

Licence Application Decision

(Transportation Network Services - New)

Application #	TNS 8102-19	Applicant	Safe Ride Sharing Ltd.
Trade Name	Safe Ride Sharing		
Principals	Rory Wyatt ANDERSON, Resham Lal BHATTI, Jaskaran Singh KANDOLA, Harjit Singh RANDHAWA, Edward Steven WILTSHIRE		
Address	270 Highway 33, West Kelowna, British Columbia, V1X 1X7		
Primary Areas of Operation	Region 4 – Okanagan-Kootenay-Boundary-Cariboo		
Current Licence	None		
Publication of Application	January 15, 2020		
Application Summary	New Special Authorization: Transportation Network Services Authorization (TNSA)		
Deadline for Submissions	January 27, 2020		
Submitters (and representatives)	None		
Board Decision	The special authorization is approved for the reasons set out below. Terms and conditions of licence are approved as set out in this decision.		
Decision Date	March 19, 2020		
Panel Members	Spencer Mikituk		

1. Introduction

[1] The *Passenger Transportation Act*, S.B.C. 2004, c. 39 (the “Act”) regulates the licensing and operation of commercial passenger transportation vehicles in British Columbia. The Passenger Transportation Board (the “Board”) is established under the Act and its powers, duties and functions are set out in section 7 of the Act. In general terms, the Board has

authority to make decisions on licence applications for passenger directed vehicles (e.g. taxis, limousines, and other small shuttle and tour vehicle licences). With some exceptions, the Act defines passenger directed vehicles to mean commercial passenger vehicles that are being operated to or from locations determined by or on behalf of passengers.

[2] In September 2019, amendments to the Act and the *Passenger Transportation Regulation* (the “Regulation”) came into force which enable the Board to also make licensing decisions for transportation network services (“TNS”), commonly referred to as ride hailing. The Act defines TNS to mean, in part, services respecting the connection of drivers to passengers who hail and pay for the services using an online platform, commonly referred to as an “app”. A transportation network company (“TNC”) is a company that uses an app to provide TNS.

[3] This regulatory change followed extensive provincial consultation and deliberation which resulted in, among other reports, a February 2018 Select Standing Committee report entitled “Transportation Network Companies in British Columbia” (the “2018 TNC Report”), a June 2018 report entitled “Modernizing Taxi Regulation” by Hara Associates (the “2018 Hara Report”), and a March 2019 Select Standing Committee report entitled “Transportation Network Services: Boundaries, Supply, Fares and Drivers’ Licences” (the “2019 TNS Report”). The Board also carried out consultations with the taxi industry, TNCs, the Vancouver Airport Authority and the Vancouver Port Authority on TNS operating areas, fleet sizes and rates in July 2019. The Board published the results of its consultations online and developed an operational policy entitled “Introduction of Transportation Network Services, 2019” (the “Operational Policy”).

[4] On December 19, 2010, Safe Ride Sharing Ltd., doing business as Safe Ride Sharing (“SRS”), applied for a passenger transportation licence with a special authorization in the form of a TNS authorization (“TNSA”) to provide ride hailing services in Region 4 (Okanagan-Kootenay-Boundary-Cariboo) (the “Application”). In accordance with s. 26 of the Act, the Registrar of Passenger Transportation forwarded SRS’s Application to the Board.

[5] Section 28 of the Act governs determinations by the Board about whether to approve, in whole or in part, licence applications for a special authorization such as a TNSA. Section 28 provides that such approval may be granted after the Board considers whether: (a) there is a public need for the services that the applicant proposes to provide under the special authorization; (b) the applicant is a fit and proper person to provide, and is capable of providing, those services; and, (c) the application promotes sound economic conditions in the passenger transportation business in British Columbia. If approved, the Board is required to specify the special authorizations to be included in the licence and establish licence terms and conditions as provided for in ss. 28(3) to (6).

[6] For the reasons set out below, the Board approves SRS’s Application, with the specified terms and conditions, on the basis that it meets the requirements under s. 28(1) of the Act.

