

June 26, 2019

Regulatory Changes – Rate Order of Commissioner

The Government of BC has introduced regulatory change that will impact the Lower Mainland drayage sector.

Effective July 1, 2019, the rate provisions of the *Container Trucking Regulation* will be repealed, and the Container Trucking Commissioner will have the authority to set rates and fuel surcharges.

Pursuant to section 22 of the *Container Trucking Act*, the attached Order sets the minimum rates which must be paid by all Container Trucking Services Licence holders effective July 1, 2019. The attached Order includes the introduction of a Positioning Movement Rate (“PMR”) to be added to all on or off-dock trip rate payments to compensate for unpaid positioning moves.

Licensees will be required to identify and separately account for the PMR on all eligible driver pay statements. The Office of the BC Container Trucking Commissioner (“OBCCTC”) will be undertaking audits in the coming months to ensure licensees are compliant with the new requirements.

Following consultation with industry stakeholders, the Government of BC announced it would support the implementation of the PMR, which was recommended by the Commissioner in his 2018 rate review.

For more information about these changes, please click on the Ministry of Transportation and Infrastructure link below.

<https://news.gov.bc.ca/releases/2019TRAN0111-001320>

For more information about regulated rates effective July 1, 2019, please click on the OBCCTC link below.

<http://obcctc.ca/wp-content/uploads/2019/06/2019-05-CTC-Rates-and-Remuneration-July-1-2019-FINAL.pdf>

Sincerely,

OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER



Michael Crawford
Commissioner



Sheryl Kozyniak
Deputy Commissioner



OFFICE OF THE
BRITISH COLUMBIA CONTAINER
TRUCKING COMMISSIONER

MINIMUM RATES FOR DRIVERS

Order of the Container Trucking Commissioner pursuant to section 22
of the *Container Trucking Act*

Effective **July 1, 2019**



Photo courtesy of Port of Vancouver

OFFICE OF THE BRITISH COLUMBIA CONTAINER TRUCKING COMMISSIONER

1085 Cambie Street, Vancouver BC V6B 5L7

info@obcctc.ca

<http://www.obcctc.ca>

Telephone: 604-660-6051

NOTE: Rates in force prior to July 1, 2019 are set out in Part 4, Divisions 1-3, of the *Container Trucking Regulation*, as those divisions existed prior to repeal.

Unless defined in this Order, the terms used in this Order have the meanings set out in the *Container Trucking Act* and *Container Trucking Regulation*.

INDEPENDENT OPERATORS (I/Os)

INDEPENDENT OPERATORS PAID HOURLY
MINIMUM RATES
<p>Hourly Rate \$52.46 per hour if an I/O has performed less than, and \$53.66 per hour if an I/O has performed more than (or equal to), 2340 collective hours of container trucking services for any licensee or licensees (hourly rates are inclusive of benefits)</p> <p>(If an independent operator performs container trucking services by employing an indirectly employed operator, the amount owed by the licensee to the independent operator is reduced by the amount that licensee pays the indirectly employed operator)</p>
<p>Callout \$300 or the applicable hourly rate, whichever is greater, if an independent operator agrees, at the request of a licensee, to be available to perform container trucking services for 4 or more continuous hours in a 24-hour period</p>
<p>Fuel Surcharge See fuel surcharge section below</p>

INDEPENDENT OPERATORS PAID BY THE TRIP
MINIMUM RATES
<p>On-Dock Trip Rate* See On-Dock rate schedule – Appendix II</p>
<p>Off-Dock Trip Rate* See Off-Dock rate schedule – Appendix III**</p> <p>**The amount set out in the applicable destination area (column 2) opposite the applicable origin area (column 1) if the I/O moves one container, and 1.5 times the same amount if the I/O moves two containers</p> <p>(If an independent operator performs container trucking services by employing an indirectly employed operator, the amount the licensee must pay the independent operator is reduced by the amount, if any, that the licensee pays the indirectly employed operator)</p>
<p>Positioning Movement Rate \$25 per on or off-dock trip rate payment if the I/O moves 1 container on a single chassis, and 1.5 times the same amount if the I/O moves 2 containers using multiple chassis. (Licensees are required to identify and separately account for the positioning movement rate payment on all eligible driver pay statements)</p>
<p>Callout \$300 or the applicable rate per trip, whichever is greater, if an independent operator agrees, at the request of a licensee, to be available to perform container trucking services for 4 or more continuous hours in a 24-hour period</p>
<p>Fuel Surcharge See fuel surcharge section below</p>

