

CITY OF CALISTOGA

POLICY AND GUIDELINES VEHICLE USAGE POLICY

Policy Authorization

Effective Date

5/24/04

Revision Dates (1)

(2)

Authorization

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I PURPOSE

To establish City policy, procedures, guidelines and conditions for City-business related transportation and the use of City owned and privately owned vehicles. Use of the City Pool vehicles offers the City a greater amount of control over the mileage costs, vehicle usage, quality of maintenance, inspections, operation of safety equipment, insurance and other critical factors than use of personal vehicles.

II POLICY

- A. When an elected/appointed member of City Council, Planning Commissioner, or employee (Operator) is required to travel by vehicle on City business, the individual should generally use a City vehicle. Reimbursement for the use of a personal vehicle may be authorized by the respective Department Head if use of a City vehicle is impractical. When conducting City business, vehicles should be operated in a manner that is lawful, courteous, safe and in compliance with the procedure set forth below.
- B. Only authorized individuals whose duties require the use of a motor vehicle are authorized to operate City vehicles. Operators who have a City vehicle permanently assigned to them and/or City owned vehicles assigned for use within their department are responsible for ensuring that only those persons with a valid drivers license and on official City business are allowed the use of a City vehicle.
- C. Use of Privately Owned Vehicles:
 - 1. Operators may use his/her personal vehicle when he/she has a transportation need for City business and upon authorization by his/her supervisor.

2. Operators authorized to use personal vehicles on City business must provide proof of insurance to the City Clerk. In the State of California, insurance follows the vehicle. Insurance Code §11580.9 states that where two or more policies affording valid and collectible liability insurance apply to the same motor vehicle the insurance policy in which the motor vehicle is described or rated (in simple terms the private insurance policy) is primary and the insurance afforded by any other policy shall be excess.
 3. Operators who regularly use their own vehicle on City business should notify their insurance company.
 4. It is the responsibility of the individual utilizing his/her privately owned vehicle to maintain accurate records of the purpose, and extent of his/her travel, and make substantiated claims for reimbursement.
 5. The vehicle and/or mileage allowance is intended to cover the Operator cost of operating the vehicle on City business, including the cost of insurance. Further, all operating expenses of the privately owned vehicles are to be borne by the Operator. This includes, but is not limited to, gasoline, oil, maintenance, wear and tear, depreciation and insurance.
 6. The City is not liable for any damage to an Operator's private vehicle, unless it is caused by the City's negligence.
 7. It is the responsibility of the Operator involved in an accident while using a private vehicle for facility business to remain at the scene of the accident, contact the local police to file a report, notify his/her immediate supervisor, and their insurance company.
- D. This policy may be superseded by an approved departmental specific policy, which incorporates the same or more restrictive standards.

III GENERAL GUIDELINES

- A. Operators shall obey all City, County, State and Federal laws while operating City vehicles and any time personal vehicles are used on official City business.
- B. It is the responsibility of the Operator to ensure that the driver and all passengers use seat belts and have them properly adjusted before starting the engine of the vehicle.
- C. When cargo, materials or tools are being transported, the driver is responsible for assuring that all items are properly secured.
- D. No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating.
- E. Alcoholic beverages and drugs shall not be transported or placed in any City vehicle, except if transported by a marked public safety vehicle.

- F. Operators shall refrain from operating cellular telephones, laptop computers, navigational devices and any other device that may cause driver distraction while operating a City vehicle or while operating a privately owned vehicle in the course of conducting City business, except if operated in a marked public safety vehicle. Drivers shall make every attempt to safely and properly park their vehicle prior to using such devices.
- G. Any Operator who uses a City vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle.
 - 1. Before operating the vehicle and at least once a day, the driver is responsible for insuring that all vehicle safety equipment including headlights, turn signals, brake lights and windshield washers are functioning properly.
 - 2. No Operator shall operate a City owned vehicle in an unsafe condition.
 - 3. When returning the City vehicle please make sure the interior is clean. If the fuel is below one half a tank drive the vehicle to the Public Works Corporation Yard, fill up the tank, and record the amount of fuel in the fuel log located at the pump.
- H. Intentional abuse, moving violations, reckless operation, or negligent actions while operating a City vehicle may result in the suspension of the Operator's driving privileges. Any driver involved in a preventable collision or demonstrating questionable driving capabilities may be required to attend a remedial course in Defensive Driving.

