

04.17.25

# COMPANY VEHICLE AND FLEET SAFETY MANUAL

## A SAFE FLEET IS TOUGH TO BEAT.

The purpose of the Fleet Safety Manual (Manual) is to outline policies and procedures to promote safe driving, protect employee-owners and reduce accident risk. When properly implemented, these policies can also help reduce the frequency of violations in our vehicle operations. It is equally important that we present a strong public image of a company that puts safe drivers on the road.

### GET READY, PROFESSIONAL FLEET DRIVERS

Emery Sapp & Sons (Company) would like to welcome you to our family. Professionalism and safe driving go hand in hand and we hope that is why you are here. You do not have to have a Commercial Driver's License (CDL) when you start work. The Company provides in-house entry level driver training to assist new hires in passing the written and practical CDL exams.

**PLEASE KEEP THIS MANUAL WITHIN ARM'S REACH TO REVIEW AND REFERENCE REGULARLY TO ASSIST YOU IN ACHIEVING THE HIGHEST LEVEL OF PROFESSIONALISM.**

### SAFETY IS YOUR DECISION

#### Always strive to be safe in whatever you do.

Ultimately driving safely is a decision that you must be prepared to make every day, each time you get behind the wheel.

All the rules and regulations will not matter unless you recognize that it is your responsibility to protect yourself and others from harm whenever it is within your ability to do so.

### REQUIREMENTS AND EXPECTATIONS

It is the responsibility of the **SAFETY DEPARTMENT** to advise employee-owners of the Manual requirements, provide initial safety orientation, and enforce the policies within the Manual should an employee-owner operate a motor vehicle in a manner that is inconsistent with the policies within the Manual.

- 01** Every employee-owner is considered a member of our Company team. Our success as a Company is built on the recognition of the skills and efforts made by each employee-owner.
- 02** It is our policy to work with all members of our team in a fair manner and to treat each team member with dignity and respect.
- 03** You have the commitment of the entire staff of the Company to support you in your efforts to exceed the performance standards for safe operating procedures.

As a fleet driver for the Company, you are required to comply with all Department of Transportation (DOT) regulations where appropriate and Company policies and programs outlined in this Manual.

Employee-owners are responsible for complying with all federal, state, and local traffic regulations and ordinances related to vehicle operation and driving safely.

In addition, nothing can be displayed in, on or around the vehicle that is derogatory to any person or system of beliefs. Objects that are inappropriate or hinder work efforts will not be allowed and must be removed upon request.

### HIRING GUIDELINES

#### What you need to have.

- 21 years of age
  - NO hit and run, leaving the scene of an accident, or failure to report an accident
  - ALL DOT Recordable Accidents will be reviewed prior to qualifying (tow away, injury, fatality)
  - NO DUI/DWI in the past 30 days
  - NO previous positive test on a pre-employment/post-accident/random drug or alcohol screen in the past 30 days
  - Must pass a road test
  - Must pass pre-employment drug screen
  - Must pass pre-employment DOT physical or have current Medical Certification or have the ability to obtain one
  - For more information on DOT and Commercial Motor Vehicle (CMV) regulations refer to the [CMV SmartCard](#).
- ### DRIVING RECORD REVIEW
- Employee-owner driver records will be checked at least every 12 months to make sure the employee-owner has an acceptable record to operate a Company vehicle. This policy, as with all Company policies, is subject to management discretion in its interpretation and enforcement.
- Any of the following occurrences could lead to removal from the Qualified Driver's List and prohibition from operating a Company vehicle.
- Failure to report moving violations for which the employee-owner is found guilty or have resulted in loss of driver's license.
  - Failure to consistently drive in a safe manner, as determined by management.
  - Failure to pass a drug test.
    - + In the event you don't pass a drug screen for marijuana, you can re-apply after 30 days once you have completed an approved Substance Abuse Professional (SAP) evaluation and passed a drug screen.
    - + If you complete an approved SAP evaluation and are rehired; you must agree to a six month random drug testing program.
  - Refusal to take a drug test.
  - Failure to notify management within five business days of any moving violation and/or accident.
  - Any citations received while in the borderline category will be reviewed and a case-by-case risk assessment and determination will be made.
- ### DRIVING RECORD REVIEW MATRIX
- Below is a Driving Record Review Matrix that charts a driver's moving violations to at-fault accidents. This places a driver in one of four driver status designations. The driver status is what determines if you are permitted to operate a Company vehicle. The following are the meanings of each type of driver status:
- **Clear** = acceptable to drive a Company vehicle
  - **Acceptable** = Some type of points or at-fault incident, but still able to drive a Company vehicle
  - **Borderline** = Driver is in "probationary status" which includes a semi-annual review of his/her driving record. Driver alert complaints will be investigated and considered when reviewing driving records and performance ratings. Drivers will be monitored and any complaints received by management may require the employee-owner to park their assigned Company vehicle at the nearest office or shop.
  - **Poor** = A driver in this category will not be allowed to drive a Company vehicle. Candidates applying for a Commercial Driver License (CDL) position will not be considered if they have a driver status in this category.
- When determining driver status, the past three (3) years are taken into account. Your citation of the violation will stay on your record until the violation date plus three (3) years has expired. At that time, it will no longer be considered when determining driver status. The Driving Record Review Matrix below will help show how status is calculated.

Exhibit 4.FSM.001

#### Driving Record Review Matrix

MOVING VIOLATIONS (Last 3 years)	AT-FAULT ACCIDENTS (Last 3 Years)			
	0	1	2	3
0	Clear	Acceptable	Borderline	Poor
1	Acceptable	Acceptable	Borderline	Poor
2	Acceptable	Borderline	Poor	Poor
3	Borderline	Poor	Poor	Poor
4	Poor	Poor	Poor	Poor

### ALCOHOL AND SUBSTANCE-RELATED VIOLATIONS

Any alcohol or substance-related conviction (BAC, DWI, DUI, etc.), Administrative Suspension, Chemical Test Refusal, or Abuse and Lose violations will be reviewed by hiring supervisor and could result in disciplinary action up to and including termination.

### REGULATIONS

#### Drug and Alcohol Clearinghouse

##### The Drug and Alcohol Clearinghouse is:

- A Database containing drug and alcohol program violation information for drivers with a CDL.
- A real-time access to reported violation information.
- An easier way for employers to meet pre-employment investigation and reporting obligations.
- A more difficult way for dishonest drivers to conceal drug and alcohol violations from employers.
- Its aim is to make safer roadways for America!

