



## **Canadian Trucking Alliance CTA**



### **Council of Ministers Responsible for Transportation and Highway Safety** *Trucking Harmonization Task Force*



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#### **Canadian Trucking Alliance**

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The Canadian Trucking Alliance (CTA) is a federation of provincial trucking associations. With over 4,500-member carriers, CTA represents a broad cross-section of the industry – all sizes, regions, commodity-based service and specialty. Our members employ approximately 150,000 Canadians and are responsible for providing about 70% of the country's road freight needs. The CTA's primary role is to put forward the trucking industry's viewpoint on national and international policy, including regulatory and legislative issues that affect trucking.

Trucking is the dominant mode of freight transportation in Canada, moving approximately 90% of all consumer products & foodstuffs and almost two-thirds (by value) of Canada's trade with the United States. The industry generates over \$65 billion in revenues per year, with the for-hire sector accounting for over \$40 billion of that total. In terms of GDP, the transportation services sector represents 4.2% of total economic output, or \$53 billion. The for-hire trucking sector accounts for 31% of the total share – more than air (12%), rail (11%) and marine (2%), combined. The trucking industry is responsible for creating over 400,000 direct jobs in Canada – 300,000 of which are truck drivers. Nearly 1% of the Canadian population and over 1.5% of the labour force are truck drivers by profession. The for-hire segment of the industry produces roughly \$24 billion in personal income on an annual basis, which in turn generates \$4.2 billion in personal income taxes and \$4.1 billion in indirect taxes for government.

With over 150,000 provincial and territorial domiciled trucks and many thousands more US based vehicles enrolled in the International Registration Plan (IRP) – the North American vehicle registration system that monitors inter-jurisdictional trucking activity, CTA appreciates the opportunity to provide input into the trucking harmonization initiative. With tonne-kms travelled by truck inter-provincially and internationally representing 31.6 % and 39.7% respectively, reflecting close to 30 million truck trips moving across jurisdictional boundaries, we want to ensure we provide the government of Canada and the provinces our perspective on issues that can impact annual trucking movements between the various jurisdictions.

CTA applauds the government of Canada and the provinces for embarking on this initiative. We have identified several areas at a high level that CTA believes require further attention by all governments to support the trucking industry, its workforce of professional women and men and the Canadian supply chain.

We have grouped our issues into the following categories: driver & carrier and equipment. Each issue is then flagged for its impact on such things as productivity, environment, level playing field and safety and represented by the following symbols:



## Driver & Carrier Issues

### *Electronic Logging Devices (ELDs)*



Electronic Logging Devices are integrated with a commercial vehicle's on-board electronic systems and used to monitor and track driver compliance with existing truck driver Hours of Service (HOS) regulations. ELDs increase the accuracy of tracking driving hours (to ensure that allowable driving hours are not exceeded), and reduce the administrative burden and driver time associated with filling out paper logbooks.



Commercial vehicle safety in Canada is a responsibility shared between the federal and provincial/territorial governments and the industry. The federal government is responsible for limited operational matters for commercial bus and truck motor vehicles under the Motor Vehicle Transport Act. The HOS regulations are both federal

(interprovincial and extra-provincial) and provincial (intra-provincial). The provinces and territories are responsible for the enforcement of safety on Canada's roads and highways, including the enforcement of the federal HOS regulations and driver licensing. The industry is responsible for monitoring and managing their drivers and their HOS compliance.

Transport Canada has recently published a Canada Gazette I Notice that proposes to amend the federal Commercial Vehicle Drivers Hours of Service Regulations to require the use of ELDs by federally-regulated motor carriers and commercial vehicle drivers to electronically track Hours of Service (HOS) and demonstrate compliance with the Regulations. CTA expects the federal ELD proposal to be finalized and regulations announced by Transport Canada in the second quarter of 2018. While a two-year phase in is proposed which reflects the historic position of the industry, CTA would like to see the regulations enforced by no later than Q4 2019. During the transition time CTA and the provinces must work together to ensure enforcement policies are consistent across all provinces and determination/triggers of soft policy enforcement are made in 2018 with the finalization of the regulation. The CTA Board of Directors supports the following position which will form part of CTA's commentary to Gazette Pt I:

Be it resolved that

- Given the current anticipated timeframes for adoption of an ELD mandate in Canada, CTA suggests that the gap between implementation in Canada and the United States will be unacceptably long from both a safety and competitiveness perspective. CTA calls upon the federal government to publish the final ELD rule in Gazette Pt II by no later than June 2018.

