



passenger
TRANSPORTATION BOARD

Annual Report
2019/20



Contents

Message from the Chair 1

Overview 2

Guiding Values 3

Key Milestones 2019/20 4

1. Amendments to the Passenger Transportation Act and Regulation 4
2. TNS Operational Policy 5
3. Administrative Changes 6
4. TNS Decisions 7
5. Data 8
6. Driver Earnings 9
7. Congestion and Greenhouse Gas Emissions 10
8. Inter-City Bus Applications 10
9. New Case Management System 11
10. Other Board Activities 11

How the Application Process Works 12

Operational Statistics 13

Judicial Reviews 16

Board Members 17

Board Staff 17

Board Budget 18

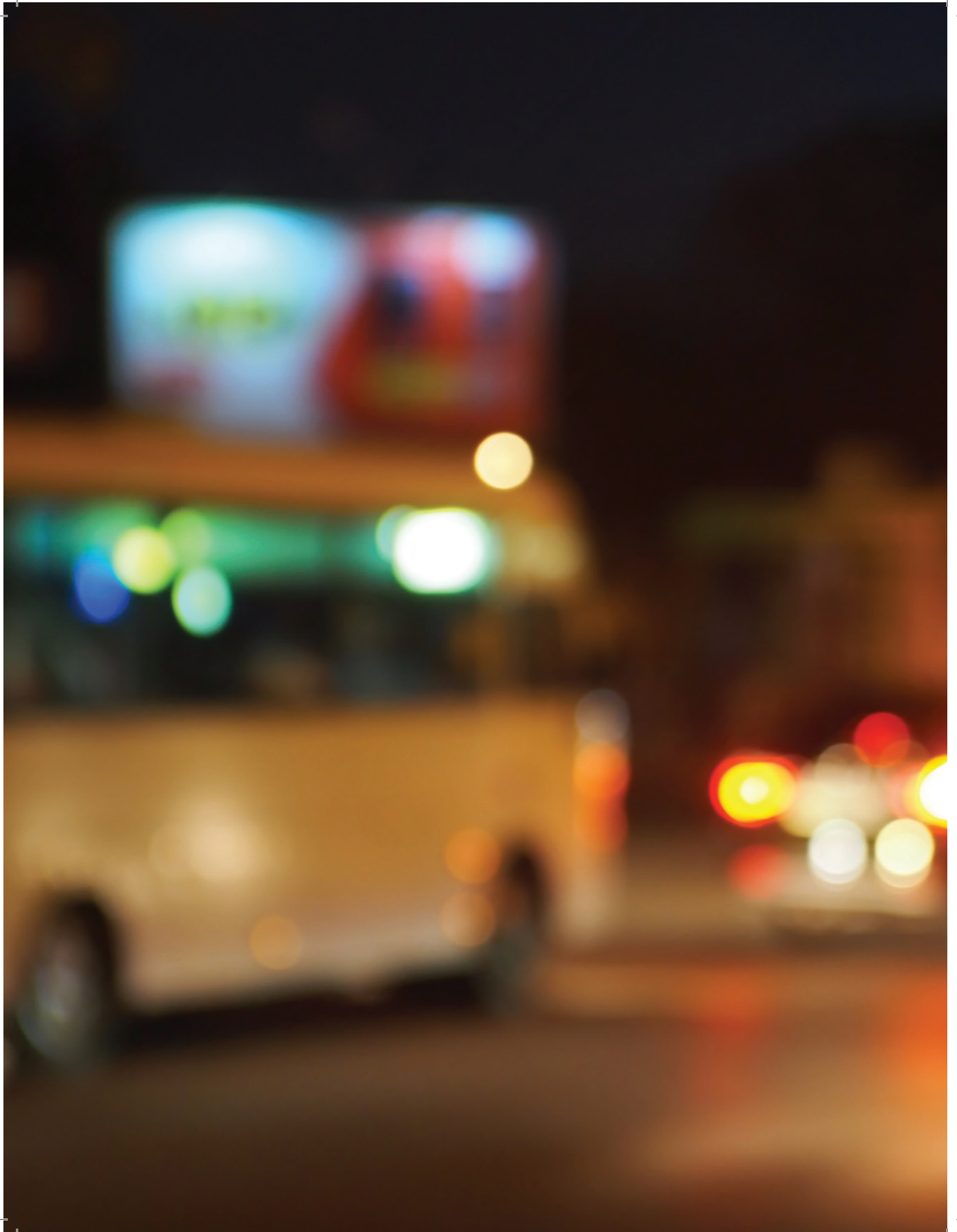
Appendices 19

Appendix 1 – Regulatory Framework 19

Appendix 2 – Other Board Accomplishments in 2019/20 21



Annual Report 2019/20



Message from the Chair



www.ptboard.bc.ca

August 19, 2020

Honourable Claire Trevena
Minister of Transportation and Infrastructure
Parliament Buildings
Victoria, British Columbia
V8V 1X4

Dear Minister Trevena:

I am pleased to present the fifteenth Annual Report from the Passenger Transportation Board. The Report covers the period from April 1, 2019 to March 31, 2020. As required under the *Passenger Transportation Act*, the Annual Report provides information on applications made for a licence that includes a special authorization and financial statements applicable to the Board, including disclosure of the expenses of the Board.

Yours sincerely,

A handwritten signature in black ink, appearing to read "C. Read".

Catharine Read
Chair
Passenger Transportation Board



Overview

The Passenger Transportation Board (the Board) is an independent licensing tribunal established under the Passenger Transportation Act (the Act). The Board has three primary functions:

1. Making decisions on applications for the licensing of inter-city buses (ICB) and passenger directed vehicles including ride-share or transportation network services (TNS), taxis, limousines, perimeter seating buses and shuttle vans in British Columbia;
2. Monitoring, assessing and setting operating areas, fleet sizes and rates for commercial passenger directed vehicles; and
3. Making decisions on appeals regarding administrative penalties imposed by the Registrar of Passenger Transportation (the Registrar).

