
SWN - DOT Compliance Program Policy

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SWN- DOT Compliance Program Policy

1. Scope

The provisions of this policy apply to all Divisions and Subsidiaries of Southwestern Energy Company (“SWN”) and the rules herein apply to any person who operates a commercial motor vehicle (“CMV”) on behalf of SWN.

2. Purpose

To clearly define policies for all commercial drivers engaged in safety-sensitive transportation activities regulated under Title 49- Federal Motor Carrier Safety Administration (“FMCSA”), a division of the USDOT, as an employee of SWN. The safety of our employees, customers, business partners, and the general public shall remain the guiding force behind this program while ensuring the complaint transport of company assets in the communities in which we conduct exploration and production activities.

NOTE: Unless otherwise specified, the symbol “§” shall represent a Part or Subpart designation of Title 49 of the Code of Federal Regulations (USDOT) throughout this policy.

3. Definitions

- 3.1. Acceptor- An individual or entity that accepts hazardous material during transportation as part of commerce.
- 3.2. Alcohol- The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol or those found in medicine or mouthwash.
- 3.3. Alcohol Concentration- The quantity of alcohol in a volume of breath expressed in grams of alcohol per 210 liters of breath as indicated by a breath test or grams of alcohol per 100 milliliters of blood as determined by blood analysis.
- 3.4. BAT- Breath alcohol technician is a person trained to operate an evidential breath testing device for the purpose of determining alcohol concentration for those being tested.
- 3.5. CDL- A Commercial Drivers License issued to an individual by a State or other jurisdiction, in accordance with the standards defined in § 383, which authorizes the driver to operate a commercial motor vehicle providing:

- 3.5.1. It has a gross vehicle weight rating (“GVWR”), gross combination weight rating (“GCWR”), gross vehicle weight (“GVW”), or gross combination weight (“GCW”) of 26,001 pounds or more, inclusive of a towed unit with a GVWR of more than 10,000 pounds; or
- 3.5.2. Is designed to transport 16 or more passengers; or
- 3.5.3. Any size vehicle used to transport hazardous materials as defined in 49 U.S.C. 5103 requiring placarded under § 172 or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73.
- 3.6. Chain-of-Custody- Procedure used to document the handling of urine specimens from the time of collection, through analysis, until the sample is destroyed. This process uses the Federal Drug Testing Custody & Control Form.
- 3.7. CMV- A Commercial Motor Vehicle is any self propelled motor vehicle or combination motor vehicle and trailered equipment used to transporting passengers or property as part of commerce providing:
 - 3.7.1. It has a gross vehicle weight rating (“GVWR”), gross combination weight rating (“GCWR”), gross vehicle weight (“GVW”), or gross combination weight (“GCW”) of 10,001 pounds or more; or
 - 3.7.2. Is designed to transport 8 or more passengers (including the driver) for compensation; or
 - 3.7.3. Is designed to transport 16 or more passengers (including the driver) without compensation; or
 - 3.7.4. Any size vehicle used to transport hazardous materials as defined in 49 U.S.C. 5103 requiring placarded under § 172 or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73.
- 3.8. CODOTS Form- Change of DOT Status Form is an administrative form completed by the SWN DOT Program Administrator and retained in a driver’s DQ file that documents any status change (positive or negative) to a CMV driver performing safety-sensitive functions on behalf of SWN.
- 3.9. Confidential Document- Documents obtained in the normal course of business in order to make employment decisions. These documents can be, but are not limited to, Motor Vehicle Report, criminal background report, reference checks, etc.
- 3.10. Consumer Commodities- Hazardous materials packaged and distributed in a form intended for or suitable for resale as identified in § 172.101. Many “consumer commodities” may also be classified as ORM-D and thereby exempted from placarding and manifesting requirements by the end user.
- 3.11. Controlled Substance- Refers to the use of any drug regulated under the Federal Controlled Substances Act, and includes drugs available only by prescription.
- 3.12. DCV- Driver’s Certification of Violations Form is a DOT-required form to be filled out annually by each CMV driver to self report any moving violations incurred within the given reporting period.

- 3.13. DER - Designated Employer Representative is a designated SWN employee authorized to receive communications and test results from service agents, to immediately remove employees from safety-sensitive functions, and to make necessary decisions in the testing and evaluation processes.
- 3.14. Disabling Damage- Damage which precludes departure of a motor vehicle from the scene of an accident in its usual manner in daylight following simple repairs or would result in further damage if driven.
- 3.15. Disqualified- Status associated with a CMV driver who no longer meets the criteria established by this policy to perform safety-sensitive functions on behalf of SWN.
- 3.16. DOT- Department of Transportation is the federal agency that regulates issues of public transportation including federal highway, air, railway, maritime and other transportation functions; administered by the FMCSA, FAA, FRA, NHTSA, FTA, etc.
- 3.17. DOT Program Administrator- Person(s) responsible for administering SWN's DOT Compliance Program and associated policies who is authorized to represent SWN as the subject matter expert and to advise Senior Management on DOT- related issues.
- 3.18. DOT Status- SWN identifies (5) DOT status categories to distinguish respective driver types. These distinctions ensures accurate drug and alcohol testing periodicities and protocols are used to comply with FMCSA, Pipeline Hazardous Material Safety Administration ("PHMSA"), and the Federal Aviation Administration ("FAA") as applicable. These respective DOT Status categories are as follows:
 - 3.18.1. **Non-DOT regulated**- Any employee who operates a vehicle with a GVWR of 10,000 lbs or less and is NOT regulated under FMCSA, PHMSA, FAA, or similar section of USDOT authority, or does not operate a SWN motor vehicle.
 - 3.18.2. **CMV/CDL** – Any driver that operates a vehicle with a GVWR of 26,001 lbs or greater. This driver is required to have a CDL and is regulated by the DOT in all respects.
 - 3.18.3. **CMV/non-CDL** – Any driver that operates a vehicle with a GVWR of 10,001 lbs up to 26,000 lbs. This driver is regulated by the DOT as per certain provision.
 - 3.18.4. **PHMSA** – Any person who operates pipeline facilities subject to § 192, 193, or 195.
 - 3.18.5. **FAA** – Any person who operates civil aircraft regulated under 14 CFR, Part 61.
- 3.19. DQ File- Driver qualification file created for each CMV driver performing safety-sensitive functions for SWN and maintained by the SWN DOT Program Administrator for retaining DOT-regulated documents.
- 3.20. Driver- Any person who operates any commercial motor vehicle as defined by DOT and this policy.
- 3.21. DVIR- Daily vehicle inspection report is a documented daily inspection required by § 396.11 intended to identify any conditions that would affect the safe operation of the equipment while on public roadways.
- 3.22. EBT- Evidential breath testing device approved by NHTSA for the evidential testing of breath at the 0.02 and 0.04 alcohol concentrations.

- 3.23. Employee- Any individual employed by SWN who, in the course of his or her employment, maintains, inspects, repairs, operates, or directly affects the safety of a CMV on behalf of SWN.
- 3.24. EOBR- Electronic on-board recording device is an electronic device capable of recording a driver's hours of service and duty status accurately and automatically to meet the requirements of § 395.16.
- 3.25. Form MCS-63- The Driver-Vehicle Examination Report is the standard DOT form used to document inspection deficiencies or declare a driver or piece of equipment legally "Out of Service" for use on public roadways.
- 3.26. HAZMAT- Hazardous materials are materials designated by the Secretary of the US Department of Transportation as posing an unreasonable threat to the public and the environment. The term "Hazardous Materials" includes all of the following: (1) Hazardous Substances, (2) Hazardous Wastes, (3) Marine Pollutants, (4) Elevated Temperature Material (5) Materials identified in § 172.101, and (6) Materials meeting the definitions contained in § 173.
- 3.27. HAZMAT Employee- Designation for those employees who have completed function-specific training and will be authorized to act as *Offeror or Acceptor* of HAZMAT shipments. These employees must be familiar with policies, administrative controls, hazard recognition, personnel safety, material handling, placarding, manifesting, security, emergency response procedures, and incident reporting associated with HAZMAT transport.
- 3.28. Mandatory 30 Minute Break- [After June 30, 2013], CMV drivers may NOT drive beyond eight (8) hours without logging an off-duty break period of at least 30 minutes. This mandatory break may be taken prior to reaching the eighth hour and may include meal periods or any other off-duty period.
- 3.29. MRO- Medical review officer is a licensed physician responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for drug test results.
- 3.30. MVR- Moving violation reports describe standard reports issued by state or local licensing authorities documenting moving violations, citations, and convictions of driving offenses for individuals licensed within that state or jurisdiction.
- 3.31. NORM- Naturally occurring radioactive material which is regulated as a hazardous material by § 397 for transport over public roadways.
- 3.32. NRHM- Non-radioactive hazardous material regulated by § 397.
- 3.33. Offeror- Any person performing pre-transportation functions for hazardous material transport or makes a hazardous materials available for transport over public areas.
- 3.34. On Duty- On-duty shall, for the purposes of DOT compliance include, but is not limited to, any time engaged in safety-sensitive functions for which that employee receives compensation per § 382.107. "On-duty" time starts at the beginning of the driver's shift or time he or she is required to be in a "ready to work" status until the end of their shift or being relieved from all work responsibility as specified in § 395.2.

