

**Suggested policy format and content. RTPA specific policies should be developed in consultation with RTPA Legal Counsel, Board of Directors and appropriate regulatory agencies.**

## **16. Vehicle Safety and Usage**

RTPA vehicles are registered and available to employees at the discretion of management for the primary purpose of business travel and official agency business. RTPA owns and maintains one vehicle, which may be checked out as a resource by employees with a valid driver's license for official agency business. Employees are encouraged to carpool, use transit, or walk instead of driving alone in a RTPA vehicle.

The purpose of this policy is to provide guidelines for RTPA employees as to the conditions of use and operation of RTPA-owned vehicles by employees.

### **Definitions**

**At-fault incident** means any accident involving a vehicle where the employee is the person at fault, or the person whose negligence caused the accident.

**Class I violations** include (1) driving under the influence of alcohol or drugs, (2) failure to stop or report and incident, (3) reckless driving or speed contest, (4) driving while impaired, (5) making a false incident report, (6) homicide, manslaughter or assault arising out of the use of a vehicle, (7) driving with a suspended or revoked license, (8) careless or negligent driving, (9) attempting to elude a police officer, (10) permitting an unlicensed person to drive, or (11) using a motor vehicle for the commission of a felony.

**Class II violations** include (1) reportable vehicle incidents, or (2) any citation other than a Class I violation.

**Employee** includes an RTPA officer, employee or servant, whether that individual is compensated or not.

**Official agency business** or **RTPA business** means any job-related activity undertaken by a RTPA employee.

**Personal use** means the use of a RTPA vehicle by a RTPA employee to pursue an objective that is not RTPA business.

**RTPA vehicle** means any vehicle owned, maintained, leased or controlled by RTPA.

**Scope of employment** means the actions or activities of an employee that furthers RTPA business, which does not include the personal business of the employee.

### **Conditions of Use**

## **General Conditions**

RTPA's vehicle may be assigned to, or checked out by, a RTPA employee for official agency business provided that the RTPA employee:

1. Is at least 18 years of age;
2. Maintains an unrestricted valid driver's license and provides the license for inspection and copying to Human Resources staff at the time of employment or prior to the request to use a vehicle;
3. Maintains a valid driver's license and reports any change in driver's license status to Human Resources staff;
4. Provides and maintains an acceptable driving record if being considered for an employment position requiring the operation of a RTPA vehicle;
5. Limits the use of the vehicle to official RTPA business that is within his/her scope of employment;
6. Obeys all traffic laws in the operation of the vehicle;
7. Refrains from vehicle use at any time when his or her driving ability has been impaired through the ingestion of drugs, medication or alcoholic beverages;
8. Reports any mechanical failures or potential problems with the vehicle;
9. Secures any tools, equipment or hazardous materials being transported in a RTPA vehicle to prevent unsafe conditions;
10. Participates in any driver safety training program that increases awareness and teaches safe driving techniques, when such participation is deemed necessary by supervisory personnel or Human Resources staff;
11. Successfully completes a defensive driving course at the expense of the employee when that employee's driving record reflects that he or she has had an at-fault incident with a claim value of \$2,500 or more.

Employees who violate any of the provisions in this policy may be subject to discipline, including termination of employment. RTPA has the discretion to discipline an employee whose license is suspended or revoked and this effects the employee's ability to do his/her job, or who fails to comply with the Vehicle Safety and Usage Policy. RTPA also retains the right to suspend or terminate any employee if the suspension from driving a vehicle prevents the employee from performing his or her job. At its sole discretion, RTPA may transfer an employee to an alternative available position for which the employee is qualified that does not require driving or the use of a RTPA vehicle.

## **Additional Provisions Applicable When Operating a RTPA Vehicle is a Requirement to a Position of Employment**

If an individual is a candidate for a position requiring operation of a vehicle for RTPA, that applicant must possess a valid driver's license and an acceptable driving record. RTPA will conduct a driving record check for any applicant who is being considered for a position that requires driving for RTPA. An applicant will not have an acceptable driving record and be qualified to drive for RTPA when he or she has:

- One (1) or more Class I violations within the past five (5) years, or
- Two (2) or more Class II violations within the past three (3) year period.

