



1401 - VEHICLE USE

I. PURPOSE

The purpose of this policy is to establish requirements and procedures for acceptable vehicle use for official city business to include the City's take-home vehicle policy. All employees are required to know and observe vehicle and traffic related laws and ordinances, and safety rules, regulations, and procedures for vehicle use.

II. DEFINITIONS

A. Assigned Work Area

The geographical area within the City of Newport News, or within the service area should the department have multi-jurisdictional work requirements, that the employee is assigned on a daily basis to perform his or her duties.

B. City Vehicle/Equipment

Any licensed/unlicensed motor vehicle or equipment (on-road/off-road) owned, leased, maintained, insured by, or loaned to the Newport News City Government. This includes all motor vehicles, rolling stock, lawn equipment, marine equipment, generators (stationary or portable), and pumps. Use or operation shall be defined as starting the ignition/motor and/or moving, towing or driving the City vehicle / equipment. **Any reference made in this Policy to a City vehicle shall also mean and include City equipment.**

C. Customer

Any individual(s) or entity, including City clients, vendors, and contractors, whose transport is for official City business. City vehicles may also be used to transport other local, state, and federal government employees for the purpose of conducting official City business, and for car-pooling to meetings, training, and conferences.

D. Dispatched

Contacted by official source via pager/beeper/cell phone, emergency center dispatch, telephone, radio or other communication device that requires and directs an employee to respond to official duty and requires response by travel.

E. Emergency

Any event or situation requiring immediate response to protect life or property, or to protect the health and safety of the public or the environment, or to maintain and enforce law and order.

F. Employee

For purposes of applying the provisions of this Policy only, means employees and agents of the Newport News City Government under the general direction of the City Manager, the City's Constitutional Officers and their employees, while engaged in official City Business. However, employees of Constitutional Officers are and remain employees of their respective Constitutional Officers. Constitutional Officers and their employees are not to be treated or considered as City employees for any other purpose.

G. Official City Business

Any work or activity performed in the discharge of one's official duties on behalf of the City or a Constitutional Officer, or on behalf of an entity which the City Attorney is empowered to represent pursuant to Section 10.03 of the City Charter, provided the use of the City vehicle has been so authorized.

H. Outside of Normal Working Hours (On-Call)

An employee who is subject to being summoned to a work site during off-duty time or to respond by travel to emergencies.

I. Personal Vehicle Use for Official City Business

The operation of a personal vehicle shall be considered used for official City business only where such use is reimbursable under the City's official Travel and Meeting Expense Policy and regulations in Section 1405 of the Personnel Administrative Manual.

J. Public Safety Employee

Any sworn employee in a public safety department or office (i.e., Police, Fire, and Sheriff).

K. Regular Basis

The term "regular basis" means travel more than eight (8) days per month averaged over a calendar year, or travel on a rotating schedule of days at multiple times throughout the month.

L. Remote Parking

The overnight parking of City vehicles at a remote parking site with the approval from the employee's Director. The remote parking site must be at a 24-hour, 7-day-a-week City-staffed site, and also approved by the department which has control over that site or as authorized by the City Manager. The remote parking site can serve as the location for an employee to report for work duty.

M. Seasonal Activity/ Special Event

A seasonal activity would typically extend from one (1) to three (3) months in duration, but never exceed six (6) months in duration. A special event would be considered an activity with a frequency of no more than one (1) per month. City vehicles may only be taken home during the special event.

N. Standby Status

Standby duty is a period during which employees must be available, outside of their regular work schedule, to respond to emergencies requiring the immediate attention of their department. During the standby duty period, employees are allowed to engage in personal activities. However, employees must be available for dispatch by City communication officers or other authorized alerting personnel. Department Directors, or their designees, shall notify employees, by written directive, that they are assigned to standby duty and shall specify the dates and times of the standby duty assignment. See also, City Code Section 2-95.2 Standby pay, and Policy Section 613, Standby Authorization and Pay.

