SUPPORTING THE EFFICIENT MOVEMENT OF TRUCKS ACROSS CANADA:

SUGGESTED APPROACHES BY THE TASK FORCE ON TRUCKING HARMONIZATION

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Table of Contents

INTRODUCTION

ACKNOWLEDGEMENTS II

FOREWORD FROM THE CO-CHAIRS 1

EXECUTIVE SUMMARY 2

PURPOSE 5

REPORT STRUCTURE 5

MOTOR CARRIER OPERATIONS: ROLES AND RESPONSIBILITIES OF DIFFERENT ORDERS OF GOVERNMENT 5

EXISTING TRUCKING GOVERNANCE BODIES 6

CURRENT INITIATIVES TO IMPROVE INTERJURISDICTIONAL MOVEMENT OF GOODS 8

PHASE 1 LIST OF ISSUES

ISSUE ONE – LACK OF HARMONIZATION BETWEEN JURISDICTIONS ON LEGAL WEIGHTS AND DIMENSIONS 9

ISSUE TWO – VARYING VEHICLE EQUIPMENT REGISTRATION AND REQUIREMENTS/ REGULATION 20

ISSUE THREE – SLOW ADOPTION OF RECENT MOU AMENDMENTS ACROSS JURISDICTIONS 24

ISSUE FOUR - THE ADOPTION OF NATIONAL SAFETY CODE STANDARDS VARY BY JURISDICTION, IMPEDING CARRIER COMPLIANCE 28

ISSUE FIVE - HARMONIZATION OF SPRING ROAD BANS/RESTRICTIONS: SPRING WEIGHT RESTRICTIONS/REDUCED LOAD PERIODS ARE ADOPTED AND ENFORCED DIFFERENTLY ACROSS JURISDICTIONS 38

ISSUE SIX – LACK OF HARMONIZATION IN PERMIT PROCESSES FOR OVERSIZE/OVERWEIGHT LOADS ACROSS JURISDICTIONS 43

ISSUE SEVEN – LACK OF A DESIGNATED NATIONAL OVERSIZE/OVERWEIGHT CORRIDOR . . 45

ISSUE EIGHT – VARYING VEHICLE REQUIREMENTS, WEIGHT LIMITS, PERMIT CONDITIONS, DRIVER QUALIFICATIONS AND TRAINING FOR TURNPIKE DOUBLE LONG COMBINATION VEHICLES 46

ISSUE NINE- WEIGHT ALLOWANCES BASED ON TIRE SIZE DIFFER 47

ISSUE TEN – LACK OF MUTUAL RECOGNITION AND COST IMPACTS OF VARYING FUEL AND SALES TAX RATES ACROSS JURISDICTIONS 52

ISSUE ELEVEN – INCONSISTENT ENFORCEMENT AND POLICING OF TRUCKING REGULATIONS 53

ISSUE TWELVE – PILOT CAR OPERATIONS (I.E., ENFORCEMENT AND TRAINING) VARY ACROSS JURISDICTIONS 55

ISSUE THIRTEEN – LACK OF MANDATORY DRUG AND ALCOHOL TESTING FOR COMMERCIAL TRUCK DRIVERS 57

ISSUE FOURTEEN - LACK OF STANDARDIZED MANDATORY ENTRY LEVEL TRAINING FOR COMMERCIAL VEHICLE DRIVERS ACROSS CANADA 58

ISSUE FIFTEEN – LACK OF A NATIONAL SAFE REST AREAS STRATEGY 59

ANNEXES 60

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Foreword from the Co-chairs

Federal, provincial and territorial Ministers Responsible for Transportation and Highway Safety recognize the critical role of transportation in supporting economic growth. An efficient trucking sector is essential to Canadian competitiveness.

In recent years, important work has been done to reduce barriers to the interprovincial/territorial movement of goods by truck. But there is more work to be done. In Fall 2016, Ministers agreed to establish a Task Force on Trucking Harmonization to study interprovincial/territorial truck-related regulations and standards across the country.

The Task Force identified areas that are perceived to cause impediments to the efficient flow of interprovincial/territorial trade and set out to investigate them further with a view to eliminating barriers and reducing irritants to the movement of goods within Canada. The Task Force examined and documented why differences exist, and explored what can be done to address them.

Since challenges differ across individual provinces and territories, this report recognizes that each jurisdiction is best-positioned to respond to and address local needs in their particular context. At the same time, in support of a pan-Canadian approach, where national or regional harmonization makes sense, this has been explored. The suggested approaches in this report for each issue reflect the ongoing need to explore how we can work together to ensure Canada's shared transportation system continues to support the effective and reliable transportation of goods across Canada.

We hope this report generates continued discussion and new ideas as we work together and embrace opportunities that will make advancements toward a safe, competitive, seamless and sustainable transportation system for Canada.

Heather Carrière / Andrew Cipywnyk

Executive Summary

The efficient movement of commercial vehicles across Canada is vital to many industries and the Canadian economy. However, despite notable progress in harmonizing trucking standards, differences in infrastructure, policy, regulation and legislation can contribute to inefficiencies in the trucking sector. At the request of the *Council of Ministers Responsible for Transportation and Highway Safety* a federal/provincial/territorial Task Force on Trucking Harmonization was formed to examine differences in interjurisdictional truck regulations and policies and draft a report summarizing the findings.

This report provides an overview of the issues raised by stakeholders, key considerations noted by jurisdictions and suggested approaches to address variances in trucking regulations.

Many of the issues examined fall under the mandate of existing federal/provincial/territorial trucking governance bodies. These issues are being referred to these organizations for further consideration, while others will be referred to particular jurisdictions.

A number of issues examined by the Task Force on Trucking Harmonization dealt with how jurisdictions adopt, apply, and enforce National Safety Code (NSC) standards differently, thus raising compliance challenges. Other issues dealt with variations in vehicle/equipment registration requirements. All these issues fall under the mandate of the Canadian Council of Motor Transport Administrators (CCMTA) and as such, will be referred to its committees and working groups.

ISSUES REFERRED TO THE CANADIAN COUNCIL OF MOTOR TRANSPORT ADMINISTRATORS
National Safety Code Standards • Driver medical requirements • Carrier safety ratings and carrier profiles • Electronic logging devices • Cargo securement • Trip inspections
Vehicle/Equipment Registration • Vehicle equipment and registration rules • Farm plate rules
Need for Mandatory Entry Level Training for Commercial Drivers Across Canada

Other issues identified by the Task Force on Trucking Harmonization fall under the mandate of the Task Force on Vehicle Weights and Dimensions Policy (TF-VWD Policy), which is responsible for managing the Heavy Truck Weight and Dimension Limits for Interprovincial Operations in Canada resulting from the Federal-Provincial-Territorial Memorandum of Understanding (MOU) on Interprovincial Weights and Dimensions.

These issues, outlined in the table below, are being referred to the TF-VWD Policy:

ISSUES REFERRED TO THE TASK FORCE ON VEHICLE WEIGHTS AND DIMENSION POLICY
Lack of Harmonization between Jurisdictions on Legal Vehicle Weight and Dimensions • Weight allowances for self-steer quad semi-trailers depending on tire sizes • Weight allowances for Liquid Natural Gas Fueled Vehicles • Steering axle weight limits for truck tractors • 18.44 M (60 Ft 6 In) semi-trailers • Load-biasing 6 x 2 drivetrain configurations
Slow Adoption of Recent Memorandum of Understanding on Vehicle Weights and Dimensions Amendments across Jurisdictions
Weight Allowances Based on Tire Size Differ • Wide Base Single tires • National standard for tire sizes

Finally, several issues raised by stakeholders do not fall under the mandate of existing bodies and will be referred for further consideration to either the provinces and territories or the federal government for further review and consideration. Where issues are beyond the scope of the Ministries of Transport, they will be referred to the relevant Ministries.

ISSUES REFERRED TO PROVINCIAL AND TERRITORIAL GOVERNMENTS
Variances in the Adoption of National Safety Code Standards • Hours of service
Varying Vehicle Equipment Registration and Requirements • Prorated Vehicle Registration • Speed limiters
Lack of Harmonization of Spring Road Bans/Restrictions
Lack of Harmonization in Permit Processes for Oversize/Overweight Loads Across Jurisdictions • Oversize/overweight vehicles and loads permitting processes • Different costs
Lack of Mutual Recognition and Cost Impacts of Varying Fuel and Sale Tax Rates Across Jurisdictions • Single trip fuel permit/fuel tax rates • Input sales taxes
Bills of Lading Not Uniformly Adopted and Enforced
Pilot Car Operations Vary
Varying Vehicle Requirements, Weight Limits, Permit Conditions, Driver Qualifications and Training for Turnpike Double Long Combination Vehicles (LCVs)
Lack of National Safe Rest Areas Strategy
Lack of Designated National Oversize/Overweight Corridor

ISSUES REFERRED TO THE FEDERAL GOVERNMENT
Better Enforcement of Emissions Tampering
Lack of Mandatory Drug and Alcohol Testing for Commercial Truck Drivers

Background

Trucking is responsible for the movement of 35% of the goods moved between provinces and territories, and is a key factor in facilitating commercial growth in Canada.

Provincial and territorial governments have jurisdiction over roads, bridges and the people and vehicles that use them within their boundaries. Interprovincial/territorial bus and truck undertakings – in other words the movement of vehicles across provincial and territorial boundaries -- fall under federal jurisdiction. Under the *Motor Vehicle Transport Act*, the federal government has authorised the enforcement of federal regulations to provinces and territories.

At the September 2016 meeting of the Council of Ministers Responsible for Transportation and Highway Safety (COMT), Ministers agreed to establish a new federal/provincial/territorial task force to identify areas that would benefit from increased harmonization in the trucking sector. The Task Force was asked to study interprovincial/territorial truck-related legislation, regulations and policies, with a goal of improving the efficiency of interprovincial/territorial trucking, including by harmonizing where warranted.

The Task Force is co-chaired by Transport Canada and the province of Saskatchewan, with representation from all provinces and territories except Nunavut. Nunavut sits as an observer on the Task Force as it is the only Canadian jurisdiction without inter/intraprovincial/territorial commercial vehicle traffic due to the absence of an existing highway network.

The Task Force undertook its work in two phases:

Phase I focused on identifying key issues that stakeholders perceived to be trade barriers related to interprovincial/territorial trucking in Canada. The Task Force reached out to key trucking industry stakeholders in November 2017 to assist in this identification process. The Task Force asked stakeholders to complete an online survey to help the Task Force in identifying barriers facing the Canadian interprovincial/territorial trucking industry. The Task Force also conducted a comprehensive literature review from existing sources. In the end, Phase I identified 15 overarching issues which were compiled into the *What We Heard Report* and shared with industry stakeholders.

Phase II examined the source and cause of each issue, considered whether harmonization was desirable, and identified potential ways forward for each issue. To develop an understanding of the issues, subject matter experts from each of the provinces and territories were consulted to identify whether the issue is a barrier to trade or an irritant to industry, the source of the barrier or irritant, and the potential for harmonization success. The Task Force then explored potential solutions and considered whether the removal of the barrier to trade or irritant to industry is possible. The Task Force discussed whether the solutions might be in the short-term (i.e., under five years), or if a long-term strategy and/or significant investments might be required to resolve the issue.

Purpose

This report represents the Task Force's final deliverable. Its goal is first, to identify where trucking-related barriers to trade or irritants to industry might exist that affect the interprovincial/territorial trucking sector, and second, to suggest future approaches for resolving these issues.

Report Structure

This report explores each of the 15 issues and applicable sub-issues identified during Phase I. Each section begins by defining the issue and identifying where the issue was raised (whether by stakeholders and/or through the literature review). This is followed by an overview, considerations, and recommendations which have been articulated as a suggested approach forward. The recommendations were developed by the Task Force, in consultation with Task Force on Vehicle Weights and Dimensions Policy (TF-VWD Policy) and the Canadian Council of Motor Transport Administrators (CCMTA).

Motor Carrier Operations: Roles and Responsibilities of Different Orders of Government

PROVINCIAL AND TERRITORIAL GOVERNMENTS

As provinces and territories hold primary responsibility for the provision and operation of the highway system across Canada, and with respect to activities within their own jurisdiction, they are responsible for legislation and regulations that:

- ensure the safe operation of the public highway network,
- protect and manage the use of the highway infrastructure,
- improve the productivity and efficiency of the highway transport system, and
- ensure the safest and most efficient movement of people and goods.

MUNICIPAL GOVERNMENTS

Municipalities have responsibility for roads and bridges within their jurisdiction. While provincial or territorial regulations for vehicle weight and dimension limits generally apply within municipalities as well, municipalities can also have policies and regulations respecting truck operations on the municipal road network in areas such as route and bridge restrictions, oversize and overweight permits, and noise limits. Municipalities also share responsibility for road safety.

FEDERAL GOVERNMENT

The federal government has regulatory responsibility for interprovincial trucking (i.e., trucking operations which cross provincial or territorial borders). Since 1954, enforcement responsibility for interprovincial movements has been delegated to the provinces and territories in the context of the *Motor Vehicle Transport Act*. The federal government is also responsible for regulating:

- safety standards for the manufacturing of new vehicles,
- transportation of dangerous goods,
- international border crossings, and
- air quality, including standards for engine emissions and fuel.

Existing Trucking Governance Bodies

The TF-VWD Policy and CCMTA are longstanding federal/provincial/territorial groups that facilitate the discussion on national harmonization of vehicle weights and dimensions, and the administration, regulation and control of motor vehicle transportation and highway safety in support of the safe and efficient movement of people and goods by road. These groups report to the Council of Deputy Ministers Responsible for Transportation and Highway Safety (CODMT) (See Annex A for an organizational chart). The Task Force on Trucking Harmonization has engaged these two committees throughout its work to utilize their expertise. The Task Force also made an effort to avoid or minimize duplication of efforts in areas where these groups are already active.

TF-VWD POLICY

In February 1988, COMT endorsed a Federal-Provincial-Territorial Memorandum of Understanding on Interprovincial Weights and Dimensions (MOU) designed to improve uniformity in regulations covering weights and dimensions of different types of commercial vehicles operating between provinces and territories on a nationwide highway system.

The MOU is intended to provide improved uniformity in weight and dimension limits through the establishment of minimum and/or maximum thresholds acceptable to all jurisdictions for eight configurations of vehicles commonly used in interprovincial/territorial transportation. Amendments to the MOU are suggested by the TF-VWD Policy, and approved by CODMT and COMT. The original MOU included four vehicle configurations, but since then, nine amendments have been prepared and endorsed by the COMT, the two most recent being in 2014 and 2016. These amendments added a number of criteria to the MOU, including four additional commercial vehicle configurations, for a total of eight configurations.

The MOU does not impede the authority of provincial and territorial governments to regulate and enforce weights and dimensions which apply to the highways within their boundaries, or are locally harmonized with other jurisdictions (i.e., the United States of America). The MOU is a non-binding agreement and does not state that these measures must be implemented via regulation (i.e., leaving jurisdictions with the option to adopt through permits). Each jurisdiction continues to retain authority to allow more liberal weights and dimensions, or different types of vehicle configurations, for trucking operations within their jurisdiction.

CCMTA

CCMTA is a national organization that coordinates all matters dealing with the administration, regulation and control of motor vehicle transportation and highway safety, through committees comprised of provincial, territorial, and federal governments. CCMTA is accountable to, and receives its mandate from CODMT. The CCMTA's vision is to have the safest and most efficient movement of people and goods by road in the world. Its mission is to provide a national forum for development of public policy and programs for road safety and driver and vehicle licensing.

There are three standing committees as part of CCMTA which engage in collective, consultative processes, making decisions on administrative and operational matters dealing with licensing, registration and control of motor vehicle transportation and highway safety. The committees also include associate members from industry, stakeholders, and government departments whose expertise and opinions are integral to the development of strategies and programs.

The three permanent standing committees that undertake the CCMTA's responsibilities are:

- The Standing Committee on Drivers and Vehicles that is responsible for all matters relating to motor vehicle registration and control, light vehicle standards and inspections, and driver licensing and control.
- The Standing Committee on Compliance and Regulatory Affairs examines safety issues including the national minimum performance standards for commercial drivers and vehicles, and transportation of dangerous goods.
- The Standing Committee on Road Safety Research and Policies coordinates federal, provincial and territorial road safety efforts, making recommendations in support of road safety programs, and developing overall expertise and strategies to prevent road collisions and reduce their consequences.

CCMTA is responsible for overseeing the National Safety Code (NSC), which is a set of 16 standards that establish the minimum standards for all aspects of driver and motor carrier safety. The NSC for Motor Carriers was developed by the member jurisdictions of CCMTA in conjunction with the motor carrier industry. The NSC standards are subject to periodic review by CCMTA members to enhance their effectiveness or respond to new regulatory issues.

Originally developed in 1987/88, the goal of the NSC is to enhance truck and bus safety, support efficiency in the motor carrier industry, and help facilitate the implementation of consistent safety standards across Canada.

Since their introduction, the standards have evolved and been amended to improve their response to new regulatory issues in the truck and bus industry. See Annex B for the NSC standards.

Current Initiatives to Improve Interjurisdictional Movement of Goods

In addition, there are several ongoing regional harmonization efforts. For example, the four western provinces (British Columbia, Alberta, Saskatchewan and Manitoba) have signed the New West Partnership Trade Agreement (NWPTA) and are working towards harmonizing trucking standards at a regional level. Ontario, Quebec, New Brunswick and Nova Scotia have signed the Memorandum of Understanding on Harmonization of Special Permit Conditions for Operation of Long Combination Vehicles (LCVs) in Eastern Canada. Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland and Labrador have signed the Agreement on Uniform Vehicle Weights and Dimensions in Atlantic Canada and the Memorandum of Understanding Respecting an Agreement to Harmonize Conditions for Over-dimensional Indivisible Load Permits in Atlantic Canada. Ontario and Quebec have several agreements in place concerning vehicle weights and dimensions, with the most recent enacted in 2016.

