



POLICY STATEMENT

Policy Statement 5401

Policy Area: Facilities - Motor Vehicles

Effective Date: JUN 08 2004

Approved: *Paul A. Quander, Jr.*
Paul A. Quander, Jr., Director

USE OF AGENCY VEHICLES

I. COVERAGE

This Policy Statement applies to all employees of the Court Services and Offender Supervision Agency of the District of Columbia (hereinafter, "the Agency"), excluding Agency contractors and the Pretrial Services Agency.

II. BACKGROUND

This Policy Statement provides guidance to employees on the use of Agency vehicles. It addresses under what circumstances employees may use Agency vehicles and the procedures and rules governing such use. The use of privately-owned vehicles for official Agency business is addressed in a separate policy. Agency contractor's use of government vehicles and privately owned vehicles for Agency business is also addressed in a separate policy.

III. POLICY

It is the policy of the Agency to allow employees with a valid driver's license to use Agency vehicles for *official Agency business only*. Employees shall use Agency vehicles between places of official business only. Authorized use may include the transport of other employees or non-employees (including offenders), as long as the purpose for transporting the individuals is to accomplish authorized Agency business. Employees shall not use Agency vehicles to conduct personal business or take Agency vehicles home at any time. Any employee who willfully uses or authorizes the use of such vehicle for other than official local purposes will be subject to disciplinary action, up to and including removal. Pursuant to federal law, employees who willfully misuse Agency vehicles will, at a minimum, be subject to a 30-day suspension from work. In addition, employees who fail to comply with any of the provisions of this Policy Statement will be subject to disciplinary action. Specific conditions under which employees may use Agency vehicles are discussed below.

IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS

A. Authorities

31 U.S.C. § 1349 – Adverse Personnel Action
41 C.F.R. § 101.38.301 – Authorized Use
41 C.F.R. § 101.38.301.3 – Violation of State and local motor vehicle traffic laws
41 C.F.R. § 101.38.401.2 – Use of self-service pumps
41 C.F.R. § 101.38.601 – Accident reporting forms and their use
Executive Order 13043 – Increasing Seat Belt Use in the United States

B. Supersedures

None

C. References

None

D. Attachments

Appendix A. Definitions
Appendix B. General Procedures
Appendix C. Government-Owned Vehicle Request/Travel Authorization (CSOSA-FAC-0005)
Appendix D. Motor Vehicle Accident Information (CSOSA-FAC-0003)

**APPENDIX A
DEFINITIONS**

Agency Vehicle - A government-furnished automobile which is part of the Agency's vehicle fleet.

Employee - An individual employed by the Agency regardless of status or rank.

Local Travel - Travel which is within the Washington Metropolitan area, including Baltimore, Maryland and Lorton, Virginia.

Official Travel - Travel between places of official business.

Out-of-Town Travel - Travel outside of the designated local travel area that is more than twelve (12) hours and requires overnight lodging.

Valid Driver's License - A license, in the name of the employee, to operate a motor vehicle, that is valid at the time of use of the government vehicle.

Vehicle Coordinator - An employee who has responsibility for the day-to-day management of Agency vehicles, which are under his/her jurisdiction. This individual is responsible for issuing keys, scheduling and assigning vehicles to prospective users, and reporting problems caused by mechanical failure and/or accidents.

Vehicle Manager - An employee who has Agency-wide responsibility for policy, reporting, and inventory relating to Agency vehicles. This function is located in the CSOSA Office of Facilities Management.

