



BRIEFING NOTE FOR INFORMATION

DATE: January 23, 2019
PREPARED FOR: Grant Main, Deputy Minister, Ministry of Transportation and Infrastructure
ISSUE: Issuance of *Railway Act* certificate – Pembina Empress NGL Partnership

BACKGROUND:

To operate a railway in British Columbia that falls under provincial jurisdiction, prospective operators require:

- a Certificate issued by the Minister under the *Railway Act* (signed by the Deputy Minister);
- a Safety Management System (SMS) approval issued by the Minister under the *Railway Safety Act* (signed by the Minister);
- an Operating Permit issued by the Registrar of Railway Safety under the *Railway Safety Act*.

The certificate and operating permit set out the provisions of the respective Acts that apply to the railway.

DISCUSSION:

Pembina Empress NGL Partnership has applied for a *Railway Act* certificate for a siding and spur railway in Taylor, B.C. Pembina Empress NGL Partnership is registered to carry on business provincially. The certificate does not convey any authority to operate a railway; it only sets out those provisions of the *Railway Act* that apply to the railway operation. Authority to operate the railway is provided through the Operating Permit issued by the Registrar of Railway Safety.

FINANCIAL IMPLICATIONS:

- None

Recommendation:

It is recommended that the Deputy Minister sign the attached *Railway Act* certificate.

Attachments:

Appendix 1 – Copy of Application for a Minister's Certificate

PREPARED BY:

Kim Thompson, Policy Analyst
Transportation Policy and Legislation Branch
(778) 974-5299

REVIEWED BY:

Katherine Kirby, Executive Director
Transportation Policy and Legislation Branch
Deborah Bowman, ADM
Transportation Policy and Programs Department

INITIALS

KK

Appendix 1 – Copy of Application for a Minister's Certificate



To: Registrar of Railway Safety
Ministry of Transportation
PO Box 9850 Stn. Prov. Govt.
Victoria BC V8W 9T5

Application for a Minister's Certificate under the Railway Act.

Under section 3, Chapter 395, *Railway Act* (BC) application is hereby made by Pembina Empress NGL Partnership for a Minister's Certificate as a industrial railway. In support of this application the following documents are attached:

1. The company shall provide copy proof of company ownership as required under Part 9, Division 1, section 263 of the Business Corporations Act (SBC 2002) Chapter 57. (Certificate of Incorporation);
2. A list of the company's principals, addresses and means of contact
(*Company principals are defined as Chief Executive Officer or Owner, Applicable Vice Presidents and Plant Managers*);
3. A map indicating the location of the railway and the layout of the siding and spur;

Signed: 

Date: Nov 2 2018

cc: Railway Safety Manager
Technical Safety BC

Pembina 9961 100a Street Taylor, BC V0C 2K0

RAILWAY ACT

CHAPTER 395 R.S.B.C. 1996

WHEREAS Pembina Empress NGL Partnership, a company registered under the *Business Corporations Act* (Number: FM0586769) in the Province of British Columbia, is operating an industrial railway at its siding and spur facility in Taylor, British Columbia;

NOW THEREFORE pursuant to Section 3(2) of the *Railway Act* being Chapter 395 of the Revised Statutes of British Columbia 1996;

1. The following provisions of the *Railway Act* shall apply to the railway operations of Pembina Empress NGL Partnership in Taylor, British Columbia:

Part 1

Parts 12 to 14 inclusive

Parts 24 to 26 inclusive

Part 32

Part 37

Part 46

Jan 25/19
Date


Minister of Transportation and Infrastructure

The applicant is also subject to provisions of the *Railway Safety Act*, C. 8, SBC 2004, and should contact the Registrar of Railway Safety, Ministry of Transportation and Infrastructure, Province of British Columbia, telephone 778-974-5302 to determine approvals required under that Act.



To: Registrar of Railway Safety
Ministry of Transportation
PO Box 9850 Stn. Prov. Govt.
Victoria BC V8W 9T5

Application for a Minister's Certificate under the Railway Act.

Under section 3, Chapter 395, *Railway Act* (BC) application is hereby made by Pembina Empress NGL Partnership for a Minister's Certificate as a industrial railway. In support of this application the following documents are attached:

1. The company shall provide copy proof of company ownership as required under Part 9, Division 1, section 263 of the Business Corporations Act (SBC 2002) Chapter 57. (Certificate of Incorporation);
2. A list of the company's principals, addresses and means of contact
(*Company principals are defined as Chief Executive Officer or Owner, Applicable Vice Presidents and Plant Managers*);
3. A map indicating the location of the railway and the layout of the siding and spur;

Signed:

Date: Nov 2 2018

cc: Railway Safety Manager
Technical Safety BC

Pembina 9961 100a Street Taylor, BC V0C 2K0



Companies Principals:

Mick Dilger – President and CEO 1-888-428-3222	#4000 585 8th Ave SW Calgary AB T2P 1G1 - Phone
Jaret Sprott – Senior VP and COO 1-888-428-3222	#4000 585 8th Ave SW Calgary AB T2P 1G1 - Phone
Ian Balfour – VP Gas Services 1-888-428-3222	#4000 585 8th Ave SW Calgary AB T2P 1G1 - Phone
Tony Goutbeck – Senior Manager Operations 1-888-428-3222	#4000 585 8th Ave SW Calgary AB T2P 1G1 - Phone
Bill Kirkham – District Manager 1-780-356-6132	PO Box 155 Hythe AB T0H 2C0 Phone
John Wilson – Operations Supervisor 1-250-789-2226	PO Box 460 Taylor BC V0C 2K0 Phone
Vance Lowes – Maintenance Foreman 1-250-789-4901	PO Box 460 Taylor BC V0C 2K0 Phone

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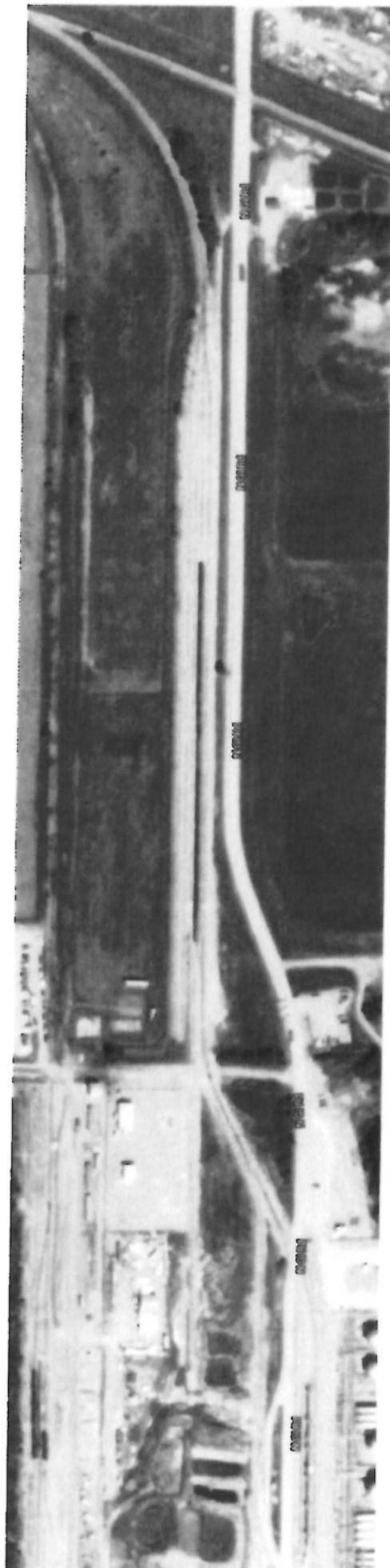
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Maps of location of Pembina operations as required for an application of a Railway Certificate from the Ministry of Transportation and Infrastructure in Victoria, British Columbia.





