



# Passenger Transportation Board

## Policy Manual

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## **Passenger Transportation Board**

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## Definitions

Important definitions for this policy manual include:

**“Act”** means the Passenger Transportation Act.

**“ATA”** means the Administrative Tribunals Act.

**“applicant”** means a person who has made application to the Registrar for:

- a. a licence, a transfer of a licence, additional vehicles or an amendment to a licence;
- b. a change of rates; or
- c. a temporary operating permit

who seeks, or has, a special authorization to operate passenger directed vehicles, inter-city buses or transportation network services;

**“application”** refers to a written request to the Board to approve or amend a special authorization, which can be made by an existing licensee or an applicant.

**“Board”** means the Passenger Transportation Board.

**“Board staff”** includes the Executive Director to the Board, the Director, Policy and Projects, the Director, Operations, and other staff members required to support the Board to perform its functions, and persons contracted on behalf of the Board to provide services to the Board;

**“Chair”** means the Chair of the Board as designated by the Lieutenant Governor in Council;

**“day”** means calendar day unless otherwise specified;

**“fees”** means fees payable to the Board and includes submission fees and appeal fees but does not include application fees;

**“FIPPA”** means the Freedom of Information and Protection of Privacy Act.

**“industry”** refers to the passenger transportation industry within the Board’s jurisdiction.

**“licence”** is a document showing the legal permission granted under the Act to operate a commercial passenger vehicle in British Columbia.

**“licensee”** means a holder of a valid passenger transportation licence or a person formally designated by the holder of a valid passenger transportation licence to enter agreements on the licensee’s behalf.

**“operating area”** means the originating and destination areas that a licensee is authorized to operate within.

**“panel”** means a member or members, including the Chair, appointed by the Chair to exercise some or all of the powers and duties of the Board;

**“passenger directed vehicle authorization (PDVA)”** means an authorization that, if included in a licence, authorizes one or more motor vehicles to be operated as passenger directed vehicles, but only if those motor vehicles are hailed other than through the use of transportation network services;

**“public transportation”** means passenger transportation services run by governments, including public buses, SkyTrain, HandyDart, and others, and may also be called “public transit”.

**“ride-hailing”** refers to passenger transportation services offered through a platform under a Transportation Network Services Authorization (TNSA).

**“RPP”** means Board Rules of Practice and Procedure.

**“section 7 investigation”** refers to a Board investigation commenced under section 7(1)(b)(i) and (i.1)) of the Act.

**“section 27 Board investigation”** refers to a Board investigation commenced under section 27(3)(b) of the Act.

**“section 27 information request”** refers to a request made by the Board to an applicant requiring further information, including written and oral submissions, under section 27(1)(b) of the Act.

**“sector types”** refers to different classes of licence determined by the Board based on type of Special Authorization and service, such as (PDVA) Taxis, (PDVA) Limousines or (TNSA) Ride-Hailing.

**“special authorization”** means any of the following (a) an inter-city bus authorization; (b) a passenger directed vehicle authorization (c) a transportation network services authorization.

**“submitter”** is a person making a submission to the Board respecting an Application (section 27(4)-(5) of the Act).

**“systemic decisions”** refers to system-wide decisions that the Board may make to regulate the passenger transportation industry within the Board’s jurisdiction, and can be applicable to the whole industry, certain Sector Types, or otherwise.

**“transportation network services authorization (TNSA)”** means an authorization that, if included in a licence,

- a. authorizes the licensee to provide transportation network services, and
- b. authorizes one or more motor vehicles to be operated as passenger directed vehicles, but only if those motor vehicles are hailed through the use of the transportation network services;

**“wheelchair accessible vehicle (WAV)”** is an “accessible passenger directed vehicle” in section 1 of the Act, which means a vehicle designed and manufactured, or converted, to transport persons who use a wheelchair, scooter, or similar device to transport persons with disabilities in a seated position.

# Accessible Taxis

## Context

The Board is committed to supporting the full and equal participation of people with disabilities, as well as continuing to work towards inclusivity and accessibility in the passenger transportation industry.

The Board is focused on supporting an increase in the number of passenger transportation vehicles that provide accessibility to people in wheelchairs and for those who use mobility aids. The Board supports having wheelchair accessible taxis integrated with taxi fleets in communities across British Columbia.

Taxis have a duty to serve the general public, including people with disabilities and those who use wheelchairs or other mobility aids. The Board has an ongoing priority to integrate wheelchair accessible vehicles into taxi fleets across B.C. Requirements related to the provision of wheelchair accessible vehicles (WAVs) are typically included in the terms and conditions of licence for taxis.

Although other passenger transportation services may not be required by the terms and conditions of the licence to provide dedicated WAVs, they must comply with all other applicable laws on this issue. Also, they are subject to requirements intended to promote accessibility. For example, Transportation Network Services (or ride-hailing), which typically rely on drivers using their own personal vehicles, are required under the [Regulations](#), to pay a fee for each trip provided in a non-WAV. The per trip fee is administered by the Ministry of Transportation and Infrastructure and the funds are used to support programs such as the [Passenger Transportation Accessibility Program \(PTAP\)](#).

## Applicability

This policy applies to:

- Applications
- Taxi Licensees



- Specialty Vehicles

## Policy

### Accessible Service Plan

Applicants are expected to include information about accessible services they provide and alternatives that are available in their community.

Except for operators in small communities (under 10,000 population), applicants seeking additional taxis are required to give the Board an [Accessible Service Plan](#). The Board may require a minimum number of the additional taxis to be WAVs.

Taxi operators must submit an accessible service plan when:

1. Starting a new taxi service and wanting to use wheelchair accessible taxis.
2. Adding taxis to a fleet, whether the fleet has wheelchair accessible taxis or not.

Taxi operators serving communities with less than 10,000 people do not need to submit an accessible service plan.

### Considerations

When an applicant proposes to increase the number of taxis in their fleet, 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. Accessibility is a public need factor.

The Board may consider the need for both conventional and accessible services, whether an applicant seeks to add WAV to their fleet or not.

When making decisions about WAVs, the Board may consider the following:

- The characteristics of the community.
- Matters such as age and population demographics.
- The total number of conventional and WAV in the community.
- Proximity of the community to other transportation modes.

When 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 WAVs and the minimum required number of WAVs to be included within the approved maximum fleet allotment.

## Vehicle Requirements

Any WAV approved by the Board must meet vehicle standards set out in [Division 44 \(Accessible Taxis\), Motor Vehicle Act Regulations](#).

## Dual use

WAVs are considered dual use. This means they may carry passengers whether a passenger has a wheelchair, scooter, or other mobility device, or not. Licensees may, on their own initiative, operate any number of the taxis in their fleet as WAVs.

Some licensees have express authorization to install flip seats in their WAV. This has the benefit of:

- Increasing vehicle capacity to carry more passengers and more luggage.
- Giving drivers sources of revenue that are not available to drivers of smaller, conventional taxis.
- Helping to offset the higher costs of operating a WAV.

## Priority Dispatch

When the Board requires WAVs, it will typically specify as a term and condition of licence that WAVs are dispatched on a priority basis to persons with wheelchair or mobility aids who require accessible transportation. WAVs that a taxi licensee operates should be managed and dispatched on a priority basis, so that the transportation needs of people with disabilities are adequately met.

## Rates

The Board makes no distinction between WAV fleet and conventional taxi fleet when establishing rates.

## Legislation

Passenger Transportation Act:

**28** (3) The board may establish terms and conditions that apply to a special authorization included in a licence, if issued, including, without limitation, terms and conditions respecting any of the following:

(a) 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...

## Related Topics

1. Web page: [Applications \(taxi\)](#)
2. Web page: [Preparing an accessible service plan](#)
3. [Specialty Vehicles policy](#)
4. Web page: [Passenger Transportation Accessibility Program](#)

# Access to Information and Privacy

## Context

The Board publishes summaries of applications, not complete application packages. The Board sometimes receives standard submission requests or Freedom of Information and Protection of Privacy Act (FIPPA) requests from submitters or other interested parties. Standard requests must comply with submission periods for information and application materials vary according to the type of application the submission is made against. Parties making a FIPPA request have 30 business days to submit.

This policy outlines how the Board manages requests for information under the Act, FIPPA, and the Administrative Tribunals Act (ATA). It also outlines the Board's policy regarding records, information, and reports the Board considers relevant to a proceeding or application.

## Applicability

This policy applies to:

- Freedom of Information Requests
- All information and data received in an application
- All information and data received in a submission responding to an application
- Records, information, and reports that the Board considers relevant to a proceeding or application, including records, information, and reports obtained or produced by or for the Board

This policy does not apply to:

- Content of decisions made public by the Board
- Any information already publicly available by, but not limited to the Board

## Policy

## FIPPA

FIPPA sets out the access and privacy rights of individuals as they relate to the public bodies, such as the 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.

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; however, the Board will make reasonable efforts to process FIPPA requests in a timely manner.

Section 21 of FIPPA does not apply broadly to application materials as the bulk of information is not considered as submitted in confidence. Documents such as financial statements and those containing personal or financial information are, however, considered to be confidential.

## Submissions

Information severed under section 61 of the ATA is the type of information that is set out in the [Rules of Practice and Procedure](#) (RPP) 17 “Confidential Information from the Applicant”.

The Board may provide applicants with notice of the FIPPA requests and provide them with an opportunity to comment on the material that will be disclosed.

RPP 13 (Submissions) applies to people who receive disclosure under FIPPA and who then want to make a submission on the application.

RPP 15 (Late submissions) applies to people who receive disclosure under FIPPA and who then apply to the Board to make a late submission on the application.

RPP 16 (Supplemental submission) applies to submitters of record who want to make additional submissions as a result of receiving disclosure under FIPPA.

## TNS

The Board will provide the following information to all those who sent in submissions on TNS applications:

- Application packages after making redactions, where necessary, to protect confidential business and personal information as required under the FIPPA; and
- The applicant's response to the submissions that were received on their application after redacting where necessary to protect confidential business and personal information as required under the FIPPA.

The Board will send copies of redacted documents outlined above for review to TNS applicants. After this step, the Board will send the redacted documents to submitters who will have the opportunity to provide any final submissions. A copy of final submission will be provided to TNS applicants.

## Releasing Information

The Board may have to release information. For example, a person may ask for access to business plan information under FIPPA. The Board would then review the information in the plan to determine what must be released.

The Board keeps the following types of information confidential:

- Private financial information (e.g. personal net worth statements)
- Private business details (e.g. customer account information)
- Information received in a criminal record check that is not public

The Board does not release this information unless it is required to do so by legislation, the court system, or due to a criminal investigation.

## Records, Information, and Reports

The Board will provide applicants with copies of records, information, or reports it considers relevant to a proceeding, and will allow applicants to comment. The Board

will advise participants if it intends to produce any records, information, or reports relevant to the proceeding, and the dates on which they will be provided to participants.

RPP 29.1 outlines this in relation to hearings, including pre-hearing conferences.

## Legislation

### The Act

6 (3) The following provisions of the *Administrative Tribunals Act* apply to the board: ...

s) section 61 [*application of Freedom of Information and Protection of Privacy Act*].

12 (1) The board has the power to control its own process...

(4.1) The board may, on its own initiative, consider any records, information and reports that the board considers relevant to a proceeding.

(4.2) The records, information and reports referred to in subsection (4.1) include records, information and reports obtained or produced by or for the board.

### FIPPA

21 (1) The head of a public body must refuse to disclose to an applicant information

(a) that would reveal

(i) trade secrets of a third party, or

(ii) commercial, financial, labour relations, scientific or technical information of or about a third party,

(b) that is supplied, implicitly or explicitly, in confidence, and

(c) the disclosure of which could reasonably be expected to

(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,

- (ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,
- (iii) result in undue financial loss or gain to any person or organization, or
- (iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

## ATA

**61** (1) In this section, "decision maker" includes a tribunal member, adjudicator, registrar or other officer who makes a decision in an application or an interim or preliminary matter, or a person who conducts a facilitated settlement process.

(2) The [\*Freedom of Information and Protection of Privacy Act\*](#), other than section 44 (1) (b), (2), (2.1) and (3), does not apply to any of the following:

- a) a personal note, communication or draft decision of a decision maker;
- b) notes or records kept by a person appointed by the tribunal to conduct a facilitated settlement process in relation to an application;
- c) any information received by the tribunal in a hearing or part of a hearing from which the public, a party or an intervener was excluded;
- d) a transcription or tape recording of a tribunal proceeding;
- e) a document submitted in a hearing for which public access is provided by the tribunal;
- f) a decision of the tribunal for which public access is provided by the tribunal.

(3) Subsection (2) does not apply to personal information, as defined in the *Freedom of Information and Protection of Privacy Act*, that has been in existence for 100 or more years or to other information that has been in existence for 50 or more years.



## Activation of Licences

### Context

Applicants are expected to activate a licence within a reasonable time, particularly to address any identified public need. The Board considers public need for a service when it approves a new application, amendments to existing licenses, or applications for additional vehicles.

### Applicability

This policy applies to:

- New licences, transfers (PDVs)
- Additional vehicles (PDVs)

### Policy

#### New licence, transfers (PDVs)

Applicants are typically required to activate at least 50% of the vehicles approved in a decision within 6 months of the date of this decision.

