

## **POLICY**

Hawk Energy, LLC has implemented this policy to inform employees of the written driving safety program in the workplace. This ensures the safety and health of the employees on the job site.

## **RESPONSIBILITIES**

Driving safety is a responsibility shared between the Company and its employees.

### **Employer Responsibilities**

- Ensuring all employees are physically fit and capable to perform the job duties assigned
- Ensuring employees possess valid driver's licenses for the class of vehicle being driven
- Responding quickly to eliminate workplace hazards
- Ensuring all vehicles and equipment are kept in good safe working order
- Ensuring employees follow safe job procedures
- Reviewing job hazard analysis whenever there is a significant change to any element of the job or there has been an injury or illness
- Ensuring the vehicles are large enough and designed for how they are used

### **Supervisor Responsibilities**

- Establishing and maintaining safe and healthful working conditions
- Monitoring employee work behaviors using behavior-based safety tools
- Ensuring employees are not impaired by illness or medication use
- Setting good examples, instructing their employees, making sure they fully understand and follow safe procedures

### **Employee Responsibilities**

- Obey all traffic laws and follow to common rules of the road.
- Notifying their supervisors if they are fatigued to the point of not being able to perform their duties safely.
- Ensuring they are physically and mentally fit to perform their job functions safely; they will take responsibility for their own safety as well.
- Notifying their supervisor if they are taking prescription or over-the-counter medications
- Each employee will possess a valid driver's license.
- No employee will undertake a job that appears to be unsafe.
- Employees are to report to a superior or designated individual all unsafe conditions encountered during work.
- Seatbelts will be used by the driver and all passengers and properly maintained.

## **SAFE PRACTICES**

### **Driver Requirements**

Hawk Energy, LLC will only allow authorized employees to drive a motor vehicle in the course and scope of the work to be performed or operate a Company-owned vehicle.

Each driver will be appropriately assessed, licensed and trained to operate the Company vehicle. The driver's license of each driver will be valid and kept current. All drivers will undergo a medical assessment that will be kept on file based on jurisdictional requirements.

Authorized drivers will be prohibited from operating a motor vehicle while under the influence of any of the following that might impair their driving skills:

- Alcohol
- Illegal drugs
- Prescription or over-the-counter medications without prior approval

Authorized drivers will report to the appropriate employee any of the following:

- Collision
- Traffic violation
- Near miss incident

Seat belts will always be worn by all occupants whenever the vehicle is in motion.

### **Vehicle Requirements**

The Company vehicle will be fit for the purposes intended and will be maintained in a safe working order.

When transporting loads, the load will be secured and will not exceed the manufacturers load specifications, or the legal limits for the vehicle.

### **Safe Driving Practices**

All authorized drivers will obey all traffic laws and follow safe driving practices and safe driving behaviors including but not limited to:

- Cell phone use is prohibited while driving
- Do not manipulate radios or other equipment which may cause a distraction
- Do not exceed the posted speed limit
- Maintaining a safe distance between other vehicles
- Do not exceed the occupant capacity of the vehicle
- Safety when operating around railroad crossings (controlled and uncontrolled crossings), including navigating across uncontrolled/unprotected crossings with any/all special-use or tracked vehicles.

## Backing Safety

Drivers are expected to take the best available safety precautions when backing a vehicle. Large vehicles, in particular, pose a greater risk when backing. Safe methods include, but are not limited to:

- Spotters
- Cameras
- Proximity Detection Systems
- Tag-based Systems
- Internal Traffic Control Plans

## Spotters

For vehicles with an obstructed view, the use of spotters can be an effective means in protecting employees on foot behind vehicles. However, this places the spotters at risk for injury or death. Implementing the following actions will help keep spotters safe:

- Ensure that spotters and drivers agree on hand signals before backing up.
- Instruct spotters to always maintain visual contact with the driver while the vehicle is backing.
- Instruct drivers to stop backing immediately if they lose sight of the spotter.
- Do not give spotters additional duties while they acting as spotters.
- Instruct spotters not to use personal mobile phones, personal headphones, or other items that will pose a distraction during spotting activities.
- Provide spotters with Hi-Vis clothing, especially during night operations.

