

Edmonton Transit Service Advisory Board: Inclusive Transit

Recommendation

That the June 15, 2021 Edmonton Transit Service Advisory Board report EXT00489, be received for information.

Executive Summary

In light of the events of Black Lives Matter protests across the world in the summer of 2020 and the recent racist attacks at Edmonton transit stations against racialized women wearing hijabs, there is a need to better understand the lived experiences of Black, Indigenous, People of Colour (BIPOC) who have daily interaction with various aspects of Edmonton Transit Service (ETS). This also includes considering and acknowledging the lived experiences of BIPOC individuals who work for ETS. This report seeks to provide Edmonton City Council a first-hand understanding of lived experiences of BIPOC individuals while riding and/or employed by ETS, a jurisdictional scan of what other transit systems are doing to make their networks a more inclusive place for all individuals and recommendations for potential initiatives to be considered by City Council and ETS in the future.

Background/Acknowledgements

- BIPOC is defined as Black, Indigenous (First Nation, Métis and Inuit) and People of Colour. It is used to denote the unique relationship and experiences BIPOC individuals have with the institutions, organizations and society as-a-whole within Canada (and Edmonton).
- According to the 2016 Canadian census, 36.4 percent of Edmontonians self-identify as visible minorities¹ with an additional 5.4 percent of Edmontonians self-identifying as Indigenous². This is a significant percentage of Edmonton's total population (41.8 percent) and it is important to acknowledge that these individuals may have significantly different experiences interacting with ETS compared to non-BIPOC individuals.
- Many other municipalities and transit authorities across Canada and North America are battling with allegations of systematic discrimination ingrained within their transit system. Two specific examples – the Toronto Transit Commission and Sound Transit (King County/Seattle) are included in this report.

¹ Alberta Government – Regional Dashboard <https://regionaldashboard.alberta.ca/region/edmonton/percent-visible-minority/#/>

² Alberta Government – Regional Dashboard <https://regionaldashboard.alberta.ca/region/edmonton/percent-aboriginal-population/#/>

- ETSAB worked directly with Feisal Kirumira, Vice-Chair of the City of Edmonton's Anti-racism Advisory Committee, He provided a great wealth of information and insight as ETSAB members developed this report.
- It is important to acknowledge the specific lived experiences of BIPOC individuals in Edmonton while interacting with ETS. Considering this, Attachment 1 and Attachment 2 provide an overview of ETSAB's work of engaging with the wider community through personal conversations and social media engagement.

Jurisdictional Scan

City of Toronto/Toronto Transit Commission

In 2019, the Toronto Star requested information from the Toronto Transit Commission (TTC) on the information collected on "field information cards", forms that are completed during interactions with the public and TTC fare inspectors/enforcement officers for those who have believed to have committed fare evasion or other offences³. In this investigation, the TTC acknowledged that cards could be completed as a formal caution in lieu of charges and filled out if there were reasonable grounds that an offense was committed. It was later found that TTC officers filled out in excess of 40,000 of these cards between 2008 and 2018. As required by TTC bylaws, this personal information is to be kept for 20 years.

In approximately three-quarters (approximately 75 percent) of these stops, TTC officials recorded the race of the person of the interaction on the field information cards. The data showed that up to 19.3 percent of those individuals were black, compared to the statistically representative 8.9 percent of the Toronto population that self-identified as black. Furthermore, there was evidence that black males between the ages of 15 and 25 were even more likely to be targeted. In approximately 35 percent of the total of all Black people whose information was collected, were of young males between the age of 15 and 20. Males of the same age group made up roughly 24 percent of all white residents who had their information collected.

This information was stored in a database maintained by the TTC where officers could verify whether or not the person they were currently interacting with had previous interactions with the TTC via completed field information cards with their personal information. This led to numerous questions from the Toronto community and other agencies such as the Canadian Civil Liberties Association on why this information was being collected and stored. In response, an official investigation launched in mid-2019 and shortly thereafter, the practice of collecting personal information from riders was stopped at the direction of the TTC. In March 2020, the TTC hired an External Advisor on Diversity and Inclusion to provide advice and guidance to the TTC as they embarked on their journey to become a more diverse and inclusive organization. This work has resulted in a number of initiatives including the TTC's

