

MARATHON XPRESS INC.

Safety Policies & Procedures

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Accident & Incident Policy

MARATHON XPRESS INC will fully comply with the current federal requirement for maintenance and retention of an accident register (sec. 390.15(b)). Federal requirements specify retention of the accident register for a period of three years.

In addition to the federal accident register requirement, MARATHON XPRESS INC has other company-level accident tracking, recordkeeping, and corrective action requirements. They are detailed in the following set of procedures.

A condition of continued employment with MARATHON XPRESS INC is strict adherence to these requirements.

Definitions

Accident: Any event involving a company owned, leased, or rented vehicle that result in property damage and/or personal injury and required the exchange of insurance information, medical treatment and/or a police report, regardless of who was injured, what property was damaged, to what extent of the damaged or injury and where it occurred and can result in an expense burden to MARATHON XPRESS INC.

Although not all inclusive, the following provides some “events” that would be classified as an accident:

- Fatality
- Injuries to any party
- Towing to any vehicle
- Read-end collisions
- Pedestrian Strikes
- Any railroad grade crossing event (whereas damages causes railroad to disrupt service or causes damage)
- Striking or hitting 3rd party property
 - a. Striking fixed objects
 - b. Parked vehicles
 - c. Utility poles or street signs
 - d. Customer’s docks and/or equipment
 - e. Landscaping/trees
 - f. Bridge or Overpass

Incident: Specific reported events involving a company owner, leased, or rented vehicle that results in a disruption of daily operational procedures and/or property damage, cargo damage, or unnecessary company expenses.

Although not all inclusive, the following provides some “events” that would be classified as an incident:

- Road debris hit with tractor/trailer
- Struck while parked
- Acts of Nature
- Animal Strikes
- Vehicle Fires

- Damage to private property by the weight of vehicle when our driver had permission to be on the property
- Vandalism to company property
- Load shift/ Cargo damage (only to company property)
- Antenna damage
- 3rd party “Hit and Run”
- Damage during coupling and uncoupling equipment (applies to company equipment only)

“Non-Safety Related” Incidents: A record of these events will be documented in the responsible driver’s file.

Although not all inclusive, the following provides some “events” that would be classified as non-safety related incidents:

- Running equipment out of fuel
- Locking keys in equipment
- Causing company equipment to become inoperable
- Any event where the driver intentionally or willfully damages company property and/or equipment

DOT Recordable Accident: According to section 390.5 of the FMCSRs, this term is defined as an occurrence involving a commercial motor vehicle operating on a public road in interstate or intrastate commerce which results in:

- A fatality;
- Bodily injury to a person who, as a result of injury, immediately receives medical treatment away from the scene of the accident; or
- One or more motor vehicles incurring disabling damage as a result of the accident/incident**, requiring the motor vehicle to be transported away from the scene of a tow truck or other motor vehicle.

**These criteria can be met as a result of a vehicle fire without a collision or incident.

The term DOT Recordable Accident does not include:

- An occurrence involving only boarding and alighting from a stationary motor vehicle; or
- An occurrence involving only the loading or unloading of cargo.

What is a Preventable Accident?

A preventable accident is one which occurs because the driver fails to act in a reasonable expected manner to prevent it. In judging whether the driver’s actions were reasonable one seeks to determine whether the driver drove defensively and demonstrated an acceptable level of skill and knowledge. The judgement of what is reasonable can be based on a company adopted definition, thus establishing a goal for its safety management programs.

Preventable accident on the part of the motor carrier means:

- An accident that involved a commercial motor vehicle
- The accident could have been averted but for an act, or failure to act by the motor carrier, or the driver, the accident happened.

Action of the Driver

Note that the above definition of preventable accident is focused on the actions of the driver. It is the commonly used definition in evaluation driver performance.

The concept of a preventable accident is a fleet management tool which achieves the following:

- It helps to establish a safe driving standard for the driver
- It provides a criterion for evaluating individual drivers
- It provides an objective for accident investigations and evaluations
- It provides a means of evaluating the safety performance of individual drivers and the fleet as a whole
- It provides a means for monitoring the effectiveness of fleet safety programs
- It assists in dealing with driver safety infractions
- It assists in the implementation of safe driving recognition programs

All accidents will be considered preventable if:

- Driver was not operating at a speed suitable for the existing conditions of road, weather, and traffic
- Driver failed to control speed so that he/she could stop within assured clear distance
- Driver misjudged available clearance
- Driver failed to yield right-of-way to avoid accident
- Driver failed to accurately observe existing conditions
- Driver was in violation of company rules or special instructions, the regulations of any Federal or State regulatory agency, or any applicable traffic laws or ordinances

Examples of Preventable Accidents:

Backing Accidents will be considered preventable if:

- Driver backed up when backing could have been avoided by better planning of his/her route
- Driver backed into traffic stream when such backing could have been avoided
- Driver failed to get out of cab periodically and recheck conditions when back a long distance
- Driver depended solely on mirrors when it was practicable to look back
- Driver failed to get out of cab and check proposed path of backward travel
- Driver failed to check behind vehicle parked at curb before attempting to leave parking space
- Driver relied solely on a guide to help him/her back
- Driver backed from blind side when he/she could have made a sight-side approach

Accidents while being passed will be considered preventable if:

- Driver failed to stay in his own lane and hold speed or reduce it to permit safe passing

Accident while entering traffic stream will be considered preventable if:

- Driver failed to signal when pulling out from curb
- Driver failed to check traffic before pulling out from curb
- Driver failed to look back to check traffic if they were in a position where mirrors did not show traffic conditions
- Driver attempted to pull out in a manner that forced other vehicles to change speed or direction
- Driver failed to make full stop before entering from a side street, alley, or driveway
- Driver failed to make full stop before crossing sidewalk

- Driver failed to yield right of way to approaching traffic

Pedestrian accidents will be considered preventable if:

- Driver did not reduce speed in an area of heavy pedestrian traffic
- Driver was not prepared to stop
- Driver failed to yield right of way to pedestrian

Mechanical defects accidents will be considered preventable if:

- Defect was of a type that driver should have detected in making pre-trip or an enroute inspection of vehicle
- Defect was of a type that driver should have detected during normal operation of vehicle
- Defect was caused by driver's abusive handling of the vehicle
- Defect was known to driver but ignored
- Driver was instructed to operate with known defects

Accidents at intersections will be considered preventable if:

- Driver failed to control speed so that they could stop within available sight distance
- Driver failed to check cross-traffic and wait for it to clear before entering intersection
- Driver pulled out from a side street in the face of oncoming traffic
- Driver collided with person, vehicle, or object while making a right or left turn
- Driver collided with vehicle making turn in front of them

Striking another vehicle in the rear will be considered preventable if:

- Driver failed to maintain safe following distance and have his/her vehicle under control
- Driver failed to keep track of traffic conditions and did not slow down
- Driver failed to ascertain where vehicle ahead was moving slowly, stopped, or slowing down for any reason
- Driver misjudged rate of overtaking
- Driver came too close before pulling out to pass
- Driver failed to wait for vehicle ahead to move into the clear before starting up
- Driver failed to leave enough room for passing vehicle to get safely back in line

Sideswipe and Head-on collisions will be considered preventable if:

- Driver was not entirely in their proper lane of travel
- Driver did not pull to right and slow down to stop for vehicle encroaching on their lane of travel when such action could have been taken without additional danger
- Driver was passing slower traffic near an intersection and had to make a sudden stop
- Driver made sudden stop to park, load or unload
- Vehicle was improperly parked
- Driver rolled back into vehicle behind them while starting on a grade

Squeeze plays and shutouts will be considered preventable if:

- Driver failed to yield right of way when necessary to avoid the accident

Examples of Non-Preventable Accidents:

Struck in the rear by another vehicle will be considered non-preventable if:

- Driver's vehicle was legally and properly parked
- Driver was proceeding in their own lane of traffic at a safe and lawful speed
- Driver was stopped in traffic due to existing conditions or was stopped in compliance with traffic sign or signal or at the direction of a police officer or other person legitimately controlling traffic
- Driver was in proper lane waiting to make a turn

Struck while parked will be considered non-preventable if:

- Driver was properly parked in a location where parking was permitted
- Vehicle was stopped, parked or left standing in accordance with sections 392.21 & and 392.22 of the FMCSRs

Accident/Incident Recordkeeping Requirements:

In accordance with federal regulations, MARATHON XPRESS INC will include the following items of information in its accident register (to be retained for a period of three years):

- A list of accidents containing the following information for each accident:
 - a. Date of accident,
 - b. City or town in which or most near where the accident occurred and the state in which the accident occurred,
 - c. Driver name,
 - d. Number of injuries,
 - e. Number of fatalities, and
 - f. Whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicles involved in the accident, were released.
- Copies of all accident reports required by state or other governmental entities or insurers

In addition, MARATHON XPRESS INC, will maintain a file that includes the following information concerning each accident, for training purposes:

- Type of Accident
- Location of where the accident occurred
- Driver involved
- Insurance notification and monitoring involved
- Claimant information and demands
- Cost associated with accident, such as:
 - a. Vehicle damages
 - b. Loss of revenue
 - c. Administrative costs
 - d. Towing
 - e. Storage of damaged vehicle
 - f. Damage to customer relationships
 - g. Legal fees
 - h. Police reports
 - i. Cargo damage
 - j. Possible effects on cost of insurance
 - k. Possible effect on cost of Workman's Compensation Insurance
 - l. Customer's loss of revenue directly attributable to the accident
- Corrective action taken against the driver

Accident/Incident Disciplinary Process and Procedures:

It is the procedure of MARATHON XPRESS INC to evaluate driver performance regarding accident frequency and severity. The following corrective action schedule will apply if drivers experience accidents that are judged to be preventable.

However, MARATHON XPRESS INC reserves the right to impose more stringent consequences based on the circumstances and severity of a preventable accident or incident.

MARATHON XPRESS INC has adopted the following progressive disciplinary guidelines in respect to preventable accidents/incidents as outlined above. The policy will address how a driver can progress from one stage to the next. Although there are four progressive stages, all preventable accidents & incidents are judged individually on a case by case basis.

MARATHON XPRESS INC reserves the right to impose a more stringent disciplinary action based on the severity of the offense committed. This progressive disciplinary policy is a guide and is not meant to cover every situation or infraction of company policy.

These disciplinary guidelines are broken down into phases and the timeline outlined begins from the date of the preventable accident or incident.

Phase 1 (P1):

Any driver, who is involved in their first preventable accident or incident will be subject to the following disciplinary measures:

- 3 to 9 months' probation
- Verbal reprimand
- Written counseling statement in their DQ file

Phase 2 (P2):

Any driver, who is involved in their second preventable accident or incident will be subject to the following disciplinary measures:

- 6 to 12 months' probation
- Final Written Warning
- Automatic Last Chance Agreement between Company & Employee/Contractor

Phase 3 (P3):

Any driver, who is involved in 3 or more preventable accidents or incidents within a 12 month period will be subject to termination of employment or lease.

Accident Countermeasure Education Materials

MARATHON XPRESS INC believes that nothing is worth risking the life of yourself or others. In this light we will provide you with some tips and guidance around avoiding these types of situations.

What is Defensive Driving?

The definition of defensive driving is driving to save lives, time, and money despite the conditions around you, or the actions of others. The mark of a defensive driver is to be prepared with an appropriate action or actions when an actual hazardous situation confronts you or when you perceive a possible hazard developing in your travel path.

