



ELECTRONIC LOGGING DEVICES & INDUSTRY CHALLENGES/REGULATIONS

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President, PMTC
For: CILTNA, Ottawa
Chapter



DEFINING THE PMTC



Established in 1977, by six visionary private fleet managers who wanted a voice, the Private Motor Truck Council of Canada (PMTC) is the only Canadian association dedicated to the interests of private fleet operators.

The PMTC provides forums for fleet operators and industry stakeholders to exchange views and resolve issues together, and is at the forefront in representing your views to government, protecting your rights, and promoting your interests.

The PMTC is recognized as the voice of private trucking in Canada. We regularly field calls from trade press seeking PMTC opinions on subjects of interest to the trucking industry.

PMTC President Mike Millian also has a regular column in multiple industry publications to promote the views of private carriers.

Many describe the PMTC as the best membership value in the Canadian transportation community.



DEFINING PRIVATE VS FOR HIRE

PRIVATE MOTOR TRUCK COUNCIL OF CANADA
ASSOCIATION CANADIENNE DU CAMIONNAGE D'ENTREPRISE

Private Trucking Fleets

Private Trucking is when a company whose main business is that other than Trucking, however they own their own fleet of trucks to get their products or services to their customers. They may do some for hire work, but the main purpose of the fleet is to move their own products.

For Hire Trucking Fleets

A for hire Trucking company is someone whose sole business purpose is to move other peoples freight for money. Trucking is their business. Some will move general freight, and some will work in specialized commodities, or a combination of both, however they do not own the product that they are moving.

Dedicated Trucking Fleets

A dedicated Fleet is still a for hire fleet, however they will dedicate a portion of their fleet to work for another fleet. In some cases they will operate the whole trucking end of things and assign fleet managers to look after the fleet. Many Private fleets will partner with dedicated fleets to subsidize their own fleet needs.



REGULATORY ISSUES

The PMTC has formed excellent relationships with Canada's transportation ministries. As a result we are invited to participate in forums related to the industry. Our strong relationships with governments keep us on top of the information you need.

It also makes us participants in consultations on regulatory change well in advance of those changes being implemented – we're your voice and we use that voice to help shape new regulations to your benefit.

Some of the issues that the PMTC has or is currently involved with include

- ❑ Mandatory Entry Level Training
- ❑ Platoon/Driver Assist Vehicle Consultations
- ❑ Mandatory Drug & Alcohol Testing Lobbying
- ❑ Vulnerable Road users and CMV Project
- ❑ Electronic Logging Devices
- ❑ 6 x 2 Axle Configurations
- ❑ Health & Wellness Study of CMV Drivers
- ❑ Heavy Duty Vehicle Greenhouse Gas Regulations

The PMTC is a recognized leader in the move to upgrade truck driver training in Canada. We are founding members of Trucking HR Canada. We sit on the Board of Directors & are active participants with Trucking Human Resources Sector Council Atlantic & the Truck Training Schools Association of Ontario (TTSAO) . We are also members of the Canadian Council of Motor Transport Administrators and are actively involved in their meetings and consultations.



CONFERENCE & AWARDS



PMTC CONFERENCE

The annual conference provides first class educational opportunities, a chance to celebrate some of the good things in trucking, and the opportunity to exchange ideas with other fleet managers and industry suppliers. The conference is well known for addressing the issues and challenges facing our industry - and how to effectively manage them. Members who attend our annual conferences universally praise the seminar content and the contacts they make. Every year this conference proves itself to be the single best opportunity for everyone involved with the Transportation Industry to learn and network. Our conference in 2019 will be June 12th to the 14th in Niagara Falls, On.

PMTC AWARDS PROGRAM

3M - PMTC VEHICLE GRAPHICS DESIGN AWARDS

Recognizes truck fleet operators and graphic design companies that graphically enhance their vehicles. Vehicle graphics not only promote products and services but deliver a positive image of the trucking community.

PMTC – CPC LOGISTICS CANADA DRIVER HALL OF FAME

Established to recognize superior over the road performance of drivers employed by members of the PMTC. The Hall of Fame provides permanent recognition of the skills and dedication that these drivers bring to their profession.