2. Procedural History

[7] Section 26 of the Act requires the Board to publish notice of the Application, which it did on January 15, 2020. Section 27(2) provides that any person may (within the time period specified by the Board and on payment of the prescribed fee) make a written submission to the Board respecting the Application. The Board did not receive any submissions in relation to SRS's Application.

[8] The Board determined to follow its usual process of conducting a written hearing.

3. SRS's Application

[9] On September 12, 2019, 1223091 B.C. Ltd. was incorporated as a company. On October 3, 2019, 1223091 B.C. Ltd. changed its name to Safe Ride Sharing Ltd. SRS is managed by five directors, with considerable operational experience in the transportation industry. Its main office is located in Kelowna, British Columbia. The National Safety Code Office confirms that SRS holds a *National Safety Code* ("NSC") Safety Certificate.

[10] If approved, SRS plans to provide TNS in Kelowna, British Columbia 24 hours a day, 365 days a year. SRS's business plan provides information about its mobile application (the "SRS app"). Once a potential passenger has downloaded the SRS app on his or her phone and added credit card information to their account, the SRS app matches customers who require a ride with the closest available driver. The customer receives the driver's details, estimated fare, and the estimated arrival time and can track the driver's location, the driver's ID and vehicle information. The driver can also track the customer's location from the originated request. This tracking is also available during the ride. The SRS app also has a rating feature for the customer to rate the driver. SRS states that the SRS app will comply with all TNSA app requirements.

[11] SRS's business plan also details a management structure that will oversee the daily operations of the business, including: Chief Executive Officer, Administration and Human Resources Manager, Marketing and Sales Executive, Accountant, and Customer Care Executive/Front Desk Officer. Further, SRS's current directors and operators all have experience in the taxi/passenger transportation industry: Resham Lal Bhatti is a principal of Apple Cabs (Kelowna) with 20+ years experience in the taxi/passenger transportation industry; Edward Steven Whiltshire and Rory Wyatt Anderson operate Checkmate Cabs (Kelowna) and both have 10+ years experience in the taxi/passenger transportation industry; Jaskaran Singh Kandola is the President of Kelowna Cabs and has been employed in the transportation industry for 30+ years; Harjit Singh Randhawa is the Vice-President of Kelowna Cabs and has 15+ years experience in the industry; and Ashok Kumar Tyagi is the General Manager and Supervisor of Kelowna Cabs and the principal representative of the Okanagan Taxi Association and has 4+ years experience within the transportation industry.

[12] SRS plans to conduct preliminary interviews of all potential drivers to ensure that the required driver's licence and current criminal and driving record checks and vehicles are in compliance with the Act, the Regulation, and NSC requirements. Copies of drivers' licences

and current criminal and driving record checks and ICBC certified vehicle safety checks will be kept on file. At full capacity, SRS intends to operate with approximately 20 certified professional drivers.

[13] Using the information from the City of Kelowna’s 2018 “Facts in Focus” discussion papers on transportation and the City’s transportation master plan “Our Kelowna As We Move,” SRS sees its target market as the Kelowna population which is projected to grow at an annual rate of 1.51% through to 2030. According to SRS, that growth rate would translate into 45,485 new residents or a population of 161,501 by 2030. Further, SRS points to the fact that 79% of Kelowna residents commute by driving while only 19% commute by sustainable transportation modes such as walking, cycling, carpooling, or taking transit. According to SRS, another important statistic to note is that 90% of residents that live outside the core neighbourhoods of the city are car-dependent with limited access to mass transportation options. SRS’s target market will consist of: local residents who commute around Kelowna on a daily basis, local businesses that require staff to commute to and from other businesses, and tourists that regularly use ride sharing services. The application provides an assessment of SRS’s competitors in this market from other TNS and its strengths, weaknesses, opportunities, and threats.

[14] To market its services to passengers, SRS will use online and offline marketing initiatives such as:

Online

- company website with a live chat system
- pay-per-clicking advertising campaigns
- social media marketing (Facebook, Instagram, and Twitter)
- video and written blog content on 3rd party sites
- email campaigns

Offline

- billboards
- flyers and brochures
- direct mail
- newspaper and magazines
- outdoor signage

4. Analysis and Findings

[15] Section 28(1) of the Act sets out the three factors which must be considered by the Board. While the Board does not recite all the information filed by SRS, it has carefully considered it when making its determination.

