

**NOVA SCOTIA UTILITY AND REVIEW BOARD**



**IN THE MATTER OF THE MOTOR CARRIER ACT**

**- and -**

**IN THE MATTER OF AN APPEAL OF KINGS TRANSIT AUTHORITY** to amend its Motor Carrier License No. P02825 by deleting its Wolfville to Brooklyn Route providing service to Grand Pré, Hantsport, Falmouth, Windsor, Ellershouse, and Brooklyn

**BEFORE:** David J. Almon, LL.B., Member

**APPLICANT:** **KINGS TRANSIT AUTHORITY**  
Stephen Foster, Manager

**OBJECTOR(S):** Nine (9) members of the public

**HEARING DATE:** September 14, 2015

**DECISION DATE:** **September 30, 2015**

**DECISION:** **The Board approves the amendment to the Motor Carrier License by deleting its Wolfville to Brooklyn Route (Schedule A(6) and corresponding time table).**

## INTRODUCTION

[1] This is a Decision following a public hearing held by the Nova Scotia Utility and Review Board (“Board”) with respect to an Application by Kings Transit Authority (“Kings Transit”) to amend its Motor Carrier License No. P02825, by deleting its Wolfville to Brooklyn Route (Schedule A(6) and corresponding time table), which currently provides service to Grand Pré, Hantsport, Falmouth, Windsor, Ellershouse, and Brooklyn, Nova Scotia.

[2] Cessation of service is as a result of the Town of Windsor (“Windsor”) providing formal notice to Kings Transit that Windsor is ending its portion (29.02% of service costs) of a service agreement (“Agreement”) between Kings Transit and the Municipality of the District of West Hants (“West Hants”), Town of Hantsport, Windsor, and the Municipality of the County of Kings (“King County”), effective October 1, 2015, and further, as a result of West Hants subsequently providing formal notice to Kings Transit that it is ending its portion (47.53% of service costs) of the same Agreement.

[3] On July 2, 2015, Stephen Foster, General Manager of Kings Transit, filed an Application with the Board, outlining Windsor’s notice to end the service contract as follows:

Public Transit service within Hants West is cost shared between four partners each partner's portion is as follows. Kings County - 15.85%, Town of Hantsport - 7.60%, the Town of Windsor - 29.02% and the Municipality of West Hants - 47.53%.

The Town of Windsor has given formal written notice to end their portion of the service agreement. Without Windsor's participation in the service agreement their share of the costs will be divided amongst the remaining partners, increasing their costs to a point which they cannot afford.

Windsor's official end date will be September 30<sup>th</sup>, 2015.

[Exhibit K-1]

[4] Subsequently, Mr. Foster was notified by a letter from Cathie Osborne, CGA, CPA, Chief Administrative Officer for the Municipality of the District of West Hants, of the following:

At the West Hants Council held on July 14, 2015, the council of the Municipality of West Hants passed the following motion...

“that Council instruct staff to provide appropriate notice to Kings Transit of the intent of West Hants to withdraw from financial support for the service commonly known as Kings Transit - Hants West, effective 6 months from the date of notice of no later than January 31, 2016.”

Please be advised that pursuant to the Kings Transit Agreement signed on June 1, 2011 six months notice is hereby given, effective July 14, 2015, to withdraw from the agreement to provide public transportation services. Based on this notice the withdrawal of service will come into effect on January 14, 2016, unless a sooner date occurs as a result of Kings Transit's application to the UARB to cease servicing the Hants West area.

Council did not make this decision lightly but due to the withdrawal of service of the Town of Windsor resulting in higher costs to the municipality and the loss of ridership over the past few months, it was apparent the support for a rural service was no longer viable in this area.

[Exhibit K-4]

[5] The Notice of Amendment Application was published in the July 8, 2015, issue of the *Royal Gazette* and in *The Chronicle Herald* on August 1, 2015, *The Kings County (Kentville) Advertiser* on August 4, 2015, and *The Hants Journal* on August 6, 2015. The Board also directed Kings Transit to post the Notice of Application on its website and in its vehicles.

[6] The Notice of Public Hearing was issued on September 2, 2015.

[7] The Board received 25 letters of comment from individuals (see Appendix “A”), all of whom were opposed to the Application.

