

# Commercial Vehicle Safety Compliance In Alberta

December 2008

## MODULE 5

### Hours of Service



## Overview

The Vehicle Safety and 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.

Provincial and Federal National Safety Code legislation applies to Alberta carriers who have commercial vehicles registered that are:

- Trucks, tractors or trailers or a combination of these vehicles that are registered to Provincially regulated motor carriers and have a registered gross weight of 11,794 kilograms or more;
- Buses with a manufactured seating capacity of 11 persons or more, including the driver;
- Trucks, tractors or trailers, or a combination of these vehicles that are registered to Federally regulated motor carriers and have a registered gross weight greater than 4,500 kilograms.

The guide 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.

## Hours of Service Learning Objectives

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

- ✓ Describe the Federal and Alberta regulatory requirements related to reducing driver fatigue, and when each applies;
- ✓ Identify driving limitations;
- ✓ Identify the provisions for required rest and reduced rest;
- ✓ Understand cumulative hour cycle rules;
- ✓ Understand the permit and exemption options;
- ✓ Identify the required information for logbooks;
- ✓ 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: <http://www.transportation.alberta.ca/675.htm>.

## Hours of Service Regulations

**NOTE: Alberta's Hours of Service Regulations are under review.**

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; **OR**
  - Commercial passenger vehicles (buses and vans) with a manufactured seating capacity of 11 persons or more, including the driver;
- Drivers of the above commercial vehicles;
- Shippers, receivers or any other persons/companies involved in the transportation industry.

**Note:** Once it is determined that federal legislation applies to a carrier, it will apply to their entire NSC fleet, even those operated 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 current Federal Legislation comes 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” is also available and can be viewed at:

<http://www.ccmta.ca/english/produstandservices/publications/reportcentre.cfm>

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*;
- 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.

**The Alberta *Drivers' Hours of Service Regulation (AR317/2002)* apply to:**

- Carriers who hold a Provincial Operating Status;
- Carriers which have commercial vehicles registered that are:
  - Trucks, tractors or trailers, or a combination of these vehicles operated solely within Alberta that have a registered gross weight of 11,794 kilograms or more;
  - Buses with a manufactured seating capacity of 11 persons or more, including the driver;
- Drivers of the above commercial vehicles.

The current Alberta legislation is available by conducting a “catalogue search” for “317/2002” on the internet at: <http://www.qp.gov.ab.ca/index.cfm>.

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

- *An emergency vehicle as defined in the Traffic Safety Act,*
- A vehicle that is engaged in the transportation of goods or passengers for the purpose of providing relief in the case of a natural disaster or a disaster caused by human intervention, **OR** a vehicle transporting goods or passengers to provide relief in the case of an earthquake, flood, fire, famine, drought, epidemic, pestilence or other disaster;
- A vehicle that is being used primarily to transport an agricultural product where the driver of the vehicle is;
  - a farmer who owns or produced that agricultural product; or
  - an employee of that farmer;
  - A 2-axle or 3-axle vehicle that is primarily used for the transportation of primary products of a forest, lake or river, where the driver or the driver’s employer is the producer of those primary products,
- A recreational vehicle;
- An urban transit bus;



## Federal Driving Limitations

### Daily Limits

A “day” is defined as a 24-hour period that begins at the hour designated and noted on the log by the motor carrier 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.

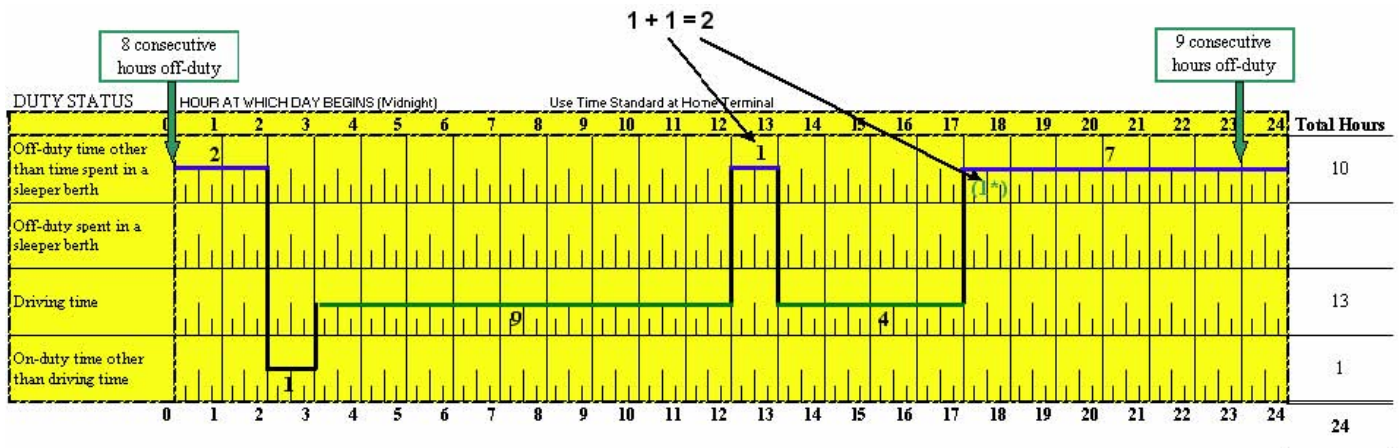
The 14 hours of on-duty time may consist of driving time and on-duty time not driving.