Elements of a Defensive Driver

Knowledge

- A great deal of factual data is required in order to function in a defensive manner. Several documents are available, from a variety of sources, to assist you in gaining safe driving information and knowledge.

Alertness

- One of the best ways to defend yourself is to constantly be on the lookout for potential hazards.

Foresight

- The ability to predict eventualities. It may belong to a term, such as checking your vehicle prior to a run. It also may be short term, such as observing a pedestrian who may use a nearby crosswalk or children playing a game on the sidewalk right next to the street.

Judgement

- This applies decision making based on a thorough knowledge of the alternatives present, and experience.

Skill

- Skill is knowing how to do something and doing it correctly every time.

Accident Prevention Formula

The National Safety Council has developed a formula called the Standard Accident Prevention Formula, which when followed, reduces the chances of all accidents, including traffic collisions.

This formula consists of three main steps:

1. Recognize the hazard
2. Understand the Defense
3. Act correctly and in time

Recognizing the Hazard

To successfully recognize hazards, you must avoid driving with a fixed stare on the road or vehicle ahead. A defensive driver scans the road 12 to 15 seconds ahead when driving on local roadways, looking to the front and the side of their vehicle. This is called eye lead time. Twelve seconds eye lead time is the approximate distance of a city block. For highway driving 20 to 30 seconds eye lead time should be used.

A good rule of thumb to use on highways is to scan the next hill or curve. To recognize a hazard behind your vehicle, check your mirrors at least every five seconds.

By constantly checking your mirrors you will avoid the dangerous habit of driving with a fixed stare. The two types of fixed stares:

1. The first occurs when something grabs your attention.
2. The second occurs when you look longer than two seconds at any one area such as the yellow line on the highway.

Both lapses must be remedied as soon as you become aware of them.

Understanding the Defense

Once you spot a hazard, you must anticipate what will probably happen and decide what to do to avoid a collision. You have three options when faced a hazard:

1. Brake to stop or slow down
2. Steer to your left or right
3. Tap the horn and/or flash your lights to communicate your presence.

Acting Correctly and in Time

Once you recognize the developing hazard, and you understand the proper defense, you must act correctly in a timely manner. You must make the transition from a mental process of anticipating another's action and deciding what to do to avoid the impending collision, to physically and skillfully executing the defensive maneuver you've chosen.

Example:

You're driving your truck down a two lane road. You observe construction barriers ahead on the shoulder of your lane. You see a small child riding a bicycle ahead of you on the shoulder.

- You have recognized the hazard, because you understand that the child is likely to swerve into your path to avoid the barriers.
- Because you are scanning the road ahead properly, you also spot a vehicle coming toward you in the incoming lane.
- Now you must move quickly to understand the defense.
- You have three options:
 - Braking,
 - Steering, or
 - Tapping your horn.
- If you steer to the left, you will steer into the path of the oncoming vehicle and probably have a head on collision.
- If you steer to the right on to the shoulder, you will collide with the construction barriers or drive into a trench and roll over.
- If you use your horn, you may startle the child on the bicycle causing them to panic and fall into your path.
- As a defensive driver, you should apply your brakes, slowing down and preparing to stop completely until it is safe to overtake and pass the cyclist.

Defensive Driving Tips

Obey the Posted Speed Limit

Speed is the most important factor in avoiding a potential accident. You will always have a better chance of slowing down or stopping to avoid a collision if you are driving the posted speed limit.

Expect the Unexpected

Drivers sometimes do unexpected things at intersections. Many turn abruptly, often from the wrong lane, signal improperly or not at all, and some screech to a sudden stop. Remember to be alert! Know that traffic signs and signals can regulate traffic, but they can't control your route. Plan your turns ahead of time so that you are not waiting until the last minute to get into your turning lane. Look for map landmarks, next exit signs, and house numbers. Remember sudden, last minute swerves cause collisions.

Prepare for Winter

Driving a commercial motor vehicle during the extreme driving conditions of winter presents many challenges for the professional truck driver. Many serious trucking crashes occur during the winter driving months because drivers have not planned for the possibility of extreme weather conditions. Obtaining proper rest, monitoring road and weather conditions, adjusting the speed of the truck as weather conditions worsen, and ensuring properly maintained equipment are key, essential elements for a commercial driver to remain accident and injury free this winter.

Professional drivers must make every attempt to stay informed of weather conditions they are heading in to by checking weather reports beginning a trip and periodically through the day. National radio and television reports such as the weather channel can provide the latest updates regarding winter storm warnings and advisories across the country which allow a driver to adjust their trip routes and to plan travel times to safely complete the trip even if weather conditions should cause delays.

Proper Rest

Ensuring that a driver is properly rested is important any time a commercial vehicle is being operated but becomes critical when operating in winter driving conditions. Drivers need to constantly stay alert when driving in adverse weather in order to proactively scan the road ahead to anticipate emergencies and to avoid the need to make any sudden maneuvers.

Tire Care

Drivers must make sure the truck is prepared for winter driving before starting each day. Tires are a vital factor of keeping your vehicle under control when driving on ice or snow. Traction tires on the driver axles of the truck must have ample tread to provide effective control during ice and snow conditions. Drivers must frequently check the air pressure with a tire gauge during the cold weather months as drops in temperature can cause a loss in tire pressure, resulting in a loss of traction and premature tire wear.

Safety Accessories

Drivers are always required to wear their seatbelt, but seatbelts become even more critical when driving in winter weather conditions as they clearly have been shown to greatly reduce driver injuries during a crash. Turn on your headlights and you will increase your visibility and make your truck more visible to other motorists.

Speed and Following Distance

Operating at a speed too fast for the conditions of the roadway is the most frequent cause of winter crashes. Reducing your speed and increasing following distance become critical when on slick roads as a truck will take much longer to stop when traction is reduced. Leaving plenty of space between your vehicle and others will also provide additional reaction time to avoid a crash due to another motorist's erratic driving. The first snow of the season is often a very dangerous time to be on the road.

Brake Before Turning

We all know that on snowy conditions it is difficult to steer a truck when applying the brakes especially when already into a turn. Remember to apply brakes in a controlled manner before entering a turn to prevent skids.

“Black Ice”

Professional drivers are constantly watching for signs of a black ice forming on the roadway, especially on bridges and overpasses which cool much faster than other areas of the roadway. Black ice forms when the temperature drops rapidly and is particularly hazardous at night when it may be much more difficult to notice. Drivers should closely watch when other vehicles are no longer creating spray from their tires when a thin sheet of ice begins to form on the truck mirrors as this may indicate the formation of black ice.

Preventing Winter Related Injuries

Many professional drivers are unnecessarily injured each winter, negatively impacting their families and companies for whom they work. Most injuries can be prevented by keeping in mind a few simple safety steps:

- Always use proper footwear which includes a rugged, non-slip sole that provides support for each ankle.
- Always be aware of where you are about to walk, as ice and snow can often be found in/around parking areas where drivers may be required to walk.
- Before entering or exiting the truck, watch for ice accumulating on handrails or steps.
- Always use three points of contact when exiting/entering the truck, tractor, the trailer, or climbing onto the catwalk.

Planning Schedules, Loads and Routes

Assisting the driver with pre-trip planning avoids overburdening the driver with unusual driving conditions caused by tight schedules, unusual cargoes, and unfamiliar or hazardous routes.

Preventing Illness and Fatigue Countermeasures

Everyone understands how fatigued drivers can be a hazard to themselves and others. Nonetheless, drivers sometimes push their bodies beyond reasonable limits and become a hazard anyway. Therefore, comprehensive federal regulations have been established. In addition to being the law, these regulations are useful guides to both drivers and their supervisors in defining reasonable, sensible limitations on when medical conditions or duty status calls for rest and no driving.

Additional Tips:

- Don't start a long trip unless you get plenty of rest before you go.
- When possible, schedule your trips so that you drive according to your natural sleep cycle.
- Don't throw off your body clock more than necessary.
- Be careful of any kind of medication. Many medicines can make you drowsy and sleepy.
- Stay Alert, Stay Alive! If you get drowsy, don't drive. Take a short nap if necessary.
- Never pull off the side of the road and become a “sitting duck”. This includes entrance or exit ramps!

Controlled Substances & Alcohol Policy and Education Materials

MARATHON XPRESS INC is dedicated to the health and safety of our drivers. Controlled substance and/or alcohol use may pose a serious threat to driver health and safety. Therefore, it is the policy of MARATHON XPRESS INC to prevent the use of controlled substances and abuse of alcohol from having an adverse effect on our drivers.

The federal government has recognized the serious impact of controlled substance use and alcohol abuse can have on drivers of commercial motor vehicles and the general public. The Federal Motor Carrier Safety Administration (FMCSA) has issued regulations, which require the company to implement a controlled substance and alcohol testing program.

The purpose of the FMCSA issued regulations is to establish programs designed to help prevent accidents and injuries resulting from the use of controlled substances and the misuse of alcohol by drivers of commercial motor vehicles. The company will comply with these regulations and is committed to maintaining a controlled substances free workplace.

It is the policy of MARATHON XPRESS INC that the use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance (except medically prescribed drugs) by an driver while on the company premises, engaged in company business, operating company equipment, or while under the authority of MARATHON XPRESS INC is strictly prohibited.

In accordance with 49 CFR 382.601(a), MARATHON XPRESS INC is responsible for providing education materials that explain the requirements in 49 CFR 382 and its policies and procedures with respect to meeting these requirements. The company shall ensure that a copy of these materials is distributed to each driver prior to the state of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a safety-sensitive function position (i.e. operating a commercial motor vehicle as defined in 49 CFR 382.107 requiring a CDL).

Controlled Substances and Alcohol Procedures:

Regulatory Requirements

All drivers who operate commercial motor vehicles that require a commercial driver's license under 49 CFR 383 are subject to the FMCSA's controlled substances and alcohol regulations – 49 CFR 382.

Non-Regulatory Requirements

The FMCSRs set the minimum requirements for testing. The company's policy in certain instances may be more stringent. This policy will clearly define what is mandated by the FMCSR and the respective procedures set forth by the company.

Policy Responsibilities

MARATHON XPRESS INC is responsible to provide testing for the driver that follows all federal and state laws and regulations, and within the provisions of this policy. The company will retain all records related to testing and the testing process in a secure and confidential matter.

The driver is responsible for complying with all requirements set forth in this policy. The driver will not use, have possession of, abuse, or have any controlled substances or the presence of alcohol in excess of

regulation established threshold levels while on duty. The driver will not use alcohol within 4 hours of performing a safety-sensitive function, while performing a safety-sensitive function, or immediately after performing a safety-sensitive function.

All supervisors must always make every effort to be aware of a driver's condition while the driver is in service of the company. The supervisor must be able to make reasonable suspicion observations to determine if the driver is impaired in some way and be prepared to implement the requirements of this policy if necessary.

Definitions

When implementing and interpreting the controlled substances and alcohol policies and procedures required by the FMCSA as well as the policies and procedures required by the company, the following definitions apply:

Actual Knowledge: Knowledge on the part of the employer, or the carrier who's Operating Authority the driver is operating under, that a driver has used alcohol or a controlled substance obtained based on the employer's direct observation of the driver, information provided by the driver's previous employer(s), a traffic citation for driving a commercial motor vehicle (CMV) while under the influence of alcohol or a controlled substance, or a driver's admission of alcohol or controlled substance use under the provisions of 49 CFR 382.121. Direct observation as used in this definition means observation of alcohol or controlled substance use and does not include observation of driver behavior or physical characteristics enough to warrant reasonable suspicion testing under 49 CFR 382.307.

