



Submission to the
National Transportation Safety Board (N.T.S.B.)
For the
Multiple Vehicle Accident



Cranberry, New Jersey; June 7, 2014

HWY14MH012

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I. Introduction

Wal-Mart Transportation, LLC (“Walmart Transportation”) was the owner of the 2011 Peterbilt tractor-trailer combination that was involved in the subject accident on June 7, 2014 and employed its driver. The driver and tractor-trailer involved in the subject accident were both based out of the Transportation Office collocated with the Walmart Regional Distribution Center in Smyrna, Delaware.

This Submission describes Walmart Transportation as an operational entity and the overall culture of safety under which it was operating at the time of the subject accident. It also describes the lessons learned from the subject accident, and the enhanced safety measures that have been established since the accident to further address the issue of potentially fatigued truck drivers and the impact of long commutes before reporting to work. Walmart Transportation also provides industry safety measure recommendations.

II. Walmart Transportation

Walmart Transportation is a subsidiary of Wal-Mart Stores, Inc., the nation’s largest retailer. Wal-Mart Stores, Inc. and its subsidiaries operate 158 Distribution Centers and over 5,000 Stores in the United States, including Walmart Supercenters, Sam’s Club Stores and Neighborhood Markets. Walmart Transportation is both a “Private Property Carrier” and a “For-Hire Motor Carrier” transporting general freight, beverages and refrigerated foods from Walmart Distribution Centers to its stores, as well as carrying “backhaul” loads primarily for Walmart suppliers for loads destined to Walmart Distribution Centers. Walmart Transportation, in the aftermath of disasters such as Hurricanes Katrina and Sandy, is often called upon to provide transportation and logistical support to Federal, State and Local agencies.

As of the filing of the latest MCS-150 Report with the Department of Transportation (DOT) on February 15, 2015, Walmart Transportation had 6,400 tractors, 61,528 trailers and 7,705 company employed drivers. Company drivers drove over 678 Million miles in 2014 and hauled 3,264,377 loads. For more information on Walmart Transportation, see the Walmart Private Fleet website¹.

Drivers are dispatched to take loads via a centralized dispatch system through five Regional Operations Centers (“ROCs”). The ROCs oversee all the logistics of freight, watching it flow from Distribution Centers to Stores and from vendors to Distribution Centers, and monitor hours of service compliance and driver productivity. Walmart Transportation operates from Transportation Offices located throughout the United States.

¹ <http://walmartprivatefleet.com/Default.aspx>

of service compliance and driver productivity. Walmart Transportation operates from Transportation Offices located throughout the United States.

Walmart Transportation is recognized as one of the safest fleets in the country and compliance with Federal Motor Carrier Safety Administration (“FMCSA”) Regulations is mandated and promoted by all levels of management. Compliance is monitored by a Fleet Safety Department team of safety professionals located in both the Home Office in Bentonville, Arkansas and within each Transportation Office. More specifically, these safety professionals are led by a Senior Director of Fleet Safety located in Bentonville, who directs safety associates at the Home Office, as well as all field locations throughout the United States.

III. The Cranberry New Jersey Accident

On June 7, 2014 at about 12:54 a.m., a Walmart Transportation Peterbilt truck-tractor and semitrailer combination vehicle travelling Northbound in the center lane of the New Jersey Turnpike, near Cranbury, New Jersey and operated by a Walmart Transportation Driver, approached traffic that had slowed, or nearly stopped, due to construction work ahead and struck the rear of a 2012 Mercedes Sprinter Van. As a result of the collision, one passenger in the Mercedes Sprinter Van was fatally injured and four other van occupants were transported to the hospital with injuries of various severities.

At the time of the accident the Walmart Driver was in compliance with FMCSA Hours of Service (“HOS”) Regulations with regard to driving and on duty time, having logged 9 hours 37 minutes of driving (out of 11 permissible hours) and on duty time of 13 hours and 32 minutes (out of the permissible 14 hours).

