

Docket No. A-2024-3050601
LHC Transport Services LLC

Request for Information

- 1.) In your response to the Commission's previous request for additional information you stated that you attached information to answer the questions regarding Age Restrictions, Criminal Background Checks, and Driver License/History checks, but this was not included in your previous submission. As such, please provide information to satisfy the questions below. Please review Title 52 Pa Code §29.501-509 Driver Regulations to see what is required of motor carriers.
- a. Age Restrictions;
 - i. What if any age restrictions will you have for intended drivers? Please provide a policy on the age of drivers that complies with the regulations mentioned above.
 - b. Your system for conducting criminal background checks;
 - i. How often will the criminal background checks be conducted?
 - ii. What type of things in their criminal background check would disqualify them from employment?
 - iii. How will you maintain records (record retention) of the criminal background checks performed?
 - c. Your system for conducting driver license/history checks;
 - i. How often will these checks be performed?
 - ii. How will you maintain records (record retention) of such checks?

**PLEASE ANSWER THESE QUESTIONS THOROUGHLY ON A
SEPARATE SHEET OF PAPER**

DATE OF DEPOSIT

SEP 16 2024

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DRIVER SAFETY PROGRAM

Vehicle Safety Program

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Policy statement

A vehicle safety program is most effective when everyone feels they have a role in the process. Everyone must commit time and resources; department managers must implement the program and employees must be involved from the start. A safety program should begin with a clearly worded statement of policy from management indicating:

- The vehicle safety program will apply to all employees, departments, and operations.
- The cooperation of all employees is expected and required.
- Vehicle safety is important for humanitarian and economic reasons.
 - Age Restrictions (Minimum Age)
 - Driver History (Schedules and Record retention)
 - Criminal History (Schedules and Record retention)

Driver selection

Every effort shall be made to hire the most qualified person to drive company owned vehicles. Management should define the specifications/requirements of the job and determine the driver's ability to meet those requirements. Some sources and techniques to use are:

- A completed application form by the applicant.
- A valid and current drivers' license for the state of vehicle operation.
- A check of motor vehicle records (MVRs).
- A check of previous employer references.
- A personal interview with department manager.
- A physical examination.
- A written test on traffic regulations and driving attitudes.
- A road test in a vehicle of the type to be driven over a similar route.
- Successful completion of probation period.

An effective vehicle safety program can help reduce vehicle accidents involving bodily injury and/or property damage; reduce operating costs; protect the public and protect the image of the company.

§ 29.503. Age restrictions:

(a) This company will permit a person to operate a vehicle in its authorized service if that person is at least 21 years of age.

(b) The transportation company providing paratransit service may permit a person to operate a paratransit vehicle in its authorized service if that person is at least 18 years of age but under 21 years of age if the following conditions are met:

(1) The person shall be registered as a certified emergency medical services vehicle operator (EMSVO) with the Department of Health (Department).

(2) The person shall carry the Department-issued registration of their EMSVO certification on board while operating a paratransit vehicle under 28 Pa. Code § 1023.21(h) (relating to general rights and responsibilities).

(3) The carrier shall verify that the paratransit driver is in good standing with the Department and maintain records for 4 years to prove each person's EMSVO certificate registration. The records must be available for inspection by Commission staff upon request.

(4) The carrier shall notify the Commission's Bureau of Technical Utility Services within 3 calendar days of the occurrence of the following events involving a paratransit driver who is under 21 years of age:

- (i) an accident, regardless of the severity of the accident.
- (ii) a driving-related violation such as a moving violation.
- (iii) reckless driving.
- (iv) driving under the influence of alcohol or drugs.

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§ 29.504. Driver history.

The transportation company may not permit a person to operate a vehicle until it has obtained and reviewed a driver history from the appropriate agency of every state in which that person held a motor vehicle operator's license or permit during the preceding 3 years.

(2) Following receipt of the initial driver history report, the company shall, at least once every 12 months from the date of the last report, obtain a driver history for each driver operating under its authority from the appropriate agency of the state in which the driver held an operator's license during the time period.

(3) A copy of the driver history shall be maintained by the company for at least 2 years.

§ 29.505. Criminal history.

(1) *Criminal history record required.* The transportation company may not permit a person to operate a vehicle in its authorized service until it has obtained and reviewed a criminal history record from the Pennsylvania State Police and every other state in which the person resided for the last 12 months. For current drivers, carriers shall obtain a criminal history record by November 9, 2006.

