

Application for Motor Common Carrier of Persons Group and Party Service in Vehicles Seating 11 to 15, Including the Driver

THIS APPLICATION IS TO BE USED FOR CHARTER SERVICE FOR GROUPS, OR ON A NONEXCLUSIVE BASIS FOR TOUR, SIGHTSEEING, OR EXCURSION SERVICE LIMITED TO VEHICLES SEATING 11 TO 15 PEOPLE, INCLUDING THE DRIVER.

1. **Legal Name of Applicant** (Individual, Partnership or Corporation)

Frank Martz Coach Company

- If you are an individual who has not formed any type of corporate entity, you should enter your name **as it will appear on your insurance documents**.
- If you are filing for a partnership, but **not a limited liability partnership**, the names of all partners must be entered on this line. Those names should be entered **as they will appear on your insurance documents**. This includes husbands and wives filing jointly.
- If you are filing for a corporate entity (corporation, limited liability company, or limited liability partnership), **even if you are the sole shareholder member**, you must enter the name **exactly as it appears on the registration papers from the Corporation Bureau of the Pennsylvania Department of State**.

2. **Trade Name** (Attach a copy of fictitious name registration if applicable)

Martz Bus

This is any name which you will be operating under which differs from the **LEGAL NAME OF APPLICANT**. A **TRADE NAME** is considered a **FICTITIOUS NAME** if the identity of the applicant cannot be readily determined. *EXAMPLE: John Doe is the applicant and wants to use the name "Johnboy Transport" as his trade name. People cannot readily determine that John Doe is the actual operator; therefore, the name is fictitious and must be registered as such. Trade names such as "John Doe Transport" or "J. Doe Transport" are not considered fictitious and would not have to be registered.*

3. **Do you currently hold PUC Authority?** Yes **Previous Authority?** _____

If YES, at PUC No. A- 644480

4. **Are you a business entity registered with the PA Dept. of State?** Yes

If NO, you must register (see checklist on how to register).

If YES, provide your PA Corporation Bureau Entity ID Number 24-0654440
(See checklist and indicate type of business entity registered)

5. If either a corporation or limited liability company, please list members (LLC) or shareholders and officers (corporation).

<u>Scott Henry</u>	<u>Frank Henry</u>
<u>John Henry</u>	<u>Lauren Coates</u>
<u>MaryJane Henry</u>	
<u>Margerie Marquart</u>	

6. Mailing Address

239 Old River Road
Street Address

Wilkes-Barre, PA 18702 LUZERNE
City, State and Zip Code County

570-821-3838 JHenry@maritzbus.com
Telephone Number E-mail Address

This is the e-mail address to which the Commission will send all official documents issued by the Commission until further notice.

7. Physical Address (if different than Mailing Address. Do not use a PO Box.)

Same as above
Street Address

City, State and Zip Code _____
County

Telephone Number _____
E-Mail Address

The address entered here should reflect the actual location of the business. This is the address the Commission needs in order to dispatch Enforcement Officers to inspect equipment. If left blank, it will be assumed that the **PHYSICAL ADDRESS** is the same as the **MAILING ADDRESS**

8. Attorney (if applicable)

Attorney's Name & Telephone Number for this Filing

Attorney's Address _____
E-Mail Address

An attorney's name should only be entered if an attorney is filing the application for a client and the application is being sent under the attorney's cover letter.

9. Does applicant have a USDOT Number?

 No Yes, at No. 38186

10. **Describe the service area proposed by this application.**
(Use the space below or attach additional sheet if space provided is not sufficient).

To transport people from points in Luzerne, Lycoming, Lackawanna, Monroe, Carbon and Wyoming county to points in PA, and return.

Examples:

- To transport people from points in Lancaster County to points in PA, and return.
- To transport people between points in Allegheny, Washington, and Beaver Counties.

11. Certification:

Applicant certifies that it is not now engaged in unauthorized intrastate transportation for compensation between points in Pennsylvania and will not engage in said transportation unless and until authorization is received from the Pennsylvania Public Utility Commission.

Applicant further certifies that it understands the requirements of the Pennsylvania Public Utility Commission, especially as they relate to safety and insurance and that it may be subject to civil penalties, suspension or cancellation of the Certificate for failure to comply with Commission requirements.

Applicant further certifies that it understands that it is subject to an annual assessment based upon its reported gross Pennsylvania intrastate revenues; said assessment to help defray expenses incurred in regulating Motor Common Carriers of Persons in Group and Party Service in Vehicles Seating 11 to 15, Including the Driver; and acknowledges that failure to report revenue and pay its annual assessment may result in civil penalties, suspension or cancellation of the certificate.

Verification of Application

I/We hereby state that the statement(s) made in this application is/are true and correct to the best of my/our knowledge and belief.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

John Henry
(Print Name)

John Henry (Signature) 2/16/26 (Date)

The verification of the application must be completed by the applicant appearing on Line 1 of the application by the named individual, all partners if a partnership, a member (if a limited liability company), or by the President or Secretary (if a corporation).