Unless the Board orders otherwise, if no vehicles are activated, the Board's approval of the Special Authorization expires:

1. 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.
2. If an applicant requires an extension beyond 6 months, it must make a request to the Board before the end of the 6-month activation period.

#### Additional vehicles (PDVs)

Typically, a licensee is required to 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.

### New licence, transfers (PDVs) – Urgent public need applications

Applicants are typically required to activate at least 50% of the vehicles approved in a decision within 60 days of the date of the decision.

Unless the Board orders otherwise,

- If no vehicles are activated, the Board's approval of the Special Authorization expires.
- 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.

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

### Additional vehicles (PDVs)- Urgent public need applications

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.

### New licence, transfers (ICBs)

The Board typically requires an ICB applicant to activate at least 1 vehicle within 6 months of the date of this decision.

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

### New licence, transfers (ICBs) – Urgent public need applications

Typically, an applicant must activate at least 1 vehicle within 60 days of the date of the decision.

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

### Approvals to amend an authorization

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

1. When the applicant meets the requirements of section 29(1) of the Act, or
2. When the licence is renewed pursuant to section 34.

## Legislation

### [Passenger Transportation Act](#)

- 28 (3) The board may establish terms and conditions that apply to a special authorization included in a licence, if issued, including, without limitation, terms and conditions respecting any of the following...

## Related Content

- Web page: [Application process](#)

## Appeal - Administrative Penalty

### Context

Under the Act, the Registrar is responsible for conducting compliance and enforcement, which includes issuing administrative penalties to licensees who are found to be in non-compliance with the Act or the terms and conditions of their licence. The Board is responsible for hearing appeals on Registrar administrative penalty decisions, and may either confirm or rescind any or all of the penalties.

The Act does not set out specific criteria to guide the Board's exercise of its discretion with regard to appeals, and so the Board has created this policy, a set of [Rules of Practice and Procedure \(RPP\)](#), and an [appeals process overview](#) on its website to help parties understand the Board's approach.

### Applicability

This policy applies to appellants and respondents during appeals of administrative penalties determined by the Registrar under the Act.

### Policy

In hearing an appeal, the Board may consider [section 28 of the Act](#): fitness to provide services (fit and proper, capable), public need, and the promotion of sound economic conditions in the passenger transportation business in B.C. Public safety is also considered. Section 28 (Board) considerations are detailed further under their respective titles in this policy manual.

In addition to the considerations listed above, 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 is required to consider pursuant to section 46(2.1)(a)-(h) of the Act.

The defense of due diligence may be available to appellants.

## Legislation

- 50 (1) A decision of the registrar under section 46 (3) or (4) or 47 (1) may be appealed by filing a notice of appeal with the board not more than 30 days after the licensee's receipt of the notice referred to in section 46 (3) (b) or (5) or 47 (2) (d) or (3), as the case may be...
- 51 (2) On an appeal from an order of the registrar referred to in section 46 (1) (a), (b), (c) or (d), the board may, at any time before making a final determination on the appeal, order that the registrar's order is suspended until the outcome of the appeal.
- (3) On an appeal under this section, the board must, after considering the information provided by the licensee and the registrar,
- (a) rescind any or all of the proposed penalties, or
  - (b) confirm any or all of the proposed penalties.

## Related Topics

- Web page: [Appeal an administrative penalty](#)
- [Rules of Practice and Procedure Manual](#)
- [Appeals Procedures Handbook](#)
- Web page: [\(Registrar\) Passenger Transportation Administrative Penalty Framework](#)

## Board Investigations - Section 7

### Context

As set out in section 7(1)(b)(i) and (i.1) of the Act the Board may, on its own motion, conduct an investigation into any general matter relating to the passenger transportation industry. However, the investigation must be relevant to the Board's overarching jurisdiction and authority.

The Board has the power to control its own investigation processes. The Board will typically follow the procedures outlined below.

### Policy

#### Initiating an investigation

To commence a section 7 investigation, the Board will typically pass a motion at a Board meeting.

#### Choosing whether to conduct stakeholder engagement

The Board may choose to conduct an investigation on its own initiative and has discretion to undertake stakeholder engagement when practically necessary to fulfill the purpose of the investigation. In that case, the Board may notify relevant persons, obtain information from stakeholders, or undertake consultations.

#### Seeking assistance with investigation

The Board has the authority to seek assistance as necessary:

- The Board may retain consultants, investigators, expert witnesses, or other persons to assist the Board in conducting its investigatory function under section 7(4) of the Act and/or,
- The Board may seek assistance from Board staff when conducting a section 7 investigation.

## Uses of investigation report

The Board may rely on the investigation report, if produced during the course of a section 7 investigation, to:

- Decide on an Application for a new licence (sections 7(1)(f) and 28);
- Decide on an Application to amend a licence (sections 31 and 35);
- Make a Systemic Decision; or,
- Create rules, policies, guidelines, procedures, or other informational or consultation documents.

## Disclosure of investigation report

If the Board chooses to release an investigation report, the mode of disclosure is discretionary; however, investigation reports will typically be released by posting it on the Board's website.

## Consideration of investigation report in proceedings

If the Board intends to rely upon a section 7 investigation report when making a decision that will affect the rights, privileges, or interests of an individual (e.g., deciding a new or amended licence Application), the Board will:

- Provide a copy of the section 7 investigation report to the individual and give them the opportunity to provide submissions in response; or,
- Ensure that the section 7 investigation report is available to applicants prior to their applications being submitted whenever possible, for example, by posting the report on the Board's website and informing applicants that the report can be considered by the Board in determining future applications.

## Legislation

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

- (b) conduct investigations into
  - (i) any matter related to the operation or licensing of inter-city buses or passenger directed vehicles,
  - (i.1) any matter related to the provision of transportation network services....

**7** (4) The Board may retain consultants, investigators, expert witnesses, or other persons as may be necessary for the board to discharge its functions under this Act...

**11** In this Division, “proceeding” means an investigation conducted under section 7(1)(b), any application made or forwarded to the board, any hearing conducted by the board or any appeal heard by the board.

**12** (1) The Board has the power to control its own process.  
(2) At any time during a proceeding, but before its decision, the board may make an order requiring a person

- (a) to attend... a hearing to give evidence on oath or affirmation or in any other manner that is admissible and relevant to an issue in a proceeding, or
- (b) to produce for the board a document or other thing in the person’s possession or control, as specified by the board, that is admissible and relevant to an issue in a proceeding

**13** The Board may adjourn any proceeding

- (a) on its own motion, or
- (b) if it is shown to the satisfaction of the board that an adjournment is required

**14** If 2 or more proceedings involve the same or similar questions of fact, law or policy, the board may

- (a) combine those proceedings or any part of them,



- (b) conduct those proceedings at the same time,
- (c) conduct those proceedings one immediately after the other, or
- (d) stay one or more of those proceedings...

## Board Investigations – Section 27

### Context

The Board may conduct investigations under section 7 or section 27 of the Act. The [Policy Manual](#) contains a separate policy regarding Board investigations under section 7 of the Act.

- Section 7 investigations typically pertain to general matters relating to the passenger transportation industry.
- Section 27 Board investigations are related to an application before the Board.

This policy specifically relates to Board initiated investigations under section 27(3)(b) of the Act, which remain with the Board, although other experts or Board staff may be involved. This policy does not apply to situations where the Board has directed the Registrar to conduct an audit or investigation in respect of any matter related to an application, under section 27(3)(c) of the Act.

### Applicability

This policy applies to:

- All special authorization applications forwarded by the Registrar under section 26(1) of the Act.
- All special authorization applicants when their application is before the Board.
- All submitters on a special authorization application under section 27(2) of the Act.
- Others who may have relevant information related to a special authorization application.

### Policy

## Section 27 Board Investigations

Section 27(3)(b) of the Act authorizes the Board to conduct an investigation in respect of any matter related to a special authorization application.

The Board has the power to control its own investigative processes.

### **Proceeding Powers**

A section 27 Board investigation is part of the application “proceeding” under section 11 of the Act.

The Board has various proceeding powers, including:

- The authority to make an order requiring a person to give evidence or produce a document or thing in the person’s possession or control, under section 12(2) of the Act, and
- The authority to adjourn a proceeding under section 13 of the Act and other powers, such as combining or staying proceedings, under section 14 of the Act.

### **Use of Experts**

The Board has authority to seek assistance as necessary in conducting its investigations:

- The Board may retain consultants, investigators, expert witnesses, or other persons under section 7(4) of the Act to assist the Board in discharging its investigatory function under section 27(3)(b) of the Act, and/or
- The Board may seek assistance from Board staff, appointed under section 7(3) of the Act, when conducting a section 27(3)(b) investigation.

### **Commencing a section 27 Board investigation**

A section 27(3)(b) investigation may be commenced by the Board with respect to a special authorization application before the Board, or more than one special authorization application before the Board.

## **Section 27 Board investigation reports**

The results of section 27(3)(b) investigations will typically be reduced to a written report.

If the Board has requested that an expert provide an investigation report in the course of a section 27(3)(b) investigation, the expert is expected to complete their report as the expert determines necessary and in accordance with the instructions given by the Board.

Following receipt of an investigation report, the Board may provide the report to submitters for submissions, on a case-by-case basis.

## **Board consideration after receiving investigation report**

After receiving an investigation report prepared by an expert, if the Board decides it needs additional information, the Board may seek that information by providing written instructions to the expert seeking additional information.

Any report clarification response or additional information added to a section 27 Board investigation report by the expert will be provided to the applicant and the applicant will be provided with an opportunity to make submissions.

Upon receipt of the section 27 Board investigation report and any additional information, the Board has the option of conducting additional investigations if necessary. The Board retains the authority whether to investigate, what to investigate, and when the investigation is concluded.

## **Use of section 27 Board investigation reports**

The Board may consider an investigative report, or other information and records, if produced during the course of a section 27 Board investigation, when:

- Deciding on applications for a new or amended special authorization licence;
- Making a systemic decision; or,

- Creating rules, policies, guidelines, procedures, or other informational or consultation documents.

Any reports or written materials produced from a section 27(3)(b) investigation will be evaluated and weighed like any other evidence. The Board may accept all or none of a section 27(3)(b) investigation report, and give it whatever weight it considers appropriate, after hearing any submissions from the applicant.

### **Disclosure of reports**

Since section 27(3)(b) investigation reports pertain to the facts of a particular application and may contain sensitive information, the Board will determine whether to disclose each investigation report to anyone other than the applicant on a case-by-case basis.

If the Board chooses to release a section 27 Board investigation report, the mode of disclosure is discretionary; however, investigation reports will typically be released by posting it on the Board's website.

## **Section 27 Information Requests**

There is a difference between requesting additional information from an applicant to complete a file and undertaking a section 27(3)(b) investigation.

In the past, the Board utilized Board Investigation (BI) letters to gather additional information from the applicants or, occasionally, submitters. However, going forward:

- The Board may request further information from an applicant under section 27(1)(b).
- The Board may request further information from a submitter or third party under section 27(3)(b).

If the Board panel has not been assigned to an application file, the Director of Operations or Executive Director of the Board may determine, after an application file is reviewed for administrative completeness, the need for additional information to be gathered from an applicant for the purpose of completing the application file. In this case, an incomplete letter will be sent to the applicant requesting outstanding documentation.

After the Board panel has been assigned to an application file, the panel may direct that a section 27 information request be sent to the applicant under section 27(1)(b) by informing the Director of Operations or Executive Director of the relevant application and providing details of the information being requested.

## Legislation

7 ... (4) The board may retain consultants, investigators, expert witnesses or other persons as may be necessary for the board to discharge its functions under this Act and may establish remuneration and other terms and conditions of their retainers.

11 In this Division, "proceeding" means an investigation conducted under section 7 (1) (b), any application made or forwarded to the board, any reconsideration, appeal or other hearing conducted by the board.

12 (1) The board has the power to control its own process.  
(2) At any time during a proceeding, but before its decision, the board may make an order requiring a person  
(a) to attend an oral or electronic hearing to give evidence on oath or affirmation or in any other manner that is admissible and relevant to an issue in a proceeding, or  
(b) to produce for the board a document or other thing in the person's possession or control, as specified by the board, that is admissible and relevant to an issue in a proceeding...

(4.1) The board may, on its own initiative, consider any records, information and reports that the board considers relevant to a proceeding.

(4.2) The records, information and reports referred to in subsection (4.1) include records, information and reports obtained or produced by or for the board...

