

RED HILL VALLEY PARKWAY INQUIRY

AFFIDAVIT OF RON SABO (affirmed February 23, 2023)

I, **RON SABO**, of the City of Hamilton, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am the Deputy City Solicitor, Dispute Resolution, within Legal Services at the City of Hamilton. I have held this role since 2005, other than from March 2022 to October 2022, when I was Acting City Solicitor. As such, I have knowledge of the matters set out below, except where this knowledge is based on information and belief, in which case I state the source of that information and verily believe it to be true.

2. On January 31, 2023, I located certain documents relevant to the matters before the Inquiry that I had saved in my N: Drive, and which, inadvertently, I had not previously identified.

3. Upon discovering these documents, I provided them to the City of Hamilton's Inquiry Counsel and understand that they were processed and reviewed in the usual course. On February 7, 2023, the City's Inquiry Counsel produced the relevant and not privileged documents attached at **Exhibits A-J** (HAM0064464_0001, HAM0064465_0001, HAM0064466_0001, HAM0064467_0001, HAM0064468_0001, HAM0064469_0001, HAM0064470_0001, HAM0064471_0001, HAM0064472_0001 and HAM0064473_0001).

4. One of the documents I located in my N: Drive was an email I sent to Nicole Auty on January 21, 2019 (HAM0064469_0001). As part of that email, I wrote:

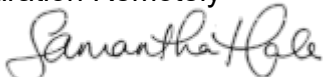
Gord is sending the update report on PW items or work pending/work done on the Red Hill via email tonight which may include the CIMA report on stone values etc. But there was discussion of that point as its not clear to Gord after discussion with CIMA reps what the findings are other than inconclusive.

5. I mistakenly referred to CIMA in this paragraph to Ms. Auty. I intended to refer to Golder Associates Ltd., and was referencing the draft 2017 Golder Pavement Evaluation report dated December 17, 2018, which I had received from Mr. McGuire on December 18, 2018 (HAM0054181_0001 and HAM0054182_0001).

6. Another document I located in my N: Drive was an email I sent to Gord McGuire on January 3, 2019 (HAM0064465_0001). In response to Mr. McGuire's question regarding whether Ms. Auty or I had connected with Brian Malone (CIMA), I informed Mr. McGuire that I had no contact with Mr. Malone and that Ms. Auty was not available to respond as she was out of the country without a City cellphone. This email is consistent with my recollection that Ms. Auty was away for some duration in the lead up to the January 23, 2019 Council meeting.

7. I make this affidavit for use in the Red Hill Valley Parkway Inquiry.

Affirmed remotely by Ron Sabo of the City of Hamilton before me in the City of Toronto in the Province of Ontario, this 23rd day of February, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely



A Commissioner for Taking Affidavits



Ron Sabo

This is Exhibit "A" referred to in the Affidavit of Ron Sabo affirmed by Ron Sabo of the City of Hamilton, in the Province of Ontario, before me at the City of Toronto, in the Province of Ontario, on February 23, 2023 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in cursive script that reads "Samantha Hale".

Commissioner for Taking Affidavits (or as may be)

SAMANTHA HALE

Message

From: Sabo, Ron [/O=GOVT/OU=EMAIL/CN=RECIPIENTS/CN=RSABO]
Sent: 12/8/2018 12:00:44 PM
To: Auty, Nicole [/O=GOVT/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Auty, Nicolec95]
Subject: Re: RHVE

Yes how about 2 pm?

R. A. Sabo
Deputy City Solicitor, Dispute Resolution
Legal and Risk Management Services, Corporate Services
City of Hamilton
Office Phone 905 546 2424 ext. 3143
Fax 905 546 4370

City Of Hamilton
Legal and Risk Management Services
City Hall
71 Main Street West
Hamilton, ON
L8P 4Y5

Physical Office: 50 Main St. East, 4th Floor, Hamilton, ON

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On Dec 7, 2018, at 16:30, Auty, Nicole <Nicole.Auty@hamilton.ca> wrote:

Ron when you're in Monday, can we meet so I can update you on this and where we are. I think we need to bring Dana and Dan in to the loop on their matters.