If an offer of employment is made, the offer of employment will be contingent upon the applicant having an acceptable current driving record, which is issued by the California Department of Motor Vehicles (or other state agency that issues driver's licenses), reflects at least the past five (5) years, and demonstrates an acceptable driving history.

All employees whose duties require the operation of a motor vehicle must maintain a valid driver's license and an acceptable driving record at all times to be permitted to continue operating a RTPA vehicle. The employee's driving record may be reviewed on a semi-annual basis or as often as deemed necessary by the Director of Finance and Administrative Services, the authorized supervisory personnel, or an auto insurance carrier. Employees whose duties require operation of a motor vehicle shall report any citation for driving under the influence to his or her immediate supervisor within 72 hours of receiving the citation.

If an employee, who is required to use RTPA's vehicle, is cited for a moving violation while using the RTPA vehicle, that employee must report the citation to his or her immediate supervisor within 48 hours of the incident. If the violation is under investigation, at the discretion of the employee's supervisor or the Director of Finance and Administrative Services, the employee's driving privileges of the RTPA vehicle may be suspended. For the period of time the violation(s) remains on the employee's driving record, that employee will be suspended from driving a RTPA vehicle when that employee has:

- One (1) Class I or more violations within the past five (5) years, or
- Two (2) or more Class II violations within the past three (3) year period.

When the employee's current driving record no longer reflects more than two moving violations within the last three (3) year period, or when the Class I violation is at a minimum five (5) years old, the employee's record may be reviewed for possible reinstatement of driving privileges. In the event that the agency's auto insurance carrier's guidelines differ from this policy, the stricter of the two will apply.

An employee will be required to successfully complete a defensive driving course when that employee's driving record reflects that he or she has had an at-fault incident with a claim value of \$2,500 or more. Human Resources staff will review the driving record of any employee with two (2) or more at-fault incidents with a claim value of \$2,500 or more within the past twelve (12) months. At the discretion of the Director of Finance and Administrative Services, an employee who has demonstrated unsafe driving practices may be suspended from using a RTPA vehicle. If suspension is deemed appropriate, upon completion of the suspension period, RTPA may review the employee's driving record for possible reinstatement of driving privileges.

## **Prohibition Against Personal Use of RTPA Vehicles**

Under California Vehicle Code §17001, a public entity is liable for "death or injury to person or property proximately caused by a negligent or wrongful act or omission in the operation of any motor vehicle by an employee of the public entity acting within the scope of employment." It is RTPA policy that operation of RTPA's vehicle be limited to RTPA business. An employee using the RTPA vehicle should not use the vehicle outside the scope of his or her employment. Use of the RTPA vehicle for other than official RTPA business shall be considered prohibited personal use outside the scope of employment.

When the RTPA vehicle is used contrary to RTPA policy, it means that the driver is acting outside the definition of RTPA or official agency business, is not an authorized driver, and is acting outside the course and scope of his or her employment. It is likely that an employee using the RTPA vehicle will be found outside the scope of his or her employment if, at the time of the accident or incident, he or she has abandoned RTPA business for personal reasons. However, an employee is still within the scope of employment when he or she is pursuing a personal objective concurrent with RTPA business. A stop for meals or breaks en route is an example where RTPA and personal uses are both served.

RTPA employees may not allow passengers who are not also conducting official RTPA business to ride in RTPA's vehicle.

### **Home Storage of a RTPA Vehicle**

RTPA may issue an employee a Home Storage Permit (HSP) to allow the RTPA vehicle to be stored at his/her home when it is the best interest of RTPA based on a Cost Benefit Analysis. Issuance of a HSP for RTPA vehicles shall be considered to be in the best interest of the agency when:

1. The Executive Director believes it is in the best interest of the agency to allow the employee such use; and
2. The employee has obtained a HSP approved by his/her supervisor and the HSP has been filed with the Director of Finance and Administrative Services or other authorized personnel; and
3. The employee has a place to store the vehicle where it will not have an abnormally high risk of being stolen or vandalized; and
4. Issuing the HSP will help assure the safety of employees, travelers, and end-users; and/or maximize the availability of personnel; and/or reduce overtime costs or mileage expenses

To ensure that supervisors uniformly consider whether issuing an employee a HSP will reduce costs or expenses for RTPA, the supervisor must consider a Cost Benefit Analysis prior to issuance of the HSP.

