



# ANNUAL REPORT

2007/08



August 25, 2009

Honourable Shirley Bond  
Minister of Transportation and Infrastructure  
Province of British Columbia  
Rm. 248  
Parliament Buildings  
Victoria, BC V8V 1X4

Dear Minister Bond:

I am pleased to present the third Annual Report from the Passenger Transportation Board. The Report was prepared using the guidelines in the "Memorandum of Understanding" (MOU) between the Passenger Transportation Board and the Ministry of Transportation and Infrastructure.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Dennis J. Day", is placed over a light gray, textured rectangular background.

Dennis J. Day  
Chair  
Passenger Transportation Board

## *Message from the Chair*

The Passenger Transportation Board, established in June 2004, consists of 5 part-time members, including myself, and 4 full time staff. The Board meets every 6-8 weeks.

Board meetings focus on policy development and procedural matters. For example, in 2007/08, the Board initiated Olympic Planning activities, announced an eco-friendly taxi policy and implemented a 2008 Taxi Cost Index.

Both the Registrar of Passenger Transportation/Passenger Transportation Branch and the Passenger Transportation Board share responsibility for the implementation of the *Passenger Transportation Act*. The Board and the Branch work cooperatively in the processing of applications and the development of policies that have a "cross-over" effect. As well, the two bodies must respect each other's independent jurisdictions. I am pleased to say that there continues to be excellent cooperation at all levels of these two organizations.

In 2007/08, the Board processed over 200 applications and 3 appeals. Almost 70% of these applications were decided based on the information supplied by the applicant and any submitters. Only 3 applications were set down for a public hearing. These are often delayed at the request of an applicant or submitter or for other reasons outside the Board's control. Although the Board strives for efficiency in completing hearings, it must also respect the principles of administrative fairness.

The Board undertook various consultations during 2007/08. Its Passenger Directed Vehicle Advisory Committee met twice. The Board and Branch met with 3 municipal councils as well as municipal licensing staff. Also, the Board sought input from the limousine industry on minimum rates.

Fiscal 2007/08 was yet another productive year for the Board. We anticipate that in 2008/09, we will undertake consultations with industry regarding the 2010 Olympic and Paralympic Games, revise Board policy guidelines and revamp the Board website. We will continue to make decisions that are in keeping with the Board's mandate and principles of administrative fairness.

I would like to close by once again thanking my colleagues for their continued commitment to Board matters and to acknowledge the dedication and industriousness of our staff.



Dennis J. Day  
Chair

## *Mission, Values and Goals of the Passenger Transportation Board*

The Passenger Transportation Board, an independent tribunal established pursuant to the *Passenger Transportation Act*, (a) makes decisions on applications for taxis, limousines and small vans and inter-city buses and (b) hears appeals regarding administrative penalties imposed by the Registrar of Passenger Transportation.

### *Mission*

This mission of the Passenger Transportation Board is to make decisions pertaining to the commercial passenger transportation industry in a way that

- enables people throughout the province to access diverse, stable and competitive commercial passenger transportation, and
- promotes consistency and fairness in application decisions and enforcement measures.

The Board will make its decisions in a timely, fair, consistent and open fashion, and will provide responsive and accurate information to applicants, submitters, agents, members of the public, government representatives and persons who appear before the Board.

### *Values*

**Integrity** – ethical, professional and honest conduct by members and staff of the Board.

**Fairness** – impartial decision making in accordance with the principles of administrative justice and the Board's legislative mandate; just treatment of applicants and submitters and others who participate in Board processes.

**Respect** – treat all persons who contact the Board, as well as colleagues, with courtesy, fairness and dignity.

**Accountability** – enhance or streamline Board processes and policies to foster the public's confidence in, and understanding of, Board decisions.

**Responsiveness** – to ensure that Board processes and policies enhance the public's confidence and understanding of Board decisions.

### *Goals*

1. Make decisions, within the mandate of the Act, that contribute to a commercial transportation system that serves the public, is run by capable operators and maintains the overall economic health of the industry.

2. Keep rules and processes relevant, simple and clear.
3. Enhance communication about, and satisfaction with, Board processes.
4. Make timely decisions on matters affecting applicants, submitters, appellants and other stakeholders.

## ***Overview of Regulatory Framework***

In June 2004, the Motor Carrier Act was repealed and the *Passenger Transportation Act* (PTA) took effect.