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Railway Certificate Packages

1. Routing and Approval Sheet
2. Briefing Note for Information
3. Railway Act Certificate
4. Paper clipped bundle of incoming documents at the back of the package



BRIEFING NOTE FOR INFORMATION

DATE: January 22, 2019
PREPARED FOR: Grant Main, Deputy Minister, Ministry of Transportation and Infrastructure
ISSUE: Issuance of *Railway Act* certificate – North Thompson Rail Terminals Inc.

BACKGROUND:

To operate a railway in British Columbia that falls under provincial jurisdiction, prospective operators require:

- a Certificate issued by the Minister under the *Railway Act* (signed by the Deputy Minister);
- a Safety Management System (SMS) approval issued by the Minister under the *Railway Safety Act* (signed by the Minister);
- an Operating Permit issued by the Registrar of Railway Safety under the *Railway Safety Act*.

The certificate and operating permit set out the provisions of the respective Acts that apply to the railway.

DISCUSSION:

North Thompson Rail Terminals Incorporated has applied for a *Railway Act* certificate for a siding and spur railway in Kamloops, B.C. North Thompson Rail Terminals Incorporated is registered to carry on business provincially. The certificate does not convey any authority to operate a railway; it only sets out those provisions of the *Railway Act* that apply to the railway operation. Authority to operate the railway is provided through the Operating Permit issued by the Registrar of Railway Safety.

FINANCIAL IMPLICATIONS:

- None

Recommendation:

It is recommended that the Deputy Minister sign the attached *Railway Act* certificate.

Attachments:

Appendix 1 – Copy of Application for a Minister's Certificate

PREPARED BY:

Kim Thompson, Policy Analyst
Transportation Policy and Legislation Branch
(778) 974-5299

REVIEWED BY:

Katherine Kirby, Executive Director
Transportation Policy and Legislation Branch
Deborah Bowman, ADM
Transportation Policy and Programs Department

INITIALS

KK

Appendix 1 – Copy of Application for a Minister's Certificate



November 26, 2018

To: Registrar of Railway Safety
Ministry of Transportation
PO Box 9850 Stn. Prov. Govt.
Victoria BC V8W 9T5

Re: Application for a Minister's Certificate under the *Railway Act*.

Under section 3, Chapter 395, *Railway Act* (BC) application is hereby made by North Thompson Rail Terminals for a Minister's Certificate as an Industrial railway. In support of this application the following documents are attached:

1. The company shall provide copy proof of company ownership as required under Part 9, Division 1, section 263 of the Business Corporations Act (SBC 2002) Chapter 57.
2. A list of the company's principals addresses and means of contact;
(Company principals are defined as Chief Executive Officer or Owner, Applicable Vice Presidents and Plant Managers)
3. A map indicating the location of the railway and the layout of the siding and spur.
4. A description of the scope of the intended railway's operations, including, if applicable, any rolling stock owned or leased and the type(s) of commodities being moved;

Signed:  _____

Date: November 26, 2018

Name: Corey Wesley Blitz

Title: President & CEO

cc: Railway Safety Manager
Technical Safety BC

RAILWAY ACT
CHAPTER 395 R.S.B.C. 1996

WHEREAS North Thompson Rail Terminals Incorporated, a company registered under the *Business Corporations Act* (Number: BC1064835) in the Province of British Columbia, is operating an industrial railway at its siding and spur facility in Kamloops, British Columbia;

NOW THEREFORE pursuant to Section 3(2) of the *Railway Act* being Chapter 395 of the Revised Statutes of British Columbia 1996;

1. The following provisions of the *Railway Act* shall apply to the railway operations of North Thompson Rail Terminals in Kamloops, British Columbia:
 - Part 1
 - Parts 12 to 14 inclusive
 - Parts 24 to 26 inclusive
 - Part 32
 - Part 37
 - Part 46

Jun 25/19
Date


Minister of Transportation and Infrastructure

The applicant is also subject to provisions of the *Railway Safety Act*, C. 8, SBC 2004, and should contact the Registrar of Railway Safety, Ministry of Transportation and Infrastructure, Province of British Columbia, telephone 778-974-5302 to determine approvals required under that Act.



November 26, 2018

To: Registrar of Railway Safety
Ministry of Transportation
PO Box 9850 Stn. Prov. Govt.
Victoria BC V8W 9T5

Re: Application for a Minister's Certificate under the *Railway Act*.

Under section 3, Chapter 395, *Railway Act* (BC) application is hereby made by **North Thompson Rail Terminals** for a Minister's Certificate as an **Industrial** railway. In support of this application the following documents are attached:

1. The company shall provide copy proof of company ownership as required under Part 9, Division 1, section 263 of the Business Corporations Act (SBC 2002) Chapter 57.
2. A list of the company's principals addresses and means of contact;
(Company principals are defined as Chief Executive Officer or Owner, Applicable Vice Presidents and Plant Managers)
3. A map indicating the location of the railway and the layout of the siding and spur.
4. A description of the scope of the intended railway's operations, including, if applicable, any rolling stock owned or leased and the type(s) of commodities being moved;

Signed: _____

Date: November 26, 2018

Name: Corey Wesley Bitz

Title: President & CEO

cc: Railway Safety Manager
Technical Safety BC

2. Company Principals

Corey Wesley Bitz President & CEO
778.362.8796 Office 587.337.1829 Mobile
1310 Kootenay Way, Kamloops BC V2H 1K3

Corey.Bitiz@NTRT.ca

Walter Maximilian Wolf Director & Vice President
778.362.8796 Office 778.257.4812 Mobile
1310 Kootenay Way, Kamloops BC V2H 1K3

WM.Wolf@NTRT.ca

3. Facility location

Google Maps Kamloops



Imagery ©2018 City of Kamloops, DigitalGlobe, Map data ©2018 Google 200 m



November 26, 2018

Copyright

4. Facility is built as a commodity trans load; rail to truck, truck to rail and will include container stuffing, center beam, box and tank cars. Hazmat and non-hazmat liquids, lumber and other forest products, dry bulk, aggregate and scrap metals. CN will place and lift rail cars on designated arrival and departure tracks, all other rail car movement will be provided by NTRT via track mobile. NTRT does not own or lease rail cars.

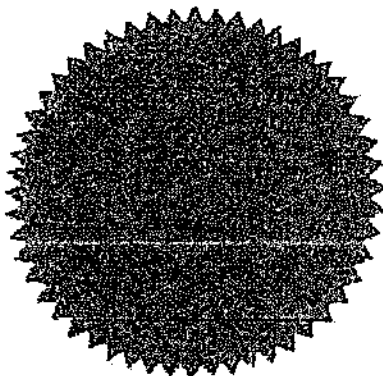


Number: BC1064835

CERTIFICATE OF INCORPORATION

BUSINESS CORPORATIONS ACT

I Hereby Certify that CARIBOO RAIL TERMINALS INC. was incorporated under the Business Corporations Act on February 16, 2016 at 09:49 AM Pacific Time.



*Issued under my hand at Victoria, British Columbia
On February 16, 2016*

A handwritten signature in black ink, appearing to read "Carol Prest".

CAROL PREST
Registrar of Companies
Province of British Columbia
Canada

ELECTRONIC CERTIFICATE



Number: BC1064835

CERTIFICATE OF CHANGE OF NAME

BUSINESS CORPORATIONS ACT

I Hereby Certify that CARIBOO RAIL TERMINALS INC. changed its name to NORTH THOMPSON RAIL TERMINALS INC. on June 12, 2017 at 09:45 AM Pacific Time.

