

**City of Seaside
Vehicle Use Policy
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VEHICLE USE POLICY

I. PURPOSE

This policy establishes procedures regarding the use of City owned and privately owned vehicles operated during the course of City business. Use of City owned vehicles shall be relied upon as the primary means of vehicle usage, as it provides the greatest control over operating costs, usage, maintenance, inspection, and insurance.

II. AUTHORITY

This policy has been approved by the City to address the use of vehicles operated during the course of City business. This policy does not apply to commercial motor vehicles.

III. DEFINITIONS

Accident: Any event occurring where a City owned/leased vehicle which is being driven or under the control of a City employee or volunteer, whether in motion or not, suffers any damage; or as a result of such driving or control is involved in any manner wherein any person is injured, however slightly, or property of any kind is damaged, regardless of the monetary value of such damage.

Accident Review Board: Accidents involving City employees or volunteers will be referred to the City's Accident Review Board for determination if the accident was preventable, non-preventable, or unknown. The Accident Review Board will consist of the vehicle operator's immediate supervisor and the Police Department Collision Review Board.

Accident Kit: An information packet that should be kept in the vehicle's glove box to include a pen, Driver's Report of Accident, Information Exchange cards, Witness cards, and first response instructions after an accident. Accident Kits are available from the Finance and Mechanical Divisions and distributed to attendees of Driver Awareness workshops.

City Business: Activities that require the use of a vehicle and are authorized by the vehicle operator's supervisor. Employees using their personal vehicle are reimbursed for mileage expenses according to Internal Revenue Service guidelines.

City Owned Vehicle: A vehicle owned by the City, and assigned on a shared, designated, or permanent basis.

Commercial Motor Vehicle: A motor vehicle or combination of vehicles designed or used for the transportation of persons or property for compensation.

Major Damage: \$4,000 to Totaled.

Minor Damage: Up to \$1,000.

Moderate Damage: \$1,000 to \$3,999.

Negligent Operator: Per Vehicle Code section 12810.5a, a Class C negligent operator has 4 or more points in 12 months; 6 in 24 months, or 8 in 36 months.

Non-Preventable Accident: An accident will be categorized as non-preventable when the vehicle operator exercised good judgment and all means practical to avoid the accident. Additionally, the vehicle operator must have followed safe driving practices, City policies, the California Vehicle Code, and proper use of the vehicle, as prescribed by department policies.

Preventable Accident: Except for collisions involving mechanical failure not previously known by the operator, the decision as to preventability of the collision is based on whether or not the driver exercised prudent and careful judgment in an attempt to avoid such a collision, regardless of legal entitlements under the California Vehicle Code.

Privately Owned Vehicle: A personally owned vehicle used by an employee or volunteer, whether owned by the employee, volunteer, or not.

Unknown: When damage to a vehicle occurs and responsibility cannot be determined. Such collisions shall be classified as Unknown.

Vehicle Operator: An employee or volunteer who is operating a City owned vehicle or a personally owned vehicle on City business.

IV. ASSIGNMENT OF RESPONSIBILITY

A. Department Directors:

1. City Department Directors shall maintain a list of employees and volunteers approved to drive City owned or privately owned vehicles on City business, and shall be responsible for overseeing the implementation of driver training programs and ensuring that all vehicle operators attend required training.
2. Department Directors are responsible for ensuring that only those persons with a valid drivers' license and on official City business are allowed use of a City vehicle.
3. Department Directors must notify the Personnel Office when they have volunteers who will be authorized to drive on City business so the volunteer can be enrolled in the DMV Pull program.
4. Department Directors must review and approve the volunteer's driving history prior to authorizing them to drive.

B. The Personnel Services Manager:

1. The Personnel Services Manager shall coordinate driver training programs and maintain attendance records.
2. The Personnel Services Manager shall ensure that evidence of insurance and driver's license information are maintained in each employee and volunteer's file.
3. The Personnel Services Manager shall receive and record Department of Motor Vehicles Pull Notice reports and notify Department Directors if a problem arises.

C. Accident Review Board:

The Accident Review Board shall review all accidents to determine whether an accident was preventable or non-preventable, and forward its findings to the vehicle operator's Department Director and the City's Safety Committee.