BUSINESS PLAN/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.

Frank Martz Coach Company

Legal Name of Applicant

Martz Bus

Trade Name, if any

239 Old River Road

Street Address (principal place of business)

Wilkes-Barre

City or Municipality

PA

State

18702

Zip Code

The Verified Statement of the Applicant factual details about your proposed transportation service. Your Verified Statement must answer all of the items listed below and on the following pages. Provide as much information as possible to prevent delay in processing your application. If you need more space to provide your answer, please attach additional pages identifying the appropriate item number.

1. Identify the person making the Verified Statement on behalf of the applicant. If an employee/officer of applicant is making the statement, give name, title, business address and telephone number.

John Henry - Vice President of Business operations, 239 Old River Road, Wilkes-Barre, PA 18702, 570. 821. 3838

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

Owner

3. Describe the applicant's business experience, particularly any experience relating to the operation of a transportation service. If practical experience is lacking, please provide an explanation and description of any education or training that you believe may be relevant.

5th generation of family to own/operate Martz Bus.

11+ direct years of experience.

4. Describe your facilities, record maintenance plan and your communication network. Please include a description of your physical location, to including office machines that will be utilized, and the facility to house vehicles. As a carrier of household goods in use, applicant should include a description of 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.

Large indoor facility with wash bays, parking, mechanic pits and outside parking as well. Currently houses our motorcoach operation. Customer requests are by phone and online. We have an existing system and we are preparing to add equipment as customers have requested this from us.

5. 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 territory you will be serving. In addition, please explain:
- Your hiring standards for drivers.
 - Your system for conducting criminal background checks.
 - Your driver training program.
 - Your system for conducting driver license checks.
 - Your policies regarding alcohol and drug use by your drivers.

Human resources provides hiring checks. We intend to hire one driver for each new piece of equipment when we procure it. We conduct background checks through People soft, PA DMV for license checks, we follow FMCSA requirements on drug testing and 50% random is required this year, 100% random alcohol testing as well. Drug and alcohol testing Policy is attached.

6. 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 territory you will be serving. If you have already obtained vehicles for your business, please list them in the chart below.

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

7. Describe your vehicle safety program. Please include the following in your explanation:
 - a. Your periodic vehicle maintenance plan
 - b. Your system for ensuring your vehicles will continuously comply with applicable Pennsylvania vehicle equipment standards (67 Pa. Code, Chapter 175).

We employ Pennsylvania state certified inspection technicians who perform regular safety inspections on our vehicles. In addition to the annual state inspection requirements that are performed by McCarthy Tire, Wilkes-Barre PA, our technicians conduct safety checks at the completion of each trip to identify & address any potential equipment issues before the vehicle is returned to service.

8. Please explain what steps you have taken to determine if you can obtain insurance and pay the required insurance premiums.

Insurance already obtained for current motorcoach operation.

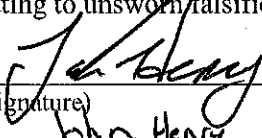
9. State whether the applicant has been convicted of a misdemeanor or felony. If applicant is partnership, limited liability partnership, corporation, or limited liability company this question applies to all members, officers, and/or shareholders. If "YES", explain.

YES NO

10. Financial Data. Complete the "Statement of Financial Position", which follows this page. Please feel free to also provide additional information explaining 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. § 4904 relating to unsworn falsification to authorities.



 (Signature)
 John Henry Vice President of Business operation

 (Name and Title, printed or typed)

2/20/26

 (Date)