<image001.jpg>
City of Hamilton
Legal and Risk Management Services
Mailing address: City Hall
71 Main Street West
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www.hamilton.ca

Nicole Auty

City Solicitor
Legal and Risk Management Services
Phone: 905.546.2424 ext. 4636
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This is Exhibit "B" referred to in the Affidavit of Ron Sabo affirmed by Ron Sabo of the City of Hamilton, in the Province of Ontario, before me at the City of Toronto, in the Province of Ontario, on February 23, 2023 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

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Commissioner for Taking Affidavits (or as may be)

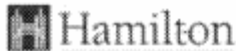
SAMANTHA HALE

Message

From: Sabo, Ron [/O=GOVT/OU=EMAIL/CN=RECIPIENTS/CN=RSABO]
Sent: 1/3/2019 6:37:58 AM
To: McGuire, Gord [/O=GOVT/OU=EMAIL/cn=Recipients/cn=gm McGuire]; Auty, Nicole [/O=GOVT/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Auty, Nicolec95]
Subject: RE: RHVP

Hi Gord, Nicole is not available as she is out of country without a City cell.

I've had no contact with Mr. Malone.



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R. A. Sabo

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From: McGuire, Gord
Sent: 3-Jan-19 06:34
To: Auty, Nicole <Nicole.Auty@hamilton.ca>; Sabo, Ron <Ron.Sabo@hamilton.ca>
Subject: RHVP

Hi Nicole and Ron.

Did either of you connect with Brian Malone on this matter?

I'm meeting today on this and wanted to understand next steps.

Thanks



Gord McGuire, O.L.S., B.Sc.
Director, Engineering Services
Public Works Department | Engineering Services Division |

City of Hamilton
77 James Street North, Suite 320
Hamilton, ON L8R 2K3
T: 905.546.2424, Extension 2439
gord.mcguire@hamilton.ca

This is Exhibit "C" referred to in the Affidavit of Ron Sabo affirmed by Ron Sabo of the City of Hamilton, in the Province of Ontario, before me at the City of Toronto, in the Province of Ontario, on February 23, 2023 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in cursive script that reads "Samantha Hale".

Commissioner for Taking Affidavits (or as may be)

SAMANTHA HALE

Message

From: Sabo, Ron [/O=GOVT/OU=EMAIL/CN=RECIPIENTS/CN=RSABO]
Sent: 1/7/2019 4:40:55 PM
To: Auty, Nicole [/O=GOVT/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Auty, Nicolec95]
Subject: RE: FOI release

No, PW hasn't sent them the materials yet but I will check with Anne Watson how quickly she will deal with the FOI response.



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R. A. Sabo

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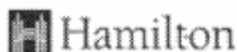
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From: Auty, Nicole
Sent: 7-Jan-19 15:07
To: Sabo, Ron <Ron.Sabo@hamilton.ca>
Subject: FOI release

Do we have a sense from Clerks how long/when they will release the FOI to the requester.

I am in a meeting on the communication plan for the RHVE issue (I got pulled from another meeting) I will update you in the morning.

Nicole



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Nicole Auty

City Solicitor
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This is Exhibit "D" referred to in the Affidavit of Ron Sabo affirmed by Ron Sabo of the City of Hamilton, in the Province of Ontario, before me at the City of Toronto, in the Province of Ontario, on February 23, 2023 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

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Commissioner for Taking Affidavits (or as may be)

SAMANTHA HALE

Message

From: Sabo, Ron [/O=GOVT/OU=EMAIL/CN=RECIPIENTS/CN=RSABO]
Sent: 1/7/2019 4:43:10 PM
To: Watson, Anne [/O=GOVT/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Watson, Anne559]
Subject: FOI response time

Hi Anne, I understand you may not have the materials from Gord McGuire for the recent FOI request on Red Hill Valley Parkway. Once you get them how quickly do you expect to send them out to the requester? We are trying to help another client group of related media issues, so are just trying to anticipate the timing involved. Thanks

Ron



Hamilton

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HAM0064467_0001

RHV0001043

This is Exhibit "E" referred to in the Affidavit of Ron Sabo affirmed by Ron Sabo of the City of Hamilton, in the Province of Ontario, before me at the City of Toronto, in the Province of Ontario, on February 23, 2023 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in cursive script that reads "Samantha Hale".

