

NO: **R013**

COUNCIL DATE: **January 23, 2012**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **January 17, 2012**

FROM: **City Solicitor**

FILE: **4320-60/11#3**

SUBJECT: **Survey from the Passenger Transportation Board**

RECOMMENDATION

The Legal Services Division recommends that Council:

1. Receive this report as information; and
2. Authorize staff to forward as a response to the survey of the Passenger Transportation Board the comments contained in Appendix "B" attached to this report, which are supportive of approval of the application being considered by the Board.

BACKGROUND

The Passenger Transportation Board (the "PTB"), an independent tribunal based out of Victoria, B.C. considers applications from taxi fleet operators for licenses, changes to an existing license and/or to add more vehicles to a fleet. Such applications are published in the Board's Weekly Bulletin which is posted on their website at <http://www.th.gov.bc.ca/ptb/bulletins.htm>.

On July 27, 2011, the PTB published applications from 16 taxi companies in the Greater Vancouver Regional District, which are applying to operate 15% of their fleet in the City of Vancouver on Friday and Saturday evenings (10 p.m. - 5 a.m.), on "black" and "red" days at cruise ship terminals and other special days as approved by the Board.

In November of 2011 the PTB forwarded a survey to the City of Surrey to determine the City's position on an application by Surrey's local taxi companies, which are requesting permission to operate in the City of Vancouver on the above-referenced defined schedule.

Staff met with representatives of the Surrey taxi companies to discuss the application. It was concluded that the approval of such an application by the PTB would not result in taxi service shortages in Surrey and would in general support the vibrancy of the local taxi industry.

Data provided by local taxi companies indicates the following.

Taxi Company	No. of taxi-cabs	Total Number of cabs available for YVR fares
Guildford	50	17
Whalley	70	16
Surdell	69	40
Pacific	63	28
Delta Sunshine	68	54
Totals:	320	155

DISCUSSION

The application calls for 15% of the Surrey taxi fleet, currently deployed for airport service, to be granted limited access for passenger pickups within the City of Vancouver. Limited access is defined as Friday and Saturday nights from 10 pm to 5 am and any other dates the Passenger Transportation Board deems significant. Currently, a Surrey taxi operator who provides a ride for an airport fare to a location in the City of Vancouver cannot pick up another passenger in the City of Vancouver after their airport fare has been dropped off. As such, the taxi operator must either "dead head" back to the airport or back to Surrey. If the subject application is approved, the Surrey "airport" taxi operators would be permitted to pick up fares in the City of Vancouver during the following peak volume periods in Vancouver:

- On Friday and Saturday nights from 10:00 p.m. to 5:00 a.m.;
- Designated days for cruise ship arrivals and departures; and
- PTB-designated special sporting and entertainment events.

Other than the above hours of operation and special designated cruise ship and event days the Surrey taxi fleet would not be allowed to pick up fares in Vancouver. Representatives of the Surrey taxi industry advise that approximately 70 percent of the airport pick-ups end up going to Vancouver. They also state that demand for taxi services in Vancouver is greater than the available number of cabs. There is considerable demand for the non-Vancouver cabs serving the airport to pick up customers while in the Vancouver area.

Under PTB regulations, taxis outside of Vancouver are not allowed to pick up fares within the City of Vancouver boundaries. Approval of this application would assist in alleviating Vancouver's peak shortage issues and support the Surrey taxi industry by limiting the number of miles that taxis would need to be driven to pick up their next fare after dropping off a fare in Vancouver.

Approval of the application would provide the following benefits:

- Provide additional cabs to address overall cab shortages in the Vancouver area in peak periods.
- Provide increased revenue opportunities and improved revenue streams for Surrey cab operators.

- Alleviate "dead heading" by taxis, i.e., unoccupied cabs returning from locations within Vancouver to the airport, which is not environmentally sound practice.

Surrey's taxi industry is confident that approval of the application will not cause any service shortages in the Surrey area.

CONCLUSION

The Legal Services Division recommends that Council:

- Receive this report as information; and
- Authorize staff to forward as a response to the survey of the Passenger Transportation Board the comments contained in Appendix "B" attached to this report, which are supportive of approval of the application being considered by the Board.

