

OPERATIONAL POLICIES

Effective: May 22, 2020



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I: UNDERSTANDING LEGISLATION

OP I.1 Board Considerations

Purpose	To outline the manner in which section 28(1) of the <i>Passenger Transportation Act</i> will be addressed by the Board in its deliberations and decisions.
Legislation	<p>Section 28(1) of the Passenger Transportation Act states that the Board may approve an application, in whole or in part, after the Board considers whether</p> <ul style="list-style-type: none">(a) there is a public need for the service the applicant proposes 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.
Policy	<p>The Board may approve a licence if all three provisions of section 28 are answered in the affirmative.</p> <p>The Board may refuse a licence if any one provision is answered in the negative.</p> <p>If the Board is approving a licence, it will make conclusions or findings with respect to all three considerations in a decision. If the Board is refusing a licence it may make findings with respect to one or more of the considerations.</p>
Effective Date	August 11, 2004 Revised May 28, 2008 May 22, 2020

OP I.3 Constitutional Questions

Purpose:	To describe how the Board handles constitutional questions (i.e. matters related to the Canadian <i>Charter of Rights and Freedoms</i>).
Legislation:	The Board does not have jurisdiction over constitutional questions (see section 6(3) of the <i>Passenger Transportation Act</i> and section 44(1) of the <i>Administrative Tribunals Act</i> .)
Policy:	<p>The Board does not have jurisdiction to decide constitutional matters, and it does not have jurisdiction to refer constitutional questions to the Court.</p> <p>Where a constitutional question is raised on a matter that is before the Board, the Board will proceed with the normal Board process, unless an applicant makes application to a Court in the nature of a prohibition to prevent the Board from considering the application.</p> <p>Where the Board receives notice that such an application has been made to a Court, the Board may adjourn its proceedings pending the outcome of the Court application.</p>
Effective Date:	June 28, 2005 Revised: May 28, 2008

OP I.4 Reconsideration Based on New Information & Error in Procedure

Purpose	To clarify the meaning and use of “new information” and “error in procedure” as they relate to requests of the Board to reconsider, vary or rescind a previous Board decision under section 21(4)(a) of the Passenger Transportation Act.
Legislation	Section 21(4) of the Passenger Transportation Act states that the Board may reconsider, vary or rescind any decision made by it if the Board is satisfied that (a) information has become available that was not available at the time the decision was made, or (b) there has been an error in procedure.
Policy	<p>“New evidence” is evidence that could <i>not</i> have been obtained if a party had made a reasonable effort to get it prior to the decision.</p> <p>New evidence is <u>not</u> additional or more evidence (such as more letters from potential service users) that is gathered or created after the Board’s original decision. The question that anyone requesting reconsideration should ask themselves is: “If I had made an effort, could I have obtained this evidence before the original decision was made?”</p> <p>The purpose of “new evidence” is to allow the Board to consider evidence that was unavailable at the time the application was decided. It is not to provide applicants with an opportunity to submit more information to correct or rectify an unsuccessful application.</p> <p>“Error in Procedure” relates to the Board’s duty of administrative fairness. The Board has a duty to act fairly and impartially in making its decisions. An error in procedure occurs when the Board does not act fairly. Procedural fairness relates to the Board’s decision making process, not to the outcome of the decision. Disagreement with the Board’s analysis or reasons does not give rise to an “error of procedure”.</p> <p>The Board has developed <i>Rules of Practice and Procedure</i> to outline its processes. Although the Board may vary a rule or timeline “where appropriate in the circumstances”, these rules are normally followed by the Board. Failure to follow a Rule may give rise to an error of procedure.</p>
Effective Date	September 20, 2005 Revised January 31, 2008 May 28, 2008 March 31, 2016 August 11, 2016

II: APPLICATION MATTERS

OP II.I Written Submissions

Purpose	To provide guidance on making written submissions on applications.						
Legislation	The <i>Passenger Transportation Act</i> states that the Board must consider written submissions filed on time and accompanied by the \$50 fee. Timelines for submissions may vary and are stated when the application is posted on the Board’s electronic “ <i>Weekly Bulletin</i> ”.						
Context	<p>A person making a submission does not become a party to the application process.</p> <p>Submissions may support or oppose an application. In practice, most submissions are written by competitors who oppose an application.</p> <p>When reviewing applications the Board considers:</p> <ol style="list-style-type: none"> 1. whether there is a public need for the service the applicant proposes to provide under any special authorization, 2. whether the applicant is a fit and proper person to provide that service and is capable of providing that service, and 3. whether the application, if granted, would promote sound economic conditions in the passenger transportation business in British Columbia. 						
Policy	<p>The Board member reviewing an application file considers all submissions that meet filing requirements.</p> <p>The Board expects submitters to tell the Board why they support or object to an application. Submitters should provide factual information to support general statements. The Board will not speculate as to a submitter’s case.</p> <p>The Board will give more weight to submissions that (a) relate directly to the considerations outlined above and (b) provide the Board with factual information to support or confirm statements.</p> <p>The Board may give little weight to irrelevant information or general statements not supported by facts. For example, a statement that an application should be denied because “there is no public need” is a general statement. It does not provide the Board with factual information or evidence about why there is not public need.</p>						
Effective Date	<table border="0"> <tr> <td>July 14, 2008</td> <td style="text-align: center;">Revised</td> <td>May 28, 2008</td> </tr> <tr> <td></td> <td></td> <td>March 31, 2016</td> </tr> </table>	July 14, 2008	Revised	May 28, 2008			March 31, 2016
July 14, 2008	Revised	May 28, 2008					
		March 31, 2016					

OP II.2 Urgent Public Need (UPN)

