



Canadian Association of Movers Hours of Service Workshop September 18, 2006



Federal HOS regulations

- + Federal HOS regulations apply to drivers of extra-provincial motor carriers, regardless of country of origin (e.g. U.S.)
 - Scope:
 - Trucks with registered gross vehicle weight > 4,500 kg
 - Buses with a seating capacity of > 10, including the driver
- + Provinces/territories (P/T) enforce the federal hours of service regulations
- + Similar regulations in P/Ts



Rulemaking process

- + Based on significant and collaborative research with U.S.
- + Involved P/T and stakeholder input, including safety advocates, labour, industry, drivers associations, etc.
- + Reviewed by House of Commons Standing Committee on Transportation (SCOT) :
 - Held public hearings
 - Endorsed the proposed changes (June 2002)



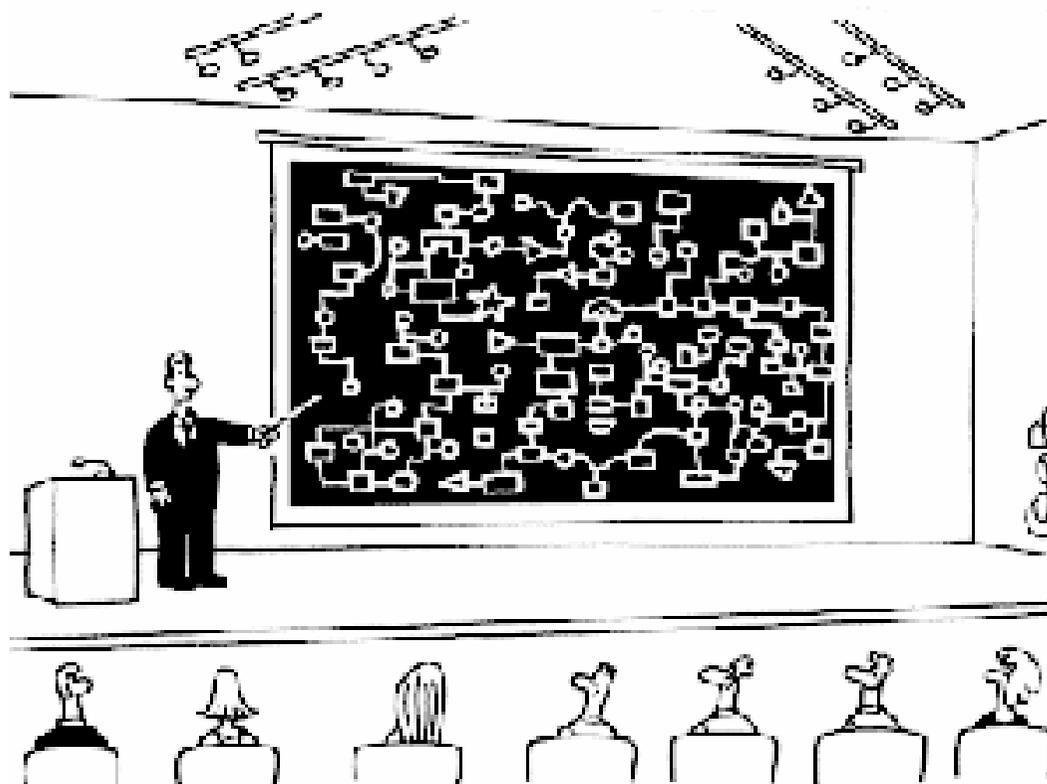
Rulemaking Process cont'd

- + On September 20, 2002, F/P/T Ministers endorsed the revised NSC Standard #9 and agreed to initiate regulatory action based on the standard.
- + On February 15, 2003 proposed federal regulations were published in the Canada Gazette Part I
 - ▶ TC has been working with P/Ts and stakeholders to address technical/legal comments
 - ▶ Process delayed – to iron out technical and procedural issues



Rulemaking Process cont'd

- + On November 16, 2005 federal regulations were published in the Canada Gazette Part II
- + Provinces and territories are busy drafting their own regulations
- + Implementation date for fed/prov/terr regulations is firmly set for January 1, 2007



Critical path to redrafting the Hours of Service Regulation in Canada



Implementation plan

- + CCMTA has completed Application Guide in form of PDF file, >160 questions and >60 pages
- + Guide available for free on CCMTA website
- + P/Ts are busy training enforcement officers
- + Industry should be busy training their drivers on the new rules
- + We have compiled parked issues and potential amendments for when we revise Standard #9 in the future



