

Transportation Compliance In Alberta

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Transportation Compliance in Alberta

General

The Alberta Government is committed to improving traffic safety and reducing collisions. The *Traffic Safety Act* sets out legislative requirements for the registered owners and drivers of both private and commercial vehicles. This document is intended to briefly explain a carrier's requirements and responsibilities under various truck and bus transport legislation.

Anyone wanting to register a commercial vehicle in Alberta for transporting goods, passengers, or the vehicle itself, must obtain an Alberta Safety Fitness Certificate under Alberta's National Safety Code (NSC) program from the Registrar as noted under the *Commercial Vehicle Certificate and Insurance Regulation* (AR 314/2002) (Sections 2 and 19) or, if federally regulated, under the *Motor Vehicle Transport Act*, 1987.

Alberta Registries will provide first-time registrants of an NSC vehicle a Temporary Safety Fitness Certificate that is valid for 60 days from the date of registration. An application for a permanent Safety Fitness Certificate will also be provided. Carriers (registrants of NSC vehicles) must return the completed application to Carrier Services, Alberta Transportation, within 60 days of the vehicle being registered. Failing to submit an application within the prescribed time may result in vehicle registrations being cancelled/suspended and a penalty being assessed if the carrier is found to be operating without a valid Safety Fitness Certificate.

A non-refundable application fee of \$50.00 must be paid before an application for a permanent Safety Fitness Certificate will be processed.

On January 1, 2006 Transport Canada amended the *Motor Vehicle Transport Act* to require a new Safety Fitness Certificate for federally regulated carriers. Alberta's Safety Fitness Certificate now identifies one of two types of "Operating Status":

A "**Provincial**" Operating Status authorizes a carrier to operate commercial vehicles **ONLY** within Alberta and applies to commercial trucks registered for a weight of 11,794 kilograms or more, or a commercial vehicle with a manufactured seating capacity of 11 or more persons including the driver.

A "**Federal**" Operating Status authorizes a carrier to operate commercial or farm-plated vehicles throughout Canada and applies to vehicles registered for a weight of more than 4,500 kilograms, or a vehicle originally manufactured with a seating capacity of 11 or more persons including the driver, if operated for other than personal use. A carrier with a Federal Operating Status whose business has changed to the extent that they intend to cease conducting business outside of Alberta may request that their Operating Status be changed to Provincial. This option is only for those carriers implementing long term changes to their business and may not be used to address short term operational needs. The application for Change of Operating Status can be found on the internet at: http://www.transportation.alberta.ca/Content/docType276/Production/Operating_Status_Applic_Form.pdf

Alberta is enforcing Federal requirements. Once it is determined that Federal legislation applies to a carrier, it will apply to their entire NSC fleet and drivers, even those operating point-to-point within Alberta. This also applies to the operation of farm vehicles. However, on trips involving farm vehicles that are conducted solely within Alberta, the hours of service legislation will not be enforced at this time.

More information on commercial transportation requirements can be found on Alberta Transportation's web site at www.transportation.alberta.ca. Requirements regarding other safety information and legislation, such as Occupational Health and Safety, may be found through the general Alberta Government web site at www.gov.ab.ca.

Regulatory Requirements

Safety Program and Safety Officer

Section 40(1) of the *Commercial Vehicle Certificate and Insurance Regulation* (AR 314/2002) specifies that a carrier must establish, maintain and follow a written safety program and retain it at the carrier's principal place of business in Alberta. This program document must contain the carrier's policies and procedures regarding at least the following information:

- Speed limits, seat-belt use, drug and alcohol use, defensive driving, load security, and fuelling;
- Proper records and recording of information including, as required, bills of lading, manifests, dangerous goods documents, time records, drivers' daily logs and weigh slips;
- Policies that drivers are expected to comply with the law, and policy and procedures related to driver training, responsibilities, conduct and discipline;
- Instructions for the use of safety equipment, including, as required, the use of flags and flares, fire extinguishers, goggles, and hard hats;
- Training for employees about safety laws and their application and an ongoing program for evaluating their driving skills;
- Retention of complete records for each driver (see section below); and
- Policies for ensuring that drivers are properly qualified for the type of vehicle they operate.

The registered owner must designate a person as responsible for:

- Maintaining and implementing the safety program; and
- Ensuring compliance with safety laws.

"Safety laws" is defined as including the *Traffic Safety Act* and all its regulations (such as: hours of service, cargo securement, trip inspection, rules of the road, weight and dimensions, etc); and the federal and Alberta Dangerous Goods legislation.

It is a condition of every safety fitness certificate that the registered owner and their employees comply with the safety program. This applies to carriers who obtain an Alberta Safety Fitness Certificate with either Provincial or Federal Operating Status designation.

More information and sample safety program policies/procedures can be found on Alberta Transportation's web site at: www.transportation.alberta.ca/3188.htm.

