# Sample Hazard Communication Program

**Context**

According to OSHA the purpose of the Hazard Communication Standard (HCS) is "to ensure that the hazards of all chemicals produced or imported are evaluated, and details regarding their hazards are transmitted to employers and employees." The premise behind HCS is that employers and employees have the right to know the hazards and identities of the chemicals they are exposed to and what precautions they can take to protect themselves.

The Texas Hazard Communication Act (THCA) is a state "worker right-to-know" law that requires public employers to provide their employees with specific information and training on the hazardous chemicals to which employees may be exposed in the workplace.[[1]](#footnote-1)

**Approach**

The HCS addresses safety to employees who potentially contact hazardous chemicals. Those entities which manufacture or import chemicals must assess their hazards and create labels and safety data sheets (SDS) that inform their customers of the potential dangers. Workplaces containing hazardous chemicals must have displayed labels and supply the SDS to employees who may contact them.

OSHA has aligned its Hazard Communication Standard with the Globally Harmonized System of Classification and Labeling of Chemicals. The Globally Harmonized System (GHS) is a standardized system of identifying hazardous chemicals, and it is used internationally.

**Application**

Hazard Communication covers these basic concepts:

• Identification of chemical hazards

• Standardized labeling

• Standardized Safety Data Sheets

• Written Compliance Program including a List of Hazardous Chemicals

• Employee Training.

**Resources**

<https://www.osha.gov/hazcom>

<https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.1200>

<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.502.htm>

<https://dshs.texas.gov/hazcom/faq.aspx#101>

<https://www.osha.gov/sites/default/files/publications/OSHA3696.pdf>

<https://www.tdi.texas.gov/wc/safety/globalhazcomm.html>

# Chapter 34 – Resource A, Sample Property Conservation Program

SAMPLE PROPERTY CONSERVATION PROGRAM[[2]](#footnote-2)

The purpose of the property conservation program is to identify, conserve, and protect the tangible personal property assets (“property”) of***(Agency).******( Agency*)** assets are held in trust for the benefit of the state and its citizens.

The property conservation program identifies exposures, loss control measures, loss reporting, and property monitoring.

Property Exposures

***(Agency)*** has the following primary property exposures: physical location, personal property, financial assets, and consumable office supplies. Of these exposures, the most immediate concerns are personal property and consumable office supplies.

Property Inventory

The basis of an effective property conservation program is an accurate inventory. The agency conducts an annual physical inventory of property in compliance with §403.273(f) of the Texas Government Code and the rules of the Texas Comptroller of Public Accounts (“Comptroller”). After completing the physical inventory, the agency certifies the inventory and submits documentation to the State Property Accounting (SPA) System in the Comptroller’s Office.

***(Agency)*** has implemented the State Property Accounting System as its system of record for the maintenance of inventory records.

An inventory is conducted annually on all consumable supplies. The (Agency) administration conducts the inventory of central supply.

Property Manager

The Texas Government Code (§403.273) makes the agency head responsible for the proper custody and care of state property. In accordance with the Texas Government Code, the Executive Director of ***(Agency)*** has designated ***(Name of Position or Individual)*** as the agency’s property manager. The property manager is required to maintain property records and be the custodian of property possessed by the agency.

Lost, Destroyed, or Damaged Property

The Texas Government Code (§403.275) holds the agency head, property manager, or agency employee entrusted with the property financially liable for agency property that disappears or deteriorates if the loss is due to the failure of such person(s) to exercise reasonable care for the safekeeping and maintenance of the property. ***(Agency),*** in accordance with the Texas Government Code (§403.276), must report to the State Auditor and the Texas Attorney General when there is reasonable cause to believe that any state property in the agency’s possession was lost, destroyed, or damaged through the negligence or fault of any state official or employee. If the Attorney General determines that the loss, destruction, or damage was the fault of a state official or employee, the Attorney General may take appropriate action to recover the property's value.

Transfer of Personal Property

State agencies are authorized by the Texas Government Code (§403.278) to transfer property between agencies under certain reporting requirements. If the transfer involves a financial transaction, under current guidelines for interagency payments, the agency making the payment will initiate an Interagency Transaction Voucher (ITV) to reimburse the other agency. If ***(Agency)*** property has value, it will not be transferred to other entities except in exchange for appropriate consideration.

Salvage and Surplus Property

Any salvaged or surplus property must have written authorization to remove it from ***(Agency’s)*** inventory. ***(Agency)*** must use the methods prescribed by the Comptroller to delete property from the agency’s property records. The agency head or the property manager must provide authorization in writing before removing lost, destroyed, or damaged property from the agency’s inventory.

Loss Control Monitoring

Monitoring the property conservation program provides the necessary information and understanding to assess the program's overall effectiveness. Monitoring and awareness closely follow supervisory duties for loss control. Property conservation records will be maintained in an organized and up-to-date manner to allow for optimum program evaluation.

The Agency Risk Management Coordinator will, at least annually, evaluate property losses and identify the reason for the losses and the dollar value of all property involved.

Protection of Real Property

Real property includes unimproved land and buildings intended to be permanently attached to the land. ***(Agency) (owns/does not own)*** real property and ***(holds / does not hold)*** unimproved land***. (Agency) (does/does not)*** own buildings. ***(Agency)*** occupies a ***(State-owned / rented)*** office building and is responsible for the proper use and care of that portion of the building it physically occupies. It fulfills that requirement by:

* Inspection of and training in the use of fire safety equipment;
* Observing and enforcing good housekeeping procedures;
* Observing security rules and cooperating with building management and security procedures;
* Cooperating in proper and timely building maintenance; and
* Instituting and practicing emergency procedures as they relate to the building and its administrative spaces.

# Chapter 34 – Resource B, Traffic Safety Program Template

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**Section 1**

**Traffic Safety Policy**

1. Policy Statement

This policy manages fleet operations, including employee-owned vehicles, when used on behalf of a state agency. All employees of the agency that operate a motor vehicle per their job duties shall comply with the provisions of this policy. Drivers shall comply with local, state, and federal ordinances and legislation that govern motor vehicle operations. Drivers should avoid taking actions that would bring discredit to themselves, the agency, and the State of Texas while operating a motor vehicle during the course and scope of their duty.

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Executive Director  Agency Name |  | Date |

1. Objectives and Goals

The goal of the Traffic Safety Policy is to promote safe vehicle operation by presenting a guide that will allow each agency maximum flexibility in planning their individual Traffic Safety Programs.

The achievement of these objectives and goals is based upon the full cooperation and active participation of all employees in this Traffic Safety Program.

**Section 2**

**Traffic Safety Program Administration**

1. Roles and Responsibilities

Vehicle safety and compliance with local, state, and federal rules and regulations is the responsibility of all employees engaged in the operation of a motor vehicle. The below roles have been identified, and responsibilities have been established for each level of supervision:

* 1. Director and Manager Responsibilities
     1. The agency's executive leadership directs traffic safety efforts by appointing a knowledgeable Traffic Safety Program Coordinator, setting safety priorities and goals, providing appropriate resources and management support. Agency managers should follow the director's lead by giving priority support for fleet safety efforts.
     2. Managers should emphasize to employees who drive agency vehicles that agency policies and procedures concerning vehicle safety should be religiously followed. Appropriate disciplinary procedures should be developed and used if policies and procedures are not followed. The use of disciplinary procedures must be done consistently to be effective.
  2. Traffic Safety Program Coordinator Responsibilities
     1. Development and implementation of the Traffic Safety Program
     2. Establishing standards for driving records
     3. Conduct motor vehicle record checks of applicants and employees to ascertain the driving record of the applicant or employee.
     4. Compliance with licensing and vehicle regulations.
     5. Ensure that vehicle accident report forms are completed by employees and supervisors as required by procedures.
     6. Conduct reviews of employee vehicle accidents to identify causes of accidents.
     7. Prepare studies and reports of vehicle accidents and traffic safety-related issues and provide such studies and reports to the risk manager and appropriate managers according to procedures.
     8. Participate as a technical advisor to the agency's accident review board and/or safety committee.
     9. Conduct appropriate traffic safety training for agency employees or arrange for such training to be conducted.
  3. Fleet Manager Responsibilities
     1. The agency fleet manager directs the operations and maintenance efforts of agency fleet vehicles. The fleet manager plays a key role in fleet safety efforts by setting schedules and priorities for maintenance of agency vehicles and developing guidelines for operations of the vehicles. The fleet manager should incorporate appropriate safety procedures into all operating procedures of agency vehicles.
  4. Supervisor Responsibilities
     1. Ensuring that all operators have the required license for the type of vehicle being operated and possess the appropriate personal vehicle insurance.
     2. Providing driver training for all operators
     3. Establishing driver rules for specific motor vehicle operations
     4. Maintaining operation and maintenance files for each vehicle and piece of equipment
     5. Ensure inspections are being conducted
  5. Driver Responsibilities
     1. Agency drivers must be adequately trained in proper safety procedures and should be given management direction and support to drive safely.
     2. Adherence to policy and procedure governing motor vehicle operation
     3. Maintaining a professional appearance of agency-owned vehicles
     4. Safe operation of the vehicle
     5. Conducting and documenting inspections
     6. Submitting accident reports
     7. Notification of licensing changes to supervision
     8. Maintain a safe driving record according to agency standards

