

CCMTA HOURS OF SERVICE OPERATING WINDOW ANALYSIS

Report on the Consultation Process

Background

This report describes and documents the stakeholder consultation component of the hours of service 18-hour operating window impact analysis conducted by the Canadian Council of Motor Transport Administrators (CCMTA).

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.

In September 2004 the Council of Ministers directed CCMTA to conduct an objective evaluation of the 18-hour window in consultation with all stakeholders, including drivers, and report back to the Council of Deputy Ministers in 60 days. The CCMTA Board of Directors appointed a Steering Committee consisting of government representatives from Alberta, Quebec, Nova Scotia, Ontario, Transport Canada and the CCMTA Secretariat. Project terms of reference were finalized on October 8, 2004.

Approach

At the outset of the project a concept paper was developed summarizing the mechanics of the 16-hour and 18-hour windows to ensure all involved had the same understanding of the issue and parameters for review. The paper also contained focus questions and a response form to guide the stakeholder input. These documents appear as Appendix A.

The review and consultation process then consisted of three separate, but interrelated components:

1. Consultation with Associate Members

On October 25, 2004 a general call for input was issued to the full CCMTA associate membership, including regulated and non-regulated stakeholders. Members were referred to a web link containing the concept paper, supporting appendices and the consultation focus questions. Members had the option of submitting responses on-line through a web template or by downloading a hard copy of the concept paper and mailing or faxing comments to the consultant.

The call for input generated a good response. Website statistics indicated that about 60 stakeholders viewed the concept paper on the consultant's website, including 25 individuals and organizations who submitted information addressing the focus questions. The responses that were received represented a cross-

section of owner operators, carriers, bus companies, trucking associations, unions and interest groups.

A detailed compilation of responses received was compiled organizing the stakeholder comments by focus question and by stakeholder category. A summary of responses was also prepared and distributed to the Steering Committee and the Expert Panel in mid-November.

2. Driver Focus Groups

Commercial driver focus groups were conducted by the Environics Research Group in Mississauga, Vancouver, Moncton, Winnipeg and Montreal. Ten focus group sessions were conducted between October 28 and November 4. A total of 91 drivers participated in the research, including 86 transport drivers and 5 bus drivers. Participants were paid an honorarium of \$150.00. Participants were asked for their views about the pros and cons of the 16-hour and 18-hour options and commented on their perceptions of the effect each option would have on road safety, productivity, enforcement and administration and driver working conditions and lifestyle. The Environics report describing the focus group methodology and detailed findings was issued on November 15, 2004.

3. Expert Panel

An expert panel was convened by the Transport Development Centre of Transport Canada to provide an expert scientific assessment of an elapsed time window duration of 18 hours when compared with the 16-hour window. Members of the panel were selected to encompass a balanced set of professional skills, knowledge and perspective. The panel deliberated in Montreal on November 19th and issued its final report on November 26, 2004.

Information and data gathered through the three consultation initiatives was reviewed at a meeting with CRA government members and regulated stakeholders held in Ottawa on December 2, 2004. The meeting agenda appears as Appendix B. Activities and deliberations at the one-day facilitated session included the following:

- Opening remarks and an activity to identify participant expectations and agree on a meeting code of conduct
- Presentations, followed by questions and discussion, on the findings from the general call for input, driver focus groups and Expert Panel
- Additional presentations from several of the meeting participants
- Facilitated group activities to ascertain participant responses to the two options and gather related information
- A plenary discussion to identify areas of consensus
- Closing remarks and an outline of the next steps in the process.

The meeting was attended by 33 participants including CRA government representatives from nine provincial jurisdictions, Transport Canada, the Canadian

Trucking Association, Greyhound Canada, the Manitoba Trucking Association, Motor Coach Canada, the Ontario Trucking Association, the Owner Operators Business Association of Canada (OBAC), the OOIDA, the Petroleum Services Association, the Teamsters union, the Western Professional Trucking Association.

At the conclusion of the meeting all session participants (including government members of CRA and regulated stakeholders) completed comment cards evaluating the session. The comments received appear as Appendix C.

The CRA subsequently met on December 3rd to review all the feedback from the consultation process and prepared a recommendation for submission to the CCMTA on December 7, 2004.

Findings from the Associate Members

Comments from associate members in response to the web template are summarized in this section. A detailed compilation of their input appears in Appendix D.

Stakeholders were asked to comment on the pros and cons of the two options:

	<i>Arguments For</i>	<i>Arguments Against</i>
<i>16-hour window</i>	<ul style="list-style-type: none"> • Maintains a 24-hour pattern of sleep/awake cycles* • Encourages shipping and dispatching efficiency • Easier to understand and enforce • Seen to conform more closely to U.S. regulations 	<ul style="list-style-type: none"> • It discourages additional rest when required • Less time available to deal with delays en route creating stress and pressure to catch up • Inability to complete round trips and some common runs
<i>18-hour window</i>	<ul style="list-style-type: none"> • More opportunities to rest during the work day so drivers are better able to manage fatigue • Greater flexibility 	<ul style="list-style-type: none"> • Extends the work day without any additional remuneration • Negative impact on driver quality of life • Likely to generate a strong public reaction • Potentially more complicated and difficult to enforce

* The 24-hour pattern was a major point raised by many stakeholders, although a few did argue that this was not relevant as shifts start at different times each day.

Other related points raised by associate member stakeholders in response to the web template were the following:

- The 16 and 18-hour windows were seen to be out of synch with the U.S. situation
- General concerns about stress, fatigue and road safety

- Concern that drivers were penalized for having to absorb supply chain inefficiencies
- Enforcement issues and falsification of log books were raised as a problem by some stakeholders
- Industry working conditions and driver quality of life were major concern across all stakeholder groups

Findings from the Driver Focus Groups

Findings from the commercial driver focus groups conducted by the Environics Research Group are described in the Environics report dated November 15, 2004.

Feedback from the drivers closely paralleled the input from the associate members - with drivers citing similar pros and cons related to the two options. When asked to choose between the option of a 16-hour and 18-hour window of elapsed time the focus group participants indicated a clear preference for the 16-hour window.

Findings from Expert Review Panel

The report of the Expert Panel states the following overall conclusion related to the 16 and 18-hour operating windows:

“The Expert Panel strongly supports the preservation of the 24-hour day which was a core scientifically supported recommendation of both the Canadian and U.S. expert panels of 1998. The Expert Panel recognizes that a limitation on the elapsed time window is required that is consistent with the 24-hour day. The Expert Panel does not find any evidence to support an 18-hour window as consistent with safeguarding the health and safety of the driver and the public. Although the 18-hour window is worse than the 16-hour window, it should also be noted that neither the 18-hour nor the 16-hour durations are supportable from human health and performance perspectives. However, considerable evidence does exist to show that long shifts such as considered under both options herein have an adverse effect on health, performance and safety. Industry operational problems and concerns (such as scheduling, loading and unloading delays, and sufficient accessibility to rest/sleep areas) need to be dealt with by industry and government through proactive measures and not through the use of extended split shifts.”

Consultation Session with Regulated Stakeholders

The regulated stakeholders at the facilitated consultation session reviewed, and for the most part, concurred with the findings from the consultation process.

There was consensus among the participants that the 18-hour option was less acceptable than the 16-hour option although some stakeholders believed that neither option was acceptable, and that a shorter operating window should be considered.

A number of issues falling outside the 16/18-hour terms of reference of the consultation process were also raised by participants:

- The strong position taken by some stakeholders in favour of a shorter (14-hour) operating window
- The importance of technology and the need for electronic on-board data recorders (EODR's) to address administration and enforcement issues
- The need for clarity and consistency of implementation of regulations across jurisdictions
- The need for better data and an examination and quantification of lost time due to supply chain delays
- An argument that the bus industry should receive special dispensation or a separate set of hours-of-service regulations to address different working conditions
- Broad industry concerns related to health and safety, fleet management, working conditions, rates, salary levels and industry economics

It should be noted that consensus was not sought or achieved on the above points.

Assessment of Data Quality

The process produced high quality consultation information, given the time constraints. Factors that suggest the information can be used with a reasonable degree of confidence are the following:

- There was a good response to the general call for input. One third of associate members viewed the concept paper on the website and 25 members provided submissions that in most cases were thorough and well presented
- There was strong convergence of findings from all three sources of input – associate members, the driver focus groups and the expert panel.
- Discussions with the Steering Committee suggested that the consultation data had good “face validity” in that it was consistent with previous CCMTA experience and expectations. There were few anomalies in the findings.
- Most of the consultation findings were corroborated and reinforced at the stakeholder consultation session
- The facilitated stakeholder consultation session was well attended by a good cross section of regulated stakeholders representing a range of positions on the hours of service issue.

There were some minor limitations in the data. Some participants at the consultation session suggested that the driver focus groups could have been expanded to include a broader cross section of drivers. Participants also pointed to a few areas where additional information could have been considered by the expert panel. A national opinion survey could have provided more quantitative data on commercial driver perceptions. However, these limitations were a result of time constraints on the process rather than any particular flaws in the methodologies employed.

Observations

Since this form of a consultation process was relatively new for the CCMTA some brief concluding observations may be in order:

1. The overall process was well received by stakeholders and similar consultations should continue in the future.
2. It will be important to choose consultation topics carefully. The 16 vs. 18-hour window topic was actually too narrow a consultation question to allow for a productive and effective consultation process. Consultation topics should be broader and invite input across a wider range of issues.
3. The consultation approach utilized in the project was very resource intensive. Future consultation initiatives could be scaled down to make use of less expensive consultation methodologies such as web templates, targeted surveys, discussion papers, response forms and participation in national and provincial omnibus surveys.

