

Service Rig Packages - exemption from having to maintain or fill out a record of duty status under the *Commercial Vehicle Drivers Hours of Service Regulations*

Tracking Number – ASF-2022-03E

Pursuant to section 16 of the *Motor Vehicle Transport Act* (MVTA), after consulting with the affected provinces and being of the opinion that the exemption is in the public interest and is not likely to affect motor carrier safety, I hereby exempt extra-provincial truck motor carriers and their commercial vehicle drivers, engaged in the operation of service rig packages, from having to maintain or fill out a record of duty status, as required by sections 77 to 78.3, 80 to 86 and 98 to 99 of the *Commercial Vehicles Drivers Hours of Service Regulations* (the *Regulations*), subject to the conditions set out below.

Purpose

The purpose of this exemption is to allow eligible motor carriers and their drivers to avoid the duplication of having to complete both a record of duty status and other industry documents, thereby making use of existing documentation to demonstrate compliance with the work limits, rest requirements, and record-keeping requirements, recognizing that the service rig industry presents a unique situation with respect to highway transportation safety, in that a service rig package operates within a limited radius or within recognized oil and gas fields, and as such travels short distances on highway and spends 95 per cent of its total operating time stationary.

Application

This exemption applies to motor carriers and commercial vehicle drivers of service rig packages operating within, between and through the provinces of British Columbia, Alberta, Saskatchewan and Manitoba.

Definitions

Unless the context requires otherwise, words and expressions used in this exemption have the same meaning as in the *Regulations*.

The definitions in this section apply in this exemption:

"base jurisdiction" means the province or territory where the commercial vehicle operated by the extra-provincial motor carrier is registered or base-plated;

"doghouse" means a unit designed or equipped for the shelter of persons or storage of items, including but not limited to parts, supplies, oils and equipment, associated with the service, operation or transportation of a service rig;

"equipment truck" means a vehicle used for towing a doghouse from one location to another, and which may also be used to transport tools, equipment and other items associated with the service or operation of a service rig;

"hours of service audit" means a quantifiable, performance based audit, that is focussed on determining motor carrier and commercial vehicle driver compliance with the

Regulations and the terms and conditions of this exemption. The audit can be conducted separately or as part of a permit inspection, permit investigation or National Safety Code Audit;

“in convoy” means any operation of a service rig package, except a combination of two or more rig manager vehicles, travelling no more than five minutes apart and operated at a speed of no more than 80 kilometres per hour;

“permit inspection or investigation” means an audit of a permit holder’s compliance with the terms and conditions of a permit that is conducted for permit renewal purposes;

“pump and tank truck” means a vehicle which carries a rig tank from location to location, and which may also be used to pump and direct fluids for pressure testing equipment;

“rig manager vehicle” means a pickup truck which is registered for a gross weight under 11,794 kilograms and typically operated by a rig manager;

“service rig” means a commercial vehicle equipped with a permanently mounted mobile service rig;

“service rig package” means a combination of two or more specialized commercial vehicles that travel together in convoy and are constructed, altered, or equipped to engage in oil and gas well completion, work-over and well abandonment operations, and consist of a doghouse, equipment truck, pump and tank truck, service rig, or rig manager vehicle, and any towed trailers; and

“tour sheet” means a document, either in paper or electronic form, that is utilized in the oil and gas industry, by a service rig manager, to document each worker’s daily travel and on-duty working hours on a service rig, or time spent commuting to and from the rig for every worker on the crew. The information captured on the tour sheet includes the names of the drivers, regular operating hours, overtime hours, travel-time to and from the well site and total kilometres travelled for each day and serves as the source for both calculating worker pay and contractor billing purposes.