- 13** (1) The board may adjourn any proceeding
- (a) on its own motion, or
  - (b) if it is shown to the satisfaction of the board that an adjournment is required...
- 14** If 2 or more proceedings involve the same or similar questions of fact, law or policy, the board may
- (a) combine those proceedings or any part of them,
  - (b) conduct those proceedings at the same time,
  - (c) conduct those proceedings one immediately after the other, or
  - (d) stay one or more of those proceedings until after the determination of another one of them.
- 15** (1) Subject to this section, the board may receive and accept evidence and information, on oath, by affidavit or otherwise, that the board considers relevant, necessary and appropriate to a proceeding, whether or not the evidence or information would be admissible in a court of law, but the board may exclude anything it considers unduly repetitious....
- 27** (1) If an application is forwarded to it under section 26 (1), the board...
- (b) may require further information from the applicant, including written or oral submissions.
- (2) Any person may, within the time period specified by the board and on payment of the prescribed fee, make a written submission to the board respecting the application forwarded to it under section 26 (1).
- (3) At any time after the expiry of the 7-day period referred to in subsection (1), the board may do one or more of the following:

- (a) convene and conduct a hearing of the application;
- (b) conduct an investigation in respect of any matter related to the application...

## **Related Topics**

- Web page: TBD



# Capable

## Context

Section 28(1) of the Act sets out the criteria the Board must consider on an application. The first two criteria (Fit and Proper, and Capable) are a threshold test. The Board must first consider that an applicant is a fit and proper person and capable of providing a service before it can continue on to other criteria. If the applicant passes the threshold test, the Board will then consider whether there is a public need for the service and whether the application, if granted, would promote sound economic conditions in the passenger transportation business in BC.

The Board's Capable policy explains how the Board interprets this concept. The policy does not list all the ways in which the Board might consider capable, as the Board has discretion to consider other factors. However, the policy should give an idea of how the capable criteria may be demonstrated by applicants and submitters and interpreted by the Board.

## Applicability

This policy applies to:

- New or amended applications for a special authorization
- Transfer applications for a special authorization
- Urgent public need applications (section 26(3) of the Act)
- Temporary Operating Permit applications (section 38(2) of the Act)
- Any person making a submission to the Board respecting an application

## Policy

Capable is not defined in the Act. 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 sections provide more information on what the Board may consider in determining whether an applicant is Capable, including considerations specific to business plans and financial information.

## Board Considerations

### Awareness and knowledge

In general, the applicant or licensee should demonstrate an awareness and knowledge of responsibilities to comply with the following:

- *Passenger Transportation Act* including requirements set out in:
  - The *Passenger Transportation Regulation*
  - Terms and conditions of licence
  - Board approved rates and rules governing the rates
- Requirements under the *Motor Vehicle Act* (including *Motor Vehicle Act Regulations*) that apply to holders of a passenger transportation licence
- Requirements that apply to extra-provincial, inter-city bus operators in federal Accessible Transportation for Persons with Disabilities Regulations

### Care and control

The applicant or licensee must provide a business plan (see 'Business Plans' section below) and other application materials that demonstrate operational care and control as outlined in sections 6 and 7 of the *Passenger Transportation Regulation*. Factors the Board considers include:

- Core responsibilities of owners, managers, and others who influence how the operation is managed
- Hiring practices
- Driver and employee training
- Driver and employee disciplinary measures
- Policies to ensure that apps and other technologies are programmed in ways that facilitate compliance (e.g., accurate geo-fencing and programming of rates in apps)

### **Education and professional experience**

The applicant's business plan and resumés should include enough information about the applicant or management team to demonstrate that the company's key personnel have the education, experience and/or training that is necessary to set up and maintain the services the applicant says it will provide.

### **Safety obligations**

The applicant's business plan should reflect an awareness and knowledge of its National Safety Code (NSC) obligations in B.C., and it should note that it has procedures in place to meet them. For more information, see the [Ministry of Transportation and Infrastructure's Carrier Safety Guide](#).

NSC obligations include:

- Educating Licensees, drivers, and employees of NSC Safety Certificate requirements
- Ensuring that vehicles are properly inspected and maintained
- Ensuring competent and qualified drivers drive the Licensees' vehicles
- Keeping records to track drivers' hours of service, the maintenance of vehicles, and company safety programs and policies to ensure that drivers and employees follow safety procedures and requirements

## Business Plans

A business plan demonstrates that the applicant has taken the time to research and investigate the financial viability of the business they propose. The Board reviews the business plan to see that the applicant:

- Provides a clear description of the transportation service being proposed
- Provides public need indicators
- Has identified its target market
- Understands local conditions and competitive challenges
- Has developed a marketing plan
- Has identified any business partnerships and alliances it depends on

When a licensee submits a business plan update with an application to change a licence or add vehicles to a fleet, the licensee should demonstrate the criteria above by focusing on the changes proposed and how they will affect the business and operations.

The applicant should provide as much information and evidence as possible to support general statements.

The Board has provided applicants and licensees with additional guidance on [preparing a business plan](#) on its website.

## Financial Information

The Board reviews financial information submitted with the application. This includes 36-month cash flow projections, balance sheets, and income statements. When reviewing financial information, the Board considers the following:

- Does the applicant have the financial resources or funds to start-up the operation?
- Do assumptions and budget forecast projections have enough detail to show that revenue estimates are realistic?
- Do cost projections cover the main expense categories and are they realistic?

- Do the planned business activities and services align with the financial statements and projections?
- Do the financial statements reflect a company that will be profitable and well managed?

The Board has provided applicants and licensees with additional guidance on [providing financial information](#) on its website.

## Legislation

- 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.

## Related Topics

- [Fit and Proper policy](#)
- Web page: [Fitness](#)
- Web page: [Preparing a business plan](#)
- Web page: [Providing financial information](#)
- Web page: [Resumes, criminal record checks and business registration documents](#)

# Constitutional Questions

## Context

This policy describes how the Board responds when an application to a Court is made regarding constitutional matters in accordance with the Act and the Administrative Tribunals Act (ATA).

## Applicability

This policy applies to:

- Applications before the Board
- Hearings

## Policy

The Board does not have jurisdiction to decide constitutional matters, and it does not have jurisdiction to refer constitutional questions to the Court.

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.

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.

## Legislation

### Act

- 6 (3) The following provisions of the *Administrative Tribunals Act* apply to the board:

(l) section 44 [*tribunal without jurisdiction over constitutional questions*],

## ATA

**44** (1) The tribunal does not have jurisdiction over constitutional questions.

## Contracts and Additional Vehicles

### Context

Under the Act, passenger directed vehicle 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.

At times, licensees may submit a contract as evidence of public need. This policy clarifies how terms and conditions of licence for passenger directed vehicles may be established if additional vehicles are requested pursuant to a contract.

### Applicability

This policy applies to all licensees and applicants that wish to use a contract as evidence of public need in order to increase their maximum fleet size.

### Policy

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:

- Tie all or some of the additional vehicles to the existence of a contract between the licensee and the contracting party; and
- At the time of licence renewal, requires licensees to submit proof to the Registrar that the contract remains in good standing.

### Legislation

- 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.

- 31** (1) Subject to subsection (4) and section 32, a licensee wishing to amend a licence must apply to the registrar and, in that event, [...]  
(b) Division 3 applies to an application to amend a licence issued under that Division.

## Related Topics

- [Public Need policy](#)
- [Sample terms and conditions](#)

# Controlling members

## Context

All licensees have a legal responsibility to adhere to the legislation, regulation, rules, and terms and conditions of their licence. Not all licensees are individuals – there are different business entities, like corporations. For the Board to assess fitness, it must know who is responsible for making decisions on behalf of the licensee – these are called “controlling members.”

In the event of any change to a licensee’s business structure after the application process has been completed, it is important that the Board is made aware of any change to controlling members. The Board is responsible for assessing licensee fitness on an ongoing basis.

Controlling members can also provide a key point of accountability. In some cases, licensees may be permitted to undertake specific actions in relation to the operation of a passenger transportation service. The Board must be able to determine who is ultimately accountable for carrying out these functions and complying with requirements.

## Applicability

This policy applies to initial and ongoing changes in controlling members, management, or ownership of business entities that hold Special Authorization licences under the Act.

## Policy

The purpose of this policy is to:

- Define who controlling members are.
- Establish clear requirements associated with controlling members.
- Provide processes to notify the Board when controlling members change.
- Outline authorities and responsibilities of controlling members.

## Definition

A “controlling member” is an individual or position who controls a licensee’s business operations. It includes:

- If a public company or private company, then all directors and officers as defined in the Business Corporations Act.
- If a registered society, then all directors and senior managers, as defined in the Society Act.
- If a partnership, then all partners or if a limited liability partnership, then the general partner, as defined in the Partnership Act.
- If a sole proprietorship, then the sole proprietor.
- Managers occupying positions responsible for overseeing the day-to-day operation of the business.

## Requirements

Licensees are requested to notify the Board of any change to the status of its controlling members (e.g., change in ownership).

Specifically, the Board requests that, within 30 days of the change, a licensee notify the Board of any change in controlling member, as applicable to the business entity and outlined in the definition section above.

The notification process includes sending the Board a letter or email outlining:

- The name and position of anyone who has ceased to be a controlling member of the licensee organization.
- The name and position of anyone who has become a new controlling member of the licensee organization.

For each new controlling members, the licensee should provide the following completed forms to the Board:

- [Form 5 \(Disclosure of Unlawful Activity & Bankruptcy\)](#)
- [Form 17 \(Declarations and Consent\)](#)

## Taxi Meters

The Board has authorized controlling members of taxi licensees outside of Passenger Transportation Region 1 to perform taxi meter-related tasks, or delegate that responsibility to a qualified business or individual they trust, if they are unable to access an established taxi meter service provider.

Controlling member(s) are responsible and accountable for their taxi meters meeting all regulatory standards and other Board requirements. Controlling members outside of Region 1 may perform the following tasks:

- Meter installation, programming, calibration, adjustments, testing, and any other modifications that include breaking the security seal (physical and/or electronic) to perform.

As per the Board's [Rates Rule - Taxi Meters Rule](#), meters must be sealed before and after these tasks are being performed, and licensees must provide upon request a change log that provides a persistent audit trail of changes that have been made. Should compliance and enforcement officers encounter taxi meters that do not meet the Board's meter standards and requirements, the responsible controlling members are accountable.

Licensees operating in Region 1 have access to an established taxi meter service provider. Under these circumstances, controlling members of licensees operating in Region 1 are not authorized to perform these tasks themselves.

These changes align with the Board's use of Passenger Transportation Regions as outlined in the Passenger Transportation Regions policy.

## Legislation

**39.1** (1) Despite anything in this Act or the regulations,

- a) the registrar may at any time, on the registrar's own initiative, if the registrar thinks it necessary or desirable, consider whether a licensee or a holder of a temporary operating permit is a fit and proper person to provide the service, and
- b) the board may at any time, on its own initiative, if the board thinks it necessary or desirable, consider whether a licensee who holds a licence issued under section 29 (1) or a holder of a temporary operating permit issued under section 38 is a fit and proper person to provide the service and is capable of providing the service.

## Related Topics

- [Rates Rules Manual](#)
- [Passenger Transportation Regions policy](#)

# Discount Certificates

## Context

Under the Act, operators of taxis, limousines, shuttles, and other passenger directed vehicles (PDVs) must charge rates set by the Board.

Sometimes operators will offer discount certificates (such as gift cards, coupons, or vouchers), which can be redeemed by customers to reduce the cost of the total fare paid on a trip. This policy clarifies when and how a licensee may distribute discount certificates for passenger transportation services in B.C.

## Applicability

This policy applies to licensees with a passenger directed vehicle authorization (PDVA), including taxis, limousines, shuttles, and other PDVs.

Transportation network services (TNS) may use discount certificates in accordance with this policy and the [Rates Rule- TNS Rates Rule](#).

## Policy

For the purposes of this policy, “discount 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.

The Board does not typically review the discount certificates being offered by licensees. However, the Board accepts the use of discount certificates, so long as they do not undermine or undercut Board approved rates and adhere to this policy.

Discount certificates must not result in universal discounts to the public of Board approved rates. For example, a licensee may not offer discount certificates that offer passengers a universally lower meter rate than the meter rate set by the Board. Also, licensees cannot offer universal fixed fee rates at a lower rate than approved by the Board.

Discount certificates must have a stated dollar value. For example, a discount certificate sold for \$25 would state the value of \$25 on its face.

Discount certificates must be handled like cash by licensees and their drivers. For example, in cases where a trip costs less than the discount certificate amount, the passenger would receive change or credit for the unused part, and in cases where a trip costs more, the passenger would pay the difference.

Discount certificates may only be distributed in the following ways:

- Donated by a 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;
- Given to an individual as a customer service response to a legitimate and specific customer complaint; or
- Sold to people for the stated value of the discount certificate. For example, a licensee must sell a \$10 certificate for \$10 dollars. There must not be “discounts” for bulk purchases.

## Legislation

7 (1) Without limiting section 6(4), the Board may 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 that includes a passenger directed vehicle authorization... and approve any rule, practice or tariff of the licensee relating to those rates

## Related Topics

- [Passenger Transportation Board Rates Rules Manual](#)
- [Rates Policies](#)

## Eco-friendly taxis

### Context

Climate change is a significant priority for the Board and government. The scale of the climate emergency demands urgent action.

The [Climate Change Accountability Act](#) and [2021 Ministerial Order](#) set the Province's greenhouse gas emissions (GHG) reductions targets at 40% by 2030, with 27% to 32% for the transportation sector of the economy.

The [Province's climate action plan](#), sets out the pathways to achieving these targets.

