

Transportation Compliance In Alberta

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Transportation Compliance in Alberta

The Alberta Government is committed to improving traffic safety and reducing collisions. The traffic Safety Act sets out Legislative requirements for the operator of both private and commercial vehicles.

Anyone wanting to operate a commercial vehicle in Alberta for transporting goods, passengers, or the vehicle itself, must obtain an Alberta Safety Fitness Certificate and/or an Alberta Operating Authority Certificate from the Registrar as noted under the *Commercial Vehicle Certificate and Insurance Regulation*, AR314/2002 (Sections 2 and 19).

Alberta Registries can give carriers a National Safety Code application and a temporary Safety Fitness Certificate that is valid for 60 days. The carrier must return the completed application to Carrier Services, Alberta Infrastructure and Transportation, within 60 days of registering a National Safety Code vehicle for the first time.

The Registrar is responsible for issuing Safety Fitness Certificates for commercial trucks and buses. A non-refundable application fee of \$50.00 must be paid before a permanent Safety Fitness Certificate will be issued.

General

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

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

A "**Federal**" Operating Status authorizes the operation of commercial or farm-plated vehicles throughout Canada registered for a weight of more than 4,500 kilograms, or a vehicle originally manufactured with a seating capacity of 11 or more persons including the driver, if operated for other than personal use. A carrier with a Federal Operating status may not switch to Provincial (operating solely within Alberta) Operating Status until they have not left the Province for a two year period.

Alberta is enforcing Federal requirements on carriers who operate a commercial vehicle outside of Alberta. Once it is determined that Federal Legislation applies to a carrier, it will apply to their entire NSC fleet, even those operating point-to-point within Alberta.

Federal Legislation applies to persons operating farm vehicles. However, on trips involving such farm vehicles that are conducted solely within Alberta, the hours of service legislation will not be enforced at this time.

This document is intended to briefly explain a carrier's requirements and responsibilities under various truck and bus transport legislation.

Commercial buses must comply with the *Commercial Bus Equipment and Safety Regulation* (AR 213/2006), *Vehicle Inspection Regulation* (AR 211/2006) and the *Bus Safety Regulation* (AR 212/2006).

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

Regulatory Requirements

A. Safety Program and Safety Officer

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

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

The registered owner must designate a person as responsible for:

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

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

B. Driver's File Requirements

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

- The driver's completed application form for employment with the registered owner;
- A copy of the driver's abstract in a form satisfactory to the Registrar when the driver is first hired or employed, dated within 30 days of the date of employment or hire;
- Annual updated copies of the driver's abstract in a form satisfactory to the Registrar;
- The driver's employment history for the 3 years immediately preceding the time the driver started working for the carrier;
- A record of the driver's convictions of safety laws in the current year and in each of the 4 preceding years;

- A record of any administrative penalty imposed on the driver under safety laws;
- A record of all collisions involving a motor vehicle operated by the driver that are required to be reported to a peace officer under any enactment of Alberta or a jurisdiction outside Alberta;
- A record of all training undertaken by a driver related to the operation of a commercial vehicle and compliance with safety laws;
- A copy of any training certificate issued to the driver, in electronic or paper form, for the period starting on the date the training certificate is issued and continuing until 2 years after it expires, in accordance with Part 6.6 of the *Transportation of Dangerous Goods Regulations* under the *Transportation of Dangerous Goods Act, 1992*; and
- A copy of a current medical certificate for the driver. Alternatively, a carrier could satisfy this requirement if the driver's file contained a copy of the driver's valid operator's licence and/or a current copy of the driver's abstract

This applies to carriers who obtain an Alberta Safety Fitness Certificate with either Provincial or Federal Operating Status designation.

C. General Retention of Records

The *Commercial Vehicle Certificate and Insurance Regulation (AR 314/2002)* specifies general record retention requirements. Section 43(1) states:

“Unless another enactment or the Registrar otherwise permits in writing, the records required to be maintained by a carrier under this regulation and under *Commercial Vehicle Maintenance Standards Regulation (AR 118/89)* and *Commercial Bus Equipment and Safety Regulation (AR 428/91)* [Effective January 1, 2007 AR 428/91 will be replaced by the *Commercial Bus Equipment and Safety Regulation AR 213/2006*] must be:

- a) kept at the carrier's principal place of business in Alberta,
- b) retained for at least 5 years from the date they are created, established or received, and
- c) available for inspection by a peace officer during the carrier's regular business hours.”

This section requires records to be maintained at the carrier's principal place of business in Alberta. A permit must be obtained before any transport records are moved to any other branch office. You may obtain an application for a Divided Record Permit from the Alberta Infrastructure and Transportation office.