Purpose	To clarify the Board’s policy for handling applications where applicants claim “urgent public need.”									
Legislation	The <i>Passenger Transportation Act</i> allows the Board to process an application without publication or receipt of submissions if the Board is satisfied that there is an urgent public need for the service proposed in the application.									
Context	Processing an application on the basis of urgent public need is an exception to the public process for considering applications.									
Policy	<p>“Urgent” is relative to the public’s need, not the applicants. There are limited circumstances where the Board may be satisfied that an urgent public need exists.</p> <p>When assessing an applicant’s claim of “urgent public need,” regardless of the circumstances, the Board may consider such things as:</p> <ul style="list-style-type: none"> • Whether other licensees are available to provide a comparable service to the public • Whether there is a real public demand for the service • How the “urgency” came to exist • Whether any of the “urgency” was due to the applicants’ delay <p>If the Board processes an application on the basis of “urgent public need”, it may impose a time limit on the licence that is less than one year and may require an applicant to submit a full application through regular Board processes.</p> <p>Where the Board denies a claim of urgent public need, an applicant should expect that the application will be returned to the “application queue” so it is processed in the order in which it was initially received by the Passenger Transportation Branch.</p>									
Effective Date	<table border="0"> <tr> <td data-bbox="467 1152 618 1184">July 21, 2004</td> <td data-bbox="745 1152 846 1184">Revised</td> <td data-bbox="894 1152 1105 1184">February 27, 2008</td> </tr> <tr> <td></td> <td></td> <td data-bbox="894 1184 1052 1215">May 28, 2008</td> </tr> <tr> <td></td> <td></td> <td data-bbox="894 1215 1073 1243">March 31, 2016</td> </tr> </table>	July 21, 2004	Revised	February 27, 2008			May 28, 2008			March 31, 2016
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		May 28, 2008								
		March 31, 2016								

OP II.3 Administrative Transfer Applications

Purpose	To streamline application requirements when a transfer application is administrative in nature.
Legislation	Under the Passenger Transportation Act, the Board may approve transfer applications if it considers that an applicant is a fit and proper person and capable of providing service. <u>Note</u> : a transfer application is not required when there is an ownership change within a corporation (i.e. change of shareholders).
Context	The Board looks for opportunities to streamline processes and reduce red tape for licensees and applicants.
Policy	<p>Transfer requirements may be streamlined when the Board is satisfied that the transfer application is administrative in nature, such as when the principals for the transferor and transferee are the same or mostly the same individuals.</p> <p>Examples of circumstances when an administrative transfer may be possible are:</p> <ol style="list-style-type: none">1. A sole proprietor converts the business to a limited corporation and the proprietor becomes the sole shareholder of the new corporation.2. A partner leaves the partnership and the company changes from a partnership to (a) a sole proprietorship, (b) a new partnership or (c) a new corporation. Streamlined transfer application requirements would apply only where a majority of the original partners continue as principals for the transferee.3. One corporation is voluntarily being dissolved and a new corporation is established with the same principals or majority of the same principals. <p>After receiving an administrative transfer application, the Board may require additional information or documents before it makes a decision on the application.</p>
Effective Date	November 3, 2006 Revised May 28, 2008 November 5, 2009; March 31, 2016

OP II.4 Submitting Social Media Information

Purpose	To clarify the use of social media as evidence in Board decision-making
Legislation	The Passenger Transportation Board makes decisions on a variety of applications related to the operation of passenger directed vehicles and inter-city buses.
Context	The Board makes evidence-based decisions. Evidence is information provided to the Board by applicants or submitters to establish their case. Evidence must be reliable, relevant and probative, i.e. capable of proving a fact. Evidence must be capable of being tested and verified.
Policy	<p>Social media has become a major source for public opinion and impromptu expression. Whether it is relevant to an application before the Board will depend upon its probative value. Social media evidence, like other evidence, must be capable of being tested and verified.</p> <p>The Board will review the social media posts and decide what weight they should receive. Quantity does not necessarily equate to relevancy or reliability. More trustworthy and probative evidence will receive more weight.</p> <p>In reviewing public need, the Board finds specific information from individuals about their use of a passenger directed vehicles – how often, when, where, service quality experience – than petitions, form letters or general social media posts.</p> <p>The Board expects applicants (or submitters) to analyze information and tell the Board what it shows or proves. Reams of raw data, such as strings of posts, may not be meaningful to the Board. Putting raw data into a table or chart may show trends or common responses. A sample of the raw data should also be provided for reference</p> <p>The Board must know the identity of people who post on social media sites in case it has follow-up questions. When social media evidence is submitted, the person who submits it is expected to document and authenticate it. The Board does not accept unsolicited social media posts.</p> <p>To document social media evidence, persons submitting such evidence should provide the following:</p> <ol style="list-style-type: none">1. A complete copy of the material being submitted (in writing or electronically)2. The date the material was retrieved3. The URL from where the material was retrieved4. The identity and contact information for the persons who wrote the text, tweet, post or other social media comment, and5. A copy of notice to the people whose social media texts, tweets, posts or other social media comments are being submitted advising them that the information is being disclosed to the Board as part of its consideration of a specific application and may be treated as public information.
Effective Date	April 4, 2012 Revised October21, 2015 March 31, 2016