The Board typically receives between 200-250 applications in a fiscal year and 1-3 appeals in a fiscal year.

As an administrative tribunal, the Board must ensure that its decisions are fair, consistent and transparent. To aid this, the Board develops policies and procedures to guide its application and decision-making processes. The Board maintains a website to provide information to applicants, licensees and the general public. Information on the website includes: Rules of Practice and Procedure, Operational Policies, application guides, rate information, and the Weekly Bulletin,

where application summaries and final decisions are published.

The Board's decision-making requirements are defined in Section 28 (1) of the Act. The Act holds that the Board may approve applications for a Special Authorization license if it considers:

- there is a public need for the service;
- the applicant is fit and proper and capable of providing the service; and
- the application promotes sound economic conditions in the passenger transportation business in B.C.

If an application is approved, the Board sets terms and conditions for a license. The Registrar (part of the Ministry of Transportation and Infrastructure) then issues a license when safety requirements are met. Appendix 1 provides more detail on the regulatory framework in place.

The Board consists of six part-time members, including the Chair, and six full-time staff. Members are appointed to the Passenger Transportation Board by the Lieutenant Governor in Council after a merit-based process. Board members come from diverse community-based backgrounds. Board staff are part of the public service of British Columbia and hired through a competition process. Members and staff are committed to fostering a culture of professionalism, administrative fairness and good governance and all stay informed about



emerging passenger transportation trends and policies.

The Board meets at least every quarter and more often if required. Board meetings focus on policy development, procedural matters and review of emerging issues in the commercial passenger transportation industry. Licencing decisions are not made at Board meetings but are made by individual Board members or a panel made up of more than one Board member.

The Board seeks stakeholder perspectives on new initiatives and policies. Stakeholders include industry associations, licensees, local governments and First

Nations organizations, persons with disabilities, seniors and the travelling public.

The Board published a [three-year Strategic Plan](#) in 2019 which outlines policy development, operational projects and governance goals and strategies. In carrying out its responsibilities, the Board seeks innovative ways to respond to change, increase efficiency, and streamline its processes.

Guiding Values

The Board is guided by six values.

Integrity – ethical, professional and honest conduct by all 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.

Evidence-based – a measured, evaluative and evidence-based approach to decision making.

Respectful – courteous, fair and dignified treatment of all persons in contact with the Board.

Accountable – clear understanding of duties and responsibilities and open and transparent information about the board’s operations and decisions.

Responsive – accessible and understandable policies and processes, and provision of accurate and timely communication on Board decisions.



Key Milestones 2019/20

1. AMENDMENTS TO THE PASSENGER TRANSPORTATION ACT AND REGULATION

Amendments to the Act and Regulation came into force in September 2019. These amendments resulted in changes to the Board's mandate including:

- Enabling the Board to make decisions on TNS, or ride hailing;
- Providing sole authority to the Board to set operating areas, fleet sizes and rates for commercial passenger directed vehicles;
- Granting the Board authority to set terms and conditions respecting data requirements for passenger directed vehicle (PDV) authorizations or transportation network services authorizations;
- Granting the Board authority to set new terms and conditions of licences such as specifying methods for hailing, equipment and technology requirements and standards, and information that must be displayed or carried for passenger safety or consumer protection.

These changes increased the scope and complexity of responsibilities for Board decision making. New areas of consideration include economic impacts on taxis resulting from TNS operation, impacts on accessible transportation from TNS operations, congestion and greenhouse gas emission impacts, TNS driver earnings

considerations and impacts on transit ridership.

A panel member who considers a complex TNS application must understand and analyze the evidence, which is often technical in nature, and evaluate the evidence against the legislated criteria of public need for the service, sound economic conditions in the passenger transportation business, and fitness and capability to provide the proposed service. In addition, the panel member must write a defensible decision, with reasons, which are fair and consistent with the principles of administrative law. The financial stakes for TNS applicants and submitters who compete with them are very high, which increases the risk of a judicial review and a further appeal to the Court of Appeal.

Where licences are authorized, companies that provide TNS or taxi service are required by legislation to provide data on their operations to the Board. The Board must review the data to determine whether there is evidence to warrant amendment to the terms and conditions of licences. Again Board members must monitor and analyze technical data, determine whether further licensing decisions concerning the terms and conditions of the special authorization licenses are required and provide evidence-based rationale for any decision. The introduction of TNS into the commercial passenger transportation business has



significantly increased the business, financial and legal risks associated with decisions on fleet size caps, changing operating area boundaries and changing rates set for the industry.

2. TNS OPERATIONAL POLICY

In July 2019, the Board consulted with the taxi industry, the TNS industry, the Vancouver Airport Authority and the Vancouver Port Authority on TNS companies' operating areas, fleet sizes and rates. The Board used the information gathered from these consultations combined with background work conducted by external consultants on cross-jurisdictional research on TNS operations and the economic implications of TNS on taxis industry stakeholders to develop its TNS Operational Policy.

The purpose of the TNS Operational Policy is to guide decision making on operating areas, fleet sizes and rates in B. C. When making decisions on applications, the Board refers to this policy; however, each assessment and decision on a TNS application is based on the evidence before the Board, including application materials, submissions on the application and the applicant's response.

Six policy principles guide the TNS Operational Policy:

1. The TNS business model is provided with the opportunity to be viable and meet public need for the service.
2. Negative impacts on taxi stakeholders associated with the introduction of TNS should be minimized where possible.