CRAIG MacFARLANE
City Solicitor

CM/EW/lid

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Appendix "A": Passenger Transportation Board (PTB) letter dated November 9, 2011
Appendix "B": Completed Draft of the PTB Survey

APPENDIX "A"



202- 940 BLANSHARD STREET • PO BOX 9850 STN PROV GOVT • VICTORIA BC V8W 9T5

November 9, 2011

Her Worship Mayor Dianne Watts
City of Surrey
14245 - 56th Avenue
Surrey, BC V3X 3A2

By Email: mayor@surrey.ca

Dear Mayor Watts:

Re: Applications to the Passenger Transportation Board for "Suburban" Taxis to operate in City of Vancouver on Friday and Saturday Evenings and Other Peak Period Days.

The Passenger Transportation Board (the "Board"), an independent tribunal, considers applications from taxi operators to obtain a licence, change an existing licence and add more vehicles to their fleet. Applications are published in the Board's *Weekly Bulletin*. This Bulletin is posted on our website: <http://www.th.gov.bc.ca/ptb/bulletins.htm>. We have attached a brief information sheet on passenger transportation licensing by the Board.

On July 27, 2011, the Board published similar applications from 16 taxi companies in the Greater Vancouver Regional District. These companies are applying to operate 15% of their fleet in the City of Vancouver on Friday and Saturday evenings (10 p.m. – 5 a.m.), on "black" and "red" days at cruise ship terminals and other special days as approved by the Board.

Delta Sunshine Taxi (1972) Ltd., Guildford Cabs (1993) Ltd., Tsawwassen Taxi Ltd., Surdell Kennedy Taxi Ltd. and Newton Whalley Hi Way Taxi Ltd. are five of the applicants. They currently have authority to pick up passengers in your municipality. Delta Sunshine has a maximum fleet size of 40 vehicles, Guildford Cabs has a maximum of 50 vehicles, Tsawwassen Taxi has 28 vehicles, Surdell Kennedy Taxi has 69 vehicles, and Newton Whalley Hi Way Taxi has a maximum fleet size of 70 vehicles.

"Public need" has for many years been a key aspect of regulating taxi supply in the Province. If the application were approved, these companies could remove up to 39

vehicles from service in your municipality on Friday and Saturday nights and other special occasions.

As part of its investigation of these applications, the Board is seeking input from the base municipalities in which the 16 companies operate.

We would appreciate it, if you would respond to the attached questionnaire. Please be aware that we will forward your response to counsel for the taxi companies.

Please respond to this office by **January 16, 2012**. Our contact information is:

Mailing Address:	PO Box 9850 STN PROV GOVT Victoria, British Columbia, V8W 9T5		
Street Address:	202-940 Blanshard Street Victoria, British Columbia		
Phone:	250-953-3777	Facsimile:	250-953-3788

If you have any questions, please contact me directly by phone at 250-953-3782 or by e-mail at jan.broocke@gov.bc.ca

Yours sincerely,



Jan Broocke
Director & Secretary
to the Passenger Transportation Board

Attachments

pc: Murray Dinwoodie
City Manager

William H. McLachlan, Barrister and Solicitor,
McLachlan, Brown, Anderson (Counsel for the applicant companies)

Questionnaire on Taxi Service in Your Municipality

Name of Municipality	_____	Name & Position of Contact Person	_____
Phone Number	_____	E-Mail	_____

1. Does your municipality regulate taxi cabs? Yes No
If yes, please explain the nature of regulation? (e.g. business licence, vehicle for hire by-law, etc.)

2. Do you have a cap on the supply of taxi cabs? Yes No
If yes, what is the cap?

3. Do you have any operational requirements, such as hours or days of service, for the operation of a taxi cab? Yes No
If yes, please explain.

4. If this application were approved, would it violate any municipal by-laws?
 Yes No
If yes, please explain.

5. Does your municipality experience any issues with taxi service on Friday and Saturday nights? Yes No

If yes, please explain.

6. Have you had any comments from people about taxi service on Friday and Saturday nights in your municipality? Yes No

If yes, please explain. Information on the number and types of comments would be appreciated.

