Passenger Transportation Board
MOVING FORWARD, TOGETHER

Notice of Terms and Conditions Update

January 4, 2024

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Notice of Terms and Conditions Update to the following licensees:

- Transportation Network Services
- Inter-city bus
- Limousine
- Other Passenger Directed Vehicles

The Passenger Transportation Board is providing notice to transportation network services, inter city bus, limousine, and other PDV licensees of changes the Board intends to make to Terms and Conditions (T&Cs) in their licences.

Introduction

What is this notice about?

Section 31 of the Passenger Transportation Act (“Act”) allows the Board to “mass update” T&Cs on licences. This is to provide notice to above licensees specifically of the need to update their T&Cs, and the reasons for those changes, and provide licensees with an opportunity to comment.

If a licensee wishes to provide comment on the proposed updates to T&Cs, your comment must be in writing and provided to the Board by Friday January 19, 2024. Please send your comment with the subject line “mass update of licences” to:ptboard@gov.bc.ca. There is no fee for making comments.

What is the “mass update” process?

Under section 31(3) of the Act, the Board may issue a direction to the Registrar, on its own initiative and in circumstances outside of the licence renewal process, to amend licences for the purposes of:

- Correcting an error;
- Standardizing T&Cs of all licences, or in a specified class of licences; or,
- Making licences comply with amendments made to the Act or regulations.

In this case, the Board has determined that there are updates needed to licences to standardize T&Cs and make licences comply with the amendments made to the Act in 2019. In this case, the Board has determined that the following licences are a specified class of licences:

- Inter-city bus (ICB);
- Transportation Network Services (TNS);
- Limousines; and
- Other Passenger Directed Vehicles (PDVs).

Why are changes being made to licence terms and conditions?

When the Act was amended in 2019, there were certain directions provided to the Board regarding T&Cs, under sections 28 of the Act. Those requirements are detailed below. Due to resource constraints, only licences that were brought before the Board for decision after 2019 have been amended to reflect these directions. The Board is now updating the T&Cs of all licences to comply

with the Act and to standardize the licence T&Cs.

Why aren't taxi licences being amended?

A notice to taxi licensees was published on July 12, 2023, advising them of a mass update to their terms and conditions of licence. These updates are now complete. The Board is now going through the same process of "mass updating" of remaining licences, including TNS, ICB, PDVA: Limo, and PDVA: Other PDV licences.

What happens after this notice and comment process?

After considering any comments received from licensees, the Board will make a final decision on these updates. The Board will let the licensees know the outcome via the weekly Bulletin on the Board's new website. Any direction notice would then be sent to the Registrar's office, who would be responsible for sending out revised licences to the appropriate sector.

Proposed changes

1. Section 28(2) – specifying licence type

28(2) states that "If the Board approves an application for a licence, the Board must specify the special authorizations that should be included in the licence, if issued."

Currently licences say "Special Authorization" at the top, but do not generally specify what kind of Special Authorization. To comply with this section of the Act, the Board would like to add a category of Special Authorization, such as "Transportation Network Services Authorization", "Inter-City Bus Authorization" or "Passenger Directed Vehicle Authorization." As well, in the interests of clarity, the Board intends to add the sector type to the licence of PDVAs, such as "PDVA: Taxi" or "PDVA: Limousine."

T&C Wording (specifying licence type)

- Add the category of Transportation Network Authorization, Inter-city Bus Authorization or Passenger Directed Vehicle Authorization to the top of the licence, below the term “Special Authorization” and above “Terms & Conditions.”

- Add the “PDVA: Limousine” or “PDVA: Other PDV” sector type under the category of authorization “Passenger Directed Vehicle Authorization” and above “Terms & Conditions.”

2. Section 28(3)(a) – equipment and technology – TNSA/PDVA

Section 28(3)(a) of the Act provides that the Board may establish T&Cs respecting 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.

Apps TNSA & PDVA

On applications that came before the Board since 2019, the Board incorporated T&Cs for apps through supplementary T&Cs(163 KB), However, the Board is consolidating T&Cs in one place on the licence. Therefore, the app T&Cs will be placed on all TNSA & PDVA licences to standardize these T&Cs across all licensees:

TNSA T&C Wording (apps)

Applications (apps) General requirements	1. The app used for a transportation network service must: a) allow passengers to hail and pay for a single ride with the same app; b) connect drivers and passengers through its online platform; c) have geo-fencing capability; d) only connect drivers with passengers for pick up and drop off as specified in the “Originating Areas and Other Requirements” section of this licence; e) display and transmit information in English and may display and transmit the same information in other languages;
Calculating fares	f) calculate 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;
W3C standards	g) transmit an electronic receipt immediately after payment is processed; h) comply with World Wide Web Consortium (W3C) standards for mobile accessibility;

