Office of the BC Container Trucking Commissioner
CTS Licence Tag Management Policy

PURPOSE

This is the policy of the Office of the BC Container Trucking Commissioner (the "OBCCTC") on the issuance, withdrawal and management of tags assigned to Licensees. It replaces the October 2016 *Interim Truck Tag Policy* and is consistent with the purpose of the *Container Trucking Act* and *Container Trucking Regulation* ("the legislation").

Critical changes to the tag system include the following:

1. Independent Operators ("I/Os") are free to move between Sponsorship/Joinder Agreements;

2. Tags issued to Licensees no longer move between Licensees;

3. Sections 8, 9 and 10 of the Sponsorship Agreement have been removed;

4. The Vancouver Fraser Port Authority ("VFPA") will allow the trucks of I/Os who are moving between Sponsorship/Joinder Agreements to remain in the Truck Licensing System ("TLS") for a period of time to accommodate I/O movement as of January 1, 2018; and

5. Sponsorship opportunities for I/Os are increased by the creation of an Independent Operator List (the "I/O List") from which Licensees must draw.

Licensees and current and prospective I/Os must follow this policy when applying for additional tags, moving Sponsorship/Joinder, or seeking to be added to the I/O List.

AUTHORITY

In conjunction with the legislation, the Container Trucking Licence (the "Licence") establishes the authority of the Container Trucking Commissioner (the "Commissioner") to determine the number of tags associated with the Licence and impose conditions upon the Licensee.

CRITERIA

As provided in the Licence, the Commissioner considers a Licensee's performance metrics (including those under the VFPA's performance review program) and the size and performance of the I/O fleet under Sponsorship/Joinder when issuing and withdrawing additional tags.

POLICY

Annual Licence/Tag Application Process

1. Every licence application will identify the total number of tags sought under the Licence for which the application is made. The application will also outline the allocated number of tags that will be associated with each type of truck owner as defined in the following two categories:

  - Company owned and/or leased trucks ("Company Trucks");
  - I/O owned and/or leased trucks ("I/O Trucks").

2. As part of the licence application review process, the Commissioner will review and determine the number of tags to be allocated to each applicant under an approved Licence based upon information provided by the VFPA, including a performance review and any other matters that the Commissioner in his or her discretion may consider relevant.

3. Should the Commissioner choose to issue fewer tags than requested, the Commissioner will advise the applicant of his or her decision in writing.

4. As set out below, the number of authorized tags may vary throughout the term of the Licence.

Tag Application Process during Annual Term of Licence

5. During the term of its Licence, a Licensee may apply to increase the number of tags authorized under its Licence. Licensees may submit a request for additional tags at any time during the year by completing the Additional Tag Request Form and submitting the supporting documents outlined below.

6. In order to qualify for additional tags, Licensees must provide a business plan detailing all of the following:

  - The planned use of the additional tags;
  - The estimated impact of additional tags on the performance metrics of a Licensee's existing tag allotment;
  - A schedule for the implementation of the additional tags.

7. The business plan must also demonstrate one or more of the flowing:

  - Existing business is difficult to service due to the high utilization of the current tag allotment;
  - A current customer has increased its container movement volume; and/or
  - New business has been secured necessitating additional capacity.

8. Additional tags will be issued subject to the Licensee's adherence to the terms and conditions of the VFPA's Access Agreement, the Licence and the *Container Trucking Act* and *Regulation*.

9. Licensees will be advised of the Commissioner's decision in writing. If approval is granted, the Licensee must then inform the VFPA and secure approval to add a truck within 30 days of the date of the Commissioner's written approval or the approval will automatically expire, unless consent is granted in advance by the OBCCTC to extend the timeframe.

10. Licensees may also apply to the Commissioner for a 90 day temporary tag ("Provisional Tag") to accommodate an I/O leave of absence, due to extraordinary circumstances, that has exceeded or is expected to exceed one month in duration. The Provisional Tag may only be assigned to a VFPA approvable fleet truck. The Provisional Tag will automatically expire after 90 days, unless terminated earlier or extended as a result of a Commissioner-approved request for extension by the Licensee, both at the discretion of the Commissioner.

Tag Withdrawal Process during Annual Term of Licence

11. Each quarter, the Commissioner will review the performance levels of all Licensees and withdraw tags from Licensees not maintaining tag performance and/or evidencing a prolonged decrease in tag performance and container movement volumes.