The Act also enables taxis to operate as a TNS, which is a new approach that has not been tested elsewhere in the world, adding another layer of complexity and risk in relation to the Board's decision making.

3. Policies will be based on defensible research.
4. Meaningful consultation with those directly impacted will occur.
5. Certainty and transparency will be provided in the resulting policies on sound economic conditions.
6. The Board must move to better use of origin / destination and performance indicator data in making decisions and monitoring the impacts of decisions as soon as this data is available.

Policy on Operating Areas:

A TNS application must specify the regions in which the applicant wants to operate. The regions are as follows: Region 1: Lower Mainland, Whistler; Region 2: Capital Regional District (CRD); Region 3: Vancouver Island, excluding CRD; Region 4: Okanagan-Kootenay Boundary-Cariboo; and Region 5: BC North Central and Other Regions of BC.

TNS operating in the City of Vancouver must geo-fence off an area adjacent to the Port of Vancouver on cruise ship days to address safety concerns and minimize congestion in the area.



Policy on Fleet Size:

There are no initial limits on TNS fleet size. The Board will monitor TNS performance data and may review fleet sizes when data is available.

Policy on TNS Rates

Minimum rates for TNS will be based on taxi flag rates in an operating area, as determined by the Board. The use of coupons or discounts by TNS to lower rates below the minimum rate is prohibited.

Policy on Data Requirements from TNS Companies:

Terms and conditions of licence require TNS companies to provide data to the Registrar for the use of the Board. The Board's data requirements for TNS companies are outlined in the [Data Requirements document](#) on the Board's website.

Policy on Driver Earnings Information:

Terms and conditions of licences require TNS to provide quarterly reporting of drivers' earnings.

3. ADMINISTRATIVE CHANGES

The Board established an Operational Policies, Programs, Administration and Licensing (OPPAL) Committee comprised of two Board members and two external advisors to review its operational policies, programs, administrative processes and terms and conditions of licences in light of amendments to the Act, Regulations and the introduction of TNS.

Recommendations regarding TNS application matters (forms, checklists and guides) and general terms and conditions of licence were approved and published on August 22, 2019, along with the Board's

TNS Operational Policy. This gave potential TNS applicants time to prepare for the application acceptance date of September 3, 2019. OPPAL's TNS recommendations were implemented fully starting September 2019.

The Board accepted additional OPPAL recommendations on revisions to its policies, rules of practice and procedure, reference sheets and guidelines and forms for both taxis and TNS at its September and January Board meetings.



4. TNS DECISIONS

In response to early TNS applications, a number of the Submitters asked the Board to conduct oral hearings in respect of the applications received. The Act confers broad authority on the Board to control its own process when making decisions on licence applications. That authority includes the discretion to conduct a written, electronic or oral hearing, or any combination of them. The Board provided reasons for its decision to hold written hearings in a letter to all active applicants and submitters on October 30, 2019.

On October 30, 2019, the Board also issued an Industry Advisory modifying its process for all ride hailing applications to provide greater disclosure to the Submitters and more transparency in its process. Modifications enabled Submitters to review applicant responses to original submissions as well as the application package itself after redactions were made to remove personal and private business information. Submitters could then provide a second submission to the Board.

The Board's first approval of a TNS application was announced on December 16, 2019 when Green Coast Ventures Inc. was approved to operate in Region 1: Lower Mainland, Whistler; and Region 3: Vancouver Island, excluding Capital Regional District (CRD). Uber and Lyft were later approved on



January 23, 2020 to provide TNS in Region 1: Lower Mainland, Whistler.

Between September 16, 2019 and March 31, 2020, the Board received a total of 35 TNS applications. Of these, the Board issued 14 TNS approvals while 18 TNS applications were refused. Two applications were withdrawn by the applicants and one application has not been decided.

TNS Applications	Number
TNS Applications Approved	14
TNS Applications Refused	18
TNS Applications Withdrawn	2
TNS Applications in Progress	1



Approved Licences for TNS Companies that Applied in 2019/20

Region 1 Lower Mainland, Whistler	Region 2 Capital Regional District (CRD)	Region 3 Vancouver Island, excluding CRD	Region 4 Okanagan-Kootenay Boundary-Cariboo	Region 5 B.C. North Central & other regions of B.C.
Green Coast	Kabu	Green Coast	Kabu	Kabu
Uber	LTG	Kabu	Safe Ride	Coastal Rides
Lyft	Technologies Ltd	Coastal Rides	Sharing	LTG
Kabu	Ripe Holdings	LTG	Technologies Ltd	Technologies Ltd
Parhar, Garrinder		Technologies Ltd	Ripe Holdings	Ripe Holdings
MDD Transport Network Inc.		Ripe Holdings	TappCar	
LTG Technologies Ltd		Powell River Taxi		
Metro Burnaby Rides				
Hich Ride Sharing Corp.				
Ripe Holdings				
Bonny's Taxi				

5. DATA

A new component of the Act and Regulation is the authority provided to the Board to set terms and conditions of passenger directed vehicle authorizations and transportation network services authorizations that require the licensee to provide information and data to the Board. The Ministry of Transportation and

Infrastructure was provided with significant resources to develop a data warehouse and dashboard to take data from taxi and TNS companies and provide the Board with its key performance indicators (KPIs).

The Board set key performance indicator requirements (e.g. wait times, fleet capacity utilization, etc.) based on cross-



jurisdictional research in November 2018 and provided this to the Registrar. In August 2019, the Board refined the KPI based on more intensive cross-jurisdictional research. The KPIs will be used to provide evidence based assessments of public need and sound economic conditions when making licensing decisions as well as assessing whether changes to operating areas, fleet sizes and rates of TNS companies or taxi companies are required. Board staff developed a benchmarking framework that was approved by the Board in February 2020.

