

# Targeted Essential Freight Transport Exemption to Support the Emergency Response to Hurricane Fiona in the Atlantic Provinces

## Exemption to allow relief from the requirements established under the *Commercial Vehicle Drivers Hours of Service Regulations*

Tracking Number – ASF- 2022-04E

Pursuant to section 16 of the Motor Vehicle Transport Act, 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 undertakings and their drivers, who are employed or otherwise engaged in the transport of essential supplies and equipment in direct assistance to the emergency relief efforts in response to hurricane Fiona in Newfoundland and Labrador, Nova Scotia, New Brunswick, and Prince Edward Island from the provisions set out in sections 12 to 29 of the *Commercial Vehicle Drivers Hours of Service Regulations*, subject to the conditions set out below.

### Purpose

The purpose of this exemption is to support efforts by extra-provincial truck undertakings and their drivers to transport essential supplies and equipment, in direct assistance to the emergency relief efforts in response to hurricane Fiona in Newfoundland and Labrador, Nova Scotia, New Brunswick, and Prince Edward Island.

### Application

This exemption applies to extra-provincial truck undertakings and their drivers, who are employed or otherwise engaged in the transport of essential supplies and equipment, in direct assistance to the emergency relief efforts in response to hurricane Fiona in Newfoundland and Labrador, Nova Scotia, New Brunswick, and Prince Edward Island.

### Conditions

This exemption is subject to the following conditions:

1. Prior to commencement of operations under this exemption, the extra-provincial truck undertaking shall:
  - (a) notify in writing the provincial hours of service director of the base jurisdiction of its intention to operate under this exemption;
  - (b) provide to the provincial hours of service director of the base jurisdiction documentation that will contain 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;
    - iii. the names of drivers who will operate the commercial vehicles; and,
    - iv. the drivers' driving licence numbers and province of issuance.

2. While operating under this exemption, the extra-provincial truck undertaking shall:
  - a) keep the provincial hours of service 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. These changes are to be reported by means of weekly reports;
  - b) ensure that the driver records and maintain the information related to their record of duty status in a complete and accurate manner using the grid in the form as set out in Schedule 2 of the *Commercial Vehicle Drivers Hours of Service Regulations* or an electronic logging device;
  - c) hold a valid safety fitness certificate that has not been assigned a Conditional or Unsatisfactory Safety Rating by the base jurisdiction pursuant to the *Motor Vehicle Transport Act* and the *Motor Carrier Safety Fitness Certificate Regulations*;
  - d) not request, require or allow a commercial vehicle to be used if either the commercial vehicle or driver are subject to an out-of-service declaration;
  - e) require that a copy of the exemption be placed in the commercial vehicles that are operated in accordance with this exemption;
  - f) encourage shippers to indicate on the bill of lading that the supplies and equipment being transported are in direct assistance to the emergency relief efforts related to hurricane Fiona in Newfoundland and Labrador, Nova Scotia, New Brunswick, and Prince Edward Island;
  - g) keep at their principal place of business or other location deemed acceptable by the provincial hours of service director of the base jurisdiction of the motor carrier, a copy of the exemption as well as records of duty status and other supporting documents that demonstrate compliance with the conditions of this exemption and shall at the request of an inspector or provincial hours of service director, immediately make available for inspection such documentation;
  - h) monitor drivers and other employees for compliance with the conditions of this exemption and where non-compliance is observed, ensure immediate remedial actions are taken to effectively eliminate the non-compliance and document these monitoring efforts and results;
  - i) not request, require or allow a driver to drive if their faculties are impaired by fatigue to the point where it is unsafe for the driver to drive; and
  - j) ensure that in cases where a driver informs the extra-provincial truck undertaking that they need immediate rest, the driver must be permitted to take at least 10-consecutive hours of off-duty time before having to report again to the home terminal.

3. While operating under this exemption, the driver of an extra-provincial truck undertaking operating a commercial vehicle shall:
  - a) ensure that there is a mention in the record of duty status that states that the driver is driving under an exemption issued under the Act. Tracking Number – ASF-2022-04E
  - b) carry a copy of the exemption in the commercial vehicle and make the documents available for inspection by an inspector, immediately upon request;
  - c) not drive if their faculties are impaired by fatigue to the point where it is unsafe to drive;
  - d) take a minimum of 8-consecutive hours of off duty time after the delivery of essential cargo;
  - e) request off-duty time from the extra-provincial truck undertaking, where the driver feels the need for immediate rest; and
  - f) understand that he may be the subject of a declaration of out-of-service if the driver operates a commercial vehicle while their ability or alertness is so impaired or so likely to become impaired through fatigue as to make it unsafe for them to begin or continue to operate the commercial vehicle.

Unless the context requires otherwise, words and expressions used in this exemption have the same meaning as in section 1 of the *Commercial Vehicle Drivers Hours of Service Regulations*.

### **Validity**

This exemption comes into effect upon the date that it is signed and remains valid until the earliest of the following:

- a) October 31, 2022 at 23.59 EST;
- b) 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.



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

September 25, 2022

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Date