

Forsyth County Vehicle Operator's Policy

Purpose

The safety and well being of our employees is of critical importance to Forsyth County. The County is committed to creating and maintaining a safe environment for County employees and the general public. In keeping with this commitment, the Forsyth County Vehicle Operator's Policy sets forth minimum standards for the operation of county vehicles in a safe and responsible manner; the adherence to all applicable motor vehicle laws; and the proper, careful, and prudent use of vehicles purchased with County funds.

Scope

The Forsyth County Vehicle Operator's Policy applies to all Forsyth County employees who operate a motor vehicle for county business. The policy sets forth minimum standards for all County departments. A County department may institute a stricter policy as long as that policy is administered equally to all employees in that department.

Use of County Owned Vehicles

1. County-owned vehicles are to be used only for official County business. County owned vehicles will not leave the county except for official business as authorized by the department head or supervisor.
2. A county vehicle may not be used by an employee for any personal reasons or business. In accordance with N.C.G.S. 14-247. Private use of publicly owned vehicle, it shall be unlawful for any officer, agent or employee of the State of North Carolina, or of any county or of any institution or agency of the State, to use for any private purpose whatsoever any motor vehicle of any type or description whatsoever belonging to the State, or to any county, or to any institution or agency of the State.
3. Employees who are assigned vehicles on a 24-hour basis will drive such vehicles directly home or to a designated parking point after work and leave the vehicle parked there until needed for county work.
4. Employees who are on a twenty-four call or are subject to call during off hours are required to follow their department guidelines and policies with regard to vehicle use.
5. Employees authorized to use a take-home, county owned vehicle, shall comply with the Take-Home Vehicle policy and procedures.
6. A county employee will not transfer any persons other than on-duty county employees in a county-owned vehicle unless the persons are being transported in connection with official county business, law enforcement matters or as authorized by the county manager.
7. Except in the case of emergency, a driver shall not allow a county vehicle which he/she has been assigned to be driven by any other person not authorized to drive a county-owned vehicle. Such authorization shall be limited to county employees and on-duty Reserve personnel (Sheriff, EMS, Fire, etc.).

Inclement Weather

In the event of inclement weather, when it is unsafe to operate a county vehicle due to snow, ice, sleet, high winds, etc., county vehicles may be grounded at the direction of the Automotive Services Manager.

Cell Phone Use

Employees are discouraged from using a cell phone while driving. If a call must be placed or taken while the employee is driving, the employee should pull off the road to a safe location to complete the call. With the exception of law enforcement, fire fighters and ambulance drivers, county employees are prohibited from sending or receiving text or email messages while driving.

Responsibilities of County Drivers

1. Regardless of the employee classification and whether or not a county employee drives a county owned vehicle eight hours a day or just occasionally, all county employees who operate a county vehicle are required to know the provisions of the North Carolina traffic laws and are required to adhere to all the traffic laws, rules and regulations for operating a motor vehicle, including but not limited to obeying the speed limit and all traffic control signals, lights, signs and pavement markings. In addition, employees are responsible for the proper care, safe operation and security of the assigned vehicle.
2. The driver will use appropriate traffic signals and will exercise caution at all times when operating the county vehicle.
3. No employee will operate a county vehicle while under the influence of alcohol or drugs.
4. Employees who drive a county vehicle must read and are required to abide by the FC Vehicle Operator's Policy.

Responsibilities of County Emergency Response Vehicle Drivers

1. The driver of an emergency response vehicle may exercise privileges set forth in this policy when:
 - Responding to an emergency call
 - When pursuing an actual or suspected violation of the law.
2. The driver of an emergency vehicle may:
 - Proceed past a red signal light or stop sign BUT only after slowing down or stopping as may be necessary for safe operation.
 - Exceed the maximum speed limit so long as the driver does not endanger life or property.
3. The exceptions granted herein to the driver of an emergency vehicle shall apply only when such vehicle is making use of audible and visual emergency signal equipment sufficient to warn motorists and pedestrians of their approach.
4. The driver of an emergency response vehicle is responsible for complying with all operating guidelines established by the department to which the vehicle is assigned.
5. The law does not prevent an authorized emergency vehicle operator from using emergency speeds during response but it does hold the driver liable for his/her actions. The operator of an emergency vehicle must exercise sound judgment and must consider the consequences of his/her actions and the safety of the general public at all times. The provisions of this section will not protect the driver from consequences of his/her reckless disregard for the safety of others.

