<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A comprehensive and written fleet safety program</td>
<td>3</td>
</tr>
<tr>
<td>Manager’s role</td>
<td>4</td>
</tr>
<tr>
<td>Safety guidelines</td>
<td>6</td>
</tr>
<tr>
<td>Motor carrier safety requirements</td>
<td>7</td>
</tr>
<tr>
<td>Driver hiring criteria and procedures</td>
<td>8</td>
</tr>
<tr>
<td>Employee safety training</td>
<td>9</td>
</tr>
<tr>
<td>Monitoring and measuring driving performance</td>
<td>9</td>
</tr>
<tr>
<td>Maintenance inspection and repair procedures</td>
<td>10</td>
</tr>
<tr>
<td>Common hazardous material transport crashes: rollovers, the big three and spills</td>
<td>11</td>
</tr>
<tr>
<td>Rollovers</td>
<td>12</td>
</tr>
<tr>
<td>Cargo spills management response procedures</td>
<td>13</td>
</tr>
<tr>
<td>Mobile communications</td>
<td>13</td>
</tr>
<tr>
<td>Corporate Policy – Mobile Communication Device Use Guidelines</td>
<td>14</td>
</tr>
<tr>
<td>What does this rule mean to drivers and carriers?</td>
<td>15</td>
</tr>
<tr>
<td>Appendix and Additional Reference Materials</td>
<td>15</td>
</tr>
</tbody>
</table>
In a competitive business environment, controlling costs is a critical management goal. Of equal concern, however, is ensuring regulated business operations are compliant to protect both the organization and the public. When commercial vehicle fleets transport hazardous materials the risks for higher losses and compliance failures increases. For example, when a commercial vehicle transporting hazardous materials is involved in a crash there are usually losses from damage to vehicles, injuries and often environmental-related pollution. This guide will provide key fleet safety management policies and procedures applying to both general fleet safety, regulatory compliance and hazardous materials transport.

A comprehensive and written fleet safety program

Many organizations have found it useful to conduct an initial review or benchmarking assessment as well as periodic reviews of existing fleet safety and regulatory compliance policies and procedures. A thorough review usually provides a blue print for identifying any gaps in policies and procedures when compared with comprehensive industry fleet safety programs. The difference between a regulatory compliance oriented process and one based on a best practice approach is compliance often is based on bare minimum requirements while a best practice takes the mandatory or commonly seen practices and raises it to better level of control and performance.

A comparison with a regulatory hiring standard and an industry best practice typically conducted during the hiring process will help understand how the two are different. CDL holders in some cases are required to complete a motor carrier road test. Generally motor carriers are allowed to waive the road test and are still compliant. However, let’s look at this in terms of the advantage and disadvantages of this exception. One of the exemptions is if the applicant successfully completed a road test while obtaining a CDL. Also, if a previous carrier provided the applicant with a certification card indicating satisfactory completion of the issuing motor carrier’s road test the road test can be waived. But what if the road test was administered using a different type of vehicle. Or over a short or limited testing route, not similar to all the driving conditions and situations the applicant would face if hired. The best practice approach if done properly will demonstrate what skills and knowledge have been learned. More importantly it can also reveal unsafe driving habits that over time have degraded driving habits and performance. The advantage this practice provides is the motor carrier has an opportunity to assess current driving habits or knowledge or skill deficits. Both situations provide more information and insights so better hiring decisions are made. The motor carrier deciding to extend a hiring offer may make attending company training to improve the new hire’s driving skills and awareness that provide an opportunity to improve enough to warrant reconsideration. This is one level up from a standard practice to a better practice. But even this better practice can be elevated to the next level. Many motor carriers place new driving employees into a probationary period and follow up observations of the driver’s performance once released to the operation managers for service. New drivers driving performance measures should include as many as possible related to driving or how they interact with other employees and customers, roadside inspection driver specific violations, review of the drivers state motor vehicle reports if issues concerning at risk driving arise. Another example of a standard practice compared to a better or best practice is how far back in time applicant driving experience is required by the motor carrier routinely not just the minimum required by the US DOT. These examples are only a small sample size of other areas motor carrier managers could look to raise their game overall to a higher level of performance. Using this technique to review and evaluate the fleet safety management program will assist in controlling exposure to accidents and injuries arising from fleet operations. Listed below are some but not an exhaustive list of important program elements in a fleet safety program. Zurich provides customers with materials and experienced risk engineering consultants to support and provide guidance in these matters. Please visit our website where many of the available resources can be found. (http://www.zurichna.com/en/prodsols/programs/transrisktools)

Examples of some of the more importation program elements to review are listed below:

- Written fleet safety program – A formal and comprehensive set of safety, policies and procedures is developed and communicated to all employees and contractors. Other elements of a comprehensive fleet safety management program include:

- Safety and health training – New employees should receive initial training and existing employees should receive ongoing and periodic refresher training. Safety related information should also be provided to non-employees such as contractors, vendors and visitors where appropriate. The organization should clearly communicate when the training and tools are provided each person will be held responsible and accountable for working safely.
Manager’s role

Commercial fleet managers with hazardous materials transportation responsibilities need an understanding of how functional areas may have different employee roles and responsibilities involving the preparation of hazardous materials for shipping, loading, unloading and transporting. Accurately evaluating the effectiveness of the existing hazardous materials handling and transport procedures is an important step. These procedures must be designed and communicated to employees to ensure they have the understanding why each of the steps is to be completed to help prevent a cascading series of errors from occurring during transit.

Fully trained employees and contractors (if applicable) along with an effective monitoring process may help ensure all regulatory and company safety requirements are met. The diagram below illustrates how different functional areas impact the process. Knowing who is involved in hazardous materials transport-related functions and the degree of their involvement will determine the appropriate company policies and procedures are in place needed to ensure mistakes are prevented.
For example, creating the billing and shipping documents requires entering the hazardous material’s proper shipping name, hazardous material NA or UN number, hazard class and weight along with other information. If for some reason the information is wrong or missing, the shipment may be loaded, transported and delivered to the final destination with incorrect placarding or loading and could potentially have incorrect marking and labeling as well. Should the transport vehicle be stopped for inspection, fines may be issued as a result. Alternatively, if an event occurs requiring response personnel to be sent to the scene, they may not have the correct information on how to handle the hazardous materials safely. Both of these situations have negative consequences for the motor carrier, the driver, the company, emergency response personnel and even the public at large. When discrepancies are identified as the result of an inspection or incident the motor carrier should conduct an investigation to determine the root cause of these incidents. It is not uncommon to discover the cause is often the result of new employees not receiving basic hazardous materials training including the particular regulations they must follow. This ensures accurate information is passed on to the next person in the process. The diagram below illustrates the results of two possible scenarios – one with positive results and the other with negative results.

* http://www.phmsa.dot.gov/pr_obj_cache/pr_p_ponj_id_3ABFAA018C940A151832C09140B7A7866D0C00/filename mod6_Ains.pdf
As the diagram above shows, employees involved in hazardous materials transport might have an impact on safe transit of these shipments even though they may never see or touch the hazardous materials. Billing clerks must have the required information on the hazardous materials being transported such as proper shipping name, hazard class, NA/UN number, shipment weight and other required information. This information is necessary for those loading or unloading hazardous materials to prevent for example hazardous materials are not loaded adjacent to other hazardous materials that could cause a dangerous reaction if they come into contact.

Another important requirement for providing a compliant shipping paper is placarding information. Without the correct information at the scene of an incident or accident, emergency personnel may be delayed from initiating the proper response measures. Or in a worst case scenario the wrong response procedures are implemented increasing the danger for responders and others at or near the scene. The causes for these kind of errors often originate at the point when the shipping paper is created containing incorrect or is missing information. Often this can be ultimately traced back to employee hazardous material training is not provided or is inadequate.

Drivers rely on the information listed on the bill of lading to determine if placards are required and the appropriate hazard class placards are displayed.

The information in this guide is intended to help managers and supervisors ensure safe handling and transport requirements are followed. It will also review other non-hazardous material causes fleet safety procedures to prevent crashes and spills of hazardous materials.

When a process is put in place a process should be implemented to monitor and measure performance of those involved.

Safety Guidelines

The creation of a company-specific safety policy is the opportunity for the motor carrier to provide guidance about “what safety means” or “how it is done” in general within the organization and more specifically when handling and transporting hazardous materials.

