

# Metro | Policies and procedures

**Subject** Driving and Vehicle Use Policy  
**Section** Finance and Regulatory Services  
**Approved by** Martha Bennett, Chief Operating Officer; MERC Commission

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## **POLICY**

*This policy sets forth the standards under which employees may drive vehicles for Metro business. Interns and volunteers, with written authorization from their Department Director and meeting the standards of this policy, may also operate vehicles for Metro business. It has been developed to maximize the safety of drivers, passengers and the public and to limit Metro's liabilities.*

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## **Applicable to**

All employees, volunteers and elected officials, who drive for Metro business ("drivers").

*Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail as will any current department work rule*

## **Definitions**

Driving record check: A driving abstract which may contain a history of the employee's motor vehicle violations, convictions, accidents, collisions and other information maintained by motor vehicle licensing agencies. It includes use of state department of motor vehicle automated driving record check systems.

Metro: All Metro properties and facilities, including but not limited to the Metro Regional Center, Parks, and all Visitor Venues.

## **Vehicles and Passengers**

Vehicles covered under this policy include cars, motorcycles, trucks, electric bikes and other motorized equipment, including road maintenance equipment, All Terrain Vehicles (ATVs), tractors, forklifts, Zoomers and other golf cart type vehicles.

1. Only authorized passengers are allowed to ride in Metro vehicles and other vehicles while in use for Metro business. Authorized passengers are:

- a. Metro employees, interns, volunteers and elected officials conducting Metro business;
- b. Agents acting on behalf of Metro;
- c. Vendors and contractors working on behalf of Metro;
- d. Participants in official Metro business and programs;
- e. Representatives of other governmental agencies or employers working with Metro in the course and scope of their employment; and
- f. Anyone with prior authorization by the Metro Fleet Manager or a Department Director.

### **Guidelines**

1. Any individual who drives a Metro or personal vehicle for Metro business must maintain a valid driver's license.
  - a. If, by law, there is a certification requirement but no driver's license requirement to drive a particular type of vehicle (e.g. a forklift), that certification will be sufficient in lieu of a driver's license.
  - b. If, by law, neither certification nor a driver's license is required to drive a particular type of vehicle, the driver's license requirement will apply only if the vehicle will be driven in areas accessible to the public or a highway as defined by the State of Oregon.
2. Employment finalists must pass a pre-employment driving record check if the position requires use of a vehicle for work.
3. Employees are responsible for complying with all laws and Metro policies related to driving including all procedures below.

### **Procedures**

1. **Eligibility Criteria.** All drivers must meet all of the following criteria in order to be allowed to drive on Metro business:
  - a. Be at least 18 years old;
  - b. Possess a valid driver's license;
  - c. Possess a Commercial Driver License (CDL) if driving a vehicle requiring such.
  - d. Provide information required by Metro in appendix A to obtain a driving record check.
2. Departments shall only allow drivers who meet the above eligibility criteria to drive a personal vehicle on Metro business or fleet vehicle.
3. Metro will conduct a periodic check to confirm that all individuals who drive on Metro related business have a valid driver's license. If the driving record check indicates that an individual does not have a valid driver's license, Metro will notify the employee and provide him or her with an opportunity to review the driving record report for accuracy.

4. Employees who drive on Metro business must complete Appendix A in order to provide the information necessary for Metro to complete a driving record check.
5. Failure to maintain a valid driver's license or provide the information in Appendix A will result in termination of driving privileges until such time that the employee can establish that he or she has a valid driver's license.
6. For employees holding a position for which driving is an essential function, failure to maintain a valid driver's license or provide the information in Appendix A will be reviewed on a case-by-case basis and may result in disciplinary action, up to and including termination.
7. **Other Drivers.** Contractors and other non-employees may not drive Metro vehicles unless approved in writing by the respective Department Director and fleet manager. Drivers must meet the same criteria required for Metro employees.