Commissioner for Taking Affidavits (or as may be)

SAMANTHA HALE

Message

From: Graham, Jasmine [/O=GOVT/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=GRAHAM, JASMINE24D]
Sent: 1/21/2019 11:14:55 AM
To: Sabo, Ron [/O=GOVT/OU=EMAIL/cn=Recipients/cn=rsabo]
Subject: RHVP Info

Ron,

Spec link as mentioned: <https://www.thespec.com/news-story/7424349-highway-traffic-tragedies-why-are-there-so-many-crashes-on-the-red-hill/>

The FOI wording is here (two parts, now I'm not sure if it's one FOI or two)

Access to any reports, memos, drafts, correspondence about **friction testing** on the Red Hill Valley Parkway in the **last five years**

AND

Any reports, memos (including drafts), or correspondence about **asphalt and/or pavement testing, assessments, plans** on the Red Hill Valley Parkway in the last **two years**

Hope this helps!

Jasmine Graham
Communications Officer
Strategic Partnerships & Communications Division
City Manager's Office, City of Hamilton
Desk: (905) 546-2424 ext.1430
Cell: (905) 973-2829

This is Exhibit "F" referred to in the Affidavit of Ron Sabo affirmed by Ron Sabo of the City of Hamilton, in the Province of Ontario, before me at the City of Toronto, in the Province of Ontario, on February 23, 2023 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

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Commissioner for Taking Affidavits (or as may be)

SAMANTHA HALE

Message

From: Sabo, Ron [/O=GOVT/OU=EMAIL/CN=RECIPIENTS/CN=RSABO]
Sent: 1/21/2019 5:03:43 PM
To: Auty Nicole (Nicole.Auty@hamilton.ca) [Nicole.Auty@hamilton.ca]
Subject: Tuesday morning re RHVE

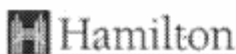
Sensitivity: Company Confidential

The minorly edited in camera report is ready for signature. Due to GIC it wasn't until late in the day that I was able to speak to Gord, Mike, Dan and Edward. If you haven't read other emails I confirmed with Clerks staff there was no prior FOI request that would have required the Tradewind report to be produced, leaving the answers given to press over the years as an issue.

Gord is sending the update report on PW items or work pending/work done on the Red Hill via email tonight which may include the CIMA report on stone values etc. But there was discussion of that point as its not clear to Gord after discussion with CIMA reps what the findings are other than inconclusive. We need to look at that report as its already past deadline for PW on Feb. 4th. It also doesn't seem that the Tradewind report is part of this open report. A lot of the surface issues are moot given pending resurfacing, so the report will discuss the plans for that (rolling work crews etc) as well as lighting. I don't get the impression we will have a lot of time for review but I can flip it to David Boghosian in case he has comments.

Mike also wanted to know who you need for the in camera session in front of council.

Lastly Edward Soldo has another report going to the same Feb 4 meeting (it is in your email), responding to a council request to look at speed reduction. It basically has staff recommending a portion of the Red Hill for an 80 kmh speed, but includes the expert report (CiMA again) that finds the speed is ok at 90 throughout LINC and Red Hill. Staff based recommendation on collisions and flexibility allowed for that in CIMA models (Though CIMA was obviously aware of collision history), and that the only location, under one of those models, raised a lower speed was a shorter portion of Red Hill (also 80kmh). It makes sense to have the lower speed apply over a longer segment and ending at the QEW as it makes it easier to enforce and get compliance as opposed to short segments and speeds going up and down). The CIMA report is helpful generally as they find the models all support the same or even higher speeds in some locations but overall finds the 90kmh is appropriate under the 3 best applicable models.



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R. A. Sabo

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Legal and Risk Management Services, Corporate Services
City of Hamilton
Phone: 905.546.2424 ext. 3143

HAM0064469_0001

RHV0001043

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HAM0064469_0001

RHV0001043

This is Exhibit "G" referred to in the Affidavit of Ron Sabo affirmed by Ron Sabo of the City of Hamilton, in the Province of Ontario, before me at the City of Toronto, in the Province of Ontario, on February 23, 2023 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in cursive script that reads "Samantha Hale".

