road Safety Program
- Appendix F PW 35-2019 Automated Speed Enforcement – Safer School Zones Act
- Appendix G Regional Report PW 2-2020 Implementation
- Appendix H Niagara Region Transportation Services Division Vision Zero Road Safety Update Presentation

Respectfully submitted,

Christopher Kalimootoo, BA, P.Eng, PMP, MPA, MBA
Director of Public Works
905-835-2900 ext. 223
Chris.kalimootoo@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.