

Tri-Messine Const.& Callahan Paving Corp.

Driver safety program

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Tri-Messine Construction Co., Inc. vehicle safety policy

Summary

It is the policy of Tri-Messine Construction Co., Inc. that our vehicles will be used only for company business and will be operated only by authorized persons who meet the driver criteria in our vehicle safety program.

This policy applies to our company-owned vehicles and sub-contractors vehicles authorized for use on company business.

All employees must comply with federal, state and local laws and policies and be "job-ready" when they are on company business. Job-ready means that employees must be physically and mentally able to do their jobs. Employees must not use intoxicants, drugs or medications that could impair their judgment or ability to drive. Managers and supervisors have the right to determine an employee's job readiness.

Employees who drive on company business must have a valid driver's license and a satisfactory driving record.

Violations of this policy may result in revocation or restriction of employee authorization to drive a company-owned, reassignment, demotion, suspension or dismissal.

Employee responsibilities

Supervisors are responsible for ensuring that employees under their direction comply with all elements of this policy.

The Office Manger must verify, in writing, that employees have valid drivers' licenses and are qualified to operate company vehicles before they begin driving on company business.

Employees who drive on company business must follow all parts of this policy. They must download the Whip Around App on their phone or Ipad and do a walk around inspection of any vehicle before driving it and they must not use a company vehicle for personal business unless it is approved, by Al Messina.

When operating company vehicles, employees should remember that their driving habits reflect on all company employees. Company vehicles must be used legally, courteously and safely.

Employees shall use and shall require seat belts to be worn by their passengers.

Dump truck drivers must have a spotter when raising or Lower the truck Body

Dump Truck drivers must have a spotter when backing up on a job site.

Employees are responsible for the care of vehicles assigned to them and may be held liable for improper care and abuse of the vehicle. Misconduct could lead to withdrawal of driving privileges and/or disciplinary actions, up to and including dismissal.

Safety Manager Responsibility

The company safety Representative must investigate any incident that involves a company vehicle. The purpose of the investigation is to identify the root cause of an incident and to determine how it could have been prevented – not to assess fault.

Requirements for new employees

New employees who drive on company business must read and sign an *MVR (Motor Vehicle Record) consent form* that permits Our Company to complete a motor vehicle background check.

The Safety manager will review this vehicle safety policy with each new employee who drives on company business.

Requirements for drivers under 21

Drivers under the age of 21 are prohibited from operating vehicles or trucks that transport hazardous materials.

Licensing

Employees who drive on company business must have a current, valid license for the vehicles they drive. Licenses will be photocopied and kept in employees' files.

Use of personal vehicles for company business

Field Employees are not permitted to drive their personal vehicles on company Business.

Motor vehicle record (MVR) review

The office manager will review the driver's MVR semi-annually and score it using the company developed Accident and MVR Evaluation Grid for vehicle incidents and violations to determine if the employee meets the criteria to continue driving company vehicles.

Reporting incidents involving motor vehicles

An incident report packet is located in the HASP of each company vehicle. The packet contains instructions on what to do in case of an incident and forms that must be filled out. Drivers should become familiar with the instructions before using vehicles.

Employees or their supervisors are responsible for completing and filing all necessary reports within the time periods required by this policy. Failure to file an incident report may cause the loss of the driving privileges.

Employees must immediately notify their supervisor of any an accident, collision or vandalism.

Employees or their supervisors must immediately report to the office manager all collisions, accidents, or vandalism involving vehicles they use on company business.

If the incident results in injuries or fatalities, employees or their supervisors must report them to Al Messina immediately after ensuring the injured have or will receive necessary medical treatment.

Employees or their supervisors, must forward copies of all vehicle accident forms, pictures and police reports to the office manager.

Employees involved in vehicle crashes should discuss details of the incident *only* with company management, police officers, appropriate state officials, or representative of Tri-Messine's insurance carrier. Drivers are prohibited from signing or making any statements regarding responsibility for vehicle crashes. DO NOT DISCUSS ANYTHING WITH THE OTHER VEHICLES INSURANCE COMPANY OR LAWYERS.

Drug testing and MVR checks after incidents involving vehicles

After each incident involving an injury, regardless of who is at fault, the Safety manager will require a drug test within twenty four hours and obtain the driver's motor vehicle record (MVR) within three business days.

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Driver Procedures to follow after an accident:

- 1) Take photos of the accident scene and of all vehicles involved in the accident.**
- 2) Call the office to report the accident. In case of a serious crash we can send someone to the site to investigate.**
- 3) Exchange license and vehicle information with the other parties involved in the accident**
- 4) Fill out the incident reporting form (Blue Form) Immediately while the details are still fresh in your mind. Include police report # if police were called to the scene.**

We will conduct an interview with the driver to determine the root causes of the accident.

