



November 22, 2019

## Open top and flat rack containers attract CTC rates

This bulletin is notice to all stakeholders that effective April 1, 2020 CTC rates will apply to open top and flat rack containers moved by licence holders. CTC rates will not apply to open top and flat rack containers moved under the Port of Vancouver's Out of Dimension Move Request process.

### Background

Section 1 of the *Container Trucking Regulation* (the "*Regulation*") defines "container" as "a metal box furnished or approved by an ocean carrier for the marine transportation of goods."

On December 9, 2016, the Office of the BC Container Trucking Commissioner's ("OBCCTC") "Open Top Containers and Flat Racks" bulletin was issued in response to questions from industry as to whether open top and flat rack containers fell within the definition of "container." The OBCCTC was of the view that they did not.

One of the recommendations in the Container Trucking Commissioner's Container Trucking Regulation Part 4 (Rates and Remuneration) Recommendation Report (the "2018 Report") was that the definition of "container" in the *Regulation* be amended in order to capture open top and flat rack containers. In April 2019, government accepted this recommendation.

Implementation of this recommendation does not necessarily require an amendment to the *Regulation*. Instead, the current Commissioner has reconsidered the December 9, 2016 bulletin and has decided that the definition of "container" includes open top and flat rack marine containers.

### Analysis

Open top and flat rack containers are accepted as being containers by industry; indeed, they are called containers in industry parlance. Both can be approved by an ocean carrier for the marine transportation of goods and are boxes with sides that can be moved on a conventional container chassis. Further, as noted in the 2018 Report, open top and flat rack containers have the "same documentation, are shipped on the same container vessels [as conventional containers] and have the same weight restrictions as any other container type loads".

The regulatory regime is intended to regulate the transportation of marine containers that transit through the Port of Vancouver container terminals by truck. Only domestic containers, not used for the marine transportation of goods, and out of dimension loads which require special terminal access should be excluded from the *Regulation*.

As a result, the Commissioner's rates ("CTC Rates") apply to the transportation of marine containers, including open top and flat rack containers, that transit through the Port of Vancouver container terminals by truck. However, out of dimension loads approved by the Port of Vancouver's Out of Dimension Move Request process are not captured under the regulatory regime and therefore do not attract a CTC Rate.

The OBCCTC December 9, 2016 "Open Top Containers and Flat Racks" bulletin is withdrawn and replaced with this bulletin effective April 1, 2020.

Sincerely,

**OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER**



Michael Crawford  
Commissioner



Sheryl Kozyniak  
Deputy Commissioner