



LAMPTON-LOVE, INC.

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Date: June 2, 2010
To: All Branch Managers
From: Gene Maddox
Subject: Branch Office Monthly Safety Meeting – June 2010

Company policy requires that each branch office hold a minimum of one safety meeting each month with the documentation of the material covered and the attendance being recorded on the “Monthly Safety Meeting Minutes and Attendance Record” (see attached form). **Please detach this form, fill out and mail or fax a copy to Polly Cox. Please keep the original for your records.**

Note: ONLY the Monthly Safety Meeting Minutes and Attendance Record is to be sent in.

To assist you in complying with this requirement, the following subjects are for your Monthly Safety Meeting, for the month of June 2010. You may add topics, **but please document the following topics:**

1. News Briefs!!! (Roadcheck 2010 & Excavating Safely: Can You Dig It) (2 pages)
2. Safety Meeting: (Driver Disqualifications) (3 pages)

It is recommended that you thoroughly read this material prior to your meeting.

It is strongly recommended that you use the 3-ring binder to store all of your “2010 Monthly Safety Meetings”!!! This material may be referred to or used to train new employees. This manual should be kept in an area of the office that is easily accessible to all employees.

Be Smart.... Be Safe and Be Courteous!!!



Gene Maddox

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PROPANE
EXCEPTIONAL ENERGY

NEWS BRIEFS!!!

(This monthly “column” will include short newsworthy topics, which will serve as a friendly reminder to us all)

ROADCHECK 2010 TAKES PLACE JUNE 8TH – 10TH

During a 72-hour period in the second week of June, thousands of inspectors will be examining over 70,000 vehicles.

What they find (or don't find) can affect your CSA 2010 scores. And remember, even violations not resulting in an out-of-service order will be tabulated into the CSA 2010 Safety Measurement System.

Some facts to consider regarding last year's Roadcheck event:

- ❖ A record 72,782 inspections were conducted.
- ❖ Of the vehicles inspected, 19.6% were placed out-of-service for mechanical problems (that's about 14,130 vehicles).
- ❖ On average, approximately 17 trucks or buses were inspected every minute.

EXCAVATING SAFELY: CAN YOU DIG IT?

These four simple steps could save your life and the lives of others.

- Call before you dig. (811 or 888-258-0808).
- Wait the required time for facilities to be marked.
- Respect the marks.
- Dig with care.

Whether you are a private homeowner, professional contractor, or facility operator, it is very important that you call the one-call utility notification center *before* digging. All states have established one-call notification centers and require by law that you call 48 to 72 hours before digging.

Careless digging threatens pipelines and other underground facilities, and, consequently, people. Each year underground facilities are damaged during excavation. This involves hundreds of thousands of incidents, many of which result in injuries and fatalities.

Use of the one-call process, along with other damage prevention initiatives, has significantly increased excavation safety. One-call centers in the U.S. process tens of millions of incoming locate tickets annually. However, excavation damage still occurs, and a major reason is that many people still do not call before digging. They may simply neglect to call or they may consciously decide not to call. They might be concerned about project delays or costs; they might assume no underground facilities are affected; or, they may believe that previous calls for other projects suffice. However, failure to call each time before digging can lead to hazardous consequences.

Every digging project requires that you call the one-call center before digging – even small projects like planting trees and shrubs. If you hit an underground utility line while digging, you could harm yourself and those around you and disrupt vital services to an entire neighborhood or community. You could also be responsible for fines and repair costs.

Now you can simply dial “811” to reach the one-call center, regardless of where you are digging. The call and the service are free. When you call the one-call center, they will collect information about the location of your intended dig and then contact the companies that may operate underground facilities in that location. Those companies must, by law, determine if their facilities could be affected by your excavation. If so, they must visit the excavation site and mark the exact location of their facilities with flags or paint. State laws specify how much time they have to perform these actions, and thus how far in advance you must call before digging.

Don’t assume that you know what’s below. Protect yourself and those around you. Call 811 before you dig, every time. It is your responsibility to call before you dig, wait the required time for facilities to be located and marked, respect the marks and dig with care to avoid damaging underground facilities.

