

Drivers' Hours of Service

In Alberta, the *Drivers' Hours of Service Regulation, AR317/2002*, under the *Traffic Safety Act*, governs the maximum allowable driving times and minimum required off-duty times for commercial vehicle drivers. The regulation governs drivers who operate buses with a seating capacity of 11 or more, including the driver and trucks with a registered weight of 11,794 kilograms (kg) or more. This would include people who are employed to drive commercial vehicles or who operate commercial vehicles as part of their employment (e.g. trades people). This Alberta regulation only governs carriers who operate commercial vehicles solely within the province (intra-provincial undertakings).

Carriers operating commercial vehicles outside of Alberta (extra-provincial undertaking) are governed by the current federal regulation. The federal regulation applies to drivers of trucks registered for more than 4,500 kg and to drivers of buses with a seating capacity of 11 or more, including the driver.

On November 16, 2005 Transport Canada published a new *Commercial Vehicle Drivers' Hours of Service Regulation* in Canada Gazette Part II, with implementation scheduled for January 1, 2007. This new regulation is based on the revised National Safety Code Standard #9. A great deal of research and stakeholder consultation has gone into the development of this regulation, with Alberta's involvement. It is anticipated that, as this reflects a cross-Canada and cross-border attempt to harmonize these rules, various provincial regulations across the country will essentially adopt the federal regulation as proposed.

The following information is offered to assist you with identifying and understanding the regulations:

- o **Current Alberta regulation at:**
http://www.qp.gov.ab.ca/documents/Reqs/2002_317.cfm?frm_isbn=0779732944
- o **Current Federal regulation at:** <http://laws.justice.gc.ca/en/m-12.01/sor-94-716/149594.html>
- o **New Federal Hours of Service regulation at:**
<http://canadagazette.gc.ca/partII/2005/20051116/html/sor313-e.html#avis>
- o **Commercial Vehicle Drivers Hours of Service "Application Guide"** interpreting the new Federal regulation at: http://www.ccmta.ca/english/pdf/HoS_Application_Guide_August_2006.pdf
- o **The Province of Alberta information package at:**
http://www.infratrans.gov.ab.ca/Commercial_Transportation/Bus_Trucks_Certificates_and_Monitoring/index.htm
- o Power Point presentations:
 - **The Province of Alberta** information at:
http://www.infratrans.gov.ab.ca/INFTRA_Content/docType276/Production/New_HOS.pdf
 - **The Province of BC** information at: http://www.th.gov.bc.ca/cvse/national_safety_code.htm
- o **Hours of Service module** from our Education Manual at:
http://www.infratrans.gov.ab.ca/INFTRA_Content/docType276/Production/Module5.pdf
- o **National Safety Code (NSC) Standard #9** information at:
<http://www.ccmta.ca/english/pdf/Standard%209.pdf>

It is anticipated that there will be an "education" phase when the new legislation begins on January 1, 2007. This will allow industry and enforcement groups to become familiar with the new requirements.

More Information:

The department is preparing training information on this new legislation and will be making it available to industry. It is anticipated that this material will be ready by November, 2006.

Information on other Alberta legislation and on the NSC standards is available on the internet:

www.qp.gov.ab.ca

(for the Alberta legislation)

www.ccmta.ca

(for the NSC standards, including Standard #9)

www.infratrans.gov.ab.ca

(for compliance and general transportation information (including this document))

For more information contact:

Carrier Services

#401, 4920 - 51 Street

Red Deer, AB T4N 6K8

Phone: (403) 755-6111 (to call toll-free within Alberta dial 310-0000)

Fax: (403) 340-4811

Email: carrier.services@gov.ab.ca

Reviewing New Hours of Service Logs

Under the new Federal legislation, there are many different ways of reviewing an Hours of Service log to determine if it is in compliance. Check the full regulations for complete information however, 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: In addition, the Reviewer must always check to evaluate if an exemption or Permit is being used by the carrier or driver.)

1. Check the Day (start time of 24-hour period must be specified by the carrier):

• **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 (before the driver can drive, at least 8 hours of this time must be consecutive 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).

• **Deferred Time:**

- Driver has option of moving 2 hours of required off-duty time to second day;
- Total driving time in 2 days not more than **26** hours;
- Total off-duty time in 2 days not less than **20** 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: This exemption can not be used with split sleeper exemption or an hours 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):

• **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.)

• **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 time in sleeper).

(Note: Eligible sleeper period is no less than 2 hours long and 2 consecutive sleeper periods total no less than 10 hours.)

• **Team drivers using sleeper berth:**

- No driving after **13** hours driving on either side of each eligible sleeper period;
- No driving after **14** hours on-duty on either side of each eligible sleeper period;
- No driving after **16** hours elapsed time on either side of eligible sleeper period (excluding eligible time in sleeper time).

(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):

• **Cycle 1:**

- Verify cumulative on-duty time is not more than **70** hours in **7** consecutive days;
- Verify cycle properly "reset" by taking at least **36** consecutive hours off-duty (if needed).

• **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;
- Verify cycle properly "reset" by taking at least **72** consecutive hours off-duty (if needed).

• **Day Off:**

- Verify that driver did not drive without taking at least **24** consecutive hours off-duty in the preceding **14** days (regardless of day or cycle they are working).