REGULATORY RECONCILIATION COOPERATION TABLE

The Regulatory Reconciliation Cooperation Table (RCT) was established under the Canadian Free Trade Agreement (CFTA) to develop a regulatory reconciliation process that will help to address barriers to trade that companies may experience when doing business across provincial and territorial borders. The RCTs looked at the federal senate's *Tear Down These Walls* report, which was also considered during this Task Force's literature review. This Task Force has been coordinating with RCT efforts to minimize duplication between the two initiatives.

ISSUE ONE – Lack of harmonization between jurisdictions on legal weights and dimensions

A. WEIGHT LIMITS FOR TOW-TRUCKS VARY BETWEEN JURISDICTIONS

Tow-trucks are motor vehicles configured to haul other vehicles. These trucks are outfitted with equipment such as chains, hoists, pulleys, hooks or cranes, and are used to recover other vehicles.

ISSUE RAISED

In the Fall 2017 survey, industry stakeholders indicated that tow-trucks' unique design often prevents them from complying with axle weight requirements in different provinces. Exemptions for tow-trucks are scarce, which results in tow-trucks being stopped for non-compliance issues in some jurisdictions. Stakeholders have requested jurisdictions develop exemptions for tow-trucks, similar to the ones that exist in the United States of America for axle weight configurations.

OVERVIEW

In Canada, the tow-truck industry engages in the light and heavy-duty towing of vehicles for the general public and commercial sectors. Most provincial and territorial legislation prescribes maximum gross and axle weights and dimensional limits to ensure the safety of the travelling public and minimize damage to roadway infrastructure. Furthermore, such things as manufacturer's Gross Vehicle Weight Rating (GVWR) and Gross Axle Weight Rating (GAWR) (design capacity limits) must never be exceeded. Maximum allowable weight limits vary across jurisdictions, whereas manufacturer ratings are standard for the equipment on the truck itself (dictating the design specification for the chassis and other components).

Most tow-trucks fall within legal weight limits when they tow vehicles. However, as commercial vehicles become increasingly heavier, some heavy-duty tow-trucks could be exceeding legal gross-vehicle and axle weights. If the commercial vehicle being towed is particularly heavy, the weight limit on the rear-most axle of the tow-truck may be exceeded, which can pose safety issues and contribute to infrastructure damage. Towing is primarily a local issue, although there are situations where heavy-duty tow-trucks must cross a provincial or territorial border (especially in relation to agreements between insurance companies and specific tow/wrecker locations).

CONSIDERATIONS

Most jurisdictions view this issue as an irritant to industry because the movement of tow-trucks is primarily limited to local movements. Within individual jurisdictions, tow-trucks may exceed allowable gross vehicle and axle weights under policy, so special permits can be issued to meet the new realities of the tow-truck industry. Lack of harmonization across jurisdictions may become a more prevalent issue if there is an increase in heavy-duty tow-truck companies transporting commercial vehicles between jurisdictions via tow-truck, although other methods to move such vehicles do exist.

The source of this irritant includes infrastructure limitations in some jurisdictions, regulations, legislation, lack of special permit harmonization, and policy. Roadway infrastructure may not support increased weights, and some jurisdictions do not have separate accommodations for tow-trucks.

Overall, jurisdictions agreed that harmonizing vehicle weight limits for tow-trucks between jurisdictions is unlikely because tow-trucks typically operate within a local context and with limited interjurisdictional movement. As a result, this is not a pressing issue for most provinces and territories. Locally, if tow-truck operators do surpass legal weight limits, in most jurisdictions there is the option to apply for a special permit. If they are travelling interjurisdictionally, they would need to seek a special permit in each jurisdiction.

SUGGESTED APPROACH

All jurisdictions allow permits for tow trucks at the appropriate weight limit for their local road infrastructure. Industry must continue to ensure it uses the appropriate vehicle for the job and respects manufacturer directions on all equipment. Over the longer term, jurisdictions will find opportunities to ensure permit conditions are clear and communicated to industry stakeholders.

B. LACK OF HARMONIZATION IN WEIGHT ALLOWANCE FOR LIQUID NATURAL GAS (LNG) FUELED VEHICLES

LNG is an environmentally-friendly alternative fuel. Transport vehicles fueled by LNG emit 75% less Nitrogen Oxide (NOx) emissions than those fueled by diesel. Carriers often have to seek weight-related exemptions for LNG-fueled trucks because the heavy LNG fuel tanks reduce the payload of the vehicle. Only one Canadian jurisdiction treats LNG-fueled vehicles differently with respect to weight allowance, allocating additional weight to compensate for their use.

ISSUE RAISED

Industry stakeholders have indicated that the absence of uniform treatment of trucks that operate utilizing LNG is problematic (Parliament of Canada, Senate Standing Committee on Banking, Trade and Commerce, *Tear Down These Walls* (2016), pg. 29).

OVERVIEW

LNG-fueled vehicles are relatively new to the trucking industry (i.e., the past eight years). These vehicles are more energy efficient than diesel-fueled trucks, however, despite the fact that LNG fuel costs less than diesel, more fuel is required to travel the same distance as diesel-fueled vehicles. This leads to larger and heavier fuel tanks, which means that carriers must carry lighter loads of cargo to compensate for the difference in fuel and equipment weight. British Columbia is the only Canadian jurisdiction that provides weight exemptions for LNG-fueled vehicles. Industry stakeholders noted that this lack of uniform treatment of trucks that operate using LNG is problematic.

While many jurisdictions offer special permits for LNG vehicle operators, stakeholders noted that there are often time-consuming delays in the permitting process for overweight loads. This is because the permitting process in some jurisdictions is slow and not accessible online.

CONSIDERATIONS

Many jurisdictions view the weight limit allowances for LNG vehicles as an irritant to industry rather than a barrier to trade. The primary sources of this irritant are:

- policy and regulations regarding weight allowances for LNG vehicles;
- infrastructure requirements;
- safety requirements (i.e., dynamic performance can be compromised with additional axle weight allowances); and,
- different permit regimes across jurisdictions

As well, with the advent of differing alternative fuel platforms coming to market, it would be difficult to begin accommodating different fuel types with corresponding alternate weight allowances. This would make regulations even more complex and would not provide a level playing field for all carriers and all fuel types. In six jurisdictions, LNG vehicles are currently not permitted on their roads at all. One jurisdiction noted that all vehicles have an axle weight limit of 5,500 kg per axle and no exemptions are granted based on the type of vehicle or equipment used to power the vehicle.

The TF-VWD Policy views this as a non-issue, because they have seen little demand to date from industry for this technology, and many jurisdictions are accommodating the operation of LNGs by adopting greater weight thresholds by issuing special permits. The TF-VWD Policy has concluded that the weight penalty associated with LNG trucks is diminishing as fuel-saving technology improves and the equipment becomes lighter.

Some jurisdictions have noted that allowing overweight and over-dimensional vehicles or loads on roads creates a concern for both safety and infrastructure damage. Rising weight increases pavement infrastructure damage exponentially, to the power of four. As such, many jurisdictions are reluctant to change their policies and regulations as it may lead to reduced total net environmental gains.

Significant differences in geographical terrain and infrastructure standards also exist across Canada, affecting allowable axle and gross weight limits. For example, much of Ontario sits on the Canadian Shield, meaning its roads can carry heavier weights.

Some jurisdictions noted that other environmentally friendly technologies (such as compressed natural gas, hybrid hydrogen-electric, and electric vehicles) are surpassing LNG technology.

Harmonizing on this issue would require investment in constructing and upgrading infrastructure. This could lead to more parity, greater accessibility, which would in turn support increased industry demand, and a desire to undertake more research and trial testing. The possibility of harmonization success would depend on several factors that differ between jurisdictions. These include access to adequate funding, volume of traffic or business in jurisdictions, and geographic terrain of jurisdictions. Many provinces and territories indicate that, while national harmonization is unlikely, regional harmonization is possible.

SUGGESTED APPROACH

This issue falls under the mandate of the TF-VWD Policy. It will be referred to this group to monitor ongoing developments and determine whether an exemption or other accommodations could be established across jurisdictions to allow for alternative fuels.

JURISDICTION	WEIGHT EXEMPTION ALLOWED	GROSS VEHICLE WEIGHT ALLOWANCE
NL	No exemptions as no demand from industry	No additional allowance
PE	Existing axle weight tolerance to cover this aspect	Existing axle tolerance applies to GVW
NS	No exemptions as no demand from industry	No additional allowance
NB	No exemptions as no demand from industry	No additional allowance
QC	No exemptions	Only one demand to date
ON	No exemptions as no demand from industry	No additional allowance
MB	No exemptions as no demand from industry	No additional allowance
SK	No exemptions as no demand from industry	No additional allowance
AB	Yes, axle overweight	No
BC	1,500 kg axle over load	Yes, up to 65,000 kg max
YT	No exemptions as no demand from industry	No additional allowance
NT	No exemptions as no demand from industry	Not at this time

C. 18.44 M (60 FT. 6 IN.) SEMI-TRAILERS ARE NOT UNIFORMLY ACCEPTED ACROSS ALL JURISDICTIONS

18.44 m (60 ft. 6 in.) semi-trailers are not accepted in most jurisdictions. The MOU on Interprovincial Weights and Dimensions sets the maximum length for semi-trailers at 16.2 m (53'). While industry has cited the economic and environmental benefits of this longer semi-trailer, there are concerns with safety (i.e., dynamic performance and front trailer outswing into adjacent or on-coming lanes) and infrastructure limitations on certain roadways (e.g., front trailer outswing of the longer trailer may conflict with the design of existing infrastructure). Some jurisdictions are conducting permit-based trial operations, and others only allow their use on designated LCV corridors.

ISSUE RAISED

Industry stakeholders have indicated that they would like jurisdictions to allow semi-trailers that are longer than 53' [16.2 m], and up to 60'6" [18.44 m] in length. A longer trailer accommodates the transportation of more light-bulky cargo, reducing operating costs as they require less trips to move the same amount of freight.

OVERVIEW

Ontario is conducting a trial where data is being collected from the movements of a limited number of 18.44 m (60 ft. 6 in.) semi-trailers. Ontario has also introduced the Extended Semi-trailer Trial to test the feasibility of operating semi-trailers up to 18.44 m (60 ft. 6 in.) in length. Due to operational concerns, Ontario restricts tractor wheelbase to accommodate the front outswing of the longer semi-trailer. The trial is limited to 40 permits, but allows operation on all roads in Ontario (similar to regulated vehicle configurations). Several jurisdictions indicated that demand for this configuration is low, as it tends to be limited to a few large corporations who would like the option to haul larger volume of light-bulky goods per trip.

Some jurisdictions issue special permits for 18.44 m (60 ft. 6 in.) semi-trailers on the condition that they only use predetermined routes that can safely facilitate the movement of these vehicles, such as Alberta who allows these vehicles to operate along LCV corridors with an LCV permit. Other jurisdictions noted that they have not received any industry requests to allow 18.44 m (60 ft. 6 in.) semi-trailers on their roads. If more carriers adopt this configuration, there could be a significant impact on operations since loading and receiving docks, port infrastructure and the like may need to be altered to accommodate the new dimensions. There has been success operating 60' containers on 18.44 m container chassis, which have also been accepted in the rail and marine modes, strengthening productivity in intermodal transport of light-bulky goods.

CONSIDERATIONS

Jurisdictions have identified this as an irritant to industry stemming from variations in policies, permit regimes and regulations in place to protect infrastructure and maintain safety.

Irritants include applying for a permit to operate these vehicles and limited infrastructure that can accommodate them across the country.

Harmonization could be achieved if jurisdictions work to minimize differences wherever possible. This could occur through introducing incremental shifts to current policies, through mutual recognition, research and equivalency. Although there was consensus that harmonization would require a national effort through the TF-VWD Policy, there was uncertainty that there would be national acceptance for these configurations to have unfettered access to all roadways.

SUGGESTED APPROACH

Upon completion of the Ontario trial, this issue should be referred to the TF-VWD Policy to monitor potential safety concerns and determine a future national approach, if appropriate.

JURISDICTION	ALLOWED BY REGULATION	ALLOWED BY PERMIT	NOT CURRENTLY ALLOWED
NL	N/A	N/A	No industry demand
PE	No	N/A	No industry demand
NS	Willing to examine but to date no formal requests from industry.	No industry demand	No industry demand
NB	No industry demand.	No industry demand.	No industry demand.
QC	No	No	No industry demand
ON	No	Yes, special vehicle configuration permit as part of a trial operation.	N/A
MB	N/A	Yes, but little industry demand.	N/A
SK	N/A	N/A	No industry demand
AB	No	Yes, route specific	N/A
BC	No	Yes, route specific. No permits issued to date.	
YT	No	Yes, route specific.	N/A
NT	No	By special permit upon approval	No industry demand

D. DIFFERING WEIGHT ALLOWANCES FOR SELF-STEER QUAD SEMI-TRAILERS DEPENDING ON TIRE SIZE

A self-steer quad semi-trailer is type of vehicle configuration whereby the semi-trailer has two axle units: a single self-steer lift axle in front and a tridem axle in the rear. The self-steer lift axle articulates in response to forces generated between the tire and the road surface. This allows the vehicle to better manoeuvre around tight turns in relation to fixed axles, while the self-steer lift axles are not required to be lifted, like rigid lift axles.

ISSUE RAISED

Industry stakeholders have indicated that some jurisdictions have different weight tolerances for self-steer quad axle semi-trailers depending on tire sizes. This means they are able to haul maximum weight loads throughout some jurisdictions but not others, or they require special permits in these cases.

OVERVIEW

Although self-steer quad semi-trailers have become increasingly prevalent across Canada, the movement of such semi-trailers between certain provinces and territories is limited. This is due to varying provincial and territorial weight allowances. As a result, carriers cannot haul the same maximum loads through certain regions in the country.

CONSIDERATIONS

Jurisdictions in the North, the Atlantic region and the West have indicated that there is low industry demand for increasing the maximum allowable axle or gross weights for self-steer quad semi-trailers. Weight allowances for self-steer quad axles are managed on an ad hoc basis, usually through special-permits. Ontario and Quebec allow self-steer quad axle semi-trailers through regulation, thus not requiring permits. The configurations operating between Ontario and Quebec are harmonized with other local jurisdictions such as New York and Michigan.

The majority of jurisdictions classify this issue as an irritant to industry as operators in many cases have to apply for a permit.

Overall, most jurisdictions are open to accommodating this type of semi-trailer. Self-steer lift axles help reduce wear and tear on roads when compared to the rigid lift axles that they replace. Ontario does not allow driver controls on these vehicles and requires that the self-steer axle load equalize with the tridem group automatically. The advantage is that self-steer axles aid in cornering and are not required to be lifted when doing so. When rigid axles are lifted the vehicle's weight is redistributed across the remaining axles, which typically overloads the rest of the load bearing axles causing increased infrastructure damage, sometimes exceeding Gross Axle Weight Rating limits. Furthermore, a raised axle does not generate braking force, thus reducing stopping power of the vehicle. The fact that a single self-steer lift axle is still a lift axle, might be cause for concern for some jurisdictions. However, being that they automatically deploy/retract and load equalize, they lead to advantages with respect to reduced drag when operating unloaded.

SUGGESTED APPROACH

This falls under the mandate of the TF-VWD Policy, as weight allowances for self-steer quad semi-trailers relate directly to infrastructure damage. It will be referred to this group for further discussion.

JURISDICTION	VEHICLE WEIGHT ALLOWANCES FOR SELF-STEER QUAD SEMI-TRAILERS	AXLE WEIGHT ALLOWANCE FOR SELF-STEER QUAD SEMI-TRAILERS
NL	Permitted by special permit	Permitted by special permit
PE	Allowed by special permit at 55,500 kg	32,000 kg
NS	55,500 kg	32,000 kg
NB	55,500 kg	In regulation: 26,000 kg general freight, 28,000 kg to 32,000 kg for raw forest products – depending on axle spread.
QC	57,500 kg	34,000 kg
ON	60,800 kg	34,000 kg
MB	By permit only	Depending on axle spreads, up to 23,000 kg on the tridem group and 9100 kg single axle.
SK	Not supported by regulations	Not supported by regulations
AB	Yes only log haul	Yes only log haul
BC	No requests to date	No requests to date
YT	Not supported by regulations	Not supported by regulations
NT	Not supported by regulations, possibly special permit if demand.	Not supported by regulations

E. LACK OF HARMONIZATION FOR STEERING AXLE WEIGHT LIMITS FOR TRUCK TRACTORS.

A steering axle is the articulated lead axle of a motor vehicle governing the direction of travel for a motor vehicle (i.e., the axle(s) that steers the vehicle). The MOU on Interprovincial Weights and Dimensions has set the weight limit for steering axles at 5500kg for a truck-tractor pulling a semi-trailer. Some jurisdictions allow for higher weight limits on the steering axle of truck-tractors.

ISSUE RAISED

Industry stakeholders have indicated that they would like steering axle weight limits to be harmonized nationally.

OVERVIEW

The MOU on Interprovincial Weights and Dimensions indicates that the maximum allowable steer axle weight limit is 5,500 kg, respecting the lowest allowable steer axle weight across jurisdictions. Some jurisdictions allow for greater weight limits for steer axles, which has created variances between jurisdictions. This lack of consistency decreases efficiency for carriers as it complicates the loading processes and the compliance requirements when travelling across Canada.

CONSIDERATIONS

Generally, allowable axle weights are established at limits that will protect vulnerable infrastructure and accommodate the hauling needs of particular provincial and territorial economic sectors. Some jurisdictions are mitigating the impact of this irritant to industry by allowing increased weights on certain highways or increasing weight limits on steering axles completely. These increased allowances were introduced to accommodate the needs of certain industries, such as agriculture and logging.

Some jurisdictions noted that the increase in weight allowance for steer axles is a concern from an infrastructure perspective. Another factor is the differing geographical terrain between jurisdictions, as some jurisdictions have substructures that can tolerate higher weights, while others do not. For example, Ontario allows a maximum steer axle weight of 7,700kg, to give flexibility to carriers and to incentivize higher productivity within the trucking sector. Placing more weight on a steer axle, if infrastructure permits, leads to increased steer-ability and controllability of the vehicle. Steer axle weights are tied to allowable gross weight limits for that reason; lower steer axle weights means less allowable gross weight across the configuration.