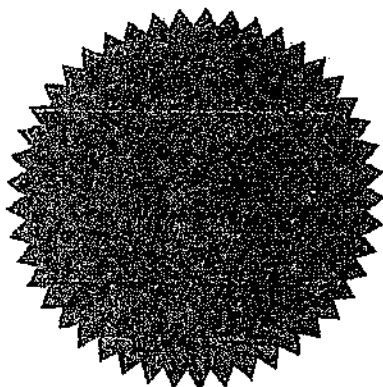
Issued under my hand at Victoria, British Columbia

On June 12, 2017

A handwritten signature in cursive script, appearing to read "Carol Prest".

CAROL PREST

Registrar of Companies
Province of British Columbia
Canada





BRIEFING NOTE FOR INFORMATION

DATE: January 24, 2019
PREPARED FOR: Grant Main, Deputy Minister, Ministry of Transportation and Infrastructure
ISSUE: Issuance of *Railway Act* certificate – International Raw Materials Limited – Waneta

BACKGROUND:

To operate a railway in British Columbia that falls under provincial jurisdiction, prospective operators require:

- a Certificate issued by the Minister under the *Railway Act* (signed by the Deputy Minister);
- a Safety Management System (SMS) approval issued by the Minister under the *Railway Safety Act* (signed by the Minister);
- an Operating Permit issued by the Registrar of Railway Safety under the *Railway Safety Act*.

The certificate and operating permit set out the provisions of the respective Acts that apply to the railway.

DISCUSSION:

International Raw Materials Limited has applied for a *Railway Act* certificate to reflect a change in its corporate name. International Raw Materials Limited, previously known as Westcan Bulk Transport Limited, operates an industrial railway in Waneta, B.C. and is changing its name to International Raw Materials Limited.

Railway Act Certificate No. 2015-47, issued November 12, 2015 in the name of Westcan Bulk Transport Limited, is being cancelled and replaced with Certificate 2018-37 issued in the name of International Raw Materials Limited.

The company's application has been reviewed by Technical Safety BC which has no concerns respecting the issuance of a certificate. The certificate does not convey any authority to operate a railway; it only sets out those provisions of the *Railway Act* that apply to the railway operation. Authority to operate the railway is provided through the Operating Permit issued by the Registrar of Railway Safety.

FINANCIAL IMPLICATIONS:

- None

Recommendation:

It is recommended that the Deputy Minister sign the attached *Railway Act* certificate.

Attachments:

Appendix 1 - Copy of Certificate of Change of Name
Appendix 2 - Copy of Request for a Minister's Certificate

PREPARED BY:

Kim Thompson, Policy Analyst
Transportation Policy and Legislation Branch
(778) 974-5299

REVIEWED BY:

Katherine Kirby, Executive Director
Transportation Policy and Legislation Branch
Deborah Bowman, ADM
Transportation Policy and Programs Department

INITIALS

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Ministry of
Transportation
and Infrastructure

CLIFF 281648
X-REF OIC 037 2018

Appendix 1 – Copy of Certificate of Change of Name

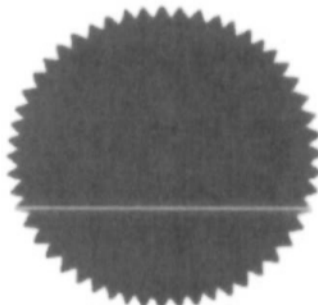


Number: A0107766

**CERTIFICATE
OF
REGISTRATION**

BUSINESS CORPORATIONS ACT

I Hereby Certify that **INTERNATIONAL RAW MATERIALS LTD** has been registered as an
extraprovincial company under the Business Corporations Act on November 6, 2018 at 03:26
PM Pacific Time.



ELECTRONIC CERTIFICATE

*Issued under my hand at Victoria, British Columbia
On November 6, 2018*

CAROL PREST
Registrar of Companies
Province of British Columbia
Canada



Appendix 2 – Copy of Request for a Minister's Certificate



**TECHNICAL
SAFETY BC**



INTERNATIONAL RAW MATERIALS LTD

To: Minister of Transportation and Infrastructure
C/o Railway Safety Manager
Technical Safety BC
600- 2889 East 12th Avenue
Vancouver, BC
V5M 4T5

Application for name change on Minister's Certificate and Operating Permit

Application is hereby made for a change to our Minister's Certificate, under section 3 (6) of the Railway Act (BC) to operate International Raw Materials Ltd.

The following documents are enclosed in support of this application:

1. The company shall provide copy proof of change of company ownership or name change as required under Part 9, Division 1, section 263 of the Business Corporations Act (SBC 2002) Chapter 57.
2. A list of the company's principals, addresses, and means of contact: *(Company principals are defined as Chief Executive Officer or Owner, Applicable Vice Presidents and Plant Managers)*

Application is also made to cancel certificate number 2015-47 issued to Westcan Bulk Transport Ltd. – Waneta dated 12 November 2015.

Signed: Maria M.V. Gatmaitan 
Title: Corporate Secretary, Vice President, Administration
Date: 13 November 2018


RAILWAY ACT
CHAPTER 395 R.S.B.C. 1996

WHEREAS **International Raw Materials Limited**, a company registered under the *Business Corporations Act* (Number: A0107766) in the Province of British Columbia, is operating an industrial railway at its industrial facility in Waneta, British Columbia;

NOW THEREFORE pursuant to Section 3(2) of the *Railway Act* being Chapter 395 of the Revised Statutes of British Columbia 1996;

1. The following provisions of the *Railway Act* shall apply to the railway operations of **International Raw Materials Limited** in Waneta, British Columbia:
Part 1
Parts 12 to 14 inclusive
Parts 24 to 26 inclusive
Part 32
Part 37
Part 46
2. Certificate No. 2015-47, issued in the name of Westcan Bulk Transport Limited, on November 12, 2015, is cancelled.

Feb 9, 2019
Date


Minister of Transportation and Infrastructure

The applicant is also subject to provisions of the *Railway Safety Act*, C. 8, SBC 2004, and should contact the Registrar of Railway Safety, Ministry of Transportation and Infrastructure, Province of British Columbia, telephone 778-974-5302 to determine approvals required under that Act.



BRIEFING NOTE FOR DECISION

DATE: March 14, 2019
PREPARED FOR: Honourable Claire Trevena, Minister of Transportation and Infrastructure
ISSUE: Order in Council – Hours of Service – B.C. motion picture industry

RECOMMENDED OPTION:

- Approve Order.

BACKGROUND:

When the Hours of Service (HOS) regulations were introduced in 2007, ministry staff met with representatives from the motion picture industry (the Industry) and made a commitment to explore regulatory changes that would provide an exemption for that industry from the HOS regulations. Further discussions occurred in 2010 and 2012, but no agreement was reached that would allow for an exemption to be granted.

In June 2016, CVSE formed a working group composed of representatives from CVSE, the Industry and CreativeBC to discuss issues related to compliance with the province's National Safety Code regulations, and the need to work together to find solutions that protect the safety of workers while not impeding the vibrancy of the industry.

s.12; s.13

DISCUSSION:

s.12; s.13

FINANCIAL IMPLICATIONS:

s.12; s.13



Ministry of
Transportation
and Infrastructure

CLIFF 284210
X-ref: 280879

OPTIONS:

s.12; s.13

APPROVED / NOT APPROVED

A handwritten signature in black ink, appearing to read "Claire Trevena", written over a horizontal line.

