

Ride the Ducks of Seattle Safety Management Plan: Section 1

Part B Violations 1—8

Details of Corrective Actions

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

**Response to Part B
Violation 1 - State Acute Primary 383.37(b)**

Part B Violation 1 - State Acute Primary 383.37(b)

Allowing, requiring, permitting, or authorizing an employee to operate a CMV during any period in which the driver has a CLP or CDL disqualified by a State, has lost the right to operate a CMV in a State, or has been disqualified from operating a CMV.

Discovered: 1, Checked: 51

This violation was the result of several factors. There was a data entry error made in the record tracking spreadsheet that listed Mr. Myer's DOT Medical Certification expiration date as April 4, **2016**. Mr. Meyer's medical certificate expired, and since he did not provide an updated, current medical card to the Washington DMV, the DMV downgraded his CDL license to a non-CDL license. Mr. Meyers failed to notify RTDS of this occurrence.

There was also a lag time between the annual paperwork audit of Driver Qualification files in March before Mr. Myer's certificate had expired on 4/4/2015, and the end of season audit when MVR updates were requested and the outdated expiration was discovered.

Attempts to contact Mr. Myers failed to be returned when we attempted to find out to why he did not fulfill his duty as a CDL driver to inform his employer immediately following suspension of license. However, we acknowledge our responsibility to be proactive regarding upcoming expirations of paperwork and knowledge regarding CDL license statuses.

The following corrective actions have been taken to prevent this violation from occurring again:

Person responsible for ongoing compliance: Ryan Johnson, Director of Operations and Compliance Officer

1. The Director of Operations, Director of Safety and Finance Manager will keep an updated and ongoing system of automatically generated calendar reminders for all expiration dates with progressive notifications as the expiration date nears.
2. Ride the Ducks of Seattle will perform biannual, documented audits of all Driver qualification files. The biannual audits shall not begin more than 6 months apart.
3. Drivers will be required to produce all certifications to the Director of Safety at their quarterly required Emergency Drill Training (USCG regulatory requirement). Expiration dates for all certificates will be compared to the Driver Qualification files and master report lists generated by Aurico to insure that correct expiration dates are being tracked.
4. On a quarterly basis following the required Emergency Drill Training, the current status of each driver's license will be verified utilizing the State Department of Licensing driver status database at <https://fortress.wa.gov/dol/dolprod/dsdDriverStatusDisplay/?checkstatus>.
5. Moving forward, all Driver Qualification file documents will be uploaded into the Aurico electronic Driver Qualification Management system. As an additional safeguard to internal, manual qualification file audits, compliance files will also be audited by Aurico as part of their 3rd

party contracted services. The Aurico system will provide regular reports regarding 90, 60, and 30 day expiration notices to the Compliance Team (Finance Manager and Directors of Operations and Safety). These reports will be used to ensure that all drivers are aware of their upcoming expirations and that they meet the required renewals. Should a driver fail to renew their paperwork or status or the document expiration be updated in Aurico, RTD operations will be notified and the driver will immediately be placed on restricted duty and not allowed to operate a CMV until their status is cleared. Hard/paper copies of the Driver Qualification files will also be stored at RTDS operations – available for inspection/review and internal, manual auditing processes.

The following materials in support of these corrective actions can be found in Appendix A:

- 1. List of current active drivers for RTDS with date of last MVR pull**
- 2. Calendar of event reminders set up for driver medical card expirations**
- 3. Calendar of event reminders set up for bi-annual driver qualification file audits**
- 4. A copy of the RTDS driver qualification file audit checklist**

**Ride The Ducks of Seattle
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Appendix A:

**Supporting Documents of Corrective Actions
In Response to Violation 1**

- Current Active Driver List
- Example of Reminder Systems
- Driver Qualification File Audit Checklist

Ride the Ducks of Seattle

Current and Active Driver List

Name	Position	Status	Most Recent MVR
Barker, Mitchell	Mechanic / Driver	Active	9/2/2015
Brandon, Reginald	Mechanic / Driver	Active	9/3/2015
Graham, Randy	Driver	Active	1/6/2016
Hatten, JC	Mechanic / Driver	Active	1/17/2016
Hatten, Joe	Mechanic / Driver	Active	9/2/2015
Hubert, Thom	Director of Tour Dev / Driver*	Active	1/6/2016
Johnson, Ryan	Director of Ops / Driver*	Active	1/6/2016
Krauthamer, Robert "Moti"	Director of Safety / Driver*	Active	1/6/2016
Lee, Megan	Tour Guide / Driver*	Active	1/11/2016
Najou, Patrick	Driver	Active	1/11/2016
Nakon, Curt	Driver	Active	1/6/2016
Nelson, Randal	Driver	Active	1/6/2016
Tanner, Richard	Driver	Active	1/11/2016
Temple, Jeremy	Driver	Active	1/6/2016
Van Gorder, Thomas	Driver	Active	1/6/2016
Wooden, Brandon	Mechanic / Driver	Active	9/2/2015

*This employee operates primarily in a non-driving position, but is an available driver and therefore subject to DOT regulations.

1. Google Calendar for RTDS Driver Qualifications in "Agenda Mode" (Curt Nakon, March 30, 2016).

The circled entry for Wednesday March 30th shows when Captain Nakon's Medical Certification expires.

The screenshot shows the Google Calendar interface in Agenda Mode for Tuesday, March 1, 2016. The main content area displays a list of events:

- Fri Mar 11** All day: Brandon Wooden Medical Certification Expires
- Thu Mar 17** All day: Reginald Brandon Medical Certificate Expires
Calendar: RTDS Driver Qualification Files
Created by: rtdsafety@gmail.com
Who: moti@ridetheducksofseattle.com, margaret@ndetheducksofseattle.com, ryan@ndetheducksofseattle.com + 1
- Wed Mar 30** All day: **Curt Nakon Medical Certification Expires** (This entry is circled in blue)
- Fri Apr 15** All day: Curt Nakon New Violation Record Due
- Fri Apr 15** All day: Curt Nakon New Violation Review Record Due
- Thu May 5** All day: JC Hatten Medical Certification Expires
- Fri Jun 17** All day: Thom Hubert Medical Certification Expires
- Fri Jul 1** All day: File appropriate MCS - 150, 150B, 150C - Ride the Ducks of Seattle, 516 Broad St, Seattle, WA 98109, United States

On the left side, there is a calendar grid for March 2016 and a list of "My calendars" including RTD Safety, Captain USCG Quali..., RTDS Driver Qualific..., RTDS Drug and Alco..., and Tasks. The "RTDS Driver Qualific..." calendar is selected and highlighted in red.

At the bottom, it says "Showing events until 7/1/2016. Look for more".

2. Google Calendar for RTDS Driver Qualifications in “Agenda, Detailed Mode” (Curt Nakon, March 30, 2016).

Same Google Calendar event in “detailed view” shows the Wednesday March 30 event and who will be notified by email about the Medical Certification expiration. In this specific case it is the Director of Operations, Finance Manager, Director of Safety, and the “+1” is the Driver who’s Medical Certificate expires. Note how the event can also be copied to a personal calendar if desired.

The screenshot shows the Google Calendar interface in Agenda mode. The date is Tuesday, Mar 1, 2016. The calendar view shows a list of events for March 2016. The event for Wednesday, March 30, is highlighted and its details are shown in a detailed view. The event is titled "Curt Nakon Medical Certification Expires" and is categorized as "RTDS Driver Qualification Files". It was created by rtdsafety@gmail.com and is shared with moti@ridetheducks ofseattle.com, ryan@ridetheducks ofseattle.com, and margaret@ridetheducks ofseattle.com + 1. The event is marked as "All day" and has a color of red. The detailed view includes options to "copy to my calendar" and "Delete", and an "Edit event" link. The event details are circled in blue.

Google Calendar interface showing the "Agenda" view for Tuesday, Mar 1, 2016. The event "Curt Nakon Medical Certification Expires" is highlighted in blue, indicating it is the selected event. The event details are visible, including the calendar name "RTDS Driver Qualification Files", the creator "rtdsafety@gmail.com", and the attendees "moti@ridetheducks ofseattle.com, ryan@ridetheducks ofseattle.com, margaret@ridetheducks ofseattle.com + 1". The event is marked as "All day" and has a color of red. The detailed view includes options to "copy to my calendar" and "Delete", and an "Edit event" link.

3. Google Calendar for RTDS Driver Qualifications in “Create/Edit Notification Mode” (Curt Nakon, March 30, 2016).

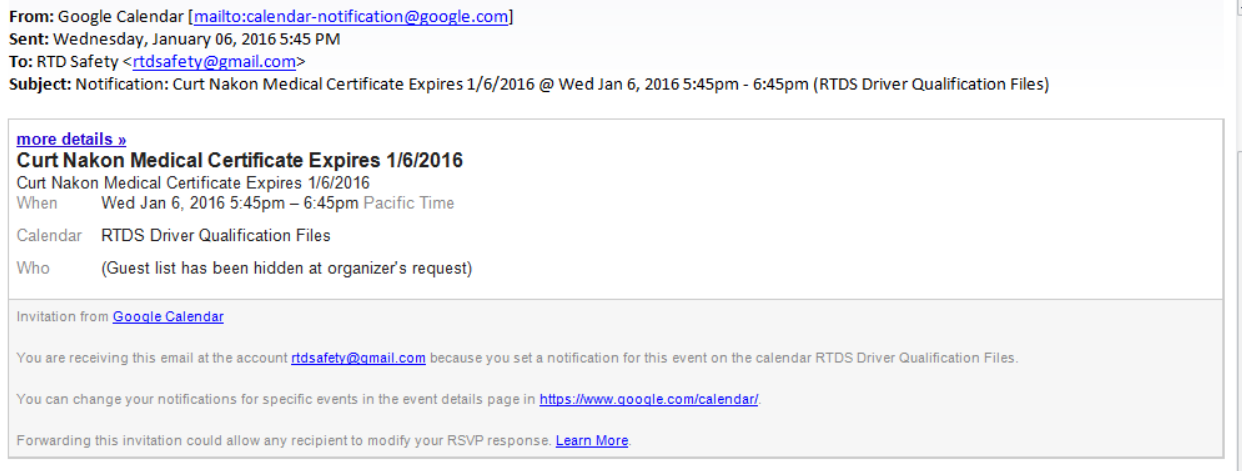
In this mode RTDS can assign who will get notifications (blue circle on right). Multiple scheduled notifications will be emailed out in order to create multiple safety nets to ensure that no deadline is missed. In this case an email is sent to all four recipients at 4 weeks, 1 week, and 1 day before the Medical Certification Expiration date (red circle lower left). By default an additional notice is also sent first thing in the morning on the day of the expiration.

The screenshot shows the Google Calendar interface for creating an event. The event title is "Curt Nakon Medical Certification Expires" and the date is 3/30/2016. The event is marked as "All day". The description is "Curt Nakon's Medical Certification Expires 3/30/2016". The calendar is set to "RTDS Driver Qualification Files". The event is created by "rtdsafety@gmail.com".

Two red circles highlight the notification settings. The first red circle highlights the "Notifications" section, which shows three notification rules: "Email" 1 day before at 9:00am, "Email" 1 week before at 9:00am, and "Email" 4 weeks before at 9:00am. The second red circle highlights the "Guests" section, which lists four email addresses: "cnpics@earthlink.net", "margaret@ridetheducksofseattle.com", "moti@ridetheducksofseattle.com", and "ryan@ridetheducksofseattle.com".

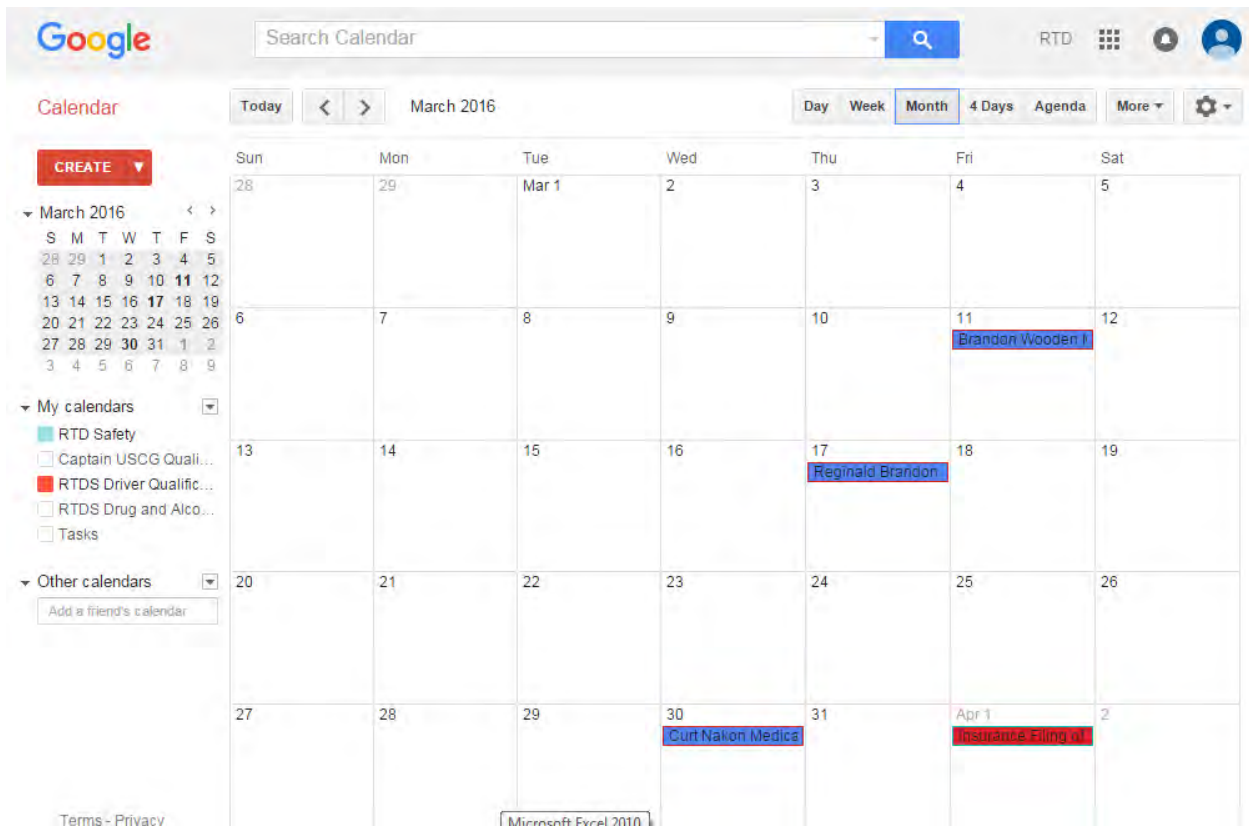
Other visible options include "Where", "Video call", "Attachment", "Show me as", and "Visibility".

4. Sample email (date within sample modified for demonstration purposes):



5. Monthly Calendar view (March 2016)

Note that 3 CDL drivers are listed on this view, including Curt Nakon on March 30th (events in blue). All will have Medical Certificates expiring.



1. Google Calendar for RTDS Driver Qualification Files “Agenda Mode”

The two screen captures below show events scheduled for biannual driver qualification file audits beginning April 1, 2016 and October 1, 2016.

Google Calendar interface showing the agenda for April 1, 2016. The calendar is set to 'Agenda' mode. The main content area displays a list of events:

- Fri Apr 1** All day: 1st Bi-annual Driver Qualification File Audit
- Sat Apr 2** All day: 1st Bi-annual Driver Qualification File Audit
- Sun Apr 3** All day: 1st Bi-annual Driver Qualification File Audit
- Mon Apr 4** All day: 1st Bi-annual Driver Qualification File Audit
- Tue Apr 5** All day: 1st Bi-annual Driver Qualification File Audit
- Wed Apr 6** All day: 1st Bi-annual Driver Qualification File Audit
- Thu Apr 7** All day: 1st Bi-annual Driver Qualification File Audit
- Fri Apr 8** All day: 1st Bi-annual Driver Qualification File Audit
- Fri Apr 15** All day: Curt Nakon New MVR (Abstract) Due
- Fri Apr 15** All day: Curt Nakon New Violation Review Record Due
- Thu May 5** All day: JC Hatten Medical Certification Expires

Showing events until 5/5/2016. [Look for more](#)

Google Calendar interface showing the agenda for Saturday, October 1, 2016. The calendar is set to 'Agenda' mode. The main content area displays a list of events:

- Sat Oct 1** All day: 2nd Bi-Annual Driver Qualification File Audit
- Sun Oct 2** All day: 2nd Bi-Annual Driver Qualification File Audit
- Mon Oct 3** All day: 2nd Bi-Annual Driver Qualification File Audit
- Tue Oct 4** All day: 2nd Bi-Annual Driver Qualification File Audit
- Wed Oct 5** All day: 2nd Bi-Annual Driver Qualification File Audit
- Thu Oct 6** All day: 2nd Bi-Annual Driver Qualification File Audit
- Fri Oct 7** All day: 2nd Bi-Annual Driver Qualification File Audit
- Sat Oct 8** All day: 2nd Bi-Annual Driver Qualification File Audit
- Fri Nov 18** All day: Thom Hubert Driver's License Expires
- Sun Dec 25** All day: Reginald Brandon Driver's License Expires

Showing events until 12/25/2016. [Look for more](#)

2. Google Calendar for RTDS Driver Qualification Files “Agenda, Detailed Mode”, (Biannual Driver Qualification File Audit)

This detailed view of first day event listing shows the three Compliance Officers that will receive the reminder email, Director of Operations, Director of Safety, and Finance Manager.

The screenshot displays the Google Calendar interface in 'Agenda' mode for Friday, April 1, 2016. The main event listed is '1st Bi-annual Driver Qualification File Audit', which is an all-day event. The detailed view for this event is expanded, showing the following information:

- Calendar:** RTDS Driver Qualification Files
- Created by:** rtdsafety@gmail.com
- Who:** moti@ridetheducksosseattle.com, ryan@ridetheducksosseattle.com, margaret@ridetheducksosseattle.com
- Color:** A color selection bar is visible with a red color selected.

Below the detailed view, a list of other events is shown, including:

- Sat Apr 2: 1st Bi-annual Driver Qualification File Audit
- Sun Apr 3: 1st Bi-annual Driver Qualification File Audit
- Mon Apr 4: 1st Bi-annual Driver Qualification File Audit
- Tue Apr 5: 1st Bi-annual Driver Qualification File Audit
- Wed Apr 6: 1st Bi-annual Driver Qualification File Audit
- Thu Apr 7: 1st Bi-annual Driver Qualification File Audit
- Fri Apr 8: 1st Bi-annual Driver Qualification File Audit
- Fri Apr 15: Curt Nakon New MVR (Abstract) Due
- Fri Apr 15: Curt Nakon New Violation Review Record Due
- Thu May 5: JC Hatten Medical Certification Expires

On the left side, the 'My calendars' section is visible, showing 'RTDS Driver Qualific...' as the active calendar. The 'Other calendars' section includes an option to 'Add a friend's calendar'.

3. Google Calendar for RTDS Driver Qualification Files "Create/Edit Notification Mode", (Biannual Driver Qualification File Audit)

The red circle show the audit scheduled for April 1-8, 2016 and the notification will repeat annually in perpetuity. The blue circle shows the list of recipients as the Director of Operations, Director of Safety, and Finance Manager. * Note the 2nd Biannual Driver Qualification File Audit in October is constructed equally.

The screenshot shows the Google Calendar interface for creating an event. The event title is "1st Bi-annual Driver Qualification File Audit". The dates are set from 4/1/2016 to 4/8/2016. A red circle highlights the date range and the "Repeat: Annually on April 1" option. The "Guests" list on the right is circled in blue and includes three email addresses: margaret@ridetheducksofseattle.com, moti@ridetheducksofseattle.com, and ryan@ridetheducksofseattle.com. The event description is "Begin 1st of 2 annual Driver Qualification File Audits. Completion date set for 1 week." The event is created by rtdsafety@gmail.com and is set to repeat annually on April 1. The notification is set to pop-up 1 week before at 9:00am. The event color is red, and the "Show me as" option is set to "Available".

Google Calendar interface showing event details for "1st Bi-annual Driver Qualification File Audit".

Event Title: 1st Bi-annual Driver Qualification File Audit

Dates: 4/1/2016 to 4/8/2016

Repeat: All day Repeat: **Annually on April 1** [Edit](#)

Where: Enter a location

Video call: [Add video call](#)

Calendar: RTDS Driver Qualification Files

Created by: rtdsafety@gmail.com

Description: Begin 1st of 2 annual Driver Qualification File Audits. Completion date set for 1 week.

Attachment: [Add attachment](#)

Event color: [Color selection]

Notifications: Pop-up 1 weeks before at 9:00am [Add a notification](#)

Show me as: Available Busy

Guests:

- [Add guests](#)
- [Email guests](#)
- Yes: 0, Maybe: 0, No: 0, Awaiting: 3
- margaret@ridetheducksofseattle.com ✕
- moti@ridetheducksofseattle.com * ✕
- ryan@ridetheducksofseattle.com * ✕

* Calendar cannot be shown. [Why?](#)

Guests can:

- modify event
- invite others
- see guest list

Guests may be able to view the guest list if changes to this event are made via a 3rd-party client. [Learn more](#)

4. Google Calendar for RTDS Driver Qualification Files (April 2016)

This calendar view shows how RTDS has blocked off eight calendar days from April 1-8 for completing Driver Qualification File Audits.

The screenshot shows the Google Calendar interface for April 2016. The calendar is displayed in a grid view. The days from April 1st to 8th are blocked off with a red background and labeled "1st Bi-annual Driver Qualification File Audit". Other events include "Curt Nakon Medical" on April 30th, "Curt Nakon New M" and "Curt Nakon New Vi" on April 15th. The interface includes a search bar, navigation buttons, and a list of calendars on the left side.

Sun	Mon	Tue	Wed	Thu	Fri	Sat
27	28	29	30 Curt Nakon Medical	31	Apr 1	2
3	4	5	6	7	8	9
1st Bi-annual Driver Qualification File Audit						
10	11	12	13	14	15 Curt Nakon New M Curt Nakon New Vi	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Ride the Ducks of Seattle Driver Qualification File Checklist

Driver Name:		Auditor Name:		Date of Audit:	
<p>1. _____ Drivers Application for Employment (49 CFR, 391.21): A person will not be allowed to drive a commercial motor vehicle unless he/she has completed and signed an application for employment. NOTE: The application form must, as a minimum, contain the information in 391.21 (b).</p> <p>DATE SUBMITTED: _____ HIRE DATE: _____</p>					
<p>2. _____ Driver Investigative History File(49 CFR, 391.53): (Subject to past DOT and FMCSA regulations only)</p> <p>a. _____ Signed written request for drug and alcohol test information from DOT - regulated employers for previous two years.</p> <p>b. _____ Inquiry to previous employers (three years - CDL).</p> <p>c. _____ <i>Ten-year work history & previous 3 year accident information in employment application.</i></p>					
<p>3. _____ Inquiry to State Agencies (49 CFR, 391.21 (a)(1) &(2)): Pre-employment only An investigation into the employee's driving record for the preceding three years. This investigation must be made within 30 days of the date his/her employment begins.</p> <p>DATE SUBMITTED: _____ HIRE DATE: _____</p>					
<p>4. _____ Annual Review of Driving Record (49 CFR, 391.25): At least once every 12 months, a motor carrier must review the driving record of each driver. A not stating the results of this review shall be included in the driver's qualification file. At least once every 12 months, a motor carrier must make an inquiry into the driving record of each driver.</p> <p>DATE OF MVR CURRENT ON FILE: _____ DATE NEW MVR REQUIRED: _____</p>					
<p>5. _____ Annual Driver's Certification of Violations (49 CFR, 391.27): At least once every 12 months, a motor carrier must require each driver that it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances during the previous 12 months.</p> <p>DATE OF CURRENT CERT. OF VIOLATIONS: _____ DATE NEW CERT. OF VIOLATIONS REQUIRED: _____</p>					
<p>6. _____ Driver's Road Test and Certificate (of equivalent) (49 CFR, 391.31 & 33): A person must not be allowed to drive a commercial motor vehicle until he/she has successfully completed a road test and has been issued a certificate, or a copy of the license or certificate that hte motor carrier accepted as equivalent to the driver's road test, pursuant to section 391.33. (Copy of WA State Commercial Drivers License, Class C, P2)</p> <p>CERTIFICATE OR LICENSE EXPIRATION: _____ WAIVERS OR RESTRICTIONS _____</p>					
<p>7. _____ Medical Examiner's Certificate (49 CFR, 391.45): The driver must pass a medical examination conducted by a licensed health care professional. A driver must be issued a Medical Examiner's certificate, which must be carried at all times, and renewed every two years.</p> <p>NATIONAL REG. VERIFICATION _____ MEDICAL CERT. EXPIRATION: _____</p>					
<p>8. _____ Entry-Level Driver-Training Certificate (CFR 49): A person must not be allowed to drive a CMV requiring a CDL without first obtaining the required Entry-Level Driver-Training Certificate.</p> <p>DATE OF TRAINING: _____ TRAINER: _____</p>					

Ride the Ducks of Seattle Driver Qualification File Checklist

9. _____ (RTDS) Signed Copy of RTDS Drug and Alcohol Policy (RTDS & 49 CFR, 382.601 (b)):

Each employer shall provide educational materials that explain the requirements of this part and the employer's policies and procedures with respect to meeting these requirements.

