

CANADIAN COUNCIL OF MOTOR TRANSPORT ADMINISTRATORS

Hours of Service Driver Operating Window Impact Analysis

A Request for Stakeholder Input

The hours of service rules for commercial vehicle drivers have been under review by the federal, provincial and territorial governments since the early 1990's. A federal regulation was proposed in February 2003, and since that time CCMTA jurisdictions have been addressing a number of technical issues in response to stakeholder comments received during the federal notification process.

The proposed regulations change the current rotational work/rest concept to one that is structured more along the lines of establishing daily limits. For example, the proposed daily limits are 14 hours on duty, of which 13 hours may be driving. Furthermore, a driver is also required to take a minimum of 10 hours off duty each day. To prevent a driver from driving 13 consecutive hours at the end of one day immediately followed by 13 consecutive hours of driving at the beginning of the next day, another provision has been proposed. Upon reaching either 13 hours of driving or 14 hours on-duty, a driver is required to take at least 8 consecutive hours off duty in order to separate the hours of duty with a period of adequate rest.

Under the current regulations, extensive off-duty delays such as shipper loading/unloading can result in the driver delaying when he has to take mandatory rest. The proposed regulations will include a provision for a working window of elapsed time since reporting for work after the last principal period of rest (minimum 8 consecutive hours). Within this window, a driver may be on duty for 14 hours, of which 13 hours may be driving, and must take any additional off-duty hours required to meet the daily 10-hour off-duty provision.

Two options for the working window of elapsed time are under consideration – 16 or 18 hours. The Council of Ministers has directed CCMTA to conduct an objective evaluation of the impacts of the two options in consultation with all stakeholders, including drivers, and report back to the Council of Deputy Ministers in 60 days.

Under an 18-hour working window provision, the deferral of 2 hours off-duty time from one day to the next would not be practical and therefore not included in a regulation incorporating 18 hours. However, with a 16-hour window, the averaging provision would remain intact.

It should also be noted that the working window exists to address off duty delays such as shipper or consignee loading/unloading etc. Exceptions are already built into the proposed regulation to address delays due to adverse driving conditions or an emergency.

We need your input. Please review this concept paper and consider the questions posed. Then complete the attached response form and mail or fax it directly to the consultant responsible for consolidating the stakeholder input at the address on Page 4. We need to receive your submission no later than November 5, 2004.

The Two Options

Under both options, the maximum daily driving is 13 hours, 14 hours on duty and the minimum off-duty time is 10 hours. Diagrams illustrating a few examples of work scenarios within the two options appear in the Appendix. ([Click here](#))

1. The 16 hour working window is based on a 24-hour day with 8 consecutive hours of core rest. This leaves 16 hours to put in 14 hours of work (on-duty), of which a maximum of 13 can be driving time. In addition, two other hours of off-duty time must also be taken within the 16-hour window in increments of not less than one-half hour.

What positive and/or negative effects would the 16-hour working window have on you and your organization?

2. The 18-hour working window is based on a 26-hour day, with 8 consecutive hours of core rest. This leaves 18 hours to put in 14 hours of work (on-duty), of which a maximum of 13 can be driving time. In addition, four other hours of off-duty time must also be taken within the 18-hour window in increments of not less than one-half hour.

What positive and/or negative effects would the 18-hour working window have on you and your organization?

Pros and Cons

A number of pros and cons for both options have already been suggested by stakeholders. These are summarized below:

	Suggested Pros	Suggested Cons
16-hour Working Window	<ul style="list-style-type: none"> • Maintains the notion of a 24-hour day • May be simpler to understand and enforce • Could lead to improved management of drivers and dispatch • Are there other pros? 	<ul style="list-style-type: none"> • Less down time allowed for delays en route • Could discourage rest breaks during shift • Productivity penalized with delays of more than 2 hours • Potential economic impact to industry • Are there other cons?

	Suggested Pros	Suggested Cons
18-hour Working Window	<ul style="list-style-type: none"> • The four hours off duty allows for greater flexibility in dealing with supply chain management delays • Results in two additional hours of rest between principle rest periods • Are there other pros? 	<ul style="list-style-type: none"> • Negative public perceptions of an 18-hour shift • Increases time between core rest periods • Does not put strong onus on shipper to address industry concerns with supply chain management delays • Are there other cons?

Feel free to add new points or comment on any of the pros and cons related to the 16-hour or 18-hour working window.

The U.S. Situation

Commercial drivers (except bus drivers) in the United States must adhere to a 14-hour window. The Canadian provision allows for more elapsed time to account for the Canadian operating environment. If your organization operates in the U.S. please respond to the following question:

What strategies have you used to adjust to the U.S. 14-hour operating window? Could any of these be applied to the Canadian 16-hour window?

Other Comments

Please make any other comments about the impact of the 16 or 18-hour operating window on road safety, road transport productivity, enforcement and administration, driver working conditions and lifestyle, or any other factors.

Feel free to offer any other general comments or suggestions.

What Happens Next?

A number of activities are currently underway to ensure a thorough and objective analysis of the hours of service options:

- This template has been distributed to all CCMTA associate members.
- Focus groups sessions are being held with commercial drivers in the Pacific, Prairie, Ontario, Quebec and Atlantic regions.
- An expert fatigue panel has been assembled to review the physical and biological implications of the two options.
- A facilitated session to review the consultation data will be held with regulated stakeholders and government members of the Standing Committee on Compliance and Regulatory Affairs (CRA) in Ottawa on December 2nd and 3rd.
- CRA will then prepare a report for review by the CCMTA Board at its December meeting.

Your input and support of this important process is greatly appreciated.

For further information contact: Audrey Henderson, Director of Programs
CCMTA
(613) 736-1003 Ext. 248
ahenderson@ccmta.ca

USE THE ATTACHED RESPONSE FORM TO RECORD YOUR RESPONSES

Please mail or fax it directly to the consultant at the address below:

David Sheridan
SHERCON ASSOCIATES INC.
99 Bronte Road #102
Oakville, ON L6L 3B7
Fax (905) 465-0845

You can also respond on-line by going to www.shercon.ca, selecting the "Papers" link and following the instructions.

Regardless of which method you use to respond to this call for input, remember the deadline is Friday, November 5, 2004.

STAKEHOLDER RESPONSE FORM
Attach additional sheets if necessary

The Two Options

1a. What positive and/or negative effects would the 16-hour working window have on you and your organization?

Positive: _____

Negative: _____

1b. What positive and/or negative effects would the 18-hour working window have on you and your organization?

Positive: _____

Negative: _____

Pros and Cons

2a. Feel free to add new points or comment on any of the pros and cons related to the 16-hour working window:

2b. Feel free to add new points or comment on any of the pros and cons related to the 18-hour working window:

The U.S. Situation *(If applicable)*

3a. What strategies have you used to adjust to the U.S. 14-hour operating window?

3b. Could any of these strategies be applied to the Canadian 16-hour window?

Other Comments

- 4. Please make any other comments about the impact of the 16 or 18-hour operating window on the following areas:

Road Safety:

Road Transport Productivity:

Enforcement and Administration:

Driver Working Conditions and Lifestyle:

Supply Chain Management/Product Shipping:

Other Factors:
