



ADMINISTRATIVE SERVICES

315

Vehicle and Equipment Use, Vehicle Risk

1. PURPOSE

The purpose of this policy is to:

- Establish uniform regulations for the use of Town-owned and rented vehicles and personal vehicles being used for Town business.
- Provide guidance regarding eligibility to operate a vehicle in the course of one's work duties.
- Establish expectations regarding post-vehicle accident investigations and requirements regarding distracted driving, seatbelt use, defensive driving, and idling.

2. POLICY

Many Town of Estes Park employees make use of private vehicles or Town-owned or rented vehicles during the course of their work. Employees who are required to use a personal vehicle for official Town business shall be reimbursed at the rate established annually by the Internal Revenue Service.

The Town of Estes Park has a responsibility to protect its employees, members of the public, and Town property. Ensuring that those who drive any vehicle during the course of their work duties have safe driving records and good driving habits supports our safety and risk management goals. The Town will ensure that any employee who operates a vehicle in the course of their duties is eligible to do so through initial and periodic checks of Motor Vehicle Records. The Town will ensure that supervisors conduct post-vehicle accident investigations to determine whether an accident was preventable and whether corrective action is necessary. The Town will ensure that employees comply with other guidelines established in this policy regarding distracted driving, wearing a seatbelt, defensive driving, and idling. The Town can revoke its approval to drive a Town-owned or rented vehicle for any individual who does not meet the guidelines established in this policy. The Town may discipline an employee who violates this policy, has one or more preventable accidents and/or violates applicable motor vehicle laws.

3. PROCEDURE

a. General Provisions

Employees who use Town-owned or rented vehicles and/or equipment, or operate personal vehicles on Town business, must do the following (although these behaviors expressly apply to those who drive Town-owned or rented vehicles, the Town expects those who drive their own vehicles for a Town purpose to maintain the same safety standards):

- i. Maintain a valid driver's license with the appropriate vehicle class designation as required by the department. The Town may, at its discretion, require any employee who drives any vehicle during the course of his or her employment to verify that he or she has a valid driver's license and sufficient insurance as required by law and this policy.
- ii. Obey all laws and practice courteous and safe driving habits. Department Directors will investigate and take proper disciplinary action if a complaint is filed regarding improper use of a Town-owned vehicle or piece of equipment by any employee.
- iii. Be aware of the expiration date on their driver's license and renew their license prior to that expiration date. Employees with CDL licenses will be reviewed per federal regulation requirements.
- iv. Employees operating Town-owned or rented vehicles which exceed 10,000 pounds gross weight must comply with appropriate federal Department of Transportation regulations.
- v. Only use Town-owned or rented vehicles or equipment for official business. Employees authorized to use Town-owned vehicles for travel to and from work may make reasonable stops en route. Under no circumstances will any employee purchase, carry, or use any form of alcoholic beverage or controlled substance while operating a Town-owned or rented vehicle or piece of equipment (with the exception of sworn police personnel transporting evidence). No employee will be permitted to operate a Town-owned or rented vehicle or piece of equipment if taking prescribed medication that impairs the employee's ability to operate said vehicle.
- vi. Under no circumstances will any individual other than an authorized Town employee, volunteer, or contractor operate a Town-owned or rented vehicle or piece of equipment. If a contractor is operating a Town-owned or rented vehicle or piece of equipment, the proper insurance provisions (indemnifications and additionally insured

status) must be in place. For questions on these insurance provisions, contact the Town's Risk Manager.

- vii. Any person operating a Town-owned or rented vehicle must perform a walk-around, visual inspection of the vehicle prior to use to assess the vehicle's overall condition, noting any damage or defects not previously reported. The person conducting the walk-around inspection should also ensure that there is nothing below or around the vehicle that could hinder safe movement from where the vehicle is parked, especially behind the vehicle if backing is required. This must be done when a vehicle is initially used at the beginning of a shift and any time throughout a shift when the vehicle is parked for more than 30 minutes. Any damage or defects must be reported consistent with Risk Management Policy 1004. If any defects or damage are found that may impact safe operation of the vehicle, the vehicle must be removed from service immediately until such time necessary repairs are complete.
- viii. Wearing a seatbelt is the most effective way to prevent death and serious injury in a vehicle crash. Employees must wear seatbelts at all times when inside a moving vehicle regardless of whether the employee is the driver or passenger. Drivers must ensure that all passengers are wearing seatbelts or are otherwise properly fastened with restraint devices prior to operating a vehicle. This applies to all vehicles being used for Town business, including those that are Town-owned, personally-owned, or rented. Formal seatbelt monitoring occurs as part of the annual driver evaluation.
- ix. **Distracted Driving**
 - a. Employees may not use (talk, listen, text) cell phones while operating a vehicle or piece of equipment for work purposes except in any of the following situations:
 - i. The vehicle is at rest in a shoulder lane or is lawfully parked;
 - ii. Due to advanced driver training and law-enforcement needs, police officers may use a cell phone for talking or listening purposes while operating a Town-owned vehicle in order to perform law enforcement functions. This exception does not apply to using a cell phone for text messaging; or
 - iii. Any employee may use a cell phone when it is necessary in a public safety emergency situation.