Driver's File Requirements

Section 41(1) of the *Commercial Vehicle Certificate and Insurance Regulation* (AR 314/2002) states that the registered owner of every commercial vehicle who is required to operate the vehicle under the authority of a Safety Fitness Certificate must maintain, for each of that owner's drivers, a driver file containing at least the following information:

- The driver's completed application form for employment with the registered owner;
- A copy of the driver's abstract in a form satisfactory to the Registrar when the driver is first hired or employed, dated within 30 days of the date of employment or hire;
- Annual updated copies of the driver's abstract in a form satisfactory to the Registrar;
- The driver's employment history for the 3 years immediately preceding the time the driver started working for the carrier;
- A record of the driver's convictions regarding safety laws in the current year and in each of the 4 preceding years;
- A record of any administrative penalty imposed on the driver under safety laws;
- A record of all collisions involving a motor vehicle operated by the driver that are required to be reported to a peace officer under any enactment of Alberta or a jurisdiction outside Alberta;
- A record of all training undertaken by a driver related to the operation of a commercial vehicle and compliance with safety laws;
- A copy of any training certificate issued to the driver, in electronic or paper form, for the period starting on the date the training certificate is issued and continuing until 2 years after it expires, in accordance with Part 6.6 of the *Transportation of Dangerous Goods Regulations* under the *Transportation of Dangerous Goods Act, 1992*; and
- A copy of a current medical certificate for the driver. Alternatively, a carrier could satisfy this requirement if the driver's file contained a copy of the driver's valid operator's licence (that requires a medical certificate) and/or a current copy of the driver's abstract.

The requirement to keep driver files applies to carriers who obtain an Alberta Safety Fitness Certificate with either Provincial or Federal Operating Status designation.

A driver is anyone who the carrier authorizes to operate their NSC vehicles even if only one time. Drivers can be full time, part time, lease operators, management, company owners, a non-employee, etc.

Vehicle Maintenance and Inspection Program

The following is a summary only. For a complete review of all the requirements refer to the *Commercial Vehicle Safety Regulation (AR 121/2009)*.

Section 6 of the *Commercial Vehicle Safety Regulation (AR 121/2009)* specifies that a carrier must establish, maintain and follow a written maintenance and inspection program that pertains to all applicable vehicles registered to the carrier in Alberta, including leased vehicles. The policies and procedures set out in the maintenance program must provide for continuous and regular inspections that meet the requirements specified in:

1. Schedules 2, 3, 4, and 5 of the regulation as applicable;
2. Sections 10 (trip inspection) and 11 (under the vehicle inspection of a motor coach) of the regulation; and
3. The *Vehicle Inspection Regulation (AR 211/2006)*.

The carrier shall maintain a copy of their maintenance plan in each location where maintenance and inspections are carried out and at their principal place of business in Alberta.

Section 10 of the *Commercial Vehicle Safety Regulation (AR 121/2009)* requires that the driver, or other persons authorized by the carrier, must complete a trip inspection on a commercial vehicle prior to its use. Under this section a commercial vehicle is defined as a commercial vehicle registered for a weight in excess of 4,500 kilograms or a commercial passenger vehicle with a manufacturer's original seating capacity of 11 or more persons including the driver. Where a trip inspection report has been completed, the trip inspection is valid for a 24 hour period. When no trip inspection report is completed, the vehicle must be inspected before it is driven by each driver.

Trip inspections shall be conducted based on items identified in Schedule 1 (truck) and Schedule 2 (bus) of Part 2 of the National Safety Code Standard 13. If the vehicle is a motor coach and equipped with air ride suspension, air breaks and automatic break adjusters, the carrier may use Schedule 3 (instead of Schedule 2). However, where Schedule 3 is used, the carrier must also conduct a 30 day/12,000 kilometre "under-vehicle" trip inspection as set out in Section 11 of the *Commercial Vehicle Safety Regulation, (AR 121/2009)*. This "under-vehicle" trip inspection must be conducted by an authorized heavy equipment technician and is valid for a maximum of 30 days or until midnight of the day on which the coach has travelled 12,000 kilometres.

Carriers may alter the original schedule found in the NSC standard to add or delete inspection items as applicable to the vehicle. A copy of the schedule used during the trip inspection must then be kept in the vehicle and the driver shall produce it to a peace officer when requested.

The person completing the trip inspection shall, if they believe or suspect that there is a defect on the vehicle, report the defect to the carrier;

- Without delay if the defect is a major defect as determined by the inspection schedule, or
- In a timely manner, and not later than the next required trip inspection on the vehicle, in all other cases.

Regardless of the amount of time specified to report defects to the carrier, it remains a violation to operate a vehicle in contravention of an act or regulation.

Section 12 of the *Commercial Vehicle Safety Regulation* (AR 121/2009) specifies that a **written trip inspection report** must be completed for all commercial vehicles operated under the authority of a Safety Fitness Certificate. This means that, although trip inspections must be completed on specified commercial vehicles, a written report is required to be completed for those inspections conducted on:

- Provincially regulated vehicles where the registered weight of the vehicle is 11,794 kilograms or greater;
- Federally regulated vehicles where the registered weight of the vehicle is greater than 4,500 kilograms; and
- Federal and provincially regulated passenger transportation vehicles with a designated seating capacity of 11 or more persons including the driver.

Despite the requirements of Section 12 discussed above, a driver, other than the driver of a school bus, is not required to prepare a written trip inspection report if the driver:

1. Operates within a 160 kilometre radius of his home terminal, and
2. Returns to the home terminal each day to begin a period of 8 consecutive hours off, and
3. Is not driving under a permit issued under the *Alberta Drivers' Hours of Service Regulation*, (AR 317/2002).

This exemption will no longer be in effect after December 31, 2009. Drivers of school buses must always document each trip inspection.

Trip inspection reports must be forwarded to the driver's home terminal within 20 days of being completed and then filed at the carrier's principal place of business in Alberta within 30 days of being submitted by the driver. The trip inspection report must then be maintained for each vehicle (trucks, trailers and buses) in chronological order for at least 6 months.