DATE RECEIVED

10. _____ (RTDS) Background check with Fair Credit Reporting Acknowledgement.

12. _____ (RTDS) Pre-employment and annual random Drug Test Results

13. _____ (RTDS) Signed Receipt and Acknowledgment of RTDS Code of Compliance.

Ride the Ducks of Seattle Must:

1. Inform the applicant that the information provided on the application concerning previous employers may be used, and the applicant's previous employers will be contacted, for the purpose of investigating the applicant's safety performance history.
2. Notify the driver in writing of his/her due process rights.

RECORDS OF THE DRIVERS INVESTIGATIVE HISTORY FILE MUST BE MAINTAINED IN A SECURED LOCATION WITH CONTROLLED ACCESS.

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

**Response to Part B
Violation 2 – State Critical Primary 382.305(b)(2)**

Part B Violation 2 – State Critical Primary 382.305(b)(2)

Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driving violations.

Discovered: 6, Checked: 20

This violation resulted from Ride the Ducks of Seattle not receiving any 2nd quarter 2014 random testing selections from US Healthworks and as a result, RTD did not test any drivers in quarter two of 2014. This occurred due to faults in the existing drug testing program design and set-up as well as employee turnover of the internal RTD drug and alcohol program administrator (DER) during the 2nd quarter; the company was unaware testing selections had not been received or occurred. A copy of the MIS was previously only provided by US Healthworks to Ride the Ducks of Seattle on an annual basis in 2014, so the six month MIS which would have indicated the deficiency of testing prior to the end of the year was not received. In addition, although Ride the Ducks of Seattle was set up to test more than the minimum requirements, the existing FMCSA random testing pool included safety sensitive employees who were not CDL holders and therefore did not count towards the annual testing minimums.

The following corrective actions have been taken to prevent this violation from occurring again:

Person responsible for ongoing compliance: Margaret Singbeil, Finance Manager & Assistant Compliance Officer.

1. Ride the Ducks of Seattle is under contract with a new Third Party Administrator, Aurico. Beginning January 2016, random controlled substance testing selections will be made by Aurico. The Aurico partnership includes access and use of robust internet-based information platform that provides Ride the Ducks of Seattle direct access to active participant rosters, random selection lists, test status, on-demand MIS reports, and other drug and alcohol program functions. This software will provide RTD with on-demand, internal audit capabilities, as well as allow access to numerous standardized and custom reports. The DER will manage pool lists to ensure active CDL drivers are updated and correct as well as ensure that all quarterly selections are completed. In addition, MIS reporting will be pulled on the first week of the last month of each quarter to verify compliance.
2. Margaret Singbeil will continue to act as the Designated Employee Representative for the Drug and Alcohol Program and will manage the TPA contracts and notification of drivers.
3. To segregate DOT and non-DOT regulated employees, there will be separate random testing pools for FMCSA-defined safety-sensitive employees (CDL-licensed drivers and mechanics who hold CDLs) and those in safety sensitive positions not regulated by the DOT (non-driver).
4. Annual test rates will be set-up to exceed the 2016 random test rates. Ride the Ducks will test 35% for controlled substances and 15% for alcohol. Testing rates will be monitored at the conclusion of each quarter to ensure that annual rate requirements will be met.

The following materials in support of these corrective actions can be found in Appendix B:

- 1. Current list of employees in random DOT pool**
- 2. Current list of those in RTDS non-DOT Pool**
- 3. Calendar of event reminders for MIS report pulls set at the first week of the last month of the quarter**

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

Appendix B:

**Supporting Documents of Corrective Actions
In Response to Violation 2**

- Random Testing Pool Lists for 2016: DOT and non-DOT Pools
- Example of Reminder Systems

RIDE THE DUCKS DOT Random Test Pool Q1 2016

Last Name	First Name	Pool	Position
Barker	Mitchell	DOT	Mechanic/Driver
Brandon	Reginald	DOT	Mechanic/Driver
Graham	Randy	DOT	Driver
Hatten	Joe	DOT	Fleet Maintenance Mgr/Avail Driver
Hatten	Joseph C	DOT	Mechanic/Driver
Hubert	Thomas	DOT	Director of Tour Development/Avail Driver
Johnson	Ryan	DOT	Director of Operations/Avail Driver
Krauthamer	Robert	DOT	Director of Safety/Avail Driver
Lee	Megan	DOT	Tour Guide/Avail Driver
Najou	Patrick	DOT	Driver
Nakon	Curt	DOT	Driver
Nelson	Randal	DOT	Driver
Tanner	Richard	DOT	Driver
Temple	Jeremy	DOT	Driver
Van Gorder	Thomas	DOT	Driver
Wooden	Brandon	DOT	Mechanic/Driver

RIDE THE DUCKS NON-DOT Random Test Pool Q1 2016

Last Name	First Name	Pool	Position
Crawford	Donald	Safety Sensitive	Mechanic
Ellet	Zachary	Safety Sensitive	Mechanic
Hoffman	Isaac	Safety Sensitive	Shop Foreman
Holmes	Cole	Safety Sensitive	Mechanic
Taylor	Tiffany	Safety Sensitive	Supervisor
Thornton	James	Safety Sensitive	Mechanic
Ward	Patrick	Safety Sensitive	Mechanic

1. Google Calendar for RTDS Drug and Alcohol Testing in “Agenda Mode”.

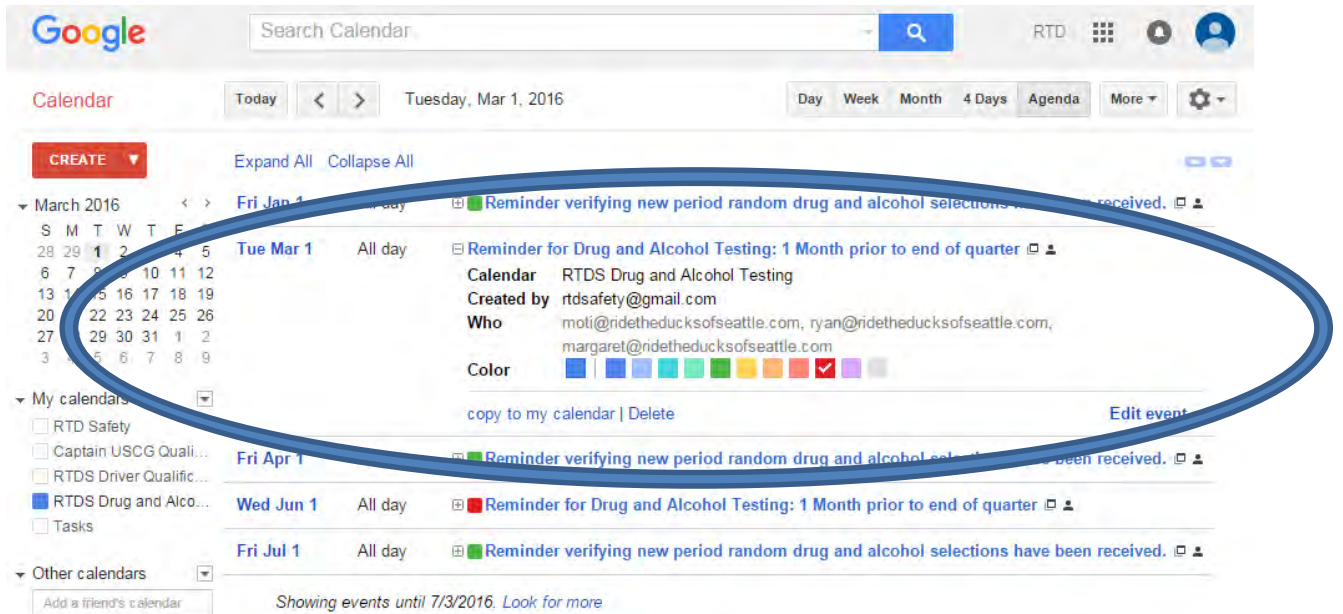
Agenda view of RTDS Drug and Alcohol Testing. Red events are set for first day of last month as a reminder to pull a MIS report for the quarter and verify selections have been tested or to schedule any remaining un-tested drivers. For example Tuesday March 1, 2016, is the first of four scheduled reminders for 2016.

The screenshot shows the Google Calendar interface in Agenda Mode. The top navigation bar includes the Google logo, a search bar, and the text "RTD". Below this, the current date is "Thursday, Jan 7, 2016". The view is set to "Agenda". On the left, there is a sidebar with a "CREATE" button, a calendar grid for January 2016, and a list of calendars including "RTD Safety", "Captain USCG Qualif...", "RTDS Driver Qualific...", "RTDS Drug and Alco...", and "Tasks". The main area displays a list of events:

Date	Time	Event Title
Tue Mar 1, 2016	All day	Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
Fri Apr 1, 2016	All day	Reminder verifying new period random drug and alcohol selections have been received.
Wed Jun 1, 2016	All day	Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
Fri Jul 1, 2016	All day	Reminder verifying new period random drug and alcohol selections have been received.
Thu Sep 1, 2016	All day	Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
Sat Oct 1, 2016	All day	Reminder verifying new period random drug and alcohol selections have been received.
Thu Dec 1, 2016	All day	Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
Sun Jan 1, 2017	All day	Reminder verifying new period random drug and alcohol selections have been received.
Wed Mar 1, 2017	All day	Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
Thu Jun 1, 2017	All day	Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
Fri Sep 1, 2017	All day	Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter

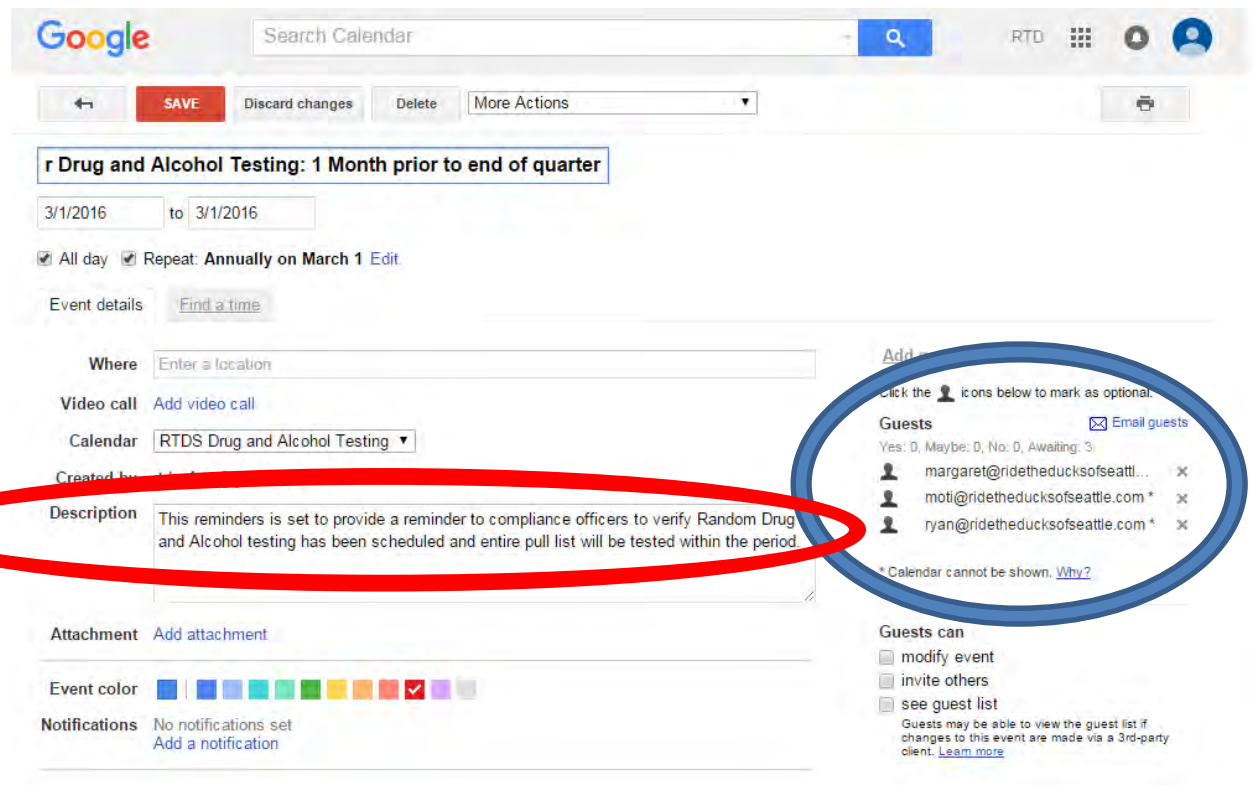
2. Google Calendar for RTDS Drug and Alcohol Testing in “Agenda, Detailed Mode” (Tuesday, March 1, 2016).

Detailed agenda view of RTDS Drug and Alcohol Testing notification of Tuesday March 1, 2016 circled in blue. Note that the event lists the Designated Employee Representative (DER, Director of Operations, and Director of Safety as people who will receive this event as an email reminder.



3. Google Calendar for RTDS Drug and Alcohol Testing in “Create/Edit Notification Mode” (March 1, 2016).

In this mode the list of people who will receive this reminder are listed on the right (circled in blue) that list includes the Designated Employee Representative, Director of Operations, and Director of Safety. A description of this event has been added to remind the compliance officers of the task (circled in red). The reminder will be emailed out on the due date of March 1, 2016 in this case.



4. Sample email sent to recipients (date within sample modified for demonstration purposes):

From: Google Calendar [<mailto:calendar-notification@google.com>]
Sent: Wednesday, January 06, 2016 8:20 PM
To: RTD Safety <rtdsafety@gmail.com>
Subject: Notification: Reminder for Drug and Alcohol Testing: 1 Month prior to e... @ Wed Jan 6, 2016 8:21pm - 9:21pm (RTDS Drug and Alcohol Testing)

[more details >](#)
Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
This reminders is set to provide a reminder to compliance officers to verify Random Drug and Alcohol testing has been scheduled and entire pull list will be tested within the period.
When Wed Jan 6, 2016 8:21pm – 9:21pm Pacific Time
Calendar RTDS Drug and Alcohol Testing
Who
• rtdsafety@gmail.com - creator
• moti@ridetheducksofseattle.com
Going? [Yes](#) - [Maybe](#) - [No](#) [more options >](#)

5. Monthly Calendar view for RTDS Drug and Alcohol Testing (March 2016)

Monthly calendar view for RTDS Drug and Alcohol Testing. Note the red reminder on March first (1 day of last month for Q1). Additionally, note the green reminder on April 1st to verify the next quarter's random drug and alcohol selections have been received.

The screenshot shows the Google Calendar interface for March 2016. The calendar is displayed in a monthly grid view. On the left side, there is a sidebar with a 'CREATE' button, a calendar navigation menu for March 2016, and a list of 'My calendars' including 'RTD Safety', 'Captain USCG Quali...', 'RTDS Driver Qualific...', 'RTDS Drug and Alco...' (which is selected), and 'Tasks'. The main calendar grid shows dates from March 28 to April 2. A red reminder box labeled 'Reminder for Drug' is positioned over the date March 1st. A green reminder box labeled 'Reminder verifying' is positioned over the date April 1st. The top of the interface includes the Google logo, a search bar, and navigation icons for 'Today', 'Month', 'Week', '4 Days', 'Agenda', and 'More'.

Sun	Mon	Tue	Wed	Thu	Fri	Sat
28	29	Mar 1 Reminder for Drug	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	Apr 1 Reminder verifying	2

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

**Response to Part B
Violation 3 – State Primary 380.509(b)**

Part B Violation 3 – State Primary 380.509 (b)

Failing to maintain a copy of driver's training certificate in the driver's personnel or qualification file.

Discovered: 26, Checked 51

These violations were a result of Ride the Ducks of Seattle failing to create proper documentation of entry-level driver's training and not maintaining driver's training certificates in the driver's personnel or qualification file as required in 49 CFR Part 380.509 (b).

The following corrective actions have been taken to prevent this discrepancy from occurring again:

Person responsible for ongoing compliance: Moti Krauthamer, Director of Safety & Assistant Compliance Officer.

1. RTDS will provide this training regardless of any grandfather clauses or experience level of incoming drivers; that is, it will be part of our required training for any new driver.
2. Following successful completion of the entry-level driver training program Ride the Ducks of Seattle will issue a driver's training certificate to all drivers according to 49 CFR Part 380.509. Original documentation will be kept in the driver qualification file, a copy will be uploaded to the Aurico Driver Qualification Management system, and one provided to the driver.
3. Additionally, for any previous RTDS drivers returning to duty, a refresher course will be given to all drivers to ensure full understanding of the required subjects as outlined in 49 CFR Part 380.503. Original documentation will be kept in the driver qualification file and copies will be uploaded to the Aurico Driver Qualification Management system, and one provided to the driver.
4. The Training Certificate issued will include all information required per 49 CFR 380.513:
 - (a) Date of certificate issuance.
 - (b) Name of training provider.
 - (c) Mailing address of training provider.
 - (d) Name of driver.
 - (e) A statement that the driver has completed training in driver qualification requirements, hours of service of drivers, driver wellness, and whistleblower protection requirements substantially in accordance with the following sentence:

I certify _____ has completed training requirements set forth in the Federal Motor Carrier Safety Regulations for entry-level driver training in accordance with 49 CFR 380.503.
 - (f) The printed name of the person attesting that the driver has received the required training.
 - (g) The signature of the person attesting that the driver has received the required training.

The following materials in support of these corrective actions can be found in Appendix C:

1. List of current active drivers for RTDS with date of Entry-Level Driver Certificate issuance
2. RTDS Entry-Level Driver Certificate of Training
3. Entry-Level Driver Training Lesson Plan, Outline, and Materials

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

Appendix C:

**Supporting Documents of Corrective Actions
In Response to Violation 3**

- List of Current Active Drivers
- Entry-Level Driver Certificate of Training
- Entry Level Driver Training Lesson Plan, Outline, and Materials

Ride the Ducks of Seattle

Current and Active Driver List

Name	Position	Status	Entry-Level Training Cert.
Barker, Mitchell	Mechanic / Driver	Active	1/6/2016
Brandon, Reginald	Mechanic / Driver	Active	1/10/16
Graham, Randy	Driver	Active	1/6/2016
Hatten, JC	Mechanic / Driver	Active	1/6/2016
Hatten, Joe	Mechanic / Driver	Active	1/6/2016
Hubert, Thom	Director of Tour Dev / Driver*	Active	1/6/2016
Johnson, Ryan	Director of Ops / Driver*	Active	1/6/2016
Krauthamer, Robert "Moti"	Director of Safety / Driver*	Active	1/6/2016
Lee, Megan	Tour Guide / Driver*	Active	1/11/2016
Najou, Patrick	Driver	Active	1/11/2016
Nakon, Curt	Driver	Active	1/6/2016
Nelson, Randal	Driver	Active	1/6/2016
Tanner, Richard	Driver	Active	1/11/2016
Temple, Jeremy	Driver	Active	1/6/2016
Van Gorder, Thomas	Driver	Active	1/6/2016
Wooden, Brandon	Mechanic / Driver	Active	1/6/2016

*This employee operates primarily in a non-driving position, but is an available driver and therefore subject to DOT regulations.

Entry Level Driver Certificate of Training								
I certify that _____ had completed training requirements set forth in the Federal Motor Carrier Safety Regulations for entry-level driver training in accordance with 49 CFR 380.503.								
_____ Name of Certifying Official	_____ Signature							
Date Certified:								
<table border="1" style="width: 80%; margin: auto; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Driver's Name (First, MI, Last)</td> </tr> <tr> <td style="padding: 5px;"> <table style="width: 100%; border: none;"> <tr> <td style="width: 80%; border: none;">Commercial Drivers License Number</td> <td style="width: 20%; border: none; text-align: right;">State</td> </tr> </table> </td> </tr> <tr> <td style="padding: 5px;">Address of Driver (Street address, City, State and Zip Code)</td> </tr> <tr> <td style="padding: 5px;">Name of Training Provider</td> </tr> <tr> <td style="padding: 5px;">Training Provider's Mailing Address</td> </tr> </table>		Driver's Name (First, MI, Last)	<table style="width: 100%; border: none;"> <tr> <td style="width: 80%; border: none;">Commercial Drivers License Number</td> <td style="width: 20%; border: none; text-align: right;">State</td> </tr> </table>	Commercial Drivers License Number	State	Address of Driver (Street address, City, State and Zip Code)	Name of Training Provider	Training Provider's Mailing Address
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Commercial Drivers License Number	State							
Address of Driver (Street address, City, State and Zip Code)								
Name of Training Provider								
Training Provider's Mailing Address								

SUBJECT: Entry-Level Driver Training

TRAINER: Moti Krauthamer, Director of Safety

TASK: Entry-level driver training must include instruction addressing the following four areas:

1. **Driver qualification requirements** - The Federal rules on medical certification, medical examination procedures, general qualifications, responsibilities, and disqualifications based on various offenses, orders, and loss of driving privileges (part 391, subparts B and E of this subchapter).
2. **Hours of service of drivers** - The limitations on driving hours, the requirement to be off-duty for certain periods of time, record of duty status preparation, and exceptions (part 395 of this subchapter). Fatigue countermeasures as a means to avoid crashes.
3. **Driver wellness** - Basic health maintenance including diet and exercise. The importance of avoiding excessive use of alcohol.
4. **Whistleblower protection** - The right of an employee to question the safety practices of an employer without the employee's risk of losing a job or being subject to reprisals simply for stating a safety concern (29 CFR part 1978).

CONDITION: At Ride the Ducks of Seattle Training/Maintenance Facility, with the appropriate training materials and time allotted.

OUTLINE:

1. Driver Qualification Requirements Lecture.
2. Hours of Service Lecture and Demonstrations.
3. Driver Wellness Lecture.
4. Whistleblower Protection Lecture with OSHA Fact Sheet Handout.

LESSON PLAN:

Driver Qualification Requirements – The Federal rules on medical certification, medical examination procedures, general qualifications, responsibilities, and disqualifications based on various offenses, orders, and loss of driving privileges (part 391, subparts B and E of this subchapter).

- At least 21 years old.
- Read, Write , and Speak English well enough to:
 - Converse.
 - Understand Traffic signs.
 - Respond to official inquiries.
 - Fill out required reports.
- Experience or training to safely operate vehicle.
- Passed a road test (all required components).
- Physically qualified to drive.
 - Good Hearing and vision.
 - At least 20/40 vision for each eye (can be with corrected lenses).
 - At least 70 degrees field of vision for each eye.
 - Must not be color blind.
 - Must be able to hear a whisper at least five feet away in at least one ear (can use a hearing aid).
 - Proper Blood pressure.
 - Must have physical more frequently if be treated for high blood pressure or if you have high blood pressure.
 - Between 140/90 and 159/99 you may need an annual exam.
 - 160/100 and 179/109 will need treatment to bring into normal range and may be checked every few months.
 - Pressure of 180/110 of greater you cannot drive a CMV.
 - Controlled Diabetes if applicable.
 - Cannot drive CM if insulin control is needed.
 - Cannot drive CMV with conditions that can cause loss of control of vehicle such as epilepsy.
 - Healthy cardiovascular system.
 - Cannot drive CMV with high risk of heart failure.
 - Proper Respiratory function.
 - Cannot drive CMV with clinical diagnosis of alcoholism.
- Cannot drive CMV with use of illegal or certain other drugs.
 - Doctor prescribing certain drugs would need to certify that it would not reduce or interfere with ability to drive.
- Good Mental Health.
- Must carry valid medical certificate at all times.

- Must be examined by a qualified and certified medical examiner.
 - Reexamined at least once every two years.
 - Must be reexamined if your ability to perform job has be impaired by:
 - Physical injury or disease.
 - Mental disease.
- Must have a CDL.
 - Cannot have a revoked or suspended driver's license.
 - Must not have been convicted of a disqualifying offence including:
 - Driving under the influence.
 - Possession of illegal substance.
 - Leaving an accident scene.
 - Committing a felony with a commercial vehicle.
 - Other disqualifiers listed in section 391.15 FM CSR.
- Disclosed accidents and traffic violations to employer.
- Know how properly locate, secure, and distribute whatever you are carrying including people.
- Know how to load and unload passengers including those with disabilities.

Hours of Service of Drivers – The limitations on driving hours, the requirement to be off-duty for certain periods of time, record of duty status preparation, and exceptions (part 395 of this subchapter). Fatigue countermeasures as a means to avoid crashes.

- Being fatigued could lead to accidents.
- Follow hours of service regulations.
 - Maximum on duty hours
 - Maximum driving hours
- Hours of service and drivers daily log.
 - Accurate
 - Legible
 - Legal: Violations of hours of service can lead to legal actions against the driver and carrier.
- Avoid logging errors.
- Avoid exceeding hours of service.
- Must record all on duty, off duty, and driving status.
- Must keep log current to last status change.
- Illegal to falsify logs.

Demonstrations and hands-on:

- Hands-on log book training
- Explanation of 70/8 rule
- Explanation of maximum driving times
- Explanation of minimum off duty hours
- Definition of on duty hours

Hours of service regulations are designed to give drivers needed rest and keep fatigued drivers off the road.