Adulterated specimen: A urine specimen containing a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration.

Alcohol: The intoxication agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content): The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

Alcohol Use: The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Breath Alcohol Technician (BAT): An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

CFR: Code of Federal Regulations.

Collection Site: Place designated by the company, where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of controlled substances.

Commercial Motor Vehicle (CMV): For the purposes of 49 CFR 382 a motor vehicle of combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating of 26,001 or more pounds (11,794 or more kilograms) inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds (4,536 kilograms); or
2. Has a gross vehicle weight rating of 11,79 or more kilograms (26,001 or more pounds); or
3. Is designed to transport 16 or more passengers, including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR 172, subpart F).

Consortium (or) Third Party Administrator (TPA): An entity, including a group or association of employers or contractors, that provides alcohol or controlled substances testing as required by 49 CFR 382, or other DOT controlled substances or alcohol testing rules, and that acts on behalf of the company.

Controlled substances: Those substances identified in 49 CFR 40.85, and are listed below:

- In accordance with FMCSA regulations, urinalyses will be conducted to detect the presence of the following substances:
 - a. Marijuana
 - b. Cocaine
 - c. Opioids
 - d. Amphetamines
 - e. Phencyclidine (PCP)
- Detection levers requiring a determination of a positive result shall be in accordance with the guidelines adopted by the FMCSA in accordance with the requirements established in 49 CFR 40.87.

Designated Employer Representative (DER): An individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove drivers from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the company. Service agents cannot serve as DERs.

Direct observation: The observer must request the driver to raise their shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show, by turning around, that they do not have a prosthetic device. After the observer has determined that the driver does not have such a device, they may permit the driver to return clothing to its proper position for observed urination.

Disabling damage: Damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

- Inclusions:
 - a. Damage to motor vehicles that could have been driven but would have been further damaged if done so.
- Exclusions:
 - a. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
 - b. Tire disablement without other damage even if no spare tire is available.
 - c. Headlight or tail light damage.
 - d. Damage to turn signals, horn, or windshield wipers, which make them inoperative.

Driver: Any person who operates a commercial motor vehicle. This includes, but is not limited to: dull time, regularly employed drivers; casual intermittent or occasional drivers; leased drivers and independent, owner-operator contractors, who are either directly employed by or under lease to a motor carrier or who operates a commercial motor vehicle at the direction of or with the consent of a motor carrier.

Evidential Breath Testing (EBT) Device: A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List (CPL) for Evidential Breath Measurement Devices" and identified on the CPL as conforming to the model specifications available from NHTA's Traffic Safety Program.

FMCSA: Federal Motor Carrier Safety Administration a division of the U.S Department of Transportation.

Licensed medical practitioner: A person who is licensed, certified and/or registered in accordance with applicable federal, state, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Medical Review Office (MRO): A license physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the company's controlled substances testing program that has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with their medical history and any other relevant biomedical information.

Performing a safety-sensitive function: A driver is performing a safety-sensitive function during any period in which he or she is performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Prescription medications: Prescribed medications issued by a licensed health care professional familiar with the driver's work-related responsibilities.

Refusal to submit (to an alcohol or controlled substances test): A driver:

- Fails to appear for any test (except pre-employment) within a reasonable time, as determined by the company, consistent with applicable DOT regulations, after being directed to do so by the company. This includes the failure of a driver (including an owner-operator) to appear for a test when called by a Consortium or TPA;
- Fails to remain at the testing site until the testing is complete (except pre-employment if the driver leaves before the testing process begins);
- Fails to provide a urine specimen for any DOT required drug test (except pre-employment if the driver leaves before the testing process begins);
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of the specimen;
- Fails to provide a urine specimen for any DOT required drug test (except pre-employment if the driver leaves before the testing process begins);
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of the specimen;
- Fails to provide enough urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Fails or declines to take a second test the motor carrier or collector has directed the driver to take;
- Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER (in the case of a pre-employment drug test, the driver is deemed to have refused to test on this bases only if the pre-employment test is conducted follow a contingent offer of employment);
- Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when directed by the collector, behaves in a confrontational way that disrupts the collection process, failure to wash hands after being directed to do so by the collector.)
- For an observed collection, fails to follow the observer's instructions to raise their clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if he/she has any type of prosthetic or other device that could be used to interfere with the collection process.
- Possessed or wears a prosthetic or other device that could be used to interfere with the collection process.
- Admits to the collector or MRO that they adulterated or substituted the specimen.
- Is reported by the MRO as having a verified adulterated or substituted test result.

Safety-sensitive function: All time from the time a driver begins to work or is required to be in readiness to work until the time they are released from work and all responsibility for performing work.

- This includes:

- All time an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the company.
- All time inspection equipment as required by 49 CFR 392.7 and 49 CFR 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation.
- All time, other than driving time, in or upon any commercial motor vehicle in operation.
- All time, other than driving time, in or upon any commercial motor vehicle, except time spent resting in a sleep berth (a berth conforming to the requirements of 49 CFR 393.76).
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Screening test (or initial test): In alcohol testing, it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in their system. In controlled substance testing, it means an immunoassay screen to eliminate “negative” urine specimens from further consideration.

Substance Abuse Professional (SAP): A person who evaluates drivers who have violated a DOT controlled substances and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. An SAP must be:

- A license physician (Doctor of Medicine or Osteopathy);
- A licensed or certified social worker;
- A licensed or certified psychologist;
- A licensed or certified employee assistance professional; or
- A controlled substances and alcohol counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board for Certified Counselors, Inc. and Affiliates/ Master Addictions Counselor (NBCC).

Alcohol Prohibitions

49 CFR 382, Subpart B, prohibits any alcohol misuse that could affect performance of safety-sensitive functions.

This alcohol prohibition includes:

- Use while performing safety-sensitive functions.
- Use during the 4 hours before performing safety-sensitive functions.
- Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration or 0.04 per greater;
- Use of alcohol for up to 8 hours following an accident or until the driver undergoes a post-accident test; or
- Refusal to take a required test.

Note: Per FMCSR 49 CFR 382.505, a driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours.

Controlled Substances Prohibitions:

49 CFR 382, Subpart B, prohibits any controlled substances use that could affect the performance of safety-sensitive functions.

This controlled substance prohibition includes:

- Use of any controlled substances, except when administered to a driver by, or under the instructions of a licensed medical practitioner, who has advised the driver that the substance will not affect the driver's ability to safely operate a commercial motor vehicle. (The use of marijuana under California Proposition 215 or the use of any Schedule I controlled substances under Arizona Proposition 200 is not a legitimate medical explanation. Under the federal law, the use of marijuana or Schedule I controlled substances does not have a legitimate medical use in the United States).
- Testing positive for controlled substances; or
- Refusing to take a required test.

Condition for Employment

A driver applicant, who has refused a controlled substances or alcohol test, failed a random, reasonable suspicion, post-accident, return to duty, follow up alcohol test, or tested positive for controlled substances will not be considered for employment with MARATHON XPRESS INC.

Circumstances for Testing

Pre-Employment Testing (49 CFR 382.301)

All driver applicants will be required to submit to and pass a urine controlled substances test as a condition of employment. Driver applicant controlled substances testing shall follow the collection, chain of custody, and reporting procedures set forth in 49 CFR 40.

An Employee of MARATHON XPRESS INC transferring to a driving position is also subject to and must pass a urine controlled substances test as a condition of the transfer.

MARATHON XPRESS INC must also ensure that no prior employer of the driver has a record of violations of any DOT controlled substance use rule for the driver in the previous 3 years.

MARATHON XPRESS INC must contact the previous employers' testing program prior to using the driver and obtain the following information:

- The name and address of the program (usually the driver's prior and/or current employer);
- Verification that the driver participates or participated in the program;
- Verification that the program conforms to the required procedures set forth in 49 CFR 40.
- Verification that the driver is qualified under this rule, including that the driver has not refused to submit to an alcohol or controlled substances test; and
- The results of a controlled substances or alcohol test administered in the previous 3 years, and any violations of the alcohol misuse or controlled substances use regulations.

Post-Accident Testing (49 CFR 382.303)

Drivers are to notify management as soon as possible if they are involved in an accident.

According to FMCSA regulation 49 CFR 382.303, if the accident involved:

- A fatality, or
- Bodily injury to any individual requiring immediate medical treatment away from the scene **and** the driver operating under the authority of MARATHON XPRESS INC received a citation for a moving violation, or
- Disabling damages to any motor vehicle requiring a tow away **and** the driver operating under the authority of MARATHON XPRESS INC received a citation for a moving violation.

The driver operating under the authority of MARATHON XPRESS INC will be tested for controlled substances and alcohol as soon as possible following the accident. The driver must remain readily available for testing. If the driver isn't readily available for alcohol and controlled substances testing, they may be deemed as refusing to submit to testing. A driver involved in an accident may not consume alcohol for 8 hours or until testing is completed.

If the alcohol test is not administered within two (2) hours following the accident, the DER will prepare and maintain a record stating why the test was not administered within two (2) hours.

If the alcohol test is not administered within eight (8) hours following the accident, all attempts to administer the test will cease. The DER will prepare and maintain a record stating why the test was not administered within (8) hours.

The controlled substances test must be administered within 32 hours of the accident. If the test could not be administered within 32 hours, all attempts to test the driver will cease. The DER will prepare and maintain a record stating why the test was not administered within 32 hours.

The DER will notify the driver of the location of the post-accident testing. All attempts will be made to find a mobile collector for this purpose. Upon completion, the driver will notify the company representative that the test is complete, and they will verify/validate completion with the testing location.

Random Testing (49 CFR 382.305)

MARATHON XPRESS INC will conduct random testing for all drivers as follows:

- They will use a company wide selection process based on scientifically valid methods, prescribed by FMCSA regulations.
- They will also use a consortium. The consortium will use a selection process based on a scientifically valid method, prescribed by FMCSA regulations.

At least 10% of the DOT Pool's average number of driver's positions will be tested for alcohol each year. At least 50% of the DOT Pool's average of driver's positions will be tested for controlled substances each year.

The random testing will be spread reasonably through the calendar year. All random alcohol and controlled substances tests will be unannounced, with each driver having an equal chance of being tested each time selections are made.

A driver may only be tested for alcohol while they are performing a safety-sensitive function, just before performing a safety-sensitive function, or just after completing a safety-sensitive function.

Once notified by the DER that they have been randomly selected for testing, the driver must proceed immediately to the assigned collection site.

Reasonable Suspicion Testing (49 CFR 382.307)

If the driver's supervisor or another company official designated to supervise drivers who has undergone reasonable suspicion training, believes a driver is under the influence of alcohol or controlled substances, the driver will be required to submit to a DOT controlled substances and/or alcohol test.

The basis for this decision will be specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.

The driver's supervisor or another company official will immediately remove the driver from any and all safety-sensitive functions and take the driver or make arrangements for the driver to be taken to a testing facility.