Honourable Claire Trevena
Minister
Transportation and Infrastructure

March 15, 2019
Date



Ministry of
Transportation
and Infrastructure

CLIFF 284210
X-ref: 280879
CIC 006 2019

PREPARED BY:

Kirk Rockerbie, Manager Policy
Commercial Vehicle Safety and Enforcement
(250) 460-9729

REVIEWED BY:

Cole Dellella, A/Director
Commercial Vehicle Safety and Enforcement
Ian Pilkington, A/Executive Director
Highway Services

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[Handwritten initials]

Page 28 of 86 to/à Page 35 of 86

Withheld pursuant to/removed as

s.13; s.14



BRIEFING NOTE FOR DECISION

DATE: March 18, 2019

PREPARED FOR: Grant Main, Deputy Minister, Ministry of Transportation and Infrastructure

ISSUE: Signing of the "2018/19 BC Transit Capital Contribution Agreement" and "BC-BC Transit Amending Agreement No. 2 for the Public Transit Infrastructure Fund".

SUMMARY:

- The Province and BC Transit enter into an annual Capital Contribution Agreement (CCA) that outlines approved Provincial capital funding and lays out the responsibilities and obligations of each party in the delivery of capital projects delivered by BC Transit under the "traditional funding formula" with no federal funding.
- The Province and BC Transit have also entered into an agreement that outlines Provincial funding and lays out the responsibilities and obligations of each party in the delivery of capital projects under the federal government's Public Transit Infrastructure Fund.
- Both agreements require executive signoff on behalf of the Provincial government:
 - 2018/19 BC Transit Capital Contribution Agreement: The most recent capital contribution agreement expired on March 31, 2018 and following significant negotiations, the Ministry and BC Transit have developed an updated agreement a) reflecting new ministry policy on invoice documentation, and b) removing the ability of BC Transit to charge MOTI for "Interest During Construction" (IDC).
 - Amending Agreement No. 2 for the Public Transit Infrastructure Fund: The proposed amendment includes changes to a) align project reporting requirements with other agreements, and b) to remove the ability of BC Transit to charge MOTI for "Interest During Construction" (IDC).

DISCUSSION:

Capital Contribution Agreement

The Province provides operating and capital contributions to BC Transit to fund its share of transit operating and capital costs. The Province and BC Transit enter into operating and capital contribution agreements that outline the funding and formally lay out the responsibilities and obligations of each party regarding the provision of public transit.

The most recent capital contribution agreement expired March 31, 2018, and the proposed agreement covers a one-year term from April 1, 2018 to March 31, 2019. The agreement outlines the cost-sharing percentages for the Province and local governments, and it lays out a schedule for the Province to reimburse BC Transit for its share of capital costs on a quarterly basis. As with the operating contribution agreement, the capital agreement specifies requirements for reporting and communication between BC Transit and the Province.

There are two significant changes in this new agreement:

- An increase in the level of detail required to be submitted by BC Transit when invoicing the Ministry, reflecting new ministry policy on invoice documentation; and,
- Removal of BC Transit's ability to charge MOTI for "Interest During Construction" (IDC).



BC – BC Transit Amending Agreement No. 2 for the Public Transit Infrastructure Fund

The Province and BC Transit have entered into an agreement that outlines Provincial funding and lays out the responsibilities and obligations of each party in the delivery of capital projects under the federal government's Public Transit Infrastructure Fund. This Agreement is in accordance with the specifications of the "Canada – British Columbia Bilateral Agreement on the Public Transit Infrastructure Fund".

There are two significant changes in this amendment:

- Amending the reporting dates to more closely align with MOTI reporting requirements; and,
- Removal of BC Transit's ability to charge MOTI for "Interest During Construction" (IDC).

FINANCIAL IMPLICATIONS:

Capital Contribution Agreement

- None – routine signing of agreement that provides mechanism for capital payments previously approved and budgeted for.

BC – BC Transit Amending Agreement No. 2 for the Public Transit Infrastructure Fund

- Cost savings to MOTI resulting from no longer paying IDC charges to BC Transit.

OPTIONS:

OPTION 1: Approve and sign the Capital Contribution Agreement and Amending Agreement No. 2 for the Public Transit Infrastructure Fund.

PROS:

- Allows for payment of 2018/19 capital expenditures to BC Transit.
- Simplifies and aligns ministry policy between multiple funding streams and agreements with BC Transit.
- Cost savings to MOTI resulting from no longer paying IDC charges to BC Transit.
- Improves reporting accountabilities.

CONS:

- None.

OPTION 2: Do not approve and sign either agreement.

PROS:

- None.



CONS:

- MOTI will be unable to release funds to BC Transit for capital projects completed in 2018/19.
- Contrary to Minister's mandate to fund transit improvements.
- BC Transit operations potentially at risk long term.

RECOMMENDED OPTION: OPTION 1

APPROVED / NOT APPROVED



Grant Main
Deputy Minister
Ministry of Transportation and Infrastructure



Date

REPAIRED BY:

Bart Walman, Sr Manager
Transit and Crown Agency Programs Branch
(250) 896-5609

REVIEWED BY:

Andrea Mercer, Executive Director
Transit Branch

Deborah Bowman, ADM
Transportation Policy and Programs Department

Nancy Bain, ADM
Finance and Management Services Department

INITIALS

AM

DB

**BRITISH COLUMBIA - BC TRANSIT
CAPITAL PROGRAM
CONTRIBUTION AGREEMENT
NUMBER #CA180401CAP**

THIS AGREEMENT dated for reference the 1st day of April, 2018

BETWEEN:

HER MAJESTY THE QUEEN IN THE RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, as represented by the Minister of Transportation and Infrastructure

*Transit Branch
5D, 940 Blanshard Street
Victoria, British Columbia
V8W 9T5
(the "Ministry")*

AND:

BRITISH COLUMBIA TRANSIT

*520 Gorge Road East
Victoria, BC
V8T 2W6
("BC Transit")*

(collectively referred to as the **Parties**)

WHEREAS:

- A. The Ministry has an interest in the provision of an efficient public transit system and BC Transit, a provincial crown agency, is charged with coordinating the delivery of public passenger transportation throughout British Columbia (outside Metro Vancouver).
- B. BC Transit will provide transit services by acquiring, operating, servicing, maintaining, and repairing all assets acquired in accordance with this Agreement, as per appropriate standards, over the Asset Useful Life.
- C. The BC Transit Capital Program is made up of two distinct components:
 - (a) Investments to maintain the existing transit vehicle fleet and related assets, which may include major overhaul and/or rehabilitation of existing assets or replacement of assets that have exceeded their economic life ("**Capital Replacement**"); and
 - (b) Investments to expand the transit system, increase ridership and market share, ensure business continuity and reduce transportation related greenhouse gases emissions, which may include bus fleet expansion, maintenance facilities, rapid transit, technology and other supportive infrastructure and system expansion ("**Other Capital**").

- D. The Parties will coordinate efforts to ensure the promotion and communication of all investments made under this Agreement, emphasizing the funding partnerships and benefits to transit users and regional transit systems.