It is important to note that a driver can continue to *work* after reaching the 14<sup>th</sup> hour of on-duty time. They are only in violation if they *drive* after reaching the 14<sup>th</sup> 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 *Workshift Limits*.





\* 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.

### 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.

- **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 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.)

### **Deferred Time Option**

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

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; 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;
- The total off-duty time in the two days must be at least 20 hours;
- The driver must declare in the “Remarks” section of the daily log that the driver is deferring off-duty time and specify whether the driver is driving under Day 1 or Day 2 of the deferral.

### **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).

**Note:** It is important to remember a driver is only in violation of the above “Workshift Rules” if the driver is *driving* after reaching the limits. The driver may *work*



## Sleeper Berths

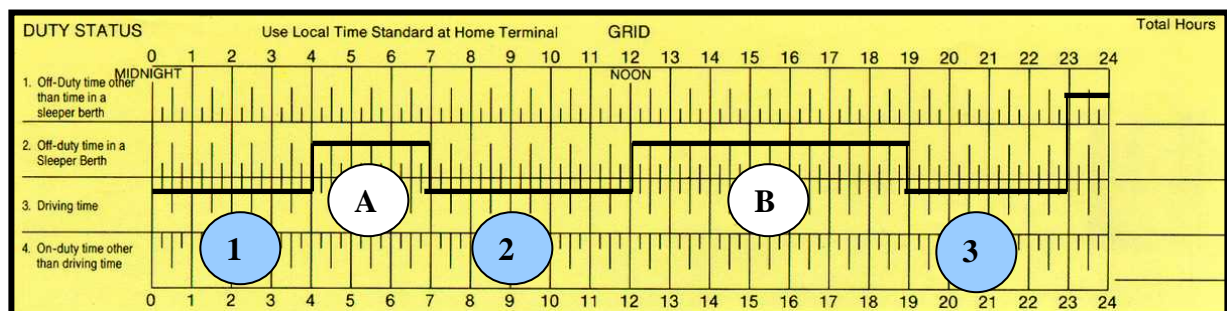
A driver can use a sleeper berth to split the required consecutive off-duty hours into 2 periods while still complying with the daily off-duty requirements. The sleeper berth must meet all construction and environmental standards specified in Schedule 1 and subsection 97(3) of the Federal regulations.

### 1. Single Drivers

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

- Neither period is less than two 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;
- None of the daily off-duty time is deferred to the next day;
- The elapsed time before and after each sleeper period does not include any driving time after the 16<sup>th</sup> hour after the driver comes on-duty; and
- The total of the on-duty time before and after each sleeper period does not include any driving time after the 14<sup>th</sup> hour.

Example:



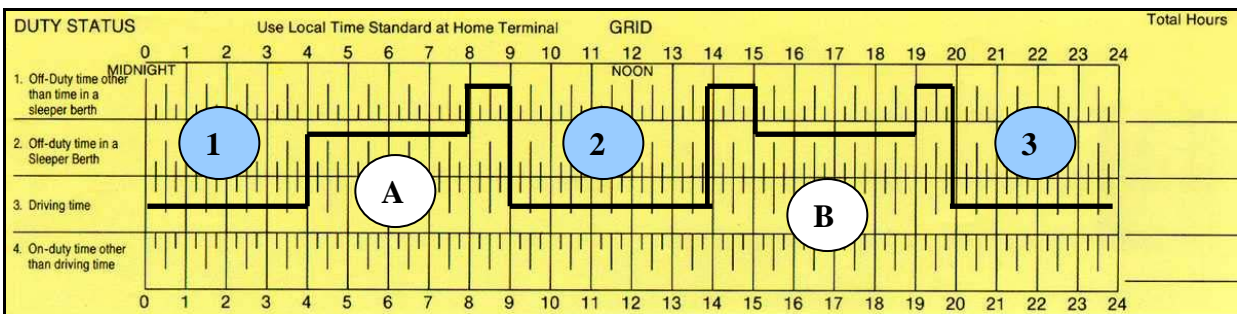
Example	
Driving Time "1"	4 hours
Sleeper Berth Time "A"	3 hours
Driving Time "2"	5 hours
Sleeper Berth Time "B"	7 hours
Driving Time "3"	4 hours
Driving Time ("1" + "2") = 9 hours ≤ 13 hours	
Driving Time ("2" + "3") = 9 hours ≤ 13 hours	
Total Sleeper Berth Time ("A" + "B") = 10 hours	

## 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 four hours;
- The total of the 2 sleeper periods is at least eight 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 elapsed time before and after each sleeper period does not include any driving time after the 16<sup>th</sup> hour after the driver comes on-duty;
- None of the daily off-duty time is deferred to the next day; and
- The total of the on-duty time before and after each sleeper period does not include any driving time after the 14<sup>th</sup> hour.

Example (Driver 1):



<b>Example</b>	
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”) = 9 ≤ 13 hours	
Driving Time (“2” + “3”) = 9 ≤ 13 hours	
Total Sleeper Berth Time (“A” + “B”) = 8 hours	
Total Off-duty time → 4 + 1 + 1 + 4 + 1 = 11 ≥ 10 hours	

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

### Driving Cycles

Because of the cumulative effect of being tired over several days and weeks, the hours of service regulations include a maximum on-duty time for 7 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 the 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 permitted.

### **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*. 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.

## Provincial Driving Limitations

**NOTE: Alberta's Drivers' Hours of Service Regulations are under review.**

### 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 commercial vehicle.

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



### Notes

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### 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.

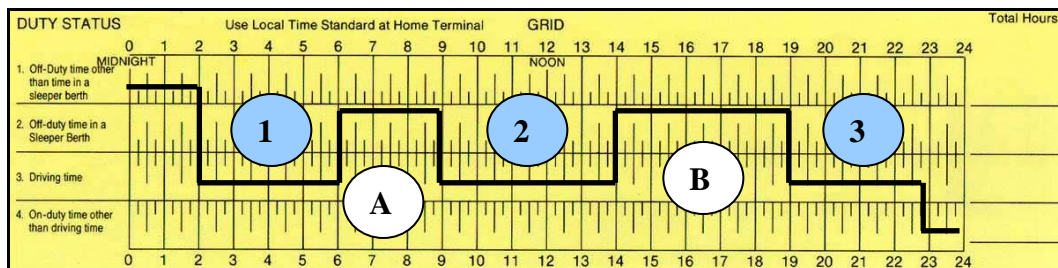
### Required Rest

The driver is required to have eight consecutive hours of off-duty time after 13 hours driving or 15 hours of on-duty time before he becomes eligible to drive a commercial vehicle again. The eight consecutive hours 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. A reduced rest provision is available once in a seven day period.

### 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;
- The total driving time before and after each rest period does not exceed 13 hours.



<b>Example</b>	
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") = 9 ≤ 13 hours	
Driving Time ("2" + "3") = 9 ≤ 13 hours	
Total Sleeper Berth Time ("A" + "B") = 8 ≥ 8 hours	

### **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.

#### **Note:**

- 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.

## Driving Limitations Applicable to Both Federal and Provincial Legislation

### 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;
- 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 cycles allow.

In these special situations Alberta Transportation may 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.

A breach of the permit conditions or non-compliance may result in cancellation of the permit. A Facility Audit may be conducted to verify that the carrier is not a risk to the public or to the carrier's employees.