(a) Is there a public need for the service SRS proposes to provide under the special authorization (s. 28(1)(a))?

[16] The first consideration is whether there is a public need for the service that SRS proposes to provide. This requires an applicant to demonstrate that there are people who would use SRS's proposed service. In this respect, SRS relies on:

- the 2018 TNC Report; and
- the 2019 TNS Report.

(collectively, the "Background Materials")

[17] In November 2017, the Legislative Assembly authorized the Select Standing Committee on Crown Corporations to examine, inquire into, and make recommendations on ride hailing in B.C. During the course of its inquiry, the Committee invited 67 expert witnesses to either present at a public hearing or to provide a written submission. Over three days of hearings in January 2018, the Committee heard 26 presentations and received 12 written submissions. Overall, the Committee agreed that TNCs should be permitted to operate in this province within a provincial regulatory framework and saw the key benefit of TNS to be improved access to transportation services.

[18] The 2019 TNS Report examines four areas of TNS regulation, namely boundaries, supply, fare regimes and drivers' licences. Like the 2018 TNC Report, the Committee relied on input from experts with knowledge in fields relevant to the Committee's areas of review. The Committee ultimately supported regulation of all four areas but agreed that decisions related to them must be evidence-based. To that end, it suggested collecting and sharing data on TNS to ensure that accurate information is available for the purpose of managing and assessing the industry.

[19] As noted above, in addition to the Background Materials, SRS provided evidence, including the City of Kelowna 2018 "Facts in Focus" discussion paper and the "Our Kelowna As We Move" transportation master plan, which set out the projected Kelowna population growth rates and transportation statistics and supported public need in the area SRS intends to operate.

[20] Based on the Background Materials and the additional Kelowna-specific evidence, the Board concludes that SRS has met the public need element established by s. 28(1)(a) of the Act.

(b) Is the applicant a fit and proper person to provide the proposed service and is the applicant capable of providing it (s. 28(1)(b))?

[21] Section 28(1)(b) required the Board to consider whether an application is a fit and proper person and has the capability to provide the proposed service.

[22] Fit and proper person is not a defined phrase. The Oxford English Dictionary defines “fit” in part to mean “well adapted or suited to the conditions or circumstances of the case, answering the purpose, proper or appropriate ... possessing the necessary qualifications, properly qualified, competent, deserving”. “Proper” is defined to mean “suitable for a specified or implicit purpose or requirement; appropriate to the circumstances or conditions; of the requisite standard or type; apt, fitting; correct, right”. The context for what is fit and proper is the passenger transportation industry in B.C. This reflects that a licensee has a responsibility to exercise the powers conferred by the granting of a licence with regard to proper standards of conduct.

[23] When considering whether an applicant is fit and proper, the Board considers factors such as the applicant’s past conduct and the potential risk of harm to the public and the integrity of the transportation industry if a licence is granted to the applicant. Where, as here, the applicant is a corporate entity, the Board will consider any relevant information concerning the conduct of the directors and key management in order to assess how the business is likely to be run.

[24] When considering capability, the Board considers whether the applicant has demonstrated knowledge and understanding of the relevant regulatory requirements and policies governing passenger transportation, the applicant’s ability to comply with those regulatory requirements, and the applicant’s capability to provide the proposed service in a proper and lawful manner. The Board will also consider whether the applicant has the business capability to operate the service. This will include consideration of the business knowledge and experience demonstrated by management and the applicant’s business plan and financial statements.

[25] As discussed above, SRS’s directors and operators are the key individuals responsible for managing the operations of SRS. Each of these individuals have significant experience in the passenger transportation industry in British Columbia; in particular, these individuals are the key operators of successful Kelowna-based taxi companies that have a track record of safely providing transportation services in Region 4, while complying with the applicable laws and regulations. For example, Mr. Tyagi is currently employed as a taxi company operations manager and his duties include recording Board and Commercial Vehicle Safety and Enforcement reports, maintaining historical records and filings for the fleet and accounting department, maintaining/rectifying records of customer transactions using taxi dispatch software, dispatcher/call tracker, hiring, training, and business and fleet licence renewal.

