Passenger Transportation Board
MOVING FORWARD, TOGETHER

Recent changes to the Passenger Transportation Act

February 8, 2023

Recent amendments to the Passenger Transportation Act (Act) clarify existing powers of the Passenger Transportation Board (Board) and streamline the way the Board makes decisions on applications.

Applicant fitness and capability is now a threshold test. It is the first factor the Board considers when deciding an application. The Board will only consider public need and sound economic conditions if applicants meet the fitness test.

Section 28 (1) of the Act reads:

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.

Other changes include the Board now having explicit authority to consider, on its own initiative, records, information and reports and to generate or obtain reports.

The amendments also clarify that the Board may, at any time other than licence renewal, direct the Registrar to amend a Special Authorization licence to:

a. to correct an error in a licence;

b. to standardize terms and conditions of
    i. all licences, or
    ii. all licences in a specified class of licences;

c. to make licences comply with amendments made to this Act or the regulations;

d. to reflect changes to licences required by the results of an appeal under this Act.

At renewal, the Board may direct the Registrar to amend terms and conditions related to the Board's authority under section 28(3)-(6) of the Act.

These amendments are now in effect and the Board has updated its rules, policies, application guides and other materials to reflect these changes. Board decisions will also reflect these changes, including reviewing applicant fitness and capability first and only considering public need and sound economic conditions if applicants meet the fitness test.