Understanding The New Federal Hours Of Service Regulations

Presented by: Ms Kim Durdle
Director of Carrier Services

www.infratrans.gov.ab.ca
Topics of Discussion

• Application of Legislation (Federal vs. Provincial)
• History
• Key Changes
• Sources of Help
• Examples
 Federal vs. Provincial

• Federal Hours of Service Legislation applies to:
  - Extra-provincial undertakings;
  - Trucks registered for more than 4,500 kg;
  - Buses with a seating capacity of more than 10.
  (Note that Provinces/Territories enforce the federal Hours of Service Regulations.)

• Provincial Hours of Service Legislation applies to:
  - Intra-provincial undertakings;
  - Trucks registered for 11, 794 kg or more (in Alberta);
  - Buses with a seating capacity of more than 10.
• Current regulations were first introduced as a countermeasure to driver fatigue in the late 80’s.
History

Review Process

• In the mid-1990’s, the Hours of Service Committee of the Canadian Council of Motor Transport Administrators’ (CCMTA) began reviewing the existing outdated rules to improve safety and efficiency.

• Task was to revise Standard 9 of the National Safety Code (NSC) so that it could serve as a template for the new federal and provincial regulations.
History

Review Process (cont.)

• Involved significant collaborative research with U.S.

• Process has been open and collaborative – involving provinces/territories and stakeholders including safety advocates, labor, industry, drivers’ associations, etc.

• The House of Commons Standing Committee on Transportation (SCOT) Review:
  – Held public hearings;
  – Endorsed the proposed changes (June 2002) including;
    a) recommend acceptance of the CTA/Teamsters agreement,
    b) 13 hours driving limit,
    c) 14 hours on-duty limit.
History

Research Findings

• It is recognized that the percent of collisions identified as having fatigue as a contributing factor is underestimated.

• Studies have shown:
  – An increase crash risk with hours of driving well before the hours of service have been exceeded;
  – We need to encourage shifts and the circadian rhythm of individuals to a 24 hour clock in an attempt to minimize the occurrence of phase-advancing routines;
History

Research Findings (cont.)

– There is a need to provide drivers with additional time off to increase opportunities for sleep and rest;
– A sufficiently long period of off-duty time is required in order for a driver to obtain a continuous anchor sleep that is adequate for daily recovery;
– Short breaks from driving is beneficial in avoiding excessive accumulation of fatigue;
– Sleep debt accumulates over days and that two full nights of sleep appears to be adequate to allow near full recovery.
History

Regulatory Process

• On September 20, 2002 Federal / Provincial / Territorial Ministers endorsed the revised NSC Standard 9 and agreed to initiate regulatory action based on the Standard.
• On February 15, 2003 proposed/draft federal regulations were published in the Canada Gazette Part I.
• On November 16, 2005 the final regulations were published in Canada Gazette Part II.
• Implementation is targeted for January 1, 2007.
Key Changes

Summary

• Some of the key changes are:
  – Increasing the minimum daily off-duty time by 25%;
  – Reducing the daily on-duty time by 13%;
  – Reducing the daily driving time by 18%;
  – Eliminating the “Off-duty Time Reduction” option;
  – Restricting the driver’s work shift to 16 hours;
  – Prohibiting cycle switching;
  – Tightening the rules for sleeper berths;
  – Requiring a mandatory 24 hours of consecutive off-duty time in any 14 day period;
  – Allowing drivers to use a Commercial Motor Vehicle (CMV) for personal use (with restrictions); and
  – Requiring the operator to monitor the driver’s compliance.
Key Changes

Daily Off-Duty Time

**Current Rules**
- Drive up to 16 hours in a calendar day
- On duty up to 16 hours in a calendar day
- No specified off-duty time for a day

**Rules**
- No driving after 13 hours of driving or 14 hours on-duty in a day
- Minimum of 10 hours off-duty must be taken every day
- 10 hours of off-duty time must include at least 2 hours of off-duty time that does not form part of a period of 8 consecutive
- “Day” is a 24-hour period specified by the carrier for the duration of a driver’s cycle
- Off-duty periods ≥ 30 mins

Alberta Infrastructure and Transportation
Key Changes
Work Shift Rules

**Current Rules**
- After 13 hours of driving you have to take 8 consecutive hours off before you can drive again
- After 15 hours of on-duty time you have to take 8 consecutive hours off before you can drive again

**NEW** Rules
- After 13 hours of driving you have to take 8 consecutive hours off before you can drive again
- After **14** hours of on-duty time you have to take 8 consecutive hours off before you can drive again
Key Changes
Work Shift Rules (cont.)