More information and sample maintenance program policies/procedures for trucks and buses can be found on Alberta Transportation's web site at:

[www.transportation.alberta.ca/Content/docType276/Production/Provincial Commercial Truck Plans.doc](http://www.transportation.alberta.ca/Content/docType276/Production/Provincial_Commercial_Truck_Plans.doc)

Mandatory Vehicle Inspections for Trucks/Trailers (annually) and Buses (semi-annually)

Commercial vehicles registered for a weight of 11,794 kilograms or more and commercial passenger vehicles with a manufacturer's original seating capacity of 11 or more persons including the driver must not be operated on a highway unless they have a valid commercial vehicle inspection certificate. Commercial passenger vehicles with a seating capacity less than 11 persons and operating under the authority of an Operating Authority Certificate must also obtain these mandatory inspections.

With respect to a vehicle registered for a weight of 11,794 or greater, this is applied in the following manner.

1. Where a vehicle consists of a combination of vehicle (including a truck, truck-tractor, trailer or other vehicle), if any one of the vehicles in combination is registered for a weight of 11,794 kilograms or greater, all vehicles in the combination must be inspected.

2. If the sum of the registered weights of any two vehicles in combination equals to 11,794 kilograms or greater, all vehicles in the combination must be inspected.

Inspections may only be conducted by a technician and at a facility that has been certified by Alberta Transportation. To locate an inspection facility near you visit Alberta Transportation web site at www.transportation.alberta.ca/685.htm.

Unless revoked by the Registrar, truck/trailer inspection certificates are valid until the last day of the 12th month following the date of the inspection and bus inspection certificates are valid until the last day of the 6th month following the date of the inspection. Certificate expiry dates are found on the certificates. The valid certificate must be retained in the vehicle and produced on demand of a peace officer. Carriers must retain copies of the inspection in their vehicle files for the current year and the four previous consecutive years.

The legislation regarding mandatory inspections varies between jurisdictions. Although Alberta's inspections are accepted in other jurisdictions, the length of time that the inspection is considered valid may vary. Carriers should check with the requirements in all jurisdictions in which they intend to operate prior to doing business there.

For more information on Alberta's inspection programs, visit our web site at <http://www.transportation.alberta.ca/509.htm>

Hours of Service Requirements

Carriers that are required to obtain a Safety Fitness Certificate and their regulated drivers are subject to drivers' hours of service regulations. These regulations are designed to help reduce collisions involving fatigued drivers by restricting their hours of service. In most cases, drivers are required to complete a driver's daily log to verify the hours they have worked are within the limits prescribed under regulation. These daily logs must be retained for 6 months.

Carriers must comply with either federal or provincial regulations. The provincial drivers' hours of service regulation, will be applied to carriers that operate solely within Alberta. Provincially regulated carriers' Safety Fitness Certificate should display a "Provincial" Operating Status. The federal drivers' hours of service regulation applies to carriers that operate both inside and outside of Alberta. These carriers' Safety Fitness Certificate **MUST** display a Federal Operating Status.

Carriers operating under the federal regulations must monitor the compliance of their drivers, take appropriate action and prepare documents of this monitoring process.

Once a carrier is federally regulated, all of their regulated drivers must comply with the federal regulations, even those drivers that never leave Alberta.

It is critical that carriers operate under the appropriate Operating Status and appropriate hours of service regulations. Carriers operating under the wrong legislation may be charged with an offence or issued an administrative penalty.

The provincial *Drivers' Hours of Service Regulation*, (AR 317/2002) can be viewed on the Internet at www.transportation.alberta.ca/525.htm

The federal *Commercial Vehicle Driver Hours of Service* (SOR/2005-313) can be viewed at <http://laws.justice.gc.ca/en/showtdm/cr/SOR-2005-313>

It is a carrier's and driver's obligation to understand and follow the hours of service legislation. For more information visit Carrier Services' web site at www.transportation.alberta.ca/499.htm

General Retention of Records

Regulatory requirements specify that a carrier must retain records at a prescribed location and for a specified time period. The table below provides a quick reference to the main document retention requirements. For additional information, consult the appropriate regulation.

Type of Record	Retention time required	Location that records must be retained	Legislative reference
Driver records outlined in "Driver's File Requirements" in this document, other than the driver's conviction history and their dangerous goods training certificate	5 years from the time they were completed	Carrier's principal place of business* in Alberta	Section 41(1) of the <i>Commercial Vehicle Certificate and Insurance Regulation</i> (AR 314/2002) Section 43 of the <i>Commercial Vehicle Certificate and Insurance Regulation</i> (AR 314/2002)
Driver's conviction history	The current year and previous 4 years	Carrier's principal place of business* in Alberta	Section 41(1) of the <i>Commercial Vehicle Certificate and Insurance Regulation</i> (AR 314/2002)
Driver's dangerous goods training certificate	5 years	Carrier's principal place of business* in Alberta	Section 41(1) of the <i>Commercial Vehicle Certificate and Insurance Regulation</i> (AR 314/2002)
Vehicle maintenance records	The current year and previous 4 years	Carrier's principal place of business* in Alberta	Section 38 of the <i>Commercial Vehicle Safety Regulation</i> (AR 121/2009)
Vehicle trip inspections	6 months after receiving the report	Carrier's principal place of business* in Alberta	Section 38 of the <i>Commercial Vehicle Safety Regulation</i> (AR 121/2009)
Driver daily record (Log Book and radius)	6 months	Carrier's principal place of business* in Alberta	Provincial - Section 16 of the <i>Drivers Hours of Service Regulation</i> (AR 317/2002) Federal - Section 85 of the <i>Commercial Drivers' Hours of Service Regulations</i> (SOR/205-313)

* Principal place of business is the address that a carrier declares on their Safety Fitness Certificate application for Alberta.

