



SUBJECT: Hours of Service Pilot Project for the Motion Picture Industry in B.C.

Table with 3 columns: Managers, Victoria; Regional CVSE Managers; Area Vehicle Inspectors; Deputy Director, CVSE; ADM, Highways Department; Passenger Transportation Branch; Trucking Industry; Carrier Safety Inspectors; Government Agents; Law Enforcement Agencies; Commercial Transport Insp. (Inspection Stations); ICBC

PURPOSE OF CIRCULAR

To advise that effective April 2, 2019, the Director, Commercial Vehicle Safety and Enforcement branch (CVSE) has issued an exemption under Motor Vehicle Act Regulations (MVAR) 37.11.02 to implement an hours of service pilot project for commercial motor vehicles providing transportation of persons or property to or from a motion picture production site.

While these vehicles will be exempt from specific portions of Part 3 of MVAR Division 37, there are substituted requirements (MPI Hours of Service Rules) to ensure that drivers are not operating while fatigued and public safety remains a priority.

The pilot project will be in effect until at least September 30, 2022 and there will be ongoing review.

The substituted requirements may be amended by the Director during the pilot project. Any amendments will be published as an update to this circular.

BACKGROUND

When the Hours of Service (HOS) regulations were introduced in 2007, a commitment was made to representatives from the Motion Picture Industry (MPI) to explore regulatory changes related to the HOS regulations. Further discussions have occurred in the intervening years (2010 and 2012), but no agreement was reached.

In June 2016, CVSE formed a working group composed of representatives from CVSE, the MPI and CreativeBC (formerly the B.C. Film Commission) to discuss issues related to compliance with the province's NSC regulations. This working group has been working together to find answers that protect the safety of workers and other road users while not impeding the vitality of the industry.

Recognizing the unique working nature of the MPI, the working group has concluded that the best path forward is a set of HOS rules designed to address the need for effective and consistent monitoring across the MPI to avoid potential driver fatigue and also provide the flexibility needed by the unique working conditions of the MPI and low kilometers travelled to or from a motion picture production site. This pilot project is the

result of that work. The working group will be reviewing the effectiveness of the MPI Hours of Service Rules and continuing their work in relation to other areas covered by MVAR Division 37.

APPLICATION

The MPI Hours of Service Rules are only applicable within the province of B.C. for commercial motor vehicles providing transportation of persons or property to or from a motion picture production site.

In order to operate under this exemption, the production company or studio responsible for the production must comply with all duties and responsibilities of the carrier, regardless of what NSC certificate is displayed on a vehicle's registration documents. The carrier has overall responsibility for monitoring and ensuring compliance with the MPI Hours of Service Rules for all drivers operating as part of the production.

Drivers who operate under this exemption and also operate commercial motor vehicles for purposes unrelated to a motion picture production site must ensure that they will be in compliance with all applicable requirements under MVAR Division 37, Part 3 including daily, cycle and workshift limits when they return to operating a commercial motor vehicle that is not covered under this exemption.

Commercial motor vehicles transporting of persons or property to or from a motion picture production site are exempt from MVAR 37.13.01 through 37.13.04, and 37.16.02 through 37.16.06 as these requirements are replaced by the MPI Hours of Service Rules as defined below. All other requirements under MVAR Division 37, Part 3 are still in force.

MPI Hours of Service Rules

1. Definition of Day

A Carrier must define "day" as a calendar day (i.e. midnight to midnight) for daily logs.

2. Minimum off-duty hours per day

A driver must have at least 8 hours off-duty time in addition to following the Break Requirements defined in the MPI Hours of Service Rules.

3. Break Requirements

A driver must not drive if more than 5 hours have passed since the end of the driver's last off duty period of at least 30 minutes. The driver must take at least 30 minutes of off-duty time before driving again.

4. Maximum on-duty hours per day

A driver must not drive after accumulating 15 hours (may be non-consecutive) of on-duty time since the driver's last period of at least 8 consecutive hours of off-duty time. The driver must take at least 8 consecutive hours of off-duty time before driving again.

5. Maximum driving time after coming on duty

A driver must not drive after accumulating 11 hours of driving time since the driver's last period of at least 8 consecutive hours of off-duty time. The driver must take at least 8 consecutive hours of off-duty time before driving again.

6. Maximum On-Duty time in a cycle

A driver must not drive after accumulating 85 hours of on-duty time during any period of 7 days.

7. Maximum Driving time in a cycle

A driver must not drive after accumulating 60 hours of driving time during any period of 7 days.

8. Mandatory off-duty time to limit consecutive workdays

A driver must take either 24 consecutive hours of off-duty time in 8 days or 36 consecutive hours of off-duty time in 14 days.

9. Reset Requirement

A driver may end their current cycle and begin a new cycle if the driver takes at least 72 consecutive hours of off-duty time.

10. Daily Logs

Whether or not paragraphs (a) to (c) in MVAR 37.18.01(2) are met by the carrier and the driver, a driver operating under this exemption is required to record hours using a graph grid (paper or electronic) that is compliant with Schedule 2.

A Carrier may choose to modify the graph grid to remove "Off-duty time when spent in a sleeper berth".

A driver must indicate "Operating under MPI Rules" in the "Remarks" section of the daily log.

11. Clarification of Off-Duty Definition

As defined in NSC Bulletin 01-18

12. Deferrals

Despite MVAR 37.13.04, a driver operating under this exemption must not defer off-duty time.

13. Use of Sleeper Berth

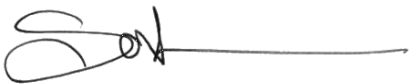
Despite MVAR 37.16 and 37.16.01, a driver operating under this exemption must not split the mandatory 8 consecutive off-duty hours.

14. Recording Periods of Driving Interspersed by Short Periods of Other On-Duty Time (aka Bundling)

Regardless of the instructions contained in Schedule 2 of MVAR Division 37, the practice of bundling is only allowed under the following circumstances for drivers operating under MPI Rules:

- Periods of driving interspersed by short periods (less than 30 minutes) of on-duty (not driving) time may be logged solely as driving time to simplify the completion of the daily graph grid.
- Periods of on-duty time that are anticipated to be at least 30 minutes should be logged as on-duty time to avoid inflating a driver's driving hours.

For further information regarding on this exemption and the substituted requirements, please contact Karen Coverett, NSC Manager at 250-953-4045 or via email at NSCManager@gov.bc.ca.



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Date	Status	Notes
2 Apr 2019	Issued	
10 Mar 2021	Updated	<ul style="list-style-type: none"> • Pilot extended until at least September 30, 2022 • Clarity provided re: bundling