

National Safety Code		Inspection and Enforcement New Brunswick	3.1.2
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Purpose

1. **Scope:** The NSC was developed in cooperation with the other Canadian Provinces and Territories, the Government of Canada, and in consultation with the transportation industry. The National Safety Code is a set of 16 national standards supported by provincial regulations, designed to ensure consistent safety standards in the motor carrier industry across Canada.
2. **Application:** Adopted by New Brunswick in 1995, the NSC applies to (a) any truck, tractor or trailer, or any combination of these vehicles, that has a registered gross vehicle weight exceeding, or that weighs more than, 4,500 kg; or (b) any 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.
3. **Compliance Review Process:** As part of the NSC, all Provinces and Territories are required to implement the profiling of carrier performance in each of the following areas:
 - A. convictions
 - B. CVSA on road inspections
 - C. collisions
 - D. facility audits
3. Each area of performance has a profile and a separate demerit point system. A demerit point system is used such that when certain thresholds are exceeded, corrective action can occur.
4. Corrective Intervention takes place in the form of a Compliance Review Process. The review process is broken into 4 parts:
 - A. **Advisory** – When the carrier's accumulated demerit points exceeds the 25% threshold, the registrar will notify the carrier in writing to that fact, and that an inspection or audit may be carried out.
 - B. **Warning** – If the carrier's record reaches the 60% level, a warning will be issued. The carrier should immediately implement safety procedures which prevent further violations and will need to attend an interview. The carrier should seek assistance from the contact listed in the letter if necessary.
 - C. **Interview** - at 85%, the carrier's ability to operate safely is questionable and they must attend an interview with a National Safety Code Review Committee. The carrier must take corrective action which would drastically improve the record.

- D. **Show/Cause Hearing** - If the first 3 stages fail to correct the carrier's poor safety practices, sanctions will be imposed at the 100% level unless the carrier is able to show cause to the contrary. Failure to appear at the show/cause hearing will result in the immediate imposition of sanctions, such as the suspension or cancellation of licenses or registrations.

5. *Carrier Point Levels:*

The carrier is assigned a certain number of points based on the average number of power units in the fleet. The average fleet size is calculated monthly for a maximum period of 24 months. Using average fleet size rather than current fleet size to calculate points helps to minimize the negative impact on each of the different carrier performance profiles caused by fluctuations in fleet size.

Demerit points are entered against the carrier or driver record when a conviction occurs following violation of safety acts and/or regulations. These points vary from 2-10 depending on the seriousness of the offense and remain on the record for a period of 2 years.

6. *Standards for Commercial Vehicles:*

The National Safety Code consists of 16 standards. These standards cover every element of driver qualification and vehicle operation and maintenance.

NSC Standard #1 - Single Driver Licence Compact

This standard is designed to ensure that no driver holds more than one license. In addition, a series of administrative procedures have been agreed upon to ensure driving infractions are assigned to a single license and record.

1. Carrier Requirements: The carrier must:

- A. set up and maintain a system of files on each driver to include all of the information that drivers must provide (See Driver Requirements below).
- B. determine, on the basis of this information, training, and testing, whether or not the driver is and continues to be fit to drive vehicles owned and/or operated by the motor carrier.

2. Driver Requirements: The driver must:

- A. make a written disclosure to the motor carrier, of any and all driver's licenses held, including the jurisdiction (Province, Territory or State);

- B. provide class of license, status of license and the actual name in which each license is held;
- C. hold a license in one jurisdiction only and
- D. provide a current copy of driving record (abstract) before being hired, and annually thereafter.
The driver may sign a waiver authorizing the employer to obtain a copy of the driving record.

NSC Standard #2 – Knowledge and Performance Tests (Drivers)

This standard sets out the process for standardized testing of commercial drivers and includes the criteria for both written and road tests.

NSC Standard #3 - Driver Examiner Training Program

This standard is designed to upgrade the skills and knowledge of driver examiners and ensure that the curriculum and qualifications are consistent in all jurisdictions.

NSC Standard #4 - Classified Driver Licensing System

This standard is intended to ensure uniformity in the classification and endorsement system for drivers' licenses, and to ensure that a license issued in one jurisdiction is recognized in all jurisdictions.