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December 8, 2004

Attachments

- Appendix A - Concept Paper
- Appendix B - Consultation Session Agenda
- Appendix C - Participant Evaluation of Consultation Session
- Appendix D - Compilation of Associate Member Responses to Concept Paper

APPENDIX A
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 principle 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 (24 hours) 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:

APPENDIX B
Consultation Session with Regulated Stakeholders and CRA
 Lord Elgin Hotel, Ottawa, December 2, 2004

Purpose and Objectives

At the end of the facilitated session, government members of the Committee on Compliance and Regulatory affairs (CRA) should have a clear and complete understanding of the regulated stakeholders' positions on the impacts of the 16 and 18-hour driver operating windows.

To achieve this purpose, three objectives will be addressed:

1. To review, clarify and elaborate on feedback received from the consultation process with associate members, drivers and an expert review panel.
2. To invite and consider additional feedback from meeting participants.
3. To identify areas of consensus and areas of disagreement among the regulated stakeholders.

Morning Agenda

9:00 a.m. Introduction and Overview

- Opening remarks from the Steering Committee Chair
- Project background and terms of reference
- Participant expectations
- Meeting code of conduct
- Facilitation plan

9:30 a.m. Reports on Stakeholder Feedback

- Responses from general call for input to associate membership
- Findings from commercial driver focus groups
- Report from the Expert Panel
- Questions and discussion

(20 minute break scheduled for 10:30 a.m.)

11:30 a.m. Checkpoint

- Wrap-up of morning session
- Final comments and questions
- Scheduling of presentations for afternoon session

12:00 p.m. Lunch

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Afternoon Agenda for Thursday, December 2, 2004

- 1:30 p.m. Presentation of Additional Feedback
- Additional presentations from regulated stakeholders
 - Questions and discussion
- 2:00 p.m. Interpretation and Analysis of Feedback
- Round table comments
 - Flip chart/wall exercise to collect final input
 - Identification of areas of consensus
- 2:30 p.m. Facilitator's Wrap-up Report
- 2:45 p.m. Closure
- Next steps in the process
 - Meeting evaluation

Session concluded by 3:00 p.m.

Facilitator: Dr. David Sheridan
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APPENDIX C
CCMTA HOS CONSULTATION SESSION – December 2, 2004
Participant Feedback

(Comment Cards Completed at Conclusion of Session)

Liked

- Everyone participated
- Meeting was well scheduled and facilitated
- Consensus – although easy – had before meeting
- Open concept
- Well run and organized
- Very open facilitator – was able to pull things together very well
- We had closure – why did we keep the debate going?
- Heard opinions
- Met new people
- Good presentations and a good understanding
- Finished early
- Good to meet directly with stakeholders other than just CTA – have a much more in-depth understanding of needs across the whole industry
- Well controlled session
- Peaceful
- Opportunity to provide comments on an equal footing
- Very good wrap-up
- Pretty good flow
- Good climate
- Good preparation
- Controlled, professional facilitator
- Good facilitation, good order and respect (no debates/fights), everyone respected each other's opinions
- Organized
- Good facilitator
- Well defined code of conduct
- Good format
- Opportunities for input
- "Controlled" environment
- Good points raised
- Much more productive than traditional meetings
- Equal opportunity for all to speak – no one dominated by shoving and pushing

Disliked

- Concern about ancillary issues that came out of exercise
- Some of the participants were covering other agendas
- Too drawn out

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- Dismal room for meeting
- Too many “minutes” comments, time
- Got off topic
- Didn’t appreciate the stakeholder lobbying occurring outside the room
- Went over the mandate of 16 hr. or 18 hr.
- (Not) sticking to the mandate
- Low stakeholder attendance
- Strayed well beyond 16 vs. 18 hour mandate (too late in process)
- Inappropriate to discuss issues that have already been decided
- Opened the door to issues that had been discussed over the past 5+ years
- Environics report – could have provided me detail on how the drivers were selected and how facilitators set the stage
- Thought we would have an opportunity to discuss other issues
- Timelines redefined once CTA dropped the 18 hour issue
- Continue this format for next stakeholder review
- Unfortunately, after the CTA issued its statement there wasn’t much left to discuss
- Too slow moving – pace could have been picked up in some areas

Suggest

- A good exercise – try this again with other issues!
- See you next time (soon)
- We should have dealt more with the big picture
- More clearer definition of the task at hand to reduce time
- Totally satisfied with meeting. Having said that, we knew the answer to the 16/18 hour issue six months ago. This study should never have been conducted. What a phenomenal waste of time and money.
- The objective was to determine between 16 hour and 18 hour window. Period!
- Clearly define mandate of review and stick to it. Other (peripheral) issues are likely to create delay
- Group exercises may have been better if we randomly selected groups
- Need to press on with setting meeting for regulators and stakeholders to come to agreement on interpretations
- More of the same type of consultation (message to CRA –CCMTA)
- More flexible on agenda where interest is showing or lacking, move on more quickly
- Facilitation – will be an important tool for future sessions to amend NSC standards

APPENDIX D - CCMTA DRIVER OPERATING WINDOW IMPACT ANALYSIS
Compilation of Associate Member Responses to Concept Paper

Arguments for and Against a 16-hour Window:

	Pros – 16-hour Window	Cons – 16-hour Window
Owner Operators and Carriers		
CJD Trucking		Encourages drivers to cheat the system
JTC – owner operator	Allows some flexibility to single drivers	None on a two driver system
Safety Sharp Transportation Systems	More in keeping with fatigue guidelines from US/Canada study	Still to long a period for a driver to work in a seven day period
T-Lane Transportation	This 16 hour working window is sufficient. It provides the driver adequate time to accomplish other tasks besides his required duties. All drivers stop for coffee etc. which this rule compensates for. Also this rule stays within the 24hour rule. Simpler, will reduce confusion and cost at all levels, driver/carrier/ enforcement	It is unclear what would happen if a driver goes on duty for a brief period of time early in the day and than is off duty and returns to duty later in the day. Is that particular driver required to take 8 consecutive hours off before returning to duty??? Even though he may have only work for a short period of time earlier in the day
UPS Canada	Will allow the company/driver the ability/flexibility to adjust their schedules based on daily business needs.	
Owner-Operators Business Association of Canada	<p>Allows a modicum of flexibility without dramatically limiting a driver's earning potential or forcing drivers to give away more of their time.</p> <p>Maintains a regular pattern of sleep/awake cycles, in keeping with scientific findings that suggest regular sleep patterns promote better restorative sleep.</p> <p>Would encourage carriers to impose practical limits to "free" time at the loading dock by applying detention charges, forcing shippers to pay for undue delays, and thus limiting shippers' disregard for the wasted time.</p> <p>Places a premium on the value of the driver's time at the dock, customs, etc.</p> <p>Allows for two discretionary hours of off-duty time along with a reasonable prescribed minimum off-duty interval without forcing drivers to compromise safety in favor of productivity.</p> <p>Easier to understand and enforce.</p> <p>Bears a closer resemblance to American regulations than the 18-hour plan.</p> <p>Improved adherence to regular sleep/awake cycles.</p> <p>Maintains a finite end to the workday.</p> <p>Limits the opportunity to give away time while absorbing</p>	<p>In the present environment, limiting the drivers' window of opportunity to earn, forces the maximum productivity out of the driver. Taking additional rest at the expense of earning opportunities places the driver in a difficult position. Financial and operational pressures could discourage drivers from taking additional rest when needed.</p> <p>In most cases, en route delays such as traffic congestion or "normal" operational delays could not be compensated for by logging off-duty. If a driver is at the controls of the vehicle, that time must be logged as driving time (line 3). Therefore the "flexibility" inherent in this proposal is moot. Delays caused by inefficient shippers should not be allowed to continue, and should not be left to the trucker to absorb.</p> <p>“Could discourage rest breaks during shift” - This would vary according to the working environment. Drivers faced with the need to rest during a work shift could indeed suffer economic consequences from the shortfall in productivity. However, if the driver is getting the rest prescribed in the regulation, and he or she is compensated for the time spent doing non-driving job related activities, the impact would be minimal, and the pressure to maximize earning hours would be reduced.</p>

	<p>supply chain inefficiencies. The current ways of doing business are costing carriers and drivers a fortune. A rule like this one would force an examination of current practices with respect to unnecessary delay time, and expose the real cost - in terms of equipment utilization and lost hours - of moving goods to market by truck, and help industry negotiate rates and pay scales that are in line with the cost of providing the service.</p>	<p>Industry will need to come up with a better way of managing the cost of lost time. Right now, the number, as huge as it is, is not known because it's never had to be taken into account. The losses can easily be made up by adjusting the log book to reflect a state of operational readiness when, in fact, time logged as sleeper time may have been spent in a drivers' waiting room. In other words, lost time can simply be made to disappear. Building more "flexibility" into the proposed rule would be tantamount to giving that time away to the shipper. The trucking industry is already in the unenviable position of being not being able to extract compensatory rates from many shippers. Why would we want to maintain that position when a mechanism exists that could drive positive economic change? The four hours off duty allows for greater flexibility in dealing with supply chain management delays (18Hr PRO Comment): The trucking industry cannot afford to continue giving away its time. Greater flexibility is just another way of saying we are willing to continue working for nothing. Drivers are no longer willing to work for nothing, as evidenced by current statistics with respect to the driver shortage.</p>
Bus Companies		
Greyhound Canada	<p>24 hour day – easier to monitor Simpler to understand from standpoint of company and law enforcement</p>	<p>Economic impact due to operating schedules and relocating drivers We do not support an 18 hour window</p>
Motor Coach Canada		<p>A 16-hour work window would severely impact charter bus companies and tour operators in Canada. In addition, it will have a negative impact on tourism without a corresponding increase in road safety. Existing group tour itineraries and charter operations that typically provide several off-duty periods during the day will no longer be feasible. Most group tour and charter operations are characterized by relatively short periods of driving (as compared to trucking) with several stops, some of them for extended periods during the day at attractions and events where the driver is afforded opportunity to obtain rest. The 16-hour rule will drive up the cost of charter and group travel for consumers and exacerbate the driver shortage problem. Motor coach tours, a crucial component of Canada's tourism industry will become less attractive to domestic, American and offshore tour operators. Tourism and jobs in Canada will suffer as a result. The 16-hour rule will encourage more groups to travel in cars or resort to rental vans with inexperienced, non-</p>