A critical component of the post-accident investigation is the number of hours the Walmart Driver had been continuously awake, regardless of FMCSA HOS compliance. According to the New Jersey State Patrol, the Walmart Driver admitted to having fallen asleep before the accident² (although he apparently made an unsuccessful maneuver to try to avoid the accident³). The New Jersey State Patrol made a determination that the Walmart Driver had been awake in excess of 24 hours before the accident⁴, due to his 753 mile commute from his residence in Jonesboro Georgia, before arriving at his dispatching Transportation Office in Smyrna, DE at 10:58 a.m. on June 6 and logging onto duty at 11:22 a.m.⁵

The Walmart Driver’s commute to work on the date before the accident appears to have been unusual for him, based upon records obtained by the NTSB from the Best Western Hotel located near the Smyrna Regional Distribution Center. They indicate that the Walmart Transportation driver had stayed at the hotel on all of the available off-duty days the driver had since his

² NJSP Supplemental Report, Pages 5 and 7

³ NJSP Supplemental Report, Page 2

⁴ NJSP Supplemental Report, Page 11

⁵ Motor Carrier Factors Group Chairman’s Draft Factual Report, Page 23

employment at Walmart started, with the exception of his commute before the subject accident.⁶ In other words, since the Walmart Driver started his employment with Walmart Transportation in February of 2014, he had stayed at that hotel during off days before resuming work, with the exception of returning to duty before the subject accident.

IV. Walmart Transportation's Safety Culture

The culture of Walmart Transportation is based upon the four core beliefs of Walmart Stores, Inc.:

1. Respect for the individual
2. Service to the customer,
3. Strive for excellence, and
4. Integrity

Walmart Transportation has a Satisfactory overall rating with the FMCSA⁷ and has received excellent scores under the FMCSA's Compliance, Safety, Accountability (CSA) rating system. Under this system motor carriers are given percentile rankings in carrier peer groups for such safety related items as Unsafe Driving, Hours of Service Compliance, and Driver Fitness, Controlled Substances and Alcohol, Vehicle Maintenance, Hazardous Materials Compliance and Crashes. A lower percentile score indicates a higher safety ranking among peer carriers, with a score of 100 being the worst. At the time of the subject accident Walmart Transportation had percentile scores in the safety categories ranging from 0% to 15.9%,⁸ ranking Walmart Transportation first among the members of its peer group.

The American Trucking Associations ("ATA") Safety Management Council recognized Walmart Transportation in 2014 by awarding it First Place in the ATA National Safety Contest⁹.

The company philosophy stresses that the drivers be courteous and safe¹⁰ and this is fostered by a comprehensive set of safety programs for the drivers¹¹. Drivers for Walmart Transportation are considered to be "Ambassadors of the Road." The ambassador function of Walmart Transportation drivers is promoted through the Walmart Transportation Road Team, which represents the Company in corporate, community and industry events. Members of the Road Team must have outstanding safety records and a minimum of three years or 300,000 miles as professional drivers for Walmart Transportation. Team members are chosen through a rigorous process that includes a review of professional experience, written questions and answers and a video presentation about driving safety.

⁶ Motor Carrier Factors Group Chairman's Draft Factual Report, Page 21

⁷ Motor Carriers are rated in this particular system by the FMCSA as "Satisfactory," "Conditional," or "Unsatisfactory."

⁸ Motor Carrier Factors Group Chairman's Draft Factual Report, Page 18.

⁹ See, Walmart Transportation Submission Exhibit "A" (National Safety Contest Award)

¹⁰ Motor Carrier Factors Group Chairman's Draft Factual Report, Page 5.

¹¹ Motor Carrier Factors Group Chairman's Draft Factual Report, Page 5.

Implemented safety programs include programs for both new and existing company drivers to enhance compliance with *Federal Motor Carrier Safety Regulations*, including a Distracted Driver Policy, an Hours of Service Compliance Policy and a Fitness For Work Policy¹². Walmart monitors FMCSA Safety Rules compliance on the part of its transportation offices around the country by auditing the records of each office on an annual basis and by holding each office accountable for compliance execution. Further, every five years, Walmart Transportation retains an independent consultant and subjects itself to a comprehensive simulated compliance review designed to mimic those conducted by the FMCSA to evaluate and test the quality and effectiveness of the Fleets operational practices, safety policies and controls. The compliance review is an on-site examination (multiple locations) of Walmart's motor carrier operations and reviews the following areas: (1) General; (2) Drivers; (3) Operational (4) vehicle maintenance and inspection; (5) Hazardous Materials and (6) Accidents.

Company drivers are dispatched only if the dispatch "will not ... cause them to violate D.O.T. Regulations ... (they) are logging correctly... all trips are logged, and ... unsafe equipment is not dispatched."¹³ The drivers are "captains of their ships"¹⁴ and always have the "option to take a rest break or log off duty for any reason", including driver fatigue¹⁵. It is firm company policy that "Drivers, Transportation Management and Coordinators ... have a thorough understanding of DOT regulations pertaining to HOS and Driver logging requirements. Transportation management must make sure (that) Walmart Drivers comply with DOT regulations"¹⁶.

