

SECTION 16.0 | FLEET AND DRIVER SAFETY

Hindsight Electric, LLC has established the following guidelines and procedures for our drivers and vehicles to protect the safety of individuals operating any motor vehicle on company business. Protecting our employee drivers, their passengers, and the public is of the highest priority. The commitment of management and employees is critical to the success of this program. Clear communication of, and strict adherence to, the program's guidelines and procedures are essential.

Our primary goal is to maintain a high level of safety awareness and foster responsible driving behavior. Driver safety awareness and responsible driving behavior will significantly decrease the frequency of motor vehicle accidents and reduce the severity of personal injuries and property damage.

Drivers must follow the requirements outlined in this program. Violations of this program may result in disciplinary action up to, and including, suspension of driving privileges or termination.

Our program consists of the following elements:

- 16.1 | Driver Selection
- 16.2 | Driver Training
- 16.3 | Company Vehicle Use Policy
- 16.4 | Vehicle Inspection & Preventive Maintenance
- 16.5 | Accident Investigation

16.1 | Driver Selection

Only Hindsight Electric, LLC authorized and assigned employees are allowed to drive company vehicles at any time. Prior to being authorized and assigned, Hindsight Electric, LLC will check the following items. Drivers must have:

- A valid un-restricted driver license.
- A current MVR driving record with no more than 2 points and no serious or major violations.

Hindsight Electric, LLC will also check driving records of all employees authorized to drive on company business on an annual basis. Employees that do not meet these requirements are not authorized or allowed to drive company vehicles or drive their own vehicle on company business.

16.2 | Driver Training

All employees driving company vehicles, and personal vehicles on company business, will be given a copy of the *Driving/MVR/Distracted Driver/Vehicle Usage Policies* (Section 2.23 in the Hindsight Electric, LLC Employee Handbook) and are required to read and sign for them. Safe driving will also be periodically covered at Hindsight Electric, LLC safety meetings.

16.3 | Company Vehicle Use Policy

Hindsight Electric, LLC has established the following policies pertaining to company vehicles:

1. Personal and off duty use of company vehicles is prohibited.
2. Only authorized employees may drive company vehicles. No other family members may drive company vehicles.
3. Non-employee passengers are not permitted in company vehicles at any time, unless they are business related.
4. Seat belts must be worn in company vehicles at all times.
5. No employee is permitted to drive company vehicles while impaired by alcohol, illegal or prescription drugs, or over the counter medications.
6. All accidents involving company vehicles must be reported to the office immediately.
7. Employees with two or more preventable accidents in a three-year period, or that obtain three points on their driving record, will be subject to a loss of their driving privileges or have their driving privileges restricted.

16.4 | Vehicle Inspection & Preventive Maintenance

All company vehicles must be inspected by the driver prior to each use. Mechanical defects will be repaired immediately. The Safety Program Administrator will periodically spot check company vehicles to determine their condition. Vehicle inspections will include:

- Lights
- Turn signals
- Emergency flashers
- Tires
- Horn
- Brakes
- Fluids
- Windshield condition and wiper condition
- Mirrors

All vehicles will also be maintained in accordance with the manufacturers' recommendations. It is the responsibility of the individual assigned the vehicle to ensure proper maintenance and repairs are performed. If your vehicle is not safe, do not drive.

16.5 | Accident Investigation

All accidents in company vehicles will be investigated by the supervisor, manager and / or the Safety Program Administrator. Where possible, witness's statements will be obtained, and photos used to document the scene of the accident and the damage. Police reports will also be obtained whenever possible. The following guidelines will be used to help determine preventability.

Auto Accident Preventability Guide

This guide will assist in determining whether our driver could have prevented the accident. **An accident is preventable** if the driver could have done something to avoid it. Drivers are expected to drive defensively. Which driver was primarily at fault, which received a traffic citation, or whether a claim was paid has no bearing on preventability. If there was anything our driver could have done to avoid the collision, then the accident was preventable. **An accident was non preventable** when the vehicle was legally and properly parked, or when properly stopped because of a highway patrol officer, a signal, stop sign, or traffic condition.

