

Application Decision

Application:	3304-07
Applicant:	EMERALD TAXI LTD.
Trade Name:	British Columbia Railway Contract
Address:	966 5 th Avenue, Prince George BC V2L 3K8
Principals:	BHANGOO, Balraj Singh PANNU, Balbir S. BHANGU, Gurbir PAWAR, Narinder Singh
Current PT Licence:	The applicant has special authorization to operate passenger directed vehicles. This can be viewed in the <i>PT Board Bulletin</i> of March 16, 2005 at www.ptboard.bc.ca/ptb/bulletins.htm .
Summary:	Amendment of Licence (PDV) <i>(Section 31 of the Passenger Transportation Act)</i> <ul style="list-style-type: none">Proposed replacement of Return Trip authority with Reverse Trip authority for Service 1 (respecting railway contract service)No proposed changes to Service 2.
Publication:	The application was published in the <i>PT Board Bulletin</i> on February 6, 2008.
Submissions:	None
Board Considerations:	The Board may approve an application forwarded to it by the Registrar of Passenger Transportation if the Board considers, as set out in section 28(1) of the Passenger Transportation Act, that: <ol style="list-style-type: none">there is a public need for the service the applicant proposed to provide under any special authorization.the applicant is a fit and proper person to provide that service and is capable of providing that service, andthe application, if granted, would promote sound economic conditions in the passenger transportation business in British Columbia. The Board may approve a special authorization if all three provisions are answered in the affirmative. The Board may refuse a licence if any one provision is answered in the negative.
Application Matters:	The Board views taxicabs as complementary to the public transportation system used by many people in their daily life. For these types of applications, the Board is looking for supporting documentation from potential users as well as business plans and financial statements when considering public need, applicant fitness and economic conditions. The length and complexity of the business plan and financial information as well as the volume of letters or statements from potential users should reflect the following factors: the type, size, and complexity of the proposed transportation business; and the degree of comparable competition in the operating area.

Regardless of how much supporting material is provided, it is up to the applicant to guide the Board as to what conclusion it should reach based on the supporting data and information that it submits with its application.

The Application Handbook, a companion to the application package and forms, contains information on application requirements and Board considerations.

Board Decisions: **The Board approves the requested amendments to the terms and conditions of licence.**

Background: Emerald Taxi Ltd., dba British Columbia Railway Contract, is authorized under PT Licence No. 70760 and is under contract with Alberta Co-op Taxi Ltd to provide passenger directed vehicle service transporting Canadian National Railway crews to and from certain points in north-central British Columbia. The applicant seeks to amend Service 1 to include reverse trips authorization that would enable the applicant to originate trips along the Canadian National Railway line west to and including the town of Smithers and east to and including the Village of McBride.

Reasons: I. *Is there a public need for the service that the applicant proposes to provide under special authorization?*

The applicant provided a letter dated December 12, 2007 from Alberta Co-op Taxi Line Ltd indicating a need for reverse trip authority that would allow the applicant to bring back either the original crews or a different crew when dropping at either a station or points in between. In addition, a letter dated January 31, 2006 is on file indicating the existence of a contractual arrangement between the applicant and Alberta Co-op Taxi Ltd.

I find that there is a public need for the service proposed in the application.

II. *Is the applicant a fit and proper person to provide that service and is the applicant capable of providing that service?*

The Board considers "applicant fitness" from two perspectives, or in two steps: (a) is the applicant a "fit and proper person" to provide the proposed service; and (b) is the applicant capable of providing that service?

The applicant is an established licensee and has considerable experience in transporting crews for the Canadian National Railway.

I find the applicant to be a fit and proper person to provide the service and to be capable of providing that service.

III. *Would the application, if granted, promote sound economic conditions in the passenger transportation business in British Columbia?*

The Board approaches the "economic conditions" issue from a broad perspective. The economic conditions of the "transportation business in British Columbia" are considered ahead of the economic and financial interests of an individual applicant or operator. The Board supports healthy competition within passenger transportation markets. As well, the Board discourages destructive forms of competition that could unduly harm existing service providers.

There were no submissions received relating to the application and, the authority if granted will result in improved service to the Canadian National Railway and its crews. Also the reverse trip authority sought does not materially impact or change the applicant's contractual relationship where service performance ultimately decides the continuance of it.

Activation:	I find that the granting of this application will promote sound economic conditions in the passenger transportation industry in British Columbia.
Note:	<p>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.</p> <p>The following adjustments have been made to the terms and conditions:</p> <ul style="list-style-type: none"> Vehicle capacity (further to the Board Industry Advisory of July 4, 2007, respecting "Vehicle Capacity Bands") "Contract Clause" wording (further to Board Industry Advisory of August 29, 2007, respecting Rail Crew Transport)
Special Authorization:	Passenger Directed Vehicle (PDV)
Terms & Conditions:	
Vehicle Type:	Passenger directed vehicle
Maximum Fleet Size:	5 vehicles
Vehicle Capacity:	Service 1
	Vehicles can accommodate a driver and not less than 6 and not more than 11 passengers.
	Service 2
	Vehicles can accommodate a driver and not less than 2 and not more than 7 passengers
	Vehicles can accommodate a driver and not less than 6 and not more than 11 passengers.
Service 1:	<i>The following terms and conditions apply to Service 1:</i>
Originating Area:	Transportation of passengers may only originate from any point in the City of Prince George.
Destination Area:	Transportation of passengers may only terminate at any point along the Canadian National Railway line west to and including the Town of Smithers and east to and including the Village of McBride.
Reverse Trips:	Transportation of passengers may only originate in the <i>destination area</i> if the transportation terminates in the <i>originating area</i> .
Service Limitation:	Service may be provided only to persons employed or engaged by Canadian National Railway Company or its designate Alberta Co-op Taxi Line Ltd. and only as long as a current written contract exists between the licence holder and Canadian National Railway Company or its broker or agent.
Service 2:	<i>The following terms and conditions apply to Service 2:</i>
Originating Area:	Transportation of passengers may originate from any point in the City of Prince George.
Destination Area:	Transportation of passengers may terminate at any point along the Canadian National Railway line bounded on the south by the City of Williams Lake, on the west by the District of Fort St. James, on the north by the District of Chetwynd and on the east by the District of Tumbler Ridge.
Reverse Trips:	Transportation of passengers may originate in the <i>destination area</i> if the transportation terminates in the <i>originating area</i> .
Service Limitation:	Service may be provided only to persons employed or engaged by Canadian National Railway Company or its designate Alberta Co-op Taxi Line Ltd. and only as long as a current written contract exists between the licence holder and Canadian National Railway Company or its broker or agent.

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 Passenger Transportation Act.

Board Panel Chair:

William Bell

Determination Date:

March 5, 2008