



**THE CITY OF NEW YORK**  
**CITY VEHICLE**  
**DRIVER HANDBOOK**

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## CONTENT OVERVIEW AND SUMMARY

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This manual, effective September 2021, supersedes the January 1997 directive entitled, “Regulations for City Vehicle Drivers, Accident Reporting and Loss Control,” which was issued by the Mayor’s Office of Operations. This manual replaces the version previously updated in November 2013 and will serve as an attachment to the Fleet Management Manual (Fleet Manual).

This edition focuses on important topics for City Government Vehicle drivers, including the use of mass transit as the principal means of travel, vehicle assignments, restrictions concerning the use of City Government Vehicles by temporary workers and contractual personnel, and the use of personal vehicles for conducting City business. This manual also addresses federal Internal Revenue Service (IRS) regulations covering fringe benefits associated with parking and commuting privileges.

This manual provides necessary information on proper vehicle maintenance along with instructions on what to do in the event of a vehicle breakdown, moving violation or collision. In order to protect your and the City’s interest, please review this information carefully.

Additional copies of this manual can be accessed by going to the NYC Fleet section at [NYC.gov/DCAS](http://NYC.gov/DCAS). Questions should be directed to the Chief Fleet Management Officer (CFMO), NYC Fleet, Department of Citywide Administrative Services (DCAS), 1 Centre Street, 23rd Floor, New York, NY 10007, or by email, send inquiries to [NYCFleet@dcas.nyc.gov](mailto:NYCFleet@dcas.nyc.gov).

## POLICY STATEMENT

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**Purpose of this manual** The City of New York enforces practices that promote the safety of drivers of City Government Vehicles, their passengers and the public. Drivers must carefully review this manual and adhere to its requirements.

Whatever the transportation need, authorized drivers must make every effort to use mass transit in lieu of a City Government Vehicle.

With the exception of elected officials for whom the New York City Police Department has determined that personal security is necessary, as well as certain City government executives, under no circumstances may City Government Vehicles be used for personal or other-than-official City Business unless provided for in this Driver Handbook. Moreover, City Government Vehicles should only be driven by appropriate authorized personnel.

**Role of the Agency Transportation Coordinator (ATC)** Authorization to operate City Government Vehicles is determined by the ATC and approved by the Agency Head. The ATC must provide drivers with a copy of this manual and emphasize the importance of adherence to its requirements. Each agency is encouraged to provide training to their authorized drivers. Where it is appropriate, the ATC will schedule drivers for specialized training as well as instruct them in the areas of defensive driving techniques, vehicle inspections and appropriate actions in the event of incidents, i.e., collisions, vandalism and theft. The ATC authorizes the use of a City Government Vehicle only when drivers demonstrate proper skills and knowledge. Your ATC will report to agency management any vehicle problems that may be due to driver neglect, abuse and/or misuse. Any questions with respect to drivers' responsibilities in connection with an assigned City Government Vehicle should be directed to the ATC.

**Use of personal vehicles** The City strongly discourages the use of personal vehicles to perform City business. If mass transit is not practicable and a personal vehicle must be used for City business, drivers must obtain prior written approval from their ATC and maintain appropriate automotive insurance in amounts required by the State in which the vehicle is registered. In addition, drivers bear the sole responsibility for maintaining trip records for reimbursement and federal tax filings. The use of personal two or three wheeled motor vehicles (commonly referred to as motorcycles, motor scooters, or mopeds) for City business is prohibited. ATCs must obtain Agency Head and DCAS approval before authorizing use of personal vehicles for City business.

**Drivers covered by this manual** This manual is intended for use by all Mayoral agencies, including both uniformed forces and civilian operations; however, it does not fully cover certain requirements of uniformed and civilian drivers when operating vehicles and motorized equipment for purposes of law enforcement, emergency response or specialized operations. Drivers of such vehicles and motorized equipment should contact their supervisor or Human Resources Division to identify fully the appropriate driver training responsibilities and relevant supplemental directives.

Non-City employees, as well as temporary City employees (e.g., interns, day laborers, transitional workers, and contractual staff) may not operate City Government Vehicles unless specifically outlined and provided for in a contract or agreement with the City of New York and approved by the City Chief Fleet Management Officer (CFMO). These staff must submit to an agency-managed

driver approval and background investigation process and attend mandatory training in order to operate City vehicles, and comply with this manual.

Elected officials are urged to adopt the requirements contained herein and publish supplemental driver directives applicable to their offices.