Key actions for the transportation sector include:

1. Accelerating the switch to zero-emission vehicles (ZEV)
2. Increasing shifts to energy efficient modes of transportation
3. Improving vehicle efficiency
4. Reducing distance travelled
5. Using clean fuels
6. Expanding BC's public charging network

The Board is committed to supporting the government's climate change priorities through the regulation of the passenger transportation industry as referenced in the [May 2023 News and Updates](#). Details about relevant initiatives and programs that can be accessed by the passenger transportation industry are identified there.

The Board's eco-friendly taxi policy is focused specifically on taxis. Eco-friendly taxis are already used in many parts of B.C., and this policy is intended to encourage and support increased use of these vehicles throughout the province.

### Applicability

- This policy applies to taxi licensees

### Policy



When an applicant seeks to start or expand a fleet of taxis, the Board has the authority to apply eco-friendly criteria to an application.

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.

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.

For the purposes of the Board's policy, eco-friendly taxis will be a 2006 model or newer that meets combined fuel consumption rating (CFCR) requirements. Appendix A provides more details regarding the definition of eco-friendly taxis, combined fuel consumption rating (CFCR) requirements, and other technical matters pertaining to application of the policy.

Under this policy, electric vehicles meet the Board's criteria for an eco-friendly taxi, as their operation does not produce emissions.

## Legislation

- 28 (3) The board may establish terms and conditions that apply to a special authorization included in a licence, if issued, including, without limitation, terms and conditions respecting any of the following...

## Related Topics

- [Board Forms](#)
- [Natural Resources Canada database](#)

## Eco-friendly taxis - Appendix A

### Eco-friendly vehicles

“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:

1. Any motor vehicle with a combined fuel consumption rating (“CFCR”) of 6.9 litres per 100 km or less;
2. Any “special purpose vehicle” (i.e. SUV) or “full size” vehicle with a CFCR of 8.0 litres per 100 km or less; or,
3. Any “van” or “minivan” with a CFCR of 10.1 litres per 100 km or less.

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.

**Table 1: EFT Vehicle Types & Maximum CFCR**

	Type A Any Vehicle	Type B Full Size & SUV	Type C Vans
Maximum CFCR	6.9 litres per 100 km	8.0 litres per 100 km	10.1 litres per 100 km
Examples	Prius, Toyota Corolla Electric Vehicles	Ford Escape Hybrid Hyundai Sonata	Mazda 5 Toyota Sienna

Note: Maximum CFCR criteria may not be met in some model years and some editions of a particular vehicle. The examples provided here are merely a quick illustration.

The types of vehicles shown in Table 1 are based on classes defined by Natural Resources Canada (NRC). Type A can include any 2006 or later vehicle that meets the

CFCR criteria. Type B is limited to sport-utility vehicles (SUVs) and full-size cars. NRC vehicle lists use the following codes for these types of vehicles:

- SP: Special purpose vehicle
- US: Small SUV
- UL: Standard SUV
- L: Large vehicle

Type C vehicles are vans. NRC vehicle lists identify vans with these vehicle class codes:

- V: Minivan
- F: Large van
- FP: Passenger van

## Calculating the CFCR

NRC publishes fuel consumption ratings for vehicles models used in Canada. The [NRC database](#) reports ratings for both city and highway driving conditions.

The CFCR is not reported by the NRC. The rate for a vehicle is calculated by adding 55% of the city rating to 45% of its highway rating, as follows:

**Table 2: Sample CFCR Calculation**

Rating Type	Fuel Consumption Rating	Weighting	Calculation Results
City	6.5 L/100 km	55%	3.58
Highway	5.8 L/100 km	45%	2.61
CFCR			6.2 L/100 km

## Vehicles with more than one CFCR

There may be different editions for some vehicle models due to varying types of engines and transmissions. These differences impact fuel consumption resulting in

each edition having its own rating. As a result, some editions of the same vehicle model may meet the eco-friendly criteria and others may not. For example, the 2014 non-hybrid edition of the Ford Escape rating does not meet the eco-friendly SUV criteria. The hybrid editions of the 2014 Ford Escape meet the criteria and may be used as eco-friendly taxis.

# Engaged Carrier Authorizations

## Context

The Passenger Transportation Board (Board) may approve an engaged carrier authorization term and condition for Inter-city Bus (ICB) or limousine licensees. This term and condition is intended to fulfill public need where circumstances exceed the primary carrier's ability to provide complete service.

The engaged carrier authorization can be activated when a primary carrier cannot meet demand. In these circumstances, an engaged carrier authorization allows the primary carrier to engage another licensee in the same sector type, if that licensee also has an engaged carrier authorization on their licence.

## Applicability

This policy applies to:

- ICB licensees; or,
- PDVA, limousine licensees only.

## Policy

- The Board must approve all special authorizations and set the terms and conditions of licence.
- To cover the limited circumstances where an ICB or limousine licensee requires immediate assistance to manage passenger overflows, the Board may establish in advance an “engaged carrier authorization” as a term and condition of licence.
- The engaged carrier authorization allows a licensee to:
  - Assign overflow passengers to another licensed carrier in the same sector type (i.e., ICB to ICB; limousine to limousine); or,
  - Receive overflow passengers from another primary carrier in the same sector type.

- For an engaged carrier authorization arrangement to occur, both the primary carrier (with the overflow) and the secondary carrier (receiving the overflow) require engaged carrier authorizations as a term and condition on their licence.
- The Board may consider letters from authorized ICB or limousine operators as proof of need for an engaged carrier authorization.

## **Legislation**

- 28** (3) The board may establish terms and conditions that apply to a special authorization included in a licence, if issued...

## Fit and Proper

### Context

Section 28(1) of the Act sets out the criteria the Board must consider on an application. The first criteria (Fit and Proper) is a threshold test and considers whether the applicant is a fit and proper person to provide the service the applicant proposes. The Board must first consider that an applicant is a fit and proper person, and capable of providing a service before it can continue on to other criteria. If the applicant passes the threshold test, the Board will then consider whether there is a public need for the service and whether the application, if granted, would promote sound economic conditions in the passenger transportation business in BC.

The Board's Fit and Proper policy explains how the Board interprets this concept. The policy does not list all the ways in which the Board might consider fit and proper, as the Board has discretion to consider other factors. However, the policy should give an idea of how the fit and proper criteria may be demonstrated by applicants and submitters and interpreted by the Board.

### Applicability

This policy applies to:

- New or amended applications for a special authorization
- Transfer applications for a special authorization
- Urgent public need applications (section 26(3) of the Act)
- Temporary Operating Permit applications (section 38(2) of the Act)
- Any person making a submission to the Board respecting an application

### Policy

Fit and Proper person is not defined in the Act. 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, deserving.” The *Oxford English 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 BC. 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.

## Board Considerations

### Assessing Conduct

When assessing whether an applicant is Fit and Proper, the Board considers factors such as the applicant’s past conduct and the potential risk of harm to the public and the integrity of the industry if a licence is granted to the applicant. The Board will consider any relevant information concerning the conduct of the principal in order to assess how the business is likely to be run.

Fit and Proper people:

- Conduct themselves and their business lawfully
- Uphold the integrity of the passenger transportation Industry
- Promote public confidence in the passenger transportation Industry
- Abide by certain standards of conduct

### Charges or Convictions

In assessing whether an applicant or licensee is a Fit and Proper person, the Board may consider charges or convictions related to the controlling members of the business or the incorporated business as a legal entity. Considerations may include:

- What were the circumstances of any charges, convictions, or findings of guilt and any sentence imposed?
- How much time has passed between the charge, conviction, or finding of guilt and this Application?



- Does the behavior for which the charges were laid (or convictions or finding of guilt) indicate a pattern of poor conduct and character, lack of financial integrity or a threat to the public?
- What, if any, corrective or remedial activities have been undertaken in relation to any charges or convictions?

The Board may examine charges or convictions that indicate a risk to the public with potentially serious implications, including those relating to:

- Provisions of the [Criminal Code of Canada](#), [Controlled Drugs and Substances Act](#) and [Motor Vehicle Act](#), including those listed in sections 12.63 to 12.67 of the [Passenger Transportation Regulation](#)

### Regulatory Compliance

In assessing whether an applicant or licensee is a Fit and Proper person, the Board may consider their history of regulatory compliance. Considerations may include:

Administrative penalties and offences:

- Is there a record of non-compliance or administrative penalties imposed by the Registrar under the Act or *Passenger Transportation Regulation*?
- Have there been any violation of sections 12.2 and 12.3 of the *Passenger Transportation Regulation* and related licence requirements that protect the [safety of unaccompanied minors carried in perimeter seating buses](#)?

National Safety Code (NSC): Is the NSC safety profile status satisfactory?

Bankruptcy: Is there a history of financial insolvency or fraudulent activity?

## Legislation

- 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 business in British Columbia.

## Related Topics

- [Capable Policy](#)
- Web page: [Fitness](#)
- Web page: [Fitness Reviews](#)
- Web page: [Resumés, criminal record checks and business registration documents](#)

## Inter-City Bus Minimum Route Frequency

### Context

The Board is authorized, although not required, to establish minimum route frequency (MRF) requirements for inter-city bus (ICB) services as part of the terms and conditions of licence.

### Established MRF Policy

The Board's established MRF policy required ICB operators to apply to the Board to amend their licence to change any MRF requirements. This application process was guided by the following requirements in the Board's Rules of Practice & Procedure (RPP):

- Minimum notice requirements (RPP 39)
- Rationale to reduce MRF requirements and associated notification requirements (RPP 40)
- Process to receive comments and other information pertaining to public notice of proposed MRF changes (RPP 41)
- Public hearing requirements (RPP 42)

### COVID-19 Policy

In response to the COVID-19 pandemic, the Board temporarily changed its established MRF policy to provide enhanced flexibility to ICB licensees. Since March 18, 2020, the Board has permitted ICB operators to temporarily reduce or suspend scheduled service to below MRF requirements in the terms and conditions of their licence without applying to the Board for a reduction of service amendment (ICB COVID-19 Policy).

The ICB COVID-19 Policy is scheduled to expire on December 31, 2023, which would result in a reversion to the established MRF policy.

## Consultations

The Board undertook consultations with ICB operators in September 2023.

Feedback highlighted a strong preference for ongoing flexibility with respect to MRF requirements and concerns about reverting to the Board's established MRF policy due to challenges associated with maintaining MRF on many routes. However, ICB operators also identified concerns about licensees potentially holding on to licences for certain routes (and potentially restricting opportunities for alternative providers) but not providing any service.

Following consultations and considering these concerns, the Board committed to review and potentially revise the MRF policy.

## Applicability

This policy applies to all current and future ICB operators licensed to operate by the Board.

## Policy

### Requirement to Maintain “Active Service”

ICB operators must maintain an active service on a Board-approved ICB route, as identified in the terms and conditions of their licence.

For the purposes of this policy, “active service” means maintaining at least one scheduled service per month. In the case of seasonal operations, it means one scheduled service per month during the seasonal period identified in the terms and conditions of licence.

Under this policy, this active service threshold is intended to ensure that ICB operators continue to operate a basic minimum level of service on approved routes while providing enhanced flexibility to adjust MRF at their discretion.

## Overview

Notwithstanding any MRF requirements identified in the terms and conditions of a licence, an ICB operator may reduce frequency of service on a Board-approved route at its discretion, provided these changes are consistent with the active service threshold described above.

Under this policy, ICB operators are no longer required to apply to the Board to reduce MRF, provided that an active level of service is maintained.

The purpose of this is to balance enhanced flexibility for ICB operators to make changes to MRF for Board-approved routes with ensuring ICB operators maintain active service on these routes.

This update to the Board's policy reduces regulatory burden and provides ongoing support to ICB operators as they transition from the COVID-19 pandemic while advancing the Board's priority of maintaining an expected level of service to the public and supporting operators who are committed to provide ongoing ICB services.

This update to the Board's MRF policy does not change or revise any requirements in the terms and conditions of licence regarding route points on Board-approved routes.

## Public Notification

ICB operators who intend to reduce frequency of service on a Board-approved route must provide advance notification to the public. This may include, but is not limited to:

- Posting on the operator's website
- Posting in terminals, depots or an agent's premises
- Notification to mayors and councils of affected municipalities, chairs and directors of regional districts
- Notification to First Nations governments, Band councils and other community organizations

ICB Operators should aim to provide at least 24 hours for changes to weekly service schedules and at least two weeks for changes to monthly schedules.

## Public Funding Agreements and Requirements

ICB operators who have requirements related to route frequency in funding agreements with the federal or provincial government are expected to adhere to those requirements notwithstanding the Board's MRF policy.

Any issues pertaining to these or other funding arrangements must be addressed by the ICB licensee directly with the funding partner.

## Repeal of RPP 39-42 in Board Rules of Practice and Procedure

As part of this update to the Board's ICB MRF policy, RPP 39-42 in the Board Rules of Practice and Procedure are repealed.

## Effective Date

The updated MRF policy takes effect on the expiration of the ICB COVID-19 Policy on December 31, 2023.

There will be a period of 90 days to transition to the updated MRF policy.