Company tractors are well maintained late year models, with an average age of 3.6 years. Sixty Seven Percent (67%) of the tractors currently have Forward Collision Warning Systems, including the 2011 Peterbilt involved in the accident, which had the Bendix "Wingman Active Cruise with Braking System"¹⁷. By the end of this year, once all new truck orders are received, Walmart Transportation will have in excess of eighty percent (80%) of all its tractors with Forward Collision Warning Systems.

Walmart fosters safe driving practices among its drivers in many ways, including encouraging drivers to participate in the National Truck Driving Championships ("NTDC") sponsored by the American Trucking Associations¹⁸, and also by sponsoring its own internal truck driving championship.

¹² Motor Carrier Factors Group Chairman's Draft Factual Report, Page 7-8.

¹³ Motor Carrier Factor's Group Chairman's Draft Factual Report, Attachment 12, Page 1

¹⁴ Motor Carrier Factors Group Chairman's Draft Factual Report, Page 11.

¹⁵ Motor Carrier Factors Group Chairman's Draft Factual Report, Page 11.

¹⁶ Walmart Transportation Submission Exhibit B attached hereto (Page 1) (Company DOT Compliance Policy).

¹⁷ Motor Carrier Factors Group Chairman's Draft Factual Report, Page 11.

¹⁸ SEE ATA's Web Site at <http://www.trucking.org/event.aspx?uid=496270aa-003d-4dca-855b->

[943287b5fccd](http://www.trucking.org/event.aspx?uid=496270aa-003d-4dca-855b-943287b5fccd): The National Truck Driving Championships is a competition of professional truck drivers hosted each year by American Trucking Associations. This competition has a long history – dating back to 1937 when it was known as the National Truck Rodeo.

The NTDC competitors are made up of the winners in eight classes of competition from 50 State Trucking Associations' Truck Driving Championships, as well as the winners of the auto transporters class at the regional TDCs.

The NTDC and affiliated state TDCs are considered the one of the industry's largest and most effective safety programs. Known to many as the "Super Bowl of Safety," these annual competitions inspire tens of thousands of drivers to operate accident-free for the right to compete

Participation in the NTDC is encouraged not only of the Walmart Transportation drivers, but also of their family members as active spectators. ATA rules allow only drivers who have not been involved in an accident (regardless of preventability) during the last year and exclude drivers who have missed more than 30 days of work throughout the year. Competition begins at the local terminal level where typically 50% or more of the drivers participate. Each transportation office can qualify a minimum of three drivers and a maximum of 10% of all participants to advance to state competition, where competition is held among eight different categories of commercial vehicles. Top place winners in these eight categories advance to ATA national competition. During the past two years, approximately 10% of all those qualifying for ATA NTDC worked for Walmart Transportation. At the 2013 national competition a Walmart driver was the Grand Champion, which means that he had the highest score out of all of the eight category winners. At the 2014 NTDC, 49 Walmart drivers participated in their respective classes as State Champions and five drivers were the top three finalists for their class. In 2015, Walmart Transportation has 54 drivers who have qualified to compete at the ATA national competition.

Walmart supplements participation in the ATA NTDC with its own internal truck driving championships. Competition is held at each local transportation office and the top three drivers advance to the Divisional championships. The top 15 drivers from each Divisional championship advance to the Walmart National truck driving championships where a Walmart Grand Champion is named.

Despite this overriding culture of safety, Walmart Transportation's Driver was involved in this tragic accident. As with any accident or incident, Walmart Transportation seeks to learn from the accident and to enhance its operational and safety policies and programs so as to avoid a similar accident in the future.

V. Safety Program Enhancements

After the subject accident, Walmart Transportation reviewed its operational and safety policies and practices and took measures designed to avoid similar accidents in the future by implementing a driver commute policy, by improving its then already robust safety program and by inserting a "safety first" message into each of its dispatch messages to drivers.

Commuting Rule Changes

After the subject accident, Walmart implemented a plan to counsel drivers whose domicile is more than 250 miles away from their assigned terminal of dispatch on a Work Commute Plan. Each driver was required to sign an acknowledgement that was placed in each personnel file that

During the TDC and NTDC competition, each driver has a chance to demonstrate his or her driving and inspection skills, knowledge and professionalism through a series of tests. The drivers undergo a written examination, personal interview, pre-trip inspection test and finally, the most visible - the skills test.

