

ATTACHMENT #6

ALBERTA COMMERCIAL VEHICLE SAFETY COMPLIANCE MANUAL – CH. 5

(66 Pages)

Commercial Vehicle Safety Compliance In Alberta

Effective: July 2012

MODULE 5

Hours of Service



Overview

The Carrier Services Branch of Alberta Transportation has prepared this guide to assist and ensure that commercial carriers operate safely and are compliant with the regulations that govern highway use. The Province of Alberta, other Canadian jurisdictions, the Government of Canada and the transportation industry developed the National Safety Code (NSC) to help reduce the number and severity of collisions. Each jurisdiction has used the NSC standards as guides in drafting their own transportation safety legislation. This approach promotes uniformity across Canada and helps to ensure that the transportation industry remains as viable and sustainable as possible.

For more information on the National Safety Code, please refer to the following internet link: www.transportation.alberta.ca/660.htm

In Alberta, there are two regulations that govern a commercial driver's hours of service:

- 1) The federal regulation (meaning the motor carrier is operating within AND outside of Alberta):
 - a. *Commercial Vehicle Drivers Hours of Service Regulation* (SOR 2005-313);
 - b. Applies to carriers with a "federal" operating status shown on their Safety Fitness Certificate;
- 2) The provincial regulation (meaning the carrier is operating SOLELY within Alberta):
 - a. *Drivers Hours of Service Regulation* (AR317/2002);
 - b. Applies to carriers with a "provincial" operating status shown on their Safety Fitness Certificate;

This module is split in two parts:

Part 1: Federal hours of service requirements

- Covered on pages **5 to 40**:

Part 2: Provincial hours of service requirements

- Covered on pages **41 to 64**.

The education manual contains several modules, each dealing with a specific topic. To get a complete picture of compliance requirements, you should obtain the complete guide. If you intend to use certain parts of this guide only, for example Module 1, "Getting Started", it is recommended that you also obtain the modules "Introduction" and "Appendices."

This is a guide only and is not meant to be a substitute for the actual legislation.

Note: Section 40 (1)(e) of the *Commercial Vehicle Certificate and Insurance Regulation* (AR314/2002) requires a carrier to address training for employees about safety laws such as training on: National Safety Code requirements, hours of service, trip inspections, cargo securement and weights and dimensions, as applicable.

Hours of Service Learning Objectives

As you work through this module, you will be able to:

- ✓ Describe the federal regulatory requirements (**pages 5 – 40**) related to reducing driver fatigue, and when federal regulatory requirements apply;
 - Identify driving limitations;
 - Identify the provisions for required rest and reduced rest;
 - Understand the daily, work shift and cumulative hour cycle rules;
 - Understand the permit and exemption options;
 - Describe and follow procedures for completing logbooks;
 - Describe the requirements for on-board recording devices;
 - Identify the carrier's responsibilities including both proactive and reactive measures;
 - Understand enforcement and penalties for carriers and drivers.

- ✓ Describe the provincial regulatory requirements (**pages 41 - 64**) related to reducing driver fatigue and when provincial regulatory requirements apply;
 - Identify driving limitations;
 - Identify the provisions for required rest and reduced rest;
 - Understand the work shift hour rules;
 - Understand the permit options;
 - Describe and follow procedures for completing logbooks;
 - Describe the requirements for on-board recording devices;
 - Identify the carrier's responsibilities including both proactive and reactive measures;
 - Understand enforcement and penalties for carriers and drivers.

Note: The information in this module is a summary of both the federal and Alberta Hours of Service regulations unless stated otherwise. For the detailed compliance requirements and hours of service information, refer to the Hours of Service Training Modules at: www.transportation.alberta.ca/675.htm.

Part 1: Federal Regulations

All hours of service regulations govern the maximum driving times and minimum off-duty times of commercial vehicle drivers (both bus and truck) employed or otherwise engaged in commercial transportation. These regulations require drivers to keep a record of their daily driving and other work activities in a prescribed format and to make these records available to designated enforcement officials upon request.

The federal *Commercial Vehicle Drivers Hours of Service Regulations* (SOR/2005-313) apply to:

- All carriers who hold or should hold a Safety Fitness Certificate with a “federal” operating status. This includes carriers who operate or have operated commercial vehicles outside of Alberta, including farm-plated vehicles, that are:
 - Trucks, tractors or trailers, or a combination of these vehicles operated that have a registered gross weight greater than 4,500 kilograms; **AND**
 - Commercial passenger vehicles (buses and vans) with a manufactured seating capacity of 11 persons or more, including the driver;
- Shippers, receivers or any other persons/companies involved in the transportation industry;
- Drivers of such commercial vehicles.

Note: Once it is determined that federal legislation applies to a carrier, it will apply to their entire NSC fleet, even those vehicles operated only point-to-point within Alberta.

Note: On trips involving federally regulated **farm vehicles** that are conducted solely in Alberta, the Hours of Service legislation will not be enforced at this time.

This federal regulations came into effect January 1, 2007 and is available on the internet at: <http://laws.justice.gc.ca/en/showtdm/cr/SOR-2005-313>

The “Commercial Vehicle Hours of Service Regulations Application Guide” explains more detailed information on the federal regulation and can be viewed

at: www.ccmta.ca/english/pdf/HoS_Application_Guide.pdf

Additional information on the federal regulations is available on the internet at: www.transportation.alberta.ca/675.htm

General Exemptions

The federal regulations **do not apply to the following vehicles:**

- A 2- or 3-axle vehicle being used for the transportation of primary products of a farm, forest, sea or lake, where the driver or the motor carrier is the producer of those primary products, **OR** a return trip after transporting the primary products of a farm, forest, sea or lake, if the vehicle is empty or is transporting products used in the principle operation of a farm, forest, sea or lake.
- An *emergency vehicle* (as defined in the regulations);
- A vehicle that is engaged in providing relief in the case of a public welfare emergency, as defined in section 5 of the *Emergencies Act*;
- A bus that is part of the public transit service that is provided in a municipality, in contiguous municipalities or within 25 kilometres of the boundary of the municipality or contiguous municipalities in which the public service is provided;
- A commercial vehicle when driven for *personal use* if;
 - the vehicle has been unloaded,
 - any trailers have been unhitched,
 - the distance traveled does not exceed 75 kilometres in a day,
 - the driver has recorded the odometer reading in the logbook, and
 - the driver is not subject to an out-of-service declaration.

Emergencies Conditions Exemption

Section 76 of the federal regulation specify that the requirements for driving time, on-duty time and off-duty time do not apply to a driver who, in an emergency, requires more driving time to reach a destination that provides safety for the occupants of the commercial vehicle

and for other users of the road or the security of the commercial vehicle and its load. The driver must stop at the *first place of safety*.

Adverse Driving Conditions Exemption

Section 76 also specifies that a driver who encounters adverse driving conditions while driving south of latitude 60N may extend the permitted 13 hours of driving time and reduce the 2 hours of daily off-duty time by the amount of time needed to complete the trip if:

- The driving, on-duty and elapsed time in the elected cycle is not extended more than 2 hours;
- The driver still takes the required 8 consecutive hours of off-duty time; and
- The trip could have been completed under normal driving conditions without the reduction.

Adverse driving conditions are defined as snow, sleet, fog, or other adverse weather or road conditions that were *not known to the driver or a motor carrier* dispatching a driver immediately *before the driver began driving* or could not have been reasonably known to them.



Notes

Driver Duties

The duties performed by a driver can be classified into one of four categories or “Duty Statuses.” These duty statuses are identified as:

- Off-duty time, other than time spent in a sleeper berth;
- Sleeper Berth time (off-duty time spent in a sleeper berth);
- Driving time; and
- On-duty time, other than driving time.

In the federal *Commercial Vehicle Drivers Hours of Service Regulations*, “**on-duty time**” means the period that begins when a driver begins work or is required by the motor carrier to be available to work, except where the driver is waiting to be assigned to work, and ends when the driver stops work or is relieved of responsibility by the motor carrier, and includes driving time and time spent by the driver:

- (a) Inspecting, servicing, repairing, conditioning or starting a commercial vehicle;
- (b) Travelling in a commercial vehicle as a co-driver, when the time is not spent in the sleeper berth;
- (c) Participating in the loading or unloading of a commercial vehicle;
- (d) Inspecting or checking the load of a commercial vehicle;
- (e) Waiting for a commercial vehicle to be serviced, loaded, unloaded or dispatched;
- (f) Waiting for a commercial vehicle or its load to be inspected;
- (g) Waiting at an en-route point because of an accident or other unplanned occurrence or situation;
- (h) Resting in or occupying a commercial vehicle for any other purpose, except
 - Time counted as off-duty time in accordance with section 10,
 - Time spent in a sleeper berth,

- Time spent in a stationary commercial vehicle to satisfy the requirements of sections 13 and 14, and
 - Time spent in a stationary commercial vehicle that is in addition to the off-duty requirements of section 14; and
- (i) Performing any work for any motor carrier.