Commissioner for Taking Affidavits (or as may be)

SAMANTHA HALE

Message

From: Sabo, Ron [/O=GOVT/OU=EMAIL/CN=RECIPIENTS/CN=RSABO]
Sent: 3/12/2019 2:30:08 PM
To: Hidalgo, Justyna (Justyna.Hidalgo@hamilton.ca) [/O=GOVT/OU=EMAIL/cn=Recipients/cn=jhidalgo]
Subject: RHVE report
Attachments: FW: Red Hill report ; RE: Red Hill report

Attached is Nicole's email on the report, and the second attachment is my comment on changes.



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R. A. Sabo

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A handwritten signature in cursive script that reads "Samantha Hale".

Commissioner for Taking Affidavits (or as may be)

SAMANTHA HALE

Message

From: Auty, Nicole [/O=GOVT/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AUTY, NICOLEC95]
Sent: 3/11/2019 2:17:32 PM
To: Sabo, Ron [/O=GOVT/OU=EMAIL/cn=Recipients/cn=rsabo]
Subject: FW: Red Hill report
Attachments: PWxxx-RHVP Speed (JBH March 11, 2019).docx

Importance: High

Ron, are you ok with the recommendation to ask for Automated Speed Enforcement on the RHVE?

City of Hamilton
Legal and Risk Management Services
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Nicole Auty
City Solicitor
Legal and Risk Management Services
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-----Original Message-----

From: Hidalgo, Justyna
Sent: March-11-19 1:52 PM
To: Auty, Nicole
Subject: Red Hill report
Importance: High

Nicole FYI. Please note they marked the report review urgent as it is already late so if you have any additional comments/changes please let me know as soon as you can.

Thank you

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Justyna Borocho Hidalgo H.B.Sc., M.A., J.D.
Solicitor
Legal and Risk Management Services, Corporate Services City of Hamilton
Phone: 905.546.2424 ext. 2023
Fax: 905.546.4370
Physical Office: 50 Main St. East, 5th Floor, Hamilton, ON

-----Original Message-----

From: Eisbrenner, Rebeka
Sent: March 10, 2019 3:01 PM
To: Wyskiel, Kim <Kim.Wyskiel@hamilton.ca>; Bono, Ashley <Ashley.Bono@hamilton.ca>; Ferguson, David <David.Ferguson@hamilton.ca>; Hidalgo, Justyna <Justyna.Hidalgo@hamilton.ca>; Graham, Jasmine <Jasmine.Graham@hamilton.ca>
Cc: Eisbrenner, Rebeka <Rebeka.Eisbrenner@hamilton.ca>; Soldo, Edward <Edward.Soldo@hamilton.ca>
Subject: Report
Importance: High

****From Edward****

HAM0064471_0001

RHV0001043

Everyone

On Friday I was asked to write a report on the HPS enforcement costs related to the enhanced initiative Council requested. It is going to GIC on March 20.

Please review and send me tracked comments/changes asap.

Ashley/Kim, how do we transfer funds to HPS? Need to flush out that recommendation. Do we refer it to budget process? They simply bill us?

Justina, please review legal section as we are asking the province to change their requirements for ASE to allow us to use it on a RHVP potentially as part of a long term solution.

Dave, can you confirm/enhance monitoring paragraph. Any other comments.

Jasmine, please review education section in background and look at it from comms lens.

Can you get me comments by end of day Monday or sooner. Please copy Rebeka so she can track and make changes.

Thanks

Edward Soldo, P.Eng.
Director of Transportation Operations and Maintenance City of Hamilton

This is Exhibit "I" referred to in the Affidavit of Ron Sabo affirmed by Ron Sabo of the City of Hamilton, in the Province of Ontario, before me at the City of Toronto, in the Province of Ontario, on February 23, 2023 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in cursive script that reads "Samantha Hale".

