

Hudson River – Black River Regulating District Vehicle Use and Fleet Management Policy

1. PURPOSE AND SCOPE

The Hudson River – Black River Regulating District provides vehicles for use by employees in the performance of their duties and has established a uniform policy for the regulation of such vehicles.

The Regulating District's Vehicle Use and Fleet Management Policy will be under the authority of the Board's Governance Committee. Those sections of this policy dealing with vehicle procurement and disposal will be under the authority of the Board's Finance Committee.

The Regulating District is responsible for procuring, managing and maintaining its vehicles. The acquisition, assignment and use of vehicles shall be based on an analysis of all available options for securing transportation, including such alternatives as public transportation and vehicle rentals. This analysis will reflect the statewide policy objectives of using the most economical means of transportation, acquiring vehicles in a cost-effective manner, and becoming more energy efficient and environmentally aware in accordance with the Federal Energy Policy Act (EPAAct), Executive Order No. 111 and Executive Order No. 142.

2. VEHICLE AND FLEET MANAGEMENT

The Regulating District's Chief Fiscal Officer (CFO), as Fleet Manager, shall be responsible for managing the agency's fleet. This includes the revision and maintenance of this policy, as well as all record keeping and reporting requirements.

The Fleet Manager shall maintain detailed information on each vehicle in the agency's fleet including year, make, model, vehicle class, mileage, unit cost, fuel type, method of payment, new or replacement, and assigned or part of the agency's pool.

The Office of General Services (OGS) is responsible for developing statewide purchase, long-term lease, rental and maintenance contracts at the best value for the State, and which State agencies and the Regulating District, are mandated to use, except for maintenance of vehicles by an agency's own staff or emergency repairs.

In addition the Fleet manager will recommend all vehicle procurement actions to the Executive Director, establish and implement maintenance procedures, identify surplus vehicles for sale or disposition and monitor fleet costs.

3. ELIGIBILITY FOR USE OF STATE VEHICLES

Any person driving a State vehicle must be an employee of New York State or other person expressly authorized by the head of an agency or authority that is providing service to the State. Use of a State vehicle by an authorized person who is not a New York State employee is permitted only for the purpose of providing service to the State.

Any person driving a State vehicle must have a valid driver's license of the class required for the vehicle being operated. Every person who may use a State vehicle is required to

immediately inform his or her supervisor of any license revocation, suspension, or restriction.

Agencies and authorities shall participate in the LENS program administered by the Department of Motor Vehicles in order to receive reports of driver license revocations, suspensions, and restrictions. No person shall be allowed to operate a State vehicle if there has been a change in licensure that restricts driving privileges unless the operation of the State vehicle complies with such restrictions. Each agency and authority retains the right to require any person using a State vehicle to participate in a safe driving program.

4. ASSIGNMENT OF VEHICLES

All State vehicles controlled by an agency or authority will be deemed part of the vehicle pool of that agency or authority. Pool vehicles will be assigned to employees on an as-needed basis to carry out State business.

The heads of agencies and authorities shall not be assigned a particular vehicle on a permanent basis but shall have unrestricted use of pool vehicles subject to the restrictions set forth in section 5.

State vehicles may be assigned to specific employees only in extraordinary circumstances and only when approved by the Director of State Operations or his or her designee. When requesting approval for the individual assignment of State vehicles, agencies and authorities shall provide:

- (a) A list of the job titles and circumstances for which individually assigned vehicles are requested and information as to whether the vehicle may be taken home at night or used for commuting purposes or whether the vehicle will be parked at State facilities when not in use.
- (b) For each job title, an explanation in support of the request for individually assigned vehicles. In cases where there is a need to carry specialized tools or equipment to accomplish job duties, it may be appropriate to individually assign a vehicle, but the vehicle should be parked at a State facility when not in use. As a general rule, only employees who are first responders, who are on call 24 hours per day, or who are responsible for ensuring public safety will be allowed to take State vehicles home or use vehicles for commuting purposes.

Each agency and public authority shall review individual assignments of vehicles on no less than an annual basis. If at any time the job duties change and the individual vehicle assignment is no longer warranted, such assignment shall be terminated. Any new individual assignments must be approved by the Director of State Operations.

