



Industry Advisory Committee (IAC) Meeting Minutes

Tuesday, June 20, 2023

9:30am to 11:34am

North Delta Rec Centre (Multi Purpose Meeting Room)

11415 84th Avenue, Delta BC

In Attendance:

Paul Nagra	Unifor
Sharn Gill	Port Transportation Association
Larry Sargeant	Teamsters Local 31
Dave Earle	BC Trucking Association
Sapinder Samra	United Container Driver Association
Andy Sekhon	Vancouver Fraser Port Authority
Glen MacInnes	OBCCTC, Chair
Karm Jauhal	OBCCTC, Vice Chair
Tarandeep Deol	OBCCTC

Regrets:

Gagan Singh	United Truckers Association
Bill McKinstry	Shipping Federation of Canada
Bonnie Gee	Chamber of Shipping

The meeting was called to order at 9:30am

1. ROUNDTABLE INTRODUCTIONS

- Attendees introduced themselves.

2. UPDATE ON COURT CASES

- The Commissioner provided an update on the matters before the courts since last IAC Meeting:
 - Gulzar/ Jet Speed, Rideway and GRL are before the courts.
 - Safeway/ Coast Pacific – decision can be found on our website

3. OFF DOCK ENFORCEMENT AND PENALTIES ISSUED

- The Commissioner stated that OBCCTC's approach regarding enforcement is different. OBCCTC has been issuing orders more often and faster. Recently, 6-7 decisions have been issued to CTS Licensees.
- Since the Container Trucking Act has 2 ranges of penalties, which differ if remuneration is involved or not.
- Since the last IAC Meeting, 2 joint enforcement initiatives with CVSE took place and OBCCTC has been issuing penalties to defaulters on a case-by-case basis.
- A member asked that containers flagged to be domestic, do they fall under OBCCTC, to which the Commissioner discussed the definition of a container and made it very clear what the definition is/was. In March's enforcement initiative a truck was identified moving a container from CP rail yard to Lower Mainland; and that if the container was an ocean container, that is, if it was furnished for or is approved by an ocean carrier for marine transport, the location didn't matter. What the container was doing at the moment also did not matter.
- To this, a member said that before 2014, CN and CP were considered on-dock and that it should all come under regulated rate, not off-dock rate.
- The Commissioner explained that even for the off-dock, licensees are supposed to comply with the rates. At the same time, he does not want licensees to be in a situation where they are getting out of the industry because there is no tag for off-dock.
- Another member said that CP rates are nowhere near OBCCTC rates
- The Commissioner clarified that if a licensee is moving the container from the rail yard to anywhere in the Lower Mainland, then the off-dock rates will apply. The test is what is being moved. If it is a container and is in Lower Mainland, off dock rates apply. He further added that if there is an immediate problem that he can solve for licensees to remain in the industry, he will do that.

4. TRUCK TAG MANAGEMENT

- **Tag Utilization**
 - In January 2023, OBCCTC started using Geotab. With Geotab data, the office is seeing many underutilized tags. When the licensees are asked why the truck is not moving, the usual responses are that the said truck is broken, driver has gone for a vacation etc. OBCCTC will ensure that the tags are being used. The Commissioner and the Deputy Commissioner personally went down to see how GPS was installed in trucks. According to the Tag Management Policy, the licensees have 90 days to ensure that truck is working, and tag is being utilized.
 - The Commissioner stated that he can offer a short time solution to a short time problem by moving tags temporarily. The licensees should not see it as losing an opportunity of having a tag.
- **Provisional Tags**
 - Approx February/March this year, the Commissioner met with a variety of drivers who said that

they had no work. There were licensees demanding tags and these guys on the other hand were not working. So, the Commissioner re-introduced provisional tags to match the I/Os without work, for a short amount of time, with a licensee with work and moved those drivers around. It was a stopgap measure and may or may not continue in the future.