Federal Driving Limitations

The federal hours of service regulations consist primarily of 3 types of limitations to a driver's time; daily limits, workshift limits and cycle limits. Each type must be considered independently since a driver must comply with all 3 types at all times.

A. Daily Limits

A "day" is defined as a 24-hour period that begins at the hour designated by the carrier and noted on the log for the duration of the driver's cycle.

- **The 13-Hour Driving Time in a "Day" Rule**

No carrier shall ask, allow or require a driver to drive, and no driver shall drive a commercial vehicle after that driver has accumulated 13 hours of driving time in a day.

- **The 14-Hour On-duty in a "Day" Rule**

No carrier shall ask, allow or require a driver to drive, and no driver shall drive a commercial vehicle after that driver has accumulated 14 hours of on-duty time in a day.

The 14 hours of on-duty time consists of driving time and on-duty time not driving. It is important to note that in some limited circumstances a driver may continue to *work* after reaching the 14th hour of on-duty time (example: when using the deferral exemption). They are only in violation if they *drive* after reaching the 14th hour.

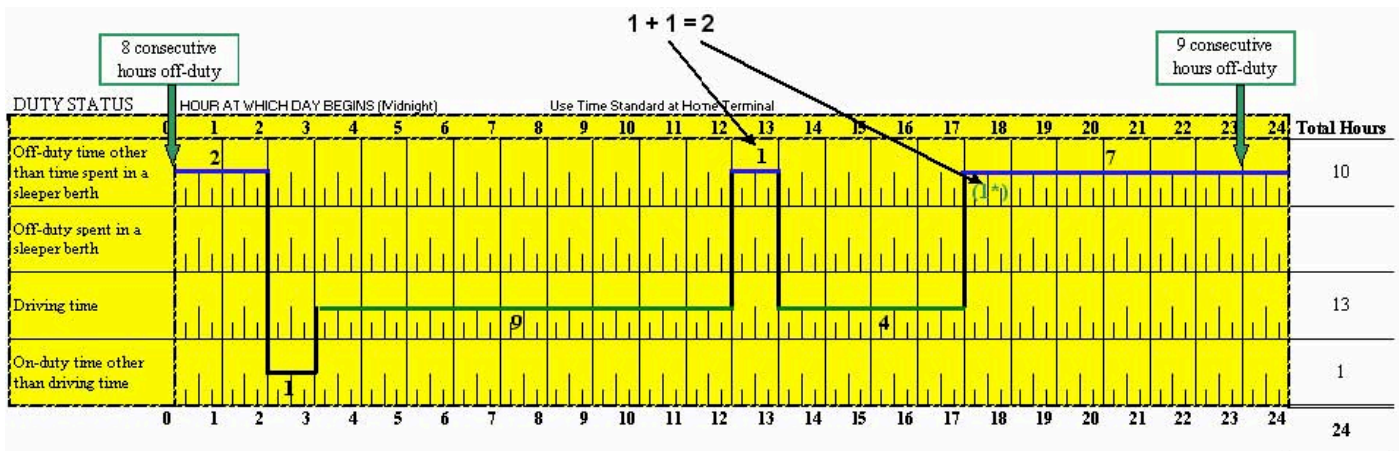
- **The 10-Hours Off-Duty in a "Day" Rule**

A motor carrier shall ensure that a driver takes, and the driver shall take at least 10 hours of off-duty time in a day. This off-duty time must include at least 2 hours of off-duty time (taken in blocks of not less than 30 minutes each) that does not form part of a period of 8 consecutive hours of off-duty time (although they can be consecutive).

The 8 consecutive hours will be described in detail in the *Workshift Limits* section of this manual and as outlined in Section 14 of the federal regulation.

It is important to note that any person who is authorized by the carrier to be a driver is considered to be a driver every day. Therefore they must have at least 10 hours off-duty every 24 hour day, whether they drive or not.

A driver (as designated by the carrier) who does not take at least 10 hours off in a day is in violation of these regulations whether they drive that day or not.



*** Note:** In this case, 1 hour of the 9 consecutive hours can be used to satisfy the requirement to take 2 other hours off-duty during the day that do not form part of an 8 consecutive hours off-duty.

Deferred Time Option

If a driver is unable to take 10 hours off-duty in a day, the driver can defer up to 2 hours off-duty to the following day. This deferral option can be exercised every second day if the driver chooses and all the conditions are met.

In order to defer daily off-duty time, a driver must meet the following conditions:

- The deferred off-duty time must be added to the 8 consecutive hours of off-duty time taken in the following day (day 2); and be consecutive with the 8 hour off-duty period;
- Daily off-duty time on the second day must also include at least two additional hours of rest, taken in blocks of not less than 30 minutes each;
- The total driving time in the two days must not exceed 26 hours;

B. Workshift Limits

A “workshift” is the period that begins when a driver begins work or is required by the motor carrier to be available for work at the end of a period of at least 8 hours off-duty and ends when the driver begins the next period of at least 8 consecutive hours off-duty. A workshift can span across more than one calendar day.

- **The 13-Hour Driving Time in a “Workshift” Rule**

No carrier shall ask, allow or require a driver to drive, and no driver shall drive a commercial vehicle after that driver has accumulated 13 hours of driving time in a workshift (this is not the same as the 13-hour driving time in a day rule).

- **The 14-Hour On-duty in a “Workshift” Rule**

No carrier shall ask, allow or require a driver to drive, and no driver shall drive a commercial vehicle after that driver has accumulated 14 hours of on-duty time in a workshift (this is not the same as the 14-hour on-duty in a day rule).

- **The 16-Hour Elapsed Time in a “Workshift” Rule**

No carrier shall ask, allow or require a driver to drive, and no driver shall drive a commercial vehicle after 16 hours of time have elapsed since the driver started a workshift (i.e. the clock starts ticking at the conclusion of the most recent period of 8 or more consecutive hours of off-duty time).

8 Consecutive Hours of Required Rest

The eight or more consecutive hours off-duty required to restart a workshift may be a combination of off-duty and sleeper berth time. A driver may also take the required eight consecutive hours rest in the sleeper berth or split the sleeper berth time into two periods (the sleeper berth option is covered in detail in the next section).

C. Driving Cycles Limits

Because of the cumulative effect of being tired over several days and weeks, the hours of service regulations include maximum on-duty times for 7-day and 14-day cycles. The allowable cycles identified within the federal legislation are:

- Cycle 1 - 70 hours on-duty in seven consecutive days; or
- Cycle 2 - 120 hours on-duty in 14 consecutive days, providing that the driver takes 24 consecutive hours of off-duty time so as to never accumulate more than 70 hours of on-duty time during the 14-day cycle period without taking 24 hours off.

The motor carrier must choose whether each driver will follow the rules for Cycle 1 or Cycle 2. The driver must then declare the cycle choice on each daily log.

On-duty time includes both “driving time” and “on-duty, other than driving time”. The cycle hours are calculated by adding the on-duty hours of the current day to the on-duty hours of the previous six or 13 days. If a driver reaches the cycle limit, the driver must stop **driving**.

The driver then has the option to either:

- Take the necessary number of hours of off-duty time to bring them back into compliance with the cycle limits (the cycle period continually slides by adding the current day and subtracting the oldest day of the cycle); or
- Reset their cumulative on-duty hours back to “zero” by taking at least the specified hours off-duty.

Cycle Switching and Resets

If a driver wants to switch cycles or to reset their current cycle accumulated hours back to “zero”, they must take the following number of hours off-duty:

- To reset Cycle 1 or switch from Cycle 1 to 2: take at least 36 consecutive hours off;
- To reset Cycle 2 or switch from Cycle 2 to 1: take at least 72 consecutive hours off.

Note: The United States hours of service legislation does not recognize the 14-day cycle option.

Note: A driver is only in violation when *driving* in excess of the cycle cumulative hours specified.

Mandatory 24 Hours Off-Duty

Regardless of the cycle a driver is operating under, no carrier shall ask, allow or require a driver to drive and no driver shall drive unless the driver has taken at least 24 consecutive hours of off-duty time in the preceding 14 days.

Note: It is important to remember a driver is only in violation of the above “Mandatory 24 Hours Off-Duty” if the driver is *driving*, provided that NO other hour limits are violated. The driver may continue to *work* without having a 24 hour period of off-duty time in the preceding 14 days, but they can not drive until they have had 24 consecutive hours of off-duty time.

Sleeper Berths

A driver can use a sleeper berth to split the required 8 consecutive off-duty hours into 2 periods while still complying with the daily off-duty requirements. The sleeper berth must meet all construction and environmental standards specified in Schedule 1 and subsection 97(3) of the federal regulations. A brief outline of the minimum required dimensions is:

- At least 1.9 meters in length;
- At least 60 centimeters in width;
- At least 60 centimeters in height.