NOW THEREFORE, in consideration of the premises and the covenants contained in this Agreement, the parties agree as follows:

1. Definitions

1.1 In this Agreement:

"Asset Category" means the following groupings of Capital Replacement assets: Facilities; Equipment; IT/Security; Vehicle Acquisition-Non Revenue; Vehicle Acquisition-High Capacity; Vehicle Acquisition-Heavy Duty; Vehicle Acquisition-Medium Duty; Vehicle Acquisition-Light Duty; and Vehicle Refurbishment/Refit;

"Asset Useful Life" means BC Transit's estimate of the period of time over which an asset would reasonably be expected to be used to provide services;

"Business Case" means a business case prepared by BC Transit in accordance with CAMF and Treasury Board requirements;

"CAMF" means the *Capital Asset Management Framework* describing the government's objectives and policies for planning and managing publicly-funded capital assets, as published on the website of the Ministry of Finance;

"Capital Expenditures" means any expenditures that BC Transit has incurred and reasonably accounted for as capital expenditures in accordance with public sector accounting standards, but excluding (i) any goods, real property, or services received through donations in kind, (ii) any taxes or costs for which BC Transit is eligible for a rebate, (iii) financing charges, and (iv) interest during construction (IDC);

"Communications Products" means communications plans, event plans, news releases, service advisories, invitation lists, invitations, graphics and media advisories;

"Capital Replacement" has the meaning given to it in Recital C (a);

"FAA" means the *Financial Administration Act*;

"Fiscal Year" means the period from April 1 in one year to March 31 in the next year;

"Funds" means the funds made available by the Ministry pursuant to this Agreement;

"ICIP Projects" means both Capital Replacement and Other Capital funded under the federal Investing in Canada Infrastructure Program and delivered by BC Transit under the *British Columbia-BC Transit Investing in Canada Infrastructure Program Ultimate Recipient Agreement* dated for reference November 27, 2018.

"Other Capital" has the meaning given to it in Recital C (b); and

"Net Book Value" means the cost of a tangible capital asset, less both accumulated amortization and the amount of any write-downs;

"Project" means a Capital Replacement project or an Other Capital project as identified in Schedule C, for which Funds have been approved, but excludes ICIP Projects and PTIF Projects; and

"PTIF Projects" means both Capital Replacement and Other Capital funded under the federal Public Transit Infrastructure Fund and delivered by BC Transit under the *British Columbia-BC Transit Public Transit Infrastructure Fund Contribution Agreement* dated for reference December 14, 2016, as amended.

2. Schedules

2.1 The following Schedules are attached to and form part of this Agreement:

Schedule A – Report Due Dates: Lists the dates by which reports indicated under Section 5 are due to the Ministry.

Schedule B – BC Transit Capital and Major Operating Projects Report: Provides an overview of Projects with a budget greater than \$5 million, or assessed by BC Transit as having a high risk profile, including itemized schedules, budgets and cash flow, together with explanations of variances from original plans and estimates.

Schedule C – Budget Submission Form: Lists planned Projects for the 2018/19 Fiscal Year, including Capital Replacement by Asset Category and Other Capital by Project name, together with budgeted Funds by funding source and, for the current Fiscal Year, by quarter.

Schedule D – Partner Cost Sharing Percentages: Indicates capital cost sharing percentages for the Ministry and local governments.

3. Effective Date and Term

3.1 Notwithstanding the date of execution and delivery of this Agreement, the term of this Agreement will commence on April 1, 2018, and end on March 31, 2019, unless terminated or amended in accordance with Section 12.

3.2 This Agreement constitutes the entire agreement between the Parties and no understanding, representations or agreements, oral or otherwise, exist between the Parties with respect to the subject matter of this Agreement except as expressly set out or incorporated by reference to this Agreement.

4. Contribution Payments

4.1 BC Transit will, in accordance with this Agreement and not less frequently than after the end of each quarter, invoice the Ministry for reimbursement of the Ministry's share of Capital Expenditures on Projects. BC Transit's invoices will provide total Capital Expenditures by Asset Category for Capital Replacement Projects or by Project name for Other Capital Projects and will include copies of supporting invoices and documentation acceptable to the Province for all expenditures equal to or greater than \$50,000. The Ministry will make reasonable efforts to pay invoices within 30 days of receipt.

- 4.2 Notwithstanding any other provision of this Agreement, payments by the Ministry to BC Transit pursuant to this Agreement are subject to:
- 4.2.1 There being sufficient monies available in an appropriation, as defined in the FAA, to enable the Ministry in any Fiscal Year when any payment of money by the Ministry falls due pursuant to this Agreement, to make that payment;
 - 4.2.2 Treasury Board, as defined in the FAA, not having controlled or limited, pursuant to the FAA, expenditure under such appropriation; and
 - 4.2.3 BC Transit having met each quarterly reporting requirement listed in Section 5 and Schedule A of this Agreement (the eligibility criteria).
- 4.3 Subject to sections 4.3.1 and 4.3.2, the Ministry's share of Capital Expenditures will be calculated by applying the appropriate percentage as outlined in Schedule D.
- 4.3.1 For Capital Expenditures supporting paratransit service, the appropriate percentage will be a blended rate based on the proportionate share of conventional transit service and custom transit service for the corresponding transit system.
 - 4.3.2 The Parties will amend the cost sharing percentages outlined in Schedule D when third party funding is available.
- 4.4 BC Transit will ensure that the Ministry's cumulative invoicing does not exceed the Funds as indicated on Schedule C.

5. Reporting

- 5.1 In order to support the Ministry's budget management and approval process, by no later than October 30th of each year (date subject to change based on Budget and Service Plan submission deadlines), BC Transit will provide a draft Schedule C for the subsequent three Fiscal Years. Each new investment proposed for the first Fiscal Year will be supported by a Business Case or, if a Business Case is not finalized, a draft Business Case or other supporting documentation (studies etc.), which BC Transit will provide to the Ministry on request.
- 5.2 BC Transit will provide to the Ministry the following reports by the dates indicated on Schedule A:
- 5.2.1 Quarterly Financial Statements and Financial Projections for Treasury Board Staff;
 - 5.2.2 Quarterly Financial Statements and Financial Projections for the Comptroller General;
 - 5.2.3 Forecast current year cash flows for Projects listed in Schedule C by partner and by quarter based on current projections; and
 - 5.2.4 Capital and Major Operating Projects Report (Schedule B).
- 5.3 All reports submitted in relation to this Agreement are to be approved by the Chief Financial Officer of BC Transit.

6. Communications

- 6.1 The Ministry and BC Transit agree to develop a Communications Protocol that will outline how communications activities are administered on capital projects funded in part by the Ministry. The protocol will:
 - 6.1.1 Provide for BC Transit and the Ministry to work jointly to produce Communications products;
 - 6.1.2 Provide clarity to BC Transit and the Ministry on their roles and responsibilities in developing and implementing Communications products; and
 - 6.1.3 Establish communication requirements outlined in agreements with other funding agencies.

7. Use and Reallocation of Funds

- 7.1 Any Funds contributed to BC Transit under this Agreement have the following stipulations:
 - 7.1.1 BC Transit will use the Funds solely to undertake the Projects listed in Schedule C of this Agreement;
 - 7.1.2 The assets acquired with the Funds will be owned by BC Transit, unless agreed otherwise by the Parties in writing, and will be used to deliver ongoing regional transportation services to support BC Transit's service delivery mandate over the Asset Useful Life;
 - 7.1.3 BC Transit will conduct regular inspections of the condition of the assets, will service, maintain, and keep the assets in good condition and repair, having regard to their age, and will provide all services, materials, goods, supplies and parts necessary to safely and effectively maintain the assets in accordance with appropriate standards; and
 - 7.1.4 By using the assets to deliver regional transportation services, BC Transit will satisfy its obligation to the Province on a systematic basis over the Asset Useful Life.
- 7.2 BC Transit will have discretion to reallocate Funds received under this Agreement for Projects relating to Capital Replacement between Asset Categories to meet unforeseen repair and/or replacement requirements.
- 7.3 BC Transit will not reallocate Funds received under this Agreement for Projects relating to Other Capital without prior written approval from the Ministry.

8. Retirement or Disposal of Assets

- 8.1 This section is only applicable to assets owned by BC Transit.
- 8.2 If, at any time during the Asset Useful Life, BC Transit voluntarily permanently discontinues using the assets acquired by Funds under this Agreement for ongoing

regional transportation services, BC Transit will, for those assets that are no longer used to provide regional transportation services, remit to the Ministry its proportionate share of any monetary proceeds upon disposal, based on the percentage of Ministry funding for acquisition of the asset.

