

**OTTAWA-CARLETON REGIONAL TRANSIT COMMISSION
COMMISSION DE TRANSPORT RÉGIONALE D'OTTAWA-CARLETON**

**TRANSIT SERVICES COMMITTEE
COMITÉ DES SERVICES DE TRANSPORT EN COMMUN**

**REPORT NUMBER 00-18 TO THE COMMISSION
RAPPORT NUMÉRO 00-18 PRÉSENTÉ À LA COMMISSION**

The **TRANSIT SERVICES COMMITTEE** met on **26 JANUARY 2000** and submits the item contained in this Report for the information and/or approval of the Ottawa-Carleton Regional Transit Commission at its next regular meeting.

Le **COMITÉ DES SERVICES DE TRANSPORT EN COMMUN** s'est réuni le **26 JANVIER 2000** et soumet l'article du présent rapport à la Commission de transport régionale d'Ottawa-Carleton pour information et/ou approbation lors de sa prochaine réunion ordinaire.

PRESENT/PRÉSENCES :

Chair/Président : A. Loney

Members/Membres : M. Bellemare
W. Byrne
C. Doucet
D. Holmes
H. Kreling
J. Legendre

**SUBJECT: REQUEST TO OPERATE A SHUTTLE SERVICE -
APOLLO MANAGEMENT SERVICES**

**OBJET : DEMANDE D'EXPLOITATION D'UN SERVICE DE NAVETTE:
APOLLO MANAGEMENT SERVICES**

- | |
|--|
| <p>1. REQUEST TO OPERATE A SHUTTLE SERVICE -
APOLLO MANAGEMENT SERVICES</p> |
|--|

COMMITTEE RECOMMENDATIONS AS AMENDED

- 1. That the Transit Commission authorize the General Manager to enter into an agreement on behalf of the Commission whereby Apollo Management Services Ltd. will be allowed to operate a shuttle bus service taking only Via Rail crew members to and from the Ottawa train station and the WelcomINN Hotel and Chimo Inn Hotel.**
- 2. That the agreement with Apollo Management for the shuttle service be for a period of 3 years, subject to the requirements of subsequent provincial legislation.**

DOCUMENTATION

1. General Manager, OC Transpo report dated 17 Jan 00 is immediately attached.
2. Extract of Draft Minute, Transit Services Committee meeting of 26 Jan 00, follows the report and contains a record of all votes.

Our File/N/Réf.
Your File/V/Réf.

DATE: 17 January 2000

TO/DEST: Co-ordinator, Transit Services Committee

FROM/EXP: General Manager

SUBJECT/OBJET: **REQUEST TO OPERATE A SHUTTLE SERVICE-
APOLLO MANAGEMENT SERVICES**

DEPARTMENTAL RECOMMENDATION

That the Transit Services Committee recommend that the Transit Commission authorize the General Manager to enter into an agreement on behalf of the Commission whereby Apollo Management Services Ltd. will be allowed to operate a shuttle bus service taking only Via Rail crew members to and from the Ottawa train station and the WelcomINN Hotel and Chimo Inn Hotel.

BACKGROUND

The Commission has the exclusive franchise to operate a passenger transport service within the Urban Transit Area. This franchise, granted under the *Regional Municipality of Ottawa-Carleton Act*, applies with some exceptions to all transportation of passengers for reward except taxi service.

The Commission has, for a number of years, authorized some passenger transport services to operate where the service does not compete with existing OC Transpo services. On 18 September 1996, the Commission considered a proposed policy to determine where and when these services would be authorized and the conditions of authorizations. Staff were directed to return to the Commission with a report setting out criteria to ensure that the services would not compete with existing OC Transpo services or taxi services. In the intervening period, the Ministry of Municipal Affairs and Housing released a draft new Municipal Act under which the scope of the transit franchise and the manner for its enforcement would have been altered.

Consideration of the new policy was put on hold pending the results of these reforms. The introduction of this legislation has been substantially delayed; however, discussion of the legislation is expected to resume this year.

DISCUSSION

Apollo Management Services Ltd. (“Apollo Management”) manages the WelcomINN at 1220 Michael Street in Gloucester. It has entered into an arrangement with Via Rail Canada to provide accommodation for Via Rail employees during their layovers in Ottawa. As part of the arrangement, Apollo Management has agreed to provide a shuttle service between the train station, the WelcomINN and the neighbouring Chimo Hotel.

The Region’s Legal Department has been consulted and has indicated that the authority of the Commission is required in order to operate this service. Although the service is said to be complementary to Via Rail, it is clearly being provided either to obtain or retain hotel business. Based on existing court decisions defining a taxi, the eight-passenger van proposed to be leased and used by Apollo is too large to be a taxi and comes within the size of vehicle covered by the Commission’s exclusive franchise. Apollo Management has written to the Commission requesting authorization to operate this service.