If a retention period is specified in another Alberta regulation, or in the case of a Federal carrier, a Federal regulation, then that specific regulation requirement will take precedence.

Principal place of business is the address that a carrier declares on their Safety Fitness application for Alberta and where records are being retained in Alberta.

D. Vehicle Maintenance and Inspection Program for Trucks

Section 5 of the *Commercial Vehicle Maintenance Standards Regulation (AR 118/89)* specifies that the carrier must establish, maintain and follow a written maintenance and inspection program that pertains to all applicable vehicles registered to the carrier in Alberta, including leased vehicles. This applies to both Provincial and Federal carriers. The policies and procedures set out in the maintenance program

must provide for continuous and regular inspections that meet the requirements specified in the Schedule to this regulation.

This program must address all maintenance activities including trip inspections, repairs, routine maintenance, file retention, annual or semi-annual CVIP inspections, etc.

This applies to carriers who obtain an Alberta Safety Fitness Certificate with either Provincial or Federal Operating Status designation.

E. Vehicle File Requirements

The *Commercial Vehicle Maintenance Standards Regulation (AR 118/89)* explains the requirements for the retention of maintenance records to comply with Alberta legislation.

Section 8 describes the records that must be retained by the carrier and includes:

- Records of all inspection, repairs, lubrication and maintenance (with each record displaying the nature of the inspection, the date and the odometer reading);
- Annual/semi-annual safety inspections (CVIP);
- The unit number or serial number; year of manufacture; make of each vehicle;
- The size of the tires used on each vehicle;
- Any modification affecting the gross vehicle weight of each vehicle;
- Notice of defects received from manufacturer and subsequent corrective work done;
- Pre/post-trip inspection records.

Section 9 of AR 118/89 states that individual vehicle files must be retained for the current calendar year and the preceding four years. If a vehicle is sold, the file on the vehicle must be retained for at least six months after the sale. Records of all vehicles must be located at the carrier's principal place of business in Alberta.

Section 3(1) of this regulation states that the driver of a commercial vehicle shall inspect the vehicle before operating it at the beginning of a work shift and after he ceases to operate it at the end of the work shift. Each trip inspection must include an inspection of at least all items listed under Section 3(2):

- a) lighting devices and reflectors;
- b) tires;
- c) coupling devices;
- d) wheel and rims;
- e) service brake, including the trailer brake connections;
- f) parking brake;
- g) steering mechanism;
- h) horn;
- i) windshield wipers;
- j) rear vision mirrors; and
- k) emergency equipment.

Alberta legislation does not require a trip inspection to be in writing. However, if a written pre-trip and a post-trip inspection is required by the carrier, then each is considered to be an "inspection" as specified by Section 8 of AR 118/89 and must be retained for the 4+ years as required by Section 9. In addition, any vehicle deficiency reports generated as the result of a trip inspection are addressed by Section 4 and must be in writing. Any written record of an inspection must contain at least the information specified in Section 8(c) including: vehicle identification, nature of inspection, date and odometer

reading. Some other jurisdictions do require trip inspection to be written while operating in their jurisdiction.

Any vehicles registered in another jurisdiction must comply with that jurisdiction's requirements.

F. Vehicle Maintenance and Inspection Program for Buses

Section 7 of *Commercial Bus Equipment and Safety Regulation (AR 213/2006)* specifies that the carrier must prepare and follow a written maintenance and inspection program that pertains to applicable vehicles registered to the carrier in Alberta, including leased vehicles. This applies to both Provincial and Federal carriers. The policies and procedures set out in the maintenance program must provide for continuous and regular inspections that meet the requirements specified in the Schedule to this Regulation.

This program must address all maintenance activities including trip inspections, repairs, routine maintenance, file retention, semi-annual CVIP inspections, etc.

Sections 10 and 11 of AR 213/2006 describe the records that must be retained by the carrier, the retention period and where they are retained.

Section 4 of AR 213/2006 describes the trip inspection of a commercial bus, lists the items that are to be inspected and the inspection intervals.

Carriers who operate school buses primarily to transport passengers to and from school are not required to comply with this regulation. However, all school bus operators are urged to voluntarily implement a comparable maintenance and inspection program, to retain vehicle files and conduct pre- and post-trip inspections.

This applies to carriers who obtain an Alberta Safety Fitness Certificate with either Provincial or Federal Operating Status designation.

Any vehicles registered in another jurisdiction must comply with that jurisdiction's requirements.

