

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

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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 paralysing, 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