PMTC – AVIVA PRIVATE FLEET SAFETY AWARD

Created to encourage improved road safety for the general public and promote best practices in private fleet safety management. The awards recognize the private truck fleets most committed to safety improvement, especially where they exceed National Safety Code requirements.

RICK AUSTIN MEMORIAL DISPATCHER OF THE YEAR AWARD

Created in the memory of Rick Austin, this award recognizes a dispatcher who has made an outstanding contribution to their employer, contributed to the development and improvement of fleet safety and efficiency, has an excellent rapport with the drivers, and promotes the fleets core values to the drivers.



EDUCATION BURSARIES



PMTC– KRTS PROFESSIONAL COMMERCIAL MOTOR VEHICLE DRIVER TRAINING SCHOLARSHIP

PMTC, with the support of its key sponsor, award a member with a Professional Commercial Motor Vehicle Driver Training Scholarship, which will cover the costs for the recipient to complete a full training program through KRTS, or another registered training provider should the candidate be from outside of Ontario. This is roughly an \$8,000.00 value.

This program is an intensive minimum 200-hour course, which when completed, will arm the new professional driver with a high level of training, as set by the Professional Truck Driver Institute (PTDI) and the Truck Training Schools Associate of Ontario (TTSAO) mandatory requirements.

These standards will provide the student with the skills and confidence necessary to become a successful professional driver.

YOUNG LEADERS EDUCATION BURSARY

PMTC, in conjunction with CITT, award two eligible members over \$1,800.00 each in funding to help complete the “PMTC Logistics Management Graduate Program”.

This will cover the cost for two of the four courses required to complete the course. Students have the option to complete the other two at any time, and will be awarded a diploma from PMTC when completed.

Anyone is able to take the course if they wish.



SOME OF OUR FLEET MEMBERS



Distracted Driving

- Distracted driving has surpassed impaired driving as a top concern of enforcement and governments
- This is a societal issue and has become an epidemic on our highways.
- Many jurisdictions have enacted new tougher laws to deter distracted driving.
- OPP and MTO Collision data shows Inattentiveness by the driver as the #1 cause of collisions, both for passenger and CMV operators.



Distracted Driving

- **Jurisdiction Updates**
- **Effective November 1st 2018 in Manitoba**
- 3-day automatic license suspension at the roadside if caught using a handheld device
- 7-day suspension if caught for the second time in 10 years.
- Fine increase from \$293 to \$672.00
- 5 demerit points for carless driving, up from 2



Distracted Driving

- **Effective January 1st, 2019 in Ontario**
- 1st offence, fine of \$300-\$1,000.00, 3-day license suspension, 3 demerit points
- 2nd offence, \$500-2,000, 7-day suspension, 6 demerit pts.
- 3rd offence, \$500-3,000.00, 30-day suspension, 6 demerit pts.

Companies must ensure they have policies covering distracted driving and must ensure they incorporate these policies into their operations.



Drug & Alcohol

- Cannabis legalized by Fed's on October 17th of 2018. Concerns of drug impaired driving by regulators, enforcement & society
- Similar to alcohol, legal to consume, however not legal to operate a vehicle while under the influence.
- Feds have approved a roadside saliva testing device, Dragger 5000.

Federal Impairment legislation for driving

- Lower level offence, warn range, THC level of 2 to 5 nanograms per ml of blood.(ng/ml)
- Criminal charge, 5ng/ml of blood.
- **Criminal charge of 2.5ng/ml & more than .05 BAC combination.**



Drug & Alcohol

Federal Rules continued

- Zero tolerance for LSD, Psilocyn, Psilocin, PCP, Heroin, Ketamine, Cocaine, Methamphetamine, GHB.

Provincial Rules

- To date 5 Provinces have introduced zero tolerance rules for the presence of alcohol and drugs in a commercial driver's system while operating a CMV on a highway. Ontario, Alberta, Saskatchewan, New Foundland and the North West Territories. Quebec has zero tolerance for new and Novice drivers, but not commercial drivers as of yet. Penalties vary per jurisdiction, but all include fines and short-term roadside license suspension.



