

**MINISTRY OF JUSTICE
RoadSafetyBC
BRIEFING NOTE**

PURPOSE: For INFORMATION for the Honourable Suzanne Anton, QC
Attorney General, Minister of Justice for the meeting with the Honourable
Todd Stone, Minister of Transportation and Infrastructure.

BACKGROUND:

The Ministry of Justice and the Ministry of Transportation and Infrastructure (MoTI) have several areas of joint interest. This meeting is scheduled to discuss a number of those items. (MoTI has also prepared a note for this meeting. See Attachment A)

DISCUSSION:

RoadSafetyBC Items

1. Sharing of ICBC Data for road safety research purposes

Dr. Brubacher secured funding from the Canadian Institutes of Health Research (CIHR) for an in-depth study entitled "Prescription Medications and Motor Vehicle Crash Risk" which will provide valuable information for program development in the area of drugs and driving. In order to carry out this study, Dr. Brubacher is dependent on receiving data in the possession of the Insurance Corporation of British Columbia (ICBC) and the Ministry of Health (MoH). While the MoH has already provided the prescription drug use data consistent with *Freedom of Information and Protection of Privacy (FOIPP)* legislation, ICBC has not provided its data citing the potential concerns of its customers, including optics.

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While both the authority to release the data and the mechanisms to provide complete data security are in place, ICBC will not release their data to support this research project.

RoadSafetyBC would like this study to proceed in order to more accurately identify risks related to drugs and driving.

(See Attachment B for more detailed information)

Page 02

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5. BC Motor Vehicle Related Fatalities – 2014 Update

RoadSafetyBC produces an annual report which shows how the province performs in regard to the BC Road Safety Strategy's goal of zero traffic fatalities. The report breaks down the number of fatalities into different categories including: region, mode of transportation, and the involvement of driver speed, distraction, and substance impairment.

The report is based on information obtained by ICBC collected from police reported data. This data is prepared for RoadSafetyBC under agreement with data partners (ICBC, the Coroners Services, RCMP, and Policing and Security Branch) to ensure consistency among publically released numbers. Fatal victim crash statistics provide insight into fatality trends and help to monitor areas of concern.

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6. RoadSafetyBC Name Change and Mandate

a. Name Change

The Office of the Superintendent of Motor Vehicles (OSMV) changed its name to RoadSafetyBC on May 30, 2014 as part of the Ministry's commitment to help make information and services more accessible for British Columbians.

OSMV established the RoadSafetyBC name and identity through its online social media presence in 2012 and had seen excellent engagement results leading to the proposal to officially change the name of the branch.

Prior to implementation, RoadSafetyBC consulted with potentially impacted stakeholders (e.g. Ministry of Health, MoTI, ICBC, JIBC, WorkSafeBC and BC Association of Chiefs of Police) to identify any issues or concerns to be considered.

RoadSafetyBC has not received any negative feedback from the public or partners following the change.

b. Differing Mandates

RoadSafetyBC

Under the Ministry of Justice, RoadSafetyBC supports the public safety goals of the ministry by establishing and maintaining standards for road safety and driving behaviour, and as well as regulating all drivers in British Columbia.

The mandate of RoadSafetyBC includes developing legislation, regulations, policies and implementing laws to make travelling safe for drivers, passengers, pedestrians, cyclists and other road users alike.

The Superintendent of Motor Vehicles has a statutory responsibility under the *Motor Vehicle Act* to monitor and regulate driver behaviour, assess medical fitness to drive, and uphold administrative justice through driver behaviour intervention programs and administrative reviews.

Programs administered through RoadSafetyBC include the Immediate Roadside Prohibition Program, the Vehicle Impoundment Program, the Responsible Driver Program, the Ignition Interlock Program, Driver Improvement Program, the Driver Remedial Program and the Driver Fitness Program.

In addition, RoadSafetyBC is responsible for leading the overall coordination of British Columbia road safety sector strategic planning through the *BC Road Safety Strategy 2015 and Beyond*.

Policing and Security Branch

Also under the Ministry of Justice, the Policing and Security Branch (PSB), provides central oversight of policing, law enforcement and the security industry in British Columbia, as well as develops and administers public safety initiatives dedicated to the protection of British Columbians.

PSB has a wide range of responsibilities related to policing, security and public safety and assists the Director of Police Services to superintend policing and law enforcement in British Columbia.

With regards to road safety enforcement, the PSB Road Safety Unit (RSU) is responsible for administration and oversight of British Columbia's Enhanced Traffic enforcement program (ETEP), including: Integrated Road Safety Units (IRSUs), Integrated Municipal Provincial Auto Crime Team (IMPACT) and BaitCar; operation of the Intersection Safety Camera (ISC) Program; direct funding to municipal police departments for CounterAttack targeted impaired driving enforcement; road safety research and enforcement policy; program

evaluation, consultation and collaboration; communications and advertising; advancing the use of new enforcement technologies; and supporting the business of the BC Association of Chiefs of Police Traffic Safety Committee (BCACP TSC).

