

Commercial Vehicle Drivers Hours of Service Regulations

Application Guide

January 5, 2007

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January 5, 2007:	Illustration 91, example 2

Disclaimer

The guidance in the Applications Guide is offered for convenience only. For accurate reference, please consult the Federal Commercial Vehicle Driver Hours of Service Regulations.

Please note: This Applications Guide is an interpretation/guidance based on the specific sections contained in the Federal Hours of Service Regulations.

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INTERPRETATION (Section 1)

“adverse driving conditions”

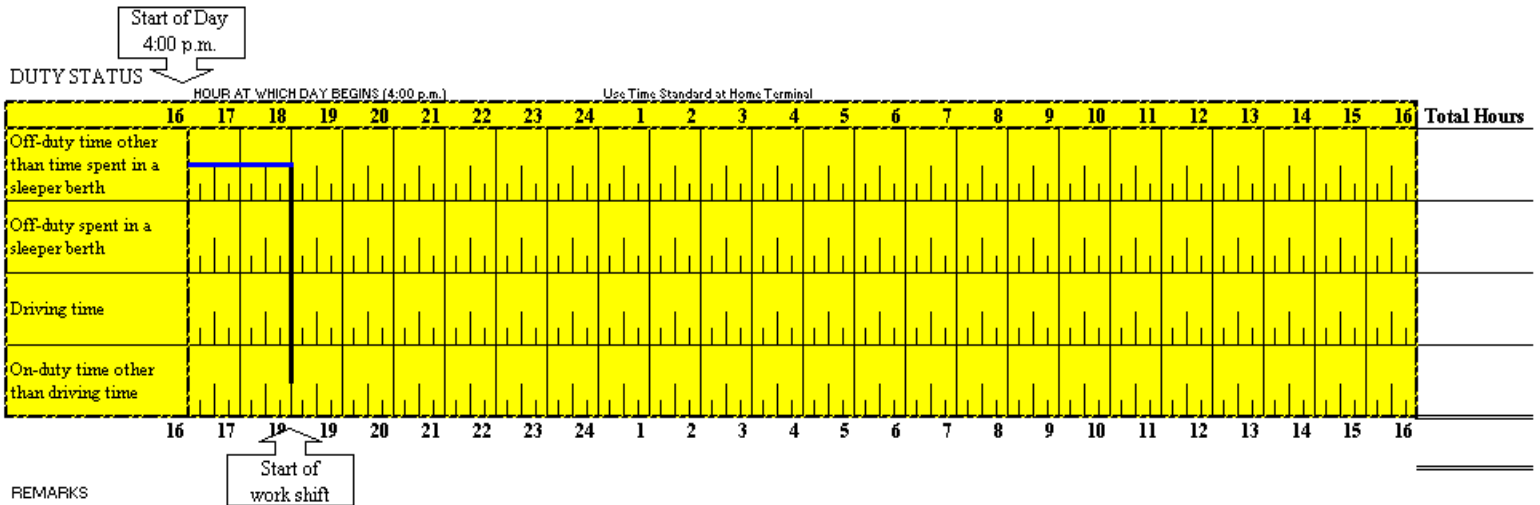
- Do adverse driving conditions include road conditions, unforeseen delays at border crossings or accidents?
Guidance: Adverse driving conditions mean snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road conditions, none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun. This does not include delays at border crossings. (See also question 105, example 3.)

“daily log”

- Must the “daily log” contain the information in the same format as set out in Schedule 2 and the information required by Section 82?
Guidance: All the information required by Section 82 must be contained in the daily log. A motor carrier may use its own version of the daily log and the graph grid must contain all the information as specified in Schedule 2. A carrier may print a graph grid with a start hour other than midnight if it routinely designates the start of the day as sometime other than midnight (e.g.: a noon start time for the day).

“day”

- What happens if a driver works for more than one motor carrier during the same day or the same cycle?
Guidance: The driver must respect the start time of the day determined by the motor carrier that he was working for at the time he started a cycle. The start time of the day cannot be changed until the driver has reset the cycle. The driver must provide each carrier with a copy of the daily log.
- How is the definition of a day being interpreted for purposes of the Regulations?
Guidance: Day means a 24-hour period that begins at the time designated by the motor carrier. If the start time is different than the calendar day, it must be recorded in the applicable duty status record, either the daily log or duty status time records.

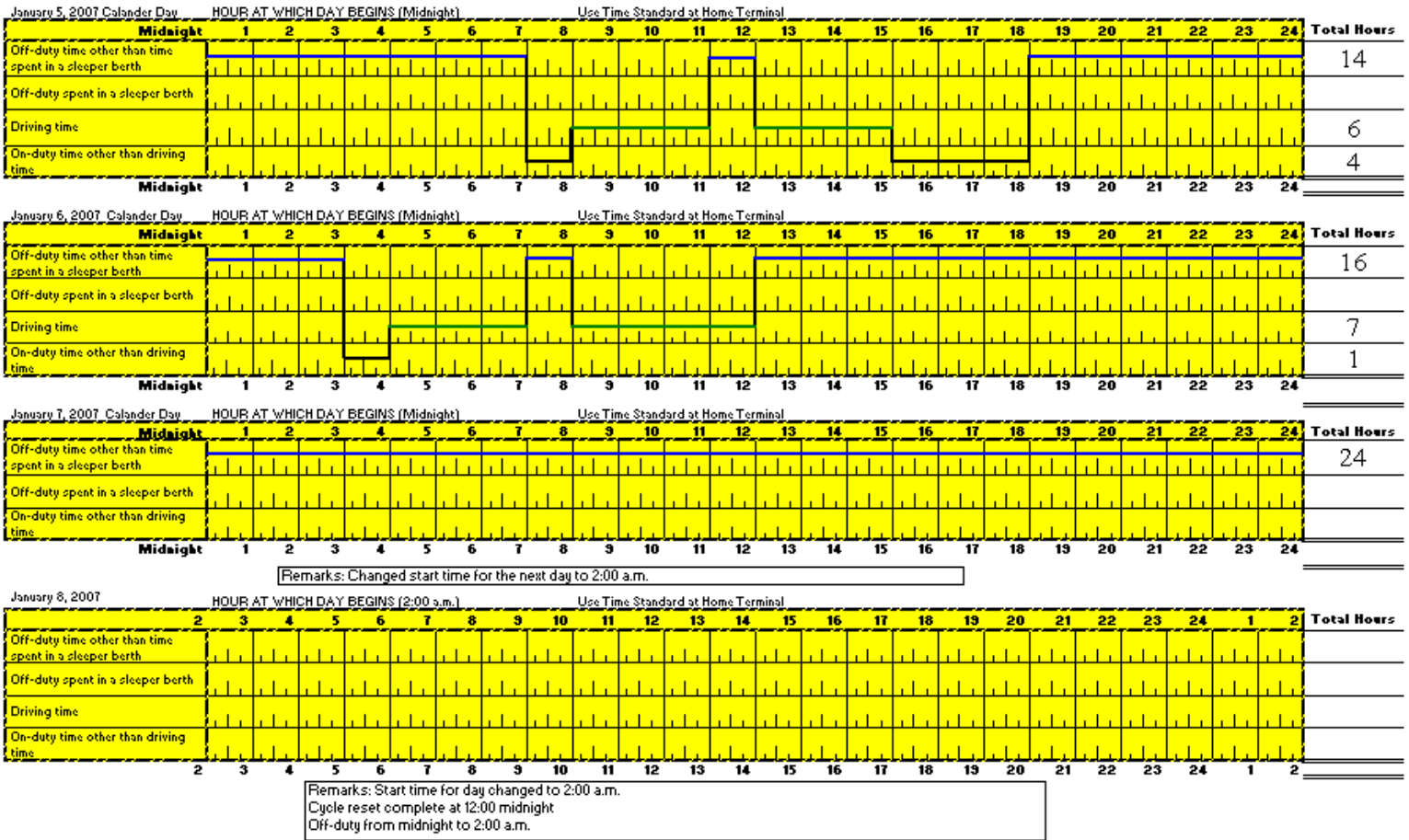


5. Does the carrier have the ability to determine the daily start time of each driver or does the same start time apply to all drivers?

Guidance: Each driver.

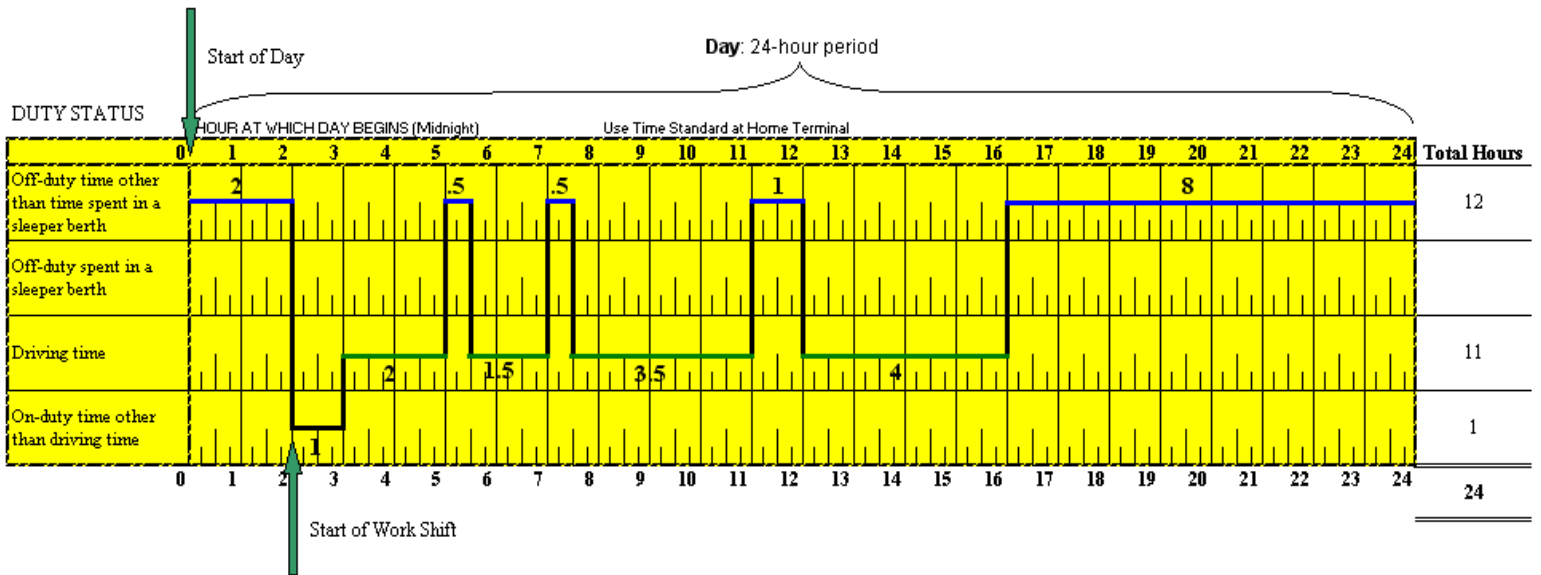
6. Can the start time of the day be changed to a different time?

Guidance: Yes, after a driver has taken a cycle reset and has indicated in the daily log the new start time for the day or in the on-duty status records (local drivers). During the same cycle the day begins at the same time every day.



7. A day means a 24-hour period that begins at the hour designated by the motor carrier for the duration of the driver's cycle. Drivers have not traditionally viewed the Regulations as a series of "days," but rather as a rolling succession of on- and off-duty intervals. How are the rules being administered for the day?

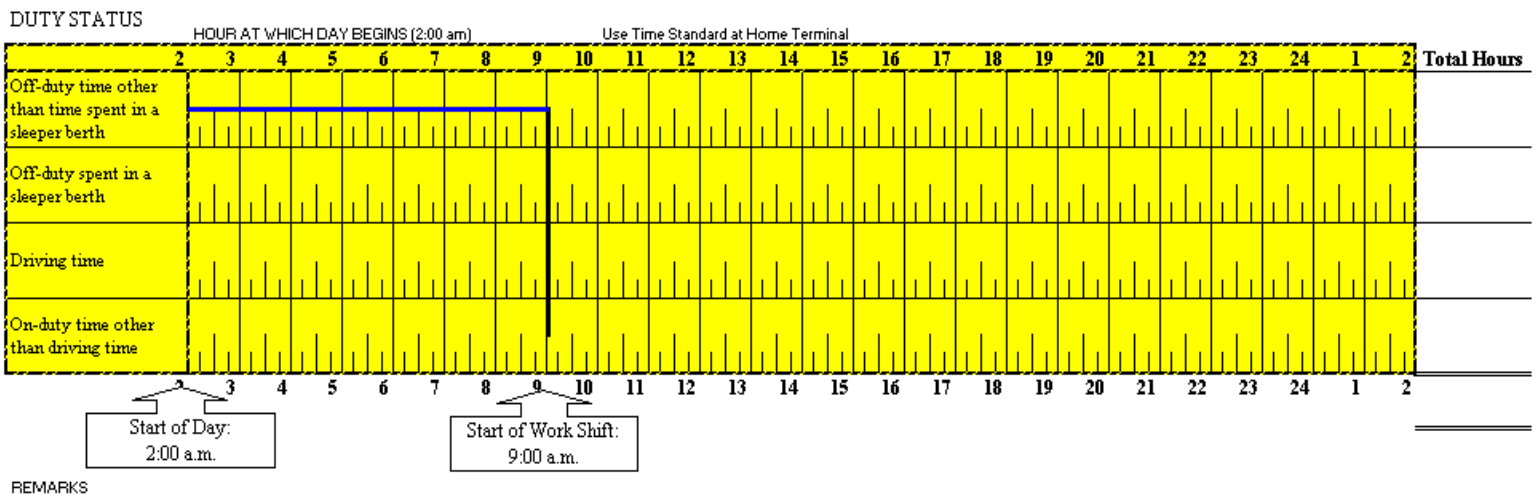
Guidance: A day is like a page of a daily log. It is important to remember that the start time of the day is independent of the start time for the work shift.



8. How does a motor carrier designate the shift starting time?

Guidance: The motor carrier is only required to designate the start time for the day. The driver must indicate on the graph grid the change in duty status and the time at which the change occurred. The work shift starts after the driver has taken at least 8 consecutive hours off-duty and at the moment the driver performs any activity for the motor carrier. The work shift ends when the driver begins to take at least 8 consecutive hours off-duty.

Example 1:



Example 2:

Driver's Name: _____

Month: February 27 Year: 2007

Start time for the day: 2 a.m.

Date	Duty Status	Time Block from/to (every hour of the day must be accounted for)								Total hours for each duty status
		← 24 hour day →								
	Started @	2.00								
	Finished @	9.00								
	Time spent									
	Off-duty	7.00								Off-duty:
	Driving									Driving:
	On-duty <i>not</i> driving									On-duty <i>not</i> driving:
Remarks:									Cycle 1 <input checked="" type="checkbox"/> Cycle 2	Total:

“driver”

- 9. When is a person deemed to become a “driver” for the purpose of the Regulation. For example, an individual (a part-time driver) that spends 90% of the time performing other work for the motor carrier, such as warehouse work?

Guidance: A driver is a person who has operated, operates or intends to operate a commercial vehicle and as such may have past, present and future obligations under the Regulations. For the purposes of Section 81 (2) (c), it is expected records be kept for 14 days prior to driving.

- 10. Do these Regulations apply to commercial vehicle activities on all roads, both public and private (e.g.: forestry roads)?

Guidance: Yes.

“home terminal”

- 11. Who designates the location of a driver’s home terminal?

Guidance: The motor carrier, as the employer, would determine where a driver ordinarily reports for work, including temporary work sites. These sites could include location such as the driver’s residence or a shipper’s facility, etc.

- 12. What is considered “temporary” with respect to the definition of “home terminal”?

Guidance: A temporary work site is a location that lasts or is meant to last for a limited time provided it meets Section 81(2).

“off-duty time”

- 13. What conditions must be met for a commercial vehicle driver to record meal and other routine stops made during a work shift as off-duty time?

Guidance: 1. The driver must have been completely relieved of all duty, responsibility and obligation for the care and custody of the vehicle, its accessories, and any passengers or cargo it may be carrying.

2. During the stop, and for the duration of the stop, the driver must be at liberty to pursue activities of his/her own choosing and to leave the premises where the vehicle is situated.

3. It should be noted the motor carrier is not required to provide a driver with a letter stating that they are authorized to record meal or work breaks as “off-duty”.

14. Do telephone calls to or from the motor carrier or other short disruptions that momentarily interrupt a driver's off-duty period constitute a change of the driver's duty status?

Guidance: These brief interruptions can be flagged. Telephone calls of this type will not be considered as interrupting the off-duty period.

15. If a driver is required by a motor carrier to carry a pager/beeper to receive notification to contact the motor carrier for a duty assignment, how should this time be recorded?

Guidance: Off-duty. Waiting to be assigned work refers to a driver at home or at some other location or carrying a pager/beeper and waiting for a possible work assignment and is considered off-duty time.

16. May a sleeper berth be used for a period of less than 2 hours duration?

Guidance: Yes. Periods of time spent in a sleeper berth of less than 2 hours but greater than 30 minutes may be used to satisfy the daily 10 hours off-duty requirement (other 2 hours). However, this time cannot be credited towards the periods of time that must be spent in the sleeper berth to satisfy the splitting of the daily off-duty time.

17. Can a driver book off-duty during any extensive period of waiting?

Guidance: Yes. If the driver is in the sleeper berth or is relieved by the motor carrier from responsibility for the vehicle and load and allowed to pursue personal activities.

18. How should time spent in transit on a ferryboat be recorded?

Guidance: As off-duty time if the driver is completely relieved from work and all responsibility to the motor carrier for which he/she drives. This relief must be consistent with existing regulations of the ferry operator and Canadian Coast Guard.

19. If a driver spends 8 consecutive hours resting in a stationary commercial vehicle will this be considered as satisfying the requirements for resetting the work shift?

Guidance: No.

“On-duty time”

20. On-duty time means the period that begins when the driver begins work or is required by the motor carrier to be available for work, except where the driver is waiting to be assigned to work. (e) of this definition, states “waiting for a commercial vehicle to be serviced, loaded, unloaded or dispatched” What is the difference between “waiting to be assigned to work” and “waiting to be dispatched”?

Guidance: Waiting to be assigned work refers to a driver at home or at some other location or carrying a pager/beeper and waiting for a possible work assignment and is considered off-duty time. A driver waiting for a commercial vehicle to be dispatched would likely be at a carrier or shipper facility with the expectation of imminent dispatch and is considered to be on-duty time.

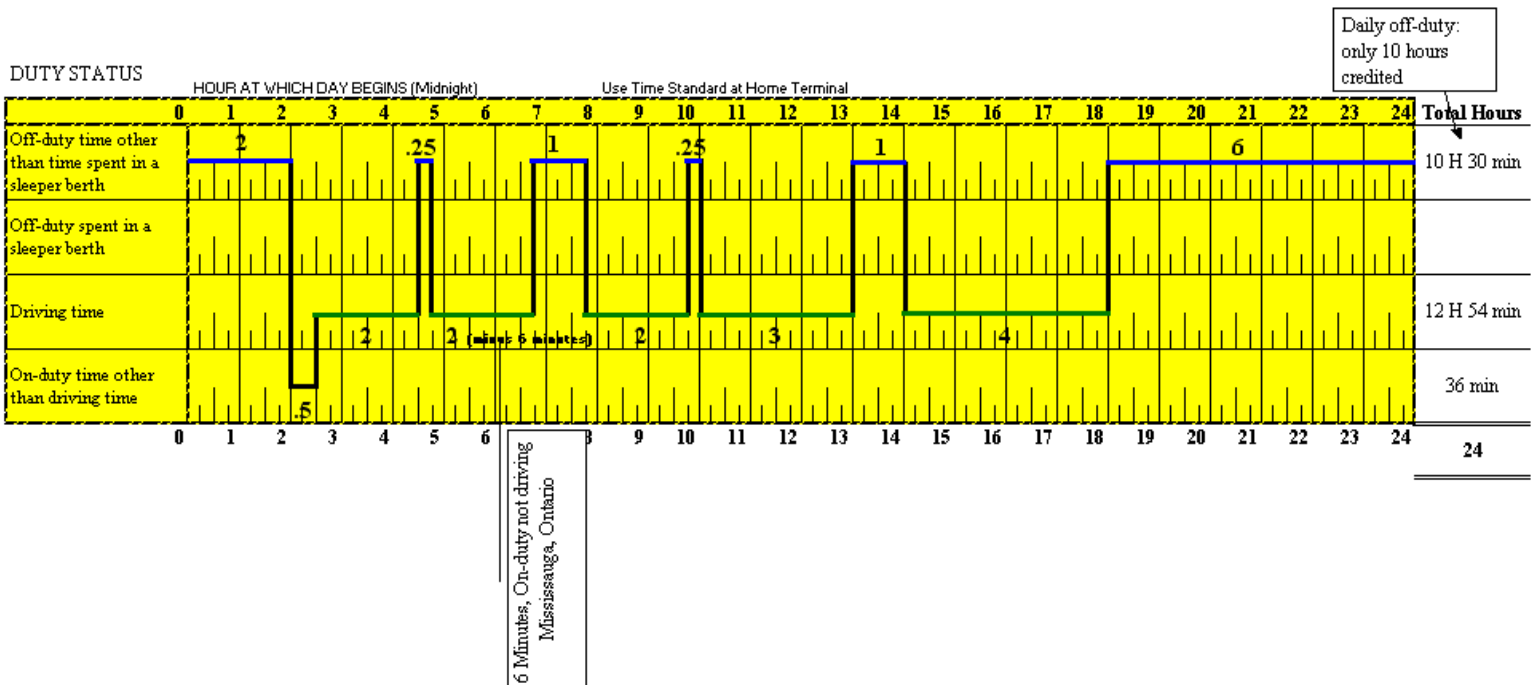
21. A company told all of its drivers that it would no longer pay for driving from the last stop to home and that this time should not be shown on the time cards. Is it a violation of the Regulations to operate a commercial vehicle from the last stop to home and not show that time on the time cards?