We will then do an investigation using all of the information gathered including the police report and (if the vehicle is equipped) the GPS tracking unit to determine if this was a preventable accident. If it is determined that the accident was preventable we will decide if any Corrective Action Procedures need to be taken- page 3) We will also use this information to determine future ability to drive for the company using the Accident and MVR evaluation guide (page 1)

VEHICLE MAINTENANCE

Pre-trip walk-around inspections

Employees are responsible for conducting walk-around inspections of their vehicles before driving each day or shift and note any defects or damage in the Whip Around App.

Employees must also immediately text any engine warning indicators, defects or damage to any lights, vehicle mirrors, or emergency equipment to Al (516) 662-3072 and Rusty (Equipment Manager) (646) 354-1041

The Equipment manager will evaluate the report and ensure that all hazards are repaired promptly. Vehicles that are unsafe to drive must be placed out of service immediately.

Vehicle service and maintenance intervals

Vehicle service and maintenance intervals are determined by the vehicle manufacturer. Maintenance will be performed by a qualified auto or truck mechanic. A dated record of all maintenance work will be kept in the Equipment Tracker.

Records kept on company vehicles

This company keeps the following records on each company-owned vehicle:

- *Daily vehicle inspection reports* Identifies damage or defective equipment.
- *A complete history of the costs of maintenance, parts, and labor associated with the vehicles.*

All company reports and records are confidential and must not be released to third parties without the consent of the **company president** and the company's attorney.

Definitions of terms used in this policy

Accident - An unplanned or unintended incident involving a motor vehicle that results in injury, death, or damage.

Collision - An unplanned or unintended incident in which a motor vehicle contacts another vehicle, person, or object.

Crash - An incident involving one or more vehicles in motion.

Incident - An event that resulted – or could have resulted – in personal harm or property damage.

Injury - Physical harm or damage to a person.

Motor vehicle - Any licensed mechanically or electrically powered device designed to be operated on public roads and streets.

Preventable incident - One in which the driver failed to do everything that could have been done to avoid it.

Remedial training - Training required following an incident to upgrade and renew skills and demonstrate proficiency.

Mobile phones

Mobile phone use while driving is common, but it is widely considered dangerous due to its potential for causing distracted driving and accidents. Due to the number of accidents that are related to conducting calls on a phone and texting while driving, New York State has made the use of mobile electronic device while driving illegal. NYS does allow use of a hands-free device. Driving while using a hands-free device is safer than using a handheld phone to conduct calls.

Employees who use a mobile phone in a company vehicle should remember that their number one priority is obeying the rules of the road. Tri-Messine Construction Co., Inc. requires that you do the following when you use a mobile phone when you are driving a company vehicle:

- Find a safe place to pull off of the road and place your call.
- If you receive a call or text while driving, let the call go to the voice mail and answer when it is safe to do so.
- Employees who use hands-free devices may accept calls while driving but must find a safe place to pull off of the road to place calls.

Secured Loads

Every state has laws that make it illegal for items to fall from a vehicle while on the road. The fine for transporting an unsecured load varies depending on the state law, If an item falls off a vehicle and causes bodily harm, most likely the driver will faces gross misdemeanor charges and penalties.

What is a secured load?

A load is secure when nothing can slide, shift, fall, or sift onto the roadway, or become airborne.

To secure your load

- Tie down using rope, netting, straps, or chains. Securely fasten large items directly to your vehicle. Make sure that any covering is securely tied down.
- Put lighter items lower and place heavier items on top to help keep them in place and secure the heavy items directly to your vehicle.
- Cover your load with a tarp. Covering your load with a tarp and then securely fastening the tarp to the vehicle is good way to ensure that your load is secure.
- Don't overload your vehicle.
- Double-check that your load is secure.

Assessing Risk For Journey

As trivial as it seems, driving is one of the most dangerous tasks that most people do on daily basis. It becomes even more dangerous when you consider the hazards associated with each journey, including but not limited to: road conditions, weather conditions, monotony of the drive, fatigue of the driver, abundance of wildlife, the route, and the availability of emergency services.

What is Risk Assessment?

Risk Assessment refers to the procedure where one identifies the hazards associated with a work task, then evaluates the risks that are associated with the hazards, and lastly determines suitable and effective ways to eliminate these hazards. Risk Assessment involves following three steps:

- Identifying hazards
- Analyzing risks
- Ways to control risks

Identifying risks:

The first step is to identify the hazards that are related with driving and all the things that could go wrong or cause an emergency situation. Following are the typical risks of a journey:

- Driver fatigue
- Road conditions
- Time of day for duration of the journey
- Availability of communication
- Weather conditions
- Road Conditions
- Dangerous goods
- Wild Life
- Vehicle condition

Analyzing Risks:

The risks of the journey must be analyzed before actually making the journey. Following are some important factors to take into account:

- Road & Weather conditions: Everything about the weather and the associated road conditions should be analyzed in advance. Are there white out blizzard conditions? Is there blowing snow? The quality of the road, the surface of the road, the lanes, etc.
- Timings and durations: The timings and the entire duration of the journey must be estimated. So that if the journey delays or the driver fails to check in, then the company and employers must be alerted.
- Route: Journey managers must know what route the driver is travelling upon and be able to dispatch support in the event of a missed check in or a critical event

- **Driver fatigue:** To ensure the drivers are not driving in a fatigued, which is effectively a state of impairment, drivers must determine the hours on duty and the risk assessment score will reflect the risk associated with the hours on duty
- **Emergency Support:** In case of accident, what would be the nearest emergency support center?
- **Wildlife:** Animal strikes contribute to many companies overall MVA rates. Knowing routes that have high or frequent animal strikes can allow us to reduce the amount of strikes and MVA rates.

