

D'Argis, Krista GCPE:EX

From: Pope, Danielle GCPE:EX
Sent: Monday, October 29, 2018 3:06 PM
To: Beale, William TRAN:EX; Papadopoulos, James TRAN:EX; Sanderson, Melanie TRAN:EX
Cc: Robb, Katie GCPE:EX; Bowness, Lianne GCPE:EX; Lowe, Sonia GCPE:EX
Subject: FYI: TRAN Media Request: Party bus regulations

FYI on the below response. Note: VPD media relations has also approved this response.

Reporter

Jon Woodward, Reporter
CTV News (BC)
Jon.Woodward@bellmedia.ca
604-351-1831

Deadline ASAP

Request

The reporter would like to know about party bus regulations, in mind of the Chelsea James case.

His specific question is: "why are inspectors not held more accountable in the event that something goes wrong." He would like to know what fines exist for inspectors who make faulty inspections.

Background

Recommendation

- In the case being referenced, it took the Police working in conjunction with CVSE and a professional engineer to determine the issue with the door.
- It was an intermittent issue that would have been extremely difficult for an inspector to find.
- The violation fine to an authorized Inspector for an improperly approved vehicle – section 25.13(2) – is \$311.

D'Argis, Krista GCPE:EX

From: Pope, Danielle GCPE:EX
Sent: Monday, October 29, 2018 2:45 PM
To: Robb, Katie GCPE:EX; Haywood, Steven TRAN:EX
Cc: Delisle, Cole TRAN:EX; Bowness, Lianne GCPE:EX; Lowe, Sonia GCPE:EX
Subject: RE: Media inquiry - party buses

Hi all,

I've confirmed with Jason Robillard, media relations with the VPD, that our below response is approved:

- In the case being referenced, it took the Police working in conjunction with CVSE and a professional engineer to determine the issue with the door.
- It was an intermittent issue that would have been extremely difficult for an inspector to find.
- The violation fine to an authorized Inspector for an improperly approved vehicle – section 25.13(2) – is \$311

Katie and Lianne,
Ok for me to send this onto the MO as an FYI, and onto the reporter?

Danielle

Danielle Pope | Media Relations
Government Communications and Public Engagement
Ministry of Transportation and Infrastructure
Telephone: 250-356-8241 | Mobile: 778-679-0133
Danielle.Pope@gov.bc.ca

From: Robb, Katie GCPE:EX
Sent: Monday, October 29, 2018 12:57 PM
To: Haywood, Steven TRAN:EX
Cc: Pope, Danielle GCPE:EX; Delisle, Cole TRAN:EX; Bowness, Lianne GCPE:EX; Lowe, Sonia GCPE:EX
Subject: Re: Media inquiry - party buses

Great, thank you.

Katie Robb
Communications Director | Ministry of Transportation and Infrastructure
Government Communications & Public Engagement
M: [250.920.8371](tel:250.920.8371)

On Oct 29, 2018, at 12:50 PM, Haywood, Steven TRAN:EX <Steven.Haywood@gov.bc.ca> wrote:

I see no problem with that, but might be best to confirm with VPD first as they led the investigation.....
below is their media release on the topic:

After an extensive investigation lasting about nine months, criminal charges will not be recommended in relation to the traffic-related death of a 23-year-old woman.

Shortly before 9:30 on the evening of January 9th, a party bus was travelling along West Hastings Street with the victim and 27 other passengers on board. When the driver made a left turn to go south on Burrard Street, the young woman lost her balance and stumbled into the stairwell against the pneumatic passenger door. The door opened and the woman fell out of the bus. She was pronounced deceased at the scene.

The investigation was taken over by officers with the VPD Collision Investigation Unit and VPD Commercial Vehicle Unit. Along with the typical investigative steps taken to determine the cause of this woman's death, additional commercial vehicle experts, as well as engineers, were brought in to assist with full and comprehensive mechanical inspections of the bus.

It was determined that a mechanical malfunction and low operating pressure with the pneumatic door were the main contributing factors in the fatality.

Upon completion of the investigation, and in consultation with Crown Counsel and other legal experts, the VPD will not be forwarding a recommendation of criminal charges. The owner and the driver of the vehicle have been fined under the *Motor Vehicle Act* and are still subject to potential civil action.

From: Robb, Katie GCPE:EX
Sent: Monday, October 29, 2018 12:47 PM
To: Haywood, Steven TRAN:EX
Cc: Pope, Danielle GCPE:EX; Delisle, Cole TRAN:EX; Bowness, Lianne GCPE:EX; Lowe, Sonia GCPE:EX
Subject: Re: Media inquiry - party buses

Thank you Steve. Is that something that can be disclosed publicly?

Katie Robb

Communications Director | Ministry of Transportation and Infrastructure
Government Communications & Public Engagement
M: 250.920.8371

On Oct 29, 2018, at 12:45 PM, Haywood, Steven TRAN:EX <Steven.Haywood@gov.bc.ca> wrote:

Hi all,

Sorry for the delay.

Fine available for a faulty inspections is below.

In the case being referenced, it took the Police working in conjunction with CVSE and a professional engineer to determine the issue with the door. It was an intermittent issue that would have been extremely difficult for an inspector to find.

