

# Licence Application Decision

## Inter-city Bus (ICB)

<b>Application #</b>	5053-19	<b>Applicant</b>	Pichie, Joseph Anthony David
<b>Trade Name</b>	Pine Pass Transport		
<b>Address</b>	20 Kerry Crescent, Mackenzie BC V0J 2C0		
<b>Current Licence</b>	Passenger Transportation Licence # 72407 <ul style="list-style-type: none"> <li>• Special Authorization: Passenger Directed Vehicle (PDV)</li> </ul>		
<b>Application Summary</b>	<p><b>New Special Authorization (ICB)</b> Simplified ICB Process</p> <p>New Special Authorization to operate ICBs on a reservation basis on the following route:</p> <p style="padding-left: 40px;">A. Prince George – Mackenzie</p>		
<b>Publication Date</b>	April 3, 2019		
<b>Submissions Received</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>		
<b>Board Decision</b>	<p><b>The special authorization is approved.</b></p> <p><b>Terms and conditions of licence are approved as set out in this decision.</b></p>		
<b>Decision Date</b>	April 29, 2019		
<b>Panel Chair</b>	William Bell	<b>Panel Member</b>	Spencer Mikituk

### I. Introduction

Joseph Pichie holds a Passenger Transportation Licence with Special Authorization to operate 2 small passenger directed vehicles (PDVs) to provide transportation for rail crews travelling within the Mackenzie – Prince George – Chetwynd area. With the trade name of Pine Pass Transport (PPT), Joseph Pichie is applying to operate an ICB service between Mackenzie and Prince George. He proposes a minimum route frequency of one trip per

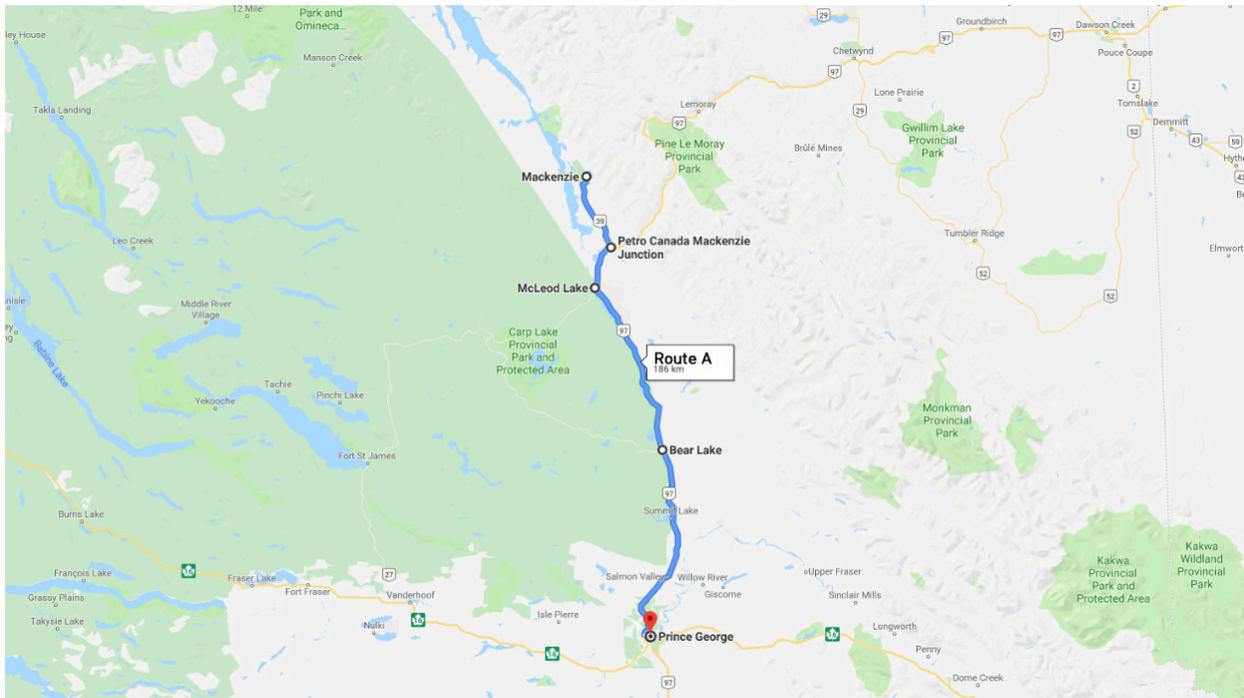
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week in each direction. Service is to be provided to passengers who reserve in advance for pick up along a route that serves a minimum of 5 locations:

- Prince George
- Bear Lake
- McLeod Lake
- Mackenzie Junction
- Mackenzie

A map of the proposed route is shown in Figure 1.