APPENDIX B
GENERAL PROCEDURES

A. Use of Agency Vehicles

1. Licenses. Employees who drive Agency vehicles must have a valid state, District of Columbia, or territorial motor vehicle operator's license. Licenses must be carried at all times while using Agency vehicles.
2. Approval. Employees must have specific authorization for the use of an Agency-furnished automobile *prior to using such vehicle*. The following steps shall be followed in seeking authorization:
 - a. Complete a "Government-Operated Vehicle Request/Travel Authorization Form" for prior approval and submit it to the appropriate supervisor for signature. The form is attached to this Policy Statement and is available in each division of the Agency;
 - b. Indicate on the request form each destination for which the Agency vehicle will be used;
 - c. Submit the form to the appropriate vehicle coordinator 24 to 48 hours in advance of need;
 - d. Present a valid driver's license to the vehicle coordinator when picking up the car;
 - e. Maintain a copy of the vehicle request form at all times while operating an Agency vehicle; and
 - f. Upon return of the vehicle, complete the section of the form relating to mileage and fuel, and resubmit it to the Vehicle Coordinator.
3. Safety and Cleanliness. Seatbelts must be worn at all times while operating or riding in an Agency vehicle. The driver shall be responsible for passenger adherence to this policy. Smoking, eating, and drinking are prohibited in all Agency vehicles. In order to protect vehicles from theft and damage, employees must park or store the vehicle in a manner that reasonably protects it and lock the vehicle when unattended.
4. Traffic Laws and Fines.
 - a. Operators of Agency vehicles shall become familiar with and obey all motor vehicle traffic laws of the state(s) and/or local jurisdictions in which they operate. Violation of state or local motor vehicle laws can result in fines and/or imprisonment.
 - b. Traffic fines imposed on an employee for an offense committed by him or her while in the performance of his/her official duties are the responsibility of the employee. This includes fines for parking violations. Tickets issued

must be reported to a Vehicle Coordinator within 24 hours of receipt. Any employee who fails to report the ticket or promptly to pay a fine or otherwise properly dispose of a traffic ticket will be prohibited from driving an Agency vehicle until the ticket is disposed of properly. Such employee may also be subject to disciplinary action.

5. Fueling.

- a. When refueling motor vehicles, self-service pumps shall be used to the fullest extent possible. Use the grade of fuel recommended by the vehicle manufacturer; do not use premium grade unless specifically required. Fuel should be purchased using the U.S. Government Fleet Credit Card issued with the vehicle keys. In the event that a "Fleet Card" is not available, employees may use a government purchase card or personal funds, which will be reimbursed.
- b. Drivers of alternative fuel vehicles should make a reasonable attempt to refuel vehicles at stations that offer E85 (85% Ethanol) fuel. These vehicles will have identifiers located on the fleet pouch key ring.
- c. Due to recent studies regarding Static Electricity, cell phones should not be used when fueling the GOV vehicles.

6. Parking. Employees may park in parking lots when performing official duties. Employees will be reimbursed for parking fees.

7. Return of Vehicles. Vehicles shall be returned with at least 1/2 tank of gasoline. Vehicles shall be returned to the designated parking locations, and vehicle keys shall be returned to the Vehicle Coordinator.

- a. If the designated parking location is improperly occupied by another vehicle, the employee should park the vehicle in another temporary legal location and obtain information regarding the improperly parked car, e.g., license plate information, color, and make of the car. This information must be reported to the Vehicle Coordinator upon returning Agency vehicle keys.
- b. Employees shall return vehicles with the interior clean and free of trash and debris.
- c. Mileage, fuel tank levels, and any problems with vehicle operation shall be noted on the vehicle request form.

8. Passengers. Agency vehicles may be used to transport employees or non-employees (including offenders) as long as such use is for official Agency business only. In the event the purpose for the transportation is outside the employee's scope of employment, he/she increases the chance of being held personally liable for any injury or damage to any vehicle or its occupants resulting from an accident.

B. Mechanical Failures and Accidents

1. Mechanical Failures.

In the case of vehicle trouble or mechanical failure, the employee shall immediately notify the Vehicle Coordinator. The Vehicle Coordinator will make arrangements to dispatch help to the location of the employee. An employee shall not abandon an Agency vehicle unless personal emergency services are required.

2. Accidents.

Employees involved in an accident in an Agency vehicle must follow the following procedures, which include completion of a vehicle accident report. A copy of this Policy Statement and applicable accident report forms are located in the glove compartment of each vehicle.

a. Driver of the Vehicle.