SUGGESTED APPROACH

Given the complexity of this issue and the infrastructure upgrades that would be required in many jurisdictions to achieve national harmonization, this issue should be referred to the TF-VWD Policy for further discussion and review before determining whether a national approach is feasible.

JURISDICTION	STEERING AXLE WEIGHT LIMITS FOR TRUCK TRACTORS
NL	5,500 kg is allowed in regulation. Steering axle loads can be as high as 9,100 kg provided the load carrying capacity of the axles, tires, and all other components is not exceeded, and the tire loading does not exceed 10 kg per mm of tire width. However, no increase in the specified Gross Vehicle Weight for the configuration will be permitted with higher steering axle loads.
PE	5,500 kg is allowed in regulation on steer axle, however loads can be up to 9,100 kg, provided all axle components are rated for this weight and the tire loading does not exceed 10 kg/mm.
NS	5,500 kg is allowed in regulation. 8,500 kg is allowed by permit provided load carrying capacity of axles, tires and all other components are not exceeded. Tire loading cannot exceed 10 kg/mm of tire width.
NB	5,500 kg is allowed in regulation. 8,500 kg is allowed by permit provided load carrying capacity of axles, tires and all other components are not exceeded. Tire loading cannot exceed 10 kg/mm of tire width.
QC	9,000 kg is allowed in regulation but this limit is not used to calculate the GVW limit.
ON	7,700 kg allowable weight for a truck-tractor, however allowable GVW limits based on 'actual' weight seen by the front axle.
MB	6,000 kg is allowed in regulation. 9,100 kg is allowed by permit. The load carrying capacity of the axles, tires, and all other components must not be exceeded, and the tire loading must not exceed 10 kg per mm of tire width.
SK	6,000 kg is allowed in regulation.
AB	5,500 kg is allowed in regulation, but 6,000 kg is allowed by enforcement policy.
BC	6,000 kg is allowed in regulation. 9,100 kg is allowed if equipped with permanently mounted equipment.
YT	6,000 kg is allowed in regulation. Up to 7,300 kg with heavy front end (winch tractors, etc.) Up to 9,125 kg with special front axle overload permit.
NT	Up to 7,300 kg – limit is calculated in GVW limit.

F. LOAD-BIASING 6 X 2 DRIVETRAIN CONFIGURATIONS ARE NOT UNIFORMLY ACCEPTED IN ALL JURISDICTIONS

6 x 2 drivetrains on three-axle truck-tractors refers to power going to only one of the tandem rear axles, whereas a 6 x 4 drivetrain powers both tandem axles. 6 x 2 drivetrains have been operating for 50 years in North America. This new 6 x 2 drivetrain includes technology that can load-bias, meaning it shifts weight from the non-driven axle to the driven axle when seeking tractive effort, sometimes doing so under all conditions of loading and regardless of tractive effort.

The key selling point for 6 x 2s in general has been the promise of slightly lower vehicle tare weights (thus higher payloads) and improved fuel economy. From a regulatory perspective, 6 x 2 drivetrains are allowed in most provinces, but their potential use is restricted through axle load regulations to prevent the exponential pavement damage that would ensue, while also taking into consideration the unproven safety record of load biasing systems.

ISSUE RAISED

The 6 x 2 drivetrain on tandem axle truck-tractors only have one driven axle, as opposed to the more common 6 x 4 drivetrain, where both axles are driven by engine power. 6 x 2 drivetrain technology has not been uniformly adopted in all jurisdictions, whereby some jurisdictions only accept 6 x 2 drivetrains that do not have load-biasing capabilities. Industry would like uniform adoption of 6 x 2s, as this could improve fuel economy, and is lighter than a true tandem drive axle group. Other 6 x 2 platforms do not include a 'lift axle,' and some include a driver controlled rigid lift axle (to gain traction when necessary).

OVERVIEW

With 6 x 2 drivetrains, some jurisdictions have expressed concern over the safety implications of the lift axle, particularly in slippery weather conditions. This is because with this technology there could be instances where only one of the tandem axles provides all of the drivetrain's torque, meaning that the torque is concentrated in just two wheels instead of four. One jurisdiction noted that the problem may lie exclusively on whether or not jurisdictions agree to accept lift axles, not 6 x 2 configurations. The concern with lift axles is that too much weight ends up being put on one axle, while on a tandem axle the weight cannot vary between axles by more than 1,000 kg, as per the MOU. The components that go into the 6 x 2 systems are usually designed for weight standards in the United States rather than Canada. This lack of consistency in system design creates some concern. While the regulatory environment in some jurisdictions is managing issues around 6 x 2 configurations reasonably well, an amendment to the national MOU may be challenging as the principle of load equalization would be compromised to provide allowances toward 6 x 2 configurations.

Recently, manufacturers have discussed a 6 x 2/6 x 4 crossover that does not include load-biasing (lift axles), but rather switches to tandem drive when traction is needed. The technology affects the weight distribution of the vehicle as it modifies the power delivered to the two front axles based on traction and fuel efficiency.

CONSIDERATIONS

Some jurisdictions consider this an irritant because weight allowance configurations apply to all vehicles, without exception. The Engineering and Research Support Committee under CODMT is currently analyzing this issue. Manitoba has noted that if the configuration is being used legally or under permit, they are unaware because there is a data gap on this front. It has been noted that it is difficult to measure the load-biasing weight configurations because it can sometimes happen in transit, although there are some drivetrain types that load bias at all times. The source of this irritant includes historic and regulatory rationale, and policy and regulation in place to protect infrastructure and maintain safety.

Ontario and Quebec allow the use of load-biasing 6 x 2 drivetrains, but at reduced weights because there are no proven safety benefits and they cause increased damage to infrastructure. Transport Canada's ecoTechnology group is completing testing with a final report due Winter 2019. Ontario and Quebec await the results of this report.

Harmonization on this issue would require engineering analysis, research and trial testing, and infrastructure investments so that the road network across the country is at the same standard. The possibility of harmonization success depends on a variety of factors that differs between jurisdictions, including:

- access to adequate funding
- volume of traffic/business in jurisdictions
- geographic terrain of jurisdictions

Many jurisdictions indicate that while national harmonization is unlikely, regional harmonization is possible.

SUGGESTED APPROACH

Transport Canada is currently studying these devices and will present preliminary results to the TF-VWD Policy in December 2018, and final results in December 2019. Once the final results are presented, this issue will be referred to the TF-VWD Policy to determine a future national approach if appropriate.

JURISDICTION	ALLOWED BY REGULATION	ALLOWED BY PERMIT	NOT CURRENTLY ALLOWED
NL	N/A	N/A	No industry requests
PE	No	No	Regulations are silent regarding the 6 X 2, however load equalization must be within 1,000 kg between axles for static weight.
NS	No	No	Our regulations are "silent" in terms of enforcement provided the 1,000 kg load equalization between axles remains static.
NB	No	No	Our regulations are "silent" in terms of enforcement provided the 1,000 kg load equalization between axles remains static.
QC	Yes but the weight limit is less	No	Proposed regulation modification for next regulation review
ON	Yes but the allowable weight limit are reduced.	No	Ontario allows the use of load-biasing traction control but at reduced weights as there are no proven safety benefit and causes increased damage to infrastructure.
MB	Silent currently, but lift axles will not be allowed on trucks soon.	N/A	N/A
SK	Regulation allows a single drive axle in a tandem drive group	No	N/A
AB	Silent but no lift axle on trucks. Max weight on single axle 9,100 kg.	N/A	N/A
BC	Not allowed	Not allowed	Not allowed
YT	Not allowed	Not allowed	Not allowed
NT	Not allowed	Not allowed	Not allowed

G. LACK OF UNIFORMITY WITH TANDEM TRACTOR WITH FLAT DECK TRAILER DIMENSION REGULATIONS AND OPERATIONS WITH OTHER VEHICLE DIMENSIONS

Industry would like to see tandem tractor with flat deck trailer configuration addressed in the Memorandum of Understanding on Interprovincial Weights and Dimensions.

ISSUE RAISED

One Manitoba stakeholder indicated that Manitoba has a regulation that allows LCVs that are 41 m long to operate day and night, 7 days a week. Other configurations such as super "B" trains, tractors, jeeps, and lowbed and booster combinations are allowed to operate at 27.5 m, day and night, 7 days a week. However, tandem tractors with a flat deck trailer cannot exceed an overall length of 26 m on a Sunday.

OVERVIEW

Manitoba allows LCVs under special permit. The travel restrictions included in the LCV permit conditions allow the LCV to travel on some LCV designated routes in Manitoba 24 hours a day, 7 days a week. LCV routes which are also designated as holiday restricted routes, travel times are restricted (i.e., not 24 hours as day) on days preceding public holidays and Fridays and Sundays during the summer.

Other oversize permits in Manitoba also have restricted travel on routes designated as holiday routes during the summer months. Manitoba currently restricts Sunday travel for over length permitted vehicles, if they exceed 26 m in length.

There is currently inconsistency in how the travel restrictions are applied to LCV vehicles and other over length vehicles operating under permit. A potential impact is that an over length tandem tractor with a flat deck trailer combination, with an overall length exceeding 26 m would not be allowed to travel on Sundays. All other jurisdictions would allow this configuration to operate seven days a week.

CONSIDERATIONS

Because this issue has been identified as a Manitoba only issue, jurisdictions refrained from commenting on its potential for harmonization.

SUGGESTED APPROACH

Manitoba is currently conducting a policy review of how travel restrictions are applied to permitted vehicles. New policies, which align travel restrictions more closely between various vehicle combinations are currently going through an internal review process and will be implemented in 2019.

ISSUE TWO – Varying Vehicle Equipment Registration and Requirements/Regulation

A. VEHICLE EQUIPMENT REGISTRATION REQUIREMENTS AND PERMIT DURATIONS VARY BETWEEN JURISDICTIONS

Vehicle registration is regulated by provincial and territorial governments. The varying vehicle registration and permit durations across jurisdictions create disharmony in the trucking industry.

ISSUE RAISED

In the Atlantic Provinces Economic Council report *Trade Barriers in Atlantic Canada: Opportunities for Regulatory Reform* (2016), it was indicated that registration requirements vary between jurisdictions. For example, equipment registration is required every year in New Brunswick, every five years in Nova Scotia and once in a trailer's lifetime in Ontario. As a result, one New Brunswick-based trucking company indicated that it registers all its vehicles in Ontario and does not register any of its vehicles in New Brunswick, although it is not clear if the actual process of registering in Ontario is more expensive than registering in the home province.

OVERVIEW

Given that vehicle registration is regulated by provincial and territorial governments, each jurisdiction establishes their own requirements. As such, variations exists. Typically these requirements are based on individual needs and the size of the resident carrier population. Provincial/territorial vehicle registration requirements do not often take into account special out-of-province travel needs. In some jurisdictions, non-resident commercial vehicle permits are available for special out-of-province travel needs (that is, any commercial travel needs that are not already accommodated through the International Registration Plan (IRP)).

One source of disharmony in registration requirements across Canada is the varying lengths of time that trailer registrations are valid. While many jurisdictions have a one-year expiry date on registration, some have extended this to five years and others have lifetime registration for certain trailers.

Provinces and territories identify that the lack of uniform vehicle registration requirements and permit durations are irritants to industry stemming from differing tax systems and policy requirements between jurisdictions.

CONSIDERATIONS

Some jurisdictions with a longer time frame for trailer registration renewal, such as lifetime vehicle registration, assert that the longer timeframe saves time and money for both the province and the trailer owners. Other provinces and territories with a shorter registration renewal time period note that registration fees generate revenue. Jurisdictions with lifetime registration would be hesitant to implement a timeframe for trailer registration as this would actually introduce more 'red tape' for industry while introducing further administrative costs to the jurisdiction and only recuperating some revenue.

Harmonization would require a change in administrative policies, recognition of another jurisdiction's registration requirements or agreement that all provinces and territories adopt a lifetime registration system for trailers. Given the conflicting rationale behind the various approaches, it may be a challenge to achieve harmonization success on the frequency for registration renewals.

While it would appear that a degree of registration harmonization could be achieved through membership in the IRP, the differences in registration requirements and processes between jurisdictions can still result in disparity. For example, when an owner/operator transfers a vehicle that is registered in one province to another, the carrier will be subject to a different administrative process to register the vehicle and join the IRP, in the new base jurisdiction. It is suggested that adopting a uniform IRP registration process across all Canadian jurisdictions, would help to facilitate standardization, simplicity and efficiency for carriers.

SUGGESTED APPROACH

This issue falls under the mandate of the CCMTA. It should be referred to the CCMTA Driver and Vehicle Committee for discussion and review to determine a future approach if appropriate.

B. LACK OF UNIFORMITY REGARDING FARM PLATE RULES AMONG PROVINCES.

Farm plated trucks and trailers may be used for the transportation of farm products, commodities, supplies, and equipment items owned by farmers. In many jurisdictions, farm plates have reduced fees and are subject to certain restrictions. Stakeholders have noted a lack of uniformity in farm plate rules among jurisdictions.

ISSUE RAISED

This issue was raised by one New Brunswick stakeholder who indicated that they are experiencing a lack of uniformity in farm plate rules among provinces. They stated that producers travelling within some provinces with farm plated vehicles are having Special Trip Permits fees imposed on them when conducting agriculture related activities.

OVERVIEW

Farm plates are reduced fee commercial plates for farm trucks with a registered gross weight over 6,613 lbs. Farm plated trucks are used for personal transportation or to haul farm products, equipment or supplies. Many jurisdictions offer a number of exemptions for farmers such as reduced registration fees or full permit fee exemptions. Other jurisdictions treat non-resident farm vehicles as any other commercial vehicle.

It is possible that variations in farm plate rules are largely due to legislative differences and the local needs and history of the agricultural industry. Special exemptions are sometimes given to farmers because they generally do not operate on main roads and thoroughfares.

Jurisdictions have noted that this becomes an irritant only when the farm vehicle is travelling outside of their jurisdiction where different rules apply.

CONSIDERATIONS

This issue only impacts a minority of farmers as the majority operate within their own jurisdictional boundaries. Given that the impact is relatively low, the effort to harmonize may not be an efficient use of resources. Stakeholders have requested that all provinces use the same requirements/exemptions to enable all producers to be at the same competitive level. This was previously done with some agricultural products in the Maritimes.

SUGGESTED APPROACH

This issue falls under the mandate of the CCMTA. It will be referred to members of the Driver and Vehicle Committee for further discussion and review to determine a future national approach that would align requirements/exemptions for farm plate rules if appropriate.

C. PROVINCES AND TERRITORIES VARY IN HOW THEY INTERPRET AND IMPLEMENT PRORATED VEHICLE REGISTRATION.

Prorated plates are licence plates that are used for commercial vehicles that regularly travel into two or more jurisdictions in Canada or the United States. The plates exempt carriers from having to buy trip permits when they enter a jurisdiction.

ISSUE RAISED

This issue was raised in the *Tear Down These Walls* Senate Report and by one stakeholder. The Senate Report indicated that the provinces/territories vary in how they interpret and implement Prorated Vehicle Registration across jurisdictions. This same sentiment was echoed by the stakeholder.

OVERVIEW

Commercial carriers are required to purchase a prorated license plate when:

- they travel into two or more IRP jurisdictions in Canada or the US and are hired to transport passengers; and,
- their vehicles are designed, used, or maintained for the transportation of property.

These registration requirements are laid out in the IRP. The IRP allows for revenue sharing on collected registration fees between the carriers' jurisdiction of origin and the jurisdictions along the carrier's route. The IRP peer review program audits all member jurisdictions once every five years to ensure that they are implementing the rules of the program correctly.

Due to the size and complexity of the IRP program, there may be different interpretations of definitions within the program. These may lead to some inconsistencies with registration requirements among IRP members. Specifically, the processes and costs to apply differ. However, these are the prerogative of each individual jurisdiction.

CONSIDERATIONS

Harmonization would require all jurisdictions to agree on a uniform way to register vehicles, which would pose challenges given that the differences stem from a variety of factors, including:

- differences in policy and regulation between jurisdictions;
- some jurisdictions are not registered under the IRP; and,
- limitations in the number of times a carrier is allowed to register their vehicle annually under the IRP.

In many cases, this irritant is mitigated by the fact that carriers who frequently travel interjurisdictionally are usually registered in the jurisdiction that they are planning to travel through and those who are not frequent interjurisdictional travelers are permitted to purchase up to four special trip permits per year.

SUGGESTED APPROACH

User fees related to vehicle registration fall under provincial/territorial purview. There are a number of economic considerations and internal policies that are taken into consideration when user fees are determined within a jurisdiction and as such, they cannot be harmonized across the country.

D. LACK OF UNIFORM ADOPTION OF SPEED LIMITERS ACROSS THE COUNTRY.

A speed limiter is a device used to set the maximum speed limit for commercial vehicles, thus preventing speeds greater than the allowable maximum. Only Ontario and Quebec have adopted speed limiter legislation.

ISSUE RAISED

Stakeholders expressed the desire to have nationally mandated speed limiters, similar to Quebec and Ontario, which have a mandated speed limit of 105 km/h.

OVERVIEW

Speed limiters are electronic devices equipped on large trucks that cap their speed at a pre-programmed limit. All trucks that are manufactured after 1994 are equipped with this technology, but only Ontario and Quebec have mandated their use. The rationale behind this legislation is that limiting the speed of large commercial vehicles saves fuel and related greenhouse gas (GHG) emissions, passing savings onto consumers, while reducing safety risks associated with trucks travelling at high speeds.

The majority of jurisdictions have indicated that this is an irritant to industry because speed limited vehicles travelling into provinces that do not mandate them are at a disadvantage to those vehicles that do not have speed limiters.

CONSIDERATIONS

Some jurisdictions have raised concerns about the impacts of speed limiters on single lane highways. This impacts smaller vehicles attempting to pass larger vehicles, which may create safety concerns. Some jurisdictions have also noted that there is a data gap in understanding the impacts of speed limiters on undivided two-lane highways. Many noted that if more jurisdictions mandated speed limiters, it would be likely for others to follow suit, as uniform adoption would lessen the potential barriers.

