

Zody's Moving & Storage, Inc.  
11737 Wharf Road  
Waynesboro, PA 17268  
717-762-4815

March 27, 2014

Pennsylvania Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Gentlemen:

Please find enclosed herewith an original and two copies of an Application For Approval Of Transfer and Exercise Of Common Carrier Or Contract Rights. Also enclosed is a check in the amount of \$350.00 payable to the Commonwealth of Pennsylvania.

Please process the Application and let me know if anything else is needed or if you have any questions regarding the Application.

Very truly yours,



Jeffrey L. Zody

-----  
Enclosures

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**APPLICATION FOR APPROVAL OF TRANSFER  
AND EXERCISE OF COMMON CARRIER OR CONTRACT RIGHTS**

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Zody's Moving & Storage, Inc.  
(Applicant/Transferee-Buyer)

for the approval of the transfer and to exercise the right

as a common carrier, described at Docket  
(common - contract)

No. A-00119984, Folder No. 1, issued to  
Pro Moving & Storage, Inc.  
(Transferor - Seller)

for transportation of household goods and personal property in use  
(persons - household goods)

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**SEE INSTRUCTIONS BEFORE COMPLETING APPLICATION**

1. Zody's Moving & Storage, Inc.  
(Full and Correct Name of Applicant/Transferee)

2. N/A  
(Trade Name, If Any)

The trade name \_\_\_\_\_ been registered with the Secretary of the Commonwealth  
(has or has not)

on \_\_\_\_\_ (attach copy of stamped registration form.)  
(Date)

3. 11737 Wharf Road  
(Business Street Address) (P. O. Box, If Any)

Waynesboro, Franklin County, PA 17268 717-762-4815  
(City) (County) (State) (Zip) (Telephone)

4. Applicant's attorney (for this application) is:

\_\_\_\_\_  
(Name) (Address) (Telephone)

5. Any documents should be mailed to:

Transferee: Zody's Moving & Storage, Inc., 11737 Wharf Road, Waynesboro, PA 17268  
(Name) (Address)

Transferor: Pro Moving & Storage, Inc.  
(Name) (Address)

6. Applicant does hold Pa. P. U. C. authority under Docket Number  
(does or does not)

A- 00101820 and operates as a common carrier.  
(common or contract)

7. Applicant does hold Interstate Commerce Commission authority at Docket  
(does or does not)

No. ~~X~~- MC-106487.

8. Applicant is (check one):

- Individual.
- Partnership. Must attach a copy of the partnership agreement (unless a copy is presently on file with PUC), and list names and addresses of partners below (use additional sheet if necessary).

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(Name)

(Address)

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- Corporation. Organized under the laws of the state of Pennsylvania  
and qualified to do business in Pennsylvania by registering with the Secretary of the  
Commonwealth on 05/29/1979 (Attach copy of Certificate of  
Incorporation or Authority and statement of charter purpose). Include as an attachment a  
list of corporate officers and their titles and the names, addresses and number of shares  
held by each stockholder.

9. If applicant, its stockholder or partnership members are in control of or affiliated with any other carrier, state name of carrier(s), Docket Number(s) and nature of control or affiliation.

10. Applicant proposes to acquire all of the operating rights now held by transferor.  
(all or part)

Attach a sheet describing rights to be transferred to applicant and rights to be retained by transferor, if any. If any rights are to be omitted give reasons.

11. The reason for the transfer is Purchase of Pro Moving & Storage, Inc.'s rights, as a common carrier, by Zody's Moving & Storage, Inc.

12a. The following must be attached:

- Sales Agreement
- List of equipment to be used to render service. (Summarized by type)
- Operating authority to be transferred/retained.
- Statement of Financial Position
- Statement of unpaid business debts of transferor and how they will be satisfied.
- Statement of Safety Program.
- Statement of transferee's experience.

b. Attach the following, as appropriate (check those attached):

- Partnership Agreement
- Trade Name registration certificate.
- Certificate of Incorporation. (Pa. Corporations only) See attachment to question 8.
- Certificate of Authority. (Foreign (out-of-state) Corporations only).
- Statement of Corporate charter purpose. (Corporations only)
- List of Corporate officers and stockholders. (Corporations only)

- Copy of short form certificate showing date of death of transferor and name of executor/administrator/administratrix.

13. Transferor attests that all General Assessments and fines are paid, and agrees to continue to render the service which is to be transferred until this application is approved, whereupon transferor will surrender said certificate or permit for cancellation.

14. Transferee agrees to assume and pay any General Assessments that may be made against transferor as a common carrier for any and all operating periods up to the actual date of the transfer.

WHEREFORE, Transferee and Transferor request that the Commission grant the Transfer.

Transferee sign here: Jeffery P. Zody 3/26/2014  
(Each Partner Must Sign) (Date)  
Vice-President, Zody's Moving & Storage, Inc.

(Corporate Seal)

Transferor sign here: Deborah A. Beaumont 3/26/2014  
President, Pro Moving & Storage, Inc.

(Corporate Seal)

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SECRETARY'S BUREAU

**APPLICATION VERIFICATION**

**I/We hereby state that the statements made in the application are true and correct to the best of my/our knowledge, information and belief.**

**The undersigned understand(s) that false statements herein are made subject to the penalties of 18 Pa. C. S. Section 4904 relating to Unsworn Falsification To Authorities.**

**TRANSFEROR (SELLER)**

Deborah A. Beaumont      *Deborah A. Beaumont*      3/26/2014  
**(Print Name)**                      **(Signature)**                      **(Date)**  
President, Pro Moving & Storage, Inc.

\_\_\_\_\_  
**(Print Name)**                      **(Signature)**                      **(Date)**

\_\_\_\_\_  
**(Print Name)**                      **(Signature)**                      **(Date)**

**TRANSFeree (BUYER)**

Jeffery L. Zody      *Jeffery L. Zody*      3/26/2014  
**(Print Name)**                      **(Signature)**                      **(Date)**  
Vice-President, Zody's Moving & Storage, Inc.

\_\_\_\_\_  
**(Print Name)**                      **(Signature)**                      **(Date)**

\_\_\_\_\_  
**(Print Name)**                      **(Signature)**                      **(Date)**

**If the Applicant is a sole-proprietor, he/she must complete and sign the Application Verification form. If the application is for a partnership, all partners to the partnership agreement must sign this form. If the Applicant is incorporated, the President or Secretary must sign this form.**

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79:30 1253

DSCB:BCL—204 (Rev. 8-72)

(Line for numbering)

682662

Filing Fee: \$75  
A18-7

Articles of  
Incorporation—  
Domestic Business Corporation

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
CORPORATION BUREAU

Filed this 29th day of  
May, 1979

Commonwealth of Pennsylvania  
Department of State

*Ethel S. Allen, D.O.*

Secretary of Commonwealth slg

(Box for Certification)

In compliance with the requirements of section 204 of the Business Corporation Law, act of May 5, 1933 (P. L. 364) (15 P. S. §1204) the undersigned, desiring to be incorporated as a business corporation, hereby certifies (certify) that:

1. The name of the corporation is:

Zody's Moving & Storage, Inc.

2. The location and post office address of the initial registered office of the corporation in this Commonwealth is:

11737 Wharf Road

(NUMBER)

(STREET)

Waynesboro

(CITY)

Pennsylvania

17268

(ZIP CODE)

3. The corporation is incorporated under the Business Corporation Law of the Commonwealth of Pennsylvania for the following purpose or purposes:

The corporation shall have unlimited power to engage in and to do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of 1922, as amended.

4. The term for which the corporation is to exist is: perpetual

5. The aggregate number of shares which the corporation shall have authority to issue is: 100,000 - \$1. par

8. Attachment to Application

DSCB:BCL—204 (Rev. 8-72)-2

6. The name(s) and post office address(es) of each incorporator(s) and the number and class of shares subscribed by such incorporator(s) is (are):

NAME	ADDRESS <small>(Including street and number, if any)</small>	NUMBER AND CLASS OF SHARES
Donald E. Zody	11737 Wharf Road, Waynesboro, PA 17268	1000 - \$1 par

IN TESTIMONY WHEREOF, the incorporator(s) has (have) signed and sealed these Articles of Incorporation this 25th day of May, 1979.

\_\_\_\_\_  
(SEAL) Donald E. Zody (SEAL)  
Donald E. Zody (SEAL)

INSTRUCTIONS FOR COMPLETION OF FORM:

- A. For general instructions relating to the incorporation of business corporations see 19 Pa. Code Ch. 35 (relating to business corporations generally). These instructions relate to such matters as corporate name, stated purposes, term of existence, authorized share structure and related authority of the board of directors, inclusion of names of first directors in the Articles of Incorporation, optional provisions on cumulative voting for election of directors, etc.
- B. One or more corporations or natural persons of full age may incorporate a business corporation.
- C. Optional provisions required or authorized by law may be added as Paragraphs 7, 8, 9 . . . etc.
- D. The following shall accompany this form:
  - (1) Three copies of Form DSCB:BCL—206 (Registry Statement Domestic or Foreign Business Corporation).
  - (2) Any necessary copies of Form DSCB:17.2 (Consent to Appropriation of Name) or Form DSCB:17.3 (Consent to Use of Similar Name).
  - (3) Any necessary governmental approvals.

E. BCL §205 (15 Pa. S. §1205) requires that the incorporators shall advertise their intention to file or the corporation shall advertise the filing of articles of incorporation. Proofs of publication of such advertising should not be delivered to the Department, but should be filed with the minutes of the corporation.

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47 JUN 4 1979

DEPARTMENT OF STATE

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# Commonwealth of Pennsylvania



## Department of State

**To All to Whom These Presents Shall Come, Greeting:**

**Whereas,** Under the provisions of the Business Corporation Law, approved the 5th day of May, Anno Domini one thousand nine hundred and thirty-three, P. L. 364, as amended, the Department of State is authorized and required to issue a

### CERTIFICATE OF INCORPORATION

evidencing the incorporation of a business corporation organized under the terms of that law, and

**Whereas,** The stipulations and conditions of that law have been fully complied with by the persons desiring to incorporate as

ZODY'S MOVING & STORAGE, INC.

**Therefore, Know Ye,** That subject to the Constitution of this Commonwealth and under the authority of the Business Corporation Law, I do by these presents, which I have caused to be sealed with the Great Seal of the Commonwealth, create, erect, and incorporate the incorporators of and the subscribers to the shares of the proposed corporation named above, their associates and successors, and also those who may thereafter become subscribers or holders of the shares of such corporation, into a body politic and corporate in deed and in law by the name chosen hereinbefore specified, which shall exist perpetually and shall be invested with and have and enjoy all the powers, privileges, and franchises incident to a business corporation and be subject to all the duties, requirements, and restrictions specified and enjoined in and by the Business Corporation Law and all other applicable laws of this Commonwealth.

**Given** under my Hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this 29th day of May in the year of our Lord one thousand nine hundred and seventy-nine, and of the Commonwealth the two hundred and third.

*Esther A. Allen, D.O.*

Secretary of the Commonwealth



## ATTACHMENT TO APPLICATION

### 8. List of Officers

Donald E. Zody – President/Treasurer  
4560 Buchanan Trail East  
Waynesboro, PA 17268

Jeffrey L. Zody – Vice-President  
11704 Wharf Road  
Waynesboro, PA 17268

Keith Carbaugh – Secretary  
9525 Wayne Highway  
Waynesboro, PA 17268

### List of Shareholders

Donald E. Zody – shares held 3,440  
4560 Buchanan Trail East  
Waynesboro, PA 17268

Jeffrey L. Zody – shares held 520  
11704 Wharf Road  
Waynesboro, PA 17268

Kristin A. Zody – shares held 520  
11705 Wharf Road  
Waynesboro, PA 17268

Douglas E. Zody – shares held 520  
4475 Buchanan Trail East  
Waynesboro, PA 17268

## ASSET PURCHASE AGREEMENT

This ASSET PURCHASE AGREEMENT dated July 8, 2013, is between PRO MOVING & STORAGE, INC. (the "Seller"), and ZODY'S MOVING & STORAGE, INC. (the "Purchaser")

In consideration of the mutual covenants herein, and intending to be legally bound hereby, the parties agree as follows:

### SECTION 1. PURCHASE OF THE SELLER'S ASSETS BY THE PURCHASER

1.1 *Conveyance.* Seller does hereby sell, grant, convey, transfer, assign and deliver to the Purchaser, upon the terms and subject to the conditions of this Agreement, free and clear of all liens, encumbrances and charges, the following assets of the Seller's business at 4351 Philadelphia Avenue, Chambersburg, Pennsylvania (hereafter "Assets"):

- (a) PUC authority and number;
- (b) Warehouse equipment (racks, dollies, hand trucks, etc.) listed on Exhibit A;
- (c) Office equipment (cubicles, file cabinets, etc.) listed on Exhibit B; and
- (c) All customer lists, correspondence files and records, customer files, production records, purchasing records, inventory records, software, telephone number, hardware and firmware and disks, data files whether on disks or other media, goodwill, and trade name of Pro Moving & Storage (including the right to the fictitious name registration).

1.2 *Settlement date.* Settlement shall occur on July 8, 2013.

## SECTION 2. PURCHASE PRICE; NO ASSUMPTION OF LIABILITIES

2.1 *Purchase Price.* The purchase price for the Assets shall be \$25,000.00 attributed as follows:

Warehouse equipment listed on Exhibit A	\$ 5,500.00
Office equipment listed on Exhibit B	2,500.00
PUC authority and number	5,000.00
Goodwill, phone number, covenant not to compete, etc.	<u>12,000.00</u>
Total:	\$25,000.00

The purchase price shall be paid at settlement. In addition, the July 2013 storage payment from COD customers and NTS storage will be paid to Seller.

2.2 *No Assumption of Liabilities.* The Purchaser is neither assuming nor agreeing to pay or discharge any of the liabilities and obligations of the Seller except as provided herein. All liabilities and obligations of the Seller, whether known or unknown, direct or contingent, in litigation or threatened or not yet asserted with respect to any aspect of the Assets, are and shall remain the responsibility of the Seller. The Seller shall remain specifically responsible for (a) any liabilities of the Seller with respect to any federal, state, local or foreign income, franchise or other tax imposed upon the Seller, (b) any obligation of the Seller for the adjustment or payment for returned or defective goods at any time shipped by the Seller, (c) any obligations for the trade accounts payable of the Seller, and (d) any obligations for accrued salaries and vacation pay owed to employees of the Seller. Further, in no event shall the Purchaser assume or incur any liability or obligation with respect to any income or other tax payable by the Seller incident to or arising as a consequence of the consummation by the Seller of this Agreement or any cost or expense incurred by the Seller incident to or arising as a consequence of such consummation of

the negotiations in connection with this Agreement, including without limitation, any costs incident to the liquidation of the Seller. Notwithstanding the foregoing, Purchaser shall assume all liability and responsibility related to NTS and COD contracts as of July 8, 2013.

### SECTION 3. TRANSFER PROCEDURES

3.1 *Transfer of the Assets.* The parties agree that this Agreement shall operate as bills of sale, endorsements, assignments of NTS and COD contracts and instruments of conveyance and transfer so as to vest in the Purchaser all of the Seller's right, title and interest in and to the Assets and the NTS and COD contracts.

3.2 *Release of Liens.* At settlement, the Seller shall deliver all necessary releases of liens and Uniform Commercial Code termination statements in forms reasonably acceptable to the Purchaser's counsel so that the Seller's title to the Assets is free and clear of all liens and encumbrances.

### SECTION 4. REPRESENTATIONS AND WARRANTIES OF THE SELLER

The Seller hereby represents and warrants to the Purchaser, intending for the Purchaser to rely hereon, as follows:

4.1 *Title to Properties.* The Seller owns outright, and has good and marketable title to, all of the Assets free and clear of all liens, pledges, mortgages, security interests, conditional sales contracts or other encumbrances or conflicting claims of any nature whatsoever.

4.2 *Tax Matters.* The Seller has filed or caused to be filed all federal, state and local tax returns and reports of the Seller through the periods required by law and any assessment of taxes received, except taxes or assessments that are being contested in good faith, have been adequately reserved against. The Seller has received no notice from any governmental agency for assessment or collection of taxes from the Seller. All such returns and reports have been

prepared on the same basis as that of previous years to the best of Seller's knowledge, information and belief and in accordance with all applicable laws, regulations and requirements, and accurately reflect the taxable income (or other measure of tax) of the Seller.

4.3 *Litigation.* Seller states:

(a) There is no dispute, claim, action, suit, proceeding, arbitration or governmental investigation, either administrative or judicial, pending, or to the knowledge of the Seller threatened, against the Seller, the Business or the Assets to the best of Seller's knowledge, information and belief; and

(b) The Seller is not in default with respect to any order, writ, injunction or decree of any court or governmental department, commission, board, bureau, agency or instrumentality, which involves the possibility of any judgment or liability which may result in any material adverse change in the financial condition of the Seller, the Business or the Assets.

4.4 *Absence of Undisclosed Liabilities.* The Seller has no liabilities or obligations accrued, absolute, contingent or otherwise, except as incurred, consistent with past business practice, in the normal and ordinary course of its business, and none of which is material and adverse.

4.5 *Compliance with Laws.* To the Best of Seller's knowledge, information and belief, the Seller has complied with and is not in default under, or in violation of, any law, ordinance, rule, regulation or order (including, without limitation, any environmental, safety, employee benefit, health or price or wage control law, ordinance, rule, regulation or order) applicable to its operations, business or properties as presently constituted which materially adversely affect or, so far as the Seller can now foresee, may in the future materially adversely affect, the Business or the Assets.

4.6 *Disclosure.* No representation or warranty by the Seller in this Agreement or in any other exhibit, list, certificate or document delivered pursuant to this Agreement, contains or will contain at settlement any untrue statement of material fact or omits or will omit to state any material fact necessary to make any statement herein and therein not misleading.

#### SECTION 5. CONDUCT PENDING EXECUTION DATE

The Seller hereby covenants and agrees that:

5.1 *Conduct of Business.* The Seller shall carry on the business diligently and substantially in the same manner as heretofore and refrain from any action that would result in the breach of any of the representations, warranties or covenants of the Seller hereunder.

5.2 *Authorization from Others.* Except for the transfer of PUC authority, prior to settlement, the Seller shall have obtained all authorizations, waivers, consents and permits of others required to permit the consummation by the Seller of the transactions contemplated by this Agreement or to remove any breach or threatened breach of any representation, warranty or agreement of the Seller herein. The Seller shall cooperate in obtaining the transfer of PUC authority after closing.

#### SECTION 6. CONDITIONS PRECEDENT TO THE PURCHASER'S OBLIGATIONS

All obligations of the Purchaser under this Agreement are subject to the fulfillment, prior to or at the Execution Date, of each of the following conditions unless otherwise waived in writing by the Purchaser:

6.1 *Representations and Warranties.* The Seller's representations and warranties contained in this Agreement or in any list, certificate or document delivered pursuant to the provisions hereof shall be true at and as of the time of the settlement.

6.2 *Settlement Date Deliveries.* The Seller shall have delivered the documents and other items described in Section 3 hereof.

6.3 *No Litigation.* There shall not be any pending or, to the knowledge of the Seller, threatened action, proceeding or investigation by or before any court, arbitrator, governmental body or agency which shall seek to restrain, prohibit or invalidate the transactions contemplated hereby or which, if adversely determined, would result in a breach of a representation, warranty or covenant of either party herein.

6.4 *NTS and COD accounts.* The NTS and COD accounts/customers of Seller shall have been transferred to Purchaser as of August 1, 2013.

#### SECTION 7. CONDITIONS PRECEDENT TO THE SELLER'S OBLIGATIONS

All obligations of the Seller under this Agreement are subject to the fulfillment, prior to or at the Execution Date, of the following conditions:

7.1 *Performance of Agreements.* The Purchaser shall have performed and complied with all agreements and conditions required by this Agreement to be performed or complied with by it prior to or at settlement.

7.2 *No Litigation.* There shall not be any pending or threatened action, proceeding or investigation by or before any court, arbitrator, governmental body or agency which shall seek to restrain, prohibit or invalidate the transactions contemplated hereby or which, if adversely determined, would result in a breach of a representation, warranty or covenant of either party herein.

## SECTION 8. FEES AND EXPENSES

8.1 *Expenses of the Transaction.* Each party hereto shall pay its own expenses incidental to the preparation of this Agreement and the consummation of the transactions contemplated hereby.

## SECTION 9. INDEMNIFICATION

9.1 *Survival of Representations, Warranties and Agreements.* All representations, warranties and agreements made by the Seller and the Purchaser in this Agreement or in any certificate delivered pursuant hereto shall survive.

9.2 *Indemnification by the Seller.* The Seller shall defend, indemnify and hold the Purchaser harmless from and against (a) any and all liabilities, obligations, loss, cost, expenses, including attorney's fees, or claims against the Seller arising out of the conduct of the business up to time of settlement and (b) all actual or potential claims, demands, liabilities, damages, losses and out-of-pocket expenses including reasonable attorney's fees whether or not reduced to judgment, order or award, caused by or arising out of the breach of any agreement of or any representation or warranty made by the Seller in this Agreement or in any exhibit, list, certificate or document delivered by it pursuant hereto.

9.3 *Indemnification by the Purchaser.* The Purchaser shall defend, indemnify and hold the Seller harmless from and against all damages, losses and out-of-pocket expenses including reasonable attorneys' fees, caused by or arising out of the breach of any agreements of or any representation or warranty made by the Purchaser in this Agreement or in any exhibit, list, certificate or document delivered by it pursuant hereto.

9.4 *Defense of Claims.* Promptly after any service of process by any third person in any litigation in respect of which indemnity may be sought from the other party pursuant to this

Section 9; the party so served shall notify the indemnifying party of the commencement of such litigation, and the indemnifying party shall be entitled to assume the defense thereof at its expense with counsel of its own choosing.

#### SECTION 10. POST-CLOSING MATTERS

10.1 *Further Assurances.* At the request of the Purchaser from time to time, the Seller will execute and deliver such further reasonable instruments and will take such other reasonable action more effectively to consummate the transactions contemplated by this Agreement and to put the Purchaser into ownership, possession and control of all the Assets to the exclusion of all others whose claims may have arisen prior to settlement.

10.2 *Tax Matters.* The Seller shall, on a timely basis, prepare and file or cause to have prepared and filed all tax returns covering the Seller's federal, state and local income taxes for the Seller's taxable year which includes the settlement date, and shall pay all taxes due for such period. The Seller shall also prepare and file or cause to be prepared and filed all federal, state and local income tax returns and all other (including without limitation, employee withholding and FICA) tax returns and all pension returns and ERISA filings required to be filed by the Seller through the Settlement Date on a timely basis and pay all taxes and expenses due for such period.

10.3 *Responsibility for Litigation.* The Seller shall be responsible for all present or future litigation and claims for injury and related expenses arising out of its conduct of the business up to the time of settlement. The party liable shall direct or control, or continue to direct or control, as the case may be, the conduct of such litigation. The other party shall cooperate with any reasonable requests of the party liable or its attorneys in the defense of such litigation, including the availability of records, books or other corporate documents included in the Assets.

## SECTION 11. COVENANT NOT TO COMPETE

11.1 *Covenant not to compete.* The Seller and its sole shareholder, Deborah A. Beaumont, agree that for a term of 3 years after settlement, neither she/it, will engage directly or indirectly, whether individually or in partnership or in conjunction with any other person, firm, association, syndicate or corporation, as principal, agent, shareholder, employee, consultant or in any other manner whatsoever, in any business activity competitive with the business of the Seller as constituted on the settlement date within 50 air miles of 4351 Philadelphia Avenue, Chambersburg, Pennsylvania. The Seller and Deborah A. Beaumont agree that the limitations set forth above are reasonable in time and geographic scope, and if any provision hereof is held invalid or unenforceable, the remainder shall nevertheless remain in full force and effect. In particular, the Seller and Deborah A. Beaumont agree that if any court of competent jurisdiction shall determine that the duration or geographical limit of the foregoing non-competition covenant is invalid or unenforceable, it is the intention of the parties that it shall not be terminated thereby but shall be deemed to have been amended to the extent required to render it valid and enforceable, such amendment to apply only with respect to the jurisdiction of the court making such adjudication. The Seller and Deborah A. Beaumont further agree: (i) not to disclose to any third parties any confidential information or trade secrets of the Seller unless already in the public domain through no act or omission of the Seller; (ii) not to solicit or contact any person or firm who on the settlement date is a customer of the Seller with respect to any business activity competitive with the Purchaser's business; and (iii) not to interfere with, entice or hire away present employees of the Seller who become employed by the Purchaser. Seller and Deborah A. Beaumont further acknowledge and agree that any violation of any of the covenants in this paragraph 11.1 would cause substantial and irreparable injury. Purchaser shall be entitled to injunctive relief from any breach or threatened breach hereof and to all other remedies to which the Purchaser is or may be entitled at law or in equity.

In any action concerning an alleged breach by Seller or Deborah A. Beaumont of any obligation hereunder, irrespective of the requested remedy, the Purchaser, if successful in such action, shall be entitled to reasonable counsel fees and costs of suit from the Seller and Deborah A. Beaumont. Seller and Deborah A. Beaumont expressly acknowledge that this covenant is a material part of the consideration bargained for by Purchaser and, without the agreement of Seller and Deborah A. Beaumont to be bound by this covenant, Purchaser would not have agreed to enter into this Agreement.

Further, this Agreement shall continue to be binding upon the Seller and Deborah A. Beaumont in the event Purchaser, during the term hereof, conveys the Assets to another person or entity.

## SECTION 12. MISCELLANEOUS

12.1 *Governing Law.* This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the Commonwealth of Pennsylvania.

12.2 *Assignment.* This Agreement shall not be assignable by either party without the prior written approval of the other party. To the extent assignable, this Agreement shall be binding upon, and inure to the benefit of, the Purchaser and its successors and assigns and the Seller and its successors and assigns.

12.3 *Headings for Reference Only.* The section and paragraph headings in this Agreement are for convenience of reference only and shall not be deemed to modify or limit the provisions of this Agreement.

12.4 *Notices.* Any notice, communication, demand or other writing (a "Notice") required or permitted to be given, made or accepted by any party to this Agreement shall be given by personal delivery or by depositing the same in the United States mail, properly addressed, postage prepaid and registered or certified with return receipt requested. A notice

given by personal delivery shall be effective upon delivery and a notice given by registered or certified mail shall be effective on the second day after such deposit. For purposes of notice, the addresses of the parties shall be, until changed by a notice given in accordance herewith, as follows:

Seller:	Purchaser
Pro Moving & Storage, Inc. 4351 Philadelphia Avenue Chambersburg, PA 17202	Zody's Moving & Storage, Inc. 11737 Wharf Road Waynesboro, PA 17268

12.5 *Time of Essence.* The time for the performance of any of the obligations of this Agreement are hereby agreed to be OF THE ESSENCE of this Agreement.