Current Rules
• No restriction on length of work shift
• Off-duty periods extend the time between work shifts

Rules
• No driving after a maximum of 16 hours (elapsed time since the conclusion of the most recent period of 8 or more consecutive hours off duty)
• The 16 hours includes all time and activities including off-duty time of less than 8 hours
• 8 consecutive hours off-duty resets the work shift
Key Changes
Reduced Off-Duty Time

Current Rules
• May reduce the 8-consecutive hour off-duty period to a minimum of 4 hours, once in a 7 day period (a “short change”)

Rules
• May defer 2 of the required 10 hours off-duty in a day (that is not part of the 8 consecutive) to the following day by adding 2 hours to the consecutive 8 hours on Day 2
• This provision may be exercised every 2\textsuperscript{nd} day, if a driver chooses
Key Changes

Sleeper Berth Splits

Current Rules
• Commercial motor vehicle (CMV) drivers using a sleeper berth must take 8 hours off-duty, but may split the sleeper-berth time into two periods provided neither is less than 2 hours

Rules
• Single drivers using a sleeper berth must take 10 hours off-duty, but may split the sleeper-berth time into two periods provided neither is less than 2 hours
• Team drivers using a sleeper berth must each take 8 hours off-duty, but may split the sleeper-berth time into two periods provided neither is less than 4 hours
Key Changes

Sleeper Berth Rules

**Current Rules**
- Drivers using a sleeper berth must take 8 hours off-duty, but may split the sleeper-berth time into two periods provided neither is less than 2 hours.

**Rules**
- Must still comply with “Daily Requirements”:
  - Maximum of 13 hours driving
  - No driving after 14 hours on-duty
  - Minimum of 10 hours off-duty
- No driving after accumulating (before and after the sleeper period):
  - 13 hours driving
  - 14 hours on-duty
  - 16 hours in the work shift
- The 16 hours is calculated by excluding qualified sleeper berth periods.
Key Changes

Sleeper Berth Specifications

**Current Rules**
- No specified standards for sleeper berth design

**NEW Rules**
- Must meet prescribed standards specified in Schedule 1 of the regulations
Key Changes
Cumulative Cycles

**Current Rules**
- Must be in compliance with at least 1 of the 3 cycles:
  - 60 hours on-duty in 7 days
  - 70 hours on-duty in 8 days
  - 120 hours on-duty in 14 days (must also take at least 24 consecutive hours off-duty prior to the 75th hour on-duty)
- Cycle switching is allowed at any time

**Rules**
- Select and specify 1 of 2 cycles:
  - **Cycle 1**: 70 hours on-duty in 7 days,
  - **Cycle 2**: 120 hours on-duty in 14 days (must take 24 consecutive hours off-duty once the driver has accumulated 70 hours of on-duty time)
- Cycle switching or resetting only allowed only after completing required off-duty period:
  - **Cycle 1**: 36 hours off
  - **Cycle 2**: 72 hours off
Key Changes
Mandatory 24 Hours Off-Duty

**Current Rules**

- Only required for 14 day cycle

**Rules**

- Mandatory 24 consecutive hours off duty in preceding 14 days, regardless of the cycle
**Key Changes**

**Daily Log “Radius” Exemption**

**Current Rules**

- Exempt from completing a daily log if:
  - stay within 160 km radius;
  - return to home terminal each work shift;
  - goes off duty within 15 hours;
  - carrier keeps accurate records of start and end times of work shift for each day;
  - records kept for 6 months.