1. Carrier Requirements: A Carrier must:
 - A. ensure that drivers hold the appropriate licenses to permit operation of the classes of vehicles to be driven, and
2. Driver Requirements: A Driver must:
 - A. possess a valid driver's license of an appropriate class to operate the assigned vehicle, and
 - B. provide ongoing evidence of a valid license

NSC Standard #5 - Self-Certification Standards and Procedures

This standard outlines the criteria which must be met to permit carriers and driver training schools to assess and license commercial drivers.

NSC Standard #6 – Medical Standards for Drivers

All commercial drivers must undergo a medical examination at the time of license application and at recommended periodic intervals. This standard is intended as a guide to establish basic minimum medical qualifications, to be utilized by physicians, licensing administrators and medical review boards to assess an individual's ability to operate a motor vehicle.

NSC Standard #7 – Carrier and Driver Profiles

This standard establishes the requirements in the administrative programs to provide NSC administrators with an overview of a carrier's record and the ability to review current and past performance. It allows for inter-jurisdictional exchange of information and implies a coordination of carrier operations.

1. Components of the Carrier Profile include:

- A. **Carrier demographics** - These include NSC number, jurisdiction, name and address of legal entity, carrier rating, status and fleet size.
- B. **Convictions** - These include ticket/control number; name, driver's license number and jurisdiction of convicted driver (if driver convicted); date, time, and location of offence; statute name (Act, section, subsection, clause); and conviction weighting;
- C. **Types of Driver Convictions that must be kept** - These include Criminal Code offences; moving violations; driver's liability violations (ex: driving without the proper class of license or holding more than one valid license); and driver- related NSC convictions.
- D. **Types of Carrier Convictions that must be kept** – These include moving violations, vehicle maintenance, hours of service, weights and dimensions, cargo securement, dangerous goods, operating while under sanction and operating without proper authority.
- E. **CVSA Inspections** - These include report number, level of inspection, date, time and location of inspection, driver's name, license number and jurisdiction, inspection result for each vehicle, and inspection weighting;

- F. **Reportable accidents** - These include driver's name, license number and jurisdiction, vehicle plate number and jurisdiction, date, time, location and type of accident, and accident weighting; and
- G. **Audit results and monitoring activity** - These include particulars of any sanctions or other interventions.

NSC Standard #8 - Short-Term Suspension

In the event that a public service vehicle or commercial truck is stopped, and the driver is found not to be in compliance with the hours of service requirements, a short-term suspension may be imposed.

NSC Standard #9 – Intra-provincial Regulations Implementation Update (Hours of Service)

This section establishes the basic criteria for minimizing driver fatigue by specifying maximum work and minimum rest requirements. It forms the basis for consistent Hours of Service legislation among the federal, provincial, and territorial jurisdictions.

NSC Standard #10 – Cargo Securement

This standard was drafted to establish the criteria for cargo securement requirements and provide jurisdictions with a standard which can be adopted by reference. It was approved by the Council of Ministers Responsible for Transportation in September 2004.

1. Carrier Requirements: A carrier must:
 - A. Ensure that drivers comply with Cargo Securement Regulations, and
 - B. Equip vehicles with appropriate load securement devices.
2. Driver Requirements: A driver must:
 - A. Secure loads and/or inspect loads to ensure that adequate securement devices are in place in accordance with the Regulations.
 - B. ensure that vehicle entrances and exits, including emergency exits, are unobstructed; and

- C. ensure that any property transported is secured or stored to prevent risk of injury to the driver or any passenger by its falling, displacement, or other movement.

NSC Standard #11 – Introduction (HSE Maintenance)

This standard was developed by all jurisdictions and industry to provide guidelines for a minimum acceptable level of performance for commercial vehicle systems and components, and to ensure that all operators of commercial vehicles (whether owned or leased) have a regular vehicle maintenance and servicing program for all vehicles under their control.

1. Carrier Requirements: A carrier must:
 - A. establish a system of preventative vehicle inspection, maintenance and repair for every truck, bus, trailer, and C-dolly it operates.
 - B. inspect, repair, and maintain
 - C. the make, model, year, and serial number of all vehicles it operates in accordance with the system established, and in compliance with required maintenance and performance standards.
 - D. keep an up-to-date maintenance and repair record for each vehicle under its control, which includes these minimum requirements:
 - i. (VIN),
 - ii. the date, odometer reading and nature of every repair and maintenance activity carried out,
 - iii. a description of the type and frequency of regular maintenance and repairs to be undertaken and
 - iv. a record of every axle or suspension modification which affects the gross vehicle or axle weight rating.

