



CANADIAN TRUCKING ALLIANCE

CTA COMPARISON DOCUMENT:
EXISTING CANADIAN COMMERCIAL VEHICLE HOURS OF SERVICE
REGULATIONS AND NEW US FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION MODERNIZED HOURS OF SERVICE RULE

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Canadian Trucking Alliance

555 Dixon Road, Toronto, ON M9W 1H8

Tel: 416-249-7401 – email: govtaffairs@cantruck.ca

Follow us on Twitter @cantruck and on the internet at www.cantruck.ca

BACKGROUND

On May 14, 2020, the United States Federal Motor Carrier Safety Administration (FMCSA) announced amendments to the US Hours of Service (HOS) rules that are scheduled to effect on September 29, 2020*. More information on the amendments can be found by [clicking here](#).

Carriers should note that because these amendments reduce some of the current hours of service requirements, these new rules cannot be used by drivers until they become effective September 29, 2020.

US HOS AMENDMENTS

The amendments to the US HOS rules only apply while operating a commercial vehicle in the United States. Several of the amendments will bring the US HOS rules into closer alignment with the Canadian HOS rules. The following is a summary of the changes:

Short-Haul Operations (Local Daily Log Exemption)

PREVIOUS US HOS RULE	AMENDED US HOS RULE	CURRENT CDN FEDERAL HOS RULE	COMMENTS
To qualify for the local daily log exemption a driver must return to the location where they started their shift within <i>12 hours</i> .	To qualify for the local daily log exemption a driver must return to the location where they started their shift within <i>14 hours</i> .	To qualify for the local daily log exemption a driver must return to the location where they started their shift by the end of the day (<i>up to 16 hours</i>).	This amendment will align the US HOS rule more closely with Canada.
To qualify for the local daily log exemption a driver must operate within a <i>100 air mile (115 statute miles or 185 km)</i> radius of where they start/end their shift.	To qualify for the local daily log exemption a driver must operate within a <i>150 air mile (172 statute miles or 277 km)</i> radius of where they start/end their shift.	To qualify for the local daily log exemption a driver must operate within a <i>160 km</i> radius of where they start/end their shift.	This amendment will increase the disparity between the US HOS rule and the Canadian requirements.

Observations - Potential Impact to US Operations:

These scenarios are assuming a driver starts/ends their day at the carrier's base of operations and returns within a 14 hour work shift

- A carrier based in Fort Wayne, IN could have a driver operate between Detroit, MI; Columbus, OH; Cincinnati, OH; Indianapolis, IN; and Chicago, IL without a daily log.
- A carrier based in Williamsport, PA could have a driver operate between Buffalo, NY; New York

City, Philadelphia, PA, Washington, DC; and Pittsburgh, PA without a daily log.

- A carrier based in Yakima, WA could have a driver operate between Seattle, WA, Portland OR and Spokane, WA without a daily log.

Notes:

The US Short-Haul Operations (Local Daily Log Exemption) amendments will also indirectly reduce the number of drivers who require an ELD in US (i.e. more drivers can qualify for the daily log exemption therefore less drivers need an ELD due to the US 8-days in 30 ELD exemption).

Under the current Canadian rules, a driver would not be eligible for the extra daily log exemption distance (277km radius versus 160 km radius). A Canadian driver operating in the US would be still subject to the Canadian distance limitation when they returned to Canada, meaning if they were stopped or the company audited the enforcement official would expect to see a daily log if the driver went outside the 160km. A US driver coming into Canada would be held to the 160km radius requirement even though they are permitted 277km in the US.

Observations in Canadian Context:

Examples of trucking operations that would no longer need to complete a daily log (and ELD) under the new US Short Haul exemption distance (277km radius) if adopted in Canada. These scenarios are assuming a driver starts/ends their day at the carrier's base of operations and returns within a 16 hour work shift (14 hour in the US).

