

**VECTOR CONTROL JOINT POWERS
AGENCY (VCJPA)**

**MODEL
DRIVER SELECTION AND
VEHICLE USE GUIDELINES**

DRIVER SELECTION AND VEHICLE USE GUIDELINES

I. PURPOSE AND SCOPE

Motor vehicle accidents are the most frequent and costly claims among VCJPA members. They are also the leading cause of death in the workplace in the United States. The Agency, in its mission to operate its vehicles safely for the protection of all with whom it shares the road, has developed this program. The program reflects currently accepted best practices for the selection and management of drivers operating any vehicle on behalf of a member district. These best practices have proven effective in controlling misuse of vehicles and poor driving practices which lead to accidents. Although adherence to these Guidelines is not a condition of VCJPA membership, the provisions set forth herein are strongly recommended for use by VCJPA members. These Guidelines apply to all employees of an implementing district who may operate any district vehicle or their own personal vehicle on behalf of the district, including leased or rented vehicles.

Adoption of these Guidelines is intended for the sole benefit of VCJPA and its member districts and it is not intended that the adoption by VCJPA of these recommended Guidelines shall create any new or additional mandatory duties on VCJPA or its member districts.

II. DEFINITIONS

- A. At-Fault Accidents: An accident arising out of the use of a motor vehicle due to the negligence or willful misconduct of the operator, or any other accident where reasonable assurance of non-fault cannot be furnished.
- B. Authorized Driver: Authorized drivers are those employees that have been identified, by verification of their driving record through the Department of Motor Vehicles, as 1) having an acceptable driving record in accordance with those set forth in this policy; 2) received approval to drive district vehicles from the driver's manager or supervisor, and 3) have met any other requirements as set forth by the district.
- C. Conviction: A conviction includes (1) a finding of guilty by a court or other tribunal as to any charged vehicular offense, (2) a plea of guilty or no contest (nolo contendere) to such an offense, or (3) a bail forfeiture without entry of a formal plea.
- D. Implementing District: A VCJPA member district which adopts and implements these Guidelines.
- E. Major Violations: Major violations shall include, but are not limited to the following:

1. Driving under the influence of alcohol or drugs. This would include prescription drugs that have the warning that operating machinery or a motor vehicle while using this drug is not safe.
2. Failure to report an accident.
3. Making a false accident report.
4. Vehicular homicide or manslaughter.
5. Attempting to elude a police officer.
6. Driving while license is suspended or revoked.
7. Reckless driving, racing or speed contest.
8. Speeding at 25 mph or more over the posted speed limit.
9. Hit and Run.

F. Minor Violations: Minor Violations shall include any moving traffic violation other than a major violation. Examples include, but are not limited to the following:

1. Speeding (less than 25 mph over the posted speed limit).
2. Running a stop sign or red light.
3. Improper turn.
4. Passing across a double yellow line.
5. Failure to yield.
6. Following too close.

G. Motor Vehicle Report (MVR): A report by the State of California, Department of Motor Vehicles. It details the driving record, by individual names and driver license numbers, for each request submitted, and indicates the status of the applicable driver's licenses.

H. Violation: An act involving the unsafe operation of a motor vehicle. Types of violations include:

- Civil - A written allegation by a law enforcement officer claiming a person violated a law, such as a traffic ticket.
- Infraction – A violation punishable by a fine or other penalty, but not by incarceration.
- Misdemeanor – A violation punishable by imprisonment in a county jail, by fine, or by both.
- Felony – A crime which is punishable with death or by imprisonment in the state prison. Under certain conditions a felony crime can be treated as a misdemeanor.

III. CONDITION OF EMPLOYMENT

It is the policy of an Implementing District that a driving record which meets the district's standard is a condition of employment for employees who may drive a vehicle, the district's or their own, on behalf of the district. Maintenance of this driving record is a consideration for continued employment for those employees who are required to drive as part of their regularly assigned duties as district employees.