The person who makes the determination that reasonable suspicion exists to conduct an alcohol test may not administer the alcohol test. Per FMCSA regulation, reasonable suspicion alcohol testing is only authorized if the observations are made during, just proceeding, or after the driver is performing a safety-sensitive function.

Per FMCSA regulation, if the driver tests 0.02 or greater, but less than 0.04, for alcohol the driver will be removed from all safety-sensitive functions, including driving a commercial motor vehicle for at least 24 hours.

If an alcohol test is not administered within two (2) hours following a reasonable suspicion determination, the DER will prepare and maintain a record stating why the test was not administered within two (2) hours.

If an alcohol test is not administered within eight (8) hours after a reasonable suspicion determination, all attempts to administer the test shall cease. The DER will prepare and maintain a record stating why the test was not administered within eight (8) hours.

A written record of the observations leading to a controlled substance reasonable suspicion test, signed by the supervisor or company official who made the observation, will be completed within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is first.

A written record of the observations leading to a reasonable suspicion test for alcohol use will be completed and signed by the supervisor who made the observation within 24 hours of the observed behavior.

A driver awaiting the results of a reasonable suspicion controlled substances test will be without pay.

Refusal to Submit

According to 49 CFR 382.11, a driver may not refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substances test required by the regulations. A driver who

refuses to submit to such tests may not perform or continue to perform safety-sensitive functions and must be evaluated by the substance abuse professional as if the driver tested positive for controlled substances or failed an alcohol test.

Refusal to submit includes failing to provide an adequate breath or urine sample for alcohol or controlled substances testing and any conduct that obstructs the testing process. This includes adulteration or tampering with a urine or breath sample.

Alcohol Testing Procedures

Alcohol testing will be conducted by a qualified alcohol technician (BAT) or screening test technician (STT), according to 49 CFR 40 procedures. Only products on the conforming products list will be utilized for testing under this policy.

The testing will be performed in a private setting. Only authorized personnel will have access and are the only individuals who can see or hear the test results.

When the driver arrives at the testing site, the BAT or STT will ask for identification.

The driver may ask the BAT or STT for identification.

The BAT or STT will then explain the testing procedure to the driver. The BAT or STT may only supervise one test at a time and may not leave the testing site while the test is in progress.

A screening test is performed first. When a breath testing device is used, the mouthpiece of the breath testing device must be sealed before use and opened in the driver's presence. Then the mouthpiece is inserted into the breath testing device.

The driver must blow forcefully into the mouthpiece of the testing device for at least six (6) seconds or until an adequate amount of breath has been obtained.

Once the test is completed, the BAT or STT must show the driver the results. The results may be printed on a form generated by the EBT or may be displayed on the EBT. If the EBT does not print results and test information, the BAT is to record the displayed result, test number, testing device, serial number of the testing device, and time on the breath alcohol testing form. If the EBT prints results, but not directly onto the form, the BAT or STT must affix the printout to the breath alcohol testing form in the designated space.

If the reading is less than 0.02, but the driver and the BAT or STT must sign and date the result form. The form will then be confidentially forwarded to MARATHON XPRESS INC.

If the reading is 0.02 or more, a confirmation test must be performed. An EBT must be used for all confirmation tests.

The test must be performed after 15 minutes have elapsed, but within 30 minutes of the first test. The BAT or STT will ask the driver not to eat, drink, belch, or put anything into their mouth. These steps are intended to prevent the buildup of mouth alcohol, which could lead to an artificially high result.

A new, sealed mouthpiece must be used for the new test. The calibration of the EBT must be checked. All of this must be done in the driver's presence.

If the results of the confirmation test and screening test are not the same the confirmation test will be used as the final result.

Refusal to complete and sign the testing form or refusal to provide breath will be considered a failed test, and the driver will be removed from all safety-sensitive functions until the matter is resolved.

Results

According to FMCSA regulation, the BAT or STT will transmit all results to MARATHON XPRESS INC in a confidential manner. The results will be transmitted via written document and must be done in a timely fashion, so MARATHON XPRESS INC can prevent the driver who fails an alcohol test from performing safety-sensitive functions.

If the initial transmission is not in writing, the BAT or STT must send a copy of the driver's breath alcohol testing form as soon as possible.

Controlled Substances Testing Procedures

Controlled substances testing will be conducted. Specimen collection will be conducted in accordance with 49 CFR 40, subpart B, and any applicable state laws. The collection procedures have been designed to ensure the security and integrity of the specimen provided by each driver. The procedures will strictly follow federal chain of custody guidelines.

A controlled substances testing custody and control form will be used to document the chain of custody from the time the specimen is collected at the testing facility until it is tested at the laboratory.

As well as the use of a custody and control form, test preparation includes:

- Use of a clean, single use specimen bottle that is securely wrapped until filled with specimen.
- Use of a tamper proof seal system designed in a manner that the specimen bottle can be sealed, revealing any unauthorized tampering (including unauthorized opening of the bottle). The system must allow for identification of the test subject, either by number or some other confidential mechanism.
- Use of a shipping container for transporting the specimens and associated paperwork, which can be sealed and initialed, to prevent undetected tampering.
- Written procedures and instructions for the collection site person.

The collection of specimens must be conducted in a suitable location and must contain all necessary personnel, materials, equipment, facilities, and supervision to provide for collection, security, and temporary storage and transportation for the specimen to a certified laboratory.

When the driver arrives at the collection site, the collection site driver will ask for identification. The driver may ask the collection site person for identification.

The driver will be asked to remove all unnecessary outer garments (coat, jacket) and secure all personal belongings. The driver may keep their wallet.

The driver will then wash their hands. After washing hands, the driver must remain in the presence of the collection site person and may not have access to fountains, faucets, soap dispensers, or other materials that could adulterate the specimen.

The driver is then instructed to provide their specimen in the privacy of a stall, or otherwise partitioned area that allows for privacy.

The specimen must consist of at least 45 ml of urine. The sample must then be split in front of the driver into a primary specimen of 30 ml and a second specimen (used as the split) of 15 ml. Both bottles must be shipped in a single shipping container.

Within four (4) minutes after obtaining the specimen, the collection site person will measure its temperature. The acceptable temperature range is 90 to 100 degrees Fahrenheit. The collection site person will also inspect the specimen for color and look for any signs of contamination or tampering. Unusual signs must be noted on the collection form. Whether the specimen is suspected of being tampered with or not, it must be forwarded to the lab for testing.

If the collection site person believes the specimen was tampered with, a second specimen must be obtained as soon as possible under the direct observation of a same gender collection site person.

The specimen must always be kept in the view of the collection site person and driver prior to the specimen being sealed and labeled. The specimen must be sealed and labeled by the collection site person in the presences of the driver. The identification label must be placed securely on the bottle and must contain the date, the individual specimen number, and any other identifying information required.

The driver must initial the identification label on the specimen bottle, certifying the specimen collected was theirs.

The collection site person must enter all identifying information on the custody and control form.

The collection site person, certifying collection was accomplished in accordance with the instructions provided, must sign the form. The driver must also sign this form indicating the specimen was theirs.

Laboratory Analysis

As required by FMCSA regulations, only a laboratory certified by the Department of Health and Human Services (DHSS) to perform urinalysis for the presence of controlled substances will be retained by MARATHON XPRESS INC. The laboratory will be required to maintain strict compliance with federally approved chain of custody procedures, quality control, maintenance, and scientific analytical methodologies.

All specimens are required to undergo an initial screen followed by confirmation of all positive screen results. The confirmation process is done by gas chromatography/ mass spectrometry (GC/MS), revealing a specific, scientific level of controlled substances contained in a collected specimen.

Results

According to FMCSA regulation, the laboratory must report all test results directly to MARATHON XPRESS INC's medical review officer (MRO) within an average of five (5) working days. All results, positive and negative, must be reported. Only specimens confirmed by the GC/MS as positive are reported as positive.

The MRO is responsible for reviewing and interpreting all positive results. The MRO must determine whether alternate medical explanations would account for the positive test results. The MRO must also

give the driver who tested positive an opportunity to discuss the results prior to making a final determination that the test was positive. After the decision is made, the MRO must notify MARATHON XPRESS INC.

If the MRO, after making and documenting all reasonable efforts, is unable to contact a tested driver, the MRO shall contact the company's DER. This company official will arrange for the driver to contact the MRO before going on duty.

The MRO may verify a positive test without having communicated with the driver about the test results if:

- The driver expressly declines the opportunity to discuss the results of the test.
- Neither the MRO or employer has been able to contact the driver for 14 days; or
- Within 5 days after a documented contact by the designated company official instructing the driver to contact the MOR, the driver has not done so.

Split Sample

As required by FMCSA regulations, the MRO must notify each driver who has tested positive that they have 72 hours to request the test of the split specimen. If the driver requests testing of the split, the MRO must direct (in writing) the lab to provide the split specimen to another certified laboratory for analysis.

The driver will pay for the testing of the split specimen.

If the analysis of the split specimen fails to reconfirm the presence of the controlled substance(s) or controlled substance(s) metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing, or unstable, the MRO must cancel the test and report the cancellation and the reasons for it to the DOT, MARATHON XPRESS INC, and the driver.

Confidentiality/ Recordkeeping

All driver alcohol and controlled substance test records are considered confidential (subsection 382.401). For the purpose of this policy/procedure, confidential record keeping is defined as records maintained in a secure manner, under lock and key, accessible only to the program administrator.

Driver controlled substances and alcohol testing records will only be released in the following situations:

- To the driver, upon their written request;
- Upon request of a DOT agency with regulatory authority over MARATHON XPRESS INC;
- Upon request by the United States Secretary of Transportation;
- Upon request by the National Transportation Safety Board (NTSB) as part of an accident investigation;
- Upon request by subsequent employers upon receipt of a written request by a covered driver;
- In a lawsuit, grievance, or other proceeding if it was initiated by or on behalf of the complainant and arising from results of the test; or
- Upon written consent by the driver authorizing the release to a specified individual.

All records will be retained for the time period required in 49 CFR 382.401.

Clearinghouse Employer's Responsibility (49 CFR 382.601)

The requirement that the following personal information collected and maintained under this part shall be reported to the Clearinghouse:(i) A verified positive, adulterated, or substituted drug test result;(ii) An alcohol confirmation test with a concentration of 0.04 or higher;(iii) A refusal to submit to any test required by subpart C of this part;(iv) An employer's report of actual knowledge, as defined at §382.107:(A) On duty alcohol use pursuant to §382.205;(B) Pre-duty alcohol use pursuant to §382.207;(C) Alcohol use following an accident pursuant to §382.209; and(D) Controlled substance use pursuant to §382.213;(v) A substance abuse professional (SAP as defined in §40.3 of this title) report of the successful completion of the return-to-duty process;(vi) A negative return-to-duty test; and(vii) An employer's report of completion of follow-up testing.

Supervisor Training (49 CFR 382.603)

According to FMCSA regulation, all personnel of MARATHON XPRESS INC designated to supervise drivers will receive training on this program. The training will include at least 60 minutes on alcohol misuse and 60 minutes on controlled substances use. The training content will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and controlled substances use. The training allows supervisors to determine reasonable suspicion that a driver is under the influence of controlled substances or alcohol.

Referral, Evaluation, and Treatment (49 CFR 382.605)

According to FMCSA regulation, a list of substance abuse professionals will be provided to all drivers who fail an alcohol test or test positive for controlled substances.