While not a comprehensive or exhaustive list, the following are some industry best practices to consider in order to help ensure safe transport of hazardous materials:

- Development of a comprehensive set of commercial fleet safety policies and procedures.
- Clearly communicate and disseminate policies and procedures throughout the organization and periodically review them with employees.
- Management should demonstrate its consistent support for fleet safety by the decisions made and actions taken.
- Management should adopt a safety policy that all accidents are preventable and require determination of all contributing factors causing injuries or property damage. The results can then be used to develop measures to prevent recurrences.
- All employees, including managers, are expected to follow safety practices and procedures as a condition of employment.
- Management must establish an organizational culture that demands following safe driving and working practices for the protection of employees as well as the organization.
Motor carriers are required to be knowledgeable concerning the applicable Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations for the mode of transportation they offer shippers. This safety guide will focus only on highway transportation of hazardous materials. If a motor carrier offers transport of hazardous materials by air (Part 175 of 49 CFR), rail (Part 174 of 49 CFR) or water (Part 176 of 49 CFR) other regulations apply and must be followed as required.

According to the Federal Motor Carrier Safety Administration, motor carriers subject to Hazardous Materials Regulations must also comply with those of the Federal Motor Carrier Safety Regulations if subject to Part 177 including Parts 383, and 390-397 of 49 CFR. Also the requirements of Part 177 “Carriage by Highway” are in addition to requirements contained in Parts 171,172,173,178, and 180. Training modules are available on the Pipeline and Hazardous Materials Safety Administration website for all modes of transportation.

Be aware as a motor carrier transporting hazardous materials you may not offer or accept a hazardous material for transportation in commerce unless:

- registered as a hazardous material transporter, if required as listed in Part 107 Subpart G, 107.601
- the hazardous material is in proper condition for transport
- if a motor carrier performs a shipper function, the carrier is responsible for performing it in accordance with 49 CFR.

Motor carriers transporting hazardous materials have other obligations, including training their hazardous materials employees (“hazmat employees”) at least once every three years. A hazardous materials employee is defined as follows:

- Anyone employed by a hazardous material carrier who, during the course of employment, directly affects hazardous materials transportation safety, including an owner-operator of a motor vehicle that transports hazardous materials in commerce.
- Each hazmat employee must be provided initial training before performing a function subject to the Hazardous Materials Regulations.
- Each hazmat employee must be periodically retrained at least every three years.

Driver hiring criteria and procedures

Organizations operating commercial fleets safely have found it important to select the best qualified drivers both from a perspective of experience and previous driving performance. Having this information allows fleet owners to project the future driving behavior when screening applicants. For fleet operations the key to success is to ensure policies and procedures have been developed that will provide the most accurate assessment of driver applicants and current driver’s driving habits needed to safely perform their duties when transporting hazardous materials. Once they begin their trip they are removed from the direct observation and control of supervisors and managers. Here are some important items to consider adopting as part of driver qualification standards and hiring practices. These practices should be reviewed on a regular basis to determine compliance with company policies and any applicable government laws or regulations.

The driver selection criteria and hiring process may include, but are not limited to, the following:

- Collect records and retain all of the required information as listed in the Federal Motor Carrier Safety Regulation in Parts 391, 383
- Ensure applicants have the required commercial driver’s license endorsements to operate a vehicle transporting hazardous materials.
- Require a minimum age restriction of 23 years of age with a minimum of at least two years of experience driving the type of equipment they will use.
- Require a state driving history report including those where the applicant no longer resides but held a driver license to ensure any information about serious violations or crash involvement is available.
- Obtain an application providing previous employment and experience driving a commercial vehicle for a minimum of two years. Gather as much information as possible beyond two years because more information will allow you to make the best hiring decisions.
- Conduct a thorough background check, including credit history and criminal background checks if possible in accordance with applicable law.
- Develop a profile of critical values and skills needed to successfully and safely perform job duties and meet safety related responsibilities.
- Conduct interviews to ensure applicants have safety values compatible with the organization’s safety values.
- Require pre-employment physicals and controlled substances testing.
- Conduct a meaningful road test to evaluate skills and knowledge related to safely performing vehicle inspections, knowledge of defensive driving techniques, operation of passenger entry/exit devices, especially lifts and restraint systems. A complete checklist is provided in Zurich’s companion document Driver Hazardous Materials Safety Guide.
- Consider using the Pre-Employment Screening Program (PSP). The program helps carriers make more informed hiring decisions by providing secure, electronic access to a commercial driver’s five-year crash and three-year inspection history from the FMCSA Motor Carrier Management Information System (MCMIS). PSP records are available for commercial drivers and companies conducting pre-employment screening for the carrier industry. There is a nominal fee of $10 per report that offers motor carriers more information about a driver’s driving performance not found in state motor vehicle reports. For more information please visit the US DOT website below. (https://www.psp.fmcsa.dot.gov/psp.default.aspx)
Employee safety training