When judging accident preventability, here are some general questions to consider:

1. Does the investigation indicate that the driver considers the rights of others, or is there evidence of poor driving habits that need to be changed?
2. Does the investigation indicate driver awareness? Such phrases as "I did not see," "I didn't think," "I didn't expect," or "I thought" are signals indicating there probably was a lack of awareness, and the accident was preventable. An aware driver should think, expect, and see hazardous situations in time to avoid collisions.
3. Was the driver under any physical stresses that could have been contributory? Did the accident happen near the end of a long day or long drive? Did overeating contribute to fatigue? Did the driver get sufficient sleep? Is the driver's vision faulty? Was the driver feeling ill?
4. Was the vehicle defective without the driver's knowledge? Was a pre-trip inspection done, and would it have discovered the defect? A car that pulls to the left or right when the driver applies the brakes, faulty windshield wipers, and similar items are excuses, and a driver using them is trying to evade responsibility. Sudden brake failure, loss of steering, or a blowout might be defects beyond the driver's ability to predict. However, pre-trip inspections and regularly scheduled maintenance should prevent most of these problems. If either of these are the cause of the accident, then the accident was probably preventable by the driver.
5. Could the driver have exercised better judgment by taking an alternate route through less congested areas to reduce the hazardous situations encountered?
6. Could the driver have done anything to avoid the accident?

7. Was the driver's speed safe for conditions?
8. Did the driver obey all traffic signals?
9. Was the driver's vehicle under control?

Intersection Collisions

Failure of our driver to yield the right-of-way, regardless of who has the right of way, as indicated by stop signs or lights, is preventable. The only exception to this is when the driver is properly proceeding through an intersection protected by lights or stop signs and the driver's vehicle is struck in the extreme rear side of the vehicle. Regardless of stop signs, stoplights, or right-of-way, a defensive driver recognizes that the right-of-way belongs to anyone who assumes it and should yield accordingly.

Questions to consider:

1. Did the driver approach the intersection at a speed safe for conditions?
2. Was the driver prepared to stop before entering the intersection?
3. At a blind corner, did the driver pull out slowly, ready to apply the brakes?
4. Did the driver look both ways before proceeding through the intersection?

Sideswipes

Sideswipes are often preventable. Defensive drivers do not get into a position where they can be forced into another vehicle, or another vehicle can be forced into them. Defensive drivers continuously check for escape routes to avoid sideswipes. For two lane roads, this means a driver should pass another vehicle only when absolutely certain that he or she can safely complete the pass. A driver should also be ready to slow down and let a passing vehicle that has failed to judge safe passing distance back into the lane. A driver should make no sudden moves that may force another vehicle to swerve. If a driver sideswipes a stationary object while taking evasive action to avoid striking another car or a pedestrian, such an accident may not be preventable. However, you should consider what the driver could have done or failed to do immediately preceding the evasive action to be in the position of no other options.

A driver is also expected to anticipate the actions of an oncoming vehicle. Sideswiping an oncoming vehicle is often preventable. Again, evasive action, including leaving the roadway, may be necessary if an oncoming vehicle crosses into the driver's lane. Drivers are expected to allow merging vehicles to merge smoothly with them, and to merge smoothly on controlled access highways. Drivers are expected to be able to gauge distances properly when leaving a parking place and enter traffic smoothly.

Questions to consider:

1. Did the driver look to the front and rear for approaching and overtaking traffic immediately before starting to pull away from the curb?
2. Did the driver signal before pulling away from the curb?
3. Did the driver look back rather than depend only upon rear-view mirrors?
4. Did the driver start into traffic only when this action would not require traffic to change its speed or direction in order to avoid his or her vehicle?

Head-on Collisions

A head-on collision with a vehicle traveling in the wrong lane may be preventable if the driver could have pulled off the road or taken other evasive action to prevent a collision. However, the driver should never drive into the other lane to avoid the oncoming vehicle. If the driver swerved off the road to avoid a head-on collision, the accident is non-preventable. The driver in this case made a good defensive driving decision, taking the lesser of two evils.

Many skidding conditions are caused by rain, freezing rain, fog, and snow, which all increase the hazard of travel. Oily road film, which builds up during a period of good weather, causes an especially treacherous condition during the first minutes of a rainfall. Loss of traction can be anticipated, and these accidents usually are preventable. Driving too fast for conditions is the most common reason why these types of accidents are preventable.

