

NO: **R037**

COUNCIL DATE: **March 9, 2020**

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **March 5, 2020**

FROM: **General Manager, Corporate Services**

FILE: **3900-01**

SUBJECT: **Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031 and Amendments to Related Surrey Bylaws – Consultation**

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## RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report for information;
2. Authorize the City Clerk to bring forward the *Inter-Municipal TNS Business Licence Agreement Bylaw, 2020, No. 20030* for final adoption;
3. Authorize the City Clerk to bring forward the *Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031* for final adoption;
4. Authorize the City Clerk to bring forward the *City of Surrey Vehicle for Hire By-law, 1999, No. 13610* for final adoption; and
5. Authorize the City Clerk to bring forward the *Business License By-law, 1999, No. 13680* for final adoption.

## INTENT

The purpose of this report is to provide Council with written representations provided by the taxi industry and the public with respect to the introduction of the *Inter-Municipal TNS Business Licence Agreement Bylaw, 2020, No. 20030*; *Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031* and amendments to the *City of Surrey Vehicle for Hire By-law, 1999, No. 13610* and *Business License By-law, 1999, No. 13680* (the “Bylaws”).

The Bylaws propose to implement the necessary policies for the establishment of an interim Inter-Municipal Business Licence (“IMBL”) for Transportation Network Services (“TNS”) in Surrey; to commit Region 1 municipalities (Lower Mainland/Whistler: including Metro Vancouver, Fraser Valley and Squamish-Lillooet) to collectively implement the same IMBL across all participating municipalities; and to amend existing City bylaws to ensure a level playing field between TNS vehicles and taxi cabs to the extent possible under the City’s authority.

## **BACKGROUND**

At the February 24, 2020 Council meeting, Council approved Corporate Report No. R026; 2020, attached to this report as Appendix “I” and Corporate Report No. R035; 2020, attached to this report as Appendix “II”. The recommendations of these reports included:

- Approving the proposed amendments to the Bylaws;
- Authorizing the City Clerk to give public notice on the City’s website of the proposed bylaw amendments and to provide an opportunity to persons who consider they are affected by the proposed Bylaw amendments to make written representations to Council;
- To direct staff to contact the taxi businesses in Surrey to advise them of the proposed Bylaw amendments; and
- To direct staff to report back to Council on any representations received prior to final adoption of the proposed Bylaws. At the same meeting, the Bylaws were given 3 readings.

Section 59(2) of the *Community Charter* requires that Council give notice of its intention to regulate a business and provide an opportunity for persons who consider they are affected by the Bylaws to make representations prior to the Bylaws being adopted. Notice was provided on the City’s website ([www.surrey.ca](http://www.surrey.ca)) between February 25, 2020 to March 3, 2020. Members of the taxi industry and public had an opportunity to provide a submission to Council in writing to the Legislative Services Division.

## **DISCUSSION**

After allowing an opportunity for the taxi industry and members of the public to provide comments on the proposed Bylaws, staff received no feedback.

### **Legal Services Review**

The Legal Services Division has reviewed the report and has no concerns.

## **SUSTAINABILITY CONSIDERATIONS**

The introduction of the IMBL supports the objectives of the City’s Sustainability Charter 2.0. In particular, ride hailing relates to the Sustainability Charter 2.0 theme of Infrastructure. Specifically, the IMBL supports the following Desired Outcome (“DO”):

- Transportation DO11: An integrated and multi-modal transportation network offers affordable, convenient, accessible and safe transportation choices within the community and to regional destinations.

## **CONCLUSION**

This report provides Council with the comments provided by the taxi industry and members of the public with respect to the proposed amendments to the Bylaws which propose to implement the necessary bylaw for the establishment of an interim IMBL for TNS in Surrey, to commit Region 1 municipalities (Lower Mainland/Whistler: including Metro Vancouver, Fraser Valley and Squamish-Lillooet) to collectively implement the same IMBL across all participating municipalities and to amend existing City bylaws to ensure a level playing field between TNS vehicles and taxi cabs to the extent possible under the City’s authority.

This report also seeks Council's authorization for the City Clerk to bring forward the *Inter-Municipal TNS Business Licence Agreement Bylaw, 2020, No. 20030*; *Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031*; *City of Surrey Vehicle for Hire By-law, 1999, No. 13610* and *Business License By-law, 1999, No. 13680* for final adoption.

