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**December 14, 2015**

The Honourable Marc Garneau  
Minister of Transport  
House of Commons  
Ottawa, Ontario, K1A 0A6

Sent by mail and email [marc.garneau@parl.gc.ca](mailto:marc.garneau@parl.gc.ca)

Dear Minister Garneau;

**Re: Port Metro Vancouver Container Truck Model Age Requirements**

We write on behalf of our members working in the container truck industry through the Vancouver ports to raise an urgent issue relating to truck model age requirements instituted unilaterally by Port Metro Vancouver (“PMV”) following the dispute of March 2014.

For several years, PMV has been plagued by labour issues connected to the drayage sector. Work stoppages in 1999, 2005 and again in 2014 caused significant delays in the movement of containers and led to millions of dollars in losses to the local and national economies.

Unifor represents the largest number of certified container truck drivers working out of PMV. On March 26, 2014, Unifor representatives met with British Columbia Premier Christy Clark, Minister Shirley Bond, Minister Todd Stone, and representatives from the Federal Government and the United Truckers Association (“UTA”). During these meetings a “Joint Action Plan” was agreed to. Following the signing of the Joint Action Plan, the Provincial Government withdrew the back-to-work legislation. The Joint Action Plan is intended to achieve labour stability in the drayage sector by providing overall better working conditions for truck drivers.

In December 2014, Port Metro Vancouver instituted a new license regime in preparation for the devolution of container truck licenses to the province and the subsequent enactment of the BC Container Trucking Act and the creation of an Office of the Container Truck Commissioner.

Port Metro Vancouver decided to enact more stringent requirements for container truckers than it uses on its own property and these measures that will cost truckers thousands of dollars with no compensation. In setting these truck model age requirements ('TMAR'), we believe that PMV failed to consider relevant factors as it incorrectly presumes that a truck with a model age more than ultimately ten years old is neither mechanically nor esthetically road worthy to continue to be used as a truck at the PMV.

The PMV's TMAR focuses solely on truck model age and goes to a 10 year maximum age as of 2022, with unspecified and therefore unfair terms for exemptions and does not allow for any exceptions regardless of truck mileage, actual engine age, retrofitting or compliance with opacity tests.

A large financial burden is placed on drivers with trucks older than model year 2007 as of January 1, 2017 because they have to have a diesel particulate filter ("DPF") at a cost estimated by PMV at \$15,000 to \$18,000 per truck compared to \$2,000 to \$3,000 per truck for a diesel oxidation catalyst ("DOC").

By comparison, older vehicles operating on the PMV by its tenants under different standards set by the PMV applicable to them (the "NRDE" standards) are not banned at any age, but are regulated on a less onerous, fee-based system which includes exceptions based on meeting emissions targets through equipment modification.

The PMV plans to implement the TMAR for the TLS 2016 Operating Year based solely on model age and equipment type rather than emissions objectives, and without any clear exceptions or monetary incentives for compliance.

The PMV's TMAR do not offer any monetary incentives to truck owners or owner/operators to comply with its conditions. This is inconsistent with competing ports in the United States such as Seattle which offer significant financial incentives to retire older vehicles and consequently causes unfair competition in favour of the United States and drives up costs for Canadians.

Finally, 100% of over 600 drivers including owner/operators responding to a survey by the PMV concerning the TMAR strongly oppose it. Regardless, the PMV is moving forward with its implementation for the 2016 operating year making it necessary for Unifor to file a lawsuit in federal court to deal with this matter and to appeal to your government.

We are asking for urgent intervention from your Ministry to set aside the anticipated decision of the PMV to implement the TMAR for the TLS 2016 Operating Year and for every Operating Year thereafter.

We understand that there are many urgent files facing the new government but these changes will start to hurt truck drivers beginning on January 1, 2016 as they make decisions on truck purchases unless there is some intervention.

We believe that at the very least the new measures should be held in abeyance until the PMV is ordered to procure an independent comprehensive environmental, economic and social viability and impact study regarding the PMV's TMAR with input from all affected stakeholders.

We look forward to working with officials from the Ministry of Transport on these urgent concerns as soon as possible.

Sincerely,

A handwritten signature in black ink that reads "Jerry Dias". The signature is written in a cursive, flowing style.

**Jerry Dias**  
**National President**

cc. Scott Doherty, Chief of Staff  
Gavin McGarrigle, Unifor British Columbia Area Director  
Paul Johal, President, Unifor Local VCTA

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