



NIAGARA REGIONAL POLICE SERVICE

Police Service Board Report

PUBLIC AGENDA

Subject: Collision Reconstruction User Fee By-Law – Fee Update
Report To: Chair and Members, Niagara Police Service Board
Report Date: 2024-11-21

Recommendation(s)

1. That the Niagara Police Service Board (Board) approve the draft by-law and amended fee schedule as appended to this report, effective January 1, 2025; and
2. That an annual inflationary index be applied to maintain alignment with the cost of labour and supplies.

Key Facts

- Section 391 of the Municipal Act and section 69 of the Planning Act provide the authority for a municipality to establish fees and charges where the fundamental principle ensures the recipient of the benefit pays for the service received.
- In consultation with S/Sgt Todd Lantz of Traffic Management Road Safety along with Finance staff, each fee was reviewed to determine the resource time to complete each report.
- A review of each fee revealed that many fees had not been updated since 2010 and therefore do not account for the inflationary increases to the supplier and/or labour-related costs incurred in this timeframe.
- It is recommended that user fees be indexed annually to maintain alignment with the inflationary increases to the cost of labour and supplies.

Financial Considerations

Between the years 2021 to year-to-date 2024, revenues received from this By-Law amounted to \$55,344.31 for 27 reports. The most common report requested was the complete collision reconstruction report requested by legal services, insurance companies or third-party collision reporting services.

Section 391 of the Municipal Act and section 69 of the Planning Act provide the authority for a municipality to establish fees and charges. The fundamental principle behind user fees, and price setting, via cost recovery, is that those who directly benefit from the good/service pay for it, and others should not be obligated to pay for it (a key element being that the benefit of the service is to the individual, not the general

taxpayer). The main economic reason why user charges should be levied on the direct recipient of benefits is that this improves the efficiency of the government in allocating resources in the way they are demanded by the public¹.

Analysis

The purpose of this report is to seek Board approval for the recommended user fee schedule listed in Appendix 1 of this report. The proposed fees and charges were developed in consultation with department leadership and Finance staff. A review of each fee revealed that many fees had not been updated since 2010 and therefore do not account for the inflationary increases to the supplier and/or labour-related costs incurred in this timeframe.

A summary of the user fee for this unit is provided as follows:

Traffic Reconstruction Unit:

- Complete Collision Reconstruction Report – update fee to \$4,550.00 (from \$3,500.00).
- Accident Report (MTO) – delete; this report is provided by Ministry of Transportation Ontario (MTO).
- Crash Data Retrieval (CDR) System Report (per Vehicle) – updated fee to \$650.00 (from \$500.00).
- CDR Supplementary Report (per Vehicle) – updated to \$185.00 (from \$150.00)
- Field Book (Each) - updated to \$185.00 (from \$100.00).
- Field Sketch (Each) - updated to \$370.00 (from \$250.00).
- Photographs (Minimum 10) - updated to \$185.00 (from \$150.00); or \$18.50 per photograph.
- Scale Diagram (3 feet x 4 feet) (Each) – delete; replaced with Scale Diagram.
- Scale Diagram (8 inches x 11 inches) (Each) – delete; replaced with Scale Diagram.
- Scale Diagram (Each) – updated to \$1,100 (from \$800.00).
- Technical Collision Investigation Field Notes (Minimum 6) - updated to \$185.00 (from \$150.00); or \$30.85 per page.
- Technical Collision Investigation Report (TCI Report) (Minimum 6) - updated to \$185.00 (from \$150.00); or \$30.85 per page.
- Technical Calculation Notes - updated to \$650.00 (from \$500.00).
- Vehicle Inspection Report (Per Vehicle) - updated to \$185.00 (from \$100.00).
- Vehicle Mechanical Examination Report (Per Vehicle) - updated to \$325.00 (from \$250.00).
- Interview with a member of the Niagara Regional Police Service Collision Reconstruction Unit. -(Minimum 2 hour) - updated to \$370.00 (from \$250.00); or \$185.00 per hour.

¹ CSD 46-2023 December 7, 2023 2024 Schedule of Fees and Charges, Niagara Region.

In conclusion, user fees levied on the direct recipient of the benefit ensures that the burden for the costs associated to providing the service is not incurred by the taxpayer through the general tax levy. User fees must be indexed annually by inflation to ensure that this burden remains cost neutral and does not result in a budget pressure.

Alternatives Reviewed

To not accept the recommended revision to the user fees.