##### Who is required to use the Clearinghouse:

- Drivers who hold Class A or B CDL's or Commercial Learner's Permits (CLP's)
- Employers of CDL drivers who operate CMV's
- Consortia/third-party administrators (C/TPA's)
- Medical Review Officers (MRO's)
- Substance Abuse Professional (SAP's)
- State Driver's Licensing Agencies (SDLA)

All Employers that have CDL drivers must register with the Clearinghouse.

All Drivers that are subject to the Federal Motor Carrier Safety Administration (FMCSA) Drug/Alcohol testing must be run through the Clearinghouse, both Inter-State and Intra-State transportation.

### QUERY REQUIREMENTS

All Drivers that are ran through the Clearinghouse will either have a Full or Limited Query performed. If you are a prospective or new employee-owner, you will have a Full Query ran. All current employee-owner drivers will have an annual Limited Query run.

#### NEW HIRE PRE-EMPLOYMENT SCREENING:

##### FULL QUERY

- Access full details of all violation-related information
- Ensure the driver is not prohibited from performing safety-sensitive functions
- Drivers must register as a user in the Clearinghouse and sign the electronic consent form

#### ANNUAL VERIFICATION:

##### LIMITED QUERY

- Ensure that the driver is still not prohibited from safety-sensitive functions
- Verify presence of driver information in the Clearinghouse.
- Drivers must sign a general consent form outside of the Clearinghouse – Paper Release Form
- If information is discovered, a full query is required
- **24 HOURS TO COMPLETE**
- **NOTE: DRIVERS ARE NOTIFIED WHEN A QUERY IS PERFORMED**
- Notification is mailed to the address on their CDL

### HOURS OF SERVICE

#### Who Must Comply?

Most drivers must follow the Hours of Service (HOS) regulations if they drive a CMV.

In general, a CMV is a vehicle that is used as part of a business and is involved in interstate commerce and fits any of these descriptions:

- Weighs 10,001 pounds or more
- Has a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more
- Is designed or used to transport 16 or more passengers (including the driver) not for compensation
- Is designed or used to transport 9 or more passengers (including the driver) for compensation
- Is transporting hazardous materials in a quantity requiring placards

### HOURS OF SERVICE REGULATIONS

#### For Company Commercial Drivers.

##### 11-Hour Driving Limit

- + May drive a maximum of 11 hours after 10 consecutive hours off duty.

##### 14-Hour Driving Limit

- + May not drive beyond the 14th consecutive hour after coming on duty, following 10 consecutive hours off duty. Off-duty time does not extend the 14-hour period.

##### Rest Breaks

- + Drivers must take a 30-minute break when they have driven for a period of 8 cumulative hours without at least a 30-minute interruption. The break may be satisfied by any non-driving period of 30 consecutive minutes (i.e., on-duty not driving, off-duty, sleeper berth, or any combination of these taken consecutively).

##### 60/70-Hour Limit

- + May not drive after 60/70 hours on duty in 7/8 consecutive days. A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off duty

##### 24 Hour Restart

- + Certain construction and materials equipment drivers may be eligible for an exception to the 34-hour off duty requirements listed above. Non-long haul drivers may restart a 7/8 consecutive day period after taking 24 or more consecutive hours off duty. Use of this restart period is limited and at the discretion of the dispatcher.

##### Penalties

- + Driving (or allowing a driver to drive) 3 or more hours beyond the driving – time limit may be considered an egregious violation and subject to the maximum civil penalties.

### 150 AIR-MILE RADIUS EXEMPTION:

A driver is exempt from the requirements of FMCSA Rules and Regulations 49 CFR §395.8 and §395.11 if: the driver operates within a 150 air-mile radius of the normal work reporting location, and the driver does not exceed a maximum duty period of 14 hours. Drivers using the short-haul exception in 49 CFR §395.1(e)(1) must report and return to the normal work reporting location within 14 consecutive hours, and stay within a 150 air-mile radius of the work reporting location.

#### The Basics

To be able to use this 150 Air-Mile Radius Exemption, the driver must:

- Stay within 150 air-miles of the work reporting location for the day (draw a 150 air-mile radius circle around the work reporting location for the day – the driver must stay within this circle)
- Be back to – and released from – the work reporting location for his/her 8 or 10-hour break within 14 hours
- Include the starting and ending times for the day and the total hours on duty on the time record for the day

THE COMPANY

**MUST RETAIN THE DRIVER'S LOG AND HAVE IT AVAILABLE FOR INSPECTION FOR SIX (6) MONTHS.**



What if the driver goes too far or works too many hours?

- If the driver cannot meet the terms of the exemption (he or she goes too far or works too many hours), the driver must complete a regular driver's log for the day as soon as the exemption no longer applies.
- If the driver has had to complete a log 8 or fewer days out of the last 30 days, the driver can use a paper log for the day.
  - + Paper Logs will be provided for all drivers but electronic logs (eLogs) are expected.
- If the driver had to complete a log more than 8 days out of the last 30 days, the driver needs to use an eLog for the day (unless one of the Electronic Logging Device (ELD) exemptions applies, such as operating a vehicle older than model year 2000).

30-minute break exemption:

- When a property-carrying driver is operating under the 150 air-mile exemption, the driver is also exempt from having to take the required 30-minute break 49 CFR §395.3(a)(3)(ii).
- If the driver began the day as a 150 air-mile driver and is more than 8 hours into the workday without a break, and something unexpected happens and the driver can no longer use the 150 air-mile exemption, the driver must stop and immediately take the 30-minute break as well as start logging.
- If the driver went outside of the 150 air-mile area before the driver had 8 hours in, the driver would be expected to take the break at the appropriate time.

A FEW VARIATIONS:

TO BE ABLE TO USE THIS EXEMPTION, DRIVERS OPERATING READY-MIX CONCRETE VEHICLES AND DRIVERS TRANSPORTING ASPHALT MUST RETURN TO THE WORK REPORTING LOCATION FOR THE DAY WITHIN 14 HOURS.

COMMON MYTHS:

Here are some of the common myths and misunderstandings about the 150 air-mile exemption:

- 01 The driver must have the time records in the vehicle.

**Myth.** The driver simply needs to explain to an officer during a roadside inspection that he/she does not have logs due to operating under the 150 air-mile exemption and that the required time records are back at the carrier's office (just telling the officer, "I don't have any logs" will lead to a violation, so the driver needs to know to provide the full explanation).
- 02 The driver must log the previous seven days if he/she had been using the 150 air-mile exemption and suddenly can't.

**Myth.** If the driver cannot use the exemption on one day, that is the only day the driver must use a regular log (either paper or electronic).
- 03 Passenger-carrying drivers and drivers hauling hazardous materials cannot use this exemption.