All taxi licensees and TNS licensees are required to meet the Board's Data Requirements as set on September 3, 2019. At the end of fiscal 2019/20, all approved TNS companies in operation were providing data to the Registrar as required under the Act. However, only 20 of the 231 taxi licensees in the province were providing the required data.

6. DRIVER EARNINGS

The Board outlined its commitment to collect driver earnings information from TNS operators in its TNS Operational Policy. A term and condition of license for every approved TNS licensee requires driver earnings information be provided to the Board on a quarterly basis. Low levels of TNS driver earnings have proven to be a major concern associated with TNS operations internationally. This was highlighted in the Select Standing Committee reports on TNS, the Board's cross jurisdictional research and in the

Given the small percentage of taxi licensees that have submitted data to the Registrar combined with significant data quality issues, the Board cannot undertake evidence based decision making, as envisaged by the legislative changes introduced in September 2019. The Board cannot meet the Vancouver Taxi Association and their legal advisors repeated requests since September 2019 to review and potentially make changes to set a cap on TNS fleet size or increase TNS rates. It also cannot review and potentially make changes to operating areas for taxis in Metro Vancouver as frequently requested by the BC Taxi Association and their members. The Board has repeatedly informed both the taxi industry and the Ministry that it needs to provide accurate and comprehensive data as required under the Act and specified by the Board. The Board continues to work with the Ministry to improve data quality.

submissions received on TNS applications. The concerns expressed include that TNS drivers typically earn less than minimum wage, receive no benefits, lack the ability to unionize and are improperly characterized as independent contractors rather than employees. If data shows that earnings are low, the Board can consider whether rate or fleet change measures should be taken.

After consulting with all approved TNS operators in February 2020, Board staff



developed a draft driver earnings template for TNS operators to submit on a quarterly basis. In March 2020, the Board approved the final version of the drivers' earnings

template. Information was received from all TNS licensees for the last quarter of fiscal 2019/20.

7. CONGESTION AND GREENHOUSE GAS EMISSIONS

The Board will use new performance indicators that measure traffic congestion and greenhouse gas (GHG) emissions to help inform its decision-making processes. The two Select Standing Committee reports on TNS operations and a review of cross-jurisdictional experiences in other jurisdictions indicates that TNS operations increase the demand for vehicle-for-hire services overall, which can lead to significant increases in hours of vehicle travel, congestion and GHG emissions, particularly in high use areas of large cities. Many submitters to TNS applications expressed similar concerns.

The Board recognizes that traffic congestion is a complex issue, particularly

as it relates to high use areas of major cities and there are a number of contributing factors. The Board has retained a consultant to help monitor congestion and GHG emissions. It recognizes the importance of collecting and monitoring traffic data and continuing to review the experiences of other jurisdictions for solutions to any traffic or congestion-related problems that may arise from the introduction of TNS. Baseline data will be determined and changes in congestion as a result of TNS will be monitored. If that data provides an evidentiary basis for finding TNS are associated with increased congestion, the Board can take appropriate steps at that time (such as caps on fleet size).

8. INTER-CITY BUS APPLICATIONS

The Board received eight ICB applications in 2019/20.

Six applications were approved and expanded the provincial network of inter-city bus services:

- New service from Kamloops to Pemberton with additional service from Pemberton to Whistler;
- Reinstated minimum service for three communities on the Vancouver-Alberta Highway 1 and 5 corridors, and returned to daily minimum service for locations west of Kamloops;
- Additional service between Vancouver and Squamish;
- Additional service between Kamloops and Kelowna, with a route that connects with Salmon Arm and other communities on Highway 1; and
- New same-day return service, at least once weekly, between Mackenzie and Prince George, supplementing services provided by B.C. Bus North.

Two other applications were approved which allowed operators to reduce services as well as have greater flexibility





to respond to changes in demand by providing authority to expand service without application to the Board.

On March 18, 2020, the Board took the extraordinary step of temporarily giving ICB licensees the option to reduce or

suspend scheduled services that their passenger transportation licence normally obligates them to provide. The Board took this step to provide ICB operators the flexibility to respond quickly to public safety and transportation needs as they adapted to the COVID-19 pandemic.

9. NEW CASE MANAGEMENT SYSTEM

In the fall of 2019, the Board moved to transition from an outdated and unsupported case management system to a modern system in use by the Ministry of Attorney General's Tribunal Transformation Supports Office. Salesforce, the new case management system, is capable of providing the Board with a more efficient and accurate means to process applications combined with enhanced capacity to track and report out on performance in the future.

Over a period of three months, Board staff

and members worked with consultants to design and develop a customized case management system. User testing was conducted with Board staff and members throughout the process and the final case management system was presented at a Board meeting in January 2020.

The Board transitioned to the new case management system without any major disruptions or impacts to workflow. Board staff continue to work with product owners to improve the system.