Spotting signals:



*Back up*



*Back, turn left*



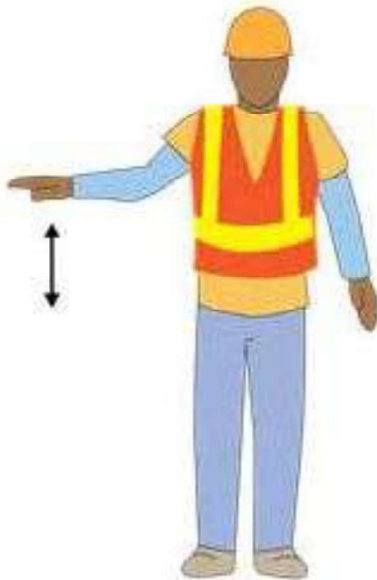
*Back, turn right*



*Move forward*



*Distance left to back*



*Slow down*



*Stop*

## **Cameras**

Many newer vehicles (as well as some types of mobile equipment) can accommodate a rear-view camera to provide operators with a view of what is behind them. Viewing screens can be mounted on the dash provided they do not obstruct the field of vision out of the windshield. Construction sites or mines may require the use of more rugged camera equipment. Determining where to mount a camera for maximum effectiveness may be difficult, especially on large vehicles. For example, dump trucks may require two (2) or three (3) cameras to monitor the blind spots on the front, rear and side of the vehicle.

## **Proximity Detection Systems**

Radar and ultrasonic technology both are used in backing safety systems. A radar system transmits a signal, which is bounced off an object. A receiver then receives the signal. These systems alert the driver with a visual and/or audio warning. These systems will be positioned so that they will not detect harmless objects, such as the concrete slab of a driveway, which can interfere with the detection of an object or person behind the vehicle or mobile equipment. Also, the composition of an object can affect detection, with some materials being virtually invisible to radar. Like cameras, this equipment can be mounted on most vehicles and may be an option for some manufacturers.

Ultrasonic systems, such as sonar, emit bursts of ultrasonic waves in a frequency above the hearing threshold of humans. When the waves strike an object, they generate echoes used to determine the distance to the object. These systems alert the driver with a visual and/or audio warning.

## **Tag-Based Systems**

Another type of proximity detection system is an electromagnetic field-based system, which is a type of tag-based system. This system consists of electromagnetic field generators and field-detecting devices. One (1) electromagnetic field-based system uses electromagnetic field generators installed on a vehicle and electronic sensing devices (a tag) worn by employees working near the vehicle. Another electromagnetic field-based system uses field generators worn by persons working near the vehicle, with the sensing devices installed on the vehicle. These electromagnetic field-based systems can be programmed to warn affected employees, stop the vehicle, or both when employees get within the predefined danger zone of the vehicle.

## **Internal Traffic Control Plans**

An internal traffic control plan (ITCP) is another method used to address back-over hazards. These are plans that project managers can use to coordinate the flow of moving equipment, employees and vehicles at a worksite to minimize or eliminate vehicles and employees from crossing paths. These plans can significantly reduce, or possibly eliminate, the need for vehicles to back up on a site.

## **SAFE PRACTICES**

The Company recognizes that its greatest assets are its employees, a fact demonstrated by a commitment to their safety.

A driver safety program saves lives and reduces injuries. It also prevents material losses and helps the Company guard against the range of liabilities that may emerge from a vehicular accident.

Accordingly, management will provide the resources needed to support a culture of safety and will actively encourage employees to participate in the planning and implementation of the driver safety program.