[8] The Board held the public hearing respecting the Application at the Louis Millett Community Centre Complex, Commercial Street, New Minas, Nova Scotia. The Kings Transit head office is located in New Minas.

[9] With the consensus of all the participants, four (4) officials, who had not registered but were in attendance, including Mark Pearl, Board Member, Kings Transit; Louis Coutinho, CAO, Town of Windsor; Michael Ennis, Councillor for District 12, Lower Wolfville; and Jim Winsor, Councillor for Kings County, agreed to speak (see paragraph 47) and field any questions from the affected residents.

## **I ISSUE**

[10] The issue before the Board is should the Board exercise its discretion and grant the Application, thus ending the bus service in question?

[11] For reasons discussed, the Board considers the answer to this question to be “yes.”

## **II EVIDENCE**

[12] Stephen Foster spoke to the Application to discontinue the route between Wolfville and Brooklyn. He testified that Kings Transit is a joint venture among three Towns and Kings County. Each has ownership in the authority through a service agreement. Outside that core service, Kings Transit provides service through service agreements to municipalities like Annapolis, Digby, and Hants West, as a joint group.

[13] He testified that they have been working with Hants West over the past year to try and change their service to make it more cost effective, after receiving word from joint councils that it was getting too expensive, and that they needed some efficiencies made in their service. He recommended to the joint council that service be dropped from

two buses to one, changing the hours and making some overall changes, which reduced the general cost of operating the system from \$397,000 a year to \$212,212.

[14] After the service change began in November 2014, the numbers dropped. He testified that they were at 32,000 passenger trips per year and the numbers dropped to around 19,000, which was expected, he testified, as with any service change.

[15] He testified that in March 2014 Windsor's Council decided that they were going to terminate the agreement with Kings Transit stating that they could no longer afford to support the service in the community. Meetings were held with the affected communities and another option was put on the table which would see costs further reduced to \$183,000 per annum.

[16] Mr. Foster testified that, at that point, West Hants indicated that they could no longer afford to operate the service either, so Kings Transit had no choice but to make the Application to discontinue the service. To operate the service without the support of Windsor and West Hants, it would be very expensive to have just one bus, with a driver, trying to run between Wolfville and the Hants border.

[17] In response to a question from Laurie Porter, a resident of Grand Pré, he agreed that partners pulling out of the service agreement creates a domino effect, nullifying the service agreement.

[18] Mr. Foster explained that Kings Transit is not designed to be a money maker. It is owned by the partners, and through service agreements, to be a service in the community and it is there for the public to use, with accessible buses. Discontinuing a section of the run is not something that Kings Transit takes lightly. If they could afford to, they would keep it going, but it would financially cripple Kings Transit if they were to

continue without the support of the partners. He also noted that there will be job cuts and layoffs as a result of discontinuing the service.

[19] Andrea Lynn stated that she was the founder of Shoreline Bus Service which became Kings Transit, and questioned Mr. Foster about funding from the Province. Mr. Foster responded that, up until 2014, they had received no provincial funds. The only funds they could receive from the Province were if they had applied for funding, for example, for surveys or programs. He further noted that the Province did recognize that there is a need for funding for transit, so it came up with a model based on ridership, and it is strictly for capital. It cannot be used for upgrading, and he testified that is the only contribution from the Province at this time.

[20] In response to another question, Mr. Foster emphasized that these were individual decisions made by Windsor and West Hants, and Kings Transit simply received written notice from them that they were severing the service agreement. When the funding is withdrawn, Mr. Foster testified that he has to “go on defence mode for Kings Transit” and try and protect the business and make sure everybody else in the other service areas will have a transit system in the future.

[21] Eleven members of the public registered to speak at the hearing.

[22] Sarah Lee Lewis is a resident of Wolfville and is the Public Affairs consultant and co-founder of Mermaid Theatre. She testified that the ending of service will affect her personally; as a senior citizen, she has chosen, for reasons of safety, economy, and environmental concerns, to embrace public transportation.