- b. Employees may not use personal listening devices such as earbuds or headphones while driving, unless such use is associated with the exceptions list above.
 - c. Employees may not eat, read, smoke or engage in any other activities that distract attention or hands from driving while operating a Town-owned or rented vehicle.
 - d. Employees *may* use radios while operating a Town-owned or rented vehicle or piece of equipment.
- x. Departments may develop and implement additional guidelines or procedures to satisfy special safe driving requirements or regulatory standards. All Departmental procedures must be reviewed by the Safety Management Assistance Resource Team and approved by the Town Administrator or Assistant Town Administrator. Employees are expected to follow all department-specific internal policies related to the operation of Town-owned vehicles and/or equipment.

b. Driving Records Check for Driving Positions

The Town shall conduct a driving records check on applicants for employment and volunteer positions that allow driving as a regular component of the position. The Town may, at its discretion, make selection and retention decisions based on a person's driving record. Supervisors in each department shall be responsible for tracking driving positions and ensuring that the driving records checks are conducted as set forth in this policy. *The full Motor Vehicle Record Review Policy is attached to this policy document.*

c. Driver Evaluation

Each new employee driving a Town vehicle as part of their job duties must be evaluated by the department's supervisor/manager, consistent with the Town's Driver Evaluation Policy. The evaluation will be completed within 30 days of hire. Current employees must be evaluated annually. *The Town's Driver Evaluation Policy is attached to this policy document*

d. Defensive Driving

- i. An employee whose position requires a valid driver's license and/or CDL (Essential Drivers and Commercial Drivers) must successfully complete defensive driving training once every two years.
- ii. Formal defensive driving evaluation and monitoring occurs as part of the annual driver evaluation for employees who drive a Town-owned vehicle.

e. Take-Home Vehicles

In order to respond to emergency situations and to supervise activities taking place during non-duty hours, certain employees may be authorized by their Department Director or the Department Director's designee to drive departmental vehicles to the employee's residence for official (off-duty) use.

i. **Authorized Employees Only**

Except for those employees authorized by their Department Director or designee to drive departmental vehicles to the employee's residence for emergency (off- duty) use, no employee may take a Town-owned or rented vehicle to his or her place of residence or anywhere not required in the course of his or her duties except for minor personal use (i.e. food and convenience stops).

ii. **Allowed Uses of Take-Home Vehicles**

An employee using a take-home vehicle may not use such vehicle for personal purposes, other than for commuting or for very minor personal use such as stopping for a personal errand on the way between work and home (provided such personal errands do not violate restrictions on the use of Town-owned or rented vehicles set forth in this policy). When an employee is on call, and is required by the Town to use a vehicle for personal use in order to be ready to respond to an emergency situation, such use will not be considered personal use for the purposes of this policy. The employee shall exercise good judgment in operating and utilizing Town-owned or rented vehicles, and shall not drive or use the vehicle in a manner that may reflect negatively on the Town. Police personnel who take home vehicles are allowed to use their vehicles for personal uses that do not violate restrictions on the use of Town vehicles set forth in this policy.

iii. **Taxable Status of Take-Home Vehicles**

Commuting use of a take-home vehicle by an employee will be included in the employee's gross income on form W-2 based on the commuting value determined according to IRS rules and regulations.

iv. **Boundaries of Take-Home Vehicles**

Vehicles will not be approved for take-home usage outside of the Estes Park School District R-3 area with the following exceptions:

- a. Vehicles being used to attend to official Town business (e.g. meetings and trainings);
- b. Police take-home patrol vehicles transporting prisoners; or

- c. When such use is deemed by the Department Director to be in the best interest of the Town.