- 1) Identify himself/herself and show his/her valid driver's license to other persons involved;
- 2) Notify the police, the Vehicle Coordinator, and his/her supervisor as soon after the accident as possible;
- 3) Collect all pertinent information about the other driver involved in the accident, including:
 - Name and address of the other driver;
 - Driver's permit number, issuing state and expiration date of other driver's license;
 - Name and address of the owner of the vehicle;
 - Make, type, year, license number and state in which the vehicle was registered; and
 - Name of insurance company and policy number;

- 4) Make a list of the following:
 - Any obvious or mentioned personal injuries to any person(s) as a result of the accident;
 - Damage to the other vehicle;
 - Damage to the Agency vehicle;
 - Name, badge number, precinct number of the police officer at the scene, if any, and the police report number; and
 - Names and addresses of any witnesses to the accident and any passengers in the vehicle(s).
- 5) Do not admit fault, promise payment, or sign anything. If necessary, employees should explain that they have been instructed by the Office of the General Counsel (OGC) not to discuss details of the accident. However, employees shall be courteous and answer questions from authorized law enforcement officers to the extent necessary for reporting purposes. Employees should not talk to anyone else about the accident except supervisors or other Agency representatives.
- 6) Do not abandon the vehicle unless immediate or emergency medical attention is required. If the vehicle is immobile, contact the Vehicle Coordinator for proper removal of the vehicle and for your transportation back to the office.
- 7) By the close of business on the day of the accident, complete the GSA Standard Form 91, "Motor Vehicle Accident Report" and Standard Form 94, "Statement of Witness." The forms will be located in the glove compartment. The Vehicle Coordinator is responsible for ensuring that these forms are available at all times. The report must be submitted to the supervisor for signature who must forward it to the OGC and a copy to the appropriate Vehicle Coordinator. With regard to leased vehicles, the Vehicle Coordinator will submit a copy of the accident report to the lessor's insurance representative within 24 hours of the accident.

NOTE: If an injury prevents the driver or other Agency employee from completing this form, the driver's supervisor shall ensure that the accident reporting form is properly completed by the close of business on the day of the accident.
- 8) In the event of an accident, the driver must provide to all involved parties (drivers) the following information, which is requested on the form entitled "Motor Vehicle Accident Information." The form will be located in the glove compartment. The driver must complete items 1 through 5 of the form:

1. Driver Name & Office Address;
2. Driver Phone Number & Office Phone Number;
3. Date of Accident & Vehicle Tag Number;
4. Location of Accident; and
5. Vehicle Coordinator & Coordinator Location & Phone Number.

b. Supervisor.

- 1) The driver's supervisor must personally notify the General Counsel immediately upon learning of the accident.
- 2) The supervisor must review and initial the Vehicle Accident Report and forward the original to the OGC and a copy to the Vehicle Coordinator *immediately* upon receiving the report from the driver.

C. Damage to Agency Vehicles

In the event of an accident or other incident in which an Agency vehicle is damaged, employees will not be held financially responsible for damage to the vehicle as long as he/she had approval to use the vehicle and was performing official Agency business at the time of the accident or incident. However, if it is determined that the employee's use of the vehicle was not within the scope of employment or was negligent, the General Counsel may refer the matter to the Office of Professional Responsibility and the employee may be held financially liable.

D. Liability For Damage or Injury to Third Person

The Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 2671, *et seq.*, protects federal employees from liability arising out of their negligent or wrongful acts, as long as such acts were performed while acting within the scope of employment. Thus, employees will not be held personally liable under the FTCA for injuries arising out of the operation of an Agency vehicle if such use was authorized by the Agency and the employee was acting within the scope of his or her employment at the time of the accident. In such a case, the party's exclusive remedy is against the United States. However, employees must be aware that there is *no* protection if it is determined that the employee was *not* acting within the scope of his or her employment while operating the vehicle. In other words, an employee could be sued in his/her individual capacity if he/she was acting beyond the scope of employment when the incident occurred (e.g., by using a government vehicle for personal purposes). In addition, the Agency could take *disciplinary action* against the employee for a negligent act or omission or may take action to recover damage to property which occurred as a result of the employee's negligence or wrongful act. The employee may also be subject to criminal liability for misuse of government property.

As a general rule, conduct is *not* within the scope of employment if it is different from that which is authorized by the Agency, outside the authorized time and space limitations, or is not sufficiently motivated by a purpose to serve the Agency. Acts which are carried out *solely* for the purpose of the employee are *not* within the scope of employment. Employees are urged to review the Agency's policy on the use of privately-owned vehicles for further guidance on activities that are outside the scope of employment.