

Bylaw Offence Analysis

Bylaw 5590 - Traffic Bylaw - Section 49 - Ride Bike on Sidewalk

This section seeks to ensure the safety of pedestrians on sidewalks by limiting the use of bikes, e-bikes and e-scooters on sidewalks. The City has built an extensive network of bike lanes and shared-use paths to increase safety for all roadway users and complement our other modes of transportation. Edmonton promotes biking as a year-round activity and provides an opportunity for all to enjoy accessible ways to connect and travel across the city.

Action: Administration will increase awareness, education and training of enforcement staff on the use and application of this bylaw offence as it relates to increasing community safety and achieving community outcomes while ensuring no bias towards race, prejudice or discrimination. This approach will be based on anti-racist best practices as well as the recommendations from the Community Safety and Well-being Task Force.

Bylaw 5590 - Traffic Bylaw - Section 59 - Jaywalking

This section seeks to ensure the safety of pedestrians and drivers and expands on the ability to enforce jaywalking in broader scenarios than provided under the *Traffic Safety Act*. This bylaw assists the City in meeting its goals of Vision Zero to save lives and eliminate serious injuries. This bylaw provides a key enforcement tool in the elimination of pedestrian fatalities within the city. While the jaywalking offence is found in both the Traffic Bylaw 5590 and *Traffic Safety Act*, the fine amounts differ as the City's bylaw applies more broadly and the provincial legislation applies only in a marked crosswalk. As such, Administration sees this as a suitable deterrent and measure that does save lives.

Action: Administration will increase awareness, education and training of enforcement staff on the use and application of this bylaw offence as it relates to increasing individual safety and contributing to the achievement of City Council's Vision Zero goal while ensuring no prejudice towards a person's race, marginality or individual attributes. This approach will be based on anti-racist best practices as well as the recommendations from the Community Safety and Well-being Task Force.

Bylaw 8353 - Conduct of Transit Passengers Bylaw - Section 5 - Proof of Payment

This section seeks to support the fare requirements for using public transit. The requirement for fare payment includes the necessity for proof of payment. This bylaw is common among all major municipalities with an extensive transit network.

The application of enforcement does impact marginalized community members and is ineffective as a deterrent for non-payment. A bylaw fine on fare can unintentionally target the poor and lead to the criminalization of poverty. Enforcement officers struggle when trying to enforce fare evasion on a population who cannot meet the financial burden and in fact lead officers to enforce in an inconsistent way to avoid that from occurring.

Action: Administration has been addressing these concerns through programs that promote accessible transit for those in need. In particular, the Ride Transit Program provides a discounted monthly transit pass to those experiencing low income. Further, the Providing Accessible Transit Here (PATH) program provides free monthly passes to those who are homeless or at high risk of homelessness. Through PATH, Administration works with 10 social service agencies to provide monthly transit passes to those in need while generating a social return on investment of \$1.92 for every dollar spent. Administration will conduct a review of these programs to ensure there is broader involvement from social agencies and transit pass numbers are increased to match predicted demand.

Action: Administration is investing in technology to reduce the need for physical proof of payment checks through the Smart Fare project. The project will allow electronic payment of fares to make using transit easier and more convenient. The ability for progressive fares will also make transit more accessible and affordable. The Smart Fare project will leverage technology to allow enforcement efforts to focus on the safety of users of the transit system rather than fare verification. The Smart Fare project will begin once the smart card reader installations are complete. As part of introducing this new technology, a review of how it can be used to support the vulnerable population sector will be conducted.

Bylaw 8353 - Conduct of Transit Passengers Bylaw - Section 10 - Harassment

This section seeks to ensure appropriate conduct and behaviour in the public transit system. This section provides for the overall protection and safety of all persons on transit property and allows officers to remove individuals who do not demonstrate appropriate behaviour. The physical and mental safety of all passengers and operators while on transit is key to running a safe, efficient and accessible public service for all.

Upon review, the bylaw section relating to harassment lacked clarity and definition and needs revision. Clear and plain language will provide officers and citizens with understandable guidelines and rules and can negate the potential for pretence policing. If the desired outcome of this section is to provide greater safety for passengers and transit operators, then the language should be more explicit in detailing the behaviours that are not desired and deemed to be unacceptable.

Action: Administration will draft bylaw amendments to clearly articulate unacceptable conduct of users, riders or passengers and clearly outline unacceptable behaviours directed towards operators or employees.

Bylaw 8353 - Conduct of Transit Passengers Bylaw - Section 12 - Loitering

This section seeks to ensure that passengers on the transit system are using the system to travel to or from their destinations and ultimately exiting the system at the end of the line. This bylaw supports the accessibility for all patrons along with efficient and effective operations by reducing the potential for overcrowding on buses and trains. As some populations may use transit property, locations or vehicles as temporary shelters, particularly during cold days, Administration recognizes that this section has a high potential for targeting and criminalizing vulnerable persons.

Upon review, this section should be revised to offer more clarity on what is considered loitering. Determining what an acceptable timeframe for a trip would be and outlining undesirable associated activities would ensure that the desired outcome of the section is achieved while helping remove the potential for misuse. This clarity would support the desired behaviour and conduct on the transit system through clearly articulating a reasonable time for a trip to take and clear expectations on the end of line or end of service exits.

Action: Administration will review this section of the bylaw to determine acceptable use and trip durations on the transit system and consider any clarification required to adequately delineate acceptable and unacceptable behaviours. The review will take into consideration items such as extreme weather conditions, shelter utilization, COVID, day and night time supports provided to the vulnerable population.

Bylaw 14614 - Public Places Bylaw - Section 4 - Littering

This section seeks to ensure the city is clean and orderly and to enhance the overall safety, livability, and enjoyment of property in Edmonton. A littering component is common in bylaws used across all major urban municipalities.

Action: Administration will continue to provide accessible public garbage bins on streets, open spaces, trails and parks and add bins when necessary. Administration will also explore opportunities to create new and leverage existing Capital City Clean-up programs to influence positive behaviour and litter reduction.

Bylaw 14614 - Public Places Bylaw - Section 5 - Urination and Defecation

This section seeks to ensure the city is clean and orderly and to enhance the overall safety, livability, and enjoyment of property in Edmonton. Administration understands that this bylaw section has a high potential for the criminalization of

vulnerable persons and people experiencing homelessness. In recognition of addressing these complex social concerns, Administration has been working on the City's Public Washroom Strategy. The last annual update was presented to City Council in December 2020 and highlighted the early successes of the social enterprise partnership with Boyle Street Ventures. The continued increase in the accessibility of public washrooms will seek to address the challenges of those living rough and reduce the opportunities for improper application of the bylaw.

Action: Administration will continue to look for solutions to provide or increase access to public washrooms. Administration will work to increase awareness, education and training of enforcement staff on the use and application of this bylaw offence as it relates to increasing community safety and achieving community outcomes while ensuring no bias towards race, prejudice, or discrimination.