In circumstances where a pool vehicle is not available, State agencies and authorities may allow employees to use either a rental car or their personal vehicle, whichever is less expensive. A "trip calculator" for determining the least expensive option may be found on the website of the Governor's Office of Employee Relations at <http://www.goer.ny.gov/EmployeeResources/TravelInformation.cfm>. State employees who may be entitled to reimbursement of travel expenses should review the regulations of the

State Comptroller and other guidance documents, which may be found at <http://www.osc.state.ny.us/agencies/travel/travel.htm>.

Any employee whose annual POV use has been, or is expected to be, 15,000 miles or more during a fiscal year must be provided the use of a State-owned vehicle.

In order to meet additional vehicle needs based on the above threshold, agencies should first attempt to utilize existing pool vehicle and explore the possibility of obtaining additional vehicles via the Office of General Services (OGS) State Surplus Property.

If an agency requires the need to purchase additional vehicles in order to meet the needs of impacted employees, they must follow the procedures set forth in Budget Bulletin D-750 including the development of a Business Case for Vehicle Purchases form for OGS Division of the Budget (DOB) and Governor's Office approval.

Employees may only exceed this threshold (15,000 miles in a POV) in unforeseen or extraordinary circumstances and only when approved by the Director of State Operations, his or her designee and the OGS Commissioner.

When requiring approval for an exemption to this Policy, agencies and authorities shall provide:

- a. A list of the job titles and circumstances which require exemption.
- b. A detailed explanation in support of each individual request.

Employees with physical disabilities who own specially equipped personal vehicles are authorized to use their personal vehicles when automobile transportation is required to perform official State functions.

5. USE OF STATE VEHICLES

State vehicles may be used only for official State business, and their use for any personal business is strictly forbidden except under very limited circumstances where (i) personal use such as commuting is expressly authorized by the Director of State Operations or (ii) the personal use is incidental to official business (see examples below). Even in cases where personal use is authorized or is incidental to official business, each person operating a State vehicle is expected to exercise good judgment to avoid the appearance of impropriety.

All personal use of State vehicles must be reported on the vehicle use log (see Section 7 of this Policy) unless the personal use is incidental to official business. For any personal use that is not incidental, the user of the State vehicle must reimburse the agency or authority the value of such use or the value must be treated as imputed personal income for tax purposes. For requirements, see Comptroller Payroll Bulletin, *Reporting the Taxable Value of Personal Use of Employer Provided Vehicles and Chauffeur Services*, and Form AC 3173.

State vehicles should not be used to transport passengers unless they are: (i) State employees engaged in official business, (ii) non-State employees engaged in official business with State employees, or (iii) persons in the control or custody of the agency. Picking up or dropping off friends or family members at their place of employment or school in a State vehicle-

regardless of their status as State employees-is strictly prohibited.

Due to the public nature of the work being performed when operating a State vehicle, persons using a State vehicle have a limited expectation of privacy in connection with such use. State agencies and authorities expressly reserve the right to monitor and record the use of any equipment they issue or assign for a legitimate work-related purpose, and State vehicles are no exception. Accordingly, the use of a State vehicle may be monitored and recorded at any time by visual, documentary, or electronic means.

Illustrative Examples

Example 1. *An employee who is required to stay overnight for an out of town meeting drives the State vehicle to a restaurant in close proximity to the overnight lodging in order to have dinner.*

All vehicle use in this example is *consistent with this Policy* because the State vehicle is used for official business and the personal use (driving to and from the restaurant) is incidental to official business.

Example 2. *An employee has an all-day meeting in a different part of the State. Because it would not be practical to pick up or drop off the vehicle from the official work location on the day of the meeting, the employee takes a State vehicle home the evening prior to the meeting, drives to the meeting early the next morning, drives home that evening, and returns the vehicle the following morning.*

All vehicle use in this example is *consistent with this Policy* because driving from the official work location to home and from home back to the official work location is personal use incidental to official business.