G. Hours of Service Requirements

Sections 3 and 16 of the Alberta *Drivers' Hours of Service Regulation (AR 317/2002)* and Section 85 of the Federal *Commercial Vehicle Drivers Hours of Service Regulation, 2005* requires the carrier to maintain the daily log book information and supporting documents at the carrier's principal place of business in Alberta. This would include a record of the driver's start and end times if the 160-km radius exemption is being used. Note that every calendar day must be accounted for by each driver who is authorized by the carrier to operate their regulated vehicles.

Both the Alberta and the Federal regulations require that the daily logs and supporting documents be retained for at least 6 months. You may view the Federal Hours of Service Regulations on the internet at: <http://www.tc.gc.ca/roadsafety/mc/menu.htm>.

Currently Provincial legislation will be applied to all trips conducted point-to-point within Alberta for carriers with a "Provincial" Operating Status. Federal law will apply to all trips, both inside and outside of Alberta, that involve carriers with a "Federal" Operating Status.

H. Collision Information

Section 41(1)(g) of the *Commercial Vehicle Certificate and Insurance Regulation (AR 314/2002)* specifies that a driver's file must contain a record of all collisions involving a motor vehicle operated by that driver. This includes all collisions required by any legislation to be reported to a peace officer.

I. Dangerous Goods Documentation

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

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

- Ensuring that appropriate Dangerous Goods training is provided and certificates issued;
- Location of shipping documents and retention of Dangerous Goods documents;
- Safety mark requirements; and
- Emergency response planning.

J. Other Jurisdiction Requirements

If the carrier also has vehicles registered in any other jurisdiction, the carrier must create and retain the appropriate information according to the legislation in that jurisdiction.

K. Vicarious Liability

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

A "related function" would include:

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

L. Due Diligence

Due Diligence, at its simplest, means knowing your responsibilities under the law and then taking all reasonable steps to carry them out. Note that ignorance of the law is no defence.

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

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

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

M. Cargo Securement Requirements

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

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

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

<http://www.ccmta.ca/english/publicationandreports/publicationandreports.html#cargo>.

Several Interpretation documents explaining some cargo securement requirements are available on the internet at: <http://ccmta.ca/english/cargo/interpretation.htm>.

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

Standard 10 was adopted by the Alberta *Cargo Securement Regulation*, (AR 1/2005). A copy of this regulation can be obtained through the Queens' Printer web site at: www.qp.gov.ab.ca or by calling them at (780) 427-4952.

Commercial vehicles registered in Alberta for less than 4,500 kilograms must secure their cargo so that it meets section 65 of the *Vehicle Equipment Regulation* (AR 322/2002). This regulation is also available

on the internet at: www.qp.gov.ab.ca. It is recommended that all commercial carriers and drivers should use the securement criteria outlined in Standard 10 when securing goods, even when operating smaller vehicles.

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

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

A. Introduction

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

In spite of the benefits of operating safely, some carriers persist in a pattern of non-compliance with safety related regulations. For those carriers, Alberta Infrastructure and Transportation takes a progressive discipline approach in dealing with them, in the hope of changing their respective corporate behaviour.

B. Monitoring

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

- Transport Officers work at Vehicle Inspection Stations throughout the province and patrol our highways to detect violations and contribute to the safe movement of goods and people;
- Compliance Investigators conduct Facility Audits and investigate serious safety issues;
- Vehicle Safety Investigators monitor the Commercial Vehicle Inspection Program (CVIP) inspection facilities used by carriers and also monitor carriers' maintenance practices; and
- Dangerous Goods Inspectors monitor drivers, vehicles and facilities throughout Alberta.

C. Carrier Profiles

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

Carriers who are demonstrating an unacceptable level of risk to the motoring public will be identified and are subject to review by the department. A carrier's Safety Fitness status will be reviewed if the carrier

represents a potential safety risk. Carriers demonstrating non-compliance will be dealt with according to the progressive disciplinary program.

The Carrier Profile request form is available by contacting the National Safety Code and Operating Authorities Section of Alberta Infrastructure and Transportation at (403) 340-5444 or on the internet at: http://www.infratrans.gov.ab.ca/INFTRA_Content/docType276/Production/carrierprofiles.htm.

D. Carrier Monitoring Points

All carriers who are required to operate their vehicles under the authority of a safety fitness certificate are monitored in the following areas:

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

The vehicles and drivers monitored are dependant upon whether the carrier is a Provincial or Federal carrier. All events involving a carrier with a Federal operating status that occur with a vehicle registered for more than 4,500 kilograms are considered on the Carrier Profile and are used for monitoring purposes. For carriers with Provincial operating status, only events involving vehicle registered for 11,794 kilograms or more are considered.

