

# The New Brunswick Energy and Utilities Board

Who we are , and our Jurisdiction in  
Motor Carrier Matters

Cyril Johnston, Vice-Chairman

# Quasi-Judicial

- **Some of the powers of a court (Section 28 EUB Act)**
- **Able to make conclusions of law and conclusive findings of fact *based on the evidence* (Section 46 EUB Act)**
- ***Must follow rules of natural justice***

# The “Quasi” part

- **Board also has administrative responsibilities**
- **No Inherent Jurisdiction, Board is created and limited by Statute**

# What We Are Not

- **Not a Government Department**
- **Not advisors to Government on policy**

# Jurisdiction over Motor Carriers

- **The Board's Jurisdiction comes from the *Motor Carrier Act* and the *Energy and Utilities Board Act***
- **All licensed Motor Carriers are *Public Utilities***

# Jurisdiction over Motor Carriers

- All motor carrier licenses require the approval of the Board
- The Board issues motor carrier plates for *public motor buses* operating in New Brunswick, including vans and limousines

# Exemptions

- **The Motor Carrier Act does not apply to some buses, including:**
  - 1) Buses not operated “for gain”**
  - 2) taxicabs (fewer than seven passengers)**
  - 3) School buses transporting school children**

# Exceptions (continued)

- 4) Buses carrying passengers from trains, ships or airplanes, less than 25 kilometres**
- 5) Buses passing through the province without picking up or dropping off passengers**
- 6) Van Pools**



# Contiguous Zones

- **The Board can, and has, established zones in and around municipalities where motor carriers may operate without a licence from the Board.**
- **The effect of these zones is that most municipal transit systems are not regulated by the Board.**

# Types of Licences

- **The Motor Carrier Act allows the Board to grant two types of licences: regular or irregular**
- **These terms are better understood as “Scheduled” and “Charter”**

# Applications

- **Applications must contain considerable information, including a safety rating and proof of insurance**
- **Notice of all applications is published in the Royal Gazette**
- **Applications may be opposed**

# Test

- Applications shall be granted unless it has been shown that granting a licence *“would likely be detrimental to the interests of the users of public transportation services, to provincial economic or social development, or to intraprovincial, interprovincial, or international commerce.”*

*(Section 4.5, Motor Carrier Act)*

# Extreme Necessity

- **In cases of extreme necessity or emergency, the Board may grant a temporary permit for a period of up to thirty days.**

# Rates and Schedules

- **For scheduled service operators, the Board approves rates and schedules**
- **Hearings are held to establish or vary rates and schedules**

# Board's Authority

- **The Board may amend or revoke a licence if it finds a carrier is not providing proper service in accordance with its licence**
- **The Board may decide the service provided by a carrier should be expanded in frequency or points serviced**

# Discontinuance of Service

- **A licensed motor carrier may not abandon or discontinue any service without an order of the Board**