If the Company operates any of the following types of commercial motor vehicles in interstate commerce, it will comply with applicable U.S. Department of Transportation (DOT) safety regulations, many of which may not be detailed in this chapter:

- A vehicle with a gross vehicle weight rating or gross combination weight rating (whichever is greater) of 10,000 lbs. or more
- A vehicle designed or used to transport between 9 and 15 passengers (including the driver) for compensation
- A vehicle designed or used to transport 16 or more passengers
- Any size vehicle used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5101 et seq.) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR chapter I, subchapter C)

Please see [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov) or [www.safetyservicescompany.com](http://www.safetyservicescompany.com) for more information.

## **FLEET**

This Company will maintain a fleet of vehicles, if necessary, for business in accordance with relevant regulatory standards and vehicle manufacturer's advice.

### **Fleet Selection**

The safety coordinator will work with members of the safety committee and, if appropriate, the Company's Insurance Company to establish guidelines for the selection of Company vehicles, which will include the following:

- The appropriate vehicle type for expected use
- Required safety equipment
- Maintenance procedures
- Inspection procedures
- Protections against unauthorized use
- Record-keeping procedures
- Insurance

The National Highway Transportation Administration provides information on vehicle safety according to make and model.

## **Preventive Maintenance**

All Company vehicles will be maintained according to a regular schedule to ensure their safety and roadworthiness. All maintenance will be performed by a qualified individual or automotive shop according to the manufacturer's recommended service schedule.

In addition to regularly scheduled maintenance, fleet up-keep will include, but not be limited to:

- Basic inspections of the vehicle by the driver before every trip
- Immediate removal from service of any vehicle with mechanical problems
- Managerial certification of requested repairs before return to service

## **Recordkeeping**

All vehicle maintenance, repair certification and driver review will be recorded and kept through the life of the vehicle.

## **Vehicle Inspection**

The operator will inspect each vehicle or piece of equipment on a daily basis before and after operation. Pre-use inspections will include a walk around inspection to check for obvious defects and to ensure no obstacles are in the path of travel of the vehicle.

Each operator is responsible for the safe condition of the equipment. No employee may drive a vehicle having steering, brake, or other safety problems until a mechanic has made repairs. Drivers will report any other unsafe conditions to their supervisor as soon as safely possible.

Driver vehicle inspection reports will be completed daily, including documentation of repairs of defects and/or deficiencies found during these inspections. In addition. All vehicles will be inspected annually.

## **Hours of Service**

Hawk Energy, LLC will ensure compliance with all applicable "hours of service" regulations.

## **DRIVER SELECTION, QUALIFICATION AND EVALUATION**

David Slim will work with members of the safety committee and, if appropriate, the Company's insurance Company to determine the qualification standards for motor vehicle operators.

### **Employment History**

The evaluation for any new employee anticipated to drive a Company vehicle (or their own vehicle-on-company business) will include a reference check and review of driving history through past employers.

### **Licenses**

Any driver of a Company vehicle or a personal vehicle on Company business will possess a valid driver's license appropriate for the vehicle that will be driven and the circumstances in which the vehicle will be driven. All government regulations and insurance Company requirements will be followed concerning driver qualification.

A driver will only operate a vehicle that requires a commercial driver's license (and any endorsement) if he or she is in possession of the appropriate license. All commercial drivers will be properly licensed for the vehicle that they will be operating.

## **Motor Vehicle Records**

The Company will check the driving records of any employee expected to drive for work. Further, an annual review of a motor vehicle record (MVR) for employees expected to drive for work reasons will indicate if they remain eligible to drive a Company vehicle or their own on Company business.

## **Road Test**

All candidate drivers will successfully complete a road test administered by the Company or authorized third party before placement.

## **Initial Assignment**

The Company will request and review an MVR for new applicants or current employees expected to add driving to existing responsibilities, whether operating their own vehicle or a Company vehicle. The MVR review will consider the most recent three (3) years of driving and will include motor vehicle records from all states in which the applicant has lived in that time.