Once an applicant completes the hiring process and accepts an offer of employment, it is time to begin initial training. Initial training allows the company to prepare new employees to adapt to the organization’s performance expectations. This is an opportunity to inform drivers of the organization’s expectations when it comes to driving safely as a condition of employment. It allows the employee to learn:

- The company’s expectations regarding safe driving and work habits
- Operational procedures so they are prepared to work safely from the first day of employment

For drivers, this means they have been given the knowledge and guidance to work safely, the responsibility to notify management of unsafe conditions and the personal authority to act when the need arises.

Training should be developed to teach new skills or knowledge during initial or periodic refresher training.

Monitoring and measuring driving performance

After initial training is completed, the new employee should be ready for the next phase, on-the-job-training (OJT). Experienced instructors should be used to provide explanation and demonstration of the tasks. The trainer should confirm that the new hire’s learning has been completed by successfully demonstrating the ability to perform tasks correctly.

- Establishing a process to identify employees engaging in at-risk driving behaviors.
- Conducting driver interventions to change at-risk driving behaviors

Ongoing performance standards should be developed. Consider some of the most commonly deployed for evaluation of driving performance:

- Review of moving violations and accident involvement at least annually, more frequently if at-risk driving continues
- Customer feedback on observation of company drivers engaging in at-risk driving
- Scheduled and unscheduled driving observations conducted by supervisors, managers and/or trainers
- Quality auditing of pre- and post-trip vehicle inspections
- Use of onboard telematics devices to identify at risk driving habits that ultimately will result in an accident if not detected and eliminated. Onboard telematics systems capture some common types of risky driving: jack rabbit starts, panic braking events that often occur when too close to the vehicle ahead, speeding, hard turning and driving off established routes.
Maintenance inspection and repair procedures

Commercial fleet managers successful in maintaining their vehicles in good operating condition typically implement a comprehensive set of vehicle selection, inspection and repair procedures. The benefit to the organization is reliable and safe transport of hazardous materials while minimizing maintenance and operating costs. Some important vehicle maintenance inspection and repair procedures include:

- Adhering to vehicle specifications designed to meet the requirements of fleet operations
- Establishing vehicle inspection intervals based on manufacturer’s recommendations, or more frequent if needed to operate safely for specialized vehicles and equipment (i.e., securement devices, seat belts, lifts and ramps)
- Requiring drivers to conduct daily pre- and post-trip inspections and submit a driver vehicle condition report to maintenance or supervisory personnel
- Adopting procedures for maintenance personnel to review driver comments, identify causes or defects, perform and record inspections and repairs completed, and close out the process by informing operations the vehicle is released for service.
- Maintaining inspection and repair files for the life of the vehicle whether owned or leased.
- Periodically evaluating maintenance records to identify component failure or life cycle trends useful in future vehicle component and parts purchases as well as evaluating the effectiveness of current inspection/repair procedures

“The benefit to the organization is reliable and safe transport of hazardous materials while minimizing maintenance and operating costs.”
Common hazardous material transport crashes: rollovers, the big three and spills

Hazardous materials haulers share the same types of exposures to loss as non-hazardous material haulers as well as some that are unique due to the hazards associated with transporting hazardous materials. The most typical and dangerous types of occurrences are rear end, intersection, merging into or exiting from traffic. For hazardous materials haulers one of the most serious crash types is vehicle rollovers. This often causes tremendous damage to the vehicle and injuries to the driver and others. But for hazardous materials transport this often results in spills and contamination of the environment. Hauling hazardous materials in tankers does create additional exposures because of the volatility and dangers of the cargo transported. For example, there are vehicle handling characteristics when transporting liquids in tankers, large containers such as 55 gallon drums to very large containers like totes and portable tanks. Though there are unique factors separating some of these crash events, the fundamental measures to reduce or eliminate crashes are generally the same:

- putting in place a comprehensive safety management system
- training of employees regarding the hazards and safety measures to prevent crashes, injuries and other loss related events
- monitoring activities to ensure that safe work practices are observed and evaluated for effectiveness
- implementing emergency response procedures for incident management, including a thorough crash investigation at the scene, a rigorous analysis of the causation factors on scene, contributing factors leading up to the crash and measures to prevent recurrences.
Rollovers

