

To All Members of the Accessible Public Transit Service Advisory Committee

Re: Policy Re: Pets on Transit

Recommendation

That the Accessible Public Transit Service Advisory Committee recommend the following amendment to the LTC Service Animal Policy:

Replace *“Pets are not permitted on-board LTC buses.”*

With *“Small domestic pets can be transported on London’s public transit services only if they are in an enclosed pet-purpose cage/carrier that can either be held on the lap of the rider or fit under the seat/at their feet where they sit/stand.”*

Definitions *Small domestic pet – generally defined as a mammal or bird (i.e. cats, dogs, rabbits) that can be transported in a pet-purpose carrier. Excludes all exotic pets (i.e. snakes, lizards)*

Background

At the September 13, 2022 meeting, the Accessible Public Transit Service Advisory Committee (APTSAC) met and discussed the issues and implications associated with potential amendments to the current Service Animal Policy which applies to both conventional and specialized services.

As a recap, the current policy with respect to pets and service animals is set out below noting it is considered to be in compliance with the Accessibility for Ontarians with Disabilities Act legislation.

London Transit Commission Service Animal Policy

Pets are not permitted on-board LTC buses.

Service animals are permitted on buses if working in aid of the person making the trip.

Service animals on buses must remain in the care and control of the owner at all times. The owner must be prepared to demonstrate to the Operator how this requirement will be achieved. (i.e. leash, cage, etc.)

This applies as follows:

- i. the animal can be readily identified as one that is being used by the person for reasons relating to the person’s disability, as a result of visual indicators such as the vest or harness worn by the animal; or*
- ii. the customer provides documentation from a health professional confirming that the person requires the animal for reasons relating to the disability.*

The section of the policy that is in bold above was added in 2019 in response to concerns experienced with support animals onboard buses who were roaming freely and causing safety concerns for both riders and bus operators.

In response to direction from the Commission, administration undertook a review of the policy which included the concerns raised and shared by all members APTSAC, peer transit system policies and experience with same, as well as a review of London-specific operational issues which have occurred under the current policy. A summary of each of the above is set out below, all supporting the administration’s recommendation for a policy amendment going forward as set out in the report recommendation.

Feedback from APTSAC members

As set out in Enclosure I, a member of APTSAC shared a communication outlining concerns with respect to the potential impacts of allowing pets on London’s transit service on riders who rely on service animals in order to safely navigate the transit service. All members of APTSAC echoed their concerns with respect to the following which could potentially result in negative impacts on customers relying on service animals:

- pets have not necessarily been trained to deal with the experience on board a bus and may become unmanageable as the result;
- a service animal could be injured in an altercation with a pet, resulting in the inability of the owner to safely navigate during recovery;
- an altercation occurring while the bus is in transit would be left to the parties to attempt to control given the operator is driving the bus and the disability of the owner of the service animal could limit their ability to intervene effectively; and
- a pet acting out on the specialized service would put all passengers who are in secured positions at increased risk given their inability to move away from the animal

Peer Review of Other Transit System Policies

Administration undertook a review of policies of nine transit systems in Ontario in an effort to understand both the policy and any issues currently being experienced. The review included Brampton, Durham Region, Hamilton, Kingston, Milton, Mississauga, Toronto, Windsor and Waterloo Region. Every transit system included in this review allows pets on their service with varying criteria set out in their respective policies. The table below sets out an overview of the common policies elements and the number of systems that include each element in their policy.

Policy Element	Number of Systems
Small pets only	6
Domestic pets only (no exotic)	5
Must be in a pet carrier	6
Must be on a leash OR in a pet carrier	3
Must fit on lap or under seat of rider	6
Only during off peak hours	2

Toronto and Brampton are the only systems included in the review that restrict the time period in which pets are allowed to off-peak periods primarily due to crowding conditions that may occur in the peak operating periods. While many London Transit routes experience crowding conditions during peak operating periods, this additional criteria was not deemed necessary given the requirement for the pet to be in a carrier of a size that would fit on a riders lap or at their feet, and thus not requiring any additional space not already occupied by the rider.

