

DRIVING & CITY VEHICLES

Revised December 2022

SECTION: 39

A. PURPOSE

The purpose of Section is to:

1. Set authorized driver standards;
2. To identify some rules relevant to use of vehicles; and,
3. To comply with IRS laws regarding taxation of commuter use of City vehicles.

B. AUTHORIZED DRIVERS & STANDARDS

1. The human resource office maintains the City's roster of authorized drivers. In general, only authorized drivers may drive a City vehicle or their personal vehicle for City business. City business means driving at the direction of, or for the benefit of, the City. It does not include normal commuting in a personal vehicle to and from work. Limited circumstances may be approved on a case-by-case basis where someone not on the authorized driver roster may drive for City business such as a member of the community agreeing to drive an elected official in a parade.
2. To be an authorized driver, the employee must:
 - a. Be at least 17 years old and had a driver's license (not learner's permit) for at least 12 months;
 - b. Possess and maintain a valid Utah Driver's License with any job required endorsement, or for individuals who possess a valid out of State license, obtain a valid Utah Driver's License with any job required endorsements within 6 months;
 - c. Possess and maintain a valid Commercial Driver License (CDL) and a valid Medical Certification Card for jobs requiring a CDL (Tooele City has adopted this requirement despite the Excepted Provision for Interstate travel); and,
 - d. Possess and maintain a driving record that is acceptable to Tooele City's risk management and insurability expectations and report violations or problems relevant to their driving record or license.
 - (1) Tooele City works cooperatively with our insurance provider to determine driver risk factors. Driver's license records, criminal history records relating to driving and vehicle operations, and City's records relating to driving are an essential component in the evaluation.

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- (2) Tooele City and/or Tooele City's general liability insurance provider or agents reserve the right to request and review at any time, the driving records of any prospective or current driver and to revoke driving privileges for Tooele City at any time.
- (3) Drivers may be asked to complete an annual License Certification and Self-disclosure Report of any accidents, violations, driving records, traffic convictions and forfeitures; or pleas in abeyance. Failure to do so may result in revoking of driving privileges.
- (4) Authorized drivers who incur an at-fault accident or violation, on- or off-duty, must notify his/her supervisor by the beginning of the next shift. For serious violations such as alcohol related violations, driving while impaired, refusal to test, or evading an officer, the driver must also immediately discontinue operation of the City vehicle or personal vehicle for business purposes, and not drive until being notified of the status of his/her continued driving privileges. Failure to do so may result in disciplinary action, up to and including dismissal.
- (5) Authorized drivers whose driver's license is revoked or suspended must notify his/her supervisor by the beginning of the shift immediately following the revocation and must immediately discontinue operation of the City vehicle or personal vehicle for business purposes. Failure to do so may result in disciplinary action, up to and including dismissal. Employees are responsible for knowing if their license is valid and for keeping their address and other records current with the Utah Driver's License Division.

C. VEHICLE ACCIDENTS

1. Accidents occurring in a City vehicle must be immediately reported to law enforcement if it involves personal injury or damage to the property of another vehicle. The employee shall remain at the scene of the accident until law enforcement has responded or given instruction, unless emergency medical attention is needed. The accident must be reported promptly to the driver's supervisor or department head. Accidents involving no personal injury or involving damage only to a City vehicle need not be reported to law enforcement, but must be reported promptly to the driver's supervisor or department head.
2. Accidents occurring in personal vehicles while on City business must follow the law for reporting accidents and must be reported to the supervisor or department head by the beginning of the next work shift. Because insurance follows the vehicle, accidents in personal vehicles, even on City business, fall on the employee's personal insurance. Tooele City, at their sole discretion and given the totality of the circumstances, may elect to reimburse the employee for their

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deductible if the vehicle was determined to be damaged and the accident was not the employee's fault.

3. Failing to stop after an accident and/or failure to report an accident may result in revocation of driving privileges as well as disciplinary action, up to and including dismissal from employment.
4. City employees involved in accidents while not acting in the "course and scope of employment" are responsible for all liabilities arising from the accident.
5. Tooele City's Drug Free Workplace Policy identifies when post-accident drug/alcohol testing is required.

D. TICKETS & FINES INCURRED WHILE WORKING

Tickets and fines incurred by a City driver due to incidences that were within the employee's control are paid by the employee not Tooele City.

E. DRIVER SAFETY RULES

The following is not an exclusive list of rules relating to driver safety but represents some of the more common requirements applicable to our workforce. Exceptions apply to public safety vehicles. The Tooele City Police Department Policies & Procedures outline rules relevant to their driver safety standards.

1. **Safe & Courtesy.** Drivers are expected to operate the vehicle in a safe manner and drive defensively to prevent injuries and property damage. Drivers are expected to drive in a courteous manner.
2. **Laws.** Drivers are expected to obey all state and local laws. This includes overnight street parking during winter months.
3. **Impaired Driving.** Drivers are not to operate a City vehicle when illness, fatigue, injury, prescription medication, over-the-counter medication, intoxicants, alcohol, drugs, or other conditions have impaired his/her ability to do so safely.
4. **Seat Belts.** Drivers and all passengers must wear properly adjusted and fastened safety belt systems while driving or riding in City vehicles or the employee's personal vehicle when driving for business purposes, even if air bags are available. Drivers are responsible for ensuring that passengers wear properly adjusted and fastened safety belts.
5. **Smoking.** Drivers and passengers may not smoke in City vehicles nor may they hold their lit cigarette/e-cigarette outside of the vehicle window, door, or other opening.