- 3.35. ORM-D- “Other regulated materials for domestic use” is a shipping designation signifying the manufacture’s packaging bearing this mark contains hazardous material(s) in a form or such limited quantity that it presents limited hazard during transportation and is therefore exempted from placarding or manifesting requirements by its end user.
- 3.36. Out-of-Service Order- A declaration issued by an authorized DOT official or law enforcement officer of a state or local jurisdiction that precludes a driver, a CMV, or the motor carrier from operations while out of service pursuant to § 386.72, 392.5, 392.9a, 395.13, or 396.9, or compatible laws, or the North American Standard Out-of-Service Criteria.
- 3.37. Prohibited Drugs- Any drugs (and their metabolites) for which SWN must test pursuant to DOT regulations, including marijuana, cocaine, opiates, amphetamines, and phencyclidine (“PCP”).
- 3.38. Qualified- Status assigned to a CMV driver who has met the criteria established by this policy to perform safety-sensitive functions on behalf of SWN.
- 3.39. Qualified Candidate for CDL Employment- Any candidate being considered for a CMV operator position that has met the general employment requirements for D&A testing and has submitted to DOT required testing specified in § 40 & 382.
- 3.40. Refusal-to-Test- Refusal to submit to a DOT-mandated drug and/or alcohol test is a violation of not only DOT regulation, but is a violation of *SWN’s Anti Drug and Alcohol Policy – E&P Field Employees* and carries the same consequences as a positive test result which requires that driver to be removed from all safety-sensitive functions. A “Refusal-to-Test” shall include any of the following:
 - 3.40.1. Failure to appear for a test within a reasonable time period, as determined by SWN , after being directed to do so;
 - 3.40.2. Failure to remain at the test site until the testing process is complete;
 - 3.40.3. Failure to provide a urine specimen for any drug test required under DOT rules;
 - 3.40.4. Failure to permit monitoring and observation in the case of a directly monitored or observed collection;
 - 3.40.5. Failure to provide a sufficient amount of urine (when there is no adequate medical explanation for the failure);
 - 3.40.6. Failure to take a second test when required to do so by SWN or the collector;
 - 3.40.7. Failure to undergo a medical examination or evaluation directed under the DOT rules;
 - 3.40.8. Failure to cooperate with any part of the testing process;
 - 3.40.9. Submission of a verified adulterated or substituted test result;
 - 3.40.10. Failure to attempt to provide a saliva or breath specimen;
 - 3.40.11. Failure to provide a sufficient breath specimen (when there is no adequate medical explanation for the failure); and/or
 - 3.40.12. Failure to sign required certifications.

- 3.41. Safety-Sensitive Function- Any assigned responsibility, regulated by DOT, performed within the time a driver begins his or her shift, is in a “ready to work/drive” status, or performs administrative functions in support of regulated activities.
- 3.42. Short-haul- Category of service area characterized by the driver departing from and returning to the same work reporting location for that duty period.
- 3.43. VEMR File- *Vehicle & Equipment Maintenance & Repair_File* is a file created for the retention of DOT-regulated documents for each vehicle or DOT-regulated equipment owned by SWN or leased for more than 30 days which is maintained by the SWN- DOT Program Administrator.

4. Responsibilities

- 4.1. Management/Supervision will:
 - 4.1.1. Uphold all DOT policies, rules, and procedures contained herein;
 - 4.1.2. Correct non-compliant or unsafe conditions affecting the safe transport of SWN personnel or assets over public roads regulated under the DOT;
 - 4.1.3. Set the example and expect the best from all employees, business partners, service providers, and the general public with respect to SWN’s commitment to public safety and regulatory compliance relating to DOT.
- 4.2. Employees will:
 - 4.2.1. Comply with all DOT policies, rules, and procedures contained herein;
 - 4.2.2. Report any non-compliant or unsafe conditions affecting the safe transport of SWN personnel or assets over public roads regulated under the DOT;
- 4.3. SWN- DOT Program Administrator will:
 - 4.3.1. Administer the policies, rules, and procedures contained herein;
 - 4.3.2. Provide adequate training to employees and assist in the communication to business partners and service providers concerning the SWN- DOT Compliance Policy Program tenants and DOT regulations;
 - 4.3.3. Maintain the SWN- DOT Compliance Program Policy and required regulatory documentation for auditing purposes and to represent SWN during DOT formal audits or investigations;
 - 4.3.4. Advise SWN Senior Management on issues surrounding FMCSA compliance or policy matters dictated by DOT;
 - 4.3.5. Act as subject matter experts for DOT compliance programs.

5. Drug and Alcohol (D&A) Use, Abuse, and Testing

The D&A use, abuse, and testing policies set forth in this section are intended to meet DOT requirements specified in § 40 & § 382. As allowed by § 390.3(d), SWN reserves the right to be more stringent in its policies and procedures and therefore aspires to a “zero tolerance” approach for those employees engaged in safety-sensitive functions who are found to be in

violation of DOT regulation. This policy section supplements provisions within SWN's *Anti-Drug and Alcohol Policy – E&P Field Employees* document and defines policy for situation outside of DOT requirements involving CDL drivers. SWN drivers covered by this section must also comply with the SWN *Anti-Drug and Alcohol Policy – E&P Field Employees* for general employment. Specific provisions include:

5.1. Prohibitions and Consequences:

- 5.1.1. In accordance with § 382.505, any driver having been tested with an alcohol concentration between 0.02 and 0.039, shall be immediately removed from all safety-sensitive functions for at least twenty-four (24) hours.
- 5.1.2. An employee with an alcohol concentration of ≥ 0.04 is both confirmation of legal impairment and a violation of SWN's *Anti-Drug and Alcohol Policy – E&P Field Employees*. As such, alcohol concentrations ≥ 0.04 will result in the immediate termination of the affected employee.
- 5.1.3. Under no circumstances shall illegal drugs or alcohol be transported in or by a SWN CMV.
- 5.1.4. Independent of the DOT regulatory authority, SWN strictly prohibits the illegal possession, use, sale, distribution, manufacture, cultivation, purchase, attempted purchase, or transport of controlled substances including the use of prescription drugs for which the driver does not have a valid prescription.
- 5.1.5. No driver may report for duty, remain on duty, or perform a safety-sensitive function if: 1) he or she has a positive drug test result, or 2) has refused to submit to D&A testing allowed or specified by DOT regulation, or 3) has not met DOT requirements for returning to safety-sensitive duties (as described in Section 6 of this policy).
- 5.1.6. As allowed by § 382.213, SWN requires all regulated drivers to disclose the use of any legal drug or medication prescribed by a licensed physician that could impede safety-sensitive functions to their supervisor or manager PRIOR to engaging in those activities. Questions concerning acceptable prescription drug use can be directed to the company's D&A 3rd party administrator (TPA) via the DOT Program Administrator.
- 5.1.7. Any regulated driver found in violation of DOT regulations governing D&A use, abuse, or testing shall also be considered in violation of SWN's *Anti-Drug and Alcohol Policy - Field Employees*, and will be subject to disciplinary action independent of any sanction imposed by DOT.
 - 5.1.7.1. Violation will result in: 1) immediate removal from all safety-sensitive functions; 2) provided referral information for Substance Abuse Professionals ("SAPs"); 3) administrative disqualification as a CDL driver for SWN; 4) possible termination of employment from SWN.

- 5.1.8. Pursuant to § 382.121, an employee’s admission of alcohol or controlled substance use or abuse does not waive the driver’s responsibility to comply with all required drug and alcohol testing unless:
 - 5.1.8.1. Disclosure of the substance abuse issue was made to the Human Resources Department and DOT Program Administrator prior to being notified of a required test and;
 - 5.1.8.2. The driver has voluntarily removed themselves from safety-sensitive functions until successfully completing prescribed dependency treatment and been retested before being reinstated to safety-sensitive driving function.
- 5.1.9. Refusal to submit to a drug or alcohol test required by § 382.211 or specified by company policy shall be considered an automatic “positive” test result and shall carry with it all administrative and disciplinary actions contained within this policy section.
- 5.1.10. The DOT Program Administrator shall serve as SWN’s Designated Employer Representative (DER) for DOT D&A testing issues.

5.2. D&A Testing Requirements:

NOTE: SWN may contract with a 3rd party D&A medical testing provider and/or TPA to act as its service agent for administering parts of Section 5 of this program policy.

- 5.2.1. Pre-Employment Testing- Prior to being considered for employment, all candidates must receive a negative drug test result as specified in SWN’s *Anti-Drug and Alcohol Policy - Field Employees* to then be considered a “Qualified Candidate for CDL employment”.
- 5.2.2. Pre-Qualification Testing- Prior to being awarded employment as a CDL driver for SWN, a “Qualified Candidate for CDL Employment” must receive a negative drug test result meeting § 40 and § 382.301. This requirement also applies whenever an existing employee is being considered for transfer or promotion to a CDL required position. Pursuant to Company policy, a failure to receive a negative test result will result in the rejection of the individual’s application.
- 5.2.3. Post-Accident Testing- Per § 382.303, post-accident testing is mandatory for any CMV driver if:
 - 5.2.3.1. The accident involves a fatality; or
 - 5.2.3.2. The accident results in bodily injury to any party requiring off-site medical attention and the driver receives a moving violation citation; or
 - 5.2.3.3. Any vehicle sustains (disabling damage) requiring it to be towed and the driver receives a moving violation citation.
 - 5.2.3.4. Additionally, any CDL driver performing safety-sensitive functions at the time of an accident must submit to D&A testing as soon as

practicable and is specifically prohibited from consuming alcohol for eight (8) hours following the accident, or until he or she undergoes a post-accident alcohol test; whichever occurs first.

- 5.2.3.5. Any CDL Operator requiring post-accident drug and alcohol testing must be escorted to the clinic and cannot operate a CMV until negative test results are received by the DOT Program Administrator.
- 5.2.4. Random Testing- DOT-regulated drivers are subject to unannounced random D&A testing as required by § 382.305. Random tests will be spread throughout the calendar year and will be administered by the Company's D&A TPA based on the applicable DOT Status categories defined in Section 3 of this policy.
- 5.2.4.1. Once notified of selection for D&A testing, the driver shall proceed to the test site immediately. If that driver is performing a safety-sensitive function at the time of notification, SWN will ensure that he or she is removed from all safety-sensitive functions and is driven to the test site immediately.
- 5.2.4.2. A regulated driver may only be tested for alcohol:
- While performing safety-sensitive functions; or
 - Immediately before performing safety-sensitive functions; or
 - Immediately following the performance of safety sensitive functions.
- 5.2.5. Reasonable Suspicion ("For Cause") Testing- DOT-regulated drivers are subject to D&A testing (as directed by § 382.307) whenever SWN supervision or management has reasonable suspicion to believe the driver to be in violation of prohibitions described in Section 5.1. The Company will base its reasonable suspicion on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the individual. Reasonable suspicion determinations shall only be made by a SWN supervisor or manager who has specifically been trained in the detection & symptoms of drug and/or alcohol misuse or abuse. DOT-mandated reasonable suspicion alcohol testing will only be performed when the reasonable suspicion determination is made just before, during, or immediately following the performance of safety-sensitive functions or being in a "ready to work" status.
- 5.2.5.1. Any CMV driver thought to be in violation of the D&A policies due to reasonable suspicion shall be 1) escorted to the clinic for testing and 2) shall not operate a company vehicle until a negative test result is received by the DOT Program Administrator.
- 5.2.6. *Return-to-Duty Testing* and *Follow-Up Testing*- DOT D&A testing protocols that must be completed before a regulated driver is returned to a safety-sensitive function after testing positive for drug and/or alcohol use. However, these provisions are not compulsory (as allowed by § 390.3(d)) when the employer subscribes to a "zero tolerance" policy which is more stringent than

DOT regulations and precludes the driver from returning to any safety-sensitive employment. The only allowance for Return-to-Duty or Follow-up Testing is described in Section 5.1.8 of this policy.