D. Safety Committee:

The Safety Committee shall review all accidents to make recommendations to Department Directors regarding training, policies, procedures, etc.

E. Supervisors:

1. Supervisors shall routinely monitor the driving of each employee and/or volunteer while performing the job-related driving responsibilities.
2. Supervisors shall review driving records as part of employee performance evaluations.
3. Supervisors shall report accidents as indicated in Section X.
4. Supervisors shall ensure that employees and volunteers attend required training.

F. City Employees and Volunteers:

1. City employees and volunteers shall promptly provide insurance information when notified that their job duties include driving a privately owned vehicle.
2. Employees and volunteers will comply with the requirements of this policy. Failure to comply may result in disciplinary action, up to and including termination.

G. Maintenance and Utilities Superintendent

The City's Maintenance and Utilities Superintendent is responsible for the general operation of the Agency's fleet, including receiving notification from any vehicle operator who reports unsafe conditions or defects in any City owned vehicle. Upon receiving such notification, the Maintenance and Utilities Superintendent shall determine whether or not the vehicle is safe for continued operation.

V. VEHICLE TYPES AND USE

A. City-Owned Vehicles Categories and Restrictions:

1. **General Use Vehicles:** Vehicles kept overnight at City facilities, assigned for use on a shared or designated basis for daily City business. Personal use is expressly prohibited.
2. **Exclusive Use Vehicles:** Vehicles that are of such a special nature that their use is limited to a specific Department or Division (such as Patrol Cars, Public Works Vehicles, and Fire Apparatus). These vehicles may not be used for running errands or normal transportation to and from work or lunch. The only exception applies to on-duty police officers who may utilize the patrol car during their meal period as they are required to respond to emergencies during meal times and Fire Department vehicles in accordance with Fire Department policy.
3. **Permanent Assignment Vehicles:** Vehicles assigned to designated managers on a permanent basis, used for daily commuting to and from the City. According to the Internal Revenue Service, commuting to and from work and other incidental personal usage is not official use, and reported as taxable income (does not apply to law enforcement personnel).
4. **Emergency On-Call Vehicles:** Vehicles for emergency or on-call use, authorized for use to and from work to respond on a 24-hour basis. Employees authorized to operate emergency or on-call vehicles may make reasonable, but limited stops before and after work shifts for traveling to and from work.

B. Use of City-Owned Vehicles:

1. Only City employees or approved volunteers are authorized to operate City owned vehicles. Non-approved volunteers and individuals assigned to a City of Seaside work-site through a work alternative community service program shall not drive City vehicles nor conduct City business in their own vehicle.
2. City owned vehicles are for transporting employees or volunteers whose duties require a motor vehicle. Non-City employee or volunteer passengers are only permitted in City vehicles when they are engaged in official City business or they are receiving emergency or police transportation by City police or fire vehicles.

3. Family members or friends shall not be transported in City owned vehicles without prior written approval from the City Manager. This shall also apply to employees authorized to commute to and from the City or for emergency on-call use.

C. Use of Privately Owned Vehicles

The use of an employee or volunteer's personal vehicle may be preferable and more efficient for use if a City owned vehicle is not available. Under those circumstances, the following policy will apply:

1. An employee or volunteer may use his or her privately owned vehicle for City business upon prior written authorization by the supervisor. The employee or volunteer's supervisor will issue the vehicle operator an Accident Kit to be kept with the privately owned vehicle while conducting City business.
2. Employees or volunteers who regularly use their own privately owned vehicles on City business must notify their insurance company of such use. Each individual is responsible for maintaining their vehicle in a safe, operable condition, and maintaining accurate maintenance records.
3. Employees using a privately owned vehicle shall maintain accurate records of the purpose and extent of travel, and submit reimbursement claims per the City's reimbursement policy. The mileage allowance is intended to cover the employee's cost of operating and insuring the vehicle on City business. The employee is responsible for all operating expenses of the privately owned vehicles including but not limited to: gasoline, oil, maintenance, wear and tear, depreciation, and insurance.
4. The City is not liable for any damage to an employee or volunteer's privately owned vehicle, unless caused by the City's negligence (employee or volunteer's negligence excepted). Employees and volunteers are responsible for notifying his/her supervisor, the Department of Motor Vehicles, and the employee or volunteer's insurance company in the event of an accident. If an employee or volunteer is responsible for an accident while driving a City owned or personally owned vehicle, he/she is responsible for any increase in his or her personal automobile insurance premium.

