

Licence Application Decision

Inter-City Bus

Application #	10592-20
Applicant & Application Summary	<p>Epic Rides Limited <i>Trade name:</i> Epic Rides Amend ICBA Licence</p> <ul style="list-style-type: none">• Amend the terms and conditions of a licence with Special Authorization: Inter-City Bus Authorization (ICBA)• Add the following route<ul style="list-style-type: none">○ Route 2: Whistler - Richmond
Applicant Information	<p><i>Current Passenger Transportation Licence: #71843 with:</i></p> <ul style="list-style-type: none">• Inter-City Bus Authorization (ICBA)• Passenger Directed Vehicle Authorization (PDVA)• General Authorization (GA) <p><i>Principal:</i></p> <ul style="list-style-type: none">• Scott Andrew SEELEY <p><i>Office:</i> 409-522 Moberly Road, Vancouver, BC</p>
Publication of Application	December 9, 2020
Submissions & Public Comments	None received.
Board Decision	<p>The application is approved in whole:</p> <ul style="list-style-type: none">• Proposed terms and conditions respecting Route 2 established as requested in the application summary.
More Info	Notice of applications and published decisions are posted in the PT Board Bulletin . For convenience, published documents for recent ICB applications are listed on the bus application webpage .
Decision Date	September 16, 2021
Panel Chair	Garland Chow

I. Introduction

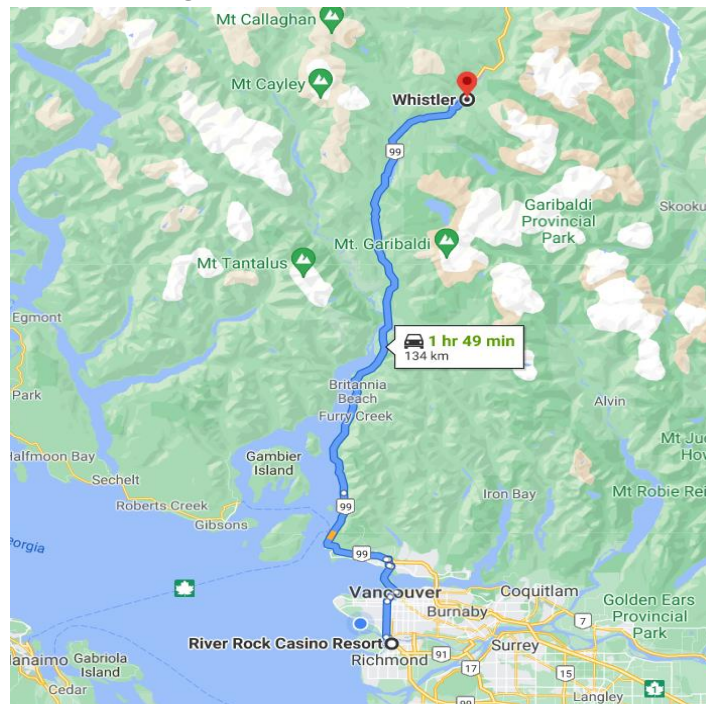
The applicant, Epic Rides Limited, does business as Epic Rides (ER). The applicant has a licence to operate inter-city buses (ICBs). The licence authorizes one route between the City of Vancouver and the Resort Municipality of Whistler with a stop in UBC and a minimum route frequency (MRF) of two trips per week in each direction. The service is seasonal and operates daily between June and October and November and April. The UBC service is December to April only and has an MRF of one trip per week in each direction.

II. Applicant's Proposal

Epic Rides is applying to:

- Add a new Route 2 with service at least two round trips per week between the Resort Municipality of Whistler and the City of Richmond with no intermediate stops. The proposed new route is shown in Figure 1 below.

Figure 1: Proposed Route 2



III. Background

Epic Rides (ER) Limited (ER) is a bus company providing express service on a seasonal basis from Vancouver to Whistler and return. It was incorporated in British Columbia on March 22, 2011. Its head office is in Vancouver, British Columbia.

The company holds Passenger Transportation Licence # 71843 with a General Authorization (GA) and Special Authorization (SA). The SA includes a Special Authorization Inter-City Bus (ICB) Authorization, that is the subject of this application.

IV. Mandate & Jurisdiction

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

Under the Act, the Passenger Transportation Board (the “Board”) makes decisions on applications for 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 terms or conditions of their licences. The Board’s mandate is stated in section 28 of the Act. Section 28(1) of the Passenger Transportation Act says that the Board may approve, in whole or in part, an application forwarded to it under s. 26(1) after considering whether:

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

The Act allows the Board to, among other things,

- accept evidence and information that 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, or any combination of them, as the Board, in its sole discretion, considers appropriate. [Section 17]
- require further information from an applicant. [Section 27(1)(b)]

Section 26(2) of the 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 result of publication. Section 27(5) says that people who make submissions are not entitled to disclosure of further information, unless the Board orders otherwise. If the Board approves an application, it will set terms and conditions of licence primarily with respect to routes and service levels.

