

May 26, 2016

Re: Repealed \$40 Trip Rate and \$50 Short Trip Rate

The Container Trucking Regulation (BC Reg 248/2014) which came into force on December 22, 2014 established certain rates of remuneration for truckers performing container trucking services for licensees. These rates included the following minimum rates:

- no less than \$40 per trip for directly employed operators (section 10); and
- no less than \$50 per trip for short trips performed by independent operators (section 12(2)).

These particular rates were only in effect from December 22, 2014 to May 13, 2015, when they were repealed by BC Reg 72/2015 (amendments to the original Container Trucking Regulation). These rates did not have retroactive application prior to December 22nd, 2014. In this bulletin I will refer to these rates together as the “Trip Rates”.

Recently, it came to the attention of the Office of the British Columbia Container Trucking Commissioner (the “OBCCTC”) that auditors were incorrectly applying Trip Rates retroactively back to April 3rd, 2014. Upon becoming aware of this erroneous application of the Container Trucking Regulation, I immediately directed OBCCTC auditors to review all audits (both ongoing and completed) to determine whether an erroneous retroactive application of the Trip Rates affected their audit results, and if so, to calculate the impact on audit results. This review has been undertaken, completed and the auditors have all reported back.

Through this review process the OBCCTC was able to determine that there were only two occasions where the erroneous retroactive application of the Trip Rates resulted in an overstatement of adjustment amounts. The affected companies have already been contacted and the OBCCTC has taken appropriate steps to remedy the situation.

OBCCTC auditors now fully understand the proper interpretation and application to be given to the Trip Rates, and the industry can rest assured that the error will not be repeated.

Sincerely,

OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER



Duncan MacPhail
Commissioner