

Urgent Public Need

The Board processes some applications on the basis of “urgent public need” (UPN). This is an exception to regular processing. If applications are processed based on UPN, they are not published. Submissions are not sought. The Board uses the UPN option when it is satisfied that the public has an urgent need for the transportation service.

The Board has processed some taxi and inter-city bus applications on the basis of urgent public need. The Board has processed very few other types of applications on the basis of UPN.

Some examples of applications processed as a UPN include:

- A taxi service has *recently* gone out of business, leaving the public with no service
- A taxi service is licensed, but not providing any service to residents
- A transportation provider has been awarded a contract that starts immediately

Generally the Board has not processed applications as a UPN when the following circumstances exist:

- There are other licensees in an area who can provide the service
- An applicant is responsible for a delay in submitting an application or meeting application requirements
- The service requested is discretionary for the public, such as a limousine
- An applicant purchased a vehicle before submitting an application

When the Board considers a UPN request, it may look at factors such as:

- Whether other licensees are available to provide the service to the public
- Whether there is a real public demand for the service
- How the urgency came to exist
- Whether any of the urgency was due to the applicant’s delay
- How long an area has been without a service

How can I get my application processed as a UPN?

You must ask the Board in a letter to process your application as a UPN. You must provide information to show that the public has an urgent need for your service. Information from other people that supports your claims is useful to the Board. For example, if there is no taxi service, a letter from your town council or police could confirm this. If you need a licence to satisfy a contract, a letter signed by the company you have the contract with should be included. You should also include the contract.

If you claim UPN, you should submit a complete application package. For information on requirements for specific types of applications, refer to the appropriate *Application Guide*. A UPN application package may be less detailed than an application where “urgency” may not be a factor. There must still be enough information in the application for the Board to assess public need, applicant fitness and whether approval of the application would promote sound economic conditions.

- **Business plans** should provide a clear description of your service, your target customers and your operations. They should contain information to you show that you have the knowledge, skills, education/training and experience to run a transportation service.
- **Financial statements** should show that you have the resources required to start and maintain the service and that you have developed realistic cash flow projections.
- **Public Need** is critical. Why is there an urgent public need? Has a company stopped operating? Have you secured a new contract? You must provide objective evidence to support urgent public need.

If an application is too brief, the Board may undertake an investigation. This will delay the processing of the UPN application.

If the Board refuses to process your application on the basis of UPN, your application will be published. At this time, you may want to add information to your package. The Board usually accepts such information until the end of the publication period.

How are UPN applications decided?

First the Board reviews the application in light of the UPN request. If the Board determines that this is not satisfied that the application should be processed on the basis of “urgent public need”, your application will be published in the *Weekly Bulletin*. The Board will communicate this procedural ruling to you in a memo. A UPN claim that is denied may take longer to process than if no UPN request had been made.

If the Board is satisfied that the application should be processed on the basis of “urgent public need” it will review the application in light of section 28(1) of the *Passenger Transportation Act*. The Board will issue a final decision in writing, with reasons. The decision will be published in the *Weekly Bulletin*.