**Section 3**

**Driver Selection Procedures**

1. Driver Qualifications

Employees who operate a motor vehicle for a state agency must satisfy the conditions of this policy to be fully qualified as a driver for the agency. An employee whose job duties involve the operation of a vehicle shall:

* At all times, have and able to produce a valid state driver’s license in the appropriate classification established in the official position description;
* Be an authorized driver of the organization with a prescreened MVR;
* Have at least the minimum number of years of experience required for the class of vehicle operated.

An employee will not meet the fully-qualified driving requirement if he or she received any of the following:

* Three or more convictions of moving violations that include; but are not limited to the following:
  + Speeding;
  + Running a stop light/sign; or
  + Failure to maintain vehicle liability insurance.
* A conviction driving while intoxicated or driving under the influence conviction;
* Any suspension to, or revocation of, their driver’s license.

*Note: It is the responsibility of any employee whose license has expired, been suspended, revoked, or canceled to notify their supervisor immediately. As possible, an employee may be temporarily or permanently reassigned if they can no longer legally perform their assigned driving responsibilities. Employees who cannot be reassigned may be subject to termination.*

Employees may be disqualified from performing driving duties for any reason deemed necessary upon advisement from the General Counsel. If a driver becomes ineligible and driving is defined as one of the employee’s primary duties, guidance from Human Resources should be sought in determining the appropriate action to be taken. Ineligible drivers can request that their driver record be reassessed when they believe their record has changed, and they would meet the eligibility requirements of this policy.

1. Volunteers, Intern, and Part-time Employees

Only authorized individuals should be permitted to drive on agency and should be consistent with the scope of their duties and responsibilities. Volunteers, interns, and part-time employees typically are not authorized to drive on the agency as it is not consistent with their job requirements.

1. Driving Roster

Each department shall maintain a roster of all employees who are authorized to drive vehicles. This document will include the employees’ current driver's license number and expiration date and highlight the employees’ driving record. This information is to be kept current by the department director or their designee.

1. Review

A Moving Violations Records (MVR) check should be conducted on agency drivers at the time of employment and regularly after that. If an employee is found to have a problematic driving record and the agency feels they need to keep this person on their approved driver list, more frequent MVR checks are recommended. These records should be provided to agency managers or supervisors on a need-to-know basis only, unless requested (and found subject to disclosure) under the Open Records Act. The agency should develop a standard that would be the basis for comparing MVR's before receipt of MVR's. No unsafe driver should operate a motor vehicle for both safety and liability reasons during their assigned duties.

1. Driver License checks
   1. Evaluation Criteria
      1. Category of MVR Check
         * Clear - No offenses or accidents.
         * Acceptable - No more than two minor violations or one at-fault accident in the last three years; or a combination including no more than one minor violation and one at-fault accident in the last three years.
         * Borderline – three minor violations, or two at-fault accidents in three years, or any combination of three occurrences of minor violations and at-fault accidents in three years.
         * Poor - Any major conviction in the last five years; or four or more minor violations in three years; or three or more at-fault accidents in three years; or any combination of minor violations and at-fault accidents totaling four occurrences in three years.
   2. Confidential Driver’s Information
      1. The agency will treat the following as confidential information to the extent permitted or required by the Texas Public Information Act:
         * A motor vehicle operator’s or driver’s license or permit issued by the Texas DPS or another state agency;
         * A motor vehicle title or registration issued by a state agency; and
         * A personal identification document issued by a state agency or local agency authorized to issue an identification document.
   3. Types of Violations Classified as Major Convictions
      * Driving Under the Influence or refusing to test for sobriety
      * Fleeing an accident scene
      * Reckless driving
      * Involvement in a fatal accident
      * Assault involving a motor vehicle
      * Passing a stopped school bus
      * Driving with a suspended/revoked license
2. Types of Violations Classified as Minor Violations
   * 1. Any moving violation other than a “Major Conviction,” plus:
     2. Motor vehicle equipment, load, or size violations
     3. Failure to display license plates
     4. Failure to display current registration
     5. Failure to display Driver’s License
     6. Defective equipment
     7. Use of a wireless communications device for electronic messaging while driving
3. Insurance verification
4. Drug and Alcohol Testing

No employee shall operate a vehicle for state agency conduct of state agency while under the influence of alcohol or any drug that would impair a person’s ability to operate a vehicle safely and prudently.

Violation of this policy will result in disciplinary action up to and including termination.

1. Vehicle Operator Medical Examination

In an automobile accident, the agency may require an examination to determine the employee’s “Fitness for Duty.” The fitness for duty examination may include a medical examination. The Human Resources Director must approve any request to obtain a fitness for duty examination before the employee is directed to obtain the examination.

Further, distinct from the fitness for duty examination, law enforcement personnel may require a drug test if within the course and scope of their official duties.

Reasons to request a fitness for duty examination may be based on, but are not limited to, indicators that the employee is under the influence of alcohol, drugs, or any substance that would tend to impair a person’s ability to operate a vehicle safely. Fitness for duty examinations may also be requested if operators appear to be physically or mentally impaired to such an extent that they are a safety risk to operate a vehicle.

**Section 4**

**Education and Training**

* 1. Driver Training

Motor vehicle accidents are a leading cause of occupational injuries and death. This problem makes driver safety training imperative. The fleet safety training program should include basic training in vehicle operation, refresher instruction at regular intervals, and remedial training for employees involved in an accident. Training topics should include, but not be limited to, the following:

* wearing seat belts;
* effects of driving while under the influence of drugs or alcohol;
* hazardous conditions;
* high risk driving periods; what to do following an accident;
* vehicle maintenance.
  1. Specialized Driver Training Programs

Specialized training courses relative to fleet safety have been commercially developed and are available for purchase. For example, The National Safety Council (NSC) has developed several specialized driver training courses. The "Defensive Driving Course" is designed to instruct and motivate motor vehicle drivers to control and avoid accident-producing situations. This course develops the qualities of knowledge, foresight, and skills.

NSC's "DDC-Attitudinal Dynamics of Driving" course is designed for the operator with multiple tickets or traffic accidents. The course applies the principles of Reality Therapy to the problem driver's driving behavior. NSC's "Commercial Driver’s License Skills Training Programs" aim to prepare commercial drivers for CDL testing. Instructor development courses can also be taken to become an instructor in the National Safety Council's driving courses.

* + 1. Fork Lift
    2. Power Truck
    3. Emergency Vehicle
  1. Commercial Driver’s License

In 1986, Congress enacted the Commercial Motor Vehicle Safety Act of 1986, Title XII of Public Law 99-570. The act requires all states to implement a commercial driver’s license testing program. Every state has passed legislation providing for the implementation of a commercial driver’s license program. The Texas Commercial Driver's License Act, V.T.C.S., Article 6687b, § has been enacted and became effective April 1, 1990. A driver must have a CDL to operate any of the commercial motor vehicles listed below:

* a single vehicle with a gross vehicle weight rating (GVWR) of more than 26,000 pounds;
* a trailer with a GVWR of more than 10,000 pounds if the gross combination weight rating is more than 26,000 pounds;
* a vehicle designed to transport more than 15 persons (including the driver); or,
* any size vehicle which requires hazardous materials placards.
  1. Remedial Training:

Drivers may be required to attend a safe driving school or a substance abuse program on their own time and at their own expense if a review of the driver's MVR indicates:

* + - One or more violation convictions within any one year, or
    - A conviction for driving while under the influence of alcohol or drugs.

Also, depending on the severity of the conviction, the employee's driving privileges may be revoked and/or may result in employment termination.