Ministry of Transportation and Infrastructure

In accordance with their Service Plan,

"MoTI plans transportation networks, provides transportation services and infrastructure, develops and implements transportation policies, and administers many related acts and regulations as well as federal-provincial funding programs, including the Building Canada Fund.

The Ministry opens up B.C. through innovative, forward-thinking transportation strategies that move people and goods safely, and fuel our provincial economy. Improvement of vital infrastructure is a key goal, along with enhancing the competitiveness of B.C.'s transportation industries, reducing transportation-related greenhouse gas emissions and providing B.C. with a safe and reliable highway system."

Policing and Security Branch Items:

7. RCMP/Police: Sharing of Investigative Reports

MoTI has expressed an interest in obtaining police traffic analysis reports which contain detailed surveys of the crash site, analysis of the events leading up to the crash (including speed estimates, braking, sequence of events, etc.), and causal factors that contributed to the crash (e.g. distracted driving, speeding, road conditions, etc.).

British Columbia's MV6020 collision form is an ICBC document completed for all police-attended, motor vehicle incidents of any consequence and contains the basic statistical information associated with a particular crash. This information is recorded in the Traffic Accident System (TAS) database managed by ICBC and, along with MoTI's own engineering, crash and road closure information, is available to MoTI engineers and managers for safety analysis and planning purposes.

Police investigative files are considered evidence in potential court cases and information from those investigations must be maintained according to rules of evidence. RCMP privacy specialists advise that under the federal *Privacy Act*, documentation containing personal information cannot be released unless it is relevant and required by the provincial government for a provincial statutory investigation or for the administration of a provincial statute, and would only be done so on a case by case basis.

Should MoTI wish to pursue a formal process for sharing police-generated, non-personalized crash factor data, the appropriate forum for consultation on this topic would be the BC Chiefs of Police (BCACP) Traffic Safety Committee, Enforcement Sub-Committee.

8. Party Bus – Alcohol Awareness Campaign

MOTI advises that government is partnering with the limousine industry to increase awareness that the consumption of alcohol in vehicles is illegal in British Columbia.

Policing and Security Branch maintains a close working relationship with the Passenger Transportation Branch. The PSB Road Safety Police Liaison Officer is aware of this latest "public information decal initiative" and will update traffic police on the advisory decal, as well as industry developments as a result of the regulatory and licensing changes implemented in Spring 2015, at the upcoming October meeting of the BCACP Traffic Safety Committee.

Police also use the BCACP Traffic Safety Committee to discuss localized industry issues and plan coordinated joint enforcement efforts.

A follow up letter from the Chair of the committee could also be disseminated to all police agencies in British Columbia advising them of this latest development to increase awareness of the new limousine decal.

9. Traffic stops - protocols - BC on Move commitment

MoTI has outlined in their **BC on the Move** document that it will work with its road safety partners to explore a protocol for traffic management when drivers are pulled over, to help reduce the risk of crashes, to improve safety and to limit impacts on the flow of traffic. MoTI has raised concerns that police practice of pulling over violators on the side of the main highways is causing traffic queuing and traffic delays.

This topic was not contained within the public consultation document used by MoTI to solicit input when developing British Columbia's 10 year transportation plan and has not been previously raised with enforcement. Initial response to this concept from enforcement has not been supportive for a number of reasons.

There is a public duty for police officers to identify, act and interdict those drivers observed breaking laws. While no two traffic stops are the same, factors such as road design, weather, lighting, traffic congestion, violation severity and violator behavior can all influence the outcome of a traffic stop.

The Supreme Court of Canada has upheld Charter of Rights challenges regarding the authority of police to stop traffic and establish roadblocks. The Court has ruled on a number of occasions that pursuant to statutory authority, police officers can randomly stop persons for "reasons related to driving a car such as checking the driver's licence and insurance, the sobriety of the driver and the mechanical fitness of the vehicle": *Ladouceur (Ont.)*.

Current roadside enforcement practices are built on officer and public safety; officer safety procedures are governed by both WorkSafeBC (municipal police) and Canada Labour Code (RCMP). This legislation, along with police operational policies, form the framework for enforcement in the safe and legal conduct of carrying out roadside traffic stops and all police activities conducted at roadside.

British Columbia currently has 'Slow Down, Move Over' legislation, to address the issue of drivers causing harm when police and safety vehicles are active at roadside. However, 'rubbernecking' can occur when any roadside distraction is present, whether enforcement-related or not, and police have very little ability to limit this driver behaviour that frequently slows traffic and causes congestion.