Rob Costanzo  
General Manager, Corporate Services

Appendix "I": Corporate Report No. R026; 2020  
Appendix "II": Corporate Report No. R035; 2020

[https://surreybc.sharepoint.com/sites/corporateservicesadmin/corporate reports final/03-09-2020/bylaw consultation.docx](https://surreybc.sharepoint.com/sites/corporateservicesadmin/corporate%20reports/final/03-09-2020/bylaw%20consultation.docx)  
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## CORPORATE REPORT

NO: *R026*

COUNCIL DATE: *February 24, 2020*

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### REGULAR COUNCIL

TO: **Mayor & Council** DATE: **February 20, 2020**  
FROM: **General Manager, Corporate Services** FILE: **3900-01**  
SUBJECT: **Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031 and Amendments to Related Surrey Bylaws**

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### RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report for information;
2. Approve the proposed *Inter-Municipal TNS Business Licence Agreement Bylaw, 2020, No. 20030*, as documented in Appendix "I" of this report;
3. Approve the proposed *Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031*, as documented in Appendix "II" of this report;
4. Approve amendments to the *City of Surrey Vehicle for Hire By-law, 1999, No. 13610*, as documented in Appendix "III" of this report;
5. Approve amendments to the *Business License By-law, 1999, No. 13680*, as documented in Appendix "V" of this report; and
6. Authorize the City Clerk to bring forward the above noted bylaws for the required readings.

### INTENT

The purpose of this report is to obtain Council's approval to adopt the *Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031* ("IMBL Bylaw") which proposes to implement the necessary bylaw for the establishment of an interim Inter-Municipal Business Licence ("IMBL") for Transportation Network Services ("TNS") in Surrey; and to approve the *Inter-Municipal TNS Business Licence Agreement Bylaw, 2020, No. 20030* which commits Region 1 municipalities (Lower Mainland/Whistler: including Metro Vancouver, Fraser Valley and Squamish-Lillooet) to collectively implement the same IMBL across all participating municipalities.

It is also recommended that Council approve amendments to the *City of Surrey Vehicle for Hire By-law, No. 1999, No. 13610* (“Vehicle for Hire Bylaw”), a summary of proposed amendments is attached as Appendix “III” and the proposed amendments to the bylaw is attached as Appendix “IV”, and the *Business License By-law, 1999, No. 13680* (“Business License Bylaw”), a summary of proposed amendments is outlined in Appendix “V” of this report, to ensure a level playing field between TNS vehicles and taxicabs to the extent possible under the City’s authority and as detailed in this report.

## **BACKGROUND**

On December 12, 2019 the Mayors’ Council on Regional Transportation directed TransLink to facilitate an expedited IMBL development process with Region 1 municipalities with agreement on bylaw terms by January 31, 2020. An IMBL allows TNS companies to operate across participating municipalities with the purchase of one IMBL and is formed through a common bylaw enacted by each participating municipality.

Region 1 municipalities established an IMBL Working Group and met weekly throughout the month of January 2020 to develop the proposal for an IMBL for ride-hailing. The proposed IMBL Bylaw seeks to establish licensing authority; licence fee and structure; licence conditions; and licence fee revenue sharing among participating municipalities.

At the February 10, 2020 Council meeting, Council approved the recommendations of Corporate Report No. R024; 2020 (attached to this report as Appendix “VI”) instructing staff to work with neighbouring municipalities in Region 1 to create an IMBL related to TNS.

Participating Region 1 municipalities are required to bring the IMBL Bylaw forward to their respective Councils in February/March 2020 for approval. Subsequent to Council’s approval, the IMBL will take effect on April 1, 2020.

Given the expedited process for development, the terms of the IMBL Bylaw should be understood as interim. Participating municipalities will assess the effectiveness of the licence over the coming months, as more companies are licenced and operating.

## **DISCUSSION**

### **Licensing Authority**

As proposed by the IMBL Working Group and endorsed at the January 30, 2020 Mayors’ Council meeting, the City of Vancouver will be the licensing authority (sole issuer) for the IMBL and all TNS companies will need to obtain a licence from Vancouver in order to conduct ride hailing business in any of the participating Region 1 municipalities.

### **Licence Fee and Structure**

TNS companies will pay a company fee of \$155 plus a per vehicle fee of \$150 for each vehicle. Incentives are provided for zero emission vehicles (reduction to \$30 per vehicle) and wheelchair accessible vehicles (reduction to \$0). Accordingly, the discounted fee for zero emission vehicles and wheelchair accessible vehicles provides a meaningful incentive while acknowledging that they have an administrative cost and physical impact on streets. Wheelchair accessible vehicles

are understood to be more expensive to purchase and maintain than non-accessible vehicles, and municipalities want to encourage their participation in ride-hailing as much as possible.