MVRs and the information contained therein will remain as confidential as possible. Discussions of motor vehicle records will be restricted to individuals with a legitimate “need to know”.

Any qualification standard may entail a multi-tiered or point system approach to driver eligibility based on the frequency of the employee’s anticipated work driving and the severity of traffic convictions recorded in the MVR.

Following are some examples of violations that, having occurred in the past 3 years, may warrant ineligibility to drive on Company business:

- DWI/DUI/OUI
- Negligent motor vehicle homicide
- Operating with a suspended license
- Using a motor vehicle for commission of a felony
- Aggravated assault with a motor vehicle
- Operating a motor vehicle without the owner’s consent
- Reckless, careless, or negligent driving, including speeding more than 15 MPH over limit
- Hit and run or leaving the scene of an accident with injury or death resulting, or property damage in excess of \$1,000

Following are examples of violations that, having occurred more than three (3) times in two (2) years, may warrant ineligibility to drive:

- Minor moving violations
- Accidents

## **Annual Review**

Employees cited for a violation that may affect their eligibility to drive on Company business will inform their supervisor.

In addition to the initial MVR review, a review of an employee’s MVR will occur annually to confirm the driver’s continued eligibility to drive for work.

## **Medical Check-Up**

All Company drivers will be medically cleared to drive every 24 months.

## **Defensive Driver Training**

The Company may consider or require the completion of a driver safety course or defensive driving course in determining eligibility to drive a Company vehicle or a personal vehicle while on Company business.

## **Driver Agreements**

Employees who will operate a motor vehicle as part of their job are required to confirm awareness and understanding of the Company's driver safety policy.

The safety coordinator, with the safety committee, will create a "driver agreement" that allows a driver to confirm his or her awareness and understanding of this policy, driver expectations, vehicle maintenance and care requirements and the procedures for reporting moving violations and accidents.

## **Driver Qualification File**

The Company will maintain a driver qualification file for every driver including all documents required to verify his or her qualifications.

## **Meetings**

The safety coordinator, with the safety committee, will determine whether or under what conditions an employee may permit another individual to drive a Company vehicle.

A driver or other employee who permits an unauthorized individual to operate a Company vehicle faces disciplinary action and financial accountability for any costs incurred by allowing unauthorized employees to operate a Company vehicle.

## **Securing Materials**

The driver will prevent the unsafe movement of any cargo, such as tools or equipment by securing it appropriately. Drivers will secure anything that may present a hazard outside the passenger compartment.

## **Vehicle Occupancy**

No Company vehicle transports more passengers than safely possible. Every adult in the vehicle will have a seatbelt. If children will be transported, each will have the appropriate child safety restraint. Vehicles may be operated only if each passenger is safely restrained in their seat.

## **Seat Belts**

The Company recognizes that seat belts effectively prevent injuries and loss of life in an automotive accident.

All Company employees will wear seatbelts when operating a Company-owned vehicle or any vehicle on Company premises or on Company business. Any occupant of a vehicle owned by the Company, on Company premises, or in a vehicle on Company business will wear a seatbelt or, if required, an appropriate child restraint system.

This Company encourages its employees to always wear a seatbelt when driving or riding in an automobile, to ensure child restraints are used properly and to encourage other passengers or drivers do the same.

## **Alcohol and Drug Use**

During “duty hours”, which include working hours, break periods and on-call-periods, employees are forbidden to operate a motor vehicle under the influence of alcohol, illegal drugs, or prescription medication that can cause impairment or drowsiness. The consumption of alcohol or illegal drugs while performing Company business or while in a Company facility may result in disciplinary action up to and including termination. All drivers are prohibited from driving while impaired by illness, fatigue, drugs, alcohol, or other substances.

If an employee takes prescribed medication or over-the-counter medication known to affect the ability to operate a motor vehicle or other heavy machinery, the employee will inform his or her immediate supervisor and refrain from such duties until able to do so safely.