MoTI is encouraged to engage with enforcement on this topic through the BC Chiefs of Police Traffic Safety Committee, Enforcement Sub-Committee.

10. Options available to municipalities to change speeders' behaviour

From 2010 to 2014, an average of approximately 3,100 speed-related casualties (deaths and injuries) occurred each year in British Columbia. Speeding has consistently ranked as the third highest contributing factor to road casualties from 2010 to 2014, behind intersection related casualties (averaging approximately 9,470 per year over five years) and distracted driving related casualties (averaging approximately 8,960 per year over five years) which have consistently ranked as the most common and second most common contributing factors, respectively.

- a) Local governments have full authority to set speed limits within their jurisdictions; however, Section 146 of the *MVA* (see Attachment C) currently sets the default urban speed limit at 50 km/h. Municipalities desiring to modify local speed limits are required to post signage on every block where the lower limit applies, which may be cost prohibitive for some local governments.

The Ministry of Justice and MoTI could explore potential amendments to the *MVA* to grant local governments the authority to set a speed limit other than 50 km/h (40 km/h or 30 km/h) in "blanket areas", as is currently done using the "Community Safety Zone" model in Ontario.

- b) Many effective speed calming measures and road safety infrastructure improvements have been implemented in British Columbia municipalities over the past 25 years, through ICBC's Road Improvement Program. ICBC works with engineers and road safety experts to review studies, crash data and other community information, to identify and partially fund those infrastructure improvements identified through crash data and engineering as most likely to improve the particular local road safety issue. ICBC's Road Improvement Program is open to all British Columbia municipalities; approximately \$130 million has been invested in more than 5,000 road improvement projects and safety studies across British Columbia to date.
- c) In spring 2015, PSB Road Safety Unit conducted a focused road safety study or "Speed Corridor Demonstration Project" (SCDP) which investigated the effect of targeted enhanced speed enforcement on an urban corridor, compared to corridors that received standard traffic enforcement. Conclusions from this study show that speeding is an exceedingly difficult driving behaviour to correct, and that short term gains do not appear to produce longevity in changed behaviour. The study also found that increased intensity of enhanced traffic enforcement appeared to produce decreases in speeding.

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Attachments A, B and C



Ministry of
Transportation
and Infrastructure

BRIEFING NOTE FOR INFORMATION

DATE: August 5, 2015
PREPARED FOR: Honourable Todd Stone, Minister of Transportation and Infrastructure
MEETING: Honourable Suzanne Anton, Minister of Justice and Attorney General on August 6, 2015

BACKGROUND:

The Ministry of Justice (JAG) and Ministry of Transportation and Infrastructure (Ministry) have several program areas which work closely together on key areas of public safety. The meeting has been scheduled to discuss various areas where Ministry programming intersects with JAG programming.

DISCUSSION:

The following topics have been identified for discussion:

1. RCMP/Police: Sharing of Investigative Reports

Police regularly undertake detailed analysis of a crash scene following a serious or fatal crash or if they suspect criminal charges may be persecuted, but this information is not shared, even though it could be extremely useful for Ministry engineers and managers to use to improve the safety performance of our highway system.

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2. Sharing of ICBC Data for Road Safety Research Purposes

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- The Ministry supports research activities where data usages are consistent with *Freedom of Information and Privacy Protection Act* and with people's expectations of privacy.
- ICBC's policy is not to provide their data for this type of project.
- The Ministry will work with the ICBC board to review their privacy policy to determine whether it can be better aligned to support future projects, while taking the relationship with their customers into consideration.

3. Party Bus – Alcohol Awareness Campaign

The Province of BC (Province) is partnering with the limousine industry to increase awareness that the consumption of alcohol in vehicles is illegal in BC.

- The Ministry worked with Liquor Control and Licensing Branch staff to design and develop a decal that clearly states "consuming alcohol in any vehicle is illegal in BC."
- The decals will be provided free of charge to every limousine service provider in BC.



- Decals will be distributed to 160 licensees in mid-September for posting in 700 vehicles.
- Related messaging will be used on websites and communications from both the Registrar of Passenger Transportation and the Liquor Control and Licensing Branch.

4. Highway 16 Audit – Missing Women Commission of Inquiry (MWCI)

The Office of the Auditor General is meeting with the Ministry to discuss a potential audit of the Province's work to implement the recommendations and endorsements made by the MWCI.

- ADM Transportation Policy and Programs, will be meeting with the Assistant Auditor General on August 11, 2015.
- The Ministry will summarize the actions taken to date and identify ongoing discussions aimed at providing practical, affordable and sustainable transportation options for First Nations communities along the Highway 16 corridor between Prince George and Prince Rupert.
- The Ministry of Justice is the lead in providing materials to the Auditor General and the Ministry will coordinate its materials with JAG as necessary.

