



POLICY TITLE: Use of Official Cars and Equipment

POLICY NO.: PR-25

I. VEHICLE SAFETY MISSION STATEMENT

As a public entity, it is the responsibility of Washington County government to provide services to its citizens in the most cost effective manner possible. Each County employee must exercise the best judgment possible in safeguarding lives and property of the County and the population it serves. This mission includes proper and safe use of any vehicles or heavy equipment, designed for use on and off the road, owned by the County. This use extends to ensuring that each unit of equipment is properly maintained according to the best known standards established by the manufacturer; individual department preventive maintenance plans; and federal, State, and local laws, or any combination thereof, and that each unit of equipment is operated safely by employees who are appropriately trained and authorized to engage in such use.

II. SCOPE

This Policy applies to any department or agency under the authority of the Board of County Commissioners. This Policy is also intended to work in unison with, but not supersede, the policies in place within those departments reporting to elected officials, such as the Washington County Sheriff's Office and the State's Attorney and Treasurer's offices.

Other departments, such as the Division of Emergency Services, may have vehicle management policies in place to address specialized use issues related to their functions. In those instances, said policies may be stricter in their provisions, but will not be any less rigorous than the requirements and provisions contained within this Policy. In addition, vehicles operated as emergency vehicles are subject to specific Maryland operating privileges; and use of those vehicles is governed by those requirements under Maryland Code, Title 21, Section 21-106, Emergency Vehicles.

If this Policy is in conflict with any federal, State, and local laws, ordinances, rules, and regulations, then the more stringent rules and regulations will prevail.

In addition, this Policy applies to any Authorized Operator, regardless of employment, of any County-owned vehicle, as defined in Appendix I (Definitions) of this Policy, i.e., a County-owned vehicle loaned to and operated by an outside Agency, such as the Department of Social Services for Washington County or the Washington County Humane Society, etc.

III. VEHICLE MANAGEMENT POLICY—IMPLEMENTATION TRAINING

All County employees operating County vehicles will be required to acknowledge receipt and understanding of this Policy.

Periodically, the County may require employee(s) to participate in safe driving training and equipment training opportunities from a variety of both public and private sources. Further, the County may require remedial training for any employee prior to permitting his or her return to work as a result of any previous suspension of driving and/or operator privileges.

IV. PERIODIC POLICY REVIEW

This Policy will be reviewed and updated as necessary and at least every three (3) years by the Risk Management Administrator.

V. AUTHORIZED OPERATOR USE – REQUIREMENTS FOR OPERATION OF A COUNTY VEHICLE

A. Minimum Standards for Driving a County Vehicle

1. Authorized Operator Qualifications

- a. Must be any appropriately trained Washington County elected official, appointed official, contract employee, temporary or full-time employee of the Board of County Commissioners, or (for purposes of qualification) any outside Agency personnel (such as Department of Social Services or the Humane Society, etc.) or short-term permissive operator authorized to operate Washington County owned vehicles by the County's Risk Management Administrator or Safety Compliance Administrator. (See Appendix I, definition of "Authorized Operator").
- b. Must be of legal age to operate the class of vehicle being operated.
- c. Must have a valid operator's license issued in the state of his or her residence.
- d. Must be familiar with the class of vehicle being operated and have satisfactorily completed departmental training for the vehicle.

- e. Must have an acceptable current Motor Vehicle Report (MVR) from the state of employee's residence covering any driving history for the most recent three (3) years. An Authorized Operator's current MVR is considered unacceptable if any combination of the following (or any other) violations result in license points of six (6) or greater:
 - i. DWI/DUI;
 - ii. Reckless/careless driving;
 - iii. Vehicular homicide or any felony involving a vehicle;
 - iv. Currently suspended license;
 - v. Drug offense;
 - vi. Hit and run/leaving the scene of an incident;
 - vii. Fleeing police in a motor vehicle;
 - viii. Three (3) or more at-fault motor vehicle incidents or violations in the past three (3) years.

- f. An Authorized Operator's MVR is considered marginal if any combination of the following (or any other) violations result in license points between four (4) and six (6):
 - i. Two (2) or more at-fault motor vehicle incidents or violations in a three (3) year period;
 - ii. Two (2) or more suspensions and reinstatements;
 - iii. Speeding;
 - iv. Evidence of a pattern of misuse of driving privileges.

- g. An Authorized Operator with a marginal MVR is permitted to operate County vehicles on a probationary basis, with appropriate remedial training and supervision as determined by the Authorized Operator's supervisor and/or department head and the County's Risk Management Administrator or Safety Compliance Administrator.

- h. Each Authorized Operator will have an MVR review by the Risk Management Administrator or Safety Compliance Administrator at time of hire and annually thereafter for all other drivers except DOT drivers whose MVRs will be reviewed every six (6) months in accordance with applicable regulations. At each annual review, the entire certified driving record of the Authorized Operator might be examined. An MVR review may be conducted at more frequent intervals if determined necessary by the Risk Management Administrator or Safety Compliance Administrator.

