



<b>TITLE:</b>
District Driving Policy
<b>ADOPTED BY BOARD OF HARBOR COMMISSIONERS:</b>
February 22, 2016
<b>EFFECTIVE DATE:</b>
This policy is effective upon adoption by the Board of Harbor Commissioners.
<b>SUPERSESION:</b>
This policy supersedes Administrative Policy No. 3176.01.
<b>PURPOSE:</b>
The purpose of this policy is to set forth procedures with regard to employees operation of motor vehicles. The District places a high degree of importance on employee safety. To that extent, this policy is intended to establish policies and procedures for operating a motor vehicle in association with employment with the Oxnard Harbor District. The Board of Harbor Commissioners strongly encourages employees to share these policies with members of their family and to apply these principles of safety.
<b>POLICY:</b>
<p>1. <b>BACKGROUND:</b> The Oxnard Harbor District in keeping with local, state and federal law regarding the operation of motor vehicles has adopted this policy in order to provide direction to its employees and to sustain a safe working environment for its employees. This policy does not preclude additional directives and instructions from District managers for employees under their specific direction. In the event of any conflict with local, state and federal law, then the local, state and federal law shall apply.</p> <p>The District strictly enforces the following provision of the Tariff through this Administrative policy. The general provisions of the applicable Tariff items are:</p> <p>Item No. 150 MOTOR VEHICLES</p> <p>(A) Employees shall not drive any motor vehicle onto or upon any wharf or within the port area except for the purpose of necessary duties which require the presence of such vehicle on such wharf or terminal area. It shall be the duty of the Employees to immediately remove such vehicle from such wharf or terminal area upon the completion of the necessary business.</p> <p>(B) Employees shall not drive or operate any vehicle from which any gasoline, oil or other liquid is dripping.</p> <p>(C) Employees shall not fill the fuel tank of any motor vehicle with gasoline, or other product of petroleum on any wharf or landing.</p>

(D) Employees shall not store motor vehicles on District property.

Item No. 155 PARKING- Employees shall only park in areas designated by the District for employee parking.

In addition, the District has adopted the following driving policies for regular and part-time employees of the District.

## 2. REQUIREMENTS:

- a. District owned vehicles shall only be operated by authorized District employees and are only to be used on District business and shall not be used for personal reasons. The District shall not permit any contractor or consultant to operate a District owned vehicle in the course of the contractor's or consultant's activities at the District.
  - i. De minimus personal use is permitted. De minimus personal use shall constitute only reasonable detours within the scope of the purpose for which the vehicle is being used, for example stopping for food while on District business or otherwise utilizing the vehicle in a reasonable way given the purpose for which the District provided the vehicle. The District shall require and maintain any records which it deems necessary or appropriate to maintain in order to establish that this Policy is enforced. Any de minimus personal use shall constitute a fringe benefit which will be evaluated pursuant to IRS Publication 15-b, as amended from time to time, and evaluated using either fair market valuation or the cents-per-mile rule, as would be permitted under IRS regulations.
- b. All vehicles operated by District employees shall be operated in a safe, legal and economical manner. In operating a motor vehicle, employees shall comply with all provisions of the California Motor Vehicle Code, as amended from time to time, and all provisions of motor vehicle codes in any state, territory or country in which the employee is driving on District business.
- c. Employees shall avoid being distracted while driving by any person or mechanism such as radios, cellular telephones, and other electronic devices. Strict adherence to the State's prohibition for texting or operating a non-hands free telephone is required. For employees that must use a cellular telephone or radio in the course of their duties while driving, the employee shall safely pull the vehicle over, stop in a safe area, and conduct the appropriate business prior to resuming driving.
- d. Employees shall respect the rights of other drivers, cargo handling equipment, and pedestrians. Employees shall yield the right-of-way to larger and less maneuverable vehicles while driving on the Terminal. Employees shall adhere to the applicable provisions of the Port Terminal Tariff.
- e. Employees shall strictly adhere to all posted speed limits and other traffic regulation signs, traffic control, security checks and safety regulations when operating a motor vehicle at the Port of Hueneme.

