

**ORCAS POWER AND LIGHT COOPERATIVE**  
**OPALCO POLICY 13**  
**DRUG AND ALCOHOL TESTING**

**13.1 GOALS AND OBJECTIVES**

To meet the requirements of U.S. Department of Transportation drug and alcohol use and testing regulations.

**13.2 INTRODUCTION AND OVERVIEW**

13.2.1 The U.S. Department of Transportation ("DOT") has issued regulations (DOT Regulations) that govern the use of drugs and alcohol by commercial motor vehicle drivers, and that also require ORCAS POWER AND LIGHT COOPERATIVE ("Cooperative") to conduct mandatory drug and alcohol testing of drivers at the times and under the conditions described in these policies and procedures ("Policy").

13.2.2 It is the Cooperative's intention to comply fully with DOT Regulations governing drug and alcohol use and testing, and the requirements of such DOT Regulations have been incorporated into this Policy. In the event DOT Regulations are amended, this Policy and the applicable term(s), condition(s) and/or requirement(s) of this Policy shall be deemed to have been amended automatically at that time, without the need for redrafting, in order to reflect and be consistent with DOT Regulations. In such case, the Cooperative reserves the right to apply the amended requirements immediately, and without giving prior notice to drivers and/or applicants, unless such notice is required by DOT or another applicable law. It is also the Cooperative's intention to comply with any applicable state requirements governing drug and/or alcohol testing that are not preempted by DOT regulations.

13.2.3 Under the Cooperative Policy, drug and alcohol testing will be conducted on any current and/or prospective driver who may be required to operate a commercial motor vehicle, as defined below.

13.2.4 All applicants for positions with the Cooperative as a driver will be notified of the Cooperative's drug and alcohol use and testing policy at the time they apply for a driver position with the Cooperative.

**13.3 DEFINITIONS OF TERMS USED IN THIS POLICY**

13.3.1 For the purposes of the Policy, the term "commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

13.3.1.1 Has a gross combination weight rating of 26,001 or more pounds;

13.3.1.2 Has a gross vehicle weight rating of 26,001 or more pounds;

13.3.1.3 Is designed to transport 16 or more passengers, including driver;

- 13.3.1.4 is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under DOT Hazardous Materials Regulations (49 FR part 172, subpart F).
- 13.3.2 For the purposes of this Policy, the term "driver" means any person who operates a commercial motor vehicle.
- 13.3.3 For purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to the Cooperative to drive a commercial motor vehicle.
- 13.3.4 For purposes of this Policy, "safety-sensitive function" means any of the following:
  - 13.3.4.1 Driving a commercial motor vehicle;
  - 13.3.4.2 All time spent waiting to be dispatched, at a carrier's or shipper's terminal, plant, facility or other property, unless the driver has been relieved from duty;
  - 13.3.4.3 Inspecting, servicing or conditioning a commercial motor vehicle or related equipment;
  - 13.3.4.4 Being in or on a commercial motor vehicle (except resting in the sleeper berth);
  - 13.3.4.5 Loading or unloading a commercial motor vehicle, including supervising or assisting in loading or unloading; attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the vehicle or giving or receiving receipts for a shipment being loaded or unloaded; and
  - 13.3.4.6 Repairing, obtaining assistance for, or attending a disabled commercial motor vehicle.
- 13.3.5 A driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform or immediately available to perform any safety-sensitive function.
- 13.3.6 For purposes of this Policy, "refusing to be tested" means any of the following:
  - 13.3.6.1 Failing to provide an adequate urine specimen for a drug test without a valid medical explanation;
  - 13.3.6.2 Failing to provide adequate breath for an alcohol test without a valid medical explanation;
  - 13.3.6.3 Failing to submit to a test as directed; or
  - 13.3.6.4 Engaging in any conduct which clearly obstructs the testing process.