V. Procedural Matters

The applicant submitted required forms.

The applicant submitted further information at the request of the board.

This application is being conducted by way of a written hearing.

VI. Applicant's Rationale and Submissions

Public Explanation

The applicant provided the following text in the Application Summary that was published in the *Weekly Bulletin*:

"We propose to expand our service to offer the same direct, reliable and affordable bus service to the Whistler and Richmond community. The primary objective is to make direct transportation between Richmond and Whistler affordable, flexible and hassle-free giving access to everyone regardless of financial means and travel desire."

Submissions & Applicant's Response

The Board did not receive submissions on this application.

VII. Reasons for the Board's Decision

Section 28(1) of the Act sets out the factors the Board must consider with respect to this application.

- (1) **Is the applicant a fit and proper person to provide its proposed service, and is the applicant capable of providing the service?**

The Board looks at this question in two parts:

- (a) is the applicant a *fit and proper person* to provide the proposed service; and,
- (b) is the applicant *capable* of providing the service?

First, with *fit and proper*, 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.” Also, the 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 British Columbia. 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.

Second, 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.

Epic Rides (ER) has been providing ICB service between Vancouver and Whistler since 2012. There is one principal, Scott Seeley. The applicant states that “service between Vancouver and Whistler began in 2012 growing from 1 vehicle, two employees and 1500 passengers to 12 buses, 30 employees and 200,000 passengers in 2020.”¹

The NSC status of ER is Satisfactory-Unaudited. There is no record of administrative penalties or complaints in the last two years. The applicant signed the *Liquor Control & Licensing Act Declaration* declaring, among other things, that it will operate its vehicles in accordance with that Act.

The business plan clearly defines its target market and the competition and presents a description of the staffing and equipment capacity plans and marketing of the service.

The applicant is applying to add a second route (Route 2) between Richmond and Whistler to its current route between Vancouver and Whistler (Route 1). The operating schedules of each route are independent of each other.

Balance sheets and Statements of Income and Retained Earnings from 2017 through 2019 were submitted and indicate consistent profitability and revenue growth during these three years. Financial ratios indicate the firm is profitable and asset efficient, is not highly debt leveraged and has the ability to repay both short and long-term obligations. The financial information appears reasonable for the operation and industry of the service provided.

The cash flow projections for this new Route 2 reflect sales forecasts based on the companies experience in the existing Vancouver – Whistler route and includes diversion of current customers originating in Richmond who secure their own transportation to a Vancouver pickup location. The sales forecast also reflects new business based on feedback from customers who took one-way trips from Whistler to the airport and express their potential use of transportation origination from the airport.

¹ At the Board’s request, documentation clarified that this represented one-way trips based on actual boarding between April 1 2019 and April 1 2020.

The sales forecast is accompanied with a driver staffing and vehicle capacity plan which are reflected in the cash flow statements. This panel accepts the cash flow projections as reasonable.

Board Finding

Based on the information and evidence above, I find that Epic Rides Limited is a fit and proper entity to provide the proposed service, and I find that it has demonstrated it is capable of providing the proposed service.

(2) Is there is a public need for the service the applicant proposes to provide?

An applicant is required to demonstrate public need by showing that there are people who would use the proposed service. Applicants should provide clear information about the service it proposes, and they should provide supporting evidence that is factual and objective. They should not rely on general claims and their own opinion. The Board reviews applications and considers the extent and type of need that has been demonstrated for the proposed service.

The Board looks at the state of inter-city bus services in the area where the applicant is applying to operate. It may consider such things as:

- Will the service fill a gap in the market?
- Has an inter-city bus company recently left the market?
- Has the applicant shown that current service levels are unsatisfactory?

APPLICANT'S PROPOSED SERVICE

ER seeks to add a new Route 2 between the Resort Municipality of Whistler and the City of Richmond with no intermediate stops and year-round operation. The MRF is two trips per day or 14 trips per week for each municipality. The applicant's cash flow forecasts are based on offering three trips per day. Its target market includes early morning travelers from Whistler to YVR, current ER clients, Richmond and Whistler employees and locals².

² The applicant frequently references its price point in support of the application; however, under the Passenger Transportation Act, rates are not regulated.

