



December 30, 2022

Stacey Hassard
MLA, Pelly-Nisutlin
Yukon Legislative Assembly
Box 2703
Whitehorse, YT Y1A 2C6

Re: Federal Electronic Logging Devices (ELD)

Dear Mr. Hassard,

Thank you for your December 21 letter regarding the new federal electronic logging device (ELD) mandate. The ELD mandate is a federal requirement and was introduced into the *Federal Hours of Service in Canada Gazette, Part II, Volume 153, Number 12* in June of 2019. The implementation date of June 12, 2021 was extended to January 1, 2023 due to the Pandemic, delays in certifying devices, and because certain provinces and territories were required to rewrite their respective *Hours of Service Regulations* in order to include this change.

Yukon adopts the federal *Commercial Vehicle Drivers Hours of Service Regulations* by reference. The adoption of the ELD is the only change to the hours of service, and as such no requirements related to hours or driver time have been affected. This mandate eliminates paper logbooks and is replaced with an ELD for verification of hours.

For a carrier to be compliant beginning in January 2023, they can no longer use a paper logbook for duty status and are required to use an ELD that has been certified and approved by Transport Canada. Currently, there are 71 companies that provide ELD solutions. Transport Canada maintains a list of all certified devices on their website at <https://tc.canada.ca/en/road-transportation/electronic-logging-devices/list-certified-electronic-logging-devices>.

Unlike other jurisdictions, Yukon adopts and enforces the federal regulations. Some provinces, such as Alberta, have two sets of relevant regulations whereby carriers that operate within Alberta follow provincial regulations and those that operate outside Alberta follow the federal regulations. With a high volume of outside carriers that operate in and through Yukon, having one set of regulations for all allows for less confusion and ease of enforcement.

The *Federal Hours of Service Regulations* already have several exemptions built in. For instance, Carriers are not required to transition to ELDs if they meet any of the following exemptions:

- Operating under a motor carrier permit (typically an Oil Field exemption or Emergency declaration)
- Operating by a Motor Carrier for which an exemption has been issued by Transport Canada. (Currently Transport Canada has one exemption for driveaway vehicles, which is a vehicle that is being delivered to a client from a manufacturer, where the vehicle itself is the product)
- Subject to a rental of no more than 30 days without extension or renewal
- If the vehicle remains inside the 160km radius of its home terminal and 1) the vehicle returns to the same terminal at the end of each day, 2) the driver takes a minimum of 8 hours off before their next shift and 3) the carrier is maintaining a record of on-duty hours
- Vehicles manufactured before model year 2000.

Further, in addition to the above Yukon provides an exemption for vehicles under 11,794kg that operate solely in Yukon territory from maintaining a record of duty status as long as the carrier maintains one and the drivers get 8 hours of rest between shifts.

Yukon government has been educating the local transportation industry regarding the upcoming ELD requirements over the last year and half with flyers, handouts, zoom presentations and responding to emails and phone inquiries. In that time, Yukon government has not been approached by any carriers with requests for exemptions. With the exemptions noted above already being provided by policy as well as entrenched within the federal regulations, and understanding that the Hours of Service Regulations have not changed, additional exemptions or further extensions are unnecessary at this time.

Yukon government has no knowledge of British Columbia delaying the implementation of the regulations. It is our understanding that enforcement will begin in the province on January 1, 2023.

Thank you for raising this matter with me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nils Clarke', written in a cursive style.

Nils Clarke
Minister of Highways and Public Works