Drug & Alcohol

Ontario

- Zero tolerance for drugs & alcohol for commercial and Novice drivers

Commercial drivers

- 3-day automatic roadside suspension (above .01)
- Fines of \$250, 350 and 450, plus reinstatement fee and victim surcharge.
- On subsequent offences, 7-day suspension, ignition interlock and drug and alcohol treatment program required
- Criminal Impaired levels same as federal levels.



Driver Shortage

- Reported as a problem for decades
- Average age of a driver is 53 years of age in Canada
- Shortage has intensified since January of 2018
- ELD's in the US have reduced capacity (harder for companies and drivers to be "flexible" on their logs)
- Economy picked up at the same time, since recessed a little.
- Loads, especially LTL, not all getting delivered.
- Rates South of the border have surged, anywhere from 15% to 100% depending on the lane and type of load. Stabilized recently and declined somewhat.
- Carriers not increasing fleet size as drivers can't be found to fill the seats



Mandatory Entry Level Training

- Currently Ontario is the only Jurisdiction that requires this
- came into effect in July of 2017
- 103.5 hours of Mandatory Training required before attempting your AZ license. 32 of it must be on the road.



Mandatory Entry Level Training

- MELT will be implemented in Alberta & Saskatchewan in March 2019
- Both programs require 121.5 hours, 39 of them on the road.
- Both require mandatory air brake training, Ontario's does not.
- Alberta requires all training on a 13 or 18 speed manual
- Saskatchewan does not require this, but places a restriction on your license if you obtain it in an Auto shift.
- Saskatchewan has an exemption from MELT for farm plated vehicles, controversial, many in industry not happy with this/
- Manitoba doing consultations, expected to announce MELT in 2019.



Mandatory Entry Level Training

- Feds announced Entry Level Training will be Introduced in the National Safety Code by January 2020.
- Provinces will be encouraged to adopt the minimum standard, can expand on it.
- Reciprocal agreements will be expected for license exchange on Provinces.
- CCMTA will be looking after creating the ELDT standard, PMTC part of the stakeholder group.



ELECTRONIC LOGGING DEVICES



US ELD REVIEW

US final ELD rule came into effect on December 18, 2017

- December 16, 2019 grandfathering for existing technology that does not meet new specifications
- Soft enforcement was in effect until April 1st of 2018. No Out of service orders or carrier profile points were occurring during the soft enforcement period.
- When the rule came into effect, roughly 40% of carriers were not compliant, bit of a mess....



US ELD COMPLIANCE



The ELD rule applies to most motor carriers and drivers who are currently required to maintain paper logs or some Records of duty status (see exceptions). The rule applies to commercial buses as well as trucks. Canada- and Mexico-domiciled drivers are included.

No 3rd party certification required for manufacturers, allowed to self certify, this has caused major issues for industry.



US ELD COMPLIANCE

ELD RULE EXCEPTIONS

The following are not required to use ELDs:

- Drivers who use paper logs no more than 8 days during any 30-day period.
- Driveaway-towaway drivers (transporting an empty vehicle for sale, lease, or repair).
- Drivers of vehicles manufactured before engine model year 2000.
- Rental trucks rented for 8 days or less. (waiver in place till December of 2022)



US ELD COMPLIANCE

ELD RULE EXCEPTIONS

The following are not required to use ELDs:

- Livestock haulers are exempt under a waiver that expires September 30th, 2019.
- Personal Conveyance exemption broadened in summer of this year.

If a driver runs out of hours when at a customer's, may use the personal use exception to travel to the next safe location to park/rest. Can use whether empty or loaded.



US ELD COMPLIANCE

ELD RULE EXCEPTIONS

- FMCSA asked for public comment on August 22nd for four specific HOS rules under consideration.

Extending the short haul exemption from 12 hours to 14

Reinstating the option for splitting the required 10 hour off duty rest break.