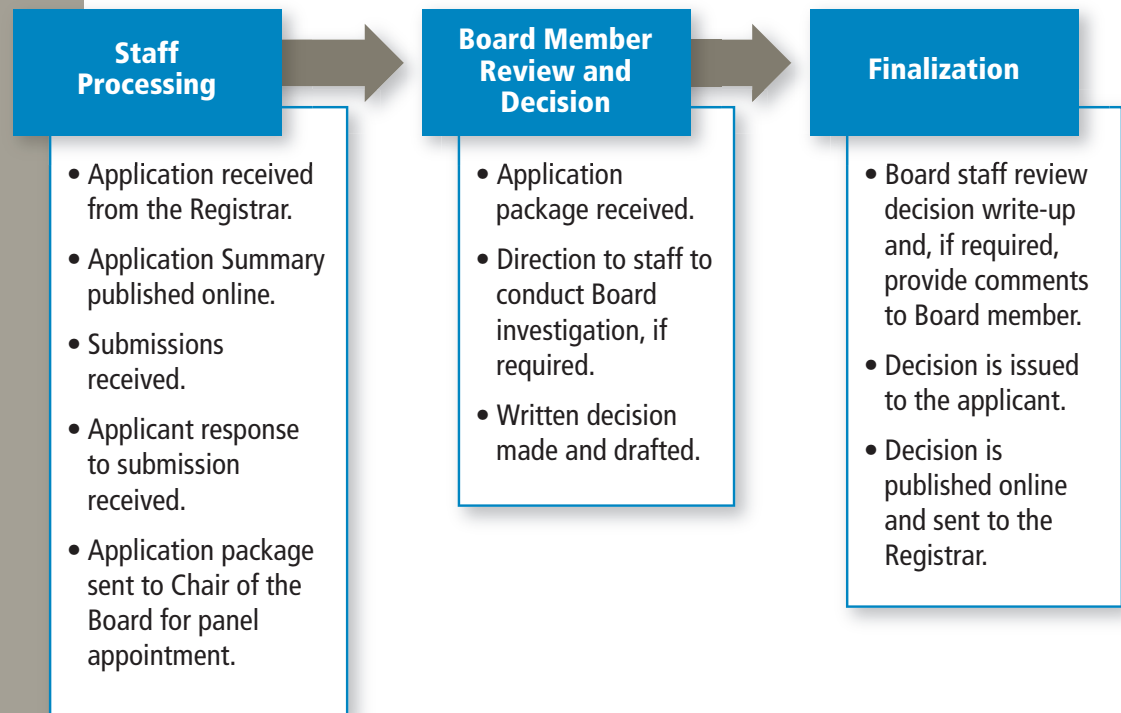
10. OTHER BOARD ACTIVITIES

Appendix 2 lists other Board accomplishments in 2019/20.



How the Application Process Works

There are 13 different types of applications that the Board receives. The three main stages through which applications proceed are shown below.



Appeal Process

The Board also hears appeals regarding administrative penalties (including fines and licence suspensions) that are imposed on an operator by the Registrar. The Board typically receives few appeals in a year; only one appeal application was made in 2019/20.



Operational Statistics

The Board tracks timelines for files it receives. Statistics reported in this Report are for applications received by the Board from April 1, 2019 to March 31, 2020.

1. APPLICATIONS RECEIVED

In 2019/20, the Board received 195 applications. This is a 17% decrease from 2018 / 19 when the taxi modernization process was implemented but it is significantly higher than the typical 150 applications a year the Board received in prior years.

Outcomes

Of the 195 applications received, 136 were approved in whole or in part, 39 were refused, 17 were withdrawn and three had yet to be decided.

Types of Applications Received

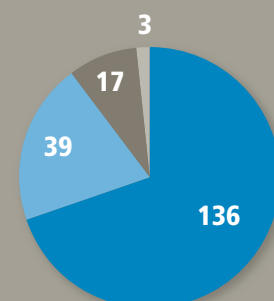
The Board has the authority to approve three types of special authorizations: an ICB Authorization, a PDV Authorization and a TNS Authorization. The ICB Authorization is for operators that wish to provide an inter-city bus service in the province. The PDV Authorization is most commonly used for taxis and limousines, with a smaller number of applications for shuttle buses and perimeter seating buses. The TNS Authorization is for ride-hail companies.

Applicants can apply for a new authorization or, if they have a license, they can apply to amend it or to transfer it to another entity. Amendments to a license could be a change to terms and conditions, addition of vehicles or an increase/decrease in services offered. PDV applicants can apply for a Temporary Operating Permit (TOP) or Peak Season Temporary Operating Permit (PSTOP) if they have an urgent and temporary need for the vehicles.

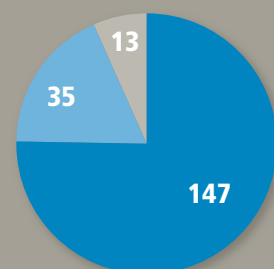
Authorization	New	Amendment	Transfer	TOP	PSTOP
ICB	7	5	1	—	—
PDV	38	59	15	26	9
TNS	35	0	0	—	—

Urgent Public Need (UPN)

Applicants wanting to have an application processed on the basis of UPN can submit a request to the Board outlining their reasons for this. If approved, the Board does not publish notice of the application or consider any written submissions in respect of the application. In 2019/20, the Board assessed 10 applications on the basis of UPN.



Application Outcomes



Application Received by Authorization



2. APPLICATION PERFORMANCE MEASURES

The Board set two administrative performance targets in its three-year Strategic Plan: low and high. These targets consider regulatory requirements such as the statutory requirement to publish applications and receive and consider submissions. The low target represents the more efficient processing times. The high target results from factors that may extend the process such as extension requests from applicants, requests to the applicant to provide missing or additional information, and supplemental submissions.