For each monitoring area, acceptable compliance has been defined based on a carrier's average fleet size. For example, each conviction that a carrier accumulates is assigned a point value of 0 to 5 points (using a nationally defined system). A maximum number of points in a 12-month period is then calculated based on average fleet size over a 24-month period. For example, a carrier with 1 vehicle, who has accumulated 11 points would be at Conviction Monitoring Stage 2 (65% or more of the maximum points). Refer to page 13 of this document.

Similarly, for CVSA inspections, a carrier's acceptable Out-of-Service (OOS) rate is calculated over a 12-month period, again based on average fleet size. A carrier with 1 vehicle who has accumulated 4 OOS inspections in a year would be at CVSA Monitoring Stage 3. *(Note that for a carrier with 20 or more vehicles there is a minimum number of inspections required before their Monitoring Stage is calculated.)* Refer to pages 14 and 15 of this document.

A carrier's reportable collisions are assigned points to assist the department in identifying unsafe carriers. Point values are 2 for property damage, 4 for injury and 6 for fatal collisions. When a carrier's points reach a prescribed threshold, they are contacted and advised that they have reached a monitoring level. They are encouraged to have an evaluation conducted on those collisions they feel were non-preventable on their behalf. After this notification, all collisions that remain on the carrier's Profile that have not been evaluated and found to be non-preventable, are considered preventable and are used in determining a carrier Safety Fitness Rating. Refer to pages 16 and 17 of this document.

The various Monitoring Stages that a carrier has reached are used to evaluate their overall on-road performance and assist the department in determining how best to intervene with the carrier.

E. Intervention Program

The Progressive Discipline Program used by the department ensures that carriers demonstrating non-compliance are approached in a consistent, fair and objective manner. The program has clearly defined steps, yet it is flexible enough to allow for special circumstances. The Compliance Review Committee

(CRC), which is comprised of senior departmental staff, conducts the departmental reviews. The discipline levels used are:

- **Level 1**

When a carrier reaches Stage 1 on any single monitoring report, they are advised to take immediate steps to develop and implement safety and/or maintenance programs that address the compliance concerns. An information package may be provided to assist with this review process. The carrier will be advised that improved compliance is expected.

- **Level 2**

When a carrier's on-road performance is identified as unacceptable and/or they achieve a score on a compliance audit that suggests the carrier may have problems with their management of safety compliance requirements, a close evaluation of their programs may be done. This evaluation may result in actions being taken including:

- A letter being sent regarding unacceptable performance;
- Charges being laid; or
- Direction being given to arrange for a compliance audit to be conducted at the carrier's expense and submitted to the department.

- **Level 3**

Carriers will be dealt with at this level when they fail to achieve results from actions taken when at Discipline Level 2 or when they have been identified at progressively higher levels by the department's monitoring programs. If this occurs, further evaluations of the carrier's performance may result in more direct actions being taken including:

- Use of some of the discipline options available at Level 2;
- An Administrative Penalty being imposed;
- Conditions being imposed on the carrier's Safety Certificate;
- Loss of various permits or prohibition from receiving future permits;
- Issuance of a "Conditional" Safety Fitness Rating; or
- Suspension/cancellation of an Operating Authority and/or a Safety Fitness Certificate.

- **Level 4**

Occasionally, a carrier is identified at even higher levels by the monitoring programs, or they have failed to respond to intervention actions taken against them at the lower discipline levels. If this should occur, the department will again review the carrier's performance and would be prepared to take actions including:

- Use of some of the discipline options available at Levels 2 or 3; or
- Issuance of an "Unsatisfactory" Safety Fitness Rating.

Note: Carriers who present immediate risk to public safety will be dealt with at any level of discipline the Department deems appropriate.

F. Fair Treatment

This Discipline Program is intended to be progressive in nature and ensures all carriers are treated in a fair manner. To modify a carrier's behaviour and obtain positive change, discipline levels are identified. A carrier could progress through these levels until their activities are managed in an appropriate and safe manner. If a carrier fails to properly manage their administrative and safety processes, they may ultimately lose their permit privileges, have their Safety Fitness Certificate cancelled and be issued an "Unsatisfactory" Safety Fitness Rating. This would effectively mean they could no longer operate public vehicles on any highways.

G. Appeals

Sections 41 and 45 of the Traffic Safety Act, provide a right of appeal against this decision. For a prescribed fee, an application form to initiate an appeal is available from any Alberta Registry Agent

An appeal shall not be commenced at any time after 30 days have expired from the day that you received written notice of this decision.