5.3. Testing Protocols:

5.3.1. Alcohol Testing-

- 5.3.1.1. Alcohol testing is performed by testing a breath or saliva sample as an initial test. Initial tests which are positive (.02 or above) will be confirmed using an evidential breath testing (“EBT”) device by a BAT as required by § 40.253.
- 5.3.1.2. A breath-alcohol technician (“BAT”) who has completed a course of instruction including: principles of EBT methodology, operational & calibration checks, fundamentals of breath analysis for alcohol content, and the procedures for obtaining a breath sample, interpreting, and recording the EBT results the operation of an EBT device will conduct all breath-alcohol tests as required by § 40.213.
- 5.3.1.3. SWN will use or require the use of an EBT device that meets all DOT requirements by its D&A TPA. SWN or its D&A TPA will maintain the quality assurance plan developed by the manufacturer for the EBT.
- 5.3.1.4. Alcohol screenings using a saliva-based alcohol tests are also allowed providing the tests are performed by a qualified Screening Test Technician (“STT”) as required by § 40.213.
- 5.3.1.5. Breath testing will normally be conducted in a location that affords visual and aural privacy to the person being tested sufficient to ensure that unauthorized persons cannot see or hear test results as required by § 40.221.

5.3.2. Prohibited Drug Testing-

- 5.3.2.1. Testing for prohibited drugs is performed by testing a urine sample provided by the individual at a SWN-approved collection site. After the collector has received a valid urine sample and secured the sample, the sample (both containers) will be sent, along with its Chain of Custody form(s) to a laboratory which has been certified by the National Laboratory Certification Program (“NLCP”) to conduct workplace drug testing as required by § 40.81.
- 5.3.2.2. The laboratory will perform an initial immunoassay test, and if that test is positive, the positive result will be confirmed using a gas chromatography or mass spectrometry as specified by § 40.103.
- 5.3.2.3. A Medical Review Officer (“MRO”) will review presumptive positive test results, and will engage in reasonable attempts to contact the driver to discuss possible medical reasons for a positive test *before*

verifying the test as positive and informing the Company of the positive test result as required by § 40.129.

- 5.3.2.4. If the test is confirmed positive, the driver can request a test of the “split” sample (second container) as allowed by § 40.171 within 72 hours of receiving notification of the test result. If requested, the split sample may be tested (at the driver’s expense) at an NLCP certified laboratory. However, a request for split specimen test will not delay verification of the first test result and the results of the second sample will not be released until payment is made by the driver.
- 5.3.2.5. If the laboratory detects that the sample has been adulterated or substituted, the laboratory will report that determination to the MRO. The MRO will contact the driver to discuss possible medical reasons for the determination before verifying the test as a refusal-to-test and informing the Company of that result as required by § 40.91- 40.97.
- 5.3.2.6. If the test is confirmed as negative, but dilute, SWN will require the CDL driver or candidate to immediately, and without prior notice, submit to another test as allowed by § 40.197. However, a positive dilute result is positive regardless of dilution.

5.4. Chain-of-Custody, Confidentiality, and Record Retention:

- 5.4.1. Numerous items in Section 5; “*Drug and Alcohol (D&A) Use, Abuse, and Testing*” are required by DOT to be kept confidential and disseminated only to those personnel required to administer the program in accordance with § 382.405. Information will only be released to other entities at the specific written request of the employee, or as authorized by DOT regulation.
- 5.4.2. Notwithstanding the aforementioned provisions, SWN may release information to the National Transportation Safety Board (NTSB) as part of an accident investigation and upon written legal request, or to the council in a lawsuit, grievance, or other proceeding. Such a proceeding would be initiated by or on behalf of the individual and arising from a positive drug or alcohol test or a refusal-to-test administered under the DOT regulations; or as otherwise may be required by law.
- 5.4.3. SWN will ensure that chain-of-custody sample integrity is maintained for all D&A testing samples and sample results, as required by applicable portions of § 40 and § 382.
- 5.4.4. SWN may contract with a 3rd party D&A medical testing provider and/or TPA to act as its service agent for administering parts of Section 5 of this policy. In doing so, SWN reserves the right to use that 3rd party’s chain-of-custody forms providing they have been reviewed & approved by the SWN- DOT Program Administrator to ensure compliance with company policy and DOT regulation.

- 5.4.5. Record Retention- SWN shall retain D&A testing records for regulated drivers required by § 382.401 as follows:
- 5.4.5.1. Indefinite Retention: records relating to the education and training of BATs, controlled substance collections technicians, MROs, and supervisors & managers of regulated drivers.
- 5.4.5.2. Five (5) Year Retention:
- Any alcohol test results of ≥ 0.02 BAC
 - Any positive controlled substance test results
 - All Refusals-to-Test
 - All Substance Abuse Professionals (“SAP”) referrals
 - D&A testing equipment calibration documentation
 - Each year-end summery reports
 - Program administration records (policies, procedures, 3rd party contracts, and program administrator contact information)
- 5.4.5.3. Two (2) Year Retention:
- Records related to the collection process
- 5.4.5.4. One (1) Year Retention:
- All negative & cancelled controlled substance test results and negative alcohol test results (< 0.02 alcohol concentration)
- 5.5. Substance Abuse Training & Acknowledgement:
- 5.5.1. All CDL drivers are required to complete “substance abuse” training specified by the SWN- DOT Program Administrator PRIOR to operating a CMV for SWN per § 382.601. SWN also requires all non-CDL CMV drivers to complete the same training before operating a CMV for SWN. Each CMV driver shall acknowledge completion of required training and receipt of training materials with a signature retained in the driver’s Driver Qualification (DQ) file.
- 5.5.2. Supervisors, managers, and anyone directly supervising DOT-regulated drivers (regardless of title) shall complete at least 60 minutes of reasonable suspicion training and 60 minutes of substance abuse training as required by per § 382.307 and § 382.603 respectively.
- 5.6. Driver Resources:
- 5.6.1. If concerned about their use, misuse, or abuse of drugs and/or alcohol, or the use, misuse, or abuse by a co-worker, regulated drivers are responsible for seeking assistance before being found in violation of this policy. For employees, SWN has contracted with an Employee Assistance Program (“EAP”) which provides confidential referrals to outside professional counselors and treatment

programs as described in Section 6 of SWN's *Anti-Drug and Alcohol Policy - Field Employees*.

- 5.6.2. When a regulated driver is found to be in violation of prohibited conduct concerning the use, misuse, or abuse of drugs and/or alcohol, that driver will, as required by § 382.605, be provided a list of SAP referrals whereby he or she may secure evaluation and treatment associated with D&A dependency issues. Such treatment is at the driver's expense and is required by DOT in order for that person to return to safety-sensitive functions with another employer. However the "zero tolerance" policy will result in termination of employment from SWN.

6. Driver Qualifications

The Driver Qualification ("DQ") requirements set forth in this section are intended to meet DOT requirements specified in § 383 & § 391. CMV drivers shall meet all of the following requirements to be considered "qualified" to perform safety-sensitive functions for SWN. Once met, drivers are considered "qualified" unless administratively "disqualified" by the SWN- DOT Program Administrator. This policy section supplements general recruiting and hiring practices defined in SWN's general *Employment Policy* and its *Equal Employment Opportunity Policy*. It further establishes requirements for assessing and approving DOT-regulated driver candidates for safety-sensitive service to SWN.

NOTE: SWN reserves the right to contract with a 3rd party investigative service to act as its service agent for administering parts of Section 6 of this program policy.

6.1. DOT Status Change

Any potential change in the DOT status of a regulated driver (positive or negative) shall be reported to the SWN- DOT Program Administrator as soon as practical. The Program Administrator will evaluate the circumstances and if warranted, documented the change of status using a *Change of DOT Status* ("CODOTS") form. Such changes can be, but are not limited to:

- 6.1.1 Completion of the DOT Qualification process Suspension or revocation of a drivers license
- 6.1.2 Changes in a driver's CDL Endorsements CSA BASICS and PSP ratings
- 6.1.3 Medical condition changes (must be assessed by a licensed physician well versed in DOT regulations as required by § 391.45(c))
- 6.1.4 Felony charges or felony conviction in conjunction with motor vehicle operations
- 6.1.5 NTSB Accident/incident investigation results or administrative action
- 6.1.6 Physical or mental impairment (must be assessed by a licensed physician as required by § 391.45(c))

6.2. CMV Driver Candidate Requirements:

- 6.2.1. All CMV driver candidates are required to be at least eighteen (18) years of age and have at least 12 months of safe driving experience before being considered for a DOT-regulated position. Candidates for interstate commerce shall be at least twenty-one (21) years of age in accordance with § 391.11.
- 6.2.2. Applicants for employment applying for a DOT-regulated position shall truthfully disclose employment information by completing all applicable sections of the SWN employment application. Falsification or omission of pertinent information will result in the immediate disqualification of that candidate from safety-sensitive service consideration. This information shall be verified by SWN prior to a hiring decision being made.
- 6.2.3. CDL driver candidates shall provide a list of all motor vehicle accidents and moving violations for at least three (3) years preceding the date of application in accordance with § 391.21. This information shall be verified by SWN prior to any hiring decision being made.
- 6.2.4. SWN will use the FMCSA Portal and Pre-Employment Screening Program (PSP) to screen DOT driver candidates. Any driver candidate found to have two (2) “Out of Service” violations will be considered “at risk” which would preclude employment.