Drivers of vehicles on district business shall be required to meet the following criteria:

A. Driver License Requirements

1. Authorized drivers must have a valid license for the class of vehicle being operated. If the vehicle requires a commercial driver license (CDL), then the driver must possess a valid CDL with the appropriate endorsements for the type of vehicle being operated. For vehicles requiring a Class A, Class B or Class C & Hazardous Materials Endorsement, district participation in the DMV Mandatory Employer Pull-Notice Program is required.
2. A valid license must be in the authorized driver's immediate possession at all times when operating a district-owned vehicle. If an employee does not have a valid license, he or she will not drive a district-owned vehicle. If the license is revoked or suspended for any reason, the employee must immediately notify his/her supervisor.

B. Motor Vehicle Reports

The DMV's Government Employer Pull Notice Program is a critical component of this policy. Every authorized driver must be enrolled in the Government Employer Pull Program, and provide authorization for the district to review and address reports of MVR activity that are sent to the district. Information on enrollment and operation of the Pull Program are included in appendix B

1. All new hires must bring a copy of their Motor Vehicle Report (MVR) from the Department of Motor Vehicles (DMV) printed within the last 30 days. An acceptable current MVR is a condition of employment and will remain a condition of continued employment. **Employees, however, should not be allowed to drive until the MVR is received, reviewed, and deemed acceptable per the standards of this policy.**

All traffic violations which occur during non-business (personal use) hours may affect driving privileges and are subject to review.

C. Other Requirements

1. Authorized Drivers must be capable of demonstrating familiarity with the type of vehicles assigned. Those employees for which driving is designated as an “essential job function” or where driving is more than an occasional part of their job duties shall be required to attend a defensive driving course once every three years. Check rides may also be conducted based upon an employee’s MVR and/or reported/observed unsafe driving behavior; and,
2. Authorized Drivers must be capable of passing physical examinations administered by a licensed physician when a question of fitness to drive arises or is required by regulation; and,
3. An Authorized Driver may have his or her employment terminated or be reassigned to a non-driving position at the discretion of the district in the event his or her license is revoked or suspended by a court of a law or by an enforcement agency, or if it is determined that the employee does not meet the minimum driving standards of the district.

IV. EXCLUDED EMPLOYEES

- A. Any employee who is deemed uninsurable by the district’s automobile insurance provider will be considered an excluded employee.
- B. Any or all of the following violations, as defined in section II, showing on the employee’s driving record may be cause for revoking an employee’s authorization to drive on behalf of the district and will be considered an excluded employee:
 1. Three or more moving violations within the past three years (an accident will be considered a moving violation);
 2. Two or more “at-fault” accidents within the past three years; or
 3. One major violation within the past three years.
- C. No district employee will be allowed to drive a district vehicle or use their personal vehicle for district business, if they have an unacceptable MVR, as defined in section B above. The employee will be placed on non-driving status and will be notified in writing.

V. VEHICLE USE

A. District Vehicles

1. District vehicles are provided to support official district business and are to be used only by Authorized Drivers. District vehicles will not be used by employees for personal reasons. Employees who use assigned vehicles on a 24-hour basis or are on-call will drive such vehicles directly home after work and leave them parked until needed for “call-out.”

2. Vehicles are not to be considered part of an employee's compensation and must not be used as an inducement for employment. In all cases, the vehicles are to be operated in strict compliance with California motor vehicle laws and with the utmost regard for their care and cost-efficient use.
3. Authorized Drivers will not transport persons other than on-duty district employees in a district-owned vehicle, unless the persons are being transported in connection with official district business, or as authorized by a supervisor.
4. Except in the case of an emergency, a driver will not allow a vehicle to which he or she has been assigned to be driven by any person not authorized to drive the district-owned vehicle.