Discipline

According to FMCSA regulation, no person who has failed an alcohol or controlled substances test, or refused to test, will be allowed to perform safety-sensitive functions until the referral, evaluation, and treatment requirements have been completed. The following company disciplinary measures apply to all reasonable suspicion, post-accident, and random tests.

Controlled Substance Positive Test Result

Upon notification that a driver tested positive for a controlled substance, the driver will be given the option of requesting a test of the split sample within 72 hours. If the driver has requested a test of the split sample, the driver will be suspended without pay until the results of a split sample test are obtained.

If the driver doesn't request a split sample test or the split sample test confirms the initial positive result, the driver will be terminated.

If the split sample testing disputed the initial test results or if the initial test results are designated invalid, the driver will be reinstated.

Failed Alcohol Test Result

Upon notification that a driver has failed an alcohol test (0.04 BAC or greater), the driver will be terminated.

Upon notification that a driver tested 0.02 BAC or greater, but less than 0.04 BAC in initial confirmatory tests for alcohol, the driver will be suspended for 1 day without pay.

Refusal to Test

A driver's refusal to test for alcohol or controlled substances will be considered a positive test result. Adulteration or tampering with a urine or breath sample is considered conduct that obstructs the testing process and will also be considered a refusal to test. A driver whose conduct is considered a refusal to test will be terminated.

Alcohol and Drug Effects

Section 382.601(b)(11) of the FMCSRs mandates that all employees be provided with training material discussing the effects of alcohol and controlled substance use on an individual's health, work, and personal life.

The following information is intended to help individuals understand the personal consequences of substance abuse.

Alcohol

Although used routinely as a beverage for enjoyment, alcohol can also have negative physical and mood-altering effects when abused. These physical or mental alterations in a driver may have serious personal and public safety risks.

Health Effects

An average of three or more servings per day of beer (12 ounces), whiskey (1 ounce), or wine (6 ounces) over time, may result in the following health hazards:

- Dependency
- Fatal liver diseases
- Kidney failure
- Pancreatitis
- Ulcers
- Decreased sexual function
- Increased cancers of the mouth, pharynx, esophagus, rectum, breast, and malignant melanoma
- Spontaneous abortion and neonatal mortality
- Birth defects

Social Issues

- 2/3 of all homicides are committed by people who drink prior to the crime.
- 2 – 3% of the driving population are legally drunk at any one time. This rate doubles at night and on weekends.
- 2/3 of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The separation and divorce rate in families with alcohol dependency problems is 7 times the average.
- 40% of family court cases are alcohol related.
- Alcoholics are 15 times more likely to commit suicide.
- More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol related.
- In 2012, 10,322 people were killed and approximately 345,000 were injured in highway accidents, which were alcohol related. This was 33% of all highway fatalities.
- 30,000 people will die each year from alcohol caused liver disease.
- 10,000 people will die each year due to alcohol related brain disease or suicide.
- Up to 125,000 people die each year due to alcohol related conditions or accidents.

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of alcohol from the body.
- Impairment can be measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Alcohol's Trip Through the Body

- Mouth and Esophagus: Alcohol is an irritant to the delicate linings of the throat and food pipe. It burns as it goes down.
- Stomach and intestines: Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. This condition, if it becomes acute, can cause peritonitis, or perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin B1, vitamin B12, and amino acids.
- Bloodstream: 95% of the alcohol taken into the body is absorbed into the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to clump together in sticky wads, slowing circulation and depriving tissues of oxygen. It also causes anemia by reducing red blood cell production. Alcohol slows the ability of white cells to engulf and destroy bacteria and degenerates the clotting ability of blood platelets.
- Pancreas: Alcohol irritates the cells of the pancreas, causing them to swell, thus blocking the flow of digestive enzymes. The chemicals, unable to enter the small intestine, begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One out of five patients who develop this disease die during the first attack. Pancreatitis can destroy the pancreas and cause a lack of insulin, thus resulting in diabetes.
- Liver: Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each drink of alcohol increases the

number of live cells destroyed, eventually causing cirrhosis of the liver. This disease is eight times more frequent among alcoholics than among non-alcoholics.

- Heart: Alcohol causes inflammation of the heart muscle. It has a toxic effect on the heart and causes increased amounts of fat to collect, thus disrupting its normal metabolism.
- Urinary Bladder and Kidneys: Alcohol inflames the lining of the urinary bladder making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids through its irritating effect.
- Sex Gland: Swelling of the prostate gland caused by alcohol interferes with the ability of the male to perform sexually. It also interferes with ability to climax during intercourse.
- Brain: The most dramatic and noticed effect of alcohol is on the brain. It depresses brain centers, producing progressive discoordination: confusion, disorientation, stupor, anesthesia, coma, and death. Alcohol kills brain cells and brain damage is permanent. Drinking over a period of time causes loss of memory, judgment and learning ability.

Marijuana

Health Effects

- Emphysema-like conditions.
- One joint of marijuana contains cancer-causing substances equal to ½ pack of cigarettes.
- Marijuana is commonly contaminated with the fungus *Aspergillus* that can cause serious respiratory tract and sinus infections.
- Marijuana lowers the body's immune system response, making users more susceptible to infection.
- Chronic smoking of marijuana in males causes a decrease in testosterone and an increase in estrogen, the female hormone. As a result, the sperm count is reduced, leading to temporary sterility.
- Chronic smoking of marijuana in females causes a decrease in fertility.
- A higher than normal incidence of stillborn babies, early termination of pregnancy, and higher infant mortality rate during the first few days of life are common in pregnant marijuana smokers.
- THC causes birth defects including brain damage, spinal cord, forelimbs, liver and water on the brain in the spine in test animals.
- Prenatal exposure may cause underweight newborn babies.
- Fetal exposure may cause underweight newborn babies.
- Fetal exposure may decrease visual functioning.
- User's mental function can display the following effects:
 - a. Delayed decision making
 - b. Diminished concentration
 - c. Impaired short-term memory
 - d. Impaired signal detection
 - e. Impaired tracking
 - f. Erratic cognitive function
 - g. Distortion of time estimation

Workplace Issues

- THC is stored in body fat and slowly released.
- Marijuana smoking has long term effects on performance.
- Increased THC potency in modern marijuana dramatically compounds the side effects.
- Combining alcohol or other depressant drugs with marijuana increases the impairing effects of both.

Opioids

Narcotic drugs that alleviate pain and depress body functions and reactions.

Health Effects

- IV needle users have a high risk of contracting hepatitis or AIDS when sharing needles.
- Increased pain tolerance. As a result, a person may more severely injure themselves and fail to seek medical attention as needed.
- Narcotic effects are multiplied when combined with other depressants causing an increased risk for overdose.
- Because of tolerance, there is an ever-increasing need for more.
- Strong mental and physical dependency occurs.
- With increased tolerance and dependency combined, there is a serious financial burden for the users.

Cocaine

Used medically as a local anesthetic. When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscles tense, heart beats faster and stronger, and the body burns more energy. The brain experiences exhilaration caused by a large release of neurohormones associated with mood elevation.

Health Effects

- Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to nerve cells. Parkinson's disease could also occur.
- Cocaine causes the heart to beat faster, harder and rapidly increases blood pressure.
- It also causes spasms of blood vessels in the brain and heart. Both lead to ruptured vessels causing strokes and heart attacks.
- Strong dependence can occur with one hit of cocaine. Usually mental dependency occurs within days for crash or within several months for snorting coke. Cocaine causes the strongest mental dependency of all the drugs.
- Treatment success rates are lower than with any other chemical dependency.
- Extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid.
- Fatal effects are usually not reversible by medical intervention.

Workplace Issues

- Extreme mood and energy swings create instability. Sudden noise causes a violent reaction.
- Lapses in attention and ignoring warning signals increase probability of accidents.
- High cost frequently leads to theft and/or dealing.
- Paranoia and withdrawal may create unpredictable or violent behavior.
- Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

Amphetamines

Central nervous system stimulant that speeds up the mind and body.

Health Effects

- Regular use causes strong psychological dependence and increased tolerance.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to increased blood pressure.
- Chronic use may cause heart or brain damage due to severe constriction of capillary blood vessels.
- Euphoric stimulation increases impulsive and risk taking behavior, including bizarre and violent acts.
- Withdrawal may result in severe physical and mental depression.

Phencyclidine (PCP)

Often used as a large animal tranquilizer. Abused primarily for its mood altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and a blank stare. Sudden noises or physical shocks may cause a freak out in which the person has abnormal strength, violent behavior, and an inability to speak or comprehend.

Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- PSP, when combined with other depressants, including alcohol, increases the possibility of an overdose.
- If misdiagnosed as LSD induced, and treated with Thorazine, can be fatal.
- Irreversible memory loss, personality changes, and thought disorders may result.

Workplace Issues

- Not common in the workplace primarily because of the severe disorientation that occurs.
- There are four phases to PCP abuse.
- Acute toxicity causing combativeness, catatonia, convulsions, and coma.
- Distortions of size, shape, and distorted perception are common.
- Toxic psychosis with visual and auditory delusions, paranoia and agitation.
- Drug induced schizophrenia.
- Induced depression that may create suicidal tendencies and mental dysfunction.

Driver Logging Policy and Guidelines

Policy

MARATHON XPRESS INC is always committed to operating in a safe and legal manner. The submission of accurate, true, neat, and legible daily logs is an integral part of this commitment.

MARATHON XPRESS INC has established a standard for log violations. They will audit driver's logs to ensure compliance with FMCSAs regulations, specifically 40 CFR subpart 395, as applicable to drivers of property carrying vehicles. Continual noncompliance with hours of service regulations will not be tolerated here.

Responsibility

Each driver is always expected to operate in a safe and legal manner always, which includes the submission of accurate, true, neat, and legible daily logs. Each driver must understand and apply all hours of service rules.

All logs provided to Safety must be audited consistently by the department. All errors must be addressed by management. All drivers must be treated equally and fairly in respect to discipline and rewards.

Procedures

MARATHON XPRESS INC's log auditing procedures consist of four steps:

1. All Drivers are expected to submit accurate, true, neat, and legible daily logs in a timely manner.
2. Daily logs will be certified and turned over to our Safety Department for audit and review.
3. Drivers will be given feedback and/or corrective action will be suggested based on results of the log audits.
4. Recognition will be given to drivers who submit zero defect logs.

Log Submission

Paper logs must be submitted within 13 days of completion. Electronic logs must be certified as true and accurate at the end of each 24 hour period, at which time they will be submitted to us automatically.

Before submission of logs, drivers are expected to check them for completeness, accuracy, and legibility.

Any corrections to the log before submission must be made by the driver only.

Electronic Logging Devices (ELD)

Definition of ELDs

An ELD, or Electronic Logging Device, is the most recent term to define an electronic device that can record a driver's driving hours and duty status automatically.

Company Requirements

- You are required to log in to your device at the start of every work shift
- You are required to certify that your log is true and correct at the end of each 24 hour period.
- You must update all non-driving statuses as appropriate manually as the device is unaware of what type of work you are doing and will automatically default to on-duty, not driving.
- You are always required to have a minimum of 8 blank paper logs with you.
- You must always have your ELD User Manual or Reference card readily available to you and enforcement.
- You are required to have an instruction sheet detailing malfunctions and the action to take in the event of a device malfunction.

