

RIDE SOURCING IN B.C. STAKEHOLDER ENGAGEMENT SUMMARY

September 2016

The Honourable Peter Fassbender

Minister of Community, Sport and
Cultural Development and
Minister Responsible for TransLink



TABLE OF CONTENTS

MESSAGE FROM THE MINISTER	1
I. B.C.'S TAXI INDUSTRY - REGULATORY FRAMEWORK & BACKGROUND	2
• Regulatory Framework	
• What Makes Ride Sourcing Unique	
• Approaches to Ride Sourcing in Canada	
II. STAKEHOLDER ENGAGEMENT OVERVIEW	4
• Commitment to Stakeholder Engagement	
• Emerging Principles	
◦ Principle 1 – <i>Ensuring Passenger Safety and Vehicle Safety</i>	
◦ Principle 2 – <i>Meeting Consumer Demand</i>	
◦ Principle 3 – <i>Guaranteeing Accessibility</i>	
◦ Principle 4 – <i>Ensuring a Fair and Level Playing Field</i>	
◦ Principle 5 – <i>Building a Streamlined and Modernized Passenger Transportation Sector</i>	
III. MOVING FOWARD	8
APPENDIX I - DEFINITIONS FOR THE PURPOSE OF THIS PAPER	9
APPENDIX II - CURRENT STATUTES REGULATING B. C. TAXI INDUSTRY	10

MESSAGE FROM THE MINISTER



In today's modern world, app-based technologies have transformed the day-to-day lives of consumers and the way we access services. The advent of transportation network companies (TNCs), specifically, presents consumers with opportunities for new

passenger transportation services through the use of technology. Our government understands that British Columbians want choice and convenience, and as a government, we encourage innovation and competition. We embrace change and are excited to look to the future.

However, while new services can provide consumers with more transportation options, they cannot come at the expense of passenger and driver safety. It is also important to recognize the investments and jobs created by those individuals who already provide passenger transportation services in our province.

Our government believes that before we can have a productive conversation about any changes to passenger transportation services, we must first have a clear understanding of the perspectives of British Columbians regarding the role that passenger transportation plays in their lives. And, we must be informed by a clear understanding of the regulatory environment within which these services are currently delivered.

To help us gain this understanding, the Honourable Todd Stone, Minister of Transportation and Infrastructure has clarified the nature of the current regulatory environment, and I was pleased to lead consultations on behalf of the Government of British Columbia, in collaboration with Minister Stone. The conversations took place across the province, and I heard from a diverse group of stakeholders. These included representatives from the taxi and limousine industry,

transportation network companies, local governments, business and tourism associations, accessibility groups and industries that are affected by commercial passenger transportation regulations, such as insurance and consumer protection groups. In doing so, I was able to hear first-hand a range of insightful comments related to the opportunities and challenges of our Province's vehicle for hire industry.

The following report provides an overview of the:

- current vehicle-for-hire industry in B.C. and the regulatory framework in which it operates;
- methodology of the consultations undertaken since spring 2016; and,
- feedback from the many stakeholders who participated in the consultations.

I wish to thank the participants who took part in the productive consultations that will help to inform our government in determining possible next steps for a "Made in B.C." approach that takes into account the interests of sector participants and consumers. At the end of the day, the path we take will balance the interests of all stakeholders, protect passenger safety and address the public's desire for more choice, convenience and competition.

Our government looks forward to any additional comments that you may have relating to ride sourcing and would be pleased to receive your feedback at:

RideSourcing@gov.bc.ca

Peter Fassbender

Minister of Community, Sport and Cultural Development and Minister Responsible for TransLink

I. B.C.'S TAXI INDUSTRY - REGULATORY FRAMEWORK & BACKGROUND

Regulatory Framework

The taxi/limousine sector is an important contributor to local economies. Across British Columbia there are currently more than 390 taxi/limousine licensees operating over 3,600 vehicles in about 110 municipalities. The sector employs more than 10,000 drivers, in addition to dispatch, vehicle maintenance and operations staff.