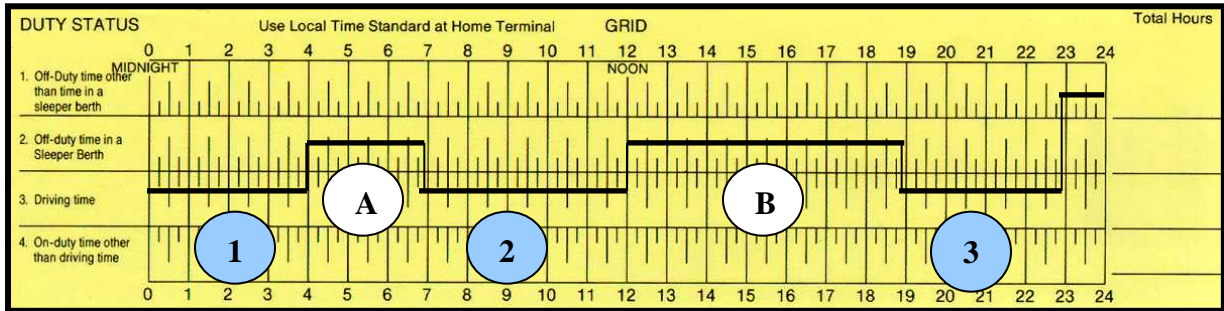
Note: For more information on sleeper berth requirements see Schedule 1 of the federal regulations.

1. Single Drivers

If the vehicle has a sleeper berth that meets the definition in the regulation, the driver can split the required 10 hours of daily off-duty time into 2 sleeper berth periods if:

- Neither period is less than 2 hours;
- The total of the 2 sleeper periods is at least 10 hours;
- The off-duty time is spent resting in the sleeper berth;
- The total off-duty time in the day is at least 10 hours;
- The total driving time before AND after EACH sleeper period does not exceed 13 hours;
- The total of the on-duty time before AND after EACH sleeper period does not include any driving time after the 14th hour;
- The elapsed time before AND after EACH sleeper period does not include any driving time after the 16th hour after the driver comes on-duty; and
- None of the daily off-duty time is deferred to the next day.

Example of an Acceptable Use of Sleeper Berth:



Example

Driving Time "1"	4 hours
Sleeper Berth Time "A"	3 hours
Driving Time "2"	5 hours
Sleeper Berth Time "B"	7 hours
Driving Time "3"	4 hours

Driving Time ("1" + "2") = (4 hours + 5 hours) = 9 hours ≤ **13 hours maximum**
 Driving Time ("2" + "3") = (5 hours + 4 hours) = 9 hours ≤ **13 hours maximum**
 Total Sleeper Berth Time ("A" + "B") = (3 hours + 7 hours) ≥ **10 hours minimum**
 On-duty Time ("1" + "2") = (4 hours + 5 hours) = 9 hours ≤ **14 hours maximum**
 On-duty Time ("2" + "3") = (5 hours + 4 hours) = 9 hours ≤ **14 hours maximum**

16 hour elapsed time ("1" + "A" + "2") = (4 hours + 3 hours + 5 hours) = 12 hours ≤ **16 hours maximum**
 16 hour elapsed time ("2" + "B" + "3") = (5 hours + 7 hours + 4 hours) = 16 hours ≤ **16 hours maximum**

All criteria must be met or the sleeper berth exemption is not valid and the driver will be in violation.

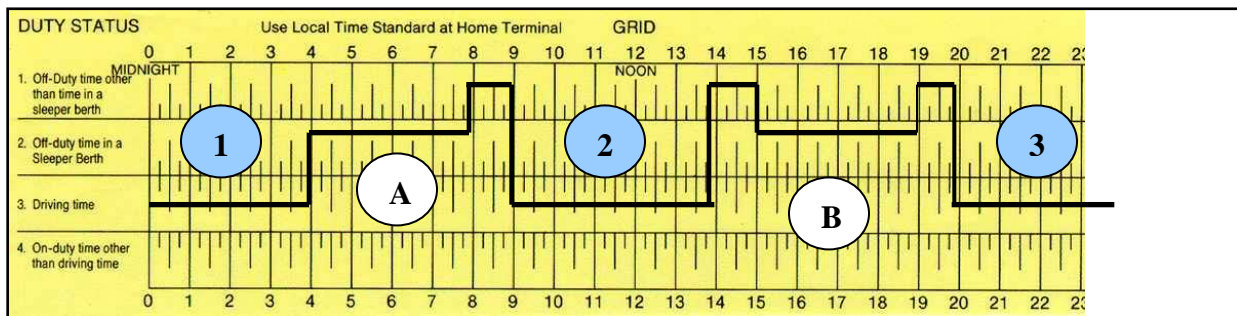
2. Team Drivers

If the vehicle has a sleeper berth, that meets the definition in the regulation, team drivers can split the 8 hours of required sleeper berth time (of the 10 hours daily off-duty time) into two sleeper berth periods if:

- Neither period is less than 4 hours;
- The total of the 2 sleeper periods is at least 8 hours;
- The off-duty time is spent resting in the sleeper berth;
- The total driving time before AND after EACH sleeper period does not exceed 13 hours;

- The total of the on-duty time before AND after EACH sleeper period does not include any driving time after the 14th hour;
- The elapsed time before AND after EACH sleeper period does not include any driving time after the 16th hour after the driver comes on-duty;
- None of the daily off-duty time is deferred to the next day.

Example of an Acceptable Use of Sleeper Berth (Driver 1 of a Team):



Example

Driving Time "1"	4 hours
Sleeper Berth Time "A"	4 hours
Driving Time "2"	5 hours
Sleeper Berth Time "B"	4 hours
Driving Time "3"	4 hours

Driving Time ("1" + "2") = (4 hours + 5 hours) = 9 ≤ **13 hours maximum**

Driving Time ("2" + "3") = (5 hours + 4 hours) = 9 ≤ **13 hours maximum**

Total Sleeper Berth Time ("A" + "B") = (4 hours + 4 hours) ≥ **8 hours minimum**

Total Off-duty time = 4 + 1 + 1 + 4 + 1 = 11 ≥ **10 hours minimum**

On-duty Time ("1" + "2") = (4 hours + 5 hours) = 9 ≤ **14 hours maximum**

On-duty Time ("2" + "3") = (5 hours + 4 hours) = 9 ≤ **14 hours maximum**

16 hour elapsed time ("1" + "A" + 1 hour off-duty + "2") = (4 hours + 4 hours + 1 hour off-duty + 5 hours) = 14 hours ≤ **16 hours maximum**

16 hour elapsed time ("2" + 1 hour off-duty + "B" + 1 hour off-duty + "3") = (5 hours + 1 hour off-duty + 4 hours + 1 hour off-duty + 4 hours) = 15 hours ≤ **16 hours maximum**

All criteria must be met or the sleeper berth exemption is not valid and the driver will be in violation.

Note: Because the eligible sleeper berth periods for team drivers only require a total of 8 hours of sleeper berth time, each team driver must take an additional 2 hours of off-duty time to meet the daily 10-hour requirement. This time may or may not be taken consecutively with the sleeper berth time.

Permits

Permit Extending Driving Time and On-duty Time

Some motor carriers need drivers to work for longer periods than the daily limits allow. Specifically, a motor carrier may need to reduce off-duty time or increase driving time to do the following:

- Allow a driver following a regular itinerary to reach the driver's destination or home terminal;
- Deliver perishable goods; or
- Accommodate a significant temporary increase in the transportation of passengers or goods by the motor carrier.

It is also recognized that oil well service vehicles work in a challenging environment, and drivers may need to work for longer periods than the specified cycles allow.

In these special situations, the registrar with Alberta Transportation is authorized by the federal regulations to issue a permit allowing a carrier to increase the driving time and/or on-duty time available to a driver. The carrier must obtain and complete the appropriate application form. The application will be reviewed to ensure that the request meets legislative requirements and that there is no possibility of compromising safety. If a permit is issued, the permit holder is required to satisfy specific conditions that are intended to ensure continued public safety.

An audit may be conducted to verify that the carrier is not a risk to the public or to the carrier's employees. A breach of the permit conditions or non-compliance may result in cancellation of the permit and/or financial penalties imposed.

More information on permits can be found on the Alberta Transportation website at: www.transportation.alberta.ca/4489.htm

Federal Logbooks

Required Information

Carriers are required to ensure drivers maintain true and accurate daily logs each calendar day. A sample of a log that meets the requirements of the new federal regulations is contained in the Appendix at the end of this module.

The federal daily log must contain the following required information:

- The date, the start time of the day (if different than midnight), the name and signature of the driver and, if the driver is a member of a team of drivers, the names of the co-drivers;
- The cycle the driver is following (if not driving under the provisions of an oil well service permit);
- The vehicle's unit or license plate number;
- The starting odometer reading of each of the commercial vehicles operated by the driver;
- The total distance driven by the driver that day;
- The names and addresses of the home terminal and the principle place of business of every motor carrier by whom the driver was employed or otherwise engaged during the day;
- In the "Remarks" section of the daily log indicate;

- If the motor carrier or driver was not required to keep a daily log immediately before the beginning of the day, the number of hours of off-duty time and on-duty time that were accumulated by the driver each day during the 14 days immediately before the beginning of the day,
- Day 1 or 2 of deferral exemption, if used,
- Record the name of the municipality or location on a highway or legal subdivision, and the name of the province or state where each change of duty occurs,
- Use of any exceptions in which a driver may exceed the maximum driving times;
 - Emergency,
 - Adverse driving.