## Legislation

### The Act:

**28** (3) The board may establish terms and conditions that apply to a special authorization included in a licence, if issued, including, without limitation, terms and conditions respecting the following: ...


(b) if the licence is to include an inter-city bus authorization, routes and minimum route frequencies

## Related Topics

- Web page: [Inter-city Bus](#)
- [Board Rules of Practice and Procedure](#)
- [ICB COVID-19 Policy](#)

# Metered Taxi Rate Posting Requirements

## Context

The Board both approves taxi rates and makes rules respecting rates. Rate bands allow licensees to make flexible changes to their rates as frequently as once every six months.  Rate changes that comply with [Rule 3 - Rate Bands](#) are not individually published in Board decisions.

To ensure passengers have access to current rates and are able to easily identify when changes have been made, the Board requires that current metered rates be posted on taxi licensee websites, apps, and in vehicles ([Rule 2 \(7\)](#)).

## Applicability

This policy applies to all taxi licensees with a passenger directed vehicle authorization (PDVA) charging metered rates.

## Policy

- Posting of metered rates should include the flag, distance and time rate, inclusive of GST.
- To ensure passengers can make informed choices, if licensees have a website or app, they must post their current metered rates. Rates should be posted in a location that can be easily navigated to from the homepage.
- Licensees must post metered rates in all vehicles in a place that is clearly visible for passengers. Licensees may choose to post rates on any windows or inside the rear of the vehicle.
- To promote identification and readability for passengers, rates posted in vehicles should adhere to the following standards:
  - Flag rate, distance rate, and time rate listed on separate lines
  - Minimum total dimensions of 10cm by 6cm
  - Clear, standard, sans serif font in a minimum point size of 14



- High contrast ratio between background and font colour (e.g. white background with black font)
- Adequate space between lines of text
- All posted rates, online or in vehicles, must include the effective date of those rates to ensure passengers can identify if recent changes have occurred.
- Licensees may choose to display the previous rates to illustrate the change provided it is clear they are no longer in effect. For example, to show that rates have been decreased.

## Legislation

- 7 (1) Without limiting section 6(4), the Board may 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

## Related Topics

[Rule 2 – Standard Rules for Taxi Rates](#)

[Rule 3 – Rate Bands](#)

## Operating Areas

### Context

Section 28(3) of the Act allows the Board to establish the terms and conditions of licences for passenger directed vehicle authorizations (PDVAs) and transportation network services authorizations (TNSAs), including the geographic areas in which licensees may pick up and drop off passengers. The Board regulates operating areas to balance adequate service levels that meet public need while maintaining a sustainable passenger transportation industry.

The Board's Operating Areas policy describes the acceptable ways in which applicants for a new or amended special authorization should provide the Board with proposed passenger pick-up and drop-off locations. These originating and destination areas should be easily understood by licensees, passengers, and enforcement officers. This allows the Board to clearly specify operating areas in the terms and conditions of licence of approved special authorizations.

### Applicability

This policy applies to:

- New or amended applications for PDVAs and TNSAs.

This policy does not apply to:

- Applications for inter-city bus authorizations

### Policy

#### Passenger Directed Vehicle Authorizations

Applicants or licensees for a PDVA must indicate in their applications the operating areas they propose to provide service in. Clearly defined operating areas help the Board consider factors such as public need and sound economic conditions in its decision-making process.

Acceptable ways of describing operating areas include municipalities, regional districts, and highway corridors. Electoral boundaries, improvement districts, water districts, or other less common geographic references will not be accepted to define an originating area or destination area.

## **Highway corridors**

The Board prefers this approach for operators providing transportation services in communities outside the Lower Mainland. 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.

When an operating area includes reference to a highway corridor, the originating or destination area will include pick-up and drop-off points at locations and places located on or accessed directly from a specified section of highway.

For example, “transportation of passengers may only originate from City X and the surrounding area which extends south to Highway A where it intersects with Highway B; east on Highway B to where it intersects with Highway C; north on Highway C to where it intersects with Highway D; and west on Highway D to where it intersects with Highway A.”

## **Municipalities and regional districts**

For many existing licences, originating areas are expressed as a “municipality and X number of road kilometers 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.

If the term “road kilometers” 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 travelled by a ferry that crosses a body of salt water, unless specified by the Board. Expressing operating area

borders through intersection highways or roads is preferred over the “road kilometers” approach.

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.

## **Originating Areas**

An originating area of “anywhere in British Columbia” will not be accepted. The Board requires applicants to propose specific originating areas so that it can properly assess and balance adequate supply to meet public need while maintaining sound economic conditions for the passenger transportation industry in a given operating area.

## **Destination Areas**

A destination area of “anywhere in British Columbia” will be accepted, though applicants may choose to define their destination areas more specifically. Licensees may not pick up passengers outside of their defined originating areas unless they have terms and conditions of licence that allow for either return or reverse trips, which are described below.

## **Transportation Hubs**

If an applicant wishes to serve an airport, ferry terminal, or other transportation hub, they must confirm it is in the operating area(s) being proposed. If not, it must be included separately as an originating or destination area (or both).

## **Return Trips and Reverse Trips**

Applicants may also apply for terms and conditions that allow them to offer return trips and reverse trips. The application package should explain why the applicant requires these authorizations.

Return trip means that the same passengers may only be returned from where their trip terminates in the destination area to any point in the originating area if the return trip is arranged by the time the originating trip terminates.

Reverse trip allows licensees to pick up passengers in a destination area under either limited or unlimited circumstances, subject to Board approval. This term and condition may state, for example, that the transportation of passengers may only originate in the destination area if the transportation terminates in the originating area and the cost of the trip is billed to an active account held by the licence holder that was established before the trip was arranged.

An unlimited reverse trip authorization is not a common term and condition of licence, especially for vehicles operating in urban areas.

## Transportation Network Service Authorizations

The Board has established five Passenger Transportation Regions for persons applying for a new or amended licence to operate vehicles under a TNSA licence. These Regions are also used to support the Board in conducting regional-level policy and statistical analysis for all passenger transportation sectors.

TNS operating areas are described in the [Passenger Transportation Regions policy](#).

TNS applicants must clearly identify the Passenger Transportation Region or Regions they wish to serve as originating areas.

Transportation of TNS passengers may terminate at any point in B.C. Applicants wishing to cross the B.C. border into another province, territory, or U.S. state must apply to do so in their proposed terms and conditions of licence, as part of an application package.

## Legislation

28 (3) The board may establish terms and conditions that apply to a special authorization included in a licence, if issued, including, without limitation, terms and conditions respecting any of the following: ...

(c) if the licence is to include a passenger directed vehicle authorization; ...

(iv) the geographic region in which motor vehicles may be operated under the authorization

(d) if the licence is to include a transportation network services authorization; ...

(iii) the geographic region in which motor vehicles may be operated under the authorization

## Related Topics

- PT Board Form 2: [Proposed Terms and Conditions of Licence for Passenger Directed Vehicle Authorizations](#)
- [Transportation Network Services Application Package](#)
- [Passenger Transportation Regions policy](#)

# Passenger Transportation Regions

## Context

The Board has established five Passenger Transportation Regions to support its role in regulating passenger transportation services across the province, implementing evidence-based and systemic decision-making, and administering certain rules and policies. These Passenger Transportation Regions reflect the differences in geography as well as varying population density across the province.

## Applicability

- Transportation Network Services (TNS)
- Taxis (**excluding Operating Areas**)

## Policy

### Transportation Network Services

For TNS licences, Passenger Transportation Regions may be used for all aspects of the Board's regulation and decision-making. For example, TNS operating areas and rates have been defined in terms of Passenger Transportation Regions. TNS licences may include authorization to operate in multiple Passenger Transportation Regions.

### Taxis

For taxi licences, operating areas (including pick-up and drop-off locations) are typically established based on municipal and regional district boundaries, as defined in the Board's [Operating Areas policy](#). Passenger Transportation Regions do not apply to taxis' operating areas.

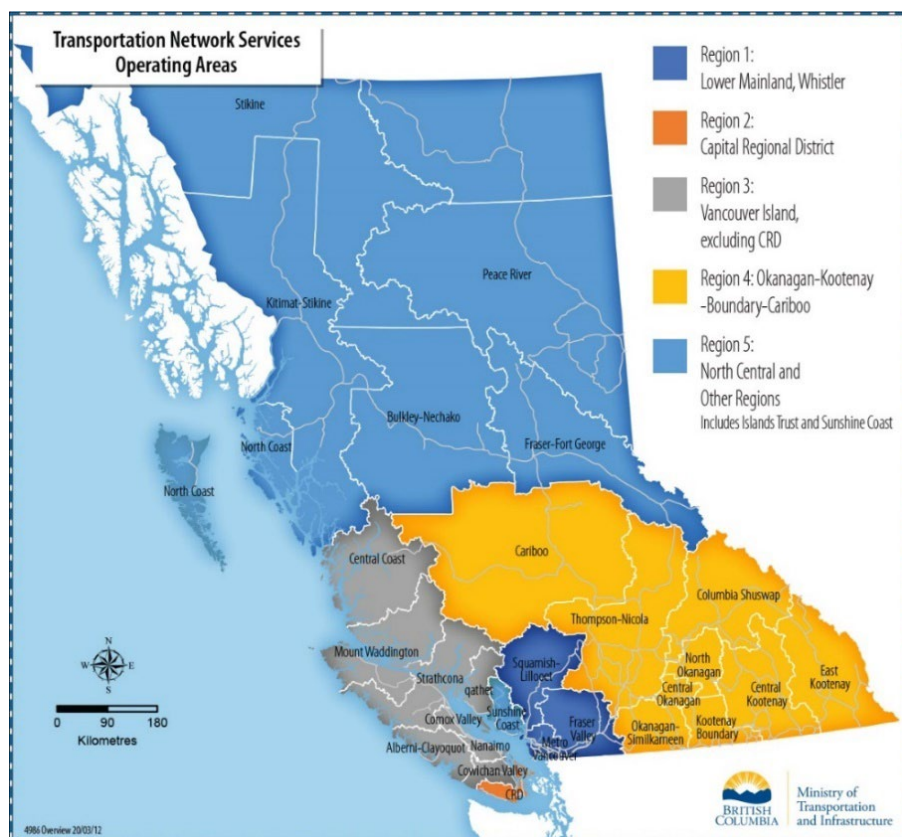
Passenger Transportation Regions may be used by the Board for other purposes of policy, regulation, data collection, and statistical analysis. For example, the Board may organize its taxi rates rules under Passenger Transportation Regions. For the purpose of statistical analysis, both taxi and TNS applications are associated with the same

Passenger Transportation Region, even though taxi businesses do not generally operate at a regional level. This is to facilitate data analysis of the taxi and TNS sectors at the same regional level.

For taxi applicants, the Region is determined based on where the existing or proposed operating area is located. Each taxi licence is assigned to one or more of the five regions based on its originating area. For taxi licensees, the equivalent Passenger Transportation Region is determined based on where their operating area is primarily located. If a taxi licensee operates equally in more than one Passenger Transportation Region, the Board will determine the Region(s) to which the licence will be allocated for the purposes of statistical or other analysis.

## Passenger Transportation Regions

Passenger Transportation Regions are defined based on regional district boundaries, where applicable. As such, any changes to regional district boundaries will automatically be reflected in the Board's Passenger Transportation Regions.





## **Region 1**

- Fraser Valley Regional District
- Metro Vancouver Regional District
- Squamish-Lillooet Regional District

## **Region 2**

- Capital Regional District (CRD)

## **Region 3**

- Alberni-Clayoquot Regional District
- Central Coast Regional District
- Comox Valley Regional District
- Cowichan Valley Regional District
- Mt. Waddington Regional District
- Nanaimo Regional District
- qathet (Powell River) Regional District
- Strathcona Regional District

## **Region 4**

- Cariboo Regional District
- Central Kootenay Regional District
- Central Okanagan Regional District
- Columbia Shuswap Regional District
- East Kootenay Regional District
- Kootenay Boundary Regional District
- North Okanagan Regional District
- Okanagan-Similkameen Regional District
- Thompson-Nicola Regional District

## **Region 5**

- Bukley-Nechako Regional District
- Fraser-Fort George Regional District
- Islands Trust

- Kitimat-Stikine Regional District
- North Coast Regional District
- Northern Rockies Regional Municipality
- Peace River Regional District
- Stikine Regional District
- Sunshine Coast Regional District

## Legislation

7 (1) Without limiting section 6 (4), the board may do any or all of the following: ...

(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;

28 (3) The board may establish terms and conditions that apply to a special authorization included in a licence, if issued, including, without limitation, terms and conditions respecting any of the following: ...

(c) if the licence is to include a passenger directed vehicle authorization, ...

(iv) the geographic area in which motor vehicles may be operated under the authorization;

(d) if the licence is to include a transportation network services authorization, ...

(iii) the geographic area in which motor vehicles may be operated under the authorization...

(5) The board must establish as a term or condition of a passenger directed vehicle authorization or transportation network services authorization that the licensee 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.