MARTZ GROUP
Frank Martz Coach Company
12/31/2025

	Current YTD	Prior Month YTD	Prior YTD	Net Change
ASSETS				
Cash	\$1,612,776.	\$2,446,660.	\$1,582,017.	\$30,760.
Accounts Receivable	\$236,686.	\$451,849.	\$1,703,195.	(\$1,466,509.)
Uncollectable Account Reserve	(\$89,009.)	(\$89,009.)	(\$100,000.)	\$10,991.
Inventory	\$447,638.	\$483,774.	\$373,202.	\$74,436.
Prepaid Expenses	\$179,577.	\$222,537.	\$207,614.	(\$28,037.)
Other Current Assets	\$180,000.	\$180,000.		\$180,000.
TOTAL CURRENT ASSETS	\$2,567,667.	\$3,695,810.	\$3,766,027.	(\$1,198,360.)
Property, Plant and Equipment	\$10,977,487.	\$10,763,567.	\$14,077,923.	(\$3,100,435.)
Accumulated Depreciation	(\$7,897,405.)	(\$7,839,612.)	(\$9,460,734.)	\$1,563,329.
NET PROPERTY, PLANT AND EQ	\$3,080,082.	\$2,913,954.	\$4,617,188.	(\$1,537,106.)
Other Assets	\$568,935.	\$532,956.	(\$108,472.)	\$677,407.
TOTAL ASSETS	\$6,216,685.	\$7,142,720.	\$8,274,744.	(\$2,058,059.)
LIABILITIES				
Accounts Payable	\$2,052,924.	\$2,033,070.	\$1,732,977.	\$319,947.
Intercompany Accounts Payable	\$9,479,441.	\$9,449,234.	\$9,089,168.	\$390,273.
Taxes Payable	(\$172,087.)	(\$172,062.)	\$282,200.	(\$454,287.)
Accrued Liabilities	\$868,168.	\$1,003,235.	\$775,681.	\$92,487.
Insurance	\$1,060,725.	\$1,329,903.	\$1,318,310.	(\$257,585.)
Other Reserves	(\$8,788.)	(\$8,788.)	(\$8,788.)	\$0.
TOTAL CURRENT LIABILITIES	\$13,280,382.	\$13,634,592.	\$13,189,548.	\$90,834.
Notes Payable	\$13,576,073.	\$13,746,191.	\$15,095,778.	(\$1,519,706.)
Deferred Taxes	(\$2,552,057.)	(\$2,552,057.)	(\$2,552,057.)	\$0.
Other Liabilities	\$53,879.	\$53,879.	\$53,879.	\$0.
Intercompany	(\$30,069,403.)	(\$29,700,233.)	(\$29,116,381.)	(\$953,021.)
TOTAL LIABILITIES	(\$5,711,126.)	(\$4,817,629.)	(\$3,329,233.)	(\$2,381,893.)
EQUITY				
Common Stock	\$466,942.	\$466,942.	\$466,942.	\$0.
Preferred Stock	\$499,500.	\$499,500.	\$499,500.	\$0.
Retained Earnings	\$10,644,335.	\$10,644,335.	\$9,340,840.	\$1,303,495.
Treasury Stock	(\$6,800.)	(\$6,800.)	(\$6,800.)	\$0.
TOTAL EQUITY	\$11,603,977.	\$11,603,977.	\$10,300,482.	\$1,303,495.
Current YTD Profit / (Loss)	\$323,834.	\$356,372.	\$1,303,495.	(\$979,661.)
TOTAL LIABILITIES AND EQUITY	\$6,216,685.	\$7,142,720.	\$8,274,744.	(\$2,058,059.)

MARTZ BUS ALCOHOL & SUBSTANCE ABUSE POLICY FOR CDL DRIVERS



Policy:	Martz Bus Alcohol & Substance Abuse Policy for CDL Drivers
Policy Number:	CO-DSF-005
Entity:	Corporate – All Companies
Division:	Human Resources
Department:	Safety and Training
Owner:	Corporate Director of Safety and Training
Approver:	Vice President of Human Resources
Creation Date:	May 2022
Review Cycle:	Annually
Last Review Date:	November 2025

Table of Contents

<i>About This Policy & Program</i>	2
<i>Who is Tested?</i>	4
<i>Prohibited Use of Alcohol</i>	5
<i>Prohibited Use of Controlled Substances</i>	6
<i>Refusal to Submit to a Test</i>	7
<i>Re-test at Employee’s Request</i>	8
<i>Pre-Employment Testing</i>	9
<i>Reasonable Suspicion Testing</i>	10
<i>Post-Accident Testing</i>	11
<i>Random Testing</i>	12
<i>Return-to-Duty Testing</i>	13
<i>Follow-up Testing</i>	14
<i>Role of The Medical Review Officer</i>	15
<i>The Role of The Substance Abuse Professional (“SAP”)</i>	16
<i>U.S. DOT Drug & Alcohol Testing Process</i>	17
<i>Test Standards</i>	20
<i>Releasing Records</i>	22



About This Policy & Program

Introduction The Martz Group values our drivers and recognizes each person's need for a safe and healthy work environment. We hold the safety of our employees, customers, and those we share the roadways within the highest regard.

Drivers who use illegal drugs and abuse alcohol tend to be less productive, less reliable, more prone to accidents, and more prone to greater absenteeism, resulting in the potential for increased accidents, costs, and risks to the company.

We will comply with the requirements for testing of the U. S. Department of Transportation and other Federal and State laws and regulations. We therefore forbid the unlawful use or possession of alcohol and controlled substances.

The violation of this policy or regulations and laws will result in the immediate termination of a driver.

"Martz" and "Company", where used in this policy, represent all our operating companies and locations.

**Required for
Employment**

Participation in this program is a condition of employment for each commercially licensed vehicle driver.

**Have
Questions
About This
Policy?**

We understand that there may be questions and concerns involving our controlled substance and alcohol testing policies and programs. To assist you in understanding the requirements placed on you (the driver) and us (the employer), we have designated the following representatives to answer your questions regarding alcohol and drug testing programs.