Driver Wellness – Basic health maintenance including diet and exercise. The importance of avoiding excessive use of alcohol.

Blood Cholesterol (talk to doctor about how to control Cholesterol)

- Limit Animal and Dairy products.
- Don't smoke or drink.
- Add Aerobic exercise.
- Take a nutritional supplement (again check with doctor first).

Blood Pressure: Should be below 140/90 - Consult your doctor

- Watch you weight.
- Exercising.
- Diet that includes fruits, vegetables , and low fat dairy products.
- Eating less salt.
- Quitting smoking.
- Drink alcohol in moderation or not at all.

Weight

- Cut calories.
- Increase activity.

Being overweight can lead to:

- Diabetes.
- Back Pain.
- Dangerous Joint Stress.
- Tiring more easily.

Ways to avoid being overweight:

- Eat smaller meals and drink water.
- Eat three meals a day (do not skip meals).
- Consume five servings of fruits and vegetables every day.
- Watch how much fat you eat especially saturated fat.
- Moderate salt, sugar, and sodium intake.
- Limit amount of alcohol consumed.

Ideas for Exercise include:

- Walking.
- Weights.
- Chest pull spring exerciser.
- Join a gym.

Tips for Mental fitness include:

- Safe consistent habits.
- Prepare yourself for stressful conditions like heavy traffic.
- Emotions and stress can surface more when you're tired.
- Communicate to RTDS management if you have a stressful situation.
- Exercise.
- Realize the things you cannot change like the driving habits of others and learn to accept them.

Alcohol and drug abuse

- Once you start the cycle of drug or alcohol abuse there is no easy way to stop it.
- If you think you have a problem seek professional help.
- Must abide by all laws, regulations, and policies regarding drugs and alcohol.

Fatigue - When you are fatigued you are not in control and can lead to:

- Visual distortion.
- Reduced decision making and problem solving abilities.
- Inhibited muscle response and coordination.
- Reduced reaction time.
- Inability to concentrate.
- Irritability.
- Exhaustion.
- DWA syndrome: Driving without awareness (usually comes with fatigue)
- Tips to prevent fatigue:
 - Make sure you get enough sleep in your last sleep period.
 - Make sure you had enough sleep in the last 24 hours.
 - Make sure your sleep is continuous and not interrupted.
 - Fatigue can make you start to "tunnel" and lose situational awareness.
 - Do not start out fatigued.
 - If you need to sleep; then you need to sleep.
 - Sleep "debt" builds up over time.
 - Get 7-8 hours of sleep (some people need more).

- Sleep apnea can disrupt your sleep.
 - If you think you have a sleep disorder then consult a doctor.
- Stress can make you feel tired. Tips for sleeping include:
 - Make sure room is a comfortable temperature.
 - Exercise early in the day and not right before bed.
 - Avoid heavy meals, alcohol, and caffeine before bed.
 - Schedule sleep time into your off duty hours.
- Tips for relieving stress:
 - Exercise.
 - Talk to another person about your stress.
 - Listen to music.
 - Take a walk.
 - Engage in an activity that relaxes you.
- Signs of sever fatigue: Never drive any vehicle if you have are having noticed any of these signs
 - Your eyes lose focus.
 - You yawn frequently.
 - You start making mistakes.
 - You lose situational awareness.
- Tips for avoiding fatigue:
 - Use sun glasses when needed.
 - Make sure your windshield is clean.
 - Eat heathy.
 - Drink water.
 - Get enough sleep.

Whistleblower Protection – The right of an employee to question the safety practices of an employer without the employee’s risk of losing a job or being subject to reprisals simply for stating a safety concern (29 CFR part 1978)

Protects drivers or other employees from retaliation:

- If they report violations to the FMCSA, OSHA, the UTC, or other agencies.
- If they testify violations to the FMCSA, OSHA, the UTC, or other agencies.
- From refusing to operate an unsafe vehicle.
- From refusing to drive in conditions that cause serious bodily injury.
- From refusing to drive in any manner that violates vehicle safety law for example Hours of Service requirements.
- From refusing to violate vehicle safety laws and regulations.

A driver or employee can file a complaint to OSHA (Occupational Safety and Health Administration) if a safety complaint they reported leads to:

- Being terminated from employment.
- Demotion or unwanted reassignment.
- Loss of seniority, vacation, or pay.
- Other forms of discrimination.

OSHA complaints should be reported to the Seattle OSHA office (206-553-5930). Other contact information can be found at www.whistleblowers.gov.

- The complaint should be reported within 180 days of when the discrimination occurred (exceptions to 180 day rule may apply in some cases (check with OSHA)).
- No special forms required to file complaint.
- OSHA will maintain confidentiality when required.
- Employer will have 20 days to respond the complaint they receive from OSHA.
- OSHA will pursue case until it is resolved.

OSHA Fact Sheet on Whistleblower Protection for Commercial Motor Carrier Workers will be distributed to all students. Fact sheet includes contact information for OSHA.



Federal Motor Carrier Safety Administration



Interstate Passenger Carrying Driver's Guide to Hours of Service



Interstate Passenger Carrying Driver's Guide to Hours of Service

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What Are the Hours-of-Service Regulations?



As the driver of a bus, motorcoach, or other passenger-carrying vehicle, you have a lot of responsibility as you drive down the road. The biggest concern is safety. That brings us to the main reason for the hours-of-service regulations — to keep fatigued drivers off the public roadways. These regulations put limits in place for when and how long you may drive, with the idea that these limits will help make sure that you stay awake and alert while driving.

The hours-of-service regulations are found in Part 395 of the Federal Motor Carrier Safety Regulations. These regulations are developed and enforced by the Federal Motor Carrier Safety Administration, which is part of the United States Department of Transportation. (States may have identical or similar regulations, as we will explain later.)

Who Must Comply With the Hours-of-Service Regulations?

You must follow the hours-of-service regulations if you drive a commercial motor vehicle. Just what is a commercial motor vehicle?

In general, for purposes of this document, it is a bus, motorcoach, or other passenger-carrying vehicle that:

- Is involved in interstate commerce and weighs (including any passengers and cargo) 10,001 pounds (4,536 kg) or more.
- Is involved in interstate commerce and has a gross vehicle weight rating or gross combination weight rating of 10,001 pounds (4,536 kg) or more.
- Is involved in interstate commerce and is designed or used to transport 9 or more passengers (including the driver) for compensation.
- Is involved in interstate commerce and is designed or used to transport 16 or more passengers (including the driver) not for compensation.
- Is involved in interstate or intrastate commerce and is transporting hazardous materials in a quantity requiring placards.

We will describe these terms in greater detail in the next sections of this document.

****NOTE**** There are exceptions to certain hours-of-service requirements for some operations. These will be covered later.

****NOTE**** Be aware that we are only talking here about the hours-of-service regulations. For other areas of regulation, the definition of commercial motor vehicle will vary, for example drug and alcohol regulations and commercial driver's license (CDL) requirements.

Interstate/Intrastate Commerce

To help you understand the definition of a commercial motor vehicle, let's talk about the meanings of interstate commerce and intrastate commerce. Commerce deals with buying and selling goods and services. It also deals with moving goods or passengers from place to place or going somewhere to perform services. Basically any work done in support of a business is considered to be commerce.

Interstate commerce means the goods or passengers have traveled into or through another State or country or someone has gone into another State or country to perform the service. Even if your vehicle does not leave your State, but the goods or passengers have or will, the transportation is usually considered to be in interstate commerce.



If you operate in interstate commerce once in a while, you are not required to comply with the Federal hours-of-service regulations all of the time. You must follow the Federal hours-of-service regulations while you are operating in interstate commerce. At the point you start driving in interstate commerce you must have logs with you for your last 7 days (unless you were not required to log).

You must also follow the Federal hours-of-service regulations for a short period of time after you finish operating in interstate commerce. If you were using the 60-hour/7-day schedule, you must follow the Federal hours-of-service regulations for the next 7 days after you finish operating in interstate commerce. If you were using the 70-hour/8-day schedule, you must follow the Federal hours-of-service regulations for the next 8 days after you finish operating in interstate commerce.

Intrastate commerce means the goods, passengers, and/or services stay within a single State; they do not leave their State.

If you are operating in intrastate commerce only (and are not carrying hazardous materials requiring a placard), the Federal regulations do not apply to you. However, most States have regulations that are similar or identical to the Federal regulations. To determine what State safety requirements you must follow, you should contact the appropriate State agency. This is usually the State police, highway patrol, or an office within the State's department of transportation.

Sometimes your vehicle may be empty. In these cases your vehicle is still considered to be in commerce because it is being used to support a business. Even if it is empty, you are considered to be operating in interstate commerce if you go outside of your State. If the vehicle is empty and you are operating inside your State, you are operating in intrastate commerce.

Personal Use of a Commercial Motor Vehicle



It is possible that occasionally you may not use a passenger-carrying vehicle in commerce at all. You may be transporting your friends or family or moving your personal belongings or, as a hobby, you may be towing a horse or car to a show. As long as the activity is not in support of a business, you are not operating in commerce.

If you are not operating your vehicle in commerce, you are not subject to the hours-of-service regulations.

Weight Ratings

In part, a passenger-carrying vehicle can be a commercial motor vehicle based on what it actually weighs or on what its weight rating is, whichever is greater.

To find the **gross vehicle weight rating** of a passenger-carrying vehicle, look for a manufacturer's plate on the vehicle. In some models, the plate might be inside the glove box. To find the gross weight rating of a towed unit, look for a plate on the front of the trailer. If the trailer has a tongue, the plate might be on the tongue of the trailer.

Your vehicle may have a **gross combination weight rating** posted in the same manner as the gross vehicle weight rating. If it does not, to figure the gross combination weight rating add the gross vehicle weight rating of the power unit and the actual weight of the trailer and its load.

Designed or Used

A passenger-carrying vehicle can also be a commercial motor vehicle based on how many passengers it carries or was designed to carry, whichever is greater. For example, if you never transport more than 8 passengers on your bus, but that bus was designed to transport 18 passengers, then that bus is considered a commercial motor vehicle.

“Designed to carry” refers to the number of designated seats as originally designed. Even if you remove some seats, whether temporarily or permanently, you have not changed the number of passengers the vehicle was originally designed to carry.

If, however, you remove all the seats from a passenger-carrying vehicle and convert it to a cargo-carrying vehicle, then it would be considered a property-carrying vehicle and you would have to follow different hours-of-service rules.

Finally, note that “designed to carry” does not include areas suitable, or even designed, for standing passengers.

Air Miles and Statute Miles

In the discussion of exceptions to the logging requirement, you will see the term “air miles.” This is a different measurement of a mile than what is used for statute miles on a roadmap. An air mile is longer than a statute mile. There are 6,076 feet in an air mile and 5,280 feet in a statute mile. One-hundred air miles is equal to 115.08 statute miles.

Therefore, a 100 air-mile radius from your work reporting location can be figured as 115.08 statute, or “roadmap,” miles (185.2 km) from your work reporting location.

What Are the Hours-of-Service Limits?

The hours-of-service regulations focus on when and how long you are allowed to drive by placing specific limits on the amount of time you drive your commercial motor vehicle and how many total hours you can work before you are no longer permitted to drive. You must follow three maximum duty limits at all times. They are the 15-hour on-duty limit, 10-hour driving limit, and 60/70-hour duty limit.



15-Hour On-Duty Limit

The first limit is the **15-hour on-duty limit**. Following 8 consecutive hours off duty, you must not drive a commercial motor vehicle after being on duty 15 hours. You may do other work after being on duty 15 hours, but you may not drive.

Off-duty time taken during the day, such as a lunch break or nap, does not count toward this 15-hour limit. Also, if you have a sleeper berth in your vehicle, you may be able to use it to get the required rest and to extend the 15-hour limit. Sleeper berth provisions will be discussed later in this section.

Example: You have had 8 continuous hours off and you come to work at 6:00 a.m. You work for 7 hours, take one hour off for lunch, and work another 8 hours until 10:00 p.m., for a total of 15 on-duty hours. You must not drive a commercial motor vehicle after 10:00 p.m. that evening. You may do other work after 10:00 p.m., but you can not do any more driving until you have taken another 8 consecutive hours off.

This regulation is found in Section 395.5(a)(2).

10-Hour Driving Limit

The second limit is the **driving limit**. You are allowed 10 hours of driving time after 8 consecutive hours off duty. There is no limit on how many of those hours you are allowed to drive at one time — you may drive for as little as a few minutes or as much as 10 hours in a row. Once you have driven a total of 10 hours, you have reached the driving limit and must be off duty for another 8 consecutive hours before driving a commercial motor vehicle again.



The 8 consecutive hours may consist of off duty, sleeper berth, or any combination of the two. There must be no on-duty or driving time during those 8 hours.

Example: You have had 8 consecutive hours off. You come to work at 7:00 a.m. and drive from 8:00 a.m. until 6:00 p.m., You must not drive again until you have at least 8 consecutive hours off. You may do other work after 6:00 p.m., but you can not do any more driving of a commercial motor vehicle.

This regulation is found in Section 395.5(a)(1).

60/70-Hour Duty Limit

In addition to the limits explained above, there is the 60/70-hour limit. This limit is based on a 7-day or 8-day period, starting at the time specified by your company for the start of a 24-hour period.

DAY	HOURS
1. Sunday	0
2. Monday	10
3. Tuesday	8.5
4. Wednesday	12.5
5. Thursday	9
6. Friday	10
7. Saturday	12
8. Sunday	5
TOTAL	67 hours

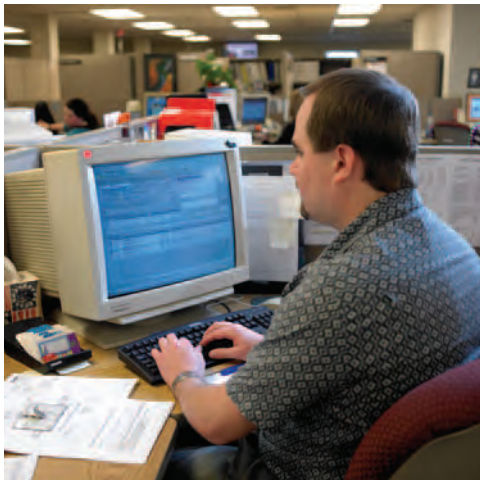
This limit is sometimes thought of as a “weekly” limit. However, this limit is not based on a “set” week, such as Sunday through Saturday. The limit is based on a “rolling” or “floating” 7-day or 8-day period. The oldest day’s hours drop off at the end of each day when you calculate the total on-duty time for the past 7 or 8 days. For example, if you operate on a 70-hour/8-day schedule, the current day would be the newest day of your 8-day period and the hours you worked 9 days ago would drop out of the calculation.

You are required to follow one of these two “weekly” limits:

- If your company does not operate vehicles every day of the week, you are not allowed to drive after you’ve been on duty 60 hours during any 7 consecutive days. Once you reach the 60-hour limit, you will not be able to drive again until you have dropped below 60 hours for a 7-consecutive-day period. You may do other work, but you can not do any more driving until you are off duty enough days to get below the limit. Any other hours you work, whether they are for a motor carrier or someone else, must be added to the total.
- If your company does operate vehicles every day of the week, your employer may assign you to the 70-hour/8-day schedule. This means that you are not allowed to drive after you’ve been on duty 70 hours in any 8 consecutive days. Once you reach the 70-hour limit, you will not be able to drive again until you have dropped below 70 hours for an 8-consecutive-day period. You may do other work, but you can not do any more driving until you get below the limit. Any other hours you work, whether they are for a motor carrier or someone else, must be added to the total.

This regulation is found in Section 395.5(b).

What Is On-Duty Time?



The 15-hour and 60/70-hour limits are based on how many hours you work over a period of time. Just what kind of work is included in on-duty time? It includes all time you are working or are required to be ready to work, for any employer. Specifically, it includes the following activities:

- All time at a bus station, yard, terminal, or other facility of a motor carrier or customer, unless you have been relieved from duty by the motor carrier;
- All time inspecting or servicing your vehicle, including fueling it and washing it;
- All driving time;
- All other time in a commercial motor vehicle unless you are resting in a sleeper berth;
- All time loading, unloading, supervising, or attending your motorcoach/bus, or handling paperwork for trips;
- All time taking care of your vehicle when it is broken down;
- All time spent providing a breath, saliva, or urine sample for drug/alcohol testing, including travel to and from the collection site;
- All time spent doing any other work for a motor carrier, including giving or receiving training and driving a company car; and
- All time spent doing paid work for anyone who is not a motor carrier, such as a part-time job at a local restaurant.

The bottom line is that on-duty time includes all time you are working for a motor carrier, whether paid or not, and all time you are doing paid work for anyone else.

The definition of on-duty time is found in Section 395.2.

Travel Time

“Travel time” refers to you being transported to a new location as part of your job, but you are not performing any of the driving on the trip. This could include riding in a motorcoach or bus passenger seat. Any travel time you do at the direction of your motor carrier is considered on-duty time. However, if you take at least 8 consecutive hours off duty once you get to your destination, you may count all of the time, including the travel time, as off duty.

Example: Your company sends you on a bus for 8 hours to a destination where you will trade places with the driver so you can drive back. You are simply riding the bus and not doing any other work for your company. Before driving the bus you take 8 consecutive hours off duty. In this case you may count all of the travel time as off duty as well.

The regulation on travel time is found in Section 395.1(j).

What Is Off-Duty Time?

By understanding the definition of on-duty time, you will get a good idea of what is considered off-duty time. In order for time to be considered off duty, you must be relieved of all duty and responsibility for performing work. You must be free to pursue activities of your own choosing and be able to leave the place where your vehicle is parked.

If you are not doing any work (paid or unpaid) for a motor carrier, and you are not doing any paid work for anyone else, you may record the time as off-duty time.



What Is the Adverse Driving Conditions Exception?



If unexpected adverse driving conditions slow you down, you may drive up to 2 extra hours to complete what could have been driven in normal conditions. This means you could drive for up to 12 hours, which is 2 hours more than allowed under normal conditions. Adverse driving conditions mean things that you did not know about when you started your run, like snow, fog, or a shut-down of traffic due to a crash. Adverse driving conditions do not include situations that you

should have known about, such as congested traffic during typical “rush hour” periods.

Even though you may drive 2 extra hours under this exception, you must not drive after 15 on-duty hours after coming on duty.

Example: You come to work at 7:00 a.m., start driving at 8:00 a.m., and drive 8 hours when you are delayed by heavy fog at 4:00 p.m. The fog was not forecasted. At this point, the adverse driving conditions exception would allow you to drive for up to 4 more hours (2 hours to get to 10 and 2 extra hours due to the fog), taking you to 8:00 p.m. for a total of 12 hours of driving.

If, however, you come to work at 7:00 a.m., start driving at 12:00 p.m. and drive into fog at 5:00 p.m., you could only drive until 10:00 p.m. for a total of 10 hours of driving. You would have to stop driving at 10:00 p.m. because you would have reached the 15-hour on-duty limit.

This regulation is found in Section 395.1(b).

Exceptions From the Hours-of-Service Regulations

Category	Type of Exception	Conditions That Must Be Met	49 CFR Section
9-15 passengers	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> Vehicle designed or used to transport 9 to 15 passengers, including the driver Not for direct compensation 	§390.3(f)(6)
100 air-mile radius driver	<ul style="list-style-type: none"> Logbook not required 	<ul style="list-style-type: none"> Report and return to work reporting location within 12 consecutive hours Stay within 100 air-mile radius of work reporting location Keep time records showing time in, time out, and total number of hours 	§395.1(e)(1)
Adverse driving conditions	<ul style="list-style-type: none"> Up to 2 additional hours of driving time 	<ul style="list-style-type: none"> Additional driving time must fall within 15-hour on-duty window Weather or traffic condition must be unknown at start of run 	§395.1(b)(1)
Alaska	<ul style="list-style-type: none"> 15 hours of driving time 20 hours of duty time 70 hours/7 days or 80 hours/8 days 	<ul style="list-style-type: none"> Driving a commercial motor vehicle in Alaska 	§395.1(h)
Emergency relief	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> Declared national, regional, State, or local emergency 	§390.23
Emergency driving conditions	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> Legal run could have been completed if there wasn't an emergency 	§395.1(b)(2)
Federal government operated	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> None 	§390.3(f)(2)
Fire and rescue (non-government)	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> None 	§390.3(f)(5)
Hawaii	<ul style="list-style-type: none"> Logbook not required 	<ul style="list-style-type: none"> Keep time records showing time in, time out, and total number of hours 	§395.1(i)
Local government operated	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> None* <p>*Intrastate exceptions may be different. Check with State enforcement for details.</p>	§390.3(f)(2)
Personal property occasional transportation	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> None 	§390.3(f)(3)
Pipeline emergency	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> Vehicle used to respond to a pipeline emergency, if rules would prevent response 	§390.3(f)(7)

Category	Type of Exception	Conditions That Must Be Met	49 CFR Section
Private motor carrier (non-business)	<ul style="list-style-type: none"> Logbook not required 	<ul style="list-style-type: none"> Transportation by non-business private motor carrier of passengers 	<ul style="list-style-type: none"> §395.8(a)
School bus – contractor operated	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> Transportation of school children and/or school personnel from home to school and from school to home 	<ul style="list-style-type: none"> §390.3(f)(1)
State government operated	<ul style="list-style-type: none"> All hours-of-service regulations 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> §390.3(f)(2)

How Does the Sleeper Berth Provision Work?

If your motorcoach or other passenger-carrying vehicle is equipped with a sleeper berth, as defined in 49 CFR §393.76, you may extend the 10-hour and 15-hour limits by using the sleeper-berth exception. Refer to 49 CFR §395.1(g)(3) for details.

What Is a “Driver’s Daily Log”?

Now that we have finished talking about the hours-of-service limits, it’s time to talk about what you must do to keep track of your time. This is done in written form, unless your time is being recorded electronically using an automatic on-board recording device, which we will explain later.

The written form you must fill out as you do your work is called the “record of duty status.” Common names for this form are the driver’s daily log, log, or logbook. You do not have to fill out a log if you come under an exception. Logbook exceptions will be discussed later.

Everything you write on the log must be true and correct. You must make all of your own entries (unless something has been preprinted on the log). You must fill out an original and one copy of your log.

You must account for every day on your log, even days off, unless you are covered by a logbook exception on any of the days. The log must cover all 24 hours of every day. (Each 24-hour page of your logbook does not have to have a grid starting at midnight; there are provisions for your employer to designate a different starting time for each 24-hour period.)



Authorized government inspectors may check your logs at any time. You must have a log for each day of the last 8 days that you were required to log (you might have been under an exception on some of those days). The current day’s log must be current to your last change of duty status.

Inspectors check your logs to see if you have violated the hours-of-service regulations. Violations of the hours-of-service regulations can result in being fined and/or placed out of service.

This regulation is found in Section 395.8.

Who Must Complete a Log?

Any person who is subject to the safety regulations and drives a commercial motor vehicle (CMV) must complete a logbook page for any day that includes CMV driving and for the prior 7 days (unless under an exception on some of those days). There are two general exceptions, as described below.

What Are the Exceptions From the Logging Requirements?

100 Air-Mile Radius

You are not required to fill out a log with a graph grid if you come under the 100 air-mile radius exception. The 100 air-mile radius exception applies for any day in which you:



- Drive within a 100 air-mile radius of your normal work reporting location,
- Return to your work reporting location and are released within 12 consecutive hours, and
- Follow the 8-hour off-duty and 10-hour driving requirements.

Your motor carrier must keep time records of the times you report for and are released from work each day, and the total hours on duty each day. You do not have to have these records in your vehicle.

This exception is optional. For example, you and your employer may choose to use a logbook even though you are within the 100 air-mile radius, so that you do not have to be released from work within 12 hours that day.

This regulation is found in Section 395.1(e)(1).

Private motor carrier of passengers (non-business)

You are not required to fill out a log if you are operating as a non-business, private motor carrier of passengers. A non-business, private motor carrier of passengers is a private motor carrier (not for hire) involved in the interstate transportation of passengers, but that transportation:

- Is not done as part of a business; and
- Is not available to the public at large.



Examples might include churches, private schools, scout groups, civic organizations, and other charitable organizations that may purchase or lease buses for the private transportation of their groups.

Keep in mind that the standard hours-of-service limits discussed above still apply, but a log is not required.

This regulation is found in Section 395.8(a).

What Must the Log Include?

The regulations do not say what the log form must look like. However, it must include a 24-hour graph grid, which is shown in the regulations, and the following information on each page:

The diagram shows a 'DRIVER'S DAILY LOG' form from the U.S. DEPARTMENT OF TRANSPORTATION. It includes a header with the title and instructions: 'ORIGINAL - Submit to carrier within 13 days' and 'DUPLICATE - Driver retains possession for eight days'. The form has several input fields: 'Date' (MONTH, DAY, YEAR), 'Total miles driving today', 'Vehicle number', 'Name of carrier', 'Main office address', 'Name of co-driver', and 'Driver's signature/certification'. A central 24-hour grid is divided into four periods: 1: OFF DUTY, 2: SLEEPER BERTH, 3: DRIVING, and 4: ON DUTY (NOT DRIVING). The grid has columns for each hour from 1 to 11, with 'MID-NIGHT' and 'NOON' markers. Below the grid is a 'REMARKS' section and a 'Pro or Shipping No.' field. Arrows from external labels point to these various elements.

