

STANDARD 14
SAFETY RATING

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INTRODUCTION

Responsibility for motor carrier safety resides, first and foremost, with motor carrier management.

The Safety Rating Standard establishes the motor carrier safety rating framework by which each jurisdiction shall assess the safety performance of motor carriers.

Each jurisdiction shall adopt and adhere to Section A, Definitions; Section B, Motor Carrier Safety Rating System Objectives, Principle and Scope; and Section C, Motor Carrier Safety Rating Process. Jurisdictions will have some flexibility in applying the foregoing, subject to maintaining operational consistence.

A. DEFINITIONS

The following definitions apply in this Standard:

“base jurisdiction” (*administration d’origine*) means the province or territory where the commercial vehicle is base-plated.

“commercial vehicle” (*véhicule commercial*) means:

- (a) A truck, tractor or trailer, or combination thereof exceeding a registered gross vehicle weight of 4,500 kg; or
- (b) a bus that is designed, constructed and used for the transportation of passengers and that has a designated seating capacity of more than 10 persons, including the driver, if it is operated for purposes other than personal use.

“conviction” (*condamnation*) means a finding by a court that the driver of a commercial vehicle or the motor carrier is guilty of a violation of a law or regulation relating to the operation of commercial vehicles.

“driver” (*conducteur*) means a person who drives a commercial vehicle and, in respect of a motor carrier, a person employed or otherwise engaged by a motor carrier to drive a commercial vehicle.

“facility audit” (*vérification en entreprise*) means an audit which is carried out in accordance with Standard #15, Facility Audit Standard.

“fleet size” (*taille du parc d’un transporteur*) means the number of commercial vehicles, excluding trailers, under the motor carrier's responsibility.

“motor carrier” (*transporteur*) means a person or body who owns, leases or is responsible for a commercial vehicle for the purpose of transporting passengers or goods.

“provincial authority” (*autorité provinciale*) means a person or body that has, under the law of a province, authority to control or regulate motor carrier undertakings that operate exclusively in that province.

“reportable accident” (*accident à la déclaration obligatoire*) means any accident involving a commercial vehicle that results in an injury or death to a person, or a property damage accident that either appears to be \$1,000 or more or where any of the vehicles involved is required to be towed away from the scene (at the discretion of the jurisdiction, with the ultimate goal of moving to the tow-away criteria).

“safety rating” (*cote de sécurité*) means an evaluation, developed in accordance with this Standard, of a motor carrier's safety performance.

APPLICATION OF THE STANDARD

2. This Standard applies to provincial authorities that issue safety fitness certificates to motor carriers operating commercial vehicles.

B. MOTOR CARRIER SAFETY RATING SYSTEM

1. Objectives

The objectives of the motor carrier safety rating system are:

- To improve the safety of commercial vehicle operations.
- To encourage the economic competitiveness of safe Canadian motor carriers.
- To encourage motor carrier safety education and continuous improvement.

2. Basic Principles

The basic principles of the motor carrier safety system are:

1. Compatibility
 - across all jurisdictions in Canada and within North America;
2. Effectiveness
 - by systematically examining and classifying the relative performance of motor carriers based on objective data;
3. Efficiency
 - by achieving maximum effectiveness at the lowest practical cost;

4. Equity
 - independent of motor carrier characteristics;
5. Flexibility
 - to accommodate a degree of differentiation and adjustment without compromising system integrity.
6. Consistency
 - whereby motor carriers receive similar ratings for comparable performance in each jurisdiction.

3. Scope and Rating Responsibility

The motor carrier safety rating system shall apply equally to all motor carriers: extra and intra-provincial; private and for-hire. The base jurisdiction shall be responsible for assigning a motor carrier safety rating to every motor carrier with one or more commercial vehicles base-plated in that jurisdiction.

C. MOTOR CARRIER SAFETY RATING PROCESS

1. Unique Motor Carrier Number

The provincial authority must issue a unique National Safety Code number to each motor carrier that operates commercial vehicles based-plated in the base jurisdiction.

2. Motor Carrier Profile System

The provincial authority of the base jurisdiction must include the following information in the motor carrier profile for each motor carrier that operates commercial vehicles based-plated in that jurisdiction:

- (a) all reportable accidents;
- (b) the results of Level 1 through 5 commercial vehicle inspections, including out of service declarations, conducted in accordance with the standards established by the Commercial Vehicle Safety Alliance, as amended from time to time;
- (c) convictions against the motor carrier and its drivers resulting from violations of applicable highway safety laws and regulations and the Criminal Code provisions relating to the operation of vehicles;
- (d) hours-of-service convictions against the motor carrier and its drivers;

- (e) commercial vehicle maintenance convictions against the motor carrier and its drivers;
- (f) commercial vehicle load security convictions against the motor carrier and its drivers;
- (g) motor carrier convictions against the motor carrier and its drivers under the federal *Transportation of Dangerous Goods Act* and Regulations and other similar provincial or territorial legislation regulating these substances;
- (h) commercial vehicle weight and dimension convictions against the motor carrier and its drivers;
- (i) results of motor carrier facility audits;
- (j) administrative sanctions assessed by a provincial authority for violations of safety laws; and
- (k) information respecting paragraphs (a) to (j) received from another province or territory, from the United States or Mexico, or from a state of the United States or Mexico.