12. In conducting performance reviews, the Commissioner will utilize the Licensee's Balance Scorecard as issued monthly by the VFPA, as well as and any other information that the Commissioner may consider relevant.

13. Should the Commissioner consider reducing the number of tags under a Licence, the Commissioner will provide the Licensee with a warning and a 90 day opportunity to improve tag performance, which is detailed on the Licensee's Balanced Scorecard. If, after 90 days, tag performance has not improved, the Licensee will be given reasonable notice of the Commissioner's intention to withdraw the tags.

14. Licensees may voluntarily surrender tags at any time. The VFPA is prepared to amend Access Agreement Charges to reflect Licensees who voluntarily surrendering tags.

Independent Operator List

15. The Commissioner has created an I/O List (not intended for publication) to increase sponsorship opportunities for I/Os.

16. Effective January 1, 2018, all sponsored and joined I/Os have been placed on the I/O List.

17. Status on the I/O List is associated with an individual, not with a tag. **Effective immediately, tags do not move between Licences**. I/O's cannot transfer their place on the I/O List to another I/O.

18. An I/O shall not perform Container Trucking Services on behalf of any Licensee unless the I/O is on the I/O List.

19. Licensees shall only sponsor and join to I/Os on the I/O List.

20. In order to ensure the objective of this policy and the integrity of the I/O List, and avoid the forced conversion of I/Os to employees, in accordance with Appendix A to Schedule 1 of the Licence ("Prohibited Practices") a Licensee must not require an I/O to sell his or her Equipment (as defined in the Licence) to the Licensee.

21. The maximum number of I/Os on the I/O List is set by the Commissioner, and is reviewed monthly and adjusted as necessary at the discretion of the Commissioner.

22. The I/O List will be comprised of three types of I/Os: Active I/Os, Eligible I/Os, and Inactive I/Os.

    - Active I/Os

      An Active I/O is an I/O who is working under an active Sponsorship/Joinder.

      Active I/Os on the I/O List may move to a new Sponsorship/Joinder.

    - Eligible I/Os

      An Eligible I/O is an I/O who is not working under an active Sponsorship/Joinder and is available to Licensees for Sponsorship/Joinder.

      I/Os remain on the I/O List as Eligible I/Os for a maximum of 90 days from the date of termination of a Sponsorship/Joinder.

      If an Eligible I/O does not become an Active I/O within the 90 days, the Eligible I/O will be removed from the I/O List.

      The associated TLS-approved trucks of Eligible I/Os will not be deemed by VFPA to be exiting TLS as of January 1, 2018; however, the trucks remain subject to TLS requirements.

      Subject to the discretion of the Commissioner, it is anticipated that approximately 10% of the I/O List will be comprised of Eligible I/Os.

    - Inactive I/Os

      An Inactive I/O is a Sponsored/Joined I/O who is unable to perform Container Trucking Services due to a temporary recess of the Licensee's tag by the Commissioner (ex. as the result of a bargaining unit grievance process).

New I/O List Applicants

23. The Commissioner will monitor the I/O List and, if satisfied that it is desirable to add new Eligible I/Os to the I/O List, will publish a request for applications.

24. Should the number of applicants exceed the number of advertised spaces, the successful applicants will be determined by a lottery.

25. Successful applicants will be notified in writing and will have 30 days from the date of the written notification to acquire a compliant vehicle, secure a Sponsorship/Joinder and secure VFPA TLS approval, unless consent is granted in advance by the OBCCTC to extend the timeframe.

26. Subject to the discretion of the OBCCTC, any applicant seeking to be placed on the I/O List must not have been a company employee of a Licence holder in the three months prior to being placed on the I/O List.

General

27. Licensees may apply for additional tags to: registrar@obcctc.ca.

28. Licence holders may apply to fill vacant tags and submit new I/O Sponsorship/Joinder applications through the OBCCTC and the VFPA TLS.

29. Placement on the I/O List is solely for the purpose of the proper administration of this policy, and is in no way an approval or endorsement by the Commissioner of the I/Os on the I/O List. Further, placement on the I/O List does not represent confirmation that the I/O's truck meets the VFPA's TLS requirements.

30. Placement on the I/O List does not guarantee an I/O Container Trucking Services work of any kind.

31. All references to timeframes and deadlines in this policy are subject to the discretion of the Commissioner.

32. Except as defined herein, capitalized terms in this policy have the same meanings as defined in the Licence.