[26] SRS holds a valid NSC certificate. Mr. Wiltshire, SRS’s President, signed a Declaration on behalf of SRS under the *Liquor Control and Licensing Act* and the *Cannabis Control and Licensing Act* declaring that SRS will operate its vehicles in accordance with this legislation. The Board’s Supplementary Terms and Conditions respecting capability to meet data requirements were confirmed. The Disclosure of Unlawful Activity and Bankruptcy form and Criminal Record Check were completed by the principals to the satisfaction of the Board.

[27] The Board is satisfied that SRS's Application provides sufficient assurances that it will comply with the regulatory requirements in British Columbia. Further, the collective experience of SRS's directors and operators in providing passenger transportation services is an asset to SRS, which would allow SRS to operate a TNS with little or no "learning curve". The directors and operators' background, experience and qualifications demonstrate that SRS is equipped to oversee management of its proposed operations. Accordingly, the Board is satisfied that SRS is a "fit and proper person" for s. 28(1)(b) purposes.

[28] The Board has reviewed SRS's business plan and financial statements relating to its proposed Kelowna operations as part of its assessment of SRS's capability to provide the proposed service. SRS provided a 36-month cash flow projection for its operations. SRS's start up costs and deficits during the first year will be met by the owner. The revenue estimates and their growth over a 36-month period are reasonable, as are the expense projections over that period. SRS has provided a net worth statement which demonstrate the owner of SRS will self-finance the business.

[29] SRS's business plan demonstrates to the Board's satisfaction that it will provide care and control of its drivers and vehicles and that it has the management resources to provide ride hailing services. It has also demonstrated knowledge and understanding of the governing passenger transportation regulatory regime (including the NSC), and its obligations as a result of this regime. Its business plan and financial information demonstrate that it is capable of providing the proposed service. The Board accepts that SRS will provide that service in a proper and lawful manner.

[30] The Board is satisfied that the Application demonstrates that SRS is fit, proper and capable for the purposes of s. 28(1)(b) of the Act.

(c) Would the application, if granted, promote sound economic conditions in the passenger transportation business in British Columbia (s. 28(1)(c))?

[33] The remaining consideration is whether granting the Application would promote sound economic conditions in the passenger transportation business in this province. In considering s. 28(1)(c), the Board strives to balance public need for available, accessible and reliable commercial passenger transportation services with overall industry viability and competitiveness. The Board considers this issue from a wide-ranging perspective, which includes consideration of harm to other industry participants such as taxi companies. It is the Board's view that, generally speaking, the economic interests of the passenger transportation business overall weigh more heavily than the economic and financial interests of any particular applicant or submitter. The Board did not receive any submissions with respect to this Application.

[34] The Board is satisfied that granting SRS's Application will promote sound economic conditions in the passenger transportation business in B.C and finds that SRS has met the requirements of s. 28(1)(c) of the Act.

[35] The Board is satisfied that, for section 28(1) purposes: (a) there is a public need for the service proposed by SRS; (b) SRS is a fit and proper person and has the capability to provide that service; and, (c) properly regulated, SRS's Application promotes sound economic conditions in the passenger transportation industry in the province. The Board has taken steps in crafting the terms and conditions of SRS's licence to ensure that it is able to monitor and assess SRS's operations as they unfold and to respond where data establishes the necessity of a regulatory response.

5. Conclusion

[36] For the reasons set out above, the Board approves SRS's Application with the terms and conditions established in Appendix 1 (general terms and conditions), Appendix 2 (minimum rates), Appendix 3 (data requirements), and Appendix 4 (supplementary terms and conditions respecting TNSA apps). All four appendices form part of SRS's licence.

Appendix 1

General Terms and Conditions

Safe Ride Sharing Ltd.