## Logbooks

### **Required Information**

Carriers are required to make sure drivers maintain true and accurate daily logs. This is best done by having an internal audit process in place to make sure that drivers are completing logbooks as required by legislation and are not falsifying them. 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 daily log must contain the following required information:

### **Federal Logbook Requirements**

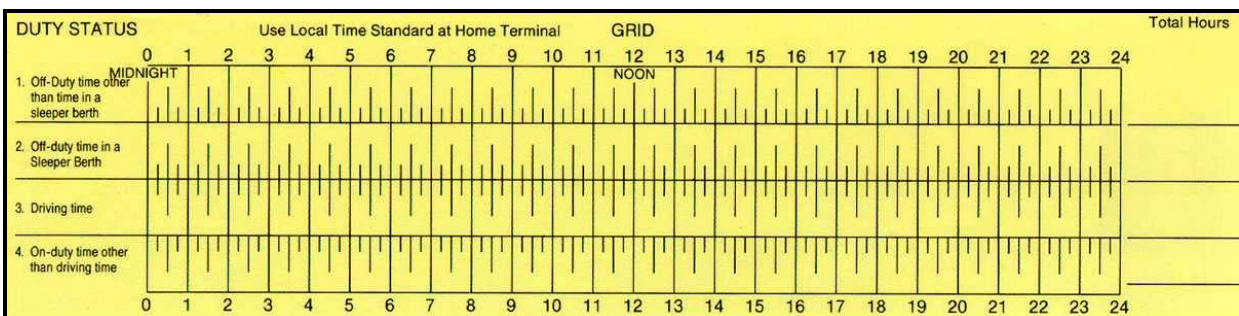
- The date, the start time of the day (if different than midnight), the name and signature of the driver and, if the driver is a member of a team of drivers, the names of the co-drivers;
- The cycle the driver is following (if not driving under the provisions of an oil well service permit);
- The vehicle's unit or licence plate number (power unit(s));
- The starting and ending 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, 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;

- If applicable, a declaration in the “Remarks” section of the daily log that states the driver is deferring off-duty time, and that clearly indicates whether the driver is driving under day one or day two of that time;

**Graph Grid (Federal)**

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,
  - in the sleeper berth,
  - driving,
  - on-duty, not driving;
- Record the name of the municipality or location on a highway or legal sub-division, and the name of the province or state where each change of duty occurs;
- The graph grid is to be 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;
- 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.



### **Provincial Logbook Requirements**

- 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 work shift;
- 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 (Provincial)**

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,
  - 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;
- The graph grid is to be 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.

**Note: (for both federal and provincial 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.
- 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.

## Logbook Exemption

### Federal Exemption

Under the federal regulations 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 returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time;
- 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 status and keeps those records for a minimum period of 6 months after the day on which they were recorded; AND
- The driver is not driving under a permit.

The following are two examples which illustrate possibilities for recording 160 kilometre radius hours.

Date	Duty Status	160 kilometre Radius Record											Total hours for each duty status					
		Time Block from/to (every hour of the day must be accounted for)																
27	Started @	0:00	6:00	6:30	7:30	9:30	10:30	12:30	13:30	17:30								
	Finished @	6:00	6:30	7:30	9:30	10:30	12:30	13:30	17:30	24:00								
	Time Off-duty	6:00						1.00		6.50							Off-duty:	13.50
	Time Driving			1.00		1.00			4.00								Driving:	6.00
	Time On-duty <i>not</i> driving		0.50		2.00		2.00									On-duty <i>not</i> driving	4.50	
Remarks:											Cycle 1 <input checked="" type="checkbox"/>		Total:	24				
											Cycle 2 <input type="checkbox"/>							

- Note: You must record in the Remarks Section, the following items:
1. Deferral of off-duty time (48-hour averaging)
  2. When the driving time is extended or off-duty time is reduced because of an unforeseen adverse driving condition or an emergency
  3. When a CMV is used for personal use (odometer readings)



### 160 Kilometre Radius Record

Driver's Name: \_\_\_\_\_

Date: \_\_\_\_\_

Elected Cycle: 1  or 2

Time	Off-duty	Driving	On-duty (not driving)	Remarks
0:00				
7:00	7:00			
7:15			0:15	
7:45		0:30		
8:15	0:30			
8:30			0:15	
9:15		0:45		
9:30			0:15	
14:00	4:30			
14:30		0:30		
14:45			0:15	
15:30		0:45		
15:45			0:15	
16:15		0:30		
24:00	7:45			
<b>Total Hours</b>	19:45	3:00	1:15	

Total On-duty Hours  
4 hours 15 minutes

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 for each day he/she does not qualify for the exemption.