**Section 5**

**Fleet Management**

* + - * 1. Definition of Fleet Safety

A fleet of vehicles may be defined as one or more vehicles owned or leased by a state agency. A fleet of vehicles may include airplanes, automobiles, trucks, truck tractors, powerboats, other water-going vessels, loaders, forklifts, motorcycles, snowmobiles, and other "off-road" vehicles. Fleet safety encompasses all necessary activities to plan, organize, staff, develop, implement, control, and monitor a program to prevent or reduce accidents, claims, and damages from fleet operations. The fleet safety program includes all functions involving the fleet to prevent, reduce, and control accidents.

* + - * 1. Registration and State Vehicle Inspection Renewals

The Traffic Safety Program Coordinator is responsible for all registration, state vehicle inspection renewals, and documentation of all agency-owned vehicles.

A Texas Vehicle Inspection Report must be procured by completing a State Vehicle Inspection at a certified State of Texas approved facility for each vehicle within 45 days of the vehicle’s current registration expiration. The Texas Vehicle Inspection Report must show an overall rating of “Pass” before moving on in the registration process.

An application for Standard Texas Exempt License Plates form (VTR-62-A) must be completed for each registered vehicle.

A hard copy warrant must be procured via the electronic requisition system for the inspection fee amount identified on the Vehicle Registration Renewal Notice. A copy of the Vehicle Registration Renewal Notice, hard copy warrant, Texas Vehicle Inspection Report and the completed Application for Standard Texas Exempt License Plates form must be hand-delivered to the Fleet contact at the Travis County Tax office.

* + - * 1. Pre-Trip Vehicle Inspections

Operators of automobiles, vans, light or heavy trucks, public works vehicles, transit vehicles, etc., shall be responsible for performing a daily walk-around of their vehicle before it is placed into service for that duty day. Completed inspection forms are to be filed daily.

Employees are expected to perform and document daily vehicle pre-operation inspection (reference Appendix A for Pre-trip Inspection Checklist). Any discrepancies observed during inspections should be documented (reference Appendix B for Example Vehicle Inspection Report).

For any maintenance issues described in this section, proper departmental procedures should be developed to report repairs/ maintenance. Depending on the nature of the issue, the vehicle may be required to be removed from service until repairs have been made.

* + - * 1. Preventative Maintenance

The Traffic Safety Program Coordinator must schedule routine maintenance regularly. The following table details the specific requirement and mileage or yearly standards. Particular circumstances may suggest that these intervals might occur sooner.

|  |  |
| --- | --- |
| **Minimum Requirements** | **Interval** |
| Change oil and filter | Every 3,000 miles |
| Lubricate chassis | Every 3,000 miles |
| Windshield wipers | Every 6,000 miles, if indicated |
| Change air filter | Every 6,000 miles |
| Rotate tires | Every 12,000 miles |
| Repack wheel bearings and inspect brakes | Every 24,000 miles |
| Service transmission | Every 30,000 miles |
| Radiator flush and fill | Every year |
| Complete vehicle tune-up | Every 30,000 miles |

The vehicle operator is responsible for performing the following routine maintenance:

* Check the engine oil level each time the vehicle is filled with fuel;
* Check other fluid levels if applicable (i.e., power steering, brake, and windshield washer fluid) each time the vehicle is filled with fuel;
* Before the operation, check the tire pressure and at any other time while operating the vehicle if indicated. The correct pressure in Pounds per Square Inch (PSI) is located on the outside sidewall of the tire;
* Always keep the exterior and interior of the vehicle clean and neat;
* Report any electrical, mechanical, or safety issues to the Traffic Safety Program Coordinator as soon as they are identified.
  + - * 1. Vehicle Cleanliness Practices

Maintaining clean agency vehicles is an important part of the Safety Program. Additionally, clean vehicles help project a professional image to employees, customers, and the motoring public. The following outlines the requirements for keeping agency vehicles clean:

* Drivers are responsible for maintaining a clean interior. The cab interior must be kept clean and free of clutter. All trash shall be removed from the cab at the end of each workday.
* All windows, side-view, and rear-view mirrors must be kept clean.
* Only approved cleaning supplies can be used on an agency-owned vehicle.
* The outside of the vehicle must be washed as appropriate. It is recommended that vehicles be washed at least once a month.
  + - * 1. Repairs

If an agency-owned vehicle needs repair, the vehicle operator should contact the Traffic Safety Program Coordinator. The Traffic Safety Program Coordinator will maintain a list of approved repair service facilities and request the repairs to be completed. All applicable procurement procedures will be followed.

* + - * 1. Vehicle Maintenance Documentation

The department manager and driver are responsible for ensuring that maintenance is performed on their respective department’s vehicles. Documentation of maintenance and repairs is critical for your defense in case of a major incident. Regularly scheduled maintenance should follow the manufacturer’s specifications.

Every vehicle or equipment should have its file for documentation; inspections and maintenance on a vehicle should be kept for its life. They should be kept in a place where they will not be destroyed or lost.

* + - * 1. Warranty and Recall Tracking

The Traffic Safety Program Coordinator tracks agency vehicle warranty information. The Traffic Safety Program Coordinator will track all maintenance performed on agency vehicles. If a warranty or recall issue arises, the Traffic Safety Program Coordinator will contact the dealership where the vehicle was purchased or an authorized service center for warranty or recall work. The Traffic Safety Program Coordinator will maintain a list of approved warranty service facilities.

* + - * 1. New Vehicle Delivery

Upon receiving a new vehicle, the Traffic Safety Program Coordinator will:

1. Inspect the vehicle to ensure all options and safety equipment are present;
2. Obtain gas cards for the new vehicle;
3. Obtain and coordinate installation of state logo and agency lettering for the vehicle;
4. Obtain the original vehicle title by submitting an Application for Texas Certificate of Title (Form 130-U), the Odometer Disclosure Statement, and the Certificate of Origin to the Vehicle Title and Registration Division at the Texas Department of Transportation.
5. Obtain the license plates by submitting an Application for Standard Texas Exempt License Plates (Form VTR-62-A) to the Vehicle Titles and Registration Division of the Texas Department of Transportation.
6. Photograph the vehicle’s front, right, back, and left exterior sides, and the interior of the vehicle;
7. Enter all required information into the state reporting system maintained by the Office of Vehicle Fleet Management (OVFM).
   * + - 1. Vehicle Replacement Schedule

Most vehicles should be replaced when they reach six years (72 months) of service or 100,000 miles, whichever comes first. However, there may be circumstances in which vehicles may be replaced sooner (such as excessive maintenance or repair costs) or retained longer (such as unusually low maintenance or repair costs)[[3]](#footnote-3). The Traffic Safety Program Coordinator may make this determination on a case-by-case basis, using these guidelines. The following table details the replacement goals for various types of vehicle and vehicle use:

|  |  |  |  |
| --- | --- | --- | --- |
| **Vehicle Type** | **Purpose** | **Age** | **Mileage** |
| Sedans and wagons | Staff or passenger transport | 6 years | 90,000 miles |
| Light trucks and sport utility vehicles (8,600 GVWR or below) | Staff or passenger transport, basic transport, light hauling | 6 years | 100,000 miles |
| Passenger vans | Staff or passenger transport | 6 years | 100,000 miles |
| Cargo vans | Cargo hauling | 8 years | 100,000 miles |

* + - * 1. Unauthorized Use of Vehicles

Assigned drivers and other authorized employees will not allow an unauthorized individual to operate an agency vehicle. Disciplinary action may be taken if it is determined that an employee has permitted an unauthorized driver to operate a fleet vehicle. Additionally, if unauthorized use results in an accident, the responsible employee will be required to pay restitution for the damages.

* + - * 1. Disposal of Used Vehicles

Surplus vehicles will be disposed of per state surplus property procedures. The Traffic Safety Program Coordinator will determine on a case-by-case basis if a vehicle scheduled for surplus can be cleaned, refurbished, painted, or similarly improved to enhance the sale price at a minimum expense or use of resources. The original title will be prepared and forwarded with the vehicle.

**Section 6**

**Use of Personal Vehicles for Agency**

When using a personal vehicle, whether owned, borrowed, leased, or rented, for conducting state agency, drivers should be aware of the following guidelines:

1. Minimum Vehicle Safety Requirements

Personal vehicles used by a state agency employee on state business are required to meet certain minimum safety standards. As required by Texas regulations, personal vehicles must pass an annual Safety Inspection before the vehicle is approved for use. The vehicle operator must submit a copy of a current and approved state inspection to the Traffic Safety Program Coordinator upon request. Any vehicle that does not pass or cannot hold a current Safety inspection is not allowed to operate on the state agency.