Revising the mandatory 30 minute rest break after 8 hours.

Extending the 14 hour on duty limitation to 16 if a driver encounters adverse weather conditions.

- Several short term and some long term exemptions/waivers continue to be issued by the FMCSA, several others have been denied and other petitions still being reviewed....



ELD's IN CANADA

- Current Canadian Federal Hours of Service Regulations allows for the use of electronic recording devices.....as long as it captures the same data manually required in a paper logbook.
- ELD regulation, when enacted, will apply to the same federally regulated carriers and their commercial drivers who are currently required to maintain a daily log under HOS (NSC, over 4500kg's)
- PMTC and other Industry Representatives are encouraging the CCMTA and Transport Canada to work with Provincial & Territorial Jurisdictions to adopt and enforce the regulations at the same time.



BENEFITS OF ELDS ACCORDING TO TRANSPORT CANADA

- Expected to improve road safety; reduce driver fatigue;
- Time savings; reduces paperwork for the driver and the motor carrier;
- Improves compliance with the regulations; reduces opportunity to inaccurately record HOS;
- Reduces detention time....less out of service violations.



CCMTA WORKING GROUP



The CCMTA was tasked with putting together a working group to draft a Canadian ELD technical standard. It was originally finalized in 2013 based on previous US proposed rulemaking;

- Premise: Did not have to be identical, but should not be inconsistent with US requirements;

US was challenged in courts;

- Approval of ELD technical standard was held in abeyance pending outcome; US did more work in the interim;
- US issued a final rule on December 16, 2015;
- Compliance date was December 18, 2017.



CCMTA WORKING GROUP



- The working group was re-constituted to revise the Canadian ELD standard once the US final rule was published.
- The PMTC is part of the stakeholder consultations and has been heavily involved in helping to shape the technical standard.
- Final round of consultations occurred early in 2017 and was forwarded to CRA for approval. The draft technical standard was incorporated by reference into Gazette Part 1 and forms part of the regulatory consultation.



CANADIAN ELD EXPECTED TIMELINES

Canada Gazette Part I:

- Transport Canada posted its regulatory proposal in Canada Gazette part 1 on December 16th of 2017.
- The posting had a comment period of 60 days and closed on February 14th of 2018.
- The posting is now closed and comments are being reviewed by Transport Canada in preparation for posting in Gazette 2.
- The original posting did not require ELD's to be certified by a 3rd party. There was large push back by PMTC, and others in the industry, and this is now back in play, request for proposals were sent out in summer of 2018.



CANADIAN ELD EXPECTED TIMELINES

Issues in Proposed regulations:

- There were a number of issues with the Technical standard that were raised by manufacturers. Secure transfer of data at the roadside was a major one.
- Other issues in the technical standard are in the process of being reviewed by the CCMTA ELD WG, and a revised tech standard has been drafted for the ELD WG to work through. Issues uncovered have been ensuring accurate inputs, processing, recording, self monitoring, outputs, among others.
- At the same time the WG is addressing comments made regarding policy issues, such as grandfather provisions for AOBDR's, compliance period, roadside enforcement, intra provincial adoption, GVW thresholds, among others.



CANADIAN ELD EXPECTED TIMELINES

Issues in Proposed Regulations:

- Transport Canada & the CCMTA working group hope to have a draft tech standard working document ready by late February for stakeholder face to face meetings in March
- White paper on policy issues will be circulated to Industry and stakeholders for review and comment. Meetings will be scheduled if needed.
- Drafting of final regs will begin after consultations have concluded. Hope to be able to begin this process of drafting them in March and be ready for a May or June Gazette 2 posting.



CANADIAN ELD EXPECTED TIMELINES

Canada Gazette Part II:

- The new revised target date for posting of the regs in Gazette 2 is May or June of 2019.
- PMTC was originally in favour of the 2 year compliance period in Gazette 1, however as a result of the numerous delays in the posting of Gazette 1, and the long lag between the posting in 1 and 2, we have changed our position and are lobbying for an 18 month compliance period after the posting in Gazette 2.
- Those who have ERD's installed prior to the posting of the regulation in Gazette 2 will have an additional 2 years to replace ERD's with ELD's in the proposal. Some in industry are pushing to shorten this, or remove it altogether. The PMTC is not in favour of removing it, willing to shorten to 18 months.