- 13.3.7 For purposes of this Policy, an alcohol test will be considered "positive" when the alcohol concentration level registers greater than 0.00.
- 13.3.8 For purposes of this policy, a "controlled substance" includes any use of marijuana or any of its derivatives (oils, tinctures, etc.) and is considered to be the prohibited use of illegal drugs by OPALCO. Prescriptions for marijuana or any of its derivatives (oils, tinctures, etc.) is not recognized by OPALCO due to its prohibition under federal law.

#### **13.4 PROHIBITED DRUG AND ALCOHOL USE AND ACTIVITIES**

The goals of the Cooperative Policy and the testing of drivers is to ensure a drug and alcohol-free transportation and work environment, and to reduce and help eliminate drug and alcohol related accidents, injuries, fatalities, and damage to property.

- 13.4.1 Prohibitions under the DOT Regulations. The conduct specified in Section 13.4 is prohibited by DOT Regulations.
  - 13.4.1.1 No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of greater than 0.00.
  - 13.4.1.2 No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of the shipment.
  - 13.4.1.3 No driver shall use alcohol while performing safety-sensitive functions.
  - 13.4.1.4 No driver shall perform safety-sensitive functions within four hours after using alcohol.
  - 13.4.1.5 No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.
  - 13.4.1.6 No driver shall refuse to submit to any post-accident, random, reasonable suspicion or follow-up test for alcohol or controlled substances required by DOT Regulations.
  - 13.4.1.7 No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
  - 13.4.1.8 No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.

13.4.1.9 No driver shall return to duty requiring performance of a safety-sensitive function after engaging in conduct specified as prohibited under this section III until the driver has undergone either a return-to-duty alcohol test with a result indicating an alcohol concentration of 0.00 (if the prohibited conduct involved alcohol) or a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use (if the prohibited conduct involved controlled substances).

13.4.2 Consequences of Prohibited Conduct:

13.4.2.1 Any driver found to have violated any of the prohibitions listed in Section 13.4 shall be removed immediately from safety-sensitive functions.

13.4.2.2 No driver who is found to have an alcohol concentration of greater than 0.00 shall perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but no less than twenty-four (24) hours following administration of the test.

13.4.2.3 No driver who has engaged in conduct prohibited under Section 13.4 shall perform safety-sensitive functions unless the following requirements are satisfied:

13.4.2.3.1 The Cooperative has advised the driver of the resources available to the driver in evaluation and resolving problems associated with the misuse of alcohol and the use of controlled substances, including the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs;

13.4.2.3.2 The driver shall have been evaluated by a substance abuse professional who shall determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substances use;

13.4.2.3.3 The driver has undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of 0.00 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance; and

13.4.2.3.4 If the driver is identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use, the driver shall be evaluated by a substance abuse professional to determine that the driver has properly followed any rehabilitation program prescribed in 13.4.2, and the driver shall also be subject to unannounced follow-up

alcohol and controlled substances tests administered by the Cooperative following the driver's return to duty, in accordance with section 13.4.2.3.3.

- 13.4.2.4 Requirements with respect to referral, evaluation and rehabilitation do not apply to applicants who refuse to submit to a pre-employment alcohol or controlled substances test or who have a pre-employment alcohol test with a result indicating an alcohol concentration of greater than 0.00 or a controlled substances test with a verified positive test result.
- 13.4.2.5 Employees whose job requires the performance of any safety sensitive function but have been disqualified under D.O.T. regulations from performing safety sensitive duties, will be given one year in which to regain their qualification.
- 13.4.2.6 Situations where requalification has not been achieved within a one-year period will be considered on a case by case basis by the manager. Every effort will be made to try to accommodate employees and to maintain their employment. However, the Cooperative reserves the right concerning employees without the qualifications to perform any safety sensitive function and who are working in positions where this qualification is required to the following options:
  - 13.4.2.6.1 Accommodate the employee by restricting them from driving vehicles requiring a CDL for a period not to exceed ninety (90) days.
  - 13.4.2.6.2 Place the employee on leave without pay status until CDL is reacquired (not to exceed six months).
  - 13.4.2.6.3 Terminate the employee if they are unable to acquire the license in the allotted period of time.