6.3. CMV Employee Driver Requirements:

- 6.3.1. Current SWN employees applying for a DOT-regulated position shall truthfully disclose DOT-regulated work experience applicable to the position for which they are applying. Falsification or omission of pertinent information will result in the immediate disqualification of the candidate from consideration and disciplinary action, up to and including termination.
- 6.3.2. Current SWN employees applying for a CDL position are required to disclose work history for the previous ten year preceding the date of application in accordance with § 391.21. This information shall be verified by SWN prior to the transfer or advancement decision being made.
- 6.3.3. SWN employees required to drive CMVs as part of their job responsibilities are prohibited from “moonlighting” by performing safety-sensitive functions for another company that would impact their hours of service limitations to SWN.
- 6.3.4. CDL drivers who operate SWN CMVs shall immediately disclose to the DOT Program Administrator, the receipt of any moving violation/citation (“ticket”) issued by a member of law enforcement while operating any vehicle within 15 calendar days from date of issue in accordance with § 383.31.
- 6.3.5. Annually, CMV drivers shall submit a *Driver’s Certification of Violations* form as required by § 391.27. This form shall be retained in the driver’s DQ file and

referenced during the driver's annual review.

- 6.3.6. Annually, SWN shall investigate/make inquiries to each state or jurisdictional area for which CDLs have been issued to SWN drivers, requesting copies of moving violation reports ("MVRs") and PSP ratings. These records shall be retained in the driver's DQ file and referenced during that driver's annual review.

NOTE: SWN reserves the right to contract with a 3rd party investigative service to act as its service agent for administering parts of Section 6 of this program policy.

- 6.3.7. CMV drivers may NOT perform safety-sensitive functions when their ability to perform normal duties has been impaired by a physical or mental injury or disease. In those instances, the driver must be medically reassessed by a licensed physician to obtain a new medical certification card per § 391.45(c). Additionally, that driver is required to submit his or her work release as part of their annual DOT Physical.
- 6.3.8. Annually, the SWN- DOT Program Administrator shall conduct a review of each CMV driver's performance in accordance with § 391.25 to determine if that driver meets minimum requirements for safe driving. The results of this administrative review shall be communicated to the employee, his or her department head, and a copy retained in the driver's DQ file (including any supporting documentation referenced above).

6.4. CSA 2010 BASICS Classification:

The FMCSA- CSA 2010 BASICS initiative established a scoring system for organizations based on seven (7) BASICS categories to calculate who should be considered to be "at risk." As such, SWN uses the same methodology to track its organizational score and its individual drivers. The SWN- CSA BASICS Scoring Matrix Action Levels are 20% percentile points below listed DOT Threshold Values. This margin allows for proactively assigning corrective action to a driver before exceeding a DOT threshold value resulting in SWN disqualification.

- 6.4.1. SWN will ensure that its CDL drivers are trained on the SWN- CSA BASICS Scoring Matrix to enable the Company to stay below DOT Threshold Values for all (7) BASICS categories.
- 6.4.1.1. The DOT Program Administrator will monitor individual scores and assign corrective action when a driver exceeds any SWN Action Level.
- 6.4.1.2. With the exception of the Controlled Substance & Alcohol category, drivers found to be above SWN Action Levels will be given three (3) months to complete corrective actions to reduce their individual score(s) below the respective action level set points.

- 6.4.1.3. Any driver receiving a citation that would normally be calculated under the Controlled Substance & Alcohol category is in violation SWN’s *Anti-Drug and Alcohol Policy - Field Employees* and Section 5.0 of this policy and faces disciplinary action up to and including termination.
- 6.4.1.4. Any SWN driver exceeding any listed DOT threshold values will be removed from safety-sensitive driving functions until corrective actions have been completed to reduce their calculated score(s) below DOT Threshold values.

SWN- CSA BASICS Scoring Matrix		
BASICS Categories	SWN Action Levels	DOT Thresholds Values
Unsafe Driving	45%	65%
Fatigued Driving (Hours-of-Service)	45%	65%
Driver Fitness	60%	80%
Controlled Substances & Alcohol	<0%	80%
Vehicle Maintenance	60%	80%
Cargo-Related	60%	80%
Crash Indicator	45%	65%

6.5. Disqualification Provisions:

- 6.5.1. Any DOT-regulated driver, who does not meet the minimum requirements of this policy or is found to be in violation of requirements listed in § 391.15, shall be “disqualified” and immediately removed from safety-sensitive functions. Based on the nature of the offense, that employee may also face disciplinary action independent of any sanction imposed by DOT.
- 6.5.2. Any DOT-regulated driver who exceeds a threshold value for any CSA 2010 BASICS category described in Section 6.5 will be considered “at risk” and will be administratively disqualified by SWN and removed from safety-sensitive functions.
- 6.5.3. Any driver receiving a Form MCS-63 (Driver-Vehicle Examination Report) from a DOT official declaring the driver or equipment out of service shall deliver such documentation to the DOT Program Administrator within 24 hours from receipt of the order.

- 6.5.3.1. The driver will immediately be removed from safety-sensitive driving functions until reinstated by DOT.
 - 6.5.3.2. The DOT Program Administrator will complete the *CODOTS* form to document the disqualification of the driver by DOT.
 - 6.5.3.3. The SWN- DOT Program Administrator will complete the “Motor Carrier Certification of Action Taken” section of Form MCS-63 documenting the disqualification and appropriate corrective actions taken for the affected driver before delivering a copy to the Division Administrator of the FMCSA within 15 days from the date of receipt.
 - 6.5.4. A disqualified driver is responsible for providing credible evidence showing that all violations have been corrected and confirming that his or her license is valid for use by SWN before the DOT Program Administrator will complete a *CODOTS* form to reinstate the driver as being qualified. Failure to correct the violations will result in permanent disqualification from future CMV service to SWN. The employee may also face disciplinary action independent of any sanction imposed by DOT.
 - 6.5.5. Any DOT-regulated driver who knowingly conceals a condition or circumstance that would normally result in disqualification will be permanently removed from safety-sensitive functions and will face disciplinary action, up to and including termination.
- 6.6. Driver Qualification Training:
- 6.6.1. Prior to being assigned safety-sensitive functions, all CMV drivers shall complete the mandatory training courses prescribed by the SWN- DOT Program Administrator regarding CMV policies and standard operating procedures as part of the SWN- DOT Qualification process (according to § 383 & 391).
 - 6.6.2. Prior to being assigned safety-sensitive functions, all CMV drivers shall satisfactorily complete a “behind the wheel” road test administered by a Road Test Evaluator designated by the SWN- DOT Program Administrator and required by § 391.31-33. Certification of Road Test completion shall be retained in the driver’s DQ file and must be complete prior to being designated as a “qualified” CMV operator.
 - 6.6.3. CDL drivers are required to complete “substance abuse” training specified by the SWN- DOT Program Administrator PRIOR to operating a CMV requiring a CDL as described in Section 5.5 of this policy.
 - 6.6.4. Prior to transporting hazardous materials (as described in Section 11 of this policy), CDL drivers shall complete the HAZMAT Transport training specified by the SWN-DOT Program Administrator and obtain a HAZMAT endorsement on their CDL.

6.6.5. SWN reserves the right, in accordance with § 391, to require additional training for CMV drivers beyond the minimum DOT standards as determined appropriate by the SWN- DOT Program Administrator. Training Requirements for CMV Drivers will include:

6.6.5.1. SWN- DOT Compliance Program Policy

6.6.5.2. SWN- D&A Testing Policies & Substance Abuse Program

6.6.5.3. “Behind the Wheel” Road Test administered by a designated Evaluator

6.6.5.4. Hazardous Materials Transport & Handling Training

6.6.5.5. Other training deemed appropriate by the SWN- DOT Program Administrator

6.7. Records Retention:

6.7.1. SWN will establish a DQ file for each regulated driver to be maintained current by the SWN- DOT Program Administrator during the driver’s current employment plus an additional (24) months following termination.

6.7.2. The DQ file will be the central repository for all DQ records specified by DOT or this policy.

6.7.3. DQ files will be protected and secured as required by § 379.5 -379.13.

6.8. Skills Performance Evaluation Certification (for physical impairment):

6.8.1. Any CMV driver must apply for a Skills Evaluation Performance (“SEP”) Certificate from the FMCSA Division Administrator in regards to any physical impairment described in § 391.49. However, the SEP Certificate must be awarded PRIOR to that driver being reassigned safety-sensitive duties for SWN. The DOT Program Administrator will assist or facilitate as needed.

7. CMV & Regulated Equipment Inspection, Maintenance, Repair, and Use

The inspection, maintenance, and repair of DOT-regulated vehicles and trailered equipment is required by § 392, 393, & 396 and shall be an integral part of the duties and responsibilities of SWN CMV drivers to ensure adequate completion before operating or transporting those assets on public roadways. As allowed by § 396, SWN reserves the right to be more restrictive by applying the same standards of inspection, maintenance, and repair to all vehicles and trailered equipment not currently designated for interstate commerce or meeting the definition of a CMV in Section 3 to ensure compliance with individual state regulations.

7.1. SWN will NOT operate or tow DOT-regulated equipment that is not owned or leased by the Company or that does not meet inspection requirement within this policy section.