VI. DRIVER TRAINING

- A. Employees or volunteers who drive City owned vehicles, or utilize their own vehicles to conduct City business, shall complete a defensive driver training course.
- B. New vehicle operators shall complete a defensive driver training at the first available course date after the commencement of employment.
- C. Employees or volunteers who change assignments to include driving a City owned vehicle are required to complete a defensive driver training program.

- D. Vehicle operators are required to participate in defensive driver training at least once every three years.
- E. Vehicle Operators who are involved in a preventable vehicle accident will be required to attend driver training.

VII. GENERAL GUIDELINES

- A. Vehicle operators shall obey all Federal, State and local laws while operating City owned or privately owned vehicles on official City business.
- B. Vehicle operators operating a City owned or privately owned vehicle shall ensure that all persons in the vehicle use seat belts and are properly adjusted before starting the engine.
- C. The vehicle operator is responsible for securing cargo, materials, or tools,
- D. No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds, or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating. An exception to this shall be vehicles designed and equipped for passengers outside the cab area.
- E. Any injuries sustained by the vehicle operator or other employees or volunteers while operating a vehicle on City business shall be covered by workers' compensation.
- F. Alcoholic beverages and drugs shall not be transported or placed in any City vehicle (except Police vehicles during the course of employment).
- G. Alcoholic beverages and drugs shall not be transported or placed in a privately owned vehicle while it is being used to conduct City business.
- H. Any vehicle operator operating a City owned vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle while under the vehicle operator's control.
- I. Before operating the vehicle and at least once a day, the vehicle operator shall check to make certain that all vehicle safety equipment including headlights, turn signals, brake lights, and windshield washers, are functioning properly.
- J. Any vehicle damage beyond normal wear and tear or that includes defects affecting the safe operation of the vehicle must be documented and reported to the vehicle operator's supervisor and the Maintenance and Utilities Superintendent.
- K. No vehicle operator shall operate a City owned vehicle found to be in an unsafe condition.

VIII. USE OF ELECTRONIC DEVICES

Safe driving practices, as well as the California Vehicle Code, require the use of a hands-free device while using cell phones during the operation of a motor vehicle. Vehicle

operators shall not operate laptop computers, navigational devices, or any other device that may cause vehicle operator distraction while operating a vehicle in the course of conducting City business. With the exception of extraordinary circumstances, operators of authorized emergency vehicles are to comply with the hands-free requirement while driving.

IX. RENTAL VEHICLES

When it is necessary for a City employee to use a rental vehicle for City business, the employee shall use a City approved rental agency. Optional loss damage coverage will be purchased from the rental agency at the time of rental.

X. ACCIDENT REPORTING REQUIREMENTS

Any accident involving a City owned vehicle, rented or leased vehicle, or privately owned vehicle used in the performance of City duties, shall be reported as follows:

A. Vehicle Operator:

1. The vehicle operator shall summon medical care for any injured parties.
2. The vehicle operator shall notify appropriate law enforcement agencies.
3. The vehicle operator shall notify his/her supervisor. The vehicle operator shall collect information about the other parties involved by completing the "Accident Kit" located in the City owned vehicle's glove box.
4. The vehicle operator must report the accident to the DMV if more than \$750 in property damage, or anyone was injured (no matter how slight), or killed. The report must be filed, whether the vehicle operator caused the accident or not, and even if the accident occurred on private property. The report must be made on the California Traffic Accident Report (Form SR 1) and must be made within ten days of the accident. If the report is not filed with the DMV, the vehicle operator's driving privilege will be suspended. The police or California Highway Patrol will not file this report.¹
5. Failure to report an accident will result in disciplinary action.

B. Seaside Police Department

1. Accidents that occur within the City limits of Seaside shall be reported to and investigated by the duty Watch Commander of the Seaside Police Department, or his/her designee.

¹ California Vehicle Code, Section, 16000(b) – A report is not required under subdivision (a) if the motor vehicle involved in the accident was owned, or leased by, or under the direction of, the United States, this state, another state, or a local City.

