



May 18, 2022

Industry Advisory Licence and Truck Tag Requirements

Background

Stakeholders have sought further clarification from the Office of the BC Container Trucking Commissioner (“OBCCTC”) about how it interprets “container” when determining which container movements attract the Commissioner’s rates and require a Container Trucking Services Licence (“CTS Licence”) and truck tag. In particular, questions have arisen regarding containers moved to and from facilities in the Lower Mainland operated by rail carriers.

The *Container Trucking Act* (the “Act”) is intended to regulate on-dock and off-dock container trucking services in the Lower Mainland (container trucking services that require access to marine terminals at some stage). “Containers” moved to and from rail facilities in the Lower Mainland are regulated by the Act. This means that they must be carried out by licensees using tagged trucks and that they attract the regulated rates. This has always been the case.

Prior to the signing of the Joint Action Plan and the introduction of the Act, rail facilities in the Lower Mainland were considered on-dock locations for the purpose of calculating rates prescribed in collective agreements. Since the introduction of the Act, they have been categorized as off-dock locations attracting an off-dock rate for the movement of “containers” to and from these facilities.

The Act makes it an offence to carry out prescribed container trucking services in the Lower Mainland without a CTS Licence. Both on and off-dock container trucking services are to be completed by licenced companies using tagged trucks. Licensees must pay truck drivers the Commissioner’s rates for both on and off-dock container trucking services. Stakeholders are reminded that CTS Licence amendments will be introduced this year that will make it a violation of the CTS Licence for licensees to use unlicensed companies and/or untagged trucks to conduct container trucking services.

Discussion

Some licensees have submitted that because they are not moving “containers” as defined in the *Regulation* between rail facilities and other facilities in the Lower Mainland, and/or that because they are not directing the moves, they are not required to use licenced companies and/or tagged trucks to conduct the moves.

Meaning of “container”

The supply chain has evolved, particularly in recent years. Shippers are engaging in ocean transport and companies other than traditional ocean carriers are “furnishing” or “approving” containers for the marine transportation of goods. Containers which were previously used only for overland shipping purposes are being utilized for marine transportation.

A “container” is defined in the *Regulation* as “a metal box furnished or approved by an ocean carrier for the marine transportation of goods.” The OBCCTC interprets “furnished” and “approved” broadly and interprets “ocean carriers” to include companies transporting containers over the ocean, whether or not they are primarily in the business of ocean transport.¹

This means that a metal box that has been moved by rail within Canada qualifies as a “container” if it is furnished or approved by a company responsible for its marine transportation. And this, in turn, means that if the “container” is moved between rail facilities and other facilities in the Lower Mainland, it must be moved by licenced companies using tagged trucks. In other words, not all container moves from rail facilities are “domestic” and outside the scope of the *Act*.

Containers dispatched by unlicensed companies and/or moved with untagged trucks

The OBCCTC does not accept that container trucking services moves between rail and other facilities in the Lower Mainland are not regulated simply because they are dispatched by unlicensed companies or performed by untagged trucks. Among other reasons, this would be inconsistent with the fact that railway facilities are included in the off-dock rate table.

Conclusion

Any container that meets the definition of “container” in the *Regulation* involved in a “container trucking services” move within the Lower Mainland must be conducted by a licensee using a tagged truck and attracts the Commissioner’s rates.

Sincerely,

OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER



Michael Crawford
Commissioner

¹ See OBCCTC Industry Advisory, “Licence and Truck Tag Requirements,” February 28, 2022.