

Licence Application Decision

Inter-City Bus (ICB) - New

Application #	7907-19
Applicant & Application Summary	<p>Gillian Mary STAINSBY</p> <p>Trade Name: Lillooet Car Pool, Owl Bus</p> <p>New ICBA Licence</p> <ul style="list-style-type: none">• New Special Authorization: Inter-City Bus Authorization (ICBA)• Operate the following routes on a reservation and/or Flag Drop (fd) basis<ul style="list-style-type: none">A. Lillooet– KamloopsB. Lillooet– WhistlerC. Lillooet– Lytton
Applicant Information	<p>Current Licence: None</p> <p>Proprietor: Gillian Mary Stainsby</p> <p>Office: P O Box 406, Lillooet BC V0K 1V0</p>
Publication of Application Summary	March 18, 2020
Submissions & Public Comments	None received.
Board Decision	<p>The application is approved in whole:</p> <ul style="list-style-type: none">• The new Special Authorization (ICBA) is approved.• Proposed terms and conditions respecting Routes 1, 2 and 3 are approved as set out in the application summary.
More Information	Notice of applications and published decisions are posted in the PT Board Bulletin . For convenience, published documents for recent ICB applications are listed on the bus application webpage .
Decision Date	June 24, 2020
Panel Chair	Baljinder Narang

I. Introduction

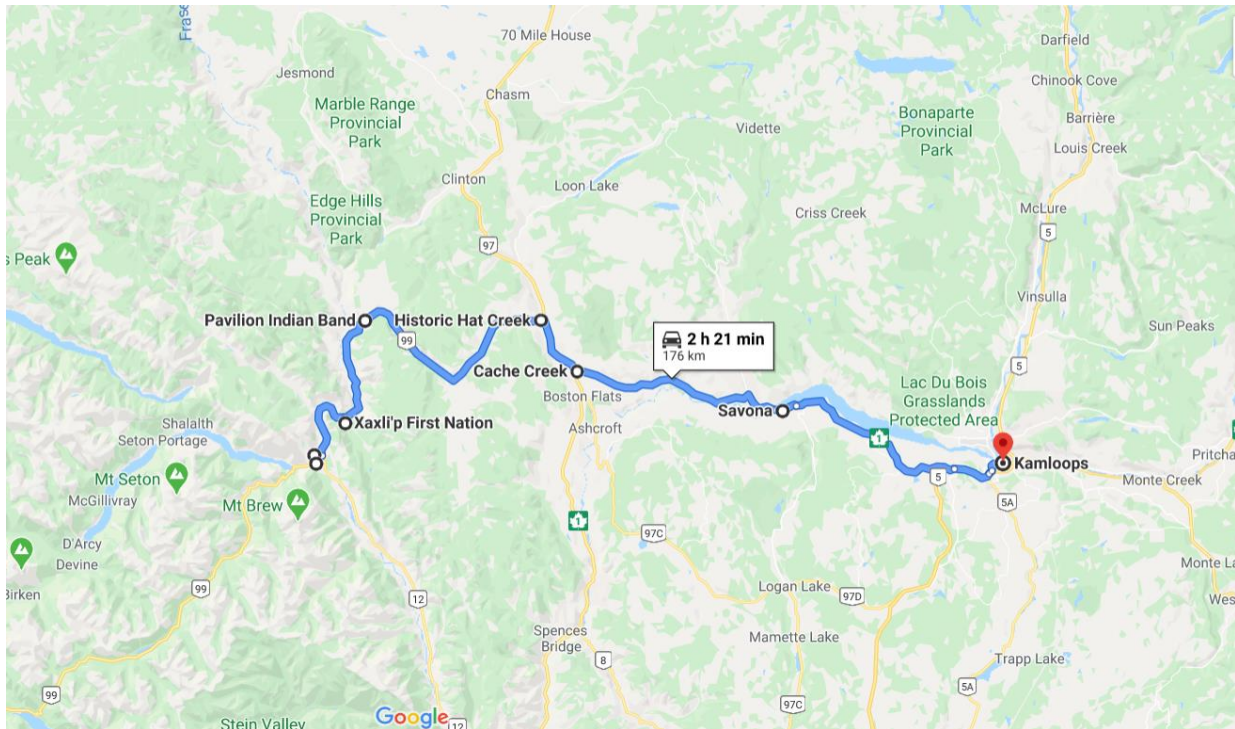
The applicant, STAINSBY, Gillian Mary, doing business as Lillooet Car Pool, Owl Bus (Owl Bus), is applying for a new license to operate inter-city buses (ICBs) on the following three routes on a Reservation or a Flag Drop basis:

II. Applicant's Proposal

Route 1

The applicant proposes a new Route 1 with service of at least 1 round trip per week between the District of Lillooet and Kamloops, and at 7 intermediate stops: Cayoose Reserve, Xaxli'p (Fountain) Reserve, Pavilion Reserve, Hat Creek Ranch, Village of Cache Creek and Savona. The proposed new route is shown in Figure 1 below.

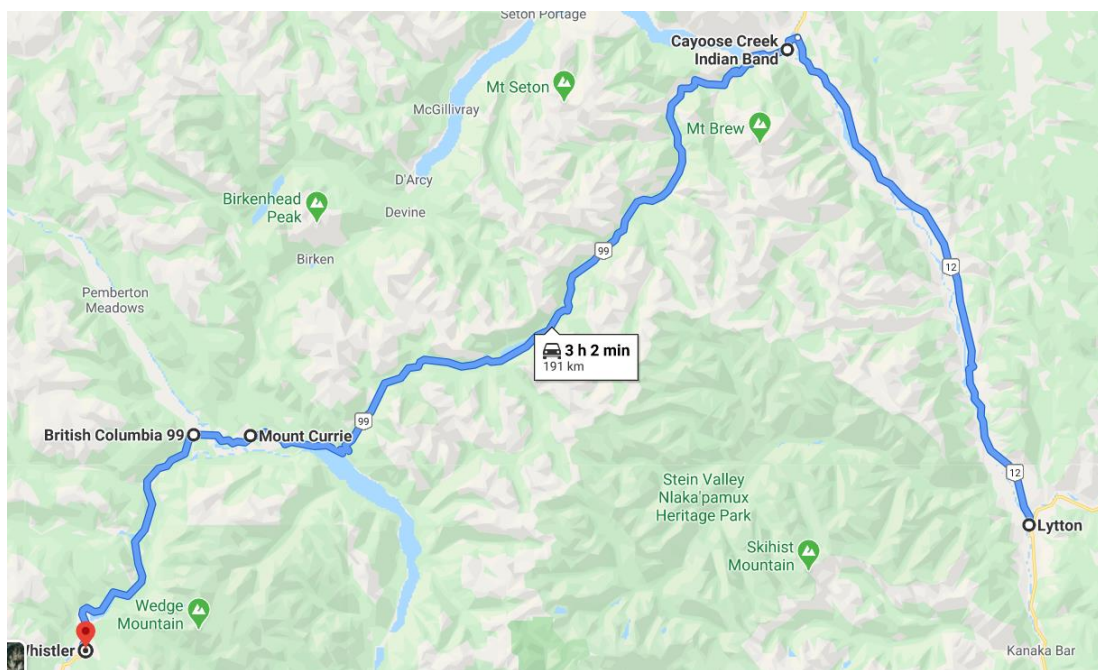
Figure 1: Proposed Route 1



Route 2

The applicant proposes a new Route 2 with service of at least 1 round trip per week between the District of Lillooet and Whistler and at 4 intermediate stops: Cayoose Reserve, Mount Currie Reserve, Pemberton/Hwy 99 Junction and Whistler Gate Transit Hub. The proposed new route is shown in Figure 2 below.