**Supplementary agency procedures** Drivers are also required to review and follow supplementary vehicle guidelines and procedures set forth by their agency. Agency Heads should promulgate supplementary guidelines and procedures to address specific/specialized requirements related to the operations of their vehicle fleet. However, all agency procedures must be consistent with the requirements of this manual and with applicable civil service job specifications.

**SECTION I**  
**ASSIGNMENT OF CITY GOVERNMENT VEHICLES**

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With Agency Head approval, the Agency Transportation Coordinators (ATCs) are responsible for authorizing or providing approval for the full-time or temporary use of City Government Vehicles.

Unless prior written approval is provided by your ATC, personal vehicles must not be used for official City business.

Drivers are not allowed to use City Government Vehicles for personal activities, except for required rest periods, meals, and brief stops incidental to the conduct of official City business. Such stops do not entitle drivers to use the vehicle for shopping, recreation or to transport others.

Incidental uses are allowable when the destinations are on the same route as authorized work trips and commutes. A specific trip in a city vehicle initiated solely for a personal use is not allowable. Allowable incidental uses do not include destinations that have the appearance or reality of inappropriate behavior or vehicle use such as bars, clubs, racetracks, airports, recreational destinations, and related locations. If there is any question as to appropriate incidental use, a driver and/or their agency must contact DCAS prior to the use for a determination of the appropriateness of the use. DCAS will consult with LAW and DOI as necessary.

In some cases of law enforcement or emergency response, a broader definition of incidental use may be required to facilitate immediate response to emergency situations that require vehicle use. Drivers or their agencies must reach out to DCAS to address, and for authorization of, any requests for broader incidental use. Under no circumstances will this broader use include transport of family members or other non-City employees in non-official purposes.

However, family members may be transported as part of an official agency function, such as an agency sponsored special event where the family members have been specifically invited, and for which the vehicle use has been approved by the Agency Head. Likewise, drivers may transport other City employees, as well as contractual personnel who are on official City business, to destinations directly along the driver's route.

It is recognized, however, that elected officials for whom the New York City Police Department has determined that personal security is necessary will be required to conduct personal activities while using a City Government Vehicle. Such activity and limitations are to be determined by the New York City Conflicts of Interests Board (COIB). Further, certain other governmental executives as determined by COIB may be allowed limited personal use of a City Government Vehicle while on official City business.

- 1. Use of public transportation for official City business** Whatever the transportation need, authorized drivers must make every effort to use mass transit instead of a City Government Vehicle whenever it is practicable.
- 2. Driver licensing requirements** City Authorized Drivers must maintain a valid New York State driver license whenever operating a City Government Vehicle. However, in the case of an agency employee who is not required to maintain residency in New York State, the employee

must have a valid driver license from the state of his/her domicile and the driver license must cover the classification of vehicles being driven. Employees must immediately report any change to their driver license to their agency.

**2.1 Commercial Driver License (CDL)** The federal Commercial Motor Vehicle Safety Act of 1986 requires all drivers to have a CDL if driving a vehicle with a gross vehicle weight of more than 26,000 lbs., or towing a vehicle with a Gross Vehicle Weight in excess of 10,000 lbs., or a capacity of 15 or more passengers, or transporting hazardous materials as defined by the federal Hazardous Materials Transportation Act. The ATC must require drivers to present the appropriate, valid license prior to the operation of any vehicle requiring a CDL. Prior to operating a vehicle requiring a CDL, drivers are required to complete the CDL Vehicle Operation Inspection Form located in the back of this manual. Agencies must use agency and/or fleet type specific versions of this form.

**2.2 The Omnibus Transportation Employee Testing Act of 1991** The Omnibus Transportation Employee Testing Act of 1991 states that all drivers who are required to have a CDL are subject to random testing for drug and alcohol use. This requirement includes all City Authorized Drivers who will be operating a commercial motor vehicle, whether full-time, intermittently or occasionally.

**3. Vehicle assignment classifications** City Authorized Drivers are assigned a vehicle in one of three ways: a full-time assignment without commuting privileges, full-time assignment with commuting privileges or assignment of a pooled vehicle. Vehicle assignments are determined by a list of criteria used by the ATC.

**3.1 Full-time assignment of vehicles** A full-time vehicle assignment allows drivers sole use of the vehicle. With the permission of the ATC, other agency employees may be granted temporary use of such vehicles. Under these circumstances, the primary driver remains responsible for vehicle upkeep. Agency employees will only be allowed a full-time assignment of a City Government Vehicle at the Agency Head's discretion.