- 8.3 The Ministry may, at its sole discretion, direct BC Transit to retain the repayment or gain amount as an externally restricted amount for future Ministry approved capital projects.
- 8.4 The requirements set out in sections 8.1 through 8.3 above are consistent with the intent and implications of previous capital contribution agreements between the Ministry and BC Transit, including for capital contributions issued as a prepaid capital advance.

9. Records and Audit

- 9.1 BC Transit will establish and maintain accurate books of accounts and records, including supporting documents, of all costs incurred and monies paid in connection with assets acquired under this Agreement, and will permit the Ministry at any time or times during normal business hours to copy or audit, or both, any or all of such books or account and records, including supporting documents.

10. Indemnification

- 10.1 BC Transit will at all times indemnify and save harmless Her Majesty the Queen in Right of the Province of British Columbia, and its employees, servants, and agents, from and against all claims, actions, causes of action, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether such interest, fines or costs are court ordered or otherwise and whether before or after the expiration or termination of this Agreement) where the same or any of them are sustained in any way as a result of this Agreement, which indemnity will survive the expiration or sooner termination of this Agreement.

11. Dispute Resolution

- 11.1 If any dispute arises under this Agreement, the parties will attempt to resolve the dispute collaboratively at a staff level within 60 days of the dispute arising (or within such other time period agreed to by the parties) and, subject to applicable laws, provide candid and timely disclosure to each other of all relevant facts, information and documents to facilitate those efforts.
- 11.2 If a dispute cannot be resolved in accordance with section 11.1, executive members of each Party will meet to review and direct resolution of the matter.

12. Amending or Terminating the Agreement

- 12.1 This Agreement may only be amended, in writing, by mutual consent of the Ministry and BC Transit.

- 12.2 Notwithstanding any other provision of this Agreement, the Ministry may reduce funding or terminate this Agreement for any reason. The Ministry will give notice in writing to BC Transit as early as possible and offer to BC Transit a reasonable opportunity to work with the Ministry to negotiate a modification to BC Transit's capital plan. The Ministry's share of all costs incurred up to and including the termination date, as well as legally obligated costs, will be funded.

13. Notices

- 13.1 Any notice, consent, waiver, statement of other document that either party may desire or be required to give or deliver to the other will be deemed to have been validly given or delivered to and received by the addressee, if delivered personally on the date of delivery or, if mailed, on the 5th business day after the mailing of the same in Canada by prepaid post addressed:

If to the Ministry:

5D - 940 Blanshard Street
Victoria, BC V8W 3E6
Fax: (250) 387- 5012

Email: the sending party is responsible for confirming with the recipient the correct, up-to-date email address prior to emailing

Attention: Executive Director, Transit Branch

If to BC Transit:

520 Gorge Rd East
Victoria, BC V8W 9T5
Fax: (250) 995-5639

Email: the sending party is responsible for confirming with the recipient the correct, up-to-date email address prior to emailing

Attention: Chief Financial Officer

14. General

- 14.1 Each of the Parties will, upon the reasonable request of the other, make, do, execute or cause to be made, done or executed all further and other lawful acts, deeds, things, devices, documents, instruments and assurances whatever for the better or more perfect and absolute performance of the terms and conditions of this Agreement.
- 14.2 Unless the context otherwise requires, any reference to "this Agreement" means this instrument and all of the schedules attached to it, and any references to any schedule, recital, article, section, subsection or paragraph by number or letter is a reference to the appropriate schedule, recital, article, section, subsection or paragraph in or attached to this Agreement.

- 14.3 In this Agreement, the words "including" and "includes", when following any general term or statement, are not to be construed as limiting the general term or statement to the specific terms or matters set forth or to similar items or matters, but rather as permitting the general term or statement to refer to all other items or matters that could reasonably fall within the broadest possible scope of the general terms or statement.
- 14.4 The headings appearing in this Agreement have been inserted for reference and as a matter of convenience and in no way define, limit or enlarge the scope of any provision of this Agreement.
- 14.5 No term or condition of this Agreement and no breach by either party of any such term or condition will be deemed to have been waived unless such waiver is in writing signed by the other party.
- 14.6 The written waiver of any breach of any term or condition of this Agreement will not be deemed a waiver of such term or condition or of any subsequent breach of the same or any other term or condition of this Agreement.
- 14.7 Where this Agreement references a statute, such reference is a reference to a statute of the Province of British Columbia unless otherwise stated, and includes every amendment to it, every regulation made under it, and any enactment passed in replacement or substitution for it.
- 14.8 This Agreement will be governed by and construed in accordance with the laws of the Province of British Columbia.
- 14.9 Time will be of the essence of this Agreement.

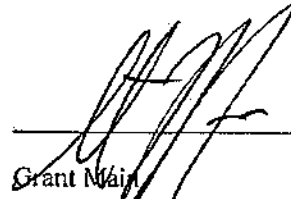
The parties have executed this Agreement on the date first set out above.

IN WITNESS WHEREOF the parties have executed this Agreement by their duly authorized representatives or officers as follows:

SIGNED on behalf of **Her Majesty the Queen in right**)
of the **Province of British Columbia** by a duly)
authorized representative of the Minister of)
Transportation and Infrastructure on the ____ day of)
_____, 2019, in the presence of:)

s.22

(Witness)



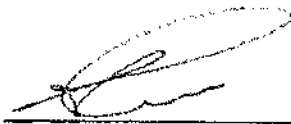
Grant Main
Deputy Minister
Transportation and Infrastructure

SIGNED on behalf of **BC Transit** by its authorized)
signatory on the 14th day of March)
2019, in the presence of:)
s.22)

(Witness)



Erinn Pinkerton
President and CEO, BC Transit



Alan Thomas
Vice President Finance and Chief Financial
Officer

Schedule A

British Columbia – BC Transit Capital Program Contribution Agreement

REPORT DUE DATES

The following reports will be provided by BC Transit to the Ministry by the due dates listed below (or another time frame as agreed to by the Parties):

<u>REPORT</u>	<u>DUE DATE</u>
5.1 Quarterly Capital and Major Operating Projects Report (Schedule B)	
Quarter 1	July 13, 2018
Quarter 2	October 10, 2018
Quarter 3	December 11, 2018
Quarter 4	May 13, 2019
5.2 Forecast cash flow projections for Projects listed in Schedule C	
Quarter 1	July 13, 2018
Quarter 2	October 5, 2018
Quarter 3	December 6, 2018
Quarter 4	May 8, 2019
5.3 Quarterly Financial Projections for TBS	
Quarter 1	July 24, 2018
Quarter 2	October 19, 2018
Quarter 3	January 8, 2019
5.4 Quarterly Financial Statements for OCG	
Quarter 1	July 10, 2018
Quarter 2	October 9, 2018
Quarter 3	January 7, 2019

Schedule B
British Columbia – BC Transit Capital Program Contribution Agreement
Capital and Major Operating Projects Report

TABLE OF CONTENTS

- 1 Capital and Major Operating Projects Program Overview**
- 2 Managed Project Highlights**
- 3 Expenditures Forecast**
 - 3.1 Capital Expenditures Forecast**
 - 3.2 2017/18 Quarterly Capital and Major Operating Projects Cash Flow Actuals**

APPENDICES

- Appendix 1 Capital Project List (By Asset Type)**
- Appendix 2 Capital Project List (By Project Status)**
- Appendix 3 Major Operating Project List (By Asset Type)**

1 CAPITAL PROGRAM OVERVIEW

This section discusses the number of managed capital and major operating projects within the various project phases and quantifies the variance plan between the managed plan and the current forecast. A table illustrates the total managed projects by asset type and highlights the individual projects that have a significant variance.