5. RoadSafetyBC

In Spring 2014, the Office of the Superintendent of Motor Vehicles changed its name to RoadSafetyBC, s.13

- Road safety is based on three pillars: Engineering, Enforcement and Education – known as the 3E's.
- RoadSafetyBC's focus is on Enforcement and Education with key areas like distracted driving and impaired driving.
- RoadSafetyBC's mandate relates to driver licensing, coordinating road safety partners such as Health Officers, the Coroner's office, Police Services, and the BC Road Safety Strategy 2015.
- The Ministry plays a role in all three pillars with a strong focus on Engineering, Enforcement (CVSE) and Education through social Media, DriveBC, and campaigns such as Shift into Winter and Cops Zone.
- Staff continue to work closely with RoadSafetyBC on safety initiatives and to focus on a balanced approach to crash reduction.

6. Traffic Stops (Protocols) – BC on the Move Commitment

The Ministry wants to work with Police Services on the sensitive issue of pulling over violators on the side of the main highways, causing queuing and long traffic delays.

- Current practice is to park their police cruiser partially in the travelled lane to provide a shadow for the police officer when they are interacting with the driver
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- Addressing this issue is one of the policy items contained in BC on the Move
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- The Ministry understands the importance of safety and has implemented the "Slow Down Move Over" regulation which requires drivers to slow down and move left if safe to do so and is intended to protect roadside workers like police.
- Ministry staff want to work with police to ensure safety is everyone's highest priority.



Ministry of
Transportation
and Infrastructure

7. HOV Lane Access for Electric Vehicles

The Ministry is pursuing a regulatory amendment that will allow single occupant pure-battery electric (i.e. Nissan LEAF, Tesla) and Plug-in Hybrid Electric (i.e. Chevrolet VOLT) vehicles to use HOV lanes.

- The Ministry of Justice, the BC Association of Chiefs of Police, and affected municipalities have been consulted, and have not opposed the initiative.
- Legislative Counsel is currently drafting the regulation change which will be brought forward in September for Cabinet consideration.
- A decal is being developed to identify the electric vehicles approved to use the HOV lanes.
- An owner of an electric vehicle will be able to apply to the Ministry for a decal to affix to their vehicle.

8. Driver Risk Model DRM (Fall)

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9. ICBC Digital Strategy

The primary component of the strategy will be online ICBC insurance sales via brokers.

- Customers will be offered online insurance through the ICBC website and then directed to the broker closest to their place of residence.
- Brokers are aware of this approach.
- ICBC took this proposal forward to their Board at the end of July.
- Launch is targeted for spring 2016.

10. E-Ticketing and Online Payments

On May 31, 2012, legislation was passed (Bill 52) amending the *Motor Vehicle Act* to enable the Road Safety Initiative (RSI) and create a new administrative justice model for traffic violations.

- In July 2012, the RSI received funding for the initial planning and development phase.
- Since then, the RSI project team procured a vendor to develop business architecture and requirements.
- Deliverables completed to date include: Business and Process Architecture; Business Requirements and Capabilities; Change Management Strategy; and Implementation Plan and Costing Estimates.

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- RSI is expected to be implemented over the next four to five years.



11. Chief Justice – Discount Rate

In April, 2014, the Chief Justice amended the discount rates for Future Care (from 3.5% to 2%) and for Future Wage Loss (from 2.5% to 1.5%).

- These changes resulted in material impacts to ICBC's net income and the Province of British Columbia's (Province) fiscal plan. Prior to 2014, the discount rate had not been changed for 30 years.

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12. Fatality Rates

RoadSafetyBC plans to issue their annual vehicle related fatalities report which indicates that fatalities in 2014 have increased for the first time in five years.

- This year's report shows that there has been an overall 7% increase in motor vehicle fatalities since 2013, and a 9% increase in speed-related fatalities.
- The report covers a period when the Province increased speed limits on select sections of Provincial Highway beginning in September 2014.
- The fatality numbers are for all roads in the province, including provincial highways, municipal streets as well as roads under federal jurisdiction.
- While the numbers are up, the overall trend in many areas continues down. For example, fatalities involving heavy trucks is up in 2014, but is still less than the values for 2010, 2011 and 2012.
- Crashes involving speeding is also trending down, again with the 2014 values higher than 2013, but lower than 2010, 2011 and 2012.
- Crashes involving distracted drivers has decreased after staying relatively stable between 2011 and 2013.

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INITIALS

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**MINISTRY OF JUSTICE
RoadSafetyBC
BRIEFING NOTE**

PURPOSE: For meeting between Lori Wanamaker, Deputy Solicitor General and Deputy Minister of Justice and Grant Main, Deputy Minister of Transportation and Infrastructure.