**Rules**

Exempt from completing a daily log if:

- stay within 160 km radius;
- return to home terminal each day to begin 8 hours off-duty;
- carrier maintains accurate and legible records for each day indicating:
  - hour at which each duty status begins and ends;
  - total hours in each status;
  - elected cycle;
- records kept for 6 months.
Key Changes

Personal Use Exemption

**Current Rules**
- Driving time means all time spent at the controls of a CMV operated on a highway - driver must show as “DRIVING”

**NEW! Rules**
- Driving time is not considered to be “On Duty” provided that:
  - CMV is unloaded;
  - Not towing a trailer;
  - Maximum of 75 km/day;
  - Odometer readings are recorded in Remarks;
  - Driver is not subject to an OOS declaration.
Key Changes

Oil Well Service Vehicle Permits

**Current Rules**
- Exempt from cumulative rules with a valid permit
- Allows for waiting and standby time to be logged as “Off-Duty” if no work is performed
- This time can not be included as off-duty time for the purpose of meeting the 8 hour minimum

**Rules**
- Exempt from cumulative rules with a valid permit
- 3 periods of Off-Duty time, each at least 24 hours long, must be taken in any 24-day period (periods do not have to be consecutive)
- Waiting and standby times are treated the same, but will be included as part of the maximum 16 hours of elapsed time
Other Changes

• Drivers will be required to carry at least 14 days of logs regardless of what cycle they are operating under.

• Motor carriers, shippers, consignees or any other person will be responsible for ensuring that a driver does not drive if:
  – the driver is fatigued to a point where it is unsafe or driving would jeopardize highway safety;
  – the driver is subject to an out-of-service declaration; or
  – the driver, in doing so, would contravene the regulation.
Other Changes (cont.)

• A motor carrier is also required to:
  – monitor each driver’s compliance to all regulatory requirements;
  – take remedial action if violations are identified;
  – record and retain all information related to the monitoring and any action taken.

• Similar changes have been introduced for travel north of the 60th parallel.
Sources of Help

• Federal Regulation:

• Application Guide:
For more information:

- www.infratrans.gov.ab.ca (for general AB info);
- www.qp.gov.ab.ca (for Alberta legislation);
- www.tc.gc.ca (for federal transport legislation);
- www.safersys.org (for USDOT compliance info);
- Call a transport consultant;
- Get general compliance information by calling Carrier Services at 403-755-6111 (toll free in AB at 310-0000).
Reviewing Logs

There are many different ways of reviewing a log to see if it is in compliance. A 3-step process is offered here. All 3 main steps must be in compliance:

1. Check the Day;
2. Check the Work Shift;
3. Check the Cumulative Cycles.

(Note: the Reviewer must always check to evaluate if an exemption or Permit is being used by the carrier or driver.)
Reviewing Logs (cont.)

1. Check the Day *(start time of 24-hour day must be specified by the carrier)*:
   
a. Regular Time *(including use of sleeper berth)*:
   
   • No driving after **13** hours driving;
   • No driving after **14** hours on-duty;
   • At least **10** hours off-duty *(at least 8 hours of this time must be consecutive before the driver can drive and there must be 2 additional hours off-duty in no less than 30 minute periods that do not form part of the 8 consecutive hours).*
Reviewing Logs (cont.)

1. Check the Day (cont.):
   b. Deferred Time:
      • Total driving time in 2 days not greater than 26 hours;
      • At least 8 consecutive hours off-duty in Day 1 and **10 consecutive** hours plus 2 additional hours off-duty in Day 2.

(Note: No required time can be included in Day 3.)
(Note: 2 hours off-duty can be moved to a second day.)
(Note: This exemption can not be used with the split sleeper exemption or with any permit.)
2. Check the Work Shift *(period between end of one period of 8-hours or more off-duty and start of next period of 8-hours or more off-duty)*:

   a. No sleeper berth used:
      - No driving after 13 hours driving;
      - No driving after 14 hours on-duty;
      - No driving after 16 hours elapsed time.

