



April 17, 2020

OBCCTC Bulletin – Off-Dock Rates and Truck Tag Requirements

This bulletin is notice to all stakeholders of (1) off-dock rate and PMR requirements and (2) of the Office of the British Columbia Container Trucking Commissioner's (OBCCTC) requirement that all trucks performing container trucking moves under licence be tagged.

1. Licensees are required to pay off-dock rates for both trip and hourly paid drivers

It is a requirement that all licence holders pay the Commissioner's rates (set out in the Commissioner's Rate Order) for both trip-rate and hourly-rate paid drivers, and that licence holders also pay the PMR on all off-dock moves for trip-rate paid drivers.

a. Trip Rates

Any move of a container that meets the definitions of "container" and "off-dock trip" in the *Container Trucking Regulation* (the *Regulation*) must be paid the required off-dock trip rate. The PMR must also be paid each time a trip-rate paid driver working for a licensed company performs an off-dock move.

b. Hourly Rates

Any driver at a licensed company who is paid by the hour and who is performing off-dock container trucking services as defined in the *Regulation* must be paid the required hourly rate. In Pro West Trucking Ltd. (CTC Decision No. 06/2017), the Commissioner found that the application of **hourly rates for company drivers applies to off-dock container trucking services that include services that are directly related to, or ancillary to, the transportation of a container by a truck.** The decision provided examples which included:

- Pre and post trip inspections;
- The relocation or movement of empty chassis which have been used or will be used to move a "container" as defined in the *Regulation*;
- "Bob Tail" moves to or from marine terminals or container facilities in the lower mainland; and
- The movement of "containers" by truck within a yard or facility.

c. Moves to and from CN and CP intermodal facilities are off-dock moves attracting off-dock rates

Licensees have cited Canadian National Transportations Ltd. (CTC Decision No. 02/2019) when arguing that they are not required to pay off-dock rates (trip, hourly or the PMR) for moves to and from CN or CP intermodal terminals. The CNTL decision should only be viewed within the context of that audit and the unique factors and circumstances which were considered for the purpose of that audit only and are not broadly relevant.

Prior to the introduction of the *Act*, the CN and CP intermodal terminals were considered on-dock locations. The *Act* and *Regulation* subsequently treated these locations as “facilities,” with any move to or from these facilities qualifying as an off-dock move. This was understood by licensees and treated as such by OBCCTC auditors prior to the CNTL decision.

The CNTL decision should not change this analysis. Therefore, and in light of the confusion around the effect of the CNTL decision, I provide the following clarification:

Licensees must pay the required off-dock rates (trip or hourly) for moves to and from the CN and CP intermodal facilities and must also pay the PMR on off-dock moves where trip rates are paid.

2. Use of Tagged Trucks

Licensees are reminded of the March 6, 2018 bulletin which advised that it is a requirement of the *Regulation* and section 6.9 of the CTS Licence that they use tagged trucks for all on and off-dock moves. Among other things, this ensures that the security provisions in the *Regulation* are met so that all truckers are adequately protected and allows the OBBCTC to keep track of trucks in order to ensure that drivers are paid the correct off-dock rates.

Sincerely,

OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER



Michael Crawford
Commissioner



Sheryl Kozyniak
Deputy Commissioner