(2) *Frequency of record check.* Following receipt of the initial criminal history record, a common or contract carrier shall obtain and review a criminal history record for each driver operating under its authority from the Pennsylvania State Police every 2 years from the date of the last criminal history check.

(3) *Disqualification.* A common or contract carrier may not permit a person to operate a vehicle in its authorized service when the person was convicted of a felony or a misdemeanor under the laws of the Commonwealth or under the laws of another jurisdiction, to the extent the conviction relates adversely to that person's suitability to provide service safely and legally.

(4) *Record retention.* A copy of the criminal history shall be maintained for at least 3 years.

(b) Call or demand and limousine drivers.

(1) *Criminal background check.* Prior to permitting a person to act as a call or demand or limousine driver, a carrier shall conduct or have a third party conduct a local and National criminal background check for each driver applicant. The background check must include a multistate or multijurisdictional criminal records locator or other similar commercial Nationwide database with primary source search validation and a review of the United States Department of Justice National sex offender public web site. The carrier shall disqualify an applicant convicted of certain crimes in accordance with the following:

(i) An applicant convicted of any of the following within the preceding 7 years:

(A) Driving under the influence of drugs or alcohol.

(B) A felony conviction involving theft.

(C) A felony conviction for fraud.

(D) A felony conviction for a violation of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § § 780-101—780-144).

(ii) An applicant convicted of any of the following within the preceding 10 years:

(A) Use of a motor vehicle to commit a felony.

(B) A felony conviction involving theft.

(C) A felony conviction for fraud.

(D) A felony conviction for a violation of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § § 780-101—780-144).

(ii) An applicant convicted of any of the following within the preceding 10 years:

(A) Use of a motor vehicle to commit a felony.

(B) Burglary or robbery.

(iii) An applicant convicted of any of the following at any time:

(A) A sexual offense under 42 Pa.C.S. § 9799.14(c) or (d) (relating to sexual offenses and tier system) or similar offense under the laws of another jurisdiction or under a former law of the Commonwealth.

(B) A crime of violence as defined in 18 Pa.C.S. § 5702 (relating to definitions).

(C) An act of terror.

(2) *Frequency.* One year after engaging a driver and every second year thereafter, the criminal background and driving history checks required under this subsection shall be conducted and that a driver continues to be eligible to be a driver shall be verified.

(3) *Record retention.* A copy of the criminal history shall be maintained by the call or demand or limousine driver for at least 3 years.

An effective vehicle safety program should include the following:

- Management policy statement
- Driver selection
- Driver training
- Driver monitoring
- Driver supervision
- Accident investigation/reporting
- Vehicle maintenance
- Safety motivation recognition
- Vehicle operating safety

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Driver training

The most important aspect of a vehicle safety program is to ensure hired drivers receive the proper training in safe vehicle operation. As a minimum, they should receive:

- Orientation on company policy for vehicle safety.
- Review of rules and procedures stressing the driver's responsibilities for vehicle safety.
- On-the-job training covering vehicles to be used, maintenance and safe work practices.
- Continued training as needed based on periodic performance evaluations.

Driver monitoring programs

The overall goal of these programs is to lower accident frequency and reduce fleet losses by increasing driver safety awareness. Improved public image, lower maintenance costs, and reduced fuel costs are other benefits of the program.

What does the program consist of?

Decals listing a toll-free "1-800" reporting number are attached to the rear of the vehicle.

The stickers can have various messages on them, for instance:

How am I driving? My vehicle # is ***. Call...**

I am proud of my driving. My vehicle # is ***. Call...**

Safe, courteous driving is my goal. How am I doing? Call...

The vehicle decals encourage the public to call a 24-hour monitoring service to report unsafe driving, faulty equipment, improperly loaded vehicles and other potentially hazardous conditions. The monitoring company contacts the affected company immediately and provides detailed reports of the "1-800" phone call. The company will check all drivers by checking motor vehicle records, criminal records, and verifying educational background.

The company often produces management reports and summaries that can be used to evaluate phone call data. These reports may provide an overview of total numbers of calls; drivers with multiple complaints; actions taken by management (driver consultation); and provide an analysis of incoming complaints.

How does the program benefit our company?