The applicant states that it plans to provide direct service by picking up passengers from a central location in Richmond. It will use buses that seat 24-28 passengers.

To demonstrate public need the applicant included the following information and evidence:

1. *A public needs indicator survey revealed overwhelming support from Whistler locals for a direct service between Richmond and Whistler.*

Surveys may be useful to indicate public need. Guidelines for the use of surveys is contained in *Reference Sheet 20: Public Need Indicators & Sound Economic Conditions Factors (May 22, 2020)*. <https://www.th.gov.bc.ca/forms/getForm.aspx?formId=1463> This reference sheet indicates that applicants should provide specific information on surveys, such as:

- how the survey was developed,
- who conducted the survey, and
- when, where and how the survey was conducted.

The reference sheet also recommends that applicants provide a summary of the survey result.

The applicant provided 69 pages of handwritten survey responses from 82 respondents. All responses were free form statements. No formal or formatted survey form was utilized. The survey was conducted in Whistler with Whistler “locals”.

The survey was described as: *“Abeer Assad, of Epic Rides completed a public needs indicator survey over a 3- day period in October (low season) for 3 hours per day in Whistler. She conducted the survey in Whistler by asking locals about their perceived need to expand Epic Rides to Richmond.”*

The handwritten responses of the 82 locals surveyed can also be viewed as user support statements as outlined in Reference Sheet 20.

Fifty-two of the 82 handwritten responses provided signatures and either telephone number or email address or both. Very few had printed names.

The applicant stated that survey participants all consented "yes, much needed" for the following reasons:

1. There are no affordable services to link Whistler locals to Richmond, YVR Airport or BC Tsawwassen Ferries;
2. Most locals do take Epic Rides to downtown since we are affordable and direct bus service with no additional fees for luggage, then take Canada line to the airport or connect to a public bus to go to Tsawwassen ferry;
3. Some locals who have an earlier flight use ride share or drive themselves as there is no service that offers an early morning bus departure; and
4. During the winter season especially, it is highly preferred to pick up close to the residences and avoid the village as the local public transit is usually late and the taxis are unreliable due to snow and congestion. Sometimes clients wait over an hour for a taxi to come and pick them up, even if they pre-book from the day before.

The panel examined the survey responses as both survey results and user support statements and finds:

- The majority of the responses referred specifically to service between the Vancouver International Airport and Whistler, many referring to an "airport shuttle". The survey provides little significant evidence of public need between Whistler and Richmond proper.³
- All of the responses supported the provision of the direct airport service by Epic. The responses used words and phrases such as "support", "needed", and "good for locals" to describe their support. It appears that the applicant's statement that survey participants all consented "yes, much needed", noted above, is based on any positive phrase in the handwritten response.
- Thirty-seven of the 82 responses stated they would use the proposed service. Twenty-three of the 52 responses with signature and contact information, stated they would use the proposed service.
- Multiple responses indicate that the respondent currently takes public transit from the airport to the Vancouver pickup point for ER's Vancouver to Whistler service.
- The responses do not provide insight on when and how often respondents would use a direct service between Richmond and Whistler and how many are current customers of ER.

³ In this decision, we define the customers in Richmond Proper to be any passenger that does not originate at YVR but would seek transportation to Whistler from a pickup point in Richmond.

- There are no tabulations or frequency distributions of the responses with respect to the four reasons given by the applicant, as noted above, for the support of the expansion of ER service to Richmond. Either reasons 1 or 2 or both are mentioned by the majority of the responses. Reasons 3 and 4 are mentioned by fewer than 5 respondents.
- The survey does not provide insight on the public need for this direct service from out of town visitors. All of the survey responses were from Whistler locals.

The panel concludes that the survey or user support statements supported the view that there is a need for nonstop service by Whistler locals between Richmond (YVR) and Whistler. The survey provides little basis for quantifying that need.

I give this survey some weight in recognizing a public need for direct service between the airport and Whistler for Whistler locals. The survey has little bearing on the public need from travelers who are not Whistler locals, between Whistler and either the airport or Richmond proper.

2. *The launch of a Richmond to Whistler booking generated interest in the Route 2 service.*

ER launched the Richmond to Whistler booking engine on Oct 12, 2020 but did not launch the service. The applicant noted the following about its promotion:

- On average ER got four calls per day to book the Richmond shuttle. This is prior to starting any marketing for our Richmond route. These daily calls are from ER's existing clients who were going onto the ER website to book the Downtown shuttle between Vancouver and Whistler.
- Five groups for 2021 are inquiring about an airport private shuttle and when advised them of ER's proposed scheduled service they decided to wait and book the scheduled service once it is live.
- Two wholesale travel companies inquired about the Richmond - Whistler direct service. They have requested the net rates for one ways and round trips as their clients require a pre or post Vancouver stay.

