

Community Services Report to  
Community Development Committee  
2024 September 12

ISC: UNRESTRICTED  
CD2024-0944

## Transit Bylaw 4M81 Review

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### PURPOSE

The purpose of this report is to amend the Transit Bylaw 4M81 to improve rider safety and support the physical and mental well-being of transit operators.

### PREVIOUS COUNCIL DIRECTION

On 2023 October 17, Council approved the Transit Public Safety Strategy (CD2023-0896) and directed Administration to review the Transit Bylaw 4M81 to consider amendments to improve staff safety and report back in Q3 of 2024.

### RECOMMENDATION:

That the Community Development Committee recommend that Council give three readings to the proposed bylaw in Attachment 4 to amend the Transit Bylaw 4M81, to be effective immediately.

### CHIEF ADMINISTRATIVE OFFICER/GENERAL MANAGER COMMENTS

GM Black and GM Morgan concur with the contents of this report.

### HIGHLIGHTS

- Amendments to the Transit Bylaw are recommended to support transit operator and rider safety and to have a transit system that is welcoming, secure, and reliable for all.
- Calgary Transit employs more than 2500 operators. To date, Administration has heard from more than 800 operators that personal safety is a primary concern in their daily work lives. Behaviours experienced by operators include harassment, open drug use, unpredictable behaviour and social disorder and these behaviours may also impact other Transit employees.
- Updates to the bylaw will help to address specific behaviours around loitering, non-destination use of transit and fare abuse. Updates will also address harassment and threats to Calgary Transit operators, peace officers, riders, Calgarians accessing transit and City of Calgary staff.

### DISCUSSION

The City of Calgary Public Transit Safety Strategy has specific actions to address harm, social disorder and crime on and around transit and is committed to ensuring transit is used for its intended purpose of getting Calgarians where they need to be.

Both Transit riders and Calgarians identify safety as a key factor when deciding to take transit. In April 2024, 'Perspectives on Calgary Safety Perceptions', surveyed 500 Calgarians on their perceptions of safety overall, in communities, downtown and on transit. A key finding revealed that 77 per cent considered their personal safety when deciding whether to take public transit. In Q2 2024, Calgary Transit's customer rating for safety, reported that 73 per cent of riders feel secure and safe while using the system. It is a commitment of Calgary Transit to ensure customers feel secure and safe while using Transit.

The City of Calgary's Transit Bylaw 4M81 is the primary tool to regulate and manage the conduct of transit passengers ensuring the safety of riders and staff. The bylaw sets the rules

for transit use and addresses prohibited behaviours. Enforcement of the bylaw is the responsibility of Emergency Management & Community Safety Transit Public Safety peace officers (Transit peace officers). Offences that fall under the Criminal Code of Canada are enforced by the Calgary Police Service, often in cooperation with Transit peace officers.

To inform the updates to the bylaw, Administration engaged with nearly 90 Transit peace officers and gathered input from over 800 Calgary Transit operators to understand their lived experience on the job and challenges that impede their ability to safely deliver transit service, as detailed in Attachment 2. Although some behaviours are addressed in the bylaw, some gaps emerged around non-destination use of transit, fare abuse and harassment and threats to staff. As a result of this feedback, proposed amendments have been developed in consultation with Law and other jurisdictions to address behaviours and improve safety outcomes.

Amendments to the Transit Bylaw are proposed to equip peace officers with tools to support safety on transit for operators and riders and one amendment to remove rush hour restrictions of bicycles on CTrains.

**Summary of proposed bylaw amendments:**

<b>Behaviour</b>	<b>Amendment</b>	<b>Rationale – Proposed Outcome</b>
<b>Loitering and not using transit for its intended purpose.</b>	Add definition of 'loitering'.	Decreases subjective interpretation of 'loitering' and enhances the ability of peace officers to manage behaviour and charge where appropriate.
<b>Using paid fare to disguise non destination use.</b>	Add an offence for non-destination use of transit is not excused by having paid fare.	Provides clarity that possession of paid fare does not preclude the offence of loitering.
<b>Using fake or altered passes.</b>	Add an offence that addresses altering or re-creating a valid transit pass for the purpose of forging.	Reinforces fare compliance and reduces fare evasion.
<b>Claiming to be 12 years of age and under.</b>	Establish authority for peace officers to request proof of age, failure to provide will be deemed an offence.	Prevents abuse of the free fare benefit for those age 12 and under. Officers will use discretion when dealing with minors.
<b>Harassing, threatening, intimidating riders and staff.</b>	Add an offence for verbal harassment, threats and intimidation of transit operators, riders and staff.  Fine is <b>double</b> other offences.	Improves safety for staff and riders by providing specific tools for enforcement.  The higher penalty demonstrates the severity and consequence of harassing operators, riders and staff.
<b>Possessing weapons on transit.</b>	Add an offence for visible weapons on transit.	Reduce weapons on transit which pose a risk to the safety and security of riders and staff.