Board Administrative Performance Targets

Applications	Low Target Days	High Target # Days
ICB, PDV and TNS Decisions	89 Days or Less	More than 89 Days
UPN Applications	37 Days or Less	More than 37 Days
TOPs and PSTOPs	15 Days or Less	More than 15 Days

Board Performance Targets

Applications	# PT Board Decisions	Average # Days to a Decision	% Within Low Target	% Within High Target
Total ICB, PDV and TNS Applications	132	107	33%	67%
ICB	10	106	40%	60%
PDV	89	100	58%	42%
TNS	33	128	6%	94%
UPNs	10	15	100%	0%
TOPs and PSTOPs	34	2	100%	0

The Board seeks to process at least 75% of all applications within the low target timeframe and achieved this for UPNs, TOPs and PSTOPs. In 2019/20, the Board completed 33% of all ICB, PDV and TNS applications within the low target. The percentage of application decisions in the high target in 2019/20 was higher than in years past for several reasons:

- **TNS Applications**

- The Board modified its application process to include an extra step sending the application package to all submitters, including the applicant's initial response to the submission materials. The submitters were then provided 14 days to provide further written submissions on the application. The Board then provided copies of the written submissions to the applicant.
- TNS applications are more complex than other applications. In many cases, the submissions on the applications contained thousands of pages of evidence all



of which had to be considered by the Board. In turn, in some cases, applicants provided over a thousand pages of evidence to counter the submissions.

- TNS decisions are high-profile, contentious and closely scrutinized. The taxi industry commenced with its first petition for judicial review in September 2019 prior to any TNS decision.
- The subject areas expanded into technical areas not previously considered by the Board, including engineering and traffic studies, economic impacts and econometric studies, environment and climate change issues, labour impacts and impacts on transit ridership.
- The financial stakes for both the TNS and taxi industries are high. Business plans for TNS are more sophisticated requiring enhanced financial analysis.

- **Resourcing**

- Three members of the Board focused on TNS applications for the period September to the end of March, leaving only three Board members to work on PDV and ICB applications when usually there would be six members to share the workload.
- Turnover of Board staff led to gaps in resourcing available to efficiently process applications in a timely manner.

- **Applicants**

- The Board received a large number of incomplete applications and staff spent a significant amount of time working with applicants to obtain the required information.

3. POST DECISION PROCESSES

Reconsiderations

The Act does not provide a right of appeal of Board decisions. An applicant can apply for a Reconsideration to reconsider, vary or rescind a decision in only two cases:

- Information has become available that was not available at the time the decision was made; or
- There has been an error in procedure.

A decision cannot be reconsidered just because someone disagrees with it.

In 2019/20, the Board received five requests for Reconsiderations. Three requests did not meet the grounds for reconsideration; one decision was varied; and one decision was rescinded. On average, it took the Board 24 days to issue a Reconsideration decision.



Judicial Reviews

Since the coming into force of amendments to the Passenger Transportation Act regulating TNS, the Board has rendered over 30 decisions on applications for TNS Authorizations (“TNSAs”). Recent Board policies regarding consideration of applications for TNSAs and the Board’s decisions approving and rejecting those applications under the legislative amendments have so far formed the basis for three petitions for judicial review.

The first petition was filed by the Vancouver Taxi Association (“VTA”) on September 4, 2019 (and amended in December 2019 to add additional parties – taxis - to the proceeding). The VTA applied for judicial review of the Board’s August 19, 2019 decision to adopt an Operational Policy entitled “Introduction of Transportation Network Services, 2019”. The VTA alleges, among other things, that the Board has fettered its discretion in adopting the policy because it pre-determined that there would be no cap of TNS fleet size and rates. The Board filed a response to petition on September 24, 2019. This matter has not been set for hearing and, given the subsequent petition filed by the VTA discussed below, it is not expected to proceed.

A second petition was filed by the VTA on January 27, 2020. This petition was filed in response to the Board’s approval of the TNSA applications of Uber and Lyft

on January 23, 2020. The VTA alleges that the Board’s decisions approving the applications of Uber and Lyft are unreasonable and were rendered in a procedurally unfair manner. Both Uber and Lyft are parties to this proceeding and are opposed to the VTA’s petition and the relief sought. The Board filed a response to petition on February 25, 2020. Shortly after filing the petition, the VTA sought an injunction to prevent Uber and Lyft from operating in Region 1 but were unsuccessful. The Court dismissed the VTA’s application for an injunction on February 5, 2020. Hearing dates have not yet been set for this matter but are likely to be set in fall 2020.

The third petition was filed by Kater Technologies Inc. (“Kater”) as a result of the Board’s January 23, 2020 decision to refuse to issue it a TNSA. Kater had applied for a TNSA, along with a number of other companies, and was supported by the VTA as a “made in BC” solution. The Board concluded that Kater’s application did not provide sufficient evidence to establish that it was capable of providing the services it proposed to provide. In its petition, Kater alleges that the Board’s decision is unreasonable and was rendered in a procedurally unfair manner. The Board filed a response to petition on April 30, 2020. There are no other parties to the proceeding. The petition has not yet been set for hearing.



Board Members

Board members are appointed by Cabinet and there were six Board members in 2019/20. The Board held eleven meetings in 2019/20

Member	Initial Appointment Effective	Term Expiry Date
Catharine Read, Chair	October 1, 2017	October 1, 2020
Carmela Allevato	November 5, 2018	November 5, 2020
William Bell	February 1, 2008	June 30, 2020
Roger Leclerc	November 8, 2012	June 30, 2020
Spencer Mikituk	March 29, 2012	June 30, 2020
Baljinder Narang	March 11, 2019	November 5, 2021

Board Staff

The Board is supported by a staff of six full-time employees who work out of the office in Victoria. Staff handle the administrative functions of the Board, undertake policy research and respond to inquiries from applicants, submitters and the public.

Staff	Title
Trevor Paul	Director
Michael McGee	Manager, Policy, Programs and Communications
Shruti Maken	Senior Policy Analyst (Economist)
Kathy Mitten	Finance, Appeals and Operations
Bonnie Benson	Research and Administration Coordinator
Andrea Garson	Research and Administration Coordinator



Board Budget

The Board's 2019/20 Blue Book budget appropriation totaled \$575,000 and actual expenditures were \$1,083,156.