2. Authorized Operator Disqualification

- a. An Authorized Operator's privileges for operating County vehicles may be suspended or terminated for the following reasons, including, but not limited to:
 - i. Non-compliance with the County's Drug and Alcohol or Drug-Free Workplace policies;¹
 - ii. Non-compliance with any of the provisions of this Policy;
 - iii. As a result of disciplinary action taken according to the County's progressive discipline program;²
 - iv. Failure to report a work-related incident;
 - v. Failure to report suspended or revoked license;
 - vi. Any health condition that might impair an employee's ability to safely operate a County vehicle, including use of any prescription drug that impairs the ability to operate a County vehicle. It is the employee's responsibility to notify his or her supervisor if any of these conditions apply. Suspension of driving privileges will be determined on a case-by-case basis. The County reserves the right to rely upon outside medical examinations and opinions as to an employee's ability to operate County vehicles;³
 - vii. An unacceptable MVR.

3. Reporting Change in Vehicle License Status

Should an Authorized Operator who operates a County-owned vehicle be involved in an incident, on or off the job, where his or her license is suspended or revoked, he or she must inform his or her immediate supervisor **and** the Risk Management Administrator within twenty-four (24) hours of the incident. Failure to do so will result in disciplinary action, up to and including termination of employment, or revocation of County driving privileges for non-employees. An Authorized Operator must also report a change in licensing state and provide a copy of his or her new driver's license to his or her immediate supervisor and the Risk Management Administrator within thirty (30) days of issuance.

¹ See Policy No. PR-5 Alcohol Use and Substance Use Testing and Policy No. PR-5A Alcohol-Free and Drug-Free Workplace.

² See Policy No. PR-2 Progressive Discipline and Dismissal.

³ See Policy No. PR-5 Alcohol and Substance Use Testing.

B. Authorized Operator Training Qualification

Each Authorized Operator operating a County-owned Class 3 vehicle must successfully complete a departmental training program specific to the unit of equipment being operated. Such training program, at a minimum, will cover basic safety requirements and operating instructions. Training records are to be maintained by individual departments. Authorization to operate this equipment will not be approved until the individual has satisfactorily demonstrated appropriate skills and ability as determined by the Authorized Operator's supervisor and/or department head or the County's Risk Management Administrator or Safety Compliance Administrator.

Each Authorized Operator of a Class 1 passenger vehicle (including Class 2 pickup trucks and vans) must be familiar with the content of the owner's manual for the vehicle he or she intends to operate, including the manufacturer's preventive maintenance requirements.

C. Commercial Driver's License (CDL) Requirements

Washington County has a number of positions which require a Commercial Driver's License due to the type of vehicles and equipment operated. The following special licensing requirements apply as dictated by 49 CFR 383, Commercial Driver's License Standards, as amended:

1. Group A

Combination vehicle: Any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the Gross Vehicle Weight Rating (GVWR) of the vehicle(s) being towed is in excess of 10,000 pounds.

2. Group B

Heavy straight vehicle: Any single vehicle with a GVWR of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.

3. Group C

Small vehicle: Any single vehicle, or combination of vehicles, that meets neither the definition of Group A nor that of Group B as contained in this section, but that either is designed to transport sixteen (16) or more passengers, including the operator, or is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act which requires the motor vehicle to be placarded under the Hazardous

Materials Regulations (49 CFR part 172, subpart F, as amended).

Effective March 2016, the DOT and FAA require an employee returning from an extended leave of thirty (30) or more consecutive days to be drug tested prior to returning to work.⁴ The FTA requires an employee returning from an extended leave of ninety (90) or more consecutive days to be drug tested prior to returning to work.⁵

D. Non-Commercial Driver's License (Non-CDL) Requirements

The following certification requirements apply to operation of vehicles that do not fall under the provisions of 49 CFR 383, Commercial Driver's License Standards:

1. Group A
Any non-commercial vehicle.
2. Group B
Any single or combination of non-commercial motor vehicles (including firefighting or emergency services vehicles).
3. Group C
Any non-commercial combination of motor vehicles with a GVWR less than 26,001 pounds.

VI. USING A COUNTY VEHICLE

A. Permitted Uses

1. County-owned vehicles will be used for official County business with reasonable consideration for use for meals, etc., while in the course of performing business on behalf of the County. Whenever possible, trips should be planned to coincide with other employee travel requirements so that vehicles are used efficiently and economically. County-owned vehicles are prohibited from personal use except for commuting and circumstances approved by the employee's department head (see Section VI.B. of this Policy).
2. Authorized Operators will operate County vehicles in a manner that reflects concern for safety and courtesy toward the public and shall abide by all federal, State, and local laws. Authorized Operators

⁴ See Policy No. PR-5 Alcohol and Substance Use Testing.

⁵ See Policy No. PR-5B Transit Department Alcohol Misuse and Prohibited Drug Use.

must remember that public perception of County employees is important and influenced by how and where the public sees County vehicles being used.