Implementation cont'd

- ✚ We need to draft some corrections and technical amendments and re-publish in Gazette II before the January 1
- ✚ TC will update fines for federal Contravention Regulations for HOS, also will establish new fines related to safety fitness, MVTA and Carrier Safety Fitness Certificate Regulations
- ✚ Possible delay? Not very likely. All prov/terr have indicated they will have their legislation ready. CCMTA is monitoring monthly
- ✚ Likely 6 month soft enforcement/education period, written warnings/no charges



Implementation cont'd

- + TC and CCMTA will monitor on-going court challenges in US rule and expected regulation changes (i.e. NPRM's expected for supporting documents and EOBR's this Oct/Nov)
- + TC prepared discussion paper on EOBR's for Council of Deputy Ministers which they are discussing today in Charlottetown (also wrote paper for them on Speed Limiters)
- + TC is currently developing some education materials for industry such as brochure, wallet card and poster



Changes to the Regulation

No Sleeping Between the Seats





Key changes

- ✚ Introduce a 24-hour work and rest cycle
 - Current regime is based on a 21-hours rotation (e.g. 13 hours driving/8 hours off-duty/13 hours driving etc.)
 - Fatigue research pointed to the need for more recuperative rest
 - Proposal provides drivers opportunity to have more rest
- ✚ Contains work shift limitations like the current rule but also establishes daily limitations
- ✚ The “day” is fixed, however the shift “floats”, likely in synch with day but doesn’t have to be - it’s flexible



General rules: **daily**

- + “Day” defined as “a 24-hour period that begins at the hour designated by a motor carrier and is maintained for the duration of the cycle”
 - Start time of the day can only be changed after a cycle reset of 36 or 72 hours
- + 10 hours off-duty time must be taken daily
- + No driver shall drive after accumulating:
 - 13 hours of driving time
 - 14 hours of on-duty time



General rules: **work shift**

- New work shift starts when a driver reports for duty, after having taken at least 8 consecutive hours of off-duty
- Within the work shift, no driver shall drive after accumulating:
 - 13 hours of driving time
 - 14 hours of on-duty time
 - **16 hours of elapsed time**
- When any of these limits are reached, the driver must take a minimum of 8 consecutive hours off-duty before starting to drive again