### **Driver Responsibilities**

1. It is important that the trust of the public vested in Metro be protected and enhanced by appropriate behavior by any person who operates a motor vehicle in the course and scope of work. This includes safe driving, courteous behavior and avoiding the perception of misconduct while operating any motor vehicle.
2. Drivers shall comply with all applicable state and local driving laws, parking regulations, and all Metro fleet, vehicle and safety policies and rules.
3. All drivers and passengers shall wear safety belts when the vehicle is in motion.
4. The driver should take reasonable steps to remedy minor vehicle issues, consulting with the fleet manager and/or motor pool administrator as needed. Recurrent issues and any concerns that cannot be resolved by the driver should be referred to the fleet manager as soon as possible.
5. Drivers shall be held personally responsible and liable for any parking tickets and towing/impound fees for improperly parked vehicles.
  - a. Parking fines received on Metro vehicles shall be paid or otherwise resolved promptly by the driver at his or her own expense. The employee will not face discipline for parking tickets that are timely paid unless the employee has repeated parking violations that disrupt Metro's operations or increase its costs.
  - b. A driver must notify his or her supervisor within 24 hours of receiving a parking citation on a Metro vehicle.
  - c. A driver must notify his or her supervisor as soon as possible if a Metro vehicle is towed or impounded.
6. Drivers shall be held personally responsible and liable for any failure to comply with the rules of the road for drivers while driving a vehicle on Metro business.
  - a. A driver must notify the Fleet Manager within 24 hours of receiving a traffic-related ticket while driving a Metro vehicle.
  - b. An employee whose driver's license has been suspended or revoked shall immediately notify his or her supervisor if the suspension or revocation will impact his or her ability to drive for work.

- c. For photo radar or other citations issued against a Metro vehicle's registration, Fleet Services or the employee's department will identify the driver. The driver shall be personally responsible and liable for promptly paying the fine or otherwise resolving the citation.
- 7. In the event of an accident while driving on Metro business, the driver shall immediately notify his or her supervisor and Risk Management. If driving a Metro vehicle, the employee shall follow all instructions placed in each vehicle for that purpose and notify fleet staff as soon as it is practical to do so.
- 8. Drivers shall ensure that any passengers who ride with them in a Metro vehicle or in any vehicle while on Metro business are:
  - a. Authorized passengers as defined in the "Vehicles and Passengers" section;
  - b. In the vehicle for Metro-related business;
  - c. Conducting themselves in a manner that does not impede safe driving.
- 9. Drivers shall not drive Metro vehicles or private vehicles for Metro business when they are taking prescription or over-the-counter medication that may impair their ability to safely operate a vehicle. If in doubt, the employee should first obtain approval from his or her physician that it is safe to drive while taking the medication.
- 10. When operating a vehicle, driving safely is the first responsibility. Concentration on driving should be the highest priority. Drivers may not text, operate a hand-held telephone, or use any other hand-held mobile communication device while driving. The use of hands-free devices is prohibited while driving Metro vehicles, except that departments may authorize the use of two-way radios for business purposes if allowable by law. Additionally, drivers may not listen to music with a headset while operating a motor vehicle in the course and scope of work.
- 11. All personal miles driven using Metro vehicles, including miles driven to and from home for those assigned a take-home vehicle, are reportable as taxable income based on the current IRS mileage rates. These miles must be reported to the Payroll Division on a quarterly basis as follows:
  - a. Miles driven Jan-Mar: reported by April 10
  - b. Miles driven Apr-Jun: reported by July 10
  - c. Miles driven Jul-Sept: reported by Oct 10
  - d. Miles driven Oct-Dec: reported by Jan 10
- 12. All miles driven using a personal vehicle for work-related purposes may be reimbursed. To be reimbursed, drivers must submit a completed request for reimbursement form on a quarterly basis as follows:
  - a. Miles driven Jan-Mar: reported by April 10
  - b. Miles driven Apr-Jun: reported by July 10
  - c. Miles driven Jul-Sept: reported by Oct 10

- d. Miles driven Oct–Dec: reported by Jan 10
- 13. Forms for reporting personal and work-related mileage can be obtained from the Finance department.

## **Vehicles**

1. **Assigned vehicles.** When the Department Director and fleet manager agree that a particular position requires a vehicle for the performance of duties and responsibilities, Metro will assign a specific vehicle to the operator occupying that position.