OP II.5 Festive Season TOPs

Purpose	To increase temporarily the supply of taxis in December and New Year's.
Legislation	Section 38(2) of the Passenger Transportation Act reads: The board may approve an application forwarded to it under subsection (1) if the board considers that there is an urgent and temporary need for the licensee to increase the number of motor vehicles that are or may be operated under the licence.
Context	The Board recognizes that companies may experience increased demand for taxi services in December and on New Year's Eve. Thus, the Board is implementing a TOP application process for Festive Season Temporary Operating Permits ("FS TOPs") that aims to: <ul style="list-style-type: none">• Allow licensees to respond to short-term increases in the need for taxi services during the festive season• Streamline regulatory practices and procedures Municipalities and other agencies or organizations may have additional requirements with which taxi companies must comply.
Policy	Demand for taxis in December and on New Year's Eve (the "festive season") constitutes <i>prima facie</i> evidence of a <i>temporary and urgent need</i> for more taxis during this period. Applicants for Festive Season Temporary Operating Permits (FS TOPs) are not are not required to provide evidence of a <i>temporary and urgent need</i> for more taxis. The following operational policies apply to FS TOPs: <ol style="list-style-type: none">(a) Taxi companies may apply for FS TOPs to increase their maximum fleet of full-time vehicles (e.g. vehicles that may operate 24 / 7) by 10% or by 1 vehicle, whichever is greater. (Percentages are calculated with conventional rounding.)(b) FS TOPs may cover a period of up to 30 days within the time period of December 1st to January 15th.(c) Fees for an FS TOP application are the same as a TOP application.(d) Any permit requests outside the FS TOP parameters must be submitted through the regular TOP process where evidence of "temporary and urgent need" is required.
Effective Date	October 17, 2012 Revised March 31, 2016

OP II.6 Information Requests & Freedom of Information and Protection of Privacy Act (FIPPA)

Purpose	To clarify how FIPPA requests are managed in the context of the Passenger Transportation Act (PTA) and Board processes
Legislation	<p>FIPPA sets out the access and privacy rights of individuals as they relate to the public bodies, such as the PT Board. FIPPA applies to records in the custody or under the control of public bodies. Access to information is provided except where release of that information is prohibited by FIPPA or its release would cause a specific harm.</p> <p>Section 22 of FIPPA protects personal information. Section 21 of FIPPA protects disclosure harmful to business interests of a third party. For section 21 to apply, information must be supplied, implicitly or explicitly, in confidence.</p> <p>Section 61(2) of the Administrative Tribunals Act (ATA) states that FIPPA does not apply to information received by the tribunal in a hearing or part of a hearing from which the public, a party or an intervener was excluded.</p> <p>FIPPA also sets out timelines for responding to requests. Generally, requests must be processed in 30 business days.</p> <p>The PTA sets out Board procedural authorities and how applications are to be considered. Section 27 states that submitters do not have a right to further disclosure of information.</p>
Context	<p>The Board publishes summaries of applications, not complete application packages.</p> <p>The Board sometimes receives FIPPA requests from submitters or other interested parties for access to all application materials before the submission period ends, which is much shorter than the 30 business days permitted by FIPPA.</p>
Policy	<ul style="list-style-type: none"> • The Board will process FIPPA requests within the timelines specified in FIPPA. FIPPA requests will not be given priority over other Board operations to meet submission timelines. Neither will FIPPA requests be delayed unnecessarily. FIPPA requests are one of many activities that the Board must undertake. • Generally, section 21 of FIPPA does not apply to application materials as the information is not considered as submitted in confidence. • Information severed under section 61 of the ATA is the type of information that is set out in the Board’s Rule 17 “Confidential Information from the Applicant”. • The Board may provide PTA applicants with notice of the FIPPA requests and provide them with an opportunity to comment on the material that will be disclosed. • Rule 13 (Late Submissions) of the Board’s Rules applies people who receive disclosure under FIPPA and who then want to make a submission on the application. • Rule16 (supplemental submission) applies to submitters of record who want to make additional submissions as a result of receiving disclosure under FIPPA
Effective Date	March 31, 2016

OP II.7 Peak Season TOPs for Limousines

Purpose	To increase the availability of limousines to respond to seasonal spikes in demand for limousines.
Legislation	Section 38(2) of the <i>Passenger Transportation Act</i> says that the Board may approve an application for a temporary operation permit (TOP) if the Board considers that there is an urgent and temporary need for a licensee to increase the number of motor vehicles that may be operated under the licence.
Context	<p>The Board recognizes that limousine operators provide a discretionary service. As such, they often experience spikes in demand at various times of the year. These spikes may occur during the festive, grad, ski or summer season. To meet cyclical, seasonal demands and serve their client base, operators may need to increase their fleet temporarily.</p> <p>For this reason, the Board is implementing a TOP application process for Peak Season Temporary Operating Permits (“PS TOPs”) for limousines that:</p> <ul style="list-style-type: none"> • Allows limousine licensees to respond to seasonal increases in the need for limousine services • Streamlines regulatory practices and procedures <p>Municipalities and other agencies or organizations may have additional requirements with which limousine companies must comply.</p>
Policy	<p>Generally, the Board will accept that PS TOP applications are required to address a <i>temporary and urgent need</i> for more limousines.</p> <p>(a) PS TOPs may be “cumulative”. In any calendar year, a licensee may apply for a maximum of one of the following PS TOP timeframes:</p> <ol style="list-style-type: none"> a. 3 -30 day PS TOPS, b. 1- 60 day PS TOP and 1 -30 day PS TOP, or c. 1 – 92 day PS TOP. <p>(b) The calendar year starts on January 1st.</p> <p>(c) PS TOPs that cover December may finish on any day up to January 7th of the following year.</p> <p>(d) In any calendar year, the latest date to start a PS TOP is</p> <ol style="list-style-type: none"> a. December 9th for a 30 day permit b. November 9th for a 60 day permit c. October 8th for a 92 day permit <p>(e) The maximum number of vehicles permitted for a PS TOP time frame is:</p>

Fleet Size	Number of PS TOP vehicles permitted.
1 - 10	1
11-23	up 2
24+	up to 3

Operational Policies

- (f) Licensees must indicate the maximum number of vehicles they are requesting when they submit a PS TOP application.
- (g) Originating areas for PS TOPs will be the same as those on the applicant's licence.
- (h) Vehicle capacity and type may be different on a PS TOP than on a licence; however the Board may limit the number of sedan limousines at any time in an area.
- (i) This policy applies only to those licensees who must charge hourly rates pursuant to the Board's *Minimum-Maximum Rates and Standard Rules for Limousines in BC*.
- (j) Fees for PS TOP applications are the same as regular TOP applications.
- (k) TOP requests outside the PS TOP parameters must be submitted through the regular TOP process where corroborating evidence of "temporary and urgent need" is required.