		<p>commercially licensed drivers who are exempt from all the commercial vehicle safety regulations that apply to buses. Promotes speeding, risk taking and aggressive driving as itineraries are squeezed into a 16-hour window and drivers try to reach their destination before the 16th hour. Creates incentive for extending a group’s stay at a venue/attraction etc. to 8 hours (that otherwise might have been a 7 or 7.5 hour stay so as to create a new driver’s day thus resulting in an even longer period away from home or a hotel. Promotes log book cheating. Erodes drivers’ earning potential, thus exacerbating the looming driver shortage. Drivers from US entering Canada (and not subject to a 16-hour rule) will be more likely to violate a 16-hour rule than an 18-hour rule, and thus deter US Charter and tour operators from coming to Canada. Averaging provision associated with the proposed 16-hour rule will confuse drivers and increase enforcement complexity. Averaging provision associated with the proposed 16-hour rule allows 15 hours of driving every second day - this will make a driver more fatigued than going to an 18-hour work window with driving time capped at 13 hours. Costly regulatory impact study is required one year after implementation</p>
Trucking Associations		
Alberta Motor Transport Association	<p>Allows adequate driving time and will assist in reducing fatigue. Only scheduled drivers have a 24-hour day. Many drivers have various start times based on shipper demand that may mean starting at 6 a.m. one day and 10 a.m. the next. The concept of a shift always starting the same time every day is a red herring and the 24 hour clock as a consequence does not exist.</p>	<p>It discourages drivers from taking additional rest when required and in some circumstances may encourage a driver to continue when fatigued.</p>
Canadian Trucking Alliance	<p>Maintains notion of a 24-hour day – This is without doubt the biggest red herring in this entire debate. A 16-hour window may represent an attempt by its proponents to maintain a "regularized day", but most often it will fail. As CTA has pointed out in numerous written and oral submissions over the past several months, the 24-hour day is a complete fiction: Whenever a driver works less than 14 hours per day, or takes more than 10 hours off duty, the so-called 24-hour day goes straight out the window. For example, a perfectly legal 12-hour</p>	<p>The principal drawback of a 16-hour window is that if a driver is delayed during the shift, for example waiting to be loaded or unloaded, he has only 2 off-duty hours available to deal with such delays – assuming he works the maximum 14 hours allowed under the proposed regulation. Any time spent waiting over and above these 2 hours will reduce time available for driving, thereby directly penalizing both the carrier and driver. Rarely will the driver have much, if any, on-duty-not-driving time available to compensate for these delays, as this time is typically needed for tasks such as pre-</p>

	<p>shift followed by 10 hours off duty would result in a 22-hour “day.” Conversely, another perfectly legal 14-hour shift and 12 hours off duty would lead to a 26-hour “day.” Surely there will be no attempt by governments to prevent these types of work-rest rotations. For CTA and the provincial associations, it is extraordinarily frustrating that regulators have been unable to grasp this concept over the many months it has been under discussion.</p> <p>Simpler to understand and enforce – It is difficult to accept the notion that it would somehow be too difficult for an enforcement officer to check whether, in the case of the 18-hour window, a driver has taken more than 18 hours between core rest periods and has complied with the 14-hour working limit during that interval. Under the current regulations, there is no window of any kind, so the “day” can be of virtually any length. If anything, the 18-hour window should lead to greater clarity for both enforcement officers and drivers, as it will result in the elimination of the 48-hour averaging provision – something that regulators have frequently characterized as an “enforcement nightmare.”</p> <p>Improved management of drivers and dispatch – This point is entirely baseless. The industry has never made any assertion that the 16-hour window would somehow help management and dispatch of drivers. If anything, it would seem that the opposite should be the case: if a group of drivers’ available driving time were frequently – but unevenly – reduced as a result of delays over 2 hours, would it not be more difficult for the dispatcher to manage schedules and rosters?</p>	<p>trip inspections, paperwork, etc. The outcome of this is that a driver will have a tendency not to take time for short rest breaks and naps when needed en route. If, for example, he takes an hour for a meal break and another half-hour later in the shift for a nap, he will have only one more half-hour block available to deal with any delays at his destination. Since delays at shippers’ or consignees’ facilities are typically longer than this, the driver is likely to forego at least the half-hour nap period and will probably also reduce his meal break time. As a consequence, a driver operating under a 16-hour window would have less flexibility to manage fatigue by taking rest breaks and naps when the need arises.</p> <p>Potential economic impact on industry – The 13-hour driving shift goes to the very core of trucking industry operations in Canada. Routes, schedules and terminal networks have been set up around it. Many common runs, such as a Toronto-Montreal turnaround, or Moncton-Montreal linehaul, require a 13-hour driving shift. Clearly, if as a result of the type of delays discussed earlier, drivers see their available driving time reduced, there will be negative economic consequences for all concerned: carriers, who will be unable to meet contracted delivery schedules, drivers, who will suffer a reduction in mileage-based compensation and shippers, whose goods will not reach their destination on time.</p>
NLITA	Would encourage shippers and dispatchers to be more efficient	Limits driver’s ability to complete round trips to home terminal. May increase his nights away from home.
Western Professional Truckers Association	24-hour day is in line with the body’s circadian rhythm	Fail to see how this can discourage rest. Potential economic impact would be positive with improved management

Arguments for and Against an 18-hour Window

	Pros – 18-hour Window	Cons – 18-hour Window
Owner Operators and Carriers		
CJD Trucking	Drivers have the ability to manage their time more efficiently – allows the manageability of inevitable delays	More confusing so training would be an issues – also enforcement could be open to interpretation
GRC – owner operation		Costs for the owner operator have risen while the income side has remained static. Widening the window is only going to increase the speed at which the owner operator goes bankrupt. Drivers and owner operators need to have an eight hour working day like all other workers in North America. After that eight hour period overtime should be paid.
JTC – Reimer owner operator	More flexibility in driving strategy for single drivers Single operator driving requires x amount of miles to drive in a given period in order to make sufficient income for expenses. It is the miles traveled that is important, not the actual driving time.	
Safety Sharp Transportation Systems		Would be asking our drivers to devote 90 hours to his/her tractor over a six day period a large portion of which would not earn our driver any income – ridiculous! The general public and CRASH will eat us alive. For years the shipper had the ability to delay the load preparation at the expense of the driver/carrier. All this new 18-hour day would do is continue with the flexibility of the shipper having the driver “sit” for up to four hours at the driver’s expense. Here is the present day and historic reasons why there is a move to an 18-hour day. Let’s face it this is 18 hours on-duty regardless of what we call it. It is like telling your accountant, “I want you here in the office for 18 hours, you can slump in your chair for four hours but don’t leave the building.” And, “don’t expect to be paid for these additional hours by the way.” See how long your accountant will stay around. Major consideration. Didn’t we just recently complete a joint US/CAN fatigue study about starting times staying close to the same day in and day out? Under 18-hour rule you start Monday at midnight and advance 2 hours each day so that at Saturday you are starting at 0800 hours. 18 hours on-duty is too long to be on the job.
T-Lane Transportation		It throws the whole concept of “24 hours” out the window. It also unnecessary for extra hours “off” to be legislated.

		<p>Any added benefit of the extra two hours would be more than outweighed by the added cost and complication</p>
<p>Owner-Operators Business Association of Canada</p>		<p>Adding operational flexibility to the driver’s work day is just another way of asking the driver to give up more unpaid time on the job - an additional 2 hours per day, in fact.</p> <p>Adding flexibility takes away the incentive for other parties in the logistics chain to do their jobs properly. Trucking has been absorbing the inefficiencies in the supply chain for decades, and it has cost fleets and drivers a huge amount of money in terms of unrecoverable time.</p> <p>Extending the length of the workday to 26 hours will disrupt the drivers’ sleep habits and patterns, creating the need for additional rest time (naps) throughout the day. In some ways, it’s a self-fulfilling prophecy. If you’re tired, you’ll need to nap, but if the system promotes proper sleep cycles, the additional nap time might not be necessary, and any risks associated with the need to nap in an environment that discourages napping would be mitigated.</p> <p>We can say with some conviction that drivers will not readily accept the prospect of being asked to give up an additional two hours per day under the guise of operational flexibility. There are no advantages to this proposal as far as OBAC is concerned.</p> <p>Industry would face an uphill battle in portraying this option as a proactive safety measure. Already, the perception exists that truckers work too many hours. Ironically, part of that perception is fueled by observing drivers forced to work around the clock to adhere to unrealistic schedules, or compensating for delays caused by the very parties who set the schedules.</p> <p>If all the flexibility available in this option were observed, the effect would be to add two hours to the length of the day, causing a disruption in the drivers’ sleep/awake cycles. The understanding of circadian disruption is well enough understood, and rather than tampering with these cycles, all efforts should be directed toward regularizing these cycles.</p> <p>The 18-hour window will make it that much harder for trucking to pursue demurrage charges.</p> <p>The 18-hour day will perpetuate the notion that the trucking industry should absorb the cost of externally imposed inefficiencies. Working to a schedule imposed by a shipper, and then being delayed by that shipper should not have a negative impact on the trucker. Under the current system, drivers are forced to absorb the</p>