## Related Topics

- [Operating Areas policy](#)
- [Place Names policy](#)
- [Rates Rule - Standard Rule for Taxi Rates](#)
- [Rates Rule – TNS Rates Rule](#)

## Place Names

### Context

Section 28(3) of the Act allows the Board to establish the terms and conditions of licences for passenger directed vehicle authorizations (PDVAs) and transportation network services authorizations (TNSAs), including the geographic areas in which licensees may pick up and drop off passengers.

When the Board approves a licence for a PDVA or TNSA, it also may approve specific operating areas that a licensee may operate within. These are written into licence terms and conditions.

When the Board defines operating areas using the names of municipalities or regional districts, it is using the legally defined boundaries that the Government of British Columbia has set through letters of patent, charters, or direct legislation, unless otherwise stated. This policy clarifies how the Board uses defined areas from other B.C. government sources to set operating areas in passenger transportation licence terms and conditions.

### Applicability

This policy applies to all PDV and TNS licensees in British Columbia. It also applies to applicants wishing to provide service in new or amended operating areas.

This policy does not apply to inter-city buses, as their service areas are defined in terms of routes and route points rather than municipal or regional boundaries.

### Policy

Unless otherwise stated, the Board defines operating areas in its rates rules, terms and conditions of licence, policies, and other documents according to how the Government of B.C. defines municipalities, regional districts, and other boundaries.

Boundaries in B.C. are defined and classified according to multiple pieces of provincial legislation, and documents called [letters patent](#).

## Letters Patent

As part of its constitutional authority over “municipal institutions”, the Government of B.C. issues letters patent to incorporate local governments. The Legislature has delegated the authority to create local governments to the Lieutenant Governor in Council. Letters patent are defined in the [Interpretation Act](#) as a type of regulation.

Letters patent define regional district and most municipal boundaries in B.C., which are used by the Board to define operating areas in terms and conditions of licences.

## Municipalities and Regional Districts

Legally defined local government maps are based on a local government’s legal metes and bounds description in their letters patent as of the date of the Order in Council. Local government maps can be found and searched [here](#) to find specific boundaries for municipalities and regional districts, among other administrative boundaries.

If the Government of B.C. changes the boundaries of a municipality or regional district, it automatically changes the area(s) described in the Board’s terms and conditions and rates rules, unless otherwise stated by the Board.

Exceptions to the use of letters patent for incorporation include: City of Vancouver (see [‘Vancouver Charter’](#)), Resort Municipality of Whistler, and City of Powell River, which were incorporated directly by the Legislature.

Municipal classifications are set according to population density in section 10 of the [Local Governments Act](#), the act which is also the primary legislation governing regional districts.

## Legislation

## Act

- 28 (3) The board may establish terms and conditions that apply to a special authorization included in a licence, if issued, including, without limitation, terms and conditions respecting any of the following: ...
- (c) if the licence is to include a passenger directed vehicle authorization; ...
    - (iv) the geographic region in which motor vehicles may be operated under the authorization
  - (d) if the licence is to include a transportation network services authorization; ...
    - (iii) the geographic region in which motor vehicles may be operated under the authorization

## Other Relevant Acts

### Local Governments Act

- [Part 2- Divisions 1-6](#) outline the incorporation of municipalities and regional districts, classification of municipalities, boundary changes, and related matters

### Interpretation Act

- [Section 1](#) defines “letters patent” as a type of regulation
- [Section 40](#) explains that definitions in Community Charter and Local Government Act apply to other enactments

### Vancouver Charter

- [Section 6](#) defines the City of Vancouver and the boundaries of the city

## Related Topics

- [Operating Areas policy](#)
- [Passenger Transportation Regions policy](#)

## Public Need

### Context

Section 28(1) of the *Passenger Transportation Act* (Act) sets out the criteria the Board must consider on an application. The first two criteria (Fit and Proper, and Capable) are a threshold test. The Board must first consider that an applicant is a fit and proper person and capable of providing a service before it can continue on to other criteria. If the applicant passes the threshold test, the Board will then consider whether there is a public need for the service and whether the application, if granted, would promote sound economic conditions in the passenger transportation industry in BC. The public need and sound economic conditions criteria are also part of section 28(1) of the Act.

The Board's Public Need policy explains how the Board interprets this concept. The policy does not list all the ways in which the Board might consider public need, as the Board has discretion to consider other factors. However, the policy should give an idea of how the public need criteria may be demonstrated by applicants and submitters and interpreted by the Board.

### Applicability

This policy applies to:

- Applicants for a new or amended special authorization.
- Urgent public need applicants (section 26(3) of the Act).
- Any person making a submission to the Board respecting an application.

This policy does not apply to:

- Applications to transfer a licence (section 30 of the Act).
- Rate change applications (section 35 of the Act).
- Temporary operating permit applications (section 38 of the Act).

## Policy

An Application must explain how there is a public need for the proposed service. Firstly, the Board considers whether there is **demand** for the proposed service. Secondly, the Board considers public need in terms of the ways passenger transportation benefits the public, including (but not limited to) the following factors: **accessibility, affordability, safety, and service quality.**

While an application does not need to demonstrate that the proposed service would address all of these public need factors, the applicant should provide as much information and evidence as possible to show that public need exists for the proposed service.

Submitters should also consider these factors of public need when providing information to the Board respecting an application.

### Public Need Factors

The following sections provide more information on what the Board may consider for each of these factors of public need.

#### **Demand: Are there people who would use the proposed service?**

The proposed service may address the public need demand factor if:

- There are people who would use the proposed service.
- There are people who require access to, or are seeking access to, or would likely access a new, expanded, or improved passenger transportation service.

#### **Accessibility: How would the proposed service improve access to passenger transportation?**

The proposed service may address the public need accessibility factor if it:

- Enhances availability of passenger transportation services to everyone in the province, including in low density areas, such as rural and remote communities.
- Supports essential service levels (24 hours a day, seven days a week) for the public.



- Provides more or improved service to persons with mobility disabilities, including WAVs.
- Reduces barriers for persons with other disabilities (auditory, visual, cognitive, sensory, etc.).
- Provides service to underserved groups or communities, including Indigenous communities.
- Reduces barriers to inclusion (i.e., based on race, gender, sexuality, etc.).

**Affordability: How would the proposed service increase affordability for the public?**

The proposed service may address the public need affordability factor if it:

- Provides unique, innovative, or efficient services that can reduce costs.
- Provides more affordable options or services for consumers.

Note: The Board must consider the proposed service to be financially viable under the capable criteria; however, this public need factor relates to business efficiencies producing more affordable rates for customers.

**Safety: How would the proposed service increase the Industry's safety?**

The proposed service may address the public need safety factor if it:

- Provides safer passenger transportation services, above and beyond regulatory requirements.
- Supports greater understanding of compliance (with safety regulations) for drivers, the licensee, and others involved in the service.
- Utilizes new safety features.
- Includes additional safety training or behaviours.
- Increases data security to protect client privacy.

Note: This public need factor is above and beyond the determination that the applicant is fit and proper, and capable.

**Service Quality: How would the proposed service increase service quality?**

The proposed service may address the public need service quality factor if it:

- Provides more or improved service where there is currently inadequate service.
- Provides more reliable service.

- Encourages more efficient service to the public, including trip speed.
- Provides a service that is comfortable and convenient.
- Supports better customer service and customer satisfaction.

## Legislation

- 26** (1) If the registrar receives an application for a licence in which a special authorization is sought, the registrar must forward that application to the board.
- 27** (1) If an application is forwarded to it under section 26 (1), the board  
 (2) must, in the case of any application other than one referred to in section 26 (3), defer its consideration of the application for a period of at least 7 days after the date on which the notice referred to in section 26 (2) is published, and  
 (b) may require further information from the applicant, including written or oral submissions.
- (3) Any person may, within the time period specified by the board and on payment of the prescribed fee, make a written submission to the board respecting the application forwarded to it under section 26 (1).
- 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.

- 31 (1) Subject to subsection (4) and [section 32](#), a licensee wishing to amend a licence must apply to the registrar and, in that event, [...]
- (b) Division 3 applies to an application to amend a licence issued under that Division.

## Related Topics

- [Sound Economic Conditions Policy](#)
- Web page: [Fitness](#)
- Web page: [Demonstrating Public Need and Sound Economic Conditions](#)

# Rates

## Context

Section 7(1)(f) of the Act mainly applies to individual application decisions. When the Board makes an application decision, it expresses any requirements around rates in its written reasons for decision—which is called a rates order.

The Board may indicate that a licensee is subject to an established rates rule or make a specific rates order applicable to that licensee, or both.

Section 7(1)(g) of the Act provides authority to the Board to set rules about rates and any practices related to rates. This section mainly applies to systemic decisions, although the Board can apply rates rules (e.g., Taxi Meter Rule) to individual licensees through application decisions.

## 1. Rates Orders Policy

### Applicability

The Board can make rates orders that are applicable to individual application decisions.

### Policy

Rates orders refers to any requirements expressed around rates in the Board's written reasons for application decisions. It is not the same as a term and condition on a licence, but both are stated in the reasons for decision on applications and both are binding (enforceable).

The Board may indicate that the licensee is subject to an established rates rule or make a specific rates order applicable to the licensee, or both.

A licensee may apply to change their rates under section 35 of the Act. Any changes to rates applicable to an individual licensee will be stated in the rates change application

reasons for decision as a rates order. The Board may also amend a rates order on its own motion.

A list of all rates orders will be posted by the Board on its website so that the public, enforcement officers, and licensees can know what rates a licensee is permitted to charge.

## Approve or Set

Under section 24(3) of the Act, an application must set out the rates, and any rules relating to those rates, that the applicant proposes will apply to the authorization. The Board has authority to make rate decisions on an application and may agree with what is proposed by the applicant. However, the Board has the discretion to set a different rate than what was proposed.

Although section 7(1)(f) of the Act uses the term “approve, or set”, in practice these terms are used interchangeably by the Board, as the Board has authority to set rates in an application. The Board is setting the rate in both instances – when accepting the rate proposed by the applicant, or when determining a different rate than the proposed rate.

## Just and Uniform

Section 7(1)(f) provides that rates set (or approved) by the Board must be “just and uniform”. The Board interprets these terms taking into account the context of how this terminology evolved in the Act since 2004 and its predecessors, including the *Motor Carrier Act*.

In the context of passenger transportation, the Board interprets the term “just” to mean a fair and reasonable charge for services which: is not unduly discriminatory or preferential, protects the public from excessive rates, and provides fair and reasonable compensation for businesses.

The Board interprets the term “uniform” to mean, generally, the same rate for the same service operated in the same area. The Board has authority to classify licences and broad discretion to determine the factors upon which to classify licences. Therefore, the Board may apply different rates structures to different classes, including sector types, and the Board may divide the classifications further into sub-groups, for example, by different areas or regions.

## 2. Rates Rules Policy

### 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

When the Board makes a rates rule, it is applicable to all the licensees subject to the rule. rates rules are a type of Regulation and carry with them the same binding (enforceable) qualities.

The Board will post all current rates rules on its website so that the public, enforcement officers, and licensees can know the applicable rules.

The Board has exclusive jurisdiction to make rates rules under the Act and can make new rules or amended rules on its own initiative. The Board will typically follow the procedures outlined in the *Systemic Decision – Rates Policy* found below.

In making decisions on rates, either in individual application decisions or systemic decisions, the Board is guided by its key values (see [Key Value Indicators](#)). These key values describe what the Board hopes to achieve through its regulation of the passenger transportation industry, including through rates.

### 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 may 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.



## Reconsiderations

### Context

The Board has developed RPP 50 to outline its processes. The purpose of this policy is to clarify the meaning and use of “new information” and “error in procedure” as these terms 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.

### Policy

#### New Information

- New information includes evidence that could not have been obtained if a party had made a reasonable effort to get it prior to the decision.
- New information is not additional or more evidence that is gathered or created after the Board’s original decision.
- The purpose of the “new information” criterion 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.

#### Error in Procedure

- 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 in a procedurally fair manner.
- 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”.

### Legislation

- 21 (4) 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.

## Related Content

- Board rules of practice and procedure, [Rule 50 Reconsideration](#)
- Web page: [Request a decision reconsideration](#)

## Social Media

### Context

Section 28(1) of the Act sets out the criteria the Board must consider on an application, such as fit and proper, capable, public need, and sound economic conditions.

In addition to the information provided by the applicant, the Board may also consider submissions received when deciding on an application. Submissions may either support or oppose part or all of an application before the Board. A person making a submission does not become a party to the application process.

Applicants and submitters may wish to provide social media data as evidence to support their support or opposition to an application. General submission requirements and considerations applicable to all written submissions are detailed in the Board's Submissions- Application policy and Board RPP 13-18; 46-48. In addition to these general requirements, the Board has created this policy to clarify how the Board considers social media data as evidence in its application decision-making process.

### Applicability

This policy applies to all social media data, posts, or other content that an applicant or submitter wishes to present to the Board as evidence to support or oppose an application.

### Policy

The Board will review submitted social media data and decide what weight it should receive. Quantity does not necessarily equate to relevancy or reliability.

The Board expects applicants and 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. The raw data should also be provided for reference.

