

To: Metrolinx Board of Directors

From: Martin Gallagher  
*Chief Safety Officer*

Date: June 24, 2021

Re: **Grade Crossing Camera Enforcement Pilot Project and Proposed  
Metrolinx By-law No. 17**

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## Executive Summary

Railway safety and particularly our commitment to improve safety at grade crossings remains one of Metrolinx's top priorities. Metrolinx currently undertakes a wide range of activities to continuously improve safety and reduce opportunities for accidents, injuries and fatalities at crossing locations. However, with the significant growth experienced in the GTHA and an increase in GO Transit service, the risk profile at grade crossings is changing, potentially increasing the likelihood of accidents and the frequency of disruption and interruptions to service if this risk is not properly assessed, managed and controlled or in some cases eliminated.

As part of a broader strategy to improve safety at grade crossings, Metrolinx has developed a Grade Crossing Camera Enforcement Pilot Project (the "Pilot"). Through the pilot, a mobile enforcement vehicle will be deployed to public crossing locations across the network to record and measure road user non-compliance events. Violations recorded will be used as evidence for enforcement and to support any required legal action and will inform the development of further controls and initiatives to proactively address and deter unsafe driver behaviour on and around Corporation property and assets.

To support the Pilot, staff are requesting that the Board pass the new By-law No. 17 (the "By-law", attached at Appendix 1). The By-law will provide the Corporation with additional means to issue notices of contravention to operators and owners for vehicle-related offences set out in Metrolinx By-Law No. 2, and a voluntary payment framework to encourage early resolution outside of the courts.

## Recommendation

### **RESOLVED:**

**THAT**, as further described in the Chief Safety Officer's report to the Board of Directors dated June 24, 2021 (the "Report"), the Board passes By-law No. 17 to support the administration and enforcement of the Grade Crossing Camera Enforcement Pilot Project by:

1. Providing the Corporation with additional means to issue notices of contravention (“Notices”) to operators and owners for vehicle-related offences under By-law No. 2; and
2. Providing for a voluntary payment framework to encourage early resolution of such Notices outside the court system;

**AND THAT** By-law No. 17 attached to the Report as Appendix 1 is enacted, effective as of June 24, 2021;

**AND THAT** the Board Chair and Corporate Secretary are authorized to sign the By-law.

## Background

There are 136 grade crossings across Metrolinx’s rail network where publicly managed roadways intersect at grade with rail traffic, along with 31 private crossings, where railway tracks intersect with a road that is owned and used by private parties (i.e. farmers). Due to the level of risk presented at the road and rail interface, Metrolinx has implemented a ‘beyond compliance’ policy to risk assess grade crossings at least every 12 months as opposed to a minimum of every five years as required by Transport Canada regulations. Risk assessments have been carried out at all 136 public grade crossing and 31 private grade crossings locations resulting in a total of 103 priority public grade crossing mitigations identified. As of November 30, 2020, 100% of these mitigations were implemented. A review workshop for private grade crossing was also held December 29, 2020, with corrective actions captured, tracked and identified for follow-up and audit.

Additionally, a Grade Crossing Safety Working Group has been established to ensure the implementation and review of grade crossing action plans. The Working Group is also responsible for exploring new and innovative solutions to manage grade crossing risk as well as developing and implementing policies, procedures and programs to collectively reduce incidents at grade crossings. A new design standard for public and private crossings is being completed with enhanced features for reducing risk at crossings which will be systematically implemented across the whole asset class and in prioritized order as part of a new asset management program to reduce safety risk by 50% by 2024.

## Grade Crossing Camera Enforcement Pilot Project

Beyond current initiatives and investments focused on grade crossing safety, Metrolinx has also been working towards implementation of a **Grade Crossing Camera Enforcement Pilot Project**, to better understand driver behaviour at grade crossings and to introduce enforcement as a control measure for reducing deliberate violations.

Two high-resolution cameras equipped with automated licence plate recognition (“ALPR”) software will be affixed to a Metrolinx non-revenue vehicle (“NVR”) to record and

measure road user non-compliance events at public grade crossings. These devices are intended to capture violations at select locations across the network to provide evidence for enforcement, support any legal action required, and inform the development and implementation of future policies, programs and initiatives. Findings will also support the development of training programs and targeted educational / communications campaigns to raise awareness of the risks posed by active rail corridors and the importance of abiding by all rules related to crossings.

The Pilot will span a six-month period, beginning in July 2021 and ending in December 2021. Following this period, evaluation of the safety benefits of mobile enforcement equipment will be undertaken and a determination will be made around a formal business case for operationalizing a fixed and/or a mobile camera enforcement program. Lessons learned will be considered and cost-effective technology to optimize investment and improve efficiency will be explored. Any future investment in mobile enforcement equipment or program expansion will be supported by a safety, performance, financial and reputational cost benefit analysis.

### ***Staffing and Resources***

The equipment and technology are installed on a Metrolinx non-revenue vehicle (NVR). Transit Safety is able to dedicate a full-time employee to this project. No additional staffing or funding is required for the Pilot.

### ***Privacy Considerations***

The collection, use, retention and disclosure of video footage and license plate information will be limited to that which is necessary for the purposes of the Pilot and information will be protected from unauthorized access and disclosure, and inadvertent destruction or damage. Signage will be present at crossing locations to notify the Public of the use of video surveillance, including a notice of collection as required under the *Freedom of Information and Protection of Privacy Act*. Protocols will also be in place for the redaction of personal information from the video footage, where appropriate.

### **New By-law No. 17**

Grade crossing offences are currently contained in section 3.6 of Metrolinx By-law No. 2. The proposed By-law No. 17 attached at Appendix 1 is required to support administration and enforcement of the Pilot by:

1. Providing a framework for issuance of notices of contravention to owners or operators of vehicles for grade crossing offences recorded through the Pilot, other than by personal delivery; and
2. Allowing for the voluntary payment of penalties for such notices of contravention outside the court system.