3. The security and safety of the County vehicle is critical. The Authorized Operator must take appropriate safeguards in parking locations. Vehicle keys must never be left in an unattended vehicle and must always be either in the Authorized Operator's keeping or in a secure location within a County facility.
4. Authorized Operators and all passengers must wear available personal restraints. The Authorized Operator is responsible for ensuring that all passengers use the available restraint devices.
5. In compliance with Maryland law, the use of any tobacco product is ***prohibited*** in County Vehicles. This prohibition extends to use of personal vehicles for County business if one or more County employees are passengers in the personal vehicle. Violators will be subject to reprimand.⁶

B. Personal Use of County Vehicles

1. Occasional Personal Use – County vehicles are provided primarily for business purposes; however, the following rules apply to occasional personal use:
 - a. Only an Authorized Operator may drive or operate the vehicle;
 - b. Occasional *de minimis* personal use is permitted. Personal use is a privilege extended only as authorized by the Authorized Operator's department head. The County may suspend the privilege of personal use at any time without notice. Trailers, including boat and recreational vehicles, must not be towed for personal purposes.
 - c. County vehicles are not to be operated for any reason, personal or otherwise, after consuming any amount of alcohol or any controlled substance, or after consumption of any amount of prescription medication that is recognized by the pharmaceutical manufacturer to impair mental or visual faculties affecting Authorized Operator's ability to operate a vehicle.
 - d. No possession, transportation, or consumption of alcohol or illegal drugs is permitted by anyone in the vehicle.
 - e. Other than law enforcement or by express and explicit permission of a department head and the Risk Management

⁶ See Policy No. PR-36 Tobacco Free Campus.

Administrator for wildlife management purposes, firearms are not permitted in or on any vehicle.

- f. No use of County vehicles for personal gain, such as pick up and/or delivery of goods and services, is permitted.
 - g. No installation or use of any radar detection devices is permitted.
 - h. Except for the rear view mirror, no installation of any device is permitted on the windshield or front or rear side windows or rear glass that may block the driver's view.
 - i. Transporting personal passengers, including family members, is not permitted.
 - j. An Authorized Operator must report any incident (see Appendix I, Definitions) on or off the job involving a County vehicle immediately to police and County department supervision.
2. Exceptions to these rules require advance, written approval by the Authorized Operator's department head. Violation of these rules may result in disciplinary action ranging from suspension of driving privileges to termination of employment.

C. Vehicle Assignments

1. Vehicles may be assigned to an Authorized Operator by a department head for several reasons, including the following: (1) those Authorized Operators who are required to make official stops before the working day begins and after the day ends; (2) those Authorized Operators who are called upon to make official trips and emergency call-outs during non-working hours.
2. Employees who have vehicles assigned to them must use them for bona fide non-compensatory business reasons, meaning that the employee must be required to commute in the vehicle for the benefit of the employer, not for the employee. For example, an employee in the field who would otherwise have to return to the workplace before going home might be able to work longer if allowed to commute in an employer-provided vehicle. At the time of employment, an employee who is assigned a vehicle must give notice of such assignment to the Risk Management Administrator.
3. Under IRS rules the assignment of a County-owned vehicle is a taxable benefit to the employee. The taxable benefit is determined by multiplying each one-way trip per documentation turned in to the Department of Budget and Finance by the current IRS rate. If more than one employee commutes in the vehicle, this value applies to each employee. This benefit will be added to the employees' earnings and taxed.

4. County vehicles taken home but not subject to IRS taxable benefit include the following:
 - a. Clearly marked police, fire, and rescue vehicles;
 - b. Unmarked vehicles used by law enforcement officers (the law enforcement officer must be authorized to carry a firearm, execute search warrants, and make arrests);
 - c. Any vehicle designed to carry cargo with a loaded GVWR over 14,000 pounds;
 - d. Delivery trucks with seating for the operator only.
5. Under IRS regulations the use of these qualified non-personal-use vehicles is a working condition fringe benefit in which the value of that use can be excluded from an Authorized Operator's taxable income.
6. County assigned vehicles under IRS taxable rules must be used for business purposes or for very limited personal (*de minimis*) use under circumstances approved by the department head only. *De minimis* personal use may include stopping for lunch between business stops or stopping for a personal errand on an authorized commute. Any stop for lunch must be within three (3) miles of the route between stops, and any stop for a personal errand must be within three (3) miles of the route reasonably taken for the authorized commute. In no event shall the transportation of unauthorized passengers be considered a *de minimis* use.
7. Using a County vehicle to transport family members or other non-County passengers for non-work related reasons is strongly discouraged and must be authorized by the Authorized Operator's department head.
8. The Authorized Operator of an assigned vehicle is responsible for its safety and security. Each Authorized Operator must be familiar with the vehicle owner's manual, preventive maintenance requirements, and pertinent safety warnings. All defects must be promptly reported to the Authorized Operator's supervisor.

D. Distracted Driving

1. Cell Phones – Authorized Operators must adhere to the following preventive measures which are consistent with Washington County Policy P-6, Cellular Telephones and Service:
 - a. It is illegal to place or take call phone calls while operating a County vehicle.

- b. All cell phone calls must be made from a stopped vehicle. Store frequently used numbers in the phone's memory for easier dialing.
- c. If available, the Authorized Operator shall use a hands-free speaker or device.
- d. Allow incoming cell phone calls to roll over to voice mail.
- e. Texting or any input of data into any kind of electronic device is specifically prohibited while driving any County vehicle or while driving a personal vehicle on County business.