12.6 *Entire Agreement and Amendment.* This document contains the entire agreement between the parties hereto with respect to the transactions contemplated hereby and supersedes all prior or contemporaneous agreements, understandings, representations and warranties between the parties, and may not be amended except by written instrument executed by the duly authorized officers of the parties hereto.

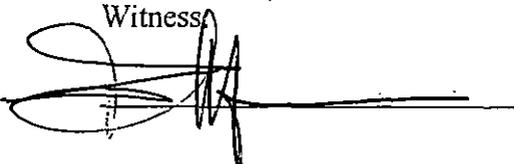
12.7 *Agreement Interpretation.* For purposes of agreement interpretation and for the purpose of resolving any ambiguity herein, the parties agree that this agreement was prepared jointly by the parties.

12.8 *Arbitration.* Any controversy, dispute or claim arising out of or in connection with or relating to this Agreement, the breach or any alleged breach thereof shall be settled by arbitration; provided, however, this provision for arbitration shall not prevent the parties hereto from applying for or obtaining specific performance, injunctive or other equitable relief as may be provided for hereunder.

In the event a party challenges any claim of default or any failure of compliance under this Agreement, or in the event of any dispute as to any of the provisions of this Agreement and the parties are unable to reach an agreement, then, upon written notice from either party, the dispute and/or controversy shall be submitted to common law arbitration by an arbitrator selected by the parties within 10 days of such written notice. The arbitrator's fees and arbitrator's costs shall be paid three-fourths (3/4ths) by the losing party and one-fourth (1/4th) by the other party. The parties agree to abide by and perform any award rendered by the arbitrator and that a judgment of the court having jurisdiction may be entered upon the award. The location of the arbitration hearings shall be Chambersburg, Pennsylvania.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and delivered on the day and year first above written.

Witness

  
\_\_\_\_\_  
*(as for all)*  
\_\_\_\_\_

Pro Moving & Storage, Inc.

by Deborah A. Beaumont  
Deborah A. Beaumont, President, Seller

Deborah A. Beaumont  
Deborah A. Beaumont, individually

Zody's Moving & Storage, Inc.

by Jeffery L. Zody  
Jeffery L. Zody, Vice President, Purchaser

Exhibit A

WAREHOUSE EQUIPMENT

- 175-200 warehouse vaults, pads, sofa racks
- Packing materials, supplies
- Crating tools, pallet jacks, misc dollies

## OFFICE SUPPLIES AND EQUIPMENT

- COMPUTERS EXCEPT FOR A DELL LAP TOP
- FILE CABINETS
- DESK CUBICLES
- OFFICE CHAIRS
- DISPATCH CUBICLE
- FAX, PRINTERS, COPIERS, SCANNER

## Zody's Moving &amp; Storage Inc.

Waynesboro, Pa.				UNITED VAN LINES			
Year	Make	Model Type	Size	Serial Number	License#	Vehicle#	Weight
1993	PTRBLT	377		1XPCDB9X6PN340018	AB34467	343	80K
1997	PTRBLT	377		1XPCDB9X8VN442059	AB87072	346	80K
1996	INT'L	4900		1HSSDAANXTH253806	AB73948	345	60K
1991	INT'L	4700	24'	1HTSCNKM8MH370913	CV76999	803	25.5K
2004	INT'L	4700	26'	1HTMMAAM14H614448	YMT4118	815	26K
2005	INT'L	4700	26'	1HTMMAAM85H158045	YCZ0058	816	26K
2013	FRTLNR	M2	28'	1FVACXB5XDHFA3483	AG05735	817	44K
1995	ECONO	F-250	12'	1FTH524Y2SC15571	ZE75870	PKG-VAN	7K
2002	GMC	W4500	12'	J8DC4B14227010522	YRK9732	LIFTGATE	10K
2008	FRTLNR	2500	14'	WDYPE845X85233696	YY52122	PKG-VAN	9K
1999	VW	BEATLE		3VWCF21C1XM434397		SALES CAR	
2000	CHEVY	PICKUP		2GCEK19T3Y1288440	YJB9740	SERVICE TRUCK	
2009	SUBARU	OUTBACK		454BP61C797329133	DPT8800	SALES CAR	
1979	MAT	VAN	44'	1221783577	AA33711	304	
1979	MAT	VAN	44'	125793614	AA99925	308	
1993	KY	VAN	48'	1KKVE4823PL095947	AB34719	403	
1993	KY	VAN	48'	1KKVE4826PL095795	AA43095	309	
1996	KY	VAN	51'	1KKVE5127TL106541	AB76965	405	
1998	KY	VAN	53'	1KKVE5322WL111079	PT5289F	406	
2000	KY	VAN	53'	1KKVA5325YL200403	PT7834E	4E7	
2000	KY	VAN	53'	1KKVE532XYL200627	PT7833E	407	
1998	TRT	CURTAINSIDE	53'	1PTE7CTR8J9007325	XW99314	CURTAINSIDE	

Transferred

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Public Meeting held October 30, 2003

**Commissioners Present:**

**Terrance J. Fitzpatrick, Chairman  
Robert K. Bloom, Vice-Chairman  
Glen R. Thomas  
Kim Pizzingrilli  
Wendell F. Holland**

**COPY**

Application of Curtis L. & Deborah A. Beaumont, t/d/b/a Pro Moving & Storage, for the transfer of all of the operating right(s) of Charles M. Knouse, t/d/b/a Pro Moving & Storage, under the certificate issued at A-00107223, F. 1, subject to the same limitations and conditions.

A-00119984

---

Frederic G. Antoun, Jr. for the applicant.

---

**ORDER**

**BY THE COMMISSION:**

This matter comes before the Commission on an application filed April 3, 2003. Public notice of the application was given in the Pennsylvania Bulletin of August 9, 2003. The unopposed application is certified to the Commission for its decision without oral hearing.

**DISCUSSION AND FINDINGS**

Curtis L. & Deborah A. Beaumont, t/d/b/a Pro Moving & Storage (applicant or Beaumont) are tenants by entirety seeking an initial household good in use right to be acquired by transfer from Charles M. Knouse, t/d/b/a Pro Moving & Storage. Applicant will operate from facilities located at 234 Commerce Street, Chambersburg, Franklin County. Curtis Beaumont has worked in the households moving business as a driver, packer, salesman and dispatcher since 1970. His wife Deborah has been employed by moving companies in sales and customer service.

Applicant will lease vehicle equipment that will be subject to a comprehensive maintenance program. Beaumont has adopted the safety programs of North American Van Lines that includes pre-employment back ground checks, drug and alcohol testing and random testing.

The personal financial statement of applicant dated February 19, 2003 shows total current assets of \$254,482, total assets of \$400,482, total current liabilities of \$34,613, total liabilities of \$197,618 for a net worth of \$202,869.

The total consideration for the right(s) and other assets, including real estate and equipment is \$158,200. The right(s) have been assigned a value of \$10,000.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Byerly, 270 A.2d 186 (Pa. 1970); Hogstetter v. Pa. P.U.C., 49 A.2d 862 (Pa. Super 1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

**We find:**

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; **THEREFORE,**

**IT IS ORDERED:** That the transfer application be and is hereby approved and that a certificate be issued granting the following right(s):

1. To transport, as a common carrier, by motor vehicle:

(a) household goods in use, from points in the borough of Waynesboro, Franklin County, and within fifteen (15) miles by the usually traveled highways of the limits of the said borough, to points in Pennsylvania within one hundred seventy-five (175) miles by the usually traveled highways of the limits of the said borough, and vice versa; and

(b) household goods in use, between points in the borough of Waynesboro, Franklin County, and within an airline distance of three (3) statute miles of the limits of the said borough.

2. To transport, as a common carrier, property, excluding household goods in use, between points in Pennsylvania.

subject to the following general conditions:

1. That the operating authority granted herein, or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or right(s) to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
3. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

**IT IS FURTHER ORDERED:** That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

1. A Form E, as evidence of Bodily Injury and Property Damage Liability Insurance.
2. Form H, as evidence of cargo liability insurance.
3. A tariff establishing just and reasonable rates.
4. Registration of the fictitious name.

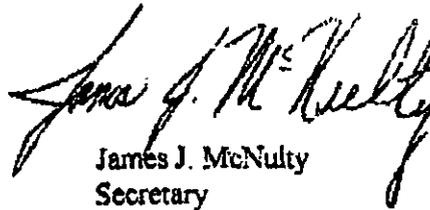
**IT IS FURTHER ORDERED:** That upon compliance with the requirements above set forth, a certificate issue evidencing the Commission's approval of the rights to operate as above-determined.

**IT IS FURTHER ORDERED:** That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

**IT IS FURTHER ORDERED:** That you must demonstrate safety fitness by completing a Safety Fitness Review. You will be contacted by the Commission's Bureau of Transportation and Safety, which will schedule a review to be completed within 180 days of the date your certificate is issued. Failure to submit to a Safety Fitness Review or to attain a satisfactory evaluation will result in cancellation of the certificate.

**IT IS FURTHER ORDERED:** That upon compliance with this order, the right(s) granted the transferor, Charles M. Knouse, t/d/b/a Pro Moving & Storage at A-00107223, F. 1, be canceled and the record be marked "closed".

**BY THE COMMISSION,**



James J. McNulty  
Secretary

(SEAL)

**ORDER ADOPTED:** October 30, 2003

**ORDER ENTERED:** NOV 03 2003

Retained

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

**IN THE MATTER OF THE APPLICATION OF**

**ZODY'S MOVING & STORAGE, INC., a corporation  
of the Commonwealth of Pennsylvania**

**CERTIFICATE  
OF  
PUBLIC CONVENIENCE**

**A. 00101820**

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and entered, a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

**In Testimony Whereof,** The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 25th day of APRIL 19 80

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

Attest:

**DOCUMENT  
FOLDER**

**DOCUMENTS  
APR 23 1980**

Secretary

February 28, 1980

A-00101820

William S. Dick, Esquire  
Wayne Building  
Waynesboro, PA 17268

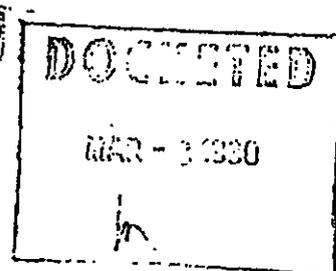
Application of Zody's Moving & Storage, Inc., a corporation  
of the Commonwealth of Pennsylvania

Dear Sir:

Enclosed is the compliance order issued by the Commission in the above proceeding. You will be receiving, under separate cover, a code book containing our Regulations.

The certificate of public convenience evidencing the Commission's approval of the right to operate will not be issued until the applicant has complied with the following insurance and tariff requirements.

- I Arrange through insurance agent to have this company file a certificate of public liability and property damage insurance. Insurance companies have these certificates. (Form E)
- II Arrange through insurance agent to have his company file a cargo insurance certificate in the amount of \$2500 per vehicle. Insurance companies have these certificates. (Form UCPC-31). IF ANY SINGLE LOAD WHICH THE APPLICANT TRANSPORTS DOES NOT EXCEED \$100.00 IN VALUE, HE MAY SIGN, HAVE NOTARIZED AND RETURN THE ENCLOSED AFFIDAVIT TO THIS OFFICE IN LIEU OF CARGO INSURANCE.
- III Prepare and file a tariff, instructions for which are enclosed.



A-00101820

No motor carrier shall operate or engage in any transportation until all of the above requirements have been complied with and a certificate of public convenience issued authorizing actual operations. Motor carriers operating without complying with the above requirements will be subject to the penalty provisions of the Public Utility Law.

Commission regulations require compliance with all of the above requirements within thirty days of the date of this letter. Failure to comply within the thirty day period will cause the Commission to rescind the action of February 15, 1980, and dismiss the application without further proceedings.

If you foresee any problems in obtaining the necessary requirements within the thirty day period, please contact the Pennsylvania Public Utility Commission - Service Section.

Please accept service of the enclosures, using for that purpose the enclosed form.

Very truly yours,

William P. Thierfelder  
Secretary

jb  
Enclosures  
Certified Mail  
Receipt Requested  
cc: Applicant  
11737 Wharf Road  
Waynesboro, PA 17268

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held February 15, 1980

Commissioners Present:

Susan M. Shanaman, Chairman  
Michael Johnson  
James H. Cawley  
Linda C. Taliaferro

Application of Zody's Moving & Storage, Inc.,  
for approval of the transfer to it of all of  
the operating rights held by Donald E. Zody  
at A. 95860.

A-00101820

O R D E R

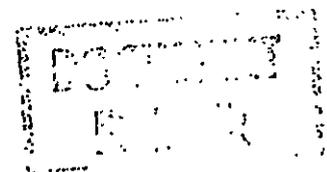
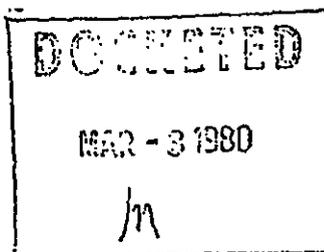
BY THE COMMISSION:

By application docketed November 20, 1979, Zody's Moving & Storage, Inc., a corporation of the Commonwealth of Pennsylvania, seeks approval of the transfer to it of all the rights granted to Donald E. Zody under the certificate issued at A. 95860.

We find the applicant to be fit to hold a certificate of public convenience and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of rights held by Donald E. Zody at A. 95860 be approved and that a certificate be issued to the applicant granting the following rights:

1. To transport, as a Class D carrier, milk from dairies in the townships of Washington and Quincy, Franklin County, to milk receiving stations in the boroughs of Waynesboro and Greencastle, Franklin County.
2. To transport, as a Class D carrier, milk from receiving stations in the borough of Waynesboro, Franklin County, to the borough of Chambersburg, Franklin County.



3. To transport, as a Class D carrier, fresh fruits, farm products and livestock from farms, orchards, packing houses and cold storage, from the townships of Washington, Quincy, Antrim, Guilford, and Greene, and the boroughs of Waynesboro, Greencastle and Chambersburg, Franklin County, to other points in Pennsylvania.
4. To transport, as a Class D carrier, wood between points in the county of Franklin.
5. To transport, as a Class D carrier, spray materials, fertilizers, orchard equipment and repairs and packing materials from warehouses and railroad cars in the county of Franklin to points in the counties of Franklin and Adams.
6. To transport, as a Class D carrier, lawfully mined and lawfully prepared anthracite coal from mines in the counties of Dauphin and Schuylkill to points in the borough of Waynesboro and the townships of Washington, Quincy and Antrim, Franklin County.
7. To transport, as a Class D carrier, bituminous coal from mines in Huntingdon County to points in the borough of Waynesboro and the townships of Quincy, Washington and Antrim, Franklin County.
8. To transport, as a Class D carrier, milk from dairies in the townships of Washington and Quincy, Franklin County, to milk receiving stations in the borough of Chambersburg, Franklin County.
9. To transport, as a Class D carrier, household goods and office furniture, in use, between points in the borough of Waynesboro, Franklin County, and the townships of Washington, Quincy and Antrim, Franklin County, and from points in said borough and townships to other points in Pennsylvania and vice versa.
10. To transport, as a Class D carrier, property, between points in the borough of Chambersburg, Franklin County, and within eight (8) miles by the usually traveled highways of the limits of said borough.

11. To transport, as a Class C carrier, property from points in the borough of Chambersburg, Franklin County, and within eight (8) miles by the usually traveled highways of the limits of said borough to other points in the county of Franklin.
12. To transport, as a Class D carrier, household goods in use from points in the borough of Chambersburg, Franklin County, and within eight (8) miles by the usually traveled highways of the limits of said borough, excluding the village of Fayetteville, to other points in Pennsylvania, and vice versa.
13. To transport, as a Class D carrier, fruit and vegetables from farms and orchards in the counties of Adams and Franklin to canneries, packing, storage and railroad warehouses in the said counties;

with rights no. 10, 11, 12 & 13 above subject to the following conditions:

That no right, power or privilege is granted to transport to or from places on State Highway Route No. 11 served by Horn's Motor Express, Inc., and Cumberland Valley Transit Company, on or before January 23, 1943.

That no right, power or privilege is granted to transport between points located on the routes of the Cumberland Valley Transit Company, or between points located on the route or routes of Motor Freight Express (formerly Alko Express Lines) or their connections, as approved by the Public Service Commission on or before January 23, 1934, destined to points on the route or routes of Motor Freight Express (formerly Alko Express Lines) or their connections, as approved by the Public Service Commission, provided, however, that this restriction shall not apply to the transportation of household goods and office furnishings in use or perishable farm products and fruits from farms, and provided, further, that this restriction shall not apply to deliveries from steam railroad freight stations to points in the county of Franklin.

14. To transport, as a Class D carrier, meat and bone scrap, in bulk and in bags, and stabilized animal fat, in steel drums, from the plant of A. F. Rees Co., Inc., in the township of Antrim, Franklin County, to points in Pennsylvania, and vice versa.
15. To transport, as a Class D carrier, animal cracklings from points in Pennsylvania to the plant of A. F. Rees Co., Inc., in the township of Antrim, Franklin County.
16. To transport, as a Class D carrier, dusting material, spray material and fertilizer for Blue Ridge Fruit Exchange from the borough of Waynesboro, Franklin County, and points in Franklin County within ten (10) miles by the usually traveled highways of the limits of the said borough to farms, orchards and airports in Pennsylvania, with the right to return unused, refused or damaged materials.
17. To transport, as a Class D carrier, fruit packing machines in use and mailing machines in use for Blue Ridge Fruit Exchange between points in the county of Franklin and from points in said county to points in Pennsylvania, and vice versa.
18. To transport, as a Class D carrier, fresh fruit packaging supplies for Blue Ridge Fruit Exchange between points in the county of Franklin and from points in the said county to points in Pennsylvania, and vice versa.
19. To transport, as a Class D carrier, lumber for Blue Ridge Fruit Exchange from points in the county of Fulton to the borough of Waynesboro, Franklin County, and points within twelve (12) miles by the usually traveled highways of the limits of the said borough and between points in the borough of Waynesboro and within twelve (12) miles by the usually traveled highways of the limits of the said boroughs.
20. To transport, as a Class D carrier, feed between points in the borough of Waynesboro, Franklin County, and within twelve (12) miles by the usually traveled highways of the limits of the said borough, and from railroad sidings at Williamson, Franklin County, to points in said territory.

21. To transport, as a Class D carrier, used tractors and used machinery (excluding used machinery from manufacturing plants in Waynesboro) between points in the borough of Waynesboro, Franklin County, and within twelve (12) miles by the usually traveled highways of the limits of the said borough.
22. To transport, as a Class D carrier, shrubbery between points in the borough of Waynesboro, Franklin County, and within twelve (12) miles by the usually traveled highways of the limits of the said borough and from points in said territory to points in Pennsylvania, and vice versa.
23. To transport, as a Class D carrier, filling station equipment, heating equipment, refrigerators, home freezers and hot water heaters between points in the borough of Waynesboro, Franklin County, and within five (5) miles of the limits of the said borough and from points in said territory to points in the counties of Franklin, Adams and Fulton and the village of Walnut Bottom and borough of Newville, Cumberland County, excluding points served by Accelerated Transport-Pony Express, Inc. (formerly Masser Motor Express) Horn's Motor Express, Inc. and Motor Freight Express, as of March 20, 1950.
24. To transport, as a Class D carrier, property, (excluding new and used machinery from manufacturing plants in Waynesboro, eggs for Swift and Company and canned goods and dressed poultry) between points in the borough of Waynesboro, Franklin County, and within ten (10) miles by the usually traveled highways of the limits of the said borough;

with rights no. 16 to 24 above inclusive, subject to the following conditions:

That no right, power or privilege is granted to render service which requires the use of carryalls, winch trucks or winch tractors.

with all of the above rights subject to the following general conditions:

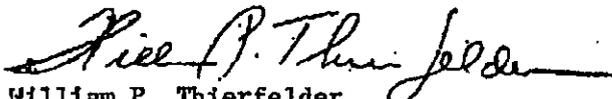
1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the operating authority granted herein, or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
4. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under Section 202(e) of the Public Utility Law of May 28, 1937, P.L. 1053, as amended by Act No. 215 of October 7, 1976.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order the rights granted the transferor Donald E. Zody at A. 95860 be cancelled and the record be marked closed.

BY THE COMMISSION,

  
William P. Thierfelder  
Secretary

(SEAL)

ORDER ADOPTED: February 15, 1980

ORDER ENTERED: FEB 28 1980

ZODY'S MOVING & STORAGE, INC.

FINANCIAL STATEMENTS  
(Compiled without audit or review)

YEARS ENDED DECEMBER 31, 2013 AND 2012

TABLE OF CONTENTS

	<u>Page</u>
Accountants' compilation report	1
Financial statements	
Balance sheets	2
Statements of income	3
Statements of retained earnings	4
Statements of cash flows	5
Notes to financial statements	6

# SHOWALTER & MILLER

CERTIFIED PUBLIC ACCOUNTANTS

42 EAST MAIN STREET  
WAYNESBORO, PA 17268  
TEL (717) 762 - 8116  
FAX (717) 762 - 0796

The Stockholders and  
Board of Directors  
Zody's Moving & Storage, Inc.

We have compiled the accompanying balance sheets of Zody's Moving & Storage, Inc. as of December 31, 2013 and 2012, and the related statements of income, retained earnings, and statements of cash flows for the years then ended, in accordance with standards established by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements, information that is the representation of management. We have not audited or reviewed the accompanying financial statements, and accordingly, do not express an opinion or any other form of assurance on them.

*Showalter & Miller, CPA's*

Waynesboro, Pennsylvania  
February 27, 2014

ZODY'S MOVING & STORAGE, INC.

BALANCE SHEETS  
(Compiled without audit or review)

DECEMBER 31, 2013 AND 2012

ASSETS

	<u>2013</u>	<u>2012</u>
Current assets		
Cash and cash equivalents	\$ 81,381	\$ 75,064
Marketable securities at cost	167,848	176,991
Accounts receivable, trade	20,989	29,757
Prepaid expenses	159	124
Total current assets	<u>270,377</u>	<u>281,936</u>
Property and equipment, at cost		
Automotive equipment	1,117,529	1,182,529
Other equipment	132,990	128,160
Leasehold improvements	21,140	21,140
Buildings	101,166	101,166
	<u>1,372,825</u>	<u>1,432,995</u>
Less accumulated depreciation	<u>(1,228,588)</u>	<u>(1,262,777)</u>
Total property and equipment	<u>144,237</u>	<u>170,218</u>
Other assets, at cost		
Rights	5,000	5,000
Investments	87,075	92,075
Goodwill (net)	24,167	-
Note receivable	128,645	103,645
Total other assets	<u>244,887</u>	<u>200,720</u>
Total assets	<u>\$ 659,501</u>	<u>\$ 652,874</u>

See accountants' compilation report, and notes to financial statements.

LIABILITIES AND STOCKHOLDERS' EQUITY

	<u>2013</u>	<u>2012</u>
<b>Current liabilities</b>		
Accounts payable, trade	\$ 12,861	\$ 6,596
Payroll taxes payable	9,520	5,991
Employee pension withholding payable	823	1,889
Current portion long-term debt	13,773	19,831
Total current liabilities	36,977	34,307
<b>Long-term debt</b>		
Note payable, Mercedes Benz	-	13,773
Total long-term debt	-	13,773
Total liabilities	36,977	48,080
<b>Stockholder's equity</b>		
Common stock, \$1 par value, 100,000 shares <i>authorized, 5,000 shares issued and outstanding</i>	5,000	5,000
Additional paid-in capital	30,000	30,000
Retained earnings	587,524	569,794
Total stockholder's equity	622,524	604,794
Total liabilities and stockholder's equity	\$ 659,501	\$ 652,874

ZODY'S MOVING & STORAGE, INC.

STATEMENTS OF INCOME  
(Compiled without audit or review)

YEARS ENDED DECEMBER 31, 2013 AND 2012

	<u>2013</u>	<u>2012</u>
Moving and storage revenues	\$ 1,196,707	\$ 1,045,217
Operating expenses		
Fuel and oil	180,382	159,625
Parts and repairs	151,364	113,664
Officers' salary	33,680	44,482
Other salaries and wages	445,931	369,141
Group insurance	92,888	101,007
Insurance	86,395	90,217
Depreciation and amortization	31,644	76,700
Telephone	20,432	19,114
Payroll taxes	47,473	40,609
Vehicle licenses	8,795	10,573
Taxes and licenses	5,777	7,815
Utilities	5,943	3,627
Professional fees	9,073	5,303
Rent	6,201	-
Equipment rent	-	475
Supplies	36,976	23,693
Office supplies	6,807	6,676
Computer service and supplies	3,280	5,069
Postage	886	763
Uniforms	-	486
Tolls and weighs	4,867	4,977
Tires and tubes	7,688	1,123
Claims	3,276	1,159
Dues and subscriptions	1,257	1,020
Advertising	6,044	7,298
Donations	525	317
Miscellaneous expense	4,072	3,189
Investment fees	360	408
Travel	-	145
Total operating expenses	<u>1,202,016</u>	<u>1,098,675</u>
Income from operations	<u>(5,309)</u>	<u>(53,458)</u>
Other income (expense)		
Dividend income	9,035	5,072
Interest income	1	-
Interest expense	(1,213)	(618)
Gain (loss) on sale of securities	7,216	1,766
Gain (loss) on sale of assets	8,000	-
Total other	<u>23,039</u>	<u>6,220</u>
Net income	<u>\$ 17,730</u>	<u>\$ (47,238)</u>

See accountants' compilation report, and notes to financial statements.

ZODY'S MOVING & STORAGE, INC.

STATEMENTS OF RETAINED EARNINGS  
(Compiled without audit or review)

YEARS ENDED DECEMBER 31, 2013 AND 2012

	<u>2013</u>	<u>2012</u>
Retained earnings		
Beginning of year	\$ 569,794	\$ 617,032
Add net income (loss)	17,730	(47,238)
End of year	<u>\$ 587,524</u>	<u>\$ 569,794</u>

See accountants' compilation report, and notes to financial statements.

ZODY'S MOVING & STORAGE, INC.