Questions to consider:

1. Was the driver operating at a safe speed considering weather and road conditions?
2. During inclement weather, was the driver keeping at least twice the safe following distance used for dry pavement?
3. Were all actions gradual?
4. Was the driver anticipating ice on bridges, in gutters, ruts, and near the curb?
5. Was the driver alert for water, ice or snow in shaded areas, loose gravel, sand, ruts, etc.?

If a driver goes off the road or strikes another vehicle because of skidding, the accident is preventable.

Pedestrian Accidents

All types of pedestrian accidents, including collisions with pedestrians coming from between parked cars, are usually considered preventable. There are few instances where the action of pedestrians is so unreasonable that the operator could not be expected to anticipate such an occurrence.

Questions to consider:

1. Did the driver go through congested areas expecting that pedestrians would step in front of the vehicle?
2. Was the driver prepared to stop?
3. Did the driver keep as much clearance between his or her vehicle and parked vehicles, as safety permitted?
4. Did the driver stop when other vehicles had stopped to allow pedestrians to cross?
5. Did the driver wait for the green light or stop for the caution light?
6. Was the driver aware of children and prepared to stop if one ran into the street?
7. Did the driver give all pedestrians the right-of-way?
8. Did the driver stop for a school bus that was stopped and properly signaling that passengers were loading or unloading?

Backing Accidents

Backing a vehicle into another vehicle, an overhead obstruction, or a stationary object is normally preventable. The fact that someone was directing the driver in backing does not relieve the driver of the responsibility to back safely.

Questions to consider:

1. Was it necessary to back up?
2. Did the driver plan ahead so that he or she could have pulled forward out of the parking space instead of backing?
3. Was it necessary to drive into the narrow street, dead-end alley, or driveway from which he or she backed?
4. If the driver could not see where he or she was backing: Did the driver try to get someone to guide him or her?
5. Did the driver look all around the vehicle before backing? Did the driver back immediately after looking?
6. Did the driver use the horn while backing? Were the back-up lights working?
7. Did the driver look to the rear without relying totally on the rear-view mirror?
8. If the distance was long, did the driver stop, get out, and look around occasionally?
9. Did the driver back slowly?
10. Did the driver judge clearances accurately?

Parking Accidents

Doors on our driver's parked vehicle that are damaged when opened on the traffic side are considered preventable accidents. The driver is responsible to see that the traffic side is clear of traffic before any doors on that side are opened.

In most cases, if our driver, while driving, strikes a parked vehicle's opening door it is considered preventable. Usually, our driver can see from a sufficient distance that the parked vehicle is occupied, and should therefore, be prepared to stop, should move closer to the center line, or change lanes.

It is a driver's responsibility to park the vehicle so that it will remain stationary. A runaway type of accident is preventable and blaming such a collision on defective parking brakes or other holding devices are inadequate excuses. A good pre-trip inspection and maintenance program will eliminate most opportunities for this type of accident being the result of mechanical failure.

Accidents occurring when vehicles are properly and legally parked are considered non preventable. Accidents occurring while the vehicle was double-parked or in a "No Parking" zone are preventable.

Questions to consider:

1. Was the vehicle parked on the proper side of the road?
2. Was it necessary to park there or was there a safer, only slightly less convenient place nearby?
3. Did the driver have to park on the traveled part of the highway, on the curve, or on the hill?
4. When required, did the driver warn traffic by emergency warning devices?
5. Did the driver park parallel to the curb?
6. Was it necessary to park so close to an alley or directly across from a driveway?

Collision with Obstructions

Obstructions can be avoided if the driver knows the height and width of the vehicle, pays attention to posted clearances, and takes the time to properly judge clearances.

Cargo Accidents

The accident should be considered preventable if the investigation shows a mechanical defect of which the driver was aware, a defect the driver should have found by inspecting the vehicle, or the driver caused the accident by rough and abusive handling. It is a driver's responsibility to secure cargo properly to prevent shifting, loss, or damage. Cargo should be safely stowed to prevent flying objects that can strike or distract the driver.