		problems, often forfeiting sleep time to meet a schedule. That’s clearly unacceptable, and the practice should change.
Bus Companies		
Cardinal Coach		Do not agree with proposal to extend to 18-hours
Motor Coach Canada	<p>Extending the working window to 18 hours would allow most charter trips and group tours (conducted safely today under current regulations) to be conducted without having to arrange for a second driver. This will keep charter and group tour travel affordable for consumers and competitive with other travel modes. Highway safety is enhanced because groups will continue to charter coaches with professional drivers and vehicles subject to full regulatory controls, rather than having groups renting vans and driving themselves. Canada’s tourism industry recovery will be interrupted to a lesser extent by new HOS rules that provide an 18-hour window instead of a 16-hour rule, making group travel by coach to or within Canada competitive with other modes and other travel destinations.</p> <p>Provides drivers with more opportunities for rest without negatively impacting productive time Eliminates the proposed 48-hour averaging provision that would surely confuse drivers and add complexity to enforcement Eliminates need for costly regulatory impact study after one year Reduces the need for costly changes to popular tour itineraries Most popular tour itineraries and typical charter trips could continue to be conducted using one driver, thereby continuing to meet consumer expectations and keep motor coach travel competitive with other travel options Less incentive to cheat on log books Less incentive for driver to speed and take risks in order to complete trips within a 16-hour window US drivers when in Canada will be less likely to violate Canadian regulations Reduces likelihood of tour operators, bus companies or their drivers from extending the stay at a venue/ attraction until 8 hours, so as to create a new day Recognizes the flexibility needed by industry to continue to grow the travel and tourism industry and in turn, the Canadian economy</p>	<p>“Does not put strong onus on shipper to address industry concerns with supply chain management delays” - This suggested con is not applicable to the bus industry. We want to emphasize that non-discretionary periods of off-duty time during a bus driver’s day is not the result of unplanned delays, rather it is the very nature of our industry! Charter trips and tour itineraries typically include these periods when the driver is off-duty while the group is attending a sporting event, visiting an attraction, shopping, etc. Unlike trucking where non-discretionary periods of driver off-duty time equates to lost productivity and a symptom of supply chain management delays, the charter and group tour industry is built around these stops. This is but one example of how government officials don’t understand that a bus is not a truck and why it is inappropriate for regulators to impose a one size fits all regulatory solution on both industries. MCC’s position is that there needs to be a different set of rules for the bus industry. The federal government has already established a two-tiered system by exempting transit drivers altogether from the hours of service regulations.</p>

Trucking Associations		
Alberta Motor Transport Association	Optional additional rest will allow drivers to better manage fatigue while maintaining their paid time. The concept that the start of a work shift must be preceded by at least 8 hours off duty should make it simple to enforce.	Unless the control measures are strong there is the possibility of abuse by some carriers or drivers.
Canadian Trucking Alliance	The 18-hour window approach ameliorates both the productivity and safety issues raised above. The driver has an additional 2 hours available <i>if needed</i> during the shift. This will provide him with more flexibility to take needed meal and rest breaks without unduly impeding his productivity. If, using the example above, the driver takes his one-hour meal break and half-hour nap en-route, he still has 2 ½ hours available as off-duty time if he is required to wait to be loaded or unloaded when he reaches his destination. Naturally, if the full 2 ½ hours are not needed, the driver has the further flexibility to get back on the road as soon as his vehicle is loaded or unloaded, and drive for the balance of his shift. Additional point: Encourages a phase-delay schedule – For a driver who works a full 14-hour shift and uses the 18-hour window, his “day” will be 26 hours long. Therefore, he would start work two hours later on each day of the cycle. While complete daily shift regularity may be the ideal from a fatigue and alertness perspective, as explained earlier, it is largely impossible to achieve in the trucking industry. The scientific evidence is clear that when a shift begins at a different time from one day to the next, it is preferable to avoid circadian disruption through a phase-advance schedule whereby work begins earlier on successive days, as this may create fatigue effects dependent on the amount of repetition. The 18-hour window creates the opposite type of work-rest rotation and should therefore have a neutral to positive effect on driver fatigue levels.	<p>Negative public perceptions of an 18-hour shift – Under today’s regulations, the elapsed time between core rest periods can be more than 18 hours and this has never been a focus of public attention or criticism. The key, from a public affairs perspective, is the amount of time a driver spends working. The 18-hour window proposal will not increase driving or working time in a day and in fact, if this proposal is adopted, it could be promoted positively as requiring 12 hours of off-duty time in a 26-hour “day.”</p> <p>Increases time between core rest periods – While the 18-hour window by definition extends the time between core rest periods, this factor should not be viewed as a negative. The window extension is the result of more off-duty time and not, as some people have wrongly assumed, additional on-duty time. This increased off-duty time is available for drivers to take naps and other short breaks, thus helping them manage fatigue during the shift and break up the monotony of the driving task.</p> <p>Does not put strong onus on shippers to address industry concerns with delays – Delays are a fact of life in the trucking industry and clearly it is up to carriers to work with their customers to reduce delays and/or to charge for waiting time above a specified limit. This is happening already to a greater extent than has been seen in the past – in large measure because of tight industry capacity – and carriers do not need to fall back on a “maximum regulated waiting time”, which would be the effect of imposing a 16-hour window.</p>
NLITA	Haven’t met anyone that wanted to work 18 hours a day! In my opinion there are no pros to the suggested 18-hour plan	No matter how you look at it – there are only 24 hours in a day. If there were more hours they would simply be wasted by poor management and become more unbillable hours in a driver’s log book
Western Professional Truckers Association		Has the potential to move the core rest back out of synch with the natural cycle. There is no incentive for management to improve as it is the driver

		who is paying.
Unions		
CAW		It is our position that the work week was extended by shortening the reset period to 36 hours and now the CCMTA is looking at extending the work day to 16 or 18 hours. We don't accept the argument that a nap on the road is anywhere near as valuable as time spent at home. What road transportation workers need is more time at home with their families.
Communications, Energy and Paperworkers Union of Canada		See comments section at end of document.
Teamsters Canada		See comments section at end of document.
Interest Groups		
CRASH		Not consistent with the 24-hour day. Renders overly complicated rules even more complicated, with the attendant consequence for enforcement. Exacerbates the problem for drivers of "just in time" service. Drivers will continue to leave the industry. Pressure on drivers to work while fatigued will increase. It will become normal for some drivers to be driving in the 18 th hour without the benefit of a proper rest.
Trucker's Voice		The anger factor will not only escalate, but the driver pool will drastically decline should this proposed regulation be implemented. Our membership and numerous drivers who have called us to voice their concerns on this issue have indicated that, should an 18 hour-day be implemented, they will quit driving. The public has also stated their objection to the proposed increase in hours for truckers as unacceptable. The drivers, who are in the front line bearing the wrath of the public, must deal with the enforcement agencies, not the companies nor the carriers. If the 18-hour window is passed, the carriers will use this additional time for loading and unloading therefore enabling them to avoid paying for delay time.

Comments about the U.S. Situation

Owner Operators and Carriers	
CJD Trucking	Preloading load for line haul units. PARS – FAST – PAPS etc. for faster border crossing.
GRC – Owner operator	With the overwhelming majority of Canadian Class AZ drivers going in the US, our HOS regulations must be tied to the US HOS regulations. Why do Canadian regulators feel there has to be a “Made in Canada” policy when the wheel has already been invented and is working effectively?
Safety Sharp Transportation Systems	<p>Very little to adjust to. We trained our drivers on US HOS in order to take advantage of their rules. We stressed the 10 hours off and the 34 re-set and the rest pretty much makes sense. We reckon the proposed 16-hour Canadian rule would be easier to merge with the US then the 18-hour rule.</p> <p>If the US retains the reset in some form, I recommend Canada enforcement recognize that fact so that the driver can return to the US on a reset of US imposed hours say 34 and not have to be in compliance with the US up to the border and then switch to Canada. I would say that 80-90 % of our long haul goes into the US and a very large percentage of those fleets are a couple of hours from the border. Therefore, some “common sense” allowance must be made for these carriers and their drivers.</p> <p>It is almost like we should have two long haul type of fleets: one- travels Canada/US has the option to stay on US rules two – the pure Canadian long haul operator who only operates in Canada run by Canadian rules.</p>
Owner-Operators Business Association of Canada	<p>OBAC members report that the U.S. system is overly restrictive in that it limits driving time (earning time) if any undue delays are experienced. Members continue to report difficulty in recovering demurrage charges from carriers - many are paid a flat rate. If all goes well in loading, the fees are reasonable. If excessive time is spent at the dock, it becomes a losing proposition.</p> <p>Canada’s proposed 10-hour off-duty proposal would provide a more flexible operating environment for drivers, but it still doesn’t address unpaid delay time. However, members who work with carriers that aggressively pursue delay charges, or who do business with responsible shippers, are reporting minimal disruptions.</p> <p>Canada should learn from the American mistakes, and endeavor not to repeat them. Data gleaned from quarterly financial reports of several large U.S. carriers seem to suggest that revenues are up since the advent of the new rules. This suggests those carrier have been successful in leveraging the tighter rules against increases in freight charges, or in getting better shipper cooperation in minimizing operating inefficiencies. This is a model for how Canada should approach its rulemaking process.</p>
Bus Companies	
Greyhound Canada	Not applicable. The new U.S. regulations do not include bus operators.
Cardinal Coach Lines	We questions why Canada wishes to adopt hours of work regulations that seem to go against U.S. and European standards.
Motor Coach Canada	<p>In the US, bus drivers’ hours are regulated under a separate set of rules than that for truckers. This is because the US DOT recognized that trucks and buses operate in very different environments and the two types of business have very little in common operationally other than use of the highways. Scheduling and operations are as fundamentally different as the cargoes they carry. The US DOT removed buses from the new truck rules because they understood a “one size fits all” truck rule was not the answer for the bus industry. However, in Canada, regulators prefer to treat buses and trucks the same, despite the differences and the exemplary safety record of the bus industry.</p> <p>Canadian bus drivers traveling into the US are subject to the US bus HOS driver rules; 10 hours driving in a 15-hour on-duty day; 70 hours in 8 day cycle, 8 consecutive hours off-duty between driving shifts. Generally speaking, compliance with US rules has not presented much hardship, as they are similar to existing Canadian regulations, with the exception of the shorter driving time.</p> <p>Concern has been expressed by the American Bus Association and United Motor Coach Association about the potential impact of Canada’s proposed rules on American carriers and tour operators. They are concerned that US drivers will no longer be able to operate legally in Canada under the US rules with which they are familiar. As it stands now, an American driver can continue to</p>