NAME	TITLE
Sal Caccavale	Corporate Director of Safety, Martz Bus
Deon Tillman	General Manager, Martz Maryland
Allan Meyer	Manager Safety & Training, Martz Pennsylvania
Douglas Weatherly	General Manager, Martz Florida
Michele Lickers	HR Manager, Martz Pennsylvania, Florida, Maryland

MARTZ BUS ALCOHOL & SUBSTANCE ABUSE POLICY FOR CDL DRIVERS



Our MRO & SAP Referrals

The Medical Review Officer (MRO) used by your Company and a list of Substance Abuse Professionals (SAPs) is available through the designated employer representatives noted above.

Employee Assistance Program

Martz has an Employee Assistance Program (“EAP”) that includes education and training for drivers about controlled substances and alcohol. The materials cover the effects of controlled substance and/or alcohol use on personal health, safety, and the work environment and have been provided with this policy. Manifestations and behavioral changes that may indicate controlled substance and/or alcohol use and abuse are also outlined. If you did not receive the materials, please contact the designated representative from your company (as listed on page 1).

Safety-sensitive employees who voluntarily report the misuse/abuse of alcohol and/or controlled substances separate from any noticed or required test indicated in this policy will be allowed to seek the services of a substance abuse professional (SAP). The employee will be removed from safety-sensitive service until he/she has completed an accredited counseling program. After returning to work, he/she may be scheduled for follow-up screening for a period to assure compliance with the program.

Who is Tested?

All CDL Drivers

Under USDOT/Federal Motor Carrier Safety Administration (FMCSA) regulations, all employees who must have a commercial driver's license to operate a commercial motor vehicle will be included in this drug and alcohol testing program. Employees will be subject to this program while performing safety-sensitive functions for the employer.

Safety- Sensitive Function

"Safety-sensitive function" is defined as all-time from the time a CDL-licensee begins work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.

Examples of Safety Sensitive Functions

Under FMCSA (Part 382) Safety-sensitive functions include ALL TIME spent:

- Waiting to be dispatched from the employer terminal, facility or other property, or any public property.
- Inspecting, servicing, or conditioning any commercial motor vehicle.
- Operating the driving controls of a commercial motor vehicle.
- In or upon any commercial motor vehicle, other than driving time.
- Loading or unloading a vehicle and remaining in readiness to operate the vehicle.
- Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

This Section applies to Martz Maryland Drivers, Dispatchers and Mechanics only.

Under FTA (Part 655), you are a covered employee if you perform any of the following safety-sensitive functions:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul, and rebuilding) of a revenue service vehicle or equipment used in revenue service.
- Carrying a firearm for security purposes

Testing Differences at Martz Maryland – FMCSA versus FTA:

- New hire Drug and Alcohol Screening: FMCSA
- Random Drug and Alcohol Screening while driving an MTA Route, dispatching or maintaining a coach in MTA service: FTA
- Random Drug and Alcohol Screening while not driving an FTA route, dispatching or maintaining a coach in MTA service: FMCSA
- Incident requiring Drug and Alcohol Screening while driving an MTA Route: FTA
- Incident requiring Drug and Alcohol screening while not driving an MTA route: FMCSA
- Reasonable Suspicion while driving an MTA Route, dispatching or maintaining a coach in MTA service: FTA
- Reasonable Suspicion while not driving an MTA route, dispatching or maintaining a coach in MTA service: FMCSA

Prohibited Use of Alcohol

When Alcohol Use Is Prohibited

Drivers who perform safety-sensitive functions must not consume alcohol or be in possession of alcohol:

- during specified on-call hours ¹
- while performing a safety-sensitive function
- within four (4) hours prior to performing a safety-sensitive function; and
- for up to eight (8) hours following an accident, or until an employee undergoes a post-accident test, whichever comes first.

Positive Test

FMCSA regulations currently prohibit a covered employee from reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having a blood alcohol concentration of 0.04 or greater. A driver who has an alcohol concentration of 0.02 or greater, but less than 0.04, may not perform a safety-sensitive function for at least twenty-four (24) hours following administration of the alcohol test.

FTA (Maryland only) regulations: Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties for at least eight hours unless a retest results in the employee's alcohol concentration being less than 0.02.

¹ An on-call employee will be allowed to acknowledge, at the time s/he is called to duty, that s/he has used alcohol and to indicate whether s/he believes s/he is capable of performing the safety-sensitive function. Company may determine to conduct a reasonable suspicion test if they feel employee is not in fact fit for duty.

Consequences A driver who has a blood alcohol concentration of 0.04 or greater or refuses to be tested on any DOT-sanctioned test will be terminated.

Prohibited Use of Controlled Substances

When Controlled Substance Use Is Prohibited Drivers who perform safety-sensitive functions are strictly prohibited from using or ingesting prohibited drugs at any time.