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6. **Distracted Driving.** Drivers may not engage in distractions while driving such as texting, operating electronic devices unless carrying out official duties (such as police officers), eating, applying makeup, etc.
7. **Securing Vehicle/Unattended Vehicles.** Drivers are responsible for the security of assigned vehicles. No vehicle may be left unattended with keys in the ignition unless required for their job and only if the door is locked and a second set of keys is used. When a vehicle is otherwise left unattended, the vehicle engine should be shut off, ignition keys removed, and vehicle doors locked.
8. **Securing Loads.** Drivers are responsible for securing any load or materials transported in or by a City vehicle.

F. EXPECTATION OF PRIVACY

Employees have no expectation of privacy in City vehicles because they are City property. The City reserves the right to search City vehicles at any time, for any purpose, at any location, with or without notice.

G. GLOBAL POSITIONING SYSTEM (GPS)

The City reserves the right to install GPS or other monitoring devices on City vehicles at any time, for any purpose, with or without notice. Employees may not tamper with any GPS or tracking device.

H. AUTHORIZED PASSENGERS

Passengers are limited to individuals who need to ride in the City vehicle to conduct City business. Children, family members, friends, etc. are not permitted to ride in City vehicles unless there is a business-related necessity.

1. Exceptions.

- a. Limited circumstances may be approved on a case-by-case basis where someone not on the authorized driver roster may drive for City business such as a member of the community agreeing to drive an elected official in a parade.
- b. In emergencies where the employee has a reasonable belief, based on totality of circumstances, that the life, safety, health, or physical welfare of an individual would be threatened without the security and/or transportation the vehicle could provide. Examples of such emergencies include, but are not limited to accidents involving personal injury, acute illness, and actual and potential victims of crime and violence.
- c. In motorist passenger assistance where there is no immediate emergency, but under the circumstances, the employee has a reasonable belief that the failure to transport the motorist and/or passengers result in such person

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being left in real or potentially real danger, or would result in extreme inconvenience to them. The use of a City owned vehicle in such case is limited to transporting motorists and their passengers only to those places where they are reasonably safe, and have a reasonable opportunity to obtain continued help without further conveyance in a City owned vehicle.

- d. Sworn police officers and authorized firefighters are allowed to have passengers in their police or fire command vehicle subject to their respective department Policies & Procedures.

I. PERSONAL AND COMMUTER USE OF CITY VEHICLE

1. Personal Use of a City Vehicle

- a. Incidental personal use of a City vehicle in the course of the employee's daily assignments is generally allowed. Examples include an employee stopping for a snack while en route from one job site to another or depositing a paycheck while on break and en route from one job site to another. If an employee is required by the City to commute in a City vehicle, incidental use may also include driving to/from lunch if reasonable and within close proximity to the assigned workplace.

The City vehicle may not be used for any personal use outside the employee's work hours except for incidental use to or from the employee's daily assignments such as stopping at the store while en route to/from work/home.

- b. Sworn police officers' personal use is granted to benefit the City by providing visibility and police response throughout the City. Such personal use is limited to use only within Tooele City limits. The Police Department Policies & Procedures Manual may provide additional information on personal use of police vehicles. Injuries sustained during personal use are not work-related injuries and are the officer's responsibility.
- c. Fire Chief and Fire Marshall/Emergency Management Supervisor personal use is granted to benefit the City by providing visibility and fire/emergency response throughout the City. Such personal use is limited to use only with Tooele City limits. The Fire Department Policies & Procedures Manual may provide additional information on personal use of fire vehicles. Injuries sustained during personal use are not work-related injuries and are the officer's responsibility.

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2. Commuter Use of a City Vehicle

- a. Commuter use of a City Vehicle is travel, not on work time, from the first trip outbound at the beginning of the work period and the last trip back home at the end of the work period and vice versa.
- b. The IRS considers commuter use of a City vehicle to be a taxable fringe benefit to the employee commuting in the City vehicle, whether as a driver or passenger, unless the vehicle is specifically excluded under the IRS law. Examples of vehicles excluded under the IRS law include police vehicles, fire trucks, snow plows, and a department's designated on-call vehicle when the employee is serving in the official on-call capacity.
- c. To calculate the value of the fringe benefit Tooele City has adopted the Commuting Valuation Rule, a flat \$1.50 each way (\$3 round trip) for employees who are required to commute in the City vehicle for the benefit of the City. Employees in the following positions may be required to commute in a City vehicle year-round or during specific seasonal periods to meet unique work needs:
 - Parks Maintenance Supervisor
 - Parks & Recreation Director
 - Public Works Director
 - Facilities Maintenance Lead
 - Streets Supervisor
 - Water Distribution Superintendent
 - Water Reclamation Superintendent
 - Shops Supervisor

In the event other positions require the employee to commute in an IRS non-excludable City vehicle or a position is removed from this list, a written memorandum signed by the Mayor shall be provided to the human resource office until such time this Section can be updated.