Point Values Used for CONVICTION Monitoring Process

Fleet Size*	% of Maximum Points			
	Stage 1 (40 %)	Stage 2 (65 %)	Stage 3 (85 %)	Stage 4 (100 %)
1	7	11	14	16
2	9	15	19	22
3	11	17	22	26
4	12	19	25	29
5	13	21	27	32
6	14	22	29	34
7	15	24	31	36
8	16	25	32	38
9	16	26	34	40
10	17	27	35	42
11	18	28	37	43
12	18	29	38	45
13	19	30	40	46
14	19	31	41	48
15	20	32	42	49
16	21	33	43	51
17	21	34	45	52
18	22	35	46	54
19	22	36	47	55
20	23	37	48	56
21	23	38	49	58
22	24	39	50	59
23	24	39	51	60
24	25	40	53	62
25	26	41	54	63
26	26	42	55	64
27	27	43	56	66
28	27	44	57	67
29	28	44	58	68
30	28	45	59	69
31	29	46	60	71
32	29	47	61	72
33	29	48	62	73
34	30	48	63	74
35	30	49	64	75
36	31	50	65	77
37	31	51	66	78
38	32	52	67	79
39	32	52	68	80

Fleet Size*	% of Maximum Points			
	Stage 1 (40 %)	Stage 2 (65 %)	Stage 3 (85 %)	Stage 4 (100 %)
40	33	53	69	81
41	33	54	70	82
42	34	55	71	84
43	34	55	72	85
44	35	56	73	86
45	35	57	74	87
46	36	58	75	88
47	36	58	76	89
48	37	59	77	91
49	37	60	78	92
50	37	61	79	93
51	38	61	80	94
52	38	62	81	95
53	39	63	82	96
54	39	63	83	97
55	40	64	84	99
56	40	65	85	100
57	41	66	86	101
58	41	66	87	102
59	42	67	88	103
60	42	68	89	104
61	42	69	90	105
62	43	69	91	106
63	43	70	91	108
64	44	71	92	109
65	44	71	93	110
66	45	72	94	111
67	45	73	95	112
68	46	74	96	113
69	46	74	97	114
70	46	75	98	115
71	47	76	99	116
72	47	77	100	117
73	48	77	101	119
74	48	78	102	120
75	49	79	103	121
76	49	79	104	122
77	49	80	105	123
78	50	81	105	124

Fleet Size*	% of Maximum Points			
	Stage 1 (40 %)	Stage 2 (65 %)	Stage 3 (85 %)	Stage 4 (100 %)
79	50	81	106	125
80	51	82	107	126
81	51	83	108	127
82	52	84	109	128
83	52	84	110	129
84	53	85	111	131
85	53	86	112	132
86	53	86	113	133
87	54	87	114	134
88	54	88	115	135
89	55	89	116	136
90	55	89	117	137
91	56	90	117	138
92	56	91	118	139
93	56	91	119	140
94	57	92	120	141
95	57	93	121	142
96	58	93	122	143
97	58	94	123	145
98	59	95	124	146
99	59	96	125	147
100	59	96	126	148

150	81	131	171	201
200	101	164	215	253
250	122	198	259	304
300	142	231	302	355
350	163	264	346	407
400	183	298	389	457
450	204	331	432	508
500	224	364	475	559
550	244	396	518	610
600	264	429	561	660
650	285	462	604	711
700	305	495	647	761
750	325	528	690	812
1000	426	692	905	1064
1500	627	1019	1332	1567

* **Fleet Size:** is defined as the number of power units, all buses with a seating capacity of 11 or more (including the driver), and trucks and tractors, that: have a registered weight of 11,794 kilograms or more if the carrier holds a "Provincial" Operating Status, and more than 4,500 kilograms if their Operating Status is "Federal".

Carrier Monitoring Using CVSA Inspection Results

All carriers who are required to operate their vehicles under the authority of a safety fitness certificate are monitored by Alberta Infrastructure and Transportation using 3 types of on-road information:

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

A detailed study determined which mechanical defects were more likely to be the cause of or a contributing factor in collisions. From this study, a detailed inspection process, known as a CVSA inspection, was developed to identify these defect items. CVSA inspections are conducted throughout North America both on-highway and, in some instances, at terminals. The inspections done by the U.S. Department of Transportation are the same as those done by enforcement agencies in Canada. The inspection results can help the carrier and enforcement agencies verify that the minimum mechanical and driver safety requirements are being met.

Vehicles that pass the inspection are issued a CVSA decal. The decal indicates to other inspectors that the vehicle has recently passed an inspection. The decal's colour indicates in which quarter it was issued and the trimming of the corners of the decal shows the month in which it was issued. In general, when a vehicle displays a valid decal, it should not have to be re-inspected within 3 months.