Conditions

This exemption is subject to the following conditions:

1. Prior to commencement of operations under this exemption, the motor carrier shall:
 - (a) notify in writing the provincial director of the base jurisdiction of its intention to operate under this exemption;
 - (b) provide to the provincial director of the base jurisdiction the following information:
 - i. the commercial vehicles that are to be operated;

- ii. the licence plate numbers of those vehicles and the province of issuance; and
 - iii. the names of drivers who will operate the commercial motor vehicles and their corresponding driver licence numbers and province of issuance;
 - (c) obtain and review a driver's abstract for each driver that is expected to operate under this exemption; and
 - (d) require that a copy of the exemption and any acknowledgement letter of intention to operate that has been received from the provincial director of the base jurisdiction, is placed in the commercial vehicles that are operated under this exemption.
2. While operating under this exemption, the motor carrier shall:
- (a) keep the provincial director of the base jurisdiction informed of any changes to the list referred in paragraph 1(b) so that the director may accurately and quickly identify the commercial vehicles or the drivers;
 - (b) hold a valid safety fitness certificate that has been assigned a Satisfactory Safety Rating or a Satisfactory Unaudited Safety Rating by the base jurisdiction pursuant to the *Motor Vehicle Transport Act* and the *Motor Carrier Safety Fitness Certificate Regulations*;
 - (c) hold an Oil Well Service Vehicle Permit that is valid for every jurisdiction where operations under this exemption are taking place;
 - (d) require and ensure that the service rig manager fill out a tour sheet each day that accounts for the on-duty time and off-duty time for that day, of each driver of a service rig package vehicle and shall sign his or her name to the tour sheet at the end of the day attesting to the accuracy of the information contained therein;
 - (e) keep at their principal place of business a copy of the exemption and any acknowledgement letter of intention to operate that has been received from the provincial director of the base jurisdiction as well as pay records, work schedules, tour sheets, driver's abstracts, collision reports and other supporting documents that demonstrate compliance with the conditions of this exemption and shall at the request of an inspector or provincial director, make available for inspection;
 - (f) annually, obtain and review a driver's abstract for each driver that operates under this exemption;
 - (g) monitor that all drivers of commercial vehicles operating under the conditions of this exemption comply with its requirements and where non-compliance is observed, ensure that remedial actions are taken;

- (h) conduct and document timely reviews of all collision reports involving their commercial vehicle drivers and if it is found that a driver had been operating under the exemption at the time of the collision, the motor carrier is to determine if there was evidence of non-compliance with the *Regulations* or the terms and conditions of the exemption; the causality or preventability of the collision; and take mitigating action, if necessary, in order to prevent a re-occurrence;
- (i) annually submit a monitoring report to the provincial director of the base jurisdiction, which includes, but is not limited to:
 - i. describing the motor carrier's efforts to monitor compliance with the exemption during the previous year and any subsequent findings in that regard;
 - ii. providing the names of drivers that operated under the exemption during that time and the driver's licence numbers for those drivers;
 - iii. summarizing the results of reviews conducted on reports of collisions involving drivers who were operating under the exemption at the time of the collision, including any determinations made with respect to the causality or preventability of the collision and any mitigating action to prevent a re-occurrence;
 - iv. describing in general terms, how the exemption was used and under what circumstances and after interviewing drivers and rig managers, report whether it is felt that drivers felt rested and alert;
- (j) comply with all other applicable requirements of the *Regulations*; and
- (k) no later than six months before requesting a renewal of the exemption, provide the federal director with a report detailing the operational efficiency of the exemption, including, but not limited to the:
 - i. number of commercial vehicle collisions, with a narrative explaining nature of any injuries, time-of-day, causality and preventability and any mitigating action to prevent re-occurrence;
 - ii. perceived operational benefits of operating under the exemption;
 - iii. the results of any hours of service audit that had been conducted during the validity of the exemption.

3. While operating under this exemption, the driver shall:

- (a) not defer any daily off-duty time to the following day, as provided for in section 16 and subsection 76(2);
- (b) not split daily off-duty time under sections 18 or 19;

- (c) comply with all other applicable requirements of the *Regulations*, and
- (d) carry a copy of the exemption and any acknowledgement letter of intention to operate, if one has been issued, in the commercial vehicle and make the document(s) available for inspection by an inspector upon request.

Validity

This exemption comes into effect on September 12, 2022, 00:01 EST and remains valid until the earliest of the following:

1. 36 months after the date that it comes into effect, 23:59 EST;
2. Until the date on which the exemption is cancelled in writing by the Minister where he is of the opinion that it is no longer in the public interest, or that it is likely to affect motor carrier safety.



Melanie Vanstone
Director General,
Multimodal and Road Safety Programs
(on behalf of the Minister of Transport)

September 9, 2022

Date