- Regardless of Gazette II publication date, CTA calls upon all the provincial governments to introduce and pass their own regulations so that hard enforcement commences no later than the end of 2019. CTA further recommends that all provinces adopt the federal regulation by reference to accelerate the regulatory/legislative process.
- The CTA position must still take into consideration the transition challenges for domestic fleets and provincial governments legislative/enforcement process. All current sectoral exemptions issued by Transport Canada regarding hours of service/log books should remain in place. (Oil sector/forestry).

CTA calls upon each provincial transportation Minister to declare their support for

- a universal ELD mandate (intra/inter provincial carriers) by January 2018.

CTA calls on each provincial ministry of transportation to begin educational enforcement of the ELD mandate as soon as possible. Such educational enforcement will help prevent the calls for extending hard enforcement beyond Q4

- 2019.

CTA expects that during the transition to hard enforcement that all provincial enforcement agencies will focus sufficient effort on the segment of the industry that will be utilizing paper log books to ensure compliance with the out-of-service regulations, leading to improved highway safety and some degree of level playing field.

### *Adoption of Federal Hours of Service Regulatory Regime to Intra-Provincial Trucking*



The federal hours of service regulations were last amended in 2005 and came into force in 2007. The amendments were the result of 15 years of extensive collaboration and research by government and industry to introduce a regulatory regime that would serve two purposes: 1. To provide adequate rest opportunities for professional truck operators by developing a regime based on the 24-hour clock and circadian rhythms. 2. Maintaining a regime that could still support the Canadian supply chain. The balance for both safety and productivity was achieved by increasing the minimum daily off-duty time by 25%, reducing daily on-duty and driving time by 13 & 18 % respectively and adding further productivity with a reset provision that allows drivers to finish their cycle, get the needed rest away from the truck and then return to work refreshed and ready for another cycle. The majority of jurisdictions have adopted the federal hours of service for both extra and intra provincial

trucking operations. However, a few jurisdictions have not and allow intra-provincial truck undertakings to operate significantly longer hours, which has created a competitive imbalance between intra and extra provincially regulated carriers in both Alberta and Saskatchewan. The solution to this issue is for both Alberta and Saskatchewan to adopt the federal hours of service regulations for their intra-provincial trucking operations.

### *National Strategy on Rest Stops*

As rest stops are essential to the health and safety of commercial vehicle drivers, the provincial and federal governments should improve the availability and quality of rest stop facilities on main highway and arterial corridors in the provinces and territories. Rest areas will also be critical as we move forward with



an ELD mandate as noted above. The approach should look at both short- and long-term solutions. Shorter term solutions should focus on “low hanging fruit” in each jurisdiction whereby government controlled facilities and properties are explored to determine on a case by case basis where parking can be added. This could be as simple as parking offered at truck inspections stations, the conversion of existing seasonal facilities to year-round operations, the re-opening of closed government facilities or prioritizing expansion of existing facilities to make use of full property boundaries. For the longer term, a more coordinated approach should be taken whereby gaps are filled in the existing network with modern facilities (e.g. restaurants and showers etc.) that focus on parking areas for trucks. Priority should be given to a network that offers sufficient parking within 50 km of major centers as well as establishing parking facilities at a minimum of 150 km apart, but more in line with the US and Australian models of 80 km (50 miles).

### *Mandatory Entry Level Training (MELT)*

MELT was introduced in Ontario to raise the bar when it comes to knowledge, skills and capabilities of newly-licensed Class A (or class 1) licence holders. Prospective licence applicants must complete at least 103.5 hours of instruction and cover the entry-level knowledge and skills needed to safely operate a large truck on Ontario’s roads and do so at an approved training institution. One of the main objectives of raising the bar at the entry level stage is to improve road safety. While Ontario has taken the first step, other jurisdictions need to follow suit to ensure we continue to licence capable drivers consistently across the country. The logistics and knowledge to accomplish MELT has been offered to all other jurisdictions through the Standing Committee on Drivers and Vehicles at the Canadian Council of Motor Transport Administrators (CCMTA) and all jurisdictions should take advantage of the opportunities provided by the government of Ontario.

