

## Commercial Vehicle Safety & Enforcement

# National Safety Code **BULLETIN**

### **RE: Recording Hours of Service on Ferry Crossings Less Than 5 Hours**

The purpose of this Bulletin is to clarify how time spent by a single driver, waiting at the terminal to board a ferry and travelling aboard that ferry, is recorded in respect to Hours of Service regulations when the ferry crossing takes less than 5 hours. If the physical passage of the ferry takes more than 5 hours, please refer to the Motor Vehicle Act Regulations (MVAR) 37.14.

Waiting at a ferry terminal meets the definition of on-duty time. However, any block of time that the driver is able to relinquish care and control of their vehicle may be recorded as off-duty time. If this period of time is 30 minutes or more, it counts towards the "2 hours of off-duty time that does not form part of a period of 8 consecutive hours of off-duty time" as prescribed in MVAR 37.13.03(3). However, for any time that the driver must remain with the vehicle, or for any time that the driver is otherwise obligated in some capacity by the carrier, this time must be recorded as on-duty.

During the ferry crossing, as long as the driver is not doing any work for any carrier, the time during the crossing can be recorded as off-duty since the driver is not in control of their vehicle. If at any time during the voyage, the driver is required for work in any capacity, that portion of time would be considered on-duty time. An example of this would be a bus driver who sells tickets during the crossing.

If the driver remains in the sleeper berth and the crossing time is at least 2 hours, this time may potentially qualify as off-duty time in a sleeper berth and count as one of the periods required for a sleeper berth split as prescribed in MVAR 37.16. If however, the driver is required for work during the crossing, this would no longer be a single uninterrupted period of 2 hours spent in the sleeper berth and therefore would not qualify for splitting of daily off-duty time for a single driver. **In order to qualify for MVAR 37.16 "Splitting of daily off-duty time – single driver", the driver must spend at least 2 uninterrupted hours in the sleeper berth.**

Should you have any further questions or concerns, please contact the NSC program office at 250-952-0576 and ask to speak to the NSC Program Advisor.

Regards,



Karen Coverett

Manager, National Safety Code

Commercial Vehicle Safety and Enforcement Branch