Limited Exception: When use is pursuant to the instruction and prescription of a physician who has advised the employee that the substance does not affect the employee's ability to safely drive a commercial vehicle and perform his or her job.

Definition of Controlled Substance As referred to in this policy, a *controlled substance* or *prohibited drug* means marijuana, cocaine, opiates, and derivatives (including codeine, morphine, heroine, hydrocodone, oxycodone, Percocet), amphetamines, methamphetamines, and phencyclidine (PCP).

FMCSA regulations prohibit the performance of safety-sensitive functions when a prohibited level of any of the prohibited drugs is detectable in the employee's urine. **Even when prescribed for medicinal purposes, marijuana use is not permitted by drivers of commercial vehicles. Use of opioid painkillers without a valid prescription and prescribing doctor certification is also prohibited.**

Other Prescribed & OTC Medications Employees should also be aware that other prescribed drugs and over-the-counter medications could adversely affect the employee's ability to safely operate a vehicle and perform his or her job. Legal prescribed drugs may only be taken when the prescribing physician is aware of the employee's duties as a commercial vehicle driver and determines there are no adverse effects to safe vehicle operation.

Martz retains the right to verify the use and potential effects of any prescribed or OTC drugs taken at the direction of a physician with the employee's physician.

Positive Drug Test A driver who tests positive for controlled substances or refuses to submit to a drug test must be removed from performing safety-sensitive functions immediately.

Consequences Pursuant to Company policy, a verified positive drug test will result in immediate termination.

Refusal to Submit to a Test

Driver May Not Refuse

The Federal Motor Carrier Safety Regulations provide that a covered employee/driver shall not refuse to submit to the following tests:

- post-accident test.
- reasonable suspicion test.
- random selection test; or
- follow-up test.

Performance of Safety- Sensitive Functions

No motor carrier shall permit an employee/driver who refuses to submit to a required test to perform or continue to perform safety-sensitive functions.

Alcohol Testing

In alcohol testing, the following are a refusal to test:

- Refusal to sign the certification on the custody & control form.
- Not reporting for announced test in a reasonable timeframe.
- Not providing an adequate amount of breath
- Leaving the collection site without completing the test

Controlled Substance Testing

In drug testing, the following are generally considered a refusal to test:

- Refusal to sign the certification on the custody & control form.
- Not reporting for announced test in a reasonable timeframe.
- Failure to provide enough urine.
- Leaving the collection site without providing a sufficient specimen for testing *
- Providing a specimen "too diluted for analysis." *

* *Under these conditions, the test result will be "Positive" until further consideration and evaluation can be made. The driver will be relieved of all safety-sensitive functions.*



Re-test at Employee's Request

Split Specimen Procedure

Department of Transportation regulations mandate a split specimen procedure that requires a portion of each urine specimen to be retained in a separate, sealed container. An employee whose urine test is positive may request that the split sample be tested at a separate laboratory approved by the U. S. Department of Health and Human Services (DHHS).

Time-frame

Within 72 hours of learning of a positive test result, the employee may make a request for a re-test of the split (secondary) specimen. The request must be made to the employee's designated employer representative or the MRO.²

Initial Cost

Initially, Martz will pay all costs associated with the split sample testing which includes shipping, handling, testing and reporting costs.

Results & Reimbursement

The result of the retest determines whether the employee must reimburse Martz for the associated costs. At the Martz's discretion, reimbursement costs, as applicable and designated below, will be withheld from a discharged employee's final compensation.

If the retest result is...	Will Company be reimbursed
Positive	Yes
Negative	No

² In the event an employee fails to make a timely request, the employee must present information to the MRO documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive result or other circumstances unavoidably prevented the employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the employee's failure to contact the MRO within seventy-two (72) hours, the MRO shall initiate a test of the split specimen.



Pre-Employment Testing

Applicability	The following persons must undergo a pre-employment drug test: <ul style="list-style-type: none">• All driver applicants seeking employment and• All incumbent employees seeking transfer to safety-sensitive driver positions.
Negative Test Result	Martz will only consider for hire an applicant or employee transfer to a safety-sensitive position when the result of the applicant or employee's pre-employment drug test is negative.
Positive Test Result	A positive pre-employment drug test shall be considered sufficient grounds to disqualify the applicant or incumbent employee from employment as a driver.