London Specific Operational Issues

The initial request for consideration of pets on transit set out in Enclosure II, included a number of recommendations that raised concerns from an operational perspective, each of which is discussed further below. An over-arching concern with the recommendations is the writer's assumption that the term "pets" is limited to dogs. Given this is not the case, responses to each of the recommendations has given consideration to any type of animal that may be perceived as a pet by its owner.

Third Party Recommendation 1: The Operator will have discretion over any dog that might be aggressive and would ask the owner to disembark.

LTC Operational Issues relating to this recommendation are primarily focused on the expectation that the Operator will have the discretion to determine that a dog may be aggressive and will ask the owner to disembark. The primary role of the bus operator is to drive the bus and ensure a safe trip for all passengers. Bus operators are also expected to collect fares, respond to customer enquiries, ensure accessibility features are deployed when requested, and be available to respond to concerns raised by customers on board. As an employer, London Transit is required to ensure that all employees can perform their jobs in a manner that is free from safety hazards which include interactions with customers that have the potential to escalate toward verbal or physical confrontation. Bus operators have no training that would support their ability to determine whether a pet has the potential to become aggressive, nor do they have time to stop customers who may be boarding with a pet to discuss same. The potential is very likely that an Operator who asks a customer to disembark because they believe the animal may become aggressive will result in a confrontational situation that is likely to escalate. There are numerous examples of this scenario playing out on the LTC conventional service when the initial service animal policy was introduced and at that time required supporting documentation. In many cases, the bus operator requesting the required supporting documentation resulted in a verbal altercation between the Operator and the customer. The removal of the requirement for supporting documentation in an updated policy has reduced occurrences of this nature, however they still occur from time to time.

In an effort to ensure the safety of bus Operators, they are trained to remain in their seat, and contact Dispatch via the radio if they require assistance. There is no expectation that an Operator would leave their seat to intervene in a conflict between two animals on the bus. An altercation of this nature would be left to the customers involved, which could potentially put a customer with a disability requiring a service animal at a disadvantage and result in their own or their animal's injury.

Administration is not supportive of any policy that would place the onus on the bus operator to determine whether the animal may be aggressive.

Third Party Recommendation 2: If a dog were to urinate or defecate on a bus, this would be handled in the same manner as if a person were to vomit on a bus.

In the event of a potential biohazard on a bus (eg. vomit), the bus is removed from service for cleaning. This requires a replacement bus to be sent out, and all passengers to vacate the original bus and transfer to the new bus. Depending on the time of day and availability of buses, this can result in a significant disruption for all passengers involved.

Given ongoing resource challenges resulting from the global pandemic, bus availability continues to be a challenge. Administration is not supportive of any policy change that may result in additional service pressures and/or unavoidable service interruptions that will negatively impact riders.

Third Party Recommendation 3: If a person was afraid of the dog, they could move away or ask the dog owner to move away, or complain to the driver.

As discussed earlier in this report, numerous London Transit routes experience crowding conditions throughout the day, and as such, there is often not an opportunity for a rider to move to a more desired location on a bus. The option for a rider to complain to the operator about being afraid of an animal that has been brought on board consistent with the policy is redundant as there would be no action the Operator could take to rectify the situation.

Summary

As set out earlier in this report, of the Ontario transit services reviewed, London is the only one that currently prohibits the transportation of pets on its services (conventional and specialized). The initial request received by the Commission to allow pets onboard indicated that such a shift in policy would result in a transit service that is more accessible to Londoners with pets that rely on public transit as a mode of transportation. While this perspective is accurate when viewed in isolation, the impacts of such a change on other riders needs to be considered.

In assessing the broader impacts and the concerns raised by APTSAC members, Administration reached the conclusion that the potential negative impacts on riders who rely on service animals far outweigh the potential positive impacts of a policy to allow pets with no restrictions. As such the recommendation from Administration is to expand the current policy to allow small pets with restrictions in place that will mitigate, to the extent possible, the potential negative impacts on customers relying on service animals.

