

NATIONAL SAFETY CODE PROGRAM

INFORMATION

FOR

COMMERCIAL CARRIERS/OWNERS

FOR

(TRUCKS AND BUSES)



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INTRODUCTION:

The Atlantic Provinces in cooperation with the other provinces and territories, the Government of Canada, and in consultation with the transportation industry, has adopted a National Safety Code. (NSC) This code is made up of 16 minimum standards that will support carriers and drivers to remain in compliance with local, national and international rules for owning and operating commercial vehicles.

Definition of Carrier

a person who owns, leases or is responsible for the operation of a commercial vehicle

Definition of Commercial Vehicle

- (i) *a truck, truck-tractor or trailer or combination thereof exceeding a registered gross weight of 4500 kg.*
- (ii) *a bus designated, constructed and used for the transportation of passengers with a designated seating capacity of more than ten, including the driver, but does not include a bus when being operated for personal use*

As a result of the NSC, the Atlantic Provinces have implemented profiling of carrier performance in the areas of convictions, on-road inspections, collisions and facility audits. Carriers may expect a visit by a Carrier Safety Officer who will review the carrier's operation and management procedures.

This handout explains the basic requirements for commercial carrier operation. For the actual expression of the law including applicable exemptions, please refer to the Motor Vehicle Act <http://gov.ns.ca/legislature/legc> & Regulations <http://gov.ns.ca/just/regulations/rxam-z.htm#motveh>

Nova Scotia does not require the following to register as commercial carriers nor will a safety fitness certificate be issued to:

- emergency vehicles
- recreational vehicles or vehicles towing recreational vehicles while not being operated for the purpose of commercial venture for profit or gain
- buses, when being operated for personal use

There is no application fee for a carrier that makes an application for only a vehicle or vehicles owned by a non-profit, charitable or religious organization used exclusively for transporting passengers and not for the purpose of gain.

A carrier is not required to apply for a safety rating and safety fitness certificate or apply for a renewal of a safety fitness certificate if each commercial vehicle that the carrier owns, leases or otherwise is responsible for is a vehicle with farm plates registered to a farmer.

GOALS OF NATIONAL SAFETY CODE:

Reducing fatalities, injuries, property damage and other highway incidents by assisting commercial carriers and drivers in understanding how the NSC standards will allow them to operate legally and safely.

THE SIXTEEN NATIONAL SAFETY CODE STANDARDS:

INTRODUCTION:

The Maritime Provinces in cooperation with the other provinces and territories, the Government of Canada, and in consultation with the transportation industry, has adopted a National Safety Code. (NSC) This code is made up of 16 minimum standards that will support carriers and drivers to remain in compliance with local, national and international rules for owning and operating commercial vehicles.

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As a result of the NSC, the Maritime Provinces have implemented profiling of carrier performance in the areas of convictions, on-road inspections, collisions and facility audits of on-road transportation companies.

In the future, many carriers may expect a visit by a facility auditor who will review the carrier's operation and management procedures.

This handout is to help carriers prepare for such a visit.

NATIONAL SAFETY CODE STANDARDS:

NSC Standard #1 - Single Driver's License

NSC Standard # 2 - Knowledge and Performance Tests

NSC Standard #3 - Driver Examiner Training

NSC Standard #4 - Classified Driver's License Program

NSC Standard #5 - Self-Certification

NSC Standard #6 - Medical Requirements

NSC Standard #7 - Carrier Record Keeping Requirement

NSC Standard #8 - Short-term Suspensions

NSC Standard #9 - Hours of Service

NSC Standard #10 - Security of Loads

NSC Standard #11 - Commercial Vehicle Maintenance

NSC Standard #12 - Commercial Vehicle Safety Alliance Roadside Inspections

NSC Standard #13 - Daily Trip Inspection Report

NSC Standard #14 - Safety Rating

NSC Standard #15 - Facility Audits

NSC Standard #16 - First Aid Training

OVERVIEW OF NATIONAL SAFETY CODE STANDARDS:

NSC Standard #1 - Single Driver's License

Carrier Requirement

- To set up and maintain a system of files on each driver for the purpose of including all of the information that drivers must provide, as listed below.
- To determine on the basis of this information, training and testing, whether or not the driver is and continues to be fit to drive.