7. Do you have any other comments you would like to make to the Board.

Passenger Transportation Licensing

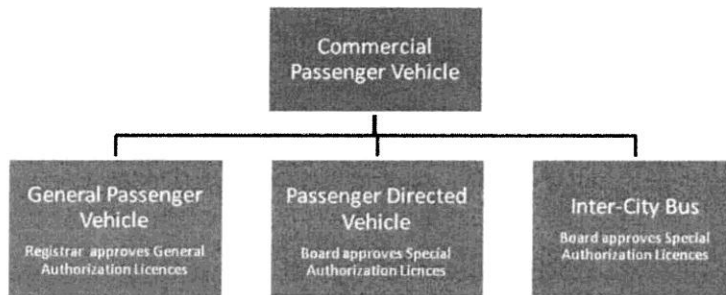
The *Passenger Transportation Act* sets out three types of commercial passenger vehicles:

1. passenger directed vehicles – e.g. taxis, limousines, shuttle vans
2. inter-city buses – e.g. buses that operate on a schedule
3. general passenger vehicles – e.g. sightseeing or tour buses with a set itinerary

The *Passenger Transportation Act* sets out two types of licence authorizations:

1. Special Authorization
2. General Authorization

The Passenger Transportation Board makes decisions on applications for Special Authorizations. The Registrar of Passenger Transportation makes decisions on applications for General Authorizations.



The Passenger Transportation Board reviews Special Authorization applications and considers three questions:

1. Is there a public need for an applicant's proposed service?
2. Is the applicant a fit and proper person and capable of providing the service?
3. Would approving the application promote sound economic conditions in the transportation industry?

If the Board approves an application, the Registrar of Passenger Transportation will issue a licence when safety requirements are met.

The Registrar of Passenger Transportation in the Ministry of Transportation and Infrastructure issues licences when safety requirements are met. There is no public need or other economic regulation test. The Registrar may refuse to issue a licence if he or she finds that the applicant is not a fit and proper person to provide the service.

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

Contacts

The Registrar, Passenger Transportation Branch can be contacted at:

Ministry of Transportation and Infrastructure, Passenger Transportation Branch, 104, 4240 Manor Street, Burnaby, B.C., V5G 1B2

Phone: 604 453-4250; Toll Free: 888 453-4280

Fax: 604 453-4253 Email: passengertransportationbr@gov.bc.ca

The Passenger Transportation Board can be contacted at:

Passenger Transportation Board, PO Box 9850 STN PROV GOVT, Victoria, British Columbia V8W 9T5

Phone: 250-953-3777

Fax: 250-953-3788 Email: ptboard@gov.bc.ca

APPENDIX "B"

Questionnaire on Taxi Service in Your Municipality

Name of Municipality Surrey Name & Position of Contact Person Ed Warzel
Manager, By-law & Licensing Services
Phone Number 604-591-4332 E-Mail ebwarzel@surrey.ca

1. Does your municipality regulate taxi cabs? Yes No

If yes, please explain the nature of the regulation? (e.g. business license, vehicle for hire by-law, etc.)

Business License Bylaw and Vehicle for Hire By-law.

2. Do you have a cap on the supply of taxi cabs? Yes No

If yes, what is the cap?

282 taxis

3. Do you have any operational requirements, such as hours of days or service, for the operation of a taxi cab? Yes No

Safety inspections required every six (6) months. Driver training and vehicle age limit.

Every taxi license holder shall provide at least 10 hours of service in each 24 hour period and operate not less than six (6) days per week.

4. If this application were approved, would it violate any municipal by-laws?
 Yes No

5. Does your municipality experience any issues with taxi service on Friday and Saturday nights? Yes No

If yes, please explain.

Unaware of any complaints.

6. Have you had any comments from people about tax service on Friday and Saturday nights in your municipality? Yes No

If yes, please explain. Information on the number and types of comments would be appreciated.

No information, complaints or comments have been received from the public regarding

weekend taxi service.

7. Do you have any other comments you would like to make to the Board.

The purpose of this survey is to solicit the City of Surrey's position on the application by the 16 Lower Mainland taxi companies to the Passenger Transportation Board (the "PTB") for suburban taxis to operate in Vancouver on Friday and Saturday evenings and other peak period days. Surrey's local taxi companies, in support of this application, are requesting permission to operate in Vancouver on a defined schedule.

The application calls for 15% of the Surrey taxi fleet, currently deployed for airport service, to be granted limited access for passenger pickups within the City of Vancouver. Limited access is defined as Friday and Saturday nights from 10 pm to 5 am and any other dates the Passenger Transportation Board deems significant. Currently, a Surrey taxi operator who provides a ride for an airport fare to a location in the City of Vancouver cannot pick up another passenger in the City of Vancouver after their airport fare has been dropped off. As such, the taxi operator must either "dead head" back to the airport or back to Surrey. If the subject application is approved, the Surrey "airport" taxi operators would be permitted to pick up fares in the City of Vancouver during the following peak volume periods in Vancouver:

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