

Transit Fare Fines

Recommendation

That the March 24, 2021, City Operations report CR_7813, be received for information.

Previous Council/Committee Action

At the November 26, 2019, City Council meeting, the following motion was passed:

That Administration provide a report to Committee:

1. Outlining fines for all transportation options provided to Edmontonians, including cycling, walking, scootering, driving and public transit and the effect of bringing transit fare fines in line with fines levied for other modes of transportation, such as vehicle parking.
2. On a jurisdictional scan of equitable fine payment options and options for use of fine revenues.

Executive Summary

Transit passenger conduct, including the requirement to pay a fare to use transit, is outlined in *Bylaw 8353 - Conduct of Transit Passengers*. The purpose of setting an appropriate fine amount is to discourage fare evasion and encourage compliance with proof of payment requirements. Fines related to bylaw infractions on transit, including fare evasion, are \$250 (with a few exceptions). This is consistent with other modes of transportation such as cycling and walking. Parking and other driving infractions; however, have greater variability depending on the context and start at \$50.

Reducing transit related fines to better align with parking fines would have several impacts. It could result in a simple, easy to understand outline of fine payment amounts; however, it could encourage fare evasion and discourage fare buying behaviour, leading to reduced fare revenues and lower ridership as well as more fare-related disputes which sometimes lead to Operator assaults. From an equity lens, reducing fine amounts does not resolve some of the root causes of fare evasion, such as addressing the person's ability to pay. Finding ways to improve access to fare passes for those who need them most helps riders comply with proof of payment requirements. Fine payment options vary in other jurisdictions with some municipalities providing options to meet individual circumstances, acknowledging the impact of users' ability to pay. These options include specific criteria to guide the process.

Report

The City of Edmonton enforces several bylaws related to transportation within Edmonton related to activities such as parking and fare evasion on transit. All modes of travel are addressed through bylaws, including cycling, walking, e-scootering, driving and public transit. A summary of transportation mode fines is outlined below and further details are included in Attachment 1.

- Cycling-related bylaw infractions relate to bicycle conduct. As examples, riding a bicycle on a sidewalk can result in a fine of \$100, and failing to yield to a pedestrian can result in a fine of \$250.
- E-Scooter-related bylaw infractions relate to activities such as riding on the sidewalk and can result in a fine of \$100.
- Pedestrian-related bylaw infractions can result in a fine of \$250. Infractions include activities such as jaywalking, obstructing other pedestrians or vehicles using the road, hitchhiking, and littering.
- Parking-related bylaw infractions, such as parking too close to an intersection, parking in an E-Park zone without making payment or parking in a crosswalk, can result in a fine of \$50. Other parking-related infractions have different fine levels- parking in front of a fire hydrant can result in a fine of \$75; parking in a 'No Parking' zone can result in a fine of \$100; parking in a fire lane can result in a fine of \$150; and, taxi parking in front of a designated fire hydrant zone that permits taxi parking can result in a fine of \$250. In addition to issuing fines, the City also has the ability to tow or seize a vehicle for parking violations along with issuing a bylaw infraction ticket.
- Transit-related bylaw infractions relate to things like trespassing on LRT tracks or not providing proof of payment. These infractions can result in a fine of \$250.

Impacts of Fare Evasion Fine Realignment

The purpose of setting an appropriate fine amount is to discourage fare evasion and encourage compliance with proof of payment requirements. Setting an appropriate fine amount is one component in the overall approach to manage fare evasion.

The impacts of aligning the fare evasion fine to other transportation fines could result in a simple, easy to understand fine structure if all transportation-related fines were similar; however, the context around transit fare fines differs from other transportation fines. For example, transit fare products allow customers to purchase adult monthly passes for \$100 and do not strictly follow a pay-per-use model like Epark parking fees. Lowering fine amounts could encourage users to evaluate the odds of getting a fare

evasion ticket and the cost of receiving a ticket in comparison to the cost of a \$100 monthly pass. If the transit fare fines amount was lowered it could result in:

- Incentivizing some riders to engage in more fare evasion due to the cost of the fine being lower. It could also discourage riders who normally pay the appropriate fare from continuing to comply with fare payment. The resulting increases in fare evasion would increase demand on the transit enforcement resources that are in place.
- Reducing fare-related revenues; fare revenues are an important component of funding the delivery, operation and maintenance of transit service. City Policy C451H governs transit fares and stipulates that transit-related revenues (fares and non-fare revenue such as transit advertising) should cover between 40-45 per cent of the operating costs of transit.
- Increased fare disputes and possible risk of Operator assaults; with an increase in fare evasion, there is also an increase in fare-related disputes which could lead to an increase in Operator assaults. In 2019, almost one-third of Operator assaults, 27 per cent, were related to fare disputes.
- Negative perception of service quality and lower ridership; if fare-paying riders see an increase in fare evasion, they may perceive the service to be of lower quality. This could lead to lower levels of rider satisfaction and for some riders, they may choose alternative modes and ridership levels would decline.