Guidance: Being paid is not relevant. Location of home terminal determines if the travel time is on-duty or off-duty. If the driver is returning to his home terminal the travel time is on-duty, driving; if the driver is traveling and using the vehicle as a personal conveyance (maximum 75 km per day), in most instances the time can be considered as off-duty. The driver must be in compliance with Section 2(1)(e).

22. How is a driver to record periods of less than 15 minutes. For example, if the stop is 8 minutes or less? If the stop is greater than 8 minutes, but less than 15 minutes, should the stop be shown as 15 minutes?

Guidance: If it is less than 15 minutes, it should be flagged and if it is greater than 15 minutes it must be recorded as on-duty, not driving. If the stop is greater than 8 minutes or more, the stop should be logged as 15 minutes. If the stop is less than 8 minutes, the driver needs only to flag the stop.

Example: Compliant



23. How is the time logged for Customs inspections/clearance to be considered?
Guidance: The driver is firstly required to record the inspection. It should be indicated as driving if the driver is not stopped for inspection (fast track), or on-duty, not driving for occasions in which he/she has to be cleared by Customs or Immigration.
24. A person is hired as a driver during the week and as a salesman on weekends for a firm considered a "motor carrier" where he was never hired to drive a commercial vehicle. Must the hours worked on weekends be considered on-duty time?
Guidance: Yes. All work activity performed for a motor carrier is considered on-duty time.
25. If a person is attending a driver training school, how are the hours spent in class and practicing driving a commercial vehicle to be recorded?
Guidance: The time spent in class is considered on-duty and the time during which the driver was at the controls of the commercial vehicle must be recorded as driving.
26. If a "driver trainer" occasionally drives a commercial vehicle, thereby becoming a "driver" (regardless of whether he/she is paid for driving), must the driver record all non-driving (training) time as on-duty (not driving)?
Guidance: Yes.
27. A driver drives on highways during the week and jockeys commercial vehicles in the yard (private property) on weekends. How is the yard time to be recorded?
Guidance: On-duty, driving.
28. How does compensation relate to on-duty time?
Guidance: No relationship.
29. Must all work (e.g., sweeping floors, washing dishes, etc.) for a motor carrier be recorded as on-duty time?
Guidance: Yes.
30. What is the duty status of a passenger who is riding seated next to the driver and who will become a driver of a commercial vehicle?
Guidance: On-duty (not driving) if the passenger does not take 8 consecutive hours off-duty prior to driving. Off-duty if the passenger complies with the provisions under Section 10.
31. Would drivers doing their own repair or maintenance work on a day off be required to log that time as on-duty, not driving?
Guidance: Yes.
32. A driver is told by dispatch to report at 16:00. The driver shows up on time. However, once arrived at the terminal, the driver is told the load will not be ready for another 5 hours. Does this mean the driver is now off-duty until the load is ready, or is the waiting time considered as part of his or her 16 hour work shift? Can the driver now postpone reporting time to whenever the load is ready?

Guidance: The driver's work shift has started and therefore, the waiting time will be considered as part of the 16 hours total elapsed time. If the motor carrier relieves the driver from responsibility and the driver can pursue an activity of his/her choosing, the time can be shown as off-duty.

33. Can it be taken that it is now permissible for a driver to earn compensation for some activity other than work performed for a motor carrier without logging that time on-duty?

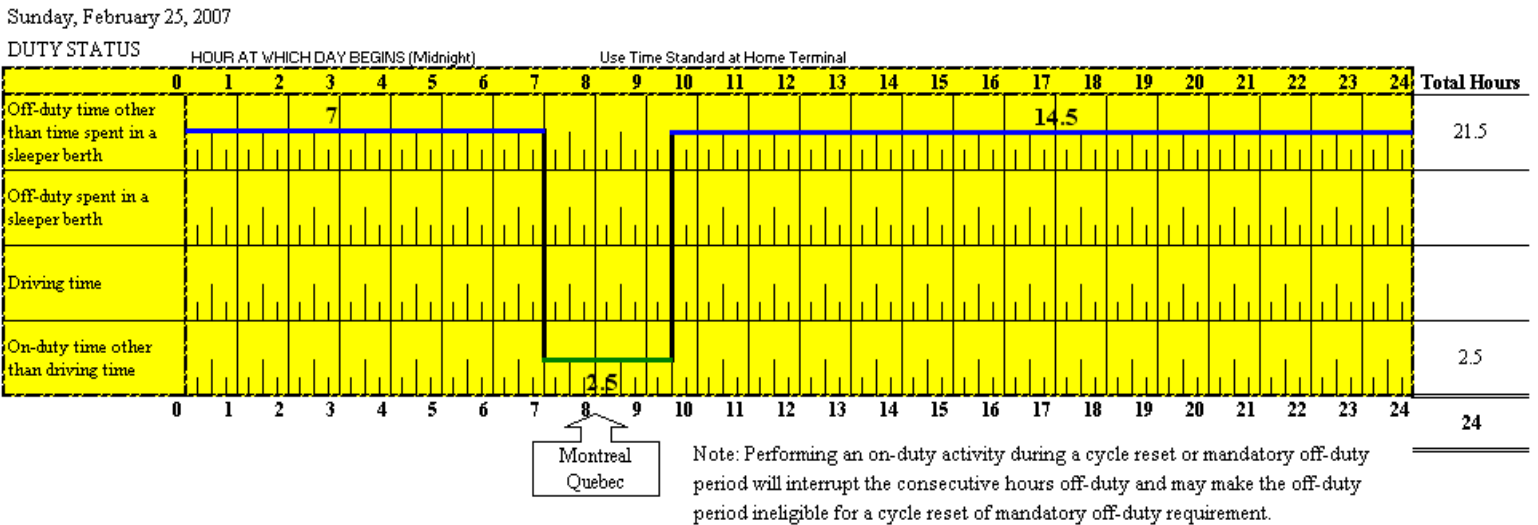
Guidance: Yes. If a driver performs work for a non-motor carrier, this time is not considered on-duty; the driver must be in compliance with Section 4 and not be fatigued.

34. Does the work performed by a driver for a non motor carrier have to be recorded as on-duty? Is it acceptable then for a driver to work an eight hour shift at a factory on each of his days off from his motor carrier employer?

Guidance: No, work performed for a non motor carrier does not have to be recorded as on-duty. Yes, it is acceptable for a driver to work an eight hour shift at a factory on each of his days off from his motor carrier employer. (However, the motor carrier should be practicing good fatigue management and must never allow a driver to drive a commercial vehicle if a driver's faculties are impaired to a point where it is unsafe to drive or would jeopardize or likely to jeopardize the safety or health of any person, including themselves.)

35. If a driver was not compensated for a particular activity, would he or she still be required to log a particular activity on-duty?

Guidance: Yes. The following illustration shows how a driver, in this case an owner-operator, is required to show in the daily time spent over the weekend, performing maintenance activities on his/her commercial vehicle.



36. Can time spent in sleeping facilities being transported as cargo (e.g., boats, campers, travel trailers) be recorded as sleeper berth time?

Guidance: No. The sleeping facilities would not qualify as a sleeper berth as defined in Section 1 of the Regulations. Also, Sections 18 and 19 are specific to the type of commercial vehicle and the terms on which the rules are applied. Reference: Section 18(1)c), Section 1 definition of “sleeper berth” and Schedule 1.

37. If a bus is not equipped with a sleeper berth, can the driver stretch out on the back seat to rest/sleep and claim sleeper berth time?

Guidance: No.

APPLICATION (Section 2)

38. Is there a maximum amount of time that a driver can use a commercial vehicle for personal use?

Guidance: No. There is no limitation on the amount of time, only on the distance traveled (75 km).

39. Are emergency vehicles exempt?

Guidance: Yes.

40. Are drivers utilizing a commercial vehicle responding to emergency situations such as winter storms, hurricane or tornado damage, flooding, etc., exempt?

Guidance: Yes. Drivers utilizing a commercial vehicle, responding to provide relief in case of a public welfare emergency are exempt. It may be prudent to document the circumstances and the reason for exercising the emergency exemption as one may be required to produce this information to an inspector during a facility audit or investigation.

41. Are tow trucks considered to be emergency vehicles?

Guidance: No. A tow truck is not defined as an emergency vehicle.

42. If a driver is permitted to use a commercial vehicle for personal reasons, how must the driving time be recorded?

Guidance: Off-duty provided in compliance with Section 2(1)(e).

43. If a driver uses a commercial vehicle as a personal vehicle for the week end, how must the driving time be recorded?

Guidance: Off-duty provided in compliance with Section 2(1)(e).

44. The expression “commercial vehicle when driven for personal use” excludes use, by the driver, of the vehicle in the course of business as a motor carrier.

Must personal use time still be within the prescribed daily or weekly limits?

Guidance: No. A commercial vehicle may be used for personal use for a maximum of 75 km within a day.

45. Is the 75 km distance measured by the actual distance traveled or by a radius distance?

Guidance: Actual distance traveled.

46. While a driver is using the commercial vehicle for personal use, is there a requirement for the driver to log fueling, location stop, etc?
Guidance: Yes, fueling is on-duty.

RESPONSIBILITIES OF MOTOR CARRIERS, SHIPPERS, CONSIGNEES AND DRIVERS (Section 4)

47. **Guidance:** This Section encourages the responsibility for due-diligence. It is not 'just in time' at all costs.

A shipper or carrier, in their opinion, must refuse to let a driver drive if they deem the driver to be under the influence, etc. This Section also protects the driver who has made the decision not to drive, due to fatigue.

48. If a motor carrier, shipper, consignee or other person notices that the driver's faculties are impaired to the point where it is unsafe for the driver to drive, (by alcohol, drugs, health or unknown causes - the cause is not important) must the driver be prohibited from driving?
Guidance: Yes.

49. What are the responsibilities of shippers, consignees, and other persons (user of service)?
Guidance: Shippers, consignees and other persons are responsible to ensure compliance with the Regulations through due diligence and not knowingly allow a motor carrier or driver to break the law.

TRAVELING AS A PASSENGER – OFF-DUTY TIME (Section 10)

50. If a person, under the direction of a motor carrier, is traveling as a passenger in a car, train, aircraft or boat (not a commercial vehicle) allowed to record this time as off-duty?
Guidance: Yes, provided the driver takes eight consecutive hours off-duty upon reaching destination and prior to driving a commercial vehicle.

51. Can a co-driver (who is deemed to be a team driver) sleep in the passenger seat, while the vehicle is being operated, and claim off-duty?
Guidance: No.

SCHEDULING – DRIVING SOUTH OF LATITUDE 60° N (Sections 11 - 19 and 24 - 29)

Daily Driving and On-duty Time (Section 12)

52. What are the rules for the day?
Guidance: See illustrations below.

No driver shall drive after he/she has accumulated:

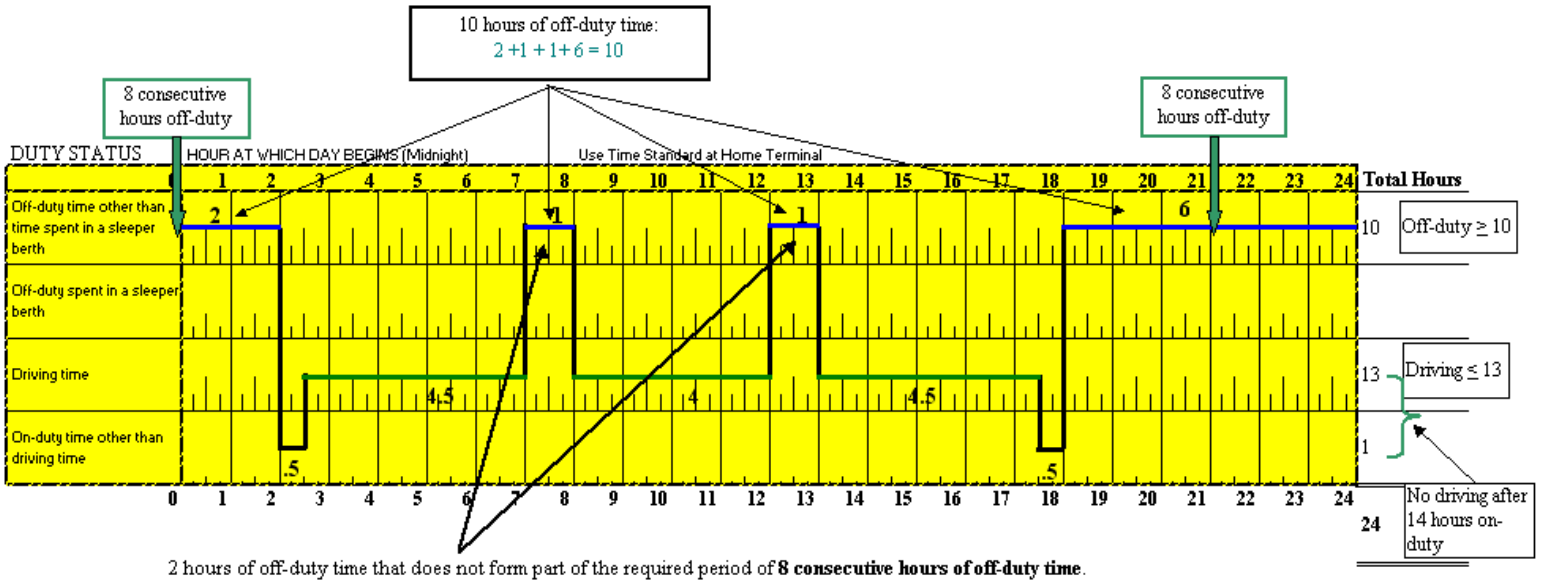
- 13* hours of driving time in a day

- 14* hours of on-duty time in a day
- * Exception for "Deferral of Daily Off-duty Time"

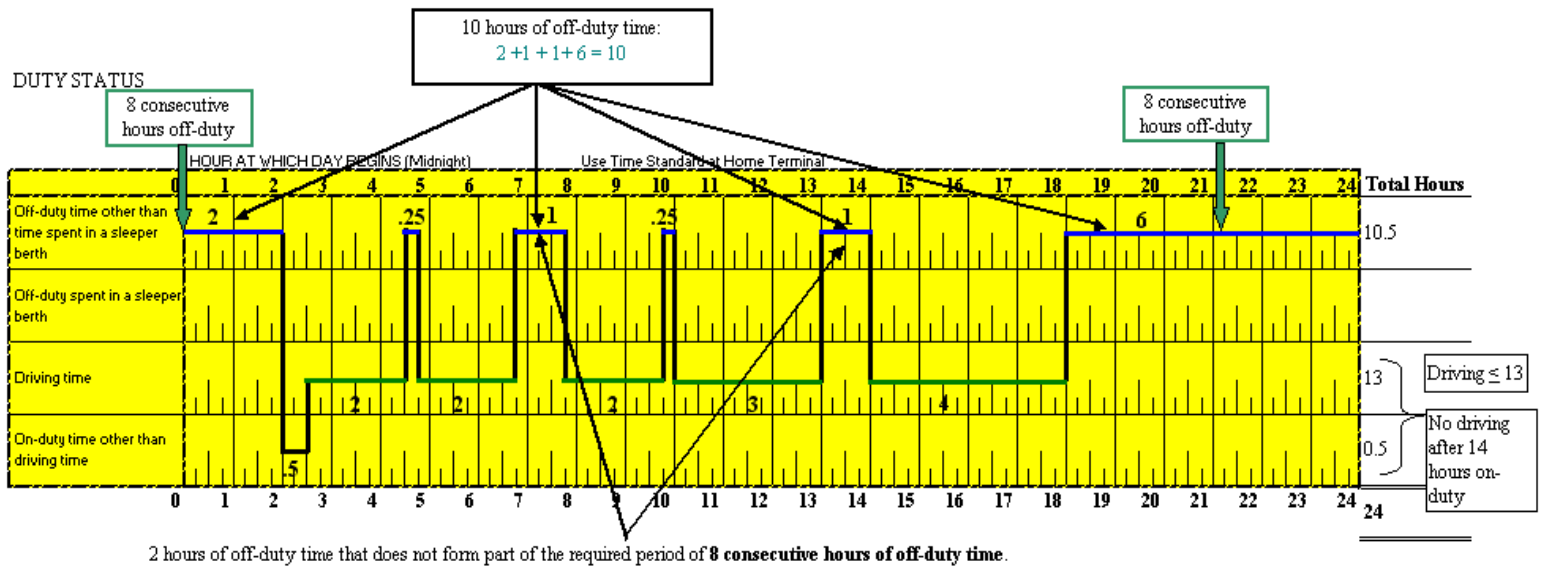
Off-duty requirements:

- minimum of 10 hours off-duty must be taken throughout the day
 - only off-duty periods of 30 minutes or more can be included in the 10 hours off-duty requirement. Reference: Section 14.
 - take at least 2 hours off-duty time that does not form part of a period of 8 consecutive hours
- (Note: not necessary to have 8 consecutive hours in a day)

Example 1: Compliant



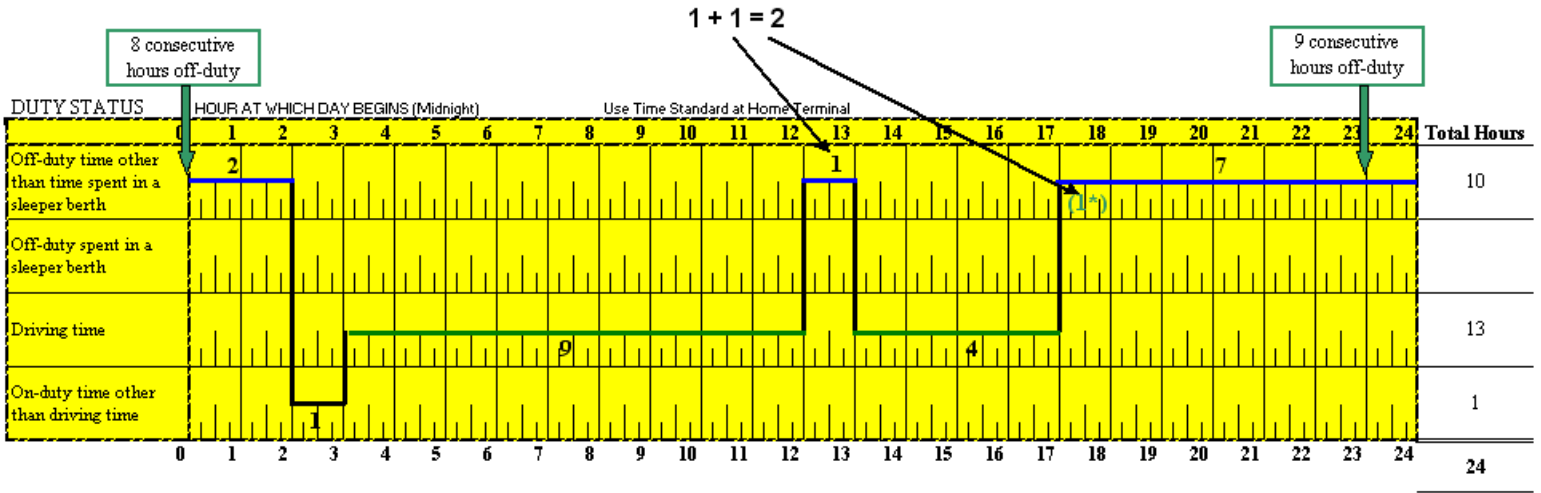
Example 2: Compliant



Example 3: Compliant

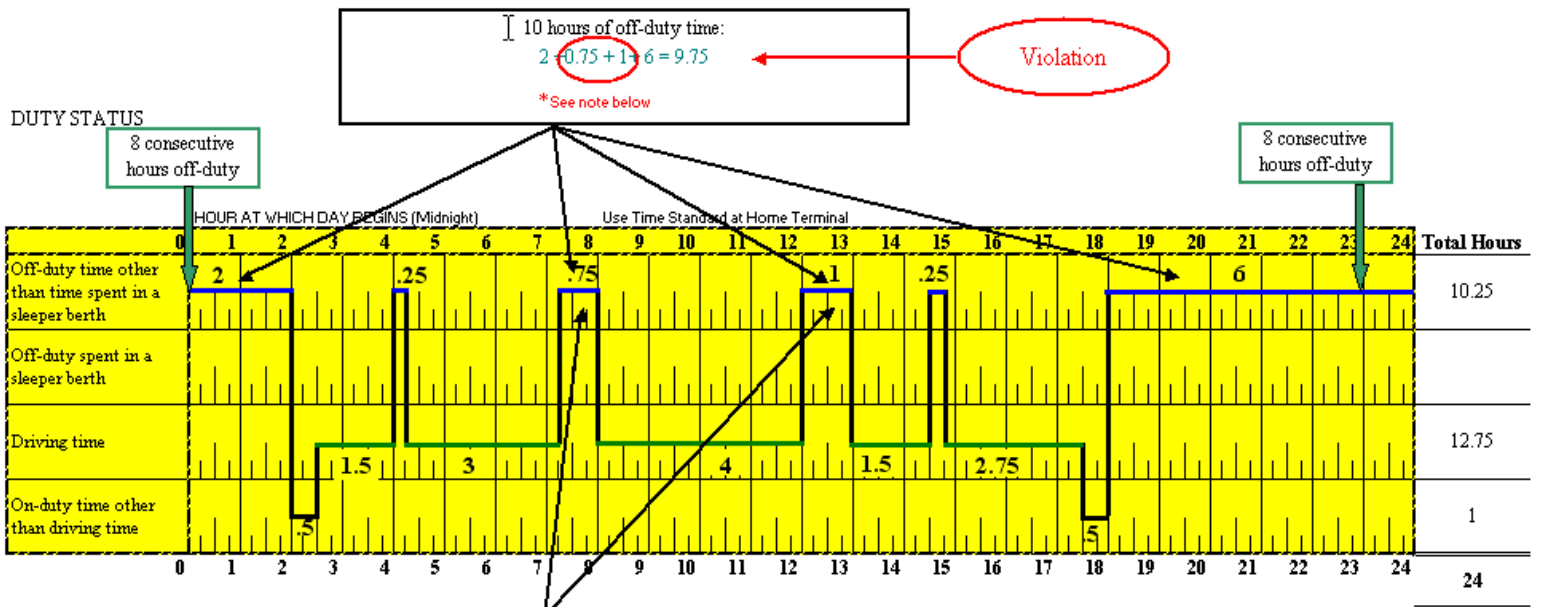
Daily Requirements - Off-duty

- Step 1: Daily off-duty time must total at least 10 hours (consisting of off-duty periods ≥ 30 minutes) ($2+1+7=10$)
- Step 2: Daily off-duty time must include 2 hours that do not form part of an 8 consecutive hour off-duty period required by Section 14(3).