Unlike most other provinces, in B.C. the taxi industry is regulated at both the provincial and municipal levels, through six statutes (see Appendix II). The provincially mandated Passenger Transportation Board (PTB) determines the number of taxis that can operate within a municipality, sets the areas those taxis can operate in and determines fare structures. It may also implement policies and programs to address the personal safety of drivers and passengers, and accessibility for all riders, including those with disabilities.

Provincial legislation addresses passenger safety, vehicle safety and insurance. All vehicle-for-hire operators in B.C. must hold a National Safety Code Certificate. The National Safety Code (NSC) is a set of national standards supported by provincial regulations and administered through the Commercial Vehicle Safety and Enforcement Branch in the Ministry of Transportation and Infrastructure. The NSC standards establish minimum safety standards for commercial vehicles and drivers that must be met by all commercial carriers.

Provincial legislation also authorizes local governments to write by-laws that establish the requirements for commercial/business licensing, which may include how many and what types of vehicles can operate, and which can provide specific permitting requirements for drivers in each jurisdiction (Appendix II).

The Registered Owner of a passenger directed vehicle (i.e. vehicles-for-hire, taxis, limousines) must purchase the mandatory Basic vehicle insurance from ICBC. The Registered Owner may purchase additional insurance coverage over and above mandatory ICBC Basic insurance (e.g., extended liability protection, collision and comprehensive insurance) from ICBC or from private insurers in a competitive environment. Currently, there are no insurance coverage options for TNCs with ICBC.

What Makes Ride Sourcing Unique

Ride sourcing connects passengers to vehicles-for-hire through the use of a mobile smartphone app. Passengers who wish to access the services of a TNC vehicle must download a ride sourcing app on their smart phone and have a credit card on file. Using Global Positioning System technology (GPS), the passenger's location is catalogued when the passenger requests a ride through the app and the nearest driver partner is matched with the passenger.

Typically, the app will provide information to riders to help driver and passenger connect including the first name and a photo of the driver and the vehicle type and licence plate number. The app will also offer options for estimating the cost of the ride, rating drivers and paying the trip fare. TNC drivers are often non-professional drivers who use personal vehicles to provide rides for a fare.

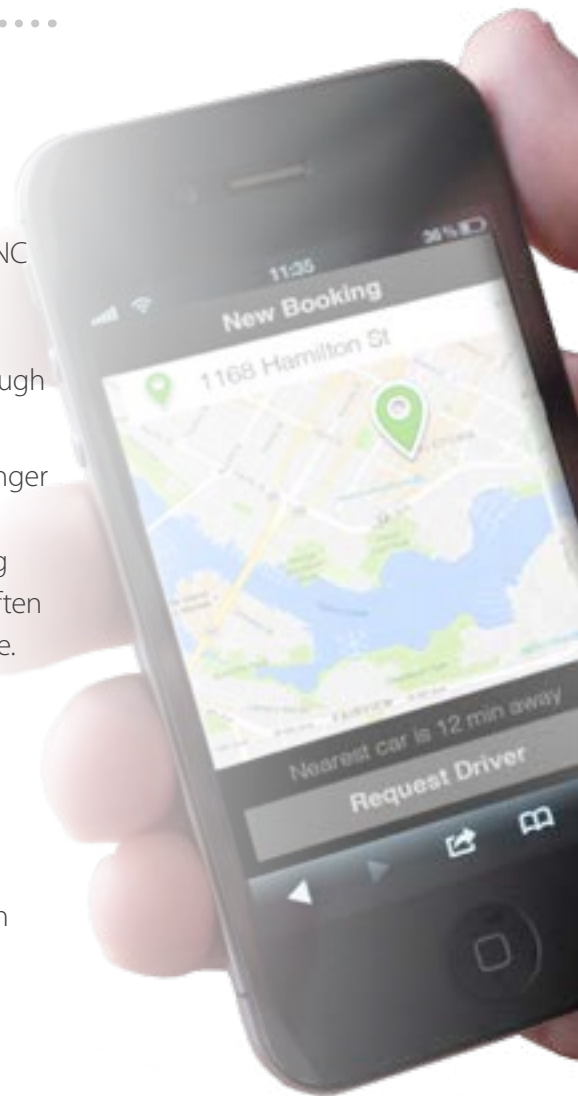
TNCs differ from taxis in a number of ways. For example, TNCs allow drivers to use their personal vehicles to provide part-time, vehicle-for-hire services, whereas taxis operate as full-time vehicles-for-hire.