Graph Grid

The graph grid has to be completed in the prescribed manner:

- A continuous line is drawn between the appropriate markers for each 24-hour period in the grid to record the period of time when the driver is;
 - Off duty,
 - Off duty time spent in the sleeper berth,
 - Driving time,
 - On-duty, not driving time;
- Updated at the end of each change in duty status;
- If the driver is engaged in making deliveries in a municipality that result in a number of periods of driving time being interrupted by a number of short periods of other on-duty time, the periods of driving time may be combined and the periods of other on-duty time may be combined (note that off-duty time is not addressed and must therefore be used to separate periods where duty statuses are combined – e.g. a lunch break can separate combined hours from each of the morning and the afternoon work periods);

- At the end of each day the total number of hours in each duty status shall be entered in the space to the right of each graph grid below the phrase "total hours" and shall add up to 24 hours;
- Drivers must prepare and maintain logs in the time zone of the driver's home terminal;
- Every motor vehicle is required to have a working odometer. A hub-meter reading is acceptable in lieu of an odometer reading;
- A driver must sign the log, certifying that the information provided is true and accurate;
- A driver must indicate the city, village or town and provincial/state reference at each duty status change. While provincial and state references may be abbreviated, names of cities, villages and towns must be written out in full.

Sample Log:

MOTOR VEHICLE OPERATOR'S DAILY LOG										Date: _____																		
Motor Carrier: _____										Odometer Finish _____																		
Principal Place of Business Address: _____					Vehicle Plate or Unit # (Show All Units) _____					Odometer Start _____																		
Home Terminal Address: _____					Cycle 1 (7 days) _____					Cycle 2 (14 days) _____					Total Distance Driven Today _____ km/mi													
HOUR AT WHICH DAY BEGINS (If Other Than Midnight) _____										Use Time Standard at Home Terminal _____																		
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total Hours		
Off-duty time other than in sleeper berth	[Grid with vertical bars]																											
Off-duty time in sleeper berth	[Grid with vertical bars]																											
Driving time	[Grid with vertical bars]																											
On-duty time other than driving time	[Grid with vertical bars]																											
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total		
REMARKS _____																												
DAILY DEFERRAL USED: _____ Day 1 _____ Day 2 _____																												
Other Motor Carrier (Name & Address) _____										PERSONAL USE OF COMMERCIAL VEHICLE																		
_____										Start Odometer _____					End Odometer _____													
Name of Co-Driver _____																												
PREVIOUS DAYS' TIME RECORDS														Printed Name of Driver _____														
Previous Day (first = 1)	1	2	3	4	5	6	7	8	9	10	11	12	13	14														
Total Hours On-Duty																												
Total Hours Off-Duty																												
														Signature of Driver (Certified True and Correct) _____														

Radius Record Partial Exemption

Section 81 of the federal regulations indicates that in order to be eligible for the 160 kilometer radius exemption you must meet all of the following requirements:

- The driver operates within a 160 kilometer radius of driver's home terminal;
- The driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time;
- The motor carrier that employs the driver maintains accurate and legible time records showing, for each calendar day, the driver's duty status and elected cycle, the hour at which each duty status begin and ends and the total number of hours spent in each status;
- The motor carrier retains these driver records for a period of at least six months;
- If one or more of the conditions [listed above] ceases to exist, the carrier shall keep a log book as per section 9 or 10 of the same regulation.

Note: This exemption applies ONLY to record keeping requirements. ALL other requirements of the regulations must be met.

Sample Radius Record:

160 Kilometre Radius Record				
Driver's Name: _____				
Date: _____				
Elected Cycle: 1 <input type="checkbox"/> 2 <input type="checkbox"/>				
Time	Off-duty	Driving	On-duty not driving	Remarks
Total Hours				

Note: Other formats for a radius record can be used provided they contain at least the minimum required information.

Onboard Recording Device

An electronic or mechanical recording device is allowed instead of the driver maintaining a manual log as long as the device provides all the required information. The device must automatically record when it is disconnected or tampered with, and visually or audibly warn the driver when it does not work. All devices must operate to the satisfaction of the Registrar. The driver must be ready to manually prepare log forms should the device not work. When requested by a peace officer, the driver must be prepared to complete manual logs using the information stored in the device for the period of the declared cycle.

Carriers may choose to maintain electronic data downloads of driver log information for a minimum period of six months, thereby meeting the record retention requirement.

Possession of Logs and Support Documents

Drivers who are required to maintain logs must prepare a log for each day that they are employed by a motor carrier including days which are spent off-duty. Drivers are further required to have the current day and the previous fourteen days available for inspection upon demand by a peace officer. A driver who is operating under an oil well service permit must produce at least a copy of the preceding 14 days, and for each of the required 3 periods of 24 consecutive hours of off-duty time in any period of 24 days.

Drivers, who have been off-duty for several days, may record their daily log information for multiple consecutive off-duty days on a single log book page (example shown below) provided that:

- The log page is fully completed with all applicable/required information (e.g. driver name; addresses for home terminal and principle place of business; total hours for each duty status; total hours in the day; cumulative cycle; start time of the day (if other than midnight); driver signature; etc.);
- The information on the log must be legible and accurate;
- The days referenced as off duty are consecutive dates;

- The log page does not include information for a day that shows any duty status other than “off duty time other than time spent in a sleeper berth” (i.e. the days off cannot be shown in the remarks section of a log completed on the first day the driver is back on duty).

Sample Log Showing Multiple Days Off Duty:

Date: *Jan. 5-6, 2008*

MOTOR VEHICLE OPERATOR'S DAILY LOG		Date: <i>Jan. 5-6, 2008</i>	
Motor Carrier: <i>ABC Transportation Inc.</i>		Odometer Finish	
Principal Place of Business: <i>1 Bay St Calgary, AB T2K 9X3</i>		Odometer Start	
Home Terminal Address: <i>1 Bay St Calgary, AB T2K 9X3</i>		Cycle 1 (7 days) <input checked="" type="checkbox"/>	Cycle 2 (14 days)
		Total Distance Driven Today <i>0</i> km	

	Use Time Standard at Home Terminal																									
	Hour at which Day Begins (Midnight)																									
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total Hours
Off-duty time other than in sleeper berth	[Bar chart showing 24 hours of off-duty time]																								<i>24</i>	
Off-duty time in sleeper berth	[Bar chart showing 0 hours of off-duty time in sleeper berth]																								<i>0</i>	
Driving time	[Bar chart showing 0 hours of driving time]																								<i>0</i>	
On-duty time other than driving time	[Bar chart showing 0 hours of on-duty time other than driving time]																								<i>0</i>	
																									<u><i>24</i></u>	

REMARKS

DAILY DEFERRAL USED: Day 1 Day 2

Other Motor Carrier (Name & Address)

PERSONAL USE OF COMMERCIAL VEHICLE	
Start Odometer	End Odometer

Name of Co-Driver

PREVIOUS DAYS' TIME RECORDS														
Previous Day (first - 1)	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Total Hours On-Duty														
Total Hours Off-Duty														

Bill Driver

Printed Name of Driver

Bill Driver

Signature of Driver (Certified True & Correct)

When requested by a Peace Officer, the driver must produce his logs and supporting documentation without delay. Supporting documentation includes, at least: trip reports; bills of lading; other shipping documents; receipts for fuel, accommodation and other expenses; etc.

Carrier Responsibilities

Due Diligence

The federal hours of service regulations place responsibility on the carrier to ensure that all company drivers driving vehicles registered to the carrier, including lease operators, are in compliance. Failure to demonstrate due diligence to ensure drivers are in compliance may result in charges being filed.

Due diligence is the level of judgment, care, prudence, determination, and activity that a person would reasonably be expected to do under particular circumstances. The question that is asked is, “What would be reasonable to do in this particular situation?”

A carrier must have the necessary systems, policies and practices in place to identify and rectify issues of non-compliance. While compliance issues will always exist, the carrier must continue to do what is reasonably expected. The proof is in the paper – processes/policies and actions must be documented to support the claim of due diligence.

Monitoring Compliance by Motor Carriers

Carriers are required by regulation to ensure drivers comply with all requirements and maintain true and accurate daily logs. This must be done by having and implementing an internal audit/monitoring process to ensure drivers are completing logbooks as required by legislation, are not exceeding any hour limits and are not falsifying them. This internal monitoring of driver daily logs is required by section 87 of the federal regulations. The carrier must:

- Evaluate all drivers to ensure they are complying to the regulations;
- Record the date(s) the violation(s) occurred;
- Record the date of issuance of a notice of non-compliance;
- Record the action taken with the driver.