Subsequent to receiving feedback from APTSAC on this recommendation, a full report will be tabled with the Commission on final recommendations relating to allowing pets on London Transit services. Feedback from APTSAC will be included in the report. The report and recommendations to the Commission will include an implementation timeline noting that an appropriate notice period will be required in order to ensure LTC employees are aware of the new policy prior to it taking effect. The implementation will also include a communication strategy for riders and the general public in advance of the new policy taking effect.

Enclosures

- I – Letter from Elaine Harrison, Accessible Public Transit Service Advisory Committee Member
- II – Letter from AnnaMaria Valastro, Commission Delegation - August 31, 2022

Recommended by:

Shawn Wilson
Director of Operations

Concurred in by:

Kelly S. Paleczny
General Manager

Letter from Elaine Harrison, Accessible Public Transit Service Advisory Committee Member

Sunday, September 11, 2022

To the members of the Accessible Public Transit Advisory Committee, and Any Other Staff or Speakers,

My name is Elaine Harrison, and I am writing to you today as a guide dog owner, low-income pet owner, single mother of 2 and as a member of the Accessible Public Transit Advisory Committee (APTSAC), for the last 4 plus years. The issue I am writing about today is regarding the potential consequences of changing LTC's current policy to allow more than just service animals on its buses, as I think it is more likely that it could cause damaging outcomes, which would outweigh the limited benefits. After reading the letter written by AnnaMaria Valastro, while I am sympathetic to the plight of low-income pet owners to get themselves around the city with their pets, I believe there was a reason the policy was written as it was, and although the reasons cited in the letter were compelling, I believe it fails to take a few things into account, as I plan to demonstrate in the following paragraphs.

Her letter mentions that transit is the least expensive way for low-income pet owners to travel with their pets, the Toronto Transit Commission has adopted a pets on transit policy without any apparent complaints, and it's easy to see on the surface why LTC should jump on board. She cites the main concerns for the disallowing of pets on buses comes down to allergies, impromptu relieving, aggression or fear of dogs, and minimizes those concerns quite masterfully at a glance. Her letter fails to consider the potential legal and financial ramifications that could occur as a result of allowing pets to become regular passengers. I also have grave concerns about the idea that TTC has had few complaints since implementing their pet policy, as it's very easy to bury a complaint or dismiss it altogether so that data could easily be manipulated or skewed, but that is beside the point of this letter.

As a guide dog owner, many of the reasons she cites: untimely elimination, allergies, fear, aggression, are often reasons service animal owners face discrimination when bringing their animals to work, on outings or field trips, to professional and to personal meetings of any and every type. So we know those reasons are pretty baseless in their being conceived, especially when speaking in the context of service animals. And by service animal, I am referring to any animal professionally trained to assist its handler in their day to day life. By training, I am referring not just to the task-oriented jobs the animal has been taught to perform, but additionally, the education the handler has received on how to conduct themselves and their animals in the general public with dignity and respect for their freedoms, and the freedoms of others. This is my first point of worry, with respect to the idea that allowing pets on transit would be an easy thing to do, given that the animal and its owner could be kindly asked to debus, should an operator deem it necessary. When operators allow service animals on transit, they are counting on the fact that most legitimate service animals have been properly socialized and trained, not just to deal with the day to day hustle and bustle of riding transit, but also to the probability of running into other animals while performing their jobs, and not becoming unmanageable as a result of such an encounter. Pets have not necessarily had the people training or exposure to transit that would adequately mentally prepare them to ride without the potential for serious anxiety, stress and confusion. This is not to say that many pets wouldn't be able to easily endure the hardships of transit, but it is not only the pet that we must consider here, but the owner's ability to manage their pet in the face of the unknown challenges of riding transit. By this I am speaking of the boisterous and sometimes obnoxious conduct that goes on, as well as the extra attention, both good and bad, that pets will attract to themselves by being out in such a public forum. Most pet owners have the best intentions with regards to their pet and its conduct toward others, but what happens if 2 pets get into a squabble on a bus, and anyone involved, be that a passenger, the pet owners, the pets themselves, or an operator end up sustaining bodily injury, who will be liable? Is it not foreseeable that once an altercation between pet owners escalates beyond the control of the operator, in such a closed environment as a bus, there is the possibility that people and/or animals could get injured? And let us forget hypothetical injuries to a pet, but what happens if a pet interferes with the legitimate job of a service animal? Is it fair that my animal's life in service to me, something he was bred to do, could be tragically cut short by the avoidable consequences of someone's pet getting out of control on a bus, when the policy in place now helps protect me, as a service animal owner, from encounters with pet owners.