Driver Requirement

- Must make a written disclosure to the commercial carrier, of any and all driver's licenses held, including the jurisdiction (province, territory or state.)
- Must provide class of license, status of license and the actual name in which each license is held.
- Permitted to be licensed in one jurisdiction only.
- Must provide a current copy of driving record before being hired, and annually thereafter. May authorize employer to obtain copy of driver record.

NSC Standard #2 - Knowledge and Performance Tests

Carrier Requirement

- Should provide drivers and prospective drivers with the necessary training to become qualified to drive and to remain qualified to operate the particular class of vehicle.

Driver Requirement

- Must meet applicable medical, vision, physical ability, knowledge and skill standards through the successful completion of the prescribed tests and examinations prior to operating a commercial vehicle.

NSC Standard #3 - Driver Examiner Training

This standard was primarily for the purpose of establishing and maintaining a consistent class license testing program in each jurisdiction.

NSC Standard #4 - Classified Driver's License Program

Carrier Requirement

- Must ensure drivers hold the appropriate license to permit operation of the class of vehicles authorized
- Must have a system to ensure that drivers remain qualified to drive

Driver Requirement

- Must possess a valid driver's license of an appropriate class to operate the assigned vehicle, including an air brake endorsement where the vehicle is equipped with air brakes
- Must provide ongoing evidence of a valid license

NSC Standard #5 - Self-Certification

Program which allows carriers to become certified to test prospective drivers and to issue driver's licenses

NSC Standard #6 - Medical Requirements

Carrier Requirement

- To ensure through a monitoring system that drivers comply with filing medical examination reports
- Should ensure that any driver medically unfit to drive, does not drive

Driver Requirement

- Must meet minimum medical standards applicable to the class of vehicle operated

NSC Standard #7 - Carrier Record Keeping Requirement

Carrier Requirement

To establish and maintain a system of records including as a minimum:

- i) information on each driver's license, driving record, documentation including review of driver fitness, record of training or upgrading;
- ii) hours-of-service records for each driver and a system for ensuring that drivers are operating within the hours-of-service requirements a record of corrective actions taken in instances where violations are discovered;
- iii) a listing of vehicles owned, operated or leased;

- iv) inspection, maintenance, and repair reports for each vehicle and a system to ensure that the inspection, maintenance, and repair of vehicles is consistent with Regulations. Listing of actions taken as a result of deficiencies discovered;
- v) documentation of completion of applicable manufacturer's recall notices; and
- vi) bills of lading, fuel receipts, toll receipts, meal receipts, accommodation receipts, shipping documents, and other trip expenses.

Driver Requirement

To provide carrier:

- i) driver's license information;
- ii) driving record (abstract);
- iii) report of collisions, CVSA inspections, traffic, criminal and/or dangerous goods offences;
- iv) trip inspection reports; and
- v) hours-of-service log book records.

Must have available, during any work shift:

- i) daily log hours-of-service (current and previous 14 days minimum);
- ii) bills of lading, other shipping documents, receipts for expenses, fuel, and accommodation (if applicable);
- iii) copy of operating authority (if applicable); and
- iv) copy of registration and insurance certificates.

NSC Standard #8 - Short-term Suspensions

Carrier Requirements

In the event a vehicle is found not to be in compliance, that vehicle may be placed out-of-service (OOS).

When a vehicle is placed OOS, it will be required to be repaired on-site or towed.

Driver Requirement

A driver may be placed out-of-service by a Peace Officer for an infraction of the Hours-of-Service Regulations.

NSC Standard #9 - Hours of Service

Carrier and Driver Requirement

Not to drive or permit driving:

- I) more than 13 hours following a minimum of eight consecutive hours off duty;
- ii) after being on duty 14 hours following at least eight consecutive hours off duty;
- iii) after completing 70 hours on duty during a period of seven consecutive days;
- iv) after 16 hours in a day following 8 consecutive hours off duty;
- v) after completing 120 hours on duty during any period of fourteen consecutive days; or
- vi) if a driver does not have in his possession 14 previous days logged.