2. Two-Way Radios/Computer Communication Devices, Etc.

Use of these communication devices must be only with the greatest caution. Be fully aware of traffic and of surroundings before using this equipment. The same requirements for cell phone use as noted herein also apply to this equipment.

3. GPS Receivers

These devices must be used only with the greatest caution. Before using these navigation devices, vehicles must be fully stopped prior to physical interaction. Visual references while moving must be made only after confirming the safety of the vehicle among surrounding traffic, pedestrians, and road conditions.

4. Other

Avoid eating, drinking, adjusting noncritical vehicle controls, etc., while operating any County vehicle or while driving a personal vehicle on County business.

E. Use by Other Government Agencies

1. Employees of other government Agencies (see Appendix I, Definitions, Authorized Operator) may be permitted to use a County vehicle when authorized by the County's Risk Management Administrator. The following information must be provided prior to delivery/pickup of the vehicle:
 - a. Name of requesting department/Agency;
 - b. Name, license number, and issuing state of proposed operator;
 - c. Reason for use of County vehicle;
 - d. Duration of use of the vehicle;
 - e. Review and submission of signed signature page from this Policy.

2. Employees of other government Agencies authorized to operate County vehicles are subject to all County vehicle policies, procedures, rules, training, and other instructions governing the use and operation of County vehicles.

F. Transporting Non-Employees in a County Vehicle

Non-employees may be transported in a County vehicle if on official County business and authorized by a department head. This includes any Ride-Along program a department might institute.

G. Out-of-State Use

Occasional travel out of state utilizing a County vehicle less than 26,000 pounds GVWR is permissible, provided all rules and requirements stated in this Policy are observed. In addition, the Authorized Operator will adhere to all traffic laws required by the states in which travel occurs. Vehicles greater than 26,000 pounds GVWR require special registration for motor fuel taxation, (i.e., IFTA). Additional assistance with this requirement may be obtained by contacting the Maryland Comptroller's Office.

H. Citations

Traffic and parking laws must be obeyed. Posted speed limits shall not be exceeded, nor shall the vehicle be operated above safe driving speeds for road conditions. Violation fines shall be the responsibility of the Authorized Operator who may be subject to disciplinary action as a result. Emergency vehicles will be operated in accordance with established policies. Those Authorized Operators holding CDL licenses must notify their supervisors if a citation is received while operating a personal vehicle (see 49 CFR 383.31).

I. Abuse of Equipment

If it is determined by a department that an Authorized Operator has in any way engaged in behavior involving use of a County vehicle that has resulted in excessive damage to the equipment through negligence or carelessness, then driving privileges for that Authorized Operator may be restricted or suspended at the discretion of the department head, the Risk Management Administrator, and/or Safety Compliance Administrator. For Authorized Operators who are County employees, suspension of driving privileges may result in termination. This Policy also applies in the event an Authorized Operator engages in behavior that results in a pattern of damage to County equipment.

J. Vehicle Fuel Policies and Fuel Card Uses

1. County Fuel Facilities

Whenever accessible and possible, County vehicles shall refuel from a County fuel facility dispensing fuel authorized for that vehicle. Each department will provide relevant fuel facility information to employees who are assigned departmental vehicles.

2. Public Fuel Facilities

Authorized Operators who have been issued credit cards allowing fuel purchases are required to use the most cost effective public self-service facilities where open. All safety instructions posted on the dispenser and/or island will be followed.

3. Fuel Types

Unless classified as emergency response, all Agencies and/or departments shall dispense only 87-octane fuels. Authorized Operators dispensing fuel in on- or off-highway vehicles and/or equipment with diesel engines shall dispense ONLY Ultra Low Sulphur Diesel.

4. International Fuel Tax Agreement (IFTA)

Departments and/or Agencies intending to operate commercial motor vehicles outside the State of Maryland with GVWRs exceeding 26,000 pounds are required to register each vehicle with IFTA. Additional assistance with this requirement may be obtained by contacting the Maryland Comptroller's Office.

VII. USING A PERSONAL VEHICLE FOR COUNTY BUSINESS

- A. Available departmental vehicles must be utilized as first choice when an Authorized Operator needs to travel on County business. Any exception to this Policy must be with department head approval on a case-by-case basis.
- B. There may be occasions when an Authorized Operator must use his or her personal vehicle in order to conduct County business. On such occasions, the Authorized Operator will be reimbursed in accordance with the County-approved reimbursement policy and at the established mileage rate that follows the federal IRS guidelines.
- C. Authorized Operators who are County employees and driving their own automobiles while within the scope of employment for the County will be covered by the County's workers' compensation insurance in the event of

an incident resulting in injury to that employee. Damage to the employee's personal vehicle or injuries to passengers or third parties while traveling on County business within the scope of employment for the County will be covered by the Authorized Operator's own insurance as primary coverage. The duty to defend the Authorized Operator if the Authorized Operator is sued would typically belong to the appropriate insurance carrier as described herein.