The discrepancy between appropriation and expenditure was due to several factors:

- The new Act was passed in the legislature in November 2018 and Regulations were not passed until summer 2019, shortly before the first TNS applications were received, creating significant uncertainty during the time of budget preparation.
- The Board's mandate increased significantly as a result of the amendments to the Act and Regulation, adding substantially to its workload.
- The Board staff complement was very small, requiring consulting services to provide the additional support required.

- TNS applications received were higher than anticipated or than received in other jurisdictions.
- The Board was required to use outside legal counsel when a conflict of interest was found by the Ministry of Attorney General and legal actions were initiated by the taxi industry.

On March 26, 2019 prior to the start of the fiscal year, the Deputy Minister confirmed in writing that the Ministry would submit an Estimate Adjustment Transfer as part of Budget 2020 for \$886,860. The Board kept the Ministry of Transportation and Infrastructure informed about budget pressures and overruns on a monthly basis and through letters to the Deputy Minister

Budget Category	Allocation* (\$)	Expenditure (\$)
Salaries	375,487	403,516
Supplementary Salary cost	0	478
Benefits	93,000	102,469
Member Per Diems and Travel	183,700	359,489
Staff Travel	11,000	6,014
Professional Services - Operational	200,000	146,129
Information Systems – Operating	13,500	36,737
Office and Business Expenses	57,500	28,232
Stat. Advertising and Publications	1,000	0
Other Expenditures	1,000	0
Total	886,860	1,083,156

* The Board's budget allocation for fiscal 2019/20 as confirmed on March 26, 2019 by the Deputy Minister was \$886,860.



Appendices

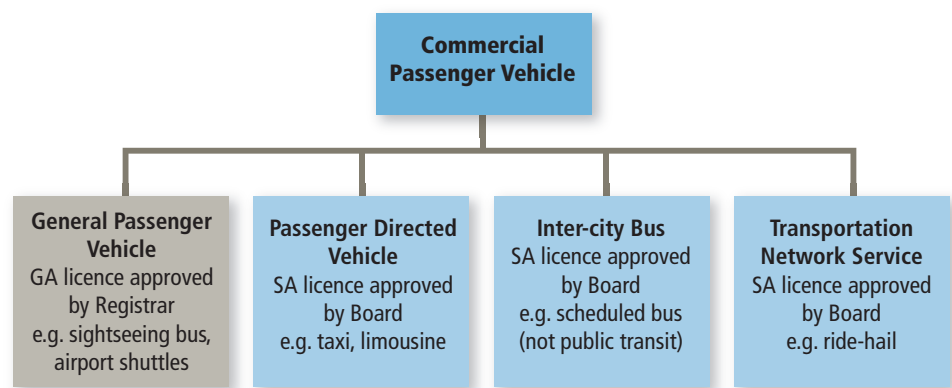
APPENDIX 1 – REGULATORY FRAMEWORK

The Board is an administrative tribunal created under the *Passenger Transportation Act* (the Act). Administration of the Act is a joint responsibility of the Board and the Registrar/ Passenger Transportation Branch of the Ministry of Transportation and Infrastructure.

Vehicles and Licences Authorizations

The Act sets out the framework for licensing commercial passenger vehicles. There are two types of licences: General Authorization (GA) licences; and Special Authorization (SA) licences.

The chart below shows the different licensing streams under the Act.



Special Authorization License Approvals

The Board makes decisions on applications for Special Authorization licenses. There are three types of special authorizations: (a) passenger directed vehicles; (b) inter-city buses; and (c) transportation network services. Passenger directed vehicles include taxis, limousines, perimeter seating buses and small shuttle vans. Inter-city buses are private commercial carriers that operate between cities on a schedule and over regular routes. Transportation network services refer to ride-hail service providers.

The Board may approve applications for a Special Authorization license if it considers:

- there is a public need for the service;
- the applicant is fit and proper and capable of providing the service; and
- the application promotes sound economic conditions in the transportation industry.





If an application is approved, the Board sets terms and conditions for a license. The Registrar then issues a license when safety requirements are met.

General Authorization Approvals

Operators of commercial passenger vehicles that do not fall within the definitions of passenger directed vehicle, inter-city bus or transportation network services need a license with General Authorization. These operators have greater operational freedom than operators with a Special Authorization.

The Registrar of Passenger Transportation makes decisions on applications for General Authorization licenses. The Registrar is also head of the Passenger Transportation Branch.

Enforcement and Compliance

The Registrar works with Commercial Vehicle and Safety Enforcement (CVSE) staff in the planning and delivery of enforcement and compliance actions for commercial passenger vehicles. The Registrar may impose administrative penalties on licensees.

The Board hears appeals of administrative penalties imposed by the Registrar.