Violations to Authorized Inspector
Improperly approve vehicle 25.13(2) \$311

From: Pope, Danielle GCPE:EX
Sent: Monday, October 29, 2018 9:30 AM
To: Haywood, Steven TRAN:EX; Delisle, Cole TRAN:EX

Cc: Bowness, Lianne GCPE:EX; Robb, Katie GCPE:EX; Lowe, Sonia GCPE:EX
Subject: RE: Media inquiry - party buses

Hi Steve and Cole – just following up on this to see if you can shed any light onto the answer for this media request. The reporter is asking: "why are inspectors not held more accountable in the event that something goes wrong?" He would like to know if there are fines for inspectors who make faulty inspections, and what those fines are.

Thanks,
Danielle

Danielle Pope | Media Relations
Government Communications and Public Engagement
Ministry of Transportation and Infrastructure
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Danielle.Pope@gov.bc.ca

From: Pope, Danielle GCPE:EX
Sent: Sunday, October 28, 2018 12:51 PM
To: Haywood, Steven TRAN:EX; Delisle, Cole TRAN:EX
Cc: Bowness, Lianne GCPE:EX; Robb, Katie GCPE:EX; Lowe, Sonia GCPE:EX
Subject: Media inquiry - party buses

Hi Steve and Cole,

We have a media request this weekend that may pertain to you. You can read a bit more about this request and below, but CTV is asking about party bus regulations, in mind of the Chelsea James case. The reporter's specific question is "why are inspectors not held more accountable in the event that something goes wrong?" He would like to know the fines for inspectors who make faulty inspections.

The messaging below doesn't really address his question, so any insight you might be able to provide to this would be helpful. I've let the reporter know we may not be able to have a response until Monday.

Thanks so much,
Danielle

Begin forwarded message:

From: "Bowness, Lianne GCPE:EX"
<Lianne.Bowness@gov.bc.ca>
Date: October 28, 2018 at 12:36:20 PM PDT
To: "Pope, Danielle GCPE:EX" <Danielle.Pope@gov.bc.ca>
Cc: "Robb, Katie GCPE:EX" <Katie.Robb@gov.bc.ca>, "Lowe, Sonia GCPE:EX" <Sonia.Lowe@gov.bc.ca>
Subject: Re: For approval - party buses

Hey Danielle, I am assuming that he is referring to CVSE inspections of party buses/ limos? I think that would be a question for Steve Haywood/ Cole Delisle if so. I don't know if there is a fine for this (also what is his definition of a faulty inspection? Like an inspection that does not capture every problem on the vehicle?) at any rate this would be a CVSE question. You could try to get ahold of Steve/ Cole, but no guarantee on a Sunday. Let us know if you need any help. Personally I don't think the below question/ answers relate to his question. And we should tread carefully as I don't want to answer in anything but general terms as I don't want to link to any specific cases for legal reasons.

Sent from my iPhone

On Oct 28, 2018, at 11:39 AM, Pope, Danielle GCPE:EX
<Danielle.Pope@gov.bc.ca> wrote:

Hi Lisanne and Katie,

Jon Woodward from CTV is asking about party bus regulations, in mind of the Chelsea James case. His specific question is "why are inspectors not held more accountable in the event that something goes wrong." He would like to know the fines for inspectors who make faulty inspections.

I let him know we may not be able to respond to this until Monday. I do have the following key messages from the Q&A that relate to this issue, however his questions are more nuanced. Please advise if you like me to send a portion of this response on, or wait until Monday for a chance to confirm with the region.

Thanks so much,
Danielle

What about the family of Chelsea James? Their daughter died from falling from a party bus – and they have no legal recourse. What do you say to her family?

- This was a very tragic situation and my heart goes out to the family of Chelsea James who lost her life at such a young age.
- The post-incident inspection report shows what we have known all along –a mechanical malfunction with the door was a contributing factor in the incident.

- CVSE and the Vancouver Police Department identified these issues with the door early in the investigation and they were made public.
- As VPD were the lead on this investigation, it would be best to contact them directly for the rationale behind their decision to not press charges.
- Based on a VPD finding that alcohol was present in the vehicle, the Registrar took administrative action and issued a fine of \$1000 to the licensee, Silver Lady Limousine Service Ltd, for having alcohol in the vehicle contrary to the licence.

Q. Are faulty doors something that CVSE inspectors may look at during random mechanical inspections?

- That's why we're recommending to the Board other safety measures that will boost overall party bus safety – including the recommendation for party buses to install an emergency alert system in vehicles with separate passenger compartments.
- Every year the Commercial Vehicle Safety and Enforcement (CVSE) branch and the Passenger Transportation Registrar meet with the industry ahead of the busy grad season.
- CVSE also inspects a selection of perimeter seating buses in the Lower Mainland to ensure passenger safety and compliance.

Q. What are the penalties if companies don't have a licence and continue to operate?

- A violation ticket for operating without a licence or advertising a service you are not licensed to provide comes with a \$1,150 fine. Fines can go as high as \$5,000 for repeat offences.
- The requirement for a Special Authorization licence means that the Registrar has information on all vehicles operating under the authority of the licence, and knows exactly where the vehicles are operating.
- Local police and Commercial Vehicle and Safety Enforcement officers will be able to easily identify all vehicles by the passenger transportation licence plate. The plate will need to be visible at all times.

Q. What are the penalties if companies don't comply with the terms and conditions of their licence?

- The Registrar can issue administrative fines up to \$1,500 or administrative penalties including suspension or cancellation of a licence when licensees are found to be non-compliant with the terms and conditions of their licence.