Example 3. *Same facts as Example 2, except that on the trip back to home the employee stops to pick up a loaf of bread and a gallon of milk at a supermarket that is on the route home.*

All vehicle use in this example is *consistent with this Policy* because the brief stop at the supermarket, while clearly personal, is a minor deviation from official State business and is considered incidental to official State business.

Example 4. *Same facts as Example 3, except that instead of stopping briefly at a supermarket on the route home, the employee stops at an outlet mall just off the highway to shop for one hour.*

Even assuming that the employee stops at the outlet mall outside of his or her regular work hours, using the State vehicle for outlet shopping *violates this Policy*. Unlike the stop in Example 3, the purpose of this detour is not to obtain necessary items of sustenance (such as bread and milk), nor is the detour brief. For these reasons, the personal use of the vehicle is clearly not incidental to official business.

Example 5. *An employee takes a vehicle home overnight prior to an all-day meeting in another part of the State and leaves his vehicle at his official work location. He has tickets to a ball game the evening before his trip, and because the only vehicle he has available is the State vehicle, he drives himself and three friends to the ball game.*

Using the State vehicle to take friends to the ball game *violates this Policy* for two reasons. First, travel to and from the ball game is clearly personal and not connected in any way to official State business. Second, carrying persons who are not State employees and who are not engaged in official State business violates this Policy and creates a potential liability for the State.

6. USE OF DRIVERS

An employee may have another State employee drive the employee in a State vehicle for official business, but driving another State employee cannot be the sole or primary duty of any State employee.

7. VEHICLE USE LOGS

Agencies and authorities shall maintain a vehicle use log for all State vehicles. Such logs shall require any person using a State vehicle to record at least the following information: employee name, dates and times of use, driver and occupants of the vehicle, starting location and destination, purpose of the trip, starting and ending odometer readings, fuel and oil purchases, and employee signature. Except for personal use that is incidental to official State business (see the examples in Section 5 of this Policy), all personal use must be clearly identified as such in the vehicle use log.

Each leg of a trip should be separately recorded in the vehicle use log. For example, if an employee who has an all-day meeting in a different part of the State takes a State vehicle home the evening prior to the meeting, drives to the meeting the next morning, drives home that evening, and returns the vehicle the following morning, she should separately record: (1) the trip from the official work location to home, (2) the trip from home to the meeting, (3) the trip from the meeting back to home, and (4) the trip from home to the official work location to return the vehicle.

Vehicle use logs shall be collected, reviewed, and approved as to completeness and accuracy by a designated supervisor on a regular basis. The frequency of such review and approval (e.g., weekly, monthly) shall be reasonable in light of the overall vehicle use by the agency or authority. Senior staff within the central office of the agency or authority shall conduct monthly and annual audits of the vehicle use logs to monitor vehicle use to ensure that such use is consistent with this Policy. Vehicle use logs shall be maintained in accordance with the State agency's or authority's record retention policy.

8. GENERAL REQUIREMENTS AND RESTRICTIONS

State vehicles must at all times be operated in full compliance with all applicable federal, State, and local laws and regulations.

Use of seat belts by drivers and all passengers, regardless of seating location, in State vehicles is mandatory.

No person driving a State vehicle may send or view e-mails or text messages while driving.

No person driving a State vehicle may use a mobile telephone or other electronic communication device (e.g., blackberry) to engage in a telephone call while driving unless the mobile telephone or other electronic communication device is used in hands-free mode. Even hands-free calling should be conducted only if it does not interfere with the safe operation of the vehicle. Because of the inherent dangers of distracted driving, all drivers are strongly encouraged to conduct calls only while the vehicle is safely off the highway and not in motion.

No person driving a State vehicle may use alcohol or drugs that would impair driving.

Possession or use of alcohol, illegal drugs, or other intoxicating substances by any person in a State vehicle is strictly prohibited.

Smoking in State vehicles is strictly prohibited.

All persons are prohibited from carrying, possessing, or transporting firearms, other weapons, or explosive devices in a State vehicle unless expressly authorized to do so in connection with carrying out their official duties.

The use of radar detectors in State vehicles is strictly prohibited.