**See Appendix I for origin/destination (zone) descriptions*

DIRECTLY EMPLOYED OPERATORS

MINIMUM RATES
Hourly Rate \$26.30 per hour if a directly employed operator has performed less than, and \$27.50 per hour if a directly employed operator has performed more than (or equal to), 2340 collective hours of container trucking services for any licensee or licensees (hourly rates are inclusive of benefits)
Callout No less than 4x the applicable hourly rate if a directly employed operator agrees, at the request of a licensee, to be available to perform container trucking services for 4 or more continuous hours in a 24-hour period

INDIRECTLY EMPLOYED OPERATORS

MINIMUM RATES
Hourly Rate The difference, if any, between the amount paid by the I/O to the indirectly employed operator and the applicable hourly rates for directly employed operators if an I/O employs an indirectly employed operator to perform container trucking services on behalf of a licensee
Callout The difference, if any, between no less than 4x the applicable hourly rate and the amount paid by the I/O to the indirectly employed operator, if an indirectly employed operator agrees, at the request of a licensee or an independent operator performing container trucking services on behalf of a licensee, to be available to perform container trucking services for 4 or more continuous hours in a 24 hour period

FUEL SURCHARGE

“quarter” means one of the following:

- a) January 1 to March 31;
- b) April 1 to June 30;
- c) July 1 to September 30;
- d) October 1 to December 31;

“reference price of diesel” means the lower of the following:

- a) the average retail price per litre, including taxes, of diesel in Vancouver as reported by the Kent Group for the quarter immediately before the date on which a fuel surcharge is calculated, rounded down to the nearest \$0.05;
- b) if an independent operator obtains diesel at a discount from the ordinary retail price for the purposes of providing container trucking services, the amount paid per litre by the independent operator, rounded down to the nearest \$0.05.

Fuel surcharge formula:

In each calendar month, if the reference price of diesel for an independent operator is more than \$1.05, a licensee must pay the independent operator a fuel surcharge, calculated in accordance with the following formula:

$$\frac{(A - \$1.05)}{\$0.05} \times B \times 2\%$$

where:

A = the reference price of diesel, in dollars;

B = the minimum compensation payable by the licensee to the independent operator in that month, as determined by the required rate payment (exclusive of the positioning movement rate), in dollars.

APPENDIX I

ORIGIN/DESTINATION AREA DESCRIPTIONS			
Item	Column 1 Origin/Destination Area	Column 2 Description	Column 3 Column/Row Letter in Off-Dock Table
1	Abbotsford	City of Abbotsford	A
2	Annacis Island	That part of the Corporation of Delta in the south arm of the Fraser River	B
3	Burnaby North	That part of the City of Burnaby north of Highway 1	C
4	Burnaby South	That part of the City of Burnaby south of Highway 1	D
5	Chilliwack	City of Chilliwack	E
6	Cloverdale	That part of the City of Surrey south of Fraser Highway, east of 176 th Street and west of 194 th Street	F
7	Coquitlam	City of Coquitlam	G
8	Delta North	That part of the Corporation of Delta described as “Delta North” in Corporation of Delta Official Community Plan Bylaw No. 3950	H
9	Fort Langley/ Aldergrove	That part of the Township of Langley described as “Fort Langley” or “Aldergrove” in Township of Langley Official Community Plan Bylaw 1979 No. 1842	I
10	Haney/Maple Ridge	City of Maple Ridge	J
11	Langley City	City of Langley	K
12	Langley South	Township of Langley south of 40 th Avenue and west of 264 th Avenue	L
13	Mission	District of Mission	M
14	New Westminster	City of New Westminster	N
15	North Vancouver	City of North Vancouver and District of North Vancouver	O
16	Pacific Highway	City of Surrey south of 32 nd Avenue, east of 168 th Street and west of 184 th Street	P
17	Pitt Meadows	City of Pitt Meadows	Q
18	Port Kells	City of Surrey north of Highway 1, east of 176 th Street and west of 208 th Street	R
19	Port Moody/ Port Coquitlam	City of Port Moody and City of Port Coquitlam	S
20	Richmond North	City of Richmond north of Westminster Highway	T
21	Richmond South	City of Richmond south of Westminster Highway	U
22	Surrey North	City of Surrey north of 72 nd Avenue and west of 152 nd Street	V
23	Surrey South	City of Surrey south of 72 nd Avenue and City of White Rock	W
24	Vancouver	City of Vancouver	X
25	West Vancouver	District of West Vancouver	Y