Hours-of-Service logs must contain the following information:

- a) a graph using a continuous line set out in a 24-hour grid;
- b) the date and time if different than midnight;
- c) name of the driver;
- d) name of the co-drivers;
- e) start and end odometer readings;
- f) total distance driven each day
- g) vehicle license number;
- h) license number and unit number of any trailer or trailers;
- i) name or names of the carrier(s) for whom the driver works during each work day;
- j) elected cycle
- k) the name and address of the home terminal and principal place of business of the carrier for whom the driver is working;
- l) the total time in each duty status;
- m) signature of the driver at the end of the day and;
- n) *Exemption:* When a vehicle is being operated within a radius of 160 kilometres of the home terminal. The driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off duty time, and met's either one of the following.

Option one - for at least six months after the date the records were created, the carrier maintains accurate and legible records for each driver for each day showing all of the following:

- the drivers status and elected cycle
- the hours that each duty status begins and ends, and
- the total number of hours spent in each status.

Option two - for at least 6 months after the date the records were created, the carrier maintains accurate and legible records for each driver for each day showing the hour that each on-duty segment starts and ends and the total on-duty time, and all the following are met:

- the drivers elapsed time does not exceed 16 hours,
- the drivers total on-duty time does not exceed 14 hours,
- the driver maintains accurate and legible records for each day showing the hour that each on-duty segment starts and ends and the total on-duty time, and the records for the previous 7 days are kept in the vehicle for inspection.

NSC Standard #10 - Security of Loads

Carrier Requirement

- Required to ensure that drivers comply with Load Security Regulations
- Must provide proper equipment to allow load to be properly secured

Driver Requirement

- Required to secure loads and/or inspect loads to ensure that adequate securement are in place

NSC Standard #11 - Commercial Vehicle Maintenance

Carrier Requirement

- To ensure that all vehicles in its care meet the maintenance and performance standards as described in the Regulations
- Required to have a system of maintenance records that would cause inspection, maintenance and repair functions at regularly scheduled intervals

Driver Requirement

- Must perform inspections and complete written reports in compliance with Regulations

NSC Standard #12 - Commercial Vehicle Safety Alliance Roadside Inspections

A commercial vehicle may be, at any time, subjected to a roadside inspection.

Inspection of documents:

- i) driver's license;
- ii) hours-of-service log(s);
- iii) trip inspection report(s);
- iv) Dangerous Goods Training Certificates;
- v) vehicle registration and insurance; and
- vi) support documents.

Inspections of Vehicles:

- i) vehicles will be inspected for roadworthiness and compliance with other regulations;
- ii) a vehicle passing a Level 1 inspection may receive a CVSA decal;
- iii) any defects noted during a roadside inspection must be repaired before next dispatch; and
- iv) any defects found that fail the CVSA OOS criteria, shall require the vehicle to be placed out of service.

NSC Standard #13 - Daily Trip Inspection Report

Carrier Requirement

- To ensure the vehicle is free from safety defects when operated on a highway
- To ensure proper records are kept of repairs to correct

Driver Requirement

- To perform the inspection on a daily basis, prior to commencing a trip and at the end of each day
- To record any defects discovered when daily inspection is performed and to notify carrier.

NSC Standard #14 - Compliance Reviews

A compliance review will be administered by the base jurisdiction to every new carrier upon

application for entry and a fitness rating will be given upon meeting requirements.

A compliance review may also be administered on any carrier randomly or in the event that carrier performance is determined to be below standard by points assessed on the Carrier Profile System.

NSC Standard #15 - Facility Audits

The purpose of the NSC facility audit is to monitor carriers for compliance with all applicable highway safety regulations including but not limited to those covered by the NSC. An audit consists of a detailed examination of certain records which are required to be maintained by carriers, interviewing personnel who are responsible for the safety management, conducting on and off highway CVSA inspections.

All drivers and vehicles over which the carrier exercises control including company drivers and vehicles, owner operators, leased vehicles and drivers acquired through driver services are subject to audit.

NSC Standard #16 - First Aid Training

Carrier Responsibility

It is recommended that carriers offer and drivers complete an approved First Aid Training Program.

Carrier Profile:

Each jurisdiction is required under NSC Standard #7 to develop and maintain a carrier profile system to record all convictions, on-road CVSA inspection results and reportable collisions. This computer program will allow the exchange of data so that any faults can be managed as if they happened in the home jurisdiction. The profile will include a point system for each infraction and thresholds will be established so positive intervention can occur.