**Myth.** There are no restrictions on the use of this exemption, so any commercial driver can use it.
- 04 A driver that crosses state lines cannot use this exemption.

**Myth.** As this exemption appears in the FMCSA regulations, it can be used by interstate drivers.
- 05 Only drivers that operate out of a "company terminal" can use the 150 air-mile exemption.

**Myth.** As long as the driver makes it back to the work reporting location for the day within the appropriate number of hours, the driver can use the exemption.
- 06 Drivers that move from one jobsite to another every few weeks cannot use this exemption.

**Myth.** If a driver that normally uses this exemption switches work reporting locations, the day the driver switches work reporting locations is the only day the driver cannot use the exemption.
- 07 Drivers covered by this exemption are also exempt from the driver qualification (licensing and medical cards), driving, and vehicle inspection requirements.

**Myth.** The only rules the driver is exempt from are the logging requirement in 49 CFR §395.8 and the 30-minute break requirement in 49 CFR §395.3.
- 08 The driver cannot drive more than 150 miles for the day.

**Myth.** The driver can drive as many miles as he/she wants to or needs to, as long as the driver stays within the 150 air-mile radius circle and gets back to the work reporting location within the appropriate number of hours.
- 09 If a 150 air-mile driver gets into a vehicle with an Electronic Logging Device (ELD), the driver must use it.

**Myth.** The carrier can have the driver login and have the driver entered into the system as an "exempt driver," or the carrier can request that the driver not log into the device and then attach a comment to the unassigned driving time generated by the driver's movements.

The comment would need to explain that the driver using the vehicle was a 150 air-mile driver who submitted a time record. It is up to the carrier to decide which option to use. If stopped for a roadside inspection, the driver will need to be able to explain to the inspector that he/she is an exempt driver using the 150 air-mile exemption, so using the electronic log is not required.

ELECTRONIC LOGGING DEVICE:

The Electronic Logging Device (ELD) Rule applies to most motor carriers and drivers who are required to keep Records of Duty Status (RODS). This includes commercial buses as well as trucks. It applies to drivers domiciled in Canada and Mexico, unless they qualify for an exception to the rule.

Motor carriers and drivers must choose only ELDs that are self-certified and registered on FMCSA's website. Manufacturers must self-certify that their ELDs meet technical standards in the ELD rule and they must register them with FMCSA.

The rule is intended to help create a safer work environment for drivers, and make it easier and faster to accurately track, manage, and share RODS data.

An ELD is technology that automatically records a driver's driving time and other HOS data. This allows easier, more accurate HOS recordkeeping.

An ELD monitors a vehicle's engine to capture data on whether the engine is running, whether the vehicle is moving, miles driven, and duration of engine operation (engine hours).

Starting December 16, 2019, all carriers and drivers were subject to the rule and were required to use ELDs.

ELDs must have the capability of either telematic data transfer or local transfer.

Federal Motor Carrier Safety Administration Regulations:

- 49 CFR § 395.8(e)(2):** No driver or motor carrier may disable, deactivate, disengage, jam, or otherwise block or degrade a signal transmission or reception, or reengineer, reprogram, or otherwise tamper with an automatic on-board recording device or ELD so that the device does not accurately record and retain required data.
- 49 CFR § 395.8(e)(3):** No driver or motor carrier may permit or require another person to disable, deactivate, disengage, jam, or otherwise block or degrade a signal transmission or reception, or reengineer, reprogram, or otherwise tamper with an automatic on-board recording device or ELD so that the device does not accurately record and retain required data.

Exceptions to the ELD Rule:

- + Drivers who use paper logs no more than 8 days during any 30-day period.
- + Driveaway-towaway drivers (transporting a vehicle for sale, lease, or repair), provided the vehicle driven is part of the shipment or the vehicle being transported is a motor home or recreational vehicle trailer.
- + Drivers of vehicles manufactured before model year 2000.

ELD Device Malfunction:

A motor carrier must ensure that its drivers possess onboard a commercial motor vehicle an ELD information packet containing the following items:

- + An instruction sheet for the driver describing ELD malfunction reporting requirements and recordkeeping procedures during ELD malfunctions

IF THIS ELD DEVICE IS FOUND TO BE IN A MALFUNCTION STATE AS INDICATED IN THE CHART BELOW, THEN THE FOLLOWING MUST BE COMPLIED TO BY THE DRIVER AND THE MOTOR CARRIER OF THE CMV.

If an ELD malfunctions, a driver must:

- 01 Note the malfunction of the ELD and provide written notice of the malfunction to the motor carrier within 24 hours
- 02 Reconstruct the Record of Duty Status (RODS) for the current 24-hour period and the previous seven (7) consecutive days, and record the RODS on graph-grid paper logs, or electronic logging software, that comply with 49 CFR §395.8, unless the driver already has the records or retrieves them from the ELD
- 03 Continue to manually prepare RODS in accordance with 49 CFR §395.8 until the ELD is serviced and back in compliance. The recording of the driver's hours of service on a paper log, or electronic logging software, cannot continue for more than eight (8) days after the malfunction; a driver that continues to record his or her hours of service on a paper log, or electronic logging software, beyond eight (8) days risk being placed out of service.

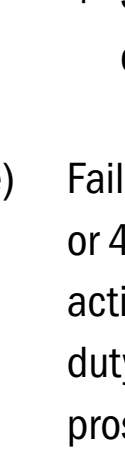

If an ELD malfunctions, a motor carrier must:

- 01 Correct, repair, replace, or service the malfunctioning ELD within eight (8) days of discovering the condition or a driver's notification to the motor carrier - whichever occurs first.
- 02 Require the driver to maintain a paper record of duty status (RODS) until the ELD is back in service.

When to use paper logs:

A driver should only use paper logs, or electronic logging software, or other electronic means to record their HOS if the ELD malfunction hinders the accurate recording of the driver's hours-of-service data (i.e., 10/11, 14/15, 60/70 hours; or 30 minute).

ELD Diagnostics/Malfunctions

	<b>Diagnostic</b>	No Driver action is required but recommended steps to resolve the issue (if any) are outlined in the chart below.
	<b>Malfunction</b>	Follow required malfunction reporting steps as stated above as well as any additional steps outlined in the following chart.

