



February 23, 2024

The Office of the BC Container Trucking Commissioner
1085 Cambie Street
Vancouver, British Columbia
V6B 5L7

RE: 2024 CTS Licence Reform – Proposed Changes

Dear Commissioner MacInnes,

Thank you for the opportunity to provide our comments regarding the proposed changes to the CTS License for 2024 and thank you in advance for your consideration of the following submission.

Definitions

Various terms are repeatedly used in the proposed 2024 CTS Licence Reform, however, there are no definitions providing the meaning of the term for the purpose of the Container Trucking Services Licence ("CTS Licence"). The following terms should be defined:

"Off-Dock Facilities" or "facilities"

- What is the definition of Off-Dock Facilities? The definition of "Facility" per the Container Trucking Regulation is a location in the Lower Mainland where containers are stored, loaded, unloaded, trans-loaded, repaired, cleaned, maintained or prepared for shipping, but does not include a marine terminal. This is a broad definition that would expand the CTS Licence outside the scope of the Container Trucking Act, Regulations and OBCCTC jurisdiction. As such, we request that Licence term 6.16 be clarified.

"Unregulated" or "Unregulated Off-Dock Container Trucking Services"

- What is the definition of unregulated? It is not stated in the Act or Regulation. Unregulated is used in Appendix A (j) to describe an activity/performance ("...unregulated off-dock container trucking services"). The intention in your summary describes it, however, the proposed changes to the licence do not.

Appendix A (j)

The CTS Licence proposed the inclusion of Appendix A (j) states *"The Licensee must not cooperate in any way, directly or indirectly, with a non-licensee who performs unregulated off-dock container trucking services between facilities and locations within the Lower Mainland"*.

The stated intention of Appendix A (j) is to *"capture those licensees who work with non-licensees to avoid paying the regulated rates or using untagged trucks. The language would prohibit, but not limited to, loaning a chassis, sharing of dispatch services, or utilization of premises"*.

Appendix A (j) needs to be clarified or removed as it is too broad. The complexities/implications of Appendix A (j) as currently stated far outweigh its very specific intention. There is significant subjectivity with regards to:

- What is considered cooperation?
- What is considered cooperation directly or indirectly?
- At what point in time is it considered cooperation?
- At what point is it cooperation with intention?
- Who is or is not performing unregulated off-dock activity?
- What is the limitation of this statement?

Let's use premises as an example. If I am a tenant of a truck yard with various other trucking companies renting in the same yard, do I need to investigate each of the other trucking companies to determine if they perform unregulated off-dock container trucking services? What if a company does perform unregulated off-dock container trucking services; is this considered indirect cooperation as my company is sharing same premises? These same considerations would be applied for warehouses, leases, etc.

With the current economy and cost/lack of real estate in the Lower Mainland, many companies share premises (warehouses, truck yards, etc.) with various types of businesses, industries, trucking companies, etc. relocating a business as a condition of a CTS License is not reasonable.

We hope you take this feedback into consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Bill Chohan', with a long horizontal stroke extending to the right.

Bill Chohan
MDW Express Transport Ltd.