[23] She spoke of how the availability of affordable and reliable public transportation has been a major factor in enabling the Mermaid Theatre to offer full-time

and contract engagements to temporary and full-time residents of Wolfville, Avonport and Hantsport, who are professional artists, artisans and technicians. As well, the theatre has been able to provide unique, creative experiences for elementary school children in Avonport and Hantsport to travel to their headquarters regularly for performances and workshops not otherwise available to rural children, their teachers and their families.

[24] Ms. Lewis is a regular commuter from Wolfville to Windsor and she acknowledged that ridership has not been optimum. However, she has witnessed a cross-section of citizens who have come to view the service as essential, one that has enabled citizens to shop, worship, and attend day cares, classes, workshops and medical appointments. Ms. Lewis suggested that it takes vision and commitment, both for tax payers and their representatives, to fight for issues that are fiscally challenging. The decision by Kings Transit will result in considerable loss to the quality of life of Kings and Hants County residents.

[25] Jocelyne Marchand lives in Grand Pré. She questioned the timing of the hearing, suggesting that it might be a “rubber stamping exercise.” Ms. Marchand finds it appalling that a decision that has been made by two municipalities, of which she is not a resident, is going to affect a service that is available to a resident of Kings County considering the short distances. She totally supports the people of Hants and Windsor for wanting to maintain their services and feels the need to “be pounding at the door of your elected officials.” She pointed out that tremendous amounts of money have been spent to keep a ferry going between Nova Scotia and the United States and to keep the Bluenose in the water. To her, there is a disconnect between the reality of a service that

is needed and the perceived reality of services that are “nice to have because someone from Boston can get here more quickly...”

[26] Ms. Marchand noted, referring to the minutes of the Council meeting, that there was a brief discussion, although no real evidence of the thought process and what arguments were being made, before the decision was made.

[27] Michael Graves of Curry’s Corner, outside the town limits of Windsor, spoke. His main means of transportation is the transit system. He uses it to go shopping, to go to the hospital for bloodwork, x-rays and to attend his other medical appointments. He also uses it for recreation. He lives in a seniors’ complex and is on a “very fixed” income. He has held a monthly pass since September 2011. He feels that the County of West Hants and the Town of Windsor have done nothing to promote the public transit. The buses are used on a regular basis by people who need the service to get to work, to their doctors, to school and for many other reasons.

[28] Mr. Graves testified that a petition was signed by 453 Hants County and Windsor tax payers who support the transit system. He pleaded with the County, West Hants and Windsor not to discriminate against the seniors and disabled as if it were “some sort of inconvenience.”

[29] Pauline Raven serves on the Board of Kings Transit. She testified that the loss of a “passing bus” will mean little to most. For those with cars they will still be able to independently access all the services that they want, whether the bus passes or not. On the other hand, she testified that there are, and will continue to be, community members who do not have, and cannot have, a personal vehicle because of their low income or health status. They are people for whom the cancellation of public

transportation eliminates the most affordable means of independent travel. With the elimination of this service comes a greatly diminished ability to independently access needed services. There is a responsibility to recognize that helping maintain this public transit route is in the public interest generally, but more specifically, to those that are the most vulnerable.

[30] She testified that it is the responsibility of the municipalities to produce the operational funds required to keep the routes open. The decision made by Windsor and West Hants, she reasoned, is premature.

[31] Judith Fulton resides in Windsor, having moved from Dartmouth 16 months ago to be closer to her daughter. She testified that when she moved to Windsor she gave up her car because she knew there was a bus service. It was she, along with a friend, who started the petition garnering some 453 signatures. She told the Board that when she presented the petition to the Town Council in Windsor they were very condescending and told her that they would look at alternative sources of transportation. When she presented the petition again to West Hants Council, they told her they had no choice but to drop out because Windsor cut out its funding without any input from the citizens.

[32] She reasoned that if they cut out the bus they might as well cut Windsor and West Hants out of the whole Valley, because there will be nothing left.

[33] Lacie Sullivan resides on Candle Lane in Curry's Corner and has been a frequent rider with Kings Transit, which is important to her because it is wheelchair accessible and available every day except Sundays. If the service is stopped, she will become totally dependent upon Dial-a-Ride, which is not always available to her.