* 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 period required by Section 14(3).

Example 4: Violation

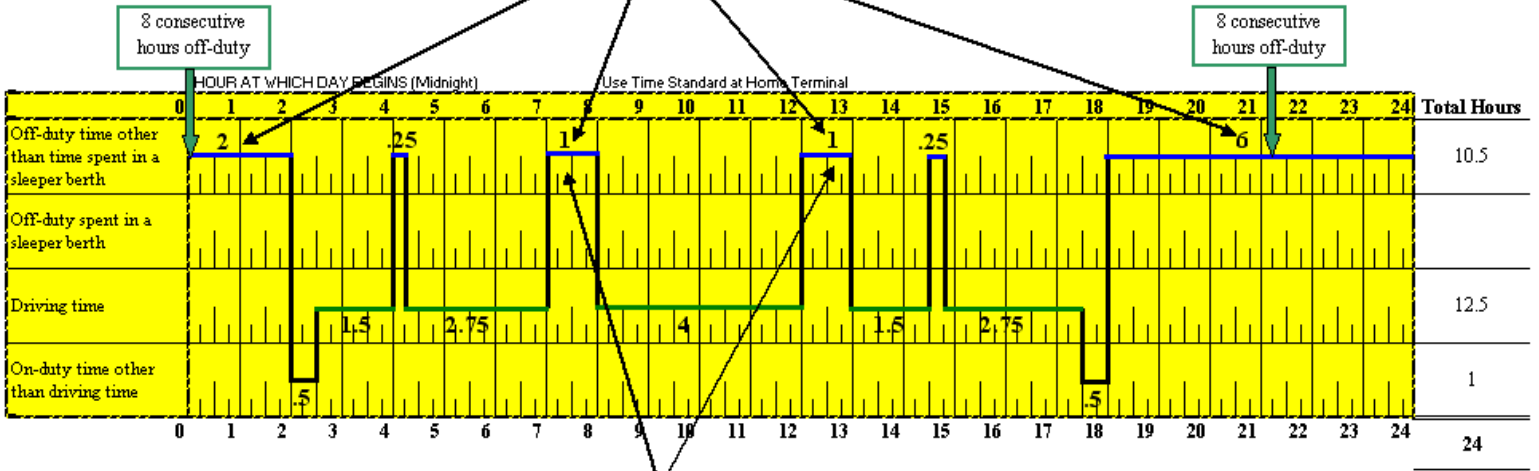


* **Violation:** Less than 2 hours (1.75) of off-duty time that does not form part of the required period of 8 consecutive hours of off-duty time.

Example 5. Compliant

10 hours of off-duty time:
 $2 + 1 + 1 + 6 = 10$

DUTY STATUS

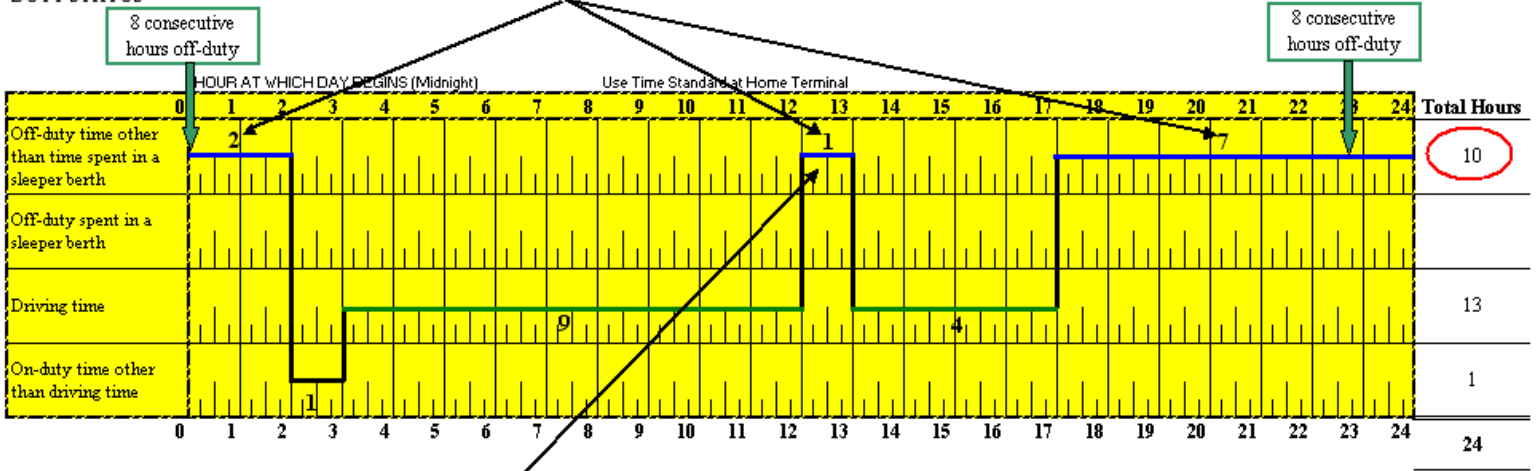


2 hours of off-duty time that does not form part of the required period of 8 consecutive hours off-duty time.

Example 6: Violation

10 hours of off-duty time:
 $2 + 1 + 7 = 10$
 *See note below

DUTY STATUS



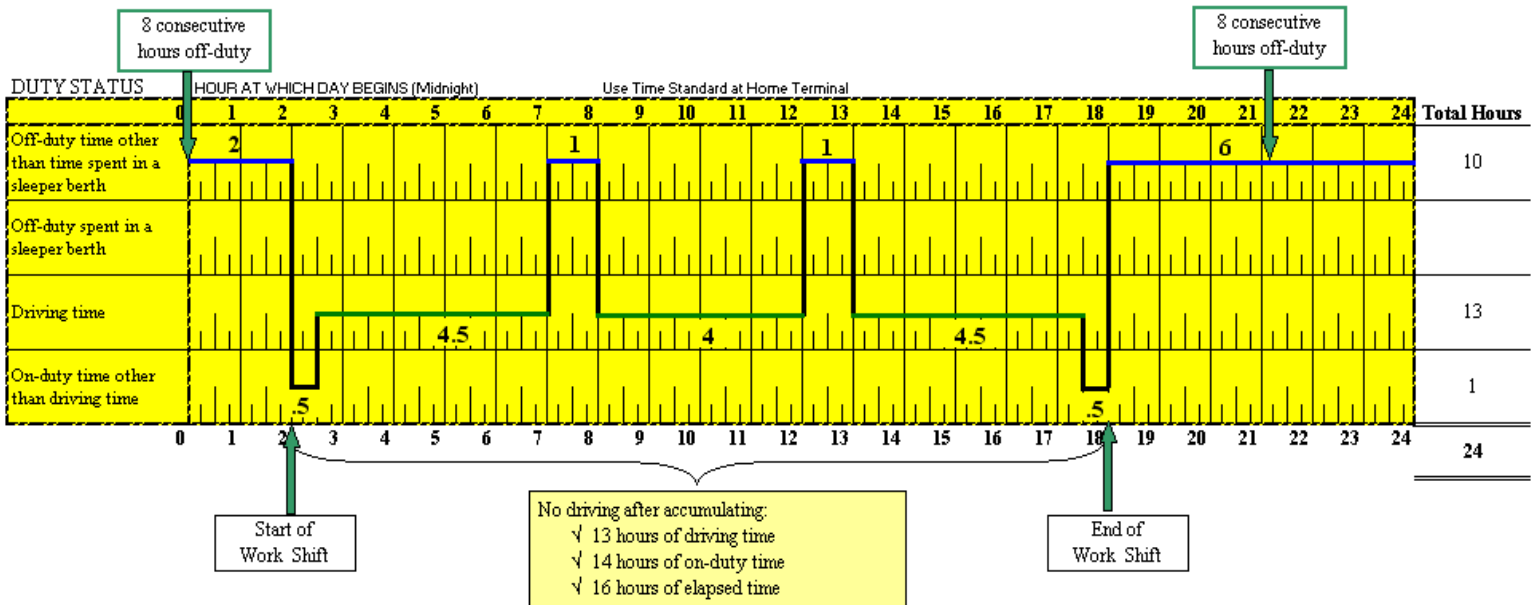
*Violation: Less than 2 hours (one only) of off-duty time that does not form part of the required period of 8 consecutive hours of off-duty time.

Mandatory Off-duty Time (Section 13)

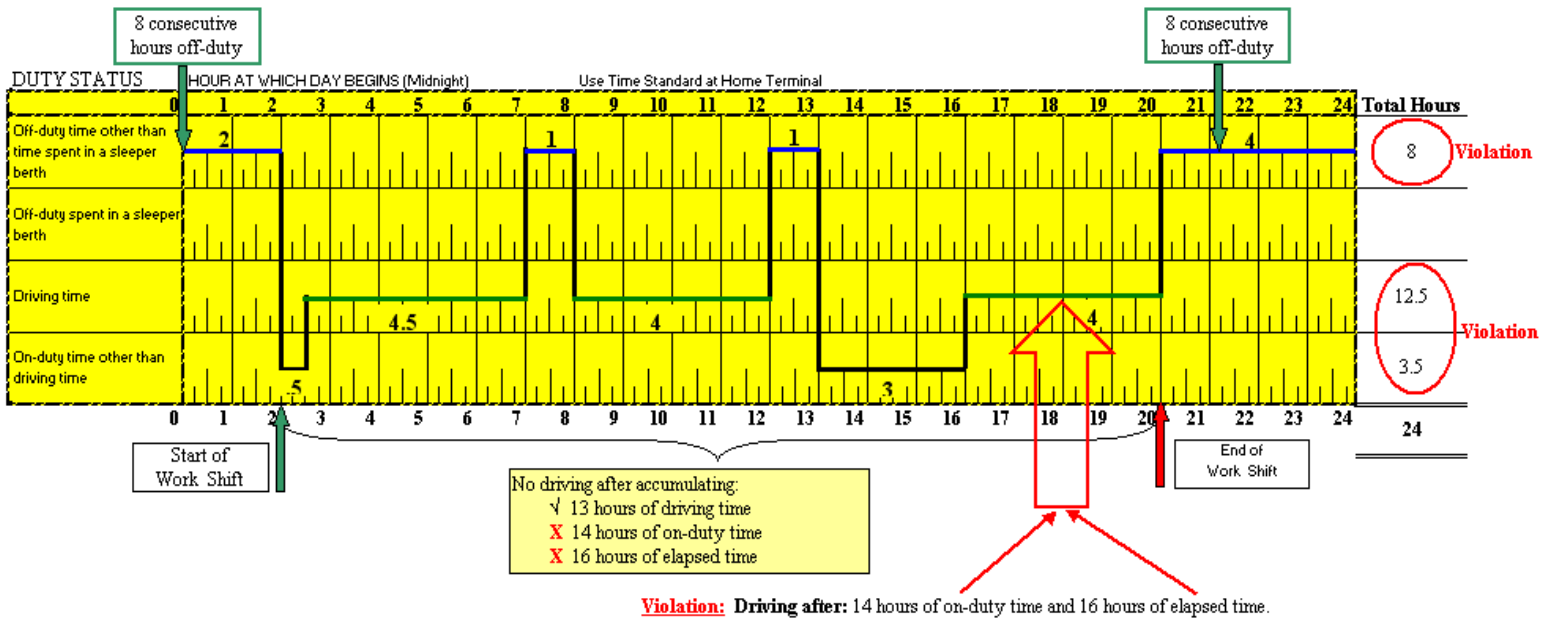
53. What is meant by the term “work shift” and what is the maximum length of time of a work shift?
Guidance: Work shift means the elapsed time between two off-duty periods of at least 8 consecutive hours. Every off-duty period consisting of 8 consecutive hours or more resets the work shift. The length of a work shift is determined by counting the time spent in all duty statuses from the time you reported for work following an off-duty period of 8 consecutive hours or more to the time you are released from work and take another off-duty period of 8 consecutive hours or more. Reference: Section 13.
54. What conditions are imposed in the 16 hour work shift?
Guidance: No driver shall drive from the beginning of the work shift after accumulating:
- 13 hours of driving time
 - 14 hours of on-duty time
 - 16 hours of elapsed time from start of the work shift.

A driver may drive if he/she takes at least 8 consecutive hours of off-duty time and obeys the rules for daily driving (for example, 13 hours of driving time by day).

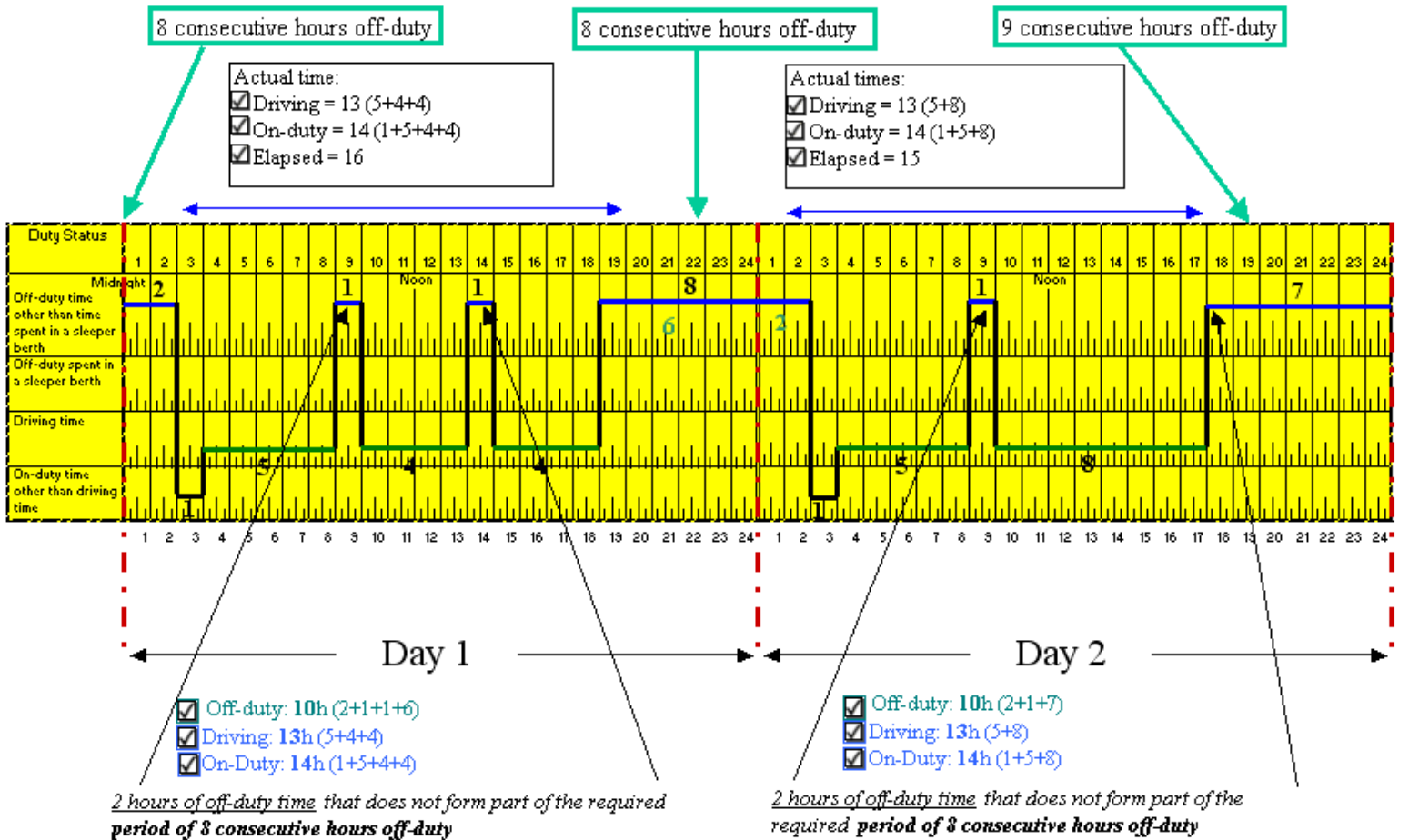
Example 1: Compliant



Example 2: Violation



Example 3: Compliant

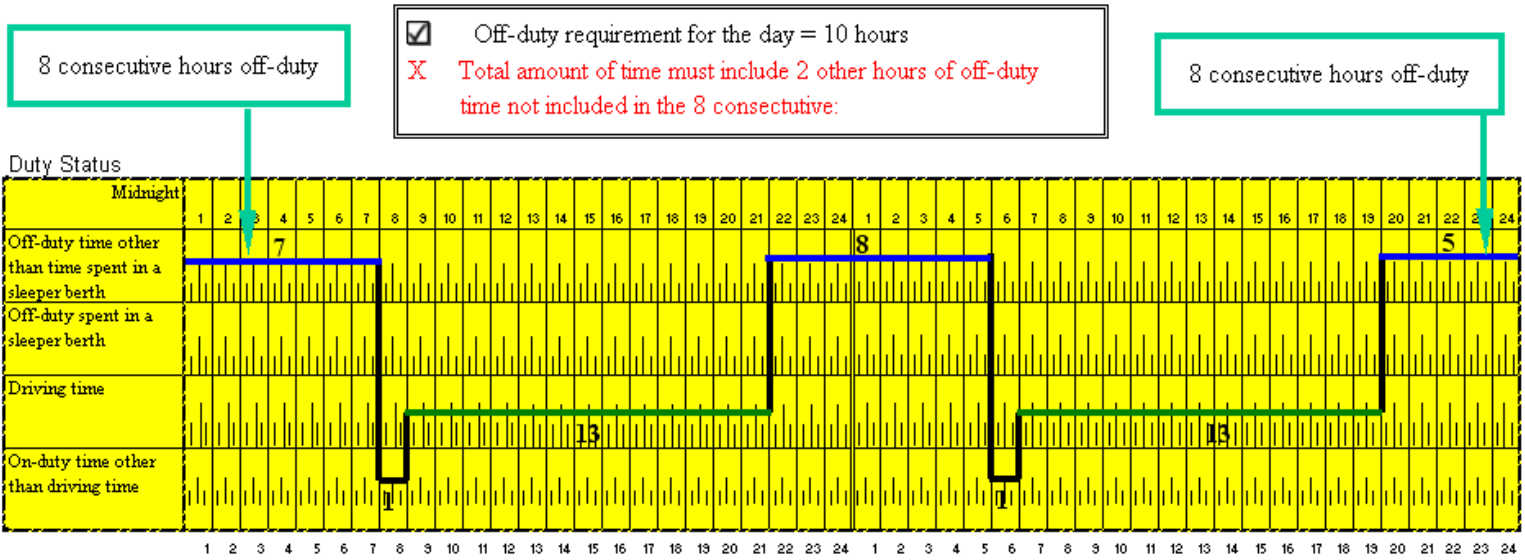


56. Can a driver reduce the 8 consecutive hours when off-duty time is required to be taken?
Guidance: No.
57. A driver can drive for 13 consecutive hours following 8 consecutive hours off-duty. Can the driver also drive for 13 consecutive hours following 8 hours off-duty taken in 2 sleeper berth periods that have been separated by driving?
Guidance: No.
58. Can the 8 consecutive off-duty hours be comprised of a combination of off-duty time and time spent in the sleeper berth?
Guidance: Yes, provided the time is continuous.
59. How is the “work shift” applied to short haul driving operations. If a driver drives for an hour to haul a load of aggregate to a site, then takes a two hour break to unload, then drives back to the plant for another hour, then takes another break to load again, and so forth, how do the Regulations affect that driver?
Guidance: The rules for the work shift are the same for short and long haul operations. When a driver has reported for work, after having taken at least 8 consecutive hours off-duty, he/she must ensure he/she does not drive a commercial vehicle after 16 hours has elapsed. Also, after accumulating 13 hours driving and 14 hours on-duty, the driver must ensure he/she is in compliance with the rules for the day.