Condition	Definition	Driver Recourse
<b>Missing Data</b>	Required data may be missing from the last ELD event that was recorded	This should resolve itself after a short while. If it does not, then please contact your administrator.
<b>Unidentified Driver</b> <small>* Unidentified driving time occurs when the vehicle is moving without a Driver logged in.</small>	When the ELD device has accumulated >30min of unidentified driving time in the past 7 days. This state is cleared when <= 15min unidentified driving time remains.	Unidentified Driving Time can be claimed and added to your Driver Log via the Review Hours screen when logging in OR Selecting Driver Logs > Unidentified Driving from the Main Menu.
<b>Power</b>	The ELD has failed to start up within 1 minute of your engine starting.  It's possible that you've missed 30 minutes of driving time due to this.	Make sure the ELD is powered on and at the login screen before turning your vehicle on.  Please check or have your administrator check to make sure your logs are correct.
<b>Engine Sync</b>	We have not detected data from the ECM in the past 5 seconds.  When an accumulated 30 minutes of time has elapsed between the creation and receipt of these engine events, we raise this as a Malfunction state.	Make sure your device USB cable is securely fastened to the ELD.  Please advise your administrator/installer so further troubleshooting can be performed.
<b>Data Transfer</b>	The last data transfer test that was performed has failed.  We've started testing more frequently and still cannot transfer data.	You may be unable to send your onboard documents to an officer should they request them.  Please contact your administrator so they can perform additional troubleshooting steps.
<b>Timing</b>	The time on your ELD may be incorrect.	This should resolve itself after a short while. If it does not, then please contact your administrator. If this occurs, we recommend keeping a paper log following the outline at the start of this document.
<b>Positioning</b>	You have been moving but we do not have a lock on your GPS location.	This should resolve itself after a short while. If it does not, then please contact your administrator. If this occurs, we recommend keeping a paper log following the outline at the start of this document.
<b>Data Recording</b>	There is an issue saving data on the ELD.	Please contact your administrator. If this occurs, we recommend keeping a paper log following the outline at the start of this document.

NOTE:

IF A CHANGE OF DUTY STATUS OCCURS AT A LOCATION OTHER THAN A CITY, TOWN, OR VILLAGE, SHOW ONE OF THE FOLLOWING:

- + The highway number and nearest milepost followed by the name of the nearest city, town, or village and State abbreviation
  - + The highway number and the name of the service plaza followed by the name of the nearest city, town, or village and State abbreviation
  - + The highway numbers of the nearest two intersecting roadways followed by the name of the nearest city, town, or village and State abbreviation
- (d) The following information must be included on the form in addition to the grid:
- + Date
  - + Total miles driving today
  - + Truck or tractor and trailer number
  - + Name of carrier
  - + Driver's signature/certification
  - + 24-hour period starting time (e.g., midnight, 9:00 a.m., noon, 3:00 p.m.)
  - + Main office address
  - + Remarks
  - + Name of co-driver
  - + Total hours (far right edge of grid)
  - + Shipping document number(s), or name of shipper and commodity

- (e) Failure to complete the record of duty activities of this section or 49 CFR §395.15, failure to preserve a record of such duty activities, or making of false reports in connection with such duty activities shall make the driver and/or the carrier liable to prosecution.

- (f) The driver's activities shall be recorded in accordance with the following provisions: **49 CFR §486**
- + Entries to be current
    - » Drivers shall keep their records of duty status current to the time shown for the last change of duty status.
  - + Entries made by driver only
    - » All entries relating to driver's duty status must be legible and, in the driver's, own handwriting.



- + Date
  - » The month, day, and year for the beginning of each 24-hour period shall be shown on the form containing the driver's duty status record.
- + Total miles driving today
  - » Total mileage driven during the 24-hour period shall be recorded on the form containing the driver's duty status record.
- + Commercial motor vehicle identification
  - » The driver shall show the number assigned by the motor carrier, or the license number and licensing State of each commercial motor vehicle operated during each 24-hour period on his/her record of duty status. The driver of an articulated (combination) commercial motor vehicle shall show the number assigned by the motor carrier, or the license number and licensing State of each motor vehicle used in each commercial motor vehicle combination operated during that 24-hour period on his/her record of duty status.
- + Name of motor carrier
  - » The name(s) of the motor carrier(s) for which work is performed shall be shown on the form containing the driver's record of duty status. When work is performed for more than one motor carrier during the same 24-hour period, the beginning and finishing time, showing a.m. or p.m., worked for each motor carrier shall be shown after each motor carrier's name. Drivers of leased commercial motor vehicles shall show the name of the motor carrier performing the transportation.
- + Signature/certification
  - » The driver shall certify to the correctness of all entries by signing the form containing the driver's duty status record with his/her legal name or name of record. The driver's signature certifies that all entries required by this section made by the driver are true and correct.
- + Time base to be used
  - » The driver's duty status record shall be prepared, maintained, and submitted using the time standard in effect at the driver's home terminal, for a 24-hour period beginning with the time specified by the motor carrier for that driver's home terminal.
  - » The term "7 or 8 consecutive days" means the 7 or 8 consecutive 24-hour periods as designated by the carrier for the driver's home terminal.
  - » The 24-hour period starting time must be identified on the driver's duty status record. One-hour increments must appear on the graph, be identified, and preprinted. The words "Midnight" and "Noon" must appear above or beside the appropriate one-hour increment.
- + Main office address
  - » The motor carrier's main office address shall be shown on the form containing the driver's duty status record.
- + Recording days off duty
  - » Two or more consecutive 24-hour periods off duty may be recorded on one duty status record.
- + Total hours
  - » The total hours in each duty status: off duty other than in a sleeper berth; off duty in a sleeper berth; driving, and on duty not driving, shall be entered to the right of the grid, the total of such entries shall equal 24 hours.
- + Shipping document number(s) or name of shipper and commodity shall be shown on the driver's record of duty status

(g) **Graph grid.** The following graph grid must be incorporated into a motor carrier recordkeeping system which must also contain the information required in paragraph (d) of this section.

