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HELPING FLEETS THRIVE

Demystifying the ELD Rules in Canada

FLEET COMPLETE WEBINAR
SERIES



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Corporate Profile



- **Former DOT/MTO Inspector**
- **Industry subject matter expert with 25+ years experience.**
- **Sits on several Federal/State/Provincial regulatory bodies.**
- **Social media influencer 14,000+ LinkedIn followers and 2,000+ 'Transportation Safety Professionals' Discussion Group.**
- **Written 3 books on TDG/Hazmat in English & French, and HOS.**
- **Author 'Ask the Expert' Blogs**
 - <https://blog.fleetcomplete.com/safety-corner>
- **'Marc's Safety Corner' YouTube**
 - <https://www.youtube.com/user/CompleteInnovations>
- **Fully licensed CDL holder, and can drive all types of commercial vehicles**

Discussion Points

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Discussion Points

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Introduction

Transport Minister Marc Garneau announced the implementation of a made in Canada ELD rule on June 13, 2019.

All drivers of commercial motor vehicles that are currently required to maintain a paper logbook in Canada will need a 3rd Party certified ELD by June 2021.

Objectives of the Canada ELD Regulation



Objectives of the Canada ELD Regulation

1. **Canada acknowledged the fact that ELD was the future.**
2. **TC recognized the benefits of ELDs and supported a mandate that was harmonized to the extent possible with the U.S. ELD rule.**
3. **ELD deployment by commercial motor vehicle operators will increase safety & accountability in trucking in Canada.**
4. **U.S. ELD mandate made it very important for Canada to also adopt a similar kind of mandate.**
5. **Since the U.S. ELD mandate required Canadian domiciled carriers to adopt the ELD mandate while operating in the U.S. territory, it was logical for Canada to have an ELD mandate.**
6. **Canada ELD will facilitate fair competition within and between modes of transportation throughout Canada.**

Fatigue and Collision Risks Associated with Non Compliance



Fatigue and Collision Risks Associated with Non Compliance?

- **Currently, daily logs in Canada can be easily falsified or incomplete.**
- **In some cases, they are duplicated or missing altogether in an effort to avoid compliance with HOS Regulations.**
- **This made it frequently difficult for safety personnel to detect occurrences of non-compliance with HOS requirements.**
- **25% of HOS convictions were for exceeding the maximum hours.**
- **11% were for operating 2 daily logs at the same time, or for falsifying the information in the daily log.**
- **48% were for failing to maintain or failing to produce a daily log.**
- **These stats were strong leading indicators that drivers were exceeding HOS maximums that could lead to fatigue.**

Fatigue and Collision Risks Associated with Non Compliance?

- **25% of drivers interviewed in a recent U.S. Study admitted to:**
 - **Omitting hours worked in the daily log;**
 - **Driving more than the daily limit;**
 - **Taking less than the required daily off-duty time; and**
 - **Regularly working longer than permitted.**
- **Transport Canada estimated that 5% to 10% of drivers routinely exceeded allowable HOS.**
- **Fatigue was associated with 15% to 20% of crashes in transportation.**
- **Drivers with daily log violations, compared to those that were compliant were 2 X 3 times more likely to have a large truck crash.**



Technical Standards & Certification

Technical Standards & Certification

- There are minimum performance and design specs for the ELD based on U.S. technical requirements, but adapted for Canadian HOS regulations.
- Each ELD model will need to be certified for use by a motor carrier.
- The ELD model requires certification by an accredited 3rd Party using compliant software.
- Acceptance criteria is set out in the technical standard and the Regulations.

Technical Standards & Certification

- ELDs will be tested and certified within the next 2 years.
- Motor carriers will need to select, acquire and install ELDs in their CMVs for drivers to begin using them.
- Only ELDs that have been certified for use will be allowed.
- ELD providers will be assigned a certification number by the 3rd Party.
- Will generate an official ELD record in each installed device to ensure compliance for motor carriers and safety officials that the device has been certified.

Technical Standards & Certification

- Process to accredit certifying bodies, and certify the ELD models is expected to take 12 months.
- Transport Canada will maintain on their website a list of ELD providers and certified devices that can be used to confirm certification.
- Transport Canada can also suspend or cancel the accreditation of a certification body.

Note: A link to the Canada ELD technical standards document is included at end of this Webinar



ELD Implementation Plan

ELD Implementation Plan

- **24-month phase-in period (June 12, 2021)**
- **Allows for adequate preparation time for the certification of the ELDs.**
- **Allows for motor carriers and drivers to become fully compliant.**
- **ELD certification process is expected to take up to 12 months to complete.**
- **Most CMVs that operate in Canada already have U.S.-compliant ELDs.**

ELD Implementation Plan

- **Most ELD devices simply require a seamless, remote software upgrade through over-the-air software, with minimal impact on operations or productivity.**
- **This phase-in period aligns with the approach taken by the U.S.**
- **Provinces & Territories have additional time to:**
 - **Train safety personnel,**
 - **Develop enforcement policies, and**
 - **Consider adoption of their own ELD mandate for intra-provincial motor carriers, since this category of motor carriers are not currently in the Canada ELD rules.**



Grandfathering Period?

