Passenger Transportation Board
MOVING FORWARD, TOGETHER

Systemic decision - Rates

Context

As set out in the Rates Policy above, section 7(1)(g) of the Act provides authority to the Board to make rules about rates and any practices related to rates. Rates R=rules are a type of Regulation and carry with them the same binding (enforceable) qualities. The Board may make systemic decisions on rates by making a new rates rule or by amending an existing rates rule under section 7(1)(g) of the Act.

The Board will typically follow the rates rules procedures outlined below.

Applicability

The Board can make rates rules that are applicable to the whole industry, or classes of licences, including a particular sector type, or a sub-group of licensees.

Policy

Choosing whether to seek feedback

The Board may choose to create/amend a rates rule on its own initiative, and it may seek feedback from the affected licensees or other stakeholders before enacting the new rates rule.

In determining whether to seek feedback from the affected licensees, the Board will consider the significance and impact of the proposed change to the rates rules. The Board will consider efficiency in its decision-making and will typically not seek feedback for changes that are routine or minor.

When the Board seeks feedback, the Board will make a motion as to what option(s) it is considering and instruct staff to undertake a request for feedback process from the affected licensees or other

stakeholders, before making a final decision.

Request for feedback process

When the Board seeks feedback on a proposed rates rule change, it will publish a notice on its website and/or send notice by email to the affected licensees. The notice will describe the changes being considered and why. This notice will typically be called a “Request for Feedback”.

Submissions made in response to a Request for Feedback must be in writing and sent to the Board via email (unless a request for accommodation is made in advance of the due date). Respondents should provide information in support of their feedback and may include responses to any questions posed in the Request for Feedback.
Submissions must be provided to the Board by the date set out in the Request for Feedback notice. There is no fee associated with providing this feedback.

Systemic decision-making on rates

After the feedback period is over, the Board Chair may appoint a panel of one or more members, or the entire Board, to make the decision to create or amend the rates rule.

Prior to making the decision on the new rates rule, the Board or panel will review and consider all feedback received on the topic in response to the Request for Feedback.

Board staff may assist the Board or panel by providing policy research and advice, presentations, summaries, or other facts; however, the staff may not participate in decision-making.

The Board may provide the passenger transportation Industry with notice of the Board’s final decision. The manner and scope of notice will depend on the rule. At a minimum, the Board will post a notice of rates rule change on the Board’s website. The Board may also send email notices to affected licensees.

Legislation

In Part 1 of the Act - Rates are defined as follows:

“In relation to compensation that may be charged or collected for the transportation of passengers in commercial passenger vehicles, includes the following:

(a) Discount fares;

(b) Round-trip fares;

(c) Point-to-point fares;

(d) Deadhead charges;

(e) Minimum and maximum charges;

(f) Any other fares, fees or charges.”

7 (1) Without limiting section 6(4), the Board my do any or all of the following: …

(f) approve, or set, for the purpose of establishing just and uniform charges, rates to be charged by a licensee in respect of passenger directed vehicles operated under a licence… and approve any rule, practice or tariff of the licensee relating to those rates.

(g) make rules respecting

i. rates that are or may be charged by a licensee,

ii. any rules or practices of a licensee relating to those rates, and

iii. any tariff of those rates.