- **Date.** You must write down the month, day, and year for the beginning of each 24-hour period. (Multiple consecutive days off duty may be combined on one log page, with an explanation in the "Remarks".)
- **Total miles driving today.** You must write down the total number of miles you drove during the 24-hour period.
- **Motorcoach/bus number.** You must write down either the vehicle number(s) assigned by your company, or the license number and licensing State for each vehicle operated during the 24-hour period.
- **Name of carrier.** You must write down the name of the motor carrier(s) you are working for. If you work for more than one carrier in a 24-hour period, you must list the times you started and finished work for each carrier.
- **Main office address.** You must write down your carrier's main office address.
- **Your signature.** You must certify that all of your entries are true and correct by signing your log with your legal name or name of record.

- **Name of co-driver.** You must write down the name of your co-driver, if you have one.
- **Time base to be used.** You must use the time zone in effect at your home terminal. Even if you cross other time zones, record time as it is at your terminal. The 24-hour period starting time on your log grid must be the same for your whole terminal.
- **Remarks.** This is the area where you must list the city, town, or village, and State abbreviation when a change of duty status occurs. You should also explain any unusual circumstances or log entries that may be unclear when reviewed later, such as encountering adverse driving conditions.
- **Total hours.** You must add and write down the total hours for each duty status at the right side of the grid. The total of the entries must equal 24 hours (unless you are using one page to reflect several consecutive days off duty).
- **Shipping document number(s), or name of shipper and commodity.** For each trip, you must write down a shipping document number (such as a charter order or bus bill) or the name of the company and who you are transporting (the name of the group as a whole).

The Graph Grid

Here is what your graph grid must look like. The other required information may be placed anywhere on the page outside the grid.

1: OFF DUTY	
2: SLEEPER BERTH	
3: DRIVING	
4: ON DUTY (NOT DRIVING)	
REMARKS	

You must keep the grid on your log current to your last change of duty status. For example, if an inspector stops you and asks to see your logbook, the final entry should show the time and place that you last started driving.

The grid will have the starting time and the hours marked above it. You must draw lines on the grid as follows:

Off Duty. Draw a solid line between the appropriate time markers to show the periods of time you are off duty.

Sleeper Berth. Draw a solid line between the appropriate time markers to show the periods of time you are resting in a sleeper berth.

Driving. Draw a solid line between the appropriate time markers to show the periods of time you are behind the wheel of a commercial motor vehicle in operation.

On Duty (Not Driving). Draw a solid line between the appropriate time markers to show the periods of time when you are on duty, but not driving a commercial motor vehicle. Time spent driving a non-CMV for a carrier would be included here.

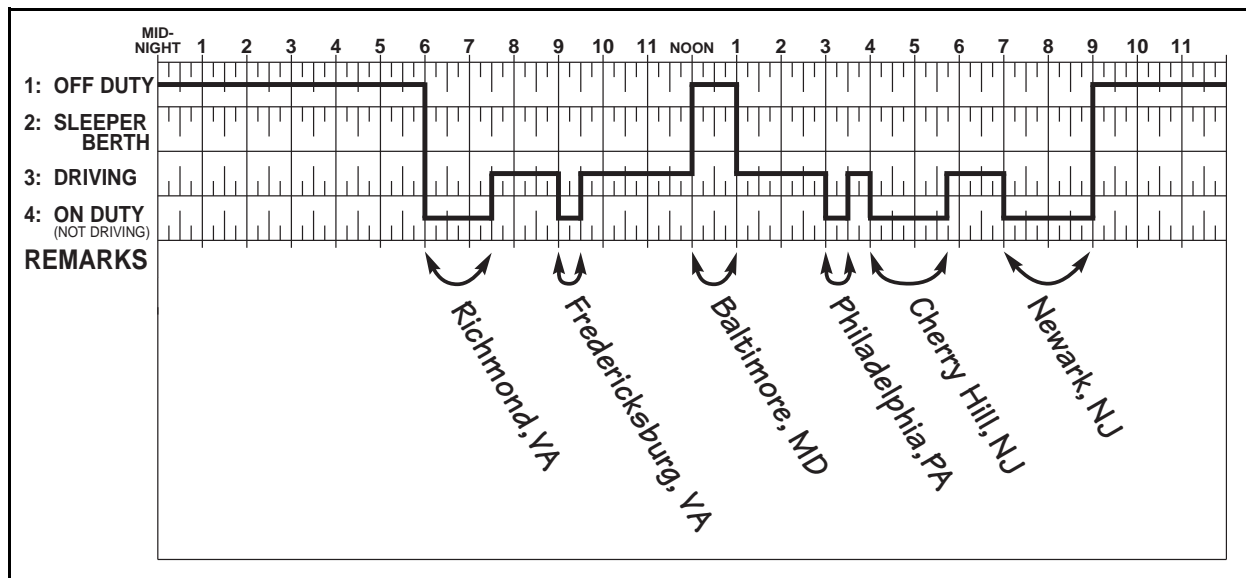
The “Remarks”

Each time you change your duty status, you must write down the name of the city, town, or village, and State abbreviation, in the Remarks section. If the change of duty status takes place at a location other than a city, town, or village, you must show one of the following:

- The highway number and the nearest milepost followed by the name of the nearest city, town, or village and State abbreviation,
- The highway number and the name of the service plaza followed by the name of the nearest city, town, or village and State abbreviation, or
- The highway numbers of the two nearest intersecting roadways followed by the name of the nearest city, town, or village and State abbreviation.

You may write other things in the Remarks section, such as a note about adverse driving conditions or when you cross a State line.

A Completed Grid



In this sample log grid, a driver we'll call John Doe went from Richmond, Virginia, to Newark, New Jersey. The driver's day went like this:

- John Doe reported for work at 6 a.m. He checked in, loaded some luggage, and did a pre-trip inspection. This is on-duty time. John marked midnight to 6 a.m. as off duty, then drew a line straight down to on duty, not driving, and then drew a horizontal line from 6 a.m. to 7:30 a.m.
- After driving 1½ hours, John stopped to fuel his coach. John marked the driving time on the driving line. The time at the fuel stop (½ hour) is marked on duty, not driving.
- John then drove for 2½ hours to Baltimore where he had lunch. He again recorded his driving time. After lunch he recorded his lunch time as off duty since he had instructions from

his carrier to log his lunch time as off duty and did not have any work responsibilities during this time.

- After lunch John drove for 2 more hours and stopped in Philadelphia to discharge passengers. He recorded his time again. Following the half-hour stop, which he recorded as on duty, not driving, he started driving again.
- John then drove for 30 minutes to Cherry Hill, NJ, where he conducted a walking tour for 1¾ hours. Because he was working, he recorded this time as on duty.
- At 5:45 John began driving again. He reached his destination in Newark at 7:00 p.m. John spent 2 hours assisting passengers, inspecting the vehicle, and doing paperwork. He went off duty at 9:00 p.m.

In the Remarks Section, John wrote down the locations of duty status changes as follows:

- He reported for work at Richmond, VA.
- He stopped and fueled his coach in Fredericksburg, VA.
- He had lunch in Baltimore, MD.
- He made a stop in Philadelphia, PA.
- He exited the coach and worked for 2 hours in Cherry Hill, NJ.
- He drove to Newark, NJ, completed some work, and went off duty.

A Completed Log

U.S. DEPARTMENT OF TRANSPORTATION		DRIVER'S DAILY LOG <small>(ONE CALENDAR DAY - 24 HOURS)</small>		ORIGINAL - Submit to carrier within 13 days DUPLICATE - Driver retains possession for eight days																					
<u>04</u>	<u>09</u>	<u>09</u>	<u>350</u>	<u>123</u>																					
<small>(MONTH)</small>	<small>(DAY)</small>	<small>(YEAR)</small>	<small>(TOTAL MILES DRIVING TODAY)</small>	<small>VEHICLE NUMBERS - (SHOW EACH UNIT)</small>																					
I certify these entries are true and correct:																									
<u>John Doe Coach Lines, Inc.</u> <small>(NAME OF CARRIER OR CARRIERS)</small>			<u>John E. Doe</u> <small>(DRIVER'S SIGNATURE IN FULL)</small>																						
<u>Washington, D.C.</u> <small>(MAIN OFFICE ADDRESS)</small>			_____ <small>(NAME OF CO-DRIVER)</small>																						
	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1: OFF DUTY	[Graph showing duty status changes]																							10	
2: SLEEPER BERTH	[Graph showing sleeper berth usage]																							0	
3: DRIVING	[Graph showing driving time]																							7.75	
4: ON DUTY (NOT DRIVING)	[Graph showing on-duty not driving time]																							6.25	
REMARKS	[Graph showing duty status changes]																							24	
Pro or Shipping No. <u>101601</u>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">↙ Richmond, VA</div> <div style="text-align: center;">↙ Fredericksburg, VA</div> <div style="text-align: center;">↙ Baltimore, MD</div> <div style="text-align: center;">↙ Philadelphia, PA</div> <div style="text-align: center;">↙ Cherry Hill, NJ</div> <div style="text-align: center;">↙ Newark, NJ</div> </div>																								

After you have completed your log, the regulations allow you 13 days to get the original copy to your carrier. Your carrier may require you to turn it in sooner.

You must keep a copy of your completed log for the next 7 consecutive days. The copies must be available for inspection by law enforcement officers.

Any time you work for more than one motor carrier during a 24-hour period, you must make extra copies and give a copy of your log to each motor carrier. The log must include:

- All duty time for the entire 24-hour period,
- The name of each motor carrier you worked for during the 24-hour period, and
- The beginning and finishing time, including a.m. or p.m., worked for each motor carrier.

What Is an Automatic On-Board Recording Device?

Many motor carriers have installed electronic devices in their commercial motor vehicles to help accurately record hours-of-service information. If such a device meets the requirements of Section 395.15 of the safety regulations, it is called an Automatic On-Board Recording Device (AOBRD), and may be used in place of a paper logbook.

Manufacturers of AOBRDs must certify that their devices meet the Section 395.15 requirements. This includes a requirement that an AOBRD must be mechanically or electronically connected to the vehicle to automatically record, at a minimum, engine use, road speed, miles driven, the date, and time of day. Drivers enter other information required to complete the hours-of-service records. You should discuss with your carrier whether any device on your vehicle used to record hours-of-service information has been certified to meet Section 395.15 requirements.

The AOBRD device must be capable of displaying or printing for enforcement officers the times of duty status changes and other required information. It must also store this information for the prior 7 days. You may review Section 395.15 for additional AOBRD requirements.

An AOBRD may be used without creating any paper copies of logs by transmitting the data electronically to the carrier, or it may be used to print copies of the logs that would be signed by the driver and mailed to the carrier.

You may have heard about Electronic On-Board Recorders (EOBRs). The use of EOBRs to record hours-of-service information is not yet authorized by the safety regulations, but it has been formally proposed. An EOBR is more complex than an AOBRD and, if approved, may use new technologies such as Global Positioning Systems to automatically record additional hours-of-service information.

Whistleblower Protection for Commercial Motor Carrier Workers

Truck drivers and other individuals working for commercial motor carriers are protected from retaliation for reporting or engaging in activities related to certain commercial motor vehicle safety, health or security conditions.

On August 3, 2007, the *Surface Transportation Assistance Act* (STAA), 49 U.S.C. §31105, was amended by *The Implementing Recommendations of the 9/11 Commission Act* (Public Law 110-53) to include new rights, remedies and procedures.

Covered Employees

In general, STAA covers private sector drivers (including independent contractors while personally operating a commercial motor vehicle) and other employees of commercial motor carriers (including mechanics and freight handlers). To qualify for coverage, employees must be involved in activities directly affecting commercial motor vehicle safety or security. A commercial motor vehicle covered by STAA is defined as any self-propelled or towed vehicle used on the highway in commerce principally to transport cargo or passengers. To qualify for coverage, such a vehicle must also:

- Have a vehicle weight rating or gross vehicle weight of at least 10,001 pounds (whichever is greater); or,
- Be designed to transport more than 10 passengers, including the driver; or,
- Transport materials deemed hazardous by the Secretary of Transportation in a quantity requiring placarding (posting) under applicable regulations.

Protected Activity

If you are covered under STAA, your employer may not discharge you or in any manner retaliate against you for:

- filing a complaint or initiating or participating in a proceeding related to the violation of a commercial motor vehicle safety or security rule; or
- cooperating with certain federal safety or security investigations; or
- providing information in an investigation by a federal, state or local regulatory or law enforcement agency relating to any accident or incident resulting in injury or death or property damage

that occurred in connection with commercial motor vehicle transportation.

In addition, under STAA, your employer may not discharge you or in any manner retaliate against you for refusing to operate a vehicle because to do so would violate a federal commercial motor vehicle rule related to safety, health, or security or because you had a reasonable apprehension of serious injury to yourself or to the public related to a vehicle's safety or security condition. STAA also prohibits your employer from discharging or otherwise retaliating against you for accurately reporting hours of service (HOS). (For more detail about federal HOS requirements, please visit the Federal Motor Carrier Safety Administration's website, www.fmcsa.dot.gov). You may also be covered if you were perceived as having engaged in the activities described above.

Adverse Actions

Your employer may be found to have violated STAA if your protected activity was a contributing factor in its decision to take adverse action against you. Such actions may include:

- Firing or laying off
- Blacklisting
- Demoting
- Denying overtime or promotion
- Disciplining
- Denying benefits
- Failing to hire or rehire
- Intimidation
- Making threats
- Reassignment affecting promotion prospects
- Reducing pay or hours

Deadline for Filing a Complaint

Complaints must be filed within 180 days after the alleged adverse action occurred.

How to File a Complaint

A worker, or representative of a worker, who believes that he or she has been retaliated against in violation of this statute may file a complaint with OSHA. The complaint should be filed with the OSHA office responsible for enforcement activities in the geographic area where the worker lives or was employed, but may be filed with any OSHA officer or employee. For more information, call your nearest OSHA Regional Office:

- *Boston* (617) 565-9860
- *New York* (212) 337-2378
- *Philadelphia* (215) 861-4900
- *Atlanta* (404) 562-2300
- *Chicago* (312) 353-2220
- *Dallas* (972) 850-4145
- *Kansas City* (816) 283-8745
- *Denver* (720) 264-6550
- *San Francisco* (415) 625-2547
- *Seattle* (206) 553-5930

Addresses, fax numbers and other contact information for these offices can be found on the Whistleblower Protection Program's website, www.whistleblowers.gov, and in local directories. Complaints may be filed orally or in writing, by mail (we recommend certified mail), e-mail, fax, or hand-delivery during business hours. The date of postmark, delivery to a third party carrier, fax, e-mail, phone call or hand-delivery is considered the date filed. If the worker or his or her representative is unable to file the complaint in English, OSHA will accept the complaint in any language.

Results of the Investigation

If the evidence supports your claim of retaliation and a settlement cannot be reached, OSHA will

issue a preliminary order requiring the appropriate relief to make you whole. Ordered relief may include:

- Reinstatement with the same seniority and benefits.
- Payment of backpay with interest.
- Compensatory damages, including compensation for special damages, expert witness fees and reasonable attorney's fees.
- Punitive damages of up to \$250,000.

OSHA's findings and preliminary order become a final order of the Secretary of Labor, unless a party objects within 30 days.

Hearings and Review

After OSHA issues its findings and preliminary order, either party may request a hearing before an administrative law judge of the U.S. Department of Labor. A party may seek review of the administrative law judge's decision and order before the Department's Administrative Review Board. Under STAA, if there is no final order issued by the Secretary of Labor within 210 days after the filing of the complaint, then you may be able to file a civil action in the appropriate U.S. district court.

To Get Further Information

For a copy of the statutes, the regulations and other whistleblower information, go to www.whistleblowers.gov. For information on the Office of Administrative Law Judges procedures, decisions and research materials, go to www.oalj.dol.gov and click on the link for "Whistleblower."

This is one in a series of informational fact sheets highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.

For more complete information:



U.S. Department of Labor

www.osha.gov

(800) 321-OSHA

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

**Response to Part B
Violation 4 - State Primary 382.305(b)(1)**

Part B Violation 4 - State Primary 382.305(b)(1)

Failing to conduct random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.

Discovered: 1, Checked: 4

This violation resulted from Ride the Ducks of Seattle not receiving any 2nd quarter 2014 random testing selections from US Healthworks and as a result, did not perform any random breath alcohol tests in quarter two of 2014. This occurred due to faults in the existing drug testing program design and set-up as well as employee turnover of the DER during 2nd quarter of two 2014; so that the company was unaware testing had not occurred. A copy of the MIS was previously only provided by US Healthworks to Ride the Ducks of Seattle on an annual basis in 2014, so the six month MIS which would have indicated the deficiency of testing prior to the end of the year was not received. In addition, although Ride the Ducks of Seattle was set up to test more than the minimum requirements, the existing FMCSA random testing pool included safety sensitive employees who were not CDL holders and therefore did not count towards the annual testing minimums.

The following corrective actions have been taken to prevent this violation from occurring again:

Person responsible for ongoing compliance: Margaret Singbeil, Finance Manager & Assistant Compliance Officer.

1. Ride the Ducks of Seattle is under contract with a new Third Party Administrator, Aurico. Beginning January 2016 all Ride the Ducks of Seattle Drug testing will occur through pools randomly selected by Aurico. This partnership will enable Ride the Ducks of Seattle direct access to reporting software and auditing abilities with Aurico. The DER will manage the pool lists to ensure active CDL drivers are updated and correct as well as ensure that all quarterly selections are completed. In addition, MIS reporting will be pulled on the first week of the last month of each quarter to verify compliance.
2. Margaret Singbeil will continue to act as the Designated Employee Representative for the Drug and Alcohol Program and will manage the TPA contracts and notifications of drivers.
3. There will be separate random testing pools for FMCSA drivers and those in safety sensitive positions not regulated by the DOT (non-driver).
4. Annual test rates will be set-up to exceed the 2016 random test rates. Ride the Ducks will test 35% for controlled substances and 15% for alcohol. Testing rates will be monitored at the conclusion of each quarter to insure that annual rate requirements will be met.

The following materials in support of these corrective actions can be found in Appendix D:

1. **Current list of employees in random DOT pool**
2. **Current list of those in RTD non-DOT Pool**
3. **Calendar of event reminders for MIS report pulls set at the first week of the last month of the quarter**

**Ride The Ducks of Seattle
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Appendix D:

**Supporting Documents of Corrective Actions
In Response to Violation 4**

- Random Testing Pool Lists for 2016: DOT and non-DOT Pools
- Example of Reminder Systems

RIDE THE DUCKS DOT Random Test Pool Q1 2016

Last Name	First Name	Pool	Position
Barker	Mitchell	DOT	Mechanic/Driver
Brandon	Reginald	DOT	Mechanic/Driver
Graham	Randy	DOT	Driver
Hatten	Joe	DOT	Fleet Maintenance Mgr/Avail Driver
Hatten	Joseph C	DOT	Mechanic/Driver
Hubert	Thomas	DOT	Director of Tour Development/Avail Driver
Johnson	Ryan	DOT	Director of Operations/Avail Driver
Krauthamer	Robert	DOT	Director of Safety/Avail Driver
Lee	Megan	DOT	Tour Guide/Avail Driver
Najou	Patrick	DOT	Driver
Nakon	Curt	DOT	Driver
Nelson	Randal	DOT	Driver
Tanner	Richard	DOT	Driver
Temple	Jeremy	DOT	Driver
Van Gorder	Thomas	DOT	Driver
Wooden	Brandon	DOT	Mechanic/Driver

RIDE THE DUCKS NON-DOT Random Test Pool Q1 2016

Last Name	First Name	Pool	Position
Crawford	Donald	Safety Sensitive	Mechanic
Ellet	Zachary	Safety Sensitive	Mechanic
Hoffman	Isaac	Safety Sensitive	Shop Foreman
Holmes	Cole	Safety Sensitive	Mechanic
Taylor	Tiffany	Safety Sensitive	Supervisor
Thornton	James	Safety Sensitive	Mechanic
Ward	Patrick	Safety Sensitive	Mechanic

1. Google Calendar for RTDS Drug and Alcohol Testing in “Agenda Mode”.

Agenda view of RTDS Drug and Alcohol Testing. Red events are set for first day of last month as a reminder to pull a MIS report for the quarter and verify selections have been tested or to schedule any remaining un-tested drivers. For example Tuesday March 1, 2016, is the first of four scheduled reminders for 2016.

The screenshot shows the Google Calendar interface in Agenda Mode. The top navigation bar includes the Google logo, a search bar, and the text "RTD". Below this, the calendar is set to "Thursday, Jan 7, 2016". The view is set to "Agenda". On the left, there is a sidebar with a "CREATE" button, a calendar grid for January 2016, and a list of calendars including "RTD Safety", "Captain USCG Qualif...", "RTDS Driver Qualific...", "RTDS Drug and Alco...", and "Tasks". The main area displays a list of events:

Date	Time	Event Title
Tue Mar 1, 2016	All day	Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
Fri Apr 1, 2016	All day	Reminder verifying new period random drug and alcohol selections have been received.
Wed Jun 1, 2016	All day	Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
Fri Jul 1, 2016	All day	Reminder verifying new period random drug and alcohol selections have been received.
Thu Sep 1, 2016	All day	Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
Sat Oct 1, 2016	All day	Reminder verifying new period random drug and alcohol selections have been received.
Thu Dec 1, 2016	All day	Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
Sun Jan 1, 2017	All day	Reminder verifying new period random drug and alcohol selections have been received.
Wed Mar 1, 2017	All day	Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
Thu Jun 1, 2017	All day	Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
Fri Sep 1, 2017	All day	Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter

2. Google Calendar for RTDS Drug and Alcohol Testing in “Agenda, Detailed Mode” (Tuesday, March 1, 2016).

Detailed agenda view of RTDS Drug and Alcohol Testing notification of Tuesday March 1, 2016 circled in blue. Note that the event lists the Designated Employee Representative (DER, Director of Operations, and Director of Safety as people who will receive this event as an email reminder.

The screenshot shows the Google Calendar interface in 'Agenda' view for Tuesday, March 1, 2016. The main event displayed is 'Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter'. This event is circled in blue. The event details include:

- Calendar:** RTDS Drug and Alcohol Testing
- Created by:** rtdsafety@gmail.com
- Who:** molli@ridetheducksofseattle.com, ryan@ridetheducksofseattle.com, margaret@ridetheducksofseattle.com
- Color:** Blue

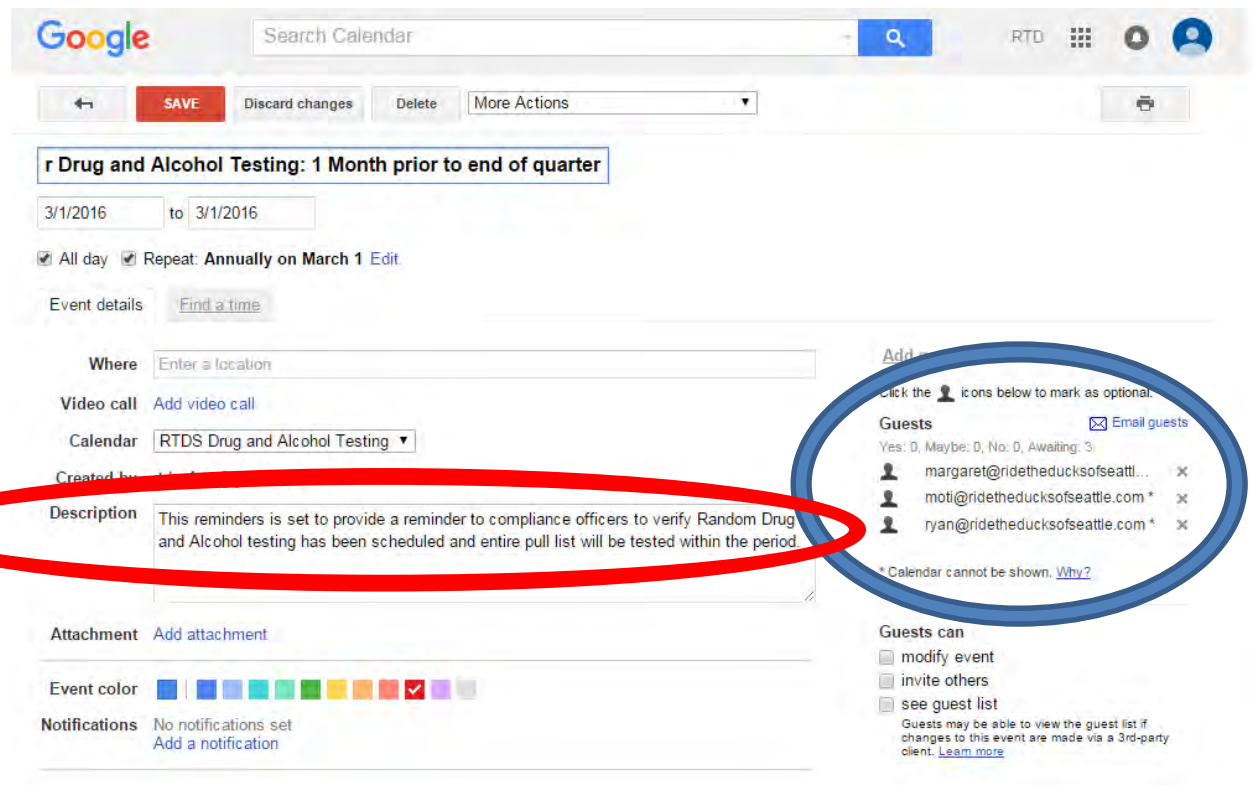
Other visible events in the agenda include:

- Fri Jan 1:** Reminder verifying new period random drug and alcohol selections have been received.
- Fri Apr 1:** Reminder verifying new period random drug and alcohol selections have been received.
- Wed Jun 1:** Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter.
- Fri Jul 1:** Reminder verifying new period random drug and alcohol selections have been received.