STATEMENTS OF CASH FLOW  
(Compiled without audit or review)

YEARS ENDED DECEMBER 31, 2013 AND 2012

	<u>2013</u>	<u>2012</u>
Cash flow from operating activities		
Net income	\$ 17,730	\$ (47,238)
Non-cash expenses - included in net income		
Depreciation and amortization	31,644	76,700
(Increase) decrease in trade receivables	8,768	(21,972)
(Increase) decrease in prepaid expenses	(35)	(124)
Increase (decrease) in accounts payable	6,265	371
Increase (decrease) in payroll taxes payable	3,529	(2,354)
Increase (decrease) in accrued pension	(1,066)	863
Increase (decrease) in accrued corporate taxes	-	(19)
(Gain) loss on sale of securities	(7,216)	(1,766)
(Gain) loss on sale of assets	(8,000)	-
Net cash provided by operating activities	<u>51,619</u>	<u>4,461</u>
Cash flows from investing activities		
Purchases of property and equipment	(4,830)	(110,524)
Purchases of marketable securities	(18,112)	(31,725)
Purchases of goodwill	(25,000)	-
Proceeds from sale of securities	34,471	12,040
Proceeds from sale of assets	8,000	-
(Increase) decrease in investments	5,000	-
(Increase) decrease in notes receivable	(25,000)	-
Net cash used by investing activities	<u>(25,471)</u>	<u>(130,209)</u>
Cash flows from financing activities		
Issuance of long-term debt	-	40,000
Repayment of long-term debt	(19,831)	(6,396)
Net cash used by financing activities	<u>(19,831)</u>	<u>33,604</u>
Net increase (decrease) in cash	6,317	(92,144)
Beginning cash balance	<u>75,064</u>	<u>167,208</u>
Ending cash balance	<u>\$ 81,381</u>	<u>\$ 75,064</u>

See accountants' compilation report, and notes to financial statements.

ZODY'S MOVING & STORAGE, INC.

NOTES TO FINANCIAL STATEMENTS  
(Compiled without audit or review)

SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Property and equipment - Property and equipment are carried at cost. Depreciation is computed using the straight-line and declining-balance methods over the estimated useful lives of the assets acquired before 1981, and the Accelerated Cost Recovery System, which prescribes rates and periods for items subsequently acquired. Use of the Accelerated Cost Recovery System approximates generally accepted accounting principles. IRS Section 179 depreciation deductions and special depreciation allowances were also taken when allowed and beneficial to the company.

NOTE (1) DEPRECIATION AND AMORTIZATION

	<u>Lives</u>	<u>2013</u>	<u>2012</u>
Automotive equipment	3 - 7 years	\$ 22,409	\$ 72,989
Other equipment	4 - 7 years	5,808	1,117
Building	40 years	2,594	2,594
Goodwill	15 years	833	-
Total		<u>\$ 31,644</u>	<u>\$ 76,700</u>

NOTE (2) RELATED PARTY TRANSACTIONS

The company leases the land and building from its majority stockholder under the terms of an operating lease. Rental expenses under such lease totaled \$6,201 and \$ - 0 - for the years ended December 31, 2013 and 2012, respectively.

NOTE (3) MARKETABLE SECURITIES

	<u>2013</u>	<u>2012</u>
Cost	\$ 167,848	\$ 176,991
Market value	236,411	209,614

Net realized gains (losses) from the sale of marketable securities of \$7,216 and \$1,766 are included in net income in 2013 and 2012, respectively.

NOTE (4) PENSION PLAN

The company has a defined contribution pension plan covering substantially all of its full-time employees. Contributions are determined annually bases upon profits and are at the discretion of the Board of Directors. During the years ended December 31, 2013 and 2012 the company contributed \$ -0- and \$ -0- to the plan respectively.

See accountants' compilation report, and notes to financial statements.



July 5, 2013

To whom it may concern:

Please note that loan obligations owed to M&T Bank by Pro Moving & Storage Inc have been paid in full. At this time, M&T Bank is in the process of submitting paperwork to the Pennsylvania Department of State to terminate UCC liens covering the bank's collateral interests in the business assets of Pro Moving & Storage. Any M&T Bank UCC liens remaining in place as of today's date can be disregarded.

Any questions regarding this matter should be directed to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Iten', with a long horizontal flourish extending to the right.

David Iten  
Loan Workout Officer  
M&T Bank  
40 John Glenn Drive  
Amherst, NY 14228  
716-639-6981  
diten@mtb.com



**VAN OPERATOR / AGENT INSTRUCTIONS ON  
THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS PARTS 390-391-392-395-396**

**ACCIDENTS (Part 391)**

All accidents must be reported by the van operator immediately to the Insurance Department of UniGroup at the Home Office in Fenton, Missouri, and the van operator will submit a written report to the Safety department at UniGroup Home Office within twenty-four (24) hours.

**DRIVER QUALIFICATION (Part 391)**

All van operators must possess a single Commercial Driver License (CDL) from the state of residence. All required paperwork including negative drug test results must be on file with the Home Office before a van operator will be qualified.

**DRIVING OF COMMERCIAL MOTOR VEHICLES (Part 392)**

Unless specifically authorized in writing by the van line, no van operator shall transport any person. (Form SAF-38 must be issued by the Agent or CT area for adult helper/passenger authorization.)

**DRIVER LOG (Part 395)**

Logs must be prepared and completed in its entirety daily and mailed at least weekly to the Safety department in Fenton, Missouri. All van operators must fully understand the 70-hour rule, 11-hour rule, and 14-hour rule. When entering into service, a 7-day prior must be completed on the log.

**70-HOUR RULE**

A maximum of 70 hours on duty in any period of 8 consecutive days. Once a van operator reaches these limits, he/she cannot DRIVE again until he/she has the available hours (Sec. 395.3(b)).

**34-HOUR "RESTART" PROVISION**

This allows a driver to "restart" the 70-hour clock after having at least 34 consecutive hours off duty which includes two consecutive time periods of 1 a.m. to 5 a.m. The 34-Hour "restart" can only be used once in a 7 day period or at least 168 hours after the last qualified "restart" began.

**30-MINUTE REST BREAK RULE**

A van operator cannot begin to drive, or if driving will need to stop, if it has been 8 hours since the last off-duty or sleeper berth break of 30 minutes or more. The need for a 30 minute break, or possibly two, will be determined by the length of the work day and when the last break of 30 minutes or more was last taken.

**11-HOUR RULE**

A maximum of 11 hours driving, after which a van operator must have at least 10 consecutive hours off duty before he/she can DRIVE again (Sec. 395.3(a)).

**14-HOUR RULE**

A maximum period of 14 hours on duty, after which a van operator must have at least 10 hours of rest before he/she can again DRIVE (Sec. 395.3(a)).

**VEHICLE INSPECTION (Part 396)**

All vehicles under lease to a UniGroup Company must be inspected daily (Pre-Trip and Post-Trip). Additionally, all vehicles must conform to the schedules for semiannual inspections which must be performed by a "qualified inspector" as defined in FMCSR 396.19.

**IMPORTANT**

Van Operator and Agency Personnel:

Please sign below indicating that you have read and understand the above listed motor carrier Safety Regulations.

_____ Type/Print Van Operator Name	_____ Van Operator Signature	_____ Date	_____ Driver ID#
_____ Type/Print Witness Name	_____ Witness Signature	_____ Date	_____ Agency #

**13**

**VAN OPERATOR  
STATEMENT OF DUTY TIME**

NAME (Print) \_\_\_\_\_

I.D.# \_\_\_\_\_

Federal Motor carrier Safety Regulations Part 395.8 (j) (2) require: Motor carriers when using a driver for the first time or intermittently shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding 7 days and time at which such driver was last relieved from duty prior to beginning work for such carrier. On-duty time includes all compensated work for any employer.

Drivers must have at least 10 hours off duty prior to starting interstate service.

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>DATE</b>							
<b>HOURS WORKED</b>							

Driver last relieved from work on:

Date \_\_\_\_\_ Time \_\_\_\_\_ a.m.  
p.m.

I hereby certify that the above information is true and accurate to the best of my knowledge.

Van Operator: When entering into service, return this form with your original logs.

\_\_\_\_\_  
(Van Operator's Signature)

# **PA PUBLIC UTILITY COMMISSION**

## **Safety Fitness Compliance Requirements**

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### **General Applicability**

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The Pennsylvania Public Utility Commission has promulgated motor carrier safety requirements for certificated common carriers at Chapter 37 of 52 Pa. Code. These requirements have been established to reduce the potential for highway accidents. Motor common carriers should possess a working knowledge of these requirements, in order to pursue safe operations, as well as regulatory compliance.

The Commission has generally adopted Parts 382 and 390-396 of the Federal Motor Carrier Safety Regulations (FMCSR). These regulations have been incorporated in order to provide consistency with the Pennsylvania Department of Transportation's Motor Carrier Safety Regulations, as well as with the Federal Motor Carrier Safety Administration.

In adopting the FMCSRs, the Commission has incorporated most provisions verbatim, while revising and deleting a few regulations. Carriers will not find a specific FMCSR regulation rewritten within Chapter 37. Instead, Chapter 37 contains a reference to an adopted part or section of the FMCSR. Therefore, persons must locate the referenced part or section in a copy of the FMCSRs to read the provisions of the regulation. Those regulations, which have been changed in Chapter 37, contain the amended language, while all deleted FMCSR regulations are denoted.

The Commission's Safety Requirements in Chapter 37 are applicable to its certificated common carriers of property and passengers. Specifically, it applies to:

- Property common carriers, operating vehicles with a GVWR in excess of 10,000 lbs.
- Passenger carriers, operating buses with a seating capacity of 16 or more.
- Property carriers operating lightweight vehicles (gross weight rating of 10,000 lbs. or less). These carriers are excepted from some FMCSR driver regulations and must maintain their vehicles in accordance with the Commonwealth's Vehicle Equipment and Inspection Regulations (67 Pa Code, Chapter 175).

The safety requirements are applicable to all employees of the motor carrier. Therefore, the carrier should ensure that it has instructed all of its employees about the Commission's safety regulations to ensure complete compliance.

Although the Public Utility Commission does not regulate the transportation of hazardous materials, carriers operating motor vehicles which transport hazardous material should ensure they are in compliance with the United States and the Pennsylvania Department of Transportation's Hazardous Material Regulations.

**NOTE: If the carrier has a SATISFACTORY safety rating from another state or the federal government within the last twenty-four (24) months, it is not required to submit to the Commission's Safety Fitness Review.**

The following information is intended as a brief overview of each of the adopted Parts, but should not be considered a substitute for obtaining and becoming familiar with the Federal Motor Carrier Safety Regulations (49 CFR) and The Public Utility Code, (Title 52, Chapter 37).

## **Part 382 – Alcohol and Drug Testing Requirements**

**Applicability:** Drivers required to have a commercial drivers license (CDL), are subject to controlled substance and alcohol testing rules. This requirement includes drivers engaged in interstate or intrastate truck and motorcoach operations. Carriers are to have a testing program in place when certificated commercial motor vehicle operations commence.

### **Types of Alcohol and Controlled Substance Tests:**

- **Pre-Employment (382.301)**- No person shall allow a driver to perform a safety sensitive function until they have received a negative controlled substance test result or complied with the exceptions.
- **Post Accident (382.303)**- As soon as practicable following an accident involving a commercial motor vehicle operating on a highway in commerce, but within 8 hours for alcohol and 32 hours for controlled substances, each employer shall test each surviving driver for alcohol and controlled substances:
  - Who was performing a safety sensitive function with respect to the vehicle
  - If the accident involved the loss of human life
  - Who received a citation under state and local law for a moving traffic violation arising from the accident, if the accident involved:
    - Bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident.
    - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other vehicle.
- **Random (382.305)**- Companies are to randomly test a minimum of 10% of its drivers for alcohol, and 50% for controlled substances each year. The random alcohol test shall be performed immediately prior, during, or immediately after a driver is about to or has performed a safety sensitive function as defined in 49 CFR 382.107. All drivers must have an equal chance of being selected. Owner-Operators are required to participate in a consortium of two or more drivers to meet the random testing requirement. DOT and NON-DOT testing programs may not be commingled.

- **Reasonable Suspicion (382.307)**- An employer shall require a driver to submit to an alcohol and/or controlled substance test when the employer has reasonable suspicion to believe that *the driver has violated the prohibitions concerning alcohol and/or controlled substances*. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol and/or controlled substance test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. A supervisor or company official who is trained in accordance with 49 CFR 382.603 shall make and record the required observations. Owner-Operators are exempt from Reasonable Suspicion testing requirements.
- **Return to Duty (382.309)** - After engaging in prohibited conduct regarding alcohol or controlled substance misuse, a driver shall undergo a return to duty alcohol test or drug test before performing a safety sensitive function. The alcohol test result must indicate a breath alcohol concentration of less than 0.02. The controlled substance test result must indicate a verified negative result for drug use. In the event that a return to duty test is required, the driver must also be evaluated by a substance abuse professional (SAP).
- **Follow up Testing (382.311)**- A SAP shall schedule six unannounced follow-up tests for controlled substance and/or alcohol testing in the first 12 months for a driver returning to a safety sensitive function.

**Retention of Records:**

**Five years**

- Alcohol test of 0.02 or greater
- Verified positive drug test results
- Refusals to submit to required alcohol and drug tests
- Driver evaluation and referrals
- Required calibration of Evidential Breath Testing (EBT) devices
- Records related to the administration of testing programs
- A copy of the annual calendar year summary

**Two Years**

- Records related to the collection process and required training

**One Year**

- Negative and cancelled controlled substance test results
- Alcohol tests indicating a Blood Alcohol Concentration (BAC) of less than 0.02%

**Indefinite Period**

- Educational and Training Materials for drivers and supervisors

All required records shall be maintained in a secure location with limited access, and shall be made available for inspection by an authorized representative of the Federal Motor Carrier Safety Administration, which includes a PUC Enforcement Officer, within two business days of the request.

**Supervisor Training:** Except for owner/operators, employers must designate a person to receive training on alcohol/controlled substance misuse awareness and document such training.

**Designated Employer Representative (DER):** Employer representative authorized to receive tests results from service agents, remove employees from safety sensitive functions, and make required decisions in the testing and evaluation process.

**Driver Awareness:** Every motor carrier shall provide educational materials explaining the requirements of the regulations as well as the employer's policies regarding alcohol misuse and controlled substance abuse. Carrier's Drug Policy should conform to 49 CFR 382.601.

**Inquiries to Previous Employers:** A motor carrier, with a driver's written authorization, shall inquire about the following information on a driver from a driver's previous employers for a period of two years preceding the driver's date of application:

- Alcohol tests with a result of 0.04 alcohol concentration or greater
- Verified positive controlled substances test results
- Refusals to be tested
- Violations of DOT testing regulations
- Documentation of successful completion of a return to duty and follow-up testing program

## **Part 390 – General Regulatory Requirements**

### **Definitions Title 52, Chapter 37.202**

**Bus**—A motor vehicle designed, constructed and used for the transportation of passengers under certificates of public convenience and necessity issued by the Commission in scheduled route, airport transfer, or in group or party service. For the purpose of this chapter, the designed seating capacity of the bus shall be 16 or more passengers.

**Driver** — A person who drives or is in actual physical control of a vehicle.

**Employer** — A common or contract motor carrier as regulated by the Commission.

**Lightweight vehicle**—A motor vehicle, other than a vehicle that is being used to transport passengers for hire; or a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded under 49 CFR 177.823 (relating to marking and placarding motor vehicles) that are either:

(i) Manufactured on or after January 1, 1972, and has a manufacturer's gross vehicle weight rating of 10,000 pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating of 10,000 pounds or less, in the case of an articulated vehicle.

Or

(ii) Manufactured before January 1, 1972, and has a gross weight including its load and the gross weight of a vehicle being towed by the motor vehicle of 10,000 pounds or less.

**Motor carrier**—includes the following:

(i) *Common carrier by motor vehicle*—Persons or corporations holding out or undertaking, directly or indirectly, to transport property, or a class of property or passengers between points within this Commonwealth by motor vehicle for compensation, whether or not the owner or operator of the vehicle; or providing or furnishing a motor vehicle with or without driver for transportation or for use in transportation of property as described in this definition, and including common carriers by rail, water or air and express or forwarding public utilities insofar as the common carrier or the public utilities are engaged in the motor vehicle operation, except as expressly exempted by the act.

(ii) *Contract carrier by motor vehicle*—A person or corporation who or which provides or furnishes transportation of property, or a class of property or passengers, between points within this Commonwealth by motor vehicles for compensation whether or not the owner or operator of the motor vehicle, or who or which provides or furnishes with or without driver a motor vehicle for the transportation or for use in the transportation other than as a common carrier by motor vehicle, except as expressly exempted by the act.

**Motor vehicle** – A vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or a combination thereof. The term includes a truck, truck tractor or combination having a gross vehicle weight rating or registered gross weight in excess of 10,000 pounds, and a vehicle defined as a bus in this section.

#### **Part 391 – Qualifications of Drivers.**

Motor Carriers must assure that all drivers meet the minimum qualifications specified in Part 391, meet the Physical Qualifications and Examinations required in Part 391.41 and possess a valid medical certificate.

**Driver Qualification File Checklist-** Every motor carrier must have a qualification file for each regularly employed driver. (Owner/Operators **MUST** comply with the provisions of this part.)

The file must include:

- Driver's Application for Employment
- Inquiry to previous employers – 3 years
- Inquiry to state agencies – 3 years
- Annual review of driving record-every 12 months
- Annual driver's certification of violations – every 12 months
- Driver's road test certificate or equivalent
- Medical Examiner's Certificate
- Any medical waivers
- Inquiry of positive alcohol/controlled substance results
- Previous 7 days on duty status record for first time drivers and/or intermittent drivers

### **Part 392 – Driving of Motor Vehicles.**

Motor Carrier shall ensure that drivers abide by the applicable sections in relation to the operation of vehicles on the highway. Some of the requirements include:

- Prohibitions on driving a Motor Vehicle while the driver is ill or fatigued
- Prohibitions regarding the possession and use of controlled substances
- Prohibitions regarding the possession of non-manifested alcohol or its use
- Schedules are to conform with speed limits
- Drivers satisfy themselves that the parts and accessories are in proper working order
- Emergency equipment is in place and ready for use
- Cargo is properly distributed and adequately secured
- Stopping requirements at railroad crossings for Motor Vehicles transporting certain Hazardous Materials or bus transporting passengers
- Prohibitions against transporting unauthorized passengers
- *Prohibition against the use or possession of any radar detector*

### **Part 393 – Parts and Accessories Necessary for Safe Operation.**

Motor Carriers shall ensure that vehicles used in the carrier's operations meet the minimum requirements for parts and accessories necessary for safe operation. These include:

- Lamps, Reflective devices and electrical lighting
- Brake systems
- Glazing and Window Construction
- Fuel Systems
- Coupling Devices and Towing methods
- Misc. Parts and Accessories, tires, horns, heaters, speedometers, rear protection
- Emergency Equipment
- Protection against shifting and falling cargo
- Frames, Cab & Body, Wheels, Suspension, Steering wheel systems

### **Part 395 – Hours of Service of Drivers.**

Motor Carrier drivers are required to complete a record of duty status or time records, when authorized, for each 24 hour period. Drivers are prohibited from exceeding the established hours of service limitations. The aforementioned records must be maintained for a period of six months. Drivers of lightweight vehicles are authorized to utilize time records to maintain records of hours of service in lieu of a Record of Duty Status (Log Book).

**Applicability-** All property certificated carriers are subject to the hours of service requirements with some exceptions for lightweight vehicle operators.

### **Property Carriers-**

These provisions apply to property carriers and drivers as follows:

- Driver shall not drive more than 11 cumulative hours, following 10 consecutive hours off duty.
- Driver shall not drive after the 14<sup>th</sup> hour after coming on duty, following 10 consecutive hours off duty.
- Driver shall not drive after being on duty 60/70 hours in 7/8 consecutive days. A driver may restart a 7/8 day consecutive period after taking 34 or more consecutive hours off duty.

### **Passenger Carriers-**

These provisions apply to passenger carriers and drivers as follows:

- Driver shall not drive more than 10 hours following 8 consecutive hours off duty.
- Driver shall not drive for any period after having been on duty 15 hours following 8 consecutive hours off duty.
- Driver shall not drive after having been on duty 60/70 hours in 7/8 consecutive days.

### **Short Haul Operations-**

#### **100 Air mile radius driver-**

Is exempt from the requirements of 395.8 (Requirement to prepare a logbook) if:

- The driver operates within 100 air mile radius of the normal work reporting location (115.08 statute miles).
- The driver, returns to his normal work reporting location and is released from work within 12 consecutive hours.
- A property-carrying motor vehicle driver has at least 10 consecutive hours off duty separating each 12 hours on duty.
- A passenger-carrying motor vehicle driver has at least 8 consecutive hours off duty separating each 12 hours on duty.
- A property-carrying motor vehicle driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty.
- A passenger-carrying motor vehicle driver does not exceed 10 hours maximum driving time following 8 consecutive hours off duty.
- The motor carrier that employs the driver maintains and retains for a period of 6 months true and accurate time records showing:
  - The time the driver reports for duty each day
  - The total number of hours the driver is on duty each day
  - The time the driver is released from duty each day
  - The total hours in the preceding 7 days for first time or intermittent drivers

### **Property-carrying Motor Vehicle drivers that do not require a CDL-**

Except as provided below, are exempt from 395.3 (Maximum driving time) and 395.8 (Requirement to complete a log book), and are not allowed to utilize the provisions of 395.1(e) (1) (100 air mile radius exception), 395.1 (g) ( Sleeper berth operations), and 395.1 (o) (14 hour rule exception).

- The driver operates a vehicle for which a CDL is not required.
- The driver operates within 150 air miles of his normal work reporting location.
- The driver returns to his normal work reporting location at the end of his duty tour.

- The driver has 10 consecutive hours off duty separating each on duty period.
- The driver does not drive more than 11 hours following at least 10 consecutive hours off duty
- The driver does not drive:
  - After the 14<sup>th</sup> hour after coming on duty on 5 days of any period of 7 consecutive days
  - After the 16<sup>th</sup> hour after coming on duty on 2 days of any period of 7 consecutive days
  - After having been on duty 60 hours in 7 days or 70 hours in 8 days.
- Any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours
- The motor carrier that employs the driver maintains and retains for a period of 6 months, true and accurate time records showing:
  - The time the driver reports for duty each day
  - The total number of hours the driver is on duty each day
  - The time the driver is released from duty each day
  - The total time for the preceding 7 days for drivers used the first time or intermittently

**Sleeper Berths-** A driver of a property-carrying motor vehicle equipped with a sleeper-berth must, before driving, accumulate:

- At least 10 consecutive hours off duty.
- At least 10 consecutive hours of sleeper-berth time.
- A combination of consecutive sleeper-berth and off-duty time amounting to at least 10 consecutive hours.
- The equivalent of at least 10 consecutive hours off duty if the driver has not already complied with the three previous mentioned methods of obtaining 10 consecutive hours.  
The equivalent includes:
  - A period of at least 8 but less than 10 consecutive hours in a sleeper berth, and
  - A separate period of at least 2 but less than 10 consecutive hours either in the sleeper berth or off duty, or any combination thereof.
- Driver may not drive more than 11 hours following one of the four methods of obtaining 10 consecutive hours off duty.
- Driver may not drive after the 14<sup>th</sup> hour after coming on duty following one of the four methods of obtaining 10 consecutive hours off duty.
  - Excluded from the 14 hour limit calculation is any sleeper period of at least 8 hours but less than 10 consecutive hours.

**Property-Carrying Driver-** A property carrying driver is exempt from the requirements of 395.3(a) (2) (14 hour rule) if:

- The driver has returned to the normal work reporting location and the carrier released the driver from duty at that location for the previous 5 duty tours the driver has worked,
- The driver returns to the normal work reporting location and the carrier releases the driver from duty within 16 hours after coming on duty, following 10 consecutive hours off duty, and
- The driver has not taken this exemption within the previous 6 consecutive days, except when the driver has begun a new 7 or 8 consecutive day period with the beginning of any off-duty period of 34 or more consecutive hours.

**Retention of Record of Duty Status/Time Records and supporting documents-** The driver must submit the original log sheet to the employing motor carrier within 13 days after completion.

Records of duty status or time records and supporting documents are required to be maintained for six months at the carriers' principal place of business. Supporting Documents may include; but are not limited to:

- Shipping papers and delivery receipts
- Toll Receipts
- Fuel Receipts
- EZ PASS logs
- Weigh Bills
- Phone Records
- Hotel Receipts
- Payroll Records

### **Part 396 - Vehicle Inspection, Repair, and Maintenance**

**Requirements-** Motor carriers must ensure that the vehicles under its control are systematically inspected, repaired and maintained.

**Maintenance Records** - Records containing due dates and completion dates of inspections, repairs, and maintenance must be maintained for each vehicle under the carrier's control for at least one year. Records shall include:

- Vehicle Identification, company number, make, serial number, year and tire size
- A schedule of inspections to include type and due date
- Records of inspections, repairs and maintenance procedures
- Records of test of push out windows and doors on buses

**Inspection Reports-** Carriers must ensure that its drivers complete vehicle inspection reports at the completion of the workday for each vehicle the driver operates. These reports must be retained for 90 days. Carriers operating only one motor vehicle are exempt from this requirement.

**Annual Inspection-** Carriers must ensure that each vehicle under its control successfully completes an annual inspection in accordance with Appendix G of Part 396.

**Out-of-service Criteria** - The Commission has established out-of-service criteria for drivers and vehicles. This criterion has been developed by the Commercial Vehicle Safety Alliance, and it lists the violations and defects which have been determined to be so imminently hazardous to require immediate correction. Drivers found to be in violation of the out-of-service criteria may have to be replaced, or be required to obtain a specified amount of rest prior to driving. Vehicles found to have defects listed in the out-of-service criteria must be repaired prior to continued operation.

## **LIGHTWEIGHT VEHICLE COMPLIANCE**

**Lightweight Vehicles** - Carriers operating lightweight vehicles (GVWR 10,000 lbs. or less) are generally subject to the same safety regulations as other property carriers.