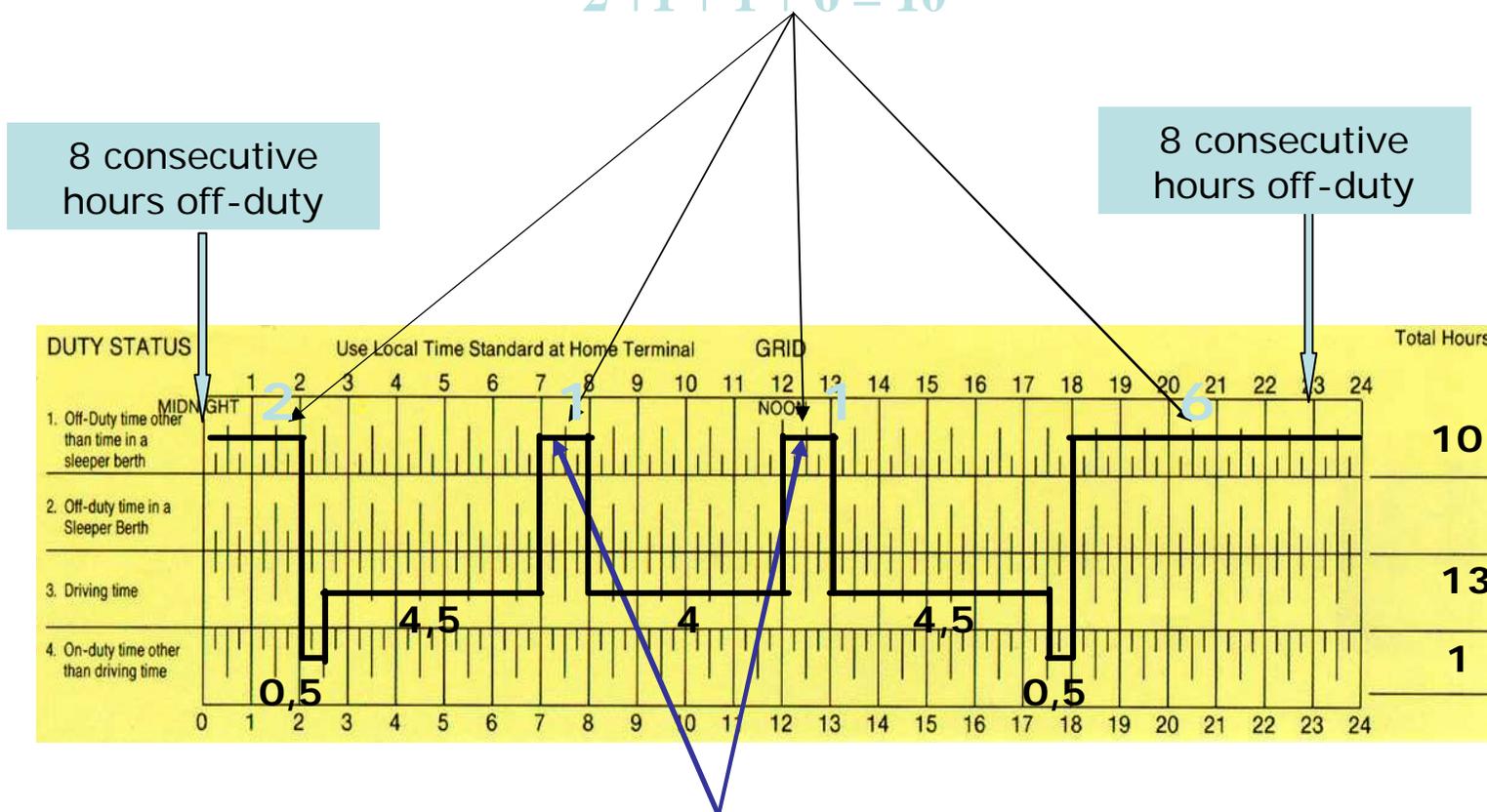
Other key changes

- + Reduced cumulative driving limits in a 7 day cycle from 108 hours to 84 hours, which currently can be achieved by switching between different work schedules
- + Simplified work schedule options from 3 to 2
 - 1) 70 hrs on-duty per 7 days
 - 2) 120 hrs on-duty per 14 days
- + Modified provisions for sleeper berth

Example

10 hours of daily off-duty time :

$$2 + 1 + 1 + 6 = 10$$



2 hours of off-duty time that does not form part of the required **period of 8 consecutive hours of off-duty time.**