- D. The mileage reimbursement to the Authorized Operator (if an employee of the County) for the operation of his or her car on County business includes the allowance for the expense of automobile insurance. Unless state minimums mandate otherwise, it is recommended that an Authorized Operator have minimum liability limits of \$100,000 per person/\$300,000 per incident/\$50,000 property damage; however, the County does not specify and assumes no responsibility for any coverage Authorized Operators carry on their personal vehicles since this is a matter of individual status and preference.
- E. All rules, regulations, policies, and procedures contained within this Policy, and any applicable federal, State, and local traffic laws, must be adhered to while operating a personal vehicle on County business.

VIII. USE OF RENTAL AND LEASED VEHICLES

- A. From time to time it may be necessary for a department to rent or lease vehicles in order to conduct County business. All rules, regulations, policies, and procedures contained within this Policy, and any applicable federal, State, and local traffic laws, must be adhered to while operating a personal rental or leased vehicle on County business.
- B. The County's fleet auto insurance contains coverage provisions for any rented or leased vehicle, and it will therefore NOT be necessary to purchase the additional optional insurance offered by the rental agency. Please contact the Risk Management Administrator for further information.

IX. INCIDENTS AND LIABILITY

- A. Reporting an Incident
 - 1. Any incident involving a County vehicle must be reported to the Authorized Operator's supervisor at soon as practically possible and always within twenty-four (24) hours. Neither the severity of the incident (minor or major) nor its location (private or public property) has any bearing on whether an Authorized Operator must report an incident.

2. Failure to report an incident, regardless of its severity, will result in disciplinary action up to and including a recommendation for termination for County employees. Other non-County-employed Authorized Operators will have driving privileges suspended.
3. Incident packets are found in every County-owned vehicle. Instructions for what to do in case of an incident are stated on the front of each packet envelope. Appropriate forms found in the incident packet must be completed as directed (including the supervisor's findings), signed as indicated, and the original forwarded to the Risk Management Administrator as soon after the incident as practically possible and always within twenty-four (24) hours.
4. The incident may also be reported by telephone, verbally, or by electronic means. However, a completed signed original Vehicle Incident/Near Miss Report form must always be provided to the Risk Management Administrator within three (3) days after the verbal report is made.
5. The Authorized Operator is responsible to ensure that the vehicle he or she is operating contains an incident packet prior to use.

B. Post-Incident Drug and Alcohol Testing

If an Authorized Operator has a motor vehicle incident that falls within the DOT reportable incident criteria stated in Table 1 below, he or she must submit to drug and alcohol testing within two (2) hours⁷ of the time of the incident pursuant to 49 CFR Section 382.303 (A) and (B):

TABLE 1

Type of Incident Involved	Citation issued to Authorized Operator	Test must be performed by employer
i. Human fatality	Yes	Yes
	No	Yes
ii. Bodily injury with immediate medical treatment away from the scene	Yes	Yes
	No	No
iii. Disabling damage to any motor vehicle requiring tow away	Yes	Yes
	No	No

⁷ Unless the Authorized Operator is prevented from obtaining drug and alcohol testing either due to an on-the-scene investigation or unavailability of testing facility.

C. Near Miss Incident Reporting and Investigation

As defined in Appendix I, Definitions, a near miss is an incident where, given a slight shift in time or distance, personal harm or property damage easily could have occurred, but did not. Near miss incidents serve as an opportunity to identify potential safety hazards, and reporting and investigation is subject to the same requirements as incident reporting.

D. Citizen Complaints

Citizen complaints can come from several sources: telephone calls, written complaints, etc. If a call is received from a citizen regarding the operator of a County vehicle, gather as much information as possible about the incident, including date, time, location, license plate, vehicle ID, description of operator (e.g., gender), make, model, color of the vehicle, and a detailed description of the incident. Obtain the caller's name and telephone number if the caller is willing to give it. Forward the information to the County's Risk Management Administrator who will record the complaint in detail and communicate with the Authorized Operator's supervisor. The supervisor may be asked to respond fully to the complaint, which may include replying directly to the citizen, if requested. While these are not moving violations in the manner reviewed for Authorized Operator disqualification (see Section V of this Policy), they may become the basis for suspending driving privileges if there are multiple complaints logged.

E. Incident Investigation

Every motor vehicle incident will be investigated by the Authorized Operator's supervisor and a report submitted utilizing the County's Vehicle Incident/Near Miss Report. It is the supervisor's responsibility to recommend actions to prevent a recurrence. If the recommendations involve change to County safety policies, the Risk Management Administrator will work with the supervisor and department head to make the appropriate changes.

X. VEHICLE MAINTENANCE

A. Responsibilities

Every County-owned vehicle shall be periodically inspected, maintained, and repaired according to the original equipment manufacturer recommendations and any federal, State and local laws, regulations, rules, safety standards, and/or programs for commercial and non-commercial vehicles. Further, no vehicle shall be used for any reason until known safety defects are properly inspected and/or repaired by qualified personnel.