## **13.5 TESTS REQUIRED**

The Cooperative is required by DOT Regulations to conduct tests under the following conditions or times:

- 13.5.1 Before a driver-applicant is hired, and before an existing employee performs safety-sensitive functions ("pre-employment/pre-duty" testing);
- 13.5.2 For reasonable suspicion;
- 13.5.3 Following certain accidents ("post-accident" testing); and
- 13.5.4 On a random basis.
- 13.5.5 In addition, DOT Regulations require the Cooperative to conduct a "return-to-duty" test on any driver who engages in any activity prohibited by Section 13.4, as one condition of being able to return to work.

13.5.6 DOT Regulations also require that the Cooperative conduct unannounced tests on a driver who is determined to have a drug or alcohol-related problem as one condition of the driver continuing to work for the Cooperative ("follow-up" testing). The Cooperative procedures and requirements for each test are discussed below.

13.5.7 Pre-Employment/Pre-Duty Testing

This test is required before any driver-applicant will be hired. This test is also required before any existing employee in a non-driver position will be assigned, transferred or otherwise permitted to operate a commercial motor vehicle on behalf of the Cooperative for the first time. For purposes of the Cooperative policy concerning pre-employment/pre-duty testing procedures, requirements and discipline, applicants and existing employees who are applying for a driver position are collectively referred to in section IV as "applicants"

13.5.7.1 Prior to taking a pre-employment/pre-duty drug test, the applicant will be given forms notifying the applicant to report for a drug and an alcohol test, which include instructions and an explanation of the collection procedures for each test. The applicant will also be asked to execute a general consent and release to be tested for drugs, and a general consent and release to be tested for alcohol.

13.5.7.2 All offers by the Cooperative to hire an applicant for, or to assign or transfer an applicant to, a driver position are conditioned upon the applicant: (i) executing the Cooperative's general consent and release to be tested for drugs and alcohol forms; (ii) taking a drug and alcohol test as directed by the Cooperative and passing both tests; (iii) executing the Cooperative's authorization to obtain past drug and alcohol test results form (which authorizes the Cooperative to obtain all of the applicant's past drug and alcohol test results, including any refusals to test, from each company for whom the driver either worked, or took or refused to take a pre-employment/pre-duty test during the previous two years and the results of those tests including any refusals); (iv) passing the DOT-required physical exam required for driver positions; and (v) complying with any other conditions or requirements of the Cooperative.

13.5.7.3 Any applicant who refuses or fails to execute the Cooperative general consent and release to be drug and alcohol tested forms, who refuses or fails to execute the Cooperative authorization form to obtain past drug and alcohol test results, who refuses or fails to submit to a pre-employment/pre-duty drug and alcohol test as directed, or whose result is positive for either test, will not be considered eligible to work for the Cooperative. Existing employees who test positive will not be considered qualified for the position for which they are applying.

13.5.7.4 A new applicant will only be notified of the results of his/her tests

if they present a written request to the Cooperative for their results within sixty (60) days of being notified by the Cooperative of its hiring decision. Existing employees will be notified only in the event of a positive test.

#### 13.5.7.5 Post-Accident Drug Testing

A driver who is performing a safety-sensitive function must submit to a post-accident drug and a post-accident alcohol test as soon as possible after the occurrence of any accident that meets the description contained in either 13.5.7.5.1 or 13.5.7.5.2 of this section. For purposes of the policy, an accident that meets the description contained in either 13.5.7.5.1 or 13.5.7.5.2 of this section is referred to as a "DOT accident."

13.5.7.5.1 A driver must always submit to a post-accident test as soon as possible after an accident that involves the death of a human being.

13.5.7.5.2 A driver must submit to a post-accident test as soon as possible after any accident in which the driver receives a citation for a moving violation involving the accident.

It is possible that a driver will be directed to submit to a drug and/or alcohol test at the accident scene by a federal, state, or local law enforcement officer. Whenever a test is conducted by a law enforcement officer, the driver is required to contact the driver's general foreman or another Cooperative official immediately to report this and to provide the Cooperative with the name of the law enforcement officer who conducted the test.