In reviewing public need, the Board may find specific information from individuals about their use of passenger directed vehicles (i.e., how often, when, where, service quality experience etc.) more informative than petitions, form letters, or general social media posts. For more guidance on demonstrating public need and sound economic conditions, see the Board's policies and [web page](#) dedicated to these criteria and their indicators.

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 will not accept unsolicited social media posts.

### Submitting social media as evidence

The Board makes evidence-based decisions. Evidence is information or facts that are used to support a claim or prove something is true. Objective evidence is information or facts that are verifiable and accurate.

Social media evidence must meet the same standards as any other evidence.

To document social media evidence, persons submitting such evidence should provide the following:

1. A complete copy of the material being submitted (in writing or electronically);
2. The date the material was retrieved;
3. The URL from where the material was retrieved;
4. The identity and contact information for the persons who wrote the text, post, or other social media content; and
5. 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.

If the Board does not receive social media evidence in the manner described in this policy, the Board may choose to disregard the social media data or give it little weight.

## Legislation

- 27 (1) If an application is forwarded to it under section 26 (1), the board...
- (b) may require further information from the applicant, including written or oral submissions.
- (2) Any person may, within the time period specified by the board and on payment of the prescribed fee, make a written submission to the board respecting the application forwarded to it under section 26 (1) ...
- (4) The board may permit a person to make submissions, respecting an application, for consideration at a hearing,
- (a) at the time and in the manner specified by the board, and
  - (b) if the person is not the applicant, on payment of the prescribed fee.
- (5) Unless the board directs otherwise, a person making a submission respecting an application does not, merely because of that submission, become entitled to
- (a) participate any further in the application process, and
  - (b) obtain any further information or disclosure respecting the application.
- (6) The board may, in its sole discretion, waive or reduce a fee payable under subsection (2) or (4) or any costs that the board is entitled to claim.
- 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.

## Related Topics

- [Web page: Support or object to an application](#)
- [Rules of Practice and Procedure Manual: RPP 13-18; 46-48](#)
- [Policy: Public need](#)
- [Policy: Sound economic conditions](#)
- [Web page: Demonstrating public need and sound economic conditions](#)
- [Web page: Hearings](#)

## Sound Economic Conditions

### Context

Section 28 (1) of the *Passenger Transportation Act* (Act) sets out the criteria the Board must consider on an application. The first two criteria (fit and proper, and capable) are a threshold test. The Board must first consider that an applicant is a fit and proper person and capable of providing a service before it can continue on to other criteria. If the applicant passes the threshold test, the Board will then consider whether there is a public need for the service and whether the application, if granted, would promote sound economic conditions in the passenger transportation industry in BC. The public need and sound economic conditions criteria are also part of section 28(1) of the Act.

The Board's sound economic conditions policy explains how the Board interprets this concept. The policy does not list all the ways in which the Board might consider sound economic conditions, as the Board has discretion to consider other factors. However, the policy should give an idea of how the sound economic conditions criteria may be demonstrated by applicants and submitters and interpreted by the Board.

### Applicability

This policy applies to:

- Applicants for a new or amended special authorization licence.
- Urgent public need applicants (section 26(3) of the Act).
- Any person making a submission to the Board respecting an application.

This policy does not apply to:

- Applications to transfer a licence (section 30 of the Act)
- Rate change applications (section 35 of the Act)
- Temporary operating permit applications (section 38 of the Act).

## Policy

An applicant must explain how their application, if granted, would promote sound economic conditions in the passenger transportation industry in BC. The applicant must provide information and evidence to support this.

The Board considers sound economic conditions in terms of the overall passenger transportation business, rather than the interests of individual applicants, submitters, or businesses, including (but not limited to) the following factors: **competition**, **innovation**, **sustainability**, and **variety**. While an application does not need to demonstrate that the proposed service would address all of these sound economic conditions factors, the applicant should provide as much information and evidence as possible to show that sound economic conditions exist for the proposed service.

### Sound economic conditions factors

The following sections provide more information on what the Board may consider for each of these factors of sound economic conditions.

#### **Competition: Will the proposed service promote the market forces that keep businesses accountable to customers?**

The proposed service may address the sound economic conditions competition factor if it:

- Encourages healthy competition among various service providers.
- Prevents market saturation in well-served areas.
- Provides a competitive option where only one type of service exists, so long as it is economically feasible.
- Is providing service to a niche market or under-served areas.
- Encourages competition to promote efficiency, reliability, and quality service for customers.
- Promotes price and/or service competition in an area.



**Innovation: Will the proposed service move the Industry forward?**

The proposed service may address the sound economic conditions innovation factor if it:

- Encourages modernization of the passenger transportation industry overall or of a particular sector.
- Promotes innovation in products or services relevant to passenger transportation.
- Embraces emerging technology that will benefit customers.
- Offers a service that is new and valuable to customers.

**Sustainability: Will the proposed service help the Industry stably meet demand into the long term?**

The proposed service may address the sound economic conditions sustainability factor if it:

- Promotes long-term stability for the passenger transportation industry.
- Encourages resiliency in the passenger transportation industry.
- Balances economic opportunity equitably across different sectors.
- Minimizes significant market disruption.
- Protects the taxi sector from rapid disruption to ensure its long-term stability as an essential service.
- Promotes overall profitability and economic sustainability of the Industry.
- Promotes adequate driver incomes to contribute to a stable supply of drivers.
- Contributes to environmental sustainability over the long term.
- Focuses on reducing greenhouse gas emissions, other pollution, and/or congestion.
- Reduces harm to or enhances Public Transportation.

**Variety: Will the proposed service increase the diversity of services available to customers?**

The proposed service may address the sound economic conditions variety factor if it:

- Encourages a variety of passenger transportation options in an area, where economically feasible.
- Supports a sector or service that is under-represented in the market.

- Considers how to serve low density markets in a stable way.
- Serves the unique qualities of the community in which the service will operate.

## Legislation

- 26 (1) If the registrar receives an application for a licence in which a special authorization is sought, the registrar must forward that application to the board.
- 27 (1) If an application is forwarded to it under section 26 (1), the board
- (a) must, in the case of any application other than one referred to in section 26 (3), defer its consideration of the application for a period of at least 7 days after the date on which the notice referred to in section 26 (2) is published, and
  - (b) may require further information from the applicant, including written or oral submissions.
- (2) Any person may, within the time period specified by the board and on payment of the prescribed fee, make a written submission to the board respecting the application forwarded to it under section 26 (1).
- 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.

- 31 (1) Subject to subsection (4) and [section 32](#), a licensee wishing to amend a licence must apply to the registrar and, in that event, ...
- (b) Division 3 applies to an application to amend a licence issued under that Division.

## Related Topics

- [Public Need Policy](#)
- [Web page: Demonstrating Public Need and Sound Economic Conditions](#)

## Specialty Vehicles

### Context

The Board may set terms and conditions of licence on approval of any application allowing the use of non-standard types of vehicles.

### Applicability

This policy applies to applications for special authorization before the Board.

### Policy

The Board may establish the use of specialty vehicles as a term and condition of licence. Examples of specialty vehicles include:

- Accessible taxis or vehicles
- Classic (vintage) vehicles
- Convertibles
- Four-wheel drive or all-wheel drive passenger vans
- Sedan limousines
- Sport utility vehicles
- Specific make of a vehicle, such as a Rolls Royce or Bentley

### Legislation

- 28** (3) The board may establish terms and conditions that apply to a special authorization included in a licence, if issued, including, without limitation, terms and conditions respecting any of the following:
- (a) 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...

## Submissions - Applications

### Context

Section 28(1) of the Act sets out the criteria the Board must consider on an application. The Board must first consider whether the applicant is a fit and proper person, and capable of providing the proposed service. If the applicant passes this threshold test, the Board will then consider whether there is a public need for the service and whether the application, if granted, would promote sound economic conditions in the passenger transportation industry in B.C.

Any person can provide a submission supporting or objecting to an application, including licensees, businesses, prospective passengers, or other interested parties. Submissions are an opportunity to give information to the Board to help make a decision about an application. For example, submitters who are licensees can tell the Board about their business, transportation opportunities in their communities, and how the application could affect their services.

This policy details how the Board may consider and weigh written submissions from submitters on an application.

### Applicability

This policy applies to submissions on an application for a special authorization.

This policy does not apply to:

- Urgent public need applications
- Temporary operating permit applications
- ICB streamlined application process

### Policy

The Board considers submissions received when deciding on an application. The Board must consider all written submissions filed within the submission deadline and

accompanied by the \$50 submission fee. Submissions may either support or oppose part or all of an application before the Board. A person making a submission does not become a party to the application process.

The Board will likely give more weight to submissions that:

- Relate directly to the section 28(1) considerations outlined above; and
- Provide the Board with factual information to support or confirm statements.

The Board will not speculate as to a submitter's case and 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 no public need.

More information about section 28(1) considerations can be found under their respective headings in this policy manual and under the Related Topics heading below.

## Confidential submissions

In certain circumstances, the Board may accept a part of a submission in confidence. RPP 18 details what and how the Board will accept confidential information.

## Submission Deadlines

Timelines for submissions may vary and are stated when the application is posted in the Board's bulletin on its website. Submissions should be complete, as the Board may not accept follow-up or supplemental submissions received after the submission deadline has passed.

## Legislation

7 (1) Without limiting section 6 (4), the board may do any or all of the following: ...

(d) make rules respecting practice and procedure for all applications, appeals, submissions and hearings coming before the board and for all investigations under paragraph (b);

- 27 (2) Any person may, within the time period specified by the board and on payment of the prescribed fee, make a written submission to the board respecting the application forwarded to it under section 26 (1) ...
- (4) The board may permit a person to make submissions, respecting an application, for consideration at a hearing,
- (a) at the time and in the manner specified by the board, and
  - (b) if the person is not the applicant, on payment of the prescribed fee.
- (5) Unless the board directs otherwise, a person making a submission respecting an application does not, merely because of that submission, become entitled to
- (a) participate any further in the application process, and
  - (b) obtain any further information or disclosure respecting the application.
- (6) The board may, in its sole discretion, waive or reduce a fee payable under subsection (2) or (4) or any costs that the board is entitled to claim.
- 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.

## Related Topics

- [Web page: Support or object to an application](#)
- [Rules of Practice and Procedure Manual: RPP 13-18; 46-48](#)
- [Capable policy](#)
- [Fit and Proper policy](#)
- [Public Need policy](#)
- [Sound Economic Conditions policy](#)
- [Social Media policy](#)
- [Web page: Demonstrating public need and sound economic conditions](#)
- [Web page: Hearings](#)



## 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 may 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.

## Taxi Applications for Licensee-Specific Metered Rates

### Context

The Board's structure for metered taxi rates includes five [regional rate bands](#) and [standardized rates](#) in specific originating areas. The Board recognizes that circumstances may exist that could warrant the need for unique rates different than those outlined in a licensee's applicable rates rule. In these cases, licensees continue to have the opportunity to submit an application to the Board requesting unique, licensee-specific metered rates.

Rates set out in rates rules have been calculated using all trip data, business information, and other evidence available to the Board. Extensive efforts were made by the Board to gather accurate cost data directly from licensees and integrate this into their development of rate rules. Data categories considered by the Board included:

- Operational costs by region, including but not limited to:
  - 
    -  Driver wages
    - Fuel
    - Insurance
    - Vehicle maintenance
- Licensee-reported revenues and expenses
- Trip volumes
- Trip distances
- Current and historical taxi fares

The Board continues to monitor relevant and available data on an ongoing basis, and the rate rules will be adjusted when needed. As the above data has been considered, licensees wishing to charge unique rates should demonstrate compelling reasons why their situation is unique and their data is different than that of other licensees in their region and, therefore, should be considered separately.

## Applicability

This policy applies to all applications requesting approval for metered taxi rates that are inconsistent with the rates set in the [rates rules](#) applicable to the licensee.

## Policy

### Evidence

When making an application for taxi licensee-specific metered rates that are different than those established in the applicable rate rule, the onus is on the applicant to provide compelling, written evidence in support of their request. The applicant is also responsible for clearly detailing the unique circumstances that distinguish their situation from that of other taxi licensees in their region in a written submission.

It is not sufficient for the applicant to point to business inefficiencies as a rationale for higher rates. If this is the situation, applicants should provide evidence of efforts taken to resolve business issues that may prevent sustainable operations within the applicable rate rule.

The applicant is expected to provide specific evidence that not only speaks to the data categories already considered by the Board when establishing the rate rule, but also any unique and relevant evidence the applicant is referring to in support of their application. Existing licensees should provide a minimum of three years of income statements showing income/revenue and expenses/costs for their business to support the application. If income statements are not available, applicants should submit a [cost data form](#).

It is not sufficient for the applicant to simply argue that they do not like the rates – they must provide compelling evidence. Sector-wide changes to operational costs, including wages and fuel, are already accounted for in the [taxi cost index](#) and would not be considered new or compelling evidence to support an application for unique rates.

Applicants should demonstrate that their proposed taxi licensee-specific metered rates are both just and uniform.