B. Authorized Operator

1. The Authorized Operator is considered the first line of defense against unexpected breakdowns and repairs. It is important that the Authorized Operator communicate vehicle problems immediately to his or her supervisor and/or the department fleet representative. It is the responsibility of the Authorized Operator to ensure that any previous safety defect was inspected and either repaired or determined not to be any risk to safe operation. Both before and after vehicle use, the operator shall perform a visual inspection of the vehicle. Should the Authorized Operator fail to inspect the vehicle prior to, during, and after a trip, a potential problem may go unnoticed which could cause a breakdown or unsafe condition.
2. Commercial Vehicles – The Authorized Operator of any commercial motor vehicle⁸ shall perform a visual and physical inspection (circle check) prior to operating for the first time each day (pre-trip), during daily operation, and after the vehicle is used the last time each day (post-trip). A Driver Vehicle Inspection Report (DVIR) must be prepared in writing at the completion of each day's work for each vehicle operated. The report content shall identify the vehicle and must include remarks regarding any defects pertaining to vehicle safety. These items include, but are not limited, to the following:
 - a. Vehicle safety items (e.g., tires, wheels/rims, lights, reflectors, suspension, windshield and other glass, exhaust, wipers, mirrors, instruments/gauges/warning indicators, horn, charging system, service and park brakes, steering, seat belts, window regulators, lug nuts, sheet metal and flooring, load securement, fire extinguisher, triangles, incident report kit, etc.);
 - b. Vehicle fluid levels (e.g., leaks, coolant, engine oil, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, etc.);
 - c. Vehicle drivability items (e.g., misfire, rough idle, etc.);
 - d. Vehicle body (e.g., glass, body damage, cleanliness, etc.);
 - e. Vehicle miscellaneous repair items per owner/operator's manual (heater, defroster, air conditioning, radio, etc.);
 - f. Confirm that the one of the following documents is carried in or on the vehicle: a record of the most recent inspection, including any maintenance or repair work performed, or a written certification, on a form, that the vehicle is maintained under a preventive maintenance plan.

⁸ Commercial Vehicles Subject to Federal Motor Carrier Safety Regulation (FMCSR) 396.11 (vehicles exceeding 10,000 pounds GVWR or passenger buses designed to transport sixteen [16] or more people and not regulated by Transportation Article, 25-110, Annotated Code of Maryland).

- 3. Non-Commercial Vehicles – Authorized Operators shall perform a cursory pre-trip inspection of any non-commercial vehicle. Although not mandated according to State law, the cursory pre-trip should include a visual and physical check of all safety items and fluid levels similar to any commercial motor vehicle. At the very least, fluid levels must be checked at the time a vehicle is fueled.

C. Preventive Maintenance

Failure to perform the maintenance and repairs in accordance with County, Agency, and/or department policy may result in loss of driving privileges or other disciplinary measures. Each Authorized Operator must be familiar with and adhere to the procedures of his or her department.

D. Repairs

Authorized Operators of County vehicles must know how their departments handle either scheduled repairs or unscheduled emergency repairs and breakdowns. Failure to adhere to departmental policy and procedures may result in operation of unsafe vehicles resulting in injury or damage and may result in loss of driving privileges or other disciplinary measures.

I HAVE REVIEWED AND UNDERSTAND THE PROVISIONS OF THIS USE OF OFFICIAL CARS AND EQUIPMENT POLICY.

Employee Signature

Date.

APPENDIX I

Definitions of Terms

NOTE: These definitions are substantially derived from several sources, including the National Highway Traffic Safety Administration and American Society of Safety Engineers, National Standard Z15.1, "Safe Practices of Motor Vehicle Operations" (2006).