ISSUE: Releasing data in the custody of ICBC for road safety research study.

SUMMARY:

- Dr. Brubacher secured funding from the Canadian Institutes of Health Research (CIHR) for an in-depth study entitled "Prescription Medications and Motor Vehicle Crash Risk" which will provide valuable information for program development in the area of drugs and driving.
- The study can only begin once the data is provided by ICBC. Once underway, it will be a comprehensive four-year study that will begin about one month after the data is released, and will include interim findings within the first year.
- In order to carry out this study, Dr. Brubacher is dependent on receiving data in the possession of ICBC and the Ministry of Health (MoH). While the MoH has already provided the prescription drug use data consistent with *Freedom of Information and Protection of Privacy (FOIPP)* legislation, ICBC has not provided its data citing the potential concerns of its customers including optics.
- ICBC approved release of the data for the study, in principle, in 2012, and then subsequently withdrew it in a letter in March 2014 (see Appendix A). Based on this more recent letter, ^{s.13}
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- The data needed for this study is under ICBC custodianship and includes driver licensing data, insurance data, contraventions data, and police-reported crash data, from 1997 onward. Without this ICBC data, the study cannot proceed, and cancelling it would mean potential study benefits are lost, and the need to refund \$525,000 in research funds to CIHR.
- RoadSafetyBC would like this study to proceed in order to more accurately identify risks related to drugs and take steps like improve drug labelling, ensure better physician and pharmacist warnings on drugs, create more appropriate public awareness campaigns, and develop future roadside screening tests for drugs. In addition, this study leverages external grant funding for road safety research

purposes which aligns precisely with goals and objectives of the BC Road Safety Strategy.

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- Both the authority to release the data and the mechanisms to provide complete data security are in place to support the research project.

BACKGROUND:

- Dr. Jeff Brubacher, MD, a Michael Smith Scholar and Associate Professor in the Department of Emergency Medicine at UBC, s.22
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- Dr. Brubacher received the *Michael Smith Foundation Scholar Award* – a prestigious academic award based on an assessment of his research and scholarly contributions. s.22
s.22 and has published many peer reviewed studies on road safety issues in British Columbia, including in the areas of alcohol-impaired driving; drug-impaired driving; traffic laws; distraction; roadway infrastructure; booster seats, older drivers, and various types of injury surveillance.
- Under this specific research proposal, the data needed for this study would be sent from ICBC directly to Population Data BC (PopData BC) which is a multi-university data and education agency that facilitates interdisciplinary research and has locations at three major universities in British Columbia. Under the research arrangement, Dr. Brubacher would not, in fact, view any personal information.
- In addition, many entities with sensitive data, like BC BioMedical and Immigration Canada have provided their data to PopData BC for research purposes on previous occasions. PopData BC recently successfully passed an independent audit carried out by Deloitte, the findings of which further validate PopData BC's commitment to data privacy and security best practices and establish it as an international leader in the field. The proposed study has already been approved by the UBC Research Ethics Board.
- The Office of the Information and Privacy Commissioner recently stated, regarding a recent Ministry of Health privacy breach that, "Many of the issues relating to research would be resolved, if all researchers, whether based in the Ministry of

Health, health authorities or post-secondary institutions, obtained access to personal health data only through a secure research environment, such as PopData BC."

- Many other jurisdictions also link health and driving records, including Quebec, Ontario, Utah, United Kingdom, France, the Netherlands, Australia, Sweden and Norway. This type of data linkage is also recommended by the World Health Organization in order to better understand population safety problems.
- The BC Association of Chiefs of Police – Traffic Safety Committee, MADD Canada, the Deputy Provincial Health Officer, and others wrote letters of support asking ICBC to provide the data so this study can begin.

Chronology of Events:

- RoadSafetyBC (Steve Martin) provided letter of support for study on September 12, 2012.
- ICBC (Sharon Boglari) provided letter of support expressing intent to help and to provide data on August 24, 2012.
- RoadSafetyBC (Sam MacLeod) provided additional letter of support on September 9, 2013.
- CCMTA (Allison Rougeau) wrote letter of support on September 11, 2013.
- ICBC (Kellee Irwin) wrote to Dr. Jeff Brubacher denying data request on March 11, 2014.
- BCACP, TSC, provided letter of support on May 5, 2014.
- MADD Canada letter of support to Mark Blucher, President of ICBC on May 6, 2014.
- Minister Todd Stone wrote to Mark Blucher, CEO of ICBC On August 6, 2014.
- RoadSafetyBC (Sam Macleod) provided additional letter of support on February 5, 2015.
- Dr. Jeff Brubacher wrote to Walter Gray, Chair of ICBC Board, on March 7, 2015.
- PopDataBC wrote letter of support to Mark Blucher, President of ICBC on March 9, 2015.
- Walter Gray responded to Dr. Jeff Brubacher, on March 11, 2015