O. Take-Home City Vehicle

A City vehicle designated for use in the normal performance of duties, including the commute between the place of residence and the work site. When determining use and need for a take-home City vehicle, if approved by the employee's Director, the employee must reside within Newport News City limits unless the department has routine multi-jurisdictional work requirements that support taking a City vehicle home to a residence outside the Newport News City limits.

P. Wireless Communication Devices

A device that utilizes a system using radio-frequency, infrared, microwave, or other types of electromagnetic or acoustic waves in place of wires, cables, or fiber optics to transmit signals or data. Wireless devices include but are not limited to cell phones, pagers, tablets, and Global Positioning System (GPS) receivers (excluding two-way radios for business use).

III. RESPONSIBILITIES

1. City Manager

The City Manager shall be responsible for authorizing car allowances and determining the amount of monthly car allowances; reviewing, and approving or disapproving requests for take-home vehicle assignments on an annual basis; and granting exemptions to the take-home requirements and procedures. These duties may be delegated to an Assistant City Manager.

2. Risk Management

The Risk Management Office shall be responsible for the overall coordination and administration of this Policy.

3. Department Directors

Department Directors shall follow the provisions of the Policy and provide the appropriate information to the City Manager, Director of Finance and the Risk Management Office. Directors shall maintain complete and accurate records of take-home vehicles assigned to employees and remote parking sites. Directors and supervisors shall make certain all employees are informed regarding this Policy and enforce its provisions.

4. Department of Finance

The Department of Finance shall maintain a list of employees with take-home vehicles and car allowances.

5. Employees

Employees shall maintain compliance with the provisions of this Policy.

IV. TAKE-HOME CITY VEHICLE AND REMOTE PARKING POLICY

1. City Vehicle Assignment

Assignment of a City vehicle is neither a privilege nor a right of any employee. The approval of a take-home City vehicle or parking at a remote site shall be made for the purpose of emergency response outside of normal working hours or assuring the efficient performance of official City business. No City vehicle assignments will be made for the personal use or convenience of the employee.

City vehicles shall be taken home or parked at remote locations outside of normal working hours only when necessary to improve responsiveness and/or effectiveness during emergency situations. Under no circumstances shall family members, friends, or any individual other than fellow employees, customers, or other governmental employees within the course of official City business, be transported in any City vehicle.

Employees who are authorized to drive City vehicles home on a regular basis will leave their City vehicle with their department or the Department of Vehicle and Equipment Services when that employee is on vacation or extended sick leave.

2. Take-Home City Vehicle Authorization Requirements

Unless specifically exempted by the City Manager, the following are authorized for take-home City vehicles provided the employee resides within the City limits:

- a. Employees in the City public safety departments of Police and Fire. Exception: Unmarked Police vehicles may be authorized for take-home by the Police Chief for officers who reside outside the City limits.
- b. Employees on official standby status on a rotational basis and assigned a City vehicle with specialized equipment for dispatched first response to emergencies outside of normal working hours when determined to be necessary for regular and efficient operations.
- c. Employees requiring a take-home City vehicle on a temporary basis for a seasonal activity/special event or potential emergency as approved by the employee's Director. The temporary assignments shall not exceed four (4) per month and each assignment shall not be for more than three (3) days.
- d. The above sections 2. a., b., and c., may be suspended in emergency situations.

3. Remote Parking Authorization Requirements

City vehicles authorized to be remotely parked may only be parked at locations that are within the employee's assigned work area and parked only at City facilities that are a 24-hour, 7-day-per-week City-staffed site or sites that are not staffed as authorized by the City Manager. The responsible City department in control of the selected remote site should also approve the use of the site for remote parking with the final decision resting with the City Manager.

