

BRIEFING



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Item # 16.3

Transportation Briefing to

Combined Meeting of Council
2022 March 08

ISC: UNRESTRICTED
C2022-0347

Transit Face Coverings Update

PURPOSE OF BRIEFING

On February 26, 2022, Dr. Deena Hinshaw, Chief Medical Officer of Health, issued Record of Decision – CMOH Order 09-2022 to rescind Record of Decision – CMOH Order 08-2022 (aka. Masking Requirements Order), with the exception that “a person must wear a face mask while using public transit”. This Briefing provides updates to the implications and risks associated with the public transit requirements and enforcement.

SUPPORTING INFORMATION

The previous City of Calgary Pandemic Face Coverings Bylaw 63M2021 came into force on September 4, 2021. On February 15, 2022, Council voted to repeal the Bylaw in line with clear indications that the Province would be seeking to lift existing health restrictions.

The new health order, CMOH Order 09-2022, can only be enforced by Calgary Police Service and medical officers. The City of Calgary Transit Peace Officers and Bylaw Officers cannot enforce this Health Order. Enforcement is a key part of the compliance strategy for a transit system.

Administration met with the Deputy Minister of Health Paul Wynnyk, Deputy Minister of Municipal Affairs Brandy Cox, and Associate Deputy Minister of Justice and Solicitor General Dennis Cooley on March 2, 2022. Administration asked whether it would be possible to grant the authority to our peace officers to enforce this order. Follow-up information received March 7, 2022 indicated that the Minister of Justice and Solicitor General is not considering expanding the authorities of peace officers to enforce the remaining public health orders. Additionally, it was noted that because transit is municipally-owned, the City of Calgary could consider a bylaw as a property owner that would match the health order on public transit. This would allow for enforcement by peace officers.

Current efforts to educate transit users on face coverings have kept compliance at a very high level. This is supported by the most recent statistics from February 2022 for face covering usage compliance on Calgary Transit. While these statistics have been consistent throughout the pandemic we will continue track compliance to monitor the situation:

- Overall: **95%** adherence level
- Onboard CTrain vehicles: **97%** adherence level
- Calgary Transit Access: **95%** adherence level
- Bus Routes: **93%** adherence level
- School Routes: **100%** adherence level

Administration has explored the possibility of enacting a face coverings bylaw for transit, to allow for Transit Peace Officers and Bylaw Officers to be able to legally enforce wearing of face coverings on Transit. With recent discussion around the Government of Alberta restricting municipalities from enacting their own health-related bylaws, Administration does not feel a bylaw is appropriate at this time

If legislation is permissive and Administration sees a need for a bylaw, a recommendation may be made in the future.