During data collection, it was noted that if speed limiters were implemented across the country, there would need to be an enforcement component to ensure that there is consistency across jurisdictions. Currently, enforcement is done through two methods: officers are able to connect speed limiters to a computer to read the value of the setting, or a speed enforcement tool called LiDAR (Light Detection and Ranging) that can remotely sense the limit by roadside enforcement officials (police or provincial enforcement).

Harmonization would require a Canada-wide agreement to implement speed limiters. This would require a comprehensive safety assessment to mitigate any risks associated with this technology. As well, a national adoption of speed limiters would require investments in training personnel to use and understand the equipment.

SUGGESTED APPROACH

Jurisdictions should consult with Ontario and Quebec regarding their research into speed limiters and the associated impacts of this legislation. If a data gap is identified with respect to two-lane highway systems, more research could be undertaken to support a policy decision in those jurisdictions.

ISSUE THREE – Slow adoption of recent MOU amendments across jurisdictions

In 2016, the TF-VWD Policy adopted a series of MOU amendments that have not yet been fully adopted into regulations by all jurisdictions. Of note, the MOU does not require such amendments to be placed within regulation.

ISSUE RAISED

This issue was raised by both stakeholders as part of a stakeholder survey conducted in Fall 2017, and through a literature review. The *Tear Down These Walls* Senate report states that "the *Motor Vehicle Transport Act* delegates the administration of interprovincial trucking regulation to the provinces. This results in the development of a sub-optimal hodgepodge of regulations governing the trucking industry in Canada and a regulatory system that is slow, cumbersome and unresponsive to changes in technology and logistics practices."

OVERVIEW

Stakeholders have indicated that the following items, approved by COMT in 2016 for inclusion into the MOU, have not yet been adopted in regulation by all provinces:

- Rear-mounted aerodynamic devices (boat tails)
- Increased length limit (from 25.0 to 27.5 m) for B-train double-trailers
- Longer wheelbase tractors for tractor semi-trailers
- Longer wheelbase tractors for B-train double trailers

Stakeholders are urging all jurisdictions to adopt the updated 2016 weights and dimensions amendments specified in the MOU into regulation as soon as possible and to commit to implementing future changes through regulation in a timely manner.

Provincial and territorial governments in Canada have full authority over VWD limits that apply to the highways within their boundaries. In 1988, the COMT endorsed the first MOU designed to improve uniformity in regulations covering weights and dimensions of four types of commercial vehicles operating across jurisdictions on the nationwide designated highway system. The MOU establishes minimum and/or maximum allowances to be adopted by individual jurisdictions.

The 2014 MOU amendments included the following items:

- Addition of the tridem drive tractor – semi-trailer configuration as a new MOU category.
- Increase in allowable size of aerodynamic devices on rear of trucks and trailers (boat tails).
- Increase in the overall length limit for B-train double trailer combinations from 25.0 m to 27.5 m (see tables below).

The 2016 MOU amendments included provisions to allow:

- Longer wheelbase tractors on category 1: tractor semi-trailer configurations (up to 7.2 m)
- Longer wheelbase tractors on category 3: B-train double trailer configurations (up to 6.8 m) (see tables below)

Although all jurisdictions have agreed to the 2014 and 2016 MOU amendments, differences exist in terms of processes and the speed at which the reforms have been adopted into regulation across the country. Some jurisdictions have put the MOU amendments into regulation quickly while for others the adoption of these amendments has been delayed due to other jurisdictional legislative priorities. Due to the length of time it can take to change regulations, some jurisdictions have implemented interim permitting processes to accommodate vehicles while legislative changes are being pursued.

The slow adoption of MOU amendments is viewed as an irritant to industry as not all amendments have been adopted by every jurisdiction at the same speed and in the same way. Some jurisdictions noted the implementation of these amendments must correspond with required upgrades to road infrastructure.

CONSIDERATIONS

It is important to note that the 2014 and 2016 amendments MOU have been adopted by all jurisdictions either through regulatory changes or permitting processes.

The pace of harmonization depends on the individual legislative agendas of the provinces and territories. While the amendments may be slow to adopt in some jurisdictions, it is likely that over time they will be fully adopted and regulations will become more harmonized. In the meantime, if permits are available, there is only a slight burden on industry.

SUGGESTED APPROACH

Future MOU amendments could specify timelines that accommodate internal policies for each jurisdiction where necessary. The TF-VWD Policy should review how it communicates amendments to industry and examine possibilities for more timely and transparent communication.

MOU AMENDMENT 2014
AERODYNAMIC DEVICES - LARGER BOAT TAILS

JURISDICTION	ALLOWED BY REGULATION	ALLOWED BY PERMIT	ALLOWED BY ADMIN POLICY
NL	Yes	No	No
NS	Yes	No	No
PE	No	No	Yes
NB	No	No	Yes
QC	No	No	Yes
ON	Yes	No	No
MB	Yes	No	No
SK	Yes	No	No
AB	No	Yes	No
BC	Yes	No	No
YT	No	No	Yes
NT	Yes	No	No

MOU AMENDMENT 2014
INCREASED LENGTH LIMIT FOR B-TRAINS 27.5 M

JURISDICTION	ALLOWED BY REGULATION	ALLOWED BY PERMIT	ALLOWED BY ADMIN POLICY
NL	Yes	No	No
NS	Yes	No	No
PE	No	No	Yes
NB	No	Yes	No
QC	No	Yes	No
ON	Yes	No	No
MB	Yes	No	No
SK	Yes	No	No
AB	No	Yes	No
BC	Yes	No	No
YT	No	Yes	No
NT	Yes	No	No

MOU AMENDMENTS 2016
LONGER WHEELBASE TRACTORS - TRACTOR SEMITRAILER

The tractor wheelbase can be up to 7.2 m in a tractor semitrailer configuration, provided the wheelbase of the semitrailer is reduced in accordance with the following table:

TRACTOR WHEELBASE	MAXIMUM SEMITRAILER WHEELBASE
6.2 m or less	< 12.50 m
> 6.2 m to 6.3 m	< 12.47 m
> 6.3 m to 6.4 m	<12.40 m
> 6.4 m to 6.5 m	< 12.33 m
> 6.5 m to 6.6 m	< 12.27 m
> 6.6 m to 6.7 m	< 12.20 m
> 6.7 m to 6.8 m	< 12.13 m
> 6.8 m to 6.9 m	< 12.07 m
> 6.9 m to 7.0 m	< 12.00 m
> 7.0 m to 7.1 m	< 11.93 m
> 7.1 m to 7.2 m	< 11.87 m

JURISDICTION	ALLOWED BY REGULATION	ALLOWED BY PERMIT	ALLOWED BY ADMIN POLICY
NL	Yes	No	No
NS	Yes	No	No
PE	Yes	No	No
NB	Yes	No	No
QC	No	Yes	No
ON	Yes	No	No
MB	No	Yes	No
SK	Yes	No	No
AB	No	Yes	No
BC	No	No	Yes
YT	Yes	No	No
NT	Yes	No	No

MOU AMENDMENTS 2016
LONGER WHEELBASE TRACTORS B-TRAIN

The tractor wheelbase can be up to 6.8 m in a B-train double trailer configuration, provided the sum of the wheelbases of the semitrailers is reduced in accordance with the following table:

TRACTOR WHEELBASE	MAXIMUM SEMITRAILER WHEELBASE
6.2 m or less	< 17.00 m
> 6.2 m to 6.3 m	< 16.53 m
> 6.3 m to 6.4 m	< 16.44 m
> 6.4 m to 6.5 m	< 16.36 m
> 6.5 m to 6.6 m	< 16.27 m
> 6.6 m to 6.7 m	< 16.19 m
> 6.7 m to 6.8 m	< 16.10 m

JURISDICTION	ALLOWED BY REGULATION	ALLOWED BY PERMIT	ALLOWED BY ADMIN. POLICY
NL	Yes	No	No
NS	Yes	No	No
PE	No	No	Yes
NB	No	Yes	No
QC	No	Yes	No
ON	Yes	No	No
MB	No	Yes	No
SK	Yes	No	No
AB	No	Yes	No
BC	No	No	Yes
YT	No	Yes	No
NT	Yes	No	No

ISSUE FOUR - The Adoption of National Safety Code Standards Vary By Jurisdiction, Impeding Carrier Compliance

A. PROVINCES AND TERRITORIES VARY IN HOW THEY INTERPRET AND IMPLEMENT DRIVER MEDICAL REQUIREMENTS (NSC STANDARD 6).

The CCMTA Medical Standards for Drivers establishes the medical criteria used to determine whether commercial and private drivers are fit to drive. Jurisdictions differ in how they apply rules regarding driver medical requirements (NSC Standard 6).

ISSUE RAISED

The *Tear Down These Walls* report indicated that the provinces and territories vary in how they interpret and implement driver medical requirements (pg. 27-28).

OVERVIEW

Under the auspices of the CCMTA, jurisdictions collaborate to establish national medical standards for drivers. This facilitates a consistent approach to driver fitness across the country. While no jurisdiction in Canada is legally required to adopt the CCMTA standards, most jurisdictions do so.

Although all jurisdictions use NSC Standard 6 as a guideline for formulating their own policies and administrative processes for determining drivers' fitness, each jurisdiction administers them differently. Industry has noted that these variations in processes and policies cause difficulties for some commercial

drivers. For instance, administrative policies regarding medical follow-ups based on driver age differ among jurisdictions. This difference can have negative impacts on certain classes of commercial drivers, which in turn could impact a carrier's competitiveness. This is a particular irritant for some carriers who consistently travel between jurisdictions with different rules.

CONSIDERATIONS

On the whole, jurisdictions agreed that differing policies and administrative processes related to medical requirements are irritants for some commercial drivers. Some jurisdictions believed that part of the reason for these differences is that not all provinces and territories have adopted NSC Standard 6 in its entirety. As one jurisdiction stated, industry would prefer to have a "one driver, one license, and one record" policy across Canada.

Other suggested factors include the lack of collaboration between jurisdictions, different implementation protocols, legal interpretations and applications, and regulations. While some jurisdictions provided examples collected from their interactions with industry, most indicated that there was a lack of clarity on the exact areas of concern industry was referring to. Some jurisdictions proposed conducting research that would identify specific issues that are interfering with interjurisdictional travel. Possible factors that could be producing the irritation to industry include:

- Medical files containing information that has not been accounted for in associated algorithms
- A jurisdiction's medical board may influence a consulting physician's advice or recommendation (each jurisdiction has a medical review board or similar unit that advises their licensing bodies on medical issues that may impact driver fitness)
- Different levels of experiences and medical opinions between consulting physicians
- Incorrect processing of complex medical files by inexperienced non-medical personnel
- Some jurisdictions have written NSC Standard 6 into legislation while others have not
- Minor differences exist between jurisdictions related to a particular medical condition

Of note, the CCMTA conducted a standards review in 2000, which led to the adoption of an evidence-based medical approach to determine driver fitness, rather than a standards approach. In 2008, the Driver Fitness Overview Group (DFOG) was formed to ensure that medical standards reflect current medical practices. The DFOG reports to the CCMTA Standing Committee on Drivers and Vehicles and is comprised of diverse experts on driver fitness, administrators and medical professionals representing licensing authorities. The mandate of the DFOG is to maintain a set of driver fitness policies for jurisdictional use. The DFOG policies maintain their currency through periodic review that incorporates the best ideas and principles included in current literature. It is also a forum to address differences in implementation with a view to facilitating interjurisdictional harmonization.

All jurisdictions stressed that CCMTA is the organization best placed to address all issues associated with varying implementation and interpretation of NSC Standard 6. To achieve harmonization, most provinces and territories stated that adopting the entirety of NSC Standard 6 exactly as it is outlined would be the best solution.

SUGGESTED APPROACH

This issue falls under the mandate of the CCMTA - Driver Fitness Overview Group, and as such should be referred to this group to determine a future approach that is appropriate.

B. PROVINCES/TERRITORIES VARY IN HOW THEY INTERPRET AND IMPLEMENT CARRIER SAFETY RATINGS/CARRIER PROFILE/FACILITY AUDITS (NSC STANDARDS 7, 14 & 15).

NSC Standard 7: Carrier And Driver Profiles - The motor carrier and driver profile system contains information that assist in the review of a carrier's or driver's safety. The system contains carrier and driver records that detail past and current performance, including information on carriers' demographics, convictions, reportable accident information, on-road inspections and audit results.

NSC Standard 14: Safety Rating - The safety rating standard establishes the motor carrier safety rating framework that jurisdictions use to evaluate the safety performance of motor carriers. It also provides for the issuance of a safety fitness certificate and safety fitness rating.

NSC Standard 15: Facility Audits - The facility audits standard outlines the audit process used by jurisdictions to determine an operator's level of compliance with safety standards pertaining to drivers, hours of service, vehicles and other safety requirements. It also stipulates that carriers must maintain records at their principal place of business for review and audit assessment.

ISSUES RAISED

The *Tear Down These Walls* report indicated that jurisdictions can sometimes have differing carrier and driver profiles and safety ratings (NSC standards 7 & 14), due to the use of different algorithms. There was also concern regarding NSC operating numbers for US-domiciled carriers travelling in Canada. Further to this point, stakeholders noted that the CCMTA and the Federal Motor Carrier Safety Administration may be duplicating efforts regarding carrier profiles.

Stakeholders recommend a review of these two standards and better harmonization of carrier profiles between the provinces. In addition, one stakeholder has asked for a review of NSC Standard 15 that addresses facility audits, indicating that compatible safety and oversight systems between jurisdictions are key to fairness.

OVERVIEW

Safety ratings (safety fitness certificates), carrier profiles and facility audits fall under shared jurisdiction between the federal, provincial and territorial governments. NSC standards 7, 14 and 15 jointly form the safety fitness framework. In addition, there is an audit process that determines an operator's compliance in record maintenance at their principal place of business, on-site reviews and overall compliance with NSC standards. This data is combined to establish an operator's carrier safety rating, with the goal of producing consistent safety assessments. These evaluations determine whether the carrier or driver meet the threshold for operation. Information about the driver and the carrier profile system is exchanged through a network spanning Canada and the United States.

Some stakeholders indicate that the algorithms and modelling methods used to create safety profiles do not provide consistent ratings across Canada. Currently there is no uniform definition for ratings. For example, some jurisdictions will issue ratings up to a level of 'excellent' and others only go up to a level of 'satisfactory.' Jurisdictions weigh risk factors differently based on a combination of factors such as unique geographic and environmental considerations. Some provinces and territories also consider the distinct needs of their local industries and economic sectors when determining risk thresholds. While jurisdictions recognize the challenge of having different rating and administrative processes, they repeatedly stress that the key priority is public safety and reducing vehicular injuries and deaths. In some cases, this results in safety overriding harmonization.

Another complicating factor arises when bigger carriers have vehicles registered in multiple provinces and territories, as this can lead to different safety ratings for the same carrier. All provinces rate carriers based on their accumulated point loss in three areas: collisions, convictions and inspections. Some jurisdictions noted that the different point totals can be attributed to carriers having different truck numbers in multiple jurisdictions and different interactions with law enforcement and profile system administrators in each jurisdiction.

The reasons for this lack of harmonization vary. Some believe that NSC standards 7, 14 and 15 set out minimal, non-prescriptive requirements that result in a patchwork of different policies and approaches. The standards are generally viewed as baselines that can be interpreted according to the needs and specific context of individual jurisdictions. This can have adverse effects as they can produce misleading information, which in turn can create an uneven playing field across provinces and territories. Although most jurisdictions view these issues as irritants, they do recognize that there are situations where they constitute barriers. Most cite differing policies, regulations, algorithms and point systems. There are also differences in how data on carrier profile systems is managed and shared across jurisdictions. Some provinces and territories noted that clarity in communicating to a carrier or driver is essential and can be improved. Some regions are considering working together to align their systems to produce uniform assessments.

CONSIDERATIONS

To address the jurisdictional differences in the safety profiles and pointing systems, the CCMTA has tasked the Standing Committee on Compliance and Regulatory Affairs (CRA) with conducting a cross-Canada comparison of how each jurisdiction is implementing NSC standards 7, 14 and 15. The intent of the review is to identify differences between jurisdictions, and determine whether the differences are material. If the assessment clearly reveals discrepancies, more in-depth review and research would likely be initiated.

A number of issues concerning carriers based in or passing through the United States were raised by a few jurisdictions. Some provinces do not monitor carrier and driver profile data on carrier operations in the US, which some consider to be a safety gap. Another issue is the difference in data collected or profile splitting between Canada and the United States, which produces different ratings. The issue of whether or not US carriers require NSC operating numbers when they travel in Canadian jurisdictions was also raised by stakeholders who stress the need for legal clarity on this issue. Under the *Motor Vehicle Transport Act*, federally-regulated motor carriers in Canada, including US carriers operating in Canada, must hold a safety fitness certificate. While this requirement has been in place since 1987, some jurisdictions do not apply it to US carriers, given the vigorous oversight they are already subject to under American legislation. Some jurisdictions require US carriers to have safety fitness certificates, as they believe this helps ensure a safer and competitive level playing field for all carriers.

Although the primary focus for all jurisdictions is maintaining road and public safety in these matters, resourcing can be a problem as some governments cannot meet all their audit requirements. To address this challenge some provinces and territories are considering outsourcing options with third-party auditors.

There are also operational and technical limitations that will complicate harmonization efforts. Some jurisdictions run their safety profile systems and registration systems on older, legacy software platforms that require replacement. This has been an obstacle for jurisdictions who have tried to pursue regional harmonization solutions. As well, any harmonization discussions would require consensus on developing algorithms and the modelling system that will produce profiles. Some jurisdictions supported adopting a predictive modelling methodology.

Other topics for agreement would include deciding on a new point system and how it would be weighted and made operational. Notably, some jurisdictions have invested significant amounts in custom-built applications and may have difficulty justifying the cost for another system. Some jurisdictions noted that, although this solution calls for an initial investment, significant potential for future cost-savings would likely exist.