Special Authorization	Transportation Network Service Authorization
Terms & Conditions of Licence	
<p>“Board” means the Passenger Transportation Board “Registrar” means the Registrar, Passenger Transportation</p>	
A. Legislative Requirements	
Vehicle Identifier	Each motor vehicle operated under this authorization must display, at the times and in the form and manner required by the Registrar, a vehicle identifier that is: (a) issued to the licensee by the Registrar; or (b) authorized by the Registrar to be issued by the licensee.
Data Requirements	The licensee must provide to the Registrar any information, including personal information, and data that the Registrar or Board may require, and as may be set in any applicable supplemental terms and conditions and orders of the Registrar or Board, within time periods that the Registrar or Board may require, which may include, without limitation, information and data set out in section 28(5) (a) to (c) of the <i>Passenger Transportation Act</i> .
Hailing	Motor vehicles may be hailed under this authorization only through the use of the transportation network services approved under this authorization.
B. Passenger Transportation Vehicles	
Accessible Passenger Directed Vehicles	An Accessible Passenger Directed Vehicle must be operated in accordance with the <i>Motor Vehicle Act Regulations</i> including Division 10 (<i>motor carriers</i>) and Division 44 (<i>mobility aid accessible taxi standards</i>), as amended from time to time, and in accordance with any other applicable equipment regulations and standards.
Apps	Fares and payments must be calculated and paid for through the use of an online platform that complies with applicable supplemental terms and conditions, policies, standards and orders of the Board. Apps must also comply with supplemental terms and conditions policies, standards or orders of the Board.

C. Originating Areas & Other Requirements	
Originating Area:	Transportation of passengers may originate from the following Originating Areas: <input type="checkbox"/> Region 4 – Okanagan-Kootenay-Boundary-Cariboo
Destination Area:	Transportation of passengers may terminate at any point in British Columbia and beyond the British Columbia border when engaged in an extra-provincial undertaking.
Fleet Size	There are no initial limits on TNS fleet size at this time. The Board will monitor TNS performance data and other relevant data and may review fleet sizes when data is available.
Driver Earnings	Individual driver earnings and hours worked must be tracked, and this data must be provided within the time frames set and, in the manner required, by the Board.
Transfer of a licence:	This special authorization may not be assigned or transferred except with the approval of the Board pursuant to section 30 of the <i>Passenger Transportation Act</i> .
<i>Liquor Control and Licensing Act</i> <i>Cannabis Control and Licensing Act</i>	The licensee must at all times ensure passenger directed vehicles under their licence are operated in compliance with the <i>Liquor Control and Licensing Act</i> and the <i>Cannabis Control and Licensing Act</i> .

Appendix 2

Minimum Rates

The minimum rates and rules below apply to each ride provided.

TNS Operating Region	Regional Districts	TNS Minimum Rates
4. Okanagan – Kootenays - Cariboo	Okanagan-Similkameen Central Okanagan North Okanagan Kootenay Boundary Central Kootenay East Kootenay Cariboo Thompson-Nicola Columbia Shuswap	\$3.50

Rules Applicable to TNS Minimum Rates

- Minimum rates for TNSs are based on taxi flag rates in an operating region, as determined by the Board.
- The use of coupons or discounts to lower rates below the minimum rate is prohibited.
- TNS minimum rates include GST

Appendix 3

Data Requirements

[Data Requirements](#), effective September 3, 2019, as amended from time to time, apply.

I. Purpose

To establish data requirements for licensees who hold, or are deemed to hold, a Passenger Directed Vehicle Authorization (PDVA) or a Transportation Network Services Authorization (TNS).

II. Legislation

Section 28(5) of *Passenger Transportation Amendment Act* states that –

The board must establish as a term or condition of a passenger directed vehicle authorization or transportation network services authorization that the licensee must provide to the registrar any information, including personal information, and data that the registrar or the board may require, including, without limitation, information and data respecting

- (a) the motor vehicles, and the drivers of those motor vehicles, operated under the authorization,
- (b) the availability of the motor vehicles, at given points in time, for hailing by methods permitted under the authorization, and
- (c) trips taken by passengers transported in accessible passenger directed vehicles or trips taken by passengers transported in non-accessible passenger directed vehicles, or both, including
 - (i) trip rates,
 - (ii) wait times,
 - (iii) pick-up times and locations, and
 - (iv) drop-off times and locations.