- Part 390- General regulations
- Part 391- Qualifications of Drivers (see exceptions below)
- Part 392- Driving of Motor Vehicles
- Part 395-Hours of Service for Drivers (see exceptions below)
- Part 396-Inspection Repair and Maintenance

*Lightweight Vehicles are excepted from the following requirements:*

- Alcohol and Controlled Substance Testing (Part 382)
- Parts and Accessories Necessary for Safe Operation (Part 393)  
(*Lightweight vehicles must be in compliance with Pennsylvania's Vehicle and Equipment Standards; 67 Pa. Code, Chapter 175*)
- Driver's Record of Duty Status (395.8) Lightweight vehicle carriers are not required to maintain log books but must keep accurate time records for its drivers listing: starting time and total on duty time.

## **SAFETY FITNESS COMPLIANCE REVIEWS**

The Pennsylvania Public Utility Commission evaluates the safety fitness of each motor carrier who has received approval of their application for Pennsylvania intrastate operating authority. The Commission conducts this evaluation through a safety fitness review. This review is an evaluation of a carrier's safety management procedures to determine whether the carrier is prepared to comply with the Commission's driver and vehicle safety requirements. It consists of a brief interview with a carrier representative and a sampling of required carrier safety records.

Applicants from outside the Commonwealth of Pennsylvania will be requested to have a carrier representative come to one of our district office locations (Harrisburg, Harmarville, Scranton, and Philadelphia) and bring a sampling of the required safety records for review.

As a result of the review, a rating of either satisfactory or unsatisfactory is determined. Regardless of the rating, the carrier is required to correct all deficiencies noted on the review report. An unsatisfactory rating achieved on the first review requires the carrier to submit to a second review in approximately 60 days. An unsatisfactory rating earned on a second review subjects the carrier to the Commission's complaint process and cancellation of its certificate of public convenience.

The goal of the Safety Fitness Review is to identify carrier deficiencies and potential problems, and to provide recommendations to establish correct management controls to ensure future compliance.

The following is a list of items and records the motor carrier should have available for the safety fitness review, however, it is not a comprehensive list of records required to be maintained by the carrier:

1. Copy of Federal Motor Carrier Safety Regulations
2. Accident Records for preceding 365 days
3. Alcohol and Controlled Substance Testing Records
4. Driver Qualification Files
5. Vehicle Maintenance Files
6. Record of Duty Status or Time Records
7. Supporting Documents for Record of Duty Status
8. Written Policies for Drivers regarding prohibited use of alcohol and controlled substances, speeding and transportation of passengers

Copies of the Federal Motor Carrier Safety Regulations, as well as other required safety record forms, can be obtained from the following sources:

- American Trucking Association (800) 282-5463 <http://www.truckline.com>
- J.J. Keller & Associates (877) 564-2333 <http://www.jjkeller.com>
- Labelmaster (800) 621-5808 <http://labelmaster.com>
- Pennsylvania Motor Truck Association (717)761-7122 [www.pmta.org](http://www.pmta.org)
- A local truck stop in your area or any other service you wish to use.

12a.

#### STATEMENT OF TRANSFEREE'S EXPERIENCE

Applicant is a full service Household Goods Carrier (hereafter "HHG") located in Franklin County, Washington Township, Pennsylvania that has been in business since 1930. In 1963 it became an agent for United Van Lines. In 1979 a corporation was formed which became a PUC Authorized HHG Carrier in 1980. The corporation has been providing quality service to customers in our geographical area since 1979 providing both local and long distance moves. Applicant is a family owned company. The principals/owners have many years of on the job training and HHG experience. Since 1980 the principals of the corporation attend Uni-Group learning conferences annually and Jeffery Zody, the vice-president of Applicant, is a member of the Board of Directors of the Tristate Household Goods Tariffs Bureau.

12b. Attachment to Application  
List of Officers

Donald E. Zody – President/Treasurer  
4560 Buchanan Trail East  
Waynesboro, PA 17268

Jeffrey L. Zody – Vice-President  
11704 Wharf Road  
Waynesboro, PA 17268

Keith Carbaugh – Secretary  
9525 Wayne Highway  
Waynesboro, PA 17268

List of Shareholders

Donald E. Zody – shares held 3,440  
4560 Buchanan Trail East  
Waynesboro, PA 17268

Jeffrey L. Zody – shares held 520  
11704 Wharf Road  
Waynesboro, PA 17268

Kristin A. Zody – shares held 520  
11705 Wharf Road  
Waynesboro, PA 17268

Douglas E. Zody – shares held 520  
4475 Buchanan Trail East  
Waynesboro, PA 17268

## VERIFIED STATEMENT OF APPLICANT

THE FOLLOWING INFORMATION IS REQUIRED BY THE COMMISSION TO DETERMINE THE APPLICANT'S FITNESS TO OPERATE. STATEMENTS SHOULD BE TYPED OR PRINTED. ILLEGIBLE STATEMENTS WILL DELAY YOUR APPLICATION.

Zody's Moving & Storage, Inc.

Legal Name of Applicant

Trade Name, if any

11737 Wharf Road, Waynesboro, PA 17268

Street Address (principal place of business)

City or Municipality

State

Zip Code

The Verified Statement of the Applicant is more or less a business plan, or your proposal for providing the transportation service for which you are making application. Prior to deciding to make application for operating authority from the Public Utility Commission, you likely gave much consideration to the manner in which you would operate the business in order that you could provide satisfactory service to your customers and so that you could make a reasonable profit. As part of the application process, you must provide the Commission with your proposal to provide the transportation service.

At minimum, the Verified Statement of the Applicant should include a discussion of the numbered items listed below and on the following pages. You are encouraged to provide as much information as possible about the particular subject as is necessary to fully explain your plan. If you fail to provide sufficient information about the subjects listed below, it may cause the review of your application to be delayed until you provide the necessary information. If you need more space to provide your explanation, please attach additional pages that list the appropriate item by number.

1. Identify the person making the Verified Statement on behalf of the applicant. If the applicant is a sole proprietor making the statement, this will be the same information as provided above. If an employee/officer of applicant is making the statement, give name, title, business address and telephone number, and indicate that the applicant's directors/owners/partners/etc. have authorized the witness to speak for the business.

Jeffery L. Zody, Vice-President, 11737 Wharf Road, Waynesboro, PA 17268, 717-762-4815. The directors have authorized Jeffery L. Zody, the witness to speak for the business.

2. List the applicant's affiliation (owner, manager, controls) with any other carrier, with the description of affiliation.

None

3. Describe your business experience, particularly any experience relating to the operation of a transportation service. You may also include an explanation of education or training that you believe may be relevant.

See attached.

4. Describe your facilities, record maintenance plan and your communication network. Please include a description of your physical location, to include the office area, office machines that will be utilized, and the facility to house

vehicles. Household goods in use carriers should include a description of their storage facilities, if applicable. Please include an explanation of your plan to maintain records required by the PUC, as well as normal business records. In regard to your communication network, please explain how you will receive customer requests for transportation, how you will dispatch the vehicles to fulfill the request, and how you will maintain continuous communication with your drivers. Finally, please state your intended business hours.

See attached.

5. Please state the number of employees you intend to use, along with a description of their duties. Please explain why that number of employees is appropriate to provide reasonable and efficient service to the geographical territory you will be serving. **(Do not address drivers in your explanation about this item; drivers are addressed separately in item # 6).**

See attached.

6. Please state the number of drivers you intend to use or hire in your business and explain why that number of drivers is appropriate for the size of the geographical territory you will be serving. In addition, please explain:
- a. Your hiring standards for drivers;
  - b. Your system to ensure prospective drivers will be subject to a criminal background check;
  - c. Your driver training program;
  - d. Your system for ensuring that your drivers are properly licensed at all times;
  - e. Your system to ensure that all drivers will be subject to a criminal background check every two years;
  - f. Your policies regarding alcohol and drug use by your drivers.

See attached.

ATTACHMENT TO  
VERIFIED STATEMENT OF APPLICANT

3. Applicant is a full service Household Goods Carrier (hereafter "HHG") located in Franklin County, Washington Township, Pennsylvania that has been in business since 1930. In 1963 it became an agent for United Van Lines. In 1979 a corporation was formed which became a PUC Authorized HHG Carrier in 1980. The corporation has been providing quality service to customers in our geographical area since 1979 providing both local and long distance moves. Applicant is a family owned company. The principals/owners have many years of on the job training and HHG experience. Since 1980 the principals of the corporation attend Uni-Group learning conferences annually and Jeffery Zody, the vice-president of Applicant, is a member of the Board of Directors of the Tristate Household Goods Tariffs Bureau.

4. Applicant's facility is located at 11737 Wharf Road, Waynesboro, Pa. 17268. Zody's Warehouse facility is 17,400 square feet palletized 3 decks. There is a 70 ft. 100,000 pound capacity truck scale is on site. The truck scale is serviced and calibrated yearly and certified by the Commonwealth of Pennsylvania every two years.

Applicant maintains approximately 500 square feet of office space, and 5,000 square feet of garage space to house trucks and equipment.

Office machines in use include computers, printers, scanners, fax machine and telephone with multiple market telephone numbers.

Applicant maintains records in a manner consistent with standard corporate operating procedures, including shipping papers, toll receipts, fuel receipts, EZ PASS logs, weight bills, telephone records, hotel receipts and payroll records.

Applicant receives customer requests for service by telephone, e-mail and in person sales calls at a customer's home at no cost.

Applicant handles dispatch duties by dispatch personnel directly communicating with the drivers and also by telephone, e-mail and text messaging. Continuous communication is maintained in the same manner.

Applicant's regular business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. Saturday hours are by appointment only.

5. Applicant currently has 13 full time employees on payroll. This number fluctuates seasonally. This number is appropriate and reasonable to provide efficient service to our customers in our geographical territory.

Applicant currently has 5 CDL drivers who not only drive but also pack and move goods. Four employees work in the office their duties include answering phones, booking moves, setting appointments for the sales staff, billing, payroll and other normal office functions. The other permanent and seasonal employees, who are hired on an "as needed" basis, move and pack furniture and drive company vehicles that do not require CDL drivers. In addition, these employees move shipments in and out of the Applicant's military approved warehouse.

6. Currently, Applicant has 5 drivers with commercial driver's licenses. Three of the four office employees also hold commercial driver's licenses.

The applicant uses the United Van Lines/Mayflower Transit Driver hiring kit as its standard for hiring drivers, copy attached. Within this hiring kit you will find the answers to questions 6a through 6f.

7. Please state the number of vehicles you plan to use in your business and why that number is appropriate to provide reasonable and efficient service to the geographical territory you will be serving. If you have already obtained vehicles for your business, please list them in the chart below. Taxicabs and limousines may not be used if the vehicle's age is greater than eight model years.

See attached.

<u>YEAR</u>	<u>MAKE</u>	<u>MODEL</u>	<u>SEATING CAPACITY</u>	<u>VEHICLE ID #</u>

8. Describe your vehicle safety program. Please include the following in your explanation:
- Your periodic vehicle maintenance plan;
  - Your system for ensuring your vehicles will continuously comply with Pennsylvania's equipment standards (67 Pa. Code, Chapter 175) that are applicable to the type of vehicles used in your business;
  - Your system for ensuring your vehicles will maintain compliance with the PUC's requirements for passenger service at 52 Pa. Code, Section 29.403 (applicable to passenger applicants only);
  - Your system for replacing vehicles once they are greater than eight model years in age in compliance with 52 Pa. Code, Section 29.314(d) (applicable to taxicabs) or 52 Pa. Code, Section 29.333(e) (applicable to limousines);
  - Your system for ensuring the filing of an annual vehicle list (taxicabs and limousines);
  - Your system for ensuring your vehicles will comply with the requirements of 49 CFR Parts 393 and 396, as adopted by the PUC at 52 Pa. Code, Chapter 37 (applicable to HHG applicants).

See attached.

9. Please explain what steps you have taken to determine if you can obtain and pay the premiums to maintain insurance coverage for the proposed number of vehicles for your business.

See attached.

10. Please describe your customer service standards. Within your description, please explain:
- Your plan to inform customers of the procedures for filing complaints with the PUC;
  - Your intended customer complaint resolution procedure.

See attached.

11. Criminal Record. Have you, any members (if LLC or LLP), shareholders, or officers (corporations) been convicted of a misdemeanor or felony for which you remain subject to supervision by a court or correctional institution?

YES     NO

DRIVER Hiring Kit

~~Exhibit A~~  
Exhibit A

Van Operator Applicant Name \_\_\_\_\_

Agency # \_\_\_\_\_

Indicate Van Line:  United Van Lines, LLC  
 Mayflower Transit, LLC

**NOTE**

PLEASE MAKE SURE ALL DOCUMENTS ARE FULLY AND  
PROPERLY COMPLETED BEFORE SENDING TO THE  
UNIGROUP, INC. CORPORATE HEADQUARTERS SAFETY DEPARTMENT TO  
ENSURE A FASTER QUALIFICATION TIME.  
RETAIN A COPY OF EACH DOCUMENT FOR YOUR RECORDS.



SAF-20 Rev. 2-05

RECEIVED  
MAR 27 2014  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

# VAN OPERATOR APPLICATION FOR QUALIFICATION



**Van Operator: Check Appropriate Carrier**  
(Check Only One Carrier)

**United Van Lines, LLC**  
One United Drive  
Fenton, MO 63026  
636-326-3100

**Mayflower Transit, LLC**  
One Mayflower Drive  
Fenton, MO 63026  
636-305-4000

**United Mayflower  
Container Services**  
One Premier Drive  
Fenton, MO 63026  
636-305-5000

PLEASE PRINT ALL INFORMATION

- Continental Fleet   
  Master Lease   
  Co-Van Operator   
  Non-CDI.  
 Contract Truckmen   
  Household Goods   
  Special Services   
  Container

DATE \_\_\_\_\_

AGENCY # \_\_\_\_\_ NAME \_\_\_\_\_ LOCATION \_\_\_\_\_

PERSONAL	Name (Last) _____ (First) _____ (Middle) _____		Date of Birth _____	Social Security No. _____	
	Address (Street) _____ (City) _____ (State) _____ (Zip) _____		How Long? _____	Telephone No. (include area code) _____	
	List additional addresses within last 5 years _____		How Long? _____	Cell Phone No. (include area code) _____	
	Final Address _____				
	Are you a U.S. Citizen? <input type="checkbox"/> Yes <input type="checkbox"/> No If not, are you legally eligible to work in the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No Authorization # _____				
	PERSON TO NOTIFY IN CASE OF EMERGENCY	Name _____ Phone No. _____			
		Address (Street) _____ (City) _____ (State) _____ (Zip) _____			
	For purpose of verifying past employment, have you been previously known by any other names? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, identify name(s): _____				
	Can you read, write and speak the English language? <input type="checkbox"/> Yes <input type="checkbox"/> No				
	Have you ever been convicted of a felony or misdemeanor, or released from prison in the past 10 years? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain fully: _____ When? _____				
Are you on legal probation? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain fully: _____					
Do you meet the required minimum qualifications, and with or without reasonable accommodation, are you able to perform the essential functions of the position for which you are applying? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain _____					
Within the preceding three (3) years, have you refused submission to or tested positive to a D.O.T. required drug or alcohol test? <input type="checkbox"/> Yes <input type="checkbox"/> No					
<b>EDUCATION</b> Indicate Highest Grade Completed: _____					

JOB HISTORY	I understand that the information I provide on past employment will be used by the prospective employer. I am aware that previous employers will be contacted to investigate my Safety Performance History Information.									
	<b>MILITARY SERVICE</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, indicate branch, dates, type of discharge and rank _____									
	<b>JOB HISTORY</b> Begin with present or most recent job (explain any gap). Applicant needs to show 10 years of job history. Use additional sheet if necessary.									
			From Mo. Yr.	To Mo. Yr.	Position	Supervisor	Reason for Leaving	Did you participate in.....		
								Safety Sensitive Position	Subject to FMCSRs	Drug & Alcohol Testing
	Name	Phone No.						Yes No	Yes No	Yes No
	Street ( )									
	City	State								
	Name	Phone No.						Yes No	Yes No	Yes No
	Street ( )									
City	State						Yes No	Yes No	Yes No	
Have you been qualified with any UniGroup agency/dealer before? _____ Agency/Dealer Name _____ When _____										
Any other household goods carriers? _____ If yes, carrier's name _____										

EXPERIENCE HISTORY:	Local Operation		Over-the-Road			Local Operation		Over-the-Road	
	From Mo	To Yr	From Mo	To Yr		From Mo	To Yr	From Mo	To Yr
Loading/Unloading Household Goods					Driving Straight Truck				
Loading/Unloading Electronic Equipment					Driving Tractor/Trailer Unit				
Loading/Unloading Special Commodities					Other				

**QUALIFICATIONS - VAN OPERATOR**

CURRENT COMMERCIAL DRIVERS LICENSE (CDL)	ISSUING STATE	CDL NUMBER	CLASS	EXPIRATION DATE
List Previous Licenses Held in Last Three Years				

Any restrictions on your present license?  Yes  No If yes, describe \_\_\_\_\_

Has a denial, revocation, or suspension of any license, permit, or privilege to operate a motor vehicle ever been issued to you?  Yes  No \_\_\_\_\_

If yes, give details \_\_\_\_\_

Have you ever been convicted or forfeited bond for driving while under the influence of alcohol or a controlled substance or public intoxication?  Yes  No

If yes, give details \_\_\_\_\_

**ACCIDENT HISTORY**

List all accidents in which you have been involved during the last three years. Begin with the most recent. (Attach additional sheet if necessary) Please write "NONE" if applicable.

LOCATION (City & State)	DATE	NATURE OF ACCIDENT (Head-On, Upset, Etc.)	TYPE OF VEHICLE	No. Injuries	No. Fatalities

**TRAFFIC VIOLATIONS**

List all violations of Motor Vehicle Laws or Ordinances (other than parking) of which you have been convicted or forfeited bond during the last 3 years. Please write "NONE" if applicable.

LOCATION	DATE	NATURE

**CERTIFICATION - RELEASE TO BE READ AND SIGNED BY APPLICANT**

I understand that if I am Qualified, any misrepresentation or omission, of a material fact on this Application for Qualification or during an interview, if any, may be cause for disqualification at any time. The carrier may verify the information which I have provided in the course of its consideration of this Application for Qualification.

I additionally authorize UniGroup, Inc; its subsidiaries including its interstate transportation service agency or dealer; and such other designated agents (individually or collectively "Carrier") to conduct a thorough investigation, such information which may include but is not limited to my past employment, education, criminal history, driving history (including but not limited to driving citations/violations/accidents, cargo loss and/or damage claims history, and quality operational performance), references, and activities, from time to time as deemed necessary in Carrier's sole discretion to determine my current and/or ongoing qualification and eligibility to occupy a position to perform safety sensitive functions on behalf of Carrier. I authorize all persons who may have information relative to this investigation to disclose such requested information to Carrier. This specifically includes but is not limited to the release of information by my present and former employers, law enforcement agencies, courts, criminal justice agencies, educational institutions, financial institutions, military records, landlords, creditors, and others, whether or not specifically mentioned, herein. I hereby release any party or individual, including Carrier, Carrier's agencies/dealers, affiliates, employees, officers and directors; and such records custodians, from any and all liability from damages of whatever kind or nature which I may incur at any time arising out of or in any way related to Carrier's attempts to obtain information pursuant to this Certification-Release.

I do hereby acknowledge my due process rights as set forth in the Disclosure and Release form (SAF-61) which is included hereto in incorporated by reference regarding the background safety investigation conducted by UniGroup for the prior employers that I have identified in the Van Operator Application for Qualification.

This certifies that the application was completed by me, and that all entries on it and information in it are true and complete to the best of my knowledge and belief.

I certify that I am a genuine applicant for a van operator position and this application is being submitted solely for the purpose of seeking qualification with the carrier and for no other reason.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

D R I V I N G I N F O R M A T I O N C E R T I F I C A T I O N R E L E A S E



**ALCOHOL/DRUG TEST INFORMATION AND RECORDS RELEASE FORM**

I understand and acknowledge that, pursuant to Federal Law (49 C.F.R. Part 382), it is a condition precedent to my qualification to perform safety sensitive functions on behalf of UniGroup, Inc ("UniGroup") for UniGroup to obtain the results of all Department of Transportation (DOT) or other applicable government required drug and alcohol tests (including refusals to be tested) from all companies for which I have provided safety sensitive functions within the preceding three (3) years, whether as an employee, independent contractor or as an employee or contractor of an agent of the previous company, or for whom I took a pre-employment or pre-qualification drug and/or alcohol test during the preceding three (3) years. I hereby authorize UniGroup or the Profile Supervisor at its representative, LexisNexis or HireRight, to obtain from all those companies for which I either provided safety sensitive functions or to which I applied for qualification or employment during the previous three (3) years the following information:

- I. All positive controlled substance (drug) test results during the preceding three (3) years.
- II. All alcohol test results of 0.04 or greater during the preceding three (3) years.
- III. All instances in which I refused to submit to a U.S. Department of Transportation required drug or alcohol test during the preceding three (3) years, (including verified adulterated or substituted drug tests results).
- IV. Any other violations of DOT agency drug and alcohol testing regulation.
- V. Any documentation which may not be in possession of prior employment of contraction company regarding completion of DOT return-to-duty requirements. (49 C.F.R. Part 40)

I AUTHORIZE AND DIRECT all persons having information relative to this investigation to disclose such information to UniGroup. This specifically includes the release of information by my PRESENT AND FORMER CARRIERS OR EMPLOYERS, law enforcement agencies, courts, criminal justice agencies, educational institutions, financial institutions, military services, landlords, credit agencies, creditors or any others, whether or not specifically mentions herein.

I have read, understood, and received a copy of this authorization.

\_\_\_\_\_  
(Signature of Applicant for Qualification)

\_\_\_\_\_  
(Printed name of Applicant for Qualification)

\_\_\_\_\_  
(Date)

**Indicate Van Line:**

- United Van Lines, LLC
- Mayflower Transit, I.L.C
- United Mayflower Container Services, LLC



**DISCLOSURE AND RELEASE  
(Form SAF-61)**

This is to inform you that as a part of our procedure for processing your application for qualification to perform services for a UniGroup Company, or for your continued qualification thereafter, a consumer report may be obtained for qualification purposes. This inquiry may include information as to your character, general reputation, personal characteristics, and mode of living, whichever may be applicable. Attached is a summary of your rights under the Fair Credit Reporting Act. You have the right to make a written request within 30 days for a complete and accurate disclosure of additional information concerning the nature and scope of the investigation to:

- Lexis Nexis, PO Box 105108, Atlanta, GA, 30302, (800) 845-6004
- HireRight, 4500 South 129th East Avenue, Suite 200, Tulsa, OK 74134, (800) 331-9175

I authorize all corporations, companies, credit agencies, financial institutions, educational institutions, persons, law enforcement agencies, former employers and the military services to release all written and verbal information about me to Lexis Nexis or HireRight. I release them from any liability and responsibility from doing so. I also authorize the procurement of a consumer credit report and understand that it may contain information about my background, mode of living, personal characteristics, character and personal reputation. This authorization, in original or copy form, shall be valid for this and any future reports or updates that may be requested.

The applicant/van operator may request a copy of their employment history after being qualified or being notified of denial of employment.

MN, CA, and OK Residents please note: In connection with your application for employment, your consumer report may be obtained and reviewed. Under Minnesota, Oklahoma, and California law, you have a right to receive a free copy of your consumer report by checking the appropriate box below.

- Yes, I am a Minnesota resident and would like a free copy of my consumer report.
- Yes, I am an Oklahoma resident and would like a free copy of my consumer report.
- Yes, I am a California resident and would like a free copy of my investigative consumer report.

\_\_\_\_\_  
Van Operator Applicant Name (Printed)

\_\_\_\_\_  
Van Operator Applicant Name (Signature)

\_\_\_\_\_  
Agency/Dealer Name (Printed)

\_\_\_\_\_  
Agency/Dealer Location (Printed)

\_\_\_\_\_  
Agency/Dealer Number

**Indicate Van Line:**

- United Van Lines, LLC
- Mayflower Transit, LLC
- United Mayflower Container Services, LLC

# 5

## MEDICAL EXAMINATION REPORT FOR COMMERCIAL DRIVER FITNESS DETERMINATION

- Mayflower Transf  
One Mayflower Drive  
Fenton, MO 63026  
636-305-4000
- United Van Lines  
One United Drive  
Fenton, MO 63026  
636-526-5100
- United Mayflower  
Container Services  
One Premier Drive  
Fenton, MO 63026  
636-305-5000

THIS PHYSICAL EXAMINATION MUST BE PERFORMED AND COMPLETED IN ACCORDANCE WITH SECTION 391.41 OF THE MOTOR CARRIERS SAFETY REGULATIONS, U.S. DEPARTMENT OF TRANSPORTATION  
READ INSTRUCTIONS ON BACK OF FORM BEFORE PERFORMING PHYSICAL EXAM - (PLEASE PRINT)

AGENCY CODE \_\_\_\_\_ NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_ DATE OF EXAMINATION \_\_\_\_\_

<b>1. DRIVER'S INFORMATION</b> Driver completes this section.							
Driver's Name (Last, First, Middle)		Social Security No.	Birthdate M / D / Y	Age	Sex <input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> New Certification <input type="checkbox"/> Recertification <input type="checkbox"/> Follow Up	ID #
Address	City, State, Zip Code		Work Tel: ( )	Driver License No.		License Class <input type="checkbox"/> A <input type="checkbox"/> C <input type="checkbox"/> B <input type="checkbox"/> D <input type="checkbox"/> Other	State of Issue
			Home Tel: ( )				

<b>2. HEALTH HISTORY</b> Driver completes this section, but medical examiner is encouraged to discuss with driver.		
<p><b>Yes No</b></p> <p><input type="checkbox"/> <input type="checkbox"/> Any illness or injury in last 5 years?</p> <p><input type="checkbox"/> <input type="checkbox"/> Head/brain injuries, disorders or illness</p> <p><input type="checkbox"/> <input type="checkbox"/> Seizures, epilepsy <input type="checkbox"/> medication _____</p> <p><input type="checkbox"/> <input type="checkbox"/> Eye disorders or impaired vision (except corrective lenses)</p> <p><input type="checkbox"/> <input type="checkbox"/> Ear disorders, loss of hearing or balance</p> <p><input type="checkbox"/> <input type="checkbox"/> Heart disease or heart attack; other cardiovascular condition <input type="checkbox"/> medication _____</p> <p><input type="checkbox"/> <input type="checkbox"/> Heart surgery (valve replacement/bypass, angioplasty, pacemaker)</p> <p><input type="checkbox"/> <input type="checkbox"/> High blood pressure <input type="checkbox"/> medication _____</p> <p><input type="checkbox"/> <input type="checkbox"/> Muscular disease</p> <p><input type="checkbox"/> <input type="checkbox"/> Shortness of breath</p>	<p><b>Yes No</b></p> <p><input type="checkbox"/> <input type="checkbox"/> Lung disease, emphysema, asthma, chronic bronchitis</p> <p><input type="checkbox"/> <input type="checkbox"/> Kidney disease, dialysis</p> <p><input type="checkbox"/> <input type="checkbox"/> Liver disease</p> <p><input type="checkbox"/> <input type="checkbox"/> Digestive problems</p> <p><input type="checkbox"/> <input type="checkbox"/> Diabetes or elevated blood sugar controlled by: <input type="checkbox"/> diet <input type="checkbox"/> pills <input type="checkbox"/> insulin</p> <p><input type="checkbox"/> <input type="checkbox"/> Nervous or psychiatric disorders, e.g. severe depression <input type="checkbox"/> medication _____</p> <p><input type="checkbox"/> <input type="checkbox"/> Loss of, or altered consciousness</p>	<p><b>Yes No</b></p> <p><input type="checkbox"/> <input type="checkbox"/> Fainting, dizziness</p> <p><input type="checkbox"/> <input type="checkbox"/> Sleep disorders, pauses in breathing while asleep, daytime sleepiness, loud snoring</p> <p><input type="checkbox"/> <input type="checkbox"/> Stroke or paralysis</p> <p><input type="checkbox"/> <input type="checkbox"/> Missing or impaired hand, arm, foot, leg, finger, toe</p> <p><input type="checkbox"/> <input type="checkbox"/> Spinal injury or disease</p> <p><input type="checkbox"/> <input type="checkbox"/> Chronic low back pain</p> <p><input type="checkbox"/> <input type="checkbox"/> Regular, frequent alcohol use</p> <p><input type="checkbox"/> <input type="checkbox"/> Narcotic or habit forming drug use</p>

For any YES answer, indicate onset date, diagnosis, treating physician's name and address, and any current limitation. List all medications (including over-the-counter medications) used regularly or recently.