The *Passenger Transportation Act*:

- Streamlines regulation for large tour and charter buses
- Reduces regulation for inter-city buses
- Continues regulation of taxis and limousines
- Introduces an administrative penalty scheme for compliance

### ***Administration***

Administration of the *Passenger Transportation Act* is a joint responsibility of the Passenger Transportation Board, a quasi-judicial body, and the Registrar of Passenger Transportation (who leads the Passenger Transportation Branch of the Ministry of Transportation and Infrastructure).

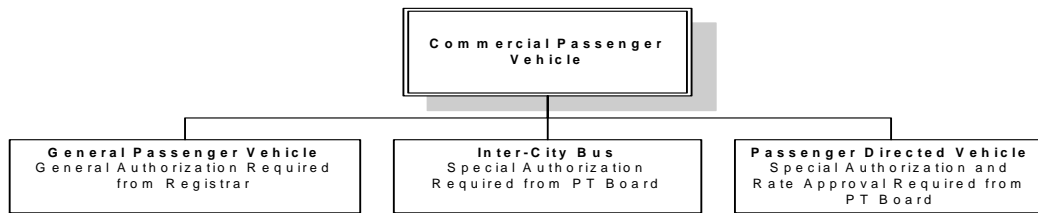
### ***Registrar and Passenger Transportation Branch, Ministry of Transportation and Infrastructure***

- Accepts all licence applications and issues all passenger transportation licences
- In cooperation with partner agencies (police and Ministry of Transportation and Infrastructure's commercial vehicle inspectors), undertakes compliance actions against both licensed and unlicensed operators
- Manages an administrative penalty scheme for licensees who are not in compliance with their terms and conditions of licence

### ***Passenger Transportation Board***

- Considers applications for specific types of licences such as taxis, limousines and scheduled buses as well as transfers and licence amendment applications
- Hears appeals of administrative penalties imposed by the Registrar

## Types of Commercial Passenger Vehicles and Authorization Required



## Definitions of Vehicles Requiring a Special Authorization

*Inter-City Buses* (ICBs) operate

- ◆ On set time schedules between prescribed municipalities (other than GVRD or CRD)
- ◆ For individual fares
- ◆ Over a regular route
- ◆ Between fixed terminating points, picking up and dropping off passengers at intermediate points, as necessary

A common example is a privately operated scheduled service among 2 or more cities (i.e. not public transit).

*Passenger Directed Vehicles* (PDVs)

- ◆ Accommodate a driver and not more than 11 passengers
- ◆ Operate to and from locations determined by or on behalf of the passengers

Common examples of PDVs include taxis, limousines, small charter or shuttle vans.

## Applications Considered by the Board

The Board may approve ICB and PDV applications if it considers:

1. There is a public need for the service;
2. The applicant is fit and proper and capable of providing the service; and
3. The application promotes sound economic conditions in the transportation business.

If the Board is considering a transfer application, it only considers whether the applicant is a fit and proper person and capable of providing the service.

If an application is approved, the PT Board may set terms and conditions of licensing. Examples of terms and conditions include:

- ◆ Passenger pick-up and drop off locations for taxis and limousines
- ◆ Maximum fleet size for taxis and limousines
- ◆ Minimum route frequencies for inter-city buses

The PT Board also approves or sets rates for passenger directed vehicles.

## **Members and Staff of the Passenger Transportation Board**

### **Board Members**

The Board is appointed by the Lieutenant Governor in Council (Cabinet). There must be at least 3 Board members. Appointment processes and terms are governed by the *Administrative Tribunals Act*. The composition of the Board between April 1, 2007 and March 31, 2008 was as follows:

<b>Member</b>	<b>Initial Appointment</b>	<b>Term</b>	<b>Re-Appointment</b>	<b>Term</b>	<b>Per Diem*</b>
➤ Dennis Day, Chair	June, 2004	3 years	May, 2007	4 years	\$625
➤ Kabel Atwall	June, 2004	2 years	June, 2006; June, 2008	2 years 1 year	\$400
➤ William Bell	January, 2008	3 years			\$400
➤ Donna Hains	June, 2004	2 years	June, 2006; June, 2008	2 years 1 year	\$400
➤ David McLean	June, 2004	2 years	June, 2006 December, 2007	18 months 1 year	\$400

\* Members may receive a per diem of \$525 when they are presiding at an oral hearing or pre-hearing conference as the panel chair for the hearing

In the 2007/08 fiscal year, the Board held 7 meetings. With the exception of one meeting, attendance was 100%.

In December 2007, Cabinet approved the re-appointment of David McLean for a term of one year and in January 2008 Cabinet appointed William Bell for a 3 year term.