Figure 2: Proposed Route 2

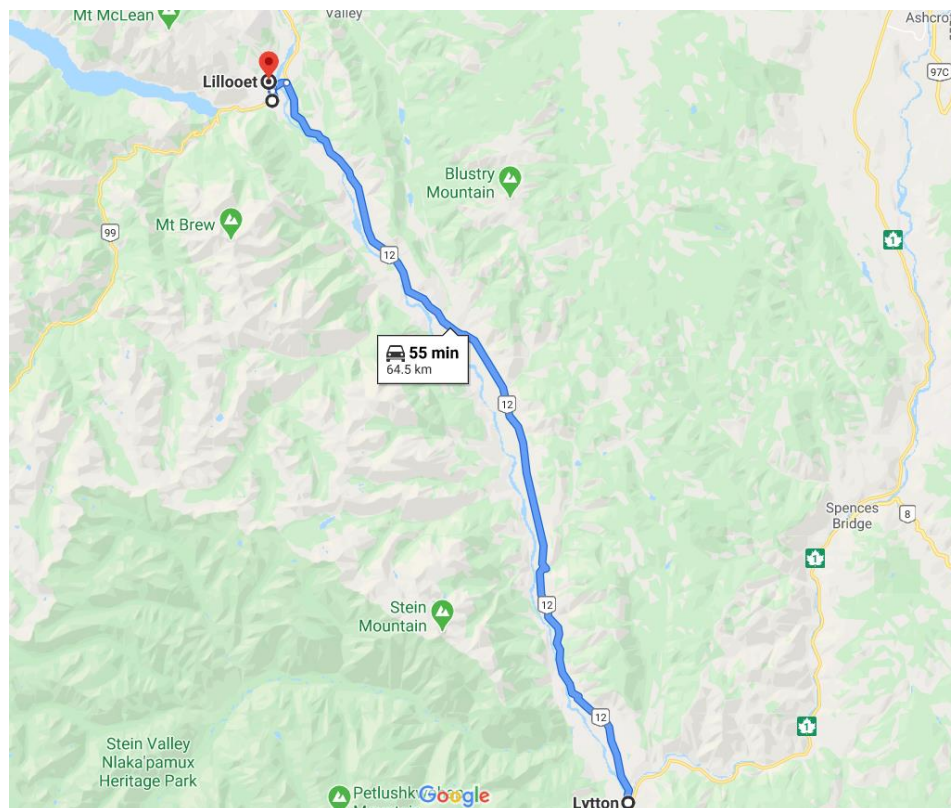


Route 3

The applicant proposes a new Route 3 with service of at least 1 round trip per week between the District of Lillooet and the Village of Lytton, and at 1 intermediate stop: Cayoose Reserve.

The proposed new route is shown in Figure 3 below.

Figure 3: Proposed Route 3



III. Background

Owl Bus is based in Lillooet, BC with a sole proprietor of Gillian Mary Stainsby. Ms. Stainsby is a retired social worker who is an active volunteer, serving her community on local boards including the Lillooet Friendship Centre Society and Disability Alliance BC. She has an unrestricted Class 4 driver's license. In the 1980s, she was a driver for her moving business.

The applicant's head office is in Lillooet, British Columbia.

IV. Mandate & Jurisdiction

This application is made under the *Passenger Transportation Act* (the “Act”). The Act regulates the licensing and operation of commercial passenger transportation vehicles in BC.

Under the Act, the Passenger Transportation Board (the “Board”) makes decisions on applications for inter-city buses. The Board has the authority to consider and approve applications for new licences as well as applications from existing licensees to change terms or conditions of their licences.

The Board’s mandate is stated in section 28 of the Act. Section 28(1) of the Passenger Transportation Act says that the Board may approve, in whole or in part, an application forwarded to it under s. 26(1) after considering whether:

- (a) there is a public need for the service the applicant proposed to provide under any special authorization.
- (b) the applicant is a fit and proper person to provide that service and is capable of providing that service, and
- (c) the application, if granted, would promote sound economic conditions in the passenger transportation business in British Columbia.

The Act allows the Board to, among other things,

- accept evidence and information that it considers relevant, necessary, and appropriate, whether or not the information would be admissible in a court of law. [Section 15]
- conduct written, electronic or oral hearings, or any combination of them, as the Board, in its sole discretion, considers appropriate. [Section 17]
- require further information from an applicant. [Section 27(1)(b)]

Section 26(2) of the Act requires the Board to publish the fact and nature of applications and section 27(3) requires the Board to consider applications and any written submissions it receives as result of publication. Section 27(5) says that people who make submissions are not entitled to disclosure of further information, unless the Board orders otherwise.

If the Board approves an application, it will set terms and conditions of licence primarily with respect to routes and service levels.

V. Procedural Matters

The applicant submitted required forms.

This application is being conducted by way of a written hearing.

The Passenger Transportation Board recognizes that the COVID-19 pandemic may affect the business intentions of some applicants. As such, the Board contacted the applicant on March 27, 2020 to confirm if the applicant preferred to continue with the application process, have its application put on hold until June 30, 2020 or have it withdrawn. The applicant responded on March 30, 2020 and confirmed that it wished to proceed with application process.