B. Personal Vehicles

Authorized Drivers who use their personal vehicle for District business must:

1. Provide a Certificate of Insurance to the District with minimum limits of \$100,000/\$300,000/\$50,000 for bodily injury per person, bodily injury per accident, and property damage respectively (**Proof of current coverage and limits must be kept on file** at the district.);
2. Ensure their vehicle is currently registered with the Department of Motor Vehicles; and
3. Operate the vehicle in accordance with California traffic safety laws including use of seatbelts.

Any employee whose personal vehicle is damaged in a collision while the employee is performing duties within the course and scope of district business shall be reimbursed for the cost of a deductible up to a recommended amount of \$1,000, provided:

1. The employee was not in violation of any state statute;
2. The driver of the other vehicle is responsible for the accident as verified by a police report; and
3. The amount to be reimbursed by the district is not recoverable under any insurance policy available to the employee.
4. The employee must provide verification of the cost of the damage to the district.

C. Rented or Leased Vehicles

The district must ensure that employees operating rental vehicles on district business have adequate coverage for collision and liability or require employees to purchase the rental companies loss damage waiver coverage.

VI. ACCIDENT REPORTING PROCEDURES

When a district-owned vehicle or an employee-owned vehicle being operated on behalf of the district is involved in an accident, the following procedures will be followed:

- A. Assure injuries or medical needs are addressed either using first aid or calling for emergency services;
- B. If possible move vehicles to a safe location, position warning signals (flares, etc);
- C. Immediately notify the police department or California Highway Patrol (CHP) and your supervisor of the accident. Do not admit negligence or liability. Leave the determination of liability to the responsible law enforcement agency;
- D. Utilize the Accident Reporting Packet provided by your district, located in the glove box;
- E. Take a photograph at the scene of the accident, if possible;
- F. Do not attempt settlement, regardless of how minor the incident;
- G. Get the name, address, and phone number of any injured person and witnesses, if possible;
- H. Exchange vehicle identification and insurance information, including a policy number, with the other driver; and
- I. Contact your supervisor to report the accident as soon as possible. Turn all documentation over to a supervisor or manager within twenty-four (24) hours.

VII. DRIVER RESPONSIBILITIES

If assigned a district vehicle, the employee assumes responsibility for operating the vehicle in a safe and responsible manner. Therefore, driver responsibilities include, but are not limited to, the following:

- A. Vehicles owned or maintained for use and service by the district will be used for district business. Exceptions to this rule must have General manager or Assistant General Manager approval;
- B. Employees on district business will observe all traffic rules and regulations, **including the use of seat belts**. The driver will be responsible for any fines or penalties incurred, including parking violations;

- C. Employees must have the appropriate class of valid California Driver's License in their possession at all times when driving on district business;
- D. **Employees must be insurable under the district Automobile policy;**
- E. Operating the vehicle in a manner consistent with reasonable practices that avoid abuse, theft, neglect, or disrespect of the equipment;
- F. Practicing safe driving techniques and adhering to current safety requirements including the district's Cell Phone Policy; i.e. Cell phones should be used only when the vehicle is parked. A model policy is attached as Appendix C; attend a defensive driver training course as required. See Appendix A for the Code of Safe Practices.
- G. Restricting the use of vehicles to authorized drivers only; and
- H. Reporting all moving violations or accidents to a supervisor or manager before the end of shift, but, in no case, longer than twenty-four (24) hours. Drivers are responsible for the cleanliness of vehicles both inside and out.

Failure to comply with any of these responsibilities could result in disciplinary action, up to and including termination.

Appendix A

Code of Safe Practices - Tips for Safe Driving

Seat Belts

Primarily for safety, but also, to comply with the law, all drivers and passengers shall wear seat belts.

Transporting Equipment or Property

When items of equipment, property, supplies, etc., are being transported, the driver will ensure that all items are properly secured or tied in place to prevent them from shifting or falling from the vehicle.

Riding on Fenders, Hoods, or Running Boards

No person will be allowed to ride on running boards, fenders, hoods, tailgates, or rear racks of vehicles.