- f. **Personal Vehicle Usage for Town Business**

All Town employees required to use a personal vehicle will be reimbursed at the rate established annually by the Internal Revenue Service. The responsibility for determining if a vehicle or mileage reimbursement is granted to an employee rests with the appropriate Department Director. Funding of these costs is also the responsibility of the Department Director.

- g. **Insurance Requirements**

- i. **Personal Vehicle Usage for Town Business**

The Town's insurance does not cover personal vehicles, even if they are being used for Town business. Employees operating private vehicles on Town business must have vehicle liability insurance with liability limits at least as high as the minimum limits specified by the State of Colorado, and maintain proof of such insurance as required by law.

- ii. **Town-Owned Vehicles**

Inside every Town-owned vehicle shall be verification of insured status. Employees operating Town-owned vehicles should verify that their vehicles contain the requisite information. Any questions about the insured status of a Town-Owned vehicle should be directed to Risk Management.

- h. **Reporting Accidents**

- i. **Procedure for Reporting and Accident**

Employees involved in an accident or near miss of any kind while driving a private vehicle on Town business, or a Town vehicle at any time, must comply with the Town's Incident Reporting Policy (Risk Management Policy 1004).

- ii. **Post-Accident Testing**

Employees involved in an accident may be tested for alcohol and/or controlled substances as provided for in Policy 313.

- i. **Reporting Maintenance Needs**

- i. All maintenance needs for Town-owned vehicles or equipment must be reported to the Fleet Maintenance Division. This includes but is not limited to regular preventative maintenance, reactive maintenance (such as when a "check engine" or other warning light illuminates), or maintenance required due to vehicle damage.

j. **Use of Bicycles**

Employees shall wear bike helmets at any time when riding a bicycle or Segway on Town business. Employees involved in an accident while riding a bicycle or Segway on Town business shall immediately contact the local law enforcement agency to make a police report, obtain medical assistance if necessary, and immediately report the accident to the supervisor and Risk Management.

k. **Idling**

i. **Background:** An idling vehicle gets zero miles per gallon, which wastes fuel and pollutes the air. Running an engine without moving (idling) also causes twice the wear on internal engine parts compared to driving at regular speeds. The break-even point for shutting off and restarting an engine, as compared to leaving it to idle, is one (1) minute. From the point of view of both emissions and fuel consumption it takes approximately 10 seconds of fuel to restart a vehicle's engine. For more information, visit the EPA Fuel Economy website.

ii. **Purpose:** To reduce the petroleum consumed and pollution emitted by Town vehicles; to improve air quality; and to reduce costs by minimizing unnecessary engine wear.

iii. **General Requirements:**

No person who operates a Town-owned vehicle designed to operate on public roads shall allow the vehicle to idle in excess of one (1) consecutive minute in any period for gasoline-powered vehicles or diesel-powered vehicles with the following situational exceptions:

- The vehicle is forced to remain motionless on a public road because of traffic conditions over which the operator has no control;
- The vehicle is being used as an emergency vehicle in an emergency situation;
- The vehicle's engine is providing auxiliary power for activities other than heating or air conditioning, such as operating strobe or other emergency lights, operating mobile data terminals, loading, refrigeration, excavation, or drilling;
- Required by a federal, state, or local law or official, but only to the extent necessary to comply with such requirement;
- Running the vehicle's engine is necessary for maintenance, servicing, repair, or diagnostic purposes; or
- Running the vehicle's engine during adverse weather conditions is necessary to ensure the safe operation of the vehicle; or the ambient air temperature is below 32 degrees Fahrenheit for gasoline or diesel-powered vehicles and idling

of the vehicle is necessary to ensure the safety or health of the passengers or driver.

I. Consequences for Preventable Accidents with Town Vehicles or Equipment

Employees involved in vehicle accidents or damage to equipment deemed to have been preventable (that is, the accident or damage was the result of the operator's failure to exercise every reasonable precaution to prevent it) are subject to disciplinary action up to and including termination of employment. Consequences will be determined by an employee's supervisor in coordination with Human Resources based on the severity of the preventable accident(s) or equipment damage and/or the employee's driving history or history of improper use of equipment at work. If actions that violate this policy were contributing factors to a vehicle accident or equipment damage, consequences may be imposed regardless of driving history or history of improper use of equipment. Recurring preventable accidents or damage to equipment, regardless of severity, will result in increasing consequences ranging from verbal warnings to revocation of approval to drive a Town-owned or rented vehicle to termination of employment.

Approved:



Travis Machalek, Town Administrator

12/18/2020

Date