The Championships are a great incentive for professional truck drivers to operate safely, because they must be accident-free for at least one year prior to the competition. Many of the competitors have millions of accident-free driving miles to their credit.

he/she had discussed his/her Work Commute Plan with his/her GTM or Safety Manager and that he/she would notify his/her GTM or Safety Manager if it became necessary to change the Work Commute Plan.

Most recently, Walmart began requiring all drivers living more than 250 miles from his/her transportation office to relocate within 250 miles within 6 months of the communication of the policy change in June of 2015. In addition, all newly hired drivers are now required to live within 250 miles of the hiring transportation office. Walmart is also giving consideration to requiring those living between 150 miles and 250 miles to enter into a Work Commute Plan.

Dispatch Message Changes

Drivers are dispatched in part with messages sent via the Qualcomm truck messaging system. Since the subject accident the standard dispatching message has been updated to remind drivers of safety being the priority at the time of dispatch. Each Qualcomm “Start Trip” message of dispatch to drivers now contains the following message that the drivers must read before accepting dispatch:

“SAFETY COMMITMENT: Begin and end every trip with safety. There is nothing more important. We trust you to use your professional judgment and wait if conditions are unsafe. If you have concerns or questions, please contact your local office.”

Defensive Driving Course Improvements

Prior to the subject accident, the 2014 Walmart Defensive Driving Course¹⁹ addressed the issue of fatigue in driving in some detail. The course materials stated that fatigue is one of the recognized factors leading to collisions, what causes fatigue, the limitations faced by a fatigued driver and steps to combat fatigue (including the instruction to “stop if you’re tired”) (slide 38). Since the subject accident, substantial material has been added to the Defensive Driving Course, and the 2015 version of the course contains the following instructions to potentially fatigued drivers and emphasizes that they are empowered to take what other actions are necessary to combat fatigue, including shutting down the operation of their truck²⁰:

- Slide 36, 2015 DDC: “Begin and end every trip with safety. There is nothing more important. We trust you to use your professional judgment and wait if conditions are unsafe. If you have concerns or questions, please contact your local office.”
- Slide 40, 2015 DDC: “You as a Walmart Driver have full authority to shut down if you feel fatigued and/or tired! Don’t Risk It! “
- Slide 41, 2015 DDC: “When the signs of fatigue begin to show, get off the road. Take a short nap in a well-lit area. Do not simply stop on the side of the road.

¹⁹ 2014 Defensive Driving Course Fatigue Slides, Walmart Transportation Submission Exhibit C.

²⁰ 2015 Defensive Driving Course Fatigue Slides, Walmart Transportation Submission Exhibit D.

In addition, Walmart Transportation continues to reinforce safety training by posting different safety posters around the local transportation offices on a quarterly basis, including a recent one on knowing the signs of Fatigue²¹. Safety training reinforcement also continues to be provided by safety related articles contained within regular newsletters for the drivers.

VI. Tractor Equipment Factors

The Vehicle Factors Group Chairman's Draft Factual Report summarized the equipment present on the Walmart Transportation 2011 Peterbilt tractor-trailer combination. The tractor was found to be equipped with all mandated equipment and no defects in maintenance were found. In addition, the tractor was equipped with an advanced collision avoidance system, otherwise known as a Forward Collision Warning System.

According to the Vehicle Factors Group Chairman's Draft Factual Report, the tractor's cruise control was not engaged²². Walmart has not been given access to the downloaded Bendix data, but it can be stated that Walmart had the more advanced Bendix System II and that therefore the collision avoidance system could have been activated even without the cruise control on. However, it is assumed that the vehicle avoidance system did not activate because the vehicles in front of the Walmart Transportation vehicle were either stopped, or nearly stopped. In such a scenario, the vehicles in front would not be "tracked" by the vehicle avoidance system. Regardless, the stationary load audible object alert would have been activated three seconds before the accident²³, likely leading the Walmart Transportation Driver to swerve at the very last second²⁴.

Ultimately, however, the responsibility to slow the tractor or take other evasive action remained with the Walmart Transportation Driver²⁵, who had been trained by Walmart Transportation on the hazards of operating a commercial vehicle while fatigued and had been empowered by Walmart Transportation to discontinue driving the tractor trailer combination if fatigued. In addition, Walmart Transportation has also taken the actions noted above to manage the impact of commutes that might otherwise impact fitness for duty.