An employee may be authorized to park a City vehicle at a remote location away from the assigned work area if the employee's Director determines the remote parking site would be operationally efficient, AND the following criteria are met:

The employee is:

- a. Responsible for performing job duties that require the employee to be away from the assigned work area on a daily basis, or
- b. On-call and subject to City-wide call-back on a regular basis to locations away from the assigned work area

4. Take-Home City Vehicle Procedures

The following procedures must be followed in regards to take-home City vehicles:

- a. Department Directors shall, upon considering eligibility based on criteria contained within this Policy, submit in writing by January 1 of each year to the City Manager's Office any requested changes in eligibility for take-home City vehicle privileges. If approved, Directors must notify Risk Management of all changes by providing documentation of approval.
- b. The City Manager shall review and approve or disapprove each request.
- c. Risk Management shall maintain files and documentation as the central repository for take-home City vehicle authorization.
- d. Department Directors shall:
 1. Ensure that all employees comply with all City policies and administrative policies.
 2. Provide updated requests and records to the Finance Department/Risk Management Office by January 31st of each year.
 3. Approve and maintain departmental records for occasional overnight City vehicles.
 4. Maintain and update departmental records on current authorized take-home City vehicles (other than rotating specialized equipment vehicles) and remote parking sites.
 5. Immediately notify Risk Management of any changes in take-home City vehicle assignments.
- e. All records are subject to review and audit.

V. CAR ALLOWANCES

1. The City Manager may authorize an annual car allowance and determine the monthly amount.
2. An employee authorized an annual car allowance shall not use a City vehicle in lieu of his/her personal vehicle except as set forth below.

3. An employee receiving an annual car allowance may be eligible to use a City vehicle or receive a travel mileage reimbursement for long distance travel. Long distance travel is defined as a one-way travel distance over 50 miles, and round trip travel over 100 miles.

VI. CITY VEHICLE AND EQUIPMENT USE GUIDELINES

The following list of examples is for general guidance only and should not be interpreted as an attempt to cover all circumstances or conditions of use:

1. Authorized Use

- a. City vehicles are provided for the use of City employees in expediting official City business. The granting of this convenience does not provide City employees with any special consideration in relation to the law. When operating a City vehicle, each employee must obey all state and local motor vehicle laws and ordinances.

Emergency vehicles are defined by the Code of Virginia Section 46.2-920 and may be exempt from certain traffic regulations provided certain conditions are satisfied which are set forth in Section 46.2-920.

- b. City vehicles are authorized to be used to conduct official City business.
- c. City vehicles may be used to transport customers when the transport is for official City business. City vehicles may also be used to transport other local, state and federal government employees for the purpose of conducting official City business and car-pooling to meetings, training and conferences.
- d. Family members or other riders are not permitted in City vehicles unless on official City business. The Department Director must be notified when family members are planning to accompany the traveler on a City-related trip.
- e. Transportation to Dining Establishments - City vehicles should only be used for this purpose when working away from an employee's normal workstation and only if it is more feasible to the City for the employee to dine while away from his/her normal workstation. Employees who normally work in the field, such as meter readers, inspectors, assessors, etc., may use City vehicles for transportation to a dining establishment within a reasonable proximity to the assigned work area.

2. Unauthorized Use

Use of equipment to perform personal repairs, maintenance, or improvements to private property is prohibited. City vehicles are not to be used for the following:

- a. Personal business, banking including ATMs, shopping or any other personal business that is not official City business. Exception: 24 hour shift Fire Department employees are permitted to use City vehicles while on duty to food shop and to obtain necessary supplies.
- b. Transportation to and from an employee's residence unless authorized by the employee's Director or City Manager, and proper notification to the Department of Finance on the forms provided (for non-taxed income purposes).
- c. Picking up and transporting non-City employees which are not directly related to official City business.
- d. Pushing or pulling other City vehicles or private vehicles.