I certify that the above information is complete and true. I understand that inaccurate, false or missing information may invalidate the examination and my Medical Examiner's Certificate.

\_\_\_\_\_  
Driver's Signature

\_\_\_\_\_  
Date

**Medical Examiners Comments on Health History** (The medical examiner must review and discuss with the driver any "yes" answers and potential hazards of medications, including over-the-counter medications, while driving.)

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### TESTING (Medical Examiner complete Section 3 through 7)

**3. VISION** Standard: At least 20/40 acuity (Snellen) in each eye with or without correction. At least 70° peripheral in horizontal meridian measured in each eye. The use of corrective lenses should be noted on the Medical Examiner's Certificate.

**INSTRUCTIONS:** When other than the Snellen chart is used, give test results in Snellen-comparable values. In recording distance vision, use 20 feet as normal. Report visual acuity as a ratio with 20 as numerator and the smallest type read at 20 feet as denominator. If the applicant wears corrective lenses, these should be worn while visual acuity is being tested. If the driver habitually wears contact lenses, or intends to do so while driving, sufficient evidence of good tolerance and adaptation to their use must be obvious. Monocular drivers are not qualified.

Numerical readings must be provided.

ACUITY	UNCORRECTED	CORRECTED	HORIZONTAL FIELD OF VISION
Right Eye	20/	20/	Right Eye *
Left Eye	20/	20/	Left Eye *
Both Eye	20/	20/	

Applicant can recognize and distinguish among traffic control signals and devices showing standard red, green, and amber colors?  Yes  No

Applicant meets visual acuity requirement only when wearing:

Corrective Lenses  
Monocular Vision:  Yes  No

Complete next line only if vision testing is done by an ophthalmologist or optometrist

Date of Examination \_\_\_\_\_ Name of Ophthalmologist or Optometrist (print) \_\_\_\_\_ Telephone No. \_\_\_\_\_ License No./State of Issue \_\_\_\_\_ Signature \_\_\_\_\_

**4. HEARING** Standard: a) Must first perceive forced whispered voice > 5 ft., with or without hearing aid, or b) average hearing loss in better ear < 40 dB

Check if hearing aid used for tests.  Check if hearing aid required to meet standard.

Numerical readings must be recorded.

**INSTRUCTIONS:** To convert audiometric test results from ISO to ANSI, -14 dB from ISO for 500 Hz, -10 dB for 1,000 Hz, -8.5 dB for 2,000 Hz. To average, add the readings for 3 frequencies tested and divide by 3.

a) Record distance from individual at which forced whispered voice can first be heard.	Right Ear	Left Ear	b) If audiometer is used, record hearing loss in decibels. (acc. to ANSI Z24.5-1951)		
	Feet	Feet			
			Average:	Average:	

**5. BLOOD PRESSURE/PULSE RATE**

Numerical readings must be recorded. Medical Examiner should take at least two readings to confirm BP.

Blood Pressure	Systolic	Diastolic
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Driver qualified if  $\leq 140/90$ .

Pulse Rate: <input type="checkbox"/> Regular <input type="checkbox"/> Irregular
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Record Pulse Rate:
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Reading	Category	Expiration Date	Recertification
140-159/90-99	Stage 1	1 year	1 year if $\leq 140/90$ One-time certificate for 3 months if 141-159/91-99.
160-179/100-109	Stage 2	One-time certificate for 3 months	1 year from date of exam if $\leq 140/90$
$\geq 180/110$	Stage 3	6 months from date of exam if $\leq 140/90$	6 months if $\leq 140/90$

**6. LABORATORY AND OTHER TEST FINDINGS**

Numerical readings must be recorded.

Urinalysis is required. Protein, blood or sugar in the urine may be an indication for further testing to rule out any underlying medical problem.  
Other Testing (Describe and record)

URINE SPECIMEN	SP. GR.	PROTEIN	BLOOD	SUGAR
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**7. PHYSICAL EXAMINATION**

Height: \_\_\_\_\_ (in.) Weight: \_\_\_\_\_ (lbs.)

The presence of a certain condition may not necessarily disqualify a driver, particularly if the condition is controlled adequately, is not likely to worsen or is readily amenable to treatment. Even if a condition does not disqualify a driver, the medical examiner may consider deferring the driver temporarily. Also, the driver should be advised to take the necessary steps to correct the condition as soon as possible particularly if the condition, if neglected, could result in more serious illness that might affect driving.

Check YES if there are any abnormalities. Check NO if the body system is normal. Discuss any YES answers in detail in the space below, and indicate whether it would affect the driver's ability to operate a commercial motor vehicle safely. Enter applicable item number before each comment. If organic disease is present, note that it has been compensated for.

See Instructions To The Medical Examiner for guidance.

BODY SYSTEM	CHECK FOR:	YES*	NO	BODY SYSTEM	CHECK FOR:	YES*	N
1. General Appearance	Marked overweight, tremor, signs of alcoholism, problem drinking, or drug abuse.			7. Abdomen and Viscera	Enlarged liver, enlarged spleen, masses, bruits, hernia, significant abdominal wall muscle weakness.		
2. Eyes	Pupillary equality, reaction to light, accommodation, ocular mobility, ocular muscle imbalance, extraocular movement, nystagmus, exophthalmos, strabismus uncorrected by corrective lenses, retinopathy, cataracts, aphakia, glaucoma, macular degeneration			8. Vascular system	Abnormal pulse and amplitude, carotid or arterial bruits, varicose veins.		
3. Ears	Middle ear disease, occlusion of external canal, perforated eardrums.			9. Genito-urinary system	Hernias.		
4. Mouth and Throat	Irreversible deformities likely to interfere with breathing or swallowing.			10. Extremities - Limb	Loss or impairment of leg, foot, toe, arm, hand, finger. Impaired. Driver may be subject to SPE certificate if otherwise qualified.		
5. Heart	Murmurs, extra sounds, enlarged heart, pacemaker.			11. Spine, other musculoskeletal	Previous surgery, deformities, limitation of motion, tenderness		
6. Lungs and chest, not including breast examination	Abnormal chest wall expansion, abnormal respiratory rate, abnormal breath sounds, including wheezes or alveolar rales, impaired respiratory function, dyspnea, cyanosis. Abnormal findings on physical exam may require further testing such as pulmonary tests and/or x-ray of chest.			12. Neurological	Impaired equilibrium, coordination or speech pattern; paresthesia, asymmetric deep tendon reflexes, sensory or positional abnormalities, abnormal patellar and Babinski's reflexes, ataxia.		

\*COMMENTS:

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**MEDICAL EXAMINER'S CERTIFICATE**

Note certification status here. See Instructions to the Medical Examiner for guidance.

- Meets standards in 49 CFR 391.41; qualifies for 2 year certificate
- Does not meet standards
- Meets standards, but periodic evaluation required
- Due to \_\_\_\_\_ driver qualified only for:
  - 3 months  1 year
  - 6 months  Other
- Temporarily disqualified due to (condition or medication): \_\_\_\_\_
- Return to medical examiner's office for follow up on \_\_\_\_\_

I certify that I have examined \_\_\_\_\_ in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when:

wearing corrective lenses  driving within an exempt truck/rig zone (49 CFR 391.62)

wearing hearing aid  accompanied by a SMV Performance Evaluation Certificate (SPE)

accompanied by a \_\_\_\_\_ waiver/exemption I am qualified by operation of 49 CFR 391.64

The information I have provided regarding this physical examination is true and complete. A completed examination form with any attachments, embossed my findings completely and correctly, and is up file in my office.

SIGNATURE OF MEDICAL EXAMINER \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

PHYSICIAN'S NAME (PRINT) \_\_\_\_\_  MD  DO  CHIROPRACTOR

PHYSICIAN ASSISTANT  ADVANCED PRACTICE NURSE

MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO./ISSUING STATE \_\_\_\_\_

SIGNATURE OF DRIVER \_\_\_\_\_ DRIVER'S LICENSE NO. \_\_\_\_\_ STATE \_\_\_\_\_

PLATE NO. OF DRIVER \_\_\_\_\_

MEDICAL CERTIFICATE EXPIRATION DATE \_\_\_\_\_

If standards are met, complete a Medical Examiner's Certificate according to 49 CFR 391.43 (h). (Driver must carry certificate when operating a commercial vehicle.)

## 49 CFR 391.41 PHYSICAL QUALIFICATIONS FOR DRIVERS

### THE DRIVER'S ROLE

Responsibilities, work schedules, physical and emotional demands, and lifestyles among commercial drivers vary by the type of driving that they do. Some of the main types of drivers include the following: turn around or short haul (drivers return to their home base each evening); long haul (drivers drive 8-10 hours and then have an 8-hour off-duty period); straight through haul (cross country drivers); and team drivers (drivers share the driving by alternating their 4-hour driving periods and 4-hour rest periods).

The following factors may be involved in a driver's performance of duties: abrupt schedule changes and rotating work schedules, which may result in irregular sleep patterns and a driver beginning a trip in a fatigued condition; long hours; extended time away from family and friends, which may result in lack of social support; tight pickup and delivery schedules, with irregularity in work, rest, and eating patterns, adverse road, weather and traffic conditions, which may cause delays and lead to hurriedly loading or unloading cargo in order to compensate for the lost time; and environmental conditions such as excessive vibration, noise, and extremes in temperature. Transporting passengers or hazardous materials may add to the demands on the commercial driver.

There may be duties in addition to the driving task for which a driver is responsible and needs to be fit. Some of these responsibilities are: coupling and uncoupling trailer(s) from the tractor, loading and unloading trailer(s) sometimes a driver may lift a heavy load or unload as much as 50,000 lbs. of freight after sitting for a long period of time without any stretching period; inspecting the operating condition of tractor and trailer(s) before, during, and after delivery of cargo; lifting, installing, and removing heavy tie chains; and, lifting heavy tarpaulins to cover open top trailers. The above tasks demand agility, the ability to bend and stoop, the ability to maintain a crouching position to inspect the underside of the vehicle, frequent entering and exiting of the cab, and the ability to climb ladders on the tractor and/or trailer(s).

In addition, a driver must have the perceptual skills to monitor a sometimes complex driving situation, the judgment skills to make quick decisions, when necessary, and the manipulative skills to control an oversize steering wheel, shift gears using a manual transmission, and maneuver a vehicle in crowded areas.

### §391.41 PHYSICAL QUALIFICATIONS FOR DRIVERS

(a) A person shall not drive a commercial motor vehicle unless he is physically qualified to do so and, except as provided in §391.67, has on his person the original, or a photographic copy, of a medical examiner's certificate that he is physically qualified to drive a commercial motor vehicle.

(b) A person is physically qualified to drive a motor vehicle if that person:

(1) Has no loss of a foot, a leg, a hand, or an arm or has been granted a Skill Performance Evaluation (SPE) Certificate (formerly Limb Waiver Program) pursuant to §391.49.

(2) Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or has been granted a SPE Certificate pursuant to §391.49.

(3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;

(4) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

(5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and drive a commercial motor vehicle safely.

(6) Has no current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a commercial motor vehicle safely.

(7) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his ability to control and operate a commercial motor vehicle safely.

(8) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle;

(9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his ability to drive a commercial motor vehicle safely.

(10) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green and amber;

(11) First perceives a forced whispered voice in the better ear not less than 5 feet with or without the use of hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) 724.5-1951;

(12) (i) Does not use a controlled substance identified in 21 CFR 1308.11 Schedule I, an amphetamine, a narcotic, or any other habit-forming drug. (ii) Exception: A driver may use such a substance or drug, if the substance or drug is prescribed by a licensed medical practitioner who: (A) Is familiar with the driver's medical history and assigned duties; and (B) Has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle; and

(13) Has no current clinical diagnosis of alcoholism.

### INSTRUCTIONS TO THE MEDICAL EXAMINER

#### General Information

The purpose of this examination is to determine a driver's physical qualification to operate a commercial motor vehicle (CMV) in interstate commerce according to the requirements in 49 CFR 391.41-49. Therefore, the medical examiner must be knowledgeable of these requirements and guidelines developed by the FMCSA to assist the medical examiner in making the qualification determination. The medical examiner should be familiar with the driver's responsibilities and work environment and is referred to the section on the form, The Driver's Role.

In addition to reviewing the Health History section with the driver and conducting the physical examination, the medical examiner should discuss common prescriptions and over-the-counter medications relative to the side effects and hazards of these medications while driving. Educate driver to read warning labels on all medications. History of certain conditions may be cause for rejection, particularly if required by regulation, or may indicate the need for additional laboratory tests or more stringent examination perhaps by a medical specialist. These decisions are usually made by the medical examiner

In light of the driver's job responsibilities, work schedule and potential for the condition to render the driver unsafe.

Medical conditions should be recorded even if they are not cause for denial, and they should be discussed with the driver to encourage appropriate remedial care. This advice is especially needed when a condition, if neglected, could develop into a serious illness that could affect driving.

If the medical examiner determines that the driver is fit to drive and is also able to perform non-driving responsibilities as may be required, the medical examiner signs the medical certificate which the driver must carry with his/her license. The certificate must be dated. Under current regulations, the certificate is valid for two years, unless the driver has medical condition that does not prohibit driving but does require more frequent monitoring. In such situations, the medical certificate should be issued for a shorter length of time. The physical examination should be done carefully and at least as complete as is indicated by the attached form. Contact the FMCSA at (202) 366-1790 for further information (a vision exemption, qualifying drivers under 49 CFR 391.64, etc.).

#### Interpretation of Medical Standards

Since the issuance of the regulations for physical qualifications of commercial drivers, the Federal Motor Carrier Safety Administration (FMCSA) has published recommendations called Advisory Criteria to help medical examiners in determining whether a driver meets the physical qualifications for commercial driving. These recommendations have been condensed to provide information to medical examiners that (1) is directly relevant to the physical examination and (2) is not already included in the medical examination form. The specific regulation is printed in *italics* and its reference by section is highlighted.

### FEDERAL MOTOR CARRIER SAFETY REGULATIONS ADVISORY CRITERIA

#### Loss of Limb:

##### §391.41(b)(1)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no loss of a foot, leg, hand or an arm, or has been granted a Skill Performance Evaluation (SPE) Certificate pursuant to Section 391.49.*

#### Limb Impairment:

##### §391.41(b)(2)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or (iii) Any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or (iv) Has been granted a Skill Performance Evaluation Certificate pursuant to Section 391.49.*

A person who suffers loss of a foot, leg, hand or arm or whose limb impairment in any way interferes with the safe performance of normal tasks associated with operating a commercial motor vehicle is subject to the Skill Performance Evaluation (SPE) Certification Program pursuant to section 391.49, assuming the person is otherwise qualified.

With the advancement of technology, medical aids and equipment modifications have been developed to compensate for certain disabilities. The SPE Certification Program (formerly the Limb Waiver Program) was designed to allow persons with the loss of a foot or limb or with functional impairment to qualify under the Federal Motor Carrier Safety Regulations (FMCSRs) by use of prosthetic devices or equipment modifications which enable them to safely operate a commercial motor vehicle. Since there are no medical aids equivalent to the original body or limb, certain risks are still present, and thus restrictions may be included on individual SPE certificates when a State Director for the FMCSA determines they are necessary to be consistent with safety and public interest.

If the driver is found otherwise medically qualified (§391.41(b)(3) through (13)), the medical examiner must check on the medical certificate that the driver is qualified only if accompanied by a SPE certificate. The driver and the employing motor carrier are subject to appropriate penalty if the driver operates a motor vehicle in interstate or foreign commerce without a current SPE certificate for his/her physical disability.

#### Diabetes

##### §391.41(b)(3)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.*

Diabetes mellitus is a disease which, on occasion, can result in a loss of consciousness or disorientation in time and space. Individuals who require insulin for control have conditions which can get out of

control by the use of too much or too little insulin, or food intake not consistent with the insulin dosage. Incapacitation may occur from symptoms of hyperglycemic or hypoglycemic reactions (drowsiness, semi-consciousness, diabetic coma or insulin shock).

The administration of insulin is, within itself, a complicated process requiring insulin, syringe, needle, alcohol sponge and a sterile technique. Factors related to long-haul commercial motor vehicle operations, such as fatigue, lack of sleep, poor diet, emotional conditions, stress, and concomitant illness, compound the diabetic problem. Thus, because of these inherent dangers, the FMCSA has consistently held that a diabetic who uses insulin for control does not meet the minimum physical requirements of the FMCSRs.

Hypoglycemic drugs, taken orally, are sometimes prescribed for diabetic individuals to help stimulate natural body production of insulin. If the condition can be controlled by the use of oral medication and diet, then an individual may be qualified under the present rule. (See Conference Report on Diabetic Disorders and Commercial Drivers and Insulin-Using Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulesregs/mcdreports.htm>)

#### Cardiovascular Condition

##### §391.41(b)(4)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse or congestive cardiac failure.*

The term "has no current clinical diagnosis of" is specifically designed to encompass: "a clinical diagnosis of" (1) a current cardiovascular condition, or (2) a cardiovascular condition which has not fully stabilized regardless of the time limit. The term "known to be accompanied by" is defined to include: a clinical diagnosis of a cardiovascular disease (1) which is accompanied by symptoms of syncope, dyspnea, collapse or congestive cardiac failure; and/or (2) which is likely to cause syncope, dyspnea, collapse or congestive cardiac failure.

It is the intent of the FMCSRs to render unqualified a driver who has a current cardiovascular disease which is accompanied by and/or likely to cause symptoms of syncope, dyspnea, collapse, or congestive cardiac failure. However, the subjective decision of whether the nature and severity of an individual's condition will likely cause symptoms of cardiovascular insufficiency is on an individual basis and qualification rests with the medical examiner and the motor carrier. In those cases where there is an occurrence of cardiovascular insufficiency (myocardial infarction, thrombosis, etc.), it is suggested before a driver is certified that he or she have a normal resting and stress electrocardiogram (ECG), no residual complications and no physical limitations, and is taking no medication likely to interfere with safe driving.

Coronary artery bypass surgery and pacemaker implantation are remedial procedures and thus, not unqualifying. Coronary is a medical treatment which can improve the health and safety of the driver and should not, by its use, medically disqualify the commercial driver. The emphasis should be on the underlying medical condition(s) which require treatment and the general health of the driver. The FMCSA should be contacted at (202) 366-1790 for additional recommendations regarding the physical qualification of drivers on compound. (See Conference on Cardiac Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/mcdreports.htm>)

#### Respiratory Dysfunction

##### §391.41(b)(5)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with ability to control and drive a commercial motor vehicle safely.*

Since a driver must be alert at all times, any change in his or her mental state is in direct conflict with highway safety. Even the slightest impairment in respiratory function under emergency conditions (when greater oxygen supply is necessary for performance) may be detrimental to safe driving.

There are many conditions that interfere with oxygen exchange and may result in incapacitation, including emphysema, chronic asthma, carcinoma, tuberculosis, chronic bronchitis and sleep apnea. If the medical examiner detects a respiratory dysfunction, that in any way is likely to interfere with the driver's ability to safely control and drive a commercial motor vehicle, the driver must be referred to a specialist for further evaluation and therapy. Anticoagulation therapy for deep vein thrombosis and/or pulmonary thromboembolism is not unqualifying once optimum dose is achieved, provided lower extremity venous examinations remain normal and the treating physician gives a favorable recommendation.

(See Conference on Pulmonary/Respiratory Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/mcdreports.htm>)

### Hypertension

#### §391.41(b)(6)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no current clinical diagnosis of high blood pressure likely to interfere with ability to operate a commercial motor vehicle safely.*

Hypertension alone is unlikely to cause sudden collapse; however, the likelihood increases when target organ damage, particularly cerebral vascular disease, is present. This regulatory criteria is based on FMCSA's Cardiovascular Advisory Guidelines for the Examination of CMV Drivers, which used the Sixth Report of the Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure (1997).

Stage 1 hypertension corresponds to a systolic BP of 140-159 mmHg and/or a diastolic BP of 90-99 mmHg. The driver with a BP in this range is a low risk for hypertension-related acute incapacitation and may be medically certified to drive for a one-year period. Certification examinations should be done annually thereafter and should be at or less than 160/90. If less than 160/100, certification may be extended one time for 3 months.

A blood pressure of 160-179 systolic and/or 100-109 diastolic is considered Stage 2 hypertension, and the driver is not necessarily unqualified during evaluation and institution of treatment. The driver is given a one time certification of three months to reduce his or her blood pressure to less than or equal to 160/90. A blood pressure in this range is an absolute indication for antihypertensive drug therapy. Provided treatment is well tolerated and the driver demonstrates a BP value of 140/90 or less, he or she may be certified for one year from date of the initial exam. The driver is certified annually thereafter.

A blood pressure at or greater than 180 (systolic) and 110 (diastolic) is considered Stage 3, high risk for an acute BP-related event. The driver may not be qualified, even temporarily, until reduced to 140/90 or less and treatment is well tolerated. The driver may be certified for 6 months and biannually (every 6 months) thereafter if at recheck BP is 140/90 or less.

Annual recertification is recommended if the medical examiner does not know the severity of hypertension prior to treatment.

An elevated blood pressure finding should be confirmed by at least two subsequent measurements on different days.

Treatment includes nonpharmacologic and pharmacologic modalities as well as counseling to reduce other risk factors. Most antihypertensive medications also have side effects, the importance of which must be judged on an individual basis. Individuals must be alerted to the hazards of these medications while driving. Side effects of somnolence or syncope are particularly undesirable in commercial drivers.

Secondary hypertension is based on the above stages. Evaluation is warranted if patient is persistently hypertensive on maximal or near-maximal doses of 2-3 pharmacologic agents. Some causes of secondary hypertension may be amenable to surgical intervention or specific pharmacologic doses.

(See Cardiovascular Advisory Panel Guidelines for the Medical Examination of Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

### Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular or Vascular Disease

#### §391.41(b)(7)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease which interferes with ability to control and operate a commercial motor vehicle safely.*

Certain diseases are known to have acute episodes of transient muscle weakness, poor muscular coordination (ataxia), abnormal sensations (paresthesia), decreased muscular tone (hypotonia), visual disturbances and pain which may be suddenly incapacitating. With each recurring episode, these symptoms may become more pronounced and remain for longer periods of time. Other diseases have more insidious onsets and display symptoms of muscle wasting (atrophy), swelling and paresthesia which may not suddenly incapacitate a person but may restrict his/her movements and eventually interfere with the ability to safely operate a motor vehicle. In many instances these diseases are degenerative in nature or may result in deterioration of the involved area.

Once the individual has been diagnosed as having a rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease, then he/she has an established history of that disease. The physician, when examining an individual, should consider the following: (1) the nature and severity of the individual's condition (such as sensory loss or loss of strength); (2) the degree of limitation present (such as range of motion); (3) the likelihood of progressive limitation (not always present initially but may manifest itself over time); and (4) the likelihood of sudden incapacitation. If severe functional impairment exists, the driver does not qualify. In cases where more frequent monitoring is required, a certificate for a shorter time period may be issued. (See Conference on Neurological Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

### Epilepsy

#### §391.41(b)(8)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle.*

Epilepsy is a chronic functional disease characterized by seizures or episodes that occur without warning, resulting in loss of voluntary control which may lead to loss of consciousness and/or seizures. Therefore, the following drivers cannot be qualified: (1) a driver who has a medical history of epilepsy; (2) a driver who has a current clinical diagnosis of epilepsy; or (3) a driver who is taking antiseizure medication.

If an individual has had a sudden episode of a nonepileptic seizure or loss of consciousness of unknown cause which did not require antiseizure medication, the decision as to whether that person's condition

will likely cause loss of consciousness or loss of ability to control a motor vehicle is made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period. It is suggested that the individual have a complete neurological examination. If the results of the examination are negative and antiseizure medication is not required, then the driver may be qualified.

In those individual cases where a driver has a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition and has no existing residual complications, and not taking antiseizure medication.

(See Conference on Neurological Disorders and Commercial Drivers at:

<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

### Mental Disorders

#### §391.41(b)(9)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with ability to drive a motor vehicle safely. Emotional or adjustment problems contribute directly to an individual's level of memory, reasoning, attention and judgment. These problems often underlie physical disorders. A variety of functional disorders can cause drowsiness, dizziness, confusion, weakness or paralysis that may lead to incoordination, inattention, loss of functional control and susceptibility to accidents while driving. Physical fatigue, headache, impaired coordination, recurring physical ailments and chronic "gnagging" pain may be present to such a degree that certification for commercial driving is inadvisable. Somatic and psychosomatic complaints should be thoroughly examined when determining an individual's overall fitness to drive. Disorders of a periodically incapacitating nature, even in the early stages of development, may warrant disqualification.*

Many bus and truck drivers have documented that "nervous trouble" related to neurotic, personality, emotional or adjustment problems is responsible for a significant fraction of their preventable accidents. The degree to which an individual is able to appreciate, evaluate and adequately respond to environmental strain and emotional stress is critical when assessing an individual's mental alertness and flexibility to cope with the stresses of commercial motor vehicle driving.