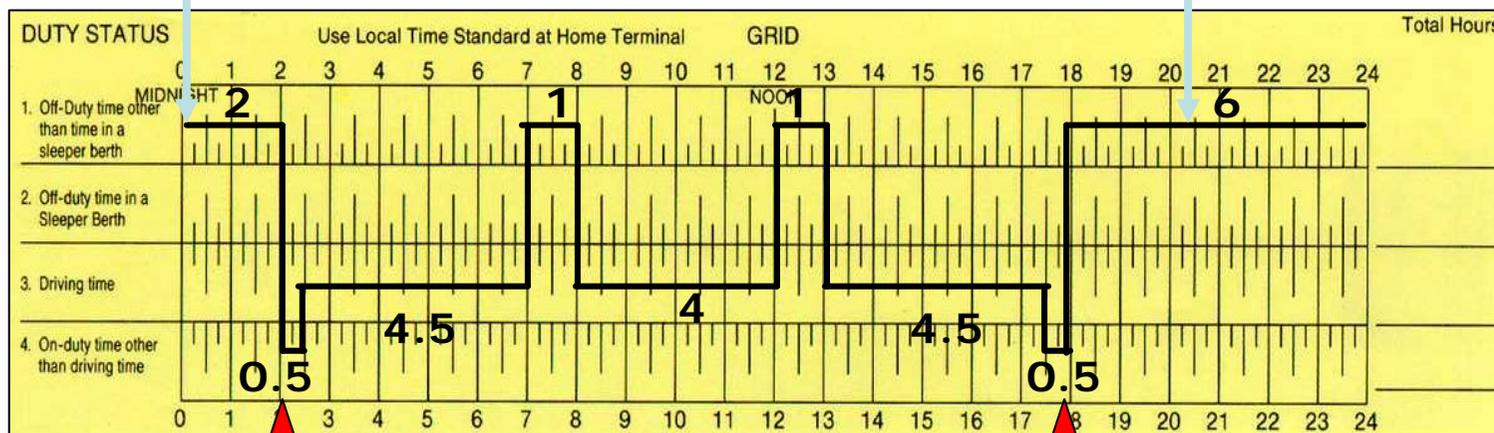


Example

Working Window

8 consecutive hours off-duty

8 consecutive hours off-duty



Beginning of working window

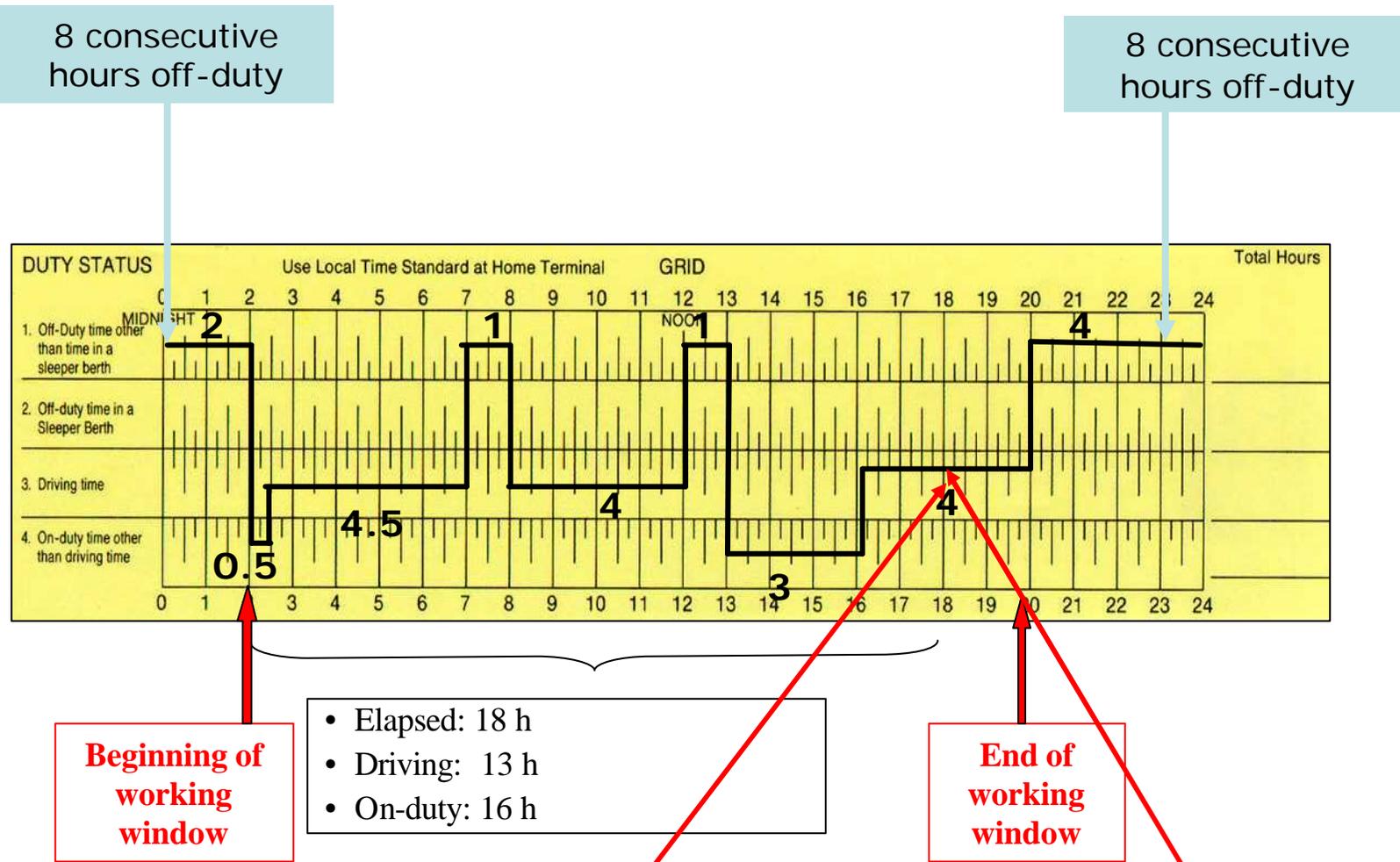
- Elapsed: 16 h
- Driving: 13 h
- On-duty: 14 h

