

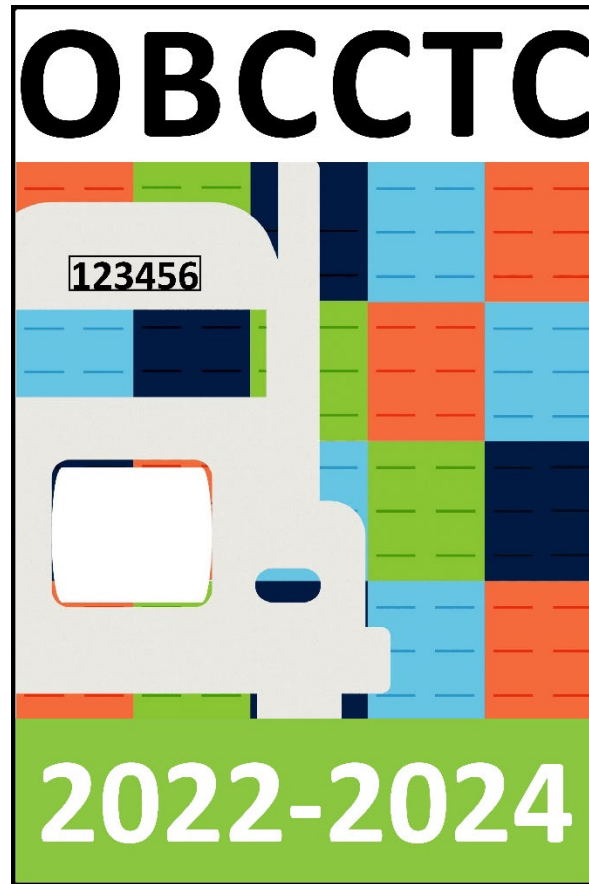


ANNUAL REPORT

2023-2024



OFFICE OF THE
BRITISH COLUMBIA CONTAINER
TRUCKING COMMISSIONER



Prepared and submitted in accordance with
Section 13 of the *Container Trucking Act*
of the Province of British Columbia

OFFICE OF THE BRITISH COLUMBIA CONTAINER TRUCKING COMMISSIONER

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August 31, 2024



OFFICE OF THE
BRITISH COLUMBIA CONTAINER
TRUCKING COMMISSIONER

To the Minister of Transportation and Infrastructure

Vancouver, BC

August 31, 2024

The Honourable Minister Fleming:

**Office of the BC Container Trucking Commissioner Annual Report
For the Fiscal Year Ending March 31, 2024**

I submit to you the Office of the BC Container Trucking Commissioner's Annual Report for the fiscal year ending March 31, 2024. The Annual Report identifies all audit, licensing and engagement activity undertaken by the Commissioner under the *Container Trucking Act* as well as the office's financial statements for the fiscal year 2023-2024.

Yours Truly,

Glen MacInnes

BC Container Trucking Commissioner

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Message from the Container Trucking Commissioner

In fiscal year 2023-2024, the Office of the BC Container Trucking Commissioner (“OBCCTC”) continued to fulfil its mandate to administer and enforce the Container Trucking Act (the “Act”), Container Trucking Regulation (the “Regulation”) and Container Trucking Services Licence (the “Licence”).

This year, the OBCCTC completed 18 audits, issued 32 decisions and 3 orders all culminating in \$5M paid to truckers and issued \$1.5M in penalties since 2015.

The OBCCTC conducted a rate review and released a Consultation Report in April 2023 based on the submissions received and the reasons set out in the Recommendation Report. For the first time ever, the OBCCTC issued a Rate Order for overtime rates for Company Drivers and Indirectly Employed Operators (“IEOs”). The OBCCTC is currently reviewing the overtime formula for Independent Operators (“I/Os”) and a similar announcement for I/Os is anticipated.

We have responded to concerns from licensees and drivers that the systematic delays in moving truck tags between licensees has resulted in drivers losing work opportunities with licensees who have work but no truck tags. Through our tag performance measures, we were able to identify unused truck tags and set up and offer those truck tags to licensees who demonstrated available work. In our efforts to match drivers who have been temporarily laid off from time to time, we reintroduced the concept of provisional truck tags to match those drivers with relevant work.

Since my appointment, we continue to shift the focus to compliance by active enforcement. The OBCCTC has held joint enforcement initiatives with Commercial Vehicle Safety Enforcement (CVSE). To enhance off-dock enforcement, we introduced the highly visible OBCCTC Tag, which was affixed on every approved company and I/O truck that performs CTS work in the Lower Mainland, in addition to the existing TLS decal. It has greatly benefited OBCCTC’s enforcement initiatives.

OBCCTC released proposed changes to the upcoming 2024 CTS Licence. A bulletin was issued on January 16, 2024, inviting stakeholders to submit their submissions and provide feedback, which was followed by OBCCTC in-person consultation meetings with stakeholders.