These responses are consistent with the applicant's statement that there are numerous service requests from existing customers who travel from Richmond by public transit to access the applicants direct Vancouver to Whistler service.

However, these responses are not corroborated and given no weight as evidence of public need.

3. *The profile of past travel demands indicate there is need for direct service between Richmond (both Richmond Proper and the airport) and Whistler.*

ER uses observations from its exposure to travelers utilizing its Route 1 service between Vancouver and Whistler to indicate that there is a demand for a direct bus service between Richmond and Whistler. Specifically, the applicant states: “*On average 20% of our current travelers are coming from or going to the Richmond area. To access our bus service, clients travelling from Richmond need to travel on a number of sky trains, in addition to carrying their luggage/skis/bikes on public transportation.*”

The Board requested and received from the applicant, documentation of the surveys and calculations that substantiated this figure. The documentation included the results of in-person surveys conducted at the company’s Burrard Street pickup station in Vancouver when the passengers boarded the bus and telephone surveys conducted when the customer made their reservation by telephone. From these surveys it was estimated that 21.5% of the applicant’s customers would find it more convenient to have a pickup location in Richmond. The panel accepts this estimate of potential demand for the non-stop service of the applicant from Richmond proper to Whistler.

Analysis:

The applicant estimated that about 20% of its current travelers are coming from or going to the Richmond. As noted above, the applicant provided corroboration of this estimate. The number of one-way passenger trips from March 1, 2019 to March 1, 2020 was 226,876, of which 20% is 45,375. This represents a significant number of potential passengers who could bypass the Burrard station and travel direct between Richmond and Whistler.

The panel places significant weight on the improved service that current travelers coming from or going to Richmond, would have available to them if this application were approved.

Board Finding

I find the applicant has provided sufficient information and evidence that demonstrates a public need for the proposed ICB Richmond-Whistler service.

(3) Would approving the application support sound economic conditions in the passenger transportation business in British Columbia?

In considering sound economic conditions, the Board strives to balance public need for available, accessible and reliable commercial passenger transportation services with overall industry viability and competitiveness. The Board considers the issue from a wide-ranging perspective, which includes a consideration of harm to other industry participants. Generally speaking, it is the Board's view that the overall economic interests of the transportation business weigh more heavily than the economic and financial interests of any particular applicant.

The Board considers how the service could benefit the market and whether the market has the capacity to absorb additional services. It may consider such things as:

- Will the service give the public additional transportation options?
- Does the marketplace have the capacity to absorb another service?
- Are there inter-city bus providers in the target market area?
- Will the services supplement another non-transportation business?

The applicant states that there is no direct service between Richmond and Whistler. The applicant states that Richmond and Whistler currently only have two inter-city bus options:

- a. Skylynx⁴ from YVR which charges \$100+ and does a minimum of 3 stops; or
- b. Snowbus⁵, with winter only service, and charges \$90+ and does a minimum of 6 stops.

⁴ Skylynx is the trade name for Universal Coach Line Ltd., which holds a passenger transportation licence with a Special Authorization: Inter-city Bus Authorization. It is approved, among other things, to provide service from YVR to Whistler,

⁵ Snowbus is the trade name for Blue Cactus Coach Lines Ltd., which holds a passenger transportation licence with a Special Authorization: Inter-city Bus Authorization. It is approved, among other things, to provide service from November 15 to April 30 between Richmond and Whistler, with a minimum of two round trips per day.

Skylynx provides year-round service while Snowbus service is seasonal from late November to April.

The applicant states these options do not provide for travelers and locals on a budget or convenient departure times from Whistler for travelers who have a flight or an appointment before 1:30PM in Richmond.

The applicant proposes to operate the scheduled service from River Rock Hotel and Casino (RRHC) and charge \$35 for a one-way trip. RRHC is a short walk from the Bridgeport train station which also connects with local Richmond buses, buses connecting to Vancouver and buses connecting with the Tsawwassen ferry.

There were no submissions entered by the existing ICB providers.

Analysis:

The applicant utilizes direct and non-stop service interchangeably. The panel in this decision defines direct service as non-stop service between two termination points, in this case Richmond and Whistler. The applicant is correct in stating there is currently no direct service between Richmond and Whistler.

The panel recognizes that there are two distinct customer segments: customers originating from or destined to the Vancouver International Airport (YVR); and customers originating from, or destined for, locations in Richmond proper.