For CVSA inspections, a carrier's acceptable Out-of-Service (OOS) rate is calculated over a 12-month period, based on their average fleet size. The information on the following page can be used by a carrier to evaluate their own performance using their own records or using the data in their Carrier Profile. Alternatively, this table can be used to explain why a company was identified on the department's CVSA Monitoring Report.

The department uses a carrier's various on-road monitoring data to evaluate the company's overall performance and it can assist in determining an appropriate intervention action.

Specific details on the CVSA inspection program and its out-of-service criteria, may be obtained from:

CVSA
Suite 1000
1620 Eye Street, N.W.
Washington, D.C. 20006
Internet: www.cvs.org

Further information on commercial vehicle compliance can be obtained on Alberta Infrastructure and Transportation's WEB site at www.infratrans.gov.ab.ca

When at least the minimum number of CVSA inspections have been conducted on a carrier, then the minimum number of Out-of-Service (OOS) inspections is shown for each monitoring stage. If more than the minimum number of inspections are done, then for:

- 1-19 vehicles, the number of OOS inspections required at each monitoring stage remains the same as shown in the table; or
- 20 or more vehicles, use the number of OOS inspections shown on your profile to calculate your OOS percentage. Use this percentage to identify which monitoring stage your company is at (i.e. 25 – 30% is at stage 1, 30 – 40% is at stage 2, etc.).

If less than the minimum number of inspections are done, then the carrier would NOT be identified on the CVSA Monitoring Report.

Increasing Safety Risk ⇒

Average Fleet Size*	Out of Service (OOS) Inspection Summary											
	Stage 1			Stage 2			Stage 3			Stage 4		
	Minimum # Inspections	OOS %	Minimum # OOS	Minimum # Inspections	OOS %	Minimum # OOS	Minimum # Inspections	OOS %	Minimum # OOS	Minimum # Inspections	OOS %	Minimum # OOS
1	2	-	2	3	-	3	4	-	4	5	-	5
2 to 4	3	-	3	4	-	4	5	-	5	6	-	6
5 to 9	3	-	3	4	-	4	5	-	5	6	-	6
10 to 19	4	-	4	5	-	5	6	-	6	7	-	7
20 to 49	12	25 %	3	12	30 %	4	12	40 %	5	12	50 %	6
50 to 99	15	25 %	4	15	30 %	5	15	40 %	7	15	50 %	8
100 to 199	18	25 %	5	18	30 %	6	18	40 %	8	18	50 %	9
200 +	20	25 %	5	20	30 %	6	20	40 %	8	20	50 %	10

Example #1: A carrier with a fleet size of 5 who has had 5 CVSA inspections with 4 of them being OOS would be at Stage 2.

Example #2: A carrier with an average fleet size of 22 who has had 14 CVSA inspections with 4 of them being OOS (28%) would be at Stage 1.

Example #3: A carrier with a fleet size of 55 who has had 11 CVSA inspections with 8 of them OOS (73%) would NOT be identified on this monitoring report because they did not have the required minimum number of inspections. However, this carrier should continue to use this information when evaluating the effectiveness of their maintenance program.

* **Fleet Size:** is defined as the number of power units, all buses with a seating capacity of 11 or more (including the driver), and trucks and tractors, that: have a registered weight of 11,794 kilograms or more if the carrier holds a “Provincial” Operating Status, and more than 4,500 kilograms if their Operating Status is “Federal”.

Collision Monitoring and Evaluation Process

All carriers who are required to operate their vehicles under the authority of a safety fitness certificate are monitored by Alberta Infrastructure and Transportation using 3 types of on-road information:

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

Regarding collisions monitoring, a carrier is assigned points for each reportable collision (property damage over \$1,000, injury or fatality) to assist the department in identifying unsafe carriers. Point values are 2 for property damage, 4 for injury and 6 for fatal collisions. When a carrier's points reach a prescribed threshold the carrier is contacted and advised they have reached one of the department's monitoring levels. The carrier is encouraged to have those collisions they feel were non-preventable evaluated. After this notification, any collisions that remain on the carrier's profile, that are not evaluated and found to be non-preventable, are considered when determining a carrier's Safety Fitness Rating.

Carriers that wish to have a collision evaluated for preventability must submit a collision evaluation application to Carrier Services, a Section of Alberta Infrastructure and Transportation. A copy of the application can be obtained from our website located at www.infratrans.gov.ab.ca select Commercial Operations, then Bus/Truck Certificate and Monitoring or by contacting Carrier Services at (403) 340-5430.