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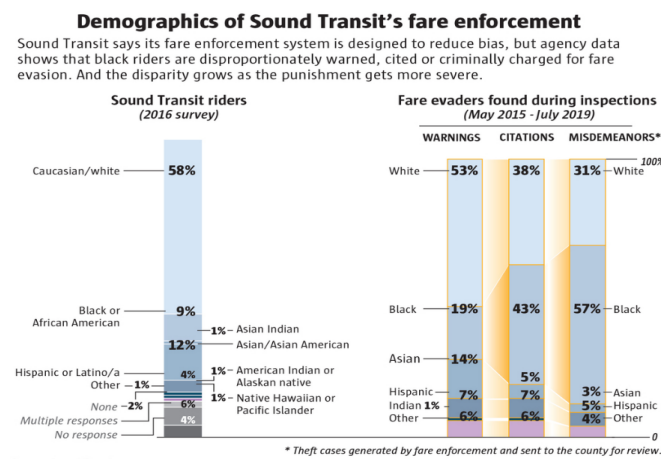
<https://www.thestar.com/news/gta/2019/03/11/ttc-officers-have-collected-more-than-40000-records-on-riders-who-werent-charged-with-an-offence.html>

10-Point Action Plan and a Five-Year Diversity and Human Rights Plan. A couple key items of interest include that the TTC is in the process of hiring an Inaugural Chief, Diversity & Culture⁴ who will be responsible for the promotion, development and coordination of initiatives related to diversity, equality and inclusion with the Toronto Transit Commission. Additionally, the TTC is an official partner of the Conference of Minority Transit Operators' (COMTO) first international chapter in Toronto. Created in 1971, COMTO was created to provide a forum for senior-level minority professionals in the transportation industry. COMTO Toronto & Region aims to advocate, enrich and support members and partner organizations to better reflect the cities in which they operate.

City of Seattle/King County/Sound Transit

Sound Transit, formerly the Central Puget Sound Regional Transit Authority, serves the Seattle Metropolitan area, including Tacoma in Washington State. An investigation by the Seattle Times in 2019⁵ found that while only 9 percent of people who ride Sound Transit's light rail system and commuter trains were Black while 22 percent of riders who received a ticket for fare evasion were Black. These fare evasion tickets ranged from a warning, to a ticket of totaling \$124, to a misdemeanor theft charge. Furthermore, about half the riders who faced a misdemeanor charge for failing to pay a fare were Black. Compounding these concerns by Seattle's BIPOC community, only 19 percent of all riders who received Sound Transit warnings were Black, compared to 43 percent of tickets and 57 percent of misdemeanor theft charges.

A 2018 audit of Sound Transit determined that it cost the organization approximately \$6 to check one passenger to determine whether or not they had paid their fare, including potential court costs. This represented double Sound Transit's most expensive fare and may not represent a fair return on investment of those public funds leading to further discussions about the de-escalation of transit fare enforcement and research into alternate models of enforcement to mitigate potential racial targeting related to fare evasion.



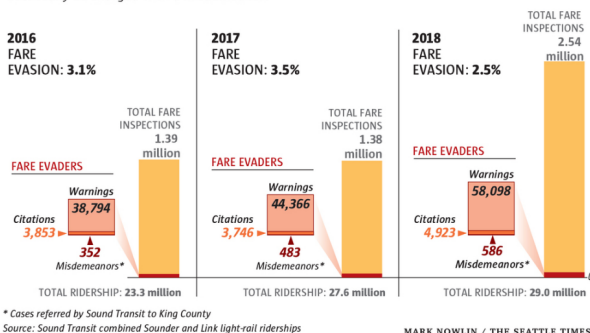
⁴ <https://www.odgersberndtson.com/en-ca/opportunities#AssignDetail.aspx?guid=16765>

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<https://www.seattletimes.com/seattle-news/transportation/faced-with-racial-disparities-sound-transit-debates-changes-to-fare-enforcement/>

Fare enforcement on Sound Transit trains

Light-rail and Sounder passengers found without having paid their transit fare receive a warning on the first offense. On repeat offenses within a year, riders receive \$124 tickets and can eventually be charged with a misdemeanor.



ETS Analysis

Acknowledgements

ETSAB would like to publicly acknowledge the flow of information and support provided to members by members of ETS and the City of Edmonton administration related to our information requests. This information and on-going communication were greatly appreciated as we developed our report. We also would like to thank the brave individuals who provided their lived experiences and first-hand perspectives of the issues BIPOC individuals face while riding Edmonton’s transit system.