Carriers wishing to maintain records at a location other than their principal place of business may apply for a permit from Alberta Transportation. For more information or to obtain a permit application form, contact Carrier Service at 403-755-6111. To call toll free within Alberta, first dial 310-0000 followed by the 10 digit number.

Cargo Securement Requirements

On February 1st 2005, Alberta passed legislation that adopted the National Safety Code (NSC) Standard 10, titled Cargo Securement. This standard specifies how a carrier and driver must transport cargo when using a commercial vehicle registered for 4,500 kilograms or more. In general, the standard requires that the cargo must be secured so that it cannot:

- Leak, spill, blow off, fall through, or otherwise be dislodged from the vehicle; or
- Shift upon or within the vehicle to such an extent that the vehicle's stability or maneuverability is adversely affected.

A copy of the NSC Standard 10 can be obtained through the internet at:

www.ccmta.ca/english/produstandservices/publications/publications.cfm#cargo

Several interpretation documents explaining some cargo securement requirements are available on the internet at:

www.ccmta.ca/english/committees/cra/cargo/pdf/interpretationguide.pdf

Standard 10 contains the minimum requirements that all cargo securement systems must meet. This would include the use of tie downs, anchor points, friction mats, dunnage, etc. This standard covers both general securement procedures as well as those for specific commodities including: Logs; Dressed Lumber; Metal Coils; Paper Rolls; Concrete Pipe; Intermodal Containers; Vehicles as Cargo; Roll-on/Roll-off and Hook Lift Containers; and Boulders.

Standard 10 is adopted by the *Commercial Vehicle Safety Regulation* (AR 121/2009). A copy of this regulation can be obtained through the Queens' Printer web site at: www.qp.alberta.ca or by calling them at (780) 427-4952.

Commercial vehicles registered in Alberta for 4,500 kilograms or less must secure their cargo so that it meets section 65 of the *Vehicle Equipment Regulation* (AR 122/2009). This regulation is also available on the internet at: www.qp.alberta.ca. It is recommended that all commercial carriers and drivers should use the securement criteria outlined in Standard 10 when securing goods, even when operating smaller vehicles.

This information is intended only as a brief introduction to the Regulation and the Standard. Commercial carriers and drivers are strongly encouraged to obtain copies of the Standard and of the Regulation and to ensure that they understand and meet their responsibilities under both.

Passenger Transportation Services – Operating Authority Certificates

Persons wishing to provide a passenger transportation service for others or their own employees may be required to obtain an Operating Authority Certificate from the Registrar

under Section 10 of the *Commercial Vehicle Certificate and Insurance Regulation*, AR 314/2002.

For more information on Operating Authority Certificate requirements, visit our web site at www.transportation.alberta.ca/663.htm or contact Carrier Services, Alberta Transportation at 403-755-6111. To call toll free within Alberta, first dial 310-0000 followed by the 10 digit number.

General Insurance Requirements

The following is only a summary of insurance requirements.

Liability Insurance – Section 25

Carriers must maintain a minimum of \$1,000,000 of public liability insurance. For carriers transporting dangerous goods set out in Schedule 1 of the *Dangerous Goods Transportation and Handling Regulation* under the *Dangerous Goods and Transportation Handling Act* in the quantities indicated in Column 7 of that Schedule, in respect of which an emergency response plan is required to be filed under Part 7 of those Regulations, \$2,000,000 of coverage.

Cargo Insurance – Section 26

Cargo insurance is required by carriers wishing to transport other person's goods. There are a number of commodities exempted from the requirements of cargo insurance. These commodities are listed in Schedule 1 of the *Commercial Vehicle Certificate and Insurance Regulation*, AR 314/2002.

The amount of insurance coverage required depends on the commodity transported or the registered weight of the commercial vehicle carrying the load. A person must consult the regulation for specific requirements.

Passenger Hazard Insurance – Section 26

A person conducting a passenger transportation service for others or for their own employees may be required to obtain additional passenger hazard insurance that is exclusive to the passengers transported. Insurance coverage required varies depending on the seat capacity of the vehicle.

Persons operating a commercial vehicle must make a more detailed enquiry to determine specific insurance requirements for their type of operation. Commercial vehicle insurance requirements are covered in Section 24 - 28 of the *Commercial Vehicle Certificate and Insurance Regulation* (AR 314/2002). For more information contact Carrier Services, Alberta Transportation.

Dangerous Goods Transporting

The transportation of Dangerous Goods is regulated by the:

- Federal *Transportation of Dangerous Goods Act, 1992* and the *Transportation of Dangerous Goods Regulations* (SOR/2001-286); and
- Alberta *Dangerous Goods Transportation and Handling Act, 2000* and the *Dangerous Goods Transportation and Handling Regulation* (AR 157/97).

The critical areas that a carrier needs to address under both Federal and Provincial legislation include:

- Ensuring that appropriate Dangerous Goods training is provided to employees and certificates are issued;
- Location and retention of Dangerous Goods documents;
- Safety mark requirements (labels and placards); and
- Emergency response planning.

Other Jurisdiction Requirements

If the company also has vehicles registered in any other jurisdiction, then the carrier must comply with requirements in that jurisdiction.

Legislation can vary between jurisdictions. Where a carrier's vehicles are registered in Alberta but operating in another jurisdiction, they and their drivers may be subject to laws of that jurisdiction or of the federal government. Carriers are encouraged to check the laws of other jurisdictions and the federal government prior to leaving Alberta.

Vicarious Liability

Section 144 of Alberta's *Traffic Safety Act* states, in part, that where a person other than the carrier performs a "related function" in respect of that commercial vehicle, and as a result of carrying out that related function this Act is not complied with, that person and the carrier are liable for that non-compliance unless it can be proved to the satisfaction of the court that the non-compliance occurred without the consent, expressed or implied, of that person/carrier.