Reasonable Suspicion Testing

Introduction	Commercially licensed drivers who perform safety-sensitive functions will be required to submit to a drug or alcohol test when Martz has reasonable suspicion that the employee has used a prohibited drug or misused alcohol.
Definition of Reasonable Suspicion	Reasonable suspicion is established if a supervisor or other employee trained in detecting the signs of alcohol misuse and drug use reasonably concludes, based on his or her direct observations, that an employee may have used illegal controlled substances or misused alcohol. The determination that reasonable suspicion exists will be based on specific, contemporaneous, articulable observations of the employee concerning appearance, behavior, speech, or body odors.
Observation Period	There is no specified period for observations that could trigger a reasonable suspicion test for controlled substances. For alcohol tests, observations must be made <u>during, immediately preceding, or just after</u> a period where the employee has performed safety-sensitive functions.
Test Timing	<p>Tests for controlled substances resulting from reasonable suspicion will be conducted preferably within 8 hours of the observed behavior, and no more than 32 hours following the observation.</p> <p>Alcohol tests will be administered only <u>during, immediately preceding, or just after</u> the period the employee is to perform a safety-sensitive function and will be conducted preferably within two (2) hours, and no later than eight (8) hours following a determination that reasonable suspicion to test exists.</p>
Suspension of Duties	Martz policy is that no employee suspected of alcohol and/or controlled substance misuse, as shown by the behavioral, speech or performance indicators, may perform or continue to perform safety-sensitive functions until a test is administered and results known. A driver who undergoes reasonable suspicion testing will be removed from service pending the test results.
Return to Duty	<p>When controlled substance test results are negative, or an alcohol test indicates a blood alcohol concentration of less than 0.02, the employee will be returned to work.</p> <p>For alcohol tests with a blood alcohol concentration ≥ 0.02, but less than .04, the employee may return to work when at least twenty-four (24) hours has passed since the test. If a reasonable suspicion alcohol test was not able to be completed within eight (8) hours of the observation, then the employee may return to work once at least twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion of alcohol misuse.</p>

Post-Accident Testing

Introduction Commercially licensed drivers must be tested for controlled substances and alcohol following certain DOT-recordable accidents. Drivers are required to report accidents and any citations received immediately following any such occurrence.

Grounds for Testing Post-accident drug testing will be conducted when an accident involves:

- A fatality,
- Bodily injury to a person who immediately receives medical treatment away from the accident scene and the driver received a citation in connection with the accident; or
- One or more of the involved vehicles is towed from the scene due to disabling damage and the driver receives a citation in connection with the accident.

Martz reserves the right to test in any post-accident situation per company protocol.

Timing When post-accident tests are performed, they will be conducted as soon as possible following the accident and within the following guidance:

Type of test	Must be conducted within this initial timeframe after the accident	Maximum timeframe after accident for testing if testing within initial timeframe not possible
Controlled substance	8 hours	32 hours
Alcohol	2 hours	8 hours

Medical Assistance These testing requirements will not delay necessary medical attention for injured persons, nor will they prohibit a driver who was performing a safety-sensitive function from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Driver Whereabouts Drivers involved in a DOT-recordable accident while performing a safety-sensitive function must remain readily available for testing for 32 hours. A driver who is not available for testing will be considered to have refused to submit to testing unless his or her unavailability is attributable to efforts to obtain assistance in responding to the accident or obtaining necessary emergency medical care.

Alcohol Consumption Prohibited A driver subject to post-accident testing must refrain from consuming alcohol for eight (8) hours following the accident or until he/she submits to an alcohol test, whichever comes first.



Random Testing

Introduction

Commercially licensed drivers will be subject to random testing for alcohol and controlled substances while the employee is performing safety-sensitive functions, just before or just after performing, or if the employee is immediately available to perform safety-sensitive functions.

Frequency & Selection

Random testing will be conducted at, or above minimum annual rates established by the USDOT. Random tests will be unannounced and conducted throughout the year.

All subject employees performing safety-sensitive functions will have an equal chance of being selected for testing from the random selection pool each time random test selections are made. Subject employees will remain in the random selection pool even after being selected and tested. Therefore, a subject employee may be selected for a random test more than once during a year.

Test Timing

Subject employees selected for random controlled substance or alcohol tests must report to the collection site immediately after receiving notification of his or her selection from the random pool. If a selected employee fails to report to the testing site in a reasonable time, the test may be considered positive.

Return-to-Duty Testing

Applicability A regulated employee who receives a verified alcohol test of .04 or greater, or tests positive for a controlled substance(s) during a DOT-regulated test, is subject to return-to-duty testing if the Company chooses to retain the employee.

Martz policy is to terminate any employee who tests positive during a regulated or non-regulated test for alcohol or controlled substances. Therefore, the information provided below on return-to-duty and follow-up testing is for employee reference only. The requirements as indicated are still applicable to being able to conduct safety-sensitive functions for another DOT-regulated employer should you fail a DOT-regulated controlled substance or alcohol test.

Criteria to work again A commercially licensed driver who tests positive for alcohol or controlled substances may not return to performing safety-sensitive functions until:

1. A DOT-approved Substance Abuse Professional (SAP) conducts an evaluation.
2. The driver successfully completes any treatment plan prescribed by the SAP; and
3. The driver passes a return-to-duty test.