(Continued on Next Page)

²¹ See, Walmart Transportation Submission Exhibit E.

²² See Vehicle Factors Group Chairman's Draft Factual Report, Page 11.

²³ Motor Carrier Factors Group Chairman's Draft Factual Report, Page 12; Vehicle Factors Group Chairman's Draft Factual Report, Attachment 4, Page 5.

²⁴ NJSP Supplemental Report, Page 2 ("Vehicle #1, a white Peterbilt tractor semi-trailer ... was travelling northbound in the center lane when Driver #1, Kevin Roper, failed to observe slow moving traffic ahead of him ... Just prior to impact, Driver #1 observed Vehicle # 2, a black Mercedes Benz Sprinter van ... and attempted to avoid a collision by swerving to the left. Vehicle #1 struck the rear of Vehicle # 2 ...")

²⁵ Vehicle Factors Group Chairman's Draft Factual Report, Page 10.

VII. Conclusions and Recommendations

Walmart Transportation is a company with a recognized history of safe operation that is driven by a company culture that emphasizes safety. Unfortunately, a tragic accident occurred, notwithstanding this culture of safe operation. A company driver who had previously acted responsibly by resting at a local motel during his off time had taken a trip back to his family residence in Georgia and apparently returned to work without sleep for a 24 hour period. Driving in a fatigued state was *contrary to his training and he had every opportunity to turn down the dispatch without the threat of disciplinary action.* If he felt fatigued after accepting his dispatch, he could have discontinued the operation of his tractor trailer at any time.

Because of this accident, Walmart has taken actions to avoid another occurrence by increasing training on the effects of fatigue on safe driving and emphasizing that if fatigue is felt, that the driver should take appropriate action, including discontinuing the operation of the commercial vehicle, if needed. Specifically, beginning in December of 2014, Walmart required that drivers living more than 250 miles from their terminal of dispatch agree upon a Work Commute Plan to ensure that each driver is well rested when he or she returns to work after time off. As of June 25, 2015, a policy is in place prohibiting drivers from living more than 250 miles from the dispatch terminal and those living between 150 miles and 250 miles will likely be required to agree upon a Work Commute Plan. Finally, Walmart is prepared to supplement its current fatigue management training and to adopt a formal Fatigue Management Plan based in whole or in part on the North American Fatigue Management Program guidelines.

Walmart is currently evaluating the benefits of video event records in conjunction with other performance data to confirm driver action are consistent with regulatory and Company rules and procedures.

Recommendations:

- (1) Walmart Transportation recommends that other motor carriers review and evaluate the benefits of a commute policy similar to that being implemented at Walmart Transportation.
- (2) Walmart Transportation recommends that other motor carriers should review their own driver training programs with regard to the issue of fatigued driving and if appropriate, adopt a formalized fatigue management program.

VIII. Appendix of Exhibits

Walmart Transportation Submission Exhibit A—National Safety Contest Award

Walmart Transportation Submission Exhibit B—Company DOT HOS Compliance Policy

Walmart Transportation Submission Exhibit C—2014 Safety Slides

Walmart Transportation Submission Exhibit D—2015 Safety Slides

Walmart Transportation Submission Exhibit E—Fatigue Poster



**Walmart Transportation
Submission Exhibit A**

Safety Management Council

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smc@trucking.org * http://smc.trucking.org

COUNCIL OF



AMERICAN
TRUCKING
ASSOCIATIONS

Good stuff.



August 4, 2014

Mr. Steven Garrish, CDS
Senior Director of Fleet Safety
Wal-Mart Transportation, LLC
311 North Walton Blvd
Bentonville, Arkansas 72716-0650

Dear Steven:

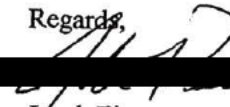
The audits are complete and Wal-Mart Transportation, LLC has placed First in the General Commodities Truckload/Line-Haul Division, Over 250 Million Miles Category in the ATA National Truck Safety Contest. Congratulations!

We will be honoring each of our deserving winners of this year's ATA Safety Contests on the last day of the 2014 Safety & Human Resources National Conference & Exhibition, scheduled for October 28 - 30 in Orlando, Florida. As is our long tradition, we will formally acknowledge our winners' stellar achievements at the Truck & Industrial Awards & State Association Recognition Awards Luncheon, October 30th, at 12:30 p.m.