### *Drug & Alcohol Testing*

With the impending legalization of marijuana in July 2018 and the move towards zero tolerance for commercial drivers with respect to alcohol and marijuana, trucking fleets need the tools to manage their workforce. The provinces must work with the industry to allow and mandate US-style drug and alcohol testing for commercial truck drivers. There will no doubt be a legal challenge and provinces must strongly consider their responsibility to the public and road safety and support industry's efforts to implement this key safeguard.

There should also be no distinction between medical and recreational marijuana if it impairs drivers.



### *Monitoring and Rating of All US Carriers Operating in Canada*

The Motor Vehicle Transport Act (MVTA) requires all trucking operations in Canada be assigned a National Safety Code (NSC) operating number. The NSC number allows an identifier to be assigned for a particular trucking company so their activities can be monitored when operating in Canadian jurisdictions, a carrier profile established that tracks inspections, collisions and convictions as well as the assignment of a carrier safety rating. The details of the carrier profile and safety ratings are spelled out in NSC standards 7 & 14. When the trucking industry was deregulated in 1989 carrier profiles and safety ratings were to form the backbone of the safety regime that controlled trucking activities to ensure a level playing field.

Currently only Ontario and Quebec monitor US domiciled carriers by requiring an NSC number and assign safety ratings for those portions of their operations that conduct business in Canadian jurisdictions. The remaining jurisdictions do not and are in contravention of the MVTA.

To further complicate matters, many Canadian jurisdictions monitor and assign points on carrier profiles for their domiciled carriers activities while operating in the US, which is a duplicate effort already being conducted by the Federal Motor Carrier Safety Administration (FMCSA) – this is a form of double jeopardy.

This issue must be addressed by ceasing the pointing of activities in the US on Canadian carrier profiles and requiring US carriers to register in order to operate in Canada.

### *Review of National Safety Code Standards 7, 14 & 15*

Having compatible truck safety oversight systems from jurisdiction to jurisdiction is key to ensuring fairness among all carriers operating interprovincially. When a carrier's customer makes a decision on purchasing transportation services and selects a safe carrier, that decision can be made and relied upon by the customer, regardless of jurisdiction of the carrier.



To ensure the individual jurisdictions carrier profile (NSC 7), safety rating (NSC 14) and audit (NSC 15) regimes are compatible and on track with the guiding principles of the NSC standards, an unbiased, third party review has been requested by CTA to be conducted by CCMTA. This request was presented in 2015, but no action has been taken to date.

Triage and electronic inspections will now be coming online as part of the Commercial Vehicle Safety Alliance Level VIII inspection program and the carrier profiles also need to be able to account for these emerging initiatives.

## Trucking Equipment

### *Wide Single Tires*

New generation, wide-based single tires (single tires) were introduced in the early 2000's primarily as a replacement for traditional dual tires on highway tractor-trailers. The tires have less rolling resistance and weight, easier inflation monitoring and maintenance and greater safety. A key benefit is they provide the trucking industry with a tool to significantly reduce greenhouse gas (GHG) emissions.

The National Memorandum of Understanding for Interprovincial Weights and Dimensions (MoU) provides the minimum to which provinces must allow truck configurations, axle weight and dimensions to operate at. As set out in the MoU, all provinces now allow US equivalent weights for these tires, but not the equivalent weights as dual tires.

For about a decade, Quebec and Ontario have allowed single tires at 'equivalent' weights as dual tires. For nearly three years, Manitoba has allowed equivalent to dual tire weights on single tires operating on RTAC designated routes. Respectively, all of which exceed the minimum set out in the MoU and individualized to those specific jurisdictions. Other jurisdictions,



such as Alberta, Saskatchewan, New Brunswick and Nova Scotia have invested significant resources into new single tire pilots in the last year and a half, all focusing on equivalent weights to dual tires within their respective provincial regulatory regimes.