Lived Experiences in and on ETS

For the purposes of this report, ETSAB reached out to two groups of people, BIPOC customers of ETS and BIPOC transit operators on ETS. Through this work ETSAB gained some interesting perspectives on the kinds of racism experienced by both groups on ETS. A summary of these experiences can be found in Attachment 1 (Transit Riders) and Attachment 2 (Transit Operators).

From the customer point of view, racism on transit was obvious when the person involved was visibly BIPOC. For example, quite a few customers talked about other riders choosing to stand, even if the bus was crowded rather than sit next to a person of colour. The perception is that fare checking happens disproportionately when the person was BIPOC rather than if a person was white. We also heard that the “n-word” is a frequent degrading term that has been used against Black people. A witness spoke to us about how a young woman with children was subjected to racist verbal abuse on a bus, and told over and over again to go back to where they came from. Following up on this abuse, a lot of BIPOC community members mention they are continually asked “where are you from” even if they say they were born in Canada. We also heard that many BIPOC riders are harassed for speaking in their native language on the bus. They also mention that very few transit operators intervene, but they justify this lack of involvement by acknowledging how transit operators are equally racialized.

On the other hand, the abuse suffered by BIPOC transit operators is equally troubling. Many drivers spoke about how racial abuse was an everyday thing, just another hazard of the job. This abuse came from all sections of society, from well-dressed people to, or people who were likely facing mental health concerns and addiction issues. Drivers indicated that security was only available occasionally, and more often than not, the perpetrators had left the scene by the time security arrived. The fact that all of the BIPOC drivers interviewed considered dealing with racial abuse as just part of their job was very disturbing to ETSAB members.

“Do we get racially abused? All the time, all the time. I don’t think I have gone one day without some kind of abuse. Mostly they are homeless, and sometimes mentally ill, but many times they are well dressed ... I see this all the time, even when I was a taxi driver. In seventeen years, I have seen everything all the time. Most of the time I don’t do anything or speak up, but sometimes we will call security, but by the time they come the passenger has already gone.” - ETS East Indian bus driver on ETS security

Interactions with Transit Peace Officers/Fare Enforcement

ETSAB requested information on the total number of interactions/infractions with City of Edmonton Transit Peace Officers (TPOs) along with the number of interactions/infractions with BIPOC individuals. A breakdown of this can be found in the table below:

Table 1: TPO Interactions with BIPOC Individuals

	2016	2017	2018	2019	2020*	5yr Average
BIPOC Interaction	12,224	12,426	13,805	19,819	14,389	14,532
All Interactions	20,851	20,286	22,153	31,628	23,194	23,622
% BIPOC Interaction	58.6%	61.3%	62.3%	62.7%	62.0%	61.5%

**as of October 2020*

On a five-year average, approximately 61.5 percent of the total interactions of Edmontonians with City of Edmonton Transit Peace Officers are with individuals identified as BIPOC. Compared to 2016 census data, this is 20 percent higher than would be expected compared to the number of self-identified BIPOC individuals in Edmonton (41.8 percent). It is also important to note that the table above reflects the number of investigations completed by Transit Peace Officers where a complainant, reporter, subject, victim or witness was BIPOC.

Table 2: TPO Interactions with BIPOC Individuals – Breakdown of Involvement*

Involvement Level	2016	2017	2018	2019	2020**
Complainant	343	447	426	366	296
Reporter	412	525	1,390	1,639	1,729
Suspect	11,370	11,463	12,427	18,273	15,917
Victim	361	335	296	393	298
Witness	79	85	91	105	71

**this table are how many incidents where there was a non-White complainant, reporter, etc. These figures can have any number of combination of the five roles and will not align with the figures in Table*