End of working window



Example

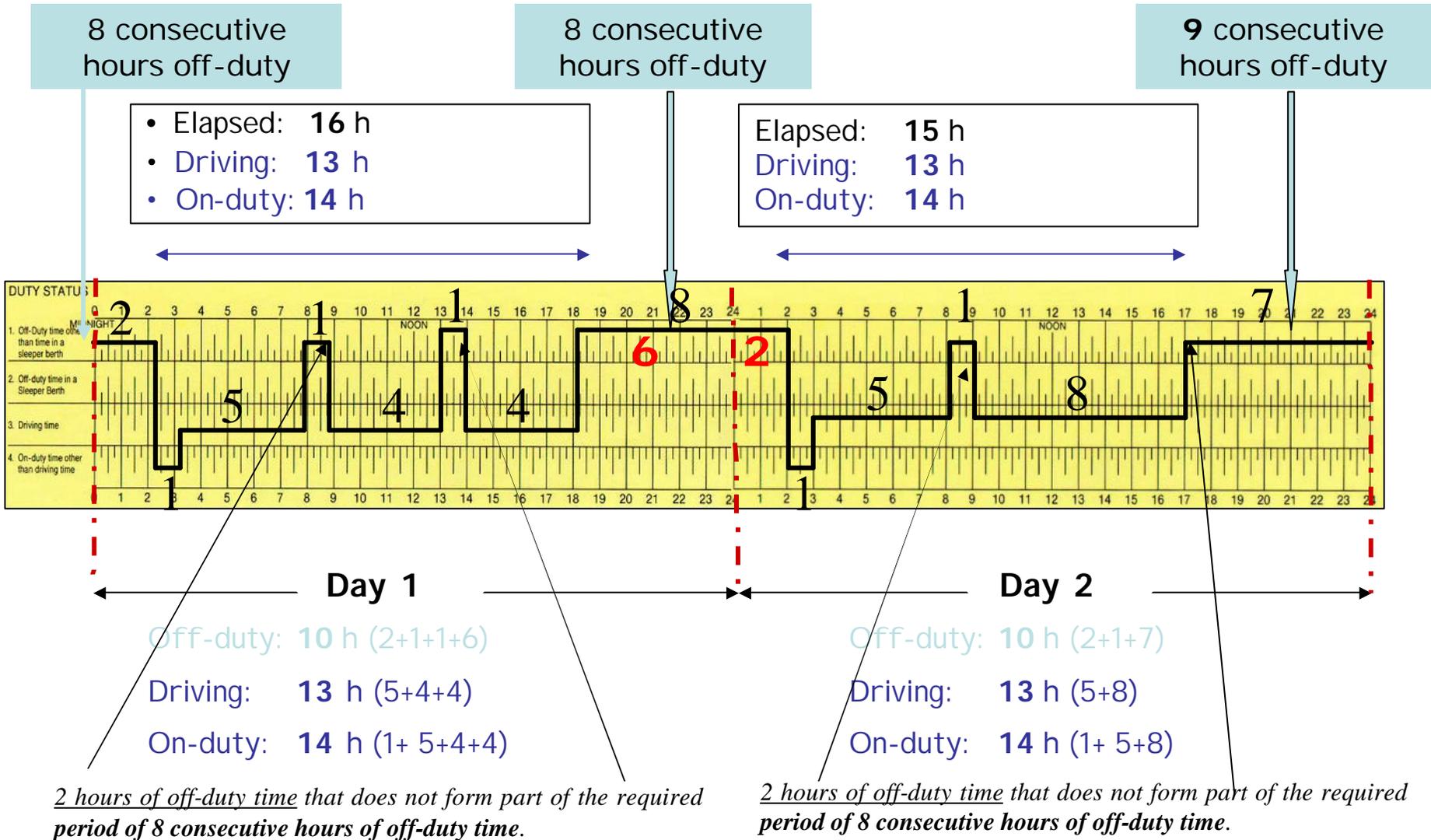
Working Window Violation



Violation: Driving after: 14 hours of on-duty time and 16 hours of elapsed time.