Licence fees are to be pro-rated to align with the City of Vancouver's calendar licencing structure.

TNS companies will self-report all new vehicles operating under their licence on a monthly basis, and whether they are standard, zero emission or wheelchair accessible. Once a vehicle has been reported and the associated fee paid, the vehicle may operate for the remainder of the calendar year. Participating municipalities will be advised monthly of new vehicle additions, for the purposes of street use management.

### **Licence Fee Revenue Sharing**

Licence fee revenue will be shared among participating municipalities. The City of Vancouver will first retain funds sufficient to recover costs for set-up and administration of the licence program and remaining revenues will be shared based on the percent of total regional pick-ups and drop-offs that occur within each municipality.

### **Licence Requirements**

TNS companies will be required to comply with the municipal bylaws and regulations of each participating municipality.

The Province will be enforcing compliance with provincial regulations and licence conditions. Field investigations will be carried out by the Commercial Vehicle Safety and Enforcement (CVSE) Branch; the Registrar of the Passenger Transportation Branch is authorized to investigate and audit companies for issues including compliance with licence conditions and public safety.

### **Amendments to the Surrey Vehicle for Hire and Business Licence Bylaws**

This report also includes amendments to the City's Vehicle for Hire Bylaw and Business License Bylaw. The proposed amendments in this regard will ensure that the City's bylaws are up to date to reflect recent changes to the Passenger Transportation Branch regulations. In addition, and in an effort to level the playing field between taxicabs and TNS vehicles, the proposed amendments will ensure that all passenger directed vehicles (including taxicabs) reflect the same regulatory environment as provided in the IMBL to the extent possible under the City's jurisdiction. To this end, amendments will include but not be limited to:

#### Licencing fees per business and per vehicle:

Under the Surrey Business Licence Bylaw, taxicab companies in Surrey presently pay a \$161.75 annual business licence fee in addition to a \$441 annual fee per each taxicab. It is proposed that these fees will be reduced to match the IMBL fees. To this end, it is proposed that Surrey taxicab companies will pay a company fee of \$155 plus a per vehicle fee of \$150 for each vehicle. Incentives will also be provided for zero emission vehicles (reduction to \$30 per vehicle) and wheelchair accessible vehicles (reduction to \$0) to match the fee structure within the IMBL.

Maximum permitted vehicle age:

Under the current Vehicle for Hire Bylaw, the age of a taxicab vehicle cannot exceed 7 years. It is proposed that the maximum age of a taxicab vehicle be increased to 10 years to match PTB requirements.

Vehicle inspection requirements:

Under the existing bylaw, taxicabs are required to undergo an annual inspection performed by the City. While the City can continue to perform annual inspections, under the new PTB legislation, BC municipalities have the option of turning inspection responsibilities over to the PTB. The PTB will perform vehicle inspections on all passenger directed vehicles (taxicabs and TNS vehicles) annually for vehicles that travel more than 40,000 km per year and biannually for vehicles that travel less than 40,000 km per year. Accordingly, it is proposed that the City revise the Vehicle for Hire Bylaw to require that all taxicabs receive inspection via the PTB.

In addition to the above, staff will subsequently review and bring forward proposed amendments to the *Highway and Traffic By-law, 1997, No. 13007* that considers allowing taxicabs to travel in marked bus lanes as well as allowing wheelchair accessible taxicabs to park in handicapped parking spots while loading and/or unloading passengers within City-owned parking lots (the City has no parking enforcement jurisdiction within privately owned parking lots).

**Legal Services Review**

The City's Legal Services Division has reviewed this report and has no concerns.

**SUSTAINABILITY CONSIDERATIONS**

The introduction of the IMBL supports the objectives of the City's Sustainability Charter 2.0. In particular, ride-hailing relates to the Sustainability Charter 2.0 theme of Infrastructure. Specifically, the IMBL supports the following Desired Outcome ("DO"):

- Transportation DO11: An integrated and multi-modal transportation network offers affordable, convenient, accessible and safe transportation choices within the community and to regional destinations.

## CONCLUSION

The Province has authorized three companies to operate in Region 1 (Lower Mainland/Whistler: including Metro Vancouver, Fraser Valley and Squamish-Lillooet). The proposed IMBL for TNS (ride-hailing) will support the regional rollout of the industry as companies will be able to operate in participating municipalities with only one business licence. Subsequent to Council's approval of the recommendations of this report, the IMBL will be effective as of April 1, 2020. The proposed amendments to the City's Vehicle for Hire Bylaw and Business License Bylaw will ensure a level playing field between TNS vehicles and taxicabs to the extent possible under the City's authority as detailed in this report.



