

DRAFT RESOLUTION

Re: Automated Noise Enforcement Cameras

THAT Council directs staff to coordinate with one or more vendors to carry out a Fall 2024 pilot study of noise camera technology in Kelowna, and report back to Council, as outlined in this report and the draft resolution regarding automated noise enforcement cameras dated October 7, 2024.

BACKGROUND:

Councillor Lovegrove indicated his intent to bring forward a resolution regarding noise enforcement cameras on August 12, 2024.

COUNCILLOR LOVEGROVE'S COMMENTS:

Transportation is a social determinant of health. In particular, traffic noise impacts the health and well-being of residents, visitors and businesses. This report speaks to enforcement efforts regarding excessively noisy vehicles. For over a decade, various Kelowna Councillors have been discussing if and/or how best to deal with the growing traffic noise on city-streets and provincial-highways within Kelowna City boundaries that impacts the liveability and quality of life of our residents, businesses and visitors. There is much data (i.e., complaints from residents to City staff, and service requests) motivating these discussions. Recent discussions with colleagues at the 2023 and 2024 UBCM meetings have confirmed that this problem is not unique to Kelowna. Moreover, UBCM 2024 delegates approved a resolution initiated by Port Moody that asks the Province to 'explore the feasibility of using noise cameras to effectively enforce vehicular noise regulations through the creation of a noise camera pilot project for municipalities to opt into.' Until recently, there was no known North American technology that could potentially offer affordable and effective automated enforcement solutions (i.e., similar to that of Photo Radar Speed Enforcement Cameras).

Based on preliminary investigations, there is now at least one North American vendor making ANEC technology, plus at least one in the UK, which makes it feasible to:

- detect excessive noise,
- isolate and photograph the offending vehicle,
- link to jurisdictional databases, and,
- automate issuance of tickets.

Results of early deployment in the US (New York, and Santa Fe) show its detection and isolation rate is comparable to that of photo radar (subject to the number and location of noise cameras). Moreover, Not-a-Loud, who hold the US patent, have offered to deploy a demonstration of their technology in Kelowna this Fall at no cost. I am asking for unanimous support from my Council colleagues to support this motion, asking staff to work with Not-a-Loud and/or other vendors that are offering a free technology demonstration, on a Fall 2024 technology demonstration.

I am not aware of any other North American vendor other than Not-a-Loud, certainly none offering a no-cost technology demonstration. If staff are able to identify others, I would welcome other simultaneous technology demonstrations. This I leave to staff to sort out, but would not want to see it delay nor compromise what is a time sensitive offer. This is a time sensitive request for two reasons:

1. The vendor has capacity to do it this Fall, and has requested confirmation by early-October; and,
2. A technology demonstration, with invited Provincial staff participation, would provide valuable before/during/after data to help the Province in expediting a possible pilot project.

Additional Considerations

It is recognized that enforcement and ticketing of traffic offences are typically the purview of our Kelowna RCMP Detachment members, specifically Traffic Enforcement. However, without an automated detection and ticketing technology, this program would add to their already heavy case load. Yet, traffic noise continues to grow and disproportionately impact businesses, residents, and visitors living and working alongside our streets, many of which also host more affordable housing types. Hence, my recommendation (and agreement with past discussions) that we should push for traffic noise enforcement, but using an automated system.

With thanks to several of our Council colleagues, I had a zoom discussion with the US-based technology vendor, Not-a-Loud LLC (<https://www.not-a-loud.us/>), which is a Santa Fe-based company founded by University of New Mexico Professor, Dr Nicholas Ferenchak. Dr Ferenchak has graciously offered to sponsor a Kelowna pilot deployment as a business development opportunity, in return for a letter of support from the City upon a successful result. While details would be coordinated thru staff, an overview of what a pilot study would involve before, during, and after traffic noise measurements at one or more street locations (e.g. Clifton Road, Glenmore Road, to name a few possibilities).

A deployment with results comparable to those reported in Santa Fe and NYC would be considered a successful pilot. I did contact a hotelier in the City of Santa Fe where a similar pilot by Not-a-Loud has been recently conducted, with favorable response. I have also heard that a similar, but UK-based technology is in use in densely-populated New York City, a permanent ANEC program that has withstood legal challenges, and proven effective.

We must remain realistic about how to approach enforcement about noisy vehicles in Kelowna. Regardless of how effective this technology may be, it would take time to successfully deploy, including advocacy efforts, budgeting, and administration, not to mention any necessary legislative changes if needed at a Provincial level. Regardless, my hope and I'm hoping my Council colleagues will agree with me, is for a more liveable, ambient noise level along our roads for residents, businesses and visitors. Liveable in the sense of enjoyable social experiences by restaurant patio patrons, and by backyard family gatherings, and, liveable in terms of healthy sleep patterns for all. Meanwhile, our traffic noise and noisy vehicle complaints continue to increase, along with concerns about our City's livability. This pilot study potentially offers a way to begin to assuage those concerns, and helps Kelowna move forward as a City of the Future and as an innovation leader, to sustainably manage its growth.

Date: October 7, 2024