The following link summarizes the way in which federal logs can be reviewed: www.transportation.alberta.ca/Content/docType276/Production/Module_24.pdf

A monitoring process is an integral component of a carrier's safety program. It provides the carrier with the ability to readily identify areas of non-compliance. Audits involve the review of driver logbooks, support documentation (such as fuel and lodging receipts), and any other relevant information. You need to document the findings to support any corrective/disciplinary action taken. The number of drivers and logs checked during the self-audit may vary according to the size of the company. A small carrier may choose to audit all drivers' logs, but a large company may choose to audit a portion of the drivers for a selected period of time.

Driver logbooks should be audited to ensure that:

- There is a log or radius record for every day, including days off;
- Logbooks are complete with all required information;
- Drivers are in compliance with the regulations (driving limits, required off-duty time and the cumulative cycle limits, as applicable);
- Logs are accurate when compared to supporting documents such as dispatch records, fuel receipts, payroll records, bills of lading;

- Logs are accurate when analyzed for distance traveled over a period of time;
- On-duty time logged by the driver agrees with the driver's statement of hours worked for payroll submission;
- Driving with a co-driver is substantiated and the hours declared by the 2 drivers are appropriate (for example, both drivers do not log driving at the same time);
- The carrier and the driver are complying with any permit conditions;
- Records are being filed in a neat and orderly manner (usually chronologically by driver) and retained for the minimum period required;
- Radius exemption daily records are available, if appropriate, and all 4 criteria are met every day the exemption was used.

Corrective Action

Corrective action(s) must be taken if/when violations are identified. They may take the form of re-evaluation and assessment, re-training, or application of the disciplinary process leading up to and including dismissal. Corrective actions should be part of a carrier's safety plan and consistent with the applicable federal and provincial legislation. Employees must be aware of its existence in the safety plan. A carrier may choose to have new employees acknowledge that they have been informed of the carrier's disciplinary policy at the time of hire, in addition to having a copy of the policy available for all employees to view.

The disciplinary process should be progressive in nature. For example, it could start with a documented verbal warning, and then escalate to a written warning signed by the driver, then suspensions and ultimately termination. Carriers should identify offences that would result in immediate termination.

Proactive Measures

A proactive approach is a key component of the hours of service management program. Carriers need to develop and implement written policies and procedures to ensure compliance with the regulations. While demonstrating due diligence, the carrier has the ability to undertake corrective action through the application of its disciplinary process.

Drivers are required to comply with the regulations and they have the right and the responsibility to refuse any work that would place him/her in a position of non-compliance. A carrier's internal policies should clearly identify this right as a means of ensuring that drivers are aware that they must comply with these regulations, even if directed to do otherwise.

An integral component of a safety management program is the effective training of operational staff responsible for driver supervision and dispatch, in addition to drivers. Personnel must have knowledge and understanding of the regulations and be aware of the policies, procedures and available options. To achieve a high level of compliance you need effective training of new drivers and re-training of those who have demonstrated a continuing pattern of violations. This will also ensure minimal intervention from enforcement agencies.

Carriers must ensure that drivers are only dispatched when the driver has a sufficient number of on-duty hours available for use. It is necessary to employ a system to monitor driver on-duty time. A tracking system for hours of service could include, for example, when a driver calls the company dispatcher on a daily basis with the accumulated hours for the previous day and the dispatcher keeps a record of these hours. From the information provided by the driver, the dispatcher is able to calculate the driver's available hours remaining in the day, workshift and declared cycle.

Reactive Measures

The carrier must have the necessary tools available to react when it is identified that the regulations or associated company policies have been violated. Tools that can help you identify and modify inappropriate driver behavior include a self-audit program, timely reviews of driver records, driver disclosures/non-disclosures and the carrier profile.

Corrective measures may include re-training and/or disciplinary action, as identified in the carrier's disciplinary process. Failure to take corrective action means the cycle of non-compliance will continue. Due diligence requires both the identification of violations and corrective action to ensure that they are not repeated.

Record Keeping

The driver is required to submit each completed log to the carrier within 20 days of being produced. A driver who is employed by two or more carriers is required to provide each carrier with a copy of all logs. The carriers are also required to keep a copy of drivers' logs for at least 6 months and must have copies retained at their principal place of business within 30 days of receiving them.

The carrier is required to maintain driver logbooks and support documents for at least six months. If a driver is exempt from keeping logbooks, the carrier is also responsible for retaining the appropriate daily time records for six months. These records must be kept at the carrier's principal place of business in Alberta and they must be neat and orderly. The carrier is required, on request by a Peace Officer, to produce these records during normal business hours. A Peace Officer is not required to give the carrier prior notice of inspections.

Enforcement and Penalties

The Registrar and/or Peace Officers may take disciplinary action in response to drivers and motor carriers in violation of the hours of service regulations. The disciplinary action may be in the form of court charges, administrative penalties, downgrading safety fitness rating, etc.

Shippers, consignees and any other person are also subject to disciplinary action if they request, require or allow a driver to drive in the following situations:

- The driver's faculties are impaired to the point where it is unsafe for the driver to drive;
- Driving would jeopardize the safety or health of the public, the driver or the employees of the motor carrier;
- The driver is subject to an Out-of-Service declaration; or
- The driver, in doing so, would not be in compliance with these regulations.

Violations of hours of service regulations by a driver or the carrier that result in convictions are included in the carrier's profile. An accumulation of these convictions, solely or in combination with convictions for any other type of offence under the *Traffic Safety Act*, may result in the carrier being identified for further monitoring and enforcement actions.

Note: Hours of service convictions will also be shown on the driver's commercial driver abstract (CDA). Information on the CDA is available on the internet at: www.transportation.alberta.ca/4664.htm

Out of Service Declarations

Drivers on the road who cannot produce the requested hours of service records are subject to being placed Out of Service. Drivers driving beyond the hours of service limitations are

subject to prohibition of driving by a Peace Officer until such a time that they have enough hours available to proceed.

Responsibilities of Others

Section 4 of the federal hours of service regulations places the responsibility to ensure compliance onto:

- The motor carrier;
- The shipper;
- The consignee (receiver);
- Other persons (e.g. safety officer, dispatcher); and
- The driver.

Everyone **MUST** prevent the driver from driving if:

- The driver's faculties are impaired to the point where it is unsafe for the driver to drive;
- Driving would jeopardize or be likely to jeopardize the safety or health of the public, the driver or the employees of the motor carrier;
- The driver is subject to an out-of service declaration;
- The driver, in doing so, would **NOT** be in compliance with the regulations.

Anyone listed above may be subject to enforcement action if they fail to ensure compliance to these regulations.

✓ Quick Test – Federal Regulation (SOR2005-313)

Check your understanding by answering the following questions.

1. The federal hours of service regulations apply to carriers, operating commercial vehicles having a Registered Gross Vehicle Weight of more than _____ kilograms and buses that are originally designed to transport _____ or more persons.

2. Under the federal regulation, no carrier shall request, permit or require a driver to drive, and no driver shall drive a commercial vehicle after that driver has accumulated more than _____ hours of driving time in a day.

3. Under the federal regulation, what are the 2 exceptions in which a driver can exceed the maximum driving times?

a.

b.

4. What are the 4 conditions that exempt a driver from having to maintain a logbook under the federal Regulation?

a.

b.

c.

d.

5. In a day, the following rules apply:
- (a) No driving after driver has accumulated ____ hours of driving time in a day.
 - (b) No driving after driver has accumulated ____ hours of on-duty time in a day.
6. In a workshift, the following rules apply:
- (a) No driving after ____ hours driving in a workshift.
 - (b) No driving after ____ hours on-duty in a workshift.
 - (c) No driving after ____ hours of total elapsed time in a workshift.

For questions 7 to 11, circle T if the statement is true or F if the statement is false.

T	F	7. Federal regulations allow an inspector to put a driver out of service if he/she appears to be in a fatigued condition.
T	F	8. Electronic or mechanical recording devices are not permitted instead of a manual log.
T	F	9. When a driver is travelling as a passenger (in the passenger seat) of a commercial vehicle to a point where the driver will begin driving, this should be recorded as “off-duty time.”
T	F	10. Loading or unloading a commercial vehicle should be recorded as “on-duty time, not driving.”
T	F	11. Work performed for an organization <u>other than</u> the motor carrier is off-duty time (not spent in a sleeper berth).

12. **Cycle 1** limits allows for ____ on-duty hours in 7 consecutive days.

13. To reset **cycle 1** the driver must have at least ____ consecutive hours off-duty.

14. **Cycle 2** limits allows for ____ on-duty hours in 14 consecutive days.
15. To reset cycle 2 the driver must have at least ____ consecutive hours off-duty.
16. When operating under cycle 2, the driver cannot exceed 70 hours of on-duty time without taking at least ____ hours off-duty.
17. In order to qualify as an eligible sleeper berth period, drivers must meet the following criteria:
- (a) Minimum number of hours for each sleeper berth period:
 - For a single driver = _____
 - For team drivers = _____
 - (b) Minimum number of hours of 2 sleeper berth periods
 - For a single driver = _____
 - For team drivers = _____

Check your answers with the answer key on the following page. Review the materials in this module if you answered any of these questions incorrectly.