Appropriate Driver's License

1. A valid driver's license of the appropriate class for the vehicle to be operated must be on their person when an employee is driving a county owned vehicle.

2. If an employee does not have the appropriate, valid North Carolina driver's license for the type of vehicle being operated, the employee shall not drive a county-owned vehicle. An employee whose job requires him/her to operate a motor vehicle may have his/her employment terminated in the event the driver's license is revoked or suspended by a court of law.
3. Employee drivers are required to notify their supervisor immediately if there is any change in their driver's license status or the driver's license becomes invalid or suspended in any way.

Driver Performance Standards

Forsyth County drivers may lose driving privileges if any of the following conditions apply. The driver:

1. Has a suspended, revoked, expired or otherwise invalid driver's license.
2. Was at fault in two (2) or more accidents in the past 36 months.
3. Has acquired eight (8) points on their driving record in the past 24 months.
4. Has three (3) or more convictions for moving violations within the past 36 months.
5. Has been convicted of reckless disregard for life or property within the past 48 months.
6. Has had a DWI/DUI conviction within the past 72 months.
7. Has been at fault in one (1) or more accident(s) resulting in fatality or bodily injury.
8. Has failed to report or has left the scene of an accident within the past 48 months.
9. Has operated a vehicle without insurance or without a valid license within the past 48 months.
10. Has permitted others to use vehicles without a license or without insurance within the past 60 months.
11. Has been convicted of possession of a stolen vehicle or ever used a vehicle to commit a crime within the past 48 months.
12. Has had license suspended, cancelled or has been denied a license within the past 36 months.
13. Has had two (2) or more incidents of failure to respond to fines.
14. Has had two (2) incidents of insurance cancellations.
15. Has failed to comply with the Forsyth County policy and/or procedures for the use of a take-home, county owned vehicle.

Vehicle Care and Maintenance

1. Smoking or the use of tobacco products in county vehicles is prohibited.
2. Eating or drinking while driving a county vehicle is prohibited.
3. No decals, other than the county insignia and the fleet bumper sticker may be affixed to any county owned vehicle.
4. Each driver assigned to a vehicle or issued a vehicle for use is responsible for the care and maintenance of the vehicle and insuring that the vehicle is clean. At the end of each work day any accumulated trash or debris must be removed from the vehicle and disposed of.

Seat Belts and Safety Seats

1. The driver and all passengers in a motor vehicle shall have a seat belt properly fastened about his or her body at all times when the vehicle is in forward motion.
2. No more than 3 people shall ride in the front seat of a vehicle at one time and only when there is a seat belt for the driver and each passenger.
3. Each passenger under the age of 16 must be in an age and weight appropriate restraint.

4. A child under 8 years of age and under 80 pounds of weight must be properly secured in a weight appropriate child restraint system. Infants and small children must be placed in a safety seat specially designed for them and have been crash-tested. Read and follow all manufacturers' instructions for use of safety seats.
5. If the vehicle is equipped with an active passenger-side front air bag, and the vehicle has a rear seat, then a child less than 5 years of age and less than 40 pounds in weight must be properly secured in the rear seat unless the child restraint system is designed for use with a front air bag system.

Vehicle Inspection Before Driving

1. Before operation, the driver will check the vehicle for any damage to the body or interior.
2. The driver will also check for the following items to determine that they are in satisfactory condition or good working order:
 - a. Parking brake
 - b. Lights (front, rear, brake) and turn signal lights
 - c. Horn
 - d. Windshield wipers
 - e. Tire pressure and tread
 - f. Steering mechanism
 - g. Rear vision mirror or mirrors.
3. Any defects that would affect the safe operation of the vehicle shall be reported promptly to the driver's supervisor and/or Automotive Services for correction before the vehicle is used.

General Safety Guidance

1. Transporting Equipment or Property. When equipment, property, supplies, etc. are being transported, the driver will assure that all items are properly secured or tied in place to prevent them from shifting or falling from the vehicle.
2. Obstruction of Driver's View. No driver shall drive any vehicle when it is so loaded that it obstructs the view in any direction or interferes with the control of the vehicle.
3. Flags on Projected Loads. Any vehicle having a load which extends more than four feet beyond the rear shall have the end of the load marked with a red flag which shall be a least 12 inch square.
4. Riding on Fenders, Hoods or Running Boards. No person shall be allowed to ride on running board, fender, hoods, tail-gate or rear rack of any vehicle.
5. Coupling Devices. A driver whose vehicle is towing a trailer or other equipment will assure that the trailer hitch is securely latched and that safety chains are properly attached.