Shielding driver and passenger information	i) shield the last name, phone number and email address of the driver from the passenge j) shield the last name, phone number and email address of the passenger from the drive k) give the app user an option to request a wheelchair accessible vehicle, if the licensee operates them;
Collecting personal health information	l) not collect or record personal health information about a passenger or the use of mobil aids without the consent of app user; m) retain, in a retrievable form, consent obtained pursuant to section 1(l) above until such consent is withdrawn or no longer required; n) protect information referred to in section 1(l) above by a password or biometric safeguard that the app user may access to see or modify the information; o) (i) allow the app user to change or delete information referred to in section 1(l) above, (ii) provide instructions to the app user on how to have information referred to in section 1 above in the app changed or deleted; p) make any changes requested by passengers under section1(o) above within 14days o request being made;

Fare estimates or upfront fares	q) provide to the passenger, before the passenger agrees to a ride, either: (i) an estimated fare, or (ii) an up-front fare that is set before the trip begins and paid at the end of the trip, subjec to 1(s) below that is based on travel distance and time information available when a passenger reques a ride; r) indicate clearly to the passenger that an estimated fare pursuant to 1(q)(i) above is: (i) an estimate only; and (ii) the passenger will pay a fare at the end of the based on the actual travel time or distance, or both of the trip; s) at the end of the ride for which an up-front fare was agreed to by the passenger, calculate the up-front fare unless: (i) a change is made to the requested destination or (ii) the ride's estimated time or distance diverge by 5% or more from the actual time or distance of travel; and (iii) the app, before the end of the ride transmits the following information to the passenge A. notice that the up-front fare has been suspended or replaced; B. the new method and applicable rates for calculating the fare; C. contact information or an in-app channel to get more information about the change, or dispute the change;

Information given to a passenger before the ride starts	t) transmit to the passenger before the passenger enters the vehicle: (i) the driver's first name; (ii) the driver's photo; (iii) the make, model, colour and BC number plate of the vehicle; (iv) a prominent notice that the above-noted information is important for passenger safety
Information recorded when the ride is hailed	u) record at the time a vehicle and driver are hailed: (i) the time, date and location where and when the passenger is to be picked up; (ii) the destination where the passenger is to be discharged; (iii) driver's first name, photo and a unique identifying number for the driver; and (iv) the make, model, year, colour and BC number plate of the vehicle;
Real time GPS tracking	(v) provide real-time GPS tracking and that shows the passenger the vehicle on route to the passenger and the route the vehicle follows while carrying the passenger;
Information given to a passenger at the end of the ride	w) immediately at the end of the ride provide to the passenger an electronic receipt containing: (i) the passenger's first name; (ii) the driver's first name; (iii) the time and date that the TNS vehicle service was arranged; (iv) the location and time where and when the passenger was picked up; (v) the location and time where and when the passenger was dropped off; (vi) fare information that includes separate line items for: A. charges for the ride; B. GST included in the fare; C. fare including GST; and D. any gratuities a passenger voluntarily paid;
Tips voluntary	x) not require a passenger to pay a gratuity;

Ratings	y) allow passengers and drivers to rate one another after a ride; z) 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: (i) address disputes; (ii) request and obtain lost items; and (iii) address other service issues or complaints; and aa) provide the passengers with the e-mail of the Passenger Transportation Branch of th Ministry of Transportation and Infrastructure and indicate that complaints made under 1(z above which are not satisfactorily resolved may be e-mailed to the Branch.

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

3. 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 separa from the app.

4.The licensee must provide the Registrar and police, for the purposes of compliance, enforcement and criminal investigations, a method to access the app and locate a driver vehicle operating on the licensee's online platform.

5. Apps must be compatible with Board or Branch data requirements.

6. The licensee must maintain care and control of the apps which includes: app functio operation and performance, accuracy and reliability;

7. The Personal Information Protection Act governs personal information collected in a app.

PDVA (Limousine/PDV other) T&C Wording (apps)

Applications (apps)	1. An application (app) offered by the licensee that allows passengers to book a trip on a mobile device must:
General requirements	a) have geo-fencing capability; b) only connect drivers with passengers for pick up and drop off as specified in Section C (Originating Areas and Services) of this licence; c) record, before an originating trip ends, return trips requested under a licensee's "retur trip authority" term and condition and retain this recorded information in a retrievable form for 12 months; d) display and transmit information in English and may display and transmit the same information in other languages; e) give the app user an option to request a wheelchair accessible vehicle, if the licensee operates them;