✓ Quick Test (Federal Requirements) Answers

1. 4,500 kilograms, 11
2. 13
3.
 - a. An emergency condition which would threaten the safety of the commercial vehicle, the occupants of the vehicle or the cargo.
 - b. Where adverse driving conditions would delay a trip unexpectedly.
4.
 - a. The driver operates within a 160 kilometer radius of their home terminal.
 - b. The driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time.
 - c. The motor carrier maintains accurate and legible records showing, for each day, the driver's duty status and elected cycle, the hour at which each duty status begins and ends and the total number of hours spent in each duty status and keeps those records for a minimum period of 6 months after the day on which they were recorded.
 - d. The driver is not driving under permit.
5. In a day, the following rules apply:
 - a. No driving after driver has accumulated 13 hours of driving time in a day.
 - b. No driving after driver has accumulated 14 hours of on-duty time in a day.
6. In a workshift, the following rules apply:
 - a. No driving after 13 hours driving in a workshift.
 - b. No driving after 14 hours on-duty in a workshift.
 - c. No driving after 16 hours of total elapsed time in a workshift.
7. True – No driver shall to drive when fatigued.
8. False - Electronic or mechanical recording devices are permitted in lieu of a manual log.
9. False – Duty status must be recorded as On-Duty, not driving time.
10. True
11. True
12. **Cycle 1** limits allows for 70 on-duty hours in 7 consecutive days.
13. To reset cycle 1 the driver must have at least 36 consecutive hours off-duty.
14. **Cycle 2** limits allows for 120 on-duty hours in 14 consecutive days.
15. To reset cycle 2 the driver must have at least 72 consecutive hours off-duty.

Part 2: Provincial Regulations

All hours of service regulations govern the maximum driving times and minimum off-duty times of commercial vehicle drivers (both bus and truck) employed or otherwise engaged in commercial transportation. These regulations require drivers to keep a record of their daily driving and other work activities in a prescribed format and to make these records available to designated enforcement officials upon request.

The Alberta provincial *Drivers' Hours of Service Regulation (AR317/2002)* applies to carriers operating SOLELY within Alberta under a “provincial” operating status as noted on their Safety Fitness Certificate.

This includes:

- All carriers who operate or have operated commercial vehicles within Alberta that are:
 - Trucks, tractors or trailers, or a combination of these vehicles operated that have a registered gross weight equal to or greater than 11,794 kilograms;
 - AND**
 - Passenger vehicles (buses and vans) with a manufactured seating capacity of 11 persons or more, including the driver.
- Drivers of such commercial vehicles.

This Alberta regulation is available on the internet

at: www.gp.alberta.ca/574.cfm?page=2002_317.cfm&leg_type=Regs&isbncln=9780779733934

Other information on this legislation is available at: www.transportation.alberta.ca/4652.htm

General Exemptions

The Alberta hours of service regulations **do not apply to the following:**

- Commercial vehicles with a total registered gross vehicle weight (including trailers) of less than 11,794 kilograms;
- “Emergency vehicles” as defined in the *Traffic Safety Act*;
- Commercial vehicles transporting goods or passengers in a natural disaster or a disaster caused by human intervention;
- Commercial vehicles that is used primarily to transport an agricultural product where the driver of the vehicle:
 - Is a bona fide farmer who owns or produced that agricultural product, or
 - Is an employee of that farmer;
- Two or three-axle vehicles transporting primary products of a forest, lake or river, and the driver (carrier) is the producer of the products. This includes tree farms and fish farms;
- Recreational vehicles;
- Urban transit buses;
- Commercial vehicles with a mounted mobile service rig, or equipment used in the operation/transportation of a mobile service rig;
- Commercial vehicles that is exempted by the Registrar.

Driver Duties

The duties performed by a driver of a regulated commercial vehicle can be classified into one of four categories or “Duty Statuses.” These duty statuses are identified as:

- Off-duty time, other than time spent in a sleeper berth;
- Sleeper Berth time (off-duty time spent in a sleeper berth);
- Driving time; or
- On-duty time, other than driving time.

In the provincial *Drivers’ Hours of Service Regulation (AR 317/2002)*, “**on-duty time**” means the period that begins when a driver begins work or is required by the motor carrier to be available to work, except where the driver is waiting to be assigned to work, and ends when the driver stops work or is relieved of responsibility by the motor carrier, and includes driving time and time spent by the driver:

- (a) Checking in or preparing reports at the commencement or termination of a work shift;
- (b) Inspecting, servicing, repairing, conditioning or starting a commercial vehicle;
- (c) Driving a vehicle;
- (d) In the case of a vehicle that is being operated by co-drivers, travelling as one of the drivers, except the time that the driver spends resting en route in a sleeper berth;
- (e) Participating in the loading or unloading of a commercial vehicle;
- (f) Inspecting or checking the load of a commercial vehicle;
- (g) Waiting, at the request of the carrier by whom the driver is employed or otherwise engaged, for a vehicle to be serviced, loaded or unloaded;
- (h) Waiting for a vehicle or load to be checked at customs, at a vehicle inspection station or by a peace officer;

- (i) At the request of the carrier by whom the driver is employed or otherwise engaged, travelling as a passenger to a work assignment when the driver has not been off-duty for at least 8 consecutive hours immediately prior to departure;
- (j) Waiting at a point en-route due to an accident involving the vehicle that the driver is operating or other unplanned event; or
- (k) At the request of the carrier by whom the driver is employed or otherwise engaged, waiting in readiness for work at any place other than;
 - 1. A private residence, or
 - 2. A motel, hotel or other similar place of rest, where the accommodation is provided by the carrier.

Provincial Driving Limitations

Workshift Limits

- **The 13-Hour Driving Time Rule**

No carrier shall ask, allow or require a driver to drive, and no driver shall drive a commercial vehicle after that driver has accumulated 13 hours of driving time in a workshift. After 13 hours of driving, a driver must take at least eight consecutive hours off-duty (or its equivalent) in order to be eligible to drive again.

- **The 15-Hour On-duty Rule**

No carrier shall ask, allow or require a driver to drive, and no driver shall drive a commercial vehicle after that driver has accumulated more than 15 hours on-duty in a workshift. The 15 hours of on-duty time may consist of driving time and on-duty time not driving, with the driver driving no more than 13 hours within that time. A driver, having accumulated a maximum of 15 hours of on-duty time, may not drive a commercial vehicle again until the driver has taken at least eight consecutive hours of off-duty time. Following this rest time, the driver may once again drive a regulated commercial vehicle.

Note: The Alberta regulations do NOT include any daily limits or cycle limits like the federal regulations.



Notes

Time Breaks

A driver may continuously drive a vehicle:

- For a period of up to 4 consecutive hours if, at the conclusion of driving for that period of time, the driver takes at least 10 consecutive minutes off-duty or of non-driving time; **OR**
- For a period of up to 6 consecutive hours if, at the conclusion of driving for that period of time, the driver takes at least 30 consecutive minutes off-duty or of non-driving time.

Required Rest

The driver is required to have at least eight consecutive hours of off-duty time after 13 hours driving or 15 hours of on-duty time before he/she becomes eligible to drive a commercial vehicle again. The eight consecutive hours may be a combination of off-duty and sleeper berth times. A driver may also take the required eight consecutive hours rest in the sleeper berth or split the sleeper berth time into two periods.

The number of hours that the driver is off duty before the driver starts their next workshift may be reduced to not less than 4 hours if:

- The total consecutive hours that the driver will be off duty after the next workshift will not be less than 8 hours PLUS the number of hours by which the driver's time off duty had been reduced;
- The reduced rest provision is available only once in a seven day period; and
- The Registrar does not direct otherwise.

Reduced Rest Provision

A driver may, once in seven days, reduce the required eight hours rest to not less than four hours rest if:

- Before the reduced rest, the driver has not been on-duty more than 15 hours; and
- The reduced number of hours taken off is added to the next consecutive 8 hours of rest that is at least 8 hours long.

Notes:

- The reduced rest provision is not available to a driver who is in violation of any driving or on-duty limits until the driver has taken a minimum of eight consecutive hours off-duty.
- Bus or truck seating does not meet the definition of a sleeper berth and cannot be used to be eligible for any sleeper berth exemption.
- A driver cannot log sleeper berth time when using the driver or passenger seat area. The driver must be in the sleeper berth itself. A sleeper berth must be designed, built, and maintained in accordance with good industry practices.
- Sleeper berth time and off-duty time can be combined to obtain the required eight hours rest if the eight hours is consecutive.
- There are no cumulative hour limitations specified in the Alberta legislation.

Adverse Driving Conditions Exemption

Section 6(3) specifies that a driver may extend the permitted 13 hours of driving time and reduce the 2 hours of daily off-duty time by the amount of time needed to complete the trip if:

- The driving, on-duty and elapsed time is not extended more than 2 hours;
- The driver still takes the required 8 consecutive hours of off-duty time; and
- The trip could have been completed under normal driving conditions without the reduction.