As a low-income pet owner, this idea of being able to freely bring a pet to the vet via bus is seductive, I admit, but it seems a little self-serving. Would LTC have an occupancy limit, or times of day when pets wouldn't be allowed to ride, but service animals could? Would multiple pets be able to ride in the same vehicle, and would any such limit continue to exclude service animal teams?

Pets riding the bus could be completely untrained, how is it fair that their conduct could impact the freedom of others to enjoy their ride without incident? Service animals undergo training to help them deal with the lurches and abrupt stops of a moving vehicle, to ignore those coming on and off, to not lose focus when an inviting smell walks by, whether that's another dog, a person with a bucket of chicken or a baby in a stroller. We can't and shouldn't assume a pet would have the same self-control, and even if it did, we can't and shouldn't assume its owner would know how to regain its focus or maintain control in such a situation. It is easy to assume that everyone will behave and that the pets will be controlled, but only when a pet bites a child's face will people take it seriously that pets on transit of any kind needs to be considered from all angles.

So far I have attempted to cite very logical arguments for not changing the policy as it is now: it's legally more sound not to open up the transit system to potential lawsuits from outraged passengers, operators or service animal owners and the wide spectrum of training of pets leaves open too many possibilities for something to go wrong. I would like to appeal to you now strictly as a service animal owner, and someone who has to deal with pet owners and their pets on a regular basis. I hinted in the previous paragraph how detrimental it would be for my service animal to have to stop working after encountering an ill-managed pet. While that in itself just seems sad, it would also be a financial, emotional and physical hardship on me, should my dog be out of commission due to the actions of someone else. Add to that the cost of training and obtaining a replacement animal, all because a policy that once protected me, had to change to capitulate to the pressures of the general public. I already ride the bus under more scrutiny because I chose the guide dog lifestyle, but if the policy changes, is it fair that my dog and I could be confronted by Fido and his owner on potentially any bus I could get on? This is not to say that all pet owners have undisciplined animals and they are unable to control them, but one of the biggest risks of changing this policy seems to be that there is no universal standard of what would be considered acceptable behaviour for a pet on a bus. The other biggest risk is putting it in the operator's discretion. Before drafting this mostly formal letter, I read an article by a major media outlet on this very issue, and it kept making the point that the behaviour of the pet riding the bus would be the operator's biggest determining factor as to whether Fido could ride. But how is such a subjective standard going to be easily applied, under such varying circumstances? And what if a pet's conduct is put into question by a passenger, but the operator believes the pet isn't misbehaving, what happens then? For example, if I get on the bus, and I go to sit down with my dog, place him under the seat, and all of a sudden hear growling and snarling from somewhere else on the bus? Joe and Fido are also riding this bus, but Fido isn't comfortable with my dog, so he's vocalizing about it. Not only would I be at a disadvantage, because I cannot see exactly how the other dog is behaving, but when I bring it to the operator, they merely say they can't do anything about Fido because pets can ride transit now and growling and snarling isn't misbehaving in their eyes. My argument would be that Fido's conduct is interfering with my dog's ability to do its job, as my dog cowers and trembles when I attempt to debus. This is only one of many scenarios I would like to posit, as knowing how the problem would be handled, and thinking of a solution could help empower me to become comfortable with the idea of pets on transit. As a comment on the concern of behaviour being too subjective an argument, I would like to point out that management and conduct of service animals is often a contentious issue, and we have been trained and educated on how we and our animals are to behave in public. So if we as a community can't always agree on what is proper behaviour and control, what standards is LTC going to equip its operators with and what provisions will exist for pets who interfere with the legitimate operating of a service animal team?