IV RENTAL VEHICLES

When it is necessary for an Operator to use a rental vehicle for City business, the individual shall utilize a City approved rental agency. Optional comprehensive/collision damage coverage should be purchased from the rental City at the time the vehicle is rented.

V ACCIDENT REPORTING REQUIREMENTS

- A. Any accident involving a City owned, rented or leased vehicle or privately owned vehicle used in the performance of City duties shall be reported as follows:
 - 1. Summon medical care for any injured parties.
 - 2. Notify appropriate law enforcement agencies and request an accident report. If a police vehicle is involved in an accident the California Highway Patrol is notified to prepare an accident report.
 - 3. The Operator of a City vehicle is not to comment on fault, assign blame or negotiate any aspect of the collision with any parties involved in the accident.
 - 4. Notify the employee's immediate supervisor, or if an elected/appointed member of City Council or Planning Commissioner notify City Clerk Office as applicable.

5. The supervisor or City Clerk Office staff shall immediately notify the Risk Manager (City Manager).
6. The supervisor shall be responsible for initiating the departmental investigation of the accident, completing all required City reports and recommending follow-up preventative actions. In the event of bodily injury, an Incident Report (Exhibit A) should be completed by the Operator or City Clerk Office staff as applicable, and submitted to Public Agency Risk Sharing Authority of California (PARSAC).
7. Report the accident to the Department of Motor Vehicles if there is bodily injury or over \$750 in property damage (California Vehicle Code § 16004).
8. If a City employee operating a City vehicle is determined to be at fault in the vehicle accident, the supervisor shall recommend disciplinary action subject to review and approval by the department head.
9. The supervisor must complete a "Vehicle Accident Information" (Exhibit B) and submit it to the City Clerk's Office at the earliest opportunity upon return to the City.
10. If the vehicle requires towing it should normally be taken to the Public Works Corporation Yard, unless another location would be more reasonable given the location of the vehicle, or the nature and circumstances of the mechanical problem.

VI INSURANCE

- A) When an Operator uses a City vehicle and is involved in an accident, defense and settlement of any claim will be the responsibility of the PARSAC, up to the protection limit of \$1,000,000 per occurrence. If an Operator using a City vehicle is sued independently as a result of an at-fault accident, PARSAC will protect that Operator. Should an Operator using his/her private vehicle on City business be involved in an accident with resulting injury or property damage, the Operator's own insurance carrier will respond to defend the Operators of the City vehicle. Should a claim exceed the limits of the Operator's liability insurance coverage, PARSAC would respond in an excess capacity.
- B) Employees who use private vehicles for City business and receive a monthly vehicle allowance or receive reimbursement for mileage shall maintain coverage in an amount not less than \$100,000 per person / \$300,000 per occurrence (or a combined single limit of \$300,000) and property damage coverage in an amount not less than \$100,000 per occurrence or the minimum insurance requirements under State Law, whichever is greater.

C) Additional Information:

1. The City is not legally liable for any damage sustained to the Operator's private vehicle when used on City business. In the event of an accident, the Operator is responsible for paying any deductibles the insurance company may require. The Operator of a City vehicle may elect to purchase his/her own comprehensive and collision insurance coverage.
2. The City shall not be responsible for any increase in the Operators premium rate as a result of an accident.
3. If insurance coverage is canceled, terminated, lapsed, or for any other reason curtailed, the immediate supervisor or City Clerk Office must be notified by the Operator and the private vehicle shall not be used for City service.

