

Stunting, Racing & Excessive Vehicle Noise within City Limits

Date	May 19, 2021
To	Operations and Community Services Committee
From	Citizen Services
Service Area	Roadways & Transportation
Item No.	OCS21-20

RECOMMENDATION

The Operations and Community Services Committee recommends that City Council:

1. Approve the recommendation contained in this report to amend section 11 of *The Noise Abatement Bylaw, Bylaw No. 6980* (Noise Abatement Bylaw) and to add a fine for violation of section 4(A), *Motor Vehicle Noises* of \$150.
2. Instruct the City Solicitor to prepare the necessary amending bylaw to be brought forward to the June 9, 2021 meeting of City Council following the approval of the recommendation.
3. Submit a letter to the Minister responsible for Saskatchewan Government Insurance (SGI), as the governing body of vehicle equipment standards to implement stricter measures regarding vehicle standards and inspection policies as described in this report.
4. Remove item *MN20-17* from the List of Outstanding Items for The Community and Protective Services Committee.
5. Approve these recommendations at its meeting on May 26, 2021.

ISSUE

This report is in response to motion *MN20-17* regarding racing, stunting and excessive vehicle noise. Excessive vehicle noise resulting from racing and stunting within Regina city limits has become a growing concern to some residents. This report identifies the research

and engagement carried out by Administration to address each concern Council identified within the motion.

IMPACTS

Financial Impact

Fines that are collected from a breach of City of Regina (City) *The Noise Abatement Bylaw* will be collected by the Province, with a portion of the fine revenue remitted back to the City's general revenue fund.

Environmental Impact

City Council set a community goal for the city of Regina of achieving net zero emissions and sourcing of net zero renewable energy by 2050. In support of this goal, City Council asked Administration to provide energy and greenhouse gas implications of recommendations so that Council can evaluate the climate impacts of its decisions.

Administration has researched the impact of vehicle noise on the environment and has determined that noise enhancing equipment for mufflers and tailpipes does not have a significant impact on emissions. This is due to greenhouse gases primarily being produced within the engine itself and not within the muffler.

It should be noted that manufacturers are actively producing engines that are increasingly fuel efficient, or fully electric. This means that older vehicles are likely to produce more emissions when compared with newer models. Stricter vehicle regulations may reduce the volume of older vehicles on roads, thus lowering emissions.

There are no policy, accessibility or other impacts regarding this report.

OTHER OPTIONS

More information regarding alternative options is discussed within Appendix A and include:

- Option 1 (not recommended) - Amend *The Noise Abatement Bylaw* to include an escalating fine system for repeat offenders.
- Option 2 (not recommended) - Determine the feasibility of establishing vehicle noise decibel thresholds and noise measuring equipment standards through a third-party consultant.
- Option 3 (not recommended) - Establish awareness and education campaigns regarding stunting, racing, vehicle noise and provincial regulations.

COMMUNICATIONS

Administration will inform the public of any amendments made to *The Noise Abatement Bylaw* through a public service announcement as well as updating the Bylaw on Regina.ca.

DISCUSSION

The issue of excessive vehicle noise and stunting is complex and consists of multiple factors that range from driver behaviour to vehicle standards.

Recommendations provided by Administration will be key components in addressing this issue. However, they will not eliminate excessive vehicular noise from either vehicle equipment or from stunting actions altogether as there are other factors beyond the control of the municipality. Further, this report does not consider general roadway noise as governed by the City's Noise Policy, which is currently under a separate review.

Option 4 (recommended) – Establish Fine Amount in *Noise Abatement Bylaw*

Administration recommends that City Council amend *The Noise Abatement Bylaw* to include a specified fine of \$150 associated with *Part III, Specific Prohibitions, Section 4.(A)(a), Motor Vehicle Noises*.

The Noise Abatement Bylaw contains an explicit section on vehicle noise which states, in part, that no person shall create loud unusual or unnecessary noise in the operation of a motor vehicle. While the bylaw effectively prohibits unnecessary vehicle noise as written, currently a court appearance would be required for each offence, whereafter a fine amount up to the maximum threshold established in the bylaw would be determined. Without a summary offence fine amount, Regina Police Service (RPS) are unable to issue a fine amount at the time of the offence and are unlikely to issue a summons under *The Noise Abatement Bylaw*.