Capital Projects by Asset Type	No. of Projects	Approved Budget	Spent to Date	Estimated Costs	Variance
Vehicle	0	\$ -	\$ -	\$ -	\$ -
Facilities	0	\$ -	\$ -	\$ -	\$ -
Rapid Transit	0	\$ -	\$ -	\$ -	\$ -
Other	0	\$ -	\$ -	\$ -	\$ -
Total	0	\$ -	\$ -	\$ -	\$ -

Major Operating Projects by Asset Type	No. of Projects	Approved Budget	Spent to Date	Estimated Costs	Variance
Vehicle	0	\$ -	\$ -	\$ -	\$ -
Facilities	0	\$ -	\$ -	\$ -	\$ -
Rapid Transit	0	\$ -	\$ -	\$ -	\$ -
Other	0	\$ -	\$ -	\$ -	\$ -
Total	0	\$ -	\$ -	\$ -	\$ -

Grand Total	0	\$ -	\$ -	\$ -	\$ -
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This section discusses the sources of the program variance and highlights major contributing projects.

2 MANAGED PROJECT HIGHLIGHTS

This section provides a brief description of all Class A (risk rating) projects and projects with a budget greater than \$5.00 million in the implementation phase, and all major operating projects related to a capital project.

Class A Projects

Project Title

Class B and C Projects Greater than \$5.00 million

Project Title

3 EXPENDITURES FORECAST

3.1 CAPITAL EXPENDITURES FORECAST

This section highlights the CEL variance.

Capital Expenditures	[Fiscal Year]		
	LTCP	Forecast	Variance
Provincial	\$ -	\$ -	\$ -
Local (Fiscal Agency Loan)	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Local (Direct)	\$ -	\$ -	\$ -
Gas Tax	\$ -	\$ -	\$ -
Federal	\$ -	\$ -	\$ -
Total	\$ -	\$ -	\$ -

This section discusses the sources of the variance and highlights major contributing projects.

3.2 QUARTERLY CAPITAL AND MAJOR OPERATING CASH FLOW ACTUALS

The following table tracks the quarterly actuals (\$millions) against the budget:

Capital Projects by Project Status	No. of Projects	Approved Budget	[Fiscal Year] CEL	Actuals Quarter 1	Forecast Quarter 2	Forecast Quarter 3	Forecast Quarter 4	Total
Not Activated	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Pre-Implementation	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Implementation	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
In Service	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Closed	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Deferred	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cancelled	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Major Operating Projects by Project Status	No. of Projects	Approved Budget	Actuals Quarter 1	Forecast Quarter 2	Forecast Quarter 3	Forecast Quarter 4	Total
Implementation	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Closed	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Grand Total	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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Appendix 1: [Fiscal Year] Capital Expenditures Variance Summary by Asset Type
Report Month [Month Year]

Vehicle Projects									
Budget Year	Status	Project No.	Project Title	Approved Budget	Project to Date	Forecast [Fiscal Year]	Remaining [Fiscal Year]	Estimated Costs	% Variance
1	Budget Year	Status	Project No. Project Title	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
2	Budget Year	Status	Project No. Project Title	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
Total Budget and Expenditures for Vehicle Projects:				\$ -	\$ -	\$ -	\$ -	\$ -	

Facilities Projects									
Budget Year	Status	Project No.	Project Title	Approved Budget	Project to Date	Forecast [Fiscal Year]	Remaining [Fiscal Year]	Estimated Costs	% Variance
1	Budget Year	Status	Project No. Project Title	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
Total Budget and Expenditures for Facilities Projects:				\$ -	\$ -	\$ -	\$ -	\$ -	

Other Projects									
Budget Year	Status	Project No.	Project Title	Approved Budget	Project to Date	Forecast [Fiscal Year]	Remaining [Fiscal Year]	Estimated Costs	% Variance
1	Budget Year	Status	Project No. Project Title	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
Total Budget and Expenditures for Other Projects:				\$ -	\$ -	\$ -	\$ -	\$ -	

Rapid Transit Projects									
Budget Year	Status	Project No.	Project Title	Approved Budget	Project to Date	Forecast [Fiscal Year]	Remaining [Fiscal Year]	Estimated Costs	% Variance
1	Budget Year	Status	Project No. Project Title	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
Total Budget and Expenditures for Rapid Transit Projects:				\$ -	\$ -	\$ -	\$ -	\$ -	
5	Total			\$ -	\$ -	\$ -	\$ -	\$ -	

Appendix 2: (Fiscal Year) Capital Expenditures Variance Summary by Project Status
Report Month (Month Year)

Implementation Projects										
Budget Year	Status	Project No.	Project Title	Approved Budget	Project to Date	Forecast (Fiscal Year)	Remaining (Fiscal Year)	Estimated Costs	Variance	% Variance
1	Budget Year	Status	Project No.	Project Title	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
Total Budget and Expenditures for Vehicle Projects:					\$ -	\$ -	\$ -	\$ -	\$ -	
Pre-Implementation Projects										
Budget Year	Status	Project No.	Project Title	Approved Budget	Project to Date	Forecast (Fiscal Year)	Remaining (Fiscal Year)	Estimated Costs	Variance	% Variance
1	Budget Year	Status	Project No.	Project Title	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
Total Budget and Expenditures for Facilities Projects:					\$ -	\$ -	\$ -	\$ -	\$ -	
Not Activated Projects										
Budget Year	Status	Project No.	Project Title	Approved Budget	Project to Date	Forecast (Fiscal Year)	Remaining (Fiscal Year)	Estimated Costs	Variance	% Variance
1	Budget Year	Status	Project No.	Project Title	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
Total Budget and Expenditures for Other Projects:					\$ -	\$ -	\$ -	\$ -	\$ -	
In-Service Projects										
Budget Year	Status	Project No.	Project Title	Approved Budget	Project to Date	Forecast (Fiscal Year)	Remaining (Fiscal Year)	Estimated Costs	Variance	% Variance
1	Budget Year	Status	Project No.	Project Title	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
Total Budget and Expenditures for Rapid Transit Projects:					\$ -	\$ -	\$ -	\$ -	\$ -	
Other Projects										
Budget Year	Status	Project No.	Project Title	Approved Budget	Project to Date	Forecast (Fiscal Year)	Remaining (Fiscal Year)	Estimated Costs	Variance	% Variance
1	Budget Year	Status	Project No.	Project Title	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
Total Budget and Expenditures for Rapid Transit Projects:					\$ -	\$ -	\$ -	\$ -	\$ -	
5	Total			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	

Appendix 3: (Fiscal Year) Major Operating Expenditures Variance Summary by Asset Type
Report Month (Month Year)