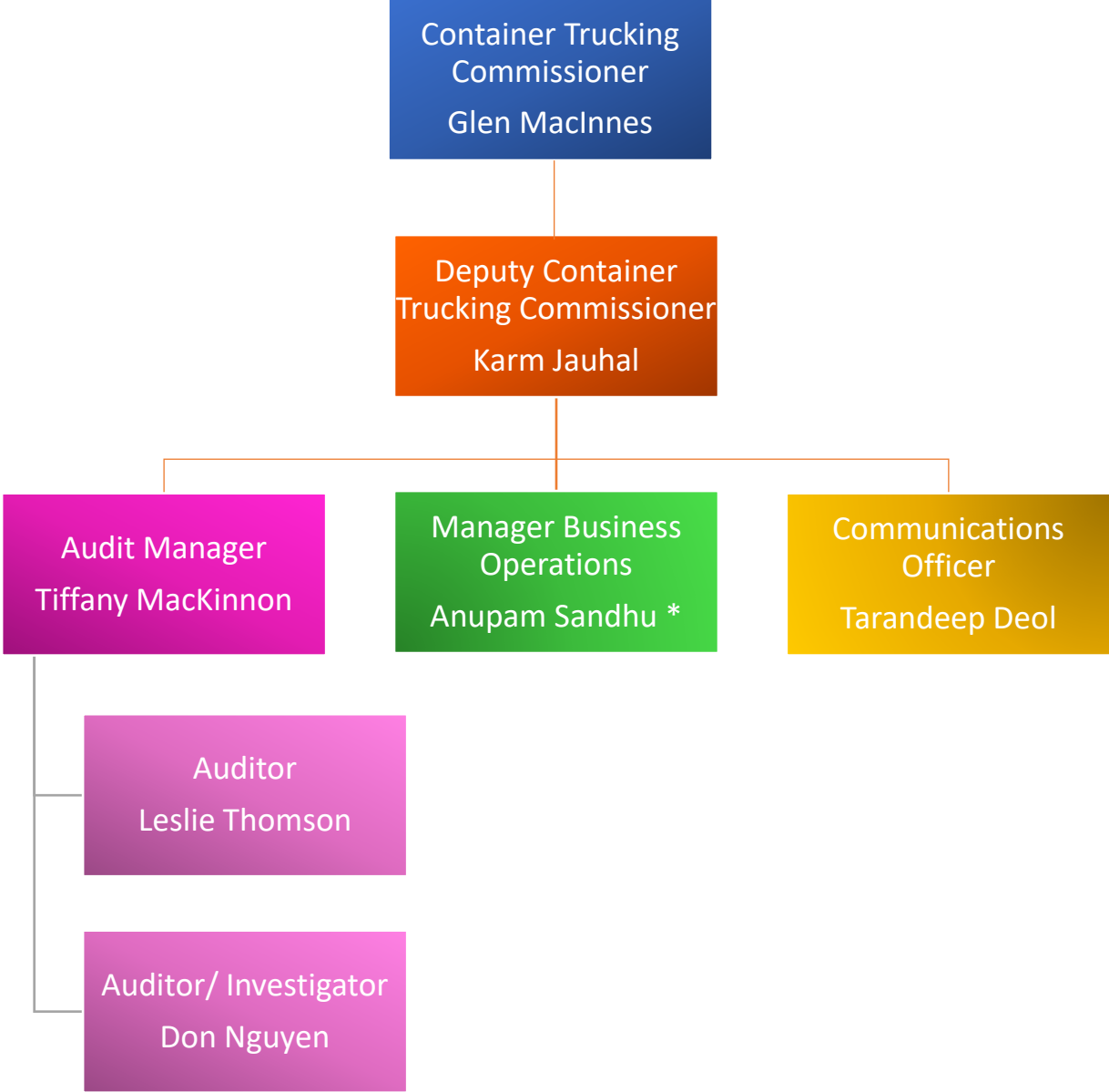
Industry communications with stakeholders is important and efforts continue to be made to improve the OBCCTC’s communication strategies. The OBCCTC’s Facebook page has been an important channel to communicate with industry stakeholders. Quarterly newsletters, monthly updates, monthly fuel surcharge, quarterly wait time payment notifications continue to be published and shared with industry stakeholders and truck drivers as the OBCCTC works to increase stakeholder knowledge of OBCCTC activities and the regulatory regime.

Glen MacInnes

BC Container Trucking Commissioner

Table of Organization

(as of March 31, 2024)



* Temporary Assignment as of September 2023

Summary of Activities

During the fiscal year 2023-2024, the OBCCTC focused on:

- 2023 Rate Review
- Matching laid off drivers with available work
- Introduction of the OBCCTC Tags
- 2024 CTS Licence Consultation

For the fiscal year 2023-2024, the summary of OBCCTC activities is outlined below:

Compliance and Enforcement Activity

TABLE 1: COMPLIANCE AND ENFORCEMENT ACTIVITY	
Drayage Confidence Line Reports Received¹	155
Complaints – Other²	8
Audits Commenced	21
Audits Completed	18
Published Decisions	33
Orders	3
Penalties Issued	17
Sum of Penalties Issued	\$150,000.00
Licences Cancelled	0
Reconsiderations	2