1. Motorcycles/Scooters/Mopeds

Due to the significant risk of traumatic injury from a motor vehicle accident, employees are prohibited from using motorcycles/scooters/mopeds when traveling on the agency.

1. Vehicle Registration Requirements

Personal vehicles used by a state agency must have a current vehicle registration. Employees are responsible for keeping the registration current on their vehicles. A state agency shall not use any vehicle that does not have a current and valid registration.

1. Minimum Insurance Requirements

Personal vehicles used for state agencies must meet the minimum insurance coverages set forth by the State of Texas. Employees are responsible for maintaining the minimum insurance requirements on their vehicles. A state agency shall not use any vehicle covered by insurance or does not meet the minimum coverage limits.

**Section 7**

**Commercial Motor Vehicle Guidelines**

1. Applicability

The guidelines outlined in Section 7 of this manual apply to all agency employees who operate Commercial Motor Vehicles.

1. Definitions

The definitions below apply to all the guidelines outlined in Section 7 of this manual:

* **Motor Vehicle**: is any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of property[[4]](#footnote-4).
* **Commercial Motor Vehicle (CMV)**: is any self-propelled or towed motor vehicle used on a highway in interstate/intrastate commerce to transport property when the vehicle with a gross vehicle weight rating (GVWR), or gross combination weight rating (GCWR), or gross vehicle weight (GVW) or gross combination weight (GCW) of 10,001 pounds or more, whichever is greater.
* **Commercial Driver**: is any driver operating CMV’s as listed above.
* **CDL Commercial Driver**: is anyone operating a CMV 26,001 lbs. and above.
* **NON-CDL Commercial Driver**: is anyone operating a CMV from 10,001 to 26,000 lbs.

1. Load Securing

Shifting or falling cargo are contributing factors in a major portion of the accidents that are investigated by the Federal Motor Carrier Safety Administration (FMCSA). The FMCSA has set strict guidelines for cargo securement.

It is the policy for all agency drivers to adhere to the regulations in the FMCSA Regulation Handbook under 393 Subpart 1, 393.100 through 393.136. The following agency guidelines meet or exceed the regulations of the FMCSA.

1. Minimum Number of Securement Devices Required

The following securement devices are required to ensure that a load remains secure during transit:

* + No piece of equipment will have less than two chains and two binders.
  + Four Chains and Binders are required to secure heavy vehicles, equipment, and machineries such as front-end loaders, bulldozers, tractors, and power shovels weighing 10,000 lbs. or more. Each of the tie-downs must be affixed as close as practicable to the front and rear of the vehicle or mounting points on the vehicle that has been specifically designed for that purpose.
  + Attachments and or accessory equipment, such as hydraulic shovels, buckets, hammers, forks, baskets, etc., must be completely lowered and secured to the vehicle.
  + Articulated vehicles shall be restrained in a manner that prevents articulation while in transit.
  + All Chains and binders must be stowed only in an appropriately designated place, such as headache rack chain holders, trailer upper deck chain and binder boxes, and rollback bed chain and binders boxes. (Chains and binders must not be overflowing these storage boxes).
  + Other tools such as brooms, shovels, safety cones, chock blocks, wooden blocks, boards, and height sticks must be secured from falling off the truck. *Note: If using rubber bungee cords for securement, there must be at least two on each piece and free of cracks and dry rot for it to be considered secure.*

1. Load Securement for Service Vehicles

The following items should be secure at all times while the vehicle is in transit:

* + All welders, air compressors must be secure to the vehicle
  + All tools and equipment such as fuel cans, oxygen & acetylene tanks, propane tanks, brooms, shovels, safety cones, chock blocks, wooden blocks stowed in the open portion of the service bed must be secured from movement by any of the securement devices listed below:
    1. Mounting brackets for such equipment
    2. E-Track securement system with 1” ratchet straps
    3. Brackets are designed for securement.
    4. 1” ratchet straps
    5. Load Bars
    6. Mounted storage boxes

1. Delivery Drivers Parking Guidelines

Safe vehicle operations are imperative during the loading and unloading of delivery vehicles. The following guidelines should be followed during these operations:

* + Avoid situations where backing up is needed on job sites when delivering equipment;
  + Use pull-through parking spots for deliveries when available;
  + Avoid “Blind Side Backing”;
  + Before backing into a spot, please ensure that the way is clear and no obstructions are present;
  + If you are unsure of the surroundings where you are backing in, you must get out and walk the path you intend to use;
  + If available, please use a spotter when backing up;
  + Before starting to back up, turn on the 4-way flashers sound.

**Section 8**

**Safe Driver Incentives**

1. Driver Evaluation System

A driver record evaluation system establishes standards and guidelines that may be used to evaluate driving records. This system may be applied to any employee or job applicants who drive state-owned or personal or rental vehicles on the state agency.

Employing a driver who does not have a motor vehicle operator's license is illegal in the State of Texas if the driver has been hired to transport persons or property: "Before employing a person as driver of a motor vehicle used to transport persons or property, an employer shall request from the Department of Public Safety a list of convictions for traffic violations contained in their files on the potential employee and verification that the potential employee has a valid license. No person shall employ a person as a driver of a motor vehicle used to transport persons or property until the potential employee has been licensed to drive such a vehicle."

A check should be conducted at the time of employment and regularly after that. An applicant for a driving position should be notified that the applicant's MVR will be checked.

Records Requests for moving violation records may be made to the Texas Department of Public Safety using form DR-1 Application for Copy of Driver Record. Information provided may include the driver's date of birth, license status, and a list of all accidents and violations within the past three-year period.

Confidentiality of MVR's is important and should only be provided to agency managers or supervisors on a need-to-know basis.

1. Driver Point System

A driver point system is an evaluation tool designed to provide agency management with a systematic method to evaluate an employee or job applicant's driving records. It establishes a safe driving threshold limit based upon the driver's record and assesses points for each driving violation occurrence. For an example of a Driver Point System, reference Appendix D: Motor Vehicle Record Matrix.

1. High-Risk Drivers

The following criteria were established to identify high-risk drivers. A driver is unacceptable if the driver's accident/violation history in the past year includes one or more of the following moving violation convictions[[5]](#footnote-5):

* Driving under the influence of alcohol or drugs (DWI);
* Hit and run;
* Failure to report an accident;
* Negligent homicide arising out of the use of a motor vehicle;
* Operating during a period of suspension or revocation;
* Using a motor vehicle for the commission of a felony;
* Operating a motor vehicle without the owner's authority;
* Permitting an unlicensed person to drive;
* Reckless driving;
* Speeding (3 or more in a 3-year period); or
* Two preventable accidents in a 12-month period.

1. Safe Driver Awards Program

A safe driver awards program can improve driving behaviors by motivating employees to maintain and/or improve safe driving records. Such programs can increase vehicle safety awareness, reduce preventable fleet accidents and resulting claims, and reduce losses in productivity. The safe driver awards program should appeal to the needs of agency drivers and reward safe behavior. Successful programs have been built on recognition for "zero-accidents."

**Section 9**

**Safe Vehicle Operating Procedures**

1. Pre-Trip Inspection Procedures

The driver should inspect the vehicle for conditions that could cause hazardous driving. The inspection should include the exterior, interior, and mechanical systems, such as a pre-trip inspection checklist, reference Appendices A and B.

1. Transporting Non-Agency Personnel

Occasions arise which require agency-owned vehicles to transport non-agency personnel. Claims or litigation may be initiated against the agency and state by non-agency personnel if personal property damage, personal injury, or death occurs under conditions outlined in the Texas Tort Claims Act, §101.021. State agency liability exposures may be reduced by establishing appropriate non-agency personnel transportation procedures in agency-owned vehicles.

1. Compliance with Traffic Safety Laws

The following applies to all employees of the **Agency** who drive a state, personal or rental vehicle while conducting official state agency:

* All occupants shall use safety belts while the vehicle is in motion;
* All speed limits shall be observed, and speed should be reduced to a safe driving speed during inclement weather;
* Drivers shall use good defensive driving techniques;
* Employees should never drive while under the influence of medication, alcohol, or drugs which cause drowsiness, or while in poor health, which could endanger their lives or the lives of others;
* Drivers shall not use a wireless communication device while operating a motor vehicle;
* Drivers are representatives of the **Agency** and are expected to drive courteously;
* While on travel status, employees shall not use the rental vehicle for personal reasons;
* Failure to resolve such traffic violations will result in disciplinary action, up to and including dismissal.