Obstruction to Driver's View

No driver will drive any vehicle when it is so loaded that it obstructs his or her view ahead or to the right or left side or interferes with his or her control over the driving mechanism of the vehicle. No more than three people will ride in the front seat of a vehicle at one time.

Opening and Closing Vehicle Doors

No person will open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor will any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Unattended Vehicles

No person driving or in charge of any District vehicle will permit it to be unattended without first stopping the motor, locking the ignition, removing the key, and effectively setting the brake.

Striking Unattended Vehicles

If a moving vehicle strikes a vehicle standing or unattended or other property, the driver will immediately stop and endeavor to locate the custodian or owner. If unable to do so, he or she will securely and conspicuously place his or her name and address on the damaged property. The police department that has jurisdiction should be notified, and the incident shall be reported to a supervisor or manager within twenty-four (24) hours.

Flags on Projected Loads

Any vehicle having a load that extends more than 4 feet beyond the rear will have the end of the load marked with a red flag which will be at least a 12-inch square.

Coupling Devices

A driver whose vehicle is towing a trailer, dolly, or other equipment will ensure that the trailer hitch is securely latched, the lights are properly connected, and safety chains are properly attached.

Obstructing Traffic for Work Requirements

Whenever work requirements make it necessary for a district-owned vehicle to block or obstruct traffic, the driver will place warning signs and/or traffic cones to warn oncoming motorists of the obstruction. Warning signs will be placed far enough from the standing vehicle to give oncoming motorists adequate time in which to stop safely. Distance should be determined by: (1) street and weather conditions, (2) speed limits in the area, and (3) whether the vehicle is standing on a straight or curved roadway. Vehicles so equipped will use revolving red or yellow lights or blinkers as additional warning devices. Exceptions will be made for emergency vehicles.

Appendix B

THE GOVERNMENTAL EMPLOYER PULL NOTICE (EPN) PROGRAM

California Vehicle Code Section 1808.1

The Employer Pull Notice (EPN) Program was established to provide employers and regulatory agencies with a means of promoting driver safety through the ongoing review of driver records. The following is a brief history of the EPN program and when legislation was enacted:

- 1982 - Law enforcement and government employers began to enroll their drivers into the program voluntarily.
- 1989 - all Class A (formerly known as Class 1), Class B (formerly known as Class 2), transit authority, certified, and Public Utilities Commission (PUC) regulated drivers (limousine drivers, charter party carriers, etc.) were enrolled pursuant to California Vehicle Code (CVC) Section 1808.1.
- 1990 – The Public Utilities Commission (PUC) began enrolling owner operators.
- 1998 - DMV, Motor Carrier Branch, began enrolling owner operators who transport property. PUC continued to regulate owner operators who transport passengers and household goods.

The EPN program allows your district to monitor driving records of employees who drive on your organization's behalf. This monitoring accomplishes the following:

- Improves public safety.
- Determines if each driver has a valid driver's license.
- Reveals problem drivers or driving behavior.
- Helps to minimize your liability.

When an employer enrolls in the EPN program, they are assigned a confidential requester code. The requester code is added to an employee's driver license (DL) record. When an employee's DL is updated to record an action/activity, such as a ticket or accident, a check is made electronically to determine if a pull notice is on file. If the action/activity is one that is specified to be reported under the EPN program, a driver record is generated and mailed to that employer.

The EPN program automatically generates a driver record when any of the following actions/activities occurs:

1. Upon enrollment of driver in the EPN program.
2. Annually from the date of enrollment or 12 months from the last action/activity printout.
3. When a driver has any of the following actions/activities added to his/her driver record:
 - Convictions of a violation
 - Failures to Appear
 - Accidents
 - Driver License Suspensions or Revocations
 - Any other actions taken against the driving privilege

For additional information refer to: <http://www.dmv.ca.gov/vehindustry/epn/epngeninfo.htm>

Appendix C

VCJPA DISTRACTED DRIVER GUIDELINES

Purpose and Scope

According to the Department of Motor Vehicles, driver distractions contribute to one out of four accidents. The leading factors causing distracted driving accidents are cell phone use, eating, and attending to passengers. Drivers increase their risk of having an accident by 400% every time they use their cell phone while driving.