The applicant is proposing to conduct pick-up and drop-off service within the boundaries of four First Nations communities. As such, the applicant was asked to provide written confirmation from the elected Band Councils of each community that they are supportive of the need for the applicant's proposed inter-city bus service and to authorize the access to their communities to provide pick-up and drop-off service. The applicant's response is reflected in our decision below.

On March 18, 2020, the Board announced that licensees have the temporary option to reduce or suspend scheduled services that they are normally required to provide as a means to provide inter-city bus operators the flexibility they need to respond quickly to public safety and transportation needs during the coronavirus COVID-19 pandemic. The Board will revoke this temporary option when it is no longer warranted.

This application is being conducted by way of a written hearing.

VI. Applicant's Rationale and Submissions

Public Explanation

The applicant provided the following text in the Application Summary that was published in the *Weekly Bulletin*:

"Lillooet Ride Share/ Owl Bus will provide public transportation services on highways 99 (Whistler to highway 97 intersection) and on highway 12 (Lillooet to Lytton) where there has been no service except for a Health Connections bus. From highway 97, the route will continue onto highway 1 to Kamloops.

All routes begin and end in Lillooet BC, with an overnight stay for people who wish to travel the length of the route e.g. Kamloops to Whistler or the reverse.

There will be a "hop on/ hop off" option for people who live rurally, mostly on reserves, along this route"

Submissions & Applicant's Response

The Board did not receive submissions on this application.

VII. Reasons for the Board's Decision

Section 28(1) of the Act sets out the factors the Board must consider with respect to this application.

(1) Is the applicant a fit and proper person to provide its proposed service, and is the applicant capable of providing the service?

The Board looks at this question as two main parts:

- (a) is the applicant a *fit and proper person* to provide the proposed service; and
- (b) is the applicant capable of providing that service?

First, with *fit and proper*, the *Oxford English Dictionary* defines *fit* as including "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, and deserving." Also, the dictionary defines *proper* as including "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.” When looking at whether an applicant is fit and proper, the Board does so in the context of the passenger transportation industry in British Columbia. This includes the regulatory system that grants businesses a licence which confers on them both the authorization they need to provide their service and an ongoing obligation to operate in accordance with proper standards of conduct.

Second, capability is generally understood to mean that an applicant has the ability or qualities necessary to skillfully and effectively meet its obligations and achieve the results it says it will achieve. When looking at capability, the Board reflects on whether the applicant has demonstrated that it has the knowledge and understanding of relevant regulatory requirements and policies that govern passenger transportation providers, and whether it is able to comply with those requirements. It also looks at whether the applicant has the background, skills and knowledge to manage its proposed service, and the financing to operate it. The Board expects an applicant to demonstrate its competence and ability by providing sound and realistic information in its business plan and financial statements that is consistent and compatible with the transportation service it proposes.

The following evidence was provided with the application and examined:

- NSC carrier certificate number 015-992-519 issued on November 13, 2019;
- Safety Rating: Satisfactory-Unaudited which is acceptable to the Board;
- No complaints or administrative penalties recorded;
- Disclosure of Unlawful Activity and Bankruptcy forms duly signed;
- Unrestricted BC Driver’s License – Class 4.

With no discrepancies noted in any of the above we find the applicant fit and proper.

We have also reviewed the business plan presented that highlights how the service will be managed as a sole proprietorship. The applicant will be the primary driver who has experience driving a commercial vehicle. Any substitute driver would require an unrestricted class 4 licence, a Criminal Record Check and at least one year of driving experience.

The applicant plans to use a four-wheel drive, 4-passenger 1997 Chevrolet Blazer at start-up of the ICB service that has been recently upgraded as a safe and reliable vehicle.

It may be retrofitted with a wheelchair service which is planned sooner than later. Depending on demand, plans include the future purchase of a small bus with a pre-approved loan through the CCEC Credit Union that is contingent on approval of this application. Lease opportunities will also be explored as an alternative. The applicant notes such a plan will reduce maintenance costs.

The applicant indicates that a backup service may involve contracting another ICB company on an “engaged carrier” or charter basis.

The applicant has presented policies relating to consumption of alcohol/drugs; minors; hiring practices; service schedules; safety; and demonstrated understanding of operating a bus service. Her personal knowledge of her community’s transportation needs is commendable. For example, she has operated a carpool service for people traveling to Vancouver. She has also been running the routes proposed with this application (except for the segment of Route 1 between Cache Creek and Kamloops) on a voluntary basis since August 2019 to build ridership, determine need, and safety awareness of nearby highways.