The new By-law aligns with section 21(4) of the *Metrolinx Act, 2006*, which allows for a procedure of voluntary payment of penalties out of court with respect to an alleged contravention of a by-law prohibiting or regulating vehicular traffic on Metrolinx owned, leased, or used land, and all other current Metrolinx by-laws.

## Implementation

A comprehensive marketing and communications plan is being developed to ensure affected stakeholders are kept informed of enforcement activities at grade crossings. A Road-Rail Interface Working Group has also been formed, with representation from Ontario municipalities, to provide a forum for regular updates on the Pilot. Metrolinx staff will also receive appropriate training to ensure operational readiness once enforcement activities commence.

## Conclusion

Metrolinx takes seriously its duties as they relate to the safety, efficiency and protection of transportation corridors under the *Metrolinx Act, 2006*, and also our leadership role in developing and implementing industry good practice to improve safety and reduce risk to passengers and the public and to train crew. Through this Pilot our aim is to ultimately better understand safety risk and driver behaviour to proactively address and deter non-compliance at grade crossings, and to introduce continual enforcement as a control measure to reduce deliberate violations and misuse at grade crossings.

Respectfully submitted,



Martin Gallagher  
Chief Safety Officer

Attachment:

Appendix 1 - By-law No. 17

## **BY-LAW NO. 17**

### **METROLINX**

(the "Corporation")

A by-law relating to voluntary payment of penalties ("Set Fines") for offences related to the use of vehicles on Corporation property under By-law No. 2 of the Corporation.

#### **BE IT ENACTED as a by-law of the Corporation as follows:**

##### *Notice of Contravention*

1. Any officer appointed by the Corporation to enforce the provisions of By-law No. 2 may issue a Notice of Contravention ("Notice") to any person who has allegedly contravened a by-law of the Corporation respecting the control of vehicular traffic.
2. Any Notice pursuant to this By-law may be given in any of the following ways and is deemed issued:
  - a. On the date on which a copy is personally delivered to the person to whom it is addressed;
  - b. On the seventh day after a copy is sent by regular mail or courier to the person's last known mailing address; or
  - c. On the day a copy is sent by e-mail transmission to the person's last known e-mail address, provided the email is sent before 5 PM Eastern Time ("ET") on a regular business day in the province of Ontario. Notices sent by email after 5 PM ET or on an Ontario holiday or weekend will be deemed issued on the next regular business day.
3. Any Notice alleging a contravention of a provision of By-law No. 2 shall clearly set out the date and time at which the contravention occurred and any other information necessary for a thorough understanding of the circumstances of the alleged contravention. The Notice shall include, but may not be limited to:
  - a. Name, date of birth and address of the person who committed the contravention, and/or registered vehicle owner information;
  - b. The nature of the allegation;
  - c. The amount of the Set Fine required to be paid including any information relating to payment options and the consequences of failing to pay;
  - d. The process and timelines for making any payment.

##### *Voluntary Payment*

4. Within fifteen (15) days of the date when a Notice of Contravention is issued pursuant to section 2 above, the Set Fine as set out on the Notice may be voluntarily paid in disposition of the offence. Upon voluntary payment by any person of the

corresponding Set Fine, no further proceedings shall be taken by the Corporation in respect of the offence alleged in the Notice.

5. The Corporation reserves the right to determine the appropriate methods of payment under this by-law.
6. The Corporation reserves the right to accept or refuse payments made in disposition of an offence under this by-law.
7. Payments that are dishonoured may be subject to an administrative charge established by the Corporation and/or forwarded to a third party for collection.
8. If a voluntary payment is not paid in accordance with the procedures provided in this by-law, the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33 shall apply.

The forgoing by-law is hereby consented to and passed as a by-law of the Corporation by the Members of the Board of Directors, effective as of the 24<sup>th</sup> day of June, 2021, pursuant to Section 21 of the Metrolinx Act, 2006.

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Donald A. Wright, Chair

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Alba Taylor, Corporate Secretary

C/S

# Grade Crossing Camera Enforcement Pilot Project

Jocelyn McCauley, Senior Advisor to the Chief Safety Officer  
Steve Weir, Manager, Transit Safety Operations

June 24, 2021

# Our approach to managing safety

Due to the level of risk presented at the road and rail interface, Metrolinx has implemented a beyond compliance approach to managing safety at grade crossings.





# Grade Separation

# Road Closures / Pedestrian Alternatives



# Crossing Improvements



# Education & Awareness

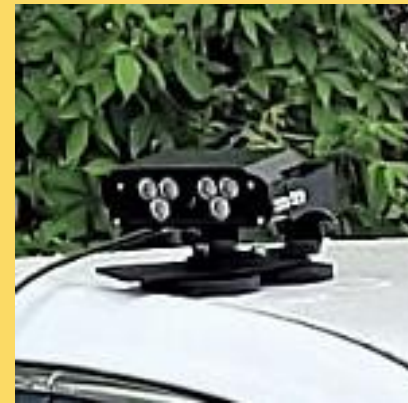
**RAIL** ALL ORS  
**SAFETY**  
**WEEK** ✖

HELP SAVE LIVES AND RAISE  
AWARENESS ABOUT SAFETY ON  
OR NEAR RAILROAD TRACKS.



## Grade Crossing Camera Enforcement Pilot

A mobile solution to better understand driver behaviour at grade crossings and to introduce enforcement as a control measure for reducing deliberate violations



Two high-resolution cameras equipped with automated licence plate recognition software will be affixed to a Metrolinx vehicle to record and measure road user non-compliance events at public grade crossings