A "related function" would include:

- Loading goods on or into a commercial vehicle;
- Adjusting or rearranging goods being carried by a commercial vehicle;
- Unloading or removal goods from a commercial vehicle;
- Providing documentation or records, other than motor vehicle documents, with respect to the operation of a commercial vehicle; and
- Giving directions, directives, instructions or orders respecting the operation of the commercial vehicle.

Due Diligence

Due Diligence, at its simplest, means knowing your responsibilities under the law and then taking all reasonable steps to carry them out. Persons not practicing due diligence may be held accountable in the courts. Note that ignorance of the law is no defence. It is a carrier's responsibility to search out and understand laws applicable to their operation.

Some of the areas that a carrier can look at when implementing due diligence are:

- Ensuring you know the act and regulations that apply to you and keep up-to-date with changes by actively seeking such information;
- Hiring appropriate staff (i.e. do reference checks, review abstracts, perform road tests, etc.);
- Documenting the responsibilities of all staff involved in safety related areas (including drivers, dispatchers, safety officers, auditors, etc.);
- Educating all staff regarding legislation requirements, company policies and procedures and staff responsibilities;
- Confirming that company policies are being complied with as directed (e.g. by doing internal auditing of pre-trip procedures, hours of service compliance, etc.);
- Advising all staff of changes to legislation and company procedures;
- Disciplining staff as appropriate; and
- Documenting all actions taken (e.g. staff selection, training, internal auditing, discipline, etc).

All due diligence policies, procedures and activities should be included in the company's Safety and Preventative Maintenance Program documents.

Achieving Safety Compliance by Motor Carriers *A Progressive Discipline Program*

Introduction

Alberta Transportation maintains one of the safest and most effective highway systems in North America. In order to maintain that system, the department monitors the conduct of commercial carriers travelling on Alberta's highways for safety compliance and for the protection of our highway infrastructure. It is the responsibility of commercial carriers to comply with provincial and federal safety legislation. Carriers are expected to achieve and maintain a high level of safety compliance by adopting effective safety management practices.

In spite of the benefits of operating safely, some carriers persist in operating in an unsafe manner placing other road users at risk. For those carriers, Alberta Transportation takes a progressive disciplinary approach in dealing with them, in the hope of changing their respective corporate behaviour and that of their employees.

Enforcement of Transportation Safety Legislation

Alberta Transportation and other law enforcement agencies in the province routinely monitor all carriers for safety compliance. The Transportation Safety Services Division manages the department's enforcement staff and their duties include:

- Transport Officers work at Vehicle Inspection Stations throughout the province and patrol our highways to detect violations and contribute to the safe movement of goods and people;
- Compliance Investigators conduct Facility Audits and investigate serious safety issues;

- Vehicle Safety Investigators monitor the Commercial Vehicle Inspection Program (CVIP) inspection facilities used by carriers and also monitor carriers' maintenance practices; and
- Dangerous Goods Inspectors monitor drivers, vehicles and facilities throughout Alberta.

Carrier Profile

The Carrier Services Section of Alberta Transportation gathers enforcement documents that relate to carriers with commercial vehicles registered in Alberta. These documents are sent to Carrier Services from agencies across North America. This information is monitored and analysed by department staff and provides the basis for evaluating a carrier's Safety Fitness status. Canadian jurisdictions agree that the Safety Fitness of carriers is best evaluated using at least the following four elements; convictions, facility audits, collisions, and Commercial Vehicle Safety Alliance (CVSA) inspections.

Carriers who are demonstrating an unacceptable level of risk to the motoring public will be identified and are subject to review by the department. A carrier's Safety Fitness status will be reviewed if the carrier represents a potential safety risk. Carriers demonstrating non-compliance will be dealt with according to the progressive discipline program.

Carriers should obtain and review their Carrier Profile report on a regular basis. It can be a valuable management tool for carriers by assisting them in;

- Evaluating the effectiveness of their safety programs, and
- Monitoring their driver's on-road performance.

For more information on how to use and read your profile visit our web site at:

<http://www.transportation.alberta.ca/667.htm>.

Persons may now obtain a copy of their Carrier Profile report via the web. To register for this service visit our web site at: <https://www.trans.gov.ab.ca/TravisWebLogin/redirect.htm>

The Carrier Profile request form is available by contacting the National Safety Code and Operating Authorities Section of Alberta Transportation at (403) 340-5444 or on the internet at: <http://www.transportation.alberta.ca/Content/docType276/Production/carrpreque.pdf>

Carrier Monitoring

All carriers who are required to operate their vehicles under the authority of a Safety Fitness Certificate are monitored in the following areas:

- Convictions;
- CVSA inspection results; and
- Collisions.

The vehicles and drivers monitored by Carrier Services depend on whether the carrier is provincially or federally regulated. All events involving a federally regulated carrier that occur with a vehicle registered for more than 4,500 kilograms are included on the Carrier Profile and are used for monitoring purposes. For provincially regulated carriers, only events involving a vehicle registered for 11,794 kilograms or more are considered. Events involving a commercial

passenger vehicle with an original manufactured seating capacity of 11 or more persons, including the driver, will be considered for both Provincially and Federally regulated carriers.

Alberta Transportation's Carrier Services, collects conviction, CVSA inspection results, and collision events and applies them to a carrier's profile. This information is then combined to determine a carrier's Risk Factor (R-Factor) score.