These programs are a proactive effort to identify unsafe drivers and prevent accidents before they happen. Repeated phone calls and reports on a single driver may be an indication of poor driving habits or inadequate training. The drivers know that anyone can call and report their activities, so they drive in a more safe and courteous manner. Managers and supervisors have more information available to them to evaluate and manage their drivers. The program can also help improve public perception of the company by showing their commitment to safety.

Because drivers are more conscientious, maintenance costs are lowered and fuel consumption improved. Citations and traffic violations should also be reduced.

The real value of the program is derived from how the information provided by the monitoring company is put to use.

- Evaluating incident reports
- Conducting driver consultations
- Establishing incentive programs
- Instituting disciplinary action

Overall, the program is designed to reduce accident frequency. This translates into stabilized insurance premiums, less equipment downtime (due to accident repair activities), and lower legal expenses. Most importantly remember that according to the National Safety Council, vehicle collisions are the leading cause of death in the workplace. This type of program is a big step towards making your workplace safer.

Driver supervision

A manager's attitude toward safe driving can affect the performance of drivers responsible to the department. Managers or supervisors should be held accountable for safety performance in their department by the owner/manager. Managers should supervise through proper and safe job performance:

- Observation of the driver's performance.
- Periodic reviews of driver personnel file/MVR.
- Listening to comments and/or complaints of others.
- Remaining alert to personality or performance changes.
- Evaluating vehicle use (or abuse) and maintenance practices.
- Always encouraging a safe and high level of performance.

Accident investigation/reporting

The primary purpose for accident investigation is to determine the cause of the accident to implement corrective action to prevent similar recurrences. It can also assist management to determine whether an accident was preventable or not. Some procedures are:

- All accidents should be reported, investigated and reviewed to standard procedures.
 - Accident report forms, witness cards, and list of persons/telephone numbers to contact should be in every owned vehicle.
 - Initial investigation should be done by immediate supervisor of employee involved.
 - Accidents should be reviewed by designated person or accident review committee to determine preventability and to recommend control measures.
 - Designated person
- Vehicle maintenance

An effective vehicle maintenance program can reduce mechanical failures which could contribute to potential accidents. Some criteria for a maintenance program are:

- As minimum, enforce regular maintenance schedule which meets manufacturer suggested guidelines.
- Pre and post trip inspections of the vehicles.
- Priority scheduling for safety related deficiencies.
- Out of service criteria should be established.
- Scheduled and unscheduled review of vehicle exterior and interior conditions.
- Individual maintenance records in each owned vehicle.

Safety motivation/recognition

Safe driving deserves to be recognized by management to demonstrate their interest and commitment to safety. One way to accomplish this is an awards or incentive program for accident-free driving over a period of time. Some guidelines are:

- Administer fairly to all drivers of owned vehicles.
- Awards of money, merchandise or plaques or benefits (vacation day).
- Use accident review committee to determine driver's eligibility.
- Drivers should have right to appeal decisions of awards.

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Vehicle operating safety rules

Some safety rules to consider for your program:

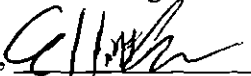
- Do not take chances. To arrive safely is more important than to arrive on time.
- Do not drive faster than posted speed limits.
- Do not drive faster than road, traffic and weather conditions allow.
- Do not attempt to exercise the right-of-way. Let the other driver go first.
- Keep to right except when passing or getting into position to make left turn.
- Keep adequate distance when following other vehicles to make a safe stop (Use 2-second rule for following distance rule).
- Turn signals must be used at all times to indicate turns and lane changes.
- Slow down for all school zones and watch for children.
- Driving under the influence of alcohol or drugs is prohibited.
- Drivers must have a valid drivers' license on their person at all times for type of vehicle they are operating.
- Driver's physical condition must enable them to operate vehicle safely.
- Vehicles are to be driven by authorized drivers only.
- Drivers must report all accidents immediately, or as required by law and company policy.

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Your answers should be verified per 52 Pa Code § 1.36. Accordingly, you must provide the following statement with your responses:

I, , hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

The blank should be filled in with the name of the appropriate company representative, and the signature of that representative should follow the statement.

Failure to comply with this request within 10 working days from the date of this letter will result in the denial of the application.

Please direct any questions to David Canzoneri, Bureau of Technical Utility Services at (717) 346-9738. Faxed or emailed filings are **not** accepted.

Sincerely,



Rosemary Chiavetta
Secretary

Enclosure

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Label 228, March 2016

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