Example

Two Days Running Legal



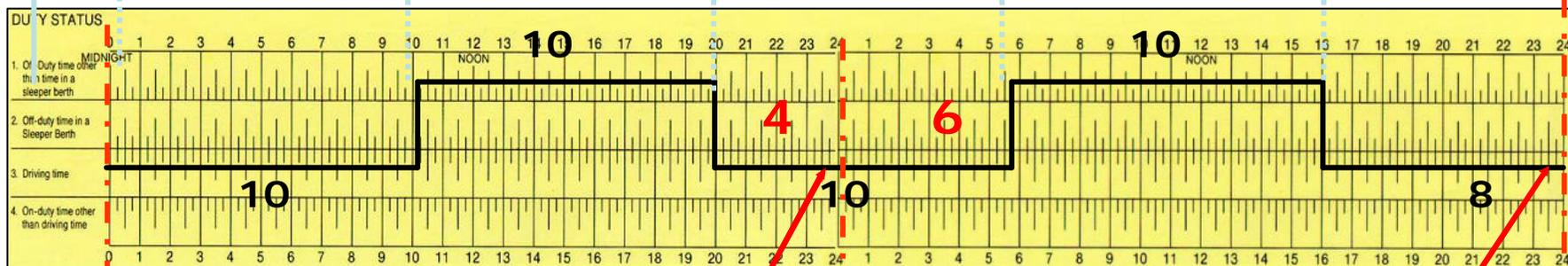


Example

Two Days Violation

8 consecutive hours off-duty

Elapsed : 10 h	Elapsed : 10 h	Elapsed : 10 h
Driving: 10 h	Driving: 10 h	Driving: 10 h
On-duty: 10 h	On-duty: 10 h	On-duty: 10 h



	Day 1		Day 2	
Violation	Off-duty: 10 h (10)	Violation	Off-duty: 10 h (10)	
	Driving: 14 h (10 +4)		Driving: 14 h (6+8)	
	On-duty: 14 h (10+4)		On-duty: 14 h (6+8)	

2 hours of off-duty time that does not form part of the required period of 8 consecutive hours of off-duty time.

2 hours of off-duty time that does not form part of the required period of 8 consecutive hours of off-duty time.

Deferral of Daily Off-duty Time

A driver may defer a **maximum of 2 hours** of the daily off-duty time ***to the following day*** if:

- The off-duty time deferred is **not part of the mandatory 8 consecutive hours of off-duty time**;
- The total off-duty time taken in the 2 days = **20 hours**;
- The off-duty time deferred is added to the **8 consecutive hours of off-duty** time taken in the **second day**;
- The **total driving time** in the 2 days does not exceed **26 hours**;

Deferral (cont.)



The **2 hours deferred** may be converted, in **day 1**, to driving or working time :