Canadian ELD COMPLIANCE



Carriers must ensure ELD's are installed and drivers and administrative staff are trained to use them by the deadline that will apply once the regulation and compliance date is posted in Gazette Part 2.

- The entire Gazette 1 posting can be viewed at

<http://www.gazette.gc.ca/rp-pr/p1/2017/2017-12-16/html/reg5-eng.html>

<http://www.gazette.gc.ca/rp-pr/p1/2017/2017-12-16/html/reg5-fra.html>



CANADIAN ELD COMPLIANCE



- Before choosing an ELD, have the vendor verify that its device meets all of the ELD specifications contained in the CCMTA Technical Standard that is part of the Gazette 1 regulatory Posting.
- **Remember, this standard is in the process of being revised, make sure you pick someone who is on top of what is going on and knowledgeable.**

English: [http://www.ccmta.ca/images/publications/pdf/Draft --
Canadian ELD Standard Text format-May 2017.pdf](http://www.ccmta.ca/images/publications/pdf/Draft_-_Canadian_ELD_Standard_Text_format-May_2017.pdf)

French: [http://www.ccmta.ca/images/publications/pdf/PDF FRENCH/Draft -
Canadian ELD Standard Version francaise texte-aout 2017.pdf](http://www.ccmta.ca/images/publications/pdf/PDF_FRENCH/Draft_-_Canadian_ELD_Standard_Version_francaise_texte-aout_2017.pdf)



PROPOSED EXEMPTIONS

- CMV's operated under an HOS permit or MVTA exemption
- Pre model year 2000 CMV's
- CMV's being operated under a rental agreement of no more than 30 days



CANADIAN ELD COMPLIANCE



- Must notify the driver at least 30 minutes in advance of an hours of service violation, and which status they are in danger of violating.
- Volume control or mute option for any audio feature.
- If a unit breaks down, it must be repaired within 8 days. Within 5 days of the malfunction, you may request an extension from your jurisdiction director.



CANADIAN ELD COMPLIANCE



- Must generate a standard output file that can be transferred to a safety official upon request. At roadside, must be able to send by at least one of email, wireless web services, fax, Bluetooth, or download onto a USB. (data transfer is one of the issues being revised in the tech standard, this will change)
- Displays all required standardized data to authorized safety officials on demand – through a screen display or printout that includes three elements: a daily header, graph grid showing driving duty status changes, and detailed daily log data. The graph grid, if printed, must be at least 15cm's by 4 cm's.
- Requires driver certification and annotation (written explanation) for any edits to records that are made by the driver or any other ELD user
- Requires certification of driver records at the end of each 24-hour period



CANADIAN ELD COMPLIANCE



- ELD provider must furnish a user's manual, and carrier must ensure the following is in each vehicle.
 - A users manual
 - An instruction sheet for the driver describing the data transfer methods supported by the device, and the steps required to generate the transfer.
 - an instruction sheet for the driver describing the measures to take in the case of a malfunction of the ELD.
 - Blank grids to record 15 days of drivers record of duty status.



NEXT STEPS

- Canada Gazette Part I; posting occurred on December 16th of 2017
- Received comments to the Canada Gazette Part I; Comment period closed on February 14th of 2018.
- Canada Gazette Part II; Posting in Gazette 2 is now expected in May or June of 2019.
- Compliance Date: The posting in Gazette 1 calls for a 2 year phase in once it is posted in Gazette 2...**PMTC was originally in favour of this, however as a result of the numerous delays in the posting of Gazette 1 and now 2, PMTC has changed it's position and has requested an 18 month compliance date after the posting Gazette 2.**
- **ERD's are given an additional 2 years to comply, however this is being requested to be shortened or eliminated by some in the industry. Not expected to be eliminated, may be shortened.**



QUESTIONS

Questions?



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