EXHIBIT 4.FSM.002  
**Graph Grid**

Graph Grid — Vertically	OFF DUTY	
	SLEEPER BERTH	
	DRIVING	
	ON DUTY (Not Driving)	
	REMARKS	

Graph Grid — Horizontally	
OFF DUTY	
SLEEPER BERTH	
DRIVING	
ON DUTY (Not Driving)	
REMARKS	

- (h) **Graph grid preparation**
- + Off duty
    - » Except for time spent resting in a sleeper berth, a continuous line shall be drawn between the appropriate time markers to record the period(s) of time when the driver is not on duty, is not required to be in readiness to work, or is not under any responsibility for performing work.
  - + Sleeper berth
    - » A continuous line shall be drawn between the appropriate time markers to record the period(s) of time off duty resting in a sleeper berth, as defined in 49 CFR§395.2. (If a non-sleeper berth operation, sleeper berth need not be shown on the grid).
  - + Driving
    - » A continuous line shall be drawn between the appropriate time markers to record the period(s) of driving time, as defined in 49 CFR§395.2.
  - + On duty not driving
    - » A continuous line shall be drawn between the appropriate time markers to record the period(s) of time on duty not driving specified in 49 CFR§395.2. Does not include any time resting in a parked vehicle. In a moving property carrying CMV, does not include up to 2 hours in the passenger seat immediately before or after 8 consecutive hours in sleeper berth.
  - + Location—remarks
    - » The name of the city, town, or village, with State abbreviation where each change of duty status occurs shall be recorded.
    - » Filing driver's record of duty status. The driver shall submit or forward by mail the original driver's record of duty status to the regular employing motor carrier within 13 days following the completion of the form.
- (i) Drivers used by more than one motor carrier
- + When the services of a driver are used by more than one motor carrier during any 24-hour period in effect at the driver's home terminal, the driver shall submit a copy of the record of duty status to each motor carrier.
  - + The record shall include:
    - » All duty time for the entire 24-hour period
    - » The name of each motor carrier served by the driver during that period
    - » The beginning and finishing time, including a.m. or p.m., worked for each carrier
  - + Motor carriers, when using a driver for the first time or intermittently, shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding 7 days and the time at which the driver was last relieved from duty prior to beginning work for the motor carriers.
- (j) Retention of driver's record of duty status
- + Each motor carrier shall maintain records of duty status and all supporting documents for each driver it employs for a period of six months from the date of receipt.
  - + The driver shall retain a copy of each record of duty status for the previous 7 consecutive days which shall be in his/her possession and available for inspection while on duty.

**16 Hour Rule Exemption:**

The 16-hour rule is a special exemption that allows certain drivers to remain on-duty for 16 hours instead of 14, but **WITHOUT** extending the allowed 11 hours per day of driving.

**THIS EXEMPTION APPLIES TO DRIVERS THAT HAVE STARTED AND STOPPED THEIR WORKDAYS AT THE SAME LOCATION FOR THE PREVIOUS FIVE WORKDAYS.**

**Personal Conveyance:**

- The movement of a commercial motor vehicle (CMV) for personal use while off-duty.
- A driver may record time operating a CMV for personal conveyance as off-duty only when the driver is relieved from work and all responsibility for performing work by the motor carrier.
- The CMV may be used for personal conveyance even if it is laden, since the load is not being transported for the commercial benefit of the motor carrier at that time.
- Personal conveyance does not reduce a driver's or motor carrier's responsibility to operate a CMV safely.

The following are examples of Appropriate Uses of a CMV while off-duty for personal conveyance include, but are not limited to:

- 01** Time spent traveling from a driver's en-route lodging (such as a motel or truck stop) to restaurants and entertainment facilities.
  - 02** Commuting between the driver's terminal and his or her residence, between trailer-drop lots and the driver's residence, and between work sites and his or her residence. In these scenarios, the commuting distance combined with the release from work and start to work times must allow the driver enough time to obtain the required restorative rest as to ensure the driver is not fatigued.
  - 03** Time spent traveling to a nearby, reasonable, safe location to obtain required rest after loading or unloading. The time driving under personal conveyance must allow the driver adequate time to obtain the required rest in accordance with minimum off-duty periods under 49 CFR §395.3(a)(1) (property-carrying vehicles) or 395.5(a) (passenger-carrying vehicles) before returning to on-duty driving, and the resting location must be the first such location reasonably available.
  - 04** Moving a CMV at the request of a safety official during the driver's off-duty time.
- The following are examples of uses of a CMV that Would Not Qualify as personal conveyance include, but are not limited to, the following:
- 01** The movement of a CMV in order to enhance the operational readiness of a motor carrier. For example, bypassing available resting locations in order to get closer to the next loading or unloading point or other scheduled motor carrier destination.
  - 02** Continuation of a CMV trip in interstate commerce in order to fulfill a business purpose, including bobtailing or operating with an empty trailer in order to retrieve another load or repositioning a CMV (tractor or trailer) at the direction of the motor carrier.
  - 03** Time spent transporting a CMV to a facility to have vehicle maintenance performed.
  - 04** After being placed out of service for exceeding the maximum periods permitted under 49 CFR §395, time spent driving to a location to obtain required rest, unless so directed by an enforcement officer at the scene.
  - 05** Time spent traveling to a motor carrier's terminal after loading or unloading from a shipper or a receiver.

**COMPANY POLICY**

**Using personal conveyance in violation of the rule will be treated as an hours of service violation and the progressive discipline program will be applied.**

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**Department of Transportation Roadside Inspections**

Department of Transportation (DOT) inspections are a very important part of our Company's operation, both real time and long term.

Any violations can be unsafe, and our goal at the Company is to run safely.

- DOT inspections must be returned to the inspecting state within 15 days. All repairs that are noted and do not put the unit out of service must be made within this 15-day period.
- Drivers must inform the Safety Department and Supervisor as soon as an inspection has been performed.
- All inspections must be submitted within 24 hours of occurrence to the Safety Department/supervisor, by the driver.

**NOTE:**

**DOT INSPECTIONS MAKE UP THE COMPANY'S AND DRIVER'S CSA/PSP SCORECARDS. THEY ARE MORE IMPORTANT NOW THAN EVER BEFORE.**

**Driver Vehicle Inspection Reports**

**Driver Inspection Federal Regulation 49 CFR §396.13:**

Before driving a motor vehicle, the driver shall:

- Be satisfied that the motor vehicle is in safe operating condition.
- Review the last driver vehicle inspection report.
- Sign the report.
  - + Only if defects or deficiencies were noted by the driver who prepared the report.
  - + To acknowledge that the driver has reviewed it and that there is a certification that the required repairs have been performed.

*\*Note: The signature requirement does not apply to listed defects on a towed unit which is no longer part of the vehicle combination.*

**POLICIES**

**Controlled Substance and Alcohol Policy**

All drivers who drive Commercial Motor Vehicles (CMV) which require a Commercial Driver's License (CDL) are subject to controlled substances and alcohol testing.