Apollo Management proposes to operate an average of five trips per day seven days a week. The number of trips will depend in part on the number of trains running each day. Times of trips are subject to change based on train schedules but are expected to leave the train station at between 12:30 p.m. and 1:00 a.m. and leave the hotels at between 4:30 a.m. and 3:00 p.m. Train crews will be required to arrive at the train station early to prepare trains for departure. Only Via Rail employees would be permitted to use this service and direct routes between the two points would be required.

STAFF COMMENT

OC Transpo does not operate a direct service between the train station and the WelcomINN. Passengers would be required to transfer at the St. Laurent Station (if bus service is available) or walk to or from the St. Laurent Station and the hotel. Walking this distance of over one kilometre and crossing St. Laurent Boulevard would not be practical for a person carrying luggage. Via Rail crews do not currently use public transit because it is not compatible with their schedules. Therefore, staff is of the opinion that the operation of this service would not compete with existing OC Transpo service.

The operation of the shuttle service would also provide Via Rail with a guarantee of available transportation services for train crews at all times necessary to ensure rapid shuttling of crews between the hotels and the train station.

POTENTIAL COMMISSION AUTHORIZATION

Should the Commission authorize the operation of this service, Apollo Management would be required to enter into an agreement which would include the following conditions:

- stipulate the type of vehicle to be used, the specific routes to be used by the shuttle and restriction of use to Via Rail employees;
- require that a copy of a current Safety Standards Certificate for the vehicle be provided to the Commission;
- require proof of liability coverage of \$5 million for the carrier, the Commission and the Region;
- require that the carrier indemnify the Commission and OC Transpo from any liability arising from the operation of the service; and
- be for a term of one year, renewable yearly.

PUBLIC CONSULTATION

Public consultation is not required for this matter.

FINANCIAL IMPLICATIONS

Approval of this matter will have no financial implications or impact to OC Transpo.

*Approved by
Gordon Diamond*

Extract of Draft Minute
Transit Services Committee
26 January 2000

REQUEST TO OPERATE A SHUTTLE SERVICE -
APOLLO MANAGEMENT SERVICES

- General Manager's report dated 17 Jan 00

Commissioner J. Legendre referred to the policy authorizing some passenger transport services to operate where service does not compete with that provided by OC Transpo having been put on hold pending results of the *Municipal Act* reforms. He pointed out that the policy was first presented in 1996 and that, in 2000, proposals from private firms that want to provide such service are still being put on hold. Commissioner Legendre posited that, in 1996, staff could have been directed to proceed with agreements pending any legislative changes. He spoke about one company which was interested in providing a similar service to seniors but which has since gone bankrupt, and he called the Commission's manner of proceeding a cavalier way of dealing with the private sector and the business community.

Mr. Paul Hughes, legal counsel for the Transit Services Committee, indicated that the delay was caused by revisions to the *Municipal Act* under which the scope of the transit franchise and the manner of its enforcement would have been altered. He pointed out that, currently, an injunction is the only way to enforce the franchise, and this is seen as an onerous process. Mr. Hughes also said that the Ministry of Municipal Affairs and Housing (MMAH) is renewing consultation on the new *Municipal Act* in the year 2000. He indicated that Bill 25, which will take effect on 1 January 2001, will change the scope of the franchises and staff will want to monitor the changes and incorporate them into subsequent contracts. The Bill will also eliminate the provisions of the *RMOC Act*. In Bill 25, the new city can give itself exclusive franchise for buses and can regulate taxis. According to the definitions of these two services, and subsequent to court-imposed definitions, the potential for unregulated service exists, and the Region of Ottawa-Carleton has already made representations to the MMAH on this matter. The General Manager, G. Diamond, said staff will need to take a serious look at this matter and report back to Committee.

Commission Chair A. Loney asked whether the Commission is able to collect fees from the franchisees for sightseeing services. P. Hughes said the collecting of fees was not pursued in 1999 but operators will be approached in 2000. He suggested the Commission review the cost of franchises to operators, noting the cost is \$10,000 per operation, regardless of its size. Chair Loney emphasized the importance of

Extract of Draft Minute
Transit Services Committee
26 January 2000

reviewing this matter and of pursuing the collection of fees. He requested that the Committee receive an update on this matter in February or March.

Commissioner D. Holmes said she was surprised to learn that franchisees are not paying their fees. She asked that the report back to Committee include a policy framework, information on what operators are being charged and how the Commission can pursue them if they do not pay.

Responding to a question from Commissioner Legendre, Mr. David Habib, legal counsel for the proponent, Apollo Management, said his client would prefer a three-year contract to the one-year contract offered by staff. Commissioner Legendre put forward the following Motion in response to Mr. Habib's comment:

Moved by J. Legendre

That the agreement with Apollo Management for the shuttle service be for a period of 3 years, subject to the requirements of subsequent provincial legislation

CARRIED, as amended
(D. Holmes, A. Loney
dissented

Moved by H. Kreling

That the Transit Services Committee recommend that the Transit Commission authorize the General Manager to enter into an agreement on behalf of the Commission whereby Apollo Management Services Ltd. will be allowed to operate a shuttle bus service taking only Via Rail crew members to and from the Ottawa train station and the WelcomINN Hotel and Chimo Inn Hotel.

CARRIED