Whenever a driver is involved in a DOT accident and is not tested for drugs and alcohol by a law enforcement official, the driver is required to immediately report the accident to his or her general foreman or other Cooperative official and remain available for immediate drug and alcohol testing.

Nothing in this Policy shall require the driver to delay medical treatment when necessary.

A driver who is required to take a post-accident drug and/or alcohol test will, at the Cooperative's discretion, either be assigned to a non-safety-sensitive function, or placed on non-disciplinary suspension with pay, while awaiting the post-accident test results.

#### 13.5.7.6 Random Testing

The Cooperative is required to test drivers on a random basis, and all such tests will be unannounced ahead of time.

Under the Cooperative random selection process, every driver will have an equal chance of being selected each and every time the

selection is conducted. Appropriate safeguards are also present to ensure that the identity of individual drivers cannot be determined prior to or at the time of their selection.

Whenever a driver is randomly selected to be tested, he or she will be notified of this in writing and instructed to report to the collection site immediately.

A driver who tests positive or who refuses to submit to a test is medically unqualified to drive and/or perform any other safety-sensitive function.

In addition to the penalties imposed by DOT, a driver who refuses to submit to a random test, who fails to report for the test as directed, or who tests positive, will be subject to disciplinary action, up to and including termination.

#### 13.5.7.7 Reasonable Suspicion Testing

Each driver is required to submit to a drug and/or alcohol test whenever the Cooperative has reasonable suspicion to believe that the driver has used drugs and/or alcohol in violation of DOT Regulations and/or this Policy.

Reasonable suspicion will exist when a driver's appearance, behavior, speech or body odors indicate drug or alcohol use, or the chronic and withdrawal effects of drugs. Such observations must be personally observed and documented by at least one Cooperative official who has received training covering the physical, behavioral, speech, and performance indicators of probable drug and alcohol use.

Whenever a driver is notified that there is reasonable suspicion to be tested, the driver will be escorted to the test site immediately to be tested.

The Cooperative will also attempt to contact the driver's spouse, another member of the family, or another person designated by the driver, in order to make arrangements for transporting the driver to his or her home after the test is completed. In the event that the Cooperative is unable to contact the driver's spouse, family member or another designated person, the Cooperative will make arrangements for transporting the driver home by cab or other suitable means.

#### 13.5.7.8 Return-to-Duty Testing

Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in any prohibited conduct concerning alcohol, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of 0.00.

Before a driver returns to duty requiring the performance of a



safety-sensitive function after engaging in any prohibited conduct concerning controlled substances, the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use, and may also be required to execute a "last chance" agreement and/or be evaluated by a substance abuse professional and submit to any follow-up testing that the substance abuse professional determines is required.

#### 13.5.7.9 Follow-Up Testing

A driver who violates any prohibition concerning alcohol or controlled substances and who is determined to have a drug or alcohol-related problem by a substance abuse professional, such driver shall be required to submit to unannounced follow-up testing.

At a minimum, the driver will be required to submit to at least six (6) tests during the first twelve (12) months following the driver's return to duty. All such tests will be conducted at random and without prior notice being given to the driver.

### **13.6 TESTING METHODOLOGY AND INTEGRITY**

13.6.1 To ensure the integrity and accuracy of each test, all specimen collection, analysis, and laboratory procedures shall be conducted in accordance with DOT's procedural protocols and safeguards set forth in Part 40 of Title 49 of the Federal Code of Regulations. This includes, among other things:

- 13.6.1.1 Procedures to ensure correct identity of each driver at the time of testing;
- 13.6.1.2 A strict chain-of-custody procedure to ensure that the driver's specimen is not tampered with by the Cooperative;
- 13.6.1.3 The use of a trained breath alcohol technician and DOT-approved testing devices for conducting alcohol tests;
- 13.6.1.4 The use of a laboratory which has been certified by the National Institute for Drug Abuse;
- 13.6.1.5 The confirmation of an initial positive drug screen by a second analysis using gas chromatography/ mass spectrometry;
- 13.6.1.6 The confirmation of an initial positive alcohol screen by a second analysis; and
- 13.6.1.7 The Cooperative's appointment of a qualified Medical Review Officer ("MRO") to review drug test results before they are reported to the Cooperative's designated representative.