Use of Metro vehicles to commute to and from work, except as stated above, is prohibited unless approved in advance in writing by the Department Director or the fleet manager. Before taking a Metro vehicle home, an employee who is not regularly assigned a vehicle must notify both the Department Director and the fleet manager and obtain written approval from either one.

2. **Privately-Owned Vehicles.** Metro allows use of privately-owned motor vehicles to conduct official Metro business. A privately-owned motor vehicle used for Metro business must be in safe mechanical condition to provide safe transport. Vehicles must conform to the mandatory vehicle equipment requirements of the state in which the vehicle is registered. Employees must meet or exceed mandatory insurance requirements and the vehicle registration must be current.
  - a. A motor pool vehicle shall be used when a personally-owned vehicle does not meet these standards.
  - b. Employees should use Metro vehicles, when available, rather than privately-owned vehicles in all cases in which a vehicle is necessary for work-related travel.
  - c. Drivers based at facilities where fleet vehicles are located are first required to attempt to use a Metro fleet vehicle for Metro business.
    - i. In the event one is unavailable, the employee may use his or her personal vehicle, with supervisor or manager approval, and receive mileage reimbursement.
    - ii. Mileage reimbursement for the use of a privately-owned motor vehicle is considered full payment (including depreciation, insurance, deductible, maintenance, and operating costs) for its use.
3. **Worker's Compensation.** Employees injured in the course and scope of work should file a workers' compensation claim with Metro's workers' compensation insurer.

## **Insurance Requirements for Use of Privately Owned Vehicles**

1. The driver of a privately-owned motor vehicle used to conduct Metro business must be insured against liability (person and property) in an amount not less than the minimum requirements of the state in which the vehicle is registered.
2. The driver's insurance is primary with respect to bodily injury and property damage; Metro's self-insurance shall apply only as excess of the employee's personal insurance.
3. Metro will investigate and defend any claim or action against Metro or its employees on behalf of drivers covered by this policy except:

- a. When any claim is resolved by the employee's insurance; and
  - b. If the use of the vehicle was outside the scope of Metro business.
4. Use of privately-owned motor vehicles for Metro business in violation of the automobile financial responsibility laws (e.g. not having legal insurance coverage limits) will result in disciplinary action up to and including termination.
  5. The vehicle owner is responsible for payment of personal auto insurance deductible related to an accident.

There may be circumstances when an employee driving a personal vehicle for work related purposes sustains damage to their vehicle through no fault of their own. Employees may request reimbursement of up to \$250 of their deductible if their vehicle sustains damage through no fault of their own. The employee's manager must verify the employee was driving for work related purposes. The reimbursement request should be made to the employees director with a copy to the risk manager and include a declaration page or a copy of the insurance policy, a copy of the police report or statement from the insurance company verifying that the employee was not at fault and a copy of an unreimbursed expense for the deductible. The ultimate decision to reimburse is at Metro's sole discretion.

## **Metro Insurance**

### **Automobile Liability**

Metro self-insures auto coverage and receives authorization from the Oregon DMV to operate motor vehicles under certificate #118. Risk Management will maintain this authorization as required by Oregon DMV.

Metro's maximum policy and coverage limits will be the minimum limits required by ORS Chapter 742. Metro specifically declines to provide uninsured and underinsured motorist coverage.

1. The limit of insurance under this coverage shall be reduced by:
  - a. All sums paid or payable under workers' compensation, disability benefits or similar law, and
  - b. All sums paid by or for anyone who is legally responsible, including all sums paid for by the Risk Fund.
  - c. Any amount payable for damages under this coverage will be reduced by any amount an "insured" may be paid under Personal Injury Protection Coverage.
  - d. In no event will an "insured" be entitled to receive duplicate payment for the same element of loss.

### **Rental vehicles**

1. Metro self-insures automobile and liability coverage, including for rental vehicles. Generally, departments should decline rental insurance coverage, especially if rental vehicles are obtained using a Metro Purchasing Card. However, circumstance may exist where the department desires to purchase this coverage with input from Risk Management.

