

## **PHOTO RADAR IN ONTARIO—WILL BEING A LATE ADOPTER SOLVE THE PROBLEMS?**

Gordon Baldwin

Proceedings of the 52nd Annual Conference  
Canadian Transportation Research Forum

### **Introduction**

Photo radar was introduced in Ontario in 1994 by the NDP government and discontinued in 1995 by the Conservative government. In late 2016, the Liberal government announced that legislation would be tabled to re-introduce photo radar in school zones and designated “community safety zones”. Has enough changed in two decades with the use of this technology elsewhere in Canada to solve the problems that resulted in Ontario’s dropping of photo radar the first time around?

### **Reasons Given for Cancelling Photo Radar in Ontario in 1995**

While the elimination of photo radar in Ontario in 1995 seemed to be more based on the delivery of a campaign promise, the reasons most often cited for its discontinuation included:

- Photo radar does not improve safety but is merely a cash grab, another way to tax citizens. In July 1995, the Ontario Solicitor General Bob Runciman said. “We have deemed photo radar to be primarily a cash cow for the NDP and not really having a meaningful impact in terms of road safety.”<sup>1</sup>
- Photo radar can only capture speeding offences. Police in a police car would be a superior approach as they can stop drivers for speeding but also other offences such as dangerous driving, suspected impaired driving, illegal lane changes etc. The following argument was given at Queen’s Park in 1994: “I want to talk about his photo-radar -- and the Transportation minister of years gone by. I think it's a misallocation of the funds of the Ministry of the Solicitor General to put them in photo-radar, and I think those funds would go much better into other police officers being placed on the highways and elsewhere. I think people who are able to pursue other vehicles, who are able to spot people who are weaving back and forth because of impairment, are able to spot other problems happening on the highway -- if we had more of those officers, because I too agree with safety on the highway, that would be much more productive than the money machine we call photo-radar.”<sup>2</sup>
- Police cars visibility cause drivers to slow down making highways safer while moveable unmarked vans for photoradar do not slow down drivers.
- As the car owner rather than the driver receives the ticket often with a substantial delay after the offence, does this really change bad driver behaviour?

The 1990’s use of photo radar in Ontario was primarily on major highways and commuter routes and used unmarked vans that allowed the locations to be moved and drivers would not necessarily know what locations were being monitored. This may have added to the impression that revenue generation was more of the goal than getting drivers to slow down.

## **Experiences in Manitoba**

Photo radar as well as red light cameras have been used in Winnipeg. It was assessed in 2011 in the Traffic Injury Research Foundation's *Evaluation of the Photo Enforcement Safety Program of the City of Winnipeg: Final Report*. "The installation of photo enforcement cameras also appears to have had an impact on speeding related crashes. The installation of the last set of cameras was associated with a 24% decrease in injury crashes at camera intersections (effect only significant at 10% level). The analyses also suggest there were no spill-over effects of the photo enforcement cameras on injury crashes at intersections in Winnipeg without such cameras."<sup>3</sup>

One "problem" with this program is that, if the photo radar measures are successful in cutting speeding in the areas of enforcement, there will eventually be a decline in revenue generated. This was observed in Winnipeg. "In March 2015, there were 5,988 tickets issued in school zones in Winnipeg. In March 2016, that number had dropped to 2,763. From January through March of this year the infractions declined by 1,170."<sup>4</sup>

Another impact in Manitoba has been long wait times for those wishing to appeal their tickets. "In 2014/2015, there were 245,576 traffic tickets received by provincial courts in Manitoba. As a result, people can expect to wait up to 18 months to see a judge if they choose to plead not guilty to the offence."<sup>5</sup>

## **Experiences in Alberta**

A study on the use of speed cameras in Edmonton "found both the number of speed camera operating hours per month and the number of drivers apprehended per month had statistically significant effects in reducing the number of injury crashes per month."<sup>6</sup> Furthermore it was concluded that "this study also showed that the number of tickets issued has a significant independent effect in reducing the number of injury crashes above the deterrent effect provided by police presence alone. The speed camera programme is therefore not operated solely to raise revenue as suggested by some advocates. Our study showed that without issuing the citations, the safety effect of the speed camera programme was not maximized. The penalties and fines serve as a very critical component to improve the efficiency of the speed camera programme. It should be noted that the need to issue tickets to maximize safety benefits does not completely nullify the possibility that the cameras may still be operated partly to raise revenue."<sup>7</sup>

The sites for the photo radar in the City of Calgary "are selected based on one or more of the following criteria:

- high speed corridors;
- high collision locations;
- school and playground zones;
- construction zones; or,
- citizen concerns."<sup>8</sup>