When examining the driver, it should be kept in mind that individuals who live under chronic emotional upsets may have deeply ingrained maladaptive or erratic behavior greatly interfered with the driver's ability to drive safely. Those individuals who are highly susceptible to frequent states of emotional instability (schizophrenia, affective psychoses, paranoia, anxiety or depressive neuroses) may warrant disqualification. Careful consideration should be given to the side effects and interactions of medications in the overall qualification determination. See Psychiatric Conference Report for specific recommendations on the use of these medications and potential hazards for driving.

(See Conference on Psychiatric Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

### Vision

#### §391.41(b)(10)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has distant visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.*

The term "ability to recognize the colors of" is interpreted to mean is a person can recognize and distinguish among traffic control signals and devices showing standard red, green and amber, he or she meets the minimum standard, even though he or she may have some type of color perception deficiency. If certain color perception tests are administered, (such as Ishihara, Pseudisochromatic, Yarn) and doubtful findings are discovered, a controlled test using signal red, green and amber may be employed to determine the driver's ability to recognize these colors.

Contact lenses are permissible if there is sufficient evidence to indicate that the driver has good tolerance and is well adapted to their use. Use of a contact lens in one eye for distance visual acuity and another lens in the other eye for near vision is not acceptable, nor telescope lenses acceptable for the driving of commercial motor vehicles. If an individual meets the criteria by the use of glasses or contact lenses, the following statement shall appear on the Medical Examiner's Certificate: "Qualified only if wearing corrective lenses". (See Visual Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

### Hearing

#### §391.41(b)(11)

A person is physically qualified to drive a commercial motor vehicle if that person:

*First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951. Since the prescribed standard under the FMCSA is the American Standards Association (ANSI), it may be necessary to convert the audiometric results from the ISO standard to the ANSI standard. Instructions are included on the Medical Examination report form.*

If an individual meets the criteria by using a hearing aid, the driver

must wear that hearing aid and have it in operation at all times while driving. Also, the driver must be in possession of a spare power source for the hearing aid.

For the whispered voice test, the individual should be stationed at least 5 feet from the examiner with the ear being tested turned toward the examiner. The other ear is covered. Using the breath which remains after a normal expiration, the examiner whispers words or random numbers such as 66, 18, 23, etc. The examiner should not use only syllables (s-sounding test initials). The opposite ear should be tested in the same manner. If the individual fails the whispered voice test, the audiometric test should be administered.

If an individual meets the criteria by the use of a hearing aid, the following statement must appear on the Medical Examiner's Certificate: "Qualified only when wearing a hearing aid". (See Hearing Disorders and Commercial Motor Vehicle Drivers at:

<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

### Drug Use

#### §391.41(b)(12)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Does not use a controlled substance identified in 21 CFR 1308.11, Schedule I, an amphetamine, a narcotic, or any other habit-forming drug. Exception: A driver may use such a substance or drug, if the substance or drug is prescribed by a licensed medical practitioner who is familiar with the driver's medical history and assigned duties; and has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle. This exception does not apply to methadone. The intent of the medical certification process is to medically evaluate a driver to ensure that the driver has no medical condition which interferes with the safe performance of driving tasks on a public road. If a driver uses a Schedule I drug or other substance, an amphetamine, a narcotic, or any other habit-forming drug, it may be cause for the driver to be found medically unqualified. Motor carriers are encouraged to obtain a practitioner's written statement about the effects on transportation safety of the use of a particular drug.*

A test for controlled substances is not required as part of this biennial certification process. The FMCSA or the driver's employer should be contacted directly for information on controlled substances and alcohol testing under Part 382 of the FMCSRs.

The term "uses" is designed to encompass instances of prohibited drug use determined by a physician through established medical means. This may or may not involve body fluid testing. If body fluid testing takes place, positive test results should be confirmed by a second test of greater specificity. The term "habit-forming" is intended to include any drug or medication generally recognized as capable of becoming habitual, and which may impair the user's ability to operate a commercial motor vehicle safely.

The driver is medically unqualified for the duration of the prohibited drug(s) use and until a second examination shows the driver is free from the prohibited drug(s) use. Recertification may involve a substance abuse evaluation, the successful completion of a drug rehabilitation program, and a negative drug test result. Additionally, given that the certification period is normally two years, the examiner has the option to certify for a period of less than 2 years if the examiner determines more frequent monitoring is required.

(See Conference on Neurological Disorders and Commercial Drivers and Conference on Psychiatric Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

### Alcoholism

#### §391.41(b)(13)

A person is physically qualified to drive a commercial motor vehicle if that person:

*Has no current clinical diagnosis of alcoholism.*

The term "current clinical diagnosis of" is specifically designed to encompass a current alcoholic illness or those instances where the physical condition has not fully stabilized, regardless of the time element. If an individual shows signs of having an alcohol-use problem, he or she should be referred to a specialist. After consulting and/or treatment, he or she may be considered for certification.

# 6

## VAN OPERATOR ROAD TEST

**Optional** - If applicant is the holder of a commercial driver's license (CDL)  
**Mandatory** - If applicant does not hold a CDL (Must be tested in a commercial motor vehicle equivalent to the type he/she will operate.)

The test shall be given by a person who is competent to evaluate and determine whether the person who takes the test has demonstrated that he/she is capable of operating the vehicle, and associated equipment, that will be assigned to him/her.

DATE \_\_\_\_\_

AGENCY/DEALER NUMBER \_\_\_\_\_ NAME \_\_\_\_\_

VAN OPERATOR'S NAME \_\_\_\_\_  PASSED  FAILED

LICENSE NO. \_\_\_\_\_ STATE \_\_\_\_\_ EXPIRATION DATE \_\_\_\_\_ CLASS \_\_\_\_\_

TESTED BY \_\_\_\_\_ MILEAGE COVERED (Min. 25 miles) \_\_\_\_\_

TRACTOR NO. \_\_\_\_\_ TRAILER NO. \_\_\_\_\_ STRAIGHT TRUCK NO. \_\_\_\_\_

PRE-TEST CHECK OUT		DRIVING ABILITY			
Yes	No	Yes	No		
<input type="checkbox"/>	<input type="checkbox"/>	Checked fuel, oil and water	<input type="checkbox"/>	<input type="checkbox"/>	Starts in proper gear
<input type="checkbox"/>	<input type="checkbox"/>	Checked gear shift positions	<input type="checkbox"/>	<input type="checkbox"/>	Adopts safe speed in yard
<input type="checkbox"/>	<input type="checkbox"/>	Allowed engine to warm up	<input type="checkbox"/>	<input type="checkbox"/>	Stops before entering highway
<input type="checkbox"/>	<input type="checkbox"/>	Checked tires	<input type="checkbox"/>	<input type="checkbox"/>	Enters traffic cautiously when passing other vehicles
<input type="checkbox"/>	<input type="checkbox"/>	Checked all doors	<input type="checkbox"/>	<input type="checkbox"/>	Turn signals used
<input type="checkbox"/>	<input type="checkbox"/>	Checked lights and turn signals	<input type="checkbox"/>	<input type="checkbox"/>	Proper clearance on turns
<input type="checkbox"/>	<input type="checkbox"/>	Coupled and uncoupled unit properly	<input type="checkbox"/>	<input type="checkbox"/>	Checks mirrors frequently
<input type="checkbox"/>	<input type="checkbox"/>	Checked air hoses and coupling device	<input type="checkbox"/>	<input type="checkbox"/>	Speed is safe for road conditions
<input type="checkbox"/>	<input type="checkbox"/>	Checked air pressure	<input type="checkbox"/>	<input type="checkbox"/>	Follows at safe distances
<input type="checkbox"/>	<input type="checkbox"/>	Checked brakes	<input type="checkbox"/>	<input type="checkbox"/>	Shows skill and ability
<input type="checkbox"/>	<input type="checkbox"/>	Checked steering mechanism	<input type="checkbox"/>	<input type="checkbox"/>	Parking and braking and slowing the vehicle by means other than braking
<input type="checkbox"/>	<input type="checkbox"/>	Checked other safety devices (horn, windshield wipers, mirrors)	Backing: Examiner have applicant back vehicle between two parked units		
			<input type="checkbox"/>	<input type="checkbox"/>	Backs well from left side
			<input type="checkbox"/>	<input type="checkbox"/>	Backs well from blind side

REMARKS \_\_\_\_\_

GENERAL PERFORMANCE (Circle One)      SATISFACTORY      NEEDS MORE TRAINING      UNSATISFACTORY

*It is my opinion that this van operator possesses sufficient driving skill to operate the type of vehicle listed above. The above agency and van operator acknowledges that the van operator will not operate a vehicle that exceeds the limits of his/her drivers license.*

Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Van Operator

\_\_\_\_\_  
Signature of Examiner

\_\_\_\_\_  
Address

\_\_\_\_\_  
Title      Name of Carrier

\_\_\_\_\_  
City      State      Zip Code

\_\_\_\_\_  
Location of Exam

**Mayflower Transit**  
One Mayflower Drive  
Fenton, MO 63026  
636-305-4000

**United Van Lines**  
One United Drive  
Fenton, MO 63026  
636-326-3100

**United Mayflower  
Container Services**  
One Premier Drive  
Fenton, MO 63026  
636-305-5000

**UNIGROUP, INC.  
NON-CDL VAN OPERATOR**

An application for qualification has been submitted to UniGroup Headquarters for

\_\_\_\_\_  
Van Operator Name

This driver is being qualified with a \_\_\_\_\_ class driver's license and is able to drive a single unit with a Gross Vehicle Weight Rating (GVWR) no more than \_\_\_\_\_ pounds.

This van operator will not be dispatched in a vehicle that exceeds the limits of his/her driver's license and the van operator understands that to exceed his/her limits is illegal, as defined in the Federal Motor Carriers Regulations section 383.5, and UniGroup Safety Policies section 1.5

By signing below both the van operator and agency personnel agree to the above statements.

\_\_\_\_\_  
Van Operator's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agency Representative

\_\_\_\_\_  
Date

\*\*\* This form is only to be completed for NON-CDL applicants. \*\*\*

**United Van Lines**  
One United Dr., Fenton, MO 63026

**Mayflower Transit**  
One Mayflower Dr., Fenton, MO 63026

(Please check box indicating appropriate carrier)

(Please Print or Type)

Van Operator

Name \_\_\_\_\_ SS# \_\_\_\_\_ Date of Birth \_\_\_\_\_

Address \_\_\_\_\_

Commercial Driver

Lic. (CDL) No. & State \_\_\_\_\_ Class \_\_\_\_\_

Please complete this form as required and return to the appropriate van line Safety Department, Attention: Van Operator Qualifications.

**I. CERTIFICATE OF VIOLATIONS**

Department of Transportation Rule, Section 391.27:

"...each motor carrier shall, at least once every 12 months require each driver it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances (other than parking violations) of which the driver has been convicted or on account of which he has forfeited bond or collateral during the preceding 12 months."

**MOTOR VEHICLE DRIVER'S CERTIFICATION**

I certify that the following is a true and complete list of traffic violations (other than parking violations) for which I have been convicted or forfeited bond or collateral during the past 12 months. (If no violations have been received, please write "NONE.")

DATE	OFFENSE	LOCATION	TYPE OF VEHICLE OPERATED
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If no violations are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violation required to be listed during the past 12 months. I have also read and understand the weighing rules. I have retained a copy of the weighing rules for my personal use.

I have read the Safety Commitment and will adhere to its standards.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Van Operator Signature) (ID Number)

\_\_\_\_\_  
(Agency No. & Name)

\_\_\_\_\_  
(Agency Address)

\_\_\_\_\_  
(Signature of Agent Representative)

\_\_\_\_\_  
(Title)

(For Use By The Safety Department)

**II. REVIEW AND EVALUATION OF DRIVER'S RECORD**

In accordance with Section 391.25, Motor Carrier Safety Regulations, all information pertinent to the above driver's safety of operations, including the list of violations furnished in accordance with Section 391.27, has been reviewed for the past 12 months.

Action taken \_\_\_\_\_

I have reviewed the above information in that it is accurate and is updated in the system. \_\_\_\_\_ (Date) \_\_\_\_\_ (Title)  
(Reviewed by: Signature)



**VAN OPERATOR ACKNOWLEDGEMENT OF RECEIPT OF  
DRUG AND ALCOHOL EDUCATIONAL MATERIALS**

**VAN OPERATOR/APPLICANT CERTIFICATION:**

I, the undersigned (van operator or applicant), hereby certify that I have received the educational materials which the motor carrier (Company) is required to provide me in accordance with 49 C.F.R. 382.601. I acknowledge and agree that I am responsible for reading, understanding and complying with all Company policies and D.O.T. regulations regarding alcohol and drug use testing. I also understand that changes in the governing federal law or regulations may occur from time to time and may also cause the terms and conditions of the Company's policy to change without Company being able to give me any specific notice. Nonetheless, I agree to comply with the D.O.T.'s regulations as they may change and the Company's policies regarding drug and alcohol use testing. I further understand and agree that I may be subject to being precluded, disqualified, suspended or terminated as well as other adverse actions for violating D.O.T.'s regulations and/or Company policies. I have been advised that any questions with regard to these materials should be addressed to the Safety Department.

Prior to signing this receipt, I have read it carefully and have been provided with an opportunity to ask questions regarding its content.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Driver ID #

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agency # (If applicable)

**Indicate Carrier:**

- United Van Lines, LLC
- Mayflower Transit, LLC
- United Mayflower Container Services, LLC

**RETURN COMPLETED FORM TO THE SAFETY DEPARTMENT AT UNIGROUP HEADQUARTERS.**

## WEIGHING RULES

These rules supersede all earlier publications on this subject. They have been drafted to incorporate company policy with respect to weighing and all pertinent provisions of 49 C.F.R. 375.507 et seq.

### SELECTION OF SCALES

1. Van operators must keep a copy of the AMSA Scale Directory in the cab of their vehicles; each agency must have a copy of the directory in its office.

2. Wherever possible, only scales listed in the AMSA Directory are to be used. (Exception: Military shipments must be weighed on government-owned and operated scales when requested by a military transportation officer).

If a van operator believes it is impractical or unreasonable to use a scale listed in the AMSA Scale Directory, the van operator must determine that the scale to be used is certified. A certified scale means any scale inspected and certified by an authorized scale inspection and licensing authority and designed for weighing motor vehicles, including trailers or semi-trailers not attached to a tractor or designated as a platform or warehouse-type scale.

3. Specifically prohibited from use by van operators regardless of any other provisions of these rules whether stated or implied are:

- a. Coin-operated scales
- b. Axle scales

4. When a van operator transports household goods on a non-binding estimate, dependent upon the shipment weight, the van operator must determine the weight of each shipment transported before the assessment of any charges. All shipments must be weighed on a certified scale. Unless extenuating circumstances exist, the same scale must be used to obtain both tare and gross weights of any shipment.

Shipments weighing less than 3,000 pounds may be weighed on a certified warehouse or platform scale prior to loading.

5. A van operator must obtain a weight ticket whenever a shipment is weighed. Each weight ticket must contain the following:

- a. The complete name and location of the scale
- b. The date of each weighing
- c. The identification of the weight entries as being the tare, gross or net weights
- d. The company or carrier identification of the vehicle
- e. The last name of the individual shipper as it appears on the Bill of Lading
- f. The carrier's shipment registration or Bill of Lading number.

Van operators must obtain a separate weight ticket for each weighing; however, if both weighings are performed on the same scale, one weight ticket may be used to record both weighings.

As part of the file on the shipment, van operators must retain the original weight ticket or tickets. All freight bills presented to the individual shipper must include true copies of all weight tickets obtained (including reweighs requested by the customer) in order to collect any shipment charges dependent upon the weight transported.

True and complete copies of all weight tickets must be included in the van operator's paperwork.

The tare and gross weights are to be reflected on the Bill of Lading in the following manner:

- a. Enter the tare weight on all copies of the Bill of Lading.
- b. Prior to loading from residence, obtain the customer's signature on the Bill of Lading
- c. After loading, record the gross weight on the remaining copies of the Bill of Lading.

Van operators should be aware that the above requirements will be most easily taken care of by using scales that issue printed weight tickets. Such weight tickets are nearly always imprinted with the name of the owner of the scale, the address and the date. Whether the information is imprinted or not, however, it is the van operator's responsibility to see that all of the above information appears on each weight ticket.

### WEIGHING AND REWEIGHING

6. Van operators must weigh the shipment by using the origin weigh method. You must determine the difference between the tare weight of the vehicle before loading at the origin of the shipment and the gross weight of the same vehicle after loading.

The following three conditions must exist for both the tare and gross weighings:

- a. The vehicle must have installed or loaded all pads, dollies, hand trucks, ramps and other equipment required in the transportation of the shipment.
- b. The van operator and other persons must be off the vehicle at the time of weighing.
- c. The fuel tanks on the vehicle must be full at the time of each weighing, or in the alternative, when you use the first method (origin weight) of this section, where the tare weighing is the first weighing performed, you must refrain from adding fuel between the two weighings.

You may detach the trailer of a tractor-trailer vehicle combination from the tractor and have the trailer weighed separately at each weighing provided the length of the scale platform is adequate to accommodate and support the entire trailer at one time.

You must use the net weight of shipments transported in containers. You must calculate the difference between the tare weight of the container (including all pads, blocking and bracing used in the transportation of the shipment) and the gross weight of the container with the shipment loaded in the container.

7. It is the van operator's responsibility to inform Headquarters of the shipment's net weight. Master Lease van operators should report actual shipment weight to their agency dispatch for input into carrier's computer system.
8. The individual shipper or any other person responsible for payment of the freight charges shall have the right to observe all weighings (including reweighs) of the shipment. The carrier must advise the shipper or other person entitled to observe the weighing of the time and specific location where each weighing will be performed and must give the person a reasonable opportunity to be present to observe the weighing.
9. After the van operator informs the individual shipper of the billing weight and total charges before beginning to unload a shipment, the shipper may request a reweigh. It is the van operator's obligation to reweigh any shipment when requested to do so by a shipper, at no cost to the shipper. If a reweigh is requested, the charges shall be based on the reweigh weight.

10. The shipper may waive his/her right to observe a weighing. If the shipper requests a reweigh and waives his/her right to observe the reweigh, the shipper must waive this right in writing. This is to be reflected on the Bill of Lading. Waiver by the shipper of the right to observe any weighing or reweighing is permitted and does not affect any rights of the shipper under the regulations or otherwise.

11. If a C.O.D. shipper requests notification of the actual weight and charges on a shipment, the carrier must comply with the request.

#### CARRIER SUPERVISED REWEIGH PROGRAM

12. When notified by dispatch to get a supervised reweigh, the van operator must follow those instructions completely. Specifically, the van operator must:
  - a. report to the destination agent designated to supervise the reweigh;
  - b. go to the scale with the designated supervisor and back-weigh the shipment in accordance with the weighing rules; and
  - c. provide a copy of the original weight tickets to the destination agent, along with the reweigh weight tickets.
13. Failure to meet the requirements of the carrier supervised reweigh program will subject the van operator and/or the agency to disciplinary action.

*I have read and understand the above listed Weighing Rules. I have retained a copy of this form for my personal use.*

Signed \_\_\_\_\_ Date \_\_\_\_\_

Agency/Dealer Number \_\_\_\_\_ Name \_\_\_\_\_

**Indicate Carrier**

- United Van Lines, LLC
- Mayflower Transit, LLC
- United Mayflower Container Services, LLC

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  - a. Coin-operated scales
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- b. The van operator and other persons must be off the vehicle at the time of weighing.
- c. The fuel tanks on the vehicle must be full at the time of each weighing, or in the alternative, when you use the first method (origin weight) of this section, where the tare weighing is the first weighing performed, you must refrain from adding fuel between the two weighings.

You may detach the trailer of a tractor-trailer vehicle combination from the tractor and have the trailer weighed separately at each weighing provided the length of the scale platform is adequate to accommodate and support the entire trailer at one time.

You must use the net weight of shipments transported in containers. You must calculate the difference between the tare weight of the container (including all pads, blocking and bracing used in the transportation of the shipment) and the gross weight of the container with the shipment loaded in the container.

7. It is the van operator's responsibility to inform Headquarters of the shipment's net weight. Master Lease van operators should report actual shipment weight to their agency dispatch for input into carrier's computer system.
8. The individual shipper or any other person responsible for payment of the freight charges shall have the right to observe all weighings (including reweighs) of the shipment. The carrier must advise the shipper or other person entitled to observe the weighing of the time and specific location where each weighing will be performed and must give the person a reasonable opportunity to be present to observe the weighing.
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- c. provide a copy of the original weight tickets to the destination agent, along with the reweigh weight tickets.

13. Failure to meet the requirements of the carrier supervised reweigh program will subject the van operator and/or the agency to disciplinary action.

*I have read and understand the above listed Weighing Rules. I have retained a copy of this form for my personal use.*

Signed \_\_\_\_\_ Date \_\_\_\_\_

Agency/Dealer Number \_\_\_\_\_ Name \_\_\_\_\_

**Indicate Carrier**

- United Van Lines, LLC  
 Mayflower Transit, LLC  
 United Mayflower Container Services, LLC



UNITED VAN LINES, LLC  
MAYFLOWER TRANSIT, LLC  
UNITED MAYFLOWER CONTAINER SERVICES, LLC  
(UniGroup, Inc. Companies)

## **ALCOHOL MISUSE AND DRUG ABUSE INFORMATION FOR VAN OPERATORS**

Published by the Safety Department of UniGroup, Inc.

## ALCOHOL MISUSE AND DRUG ABUSE INFORMATION FOR VAN OPERATORS

The Department of Transportation (DOT) regulations promulgated under the Omnibus Transportation Employee Testing Act of 1991 require alcohol and drug tests of every holder of a Commercial Driver's License (CDL).

### I. The Corporate Drug and Alcohol Policy

The UniGroup Companies (herein referred to as the "Van Lines") prohibit the use, possession, transportation or distribution of illegal or unauthorized drugs and of alcohol throughout the UniGroup system. Van operators and other personnel involved with vehicles are prohibited from reporting for duty or being on duty after having used or ingested illegal drugs; having abused, used or ingested other prohibited drugs, including alcohol. Such personnel are further prohibited from reporting for duty or being on duty under the influence of such drugs or alcohol. The prohibited drugs shall include those prohibited by federal, state or local laws; those drugs described in and/or referred to in the Federal Motor Carrier Safety Regulations (FMCSR); prescription drugs not properly prescribed for bona fide medical use; drug paraphernalia; and any other abused drug or substance including alcohol.

As a condition for qualification or re-qualification as a van operator, all applicants for qualification or re-qualification (if there is a break in service) shall take a drug screening test. This test shall be administered prior to qualification or re-qualification. If the final test results are positive, qualification or re-qualification shall be denied. If the applicant chooses not to take the tests, qualification or re-qualification shall be denied.

The Van Lines shall have the right to drug screen and alcohol test immediately any van operator when there is any evidence, suspicion or behavior indicating that the person may be under the influence of drugs or alcohol. In addition, the Van Lines will, as required by DOT regulation, select van operators at random for periodic drug screening and alcohol testing. Any person refusing to take the test shall be disqualified from service.

### II. Prohibitions

The FMCSR provides a list of prohibited activities that include:

No van operator should report for duty or remain on duty being under the influence of alcohol or controlled substances. No van operator may possess alcohol or controlled substances on a unit.

No van operator shall use alcohol or controlled substances while performing the safety-sensitive functions of his/her job.

No agent having knowledge that a van operator is using alcohol or a controlled substance shall permit that van operator to perform or continue to perform the safety-sensitive functions of his/her job.

No van operator shall perform safety-sensitive functions within four hours after using alcohol. No agent having knowledge that a van operator has used alcohol within four hours shall permit a van operator to perform or continue to perform safety sensitive functions.

A van operator is performing a safety sensitive function when:

- Waiting at a terminal, facility, or other property to be dispatched, unless the van operator has been relieved from duty by the motor carrier;
- Performing pre-trip inspections or servicing the motor vehicle;
- Driving the motor vehicle;
- On the vehicle, except when resting in the sleeper berth;
- Loading or unloading the vehicle, supervising the loading or unloading, giving receipts for the load, or remaining ready to operate the motor vehicle;
- Performing duties and services at an accident scene; or,
- Repairing, obtaining assistance, or remaining in attendance of a disabled vehicle.

No van operator required to take a post-accident alcohol test shall use alcohol for eight hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.

No van operator shall refuse to submit to any required alcohol or controlled substance test, nor shall any agent permit a van operator who refuses to submit to such tests to operate a van.

What constitutes a refusal:

Obviously, if you say "no" and refuse to take a required test, that would constitute a refusal. Under the regulations, if a van operator fails to provide adequate breath for testing without a valid medical explanation, that would constitute a refusal.

In the event of a controlled substance test, if the van operator fails to provide adequate urine for testing, without a valid medical explanation, that would also constitute a refusal.

If a van operator engages in conduct that "clearly obstructs" the testing, that would be considered a refusal. If, after an accident where a fatality occurred or a van operator was issued a citation, the van operator failed to make him or herself available for a test, that would be considered a refusal.

### III. Drug and Alcohol Test Required

A drug test is required under the following circumstance:

1. Pre-qualification and re-qualification conducted before applicants are qualified or re-qualified with the Van Lines.

Drug and alcohol tests are required under the following circumstances.

1. Reasonable suspicion — conducted when a trained supervisor or agency official observes behavior or appearance that is characteristic of drug/alcohol misuse. In such circumstances the UniGroup Safety Department must be contacted for specific instructions, and the van operator is required to be tested immediately at a designated collection site. The van operator is disqualified until results of the drug/alcohol tests are received.
2. Random — conducted on a random, unannounced basis just before, during or after performing the safety-sensitive portion of his or her job. After notification, the van operator must cease any safety sensitive activities as soon as safely possible and immediately proceed to be tested. (In the unlikely event that a van operator is not performing a safety-sensitive function in the month he/she is chosen for a random drug/alcohol test, he/she will still be required to complete the drug test.)
3. Post accident — conducted after DOT recordable accidents (see definition at end of this section) or if an accident results in loss of human life or the van operator is issued a citation for a moving traffic violation. The alcohol test must be performed within two hours of the accident. Post accident testing is the responsibility of the involved van operator, and if a testing site is not located in the allotted time, all efforts to comply must be documented in writing.