### **Board Staff**

The Board is supported by a staff of 4 full-time employees who work out of the Board office in Victoria. Staff handles the administrative functions of the Board and respond to applicant inquiries.

Staff are as follows:

Jan Broocke	Director and Secretary
Michael McGee	Manager, Policy and Communications
David Watling	Appeals and Operations Coordinator
Kathy Mitten	Research and Administrative Coordinator

## Board Contact Information

<b>Mailing Address:</b>	PO Box 9850 STN PROV GOVT Victoria, British Columbia, V8W 9T5		
<b>Street Address:</b>	202-940 Blanshard Street Victoria, British Columbia		
<b>Phone:</b>	250-953-3777	<b>Facsimile:</b>	250-953-3788
<b>Email:</b>	ptBoard@gov.bc.ca	<b>Web:</b>	www.ptBoard.bc.ca

## Passenger Transportation Board Budget

Budget Category	2007/08	
	Allocation	Expenditure
Salaries	244,500	232,888
Benefits	58,300	55,450
Board Per Diems and Travel	145,000	129,870
Staff Travel	20,300	12,155
PSA/WTTS/Building Occupancy	68,400	59,418
CITS/Professional Services	20,000	28,008
Office and Business Expenses	35,000	18,808
Statutory Notices	1,500	0
Operating Equipment	2,000	0
Amortization	3,000	0
Recoveries	(1,000)	0
<b>Total</b>	<b>597,000</b>	<b>536,597</b>

## Highlights of Activities in 2007/08

### I. Projects Completed

- **Taxi Cost Index 2008** - The Board approved a Taxi Cost Index (TCI) for 2008. TCI 2008 allows taxicab operators to request a permanent rate increase of up to 2.27%. This increase is based on increases in fuel, wages, and consumer goods for the 2006 calendar year, and incorporates a slight decline in the insurance costs for taxis in BC.

The previous TCI increase was available on July 1, 2006, and was based on taxi cost data for the 2004 and 2005 calendar years. Implementation of TCI 2008 coincided with the timing of the federal government's implementation of a GST reduction.

The majority of taxi operators in British Columbia took advantage of TCI 2008.



- ***GST Reduction in Rates*** - In January 2008, the Federal Government reduced the Goods and Services Tax by 1%. As a result, Board staff had to review all approved rates that included GST and make the necessary adjustment. This applied mainly to taxi operators as meters are calibrated to include GST. Most other passenger directed vehicle operators do not have GST included in their approved rates.
- ***MOU with Ministry*** - The Chair of the Board and the Minister of Transportation signed a Memorandum of Understanding (MOU) between the Board and Ministry in April, 2007. The MOU emphasizes the Board's independence in decision making as well as its accountability to the Minister for performance measures. The agreement is based on a model agreement developed by the Administrative Justice Office of the Ministry of Attorney General.

***Vehicle Banding*** - The Passenger Transportation Board sets vehicle capacity as a term and condition of licence for passenger directed vehicles. In July 2007, the Board established vehicle capacity bands that would apply to particular types of passenger services. Licences would state vehicle capacity as a band rather than a specific number. This will give licensees more flexibility in fleet management. Licensees would only need to submit applications to amend fleet capacity if they want to use a vehicle with a capacity that is outside their band.

The 4 bands are:

<b>T</b> (Taxi)	Vehicles must be able to accommodate a driver and not less than <b>2</b> passengers and not more than <b>7</b> passengers
<b>SL</b> (Sedan Limo)	Vehicle must be able to accommodate a driver and not less than <b>3</b> passengers and not more than <b>5</b> passengers
<b>LV</b> (Large Vehicle)	Vehicle must be able to accommodate a driver and not less than <b>6</b> passengers and not more than <b>11</b> passengers
<b>M</b> (Motorcycle)	Vehicles must be able to accommodate a driver and not less than <b>1</b> passenger and not more than <b>2</b> passengers.

Over 120 licensees requested vehicle banding in 2007/08

- ***Rules of Practice and Procedure Review*** - The Board completed a revision of its Rules of Practice and Procedure. Many sections were modified or added to reflect Board practices and procedures. New sections were added to cover such matters as: confidential information from applicants; pre-hearing disclosure of evidence, expert evidence and preliminary decisions. The revised Rules of Practice and Procedure came into effective in July, 2007.