- The circumstances in which the driver will be tested are incorporated and found in 49 CFR §382 Subpart C of the Federal Motor Carrier Safety Regulations handbook.
  - + '382.301 Pre-employment and/or lease testing
  - + '382.307 Reasonable Suspicion testing
  - + '382.303 Post Accident testing
  - + '382.309 Return to duty testing
  - + '382.305 Random testing, per the prevailing rate as required by U.S. DOT
  - + '382.311 Follow up testing
- Under the Random Testing Program, carriers are required to test annually:
  - + 50% of their fleet for controlled substances
  - + 10% of their fleet for alcohol

**THE COMPANY**

**PULLS THEIR LIST OF RANDOM DRIVERS' NAMES ON A QUARTERLY BASIS.**

**The Company has a Zero Tolerance Policy**

- Any driver that violates 49 CFR §382 Subpart B shall have his/her employment/lease terminated for cause.

See the Company's Drug and Alcohol-Free Workplace and Substance Abuse Policy in Volume II: General Safety Requirements

- Any driver found to have any drugs, alcohol or related containers and/or paraphernalia, on Company equipment or property, may result in disciplinary action up to and including termination for cause.



## Load Securement

### Equipment Moves

General procedure checklist outlining the steps to be followed before taking any load out on city, county, or state roads and highways. The checklist includes the following steps:

- 01** After loading, measure the height and width of every load.
- 02** Once measurements are completed, take a side photo of the load.
- 03** Send the load photo and measurements to your supervisor via text message or email.
- 04** Compare the load measurements to the permit.
- 05** If the load measurements exceed the parameters of the permit, do not leave the site.
- 06** Contact your supervisor and inform them about the situation.
- 07** Obtain the correct permit from your supervisor before proceeding with transport.
- 08** Remember that company policy prohibits transporting an oversized load without a permit, without any exceptions.

Following these steps ensures compliance with company policies and regulations regarding oversized loads. It helps maintain safety and prevents any legal or logistical issues during transportation.

To acknowledge the checklist, please provide your driver signature and date in the designated spaces:

**Driver Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

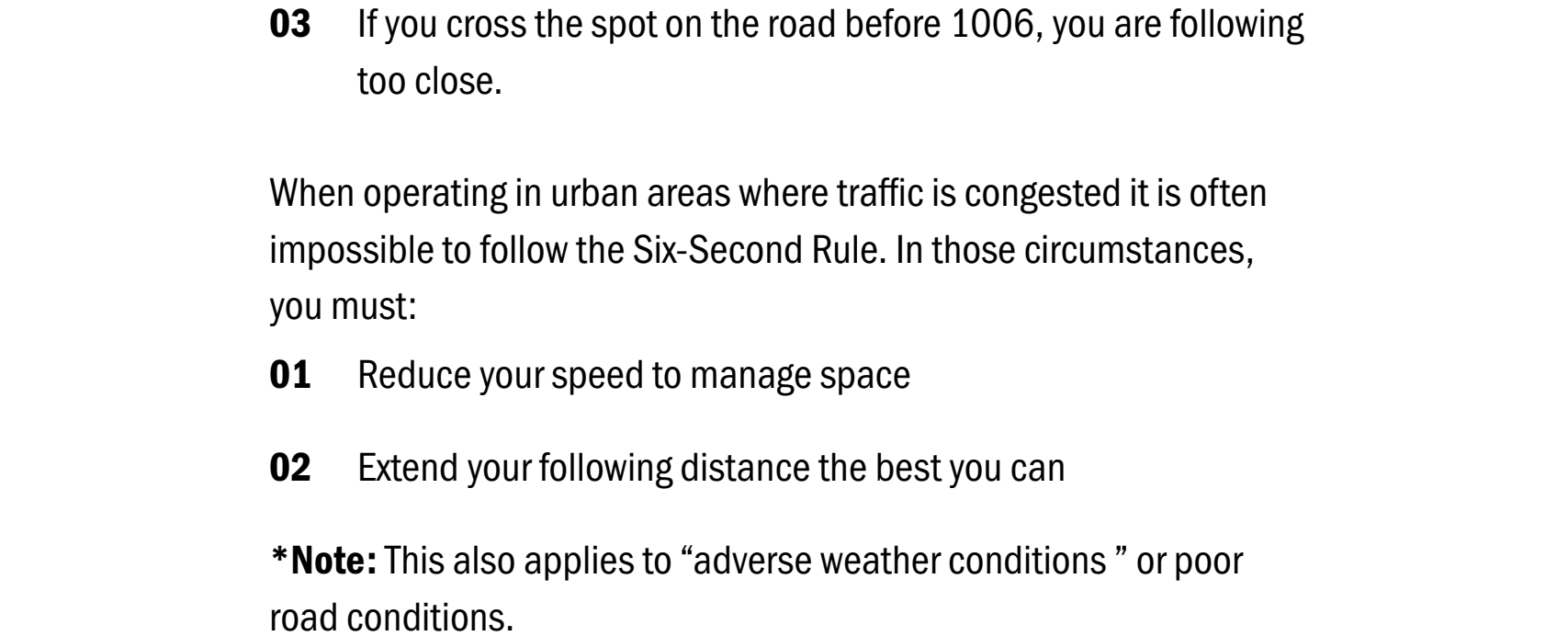
**Supervisor Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

By signing and dating the procedure checklist, you confirm that you understand and agree to follow these procedures.

## Defensive Driving

Analysis has shown that accidents are caused by **NOT** practicing defensive driving skills such as:

- + Driving while fatigued.
- + Driving too fast for road and weather conditions.
- + Not clearing the lane before making a lane change.
- + Not getting out and looking before backing.
- + And simply not paying attention to your surroundings, can cause accidents to happen.



The Company provides **Smith System Driver Training** to all employee-owners that drive or have the potential to drive for the Company. Utilize the skills that as a professional driver you have been taught.

## Safe Following Distance

**Always maintain a safe following distance between your vehicle and the vehicle ahead of you.**

- + Do you know what the safe following distance is?
- + Do you know how to calculate the safe following distance?  
*Well, we're about to tell ya!*

### “Six-Second Rule”

When driving in normal highway conditions this is how you apply the Six-Second Rule:

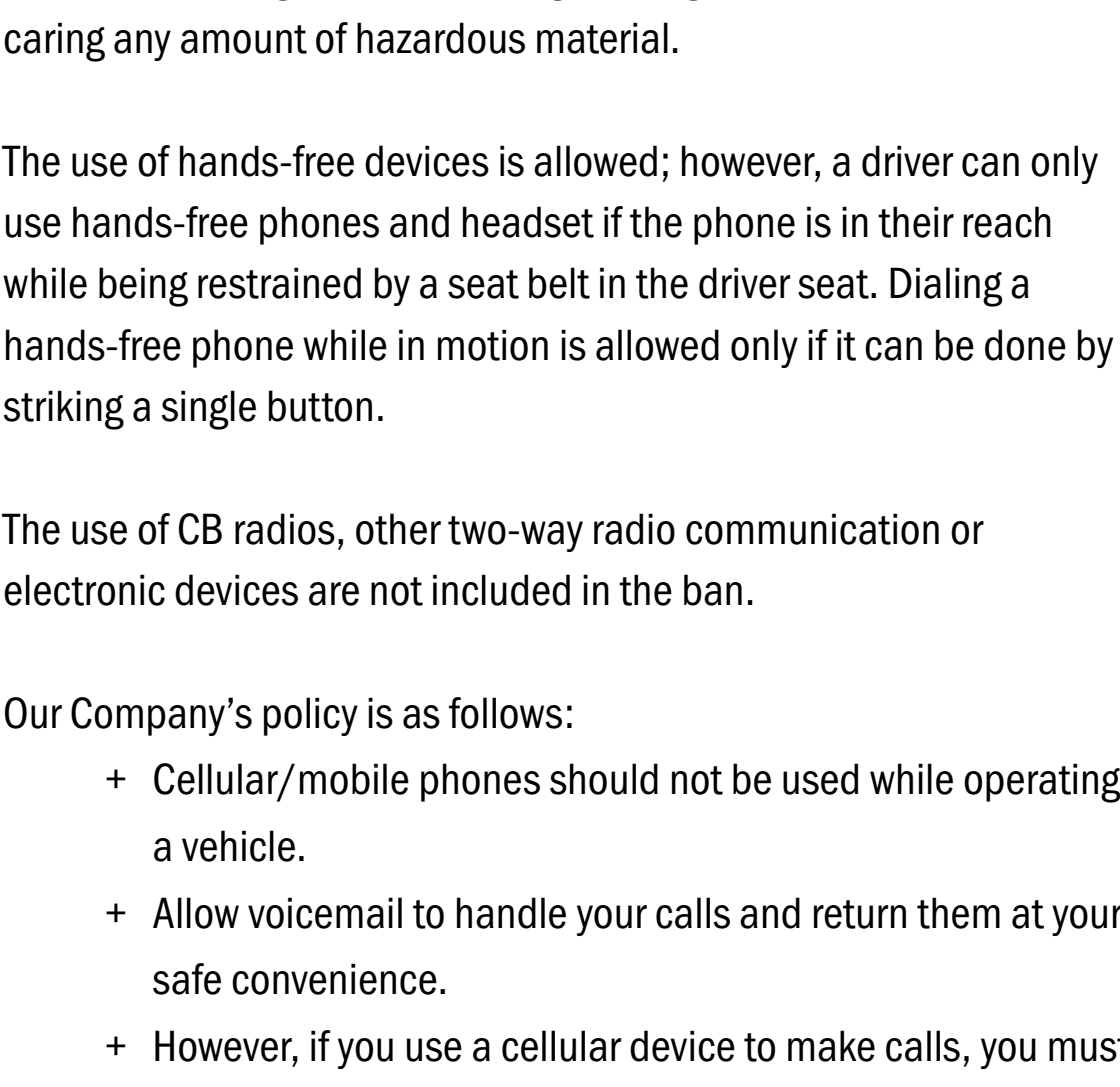
- 01** When the vehicle ahead passes an object, such as a tar strip or shadow on the road.
- 02** Start counting 1001, 1002, 1003, 1004, 1005, 1006.
- 03** If you cross the spot on the road before 1006, you are following too close.

When operating in urban areas where traffic is congested it is often impossible to follow the Six-Second Rule. In those circumstances, you must:

- 01** Reduce your speed to manage space
- 02** Extend your following distance the best you can

**\*Note:** This also applies to “adverse weather conditions ” or poor road conditions.

- >> If you are fatigued, pull off the road immediately and get some rest in a safe location.



## Cell Phone Policy

Using a cell phone while driving leads to an increased risk of having an accident through a lack of attention to driving.

Commercial motor vehicle drivers are banned from using hand-held mobile phones and push to talk cell phones while driving. Getting a ticket for using your phone while driving is a moving violation.

Drivers can use a hand-held cell phone only if:

- The vehicle is stopped in an area safe for parking a commercial vehicle
- Communicating with law enforcement or other emergency services to report emergencies
- Texting while driving is prohibited and under no circumstances may a driver send or read text messages while operating a company vehicle.

Using an electronic device to watch videos, record videos, broadcast, chat or make or receive any electronic communications while driving is prohibited.

The ban is being implemented by the FMCSA and the Pipeline and Hazardous Materials Safety Administration after research indicated drivers distracted by hand-held phones pose a safety risk to themselves and other motorists.

Specifically, the rule prohibits drivers from reaching for, holding or dialing a mobile phone while driving and applies to commercial motor vehicle truck and bus drivers and those driving vehicles designed to carry nine to 15 passengers are included.

The ban applies when:

- The vehicle is in operation on the highway
- Temporarily stopped on the highway for traffic
- Waiting at a stoplight, stop sign or other traffic control device

Drivers can use a hand-held cell phone only if:

- The vehicle is stopped in an area safe for parking a commercial vehicle
- Communicating with law enforcement or other emergency services to report emergencies

The rule affects all commercial motor vehicles operated in interstate commerce with a gross vehicle weight rating of 10,001 lbs or more or a vehicle transporting any amount of hazardous materials requiring a placard.

Also affected are drivers of vehicles operated solely in intrastate commerce with a gross vehicle weight rating of 26,001 lbs. or more or a vehicle with gross vehicle weight rating of 10,001 lbs. or more carrying any amount of hazardous material.

The use of hands-free devices is allowed; however, a driver can only use hands-free phones and headset if the phone is in their reach while being restrained by a seat belt in the driver seat. Dialing a hands-free phone while in motion is allowed only if it can be done by striking a single button.

The use of CB radios, other two-way radio communication or electronic devices are not included in the ban.

Our Company’s policy is as follows:

- + Cellular/mobile phones should not be used while operating a vehicle.
- + Allow voicemail to handle your calls and return them at your safe convenience.
- + However, if you use a cellular device to make calls, you must follow the FMCSA regulation above.
- + If you need to place or receive a call pull off the road to a safe location.
- + Keep your hands on the wheel and your eyes and mind on the road while driving.
- + Refer to above regulation for use of hands-free devices.

## Three Points of Contact

I understand that every employee entering or exiting a vehicle must use the Three Points of Contact System.

I understand this means that three limbs are in contact with the vehicle at all times.

- + Either two hands and one foot
- + Two feet and one hand

This allows maximum stability and support, thereby reducing the chance of slipping and falling.