As a final conclusion to this letter, I brought this to you today in the hopes of helping to continue a dialogue with respect to the legal and financial ramifications to allowing pets to become riders on our buses. I recognize how inviting it would be to allow pet owners to travel with their pets to move about the city, especially those of the low-income demographic, to which I myself belong. However, I believe the argument is slightly self-serving and does not take into account the potential for harm to the pets themselves, their owners, other passengers, bus operators and/or service animal teams. LTC has been able to operate efficiently and harmoniously with only the service animal policy in place, so why, after barely scraping through the pandemic, would it want to open itself up to so many potential problems. The standard that constitutes a "well-behaved" animal is too subjective by which to be the sole criterion on which an operator can decide whether or not a pet should ride or not, and if that discretion were to be questioned, what recourse would a passenger have to dispute it, and who would bear the responsibility if any injury were to happen to someone or something as a result? Has LTC really considered a decent number of hypothetical scenarios and created contingencies and provisions by which to deal with each one, should it arise? Being able to understand how it will handle scenarios involving high-risk damage is the best way I could warm to the idea of pets on transit, and as a last thought, could it not somehow be written in the policy that pet owners must crate or carry their animals, in the case of small pets like cats, dogs under 10 lbs, mice, rabbits, etc, and could it not be written that large animals over a certain weight need be muzzled and within a foot of their handler at all times? I am no policy writer, and can't imagine weighing all the pros and cons without getting bogged down in bias, but I want to emphasize that if pets become a part of daily conventional and specialized transit lives, there have to be guidelines. It's one thing to consider Joe taking Fido to a vet, but how fair is it for Sara to take her boa constrictor Seth? People's phobias can be debilitating and paralyzing, and no one riding the bus should be scared into a panic attack or suffer post traumatic stress because of someone else's pet. Some people have no choice but to ride public transit, but most pets are owned as a choice.

Thank you for taking the time to read and consider my letter. I appreciate your time and critical thought.

Sincerely:

Elaine Harrison

Letter from AnnaMaria Valastro, Commission Delegation - August 31, 2022

Sent: Friday, August 19, 2022 10:53 AM

Subject: [EXTERNAL] Re: request for delegation status

Hello

I would like to propose to the Board of the London Transit Commission a policy change to approve pets on the public transit system because I believe not permitting pets on a public transit system places low income individuals at a disadvantage. Public transit is the most affordable form of transportation and denying low income individuals the opportunity to use public transit to transport pets places an undue expense on them, one that they may or may not be able to afford.

The City of Toronto policy regarding pets on public transit is restricted based on occupancy load. No pets are permitted on public transit between the hours of 6am to 10am and again between 3pm and 7pm. Outside of these hours, restriction is at the discretion of the driver, again based on how crowded the bus is.

The Toronto Transit Commission does not record complaints about pets on the public transit system because it receives so few.

Typically arguments against pets on public transit system are: allergies; aggressive dogs, urinating or defecating, being afraid of dogs.

I personally am very allergic to dogs but only if I touch them. I have no reaction to dogs by just being in their presence and certainly not with any brief encounters.

Again, the driver has discretion over any dog that might be aggressive due to anxiety it may experience by being on a bus with strangers. The driver would ask the owner to disembark. It would be handled no differently than an aggressive person on a bus except it would be easier to deal with as the owner would escort the dog off the bus.

If a dog was to urinate or defecate on a bus, it would be handled no differently that if a person was to vomit on a bus or food was spilled on a bus and so on.

If a person was afraid of dogs then: they can either move away from the dog or ask the owner to move away or complain to the driver. The driver has the discretion to ask the owner to disembark and take the next bus.

Low income individuals and their pets should have the same access to public transit as any other person to transport their pets to veterinarian appointments, dog parks and be with their pets as they move around the city.

Sincerely,
AnnaMaria Valastro