## II Stakeholder Consultations

- **Passenger Directed Vehicle Advisory Committee** – This advisory committee met in April 2007 and October 2007. It is comprised of representatives from the taxi and limousine industries, public transit, municipalities, persons with disabilities, the Vancouver International Airport Authority and the Passenger Transportation Branch and Passenger Transportation Board. At these meetings, the Board and Branch shared information on current activities/projects and responded to committee questions/comments. As well, industry and other committee representatives raised matters of concern to them, such transportation of persons with assistance dogs, taximeter aids for persons with visual impairments and the Taxi Cost Index review.
- **Limousines Licensees “Invitation to Comment on Limousine Rates”** – On June 27, 2007, the Board issued an “Invitation to Comment” on proposed minimum rates for limousines and other non-taxi passenger directed vehicles. The invitation was published in the Bulletin and mailed to approximately 200 non-taxi PDV licensees.

The rates proposed were as follows:

1. **Rates for Licensees with Originating Areas in the Lower Mainland**
  - ◆ Sedan Limousines - **\$65 per hour**
  - ◆ Vehicles that can accommodate a driver and 6 passengers or more –**\$70 per hour**
2. **Rates for Licensees with Originating Areas Outside Lower Mainland**
  - ◆ Sedan Limousines - **\$60**
  - ◆ Vehicles that can accommodate a driver and 6 passengers or more –**\$65 per hour**

The Board received 14 responses from industry. There was no clear consensus among respondents regarding minimum rates. Those from outside the Lower Mainland seemed to support the simplification of regulation and its positive effect on business. However, there was no agreement on what minimum rates should be. Some stated that the rates are fair, some said too high and some said too low.

Respondents from within the Lower Mainland expressed concern over various aspects of the proposed rules regarding discounts and substitute vehicles. There was also concern that minimum rates may further increase differences between limousine operators charging hourly rates and the operator who charges zone rates from Vancouver International Airport. It was also noted that the General Authority (GA)/Special Authority (SA) licensing has created an uneven playing field and that SUVs licensed as GAs are having a negative impact on the industry as they are not regulated for rates.

The number of responses was low and no clear consensus emerged. Therefore, the Board indicated to industry that it would not introduce minimum hourly rates for limousines and other non-taxi passenger directed vehicles. The Board remains willing to work with industry representatives to develop an approach to rates that is fair and workable.

➤ **Municipalities** –

(i) *Elected Officials* - The Registrar/Director of Passenger Transportation and the Director/Secretary to the Passenger Transportation Board met with elected officials from the District of 100 Mile House, the City of Dawson Creek and the City of Kelowna. All municipalities were concerned about the availability and level of taxi service in their respective municipalities. In both Dawson Creek and Kelowna service at bar closing is an issue.

(ii) *Municipal Staff* – In October 2007, the Board met with municipal staff from many Metro Vancouver municipalities to begin discussions among regulators regarding limousine and taxi service requirements/needs during the Olympics. It was a preliminary meeting and discussion focused on current regulatory requirements of the agencies as well as what information is required to assess transportation needs during the Olympics.

➤ **VANOC** – In 2007/08, the Registrar/Director of Passenger Transportation and the Director/Secretary to the Board attended 3 meetings with staff of the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (VANOC). These meetings were primarily focused on large buses and were designed to enable VANOC to understand the licensing requirements under the Passenger Transportation Act.

➤ **Conferences/Workshops** – The Board Chair attended regular meetings of the “Circle of Chairs”, comprised of chairs of various administrative tribunals in British Columbia. In May, 2007, the Director/Secretary to the Board attended a workshop hosted by the Canadian Council of Administrative Tribunals. In February 2008, the Director/Secretary to the Board attended a workshop organized by the Administrative Justice Office for senior tribunal staff.

### III Key Policy Initiatives

➤ **Eco Friendly Taxis** – On May 8, 2007, Honourable Kevin Falcon, Minister of Transportation, issued a general policy directive to the Board. He asked the Board to consider government's greenhouse gas reduction policy and what the Board could do to further it. The Minister asked the Board to consider establishing a requirement that any new or additional taxis in Metro Vancouver and the Capital Regional District (CRD) be eco-friendly. The policy would not apply to accessible taxis.

