

10-54-11

**RESOLUTION TO AMEND THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT VEHICLE USE POLICY**

**WHEREAS**, 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; and

**WHEREAS**, the Division of Budget BPRM (Budget Policy and Reporting Manual) D-750 issued on September 18, 2009 imposes new requirements on the use of such vehicles; and

**WHEREAS**, the attached vehicle use policy implements the new requirements contained in the Division of Budget Policy D-750; and

**WHEREAS**, the attached vehicle use policy has had three readings pursuant to the Regulating District's Policy on Policy Making; and

**NOW THEREFORE BE IT RESOLVED**, that the Board of the Hudson River-Black River Regulating District does hereby adopt the revised vehicle use policy attached hereto and acknowledges that this policy will replace and rescind the one contained in resolution 07-11-02.

Approved as to form:



Robert Leslie  
General Counsel

Motion was made by Mr. Cornell and seconded by Mr. Hayes that the Resolution be approved.

Present and Voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Berkstresser .....	_____	_____	_____(Excused)
Mr. Cornell.....	<u>  X  </u>	_____	_____
Mr. Astafan.....	<u>  X  </u>	_____	_____
Mr. Stover.....	_____	_____	_____(Excused)
Mr. Hayes .....	<u>  X  </u>	_____	_____
Mr. Klein .....	<u>  X  </u>	_____	_____

# **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 (EPAct), 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. MANDATES**

- Operation of Regulating District vehicles must be in full compliance with all New York State laws.
- All eligible drivers must be employees of the Regulating District or other authorized personnel, and have a valid driver's license. All eligible drivers operating a vehicle requiring a special class of license (i.e.: Commercial Driver's License) must have the appropriate class of valid license.
- Regulating District vehicles must be used for official business only, and their use for any personal business is strictly forbidden, except where the personal use is ancillary to official business (such as for occasional commuting purposes within a reasonable distance, where the vehicle is mainly

used for Regulating District business).

- If an employee is permitted to use a vehicle for personal purposes, vehicles provided to an employee for unrestricted use must include in the employee's wages an amount that represents the value the employee received for personal use of the vehicle.
- The only passengers allowable are:
  - Regulating District employees, NYS employees and those whose presence is related to a Regulating District function or operation.
  - Passengers whose travel is in an emergency or could be considered "Good Samaritan".
  - When on official travel status, other passengers whose presence is limited and incidental.
- Employees with physical disabilities who own specially equipped personal cars are authorized to use their personal vehicles when automobile transportation is required to perform official Regulating District functions.
- The Regulating District will not assign vehicles to specific individuals except in extraordinary circumstances approved by the Regulating District Board Chairperson as "Agency Head" and the appropriate Deputy Secretary, and the use of such car shall strictly be for carrying out Regulating District duties.
- Pool cars must be used when available to avoid the need for rental cars and the reimbursement of personal car mileage.
- Car pooling is encouraged to avoid or reduce the need for rental cars and the reimbursement of personal car mileage.
- In circumstances where neither mass transit nor a pool car is available, employees may use the least expensive option of either a rental car suitable under the circumstances or their personal car. Employees must use a "trip calculator" to determine which mode is cheaper. Employees may opt to use their personal cars in non-optimal situations, but will only be reimbursed for the value of the car rental. *Note: This mandate does not apply to an employee who has a physical disability and must use a specifically equipped personal 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 charged with a traffic violation while driving a Regulating District vehicle shall be held personally responsible for the payment of any fines incurred during such use. In addition, the employee shall bring such violation(s) to the attention of his or her supervisor by a written report.
- 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.
- All vehicle operators will complete the Regulating District's Vehicle Mileage and Expense Report recording mileage, destination, operator, fuel and fuel expense, and other required information.
- 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.

When an employee is in official travel status, the employee is on official business. Employees in travel status are permitted to use Regulating District vehicles for transportation to eating places and other places for reasonable necessities and amenities incidental to official business. A Regulating District vehicle may be taken home the day prior to and the last day of a planned trip when waiting to obtain or prematurely returning a vehicle would result in inefficient use of human or fiscal resources.

### 4. PROHIBITIONS

The following are strictly prohibited:

- Smoking in Regulating District vehicles.
- Driving under the influence of drugs or alcohol.
- Possession and/or use of alcohol, illegal drugs or other intoxicating substances.
- Use of cellular phones, Blackberries and other electronic communication devices without hands-free capability or adaptor.
- External paraphernalia or other markings such as bumper stickers, signs or advertisements.
- Operation of a Regulating District vehicle in an illegal or unsafe manner.

### 5. 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.

## 6. 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.

## 7. 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 need 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.

## **8. 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.

## **9. 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.

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

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

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 the State, regardless of funding source, and that are subject to this item. 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.