Approaches to Ride Sourcing in Canada

Across Canada, TNCs have begun to operate in local jurisdictions. Edmonton was the first Canadian city to approve and regulate ride sourcing through a city by-law on March 1, 2016. Its new regulatory framework for vehicles-for-hire supports consumer choice and passenger safety while complying with provincial regulations that legalize TNCs.

In the following months local governments in Calgary, Ottawa and Toronto also passed by-laws to regulate TNCs in their respective jurisdictions. In June 2016, Quebec passed legislation requiring TNC companies to purchase a taxi permit, and continues discussions with the taxi and ride sourcing industry on the final structure of its regulatory framework. Other jurisdictions across Canada have undertaken stakeholder engagements, consultations and/or surveys to explore potential approaches to taxi and TNC regulations.

B.C.'s current safety and economic regulatory framework for passenger transportation does not make provisions for today's technology and service options. In addition, there is no insurance product provided by ICBC that is priced for part-time, flexible vehicles-for-hire. Under the existing insurance regime, vehicle owners are required to purchase taxi or limousine insurance which is priced to reflect full time, higher risk commercial use.



II. STAKEHOLDER ENGAGEMENT OVERVIEW

Commitment to Stakeholder Engagement

The potential entry of ride sourcing into the province has implications for the B.C. economy, the taxi and limousine industry, local governments, consumers, the hospitality industry and other stakeholders. Consequently, it is important that government understands and carefully weighs the potential economic and social impacts of any new entrants to the province's passenger transportation sector.

To this end, the Honourable Peter Fassbender, Minister of Community, Sport and Cultural Development and the Honourable Todd Stone, Minister of Transportation and Infrastructure, engaged in comprehensive, multi-stakeholder consultations over the spring, summer and fall of 2016. Through a targeted engagement process, the Ministers have had the opportunity to hear and understand a range of perspectives on the challenges and benefits that ride sourcing offers for British Columbians. Feedback was received from a wide range of stakeholders including representatives from:

- the taxi/limousine industry;
- TNCs;
- local governments;
- business and tourism associations;
- accessibility groups; and,
- industries affected by vehicle-for-hire regulations, such as insurance and consumer protection groups.

Ensuring that stakeholders were heard through this dialogue is critical to government's analysis of ride sourcing, and provides important information for any future decisions.

Emerging Principles

Over the course of the consultations, a number of frequently articulated principles emerged. These principles, along with associated recommendations, reflect the views and opinions of stakeholders with whom the Ministers consulted, and are provided for information. This input will be a key aspect of government's consideration of this issue, but does not reflect a provincial position.



Principle 1—Ensuring Passenger Safety and Vehicle Safety

A large number of stakeholders indicated that the physical safety of passengers should be a priority in any consideration of changes to the passenger transportation framework in B.C. Paired with this, ensuring the safety of passenger vehicles was also identified as a critical issue.

Stakeholder recommendations on how to achieve this included:

- requiring all vehicle-for-hire drivers to complete a background check that includes a criminal record and safe driving check;
- ensuring that drivers have safe driving training;
- requiring adequate liability insurance for all vehicles-for-hire to ensure that passengers and drivers are protected in the event of a vehicle accident and/or injuries; and,
- requiring all vehicles to be newer models and pass regular inspections.

Some stakeholders also observed that the entry of additional vehicles into the market could lead to lower fares. In turn, this increases the likelihood that individuals will choose to use vehicles-for-hire rather than driving under unsafe conditions, leading to an overall increase in road safety.