3. General Provisions

- a. City vehicles shall be operated only by employees who have been properly trained and authorized. A valid driver's license is required to operate a City vehicle. Employees who operate City vehicles classified as commercial motor vehicles must have a valid Commercial Driver's License (CDL).
- b. City vehicles may be equipped with telematics technology which may include GPS software and/or camera devices that track location, speed, direction of travel, loiter time of vehicle, or other relevant interior or exterior vehicular data. Information gathered through this technology will be used to ensure that City vehicles are used in accordance with applicable laws and policies, and to track data for efficiency and budgetary improvements. City employees are prohibited from disengaging or tampering with the telematics technology in any way.
- c. Employees are required to adhere to and follow all traffic laws, and ordinances. When employees use a City vehicle or their personal vehicle to conduct official City business they are required to immediately report the receipt of any criminal or traffic warrant or summons and any PhotoSafe red light civil violation resulting from such vehicle use while conducting official City business, to their direct supervisor.
- d. Use of all tobacco products in City vehicles is prohibited.
- e. No alcoholic beverages, illegal drugs, drug paraphernalia, or weapons, except in the lawful course of official duties may be used or transported in City vehicles, or in personal vehicles when used for official City business. Notwithstanding the previous sentence, possession of unopened alcoholic beverages in personal vehicles during the employee's work day shall not constitute a violation of law or this Policy. However, pursuant to state law, a lawfully possessed firearm and ammunition may be stored in a locked private motor vehicle at the workplace.

But in that event, a city vehicle must be used for official city business.

- f. **Operation of City Vehicles and personal vehicles for official City business, by employees under the influence of alcoholic beverages, intoxicants, or illegal drugs is prohibited.** See also, Policy Section 1205, Substance Abuse Policy and Procedures.
- g. Employees shall be responsible for reducing, as appropriate and reasonable, the amount of fuel needed for delivery of City services.
- h. No City vehicle is to be left unattended and running except when running is required to operate specialty accessory equipment such as air compressors, hydraulic tool circuits and generators or power electrical equipment, e.g. work-site night lighting. If left unattended, insure the gear-shift is in the park position and the emergency brake is set.
- i. Employees shall not sit idle with the engine running unless necessary and reasonable in the conduct of official City business.
- j. Employees shall not idle the engine for the sake of warming in the winter and cooling in the summer.
- k. Employees shall remove all unnecessary excess weight from City vehicles.
- l. The operator and passengers shall wear safety belts and adhere to all motor vehicle laws while the City vehicle is in operation.
- m. Employees who park City vehicles at their residences shall not park City vehicles on their lawns, and on other non-driveway areas.

4. Departmental Rules and Regulations

Any departmental rules, regulations or procedures governing the use or operation of City vehicles as approved by a Director should be written with a copy sent to Risk Management, and shall be enforceable and considered a part of this City Vehicle Use Policy provided they are not in conflict with this Policy.

5. Utilizing Cell Phones or Other Wireless Communication Devices

When an employee is operating any City vehicle, the use of City-supplied or personal cell phones or other wireless communication devices (as defined in Section II) is prohibited by the driver unless the driver is using a hands-free device. If the driver does not have a hands-free device, he or she shall pull safely off the road and stop driving before making or receiving a phone call, or before making or reading a text message or an email. Drivers of law enforcement vehicles are not subject to this provision.

VII. USE OF PERSONAL VEHICLE FOR OFFICIAL CITY BUSINESS

1. Procedures

City employees may occasionally use their personal vehicles when conducting official City business. The procedures listed below shall be followed:

- a. The use of a personal vehicle for official City business must have prior approval by the employee's Director or supervisor. Such approval may be on a case-by-case basis or on an on-going basis. Every effort to obtain a City vehicle shall be made prior to granting such approval. City Council appointees, Constitutional Officers and Departmental Directors are exempt from the approval provision for the use of their personal vehicles to conduct official City business.
- b. Employees shall not transport non-City personnel in personal vehicles while conducting official City business unless prior approval has been obtained from the employee's Director or supervisor.
- c. The operator and all passengers of personally owned vehicles being used for official City business shall wear safety belts and adhere to all other state and local motor vehicle laws and ordinances.
- d. The City of Newport News' automobile liability coverage for personal vehicles and its' operators and occupants while in use for official City business is governed by the City of Newport News Code Sections 2-725 through 2-730, and 2-745 through 2-751.
- e. Employees involved in a motor vehicle accident while operating a personal vehicle in the conduct of official City business shall immediately report the accident and circumstances surrounding the accident to their supervisor. Any such accident shall be reported to Risk Management. See also Personnel Administrative Manual Sections 1302 and 1303.
- f. The operation for official City business of a personal vehicle by an employee who is under the influence of alcoholic beverages, intoxicants, or illegal drugs is prohibited.
- g. Employees are eligible for mileage reimbursement for use of personal vehicles when conducting official City business if such use was approved in advance by the employee's Director, or a supervisor possessing such authority.
- h. Routine commuting to and from work is not considered official City business use of a personal vehicle and is not governed by this Policy.