#### Definitions

"Accident" means an occurrence involving a commercial motor vehicle operated on a public road which results in:

- (1) a fatality;
  - (2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
  - (3) one or more motor vehicles incurring disabling damage as a result of the accident requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.
4. Return-to-duty and follow-up — conducted when an individual who has violated the prohibited drug/alcohol conduct standards (disqualified for 18 months under UniGroup's drug/alcohol policy) petitions the Van Lines to be re-qualified after appropriate professional evaluation by a Substance Abuse Professional (SAP). Follow-up tests are unannounced, and at least six drug and alcohol tests will be conducted in the first 12 months after a van operator returns to duty. Follow-up testing may be extended for up to 60 months after return to duty. The testing will be performed at the direction of UniGroup's Safety Department.

### IV. Testing Procedures

#### Drug Testing Protocol

The testing program required by the regulations is limited to five drug types:

- (1) Marijuana, (2) Cocaine, (3) Opiates, (4) Amphetamines, (5) Phencyclidine (PCP).

All drug testing must be done from urine specimens collected under highly controlled conditions. Specimen collection procedures require a designated collection site; security for the collection site; chain of custody documentation; use of authorized personnel; privacy during collection; integrity and identity of the specimen; and transportation to the laboratory.

Van operator protection is built into the testing procedures. In order to meet the federal requirements, only the laboratories that can be used are those that have been certified by the federal government. The Substance Abuse and Mental Health Services Administration certifies laboratories that have met all of the guidelines established by the Department of Health and Human Services.

After the urine specimen has been collected and forwarded to the laboratory, two tests may be performed. The initial test is the immunoassay test. This is a screening test to determine drug usage for the five classes of drugs. The second test is a confirmation test.

If the results of the initial test are negative, the testing laboratory will advise the Van Lines' Medical Review Officer (MRO) that the drug test for the van operator was negative. No additional tests on the specimen will be done.

If the results of the initial test are positive, that is, if the results exceed the test levels for any of the five drug classes, a second (confirmation) test is performed. This test is done in an entirely different manner from the initial one. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry techniques.

Only specimens that are confirmed as positive on the second test are reported positive to the MRO for review and analysis.

A split specimen collection will be done. That is, the urine is divided into two specimen bottles. If the test result of the primary specimen is positive, the van operator may request the MRO to send the second (or split) specimen to a different certified lab for testing. The testing of the split specimen will be for the presence of drugs with no cut-off levels. If the result of the test of the split specimen is "negative," the MRO shall cancel the test. If the van operator wants the split specimen tested, he/she must advise the MRO within 72 hours of being notified of the positive test result of the primary specimen.

#### Alcohol Testing Protocol

Alcohol testing in the UniGroup system will be conducted in much the same way as drug testing. The alcohol testing rules require breath testing using evidential breath testing (EBT) devices approved by the National Highway Transportation Safety Administration. Two breath tests are required to determine if a person has prohibited alcohol level.

A screening test is conducted first. Any result less than 0.02% alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02% or greater, a second confirmation test must be conducted. The breath is sampled. If the breath is equal to, or greater than 0.02%, then the machine locks up and begins a 15 minute count down. The van operator is observed for the 15 minutes. The breath is re-sampled. If the result is less than 0.02%, then the result is negative. If the result is 0.02% or greater, but less than 0.04%, the van operator is disqualified for 24 hours and must undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02%. If the result is 0.04% or greater, the test is positive, and the van operator is disqualified from service for 18 months in accordance with UniGroup's Drug and Alcohol Policy. The van operator and the Breath Alcohol Technician (BAT) will complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. The confirmation test results determine any actions taken.

#### V. Notification Methods

Continental Fleet van operators will be notified to report for testing by their dispatcher and must report to the drug/alcohol collection facility immediately. Master Lease van operators will be notified through their agency and must report to the drug/alcohol collection facility immediately.

"Immediately," in this context, means that all of the van operator's actions after notification should lead to the expeditious submission of the urine and/or breath sample. This ensures that a van operator selected for testing will not have an opportunity to do anything which may affect the outcome of the test. Any activity (e.g., loading, unloading, accepting a new dispatch, making a delivery, completing required paperwork, performing vehicle inspections, etc.) which does not directly lead to submitting a urine and/or breath sample must be deferred by the van operator until the urine and/or breath sample is collected. Any delay over four hours will be considered a refusal, and the van operator will be disqualified from service for 18 months. If the van operator is notified while "on the road," this will require the operator to pick up a Custody and Control form from the nearest agent and report to the collection facility before continuing the current trip. This may require a van operator to detour from a planned route. Any van operator not reporting immediately after notification (as documented on the Random Drug/Alcohol Testing Telephone Statement) will be disqualified from service immediately. Reinstatement reconsideration will only be given after the 18-month period has passed and all requirements of the DOT regulations have been met.

#### VI. Consequences of Drug/Alcohol Misuse

Van operators who engage in prohibited alcohol/drug conduct will be immediately removed from service and disqualified. The disqualification period for both drug and alcohol positives in the UniGroup system will be 18 months. Positives are defined as:

Drug Testing: Positive results are reported to the UniGroup Safety Department by the medical review officer (MRO).

Alcohol Testing: Positive results by registering a 0.04% or higher on the alcohol breath test.

NOTE: To further provide for transportation safety, the regulations provide that those van operators having a alcohol concentration of 0.02% or greater, but less than 0.04% must be removed from performing van operator duties for a period of 24 hours. This means that the van operator will be advised of his/her results by the Breath Alcohol Technician at the testing facility. The agent who becomes aware of this result must take action immediately to place the van operator out-of-service for a 24-hour period or, if an agent cannot be contacted, the van operator must take himself/herself out of service for 24 hours, and this must be documented on the van operator's daily logs. A

reading of this nature (between 0.02% and 0.039%) will not affect the van operator's CDL record. Failure of the van operator to observe the 24-hour disqualification will result in a 30-day disqualification from service.

#### **VII. Re-Consideration Process**

In order for a van operator who tests positive in either a drug test or an alcohol test to be reconsidered for re-qualification, the following stipulations must be met:

1. Remain disqualified for 18 months from service.
2. Contact American Substance Abuse Professionals, Inc. (888) 792.2727.
3. Be evaluated by a substance abuse professional.
4. Comply with the recommended treatment of the substance abuse professional.
5. Take a return-to-duty drug and alcohol test.
6. Be subject to unannounced follow-up alcohol/drug tests of a minimum of 6 per year for the first year of re-qualification and additional testing extended for up to 60 months.
7. Any van operator who has two positive test results for either drugs and/or alcohol will not be reconsidered for qualification.

#### **VIII. Costs**

Drug and alcohol testing charges will be billed to UniGroup's Safety Department which will then charge back the expense to the Contract Truckmen or agency with which the van operator is affiliated.

#### **IX. Training**

The DOT regulations require training of supervisory personnel in conjunction with the administration of the alcohol and controlled substance testing program. Each motor carrier is required to provide educational materials to van operators that explain the requirements of alcohol/drug testing and the Company's policy and procedures with respect to the administration of the program. This booklet is intended to provide necessary information concerning UniGroup's policy, procedures and administration of the alcohol/drug program.

#### **X. Signs and Effects of Drugs and Alcohol Use**

##### **Alcohol**

The most widely abused substance is alcohol. Make no mistake about it--alcohol is a mind-altering drug, and abusing it has just as serious of consequences as any "hard" drug. Seventy percent of Americans over the age of 21 use alcohol. Thirty to forty percent of them abuse alcohol. That translates to between 12 and 15 million alcoholics in the U.S.

##### **WHAT DOES ALCOHOL DO TO A PERSON?**

Alcohol is a depressant. It affects the central nervous system and slows down the body. That means it slows down reaction time and affects vision, coordination, and judgement.

Most Americans who drink consider themselves "social drinkers" and feel that, if they drink small amounts and don't get "drunk," alcohol won't affect their performance. It all depends upon blood alcohol content-- or BAC -- and it doesn't take much.

Many people also feel that the type of alcoholic beverages they drink can help control their blood alcohol content. Surprisingly though, alcoholic beverages all have about the same alcohol content. A five-ounce glass of wine, an average mixed drink, and a 12-ounce beer all contain about a half ounce of alcohol.

The dangers of drinking and driving are well documented. Obviously, there is a direct relationship between your blood alcohol content and the probability for having an accident. With a blood alcohol content of only 0.04, your chances of an accident are about double those of sober drivers. In almost every state, a blood alcohol content of 0.08% is considered legally drunk.

For obvious safety reasons, professional drivers are subject to stricter rules regarding alcohol. Under Federal Motor Carrier Safety Regulations, a person with a blood alcohol content of 0.04% is considered to be under the influence when driving a commercial vehicle. A commercial driver's license will be suspended should a van operator be convicted of such an offense.

Federal regulations on drinking and driving are severe and with good reason. Over half of all traffic deaths are related to substance abuse.

## Marijuana

Besides "Pot," marijuana is often called "Grass," "Weed," and "Dope."

Marijuana looks similar to tobacco, and it is most commonly used in hand-rolled cigarettes called "Joints" or "Reefers." Marijuana is also often smoked in pipes. Another form of marijuana is hashish or "Hash." Hash is several times stronger than marijuana.

Marijuana is a depressant that relaxes brain and body function. Many people will speak more freely after smoking a joint. However, other effects that pot users experience include distortion of time, poor concentration, confusion and sometimes even hallucinations.

The active ingredient of marijuana is a chemical known as THC. THC is stored by our bodies in fat cells and slowly released back into the body. Urine tests can detect THC for up to several weeks after a person has smoked marijuana.

Since marijuana is smoked, it also has the same negative side effects of regular cigarettes. Marijuana smoke irritates your lungs and can lead to emphysema. Marijuana cigarettes also have two or three times more tar than other cigarettes, and tar is a cancer-causing agent.

Marijuana use has long-term effects similar to those of cigarette smoking such as lung cancer. Using Pot can also cause "burn out"—that is, it can make you sluggish and inattentive. Like cigarettes, prolonged use of marijuana can lead to psychological dependence and addiction.

The greatest danger regarding marijuana use is the idea that it is safe. Many users are under this impression because they think the effects are brief. But marijuana impairs your coordination and judgement, a very serious consideration for someone who is driving a commercial motor vehicle.

## Cocaine

"Coke," "Snow," "Flake," "Blow," and "Toot" are all names used for cocaine. In addition to cocaine, there is also a serious abuse problem with a form of cocaine known as crack. Cocaine is an odorless, white powder that is produced from cocoa plant leaves. Over the past few years, crack use has risen at an epidemic rate.

Crack cocaine is usually smoked, while cocaine powder is sniffed or "snorted" directly into the nose. It is also sometimes rubbed on the gums or even injected, alone or with other drugs. For example, some drug users mix cocaine and heroin to concoct what's called a "Speedball."

Cocaine is a stimulant—it increases your heart rate and body function. This includes dilated pupils, increased blood pressure, breathing rate and body temperature.

Cocaine users may feel more alert and energetic, and may even feel a cocaine "high" or euphoria. However, these effects are short term—usually less than an hour.

Cocaine gives users a false sense of security—that they can actually concentrate better. The reality is that cocaine use impairs judgement, and can cause slurred speech and confusion.

Cocaine use can also lead to sleeplessness, restlessness, anxiety and psychological problems such as depression or paranoia.

Physical effects include nasal damage, weight loss, and heart problems such as angina, heart palpitations or even a heart attack.

Until a few years ago, cocaine was generally thought not to be addictive. But research has shown that it is highly addictive. It is estimated that one in three people who try crack will get hooked.

## Amphetamines

"Uppers," "Bennies," "Dexies," "Crystal Meth," and of course, "Speed" are all street names for amphetamines. Amphetamines are a group of stimulant drugs that are legally prescribed by physicians to treat depression and other disorders. They are usually taken in pill form although it is possible to sniff amphetamine crystals or make a solution that can be injected.

Like cocaine, amphetamines increase heart and breathing rates and blood pressure. They can also cause headaches, double vision, dizziness and sleeplessness. Injecting amphetamines can cause such an increase in blood pressure that a stroke or heart failure can occur.

Amphetamines cause a lot of psychological effects as well. In small doses, "Speed" does make you more alert, but at the same time, you become anxious and restless. Amphetamine users also tend to overreact to situations. Combined with the physical effects, there are some very serious consequences for anyone who takes an amphetamine thinking it will "pick them up" and let them drive or work longer. Amphetamine use is responsible for a great number of accidents.

The long-term effects of amphetamines are also quite devastating. The physical dangers include malnutrition, ulcers, and even brain damage.

In addition, long-term users can develop hallucinations, delusions and paranoia. As a consequence, "Speed" users often demonstrate bizarre and violent behavior.

Regular amphetamine use can create psychological dependency. One reason is that users want to avoid the down feeling and depression that occurs when the drug wears off.

Regular use of amphetamines can cause the body to develop a tolerance. This means that the addict needs larger and larger doses to get the same effect.

## Opiates

Opiates, otherwise known as narcotics, include opium, morphine, codeine, and heroin.

When most people think of opiates, they think of the heroin junkie on the street; but their use is more widespread. Opiates may be prescribed legally by doctors to relieve pain. They are so strong that, when used illegally, they have a high instance of abuse.

Opiates come in powder, capsules, and syrups or solutions. By far the most frequently abused opiate is heroin—also known as "Junk," "Smack," "Horse" and "Harry," among others. Heroin is a powder that is usually dissolved in water and then injected—or "mainlined."

Morphine is the painkiller prescribed most often by physicians. Because the body builds a tolerance to morphine quickly, it is often abused. Addicts also use it when more expensive and difficult-to-obtain heroin is not available. Codeine is a less potent derivative of morphine, commonly found in prescription-strength cough syrup.

Opiates act like strong depressants—they relax the user and induce sleep in addition to pain killing properties. But opiates, like heroin, can produce very different effects and can cause restlessness. Users may go back and forth between drowsiness and an alert state.

Other immediate effects of a heroin rush include nausea and vomiting. With large doses, users may develop breathing problems, go into a comatose state, or even die.

The use of opiates can seriously impair thinking and coordination. Prescription opiates always come with a warning regarding not operating equipment or driving while using the drug—with good reason.

The strong effects of opiates also produce terrible withdrawal symptoms. Usually, withdrawal occurs after a few hours and includes abdominal cramps, chills, sweating, nausea, and runny nose.

Heroin and other opiates have many long-term dangers. Injecting drugs always carries the danger of hepatitis, tetanus and even AIDS. Use of the drugs can cause heart and lung problems as well as malnutrition from loss of appetite.

Opiates may be used to relieve pain; but when used illegally, their effects end up causing more pain than the user anticipated.

Opiates can make users alert or sleepy. Remember that with opiates or any drug, you can never be sure what will happen. That is why they're so dangerous.

Almost one out of every two people who use opiates will get hooked. The effects of heroin or morphine are so powerful that addiction is very difficult to overcome.

## Phencyclidine or "PCP"

The other drug for which DOT currently requires testing is phencyclidine or PCP.

PCP is a drug that is not widely understood. The variety of names by which PCP is known include "Angel Dust," "Supergrass," "Killer Weed," "Embalming Fluid" and "Rocket Fuel." These names help point out its bizarre and volatile effects. PCP is used as an animal tranquilizer but has no legal use for humans. Although its use is not as common as other drugs on the DOT list, it is an extremely dangerous drug.

Although PCP is technically a tranquilizer (it is a depressant), its effects usually include bizarre, violent behavior and hallucinations. Therefore, PCP is usually considered a hallucinogenic drug. People strung out on "Angel Dust" might think they can fly or walk on water. The unpredictability of PCP is what makes it so dangerous.

PCP physical effects can include convulsions, coma and death from heart failure or ruptured blood vessels in the brain.

There are so many possible psychological effects of PCP that it is difficult to categorize them. Besides delusions, there can be memory loss, impaired judgement and perception, anxiety and paranoia. Some users become aggressive, others withdraw. PCP can also make the user feel suicidal.

The only thing one can say with certainty about PCP is that you can never be certain what will happen when you take it.

## Other Drugs

While the drugs on the DOT screening list are the most commonly abused, there are a number of other drugs of which you should be aware.

First are barbiturates, sedatives or tranquilizers, including sleeping pills. These are depressants that make you feel relaxed or sleepy and are known as "Downers." Quaaludes, or methaqualone, are a commonly abused barbiturate.

Quaaludes and all barbiturates lower your heart rate, breathing and blood pressure. This leads to sluggishness, slower reaction time, and confusion, in addition to drowsiness. These effects obviously make it difficult and dangerous to drive or do any tasks while under the influence.

There is also a great danger of overdose with barbiturates because it is easy to lose track of how many you've taken.

Another category of commonly abused drugs include hallucinogens like LSD and Mescaline. These have no medical use—they only serve to affect a person's perception or "alter consciousness." LSD is a potent mood-changing drug whose effects are unpredictable and dangerous. Mescaline, or peyote, causes similar effects. Flashbacks, even brain damage, can occur from hallucinogens.

Inhalants such as glue, gasoline, aerosol paint, and laughing gas are also abused. Fumes from these items are sniffed to get a "high." Their effects include nose bleed, sickness, and coughing. They also impair judgement and, long-term, can seriously damage lungs, heart, or brain.

### Points To Remember:

- Marijuana can actually affect your system for several hours and stay in your system for weeks.
- Cocaine can kill you, even the first time you try it.
- Amphetamines are addictive and can cause users to build up tolerance to their effects.
- Opiates can make you alert or sleepy.
- PCP is a dangerous, mind altering drug.

If any of this information surprised you, it points out the importance of learning all you can about substance abuse.

### Signs and Symptoms

There are many symptoms to look for; but in general, you want to be alert for changes—changes in behavior, changes in job performance, and changes in physical appearance or health.

Physical signs include:

- red or glazed eyes (from marijuana or alcohol abuse);
- runny nose, sneezing (from heroin or cocaine);
- red face (from alcohol or amphetamines);
- drowsiness, sluggishness (from depressants, opiates);
- needle marks;
- smell of alcohol;
- hangovers;
- blackouts, dizziness;
- and, of course, drug paraphernalia such as rolling papers, roach clips, needles, etc.

Behavioral symptoms of abuse are also plentiful: major personality changes and mood swings; irritability and nervousness, lack of energy and slurred speech, apathy and withdrawal, memory loss and confusion, loss of concentration, and lying, stealing, or other unusual behavior.

Substance abusers do try to hide their problem, but drug or alcohol abuse has such a devastating effect on people's lives and cause such great changes that they cannot remain hidden forever.

There are also performance symptoms associated with substance abuse. Drug abusers are 16 times more likely to be absent from work than other employees. Substance abusers also have about twice as many mistakes and accidents, use about four times as many worker's comp benefits, and are late four times as often as other employees.

Other performance symptoms include a change in attitude (usually to a poorer attitude), as well as inability to concentrate, a loss of productivity, and recklessness or overreaction which often leads to accidents.

What do you do if you suspect that a co-worker (or you yourself) may have a substance abuse problem? Obviously, the most important thing is to get help or to encourage your co-worker to get help by referring to the Reference Source in this booklet.

## **XI. REFERENCE SOURCE**

National Assistance and Hot Line Information is provided for your information. UniGroup, Inc. is not responsible for any charges associated with referral, evaluation, or any actions, treatment, advice or expenses.

Al-Anon (800) 344-2666

Alcohol and Drug Referral Hot Line  
(A.A. information see note below) (800) 252-6465

Substance Abuse and Mental Health Service Administration National  
Clearinghouse for Alcohol and Drug Information (NCADI) (800) 729-6686

Cocaine Anonymous National Referral Line (800) 347-8998

National Institute on Drug Abuse  
Drug and Treatment Information (800) 662-4357

NOTE: Alcoholics Anonymous (A.A.) local chapter information and phone numbers can be obtained by calling the Alcohol and Drug Referral Hot Line.

Should you have questions or need additional assistance regarding UniGroup's Policy or Procedure, please call the substance abuse coordinator at the UniGroup World Headquarters Safety Department.

## MINIMUM TRAINING REQUIREMENTS FOR ENTRY-LEVEL COMMERCIAL MOTOR VEHICLE OPERATORS

The Federal Motor Carrier Safety Administration (FMCSA) and/or UniGroup (Inc.) (LLC) has established standards for mandatory training requirements on four specific topics for entry-level van operators (with less than one year of commercial driving experience), and all non-CDL van operators. The purpose of this rule is to enhance the safety of commercial motor vehicle operation on our nation's highways.

What does the FMCSA require for entry-level van operator training? Specific instruction addressing the following four areas must be provided to the entry-level van operator:

1. **Van Operator 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 (49 CFR Part 391 and subparts B and E of this subchapter).
2. **Hours-of-Service Rules For Van Operators:** The limitations on driving hours, the requirements to be off-duty for certain periods of time, record of duty status preparation, exceptions (49 CFR Part 395), and fatigue countermeasures as a means to avoid crashes.
3. **Van Operator Wellness:** Basic health maintenance including diet and exercise and information on the importance of avoiding excessive use of alcohol.
4. **Whistleblower Protection:** The right of anyone associated with the UniGroup carriers (United Van Lines, Mayflower Transit, or United Mayflower Container Services) to question the agent and/or van line's safety practices without the risk of reprisal. (29 CFR Part 1978)

The training information attached on the four subjects must be reviewed with the applicant. Then the quiz must be administered. A certificate of completion must then be completed at the agency level and signed by a responsible member of agency management/Agency Safety Representative (ASR) acknowledging that this training material was reviewed in full and understood. The van operator applicant must also sign the certificate.

The certificate of completion must then be submitted (with the other qualification documents) to the UniGroup Home Office Safety Department (Attention: Safety Compliance Coordinator).

Thank you for your attention and compliance with this important training requirement. If you have any questions concerning this matter, please contact your regional safety compliance coordinator at the UniGroup Home Office Safety Department.

## TRAINING MATERIALS

### Topic 1: Van Operator Qualification

It is important that all van operators fully understand the process of being qualified.

The physical is one of the most important documents of the qualification process. The physical form must be completed fully before UniGroup can accept it. Below are referenced sections that are important for the van operator to understand.

#### Section 2 (Health History)

A person is physically qualified to drive a commercial motor vehicle if that person:

- Has no impairment or loss of (i) a hand or finger which interferes with prehension or power grasping; or (ii) an arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a CMV; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a CMV; or has been granted an SPE Certificate pursuant to 391.49, which is subject to review by UniGroup.
- Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;
- Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular diseases of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.
- Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and drive a CMV safely.
- Has no current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a CMV safely.
- Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his/her ability to control and operate a CMV safely.
- Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.
- Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a CMV safely.

#### Section 3 (Vision)

Van operator has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

#### Section 4 (Hearing)

Van operator first perceives a forced whispered voice in the better ear not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard Z24.5-1051.

#### Section 5 (Blood Pressure/Pulse Rate)

This section is to be completed by the doctor. All van operators be sure this section is fully completed correctly. Your blood pressure cannot be over 140/90, without consulting your doctor for evaluation and treatment. There is a diagram on the physical to determine the length of time the physical is acceptable. The pulse rate must be written in and regular or irregular box must be checked.

#### Section 6 (Laboratory and other Test Findings)

You are required to take a urine test.

## **Qualifying a Van Operator**

It is also important to know what the requirements are to become qualified as well as what can keep van operators from being qualified. Below is a brief list all van operators should be aware of. Detailed information can be found in the UniGroup Corporate Safety Policies.

### Qualifications

- 21 years of age
- Read and speak English
- Be medically qualified
- Posses a valid CDL or appropriate license for the vehicle that they will be driving
- Have a negative drug test
- 30 days driving and handling experience for the Master Lease Fleet
- 1 year driving and handling experience for the Continental Fleet

### Prevention of Qualification

- More than 2 traffic citations in the past 12 months or 4 in 36 months
- DWI, DUI, OWI or any drug-related conviction within the past 36 months
- More than one drug/alcohol conviction on record
- More than one felony or three non-traffic misdemeanors on record
- Been incarcerated during the past 12 months or is currently on probation/parole

### Disqualification of a Van Operator

No one wants a van operator to be disqualified. The best way to prevent that from happening is to stay in compliance with the Federal Motor Carrier Safety Regulations (FMCSR) and UniGroup Corporate Safety Policies. Let's make sure everyone knows what disqualifies a van operator and for how long.

Any van operator in the van lines' service who pleads guilty to or is convicted of an offense involving:

- Leaving the scene of an accident involving a CMV;
- Driving a CMV while under the influence of a controlled substance;
- Use of a CMV in the commission of a felony; or
- A DUI, DWI, or OWI while in a CMV

will result in the van operator being permanently disqualified from UniGroup service.

Any van operator qualified with the van lines who pleads guilty to or is convicted of a DUI, DWI, or OWI while not in a CMV will be disqualified from UniGroup service for a period of 18 months from the date of conviction or when the Safety Department learns of the conviction, whichever is later. The refusal of a drug or alcohol test is the same as a positive result; therefore, the van operator will be suspended or disqualified from the van lines' service.

Any van operator who has two moving citations within a 12-month period will be monitored for the next 12 months. Another citation during this period will result in the van operator being suspended 30 days from the van lines' service and appropriate point(s) assessed. Any van operator who has four moving traffic citations in a 36-month period will be monitored for the next 12 months. Another citation during this period will result in the van operator being disqualified from the van lines' service.

Four out-of-service violations will disqualify a van operator for 30 days.

Any van operator who has two preventable accidents within a 12-month period will be monitored for 12 months after the second accident. A third preventable accident within the ensuing 12 months will result in the van operator being disqualified from the van lines' service. A van operator will remain disqualified until such time as the guidelines are met. Any van operator who has three preventable accidents during any consecutive 36-month period will be monitored for 12 months. Any subsequent preventable accident during this period will result in the van operator being disqualified from the van lines' service. Any van operator involved in an accident determined to be the result of gross negligence or willful carelessness will be subject to immediate disqualification.

## **Topic 2: Hours-of-Service Regulations**

In learning the hours-of-service rules, it is suggested that the van operator review the information below and fully understand the definitions found on the cover of the log book and in the FMCSR book under section 395.

Training is also available at [www.unigroupinc.net/university/](http://www.unigroupinc.net/university/).

### **Hours-of-Service Rules Property-Carrying CMV Van Operators**

Van operator may drive 11 hours after 10 hours off-duty.