The interface also shows a calendar grid for March 2016 on the left, with the 1st of March highlighted. At the bottom, it indicates 'Showing events until 7/3/2016. Look for more'.

3. Google Calendar for RTDS Drug and Alcohol Testing in “Create/Edit Notification Mode” (March 1, 2016).

In this mode the list of people who will receive this reminder are listed on the right (circled in blue) that list includes the Designated Employee Representative, Director of Operations, and Director of Safety. A description of this event has been added to remind the compliance officers of the task (circled in red). The reminder will be emailed out on the due date of March 1, 2016 in this case.



4. Sample email sent to recipients (date within sample modified for demonstration purposes):

From: Google Calendar [<mailto:calendar-notification@google.com>]
Sent: Wednesday, January 06, 2016 8:20 PM
To: RTD Safety <rtdsafety@gmail.com>
Subject: Notification: Reminder for Drug and Alcohol Testing: 1 Month prior to e... @ Wed Jan 6, 2016 8:21pm - 9:21pm (RTDS Drug and Alcohol Testing)

[more details >](#)
Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
This reminders is set to provide a reminder to compliance officers to verify Random Drug and Alcohol testing has been scheduled and entire pull list will be tested within the period.
When Wed Jan 6, 2016 8:21pm – 9:21pm Pacific Time
Calendar RTDS Drug and Alcohol Testing
Who
• rtdsafety@gmail.com - creator
• moti@ridetheducksofseattle.com
Going? [Yes](#) - [Maybe](#) - [No](#) [more options >](#)

5. Monthly Calendar view for RTDS Drug and Alcohol Testing (March 2016)

Monthly calendar view for RTDS Drug and Alcohol Testing. Note the red reminder on March first (1 day of last month for Q1). Additionally, note the green reminder on April 1st to verify the next quarter's random drug and alcohol selections have been received.

The screenshot shows the Google Calendar interface for March 2016. The calendar is displayed in a monthly grid view. On the left side, there is a sidebar with a 'CREATE' button, a calendar navigation menu for March 2016, and a list of 'My calendars' including 'RTD Safety', 'Captain USCG Quali...', 'RTDS Driver Qualific...', 'RTDS Drug and Alco...' (which is selected), and 'Tasks'. The main calendar grid shows dates from March 28 to April 2. A red reminder box labeled 'Reminder for Drug' is positioned over the date March 1st. A green reminder box labeled 'Reminder verifying' is positioned over the date April 1st. The top of the interface includes the Google logo, a search bar, and navigation icons for 'Today', 'Month', '4 Days', and 'Agenda'.

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**Response to Part B
Violation 5 - State Primary 382.305(i)(3)**

Part B Violation 5 - State Primary 382.305(i)(3)

Failing to ensure that drivers are tested within the selection period.

Discovered: 2, Checked: 9

This violation occurred when a random selection was not tested within the quarter of which the driver was selected. While there was a specific issue with this selectee that contributed to this error, Ride the Ducks of Seattle acknowledges that alternative measures should have been taken to monitor testing within each selection period and ensuring that the driver was tested within the quarter.

The following corrective actions have been taken to prevent this violation from occurring again:

Person responsible for ongoing compliance: Margaret Singbeil, Finance Manager & Assistant Compliance Officer.

1. Automatic calendar reminders will be set for the first week of the final month of a quarter for DER, Director of Operations and Director of Safety to ensure that all tests have been completed prior to the end of the period. Notification of several management members with knowledge of the requirements will ensure consistent execution.

The following materials in support of these corrective actions can be found in Appendix E:

- 1. Calendar and example of reminders for random testing selections**

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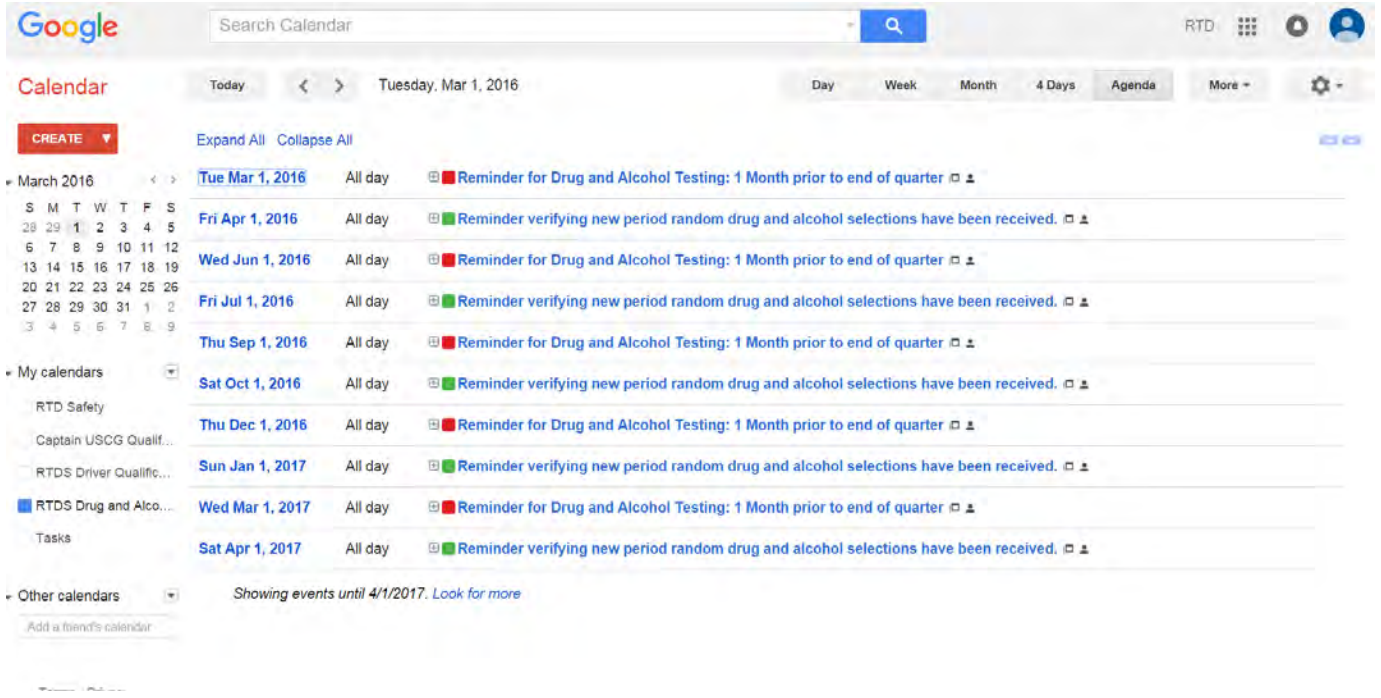
Appendix E:

**Supporting Documents of Corrective Actions
In Response to Violation 5**

- Example of Reminder Systems

1. Google Calendar for RTDS Drug and Alcohol Testing in “Agenda Mode”.

Agenda view of RTDS Drug and Alcohol Testing. Red events are set for first day of last month as a reminder to pull a MIS report for the quarter and verify selections have been tested or to schedule any remaining un-tested drivers. For example Tuesday March 1, 2016, is the first of four scheduled reminders for 2016.



2. Google Calendar for RTDS Drug and Alcohol Testing in “Agenda, Detailed Mode” (Tuesday, March 1, 2016).

Detailed agenda view of RTDS Drug and Alcohol Testing notification of Tuesday March 1, 2016 circled in blue. Note that the event lists the Designated Employee Representative (DER, Director of Operations, and Director of Safety as people who will receive this event as an email reminder.

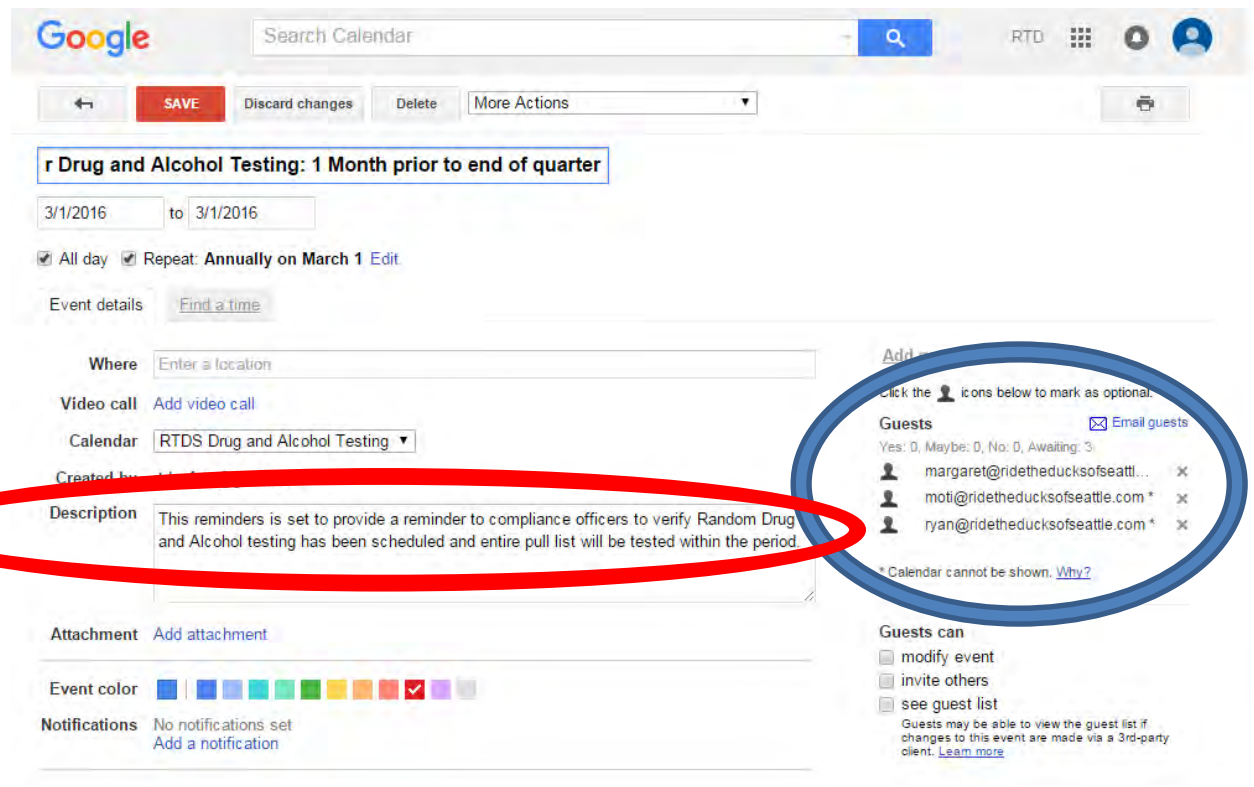
The screenshot shows the Google Calendar interface in 'Agenda' view for Tuesday, March 1, 2016. The main event displayed is 'Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter'. The event details are as follows:

- Calendar:** RTDS Drug and Alcohol Testing
- Created by:** rtdsafety@gmail.com
- Who:** moti@ridetheducksofseattle.com, ryan@ridetheducksofseattle.com, margaret@ridetheducksofseattle.com
- Color:** Blue

Other visible events include 'Reminder verifying new period random drug and alcohol selections have been received.' for Friday, January 1st, and 'Reminder verifying new period random drug and alcohol selections have been received.' for Friday, April 1st. The interface also shows a calendar grid for March 2016 and a list of calendars including 'RTD Safety', 'Captain USCG Quali...', 'RTDS Driver Qualific...', 'RTDS Drug and Alco...', and 'Tasks'.

3. Google Calendar for RTDS Drug and Alcohol Testing in “Create/Edit Notification Mode” (March 1, 2016).

In this mode the list of people who will receive this reminder are listed on the right (circled in blue) that list includes the Designated Employee Representative, Director of Operations, and Director of Safety. A description of this event has been added to remind the compliance officers of the task (circled in red). The reminder will be emailed out on the due date of March 1, 2016 in this case.



4. Sample email sent to recipients (date within sample modified for demonstration purposes):

From: Google Calendar [<mailto:calendar-notification@google.com>]
Sent: Wednesday, January 06, 2016 8:20 PM
To: RTD Safety <rtdsafety@gmail.com>
Subject: Notification: Reminder for Drug and Alcohol Testing: 1 Month prior to e... @ Wed Jan 6, 2016 8:21pm - 9:21pm (RTDS Drug and Alcohol Testing)

[more details >](#)
Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
This reminders is set to provide a reminder to compliance officers to verify Random Drug and Alcohol testing has been scheduled and entire pull list will be tested within the period.
When Wed Jan 6, 2016 8:21pm – 9:21pm Pacific Time
Calendar RTDS Drug and Alcohol Testing
Who

- rtdsafety@gmail.com - creator
- moti@ridetheducksofseattle.com

Going? [Yes](#) - [Maybe](#) - [No](#) [more options >](#)

5. Monthly Calendar view for RTDS Drug and Alcohol Testing (March 2016)

Monthly calendar view for RTDS Drug and Alcohol Testing. Note the red reminder on March first (1 day of last month for Q1). Additionally, note the green reminder on April 1st to verify the next quarter's random drug and alcohol selections have been received.

The screenshot shows the Google Calendar interface for March 2016. The calendar is displayed in a monthly grid view. A red reminder box labeled "Reminder for Drug" is positioned over the date March 1st. A green reminder box labeled "Reminder verifying" is positioned over the date April 1st. The left sidebar shows the current month (March 2016) and a list of calendars, with "RTDS Drug and Alco..." selected. The top navigation bar includes the Google logo, a search bar, and user profile icons.

Sun	Mon	Tue	Wed	Thu	Fri	Sat
28	29	Mar 1 Reminder for Drug	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	Apr 1 Reminder verifying	2

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**Response to Part B
Violation 6 - State Primary 382.305(k)(2)**

Part B Violation 6 - State Primary 382.305(k)(2)

Failing to ensure that random testing dates are reasonably spread throughout the calendar year.

Discovered: 1, Checked: 1

This violation resulted from Ride the Ducks of Seattle not receiving any 2nd quarter 2014 random testing selections from US Healthworks and as a result, RTD did not test any drivers in the 2nd Quarter of 2014. This occurred due to faults in the existing drug testing program design and set-up as well as employee turnover of the internal RTD drug and alcohol program administrator (DER) during the 2nd quarter; the company was unaware testing selections had not been received or occurred. A copy of the MIS was previously only provided by US Healthworks to Ride the Ducks of Seattle on an annual basis in 2014, so the six month MIS which would have indicated the deficiency of testing prior to the end of the year was not received. In addition, although Ride the Ducks of Seattle was set up to test more than the minimum requirements, the existing FMCSA random testing pool included safety sensitive employees who were not CDL holders and therefore did not count towards the annual testing minimums.

The following corrective actions have been taken to prevent this violation from occurring again, ensuring that random selections are made equally throughout the year:

Person responsible for ongoing compliance: Margaret Singbeil, Finance Manager & Assistant Compliance Officer.

1. Ride the Ducks of Seattle is under contract with a new Third Party Administrator, Aurico. Beginning January 2016, random controlled substance testing selections will be made by Aurico. The Aurico partnership includes access and use of robust internet-based information platform that provides Ride the Ducks of Seattle direct access to active participant rosters, random selection lists, test status, on-demand MIS reports, and other drug and alcohol program functions. This software will provide RTDS with on-demand, internal audit capabilities, as well as allow access to numerous standardized and custom reports. The DER will manage pool lists to ensure active CDL drivers are updated and correct as well as ensure that all quarterly selections are completed. In addition, MIS reporting will be pulled on the first week of the last month of each quarter to verify compliance.
2. Updated reminders are now set for the DER as well as the Director of Operations and Director of Safety to ensure that selections have been made at the beginning of the quarter as well as for the first week of the final month of a quarter for DER, Director of Operations and Director of Safety to ensure that all tests have been completed prior to the end of the period.

The following materials in support of these corrective actions can be found in Appendix F:

1. **Matrix of compliance monitoring notifications.**
2. **Calendar of event reminders for MIS report pulls set at the first week of the last month of the quarter**
3. **Calendar and example of reminders for random testing**

**Ride The Ducks of Seattle
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Appendix F:

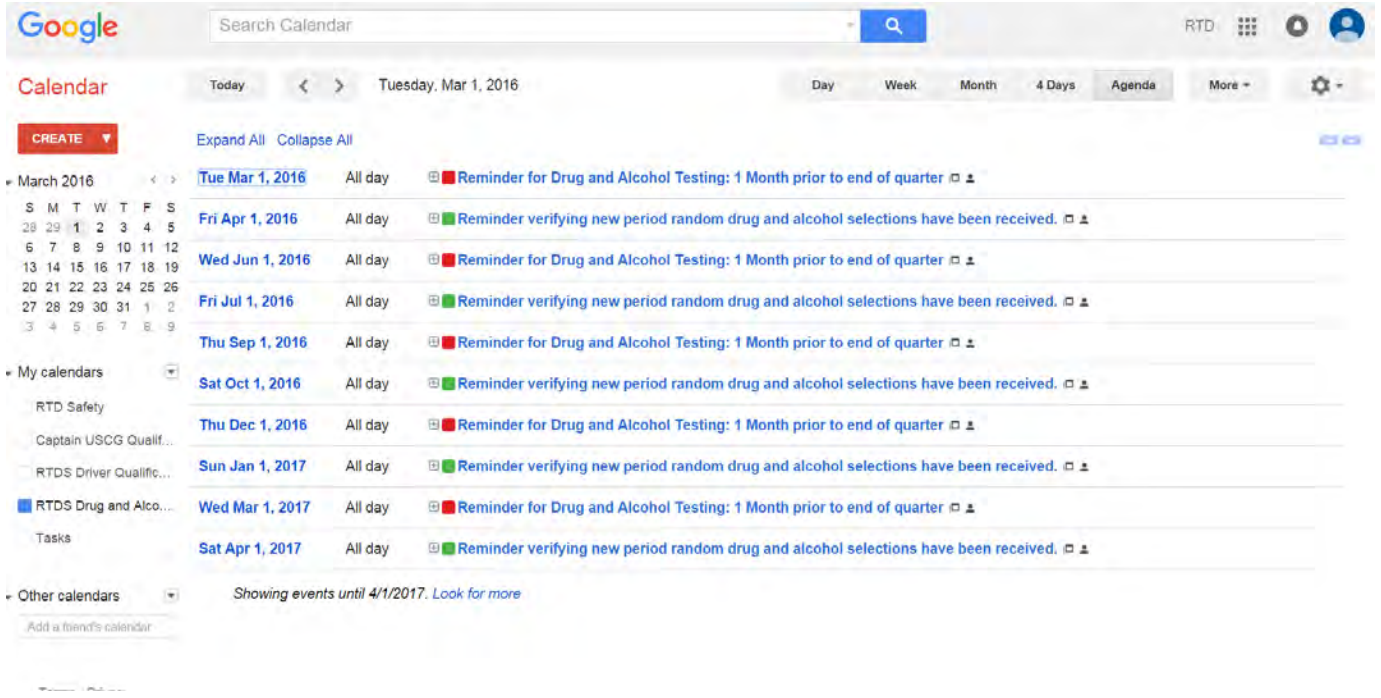
**Supporting Documents of Corrective Actions
In Response to Violation 6**

- Reminder Matrix
- Example of Reminder Systems

	Reminder for Drug & Alcohol Last Month of Quarter	Reminder to Verify New Quarterly Pull has Been Received
January		X
February		
March	X	
April		X
May		
June	X	
July		X
August		
September	X	
October		X
November		
December	X	

1. Google Calendar for RTDS Drug and Alcohol Testing in “Agenda Mode”.

Agenda view of RTDS Drug and Alcohol Testing. Red events are set for first day of last month as a reminder to pull a MIS report for the quarter and verify selections have been tested or to schedule any remaining un-tested drivers. For example Tuesday March 1, 2016, is the first of four scheduled reminders for 2016.



2. Google Calendar for RTDS Drug and Alcohol Testing in “Agenda, Detailed Mode” (Tuesday, March 1, 2016).

Detailed agenda view of RTDS Drug and Alcohol Testing notification of Tuesday March 1, 2016 circled in blue. Note that the event lists the Designated Employee Representative (DER, Director of Operations, and Director of Safety as people who will receive this event as an email reminder.

The screenshot shows the Google Calendar interface in 'Agenda' mode for Tuesday, March 1, 2016. The main event displayed is 'Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter', which is circled in blue. The event details include:

- Calendar:** RTDS Drug and Alcohol Testing
- Created by:** rtdsafety@gmail.com
- Who:** moti@ridetheducksofseattle.com, ryan@ridetheducksofseattle.com, margaret@ridetheducksofseattle.com
- Color:** A color selection bar with various options, including a red checkmark.

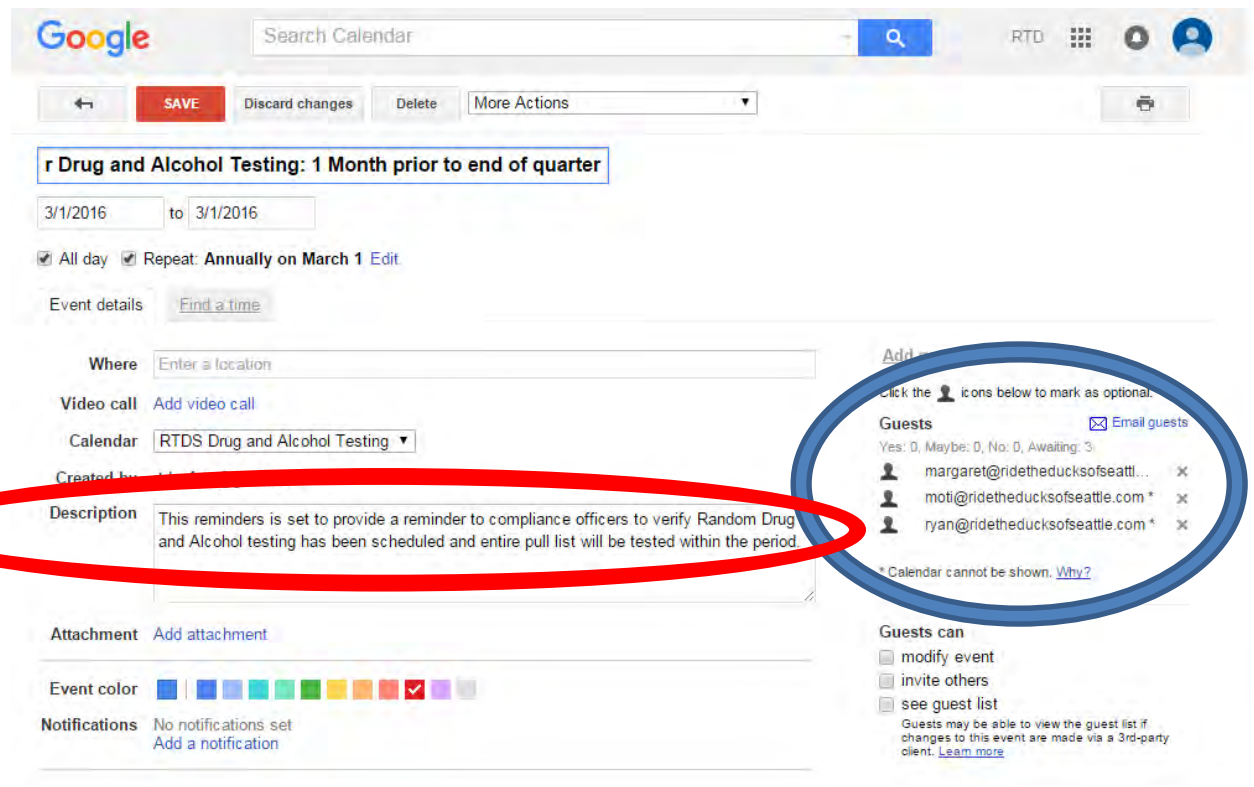
Other visible events in the agenda include:

- Fri Jan 1:** Reminder verifying new period random drug and alcohol selections have been received.
- Fri Apr 1:** Reminder verifying new period random drug and alcohol selections have been received.
- Wed Jun 1:** Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter.
- Fri Jul 1:** Reminder verifying new period random drug and alcohol selections have been received.

The interface also shows a sidebar with 'My calendars' (RTD Safety, Captain USCG Quali..., RTDS Driver Qualific..., RTDS Drug and Alco..., Tasks) and 'Other calendars' (Add a friend's calendar). The bottom of the screen indicates 'Showing events until 7/3/2016. Look for more'.

