

REVIEW OF COASTAL FERRY ACT

COMMISSIONER'S DISCUSSION PAPER #2

The BC Ferry Commission ("the commissioner") has been mandated under Bill 14 to conduct a review of the Coastal Ferry Act and to make recommendations to the Minister of Transportation and Infrastructure on potential changes which would better enable the commissioner to balance the financial sustainability of the ferry operator and the interests ferry users. The commissioner is conducting public consultation meetings in coastal communities served by BC Ferries and is inviting additional public input via written submissions or comments on a number of key issues.

This is the second of several discussion papers to be published on key issues to be considered by the commissioner during his review. The second key issue relates to an amendment to the Coastal Ferry Act in 2010 that added a requirement for the commissioner to "consider the interests of ferry users." The term wasn't defined in the amendment, and doing so will provide important guidance for the administration of the Act.

Public input is invited to assist with developing a definition for this term, and direction on how it should be applied.

A definition will need to address four questions:

1. Who are "ferry users?" Is it a narrow definition, meant only to include BC residents who ride the ferries? Does it include tourists? Or is it a broader definition, meant to consider others who may or may not actually ride the ferries, but who depend on the ferry system for economic or social reasons? A broader definition of "user" might include operators of hotels, restaurants, tour companies, fishing guides and other businesses which largely depend on traffic from ferries. It could include seniors who do not ride the ferries themselves but depend on ferries to stay connected with their children and grandchildren who live in ferry dependent communities. It could include companies that manufacture goods that are sold in those communities. And perhaps others?
2. What are "the interests of ferry users?" Possibilities may include things like safety, affordability, predictability, timeliness, service quality, emergency preparedness. Are there other interests that need to be considered? Is having a ferry company which is financially sustainable an "interest of ferry users?" And if there are conflicting interests, which interests are most important and take precedence over others?
3. What is meant by the term "consider?" Does it involve simply taking note of ferry user interests? Or does it intend some form of action? If so, what action? Adjustments to a decision? A requirement for advance notification? A requirement for consultation? Authority to issue an order of some kind?
4. How should the Act balance "the interests of ferry users" with "the financial sustainability of the ferry operator?" If the two objectives are found to be mutually exclusive, which consideration should take precedence?

Comments can be submitted by email to info@bcferrycommission.com or by mail to BC Ferry Commission, RPO Box Hillside, Box 35119, Victoria BC, V8T 5G2.