- f. Employees must maintain a valid California Drivers License and proof of insurance and automobile liability at the limits set forth in the California Motor Vehicle Code. Each April 1st, Employees shall submit a copy of their California Drivers License and proof of insurance to the Finance and Accounting Department. Employees shall immediately report to the Chief Finance & Administrative Officer or designee any change in California Drivers License status or serious traffic infraction placed on the employees driving record. This information shall be maintained as confidential. Each year when the District places its automobile insurance, employee's driver's records are reviewed by the insurer. A change in California Drivers License status (including expired) shall result in the District denying the employee use of a District owned vehicle if the employee's job duties requires such use.
- g. Passengers shall only be transported in District owned vehicles when the passenger is directly associated with the business of the District and operations of the Port. Individuals approved by the CEO & Port Director or designee may be transported in District owned vehicles for the purposes of official tours or site visits of the Port and associated District owned properties. TWIC Escort regulations shall be adhered to in all circumstances.
- h. i. Other passengers may be transported in District owned vehicles for the purpose of any authorized de minimus personal use that would be permitted under this Policy, for example picking up children during an authorized use of the vehicle for permitted District purposes. No vehicle may be removed from District property solely for such de minimus personal transport of other passengers. Other passengers shall only be permitted during reasonable detours undertaken during the course of authorized District business. Employees shall periodically inspect and service their vehicles to ensure they are in "safe operating condition". The District reserves the right to inspect any vehicle used in the course of District business to ensure that it is in a safe operating condition. For District owned vehicles, the Director of Operations & Security or designee shall inspect the vehicle not less than monthly to ensure the vehicles are in safe operating condition. Any vehicle found to be unsafe shall be reported to the CEO & Port Director and tagged as out of service. The vehicle shall not be operated until the unsafe condition has been corrected to the satisfaction of the Director of Operations & Security or designee.
- i. At the beginning of each shift, employees that are authorized to drive District owned vehicles shall conduct a visual inspection of the vehicle. Any deficiencies require completion of a Damage/Incident report prior to the use of the vehicle. Issues relating to the safe operating of the vehicle shall require the Damage/Incident report be tagged to the interior of the cab until the deficiency has been corrected.
- j. Employees shall not be permitted to take a District owned vehicle off District property unless authorized by the CEO & Port Director or designee or the need is part of the employees normal duties and responsibility (e.g. driving to the post office, picking up materials and supplies, purchasing gasoline, delivering materials on behalf of the District, performing activities on District property away from the Port, etc.). If an employee has any doubt regarding the use of a District owned vehicle off District property, then the employee shall make appropriate inquiry to his/her supervisor.

k. Employees may not drive under the influence of alcohol or other controlled substances during work hours. Employees that drive under the influence of alcohol or other controlled substances during work hours are subject to immediate suspension and potentially termination. Employees shall report to their immediate supervisor if they are taking any medication that may impair their operating of a motor vehicle.

l. Employees shall always use seat belts when operating a motor vehicle. Employees are responsible to ensure passengers also use seat belts when riding in a vehicle.

m. Smoking is prohibited inside District owned vehicles.

n. Employees shall always ensure that any cargo or other materials being transported in a vehicle are stored in a proper, safe and legal manner. If an employee feels that any cargo or other material is not stored properly, the employee shall immediately contact his/her immediate supervisor, the Director of Operations & Security or the Chief Operations Officer.

o. Employees shall not park and permit the motor to idle for more than three (3) minutes.

Employees shall shut off the vehicle power and secure the vehicle emergency brake. Running vehicles may not be left unattended by employees.

p. Employees shall only park in areas designated for District employee parking.

q. It shall be the responsibility of the Chief Finance & Administrative Officer or designee to place and maintain current copies of the vehicle registration and proof of insurance in all District owned vehicles.

r. Employees shall immediately submit a Damage/Incident report regarding any motor vehicle accident involving a District owned vehicle or any other vehicle being used on District business. This report shall be submitted to the employee's immediate supervisor.

s. If an Employee is involved in an accident involving any vehicle he or she shall (1) ascertain and see to their own medical condition, (2) see to the medical condition of anyone else involved in the accident, (3) ascertain if the situation is safe, (4) call for any assistance including 911 if the situation warrants, (5) call for law enforcement support and to obtain a police report, (6) notify the District of the accident, (7) write down as much information as possible including but not limited to vehicle license plate numbers, drivers' license numbers, names, insurance information, phone numbers of those involved and witnesses, (8) **DO NOT ADMIT BLAME OR NEGOTIATE A SETTLEMENT OR MAKE ANY STATEMENT EXCEPT TO LAW ENFORCEMENT AUTHORITIES**, (9) prepare a Damage/Incident report, and (10) discuss the situation and circumstances with their immediate supervisor.

t. At least bi-annually, all Employees shall successfully complete a "Safe Driving" program sponsored and conducted by the District.

**RELATED POLICIES AND PROCEDURES:**

None.

**DEFINITIONS:**

**"California Motor Vehicle Code"** is the code published by the California Department of Motor Vehicles as amended from time to time.

**"Controlled Substances"** are any substances whose possession and use are regulated under the Controlled Substance Act.

**"District owned Vehicles"** are motor vehicles owned by the Oxnard Harbor District and may include non-licensed over the road vehicles used by employees in the course of their activities.

**"District property"** includes the Port of Hueneme facilities and other industrial properties owned by the Oxnard Harbor District.

**"Employees"** are persons employed by the Oxnard Harbor District on a regular basis and shall also include part-time employees employed by the District. For example, student interns, temporary employees, and part-time employees as defined by the District in its personnel policies are for purposes of this policy collectively considered employees.

**"Employees' hours of work"** shall include the time that an employee is conducting official business on behalf of the District (e.g. normal work hours, call-outs, special events, evening activities, emergency calls, etc.). Employees' hours of work shall not include commuting to and from the workplace or travel for lunch or dinner breaks.

**"Part-Time Employees"** are persons employed by the Oxnard Harbor District on a part-time basis and shall include interns.

**"Vehicles"** shall mean District owned vehicles, vehicles-for-hire and vehicles driven on behalf of the District.

**"Vehicles driven on behalf of the District"** are privately owned motor vehicles of regular and part-time employees of the District used in the course of their business activities for which mileage or automobile allowances are paid.