2. The on-duty Watch Commander shall cause all accidents to be reported and investigated regardless of the extent of damage or the degree of injury. All accident reports shall be completed using CHP Form 555 or 555.03.
3. The accident report shall be forwarded to the vehicle operator's supervisor with a copy to the Deputy City Manager – Administrative Services.

C. Department Supervisor

1. The supervisor shall notify the Deputy City Manager – Administrative Services of all accidents involving City vehicles or personal vehicles being used for City business.
2. The supervisor shall be responsible for completing all required City reports, including workers' compensation forms if applicable. In the event of serious bodily injury, an Incident Report form shall be completed by the supervisor and submitted to the Deputy City Manager – Administrative Services who will forward to California JPIA.

D. Department Directors:

1. The Department Director will receive the findings of the Accident Review Board. After a thorough review of all information relating to the collision/accident, Department Directors will determine if discipline/corrective action is appropriate.

E. Deputy City Manager – Administrative Services

1. The Deputy City Manager will receive all incident reports and will forward to California JPIA.
2. The Deputy City Manager shall immediately prepare a report to the City Manager of all preventable accidents where there is major damage or injury to persons.

F. Safety Committee

1. The Safety Committee shall review all accidents to make recommendations to Department Heads regarding training, policies, procedures, etc.

XI. DISCIPLINE/CORRECTIVE ACTION FOR PREVENTABLE VEHICLE ACCIDENTS

Within the structure of City policies and procedures for the administration of discipline, Department Directors will initiate such disciplinary or corrective actions as are appropriate where employees are determined to be at fault in a preventable collision. Corrective and disciplinary actions should be designed and intended to encourage safe operation of vehicles.

Note: This section only applies to employees of the City.

First consideration in administering disciplinary or corrective action shall be given to the reasons for which the collision was preventable:

1. A negligent act by the employee.
2. Violation of City or Department Rules and Regulations.
3. Violation of the California Vehicle Code.

B. Second consideration would include:

1. Damage: Minor, Moderate, Major.
2. Personal injury: Minor, Moderate, Serious, Fatal.

C. Other considerations could include:

1. Mitigating or aggravating circumstances as are appropriate to the cause of the collision or accident.
2. Previous driving record of employee.
3. Employee's performance evaluations.

D. Appropriate corrective action for any collision or accident could include:

1. Counseling/Disciplinary Action.
2. Defensive Drivers Education.
3. Physical and/or eye examinations or evaluation.
4. Suspension of City driving privileges.

E. It shall be the policy of the City, that for those accidents deemed preventable, the following disciplinary actions are considered appropriate given no mitigating circumstances.

1. First Collision or Occurrence:

<u>Damage/Injury</u>	<u>Action:</u>
Minor/None	Oral Reprimand
Minor/Minor	Written Reprimand
Minor/Moderate	One day suspension
Minor/Major	Three to thirty day suspension
Minor/Fatal	Thirty day suspension or dismissal
Moderate/None	Written reprimand
Moderate/Minor	Written reprimand
Moderate/Moderate	Three to five day suspension
Moderate/Major	Five to fifteen day suspension

Moderate/Fatal	Thirty day suspension or dismissal
Major/None	Written reprimand
Major/Minor	One to three day suspension
Major/Moderate	Five to fifteen day suspension
Major/Major	Fifteen to thirty day suspension
Major/Fatal	Thirty day suspension or dismissal

2. Second Collision Within Eighteen Months:

<u>Damage/Injury</u>	<u>Action:</u>
Minor/None	Written reprimand
Minor/Minor	One to three day suspension
Minor/Moderate	Five to thirty day suspension
Minor/Major	Fifteen to thirty day suspension
Minor/Fatal	Dismissal
Moderate/None	One to thirty day suspension
Moderate/Minor	Three to five day suspension
Moderate/Moderate	Five to ten day suspension
Moderate/Major	Fifteen to thirty day suspension
Moderate/Fatal	Dismissal
Major/None	Three to five day suspension
Major/Minor	Fifteen to thirty day suspension
Major/Moderate	Thirty day suspension
Major/Major	Thirty day suspension or dismissal
Major/Fatal	Dismissal