SUGGESTED APPROACH

The Compliance and Regulatory Affairs Committee under CCMTA will continue to review NSC standards 7, 14 and 15. If the review identifies material differences and potential areas for harmonization, CCMTA will decide on next steps.

C. PROVINCES/TERRITORIES VARY IN HOW THEY INTERPRET, IMPLEMENT, AND ENFORCE HOURS OF SERVICE (NSC STANDARD 9)

Jurisdictions differ in how they interpret, implement and enforce NSC Standard 9. This standard stipulates the number of hours a commercial driver can be on duty and operate a commercial vehicle. It outlines the requirement to complete daily logs, describes the various cycles of operation, and sets out driver and carrier record keeping requirements.

ISSUE RAISED

There is a need for greater flexibility in the application of this NSC standard, and for adoption and enforcement of federal hours of service regulations for interprovincial/territorial and intraprovincial/territorial trucking operations across jurisdictions

OVERVIEW

Hours of service (HOS) are:

- regulated by provincial and territorial governments for intraprovincial/territorial carriers
- regulated by the federal government for interprovincial/territorial carriers
- enforced by provinces and territories

Commercial drivers' HOS have been regulated for decades to mitigate driver fatigue. In 1988, HOS became the first standard to be established under the National Safety Code (NSC). In the years since, research, reviews and consultations have been undertaken several times. The goal of these actions was to enhance regulations and reduce the risk of fatigue-related commercial vehicle crashes. In response to these and other findings, the Government of Canada introduced the *Commercial Vehicle Drivers Hours of Service* regulations on January 1, 2007.

Although the majority of jurisdictions consider this issue to be an irritant, most understand that it is a complex issue that can in certain situations become a barrier. Each province and territory mirror the federal regulations to an extent, but there are some differences in each jurisdiction. While all jurisdictions strive for regulatory consistency, economic considerations, technical issues and other factors can lead to differences in legal interpretation of the standard, its implementation and its enforcement. Some jurisdictions have adopted the federal regulations in their entirety, while others maintain distinct provincial/territorial regulations for intrajurisdictional carriers.

Economic considerations that spur these differences can come from key industries such as gas, forestry and road construction. HOS requirements come into effect depending on the gross-vehicle weight of a commercial vehicle. These weights can be different for federally regulated and provincially regulated vehicles depending on the jurisdiction. Some provinces allow heavier trucks to operate within their jurisdiction without HOS requirements. As such, harmonization would likely result in some carriers having to adhere to HOS conditions at a lower weight threshold. In the interest of harmonization, jurisdictions have sought regional solutions to these differences. There are instances where barriers emerge despite these efforts. For example, non-resident carriers wishing to obtain contracts in jurisdictions that allow increased HOS, may find it more difficult to operate and compete in a market with resident carriers who are subject to different provincial/territorial regulations.

CONSIDERATIONS

Almost all jurisdictions stated that harmonization could only be truly achieved if they all strove to follow NSC Standard 9 as closely as possible. Consensus in implementation, along with using similar technology across the country, was suggested as an option that could encourage consistent enforcement across Canada. Others noted that improving education and communication between enforcement officers, industry and carriers would support harmonization efforts. Some carriers operate under the perception that they are exempt from federal regulations. To mitigate this, creating a database to provide information on how different provinces interpret hours of service regulations was proposed. These discussions would all take place under the auspices of the CCMTA Compliance and Regulatory Affairs.

Upcoming electronic logging device (ELD) legislation was also identified as a factor that will likely initiate regulatory shifts that will impact HOS implementation. Some jurisdictions have begun conducting or plan to conduct comprehensive consultations regarding ELDs and HOS rules. Some jurisdictions also suggested that seeking regionally based harmonization strategies might be more effective, given the prevalence of regional working groups and the similarity of regional economic pressures. Although most jurisdictions believed harmonization could be possible, it was noted that safety would remain paramount in all discussions and override harmonization objectives.

SUGGESTED APPROACH

The long term approach would be for all jurisdictions to fully adopt NSC Standard 9. This will not be feasible until the ELD mandate is legislated for interjurisdictional travel, and likely implemented by provinces/territories for intrajurisdictional travel.

D. ELECTRONIC LOGGING DEVICES (ELDS) SHOULD BE UNIFORMLY MANDATED ACROSS ALL JURISDICTIONS ONCE MANDATED BY TRANSPORT CANADA.

An ELD records the working hours of a commercially operated motor vehicle. Currently, HOS regulations require commercial vehicle drivers to record their time on duty, time off duty and driving time in a paper based daily log, or ELD. The Government of Canada has amended existing HOS regulations to require all federally regulated commercial vehicles to be outfitted with ELDs by 2020. To be approved for installation, all ELDs will have to meet a new National Safety Code technical standard. Canadian trucking organizations believe that ELDs should be mandatory for all commercial vehicles across Canada.

ISSUE RAISED

To better align with fatigue management best practices and increase the compliance of federal HOS regulations, stakeholders encouraged Transport Canada to mandate universal ELDs and that all provinces/territories adopt the same for intrajurisdictional travel in a harmonized fashion. They note that without this mandate, an uneven playing field between carriers is created, which weakens their ability to contribute to the Canadian economy.

OVERVIEW

The key objectives of replacing paper based logs with ELDs are to:

- improve commercial motor vehicle safety
- improve compliance with federal HOS regulations
- facilitate a more level playing field among carriers

The benefits of ELDs include reduced administrative burden and time savings for drivers and carriers' clerical staff because daily log data would be electronically transmitted and maintained. Provincial and territorial enforcement officials and auditors will also benefit by being able to more efficiently detect HOS violations during compliance audits or roadside inspections. ELDs will also make it more difficult to submit incorrect or incomplete information and forged data. As well, it is expected that introducing ELDs will result in fewer HOS violations, which may lead to fewer fatigue related crash injuries and deaths.

Given that the legislation mandating ELDs for federal carriers has not yet been finalized, most jurisdictions classify it as a potential irritant. Sources for this possible irritant include the uneven adoption of ELDs into intraprovincial/territorial trucking legislation. Some jurisdictions believe that hidden barriers to the movement of commercial vehicles across Canada will emerge if some provinces and territories mandate ELDs for intrajurisdictional travel and others choose to maintain internal systems.

As provinces and territories await federal legislation and direction, some jurisdictions have pre-emptively started stakeholder consultations and begun the process of incorporating ELD legislation for provincially-regulated carriers. Others will begin consultations in earnest, after the legislation comes into effect.

Due to the differences of opinions on the way forward after the ELD mandate comes into effect, most jurisdictions were not very optimistic about a uniform adoption of ELDs across the country. Concerns were raised about algorithms used in ELD hardware, as well as GPS accuracy in remote regions. Some also noted that ELD technical specifications could constitute technical barriers to regional or national harmonization if they were not cohesive across the country. There was some interest expressed in having a national ELD standard in the context of enforcement.

CONSIDERATIONS

Although it would be simpler if provinces and territories were to adopt the entire ELD mandate, each jurisdiction has to consider existing legislation, stakeholder consultations, economic sectors, and the types of carriers operating intraprovincially/territorially before finalizing their way forward. One jurisdiction stated that flexibility in HOS regulations would be essential to determining implementation strategies to adopt. For some jurisdictions, establishing a two-tiered system for their own intrajurisdictional carriers may be a more productive route. Some jurisdictions expressed concern for small operators and their capacity to absorb the costs of acquiring ELDs. To address this, the federal government has applied a "small business lens" to the mandate and will provide a two year implementation period. This should allow businesses to disperse the cost over a longer time frame, and to install devices as commercial vehicles are taken out of commission for other repairs. Some jurisdictions have their own strategies to address small business specific concerns.

Provinces and territories also expressed potential cyber security and anti-tampering concerns, especially during data transfers from memory sticks. Operational considerations regarding training enforcement officers and equipping them with the proper tools and knowledge were also raised.

To harmonize, most jurisdictions suggested fully adopting ELD legislation for all travel as the simplest way to achieve national harmonization although most believed that this would be very unlikely. As the next best alternative, regional harmonization was cited as the option most likely to succeed.

SUGGESTED APPROACH

The CCMTA is working on finalizing a new NSC Standard that specifies the technical requirements that are necessary for ELD providers. Jurisdictions will consider ELD mandates when Transport Canada completes Canada Gazette Part II for ELDs.

E. DIFFERING PROVINCIAL/TERRITORIAL REGULATIONS REGARDING THE TYING AND SECURING OF LOADS (NSC STANDARD 10) ALSO KNOWN AS CARGO SECUREMENT.

Jurisdictions have different regulations based on NSC Standard 10, which stipulate the specific requirements for securing loads to commercial vehicles in a manner that will prevent shifting, movement or spillage on to the roadways. This standard was created to ensure the safety of drivers, employees, and the public.

ISSUE RAISED

The *Tear Down These Walls* Report (2016) indicated that the different provincial/territorial regulations regarding cargo securement (i.e., the tying and securing of loads), added costs and slowed down the transportation of goods to the resource sector.

OVERVIEW

The cargo securement standard was drafted using insights from research. The research evaluated previous Canadian and American securement regulations and industry best practices, as well as input from Canadian and American industry experts from all levels of government, enforcement officials and stakeholders.

NSC Standard 10 requires carriers to use cargo securement devices in a manner that prevents articles from shifting, moving or spilling from commercial motor vehicles while travelling across jurisdictions in North America, and to maximize harmonization between Canadian, American, and Mexican cargo securement rules.

The majority of jurisdictions qualified cargo securement as either a non-issue or irritant, and were generally unaware of any industry concerns regarding the standard. Without specific examples from industry and other stakeholders, jurisdictions speculated on the potential causes of this issue.

Some pointed out that although all jurisdictions have partially or wholly adopted NSC Standard 10, there are differences between jurisdictions. For example, portions of the standard could be enforced in some jurisdictions with varying degrees of strictness, while others would enforce the same sections more leniently or sporadically. In general, enforcement officials exercise discretion in many different ways, which contributes to the differences carriers may experience.

Although it would be simpler if all jurisdictions were to enforce cargo securement rules in a uniform manner, it is important to note that the primary goal of these variances is to enhance safety. These variances originate from a number of sources including lessons learned, nuanced differences in jurisdictional policies towards safety, as well as exemptions or more stringent rules due to particular geographic/terrain characteristics or for specific economic sectors. All agreed that the Compliance Regulatory Affairs Committee under the CCMTA is well-placed to facilitate discussions on harmonization. Jurisdictions and industry meet twice a year to address key issues in NSC Standard 10.

CONSIDERATIONS

Cargo securement rules are based on the *North American Cargo Securement Standard Model Regulations*. To increase the likelihood of harmonization, jurisdictions repeatedly noted that regulators across Canada should rely on both NSC Standard 10 and these model regulations as sources for their legislation and regulations.

A few jurisdictions indicated that NSC Standard 10 currently has some limitations and suggested that a comprehensive review and update is needed. Sections of the standard were drafted by engineering experts who used complex and specialized language. These sections were cited as particularly challenging. Some jurisdictions believe that the standard does not address some key issues, which partly accounts for some of the differences in interpretation, implementation and application. A revision would help jurisdictions establish clearer policies and more consistent approaches to enforcement. The CCMTA is currently conducting a review of NSC Standard 10 through the CCMTA Compliance and Regulatory Affairs committee.

SUGGESTED APPROACH

NSC Standard 10 is currently under review by the CCMTA.

F. PROVINCES AND TERRITORIES VARY IN HOW THEY INTERPRET AND IMPLEMENT TRIP INSPECTIONS REGULATION (NSC 13)

NSC Standard 13 prescribes daily trip inspection requirements for all motor carriers and drivers operating commercial vehicles, motor carriers and motor coaches. Across Canada, jurisdictions have codified NSC Standard 13 differently in their regulations leading to some compliance challenges for industry.

ISSUE RAISED

The *Tear Down These Walls* (2016) report indicated that provinces and territories vary in how they interpret and implement trip inspection regulations and that vehicle inspection periods differ in British Columbia and Alberta.

OVERVIEW

Daily vehicle pre-trip inspection is a continuous process designed to protect drivers and alert carriers to mechanical problems. Its general objective is to promote an improved level of safety and compliance in commercial vehicles operating on the roadways. The standard is intended to ensure early identification of vehicle problems and defects, and to prevent the operation of vehicles with conditions that are likely to cause or contribute to a collision or vehicle breakdown.

Most jurisdictions categorized the lack of harmonization as an irritant, as some drivers are unaware of which jurisdictions have adopted the national standard and which provinces and territories follow their own standards. Under the national requirements, drivers are mandated to inspect their vehicles every 24 hours. There is certain information that must be captured on the trip inspection log. When enforcement officials stop a vehicle, inspection officers may expect specific information that might differ from the jurisdiction in which the trip inspection log was filled out.

A number of reasons were cited for these variances, including regulatory differences, which were largely rooted in jurisdictional particularities and historic events that shaped how trip inspections regulations have been codified. For instance, one jurisdiction, which had endured persistent bridge and tunnel collisions in the past, will likely have measurement requirements for pre-trip inspections to avoid collisions between commercial vehicles and overhead structures. Others mandate daily pre-trip truck inspections regardless of how long the truck has been on the road, but they may not implement the standard in its entirety. Some noted that even though there are different requirements for trip inspections across Canada, varying enforcement styles and approaches can amplify these differences.

The diverse transportation needs of different economic sectors can also fuel the differences between jurisdictions. Some jurisdictions are looking at changing the motor coach undercarriage inspection. For example, Ontario adopted NSC Standard 13 into legislation and introduced regulations stipulating that motor coach undercarriage inspections, be conducted every 12,000 km, or 30 days (whichever comes first).

On the other hand, certain jurisdictions believe that NSC Standard 13 is fairly harmonized across the country, noting instead that industry is likely dissatisfied with the lack of harmonization on NSC Standard 11. NSC Standard 13 works in conjunction with NSC Standard 11, which stipulates that all operators of commercial vehicles and buses must have a regular maintenance and servicing program for all vehicles under their control.

NSC Standard 11 helps establish a preventative maintenance program that systematically identifies defects and allows operators to perform the requisite repairs. In turn, this will help operators comply with the semi-annual and annual inspection requirements under the Periodic Motor Vehicle Inspection (PMVI) program that is adopted in each jurisdiction based on NSC Standard 11 (b). PMVI's help reduce collisions caused by mechanical defects and improve highway safety by ensuring vehicles meet provincial and territorial requirements or municipal bylaws.

On the whole, a number of jurisdictions believe that harmonization would be likely if jurisdictions prioritize safety in all their discussions on this issue.

CONSIDERATIONS

Some jurisdictions have not adopted the standard, which requires separate undercarriage inspections, because they find them challenging to conduct. Special equipment is required to carry out the inspection and it will take a truck out of service for the better part of a day, thus impacting company revenues.

Another factor to consider is the way in which standards 13 and 11 interact. Some jurisdictions have been more consistent with adopting and enforcing NSC Standard 11, but have not adopted or stipulated further requirements for trip inspections. Further to this, some noted that a good strategy to progress harmonization of NSC Standard 13 would be for jurisdictions to fully adopt NSC Standard 11 as a starting point. A few indicated that harmonized trip inspections would help establish a level playing field among carriers.

One jurisdiction has been lobbied by industry to allow US safety inspections standards on provincially regulated vehicles. The American standards have a shorter checklist, and are not as rigorous as the NSC standards. Trucks registered in Canadian jurisdictions that have inspections conducted in the US would like to be exempt from Canadian inspections in the same time period. There is also the concern that US carriers are getting preferential treatment.

In terms of best practices, a number of jurisdictions highlighted the Ontario approach of studying the issue, running pilot programs based on research findings, and then amending their legislation accordingly, as a good strategy.

Although, there was consensus that all solutions should be sought through the CCMTA, some noted that there are resourcing and time challenges with the heavy workload involved in updating the standards. Some jurisdictions are in various stages of collectively reviewing this standard and considering a regional solution.

SUGGESTED APPROACH

This issue falls under the mandate of the CCMTA. It will be referred to this group to review the recent amendments made in Ontario and to determine a future national approach, if appropriate.

ISSUE FIVE - Harmonization of Spring Road Bans/Restrictions: Spring weight restrictions/ reduced load periods are adopted and enforced differently across jurisdictions

During the spring thaw season, road infrastructure is more vulnerable to damage from heavy vehicles. As a result, provinces and territories have put in place tools and policies to either ban or place weight limits on heavy vehicles travelling on their roads during the spring thaw season to mitigate the damage done to road infrastructure (pavement and bridges).

ISSUE RAISED

Stakeholders indicated that there is a lack of consistency and clarity in spring weight restrictions/reduced load periods (i.e., when they occur, and what the restrictions are), which creates financial burdens for industry, primarily for carriers operating in the agricultural industry. This increases costs for consumers acquiring basic agricultural goods, inequalities between carriers and compromised competition, since it becomes cheaper and easier to operate in some jurisdictions than in others. One stakeholder indicated that there are differences on allowable steering axle weights during spring road restrictions. This creates a barrier to the efficient operation of vehicles between provinces and unsafe conditions when loads have to be transferred to other equipment at provincial borders.

OVERVIEW

Spring road bans/restrictions or reduced load periods are put in place to protect vulnerable road infrastructure against heavy vehicles. The dates of spring road bans/restrictions can be adjusted according to real-time data that is collected in relation to climate patterns. In some cases blanket spring road bans may be implemented.

Depending on the timing and location of spring road bans/restrictions, this can be a barrier to trade because heavy vehicles may not be able to travel interjurisdictionally if they exceed the spring road weight limits. There may be few alternate routes for vehicle operators to take when spring road bans are in effect without reducing weight and payload. One jurisdiction noted that when spring road bans are in effect, this creates a significant challenge for their forestry industry, as drivers are forced to detour over 300 km to get to their destination. However, because of the vast differences in geography, topography, climate and road sub-structures across the country, this issue is not easily fixed. Most jurisdictions implement these bans/restrictions using a variety of technological tools that allow them to make real time decisions to minimize disruption to the economy.

CONSIDERATIONS

The majority of jurisdictions have indicated that given the vastly different geographies, climates, environmental conditions and topographies across the country, national harmonization for spring road bans is either impossible or very unlikely.