The Passenger Transportation Regulations, which will be in force on September 16, 2019 states:

32 (1) In this section:

“amending Act” means the *Passenger Transportation Amendment Act, 2018*, S.B.C. 2018, c. 53;

“pre-existing licence” means a valid licence that, on September 15, 2019, authorizes one or more motor vehicles to be operated as passenger directed vehicles.

(2) It is a term and condition of every pre-existing licence that the licensee must provide to the registrar any information, including personal information, and data that the registrar or board may require for the purposes of

- (a) more effectively bringing the amending Act into operation, or
- (b) addressing transitional difficulties encountered in bringing the amending Act into effect.

III. Applicability

The data requirements in this document apply to:

- (a) a licensee with a Passenger Directed Vehicle Authorization (PDVA) whose licence expressly authorizes motor vehicles to be hailed from the street;
- (b) a licensee with a PDVA whose licence does not permit hailing and flagging from the street; and
- (c) a licensee with a Transportation Network Services Authorization (TNSA).

IV. Definitions

In this document:

“**act**” means the *Passenger Transportation Act*, as amended on September 16, 2019;

“**board**” means Passenger Transportation Board;

“**data requirements**” means the requirements set out in section V of this document;

“**fare**” means the total transportation charges and taxes for a trip including any surge- or variable-pricing adjustment and excluding any gratuities;

“**limousine service**” means a service provided by a licensee required in section III (b) of this document; S.B.C. 2018, c. 53;

“**licence**” means a licence issued under the act and includes a Passenger Directed Vehicle Authorization or Transportation Network Services Authorization;

“**licensee**” means the holder of a valid licence and to which this rule applies pursuant to section 1 of this document;

“**registrar**” means the Registrar of Passenger Transportation appointed under the act;

“**taxi service**” means a service provided by a licensee referred to in section III (a) of this document;

“**TNS**” means a Transportation Network Service as defined in the act.

V. Data Requirements

The board requires licensees to provide the following information:

1. Licensee Information

a. User Id number

b. Application Id number

- c. Passenger transportation (PT) licence number
- d. National Safety Code (NSC) number

2. Trip and Shift Classification

- a. Service type – taxi service, TNS service, limousine service
- b. Start date of submitted trip data
- c. End date of submitted trip data
- d. Data and time of file creation

3. Shift, Driver and Vehicle Information

- a. Vendor shift ID
- b. Vehicle registration number
- c. Province/State in which the vehicle is registered
- d. Driver’s licence number
- e. Province/State in which the driver is licenced
- f. Start of driver’s shift or login into the dispatch system
- g. End of driver’s shift or logout from the dispatch system

4. Trip Data

- a. Shift ID
- b. Trip ID
- c. Trip type (accessible, conventional, pre-booked, service animal)
- d. Trip status (Completed, cancelled by requester, no-show of requester, refused by driver)
- e. Hail type (flag, phone, interactive voice response request (IVR), application-based request (app), request via website)

5. Trip Initiation

- a. Date/Time when the trip request was initiated or assigned.
- b. Time elapsed from call initiation to call answer by the dispatcher or IVR system (for IVR and phone hails)
- c. Degrees latitude of the requested pickup location
- d. Degrees longitude of the requested pickup location

6. Trip metrics

- a. Trip duration
- b. Trip distance

c. Fare of the trip

7. Pick-Up and Drop-off times and locations

- a. Date and time of arrival at the requested passenger pick-up and drop-off location
- b. Date and time of departure from the requested passenger pick-up and drop-off location
- c. Degrees latitude of the requested passenger drop-off location
- d. Degrees longitude of the requested passenger drop-off location

VI. Implementation Schedule

Type of Service and Effective Date of Rule

TNS - September 16, 2019

TNS operating in small communities with population less than 10,000 as defined by Statistics Canada - TBD

TNS must collect this data from the date that they start operating. Additional information relating to the submission deadlines and format will be provided separately.

Appendix 4

[Supplementary Terms & Conditions Respecting TNSA Apps](#), effective September 16, 2019, as amended from time to time, apply.