- The Board responded that it shared government's concerns about the serious impacts of greenhouse gas emissions on the environment. Prior to receiving the directive, the Board had been discussing an eco-friendly vehicle policy. As well, the Board recognizes that it is in the public interest to make the transportation industry more ecologically responsive. Therefore, the Board established the policy that if the Board approves a taxi application that increases the supply of taxis in Metro Vancouver or the CRD, the vehicles must be eco-friendly unless they are accessible taxis.
- ***Accessible Taxis*** – The Board established a policy to encourage the improved availability of accessible taxis in urban communities in British Columbia. This policy goal will affect taxi companies that apply for a new taxi licence or for additional vehicles under an existing licence. Taxi companies are expected to provide satisfactory service for persons who require accessible taxi services and integrate additional costs within their overall business plan and company structure.
  - ***Fleet Size Reviews*** - The Passenger Transportation Board announced its first review of the maximum fleet size of operators with special authorization to operate passenger directed vehicles ("PDV"). The review was limited to fleets of taxis, limousines and "PDV vans" that have stayed below the maximum fleet size for the 24 month period between February 2006 and February 2008.
  - ***Contract Rate Clauses*** - The Board eliminated the requirement that it approve contract rates if licensees have a "crew transportation" service clause on their licence. The policy enables licensees and companies to reach agreements that meet their needs and not be impeded by unnecessary red tape. The Board issued a directive to the Registrar of Passenger Transportation to amend licenses to reflect this policy.
  - ***Taxi Cameras*** – the Board authorized taxi camera programs to operate in Prince George and Williams Lake. The Board announced that, at the request of over 70% of licensees based in the Capital Regional District (CRD), the Board would establish a taxi camera program in the CRD. Given the make-up of the CRD and number of police detachments involved, the program would be mandatory. The Board also approved a temporary surcharge of \$0.05 on the flag rate to help taxi companies cover a portion of the initial purchase and installation costs of taxi cameras. It is anticipated that the surcharge would remain in place for approximately 18 months. The Board reviewed the recommendations of the Lower Mainland Taxi Camera Review. Most recommendations were accepted. Board staff will share the Board's decisions with industry.
  - ***Posting of the Taxi Bill of Rights in Taxicabs in Metro Vancouver*** - On January 30, 2008, the Honourable Kevin Falcon, Minister of Transportation, announced the Taxi Bill of Rights designed to promote a consistent and high level of taxi service in Metro Vancouver. The Board supported the implementation of the Taxi Bill of Rights as a tool that sets out what taxi drivers and passengers can expect from one another.

In support of this initiative, the Board exercised its powers under the Passenger Transportation Act to require taxicabs licensed to pick up passengers in Metro Vancouver to display the Taxi Bill of Rights.

#### ***IV Communications***

- ***Industry Advisories*** - In 2007, the Board issued 12 Industry Advisories on a variety of topics, including eco-friendly taxis, driver safety and accessible taxis.
- ***The Passenger Transportation Board "Bulletin"*** - which contains summaries of applications received, hearing notices and final decisions of the Board, was published every week except for the last week in December, 2007.
- ***Website*** - The website was updated regularly to add advisories, updated rules, taxi rates and the list of approved Special Authorization licences.

#### ***V Projects Initiated or Underway***

- ***2010 Industry Consultations*** - Commercial passenger transportation requirements will be essential during the 2010 Olympic and Paralympic Games. There will likely be a need for additional transportation capacity. The Board will initiate industry consultations in the coming year. It is anticipated that as a result of these and other consultation processes, the Board will develop a regulatory framework for the Olympics and Paralympics and develop policies and procedures based on this framework.
- ***Website Revisions*** - The Board website was originally designed in 2004 when the Board was established. Since then, it has had new information added and minor revisions. The Board is undertaking a review of the site to add useful features, such as a search engine, and to improve organization and navigation.
- ***Policy Guidelines Review*** - The Board will be reviewing, consolidating and updating its policy guidelines to ensure that they reflect current Board policies. As well, the eco-friendly taxi policy must be revised as the federal eco-auto program is being phased-out. The Board may also consider an eco-friendly sedan limousine policy.

## *Special Authorization Matters*

The Board's primary activity is reviewing applications related to special authorizations. A special authorization is required to operate passenger directed vehicles or intercity buses. Applications may be for new licences, to transfer or amend existing licences or to add vehicles to a passenger directed vehicle licence. As well, the Board must approve rates and rules for passenger directed vehicles. The steps in processing applications are listed in Appendix A.

The Board may approve temporary operating permits (TOPs) for passenger directed vehicles if there is an urgent and temporary need to increase fleet sizes. The Board may also be asked by the Registrar to make a determination on whether a particular application requires a special authorization.

Final Board decisions on licensing applications are published in the PT Board Bulletin and posted at the Board's website - <http://www.ptBoard.bc.ca/>

In 2007/08, the Board received 216 applications.