3. Google Calendar for RTDS Drug and Alcohol Testing in “Create/Edit Notification Mode” (March 1, 2016).

In this mode the list of people who will receive this reminder are listed on the right (circled in blue) that list includes the Designated Employee Representative, Director of Operations, and Director of Safety. A description of this event has been added to remind the compliance officers of the task (circled in red). The reminder will be emailed out on the due date of March 1, 2016 in this case.



4. Sample email sent to recipients (date within sample modified for demonstration purposes):

From: Google Calendar [<mailto:calendar-notification@google.com>]
Sent: Wednesday, January 06, 2016 8:20 PM
To: RTD Safety <rtdsafety@gmail.com>
Subject: Notification: Reminder for Drug and Alcohol Testing: 1 Month prior to e... @ Wed Jan 6, 2016 8:21pm - 9:21pm (RTDS Drug and Alcohol Testing)

[more details >](#)
Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter
This reminders is set to provide a reminder to compliance officers to verify Random Drug and Alcohol testing has been scheduled and entire pull list will be tested within the period.
When Wed Jan 6, 2016 8:21pm – 9:21pm Pacific Time
Calendar RTDS Drug and Alcohol Testing
Who
• rtdsafety@gmail.com - creator
• moti@ridetheducksofseattle.com
Going? [Yes](#) - [Maybe](#) - [No](#) [more options >](#)

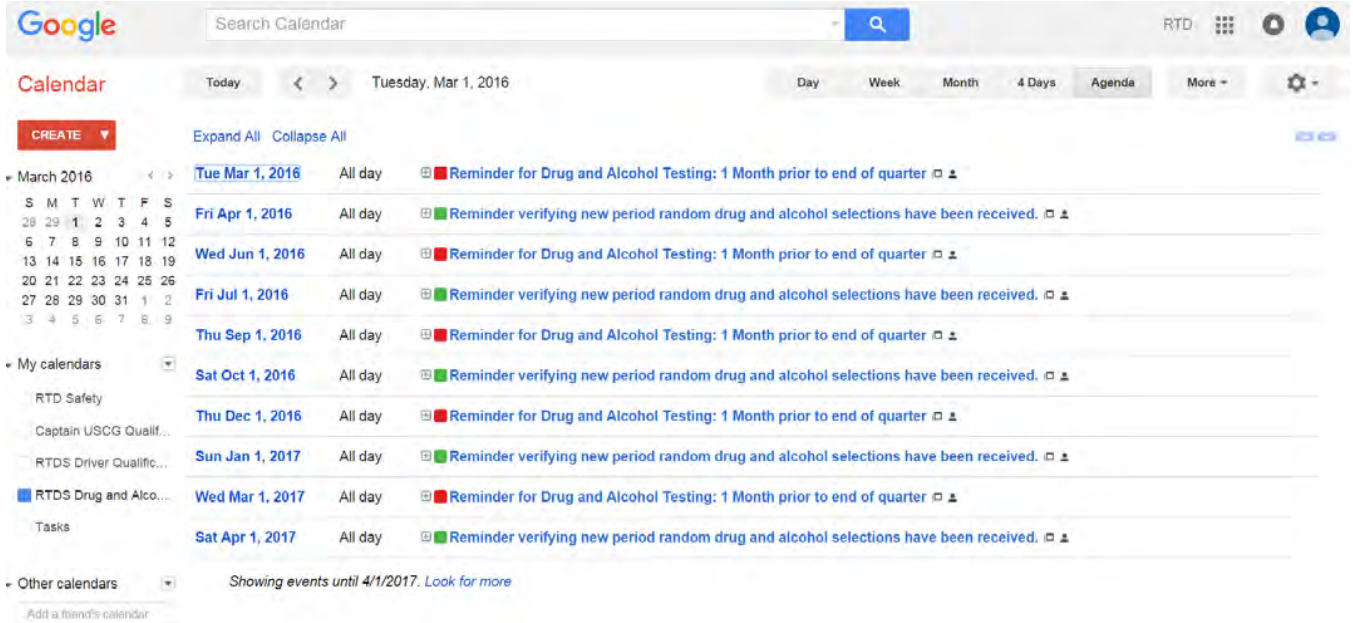
5. Monthly Calendar view for RTDS Drug and Alcohol Testing (March 2016)

Monthly calendar view for RTDS Drug and Alcohol Testing. Note the red reminder on March first (1 day of last month for Q1). Additionally, note the green reminder on April 1st to verify the next quarter's random drug and alcohol selections have been received.

The screenshot shows the Google Calendar interface for March 2016. The calendar is displayed in a monthly grid view. On the left side, there is a sidebar with a 'CREATE' button, a calendar navigation menu for March 2016, and a list of 'My calendars' including 'RTD Safety', 'Captain USCG Quali...', 'RTDS Driver Qualific...', 'RTDS Drug and Alco...' (which is selected), and 'Tasks'. The main calendar grid shows dates from March 28 to April 2. A red reminder box labeled 'Reminder for Drug' is positioned over the date March 1st. A green reminder box labeled 'Reminder verifying' is positioned over the date April 1st. The top of the interface includes the Google logo, a search bar, and navigation icons for 'Today', 'March 2016', and view options like 'Day', 'Week', 'Month', '4 Days', 'Agenda', and 'More'.

1. Google Calendar for RTDS Drug and Alcohol Testing in “Agenda Mode”.

Agenda view of RTDS Drug and Alcohol Testing. Green events are set for first day of each selection period (quarter). For example April 1, 2016, as the first day of the 2nd quarter of 2016, has a reminder set to verify new random drug and alcohol selections have been received.



2. Google Calendar for RTDS Drug and Alcohol Testing in “Agenda, Detailed Mode” (Friday, April 1, 2016).

Detailed agenda view of RTDS Drug and Alcohol Testing notification of April 1, 2016 circled in blue. Note that the event lists the Designated Employee Representative (DER), Director of Operations, and Director of Safety as people who will receive this event as an email reminder.

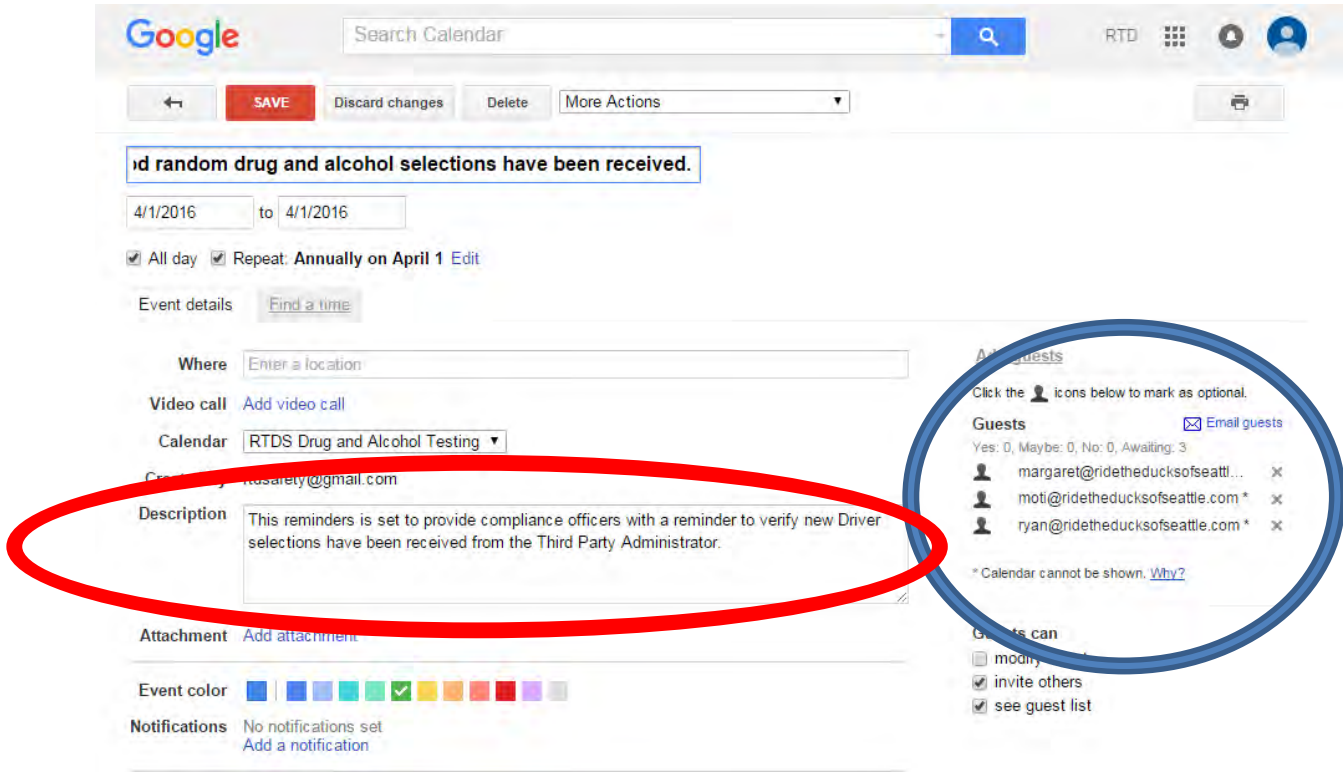
The screenshot shows the Google Calendar interface. At the top, there is a search bar and navigation options for 'RTD', a grid icon, a notification bell, and a user profile icon. Below this, the current date is 'Tuesday, Mar 1, 2016', and the view is set to 'Agenda'. A 'CREATE' button is visible on the left. The main calendar area shows a list of events. The event for 'Fri Apr 1' is circled in blue. The event details are as follows:

- Event Title:** Reminder verifying new period random drug and alcohol selections have been received
- Calendar:** RTDS Drug and Alcohol Testing
- Created by:** rtdsafety@gmail.com
- Who:** moti@ridetheducksofseattle.com, ryan@ridetheducksofseattle.com, margaret@ridetheducksofseattle.com

Other events visible include 'Wed Jan 6' (8:21pm - 9:21pm) and 'Wed Jun 1' (All day), both titled 'Reminder for Drug and Alcohol Testing: 1 Month prior to end of quarter'. The 'My calendars' section on the left includes 'RTD Safety', 'Captain USC... Quali...', 'RTDS Driver Qualific...', 'RTDS Drug and Alco...', and 'Tasks'.

3. Google Calendar for RTDS Drug and Alcohol Testing in “Create/Edit Notification Mode” (Friday, April 1, 2016).

In this mode the list of people who will receive this reminder are listed on the right (circled in blue) that list includes the Designated Employee Representative, Director of Operations, and Director of Safety. A description of this event has been added to remind the compliance officers of the task (circled in red). The reminder will be emailed out on the due date of April 1, 2016 in this case.



4. Sample email sent to recipients (date within sample modified for demonstration purposes):

From: Google Calendar [<mailto:calendar-notification@google.com>]
Sent: Wednesday, January 06, 2016 8:53 PM
To: RTD Safety <rtdsafety@gmail.com>
Subject: Notification: Reminder verifying new period random drug and alcohol sel... @ Wed Jan 6, 2016 8:49pm - 9:49pm (RTDS Drug and Alcohol Testing)

[more details »](#)
Reminder verifying new period random drug and alcohol selections have been received.
This reminders is set to provide compliance officers with a reminder to verify new Driver selections have been received from the Third Party Administrator.
When Wed Jan 6, 2016 8:49pm – 9:49pm Pacific Time
Calendar RTDS Drug and Alcohol Testing
Who

- rtdsafety@gmail.com - creator
- moti@ridetheducksofseattle.com
- ryan@ridetheducksofseattle.com

Invitation from [Google Calendar](#)

5. Monthly Calendar view for RTDS Drug and Alcohol Testing (March 2016)

Monthly calendar view for RTDS Drug and Alcohol Testing. Note green reminder on April 1st (circled) to verify the next quarter's random drug and alcohol selections have been received (1st day of new quarter).

The screenshot shows the Google Calendar interface for March 2016. The calendar is displayed in a monthly view. On the left side, there is a sidebar with a 'CREATE' button, a calendar navigation menu for March 2016, and a list of 'My calendars' including 'RTD Safety', 'Captain USCG Quali...', 'RTDS Driver Qualific...', 'RTDS Drug and Alco...', and 'Tasks'. The main calendar grid shows dates from March 28 to April 2. A red reminder box labeled 'Reminder for Drug' is positioned over March 1st. A green reminder box labeled 'Reminder verifying' is positioned over April 1st and is circled with a blue oval. The top of the interface includes the Google logo, a search bar, and navigation icons for 'Today', 'Month', '4 Days', and 'Agenda'.

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

**Response to Part B
Violation 7 - State Primary 382.601(b)**

Part B Violation 7 - State Primary 382.601(b)

Failing to provide employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.60(b) 1-11.

Discovered: 1, Checked: 1

This violation occurred due to lack of understanding of CFR 382.60(b) by Ride the Ducks of Seattle. While a drug and alcohol policy was provided to drivers, the policy did not include, nor did documentation indicate that information specific to 382.60 (b)(11) [information on the misuse of alcohol and controlled substances] was provided as required. While information similar to that required was provided during training, documentation of such was lacking. Additionally, the policy provided did not specify or detail other required information in all cases, such as designation of the DER.

The following corrective actions have been taken to prevent this violation from occurring again:

Person responsible for ongoing compliance: Margaret Singbeil, Finance Manager & Assistant Compliance Officer.

1. RTDS has updated our Drug and Alcohol policy and related information, ensuring compliance with FMCSA regulatory requirements at 382.601(b)(1-11).
2. All Drivers will be provided with an updated Ride the Ducks of Seattle Drug and Alcohol Policy and supplemental materials. Drivers will be provided with each policy in written form, as well as trained in its applicability, requirements and content.

The following materials in support of these corrective actions can be found in Appendix G:

1. **A copy of requirements of 382.601(b)**
2. **A copy of updated Drug and Alcohol Testing Policy and Procedures including educational materials, annotated to indicate compliance with 382.601(b) (1-11)**
3. **A copy of acknowledgement and receipt documents used for safety sensitive employees**

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

Appendix G:

**Supporting Documents of Corrective Actions
In Response to Violation 7**

- Part 382.601(b)
- Annotated Ride the Ducks of Seattle Drug and Alcohol Testing Policy and Procedures
- Receipt of Drug and Alcohol Testing Policy

Part 382

CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING

382.601: Employer obligation to promulgate a policy on the misuse of alcohol and use of controlled substances.

(a) **General requirements.** Each employer shall provide educational materials that explain the requirements of this part and the employer's policies and procedures with respect to meeting these requirements.

(1) The employer shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.

(2) Each employer shall provide written notice to representatives of employee organizations of the availability of this information.

(b) **Required content.** The materials to be made available to drivers shall include detailed discussion of at least the following:

(1) The identity of the person designated by the employer to answer driver questions about the materials;

(2) The categories of drivers who are subject to the provisions of this part;

(3) Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with this part;

(4) Specific information concerning driver conduct that is prohibited by this part;

(5) The circumstances under which a driver will be tested for alcohol and/or controlled substances under this part, including post-accident testing under § 382.303(d);

(6) The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions required by § 382.303(d);

(7) The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this part;

(8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;

(9) The consequences for drivers found to have violated subpart B of this part, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures under part 40, subpart O, of this title;

(10) The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;

(11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

(c) **Optional provision.** The materials supplied to drivers may also include information on additional employer policies with respect to the use of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled substances level, that are based on the employer's authority independent of this part. Any such additional policies or consequences must be clearly and obviously described as being based on independent authority.

(d) **Certificate of receipt.** Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.

Chapter 7 - Drug and Alcohol Testing Policy and Procedures

7.1 Introduction

RTDS is a Drug and Alcohol Free Workplace. Our policy includes provisions relating to the testing of employees. This policy pertains to all employees of RTDS who work in safety-sensitive positions as defined by the Department of Transportation (“DOT”), the United States Coast Guard (“USCG”) and/or RTDS. These employees are integral to the operation, safety and responsibility of the fleet. Safety-sensitive employees must submit to alcohol and controlled substance tests in order to comply with the regulations and perform their duties. Failure to comply with testing requirements will result in removal from safety-sensitive duties. 382.601(b)(7)

This policy is in compliance with the Chemical Testing Program regulations put forth by the FMCSA and USCG in 46 CFR Parts 4 and 16; 33 CFR Part 95; 49 CFR Part 382; and 49 CFR Part 40.

7.2 Types of Drug and Alcohol Testing

Drug and alcohol testing shall be conducted in accordance with FMCSA and USCG rules and regulations. Specifically, individuals will be tested for the presence of controlled substances and/or alcohol. The drug screen will be a SAMHSA-approved drug test (DOT 5-panel), testing for marijuana, cocaine, opiates, amphetamines and/or phencyclidine (PCP). Employees in DOT and USCG regulated safety-sensitive positions will be subject to pre-employment, reasonable cause, random and post-accident drug testing. Such individuals must test negative for the presence of controlled substances. 382.601(b)(3) 382.601(b)(2)

Safety Sensitive employees will be enrolled in one or more random testing groups or “pools”. A random selection of employees will be chosen each quarter by the designated TPA. CDL Drivers will be placed into a random selection pool that is subject to FMCSA guidelines. This pool will be updated on a quarterly basis to remove any inactive employees prior to the random quarterly selections being made. Employees who hold a USCG certificate but not a commercial driver’s license will be placed into a separate pool. Finally, there will be a pool of employees who do not hold either a CDL or USCG Certification but are under the RTDS designation of safety sensitive.

Should any safety-sensitive employee have a lapse of employment of 30 or more days, they will be removed from their drug testing pool and must complete a new pre-employment drug test before they are able to resume any safety sensitive functions. 382.601(b)(1)

The Designated Employer Representative (DER) for RTDS is Margaret Singbeil, Finance Manager.

7.2.1 Pre-Employment Testing 382.601(b)(5)

All prospective employees being considered for safety-sensitive positions must take and provide a negative result drug test as part of the application process. Any employee who refuses to submit to the pre-employment drug test will no longer be considered eligible for employment.

Furthermore, in accordance with FMCSA and/or the USCG regulations, all prospective employees applying for safety-sensitive positions must disclose to the company all DOT employers for whom they have worked within the past ten years. RTDS will contact any former DOT regulated employers in the past three years information regarding any incidents where the prospective driver has provided a verified positive drug test, alcohol tests with a result of 0.04 or higher alcohol concentration, refused to test, had other violations of DOT drug and alcohol testing regulations, and with respect to any potential employee who violated a DOT drug and alcohol regulation, documentation of the potential employee's successful completion of DOT return-to-duty requirements. If any of the previous accounts is found to be true, that prospective employee will not be allowed to perform safety sensitive functions and his/her conditional employment with the company may be terminated.

7.2.2 Reasonable Cause 382.601(b)(5)

RTDS will require an employee to be tested for use of alcohol, illegal drugs, or the use of prescription medication if an employee's physical appearance or pattern of behavior gives Drug and Alcohol Supervisors reason to believe the employee is impaired and may endanger the safety of the general public, fellow employees, or their own wellbeing. The basis of suspicion of drug or alcohol abuse may be a specific, contemporaneous event, or conduct-evidencing impairment observed over a period of time.

7.2.3 Post-Accident 382.601(b)(5)

In accordance with FMCSA regulations, any employee involved in a work-related accident shall be tested for the use of illegal drugs and/or alcohol, as soon as possible after the accident, but no later than two hours after in the case of alcohol, and no later than thirty-two hours in the case of illegal drugs. Examples of conditions that will require an employee to take a drug and/or alcohol test include, but are not limited to, accidents that are caused by an employee that result in:

- A fatality
- A citation to the driver and injury to another person, requiring immediate medical treatment away from the site of the accident
- A citation to the driver and disabling damage to any involved vehicle, requiring it to be towed away from the scene

In accordance with USCG regulations, any employee involved in a Serious Marine Incident shall be tested for the use of illegal drugs and/or alcohol, as soon as possible after the accident, but no later than two hours after in the case of alcohol, and no later than thirty-two hours in the case of illegal drugs. Examples of conditions that will require an employee to take a drug and/or alcohol test include, but are not limited to, accidents that are caused by an employee that result in:

- A fatality
- An injury to a crewmember, passenger or other person which requires professional medical treatment beyond first aid and, in the case of a person employed by RTDS, renders the individual unfit to perform routine duties at work
- Damage to property, as defined in 46 CFR 4.05-1, in excess of \$100,000
- The actual or constructive total loss of any vessel subject to Coast Guard Inspection
- The actual or constructive total loss of any self-propelled vessel, not subject to inspection by the Coast Guard, or 100 gross tons or more
- A discharge of oil of 10,000 gallons or more into a navigable waterway
- A release of hazardous substance equal to or greater than its reportable quantity into the navigable waters of the United States or into the environment of the United States, whether or not the release resulted from a marine casualty

Any employee required to be tested under this section must remain readily available for such testing and that employee may not consume alcohol within eight hours of the accident (49 CFR 382.209). An employee who is seriously injured and cannot provide a specimen for testing will be required to authorize the release of relevant hospital reports, or other documentation, that would indicate whether there were drugs or alcohol in his/her system at the time of the accident. Employees who are involved in a work-related accident requiring medical attention are to inform their supervisor of the accident as soon as possible, so that any needed drug or alcohol testing may promptly be conducted in conjunction with their medical treatment.

RTDS is responsible for determining what personnel were directly involved in the incident. This determination will be based on the operation being performed at the time of the accident and what personnel could have or should have had a role in that operation. If an incident occurs requiring any RTDS employees to be tested for drugs and/or alcohol, all employees directly involved in the incident will be included for testing.

7.2.4 Random Testing 382.601(b)(5)

In accordance with FMCSA and USCG regulations, all employees in safety-sensitive positions will be subject to random drug testing as well as random alcohol testing. Random selections will be made by a scientifically valid method that will result in each employee having an equal chance of being tested each time selections are made. Random testing for alcohol may take place prior to, during or after an employee completes a safety sensitive function.

7.2.5 Return to Duty Testing 382.601(b)(5)

In accordance with FMCSA and USCG regulations, an employee that has completed the SAP's prescribed education and/or treatment must take a Return to Duty test and must have a negative drug test result and/or alcohol test with concentration of less than .02 before being able to be considered to return to performance of safety-sensitive duties. RTDS has the discretion to decide

on whether the employee will be allowed to return to those duties, subject to any applicable legal requirements.

7.3 Drug and Alcohol Testing Procedures

All testing for illegal drugs and/or alcohol will be done in accordance with FMCSA and/or USCG regulations by testing of an employee's urine specimen. All specimen collections will be conducted by personnel who have been instructed and trained in collection procedures. Any specimen that screens positive for the presence of illegal drugs will be confirmed by the Gas Chromatography/Mass Spectrometry (GC/MS) confirmation method. Any employee who tests positive for illegal drugs may request the same specimen be retested at their expense. During the time the second test is being conducted, the employee will be suspended without pay.

Alcohol testing will be done by the use of an alcohol-testing device by personnel who have been instructed and trained in collection procedures. The cut-off for alcohol concentration will be done on two levels. Any employee who tests above a level of .02 BAC but below .039 BAC will be relieved of safety sensitive duties for at least 24 hours. Regulated Employees who test at 0.04 BAC or higher are considered to have tested positive and disciplinary action will be taken again.

382.601(b)(10)

7.4 Adulteration or Submission of a Concealed or Dilute Specimen

If, during the collection procedure, the collection monitor detects an effort by the employee to adulterate or substitute a specimen, a second specimen will be requested. If a second specimen is provided, that specimen will be tested. If the request for a second specimen is refused, the collection monitor will inform RTDS of the employee's refusal to submit a true specimen. Such conduct by the employee will be considered a refusal to test.

In the event that a prospective or current employee submits a specimen that the laboratory later identifies as a diluted specimen, RTDS will advise the employee of that finding and request that the employee submit a second specimen within 24 hours. The employee will be advised by RTDS not to drink any fluids prior to the test.

7.5 Notification of Test Results

All drug test results will be forwarded to RTDS through a representative of the Medical Review Officer (MRO). Before RTDS is informed that a prospective or current employee has tested positive for illegal drugs, the employee may be offered an opportunity to personally discuss the positive drug test with the MRO or their representative. The MRO will follow up on such information as is deemed appropriate.

Any employee who is taking a prescription drug that may have been the cause of a positive test result will be asked to provide the name of the medication and the identity of the prescribing physician for verification. If this is verified, the employee's test results will be reported as negative. If after consideration of the matter, the MRO finds no reason to doubt the validity of the positive test, that result will be conveyed to the RTDS contact.

Information concerning drug and/or alcohol test results or violations of this policy will be provided to the FMCSA, USCG, other federal and state agencies, and/or future DOT employers where required by law or regulation.

7.6 Refusal 382.601(b)(8)

An employee may not refuse to take a drug/alcohol test when requested to do so, consistent with the terms of this policy. Such a refusal will be considered equivalent to testing positive for illegal drugs or alcohol. An employee will be considered as refusing to test if he/she expressly refuses to take a test, or otherwise fails to provide an adequate breath or urine sample without a valid medical exemption. Additionally, an employee will be considered as refusing to test if he/she engages in conduct that clearly obstructs or tampers with the testing process.