Generally speaking, a carrier's R-factor score is calculated by:

1. Assigning each conviction event 0 - 5 points based on a nationally agreed upon pointing system. All conviction points are then totalled.
2. Assigning each collision event a point value of 2, 4, or 6 depending if the collision resulted in property damage, injury, or a fatality. Only the highest point value will be assessed per collision. The collision points are then totalled.
3. Determining the number of CVSA inspections that result in an "Out-of-Service" declaration.
4. The numbers calculated in steps 1, 2, and 3 above are then each divided by the carrier's average number of power units and applied to a formula that calculates the carrier's R-Factor score.

A carrier's R-factor score is then compared to other carriers of a similar operation, truck or bus, and of similar fleet size. The monitoring program is designed to identify the 5 per cent of carriers that represent the greatest risk to the public. Only these high risk carriers will show up on Carrier Services' monitoring report.

Each of those carriers on the monitoring report is then assigned a monitoring stage of 1 - 4 based on the carrier's R-Factor score. Carriers at monitoring stage 4 represent the greatest risk to the public.

All carriers that appear on Carrier Services' monitoring report must take immediate action to evaluate their operation and take all necessary steps to reduce their risk to the public (and thus their R-Factor score) by improving their on-road performance.

Collision Evaluation Process

The number of collisions a carrier has and the severity of the event (property damage, injury or fatality) are considered under Carrier Services' monitoring program. When a carrier is involved in a reportable collision, an enforcement officer completes a Collision Report Form. Information from this report is transferred to the carrier's profile and considered when determining the carrier's safety fitness rating.

Carrier Services does not want to consider a collision under its monitoring program that was "non-preventable" by the carrier or their driver. A collision evaluation process has been implemented which provides the carrier the opportunity to have collisions evaluated for preventability. While a person may apply to have a collision evaluated at any time, carriers on Carrier Services' R-Factor monitoring report will be encouraged to submit applications immediately.

The collision evaluation process includes the following steps:

1. The carrier submits a complete collision evaluation form.
2. The form and supporting documents are sent to Alberta Motor Transport Association, (AMTA) where they are reviewed. If an evaluation committee meeting is scheduled, trained industry personnel will be used to review the application and evaluate the collision for preventability. **Driver and, where possible, carrier information will be removed prior to the evaluation committee reviewing the application.**
3. Upon completion of the review, the AMTA administrator will supply Carrier Services with a recommendation on preventability. AMTA will charge an administrative fee for all collision evaluations that are reviewed by an evaluation committee.
4. Based on all the information collected, the Registrar shall decide if the collision was preventable.
5. Where a collision has been evaluated, the carrier's profile will be adjusted to reflect the Registrar's decision on preventability. Collisions found to be non-preventable will not be used in determining a carrier's safety fitness rating.

For more information about the collision evaluation process or to obtain a Collision Evaluation form, visit our web site at www.transportation.alberta.ca/656.htm

Carriers are encouraged to set up an internal collision evaluation process within their operation. Determining what contributed to causing a collision and then taking corrective action, is key in reducing future incidents.

Discipline Program

Carriers that appear on the department's monitoring report or carriers that are identified by other means that represent the carrier as an unacceptable risk to the public are subject to a progressive discipline program that ensures carriers are approached in a consistent, fair and objective manner. The program has clearly defined steps, yet it is flexible enough to allow for special circumstances. When contemplating a discipline action with a carrier, Carrier Services considers:

- Information in the carrier's profile;
- What monitoring stage the carrier is at (if any);
- Audit information collected by approved third party auditors and government Investigators;
- Information collected through an investigation or inspection; and
- Any other information related to safety or compliance to safety laws which are considered appropriate.

Carrier Services' managers may make direct recommendations regarding intervention and discipline to the Registrar. However, in many cases, the Compliance Review Committee (CRC), which is comprised of senior government staff, conducts reviews when significant actions are considered. The intervention actions that may be taken include:

- A letter being sent regarding unacceptable performance;
- Charges being laid;
- Directing the carrier to arrange for a compliance audit to be conducted at their expense and submitted to the department;
- An Administrative Penalty being imposed;
- Conditions being imposed on the carrier's Safety Fitness Certificate;
- Loss of various permits or prohibition from receiving future permits;

- Issuance of a “Conditional” Safety Fitness Rating;
- Suspension/cancellation of an Operating Authority and/or a Safety Fitness Certificate;
- Issuance of an “Unsatisfactory” Safety Fitness Rating;
- Suspension/cancellation of vehicle registrations.

When considering an intervention with a carrier, the level of risk the carrier represents to the public will be considered. Generally speaking, those carriers representing the greatest risk to the public will be given the least amount of time to make adjustments to their operation. Carriers who present an immediate risk to public safety will be dealt with using any of the available tools considered appropriate at the time, including the immediate suspension or cancellation of the carrier’s Safety Fitness Certificate and vehicle registrations.

Administrative Penalties

In the past, there had been only two legislated financial options to discipline an Alberta commercial carrier who represented an unacceptable risk to the motoring public and/or to their own employees. A Peace Officer could require a “court appearance” where a judge could impose a fine or the Officer could issue a “ticket” for a specified penalty amount.

With the implementation of the *Traffic Safety Act* on May 20, 2003, a new tool became available to help change the behavior of carriers that place the public “at risk”. Where non-compliance is identified, the Registrar has the authority to issue an “Administrative Penalty” against a person who registers a commercial bus or truck, or a driver of one of those vehicles.

There are some limitations to the use of Administrative Penalties including:

- The maximum amount cannot exceed \$10,000 for the failure to comply or for each day or part day that the failure to comply occurs or continues; and
- The carrier that pays an Administrative Penalty may NOT be charged with the same offence under the *Traffic Safety Act*.