Commissioner for Taking Affidavits (or as may be)

SAMANTHA HALE



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Transportation Operations and Maintenance Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	March 20, 2019
SUBJECT/REPORT NO:	Lincoln M. Alexander Parkway and Red Hill Valley Parkway Enhanced Enforcement Initiative (PW19XXX) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Edward Soldo (905) 546-2424 Ext. 4622
SUBMITTED BY:	Edward Soldo, P.Eng. Director, Transportation Operations & Maintenance Public Works Department
SIGNATURE:	

RECOMMENDATION(S)

(a) That the Lincoln M. Alexander Parkway and Red Hill Valley Parkway Enhanced Enforcement Initiative as described in Report PW19xxx, be approved;

(b) ~~That an increase of \$150,000 be approved and deferred to the 2019 Tax Operating Budget process for consideration as a 2019 Tax Operating Budget amendment with zero net levy impact to be funded by the Red Light Camera (RLC) reserve #112203;~~

Formatted: Indent: Left: 0", Hanging: 0.39"

(b) ~~That an increase of \$150,000 be approved as an amendment to the 2019 Tax Operating Budget with zero net levy impact to be funded by the Red Light Camera (RLC) reserve #112203;~~

~~How do we transfer the funding to HPS since their budget has been approved? Does it get put in the TOM budget and they just bill us?-- Ashley?~~

(c) That the Mayor submit a letter to the Ministry of the Attorney General and the Ministry of Transportation Ontario, on behalf of City Council, seeking legislative and regulatory amendments to allow the City to implement Automated Speed Enforcement on the Lincoln M. Alexander Parkway and Red Hill Valley Parkway.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

EXECUTIVE SUMMARY

At the meeting of February 13, 2019, Hamilton City Council approved Report PW19014 which included the following recommendations:

That the existing speed limit be reduced to 80 km/h on the Red Hill Valley Parkway from the Greenhill Interchange to the Queen Elizabeth Way;

Commented [JG1]: Strange wording. Recommend:
"At their meeting on February 13, 2019, Hamilton City Council approved..."
Commented [JG2]: Should these be numbered?

That Hamilton Police Services be requested to continue to undertake regular speed and aggressive driving enforcement on both the Lincoln M. Alexander and the Red Hill Valley Parkways, and that the results be reported annually to the Public Works Committee as part of the Hamilton Strategic Road Safety Program Annual Report.

In response to the request and in consultation with the City, the Hamilton Police Service (HPS) is proposing to implement an interim enhanced enforcement initiative to increase enforcement along the Lincoln M. Alexander Parkway (LINC) and Red Hill Valley Parkway (RHVP). The 12-week program would utilize use Voluntary Paid Duty (VDP) officers to implement a two-pronged roadway safety approach, combining zero tolerance enforcement; with a high visibility police presence; to educate the public of the ongoing safety initiatives.

Commented [JG3]: Recommend:
"In response to this request, the Hamilton..."

The HPS recommend that a longer-term solution that features a robust and sustainable model of enhanced enforcement on these two roadways be developed. The solution may include the deployment of a dedicated traffic enforcement unit and should be assessed within the context of the City-wide Vision Zero Action Plan as well as the potential implementation of Automated Speed Enforcement (ASE).

As Since the use of ASE is currently limited to designated school zones and community safety zones where the prescribed speed limit is less than 80 km/h, and whereas given the LINC and RHVP do not qualify for the ASE program, it is recommended that a request be made to the Province to exercise its authority and implement the necessary legislative changes to authorize the City to utilize use ASE on the LINC and the RHVP.

Commented [JG4]: Too formal for here

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The Red Light Camera (RLC) Reserve is funded from the issuance of violations through the Red-Light Camera program. As directed by Council, this reserve fund is to be used to address identified road safety issues throughout the City of Hamilton.