**Figure 1: Route A (Prince George - Mackenzie)**



## II. Jurisdiction and Proceedings

This application is made under the Passenger Transportation Act (the “PT Act”). The PT Act regulates the licensing and operation of commercial passenger transportation vehicles in BC.

Under the PT Act, the Passenger Transportation Board (the “Board”) makes decisions on applications to operate inter-city buses. The Board has the authority to consider and approve applications for new licences as well as applications from existing licensees to change routes and decrease minimum service levels.

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In February 2018, Greyhound Transportation Canada ULC (Greyhound Canada) received approval on its application 256-17 to the Board to withdraw service on most routes in the North Central Region of BC, and on a number of corridors elsewhere in the province.

In July 2018, Greyhound Canada issued a news release stating that as of October 31, 2018, it will stop providing bus service in Western Canada. Greyhound was the sole operator on many corridors of BC and its departure put many routes and communities at risk of losing inter-city bus service and access to safe and essential transportation for work, education, health and family-related purposes.

To encourage other operators to fill the gap left by Greyhound's exit, the Board is "fast-tracking" applications and using a simplified application process. This package is available for operators applying to operate inter-city buses (ICBs) on corridors in BC that do not have commercial ICB service. It is available regardless of whether the absence of service is the result of Greyhound Canada's withdrawal on October 31, 2018.

The PT Act requires the Board to consider public need, applicant fitness and sound economic conditions in the passenger transportation industry before deciding whether to approve an application. The Board may approve an application in whole or in part, or it may refuse an application. For applications proceeding through the simplified ICB process, much of the Board's focus is on applicant fitness.

The PT Act also allows the Board to, among other things:

- accept evidence and information it considers relevant, necessary, and appropriate, whether or not the information would be admissible in a court of law [Section 15]
- conduct written, electronic or oral hearings as the Board, in its sole discretion, considers appropriate [Section 17]
- require further information from an applicant [Section 27(1)(b)]
- investigate any matter related to an application [Section 27(3)(b)]

Section 26(2) of the PT Act requires the Board to publish the fact and nature of applications, and section 27(3) requires the Board to consider applications and any written submissions it receives as a result of publication. Section 27(5) states that people who

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make submissions are not entitled to disclosure of further information, unless the Board orders otherwise.

### *Procedural Matters*

This application was published further to the Simplified ICB Application process. We are conducting the application by way of a written hearing.

### **III. Background**

The applicant currently holds passenger transportation licence 72407 with a Special Authorization that allows the transportation of CN rail crews, a service it has been authorized to provide since 2017.

The applicant submitted requisite forms.

### **IV. Application Rationale, Submissions and Responses**

#### **Rationale for Application**

The following text was provided by the Applicant:

*“Inter-city scheduled bus route to start once a week from Mackenzie to Prince George. A scheduled Saturday route leaving Mackenzie at 8:30 a.m. to Prince George. Departing Prince George at 4:30 p.m. to Mackenzie.”*

#### **Submissions**

No submissions were received.

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## V. Board Mandate

Section 28(1) of the *Passenger Transportation Act* says that the Board may approve the application, if the Board considers that:

- (a) there is a public need for the service the applicant proposes to provide;
- (b) the applicant is a fit and proper person to provide the service and is capable of providing it; and
- (c) the application, if granted, would promote sound economic conditions in the passenger transportation business in British Columbia.

## VI. Reasons for the Board's Decision

### *Applicant Fitness*

The Board reviews the conduct of an applicant and the structure of its operations. Does the applicant seem to understand passenger transportation laws and policies? Is the business set up to follow these laws? Is there something in the applicant's background that shows it disregards the law?

Applicants must show that they have the resources and skills to manage the service that they want to operate. The Board gets much of this information from business plans and financial statements.