Carrier Services Section has prepared policies regarding how and when this administrative enforcement tool may be used. Briefly, these policies identify several situations that may warrant the use of an Administrative Penalty and includes when:

- Violations are identified as the result of an investigation or audit conducted;
- An investigation has confirmed that there has been a failure to meet the requirements of a Condition that had been imposed on a carrier’s Safety Fitness Certificate; and
- An investigation identifies that a carrier has been operating a commercial vehicle when they have been assigned a safety fitness rating of “Unsatisfactory”.

When the Compliance Review Committee (CRC) identifies a situation involving a company/person where it believes that an Administrative Penalty is an appropriate discipline option, then it can make a recommendation to the Registrar to impose such a penalty. A Manager of Carrier Services may also make a recommendation to the Registrar on such matters.

Fair Treatment

This discipline program is intended to be progressive in nature and ensures all carriers are treated in a fair manner. It is used to modify a carrier's behavior and obtain positive change. A carrier might progress through some or all of these intervention actions until their activities are managed in an appropriate and safe manner. If a carrier fails to properly manage their administrative and safety processes, they may ultimately lose their permit privileges, have their Safety Fitness Certificate and vehicle registration cancelled, and be issued an "Unsatisfactory" Safety Fitness Rating. This would effectively mean they could no longer operate commercial vehicles on any highways.

Appeals

Sections 35, 41 and 43 of the *Traffic Safety Act*, provide a right of appeal of many of the Registrar's decisions regarding provincial matters. For a prescribed fee, an application form to initiate an appeal is available from any Alberta Registry Agent.

Section 45 of the *Traffic Safety Act* states that an appeal shall not be started after 30 days have elapsed from the day the carrier has received written notice of a decision.

Transportation Legislation

Legislation Sources:

1. Provincial and some Federal legislation can be obtained from:

Queen's Printer for Alberta

Main Floor Park Plaza
10611 – 98 Ave
Edmonton, AB T5K 2P7
Ph: 780-427-4952
Fax: 780-452-0668

2. Federal legislation can also be obtained from:

Canadian Publishing Centre, Hull, Quebec
800-635-7943

3. National Safety Code (NSC) Standards can be obtained from:

Canadian Council of Motor Transport Administrators (CCMTA)
613-736-1003 (*contact Mr. Tremblay*)
www.ccmta.ca/

Note: Complete NSC Standards are contained in 2 manuals:

- NSC Manual (*contains Standards 1-10 and 14-16*);
- Commercial Vehicle Inspection in Canada (*contains Standards 11, 12, 13*).

Note: The NSC Standards are not “legislation” but may be used by motor carriers as a guideline to developing their safety and preventive maintenance programs.

4. Internet sources of legislation:

www.qp.alberta.ca/index.cfm
<http://laws.justice.gc.ca>

Legislation Titles:

1. *Traffic Safety Act (Alberta)*

All Commercial Vehicles

- *Bill of Lading and Conditions of Carriage Regulation* AR 313/2002
- *Commercial Vehicle Certificate and Insurance Regulation* AR 314/2002
- *Commercial Vehicle Dimension and Weight Regulation* AR 315/2002
- *Drivers' Hours of Service Regulation* AR 317/2002
- *Use of Highway and Rules of the Road Regulation* AR 304/2002
- *Vehicle Seizure and Removal Regulation* AR 251/2006
- *Vehicle Equipment Regulation* AR 122/2009
- *Operator Licensing and Vehicle Control Regulation* AR 320/2002
- *Vehicle Inspection Regulation* AR 211/2006
- *Commercial Vehicle Safety Regulation* AR 121/2009

2. *Motor Vehicle Transport Act, 1987 (Federal)*

All Commercial Vehicles:

- *Commercial Vehicle Driver's Hours of Service Regulation* SOR/2005-313
- *Motor Carrier Safety Fitness Certificate Regulation* SOR/2005-180

3. *Dangerous Goods Transportation and Handling Act (Alberta)*

All Commercial Vehicles:

- *Dangerous Goods Transportation and Handling Regulation* AR 157/97

4. *Transportation of Dangerous Goods Act, 1992 (Federal)*

All Commercial Vehicles:

- *Transportation of Dangerous Goods Regulation* SOR 2001-286

Sources of “Help” for Carriers

Occasionally, a commercial truck or bus carrier may require assistance with establishing or modifying their safety and/or maintenance programs to ensure compliance with Alberta’s transport regulations or with the National Safety Code (NSC). There are several potential sources of this information that the carrier could consult including:

Education Manual

Alberta Transportation has prepared a comprehensive education manual titled “Commercial Vehicle Safety Compliance in Alberta”. It summarizes many of the most important NSC regulatory requirements. This document is available on the internet at: <http://www.transportation.alberta.ca/Content/docType276/Production/Edmanual.pdf>
Note that you can obtain a hard copy of this document from several industry associations in Alberta including the Alberta Motor Transport Association.

Alberta Motor Transport Association (AMTA)

Options: - Provide consultant contact information
- Offer various courses in transport safety

Calgary: Phone #: 800-267-1003 or 403-243-4161
Fax #: 403-243-4610
3660 Blackfoot Trail SE
Calgary, AB T2G 4E6

Edmonton: Phone #: 780-448-7456
Fax #: 780-448-0744
17010 – 103 Ave., Suite 245
Edmonton, AB T5S 1K7

Web site: www.amta.ca

Reference from another carrier

Legislation Sources

Queen’s Printer Bookstore (*Alberta*) 780-427-4952 (*Edmonton*)
Web site: www.qp.alberta.ca/index.cfm

Canadian Publishing Centre (*Federal*) 800-635-7943 (*Hull*)
(ask for a publication agent near you)

Transportation Consultants

Carrier Services maintains a list of consultants that have been approved to do National Safety Code audits based on their proven knowledge in this subject area. To review this list contact Carrier Services at 403-755-6111.