*(Note: elapsed time includes all time in work shift.)*
2. Check the Work Shift (cont.)
   b. Single driver using sleeper berth:
      • No driving after 13 hours driving on either side of eligible sleeper period;
      • No driving after 14 hours on-duty on either side of eligible sleeper period;
      • No driving after 16 hours elapsed time on either side of eligible sleeper period (excluding eligible sleeper time).

(Note: eligible sleeper period is no less than 2 hours long and 2 consecutive sleeper periods total no less than 10 hours.)
2. **Check the Work Shift (cont.)**

c. **Team drivers using sleeper berth:**
   - No driving after 13 hours driving on either side of eligible sleeper period;
   - No driving after 14 hours on-duty on either side of eligible sleeper period;
   - No driving after 16 hours elapsed time on either side of eligible sleeper period (excluding eligible sleeper period).

*(Note: eligible sleeper period is no less than 4 hours long and 2 consecutive sleeper periods total no less than 8 hours.)*
3. Check the Cumulative Cycles (cycle must be specified by carrier):
   a. Cycle 1:
      • Verify cumulative on-duty time is not more than 70 hours in any 7 consecutive days;
      • Determine if cycle was properly “reset” by taking at least 36 consecutive hours off-duty (if needed).
Reviewing Logs (cont.)

3. Check the Cumulative Cycles (cont.):
   b. Cycle 2:
      • Verify cumulative on-duty time is not more than 120 hours in any 14 consecutive days;
      • Verify driver did not accumulate more than 70 hours at any time during the cycle without taking 24 hours off-duty;
      • Determine if cycle was properly “reset” by taking at least 72 consecutive hours off-duty (if needed). Day Off:
   c. Day off:
      • Verify that driver took at least 24 consecutive hours off-duty every 14 days (regardless of day or cycle they are working).
Selected Examples

Following are a few selected examples to help illustrate some of the more important requirements of these regulations.
Example 1

Day

10 hours of off-duty time?

2 + 1 + 1 + 6 = 10

8 consecutive hours off-duty

8 consecutive hours off-duty

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

Day

10 hours of off-duty time?

\[ 2 + 0.75 + 1 + 6 = 9.75 \]

Violation:

Less than 2 hours (1.75) of off-duty time that does not form part of the required 8 consecutive hours of off-duty time.
Example 3

Work Shift

8 consecutive hours off-duty

8 consecutive hours off-duty

Start of Work Shift

End of Work Shift

No driving after accumulating:
- 13 hours of driving time
- 14 hours of on-duty time
- 16 hours of elapsed time

Violation: Driving after 14 hours on-duty and after 16 hours of elapsed time.
Example 4

Sleeper Berth Single

Step 1: Verify Rules for the Day

Day 1

Day 2

Off duty ≥ 10
Driving ≤ 13
No driving after 14 hours on-duty

Violation
Example 4
Sleeper Berth Single (Cont.)

Step 2: Identify eligible rest periods in sleeper

A + B ≥ 10  B + C ≥ 10  C + D ≥ 10
Example 4
Sleeper Berth Single (Cont.)

Step 3: Verify acceptable times on either side of each sleeper period

- Work Shift: No driving after 16 hours has elapsed
- Driving < 13
- No driving after 14 hours on duty
Example 5
Deferred Off-duty Time

Verify that over the 2 days:

a) Deferred off-duty time is not part of mandatory 8 hours off (Day 1)

b) Off-duty ≥ 20 hours (8 + 2 + 10 = 20)

c) Deferred time is added to the the 8 consecutive hours on Day 2

d) Driving time ≤ 26 hours (13 + 7 + 6 = 26)
Example 6
Deferred Off-duty Time

Verify that over the 2 days:

a) Deferred off-duty time is not part of mandatory 8 hours off (Day 1)

b) Off-duty ≥ 20 hours (8 + 2 + 10 = 20)

c) Deferred time is added to the 8 consecutive hours on Day 2

d) Driving time ≤ 26 hours (13 + 7 + 6 = 26)