



OFFICE OF THE
BRITISH COLUMBIA
FERRIES COMMISSIONER

ORDER NUMBER: 19-01

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IN THE MATTER OF

Application Pursuant to Section 43 of the *Coastal Ferry Act* for a Temporary Service
Reduction on Route 20

BEFORE: Sheldon Stoilen, British Columbia Ferries Commissioner

ORDER

WHEREAS:

- A. British Columbia Ferry Services Inc. (“BC Ferries” or the “Company”) has submitted an application on December 31, 2018 (the “Application”) pursuant to the provisions of section 43 of the *Coastal Ferry Act* for authorization from the British Columbia Ferries Commissioner (the “commissioner”) to temporarily reduce service below the core service levels set out in the Coastal Ferry Services Contract for designated ferry route 20 connecting Thetis Island and Penelakut Island with Chemainus on Vancouver Island, on the basis that an extraordinary situation exists, namely, weather induced damage to the trestle and berth at Penelakut Island.
- B. BC Ferries states in its Application that on December 20, 2018, that the significant damage to the trestle on Penelakut Island rendered the berth unsafe for use and as a result

all sailings to and from Penelakut Island with the Kuper, the vessel which normally provides service to this island, have since been cancelled.

C. Section 43 of the *Coastal Ferry Act* states:

No reduction of service without authorization

(1) A ferry operator must not, except as permitted by the applicable Coastal Ferry Services Contract, reduce service on a designated ferry route below the core ferry services required for that designated ferry route unless the ferry operator first obtains the authorization or direction of the commissioner to do so.

(2) A ferry operator that wishes to temporarily reduce service on a designated ferry route below the core ferry services required for that designated ferry route must, unless a temporary reduction in service is authorized under section 42, make application to the commissioner for the authorization required by subsection (1) and must, in that application, justify the requested reduction in accordance with subsection (2.1).

(2.1) An application may be made under subsection (2) if an extraordinary situation exists and has resulted, or will result, in the ferry operator being unable to provide a required level of service.

(3) On application under subsection (2), the commissioner may authorize a reduction in service under subsection (1)

(4) If the commissioner agrees, under this section or section 42, to authorize a reduction in service on a designated ferry route, the ferry operator may reduce service on that designated ferry route in the manner, for the period and in accordance with the terms and conditions specified by the commissioner, but not otherwise.

D. BC Ferries states that while it is actively working to repair the significant damage done to the trestle and berth on Penelakut Island, it has implemented the following temporary changes to the service have been put in place effective December 21, 2018:

- Between Penelakut Island and Chemainus - water taxi service for passengers is being provided free of charge and is operating at the regular scheduled times using the government dock on the island – direct service with Chemainus only (initial capacity of 10 passengers for the period December 21-23; and capacity of 48 passengers for the period December 24 - present);
- Between Thetis Island and Chemainus - vehicle and passenger service is operating at the regular scheduled times with the Kuper – direct service with Chemainus only; and
- Between Thetis Island and Penelakut Island – no service is being provided (the Company will consider service for this connection if demand warrants); and

E. The commissioner is of the opinion that the reduction in service is for a temporary period and is for an extraordinary situation.

NOW THEREFORE the commissioner orders as follows:

BC Ferries is authorized to temporarily reduce service below the core service levels set out in the Coastal Ferry Services Contract for designated ferry route 20 connecting Thetis Island and Penelakut Island with Chemainus on Vancouver Island until such time as BC Ferries is able to return regular service subject to the following conditions:

1. BC Ferries must continue to provide service comparable to the adjusted schedules as set out in the Application until the trestle is repaired enabling a return to regular service and possibly provide service between Thetis Island and Penelakut Island if warranted by demand; and

2. BC Ferries must continue their communication activities in order to keep customers informed of the service disruption and apprised of the recovery efforts including:
- updating their webpage daily regarding the status of the trestle repair; and
 - continuing the dialog with Penelakut First Nation and the local Ferry Advisory Committee concerning the status of the trestle repair and possible improvements or changes to temporary service on Route 20.

DATED at Victoria, in the Province of British Columbia, this 3rd day of January 2019.