Licensees must manage bookings accordingly and should not expect TOPs over and above PS TOPs unless appropriate supporting data is provided. See [Reference Sheet 17](#).

With any regular TOP or PS TOP application, a panel member may require an applicant to submit more information, or may refuse an application if circumstances, including applicant fitness, warrant a refusal.

Effective Date

July 27, 2016

III: TERMS & CONDITIONS OF LICENCE

OP III.1 Activation of Licences

Purpose	To provide direction on when operators must obtain a licence and vehicle identifiers after the Board approves a special authorization.
Legislation	Section 28 (2) of the Passenger Transportation Act allows the Board to set terms and conditions of licence if it approves an application.
Context	The Board considers current public need for a service when it approves a new application, amendments to existing licences or additional vehicles. To ensure that this public need is addressed, applicants should activate their licence within a reasonable time.
Policy	<p><i>A. New Licence, Transfers (PDVs)</i></p> <p>An applicant must activate at least 50% of the vehicles approved in a decision within 6 months of the date of this decision.</p> <ol style="list-style-type: none"> 1. Unless the Board orders otherwise, if no vehicles are activated, the Board’s approval of the Special Authorization expires 2. If less than 50% of the vehicles are activated within the 6 month period, the outstanding vehicles cannot be activated after the 6 month period without Board approval. <p>If an applicant requires an extension beyond the 6 months, it must make a request to the Board <u>before</u> the end of the 6 month activation period.</p> <p><i>B. Additional Vehicles (PDVs)</i></p> <p>The licensee must activate the additional vehicles within 6 months of the date of the decision. Any additional vehicles that have not been activated within 6 months are no longer approved and the maximum fleet size on the licence is reduced accordingly unless the Board orders otherwise.</p> <p><i>C. New Licence, Transfers (PDVs) – Urgent Public Need Applications</i></p> <p>An applicant must activate at least 50% of the vehicles approved in a decision within 60 days of the date of this decision.</p> <ol style="list-style-type: none"> 1. Unless the Board orders otherwise, if no vehicles are activated, the Board’s approval of the Special Authorization expires 2. If less than 50% of the vehicles are activated within the 6 month period, the outstanding vehicles cannot be activated after the 6 month period without Board approval. <p>If an applicant requires an extension beyond the 60 days, it must make a request to the Board <u>before</u> the end of the 60 day activation period.</p> <p><i>D. Additional Vehicles (PDVs)- Urgent Public Need Applications</i></p> <p>The licensee must activate the additional vehicles within 45 days of the date of the decision. Any additional vehicles that have not been activated within 45 days are no longer approved and the maximum fleet size of the licensee is reduced accordingly unless the Board orders otherwise.</p>

Operational Policies

E. *New Licence, Transfers (ICBs)*

An applicant must activate at least 1 vehicle within **6 months** of the date of this decision.

If an applicant requires an extension beyond the 6 months, it must make a request to the Board before the end of the 6 month activation period.

F. *New Licence, Transfers (ICBs) – Urgent Public Need Applications*

An applicant must activate at least 1 vehicle within **60 days** of the date of the decision.

If an applicant requires an extension beyond the **60 days**, it must make a request to the Board before the end of the **60 day** activation period.

G. *Approvals to amend an authorization*

Unless otherwise specified by the Board, approvals for amendments to licences become effective

(a) when the applicant meets the requirements of section 29(1) of the Act, or

(b) when the licence is renewed pursuant to section 34.

Effective Date

July 21, 2004

Revised

May 28, 2008

March 12, 2012;

March 31, 2016

OP III.2 Contracts & Additional Vehicles

Purpose	To clarify how terms and conditions of licence for passenger directed vehicles may be established if additional vehicles are requested pursuant to a contract.
Legislation	Under the Passenger Transportation Act, licensees must apply to the Board to increase their maximum fleet size. The Board must consider public need, applicant fitness and sound economic conditions in assessing these applications.
Context	At times, licensees may submit a contract as evidence of public need.
Policy	<p>When an applicant relies largely on a contract to demonstrate need for one or more additional vehicles, the decision-making panel will generally establish terms and conditions that:</p> <ul style="list-style-type: none">• Tie all or some of the additional vehicles to the existence of a contract between the licensee and the contracting party.• At the time of licence renewal, requires licensees to submit proof to the Registrar that the contract remains in good standing.
Effective Date	November 3, 2006 Revised May 28, 2008 March 31, 2016

OP III.3 Engaged Carrier Authorization

Purpose	To describe “engaged carrier authorization.”
Legislation	The Passenger Transportation Board must approve all authorizations to operate inter-city buses or passenger directed vehicles. It is contrary to the Passenger Transportation Act to operate a motor vehicle as an inter-city bus or passenger directed vehicle unless authorized under a valid licence.
Policy	<p>To cover the limited circumstances where an inter-city bus or passenger directed vehicle licensee requires immediate assistance to manage passenger overflows, the Board may establish an “engaged carrier authorization” as a term and condition of licence. This authorization will allow other licensees to operate vehicles as inter-city buses or passenger directed vehicles in specific circumstances.</p> <p>The Board may consider letters from authorized inter-city bus or passenger directed vehicle operators as proof of need for an engaged carrier authorization.</p>
Effective Date	August 11, 2004 Revised May 28, 2008