7.2. Before any vehicle or trailered equipment is placed in the service on public roadways by SWN, a DOT Compliance Evaluation shall be completed by the SWN Transportation

- Department to determine if the vehicle or equipment is DOT regulated using the appropriate DOT Evaluation Checklist (based on the type of vehicle or equipment being evaluated).
- 7.3. SWN Transportation Department personnel will affix the appropriate DOT Inspection label/sticker upon satisfactory completion of the DOT inspection.
 - 7.4. The completed checklist (along with the inspection report) will be retained by the Transportation Department in the *Vehicle and Equipment Maintenance & Repair* ("VEMR") file.
 - 7.5. CMV drivers and supervisors/managers of CMV drivers must be knowledgeable of the operation, inspection, maintenance, and repair requirements of § 392, 393, & 396 to ensure no DOT-regulated equipment or CMV is operated or towed on public roadways until a DOT Compliance Evaluation has been completed by the SWN Transportation Department and the appropriate DOT Inspection label/sticker is affixed to the asset.
 - 7.6. Standard Equipment- every CMV must be equipped with certain standard equipment pursuant to § 393.95 to include the following as minimum:
 - 7.6.1. Emergency equipment-
 - Fire extinguisher- rated at 5lb B:C or higher (unless the CMV is transporting Hazardous Materials in which case the extinguisher must be rated at 10lb B:C or higher).
 - Spare fuses- (one for each type/size needed)
 - Warning Devices for Disabled Vehicles- at least (3) bidirectional emergency reflective triangles.
 - 7.6.2. Exhaust System- that complies with § 393.83 of the FMCSA regulations.
 - 7.6.3. Driver/Passenger Restraints- each CMV shall be equipped with seat belts, seatbelt assemblies, and anchorages meeting FMVSS Nos. 207-210 for each person in the CMV. The driver and all passengers will be restrained by these devices in accordance with § 392.16.
 - 7.6.4. Rear Impact & Rear End Protection- every CMV must be equipped with either bumpers or rear impact systems meeting FMVSS Nos. 223 & 224.
 - 7.6.5. Tires- tires used on CMVs must be free of any of the following defects listed in § 393.75:
 - 7.6.5.1. Body ply or belt material exposed through the tread or sidewall
 - 7.6.5.2. Tread or sidewall separation
 - 7.6.5.3. Audible leak (or flat)
 - 7.6.5.4. A cut exposing the ply or belt material
 - 7.6.5.5. A tread groove pattern depth of less than 4/32 of an inch (front tires) or 2/32 of an inch (other tires).
 - 7.6.5.6. Regrooved tires with a load carrying capacity equal to or greater than 4,920 pounds shall NOT be used on the front wheels on and truck or tractor.

- 7.6.5.7. regrooved, recapped, or retreaded tires shall not be used on the front wheels of buses or CMVs designed for personnel transport.
- 7.6.6. Suspension System- shall be in safe working order and meet all functional criteria listed in § 393.207.
- 7.6.7. Retroreflective Sheeting & Reflex Reflectors- trailers with a GVWR of $\geq 10,000$ lbs. and a width of 80 inches or more shall be equipped with retro-reflective tape and/or reflex reflectors in accordance with § 393.13.

7.7. Inspections:

SWN CMV driver and supervisors/managers of CMV drivers must be familiar with the inspection requirements of § 393 & 396 to ensure compliance with DOT regulations concerning the following inspection categories:

- 7.7.1. 360° Pre-Trip Inspection- No CMV will be operated until the driver is satisfied that all parts and accessories are in good working order, emergency equipment (listed in § 393.95) is in place and ready for use, and the load is safe for transport. This inspection should include a review of the previous day's DVIR to ensure any deficiency affecting the safe operation of that CMV has been corrected as required by § 396.13. 360° Pre-Trip Inspection do not require written documentation.
 - 7.7.1.1. If the previous day's DVIR is unavailable, a note should be added to driver's EOBR or Hours of Service logbook and reported to the SWN-DOT Program Administrator.
 - 7.7.1.2. Safe Loading- CMVs shall not be operated until the load/cargo is properly distributed and adequately secured as specified in § 393.100 through 393.136.
- 7.7.2. Roadside Inspection- Any CMV driver who receives a roadside inspection report (Form MSC-63) from a member of law enforcement or DOT regulatory authority must deliver the Roadside Inspection Report to the SWN- DOT Program Administrator within 24 hours of receipt.
 - 7.7.2.1. Any driver receiving a Form MCS-63 (Driver-Vehicle Examination Report) from a DOT official **declaring that driver or equipment out of service** shall deliver such documentation to the DOT Program Administrator within 24 hours from receipt of the order.
 - The driver will immediately be removed from safety-sensitive driving functions until reinstated by DOT.
 - The DOT Program Administrator will complete the *CODOTS* form to document the disqualification of the driver by DOT.
 - The SWN- DOT Program Administrator will complete the "Motor Carrier Certification of Action Taken" section of Form MCS-63

documenting the disqualification and appropriate corrective actions taken for the affected driver before delivering a copy to the Division Administrator of the FMCSA within 15 days from the date of receipt.

- 7.7.2.2. SWN DOT Compliance Program Administrator will retain a copy of the roadside vehicle inspection form and subsequent corrections in the driver's DQ file and VEMR file as applicable for a period of 12 months from the date of the inspection.
- 7.7.2.3. CMVs or regulated equipment which have been ordered "Out of Service" by a DOT regulatory authority or member of law enforcement will not be used by SWN. SWN Transportation Department personnel will affix a red SWN "Out of Service" tag to the asset until repairs are made, a DOT inspection has been completed, and the asset is returned to service by DOT at which time the Out of Service tag may be removed.
- 7.7.3. Daily Vehicle Inspection Reports ("DVIR")- Each CMV driver shall complete a DVIR for any CMV he or she has operated at the end of each day in accordance with § 396.11. A copy of the previous day's DVIR must be maintained with the CMV for inspections purposes while DVIRs older than two days must be filed in the VEMR file for that CMV.
 - 7.7.3.1. DVIR deficiencies shall be reviewed by the SWN Transportation Department to determine if it affects the safe operation of the vehicle and/or equipment. If safe operation is in question, the SWN Transportation Department personnel will remove that vehicle or equipment from service and affix a red "SWN-Out of Service" tag to it until repairs are complete and the vehicle and/or equipment is returned to service.
 - 7.7.3.2. If a deficiency does not affect the safe operation of the vehicle and/or equipment, SWN Transportation Department personnel will sign the inspection report (physically or electronically) releasing it for service and schedule repairs as necessary.
 - 7.7.3.3. Under no circumstances can anyone other than SWN Transportation Department personnel remove the "SWN-Out of Service" tag. This tag will only be removed after the necessary repairs have been completed and documented as required by § 396.11.
 - 7.7.3.4. CMVs or regulated equipment will not be placed in service without having the DVIR deficiencies corrected, reviewed, and signed off by SWN Transportation Department personnel.
- 7.7.4. Periodic Inspection- All DOT-regulated equipment and CMVs are required to be inspected at least once every 12 months in accordance with § 396.17. At a minimum, inspections must include all items listed in § 396- Appendix G and will be performed by SWN Transportation Department personnel.

- 7.7.4.1. A copy of the periodic DOT inspection report must be retained for at least 14 months from the date of inspection in the VEMR file.
- 7.7.4.2. The appropriate DOT Inspection label/sticker of the most recent inspection shall be affixed to the vehicle.

7.8. Maintenance Records:

- 7.8.1. Company-owned Equipment & CMVs: Maintenance records must be kept on every vehicle and DOT-regulated equipment owned by SWN. Records and supporting documentation must list all repairs and maintenance performed on the vehicle and/or equipment while in SWN's control. Maintenance records shall be retained for at least 12 months from date of repair in the VEMR file and must be kept for six (6) months following final disposition of the asset in accordance with § 396.3.
- 7.8.2. Rented/Short-term Leased Equipment & CMVs: Maintenance records must be kept on any temporary vehicle or DOT-regulated equipment leased or rented by SWN for 30 days or more. SWN will establish and maintain a VEMR file for any temporary asset during the time that asset is in service for SWN plus six (6) months following final disposition by tracking the following:
 - 7.8.2.1. Identifying information, including company number, make, serial number, year, and tire size
 - 7.8.2.2. A schedule of inspections to be performed, including type and due date.
 - 7.8.2.3. Inspection, repair, and maintenance records

7.9. Vehicle Markings & Labeling:

All CMVs and trailered equipment (owned or leased ≥ 30 days) must be labeled and marked as described below (unless more restrictive requirements are imposed by state or local jurisdictional areas):

- 7.9.1. Truck Requirements (as specifically required by § 390.21)
 - 7.9.1.1. The company's legal name or trade name (logo) on BOTH sides of vehicle
 - 7.9.1.2. SWN's DOT Permit Identification Number, preceded by "US DOT" if:
 - $\geq 26,001$ lbs GVWR, or
 - Is engaged in interstate commerce, or
 - Is required by the state where the vehicle is tagged and operated
 - 7.9.1.3. The size, shape, and marking colors must be in letters that contrast sharply with the background on which the letters are displayed
 - 7.9.1.4. Lettering must be readily legible from a distance of 50 feet during daylight hours.

- 7.9.2. Trailered Equipment (as specifically required by § 390.21):
 - 7.9.2.1. The GVWR (rated load capacity) shall be visible on both sides of the trailer or equipment.
 - 7.9.2.2. The size, shape and marking colors must be in letters that contrast sharply with the background on which the letters are displayed
 - 7.9.2.3. Lettering must be readily legible from a distance of 50 feet during daylight hours.
 - 7.9.2.4. Trailers with a GVWR of $\geq 10,000$ lbs. and a width of 80 inches or more shall be equipped with retro-reflective tape and/or reflex reflectors in accordance with § 393.13.

7.10. Maintenance, Inspection, and Repair Qualification & Training:

Personnel performing maintenance, inspection, or repair of DOT-regulated vehicles or equipment shall meet the following minimum requirements as listed in § 396.19:

- 7.10.1. Understand all inspection criteria of § 396, Appendix G
- 7.10.2. Are knowledgeable and competent in the use of procedures, tools, and equipment used for inspection
- 7.10.3. Has completed a state or federal-sponsored training program
- 7.10.4. Have a combination of training and experience totaling at least one (1) year
- 7.10.5. Supporting training records must be retained by the SWN-DOT Program Administrator for at least 12 months following termination of employment.