Rob Costanzo  
General Manager, Corporate Services

Appendix "I": *Inter-Municipal TNS Business Licence Agreement Bylaw, 2020, No. 20030*

Appendix "II": *Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031*

Appendix "III": *Summary of Proposed Amendments to City of Surrey Vehicle for Hire Bylaw, 1999, No. 13610*

Appendix "IV": *Proposed Amendments to City of Surrey Vehicle for Hire Bylaw, 1999, No. 13610*

Appendix "V": *Summary of Proposed Amendments to Business License Bylaw, 1999, No. 13680*

Appendix "VI": Corporate Report No. R024; 2020 **Appendices available upon request**



## CORPORATE REPORT

NO: R035

COUNCIL DATE: February 24, 2020

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### REGULAR COUNCIL

TO: Mayor & Council DATE: February 21, 2020  
FROM: General Manager, Corporate Services FILE: 3900-01  
SUBJECT: Public Notice of the Proposed Inter-Municipal TNS Business Licence Bylaw,  
2020, No. 20031 and Amendments to Related Surrey Bylaws

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### RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report for information;
2. Direct the City Clerk to give public notice on the City's website at [www.surrey.ca](http://www.surrey.ca) from February 25, 2020 until March 3, 2020, of the proposed Inter-Municipal TNS Business License Bylaw, 2020, No. 20031 and amendments to related Surrey Bylaws, as documented in Appendices "I" to "V" of Corporate Report No. Ro26 (the "Bylaws"), and to provide an opportunity to persons who consider they are affected by the proposed Bylaws to make written representations to Council;
3. Direct the Acting Bylaw Services Manager or her designate to contact the taxi businesses in Surrey to advise them of the proposed Bylaws, and refer them to [www.surrey.ca](http://www.surrey.ca) for more information; and
4. Direct staff to report back to Council on any written representations received prior to Council considering the final adoption of the proposed Bylaws.

### INTENT

The purpose of this report is to supplement Corporate Report No. Ro26 and obtain Council's direction to provide the public with notice and an opportunity to make representations on the Bylaws before the Bylaws are adopted by Council.

### DISCUSSION

The *Community Charter* requires that, before adopting bylaws regulating business matters, that Council must give notice of its intention and provide an opportunity for persons who consider they are affected by the bylaws to make representations to Council.

Corporate Report No. Ro26 recommends Council approval of the proposed Bylaws, which consist of:

- The proposed *Inter-Municipal TNS Business License Agreement Bylaw*, 2020, No. 20030;
- The proposed *Inter-Municipal TNS Business License Bylaw*, 2020, No. 20031;
- Amendments to the *City of Surrey Vehicle for Hire By-law*, 1999, No. 13610; and
- Amendments to the *Business License By-law*, 1999, No. 13680.

Should Council approve the proposed Bylaws, then Staff recommends that the legislative notice requirement be satisfied by placing a formal notice on [www.surrey.ca](http://www.surrey.ca), with links to the proposed Bylaws and the associated Corporate Report. This notice will be posted on the City website on Tuesday February 25, 2020 and will invite written comments. As well, if Council so directs, the Acting Bylaw Services Manager or her designate will contact taxi businesses in Surrey and advise them of the proposed Bylaws, and refer them to [www.surrey.ca](http://www.surrey.ca) for more information.

### **Legal Services Review**

The City's Legal Services Division has reviewed this report and has no concerns.

### **SUSTAINABILITY CONSIDERATIONS**

The introduction of the IMBL supports the objectives of the City's Sustainability Charter 2.0. In particular, ride-hailing relates to the Sustainability Charter 2.0 theme of Infrastructure. Specifically, the IMBL supports the following Desired Outcome ("DO"):

- Transportation DO11: An integrated and multi-modal transportation network offers affordable, convenient, accessible and safe transportation choices within the community and to regional destinations.

### **CONCLUSION**

Should Council approve the recommendations under Corporate Report No. Ro26 to adopt the Bylaws, the public is entitled to notice and an opportunity to make representations before final adoption of the Bylaws. Staff therefore recommend that should Council proceed with adopting the Bylaws, that Council also approve the process for notice and public submissions as set out in this report.



Rob Costanzo  
General Manager, Corporate Services