- 1) **Accident:** This term applies only to those situations that result from an Act of God and are outside human influence. (See "Incident").
- 2) **Aggressive Driving:** Driving in a selfish, bold, or pushy manner, without regard for the rights or safety of other users on or off the roadway. Also see "Willful Behavior."
- 3) **Authorized Operator:** Any appropriately trained Washington County elected official, appointed official, contract employee, temporary or full-time employee of the Board of County Commissioners of Washington County, or (for purposes of qualification) any outside Agency personnel (such as Department of Social Services, or the Humane Society, etc.) or short-term permissive operator authorized to operate Washington County owned vehicles by the County's Risk Management Administrator or Safety Compliance Administrator.
- 4) **CFR:** Code of Federal Regulations
- 5) **CMV:** Any Washington County vehicle exceeding 10,000 pounds GVWR, multipurpose passenger vehicle or a passenger bus designed to transport more than 16 people
- 6) **Collision:** An event in which the first harmful event involves a vehicle in motion coming in contact with another vehicle, other property, person(s), or animal(s).
- 7) **COMAR:** Code of Maryland Regulation
- 8) **Crash:** An event involving one or more vehicles in motion.
- 9) **CVSA:** Commercial Vehicle Safety Alliance, Washington, D.C., Phone (202) 775-1623
- 10) **Defect:** an imperfection that impairs worth or utility.
- 11) **Defensive Driving:** Driving to save lives, time, and money, in spite of the conditions around you and the actions of others.
- 12) **De Minimis (Minimal) Use:** Per IRS guidelines de minimis use or benefit is any property or service provided to an employee that has so little value (taking into account how frequently similar benefits or uses are provided or allowed to all other employees) that accounting for it would be unreasonable or administratively impracticable. Examples of de minimis use benefits include the occasional personal use of a company copying machine if there is sufficient control over its use so that at least 85% of its use is for business purposes, or personal use of an assigned vehicle for a stop for a personal errand on the way between a business stop and the employee's home.
- 13) **Distracted Driving:** Diversion of the operator's attention from the task of operating a vehicle by activities, objects or events inside or outside the vehicle, or by factors such as emotional stress or preoccupation.
- 14) **Downtime:** The number of hours a vehicle is unavailable for use due to authorized repair of preventive maintenance work. Downtime begins when a vehicle is brought to the facility for authorized repair. Downtime does not include the time for repairs resulting from vehicle abuse, incidents, vandalism, equipment up-fitting, or acts of God.
- 15) **Driver:** See Authorized Operator
- 16) **DVIR:** Driver's Vehicle Inspection Report. Also referred to as a Vehicle Inspection Report (VIR), or a Vehicle Condition Report (VCR), Authorized Operator Vehicle Inspection Report (AOVIR), Motor Vehicle Repair Order (MVRO).
- 17) **Employee:** See "Authorized Operator".
- 18) **Event:** A term referring to all crashes, near misses, collisions and incidents. The "event" begins at the onset of the precipitating factor and ends abruptly following the evasive maneuvers.
- 19) **FMCSR:** Federal Motor Carrier Safety Regulations
- 20) **GAWR:** Gross Axle Weight Rating
- 21) **GCWR:** Gross Combined Weight Rating
- 22) **GVWR:** Gross Vehicle Weight Rating. The maximum total weight measured at the tire/ground interfaces, for which the vehicle possesses components adequately rated to safely carry. The GVWR cannot exceed the sum of all GVWR's.
- 23) **IFTA:** International Fuel Tax Agreement (contact The Comptroller of Maryland, Phone (410) 260-7215)

or Toll Free at (888) 784-0142

- 24) **Incident:** An undesired event that did or could have resulted in personal harm or property damage, or in any undesirable loss of resources. An unplanned or unintended event or series of events that may: (a) result in death, injury, loss of or damage to a system or service; (b) cause environmental damage; (c) adversely affect an activity or function.
- 25) **Impaired driving:** Any condition, acquired or innate, that may adversely affect the ability to safely operate a vehicle, including ingestion of any alcohol or prescription or non-prescription drugs.
- 26) **Incidental driving:** De minimis personal use as defined by the Internal Revenue Service (such as a stop for a personal errand on the way between a business destination and the employee's home).
- 27) **In-Service:** Any vehicle not classified as Out-Of-Service
- 28) **MVR:** Motor Vehicle Record
- 29) **Near miss:** An incident where, given a slight shift in time or distance, personal harm or property damage easily could have occurred, but didn't. Near miss incidents serve as an opportunity to identify potential safety hazards
- 30) **Out-Of-Service:** Any vehicle determined to have a safety defect OR is past due for safety inspection
- 31) **Owner:** Board of Commissioners of Washington County, Maryland
- 32) **Remedial training:** Training required following an incident to upgrade and renew skills and demonstrate proficiency.
- 33) **Road Rage:** A criminal offense in which a vehicle is used as a weapon with intent to do harm, or the physical assault of another operator or vehicle.
- 34) **SME:** Special Mobile Equipment
- 35) **Temporary Use Vehicle:** Any vehicle that is not routinely assigned to an Authorized Operator and is typically operated by one or more Authorized Operators on a daily basis or temporarily assigned to an Authorized Operator for a period less than 1-week.
- 36) **Traffic Hazard:**
- 37) **Vehicle:**
 - a) Any licensed mechanically or electrically powered device (except one moved by human power), not operated on rails, designed to be operated primarily on public streets and roads. Cargo and/or attachments (trailers, etc.) to a motor vehicle are considered part of that vehicle.
 - b) Licensed motor vehicles as defined in (a) designed to be operated primarily on public roads, but also utilized off road.
 - c) Unlicensed heavy equipment and registered Special Mobile Equipment not designed to be operated primarily on public roads except on an occasional basis.
 - d) Unlicensed heavy equipment only intended for off road use.
 - e) Vehicles shall include, but are not limited to, any and all forms of motorized, self-propelled equipment, machinery, heavy equipment, special heavy equipment, special mobile equipment, apparatus and/or device utilized for any purpose whatsoever for the County, regardless of whether the unit is owned, rented, leased, etc.
 - f) Any size and/or type of trailer. Trailers attached to a motor vehicle are considered part of that vehicle.

Willful Behavior: The Authorized Operator knowingly and purposefully operates in an unsafe or inappropriate manner. Includes aggressive driving, purposeful violation of traffic laws, use of vehicle for improper purposes (i.e., intimidation).