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Appendices:

- Appendix A: Letter from ICBC (Kellee Irwin) to Dr. Jeff Brubacher on March 11, 2014
- Appendix B: Letter from MoTI (Minister Stone), to ICBC on August 6, 2014
- Appendix C: Letter from Dr. Jeff Brubacher to Walter Gray on March 7, 2015
- Appendix D: Summary of study: "Prescription Medications and Motor Vehicle Crash Risk"
- Appendix E: Letter from Walter Gray to Dr. Jeff Brubacher on March 11, 2015

S. 146 of the Motor Vehicle Act (MVA) sets the urban default limit to 50 km/h and the rural one to 80 km/h. Outside these default limits, a sign must be posted on every highway or street if the speed limit is something else. This means in urban areas, they must post a sign on every block if it is set to say 40 km/h or 30 km/h. See copied section from MVA below:

Speed limits

146 (1) Subject to this section, a person must not drive or operate a motor vehicle on a highway in a municipality or treaty lands at a greater rate of speed than 50 km /h , and a person must not drive or operate a motor vehicle on a highway outside a municipality at a greater rate of speed than 80 km /h .

(2) The minister responsible for the administration of the *Transportation Act* may, by causing a sign to be erected or placed on a highway limiting the rate of speed of motor vehicles or a category of motor vehicles driven or operated on that portion of the highway, increase or decrease the rate of speed at which a person may drive or operate a motor vehicle or a category of motor vehicle on that portion of the highway.

(3) If the minister responsible for the administration of the *Transportation Act* has caused a sign to be erected or placed on a highway limiting the rate of speed of motor vehicles or a category of motor vehicles driven or operated on that portion of the highway, a person must not, when the sign is in place on the highway, drive or operate a vehicle on that portion of the highway at a greater rate of speed than that indicated on the sign for that category of motor vehicle.

(4) The minister responsible for the administration of the *Transportation Act* may, by notice in the Gazette, define areas in the unorganized area of British Columbia, and may by causing signs to be erected at the entrance to an area so defined direct the rate of speed at which a person may drive or operate a motor vehicle or a category of motor vehicle in that area, but the rate of speed must not be greater than 60 km /h .

(5) If the minister responsible for the administration of the *Transportation Act* has caused signs to be erected or placed on a highway in accordance with subsection (4), a person must not, when the sign is in place on the highway, drive or operate a vehicle on a highway at a greater rate of speed than that indicated on the sign

for that category of motor vehicle, unless another sign on a specific highway in the defined area so indicates.

(6) Subject to subsections (2) and (3), a municipality may by bylaw direct the rate of speed at which a person may drive or operate a motor vehicle on a highway in the municipality.

(7) If, under a bylaw adopted by a municipality or a law enacted by a treaty first nation, signs have been erected or placed on a highway limiting the rate of speed of motor vehicles driven or operated on a designated portion of the highway, a person must not, when the sign is in place on the highway, drive or operate a motor vehicle on that portion of the highway at a greater rate of speed than that indicated on the sign.

(8) A municipality may by bylaw direct that the rate of speed at which a person may drive or operate a motor vehicle in the municipality on a lane not exceeding 8 m in width must not be in excess of 20 km /h .

(9) Despite section 260 (3) [*enforcement powers*] of the *Community Charter*, a person who contravenes a bylaw made under subsection (6) or (8) does not commit an offence against the bylaw.

(10) A municipality that has enacted a bylaw under subsection (8) and a treaty first nation that has enacted a law having the same effect are not required to erect signs designating the rate of speed at which motor vehicles may be driven or operated.

(11) A person must not drive or operate a motor vehicle on a lane in a municipality that has enacted a bylaw under subsection (8) or in the treaty lands of a treaty first nation that has enacted a law having the same effect at a greater rate of speed than 20 km /h .

**MINISTRY OF JUSTICE
RoadSafetyBC
BRIEFING NOTE**

PURPOSE: For INFORMATION for the Honourable Suzanne Anton, QC Attorney General, Minister of Justice.

ISSUE: Proposed options to increase the sanctions for distracted driving.

BACKGROUND:

- The mandate letter for the Minister of Justice, 2015 includes the requirement to "work with the Ministry of Transportation and Infrastructure to review and make recommendations to Cabinet on the potential of increasing fines in addition to driver demerit points for distracted driving offences."
- The province has committed publicly to implement changes to increase distracted driving sanctions by Spring 2016.