[34] Naomi Blanchard resides in Grand Pré and is a retired urban planner and senior manager in both the public and private sectors. From 2003 to 2013 she was formerly the chair and vice-chair of Kings Point-to-Point Transit. She told the Board that transit, either fixed point or point-to-point, is fundamental to the sustainability of rural communities in Nova Scotia.

[35] As a planner, her concern is that the decision to withdraw services is being made without collaboration, without even her MLA being present today. She wondered why staff from Municipal Affairs were not in attendance as well. There should be a meeting with stakeholders and Provincial and Municipal officials in an attempt to seek a solution to this problem. This is an essential service for many people today, she reasoned, but many more tomorrow, as the population ages. If rural communities in Nova Scotia are going to survive, transit is as essential as high speed Internet.

[36] Jackie Benedict resides in Windsor. A graduate of the School of Social Work eight years ago, Ms. Benedict described herself as being legally blind, unable to drive, and unable to secure employment, and presently living on income assistance. She testified that she relies upon Kings Transit, Green Rider, and anybody else who will drive her where she can't walk. She expressed concern that the hearing was being held in New Minas when she felt it should have been in Windsor, where the service is being discontinued.

[37] Ms. Benedict has used the bus to receive services from Community Inclusion in Kentville, services which were not available in Windsor. As well, the Valley Regional Hospital has several services for patients and volunteer opportunities that are not available at the Windsor Hospital.

[38] She testified that she uses the bus for shopping because there are specialized shops in New Minas and Kentville and all throughout the Valley that Windsor does not have.

[39] Ms. Benedict also commented on route changes, noting that she had passed up several chances to apply for work in Kings County, as the hours would not get her to Wolfville by 5:00 pm to catch the last bus to Windsor. She frequently takes the bus to Toastmasters and has to stay overnight at a friend's house or, oftentimes, someone from Toastmasters will drive her home, because Toastmasters starts at 6:30 pm and ends at 8:00 pm.

[40] Ms. Benedict reasoned that if the service is removed there will be a significant impact on seniors, low-income single parents, and families with children, students, physically and intellectually disabled persons, business people, working-class people, and persons with mental health issues. Some will have to move or find more expensive transportation, taking on the costs themselves, while others have no options due to financial concerns, or the fact that they have disabilities. The bus is an essential service and not a luxury service for passengers.

[41] She suggested that they need good leadership, people who are more concerned about her community than councillors fighting with each other. Leaders should look to successful models of public transportation in small communities and other parts of the world that are successful.

[42] Madeline Taylor is a social worker who has a private practice in Wolfville. She has worked with the chronic mentally ill and people who come to a social skills group, and is quite aware of their problems with transportation. Transportation is included in a

list of “best practices” when looking at people with mental and physical disabilities. Perhaps, she suggested, the funding source should be from the Department of Health and not the transportation budget.

[43] She noted that Nova Scotia has the highest proportion of seniors – a group who will eventually depend upon bus service as they age, with health and vision issues that limit them.

[44] Elizabeth Galbraith resides in Windsor and is a former Town councillor. She served on Council when the bus service was brought in. She questioned why the bus service was in jeopardy, concluding that the bus service is a casualty of “extremely poor” municipal/inter-municipal relations between Windsor and West Hants, and it is also a casualty of “elitist priorities” of the Windsor Council. Ms. Galbraith feels that the transit system in Hants West has not been effectively promoted. The argument that bus service in Windsor is not affordable, in her opinion, is “not true.” She added that Windsor or West Hants are nowhere near financial crisis, and this can be easily proven through the Nova Scotia Government data.

[45] She expressed disappointment that there were no councillors present from Windsor or West Hants and no political will to pursue a remedy. The Municipalities simply chose to gut the service and then to cancel it, leaving Kings Transit “holding the bag,” which she felt was inappropriate and unfair. Discontinuation of the services is tantamount to discrimination against those unable to afford independent means of transportation, she argued.

[46] Craig Connolly resides on Roy Avenue in New Minas. He voiced his disappointment at the decision to discontinue bus service, which he uses to travel to

Windsor on occasion. He also stated that residents at the Kentville group home benefit from the use of the bus service.

[47] Mark Pearl is the Deputy Mayor of Kentville, and is on the Board of Kings Transit which, he emphasized, supports public transport in the Valley and has for the past 30 years.