Daily-Off-duty Time (Section 14)

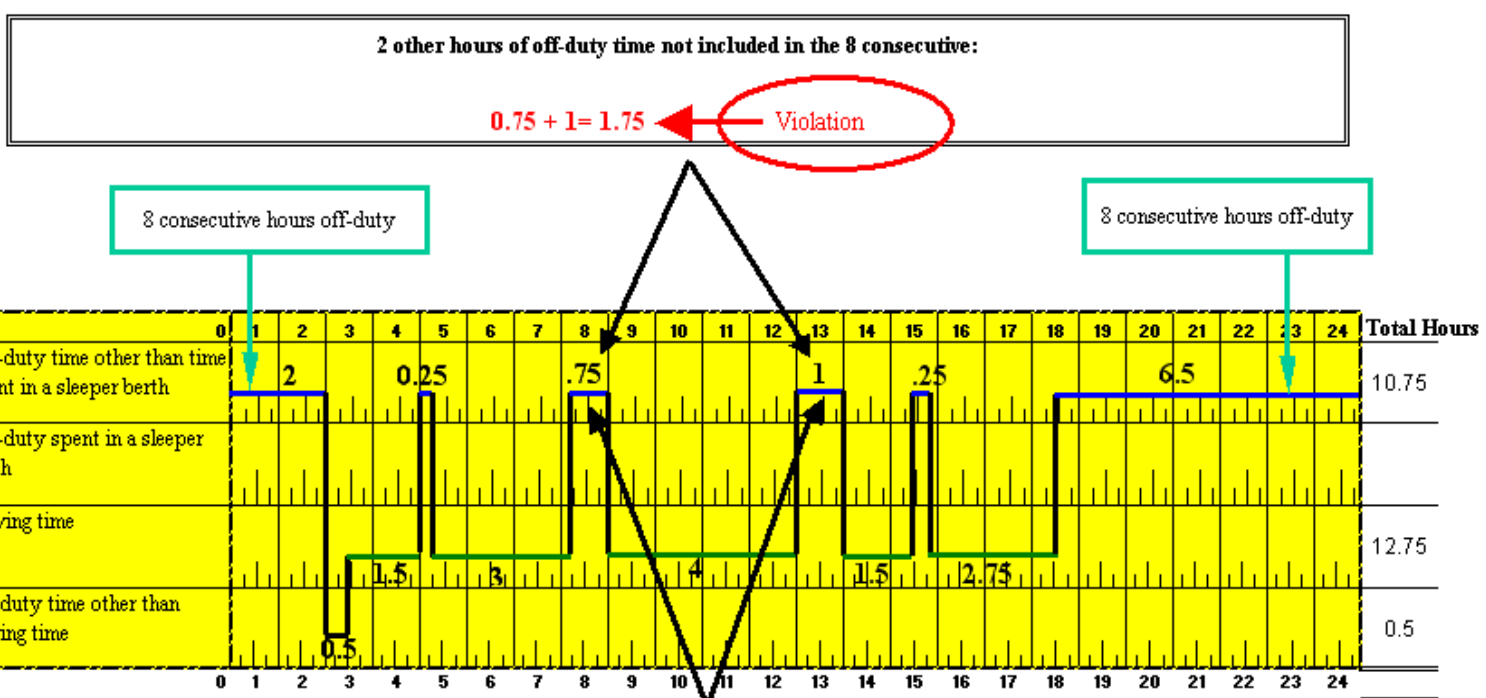
60. What is the purpose of Section 14(3)? Does it mean that team driver must take 10 hours off in a day?
Guidance: Section 14(3) is intended to ensure a driver does not use an 8 consecutive off-duty period to satisfy two requirements, i.e.: if the 8 hours is used to reset the work shift, you can not use any of the 8 for the other 2 hours required to satisfy the 10 hour daily off-duty requirement. A driver must take 10 hours off-duty every day and the total amount of off-duty time taken by a driver in a day shall include at least 2 hours of off-duty time that does not form part of a period of 8 consecutive hours of off-duty time required by Section 13.

Example 1: Violation: In this example, the driver is attempting to use the 8 consecutive hours of off-duty time (core rest period) to satisfy two requirements: resetting the work shift and satisfying the other two hours required to be taken each day to satisfy the 10 hour daily off-duty requirement.



Violation: Off-duty time in a day does not include at least 2 hours that do not form part of a period of 8 consecutive hours off-duty time required by subsection 14(3). Requirement was introduced to make sure that sufficient opportunity was provided to obtain recuperative sleep and to reduce phase advancing. This eliminated the possibility of using two hours of core rest period consisting of only 8 consecutive hours to satisfy two requirements; work shift reset and daily off-duty requirements.

Example 2: Violation



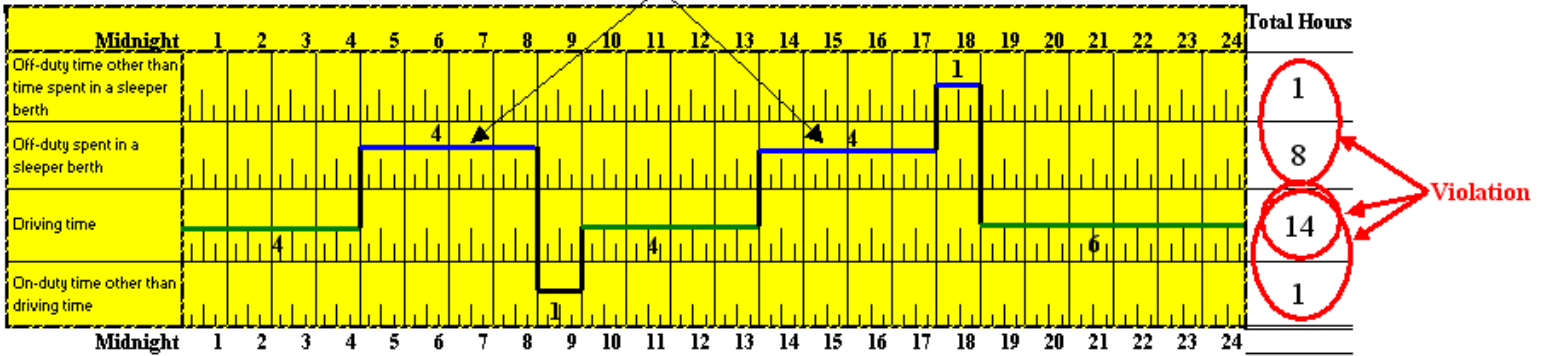
Violation: off-duty time in a day does not include at least 2 hours that do not form part of a period of 8 consecutive hours of off-duty time required by Section 14(3).

Example 3: Violation

Rules for the Day - Team

Requirement for 2 other hours of off-duty time:
Only 1 hour taken

Total for rest periods = 8



- Violations:**
1. Failed to take 10 hours off-duty during the day
 2. Failed to take 2 hours off-duty that do not form part of a required rest period
 3. Exceed 13 hours driving
 4. Drive after 14 hours on-duty

61. If a person only took 9 hours off-duty but did not drive a commercial vehicle during the previous day, however, today, he is driving a commercial vehicle, would the driver be in violation for failing to take 10 hours off-duty the day before?

Guidance: Yes.

Deferral of Daily Off-duty Time (Section 16)

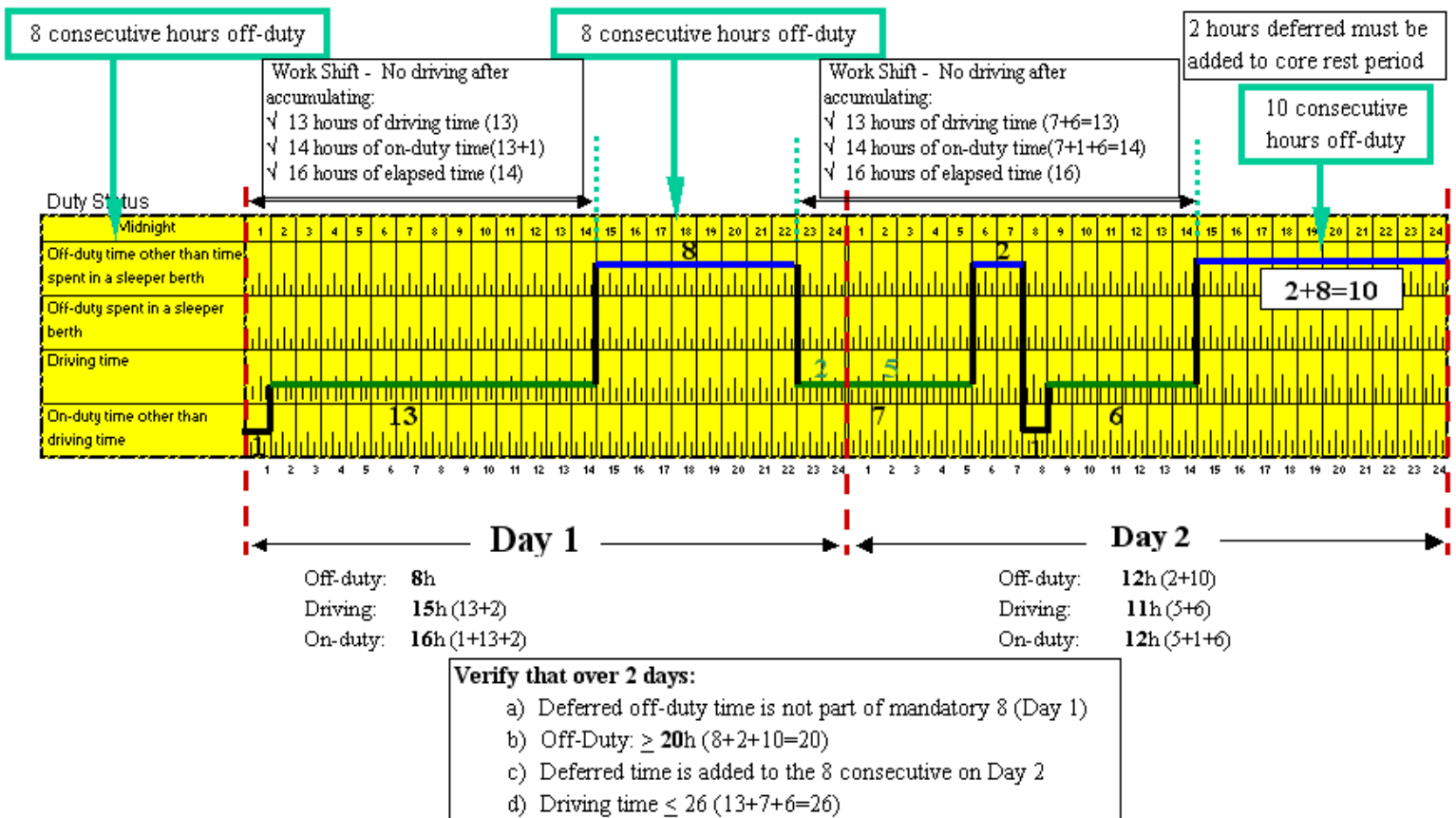
62. Would the driver be eligible for the “deferral of off-duty time” provision, if the driver exceeded 13 hours of driving in the immediately preceding on-duty period?

Guidance: No, the driver having exceeded the driving limitation is in violation of Sections 12(1) or 13(1). The driver would be declared out-of-service by an inspector and would be required to take a minimum of 10 consecutive hours off-duty. Reference: Section 91(3)(b).

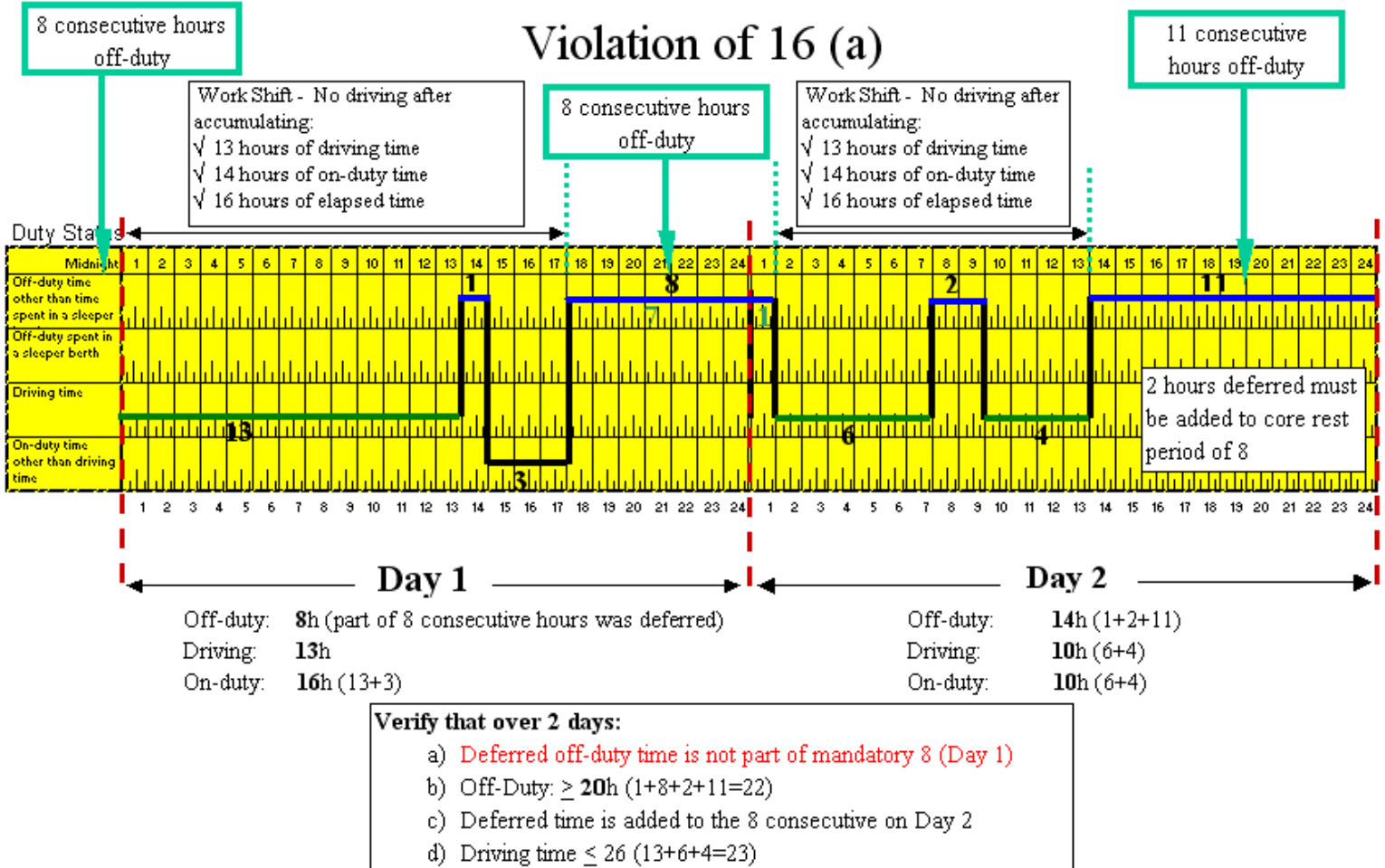
63. Can the driving time be extended to 15 hours and on-duty time to 16 hours *into the* work shift?

Guidance: No. The rules for the work shift continue to apply and can not be modified.

Example 1: Compliant

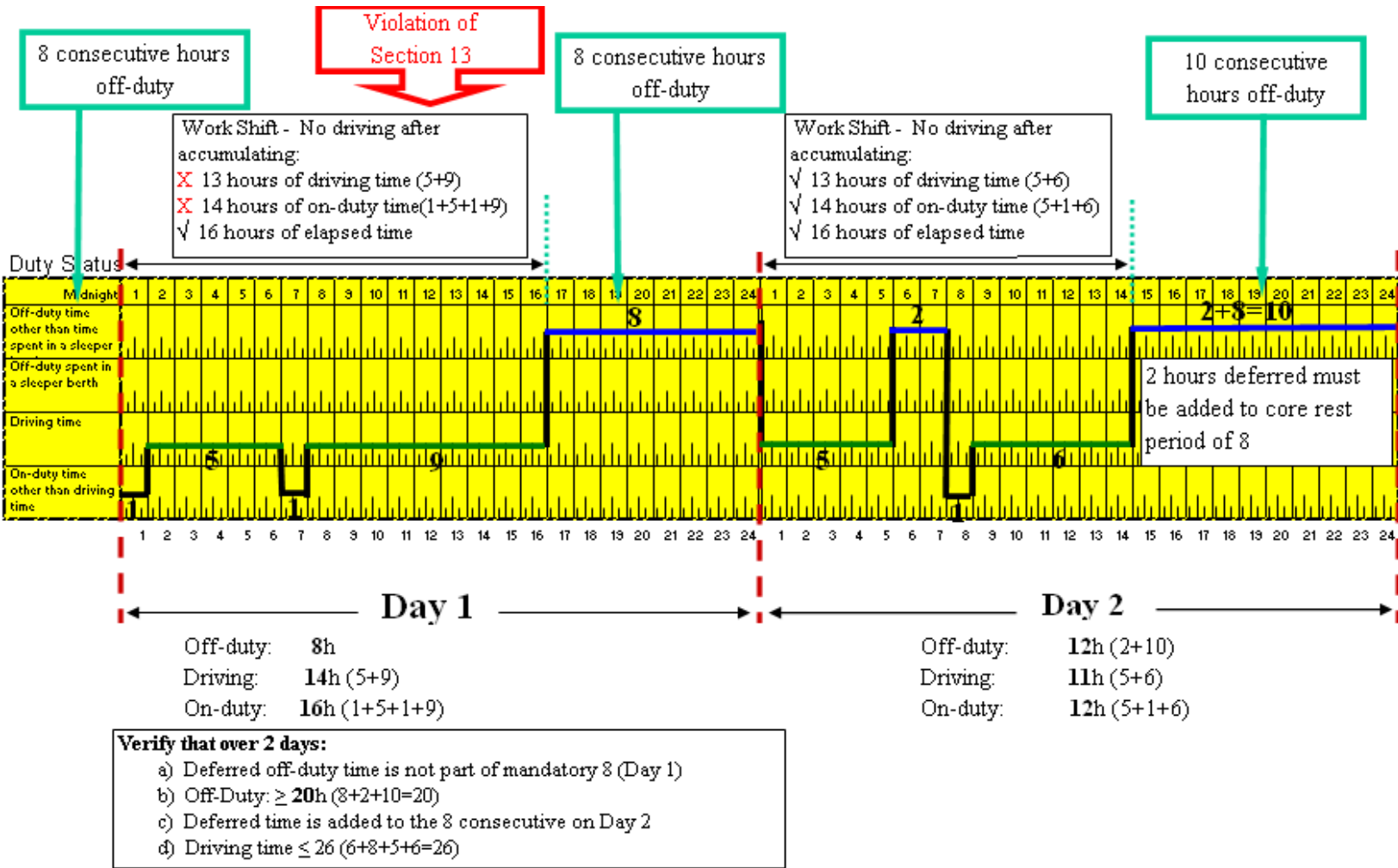


Example 2: Violation



Note: To exercise the deferral option, the 8 consecutive hours must be completed in the first day.

Example 3: Violation

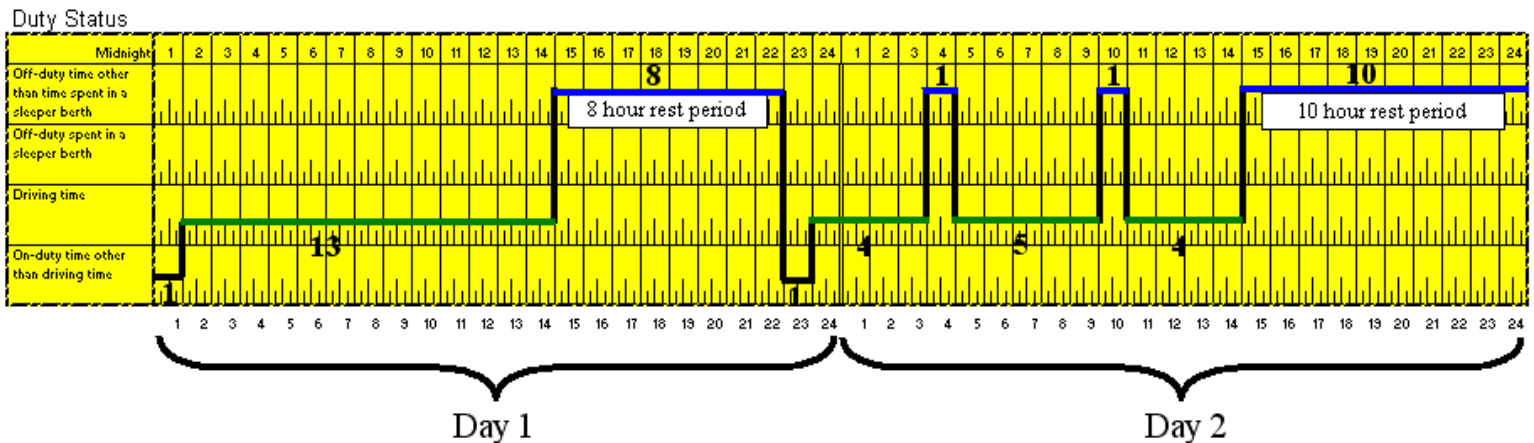


64. Is there a limit as to how often a driver can take the deferral of daily off-duty time?

Guidance: Yes, every second day.