VIII. PHOTOSAFE (RED LIGHT) VIOLATIONS

Department heads will be notified of possible violations of the PhotoSafe program by the Newport News Police Department. The Police Department shall use City vehicle records to identify the department that is responsible for the vehicle. Notification will consist of photographic evidence, twelve second video of the violation and a short narrative describing the violation. Once the department has been identified, the department head or designee shall be responsible for attempting to identify the employee who operated the motor vehicle and shall make a final determination that a violation has occurred.

Employees will be subject to the range of disciplinary action appropriate for such an offense in accordance with the City's Standards of Conduct. Multiple PhotoSafe violations shall be dealt with in accordance with the provisions of the aforementioned policy as it pertains to recurring violations of a similar nature.

IX. PROCEDURES FOR MOTOR VEHICLE ACCIDENTS

These accident procedures have been developed to protect both employees and the City. Department heads shall ensure that employees are advised of and adhere to these reporting procedures. The following step-by-step procedures are to be followed in any situation in which a City vehicle or personally-owned vehicle being used for official City business is involved in an accident with a privately-owned vehicle, another City vehicle, or any public or private property.

1. The employee involved in an accident is to report the accident immediately to the local Police Department having jurisdiction where the accident occurred.
2. If there are injuries involved, call 911 and vehicles should not be moved until police arrive. If there are no injuries then call for non-emergency Police services and if possible move the vehicles off the road.
3. Fully cooperate with the investigating law enforcement officers. At the scene of an accident, employees (driver and witnesses), may discuss how the accident happened, but discuss it only with the investigating law enforcement officers. Employees may not express opinions about fault even to an investigating law enforcement officer. Employees should inform the investigating law enforcement officers which City department they work for and the fact that the City is self-insured.
4. Accidents shall be reported immediately by those employees involved. A Vehicle Incident/Accident Report will be completed by the driver and his/her supervisor(s). Reports will also be completed by the employees who are passengers, or witnesses to a City vehicle accident. The School Bus accident reports shall include names, addresses and telephone numbers of all passengers who were on the bus at the time of the accident. The Vehicle Incident/Accident

Report will be forwarded to Risk Management no later than 48 hours after the accident.

5. The Police Department will file a copy of the investigative officer's field notes, police report form #300P, statements of witnesses, and other exhibits of the accident with Risk Management within 24 hours, or as soon as possible as circumstances permit after the accident. The Police Department need not duplicate photographs of property damage, bodily injury or accident scenes if the Risk Management representative is on the scene and takes those photographs required by the investigating officer(s) and Risk Management. Photographs taken by the Police Department or Risk Management will not be required of City vehicles or equipment involved with other City vehicles or equipment if the cumulative damage or personal injury does not exceed \$500.00, although photographs are recommended whenever possible regardless of the amount of damage. Photographs taken at the scene should include specific damages, traffic controls and roadways, as well as an overview of the geographic area.
6. Drivers of City vehicles involved in accidents are required to be tested for alcohol and controlled substances under certain circumstances. Refer to Section 1205, Substance Abuse Policies and Procedures. Contact the Department of Human Resources immediately.

X. MISCELLANEOUS

1. In the event of any conflict between this Vehicle Use Policy and the Newport News City Code, the Newport News City Code shall prevail.
2. The Vehicle Use Policy will be distributed to each employee. Each employee will sign and date a Policy Acknowledgement form certifying the employee has received a copy of the Vehicle Use Policy; understands that it is the employee's responsibility to read the Policy or have it read to the employee; has the right to ask questions about the Policy; and shall comply with the provisions of the Policy. Violations of this Policy may result in disciplinary action up to and including dismissal. The Policy Acknowledgement form will also be signed and dated by a witness to validate the employee's completion of the Policy Acknowledgement form.
3. City employees shall have no expectation of privacy as it relates to the DriveCam technology installed in any City vehicle and the resulting data. For additional information related to the use of electronic data in the course of City business, please refer to Section 1403-Use of Information Technology of the City's Personnel Administrative Manual.