*The existing MoU limit for single tires accommodates:*

- US trucks equipped with single tires entering and leaving Canada;
- Canadian tractor-trailers dedicated to north/south hauls between Canada and the US at US weights;
- Canadian tractor-trailers that operate exclusively within provinces that allow equivalent to dual tire weights.

*The situations outlined above represent a minority of Canadian highway tractor-trailers.*

*At the same time the MoU restrictions impede:*

- Canadian tractor-trailers serving the US that also do domestic moves within Canada, either as part of a triangular movement or as the need arises;
- Canadian domestic tractor-trailers if they travel (or may travel) into areas that restrict their use;
- The impediments forces use of dual tires to avoid weight penalties:
  - Places most Canadian vehicles at a competitive disadvantage with US trucks equipped with single tires;
  - Existing restrictions extend far beyond the region where they are imposed as they also impact other vehicles that may travel into or through that region.

While the MoU does accommodate some aspects of wide single tires, it is clear it does not go far enough to support Canadian interprovincial truck travel. This issue has been discussed at length for decades and advances have been stymied by concerns over pavement damage. Additional provincial and municipal coordination may also be necessary on this issue in some jurisdictions.

To break the logjam on this issue, CTA has proposed a three-pronged approach to moving this issue forward at the National Task Force on weights and dimensions and is hopeful the trucking harmonization task force can also lend its support to addressing the issue of single tires in the MoU. It is also important to note the MoU establishes a minimum base-line and this proposal does not impact any current or proposed limits in excess of the MoU.

The first aspect of CTA's recommended approach for the MoU focuses efforts on the most widely used axle groups (tandem and tridem) for tractor-trailer configurations and whereby the single tires offer the most benefit from a GHG reduction standpoint. This includes increasing allowable weights to 8500 kgs per axle from 7700kgs for tandem and tridem axles. This would allow dual equivalent weights on drive axles and trailers for tractor trailer combinations – the same as weights as provided for dual tires in the MoU.

To further alleviate concerns about pavement damage, the recommended focus on tire width would change from 445mm wide tires to 455 mm, which are more infrastructure friendly, especially for lighter pavement designs.

The third recommended approach would be to follow the path of the MoU for dual tires whereby full axle weights are allowed on already established designated highway networks.



### Recent MoU Amendments

Changes were made to the MoU in 2016 to allow the use of longer tractors on b-trains and single semi-trailer configurations. CTA was the proponent for both changes to the MoU to address requirements for additional environmental equipment on tractors as well as to accommodate larger sleeper berths which are now standard specification for the majority of over the road highway tractors engaged in inter-provincial truck transportation. Not all jurisdictions have implemented these changes and it is an impediment to carriers investing in new equipment that is both environmentally friendly and provides additional comfort for drivers in meeting their hours of service obligations and off-duty requirements.

### Emissions Tampering

Emission tampering (deleting emissions related software in a trucks engine or physical removal of emissions equipment) services are widely available in Canada. There is currently little to no enforcement for manufacturers selling this equipment, shops installing the delete kits and carriers utilizing this technology. To counter this practice, provincial enforcement agencies need to intervene and stop the practice by inspecting the facilities that are knowingly offering these services and addressing the issue with carriers who are operating this equipment. Enforcement techniques such as the use of read-only OEM software can also be used to determine if vehicles had their software deleted. Voluntary disclosure programs may also be considered to allow carriers who may be in non-compliance to do so prior to full enforcement taking place.



### Speed Limiters

Speed limiter legislation and regulations have been implemented in Ontario and Quebec – trucks are governed to 105 km/h. Speed-related, at-fault collisions involving large commercial vehicles declined 73 percent after mandatory speed limiter legislation took effect in Ontario.

The percentage of truck drivers struck in the rear (of all collisions), stayed the same from pre- to post legislation (10.03 % of total collisions 2006-2008 and 10.47% 2010-2012) while the rate increased for other drivers (18.6% 2006-2008; and 21.3% 2010-2012). With the advent of ELDs, the issue of speed will be an important aspect to monitor as speed limiters will play an important role in the ELD transition. Environmental benefits, in particular carbon reductions, are also created through speed limiter legislation. CTA believes all provinces should adopt similar legislation as has been adopted in Quebec and Ontario.