To further facilitate the integrity and accuracy of each test, the Cooperative will provide drivers with written and/or oral instructions regarding the conduct

of the specific test before each testing event, and all such instructions are part of this Policy.

### 13.6.2 For All Drug Tests

All drug tests conducted under this Policy require that the driver must provide a specimen of his or her urine.

Urine specimens will be analyzed for the presence of the following drugs: marijuana, cocaine, opiates, amphetamines and phencyclidine. In the event that DOT expands the list of drugs for which testing is or may be required, the Cooperative reserves the right to begin testing immediately for those drugs without prior notice to drivers or applicants, unless notice is required by DOT or another applicable law.

In general, drivers will be permitted to give a urine specimen in privacy and without being observed by collection site personnel. However, a driver forfeits this right whenever there is reason to believe that he or she may alter or substitute a specimen.

All drug tests will be administered using the split sample methodology required by DOT. Under this methodology, the driver must provide at least forty-five (45) milliliters in a specimen container. The specimen will then be divided into two specimen bottles by the collector. Thirty (30) milliliters will be poured into one bottle and fifteen (15) milliliters into a second bottle. Both bottles will be sent to the laboratory. The bottle containing thirty (30) milliliters will be analyzed as the driver's primary specimen. The second bottle will be held by the laboratory, to be sent to another lab at the driver's request in the event that the primary specimen is verified as positive. In the event the primary specimen is verified as positive, the driver will be notified either by the Cooperative MRO or by the Cooperative of the positive test and given the option to have the second bottle sent to a different laboratory for analysis. To exercise this option, the driver must advise the Cooperative MRO within seventy-two (72) hours of being told that the primary specimen was positive.

Except for the use of methadone, marijuana and any of its derivatives (oils, tinctures, etc.) and medications containing alcohol, nothing in this Policy prohibits a driver's use of a medication legally prescribed by a licensed physician (i) who is familiar with the driver's medical history and specific safety-sensitive duties, and (ii) who has advised the driver that the prescribed medication will not adversely affect the driver's ability to operate a motor vehicle safely. Medications prescribed for someone other than the driver, however, will not be considered lawfully used when taken by the driver under any circumstances.

Before being tested for drugs, drivers will be given an opportunity to list, on their copy of the chain-of-custody form, any prescription and non-prescription medications being lawfully used by that driver at that time. A "positive" drug test may be declared "negative" by the Cooperative MRO if the driver can prove with clear and convincing evidence that the drug which was used was prescribed by a licensed physician who is familiar with the driver's medical

history and specific duties. The determination of this will be made by the Cooperative's MRO.

### 13.6.3 For All Alcohol Tests

Except for an initial test, all alcohol tests conducted under this Policy require that the driver must provide a breath specimen for any confirmatory test conducted by, or on behalf of, the Cooperative. In the case of an initial alcohol test, the Cooperative may test the driver using DOT-approved method. In the case of an alcohol test conducted by a federal, state, or local law enforcement officer following an accident, the driver must provide either a breath or blood specimen, as directed by the law enforcement officer.

Alcohol tests will be administered by a trained breath alcohol technician or screening test technician using an approved testing device, except in cases of on-scene post-accident testing conducted by federal, state, or local officials.

Before being tested by the Cooperative, each driver will be required to (i) present his or her personal identification, and (ii) execute a DOT Breath Alcohol Test Form provided by the technician. A driver who refuses to provide his or her identification; provides a false identification; refuses to execute the DOT Breath Alcohol Test Form; or who otherwise refuses or fails to cooperate will be treated as though he or she had tested positive.