- I/O List
 - A brief discussion regarding revamping the I/O list:
 - Must have a criteria to be on the I/O list, including the I/O understanding what is involved in being an I/O such as cost of a truck, legalities of being an I/O, training, hours of service in the industry etc.
 - Some sort of orientation and therefore it is a CHOICE.
 - A member said that everyone on the Commissioner's I/O list should be based on seniority, while another member added that for the company drivers who want to be on the I/O list, maybe there could be a sign-up for those who are interested.
 - The Commissioner advised that he met with some company drivers who wanted to be I/Os. They said they put their names in the lottery in the past but lost, while some driver from another province got in. These company drivers proposed the concept of the wait list, so that they can make some plans. The Commissioner found it to be interesting as it could help drivers plan ahead.
- **Additional Tags**
 - The Commissioner discussed an OBCCTC bulletin which was issued recently inviting additional truck tag applications from the licensees. The OBCCTC focus will be on the tag utilization in licensees' applications and applications closed June 23.

5. AUDITS

- OBCCTC completed a dozen audits since the new electronic requirement for record keeping for licensees. The track record has improved drastically from 18 months-2 years to about 6 months now. The Commissioner said that the office is continuing to speed up the audit process. Some licensees have not switched to electronic records, which slows down the OBCCTC's ability to audit.

The meeting adjourned for a break at 10:45am.

The meeting was called back to order at 10:50am.

6. OVERTIME CALCULATION FOR I/Os

- In some of the submissions received by the OBCCTC, concerns were raised whether it was fair or not to give I/Os overtime. OBCCTC released an addendum about Commissioner's suggestions to I/O overtime rate calculation. The Commissioner met with the licensees and drivers. Practically everyone said it is difficult to put overtime on a trip rate and maybe it was best to get rid of the trip rates. The OBCCTC will look into, but the Commissioner insisted that the I/Os deserve overtime and

should get it, the only challenge was how to set the overtime rate. The formula is all that the Commissioner is considering.

7. 2024 LICENSE APPLICATION CHANGES

- There will be many changes in the 2024 License application process. The OBCCTC is looking at making some things simpler for the licensees. By late summer/early fall, the office will send out more information regarding it.
- In the past, the preference was given to the current licensees, but open to looking at different approaches. All this will be a part of the consultation/ discussions
The concept of one owner with multiple licenses will be reviewed and addressed during the consultation process.

8. ROUNDTABLE

- The Commissioner opened the floor to the attendees to ask any questions or voice any concerns they may have. Below is a recap of the discussion.
- A member asked that the rates have gone up because of inflation, but if the inflation comes down, would the rates decrease?
 - The Commissioner said currently it is tied to inflation, but it will be monitored over the coming years and OBCCTC will consult with the industry similar to previous practice.
- A member raised a concern that the companies are hiring more drivers and not giving enough work to existing drivers, to ultimately cut their costs short.
 - The Commissioner responded by saying that overtime is to acknowledge more work done by the drivers. If drivers feel there is some inequity in how work is being assigned, that typically is not a matter the OBCCTC gets involved with. He also added that there were some licensees who were paying their drivers overtime even before May 1, 2023.
- Another member said it is a company's business decision to hire more people or not, but there should be some sort of mechanism to make sure that they are not misusing it.
 - The Commissioner agreed that it is normally up to licensees how they assign work and explained that that is the reason why OBCCTC is closely looking at the tag utilization to ensure there is enough work to justify enough work for the drivers.
- A member commented that wait time payments have been very delayed and there is now way to identify if and when the wait time was accumulated during that quarter. There should be some sort of breakdown as to which day/ time that wait time was accumulated and provided to the drivers/ I/O's so that they can match it up with their records.
- A member raised concerns about a recent consultation paper from the province of BC's concerning proposed changes to the Zero Emissions Vehicles regulations. The member encouraged other members to review the recommendations and provide feedback to the government of BC as there are seeking feedback on the drayage sector.

The meeting was adjourned at 11:34am.