Relationship to Police Service/Board Strategic Priorities

To comply with the provisions of section 6.4.1 By-Law 412-2024 - Financial Reporting, Control and Procurement of Goods and Services in the Niagara Regional Police Service.

Relevant Policy Considerations

- Municipal Act, 2001
- By-Law 412-2024 - Financial Reporting, Control and Procurement of Goods and Services in the Niagara Regional Police Service.
- By-Law 523-2024 – User Fee Schedule for Police Services

Other Pertinent Reports

9.2 - 2021.01.28 - Update to NRPS Schedule of Fees and Charges.

This report was prepared by Laura Rullo, Director of Finance and Asset Management in consultation with Todd Lantz, Staff Sergeant, Traffic Management and Road Safety. Recommended by Darrin Forbes, Acting Deputy Chief, Support Services.



Submitted by:

Luigi Greco, #9366
Acting Chief of Police

Appendices

Appendix 1 Collision Reconstruction User Fees By-Law 523-2024



BY-LAW NO. 523-2024

A BY-LAW TO IMPOSE FEES AND CHARGES FOR SERVICES AND MATERIALS RELATING TO COLLISION RECONSTRUCTION PROVIDED BY THE NIAGARA REGIONAL POLICE SERVICE

1 PREAMBLE

- 1.1 WHEREAS the Regional Municipality of Niagara Police Service Board is responsible for the provision of police services and for law enforcement and crime prevention in the Regional Municipality;
- 1.2 AND WHEREAS the Board has determined that it is appropriate to charge user fees in respect of certain service provided to any person;
- 1.3 AND WHEREAS section 391 of the *Municipal Act, 2001, S.O., c.25*, and amendments thereto, provides that a local board may pass by-laws imposing fees or charges on any class of persons for, inter alia, services or activities provided or done by or on behalf of it;
- 1.4 AND WHEREAS section 396(1)(c) of the *Municipal Act, 2001, S.O., c.25*, and amendments thereto, provides that variable fees are considered appropriate by the Board and may be charged in respect of such services;
- 1.5 AND WHEREAS the Board has determined that it would be appropriate to charge a user fee in respect of the preparation and sale of collision reconstruction reports and parts thereof.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD ENACTS AS FOLLOWS:

2 DEFINITIONS

- 2.1 “Act” or “CSPA” means the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, and amendments thereto;
- 2.2 “Board” means the Regional Municipality of Niagara Police Service Board;
- 2.3 “Chief” means the Chief of Police of the Niagara Regional Police Service;
- 2.4 “Complete Collision Reconstruction Report” includes the following documentation (where available), Ministry of Transportation accident/collision report, a field sketch, officer’s technical collision investigation field notes, field book, photographs, scale diagram, technical calculation notes, technical collision investigation report, vehicle inspection report, vehicle mechanical examination report, CDR system report and CDR supplementary reports and other documentation relating to the reconstruction of a collision but does not include an interview with members of the Niagara Regional Police Service.

- 2.5 “Crash Data Retrieval (CDR) System Report” means a technical report retrieved from a vehicle’s Event Data Recorder;
- 2.6 “Field Book” means a copy of the raw data captured and used for producing forensic scale diagrams;
- 2.7 “Field Sketch” means a hand-drawn sketch created by a member of Traffic Services at the scene of a collision;
- 2.8 “Interview” means an interview conducted with a member of the Niagara Regional Police Service Collision Reconstruction Unit;
- 2.9 “Member” means a member of the Niagara Regional Police Service as defined in the Act;
- 2.10 “Photographs” means photographs taken at the scene and/or during the investigation of a collision by members of the Niagara Regional Police Service;
- 2.11 “Scale Diagram” means a computer-generated diagram produced to scale from input data obtained from a forensic surveying device to produce the precise aspects of the document;
- 2.12 “Service” means the Niagara Regional Police Service;
- 2.13 “Technical Calculation Notes” means technical calculation and mathematical notes completed by a member of the Niagara Regional Police Service Collision Reconstruction Unit or Traffic Services, and may include computer-generated reports, forms, and/or data used to obtain vehicle specifications;
- 2.14 “Technical Collision Investigative Field Report” means a Niagara Regional Police Service report outlining involved vehicles, a scene overview and may include atmospheric and lighting conditions, scene evidence, and includes a technical and collision analysis by a member of the Collision Reconstruction Unit;
- 2.15 “Vehicle Inspection Report” means the visual and technical analysis of damaged vehicles by a member of the Collision Reconstruction Unit;
- 2.16 “Vehicle Mechanical Examination Report” means a report generated by a licenced mechanic retained during the course of an investigation by the Niagara Regional Police Service relating to the mechanical fitness of vehicles involved in collisions.