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~~Staff is requesting that a one-time transfer of \$150K from the Red Light Camera Account be transferred to the Hamilton Police Services to fund increased speed enforcement on the Lincoln Alexander Parkway and the Red Hill Valley Parkway. Staff have reviewed the RLC Reserve forecast to ensure that funding can be supported from the reserve.~~

Staff is requesting a 2019 Tax Operating Budget amendment with zero net levy impact to be funded by the Red Light Camera (RLC) reserve account #112203 for a one-time transfer of \$150K (actual costs recovered by the police will be based on actuals, not to exceed \$150K) to the Hamilton Police Services to fund increased speed enforcement on the Lincoln Alexander Parkway LINC and the Red Hill Valley Parkway RHVP. Staff have reviewed the RLC Reserve forecast to ensure that funding can be supported from the reserve

Commented [JG5]: Already defined

Staffing: There are no staffing implications related to this report.

Legal: Bill 65 amendments to the Highway Traffic Act permit municipalities to utilize use ASE in school zones and in community safety zones where the prescribed rate of speed is less than 80 km/h, and to reduce speed limits on roads with statutory speed limit of 50 km/h by designating areas (by by-law) where speed limits may be lower. The amendment does not allow for ASE on the LINC and RHVP, as those two roadways have speed limits that are higher than the 80 km/h. Additional legislative amendments are required to authorize the enforcement of ASE on the LINC and RHVP.

Commented [H06]: This is not relevant to the current report

HISTORICAL BACKGROUND

The City has been ~~evaluating and assessing the roadway safety of the LINC and RHVP through a number of recent reports, including Bill 65 - Automated Speed Enforcement (PW19002), Hamilton Strategic Road Safety Program and Vision Zero Action Plan 2019 (PW19015), City of Hamilton Annual Collision Report - 2017 (PW19012) and Speed Limit Reduction Feasibility Study on the Lincoln M. Alexander and the Red Hill Valley Parkways (PW19014).~~

Hamilton City Council approved the reduction of the speed limit to 80 km/h on the RHVP from the Greenhill Interchange to the Queen Elizabeth Way on February 13, 2019. ~~The new speed limits were implemented on February 17, 2019. Motorists were made aware of the changes through the installation of oversized speed limit signs, advance advisory information signage and the use of flashing variable message signs.~~

Commented [JG7]: Also a media releases and several social media posts

The City has been monitoring speed limit compliance on the RHVP since the reduction to ~~80 km/h. It has been and has~~ identified that the 85th percentile speed, the speed at which 85 percent of motorists are travelling at or below, has reduced to an average of 85 km/h.

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This is a reduction of approximately 7-10 km/h since the pre-speed limit reduction from statistics in January 2019 and a reduction of approximately 20-25 km/h since 2015.

Commented [JG8]: Recommend:

"This is a reduction of approximately 7-10 km/h since January 2019, and approximately 20-25 km/hr lower than speeds gathered in 2015.

The City and HPS also launched a new education campaign targeting speeding-fast drivers as part of the Vision Zero Action Plan. Over the month of March, the education campaign focuses on promoting safe speeds, reminding motorists that with the slogan "There's no such thing as speeding a little – speeding is speeding". The campaign is being promoted using print media, radio ads, online advertising, billboards, bus ads, and social media.

Speeding in excess of the posted speed limit is responsible for a high percentage of injuries and fatalities resulting from motor vehicle collisions. Controlling vehicle speed can prevent collisions from occurring and can reduce the severity of injury when they do occur, especially when vulnerable road users such as pedestrians and cyclists are involved. Appropriate vehicle speeds allow motorists more time to stop, reduce stopping distances and lessen the likelihood of a collision.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Additional legislative amendments are required to authorize the use of ASE technology on the LINC and RHVP as the prescribed speed on those roads is not less than 80 km/h, which is the current requirement for the use of ASE. Once Provincial regulations for the implementation-implementation of ASE are established, and the program is operational, in order to implement ASE in the City of Hamilton, amendments to the City's existing Traffic By-law would also be required to designate LINC and RHVP certain areas as a Community Safety Zones and implement ASE.

Commented [JG9]: Grammatical issues here. Recommend:

RELEVANT CONSULTATION

This report has been written in consultation with staff from Legal Services, Finance and Hamilton Police Services.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

On February 20, 2019, through Report PW19014, Council directed staff to request additional support from the HPS, particularly as it relates to a targeted enforcement campaign for speed, aggressive driving and distracted driving on both the LINC and the RHVP. HPS and City staff met on a number of occasions to develop an implementation plan.