Facility Audits:

A facility audit is one component of the carrier profile. The safety audit examines a motor carrier's safety records in the areas of:

- written policies for driver management and vehicle maintenance
- driver's profile (abstract, license disclosure, records of collisions or convictions, annual driver review and evidence of corrective action taken.)
- driver's hours of service (daily logs or time records and supporting documents)
- vehicle maintenance (annual provincial inspection reports, CVSA inspection and follow-up. Pre-trip inspections and follow-up, records of defective repairs and preventative maintenance programs.

Carrier Safety Rating:

Every province has made a commitment to apply safety ratings to all motor carriers operating commercial vehicles (over 4500 kg) or buses with more than 10-passenger capacity.

There are four rating categories:

- Satisfactory Audited
- Satisfactory unaudited
- Conditional
- Unsatisfactory

Hours of Service Record Keeping

The Hours of Service Regulations place responsibility on the motor carrier to ensure that all company drivers and owner/operators working on behalf of the carrier comply with the Hours of Service Regulations.

A carrier must have the necessary systems, policies and practices in place to identify and rectify issues of non-compliance.

Effective training of staff responsible for driver supervision and dispatch is an integral component of a safety management program. Personnel must have knowledge and understanding of the regulations and be aware of the policies and available options.

The carrier is required to maintain driver log books and support documents for a period of six months. The carrier is required on request by a Compliance Officer to produce these records during normal business hours.

Drivers not exempt from the 160 km exemption who cannot produce logs for the current and previous fourteen days, and drivers driving beyond the Hours of Service limitations are subject to being placed out-of-service until enough time has elapsed so that they are in compliance.

Driver Profile Record Keeping

Carrier Requirement

The carrier is required to set up and maintain a system of files on each driver including driver license disclosures, accident and violation disclosures, driver abstracts, review of driver fitness, corrective disciplinary action and dangerous goods training certificates (if applicable.)

It is recommended that the carrier set up an individual file for each driver with a check list to assist the carrier in maintaining an up to date file, and to determine whether or not a driver remains fit to drive. Additional information should include employment applications, reference checks, road test records, and alcohol and drug-testing records.

Driver Requirements

- ▶ Driver to hold only one valid driver's license at any time
- ▶ Driver to disclose all traffic accident details
- ▶ Driver to disclose all convictions arising from care and control of a motor vehicle
- ▶ Driver to provide or sign a waiver allowing carrier to obtain current driver abstract yearly
- ▶ Driver to have adequate training if transporting dangerous goods

Mechanical Fitness Record Keeping

Carrier Requirements

A carrier must ensure all commercial vehicles under this control be inspected according to the regulations and be maintained in safe operating condition.

The carrier shall implement a preventable maintenance safety plan to ensure vehicles remain in compliance and that no vehicle is dispatched in unsafe condition.

Pre-Trips

It is the responsibility of the carrier to ensure the pre-trip inspection is carried out by the driver or any other person designated to perform this duty. The inspection report must be in writing and contain number plate or unit number of the truck or trailer, date of inspection, defects identified and name and signature of preventative maintenance person conducting the inspection. (Exempt from the requirement of a written report if operated with 160 km radius.) The inspection; however, is still required to be completed.

Preventative Maintenance

The carrier must maintain a record of all service and repairs on each vehicle and shall contain a description of service along with the date and mileage of the vehicle. In addition to repair records, the carrier must retain CVSA Inspection Reports, Provincial Inspection Reports, Pre-trip Inspections and manufacturers' recall notices.

Commercial Vehicle Safety Alliance Inspections (CVSA)

CVSA inspections are conducted on vehicles on the roadside or at a carrier's premises by individuals who have been certified as inspectors under the CVSA Program. The inspections are conducted in accordance with the criteria outlined in the Commercial Vehicle Safety Alliance.

Inspection Levels

- Level 1 - Complete vehicle inspection with the driver
- Level 2 - Inspection of driver and vehicle walk-around
- Level 3 - Inspection of driver only
- Level 4 - Special inspection of one or more components
- Level 5 - Complete vehicle inspection without driver

A vehicle passing a level 1 or 5 would receive a CVSA decal valid up to three months, and usually exempts the vehicle from further inspections unless there is an obvious defect present. An inspection where defects were noted would result in a warning and defects would be required to be repaired before vehicle's next dispatch. A third result could be the vehicle being placed out-of-service (OOS). This would result in the vehicle being immediately taken off the road until defects have been repaired. If carrier can complete repairs on-site the vehicle would be re-inspected and if satisfactory, be allowed to proceed. If vehicle must be towed to repair site, the carrier may not dispatch the vehicle until all required repairs have been completed.