In the event of a device malfunction

- You must notify the appropriate safety person with MARATHON XPRESS INC within 30minutes of knowledge of any issue with your device
- You must then obtain your last 7 days, plus current day of eLogs from them in one of the following manners:
 - a. Fax
 - b. Pictures or pdfs emailed or texted
- If faxed, you must retain your previous 7 days and convert your current day to a paper log which you will continue to utilize and maintain until the device has been repaired.
- You will need to finish your last 24 hour period on paper prior to transition back to your now working ELD.
- If emailed or texted, you will need to reconstruct those days manually on paper logs.
- A notation on your ELD logs & paper logs must be made indicating a malfunction.

Definition of a Yard Move

When you are operating the vehicle off the public roadway. Public roadway is defined by FMCSA as any location not gated or guarded from the general public. This will be recorded by the device as on duty time.

Editing Logs

- Drivers are allowed to edit all duty statuses except drive time.
- Supervisors can request or propose edits, but all supervisor edits must then be certified as true and correct by the driver once completed.
- Drivers are allowed to enter missing information and make edits to the records.
- The edit option **MUST** only be used to make corrections, not create false records.
- An explanation of why the change was made, as well as when and by whom must be maintained and will be made available to DOT upon request and during audits.
- Remember to log it as you do it!

Harassment

MARATHON XPRESS INC will not use ELD information to force a driver to operate in violation of the Hours of Service regulations. Should you feel that you are being asked to do so, please contact company leadership.

Log and Supporting Document Retention

MARATHON XPRESS INC will adhere to the FMCSA's regulations on log and supporting documents (fuel reports, fuel receipts, bills of lading, trip sheets, toll receipts, etc.) retention requirements of 6 months.

Drivers must submit all of their supporting documents to their motor carriers (in paper or digital format), and the motor carriers must retain not more than eight supporting documents for each 24-hour period that a driver is on duty.

Drivers must submit their RODS and supporting documents to the motor carrier no later than 13 days after receiving them.

There are five categories of documents.

- Bills of lading, itineraries, schedules, or equivalent documents that show the starting and ending location for each trip:
- Dispatch records, trip records, or equivalent documents;
- Expense receipts (meals, lodging, fuel, etc.);
- Fleet management system communication records;
- Payroll records, settlement sheets, or equivalent documents showing payment to a driver.

Drivers using paper RODS must also keep toll receipts- which don't count toward the eight document cap.

Each supporting document must contain the following information:

- Driver name (or a carrier-assigned identification number) on the document or on another document that allows the carrier to link the first document to the driver. The vehicle unit number can be used, if that number can be linked to the driver.
- Date.
- Location (including the name of the nearest city, town, or village).
- Time. If not listed the driver must write the time on the document.

If a driver has fewer than eight documents with all four information elements, a document that does not include time can also serve as a supporting document.

Auditing

After a driver certifies their logs, they will be considered true and correct by MARATHON XPRESS INC. At that time, they are considered ready for auditing by the company. Logs will be audited for form and manner violations, hours of service violations, grid and recap violations, and log falsifications.

Form and Manner Violations

Form and manner violations indicate carelessness on the driver's part. This kind of violation can easily be avoided by following our log submission procedure of checking each log for completeness before submission. Form and manner violations include:

- Log Missing: Drivers shall submit a log for each day, except that two or more consecutive off duty days may be on one log.
- Date Missing/Duplicate Logs: Each log must be dated and there must be only one log for each day.
- Miles Driven Missing: Total actual miles driven in the 24 hour period must be entered.
- Name of Carrier Missing/In error: MARATHON XPRESS INC must be entered.
- Vehicle/Trailer Numbers Missing: Unit numbers of all vehicles operated in the 24 hour period must be entered.
- Driver's Signature Missing/In Error: The driver must sign their full legal name on each daily log sheet.
- Co-Driver Name Missing: The driver must enter first name, middle initial and completed last name of their co-driver if operating as a team.
- Main Office Address: Enter full city and state abbreviation.
- Missing Shipping Document/In Error: The driver must show a shipping document number or the Shipper's Name and the commodity for each trip in the 24 hour period.
- Pre-Trip Inspection/ Tire Check Improperly Noted: Drivers shall identify locations when a change in duty status occurs.

Hours of Service Violations

Hours of Service violations, specifically violations of the 11, 14, and 60/70 hour rules, are more serious than form and manner violations. Hours of service abuse can cause fatigue, which jeopardizes the safety of the driver and the general motoring public. Hours of Service, grid and recap violations include:

- Hours Missing/In Error: Drivers must record total hours used at the end of each line of the graph. The hours added together must equal 24.
- 30 Minute Break: Within 8 hours of coming on duty all drivers must take a 30 minute off duty or sleeper berth period before driving again. If the 30 minute break is taken too early during a 14 hour shift another 30 minute break may need to be taken if it has been 8 hours since the last one.
- 11 Hour Violation: After 10 or more consecutive hours off duty, a driver may not drive more than 11 hours.
- Over Maximum Average MPH: Drivers must not average over the company or posted speed limit.
- Change in Duty Status Missing/ Remarks Error: Enter full city and state abbreviations for each duty status change.
- Stop/Start Location Not the Same: The starting location on a log must be the same as the ending location on the previous log.
- 14 Hour Violation: A driver must not drive after the 14th consecutive hour after coming on duty following 10 or more consecutive hours off duty.
- Violation of 60/70 Hour Rule: Drivers may not drive after being on duty for 60 hours in any 7 or 70 hours in any 8 day period.

- Graph Incomplete/ In Error: A driver must account for all time on the graph. Drivers must show a complete continuous line for each 24 hour period. Overlapping of time is not permitted.

Log Falsification

Falsification of a log shows a complete disregard of MARATHON XPRESS INC's policy federal regulations.

This type of violation is looked at very seriously by MARATHON XPRESS INC. Log falsification occurs when the times and locations on a log do not agree with supporting documentation, such as scaletickets, toll and fuel receipts or reports, loading and unloading times as noted on shipping papers, etc.

Feedback and Corrective Actions

All violations will be brought to a driver's attention as soon as possible.

The designated safety personnel will be responsible for reviewing the violation(s) with the driver. This review will consist of an explanation of any violations and how to prevent reoccurrence.

The driver can request, or the driver's supervisor can recommend, hours or service and logging remedial training at any time. Drivers in need of additional hours of service or logging training will be referred to our safety department for scheduling.

Drivers with repeated or excessive log violations will be subject to the following correction actions. However, MARATHON XPRESS INC reserves the right to impose more stringent consequences based on circumstances and the severity of violations. Situations will be judged on a case by case basis before the phased corrective action below is initiated:

Phase 1

- A verbal warning will be issued to drivers who:
 - Incur 3 or more form and manner violations in each month; or
 - Incur 1 or more Hours of Service violations in each month; or
 - Have 1 or more log falsifications in each month; or
 - Incur any combination of violations totaling 3 or more in each month.
- Drivers in Phase 1 status will be placed on probation for a 30 day period.
- The driver will be taken off of Phase 1 status after the probationary period has expired and the unacceptable logging behavior has been corrected.
- Drivers who continue to submit logs with excessive violations will be placed in Phase 2 of the Company's corrective action program.
- All verbal warnings must be fully documented, and a record placed in the driver's file. All verbal warning entries must include the date and time issued and signatures of the driver's supervisor and/or Safety Department representative.

Phase 2

- A written warning will be issued to drivers who:
 - Incur 3 or more form and manner violations while in Phase 1 probationary status; or
 - Incur 1 or more Hours of Service violations while in Phase 1 probationary status; or

- Have 1 or more log falsifications while in Phase 1 probationary status; or
- Incur any combination of violations totaling 4 or more while in Phase 1 probationary status.
- Drivers in Phase 2 status are demonstrating a continuing pattern of logging behavior contrary to our policy and federal regulations.
- Drivers in Phase 2 shall be scheduled for mandatory remedial hours of service and logging training. A copy of the written warning and record of remedial training must be placed in the driver's file. Drivers who continue to submit logs with excessive violations will be placed in Phase 3.
- All written warning entries must include the date and time issued and the signatures of the driver, supervisor, and/or Safety Department representative.

Phase 3

- A final written warning will be issued to drivers who:
 - Incur 3 or more form and manner violations while in Phase 2 probationary status; or
 - Incur 3 or more Hours of Service violations while in Phase 2 probationary status; or
 - Have 1 or more log falsifications while in Phase 2 probationary status; or
 - Incur any combination of violations totaling 4 or more while in Phase 2 probationary status.
- Phase 3 is the final stage of the MARATHON XPRESS INC's Hours of Service corrective action program. Drivers who reach this stage are demonstrating inability or unwillingness to conform to the company's log auditing policy and federal regulations.
- Drivers in Phase 3 face disciplinary action including suspension and possible termination of employment or lease. A copy of the final written warning will be placed in the driver's file.
- All written warning entries must include the date and time issued and the signatures of the driver, supervisor, and/or Safety Department representative.

Personal Conveyance Policy

In recognition of the definition of "on duty time" under 49 CFR 392.2, all time spent driving a commercial motor vehicle and all time spent in or on a commercial motor vehicle, except when legally parked or while resting in a sleep berth until, must be logged as on duty or driving time. However, FMCSA, in a published guidance issued in 2019, allows for certain time spent operating the CMV for personal reasons to be logged as Personal Conveyance. In keeping with this guidance, the company will permit the personal use of a CMV to be logged as personal conveyance under very limited circumstances and only if **EACH** of the following conditions are met:

- The driver has been relieved from work and all responsibilities for performing work for the Company or any other carrier.
- The driver must be operating the unit from their home to their normal work reporting location, or vice versa, or to a restaurant, shopping or lodging establishment.
- Use of Personal Conveyance shall not be permitted if it will violate the 14-hour and/or 60/70-hour rule.

Vehicle Inspection, Preventative & Periodic Maintenance Policy

Systemic maintenance of equipment is an essential element of our transportation operation. Part 396 of the Federal Motor Carrier Safety Regulations (FMCSRs) requires motor carriers to “inspect, repair and maintain all motor vehicles under their control”. Even if there were no federal regulations in place, however, it makes excellent business sense to have an organized maintenance program in operation. At MARATHON XPRESS INC, it is our policy to keep all company transportation equipment well maintained and in safe and efficient operating condition, always.

It is further the policy of MARATHON XPRESS INC to use the “preventative maintenance” approach with our equipment. The specifics of that approach will be detailed in the procedures to follow.

Policy

- Drivers, mechanics and operators of equipment will complete inspections on a regular basis to identify potential problems before they become safety concerns or require major repairs.
- Equipment will be inspected by qualified mechanics periodically to conduct necessary repairs and replacements.
- All drivers and mechanics shall be responsible for documenting and reporting discoveries.

Objectives

Our mechanic will ensure that the maintenance performed will support efficient and effective transit service daily while seeking to maximize the following:

- Ensure that the assets are protected and maintained so that they reach their maximum useful life.
- Maintain vehicles in safe operating condition
- Ensure each vehicle is operating at peak efficiency
- Maximize vehicle life
- Minimize loss of accessibility due to equipment failure
- Meet or exceed manufacturers’ maintenance requirements
- Maintain vehicle exterior and interior appearance
- Maintain a system of vehicle maintenance records
- Adhere to a strict preventive maintenance schedule
- Administer an aggressive equipment warranty recovery program
- Sustain a safe and healthful environment by keeping the facility and its components in good repair and structurally sound.
- Provide maintenance in ways that are cost-effective.