<b>Allowing bikes on CTrains during peak periods.</b>	Remove the existing time restrictions to allow bikes on CTrains at all times.	The 2022 to 2023 'Bicycles on CTrains' pilot resulted in minimal impacts to overcrowding during peak period service.
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The proposed wording to amend Transit Bylaw 4M81 is included as Attachment 4. The updates will benefit Calgarians by improving the tools for Transit peace officers to protect public safety and ensure a safe experience for riders and staff.

### **EXTERNAL ENGAGEMENT AND COMMUNICATION**

- |  |   |
|--|---|
| <input type="checkbox"/> Public engagement was undertaken        | <input checked="" type="checkbox"/> Dialogue with interested parties was undertaken     |
| <input type="checkbox"/> Public/interested parties were informed | <input checked="" type="checkbox"/> Public communication or engagement was not required |

To understand front line experiences, engagement was conducted with nearly 90 Transit peace officer inspectors, sergeants and officers and input gathered from 800 Calgary Transit operators.

This engagement identified common problem behaviours on transit, assessed the effectiveness of existing tools, identified gaps, and informed the development of recommended solutions.

A jurisdictional scan of other municipalities was also undertaken and informed the development of amendments to the Transit Bylaw. Attachment 3 compares provisions in the bylaw with Metro Vancouver, Ottawa, Edmonton, Montreal and Toronto. The findings indicate that the proposed amendments are comparable to other jurisdictions.

### **IMPLICATIONS**

A safe, respectful transit service will help us attract riders and achieve these benefits.

#### **Social**

Amendments to the Transit Bylaw allow peace officers to address behaviours and better connect individuals experiencing vulnerabilities to resources and support. These updates to the bylaw provide tools to address complex issues, ensuring riders and staff feel safer on transit.

#### **Environmental**

Calgary Transit offers an environmentally and climate-friendly transportation option for Calgarians and visitors. Amendments to the bylaw should result in improved safety perceptions, increased ridership, and positive environmental impacts.

#### **Economic**

An affordable, and reliable transit system is crucial for Calgary's continued prosperity. A safe and efficient transit system is also often a criterion for many businesses looking to locate in Calgary. Amending the bylaw can help address safety concerns so our transit system can help people feel safe and secure on their journeys, support our workforce in getting around the city, and attract new opportunities to the city.

### **RISK**

If the bylaw amendments are approved, we are equipping Transit peace officers with enhanced and needed tools to manage negative behaviours on transit.

### **Fare evasion claiming to be 12yr and under**

There is a risk of creating a perception that teens are being targeted for enforcement. Transit peace officers will use their discretion, providing warnings and education to encourage compliance among teens.

### **Loitering**

There may be a risk of perceived targeting of vulnerable individuals. Transit's intended purpose is for getting Calgarians where they need to be; it does not include amenities for extended use. Through the Calgary Transit Community Outreach Team partnership with Alpha House, Transit peace officers routinely connect vulnerable individuals to housing, basic needs resources and health services.

### **Bicycles on CTrains**

There may be some confusion about when and where bikes are allowed on trains. To address this, it is recommended that Calgary Transit provide clear signage on trains to educate riders about designated doors and bike areas to reduce confusion.

## **ATTACHMENTS**

1. Background and Previous Council Direction
2. Transit Peace Officer Engagement and Transit Operator Input
3. Jurisdictional Scan
4. Transit Bylaw Amendments
5. Presentation

### **Department Circulation**

General Manager/Director	Department	Approve/Consult/Inform
Katie Black	Community Services	Approve
Doug Morgan	Operational Services	Approve
Sharon Fleming	Calgary Transit	Approve
Iain Bushell	Emergency Management & Community Safety	Approve
Jill Floen	Law & Legislative Services	Inform
Deputy Chief Raj Gill	Calgary Police Service	Inform

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