Jurisdictions are not willing to jeopardize their infrastructure to have national harmonization. Given this reality, some jurisdictions have created a balance between the need to protect infrastructure and the need to promote economic activity. They do this by providing exemptions to certain industries that are important to their economies.

SUGGESTED APPROACH

It is not feasible to achieve national harmonization of spring road bans/restrictions as they are determined by weather related considerations that are not uniform across the country at any one point in time. There are also geographical considerations unique to each jurisdiction that impede national harmonization.

Based on COMT National Highway Systems engineering guidelines, and on Regulatory Reconciliation and Cooperation Table (2018-2019 Work Plan), there could be opportunity to analyze and consider the possibility (operationally and economically) of lifting restrictions across the national highway system to reduce issues with respect to interjurisdictional irritants to industry. Significant infrastructure funding would be required to make interjurisdictional roads more uniform and capable of withstanding higher vehicle weights during the spring thaw.

In the short term, jurisdictions should examine additional opportunities to share information with industry related to spring road bans/restrictions in their area.

JURISDICTION	METHODOLOGY/ TECHNOLOGY USED	DATE RANGE (IF APPLICABLE)	WHOLE OF JURISDICTION (OR BY REGION WITHIN JURISDICTION)	COMMUNICATION METHOD
AB	68 frost probes located throughout the province as well as weather forecast...spring is 20 to 30 cm of surface thaw	varies from south to north typically February to end of March/early April and ends around June 16th	runs south to north and typically runs along a township/highway i.e., attempts to use a highway as a divider	a map with details posted on our website
BC	Frost Probes & weather data used to begin. Benkelman Beam testing data prior to rescind.	Variable – usually end of February to end of April in the south; end of March to end of May in the north (early June in the Peace).	Multiple geo-climatic zones throughout BC, so restriction implement and rescind dates highly variable depending on location. South Coast does not have restrictions on most routes/roads.	Posted on Ministry website; notices also sent out for all stakeholders.
MB	Thermistors and weather data	Generally starts in mid-March; duration is approximately 6-8 weeks	Manitoba is divided into three zones based on climate variation	Ministerial Order posted on Manitoba Infrastructure's website; notification circulated to stakeholder and permit holders; communicated on social media
NB	Frost Probes & weather data (to turn on). Dynaflect readings (to turn off)	Generally starts the last week of February and ends the 2nd week of May in the southern zone; starts the 1st week of March and ends the 3rd week of May for the northern zone.	New Brunswick is divided into two zones based on climate and geography; North and South zone, the line of demarcation being roughly in the center of the province.	Minister's announcement. Posted on NB DTI website, newswire, notice sent out for all stakeholders and permit holders.
NL	No spring weight restrictions	No spring weight restrictions	No spring weight restrictions	No spring weight restrictions
NS	In road sensors, Dynaflect measurements	Typically beginning of February to end of April (give or take a week either side.) Northern part of the province typically is a week behind start and finish.	Broken into Eastern, Western, Northern, and Central, but typically goes Eastern/Northern (Amherst, Truro, Cape Breton) and Central/ Western (Halifax, Annapolis Valley, Digby, etc)	Newspapers, email distribution, social media, website

JURISDICTION	METHODOLOGY/ TECHNOLOGY USED	DATE RANGE (IF APPLICABLE)	WHOLE OF JURISDICTION (OR BY REGION WITHIN JURISDICTION)	COMMUNICATION METHOD
NT	Daily/weekly visual inspections on Highways by Regional staff is the primary method; limited thermistor locations on some highways that are manually downloaded approx. twice a year; one RWIS centrally located in the Territory; weather data.	Varies from highway to highway; Region to Region; South to North. Begins mid - April to mid –July on most highways with some exceptions.	Varies by highway or section of highway; and can also be by class of highway (i.e., community access roads).	Territory communicates by internet at: https://www.inf.gov.nt.ca/en/services/highways-and-ferries/highway-advisories or Public Highway Information Service at: 1-800-661-0750 Further, the territory releases e-mails to stakeholders approx. 7 days in advance of implementing changes to highway load allowances.
ON	In-road Sensors and Weather Data	Weather/ Geography/ Topography Dependent	Province only implements on provincially owned infrastructure, when required. Reduced Load Period is only implemented on specific roadways (not all province). Local Road Authorities (municipalities, etc) also implement Reduced Load Period under the authority of the Highway Traffic Act via local by-laws. Local Road Authorities also have the ability to issue overweight permits so to circumvent their own by-laws.	Province communicates via the MTO website: http://www.mto.gov.on.ca/english/trucks/load-restrictions.shtml Further, the province releases e-mails to stakeholders in advance of implementing Reduced Load Period. The province does not oversee local by-laws.
PE	Frost tubes and weather data for implementation. Frost tubes and dynaflect for removal.	Varies from year to year.	Whole of jurisdiction but occasionally the province is split into two regions.	Published in local newspaper, media announcements, information on web site and notices to organizations.

JURISDICTION	METHODOLOGY/ TECHNOLOGY USED	DATE RANGE (IF APPLICABLE)	WHOLE OF JURISDICTION (OR BY REGION WITHIN JURISDICTION)	COMMUNICATION METHOD
QC	In-road Sensors across the network and Weather Data	Territory divided in three thaw zones, each with different dates for load restriction periods.	For whole territory	Communication via Transports Québec's website. Info is sent out to stakeholders, local and abroad, in advance of implementing Thaw-Load Restrictions, every year.
SK	Frost probes and weather data.	Duration of 6 Weeks. Start time is dependent on weather trends and frost probe information.	By region within the province. There are 16 different Maintenance Districts that can decide when the spring restrictions begin within their district, however there is coordination between districts to minimize the number of spring restriction start dates. The Southwest typically has the earliest thaw and the Northeast has the latest thaw and there is typically one or two zones between those two areas.	Website, email
YT	Data-driven methodology. Thermistors in sub-structure of the road used to determine stability.	N/A. Decisions are data-driven, not date-driven	Whole Territory	Public is notified 48 hours in advance of restriction. Notices provided through radio ads, 511 (phone and webpage), and newspaper.

ISSUE SIX – Lack of harmonization in permit processes for oversize/ overweight loads across jurisdictions

A. PERMITTING PROCESSES FOR OVERSIZE/OVERWEIGHT LOADS ARE INCONSISTENT, COMPLEX AND SLOW

Oversize/Overweight (OS/OW) loads are vehicles that exceed legislated height, width, length, and weight limits. All jurisdictions in Canada require that carriers purchase a permit to operate an oversized or overweight vehicle. The permitting regimes in place are different across the country based on infrastructure related requirements.

ISSUE RAISED

Industry stakeholders have indicated that some carriers need multiple permits to carry OS/OW loads through the Atlantic region, and the inability to easily move large loads across Canada has limited the opportunities for Atlantic manufacturers to support the construction of large energy projects in Alberta. By contrast, US heavy haul carriers only need one interstate permit to move a load from Texas to Alberta. Additionally, each province has different rules and restrictions relating to over-dimensional permits and there are frequently time consuming delays in the permitting process.

OVERVIEW

The different rules, requirements and restrictions for over-dimensional permits in each jurisdiction apply to both special trip permits and annual permits. This means that carriers are required to purchase multiple permits and comply with varying requirements to carry an OS/OW load through multiple jurisdictions. Unlike in the United States, where the federal government controls their interstate system on a national level, each individual Canadian jurisdiction controls their own roads, thus their own permitting and access regimes. Stakeholders have also expressed dissatisfaction over some regulatory differences between jurisdictions, such as differences in what is considered to be an acceptable "wide load" sign. Industry has also indicated that they are unhappy with the significant delays that frequently occur in the permit process.

Jurisdictions have indicated that this is an irritant to industry. The lack of uniformity in permit rules, requirements and restrictions creates a situation where carriers are able to operate, but not as efficiently as possible. For example, in some jurisdictions, it can take five to ten days to get a permit approved because engineers are often required to review the roads in advance.

CONSIDERATIONS

Jurisdictions agree that permit requirements are necessary to protect infrastructure and to ensure road safety. Regional approaches to harmonize permitting conditions have been discussed by regional working groups, and agreement has been reached on certain conditions.

SUGGESTED APPROACH

While a national online permitting system is not feasible for oversize/overweight loads due to the complexity of routing systems and different data collection requirements, jurisdictions will continue to collaborate as online systems are developed and examine possibilities for alignment where possible.

B. DIFFERENT COSTS TO OPERATE OVERSIZE/OVERWEIGHT LOADS ACROSS JURISDICTIONS (E.G., COSTS FOR PERMIT AND OTHER SERVICES)

Carriers are required to purchase permits to supersede legislated limits when operating oversize/overweight (OS/OW) vehicles. The purchase price for these permits vary across jurisdictions. The variance is partly due to financially based political decisions, different infrastructure capabilities (and partial recuperation of the infrastructure damage costs) and costs associated with the permitting processes themselves.

ISSUE RAISED

Industry stakeholders have indicated that costs to operate OS/OW loads vary across the country.

OVERVIEW

Each jurisdiction has developed their own permitting programs to allow the movement of OS/OW vehicles. There are specific industries in each jurisdiction that are granted special consideration so that adverse economic impacts are mitigated. For example, in Saskatchewan, the forestry industry is given special weight allowances because it is an important economic driver in the province and permitting within normal limits may limit the viability of this sector.

The majority of jurisdictions have indicated that this is an irritant to industry. This irritant is due to the varying costs for operating in each jurisdiction. Jurisdictions noted that fee structures are complex because often overweight permits are related to the damage that these vehicles cause to road infrastructure.

CONSIDERATIONS

OS/OW permits are used so vehicles can operate in excess of legislated limits with consideration given to maintaining road safety and protecting infrastructure. Given the vastly different geographic and topographic terrains and infrastructure strengths between jurisdictions, it was noted that national harmonization may be difficult to achieve without compromising safety.

To harmonize permit fees, every jurisdiction would need to decide who needs to lower their fees and who needs to raise them, if at all possible. This may be challenging as many jurisdictions are not willing to lower or raise their rates due to the sensitive nature of this source of revenue and the impact to their economy.

SUGGESTED APPROACH

User fees related to permits for OS/OW loads fall under provincial/territorial purview. There are a number of economic considerations and internal policies that are taken into consideration when user fees are determined within a jurisdiction and as such, they cannot be harmonized across the country.

ISSUE SEVEN – Lack of a designated national oversize/overweight corridor

An oversize/overweight (OS/OW) corridor is a designated network of highways that are built to accommodate OS/OW vehicles and loads.

ISSUE RAISED

The 2015 report by the Van Horne Institute cites the inability of Eastern or Central Canadian manufacturers of large, heavy industrial components, to ship their products by road to Western Canadian destinations because of the lack of a designated heavy-cargo route across the country. Failing to resolve this will likely carry with it a high price tag in terms of foregone Canadian manufacturing activity, as some or all of these large industrial components will need to be sourced from outside of the country.

OVERVIEW

The creation of a national OS/OW corridor is expected to help facilitate interjurisdictional trade and create significant savings for industry as it would mitigate the number of detours vehicles would be required to take to move their goods.

Due to safety considerations with respect to the movement of OS/OW vehicles, these movements often require pilot/escort vehicles and utility companies to play an active role. An OS/OW corridor would allow these vehicles to travel without utility companies temporarily raising or cutting utility lines or moving other structures to let these vehicles through. There are a few Canadian jurisdictions that have these corridors, including Alberta, Saskatchewan, New Brunswick and Northwest Territories. Ontario has reviewed the potential for an OS/OW corridor to move across the province.

Most jurisdictions have indicated that this is a barrier to trade. In some instances, the lack of heavy haul or high load corridors in their jurisdiction means that some loads are forced to detour through the United States to get to their destination, or are denied entry into their jurisdiction altogether. In some cases this is mitigated by the use of marine transport through the Great Lakes, while in other cases, industry is required to pay utility companies to lift utility lines for every load moved.

The source of this barrier to trade is primarily centered on infrastructure limitations because many jurisdictions do not have the appropriate infrastructure either structurally or with enough overhead clearance to accommodate the transportation of OS/OW goods/vehicles.

CONSIDERATIONS

Because of complex infrastructure limitations, constructing a national corridor may be challenging for some jurisdictions. To have a nationally designated OS/OW corridor, all jurisdictions would have to agree both on the same infrastructure specifications and on a standard for weights and configurations for OS/OW vehicles.

In addition to the infrastructure costs of creating a national OS/OW corridor, geographical and environmental limitations exist, such as permafrost conditions in northern regions, issues related to extending rock-cuts and other road restrictions (pedestrian bridges), and different substrate conditions across the country.

There would also need to be enforcement mechanisms in place to ensure that OS/OW vehicles do not divert from the corridor.

SUGGESTED APPROACH

Jurisdictions will continue to collaborate and examine opportunities for creating regional networks. This may include a review to determine certain standards and best practices for OS/OW corridors and would require infrastructure investments for corridor construction.

ISSUE EIGHT – Varying vehicle requirements, weight limits, permit conditions, driver qualifications and training for turnpike double long combination vehicles

A. THE DEFINITION OF ACCEPTABLE LONG COMBINATION VEHICLES ROUTES IS DETERMINED BY EACH JURISDICTION.

Long combination vehicles (LCVs) consist of a truck- tractor pulling 2 or more semi-trailers. These over-length vehicles typically reach an overall length of 40 m.

ISSUE RAISED

Stakeholders have indicated that there is an increasing need for regional harmonization of vehicle requirements, including an increase in weight limits/permit conditions, driver qualifications and training for LCV operators. There is also a need for the expansion of a LCV network in Canada to improve efficiency and alleviate the labor shortage. Stakeholders also indicated that jurisdictional policies, permit regimes and compliance vary widely across Canada, which increase administrative costs and creates barriers for carriers that operate across jurisdictions.

OVERVIEW

LCVs have been operating in Western Canada, and Quebec for decades. Because LCVs can carry lighter, and bulkier goods on a single trip, there are environmental benefits, such as reduced fuel consumption when comparing the use of LCVs to the 2-tractor semi-trailers that they replace. Carriers are then able to bring these goods to market at a lower cost, providing economic benefits for companies and consumers.

The varying treatment of LCVs between jurisdictions was identified as a barrier to trade. With respect to driver training, one jurisdiction noted that because qualifications are different in the east than they are in the west, drivers are sometimes required to re-certify in order to operate across jurisdictions. It is worth noting that LCVs cannot currently operate between the east and the west, with no safe passage identified across Ontario's north. Many jurisdictions noted that they have not received many requests for LCV permits, driver qualifications or training and currently, only a few large companies own and operate LCVs on North American roads.

Regional mechanisms, such as the New West Partnership Trade Agreement, have allowed some jurisdictions to harmonize their LCV policies through the adoption of MOUs. Currently, there are regional LCV MOUs in place across the country.

CONSIDERATIONS

There are safety considerations with respect to LCVs as these vehicles operate differently than their shorter counterparts or single trailer configurations. To mitigate safety concerns, some jurisdictions have limited the operating speed of LCVs to 100 km/h while others limit the speed to 90 km/h. Some jurisdictions have noted that the overall safety record for LCVs remains in good standing, and in some cases is far better than the general fleet. This may be, in part, due to the fact that program conditions for the operation of LCVs exceed that of regulated vehicles and trucking companies often have their best drivers drive LCVs. Further, drivers require some form of training and certification in all jurisdictions to operate LCVs.

There is also a concern with whether there are enough highway rest stops that can accommodate these longer vehicles, as the Hours of Service provisions require drivers to rest after a specified period of driving. LCVs cannot be accommodated in traditional parking spots because they are 40 m in overall length. This may lead to a capacity issue in certain areas when LCV designated spots are occupied. In response to this, some jurisdictions are upgrading their rest-areas with LCV accommodation in mind.

Road infrastructure and engineering create some technical limitations as most LCVs currently operate on 4-lane highways.

SUGGESTED APPROACH

National harmonization would involve enhanced coordination between the eastern and western regions to develop a framework to link their respective MOUs and agree on acceptable turnpike double LCV configurations. Until such time that the Primary LCV Network in Ontario is expanded toward the Manitoba border, there is no need to consider national harmonization.

Jurisdictions should continue to monitor and address inconsistencies as they arise.

ISSUE NINE- Weight allowances based on tire size differ

A. NOT ALL JURISDICTIONS ACCEPT THE USE OF WIDE BASE SINGLE (WBS) TIRES AT THE SAME WEIGHTS AS THE DUAL TIRES THEY REPLACE.

A wide based single (WBS) tire is a non-steering tire that has a width of between 385 mm and 455 mm. Most jurisdictions do not allow equal weight allowances for these tires as their dual tire counterparts, due to the significant road infrastructure damage that they cause. Industry has developed the New Generation WBS Tire with a width of 455 mm to minimize the amount of damage done to road infrastructure relative to other WBS tires (385 mm to 445 mm). Despite this difference, due to the relative increase in damage to infrastructure as compared to dual tires, not all jurisdictions allow 455 mm tires at equal weight allowances to the dual tires that they replace. While some jurisdictions allow 455 mm tires through regulation, others still require permits (see table below).

ISSUE RAISED

Stakeholders indicated that inconsistency in WBS tire weight allowances between jurisdictions reduces the potential for carriers to maximize efficiencies with interjurisdictional transport and have requested that the maximum allowable weight of New Generation WBS tires be increased to be at parity with the dual tires that they replace.

OVERVIEW

445 mm-wide WBS tires have been in use in the North American trucking industry for over 30 years as a replacement for dual tires on tractor semi- and double-trailers. New generation WBS tires were first introduced in the early 2000s. These tires offer less rolling resistance, improved handling and are lighter than dual tire sets. They also help reduce greenhouse gas emissions through improved fuel economy, require less petroleum to manufacture and produce less post-consumer waste when compared to dual tires. Additionally, they reduce the number of wheels and tires that a company must stock for maintenance purposes.

In a 2016 pilot conducted by Alberta Transportation, WBS tires demonstrated fuel savings of approximately 10% compared to their dual tire counterparts. In various studies, WBS tires were also shown to cause increased damage (premature wear and tear) to road infrastructure, particularly thin pavements, when compared to dual tires.