JUNE 2010 SAFETY MEETING

DRIVER DISQUALIFICATIONS

The disqualification criteria in Part 383 apply to drivers who carry a commercial driver's license (CDL). A CDL is required when operating a commercial motor vehicle in intrastate, interstate, or foreign commerce. Here, the term "commercial motor vehicle" (CMV) includes all vehicles with a gross vehicle weight rating of 26,001 pounds or more, all vehicles designed to transport more than 15 people, and all vehicles of any size used in the transportation of hazardous materials which require placarding.

Only the state or the Federal Motor Carrier Safety Administration has the authority to take an official "disqualification" action against a driver. However, a conviction for a disqualifying offense automatically disqualifies a driver from driving for the period specified in the regulations. Thus, so long as a motor carrier knows, or should have known, of a driver's conviction for a disqualifying offense, it is prohibited from using the driver during the disqualification period. See also §391.15, which describes disqualification requirements for drivers subject to Part 391 (including both CDL and non-CDL drivers).

DUI, Leaving Scene of Accident, Felony

A driver is disqualified from driving by §383.51 if he/she is convicted (including forfeiture of bond or collateral) of any of the following while operating any type of vehicle:

1. Being under the influence of alcohol as prescribed by state law, or refusing to undergo testing.
2. Being under the influence of a controlled substance.
3. Leaving the scene of an accident involving a commercial motor vehicle.
4. Using the vehicle to commit a felony.
5. Using the vehicle to commit a felony involving manufacturing, distributing or dispensing a drug.

A driver is disqualified if he/she is convicted of any of the following while operating a CMV:

1. Having an alcohol concentration is 0.04% or more.
2. Driving with a revoked, suspended or canceled CDL, or after being disqualified.
3. Causing a fatality through the negligent operation of a CMV.

The disqualification period for the first conviction, except for No. 5 above is 1 year. If the offense was committed while transporting hazardous materials, the disqualification period is 3 years. The disqualification period for the second conviction is life, but may be reduced to 10 years under certain circumstances.

A single conviction of No. 5 – using a vehicle to commit a felony involving manufacturing, distributing or dispensing a drug – disqualifies the driver for life.

Serious Traffic Violations

Disqualification periods have also been established for serious traffic violations committed in any type of vehicle. A serious traffic violation is defined in §383.5 and includes:

1. Excessive speeding, which is 15 mph or more above the posted speed limit;
2. Reckless driving;
3. Improper or erratic lane changes;

4. too closely;
5. A traffic violation arising in connection with a fatal traffic accident;
6. Driving a CMV without having obtained a CDL;
7. Driving a CMV without having a CDL in the driver's possession; and
8. Driving a CMV without the proper class of CDL and/or endorsement.

Two serious traffic violations within 3 years disqualifies the driver for 60 days. Three serious traffic violations within 3 years disqualifies the driver for 120 days.

Violations of Out-of-Service Orders

Disqualification periods for violating out-of-service orders are contained in §383.51(d). Following is a brief explanation of these provisions.

During a trip, a driver or vehicle may be placed out-of-service by an enforcement officer for a certain period of time or until a given problem has been corrected. A driver convicted of violating such an out-of-service order will be subject to a fine and a disqualification period.

The regulations contain a graduated minimum penalty structure for drivers, allowing for judicial discretion. This includes:

- First conviction – disqualification for 180 days to one year.
- Second conviction during 10-year period – disqualification for 2 to 5 years.
- Third or subsequent conviction during 10-year period – disqualification for 3 to 5 years.

The penalties will be more severe for bus drivers and drivers of vehicles carrying hazardous materials. The penalty for a first conviction can be up to 2 years, while any subsequent violation will result in a 3 to 5 year disqualification.

Section 383.53(b) sets a range of fines for violating out-of-service orders, from \$2,500 to \$5,000 for drivers and \$2,750 to \$25,000 for employers.