Once a properly completed application has been received by Carrier Services, it is forwarded to the Alberta Motor Transport Association (AMTA) to be reviewed. The AMTA has agreed to administer a collision evaluation process on Alberta Infrastructure and Transportation's behalf. Once the AMTA receives the carrier's application they arrange for a committee of three trained industry personnel to conduct the evaluation. Every effort is made to ensure the evaluation committee members do not know the name of the applicant carrier or drivers involved in the collision.

Once the collision evaluation is complete, the committee's recommendation is returned to Carrier Services. The Committee recommendation is considered by the department and a final decision is made on "preventability". The carrier is then advised of the decision and their Carrier Profile updated.

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

The following page will assist carriers in determining how many points they are allowed prior to reaching one on the department's monitoring levels. Points remain on a carrier's Profile for a one year period starting from the date of the collision.

Point Values Used for COLLISION Monitoring Process

Fleet Size*	% of Maximum Points			
	Stage 1 (40 %)	Stage 2 (65 %)	Stage 3 (85 %)	Stage 4 (100 %)
1	3	5	6	7
2	4	7	9	10
3	6	9	12	13
4	6	10	12	14
5	7	11	14	16
6	8	12	16	18
7	8	13	17	19
8	8	13	17	20
9	9	14	18	21
10	10	15	20	23
11	10	16	21	24
12	10	17	22	25
13	11	17	23	26
14	11	18	23	27
15	12	19	24	28
16	12	19	24	28
17	12	19	25	29
18	12	20	26	30
19	13	21	27	31
20	13	21	28	32
21	14	22	29	33
22	14	22	29	33
23	14	23	29	34
24	14	23	30	35
25	14	23	30	35
26	15	24	31	36
27	15	25	32	37
28	16	25	33	38
29	16	25	33	38
30	16	26	34	39
31	16	26	34	39
32	16	26	34	40
33	17	27	35	41
34	17	27	35	41
35	17	28	36	42
36	17	28	36	42
37	18	28	37	43
38	18	29	38	44
39	18	29	38	44
40	18	30	39	45

Fleet Size*	% of Maximum Points			
	Stage 1 (40 %)	Stage 2 (65 %)	Stage 3 (85 %)	Stage 4 (100 %)
41	18	30	39	45
42	19	30	40	46
43	19	30	40	46
44	19	31	40	47
45	19	31	40	47
46	20	32	41	48
47	20	32	41	48
48	20	32	42	49
49	20	32	42	49
50	20	33	43	50
51	21	34	44	51
52	21	34	45	52
53	22	35	46	53
54	22	36	46	54
55	22	36	47	55
56	23	37	48	56
57	23	38	49	57
58	24	38	50	58
59	24	39	51	59
60	24	39	51	60
61	25	40	52	61
62	25	41	53	62
63	26	41	54	63
64	26	42	55	64
65	26	43	56	65
66	27	43	57	66
67	27	44	57	67
68	28	45	58	68
69	28	45	59	69
70	28	46	60	70
71	29	47	61	71
72	29	47	62	72
73	30	48	63	73
74	30	49	63	74
75	30	49	64	75
76	31	50	65	76
77	31	51	66	77
78	32	51	67	78
79	32	52	68	79
80	32	52	68	80

Fleet Size*	% of Maximum Points			
	Stage 1 (40 %)	Stage 2 (65 %)	Stage 3 (85 %)	Stage 4 (100 %)
81	33	53	69	81
82	33	54	70	82
83	34	54	71	83
84	34	55	72	84
85	34	56	73	85
86	35	56	74	86
87	35	57	74	87
88	36	58	75	88
89	36	58	76	89
90	36	59	77	90
91	37	60	78	91
92	37	60	79	92
93	38	61	80	93
94	38	62	80	94
95	38	62	81	95
96	39	63	82	96
97	39	64	83	97
98	40	64	84	98
99	40	65	85	99
100	40	65	85	100

150	60	98	128	150
200	80	130	170	200
250	100	163	213	250
300	120	195	255	300
350	140	228	298	350
400	160	260	340	400
450	180	293	383	450
500	200	325	425	500
550	220	358	468	550
600	240	390	510	600
650	260	423	553	650
700	280	455	595	700
750	300	488	638	750
1000	400	650	850	1000
1500	600	975	1275	1500

* **Fleet Size:** is defined as the number of power units, all buses with a seating capacity of 11 or more (including the driver), and trucks and tractors, that: have a registered weight of 11,794 kilograms or more if the carrier holds a "Provincial" Operating Status, and more than 4,500 kilograms if their Operating Status is "Federal".

Administrative Penalties

In the past, there had been only 2 legislated financial options to discipline an Alberta commercial carrier who represented an unacceptable risk to the motoring public and/or to their own employees. A Peace Officer could require a “court appearance” where a judge could impose a fine or the Officer could issue a “ticket” with a specified penalty amount.