3. Third Collision Within Thirty Six Months:

<u>Damage/Injury</u>	<u>Action:</u>
Minor/None	Three to ten day suspension
Minor/Minor	Five to fifteen day suspension
Minor/Moderate	Fifteen to thirty day suspension
Minor/Major	Dismissal
Minor/Major	Dismissal
Moderate/None	Five to fifteen day suspension
Moderate/Minor	Fifteen to thirty day suspension
Moderate/Moderate	Fifteen to thirty day suspension
Moderate/Major	Dismissal
Moderate/Fatal	Dismissal
Major/None	Fifteen to thirty day suspension
Major/Minor	Thirty day suspension
Major/Moderate	Dismissal
Major/Major	Dismissal
Major/Fatal	Dismissal

XII. INSURANCE REQUIREMENTS

Proof of insurance is required before any privately owned vehicle can be authorized for City business, and shall be provided annually to the Personnel Services Manager and no later than January 31 of each year.

A. Insurance Requirements:

1. Employees who receive a monthly vehicle allowance shall maintain coverage in an amount not less than \$100,000 per person/ \$300,000 per occurrence (or a combined single limit of \$300,000) and property damage coverage in an amount not less than \$100,000 per occurrence.²
 2. Employees or volunteers who do not receive a monthly vehicle allowance and are authorized to use privately owned vehicles on City business shall maintain minimum coverage in an amount not less than \$50,000 per person/\$100,000 per occurrence (or a combined single limit of \$100,000) and property damage coverage in an amount not less than \$50,000 per occurrence.
- B. California Insurance Code §11580.9 states that where two or more policies affording valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, it shall be conclusively presumed that the insurance afforded by that policy in which the motor vehicle is described or rated as an owned vehicle is primary and the insurance afforded by any other policy shall be excess.
- C. The City shall not be responsible for any increase in the vehicle operator's automobile insurance premium as a result of an accident.
- D. In the event of an accident, the vehicle operator is responsible for paying any deductible required by the insurance company.
- E. If insurance coverage is canceled, terminated, lapsed, or curtailed for any reason, the employee or volunteer must notify the immediate supervisor and the vehicle shall not be used for City service.
- F. When a vehicle operator operating a City owned vehicle is involved in an accident, defense and settlement of any claim shall be the responsibility of the California JPIA, to the maximum protection limit (the California JPIA Memorandum of Coverage provides automobile liability coverage to all member entities, their City Councils, commissions, committees, employees, and volunteers). If an employee or volunteer operating a City owned vehicle is sued independently as a result of an at-fault accident, the California JPIA may provide coverage to that employee or volunteer if the accident qualifies as a covered occurrence.

² California Insurance Code, Section 11580b, sets the minimum liability insurance requirements for private passenger vehicles: \$15,000 for injury/death to one person, \$30,000 for injury/death to more than one person, \$5,000 for damage to property.

- G. With the exception of sworn police and fire employees, should an employee or volunteer using a privately owned vehicle on City business be involved in an accident resulting in injury or property damage, the employee or volunteer's own insurance carrier shall respond to defend the employee or volunteer. Should a claim exceed the limits of the employee or volunteer's own insurance, the California JPIA liability protection program would respond in an excess capacity if the accident qualifies as a covered occurrence.
- H. Sworn police and fire employees operating their privately owned vehicles at the request or direction of the City in the performance of their duties must report the accident to their private automobile insurer, but the City shall be considered the owner of the vehicle for the purpose of liability and defense of the claim. If it is later determined that the City did not direct or request the employee to use their private vehicle when the loss occurred, the City and employee will provide notice to the insurance company so the City can be reimbursed.

