

Document Type: Regulation
Number: 4.80a
Effective: 05-01-06
Revised: 10-01-06
01-01-09
04-01-09
03-23-12
08-04-14
01-08-21
11-01-21
04-08-22
Legal Ref: I.C. § 49-117
I.C. § 49-673
I.C. § 49-1401

VEHICLE USAGE

I. INTRODUCTION AND SCOPE

Some city staff need to travel by vehicle to perform their job duties, either because the vehicle has special equipment, is a special type of vehicle, or they occasionally need to travel. This regulation governs the use of city vehicles and personal vehicles used for work purposes. Staff who are required to have a commercial driver's license should refer to the commercial driver's license policy and regulation for additional requirements.

This regulation applies to all city employees, elected and appointed officials, and volunteers, collectively referred to as staff. Staff must be age 19 or over to drive a city vehicle and must complete a city driving safety course every three years, or more often if required by their supervisor.

II. CITY MOTOR POOL

The city has a need for vehicles to be available on a short-term basis to transport city staff to conduct city business. A consolidated motor pool furthers the city's Strategic Plan Initiative to reduce the fleet to an optimal size, contain costs and make more efficient use of city financial resources and transportation assets. Vehicles identified as under-utilized by Fleet Services may be placed in the consolidated motor pool. Proceeds generated from the sale of administrative vehicles will supplement the cost of the consolidated motor pool.

All city pool vehicles shall be signed out prior to use. The use of city vehicles should have priority over use of private vehicles when conducting city business.

III. POOL VEHICLE RESERVATIONS AND CHECK-OUT PROCESS

Consolidated motor pools have initially been established at Boise City Hall and City Hall West with broadened availability to be phased in for other locations over time.

The types of vehicles available for use include, but are not limited to, sedans, pick-ups and vans. Other vehicle types may be added in the future.

Based on the city's regulation that city staff do not use their personal vehicles to conduct city business without their Department Director's authorization, use of the automated reservation system will be maximized. If available, vehicles can be obtained at any time without a reservation using the "Grab and Go" feature.

Special reservation requirements should be coordinated with Fleet Services. Staff needing the use of a motor pool vehicle will report to the established consolidated motor pool location to pick up reserved vehicles. They will enter their computer sign-on password on the touch-screen kiosk and it will dispense the vehicle ignition key and initiate a check-out time. Returning the key to the automated dispenser will initiate a check-in time. The check-out time and check-in time will be used as the basis for invoicing.

Consolidated motor pool vehicles must be returned to the same facility by the end of the reserved period. Staff requiring a vehicle overnight to perform authorized city business must obtain written authorization from their Department Director or designee prior to checking out the vehicle. Fleet Services should be notified electronically prior to check-out.

Personal use of pool vehicles is NOT allowed.

IV. COST OF USING MOTOR POOL

An hourly rental rate has been established and any changes will coincide with the biennial budget build. A minimum two-hour charge per rental will apply to each rental and a maximum charge of 10 hours within a 24-hour period. The rental rate includes costs for:

- Vehicle maintenance
- Depreciation
- Fuel consumption
- Vehicle replacement costs
- Administrative cost

V. FUELING AND CARE OF MOTOR POOL VEHICLES

Each pool vehicle has two pre-assigned fueling cards attached to the vehicle key chain. Gas may be purchased with either card. The Wright Express card may be used to purchase car washes.

Vehicles are to be returned to the motor pool facility clean, free of trash and fueled if the vehicle has less than ½ tank. The current operator is responsible for

the above requirements. If a returned vehicle is found to be returned in an unacceptable condition, either not cleaned or fuel below ½ tank, expenses incurred for cleaning or fueling the vehicle will be charged to the operating department.

Drivers should perform a pre-inspection before operating the vehicle. Vehicle cleanliness, any noted damage and fuel levels below 1/2 tank should be reported to Fleet Services immediately.