This recommendation imposes a fine of \$150 plus any applicable surcharge for *The Victims of Crime Regulations* to the bylaw and can provide immediate consequences to offending motorists. The fine amount in *The Noise Abatement Bylaw* will provide RPS an additional means to enforce offences and will not preclude an enforcing officer from issuing a ticket under the *Traffic Safety Act (TSA)*.

Option 5 (recommended) – Advocate with Provincial Authorities

Administration recommends that City Council compose a letter to the Minister responsible for Saskatchewan Government Insurance (SGI) to advocate for and request a review of current vehicle equipment and standards, as well as the implementation of stricter inspection policies within the province. City Council can encourage the provincial government to review its current standards and policies to address vehicle inspection and equipment standards that contribute to excessive noise across all municipalities in Saskatchewan.

In consultation with SGI, Administration has determined that in addition to driver behaviour, the use of modified car parts, noise enhancing devices, and substandard vehicle conditions are all contributing factors to excessive noise. The vehicle equipment standards and regulations are governed by provincial legislation through *The Vehicle Equipment Regulations, 1987* and by federal legislation through *Motor Vehicle Safety Regulations (C.R.C, c.1038)*. Any new measures regarding vehicle standards must be carried out through the provincial and federal frameworks. City Council can appeal to the Minister

responsible for SGI and advocate for a review of stricter vehicle standards including mufflers and tailpipes, and for a re-occurring vehicle inspection policy to ensure that vehicles are safe for the road.

Current Enforcement

Administration has reviewed the enforcement actions that RPS currently executes when addressing excessive vehicle noise. The *TSA* currently authorizes RPS to issue a ticket under section 215 for creating or causing a loud and unnecessary noise. This fine is \$60 for the offence with an additional \$40 surcharge for *The Victims of Crime Regulations*, equating to a total of \$100 fine for the offence.

Further, if a RPS officer believes that a vehicle has modified or unfit parts, they can also require that the vehicle undergoes SGI's inspection process to ensure that it is fit for the roadway.

The Regina Police Service also carries out a yearly enforcement and education initiative, called Project SPEED (Spring Public Education & Enforcement Drive) to target speeding and excessive noise in City limits. This initiative runs between April and May when roads experience increased vehicle activity due to the warmer weather. In 2020, this initiative resulted in 1517 Summary Offence Ticket Information (SOTI) tickets:

- 1183 speeding tickets
- 26 distracted driving tickets
- 46 vehicle equipment violations
- 17 suspended drivers
- 245 other traffic offences

Other Options Considered

Administration considered an option to determine a fine structure that could escalate for repeat offenders within *The Noise Abatement Bylaw* (Option 1). Administration does not recommend this approach. If this approach were taken, further research into the fine amounts, limitations to number of offences, and final penalty would need to be determined through stakeholder review. Appendix A discusses this option in greater detail in Option 1.

Administration considered an option on establishing a noise threshold in addition to the proposed fine amount within *The Noise Abatement Bylaw* (Option 2). Through consultation with RPS and SGI, Administration does not recommend this approach. Both RPS and SGI have expressed concerns regarding the challenges of obtaining accurate decibel readings, the classification of vehicle noise, and the specialized equipment that is required to prove the offence and achieve a conviction.

For this reason, Administration does not recommend that the City add a prescribed decibel to *The Noise Abatement Bylaw* at this time.

Further, a study through a third-party consulting expert would be needed to fully explore all required details prior to such an implementation. This would be required to ensure that tickets for exceeding the specified threshold have sufficient evidence to support a conviction in court. Detailed information to establish a vehicle noise decibel level, as well as the associated costs, are discussed within Option 2 of Appendix A.

Administration also considered an educational and communication strategy to address noise (Option 3) but does not recommend undertaking this activity given the jurisdictional complexity and the estimated low cost-benefit expected from a campaign led by the municipality. This option is discussed further within Option 3 of Appendix A.