Record Retention Requirements

Routine maintenance records	2 years
Vehicle repair records	2 years
Provincial inspection records	2 years
Manufacturer recalls and action records	2 years
Pre-trip and post-trip inspection reports	3 months

NSC SAFETY PLAN - DRIVERS

FOR YOUR INFORMATION

You are responsible for all **drivers** while they are operating any commercial vehicles under your NSC number. You must ensure that your drivers are qualified and trained. If you are a driver for your business you must keep records on yourself as you would any other driver. You will meet NSC requirements in the "drivers" category by:

ENSURING QUALIFICATIONS

- obtaining a **driver record** when hiring drivers
- ensuring that your drivers are qualified and trained when hired
- ensuring that driver qualifications are maintained
- including reference checks and past employment performance in your hiring process
- ensuring drivers are knowledgeable about NSC safety standards.

MAINTAINING RECORDS

- updating driver records at least once a year
- including the following in the driver records files
 - driver accident history
 - driver log books
 - medical certificates (if applicable)
 - driver performance information
 - violations, training, recognition, and discipline documents
 - U.S.A. requirements (if applicable)
 - all relevant certifications, including transportation of dangerous goods certificates

MANAGING YOUR DRIVERS

- monitoring **driver violations** and **accidents**
- ensuring drivers report incidents with 10 days of the incident
- implementing **driver recognition** and **disciplinary programs**
- implementing a driver communication process to ensure drivers understand your polices, both new and old, and all regulatory requirements.

GLOSSARY

Drivers: include employees, owner-operator drivers, or drivers supplied by driver pools

Driver Record: an original printout of a driver's record is available from the jurisdiction that issued the driver's license. For NS. drivers a copy can be obtained from the Registry of Motor Vehicles Access Offices.

Driver Violations: includes tickets, inspections and suspensions/prohibitions

Accidents: must be reported when they involve any commercial vehicle operating under a carrier's NSC number

Driver Recognition programs: commendation programs for good performance

Disciplinary program: programs to deal with drivers who are not follow your business rules

NSC SAFETY PLAN - VEHICLES

FOR YOUR INFORMATION

You are responsible for the safe operating condition of all of your **vehicles**. You should fulfill this obligation by, at a minimum:

ENSURING PROPER MAINTENANCE: .

- establishing and documenting a schedule for full-vehicle inspections;
- basing the maintenance schedule on one of:
 - distance traveled
 - hours of operation
 - number of trips
 - destination or route
- correcting **defects** reported on trip inspection reports

CONDUCTING INSPECTIONS

- ensuring drivers complete daily pre-trip and post-trip inspection reports which include at least the following
 - wheels and tires
 - brake systems
 - steering and suspension
 - lights
 - cargo securement
 - coupling devices
- ensuring that drivers use trip inspection reports to notify the designated person of any vehicle defects
- ensuring that either these defects are corrected or that it is determined they do not need immediate correction

MAINTAINING RECORDS

- ensuring that all trip inspection reports that do not mention defects are submitted by drivers within a maximum of 20 days
- collecting all vehicle maintenance, repair and inspection records, and keeping them in a chronological order for at least two years
- ensuring that the following are included in your vehicle records
 - mandatory inspections (**CVIP/PM** forms)
 - roadside inspections (**CVSA**, inspection forms)
 - manufacturers **recall notices**
 - other inspection reports
- records of repairs done and parts replaced
- collecting written trip inspection reports and keeping them for at least three months after they are completed.