Regarding its current PDV licence, I note that the applicant was found fit and proper and capable in the Board's decision concerning its approval of application 353-17 published November 29, 2017. A reference letter from the Manager, Finance at Hallcon dated March 6, 2019 provided a testimony to the applicant's current service. The applicant's National Safety Code certificate rating is "Satisfactory-Unaudited". The disclosure form of Unlawful Activity and Bankruptcy indicates no negative concerns about the principal. There has not been any information brought to our attention to prove that the applicant is not fit and proper

PPT currently provides transportation to CN crews based on a contract with CN Railway (via Hallcon Corporation) on the Highway 97 and 16 corridors. It operates this service with

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two 4-wheel drive vehicles with a seating capacity of up to 5 passengers per vehicle. The service is based in Mackenzie, B.C. It also has plans to operate a charter or limousine service for non-profit organizations and for individuals and groups. For the new, proposed ICB service, the applicant's Condensed Operating Plan sets out its plan to operate a 2010 Chevy Arboc HandyDart bus with a seating capacity of up to 14 passengers including one wheelchair passenger. Bookings for the service can be done online via email and social media, by phone and directly from the bus driver. Marketing channels of the new ICB service would include radio, Facebook, billboards, flyers as well as through the Chamber of Commerce and the District of Mackenzie. The applicant plans to expand its fleet to 6 vehicles that would comprise of 3 four-wheel drive vehicles that seat up to 7 passengers and 3 buses with a seating capacity of up to 20 passengers.

The applicant indicates that it has 1 full-time driver and 2 part-time drivers. It plans to hire added drivers as needed, who must have 3-15 years driving experience on northern winter roads, hold a class 4 licence with a minimum 22 passenger requirement, a clean abstract and criminal record check. The applicant personally trains all drivers. The applicant's background includes that as a bus, taxi and heavy equipment operator for 3 years and as a shuttle bus driver for 5 years with Powder King Mountain Resort.

The application also included a Business Plan with financial information that included a balance sheet and financial projections. The projections included details regarding average monthly income and expenses with a breakdown by the services delivered, and with stated trip assumptions. Expenses included allowances for insurance and vehicle maintenance. Since the applicant's current business does not have a 2-year history, income statements were not required. The capital requirements for starting this ICB service appear in place by the applicant.

We find PPT has the experience, operational knowledge and capacity to service its proposed ICB route with 1 bus.

We further find the applicant to be a fit and proper person who has the necessary skills and infrastructure in place that would indicate that they are capable of managing the proposed service.

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### *Public Need and Sound Economic Conditions*

The applicant proposes to operate a commercial ICB service on a reservation basis at least once per week with at least 5 pickup points from Mackenzie to Prince George. Prior to Spring 2018 and the February 2018 Board decision on Greyhound Canada's application 256-17, Greyhound Canada operated a scheduled-stop service on its "Route J" between Dawson Creek and Prince George. The Greyhound licence set a minimum route frequency of 1 trip per day in each direction. The service proposed by PPT reinstates a portion of this former ICB service along Highway 97 with less route frequency. With regard to competition, the applicant reports there are other transportation providers out of Prince George that do charter services. Also, BC Bus North comes through Mackenzie heading north on Mondays and Tuesdays and south on Wednesdays and Thursdays but does not provide a needed same day service.

The applicant reports that there is no service like this in Mackenzie and it has been requested by businesses, groups and individuals. It notes that the population of Mackenzie has 3,800 permanent residents along with a large working population that are temporary residents. The application included several support letters including one from the Mackenzie Chamber of Commerce as well as local businesses who argue the applicant's service is much needed and will benefit Mackenzie and surrounding area. The letters highlight with the absence of Greyhound, travel between various communities is difficult and limited. One letter pointed out that while there is Northern Health Bus for medical transportation the service schedule does not always align with appointments that require an overnight stay.

PPT provides a needed ICB service and further restores the availability of an ICB option with a same day service between Mackenzie and Prince George for the public. For points along this corridor, there has been no commercial inter-city bus operator since Greyhound Canada's Spring 2018 exit from most routes in the North Central Region of BC.

Based on the above evidence, we find that there is a public need for the service the applicant proposes, and that approving the application would promote sound economic conditions in the transportation industry in BC.

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To ensure a smooth startup of service, we are requiring PPT to post time schedules and implement its time schedules for the proposed route stops and reservation-system and its drop off and pick up locations no later than **May 31, 2019**. Further, by **June 5, 2019**, it must have activated the 1 vehicle it proposes to use on this route.

## **VII. Conclusion**

For the reasons above, this application is approved in whole. The Board establishes notice and activation requirements, and terms and conditions of licence that are attached to this decision as Appendices I and II. These form an integral part of the decision.

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## **Appendix I: Public Notice Requirements**

Joseph Anthony David PICHIE

dba: Pine Pass Transport

A Passenger Transportation Licence must be issued by the Registrar of Passenger Transportation under section 29 or renewed under section 34 of the *Passenger Transportation Act* before the special authorization approved in this decision may be exercised.

### **A. Direction to the Applicant Regarding Notice and Implementation**

Unless otherwise ordered by the Passenger Transportation Board, Joseph Anthony David PICHIE must post time schedules online and make available to the public online its reservation system no later than **May 31, 2019** to enable advance bookings.