Please consider attending the conference to accept your award plaque [and/or improvement certificate] in person. Enclosed is a copy of the preliminary conference agenda as well as a registration form. You may also purchase additional award luncheon tickets should others want to attend the ceremony only. This year, like last, we are continuing the roundtable format for the conference to ensure a robust exchange between industry professionals on crucial safety matters.

Again, congratulations on your award winning safety record. We hope to see you in Orlando.

Regards,


[Redacted signature area]
Jacob Pierce
Manager, Safety Programs

**Walmart Transportation
Submission Exhibit B**

DRIVER'S DOT HOURS OF SERVICE

October 2008

■ PURPOSE

To ensure compliance with Department of Transportation (DOT) regulations part 395 Hours of Service (HOS), Transportation management, Walmart Drivers, and Driver Coordinators must understand the basic terminology, regulations, and logging requirements. Compliance is required by Federal law.

■ RESOURCES

Logging Coffee/Meal and Vendor Stops

■ PROCEDURES

Drivers, Transportation management, and Coordinators must have a thorough understanding of DOT regulations pertaining to the HOS and Driver logging requirements. Transportation management must make sure Walmart Drivers comply with DOT regulations.

- The Transportation management team cannot assign a load that forces a Driver to violate the DOT regulations.
- Drivers cannot accept a load assignment that causes them to violate the DOT regulations.

HOURS OF SERVICE REGULATIONS

HOS regulations limit the number of hours a commercial Driver can operate during a work period. Mandatory rest periods are also regulated by the following rules:

- Drivers are not permitted to drive more than 11 hours after a 10 hour break.
- Drivers are not permitted to drive after 14 hours from the beginning of their day.
- Drivers are not permitted to drive after being "on-duty" for a total of 70 hours in eight (8) consecutive days.
- Being off-duty for thirty-four hours resets the 70 hour rule.

DRIVER'S RECORD OF DUTY STATUS

A Driver's Record of Duty Status is kept electronically by Qualcomm HOS. The Mobile Display Unit (MDU) allows Drivers to enter information for recording HOS. The following items are captured:

- Date
- Time
- Daily mileage
- GPS—Geographical location (city & state) of each duty status change by
- Driving segments above set thresholds
- Unassigned driving events (Driver is not logged into the system)
- Name of carrier
- Main office address

Items that must be manually entered into the system include:

- Driver's ID for logging into the unit
- Bill of Lading information
- Load ID information
- Trailer number
- Confirmation of "Duty Status"

PREPARING THE ELECTRONIC LOGS

Drivers are required to make sure their logs are current and correct in the MDU. There is an approval button that allows the drivers to approve their logs on a daily basis.

- Log onto the unit at the beginning of your day.
- Verify each change of duty status. Make sure to keep it current.
- Time in the sleeper-berth must be logged as sleeper-berth.
- Off-duty is logged when the Driver is released from duty.
- Record on-duty time for pre-trip inspections when equipment is changed and post-trip inspections at the end of each day. Also record on-duty time for any work related function i.e. mandatory attendance for meetings, drug testing, alcohol testing, inspections, citations, violations, serving on committees, completing required paperwork, and loading or unloading.
- Meal and Supplier stops may be logged as off-duty as outlined in the Instructions for Logging Coffee/Meal and Vendor Stops policy.

DUTY STATUS DEFINITIONS

Off-Duty Time

Any time the Driver is relieved from all responsibilities by the carrier to include but not limited to:

- Days off.
- Sick leave.
- Vacation.
- On lunch or coffee break (Instructions for Logging Coffee/Meal and Vendor Stops).
- In a Transportation lounge awaiting a load when the Driver has been given the permission to leave the premises to pursue other activities (relieved of duty).
- When the Driver has been relieved of responsibility for the unit.

Sleeper-berth Time

This is time spent actually resting or sleeping in an approved sleeper-berth. This does not include resting or sleeping in the passenger seat while a co-driver is driving.

Note: Walmart policy does not allow the use of the split sleeper-berth rule by solo Drivers.

Driving Time

All the time spent at the driving controls of a commercial motor vehicle in operation. This includes sitting and waiting in traffic.

On-Duty—Not Driving

All of the time from the period when a Driver is required to begin their work schedule until the time when they are relieved from duty while performing work related activities.