OP III.4 Originating Areas (PDVAs)

Purpose	To describe how originating areas (i.e. passenger pick up areas) may be specified and interpreted on terms and conditions of licence.
Legislation	The Passenger Transport Act allows the Board to establish the terms and conditions of licences for, including originating areas for passengers, for licences that include a passenger directed vehicle authorization.
Context	Persons applying for a new or amended licence to operate vehicles under a licence with a Special Authorization: Passenger Directed Vehicle Authorization must specify passenger pick up areas. These areas must be easily understood by licensees, passengers and enforcement officers.
Policy	<p>General</p> <p>Acceptable ways of stating originating areas include: municipalities, regional districts and highway corridors.</p> <p>An originating area of “anywhere in British Columbia” will not be accepted. Electoral area boundaries, improvement districts, water districts or other less common geographic references will not be accepted to define an originating area or destination area.</p> <p>Highway Corridors (<i>Preferred approach for communities outside the Lower Mainland</i>)</p> <p>Most services operate from a hub and its surrounding areas. Thus, operating areas may be expressed as covering points on a highway corridor between certain communities or other readily identifiable landmarks. For example, “transportation of passengers may only originate from City X and the surrounding area which extends south to ABC, southwest on Hwy 1 to and including LMN Road, west to Ski Resort, and north to Lotus Land”.</p> <p>When an operating area includes reference to a highway corridor, the originating or destination area will include pickup and drop off points at locations and places located on or accessed directly from the specified section of highway.</p> <p>Municipalities & Regional Districts</p> <p>For many existing licences, originating areas are expressed as a “municipality and X number of road kilometres from the municipality”. Under such circumstances, using the name of a village, town, city, regional district, or any other identifiable place means an area within the legal boundary of that place. If a boundary changes, the new boundaries are deemed to apply to any existing licences.</p> <p>If the term “road kilometres” is used to describe an originating area, it means the maximum distance that a licence holder may travel by highway and by a ferry that crosses a body of fresh water. It does not include any distance traveled by a ferry that crosses a body of salt water, unless specified by the Board.</p> <p>When reviewing an application from an existing licensee or new applicant, the Board may re-write the originating area using the highway corridor or regional district approach. Generally, licensees will be given an opportunity to comment on the wording before it is adopted.</p> <p>Transportation Network Services</p>

Operational Policies

The Board has established regions for persons applying for a new or amended licence to operate vehicles under a licence with a Special Authorization: Transportation Network Services Authorization. These are found in the Transportation Network Services Application Package.

Effective Date

Merged Policies:

August 11, 2004 (Licence Districts)
November 10, 2004 (Originating Area)
March 1, 2006 (Municipal Boundaries)
March 31, 2016 (Road Kilometres)

Revised: May 28, 2008
March 6, 2013
March 31, 2016
May 22, 2020

OP III.5 Vehicle Capacity & Banding

Purpose

To outline the meaning of vehicle capacity and how it is stated in terms and conditions of licence for passenger directed vehicles.

Legislation

The Passenger Transportation Act & Regulations define a "**passenger directed vehicle**" as a commercial passenger vehicle that (a) can accommodate a driver and not more than 11 passengers, (b) is operated to and from locations determined by the passenger or group of passengers or by a person acting on behalf of the passenger or group of passengers, (c) with perimeter seating, regardless of how many passengers the commercial passenger vehicle can accommodate

Context

Vehicle capacity should be stated in such a way as to give operators flexibility with respect to fleet management yet maintain distinctions among vehicle categories.

Policy

A. Vehicle Accommodation

Vehicle accommodation is the maximum number of passengers plus a driver that a vehicle can legally accommodate at any one time.

If an operator uses a vehicle with a manufacturer’s carrying capacity of greater than 12 persons and removes any seats or seatbelts, so that the vehicle can only accommodate 11 passengers or less (and a driver), then the vehicle meets the definition of a passenger directed vehicle and a special authorization is required from the Board for its operation.

B. Vehicle Capacity Bands for Terms and Conditions of Licence:

Unless the Board specifies otherwise, vehicle capacity on terms and conditions of licence applications will be in one of the following bands:

- | | | |
|------------|---|---|
| T | Vehicles must be able to accommodate a driver and not less than 2 passengers and not more than 7 passengers | <p><u>Taxis</u></p> <p>Vehicle operations would be classified as a taxicab if licensees:</p> <ul style="list-style-type: none"> a) Charge metered rates and have Board authorization to use a taxi meter, or b) Charge non-metered rates and have a licence that contains express authorization to use a top light or pick up hails and flags from the street, and operate one or more vehicles that carry no more than 7 passengers. |
| SL | Vehicle must be able to accommodate a driver and not less than 3 passengers and not more than 5 passengers | <p><u>Sedan Limousines</u></p> <p>Vehicles must bear a National Safety Mark or Compliance Label as a passenger car under the Canada Motor Safety Act that has 4 passenger doors, a closed body and a wheel base of not less than 113 inches (287.02 cm).</p> |
| LV | Vehicle must be able to accommodate a driver and not less than 6 passengers and not more than 11 passengers | <p><u>Large Vehicles</u></p> <p>E.g. Limousines, larger passenger vans, sport utility vehicles, etc.</p> |
| PSB | Vehicle accommodates A driver and 12 passengers or more. | <p><u>Perimeter Seating Buses</u></p> <p>E.g. super stretch limousines and limousine buses</p> |

***NOTE:** Vehicle capacity focuses on the seating capacity of the vehicle, not on the actual number of passengers that a licensee transports at any one time.*

Unless otherwise stated on the terms & conditions of licence, the number of passengers that a licensee transports ranges from 1 to the maximum number of passengers that a vehicle may legally carry.

