



TRANSFLO®

OUR EXPERTISE, YOUR ADVANTAGE

2012

MOTOR CARRIER OPERATING PROVISIONS

Effective Date: January 1, 2012

Purpose

The purpose of this section is to establish operating and safety requirements, policies and procedures for motor carriers conducting operations within a terminal.

Motor Carrier Access

Terminals are generally open to all motor carriers, but TRANSFLO reserves the right to restrict or deny access to any motor carrier or their personnel at TRANSFLO's sole discretion. All motor carriers using a terminal must follow and comply with these Motor Carrier Operating Provisions.

Motor Carrier Access Agreement

Each motor carrier, at the corporate level, must obtain an Access Agreement form from TRANSFLO and shall provide a signed copy thereof to TRANSFLO, prior to accessing a TRANSFLO terminal. Motor carriers using the terminals are expected to abide by the provisions of the Access Agreement, this Document, and any additional documents, local or otherwise, adopted by TRANSFLO.

General Safety

Every motor carrier shall exercise, and shall cause its employees and agents to exercise, a high level of caution at all times while within a terminal. Every motor carrier shall take all steps necessary to remain informed and to keep its employees and its agents informed of conditions and activities at terminals where the motor carrier is present. Every motor carrier shall conduct, and cause its employees and agents to attend, safety training programs to promote the recognition of and appropriate response to terminal risks.

Each terminal will provide a safety briefing that summarizes the safety and emergency requirements in effect at the terminal to all non-terminal personnel. All motor carriers must display a TRANSFLO-provided safety sign in their truck's windshield during each active transfer.

All vehicles shall observe a speed limit of 10 miles per hour while in a terminal unless otherwise posted.

Unless in an assigned "safe area," such as the terminal office or break room, motor carrier personnel are required to wear hard hats and safety glasses with side shields, full length pants, and short sleeved shirts at all times. Safety shoes are required if motor carrier is an active participant in the transfer process or within 25 feet of an active transfer. Any person within 25 feet of an active transfer must be wearing the Personal Protective Equipment ("PPE") required for that transfer. If not, that person must remain at a distance greater than 25 feet from the active transfer. All motor carriers are responsible for providing their personnel with necessary PPE.

Portable fire extinguishers are maintained throughout TRANSFLO terminals in accordance with OSHA regulations. The fire extinguishers are identified with signs and/or red stripes above extinguishers. All motor carriers on the premises shall familiarize themselves with the extinguisher locations closest to their work area before commencing their activities.

Certain activities are restricted on TRANSFLO property, including but not limited to smoking and/or cell phone usage.

As part of their compliance with the OSHA Hazardous Communication requirements, TRANSFLO terminal operators are obligated to maintain a book of MSDS's for all hazardous chemicals present in the terminal. This book is available in the terminal office for review by any motor carrier personnel.

Working Track Protection

All motor carriers conducting self loading transfers in TRANSFLO terminals, regardless of whether working during or after hours, shall ensure that the track on which they will be working has been protected by one of the following means:

- Switch Lockout and Blue Flag: Switch(es) providing access to the working track shall be lined against movement to that track and locked with an effective locking device (i.e., vandal-resistant, tamper-resistant, and capable of being locked and unlocked by workers within the TRANSFLO terminal). In addition, a DOT approved blue flag shall be installed at or near the switch or switches providing access to the track.

OR

- Derail Protection and Blue Flag: Derail device restricting access to the track, positioned no less than 60 feet from the end of the last car. The derail device must be locked in a derailing position with an effective locking device. In addition, a DOT approved blue flag shall be installed at or near the switch or switches providing access to the track.

When a blue flag is placed during hours of darkness, a flashing blue light must be positioned on the flag device.

Preloaded Trailer Protection

Each motor carrier, at its own expense, is responsible for ensuring the safety of preloaded trailers stored on TRANSFLO's property. Preloaded trailers must meet all requirements as designated by TRANSFLO.

Electrical Safety

Motor carriers shall comply with the following requirements regarding electrical safety at TRANSFLO terminals:

- All electrical equipment and cords shall be kept away from standing water. Ground-fault interrupter (GFI) circuits must be used, if feasible.
- Exposed wires shall be replaced immediately.
- Electrical cords crossing roadways shall be protected with safety cones or covers suited for truck traffic.
- Only electrical plugs with grounding pins shall be used.
- Electrical outlets shall be locked when not in use. If a motor carrier needs access to outlets after hours, the terminal manager will provide access subject to the provisions of "After Hours Terminal Access" security measures noted elsewhere in this Document.

Personal Electronic and Electrical Devices

The usage of personal electronic or electrical devices that are not essential for the health or safety of the user or persons in the immediate vicinity of the user are prohibited at all TRANSFLO terminals, with the following exceptions:

- While inside the terminal office, break room, other terminal building, or
- After hours while no moving equipment (define equipment?) is present but not within 25 feet of the nearest rail or,
- Within a designated safe zone not within 25 feet of nearest rail

After Hours Terminal Access

During normal terminal business hours, security gates will typically be left in an open position providing easy access to TRANSFLO terminals. Written permission for after-hours loading must be obtained from TRANSFLO in advance of the initial transfer taking place outside of standard hours. For motor carriers requiring after hours access to conduct self loading operations, the following must be completed:

- TRANSFLO and a designated motor carrier management person shall seek to agree on the use of a "multiple lock and chain" or other system so that TRANSFLO, railroad crews, motor carrier(s), etc. shall all have independent means to open terminal access gates.