2. If an accident occurs when the vehicle is used outside the scope of Metro business (e.g., if a rental vehicle is used for a non-job-related side trip) liability coverage, collision coverage deductibles, and other charges will not be paid by Metro.
3. For other types of vehicle services (such as Uber, Lyft, Car2Go, etc.), please contact the Finance Department for questions about reimbursement and insurance.

### **Incidental Use of Metro-Owned Vehicles for Non-Business Purposes**

1. When operating a Metro vehicle, drivers may:
  - a. Make stops for lunch or other meals if appropriate to the time of day, provided the stop is along the normal route and does not add any additional mileage to the trip; and
  - b. Make stops for restroom breaks as needed.
2. Stops or other uses of Metro vehicles are prohibited in all instances if it would create a reasonable public perception of misuse or abuse of the vehicle and/or the driving privilege.
  - a. Prohibited vehicle use includes, but is not limited to, stops at a liquor store, a bar or tavern, an adult bookstore, a gambling establishment, or any other business or location that the public may reasonably consider misuse of Metro vehicles.
  - b. Drivers may not purchase or transport alcoholic beverages for personal use at any time while using a Metro vehicle. Drivers may not consume alcoholic beverages and then drive a Metro vehicle or personal vehicle for Metro business.
  - c. Drivers may not transport unauthorized passengers while driving on Metro business or in a Metro vehicle.
  - d. Drivers may not smoke or use cigarette alternatives in a Metro vehicle.

### **Training**

Metro may assign training requirements at any point for new or existing drivers.

### **Summary of Responsibilities and Duties:**

#### Employees/Interns/Volunteers:

- Follow all rules and procedures outlined in this policy.

#### Supervisors/Department Directors:

- Supervisors and Department Directors are responsible for enforcing this policy, and shall ensure all employees who drive understand these policies and the potential consequences for violating them.
- Immediately notify Human Resources upon receiving information regarding any violations reported under this policy.
- Supervisors must ensure employees are trained on vehicles and equipment that they will use in their job duties.

Risk Management:

- Conduct driving record checks for existing employees, interns, volunteers and elected officials.

Human Resources:

- Conduct driving record checks at hire of employees, interns, volunteers and elected officials.

Property Services and Fleet Manager:

- Maintain Metro vehicles in proper working order in collaboration with assigned operators and programs as required by fleet procedures.

**Attachments**

Appendix A– Metro Driving Record Check Information

**References**

ORS Chapter 742 – Insurance Policies

ORS 153 – Violations and Fines

ORS Chapter 811 – Rules of the Road for Drivers

Drug and Alcohol Use Policy

## APPENDIX A

## Metro Driving Record Check Information

In order to protect the well being of its employees, the public and agency assets, Metro conducts driving record checks on all employees and volunteers who drive Metro vehicles or personal vehicles on Metro business. Metro performs this check using information or systems from the Oregon & Washington DMV. An inquiry may be made as part of a pre-employment screening process as well as any time during the course of employment with Metro. No additional notice shall be needed for future inquiries, to obtain additional driving record reports or to set up automatic reporting. Information will be used to determine whether you may drive a Metro-owned or a personal vehicle on Metro business. If driving is an essential function of your job, the information in the driving check may be used for decisions related to your employment.

### **Please PRINT the following information**

PRINT first name	PRINT middle name	PRINT last name
Drivers license number*	State of issue*	Date of birth
Work or daytime phone number	Department or site	Supervisor's name

#### Directions:

1. Please type or neatly print the information or provide this information in an email.
2. Include your ***FULL*** first, middle and last name.
3. Please verify that your driver's license number is correct by looking at your license when you complete this form.
4. Please scan and email the completed form to [william.jemison@oregonmetro.gov](mailto:william.jemison@oregonmetro.gov) and [sarah.erskine@oregonmetro.gov](mailto:sarah.erskine@oregonmetro.gov) using the subject "Driving record check request "
5. If you do not have access to email, you may deliver the form in person or in a sealed "confidential" envelope to Bill Jemison in the FRS (Finance & Regulatory Services) department.