A driver must begin to prepare a daily log for the day immediately after he/she becomes aware the terms of the exemption can not be met. The daily log must cover the entire day, even if the driver has to record retroactively changes in status that occurred between the time the driver reported for duty and the time in which he/she no longer qualified for the 160 kilometre radius exemption.

The driver is required to enter in the “Remarks” section the number of hours of off-duty time and of on-duty time that was accumulated each day during the previous 14 days or on one daily log that clearly indicates all required information. A driver may carry the record of duty status for the previous 14 days instead of entering in the current daily log the times they were on- and off-duty for the previous 14 days.

Example of Remarks Section:

June 10-15: Vacation Time – Off-Duty  
 June 16: city work – on-duty 12.0 hours; off-duty 12 hours  
 June 17: city work – on-duty 12.0 hours; off-duty 12 hours  
 June 18: city work – on-duty 8.25 hours; off-duty 15.75 hours  
 June 19 & 20: off-duty  
 June 21: city work – on-duty 8.0 hours; off-duty 16 hours  
 June 22: city work - on-duty 9.5 hours; off-duty 14.5 hours  
 June 23: city work - on-duty 8.0 hours; off-duty 16 hours

**Provincial 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 each of 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	

**On Board 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 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.



**Notes**

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**Possession of Logs and Support Documents**

Drivers who are required to maintain logs must, at least, possess 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 the previous two days (provincial) or fourteen days (federal) available for inspection upon demand by a peace officer. A driver who is operating under an oil well service permit must produce 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 off-duty days on a single log book page (example attached) 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 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. Documentation includes at least trip reports, bills of lading, other shipping documents, receipts for fuel, accommodation and other expenses.

**MOTOR VEHICLE OPERATOR'S DAILY LOG** Date *Jan. 5-6, 2008*

Motor Carrier: <i>ABC Transportation Inc.</i>		Odometer Finish
Principal Place of Business: <i>1 Bay St Calgary, AB T2K 9X3</i>	Vehicle Plate or Unit #	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

	HOUR AT WHICH DAY BEGINS (Midnight)																								Total Hours
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
Off-duty time other than in sleeper berth	[Blue horizontal line across all 24 hours]																								<i>24</i>
Off-duty time in sleeper berth	[Vertical tick marks across all 24 hours]																								<i>0</i>
Driving time	[Vertical tick marks across all 24 hours]																								<i>0</i>
On-duty time other than driving time	[Vertical tick marks across all 24 hours]																								<i>0</i>
																									<b>Total</b> <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  


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*Bill Driver*  
 Signature of Driver (Certified True & Correct)

**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. This lets each carrier monitor the driver's hours of service for dispatch purposes. 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.

**Note:** Provincial Legislation requires *drivers* to retain copies of daily logs at their residence for a period of at least 6 months.



**Notes**

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## Carrier Responsibilities

### **Due Diligence**

The Hours of Service Regulations place responsibility on the carrier to ensure that all company drivers and owner/operators working on behalf of the carrier comply with the hours of service regulations. Failure to demonstrate due diligence to ensure drivers are in compliance may result in charges being filed.

Due diligence is defined as 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 issues of non-compliance will always exist, the carrier must continue to do what is reasonably expected. The proof is in the paper - corrective actions must be documented to support the claim of due diligence.

Section 87 of the Federal Legislation requires carriers to *monitor* the compliance of each driver to the regulations. A carrier that determines that there has been non-compliance with the regulations shall take immediate remedial action and record the dates on which the non-compliance occurred, the date of issuance of a notice of non-compliance and the action taken.



**Notes**

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**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 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.

Effective training of operational staff responsible for driver supervision and dispatch in addition to drivers is an integral component of a safety management program. 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. A system to monitor driver on-duty time is therefore essential. One example of an hours of service tracking system



is 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 declared cycle.



**Notes**

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**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 behaviour 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.

**Self-audit**

A self-audit program 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 documentation. You need to document the findings to support any corrective/disciplinary action taken. The sample size of the self-audit will vary according to the size of the company. A small carrier may choose to audit all driver logs, but a large company may audit a portion of the drivers for a selected period of time.

Driver logbooks should be audited to ensure that:

- There is a log 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, 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 exemption criteria are met every day.

### **Reviewing 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. 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*).

### **Corrective Action**

Corrective action may take the form of re-evaluation and assessment, retraining, 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 in plain view for all employees to see.