	<p>abide by US rules while in Canada and not be in violation of Canadian rules. Under the proposed rules for Canada, US drivers will have to undergo training and change their logbooks, which will present a major hardship and make Canada a less attractive travel destination. There are already a number of disincentives for American carriers to come to Canada, including a weaker US dollar, delays at the border, general economic downturn in the US, etc. The 16-hour rule will present one more disincentive. The UMA says, “if operators are forced to assign two drivers on a Canadian trip to comply with new time restrictions, it will act as an economic knife to the heart for the trip and will force abandonment of these unprofitable tours or charters”. Going to an 18-hour rule will help to mitigate the impact of Canada’s new rules on US carriers.</p>
<p>Trucking Associations</p>	
<p>Canadian Trucking Alliance</p>	<p>Since the new US hours of service rule was implemented in January 2004, there is evidence to suggest that the trucking industry has been better positioned to impose charges on shippers for excessive waiting time and that as a result, driver delays at shipper facilities have been reduced to some extent. However, it is important to put developments over recent months in context: as the economic recovery has taken hold over the past two years, demand in the freight transportation market has risen and the trucking industry is now working at or near capacity. This fact, combined with the growing driver shortage and resulting upward pressure on compensation rates, has enabled carriers to recover a range of increased costs – including the cost of excess waiting time – from shippers. Thus it should not be assumed that reduced delays or shipper acceptance of charges for excess waiting time are due entirely to the 14-hour window in isolation from other market factors.</p> <p>There is a danger inherent in assuming that the recent US experience with respect to reduced waiting times and surcharges for delays will continue indefinitely and therefore might present a solution if a 16-hour window were instituted in Canada. As mentioned above, economic and market conditions in recent months have resulted in tight capacity in the trucking industry, but this cannot be expected to last forever. Demand for freight transportation services will eventually soften as the economy moves through its normal cyclical pattern, and this may well reduce the level of influence carriers are able to exert over shippers to minimize delays.</p> <p>As a final word, there is a view held by some regulators that the US 14-hour window is more restrictive than a 16-hour window would be in Canada, and that therefore it would be easier for carriers and drivers to deal with delays in this country. This is an incorrect interpretation of the facts. The US model may appear more restrictive, but the two working windows are effectively the same: both provide 3 hours over and above the maximum allowed driving time. The difference is that in the US, the 3 hours are on duty, while in Canada, 2 of the 3 hours would be off duty.</p>
<p>Unions</p>	
<p>CAW What we should be examining is what they are doing with hours of service in the UD and paralleling their regulations.</p>	

Comments about Road Safety

<p>Owner Operators and Carriers</p>	
<p>CJD Trucking</p>	<p>The 16-hour window forces drivers into a rest period when they may not need it, then forces them to continue driving when they are tired because they feel they must get as much out of the 16-hour window as possible. The 18-hour window allows them to rest during</p>

	their work shift without being penalized.
JTC – Owner operator	Ontario must change policy on double yellow lines. A firm speed of 100 kph should be adhered to.
Safety Sharp Transportation Systems	Requiring drivers to be on duty driving and on-duty working, and taking short spurts of time off over an 18-hour period jeopardizes safety on the highway. It is a no-brainer to consider otherwise.
T-Lane Transportation	The rules are finally catching up to what has been happening the industry for years.
UPS Canada	By maintaining the 13-hour driving rule and requiring a driver to meet the daily 10-hour off duty rule, drivers should be well rested and alert while operating a commercial vehicle.
Owner-Operators Business Association of Canada	Since reducing driver fatigue is the ultimate objective of HOS rules, the fatigue-reducing effects of the rule must be considered. A 26-hour cycle does nothing to promote regular sleep cycles and should be avoided. The 24-hour cycle facilitated by the 16-hour proposal meets that criteria, but in the face of the split-sleeper option, all discussion of proper sleep habits and the opportunity for a proper core sleep goes out the window (from a safety standpoint, this was about the worst option CCMTA could have considered).
Bus Companies	
Greyhound Canada	There has already been negative public perception to the 18-hour option with regards to safety.
Motor Coach Canada	The 18-hour window will enhance road safety by building in an additional 2 hours of rest time within the workday window, while maintaining driving time and on-duty time at 13 hours and 15 hours. Driving for 13 hours during an 18-hour window is no less safe than driving 13 hours within a 16-hour window. The 18-hour window provides for 2 more hours of additional rest, not 2 more hours of driving time or on-duty time  The 18-hour window will provide drivers with more opportunities for rest without negatively impacting productive time Under the 18-hour rule, drivers will be less inclined to speed, drive aggressively or take risks in order to complete trips within a 16-hour window Under the 16-hour rule, there will be incentive to extend a stop (that otherwise might be for 7 hours) to 8 hours in order to create a new day. Under this scenario, drivers will be away from home or a hotel even longer which increase fatigue Less incentive for driver to speed and take risks in order to complete trips within a 16-hour window US drivers when in Canada will be less likely to violate Canadian regulations
Trucking Associations	
Alberta Motor Transport Association	If the additional 2 hours is used for rest, then road safety should be improved.
NLITA	Road safety is everyone’s business. The onus should be placed on the whole of the transportation industry to comply with the regulations, not just the drivers.
Interest Groups	
Trucker’s Voice	The safety programs that are in place work but only if and when the carriers abide by and enforce their own policies. With all the liability shifted to the driver and/or the owner/operator, carriers look the other way and/or encourage shortcuts for financial gain.

Comments about Road Transport Productivity

Owner Operators and Carriers	
CJD Trucking	Productivity will suffer because any delays caused by shippers/consignees/ border crossing will delay the shipment sometimes for a

	whole day.
Safety Sharp Transportation Systems	
T-Lane Transportation	Won't change productivity from current status – new rules are simply where they should have been years ago.
UPS Canada	16-hour provides both the company and the driver with the flexibility to adjust schedules
Owner-Operators Business Association of Canada	Why would driver actually want to “work” another 2 hours a day - without pay – just to give the shipper the opportunity to waste more of a trucker's time? It's pretty clear from reading the quarterly financial reports from some of the larger U.S. carriers that the new HOS has actually improved earnings. Capacity is at a premium, and carriers that can supply trucks to meet shippers' demands, are apparently able to exact a premium price for literally just showing up. It's counter intuitive (and counter-productive) to be asking for more opportunity to give our time away –or to be more precise, to give the driver's time away.
Bus Companies	
Greyhound Canada	Will be required to review all schedules, which will include a frequency review. Charter customers will need to be educated on the HOS and not expect drivers to operate beyond the regulations.
Motor Coach Canada	The charter and group tour business is unlike the trucking industry where productivity is measured by distance traveled over time, and where driver off-duty periods are deemed unproductive. Non-discretionary periods of time off during a charter/tour coach driver's day are the norm rather than the exception. Typically, coach drivers seldom accumulate 13 hours of driving or reach 14 hours of on-duty time, so these limits are not expected to pose any difficulties. However, productivity, logistical challenges and operational inefficiencies become an issue if drivers will be forced off the road come the 16 th hour. Coach companies will have to arrange for a second driver (at considerable cost) to meet the coach to complete the trip, or alternatively, itineraries will have to undergo drastic modifications that will impact affordability make coach travel less competitive with other modes and options. An 18-hour window should allow sufficient time for most charter trips and tours to be conducted while providing time for quality rest periods during the day when the driver is off-duty. The regulation needs to recognize the flexibility required by our industry to continue to remain competitive and to grow the travel and tourism industry and in turn, the Canadian economy. An 18-hour window rather than a 16-hour window will help in this regard without negatively impacting safety.
Trucking Associations	
Alberta Motor Transport Association	On those occasions where additional rest is required productivity is maintained if the maximum driving hours are used.
NLITA	Drivers can only be as productive as the shippers they have to deal with. Less wasted time at the docks or greater compensation for drivers who are forced to waste valuable time would increase productivity.
Interest Groups	
Trucker's Voice	After a shut down by truckers in Brampton in 2003, The Truckers' Voice helped Canadian National implemented the truckers' suggestions of better time management. Once executed, their productivity increased because, although drivers were not given additional hours, they learned by managing the truckers time their productivity increased.