Root causes of fare evasion should be considered to explore why some riders are not paying the appropriate fare to use transit which can lead to a fine. For some riders, they may regularly evade paying fare because they believe the likelihood of being caught is low. In other instances, it is a one-time behaviour due to a lost or forgotten fare product and Operators have discretion to allow them to board without paying. For others, it may be because they simply lack the means to pay the full fare and they are weighing the risk of not paying versus the necessity of using transit to access the community. In these instances, in addition to not having the means to pay for transit fares, they likely are not able to pay their fare fine.

Administration recognizes that residents who are not able to pay transit fares may also be experiencing homelessness and/or be marginalized. The cross referenced March 24, 2021 Citizen Services reports CR_8129 Transit Tickets and No Fixed Address and CR_8484 Community Safety and Well-being - Bylaw Review, outlines Administration's approach for training, supports and partnerships that aid in best supporting those experiencing homelessness or who are at risk of homelessness.

From a Gender-Based Analysis (GBA+) and equity perspective, reducing the amount of fine does not address the person's ability to pay. Finding ways to improve access to fare passes for those who need them the most can help some riders comply with proof of payment requirements rather than allow cycles of evasion and fines to start or

continue. Programs such as Providing Accessible Transit Here (PATH) provide free monthly transit passes to Edmontonians who are homeless or at risk of homelessness. These passes are provided through social agencies, and serve as an important tool for accessing transit. In October 2020, Administration increased the number of monthly PATH passes from 600 to 1,900 to better align with the City's houseless population estimates. In addition, the low income transit pass program, Ride Transit, provides discounted monthly transit passes, based on a sliding scale, to people experiencing low income and their immediate family. Raising more awareness about the program may also assist individuals who are having difficulty paying for transit service.

As noted in the 2019 City Auditor report *Edmonton Transit Service Revenue Management Audit*, it was recommended that Administration develop, document and implement strategies to mitigate fare evasion. As a result, proof of payment zones were clarified and operating procedures updated to guide fare evasion checks. Administration has also been investing in training front-line operational staff like Transit Peace Officers involved in fare evasion checks to develop a deeper understanding of the lived experiences for those experiencing homelessness or mental distress. Training includes sensitivity, social agency, mental health and de-escalation training enhancements. Future work includes a thorough Gender Based Analysis Plus (GBA+) review of standard operating procedures and policies to determine opportunities for improvement and alignment to more equitable and inclusionary approaches in day-to-day practices.

Research and Jurisdictional Scan

Equitable Fine Payment Options

Administration has reviewed transit fare fine programs in Calgary, Vancouver, Toronto and Montreal. Details are outlined in Attachment 2. When conducting the review, Administration analyzed the following Canadian options:

Early Payment Options

Calgary and Vancouver offer early payment options to provide incentives for offenders to pay early and reduce the amount they pay. For instance, in summer 2020, Calgary introduced an early payment option by developing a process to issue municipal tickets similar to a parking ticket as opposed to provincial violation tickets for fare evasion offences.

Community Service

The Alberta Fine Option Program, overseen by the province, enables offenders to work off fines rather than making cash payments or going to jail. It is available to offenders who are 18 years or older. A similar program is available through City of Calgary Social Services to young offenders under the age of 18 years.

Fine Escalation

Montreal and Toronto include an escalation fine schedule that allows for a lower fine for first time offenders and greater fines for repeat offenders. Further analysis would be required to operationalize this concept in Alberta.

A comparison of fine amounts in Canadian Cities is outlined in Attachment 3.

Options for use of Fine Revenues

The City of Edmonton and City of Calgary receive a lump sum of the fine revenue from the provincial government for all bylaw offenses and does not segment transit fines differently than other fines. All fine revenue for bylaw offences, including transit fare fines, belongs to the municipality and funds all City services.

Gender Based Analysis (GBA+)

A Gender-Based Analysis (GBA+) was conducted into the effect of transit fines on riders. Across user groups, ability to pay and issues associated with having the means to pay for transit fare and fines needs to be considered. In addition, standardized payment options for fare fines may have different impacts depending on the user group. As an example, although options are printed on the reverse of the tickets, some who incur the fines may not speak English and some may not be able to read the ticket.

Corporate Outcomes and Performance Management

Corporate Outcome(s): Edmontonians use public transit and active modes of transportation			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Mode shift to transit	Transit ridership	48,275,563 (2020)	85,640,000
Customer Satisfaction	Customer Satisfaction of ETS	66% (December 2020)	TBD

Attachments

1. Transportation Fines Overview
2. Jurisdictional Scan on Transit Fare Fines
3. Transit Fare Evasion Fines in Canadian Cities

Others Reviewing this Report

- M. Persson, Deputy City Manager and Chief Financial Officer, Financial and Corporate Services
- C. Owen, Deputy City Manager, Communications and Engagement
- R. Smyth, Deputy City Manager, Citizen Services
- K. Fallis-Howell, Acting City Solicitor