Skylynx provides direct access to customers at YVR because it has the sole concession from the airport authority to pick up passengers destined for Whistler at the airport but makes multiple intermediate stops that increase transit time and the variability of timely arrival. Snowbus customers must secure transportation from the airport to its pickup point in Richmond and it also makes multiple intermediate stops that increase transit time and the variability of timely arrival. The addition of ER would add a third service option into this ICB market by providing a service that requires customers to secure transportation from the airport to its pickup point in Richmond proper, but it has no intermediate stops resulting in faster service that inherently has less variability.

Snowbus operates seasonally between November and April. Customers only have one ICB transportation choice from May through October. The applicant would provide a second choice for consumers during these months.

The primary beneficiaries of ER's proposed service are existing customers who currently originate at the airport or who travel from Richmond and other points to ER's pickup point in Vancouver to access the nonstop service from Vancouver to Whistler. These passengers have already chosen to use ER and stand to receive improved access and service. This portion of the applicant's forecasted business does not divert passengers from the other two existing ICB service providers.

The added convenience of locating a pickup point in Richmond with direct service may attract some customers from the two existing IBC service providers. The Richmond customer base (whether Richmond Proper or YVR) is a route point for both of the existing ICB service providers. Both pick up customers in Vancouver as well as Squamish (for Skylynx) and West Vancouver (for Snowbus).

These route points outside of Richmond and Whistler represent a customer base that would not be subject to diversion of passengers by the entry of ER into Richmond.⁶ As well, Snowbus is a seasonal operator. Considering these factors, I find the marketplace should have the capacity to absorb an additional competitor who will provide a distinct, non-stop service year-round.

Board Finding

I find that approving the application would promote sound economic conditions in the passenger transportation industry in BC.

VIII. Conclusion

For the reasons above, this application is approved in whole.

⁶ The terms and condition of licence will specify only two route points – Richmond and Whistler. This precludes the applicant from stopping in any other municipalities along the route.

The Board establishes notice and activation requirements, and terms and conditions of licence that are attached to this decision as Appendices 1(a) and 1(b). These form an integral part of the decision.

Epic Rides Limited

Epic Rides

Appendix 1: Terms & Conditions: Issuance of Licence with ICB Authorization

(a) Activation:

1. General:

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

2. Direction to the Applicant:

Unless otherwise ordered by the Passenger Transportation Board, **EPIC RIDES LIMITED** must, no later than **two weeks before it starts service**:

- a. post time schedules online and make available to the public online its reservation system to enable advance bookings.
- b. provide copies or links to the Registrar of Passenger Transportation.

3. Notice to Registrar

A licence that includes the Inter-City Bus Authorization approved by the Board in this decision may only be issued after the Registrar is satisfied that **EPIC RIDES LIMITED** has met requirements set out in 2(a) above.

Epic Rides Limited

Epic Rides

(b) Licence

Special Authorization INTER-CITY BUS AUTHORIZATION (ICBA) Terms & Conditions	
Definitions	“Board” means the Passenger Transportation Board “Registrar” means the Registrar, Passenger Transportation
A. Legislative Requirements	
Vehicle Identifiers	Each motor vehicle operated under this authorization must display, at the times and in the form and manner required by the Registrar, a vehicle identifier that is: (a) issued to the licensee by the Registrar; or (b) authorized by the Registrar to be issued by the licensee.
B. Services	
Services	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.
Schedules	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.

Route 1	
Terminating Point 1:	City of Vancouver
Terminating Point 2:	Resort Municipality of Whistler
Corridors:	Highway 99
Route Points	Minimum Frequencies
City of Vancouver	2 trips per week (each direction)
UBC (December-April only)	1 trip per week (each direction)
Resort Municipality of Whistler	2 trips per week (each direction)
Seasonal Operation:	<p>Each year, service must:</p> <ol style="list-style-type: none"> 1. start on a day in the month of June, 2. cease operation on a day in the month of October, 3. start on a day in the month of November 4. cease operation on a day in the month of April 5. from the start date required under #1 and 3 (above), continue to operate according to the weekly minimum for this route until the cessation date required under #2 and 4 (above)
Route 2	
Terminating Point 1:	Resort Municipality of Whistler
Terminating Point 2:	City of Richmond
Corridors:	Highway 99

Route Points	Minimum Frequencies
Resort Municipality of Whistler	2 trips per day (each direction)
City of Richmond	2 trips per day (each direction)
C. Other Requirements	
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> .
Liquor Control and Licensing Act Cannabis Control and Licensing Act	The licensee must at all times ensure passenger directed vehicles under their licence are operated in compliance with the <i>Liquor Control and Licensing Act</i> and the <i>Cannabis Control and Licensing Act</i> .