Parked Vehicles

1. Before leaving a parked vehicle, the driver will turn off the ignition and set the emergency brake.
2. The driver shall remove the keys from the ignition.
3. The driver shall lock the vehicle and be in possession of the vehicle keys at all times.
4. When parked, the employee shall not leave county equipment visible inside the vehicle. The employee shall remove and safely store equipment that cannot be adequately secured inside the vehicle so as to prevent theft of equipment.

Obstructing Traffic for Work Requirements

1. Whenever work requirements make it necessary for a county-owned vehicle to obstruct traffic, the driver shall create a temporary traffic control zone in compliance with the US Department of Transportation's Manual on Uniform Traffic Control Devices (Part 6, Temporary Traffic Control). Advance warning signs and/or traffic cones to warn on-coming motorists of the obstruction shall be placed far enough from the work zone to give oncoming motorists adequate advance warning to allow for appropriate response action.
2. Distance of the warning signs should be determined by:
 - a. Street and weather conditions
 - b. Speed limit in the area
 - c. Whether the vehicle is standing on a straight or curved road.
3. Vehicles equipped with flashing or revolving warning lights shall use same as additional warning devices when blocking or obstructing traffic.
4. Exceptions shall be made for emergency vehicles that are in compliance with their department operating procedures.

Roadside Assistance – Flat tire or vehicle breakdown.

1. Flat Tire. In the event that a county vehicle has a flat tire, the employee to whom the vehicle is assigned is responsible for changing the tire when possible. If assistance is needed in changing a flat tire, contact Automotive Services during business hours at 703-2240. If assistance is needed after hours or on weekends, call the Sheriff's Office at 727-2112 and a contract tow company will be dispatched.
2. If a county vehicle is not drivable, contact Automotive Services during business hours at 703-2240 for towing. For towing after hours or on weekends, contact the Sheriff's Office at 727-2112 and a contract tow company will be dispatched. The employee must stay with the vehicle until assistance arrives.
 - If the vehicle is towed to the county garage during business hours, Automotive Services may provide another vehicle for the employee to drive if one is available.
 - If the vehicle is towed to the county garage after hours, the employee should contact their supervisor to arrange transportation.

Vehicle Accidents

What to do if you are involved in a vehicle accident:

1. Stop if you are involved in a vehicle accident. If you leave the scene; that's known as "hit and run" and might be a felony. This includes hitting property, animals or a pedestrian.
2. Get yourself to a safe area but do not move the vehicle until the police arrive unless the vehicle's location may cause another accident.
3. Make sure you are ok and check on the other driver.
4. Call the Police (911). As the operator of a county vehicle, you are **required** to call the police, even if no one is injured. **Do not** let anyone talk you out of calling the police, no matter how minor the incident may seem or how much of a hurry you may be in.

5. Give the police complete and accurate information and exchange information with the other driver. Do not leave the scene until all relevant information has been exchanged.
6. Make NO statements about the accident to anyone other than the police, your supervisor/department head or Forsyth County Risk Management.
7. Do not admit fault or discuss the accident with anyone involved and do not sign anything.
8. Take a picture of the vehicles and accident scene if you have a camera or camera phone.
9. Gather the following information for the Automobile Accident Report which you must submit to Forsyth County Risk Management:
 - The names, addresses and phone numbers, license numbers and insurance name and policy numbers of all persons involved and the other car's license plate number and state of issue.
 - The name, address and phone number of any person who claims to be injured.
 - The names, addresses and phone numbers of witnesses who saw the accident.
 - Note all property damage and note the number of people who were in other cars.
 - The police report number and the investigating officer's name.
10. Notify your supervisor. The supervisor shall notify the Risk Management by phone.
11. If the vehicle can be driven, take it to Forsyth County Automotive Services on N. Liberty Street for evaluation and/or an estimate for repairs. If the vehicle cannot be driven, call Automotive Services for towing.
12. Complete the Automobile Accident Report form and send the completed form to Forsyth County Risk Management within 48 hours of the incident.
13. Incidents involving vandalism or theft of or from a County-owned vehicle shall be reported to the nearest law enforcement agency for investigation and Risk Management.

In any crash when a person is killed or injured or the total damage to vehicles or property appears to amount to be \$1000 or more, the law requires the driver to report the incident to the nearest law enforcement agency. Failure to make the report may result in prosecution and the driver's license could be suspended.