Evaluation Included with his/her evaluation, the SAP:

- will indicate that the employee has completed, or is following, any prescribed treatment program.
- will determine the frequency and duration of follow-up testing after the employee returns to work.
- may recommend that the employee be subject to a return-to-duty test for both drugs and alcohol even if the employee only tested positive for one or the other.

Required test results To pass the return-to-duty test, the result must be a verified negative drug test and/or an alcohol test result of less than 0.02.



Follow-up Testing

Who is affected

A commercially licensed driver who tested positive on a regulated controlled substance and/or alcohol test will be subject to unannounced, follow-up testing once he/she has successfully completed the SAP evaluation and return-to-duty process.

Frequency and duration

The SAP will determine the frequency and duration of the follow-up testing. A minimum of six follow-up tests during the first 12 months after the employee returns to duty will be performed. Follow-up testing may be conducted for as long as 60 months following the employee's return to duty, as determined by the SAP.

Cost

At the discretion of the employer/company, the employee may be responsible for the costs of the follow-up tests.

Relation to random testing

Follow-up testing is separate from, and in addition to, the regular random testing program. Accordingly, employees subject to follow-up testing will remain in the standard random testing pool and will be tested accordingly if they are selected for random testing.

Role of The Medical Review Officer

Who is MRO All drug test results will be reviewed first by a specially trained physician serving as the MRO.

Who does MRO contact with results?

When the test result is...	The MRO will contact...
Negative	Company
Positive	Employee and Company

Discussions with Employee

When a drug test result is positive, the MRO will contact the employee to:

- discuss the test,
- determine if the positive result is valid, and
- notify the employee that s/he has 72 hours to request a test of the split specimen.

Discuss with Company

When a drug test result is verified positive, the MRO will contact Company to announce the verified positive result and the controlled substances for which the test was positive.

If unable to contact employee

The MRO will verify a test as positive *without* having communicated directly with the employee in the following three circumstances:

1. The employee expressly declines the opportunity to discuss the test results with the MRO.
2. Neither the MRO nor Company is able to contact the employee within 10 days of the date the MRO receives the confirmed positive test result.
3. More than 72 hours has elapsed since Company successfully made and documented a contact with the employee in which he instructed the employee to contact the MRO.

Continued on next page

Role of The Medical Review Officer, continued

Legitimate explanation

If a test result is verified positive under the latter two circumstances specified above, the employee may present a legitimate explanation why neither the MRO nor Company could contact him/her or why employee did not respond to the MRO. Such legitimate explanations include:

- serious illness
- injury
- other unavoidable circumstances.

Based on such information, the MRO may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO shall declare the test to be negative.

The Role of The Substance Abuse Professional (“SAP”)

Positive test

When a test result is verified positive, the employee is provided a list of recommended SAPs. SAPs, when contacted, will develop a treatment plan to be followed for reinstatement as a qualified commercially licensed driver.

Treatment programs

The treatment program will include referral of the employee by SAP to an assistance program or other treatment provider. The cost of this treatment will be the employee's (former employee's) responsibility.

Re-evaluation

The employee will be re-evaluated by SAP to determine whether the employee has complied with SAP's recommendations.

After that evaluation and the successful completion of a return-to-duty test, the SAP will recommend to any current or future employer the number of random tests to conduct on the employee over a specified timeframe (these specified random tests are in addition to regular random selections).

U.S. DOT Drug & Alcohol Testing Process

Introduction	Drug and alcohol testing processes that are conducted under DOT authority will be administered per the established rules in CFR 49, Part 40 and Part 655 (Maryland only). This section is an outline of these processes for drug and alcohol tests.
Purpose	Drug and/or alcohol testing of employees and drug testing of safety-sensitive job candidates will be conducted in a manner designed to: <ul style="list-style-type: none">• protect applicants/employees.• protect the integrity of the testing process.• safeguard the validity of test results, and• ensure that those results are attributable to the correct person.
Urine drug sample collection	<ul style="list-style-type: none">• Urine samples for drug testing will be collected in private at the collection site designated by the employer, using the split sample collection method.• If the collection site personnel <i>and</i> the employer's representative have reason to believe that an adulterated or substituted or dilute sample has been provided, or that the employee may alter or substitute or dilute the sample, the employee will be required to submit to a second sample or give the original sample under the direct observation of a same gender collection site person.• The determination to submit a second sample or to provide the original sample under observed collection shall be made in accordance with 49 CFR Part 40, Section 40.67.
Chain of custody procedure	An approved chain of custody procedures will be followed in the administration of all drug tests. <ol style="list-style-type: none">1. Urine samples will be sealed and initialed by the employee and a witness.2. The drug testing custody and control form will be completed during the process.3. Urine samples will be promptly sent to and tested by a laboratory that is certified to perform drug tests by the Department of Health and Human Services (DHHS).4. Urine samples, including primary and secondary specimens, will be stored in accordance with established protocols.
Drug testing	Initial drug screening will be conducted using an accepted immunoassay method. All positive tests are confirmed using a second test method.