Comments about Enforcement and Administration

Owner Operators and Carriers

CJD Trucking	24-hour closing is definitely easier to administer, but with proper training the 26-hour clock could become understandable to most.
T-Lane Transportation	New rules will probably reduce revenue generated by enforcement as well the new rules will reduce the incidents of “out of service”
Safety Sharp Transportation Systems	Most enforcement officers on the side of the road as well as most drivers don’t understand the current regulations once they get beyond the 13-hour and 15-hour rules in Canada and the 11 and 10 hour rules in the US, I doubt they will find the 18-hour proposed rule any easier to understand.
Owner-Operators Business Association of Canada	
Bus Companies	
Greyhound Canada	Better able to monitor 24-hour day – by company personnel and law enforcement
Motor Coach Canada	The 48-hour averaging provision is prone to misunderstanding and confusion. It will complicate driver training and enforcement and increase enforcement and administration costs. The 18-hour proposal is much simpler for all concerned and will result in increased compliance.
Trucking Associations	
Alberta Motor Transport Association	Both require enforcement to be diligent in order to catch those who abuse the rules and hinder safety.
NLITA	Flexibility must be built in to enforcement and administration. The fact that a lot of provinces do not have designated rest areas must be taken into consideration.
Interest Groups	
Trucker’s Voice	Law enforcement has been dealing with angry and tired drivers for years. Should the proposed 18-hour day be implemented, you would be placing your front line people in danger as drivers try to make up 2 hours daily, everyday. This will only increase the image of law enforcement as the enemy, trying to penalize them for whatever the economy or the carriers are forcing them to do. Frustration, fatigue and anger will grow.

Comments about Driver Working Conditions and Lifestyle

Owner Operators and Carriers	
CJD Trucking	16-hour window will cause unnecessary stress as driver may need to “catch up” after a delay.
JTC – Reimer owner operator	It is important that government force companies to pay for lost time in road closures. Otherwise drivers are required to make up for lost miles in order to earn lost income.
T-Lane Transportation	Very little change.... the industry will finally not have to have a “dirty little secret”. The new rules simply allow the industry to do what is already happening.
Safety Sharp Transportation Systems	Horrible! You who are reading this response, would you want to devote 90 hours in six days to your job a large percentage of which would not be compensated??? Not safe and not healthy!!!!
UPS Canada	As long as the 10-hour off duty rule is maintained, the 16 hour window will provide a driver with an adequate work-life balance

<p>Owner-Operators Business Association of Canada</p>	<p>As it stands today, there are no practical limits to the driver's workday, meaning a driver can continually cycle between driving, on- and off-duty, and sleeping. This kind of a routine promotes fatigue by destroying the body's ability to cycle through the necessary phases of sleep. Many drivers who work on a routine like this find themselves in need of a nap during the day. A driver who gets a core sleep of at least eight hours per night would be better rested, and better able to cope with a 14-hour workday. The two additional hours granted under the 16-hour window assure a driver will have adequate opportunity for naps or rest breaks (up to two hours) without penalizing those who choose to take them by cutting into their window of opportunity to earn revenue.</p> <p>Oddly, the preamble to this request for stakeholder input speaks to the need to address "off-duty" delays: "It should also be noted that the working window exists to address off duty delays such as shipper or consignee loading/unloading etc."</p> <p>As defined in the original proposal, delays experienced in waiting to load or unload are considered "on-duty" time. See the following excerpt from the "Interpretations" section 1. (1) of the proposal: ". . . 'on-duty time' means the period that begins when a driver begins work or is required by the motor carrier to be available to work and ends when the driver stops work or is relieved of responsibility by the motor carrier, and includes driving time and time spent by the driver [including] (e) waiting for a commercial vehicle to be serviced, loaded or unloaded. . ."</p> <p>If this delay time, often referred to as lost productivity, is to be deemed off-duty, then the spirit of the regulation has been violated. If this time, formerly considered "on-duty," and therefore to be counted when determining the driver's working hours, can arbitrarily deemed off-duty as it suits the driver, should any and all time a driver spends on-duty be considered worthless?</p> <p>Under the present rules, this time is rendered worthless by virtue of the fact drivers can log off-duty or in the sleeper, saving this valuable lost time to be made up later in the day by running when they should be sleeping.</p> <p>This is the sole biggest fault with the present regulations. If the 18-hour window becomes law, then drivers are back where they started in 1984, sleeping and driving at the whim of the carrier and the shipper with no regard for circadian cycles, the need for core sleep taken at regular intervals, or their ability to earn a decent living in a reasonable amount of time.</p>
<p>Bus Companies</p>	
<p>Greyhound Canada Review of HOS was to improve drivers' lifestyle and increase time at home. This is better accomplished by the 16-hour option.</p>	
<p>Motor Coach Canada</p>	<p>Proponents of the 16-hour rule argue that it is needed to standardize a 24-hour work-rest cycle in consideration of drivers' circadian rhythms. They may argue that moving to an 18-hour window will disrupt this cycle and increase driver fatigue. However, a regular 24-hour work-rest cycle is not achievable even under the 16-hour rule, because the proposed regulations do not stipulate the same start and end times for every day throughout a cycle. There can be any number of work-rest combinations that will result in a "day" that is shorter or longer than 24 hours. As the OTA has pointed out, fatigue is much more likely to result from "phase advance" where a driver starts work earlier each day on successive days which is perfectly legal under the proposed regulations. The 18-hour window would achieve the opposite, since a driver's start time could be up to two hours later from one day to the next. This is called "phase delay" and should not create any safety concerns.</p>
<p>Trucking Associations</p>	
<p>Alberta Motor Transport Association</p>	<p>The 18-hour window provides an option for the driver to take additional rest time to manage fatigue and maintain the same income.</p>
<p>NLITA</p>	<p>Quality of life for drivers is not allowing them to work more hours to make a living. Quality of life is developing an industry with more drivers being paid a better salary so that there can be a life outside their trucks.</p>
<p>Western Professional</p>	<p>An 18-hour working day is something people worked very hard to get rid of in Victorian times. Are we going backwards?</p>

Truckers Association	
Interest Groups	
Trucker's Voice	<p>The views of the industry and those of the truckers' families are on opposite ends of the spectrum. The carriers believe that the drivers should live in their trucks, be available to leave at a moment's notice and do this for wages most commonly under the minimum rate. The families must deal with the daily phone calls filled with anger, frustration, isolation and worry. Earning a reasonable wage, having adequate rest and eating properly help drivers deal with matters that are beyond their control and allow them to take the necessary down time without fear of repercussion or retaliation. A good example of this was published in the February 2002 issue of Truck News. The article reported how the CEO of Reimer viewed how the trucking industry was dealing with the driver shortage, their lifestyle and working conditions. This article, versus a reply from a driver's wife, clearly illustrate different solutions to the same problems. It is easy to see why there is a shortage of drivers when the industry is incapable of understanding, or refuses to deal with, the drivers' issues. An increase in hours per week is not the answer! To illustrate my point, I have attached the Truck News' article along with the reply (which was not published).</p>

Comments about Supply Chain Management/Product Shipping

Owner Operators and Carriers	
CJD Trucking	Shippers and borders need to be held accountable for unnecessary delays – possible through legislation. It always seems to be the attitude within the shipping community that truck/trailers are a free source of warehousing. This attitude must change and I don't see it changing voluntarily.
T-Lane Transportation	Shippers/receivers should be held legally responsible for any truck held over a certain amount of time. For example..... If a truck is held more than two hours the shipper is required to compensate them for this time. It should be required by law that the trucking co. can NOT keep this money and should be passed to the driver. Just like it is illegal for a dispatcher or operations to tell a driver to violate HOS it should also be illegal for a shipper to expect a driver to violate HOS. This of course should also be enforced.
Safety Sharp Transportation Systems	Will provide more time and in some cases restore the means to the shipper to “screw” the driver without benefit of suffering any consequence for delays.
Owner-Operators Business Association of Canada	<p>Interestingly, many of the problems and advantages of either proposal are being evaluated in the context of the way industry currently does business. As we've seen in the U.S. since the introduction of their restrictive 14-hour workday, the way carriers do business with shippers is changing. It's reasonable to expect things to change in Canada as well, once the rules change.</p> <p>Current industry custom and practice does not encourage payment to drivers for waiting time at loading docks, and competitive pressure creates resistance on the carrier's part to charge detention time. The HOS rules in place today do not apply a finite limit to the drivers' workday, so common practice is to forfeit the delay time, knowing that at some time later in the day, the driver can make up the lost time by driving later in the day. All that's required to accomplish this is to log into a split sleeper berth routine, and log the delay time as sleeper-berth time.</p>