The HPS continues to develop strategies that will aid in educating and enforcing road safety on the LINC and RHVP. The goal in these initiatives is to reduce aggressive driving, speeding, collisions and to ensure compliance with newly implemented speed limits.

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HPS currently patrols the LINC and RHVP as a component of its annual Traffic Safety Strategy. This deployment ~~utilizes~~ uses officers from the Central Breathalyzer & Drug Recognition Evaluator Unit, when they are not engaged in impaired driving related investigations. In addition, Divisional Patrol Officers and Divisional Safety Officers may conduct enforcement when they are not engaged in priority calls for service, or other community related traffic complaints.

As an interim enhancement option to the current deployment model, the Hamilton Police Service is proposing to implement a Voluntary Paid Duty (VPD) initiative for a 12-week timeframe until the ~~initiation of the resurfacing project of the RHVP begins.~~ The VPD initiative would be subject to potential staffing complications based on the voluntary nature of the assignment.

Commented [JG10]: Defined above already

The enhanced enforcement model would consist of two additional officers per day, working two subsequent shifts a day, seven days per week. These officers will be strictly dedicated to speed enforcement on the RHVP and the LINC, resulting in a marked uniformed presence ~~from 9:00 AM – 9:00 PM, between 9 a.m. and 9 p.m. daily.~~

Commented [H11]: I agree with Jasmine's comments in her email of March 11, 2019. Consider removing this enforcement parameter from this public report.

The initiative would have a two-pronged approach, combining zero tolerance enforcement, with a high visibility police presence, to educate the public of the ongoing safety initiatives. All related statistics will be tracked and shared with the City.

The total cost of the enhanced enforcement initiative for a 12-week duration is approximately \$150,000.

It should be noted that the recommended staffing and projected costs above, are subject to the voluntary nature of the VPD program. As such, the HPS may not be able to fill every available paid duty, and the total costing may be lower than projected. As spring and summer months arrive, there will be ~~increasing~~ increasing demands on the VPD program, inevitably diminishing the potential to staff this initiative.

The HPS recommends that a longer-term solution that ~~featuring~~ includes a robust and sustainable model of enhanced enforcement on these two roadways be developed. This may include the deployment of a dedicated traffic enforcement unit, ~~as currently given~~ as the HPS does not currently have the capacity to staff a dedicated enforcement unit without additional funding.

In 2017, the Ontario legislature passed Bill 65, the Safer School Zones Act, which amended the Ontario Highway Traffic Act (HTA) to among, other things, authorize the municipalities to use ASE technology (known as photo radar) as a tool to address vehicle speed concerns and collision patterns involving speeding.

As identified through Report PW19002, ~~while the ASE amendments regulations related to the use of ASE under~~ the HTA will allow municipalities to use ASE in designated

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school zones and community safety zones where the prescribed rate of speed is less than 80 km/h. The LINC and RHVP fail to meet the Provincial criteria for community safety zone designation given that those roads have a prescribed rate of speed that is not less than 80 km/h, and therefore do not qualify for the use of the ASE program.

It is recommended that a request be made to the Province to exercise its authority and implement the necessary legislative changes to authorize the City to utilize use ASE on the LINC and the RHVP.

The development of the long-term enforcement solution should be assessed within the context of the Vision Zero Action Plan and potential automated speed enforcement initiative.

City staff will report back to Council with options for consideration.

ALTERNATIVES FOR CONSIDERATION

In order for the speed limit reduction on the RHVP to be effective, an enhanced enforcement initiative is required.—_While City staff will be working with the HPS to determine a long term solution, the alternative for Council is to not implement the enhanced enforcement initiative and rely on the existing Traffic Safety Strategy.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

None.

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This is Exhibit “J” referred to in the Affidavit of Ron Sabo affirmed by Ron Sabo of the City of Hamilton, in the Province of Ontario, before me at the City of Toronto, in the Province of Ontario, on February 23, 2023 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in cursive script that reads "Samantha Hale".

Commissioner for Taking Affidavits (or as may be)

SAMANTHA HALE

"Document Withheld for Privilege"

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