[48] He described the role of the Kings Transit board to manage the funds that come from the contributing partners in Kings County, the three towns in Kings County and the Municipality, which is the largest funder. They work with outside municipalities such as Windsor and Hants West on service agreements that are stand-alone agreements that fund the operation. His mandate from Kings is to fund the service they run in Kings. The outside service is funded by the outside municipalities, but they work as one cohesive unit. He testified that they cannot fund, as a core, outside expenses. The municipalities have stepped up year after year to provide the service for those who live in Kings County. It is his view that Windsor and West Hants do not have the same vision that Kings County municipalities have. Change is only going to come if the municipalities that are deciding to delete the service have a change of heart.

[49] Louis Coutinho is the CAO of Windsor. Responding to questions from Laurie Porter and William Zimmerman, he noted that Windsor residents face among the top five highest tax burdens in the Province. Mr. Coutinho testified that Windsor is currently building a sewage treatment plant at a cost of \$10 Million and is supported by 3700 residents, or 2100 households. He stated that, if this (bus) service was reinstated, cuts would have to be made elsewhere, which decisions are made by the Councillors, who are, themselves, accountable to the citizens.

[50] He stated that Council had reached a stage where they had to make a decision. He stated that the service is “grossly underutilized,” and that “80% of the buses that run are empty.”

[51] He said that Council was reluctant to impose additional taxes to maintain the service.

[52] Mr. Coutinho readily acknowledged that cutting the bus service has social implications, and that “you cannot argue with those who spoke in opposition to this Application.”

[53] Mike Ennis resides in Lower Wolfville and is, presently, Councillor for District 12. He testified that the decision of Hants West and Windsor pulling out of the agreement adversely affects the east end of Kings County, and disadvantages the people who use the Kings Transit. Any decision to discontinue any service east of Wolfville will, he testified, be a backward move for the residents of that area.

[54] Jim Winsor resides in New Minas and is a Councillor for Kings County. It is his view that a public transportation system seems to be a hallmark of successful, sustainable communities, such as the rural integrated community in which he resides.

[55] The messaging and the “words and the faces” heard at the hearing, he reasoned, tell the story about the impact the shutting down of service will have on the community. He described the ending of service: “we are breaking a bridge between the Counties by discontinuing that service. Instead of building stronger ties and links, we’re going to cut the ties and links to some degree.”

### III FINDINGS

[56] The *Motor Carrier Act*, R.S.N.S. 1989, c. 292 (“*Act*”) regulates motor carrier operators in Nova Scotia to ensure there is a quality, safe, sustainable motor carrier industry in the Province. To accomplish this, the Legislature has authorized the Board to regulate virtually all aspects of the industry. Within Nova Scotia, the industry is regulated under the *Act*. Consequently, all applications are considered in accordance with the *Act*.

[57] Section 24 of the *Act* provides:

#### **Abandonment of service or cancellation of license**

24 (1) No motor carrier shall abandon or discontinue any service provided for in his license for the operation of a public passenger vehicle without an order of the Board which shall be granted only after a hearing upon such notice as the Board may direct.

(2) When the Board authorizes a motor carrier to abandon or discontinue a service, the Board shall cancel the license of the motor carrier or shall vary the license in accordance with the terms of the authorization.

(3) When a motor carrier has been authorized by the Board to abandon or discontinue any such service or when his license has been cancelled, he shall remove from the vehicles operated by him pursuant to his license such distinctive marking or markings or sign as has been placed thereon in compliance with this Act. R.S., c. 292, s. 24; 1992, c. 23, s. 21.

[58] In determining any application, the Board may consider a variety of issues and factors, including any public interest, as outlined in s. 13 of the *Act*:

#### **Factors considered**

13 Upon an application for a license for the operation of a public passenger vehicle or for approval of the sale, assignment, lease or transfer of such a license, the Board may take into consideration

(a) any objection to the application made by any person already providing transport facilities whether by highway, water, air or rail, on the routes or between the places which the applicant intends to serve, on the ground that suitable facilities are, or, if the license were issued, would be in excess of requirements, or on the ground that any of the conditions of any other license held by the applicant have not been complied with;

(b) the general effect on other transport service, and any public interest that may be affected by the issue of the license or the granting of the approval;

(c) the quality and permanence of the service to be offered by the applicant and the fitness, willingness and ability of the applicant to provide proper service;

(ca) the impact the issue of the license or the granting of the approval would have on regular route public passenger service;

(d) any other matter that, in the opinion of the Board, is relevant or material to the application. R.S., c. 292, s. 13; 1990, c. 35, s. 4; 1992, c. 23, s. 10.