***as of November 2020*

Table 3: TPO Tickets/Warnings Issued to BIPOC Individuals

Race	2016			2017			2018			2019			2020 (YTD)		
	Tickets	Warnings	Enforcement	Tickets	Warnings	Enforcement	Tickets	Warnings	Enforcement	Tickets	Warnings	Enforcement	Tickets	Warnings	Enforcement
Asian	373	237	61.1%	262	270	49.2%	212	309	43.9%	164	504	24.6%	15	208	6.7%
Black	932	584	61.5%	654	548	54.4%	611	862	41.5%	500	1436	25.8%	177	1028	14.7%
East Indian	210	114	64.8%	141	115	55.1%	109	133	45.0%	59	239	19.8%	20	191	9.5%
Hispanic	111	84	56.9%	89	99	47.3%	63	118	34.8%	60	210	22.2%	14	86	14.0%
Indigenous	6,181	4,631	52.8%	6,508	5,918	48.2%	5,868	9,955	37.1%	5,969	17,239	25.7%	2,091	17,169	10.9%
Middle Eastern	150	110	57.7%	90	110	45.0%	84	144	36.8%	73	245	23.0%	45	255	15.0%
Other*	122	85	58.9%	86	107	44.6%	74	106	41.1%	52	171	23.3%	45	255	15.0%
Total	7,079	5,845	54.8%	6,830	7,167	48.8%	7,051	11,827	37.8%	6,877	20,044	25.5%	2,390	19,156	11.1%

**as defined by the data provided to ETSAB by ETS*

As outlined in Table 3 above, incidents with Indigenous individuals far surpass incidents of any other BIPOC group. Between 2016 and 2020, of all the tickets or warnings given to BIPOC individuals, those given to Indigenous people comprise 86 per cent of the total warnings given by TPOs and 81 per cent of the total tickets. This is significantly higher than the proportion of Indigenous individuals in Edmonton and quite alarming. ETSAB strongly encourages the City of Edmonton and ETS to investigate the root causes of this disparity and immediately develop solutions to remedy this. Additionally, there are remaining questions on how “other” races are defined in Table 3 above. While it is understandable that an exhaustive list can be administratively difficult to develop, however, it does take away lived experiences that are felt by these individuals and highlights the “otherism” faced by many BIPOC individuals in Edmonton.

“I’ve been harassed by (white) passengers on my commute home from work (wearing professional clothes, so it’s not classism that time); an older Indigenous woman was ODing on the bus and peace officers hit her instead of providing medical aid ... One time when I was getting harassed a fellow uncle (native older guy) stepped in to defend

*me, but that's it. I can handle the average racist BS, but the woman who was hit by the peace officers was so f*cked up and upsetting. I was so scared for her, for all of us. Living just off 107 Ave means there's an incredible amount of diversity in my hood - diversity of culture, health, and privilege. I don't see anyone really standing up for those who are racialized, ill and/or poorer.” - Lived experience of a young, Indigenous female transit (mainly bus) user. KAT W (the user particularly asked for her name to be used and not be anonymised)*

Compounding the issues with the majority of TPO interactions being with BIPOC individuals as outlined in Table 1, is the number of use-of-force incidents by Transit Peace Officers. A 2018 review by TPO use-of-force incidents by TPOs by the Edmonton Journal⁶ outlined 523 of these incidents in 2017. This was nearly double the total in 2015 and up 118 from the 2016 totals. That said, the use of force incidents with ETS TPOs was highest in 2008, where there were 629 incidents followed by significant decreases until 2016. In comparing the number of use-of-force incidents involving Transit Peace Officers per capita compared to use-of-force incidents involving Edmonton Police Service officers in 2017 result a 7.5 use-of-force incident ratio involving TPOs (523 incidents / 70 TPOs) compared to 1.4 use-of-force ratio involving EPS officers (2,448 incidents⁷ / 1,766 EPS officers⁸).

When it comes to enforcement pertaining to fare evasion, there are significant impacts on the BIPOC community as well. A report by the CBC in 2019 indicates that 5,879 tickets for fare evasion were issued by ETS in 2018⁹. A subsequent report by Student Legal Services of Edmonton highlights that 2,514 of those fare evasion tickets were given to those who had “no fixed address” in 2018¹⁰. Comparing these figures to Edmonton’s 2016 Homeless Count¹¹ 51 percent of the individuals surveyed in the count self-identified as Indigenous, much higher than the 5.4 percent of all Edmontonians who identify as Indigenous as per the 2016 census. While ETSAB recognizes the great work of the City of Edmonton’s Ride Transit and Providing Accessible Transit Here (PATH) programs which allows for transit to be more affordable and accessible to all Edmontonians, there is still a considerable amount of work to be done in making transit more accessible for all homeless individuals in Edmonton. Furthermore, in our conversations with BIPOC ETS drivers, payment of fare disputes between rider and driver often escalate to racial abuse.