Emergency Conditions Exemption

Section 6(4) of the provincial hours of service regulation specifies that the requirements in respect to driving time, on-duty time and off-duty time do not apply to a driver who, in an

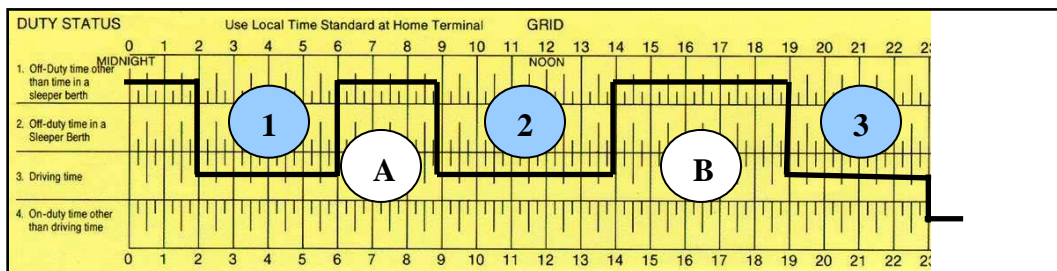
emergency, requires more driving time to reach a destination that provides safety for the occupants of the commercial vehicle and for other users of the road or the security of the commercial vehicle and its load. The driver must stop at the *first* place of safety.

Sleeper Berth Exception

If the vehicle has a sleeper berth, the driver may accumulate the eight hours rest in two periods of time in the sleeper berth if:

- Neither period is less than two hours;
- The total time spent in the 2 sleeper berth periods is at least eight hours; and
- The total driving time immediately before and after each rest period does not exceed 13 hours.

Example of an Acceptable Use of Sleeper Berth:



Example

Driving Time "1"	4 hours
Sleeper Berth Time "A"	3 hours
Driving Time "2"	5 hours
Sleeper Berth Time "B"	5 hours
Driving Time B "3"	4 hours

Driving Time ("1" + "2") = (4 hours + 5 hours) = 9 ≤ **13 hours**

Driving Time ("2" + "3") = (5 hours + 4 hours) = 9 ≤ **13 hours**

Total Sleeper Berth Time ("A" + "B") = (3 hours + 5 hours) = 8 ≥ **8 hours**

Time Breaks (After "1" = 4 hours of driving) = 3 hours of off duty time ≥ **10 minutes**

Time Breaks (After "2" = 5 hours of driving) = 5 hours of off duty time ≥ **10 minutes**

Time Breaks (After "3" = 4 hours of driving) = 1 hour of off duty time ≥ **10 minutes**

All criteria must be met or the sleeper berth exemption is not valid and the driver will be in violation

Logbooks

Required Information

Carriers are required to make sure drivers maintain true and accurate daily logs each calendar day.

The daily log must contain the following required information:

- A graph grid in the form set out in the Schedule;
- Date on which the day begins;
- Odometer reading at the start of driving;
- Total number of kilometres or miles driven by the driver during the work day;
- When a vehicle is being driven by co-drivers, the total number of hours the vehicle has travelled during a work day;
- The vehicle's unit or licence plate number;
- Name of the carrier for whom the driver worked during the work day;
- Name and signature of the driver;
- Name of any co-driver;
- Start time of the work shift and the location at which the driver started the workshift;
- Address of the principal place of business and of the home terminal of each carrier for whom the driver is employed or otherwise engaged during the work day.

Graph Grid

The graph grid has to be completed in the prescribed manner:

- A continuous line is drawn between the appropriate markers for each 24-hour period in the grid to record the period of time when the driver is:
 - off duty,
 - off duty in the sleeper berth,
 - driving,
 - on-duty, not driving;

- Record the name of the city, town or village or location on a highway, and the name of the province or state where each change of duty occurs;
- Record the name of the city, town or village or location on a highway, and the name of the province or state where *fuel* was obtained and the *quantity* of fuel obtained;
- Updated at the end of each change in duty status;
- At the end of each day the total number of hours in each duty status shall be entered in the space to the right of each graph grid below the phrase "total hours" and shall add up to 24 hours.

Notes for graph grids:

- Drivers must prepare and maintain logs in the time zone of the driver's home terminal.
- Drivers making multiple stops in a single town or city may combine the on-duty time and driving time into single lines on the log. The driving time between such stops should be entered on the log at the conclusion of the driver's last stop. Note that off-duty time is not addressed and must therefore be used to separate periods where duty statuses are combined – e.g. a lunch break can separate combined hours from each of the morning and the afternoon work periods.
- Every motor vehicle is required to have a working odometer. A hub-meter reading is acceptable in lieu of an odometer reading.
- A driver must sign the log, certifying that the information provided is true and accurate.
- A driver must indicate the city, village or town and provincial/state reference at each duty status change. While provincial and state references may be abbreviated, names of cities, villages and towns must be written out in full.

Sample Log:

MOTOR VEHICLE OPERATOR'S DAILY LOG		Date: _____
Motor Carrier: _____	Vehicle Plate or Unit # (Show all Units)	Odometer Finish
Principal Place of Business Address: _____		Odometer Start
Home Terminal Address: _____		Total Distance Driven Today km/ml

HOUR AT WHICH DAY BEGINS (If Other Than Midnight) _____ Use Time Standard at Home Terminal

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Total Hours
Off-duty time other than in sleeper berth	[Vertical bar chart showing off-duty time]																									
Off-duty time in sleeper berth	[Vertical bar chart showing off-duty time in sleeper berth]																									
Driving time	[Vertical bar chart showing driving time]																									
On-duty time other than driving time	[Vertical bar chart showing on-duty time other than driving time]																									
																									Total _____	

REMARKS

Other Motor Carrier (Name & Address)

Name of Co-Driver

PREVIOUS DAYS' TIME RECORDS

Previous Day (first - 1)	1	2	3	4	5	6	7
Total Hours On-Duty							
Total Hours Off-Duty							

Printed Name of Driver

Signature of Driver (Certified True and Correct)

Radius Record Partial Exemption

Under the provincial regulation a driver is exempt from having to maintain a logbook only if ALL of the following conditions are met:

- The driver operates within a 160 kilometre radius of driver's home terminal;
- The driver's work shift does not exceed 15 hours;
- The driver starts and ends the shift at his home terminal;
- The carrier that employs the driver maintains and keeps accurate time records of the driver's start time and of the end time for each calendar day and retains these records for a period of at least six months.

The exemption from having to keep a logbook does NOT exempt a driver from being in compliance with the remainder of the hours of service regulations; it applies only to the requirement of maintaining a logbook. If ANY of the above conditions that exempt the driver from keeping a log book end, then the driver must maintain a daily log and record the total hours on-duty in each of the previous 7 days in the Remarks section of this first log.

When a logbook exempt driver is required to drive in a situation that results in violating any one of the exemption requirements, the driver is required to immediately begin a log for that particular trip and be ready to present the hours worked for the previous 7 days, if demanded by a peace officer. The driver may in this case, prepare a log indicating in the Remarks section the number of on-duty hours for the previous 7 days.

Example of Remarks Section:

June 10: city work – 8.0 hours	June 14: off-duty
June 11: city work – 12.0 hours	June 15: city work – 8.25 hours
June 12: city work – 12.5 hours	June 16: city work – 8.0 hours
June 13: off-duty	

Sample Radius Record:

Carrier Name and Address:

DRIVER'S TIME RECORD

Day of Month	ON-DUTY TIME				ON-DUTY TIME OTHER THAN REGULAR ROUTES			
	MORNING		AFTERNOON		ON-DUTY TIME		DESCRIPTION: i.e. Field Trip, Service Trip, Training, Teaching, etc.	UNIT #
	START	END	START	END	START	END		
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								

NOTE: All calendar days must be accounted for. If you had no on-duty time for the period covered by this Time Record, please write "OFF" over the above dates and submit this time record as specified below.

Month / Year: _____ / _____

Driver' Name (Print): _____

Driver's Signature: _____

THIS TIME RECORD MUST BE SUBMITTED TO THE TRANSPORTATION DEPARTMENT IMMEDIATELY FOLLOWING THE 15th OF THIS MONTH

White Copy - Office Yellow Copy - Driver

Onboard Recording Device

An electronic or mechanical recording device is allowed instead of the driver maintaining a manual log as long as the device provides all the required information. The device must automatically record when it is disconnected or tampered with, and visually or audibly warn the driver when it doesn't work. All devices must operate to the satisfaction of the Registrar. The driver must be ready to manually prepare log forms should the device not work. When requested by a Peace Officer, the driver must be prepared to complete manual logs using the information stored in the device.

Carriers may choose to maintain electronic data downloads of driver log information for a minimum period of six months, thereby meeting the record retention requirement.



Notes

Possession of Logs and Support Documents

Drivers who are required to maintain logs must prepare a log for each day that they are employed by a motor carrier. This includes a log for each day when the driver was not driving (or an accumulation of days entered into the Remarks section of the log), but was still employed by the carrier. Drivers are further required to have the current day and at least the previous two days for inspection upon demand by a Peace Officer.