Except as otherwise required by traffic, weather, or road conditions, travel should be by the most direct route possible taking into consideration cost-effectiveness, actual distance traveled, and the time to travel such distance.

Parking tickets, permits, or placards that grant special parking privileges for State vehicles may be used only for official State business.

The driver of a State vehicle shall be personally responsible for all parking, moving, and E-Z Pass violations.

Unless expressly authorized by the State agency or authority, no banners, advertising, placards, decals, or stickers may be placed on a State vehicle.

All vehicles and special purpose vehicles and equipment shall prominently display the logo or emblem of the Hudson River-Black River Regulating District.

Any employee who is involved in an accident with a District vehicle, regardless of severity, shall obtain a Police Accident Report on the circumstances of the accident and submit it to the appropriate supervisor as soon as possible. The supervisor will in turn submit such report to the Executive Director and Fleet Manager.

All Regulating District employees will participate in Driver Safety training annually, at a minimum. In addition, as appropriate, Regulating District employees will participate in specific vehicle training. The Regulating District's Driver Safety program is the responsibility of the Health and Safety Officer, in coordination with the Fleet Manager.

Fuel receipts will be submitted to the Chief Fiscal Officer (CFO) or the CFO's designee. Use of credit cards and personal mileage reimbursement will be the responsibility of the CFO per the Regulating District's Procurement Policy.

9. ACQUISITION OF VEHICLES

The acquisition of vehicles shall be based on a cost/benefit analysis of alternatives and a determination that acquiring a vehicle will result in the lowest overall cost for transportation. This analysis shall consider such factors as the cost of reimbursing personnel for the use of their personal cars, using the agency vehicle pool, short-term rentals and using public transportation.

The Regulating District shall analyze the relative cost of leasing, outright purchase and/or

financing. Financing alternatives must evaluate the total cost (principal and interest) of the vehicle annually and over the life of the financing, and compare such costs to the outright purchase or lease of a vehicle.

All vehicle purchases, with the exception of emergency purchases, will be included in the development of the Regulating District's three-year budget by the Board's Finance Committee. All vehicle purchases require approval of the Board. Vehicle purchases will be consistent with all NYS and Hudson River – Black River Regulating District regulations and policies. Except for emergency purchases and where it is fiscally prudent to replace a vehicle rather than repair it, at a minimum, (with the exception of special purpose vehicles and equipment) with less than 100,000 miles will not be replaced unless the cost of repairs is not fiscally prudent compared to the cost of replacement. In addition:

New vehicles that increase the size of the Regulating District's fleet can only be acquired when new or additional program responsibilities requiring travel have been assigned to the Regulating District, there are no vehicles available in the agency's current fleet and there are no other cost effective travel options available, (i.e. short-term rentals).

The Regulating District's fleet will be comprised of Class I vehicles to the greatest extent practical, and where possible, with hybrid-electric vehicles. SUV's are not allowable except under special circumstances approved by the appropriate Deputy Secretary and Department of Budget (DOB).

Larger vehicles, such as station wagons, 4x4's, small trucks, vans and SUV's must be approved by the appropriate Deputy Secretary and DOB, and will only be permitted when special circumstances apply:

- Vehicle use requirements

- Significant off-road, seasonal use road or undeveloped road travel

- Significant winter time travel in areas that have high accumulations of snow

- A significant need for simultaneous towing and passenger carrying capability

- Additional passenger and/or cargo room is required and/or other special circumstances apply

No Class V Executive-Type vehicles will be purchased

Both rentals and special equipment (i.e., optional equipment beyond the standard New York State contract) on any class of vehicle should be limited to what is necessary to meet health and safety or occupational requirements.

Vehicles may only be acquired after Division of Budget approval

Vehicle replacement will be contemplated and carried out in a manner that will maximize the Regulating District's return on investment in a vehicle, while also minimizing capital, maintenance and operating costs.

Prior to approval of any vehicle purchase by the Board's Finance Committee, the Fleet

Manager shall describe the cost/benefit analysis undertaken when deciding whether to purchase a vehicle or to use possible lower-cost alternatives (renting, public transportation or reimbursement for personal mileage), evaluating the total cost (principal and interest) of the vehicle annually and over the life of the financing to compare such costs to the outright purchase or lease of a vehicle. Board approval is also required.