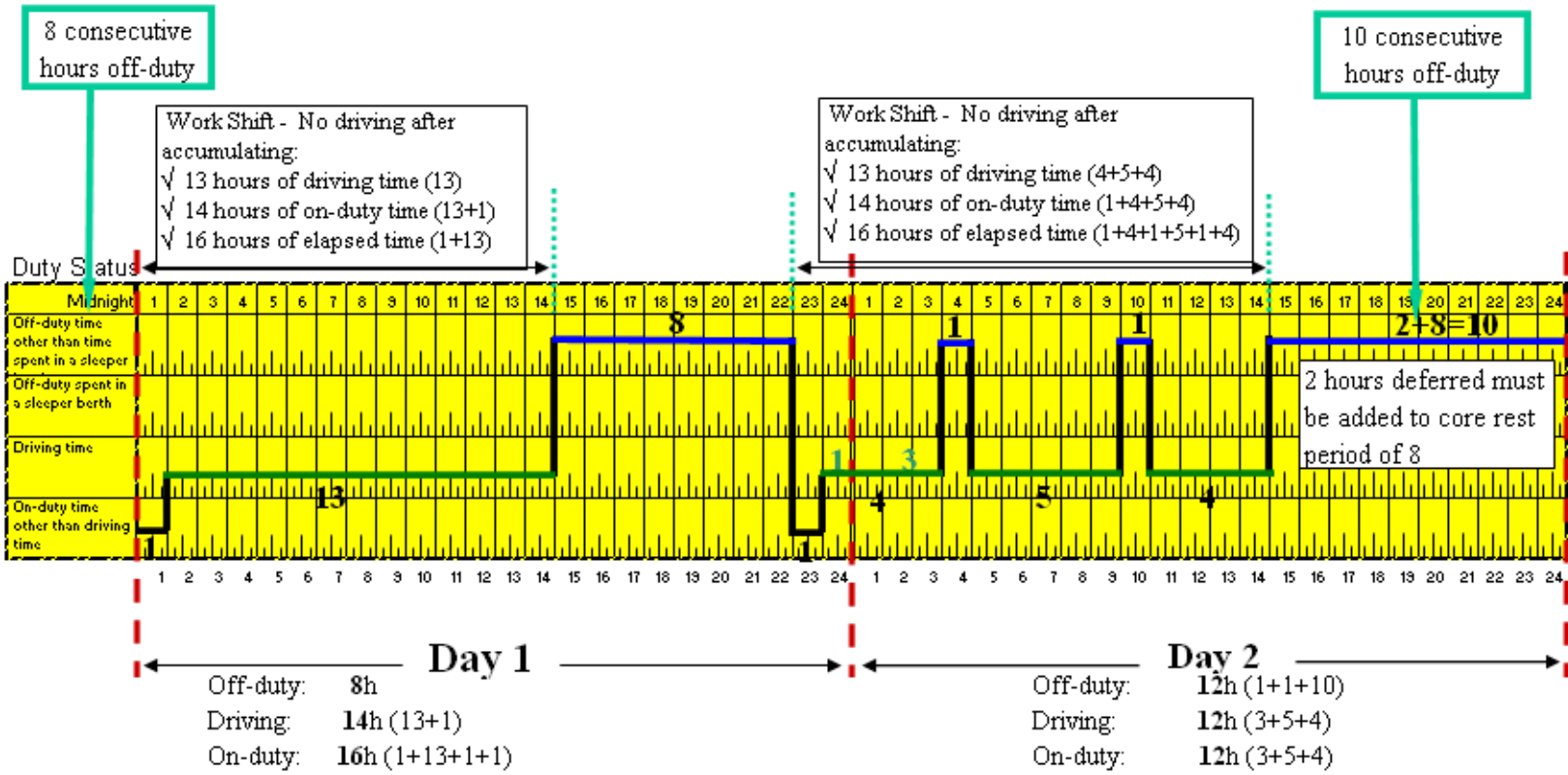
Example: Compliant

Time Deferral



65. When is a driver utilizing the deferral of off-duty time required to take the deferred time off?
Guidance: During day 2; as well, the deferred time must be added to the required 8 consecutive hours of off-duty time. The off-duty time deferral is added to the 8 consecutive hours of off-duty time taken in the second day.

Example: Compliant



Verify that over 2 days:

- a) Deferred off-duty time is not part of mandatory 8 (Day 1)
- b) Off-Duty: $\geq 20h$ ($8+1+1+10=20$)
- c) Deferred time is added to the 8 consecutive on Day 2
- d) Driving time ≤ 26 ($13+4+5+4=26$)

66. With respect to Section 16(e) will daily log-sheets require special “declaration” boxes in the remarks section to avoid confusion during enforcement?
Guidance: No. When a driver has exercised the deferral option, this notation should be made in the remarks section of the daily log. The driver must make sure it is clearly understood that he/she has exercised the deferral option and the appropriate day (day 1 or day 2).
67. How is the deferral option required to be recorded if the driver does not retain a log book?
Guidance: The carrier is required to retain accurate time records. Therefore, the carrier will be required to identify any time the driver used the deferral option.

68. Deferral hours of off-duty are added to the 8 consecutive hours of off-duty time taken on day 2. If a driver used that deferral on the last day of his/her cycle, does he/she have to take 38 consecutive hours off-duty instead of 36?

Guidance: No.

Ferries (Section 17)

69. Are the “5 hours” based on the actual scheduled departure/arrival times, or the “check-in/check-out” duration? Actual “propeller-churning” time might be 4.5 hours, but the vehicle usually must arrive at the pier at least 60 minutes ahead of departure, and until the vehicle is off-loaded at the other end, it usually takes another 30 minutes or so.

Guidance: Based on the actual scheduled departure/arrival times.

70. Shorter ferry runs (5 hours) do not usually offer “accommodation” as defined in Section 17(a). Would a boarding pass be sufficient to qualify for this exemption on shorter scheduled trips that run longer than 5 hours?

Guidance: No.

71. What is the protocol for drivers using ferries under circumstances other than crossings of five hours or more?

Guidance: It depends on what the driver is doing. If he is working (selling tickets), he is on-duty. If he is having lunch, he is off-duty.

72. If the combined duties as stated in Section 17(a) are to be recorded as off-duty time spent in the sleeper berth (as per Section 17(b)) how does the driver account for the mileage driven if no drive time is recorded.

Guidance: The time spent driving from the point of disembarkation to the rest facility which is no more than 25 km, will be recorded as on-duty driving.

Splitting of Daily Off-duty Time (Sections 18 and 19)

73. How are the sleeper berth rules for single and team drivers applied?

Guidance: Motor carriers and drivers must respect the requirements.

The amount of off-duty time to split and the duration period are different for single and team drivers:

Requirement	Single	Team
Rest period (minimum)	2 hours	4 hours
Total for 2 rest periods	10 hours	8 hours

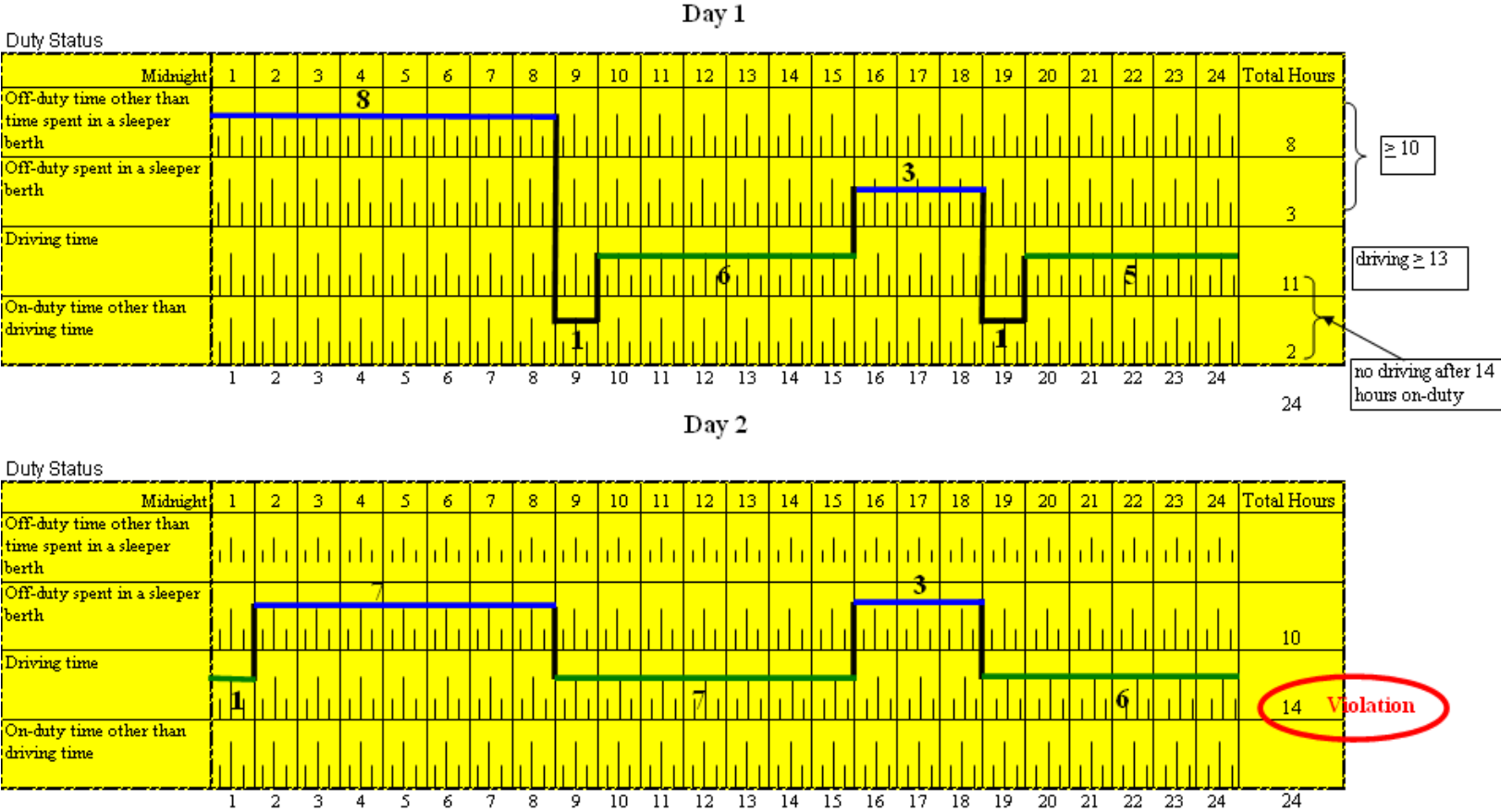
Other rules are almost the same for single and team drivers:

1. Must meet daily requirements:

- Take at least 10 hours off-duty time:
- off-duty time other than the mandatory 8 consecutive hours may be distributed throughout the day in blocks of no less than 30 minutes each.
- take at least 2 hours of off-duty time that does not form part of the period of 8 consecutive hours (team only)
- No driver shall driver after he/she has accumulated:
 - 13 hours of driving time in a day
 - 14 hours of on-duty time in a day

Example: Sleeper Berth - Single

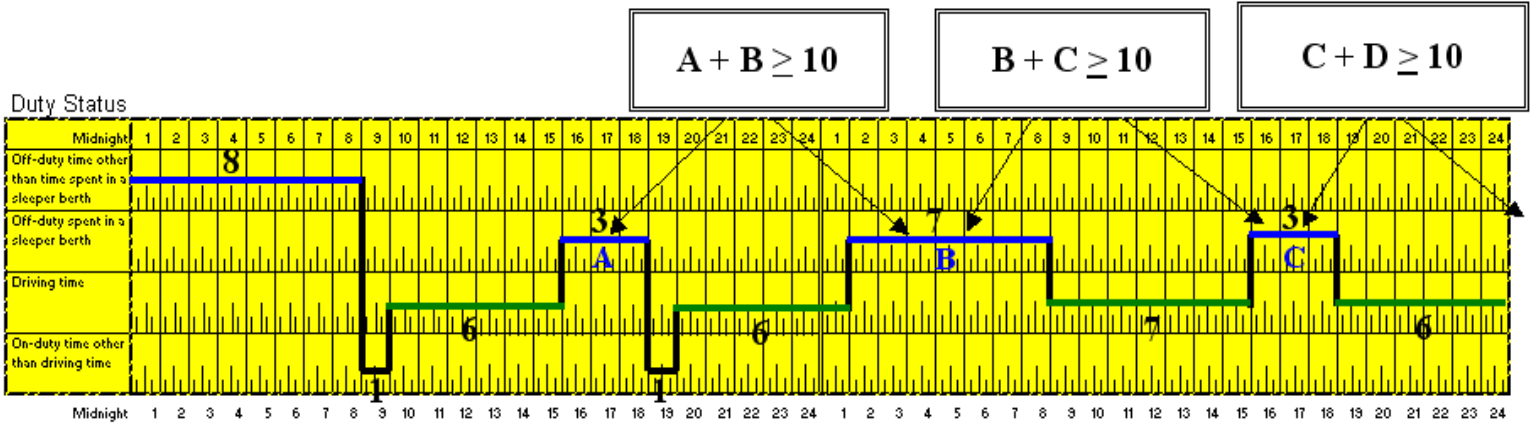
Step 1: Rules for the days



Violations:

1. Exceed 13 hours driving time
2. Identify sleeper berth rest periods
 - neither period is shorter than 2 hours; and
 - the total of the two periods is at least 10 hours (single driver)

Step 2: Rules for the work shift - Identify rest periods

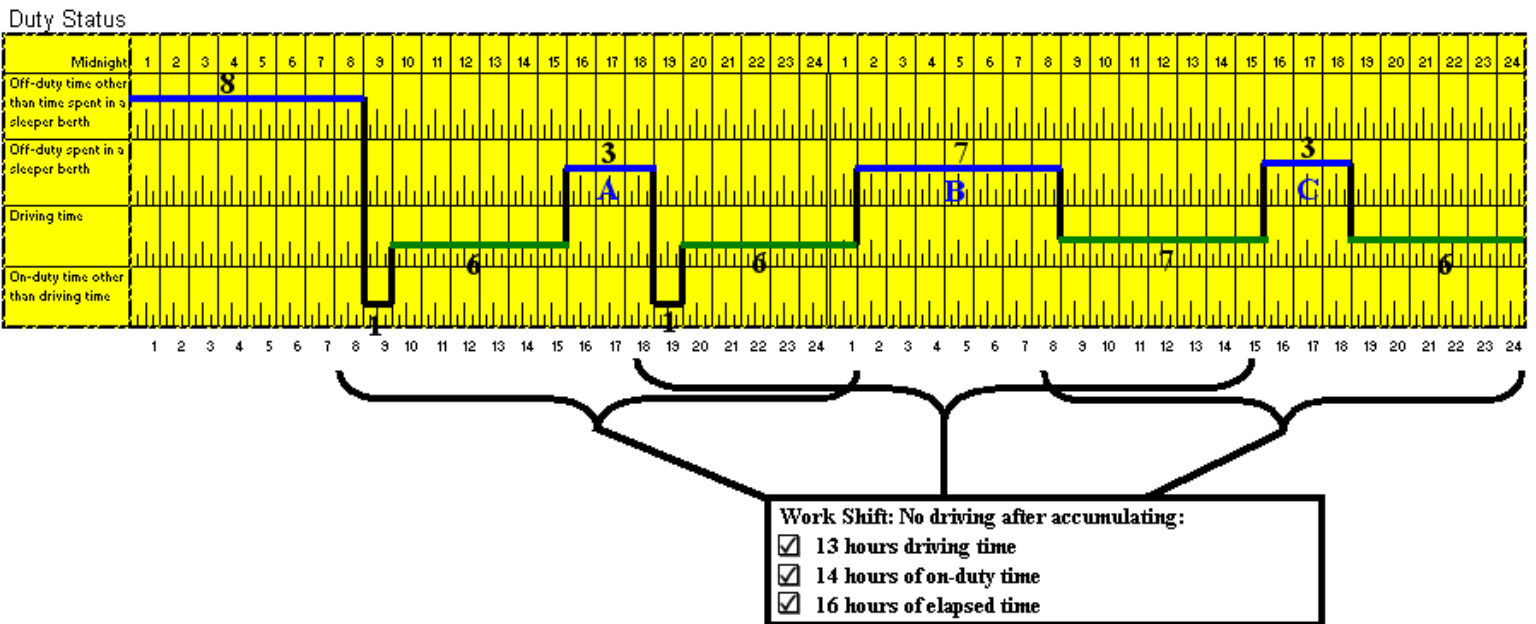


3. A driver may not drive after having accumulated in the periods immediately before and after each of the period of off-duty time:

- 13 hours driving
- 14 hours on-duty
- 16 hours elapsed time

None of the daily off-duty time is deferred to the next day.

Step 3: Rules for the work shift - Verify driving times



* Note: the 16th hour is calculated by:

- a) excluding the period spent in the sleeper berth that is 2 hours or more in duration and that, when added to a subsequent period in the sleeper berth, totals at least 10 hours; and
- b) including
 - i) all on-duty time,
 - ii) all off-duty time not spent in the sleeper berth,
 - iii) all periods of less than 2 hours spent in the sleeper berth, and
 - iv) any other period spent in the sleeper berth that does not qualify as counting towards meeting the requirements of this Section.

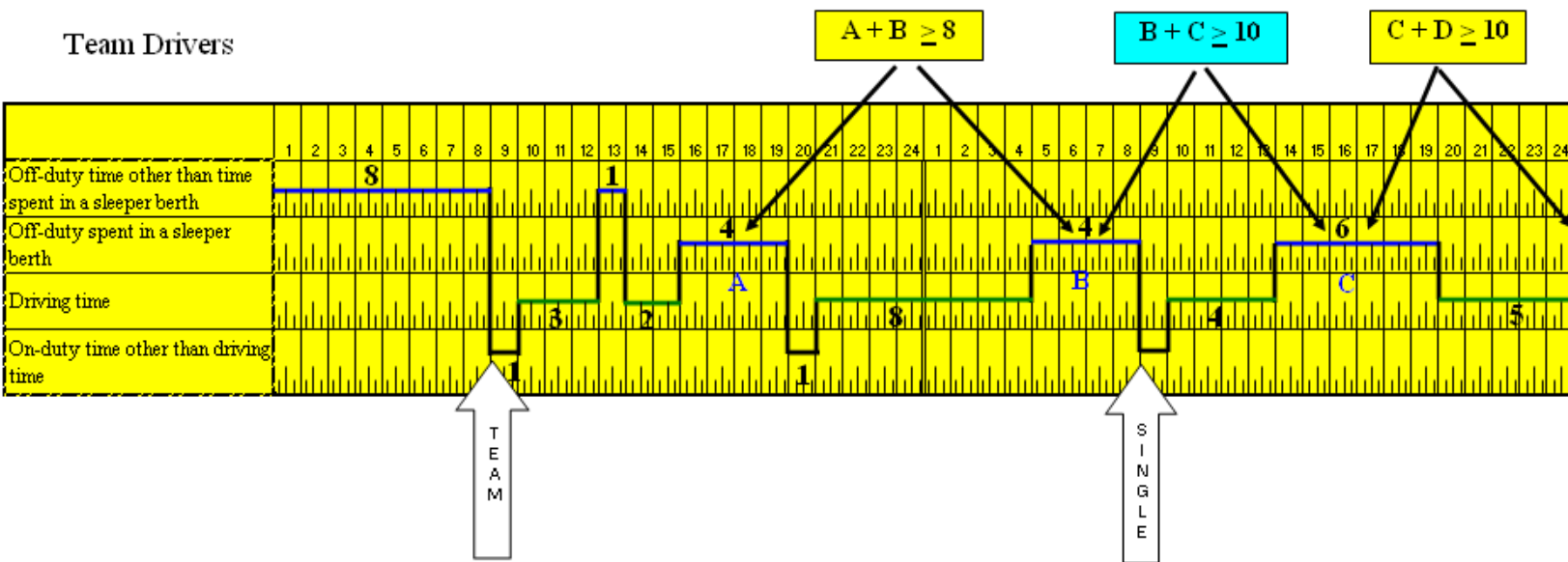
74. Can a driver combine a consecutive sleeper berth rest period and an off-duty period to obtain 8 hours off-duty?

Guidance: Yes. The driver may combine sleeper berth time and other off-duty time to meet the minimum 8 consecutive hours of off-duty time. The driver can not combine sleeper berth time and other off-duty time to meet the minimum split sleeper berth requirements.

75. Do the Regulations allow drivers to switch from a team environment to a single driver and vice-versa?

Guidance: Yes, providing the driver records in the daily log when this occurred and complies with the requirements for the (team or single) situation in which they are now engaged.

Team Drivers



76. With regard to calculating the 16 hour rule for single drivers in utilizing the sleeper berth provisions (Section 18(2), if the driver takes two periods of off-duty in the sleeper berth, one being 2 hours and other being 8 hours, would the calculation of the 16 hour rule revert back to normal off-duty provisions under Section 13(3)?

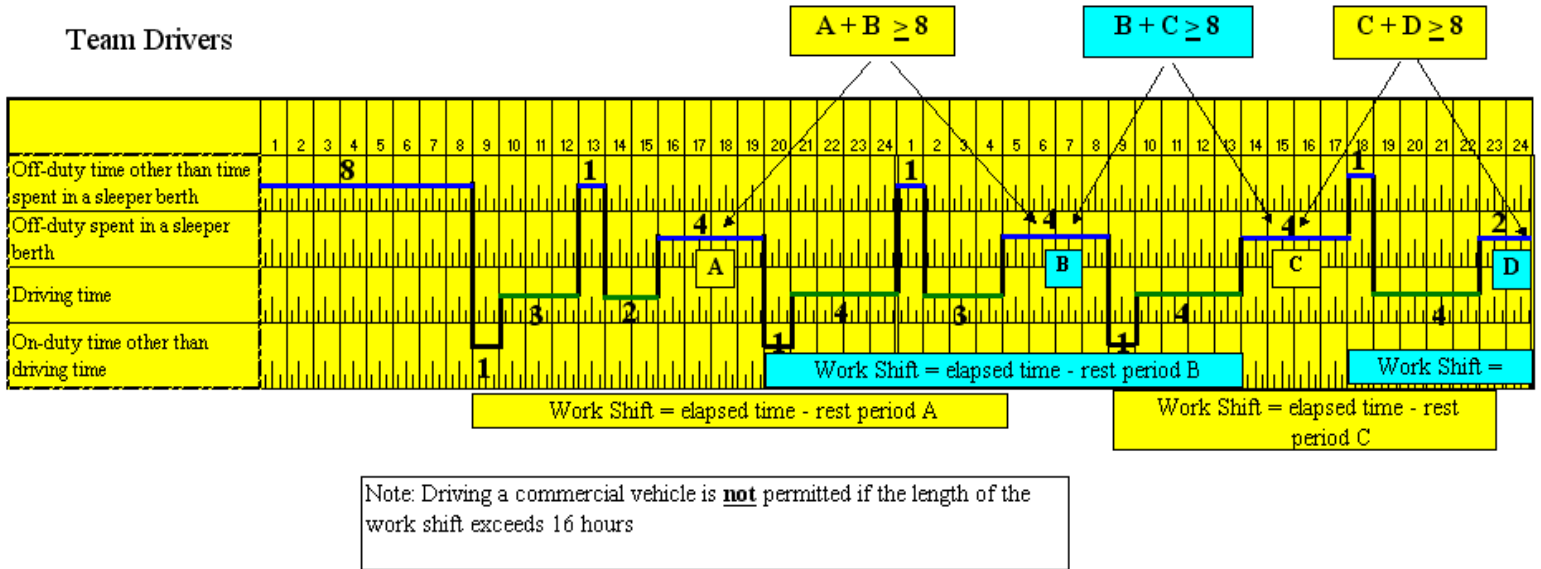
Guidance: Yes. Any period of at least 8 consecutive hours automatically resets the work shift.