	<p>In examining the impact of any proposed new rule, the discussion must extend to the changes the rules would precipitate. In this context, and as has been the case in the U.S., carriers have been fairly successful in levying surcharges against tardy shippers. This has allowed two things to happen: a) drivers are moving in and out of the docks faster than in the past, and b) shippers have been paying delay time, when it occurs. If the earning potential previously lost to uncompensated delay time can now be recovered through surcharges and delay penalties, where is the need to generate operational flexibility?</p> <p>It appears that the proponents of the 18-hour window feel it would be more advantageous not to seek delay charges from their customers – and not to have to pay drivers for lost earning time – than to be handed a mechanism that forces an examination of the value of the time spent wasted at a loading dock, and the ability to recover some of that time.</p> <p>Once it is recognized by everyone in the supply chain that it takes a certain amount of time to travel between two points, and that drivers have a limited window of opportunity to accomplish the task, time wasted by any party in the chain will become less tolerated. Delays that cannot be made up for by the driver will become more obvious, and the parties will have to develop ways of removing those inefficiencies from the system.</p> <p>Take away the “threat” of penalties for delaying a truck, and you also remove any incentive to fix the problem – a problem that currently doesn’t exist because it doesn’t cost industry anything.</p>
<p>Trucking Associations</p>	
<p>Alberta Motor Transport Association</p>	<p>There is no change in driving time so there is no impact. The exception would be if a driver used driving time for rest in the 16-hour window.</p>
<p>NLITA</p>	<p>The practice of just enough just in time must be discouraged. Shippers and dispatchers that are releasing shipments or loading trucks leaving drivers just enough time to meet their appointments is just not acceptable. This puts added stress on drivers and reduces their productivity.</p>
<p>Interest Groups</p>	
<p>Trucker’s Voice</p> <p>Waiting time and just-on-time freight both contribute to the chain of time management. Dispatchers, management and sales persons make unrealistic promises in order to get a contract and then expect the driver or own/operator to make it happen. The trucking industry cannot be expected to be a warehouse on wheels without compensation. Whether the customer needs it before they run out of product or don’t have room to unload the truck but want the driver to wait, it all comes down to the driver or owner/operator having to meet unrealistic needs with all the responsibility of making it work without compensation. Industry doesn’t want to know nor have they asked how the drivers’ do it, they just want it to happen. Big companies started this practice to save money and now everybody has come to expect freebies. Carriers are fast to offer the driver’s time for free. It is only common sense to expect each player to take responsibility for his or her role in the flow of product.</p>	

Comments about Other Factors

<p>Owner Operators and Carriers</p>	
<p>CJD Trucking</p>	<p>Truck drivers are professionals in every sense of the word. We need to work hard to change the public perception of the industry as a whole. We need to give our drivers the training and ability to manage their time in a safe and efficient manner.</p>
<p>Safety Sharp Transportation Systems</p>	<p>With the new US HOS rules there was a small indication of some support from Canadian shippers that they had to at least consider the shortage of hours and the extra no-pay off duty hours was growing. This 18-hour rule would again remove the responsibility of the shipper to plan properly.</p>

Bus Companies	
JTC – Reimer owner operator	This industry is based on miles for income. Downtime, delays, road closures cost operators lost income. The basis of most problems in the industry.
Greyhound Canada	Financial impact on operator requirements, schedule and frequency. Impact on charter/tourism industry.
Interest Groups	
Trucker’s Voice	<p>When a driver faces endless irritants on a regular basis, over a period of time, it turns to anger causing, in some cases, insomnia and eating disorders. The consumption of energy used over the various occupational frustrations cannot be replaced at the rate it is being burned. Not only does this have an effect on the driver but also on everyone with whom they are in contact. Anger utilizes a lot of energy resulting in fatigue at a much quicker rate. With the pressures of this industry increasing (i.e., freight time; traffic congestion; long lines at border crossings; exorbitant fuel costs), forcing an additional two unpaid hours will only compel drivers to look for shortcuts. This brings us full circle to the Hours of Service in use today. Drivers will stop recording waiting and loading/unloading time. Carriers and dispatchers will require drivers to use these two hours while they wait. You will be forcing drivers to work for free and drivers will feel they must recover two hours a day, everyday. The ability to maintain this pace decreases with each passing day and increases the fatigue and anger.</p> <p>Anger is already a problem with drivers - just ask the people on the front lines: MTO officers; custom brokers; and, law enforcement. We have had daily contact with drivers and spouses for the last four years and have noticed an increase in their frustration level, anger and depression.</p> <p>Spouses are sharing their feelings of helplessness and fear over the unpredictable behavior of their loved ones.</p>

Other Comments or Suggestions

Owner Operators and Carriers	
JTC – Reimer owner operator	All this is based on single Operations. There are no real provisions on double operations. Tine off is a premium requirement in this industry. There are no provisions made in double operations under federal law. Other worker are governed by hours allowed to work in 7 days. We need better laws to make this industry a better place to work stress free.
GRC – Owner Operator	The drivers and owner operators in this country do not need HOS regulations that are made for the shippers and carriers. The need regulations that make sense and protect them from the unscrupulous.

Safety Sharp Transportation Systems	<p>The answer is of course to increase the rates, pass along some responsibility for accident/incidents/OS&D losses to shippers who disregard the HOS rules.</p> <p>Freight rates must be increased.</p> <p>Driver and owner-operator pay must increase.</p> <p>This long haul on the road for a life time across North America for weeks on end has to end.</p> <p>A system of "handing off" freight to other drivers and ensuring drivers have a "home life" is paramount.</p> <p>We went from terminal to terminal operations allowing drivers to return to home terminal in a few days to at least the weekend to what we have to-day and that is: across country until the driver threatens to quit, give him/her a couple of days off and revert to the same.</p> <p>Has anyone had a look at the terrible home life our long haul driver has also the high divorce rate?</p> <p>We have been studying this issue for over ten years and have not yet come to any sensible conclusion. In a very few months a handful of planners planned, developed and launched the Invasion of Europe in 1945.</p> <p>We don-t seem to be able to take a 24-hour day and determine how many hours out of this 24-hour day a driver can drive, work and relax!</p> <p>Give me a small committee of knowledgeable industry folk, and I guarantee you answer before Jan 1/2005.</p> <p>Thanks for the opportunity to comment.</p>
Bus Companies	
Greyhound Canada	<p>Why are these options being tabled at this time? Bus industry has been told repeatedly that Transport Canada is not accepting any options for discussion.</p> <p>It is imperative that Transport Canada reviews the impact of the proposed regulations one year after implementation.</p>
Cardinal Coach Lines	<p>We do not agree with the proposal to extent the 16 hour day to 18 hours, particularly as it applies to bus operators. We acknowledge that where a sleeper berth exists hours of work on duty and driving may be acceptable up to 18 hours. However, this does not apply for bus drivers where pulling into roadside rest areas is not an option.</p>
Motor Coach Canada	<p>Our comments within this submission are predicated on our interpretation of the meaning of a "day" in the proposed regulation. It is our interpretation that a "day" for the purposes of determining the available driving time (13 hours), on-duty time (14 hours) and mandatory off-duty time (10 hours) is the 24 hour period that commences upon the driver resuming work after a period of at least 8 consecutive hours of off-duty time. With this interpretation, the 8 consecutive hours off-duty is a reset and a new day begins once the driver goes on-duty again. This interpretation is consistent with Standard dated August 13, 2002 based on the agreement reached at the CCMTA Project Group Meeting in Ottawa, July 29-30, 2002</p>
Trucking Associations	
Western Professional Truckers Association	<p>We fail to see what benefit can be gained from an 18 hour working window unless the definition of "on-duty" is changed. As we understand it "on-duty time" includes driving time and time spent by the driver:</p> <p>Paragraph (c) waiting for a commercial vehicle to be serviced, loaded or unloaded.</p> <p>Paragraph (h) waiting at an en-route point because of an accident or other unplanned occurrence or situation.</p> <p>As we se it the reason for extending the working window is to enable drivers to book off-duty when they are held up at "delays en-route" or by what are euphemistically called "supply chain management delays" when by definition these are on-duty situations. Off-duty time by definition is time when the driver is not under the control of the employer. If drivers are not totally free to do as they please then they are not "off-duty".</p> <p>We are of the opinion that the 16 hour working window was to enable drivers to have adequate rest and refreshment breaks during the day and provide time to deal with personal issues and still have an 8 hour continuous rest period within the 24 hour day which</p>

	<p>would be in line with the body's circadian rhythm. We are of the opinion that the 2 hour deferral provision in the regulations is more than adequate to cover situations where unavoidable delays occur. If an 18 hour working window is adopted then we can see situations developing where the 8 hour rest period will be pushed back until it is half a day out of sync with that which the driver started out with. We feel that this situation is contrary to what all of the fatigue management studies have shown. Once again it will be the driver that is made to suffer for inefficient management and scheduling. If this proposal is adopted we can see no incentive for shippers to improve the system and reduce delays. Sleep is the principle countermeasure to fatigue. All drivers need to ensure that they obtain adequate sleep and they must be given the opportunity to obtain adequate sleep. Work schedules should be designed to fit the worker and not the worker made to fit the schedule if the safest and most productive transport system is to result. This association is totally opposed to the 18 hour working window.</p>
<p>Unions</p>	
<p>Communications, Energy and Paperworkers Union of Canada</p>	<p>Excerpt from letter sent directly to Minister of Transport on November 9, 2004: On behalf of all the truck drivers who are members of the Communications, Energy and Paperworkers Union, I want to express our total opposition to an 18 hour day for truckers. That such a proposition could even be seriously considered by the CCMTA in 2004 is appalling. Drivers would have just 6 hours out of 24 to get home, eat, sleep and return to work, completely ignoring the need for family contact, social life and leisure. (The letter reiterating the CEP's 2002 position that truck drivers should work no more that 12 hours a day and 60 hours a week.</p>
<p>Teamsters Canada</p>	<p>Teamsters Canada supported the new 13 hours of driving and 14 hours of service rules as a compromise. We believe reports of drivers "falling asleep at the wheel" are under reported. The new rules will ameliorate the situation, but it will not eliminate it. The most important feature of the 14 hour rule allowed truckers to finally work under a 24 hour clock. This would permit a balancing of the circadian cycle within a punishing work schedule. It is safer for drivers and the public who share the road with trucks. The compromise was partly based on the arguments of the trucking companies that strongly argued that they needed time to adjust to the new rules; to permit some flexibility when the rules were implemented. Yet, before the new 14 hour of service rule is in place, the "industry" is calling for increased hours of service to permit some flexibility. Hours of Service is a simple concept. The Hours of Service run from punching in through to punching out. They include all hours when a trucker has care and control of a rig. The proposed 16/18 hour window promoted for reasons of safety is laughable and nothing more than an attempt by the "industry" to not just role back the clock. Under this proposal, truckers will not only be on the road as they were, but they will be on the road longer than ever before. Given the limits set by the terms of reference, we will raise four major problems raised by the 16/18 proposal. Sleep. The 14 hours of service would mean truckers would be awake 15 hours in a day. The 16/18 proposal would mean truckers would be awake 17 to 19 hours in a day. Two to four hours sitting in a Tim's or at the side of the road cannot replace two to four hours sleeping in a bed. The 14 hour of service rule respects the circadian cycle, the 16/18 proposal counters it. It is not logical. It is worse than even the current rules. It is not safe. It will turn the clock back to the bad old days of bennies and beans, "pharmacies on wheels". "Delays due to scheduling, traffic congestion, loading and unloading can occur that are beyond the control of the drivers... (D)elays can result in a driver not being able to complete the trip, or they may feel compelled to alter their logbooks". Transport Canada paper, August 30, 2004. Logbooks. Changing rules to legalize cheating on logbooks is not the solution, enforcement and electronic logbooks are. Obviously, an accepted fact, the 16/18 proposal leads to the conclusion that this is a carte blanche to cheaters to drive 16 or 18 hours a day. The</p>