BY ORDER



Sheldon Stoilen
British Columbia Ferries Commissioner

December 31, 2018

Mr. Sheldon Stollen
British Columbia Ferries Commissioner
BC Ferry Commission
PO Box 9279 Stn Prov Gov
Victoria, BC V8W 9J7

Dear Mr. Stollen:

Re: Application Pursuant to Section 43 of the *Coastal Ferry Act* for a Temporary Service Reduction on Route 20

British Columbia Ferry Services Inc. ("BC Ferries" or the "Company") hereby applies pursuant to the provisions of section 43 of the *Coastal Ferry Act* for authorization from the British Columbia Ferries Commissioner (the "Commissioner") to temporarily reduce service below the core service levels set out in the Coastal Ferry Services Contract for designated ferry route 20 connecting Thetis Island and Penelakut Island with Chemainus on Vancouver Island, on the basis that an extraordinary situation exists, namely, weather induced damage to the trestle in Penelakut.

Section 43 of the *Coastal Ferry Act* states:

No reduction of service without authorization

43 (1) A ferry operator must not, except as permitted by the applicable Coastal Ferry Services Contract, reduce service on a designated ferry route below the core ferry services required for that designated ferry route unless the ferry operator first obtains the authorization or direction of the commissioner to do so.

(2) A ferry operator that wishes to temporarily reduce service on a designated ferry route below the core ferry services required for that designated ferry route must, unless a temporary reduction in service is authorized under section 42, make application to the commissioner for the authorization required by subsection (1) and must, in that application, justify the requested reduction in accordance with subsection (2.1).

(2.1) An application may be made under subsection (2) if an extraordinary situation exists and has resulted, or will result, in the ferry operator being unable to provide a required level of service.

(3) On application under subsection (2), the commissioner may authorize a reduction in service under subsection (1) if the commissioner is of the opinion that the reduction is for a temporary period and is for an extraordinary situation.

(4) If the commissioner agrees, under this section or section 42, to authorize a reduction in service on a designated ferry route, the ferry operator may reduce service on that designated ferry route in the manner, for the period and in accordance with the terms and conditions specified by the commissioner, but not otherwise.

Route 20 provides both direct and triangle sailings between Penelakut Island, Thetis Island and Chemainus. On December 20, 2018, adverse weather caused significant damage to the trestle on Penelakut Island rendering the berth unsafe for use. All sailings to and from Penelakut Island with the *Kuper*, the vessel which normally provides service to this island, have since been cancelled. While BC Ferries is actively working to repair the significant damage done to the trestle and berth on Penelakut Island, the following temporary changes to the service have been put in place effective December 21, 2018:

- Between Penelakut Island and Chemainus - water taxi service for passengers is being provided free of charge and is operating at the regular scheduled times using the government dock on the island – direct service with Chemainus only (initial capacity of 10 passengers for the period December 21-23; and capacity of 48 passengers for the period December 24 - present);
- Between Thetis Island and Chemainus - vehicle and passenger service is operating at the regular scheduled times with the *Kuper* – direct service with Chemainus only; and
- Between Thetis Island and Penelakut Island – no service is being provided (the Company will consider service for this connection if demand warrants).

While the repairs are underway, the government dock on the island is being used for the movement of passengers, supplies and service vehicles. BC Ferries has secured the government dock and a temporary landing ramp and placed temporary shelter and lighting to accommodate the use of the facility during the service disruption. BC Ferries has been working with the Penelakut Nation to assist, where possible, with such things as garbage disposal, power restoration, transportation options. Barge service is being provided, as required, for the transportation of commercial vehicles and BC Ferries' work equipment. To date, two round trips have been provided for commercial vehicles. Personal vehicles are not permitted on the barge.

The service schedules currently in place are provided in Appendix A. In developing its service plan in response to this incident, BC Ferries has engaged with the Penelakut First Nation and the Chemainus Thetis Penelakut Ferry Advisory Committee ("FAC"). With the primary disruption being isolated primarily to Penelakut, verbal briefings with officials of the Penelakut First Nation occurred early the next day following the incident on the plans for repair of the marine infrastructure and alternative service, while the remainder of the FAC was updated via email. Regular updates have continued to be provided and the lines of communication remain open.

