

TO: CITY MANAGER
FROM: DIRECTOR FINANCE
SUBJECT: BONNY'S TAXI LTD.

2002 January 30

PURPOSE: To provide information to Council.

RECOMMENDATION:

1. **THAT** Council receive this report for information.

R E P O R T

The Motor Carrier Commission (MCC) is currently considering two licence applications from Bonny's Taxi Ltd. One application is to add 10 additional wheelchair accessible vehicles to its fleet and the other is to operate a shared ride taxi service. The MCC has decided to investigate these applications through a public hearing to be held 2002 February 07. The City has been invited to make representation at the public hearing. This report provides Council with information on the Bonny's licence applications before the MCC and proposes a review of Burnaby Cab and Commercial Vehicle Bylaw to update business licencing and regulatory requirements for passenger transport services.

MCC Licence Applications from Bonny's Taxi

The MCC licence applications from Bonny's were the subject of Council correspondence from Paul Sabatino, representing the company, on 2000 June 28 and 2000 September 18. The correspondence was referred to the Finance and Economic Development Committee, which received a report on the MCC licence applications from the Director Finance on 2001 January 8.

This report was submitted to Council on 2001 January 15 and tabled to provide an opportunity for a delegation from Bonny's Taxi Ltd. Bonny's has not made delegation and the report remains tabled. The MCC has received a copy of the report.

Application for Additional Wheelchair Accessible Vehicles

In addressing the MCC licence application for ten (10) additional wheelchair accessible vehicles, the report concludes that at this time an increase in the number of taxicab licences available is not supported by staff. This position is a result of Bonny's presenting "no compelling evidence that more vehicles are required to provide this service."

Application for Shared Ride Service

With respect to the MCC licence application to provide a shared ride service, Burnaby has historically supported a uniform regional fare structure for the taxi industry. The report concludes that until a more comprehensive regional zone structure is established, support for the shared ride service be reserved.

Shared ride service was further addressed in a 2001 March 8 report to the Traffic and Transportation Committee from the Director Planning and Building in relation to a shared ride service application from another company. This report concluded :

Shared ride service offers a (transportation) option, and if implemented properly, could be a powerful complement to transit and taxis broadening the overall non-auto travelling market. However, this new type of transportation service also has the potential to overlap into markets which currently use either the region's existing fixed route transit system or local taxis unless shared ride is appropriately structured and regulated.

This report also recommended that before the MCC approves this or any other shared ride application that it receive a formal policy response from the Translink Board on the potential expansion of this service throughout the Translink coverage area. This application for shared ride service was refused by the MCC as it was not satisfied that the service would be viable.

While applications for MCC licences are generally supportable where a service need can be identified and the service is compatible with existing components of the transportation network, the Bonny's applications present concerns as summarized above. Unless otherwise directed by Council, this information relating to the Bonny's application for the addition of 10 wheelchair accessible taxis and the provision of a shared ride taxi service will be presented at the MCC's public hearing.

The Burnaby Cab and Commercial Vehicle Bylaw

Companies that provide passenger carrier service are required to comply with Provincial legislation and regulation as administered through the MCC and bylaws adopted by municipal governments.

The MCC has a statutory mandate to regulate and licence motor carriers such as taxis, limousines and buses that transport passengers for compensation. Section 39(1) of the Motor Carrier Act vests the MCC with the duty to:

- promote adequate and efficient service to the public at just and reasonable charges;
- promote safety on the public highways; and
- foster sound economic conditions in the transport industry.

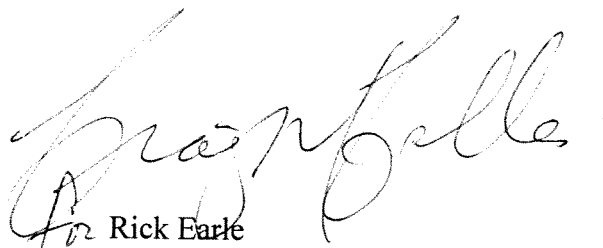
The MCC issues operating licences for taxi, limousine and bus service companies and further issues individual certificates and plates for each of the vehicles permitted to operate under the company licence. In March 2001, an exemption to MCC licencing for those companies operating solely within one city was eliminated. The result is all taxis and limousines operating for hire in British Columbia must be licenced by the MCC.

For local governments, Section 657 of the Local Government Act provides for the regulation of carriers as follows:

S. 657 A Council may, by bylaw, regulate carriers of persons or things to the extent to which they are not subject to regulation or order under another Act.

The Burnaby Cab and Commercial Vehicle Bylaw provides for city licencing and regulation of the owners and drivers of vehicles for hire in the city. For example, the bylaw limits the number of taxi business licences that may be granted and prohibits the carrying of passengers for separate fares, as proposed with shared ride services.

As passenger carriers such as taxis are subject to regulation by the MCC under the Motor Carrier Act, the provincial authority of the MCC supercedes local bylaws. A review of the Cab and Commercial Vehicle Bylaw is proposed to eliminate bylaw regulations, including those noted above, that contradict regulations established by provincial legislation and administered by the MCC. Unless otherwise directed by Council, staff will undertake this review and forward proposed bylaw amendments for Council consideration.


for Rick Earle
DIRECTOR FINANCE

CMC:dm

cc: Director Planning & Building
City Solicitor