Post Accident Vehicle Inspection

Any county vehicle involved in an accident resulting in injury or vehicle or property damage shall be examined by Forsyth County Risk Management.

- The vehicle shall be examined prior to any repairs being made by Automotive Services.
- With the exception of law enforcement, who shall remove any weapons from a vehicle to be repaired, no items shall be removed from the vehicle until after it has been examined by Risk Management and released to Automotive Services for repair.
- The Risk Manager shall maintain a record of each accident vehicle examined.

Accident Review Board

Whenever an employee is involved in a vehicle accident while operating a County-owned vehicle, he/she is encouraged, but not required, to appear before the Accident Review Board for a determination as to whether or not the accident was preventable or non-preventable on the employee's part.

Purpose of Accident Review Board

1. The purpose of the Accident Review Board is to:

- To establish a fair and impartial review system for all accidents involving operators of motorized equipment with the primary objective being to improve the driving safety of County-owned motorized vehicles.
- To identify problem drivers and unsafe conditions and to pursue steps to reduce property damage and personal injury.
- To establish the responsible parties for each vehicle accident.
- To establish uniform discipline.

Composition of the Accident Review Board

1. The Accident Review Board shall be composed of the following:

- Automotive Services Manager
- Risk Manager
- Emergency Medical Services - Director or Director's designee
- Supervisor, Department of Social Services – appointed by the County Manager
- Supervisor, Department of Public Health - appointed by the County Manager
- Two Supervisors – appointed by the County Manager from remaining County Departments

2. Employees appointed by the County Manager shall serve for a period of 2 years.

3. Accident Review Board Organization:

- The Risk Manager shall be the Chairperson of the Board.
- The Board shall meet at least every two (2) months (minimum of 6 times per year).
- The Accident Review Board shall review all vehicle Accident Reports involving County-owned vehicles and/or equipment where property damage, personal injury or death occurs.
- The employees who are involved in such accidents shall be notified in writing by the chairperson of the Accident Review Board of the upcoming hearing date and time.
- The employee is encouraged to appear and give his/her testimony and present any witnesses if he/she so desires.
- The Board may also call any witnesses.

Appearance Before the Board

1. At least five (5) working days prior to a regularly scheduled Board meeting the Risk Manager will notify all county employees scheduled to appear before the Board via the respective Department Heads. The following guidelines will be adhered to:

- Personnel who are unable or who do not desire to appear before the Board at its regularly scheduled meeting must notify the Risk Manager at least twenty-four (24) hours in advance of the meeting.
- Other than those cases which have been deferred, all vehicle accident cases scheduled for the meeting will be heard and action taken, whether or not the employee is present.

- A decision will be made on the information available, whether or not the employee is present. Therefore, it is important that each accident report be complete and accurate.
- Department Heads will be notified in writing of the action taken by the Board.

Action by the Accident Review Board

1. Following the presentation and discussion of the facts and circumstances surrounding the accident, the Chairperson shall call for a vote to determine whether the accident was preventable on the County operator's part. If a majority votes that the accident was preventable, one of the following recommendations shall be presented in writing to the Department Head:
 - Oral Reprimand: Employee is judged to be responsible for a first time, minor, preventable vehicle/property accident.
 - Written Reprimand: Employee is judged to be responsible for a second, preventable, minor vehicle/property accident within a 12-month period.
 - Other Disciplinary Action: Suspension, demotion, reassignment or dismissal may be recommended when deemed appropriate, based upon satisfactory evidence of negligence, including, but not limited to:
 - a. Has committed an offense for which mandatory revocation of the North Carolina State license is required upon conviction.
 - b. Has been involved as a driver in an accident resulting in the death or personal injury of another or serious property damage, when the accident is obviously the result of the negligence of the county driver.
 - c. Is a habitually reckless or negligent driver of a County-owned vehicle.
 - d. Is incompetent to drive a County-owned vehicle.
 - e. Has a suspended, revoked, expired, or otherwise invalid NC driver's license.
 - f. Has made or permitted an unlawful or fraudulent use of his/her driver's license or has displayed or represented a license not issued to him/her.
 - g. In the event a driver has, within a period of eighteen (18) months, been found responsible for three (3) or more preventable accidents, the Department Head will be required to advise the Board in writing, within two weeks of notification, as to what actions are being taken to eliminate future accidents caused by this driver.
2. The Department Head may accept or reject the recommendations of the Board and is required to inform the Board in writing, within two weeks of notification, as to what disciplinary action will be taken. If the Department Head does not agree with the recommended action by the Accident Review Board, the case will be referred to the County Manager who will make the final decision on the disciplinary action to be taken.
3. If the accident is ruled preventable by the Board, the employee will be required to complete a Defensive Driving course within a 3-month period, in addition to any other disciplinary action that may be taken.
4. A copy of any disciplinary action will be placed in the employee's personnel file.