[59] The nature of the business of Kings Transit is to operate a fleet of buses in Kings, Annapolis, Hants and Digby Counties. It provides transit services to Annapolis, Digby, and Hants Counties through a service agreement.

[60] In June 2011, Kings Transit entered into an Agreement with West Hants, Town of Hantsport, Windsor, and Kings County to provide public transport, pursuant to ss. 55 and 61 of the *Municipal Government Act*, S.N.S.1998, c. 18, as amended, which provides:

**Public transportation service**

55 (1) A municipality may provide a public transportation service by

- (a) the purchase of vehicles or vessels and operation of the service;
- (b) providing financial assistance to a person who will undertake to provide the service;  
or
- (c) a combination of these methods.

(2) The *Public Utilities Act* does not apply to a public transportation service within a municipality that provides the service. 1998, c. 18, s. 55.

...

**Agreements**

61 (1) A municipality or a village may agree with any person for the provision of a service or a capital facility that the municipality or village is authorized to provide.

(2) An agreement made pursuant to subsection (1) may allow for the lease, operation or maintenance of the facility or provision of the service by a person, including the sale or disposition to that person of property of the municipality or village that continues to be required for the purposes of the municipality or village, as the case may be. 1998, c. 18, s. 61.

[61] As part of the Agreement, all payments on account of the net operating results of Kings Transit were paid according to the following percentages:

- Municipality of the County of Kings – 15.85%;

- Municipality of the District of West Hants – 47.53%;
- Town of Hantsport – 7.60%;
- Town of Windsor – 29.02%.

[62] Effective July 1, 2015, this Board ordered the dissolution of the Town of Hantsport, and it became a part of the Municipality of West Hants. As well, subsequent to the year end, the Town of Windsor and West Hants gave notice to Kings Transit that they were withdrawing from the Agreement with tentative effective dates of September 30, 2015, and January 14, 2016, respectively.

[63] Mr. Foster testified that Kings Transit is not designed to make a profit, but is owned by the partners, and through service agreements, to be a service in the participating communities for the use of the public. It is obvious to the Board that the decision to make this Application was not taken lightly. The move comes after the transit service reduced bus frequency to cut costs. That dropped ridership from 32,000 to 19,000 annual passengers and, in light of the low ridership, the municipalities that funded the service have opted to withdraw their support. The loss of this funding has enormous consequences for Kings Transit and the communities it serves.

[64] The Board recognizes that the evidence before it suggests this is part of “rural decline,” which poses significant political, economic and social challenges for the area’s future.

[65] The Board was struck by the many letters received from individuals outlining their opposition to ending the service. Equally moving were the passionate pleas from the members of the public attending the hearing, who were, as Councillor Winsor put it,

the “words and faces” of those affected; they spoke of the impact the shutting down of service will have on the community.

[66] It is clear to the Board, as Ms. Benedict so eloquently articulated, that removal of the service will impact seniors, low income single parents and families with children, students, physically and intellectually disabled persons, business people, working class people and persons with mental health issues.

[67] The Board has repeatedly acknowledged the importance of public transportation, in particular, for those who, for various reasons, such as health and income, may have no other source of independent transportation and, in some cases, no other source of any transportation. The Board has also noted the use of these services extends to work, school, medical appointments and reducing isolation by enabling people to visit family and friends, *Perry Rand*, 2005 NSUARB 74, para. 64; *Kevin Bulley o/a Need-A-Lift Transportation Services*, 2006 NSUARB 27, para. 25 and 27; *Absolute Charters Inc. (Re)*, 2013 NSUARB 21, para. 80; and *A Day By the Sea Tour Limited (Re)*, 2014 NSUARB 68, para. 122, to mention a few.