With the implementation of the *Traffic Safety Act* on May 20, 2003, a new tool became available to help change the behavior of carriers that place the public “at risk”. The Registrar has the authority to issue an “Administrative Penalty” against a truck or bus carrier.

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

- The maximum amount cannot exceed \$10,000 for the failure to comply or for each day or part day that the failure to comply occurs or continues; and
- The carrier cannot be required to pay an Administrative Penalty and a Specified Penalty for the same violation.

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

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

The policies have also identified specific dollar amounts considering the type of violation and the number of power units registered to the carrier.

When the Compliance Review Committee (CRC) identifies a situation involving a carrier where it believes that an Administrative Penalty is an appropriate discipline option, then it can make a recommendation to the Registrar to impose such a penalty.

Sections 41 and 45 of the *Traffic Safety Act*, provide a right of appeal against this decision. For a prescribed fee, an application form to initiate an appeal is available from any Alberta Registry Agent.

An appeal shall not be commenced at any time after 30 days have expired from the day that you received written notice of this decision.

These and other related policies and procedures will be implemented over time as the Department identifies how and when it is best to use them.

Transportation Legislation

A. Legislation Sources:

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

Queen's Printer for Alberta

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

OR

John J. Bowlen Building
602, 620 - 7th Avenue SW
Calgary, AB T2P 0Y8
Ph: (403) 297-6251
Fax: (403) 297-8450

2. Federal legislation can also be obtained from:

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

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

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

Note: Complete NSC Standards are contained in 2 manuals:

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

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

4. Internet sources of legislation:

www.qp.gov.ab.ca

<http://laws.justice.gc.ca>

B. Legislation Titles:

1. Traffic Safety Act (*Alberta*)

All Commercial Vehicles

- Bill of Lading and Conditions of Carriage Regulation AR 313/2002
- Cargo Securement Regulation AR 1/2005
- Commercial Vehicle Carrier Profile Regulation AR 305/2002
- Commercial Vehicle Certificate and Insurance Regulation AR 314/2002
- Commercial Vehicle Dimension and Weight Regulation AR 315/2002
- Driveaway and Towaway Regulation AR 427/86
- Drivers' Hours of Service Regulation AR 317/2002
- Log Haul Regulation AR 431/86
- Commercial Vehicle Maintenance Standard Regulation AR 118/89
- Commercial Vehicle General Equipment and Safety Regulation AR 435/86
- Transportation of Anhydrous Ammonia and Other Fertilizers Regulation AR 436/86
- Use of Highway and Rules of the Road Regulation AR 304/2002
- Vehicle Seizure and Removal Regulation AR 251/2006
- Vehicle Equipment Regulation AR 322/2002
- Operator Licensing and Vehicle Control Regulation AR 320/2002
- Vehicle Inspection Regulation AR 211/2006

School bus and Motor Coach

- Commercial Bus Equipment and Safety Regulation AR 213/2006
- School Bus Operation Regulation AR 437/86
- Bus Safety Regulation AR 212/2006

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

All Commercial Vehicles:

- Commercial Vehicle Driver's Hours of Service Regulation SOR/2005-313

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

All Commercial Vehicles:

- Dangerous Goods Transportation and Handling Regulation AR 157/97

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

All Commercial Vehicles:

- Transportation of Dangerous Goods Regulation SOR 2001-286

F. Red Deer College

Transportation Safety Director Program

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

Further information on this program can be obtained from:

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

G. Lethbridge Community College

Commercial Vehicle Enforcement Program

Lethbridge Community College offers a program designed in partnership with Alberta Infrastructure and Transportation, Inspection Services that provides training in Transportation Legislation to new Transport Officers and other interested parties. With the implementation of the Traffic Safety Act and associated regulations, this 9 course program will provide commercial carriers the opportunity to access education on current transportation legislation such as Weights & Dimensions, Hours of Service, Licensing and Transport Law. An educated industry is a safer industry. Drivers, safety supervisors, and other members of the transportation industry are invited to enroll in individual courses or the entire program. The result will be fewer tickets, a more desirable carrier profile, and a reduction in collisions.

For more information regarding this program please contact:

Lethbridge Community College
Commercial Vehicle Enforcement Program
Martin Thomsen, Program Leader
3000 College Drive South
Lethbridge, AB T1K 1L6
Phone: (403) 317-3568
Fax: (403) 317-3521
e-mail: marty.thomsen@lethbridgecollege.ab.ca
<http://www.lethbridgecollege.ab.ca/programs/vehicle.shtml>

H. Department Contact Information

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

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