77. If a commercial vehicle is not equipped with a sleeper berth, can a driver stop the vehicle and “make” a sleeper berth using the driver/passenger seat area and claim split sleeper berth?

Guidance: No. A suitable sleeping accommodation must satisfy the specifications prescribed in Schedule 1 in order to be considered a sleeper berth.

78. How is the 16 hours of elapsed time reflected when using the sleeper berth provision?

Guidance: The following illustration provides clarification. It is important to remember drivers are not allowed to drive a commercial vehicle after accumulating 16 hours during the work shift.



79. After accumulating 8 consecutive hours of off-duty time, a driver spends 3 hours in the sleeper berth. The driver then drives a commercial vehicle for 13 hours, then spends 7 hours in the sleeper berth. Can the driver combine the two sleeper berth periods to meet the required 10 hours of off-duty time as per Section 18, and then drive for up to 13 more hours after the last 7 hours in the sleeper berth?

Guidance: No, as the total of the driving time in the periods immediately before and after each of the sleeper berth periods can not exceed 13 hours.

Cycles (Sections 24 - 27)

80. In Sections 26 and 27, what is meant by “during the period of the cycle that was ended”?

Guidance: The period of time in a cycle can be less than 7 or 14 days. A cycle can reset at any time. If a driver has reset cycle 1 (70 hours/7 days) then a new cycle is opened and the first day of the cycle is the only day included in the elected cycle (cycle 1 or cycle 2). The duration of a cycle is less than 7 days or 14 days when a driver resets a cycle after less than 7 or 14 days. For example, the duration of a cycle could be only one day if the driver was off-duty for more than 36 hours, drives only one day, and takes 36 hours off-duty. In that case, the duration of the cycle is one day.

81. When does a “cycle” start? Does it start at 00:01 on the first day of the cycle or at the time the first work shift starts in the “cycle”?

Guidance: It starts at the time determined by the motor carrier as the start time for the day. If a motor carrier has declared a start time for the day to be different than the calendar day, then the day starts at the declared time and stays at that time for the rest of the cycle.

82. Does a driver, employed full time by one motor carrier using cycle 1, (70-hours in 7-days), and part-time by another motor carrier using cycle 2, (120-hours in 14-days), have the option of using either rule in computing his hours of service?

Guidance: No. The driver has the option of electing to work either on cycle 1 (70 hours in 7 days) or cycle 2 (120 hours in 14 days) and during this period the driver must adhere to that cycle. However, the motor carrier and /or driver has the option of switching cycles if he takes the following off-duty time: at least 36 hours off-duty for cycle 1; or at least 72 hours off-duty for cycle 2 (reset).

83. If a driver has elected cycle 1(70 hours/7 days) but reaches the 70 hours in only 5 days, how does he record the 36-hour continuous off-duty time?

Guidance: Must be recorded as off-duty on the graph grid or in the record of duty status.. See illustration.

Example 1:

January 15, 2007

	Midnight	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	
Off-duty time other than time spent in a sleeper berth																										24	
Off-duty spent in a sleeper berth																											
Driving time																											
On-duty time other than driving time																											
	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	24	

January 16, 2007

When the cycle reset was met January 16th became day 1 of cycle 1(1st day of the new cycle period)

	Midnight	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	
Off-duty time other than time spent in a sleeper berth																											
Off-duty spent in a sleeper berth																											
Driving time																											
On-duty time other than driving time																											
	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		

Work shift can start

Example 2:

2007 Record of Duty Status

Duty Status: 1 = Off Duty 2 = Driving 3 = On Duty, not-Driving
--

Driver's Name: _____

Month: February

Start time for the day: Mid-night

Date	Status	1											Total Time
27	Started @	0:00											Off-duty: 24.0
	Finished @	24:00											Driving:
	Time spent	24.0											On-Duty not driving:
Remarks:										Elected Cycle: 1		Total: 24.0	

Date	Duty Status	1											Total Time
28	Started @	0:00											Off-duty:
	Finished @	12:00											Driving:
	Time spent	12.0											On-Duty not driving:
Remarks:										Elected Cycle: 1		Total:	

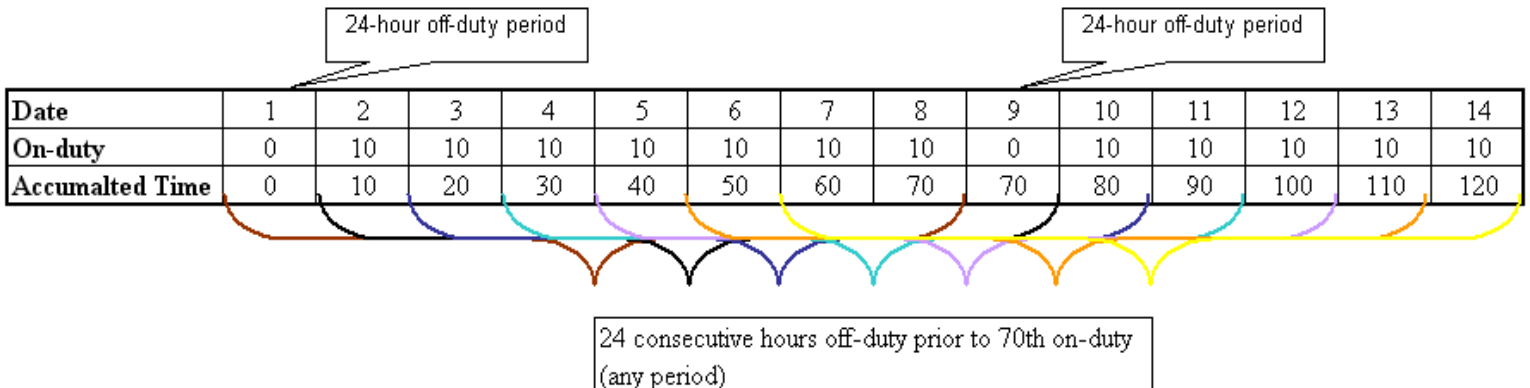
When the cycle reset was met, day 7 became day 1 for the new cycle 1
 Work shift can start anytime after 12:00 noon

- 84. Is it a violation if a driver fails to declare the cycle that he/she is operating on, in the daily log?
Guidance: Yes.

- 85. Can a driver combine off-duty and sleeper berth times to accumulate 24 consecutive hours off-duty time in order to either satisfy the requirement to have taken 24 consecutive hours off-duty within the previous 14 days or if following cycle 2, before exceeding 70 hours on-duty?
Guidance: Yes.

- 86. Would the 24 hours mandatory rest period required in cycle 2 be included in the 14 days thereby reducing the 336 hrs available to 312 hrs, of which 120 hrs could be on-duty?
Guidance: Yes. Also, depending on when the driver took the 24 consecutive hours off-duty, there may be an additional requirement to take another 24 consecutive hours off-duty for cycle 2.

Example: Cycle 2: Off-duty requirements



87. Would a driver driving less than 10 hours a day ever be required to take 24 consecutive hours off-duty time?

Guidance: Yes. A prerequisite to driving a commercial vehicle on any given day is the driver must have taken at least 24 consecutive hours off-duty in the previous 14 days. Reference: Section 25.

88. Section 27 requires the driver when operating on cycle 2 (120/14) to have a consecutive off-duty period of 24 hours starting no later than the 70th hour of on-duty time in the cycle. Can a cycle commence with 24 hours off-duty, thereby allowing the driver to subsequently accumulate a period of 120 hours on-duty without any further restrictions?

Guidance: No. 24 hours off-duty must be taken in each time that 70 hours on-duty has been accumulated without having taken at least 24 consecutive hours off-duty time.

Example: Cycle 2: Off-duty Requirements

24-hour required off-duty

Date	1	2	3	4	5	6	7	8	9	10	11	12	13	14
On-duty	0	14	14	14	14	14	14	14	14	8	0	0	0	0
Accumulated Time	0	14	28	42	56	70	84	98	112	120	120	120	120	120

24 consecutive hours off-duty prior to exceeding 70 hours on-duty.

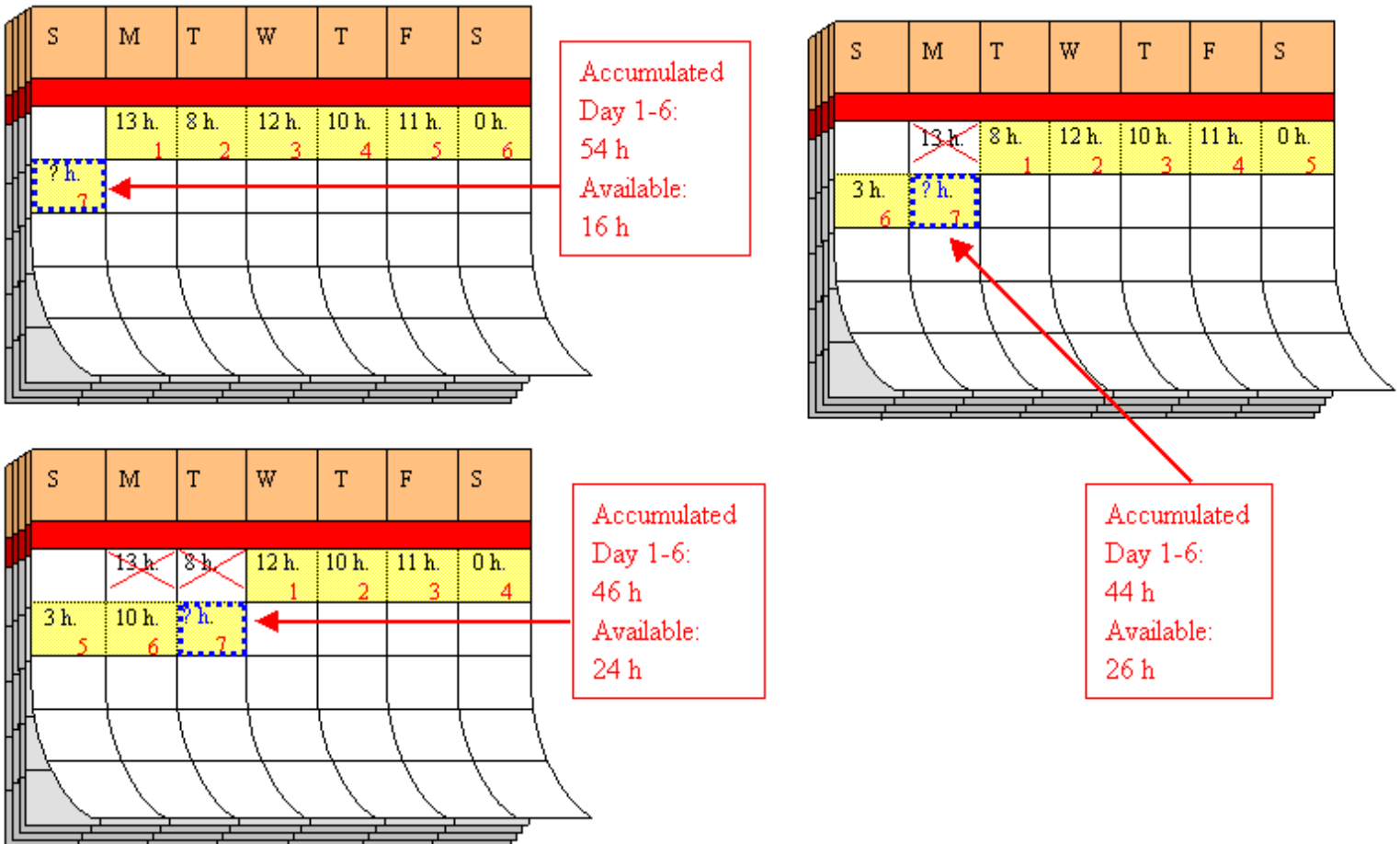
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Driver has accumulated 84 hours on-duty and failed to take 24 consecutive hours off-duty prior to exceeding the 70th hour.

Cycle Reset – Off-duty Time (Section 28)

89. Can a driver reset the hours in cycle 1 and in cycle 2?
Guidance: Yes. The driver must take 36 consecutive hours off-duty to reset the hours in cycle 1 and 72 consecutive hours off-duty to reset the hours in cycle 2.
90. When a driver resets his cycle, do both driving and on-duty times reset to zero?
Guidance: Yes.
91. Are the cycles considered sliding windows?
Guidance: Yes.

Example 1: Illustration of Cycle 1 (70 hours / 7 days)

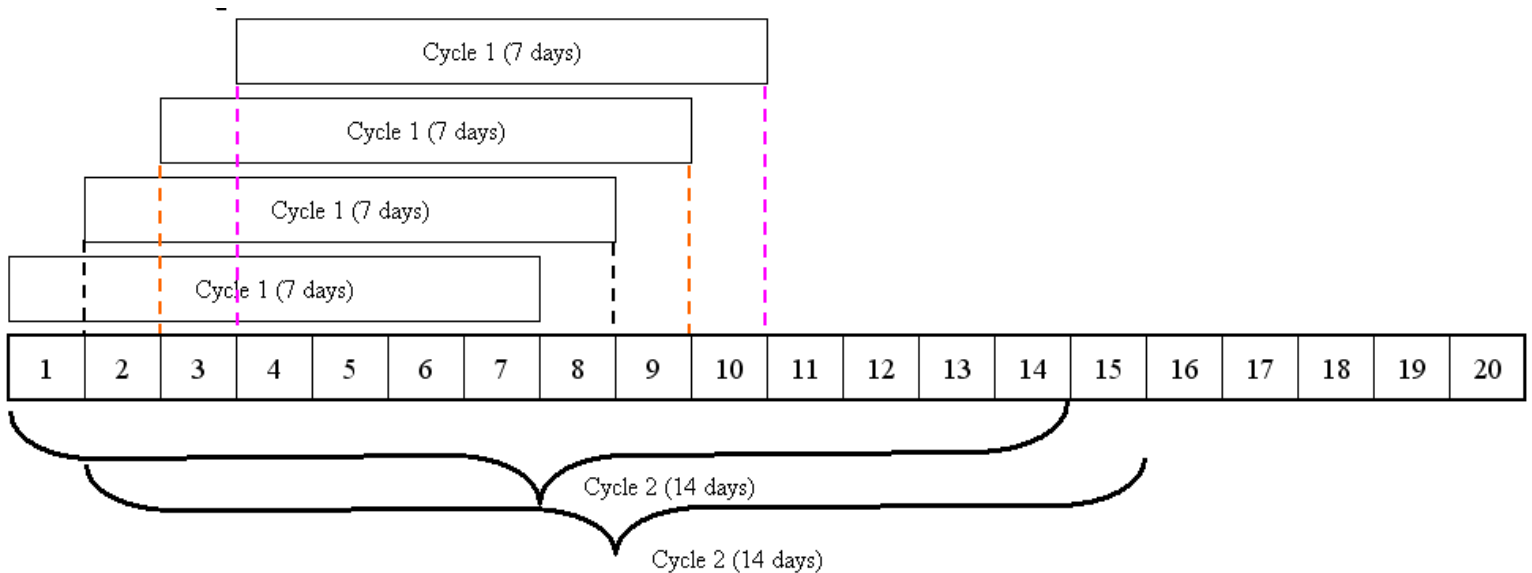


Example 2: Illustration of Cycle 1 (70 hours / 7 days)

Cycle 1: sliding window concept

Date	1	2	3	4	5	6	7	8	9	10	11	12	13	14	
On-Duty	10	9	10	9	14	0	0	10	14	8	10	14	0	2	
	accumulated on-duty time = 52														
								= 10							
									= 24						
										= 32					
											= 42				
								accumulated on-duty time = 56							
								accumulated on-duty time = 56							
								accumulated on-duty time = 58							

Example 3:

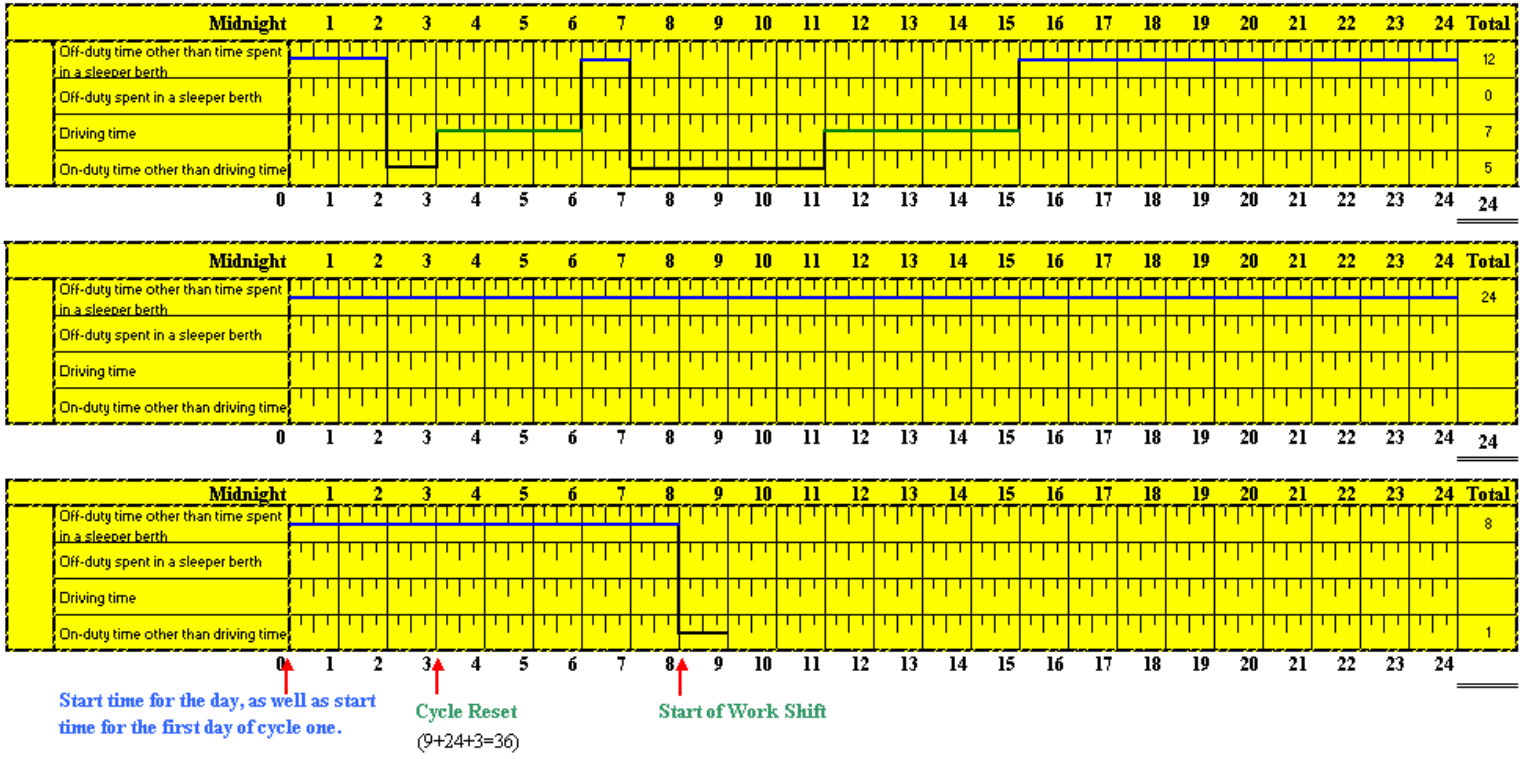


92. Who makes the decision as to which cycle a driver operates under?
Guidance: The motor carrier and the driver. Reference: Section 24.

93. Refer to the following three examples.

Example 1: A driver finishes a work shift at 15:00 on day 1, and the next work shift starts at 03:00 on day 3. The driver has had 36 hours off-duty and therefore can reset the cycle. Does the new cycle start at 00:01 on day 3?

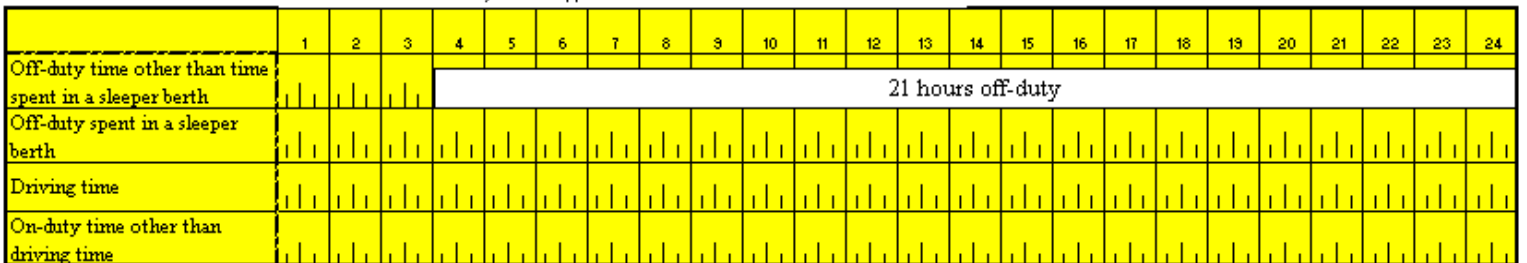
Guidance: The cycle starts at the commencement of the day for which the motor carrier has determined the start time. See illustration:



Example 2: A driver finishes a work shift at 03:00 on day 1, and the next work shift starts at 15:00 on day 2. The driver has had 36 hours off-duty and therefore can reset the cycle. Does the new cycle start at 00:01 on day 2?