Ways to control risks

There are many measures that could be taken to control risks. Besides preparations in advance, use of journey management apps will reduce risk and make the journey safer for employees,. This also aligns many companies with legislative requirements and their client expectations. The Following are some other ways to add appropriate controls to journeys:

- **Tracking journey routes through the use of GPS**
- **Documenting the risk assessment and controlling the approval of high risk journey's**
- **Identifying alternative routes or alternative travel methods**
- **Making check in points and journey close out's very easy**
- **Manager access to all open journeys on an app to track employee wellbeing**
- **Tracking and trending completed journeys to identify areas for improvement over time**

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Accident and MVR Evaluation Guide

The purpose of this program is to identify and eliminate unsafe drivers.

Tri-Messine is part of the DMV lens program which notifies us through an MVR report anytime any of our drivers are convicted of a moving violation.

Anytime we receive notice that one of our drivers has been convicted of a moving violation and/or has been in a preventable accident (as determined by our vehicle accident investigation procedure -page 2) we will review this drivers record using the grid below as a guide to determine their ability to continue to drive for the company.

MINOR MOVING VIOLATIONS (PAST 3 YEARS)	PREVENTABLE ACCIDENTS (PAST 3 YEARS)			
	0	1	2	3+
0	CLEAR	ACCEPTABLE	BORDERLINE	POOR
1	ACCEPTABLE	ACCEPTABLE	BORDERLINE	POOR
2	ACCEPTABLE	BORDERLINE	POOR	POOR
3	BORDERLINE	POOR	POOR	POOR
4+	POOR	POOR	POOR	POOR
ANY MAJOR VIOLATIONS (PAST 5 YEARS)	POOR	POOR	POOR	POOR

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Corrective Action Procedures

The Purpose of this plan is to ensure that Tri-Messine employees are driving safely. We will use the program to implement corrective actions, add additional vehicle equipment or controls and provide additional safety training to our drivers when necessary.

If after conducting an accident investigation the company feels that the driver has had a preventable accident we will try to determine the root cause. If the cause can be determined we will get the driver any additional training and/or equipment that can help to prevent an accident in the future.

If the driver has a preventable accident where the root cause was determined to be use of an electronic device even if it's the first accident the driver has had while driving for the company, we will install a device (Cell Control) in the vehicle, the employee will be required to download the app on his work phone, personal phone and iPad if he wishes to continue to drive for the company. This device restricts incoming and outgoing calls, limits the use of Apps to navigation only and sends reports directly to the office of any severe driving such as speeding, sudden acceleration or hard breaking.

If a driver is convicted of a moving violation we will use the Accident and MVR evaluation grid to determine if they are able to continue to drive for the company and if any additional training or vehicle controls need to be implemented.

The company has contacted Ferrari Driving School who provides Fleet Training and Management Services. We received a catalog of their on-line, on-site and on-road driving courses and will be using those courses to reinforce Safe driving habits.

All company drivers rated good will be OFFERED a free Risk Assessment to determine if they are lacking any knowledge or skills that may be necessary to perform their job. The driver will be paid for the time it takes to complete this Risk Assessment and any courses recommended by Ferrari to correct deficiencies.

Below are some of the corrective actions that will be used once a driver is rated below Good.

Borderline drivers will be REQUIRED to take the online Risk Assessment on their own time to determine which areas they would need further training and then take the courses to correct these

deficiencies. Many of the courses offered are not available on-line and must be taken on-site in a classroom or on the road with an instructor in the vehicle. This remedial training will be paid for by the company but you will NOT be paid for your time while taking these courses.

Once a driver's accident and MVR record is considered poor. He will not be allowed to drive for the company and may be terminated.

In order to be reinstated:

The driver will be REQUIRED to take the online Risk Assessment on their own time to determine which areas they need remedial training in. Many of the courses offered are not available on-line and must be taken on-site in a classroom or on the road with an instructor in the vehicle. This remedial training will NOT be paid for by the company and you will NOT be paid for your time while taking these courses. At the end of taking these courses you will have to take a written and practical driving test with an instructor to see if you can return to driving duties.

The driver must also agree to have the Cell Control unit that will be installed in the vehicle he is driving hooked up to his personal phone, work phone and Ipad to monitor his driving habits for the remainder of his employment at Trimessine