The issue of leased vehicles for vehicles-for-hire operations was also raised as a consideration. More specifically, in a situation where a leasing company owns a vehicle that is used as a taxi, bus, or limousine, that company remains fully liable for any claims that could arise from a vehicle-related accident.

Principle 2— Meeting Consumer Demand

The need to ensure that there are enough vehicles on the road to meet consumer demand for services was raised by a number of stakeholders. Several noted difficulties in accessing taxis quickly in urban centres, particularly during peak hours, holidays and special events. By extension, these types of shortages were also perceived by some as an issue of unsatisfactory customer service.

To address consumer demand, some stakeholders suggested that the Province should consider:

- increasing the number of taxi licenses, particularly in urban centres to meet customer demand in a timely manner; and,
- allowing TNCs to operate in B.C. to meet the growing consumer demand for passenger transportation services that can be secured easily and quickly through app-based technology.

WHAT STAKEHOLDERS SAID...

Remove red tape to improve transportation affordability and flexibility.

TOURISM INDUSTRY

The greatest potential benefactor of ridesharing would be consumers.

BUSINESS ASSOCIATION

New transportation service should adhere to the current regulations.

TAXI INDUSTRY STAKEHOLDER

Adopt a regulatory framework that ensures public safety, fairness, equity.

MUNICIPALITY

Insurance premiums for vehicles and inspections should apply to everyone in the industry.

TAXI INDUSTRY STAKEHOLDER

Choice, competition and innovation are the cornerstones of a vibrant business-friendly economy.

BUSINESS ASSOCIATION

Principle 3—*Guaranteeing Accessibility*

A number of stakeholders highlighted the need to ensure that any new entrants to the passenger transportation sector are able to meet the needs of residents and visitors with accessibility issues. Specific feedback addressed a range of associated issues including:

- not compromising the supply of accessible vehicles and ensuring that there are sufficient vehicles to meet the needs of seniors and people with disabilities;
- requiring that all vehicles-for-hire provide a range of booking and payment options; and,
- ensuring that drivers are trained to work with people with disabilities and that high quality services are provided for passengers.

Some stakeholders also suggested that there may be an opportunity for government to develop incentives and establish requirements for TNCs that would support ongoing delivery of accessible services for seniors and people with disabilities.

Principle 4—*Ensuring a Fair and Level Playing Field*

Many stakeholders cautioned against creating a two-tier regulatory framework with different rules for TNCs and the existing passenger transportation sector, and expressed the view that all passenger transportation service providers, including TNCs, taxis and limousines, should be subject to similar regulatory requirements. This would ensure fairness across the sector (a level playing field) and a balanced, safe environment for consumers and industry service providers.

Some respondents were concerned that the entry of large numbers of TNCs to the passenger transportation sector could result in a reduction in the value of existing taxi shares. This could negatively impact the livelihood of sector participants, many of whom have made significant investments in the industry, within the parameters of the existing regulatory environment.

Some suggestions from stakeholders to address these issues include:

- implementing consistent regulatory requirements for all passenger transportation providers in the areas of insurance, passenger and vehicle safety requirements, licensing and accessibility standards;
- requiring that all new entrants to the passenger transportation sector pay applicable federal and provincial taxes including Goods and Services, personal or corporate taxes;

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- enforcing the same fare structures and rules for TNCs, taxis and limousines; and,
 - amending the framework that regulates the passenger transportation sector industry to allow for greater competition between existing and new service providers —many stakeholders suggested that current passenger transportation service providers could satisfy consumer demand for app-delivered services if provided with a modernized regulatory framework.

Principle 5— *Building a Streamlined and Modernized Passenger Transportation Sector*

Some stakeholders suggested that B.C.'s passenger transportation sector is overregulated, and hampered by overlapping provincial and municipal regulatory requirements. They suggest that this has resulted in a complex and unwieldy sector where participants must interact with two levels of government, and in a regulatory structure that is challenged to respond to changing consumer interests.

Several also expressed the view that the current regulatory framework has led to lengthy delays in licensing applications and to supply caps that unnecessarily restrict the number of vehicles-for-hire. It was suggested that the resulting disconnect between supply and demand can negatively affect service standards and the ability for providers to meet the full scope of consumer interests.