### *Decided Applications by Regional District 2006/07 and 07/08\**

Regional District	# of Decided Apps 2006/07	# of Decided Apps 2007/08	Regional District	# of Decided Apps 2006/07	# of Decided Apps 2007/08
Alberni-Clayoquot	6	20	Kitimat-Stikine	4	3
Bulkley-Nechako	5	6	Kootenay-Boundary	0	3
Capital Regional District	19	21	Mount Waddington	0	0
Cariboo Regional District	3	4	Nanaimo	2	4
Central Coast	0	0	North Okanagan	1	7
Central Kootenay	2	1	Northern Rockies	0	1
Central Okanagan	2	8	Okanagan-Similkameen	3	11
Columbia Shuswap	1	5	Peace River	10	4
Comox**	3	2	Powell River	1	2
Cowichan Valley	6	6	Skeena-Queen Charlotte	3	3
East Kootenay	3	3	Squamish-Lillooet	4	10
Fraser Valley	2	8	Strathcona	n/a	3
Fraser-Fort George	7	7	Sunshine Coast	1	1
Metro Vancouver	43	68	Thompson-Nicola	1	4
			Multi Regional or Extra Provincial	3	2
			Islands Trust	1	1

\* Excludes TOPs and applications where the Board is asked to determine if a special authorization licence is required.

\*\* **Comox Strathcona Regional District** was divided in early 2008 and is now **Comox Regional District** (consisting of Comox, Courtenay and Cumberland) and **Strathcona Regional District** (consisting of Campbell River, Sayward, Quadra Island, Cortes Island, Gold River, Tahsis, Zebellos, Fair Harbour, Kyuquot). The 2006/07 numbers under "Comox" include the former Comox Strathcona Regional District figures.

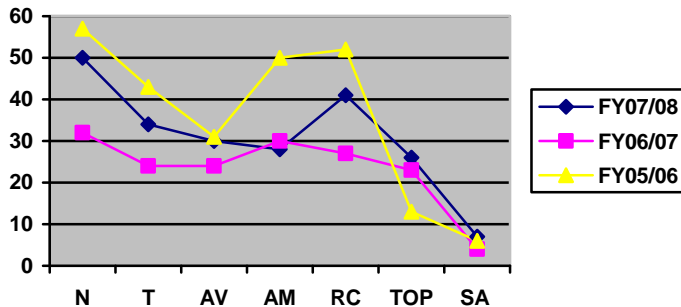
### Applications Received by Application Type

	New (N)	Transfer (T)	Additional Vehicle (AV)	Amendment (AM)	Rate Change (RC)	TOP	SA Required (SA)	Total
2007/08	50	34	29	29	41	26	7	216

Of the 216 applications received in 2007/08, all were decided within this reporting period. The Board received 11 applications pertaining to inter-city buses and the remainder pertained to passenger directed vehicles. All additional vehicle applications and change of rate applications pertained to passenger directed vehicles. The Board does not regulate bus fares or fleet sizes.

### Comparison of Applications Received by Type: 2005/06, 2006/07 & 2007/08

In 2005/06 the Board received 252 applications; in 2006/07 it received 164 applications; and in 2007/08 it received 216 applications.



### RECONSIDERATIONS

The Board may reconsider a decision 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. Six reconsideration requests were received in 2007/08, resulting in 4 decisions being reconsidered. The Board varied its decision on 1 application, rescinded its decision on 2 applications and confirmed its decision on 1 application. Two reconsideration requests did not proceed as the Board was not satisfied that requestor established grounds for reconsideration.

## *Board Performance Measures 2007/08*

The Board considers 2005/06 as its base year for performance targets and results. These performance targets were reviewed and confirmed by the Board in 2007/08. The Board reviews performance results at each Board meeting and seeks ways to improve its performance and timelines.

*Reporting Constraints* – Board database reports are based on the date an application is received. If a report is compiled for a particular time period, the reports will provide performance results only for applications that were received during this period and decided or closed by the time the database report is compiled or accessed. Any ongoing applications will not be included in the report.

*Update to the 2005/06 Annual Report* - The results reported in the 2005/06 Annual Report did not include one application file that was received during the 2005/06 fiscal period but which had not yet been completed when the report was compiled. This was an application that was received by the Board on January 12, 2006 and set down for a hearing that was originally scheduled to start on June 19, 2007; however, at the request of participants, the Board adjourned the hearing until Sept. 25, 2007. This portion of the hearing lasted four days and then continued on November 13<sup>th</sup> for 2.5 days with final, written submissions closing on Dec. 13<sup>th</sup> 2007. The Board issued its decision on February 9 2007. Processing time was 396 days. Although this significantly exceeds the Board's high targets, the application was complex; there were 13 submitters, 22 witnesses, including 2 experts, and a 3 member Board panel.