8. General Operational Rules for CMVs

8.1. Public & Driver Safety:

- 8.1.1. CMV drivers shall abide by all laws, ordinances, and regulations of the state or jurisdiction in which they are driving. However, if the FMCSA imposes a higher standard of care than the state or local jurisdictional law, ordinance, or regulation, then the FMCSA regulation must be followed.
- 8.1.2. No driver is permitted to operate a CMV when their ability and/or alertness is impaired by fatigue, illness, or any other cause that makes it unsafe to begin or continue to drive the vehicle, according to § 392.3.
- 8.1.3. CMVs shall not be operated until the load/cargo is properly distributed and adequately secured as specified in § 393.100 through 393.136.
- 8.1.4. CMV drivers are required stop at ALL railroad crossings. While stationary within 50 feet, but no closer than 15 feet from the crossing, the driver will look in both directions and listen for approaching trains before proceeding. When safe to do so, the driver shall cross the tracks in a gear that permits the CMV to complete the crossing without changing gears as specified in § 392.10.

- 8.1.5. CMV drivers may not operate a CMV without being properly restrained with a seat belt assembly and verifying that all passengers in the CMV are also restrained according to § 392.16.
 - 8.1.6. If a vehicle is stopped on a highway or shoulder, as specified in § 392.22, the driver must activate the vehicle's hazard warning flashers immediately. Flashers must be in service until warning devices are in place. Flashers should be used while warning devices are being retrieved before the vehicle is once again underway.
 - 8.1.7. CMV drivers are required to obey all posted speed limits and adjust speed to accommodate traffic conditions, weather, traffic patterns, construction, etc. In addition, SWN management will not dispatch work that would require the CMV driver drive at speeds greater than posted speed limits.
- 8.2. Electronics & Communication Devices:
- 8.2.1. No CMV driver shall operate a CMV that is equipped with or contains a radar detecting device in accordance with § 392.71.
 - 8.2.2. In accordance with § 392.80, CMV drivers are specifically prohibited from texting or using a cellular phone without a "hands-free" device while the CMV is in operation. Independent of DOT regulations, the *SWN Vehicle Operating Policy* strictly prohibits texting, cell phone use without a "hands-free" device, and the use of mobile electronics (ex: computers, GPS units, MP3 players) by SWN drivers while the vehicle is in operation on a public roadway. Employees found in violation of this rule will face disciplinary action up to and including termination.
- 8.3. CMV & Equipment Assignment, Use, and Responsibilities:
- 8.3.1. CMVs shall not be operated by non-SWN personnel or "unqualified" drivers.
 - 8.3.2. Passenger transport within a company CMV shall be limited to personal conveyance during off-duty hours as allowed by SWN's- *Company Vehicle Operating Policy*. Transport of non-employee passengers within a company CMV requires written authorization by the supervisor or manager to include: 1) names of all passengers, 2) area of travel, and 3) expiration date of authorization as required by § 392.60.
 - 8.3.3. Prior to operating a CMV, each driver shall ensure:
 - 8.3.3.1. Their driver's license is adequate for the CMV classification (based on the combined GVWR of both truck and trailered equipment).
 - 8.3.3.2. The loaded trailer or towed equipment (GVW or GVWR; whichever is more restrictive) is within the manufacturer's rated towing capacity of the self propelled CMV (towing vehicle).

- 8.3.3.3. Both truck and trailer are registered and tagged within the appropriate weight classification according to the state or local jurisdiction where the CMV is licensed.
- 8.3.3.4. A copy of SWN’s current proof of insurance is retained in the CMV.

9. Hours of Service Requirements & Limitations

The Hours of Service requirements and limitations listed in this policy section are enacted to comply with the DOT regulations in § 395 for CMV drivers. Standard Hours of Service logs and the use of Electronic Onboard Recorders (EOBRs) will be used to maintain the driver’s hours of service in accordance with § 395.16. The regulations and the SWN requirements are designed to ensure that CMV drivers get the necessary rest in order to prevent vehicular accidents that can result in injuries, fatalities, and other losses.

- 9.1. Unless specifically allowed by provisions within § 395, CMV drivers are limited to a total of 12 on-duty hours per shift with no more than 11 hours of actual “drive time” which is only reset by being given 10 consecutive hours off-duty as specified in § 395.3(a).
- 9.2. CMV drivers are limited to 70 “on-duty” hours each 8 day period. This limit is only reset by the employee being given at least 24 consecutive hours “off-duty” as specified in § 395.3(a).
- 9.3. SWN employees required to drive CMVs as part of their job responsibilities or position are prohibited from “moonlighting” by performing safety-sensitive functions that would negatively impact their hours of service limitations to SWN.
- 9.4. Standard Driver’s Log (Hours of Service) Requirements:
 - 9.4.1. Pursuant to § 395.16, every SWN driver who operates a CMV shall document the following using the EOBR installed in the CMV:
 - 9.4.1.1. Name(s) of driver(s)
 - 9.4.1.2. Duty Status
 - 9.4.1.3. Date and time
 - 9.4.1.4. Location of CMV
 - 9.4.1.5. Distance Traveled
 - 9.4.1.6. Company name and USDOT Permit Number
 - 9.4.1.7. 24-hour period starting time (on-duty start time)
 - 9.4.1.8. Multiday basis [“8 Day Basis” (70 hour limit) for SWN]
 - 9.4.1.9. Number of hours for each duty status within a 24-hour period and total hours worked during the 8 Day Basis (70 hour limit)
 - 9.4.1.10. Unit number (and trailer number if applicable)
 - 9.4.1.11. Shipping document number (if applicable for HAZMAT movement)

9.4.2. The duty status must be recorded for all hours in one of four categories in accordance with § 395.16(c)(1-4):

9.4.3. Off Duty

9.4.4. Sleeper Berth (Normally not applicable to SWN)

9.4.5. Driving

9.4.6. On Duty Not Driving

9.5. Exemptions to Maintaining Standard Driver's Logs (for hours of service):

SWN will utilize either EOBRs or Hours of Service Logbooks to document on-duty service hours when required by § 395.8 or 395.16 (as applicable). Short-haul drivers are not required to maintain EOBRs or Hours of Service logbooks providing all requirements listed in Sections 9.4.1 or 9.4.2 of this policy (as applicable), have been met. If not, then the driver shall maintain hours of service documentation using an EOBR or Hours of Service logbook which is immediately inspectable by DOT.

9.5.1. In accordance with § 395.1(e)(1), a *short-haul* CDL driver is exempt from maintaining a standard driver's log providing ALL the following requirements are met:

9.5.1.1. The driver operates within a 100 air-mile radius of the location where the driver reports to and is released from work and returns to that location at the end of each duty period;

9.5.1.2. The driver has at least 10 consecutive hours off duty separating each 12 hour period on duty;

9.5.1.3. The driver does not exceed 11 hours maximum driving time during any 12 hour on duty period;

9.5.1.4. The driver may not exceed 70 on-duty hours in any 8 day consecutive period (since SWN operates CMVs 7 days per week).

9.5.2. In accordance with § 395.1(e)(2), a *short-haul* driver operating a CMV for which a CDL is not required is exempt from maintaining a standard driver's log providing ALL the following requirements are met:

9.5.2.1. The driver operates within a 150 air-mile radius of the location where the driver reports to and is released from work and returns to that location at the end of each duty period;

9.5.2.2. The driver has at least 10 consecutive hours off duty separating each on-duty period;

9.5.2.3. The driver does not drive more than 11 hours following at least 10 consecutive hours off-duty;

9.5.2.4. The driver does not drive: 1) after the 14th hour of being on duty during any 5 days within the 7 day period or 2) after the 16th hour of being on duty during any 2 days within the 7 day period;

9.5.2.5. The driver may NEVER exceed 70 on-duty hours in any 8 day consecutive period (since SWN operates CMVs 7 days per week).

NOTE: “Short-haul” drivers using the 150 mile radius provisions to preclude the need to maintain a standard driver’s log for hours of service may NOT use the 16 Hour Short-haul Exemption listed above.

9.5.3. “16 Hour Short-haul Exemption”: Pursuant to § 395.1(o), any CMV driver required to maintain hours of service records may extend their on-duty time to a total of 16 hours and may drive at any point within that extended duty period providing:

9.5.3.1. They do not exceed eleven (11) hours total driving time within that 16 hours period;

9.5.3.2. The driver reports to and is released from duty at their normal work location for the previous five (5) duty periods the driver has worked;

9.5.3.3. The driver must have been off duty for at least 10 consecutive hours prior to taking the exemption;

9.5.3.4. The driver has not taken this exemption within the previous 6 consecutive days.

9.5.3.5. The “16 Hour Short-haul Exemption” is reinstated following an off-duty period of 24 consecutive hours.

9.5.3.6. Short-haul drivers who normally use the 100 air-mile exemption for maintaining standard driver’s logs for hours of service MUST complete a log on days when they use the 16 Hour Short-haul Exemption, because they are working beyond the 12 hour on-duty limit.

9.6. Oilfield Provisions Associated with Hours of Service:

9.6.1.1. Pursuant to § 395.1(d), drivers of CMVs used exclusively in the transport of oil field equipment (including the stringing and picking up of pipe used in pipelines, and servicing of field operations of the natural gas and oil industry) may end any period of eight (8) consecutive duty days with an off-duty period of 24 successive hours before returning to duty status.

9.6.1.2. For drivers of CMVs specially constructed to service oil wells, on-duty time shall NOT include waiting time at a natural gas or oil well site provided driver is truly off-duty while waiting and all such time is fully and accurately documented using the EOBR or Hours of Service Logbook.