ADDENDUM I

POLICE DEPARTMENT VARIANCES TO THE VEHICLE USE POLICY

Due to specific duties and responsibilities of the Police Department, variances to the Vehicle Use Policy are set forth in this addendum as follows:

1. Marked police vehicles are authorized for use as take-home vehicles if the officer lives within the City limits. Personal usage of take-home marked police vehicles is limited to driving to and from work, traveling to and from college or other approved schools, personal trips within the City of Newport News, and driving to and from workout facilities.
2. Unmarked Police Vehicles - Critical Category: Personnel in critical positions, which include the Command Staff, Homicide Unit, Robbery Unit, Special Victims Units and the Forensics Unit, are authorized to take-home their unmarked police vehicles on a daily basis if they live within a 15-mile radius from the intersection of J. Clyde Morris Boulevard and Jefferson Avenue (including all of Hampton, Poquoson, and Smithfield; parts of York County, James City County, Gloucester, Isle of Wight, Suffolk, Chesapeake, Portsmouth, and Norfolk; excluding Surry).
3. Unmarked Police Vehicles - Non-Critical Category: Personnel in non-critical positions are authorized to take-home their unmarked police vehicles while on primary or secondary call back if they live within a 15 mile radius from the intersection of J. Clyde Morris Boulevard and Jefferson Avenue (including all of Hampton, Poquoson, and Smithfield; parts of York County, James City County, Gloucester, Isle of Wight, Suffolk, Chesapeake, Portsmouth, and Norfolk; excluding Surry).
4. Unmarked Police vehicles - Critical and Non-Critical: Personal usage of unmarked police vehicles is prohibited. Personal usage of unmarked police vehicles is limited to driving to and from work, traveling to and from college or other approved schools, personal trips within the City of Newport News, and driving to and from workout facilities.
5. All Police Department personnel assigned a take-home marked or unmarked police vehicle are allowed to use their vehicles as transportation to a dining establishment.
6. Many marked police vehicles are equipped with push bumpers in order to remove disabled vehicles from the roadway and maintain proper traffic flow patterns. This practice will continue.
7. Police Vehicle Idling - Specialty vehicles such as K-9 are allowed to idle. Police vehicles may not sit idle with the engine running unless necessary and reasonable in the conduct of official City business.

ADDENDUM II

FIRE DEPARTMENT VARIANCES TO THE VEHICLE USE POLICY

Due to specific duties and responsibilities of the Fire Department, variances to the Vehicle Use Policy are set forth in this addendum and may be authorized as follows:

1. Fire Command Staff: Based on operational needs and reflex time to arrive on scene within the City, the following positions are authorized for take-home vehicles - Fire Chief, Deputy Fire Chief, Assistant Chief-Training and Assistant Chief-EMS, Battalion Chief-Special Operations, Battalion Chief - Support Services, and Safety Officer.
2. Fire Marshal's Office: In order to provide sufficient Fire Investigation support for after-hours emergencies, the following positions are authorized for take-home vehicles - Chief Fire Marshal, Deputy Fire Marshal, Investigator (Bomb Dog), and Fire Investigator(s).
3. Fire Logistics: In order to provide sufficient Logistics Support for after-hours emergencies, one vehicle assigned to the Logistics Bureau is authorized for take-home by the Duty Logistics Support staff person. The other vehicle assigned to the Logistics Bureau is authorized to be located at a satellite fire station to facilitate emergency response to a major emergency incident.
4. Emergency Management: In order to provide sufficient Emergency Management support for after-hours emergencies, the Emergency Management I vehicle is authorized for take-home by the staff person assigned to this vehicle.

Supersedes/Amends: 1401, 11/01/14

Approved:



City Manager