Drivers will remain aware of driving behaviors that indicate impairment such as weaving, inappropriate speed and erratic or abrupt driving. Staying a safe distance from drivers who may be impaired and bringing dangerous drivers to the attention of the authorities helps keep roads safe.

Drivers who operate a commercial motor vehicle as defined by the Federal Highway Administration (FHA) will possess a commercial driver’s license (CDL) and are subject to FHA’s regulations on alcohol and drug use and testing.

A drug-free workplace policy and supporting procedures will be in place and communicated to all employees before drug testing. The rule requires pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up testing. For details on the program, refer to the Federal Motor Carrier Safety Regulations, Title 49, Part 382.

## **Distracted Driving**

Driving skills rely on the focus of the vehicle operator. Every driver will devote his or her full attention to the task of driving while behind the wheel. Text messaging while driving is strictly prohibited. Drivers will not engage in texting or the use of hand-held mobile phones while driving. Distractions come in many forms and contribute to 25 to 30 percent of all traffic accidents. Distractions include, but are not limited to the following:

- Text messaging and other cell phone use (even with hands-free headset)
- Reaching for an object inside the vehicle
- Looking at an object, person, or event outside the vehicle
- Eating and drinking
- Reading
- Grooming and hygiene
- Electronics use (computer, tablet, GPS)
- Adjusting non-critical controls
- Horseplay
- Emotional distractions

## **Fatigued Driving**

Driving fatigue greatly increases the risk of an accident. All drivers will be trained in the importance of being well rested, alert and sober. Also, the importance of being able to continually search the road for any potential situations requiring quick action.

To prevent fatigue, drivers will stop every two (2) hours and get out and stretch by taking a walk.

Drivers are required to follow the FMCSA Hours of Service Drivers Final Rule and take a 30-minute break after eight (8) hours of driving time.

## **Aggressive Driving**

The Company prohibits aggressive driving while operating a Company vehicle or a personal vehicle on Company business. Aggressive driving behaviors include, but are not limited to the following:

- Excessive Speed
- Tailgating
- Failure to signal lane change
- Running a red light
- Passing on the right
- Any offensive, rude, or hostile act or gesture directed at another driver

## **Young Drivers**

Teenage drivers are the most likely to engage in risky driving behaviors and vehicle crashes are the leading cause of death for 15- to 20-year-olds. Federal law prohibits drivers under 17 years old to operate a vehicle as part of their job and it is at the discretion of the safety coordinator to prohibit driving for any employee based on a lack of driving experience.

## **Driving in Work Zones**

All drivers in work zones will take special care. Patience and care go a long way to contribute to driving safely around construction. Heavy machinery and employees can slow everything down but driving rushed makes it difficult to observe other employees and leads to poor decision making. Employees will be vigilant and minimize distractions to respond quickly to the unexpected when behind the wheel, especially when driving where others are working.

## **MONITORING**

As part of our driver safety policy, every work-related accident and near miss involving motor vehicles will be handled in a way to reduce risk and encourage future safe behaviors in the future. While operating a vehicle for Company purposes, drivers will have at least one mode of contact in the vehicle including, but not limited to: cell phone, CB radio, or two-way radio.

Additionally, the Company's driver safety policy requires periodic review of the policy itself and its impact on the safety and health of employees.

## **Incident, Accident Analysis and Reporting**

If an employee experiences a vehicular accident while driving a Company car or a personal car on Company business will and will do the following:

- Stop the vehicle. If it can be done safely, move the vehicle off the road.
- Immediately notify their supervisor as soon as safely possible.
  - If emergency services are required, they will be contacted first then their supervisor.
- Call appropriate law enforcement authority if damage is done to another vehicle or property that does not belong to the Company for an emergency, call 911 to summon both police and emergency medical services.

**NOTE:** All motor vehicle incidents while on Company business will be reported immediately to the involved Company employee's supervisor(s) and when applicable law enforcement as well as the Company's Insurance Company.