9.7. EOBRS & Standard Hours of Service Logbooks:

- 9.7.1. Pursuant to § 395 (Hours of Service) regulations, SWN will maintain Hours of Service records using EOBRS or Hours of Service logbook to record and reproduce the driver's hour of service information.
- 9.7.2. CMV drivers required to record hours of service information shall do so using an EOBR or Hours of Service logbook for all on-duty time. Drivers using an EOBR will "log in" to the EOBR using their SWN employee number and may only enter information while the vehicle is parked.
- 9.7.3. Newly qualified CMV drivers or those returning to DOT "on-duty" status will enter their previous 7 days duty status information into the EOBR or Hours of Service logbook before operating the CMV as required by § 395.8(k)(2) or § 395.16(i)(1) (as applicable).
- 9.7.4. CMV drivers will ensure the EOBRs or Hours of Service logbook is up to date, accessible, and immediately available to law enforcement and DOT regulatory authority to check their hours of service as required by § 395.8(k)(2) or § 395.16(i)(1) (as applicable).
- 9.7.5. In accordance with § 395, the CMV driver must review & validate the information contained in the EOBR record or Hours of Service logbook before validating with physical or electronic signature.
- 9.7.6. Drivers will document the use of a CMV for personal conveyance in the "remarks" section of the EOBR or Hours of Service logbook as required by § 395.8(k)(2) or § 395.16(d)(1) (as applicable).
- 9.7.7. Per § 395.16(p)(1) No one will alter, erase, or permit the alteration or erasure of the original information recorded by an EOBR concerning the driver's hours of service or duty status. Failure to preserve or falsification of EOBR records is in violation of § 395 and will result in disciplinary action independent of any sanction imposed by DOT.
- 9.7.8. Pursuant to § 395.16(k)(2) If an EOBR fails, the driver must do the following:
 - 9.7.8.1. Note the failure of the EOBR and inform SWN – DOT Program Administrator within 2 days.
 - 9.7.8.2. Reconstruct the record of duty status (as required by § 395.8g) for the current day and the previous 7 days (less any days for which the driver has records) using a grid-style driver's log approved by the Program Administrator.
 - 9.7.8.3. Continue to use the handwritten driver's log to record all subsequent duty periods until the EOBR device is operational.
 - 9.7.8.4. EOBR records may be used in conjunction with handwritten records to document duty status for any period affected by EOBR failure within the previous seven (7) day period

- 9.7.9. The SWN- DOT Program Administrator will ensure that EOBRs used in company CMVs are able to produce on demand, a driver's hours-of-service records in a standard format acceptable to law enforcement and DOT regulatory authority for inspection and audit purposes.
 - 9.7.10. SWN will ensure that all EOBRs are maintained and calibrated in accordance with the manufacturer's specifications. The DOT Program Administrator will retain records of these activities in accordance with § 395.16(p)(2).
 - 9.7.11. Standard Hours of Service logbooks shall remain in the CMV long enough to show the previous 7 day's duty status. Once complete, logbooks shall be routed to the DOT Program Administrator.
- 9.8. Administrative Responsibilities:
- 9.8.1. Supervisors & Managers (§ 395.13(c))-
 - 9.8.1.1. No supervisor or manager of CMV drivers will direct or allow any driver who has been declared out of service, to operate a CMV until that driver can lawfully do so.
 - 9.8.1.2. No supervisor or manager of CMV drivers will direct or allow any driver who has been declared out of service for failure to prepare a record of duty status, to operate a CMV until that driver has been off duty for the appropriate number of consecutive hours as specified in Section 9.
 - 9.8.2. DOT Program Administrator (§ 395.13(c))-
 - 9.8.2.1. Complete the *CODOTS* form to document the disqualification of the driver by DOT.
 - 9.8.2.2. Complete the "Motor Carrier Certification of Action Taken" section of Form MCS-63 documenting the disqualification and appropriate corrective actions taken for the affected driver before delivering a copy to the Division Administrator of the FMCSA within 15 days from the date of receipt.
 - 9.8.3. CMV Drivers (§ 395.13(d))-
 - 9.8.3.1. No CMV driver who has been declared out of service shall operate a CMV until that driver can lawfully do so.
 - 9.8.3.2. No driver who has been declared out of service, for failing to prepare a record of duty status, shall operate a CMV until the driver has been off duty for the appropriate number of consecutive hours and completion of a *CODOTS* form by the DOT Program Administrator to reinstate that driver's qualification status.
 - 9.8.3.3. Any driver receiving a Form MCS-63 (Driver-Vehicle Examination Report) from a DOT official declaring that driver or equipment out of service shall deliver such documentation to the DOT Program Administrator within 24 hours from receipt of the order.

9.9. Hours of Service Training Requirements:

- 9.9.1. CMV drivers, supervisors & managers of CMV drivers, and other personnel reviewing or using EOBR information will be trained regarding the proper operation of the device pursuant to § 395.16(p)(3).

10. Vehicular Accidents and Driver Incidents

10.1 Reporting Requirements:

- 10.1.1. In accordance with § 390.15 and the *SWN- HS&E Handbook*, all vehicular incidents must be reported to SWN Management and the Health, Safety & Environmental Department within 24 hours (regardless of severity) using the *Incident Notification Matrix* in the *SWN-HS&E Handbook*.
- 10.1.2. If the vehicular incident involves a CMV driver, notification shall also be made to the DOT Program Administrator within 24 hours of the incident. Copies of all reports, incident investigation forms, and citations (if issued) shall be forwarded to the Program Administrator and shall be retained in the *DOT Accident Register* for a period of 3 years.
- 10.1.3. Immediate notification shall be made to the DOT Program Administrator if the incident results in any of the following:
- 10.1.3.1. A fatality
- 10.1.3.2. Bodily injury requiring immediate medical attention away from the scene of the incident
- 10.1.3.3. Disabling damage to one or more vehicles requiring the vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.
- 10.1.3.4. Hazardous material spills during transport including vehicle fuel.
- 10.1.4. The DOT Program Administrator will determine what state or local jurisdictional reporting requirements are applicable based on the incident location. The DOT Program Administrator will then facilitate the required submittals of applicable forms and documentation to the appropriate authorities.
- 10.1.5. Any vehicular incident that occurs while off-duty but will appear on the driver's MVR and/or the SWN- Motor Carrier Safety Profile Report (MCPR) must be reported under the same conditions as an accident or incident that occurs while a driver is on duty to SWN.
- 10.1.6. A spill of hazardous material during transport and in a quantity that requires placarding as specified in § 172 or any quantity of a hazardous material listed as a select agent or toxin in 42 CFR, Part 73 must be immediately reported to the DOT Program Administrator and shall be handled using Section 11 of this policy.

10.2. Corrective Actions:

- 10.2.1. All incidents involving CMVs will be investigated to determine causation and preventability by HS&E and the DOT Program Administrator and documented using the *SWN- HSE Incident Investigation Report- Summary* form.
- 10.2.2. Any corrective actions deemed appropriate by either HS&E or the DOT Program Administrator will be completed before that CMV driver can be returned to safety-sensitive functions.
- 10.2.3. Pursuant to § 383.51 – 383.53 and § 391.15, driver disqualification by a DOT or law enforcement authority will result in automatic disqualification by SWN. SWN reserves the right to take disciplinary action independent of any sanction imposed by the DOT.
- 10.2.4. Failure to cooperate with an investigation being conducted or comply with corrective actions deemed appropriate by SWN or a DOT official will result in disciplinary action up to and including termination.

10.3. Record Retention:

- 10.3.1. As required by § 390.15, SWN will maintain a *DOT Accident Register* for a period of three (3) years after the date of accident occurrence including appropriate incident investigation documents, reports, and corrective actions as applicable.
- 10.3.2. SWN- DOT will maintain copies of any reports, submittals, or correspondence required by individual states or local jurisdictions for a period of three (3) years after the date an accident occurs involving a DOT-regulated CMV.

11. Hazardous Materials Transport & Handling

The policies set forth in this section apply to the transport of hazardous materials (HAZMAT) over public roadways as regulated by § 170-180 & § 397. Materials meeting the HAZMAT definition in § 171.7 requiring placarding or manifesting (based on quantity) shall be transported in accordance to this policy section to ensure compliance with applicable DOT regulations.

- 11.1 No SWN employee may release for transport or accept receipt of HAZMAT unless it is properly classified, marked, packaged, labeled, and accompanied by the appropriate manifesting as required § 171.2(a). Drivers performing this function must also have a current HAZMAT endorsement on their CDL.
- 11.2 SWN will NOT transport any Class I explosive materials (as defined by § 173.50) aboard any company asset. Movement of such materials, if required, shall be outsourced to a licensed 3rd party motor carrier specializing in the transport of explosive materials.

- 11.3 SWN will NOT transport hazardous wastes (as defined by 40 CFR Part 262) aboard any company asset. Movement of such wastes, when required, shall be outsourced to a licensed 3rd party motor carrier specializing in the transport of hazardous wastes.
- 11.4 Hazardous Material Accountability and Safeguarding During Transport:
- 11.4.1 In accordance with § 397.5(c), any CMV transporting HAZMAT over public roadways must be attended by the driver who shall: 1) remain awake, 2) within 100 feet of the vehicle, 3) maintain an unobstructed view of the CMV.
- 11.4.2 In accordance with § 397.7(b), any CMV transporting HAZMAT other than explosives may not be parked within five feet of public roadways or highways.
- 11.4.3 In accordance with Section § 397.11(a), any CMV containing or used for the transport of Class 2 – 5 flammable or combustible materials or oxidizers shall not be operated near ignition sources. The driver of such vehicle may not smoke within 25 ft of the vehicle or trailered equipment.
- 11.4.4 In accordance with § 397.15, any CMV transporting HAZMAT must be parked with its engine off while being fueled and may not be left unattended during the refueling process.
- 11.4.5 In accordance with § 390.3(g), any CMV transporting HAZMAT must possess and follow mitigation actions prescribed by the USDOT- Emergency Response Guide (ERG) during incidents involving HAZMAT during transport on public roadways.
- 11.5 Routing Over Public Roadway:
- 11.5.1 The DOT Program Administrator or Logistics supervisor/manager will identify approved travel routes for SWN CMV drivers in advance of transporting HAZMAT requiring placarding or manifesting as required by § 397.67.
- 11.5.2 SWN CMV drivers transporting HAZMAT requiring placarding or manifesting must comply with routing instructions issued by the DOT Program Administrator or Logistics supervisor/manager.
- 11.6 Placarding Requirements (excluding radioactive materials):
- 11.6.1 Exemptions Based on Quantity or Packaging
- 11.6.1.1 HAZMAT in quantities beneath the threshold values listed on the Hazardous Materials Table of § 172.101, or those marked as “ORM-D,” or classified as a “Consumer Commodity” [which are packaged and distributed by the manufacturer in a quantity and form intended for retail sale or designed for consumption by the end user] do not require

special placarding, manifesting, or labeling other than that displayed on the original manufacture's container.