1. Distracted Driving

What is Distracted Driving? “Any non-driving activity a person engages in that has the potential to distract him or her from the primary task of driving and increase the risk of crashing.”

When something or someone diverts your attention away from the task of driving, you endanger everyone with whom you share the road. Drivers are reminded and encouraged to avoid these distractions when driving. These types of distractions include:

* Texting;
* Using a cell phone or smartphone;
* Eating and drinking;
* Talking to passengers;
* Grooming;
* Reading, including maps;
* Using a navigation system;
* Watching a video;
* Adjusting the radio, CD, MP3 players, or other devices;
* Children and pets.

There are three primary types of distractions:

* Visual Distractions: Anything that takes your eyes off the road.
* Manual Distractions: Anything that takes your hands off the steering wheel.
* Cognitive Distractions: Anything that takes your mind off driving.

Drivers shall avoid conditions that cause distracted driving.

1. Mobile Device Use

The use of hand-held cellular phones or other mobile devices to email, text message, or internet browsing while driving in performance of an official agency is strictly prohibited. Employees with built-in hands-free mobile device capabilities may use this feature for voice calls while driving. Mobile devices may also be utilized for navigational assistance, provided that such use is hands-free and does not unduly distract the driver from safely operating their vehicle. Any violations of this policy will subject employees to disciplinary action, up to and including termination of employment.

**Section 10**

**Accident/Loss Reporting and Review Procedures**

1. Traffic Accidents

Leading Causes of Collisions:

* Distractions;
* Speeding;
* Following too closely;
* Unsafe lane changes;
* Driving too fast for conditions;
* Failure to yield right-of-way;
* Driving under the influence.

Other contributing factors:

* Road Conditions (*weather-related & physical*)
* Vehicle Maintenance (*i.e., tire tread/pressure, brakes, head/taillights*)

1. Driver Procedures Following a Vehicle Accident

In the event of a traffic accident:

* Stop the vehicle immediately;
* Turn on emergency flashers and turn off engine;
* Avoid obstructing the normal flow of traffic if possible;
* Assess your physical condition;
* Employee’s injuries occurring during work, including travel, must be reported with 24 hours to the employee’s immediate supervisor and the Traffic Safety Program Coordinator;
* If you are able, check on other parties or persons involved;
* Employees must provide reasonable aid and assistance to an injured person if it does not put the employee’s safety at risk;
* Place appropriate warning flags, reflective triangles, flares, or other such devices, if available, to prevent additional accidents or damage;
* Report the accident by telephoning law enforcement authorities having appropriate jurisdiction;
* Employees should make no comment or statement other than that required by law enforcement officers;
* Fault or liability should not be stated, admitted, or accepted. All liability questions should be directed to the agency's general counsel and the Litigation Division of the Attorney General's Office. State the facts clearly and objectively to law enforcement officers and agency accident investigators. Subjective, misleading, or false statements should not be made.
* Witness information should be obtained from all witnesses of the accident. Witness information should include the names, addresses, telephone numbers, and, if applicable, vehicle plate numbers of the witnesses.
* Obtain insurance information from the driver of the other vehicles involved in the accident. Such insurance information should include the following:
  1. Name, address, and telephone number of insured;
  2. Name, address, and telephone number of an insurance agency;
  3. Insurance policy number;
  4. Driver's license number of driver;
  5. Vehicle license number.

1. Accident Reporting Packet

Each vehicle operated by a state agency should contain an accident reporting packet. The envelope or first page of the packet should contain a quick checklist of step-by-step instructions regarding what the vehicle operator should do in the event of an accident. The accident reporting packet may include the following:

* + accident Report Form required by the agency;
  + name and telephone number of the agency Traffic Safety Program Coordinator, Fleet Manager, or other persons directly responsible for initiating vehicle accident investigations;
  + instructions concerning legal responsibilities of agency drivers;
  + writing pens or pencils; and,
  + Driver’s Statement of Accident (Reference Appendix E).

Accident report packets should be examined by the Traffic Safety Program Coordinator at least quarterly and upon return of a vehicle that has been involved in an accident. Any missing forms or writing materials should be replaced.

1. Accident Reporting

All accidents that involve the following should be reported to the supervisor and Traffic Safety Program Coordinator:

* Personal injury or death;
* Any property damage to vehicles or other property;
* Dangerous materials that contributed to the accident;
* Vehicles with oversized or overloaded cargo;
* Any unusual circumstances.

The accident report form should provide objective documentation and/or evidence concerning the conditions and events that existed before, during, and after the accident (reference Appendix B

Example Vehicle Inspection Report). Only the facts as they occurred should be recorded and reported. The accident report form should include the following information:

* Time, date, and place of the accident;
* Road conditions, weather conditions, and available lighting;
* Names and addresses of all persons involved in the accident, whether injured or not;
* A statement by the driver as to how the accident happened and, if obtainable, a statement from the driver of the other vehicle; A summary of damages to the vehicle, cargo, and other property that may be involved;
* Name, organization, and badge number of the investigating law enforcement official.

If an agency driver is injured and transported to emergency medical facilities, the agency Traffic Safety Program Coordinator should contact the investigating police officer and obtain relevant accident information.

1. Accident Review

Accident review information should be compiled and maintained by the Traffic Safety Program Coordinator. This information should be analyzed to determine the frequency and severity of various types of accidents and other statistical information that may benefit agency management to monitor and control the fleet operations, maintenance, and safety programs. The review information and analysis should be presented to the agency's Accident Review Board and/or Safety Committee for evaluation and recommendations for corrective action, if appropriate.

1. Investigations of Fleet Vehicle Accidents

Circumstances may require that the state agency driver perform the agency's initial investigation of the accident. Appropriate accident report forms provided in the accident reporting packet carried in each agency vehicle should serve this purpose.

An accident investigation should provide objective documentation and/or evidence concerning the conditions and events before, during, and after the accident. Only the facts as they occurred should be recorded and reported. Subjective comments and statements should never enter into an investigation.

If the agency driver is injured and transported to emergency medical facilities and the Traffic Safety Program Coordinator cannot be present at the accident scene, the coordinator should contact the investigating police officer and obtain relevant accident information. Accident investigation information should be compiled by the coordinator and then maintained by Fleet Manager. This information should be analyzed to determine the frequency and severity of various types of accidents and other statistical information that may benefit agency management to monitor and control the fleet operations, maintenance, and safety programs.

If an agency-owned vehicle is destroyed, it should be removed from the agency's property inventory.

1. Preventable/Non-Preventable Accidents

The following definitions relate to motor vehicle accidents:

* + A motor vehicle accident is defined as "any occurrence involving a motor vehicle which results in death, injury or property damage unless such vehicle is properly parked. Who was injured, what property was damaged and to what extent, where the accident occurred, or who was responsible, are not relative factors."
  + A preventable accident is defined as "an accident involving the vehicle unless properly parked, which results in property damage or personal injury and in which the driver failed to do everything he/she reasonably could have done to prevent or avoid the accident."

*NOTE 1: A properly parked motor vehicle is completely stopped and parked where it is legal and prudent to park such a vehicle or stop to load/unload the property. Vehicles stopped to load/unload passengers are not considered parked.*

*NOTE 2: Parking on private property will be governed by the same public streets and highways regulations. A vehicle stopped in traffic in response to a sign, traffic signal or the police are not considered parked.*

The determination of the preventability of an accident is the function of the agency Accident Review Board.

**Section 11**

**Record Keeping**

1. Record Keeping and Statistical Analysis

The key to monitoring the Traffic Safety Program is an effective, efficient record-keeping system. Traffic safety records should be well organized, maintained, and kept up to date. The most effective way to accomplish this is through computerization. The development and maintenance of a computer database that contains fleet maintenance and accident records provide the best mechanism for analysis. Statistical analysis can identify trends that may suggest different methods of operations and/or loss control measures. Some examples of statistical data that may prove useful are as follows:

* + vehicle accident frequency rates per 1,000,000 miles driven;
  + accident frequency rates per hours worked;
  + accident frequency rates per driver;
  + vehicle accident loss ratio; and,
  + direct and indirect costs attributed to vehicle accidents.