Jurisdictions identified the inconsistency in weight allowances for WBS tires as an irritant to industry because carriers are still able to operate interjurisdictionally but at a reduced weight. In most jurisdictions, this is primarily a regulatory and infrastructure issue. Carriers can still operate with dual tires at maximum allowable weight allowances.

CONSIDERATIONS

It was noted that reaching full harmonization on all highways would be challenging because there are provinces that have more than one highway weight classification and pavement infrastructure varies even within a weight class. When lower classifications of highways have weaker roads, these roads are unable to handle heavier weights. When considering interjurisdictional travel, it is understood that carriers want to travel along the existing higher classification highway system (i.e., National Highway System) to cross the country.

As part of the RCT, under the CFTA, Premiers mandated their governments to accelerate the process of removing internal barriers to trade and reach a resolution to reconcile these barriers. Through stakeholder consultation and other sources, the inconsistency of weight allowances for WBS tires between jurisdictions was identified as a potential barrier to trade.

SUGGESTED APPROACH

At the CODMT meeting on October 3, 2018, this issue was referred to the TF-VWD Policy for resolution.

WIDE BASE SINGLE TIRES (WBS) – NEW GENERATION WIDE BASE SINGLE TIRES (455 MM) WEIGHT ALLOWANCES ON PRIMARY HIGHWAYS

JURISDICTION	BRITISH COLUMBIA (KG)				ALBERTA (KG)				SASKATCHEWAN (KG)				MANITOBA (KG)			
Axle Group	Dual Tires	WBST 455 mm	WBST 445 mm	455mm by Permit or Regulation	Dual Tires	WBST 455 mm	WBST 445 mm	455mm by Permit or Regulation	Dual Tires	WBST 455 mm	WBST 445 mm	455mm by Permit or Regulation	Dual Tires	WBST 455 mm	WBST 445 mm	455mm by Permit or Regulation
Single Axle	9,100	8,500	7,700	Policy	9,100	9,100	7,700	By permit	9,100	8,500	7,700	Permit	9,100	9,100	As per MOU 7,700	By regulation on primary highways.
Tandem Axle - A two axle grouping (i.e., two axles situated close together)	17,000	17,000	15,400		17,000	17,000	15,400		17,000	17,000	15,400		17,000	17,000	As per Mou 15,400	
Tridem Axle - A three axle grouping (i.e., three axles situated close together)	24,000	24,000	23,100		24,000	24,000	19,000		24,000	24,000	23,100		24,000	24,000		

JURISDICTION	ONTARIO (KG)				NORTHWEST TERRITORIES (KG)				QUEBEC (KG)				NOVA SCOTIA (KG)			
Axle Group	Dual Tires	WBST 455 mm	WBST 445 mm	455mm by Permit or Regulation	Dual Tires	WBST 455 mm	WBST 445mm	455mm by Permit or Regulation	Dual Tires	WBST 455 mm	WBST 445 mm	455mm by Permit or Regulation	Dual Tires	WBST 455 mm	WBST 445 mm	455mm by Permit or Regulation
Single Axle	10,000	9,000	9000	Regulation *(Note: WBS tire width not controlled; regulation speaks to Singles or Duals without defining WBS.*	9,100	6,000	As per MOU 7,700	Pilot project with one company on their Enhanced Visibility Highway. On this highway, WBS weights are at parity with dual tires.	10,000	10,000	As per MOU 7,700	Regulation	9,100	9,100*	As per MOU 7,700	Permit through pilot project.
Tandem Axle - A two axle grouping (i.e., two axles situated close together)	18,000*	18,000*	18,000*		17,000	12,000	As per Mou 15,400		18,000	18,000	As per Mou 15,400		18,000	18,000*	As per Mou 15,400	
Tridem Axle - A three axle grouping (i.e., three axles situated close together)	26,000	26,000	26,000		24,000	18,000			26,000	26,000			26,000	26,000*		

JURISDICTION	NEWFOUNDLAND AND LABRADOR (KG)				NEW BRUNSWICK (KG)				PRINCE EDWARD ISLAND (KG)				YUKON TERRITORY (KG)			
Axle Group	**Dual Tires**	**WBST 455 mm**	**WBST 445 mm**	**455mm by Permit or Regulation**	**Dual Tires**	**WBST 455 mm**	**WBST 445 mm**	**455mm by Permit or Regulation**	**Dual Tires**	**WBST 455 mm**	**WBST 445 mm**	**455mm by Permit or Regulation**	**Dual Tires**	**WBST 455 mm**	**WBST 445 mm**	**455mm by Permit or Regulation**
Single Axle	9,100	7,700	As per MOU 7,700	Reviewing WBS to determine if it is feasible to allow parity with dual tires.	9,000	9,000	As per MOU 7,700	Permit through a pilot (Max 300 permits)	9,000	7,700	As per MOU 7,700	Currently reviewing weight allowance for WBS as part of trucking harmonization project	10,000	7,700	As per Mou 7,700	Not planning to increase weight allowance for WBS beyond 7,700 kg / axle.
Tandem Axle - A two axle grouping (i.e., two axles situated close together)	18,000	15,400	As per MOU 15,400		18,000	18,000	As per Mou 15,400		18,000	15,400	As per MOU 15,400		17,900	15,400	As per Mou 15,400	
Tridem Axle - A three axle grouping (i.e., three axles situated close together)	26,000	23,100			26,000	26,000			26,000	23,100			24,000	21,900		

- AB – Alberta has recently allowed WBST (455 mm and greater) to obtain increased weight to parity with dual tires by means of an exemption permit. Municipal approval is required WBST 445 mm weight allowance is a maximum of 7,700 kg/single axle, 15,400 kg/tandem axle, and 19000 kg/tridem axle.
- ON –WBS tire weights are at parity with dual tires. *Weight allowance for tandem axles equipped with dual tires with an axle spread greater than 1.85 m are allowed 19,100 kg. Ontario does not control tire width; it is either single or dual. They allow 385mm WBS all the way to 455mm.
- NB – New Brunswick is currently piloting weight parity with dual tires on primary highways. The pilot is authorized via permit to a maximum 300 permits.
- NS – Nova Scotia is currently piloting weight parity with dual tires on primary highways.
- MB – WBS tire weight limits dependent on the type of highway. For RTAC highways it is 9,100 kg for single axle, 17,000 kg for tandem axle (with variance for axle spread), and 21,000 kg for tridem drive axle unit.

B. CREATE A NATIONAL STANDARD FOR TIRE SIZES

There is a national standard regarding tire tread width and allowable weight limits, where maximum weights are dependent on a 10 kg/mm threshold. Some jurisdictions allow up to 11 kg/mm on certain axle positions.

ISSUE RAISED

Create a national standard for tire sizes, where weight per mm tire width is increased from 10 kg/mm to 11 kg/mm tire width.

OVERVIEW

Allowable axle weights are based on the position of the axle along the vehicle Gross Axle Weight Rating, or tire width. For the most part, jurisdictions are harmonized toward 10kg/mm on all tires across heavy vehicle configurations. However, in jurisdictions where infrastructure supports higher weights, certain axle positions are offered up to 11kg/mm.

CONSIDERATIONS

The national standard for tire size under the Federal-Provincial-Territorial Memorandum of Understanding on Interprovincial Weights and Dimensions is 10 kg/mm width of tire, with a minimum tire width of 150 mm. Some jurisdictions allow 11 kg/mm tires on their roads, as their bridge and pavement infrastructure can support it. Ontario allows 11 kg/mm on tires on steer axles and self-steer lift axles, as their pavement infrastructure is stronger than many other jurisdictions and can accommodate the higher weights across smaller tire widths.

SUGGESTED APPROACH

National harmonization exists on 10kg combined tire widths in mm. Some jurisdictions allow greater widths at 11kg/mm, due to geographical/infrastructure differences unique to each jurisdiction. Over the longer term, additional research is required to determine the impacts of allowing 11kg/mm tires. Infrastructure funding may be required for lower class highways to handle the increased loads.

ISSUE TEN – Lack of mutual recognition and cost impacts of varying fuel and sales tax rates across jurisdictions

A. SINGLE TRIP FUEL PERMIT/FUEL TAX RATES VARY BY PROVINCE

B. VARYING INPUT (SALES) TAXES ACROSS JURISDICTIONS

The trucking industry would like the costs associated with different fuel tax rates, sales tax rates and fuel permits to be harmonized and more equitable.

ISSUES RAISED

a. The issue of fuel tax rates varying by jurisdiction was raised by one stakeholder in the report, *Trade Barriers in Atlantic Canada: Opportunities for Regulatory Reform* (2016). In general, shippers can recoup losses by passing these taxes onto their customers but shippers do not have the same recourse and so they continue to absorb these costs. Regarding single-trip fuel permits, one stakeholder suggested that it would be more efficient to have one permit that is recognized across Canada.

b. Trucking companies operating across provincial/territorial borders face varying input (sales) tax rates. The *Tear Down These Walls* (2016) report cited the example of multi-jurisdictional vehicle taxes, which prorate provincial/territorial sales taxes on vehicle purchases based on the distance travelled within each jurisdiction. Furthermore, the operation of the multi-jurisdictional vehicle taxes results in inequities because refund rates for unused portions of the multi-jurisdictional vehicle taxes depend on where the purchaser is domiciled. The taxes include provincial retail sales taxes, harmonized sales taxes and multi-jurisdictional vehicle taxes (MJVT). Stakeholders are concerned that MJVT policies create an inequitable tax burden and discriminate against some carriers.

OVERVIEW

The International Fuel Tax Agreement (IFTA) is a cooperative agreement among all 10 Canadian provinces and 48 American states that simplifies the process by which interjurisdictional carriers report and pay taxes on the motor fuels they use. Instead of carriers obtaining fuel tax licenses for each jurisdiction that they pass through, the agreement allows registered carriers to obtain a single fuel tax license, issued by their base jurisdiction. It also allows interprovincial/territorial and interstate carriers to file quarterly fuel tax remittances in their home jurisdictions. Carriers report the amount of motor fuel consumed and the distance travelled in each jurisdiction. Member jurisdictions work together to track, collect and share the taxes payable on motor fuels such as gasoline, diesel, propane, gasohol, methanol, ethanol, natural gas and biodiesel. The respective jurisdiction's Ministry or Department of Finance are responsible for processing and issuing IFTA tax returns.

On the other hand, carriers who only occasionally travel in other jurisdictions are not required to purchase an IFTA license. Instead, they can obtain trip permits, on a trip-by-trip basis. Interjurisdictional carriers who do have valid IFTA licenses will also have to purchase trip fuel permits when travelling in jurisdictions that are not members of IFTA.

Jurisdictions were all in agreement that these issues were irritants and were largely out of the hands of Ministries of Transport. The exception to this was the issue of single-trip fuel permits. Although some regions are reasonably harmonized on this issue, it was acknowledged that the different application process and system can pose a challenge. The processing times also vary, with some jurisdictions offering same day permits while others take longer.

CONSIDERATIONS

On the issue of varying input and sales tax, it is important to stress that establishing fuel, sales and input tax rates is the prerogative of each jurisdiction. As such, this subject falls beyond the scope of this task force.

SUGGESTED APPROACH

User fees, tax rates and sales taxes related to single trip fuel permits fall under provincial/territorial purview. There are a number of economic considerations and internal policies that are taken into consideration when these types of fees are determined within a jurisdiction and as such, they cannot be harmonized across the country.

ISSUE ELEVEN – Inconsistent enforcement and policing of trucking regulations.

A. BILLS OF LADING NOT UNIFORMLY ADOPTED AND ENFORCED

A bill of lading is a detailed list of a shipment of goods in the form of a receipt given by the carrier to the person consigning the goods. It can also be described as a document issued by a carrier which details the shipment of cargo and helps guarantee that exporters receive payment and importers receive merchandise. This document can help determine carrier liability for loss and damage to goods and shipper/consignee liability if freight charges are not paid.

ISSUE RAISED

Stakeholders have expressed concern over the inconsistencies across jurisdictions in enforcing and policing trucking regulations. They have indicated that the adoption and enforcement of bills of lading is not uniform across jurisdictions.

OVERVIEW

A bill of lading primarily serves as a legally binding agreement which helps carrier's process cargo according to the original contract terms set up by the carrier and shipper.

The applicable Canadian law regarding the interpretation of the bill of lading is that of the jurisdiction where the bill of lading was issued. In most cases this is the point of origin for the shipment. A properly drafted bill of lading is vital for carriers in limiting their liability. This is determined differently depending on the carriers' jurisdiction of origin and the law which governs that jurisdiction.

Each province/territory is delegated by the federal government to regulate their own motor carrier legislation. This can result in some inconsistencies between jurisdictions, making it important to determine which provincial/territorial law will apply to a shipment. For example, in some provinces, it is a legal requirement that carriers issue a bill of lading, while in others it is not. Given that this inconsistency does not prevent carriers from travelling, jurisdictions have characterized this as an irritant to industry.

CONSIDERATIONS

An increasing number of carriers have moved towards electronic bills of lading, and some jurisdictions have drafted policies that allow for enforcement officers to accept these. This means that the carrier must have access to a data service provider, which can be challenging in many parts of Canada where broadband infrastructure is sparse.

In 1987, CCMTA developed a Uniform Bill of Lading and Contract Model Regulation. The rules have been harmonized, but the model regulation was not uniformly implemented in every jurisdiction.

SUGGESTED APPROACH

Under the *Bills of Lading Act*, the formulation of regulations related to bills of lading has been delegated to provincial and territorial authorities. There are a number of economic factors and internal policies that are considered when jurisdictions regulate and enforce bills of lading. There is no evidence that variations in bills of lading laws have resulted in barriers to trade.

B. BETTER ENFORCEMENT OF EMISSIONS TAMPERING

Emissions tampering refers to either installing alternative equipment or removing mandated equipment on heavy-duty vehicles, effectively deleting emissions systems while reprogramming engine related software to conceal such changes to the vehicle. There is currently limited enforcement on emissions tampering.

ISSUE RAISED

Stakeholders have indicated that there is currently little to no enforcement for manufacturers selling emissions tampering equipment, shops installing the equipment, and carriers using the equipment. Stakeholders are urging provincial enforcement agencies to intervene to stop this practice, and for the federal government to strengthen emission control testing.

OVERVIEW

Jurisdictions indicated that the testing equipment (such as an exhaust sensor) required to properly inspect vehicles for emissions tampering is expensive and requires special training. While commercial vehicles are required to have annual checks at inspection stations where the proper testing equipment is available, roadside enforcement officers do not have access to these tools. As such, roadside officers are only able to do visual checks to identify if the emissions control systems have been removed.

It was noted that emissions systems tend to burn more fuel in cold weather when the trailer deck freezes. This is the rationale behind drivers wanting to bypass the system. As a result, not only does emissions tampering result in negative impacts on the environment, but this practice also gives non-compliant operators an unfair competitive advantage over compliant operators in terms of fuel efficiency.

CONSIDERATIONS

Under the authority of the *Canadian Environmental Protection Act* (1999), there are regulations for heavy-duty vehicle and engine greenhouse gas emissions. Under these regulations, Canadian manufacturers, distributors and importers of heavy-duty vehicles and engines are legally obligated to ensure that their vehicles are not producing emissions above the legal limit.

Additionally, emissions tampering is referenced to in National Safety Code Standard 11B (Periodic Commercial Motor Vehicle Inspections), which specifies that no components of the vehicle that are required by regulation should be removed.

To increase roadside enforcement, jurisdictions would need to acquire appropriate roadside testing equipment and put in place training programs for enforcement officers.

SUGGESTED APPROACH

In the short term, the federal government will examine what is possible from a technological perspective for improved tools to reduce emissions tampering. Transport Canada is investigating the possibility of partnering with Environment and Climate Change Canada (ECCC) Emissions Research and Measurement Section (ERMS) laboratories to develop a plan that would outline the necessary equipment (i.e., portable emissions measurements system) training and testing requirements so that roadside inspectors could adequately test

heavy duty trucks for pollutants such as nitrogen oxide (NOx), particulate matter (PM), carbon monoxide (CO) and total hydro carbons (THC). Phase I of the project could examine the feasibility of training enforcement officers and the accuracy that would be required to allow enforcement officers to determine 'pass/fail' for each test. Phase II of the project could involve road side testing using a variety of equipment and comparing results to in-lab testing using dynamometer.

ISSUE TWELVE – Pilot car operations (i.e., enforcement and training) vary across jurisdictions.

A. LEVEL OF ENFORCEMENT FOR PILOT CARS VARIES ACROSS JURISDICTIONS

Pilot cars are vehicles that provide an escort for oversized and overweight permitted vehicles to safely navigate roads (e.g., directing traffic to safely allow passage of the OS/OW vehicle, monitoring infrastructure heights and widths along the route while in travel). Pilot/escort vehicle requirements differ across jurisdictions.

ISSUE RAISED

As part of the stakeholder survey conducted in Fall 2017, industry stakeholders indicated that the main issue is the lack of enforcement of existing rules or inconsistent enforcement by officers of pilot car requirements.

OVERVIEW

In Canada, pilot cars (also known as escort vehicles) have varying operational requirements in each jurisdiction. Without federal regulation, it is up to each jurisdiction to develop their own pilot car requirements and thus, enforcement strategy. As a result, enforcement officers may impede the movement of pilot cars within their jurisdiction if they are not compliant with operational requirements specific to that jurisdiction. Thus, enforcement officers administer the requirements for their own jurisdiction, which may not be consistent with the requirements of neighbouring jurisdictions.

This is an irritant to industry for logistics companies or the carrier because they may have to change pilot cars as they move between jurisdictions. If the equipment is not compliant with the requirements of a jurisdiction, it will not be allowed to continue its journey.

CONSIDERATIONS

OS/OW loads are permitted at weights, lengths, widths and heights above and beyond that of legislated/regulated configurations. Depending on the jurisdiction, pilot cars may be required while operating under such permit regimes. They are guided by policy developed in each jurisdiction based on the various infrastructure and operating environments.

