

**RE: Highway 4 Cameron Lake Bluffs Temporary HOS Exemption**  
**- Expires August 31, 2023 11:59 pm**

**TO:**

Carriers operating on Vancouver Island  
Commercial Vehicle Safety and Enforcement  
Law Enforcement Agencies  
Ministry of Transportation and Infrastructure, Highway and Regional Services

**PURPOSE OF CIRCULAR:**

To advise that the Director, Commercial Vehicle Safety and Enforcement (CVSE) has issued an exemption under Motor Vehicle Act Regulations (MVAR) s. 37.17.01 (s. 37.20 as of August 1, 2023) to support the transportation of goods and passengers on Highway 4 during the [Slope Stabilization Project at Cameron Lake Bluffs](#).

This exemption allows additional time for drivers on this route to complete their trip while still ensuring drivers are required to obtain adequate rest in order to ensure safety during the road closures required by the rock scaling underway beginning July 17, 2023 and expected to end mid-August.

Due to the amendments to MVAR Division 37 coming into force on August 1, 2023, this circular will reference both sections using the following format: MVAR 37.xx (Aug 1, 2023: MVAR 37.xx). Any quotations from the regulations use the wording that is in force at the time this circular was issued.

**BACKGROUND/CONTEXT:**

MVAR 37.17.01 (Aug 1, 2023: MVAR 37.20) states:

*Despite anything in this Part, the director may, unconditionally or on conditions the director considers desirable, exempt by permit in writing a carrier from a requirement of this Part in circumstances where the director can reasonably form the opinion that the carrier cannot, because of an unforeseen event or emergency or because of accident, fire, explosion, technical failure or the forces of nature, comply with the requirement.*

Because of closures to complete the rock scaling to ensure safety at Cameron Lake Bluffs following the recent fires, carriers are unable to anticipate the length of delays their drivers may experience depending on the queues accumulating during the closures. As such, the Director considers this an unforeseen event and is of the opinion that carriers travelling this route cannot comply with certain requirements within Part 3 of MVAR Division 37 (Aug 1, 2023: Part 4). As such

the Director is issuing a temporary, partial exemption for specific sections under the conditions listed below.

### **APPLICATION:**

This exemption only applies to drivers when on trips that:

- Traverse the closure on Highway 4 at Cameron Lake Bluffs or use the designated detour route, and
- Could have been completed under normal driving conditions without requiring any HOS exemptions.

If drivers and carrier are in compliance with the conditions detailed below, drivers and carriers on these trips are exempt from:

- Daily driving and on-duty time limits under MVAR 37.13.01 (Aug 1, 2023: MVAR 37.24)
- Mandatory off-duty time (related to work shift and daily driving/on-duty limits) under MVAR 37.13.02 (1), (2) and (3) (Aug 1, 2023: - MVAR 37.25 (1), (2) and (3))
- Daily off-duty time under MVAR 37.13.03 (Aug 1, 2023: MVAR 37.26)

This exemption is effective July 17, 2023, and expires at 11:59 pm on August 31, 2023 as the Slope Stabilization Project at Cameron Lake Bluffs will be completed and the highway reopened to two lane traffic at 5:00 pm on August 31, 2023.

A driver who began a round trip under this exemption and is completing the return portion of their trip after 11:59 pm on August 31, 2023 may complete their return trip to their home terminal under this exemption.

### **CONDITIONS:**

Drivers operating under this exemption are subject to, and carriers must ensure a driver complies with the following conditions:

- a) A driver must take a minimum of 10 consecutive hours of off-duty time prior to driving again after completing any trip under this exemption.
- b) If a driver indicates they are fatigued, or the carrier has reason to believe the driver is fatigued, the carrier must require the driver to take at least 8 consecutive hours of off-duty time before driving again.
- c) Drivers and carriers operating under this exemption are not eligible to maintain local time records under MVAR 37.18.01 (2) (Aug 1, 2023: MVAR 37.28) even if the driver is operating within a 160 km radius of their home terminal.
- d) Daily logs (Aug 1, 2023: records of duty status) must be used for these trips and a driver's duty status must be correctly recorded following the definitions of driving time, on-duty time and off-duty time.
- e) A driver operating under this exemption is not eligible to defer time under MVAR 37.13.04 (Aug 1, 2023: MVAR 37.27)
- f) A driver must carry a copy of this exemption and produce the exemption with daily logs (Aug 1, 2023: records of duty status) for inspection.
- g) A driver must note on their daily log (Aug 1, 2023: record of duty status) that they are operating under Cameron Lake Bluffs HOS exemption.

- h) In lieu of the requirement under MVAR 37.17.02 (1)(b) (Aug 1, 2023: MVAR 37.21 (2)(b), the carrier must maintain a copy of this exemption with hours of service records for each driver operating under this exemption.
- i) All other hours of service requirements still apply including:
  - o Cycle limits and reset requirements under MVAR 37.16.02 to 37.16.06 (Aug 1, 2023: MVAR 37.34 to 37.38)
  - o Requirement to take 24 consecutive hours off-duty within the previous 14 days under MVAR 37.13.02 (4) (Aug 1, 2023: 37.25 (4))

**ADDITIONAL INFORMATION:**

Carriers and drivers are reminded of their responsibilities under MVAR 37.12 (a), (b) and (c) (Aug 1, 2023: MVAR 37.06 (a) and (b)) which states:

*A carrier, shipper, consignee or other person must not request, require or allow a driver to drive and a driver must not drive if*

- a) the driver's faculties are impaired by fatigue, illness or a mental or physical infirmity to the point that it is unsafe for the driver to drive,*
- b) driving would jeopardize or be likely to jeopardize the safety or health of the public, the driver or the employees of the carrier,*
- c) the driver is the subject of an out-of-service declaration ...*

Carriers operating under this exemption and found to be allowing their drivers to operate while fatigued or when driving would be likely to jeopardize the safety or health of the public or the driver will be subject to enforcement actions.

Should you require further information, please contact National Safety Code Program staff at 250 952-0576 or by email at NSC@gov.bc.ca.

Thank you,



Samantha Eburne  
Director, Commercial Vehicle Safety and Enforcement  
Ministry of Transportation and Infrastructure

Date	Status	Notes
20 July 2023	Issued	
31 August 2023	Updated	• Exemption expiry added – August 31, 2023 at 11:59 pm