As elsewhere, when there was a large increase in ticketing in 2016, there were accusations that the city was more interested in the revenues generated than in safety. "Calgary police defended criticism that a 46.7 per cent spike in issuing photo radar tickets is simply a cash grab, citing statistics showing the program is working and noting citizens have asked for increased enforcement."<sup>9</sup>

## **Experiences in Saskatchewan**

A two-year pilot program started in Saskatchewan in 2014. A combination of high speed sites around the province and school zones (in Saskatoon, Regina and Moose Jaw) were selected for the photo radar locations.<sup>10</sup>

Clearly aware of the controversies of accusations of “money-grabs” from other jurisdictions, Saskatchewan is not using unmarked vans. They state “Saskatchewan’s photo speed enforcement locations are fixed, public, highly visible with large and obvious signage, and have been well advertised through traditional and social media.....Our goal is for zero tickets and zero dollars.”<sup>11</sup>

## **Experiences in Quebec**

Photo radar and red light cameras were introduced in Quebec as a pilot project in 2009 and made a permanent program in 2012. At this time their use was also extended to school zones and work zones. The Quebec government feels that safety has been improved as a result of their use: “Between the 2005-2007 period (before the devices were installed) and the 2010-2012 period (when the devices were installed), the number of accidents (bodily injuries and property damage) was reduced by: • 59% where stationary photo radar devices were installed • 41% where red light cameras were installed • 26% where mobile photo radar devices were used For the same periods, Québec’s road safety record shows a 23% decrease in the number of accidents (injuries and property damage) and a 16% decrease in accidents involving bodily injuries. All in all, the decrease in the number of accidents throughout Québec, regardless of the type of accident, was more significant in areas where the devices had been installed.”<sup>12</sup>

The program used both fixed and mobile photo radar with signage used in areas where the photo radar is deployed. It has been financially successful as well with revenues in 2014/15 of \$21.5 million and expenses of only \$10.7 million.<sup>13</sup>

## **Reintroduction of Photo Radar Announced in Ontario for 2017**

### **What is Different This Time Around?**

Many of the reasons used to attack photo radar in the 1990’s in Ontario, appear to have been in some ways addressed by the proposed reintroduction in 2017. To make the professed goal of “safety” more prominent and perhaps in an attempt to make the proposed reintroduction of photo radar more difficult to attack, the bill changes all references of “photo-radar systems” in the act to “speed enforcement systems.”<sup>14</sup> Probably for similar reasons the bill itself was named the *Safer School Zones Act*. During the second reading of the bill, however, the Progressive Conservative critic for Transportation and Innovation stated “what we will call the photo radar act, a more appropriate title than the Safer School Zones Act, given that this bill, while indeed impacting school safety, is really more about photo radar, a technology with a long—and, as we will discuss, not so favourable—history in the province of Ontario.”<sup>15</sup>

To address the accusation that it is all about the revenue and not safety, the province has indicated that the revenue will not go to the province but stay in the municipality where the photo radar/safety camera is located. The use of the photo radar/safety camera will not be determined by the province but determined at the municipal level. Municipalities must request and will determine the locations for the photo radar, they will bear the administrative costs of the program but also they will get to keep the revenues generated by the ticketing.<sup>16</sup> This has generated much support for the proposal at the municipal level in Ontario with 13 municipalities being named as having requested “automated speed enforcement” during second reading of the proposed *Safer School Zones Act*.<sup>17</sup>

There was much negative reaction to the use of photo radar in the 90's on the major 400 series highways in Ontario. The new proposal is, at least at first aimed at school zones. More difficult to argue against the safety of children for critics. The volumes of traffic going by these cameras are likely to be much smaller and revenues generated much smaller than the program in the 1990's that targeted major highways. Through time, this might be the true test of the safety versus revenue argument. How widespread will be the use of the safety camera program if costs are higher than revenues?

There does appear to be at least some statistical evidence that driving behaviour in school zones should be improved for safety reasons. A joint study by York University, the Hospital for Sick Children and the University of Toronto found that "Over a 12-year period, there were 411 children involved in PMVCs [pedestrian-motor vehicle collisions] near schools, with 45 occurring during school travel times. Twenty-nine of these collisions (64 per cent) were taken to the emergency department for their injuries,"<sup>18</sup>

While school zones are most often cited, the new approach also makes photo radar possible for "community safety zones" which gives the possibility of cities choosing other areas of concern. As municipalities can determine where these are, the possibility exists that these could be located in higher traffic areas where it is felt that speed is causing accidents and safety issues. These higher traffic areas could result in higher revenues than the photo radar/safety cameras in school zones. It is not clear if the province would allow a city to place photo radar on a major 400 series highway location within a city. During second reading of the legislation, the Minister of Transportation and Innovation stated "I want to stress that through this legislation, automated speed enforcement or photo radar will not be implemented on provincial highways."<sup>19</sup>

To address the accusation that the photo radar visibility does not have the safety effect of a visible police car, rather than unmarked photo radar vans that moved locations, the school zone photo radar sites are to be permanent, known to drivers and with visible signage (much as is done with red light camera locations in Ontario). This may also help fight against any argument that the province/city is more interested in the revenue generated as signage warning of the photo radar sites must be used in all cases.

