

Licence Application Decision

Taxi Modernization– Additional Vehicles

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| Application # | AV3172-18 | Applicant | Aldergrove Langley Taxi Ltd. |
| Principals | JOHAL, Hardip | | SINGH, Arvinder |
| Address | 101 – 18418 53 rd Avenue, Surrey BC V3S 7A4 | | |
| Primary Areas of Operation | Langley, Abbotsford | | |
| Current Licence | Special Authorization: Passenger Directed Vehicle Passenger. PT Licence # 70614 | | |
| Publication of Application | October 10, 2018 | | |
| Deadline for Submissions | October 15, 2018 | | |
| Submitters (and representatives) | <ul style="list-style-type: none"> • None | | |
| Board Decision | 4 additional vehicles (4 conventional taxis are approved). | | |
| Decision Date | January 2, 2019 | | |
| Panel Chair | Spencer Mikituk | | |

I. Introduction

Aldergrove Langley Taxi Ltd. is applying to add 4 additional vehicles to its fleet under the Passenger Transportation (PT) Board’s [Operational Policy: Modernizing Taxi Regulation, 2018](#). This policy allows taxi licensees to submit an application to expand their fleet by up to 15%.

Aldergrove Langley Taxi Ltd. has a current fleet size of 29 vehicles, of which 5 are wheelchair accessible.

II. Jurisdiction and Proceedings

This application is made under the *Passenger Transportation (PT) Act*. The PT Act regulates the licensing and operation of commercial passenger transportation vehicles in B.C. Under

the PT Act, the PT Board makes decisions on applications for passenger directed vehicles, which include taxis.

Section 26(2) of the Act requires the Board to publish the fact and nature of applications and section 27(3) requires the Board to consider the applications and any written submissions it receives as result of publication. Section 27(5) says that people who make submissions are not entitled to disclosure of further information, unless the Board orders otherwise.

III. Taxi Modernization

In October 2017, the Government of British Columbia hired taxi industry expert Dr. Dan Hara to consult with and help prepare the taxi industry for a made-in-B.C. solution to ride-sharing. The Passenger Transportation (PT) Board reviewed a near final draft of the report, [Modernizing Taxi Regulation](#), from Hara & Associates at its June 2018 Board meeting. The Board decided that it supported the report in general, subject to hearing from the taxi industry and affected stakeholders. The three short-term action items recommended by the report that fall under the PT Board's purview are:

- Allowing existing licensees a one-time opportunity to increase their number of taxi vehicles (plates) by up to 15% in the near term;
- Giving the industry the flexibility to lower fares below meter rates in off-peak hours for app-hailed taxi trips; and
- Increasing efficiencies at shift change through separate day and night vehicles.

In August and early September 2018, the PT Board met with 55 taxi licensees in 7 cities across the province, and obtained additional taxi industry input from 30 BC taxi licensees and 160 BC taxi drivers through online surveys. Further, the PT Board met with UBCM staff, the Disability Alliance of BC, the Council of Senior Citizen Organizations of BC, and some ridesharing companies.

On September 7, 2018, the PT Board approved the report [Taxi Modernization Short-Term Actions: Results of Consultations & Recommendations to the PT Board](#), (the PT Board Consultation Report) that outlines consultation findings and actions that the PT Board is taking in response to the Hara recommendations.

On September 17, 2018 the Board issued its [Operational Policy: Modernizing Taxi Regulation, 2018](#), which sets policy and process to guide implementation of short term actions to modernize the taxi industry recommended by the Hara Report. This Policy identifies how the taxi supply increase will be undertaken and policy associated with designating vehicles as single shift paired vehicles.

(a) Procedural Matters

I am conducting this proceeding by way of a written hearing.

(b) Background

The applicant submitted requisite forms, including:

- Signing Authority;
- Special Authorization Licence Application;
- Taxi Modernization Supply Request Form;
- Municipal Notices;
- Disclosure of Unlawful Activity & Bankruptcy, for each company principal; and
- Declarations, for each company principal.

IV. Board Mandate

Section 28(1) of the *Passenger Transportation Act* says that the Board may approve the application, if the Board considers that:

- (a) there is a public need for the service the applicant proposed to provide under any special authorization;
- (b) the applicant is a fit and proper person to provide that service and is capable of providing that service; and
- (c) the application, if granted, would promote sound economic conditions in the passenger transportation business in British Columbia.