## Considerations

When determining an application for licensee-specific metered rates, the Board may also consider the following factors or questions:

1. Has the applicant provided objective and verifiable evidence to support the requested rate(s)? Is this evidence relevant to the calculation of unique rates?
2. Is the evidence or information provided by the applicant new and was not available at the time the rate rules were set?
3. Has the applicant established special circumstances in support of their application that are different than other licensees in their region, such as operational costs that are unique to only the applicant's business?
4. Has the applicant taken steps to mitigate their unique circumstances or address any business issues that would prevent them from operating within the established regional rate band?
5. Could the requested unique rate, if approved, negatively impact the sustainability of the taxi sector in the applicant's area or region?
6. Would the granting of the applicant's proposed licensee-specific metered rates benefit the public?

## Legislation

**35** (1) Subject to subsection (3) and section 32, a licensee whose licence includes a passenger directed vehicle authorization or transportation network services authorization must apply to the registrar if the licensee wishes

(a) to change the rates that apply to a service that is or may be offered by the licensee under that licence, or

(b) to change any rules, practices or tariffs applicable to those rates.

(2) If the registrar receives an application under subsection (1), the registrar must forward that application to the board.

(3) After receiving an application under subsection (1), the board must publish notice of the application in a manner that, in the opinion of the board, is reasonably sufficient to bring to the attention of the public the fact and nature of the application.

(4) Section 27 applies to an application under subsection (1).

(5) If the board approves, in whole or in part, an application forwarded to it under subsection (2), the board must notify the registrar and the applicant of the approval and of the changes that the board has accepted in relation to rates and any related rules, practices or tariffs.

(6) If the board refuses to approve an application forwarded to it under subsection (1), the board must notify the registrar and the applicant of that refusal.

## **Related Topics**

[Rule 3 – Rate Bands](#)

[Rule 4 – Standardized Rates](#)

[Passenger Transportation Regions Policy](#)

[Taxi Cost Index](#)

## Taxi Rates

### Context

As per the Board's [Rates Rules](#), taxi licensees may only charge rates that are approved in writing by the Board. These rates may include metered rates, hourly rates, point-to-point rates, or individual fares. This policy clarifies the interpretation of this rule.

### Applicability

This policy applies to all taxi licensees with a passenger directed vehicle authorization (PDVA).

### Policy

#### Taxi Fare Estimates

- If a dispatcher or driver provides a fare estimate before a trip, the final fare charged must be the amount displayed on the taxi meter at the end of the trip.
- Estimates are for reference only and are not to be treated as fixed fares.

#### Passenger-Initiated Trip Changes

- If a passenger changes the route, destination, or otherwise extends the trip in a way that increases time or distance:
  - The meter must remain active and record the adjusted trip fare.
  - The passenger must be charged the full metered fare for the revised trip.

#### Trip Delays or Detours

- When delays occur due to factors outside the driver's control (e.g., road construction, detours, ferry waits, or heavy traffic):
  - The meter calculates the extra time and/or distance.
  - The passenger is responsible for the full metered fare, including any additional amount calculated by the meter resulting from these delays.



## Non-Metered Rates

- Non-metered rates (e.g., flat rates) may only be charged when they have been explicitly approved in writing by the Board.
- Charging non-metered rates without Board approval is a violation of Rule 2(2).

## Deadhead Charges

- A taxi licensee may not charge a “deadhead” fee (i.e., the cost of traveling to or from a pickup location without a passenger) unless this charge has been expressly approved in writing by the Board.

## Legislation

In Part 1 of the Act, “rates” is defined as:

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 may 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

## Related Topics

[Discount Certificates](#)

[Board's Rates Rule](#)

[Rates Orders Policy](#)

[Rates Rules Policy](#)

# Temporary Operating Permits (TOPs)

## Context

Section 38 of the Passenger Transportation Act (Act) authorizes the Board to approve an application by a licensee to temporarily increase their fleet size if the Board considers that there is an “urgent and temporary” need for the vehicles. The length of the TOP depends on the time period for which a permit is required. The maximum time for a TOP is 92 days, but these do not need to be consecutive days.

In addition to Regular TOPs, the Board has implemented two streamlined TOP processes to accommodate peak periods. These are Festive Season TOPs (FS TOPs) for taxis and Peak Season TOPs (PS TOPs) for limousines and other PDVs. “Urgent and temporary need” is generally accepted by the Board in these streamlined processes.

## Applicability

This policy applies to:

- Licensees with a special authorization: passenger directed vehicle authorization (PDVA) who want to increase, on a short-term basis, the number of motor vehicles they may operate

This policy does not apply to:

- Licensees with a transportation network services authorization (TNSA)
- Licensees with an inter-city bus authorization (ICBA)

## Policy

The Board may grant a TOP 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. TOP applications are considered individually based on operating and market conditions at a particular time.

With any TOP, a panel member may require an applicant to provide additional information to the Board or refuse an application if circumstances, including applicant fitness, warrant a refusal. A panel member may consider the history of an applicant's previous TOP applications, including for FS TOPs and PS TOPs, in the previous 5 years. The Board expects licensees to manage their operations within their current fleet and TOP options available. Outside of the TOP process, operators may, for a fee of \$50 move a plate and identifier from one vehicle to another by submitting a [Move Plate to Alternate \(PTA\) Vehicle form](#) to the Registrar's Office. The alternate vehicle must be permitted under the operator's special authorization.

## Regular TOPs

### Urgent and Temporary Need

TOPs are considered individually on the basis of urgent and temporary need. However, some examples of approvals for TOPs include:

- conferences or special events
- transportation of dignitaries
- unexpected peaks in demand for services

TOPs are not a means to:

- obtain authority to use a recently purchased vehicle pending filing a formal application for Board approval
- establish public need for a vehicle
- circumvent the regular Amendment of Licence application process to increase the maximum fleet size

The Board may be interested in strategies that applicants use to manage their fleet to avoid accepting bookings that exceed supply of vehicles.

### TOPs and Additional Vehicle Applications

Operators who want to expand their fleets on a permanent basis should submit a [TOP Additional Passenger Directed Vehicle application](#). The Board will generally not approve

TOPs pending additional vehicle applications. The exception to this is the PS TOPs for limousines and other PDVs outlined below.

Operators who buy a vehicle before they get Board approval to increase their fleet size are taking a risk. There is no guarantee that the Board will approve an Additional Vehicle application.

### Festive Season TOPs for Taxis

The Board recognizes demand for taxis often increases significantly from mid-November to mid-January (the “festive season”). The FS TOPs process allows taxi companies to increase their fleet size during this time, and applicants for FS TOPs are not required to provide additional evidence of a “temporary and urgent need” for more taxis.

Taxi operators 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.

FS TOPs may cover a period of up to 60 days within the time period of November 15 to January 15.

Any permit requests outside of the FS TOP parameters must be submitted through the regular TOP process where evidence of “temporary and urgent need” is required.

### Peak Season TOPs for Limousines and Other PDVs

The Board recognizes that limousine and other PDV operators provide discretionary services. 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 demands and serve their client base, operators may need to increase their fleet temporarily. Applicants for PS TOPs are generally not required to provide additional evidence of a “temporary and urgent need” for more vehicles. Municipalities and other

agencies or organizations may have additional requirements with which limousine and other PDV companies must comply.

The PS TOPs policy applies only to those licensees who must charge hourly rates pursuant to the Board's Rates Rule- Limousine Rates Rule.

PS TOPs may be cumulative. In any calendar year, which starts on January 1, a licensee may apply for a maximum of one of the following PS TOP timeframes:

- 3 – 30-day PS TOPs
- 1 – 60-day PS TOP and 1 – 30-day PS TOP
- 1 – 92-day PS TOP

PS TOPs that cover December may finish on any day up to January 7 of the following year. In any calendar year, the latest date to start a PS TOP is:

- December 9 for a 30-day permit
- November 9 for a 60-day permit
- October 8 for a 92-day permit

The maximum number of vehicles permitted for a PS TOP timeframe is:

<b>Fleet Size</b>	<b>Number of PS TOP vehicles permitted</b>
1-10	1
11-23	up to 2
24+	up to 3

Licensees must indicate a maximum number of vehicles they are requesting when they submit a PS TOP application, and operating areas for PS TOPs will be the same as those on the applicant's licence. Licensees must manage bookings accordingly and should not expect TOPs over and above PS TOPs unless appropriate supporting data is received.

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.

TOP requests outside of the PS TOP parameters must be submitted through the regular TOP process where evidence of “temporary and urgent need” is required.

## Legislation

- 38 (1) The board may approve an application forwarded to it under section 36.1 (4) *[application by licensee to temporarily increase fleet size]* 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.
- (2) Sections 28 (1) (a), (3) (a) and (c), (5) and (7) *[determination by board]* and 29 (1) *[role of registrar if board approves licence including special authorization]* apply to an application forwarded to the board under 36.1 (4) and, for this purpose, those sections are to be read as if
- (a) references to "licence" were references to "temporary operating permit", and
  - (b) the reference to "licensee" in section 28 (5) were a reference to "permit holder".

## Related Topics

- [Web page: Temporary operating permits](#)
- [Temporary Operating Permit application form \(Regular\)](#)
- [Festive Season Temporary Operating Permit application form](#)
- [Peak Season Temporary Operating Permit application form](#)

## Transfers - Administrative

### Context

The Board looks for opportunities to streamline processes and reduce the administrative burden for licensees and applicants wherever possible.

Under the Act, the Board may approve transfer applications if it considers that an applicant is a fit and proper person and capable of providing a service.

Note: a transfer application is not required when there is an ownership change within a corporation (i.e. change of shareholders).

### Applicability

This policy applies to the following:

- Licence applications
- Application process
- Fit and proper assessments

### Policy

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.

Examples of circumstances when an administrative transfer may be possible are:

- 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.

After receiving an administrative transfer application, the Board may require additional information or documents before it makes a decision on the application.

## Legislation

- 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;
- 30 (1) A licensee must apply to the registrar before transferring the licence and, in that event,
  - a) Division 2 applies to an application to transfer a licence issued under that Division, and
  - b) Division 3, other than section 28 (1) (b), applies to an application to transfer a licence issued under that Division.
- 3) Promptly after a licence is transferred, the person who is transferring the licence must do the following:
  - a) ensure that each vehicle identifier the person was required to display on or in motor vehicles operated under the licence ceases to be displayed on or in those motor vehicles;
  - b) collect the vehicle identifiers referred to in paragraph (a), or notify the registrar if the person fails to collect each of those vehicle identifiers;
  - c) if the vehicle identifiers collected under paragraph (b) were issued by the registrar, return those vehicle identifiers to the registrar in the prescribed manner.

## Related Content

- [Fit and proper policy](#)

## Urgent public need

### 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 Content

- [Web page: Urgent public need](#)
- [Web page: Temporary Operating Permits: \(Things to Remember\)](#)

## Vehicle Capacity & Banding

### Context

Vehicle capacity and banding may be identified and applied by the Board in the terms and conditions of licence for passenger directed vehicles. These help to distinguish between different types of passenger transportation service and establish parameters for the type of service provided.

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

"Banding" is used to distinguish between different categories and usage of vehicles by capacity.

### Applicability

This policy applies to:

- Passenger directed vehicles

### Policy

#### Vehicle capacity

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 and conditions of licence, the number of passengers that a licensee transports ranges from the driver plus one to the maximum number of passengers that a vehicle may legally carry.

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.

## Vehicle capacity bands

The Board typically utilizes standard terminology to describe certain types of vehicles and their capacity in the 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:

**Table 1: Vehicle Bands for PDVs**

Vehicle Category	Description
T	<i>Taxis</i> must accommodate a driver and not less than 2 passengers and not more than 7 passengers. Licensees: 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.
SL	<i>Sedan limousines</i> must accommodate a driver and not less than 3 and not more than 5 passengers. Vehicles which 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 wheelbase of not less than 113 inches (287.02 cm).
SV	<i>Small vehicles</i> accommodate a driver and not less than 2 and not more than 5 passengers. Vehicles smaller than Large Vehicles and are not taxis or sedan limousines.
LV	<i>Large vehicles</i> accommodate a driver and not less than 6 and not more than 11 passengers. Limousines, larger passenger vans, sport utility vehicles, etc.
PSB	<i>Perimeter seating buses</i> accommodate a driver and 12 or more passengers, such as super stretch limousines and limousine buses.

M	<i>Motorcycles</i> must accommodate a driver and not less than 1 passengers and not more than 2 passengers. Vehicle to be a motorcycle as defined by the Motor Vehicle Act.
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## Legislation

### [Passenger Transportation Act](#)

- 23 (1) A person must not operate a motor vehicle as a type of commercial passenger vehicle unless the following requirements are met:
- (a) the motor vehicle is being operated under a valid licence that authorizes the motor vehicle to be operated as that type of commercial passenger vehicle;
  - (b) the motor vehicle is being operated under a valid safety certificate;
  - (c) the person meets prescribed requirements and is otherwise operating the motor vehicle in compliance with the licence, this Act, the regulations and other applicable laws;

### [Passenger Transportation Regulation](#)

- 3 (1) Subject to subsection (3), the number of persons prescribed for the purposes of paragraph (a) (i) of the definition of "passenger directed vehicle" in section 1 of the Act is 11.

## Related Content

- Web page: [Application process](#)