Marketing of the ICB service will include brochures, newspaper advertisements, community radio, social media and notifying the social service agencies including the Lillooet Friendship Centre Society and the surrounding First Nations Reserves regarding its schedules.

Financial information provided includes 3-year cash flow projections (2020-2022) that appear reasonable and relevant. Also included was a Personal Net Worth Statement that is through the CCEC Credit Union that indicates the wherewithal to start-up and sustain the proposed ICB service.

Based on the information and evidence above, we find the applicant fit and proper and capable of providing the inter-city bus service.

(2) Is there is a public need for the service the applicant proposes to provide?

An applicant is required to demonstrate public need by showing that there are people who would use the proposed service. Applicants should provide clear information about the service it proposes, and they should provide supporting evidence that is factual and objective. They should not rely on general claims and their own opinion.

The Board reviews applications and considers the extent and type of need that has been demonstrated for the proposed service.

The Board looks at the state of inter-city bus services in the area where the applicant is applying to operate. The Board considers how the service could benefit the market and whether the market has the capacity to absorb additional services. The Board may consider such things as:

- Will the service fill a gap in the market?
- Has an inter-city bus company recently left the market?
- Has the applicant shown that current service levels are unsatisfactory?

The applicant is applying to operate a weekly bus service on three different routes, all originating from Lillooet, BC on a reservation or Flag Drop basis.

As context respecting public need for ICB additional service in the areas proposed, other ICB operators currently provide service on segments of 2 of the 3 proposed routes as follows:

- On the proposed Route 1 Lillooet to Kamloops via Highways 99, 97 & 1, Gertzen Ventures Ltd. dba Adventure Charters and Rentals provides ICB service with 2 weekly round trip services between Cache Creek and Kamloops on Highway 1 on its Route B and at Lytton on its Route A between Prince George and Surrey.
- On the proposed Route 2 Highway 99 – Whistler north to Highway 97, Cantrail Coach Lines Ltd provides ICB service with 2 trips daily between Vancouver and Pemberton on Highway 99. The service does not extend between Pemberton and Lillooet.
- On the proposed Route 3 on Highway 12 between Lillooet and Lytton there is no ICB service at this time.

In support of public need the applicant provided the following information and evidence:

1. The applicant highlights the unique demographics of the Mid-Fraser area with remote, rural and urban settings. The population figures obtained from the City of Kamloops, District of Lillooet, Villages of Pemberton, Cache Creek, and Ashcroft, Reserves of Douglas Lake, Mount Currie, and the Municipality of Whistler shows

over 112,500 people living in these areas. Nearby reserves including Cayoose, Pavilion, Fountain, T-Bird and Bridge River plus those living in rural areas adds another 8,000 more people to the population base.

2. Information obtained from real estate values and sales indicates a market trend rise in properties for light industry, business, and significantly high rates for residential at +17%. Other economic indicators included information that BC Hydro is doubling its capacity on the nearby Seton Portage power generating system that will take 10 years.
3. With respect to past or other transportation services, there was a truck service called the Stage, and a local train that fulfilled some of the transportation needs of the communities noted in the application. However, both these modes of transportation no longer operate in the community and limited travel options remain on most of the proposed routes. Currently, there is a local Health Connections bus service that offers to Lillooet residents a bi-weekly shuttle bus which cannot be reserved by non-medical passengers and that takes patients to Kamloops for medical appointments. Passengers are able to access this service provided there are vacant seats available, but it is at times oversubscribed.
4. The applicant is concerned about providing a safe passage to the vulnerable and particularly those that hitchhike out of necessity. The applicant references the missing and murdered Indigenous women and girls, those with disabilities, youth with parental permission, and inebriated individuals attempting to reach home safely. The applicant included a poster highlighting a case of a missing woman in 2017 as well as local newspaper articles featuring the need for the proposed service.
5. The applicant included 6 letters of support for the proposed service: One from the Mayor of Lillooet that indicates limited public transit options exist in the area for the public and that the proposed ICB service complements, rather than competes with the Health Connections service that has limitations and overall provides a safe and needed transportation alternative. One letter of support came from the Executive Director of the Lillooet Friendship Centre Society that identifies communities that would benefit from this service including, but not limited to, Lillooet, Xaxli'p, Ts'kw'aylaxw, Hat Creek, Bonaparte Reserve, Cache Creek, Ashcroft, Mt. Currie, Pemberton and Whistler. Other letters of support came from First Nation Reserves that the routes will service. Each strongly supported the applicant's initiative and

provided testimonials to the applicant's competence to provide the proposed service. These include letters from:

- 1 Xaxli'p - Chief and Council
- 2 Ts'kw'aylaxw Indigenous Territory - Chief and Council
- 3 Lilwat Nation - Chiefs and Council
- 4 Cayoose Creek Indian Band – Chief

We accorded the support letters significant weight in demonstrating a public need. The demographic, population and economic data also suggest trends that support a sufficient base of demand for the ICB service proposed.

The applicant has provided an analysis that links its information and statements with its request to operate the proposed ICB service with the level and frequency of service proposed on the corridors outlined. It has provided sufficient evidence, details and information from people, First Nations governments and other organizations, that would use or promote the proposed service. In this respect, we accorded the support letters significant weight in demonstrating a public need.

Further, while several other ICB services provide service on segments of the proposed routes, their services do not meet the overall public need as identified and proposed by the applicant.

We find, as a result, that the applicant has demonstrated sufficient public need for its proposed ICB service on the 3 routes proposed.

(3) Would approving the application support sound economic conditions in the passenger transportation business in British Columbia?

In considering sound economic conditions, 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 the issue from a wide-ranging perspective, which includes a consideration of harm to other industry participants. Generally speaking, it is the Board's view that the overall economic interests of the transportation business weigh more heavily than the economic and financial interests of any particular applicant.

The Board considers how the service could benefit the market and whether the market has the capacity to absorb additional services. It may consider such things as:

- a. Will the service give the public additional transportation options?
- b. Does the marketplace have the capacity to absorb another service?
- c. Are there inter-city bus providers in the target market area?
- d. Will the services supplement another non-transportation business?

The area to be serviced by Owl Bus has a long history of various transportation services. Approving the applicant restores the availability of a needed transportation option and confidence that a reliable service will continue for public use.

Under the circumstances, allowing Owl Bus that is a small-scale operation with 1 vehicle and a reservation-based or flag drop model to meet a current public need is constructive and in the public interest.

Further, the panel finds based on its findings above that the applicant with its local experience, knowledge and lower operating overhead, including a ridership certainty through a reservation system, that it will provide not only a needed ICB service, but one that can grow and continue in the long-term. We believe this service would benefit all the communities it will serve, particularly those in remote locations.

Any impact on current services by other ICB operators on segments of several of the proposed routes should be minimal and allowing the applicant to service larger centers such as Kamloops and Whistler provides passengers with needed connectivity to other longer haul ICB operators and services particularly of a medical nature while enhancing the viability of the operation. Further, the proposed ICB service is distinct from these other ICB operations with respect to the types of vehicles operated, service locations and model. Overall, approving this application should help complement and raise the profile and use of the other ICB operations.

As a result, we find that this application would promote sound economic conditions in the transportation business in B.C.

To ensure a smooth transition of service, we are requiring the applicant to post time schedules and implement its time schedules for the proposed route stops and reservation system by no later than August 31, 2020.

VIII. Conclusion

For the reasons above, this application is approved in whole. The Board establishes notice and activation requirements, and terms and conditions of licence that are attached to this decision as Appendices 1 and 2. These form an integral part of the decision.

STAINSBY, Gillian Mary

Lillooet Car Pool, Owl Bus

Appendix 1

Requirements to Publish Time Schedules

A Passenger Transportation Licence must be issued by the Registrar of Passenger Transportation under section 29 or renewed under section 34 of the *Passenger Transportation Act* before the special authorization approved in this decision may be exercised.

Direction to the Applicant Regarding Notice and Implementation

Unless otherwise ordered by the Passenger Transportation Board, STAINSBY, Gillian Mary must post time schedules online and make available to the public online its reservation system no later than **August 31, 2020** to enable advance bookings.

Direction to the Registrar of Passenger Transportation Regarding Issuance

The Registrar of Passenger Transportation (Registrar) may only issue a licence to STAINSBY, Gillian Mary with terms and conditions approved in this decision and set out in Appendix 2 after the Registrar is satisfied that STAINSBY, Gillian Mary has posted time schedules online and made available to the public its online reservation system.