Continued on next page



U.S. DOT Drug & Alcohol Testing Process, continued

Breathalyzer & saliva testing

Breathalyzer and saliva alcohol tests will be conducted in a manner that provides the employee with privacy to the greatest extent possible. Alcohol tests will be administered in a location that affords visual and aural privacy to the employee being tested which is sufficient to prevent unauthorized persons from seeing or hearing test results. All of the procedures regarding such tests set forth in the 49 CFR Part 40, including procedures relating to completion of the breath alcohol testing form will be followed.

Alcohol testing devices

Alcohol tests will be conducted with the use of a non-evidential screening device (generally a saliva screening test) and/or an evidential breath testing device (“EBT”) approved for use by the National Highway Traffic Safety Administration.

Type of Device	Administered by...
Non-evidential screening device	Screening Test Technician (STT)
Evidential breath testing device (EBT)	Breath Alcohol Technician (BAT)

Negative results

If the test reveals a blood alcohol concentration of less than 0.02, the test is negative and will be reported as such.

Alcohol positive results & confirmation testing

If a test using an EBT reveals an alcohol concentration of .02 or greater, a confirmation test will be conducted.

If a screening test reveals a blood alcohol concentration of 0.02 or greater, a confirmation test will be performed.

- The confirmation test will be performed using an EBT and conducted within 30 minutes of the completion of the screening test.
- If the employee must be transported from the screening test site to the confirmation test site, the employee will remain under the direct observation of a BAT, STT, or another employer representative.

Continued on next page

U.S. DOT Drug & Alcohol Testing Process, continued

Employee responsibilities Any employee (or applicant) who is required to submit to a drug or alcohol test must promptly execute a consent to:

- the collection of any samples
- the analysis of samples to determine the presence of designated substances and/or their metabolites or alcohol.
- the release of test results to appropriate parties

Any employee required to submit to a drug and/or alcohol test must cooperate fully with the collection process and complete all required forms and documents.

Confidential results Upon request, legible copies of the results of all drug and alcohol tests will promptly be made available to the employee. Any information obtained in the process of conducting a drug and/or alcohol test will be treated as confidential information.

Test Standards

Controlled substances

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

1. Marijuana
2. Cocaine
3. Opiates and opiate metabolites
4. Amphetamines
5. Phencyclidine (PCP)

Drug levels

The positive levels for the five classes of controlled substances vary, but are specified in 49 CFR, Part 40.

Alcohol levels

A blood alcohol level...	Is considered...
0.00 - 0.0199	negative
0.02 - 0.039	not negative
0.04 and higher	positive

Continued on next page

Test Standards, continued

**Positive
results &
confirmation
tests**

Controlled Substances

- If the results of an initial controlled substance test are positive (results exceed the test levels for any of the five drug classes), a confirmation/second test is performed.
- The confirmation test is done in an entirely different manner from the initial immunoassay screen; all specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry techniques.

Alcohol

- If the results of the initial test are anything but negative, a confirmation/second test will be performed.
- In the event the initial test was conducted using an approved screening test rather than an evidentiary breath test (EBT), an EBT device will be used for the confirmation test.

**Negative
results**

Controlled Substances & Alcohol:

If the results of the initial tests are negative, the testing laboratory or authority will advise the Company's Medical Review Officer (MRO) that the test was negative. No additional tests will be done.



Releasing Records

**Employee
request**

Each employee is entitled, upon written request, to obtain copies of any records pertaining to his or her use of alcohol or controlled substances, including any records pertaining to his or her alcohol drug tests. Such records shall be made available to a subsequent employer or other party only upon written request of the employee and only as expressly authorized by the terms of the employee's written request. Employees who wish to obtain or release a copy of their records should notify the company Contact Person.

**Other
external
releases**

Employee records will be made available, upon request, to the Department of Transportation/Federal Motor Carrier Safety Administration or other government bodies with regulatory authority over Company, including the National Transportation Safety Board following an accident under its investigation.

In addition, Company may disclose information contained in employee records to the employee or the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the covered employee and arising from the results of a drug or alcohol test administered under this policy.

The existence of positive tests on regulated drug and alcohol tests may also be disclosed to future potential employers when required by USDOT regulations.



RECEIPT

I hereby acknowledge receipt of the

“ALCOHOL & SUBSTANCE ABUSE POLICY”

This policy includes educational information on alcohol and substance abuse. I agree to review the policy in its entirety and inquire with the company's designated employer representative or other appropriate company representatives if I have any questions.

I understand I must report all vehicle accidents as soon as possible to dispatch or my immediate supervisor so that evaluation of post-accident testing requirements can be determined.

I agree to abide by this policy and all Department of Transportation regulations contained within the policy.

(Print) Name

Signature

Date