Passenger Transportation Board
MOVING FORWARD, TOGETHER

Urgent public need policy

Context

If the Board is satisfied that an "urgent public need" exists, it may choose to process the application without public notice.

For most applications, the Board's process is to publish notice in its weekly bulletin to bring the fact and nature of the application to the public's attention. This notice provides the public with the opportunity to make submissions to the Board for its consideration during the decision-making process.

In the urgent public need process, the Board does not publish notice of the application or accept written submissions regarding the application.

Applicability

This policy applies to:

- Applications where applicants claim "urgent public need."

Policy

Meaning of urgent public need

"Urgent" is in relation to the public's need, not the applicant's. There are limited circumstances where the Board may be satisfied that an urgent public need exists.

When assessing an applicant's claim of "urgent public need," regardless of the circumstances, the Board may consider such things as:

- 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.

Examples

Urgent public need is an exception to regular processing. Examples of urgent public need applications include:

- A taxi service has recently gone out of business, leaving the public with no service.
- A taxi service is licensed, but does not provide any service to residents.
- A transportation provider has been awarded a contract that starts immediately.

The Board does not typically process applications based on urgent public need if:

- There are other licensees in the area who can provide the service.
- An applicant is responsible for a delay in submitting an application or meeting application requirements.
- The service requested is not financially accessible to most of the public, such as limousine service.
- The applicant purchased a vehicle before submitting an application.

If the Board refuses to process an application based on urgent public need, the application will be returned to the application queue and processed in the typical manner, involving publication of notice and receipt of any submissions.

Findings of urgent public need

If the Board finds that urgent public need exists, it will not publish notice or seek public submissions.

When determining urgent public need applications, the Board will first consider whether the applicant is a fit and proper person and capable of providing the service, under section 28(1) of the Act.

If the Board considers that an applicant is a fit and proper person and capable of providing a service, it will then consider whether there is an urgent public need for the service as described and whether the application, if granted, would promote sound economic conditions in the transportation industry in B.C.

Legislation

Passenger Transportation Act:

26 (3) Despite subsection (2), the board need not publish notice of the application or accept or consider any written submissions provided in respect of the application if the board is satisfied that there is an urgent public need for the service proposed in the application.

28 (1) The board may approve, in whole or in part, an application forwarded to the board under section 26 (1) [other licence applications] after considering the following:

a) whether the applicant

i. is a fit and proper person to provide the service the applicant proposes to provide under the special authorization, and

ii. is capable of providing the service;

b) if the board considers that the applicant is a fit and proper person to provide the service and is capable of providing the service,

i. whether there is a public need for the service, and

ii. whether the application, if granted, would promote sound economic conditions in the passenger transportation industry in British Columbia.

(2) 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.

Related topics:

- Urgent public need
- Temporary Operating Permit: Things to remember