DISCUSSION:

- From June 16 to July 16, 2015, the Province consulted with British Columbians on distracted driving to explore possibly increasing sanctions. Upon completion of the consultation, government has committed to reviewing the feedback and exploring additional options to address distracted driving in British Columbia.
- This was the second step of the Province's two-phase approach to address distracted driving. The first step was implemented on October 20, 2014, when government introduced three penalty points for all tickets issued for the use of an electronic device while driving, in addition to the \$167 fine.

Current Framework in British Columbia

- The goal of the change to the regulation in October 2014, which added three points to the current \$167 fine, was to increase the severity of the sanction to improve compliance with the law and to convey to drivers the serious crash risks associated with using an electronic device while driving.
- These penalty points remain on a person's driving record for five years and can result in further penalties, including prohibitions from driving. Any driver that accumulates four points or more has to pay a minimum annual insurance premium starting at \$175, and escalating if they receive more penalty points.

- Although it is too early to assess the impact of the 2014 change, the number of tickets in 2015 to date remains consistent with previous years.

Jurisdictions Leading in Distracted Driving Sanctions

- Ontario:
 - Starting September 1, 2015, fines for distracted driving in Ontario increased from \$280 to \$490 and up to a maximum of \$1,000. The new sanction also adds three demerit points to the drivers licence. In addition, novice drivers convicted of distracted driving, will now be subject to an escalating licence suspension of: 30 days on a first occurrence, 90 days on a second occurrence and removal from the Graduated Licensing System for a third occurrence.
- PEI:
 - As of July 2015, fines for distracted driving increased from \$250 to \$500 with a maximum of \$1,200. The number of demerit points also increased from three points to five. In addition, novice drivers convicted of distracted driving will now be subject to an escalating licence suspension of: 30 days on a first occurrence and 90 days on a subsequent occurrence.
- Saskatchewan:
 - As of June 2014 fines for distracted driving were \$280 and four demerit points. The sanctions were strengthened in July 2014 so that second and subsequent offences of using a wireless communication device while driving, in a one year period, will result in a seven day vehicle impoundment.

See Appendix 1 for a summary of Canadian jurisdiction sanctions for distracted driving.

Results of the Consultation:

During the 30 day consultation, the Distracted Driving website experienced over 24,000 site visits. The following is a summary of the results of those who visited the website:

- 87% were very concerned about distracted driving;
- 83% felt that the fines should be at least doubled;
- 65% felt that the points should be increased, with majority of respondents suggesting an increase to 6 points;

- 63% felt that the best way to address distracted driving would be through a combination of fines, points, prohibitions and vehicle impoundments. Following the combination approach, the next most popular sanction was fine and points (12% respondents);
- 96% felt that penalties should increase for repeat offenders;
- 90% felt that vehicle impoundments were appropriate. Of those, 75% suggested a preference of impoundments for repeat offenders.

Several comments included that distracted driving sanctions should mirror those who drive without due care and attention, which would include increasing the fines to \$368, increasing the penalty points to 6, as well as resulting in the possibility of driving prohibitions through the Driver Improvement Program (DIP). Several other comments suggested that distracted driving penalties should have similar sanctions as that of driving while affected by alcohol.

OPTIONS:

s.12,s.13

Page 22 to/à Page 23

Withheld pursuant to/removed as

s.12;s.13

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Attachments

Appendix 1 Summary of Canadian Jurisdictions
Appendix 2 Summary of Proposed Options

Page 25 to/à Page 26

Withheld pursuant to/removed as

s.12;s.13

**MINISTRY OF JUSTICE
POLICING AND SECURITY BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION for the Honourable Suzanne Anton, Attorney General and Minister of Justice

ISSUE: Meeting with Mayor Desjardins (Esquimalt), Mayor Helps (Victoria), Mayor Atwell (Saanich) and Mayor Jensen (Oak Bay) regarding Provincial support/resources for a Capital Regional District (CRD) Working Group on Integrated Teams, Tuesday, September 22, 2015, at 2pm at Canada Place (6th Floor, 667 – 999 Canada Place, Vancouver).

SUMMARY:

- Mayor Desjardins and Mayor Helps have requested a meeting with the Minister to discuss support from the Ministry for their newly formed police force integration Working Group.
- The Ministry supports police service integration s.16
s.16
- In a July 16, 2015 letter to the Mayors on this topic, the Minister offered ministry staff to assist in the exploratory process for the integration working group, as well as staff to assist the exploration of full or partial regionalization, should the communities wish to explore those options.