A number of stakeholders suggested these challenges could be addressed by modernizing B.C.'s passenger transportation licensing structure, including by:

- amending and streamlining existing industry requirements in the vehicle licensing structure to reduce complexity and overlap in regulatory requirements between the province and municipalities; and,
- considering a regulatory model that requires all vehicles-for-hire to meet uniform, provincially-specified driver safety requirements to operate in B.C. This could enable consistent inter-municipal regulations and reduce duplicative or unique permitting requirements prescribed by individual municipalities.

Several stakeholders also suggested that existing passenger transportation providers could enhance their services through the use of value-added app based services, including through features such as providing passengers with trip costs in advance of their securing a ride.



III. MOVING FORWARD

Government is committed to transparent and open consultation with British Columbians on issues that affect them. Stakeholders have provided valuable and thoughtful feedback on ride sourcing and their perspectives of associated issues and opportunities. This study is intended to provide an overview of what was heard through that process.

The information provided by stakeholders will be an important part of government's consideration of this issue, and its assessment of the possible impacts of potentially allowing new entrants into the passenger transportation sector.

Feedback on the findings of this consultation can be provided at:
RideSourcing@gov.bc.ca

APPENDIX I

DEFINITIONS FOR THE PURPOSE OF THIS STUDY

“app based” is a term used to describe a type of software that can be used for a variety of purposes. In this study this term is used to describe the phone application software used to match up a driver partner with a passenger or passengers.

“driver partners” is a term used by ride sourcing companies to describe the individuals who drive for the ride sourcing company as independent contractors.

“Passenger Transportation Board” is an independent tribunal in British Columbia, established under the Passenger Transportation Act, whose primary responsibility is to make decisions on applications relating to the licensing of vehicles-for-hire and inter-city buses in B.C.

“ride sourcing” is a means of connecting riders with drivers via a website or smart phone app. A passenger uses a website or smart phone app, provided by a third party facilitator, to request or hail a ride. The driver typically uses a personal vehicle to transport the passenger for payment (a fare).

“transportation network companies” means companies that provide ride sourcing through app based software.

“vehicle-for-hire” means any vehicle that is used for the transportation of passengers for payment and includes taxis, limousines and ride sourcing vehicles. This term is synonymous with passenger transportation vehicles.



APPENDIX II

CURRENT STATUTES REGULATING B. C. TAXI INDUSTRY

- **Passenger Transportation Act - 2004**

The Act requires any vehicle operated by a person who charges or collects compensation for transporting passengers to hold a passenger transportation licence.

- **Commercial Transport Act - 1959**

The Act sets out the safety rules and standards for the mechanics of the vehicles including inspections, vehicle configuration and safety standards. The Minister of Transportation and Infrastructure is responsible for commercial vehicle safety and enforcement.

- **Insurance (Vehicle) Act - 2007**

The Act establishes the vehicle-related basic and optional insurance products that can be provided by ICBC and private insurers. Vehicle owners are required to purchase insurance specific to the activities/risks of the vehicle.

- **Motor Vehicle Act - 1924**

The Act defines requirement for Class 4 (restricted) driver's licence, which are the responsibility of ICBC, under the administration of the Minister of Public Safety and Solicitor General. The Act also covers vehicle safety standards, semi-annual inspections and enforcement tools.

- Class 4 (Restricted) Requirements – must have or be eligible for a class 5, minimum age is 19, no more than 4 penalty points in past 2 years, no motor vehicle related criminal code convictions in past 3 years and must pass a medical exam every 5 years.

- **Local Government Act - 2000 and Community Charter - 2003**

Under the Community Charter, councils are given a broad power, subject to limitations, to licence. The specific regulation of carriers and licensing of commercial vehicles is found in the Local Government Act.

- **Vancouver Charter - 1953**

The Vancouver Charter allows the City of Vancouver to issue commercial vehicle licences and set conditions on the operation of passenger transportation vehicles in Vancouver, including the supply of vehicles.

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