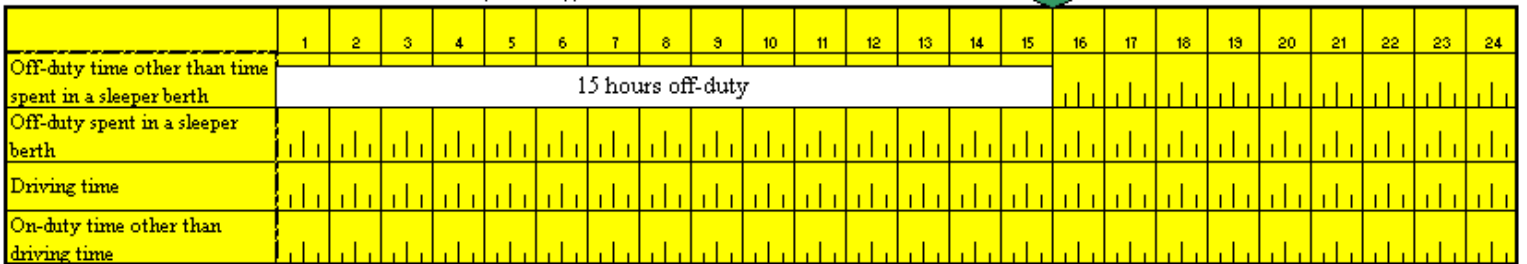
Guidance: Yes. See illustration.

Start time for the day: Midnight



Start time for the day: Midnight

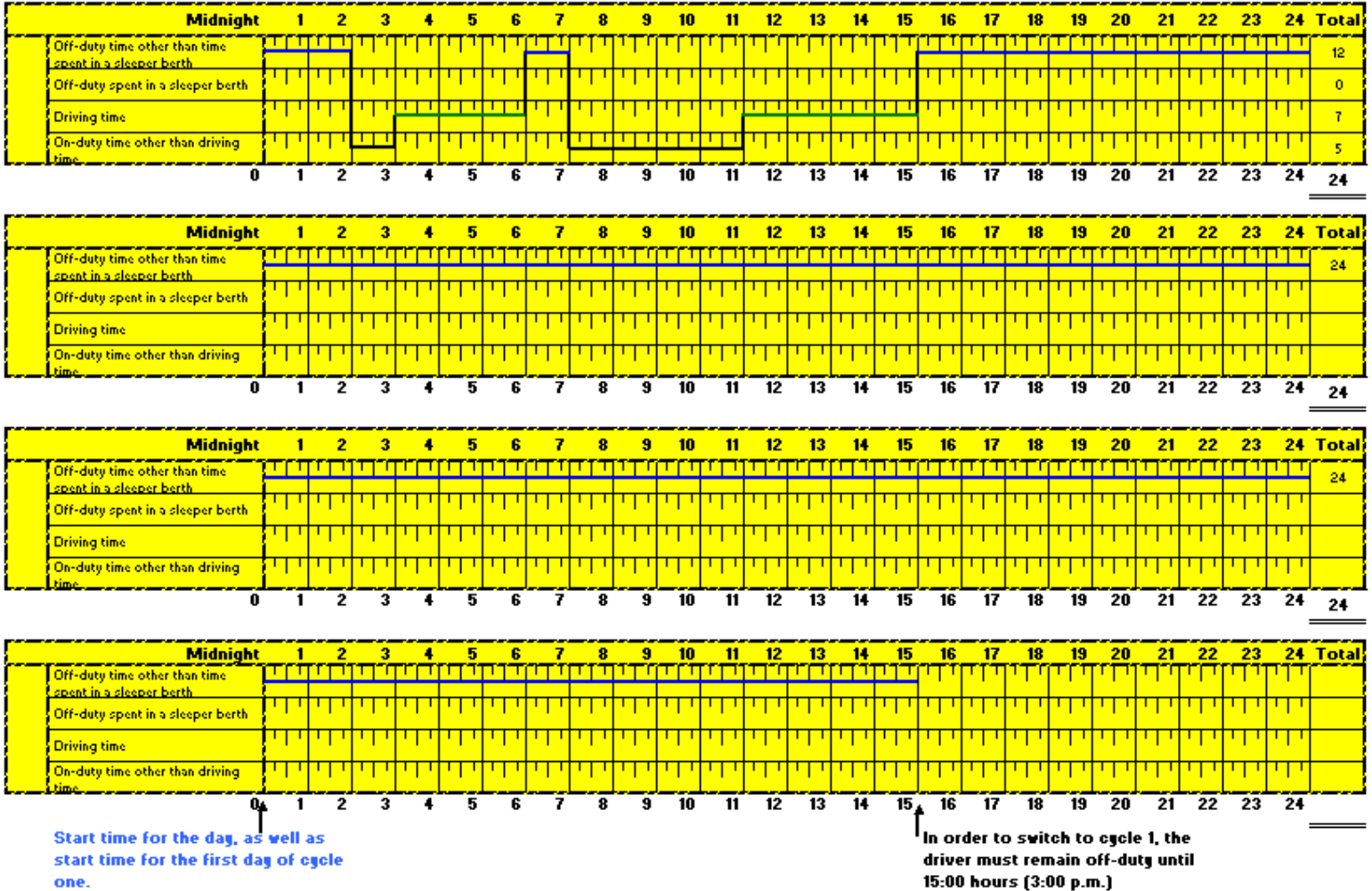
Cycle 1 reset completed (21+15=36)



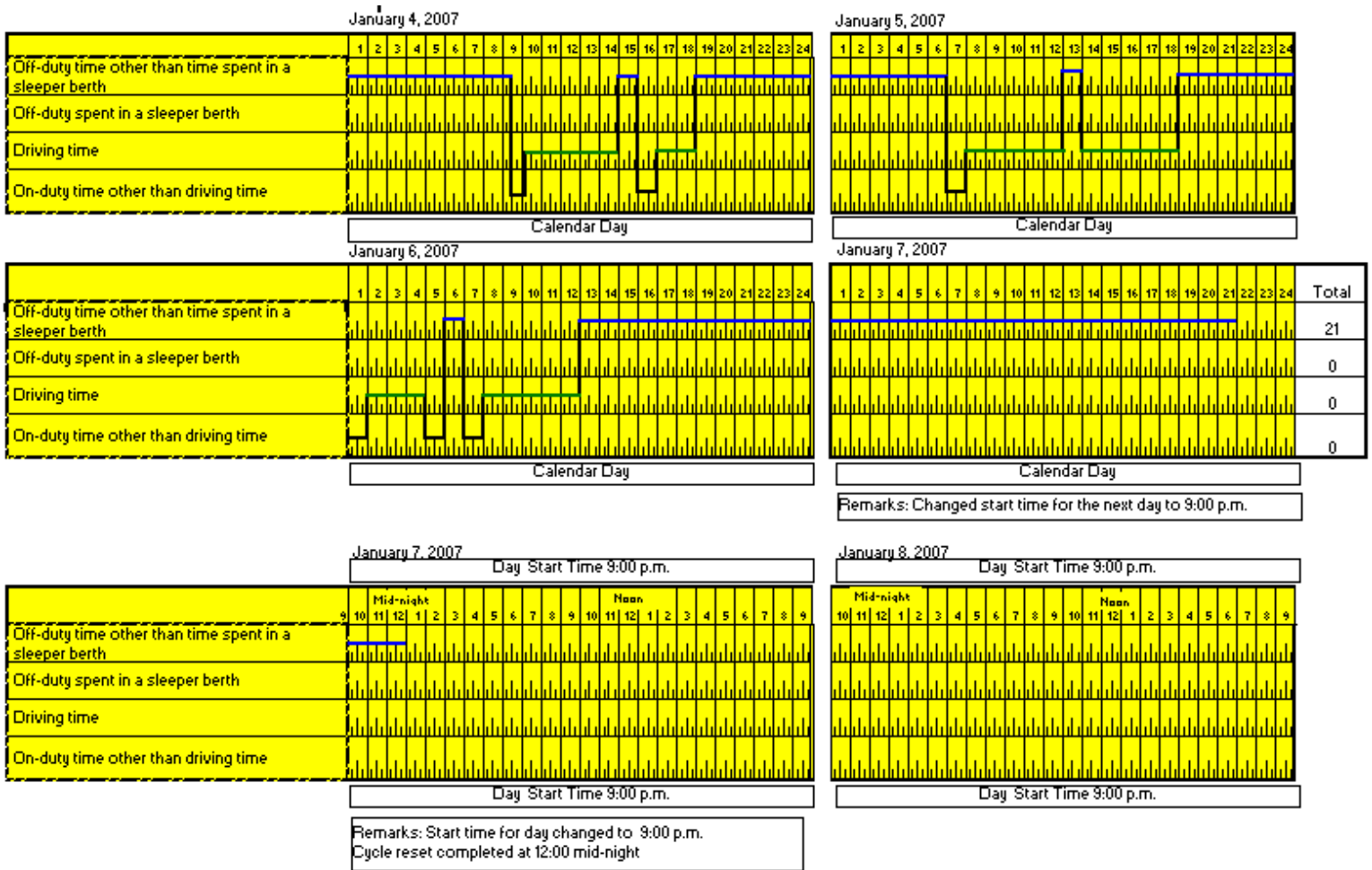
First day of Cycle 1
Day starts at 00:00 a.m. (calendar day); work shift cannot start until 3:01 p.m.

Example 3: A driver is operating under cycle 2 and finishes a work shift at 15:00 on day 1, and the next work shift starts at 15:00 on day 4. The driver has had 72 hours off-duty and therefore can reset to cycle 1. Does the new cycle 1 start at midnight on Day 4?

Guidance: Yes, see illustration.



94. What is the procedure to switch from a calendar day to a 9:00 pm start? A driver received instructions from the motor carrier that he would no longer be working days, but would be working evenings starting Monday, January 8. In addition, his day would begin at 9:00 pm.
Guidance: See illustration.



**SCHEDULING – DRIVING NORTH OF LATITUDE 60° N
(Sections 37-42, 49-54)**

- 95. When crossing the Latitude 60⁰ North, is the driver required to indicate this on the daily log to account for the differences in daily and cycle duty times.
Guidance: No.

- 96. A driver is driving in the Yukon and now enters BC - does the driver have to reset before entering BC?
Guidance: No.

PERMITS (Sections 61 - 68)

Oil Well Service Permits (Section 63)

97. Is the driver required to leave his/her commercial vehicle in order to be considered on standby?
Guidance: No.
98. Can standby time be included as the time required for the 10 hours “off-duty” requirement for the day?
Guidance: Yes, but not for the 8 consecutive hours; the 8 hours does not have to be part of the 10 hours but it can.

EMERGENCIES AND ADVERSE DRIVING CONDITIONS (Section 76)

99. Can a driver use the emergency exception if he/she will exceed 13 hours driving time and 14 hours on-duty time, that would put the driver over 14 hours or over the permitted hours in the elected cycle?
Guidance: Yes. Providing that the driver did not drive beyond the first location that was capable of accommodating the passengers, or providing a secure area for the vehicle and its load.
Reference: Section 76(1).
100. What is considered to be an “emergency” for the purposes of Section 76(1) in order to be permitted to drive beyond the prescribed driving periods?
Guidance: An emergency is a situation or impending situation where the safety or security of people is at risk or likely to be in jeopardy. The term “in any emergency” shall not be construed as encompassing such situations as a driver's desire to get home, shippers' demands, market declines or shortage of drivers.
101. If a driver invokes the exception for adverse driving conditions, does a supervisor need to sign the driver's record of duty status when he/she arrives at the destination?
Guidance: No. However, the driver must record the reason for doing so in the remarks section of the daily log. Reference: Section 76(4).
102. Are there allowances made in the Regulations for delays caused by loading and unloading?
Guidance: No. The Regulations only make allowances for unforeseen contingencies such as in Section 76(1), adverse driving conditions and emergency conditions; loading and unloading delays are not covered by this Section. However, the 16-hour work shift allows drivers, if they are relieved from responsibility to log the time towards the two “other” hours (min. of 30 minutes) required for the daily off-duty time.
103. Does the term “the security of.....and its load” include the temperature of the load?
Guidance: No. The rule has not changed in this respect. However, other legislation may apply, such as the Federal Health of Animals Regulations, Explosive Act, etc.

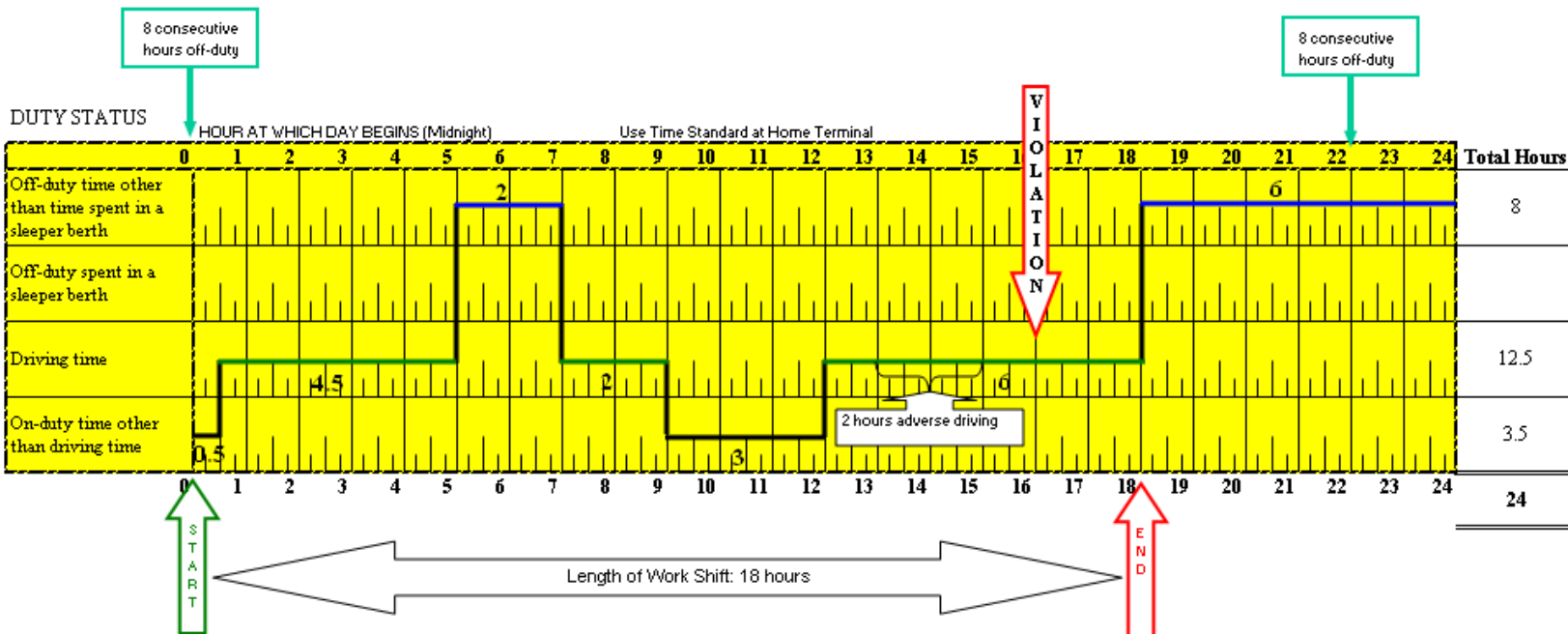
104. The term “a destination that provides safety” requires interpretation and the following example illustrates the issue. The driver is 1 hour from a truck stop which provides the facilities for the driver to rest for 8 hours, but the driver is only 2 hours from the home terminal. Will the driver be allowed to proceed to the home terminal?

Guidance: No. In the case of an emergency, the exception to the driving rules only extends to the first location that can accommodate the passengers, and provides security for the commercial vehicle and its load. (If transporting a load under an oversize/overweight permit, drivers must be aware of the conditions of the permit and comply with them.)

105. The following examples illustrate the use of Section 76(2).

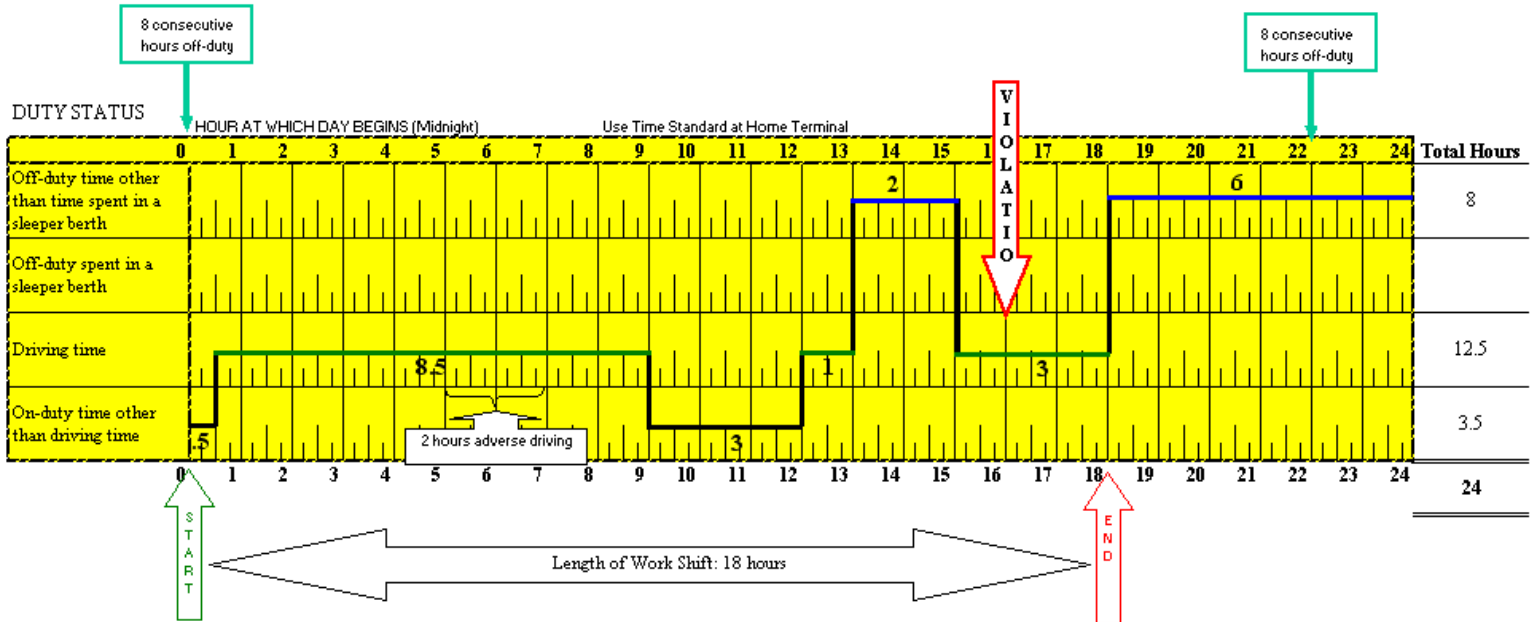
Example 1: A driver has the following entries on the daily log book: on-duty not driving - 0.5 hours; driving - 4.5 hours; off-duty - 2.0 hours; driving - 2.0 hours; on-duty not driving -3.0 hours; driving -1.0 hours; adverse conditions -2.0 hours; and driving 3.0 hours. At the end of the work shift the driver has been on-duty 14.0 hours; driving 10.5 hours; and the elapsed time is 18.0 hours. (The driver should indicate what the adverse driving condition was in the remarks section of the daily log and the duration of time).

Guidance: See illustration.