11.6.1.2. As allowed by § 172.504(c), shipments containing less 454 kg (1,001 pounds) aggregate gross weight of hazardous materials listed in § 172, Placarding Table 2 are exempted from placarding requirements.

11.6.2. Any SWN employee offering HAZMAT for transport shall follow applicable placarding requirements in § 172.504 and ensure the correct placards are prominently displayed in the standard format as required by the Manual for Uniform Traffic Control Devices (MUTCD).

11.6.3. As required by § 172.504, any SWN vehicle containing a HAZMAT in a quantity requiring placarded, must be marked on each side and each end with the placards meeting MUTCD display requirements.

11.6.4. When two or more hazardous materials are contained in the same SWN CMV, the DANGEROUS placard may be used instead of the specific placard required for each hazard class.

11.6.5. Placards may not be displayed on any SWN vehicle unless the placard represents a hazardous material being transported or contained within the CMV.

11.7. Manifesting for Transport (excluding radioactive materials):

11.7.1. Any material that is not specifically exempted in Section 11.5.1 shall be accompanied throughout transport by a bill of lading or manifest documents containing details of the hazardous material(s) as required by § 172.200–203.

11.7.2. Only a certified *HAZMAT Employee* who has been trained and authorized by SWN to act as *Acceptor* of HAZMAT may sign manifesting documents accepting receipt and completing the of transport of said materials.

11.7.3. Bills of lading or manifest documents shall include as a minimum the following information as required by § 172.200–203:

11.7.3.1. Description of the HAZMAT

11.7.3.2. Immediate health hazards and routes of bodily entry

11.7.3.3. Immediate first aid measures

11.7.3.4. SWN emergency response phone number

11.7.4. The SWN emergency response phone number listed on bills of lading or manifest documents will be directed to the Logistics Operations Center in Conway, AR which is continuously staffed.

11.8. Packaging of HAZMAT for Transport (excluding radioactive materials):

11.8.1. Prior to transport, the *HAZMAT Employee* offering the HAZMAT for transport will ensure that adequate and compliant packaging is provided that meets or exceeds requirements contained in § 171.2(g).

11.8.2. The SWN- DOT Program Administrator will assist in determining packaging or container requirements for any HAZMAT being transported by SWN and may accept the manufacturer's certification, specification, approval, exemption markings, or written instructions in determining packaging compliance as described in § 178.2.

11.9. Security Plans & Protocols for HAZMAT Facilities:

To comply with the requirements in § Part 172.800, all SWN *HAZMAT Employees* will be trained on the security protocols as specified in the *Emergency Action Plan* for the HAZMAT facility in which they work. The purpose is to enhance the security of HAZMAT stored, handled, received, or offered for transport under § 172.800 – 804.

11.10 Material Handling of Hazardous Materials:

11.11 *HAZMAT Employees* will reference the *SWN- Transportation & Driver's Handbook* for loading, unloading, and transporting materials over public roadways in order to comply with § 177.834 – 177.854 for loading and unloading materials considered hazardous.

11.11. Radioactive Materials:

The transport of radioactive materials (as defined by § 173) by SWN drivers shall be governed by this policy section with specific guidance from the *SWN- Radiation Safety Program* and the *SWN- NORM Management Program*. The SWN Radiation Safety Officer or appropriate HS&E representative holds ultimate authority to administer Radiation Safety Program requirements to ensure compliance and legal accountability of radioactive materials owned or operated by SWN and its subsidiaries.

11.11.1. NORM (Naturally Occurring Radioactive Materials):

When NORM has been confirmed to exist at or above state or local regulatory action levels and the NORM-contaminated equipment or materials require transport over public roadways by SWN drivers, the following control measures shall be met to justify transport:

- 11.11.1.1. The handling and labeling of NORM-contaminated equipment or materials shall be coordinated through the HS&E representative(s) supporting that operational area.
- 11.11.1.2. An approved Worker Protection Plan shall be followed to ensure personnel safety as required by the *SWN- NORM Management Program*.
- 11.11.1.3. The rout must be approved by the DOT Program Administrator or Logistics Management prior to transport.
- 11.11.1.4. Any SWN vehicle containing placarded quantities of radioactive materials, must be marked on each side and each end with the appropriate Class 7 radioactive material placards meeting MUTCD display requirements as required by § 172.504.
- 11.11.1.5. Loads for which Class 7 placarding is required shall be manifested with a description of the NORM being transported on the bill of lading which remains with the driver throughout transport.
- 11.11.1.6. The NORM shipment will not be left unattended at any time during transport.

11.11.2. General Radioactive Material:

Radioactive material (other than NORM) regulated by § 172.101 requiring transport over public roadways by SWN drivers shall be managed using the following policy provisions. However, the SWN Radiation Safety Officer or appropriate HS&E representative may specify additional requirements for radioactive materials during transport.

- 11.11.2.1. As required by § 172.101, the manufacturers Special Form Certificate shall be referenced for reportable quantities of radioactive materials for proper shipping names and Emergency Response Guide ID numbers.
- 11.11.2.2. Nuclear gauges (associated with pressure pumping operations) are required to be shipped in a Type A shipping containers meeting the criteria of 49 CFR 173.412 if the gauge is not certified as a self-contained Type A container or the gauge is damaged. The shipper must have a copy of this Type A certification on file BEFORE shipment.
- 11.11.2.3. Any SWN vehicle containing placarded quantities of radioactive materials, must be marked on each side and each end with the appropriate Class 7 radioactive material placards meeting MUTCD display requirements as required by § 172.504
- 11.11.2.4. Class 7 radioactive material packages must be marked with the gross weight of the package if in excess of 110 lbs (50kg).

11.11.2.5. Loads for which Class 7 placarding is required shall be manifested with the following minimum information on the bill of lading which shall remain with the driver throughout transport.

- Proper Shipping Name (from DOT HazMat Table- Column 2)
- Hazard Class & Division
- UN ID Number (from DOT HazMat Table- Column 4)
- Physical Form Description (Example: Cs-137, Solid Salt)
- ACTIVITY of the radionuclide in Becquerel's (Bq).

11.11.2.6. Specific requirements associated with the safe handling of radioactive material and personnel protection is detailed in the *SWN- Radiation Safety Program*.

11.12 Hazardous Material Training Requirements:

HAZMAT General Awareness - Basic familiarization training for non-DOT regulated employees intended to raise the awareness of hazardous materials, their recognition, administrative controls, policies, and the SWN Hazard Communication Program requirements.

HAZMAT SHIPPER - Function-specific training for employees who will be authorized to act as *Offeror or Acceptor* of HAZMAT shipments and is familiar policies, administrative controls, hazard recognition, personnel safety, material handling, placarding, manifesting, security, emergency response procedures, and incident reporting associated with HAZMAT transport. Initial training for this category of employee must occur within 90 days of employment or assignment as a *HAZMAT Employee* and recurrent training every three (3) years.

HAZMAT Driver – Function-specific training for drivers who will be transporting HAZMAT must be proficient in policies, administrative controls, hazard recognition, personnel safety, material handling, placarding, manifesting, security, emergency response procedures, and incident reporting associated with HAZMAT transport. Initial training for this category of employee must be completed PRIOR to being assigned as a *HAZMAT Driver* and be repeated every three (3) years.

11.12.1. All records associated with Hazardous Material Training shall be retained for length of employment plus 90 days. Copies shall be retained in the DQ files for *HAZMAT Drivers*.

12. Preservation, Retention, and Confidentiality of DOT Records

Per § 379.3, the SWN- DOT Program Administrator will ensure the protection, confidentiality, and retention of all DOT-regulated records for the applicable retention periods as follows:

- 12.1. Physical records shall be protected from fires, floods, deterioration, and other hazards as required by § 379.5(a).
- 12.2. Electronic records shall be indexed, preserved, and protected from alteration, modification, or erasure of the underlying data to ensure the production of an accurate and unaltered paper copy as required by § 379.7(a).
- 12.3. Any records not originally preserved on hard copy shall be accompanied by a statement of explanation by the person(s) having knowledge of the facts as required by § 379.7(b).
- 12.4. As allowed by § 390.29(a), DOT-regulated records generated at field locations may be temporarily collect at satellite locations at the discretion of the DOT Program Administrator. However, copies of the original shall be forwarded or made available to the DOT Program Administrator for inspection or audit purposes and for final record disposition.
- 12.5. Any DOT-regulated records maintained or archived by a 3rd party acting as an agent of SWN will make available any records allowed and required by DOT for inspection or audit purposes or for final disposition.
- 12.6. When records are maintained through the use of computer technology (with the exception of those requiring a physical signature by a person), SWN officials will ensure that DOT-regulated personnel records and reporting work locations can be produce, upon demand, a computer printout of the required data required by § 390.31(d).
- 12.7. The DOT program Administrator, SWN officials, and any 3rd parties acting as agents on SWN's behalf will safeguard, to the maximum extent practical, against fraudulent or intentionally false statements on any application, certificate, report, or record required by § 390.35. Should any fraudulent record be uncovered affecting DOT compliance of the Company, SWN will aggressively act upon the facts to safeguard against future occurrences while ensuring appropriate notifications or reports are made to the appropriate officials of the FMCSA.

13. DOT Compliance Program Training

Compliance and safety are integral parts of the SWN culture and as such, SWN will ensure that all employees receive the appropriate training to allow them to perform their duties in accordance with the DOT regulations. Training requirements for the functional areas of this policy have been included as minimum standards within the SWN DOT Compliance Program. In those instances where training has not been specified or is not required by DOT regulation, SWN reserves the right to specify more stringent training for the betterment and safety of its employees and the general public where we operate.