APPENDIX II*

ON-DOCK TRIP RATES (INDEPENDENT OPERATORS)				
Item	Column 1	Column 2	Column 3	Column 4
	Origin/Destination Area (same description as in Appendix I)	Trip to or from Centerm or Vanterm (\$)	Trip to or from Deltaport (\$)	Trip to or from Fraser Surrey Docks (\$)
1	Abbotsford	205.10	205.10	187.60
2	Annacis Island	140.70	140.70	117.20
3	Burnaby North	123.10	158.20	128.90
4	Burnaby South	128.90	158.20	123.10
5	Chilliwack	234.40	234.40	216.90
6	Cloverdale	158.20	158.20	134.80
7	Coquitlam	134.80	158.20	128.90
8	City of Delta	158.20	117.20	117.20
9	Fort Langley/Aldergrove	181.70	193.40	158.20
10	Haney/Maple Ridge	164.10	187.60	158.20
11	Langley City	169.90	158.20	140.70
12	Langley South	193.40	140.70	140.70
13	Mission	205.10	216.90	193.40
14	New Westminster	134.80	158.20	123.10
15	North Vancouver	123.10	164.10	158.20
16	Pacific Highway	193.40	140.70	140.70
17	Pitt Meadows	158.20	175.80	140.70
18	Port Kells	158.20	169.90	128.90
19	Port Moody/Port Coquitlam	140.70	169.90	134.80
20	Richmond North	123.10	140.70	123.10
21	Richmond South	128.90	128.90	123.10
22	Surrey North	140.70	140.70	117.20
23	Surrey South	158.20	140.70	140.70
24	Vancouver	117.20	158.20	140.70
25	West Vancouver	128.90	169.90	164.10

**For an on-dock trip that begins or ends at any other marine terminal not specified in Appendix II, above, a licensee must pay a rate determined by the Commissioner.*

APPENDIX III

OFF-DOCK TRIP RATES (INDEPENDENT OPERATORS)																									
Column 1	Column 2																								
Origin Area	Destination Area (see Column 3 in Appendix I Table)																								
Area	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y
A	105	136	141	136	115	131	136	125	115	120	120	115	115	141	151	120	125	125	141	136	131	131	125	146	156
B	136	105	125	120	141	125	120	115	125	141	131	125	146	115	125	125	136	125	125	115	120	120	120	120	131
C	141	125	105	115	146	125	115	136	131	131	131	136	136	120	120	136	125	125	120	120	125	120	125	115	125
D	136	120	115	105	146	125	120	125	131	136	131	136	136	115	120	141	125	125	120	120	125	120	125	115	125
E	115	141	146	146	105	131	141	136	120	125	125	131	120	141	156	125	131	131	136	151	146	141	125	151	161
F	131	125	125	125	131	105	125	120	120	136	105	120	131	120	136	115	131	120	125	131	131	115	115	131	141
G	136	120	115	120	141	125	105	120	131	125	125	131	131	115	125	131	120	120	115	120	125	115	120	120	125
H	125	115	136	125	136	120	120	105	131	131	125	125	131	120	131	120	131	125	125	120	115	115	115	125	136
I	115	125	131	131	120	120	131	131	105	131	115	120	125	131	146	120	141	120	136	141	136	120	120	141	151
J	120	141	131	136	125	136	125	131	131	105	131	125	115	131	141	141	115	136	120	136	141	136	136	136	146
K	120	131	131	131	125	105	125	125	115	131	105	115	125	125	141	120	141	115	131	136	131	120	120	136	146
L	115	125	136	136	131	120	131	125	120	125	115	105	125	141	125	125	141	115	131	136	131	120	115	141	151
M	115	146	136	136	120	131	131	131	125	115	125	125	105	136	146	136	120	136	125	141	146	136	136	141	151
N	141	115	120	115	141	120	115	120	131	131	125	141	136	105	125	125	125	120	120	115	120	115	120	131	
O	151	125	120	120	156	136	125	131	146	141	141	125	146	125	105	146	136	136	131	120	125	131	136	115	115
P	120	125	136	141	125	115	131	120	120	141	120	125	136	125	146	105	136	125	131	131	125	120	115	136	146
Q	125	136	125	125	131	131	120	131	141	115	141	141	120	125	136	136	105	131	115	131	136	125	131	131	141
R	125	125	125	125	131	120	120	125	120	136	115	115	136	120	136	125	131	105	125	125	131	115	120	131	141
S	141	125	120	120	136	125	115	125	136	120	131	131	125	120	131	131	115	125	105	125	131	120	125	125	136
T	136	115	120	120	151	131	120	120	141	136	136	136	141	115	120	131	131	125	125	105	115	120	125	115	125
U	131	120	125	125	146	131	125	115	136	141	131	131	146	120	125	125	136	131	131	115	105	120	120	120	131
V	131	120	120	120	141	115	115	115	120	136	120	120	136	115	131	120	125	115	120	120	120	105	115	125	131
W	125	120	125	125	125	115	120	115	120	136	120	115	136	120	136	115	131	120	125	125	120	115	105	131	141
X	146	120	115	115	151	131	120	125	141	136	136	141	141	120	115	136	131	131	125	115	120	125	131	105	120
Y	156	131	125	125	161	141	125	136	151	146	146	151	151	131	115	146	141	141	136	125	131	131	141	120	105