- Starts when a Driver reports to work or is required to be ready for work.
- All of the time at a shipper facility.
- All of the time inspecting, servicing, and fueling (at locations where the Driver is required to conducting the fueling process).
- All of the time in or upon a commercial motor vehicle, except for the time resting in a sleeper-berth.
- All of the time loading or unloading while at a vendor/store/club (i.e. claims, pallets, deliveries, and picking up backhauls).
- All of the time repairing or remaining in attendance of a disabled vehicle.
- All of the time providing breath/urine sample to comply with random, reasonable suspicion, and post-accident drug and alcohol testing.
- Performing any compensated work for a non-motor carrier entity.

Off-Duty Driving

The time spent using a bob-tail tractor for personal conveyance. This must return back to original location to start the normal driving function.

MAXIMUM DRIVING AND ON DUTY TIME RULES**11 Hour Rule**

A Driver is permitted to drive for 11 hours after a 10 hour break (unless they have previously exceeded the 14 or 70 hour rule) and is not permitted to drive again until they have taken another 10 hour break.

14 Hour Rule

A Driver cannot drive after 14 hours from the start of their day. This does not limit the time a Driver can work, only limits the drive time after 14 hours.

70 Hour Rule

A Driver cannot drive after being on-duty for 70 hours in any consecutive eight (8) day period. Any period of 34 consecutive hours of off-duty time restarts the 70 hour clock. The Canadian HOS rule requires 36 consecutive hours before a restart.

EXTENDED DRIVING TIME**Adverse Driving Conditions**

Driving time can be extended up to two (2) additional hours as a result of:

- Unforeseen adverse driving conditions such as snow, sleet, fog, ice, or other unusual or unforeseen road or traffic conditions.

- This does not include mechanical breakdown or heavy rush hour traffic.
- These conditions must not have been known or anticipated at the start of the trip.

If adverse conditions are encountered and were not apparent at the beginning of the trip, the Driver can drive an additional two (2) hours to reach a destination or a place of safety and security for their cargo. The Driver must notify Dispatch of the situation immediately before using the two (2) hour rule.

- The Driver cannot drive more than 13 hours after a 10 hour rest, 14 hours after coming on-duty, or exceeding 70 hours.

PENALTIES FOR VIOLATIONS

Walmart and its Drivers are subject to penalties for violating the HOS regulations. Inspections are routinely conducted by Federal and State Departments of Transportation. Inspectors look for violations and falsifications in many areas.

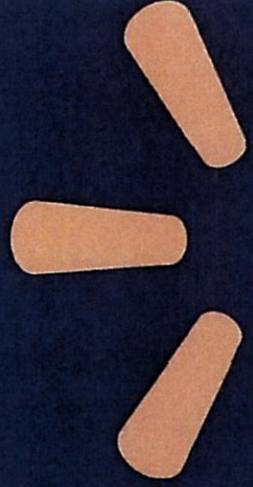
In order to ensure compliance with the regulations, Walmart provides:

- Classroom training for both management and Driver associates for the proper use of the Omnivision unit and Qualcomm HOS. This training consists of its functionality, selecting the correct duty status, summary review, and penalties for misuse or abuse.
- Performance managing is used to inform Drivers of a particular violation or falsification. This allows the associate to correct the behavior to eliminate further violations/falsifications which could lead to additional performance managing.
- Transportation management is subject to performance managing if they assign a load to a Driver that forces them to operate outside DOT regulations.
- Driver associates are subject to performance managing if they accept a load assignment that forces them to operate out DOT regulations.

Log Violations
Exceeding 11,14,70 hour rules
No on-duty time for Pre-trip/Post-trip Inspections
Not consistently approving logs
Speeding
Log Falsifications
Not logging onto the system or using incorrect driver ID
Improper use of off-duty driving
Tampering with equipment
Driving under set thresholds to beat the system
Recording the wrong duty status for the activity

**Walmart Transportation
Submission Exhibit C**

Defensive Driving Course



What factors contribute to collisions?

Distractions

Inattention

To much attention or to little attention

Fatigue

Weather

Surface Conditions

Defensive Driving - Fatigue

Fatigue is your body's reaction to prolonged physical or mental activity.



Fatigue can be similar to the effects of alcohol and drugs.

Fatigue can be caused by inadequate sleep, long periods of driving, stress, boredom and illness.