Drivers, who have been off duty for several days, may record their daily log information for multiple consecutive off-duty days on a single log book page provided that:

- The log page is fully completed with all applicable/required information (e.g. driver name; addresses for home terminal and principle place of business; total hours for each duty status; total hours in the day; start time of the day (if other than midnight); driver signature; etc.);
- The information on the log must be legible and accurate;
- The days referenced as off duty are consecutive dates;
- The log page does not include information for a day that shows any duty status other than “off duty time other than time spent in a sleeper berth” (i.e. the days off can’t be shown in the remarks section of a log completed on the first day the driver is back on duty).

When requested by a Peace Officer, the driver must produce his logs and trip documentation without delay. Supporting documentation includes at least vehicle trip reports, bills of lading, other shipping documents, receipts for fuel, accommodation and other expenses.

Record Keeping

The driver is required to submit each completed log to the carrier within 20 days of being produced. A driver who is employed by two or more carriers is required to provide each carrier with a copy of all logs. Carriers are also required to keep a copy of drivers’ logs for

at least 6 months and must have copies retained at their principal place of business within 30 days of receiving them.

The carrier is required to maintain driver logbooks and support documents for a period of at least six months. If a driver is exempt from keeping logbooks, the carrier is responsible for retaining the appropriate time records. These records must be kept at the carrier’s principal place of business in Alberta and they must be neat and orderly. The carrier is required, on request by a Peace Officer, to produce these records during normal business hours. A Peace Officer is not required to give the carrier prior notice of inspections.

Section 17 of the *Drivers’ Hours of Service Regulations* indicates that a driver must retain a duplicate of all of his/her daily logs for a period of at least 6 months from the date that the information is recorded in the daily log. These logs shall be kept at the residence of the driver.



Notes

Carrier Responsibilities

Due Diligence

The hours of service regulations place responsibility on the carrier to ensure that all company drivers and owner/operators (operating vehicles registered to the carrier) comply with the hours of service regulations. Failure to ensure drivers are in compliance may result in charges being filed.

Due diligence is the level of judgment, care, prudence, determination, and activity that a person would reasonably be expected to do under particular circumstances. The question that is asked is, “What would be reasonable to do in this particular situation?”

A carrier should have the necessary systems, policies and practices in place to identify and rectify issues of non-compliance. While issues of non-compliance will always exist, the carrier should do what is reasonably expected. The proof is in the paper - corrective actions should be documented to support the claim of due diligence.



Notes

Proactive Measures

A proactive approach is a key component of the hours of service management program. Carriers need to develop and implement written policies and procedures to ensure compliance with the regulations. While demonstrating due diligence, the carrier has the ability to undertake corrective action through the application of its disciplinary process.

Drivers are required to comply with the regulations and they have the right and responsibility to refuse any work that would place him/her in a position of non-compliance. A carrier's internal policies should clearly identify this right as a means of ensuring that drivers are aware that they must comply with these regulations, even if directed to do otherwise.

An integral component of a safety management program is the effective training of operational staff responsible for driver supervision and dispatch, in addition to drivers. Personnel must have knowledge and understanding of the regulations and be aware of the policies, procedures and available options. To achieve a high level of compliance you need effective training of new drivers and re-training of those who have demonstrated a continuing pattern of violations. This will also ensure minimal intervention from enforcement agencies.

Carriers must ensure that drivers are only dispatched when the driver has a sufficient number of on-duty hours available for use. It is necessary to employ a system to monitor driver on-duty time. A tracking system for hours of service could include, for example, when a driver calls the company dispatcher on a daily basis with the accumulated hours for the previous day and the dispatcher keeps a record of these hours. From the information provided by the driver, the dispatcher is able to calculate the driver's available hours remaining in the day, workshift and declared cycle.



Notes

Enforcement and Penalties

The Registrar may take disciplinary action in response to drivers and motor carriers in violation of the hours of service regulations. The disciplinary action may be in the form of court charges, administrative penalties, downgrading safety fitness rating, etc.

Violations of hours of service regulations by a driver or the carrier that result in convictions are included in the carrier's Profile. An accumulation of these convictions, solely or in combination with convictions for any other type of offence under the *Traffic Safety Act*, may result in the carrier being identified for further monitoring and enforcement actions.

Note: Hours of Service convictions will also be shown on the driver's commercial driver abstract (CDA). More information on this is available on the internet at: www.transportation.alberta.ca/4664.htm

Out of Service Declarations

Drivers on the road who cannot produce the requested records are subject to being placed Out of Service. Drivers driving beyond the hours of service limitations are subject to prohibition of driving by a Peace Officer until such a time that they have enough hours available to proceed.

Under the provincial legislation, a driver can be placed Out of Service for up to 8 consecutive hours or for the time required to correct the violation, depending on the violation.

Responsibilities of Others

Section 144 of Alberta’s *Traffic Safety Act* states, in part, that where a person other than the carrier performs a “related function” in respect of that commercial vehicle, and as a result of carrying out that related function this Act (and its regulations) are not complied with, that person and the carrier are jointly and severally liable for that non-compliance unless it can be proved to the satisfaction of the court that the non-compliance occurred without the consent, expressed or implied, of that person/carrier.

A “related function” includes:

- Loading goods on or into a commercial vehicle;
- Adjusting or rearranging goods being carried by a commercial vehicle;
- Unloading or removal goods from a commercial vehicle;
- Providing documentation or records, other than motor vehicle documents, with respect to the operation of a commercial vehicle; and
- Giving directions, directives, instructions or orders respecting the operation of the commercial vehicle.



Notes

✓ Quick Test – Provincial Requirements (AR317/2002)

Check your understanding by answering the following questions.

1. The Alberta *Drivers' Hours of Service Regulation* applies to commercial vehicles with a Gross Vehicle Weight of _____ kilograms or more or buses that are originally designed to transport _____ or more persons.

2. No carrier shall request, permit or require a driver to drive, and no driver shall drive a commercial vehicle after that driver has accumulated more than _____ hours of driving time following at least **8** consecutive hours of off-duty time.

3. What are the 2 exceptions in which a driver can exceed the maximum driving times?

a.

b.

4. What are the 4 conditions that exempt a driver from having to maintain a logbook under the provincial Legislation when operating within a limited radius?

a.

b.

c.

d.

For questions 5 to 7, circle T if the statement is true or F if the statement is false.

T	F	<p>5. The following are examples of on-duty, other than driving time:</p> <ul style="list-style-type: none"> ➤ Loading and unloading a commercial vehicle; ➤ Waiting for a job/task to start; ➤ Riding as a passenger in a Commercial Vehicle from one task to another; ➤ Conducting Trip Inspections.
T	F	<p>6. Electronic or mechanical recording devices are not permitted in lieu of a manual log.</p>
T	F	<p>7. Drivers who are in violation of the Hours of Service Regulations are subject to charges heard in provincial Court.</p>

8. Workshift Limits:

No driving after the driver has accumulated _____ hours of driving time in a work shift.

No driving after the driver has accumulated _____ hours of on-duty time in a work shift.

9. Time Breaks:

After 4 consecutive hours of driving, the driver must take a _____ minute break from driving.

After 6 consecutive hours of driving, the driver must take a _____ minute break from driving.

10. In order to qualify as an eligible sleeper berth period, drivers must meet the following criteria:

- a. Neither of the 2 periods of rest is less than _____ hours.
- b. Total of both berths is at least _____ hours.
- c. Driving time before and after each berth is not more than _____ hours.

Check your answers with the answer key on the following page. Review the materials in this module if you answered any of these questions incorrectly.

✓ Quick Test (Provincial Requirements) Answers

1. 11,794 kilograms, 11 persons;
2. 13;
3. a. An emergency condition, which would threaten the safety of the commercial vehicle, the occupants of the vehicle or the cargo;
b. A driver may also exceed the prescribed driving time by no more than two hours in situations where adverse driving conditions would delay a trip unexpectedly;
4. a. The driver operates within a 160 kilometer radius of their home terminal;
b. The driver's work shift does not exceed 15 hours;
c. The driver starts and ends the shift at his home terminal;
d. The carrier that employs the driver maintains (and keeps for a period of six months) accurate time records of the driver's shift start and end times;
5. True;
6. False - Electronic or mechanical recording devices are permitted in lieu of a manual log;
7. True.
8. Workshift limits:

No driving after the driver has accumulated 13 hours of driving time in a workshift.
No driving after the driver has accumulated 15 hours of on-duty time in a workshift.

9. Time Breaks:

After 4 consecutive hours of driving, the driver must take a 10 minute break from driving.

After 6 consecutive hours of driving, the driver must take a 30 minute break from driving.

10. In order to qualify as an eligible sleeper berth period, drivers must meet the following criteria:

- a. Neither of the 2 periods of rest is less than 2 hours.
- b. Total of both berths is at least 8 hours.
- c. Driving time before and after each berth is not more than 13 hours.