Preventable Accident Guidance

1. The definition of a preventable accident is: Any occurrence or allegation in which the vehicle use results in property damage or personal injury and in which the driver failed to do everything reasonably possible to prevent or avoid the accident.
2. An accident will not be considered "non-preventable" merely because all laws, ordinances, orders, or rules and regulations were obeyed or that the driver had the right-of-way at the time if there are other circumstances involved.
3. The following types of accidents will generally be a considered Preventable:
 - Backing Accident. Backing is dangerous when the driver and/or back-up observer neglects to make sure the way is clear during the entire movement.
 - Intersection Accident. Stop lights, stop signs or right-of-way are no protection against a collision with traffic violators or emergency response vehicles.
 - Pedestrian Accident. Whether or not pedestrians have the right-of-way or are jaywalking, accidents involving a pedestrian are determined preventable unless the investigation reveals that there was nothing the driver could have done to prevent the accident.
 - Rear-End Collision. Collision with the rear of a vehicle ahead or when the vehicle to the rear strikes your vehicle as a result of a sudden stop at an intersection or grade crossing are preventable. Most rear-end collisions can be prevented by controlling speed and distance between vehicles and avoiding sudden stops.
 - Traffic Lane Encroachment Accident. Accidents resulting from passing, weaving, squeeze plays, and shutouts or entering a line of moving traffic may constitute trespassing on the right of others to move in a straight line without interference.
 - Accident Resulting from Mechanical Condition. Any accident blamed on mechanical failure that reasonable and prudent attention could have foreseen but was not reported for repair is preventable. Any accident resulting from mechanical failure when the driver was operating the vehicle in excess of its mechanical limits or from mechanical failure that resulted from a driver's rough or abusive handling.
 - Accident with Fixed Rail Vehicles. Trains and street cars always have the right-of-way.
 - Collisions with a Stationary Object, Non-Collision Accident, Unattended Vehicle Accident and Miscellaneous Accidents. Accidents involving scraping or striking a curb, building, sign, tree, post, bridge, parked vehicle and overhead structure and an accident resulting from overturning, running off the roadway or colliding with a stationary object sometimes are caused by taking emergency action to avoid another accident. However, investigation usually reveals that the driver was not driving defensively prior to that instant. If he had, he would not have placed himself in a position where emergency action became necessary. Expert drivers don't depend on their skill to get them out of tight spots - they depend on their judgment to avoid tight spots.
 - Accidents Blamed on Adverse Weather Conditions. Rain, fog, snow, sleet, or icy roadways do not cause accidents but add additional hazards to driving. Accidents blamed on bad weather conditions are classified as preventable because they can be avoided by using reduced speed, installing chains, using sand or, not driving at all if the conditions are unsafe to continue.
 - Parking Accident. Unconventional parking locations, including double parking, failure to signal a turn for parking etc., generally constitute evidence for judging an accident preventable. Roll-away accidents from a parked position normally should be classed as preventable. This includes unauthorized entry into an unlocked and unattended vehicle,

failure to properly block wheels or to turn wheels toward the curb to prevent vehicle movement.

4. The following shall constitute prima facie evidence that the accident was preventable:

- Violation of a law or ordinance by County driver.
- Violation of County policy.
- County vehicle strikes another vehicle in the rear.
- County vehicle strikes fixed object.
- County vehicle strikes vehicle or object while backing.
- High speed operation resulting in loss of vehicle control, regardless of weather conditions.
- Emergency vehicle operation where the driver fails to utilize due care and caution; i.e., intersection accident involving collision with a vehicle if that vehicle would have ordinarily had the right-of-way.

5. Non-Preventable Accidents

- An accident will be considered non-preventable when it is determined that the accident could not have reasonably been prevented or avoided by the driver of the County vehicle.

Signed on Original

J. Dudley Watts, Jr.
County Manager, Forsyth County

Date of Signature

June 13, 2008