V. Submissions & Replies

There were no submissions to this application.

VI. Reasons for the Board's Decision

1. *Public Need and Sound Economic Conditions in the Passenger Transportation Industry*

The applicant relied on the PT Board Consultation Report and the Hara Report to demonstrate public need.

In early 2018, the Select Standing Committee on Crown Corporations of the BC Legislature inquired into ridesharing in BC. It issued its [Report](#) in February 2018. The Committee members agreed that Transportation Network Companies (TNCs) should be permitted to operate in British Columbia within a provincial regulatory regime. On November 26, 2018 Government passed legislation that will allow the entry of ridesharing to British Columbia when the legislation is brought into force. This gives the Board confidence that the implementation of ridesharing is imminent.

The evidence on public need for the Board to grant a 15% increase in taxi vehicles (plates) includes:

- Industry consensus as documented in the PT Board Consultation Report. The near unanimous consensus expressed by BC taxi licensees in both meetings and surveys is evidence in itself. Individual taxi companies see the potential demand for additional taxis. The strong degree of consensus is indicative of a general need for additional taxis under current conditions with or without the introduction of TNCs. The need for additional taxis was also voiced by taxi drivers, Council of Senior Citizen Organizations of BC, Disability Alliance of Canada and TNC companies.
- Expansion of trip volumes in other cities and jurisdictions. In other cities, following the introduction of TNCs, the combined increase in passenger trips of taxis and TNC expands significantly. This quantitative evidence is demonstrated in the study entitled *Modernizing Taxi Regulations* by Hara and Associates.
- Preservation of consumer choice. Taxi service and TNC service are different. The Hara Report noted that in other jurisdictions where TNCs are admitted, most taxi fleets remain in full operation, but are constrained by regulatory limits on fleet size. In combination with the significant anticipated increase in the volume of trips, preservation of consumer choice requires an expansion of available taxi service.

The applicant has a fleet size of 29 vehicles, of which 5 are wheelchair accessible. Therefore, approximately 17% of its fleet is accessible. It has applied for 4 additional conventional taxis. This is within the Board's Operational Policy on taxi modernization.

The applicant has submitted a letter of support from the Township of Langley in support of this application. I give this information some weight.

Approval is given for 4 additional taxis.

I am satisfied that there is a public need for this service and approval of the application will promote sound economic conditions in the passenger transportation industry in British Columbia.

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

The Board looks at fitness in two parts:

- (i) is the applicant a "fit and proper person" to provide the proposed service; and
- (ii) is the applicant capable of providing that service?

Aldergrove Langley Taxi Ltd. is incorporated, in Active standing and has filed all the required reports. The Disclosure of Unlawful Activity and Bankruptcy forms were completed to the satisfaction of the Board. Declarations forms related to the Liquor Control and Licensing Act were completed.

The company was issued a National Safety Certificate in 1991 and has a Safety Rating of Unsatisfactory-Unaudited. The applicant has supplied a recent Carrier Profile Summary from December 01, 2017 to November 30, 2018. The profile shows that its Commercial Vehicle Inspection Program inspections, vehicle maintenance and safety results are in 100% compliance.

The applicant through its General Manager provided a response to address its poor safety rating going forward. A Driver Training Program has been implemented which includes a drivers' meeting conducted every 6 weeks. The topics include: explaining the companies driving rules, and procedures and advice for safe driving.

With the actions taken by the applicant, I find that the applicant is fit and proper and capable of providing the taxi service.

VII. Conclusion

For the reasons above, this application is approved for 4 additional vehicles.

I establish the activation requirements and the terms and conditions of licence that are attached to this decision as Appendix I. This forms an integral part of the decision.