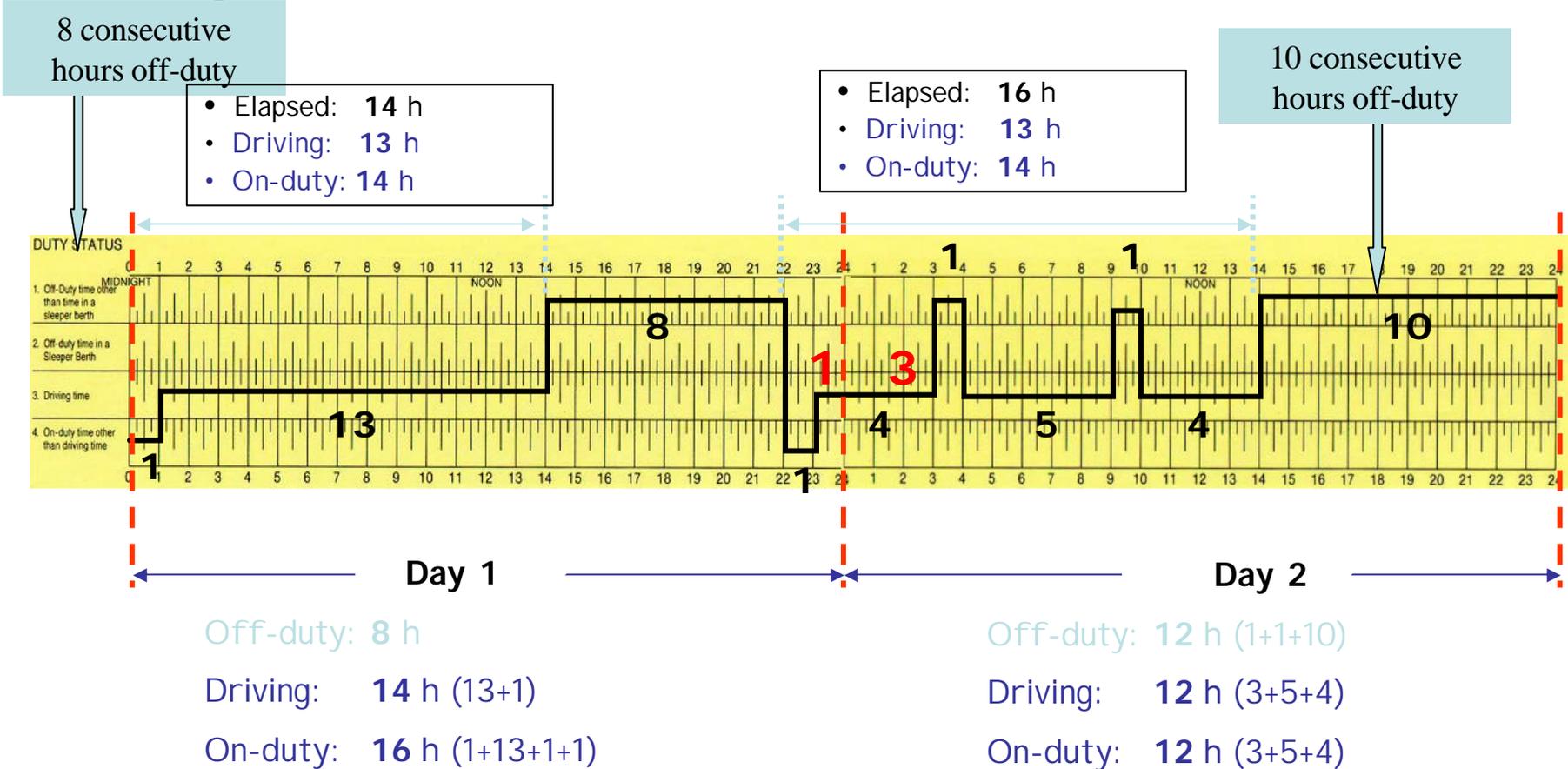
*Maximum **15 hours of driving** or **16 hours of work** for this day.*

The rules for the 16-hour window continue to apply: a driver may NOT drive after 13 hours of driving, 14 hours of on-duty time and 16-hour elapsed time.

Deferral



Example



Total over 2 days:

Off-duty: 20 h (8+12)
 Driving: 26 h (14+12)
 On-duty: 28 h (16+12)