A. Purpose

To establish supplemental terms and conditions of licence about apps provided or used by a licensee with a transportation network service authorization (TNSA) to provide transportation network services (TNS).

B. Legislation

The *Passenger Transportation Act* defines transportation network services (TNSs) as services “respecting the connection of drivers of passenger directed vehicles with passengers who hail and pay for the services through the use of an online platform.”

Section 28(3) states:

The board may establish terms and conditions that apply to a special authorization included in a licence, if issued, including, without limitation, terms and conditions respecting any of the following:

(a) equipment or technology that must be installed, used or carried on or in motor vehicles operated under the authorization and the inspection, testing, adjustment, display and use of that equipment or technology;

....

(d) if the licence is to include a transportation network services authorization, (i) information that must be displayed or carried on or in the motor vehicles or made available to passengers through the use of the licensee's online platform, or both.

C. Scope

1. These terms and conditions encompass:

(a) software applications (apps) that a licensee, driver or passenger uses to provide or access TNS; and

(b) information transmitted, processed, stored or displayed using an app described in (a) above.

D. Definitions

2. For the purposes of these terms and conditions:

“**act**” means the *Passenger Transportation Act*;

“**app**” means application software that provides a driver or passenger with access to the TNSA licensee’s online platform;

“**board**” means Passenger Transportation Board;

“**estimated fare**” means a specific fare or range of fares calculated before a ride starts, presented to the passenger as a quote or estimate and which may be replaced by a fare calculated at the end of the ride based on actual travel time and actual travel distance;

“**fare**” means the total transportation charges and taxes for a ride including Any variable-price adjustment and excluding any gratuities;

“**geo-fencing**” means a location-aware application that has been programmed with geo-graphical boundaries or areas to limit the pick-up or drop-off of passengers to locations authorized in a licensee’s terms and conditions of licence;

“**licence**” means a licence issued under the Act that has a TNSA;

“**licensee**” means the holder of a valid licence to which these terms and conditions apply pursuant to section 1 above;

“**registrar**” means the Registrar of Passenger Transportation appointed under the Act;

“**up-front fare**” means a firm fare that is calculated before a ride starts and paid when the ride ends.

E. Transportation Network Services

TNS App Requirements

3. Licensees with a transportation network services authorization (TNSA) must, always:

- (a) provide passengers and drivers with an app that functions in accordance with requirements in these supplemental terms and conditions; and
- (b) maintain care and control of the apps which includes app functions, operation and performance.

Basic App Capabilities & Standards

- 4. Apps must function in a way that allows passengers to hail and pay for a single ride with the same app.
- 5. Apps must function accurately and reliably.

6. Apps provided by a TNSA licensee must be capable of:

- (a) connecting drivers and passengers through its online platform;
- (b) calculating fares that account for:
 - (i) minimum rates;
 - (ii) distance;
 - (iii) time;
 - (iv) other fees and taxes that may be applicable; and
 - (v) dynamic pricing variables that may be applicable;
- (c) processing the passenger's electronic payment and transmitting an electronic receipt;
- (d) complying, in conjunction with the online platform, with the Registrar and Board's "data requirements"; and
- (e) other functions as necessary to comply with these terms and conditions.

7. Apps:

- (a) must display and transmit information in English; and
- (b) may display and transmit information in other languages.

8. The app must comply with World Wide Web Consortium (W3C) standards for mobile accessibility.

Shielding of Personal Information

9. The app:

- (a) may collect information that identifies a passenger or driver or their contact information (such as first and last name, phone number and email address) and may only use the information as set out in the *Personal Information Protection Act* of B.C.;
- (b) must, shield the following information so information for the passenger is not given to the driver and information for the driver is not given to the passenger:
 - (i) Last name of the driver and passenger;
 - (ii) Phone number of the driver and passenger; and
 - (iii) Email address of the driver and passenger.

Accessibility

10. The app may only request, collect or record personal information about a health condition, disability, or accommodation request of a customer or driver when:

- (a) the provision of that information is voluntary and at the discretion of the app user;
- (b) the personal information that an app-user provides is protected by a password or biometric safeguard that the user may activate or be required to use; and

(c) the app enables the app-user to change or delete personal information in the app, or provides information to the user on how to change or delete personal information.