Prior to each alcohol test conducted by the Cooperative, the technician will instruct the driver on how the test will be performed.

To protect each driver, the technician will open the testing device in the driver's view. In the case of a breath test, the driver will then be directed to blow forcefully into the breath testing device until an adequate amount of breath has been maintained.

In the event that a driver is unable to provide an adequate amount of breath for the initial or confirmatory test after several attempts to do so, the driver will be required to submit to an evaluation by a licensed medical physician to determine whether a valid medical condition exists. If the physician determines that a valid medical condition does exist, the test result will be reported to the Cooperative as "negative." If the physician determines that a valid medical condition does not exist, the test result will be reported to the Cooperative as a "confirmed positive."

## **13.7 TEST RESULTS**

### 13.7.1 For Drug Tests

In the event that the test result of a driver's primary specimen is positive, the driver will be notified by the Cooperative or its MRO and advised that he or she has seventy-two (72) hours to request that the MRO send his or her secondary specimen to a second, Cooperative approved laboratory for analysis. Pending the outcome of this additional analysis, the driver will be prohibited from performing safety-sensitive functions.

Before a driver's test result will be confirmed positive for drugs, the driver will be given the opportunity to speak with Cooperative's MRO and demonstrate that there was a legitimate medical explanation for the positive test result. If the MRO determines that a lawful medical reason does exist, the test result will be reported to the Cooperative as "negative." If the MRO determines that a lawful medical reason does not exist, the test result will be reported to the Cooperative as a "confirmed positive."

Except concerning pre-employment and pre-duty tests, a driver whose test result is confirmed positive for drugs will be considered unqualified to perform or continue performing his or her functions safely and will be subject to discipline up to and including termination. In addition, a driver whose test result is confirmed positive for drugs will also be subject to civil and criminal penalties imposed by DOT.

#### 13.7.2 For Alcohol Tests

In the event that the driver provides an adequate breath specimen and the initial test registers an alcohol concentration level that is 0.00, the test result will be reported as a "negative" and no additional test will be required at that time.

In the event that the driver provides an adequate breath specimen and the initial test registers an alcohol concentration level of greater than 0.00, a second, confirmatory test will be performed. In the event that the driver provides an adequate breath specimen and the confirmatory test registers 0.00, the test result will be reported to the Cooperative as "negative."

### 13.8 DRUG AND ALCOHOL INFORMATION

The Cooperative is required to provide educational materials for all drivers, explaining the DOT's requirements. In addition to this policy, the Cooperative will provide drivers with information concerning: (i) the effects of drugs and alcohol on an individual's health, work, and personal life; (ii) the signs and symptoms of a drug or alcohol problem; and (iii) the available methods of intervention when a problem does exist.

Each driver is required to certify that he or she has been given a copy of this Policy and other drug and alcohol information by the Cooperative. Applicants are required to execute the certification as a condition of being hired. An applicant who refuses to do so will not be hired. Existing drivers who refuse to execute this required certification will be subject to Cooperative discipline, up to and including termination.

Any existing driver who engages in any conduct prohibited under this Policy will be provided with information concerning the resources available to evaluate and resolve a drug or alcohol problem, and the names, addresses and telephone numbers of substance abuse professional, counseling and treatment programs.

### 13.9 PAYMENT OF TESTS

The Cooperative shall pay the costs for all tests which the Cooperative is required to conduct on drivers under DOT regulations.

Drivers are responsible for paying the costs for any test or tests conducted which the

Cooperative does not require, unless otherwise prohibited by applicable law.

Drivers are responsible for paying the costs of the analysis of any secondary urine specimen which they request under Section 13.6 of this Policy, except as otherwise required by applicable law.

**13.10 CONFIDENTIALITY**

The results of all individual drug and alcohol tests will be kept in a secure location with controlled access.

All individual test results will be considered confidential. The release of an individual driver's results will only occur in accordance with an individual driver's written authorization, or as is otherwise required by DOT regulations or by applicable law.

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| <p>Foster Hildreth, General Manager</p>                                 |                                  |