3 CHARGES FOR SERVICE

- 3.1 Any person requesting and receiving any service described in Schedule “A” to this by-law shall pay the fee for such service as set out in the said Schedule “A”, plus HST if applicable.
- 3.2 The fees and charges are due and payable prior to preparation and sale of the services listed in Schedule “A”.

4 IMPLEMENTATION

- 4.1 By-law Nos. 189-2000, 287-2009, 296-2010 and 408-2024, as amended, and all other By-laws, and sections of By-laws inconsistent with the provisions of this By-law are hereby repealed effective December 31, 2024.

4.2 This By-law shall come into force on January 1, 2025.

4.3 The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this 19th day of December, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Jen Lawson, Chair

Deb Reid, Executive Director

Attachment (1)

**SCHEDULE "A" TO BY-LAW 523-2024
FEE STRUCTURE FOR THE PREPARATION
AND SALE OF COLLISION RECONSTRUCTION REPORTS**

The following collision reconstruction data will be available from this Police Service.

Complete Collision Reconstruction Report **Fee: \$4,550.00**

This report includes all documentation outlined below, an incident synopsis, the officer's basis for reconstruction, and any conclusions made by a member of the Niagara Regional Police Service Collision Reconstruction Unit or Traffic Services. The volume of documentation will not affect the fee.

Interviews with any member of the Niagara Regional Police Service is an additional cost.

Crash Data Retrieval (CDR) System Report (Per Vehicle) **Fee: \$650.00**

A technical report retrieved from a vehicle's Event Data Recorder (if available).

CDR Supplementary Report (Per Vehicle) **\$185.00**

A technical report based on the analysis of information obtained from a CDR System Report (if available).

Field Book **Fee: \$185.00**

Copy of raw data used captured and used for producing forensic scale diagrams.

Field Sketch **Fee: \$370.00**

A hand-drawn sketch created by a member of Traffic Services and the Collision Reconstruction Unit at the scene of a collision.

Photographs (Minimum 10) **Minimum Fee: \$185.00**

Photographs taken at the scene of a collision and/or during the investigation. A ten (10) photo minimum of \$185.00 (or \$18.50 per photograph) will be charged for photo requests.

Scale Diagram **Fee: \$1,100.00**

A computer-generated diagram produced to scale. Input data will be obtained from a forensic surveying device to produce the precise aspects of the document.

Technical Collision Investigation Field Notes (\$30.85/page) **Minimum Fee: \$185.00**

The handwritten notes generated by a member of the Collision Reconstruction Unit or Traffic Services while attending the scene of a collision. There will be a six (6) page minimum applied to requests for these documents.

Technical Collision Investigation Report (TCI Report) (\$30.85/page) **Minimum Fee: \$185.00**

A Police Service report, which the involved vehicles, a scene overview and may include atmospheric and lighting conditions, scene evidence, and includes a technical and collision analysis by a member of the Collision Reconstruction Unit. There will be a 6-page minimum applied to any request for these documents.

Technical Calculation Notes **Fee: \$650.00**

Technical calculation and mathematical notes completed by a member of the Collision Reconstruction Unit or Traffic Services. These calculations are used primarily to determine the speed of vehicles. May include computer-generated reports, forms, and/or data used to obtain vehicle specifications.

Vehicle Inspection Report (Per Vehicle) **Per Vehicle Fee: \$185.00**

Visual and technical analysis of a damaged vehicle (if available).

Vehicle Mechanical Examination Report (Per Vehicle)**Per Vehicle Fee: \$325.00**

A report generated by a licenced mechanic retained during the course of the investigation by the Police Service, relating to an examination for mechanical fitness of each vehicle involved in a collision and the identification of faults, if any (if available).

**Interview with a member of the Niagara Regional Police Service
Collision Reconstruction Unit (Minimum 2 Hours)****Minimum Fee \$370.00**

Customers frequently request access to members of the Collision Reconstruction Unit for an interview. Interviews will be approved at a rate of \$370.00 for a minimum of two hours of the interview and \$185.00 for every hour thereafter or part thereof. Interviews will pertain to technical aspects of the investigation only.

***Note: Implementation of Annual Adjustment to the Fee Structure for the Preparation and Sale of Collision Reconstruction Reports based on the previous Consumer Price Index (CPI) as published by Statistics Canada. This requirement ensures that fees and charges keep pace with inflation.**