Operational Policies

	M	Vehicles must be able to accommodate a driver and not less than 1 passengers and not more than 2 passengers	<u>Motorcycles</u> Vehicle must be a motorcycle as defined by the <i>Motor Vehicle Act</i>
Effective Date		November 10, 2004 (vehicle capacity) July 5, 2007 (banding)	Revised & Merged May 28, 2008: Revised: March 31, 2016

OP III.6 Specialty PDV Vehicles

Purpose	To explain Board terms and conditions with respect to <i>specialty vehicles</i> .	
Legislation	Section 28 (2) of the Passenger Transportation Act allows the Board to set terms and conditions of licence if it approves an application.	
Context	Some applicants base their applications for passenger directed vehicles on the use of a specific type of vehicle.	
Policy	<p>If the Board approves an application in which public need and sound economic conditions are linked to the use of a certain type of vehicle, the Board may establish the use of specialty vehicles as a term and condition of licence. Examples of specialty vehicles include:</p> <ul style="list-style-type: none"> ◆ <i>Accessible taxis or vehicles</i> ◆ <i>Classic (vintage) vehicles</i> ◆ <i>Convertibles</i> ◆ <i>Four-wheel drive or all-wheel drive passenger vans</i> ◆ <i>Sedan limousines</i> ◆ <i>Sport utility vehicles</i> ◆ <i>Specific make of a vehicle, such as a Rolls Royce or Bentley</i> 	
Effective Date	November 10, 2004	Revised May 28, 2008 March 31, 2016

OP III.7 Definition of Vancouver International Airport

Purpose	To clarify the term “Vancouver International Airport” (YVR) as it is used in some terms and conditions of licence.
Legislation	The <i>Passenger Transportation Act</i> , section 28(2)(a), enables to the Board to establish terms and conditions of licence on Special Authorization licences.
Context	<p>Some taxi and limousine licences permit or prohibit the origination or destination of passengers at the “Vancouver International Airport” (YVR).</p> <p><i>YVR is located on Sea Island, in the City of Richmond. Facilities at the airport proper include two parallel east-west runways and one cross-wind runway. Connected International and Domestic terminals serve destinations in Canada, the United States and around the world. The South Terminal serves smaller communities across British Columbia. As well, 3 Canada Line stations are located on Sea Island to serve Vancouver International Airport.</i></p> <p><i>There are many businesses and organizations located on Sea island as well as airline maintenance, helicopter and executive aircraft facilities, and a floatplane base.</i></p>
Policy	For the purposes of terms and conditions of licence, unless otherwise specified, a reference to the “Vancouver International Airport” or “YVR” should be read as referring to the international, domestic or south terminals of the Airport, together with all Canada Line stations located on Sea Island. It does <u>not</u> refer to other businesses and organizations on Sea Island in the Municipality of Richmond.
Note:	This policy clarification is only applicable to terms and conditions of licences approved by the Passenger Transportation Board. Ground transportation at YVR is managed by the Vancouver Airport Authority (YVRA) which may have additional requirements or regulations governing the pick up and drop off of passengers at the Airport.
Effective Date	June 24, 2009 Revised March 31, 2016

IV: VEHICLES

OP IV.1 Accessible Taxis

Purpose

To outline the Board’s policy goals with respect to accessible taxi service.

Legislation

The Passenger Transportation Act, section 28(2)(a), allows the Board to establish terms and conditions that are to apply to a licence.

Context

The taxi industry is first and foremost a service industry. Taxis provide service for the general public. This includes people with disabilities and those who use wheelchairs or other mobility aids.

Accessible and conventional taxi services should both be available to the public. Wheelchair accessible taxis that a licensee operates should be managed and dispatched on a priority basis so the transportation needs of people mobility devices are adequately met.

Vehicle Minimums and Options

Licensees may, on their own initiative, operate any number of the taxis in their fleet as wheelchair accessible vehicles. Any wheelchair accessible vehicle must meet vehicle standards set out in Division 44 (“Accessible Taxis”) of the Motor Vehicle Act Regulations.

Applications to Increase Taxi Availability

When an applicant proposes to increase the number of taxis in their fleet or community, the Board looks to evidence supplied by the applicant to show the level of public need for all types of taxi services in the area. The Board may consider the need for both conventional and accessible services—whether or not an applicant seeks to add wheelchair accessible services. For applicants that serve medium-sized or larger communities, the Board expects them to include information about accessible services they provide and alternatives that are available in their community.

Rates

The Board makes no rate distinction between wheelchair accessible taxis and conventional taxis.

Dual Use

Wheelchair accessible taxis are dual use. This means they may carry passengers whether or not a passenger has a wheelchair, scooter or other mobility device.

Flip Seats

Some licensees have express authorization to install flip seats in their accessible taxis. This increases vehicle capacity to carry more passengers and more luggage. It also gives drivers sources of revenue that are not available to drivers of smaller, conventional taxis. This helps to offset the higher costs of operating wheelchair accessible taxis.

Operational Policies

Policy

General

The goal is to have wheelchair accessible taxis integrated with taxi fleets in communities across British Columbia that have 8 or more taxis in operation. The Board may consider the need for wheelchair accessible taxis in communities with less than 8 taxis. It may do this in communities that have a high proportion of people 65 years of age or older or are known to have a high disability rate.

When making decisions about terms and conditions for accessible taxis, the Board will consider the characteristics of the community. Such considerations may include matters such as age and population demographics, the total number of conventional and wheelchair accessible taxis in the community, and proximity of the community to other transportation markets.

Applications

Except for operators in smaller communities, applicants seeking additional taxis are required to give the Board an Accessible Service Plan. This document includes a priority dispatch plan, company details (accessible equipment, training, services, and management) and information about other accessible transportation services in their community.