1. Reporting Theft or Vandalism of Agency-Owned Vehicles

Any damage to agency-owned vehicles or theft of items, including the vehicle, shall be reported immediately to the employee’s supervisor and Traffic Safety Program Coordinator. The information included in this report should include but not be limited to the following:

* Vehicle make, model, and color;
* Vehicle registration and license plate number;
* Vehicle identification number (VIN) located on the left-hand side of the dashboard or the vehicle registration certificate;
* Name of the driver, if applicable;
* Name of witnesses, if any;
* Nature of the incident;
* Approximate time/date the vehicle was last seen, if applicable;
* Last known location of the vehicle, if applicable.

If vandalism or theft occurs, a report shall be made to the law enforcement agency having jurisdiction. The following information shall be provided to the Traffic Safety Program Coordinator:

* Law enforcement agency name;
* Investigating officer name and badge number;
* Contact number;
* Calls for service/case number.

The reporting individual shall provide a copy of the police report to the agency once available.

**Section 12**

**Vehicle Liability Issues and Tort Liability Exposures**

The Texas Tort Claims Act specifically states that the State is liable for property damage only in cases involving the "operation or use of motor-driven vehicles or equipment" when "proximately caused by the wrongful act or omission or negligence of an employee acting within his scope of employment."

* + 1. Waiver of Sovereign Immunity
       1. Use or operation of motor-driven vehicle or equipment:
          - A governmental unit in the state is liable for:

Property damage, personal injury, and death proximately caused by the wrongful act or omission or the negligence of an employee acting within his scope of employment if:

The property damage, personal injury, or death arises from the operation or use of a motor-driven vehicle or motor-driven equipment; and

The employee would be personally liable to the claimant according to Texas law.

* + - 1. Condition or use of tangible personal or real property
         * A governmental unit in the state is liable for:

Personal injury and death so caused by a condition or use of tangible personal or real property if the governmental unit would, were it a private person, be liable to the claimant according to Texas law.

* + - 1. Premises defect or special defect
         1. Except as provided in Subsection (c), if a claim arises from a premise defect, the governmental unit owes the claimant only the duty that a private person owes to a licensee on private property unless the claimant pays for using the premises.
         2. The limitation of duty in this section does not apply to the duty to warn of certain defects such as excavations or obstructions on highways, roads, or streets or to the duty to warn of the absence, condition, or malfunction of traffic signs, signals, or warning devices as is required by Section 101.060.
         3. If a claim arises from a premise defect on a toll highway, road, or street, the governmental unit owes the claimant only the duty of a private person to licensee on private property.
    1. Limit on State’s Liability
       1. Use or operation of motor-driven vehicle or equipment:
          - Personal injury or death

$250,000.00 per person

$500,000.00 per occurrence

* + - * + Property Damage

$100,000.00

* + - 1. Condition or use of tangible personal or real property
         * Personal injury or death

$250,000.00 per person

$500,000.00 per occurrence

* + - 1. Premises defect or special defect
         * Personal injury or death

$250,000.00 per person

$500,000.00 per occurrence

**Appendix A**

**Traffic Safety Program Checklist**

|  |  |
| --- | --- |
| Checklist for Essential Traffic Safety Program Elements | |
|  | Does the agency have a formal traffic safety program that includes management support, procedures, education, and training? |
|  | Has the agency established an internal driver training program? |
|  | Does the agency have specific traffic accident reporting procedures? |
|  | Does the agency routinely and periodically check for valid driver's licenses of employees required to drive on the agency? |
|  | Does the agency conduct Department of Public Safety driver moving violation record checks for agency drivers? |
|  | Is a "Non-Owners Automobile Liability Insurance Policy" purchased to provide liability protection to the agency (if authorized)? |
|  | Does the agency require the employee to notify their auto liability insurance carrier to obtain additional coverage while using their vehicle on the agency? |
| **(Check box if Yes)** | |

**Appendix B**

**Pre-Trip Inspection Checklist**

The following items should be checked before vehicle operations for state agency travel:

* Windshield wipers and fluid levels
* Windshield defogger/defroster working properly
* Antifreeze/Coolant levels; proper protection for weather conditions; check reservoir level
* Battery fluid levels; proper color in battery "eye" for sealed batteries
* Side view mirror
* Tires (tread, pressure), Winter rating if applicable
* Lights (signal, brake, head, (high/low beam) hazard/flashing,) clean and working properly
* Fan belts tight and not frayed or cracked
* Hoses firm not cracking, leaking, or bloated
* Brakes (fluid levels adequate, pedal firm not spongy, pedal height from the floor is sufficient)
* Dashboard gauges are operating properly
* All passengers wear seat belts; operating properly
* The vehicle is not overloaded beyond its rated weight capacity
* Shock absorbers work properly
* Oil level is sufficient
* Transmission fluid level is sufficient
* Ignition wiring is in good repair
* Snow has been cleared from the entire vehicle
* Horn-working
* Gasoline-full tank; cap in place
* Radio in working order (for possible weather information)
* Airbag (in newer vehicles)
* Spare tire-inflated properly; tools, jack, screwdriver, lug wrench, etc.
* Check under the vehicle for leaking fluids if the vehicle has been previously parked

If deficiencies are noted in any of these areas, they should be reported to the Fleet Manager or Safety Officer before departure or as soon as possible.

It may be prudent to keep an Emergency Kit on hand if a driver is stranded. Considerations for items to keep on hand in an Emergency Kit include, but are not limited to, the following items:

* Flashlight with good batteries
* Roadside distress marker
* Flares
* First aid kit
* Jumper cables
* Fire extinguisher
* Blanket (if cold weather anticipated)
* Gloves (to change a tire)
* Map(s) of the trip if necessary

**Appendix C**

**Example Vehicle Inspection Report**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Driver Information** | | **Vehicle Inspected** | | **Maintenance Data** |
| Name of Driver | | Year | Make | Date of Last Service |
| Location | | Type | # of Passengers | Serviced by |
|  | | License Plate # | Mileage | Mileage Interval |
| **If Unsatisfactory is check, please explain in Comments** | | | | |
| **Satisfactory** | **Unsatisfactory** | **N/A** |  | |
|  |  |  | Condition of interior and exterior | |
|  |  |  | Lights (Headlights, taillights, stop lights, turn signals) | |
|  |  |  | Warning Flashers | |
|  |  |  | Windshield Wipers/Washers | |
|  |  |  | Horn/Back-Up Alarms | |
|  |  |  | Brake Operation | |
|  |  |  | Tire tread/Air Pressure | |
|  |  |  | Flares/Reflectors | |
|  |  |  | Engine (smoothness, idle speed) | |
|  |  |  | Exhaust System | |
|  |  |  | Glass/Body Condition | |
|  |  |  | Accident Reporting Kit in Vehicle | |
|  |  |  | Emergency Lights/Equipment/Siren | |
|  |  |  | Back up Alarms | |
| Comments | | | | |
| Inspected by: | | | |  |
| Print Name | | | |  |
| Signature | | | |  |

**Appendix D**

**Example Driving Roster**

Only employees included on this roster of drivers will be permitted to drive a vehicle or their vehicle for conducting agency. It is the responsibility of the department director or their designee to ensure that an accurate list of employees who drive is maintained. Any change to this list must be communicated to the legal department and (*Insert Who Ever is needed*).

Department: Date of Latest Revision:

To be completed by department head every six (6) months

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Employee** | **DL #** | **Exp. Date** | **Driver Type (*See Note*)** | **MVR Review Date** | **# At-Fault Accidents Last 3 Yrs** | **Tickets Past 3 Yrs** | **Major Citations** |
| *Smith, John* | *00000001* | *12/31/20* | *A* | *01/01/19* | *0* | *1* | *Speeding* |
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Note:

A = person drives or may occasionally drive a vehicle during their employment

B = person may be required to drive their vehicle during their employment

1 = person is assigned a vehicle that is taken home at night

2 = person has a Commercial Drivers License (CDL) and drives a commercial motor vehicle

**Appendix E**

**Employee Acknowledgment**

I have read, been trained in, and understand the agency Traffic Safety Program. I agree to follow the rules it contains. I also understand that failure to comply with this program could result in disciplinary action, up to and including termination.

**Employee: (Print)** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Employee Signature:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Appendix F**

**Vehicle Assignment Agreement**

I, insert employee name, acknowledge receipt of an agency-owned or leased automobile. I understand this vehicle is to be regularly maintained and serviced according to the service schedule outlined in the Owner's Manual or the instructions issued by the Traffic Safety Program Coordinator, whichever is appropriate.

Further, it is agreed this vehicle will be operated safely. I agree to wear my seat belt whenever the vehicle is in motion and require other occupants. I agree to be responsible for all traffic and parking violations that occur while the vehicle is assigned to me.

