

Background

Calgary Transit Peace Officers issue approximately 15,000 – 20,000 violation tickets per year, with a specified penalty of \$250.00. Prosecutorial discretion, in tandem with a minimum penalty amount of \$150.00 under the Transit Bylaw, allows for the reduction of the fine amount to \$150.00, resulting in many citizens choosing to plead their case for a violation fine reduction (a complete list of fine reductions is listed in Attachment 1).

However, to do so they must personally attend at Provincial Court. In cases where an individual is not considered eligible for a reduction and/or they wish to proceed to trial, Calgary Transit Peace Officers are required to attend, resulting in increased costs for overtime. This also detracts from the core service Peace Officers offer, which is to serve customers on the transit system itself.

The Municipal Government Act and the Provincial Offences Procedure Act both provide the ability for Municipalities to accept voluntary payments to resolve bylaw offences. This enables Calgary Transit to make amendments to Calgary Transit Bylaw 4M81 to allow Peace Officers to issue tags (also referred as Administrative Penalty Notices (APN)) and thus offer an early-payment option.

The amendments proposed in this report are for all violation tickets under the bylaw and is in addition to already Council approved amendments on 2020 July 26 to reclassify fare-evasion tickets to tags (APN's) to allow for early-payment options.

Amending the bylaw to reclassify transit violation tickets to tags (APN's) enables Calgary Transit to resolve bylaw offences through an administrative review process (ARP) that mirrors the provincial court process. Consideration is given to compassionate reasons, financial hardship, and an extension to pay the fine amount for extenuating circumstances. The administrative review process provides an effective and efficient mechanism for possible resolution, prior to proceeding through the judicial system. Calgary Transit's issuance of tags (APN's) and administrative review process will provide invaluable information and experience that will inform the developments of The City's Administrative Penalties System and Penalties Appeal Board.

Alignment with the Development of the Administrative Penalties System and Penalties Appeal Board

The City is exploring the development of a new Administrative Penalties System (APS) and Penalties Appeal Board (PAB) for minor bylaw contraventions, including parking and transit fare evasion offences. This system would replace the current process of hearing these matters in Provincial Court. The PAB could improve customer service by providing a dispute process that is faster, more efficient and more convenient than the current provincial court-based system. It's an opportunity for The City to explore how it can improve customer service, achieve more efficient, effective and proper outcomes for Calgarians while also supporting community safety by removing these contraventions of the Bylaw from the Court process.

Early-Payment Option successes

Providing an early-payment option and the ARP has been successful for a number of years by Calgary Parking Authority and in several other jurisdictions such as Ontario and British Columbia.

Calgary Transit engaged with other municipalities and transit agencies in Ontario (ON) and British Columbia (BC) to learn best practices for creating and implementing early-payment options for transit tags. The transit agencies included TransLink (BC) and Metrolinx (ON), and additional cities that issue similar tags for bylaw contraventions (Vaughan, Brampton and Markham).

These agencies have found that the public are more likely to pay the fine amount if they are offered an immediate reduction and can make payment immediately through a more convenient method than the Court process.

Calgary Parking Authority (CPA) has also seen success with this model. Calgary Transit has closely aligned their base model with that of CPA and have worked closely with the Law Department in developing policies for the Early Payment Options and Administrative Review Process.

Update and modernize bylaw language

Calgary Transit is committed to providing a safe, clean, and reliable transit service. The amendments to the Calgary Transit Bylaw 4M81 will help Calgary Transit address emerging safety issues and nuisance behaviour. The bylaw amendments are needed to specifically address

- New technology like e-bikes, e-scooters, and other modern transport devices on the transit system;
- Nuisance behaviour, such as loud music from electronic devices that broadcasts swearing, violence, prejudice, sexual content, etc.;
- Emerging safety issues, such as passengers carrying bear spray for intimidation purposes; and
- Safety concerns with pedestrians and active-modes of transportation using the transitways.

Previous Council Direction

On 2020 July 20 in respect Report TT2020-0611 to Council gave three readings to Proposed Bylaw 22M2020 to amend the Calgary Transit Bylaw 4M81.