10. REPORTING AND RECORD KEEPING REQUIREMENTS

Fleet Management *Report*: The Regulating District must submit to DOB, information on fleet usage and costs for prior, current, and future fiscal years. This information will be submitted using DOB's Fleet Overview Application, which is available at the DOB official website.

Basic components of the submission include:

Overall size of the agency's passenger fleet as of March 31 of prior fiscal years, and September 1 of the current year, as well as projections for two future fiscal years;

Acquisitions (including a breakout between new and replacement vehicles) and eliminations of vehicles;

Number of Alternative Fuel Vehicles (AFV) in the fleet;

Number of vehicles with specialized alterations;

Average age of vehicles;

Total mileage driven;

Number of vehicles purchased, leased and financed using State-supported bonds; and

Total costs for various fleet- and transportation-related activities, including maintenance, rental expenses, and public transportation.

11. VEHICLE MAINTENANCE

The Hudson River Area and Black River Area Fleet Coordinators will be responsible for maintenance of all vehicles and heavy equipment, including maintenance logs. When practical and cost-efficient, routine vehicle maintenance and minor repairs will be performed in-house. Other repairs and service will also be recorded on each vehicle's maintenance log. Fleet Coordinators will review each maintenance log on a monthly basis at a minimum to ensure that routine service is completed, and scheduled and required repairs have been made. The Fleet Coordinators will inform the Fleet Manager of any issues concerns or questions, while keeping immediate supervisors informed. The Fleet Manager will review maintenance logs intermittently as well as annually.

Vehicle Maintenance Schedule

This section addresses the scheduling of both periodic as well as non-scheduled, urgent or emergency maintenance and repairs for all Regulating District vehicles and heavy

equipment including, but not limited to:

Sport Utility Vehicles (SUV's – NYS Department of Budget Classification 2A)
This includes hybrids and flex fueled vehicles.

Light Duty Trucks and 4x4 Trucks, under 8,800 lb GVW (NYSDOB Class 2)

Medium Duty Trucks and 4x4 Trucks, over 8,800 lb, under 18,000 lb GVW
(NYSDOB Class 2)

Heavy Duty Trucks - over 18,000 lb

Heavy Equipment

The Regulating District staff will perform the majority of routine scheduled maintenance, outlined below, in-house whenever possible. Non-scheduled maintenance will also be performed in-house to the extent that the Regulating District's facilities, equipment, tools, and staff's skill and training allow. Maintenance, either scheduled or non-scheduled, requiring the use of an outside vendor will be performed as needed and in conformance with the current Regulating District's Procurement Policy. Warranty work, or other work while the vehicle is under warranty that could affect the warranty, may be performed at a vehicle dealership.

Each Fleet Coordinator is responsible for performing, or having performed all service items. ALL operators of Regulating District vehicles and equipment are responsible for informing the Fleet Coordinator in their respective area of service intervals being reached, or any maintenance condition requiring attention.

The date of next service shall be posted conspicuously in all vehicles and equipment. Detailed maintenance logs of all routine service, and non scheduled repairs shall continually be maintained by the respective Fleet Coordinator for each vehicle. A detailed maintenance log shall be maintained for each vehicle.

Service items and intervals for routine/scheduled maintenance will be adhered to per each vehicle's manufacturer's specifications; or as needed earlier by inspection.

Special purpose vehicles and equipment shall be maintained and repaired as needed per manufacturer specifications or as needed by inspection.

Non-scheduled, urgent and emergency maintenance and repairs: Any vehicle discovered by the operator, Fleet Coordinator or other employee to be in an unsafe or non-roadworthy condition shall be reported to the Fleet Coordinator immediately. The Fleet Coordinator will report all such conditions to the Area Administrator as soon as possible. The Fleet Manager will be advised of any such condition as soon as the full extent of the necessary repair is known. The vehicle or heavy equipment will be tagged out of use immediately upon discovery of any maintenance item that is non-scheduled. It will not be returned to service until such time as the repair is complete.