HSP's are valid for the period identified on the permit. The HSP must contain an expiration date and an OWP ID to be considered valid. The HSP must be renewed no less often than annually.

RTPA shall retain the right to revoke a HSP at any time. As long as the employee does not violate the terms of the HSP or this policy, home storage of the RTPA vehicle shall be considered official RTPA business.

For the purposes of payroll, time spent commuting between the employee's residence and workplace or job site, whether at the beginning or end of the day, is not considered "hours worked." This is also true when an employee has permission under a Home Storage Permit to store a RTPA vehicle at his/her residence; commute time will not be considered time worked for RTPA unless it is an extra, after-hours trip and the employee has advance approval for any overtime or compensatory time that may be earned.

### **RTPA Tools or Materials**

RTPA tools or materials must not be used for non-business related purposes. If an employee is using the RTPA vehicle containing RTPA tools or equipment, those items must be secured while being transported to prevent injury to the driver, passengers, or other drivers. If possible, tools or hazardous materials should be stored outside the passenger compartment to prevent injury.

## **Anti-Theft Policies**

An employee using the RTPA vehicle should park the vehicle in a reasonably secure area. If there are repeated incidents of break-in, theft, or vandalism while a particular employee is using the RTPA vehicle, the Director of Finance and Administrative Services or other authorized personnel may require forfeiture of the vehicle use benefit. Any theft deterrent devices supplied by RTPA shall be consistently activated.

## **Insurance Requirements**

RTPA maintains automobile insurance for coverage of employee vehicle use for official RTPA business. Registration and insurance information for a particular vehicle should be located in the binder for that vehicle. Prior to operating the RTPA vehicle, an employee should check to see that this information is contained within the binder.

## **Accident Procedures**

When a RTPA employee is involved in any type of vehicular accident while driving on RTPA business, the employee shall immediately stop at the scene. If anyone is hurt, the employee should call 911 for emergency assistance. The employee should also show his or her driver's license, vehicle registration card, evidence of insurance and current address to the other driver, persons involved in the accidents, and/or any officer in attendance. As stated, the registration and insurance information for the RTPA vehicle should be located in the vehicle's binder.

If the accident involves another vehicle, the employee should ask to see the other driver's license, vehicle registration card, and evidence of insurance. The employee should also record the driver's current address, and the names and addresses of any passengers.

If, while operating the RTPA vehicle, the employee hits a parked vehicle or other property, the employee should try to locate the property owner to notify them of the incident and provide identification. If the owner cannot be located, then the employee shall secure a note containing the employee's name and address to the damaged vehicle or property.

A disposable camera has been placed in the glove box of the RTPA vehicle. An employee should use the camera to take pictures of damage to the RTPA vehicle, other vehicle(s) or property involved in the accident, and the general accident site. Where possible, the pictures should be taken from close up, at a distance, and from several different angles.

When the employee returns to RTPA, the employee must report the details of the accident to the Director of Finance and Administrative Services and provide the Director of Finance and Administrative Services with the camera and film used to take pictures of the accident. All accidents will be reviewed to attempt to determine the cause and whether or not the accident or incident could have been prevented.

## **Vehicle Maintenance and Inspection**

Vehicles should be maintained in proper working order according to agency policy guidelines. RTPA vehicles should be on a routine preventative maintenance schedule for servicing and checking of safety-related equipment. Regular maintenance should be conducted at specific mileage intervals consistent with

the vehicle manufacturer's recommendations. On an annual basis, a mechanic should be asked to perform a thorough inspection of each vehicle with documented results placed in the vehicle's file.

If the RTPA vehicle is assigned to an employee on a long-term basis or during the period of routine maintenance, the employee must return the vehicle for regular maintenance and the required annual inspection. The scheduled maintenance or inspection will likely require the employee to leave the vehicle at RTPA offices over a weekend.

When an employee chooses to use his or her personal vehicle while on RTPA business, the employee will accept responsibility for that vehicle and any incidents arising from use of that vehicle. If an employee uses his or her own personal vehicle on RTPA business, the owner should maintain the vehicle in a manner consistent with manufacturer's recommendations to provide the employee with maximum safety and maintain at least the minimum statutorily required insurance.