GLOSSARY

Vehicles: include company vehicles and those under contract (i.e. owner/operator and leased vehicles)

Defects: faulty or improperly adjusted equipment which may be a safety hazard

Recall Notice: manufacturer's notice of a defect that requires repair

CVIP: Commercial Vehicle Inspection Program

CVSA: Commercial Vehicle Safety Alliance

PM: Preventative Maintenance Program

NSC SAFETY PLAN - HOURS OF WORK

FOR YOUR INFORMATION

You are responsible for ensuring that drivers operate within **hours-of-work**. You are required to keep accurate records of work hours. You must ensure that driver scheduling meets the hours-of-work regulations. When applicable, you must ensure that your driver keeps accurate and complete log books and retain all **supporting documents**. You must fulfill these obligations by:

OBSERVING LIMITS:

(This is not a complete list. Consult the reference materials below. Both booklets are included in this application package.)

- ensuring your drivers:
 - do not drive more than 13 hours without having eight consecutive hours off **and** do not drive after 14 hours of **on-duty** time without having eight consecutive hours off
 - do not drive after 70 hours of on-duty time in seven days
- communicating hours-of-work policies and processes to your drivers
- implementing driver recognition and disciplinary programs

MAINTAINING RECORDS

- ensuring drivers submit log books and supporting documents to you within 20 days - requiring that documents be submitted at the end of each trip is recommended.
- keeping log books and supporting documents for at least six months in each driver's file.

REFERENCE MATERIAL

- Motor Vehicle Act
- Hours of Work Regulations

GLOSSARY

Hours-of-work: amount of driving time allowed while on duty

Supporting documents: includes bills of lading, shipping documents, and fuel and accommodation receipts for expenses incurred along the route

On-duty: refers to the Commercial Vehicle Driver Hours of Work Regulations re: Motor Vehicle Act

NSC SAFETY PLAN - DANGEROUS GOODS

FOR YOUR INFORMATION

You are responsible for using correct procedures to handle and transport dangerous goods. You must ensure that your drivers are qualified, trained and certified. You are obligated to maintain complete records. At a minimum, you should fulfill these obligations by:

ENSURING PROPER HANDLING:

- providing written procedures for the handling of **dangerous goods** including:
 - load compatibility information
 - load securement requirements
 - parking
 - fueling
 - special route requirements
 - label and placard requirements
 - documentation requirements
 - other safety rules
- ensuring that the contents of dangerous goods containers are verified by the shipper at the source prior to transport
- ensuring that all drivers complete the correct shipping documents
- ensuring that the appropriate placard and/or label is applied to the exterior of the transporting vehicle

ENSURING PROPER TRAINING:

- certifying that all employees have received training to transport dangerous goods
- ensuring that your drivers carry their certification while transporting dangerous goods
- implementing a monitoring system to ensure all drivers' dangerous goods certifications are up to date

MAINTAINING RECORDS:

- maintaining all dangerous goods shipping documents for at least two years
- implementing a reporting system to record all incidents of spills, leakage or other accidents involving dangerous goods
- keeping a copy of each employee's certificate to transport dangerous goods for at least two years after expiry date on the certification

REFERENCE MATERIAL:

- **Transportation of Dangerous Goods (TDG)** acts and regulations (Federal and Provincial) - copies of these acts and regulations are available from N.S. Government Publications of Registry of Regulations. Transportation of Dangerous Goods training material can be obtained through the Atlantic Provinces Trucking Association.

GLOSSARY

Dangerous Goods: includes products, substances and organisms such as explosives, gases, flammable liquids and solids, poisonous and infectious substances, radioactive materials and corrosives

Driver Certification: Carriers are responsible for ensuring that drivers are properly trained and certified to transport dangerous goods. Carriers are also responsible for ensuring drivers are re-certified every 36 months.

Transportation of Dangerous Goods: often abbreviated to TDG

THE UNITED STATES (General Information)

Hours of Service

While driving in the United States, property carrier and drivers are required to comply with the Revised Hours-of-Service (Part 395) Regulation effective January 4th, 2004 as outlined in the Federal Motor Carrier Safety Regulations (www.fmcsa.dot.gov/). Passenger carriers and drivers will continue operating under the existing rules.

Driving Limitations:

New Hours-of Service Rules Property Carrying CMV Drivers
CMV driver may drive 11 hours after 10 hours off-duty.
CMV driver may not drive beyond the 14 th hour after coming on-duty, following 10 hours off-duty.
CMV driver may not drive after 60/70 hours on duty in 7/8 consecutive days. <ul style="list-style-type: none">• A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off-duty.
Compliance Required On & After January 4, 2004

Log Books

The log book format in the U.S. remains consistent with that in Canada. Distances may be recorded in kilometres when identified as such

Drug Testing

Since July 1, 1997, drivers operating commercial vehicles for Canadian based carriers who are operating into the U.S. are subject to the U.S. drug and alcohol testing regulations. These regulations are defined in the Federal Motor Carrier Safety Regulations, Part 382, Controlled Substances and Alcohol Use and Testing.