Finally, City Bylaw Enforcement Officers do not have authority to make traffic stops and as such cannot be used to enforce excessive vehicular noise or stunting for vehicles in motion.

Vehicle Standards

Under *Section 279* of the *TSA*, RPS officers also have the authority to require that vehicles undergo an inspection to determine if any parts, such as faulty mufflers or noise enhancement devices, need to be removed. If the vehicle fails to comply, it cannot re-register for the next term when the current registration has expired. The vehicle will be able to re-register once the issues are addressed and approved through the SGI inspection process.

It is important to note that this inspection process is not mandatory for all vehicles, but only occurs when an RPS officer has issued an inspection ticket. This inspection process would not preclude dishonest driver behaviours such as individuals removing substandard vehicle equipment prior to inspection and replacing it once the vehicle passes inspection.

Reducing Stunting and Speeding within City Limits

Although stunting behaviour can include speeding, for the purpose of this report, speeding will refer to incidences or locations where speeding is a chronic concern or where a large volume of vehicles exceeds the posted speed limit. Stunting includes a manner of inappropriate driving behaviours, including excessive speeding, but will be considered intentional, outlier behaviour experienced on a road.

Administration uses the Transportation Association of Canada (TAC) traffic calming principles and guidelines to address speeding, traffic concerns and pedestrian safety. The City conducts traffic calming screening through its data collection process to identify streets with chronic speeding. If a local or collector road has evidence of chronic speeding, options for appropriate traffic calming measures can be explored in accordance with TAC guidelines. However, traffic calming principles are best employed to resolve chronic speeding rather than as a response to distinct instances of stunting behaviours which may include excessive speeding by an individual vehicle.

Traffic calming initiatives typically correct unintentional speeding resulting from roadway design and the required infrastructure investment associated with traffic calming techniques is costly and best reserved for locations where there can be large-scale impacts.

The City does not have a dedicated budget for traffic calming initiatives. However, Administration intends to pursue funding for an annual program through the 2022 budget process.

Vertical traffic calming measures such as speed humps may work well in very localized situations such as parking lots, private roads, or low volume local roads, however Administration no longer recommends them for use on roadways. Administration has

phased out speed humps from its traffic calming measures as they interfere with emergency response times, impact winter road maintenance activities and are challenging for Transit and ambulances with patients to negotiate. On local roads where speed humps may be appropriate, residential driveways often limit the placement of speed humps.

Further, the use of speed humps has minimal impact unless multiple speed humps are installed close together for the entirety of the roadway where speeding occurs. Some motorists are observed to rapidly accelerate and speed upon crossing the final speed hump, possibly to make up for the perceived lost time. Some research also suggests that areas near speed bumps result in higher decibel readings due to the abrupt deceleration and acceleration of vehicles and from the vehicle navigating over the speed hump.

The use of horizontal deflections for traffic calming is the preferred method for use on most streets. These include treatments such as curb extensions at intersections, midblock chokers, chicanes, medians, diverters, closures, road diets and the provision of on-street parking. In 2020, Administration commenced a temporary traffic calming curb (TC curbs) pilot project which will continue throughout 2021. Preliminary analysis of pilot installations indicates improved speed compliance at pilot locations.

It should also be noted that traffic calming techniques are intended for use on local or collector roads. Current TAC guidelines do not recommend that traffic calming measures are implemented on roads that are characterized as arterial or expressways. Through the City's traffic calming program, locations that fall into these road classifications (arterial or expressways) are typically identified as hotspots for speeding and stunting and are forwarded to RPS for monitoring and enforcement rather than considering traffic calming actions. *The Traffic Safety Act* contains provisions for unsafe driving allowing RPS to enforce stunting and speeding.

Engagement with Stakeholders

Administration completed engagement sessions with numerous organizations regarding vehicular noise due to stunting and racing including RPS, SGI, the City of Saskatoon, and the City of Edmonton.