VII DRIVER'S LICENSE

- A. Operators authorized to use City owned or privately owned vehicle on City business must possess a valid California Driver's license and provide proof of licensing upon hire.
- B. Operators must maintain driver's licenses appropriate for the class of vehicle to be driven.
- C. An Operators whose driver's license has been suspended or revoked for any reason must immediately notify their supervisor or City Clerks staff, and shall not be allowed to operate any City owned or private vehicle on City business until the license is restored.
- D. Operators who have obtained temporary driving permits or hardship licenses shall not be permitted to operate City or privately owned vehicles in the performance of official City duties.
- E. The City may monitor the Operator's Department of Motor Vehicle license standing and may restrict or prohibit access and use of City vehicles based upon violation, experience, and associated risk. Temporary or permanent suspension of City driving privileges for Operators whose position requires operation of a vehicle shall be considered a loss of the ability to perform an essential job function.

VIII RESERVING VEHICLE

- A. To reserve the City vehicle you may contact the City Clerk's Office. To check on availability of the vehicle refers to "Admin Pool Car Calendar" in "All Public Folders" in MS Outlook.
 1. The City Pool Vehicle should generally be returned and parked behind the Police Station.
- B. The key for the City Pool Vehicle may be obtained at the counter in the Planning and Building Department.

IX ACKNOWLEDGEMENT

Upon receipt of this policy, each Operator shall sign a form (Exhibit C) acknowledging that he/she is aware of the vehicle policy including the legal issues arising out of the use of his/her private vehicle on City business.

EXHIBIT A



CITY OF CALISTOGA

INCIDENT REPORT FORM

This report must be completed and delivered to the City Clerk. All accidents or incidents involving injury to persons and damage to property occurring on or as a result of the operation of City owned property or City activities are to be reported on this form.

I. Description of Incident:

A. What happened? _____

B. Place of incident: _____

C. Date/Time of Incident: _____

D. Individual(s) involved and result of incident: (check off applicable boxes below)

Involved Party(ies)

- ☐ Employee
- ☐ Non-Employee
- ☐ Property

Nature of Incident and Action Taken

- ☐ No Injury No Damage (circle)
- ☐ Transported for Medical Treatment
- ☐ Vehicle Accident
- ☐ Reported to OSHA
- ☐ First Aid (given at scene only)
- ☐ Other: _____

II. Principals involved in incident (in case of minor add parent or guardian's name):

Witnesses: (indicate if City Employee)

<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Over 18 Years of Age (Check box)</u>	<u>City Employee</u>	
				<u>Yes</u>	<u>No</u>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III. Property damage and/or bodily injury

A. Name(s) and address of injured party(ies): _____

B. Description of injury(ies), if known: _____

C. Owner of damaged property (in case of vehicle damage indicate also vehicle license, make and model):

<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Vehicle License No.</u>
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D. Description of property damage: _____

E. Other pertinent information regarding the incident (time of day, weather conditions and other pertinent information):

III. Reporting Person:

Person making report: _____

Address of person making report: _____

Date and time of report: _____

Did Police investigate incident? Yes ____ No ____

Report Accepted by: _____

Date: _____

Report Reviewed by: _____
(Department Head)

Date: _____

Report Reviewed by: _____
(City Manager)

Date: _____

EXHIBIT B

VEHICLE ACCIDENT INFORMATION

Driver of other vehicle:

Name _____

Business Name (If a business vehicle is involved) _____

Address _____

Telephone _____

Drivers License No. _____

Registered Owner _____

Address of Owner _____

Telephone number of owner _____

Vehicle Make and Year _____

License Plate No. _____

Accident Notes:

Date _____ Time _____

Location _____

Persons Injured (Name & Addresses) _____

Occupants of Other Vehicle (Name & Addresses) _____

Witnesses (Name & Addresses) _____

NOTE: If people will not give their name as witnesses, jot down their auto license plate number.
If there is bodily injuries workers compensation information will need to be completed