Example

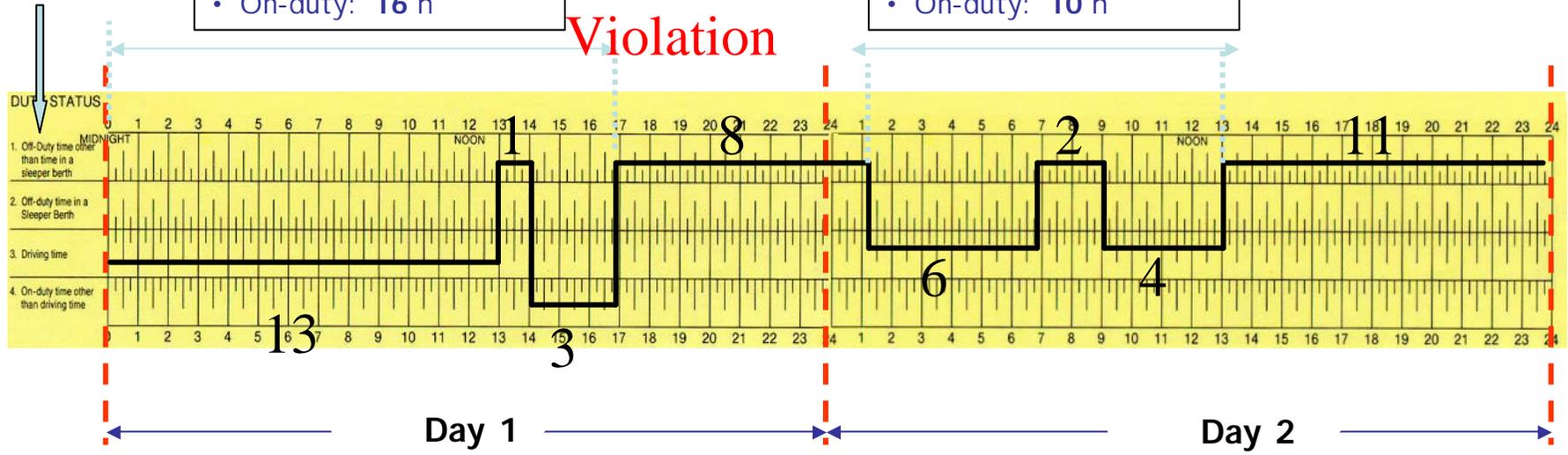
Deferral Violation



- Elapsed: 17 h
- Driving: 13 h
- On-duty: 16 h

- Elapsed: 12 h
- Driving: 10 h
- On-duty: 10 h

Violation



Off-duty: 8 h (part of 8)
 Driving: 13 h On-duty: 16 h
 (13+3)

Off-duty: 14 h (1 + 2+11)
 Driving: 10 h (6+4)
 On-duty: 10 h (6+4)

Total over 2 days:

Off-duty: 22 h (8+14)
 Driving: 23 h (13+10)
 On-duty: 26 h (16+10)



HOS Comparison to Current Rules

Comparison	Current Rule	New Proposed
The Day	23 Hours 15 On + 8 Off	24 Hours 14 On + 10 Off
Driving vs. On-Duty Time	13 Driving 15 On-duty	13 Driving 14 On-duty
Cycles	60/7 days 70/8 days 120/14 days	70/7 days 8 day cycle eliminated 120/14 days



HOS Comparison to Current Rules

Comparison	Current Rule	New Proposed
Cycle Reset	Not available	7 day-36 off 14 day-72 off
Cycle Switch	May switch anytime	7 day-36 off 14 day-72 off
Driver declare cycle operating under	Not required	Driver must record in log



HOS Comparison to Current Rules

Comparison	Current Rule	New Proposed
Sleeper Berth	2 periods, min 2 hours, total of 8	Single-2 periods, min of 2, total of 10 Team-2 periods, min of 4 hours, total 8
Off-duty	8 cons. hours after 13 drive or 15 on-duty	8 cons. hours + 2 hours in min 30 min increments each day
Off-duty	8 before initial on-duty	8 before initial on-duty, total of 10 in day



HOS Comparison to Current Rules

Comparison	Current Rule	New Proposed
Permits	Reduce off-duty to 4 hours once in 7 days, twice in 7 days for bus	Reduce off-duty from 10 to 8 – core rest period protected
Permits	Increase driving time to 15 hours	Increase driving time to 15 hours
Permits	Increase on-duty to 18 hours	Increase on-duty to 16 hours



HOS Comparison to Current Rules

Comparison	Current Rule	New Proposed
Permits for research or pilot	Not available	Transport Canada may issue
OOS for driving time and on-duty violations	8 hours	10 hours
OOS for false log, more than 1 or not produce	8 hours	72 hours



HOS Comparison to Current Rules

Comparison	Current Rule	New Proposed
48-hour averaging	Not available	10 reduced to 8, add 2 to 8 next day, record in log
Day	Calendar day or designated by carrier	Designated by carrier, recorded by driver in log
Sleeper berth	Sleeping accommodation	Prescriptive - set out in schedule, based on US rule, bus and truck



HOS Comparison to Current Rules

Comparison	Current Rule	New Proposed
Responsibility	Driver, carrier	Driver, carrier, shipper, consignee, other person
Mandatory off-duty time	Not required	Minimum 24 cons. hours off every 14 days
Off-duty time 120/14 cycle	24 hours after accumulating 75	24 hours after accumulating every 70 hours



HOS Comparison to Current Rules

Comparison	Current Rule	New Proposed
Logs	Retained 6 mos by carrier	Retained 6 mos by carrier
Logs	Driver produces for number of days in cycle, 7 or 14	Driver produces for 14 in all cases
Logs	Driver signs at start of on-duty time	Driver signs at end of day



Future initiatives

- + Data collection, analysis and evaluation of regulations
- + Fatigue research:
 - Fatigue management technologies including electronic onboard recorders (EOBR's)
 - lifestyle changes (Fatigue Management Programs)
 - rest and recovery
- + Safety Management System feasibility for carriers
- + Your thoughts?



Questions?

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