Vehicle Projects										
Budget Year	Status	Project No.	Project Title	Approved Budget	Project to Date	Forecast (Fiscal Year)	Remaining (Fiscal Year)	Estimated Costs	Variance	% Variance
1	Budget Year	Status	Project No.	Project Title	\$	\$	\$	\$	\$	0.0%
2	Budget Year	Status	Project No.	Project Title	\$	\$	\$	\$	\$	0.0%
Total Budget and Expenditures for Vehicle Projects:					\$	\$	\$	\$	\$	
Facilities Projects										
Budget Year	Status	Project No.	Project Title	Approved Budget	Project to Date	Forecast (Fiscal Year)	Remaining (Fiscal Year)	Estimated Costs	Variance	% Variance
1	Budget Year	Status	Project No.	Project Title	\$	\$	\$	\$	\$	0.0%
Total Budget and Expenditures for Facilities Projects:					\$	\$	\$	\$	\$	
Other Projects										
Budget Year	Status	Project No.	Project Title	Approved Budget	Project to Date	Forecast (Fiscal Year)	Remaining (Fiscal Year)	Estimated Costs	Variance	% Variance
1	Budget Year	Status	Project No.	Project Title	\$	\$	\$	\$	\$	0.0%
Total Budget and Expenditures for Other Projects:					\$	\$	\$	\$	\$	
Rapid Transit Projects										
Budget Year	Status	Project No.	Project Title	Approved Budget	Project to Date	Forecast (Fiscal Year)	Remaining (Fiscal Year)	Estimated Costs	Variance	% Variance
1	Budget Year	Status	Project No.	Project Title	\$	\$	\$	\$	\$	0.0%
Total Budget and Expenditures for Rapid Transit Projects:					\$	\$	\$	\$	\$	
5	Total			\$	\$	\$	\$	\$	\$	

Schedule C

British Columbia – BC Transit Capital Program Contribution Agreement Budget Submission Form

Funding Type	Contribution Agreement	Ministry No.	Project No.	Project Title	PROV 18/19	FAL 18/19	FED 18/19	FED GAS TAX 18/19	MUNI DIRECT 18/19	OTHER 18/19	Forecast 18/19
Capital Replacement Projects											
Traditional Funding											
				EQUIPMENT	63,655	132,880	-	-	7,860	-	204,394
				FACILITIES							
				IT/SECURITY	992,070	2,027,269	-	34,663	-	-	3,054,001
				VEHICLE ACQ - High Capacity	1,627,108	2,275,033	-	-	-	-	3,902,141
				VEHICLE ACQ - HEAVY DUTY BUS	-	-	-	-	-	-	-
				VEHICLE ACQ - LIGHT DUTY BUS	76,018	38,082	-	-	-	-	114,100
				VEHICLE ACQ - MEDIUM DUTY BUS	3,428,429	4,921,502	-	-	-	-	8,349,931
				VEHICLE ACQ - NON REVENUE	24,873	65,554	-	-	-	-	90,427
				VEHICLE REFURB/REFIT	2,586,903	3,776,618	-	-	-	-	6,363,521
				Sub-total	8,799,055	13,236,937	-	34,663	7,860	-	22,078,514
Other Capital Projects											
				HD EXP - 8 (DEL 17/18)	9,586	13,539	-	-	-	-	23,125
				LD EXP - 6 (DEL 17/18)	-	-	-	-	-	-	-
				MD EXP - 17 (DEL 17/18)	306,239	436,838	-	-	-	-	743,077
				Sub-total	315,825	450,377	-	-	-	-	766,202
				Total	9,114,879	13,687,314	-	34,663	7,860	-	22,844,716

Contribution Agreement Number # 030CA180401

Schedule D
British Columbia -- BC Transit Capital Program Contribution Agreement
Partner cost sharing percentages

	Ministry Share	Local Government Share
For the Regional Transit Systems:		
Conventional transit service	46.69%	53.31%
Custom transit service	66.69%	33.31%
For the Victoria Regional Transit System:		
Conventional transit service	31.70%	68.30%
Custom transit service	63.00%	37.00%

Contribution Agreement Number # 033CA180401

BRIEFING NOTE FOR INFORMATION

DATE: May 6, 2019

PREPARED FOR: Honourable Claire Trevena, Minister of Transportation and Infrastructure

ISSUE: *Coastal Ferry Amendment Act Order in Councils*

SUMMARY: Once the *Coastal Ferry Amendment Act* receives Royal Assent two OICs are required to: i) bring sections of the Act into force and ii) appoint under one of those sections two new government appointees on the Board of Directors for the BC Ferry Authority.

BACKGROUND:

The *Coastal Ferry Act* establishes the BC Ferry Authority. The purpose of the Authority is to govern British Columbia Ferry Services Inc. and to appoint its Board of Directors. By its structure, the Authority ensures the operation of BC Ferries is independent from the provincial government.

The *Coastal Ferry Amendment Act* (Bill 25) was passed in the Spring 2019 Legislative session and is currently awaiting Royal Assent. This Bill was in response to the recommendations set out in the Coastal Ferry Services review, released in February, 2019.

One of the recommendations stated that the number of provincial appointments on the BC Ferry Authority Board be increased from two to four. These two additional appointments, Shona Anne Moore and Marvin Harold Shaffer will replace the two community-at-large members.

DISCUSSION:

Two OIC's of the *Coastal Ferry Amendment Act* will be required:

- Bring into force Section 2 which designates an increase in the BC Ferry Authority Directors appointed by government from 2 to 4 replacing the two directors currently appointed from the community-at-large with government appointees, and
- Section 4 establishes that the BC Ferry Authority may set the terms of a BC Ferry Services Director and the terms may not exceed 8 consecutive years.

Given sensitivities pertaining to BC Ferries governance, these two Director appointees will need to be appointed as soon as possible following Royal Assent. The two new appointments are Shona Anne Moore and Marvin Harold Shaffer. Their appointments are effective upon pronouncement for a term of three years. Their biographies are attached.

To enact the changes and appoint the two Directors as soon as possible, these OICs will be scheduled for the first available cabinet meeting.

FINANCIAL IMPLICATIONS:

None



APPENDIX 1

Biographies:

Shona Anne Moore

Marvin Harold Shaffer

PREPARED BY:

Karen DeMeo, Manager
Transportation Policy Branch
778-974-5288

REVIEWED BY:

Jeremy Wood, Senior Legislative Director
Transportation Policy and Legislation Branch
Kathy Kirby, Executive Director
Transportation Policy and Legislation Branch
Deborah Bowman, Assistant Deputy Minister
Transportation Policy and Programs
Nancy Bain, ADM, Finance & Management Services
Department

INITIALS:

JW

KK

DB

NB

APPENDIX 1**Marvin Harold Shaffer**

Marvin Shaffer is a consulting economist and adjunct professor in the Public Policy Program at Simon Fraser University. He has extensive experience with crown corporations and other government agencies from the work he has undertaken in his consulting career and while working as head of the Crown Corporations Secretariat in the mid-1990's. Marvin was a lead negotiator for the GVRD leading to the creation of TransLink. He was the lead negotiator for the Province of BC arranging for the return of the downstream power benefits under the Columbia River Treaty upon the expiry of the original 30-year sale of the DSBs. He wrote a textbook on multiple account benefit-cost analysis of major project and policies and has lectured on benefit-cost analysis in Canada and Australia. Marvin has undertaken many major assignments for public and private sector clients, First Nations, unions and community organizations on energy, transportation and other areas.

Shona Anne Moore

Shona A. Moore Q.C., is a founding partner of Moore Edgar Lyster LLP. Ms. Moore restricts her law practice to labour relations and administrative law, including human rights and accommodation. Between 1983 and 1986, she served as a Vice-Chair of the B.C. Labour Relations Board. In addition to her law practice, Ms. Moore has been active in a number of professional and community organizations, including Westcoast Legal Education and Action Fund, the BC Civil Liberties Association, the Canadian Association of Labour Lawyers, and the Law Society of B.C. Ms. Moore is a frequent speaker at seminars and conferences addressing labour relations, human rights, professional ethics and privacy matters. Ms. Moore was educated at the University of British Columbia where she graduated from Law School in 1979.

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Page 62 of 86

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s.13; s.14; s.12

Page 63 of 86 to/à Page 70 of 86

Withheld pursuant to/removed as

s.12; s.13; s.14

Page 72 of 86 to/à Page 79 of 86

Withheld pursuant to/removed as

s.12; s.13; s.14

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Withheld pursuant to/removed as

s.14