7.7 Effects of Testing Positive for Drugs or Alcohol 382.601(b)(9)

Employees found to be in violation of this policy by directly possessing or using alcohol or drugs as described above, or through a verified positive drug test, or by court conviction, may be subject to immediate discharge from employment. Any employee who fails to cooperate with the requirements set forth in this policy, including refusal to test, failure to provide a specimen, or adulteration of a specimen, will be subject to disciplinary action that may include immediate termination of employment.

Any prospective employee who tests positive for illegal drugs will have their offer of employment rescinded. In accordance with FMCSA and USCG regulations, any current employee who tests positive for illegal drugs or alcohol will be immediately removed from safety-sensitive functions by a supervisor or company official. The employee will not be permitted to return to performing safety-sensitive duties until he/she has undergone an evaluation by a Substance Abuse Professional (SAP), successfully completed any education, counseling, or treatment prescribed by the SAP prior to returning to service and provided a negative test result for drugs and a breath test less than 0.02 of alcohol (return to duty-testing). Upon return to a safety-sensitive position, the employee will be subject to unannounced testing for drugs and/or alcohol no less than six times during the first twelve months of active service with the possibility of unannounced testing for up to sixty months (as prescribed by the SAP).

7.8 Possession, Use, or Distribution of Illegal Drugs or Alcohol

The possession, use, purchase, sale or distribution of federally illegal drugs or drug paraphernalia, or alcohol by an employee in the vehicle, at a job site, on company property, or during work hours is strictly prohibited. Any employee violating this prohibition may be subject to termination from employment with the company.

RTDS observes an absolute prohibition against use of illegal drugs both on and off the worksite. An employee's off the job illegal use, manufacture, purchase, sale, possession, or distribution of illegal drugs, alcohol, or drug paraphernalia, that results in criminal charges being brought

against the employee, will result in the employee being requested to submit to drug testing and may result in the employee being suspended from work without pay. Any employee convicted of a criminal drug statute may be subject to termination from employment with RTDS.

7.9 Employee Alcohol Usage

Employees are prohibited from using or possessing alcohol while they are on duty or while in uniform. RTDS is committed to ensuring that no employees are at work while under the influence of alcohol. Therefore, employees are not to consume alcohol within four hours of reporting to work. Employees are not to report to work or remain at work while having an alcohol concentration of .02 or greater.

7.10 Prescription Medicine

Employees are cautioned regarding the use of prescription medication that contains a warning label that the use of the drug may impair his/her ability to safely operate equipment or machinery. Employees may be allowed to work while using such medication if the drug is prescribed by a licensed medical practitioner who is familiar with the employee's medical history and assigned duties, and who has advised the employee that the prescribed drug will not adversely affect his/her ability to perform the job. An employee who is taking a prescription drug is required to present to RTDS a statement from the prescribing physician that the prescription drug will not impair the employee's work performance and a copy of the prescription for their file.

7.11 Self-Referral

All employees of RTDS who consider themselves drug or alcohol dependent and who voluntarily identify themselves as such will be encouraged to obtain an evaluation by a Substance Abuse Professional (SAP) and to seek treatment, if such is the counselor's recommendation. RTDS will provide informational assistance in locating professional substance abuse counseling to any employee who requests it. Employees who undergo drug or alcohol rehabilitation will be expected to do so at their own expense (with the exception of those expenses covered by the company insurance program), on their own time, or during a non-paid leave of absence approved by RTDS. Arrangements may be made to allow an employee to use vacation or sick leave during any such leave of absence. Employees who demonstrate successful progress or completion of a recommended course of treatment may return to work after taking and passing a drug and/or alcohol test. Any employee returning to work after treatment will be expected to comply with all aspects of this Drug and Alcohol Policy. A request for rehabilitation may not be made in order to avoid the consequence of a positive drug result or to avoid taking a drug test when requested to do so under the terms of this policy.

**What Employees Need
To Know About
DOT Drug & Alcohol Testing**
U.S. Department of Transportation (DOT)
Office of the Secretary (OST)
Office of Drug & Alcohol Policy & Compliance (ODAPC)

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What Employees Need To Know About DOT Drug & Alcohol Testing

Just entering the transportation industry? Performing tasks defined by the US Department of Transportation (DOT) as safety-sensitive, such as working on pipelines, driving a truck, operating a ferry or a train, or repairing an airplane? Then, you are subject to DOT workplace drug & alcohol testing. Here are the basics you need to know about DOT's program.

Who is subject to DOT testing? 382.601(b)(7)

Anyone designated in DOT regulations as a safety-sensitive employee is subject to DOT drug & alcohol testing. What follows is an overview of what jobs are defined as safety-sensitive functions subject to testing.

Aviation FAA	Flight crews, flight attendants, flight instructors, air traffic controllers at facilities not operated by the FAA or under contract to the U.S. military, aircraft dispatchers, aircraft maintenance or preventative maintenance personnel, ground security coordinators and aviation screeners. Direct or contract employees of 14 CFR Part 121 or 135 certificate holders, Section 91.147 operators and air traffic control facilities not operated by the FAA or under contract to the US Military. See FAA regulations at 14 CFR Part 120.
Commercial Motor Carriers FMCSA	Commercial Drivers License (CDL) holders who operate Commercial Motor Vehicles, 26,001 lbs. gvwr. or greater, or operate a vehicle that carries 16 passengers or more including the driver, or required to display a DOT placard in the transportation of hazardous material. ¹ See FMCSA regulation at 49 CFR Part 382. 382.601(b)(7)
Maritime USCG ²	Crewmembers operating a commercial vessel. See USCG regulations at 46 CFR Parts 4 & 16.
Pipeline PHMSA	Operations, maintenance and emergency response. See PHMSA regulations at 49 CFR Part 199.
Railroad FRA	Hours of Service Act personnel, engine & train, signal service or train dispatchers. See FRA regulations at 49 CFR Part 219.
Transit FTA	Vehicle operators, controllers, mechanics and armed security. See FTA regulations at 49 CFR Part 655.

Links to these regulations can be found on-line at www.dot.gov/odapc.

Remember: The tasks you actually perform qualify you as a safety-sensitive employee, not your job title. Also, some employees, like managers and supervisors, may be qualified for these jobs but not currently performing them. Do they have to be tested as well? In most cases, yes...if that employee may be asked at a moment's notice or in an emergency to perform a safety sensitive job. Be sure to check industry specific regulations for further clarification.

1 In some instances, states allow waivers from this qualification, such as operators of fire trucks and some farm equipment. Check with your state department of motor vehicles for more information.

2 An agency of the U.S. Department of Homeland Security.

Why are safety-sensitive employees tested?

The short answer is for the safety of the traveling public, co-workers and yourself. The longer answer is that the United States Congress recognized the need for a drug & alcohol free transportation industry, and in 1991 passed the Omnibus Transportation Employee Testing Act, requiring DOT Agencies to implement drug & alcohol testing of safety-sensitive transportation employees.³

Within DOT, the Office of the Secretary's Office of Drug & Alcohol Policy & Compliance (ODAPC) publishes rules on *how* to conduct those tests, *what* procedures to use when testing and *how* to return an employee to safety-sensitive duties. Encompassed in 49 Code of Federal Regulations (CFR) Part 40, ODAPC publishes and provides authoritative interpretations of these rules. DOT agencies and the U.S. Coast Guard write industry specific regulations, spelling out *who* is subject to testing, *when* and in *what* situations. Industry employers implement the regulations that apply to them. The benefit to all employees affected by DOT regulations is that each agency's regulations must adhere to DOT's testing procedures found at 49 CFR Part 40, commonly known as "Part 40." For example, you may work in the rail industry and later work in the motor carrier industry, but the procedures for collecting, testing and reporting of your tests will be the same under Part 40.

What information must employers provide when I first begin performing DOT safety-sensitive functions?

Depending on the DOT agency over-seeing your industry, your employer may be required to provide you with educational materials and a company policy that explain the requirements of DOT's drug & alcohol testing regulations and the procedures to help you comply. If you have not received this information, be sure to ask your employer about it.

What conduct is prohibited by the regulations?

As a safety-sensitive employee... 382.601(b)(3) 382.601(b)(4)

- You must not use or possess alcohol or any illicit drug while assigned to perform safety-sensitive functions or actually performing safety-sensitive functions.
- You must not report for service, or remain on duty if you...
 - Are under the influence or impaired by alcohol;
 - Have a blood alcohol concentration .04 or greater; (with a blood alcohol concentration of .02 to .039, some regulations do not permit you to continue working until your next regularly scheduled duty period);
 - Have used any illicit drug.
- You must not use alcohol within four hours (8 hours for flight crew members and flight attendants) of reporting for service or after receiving notice to report.
- You must not report for duty or remain on duty when using any controlled substance unless used pursuant to the instructions of an authorized medical practitioner.
- You must not refuse to submit to any test for alcohol or controlled substances.
- You must not refuse to submit to any test by adulterating or substituting your specimen.

Keep these in mind when preparing to report to work.

³ The Omnibus Act's testing requirements do not apply to PHMSA.

What drugs does DOT test for?

DOT drug tests are conducted only using urine specimens. The urine specimens are analyzed for the following drugs/metabolites:

- Marijuana metabolites/THC
- Cocaine metabolites
- Amphetamines (including methamphetamine, MDMA)
- Opiates (including codeine, heroin (6-AM), morphine)
- Phencyclidine (PCP)

To learn more about the effects of these and other drugs visit the following sites:

- Drugs and Human Performance Fact Sheet. National Highway Traffic Safety Administration (NHTSA) www.nhtsa.dot.gov.
- Driving While You Are Taking Medications. National Highway Traffic Safety Administration (NHTSA) www.nhtsa.dot.gov.
- Common Drugs of Abuse. National Institute for Drug Abuse (NIDA) www.nida.nih.gov.
- Substance Abuse. Substance Abuse and Mental Health Administration (SAMHSA) www.workplace.samhsa.gov.
- Drug Facts. Office of National Drug Policy Control (ONDCP) www.whitehousedrugpolicy.gov.
- Prevention On-line. National Clearinghouse for Alcohol and Drug Information (NCADI) www.health.org.

Can I use prescribed medications & over-the-counter (OTC) drugs and perform safety-sensitive functions?

Prescription medicine and OTC drugs may be allowed.⁴ However, you must meet the following minimum standards:

- The medicine is prescribed to you by a licensed physician, such as your personal doctor.
- The treating/prescribing physician has made a good faith judgment that the use of the substance at the prescribed or authorized dosage level is consistent with the safe performance of your duties.

Best Practice: To assist your doctor in prescribing the best possible treatment, consider providing your physician with a detailed description of your job. A title alone may not be sufficient. Many employers give employees a written, detailed description of their job functions to provide their doctors at the time of the exam.

- The substance is used at the dosage prescribed or authorized.⁵
- If you are being treated by more than one physician, you must show that at least one of the treating doctors has been informed of all prescribed and authorized medications and has determined that the use of the medications is consistent with the safe performance of your duties.

⁴ The FRA requires that if you are being treated by more than one medical practitioner, you must show that at least one of the treating medical practitioners has been informed of all prescribed and authorized medications and has determined that the use of the medications is consistent with the safe performance of your duties.

⁵ While a minority of states allow medical use of marijuana, federal laws and policy do not recognize any legitimate medical use of marijuana. Even if marijuana is legally prescribed in a state, DOT regulations treat its use as the same as the use of any other illicit drug.

- Taking the prescription medication and performing your DOT safety-sensitive functions is not prohibited by agency drug & alcohol regulations. However, other DOT agency regulations may have prohibitive provisions, such as medical certifications.

Remember: Some agencies have regulations prohibiting use of specific prescription drugs, e.g. methadone, etc.... If you are using prescription or over-the-counter medication, check first with a physician, but do not forget to consult your industry-specific regulations before deciding to perform safety-sensitive tasks. Also be sure to refer to your company's policy regarding prescription drugs.

When will I be tested? 382.601(b)(5)

Safety-sensitive employees are subject to drug or alcohol testing in the following situations:

- Pre-employment.
- Reasonable Suspicion/Cause.
- Random.
- Return-to-duty.
- Follow-up.
- Post-Accident.

Pre-Employment

As a new hire, you are required to submit to a drug test. Employers may, but are not required to, conduct alcohol testing.⁶

Only after your employer receives a negative drug test result (and negative alcohol test result - if administered) may you begin performing safety-sensitive functions. This also applies if you are a current employee transferring from a non-safety-sensitive function into a safety-sensitive position (even if it is the same employer).

⁶ Not every DOT agency requires a pre-employment alcohol test.

Reasonable Suspicion/Cause

You are required to submit to any test (whether drug, alcohol or both) that a supervisor requests based on reasonable suspicion. Reasonable suspicion means that one or more trained supervisors reasonably believes or suspects that you are under the influence of drugs or alcohol. They cannot require testing based on a hunch or guess alone; their suspicion must be based on observations concerning your appearance, behavior, speech and smell that are usually associated with drug or alcohol use.

Random

You are subject to unannounced random drug & alcohol testing. Alcohol testing is administered just prior to, during or just after performing safety-sensitive functions. Depending on the industry specific regulations, you may only be subject to random drug testing.⁷

No manager, supervisor, official or agent may select you for testing just because they want to. Under DOT regulations, employers must use a truly random selection process. Each employee must have an equal chance to be selected and tested. Just prior to the testing event, you will be notified of your selection and provided enough time to stop performing your safety-sensitive function and report to the testing location. Failure to show for a test or interfering with the testing process can be considered a refusal.

⁷ USCG & PHMSA do not perform random alcohol tests.

Post-Accident

If you are involved in an event (accident, crash, etc.) meeting certain criteria of the DOT agency, a post-accident test will be required. You will then have to take a drug test and an alcohol test. ⁸ You are required to remain available for this testing and are not permitted to refuse testing.

Remember: Safety-sensitive employees are obligated by law to submit to and cooperate in drug & alcohol testing mandated by DOT regulations.

Return-to-Duty

If you have violated the prohibited drug & alcohol rules, you are required to take a drug and/or alcohol test before returning to safety-sensitive functions for any DOT regulated employer. You are subject to unannounced follow-up testing at least 6 times in the first 12 months following your return to active safety-sensitive service. Return-to-duty tests must be conducted under direct observation.

Follow-up

The amount of follow-up testing you receive is determined by a Substance Abuse Professional (SAP) and may continue for up to 5 years. This means the SAP will determine how many times you will be tested (at least 6 times in the first year), for how long, and for what substance (i.e. drugs, alcohol, or both). Your employer is responsible for ensuring that follow-up testing is conducted and completed. Follow-up testing is in addition to all other DOT required testing. All follow-up tests will be observed.

How is a urine drug test administered?

Regardless of the DOT agency requiring the drug test, the drug testing process always consists of three components:

- The Collection. (49 CFR Part 40, Subparts C, D, E)
- Testing at the Laboratory. (49 CFR Part 40, Subpart F)
- Review by the Medical Review Officer. (49 CFR Part 40, Subpart G)

382.601(b)(6)

What follows is a summary of the procedures for each step. For a more detailed account, please visit 49 CFR Part 40, which can be found in its entirety at www.dot.gov/odapc.

The Collection

During the collection process, a urine specimen collector will:

- Verify your identity using a current valid photo ID, such as driver's license, passport, employer issued picture ID, etc.
- Create a secure collection site by:
 - Restricting access to the site to only those being tested.
 - Securing all water sources and placing blue dye in any standing water.
 - Removing or securing all cleaning products/fluids at the collection site.

⁸ In post-accident testing, the FRA requires a blood specimen for drug testing.

- Afford you privacy to provide a urine specimen.
 - Exceptions to the rule generally surround issues of attempted adulteration or substitution of a specimen or any situation where general questions of validity arise, like an unusual temperature.
- Ask you to remove any unnecessary garments and empty your pockets (you may retain your wallet).
- Instruct you to wash and dry your hands.
- Select or have you select a sealed collection kit and open it in your presence.
- Request you to provide a specimen (a minimum of 45 mL) of your urine into a collection container.
- Check the temperature and color of the urine.
- In your presence, pour the urine into two separate bottles (A or primary and B or split), seal them with tamper-evident tape, and then ask you to sign the seals after they have been placed on the bottles.

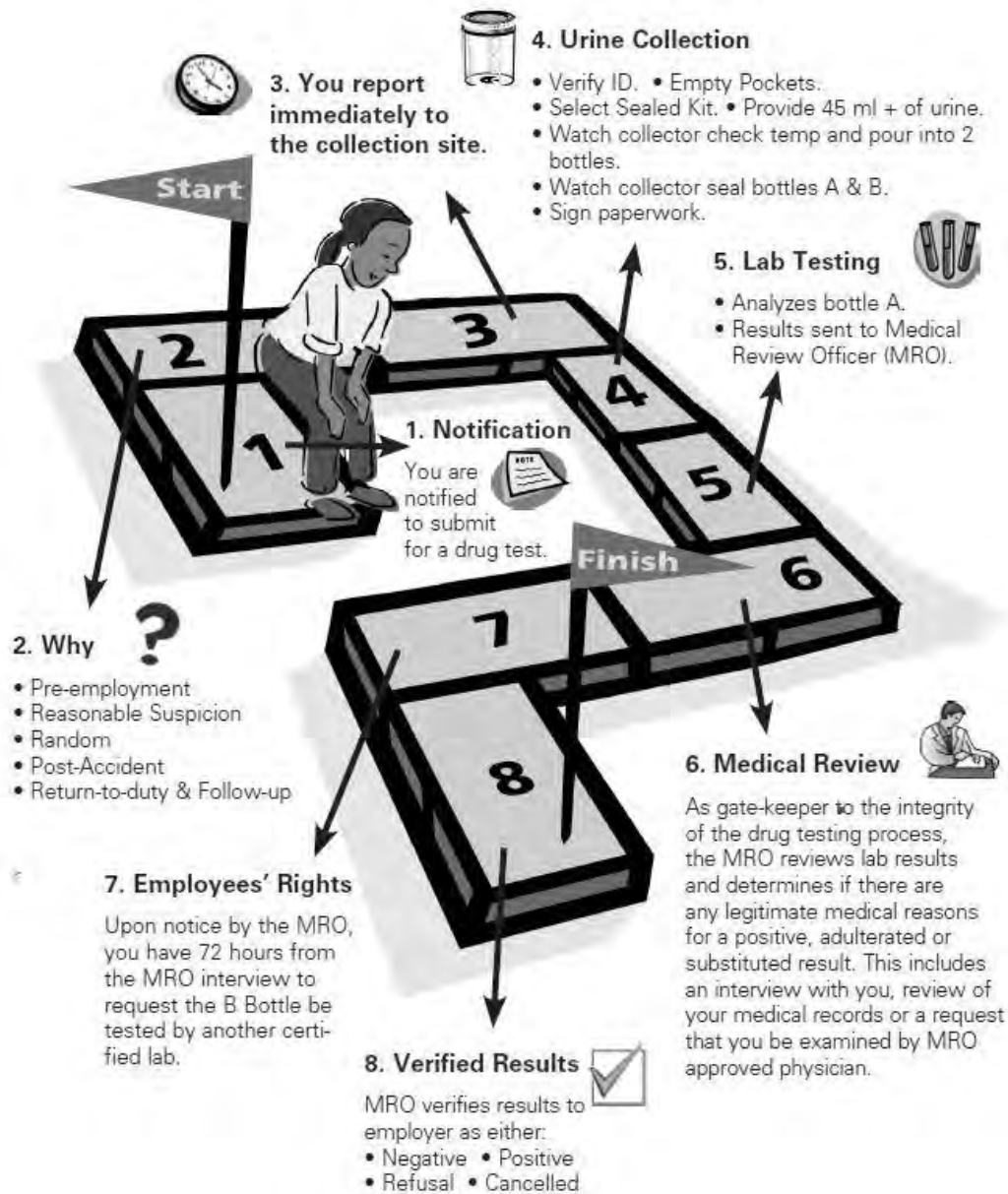
Remember: Neither you nor the collector should let the specimen out of your sight until it has been poured into two separate bottles and sealed.

- Ask you to provide your name, date of birth, and daytime and evening phone numbers on the Medical Review Officer Copy (Copy #2) of the Federal Drug Testing Custody and Control Form (CCF).
 - This is so the Medical Review Officer (MRO) can contact you directly if there are any questions about your test.
- Complete necessary documentation on the Test Facility (Copy #1) of the CCF to demonstrate the chain of custody (i.e. handling) of the specimen.
- Give you the Employee Copy (Copy # 5) of the CCF and may suggest you list any prescription and over-the-counter medications you may be taking on the back of your copy of the CCF (this may serve as a reminder for you in the event the MRO calls you to discuss your test results).
- Package and ship both sealed bottles and completed CCF to a U.S. Health and Human Services (HHS) certified testing laboratory as quickly as possible.

If you are unable to provide 45 mL of urine on the first attempt, the time will be noted, and you will be:

- Required to remain in the testing area under the supervision of the collection site personnel, their supervisor, or a representative from your company,
 - Leaving the testing area without authorization may be considered a refusal to test
- Urged to drink up to 40 oz. of fluid, distributed reasonably over a period of up to three hours,
- Asked to provide a new specimen (into a new collection container).
- If you do not provide a sufficient specimen within three hours, you must obtain a medical evaluation⁹ within five days to determine if there is an acceptable medical reason for not being able to provide a specimen. If it is determined that there is no legitimate physiological or pre-existing psychological reason for not providing a urine specimen, it will be considered a refusal to test.

⁹ The physical exam is scheduled after the designated employer representative consults with the medical review officer. The physician chosen to complete the evaluation must have expertise in the medical issues raised and be acceptable to the Medical Review Officer.



How do you know if you are taking a federal or a private company drug test?

All DOT drug tests are completed using the *Federal Drug Testing Custody and Control Form*. Those words appear at the top of each form.

Testing at the Laboratory

At the laboratory, the staff will:

- Determine if flaws exist. If flaws exist, the specimen is rejected for testing.
- Open only the A bottle and conduct a screening test. Specimens that screen positive will be analyzed again using a completely different testing methodology.
 - If the specimen tests negative in either test, the result will be reported as a negative.
 - Only if the specimen tests positive under both methods will the specimen be reported to the medical review officer as a positive test.
- Report the findings of the analysis of the A bottle to the Medical Review Officer (MRO).
- Store the A and B bottles for any reported positive, adulterated, or substituted result for at least 12 months.

Remember: The Lab will conduct specimen validity tests (SVTs) to determine if the specimen was adulterated or substituted. Tests found to be adulterated or substituted are also reported to the MRO and may be considered a refusal to test.

Review by the Medical Review Officer (MRO)

Upon receipt of the test result from the laboratory, the MRO will:

- Review paperwork for accuracy.
- Report a negative result to the Designated Employer Representative (DER).
- If the result is positive, conduct an interview with you to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as negative. If not, the MRO will report the result to the DER as positive.
- If the result is an adulterated or substituted test, conduct an interview with you to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as cancelled. If not, the MRO will report the result to the DER as a refusal.
- Report a non-negative test result to the DER if:
 - You refused to discuss the results with the MRO;
 - You did not provide the MRO with acceptable medical documentation to explain the non-negative test result.
- Inform you that you have 72 hours from the time of the verified result to request to have your B “split” bottle sent to another certified lab for analysis for the same substance or condition that was found in the A “primary” bottle.

What are Medical Review Officers (MRO)?

Under DOT regulations, MROs are licensed physicians with knowledge and clinical experience in substance abuse disorders. They must also complete qualification training courses and fulfill obligations for continuing education courses. They serve as independent, impartial gatekeepers to the accuracy and integrity of the DOT drug testing program. All laboratory results are sent to an MRO for verification before a company is informed of the result. As a safeguard to quality and accuracy, the MRO reviews each test and rules out any other legitimate medical explanation before verifying the results as positive, adulterated or substituted.

How is an alcohol test administered? 382.601(b)(6)

The DOT performs alcohol testing in a manner to ensure the validity of the testing as well as provide confidentiality of the employee's testing information.

How do you know if you are taking a federal or a private company alcohol test?

All DOT alcohol tests are documented with a form with the words *Department of Transportation* at the top. At the start of the test, a Screening Test Technician (STT) or a Breath Alcohol Technician (BAT), *using only a DOT-approved device*, will:

- Establish a private testing area to prevent unauthorized people from hearing or seeing your test result.
- Require you to sign Step #2 of the Alcohol Testing Form (ATF).
- Perform a screening test and show you the test result. If the screening test result is an alcohol concentration of less than 0.02, no further testing is authorized, and there is no DOT action to be taken. The technician will document the result on the ATF, provide you a copy and provide your employer a copy.

If the screening test result is 0.02 or greater, you will be required to take a confirmation test, which can only be administered by a BAT using an Evidential Breath Testing (EBT) device. The BAT will:

- Wait at least 15 minutes, but not more than 30 minutes, before conducting the confirmation test. During that time, you are not to be allowed to eat, drink, smoke, belch, put anything in your mouth or leave the testing area. **Remember:** Leaving the testing area without authorization may be considered a refusal to test.
- Perform an "air blank" (which must read 0.00) on the EBT device to ensure that there is no residual alcohol in the EBT or in the air around it.
- Perform a confirmation test using a new mouthpiece.
- Display the test result to you on the EBT and on the printout from the EBT.
- Document the confirmation test result on the ATF, provide you a copy and provide your employer a copy.
- Report any result of 0.02 or greater immediately to the employer. If after several attempts you are unable to provide an adequate amount of breath, the testing will be stopped. You will be instructed to take a medical evaluation to determine if there is an acceptable medical reason for not providing a sample. If it is determined that there is no legitimate physiological or psychological reason, the test will be treated as a refusal to test.