Pilot/escort vehicles must meet specific lighting and sign requirements, which can differ between jurisdictions. This issue is influenced by changing technology for lights, which may impact the ability of industry to adapt to varied lighting and signage pilot car requirements. There are new possibilities with LED technology that can be used to illuminate signs or lights for easy visibility. Recognizing this newer technology and the ability to change displays could help facilitate greater harmonization between jurisdictions (e.g., an LED sign could be preprogrammed with the varying requirements for differing jurisdictions, depending on what those differences are).

In Atlantic Canada a guide book was created for pilot car operations, training requirements and enforcement across jurisdictions. This guide book is 10 years old, and is called the *Escort Vehicle Drivers Handbook*. This guidebook provides guidelines for the harmonization of conditions for over-dimensional and indivisible load permits in Atlantic Canada including the requirements for escort vehicles. It is available online and is regularly updated. British Columbia recently published a similar book, titled, *The Pilot Car Load Movement Guidelines*.

There are challenges related to pilot cars such as, the need to switch pilot cars, which may slow down interjurisdictional movements. There is also a lack of truck parking or rest areas that can accommodate such permitted loads and the required pilot/escort vehicles traveling with them. This can pose a safety risk when trucks need to pull over and wait for a compliant escort vehicle when crossing into a new jurisdiction.

SUGGESTED APPROACH

Over the longer term, jurisdictions should examine opportunities to establish an education and outreach program for enforcement officers so that they are more familiar with pilot car rules.

B. JURISDICTIONS ARE NOT CONSISTENT WHEN IT COMES TO PILOT CAR OPERATORS TRAINING REQUIREMENTS

Some jurisdictions mandate that pilot car operators fulfill training requirements, other jurisdictions do not.

ISSUE RAISED

As part of the stakeholder survey conducted in Fall 2017, industry stakeholders indicated that the requirements placed by some provinces on pilot operators to obtain training (such as flagging), prior to being allowed to operate in their province has been an irritant to their operations.

OVERVIEW

Mandatory training for pilot car operators has been under discussion for almost 20 years. The requirement for training has to do with highway safety and the need for special training to direct traffic, as per the logistical requirements for moving an oversized load. This is an irritant to industry. From the standpoint of logistics companies or the carrier, this is an irritant because they may have to change pilot cars as they move between jurisdictions if the pilot car operator does not have the training required in another province/territory.

CONSIDERATIONS

Historically, police were involved when escorting a load in some jurisdictions. In an effort to better manage costs, some jurisdictions have switched from police escorts to certified pilot car operators. This is also an issue for pilot cars coming up from the United States that do not meet the appropriate regulatory requirements. However, for these movements there are a number of rest stop areas where trucks can pull over and wait for a proper escort vehicle. Whereas with east/west traffic, there are not as many options to pull over and wait for a compliant escort vehicle, which may pose a safety risk and also slow down interjurisdictional movements.

British Columbia is the only jurisdiction in Western Canada to implement a guideline that outlines the requirements for training. Manitoba, Saskatchewan and Alberta are working towards developing a guideline that outlines the requirements for training as part of New West Partnership Trade Agreement discussions. Ontario recently introduced similar guidelines and training as British Columbia. Pilot car training requirements can also be found in the Escort Vehicle Drivers Handbook which pertains to Atlantic Canada.

SUGGESTED APPROACH

Significant regional harmonization efforts are underway with respect to regional pilot car operator training requirements. Over the longer term, jurisdictions should review best practices and examine possible opportunities to collaborate and align pilot car guidelines and training where appropriate. This issue may also benefit from a public outreach strategy to effectively communicate pilot car requirements.

ISSUE THIRTEEN – Lack of mandatory drug and alcohol testing for commercial truck drivers

Consuming drugs and alcohol has the potential to cause driver impairment and adversely impact road safety.

ISSUE RAISED

Stakeholders have requested that Canada establish a regulatory approach for drug and alcohol testing that mimics the United States' national system, which mandates drug and alcohol testing for commercial drivers.

OVERVIEW

With the recent legalization of cannabis in Canada, there has been a move towards zero tolerance policies for commercial drivers with respect to drugs and alcohol. Stakeholders have indicated that trucking fleets lack the tools needed to manage their workforce in the face of this legislation. While many jurisdictions have implemented zero tolerance policies for roadside enforcement, this issue remains in the authority of the provinces and territories. Industry would like to pre-screen drivers, which differs from the zero-tolerance approach taken by jurisdictions. Jurisdictions have implemented roadside enforcement laws, but have not assessed allowing companies to pre-screen their drivers before they are allowed to drive (which is the approach taken in the US).

Jurisdictions have maintained that this is a policing and carrier enforcement issue across Canada, and is the carrier's responsibility to ensure that drivers are not under the influence. Some companies implement mandatory drug testing as part of their job requirements, especially if impairment is deemed hazardous in the work environment, on a voluntary basis, but there is no federal mandate in this area.

CONSIDERATIONS

One of the reasons drug and alcohol testing has not been mandated is because it may be perceived as a human rights issue. For example, there are privacy and discrimination concerns given that there may be medical reasons for why someone might use cannabis.

Federal legislation would have to determine what testing is acceptable and how enforcement would be conducted to ensure consistency across jurisdictions. For example, enforcement officers would be required to go through a drug recognition program, similar to the RCMP.

Recent amendments to the *Criminal Code* dictate that following a legal roadside stop, enforcement officers are authorized to demand that a driver provide an oral fluid sample if they reasonably suspect that a driver has drugs in his or her body. Following a positive reading, the officer could demand a blood sample if the officer suspects impairment. This legislation also details impairment levels for tetrahydrocannabinol and alcohol.

SUGGESTED APPROACH

Drug and alcohol use in the workplace presents a number of concerns for employees, employers and the public at large. Employment and Social Development Canada along with other federal partners, continue to work with provincial and territorial counterparts and other experts to conduct research and gather information on impairment in Canadian workplaces, and the impact on occupational health and safety. They will also continue to work with workplace stakeholders to share best practices, identify gaps in tools and resources and look for opportunities to collaboratively fill those gaps.

Transport Canada is proactively engaging in policy work on impairment across all modes – air, marine and rail, as well as motor vehicle safety. This policy analysis will consider the prevalence and risk of impairment from drugs, and alcohol, the potential for harmonization with other jurisdictions, and human right issues under the Canadian Charter of Rights and Freedoms (and associated legislation). This work will examine a range of approaches to this issue, including education and prevention efforts, and the options around testing in the workplace.

The Driver and Vehicle Safety Committee under CCMTA should be involved in work done at the federal level with respect to mandatory drug and alcohol testing for commercial drivers.

ISSUE FOURTEEN - Lack of standardized mandatory entry level training for commercial vehicle drivers across Canada

Mandatory Entry Level Training (MELT) is a program for all commercial vehicle drivers who require a Class A license (or Class 1 license) to operate large commercial vehicles. The training is designed to help drivers develop the skills, experience and know-how to safely move people, goods and services.

ISSUE RAISED

Industry noted that MELT will help raise the bar on professionalism for the truck driver occupation, which will impact the supply of truck drivers. They indicated that they would like all provinces and territories to adopt MELT.

OVERVIEW

The trucking industry has been reporting difficulty finding qualified truck drivers for some time. The overall barriers to entry to the labour market are low for new drivers (all that is currently required is to pass a commercial driver's license test and complete an air brake endorsement course to operate air-brake equipped trucks in all jurisdictions). Ontario requires drivers to complete a MELT course before being allowed to take a road test for their Class A licence. The Western provinces are also looking into developing a MELT program that is closely aligned. There are a range of additional skills and knowledge required to be qualified to provide more specialized trucking services (e.g., hauling dangerous goods or long-haul cross-border trucking).

Industry has noted that MELT will help to make trucking a "skilled trade" or a B level occupation under the National Occupational Code, a change from its current C level designation. Industry argues that raising the classification may enhance the prestige of the truck driving occupation for potential applicants and may open the occupation to labour and immigration programs.

Currently, in all jurisdictions except Ontario, training requirements for commercial vehicle operations are not mandatory. While there is reciprocity for licensing across Canadian jurisdictions, every jurisdiction has their own licensing requirements. These requirements are not standardized across the country. Western provinces are currently working to develop a consistent approach to MELT.

Jurisdictions indicated that this is an irritant to industry because MELT requirements do not currently prohibit truck drivers from moving across multiple jurisdictions. Industry has positioned this item in relation to the current national truck driver shortage, indicating that the lack of truck drivers is a barrier to trade and could be improved if truck driving were considered a skilled trade.

The impetus for MELT in Ontario came from a review of training practices and the realization that there was training inconsistencies across the province. As a result, on July 1, 2017, Ontario mandated all new Class A license applicants to fulfill the MELT requirement. The MELT requirement includes at least 103.5 hours of instruction on entry-level knowledge and the skills needed to safely operate a large commercial vehicle on Ontario's roads. Jurisdictions noted that Ontario has many MELT related best practices that could be shared with other jurisdictions.

CONSIDERATIONS

Currently, safety is the primary motivation for MELT across the country. The introduction of standardized national training would require considering the following elements:

- the form of and duration of the training requirement;
- the development of a training strategy to promote retention; and
- a flexible framework to reflect jurisdictions' different needs.

SUGGESTED APPROACH

The majority of jurisdictions are currently reviewing standardized entry level training for commercial drivers.

ISSUE FIFTEEN – Lack of a National Safe Rest Areas Strategy

Rest areas provide a safe place for commercial vehicle operators to park their vehicles, eat, sleep and use the washroom. There is an apparent shortage of rest areas in some parts of Canada.

ISSUE RAISED

Stakeholders have asked for the federal and provincial/territorial governments to develop a safe rest area network throughout Canada, and recommend locating these areas within 50 km from urban centres and at a maximum of 150 km for intervals thereafter.

OVERVIEW

Rest areas are critical to the health and safety of commercial truck drivers and other road users as a shortage can result in unsafe parking on interchange ramps and highway shoulders. This may also potentially jeopardize the reliability of goods being delivered. Impending ELD regulations have the potential to improve compliance with hours of service regulations (mandating drivers to stop after a specified period of driving) which could increase demand for more public, no cost rest areas across Canada. Also, given that truck traffic is expected to increase by 75% over the next 10 years, a national strategy may alleviate some concern that trucks do not have a safe place to park.

According to data collected from ELDs in one jurisdiction, long haul drivers can spend as much as an hour each day looking for parking. Long distance drivers would benefit from advanced knowledge of safe rest area locations to assist with trip planning.

The lack of a sufficient number of rest areas does not impede the travel of motor carriers, but may mean that drivers are forced to end their trip and park early, where parking is available.

CONSIDERATIONS

Jurisdictions establish rest areas using a number of different funding mechanisms, including public-private partnerships, cost sharing, industry funding, or exclusively through commercial enterprise.

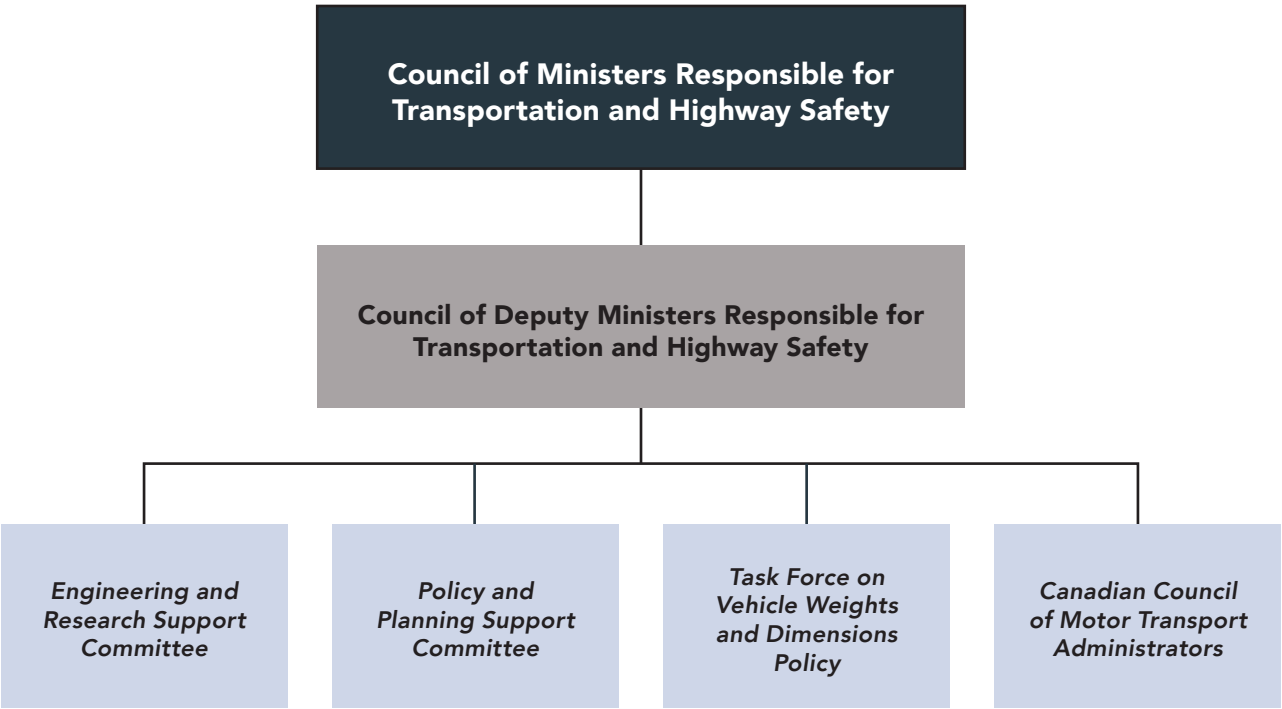
The federal government could also play a role in working with the provinces and territories to map out locations that could accommodate rest areas. It was noted that one strategy may be to expand weigh scale sites to accommodate more parking for trucks, outside and separate to enforcement laneways. As well, there may be certain economic benefits associated with developing a national strategy, such as providing employment opportunities to northern communities and driving local economies through enhanced retail environments. There are concerns that building in remote areas may not be profitable, so the placement of rest areas would need to be strategic and depend on the amount of traffic travelling through the area. Even if not profitable for the commercial sale of goods, a safe, well lit and secure parking lot with restroom facilities could suffice as a rest stop.

SUGGESTED APPROACH

Jurisdictions will review previous research and studies when determining locations for any new rest areas to ensure that best practices are followed.

ANNEXES

ANNEX A – ORGANIZATIONAL CHART OF THE COUNCIL OF MINISTERS RESPONSIBLE FOR TRANSPORTATION AND HIGHWAY SAFETY



ANNEX B – NSC STANDARDS

NSC STANDARD #	NAME	DESCRIPTION
NSC Standard 1	Single Driver License Concept	A standard implemented by all jurisdictions which makes it an offence for a driver to hold more than one licence. In addition, a series of administrative procedures have been agreed upon to ensure driving infractions are assigned to a single licence and record.
NSC Standard 2	Knowledge and Performance Tests (Drivers)	A standard which sets out the process for standardized testing of commercial drivers and includes the criteria for both written and road tests. It also identifies the key elements which will be evaluated by government officials charged with administering the tests.
NSC Standard 3	Driver Examiner Training Program	A standard designed to upgrade the skills and knowledge of driver examiners and ensure they are consistent across Canada.
NSC Standard 4	Classified Driver Licensing System - May 1998	A standard which renders more uniform the classification and endorsement system for driver licences and ensures that a licence issued in one province/territory is recognized in all provinces/territories.
NSC Standard 5	Self-Certification Standards and Procedures	A standard which outlines the criteria which must be met to permit carriers and driver training schools to train commercial drivers.
NSC Standard 6	Medical Standards for Drivers - March 2017	The CCMTA Medical Standards for Drivers, initially Standard 6 of the National Safety Code for Motor Carriers, sets the medical criteria used to establish whether drivers are medically fit to drive. Addresses both private and commercial drivers.
NSC Standard 7	Carrier and Driver Profiles - November 2002	A standard which is designed to provide jurisdictions with a record of driver and carrier performance in terms of compliance with safety rules and regulations. The standard supports enforcement activity to remove unsatisfactory drivers and carriers from service, and identifies the type of information which will be maintained on each commercial driver and carrier.
NSC Standard 8	Short-Term Suspension	A standard which describes the criteria for placing a driver out of service on a short-term (24 hour) basis when a peace officer has reasonable and probable grounds to believe the driver's ability is affected by alcohol or drugs.
NSC Standard 9	Hours of Service	A standard which describes the number of hours a commercial driver can be on duty and operate a commercial vehicle. It outlines the requirement to complete daily logs, describes the various cycles of operation and sets out driver and carrier record keeping requirements. *Interprovincial Regulations Implementation Update - May 2009
NSC Standard 10	Cargo Securement	A standard which outlines the specific requirements for securing loads to commercial vehicles to ensure they do not shift, move or spill onto the roadway.

NSC Standard 11	Commercial Vehicle Maintenance and Periodic Inspection Standards - Updated October 2014	A standard which outlines maintenance and periodic commercial motor vehicle inspections (PMVI).
NSC Standard 12	CVSA On-Road Inspections	A standard which contains the Commercial Vehicle Safety Alliance on-road inspection criteria.
NSC Standard 13	Trip Inspection - Updated March 2009	A standard which prescribes daily pre-trip inspection requirements. The daily vehicle trip inspection standard is intended to ensure early identification of vehicle problems and defects, and to prevent the operation of vehicles with conditions that are likely to cause or contribute to a collision or vehicle breakdown. Daily vehicle trip inspection is a continuous process designed to protect drivers and alert carriers to mechanical problems. The general objective of daily vehicle trip inspections is to promote an improved level of safety and compliance in commercial vehicles operating on the highway.
NSC Standard 14	Safety Rating - August 2009	A standard which establishes the motor carrier safety rating framework by which each jurisdiction assesses the safety performance of motor carriers.
NSC Standard 15	Facility Audits - December 2003	A standard which outlines the audit process used by jurisdictions to determine a carrier's level of compliance with all applicable safety standards.
NSC Standard 16	First Aid Training	A voluntary standard which outlines the basic elements which should be contained in a basic first aid course for commercial drivers.