NSC Standard #12 – Commercial Vehicle Safety Alliance (Roadside Inspections)

A commercial vehicle may be subjected to a roadside inspection at any time. Peace officers and police officers who hold CVSA certification may make the following checks:

1. Inspection of Documents:

- A. Driver's license
- B. Hours of service logs
- C. Trip inspection reports
- D. Dangerous Good training certificate, if applicable
- E. Carrier's Safety Fitness Certificate
- F. Vehicle registration and insurance
- G. Valid Periodic Mandatory Vehicle Inspection (PMVI) certificate

Where the officer determines that there is any violation, the driver and/or the vehicle may be placed out of service in accordance with the Regulations, and/or subject to fines or penalties.

2. Inspection of Vehicles:

- A. Brake system
- B. Coupling system/devices
- C. Exhaust system
- D. Fuel system
- E. Lighting devices
- F. Safe loading/tiedowns
- G. Steering mechanism
- H. Suspension
- I. Frame
- J. Tires
- K. Wheels, rims, and hubs
- L. Van and open top trailer bodies
- M. Windshield wipers

Where the officer determines that any components are not in compliance with the commercial vehicle maintenance standard, it may be placed out of service, and the carrier or driver may be subject to fines, penalties, or operational restrictions.

NSC Standard #13 – Trip Inspection (Daily Trip Inspection Report)

The standard was created to ensure early identification of vehicle problems and defects, and to prevent the operation of vehicles with conditions that are likely to cause or contribute to a collision or vehicle breakdown.

1. Carrier Requirements: A carrier must:

- A. Not permit a driver to drive a commercial vehicle unless it has been inspected according to the Regulations
- B. Provide drivers with appropriate schedules of inspection items
- C. Ensure any defect are corrected before the next inspection or within the time frame specified by the jurisdiction of travel
- D. Ensure any major defects are corrected immediately upon being reported, and before the vehicle is operated
- E. Retain inspection reports and records of repairs for at least 6 months

2. Driver Requirements: A driver must:

- A. Refrain from driving a commercial vehicle unless it has been inspected according to the Regulations
- B. Ensure that required inspections are carried out and defects reported to the carrier according to the Regulations
- C. Complete the required inspection report, carry it in the vehicle, and provide it to an inspector on demand
- D. Monitor the vehicle while driving, record defects found and report them to the carrier prior to next scheduled inspection
- E. Report major defects immediately and not operate vehicle until the major defect has been corrected
- F. Forward the inspection report to the carrier within 20 days.

NSC Standard #14 -Safety Rating

This standard applies to provincial authorities that issue Safety Fitness Certificates to motor carriers operating commercial vehicles. It establishes the motor carrier safety rating framework used by each jurisdiction to assess the safety performance of motor carriers.

1. The objectives of the motor carrier safety rating system are to:

- A. improve the safety of commercial vehicle operations**
- B. encourage the economic competitiveness of safe Canadian motor carriers; and**
- C. encourage motor carrier safety education and continuous improvement.**

2. The basic principles are:

- A. Compatibility - being compatible across all Canadian jurisdictions;
- B. Effectiveness - using objective data to examine and classify;
- C. Efficiency - achieving maximum effectiveness at the lowest practical cost;
- D. Equity - independent of motor carrier characteristics;
- E. Flexibility - accommodating some degree of differentiation and adjustment without compromising the integrity of the system; and;
- F. Consistency - ensuring motor carriers receive similar ratings for comparable performance in each jurisdiction.

NSC Standard #15 – Facility Audits

This standard established the audit procedures used by jurisdictions to determine a motor carrier's level of compliance with all applicable safety standards. It identifies the source documents which must be maintained by the carrier and sets out the audit process.

The facility audit is usually performed at the motor carrier's chief place of business in New Brunswick.

NSC Standard #16 – First Aid Training

This standard outlines the basic elements of a voluntary (not compulsory) first aid course for commercial drivers.