[68] In the past, the Board has considered applications from privately-owned carriers to abandon line-run service. Although the decision by the Board in *Acadian Inter-City Coaches LP* (2012), NSUARB 170 relates to an application for abandonment by a privately-owned carrier, the Board considered the comments by Vice-Chair Deveau, in quoting the counsel for *Acadian*:

...the primary test to be applied by the Board is that of the public interest. He submitted that it is not in the public interest for a carrier to be obligated to continue operating while losing money year after year.

...the Board finds that the line-run service provided by Acadian is no longer sustainable. The Board refers to s.13 of the *Motor Carrier Act*. In its view, it is not in the public interest for a private operator to continue a service which is not sustainable, in terms of ridership and financial performance. In the circumstances, taking into account the criteria in s. 13 of

the *Motor Carrier Act*, the Board concludes that Acadian no longer has the “fitness, willingness and ability...to provide proper service”. Further, the “quality and permanence” of line-run service is no longer sustainable.

[69] Similarly in 2005, the Board granted authority for the abandonment of the line-run service on the Eastern Shore where Board Member Dhillon made the following comments in *Perry Rand Transportation Group Limited*, 2005 NSUARB 74:

[68] The Board having considered the public interest and the financial situation of the Company believes that the approval of the application is in the best interest of the public. The Board hopes that this will provide opportunities, on a long term basis, for other carriers and all levels of government to provide a permanent and reasonably viable service in the area.

[70] Mr. Foster testified that Kings Transit is not designed to make a profit; however, its operation depends on receiving payment towards its operating costs from the municipal units who were signatories to the Agreement.

[71] In this case, the Municipalities serviced by the Wolfville to Brooklyn route have terminated their funding for it. The service is no longer sustainable without their contributions. To force Kings Transit Authority to maintain the service, without the funding from the Municipalities involved, would negatively impact its ability to service its other routes supported by the other Municipalities in the Valley. This in turn, would affect the overall services provided by Kings Transit Authority.

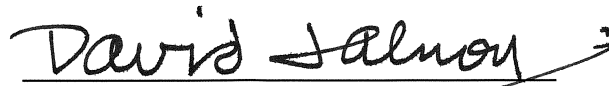
[72] In the Board’s view, the Board finds it is not in the public interest for Kings Transit Authority to continue a route which is not sustainable.

[73] Reluctantly, the Board is left with no options in the circumstances but to approve the Application of Kings Transit Authority to abandon its Wolfville to Brooklyn route which, currently, provides service to Grand Pré, Hantsport, Falmouth, Windsor, Ellershouse, and Brooklyn.

[74] The Board's Order respecting this discontinuance of service and abandonment is effective 12:01 a.m. on October 1, 2015.

[75] An Order will issue accordingly.

**DATED** at Halifax, Nova Scotia, this 30th day of September, 2015.

  
David J. Almon

**Appendix "A"**

**Kings Transit Authority  
Application to Amend Schedule F  
M06983/PAM-15-24**

**LETTERS OF COMMENT**

<b>No.</b>	<b>Name</b>	<b>Date Received</b>
1	Michael Graves	August 24, 2015
2	Lorraine Card	August 25, 2015
3	Sara Lea Lewis (Mermaid Theatre)	August 25, 2015
4	Barry Walker	August 26, 2015
5	Darlene Smith	August 26, 2015
6	Wendy Aylward	August 26, 2015
7	Leah Caitlan	August 26, 2015
8	Jaclyn Holland-Strauss	August 26, 2015
9	Lisa Brennan	August 26, 2015
10	Wanda Eisan	August 26, 2015
11	Judith Fulton	August 26, 2015
12	Howard Pulsifer	August 26, 2015
13	Gwen Murphy	August 26, 2015
14	Chris Aitken	August 26, 2015
15	Jennifer White	August 26, 2015
16	Paul Syme	August 27, 2015
17	Tessa Mendel	August 27, 2015
18	Natalia Lynch	August 27, 2015
19	Irene Sisco	August 27, 2015
20	Naomi Blanchard	September 1, 2015
21	Jackie Benedict	September 14, 2015
22	Naomi Blanchard	September 14, 2015
23	Saralee Lewis	September 14, 2015
24	Madeline Taylor	September 14, 2015
25	Colin Bowes	September 23, 2015