Violations of Railroad-Highway Grade Crossings

Failing to stop at a railroad-highway grade crossing while operating a CMV, for drivers who are required to stop, is a disqualifying offense.

Drivers who are not required to always stop must slow down and check that the tracks are clear. Failing to slow down to check the tracks, and failing to stop before reaching the tracks if the tracks are not clear, are disqualifying offenses.

For all drivers, the following are disqualifying offenses:

- Failing to have sufficient space to drive completely through the crossing, without stopping;
- Failing to obey a traffic control device or the directions of an enforcement official at the crossing;
or
- Failing to clear a crossing because of insufficient undercarriage clearance.

The disqualification periods for these violations are found in §383.51(d), and are as follows:

- First violation – not less than 60 days.
- Second violation, in a separate incident, within 3 years – not less than 120 days.
- Third or subsequent violation, in separate incidents, within 3 years – not less than 1 year.

Section §383.53(c) states that employers convicted of knowingly allowing, requiring, permitting, or authorizing a driver to operate a CMV in violation of railroad-highway grade crossing regulations must be subject to a civil penalty of not more than \$10,000.

Notification Requirement and Employer Responsibilities

§383.31 Notification of convictions of driver violations.

- a) Each person who operates a commercial motor vehicle, who has a commercial driver's license issued by a State or jurisdiction, and who is convicted of violating, in any type of motor vehicle, a State or local law relating to motor vehicle traffic control (other than a parking violation) in a State or jurisdiction other than the one which issued his/her license, shall notify an official designation by the State or jurisdiction which issued such license, of such conviction. The notification must be made within 30 days after the date that person has been convicted.
- b) Each person who operates a commercial motor vehicle, who has a commercial driver's license issued by a State or jurisdiction, and who is convicted of violating, in any type of motor vehicle, a State or local law relating to motor vehicle traffic control (other than a parking violation), shall notify his/her current employer of such conviction. The notification must be made within 30 days after the date that the person has been convicted. If the driver is not currently employed, he/she must notify the State or jurisdiction which issued the license according to §383.31(a).
- c) **Notification.** The notification to the State official and employer must be made in writing and contain the following information:
 - 1) Driver's full name;
 - 2) Driver's license number;
 - 3) Date of conviction;
 - 4) The specific criminal or other offense(s), serious traffic violation(s), and other violation(s) of State or local law relating to motor vehicle traffic control, for which the person was convicted and any suspension, revocation, or cancellation of certain driving privileges which resulted from such conviction(s);
 - 5) Indication whether the violation was in a commercial motor vehicle;
 - 6) Location of offense; and
 - 7) Driver's signature.

§383.33 Notification of driver's license suspensions

Each employee who has a driver's license suspended, revoked, or canceled by a State or jurisdiction, who loses the right to operate a commercial motor vehicle in a State or jurisdiction for any period, or who is disqualified from operating a commercial motor vehicle for any period, shall notify his/her current employer of such suspension, revocation, cancellation, lost privilege, or disqualification. The notification must be made before the end of the business day following the day the employee received notice of suspension, revocation, cancellation, lost privilege, or disqualification.

JUNE 2010
MONTHLY SAFETY MEETING
MINUTES & ATTENDANCE RECORD

Company Name: _____

City: _____ **State:** _____

Date: _____ **Time Started:** _____ **Time Finished:** _____

Instructed By: _____ **Number Attending:** _____

Subject Covered and Comments:

By my signature below, I certify that I attended and participated in this Safety Meeting and I understand the material presented.

Employee Name (Please print)	Employee Signature	License Expires*	Endorsements**	DOT Physical Expires***
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				

* List driver's license expiration date in this column.

** Check licenses for proper endorsements and re-testing. (For example: "HazMat") List endorsements in this column.

*** List DOT physical expiration date in this column.

By my signature below, I hereby certify that the employees listed above have been trained in accordance with the applicable regulations and curriculum for this monthly safety meeting.

Instructor's Signature: _____ **Date:** _____

Mail or fax this sheet only to: Lampton-Love Inc.
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