12. VEHICLE DISPOSITION

Vehicle disposition will be considered on a case-by-case basis to maximize return. Disposition may include sealed bids conducted by the Regulating District or disposition through a NYS agency.

With the exception of special purpose vehicles and equipment, and vehicles used primarily for site-specific work (i.e.: Permit System), a vehicle would be considered underused and should thus be considered to be realigned or removed from the fleet, if the vehicle's annual mileage is under 10,000.

13. DEFINITIONS

Agency Fleet: All State passenger vehicles acquired by and assigned to an agency.

Alternative Fuel Vehicles: Vehicles that operate on fuels other than gasoline. This includes dedicated and bi-fuel technologies (including flexible-fuel vehicles) and hybrid-electric vehicles.

Assigned Vehicle: Vehicles that are assigned to an individual for sole use.

Class I. Compact/Subcompact Sedan: This is the standard vehicle for use by all State agencies. In the case of vehicles leased from a statewide contract, the standard vehicle may be a compact sedan.

Class II. Station Wagons, 4x4s (that are not Sport Utility Vehicles) and Trucks under one ton: These vehicles are to be assigned to agencies having responsibility for transporting clients or when justified, for transporting heavyweight and mid-weight cargo.

Class II-A. Sport Utility Vehicles: These vehicles should only be purchased under unique circumstances when smaller, more fuel-efficient vehicles will not suffice such as driving on rough terrain, transporting extraordinary equipment, etc.

Class III. Vans and Minivans: These vehicles may accommodate between five and fifteen passengers and are to be assigned to agencies having responsibility for transporting clients.

Class IV. Security Vehicles and Mid-size/Full-size Sedan: The security vehicles are to be assigned exclusively to persons providing police or police-related functions in agencies. Mid-size/full-size sedans are to be assigned to those individuals with authorized unrestricted use.

Class V. Executive-Type: These vehicles are to be assigned to statewide elected officials only.

Lease: The acquisition of vehicles using one or more contracts let by OGS, with a commercial firm for a multi-year term, at which time the vehicles are returned to the owner company.

Outright Purchase: The acquisition of vehicles using a State contract let by OGS with a single payment in full at the time of purchase.

Personally Owned Vehicle (POV) usage: The use of a non-state vehicle while in the course of State employment.

Policy: The Statewide vehicle use policy set forth in this memorandum and any amendments that may be made in the future.

Pool Vehicle: Vehicles that are assigned to an agency motor pool and are available to all employees in the agency for short term use.

Public authority or Authority: Any public authority or public benefit corporation created by or existing under any New York State law, at least one of whose members is appointed by the Governor or whose members serve by virtue of holding a civil office of New York State, including any subsidiaries of such public authority or public benefit corporation, but not including any interstate or international authority or public benefit corporation.

Short-term Rentals: The rental of a vehicle for a period of less than one year using a State contract let by OGS.

State agency or Agency: (i) any State agency or department, or any office, division, bureau, or board of such State agency or department, except where the head of such agency or department is not appointed by the Governor and (ii) any State board, committee, or commission, at least one of whose members is appointed by the Governor.

State-Supported Bond Purchase: The acquisition of vehicles using a State contract let by OGS, and financed by the use of State-supported bonds. All of the requirements and procedures for installment purchases, as identified in Budget Policy and Reporting Manual Item H-101, will apply to the State-supported bond sale. This method of acquisition requires periodic lease payments of principal and interest to OGS.

State Vehicles: All passenger vehicles that are owned, leased or otherwise retained by an agency or authority, regardless of funding source, for official State business. The term State vehicles includes sedans, station wagons, 4x4s, SUVs, small trucks, vans/minivans and undercover vehicles and excludes special purpose equipment (e.g., one ton or larger trucks, cargo vans, snow plows and other heavy equipment, etc.). The sum total of all agencies' vehicles subject to this item shall constitute the State's fleet.

Statewide or State Contract: Centralized contracts administered by OGS, in this case for vehicles, to be used by State agencies or the Regulating District.