Passenger Transportation Board
MOVING FORWARD, TOGETHER

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
- Fitness
- Demonstrating public need and sound economic conditions