*Reporting Timelines* – These are the total number of days that an application was in process with the Board, including times when the application may be in abeyance pending receipt of further information, e.g. submission/reply periods; applicant is providing further information; or the Registrar is completing an investigation. With public hearings, the reported timelines include adjournments and continuations. Most adjournments are at the request of applicants or submitters.

### *Performance Targets*

<b>Process and Track</b>	<b>Low Target</b>	<b>High Target</b>
<b>Application Files</b>	<b># days</b>	<b># days</b>
File Review	89 or less	90 - 156
Board Investigation	113 or less	114 - 192
Registrar	117 or less	118 - 205
Registrar Investigation and Hearing	197 or less	198 - 331
Hearing	178 or less	179 - 293
UPN	37 or less	38 - 75
<b>Temporary Operating Permits</b>	15 or less	16 - 30
<b>Special Authorization Determinations</b>	14 or less	15 - 35



## Performance Results\*

### Application Processing Times in Relation to Performance Targets

	# Board Decisions	Average # of days for Board to make a decision**	% within low target	% within high target	% over high target
<b>Application Files Received in 07/08</b>					
File Review	137	72	75	23	2
Board Investigation	22	85	86	14	0
Registrar	8	141	25	75	0
Registrar Investigation and Hearing	0				
Hearing	3	217	67	33	1
UPN***	13	11	100	0	0
<b>Temporary Operating Permits (TOP)</b>	26	4	92	8	0
<b>Special Authorization (SA) Determinations</b>	7	17	57	29	14
	216				

- \* These performance results were based on applications received between April 1, 2007 and March 31, 2008 and closed by August 24, 2008 when the report was compiled. (Note: All applications received in 2007/08 had been decided by August, 24, 2008).
- \*\* These timelines are from when an application is received at the Board office until a decision letter is sent to an applicant.
- \*\*\* A "UPN" is an application that is processed on the basis of "urgent public need". In such cases, 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.

### Comparison of Decisions Processed Within Performance Targets: 2006/07 & 2007/08

	% of decisions processed within low target		% of decisions processed within high target		% of decisions processed over high target	
	06/07	07/08	06/07	07/08	06/07	07/08
File Review	77	75	18	23	5	2
Board Investigation	65	86	29	14	6	0
Registrar Investigation	0	25	100	75	0	0
Registrar Investigation and Hearing	0	0	0	0	0	0
Hearing UPN	25	67	75	0	0	33
UPN	100	100	0	0	0	0
Temporary Operating Permits	83	92	0	8	17	0
Special Authorization Determinations	75	57	25	29	0	14

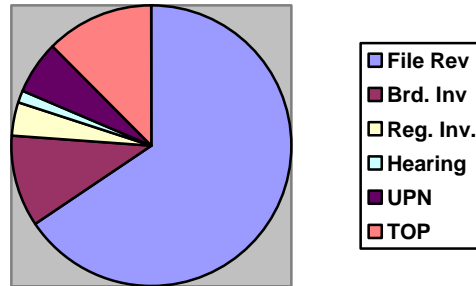
Processing times for investigations and hearings may be affected by matters that are outside the Board's control, such as requests by an applicant to extend response times or, in the case of hearings, adjournments.

### Application Processing Times at Various Stages of the Application Process 2007-08

	# Files	Average # of days from Board's receipt of application to appointment of Panel*	Average # of days from panel appointed to draft decision	Average # of days from draft decision to final decision sent to applicant
<b>Application Files Decided in 07/08</b>				
File Review	137	42	25	5
Board Investigation	22	35	45	5
Registrar Investigation	8	40	94	7
Registrar Investigation and Hearing	0	0	0	0
Hearing	3	38	170	9
UPN	13	6	3	2
Temporary Operating Permits	26	1	2	1
Special Authorization Determinations	7	14	1	2

\* Includes submission/reply period which is a minimum of 15 days for most applications (except change of rates application, which has 10 day submission period).