⁶ <https://edmontonjournal.com/news/local-news/use-of-force-by-edmonton-transit-peace-officers-on-upswing-stats-show>

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<https://edmontonjournal.com/news/crime/edmonton-police-used-force-2448-times-last-year-but-such-incidents-remain-relatively-rare>

⁸ http://edmontonpolicecommission.com/wp-content/uploads/2018/03/EPC_2017_q4_report-to-the-community_V3.pdf

⁹ <https://www.cbc.ca/news/canada/edmonton/no-fixed-address-edmonton-transit-ets-1.5379132>

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<https://static1.squarespace.com/static/5b19871eee1759f2bea0f69b/t/5de31e7536172f0b2fbfc1da/1575165560055/No+Fixed+Address.pdf>

¹¹ <http://endhomelessnessyeg.ca/current-state-homelessness-edmonton/>

“Most of the time the reason for any altercation is fares. They think they can fool us, pass on expired transfers, or show an old bus pass. Most of the time we let it go, but if we do challenge it, then we get abused. Most of the abuse is because of my race. It is always because of my race.” - ETS bus driver on fare evasions and issues with enforcing fares.

We also acknowledge that the City of Edmonton and Edmonton Transit Services are considering options related to fare evasion tickets. ETSAB strongly supports aligning fare evasion tickets with the fines outlined in Bylaw 5590, whereby the majority of parking fines are between \$50 and \$75. The \$250 fine for fare evasion is unnecessarily punitive and further punishes those who may not be able to pay their transit fare. Those who are unable to pay their fare to get onto a bus or LRT are not likely to have the ability to pay a fine that is nearly 72 times greater than a single fare (\$3.50 as of February 1, 2021). We also support developing alternative payment mechanisms for those who have received fare evasion tickets such as community service to a local volunteer organization. For example, King County in Washington state allows for the option of fine recipients to perform two (2) hours of community service with a local volunteer organization within 90 days of the date of the violation.¹²

Diversity in the Workplace

We understand the City of Edmonton provides many internal resources to staff, including “The Art of Inclusion; Our Diversity & Inclusion Framework” which includes a GBA+ tool and videos developed by the Women’s Advisory Voice of Edmonton (WAVE). Additionally, we’ve learned that city specific GBA+ training was to be rolled out early in 2020, however has been delayed due to the COVID-19 pandemic. We also learned that the Government of Canada’s GBA+ training is required for all City of Edmonton staff at the Director level or higher, which we believe to be an important initiative. However, ETSAB did not receive any information on **anti-racism** specific training for City of Edmonton/ETS front-line staff nor for those in leadership positions. Additionally, from what ETSAB understands, none of the current facilitators for the GBA+ Hiring Manager Certification program are BIPOC individuals and ETSAB believes having a diverse range of GBA+ facilitators, including those in the BIPOC community would be beneficial for future GBA+ training programs.

ETSAB also asked City Administration if the City of Edmonton/ETS have any benchmarks or key indicators to measure BIPOC employment within the City. While ETSAB understands the City of Edmonton ensures that systemic barriers are minimized during the recruitment process, ETSAB believes a benchmarking process to better understand the demographics within ETS administration, specifically in leadership positions will allow for continuous improvement within ETS to ensure its workforce best represents the diversity of the City of Edmonton that we all love.

¹² <https://kingcounty.gov/depts/transportation/metro/fares-orca/violation.aspx>

Complaint Process

ETSAB also received a great amount of information from ETS administration on the complaint process that is to be used if riders have a complaint related to discrimination, etc., while riding transit in Edmonton. As ETSAB understands it, the Community Standards Branch is responsible for the administration of Peace Officers assigned to ETS and those officers are to comply with the requirements of the *Peace Officer Act*, *Peace Officer Regulation*, *Peace Officer (Ministerial) Regulation* and Solicitor General Peace Officer Program Policy. As ETSAB understands, if complainants who contact either 311, the Peace Officer concerns telephone line (780-496-5747) or by emailing peaceofficersconcerns@edmonton.ca, they may have access to translation services if unable to submit their complaint as they feel sufficient. ETSAB did not receive any information on the nature of those translation services, but recommend that those services be provided in-person with interpreters wherever possible and only using electronic translation services when absolutely needed.