XIII. DRIVER'S LICENSE

- A. Vehicle operators authorized to use City owned or privately owned vehicles on City business must possess a valid California driver's license and provide proof of licensing upon hire.
- B. Vehicle operators must maintain a driver's license for the class of vehicle to be driven.
- C. A vehicle operator whose driver's license is suspended or revoked for any reason must notify their supervisor no later than the first workday following suspension or revocation of their driver's license. Such employee or volunteer shall not be allowed to operate any City owned or privately owned vehicles on City business.
- D. Temporary or permanent suspension of City driving privileges for employees whose position requires operation of a vehicle shall be considered a loss of the ability to perform an essential job function.
- E. If an employee has City driving privileges suspended, the City shall attempt to arrange for the employee to perform the essential functions of the job. If such accommodation is not possible or creates an unreasonable hardship for the City or coworkers, loss of City driving privileges shall be considered just cause for reassignment to a position that does not require operation of a vehicle at a pay rate commensurate with that position. If no such position is open, the employee may be terminated.
- F. Employees and volunteers who possess temporary driving permits or hardship licenses shall not be permitted to operate City or privately owned vehicles in the performance of official City duties.

XIV. REVIEW OF DRIVING RECORD

- A. The City shall enroll employees and volunteers that operate City owned or privately owned vehicles on City business in the Department of Motor Vehicles (DMV) Pull Notice Program. When a vehicle operator has received a violation, the DMV assigns points according to the type of violation, and automatically sends notification to the City.
- B. In compliance with Vehicle Code Section 1808.47, information received from the DMV shall be used solely for the intended purpose, and kept in locked storage. Under no circumstances shall addresses or other information be given to a third party.
- C. Employees determined by the California Department of Motor Vehicles to be a “negligent operator” may have City driving privileges suspended at the discretion of the Department Director. The Personnel Services Manager shall notify the Department Director when a driving record meets, or is near, this threshold.
- D. Volunteers with an unacceptable driving record, or determined to be a “negligent operator,” will not be allowed to drive for City business.
- E. Employees and volunteers involved in a preventable collision or demonstrating questionable driving capabilities shall be required to attend remedial training in defensive driving. A vehicle operator may be regarded as having questionable capabilities based on a review of points assigned by the DMV for citations or vehicular accidents.
- F. Employees involved in preventable accidents or have a disqualifying action taken against their driver’s license shall be subject to disciplinary action, the severity determined by the nature of the offense and the employee’s past driving and disciplinary action records.
- G. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any vehicle may result in the suspension of the vehicle operator’s driving privileges and further disciplinary action.

XV. SEAT BELTS

Effective January 1, 1986, California Vehicle Code Sections 12810.2 and 27315 require drivers and passengers in motor vehicles under 6,001 pounds unladen weight, to wear seat belts. There is no exemption under the Code for operators of City vehicles or passengers in City vehicles. To ensure compliance with State Law, the following specific seat belt use policy is published and is effective immediately.

- A. The intent of this policy is to ensure that all employees or volunteers who operate, are passengers, or have passengers in City motor vehicles under 6,001 pounds have all vehicle occupants use seat belt restraints.
- B. The City Equipment Maintenance Division is responsible for providing and maintaining seat belt restraints in good working order for vehicles less than 6,001 pounds. City department’s assigned vehicles weighing less than 6,001 pounds are responsible for reporting malfunctioning seat belt restraints to the Equipment Maintenance Division.

- C. Any City vehicle operator who does not wear seat belt restraints or as operator permits any passenger to not wear seat belt restraints while in a City vehicle weighing less than 6,001 pounds shall be subject to disciplinary action.

XVI. ACKNOWLEDGEMENT

Upon receipt of this policy, employees and volunteers shall sign a form acknowledging that he or she is aware of this policy, including the legal issues arising out of the use of his or her privately owned vehicle on City business.

XVII. REFERENCES

Vehicle Code Sections 464, 1808.47, 12810, 16056, 27315

Insurance Code §11580.9

Appendix A
Vehicle operator Acknowledgement of Vehicle Usage Policy

This is to acknowledge that I have received a copy of the City of Seaside's Vehicle Usage Policy and that I have read the policy and understand my rights and obligations under the Policy.

I understand that this Policy represents only current policies, procedures, rights and obligations and does not create a contract of employment. Regardless of what the Policy states or provides, the City retains the right to add, change or delete provisions of the Policy and all other working terms and conditions without obtaining another person's consent or agreement.

My signature below further signifies that I have read this Policy and that I accept and will abide by all of its provisions.

PRINT FULL NAME _____

SIGNED _____

DATE _____

(RETAINED IN EMPLOYEE'S OR VOLUNTEER'S PERSONNEL FILE)