	<p>eight hour mandatory rest rule offers no comfort. If a trucker cheats on the hours of driving because they are unable to complete the trip, they will cheat on the mandatory rest.</p> <p>Productivity. The 14 hours of service would force employers and clients to improve their methods. This would increase productivity, narrow the industries productivity gap with the U.S. transportation sector, thereby increasing Canada’s economic performance. Rather than working truckers to death imperiling public safety, we would support Government incentives or subsidies to assist the industry improve its management and methods. The 16/18 proposal seems to be driven by the Montreal-Toronto corridor. Increasing the off duty period is not a safe solution to facilitate the transport of goods in the MTL-Toronto corridor. Improving management techniques and reducing traffic congestion in those two cities through better infrastructure is the long run solution – a safe solution.</p> <p>Shortage of Drivers. “Sweat Shops on Wheels” will not retain professional drivers in the industry nor enhance workers to seek a career in trucking. 14 Hours of Service moves the industry in the right direction.</p> <p>The 16/18 proposal is a thinly disguised attempt to increase Hours of Service. A full regulatory impact study is required coupled with a full public vetting by the House Committee on Transport. A driver arriving in Toronto, Montreal or Vancouver after being awake for 18 hours and perhaps the same behind the wheel is not safe. Teamsters Canada does not support any change in Hours of Service beyond the 14 Hours of Service agreed to. We also believe the public will not support any change to the Hours of Service; rather, they would support a reduction in both the hours of driving and the Hours of Service.</p>
<p>Interest Groups</p>	
<p>CAA</p>	<p>As a long-standing member of the Working Group on Hours of Service, the Canadian Automobile Association (CAA) is disappointed that the current call for comments about the 18-hour window of elapsed time was deemed necessary at this stage of the regulatory review process. Discussions regarding the provision of a new <i>working window</i> should have taken place at a much earlier stage and should have been clearly articulated to the public and stakeholders long before now.</p> <p>CAA was notified about the current consultation process in late-October and given only a few weeks to consider the options being proposed. This tight time frame and the lack of detailed information and research puts us at a disadvantage because we are being asked to make a hasty decision that may affect the personal safety of motorists on our roads and highways.</p> <p>As clearly stated in our <i>Statement of Policy</i>, “CAA supports the hours of service changes proposed by CCMTA as a first step to improving the regulatory regime.” The proposal also reflects our policy recommendation, which states that commercial vehicle drivers’ on-duty hours should be limited to a maximum of 14 hours with no more than 13 hours of driving.</p> <p>We recognize the value of a <i>working window</i> as a core element in the Hours of Service regulations. We are, however, committed to the process of consultation that led to the agreements by all stakeholders, which were finally adopted as the proposed regulations detailed in the Canada Gazette Part I, February 15, 2003. This is why we favour the 16-hour provision, and are reluctant to consider a new option without adequate research, information and consultation.</p> <p>We understand that under the current regulations, there is no “working window” – drivers operate on a rotational work/rest system and can take as long as they need to complete their driving shift. The proposed working window is being considered as a means 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. Upon reaching either 13 hours of driving or 14 hours on-duty, a driver would be required to take at least 8 consecutive hours off duty in order to separate the hours of duty with a period of adequate rest. We also understand that both options will be based on 14 hours of duty with no more than 13 hours spent driving.</p> <p>The 16-hour working window of elapsed time is based on a 24-hour day (16-hour working window, 8 hours off-duty) and is linked closely to the body’s normal circadian rhythm, which runs on a 24-hour cycle with distinct periods where sleepiness naturally occurs.</p>

Conversely, the 18-hour proposal, with eight consecutive hours of core rest, means a 26-hour day. Our concern with the proposed 18-hour window – based on what we know today - is that it is out of synch with the body’s circadian rhythm and will promote fatigue in commercial drivers, which in turn will affect their ability to drive safely on the roads they share with Canadian motorists¹. According to research, the influence of the circadian cycle on fatigue appears to be greater than the time on duty or the number of hours of driving. Drivers, because they are engaged in a complex task, are particularly at risk, often showing greater signs of fatigue in the period between midnight and dawn.

Research has shown that after 24 hours of sleeplessness, participants are about as impaired as they would be at the 0.10 percent level of blood alcohol. ² After 17 hours, they are about as impaired as they are with an alcohol level of 0.05 percent – a level at which many Canadian provinces may impose administrative license suspensions. Studies have also shown that crash risk increases as the number of hours on duty increase.³ Other studies have also shown that many truckers do not get as much sleep as they need to be alert behind the wheel. Some are pushing the hours of service limits and are not adhering to existing limits. When they do take breaks, many drivers do not spend that time sleeping and, as a result get far less rest than they need. In addition, there are indications that these drivers may currently not have enough time to get proper sleep, eat meals, travel to and from work, and handle family and social obligations.

In addition to the issue of the quantity of sleep, many commercial vehicle drivers are not getting the requisite quality sleep. Unfortunately, the unconventional hours worked by commercial vehicle drivers creates many health problems, including sleep disorders. Increased risk also results from drivers who are inexperienced, or who use alcohol or drugs, or who are inattentive, distracted, or aggressive behind the wheel. There are also many economical pressures on drivers to make the most use of their time on the road.

But safety of the public remains paramount to these pressures. In the end, biological factors must continue to guide decisions and safety concerns should not be overshadowed by industry and economical needs.

To promote safety on the roads, commercial driving regulations should be based on the 24-hour cycle and allow as much time as possible for drivers to get quality sleep. Unless and until scientific research demonstrates otherwise, new regulations should not increase the working window or on-duty time in the interest of road safety for all motorists.

We also remind the government that it is imperative that regulators remain sensitive to the Road Safety Vision 2010 sub-target on commercial vehicle safety. According to Transport Canada, an ever-increasing amount of goods are transported by commercial carriers and the share of serious collisions involving commercial vehicles is holding steady over the years.

On average, crashes involving commercial vehicles account for approximately 20% of all traffic fatalities and 10% of all serious injuries each year. While the drivers of other vehicles are more often at fault in fatal crashes, collisions involving serious injuries show that commercial and non-commercial vehicle drivers are equally at fault. CAA does not believe that the Road Safety Vision 2010 target for a 20% decrease in the number of road users killed or seriously injured in crashes involving commercial vehicles will be advanced through the implementation of an 18-hour working window in the Hours of Service regulations.

CAA members repeatedly report that they are concerned about their personal safety when sharing the road with trucks. Their concern would accelerate if they were faced with sharing the road with drivers who have worked an 18-hour day.

Current CAA policy supports the proposed regulations as a work in progress, but suggests as a further step that, “On reaching an

¹ Drowsy Driving and Automobile Crashes. NHTSA Expert Panel on Driver Fatigue and Sleepiness.

² AAA Foundation for Traffic Safety.

³ Driver Fatigue and Alertness Study.

	<p>accumulation of 60 hours of on-duty time in any five-day period, a driver should have at least 48 hours of off-duty time before driving again, to ensure sufficient recuperative sleep.” In the interest of motoring safety, CAA encourages Transport Canada and enforcement authorities to research and evaluate the effectiveness of the Hours of Service regime and make further reductions to driving times, as needed, based on scientific evidence and crash data.</p> <p>In summary, CAA supports a 16-hour working window and is opposed to an 18-hour working window. To promote road safety, CAA encourages regulators to move quickly in resolving this and any other outstanding issues which could further delay introduction of the proposed new regulatory regime.</p>
<p>Interest Groups</p>	
<p>Trucker’s Voice</p>	<p>At the CCMTA meeting in 2000, the CTA agreed that this was a closed issue. The CCMTA studied and researched the hours of service rules and produced what all parties felt met the needs of everyone concerned. The claim now of financial burden from industry holds no merit, as the financial cost will be passed onto the customer. By supporting the CTA's allegation, you are assuming that Canadian drivers are willing and more than happy to take a financial decrease in their earnings to appease and benefit all of the other players! Rather than import drivers from Vietnam, England and other places from around the world, the CTA should deal fairly with the Canadian drivers and owner/operators who have helped to successfully build their companies. The Canadian Trucker only wants, and is entitled to, what everyone in the workforce receives - financial compensation for work performed (i.e. honest pay for honest work). Experienced drivers like myself, are choosing to leave this industry because of the way this industry treats the very people who make them money.</p>

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