Grandfathering Period?

- There will be **NO** 2-year grandfathering period for Electronic Recording Devices (ERD).
- About 86% of CMVs already have either an ERD, or U.S.-compliant ELD installed in their vehicles.
- Most ELD providers will be able to upgrade devices to be compliant with the amendments through a free software upgrade, using an over-the-air software push directly to the ELD.

Grandfathering Period?

- **Motor carriers will need little time to become compliant, while avoiding the cost of a replacement device.**
- **ELD providers will focus their efforts during the implementation period on those motor carriers that do not have any devices in their CMVs.**

An aerial, high-angle photograph of a multi-lane highway during sunset. The sun is a bright, glowing orb in the center of the horizon, casting a warm, golden light across the sky and the landscape. The highway has multiple lanes in both directions, separated by a metal guardrail. Two large white semi-trucks are in motion: one is on the left side of the road, moving away from the viewer, and the other is on the right side, moving towards the viewer. The trucks are slightly blurred, suggesting speed. The surrounding landscape consists of flat, open fields with some low-lying vegetation. In the distance, a few small buildings and a road sign with the number '50' are visible on the right side of the road.

Motor Carriers Exception

Motor Carriers Exception

- **ELDs will be required to be used by all federally regulated motor carriers and their drivers of commercial buses and trucks, who are currently required to maintain a paper daily log.**
- **CMV = A truck, tractor, trailer or any combination of them that has a registered gross vehicle weight in excess of 4 500 kg;**
 - **OR**
- **A bus that is designed and constructed to have a designated seating capacity of more than 10 persons, including the driver.**

Motor Carriers Exception

Therefore, existing HOS exceptions continue to apply, including 160 Km Rule;

- a) Driver drives or is instructed by the motor carrier to drive a CMV within a radius of 160 km of the home terminal;
- b) Driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of off-duty time; and
- c) Motor carrier maintains accurate and legible records showing, for each day, the cycle the driver followed and on-duty times and keeps those records and the supporting documents relating to those records for a minimum period of 6 months after the day on which each record was recorded.

Motor Carriers Exception

There are 4 main CMV exceptions to the mandatory use of an ELD:

- 1. Operated under an HOS Permit pursuant to the Regs by a director under the Regulations;**
- 2. Operated under a statutory exemption;**
- 3. Subject to rental agreements for a term of 30 days or less; and**
- 4. Manufactured before the year 2000.**



**How ELD
Malfunctions
are Managed?**

How ELD Malfunctions are Managed?

- Drivers may use a paper daily log if their ELD has a malfunction.
- Usage is capped at a maximum of 14 days, or upon return to the home terminal from the currently planned trip, if the trip takes longer than 14 days.
- ELD must be repaired or replaced and fully functional before the CMV and its ELD are dispatched on another trip.
- Drivers must notify the motor carrier when a malfunction occurs.

How ELD Malfunctions are Managed?

- **Motor carrier must maintain a register of the malfunction including:**
 - When it occurred;
 - Nature of the malfunction;
 - Actions taken to either repair or replace the ELD.
- **Register kept for 6 months from the day ELD is repaired or replaced.**
- **Register is subject to audit by a Safety Official.**

How ELD Malfunctions are Managed



ELD Records at Roadside or During a Facility Audit

- **Driver's record of duty status will be available to roadside enforcement through a display or printout from the ELD; or**
- **ELD record can be emailed to an address provided by a Safety Official upon request.**
- **Unlike the U.S., there is no EROD Transfer of Data to Central Repository to re-route back to Safety Official.**

Types of Supporting Documents



Types of Supporting Documents

- Drivers must forward all supporting documents generated in the course of their duties, or received or prepared by the motor carrier.

These include:

- Electronic mobile communication records between a driver and motor carrier.
- Payroll records, settlement sheets or other documents indicating payments to a driver;
- Government-issued document indicating location of CMV;
- Reports, receipts, records or other documentation relating to the load.

Types of Supporting Documents

- **Bill(s) of lading, itineraries, schedules or other documents indicating origin and destination of each trip;**
- **Reports, receipts, records or other documents relating to the servicing, repairing, conditioning, fueling, inspection or rental of a CMV; and**
- **Reports, dispatch or trip records, receipts, or other documents indicating the date, time, or location of the CMV during a trip, including arrival and departure times.**

Canadian ELD Quick Facts




Canadian ELD Quick Facts

- Will standardize processes to prevent errors, logbook tampering and driver harassment
- Will adopt many of the provisions in the U.S. Mandate, which took effect in December of 2017, with some Canada specific modifications.
- Won't change the Hours of Service regulations—just how drive time is recorded and reported.

