

August 12, 2016

**CORPORATE SERVICES REPORT –
LEGISLATIVE SERVICES 2016-17**

TO: Committee of the Whole

SUBJECT: Potential Regulation of Driving School Instructors Operating in the
Town of Newmarket

ORIGIN: Director, Legislative Services/Town Clerk & Supervisor, By-law
Enforcement

RECOMMENDATIONS

- a) **THAT Corporate Services Report – Legislative Services 2016-17 dated August 12, 2016 regarding “Potential Regulation of Driving School Instructors Operating in the Town of Newmarket” be received and the following recommendations be adopted:**
- 1. THAT staff host a Public Information Centre (PIC) in November, 2016 to seek public and industry input on the potential regulation of driving school instructors operating in the Town of Newmarket;**
 - 2. AND THAT staff continue to work with the Ontario Ministry of Transportation (MTO) and driving school instructors operating in the Town of Newmarket to mitigate traffic and perceived safety concerns raised by residents;**
 - 3. AND THAT staff bring back a report in the first quarter of 2017 regarding the potential regulation of driving school instructors operating in the Town of Newmarket.**

Corporate Services Department

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COMMENTS

Background

Currently, the Town does not license or otherwise regulate driving schools or driving school instructors.

With the introduction of the MTO DriveTest Centre on Harry Walker Parkway, the Town has received complaints from residents about increased traffic and perceived driving/property safety concerns as a result of MTO DriveTest Centre driving examiners and driving school instructors using the same residential streets on a regular basis (see map in Appendix "A"). At its June 7, 2016 meeting, Council requested staff review potential regulatory options to address the complaints.

- The MTO pre-approves and pre-designates the Drive Test examination routes to ensure consistent and fair testing practices.
- To staff's knowledge, several driving schools operating in the Town of Newmarket for training and to attend the MTO DriveTest Centre, which test students from across the GTA (no restriction on residence exists). There are approximately five (5) driving schools which operate directly out of Newmarket.
- The examination routes include residential areas used by drivers to demonstrate specific maneuvers such as parallel parking, 3-point turns and various stops. Testing normally occurs Monday through Friday between 8:30 a.m. and 5:00 p.m.
- According to information provided by the MTO, the designated routes generally within the boundaries of Wards 2 and 3. MTO has indicated that the precise routes are normally kept confidential to the public.
- With the assistance of MPP Chris Ballard's office, the MTO has agreed to additional examination routes will be added, which should assist to relieve disruption to residents in Wards 2 and 3.
- Staff can identify up to 10 resident complaints associated with the introduction of the MTO DriveTest Centre (additional complaints may have been brought directly to the attention of Members of Council).
- Driving school instructors and their vehicles are regulated by the MTO for the purpose of ensuring consistent instruction methods and the safety of students being trained. In order to effectively regulate and enforce where

driving schools are operating in the Town of Newmarket, municipal regulation of driving school instructors would be most appropriate.

- Staff feel it is important to strike a balance between mitigating disruption to residents as a result of driving school instructors using the same residential streets on a regular basis with a social obligation to ensure new drivers receive adequate training to become safe drivers in their community.
- Like any new regulation, it is important to ensure broad public and industry feedback has been taken into consideration before regulations are enacted. A “level playing field” for all driving school instructors must be established in order to demonstrate fairness.

Regulation of Driving School Instructors Operating in the Town of Newmarket

The Town may regulate driving school instructors operating in the Town of Newmarket to restrict their use of any designated MTO DriveTest route, as approved from time to time. This restriction must exclude driving school instructors using the route on their own and when driving students to and from the MTO DriveTest Centre. Driving school vehicles would be used during testing itself by uniformed MTO DriveTest staff. The Town may also consider excluding the use of designated MTO DriveTest routes by driving school instructors during non-testing hours to ensure students have practice prior to their test.

It would be impractical to regulate training routes used throughout the Town by driving school instructors; however, staff can continue to work collaboratively with driving schools to encourage spreading training routes throughout the municipality at varying times.

Driving school instructors operating outside the terms of approved regulations can be subject to a fine (to be determined, up to \$1,000.00). Following a period of industry education on regulatory requirements, enforcement would take the form of licensing inspections by parking officers at the MTO DriveTest Centre, enforcement blitzes in MTO testing routes and complaint-based responses. Staff will explore the potential for technology to assist with complaints – online reporting, for example.