BACKGROUND:

- In February 2013, the Assistant Deputy Minister and Director of Police Services and the (former) Mayors of Victoria, Esquimalt, Oak Bay, Saanich, and Central Saanich agreed that a review of local integrated policing services would be undertaken to examine whether improvements could be made to the service delivery and governance of integrated policing within the CRD. The Mayors asked the Director of Police Services to conduct this review.
- During the review Policing and Security Branch (PSB) staff and consultants interviewed the chiefs and deputy chiefs of each department and gathered information about the existing integrated teams. The final report was shared with the CRD Mayors in June 2014.
- Amendments to Section 4 of the *Police Act* came into force on March 3, 2015 and may provide further opportunities to formalize an improved governance structure for existing integrated services, as well as provide a vehicle for new service delivery models in the CRD.

- On May 4, 2015, the current Mayors of Victoria, Esquimalt, Oak Bay, Saanich, and Central Saanich met with the Assistant Deputy Minister and Director of Police Services to discuss integrated police teams in the CRD. At this meeting, the five CRD mayors expressed an interest in examining ways to share services and advance integrated policing models, while preserving local and community policing.
- As a result of that meeting, on July 16, 2015, the Minister sent a letter acknowledging the efforts of the Mayors (attached). This letter offered the assistance of PSB staff to assist in the exploratory process for the integration working group, as well as staff to assist the exploration of full or partial regionalization, should the communities wish to explore those options.
- On June 12, 2015, the five Mayors, along with their respective police Boards and chiefs of police, met to explore opportunities for further integration and determined that a working group with representation from each Board and police agency will meet and report back to the greater group in December 2015 regarding:
 - Terms of Reference
 - Principles of Governance
 - Key Issues and Options: to be brought to each Board for consideration and decision (reporting, funding, communications, etc.)

s.16

-
- The Mayors sent a letter dated August 31, 2015, requesting a meeting with Minister Anton to discuss the Ministry's support for the integration Working Group. In response, a meeting has been scheduled for Tuesday, September 22, 2015.

OTHER MINISTRIES IMPACTED/CONSULTED:

- In recognition that there is a broader ongoing Capital Region Governance and Service Project, progress on this initiative will be shared with the Ministry of Community, Sport and Cultural Development.

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Approved September 17, 2015 by:
Lisa Anderson
Executive Director and Deputy Director of
Police Services
Policing and Security Branch
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Attachment:
July 16, 2015 letter from Minister Anton to the Mayors regarding integration



BRITISH
COLUMBIA

JUL 16 2015

Her Worship Mayor Barbara Desjardins
Her Worship Mayor Lisa Helps
His Worship Mayor Ryan Windsor
His Worship Mayor Richard Atwell
His Worship Mayor Nils Jensen

Dear Mayors:

As Chairs of the Police Boards for the City of Victoria, the Township of Esquimalt, and the Districts of Saanich, Central Saanich and Oak Bay, I understand that you met with Assistant Deputy Minister Clayton Pecknold on May 5, 2015, to discuss integrated police teams.

As you may know, ministry staff worked with your municipalities in the preparation of the "Integrated Police Teams Review" (the Review) that was released to you or your predecessor in June 2014. Since the Review was issued, local government elections occurred, and newly elected officials and recently appointed board members have entered the discussions. The Review remains essentially reflective of the current policing environment in your jurisdictions.

The Review is attached and provides a snapshot of eight integrated teams and their mandate, composition, governance and funding models. The review also cataloged potential opportunities for further cooperation. I am very encouraged to hear that your local governments are taking the next steps to examine ways to share services and advance integrated policing models.

Effective March 3, 2015, amendments to Section 4 of the *Police Act* came into force, and may provide further opportunities to formalize an improved governance structure for existing integrated services, as well as provide a vehicle for supporting new service delivery models. I am a strong believer that integrated policing models support the effective delivery of specialized and resource intensive policing services, and may provide opportunities for greater efficiency and better service on a regional basis.

I understand that you would like to advance a discussion concerning a new governance model for existing regional integrated services and to take action in this regard. I understand you view it as important to find a model that provides the appropriate police board and council representation for the region and that respects the autonomy of local forces at the same time as working better together as a region. I would be pleased to offer ministry staff to assist in this exploratory process.

... /2

Ministry of
Justice

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Minister of Justice
and Attorney General

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Police Board Chairs
Page 2

As you know, the Missing Women Commission of Inquiry made recommendations related to policing structure. In the BC Policing and Community Safety Plan, a commitment is made to further the regional delivery of specialized services; however, should your communities wish to explore a full or partial regional police service, I would welcome those discussions and would be happy to offer ministry staff in the exploration of that option as well.

I understand that you have initiated discussions about these matters with your Police Boards, Police Executives and City Councils. I look forward to hearing from you in the future about their interest in and commitment to this important initiative.

Yours very truly,

Original Signed By

Suzanne Anton QC
Attorney General
Minister of Justice

Enclosures

PSPB PECKNOLD/MCLEAN/ENGLEDER C/509668