### **B. Direction to the Registrar of Passenger Transportation Regarding Issuance**

The Registrar of Passenger Transportation (Registrar) may only issue a licence to Joseph Anthony David PICHIE with terms and conditions approved in this decision and set out in Appendix II after the Registrar is satisfied that Joseph Anthony David PICHIE has posted time schedules online and made available to the public its online reservation system.

**Appendix II: Terms & Conditions**

Joseph Anthony David PICHIE

dba: Pine Pass Transport

<b>Licence Required to Operate Vehicles</b>	The Registrar of Passenger Transportation must issue the applicant a licence before the applicant can operate any vehicles approved in this decision.
<b>Approval of application may expire</b>	<ol style="list-style-type: none"> <li>1. The applicant must activate at least 1 vehicle by <b>June 5, 2019</b>.</li> <li>2. If the applicant does not meet the requirements set out in 1 above, this Special Authorization expires.</li> <li>3. The Passenger Transportation Board may vary the requirements set out in 1 above, if circumstances warrant.</li> <li>4. If an applicant needs more time to activate vehicles, then the applicant must make a request to the Board by <b>June 5, 2019</b>.</li> </ol> <p>(Note: “activate” means that the applicant has submitted the documents required to obtain a Special Authorization Vehicle Identifier to the Registrar of Passenger Transportation.)</p>
<b>Notice to Registrar</b>	<ol style="list-style-type: none"> <li>1. The Registrar must not, without direction from the Board, issue the applicant a licence or any Special Authorization Vehicle Identifiers if the applicant has not activated at least 1 vehicle by <b>June 5, 2019</b>.</li> </ol> <p>(Note: activated means that the applicant has submitted to the Registrar of Passenger Transportation the documents required to obtain a Special Authorization Vehicle Identifier.)</p>

<b>Special Authorization</b>	Passenger Directed Vehicle (PDV)
<b>Terms &amp; Conditions of Licence</b>	
<b>Vehicles</b>	
Maximum Fleet Size:	2 vehicles.
Vehicle Capacity (Small shuttle):	The vehicle accommodates a driver and not less than 2 and not more than 5 passengers.
<b>Services</b>	
<u>Service 1</u>	

Originating Area:	Transportation of passengers may only originate from points in Mackenzie and points along the highway 39 corridor to Prince George and points east from highway 39 along highway 97 corridor to Chetwynd.
Destination Area:	Transportation of passengers may terminate in Mackenzie and along the highway 39 corridor to Prince George and points east from highway 39 along highway 97 corridor to Chetwynd.
Service Limitation:	Service may be provided only to persons employed or engaged by Canadian National Railway Company or its broker or agent and only as long as a current written contract exists between the licence holder and Canadian National Railway Company or its broker or agent.
<b>Special Authorization</b>	<b>Inter-City Bus (ICB)</b>
<b>Terms &amp; Conditions</b>	
<b>Services</b>	
Service	Transportation of passengers must be provided: a) on a scheduled basis, and b) in accordance with minimum frequencies and other terms and conditions of licence that apply to the routes and route points.
Schedule	The licence holder must publish, in a manner accessible to the general public, a schedule for each route with the time and location of each stop, and must carry in each vehicle a copy of the schedule that the vehicle is following.
Service Exception	Routes may only be operated on a “pre-booked” or “reservation required” basis if the route points are: a) designated as reservation required in the licence, b) identified as pre-booked or reservation required in all current, published schedule information, and c) available at all times for pre-booking or reservation on the licensee’s website.  When these conditions are met and when no reservations have been received for pick up or drop off at one or more points on the route by the time service is scheduled to be provided, the licence holder has the option of not providing service to those points that would otherwise be required.
Alternative Points:	The licence holder may pick up or drop off passengers at any location, municipality or unincorporated area that is between the

	terminating points and along the highway corridors for the inter-city bus route below.
<b>Route A</b>	
Terminating Point 1:	<b>City of Prince George</b>
Terminating Point 2:	<b>District of Mackenzie</b>
Corridors:	Highway 97: Prince George – Mackenzie Junction Highway 39: Mackenzie Junction - Mackenzie
Route Points	Minimum Trips (each direction)
City of Prince George	1 per week
Bear Lake	1 per week
McLeod Lake	1 per week
Mackenzie Junction	1 per week
District of Mackenzie	1 per week
<b>Other</b>	
Transfer of a Licence	This special authorization may not be assigned or transferred except with the approval of the Board pursuant to section 30 of the <i>Passenger Transportation Act</i> .