Canadian ELD Quick Facts

- Will require replacing paper logs with a regulation-compliant device that connects directly to the engine ECM
- New device requirements may require existing “e-logging” devices to be updated or replaced by the final implementation deadline (after the compliance period).

Similarities: Canada & U.S. ELD Mandates

The image features two flagpoles against a clear blue sky. The Canadian flag, with its red and white design and a central red maple leaf, is on the left pole. The United States flag, with its stars and stripes, is on the right pole. Both flags are waving in the wind. The text is overlaid on the image: a title in the top right and a paragraph in the bottom left.

**Drivers in either jurisdiction will
find it easier to stay compliant
— regardless of which side of
the border there are on.**

1. Data Collection

- Data collected by ELDs under both the mandates is the same.
- An ELD records driving time, engine hours, miles driven, location, etc.

2. Information Display

- For roadside inspections, the documents generated by the ELDs is a standard format to be displayed under both the U.S. & Canada mandates.

3. Driver Control Over HoS Entries

- **Under both ELD mandates, drivers have control over their HOS entries.**
- **Fleet managers cannot edit them without their authorization.**

4. Supporting Documents

Divided in five separate categories:

- 1) Bills of lading,**
- 2) Dispatch records,**
- 3) Expense receipts,**
- 4) Electronic mobile communication records, and**
- 5) Payroll records.**

Differences: Canada & U.S. ELD Mandates



1. Transferring of Data

**U.S: E-RODS Transfer of
Day + Previous 7 Days.**

**Canada: Non-Editable
PDFs of Day + Previous
14 Days.**

2. Location Sources

- **ELD Vendors will need to get a location for various events, such as personal conveyance, yard moves, duty status, or any other unassigned vehicles moves.**
- **In the U.S., ELD vendors use the GNIS (Geographic Names Information System) for all locations in the country.**
- **In the Canada, CCMTA will make a geolocation database available to ELD vendors to get direction and distance GPS coordinates.**

3. Differences in Personal Conveyance

U.S:

- Personal conveyance rules have recently softened in the U.S.
<http://bit.ly/2XsiUBQ>
- No limits on the personal conveyance time of the drivers

Canada:

- 75 km maximum limit.
- Vehicle has been unloaded & unhitched
- Odometer reading at the beginning & end of the personal use.

<http://bit.ly/2lqPz67>

- Section (2)(1)e)

4. ELD Registration & Certification

U.S.: Self Registration & Certification

Canada: 3rd Party ELD Registration a& Certification.

- **Process to certify should be completed by end of 2021.**
- **Process to accredit certifying bodies and certify the ELD models is expected to take 12 months.**

5. Roadside Document Requirements

U.S.: Current 24-hour period and the previous 7 consecutive days.

Canada: Current 24-hour period and the previous 14 consecutive days.

A white semi-truck with a yellow cab is driving away from the viewer on a two-lane asphalt highway. The truck is positioned on the left side of the road. The landscape is a vast, open plain with low-lying green and yellow vegetation in the foreground. In the distance, there are rolling hills and mountains under a bright blue sky with scattered white clouds. The overall scene conveys a sense of long-distance travel and open space.

Timelines of the Canadian ELD Mandate

Timelines of the Canadian ELD Mandate

Milestone 1:

Public Comment Period

Ended second quarter of the year 2017.

Milestone 2:

Published Target

Canada Gazette II Publication – June 3 2019.

Milestone 3:

Tentative Compliance Date

June 2021 (2 years from the CGII publication date)

NOTE: There is no Grandfather Clause!

Useful Links



Useful Links

1. **Current Canada Commercial Vehicle Drivers Hours of Service Regulations - SOR/2005-31.3.**
<https://bit.ly/2LLC2Wc>
2. **Canada Gazette, Part 1 - December 16, 2017. Canada Regulations Amending the Commercial Vehicle Drivers Hours of Service Regulations.**
<https://bit.ly/2xB8WFY>
3. **Canada Gazette, Part II, June 3, 2019 - SOR/2019-165. Regulations Amending the Commercial Vehicle Drivers Hours of Service Regulations.**
<http://bit.ly/2ldHdie>
4. **Technical Standard for Electronic Logging Devices.**

<http://bit.ly/2IROvqO>



Conclusion

Canada ELD Rule is not imposed on Provincial and Territorial HOS regulations for Intra-Provincial carriers that are not leaving their home jurisdiction.

Each Province and Territory will decide whether they will adopt all or some of the Canada ELD standards to their regulations, and when.

Stay tuned for any updates on this front!



Q & A Session





Thank You!

Marc Moncion

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