I understand articles of this agreement apply regardless of who is operating this vehicle. I may authorize others to drive this vehicle according to the following guidelines:

* Licensed employees of (*INSERT AGENCY NAME HERE*) or its subsidiaries or affiliates.
* Other licensed drivers, as I so designate in emergencies only.

I agree to promptly report all accidents or incidents resulting in injury or damage to the vehicle or other property, no matter how slight.

I understand I am required to maintain a valid driver's license. Further, I herewith grant (*INSERT AGENCY NAME HERE*) the right to investigate my motor vehicle driving record at any time. My current driver's license is issued from the State of (*STATE NAME*) and is No.\_\_\_\_\_\_\_\_\_. I understand that I am responsible for my license plate renewal, which the agency will not reimburse. (Optional)

If my driving record contains two moving violations within one year, my record will be brought up before the Agency Accident Review Board to consider remedial training and/or loss of driving privileges.

I will be required to attend a safe driving class on my own time and at my expense and provide the Traffic Safety Program Coordinator with confirmation of attendance within thirty days of notification if decided by the review board.

I understand I am not to modify the vehicle in any way without written permission. This specifically applies to the installation of cellular telephones, radios, speakers, etc. Further, trailer hitches and towing trailers are specifically prohibited. Further, I will not take this vehicle out of the United States without written permission from the Traffic Safety Program Coordinator.

I understand the operation of this vehicle in a safe operating condition is my responsibility. If this vehicle becomes unsafe, it is my responsibility to notify my supervisor immediately.

**Appendix F**

**Vehicle Assignment Agreement**

I read and agree to the provisions of this Vehicle Assignment Agreement and the Motor Vehicle Safety Program requirements.

(Driver’s Signature) (Date report completed)

VEHICLE ASSIGNED:

VIN NUMBER:

PLATE NUMBER:

MILEAGE:

**Other Drivers**

The undersigned agrees to comply with the requirements of this Agreement, The Vehicle Safety Rules, and the Vehicle Safety Program. (This section is to be completed by the employee's spouse and any other employees of the Agency who seek eligibility to operate the Agency vehicle.)

Name (Print) Signature/Date License # ST Birthdate SS #

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**Appendix G**

**Motor Vehicle Record Matrix**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Number of Minor Violations** | **Number of At-Fault Accidents (last three years)** | | | |
| **0** | **1** | **2** | **3** |
| **0** | Clear | Acceptable | Borderline | Poor |
| **1** | Acceptable | Acceptable | Borderline | Poor |
| **2** | Acceptable | Borderline | Poor | Poor |
| **3** | Borderline | Poor | Poor | Poor |
| **4** | Poor | Poor | Poor | Poor |
| Any Major Conviction (last five years) = Poor | | | | |

**Appendix H**

**Driver’s Statement of Accident**

Date of Accident: Time of Accident: (a.m./p.m.)

**Employee Vehicle Information**

Driver Name: License Number:

Passenger Name(s):

Vehicle Make: \_\_\_\_\_\_\_\_\_\_ Vehicle Model: \_\_\_\_\_\_\_\_\_\_ License Plate: \_\_\_\_\_\_\_\_\_\_ Year: \_\_\_\_\_

Trailer Make: \_\_\_\_\_\_\_\_\_\_ Vehicle Model: \_\_\_\_\_\_\_\_\_\_ License Plate: \_\_\_\_\_\_\_\_\_\_ Year: \_\_\_\_\_

Location Street Address (if available):

Nearest Mile Marker or Name of City/State:

**Other Vehicle Information**

Driver Name: License Number:

Passenger Name(s):

Vehicle Make: \_\_\_\_\_\_\_\_\_\_ Vehicle Model: \_\_\_\_\_\_\_\_\_\_ License Plate: \_\_\_\_\_\_\_\_\_\_ Year: \_\_\_\_\_

Trailer Make: \_\_\_\_\_\_\_\_\_\_ Vehicle Model: \_\_\_\_\_\_\_\_\_\_ License Plate: \_\_\_\_\_\_\_\_\_\_ Year: \_\_\_\_\_

*Note: If additional space is needed to list other vehicles, use a separate sheet*

**Driving Conditions**

Direction of Travel: Number of Lanes: Divided:

Road Surface:  Dirt  Gravel  Asphalt  Concrete  Other

Road Condition was:  Dry  Wet  Icy  Snow  Other

My approximate speed was MPH Other Vehicle approximate speed was MPH

My following distance was approximate: \_\_\_\_\_\_\_\_\_ (Circle One) feet / kilometers / truck-lengths.

My maneuver was:  Moving Forward  Backing  Slowing  Stopped

Turning Left  Turning Right  Swerving  Uphill

Downhill  Crossing RR Tracks  Other

Other Vehicle was:  Moving Forward  Backing  Slowing  Stopped

Turning Left  Turning Right  Swerving  Other

Weather Conditions:  Clear  Overcast  Misty  Foggy

Raining  Snowing  Hail/Sleet  Dark

Visibility limited by:  Nothing  Weather Conditions  Construction

Buildings  Trees  Terrain  Other

I could see approx: (Circle One) feet / miles / vehicle-lengths

**Appendix H**

**Driver’s Statement of Accident**

**Accident Description**

Describe the accident:

*Note: If additional space is needed to detail the accident, use a separate sheet*

**Accident Diagram**

North

West East

South

*Note: Diagram of the accident scene must be included above or on a separate sheet.*

**Appendix H**

**Driver’s Statement of Accident**

**Law Enforcement Information**

Name of investigating Law Enforcement Agency:

Officer’s Name: Badge Number:

Phone Number: Report/Incident#:

I (Circle One) was/was not cited. If cited, for what:

Other driver (Circle One) was/was not cited. If cited, for what:

**Damage Information**

Point of contact to my vehicle was:

Point of contact to other vehicle was:

Damage to my unit was (be specific):

Damage to other vehicle was (be specific):

Towing required: My vehicle:  Yes  No Other Vehicle:  Yes  No

Property Damage (i.e., guard rail, building, etc.):

*Note: If additional space is needed to detail damage, use a separate sheet*

**Injury Information**

I (Circle One) was/was not injured: (If injured describe):

My passenger(s) (Circle One) was/was not injured: (If injured describe):

*Note: If additional space is needed to detail injuries, use a separate sheet*

Parties in other Vehicle that were injured were:  Driver  Front Passenger

Left rear seat  Center rear seat  Right rear seat  Other

Injured Parties were transported to (Name of treating facility):

in (Name of Town/City):

Injured Parties were transported by:  Private Vehicle  Police Fire

Ambulance (Name service):

**Appendix H**

**Driver’s Statement of Accident**

**Acknowledgments**

(Driver’s Name) (Title)

(Driver’s Signature) (Date report completed)

(Reviewer’s Name) (Title)

(Reviewer’s Signature) (Date report reviewed)

**Appendix I**

**Questions for Accident Investigation**

**Who:**

* Was Injured?
* Saw the accident?
* Was the supervisor/manager at the time of the accident?
* Was working with the person involved?
* Else was involved?
* Instructed the employee?
* Trained the injured employee?
* Assigned the employee to the job or task?
* Can help with the job to prevent a recurrence?

**What:**

* Was it the accident type?
* Was this the type of injury?
* Part of the body was injured?
* Job or task was the employee performing?
* What was the employee told to do?
* The tool was the employee using?
* Machine or equipment was involved?
* Instructions did the employee receive?
* Were specific precautions necessary to do the job?
* Specific precautionary instructions were given?
* Was protective equipment used?
* Should protective equipment have been used?
* Was protective equipment available?
* Problems or questions were encountered?
* Did the employee or witness do when the accident occurred?
* Were extenuating circumstances involved?
* Did the employee or witness see?
* Will it be done to prevent recurrence?
* Were safety rules violated?
* New rules are needed if any?

**When:**

* Did the accident occur?
* Was the employee hired?
* Did the employee start the job/task?
* Were the specifics of the job/task discussed with the employee?
* Were hazardous conditions discussed with the employee?
* Did the supervisor last check on the employee’s progress?
* Will the hazardous situation be corrected?
* Will the employee return to work?

**Appendix I**

**Questions for Accident Investigation**

**Where:**

* Did the accident occur?
* Was the employee at the time of the accident?
* Was the supervisor/manager?
* Were the other people that were involved in the accident?
* Were witnesses when the accident occurred?