- Motor carriers shall have a written key control system to ensure that no unauthorized persons have access to the terminal, and that it is known at all times which motor carrier employees have keys and shall, upon request, provide TRANSFLO a detailed description of the system.
- Motor carriers at their expense shall provide and install track protection devices to ensure the track on which they will be working has been protected by either a Switch Lock out and Blue Flag or Derail Protection and Blue Flag. The driver shall not interfere with or obstruct the activity of the railroad serving the terminal during after-hours loading.
- Motor carriers shall close and lock gates behind them immediately upon both entering and exiting the terminal.

Prior arrangements must be made with the terminal manager for the following:

- Use of truck scales by motor carriers accessing a TRANSFLO terminal after hours, and/or
- After hours terminal lighting.
- Terminal personnel must be present for all after hour pickups or loading of hazardous products

The terminal manager and motor carrier representatives shall determine appropriate emergency notification procedures prior to the start of any after-hours business.

Terminal Housekeeping

Housekeeping is an important part of maintaining a safe and quality-focused work environment. Motor carriers are required to assist in maintaining a clean, debris-free terminal by:

- Keeping loading areas free of debris and trash by using designated trash receptacles at the terminal;
- Disposing of all trailer and railcar seals in trash receptacles;
- Parking equipment only where designated by the terminal manager;
- Placing all equipment at an appropriate distance from the centerline of each track, in no event less than 9 feet from the centerline when not in use, to provide necessary clearance for rail operations. This is of particular importance for motor carriers utilizing the terminal after-hours, as most TRANSFLO terminals are switched by rail crews between the hours of 7:00 p.m. and 5:00 a.m.
- For all self service and value transfers, motor carriers are responsible for sweeping, vacuuming and properly disposing of any spilled product immediately following a transfer.

Indemnity and Insurance

To the fullest extent permitted by applicable law, Motor carrier hereby releases, and agrees to indemnify and hold harmless, TRANSFLO and its parent, affiliates and contractors and their respective directors, officers, employees, subcontractors, agents, successors and assigns (collectively for the purposes of this Document, the "TRANSFLO Parties") from any and all Damages (as defined below), directly or indirectly, caused by, arising out of or relating in any manner to the condition or operations of equipment of Motor Carrier or its employees, agents or contractors or Motor Carrier's or its employees', agents', contractors' or invitees' negligence; intentional misconduct; failure to comply with one or more terms or conditions of this Document; or presence at or use of the terminals, including, without limitation, Damages related to or for injury to or death of any person, loss of or damage to any property whatsoever (including but not limited to property owned by or in the care, custody or control of the TRANSFLO Parties or Motor Carrier) and environmental contamination and damages including any related remediation required of or brought or recovered against the TRANSFLO Parties, except to the extent caused on a comparative fault basis by the negligence or intentional misconduct of the TRANSFLO Parties. These release and indemnity obligations shall survive the completion or termination of motor carrier's use of or presence at the terminals and the termination, expiration, or non-renewal of any agreement related thereto. For purposes of this Document, the term "Damages" shall mean any and all claims, causes of action, lawsuits, losses, damages, liabilities, fines, penalties, payments, costs, and expenses, including, without limitation, attorneys' and experts' fees and court costs.

A motor carrier accessing a terminal must have the following minimum insurance coverages in effect:

- a. Commercial General Liability Insurance: \$1,000,000 per occurrence, naming TRANSFLO and its affiliates as an additional insured and containing contractual liability coverage
- b. Automobile Liability Insurance: \$1,000,000 per occurrence, naming TRANSFLO and its affiliates as an additional insured and covering owned, hired or non-owned motor vehicles
- c. Worker's Compensation Insurance: Statutory Amounts with waiver of subrogation rights where permitted by law
- d. Employer's Liability Insurance: \$1,000,000 per occurrence per employee

Policies shall contain waiver of subrogation rights endorsements except where prohibited by state law and shall not have an exclusion for liability relating to railroad operations. Such policies shall further require that TRANSFLO be given at least thirty (30) days' prior written notice of any cancellation or modification of such policies. Prior to accessing a terminal, a motor carrier must provide TRANSFLO with certificates of insurance evidencing such coverage. The insurance and limits insured as shown above shall not limit, or be considered to limit, in any way motor carrier's liability hereunder, nor an agreement by TRANSFLO or its affiliates to assume liability in excess of said amounts or for risks not insured against.

Hot Work Permits

Any motor carrier needing to conduct cutting/welding operations must obtain a Hot Work Permit from the terminal manager prior to commencing work.

Security

Motor carrier will allow, and will cause its employees and agents to allow, a search of motor carrier's personal or other vehicles prior to exiting terminals. No photography is allowed within a terminal without the prior approval of TRANSFLO. TRANSFLO shall have no responsibility to motor carrier, its employees or agents for articles lost or stolen while in a terminal.