**3.2 Take home (commuting) privileges** City Government Vehicles may not be used for commuting between a driver's home and workplace unless the driver receives approval from the ATC or Agency Head. Examples of approved take home privileges include but are not limited to employees who work frequently in field locations, respond to emergencies during non-business hours, or do not have available secure overnight parking near the work location. Additional details on commuting requirements can be found in the Fleet Management Manual.

Drivers with authorized commuting privileges are encouraged to park at a City-owned or operated work site or garage facility nearest the driver's home, if one is reasonably available within five City blocks. The ATC will assist drivers in identifying City repair facilities that are near the driver's home and assist drivers with obtaining permission to park at those facilities. In addition, drivers must notify their ATC of the regular off-duty parking location of commuting vehicles so that these sites can be recorded. In general, commuting should be within the five boroughs of NYC. An agency may approve commuting to a home location outside the City of NY only if there is clear and non-avoidable operational or emergency purpose.

**3.2.1 Reporting commuting and parking privileges** Federal Internal Revenue Service (IRS) regulations require drivers to report the value of commuting privileges as a taxable fringe benefit. There are limited exemptions in the Federal regulations which are applicable including in some law enforcement and emergency service uses. Additionally, if drivers are provided full time parking for personal vehicles, this privilege must also be reported as a separate taxable fringe benefit. Furthermore, when a City official has been granted the use of a City Government Vehicle along with a Chauffeur, appropriate taxable fringe benefits with respect to the vehicle and chauffeur must be reported by the City official. Benefits with respect to the vehicle must be reported by the City official, even if the vehicle is parked overnight at the chauffeur's home.

The value of these fringe benefits is calculated by the driver's/official's agency, following methods prescribed by the IRS, and reported by the driver's/official's agency to the City's Office of Payroll Administration (OPA). OPA disseminates reporting procedures to Agency Heads annually with respect to these benefits. Recipients of commuting privileges are advised to maintain records of actual use to validate estimated fringe benefit amounts. Recipients may be able to report a reduced fringe benefit amount if it can be documented that the privileges existed for only a small portion of the reporting period.

**3.3 Temporary assignment of (pooled) vehicles** If a driver requires the temporary assignment of a vehicle, the driver must explain the need for the vehicle, as well as the planned period of use. Once assigned the vehicle, the driver must fill out a trip report to be submitted to the ATC, indicating the purpose of the trip, the destination, the beginning and ending odometer readings and the vehicle's condition upon pickup and return. Failure to complete a trip report may disqualify the driver from future use of City Government Vehicles.

**3.4 Use of City Government Vehicles for long distance travel** Drivers must comply with this manual and the City Comptroller's Directive #6 (December 2016) as it defines long distance travel. Directive 6 can be found here: <https://comptroller.nyc.gov/wp-content/uploads/documents/Directive-6-Travel-Meals-etc..pdf>. Drivers must fill out the appropriate forms and receive approval from their ATCs prior to making an out of town trip.

Additional items are covered under the City Comptroller's Directive #6. More information can be found on the Comptroller website.

## **4. Monitoring drivers**

**4.1 Driver records** A copy of your driver record, including received tickets, unpaid moving violations, agency-funded training, and collision reports, is maintained by your ATC.

**4.2 New York State License Event Notification System (LENS)** The ATC enrolls each City Authorized Driver into the New York State Department of Motor Vehicles (DMV) LENS program. Any event that affects the driver's license will be reported by the DMV to the ATC through LENS. Events that result in points being added to a driver license are monitored through LENS. Drivers who have excessive points on their license run the risk



of having their City driving privileges revoked as well as suspension or revocation of their driver license.

**4.3 Out-of-State driving record reporting** Certain New York City government employed drivers are not required to live in New York State. However, records from outside jurisdictions must document the status of the driver license, the number of points or current infractions against the license and the status of the driver's insurance coverage. Out of State drivers are responsible for providing the ATC with a biannual update regarding information reflected in official Department of Motor Vehicle records.

**5. Denial of privilege to operate City Government Vehicles** Vehicle usage will be denied if your driver license is expired, suspended or revoked. Even when the driver license is still valid, the ATC, in consultation with the Agency Head, is authorized to deny the use of City Government Vehicles to an employee.

**6. Training of City Authorized Drivers**

**6.1 Training on hybrid and electric vehicles** NYC Fleet will provide maintenance and safety training on hybrid and electric vehicles to mechanical staff from City agencies. Vehicle operators may direct questions about these vehicles to their ATC or agency repair garage staff.