APPENDIX II

BOARD OF COUNTY COMMISSIONERS WASHINGTON COUNTY MARYLAND VEHICLE MANAGEMENT POLICY RULES OF THE ROAD

- Learn to recognize driving situations that can be hazardous**
- Assume other drivers will make errors**
- Adjust speed, position, direction and attention to be able to maneuver safely if a hazard develops**
- Scan far enough ahead to be able to react safely to approaching situations. Remember S.I.D.P.E. Scan, Identify, Decide, Predict, and Execute.**
- Scan frequently to the side and rear for passing or approaching vehicles**
- Scan thoroughly before changing speed or direction**
- Do not force other drivers to brake or steer because of your obstructive maneuver into their path**
- Assume other drivers will not see you and avoid you when you maneuver into their path**
- Move into your intended path or direction only after you are assured you will not conflict with other traffic**
- You must operate your vehicle according to the laws, ordinances and regulations of the city, county and state you are driving in**
- State law prohibits idling engine for more than 5-minutes unless vehicle is a passenger bus requiring engine to provide a comfort-controlled interior.**
- State law prohibits talking or texting while driving without a hands-free unit.**
- Vehicle shall never be left unattended with the engine running and/or keys left in the ignition switch or anywhere inside the vehicle.**
- Speed must never be faster than posted speed limits, road traffic, weather and light conditions. Reduce speed at night and when fog or other conditions limit visibility.**
- Use of seat belts and shoulder harness is mandatory for driver and passengers.**
- Keep a 3 second distance (count one-one thousand, two-one thousand, three-one thousand) from the vehicle in front for automobiles and pickup trucks (4 or more seconds for larger vehicles). In bad weather or in a heavier vehicle add a 4-6 second following distance.**
- Adhere to manufacturer's recommendations regarding service, safety, maintenance and inspection. Vehicles must not be operated with any defect that would prevent safe operation.**
- Only County Authorized Operators may operate County vehicles**
- Select parking locations that do not cause public concern and always safeguard vehicle after parking.**
- Report all incidents, near misses, damages regarding a County vehicle to supervisor immediately—whether occurring on or off duty**
- Report all maintenance and safety issues to supervisor and Department Fleet Representative immediately.**

APPENDIX III

VEHICLE MANAGEMENT POLICY OVERVIEW

Qualifications:

- Valid operator's license from state of residence
- Appropriate training in and qualification for class of vehicle being driven
- Acceptable MVR (less than 6 points—unless pattern of suspensions noted) and annual review
- Disqualification
- Non-compliance with County's drug and alcohol program
- Disciplinary action
- Failure to report an incident or suspended or revoked license
- Health condition that might impair ability to safely operate County Vehicle (including prescription drugs)
- Unacceptable MVR (6 points—DWI/DUI, reckless/careless driving, vehicular homicide, drug offense, hit and run, fleeing police, 3 or more at-fault motor vehicle incidents or violations in last 3 years)
- Training Qualification—basic safety requirements and operating instructions
- CDL drivers must comply with all appropriate DOT requirements

Permitted Uses:

- Official County business with de minimis personal use
- Must reflect concern for safety and courtesy toward public, abide by all federal state and local laws; understand that public perception is important
- Security and safety of vehicle is critical—don't leave the keys in the car and be careful where you park
- Smoking is prohibited in all County vehicles; prohibition extends to personal vehicles used for County business if one or more County employees are passengers
- Texting is specifically prohibited while driving any County vehicle or while driving a personal vehicle on County business
- Only authorized operator may drive
- No towing of trailers, boats, recreational vehicles, etc. for personal use
- No operation of County vehicles after consumption of alcohol, controlled substances, or prescription medication that may impair ability to operate a vehicle
- No possession, transportation, consumption of alcohol or illegal drugs by anyone in vehicle
- Do not use County vehicles for personal gain
- No installation or use of any radar detection devices
- No modification of vehicle without express direction of supervisor and County maintenance personnel
- No transporting of personal passengers, including family members, unless authorized by Department Head
- Take home vehicle only assigned by Department Heads for those Authorized Operators who are required to make official stops before working day begins and after the day ends or those who are called upon to make official trips and emergency call outs during non-working hours. Must be used ONLY for bona fide business reasons for the benefit of the employer and not the employee. Take home vehicles are a taxable benefit to the employee, unless vehicles are clearly marked police, fire and rescue vehicles or are unmarked law enforcement vehicles, any vehicle with loaded gross vehicle weight over 14,000 pounds and delivery trucks.
- Avoid using cell phone or two-way radios/computer communication devices while operating County vehicle; use from a stopped vehicle if at all possible; use hands-free device; avoid eating, drinking, adjusting noncritical controls, etc. while driving.
- Non-employees may be transported in a County vehicle if on official County business and authorized by Department Head.
- Occasional travel out of state is permissible—Authorized Operator must adhere to all traffic laws of the states traveled
- All traffic and parking laws must be obeyed; posted speed limits shall not be exceeded nor shall the vehicle be operated above safe driving speeds for road conditions. Violation fines are the responsibility of the Authorized Operator.
- If an Authorized Operator acts in a manner that results in excessive damage to the equipment through negligence or carelessness, driving privileges may be restricted/suspended and employees may be subject to termination.

Fuel:

Wherever possible, County vehicles shall refuel from a County fuel facility or if necessary the most cost effective public self-service facilities using only 87-octane fuels or low sulfur diesel as appropriate.