- A carrier based in Kamloops, BC could have a driver operate between Vancouver, BC and Golden, BC; or between Vancouver, BC and Castlegar, BC; without a daily log.
- A carrier based in Airdrie, AB could have a driver operate between Edmonton, AB and Lethbridge, AB; or between Edmonton, AB and Medicine Hat, AB; without a daily log.
- A carrier based in Saskatoon, SK could have a driver operate between Lloydminster, SK/AB and Regina, SK without a daily log.
- A carrier based in Portage La Prairie, MB could have a driver operate between Kenora, ON and Moosomin, SK without a daily log.
- A carrier based in Kingston, ON could have a driver operate between Mississauga, ON and Montréal, QC without a daily log.
- A carrier based in Québec City, QC could have a driver operate between Montréal, QC and Rimouski, QC without a daily log.
- A carrier based in Truro, NS could have a driver operate almost anywhere in Nova Scotia, anywhere in P.E.I and to Fredericton, NB without a daily log.

Next Steps:

CTA to discuss FMCSA approach with Board of Directors at future meetings.

Adverse Driving

PREVIOUS US HOS RULE	AMENDED US HOS RULE	CURRENT CDN FEDERAL HOS RULE	COMMENTS
The use of the Adverse Driving exception does not allow a driver to extend their maximum 14-hour shift length (i.e. only 11-hour drive time can be extended).	The use of the Adverse Driving will allow a driver to extend their maximum 14-hour shift length <i>by up to 2 hours to a maximum of 16 hours.</i>	The use of the Adverse Driving does allow a driver to extend their maximum shift limits (driving and on-duty only) by up to 2 hours to a maximum shift length of 16 hours.	This amendment will align the US HOS rule more closely with Canada.

Observations:

Existing Canadian HOS rules already allow for the flexibility provided by the US amendment.

30- Minute Rest Break

PREVIOUS US HOS RULE	AMENDED US HOS RULE	CURRENT CDN FEDERAL HOS RULE	COMMENTS
Drivers are required to take a minimum 30 minute <i>off-duty period</i> after 8 hours have elapsed in their shift.	Drivers are required to take a minimum 30 minute <i>off-duty or on-duty not driving period</i> after 8 hours of driving time.	No Canadian equivalent.	

Observations:

Existing Canadian HOS rules already address rest breaks throughout the day in a manner that provides more flexibility for drivers and carriers.

Sleeper Berth Split Time

PREVIOUS US HOS RULE	AMENDED US HOS RULE	CURRENT CDN FEDERAL HOS RULE	COMMENTS
Drivers were permitted to split their 10-hours of consecutive off-duty time into periods of 8 and 2 hours.	Drivers are permitted to split their 10-hours of consecutive off-duty time into two periods where one period is at least 2 hours and the other is at least 7 consecutive hours, provided the two periods add up to 10 hours (e.g. 8+2, 7+3, 7.5+2.5, etc.)	<i>Drivers are permitted to split their 8-hours of consecutive off-duty time into two periods. Single drivers must ensure the two periods add up to 10 total hours and the shortest period is at least 2 hours. Team drivers must ensure the two periods add up to 8 total hours and the shortest period is at least 4 hours</i>	This amendment will align the US HOS rule more closely with Canada.
The 2-hour period which forms part of a split <i>counts</i> towards the maximum 14-hour shift length.	Neither period which forms part of a valid split counts towards the maximum 14-hour shift length.	Valid sleeper berth split periods do not count towards the maximum 16-hour elapsed shift length.	This amendment will align the US HOS rule more closely with Canada.

Observations:

Existing Canadian HOS rules already provide greater flexibility in splitting sleeper berth hours. Existing Canadian HOS rules also already stipulate that valid sleeper split time does not count towards the shift length.

However, the existing US sleeper split rules permit the shorter split period to be either off-duty time or sleeper time. This provision does not exist in Canada where all sleeper split periods must be in the sleeper.

Next Steps:

CTA to discuss FMCSA approach with Board of Directors at future meetings.