Terms and Conditions

If the Board approves an application for a new taxi service, or to add vehicles to an existing taxi fleet, it may approve or set terms and conditions that establish requirements regarding the operation of wheelchair accessible taxis.

When the Board specifies a minimum number of wheelchair accessible taxis, it will specify as a term and condition of licence that wheelchair accessible vehicles are dispatched on a priority basis to persons with mobility aids who require accessible transportation. In addition, the Board may specify as a term and condition minimum operating requirements for wheelchair accessible taxis. Operators approved for accessible taxis will also be approved for the installation of flip seats.

Effective Date

February 27, 2008	Revised	May 28, 2008
		March 12, 2012
		January 29, 2015
		March 31 2016
		May 22, 2020

OP IV.2 Eco-Friendly Taxis

Purpose	To encourage the use of eco-friendly taxis in British Columbia.		
Legislation	The Board set terms and conditions of licence, including types of vehicles that may be used.		
Context	The use of eco-friendly vehicles has environmental benefits for society as well as economic benefits for taxi companies and drivers. Eco-friendly taxis are used in many urban areas in British Columbia.		
Policy	<p>When an applicant seeks to start or expand a fleet of taxis, the Board applies the three-part test. This is set out in section 28(1) of the Passenger Transportation Act.</p> <p>If the Board approves an increase in the supply of taxis in Metro Vancouver or the Capital Regional District (CRD), all conventional taxis must be eco-friendly vehicles.</p> <p>The Board may also require the use of eco-friendly taxis in other areas of the province. Before issuing a decision, the Board will advise an applicant of its intent to apply the policy. The applicant will have an opportunity to respond.</p>		
Eco-friendly vehicles	<p>“Eco-friendly vehicles” include any vehicle with an all-electric or gas-electric fuel source. They also include any vehicle, 2006 model year or newer, that meets any one of the following criteria:</p> <ul style="list-style-type: none"> • any motor vehicle with a combined fuel consumption rating (“CFCR”) of 6.9 litres per 100 km or less • any “special purpose vehicle” (i.e. SUV) or “full size” vehicle with a CFCR of 8.0 litres per 100 km or less, or • any “van” or “minivan” with a CFCR of 10.1 litres per 100 km or less. <p>For the purposes of this policy, CFCR is determined by adding 55% of the vehicle's city fuel consumption rating to 45% of the vehicle's highway fuel consumption rating. These calculations are based on data submitted by each vehicle's manufacturer to Transport Canada's Vehicle Fuel Efficiency Information System. Fuel consumption data is published by vehicle manufacturers and Natural Resources Canada.</p>		
Effective Date	May 16, 2007	Revised	July 11, 2007 January 31, 2008 May 28, 2008 December 10, 2008 November 2, 2011 March 31, 2016

OP IV.3 Sedan Limousines

Purposes

To set requirements for sedan limousines and eco-friendly sedan limousines.

Context

Sedan limousines and sedan taxicabs are comparable in that they both have a seating capacity that can accommodate up to 5 passengers plus the driver. These vehicles are used to provide separate and distinct services. Board policies reflect these distinctions. For example, minimum hourly rates and vehicle size requirements for sedan limousines reflect luxury standards and vehicle styles that are generally expected when hiring a limousine service. Such distinctions prevent confusion in the marketplace, facilitate the provision of appropriate transportation services, and promote sound, economic conditions in the provincial passenger transportation business.

The Board also supports measures taken to reduce greenhouse gas emissions in all transportation sectors. Thus, the sedan limousine definition includes some smaller eco-friendly vehicles.

Policy

The Passenger Transportation Board defines “sedan limousine” and “eco-friendly sedan limousine” as set out below.

A “sedan limousine” is:

1. a motor vehicle that has 4 passenger doors and a closed body, bears a National Safety Mark or Compliance Label as a passenger car under the Canada Motor Safety Act, and
 - a. has a wheelbase of not less than 113.0 inches, or
 - b. is a 2012 model or newer and has an overall length of not less than 202.0 inches; or,
2. an “eco-friendly sedan limousine”.

An “eco-friendly sedan limousine” is a motor vehicle that has 4 passenger doors and a closed body, bears a National Safety Mark or Compliance Label as a passenger car under the Canada Motor Safety Act, and

1. has a wheelbase of not less than 112.0 inches,
2. is powered by a hybrid of gasoline and electricity, electricity or bio-diesel
3. has a manufacturer’s suggested retail price (MSRP) of not less than \$50,000 Canadian, and
4. the vehicle is not more than 24 months old when the licensee first requests a vehicle identifier from the Registrar.

Effective Date

July 9, 2008	Revised	July 14, 2008
		July 31, 2008
		June 4, 2014
		March 31, 2016

V: RATES

OP V.1 Taximeter Rate Changes

Purpose	To ensure that metered rate changes are transparent to the public.
Context	When flag, distance and waiting time rates are adjusted on a taxi meter, only the change in flag rate is immediately apparent to passengers.
Policy	Applications for any change to a metered taxi rates must include a change to the flag rate.
Effective Date	July 9, 2008