While it examined highway work zones rather than school zones, at least one study in the United States found that downstream 1.5 miles from the photo radar, the reduction in car speed continued and was greater than when a speed feedback trailer and/or a police car was present in the work zone rather than photo radar.<sup>20</sup> This appears to refute the criticism of permanent photo radar locations that drivers merely slow down near the site and "make up" the time "lost" with even higher speeds before and after the locations and that mobility is required to achieve a more generalized reduction in speeding. This criticism, even if true, would only be valid if the goal of the newly announced photo radar program was a general reduction in overall speeding. As the goal was specifically to reduce speed in targeted areas such as schools, this seems like a more possible goal to achieve with the signed permanent phot radar locations.

One criticism that was leveled at photo radar in the 1990's that does not appear to be addressed in the new legislation is that the licence plate is used to issue the ticket to the registered owner of the vehicle, who may not have been the driver who committed the offence. This was raised in the legislature during the bill's second reading "Many questioned then, and continue to question today, the impact on driver behaviour when ticketing through photo radar is assigned to the vehicle's owner and not necessarily the driver."<sup>21</sup>

## Conclusions

With the details released so far, the photo radar program recently announced for reintroduction in Ontario does sound like it will be markedly different from the photo radar program scrapped in 1995. It does appear that the new program has been shaped by the previous experience in the province and by programs elsewhere in Canada. Rather than a program focused on major highways, with mobile and unmarked locations, high volumes of tickets and high revenues flowing to the province, the program will be targeted to school zones and other safety areas, fixed and signed locations, smaller volumes of tickets and revenues flowing to municipalities.

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## Endnotes

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- <sup>3</sup> Traffic Injury Research Foundation, Evaluation of the Photo Enforcement Safety Program of the City of Winnipeg: Final Report, July 2011, page 157
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- <sup>6</sup> Richard Tay, Speed Cameras, Improving Safety or Raising Revenue? page 254, Journal of Transport Economics and Policy, Volume 44, Part 2
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- <sup>14</sup> Legislative Assembly of Ontario, May Bill 65, Safer School Zones Act, 2017, [http://www.ontla.on.ca/web/bills/bills\\_detail.do?locale=en&Intranet=&BillID=4358](http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&Intranet=&BillID=4358), (accessed March 7, 2017)
- <sup>15</sup> Legislative Assembly of Ontario, Tuesday 21 February 2017, Orders of the Day, Safer School Zones Act, 2017, Mr. Michael Harris, [http://www.ontla.on.ca/web/house-proceedings/house\\_detail.do?locale=en&Date=2017-02-21&detailPage=%2Fhouse-proceedings%2Ftranscripts%2Ffiles\\_html%2F21-FEB-2017\\_L043.htm&Parl=41&Sess=2#P316\\_24806](http://www.ontla.on.ca/web/house-proceedings/house_detail.do?locale=en&Date=2017-02-21&detailPage=%2Fhouse-proceedings%2Ftranscripts%2Ffiles_html%2F21-FEB-2017_L043.htm&Parl=41&Sess=2#P316_24806), (accessed March 7, 2017)
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<sup>18</sup> York University Media Release, January 20, 2016, “Dangerous driving puts kids at higher risk of getting hit during school drop-offs”, <http://news.yorku.ca/2016/01/20/dangerous-driving-puts-kids-at-higher-risk-of-getting-hit-during-school-drop-offs/>, (accessed February 28, 2017)

<sup>19</sup> Legislative Assembly of Ontario, Tuesday 21 February 2017, Orders of the Day, Safer School Zones Act, 2017, Hon. Steven Del Duca, [http://www.ontla.on.ca/web/house-proceedings/house\\_detail.do?locale=en&Date=2017-02-21&detailPage=%2Fhouse-proceedings%2Ftranscripts%2Ffiles\\_html%2F21-FEB-2017\\_L043.htm&Parl=41&Sess=2#P316\\_24806](http://www.ontla.on.ca/web/house-proceedings/house_detail.do?locale=en&Date=2017-02-21&detailPage=%2Fhouse-proceedings%2Ftranscripts%2Ffiles_html%2F21-FEB-2017_L043.htm&Parl=41&Sess=2#P316_24806), (accessed March 7, 2017)

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