11. The app may give the customer the option to receive communication by voice communication or a digital text format that is compatible with third-party accessibility apps.

12. If the licensee operates one or more accessible vehicles in its fleet, its app must give the passenger an option to request a wheelchair accessible vehicle for:

- (a) the transportation of a person in a wheelchair or mobility device; and
- (b) purposes other than transporting a person in a wheelchair or mobility device.

Geo-Fencing

13. The app must have geo-fencing capability.

14. The app must only connect drivers with passengers for pick up within the originating area and drop off within the destination area that is authorized in the licensee's terms and conditions of licence.

Advance Fare Information

15. Based on travel distance and time information that is available when a passenger requests a ride, and before the passenger agrees to a ride, the app must present the passenger, in a prominent manner, either:

- (a) an estimated fare; or
- (b) an up-front fare.

16. When an app presents an estimated fare to a passenger, the app must clearly indicate that:

- (a) the fare is an estimate only; and,
- (b) the passenger will be charged based on travel time or distance, or both during the ride.

17. After a passenger has agreed to pay an up-front fare, the app must, at the end of the ride, charge the up-front fare unless:

- (a) a change is made to the requested destination or the ride's estimated time or distance diverge by 5% or more from the actual time or distance of travel; and
- (b) the app, before the end of the ride transmits the following information to the passenger:
 - (i) notice that the up-front fare has been suspended or replaced;
 - (ii) the new method and applicable rates for calculating the fare;

(iii) contact information or an in-app channel to get more information about the change, or to dispute the change.

Pre-Ride Information for Passengers

18. The app must transmit to the passenger the following information before the passenger enters the TNS vehicle:

- (a) the driver's first name;
- (b) the driver's photo;
- (c) the vehicle make, model, colour and BC licence plate number;
- (d) a prominent notice that the above-noted information is important for passenger safety.

Information Records

19. The app must record, at the time the TNS Vehicle is hailed through the app, the following information:

- (a) the time, date and location where and when the passenger is to be picked up;
- (b) the destination where the passenger is to be discharged;
- (c) driver's first name, photo and a unique identifying number for the driver; and
- (d) the make, model, year, colour and British Columbia licence plate number of the TNS vehicle.

GPS Tracking

20. The app must provide real-time GPS tracking and show the passenger the TNS vehicle while travelling to pick up the passenger or while carrying the passenger.

Payment Processing Options

21. A licensee must ensure that drivers using the app:

- (a) only accept payment for a ride that is processed through the app that the passenger used to hail the ride; and
- (b) do not accept payment by cash or by any method or system of payment that is separate from the app.

22. The app may only process payment for a gratuity when the gratuity is at the discretion of the passenger.

Electronic Receipt

23. The app must, at the end of the ride, immediately provide to the passenger an electronic receipt containing:

- (a) the passenger's first name;
- (b) the driver's first name;
- (c) the time and date that the TNS vehicle service was arranged;
- (d) the location and time where and when the passenger was picked up;
- (e) the location and time where and when the passenger was dropped off;
- (f) fare information that includes separate line items for:
 - (i) charges for the ride;
 - (ii) GST included in the fare; and
 - (iii) fare including GST; and
- (g) a separate line item or separate receipt that identifies gratuities the passenger paid for a ride.

Driver & Passenger Ratings

24. The app must allow passengers and drivers to rate one another after a ride.

Service Issue Resolution

25.1 The app must provide passengers with information and a means of contacting the TNSA licensee through the app, by other electronic means or by phone with a number that is toll-free in BC, to:

- (a) address disputes;
- (b) request and obtain lost items; and
- (c) address other service issues or complaints.

25.2 The app must provide the passengers with the e-mail of the Passenger Transportation Branch of the Ministry of Transportation and Infrastructure and indicate complaints not satisfactorily resolved through 25.1 may be e-mailed to the Branch.

Access for Investigators

26. The licensee must provide the Registrar and police a method to access the app and locate a driver or vehicle operating on the licensee's online platform.

F. Dates

Effective Date:
September 16, 2019