I also understand that:

- 01** Proper footwear must be worn
- 02** I must know my equipment
- 03** I look before exiting
- 04** I exit in the right direction
- 05** I keep my hands free of objects

## Worker’s Compensation

Employee-owners of the Company are covered by worker’s compensation benefits for injuries related to accidents occurring while performing duties associated with your job responsibilities.



Independent Contractors/Lease Drivers are not employees of the Company and therefore are not eligible for worker’s compensation benefits under the Company’s worker’s compensation policy.

With that said, we want you to be proactive when it comes to injury. Here are some suggestions:

- Proper footwear. For example, wear slip resistant shoes
  - 3-point exit and entrance of your vehicle
  - Wear proper safety equipment
- >> Do not put yourself into a situation where you may get hurt.

## Incident Review

It is the responsibility of any Employee-owner/Independent Contractor assigned or authorized to use a company-owned or leased vehicle to notify the **SAFETY DEPARTMENT** of any accident as soon as possible.

Accidents can be caused by NOT practicing defensive driving skills such as:

- Driving while fatigued
- Driving too fast for road and weather conditions
- Not clearing the lane before making a lane change
- Not getting out and looking before backing
- And simply not paying attention to your surroundings

## Accident Procedures

In an attempt to minimize the results of an accident, the driver must prevent further damage or injuries and obtain all pertinent information and report it accurately.

- Call for medical aid if necessary, and then immediately notify your supervisor and the Safety department.
- Call the police. All accidents on a public roadway, regardless of severity, must be reported to the police.
- Render aid to injured individuals, if safe to do so, to your training and ability.
- Record the names and addresses of the driver, witnesses and occupants of the other vehicles and any medical personnel who may arrive at the scene.
- Complete the form located in the vehicle accident packet. Pertinent information to obtain includes license number of other drivers, insurance company names and Program numbers of other vehicles, make, model, and year of other vehicles, the date and time of the accident, and overall road and weather conditions.
- Do not discuss the accident with anyone at the scene except the police. Do not accept any responsibility for the accident. Do not argue with anyone.
- Provide the other party with your name, address, driver’s license number and insurance information.

Provide a copy of the accident report and/or your written description of the accident to the Safety Department as soon as possible.

There will be an accident review conducted on each accident to determine the cause and how the accident could have been prevented.

All accidents in company vehicles, regardless of severity, must be reported to the police and to the Safety Department. Accidents are to be reported immediately (from the scene, during the same day, or as soon as practicable if immediate or same day reporting is not possible). Accidents resulting in a driver’s personal injury must be immediately reported to Human Resources for worker’s compensation purposes. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, up to and including termination of employment.

## Citations

Safe driving is associated with professionalism and practicing proper operating behaviors within the parameters of the law and all FMCSA’s regulations.

It is the responsibility of any Employee-owner/Independent Contractor assigned or authorized to use a company-owned or leased vehicle to notify the **SAFETY DEPARTMENT** of any moving violation, suspension and/or revocation of their driver’s license at the time of their occurrence.

This includes moving violations that occur while the driver is using his/her personal vehicles as well.

Once the Company is notified of any citation, counseling and education for the driver is offered to help improve their performance.

If performance does not improve and multiple citations occur, disciplinary procedures will incur and may include disqualification of the driver and termination of employment.



## Disciplinary Policy

This policy relates to the following classifications:

- Accidents/Incidents
- Citations
- Unsatisfactory DOT Inspections

After the **first report** under any of the classifications:

- The driver will meet with a supervisor and complete training on the appropriate subject
- The driver will receive a Verbal Warning

Upon the **second report** within a period of six months, in any one or combination of three classifications:

- The driver will meet with a supervisor and will complete additional training
- The driver will receive a 1st Written Warning

If there are **three or more separate reports** over a period of 18 months, in any one or combination of the three classifications:

- The driver will receive a 2nd Written Warning
- Suspension is mandatory for a period of two or more days without pay
- Possible termination upon review

The Company will review all reports and incidents and if necessary will apply the appropriate disciplinary action up to and including termination.

### NOTE:

**SUSPENSION WILL OCCUR WITHIN 10 DAYS AFTER  
THE THIRD REPORT.**

## Seat Belt Policy

[FMCSA Regulation Section 49 CFR §392.16](#)

Seat Belt usage is a federal requirement for commercial drivers. We value the lives and safety of our Employee-owners/Independent Contractors. Seatbelts are proven to greatly reduce the risk of dying or being seriously injured in a motor vehicle crash.

### **Our Company Policy is as follows:**

Seat belt use is mandatory for drivers and occupants of vehicles being used for Company business whether company-owned, employee-owner owned, or independent contractor owned.

## Safety Meetings/Educational Opportunities

We have Safety Meetings at least once a year. At that time the required annual review will be performed with the drivers.

These meetings provide an opportunity to discuss

- Timely industry issues
- Updates regarding compliance rules
- New programs and policies
- Guest speakers are invited

An interactive agenda allows for participation by all drivers, staff and management for maximum retention of the material.

For more information, please contact the Safety Department. We look forward to talking with you.

# POLICY ACKNOWLEDGEMENT

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I, \_\_\_\_\_ have received a copy of the Fleet Safety Manual (Manual).

This Manual has information on:

- Accident Reporting Procedures
- Annual Reviews
- Cell Phone Use Policy
- Citations
- Controlled Substance and Alcohol use testing Policy
- Defensive Driving
- Department of Transportation Roadside Inspections
- Discipline Policy
- Driver Vehicle Inspections Reports
- Drug and Alcohol Clearinghouse
- Drug and Alcohol Program
- General Company Fleet Requirements
- Hours of service Security Plan
- Safe Following Distance
- Safety Incentive Programs
- Safety Meetings /Educational Opportunities
- Safety Policy
- Seat Belt Usage Policy
- Three Point Enter and Exit
- Workplace Injury

As a Company driver, I understand that I am required to comply with all Department of Transportation Regulations and Company policies and procedures outlined in this Manual.

As an Independent Contractor, I understand that I am required to comply with all Department of Transportation Regulations and that the policies and procedures outlined in this Manual are a tool for me for continued success at the Company.

I understand that disciplinary action will be taken if I knowingly disregard Company safety rules or work practices. This disciplinary action could be verbal counseling, a written warning or suspension of my position here at the Company. I acknowledge that the Company reserves the right to immediately discharge me/terminate my lease for committing flagrant safety practice violations and/or endangering myself, co-workers, and/or the motoring public.

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Employee-owner/Independent Contractor Name

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Date