In order to keep customers informed of the service disruption and apprised of the recovery efforts, the following activities have been undertaken:

- A message has been added to the minor routes 1-888 call queue advising of damage to the trestle and the availability of alternative water taxi service, and directing customers to the Travel Advisory web page for further information;
- Information on the incident and alternative service was posted to the Travel Advisory web page immediately following the incident. This page is updated daily with information including the status of progress with the trestle repair, or as new information is known;
- A service notice was posted by the Operations Security Centre;
- Twitter notifications have been posted, with Twitter being monitored and information being provided to customers with questions; and
- Media relations activities have been proactive, with responses to all media inquiries.

BC Ferries recognizes the considerable inconvenience that this service interruption has caused some of its customers and the affected communities. The Company is making best efforts to complete the trestle and berth repairs as quickly as possible, with the expectation that the work will be completed and service fully restored in early January, 2019; however, given the nature of the work, a precise date cannot be provided at this time.

Under Schedule "A" of the Coastal Ferry Services Contract, BC Ferries is permitted a short term service disruption to core service levels on each designated route of no more than 20 consecutive days or 30 cumulative days in a fiscal year for various circumstances, including dock breakdown and situations that compromise safety.

To the date of this application, a service disruption on route 20 from this incident of 11 consecutive and 11 cumulative days has occurred. This brings the total cumulative days with a service disruption on this route in the fiscal year to 13.

As indicated above, BC Ferries is making best efforts to complete the trestle and berth repairs at Penelakut Island expeditiously and to restore full service on the route as soon as possible. BC Ferries submits that an extraordinary situation exists that prevents the Company from providing the required level of service on route 20 and requests that the Commissioner authorize a reduction in service on the route until such time as the Company is able to complete the repairs and fully restore service to the route.

Should additional information be required in respect of this application, please contact me.

Sincerely,



Cynthia M. Lukaitis
Vice President and Corporate Secretary

Attach.



Appendix A: Route 20 Schedules

December 21, 2018 – present:

WATER TAXI direct service Penelakut (PENE) – Chemanius (CHEM)

Saturday - Thursday			Friday		
PENE - CHEM	CHEM - PENE		PENE - CHEM	CHEM - PENE	
1	6:30 AM	7:10 AM	1	6:30 AM	7:10 AM
2	7:45 AM	8:40 AM	2	7:45 AM	9:50 AM
3	9:35 AM	10:10 AM	3	10:30 AM	11:35 AM
4	10:55 AM	12:15 PM	4	12:05 PM	12:45 PM
5	12:50 PM	1:50 PM	5	1:40 PM	2:15 PM
6	2:55 PM	3:35 PM	6	3:10 PM	3:50 PM
7	4:10 PM	5:10 PM	7	4:25 PM	5:25 PM
8	6:00 PM	6:45 PM	8	6:15 PM	7:00 PM
9	7:40 PM	8:25 PM	9	7:55 PM	8:40 PM
10	9:00 PM	10:00 PM	10	9:15 PM	10:15 PM

KUPER direct service Thetis Island (THET) – Chemainus (CHEM)

Saturday - Thursday			Friday		
THET - CHEM	CHEM - THET		THET - CHEM	CHEM - THET	
1	6:15 AM	7:10 AM	1	6:15 AM	7:10 AM
2	8:05 AM	8:40 AM	2	8:05 AM	8:40 AM
3	9:15 AM	10:10 AM	3	9:15 AM	9:50 AM
4	11:10 AM	12:15 PM	4	10:50 AM	12:45 PM
5	1:10 PM	1:50 PM	5	1:20 PM	2:15 PM
6	2:40 PM	3:35 PM	6	2:55 PM	3:50 PM
7	4:30 PM	5:10 PM	7	4:45 PM	5:25 PM
8	5:45 PM	6:45 PM	8	6:00 PM	7:00 PM
9	7:25 PM	8:25 PM	9	7:40 PM	8:40 PM
10	9:20 PM	10:00 PM	10	9:35 PM	10:15 PM

Note: Effective January 1, 2019, in accordance with schedule improvements previously planned in consultation with the Ferry Advisory Committee, the sailing times for both service segments above, but not the number of sailings, on Friday's will change.