Red Deer College

Transportation Safety Director Program

Red Deer College offers a course that provides the basics of safety and health for the transportation industry. This program focuses on the information and skills you need to become a designated health and safety transportation representative – the Safety Director. This course can be looked at as the starting point in a Safety Director's training. Experience in the transportation field and further specific training will help in your chosen career path.

Further information on this program can be obtained from:

Continuing Education, Red Deer College
Box 5005
Red Deer, AB T4N 5H5
Phone: 403-342-3517 or 888-886-2787
Fax: 403-342-3287
Web site: <http://www.rdc.ab.ca/continuingeducation>

Professional Driving Certificate Program

Red Deer College has partnered with members from the transportation industry and the government to develop a new strategy to meet the high demand for qualified drivers in the trucking industry. Successful candidates will benefit from new skills and knowledge, a better understanding of the transportation industry, individual driving and coaching as well as being eligible for an insurance reduction on completion of the course.

A course has been developed that combines 8 weeks of class room time and in-cab training with an additional 4 weeks in a practicum setting. During this time drivers will be paired with trained drivers/mentors from the industry for individual training. This course has been designed to bring together individuals seeking a career and carriers looking to hire qualified drivers.

For more information on this program or to find out how to get involved as a driving mentor call 1-888-732-4630 or visit: www.rdc.ab.ca/driving

Lethbridge Community College

Commercial Vehicle Enforcement Program

Lethbridge Community College offers a program designed in partnership with Alberta Transportation, Commercial Vehicle Inspection Branch that provides training in Transportation Legislation to new Transport Officers and other interested parties. With the implementation of the *Traffic Safety Act* and associated regulations, this 9 course program will provide commercial carriers the opportunity to access education on current transportation legislation such as Weights & Dimensions, Hours of Service, Licensing and Transport Law. An educated industry is a safer industry. Drivers, safety supervisors, and other members of the transportation industry are invited to enroll in individual

courses or the entire program. The result will be fewer tickets, a more desirable carrier profile, and a reduction in collisions.

For more information regarding this program please contact:

Lethbridge Community College
Commercial Vehicle Enforcement Program
Martin Thomsen, Program Leader

3000 College Drive South

Lethbridge, AB T1K 1L6

Phone: 403-317-3568

Fax: 403-317-3521

E-mail: marty.thomsen@lethbridgecollege.ab.ca

Web site:

http://www.lethbridgecollege.ab.ca/index.php?option=com_content&task=view&id=119&Itemid=165

Department Contact Information

<p>Vehicle Safety and Carrier Services Branch Carrier Services Section:</p> <p>For information regarding NSC applications, registered owner Profiles and Operating Authorities: Phone: 403-340-5444 Fax: 403-340-4806</p> <p>For information on compliance to regulatory requirements, audits, progressive discipline and safety permits: Phone: 403-755-6111 Fax: 403-340-4811</p>	<p>Vehicle Safety And Carrier Services Branch Vehicle Safety Section:</p> <p>For information regarding annual CVIP vehicle inspections, vehicle maintenance standards, inspection facility certificate, inspection technician certificates and cargo securement:</p> <p>1st Floor, Atrium 1, Twin Atria Bldg 4999 – 98 Avenue Edmonton, AB T6B 2X3 Phone: 780-427-8901 Fax: 780-422-3682</p>
<p>Dangerous Goods and Rail Safety Branch:</p> <p>For information on shipping dangerous goods, investigating incidents and complaints, and providing technical information on hazardous chemicals:</p> <p>Main Floor, Twin Atria Building 4999 – 98 Avenue Edmonton, AB T6B 2X3 Phone: 780-422-9600 or 800-272-9600 Fax: 780-427-1044</p>	<p>Driver Safety, Research and Traffic Safety Initiative Branch:</p> <p>For information on driver examinations, driver education and training programs, traffic safety education strategies, and impaired driving programs:</p> <p>1st Floor, Atrium 1, Twin Atria Bldg 4999 – 98 Avenue Edmonton, AB T6B 2X3 Phone: 780-427-8901 Fax: 780-427-0833</p>
<p>Commercial Vehicle Enforcement Branch:</p> <p>For information regarding roadside inspections, vehicle inspection stations and enforcement action by branch staff:</p> <p>Lethbridge Region Phone: 403-382-4135 Fax: 403-382-4413</p> <p>Red Deer Region Phone: 403-340-5225 Fax: 403-340-5074</p> <p>High River Region Phone: 403-652-8359 Fax: 403-652-8382</p> <p>Stony Plain Region Phone: 780-968-4200 Fax: 780-963-1995</p> <p>Grande Prairie Region Phone: 780-538-6444 Fax: 780-538-6462</p> <p>St Paul Region Phone: 780-645-6216 Fax: 780-645-6746</p>	<p>Transport Engineering Branch Prorate Section:</p> <p>For information about prorating Alberta registered commercial vehicles for travel to other jurisdictions and using the International Registration Plan:</p> <p>1st Floor, 803 Manning Road NE Calgary, AB T2E 7M8 Phone: 403-297-2920 Fax: 403-297-2917</p>

Note: Any Alberta government office can be contacted toll free within Alberta by first dialing 310-0000.