VI. VEHICLE DAMAGE, ACCIDENTS, REPAIR, AND INSURANCE

If an employee is involved in a vehicle accident the following shall occur:

A. Accidents

1. Staff shall immediately report all traffic accidents involving a city vehicle to the local police and request them to respond.
2. Staff are prohibited from signing or making any statements regarding their, or other staff, responsibility or fault for a traffic accident that occurs while they are driving a city-owned vehicle.
3. The police will file a police report and complete an exchange of information slip. The employee shall retain a copy of this slip to attach to the vehicle accident report. If the information exchange slip is not available, staff shall obtain names, addresses, telephone numbers, and license numbers of the other drivers involved. Staff also shall collect insurance company contact information and the address and telephone number of the police office where the accident report will be prepared.
4. Staff are to immediately report all accidents to their supervisor regardless of lack of injury or property damage, shall report where it occurred and who was responsible, and supervisors are expected to submit a Vehicle Accident Report form to the Risk Manager within 48 hours.

B. Vehicle Repair and Towing

If the city vehicle is damaged, needs towing, or is inoperable the employee shall contact Fleet Services. If the vehicle is operable, take the vehicle to the Fleet Services Maintenance facility. Staff shall inform Fleet Services of any additional charges they may have incurred, such as towing.

C. Flat Tires

Operators of city vehicles should be familiar with their vehicle tire repair equipment and are expected to change flat tires when practical. If an operator is not able to change the tire, he or she should call Fleet Services Maintenance and they will assist in making arrangements.

D. Insurance

The city only obtains liability insurance for the fleet. Collision and comprehensive damages are self-insured, and the cost of repairs comes from the affected operating department budget. No Risk Management funds are budgeted for this activity in order to motivate the customer to operate safely and legally. If the responsibility for an accident or incident is in dispute, the provisions of the following section will be followed.

VII. ACCOUNTABILITIES AND DISPUTE RESOLUTION

Oversight for the operation of the consolidated motor pool is the responsibility of the Administrative Services Manager and the Vehicle Maintenance Manager.

Departments are responsible for the safe, courteous operation of all pool vehicles. Departments will be charged for all repairs due to accident or incident when the operator has been determined to be at fault or any failure to clean or fuel the vehicle when required.

Disputes that cannot be resolved at the supervisory level shall be forwarded to the applicable Department Directors. If the dispute still cannot be resolved at the department level, the Mayor or designee will make the final determination for resolution.

VIII. USING PERSONAL VEHICLES FOR BUSINESS

If private vehicles are used, liability insurance in the amount required by I.C. § 49-117(18) shall be in place. The employee's insurance is considered by Idaho statute to be primary before the city's insurance.

If the Department Director authorizes an employee to use their personal vehicle for city business when working onsite the employee may be reimbursed for business related mileage at the IRS allowable reimbursement rate. An employee's drive between home and work is not eligible for mileage reimbursement, including when the employee is hybrid working from home.

Any employee driving a personal vehicle for city business shall have a current and valid driver's license and current proof of insurance.

IX. ASSIGNED TAKE HOME VEHICLES

Staff are responsible for their conduct while in possession and operation of city owned vehicles and have the responsibility to abide by applicable laws and city policies and regulations. Staff that violate these laws, policies, or regulations are subject to disciplinary action up to and including dismissal. Police and Fire vehicles exempt by the Internal Revenue Service REG-106897-08 will be treated at the department level.

Generally, the city does not allow staff to take home city owned vehicles. Only in cases of frequent around-the-clock response needs and/or the clear business

necessity of taking home a special purpose/equipped vehicle shall a city owned vehicle be taken home. Only the Department Director and the Mayor, or a Council Member if the employee works for the Council and the Mayor, shall grant permission for a city owned vehicle to be taken home under these circumstances.

In addition to the above, an employee may under the IRS commuting rule take a vehicle home if the Department Director, with approval from the Mayor, can demonstrate a substantial business benefit to the city for this to occur. Under the IRS commuting rule all trips between home and the staff member's work location will result in reimbursement from the staff member to the city in the amount of the most current IRS approved commuting rule rate.* Note, this is not a per mile charge – it is a per one way trip charge. The business to personal benefit ratio is ignored.