These objectives must be achieved with proper balance of vehicle care and fiscal constraints. It is recognized that preventative maintenance has significant cost implications and that both facility and equipment resources are a significant public investment and must be protected.

Vehicle Maintenance Procedures

Daily

Daily functions include fuel, fluid level checks (engine oil, engine coolant and power steering fluid), tires are checked for flats, wheel nuts are observed for loose wheels, exterior and interior lights and checked, operator's trip report is checked for defects that may have been noted by the operator, money is removed from the fare box vault and the interior of the vehicles are cleaned and checked for any damage. The vehicle exterior is washed as necessary.

The company will keep each vehicle subject to its control properly lubricated, and free of oil and grease leaks, per the provisions of the FMCSRs.

Pre-Trip and Post-Trip Inspections

Drivers perform a pre-trip inspection prior to the start of their shift. Pre-Trip inspections are the responsibility of the driver. It is their responsibility to make notations on the Daily Vehicle Inspection Report of any defects they found during the pre-trip inspection, while driving through the day or during the post trip inspection at the end of the day. Upon completion of the Daily Vehicle Inspection Report, the form is to be turned in to the dispatch office.

15,000 Mile Inspection

- Change engine oil and replace oil filter
- Perform multi-point inspection
- Inspect tires for wear and measure tread depth and inspect wheel ends for endplay and noise
- Inspect air filter restriction, replace filter as required
- Replace engine fuel filter
- Inspect and lubricate steering linkage, ball joints, suspension, driveshaft and U-joints
- Inspect engine cooling system and hoses
- Inspect brake pads, shoes rotors, drums, brake lines and hoses and parking brake system
- Inspect exhaust system and heat shields
- Inspect automatic transmission fluid level

Emergency (Reactive) Procedures:

If there is a roadside emergency with a vehicle, the driver will report to the mechanic or supervisor and request assistance. The mechanic will determine the required assistance and dispatch that help to the location requesting the help.

All vehicle maintenance is performed in response to detected problems. Reactive maintenance cannot be eliminated and is often a result of vehicle miles, fleet age, and preventive maintenance intervals. It is the intent of this maintenance program to minimize this type of maintenance – including road calls.

Constantly reviewing and improving upon the Vehicle Maintenance Plan will accomplish this. The reactive vehicle maintenance policy is as follows:

- All problems are to be reported, no matter how minor.
- The supervisor, dispatcher, or mechanic shall make an immediate determination whether the vehicle should be removed from service.
- Failures of accessibility equipment shall require prompt resolution. An alternate vehicle or immediate repair will be provided.
- The driver or dispatcher records all detected problems in the dispatch computerized system.
- All repairs are documented on a monthly maintenance report.

Vehicle Record Keeping

Sec. 396.3(b) of the FMCSRs specifies the requirement that vehicle records be kept on each vehicle controlled for 30 consecutive days or more by a motor carrier. These records must be kept in a paper or electronic file that also contains the following information for each vehicle:

- Unit Number
- Make
- Vehicle Identification Number (VIN)
- Year
- Tire Size
- Vehicle Owner (i.e. Company Owned, Driver Owner, Rental Company, Leasing Company)

The record must also contain a way to indicate the nature and due date of any inspection and maintenance operations to be performed on the vehicle, and a record of any inspections, repairs and maintenance performed on the vehicle in question, including dates performed and specifics on the nature of the operations.

MARATHON XPRESS INC keeps maintenance records on file for 1 year while with our fleet and for an additional 6 months after equipment is no longer with the fleet.

Periodic Inspections

Periodic Inspection Requirements

Periodic inspection reports must include:

- Identification of the vehicle including make, model, license number, company vehicle number or other means of positive identification.
- Date and nature of each inspection and repair performed.
- The signature of your authorized representative attesting to the inspection and to the completion of all required repairs.

Annual Periodic Inspection:

All equipment leased to or owned by MARATHON XPRESS INC shall be subject to periodic inspections as follows:

- All new equipment must have a new periodic (annual) inspection prior to being activated in the system.

- All current equipment must undergo a new periodic (annual) inspection every 365 days.

Inspections Required by Manufacturers:

Trucks and trailers shall receive certain inspections and maintenance procedures as recommended by the manufacturer.

Brake Inspectors

MARATHON XPRESS INC will ensure that a brake inspector employed by us:

- Understands the brake service or inspection task to be performed.
- Knows and has mastered the methods, procedures, tools and equipment used in inspection and servicing brakes and has training or experience under one of the following:
 - Has successfully completed a state or federally sponsored apprenticeship or training program or has a certificate from a state qualifying the person to perform brake work.
 - Has training or experience totaling 1 year, which may include appropriate training in a manufacturer sponsored or commercial training program, or experience performing brake maintenance or inspections in a motor carrier maintenance program, commercial garage, fleet leasing program, etc.

Drivers who have passed the air brake knowledge and skills test for a commercial driver's license (CDL) are considered qualified to inspect air brakes, but not to adjust or repair them without meeting the other qualification requirements listed above.

Documentation of the brake inspector's qualifications must be retained for as long as the employee is responsible for brake related work and for one year thereafter.

Preventative Maintenance

Preventative maintenance is an attitude and a commitment by MARATHON XPRESS INC to get the most out of transport equipment by investing in its maintenance on a regular basis, per a planned schedule. The preventative maintenance philosophy that we have adopted as a company policy is widely used in the transportation industry.

Our preventative maintenance policy reflects a very modern attitude of conservation and of wise asset utilization. Without a doubt, it also saves money for a company that is committed to its principles. The preventative maintenance philosophy would say: "If it's scheduled to be replaced, replace it whether or not it has failed".

Maintenance is part of the cost of doing business, and every fleet has a major investment in its equipment. Whether that equipment operates efficiently and reliably has a major impact on corporate profitability. Making certain that equipment operates well is where preventive maintenance comes into the picture.

MARATHON XPRESS INC has implemented a preventive maintenance program because of the positive impact it has in the following areas:

- Preventive Maintenance is a major factor in promoting highway safety. A well-maintained truck is a safer truck. PM alerts all personnel to potentially hazardous conditions, e.g., equipment failure. It also facilitates recordkeeping. Safer trucks promote high driver morale, are involved in

fewer accidents, create a favorable public image for MARATHON XPRESS INC and the trucking industry in general, have fewer breakdowns and delays, and may play a role in determining better insurance rates.

- Preventive maintenance prolongs useful life of equipment. Narrow profit margins mean that transportation companies need equipment that continues to run economically and well as it ages. Component replacement in older vehicles is more difficult to schedule, so PM and its careful monitoring of vehicles is an immense help.
- Preventive maintenance reduces unscheduled downtime. An idle truck is not making any money for MARATHON XPRESS INC. Anything that minimizes unscheduled downtime in a fleet makes the equipment more productive. Drivers don't have to wait for vehicles to get out of the shop, and customers are happy because service is more reliable. Vehicle and personnel utilization are both improved when companies can balance workloads.
- Preventive maintenance reduces unscheduled repairs and the higher cost related to them. In an in-house shop, parts inventory can be kept lower if component replacement is planned as part of an overall PM schedule. The fewer times vehicles must be repaired on the road, the better the bottom line for MARATHON XPRESS INC.

In summary, a good preventive maintenance program lowers repair frequency and lowers overall maintenance cost.

Drivers receive training on vehicle inspection procedures including how to prepare and submit a driver vehicle inspection report (DVIR). MARATHON XPRESS INC views its drivers as the first line of defense in preventing serious maintenance problems. We expect drivers to spot developing problem situations before they get to the "breakdown" point. This on the road expertise of drivers should work together with the in-shop expertise of the maintenance department.

Drivers are responsible for knowing the mechanical condition of their vehicles always, and for operating those vehicles correctly and efficiently. The maintenance department is responsible for providing safe and drivable vehicles to our drivers.

Communication is the key between drivers and the maintenance department. Some basic guidelines should help drivers contribute the most information possible to our preventive maintenance program.

Drivers are expected to do complete and careful pre-trip and post-trip inspection of their vehicles. Drivers are expected to treat company vehicles as their own. Observable vehicle abuse will not be tolerated. Discovery of unauthorized modifications or tampering with any company vehicle will be reported to company leadership. Drivers are expected to report any problems they find accurately and in detail. Problems should be reported promptly.

MARATHON XPRESS INC is not responsible for loss or damage to personal assets left in vehicles prior to maintenance work being performed.

On the road, drivers are expected to spot and report potential maintenance problems:

- **Listen** for unusual or abnormal equipment sounds. Thumps, rattles, squeaks, bumps, squeals, and hisses all can signal the beginning of trouble. If things don't sound right, they should be reported to maintenance.

- **Smell** for unusual odors that may signal trouble. Burning rubber, insulation, wood, scorched fabric, hot oil or other fluids can all indicate issues. Diagnosis can be made early with a good sense of smell.
- **Feel** changes in the vehicle's response. Steering, braking, shifting and other handling operations all have unique "feels" in a vehicle. If the vehicle doesn't seem to behave the way it should, it should be reported promptly. Little problems cost much less to fix and cause less downtime.
- **Observe** the equipment carefully when you make your required routine inspections. Defects in wiring, lights, cables, tires, splash guards, locks, air lines, coupling devices, fifth wheels, tarps and fasteners, landing gear, brakes and various accessories should all be made carefully noted and reported to the maintenance department.

If a MARATHON XPRESS INC driver has an unexpected breakdown while on the road, they should stay calm and use common sense. Report the problem and follow prescribed procedures.

Roadside Inspection and Out of Service Violation Policy

It is expected by the leadership team of MARATHON XPRESS INC that all employees, to include drivers, follow all applicable rules and regulations, always. This policy is being put in place to ensure that any issues that are discovered by law enforcement officials are corrected in a timely and proper manner.

When a roadside inspection is initiated it is expected that the driver be cooperative and respectful with the enforcement personnel performing the inspection, always.

Upon completion of a roadside inspection during which violations are discovered the following is expected to occur:

- The driver is to immediately contact designated company personnel.
- Until the violations can be reviewed with designated company personnel, the vehicle is not to be moved from the inspection location unless escorted to a safer location by the enforcement personnel. If this happens the vehicle must then remain in this location until the inspection and violations can be discussed with designated company personnel.
- If the violation(s) issued by the enforcement personnel places the driver Out of Service, the issue will need to be addressed and verified as corrected by the designated company personnel prior to the driver being allowed to drive again.
- If the violation(s) issued by the personnel places the vehicle Out of Service, the defect(s) causing the Out of Service status will need to be corrected, and verified so, by a qualified mechanic, with proof of repair paperwork having been turned in and reviewed by designated company personnel prior to the vehicle being allowed to move again under its own power.
- If the violation(s) issued by the enforcement personnel does not place the driver or vehicle Out of Service, the driver and vehicle may be allowed to continue, upon approval of designated company personnel, to finish their current dispatch. Upon its completion they are not allowed to be dispatched again until all issues or defects are corrected, and the correction has been verified by designated company personnel.

Upon completion of a roadside inspection during which no violations are discovered the driver is required to turn in the Driver/Vehicle Examination Report to MARATHON XPRESS INC by hand, by fax, or by scan/picture and email within 24 hours following the inspection.

MARATHON XPRESS INC will then certify that all defects have been addressed and will return a copy to the appropriate State Agency within 15 days as required by each agency.