**Why:**

* Was the employee injured?
* Did the employee do whatever contributed to the accident? (If another employee was involved.)
* Wasn’t protective equipment used?
* Was the employee in the position or area he/she normally works?
* Was the employee using the tools/equipment/machine?

**How:**

* Was the employee injured?
* Could the accident have been avoided?
* Could the other employee(s) have helped prevent the accident?
* Could the supervisor/manager have prevented the accident?

**General:**

* Was protective equipment available?
* Were specific instructions given?
* Were specific instructions followed?
* Was equipment/tools/machine defective?
* Was the defective condition reported?
* Did the employee continue working with the defective equipment?
* Did the employee continue working under the circumstances that led to the accident?
* Were safety procedures followed?

**Appendix J**

**Vehicle Accident Investigation Report**

|  |  |  |  |
| --- | --- | --- | --- |
| **Driver:** |  | **Position:** |  |
| **Department:** |  | **Time in Position:** |  |
| **Location of Accident:** | | | |
|
| **Time of Accident:** |  | **Date of Accident:** |  |
| **Accident Description:** | | | |
|
|
|
|
|
|
| **C:\Users\mdca\AppData\Local\Temp\msohtmlclip1\01\clip_image001.pngC:\Users\mdca\AppData\Local\Temp\msohtmlclip1\01\clip_image001.pngCause of the Accident:** | | | |
|
|
|
| **Was the Accident Preventable:** | | Yes No | |
| **C:\Users\mdca\AppData\Local\Temp\msohtmlclip1\01\clip_image001.pngC:\Users\mdca\AppData\Local\Temp\msohtmlclip1\01\clip_image001.pngRecommended Corrective Action:** | | | |
|
|
| **Was Corrective Action Taken:** | | Yes No | |
| **Explain:** | | | |
|
|
| **Investigated By:** |  | **Position:** |  |
| **Date:** |  |  |  |
| **Reviewed By:** |  | **Position:** |  |
| **Date:** |  |  |  |

# Chapter 39 – Resource, Sample Personal Protective Equipment Program

**AGENCY NAME**

**PERSONAL PROTECTIVE EQUIPMENT PROGRAM[[6]](#footnote-6)**

(Modify it to meet agency operations and hazards.)

**PURPOSE:**

The purpose of this program is to protect employees by ensuring that Personal Protective Equipment (PPE) is provided, used, and maintained in a sanitary and reliable condition whenever necessary due to hazards from processes or in the work environment. To the extent that it is possible and feasible, the agency or entity will remove or eliminate hazards or exposures through engineering to eliminate the need for PPE.

This program covers eye and face protection, head protection, foot protection, hand protection, and electrical protection. Other programs cover respiratory hazards and hearing hazards, but they will also be included in the Hazard Assessment described below. This program covers the responsibilities of managers, supervisors, and workers, assessment of hazards, selection, and use of personal protective equipment (PPE), and training.

**RESPONSIBILITIES:**

*(Name of responsible person)*     will be responsible for assessing the hazards and exposures that may require the use of PPE, determining the type of equipment to be provided, and purchasing the equipment. Input from managers, supervisors, and employees will be obtained and considered in selecting appropriate equipment.

Managers/supervisors will be responsible for training employees in the use and proper care of PPE, ensuring that all employees are assigned appropriate PPE, and ensuring that PPE is worn by employees when and where it is required.

Employees are responsible for following all provisions of this program and related procedures. They are expected to wear PPE when and where it is required.

**HAZARD ASSESSMENT:**

*(Agency Name)* will assess the workplace to determine if hazards are present or likely to be present, which necessitate the use of personal protective equipment (PPE). This assessment will consist of a survey of the workplace to identify sources of hazards to workers. Consideration will be given to hazards such as impact, penetration, laceration, compression (dropping heavy objects on foot, roll-over, etc.), chemical exposures, harmful dust, heat, light (optical) radiation, electrical hazards, noise, etc. Where such hazards are present, or likely to be present, we will:

* Select, and have each affected employee use the types of PPE that will protect the employee from the hazards identified in the hazard assessment.
* Communicate equipment selection decisions to each affected employee
* Select PPE that properly fits each affected employee
* Train employees in the use and care of PPE as described elsewhere in this program

The agency or entity will verify that the required workplace hazard assessment has been performed by completing a written certification dated and signed by the person doing the assessment. Whenever there is a change in process or workplace that might introduce or change exposure or hazard, the agency or entity will assess to determine if there needs to be additional PPE provided or a need for a change in the PPE provided. These supplemental hazard assessments will also be documented, signed, and dated by the person performing the assessment. We will review and update the workplace hazard assessment on an annual basis.

**SELECTION OF PERSONAL PROTECTIVE EQUIPMENT (PPE):**

Personal protective equipment (PPE) will be selected based on the hazards to which the workers' are exposed or potentially exposed. All selections will be made with input from managers, supervisors, and workers.

**PPE will meet the following standards outlined by the Texas Department of Insurance (TDI), Division of Workers’ Compensation (DWC) resource on PPE available on their website** [**https://www.tdi.texas.gov/wc/safety/videoresources/index.html#P**](https://www.tdi.texas.gov/wc/safety/videoresources/index.html#P)

**TRAINING:**

Each employee who is required to use PPE will be trained in the following:

* Why PPE is necessary
* When PPE is necessary
* What PPE is necessary and any choices of equipment
* How to properly don, doff, adjust, and wear PPE
* The proper care, maintenance, storage, useful life, and disposal of PPE

The training will include an opportunity for employees to handle the PPE and demonstrate that they understand the training and use the PPE properly. The training will be provided by the manager or supervisor of the affected employees. The training will be documented in writing with the documentation, including each employee's name, the date(s) of the training, and the subject matter covered.

If an employee who has been trained demonstrates a lack of knowledge or behavior, which leads the supervisor to believe the employee does not have a proper understanding of the PPE involved, that employee will be retrained. All affected employees will be retrained if changes in the workplace or processes that change the exposures or type of PPE are used.

**CARE OF PERSONAL PROTECTIVE EQUIPMENT:**

Whenever practical, PPE will be assigned to individual workers for their exclusive use. Employees will be responsible for the PPE equipment assigned to them or used by them.

PPE will be regularly cleaned, inspected and stored according to instructions given during the training sessions or as directed by supervisors or managers. Defective or damaged PPE shall not be used. Employees are to report any defective or damaged equipment to their supervisor for repair or replacement. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PERSONAL PROTECTIVE EQUIPMENT**

**HAZARD ASSESSMENT**

Date of Hazard Assessment:

Person Performing Hazard Assessment:

Location Job         Task/Position                   Hazards                              PPE Required

EXAMPLE:

Molding Dept.       Press Operator             Flying Particles                     Safety Glasses

Welding Dept.      Welder                           Hot objects handled             Heat-resistant gloves

**PERSONAL PROTECTIVE EQUIPMENT**

**CERTIFICATION OF HAZARD ASSESSMENT**

*(Agency Name)* certifies that a hazard assessment of the workplace was performed at our facility located in (City, Texas). This assessment consisted of reviewing prior injury and illness records and a walk-through inspection of all facility areas. This assessment aimed to identify sources of hazards to workers present or are likely to be present in the workplace, which necessitates the use of personal protective equipment (PPE).

**Workplace Evaluated:**

(Insert address of the facility and a listing of all departments or areas of the facility that were inspected.)

**Person Certifying Hazard Assessment:**

**Name:                                               Title:**

**Date(s) of Hazard Assessment:**

**Attachments**:  Hazard Assessment forms

1. Department of State Health Services (DSHS) <https://www.dshs.texas.gov/hazcom/faq.aspx> [↑](#footnote-ref-1)
2. The University of Houston-Downtown’s Risk Management Department [↑](#footnote-ref-2)
3. <https://www.utep.edu/hoop/section-8/ch-3.html> [↑](#footnote-ref-3)
4. Definition: Motor vehicle from 49 CFR § 390.5T | LII .... <https://www.law.cornell.edu/definitions/index.php?height=800&def_id=234c3568913f317d6028c72913a6acf2> [↑](#footnote-ref-4)
5. <https://www.lgrms.com/LGRMS/media/Files/LGRMS-Fleet-Management-Policy-Long.docx> [↑](#footnote-ref-5)
6. This is a sample Personal Protective Equipment Program of .... <https://www.isri.org/docs/default-source/safety/osha-safety/sample-ppe-program.doc?sfvrsn=1c29b713_2> [↑](#footnote-ref-6)