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Date: Monday, March 30, 2020 at 10:44 AM

To: Stephen Laskowski, Geoffrey Wood

Subject: COVID-19 Stakeholder Update - Federal Hours of Service Exemption, Other Provincial Legislative Exemptions for COVID-19 Relief Efforts & Industry Impacts

Ontario's top priority is to continue to protect the health and well-being of all Ontarians and prevent the spread of COVID-19.

On March 24, 2020 Transport Canada released an essential freight transport exemption to allow relief from the requirements established under federal *Commercial Vehicle Drivers Hours of Service Regulations*.

This exemption applies to all extra-provincial carriers employed or otherwise engaged in the transport of essential supplies and equipment to directly assist the emergency relief efforts to contain the COVID-19 outbreak in all provinces and territories throughout Canada.

As you are aware, Ontario declared a state of emergency on March 17, 2020 which has enacted emergency provisions of the *Highway Traffic Act* including exemptions for commercial drivers related to trip inspection, hours of service and speed limiters when responding to or in support of a declared emergency. These provisions are automatically triggered when a state of emergency is declared in Ontario, however it is up to individual carriers to decide if they choose to use the exemptions – it is not a requirement they be used.

We are committed to taking action to support the trucking industry and cross-border truck operations in response to COVID-19 and continue to work with the trucking industry as well as our road safety partners to ensure the health and safety of truck drivers while keeping goods moving.

The following communication provides carriers with information on exemption criteria, how it impacts provincially and federally regulated carriers when responding to or in support of a declared emergency in addition to tips and best practices to assist carriers during this time.

The exemption described is solely to support relief efforts to contain the COVID-19 outbreak and keep essential goods moving.

Carriers utilizing this exemption are required to maintain suitable records for the purposes of confirming compliance. They may be required to provide these records on demand for Ministry review. Failure to maintain appropriate records may result in action by the Ministry of Transportation.

Ontario expects all carriers considering the use of these exemptions to utilise these best practices in making operational decisions.

Temporary Hours of Service Exemptions for all federally regulated carriers who operate in other provinces:

Transport Canada has released an essential freight transport exemption to allow relief from the requirements established under the Commercial Vehicle Drivers Hours of Service Regulations.

This exemption applies to all extra-provincial carriers employed or otherwise engaged in the transport of essential supplies and equipment in direct assistance to the emergency relief efforts during the COVID-19 outbreak in all provinces and territories throughout Canada.

The following criteria has been provided for motor carriers or its drivers related to emergency response to COVID-19 outbreak to meet immediate needs (not exhaustive):

- 1) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19;
- (2) supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants;
- (3) food, paper products and other groceries for emergency restocking of distribution centers or stores;
- (4) immediate precursor raw materials-such as paper, plastic or alcohol-that are required and to be used for the manufacture of items in categories (1), (2) or (3);
- (5) fuel;
- (6) equipment, supplies and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19;
- (7) persons designated by Federal, State or local authorities for medical, isolation, or quarantine purposes; and
- (8) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response. Direct assistance does not include routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of this emergency declaration.

All federally regulated carriers who elect to use the exemption, who operate in Ontario and in other provinces must adhere to the criteria and conditions outlined by the essential freight transport exemption issued by Transport Canada which include:

- Requirements to submit operational data to provincial transportation authorities of base jurisdictions regarding use of the exemption;
- Requirements to communicate with provincial transportation authorities regarding any updates and use of the exemptions; and
- Requirements to mitigate the impact of driver fatigue when exercising the exemption.

Carriers submitting information within Ontario may provide information by email to csio@ontario.ca to submit the information as required under Transport Canada exemption.

These temporary conditions are in effect until April 30, 2020 and are attached to this correspondence for reference.

Temporary Hours of Service Exemptions for provincially regulated carriers who operate in Ontario only:

The Hours of Service exemption applies to all provincially regulated carriers who operate in Ontario only and may be exercised by carriers when responding to or in support of a declared emergency.

Provincially regulated carriers are directed to consider the criteria set out by Transport Canada when considering the definition of responding to or in support of a declared emergency. The ministry acknowledges that this is not an exhaustive list of approved activities but expects the carriers to use it as a guide in their operational decisions.

This temporary exemption permits carriers to manage operations-based demand and allows carriers to alter regulatory limits on hours worked both on a daily and on a weekly basis. Operators are responsible for ensuring the safety of their drivers when moving goods for emergency relief.

Typical adjustments include allowing their employees to drive beyond the maximum limits imposed by the weekly cycle limit, work-shift and day limits.