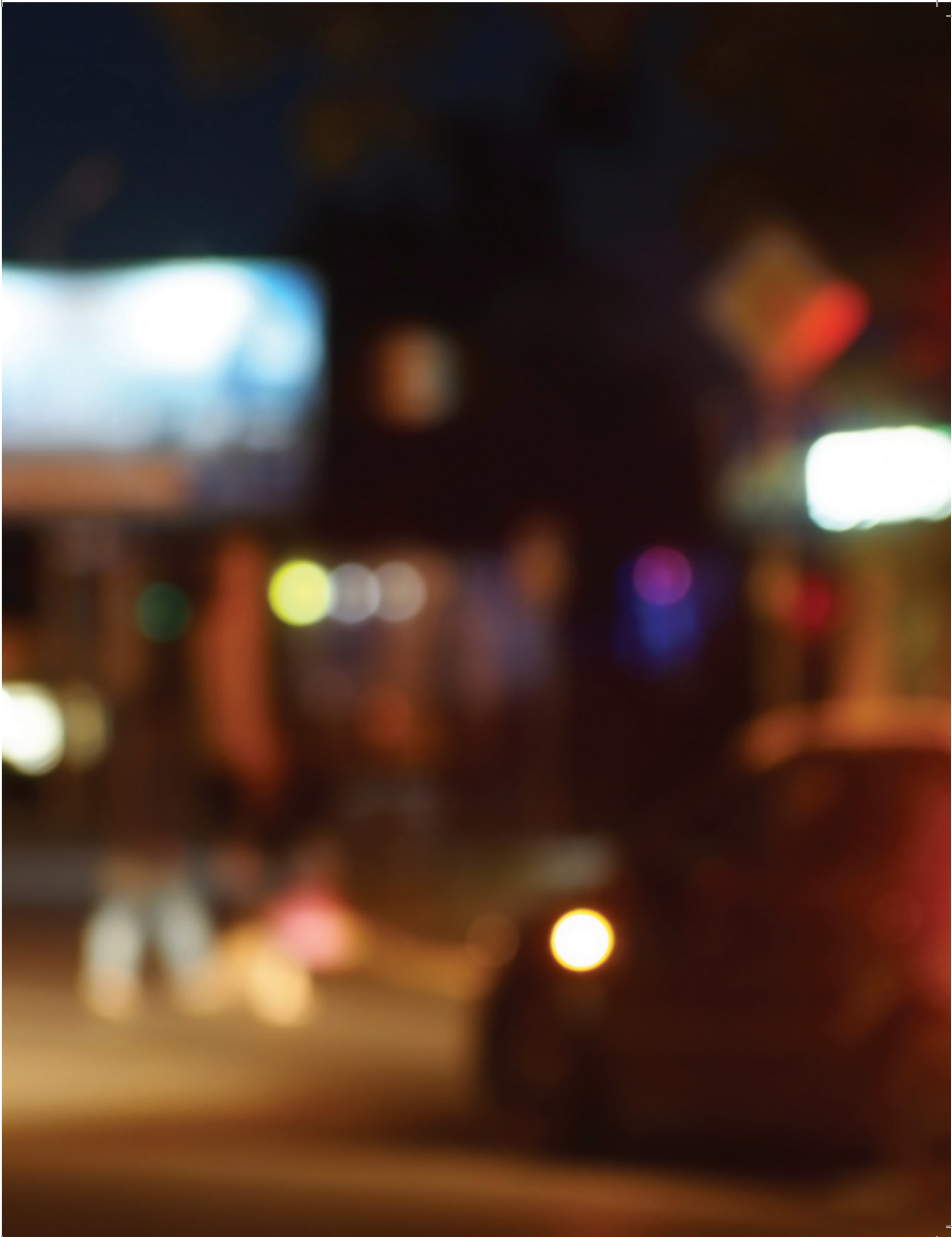
APPENDIX 2 – OTHER BOARD ACCOMPLISHMENTS IN 2019/20

Activity Type	Accomplishments
Research and Policy	<ul style="list-style-type: none">• Spring, Summer 2019: Cross-Jurisdictional Review of Fleet Size and Rates for TNS undertaken by Perrin Thorau.• Spring, Summer 2019: Approaches to TNS Operating Areas Victoria and Other Regions of B.C. undertaken by Hara Associates.• May 2019: Implemented a 2019 Taxi and Limousine Cost Index (TLCI) increase that gave taxis an option to request a rate increase up to 2.7%.• Summer 2019: Addressing implications associated with previous Board approval of 38 peak period taxis operating in Vancouver.• Summer 2019: Develop TNS Apps Supplementary Terms and Conditions; Modified PDVA Apps Supplementary Terms and Conditions.• Spring, Summer, Fall 2019: Review of Specifications, Field Testing and Approval of Additional Taxi Camera Models.• Fall 2019: Taxi Rate Model work undertaken by Taxi Research Partners (put on hold).• Summer, Fall 2019: Consulted with taxi industry associations and taxi licensees on a proposal to introduce flexibility on rates for app-hailed trips during off-peak hours. In December all responses received were opposed.• Winter 2019/2020: Accounting Financial Advisory Services contract using KPMG.• Winter 2020: Key Performance Indicators Benchmarking Discussion Paper.• Winter and Spring 2019/2020: Assessed the implications of hybrid taxis operating as TNS, as provided for in the Act. A Discussion Paper and Issues Note were developed and provided to the Ministry.• Winter 2020: Draft Discussion Paper on potential updates to TNS Operational Policy.• Winter 2020: Congestion Study by Acure Consulting Inc. initiated.• March 2020: Contacted all applicants to determine whether they wanted their application to continue to decision, be put in abeyance or withdrawn due to COVID-19.



Activity Type	Accomplishments
Communications	<ul style="list-style-type: none"> • November 2020: Board Chair participated on a panel at a luncheon hosted by the Victoria Chamber of Commerce titled “What’s Ahead for Regional Transportation?” • December 2019-March 2020: Published five press releases with accompanying Q&A documents related to TNS decisions issued. • March 2020: Published an Industry Advisory outlining responsibilities of licensees operating under a TNSA that clarifies the requirements that need to be met for approval.
Governance	<ul style="list-style-type: none"> • The Board held eleven meetings in 2019/20 – three by teleconference and eight in person. • Spring 2019: Board members moved to IDIR Technology. • September 2019: Board staff attended the International Association of Transportation Regulators’ 32 Annual Conference in Calgary, Alberta. • March 2020: Board staff presented at TransLink’s Regional Transportation Advisory Committee (RTAC) and requested full membership.







Annual Report
2019/20