This policy applies to all employees who operate any district vehicle or their own personal vehicle on behalf of the district, including leased or rented vehicles.

Definition

Distract Driving: Diversion of the driver's attention from the task of operating a motor vehicle by activities, objects, or events inside or outside the vehicle, or by factors such as emotional stress or preoccupation.

This includes, but is not limited to, the following:

1. Cell phone use
2. Use of technology (e.g., GPS systems, computers, audio/video equipment)
3. Eating, drinking (non-alcoholic), smoking
4. Grooming
5. Passengers
6. Reading
7. Impaired driving

Policy Statement

The following procedures will be used by all district employees while driving on behalf of the district.

Procedures

Employees must adhere to all federal, state, and local rules and regulations regarding the use of cell phones, wireless devices, GPS systems, computers or any type of audio/video equipment while driving. Employees should check with their supervisor if they are not sure of the governing laws in their area

- ***Cell phone use (including headsets)***
 - Receiving Incoming Calls
 - Let call go to voice mail and return call when parked, or
 - Answer the call and advise the caller to hold. Pull over to a safe location. Place vehicle in park. Respond to the caller.
 - Making Outgoing Calls
 - Calls will not be initiated until the vehicle has been pulled over to a safe location; and the vehicle has been placed in park
 - ***Use of Technology (GPS systems, computers, audio/video equipment)***

- GPS systems – Program the system while in a parked position, with vehicle placed in park. Do not program while driving under any circumstances.
- Computers – Do not use a computer while driving under any circumstances. If information is required, pull over to a safe location and place your vehicle in park.
- Audio equipment – Prior to your departure, adjust controls, choose your CD/Tape selections and insert into player. Use normal stops to adjust controls. Do not browse your CD/Tape selections while driving.
- Video equipment – Do not view any type of DVD equipment while driving.
- Two-Way Radio – Use extreme caution while operating any two-way radio. Keep call duration to a minimum. If extended conversation is required, place the caller on hold, pull over to a safe location then resume the conversation.
- ***Eating, drinking or smoking***
 - Eating, drinking and/or smoking involve driving with one hand and juggling the food/beverage/cigarette with the other. Plan ahead to allow time to eat without driving. If eating, drinking or smoking is necessary, take advantage of normal stops to prepare. Don't over react if items spill; pull over to a safe location to clean up.
- ***Grooming***
 - Avoid grooming while vehicle is in motion. This includes, but is not limited to, applying make up, shaving, and looking in the mirror.
- ***Passengers***
 - While communicating with passengers, avoid disturbing/distracting conversations. Stay focused on defensive driving.
- ***Reading***
 - Do not read while driving. If you need to review directions, instructions, etc, pull over to safe location or do so at a normal stop.
- ***Impaired Driving***
 - All employees must adhere to the District's Drug and Alcohol Policy. No employee who is on duty shall use, possess, or be under the influence of alcohol, illegal drugs, unauthorized drugs or any other illegal mind-altering substances while performing their assigned duties.
 - Employees must advise their supervisor when taking prescription medications and/or non-prescription products that may contribute to the unsafe operation of a vehicle driven while on duty.
- ***Other Distractions***

- Be diligent about sustaining your focus while driving. Avoid disturbing/distracting conversations or actions. Minimize activities that will distract you from operating your vehicle in a safe, defensive manner.

Drive safely and take care of you, your passengers, pedestrians and other drivers. Remember taking your eyes off the road for two seconds at 60mph means you have traveled blindly for half the length of a football field.