STAINSBY, Gillian Mary

Lillooet Car Pool, Owl Bus

Appendix 2: Terms & Conditions

(a) Activation:

Licence Required to Operate Vehicles	The Registrar of Passenger Transportation must issue the applicant a licence before the applicant can operate any vehicles approved in this decision.
Destination Area Requested	<ol style="list-style-type: none">1. The applicant must activate at least 1 vehicle by December 15, 2020.2. If the applicant does not meet the requirements set out in 1 above, this Special Authorization expires.3. The Passenger Transportation Board may vary the requirements set out in 1 above, if circumstances warrant.4. If an applicant needs more time to activate vehicles, then the applicant must make a request to the Board by December 15, 2020. <p>Note: "Activate" means that the applicant has submitted the documents required to obtain a Special Authorization Vehicle Identifier to the Registrar of Passenger Transportation.</p>
Notice to Registrar	<ol style="list-style-type: none">1. The Registrar must not, without direction from the Board, issue the applicant a licence or any Special Authorization Vehicle Identifiers if the applicant has not activated at least 1 vehicle by December 15, 2020. <p>Note: "Activate" means that the applicant has submitted the documents required to obtain a Special Authorization Vehicle Identifier to the Registrar of Passenger Transportation.</p>

STAINSBY, Gillian Mary

Lillooet Car Pool, Owl Bus

(b) Licence:

Special Authorization & Proposed Terms & Conditions of Licence

The applicant seeks approval of amendments to its Inter-City Bus Authorization (ICBA) that, if approved in whole, will contain the terms and condition set out below.

Special Authorization INTER-CITY BUS AUTHORIZATION (ICBA) Terms & Conditions	
Definitions	"Board" means the Passenger Transportation Board "Registrar" means the Registrar, Passenger Transportation
A. Legislative Requirements	
Vehicle Identifiers	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: <ul style="list-style-type: none">(a) issued to the licensee by the Registrar; or(b) authorized by the Registrar to be issued by the licensee.
B. Services	
Services	Transportation of passengers must be provided: <ul style="list-style-type: none">(a) on a scheduled basis; and(b) in accordance with minimum frequencies and other terms and conditions of licence that apply to the routes and route points.
Schedules	The licence holder must publish, in a manner accessible to the general public, a schedule for each route with the time and location of each stop; and must carry in each vehicle a copy of the schedule that the vehicle is following.
Service Exception	Routes may only be operated on a "pre-booked" or "reservation required" basis if the route points are: <ul style="list-style-type: none">(c) designated as reservation required in the licence;(d) identified as pre-booked or reservation required in all current; published schedule information; and(e) available at all times for pre-booking or reservation on the

	<p>licensee's website.</p> <p>When these conditions are met and when no reservations have been received for pick up or drop off at one or more points on the route by the time service is scheduled to be provided, the licence holder has the option of not providing service to those points that would otherwise be required.</p>
Alternative Points	The licence holder may pick up or drop off passengers at any location, municipality or unincorporated area that is between the terminating points and along the highway corridors for the inter-city bus routes below.
Route 1	
Terminating Point 1:	District of Lillooet
Terminating Point 2:	City of Kamloops
Corridors:	Highway 99 - 97 Highway 97 - 1
Route Points	Weekly Minimum (each direction)
District of Lillooet	1
Cayoose Reserve	1
Xax'lip (Fountain) Reserve	1 flag drop (fd)
Pavillion Reserve	1 fd
Hat Creek Ranch	1 fd
Village of Cache Creek	1
Savona	1 fd
City of Kamloops	1
Route 2	
Terminating Point 1:	District of Lillooet
Terminating Point 2:	City of Whistler
Corridors:	Highway 99
Route Points	Weekly Minimum (each direction)

District of Lillooet	1
Cayoose Reserve	1
Mount Currie Reserve	1 fd
Pemberton/Hwy 99 Junction	1
Whistler Gate Transit Hub	1
Route 3	
Terminating Point 1:	District of Lillooet
Terminating Point 2:	Village of Lytton
Corridors:	Highway 12
Route Points	Weekly Minimum (each direction)
District of Lillooet	1
Cayoose Reserve	1
Village of Lytton	1
C. Other Requirements	
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> .
Liquor Control and Licensing Act Cannabis Control and Licensing Act	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> .