In addition to enforcement, signage can be placed in test route areas to reinforce regulations, provided test routes do not regularly change or expand, in which case signage becomes ineffective and unsightly.

Pros

- ✓ Where driving school instructors comply with regulations, addresses resident concerns in MTO DriveTest Centre vicinity;

- ✓ Should the regulations exclude use of test routes during non-testing hours, allows students to practice in advance of their test; and,
- ✓ Test routes will only be used by uniformed MTO DriveTest staff during testing hours, reducing traffic and perceived safety concerns.

Cons

- ✓ Municipal regulatory fees associated with licensing will be required, which may be onerous for some driving school instructors;
- ✓ Municipal regulatory fees may be passed on to students;
- ✓ If a driving test instructor relies heavily on training students in MTO DriveTest routes, regulations may have effect of creating similar resident complaints in other Wards associated with additional traffic and perceived driving/property safety concerns;
- ✓ New level of service required to be accommodated by Town's enforcement team; and,
- ✓ Effectiveness and precise costs of regulations, enforcement model and signage is unknown and will need to be evaluated.

Regulation of MTO DriveTest routes occurs in Aurora (MTO DriveTest Centre currently closed), Brampton, Guelph, Mississauga and Oakville with success.

Many municipalities where MTO DriveTest Centres are located do not regulate driving schools and instead encourage driving schools to spread training routes throughout their municipality at varying times and limit the use of approved MTO DriveTest route throughout operating hours to mitigate disruption to residents, wherever practical. This model may be possible, but is dependent on the willingness of driving school instructors to comply and lacks any authority for municipal enforcement.

Next Steps

Staff will:

- ✓ Meet with MTO and confirm current and planned test routes;
- ✓ Draft regulations for input from the industry and public at a PIC to be held November, 2016;
- ✓ Bring back a report in the first quarter of 2017 regarding the potential regulation of driving school instructors operating in the Town of Newmarket. The timeframe was established based on existing Legislative Services priorities, including the Ward 5 By-election. An Information Report will be issued outlining a revised timeframe for the review of existing and proposed regulations; and,

- ✓ Continue to work with the Ontario Ministry of Transportation (MTO) and driving school instructors operating in the Town of Newmarket to mitigate traffic and perceived safety concerns raised by residents.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report relates to the “Well Equipped and Managed” link of the Town’s community vision implementing policy and processes that reflect sound, accountable governance.

CONSULTATION

Staff consulted with and reviewed the input of a sample of driving schools operating in Newmarket, affected residents, the MTO and other municipalities in the preparation of this report.

HUMAN RESOURCE CONSIDERATIONS & BUDGET IMPACT

Regulation of driving school instructors will create a new level of service to be delivered by the enforcement team.

In terms of administration of the regulations, application forms, information pamphlets/website content would need to be developed and correspondence and in-person appointments with driving school instructors would need to be coordinated over the course of several weeks. The Town has the option of implementing a multi-year licence (similar to what was recently introduced under the Taxi Cab Licensing By-law), which may reduce the burden on the Town and the industry.

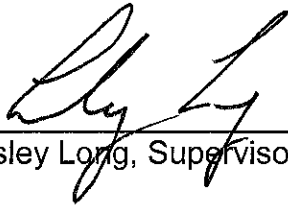
In terms of enforcement of regulations, as indicated, following a period of industry education on regulatory requirements, enforcement would take the form of licensing inspections by parking officers at the MTO DriveTest Centre (monthly, up to ½ day), enforcement blitzes in MTO testing routes (monthly, up to ½ day initially then quarterly, depending on compliance rate) and complaint-based responses. Staff have submitted a request for consideration of one (1) new enforcement officer as part of the 2017 budget process which may assist to support new administrative and enforcement requirements, should the regime be approved. Staff will explore the potential for technology to assist with complaints – online reporting, for example.

Prior to the PIC, more information will be gathered to assess reasonable regulatory fees and requirements based on the scope of work required to administer and enforce the regime, in consultation with the industry and affected

residents. The framework staff is considering is to keep administrative (licensing) fees reflective of cost recovery and fines high with the intent to focus on correcting non-compliant instructors' behavior.

CONTACT

For more information on this report, please contact Lesley Long, Supervisor of By-law Enforcement at llong@newmarket.ca, or at 905 953-5300, ext. 2222.



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