Because distance is not a consideration for the IRS commuting rule, staff will also be required to reimburse the city a vehicle usage surcharge. The vehicle usage surcharge starts with the standard mileage rate set by the IRS. The standard mileage rate is typically changed on January 1 of each year. The Department Director and employee will submit a Take Home Vehicle Usage Surcharge Reimbursement Request [see Exhibit 4.80b] and a Take Home Vehicle Contract [see Exhibit 4.80c] to the Mayor for approval. The Take Home Vehicle Usage Surcharge Reimbursement Request weighs the business benefit verses personal benefit of issuing the employee a take home vehicle. The vehicle usage surcharge reimbursement will be equal to the number of miles driven, multiplied by standard mileage rate, multiplied by the business to personal ratio.

For example, assume a staff member commuted round-trip a total of 20 days in a calendar month and the one-way distance of the commute is 10 miles. Also assume the monthly commuting rule reimbursement amount is \$1.50, and the IRS mileage rate is \$0.56. The Department Director and staff member agree to a 60/40 split between business and personal benefit. The calculation in this case would be:

Part 1

Total Monthly Commute Trips multiplied by the IRS Acceptable Commuting Rule Rate = Monthly Commuting Rule Reimbursement Amount or 40 multiplied by \$1.50 = \$60.00.

Part 2

Total Monthly Commute Trips multiplied by the One-Way Commute Distance multiplied by the Personal Use Factor multiplied by the IRS Standard Mileage Rate = Monthly Vehicle Usage Surcharge Reimbursement Amount or $40 \times 10 \times .4 \times \$0.56 = \$89.60$.

The commuting rule reimbursement and the vehicle usage surcharge amount are added together to get the total reimbursement due to the city from the employee for use of the vehicle. The employee shall report and make a payment to the city

for the amount due. Vehicle Usage Surcharge Reimbursement Requests [Exhibit 4.80b] shall be submitted for the month no later than the 10th day of the following month to Fleet Services. The requests may be submitted in hard copy or electronically. If hard copy is used, the request shall be signed by the employee and the employee's supervisor. If electronic format is used, the request shall be submitted directly to fleetservicesTHV@cityofboise.org by the supervisor, not the employee. Questions regarding the implementation of this procedure shall be directed to the Fleet Services Manager who shall serve as the take home vehicle program administrator.

Staff who have been assigned to take-home a city vehicle shall:

- A. Be 19 years of age or older;
- B. Shall adhere to all maintenance and fueling requirements of the Fleet Services division;
- C. Shall be responsible for any income tax consequences of use of a city car for home to work commuting, unless specifically exempt under IRS regulation. Following the reimbursement methodology embodied in this regulation avoids any Federal tax implications for the employee.
- D. Since the presumption is there is some likelihood an urgent city of Boise business need would arise to which the employee would respond, very limited off-duty personal use of the vehicle is permissible.

*Reference November 4, 2008, advisory letter to city Comptroller from the Eide-Bailly audit firm.

X. AUTHORIZED PASSENGERS

City vehicles may not be used to transport family, friends or other passengers including personal pets unless it is for official business or authorized and pursuant to city policy or regulation, or unless the employee is officially on-call and is expected to respond without delay in the event of an emergency.

On-call staff who respond to an emergency shall discharge passengers, if practical.

Emergency vehicle ride-alongs conducted by the Police and Fire departments foster positive community relations; therefore, the City of Boise does allow these departments to conduct ride-alongs according to department policy when there is a positive purpose and employee and/or public safety are not compromised.

XI. REPRESENTING THE CITY OF BOISE

All city vehicles including assigned take-home vehicles, are to be easily identified as city vehicles by clearly displaying the city seal and exempt license tags. City vehicles may only remain unmarked for just reason and with written approval by the Mayor and City Council. The approval documentation will be retained by the City Clerk's office. All drivers need to be aware that they are representing the city

when they use city vehicles or their personal cars for city business. They shall act accordingly and drive defensively, responsibly and courteously.