### Number of Board Decisions by Decision Making Process (Excluding Special Authorization Determinations)



### Average Processing Time in Days by Application Type: 2007/08, 2006/07 & 2005/06

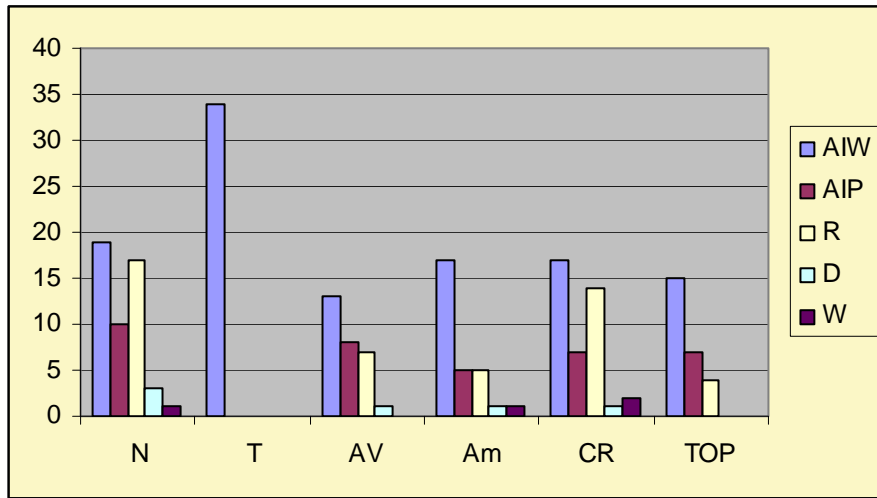
Avg. # days to decision	N	T	AV	Am	RC	Total Ave. # Days	TOP	SA
07/08	73	47	95	66	81	75	4	17
06/07	78	67	103	89	77	83	10	11
05/06	81	64	120	102	83	90	4	28

### Board Decisions by Type of Application and Outcomes (Excludes SA Determinations)

Application Type	# Approved in Whole (AIW)	# Approved in Part (AIP)	# Refused (R)	# Dismissed (D)	# Withdrawn (W)	# of Decisions
New (N)	19	10	17	3	1	50
Transfer (T)	34	0	0	0	0	34
Additional Vehicle (AV)	14	7	7	1	0	29
Amendment (Am)	17	5	5	1	1	29
Change of Rate (CR)	17	7	14	1	2	41
TOP	15	7	4	0	0	26
<b>Total</b>	<b>116</b>	<b>36</b>	<b>47</b>	<b>6</b>	<b>4</b>	<b>209</b>

The Registrar sent 7 application files to the Board for a determination on whether a special authorization was required. Of these, the Board determined that 4 did not require a special authorization, and 4 were returned to the Registrar without a decision as there was not enough information on the file for the Board to make a decision.

**Graph of Board Decisions by Outcomes**



**APPEALS**

The Board has the authority to hear appeals regarding the imposition of administrative penalties on a licensee by the Registrar of Passenger Transportation. Three appeals were received in 2007/08. In two the penalty imposed by the Registrar was confirmed. One appeal was withdrawn.

## Appendix A: Steps in the Processing Special Authorization Licence Applications

1. *Applications are submitted* to the Passenger Transportation Branch which forwards completed applications to the Board office.
2. *Board staff draft an application summary*, send it to the applicant for verification, and publish it in the PT Board Bulletin (at the Board web site)
3. *Public Submission/Reply Period* – From the date an application summary is published, any person usually has up to 15 days to make written submissions on the application to the Board and pay a \$50 submission fee within the same time period. Submissions are forwarded to applicants, who have 10 days to reply. (An exception to this step is if an application is processed on an “urgent public need” basis.)
4. *Board staff completes an overview* of the application file for transmittal to the Board.
5. *Board Chair appoints a Panel* who will consider and decide the application. Board staff forwards the application file to the Panel.
6. *Application Considerations and Decisions* – the Panel reviews the file and determines which process should be followed to make a decision. These processes include:
  - a) Review of file materials only – decision is made on application file materials, including information from the applicant and any submitters
  - b) Review of file materials and Board Investigation into application – the Board follows up with questions to the applicant, submitters or other parties
  - c) Review of file materials and Registrar Investigation – the Board asks the Registrar to undertake an investigation of an application and provide a report. The applicant is given an opportunity to respond to this report and then it is sent to the panel.
  - d) Oral Hearing – the Board sets the application down for a public hearing. A hearing notice is published and persons have 21 days to give notice that they wish to make submissions at the hearing and to pay the \$50 fee.
7. *Decision sent to the applicant and Registrar* – the Board’s decision on an application is sent to both the applicant and Registrar. Decisions following a public hearing are also sent to submitters.
8. *Decision published in the Bulletin* – all final decisions on applications are published in the Board’s bulletin.
9. *Licence Issuance by Registrar* - if the Board approves the application and the licensee meets specified safety standards, the Registrar issues the licence.

Note: Rate change applications follow similar steps except the submission period is 10 days and these applications cannot be processed on the basis of urgent public need.

*Steps 2-8 are the responsibility of the Passenger Transportation Board*