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| <p>Approval of application may expire</p> | <ol style="list-style-type: none"> 1. The licensee must activate any additional conventional vehicles approved in this decision within 3 months of the date of this decision and any wheelchair accessible taxis within 6 months of the date of this decision. 2. Any additional vehicles that have not been activated within the timelines set out in 1 above are no longer approved and the maximum fleet size of the licensee is reduced accordingly. 3. The Passenger Transportation Board may vary the requirements set out in 1 above, pursuant to section 12 of the Board’s Operational Policy: Taxi Regulation, 2018. <p>(Note: “activate” means that the applicant has submitted the documents required to obtain a Special Authorization Vehicle Identifier to the Registrar of Passenger Transportation.)</p> |
| <p>Notice to Registrar</p> | <p>The Registrar must not, without direction from the Board, issue the applicant any additional special authorization vehicle identifiers if the applicant has not activated the vehicles pursuant to section 1 above.</p> <p>(Note: activated means that the applicant has submitted to the Registrar of Passenger Transportation the documents required to obtain a Special Authorization Vehicle Identifier.)</p> |

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| <p>Special Authorization:</p> | <p>Passenger Directed Vehicle (PDV)</p> |
| <p><i>Terms & Conditions:</i></p> | |
| <p>Vehicles:</p> | <p>Passenger directed vehicle</p> |
| <p>Maximum Fleet Size:</p> | <p>33 vehicles of which a maximum of 28 may be conventional taxis. All other vehicles are accessible taxis.</p> |
| <p>Specialty Vehicles:</p> | <p>The accessible taxis must be operated in accordance with the <i>Motor Vehicle Act Regulations</i> including Division 10 (<i>motor carriers</i>) and Division 44 (<i>mobility aid accessible taxi standards</i>), as amended from time to time, and in accordance with any other applicable equipment regulations and standards.</p> |
| <p>Minimum Operating Requirement:</p> | <p>Licensees must ensure that accessible taxi service is available to passengers throughout a 24 hour day in a reasonable manner and that accessible taxi availability is, at a minimum, proportionate to conventional taxi availability.</p> |
| <p>Service Priority Limitation:</p> | <p>Persons with mobility aids who require the accessible taxi for transportation purposes are priority clients for the dispatch of accessible</p> |

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| | taxis. The applicant must at all times use a dispatch and reservation system that dispatches accessible taxis on a priority basis to clients who have a need for accessible vehicles. |
| Vehicle Capacity: | Vehicles can accommodate a driver and not less than 2 and not more than 7 passengers. |
| Flip Seat Authorization: | Accessible taxis may be equipped with flips seats that are installed in accordance with Division 10.07(5) of the Motor Vehicle Act Regulations. |
| Services: | |
| Originating Area: | Transportation of passengers may only originate from any point in the City of Langley, the Township of Langley and the City of Abbotsford. |
| Destination Area: | Transportation of passengers may terminate at any point in British Columbia and beyond the British Columbia/United States border when engaged in an extra-provincial undertaking. |
| Return Trips: | The same passengers may be returned from where their trip terminates in the <i>destination area</i> to any point in the <i>originating area</i> if the return trip is arranged by the time the originating trip terminates. |
| Reverse Trips: | Transportation of passengers may originate in the destination area if the transportation terminates in the originating area and the cost of the trip is billed to an active account held by the licence holder that was established before the trip was arranged. |
| Other | |
| Express Authorizations: | <ul style="list-style-type: none"> (i) Vehicles must be equipped with a meter that calculates fares on a time and distance basis. (ii) Vehicles may be equipped with a top light. (iii) The operator of the vehicles may, from within the originating area only, pick up passengers who hail or flag the motor vehicle from the street. |
| Taxi Cameras: | Taxi camera equipment may only be installed and operated in vehicles when the licensee is in compliance with applicable taxi camera rules, standards and orders of the Passenger Transportation Board. |
| Eco-Friendly Taxis: | Any additional conventional taxis approved for this licence on or after June 11, 2007 and for which a passenger transportation identifier is issued, must be operated as 'eco-friendly taxis' as defined by Board Policy Guidelines in effect at the time the vehicle is issued a passenger transportation identifier. |
| Taxi Identification Code: | Each vehicle operated by the licensee must have a unique taxi identification code (TIC) affixed to the inside and outside of vehicles in a manner that complies with applicable rules, specifications and orders of the Passenger Transportation Board. |

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| Taxi Bill of Rights: | a) A Taxi Bill of Rights issued by the Ministry of Transportation (“Taxi Bill of Rights”) must be affixed to an interior rear-seat, side window of each taxicab operated under the licence. b) The Taxi Bill of Rights must at all times be displayed in an upright position with the complete text intact and visible to passengers. c) Licensees may only display a current Taxi Bill of Rights. |
| 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 <i>Passenger Transportation Act</i>. |