Industry Advisory Committee Meetings

TABLE 2: INDUSTRY ADVISORY COMMITTEE MEETINGS
June 20, 2023
October 13, 2023
January 14, 2024

¹ Complaints received do not always fall within the scope of the Container Trucking Commissioner’s jurisdiction

² Remuneration complaints received by phone or written correspondence

Bulletins

NAME	DATE
2023 Rate Review – Consultation Report Bulletin	April 6, 2023
Work Availability for Independent Operators (I/Os)	April 19, 2023
2023 Rate Review Addendum – Overtime Calculation for Independent Operators	April 25, 2023
Wait Time Notification – Q4 2022	May 2, 2023
CTS Licence – Additional Truck Tag Applications Being Accepted	June 9, 2023
CTS Licence Truck Tag Management Policy – Additional Truck Tags Redistributed	July 31, 2023
Wait Time Notification – Q1 2023	August 8, 2023
Work Availability for Independent Operators (I/Os)	August 28, 2023
CTS Licence – Additional Truck Tag Applications Being Accepted	November 17, 2023
Wait Time Notification – Q2 2023	November 24, 2023
OBCCTC Tag Installations	January 9, 2024
2023 Rate Review Addendum II – Overtime Calculation for Independent Operators	January 11, 2024
Call for Submissions – 2024 CTS Licence Reform – Proposed Changes	January 16, 2024
Wait Time Notification – Q3 2023	March 7, 2024

Industry Advisories

NAME	DATE
2023 Rate Review – Overtime Rates for Company Drivers and Indirectly Employed Operators	April 28, 2023
Truck Tag Utilization	May 24, 2023
2023 Rate Review – Rate Order	June 7, 2023
The OBCCTC Tag	October 18, 2023
Additional Truck Tag Application – Opening Soon	November 15, 2023
Off-Dock Enforcement Update	December 19, 2023
CTS Licence Truck Tag Management Policy – Additional Truck Tags Redistributed	January 5, 2024
Sponsorship Agreement and Independent Operators	January 31, 2024
2024 Rate Increases	February 26, 2024
Rail Yards and “Containers”	March 22, 2024

2023 Rate Review

After considering the findings of an independent third party (Cascadia Partners) in their Trucking Compensation Study, and consulting with the industry stakeholders; the OBCCTC had published a Rate Review Recommendation Report earlier in 2023, making suggestions and asking for feedback. Subsequently a Consultation Report was released introducing for the first time ever, overtime rates for the drivers for working more than 9 hours a day and/or 45 hours in a work week. A Rate Order was issued with the revised increased rates effective July 1, 2023. The overtime rates for company drivers and Indirectly Employed Operators (“IEOs”) have already

been in effect. Given the complex calculation for overtime for Independent Operators, an Appendix to the Consultation report was released inviting submissions on the calculation proposals. After carefully reviewing the feedback, OBCCTC released the Addendum II to the Consultation Report and invited submissions from stakeholders on the proposals mentioned in Addendum II by February 23, 2024.

The OBCCTC Tags

The OBCCTC has been actively working on ensuring Off-Dock compliance by carrying out enforcement initiatives jointly with other agencies. To improve tag administration and make it easier for investigators to identify tagged trucks, the OBCCTC introduced a tag (“OBCCTC Tag”) which has significantly contributed to the objective of enhancing enforcement efficiency. Historically, the OBCCTC has accepted the Vancouver Fraser Port Authority’s (“VFPA”) master decal (“TLS decal”) affixed to a truck, as meeting requirements of having a truck tag. The OBCCTC Tag was affixed to every truck that performs the CTS work in the Lower Mainland, in addition to the existing TLS decal. We did not give out any additional tags and the OBCCTC Tag was only affixed to an already tagged truck. The TLS decal is a requirement of the VFPA Access Agreement and remains in place. Obtaining the OBCCTC Tag did not incur any additional costs to the licensees. The benefits of the OBCCTC Tag include being more visible and have a specific serial number to identify if the tag is assigned for company or Independent Operator (“I/O”) approved truck.

2024 CTS Licences

On January 16, 2024, the OBCCTC released proposed changes to the Container Trucking Services (“CTS”) Licence to bring about continued stability in the drayage sector, effective December 1, 2024. These changes are designed to address long-standing issues in the container trucking industry and promote a more sustainable and competitive sector. The changes will

ensure that drivers are continued to be paid the regulated rates for moving containers within the Lower Mainland and ensure a level competitive playing field for all licensees. The OBCCTC sought feedback from stakeholders through written submissions, which were followed by consultation meetings.

Financial Statement

SUMMARY FINANCIAL STATEMENT	
BC Container Trucking Commissioner	
	(in \$Thousands)
	FY2024
	Actual
Total Revenues	1,071
Audit and Compliance	493
Licensing Administration	193
Industry Communications	2
Operations	383
Total Expenditures	1,071
Total Surplus	0



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