The disciplinary process should be progressive in nature. For example, it could start with a documented verbal warning, 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.

### **Record Keeping**

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



## Enforcement and Penalties

Drivers and motor carriers in violation of the Hours of Service Regulations may be charged. Shippers, consignees and any other person can also be charged 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 Carrier 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 options.

### **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 Federal legislation, a driver can be placed Out of Service for 10 consecutive hours for any of the following violations:

- Driver's faculties are impaired or it would be unsafe for the driver to drive;
- Driver fails to comply with the daily driving limits.

Under the Federal Legislation, a driver can be placed Out of Service for 72 consecutive hours for any of the following violations:

- Driver is unable or refuses to produce his/her daily log;
- There is evidence the driver completed more than one daily log for the day, entered inaccurate information or falsified the daily log;
- Driver mutilates or defaces a daily log or supporting document in such a way that it cannot be determined whether the driver has followed the driving time and off-duty requirements.

If a driver fails to comply with the Off-Duty time requirements in the Federal Legislation, they will be placed Out of Service for the number of hours needed to correct the failure.

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.



**Notes**

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## 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 is 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" would include:

- 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, instruction or orders respecting the operation of the commercial vehicle.

Section 4 of the Federal hours of service legislation states that no motor carrier, shipper, consignee or other person shall request, require or allow a driver to drive and no driver shall drive 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; OR
- The driver, in doing so, would not be in compliance with the regulations.

### Notes




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## ✓ Quick Test

Check your understanding by answering the following questions.

1. The Federal Hours of Service Regulations apply to carriers, the drivers of commercial vehicles having a registered Gross Vehicle Weight of more than \_\_\_\_\_ kilograms, and buses that transport \_\_\_\_\_ or more persons.
2. Provincially, the *Alberta Drivers' Hours of Service Regulation* applies to commercial vehicles with a Gross Vehicle Weight of \_\_\_\_\_ kilograms or more and buses that transport \_\_\_\_\_ or more persons, including the driver, while they travel only within Alberta.
3. 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.
4. What are the 2 exceptions in which a driver can exceed the maximum driving times?

a. \_\_\_\_\_

\_\_\_\_\_

b. \_\_\_\_\_

\_\_\_\_\_

5. What are the 4 conditions that exempt a driver from having to maintain a logbook under the Provincial Legislation?

a. \_\_\_\_\_

\_\_\_\_\_

b. \_\_\_\_\_

\_\_\_\_\_

c. \_\_\_\_\_

\_\_\_\_\_

d. \_\_\_\_\_

\_\_\_\_\_

6. What are the 4 conditions that exempt a driver from having to maintain a logbook under the Federal Legislation?

a. \_\_\_\_\_

\_\_\_\_\_

b. \_\_\_\_\_

\_\_\_\_\_

c. \_\_\_\_\_

\_\_\_\_\_

d. \_\_\_\_\_

\_\_\_\_\_

For questions 7 to 9, 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 appears to be in a fatigued condition.
T	F	8. Electronic or mechanical recording devices are not permitted in lieu of a manual log.
T	F	9. Drivers who are in violation of the Hours of Service Regulations are subject to charges heard in Provincial Court.

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 Answers

1. 4,500 kilograms, 11
2. 11,794 kilograms, 11
3. 13
4.
  - 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 weather conditions would delay a trip unexpectedly.
5.
  - a. The driver operates within a 160 kilometre 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.
6.
  - a. The driver operates within a 160 kilometre 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.
7. True
8. False
9. True



## Appendices

The following 160 Kilometre Radius Record and Motor Vehicle Operator’s Daily Log samples are available for you to photocopy and use as is, or to use as a guide to help you to develop your own log forms.

### 160 Kilometre Radius Record

**Drivers Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Elected Cycle:** 1 \_\_\_\_\_ or 2 \_\_\_\_\_

Time	Off-duty	Driving	On-duty (not driving)	Remarks
<b>Total Hours</b>				

**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 <span style="float: right;">km/mi</span>

HOOR 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	[Bar chart area]																									
Off-duty time in sleeper berth	[Bar chart area]																									
Driving time	[Bar chart area]																									
On-duty time other than driving time	[Bar chart area]																									
	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**

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														

Printed Name of Driver \_\_\_\_\_

Signature of Driver (Certified True and Correct) \_\_\_\_\_