Collecting personal health information	f) not collect or record personal health information about a passenger or their use of mobility aids, without the consent of the app user; g) retain, in a retrievable form, consent obtained pursuant to section 1(f) above until such consent is withdrawn or no longer required; h) protect information referred to in section 1(f) above by a password or biometric safeguard that the app user may access to see or modify the information; i) (i) allow the app user to change or delete information referred to in section 1(f) above, (ii) provide instructions to the app user on how to have information referred to in section 1 above in the app changed or deleted; j) make any changes requested by the app user under section1(i) within 14 days of a request being made;
Shielding driver and passenger information	k) shield the last name, phone number and email address of the driver from the passenger; l) shield the last name, phone number and email address of the passenger from the drive
Certain charges not allowed	m) not charge or advertise “free rides” or other transportation discounts as an incentive fo persons to download the app without written approval of the Board; n) not charge a fee from a passenger for using particular payment method; o) not charge a fee for use of the app;

Taxis must keep phone dispatch	p) not replace telephone dispatch service, if the license operates a taxi service, without th approval of the Board; and,
Apps may not accept payment for fares	q) not accept payment for fares even if the app calculates fares.
	2. The app may give a passenger the option to receive communication by voice communication or a digital text format that is compatible with third-party accessibility app 3. The Personal Information Protection Act governs personal information collected in an app. 4. A person registering on an app or providing credit card information in an app does not establish an “active account” for the purposes of the limited reverse trip authority term an condition.

3. Section 28(3) – minimum route frequency – ICBA

Section 28(3)(b) allows the Board to establish T&Cs respecting the routes and minimum route frequencies of ICBs.

On December 31, 2023, the Board’s ICB COVID-19 policy expires and the Board’s updated Inter-City Bus Minimum Route Frequency policy takes effect with a 90-day transition period. The policy establishes active service minimums that must be adhered to replacing company specific minimum route frequencies. Therefore, the Board intends to standardize the T&Cs of all ICB licences by revoking the Temporary Suspension of Service Requirements T&Cs.

Inter-city Bus T&C Removed

Temporary Suspension of Service Requirements	Until this term and condition is revoked, the licence holder may temporarily, after providing public notice, reduce or suspend scheduled services that it normally must provide at the minimum frequencies set out in the licence.

4. Section 28(3)(c) – methods for hailing PDVA

Section 28(3)(c) allows the Board to establish T&Cs respecting the methods by which PDVA vehicles may be hailed. These methods may include: booking the motor vehicle in advance, hailing the motor vehicle from the street, hailing the motor vehicle through a dispatcher, or any other hailing method, other than hailing through the use of transportation network services. The Board restricts hailing from the street to taxi licences.

Since 2019, the Board has added new hailing language to any limousines and PDV Other that came before it. Therefore, the Board intends to update all limousine and PDV Other licences to include the same hailing language to standardize T&Cs.

Limousine & PDV Other T&C Wording (hailing)

Hailing in Originating Area	1. A trip may be arranged by: a) booking the motor vehicle in advance; b) hailing the motor vehicle through a dispatcher; or c) hailing the motor vehicle through an app that does not process payment for the fare. 2. Passengers must not be hailed through a Transportation Network Service app that connects drivers with passengers who hail and pay for the services through the use of an online platform. 3. The licensee must not pick up a passenger who hails the motor vehicle from the street.

5. Section 28(4) – vehicle identifiers – TNSA, ICBA & PDVA

Section 28(4) of the Act requires the Board to establish a T&C that each motor vehicle under an authorization display, in the form and manner required by the Registrar, a vehicle identifier that is issued to the licensee by the Registrar, or authorized by the Registrar to be issued by the licensee.

Although the Board has been adding this T&C to licences that have come before the Board since 2019, all licences must contain this standardized T&C.

T&C Wording (vehicle identifiers)

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: a) issued to the licensee by the Registrar; or b) authorized by the Registrar to be issued by the licensee.

6. Section 28(5) – data requirements

Section 28(5) of the Act requires the Board to establish as a T&C that licensees operating under a PDVA or TNSA 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 Board has included the data requirements in all T&C to TNSA licences and PDVA licences since 2019. While this requirement must be added to all TNSA and PDVA licences, it has not yet been implemented for limousines and other PDV. Therefore, at this time, limousine and other PDV sector types are not required to provide this data.

TNSA & PDVA T&C Wording (data)

Data Requirements	The licensee must provide to the Registrar any information, including personal information, and data that the Registrar or Board may require within time periods that the Registrar or Board may reasonably require, which may include, without limitation, information and data set out in section 28(5)(a) to (c) of the Passenger Transportation Act.