OP V.2 Transportation of Personal Baggage

Purpose:	To clarify that taxi operators may not charge for the transportation of a passenger's personal baggage.
Legislation:	<p>Under the <i>Passenger Transportation Act</i>, the Board may approve or set rates charged by a licensee operating passenger directed vehicles. Under the Act, "rates" includes discount fares, deadhead charges, round trip fares, point-to-point fares, minimum charges, and any other fees or charges."</p> <p>The <i>Motor Vehicle Act Regulations</i> provides a definition of "freight" that expressly excludes "a passenger's personal baggage." Freight and charges for freight are not subject to regulation under the <i>Passenger Transportation Act</i>.</p> <p>The <i>Motor Vehicle Act Regulations</i> defines "accessible taxi" as a taxi having a gross vehicle weight rating of not more than 4 500 kg, which is designed and manufactured or converted for the purpose of transporting persons who use mobility aids. It also defines "mobility aid" as a device, including a manual wheelchair, electric wheelchair and scooter, that is used to facilitate the transport, in a normally seated orientation, of a person with a physical disability.</p>
Policy:	<p>Taxi operators must charge Board-approved rates whenever they are providing transportation for passengers.</p> <p>For the purposes of this policy, passenger transportation includes the transportation of passengers and any personal baggage, including domestic pets.</p> <p>Personal baggage includes items such as luggage, parcels and equipment that would fit in the trunk of a mid-sized, sedan-style taxicab. In circumstances where it is difficult to determine whether an item is personal baggage or freight, the presumption is that it is personal baggage.</p> <p>No extra fees may be charged for the transportation of personal baggage, mobility aids or assistance dogs. The transportation of domestic pets is at the discretion of taxi drivers or companies.</p>
Effective:	February 4, 2009 Revised: July 15, 2009 April 4, 2012

OP V.3 Taxi Rate Harmonization & Equalization

Purpose:	To clarify the “harmonization” and “equalization” options for establishing common taxi rates in the same geographical area.
Legislation:	Under the <i>Passenger Transportation Act</i> , the Board may approve or set rates charged by a licensee operating passenger directed vehicles.
Policy:	<p>The Board seeks to preserve the ability for a taxi licensee to propose rates that will enable it to provide a safe and reliable transportation service for passengers. At the same time, the Board is generally supportive of licensee efforts to establish or maintain common rates among companies operating in the same area. For licensees in the same area to establish common rates, they must make a “rates harmonization” request, or submit a Change of Rates application that includes a “rates equalization” rationale.</p> <p><i>Rates Harmonization</i></p> <p>Rates harmonization is a process where the current rates of two or more taxi companies are weighted and averaged. “Rates harmonization” requests are sent by licensees directly to the Board. A rationale for the harmonization request must be included. If the request is accepted, the rates of two or more companies will be weighted and averaged to derive a common rate. The rates of some companies may decline, and the rates of others may increase. Where less than 100% of the affected companies have requested rates harmonization, the Board may provide the other companies with an opportunity to comment and indicate whether they wish to participate.</p> <p><i>Rates Equalization</i></p> <p>Rates equalization is a request for parity with the rates of one or more other licensees in the area. A Change of Rates application must be sent to the Passenger Transportation Branch to propose “rates equalization” and establish parity with the rates of other licensees in an area. Applicants must include a rationale for the equalization request, along with an indication of whether other licensees in the area support the request.</p> <p><i>Changes to Common Rates</i></p> <p>If a common rate is in effect in an area, an individual licensee may make a change of rates application to establish its own rates. In addition to normal requirements that apply to a “change of rates” application, applicants must provide a rationale and supporting documentation for charging rates that are higher or lower than the common rate.</p>
Effective date:	July 15, 2009

OP V.4 Certificates, Cards, Coupons & Vouchers

Purpose	To clarify when and how a licensee may distribute gift certificates, gift cards, coupons and vouchers for passenger transportation services.
Legislation	Under the Passenger Transportation Act, operators of taxis, limousines and other passenger directed vehicles must charge rates that the Board sets or approves.
Context	Various types of certificates, gift cards, coupons and vouchers are used by taxi and limousine companies as part of their business operations. The Board does not normally review the certificates and vouchers that licensees are using.
Terms	“Certificates” refers generally to gift certificates, gift cards, coupons, vouchers and other printed or electronic ways of giving advance payment credit for passenger transportation trips.
Policy	Certificates make business sense and are acceptable as long as they do not undermine or undercut Board approved rates.
Principles	<ol style="list-style-type: none"> 1. Taxi drivers must at all times charge passengers Board approved rates, either metered rates or other rates. 2. Certificates must: <ol style="list-style-type: none"> a. not result in universal discounts to the public of Board approved rates b. have a stated dollar value c. be handled like cash by companies and drivers; that is, in cases where a trip costs less than the certificate amount, the passenger gets change or credit for the unused part, and in cases where a trip costs more, the passenger pays the difference 3. Certificates may only be: <ol style="list-style-type: none"> a. donated by a taxi licensee to a registered non-profit or charity or to the organizer of a public, community event such as a tourism promotion or festival, but not a bar or entertainment establishment b. given to an individual as a customer service response to a legitimate and specific customer complaint c. Taxi Licensees may only sell certificates to people for the stated value of the certificate. For example, a licensee must sell a \$10 certificate for \$10 dollars. There must not be “discounts” for bulk purchases.
Effective Date	December 9, 2009 Revised December 8, 2010 March 6, 2013

VI: APPEALS

OP VI.1 Administrative Penalty Appeals

Practice	To outline Board policy when making decisions on appeals from a decision of the Registrar to impose an administrative penalty.
Legislation	Under the Passenger Transportation Act, the Board may confirm or rescind an administrative penalty imposed by the Registrar of Passenger Transportation.
Context	The Act does not set out specific criteria to guide the Board's exercise of discretion with regard to appeals.
Policy	<p>The Board must exercise its discretion having regard to the objects of the Act. This requires consideration of public need, fitness to provide services, and the promotion of sound economic conditions in the passenger transportation business in this province, as well public safety. In addition, the Board will consider any relevant factors that the appellant raises with regard to its appeal. Other relevant matters may include those factors that the Registrar of Passenger Transportation is required to consider pursuant to section 46 (2.1)(a)-(h) of the Passenger Transportation Act.</p> <p>The defense of due diligence may be available to appellants.</p>
Effective Date	September 12, 2007 Revised May 28, 2008 March 31 2016 May 22, 2020