Van operator may not drive beyond the 14th hour after coming on-duty, following 10 hours off-duty.  
Van operator may not drive after 70 hours on-duty in 8 consecutive days.  
A van operator may restart an 8 consecutive day period after taking 34 or more consecutive hours off-duty.

Basically the rules go as follows:

#### Sleeper Berth

Ten hours off-duty and/or sleeper berth must be obtained in a 24-hour period.

- Off-duty time must be a consecutive 10 hours.
- Off-duty time may be combined consecutively with sleeper berth to obtain 10 hours.
- Sleeper berth must be a consecutive 10 hours.

#### 11-hour Driving Rule

Van operators may not drive more than 11 hours following 10 consecutive hours off-duty.

#### 14-hour Driving Rule

Van operators may not drive after 14 consecutive hours on-duty.

- Driving time is included in the calculation in the 14-hour rule.
- On-duty not driving time is included in the calculation in the 14-hour rule.
- Off-duty – less than 10 consecutive hours is included in the calculation in the 14-hour rule.
- Sleeper berth time not used to accumulate at least 10 hours is included in the calculation in the 14-hour rule.

#### 70-hour Rule

Van operator may not drive after 70 hours on-duty in 8 consecutive days.

- 34-hour Restart Provision: A van operator may restart his 8-consecutive- day period after taking 34 or more consecutive hours off-duty.

#### Sleeper\_Berth.Exception

Drivers may split on-duty time by using sleeper berth periods but must comply with the new hours-of-service rules. These drivers may accumulate the equivalent of 10 consecutive hours off-duty by taking 2 periods of rest in the sleeper berth provided:

- The sleeper berth periods must be split as follows:
  - 8 hours sleeper berth
  - At least 2 hours sleeper berth of off duty or a combination;
- Driving time in the period immediately before and after each rest period when added together does not exceed 11 hours; and
- The on-duty time in the period immediately before and after each rest period when added together does not include any driving after the 14th hour.

#### **Topic 3: Whistleblower**

It is in the driver's best interest to be informed on the employee protection, such as whistle blowing. In accordance with 49 U.S.C. 31105 and 29 FR 1978, a motor carrier employer may not discharge, discipline, or discriminate against an employee regarding pay, terms, or privileges of employment because (a) the employee, or another person at the employee's request, has filed a complaint or has begun a proceeding related to a violation of a CMV safety regulation, standard or order, or has testified or will testify in such a proceeding; or (b) the employee refuses to operate a vehicle because (i) the operation violates a regulation, standard, or order of the United States related to commercial motor vehicle safety (CMVS) or health; or (ii) the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle's unsafe condition.

A motor carrier employer may not discharge, discipline, or discriminate against an employee regarding pay, terms, or privileges of employment because you did one of the following five actions:

1. You filed a complaint related to a violation of a CMVS regulation.
2. You began a proceeding related to a violation of a CMVS regulation.
3. You have testified in a proceeding related to a violation of a CMVS regulation.
4. You will testify in a proceeding related to a violation of a CMVS regulation.
5. You refused to operate a CMV because of one of the following two items:
  - a. You would have violated a federal safety or health regulation.
  - b. You had a reasonable concern that you, or someone else, would have been seriously injured or impaired had you operated the unsafe vehicle. You asked your employer to correct the unsafe vehicle, but your employer refused to correct the condition.

You have 180 days to file your complaint. You or another person at your request may file a complaint with the Secretary of the United States Department of Labor. The Secretary of Labor would prefer you send the complaint directly to the Occupational Safety and Health Administration (OSHA) Area Director responsible for enforcement activities in the geographical area where you reside or where you report for duty. However, filing your complaint with any OSHA officer or employee is sufficient.

- For more information about where to file your complaint, visit the OSHA Web site at [www.osha.gov](http://www.osha.gov) or contact them toll-free at 800-321-OSHA (6742).

You or another person at your request may still file your complaint after 180 days with the OSHA Area Director acting on behalf of the Secretary of Labor, but the OSHA Area Director has the discretion to decline your complaint as untimely. You should include the following five items in your complaint.

1. Name, address, and phone number.
2. The specific CMVS regulation in question.
3. The name of the person who discharged, disciplined, or discriminated against you.
4. At least one of the following alleged actions:
  - I filed a complaint related to a violation of a CMVS regulation.
  - I began a proceeding related to a violation of a CMVS regulation.
  - I have testified in a proceeding related to a violation of a CMVS regulation.
  - I will testify in a proceeding related to a violation of a CMVS regulation.
  - I refused to operate a CMV because:
    - i. I would have violated a federal safety or health regulation, or
    - ii. I had a reasonable concern that I, or someone else, would have been seriously injured or impaired had I operated the unsafe vehicle. I asked my employer to correct the unsafe vehicle, but my employer refused to correct the condition.
5. Any other facts, data, or applicable circumstances.

#### **Topic 4: Wellness**

A fit driver is a safe and productive driver with better performance and fewer crashes. Our goal is to inform van operators how to stay fit with their busy schedule. The following information covers sleep, exercise, relaxation techniques, avoidance of alcohol and smoking, and healthy eating habits. Try these few tips to help get you in gear.

#### **Stop Smoking—No Butts About It!**

Smoking is an addiction which will eventually shorten your life. Unfortunately, 54% of truck drivers smoke.

If you smoke, statistics say that you will die in one or more ways: a stroke or heart attack, or by contracting bronchitis or emphysema. Neither option is appealing. Handle smoking like any other addiction—get professional help! Check with your insurance carrier to see whether or not they offer programs to help you quit or if they offer premium discounts for when you do quit. If your health isn't incentive enough, perhaps your wallet will be.

#### **Get In Gear—Refuel Your Body!**

Refuel your body with healthy eating habits. Simply put, it means putting good food in your body. It's not as hard as it sounds: drink about two quarts of liquids daily—juice and water, not Cokes or coffee. Take a multivitamin every day. It's a supplement that your body needs. Take

one baby aspirin every day or one adult aspirin every other day with doctor approval. This will help reduce the risk of a heart attack. Instead of the typical driver snack of chips, candy, cookies

or donuts, try incorporating some fruits and vegetables into your day like baby carrots, celery, grapes, bananas, and apples. If fresh fruit isn't your thing, try dried fruit already prepackaged and ready to eat (raisins are a quick and easy snack, and they don't require refrigeration). Don't forget your grains—instead of chips, try graham crackers or fig newton's! Stay away from buffets!

#### **Avoid Stripping Your Gears—Relax!**

In other words, reduce stress. Use these simple tricks to help:

1. Listen to music. Research shows that listening to music one hour or so a day is relaxing and calming (rap music or heavy metal doesn't count).
2. Disarm your stress by realizing that you can't control other people's behavior—so stop trying. You can only control your reaction to their behavior.
3. Take advantage of family support. Keep in touch. Call home often, send postcards and letters occasionally. Keep that support system strong and close.

#### **Take a True Rest Stop—Sleep**

This is not really an option. A lack of sleep profoundly reduces your performance. Getting only four to six hours of time in bed a night versus eight hours definitely impairs safety within a week. There is no substitute for sleep. Trouble falling asleep—try these tips:

1. Avoid alcohol—it prevents deep sleep.
2. Avoid smoking—it constricts blood vessels.
3. Avoid chocolate and caffeine—both are stimulants that make it hard to fall asleep.

#### Enter the Tone Zone—Exercise

We all know that moderate exercise is just good common sense. Here's how to get started:

1. Find a time you can exercise at least three times a week.
2. Start somewhere. Walking one to five minutes might be all you care or can do. Do it! The idea is to make the period so short that you can't talk yourself out of doing it. You'll get rewards even from minimal efforts. Park farther away when on the road.
3. Stretch while you sit. Stretching can make a big difference in your productivity, your ability to handle stress, and your overall well being. It reduces muscular fatigue, tension, pain, joint or disc problems, and energizes parts of your body that have become stiff. While seated, slowly point your toes forward away from your body until you feel a slight tension—hold for 20-30 seconds. This exercise is good for strengthening your leg muscles. Extend your leg out in front of you and hold for 20-30 seconds. Lower your leg sooner if it starts to quiver. Alternate legs or hold both up together.

#### Change Your Oil—Avoid Alcohol

Alcohol-related motor vehicle crashes kill someone every 30 minutes and non-fatality

crashes injure someone every 2 minutes. Don't be fooled. When it comes to alcohol, a drink is a drink and all are the same to a Breathalyzer. The FMCSR states that driving a CMV with the concentration of 0.04 alcohol will disqualify you from service.

**VAN OPERATOR QUALIFICATION QUIZ  
FOR ENTRY-LEVEL COMERCIAL MOTOR VEHICLE OPERATORS**

**Van Operator Qualification**

1. A van operator must be \_\_\_\_\_ to qualify.
  - a. 21 years old
  - b. Have a negative drug test
  - c. Read and speak the English language
  - d. All of the above
  
2. A van operator cannot have more than \_\_\_\_\_ moving traffic citations in a 12-month period according to company policy
  - a. 2
  - b. 1
  - c. 4
  - d. 0
  
3. What is the maximum blood pressure ratio a van operator can have for a full physical update?
  - a. 100/70
  - b. 160/90
  - c. 139/89
  - d. 159/79
  
4. A van operator controlling diabetes cannot be qualified if using \_\_\_\_\_ to control it.
  - a. Pills
  - b. Insulin
  - c. Diet
  - d. all of the above
  
5. A van operator can be considered for qualification if they are currently on probation/parole according to company policy.

True      False

**Hours of Service Regulations**

1. Within compliance of the 70 hour rule, how many hours off duty must a van operator have to restart the 70 hour on duty period?
  - a. 24
  - b. 15
  - c. 34
  - d. 40
  
2. How many hours can a van operator drive following 10 consecutive hours off duty?
  - a. 11
  - b. 14
  - c. 8
  - d. 10

3. If a carrier allows a driver to log mealtime as off-duty time, does that permit a driver to extend the 14-hour on-duty period?

Yes      No

4. What is included to accumulate the 14-hour rule?
  - a. Driving time
  - b. On-duty not driving time
  - c. One hour of Sleeper berth
  - d. All the above

**Whistleblower**

1. How many days do I have to file a complaint?
  - a. 180
  - b. 200
  - c. 100
  - d. 50
  
2. Can an employer fire me for whistle blowing on the company?

Yes      No
  
3. Who do you contact to file a complaint?
  - a. OSHA
  - b. FMCSA
  - c. Vanline Services
  - d. Your employer

**Wellness**

1. What is a healthy food you should eat regularly?
  - a. carrot cake
  - b. chocolate chip cookies
  - c. potato chips
  - d. celery
  
2. What should I avoid to get a better night's sleep?
  - a. alcohol
  - b. caffeine
  - c. smoking
  - d. all of the above
  
3. What is the recommended number of times I should exercise in a week?
  - a. 3
  - b. 7
  - c. 5
  - d. 1

---

Instructor: Quiz Answers listed below. Please detach before applicant takes quiz.

**Van Operator Qualification:** 1. d 2. a 3. c 4. b 5. False    **Hours of Service Regulations:** 1. c 2. a 3. No 4. d

**Whistleblower:** 1. a 2. No 3. a    **Wellness:** 1. d 2. d 3. a

# CERTIFICATE OF TRAINING COMPLETION

I certify

---

(Van operator name printed here)

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 in the following areas:

Driver Qualification  
Hours of Service  
Whistleblower Protection  
Driver Wellness

\_\_\_\_\_ on \_\_\_\_\_  
Agency/Dealer Safety Representative (ASR) Signature Date

\_\_\_\_\_  
Agency/Dealer Name/Number

\_\_\_\_\_ Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

\_\_\_\_\_ on \_\_\_\_\_  
Van Operator Signature Date

# SAFETY COMMITMENT



We take pride in the way we service our customers. The safety of the public, our van operators, our customers and their goods is our first priority.

We commit to high professional safety standards that meet or exceed all safety and legal requirements. By affiliating with us and operating on our behalf, you must:

- Make safety your top priority.
- "Do the Right Thing," if the commitment to safety is ever challenged.
- Follow all Home Office safety policies and procedures.
- Follow the laws of the various jurisdictions in which you operate, such as state and federal motor carrier safety, traffic, truck size and weight requirements and the federal consumer protection regulations.
- Ensure that your record of duty status (log) is accurate and complete and meets hours-of-service requirements with no exceptions.
- Maintain our "zero tolerance" for drug and alcohol use and possession.
- Maintain current van operator qualifications and credentials at all times.
- Take proper care in inspecting and maintaining equipment.
- Use only laborers, helpers, packers and loaders who have been screened under Home Office Quality Labor Background Check policies.
- Contact the Home Office Safety department for help or to report an incident:
  - Log Hot Line 866-LOG LINE (866-564-5463)
  - Out-of-Service Infraction Hot Line 866-765-1460
  - Accident Reporting During Business Hours (M – F, 8 a.m. – 5 p.m. CT): 866-765-1460 or 636-326-3100
  - Accident Reporting After Business Hours: 866-765-1460

If you have any questions or concerns at any time, you may contact your agent/dealer or may anonymously report safety or compliance concerns to 800-637-2154 or [integritymatters@unigroupinc.com](mailto:integritymatters@unigroupinc.com).

Your commitment to safety will drive our success!

If you are ready to make this commitment, sign below.

\_\_\_\_\_  
Van Operator Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Agent /Dealer #

\_\_\_\_\_  
Van Operator ID

**MANDATORY USE FOR ALL ACCOUNT HOLDERS**

**IMPORTANT NOTICE  
REGARDING BACKGROUND REPORTS FROM THE PSP Online Service**

1. In connection with your application for employment with \_\_\_\_\_ ("Prospective Employer"). Prospective Employer, its employees, agents or contractors may obtain one or more reports regarding your driving, and safety inspection history from the Federal Motor Carrier Safety Administration (FMCSA).

When the application for employment is submitted in person, if the Prospective Employer uses any information it obtains from FMCSA in a decision to not hire you or to make any other adverse employment decision regarding you, the Prospective Employer will provide you with a copy of the report upon which its decision was based and a written summary of your rights under the Fair Credit Reporting Act before taking any final adverse action. If any final adverse action is taken against you based upon your driving history or safety report, the Prospective Employer will notify you that the action has been taken and that the action was based in part or in whole on this report.

When the application for employment is submitted by mail, telephone, computer, or other similar means, if the Prospective Employer uses any information it obtains from FMCSA in a decision to not hire you or to make any other adverse employment decision regarding you, the Prospective Employer must provide you within three business days of taking adverse action oral, written or electronic notification: that adverse action has been taken based in whole or in part on information obtained from FMCSA; the name, address, and the toll free telephone number of FMCSA; that the FMCSA did not make the decision to take the adverse action and is unable to provide you the specific reasons why the adverse action was taken; and that you may, upon providing proper identification, request a free copy of the report and may dispute with the FMCSA the accuracy or completeness of any information or report. If you request a copy of a driver record from the Prospective Employer who procured the report, then, within 3 business days of receiving your request, together with proper identification, the Prospective Employer must send or provide to you a copy of your report and a summary of your rights under the Fair Credit Reporting Act.

The Prospective Employer cannot obtain background reports from FMCSA unless you consent in writing.

If you agree that the Prospective Employer may obtain such background reports, please read the following and sign below:

**2. I authorize \_\_\_\_\_ ("Prospective Employer") to access the FMCSA Pre-Employment Screening Program (PSP) system to seek information regarding my commercial driving safety record and information regarding my safety inspection history. I understand that I am consenting to the release of safety performance information including crash data from the previous five (5) years and inspection history from the previous three (3) years. I understand and acknowledge that this release of information may assist the Prospective Employer to make a determination regarding my suitability as an employee.**

3. I further understand that neither the Prospective Employer nor the FMCSA contractor supplying the crash and safety information has the capability to correct any safety data that appears to be incorrect. I understand I may challenge the accuracy of the data by submitting a request to <https://dataqs.fmcsa.dot.gov>. If I am challenging crash or inspection information reported by a State, FMCSA cannot change or correct this data. I understand my request will be forwarded by the DataQs system to the appropriate State for adjudication.

4. Please note: Any crash or inspection in which you were involved will display on your PSP report. Since the PSP report does not report, or assign, or imply fault, it will include all Commercial Motor Vehicle (CMV) crashes where you were a driver or co-driver and where those crashes were reported to FMCSA, regardless of fault. Similarly, all inspections, with or without violations, appear on the PSP report. State citations associated with FMCSR violations that have been adjudicated by a court of law will also appear, and remain, on a PSP report.

-----  
I have read the above Notice Regarding Background Reports provided to me by Prospective Employer and I understand that if I sign this consent form, Prospective Employer may obtain a report of my crash and inspection history. I hereby authorize Prospective Employer and its employees, authorized agents, and/or affiliates to obtain the information authorized above.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Please Print)

NOTICE: This form is made available to monthly account holders by NICT on behalf of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA). Account holders are required by federal law to obtain an Applicant's written or electronic consent prior to accessing the Applicant's PSP report. Further, account holders are required by FMCSA to use the language provided in paragraphs 1-4 of this document to obtain a prospective Applicant's consent. The language must be used in whole, exactly as provided. The language may be included with other consent forms or language at the discretion of the account holder, provided the four paragraphs remain intact and the language is unchanged.

**VAN OPERATOR QUALIFICATION REQUIREMENTS**

The following items are required for a van operator to be qualified. Please allow six (6) working days for processing.  
(Check when Completed)

- \_\_\_ **APPLICATION (SAF-35)**  
The application must be filled out completely and signed by the by the van operator. The employment section must list the applicant's history for the previous ten (10) years, with any gaps explained. Periods of schooling, unemployment, or self-employment must be indicated.
- \_\_\_ **ALCOHOL/DRUG TEST INFORMATION RELEASE FORM (SAF-15)**  
The release must be signed and submitted along with the completed application before the background investigation can be started.
- \_\_\_ **DISCLOSURE AND RELEASE (SAF-61)**  
This release must be signed and submitted along with the completed application, before the background investigation can be started. The van operator applicant will retain, for their records, the summary of rights under the Fair Credit Reporting Act.
- \_\_\_ **INSURANCE VERIFICATION (INS-19)**  
All van operators who enter into UniGroup service must have the required bobtail and worker's comp insurance.
- \_\_\_ **PHYSICAL EXAMINATION FORM (SAF-10)**  
Only properly completed physical examinations done on the correct form will be accepted. Physicals cannot be older than one (1) year. The Medical Examiner's Certificate Wallet Card (SAF-11A) is to be kept by the van operator. The reverse side of this card authorizes the van operator to log meal stops as "off-duty".  
**Note:** The UniGroup Safety Department reserves the right to require the applicant to undergo further medical evaluation to determine the applicant's ability to perform all necessary functions as a van operator.
- \_\_\_ **ROAD TEST EXAMINATION (SAF-50)**  
Needed if applicant doesn't hold CDL.
- \_\_\_ **MOTOR VEHICLE DRIVER'S CERTIFICATION (SAF-51)**  
The van operator applicant shall declare all traffic violations (other than parking) on this form within the past twelve (12) months.
- \_\_\_ **DRUG AND ALCOHOL EDUCATION RECEIPT (SAF-59)**  
Each van operator applicant is required to review the drug and alcohol educational material (SAF-18). The van operator applicant must sign the receipt for this material. The signed receipt is required for qualification.
- \_\_\_ **WEIGHING RULES (SAF-49)**  
The van operator applicant must read and sign this form.
- \_\_\_ **SAFETY REGULATIONS (SFT-QF-010-06/21/2013)**  
The van operator applicant must read and sign this form.
- \_\_\_ **STATISTICAL INFORMATION (SAF-60)**  
This form is strictly voluntary.
- \_\_\_ **FMCSR POCKETBOOK RECEIPT (60 SAF-06)**  
The van operator applicant will retain the FMCSR Pocketbook for reference and return the receipt to the Safety Department.
- \_\_\_ **PHOTOCOPY OF COMMERCIAL DRIVER'S LICENSE (CDL)**  
A legible copy must be included for qualification. Always check the CDL for restrictions and class.
- \_\_\_ **MINIMUM TRAINING REQUIREMENT FOR ENTRY-LEVEL COMMERCIAL VEHICLE OPERATIONS**  
Must be completed and a copy of the certificate returned to the Safety Department for all CDL van operator applicants with less than twelve (12) months of commercial driving experience and any non-CDL applicant.
- \_\_\_ **NEW VAN OPERATOR (NVO) ONLINE CLASSES**  
All eight (8) UniGroup University online classes must be completed prior to a van operator applicant being qualified.  
**Note:** The classes only need to be completed once prior to the van operator's initial qualification. If a van operator is re-qualifying or transferring to a different agent and has not previously completed all eight (8) online classes, then a seven (7) day temporary qualification will be given to allow the van operator time to complete the classes. Regional Safety Department and UniGroup Home Office Safety Training can be substituted in lieu of the online classes only if completed prior to requalification or transferring.

**Safety Department will obtain**

- \_\_\_ **CONTROLLED SUBSTANCE TEST RESULTS \_\_\_\_\_ (COC#)**  
No van operator will be qualified prior to the receipt of a negative drug test result. The drug testing will be done according to the UniGroup Safety Department's policies and procedures.
- \_\_\_ **MOTOR VEHICLE RECORD (MVR) \_\_\_\_\_ (State)**  
The UniGroup Safety Department will obtain this. The MVR must be approved by the Safety Department.
- \_\_\_ **BACKGROUND INVESTIGATION (BI)**  
Employment and criminal investigations will be completed on all van operator applicants. The results will be reviewed by the Safety Department to determine qualification.

**NO VAN OPERATOR WILL BE PLACED INTO SERVICE UNTIL ALL REQUIRED DOCUMENTS ARE RECEIVED!**

## 7. Attachment to Verified Statement

## Zody's Moving &amp; Storage Inc.

Waynesboro, Pa.					UNITED VAN LINES		
Year	Make	Model Type	Size	Serial Number	License#	Vehicle#	Weight
1993	PTRBLT	377		1XPCDB9X6PN340018	AB34467	343	80K
1997	PTRBLT	377		1XPCDB9X8VN442059	AB87072	346	80K
1996	INT'L	4900		1HSSDAANXTH253806	AB73948	345	60K
1991	INT'L	4700	24'	1HTSCNKM8MH370913	CV76999	803	25.5K
2004	INT'L	4700	26'	1HTMMAAM14H614448	YMT4118	815	26K
2005	INT'L	4700	26'	1HTMMAAM85H158045	YCZ0058	816	26K
2013	FRTLNR	M2	28'	1FVACXB5XDHFA3483	AG05735	817	44K
1995	ECONO	F-250	12'	1FTH524Y2SC15571	ZE75870	PKG-VAN	7K
2002	GMC	W4500	12'	J8DC4B14227010522	YRK9732	LIFTGATE	10K
2008	FRTLNR	2500	14'	WDYPE845X85233696	YY52122	PKG-VAN	9K
1999	VW	BEATLE		3VWCF21C1XM434397		SALES CAR	
2000	CHEVY	PICKUP		2GCEK19T3Y1288440	YJB9740	SERVICE TRUCK	
2009	SUBARU	OUTBACK		454BP61C797329133	DPT8800	SALES CAR	
1979	MAT	VAN	44'	1221783577	AA33711	304	
1979	MAT	VAN	44'	125793614	AA99925	308	
1993	KY	VAN	48'	1KKVE4823PL095947	AB34719	403	
1993	KY	VAN	48'	1KKVE4826PL095795	AA43095	309	
1996	KY	VAN	51'	1KKVE5127TL106541	AB76965	405	
1998	KY	VAN	53'	1KKVE5322WL111079	PT5289F	406	
2000	KY	VAN	53'	1KKVA5325YL200403	PT7834E	4E7	
2000	KY	VAN	53'	1KKVE532XYL200627	PT7833E	407	
1998	TRT	CURTAINSIDE	53'	1PTE7CTR8J9007325	XW99314	CURTAINSIDE	

8. Applicant conforms to a daily maintenance and safety program in accordance with Federal Motor Carriers Safety Administration and Pennsylvania Public Utility Commission Chapter 37 of 52 Pa. Code, including Parts 393 and 396.

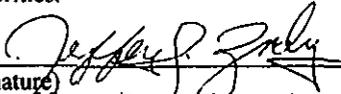
Applicant's vehicles and equipment are inspected semi-annually in accordance with Pennsylvania Department of Transportation Rules and Regulations. All interstate equipment operated under Uni-Group authority is also inspected semi-annually. In some cases Applicant's equipment used in PUC Authority moves are professionally inspected four times per year. Applicant's Drivers are required to perform daily pre-trip inspections and report any defective items on a pre-trip inspection report.

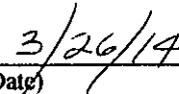
9. Applicant has never had any issues with paying insurance premiums or keeping insurance current. Applicant is insured by VANLINER Insurance Company. In 2013 Applicant received an award for Excellence in Loss Prevention by VANLINER.
10. Applicant excels in customer service. In all cases customers are speaking with a company principal or family member. The Applicant's service motto is "We treat your Family like Our Family". Customers who want to make a complaint would be directed to The PUC website. In the past 25 to 30 years, Applicant can't recall a single customer who wanted to complain to the PUC.

12. **Financial Data.** In addition to demonstrating your technical fitness, you must also demonstrate that you possess the financial fitness to provide the proposed transportation service. Therefore you must complete both parts of the "Statement of Financial Position", which follows this page. The first part is the Balance Sheet. You need only provide the applicable information. The second part of the Statement of Financial Position is the Projected Income Statement. The projection is your estimation of expected revenues and specific expenses for one year. You should use the projected information, along with the financial data reported on your balance sheet to help you determine if the proposed business can be feasible. Please feel free to also provide clarification information with your "Statement of Financial Position", which explains why you believe you have sufficient funds to ensure your transportation business can provide reliable service to the public in a safe manner.

### Verification of Statement

The undersigned deposes and says that he/she is authorized to and does make this verification and that the facts set forth therein are true and correct to the best of his/her knowledge, information, and belief. The undersigned understands that false statements herein are made subject to penalties of 18 Pa. C. S. Section 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
(Signature)  
Jeffery L. Zody, Vice-President  
\_\_\_\_\_  
(Name and Title, printed or typed)

  
\_\_\_\_\_  
(Date)

**RECEIVED**

MAR 27 2014

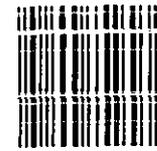
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

# Mailing Envelope

For Domestic and International Use



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PA PUBLIC UTILITY COMMISSION  
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