Additionally, ETSAB did not receive any information if any aspect of the formal complaint process is anonymous. While we recognize the importance of being able to track complaints and provide both sides of a story when it comes to formal complaints, as we've learned, many BIPOC individuals may have significant concerns on potential repercussions and retaliations related to formal complaints based on their own lived experiences in their own lives or of those close to them. ETSAB would recommend that anonymity should at the very least be considered during the formal complaint process to provide the public with the peace of mind that people will not be punished for submitting a complaint related to Transit Peace Officers.

“If there is to be meaningful change where all passengers on public transit can feel safe (with the exception of a few incidents when people are under substance abuse), there has to be no tolerance for racism. There have to be tangible consequences for people who use derogatory terms on public transit to belittle others. While racial slurs or behaviors are tolerated under the law and people are usually told to apologize and ETS gives an apology and some phrase to the media, we need real change as the scars of racism have real impacts on the people who suffer them” – Young Black female transit user.

Recommendations/Next Steps

1. Implementation of BIPOC friendly human resources practices
 - a. Consider hiring a Director of Anti-Racism and Inclusion (similar to the example set by the Toronto Transit Commission).
 - b. Develop and implement specific anti-racism training for staff, in addition to other training such as GBA+ analysis and unconscious bias.
 - i. Strongly recommend that any future anti-racism training is delivered by racialized individuals.

- c. Develop a baseline for BIPOC employment in ETS, including senior staff and strive to have diversity throughout the organization that aligns with the cultural demographics of Edmonton.
 - d. Consider sponsoring and kickstarting the development of a COMTO (Conference of Minority Transportation Officials) chapter in Edmonton that will advocate for BIPOC transit operators and staff.
 2. Engage in proactive, ongoing communication with Edmontonians related to transit.
 - a. Publicly declare that racism and hateful speech is not tolerated on ETS and post these notices in highly-visible locations on buses, LRTs and transit centres.
 - b. Look at opportunities to incorporate Indigenous names and words into ETS infrastructure such as transit centres, garages and bus routes similar to the recent work done by the Indigenous Ward Naming Knowledge Committee.
 - c. ETS community reports should be developed in multiple languages that are reflective of Edmonton and disseminate this information through local community groups such as the Africa Centre, Canadian Native Friendship Centre, Chinese Benevolent Centre and similar organizations.
 - d. Gather, track and share data related to BIPOC experiences on ETS transparently through Open Data. This includes statistics on enforcement.
 - e. Actively engage with post-secondary institutions to advance debates about racial justice, systemic racism and BIPOC history, specifically related to transit.
 3. De-escalate fare enforcement
 - a. Direct Transit Peace Officer (TPO) priorities to safety and security, and away from fare enforcement where possible, and encourage drivers to not get involved in fare evasion disputes, as often racialized drivers face racial slurs in these conflicts.
 - b. Align fare enforcement fines to similar infractions by single-vehicle users - i.e. fare enforcement will be no higher than a parking ticket.
 - c. In situations where persons are given a fare evasion ticket, develop alternate forms of payment through community service, etc., to not further penalize those who may not be able to pay.

“While racial slurs are not quantifiable like, say, he slapped her in the face three times, the emotional damage is irreparable and it lasts a lifetime. BIPOC (Black, Indigenous, People of Color) are as entitled as everyone else is, as long as we have paid our bus fare, to enjoy a racism-free environment on the bus or LRT.

ETS needs to put policies in place where there are tangible consequences for racial harassment, racial profiling and use of derogatory terms on public transport. This is the humane thing to do.

Apologies do not work as the damage lasts a lifetime.” - Lived experience of a young Black female transit user.

This report seeks to provide Edmonton City Council a first-hand understanding of lived experiences of BIPOC individuals while riding and/or employed by ETS, a jurisdictional scan of what other transit systems are doing to make their networks a more inclusive place for all individuals and recommendations for potential initiatives to be considered by City Council and ETS in the future.

Attachments

1. BIPOC and Witness Voices
2. ETS BIPOC Voices (ETS Drivers)

Others Reviewing this Report

- C. Owen, Deputy City Manager, Communications and Engagement
- R. Smyth, Deputy City Manager, Citizen Services
- K. Armstrong, Deputy City Manager, Employee Services
- K. Fallis-Howell, Acting City Solicitor