The input and discussions resulting from each session identified the following as factors for consideration around the challenges with vehicle noise:

- driver behaviours
- “sport mode” function from manufacturers for some new vehicles
- vehicle modifications using equipment that does not meet standards
- intermittent nature of offences and the challenge for officers to witness the offence

Discussions between Administration and SGI have highlighted the inability to control driver behaviour when it comes to installing and removing modified car parts. Vehicle owners who are tasked with an inspection ticket can often remove and replace vehicle equipment, such as unapproved mufflers, to pass the vehicle inspection process. As it stands, there is no process to ensure that unapproved parts will not be re-installed after inspection.

Driver behaviour was also emphasized during conversations with the City of Saskatoon and RPS. The City of Saskatoon currently utilizes TAC Traffic Calming Guidelines when dealing

with speeding issues on local and residential roadways. On larger arterial roads, the locations are forwarded to enforcement for monitoring. Vehicle and traffic noise is a re-occurring concern in Saskatoon and attempts to regulate and enforce these activities are currently ongoing.

Saskatoon currently has a decibel level established specifically for motorcycles, however, not for other motor vehicles. Similarly, with RPS, Saskatoon noted that a prescribed decibel threshold may make the prosecution process difficult without proper methodologies established or without equipment available to take an accurate reading. Further details on Administration's jurisdictional review can be found within Appendix B.

As previously discussed in Option 2, Administration has determined that establishing a prescribed noise threshold for vehicles in *The Noise Abatement Bylaw* would require a third-party consultant to determine the equipment, training, and methods required to ensure accurate noise readings for successful prosecution.

RPS currently carries out enforcement for vehicle noise through *Section 215* of the *TSA*, where it prohibits creating or causing a loud and unnecessary noise from a motor vehicle. The common approach by RPS is to educate and communicate with major car enthusiast groups within the city to ensure that the rules and regulations are understood. If an officer is present at the time of offence, a warning or ticket will likely ensue. In the case that residents or Administration notifies RPS of a re-occurring issue, RPS or Administration can conduct ongoing monitoring as needed.

DECISION HISTORY

At its August 26, 2020 meeting, City Council considered *MN20-17*, Stunting, Racing and Excessive Vehicular Noise within City Limits and directed Administration to consult with the Regina Police Service (RPS) and prepare a report to the Operations and Community Services (formerly Community and Protective Services) Committee by Q2 of 2021 related but not limited to reducing vehicular noise, reducing stunting, and speeding within city limits and engaging stakeholders. The following motion *MN20-17* was passed:

Direct Administration to consult with the Regina Police Service (RPS) and report back to the Community and Protective Services Committee by Q2 of 2021 on the following, but not limited to:

1. *Reducing Vehicular Noise:*
 - a. *Modify the current bylaws to provide police the means to enforce the law, increased fines for night-time hours (10pm - 7am)*
 - b. *Establish noise thresholds measured by sound levels in decibels similar to other cities*
 - c. *Establish vehicle equipment standards for mufflers and tailpipes*
 - d. *Increase enforcement authority to Bylaw Officers to investigate similar to the cities of Edmonton and Toronto*
 - e. *Develop a communication strategy for education and enforcement*
 - f. *Engage with other municipalities respecting efforts they have taken to reduce vehicular noise*

- g. Identify any associated implications or cost for equipment that would be required for testing*
- 2. *Reducing Stunting and speeding within city limits*
 - a. *Engage with other municipalities respecting traffic calming strategies to reduce racing and stunting*
 - b. *Adopt the use of temporary speed bumps or other mechanisms*
- 3. *Engage with stakeholders, including but not limited to Regina City Police, SGI, automotive industry and muffler shops to develop a strategy to reduce speeding, racing, stunting and excessive vehicular noise.*

Respectfully Submitted,

Respectfully Submitted,



Chris Warren, Director, Roadways & Transportation

5/3/2021



Kim Onra, Executive Director, Citizen Services

5/13/2021

Prepared by: Kevin Huynh, Engineer

ATTACHMENTS

Appendix A - Options Explored by Administration

Appendix B - Jurisdictional Review