All proof of repairs or corrections along with all Driver/Vehicle Examination Reports are to be maintained by MARATHON XPRESS INC for at least 13 months after the inspection in an organized manner and to be made immediately available to any Federal or State Investigator upon request.

Failure to comply with this policy will lead to progressive disciplinary actions being taken, up to and including termination of employment or lease.

Progression of Disciplinary Actions

First Offense

Within 12 months will result in a documented verbal warning to be placed in the driver's file.

Second Offense

Within 23 months will result in a written warning that will need to be signed by the driver as well as their supervisor. A copy will need to be provided to the driver and the original signed copy will need to be placed in the driver's file.

Third and Final Offense

Within 12 months will result in termination of employment or lease.

Daily Vehicle Inspection Policy

MARATHON XPRESS INC is committed to following a rigid, daily inspection program.

Driver Pre-Trip Inspection

A properly performed and thorough pre-trip inspection will be conducted by each driver prior to operating the vehicle. The following seven steps must be completed for each pre-trip inspection. Vehicle inspections which identify an issue should be documented on the inspection report. If anything unsafe is discovered during the pre-trip inspection, it must be fixed immediately.

1. **Review Last Vehicle Inspection Report** – If an inspection report performed previously identified any issues, there will be an inspection form. The driver must review this vehicle inspection report to verify that any needed repairs were made to the vehicle. If an authorized signature certifies that defects were corrected or that correction was unnecessary, the driver will sign the third signature line of the form. If the defects noted were not acknowledged by an authorized signature, the driver shall not drive the vehicle until the defects are corrected. This form shall be turned in to the office upon returning to the terminal.
2. **Vehicle Documentation** – The driver must verify all shipping papers, vehicle registration, insurance cards and any other paperwork required by the DOT are in his or her possession.
3. **Vehicle Overview** – A review of the general condition of the vehicle is required. The driver will:

- Look for damage or unusual wear to the vehicle. Examples include vehicle leaning to one side, lights broken or inoperative, tire and rim condition, and suspension and brake wear.
 - Look under the vehicle for fresh oil, coolant, grease or fuel leaks.
 - Perform a walk-around assessment to look for people, other vehicles, objects, low hanging wires or limbs.
4. **Check Engine Compartment** – After verifying the parking brake is set and/or wheels chocked, the driver will raise the hood and inspect the engine compartment. Check the following:
- Fluid levels
 - Power steering
 - Batteries
 - Automatic transmission
 - Belts for cracks or wear
 - Tightness in alternators, water pumps and air compressor
 - Cracked, worn electrical wiring insulation
5. **Start Engine and Inspection Inside the Cab** – The driver will verify that the parking brake is set, place gearshift in neutral, start engine and listen for unusual noises. Then check the following:
- Look at gauges (oil, ammeter/voltmeter, coolant temperature, engine oil temperature, warning lights and buzzers).
 - The condition of controls. Look for looseness, sticking, damage or improper setting (steering wheel, clutch, accelerator, brake controls (foot brake, trailer brake, parking brake, retarder controls), transmission controls, interaxle differential lock, Horn(s), windshield wiper/washer, and lights (headlights, dimmer switch, turn signal, four-way flashers, clearance, identification, marker light switches).
 - The condition of mirrors and windshield/windows.
 - Location of emergency equipment (three red triangles, properly charged and rated fire extinguisher, tire chains, emergency phone number list and accident reporting kit).
6. **Check Lights** – The driver will make sure parking brake is set, engine is off and ignition key is out of the switch then check the following items:
- Headlights (low and high beams)
 - Emergency flashers
 - Parking, clearance, side marker and identification lights
 - Turn signals
 - Brake lights (a helper will be required to complete this task)

The driver will clean all lights, reflectors, and glass as needed.

7. **Test Brakes** – For hydraulic brakes, the driver will pump the brake pedal three times, then apply firm pressure to the pedal and hold for five seconds. The pedal should not move. For air brakes, verify the slack adjusters do not move more than one inch.
- The driver will check the following additional items:
 - Brake Drums (or disks), linings and hoses for cracks or other visible damage, appropriate liner thickness and presence of oil or grease.
 - Check the air hoses for worn areas or the presence of cuts or other damage. Shut off the engine and test the low pressure warning signal.
 - Verify spring brakes activate with low air pressure (usually in a range between 20-40 psi).
 - Check the rate of air pressure buildup (typically 85-100 psi within 45 seconds in dual aid systems).
 - Test air pressure leakage (with a fully charged air system – typically 125 psi).

- Verify loss rate does not exceed 2 psi in one minute for single vehicles and 3 psi in one minute for combination vehicles.
- Check air compressor governor cut-in and cut-out pressures.
- Test Parking brake with transmission in low gear. Test service brake for left or right pulling when service brakes are applied.

During a Trip

During a trip the driver should do a walk around each time they stop and step out of the truck.

If a problem is found, the driver must either have the necessary repairs or adjustments made prior to operating the vehicle, or safely travel to the nearest repair facility. For vehicles transporting hazardous materials, the driver **MUST** examine its tires at the beginning of the trip and each time the vehicle is parked.

During each stop the driver will check the following items:

- Tires, wheels and rims
- Brakes
- Lights and reflectors
- Brake and electrical connections to trailer
- Trailer couple devices
- Cargo securement devices

Post-Trip Inspection and Report

Each driver is required to review each vehicle's condition at the end of the day, or when he or she finishes driving the vehicle for that day. Vehicles include a power unit and trailer(s). If any defect is noted, the driver must prepare an inspection report, noting any issues.

The report must be completed in its entirety and the driver must note and defects to following:

- Service brakes including trailer brake connections
- Parking (and) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn(s)
- Windshield wipers
- Rear vision mirrors
- Coupling devices
- Wheels and rims
- Emergency equipment

The driver must also note any other defects that could affect the safe operation of the vehicle or result in its mechanical breakdown. The driver must sign and submit the report to the company designated program administrator.

The original copy of any inspection report noting a defect and certification of repairs will be retained in the vehicle maintenance files for 3 months. Inspection reports will be kept in cases where a roadside inspection defect is noted as well.

DVIR Auditing

Company staff will review all submitted DVIRs and compare them with any maintenance requests for vehicles. Roadside inspections will also be used to confirm the accuracy of DVIRs. If drivers are noted to be not reporting issues which should have been visible during the inspection, we will provide training and/or disciplinary action.

Unauthorized Passenger Policy

All individuals whose main duty is operating commercial motor vehicles under the authority of MARATHON XPRESS INC are subject to this policy.

MARATHON XPRESS INC does not permit or allow the transportation of any passengers unless specifically authorized in writing to do so. When such authorization is issued, it shall state the name of the person to be transported, the points where the transportation is to begin and end, and the date upon which such authority expires.

No written authorization, however, shall be necessary for the transportation of:

- Employees of the other persons assign to a commercial motor vehicle by the company; or
- Any person transported when aid is being rendered in case of an accident or other emergency.

Upon violation of this policy, the driver will be subject to disciplinary action, up to and including termination of employment or lease with MARATHON XPRESS INC.

Unsafe Driver and Local Laws Policy

Drivers are valuable members of our business. Their safety is a serious company concern. Failure to comply with local laws such as failing to wear a seatbelt, speeding and failure to maintain lane may pose a serious threat to driver and public safety. It is, therefore, the policy of MARATHON XPRESS INC to ensure our drivers have an understanding that a pattern of non-compliance with local laws may indicate unsafe habits on the part of the driver and cannot be tolerated.

The adverse impact of such habits has been acknowledged by the federal government. The FMCSA indicates in 392.2 that local laws must always be complied with. All drivers are advised that compliance with these local laws is a condition of continued employment or lease with MARATHON XPRESS INC.

Specifically, it is the policy of MARATHON XPRESS INC that the indication of a pattern of non-compliance with local laws such as moving violations or oversize/overweight violations whether in a company vehicle or a driver's personal conveyance may result in termination of the driver's employment or lease.

Please understand that violations of these types can be brought to the MARATHON XPRESS INC's awareness through a number of methods, in include the Annual Motor Vehicle check that is done

in accordance to federal regulation, through monitoring services that may be utilized by our company, through information received from the state or law enforcement such as Driver/Vehicle Examination reports, or through driver disclosure as is required by federal regulation. Information received through any of these methods will be used to ensure compliance with this policy.

Drivers with repeated or excessive violations will be subject to the following corrective action schedule.

However, MARATHON XPRESS INC reserves the right to impose more stringent consequences based on circumstances and the severity of violations. Situations will be evaluated on a case by case basis before the phased corrective action described below is initiated.

Texting while driving will be an immediate termination. This is unacceptable behavior and will not be tolerated. Receipt of this policy will serve as the only warning for this violation.

All other moving violations and violations of local laws (this list is a sample of such violations and is not necessarily inclusive of all moving violations):

Phase 1

Drivers who have one occurrence within 12 months of the following violations will receive a verbal warning.

Final Phase

Drivers who have multiple occurrences of the following violations in a 12 month period will receive a final written warning or upon review may be subject to suspension or termination of employment or lease.

At this time, we will begin monitoring the drivers Motor Vehicle Record every 90 days to ensure compliance with this policy. Drivers are still required to keep us informed of convictions of any such violations as per federal regulation.

A copy of the final written warning will be placed in the driver's file. All final written warning entries must include the date and time issued and the signatures of the driver, supervisor, and/or Safety Department representative.

Sample of moving and local law violations covered by this policy:

- Speeding
- Speeding in a work or construction zone
- Using or equipping a CMV with a radar detector
- Improper lane change
- Failure to maintain lane
- Improper Passing
- Failure to obey traffic control devices
- Inattentive driving
- Following too close
- Railroad grade crossing violation
- Improper turns
- Failure to yield right of way

- Commercial vehicle failing to slow down approaching a railroad crossing
- Failure to use caution for hazardous conditions
- Lane restriction
- Headlamps – Failing to dim when required
- Unlawfully parking and/or leaving vehicle while in the roadway
- Failing to use hazard warning
- Failing to use seatbelt while operating CMV
- Using a hand held mobile telephone or other electronic device while operating a vehicle
- Reckless Driving

Cargo Theft Policy

Safety and Security is a top priority here at MARATHON XPRESS INC. Unfortunately, cargo theft in the transportation industry is currently on the rise. Combatting this issue takes a team effort from all quarters of our company.

Our drivers are our wheels on the road and are the front line defense in this area.

Please take the following steps whenever possible to help mitigate the risk for cargo theft and to protect yourself from these situations:

- Do not go into a shipper without a full tank of fuel, or enough fuel to go at least 250 miles without stopping.
- Do not speak about your load to anyone but your dispatcher.
- Always have the plate number of your trailer noted and with you should you need to report it stolen.
- Always take your break in a location with other trucks.
- Use your King Pin lock when leaving your trailer unattended.
- When at all possible back your trailer up to a solid structure to make it difficult to open the back doors.
- Report suspicious behavior as quickly as possible to your dispatcher, or if the threat appears imminent call the authorities as soon as possible.

Cargo theft is often a crime of opportunity, as such are best serviced by paying attention to your surroundings and following your instincts. If you feel a situation is unsafe, it likely is, and you should take necessary measures to locate a more secure location.

Should an instance of cargo theft occur and upon investigation it is believed you were involved, it will be grounds for termination employment or lease.