For the purposes of the motor carrier profile, the information set out in paragraphs (a) to (k) pertaining to a driver of a commercial vehicle is to be assigned to the profile of that motor carrier.

For the purposes of the motor carrier profile, any reportable accident, result of on-road inspections or conviction involving commercial vehicles that a motor carrier leases, rents or is responsible for, is to be assigned to that motor carrier.

Every provincial authority must forward, as soon as practicable, the information set out in paragraphs (a) to (k) about a motor carrier, its drivers and commercial vehicles to the provincial authority or the foreign government where the commercial vehicle is base-plated.

3. Determination of Safety Ratings

A safety rating is determined in the following manner:

- (a) use the information in the motor carrier profile;
- (b) assign a value to each of the data listed in the motor carrier profile taking into account its severity and potential safety impact, in accordance with the National Safety Code Standard #7, Carrier Profile
 - (i) for the 24-month period preceding the determination, or
 - (ii) in the case of a motor carrier whose motor carrier profile was established less than 24 months prior to the determination, for the period since its establishment;

(c) normalize the weighted data using the motor carrier's fleet size to reflect the motor carrier's exposure to risk; and

(d) assign a safety rating to the motor carrier in accordance with the safety rating categories set out in section 5 of Part C of this Standard.

4. Applying for a safety fitness certificate

Each motor carrier that applies for a safety fitness certificate must submit to the provincial authority of the base jurisdiction the following documents and information:

1. proof of insurance;
2. the undertaking's articles of incorporation or the registration document for a partnership or proprietorship or driver licence numbers of all principals; and
3. a declaration that contains the following statements and information:
 - (a) a certification that the information contained in the application is true;
 - (b) an acceptance of responsibilities relating to the operation of commercial vehicles imposed by law on the motor carrier.
 - (c) all the National Safety Code numbers that have been issued to the motor carrier;
 - (d) a certification that neither the motor carrier nor its partners, corporate officers or beneficial owners have previously had a safety fitness certificate or any other permit to operate a commercial vehicle revoked in Canada, the United States or Mexico; or
 - (e) the details of any revocation of a safety fitness certificate or any other permit to operate a commercial vehicle, if applicable; and
 - (f) an acknowledgment that failure to specify the information in paragraphs (d) and (e) or submitting false or misleading information as part of the application process may result in the revocation of a safety fitness certificate issued pursuant to the application.
4. fees as determined by a provincial authority, if applicable.

In addition:

1. When applying for a safety fitness certificate after transferring its operations from one province, territory or foreign state to another province or territory, a motor carrier must include a current motor carrier profile from the province or territory

it is leaving or a record of motor carrier safety performance from the foreign state it is leaving.

2. When applying for a new safety fitness certificate after a safety fitness certificate has been revoked, a motor carrier must include,
 - (a) its previous motor carrier profile;
 - (b) any additional information that the provincial authority determines is necessary to assess its safety performance and determine a safety rating.

5. Safety Rating Categories

Satisfactory

This rating is assigned to a motor carrier that

- (a) has a motor carrier profile that demonstrates safe operation and compliance with applicable highway safety laws and regulations relating to motor carriers and the National Safety Code standards; and
- (b) has passed a facility audit.

Satisfactory Unaudited

This rating is assigned to a motor carrier that

- (a) has a motor carrier profile that demonstrates safe operation and compliance with applicable highway safety laws and regulations relating to motor carriers and the National Safety Code standards, but that has not been the subject of a facility audit; or
- (b) applies for the first time for safety fitness certificate and submits an application that contains the information and documents set out in section 4 of this Part.

Conditional

This rating is assigned to a motor carrier that

- (a) has a motor carrier profile that demonstrates deficiencies in
 - (ii) safe operation
 - (ii) compliance with applicable highway safety laws and regulations relating to motor carriers and the National Safety Code standards or
 - (iii) the results of a facility audit; or

(b) is re-applying for a safety fitness certificate after its safety fitness certificate had been revoked by a provincial authority.

Unsatisfactory

This rating is assigned to a motor carrier that

(a) has a motor carrier profile that demonstrates deficiencies in

(i) safe operation

(ii) compliance with applicable highway safety laws and regulations relating to motor carriers and the National Safety Code standards

(iii) the results of a facility audit; or

(b) had been assigned a “conditional” safety rating but

(i) had been notified by the provincial authority that its safety performance and compliance with applicable highway safety laws and regulations relating to motor carriers and the National Safety Code standards, had to improve within a pre-determined period, and

(ii) did not make the specified improvements within that pre-determined period;
or

(c) does not have the required insurance coverage.