The US Department of Transportation (DOT) released a study in 2012 that concluded "rollovers are caused primarily by driver actions not equipment failures, highway or road condition or other related factors." Among those driver related actions, driver information gathering done while performing their driving duties stood out from the rest. This activity accounted for 72% of identified contributing factors in rollover crashes. Information gathering means distractions, poor situational awareness and inadequate visual vigilance, or just simply not paying attention." One possible contributing factor that may affect driving performance not related to crash causes at the scene is the interactions between drivers and dispatchers. Poor planning of routes leading to delays due to traffic volume, circuitous routing or other issues can cause delivery delays. Once a driver falls behind the planned delivery schedule, the operational pressure to make customer delivery commitment builds. Possible actions to take based on understanding these interactions between dispatchers and drivers include awareness messages, training about or redesign of dispatching procedures, and electronic tools such as computerized dispatching and maintenance systems. It is important to remember commercial vehicle drivers work in a dynamic environment and must often make decisions as events unfold and sometimes choose expediency over safety concerns. A driver under pressure may then begin to engage in taking risks to meet their delivery schedules among other reasons. This can result in some confusion and stress for drivers. Anytime a driver’s focus is off the road ahead with changing conditions around them the odds of a mishap increase and awareness of traffic control devices, the actions of other drivers or control of their vehicle diminishes.

The DOT rollover study also concluded, “cargo tank truck operators do influence how drivers behave and to some degree their state at the time unsafe acts occur or at the time the driver is faced with a threatening situation. For each of the contributing factors identified, operators can exert influence through programs and practices they put in place.” The report further concluded success was more likely when a strong safety culture already exists. Some of the more common characteristics of a company culture concerning safety performance includes:

- All levels of management take a personal leadership role based on the decisions they make and the actions they take including following safety procedures when they drive company vehicles, promote integration of safety values into operational discussions and decision making processes.
- New employees receive initial training about the policies and procedures in place and how performance is measured for all employees, departments and management levels
- Lessons learned from an incident or crash are shared with employees and countermeasures designed to prevent a recurrence.

Major areas to consider for human factors involved in rollovers include:

- Fitness for duty
- Health awareness
- Safety culture
- Hiring
- Training
- Scheduling and dispatch
- Operations

Additional consideration includes:

- Sample fleet safety programs are available to Zurich’s customers to assist in the benchmarking process by contacting our risk engineering transportation specialists or visiting our customer resources website: http://www.zurichna.com/zna/home/welcome.htm.
- Rollover specific driver training and safety program such as the VicRoads Heavy Vehicle Training Program ***
- Focusing on driver behavior measurement and intervention tools
- Telematics devices to provide real time data including aggressive driving including rapid acceleration/deceleration, hard turning, GPS route tracking and idling time
- Direct observations

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* HMCRP Report 7: Role of Human Factors in Preventing Cargo Tank Truck Rollovers, pages Chapter 7 Conclusions and Recommendations, Pages 54-56, Transportation Research Board of the National Academies for Pipeline and Hazardous Materials Safety Administration, March 2012.
** HMCRP Report 7: Role of Human Factors in Preventing Cargo Tank Truck Rollovers, pages Chapter 7 Conclusions and Recommendations, Pages 28-32, Transportation Research Board of the National Academies for Pipeline and Hazardous Materials Safety Administration, March 2012.
Cargo spills management response procedures

Many motor carriers have found implementation of effective hazardous materials spill management measures to be a key method to protect themselves and the public if a spill occurs. Some basic components that should be in place include the following:

- Create a spill scene procedure for employees involved in the initial response actions, drivers, dispatchers, and managers in operations, safety and risk management at a minimum. Drivers should have training in spill control tools provided to manage small spills.
- Select spill response and cleanup services that are in the territories your fleet operates. It may be more effective to look for companies that have an existing regional or national network of providers. For example, qualified Zurich customers with environmental exposure are able to use Zurich’s “ZEER” (Zurich Emergency Environmental Response) spill response center provided as a complimentary service. We strongly urge customers to pre-register with our service so that when a spill occurs our call center team has all the information necessary to expedite initiating response services using a network of spill cleanup companies in collaboration with Spill Center®, Inc. Another advantage you receive is that all local, state and federal spill reports can be filed on your behalf upon your approval. For more information, contact your risk engineering specialist or visit our customer resources website at: https://www.zurichna.com/en/knowledge/articles/2014/01/zurich-environmental-emergency-response
- Be sure each vehicle is equipped with a spill kit fully supplied with absorbent material, appropriate gloves, eye protection, non-metal tools such as shovel and containers. Remember these supplies usually are intended for small spills or leaks that can be easily and completely contained before response personal arrive on the scene.
- Know local, state and federal reporting requirements. One possibility to help with the initial and follow-up reporting is to use a certified clean-up company. As noted above, qualified Zurich customers with environmental exposures are able to use the ZEER service to assist with completing the required local, state and federal release reports. The toll free customer contact number is 1-888-50::JE:(1-888-774-5543).

Mobile communications

With the growing use of cell phones and other mobile communication devices for business purposes, employers are facing an emerging threat of vicarious liability for automobile accidents caused by distracted driving of their employees. In many states, court vehicles have ruled that employers might be held vicariously liable if they permit employees to use cell phones for business purposes while driving.

- http://www.lytx.com/blog/the-cost-of-distracted-driving;

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Company Policy – Mobile Communication Device Use Guidelines

Having a cell phone usage policy in place does not necessarily guarantee a successful defense in every case, but it does send a clear safety message to employees. A well-written policy that is widely and frequently communicated throughout the organization can help reinforce safety commitments and is generally better than having no policy at all.

It is important to develop a policy that balances business needs with realities of driving safety and potential for high legal liability risks. A proactive, balanced policy will demonstrate a company’s commitment to safety and prevention of accidents and will help with a defense in case of litigation. The policy should be clearly articulated, broadly communicated and uniformly enforced. Here are some possible approaches and options to consider when developing a corporate policy on cell phone use by employees:

- Total ban on all cell phones and communication devices while driving, with a broad restrictive policy on business use of company-issued cellular phones and wireless devices (even in personal vehicles) and permitting only emergency use. The permitted instances should be included in the policy. For example prohibit use of a device until the driver can park the vehicle safely.

- In 2013 the FMCSA issued a new rule regarding the use of a hand-held mobile devices applies certain restrictions on their use by drivers of commercial motor vehicles (CMVs). The rule prohibits a CMV driver from holding a mobile device to make a call, or dialing by pressing more than a single button. CMV drivers who use a mobile phone while driving can only use a hands-free phone located in close proximity. The use of a hand-held mobile telephone means:
  - Using at least one hand to hold a mobile phone to make a call;
  - Dialing a mobile phone by pressing more than a single button; or
  - Reaching for a mobile phone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt.

“

It is important to develop a policy that balances business needs with realities of driving safely and potential for high legal liability risks.”
What does this rule mean to drivers and carriers?

- **Fines and Penalties** – Using a hand-held mobile phone while driving a CMV can result in driver disqualification. Penalties can be up to $2,750 for drivers and up to $11,000 for employers as well as resulting in a violation filed against the motor carrier’s Safety Management System unsafe driving BASIC category.

- **Disqualification** – Multiple violations of the prohibition of using a hand-held mobile phone while driving a CMV can result in a driver disqualification by FMCSA and by states with laws prohibiting use of a mobile phone while driving a CMV as a serious traffic violation.

- **What is the potential consequence?** – Using a hand-held mobile phone is risky because it requires the driver to reach for and dial the phone to make a call. Reaching for a phone out of the driver’s immediate area is risky as well as dialing because these actions take the driver’s eyes off the roadway. A mounted phone is acceptable as long as it is mounted close to the driver.

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### Appendix and Additional Reference Materials

- **Training and education**
  - zurichna.com/programs/resources

- **Compliance Related**
  - Federal Motor Carrier Safety Administration (https://www.fmcsa.dot.gov/)
  - PHMSA links, hazardous materials training modules (http://www.phmsa.dot.gov/hazmat)
  - NTSHA links: distracteddriving.org
  - http://www.nhtsa.gov/;
  - http://www.distraction.gov

- **ZEER – Zurich Emergency Environmental Response Center**
Effective October 1, 2016 our new address will be:
The Zurich Services Corporation
1299 Zurich Way
Schaumburg, IL 60196-1056
800 982 5964 www.zurichna.com

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