This temporary exemption will allow vehicles to be operated with limited staff if needed.

Tips & Best Practices

- Where possible all legislative requirements should be followed.
- Where following legislative requirements is not feasible, carriers should minimize deviation from the mandatory rest requirements.
- Carriers should assess available driver resources within their company and select those drivers best suited for additional hours of driving based on training, experience and physical health.
- Carriers should ensure all drivers take a minimum of 8-consecutive hours of off duty time after the completion of every work-shift.
- Carriers and drivers should be aware of available rest areas along their travel routes and plan their trips accordingly. Please visit [Ontario 511](#) for information regarding Ontario's network of rest areas.
- Currently all 23 ONroute Service Centres remain open for fuel, take-out, grab and go, drive-through services, and restrooms. Information regarding Ontario's network of ONroute Service Centres may be accessed by [visiting ONroute.ca](#).
- Drivers should, during all on-duty non driving periods, perform fatigue self-assessments to make note of any previous instances of hard-braking or veering while driving and other physical drowsiness indicators. Drivers should be required to report the results of their self assessment to the operator to ensure they are not fatigued prior to starting another driving period.

- Carriers should not request employees to continue driving if evidence suggests fatigue is becoming an issue or concern.
- Carriers should never request that employees drive when they are impaired by fatigue, drugs and or alcohol.
- Carriers should where possible not use this exemption in situations where drivers are required to operate specialized vehicle configurations such trains and long-combination vehicles (LCV) or where the driver is required to hold additional qualifications to move commodities.
- Drivers and carriers should continue to document all driver hours of service in the driver's daily log order to assess compliance when the exemption ceases to apply.
- Carriers should identify the nature of the relief the driver is engaged in providing on the hours of service record.
- Carriers and drivers should be able to articulate in what manner they are providing relief or responding to an emergency.
- A driver's on-duty time and off-duty time, within the meaning of the Hours of Service Regulation, when they are using the emergency provision as mentioned above shall nonetheless be included in the calculations of a driver's hours of off-duty and on-duty time for the purposes of complying with this Regulation once the driver returns to normal operation.

Temporary Exemption: Daily Inspection Requirements for all provincially regulated carriers responding to or in support of a declared emergency within Ontario:

This exemption, if carriers choose to use, permits the carrier to operate their vehicle without daily inspections, record keeping or following their maintenance statement for the company while providing emergency relief efforts.

This exemption is about reducing administrative burden for the company for the duration of the declaration.

The requirement for vehicles to be properly maintained and safe remains in effect.

Tips & Best Practices

- Where possible all legislative requirements should be followed.
- Where following legislative requirements is not feasible, operators and drivers need to ensure the vehicle is inspected and maintained frequently to ensure it is fit and meets the requirements of the *Highway Traffic Act*, at all times.
- When a vehicle is inspected by the driver, a report should be completed.
- Carriers should identify the nature of the relief the driver is providing on the completed trip reports.

Temporary Exemption: Speed Limiter Requirements for all provincially regulated carriers responding to or in support of a declared emergency within Ontario:

This exemption, if carriers choose to use permits carriers to operate without a functioning speed limiter in the vehicle while providing relief efforts.

Tips & Best Practices

- This does not permit drivers to speed. Drivers must obey all posted speed limits, and this should not impact their ability to support emergency relief activities.
- Carriers that do not have a functioning speed limiter in a vehicle will be able to continue to operate in Ontario to support emergency relief efforts.

Unless otherwise specified in this communication, the above exemptions will remain in effect for the duration of the provincial state of emergency in Ontario.

As the pandemic continues to evolve, the Ministry of Transportation will continue to support the trucking industry by providing guidance and support in the use of the various provincial and federal exemptions to ensure the continued movement of essential goods.

Ontario will also ensure the appropriate use of these exemptions and will investigate and take action if a carrier is found operating outside the intended scope of these exemptions.

Ontario will continue to monitor emerging developments, working in partnership with provincial and national agencies and additional updates will follow as they become available.

Please visit Ontario's [website](#) to find more information about COVID-19 and how the province is protecting the health of Ontarians.

We would like to thank drivers and carriers for working to help address this challenge and keep Ontarians safe and healthy.

Questions related to this email may be directed to the Ministry of Transportation by contacting csio@ontario.ca. Thank you in advance for your patience as we are experiencing a high-volume of correspondence during this time.

Sincerely,

Ian Freeman
Director, Carrier Safety and Enforcement Branch
Ministry of Transportation