Violation: Work shift rules can not be modified. Reference: 76 (2)
 1. Drive after 16 hours of elapsed time
 2. Drive after 14 hours on-duty

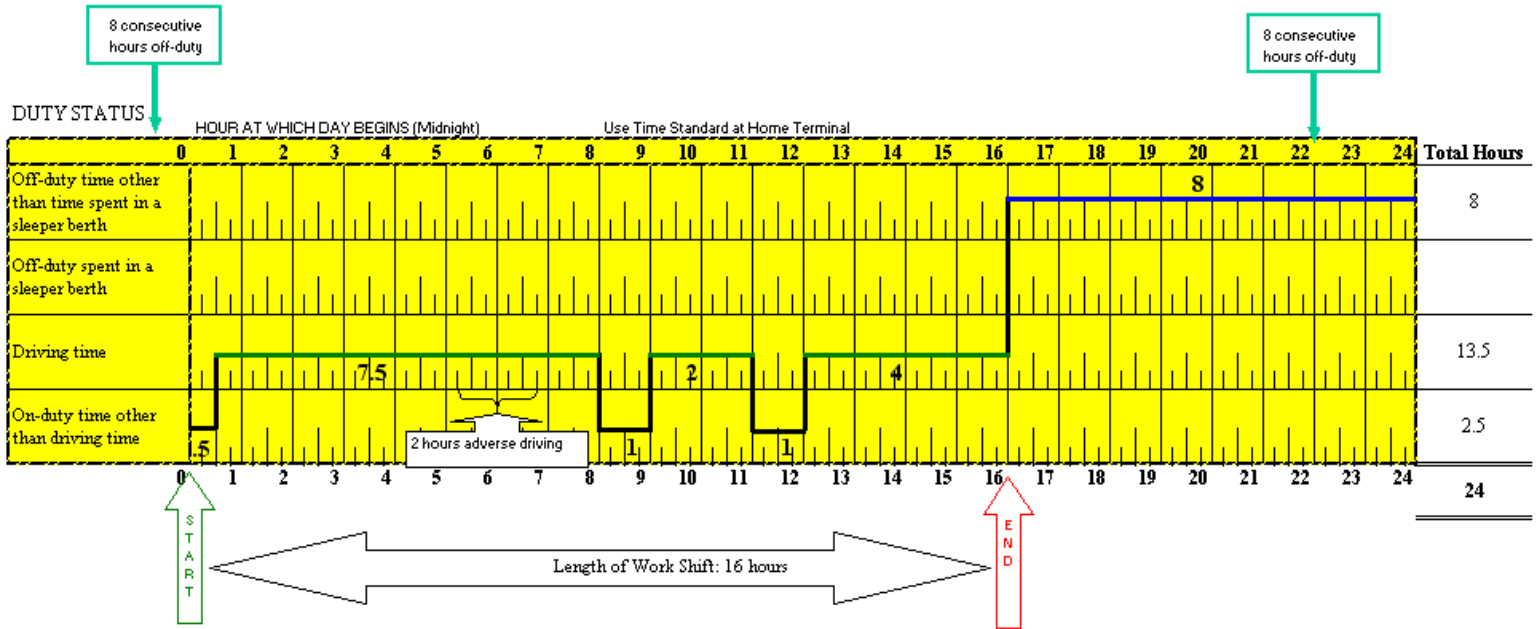
Example 2: A driver has the following entries on the log book: on-duty not driving - 0.5 hours; driving - 4.5 hours; adverse driving - 2.0 hours; driving - 2.0 hours; on-duty not driving -3.0 hours; driving -1.0 hours; off-duty -2.0 hours; and driving 3.0 hours. At the end of the work shift the driver has been on-duty 14.0 hours; driving 10.5 hours; and the elapsed time is 18.0 hours. Is this allowed under this Section? The difference between the two scenarios is that in example 1 the driver takes a break before he experiences adverse conditions, but in example 2 the adverse conditions occur first. Can the driver extend the elapsed time by taking a break at any time?
Guidance: It is not permitted. See illustration.



Violation: Work shift rules can not be modified. Reference: 76 (2)
 1. Drive after 16 hours of elapsed time
 2. Drive after 14 hours on-duty

Example 3: A driver was delayed for two hours as the scene of a horrific traffic accident was cleared. The accident happened just a few minutes before the driver reached the location. It took him/her approximately two hours to travel ten kilometres as a result of the ongoing investigation, the evacuation of the injured, as well as clean up and land restrictions. Is this situation considered to be “an adverse driving condition” and is the driver allowed the additional 2 hours.

Guidance: This situation is considered “an adverse driving condition” because the driver was not aware of, nor could he/she predicted the event prior to the start of the trip. The driver is allowed up to two hours to complete the trip.



DAILY LOGS (Sections 80 - 87)

106. What happens if a motor carrier does not keep accurate and legible duty status records for a driver that is exempt from keeping a daily log (working within 160 km)?

Guidance: The motor carrier and the driver could be charged for the driver not completing a daily log. When the motor carrier fails to keep duty status records, the driver must complete a daily log.

107. What are the conditions that must be satisfied in order for a driver to be exempt from having to complete a daily log?

Guidance: The driver must:

- not drive beyond a radius of 160 km of the home terminal;
- return to the home terminal each day to begin a minimum of 8 consecutive hours off-duty;
- not be driving under a permit issued under the Regulations.

Note: It is the responsibility of the motor carrier and driver to ensure that accurate and legible records are completed and maintained, and kept for a minimum of 6 months, indicating 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. It also includes information such as deferral (day 1 and day 2), adverse driving conditions and emergency declarations.

Example 1:

Duty Status Codes

1 = Off Duty
2 = Driving
3 = On Duty,not-Driving

Driver's name: _____ month: February Year: 2007

Start time for the day: Midnight

Date	Duty Status	1	3	2	3	2	3	1	2	1	Total Time	
27	Started @	0:00	6:00	6:30	7:30	9:30	10:30	12:30	13:30	17:30	Off-duty:	13.5
	Finished @	6:00	6:30	7:30	9:30	10:30	12:30	13:30	17:30	24:00	Driving:	6.0
	Time spent	6.0	0.5	1.0	2.0	1.0	2.0	1.0	4.0	6.5	On-Duty <i>not</i> driving:	4.5
Remarks:									Cycle 1 X	Cycle 2	Total:	24.0

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)

Example 2:

2007 Record of Duty Status

Driver's Name: _____

Month: February

Start time for the day: Midnight

Date	Status Code	1	3	2	3	2	3	1	2	1	Off-Duty:	13.50	
27	Status	Off-Duty	On-Duty	Driving	On-Duty	Driving	On-Duty	Off-Duty	Driving	Off-Duty		Driving:	6.00
	Start (hh:mm)	0:00	6:00	6:30	7:30	9:30	10:30	12:30	13:30	17:30		On-Duty:	4.50
	Finish (hh:mm)	6:00	6:30	7:30	9:30	10:30	12:30	13:30	17:30	24:00		Total Hrs.	24.00
	Time Spent	6.00	0.50	1.00	2.00	1.00	2.00	1.00	4.00	6.50			
	Total of Driving and On-Duty not-driving hours:											10.50	
<table border="1"> <tr> <td>1 = Off Duty</td> <td rowspan="3">} Status Codes</td> </tr> <tr> <td>2 = Driving</td> </tr> <tr> <td>3 = On Duty,not-Driving</td> </tr> </table>		1 = Off Duty	} Status Codes	2 = Driving	3 = On Duty,not-Driving	<table border="1"> <tr> <td>Cycle 1</td> <td>x</td> </tr> <tr> <td>Cycle 2</td> <td></td> </tr> </table>		Cycle 1	x	Cycle 2		Remarks:	
1 = Off Duty	} Status Codes												
2 = Driving													
3 = On Duty,not-Driving													
Cycle 1	x												
Cycle 2													

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)

Example 3:

Name: _____ Date: February 27, 2007

Elected Cycle: Cycle1

Time	Off-duty	Driving	On-duty (not driving)	Remarks
0:00				
6:00	6.0			
6:30			0.5	
7:30		1.0		
9:30			2.0	
10:30		1.0		
12:30			2.0	
13:30	1.0			
17:30		4.0		
24:00	6.5			
Total	13.5	6.0	4.5	

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 and the 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)

Example 4:

RECORD of DUTY STATUS
(For drivers operating within 160 km of home terminal)

Driver's Name: _____

Month: February Year: 2007

Start time of day: Midnight		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	Totals
27	Off-Duty																								13.5	
	Driving																								6	
	On-Duty-Not Driving																								4.5	
	Remarks																						Cycle 1	X	Cycle 2	24

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)

Example 5:

Date	Duty Status	Time Block from/to (every hour of the day must be accounted for)												Total hours for each duty status
		← 24 hour day →												
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"/> Cycle 2 <input type="checkbox"/>	Total: 24	

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)

108. With regard to the exemption from having to fill out a daily log, how do you determine the area inside of the 160 km radius?
Guidance: The term radius is internationally accepted to mean “by air” and by determining the scale of a map, the 160 km radius circle can be plotted. Using the location of the home terminal as the centre point, draw a 160 km radius circle on the map.
109. Will short haul drivers be required to maintain daily log books?
Guidance: Yes, unless the daily log exemption applies. Reference: Section 81(2).
110. What documentation must a driver claiming the daily log exemption Section 81(2) have in his/her possession?
Guidance: The driver is required to produce documentation that he/she received during the current trip. Also, the driver should be prepared to explain, if requested by an inspector, the reasons why he/she qualifies for the daily log exemption.
111. Must a motor carrier retain duty status records at its principal place of business for drivers that are exempt from completing a daily log?
Guidance: Yes. Upon request by an inspector, the records must be produced within a reasonable period of time at the location where the review takes place.
112. It is assumed in Section 82(1)(a) the reference to the start time means the start time of the day, e.g. calendar day 00.00 and not the start time of the shift.
Guidance: Yes.
113. Can an operation that changes its normal work- reporting location on an intermittent basis utilize the 160 km radius exemption?
Guidance: Yes. However, when the motor carrier changes the normal reporting location to a new reporting location, the day on which that trip (from the old location to the new location) was made must be recorded in a daily log because the driver has not returned to his/her normal work

reporting location. For the days on which the driver satisfied all of the requirements of Section 81(2), the driver could revert back to the simplified duty status records.

114. When a driver fails to meet the provisions of the 160 km radius exemption Section 81(2), is the driver required to have copies of his/her records of duty status for the previous fourteen days? Must the driver prepare daily records of duty status for the next seven days?

Guidance: No. The driver is only required to have in his/her possession a daily log for the 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 cannot 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 km radius exemption. This is the only way to ensure that a driver does not claim the right to drive 13 hours after leaving his/her exempt status, in addition to the hours already driven under the 160 km exemption. Also, Section 82(1)(f) requires the driver to enter in the remarks section of the daily log, the number of hours of off-duty time and 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 in lieu of entering in the current daily log the times they were on- and off-duty for previous 14 days.

DRIVER DAILY LOG - Drivers who occasionally are required to complete one (normally driving within 160 km radius)

Motor Carrier: FATIGUE MANAGEMENT LIMITED		Vehicle Plate or Unit # 123 & 456 <small>(Show All Units)</small>	Distance Traveled by Vehicle 12014.3 km/ml
Principle Place of Business: 164 Resting Place, Ottawa, ON		CYCLE 1 (7 Day) <input checked="" type="checkbox"/> CYCLE 2 (14 Days)	
HOME TERMINAL ADDRESS: Same as above			

Day Month Year
15 1 2007

Hour	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 time spent in a sleeper berth	[Bar]																									
Off-duty spent in a sleeper berth																										
Driving time							[Bar]	[Bar]	[Bar]	[Bar]	[Bar]															
On-duty time other than driving time							[Bar]	[Bar]	[Bar]	[Bar]	[Bar]															

REMARKS: Local Deliveries Ottawa Ontario (7-8h), Montreal Quebec (11h), Quebec City Quebec (14-15h)

PREVIOUS DAYS TIME RECORDS	
DATE	1 2 3 4 5 6 7 8 9 10 11 12 13 14
TOTAL HOURS ON DUTY	10 10 10 10 10 24 24 10 10 10 10 10 10 14
TOTAL HOURS OFF-DUTY	24 14 14 14 14 24 24 14 14 14 14 14 14 24

John Hours
Name and Signature of Driver (Certified True & Correct)

DAILY DEFERRAL: DAY#

115. Can a driver use the graph grid on the daily log as a time record to meet the requirement contained in the 160 km radius exemption?
Guidance: Yes, provided all the information is in the records. The graph grid is just an element.
116. Must the driver's name and each date worked appear on the time record prepared to comply with Section 81(2), 160 km radius driver?
Guidance: Yes.
117. Can drivers who work split shifts take advantage of the 160 km radius exemption (daily log) provided in Section 81(2)?
Guidance: Yes.
118. Must a motor carrier that uses a 160 km radius driver write zero (0) hours on the time record for each day the driver is off-duty (not working for the motor carrier)?
Guidance: Yes. Section 81(1)(c) requires a motor carrier to maintain accurate and legible records for each driver.
119. Often, bus drivers can take their bus home and begin and end their workday at home or a parking place near their home. This is particularly common in the school bus industry where drivers can "out park" their school bus at their home, on the farm, at a nearby school, shopping centre, etc. Would the "out park" location be deemed to be the home terminal for the purposes of eligibility for the 160-km radius daily log exemption?
Guidance: Yes.
120. Can a short-distance driver (operating within the 160-km radius) have all of his or her on-duty time simply recorded as "on-duty - driving" even if this time includes some on-duty not driving periods.
Guidance: No. However, a local driver may use the provision of Schedule 2 (c).

Example 1:

Illustration of the entries that must be made in the duty status records for the driver of a school bus, if the driver was not permitted to record multiple pickups and deliveries in blocks of driving and on-duty time.

Drivers Name: _____

Date: M _____ D _____ Y _____

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			
Total	19:45	3:00	1:15	

Total On-duty Hours
 4 hours 15 minutes

Example 2:

Date	Duty Status	Time Block from/to (every hour of the day must be accounted for)								Totals for Day
	Started @	0:00	7:00	9:30	14:00	16:15				
	Finished @	7:00	9:30	14:00	16:15	24:00				
Time spent	Off-duty	7:00		4:30		7:45				Off-duty: 19:15
	Driving		1:15		1:45					Driving: 3:00
	On-duty not driving		1:15		0:30					On-duty not driving: 1:45
Remarks:						Cycle 1 (7 days) <input checked="" type="checkbox"/> Cycle 2 (14 days)				Total: 24 hrs.

Simplified version for duty status record keeping

Allowing the driver who drives within 160 km radius to record multiple pick-ups and deliveries in blocks of on-duty and driving time can reduce the number of entries that must be recorded in the duty

status records. This is consistent with the approach allowed for long haul drivers that are required to complete a daily log. Also, if the operator does not temporarily relieve the driver from responsibility for short off-duty periods (less than 30 minutes) this will eliminate other entries. In this scenario, recording a short off-duty period of 30 minutes as on-duty did not adversely affect the driver's available time because the total on-duty time for the day was only 4 hours and 45 minutes.

121. Section 84(b) technically requires a driver who is driving through the midnight hour (presuming the "day" is 12 midnight to 12 midnight) to add up the hours, record the mileage and sign the log sheet for the "day". Will the driver be allowed to complete the daily totals etc. on the next "day" at the first opportunity when the driver's status changes.

Guidance: Yes.

122. Can a driver who commences driving for another company, submit records of duty status for the preceding 14 days in lieu of a signed statement?

Guidance: There is no section that specifically requires a motor carrier to request a driver to submit daily logs and/or record of duty status (that were completed and kept by another motor carrier). However, a motor carrier must make sure that a driver is complying with the Regulations. It would be prudent for the motor carrier to obtain copies of the daily log or records of duty status or at the very least obtain a signed statement.

123. For motor carriers utilizing the 160 km exemption, is a motor carrier required to enter in the duty status records, the time a driver worked and drove a commercial vehicle for another motor carrier?

Guidance: Each motor carrier must maintain accurate records for the day showing the time at which each duty status began and ended and total number of hours that the driver spent in each status. All time must be accounted for and monitored, and it would be in the best interest of the carrier to identify time worked for another carrier so that the payroll records, where applicable, would be consistent with the hours worked. Reference: Section 81(2)(c).

124. A motor carrier shall require every driver to fill out and every driver shall fill out a daily log each day that accounts for all of the driver's on-duty time and off-duty time for that day. Would a driver be allowed to record multiple days off on a single daily log?

Guidance: Yes.

125. Can a rubber stamp signature be used to satisfy the requirement of a daily log?

Guidance: No. A driver's daily log must bear the signature of the driver who prepared it.

126. Can enforcement action be taken on the current day's daily log if it contains false information, even if the daily log is not signed?

Guidance: Yes.

127. Can the names of cities be abbreviated?

Guidance: No.

128. Can the names of provinces/territories, states and countries be abbreviated?

Guidance: Yes.

129. Must the daily log identify the cycle being used and the hour at which the day begins?
Guidance: Yes.
130. Is the Canadian bilingual, US or any other daily log form acceptable?
Guidance: Yes, for the Canadian bilingual; yes for the US and other daily logs, provided the graph grid and specific information required by Section 82 are included.
131. When a driver crosses a time zone, how is the time to be recorded in the log?
Guidance: The time must be consistent with the time zone of the driver's home terminal.
132. Are drivers required to include their total on-duty time for the previous 6 to 13 days (as applicable) on the daily log?
Guidance: No. The recaps for the cycles are not mandatory.
133. Can standard time be used on the graph grid portion of the driver's daily log or record of duty status?
Guidance: Yes.
134. When the driver's duty status changes, does Section 82 and Schedule 2 require a description of "on-duty not driving" activities (fuelling, pre-trip, loading, unloading, etc.) in the remarks section, in addition to the name of the nearest city, town or village followed by the name of the province, territory or state?
Guidance: No.
135. What should the carrier do when the electronic on-board recording device malfunctions?
Guidance: Use a paper (hard copy) daily log.
136. When does the time start for the retention of the daily log book?
Guidance: 6 months from the date on the document.
137. When working for multiple carriers, can a driver retain separate daily logs for each of the carriers?
Guidance: No.
138. Is a motor carrier required to monitor compliance and discipline any driver that has failed to comply with the Regulations?
Guidance: Yes.
139. Are motor carriers liable for the actions of their employees, even though the carrier contends that it did not require or permit the violations to occur?
Guidance: Yes. Carriers are liable for the actions of their employees. Neither intent to commit, nor actual knowledge of, a violation is a necessary element of that liability. Carriers "permit" violations of the Regulations by their employees if they fail to have in place management systems that effectively prevent such violations.

OUT-OF-SERVICE DECLARATIONS (Section 91)

140. May a driver operate any motor vehicle, at the direction of the motor carrier, after being placed out-of-service for an hour of service violation?

Guidance: An out-of-service order issued under Section 91 extends only to the operation of commercial vehicles as defined by these Regulations.

141. What could happen if a driver fails to produce a daily log?

Guidance: The inspector has the authority to declare a driver out-of-service for 72 consecutive hours for failing to produce a daily log. Reference: Section 91(2)(d).

INSPECTIONS (Sections 96 - 99)

Authority to Enter Premises for an Inspection (Section 97)

142. A number of owners/operators have a single vehicle and their home is also their principal place of business. How do you carry out an inspection in those homes?

Guidance: Through permission or a warrant.

143. It appears the latitude given inspectors provides unreasonable access to a driver's living quarters, and question the necessity of having to conduct sleeper inspections from a safety perspective. Clearly, improper sleeping quarters do not constitute a clear and immediate threat to public safety. As stated in Section 97(2), inspectors may not enter a sleeper compartment for the purpose of inspecting logs, etc., which, one might argue, could produce a possible threat to road safety. Surely, if the greater good is disallowed, a minor and unthreatening transgression, such as having too thin a mattress, should also be disallowed.

Guidance: Jurisprudence indicates that access is allowed in order to enforce Schedule 1.

Production of Daily Logs and Supporting Documents (Sections 98 - 99)

144. What regulation, interpretation, and/or administrative ruling requires a motor carrier to retain supporting documents and what are those documents?

Guidance: Section 85(3) requires motor carriers to retain all supporting documents at their principal places of business for a period of at least 6 months. Supporting documents are the records (handwritten or electronic) of the motor carrier which are maintained in the ordinary course of business and used by the motor carrier to verify the information recorded on the driver's daily log and/or record of duty status. Examples of supporting documentation: bills of lading, carrier pros, freight bills, dispatch records, driver call-in records, gate record receipts, weight/scale tickets, fuel receipts, fuel billing statements, toll receipts, international registration plan receipts, international fuel tax agreement receipts, trip permits, port of entry receipts, cash advance receipts, delivery receipts, lumber receipts, interchange and inspection reports, lessor settlement sheets, over/short and damage reports, agricultural inspection reports, CVSA reports, accident reports, telephone billing statements, credit card receipts, driver fax reports, on-board computer reports, border crossing reports, custom declarations, traffic citations, overweight/oversize reports and citations, and/or other documents directly related to the motor

carrier's operation, which are retained by the motor carrier in connection with the operation of its transportation business. Supporting documents may include other documents the motor carrier maintains and which can be used to verify information on the driver's records of duty status. If these records are maintained at locations other than the principal place of business but are not used by the motor carrier for verification purposes, they must be forwarded immediately to the principal place of business upon a request by an inspector.

145. Can it be assumed that the meaning of the term supporting document when it is being used when referring to a driver is different from the meaning when it is being used when referring to a motor carrier? (This term will be used differently when being applied to on road enforcement and to facility audit situations).

Guidance: Yes. With respect to a driver, it is all documents in their possession; with respect to a motor carrier, it is all documents/records relating to the business. The driver must forward his/her daily log and any supporting documents to the motor carrier no later than 20 days after a daily log was completed.

146. Are electronic records stored in computers, by a consulting company or service provider included within the meaning of supporting documents?

Guidance: Yes.

147. Is an inspector/officer allowed to take a driver's original daily log, shipping documents, receipts and other documents for purposes of making copies?

Guidance: Yes.

148. Are US drivers operating in Canada required to operate in accordance with the Canadian Regulations?

Guidance: Yes.

149. Can an inspector require a motor carrier to provide documents during normal business hours?

Guidance: Yes.

150. Is a motor carrier compelled to take all records and supporting documents to a location specified by an inspector?

Guidance: Yes.

SCHEDULE 1

151. Would a sleeping bag be adequate in a sleeper berth?

Guidance: Yes.

152. What grounds would an inspector require for entering the cab of the truck to inspect the sleeping accommodations?

Guidance: Officers have the authority to inspect sleeper berth accommodations to ensure they comply with the requirements as specified in Schedule 1.

SCHEDULE 2

153. Schedule 2 allows a driver engaged in making deliveries in a municipality that results in start periods of driving time interrupted by short periods of “other on-duty time” to record all driving time as a combined entry? Could this apply to checking an oil well site?

Guidance: Yes.

154. Is Schedule 2 what all daily log graph grids look like?

Guidance: All the information required by Section 82 must be contained in the daily log. A motor carrier may use its own version of the daily log and the graph grid must contain all the information as specified in Schedule 2. A carrier may print a graph grid with a start hour other than midnight if it routinely designates the start of the day as sometime other than midnight (e.g.: a noon start time for the day).

155. Do instructions in Schedule 2 allow for the driver to use a GPS location ID?

Guidance: No, as it is not recognizable.

General Question

156. How will the Interpretation Guide be used and what legal status will it have?

Guidance: It will simply be a guide and it will not have any legal status.