- Mark the scene as necessary for safety.
- Gather the names of other drivers and witnesses.
- Diagram the accident, noting vehicles involved, where vehicle occupants were seated at the time of the accident, the date, time and weather conditions.
- Exchange the following information with other drivers involved: license plate number, registration information and insurance information.
- Document the name and badge number of the responding law enforcement professional.
- Cooperate with law enforcement professionals and participate in the Company's accident investigation.

Do not assume, blame, or apologize. Only give statements about what happened to the police or an appropriate member of Company management.

Any accident will be investigated according to the Company's accident investigation policy (see chapter on "Accident Investigation" for more details). Use the Motor Vehicle Accident Report at the end of this chapter to accompany the Company's Accident/Incident Report.

This Company will comply with all recordkeeping requirements of our safety policy and any applicable regulatory authority. Specifically, all records will be retained in the driver's qualification file during employment and at least three (3) years after.

## **Disciplinary Actions**

Safety incidents involving an employee and a violation of our safety policy in a Company vehicle (or personal vehicle used on Company business) may result in disciplinary actions up to termination, including the revocation of driving privileges as determined by management.

## **Reward Program**

It is at the discretion of the safety coordinator and, if appropriate, the safety committee to devise and implement a safe driver reward program to encourage safe driving habits and reward safe driving behaviors.

## **Policy Review**

All aspects of this policy and the Company's driver safety program are subject to annual review by the safety coordinator and the safety committee to ensure the effectiveness of the policy to guarantee a safe working environment for Company employees.

## **TRAINING**

The Company will train every employee who will drive for work related reasons on driver safety at no cost to the employee during working hours. Training methods will include, but are not limited to, hands-on, practical exams.

The Company will use only training material that is appropriate in content and vocabulary to educational level, literacy and language of employees.

## **DRIVER TRAINING**

The driver safety program focuses on training and prevention. All new drivers will complete an orientation to cover:

- Policies and procedures for drivers
- Governmental regulations
- Maintenance guidelines and inspection procedures
- Driver training that encourages safe, defensive road behavior

### **Training Components**

The safety coordinator will ensure any employee at the Company who drives on work business is qualified and capable to drive. Drivers will complete training in the following minimum elements for driver safety:

- Defensive driving
- Proper attitude
- Safe distances
- Intersection driving
- Poor driving conditions
- Split-second decision-making
- Distracted driving
- Driving in Work Zones
- Good visual habits
- Safety restraints

### **Training Records**

Training records will include the following information:

- The dates of the training sessions
- The contents or a summary of the training sessions
- The names and qualifications of persons conducting the training
- The names and job titles of the employees attending the training

The Company will maintain employee training records for at least three (3) years from the date on which the training occurred.

## **FORMS AND ATTACHMENTS**

On the following pages, please find the following document(s):

- Motor Vehicle Accident Report
- Driver Safety Training Documentation

**Motor Vehicle Accident Report**

Driver's Information			Other Party's Information		
Name:			Driver's Name:		
Street:			Street:		
City:	State:	Zip:	City:	State:	Zip:
Phone:	Driver License #:		Phone:	Driver License #:	
License Plate #:	Vehicle Type:		License Plate #:	Vehicle Type:	
Name of Insurance:			Name of Insurance:		
Policy Holder:	Policy #:		Policy Holder:	Policy #	
Passengers Information:			Passengers' information:		
Accident Details					
Date:	Time:	Appx. Speed:	Explain how the accident happened:		
Street:					
City:	State:	Zip:			
Investigating Officer:			Describe your vehicle's damage:		
Police Department:					
Phone:	Badge #:		Describe another vehicle's damage:		
Investigating Officer:					
Police Department:			Witnesses Information:		
Phone:	Badge #:		Witnesses Information:		
SKETCH OF THE ACCIDENT SCENE (try to estimate the distances)					