Drivers:

- A. Shall be city staff with a valid driver's license and current proof of insurance.
- B. Shall observe all traffic laws and speed limits. Police and Fire emergency vehicles responding to an emergency shall adhere to internal emergency response procedures specific to the task.
- C. Shall be personally responsible for all moving violations and for all parking tickets.
- D. Shall not smoke in city vehicles.
- E. Shall keep vehicles locked when not in use or view of the driver.
- F. Shall immediately report, to the Department Director or designee, any traffic citation received on or off the job that is likely to result in a change of the motor vehicle operator's license status.
- G. Shall immediately report from the scene any traffic accident to the Department Director and the city's Risk Manager.

Volunteers and/or staff of temporary agencies working on behalf of the city may drive city vehicles with proof of a valid driver's license and current proof of insurance at the department's discretion. These drivers are required to follow all city policies and regulations regarding vehicle usage and safety.

Remote Vehicle Locations:

- A. No city-owned vehicle utilized as a Take Home Vehicle will be stored at any location outside the city limits. Acceptable remote locations are defined as a "city owned or leased property, such as a Boise City Fire station, within the Boise city limits."
- B. No city-owned, non-emergency vehicle will be driven outside the Boise city limits without authorization from the Department Director, and the Mayor or designee.
- C. Any location designated or used as a "first work location" must be within the Boise city limits.

XII. PROHIBITED DRIVERS

Many city staff are required to travel as part of their job duties. Staff who are responsible for operating city-owned vehicles shall have an acceptable driving record. The following driving violations may prohibit an employee from operating a city-owned vehicle:

- A. Committing more than one major traffic offense over the past 24 months, including reckless driving, careless driving, or a major moving traffic infraction.
- B. Receiving a felony revocation of driving privileges or felony or misdemeanor driver license suspension within the last 24-month.
- C. Transporting a controlled substance unlawfully.

- D. Driving a motor vehicle under the influence of alcohol, a controlled substance, or any drug that impairs driving ability.
- E. Leaving the scene of an accident unlawfully.
- F. Using a motor vehicle in commission of a felony.
- G. Refusing to submit to a test to determine alcohol concentration while driving a motor vehicle, in accordance with applicable city policies and regulations.

XIII. DRIVER SAFETY

Driver safety is important to the City of Boise. The following sets minimum qualifications for drivers and standards for vehicle operation.

A. Safety Belts

Safety belts shall be worn by drivers and passengers in all vehicles equipped with safety belts and used for city business in accordance with State law. Lap belts shall be properly secured in those vehicles equipped with automatic safety systems that require the lap portion of the belt to be manually secured. The driver of the vehicle is responsible for ensuring compliance by all vehicle occupants. Any city-owned vehicle in which a safety belt is inoperable shall not be used until the seat belt is repaired. Staff who discover an inoperable restraint system shall immediately report the defect to the appropriate supervisor.

B. Mobile Device Use While Driving

Idaho law requires drivers to use hands-free devices including when stopped at a red light or stop sign. Holding or supporting any mobile devices is also not allowed. Therefore, use of a mobile device outside the confines of Idaho law is prohibited. Boise Police and Fire should refer to their internal department procedures for direction on mobile device use while driving.

Safety shall come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, staff using hand operated devices are expected to safely pull off to the side of the road and stop the vehicle to use a mobile device. In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment should be provided by the department to facilitate the provisions of this regulation. Staff

Staff who are charged with traffic violations or other criminal offenses resulting from the use of a mobile device while driving will be solely responsible for all liabilities that result from such actions.

C. Driving Safety Classes

Staff who drive city vehicles shall complete a city driving safety course every three years or more often if required by their supervisor. The Emergency Vehicle Operations Course (EVOC) that Boise Police Officers are required to take meets this obligation. Staff involved in a preventable accident should complete the next scheduled defensive driver class. These driver training classes may reduce an individual's driving record point total; thus, improving personal insurance premiums and the individuals overall driving records. The classes can be scheduled through Safety Services.