A brief over view of these regulations is provided below.

No carrier shall permit any driver and no driver shall perform safety sensitive functions, including driving a commercial motor vehicle when the driver has used any controlled substance.

Every carrier must:

- have a workplace policy which is communicated to its driver's. It should clearly set out fair standards of performance, the consequences of a violation, details of an employee assistance program and under what circumstance termination of employment can occur;
- provide training for supervisors including the symptoms of substance abuse, problem identification and intervention techniques;
- provide an Employee Assistance Program including printed materials and videos;
- prior to hiring, with the applicant's consent obtain the testing history from previous employers for the past two years;
- remove from service, any driver who is in violation of the regulation;
- prepare and maintain specified records required by the regulation; or
- require drivers to take specified tests in accordance with the regulations.

Testing

The regulation mandates testing for marijuana, cocaine, opiates, amphetamines, and phencyclidine. Drug testing through urine analysis is performed at DOT certified laboratories. A qualified Medical Review Officer confirms positive results. For information on drug testing carriers may contact the Atlantic Provinces Trucking Association at 1-866-866-1679 .

The regulations prohibit alcohol use four hours prior to commencement of on-duty; for up to eight hours following an accident when an alcohol test is required; on-duty use or possession of alcohol, or having a blood alcohol level of .02 or greater while on-duty. Alcohol testing can only be conducted immediately before, during or immediately after the performance of safety-sensitive duty, including driving. Testing for alcohol must be done by using an approved evidential breath testing device operated by a trained technician and in association with a duty period.

A driver is subject to drug testing:

- As a condition of pre-employment,
- Where there is reasonable suspicion based on specific observations concerning the appearance, behaviour, speech or body odours of the driver,
- Post accident (involving a fatality or, injuries requiring medical treatment away from the accident site, or either vehicle involved is towed and the commercial driver receives a ticket for a moving violation.) If the carrier is not able to administer alcohol testing within two hours following the accident, the carrier must prepare and maintain a written report indicating the reason for a drug test not being administered. If the test is not performed within eight hours, the carrier shall cease attempts to conduct the test and shall maintain a written report indicating the reason the drug test is not being administered.
- A carrier performing random testing. This may equate to a sampling of 10% of drivers being tested for alcohol and 50% for use of drugs. Random drug testing should be triggered when a driver is on-duty or reporting for duty.
- On return to duty after removal for prohibited conduct, and
- Randomly, for a minimum period of one year upon return to duty, after an assessment by a Substance Abuse Professional means a physician, psychologist, social worker or an addiction counsellor, or a licensed/certified employee assistance professional (EAP).

Record Keeping

Records must be available at the carrier's chief place of business or be made available within two business days after the request by an agent with regulatory authority over the carrier or any of its drivers. The records shall be released to a subsequent employer upon receipt of a written request from a driver.

Retention of Records

Alcohol test with a concentration of less than 0.02	1 year
Records of negative and cancelled controlled substances test results	1 year
Records related to alcohol and controlled substances collection process & training	2 years
Results of alcohol tests .02 or greater	5 years
Positive controlled substances test	5 years
Driver evaluation and referrals	5 years
Documentation of refusals to submit to test	5 years

Calibration documentation	5 years
Copy of each annual calendar year summary	5 years

Penalties

Carriers can be fined \$500 U.S. to \$10,000 U.S. per violation for non-compliance and also be declared out of service.

Medical Reciprocity

Canadian drivers holding a valid Canadian commercial drivers license are no longer required to hold a U.S. Dot medical examiner’s certificate. Medical and physical fitness is address through the Canadian license process.

Note: Unlike Canada, the U.S. does not permit drivers requiring insulin injections or with limited use of one eye to operate commercial vehicles.

For further information on U.S. requirements please contact the Federal Motor Carrier Safety Administration (FMCSA) at (207) 622-8358 or online at www.fmcsa.dot.gov/.