Defensive Driving - Fatigue

A fatigued driver

Is adversely affected by sun glare

Misjudges speed and distance of other vehicles

Takes risks in passing and in lane changes

Is irritable

Over-reacts to road situations

Defensive Driving - Fatigue

To combat fatigue you should

- Use every opportunity to get rested
- Know how your medications may affect your driving
- Control your environment
- Stop if you're tired
- Know that diet & exercise can make a difference

Defensive Driving - Fatigue

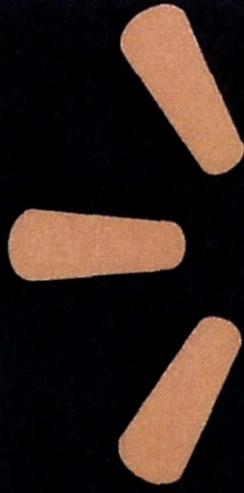
Untreated sleep apnea is a contributor to fatigue.

Studies show that more than 30% of commercial drivers are affected by sleep disorders.

If you feel that you may be affected by sleep apnea please contact your safety manager for details on Walmart's sleep apnea benefit for drivers.

**Walmart Transportation
Submission Exhibit D**

Defensive Driving Course



Fatigue



Safety Commitment

“Begin and end every trip with safety. There is nothing more important. We trust you to use your professional judgment and wait if conditions are unsafe. If you have concerns or questions, please contact your local office.”

Fatigue – What Is It?

- Nearly everyone is susceptible to being overtired from time to time. Such instances of temporary fatigue usually have an identifiable cause and a likely remedy.
- Chronic fatigue, on the other hand, lasts longer and is more profound. It's a nearly constant state of weariness that develops over time and diminishes your energy and mental capacity. Fatigue at this level impacts your emotional and psychological well-being, too.
- In some cases, fatigue is a symptom of an underlying medical problem that requires treatment. Most of the time, however, fatigue can be traced to habits or routines.

Source: Mayo Clinic

Fatigue – What Is It?

- Fatigue isn't the same thing as sleepiness, although it's often accompanied by a desire to sleep — and a lack of motivation to do anything else.
- In general, most cases of fatigue may be attributed to three areas:
 - Lifestyle Factors
 - Medical Conditions
 - Psychological Problems.

Source: *Mayo Clinic*

Indicators of Fatigue

- Difficulty focusing, frequent blinking and/or heavy eyelids
- Difficulty keeping reveries or daydreams at bay
- Trouble keeping your head up
- Drifting from your lane, swerving, tailgating and/or hitting rumble strips
- Inability to clearly remember the last few miles driven
- Missing exits or traffic signs
- Yawning repeatedly
- Feeling restless, irritable, or aggressive.

Source – National Sleep Foundation

A Fatigued Driver...

- Misses exits and street signs.
- Is adversely affected by the sun.
- Misjudges speed and distance of other vehicles.
- Takes risks in passing and in lane changes.
- Over-reacts to road situations.
- Is usually the last person to recognize fatigue.

Note: *You as a Walmart Driver have full authority to shut down if you feel fatigued and/or tired! Don't Risk It!*

Fatigue – What Can You Do?

- Maintain a regular sleep schedule that allows adequate rest.
- When the signs of fatigue begin to show, get off the road. Take a short nap in a well-lit area. Do not simply stop on the side of the road.
- When planning long trips:
 - Begin the trip early in the day.
 - Keep the temperature cool in the vehicle.
 - Stop every 100 miles or 2 hours to get out of the vehicle and walk around; exercise helps to combat fatigue.
 - Stop for light meals and snacks.
 - Drive with your head up, shoulders back and legs flexed at about a 45 degree angle.

Source – National Safety Council (NSC)

Fatigue – Your Responsibilities

- As a professional driver, you own your level of readiness prior to any dispatch.
- If you are commuting >250 miles to work, we want you to consider relocating to a location closer to the DC.
- You should explore a current work-week program more suitable to your commute to work.
- Bottom-line, if the GTM or any member of management is not satisfied with your level of readiness for any dispatch, we reserve the right to limit your drive and work day hours to ensure you are fully rested.
- If you have any questions, please follow-up with your GTM or Safety Manager.

**Walmart Transportation
Submission Exhibit E**

The **ONLY** way to combat fatigue is with proper rest

Feeling sleepy or tired

Tired or burning eyes

KNOW THE SIGNS

Unable to get comfortable

Erratic driving similar to drunk driving

Driving off the shoulder or crossing the center line

Rubbing your neck or face to wake up

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