

School Bus Stop Arm Camera Programs

Municipalities are responsible for all aspects of school bus stop arm camera program administration and are subject to all relevant rules and procedures included in the *Highway Traffic Act* (HTA), *Provincial Offences Act* (POA) and associated regulations. Additionally, municipalities are responsible for complying with all privacy and data retention rules outlined in the *Municipal Freedom of Information and Protection of Privacy Act*.

The Ministry of Transportation (MTO) has drafted these guidelines to support municipalities in developing safety-oriented school bus stop arm camera programs in their communities by providing information on relevant legislative requirement, processes and responsibilities.

Municipalities are responsible for ensuring that school bus stop arm camera programs are implemented transparently and for the express purpose of promoting road safety, while maintaining public trust.

Provincial Guidelines

Ontario's School Bus Stop Arm Camera Regulatory Framework

Effective September 1, 2020, the school bus stopping law has been expanded so that the extension of the school bus stop arm becomes an element of the offence. This change makes it illegal for drivers to pass a stopped school bus that has a stop arm extended, regardless of whether the bus's overhead red lights are activated. This change makes it easier for provincial offences officers to make certified statements about the camera and for Crown prosecutors to demonstrate that an offence has occurred using camera technology. The prosecution of school bus camera offences will no longer require the introduction of evidence by a supporting witness.

With this new program, municipalities will continue to have the choice as to whether they would like to set up a school bus stop arm camera program in their municipality. Some examples of other evidentiary requirements include:

- ▶ State that the system used to take the photograph was an automated school bus stop arm camera system as per the regulation;
- ▶ Set out the manufacturer's name and the model number of the automated school bus stop arm camera system used to take the photograph; and
- ▶ State the name of the municipality in which the school bus was located when the photograph was taken.

For a full list of evidentiary requirements, please consult the HTA and its relevant school bus stop arm camera regulations, along with the Part 1 *Provincial Offences Act* forms.

General Operating Considerations

Municipalities should comply with existing privacy rules in the *Municipal Freedom of Information and Protection of Privacy Act* for storing and transferring sensitive information. MTO recommends that municipalities undertake a privacy assessment before launching a school bus stop arm camera program.

Privacy

The camera technology chosen will need to be able to capture all elements of the offence – such as the stop arm being actuated while the bus is passed by a motor vehicle that has a clearly visible number plate, etc. – and comply with all requirements set out in the future school bus stop arm camera regulation. Video at a minimum of 10fps, or an equivalent for a series of photographs that are taken in very quick succession, is a requirement. Please consult the HTA and its relevant school bus stop arm camera regulations, along with the Part 1 *Provincial Offences Act* forms, prior to setting up your school bus stop arm camera program.

Procurement

Sections 175 (19) and 175 (20) of the HTA set out the penalties for the owner-based offences for passing/overtaking a school bus. Under a school bus stop arm camera program, the penalties for these owner liability offences remain unchanged. The set fine for these offence(s) is \$400 with a maximum penalty of \$2,000.

Penalties

Also, being that these are owner-based offences, demerit points and licence suspensions are not imposed upon conviction. Those drivers convicted of a school bus passing offence may be subject to licence plate denial if they default on the fines.

Signage

Signage will be uniform across the province, signage requirements will be outlined as part of the plate registrant data access agreement.

Provincial Guidelines

School Bus Stop Arm Camera Programs (continued)

Public Education

Research demonstrates that public awareness of automated enforcement programs like school bus stop arm cameras, automated speed enforcement cameras, and red-light cameras, is an important element in their success. Municipalities should consider developing a communication/public education plan to inform the public about their school bus stop arm camera programs.

Communications and public education activities, which might take the form of websites, question and answer resources, social marketing and social media campaigns, should be sustained in advance of the program's launch and during its operation.

Evidence Processing

Under POA section 3(2), only a designated provincial offences officer may issue an offence notice.

Consistent with the province's existing red light camera program and automated speed enforcement program, provincial offences officers will be responsible for reviewing evidence collected by school bus cameras, certifying this evidence and issuing an offence notice by mail, based on vehicle owner address data supplied by the Ministry.

Provincial offences officers are responsible for a range of activities as part of charging and prosecution processes, including:

- ▶ Reviewing evidence (video or photographic) and forming a belief that an offence was committed;
- ▶ Certifying the accuracy of that evidence;
- ▶ Making a request to MTO for plate registrant information to determine vehicle owner address information;
- ▶ Issuing and mailing POA offence notices with a set of images/video of the offence occurring;
- ▶ In cases where the charge is disputed, the provincial offences officer will request MTO provide a certified copy of the plate holder information as evidence.

Access to Plate Registrant Data

Participating municipalities will be required to enter into a data access agreement with MTO for the purposes of accessing licence plate registrant information. Access to the data for this purpose is restricted to persons who have been designated as a provincial offences officer by the ministry.

This data access agreement will set out the terms, conditions and audit requirements which municipalities must adhere to, including confidentiality clauses that restrict disclosure of licence plate registrant data to only authorized users. For specific questions about the agreement with the ministry, please contact Luc.Spina@ontario.ca.

Hiring Municipal Provincial Offences Officers

Subsection 1(3) of the POA provides the authority for the appointment of provincial offences officers. MTO will coordinate with municipalities so that the required documentation required to designate these officers can be prepared and approved.

The Ministry of the Solicitor General (SOLGEN) sets Ontario's policy with respect to who can be appointed as a provincial offences officer under the POA. Under this policy only municipal employees and police officers can receive designation and thus lay charges under automated enforcement programs.

Prior to issuing offence notices municipalities should ensure the POA officer is sufficiently trained so that they can make all the certified statements necessary for the certificate of offence.

Joint and Independent Evidence Processing

The Ministry recognizes that some municipalities may choose to set up their own school bus stop arm camera programs with independent evidence processing, while others may choose to adopt a joint processing approach, similar to the automated speed enforcement and red light camera programs. MTO's framework does not restrict municipalities in joint or independent evidence processing.

Municipalities that issue school bus camera offences must request a series of ticket numbers. Ticket numbers will be issued by the POA Unit, Ministry of the Attorney General and should be included as part of the charging document that is filed with their local Provincial Offences court.