Confirmation test results are the final outcome of the test.

Result	Action	382.601(b)(10)
Less than 0.02	No action required under 49 CFR Part 40.	
0.02 - 0.039	Varies among DOT agencies. For example, FMCSA requires that you not resume safety-sensitive functions for 24 hours [382.505], while the FRA requires 8 hours [219.101(a)(4)]. The FTA & PHMSA require only that you test below 0.02 or cannot work until the next scheduled duty period but not less than 8 hours from the time of the test [655.35 & 199.237 respectively]. And, the FAA requires only that you test below 0.02, if the employer wants to put you back to work within 8 hours [14 CFR Part 120, Subpart F, 120.217(g)]. Also, be sure to check other agency specific regulations for their restrictions.	
0.04 or greater	Immediate removal from safety-sensitive functions. You may not resume safety-sensitive functions until you successfully complete the return-to-duty process.	

Should I refuse a test if I believe I was unfairly selected for testing?

Rule of Thumb: Comply then make a timely complaint.

If you are instructed to submit to a DOT drug or alcohol test and you don't agree with the reason or rationale for the test, take the test anyway. Don't interfere with the testing process or refuse the test. After the test, express your concerns to your employer through a letter to your company's dispute resolution office, by following an agreed upon labor grievance or other company procedures. You can also express your concerns to the appropriate DOT agency drug & alcohol program office. (See contact numbers listed in the Appendix.) Whomever you decide to contact, please contact them as soon as possible after the test.

What is considered a refusal to test? 382.601(b)(7)

DOT regulations prohibit you from refusing a test. The following are some examples of conduct that the regulations define as *refusing* a test (See 49 CFR Part 40 Subpart I & Subpart N):

- Failure to appear for any test after being directed to do so by your employer.
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a urine or breath sample for any test required by federal regulations.
- Failure to permit the observation or monitoring of you providing a urine sample. (Please note tests conducted under direct observation or monitoring occur in limited situations. The majority of specimens are provided in private.)

- Failure to provide a sufficient urine or breath sample when directed, and it has been determined, through a required medical evaluation, that there was not adequate medical explanation for the failure.
- Failure to take a second test when directed to do so.
- Failure to cooperate with any part of the testing process.
- Failure to undergo a medical evaluation as part of “shy bladder” or “shy lung” procedures.
- Failure to sign Step #2 of the ATF.
- Providing a specimen that is verified as adulterated or substituted.
- Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
- Failure to follow the observer’s instructions [during a direct observation collection] to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- Admit to the collector or MRO that you adulterated or substituted the specimen.

What happens if I test positive, refuse a test, or violate an agency specific drug & alcohol rule?

382.601(b)(9)

If you test positive, refuse a test, or violate DOT drug & alcohol rules:

- A supervisor or company official will immediately remove you from DOT-regulated safety-sensitive functions.
- You will not be permitted to return to performing DOT regulated safety-sensitive duties until you have:
 - Undergone an evaluation by a Substance Abuse Professional (SAP);
 - Successfully completed any education, counseling or treatment prescribed by the SAP prior to returning to service; and
 - Provided a negative test result for drugs and/or a test result of less than 0.02 for alcohol. (Return-to-duty testing)

Upon return to a safety-sensitive job, you will be subject to unannounced testing for drugs and/or alcohol no less than 6 times during the first 12 months of active service with the possibility of unannounced testing for up to 60 months (as prescribed by the SAP). These tests (including the return-to-duty test) will be directly observed.

What are SAPs?

Under DOT regulations, SAPs are *Substance Abuse Professionals*. They play a critical role in the work place testing program by professionally evaluating employees who have violated DOT drug & alcohol rules. SAPs recommend appropriate education, treatment, follow-up tests, and aftercare. They are the gatekeepers to the re-entry program by determining when a safety-sensitive employee can be returned to duty. SAPs are required to have a certain background and credentials, which include clinical experience in diagnosis and treatment of substance abuse-related disorders. They must also complete qualification training and fulfill obligations for continuing education courses. While SAPs do make recommendations to the employer about an employee’s readiness to perform safety-sensitive duties, SAPs are neither an advocate for the employee or the employer, and they make

return-to-duty recommendations according to their professional and ethical standards as well as DOT's regulations.

Remember: Even if a SAP believes that you are ready to return to work, an employer is under no obligation to return you to work. Under the regulations, hiring and reinstatement decisions are left to the employer. Also, under FAA regulations, SAPs cannot return a pilot to duty without the prior approval of the FAA's Federal Air Surgeon.

How do I find a SAP?

If you violate a DOT drug or alcohol rule, your employer is required to provide you with a list of SAPs' names, addresses, and phone numbers that are available to you and acceptable to them.¹⁰ This is true even if your employer terminates your employment.

Will I lose my job if I violate drug & alcohol regulations?

DOT regulations do not address employment actions such as hiring, firing or granting leaves of absence. All employment decisions are the responsibility of the employers. Under Federal regulations, the main requirement for employers is to immediately remove employees from performing DOT safety-sensitive jobs. Be aware that a positive or refused DOT drug or alcohol test may trigger additional consequences based on company policy or employment agreement. While you may not lose your job, you may lose your certification or license to perform that job. Be sure to check industry specific regulations. For example, someone operating a commercial motor vehicle may not lose their state-issued CDL, but they will lose their ability to perform any DOT regulated safety-sensitive tasks.

Will my results be confidential?

Your test results are confidential. An employer or service agent (e.g. testing laboratory, MRO or SAP) is not permitted to disclose your test results to outside parties without your written consent. But, your test information may be released (without your consent) in certain situations, such as: legal proceedings, grievances, or administrative proceedings brought by you or on your behalf, which resulted from a positive or refusal. When the information is released, the employer must notify you in writing of any information they released.

Will the results follow me to different employers?

Yes, your drug & alcohol testing history will follow you to your new employer, if that employer is regulated by a DOT agency. Employers are required by law to provide records of your drug & alcohol testing history to your new employer. This is to ensure that you have completed the return-to-duty process and are being tested according to your follow-up testing plan.

What should I do if I have a drug or alcohol abuse problem?

Seek help. Jobs performed by safety-sensitive transportation employees keep America's people and economy moving. Your work is a vital part of everyday life. Yet, by abusing drugs or alcohol, you risk your own life, your co-workers lives and the lives of the public. Most every community in the country has resources available to confidentially assist you through the evaluation and treatment of your problem. If you would like to find a treatment facility close to you, check with your local yellow pages, local health department or visit the U.S. Department of Health and Human Services treatment facility locator at <http://findtreatment.samhsa.gov/>. This site provides contact information for substance abuse treatment programs by state, city and U.S. Territory.

¹⁰ Employers cannot charge employees for the SAP list.

Also, many work-place programs are in place to assist employees and family members with substance abuse, mental health and other problems that affect their job performance. While they may vary by industry, here is an overview of programs that may be available to you:

Employee Assistance Programs (EAPs)

While not required by DOT agency regulations, EAPs may be available to employees as a matter of company policy. EAPs are generally provided by employers or unions.

Note: Many employees believe they only need to contact an EAP counselor if they have a positive drug and/or alcohol test. Not true! EAP programs vary considerably in design and scope. Some focus only on substance abuse problems; others undertake a broad brush approach to a range of employee and family problems. Some include prevention, health and wellness activities. Some are linked to the employee health benefit structures. These programs offer nearly full privacy and confidentiality, unless someone's life is in danger. Do you know what programs are available at your job? Be sure to ask your employer!

Voluntary Referral Programs

Often sponsored by employers or unions, referral programs provide an opportunity to self-report to your employer a substance abuse problem *before* you violate testing rules. This gives you an opportunity for evaluation and treatment, while at times guaranteeing your job. Be sure to check your company to see if there is a voluntary referral program.

Remember: Self-reporting just after being notified of a test does not release you from your responsibility of taking the test, and it also does not qualify as a voluntary referral.

Peer Reporting Programs

Generally sponsored by employers or unions, you are encouraged or required to identify co-workers with substance abuse problems. The safety of everyone depends on it. Using peers to convince troubled friends and co-workers with a problem is one of the strengths of the program, often guaranteeing the co-worker struggling with substance abuse issues the same benefits as if he had self-reported.

Education and Training Programs (required by all Agencies)

Topics may include the effects of drug & alcohol use, company testing policies, DOT testing regulations and the consequences of a positive test. Materials may also contain information on how employees can get in touch with their Employee Assistance Programs and community service hot-lines. In addition, supervisors sometimes receive additional training in the identification and documentation of signs and symptoms of employee's drug and/or alcohol use that trigger a reasonable suspicion drug or alcohol test.

Did you know?

Did you know that 6 out of 10 people suffering from substance abuse problems also suffer from mental conditions like depression?¹¹ Research has long documented that people suffering from depression try to self-medicate themselves through alcohol and other drugs. Typically, many of these individuals fail to remain clean and sober after rehabilitation because their underlying medical problem is not addressed and the cycle of self-medication begins again.

Remember: If you have substance abuse issues, there is a 60% chance that you are also suffering from an underlying mental condition like depression. Increase your chances of rehabilitation. Be sure to ask your doctor or other mental health professionals about depression as it relates to substance abuse issues.

¹¹ *The Dual Challenge of Substance Abuse and Mental Disorders*, NIDA Director Nora D. Volkow, M.D., NIDA Notes, Vol. 18, No. 5.

But, I have more questions?

ODAPC is available to help answer anyone's questions regarding DOT drug & alcohol testing regulations. Please contact us at 202-366-DRUG (3784) or visit our website at www.dot.gov/odapc for frequently asked questions, official interpretations of the regulations and regulatory guidelines. If you have questions regarding DOT agency regulations on a specific industry, contact the agencies drug & alcohol abatement offices listed in the Appendix.

Appendix

Drug & Alcohol Program Manager Contact Information U.S. Department of Transportation

- FAA Aviation (202) 267-8442 www.faa.gov
- FMCSA Motor Carrier (202) 366-2096 www.fmcsa.dot.gov
- FTA Public Transportation (617) 494-2395 www.fta.dot.gov
- FRA Railroads (202) 493-6313 www.fra.dot.gov
- PHMSA Pipeline (202) 550-0629 www.phmsa.dot.gov

U.S. Department of Homeland Security

- USCG Maritime (202) 372-1033 <http://marineinvestigations.us>

EFFECTS OF ALCOHOL

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use:

- Dulled mental process
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects:

The chronic consumption of alcohol (average of three servings per day of beer, one ounce of whiskey, or six ounces of wine) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10% of people who drink become physically or mentally addicted)
- Fatal liver disease
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanomas
- Pancreatitis
- Spontaneous abortion or neonatal mortality
- Ulcers
- Birth defects (up to 54% of all birth defects are alcohol related)

Social Issues:

- Two thirds of all homicides are committed by people who have been drinking.
- Two to three percent of the driving population is legally drunk at any one time. This rate doubles at night and on weekends.
- Two thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Alcoholics are 15 times more likely to commit suicide than are any other segments of the population.
- More than 60 percent of burn, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.
- 24,000 people will die on the highway due to the legally impaired driver.
- 15,800 will die in non-highway accidents.

- 30,000 will die due to alcohol-related liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide. Up to another 125,000 will die due to alcohol-related conditions or accidents.

Workplace Issues:

- It takes one hour for the average person to process one serving of alcohol from the body.
- Impairment in coordination and judgement can be objectively 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 one who is sober.

The 9 Symptoms of Alcoholism:

1. Increase in alcohol tolerance.
2. Occasional or partial memory lapses.
3. Drinking beyond one's intentions.
4. Increased dependency on alcohol.
5. Sneaking drinks.
6. Preoccupation with alcohol.
7. Resentful whenever one's drinking is discussed.
8. Futile, frustrating attempts to stop drinking.
9. Rationalizing loss of control.

EFFECTS OF DRUGS

MARIJUANA

People use marijuana for the mildly tranquilizing and mood and perception altering effects it produces. Marijuana does not depress central nervous system reactions. Its action is almost exclusively on the brain, altering the proper interpretation of incoming messages.

Signs and Symptoms of Use:

- Reddened eyes
- Slowed speech
- Distinctive odor on clothing (Marijuana has distinctly pungent aroma resembling a combination of sweet alfalfa and incense.)
- Lackadaisical, "I don't care" attitude
- Chronic fatigue and lack of motivation
- Irritating cough, chronic sore throat

Health Effects:

- Irritation to the lungs. Chronic smoking causes emphysema-like symptoms.
- One marijuana cigarette contains cancer causing substances equivalent to one-half to one pack of regular cigarettes.
- Marijuana can cause serious respiratory tract and sinus infections.

- Marijuana smoking lowers the body's immune system response, making users more susceptible to infections.
- Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate.
- Research on test animals indicate that marijuana may cause birth defects, including malformations of the brain, spinal cord, forelimbs and liver, and water on the brain and spine.

Workplace Issues:

- Delayed decision making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection
- Impaired tracking (the ability to follow moving objects with the eyes) and visual distance measurements.
- Erratic cognitive functions
- Distortions in time estimation
- "Acute brain syndrome" which is characterized by disorder in memory cognitive functions, sleep patterns and physical conditions.
- Combining alcohol and other depressant drugs and marijuana can produce a multiplied effect, increasing the impaired effects of both the depressant and marijuana.

COCAINE

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are more tense, the heart beats faster and stronger, and the body burns more energy.

Signs and Symptoms of Use:

- Financial problems
- Excessive absenteeism
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Secretive behaviors, frequent non-business visitors, delivered packages, phone calls
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Difficulty in concentration
- Dilated pupils and visual impairment
- Restlessness
- Formication (sensation of bugs crawling on skin)
- High blood pressure, heart palpitations and irregular rhythm
- Hallucinations
- Insomnia
- Paranoia
- Profuse sweating and dry mouth
- Talkativeness

Health Effects:

- ☐ Research suggests that regular cocaine use may upset the chemical balance of the brain, which may speed up the aging process by causing damage to critical nerve cells. The onset of nervous system illness could also occur.
- ☐ Cocaine causes the heart to beat faster and harder and increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart, which can lead to ruptured vessels causing strokes and heart attacks.
- ☐ Strong psychological dependency can occur with one “hit” of crack. Usually, mental dependency occurs within days (crack) or within several months (snorting coke). Cocaine causes the strongest mental dependency of any known drug.
- ☐ Treatment success rates are lower than for other chemical dependencies.
- ☐ Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are usually not reversible by medical intervention.

Workplace Issues:

- ☐ Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.
- ☐ Lapses in attention and ignoring warning signals greatly increases the potential for accidents.
- ☐ The high cost of cocaine frequently leads to workplace theft and/or dealing.
- ☐ A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- ☐ Work performance is characterized by forgetfulness, absenteeism, tardiness and missed assignments.

OPIATES

Opiates are narcotic drugs that alleviate pain, depress body functions and reactions and, when taken in large doses, cause a strong euphoric feeling. Natural derivatives are opium, morphine, codeine and heroin. Synthetic derivatives are meperidine, oxymorphone and oxycodone.

Signs and Symptoms of Use:

- ☐ Mood changes
- ☐ Impaired mental functioning and alertness
- ☐ Constricted pupils
- ☐ Depression and apathy
- ☐ Impaired coordination
- ☐ Physical fatigue and drowsiness
- ☐ Nausea, vomiting and constipation

Health Effects and Workplace Issues:

- ☐ IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles.
- ☐ Narcotics increase pain tolerance. As a result, people could injure themselves more severely or fail to seek medical attention after an accident.
- ☐ Narcotics’ effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.
- ☐ Strong mental and physical dependency occurs.

- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding and drowsiness place the legitimate user and abuser at higher risk for an accident.
- While narcotics have a legitimate medical use in alleviating pain, workplace use may cause impairment of physical and mental functions.

AMPHETAMINES

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration of higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Amphetamines are often referred to as “speed” and “bennies”.

Methamphetamine (“meth”, “crank”, or “crystal”) is nearly identical in action to amphetamine. Methamphetamines may be taken orally, injected or snorted into the nose.

Signs and Symptoms of Use:

- Hyper-excitability, restlessness
- Dilated pupils
- Increased heart rate and blood pressure
- Heart palpitations and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic
- Talkativeness
- Inability to concentrate

Health Effects and Workplace Issues:

- Regular use produces strong psychological dependence and increasing tolerance.
- High doses may cause psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk-taking behavior, including bizarre and violent acts.
- Withdrawal from the drug may result in severe physical and mental depression.
- Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest.
- Low doses of amphetamines will cause a short term improvement in mental and physical functioning. With greater use, or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which make operation of equipment or vehicles dangerous.

PHENCYCLIDINE (PCP)

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine is abused primarily for its variety of mood altering effects. A low dose produces sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare, with the eyelids half closed. Sudden noises or physical shocks may cause a “freak-out” in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication. PCP is sold as a creamy granular powder and often packaged in one in square aluminum foil or folded paper “packets”.

Signs and Symptoms of Use:

- Impaired coordination
- Severe confusion and agitation
- Extreme mood shift
- Muscle rigidity
- Nystagmus (jerky eye movements)
- Dilate pupils
- Profuse sweating
- Rapid heartbeat
- Dizziness

Health Effects and Workplace Issues:

- The potential for accidents and overdose is high due to extreme mental effects, combined with the anesthetic effect on the body.
- PCP is exacerbated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction.
- Use can cause irreversible memory loss, personality changes, and thought disorders.
- Use can cause combativeness, catatonia, convulsions, coma, and distortions of size, shape and distance perception.
- Continual use can cause depression, suicidal tendencies, and mental dysfunction.

OVERVIEW OF THE WARNING SIGNS OF SUBSTANCE ABUSE

The existence of an alcohol or drug problem often manifests itself in an employee's work performance, behavior or appearance in the following ways:

1. Excessive absences and/or tardiness (especially after a weekend or holiday).
2. Frequent requests for time off during the workday.
3. Numerous unexplained accidents.
4. Pattern of accidents in area during a particular time shift.
5. Noticeable increase in medical insurance claims, particularly for non-job injuries.
6. Unsatisfactory work performance.
7. Lack of concentration or decreased productivity after lunch or breaks.
8. Non-work-related visits from other employees or strangers.
9. Frequent trips to the restroom or water fountain.
10. Long lunch hours.
11. Frequent visits to automobile/parking lot.
12. Drowsiness, slurred speech, lack of coordination, inability to concentrate, nausea or other physical symptoms.
13. Agitation, rapid or slurred speech, dizziness, dilated pupils.
14. Bloodshot eyes, runny nose.
15. Drastic weight changes.
16. Marked change in mood, attitude, and behavior.
17. Deterioration in personal appearance and hygiene.
18. Wearing sunglasses and long sleeved shirts at inappropriate times to hide dilated pupils or needle marks.
19. Frequent need to borrow money.
20. Avoidance of supervisors.

The hazard of misuse of alcohol and illegal drugs and extended far beyond the individual user. Impaired employees endanger themselves, fellow workers, and other users of our highways. Employees with drugs or alcohol in their systems are less productive and more likely to injure themselves or other persons in an accident. Alcohol and drug abusing employees increase the costs related to the lost productivity, absenteeism, accidents, loss of trained personnel, theft, and treatment and deterrence programs. Also, medical costs are higher and are passed on to the employer in the form of higher health insurance rates. Alcohol and drug abuse costs both the employer and the employee.

Ride the Ducks of Seattle

Drug and Alcohol Workplace Acknowledgement

I, _____, certify that I have received a copy of, and have read the Ride the Ducks of Seattle’s Drug and Alcohol Workplace Policy. I understand that as a condition of employment as an employee in a safety-sensitive position I must comply with these guidelines and do agree that I will remain medically qualified by following these procedures. If I develop a problem with alcohol or drug abuse during my employment with Ride the Ducks of Seattle, I will seek assistance through the current alcohol and drug testing program administrator.

Signature

Date

Alcohol and Controlled Substance Employee's Certified Receipt

Employee's Name

Company/Department

This is to certify that I have been provided educational materials that explain the requirements of 382.601 and my employer's policies and procedures with respect to meeting the requirements. The materials include detailed discussion of the following checked (✓) items:

- _____ 1. The designated person to answer questions about the materials.
- _____ 2. The categories of drivers subject to Part 382.
- _____ 3. Sufficient information about the safety-sensitive functions and periods of the workday that compliance is required.
- _____ 4. Specific information concerning prohibited driver conduct.
- _____ 5. Circumstances under which a driver will be tested.
- _____ 6. Test procedures, driver protection and integrity of the testing process, and safeguarding the validity of the test.
- _____ 7. The requirement that tests are administered in accordance with Part 382.
- _____ 8. An explanation of what will be considered a refusal to submit to a test and the consequences.
- _____ 9. The consequences of Part 382 Subpart B violations including removal from safety-sensitive functions and 382.605 procedures.
- _____ 10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- _____ 11. Information on the affect of alcohol and controlled substances use on:
 - › an individual's health
 - › signs and symptoms of a problem
 - › work
 - › personal life
 - › available methods of intervening when a problem is suspected
- _____ 12. Optional information:

Employee's Signature

Date

Authorized Employer Representative

Date

Employer: Retain in Employee's Confidential File

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

**Response to Part B
Violation 8 - State Primary 390.15(b)(1)**

Part B Violation 8 - State Primary 390.15(b)(1):

Failing to keep an accident register in the form and manner prescribed.

Discovered: 1, Checked 1

The accident register used by Ride the Ducks of Seattle was mainly for insurance claim tracking and documentation. In implementing the accident register in this nature, Ride the Ducks of Seattle put more emphasis on the necessary items to fulfill insurance requirements rather than those of 49 CFR 390.15. While this register included most information required by 390.15(b)(1), it did not specifically include city and state data for accidents, as well as several other data points as specified in the regulation.

The following corrective actions have been taken to prevent this violation from occurring again:

Person responsible for ongoing compliance: Ryan Johnson, Director of Operations and Compliance Officer.

1. Ride the Ducks of Seattle has created a new accident register to meet the standards required in 49 CFR Part 390.15(b)(1). This register will be maintained separate from any other accident register in use. The official RTDS USDOT Accident Register will be maintained by Ryan Johnson, Director of Operations & Compliance Officer.
2. Ride the Ducks of Seattle has also updated their Incident Report form to contain queries for location, fatalities, and hazardous material release.

The following materials in support of these corrective actions can be found in Appendix H:

1. **DOT Accident register copy with 3 previous years of data**

**Ride The Ducks of Seattle
WUTC Compliance Review
Audit Date: 9/28/15**

Appendix H:

**Supporting Documents of Corrective Actions
In Response to Violation 8**

- Official DOT Accident Register for Previous 3 Years

Number	Date of Accident	Time of Accident	Location (City/State)	Driver name	Number of Injuries	Number of Fatalities	Hazardous Materials (other than fuel) released (if any).	Vehicles Towed
1	7/25/2014	7:20 PM	SEATTLE / WA	JUSTIN RODINO	1	0	NONE	0
2	8/31/2014	9:15 AM	SEATTLE / WA	TUCKERMAN ESTY	0	0	NONE	1
3	2/7/2015	3:05 PM	SEATTLE / WA	TUCKERMAN ESTY	2	0	NONE	0
4	7/28/2015	1:15 PM	SEATTLE / WA	TUCKERMAN ESTY	1	0	NONE	0
5	9/24/2015	11:10 AM	SEATTLE / WA	ERIC BISHOP	62	5	GEAR OIL	4
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Number	Date of Accident	Time of Accident	Location (City/State)	Driver name	Number of Injuries	Number of Fatalities	Hazardous Materials (other than fuel) released (if any).	Vehicles Towed
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Number	Date of Accident	Time of Accident	Location (City/State)	Driver name	Number of Injuries	Number of Fatalities	Hazardous Materials (other than fuel) released (if any).	Vehicles Towed
1	2/7/2015	3:05 PM	SEATTLE / WA	TUCKERMAN ESTY	2	0	NONE	0
2	7/28/2015	1:15 PM	SEATTLE / WA	TUCKERMAN ESTY	1	0	NONE	0
3	9/24/2015	11:10 AM	SEATTLE / WA	ERIC BISHOP	62	5	GEAR OIL	4
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Number	Date of Accident	Time of Accident	Location (City/State)	Driver name	Number of Injuries	Number of Fatalities	Hazardous Materials (other than fuel) released (if any).	Vehicles Towed
1	7/25/2014	7:20 PM	SEATTLE / WA	JUSTIN RODINO	1	0	NONE	0
2	8/31/2014	9:15 AM	SEATTLE / WA	TUCKERMAN ESTY	0	0	NONE	1
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Number	Date of Accident	Time of Accident	Location (City/State)	Driver name	Number of Injuries	Number of Fatalities	Hazardous Materials (other than fuel) released (if any).	Vehicles Towed
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