**6.2 Training on compressed natural gas (CNG) vehicles** If a driver is required to operate or fuel a compressed natural gas vehicle, the ATC will schedule the driver for operator awareness training. Such training is facilitated by NYC Fleet and local utility companies. NYC Fleet is responsible for fleet oversight and enforcing agency compliance with fleet policies and procedures. The utility companies provide on-site fueling sites in the City and several outside the City. A copy of available CNG fueling sites is available from NYC Fleet.

**7. E-ZPass**

**7.1 Issuance of E-ZPass** The E-ZPass electronic toll collection system is made available through the Metropolitan Transportation Authority/Bridges and Tunnels. Issuance of an E-ZPass for a City employee's vehicle is determined by the ATC and employees responsible for the E-ZPass must report all E-ZPass related issues to their ATC. Drivers are allowed to use a City sponsored E-ZPass only when conducting official City business and in connection with the approved use of a City Government Vehicle.

Drivers must keep a log of E-ZPass use and submit it to the agency representative responsible for monitoring use. When a pass is used, the driver must fill out a trip ticket detailing what it was used for and why it needed to be used so that accurate log books are maintained. Detailed summary reports on travel are produced by E-ZPass and submitted to the designated agency E-ZPass representative for review.

**7.1.1 E-ZPass in full-time assigned vehicles** Where an E-ZPass is issued to a full-time assigned vehicle, the driver is not permitted to remove the E-ZPass unless returning it to the ATC.

- 7.1.2 E-ZPass in pooled vehicles** Where applicable, the ATC will ensure that a supervisor is appointed as the responsible party for E-ZPass oversight with respect to pooled vehicles. The supervisor will retain the pooled vehicle's E-ZPass until a driver indicates a need to use the pass for official City business. Prior to granting approval, the supervisor will notify and obtain permission from the ATC.
- 7.1.3 Loss of an E-ZPass** In the event that an E-ZPass is lost or stolen, the driver (in connection with a full-time assigned vehicle) or the supervisor (with respect to a pooled vehicle) must notify the ATC immediately, in order to properly close out the account and obtain a replacement E-ZPass.
- 7.1.4 Reimbursement of E-ZPass charges** Agencies receive monthly E-ZPass statements. Drivers are responsible for reimbursement to the agency for any charges incurred while not performing official City business. Drivers are reminded that abuse of a City sponsored E-ZPass is prohibited and may lead to disciplinary proceedings.

## **8. Parking permits and summonses**

- 8.1 City Government Vehicle parking permits** Drivers must be aware of their agency's in-house procedures with respect to the use of parking permits including areas where City Government Vehicles are permitted to park. Parking permits must be properly displayed to ensure visibility through the windshield. Such permits may only be used for official City business in connection with the assigned City Government Vehicle.

In the event that a parking permit is lost or stolen, the driver who is responsible for the full-time assigned vehicles, or the supervisor who is responsible for the pooled vehicles, must notify the ATC immediately. Drivers or supervisors responsible for a pooled vehicle must file a report with the applicable police department and submit a copy of the report to the ATC.

- 8.2 Reporting and payment of summonses** Within one business day of receipt, drivers must report to the ATC all parking violations and other such summonses issued to a City Government Vehicle. If a driver does not adhere to this procedure, or neglects to satisfy a summons issued to a City Government Vehicle, the ATC will refer the matter to the Agency's Disciplinary Officer or Human Resources Division for possible disciplinary action.

- 8.2.1 Payment of summonses** Drivers are responsible for payment and adjudication of all summonses, including Department of Transportation red light violations, and associated fines/penalties received in connection with the use of a City Government Vehicle. Failure to do so may result in disciplinary proceedings and the loss of City Government Vehicle driving privileges.

- 8.2.2 Official Business Defense** The Official Business Defense Unit (OBD) was established by the New York City Department of Finance to provide an efficient mechanism for adjudicating parking violation summonses issued to City Government Vehicles during the course of official City business. Depending on the circumstances, summonses may be dismissed or fine amounts reduced. City Authorized Drivers are responsible for compliance with the terms of any guilty

verdicts and final determinations by the OBD Unit. Drivers should contact their ATC for the applicable forms and processing information.

**8.3 Resolution of moving violations** Drivers must resolve in a timely manner all summonses received in connection with moving violations issued to a City Government Vehicle. If the driver does not address such summonses accordingly, driving privileges may be revoked, and may affect one's City employment.

## **9. Participation in the City gas card program**

**9.1 Issuance of fuel cards** Agencies participating in the City's gas card program must observe gas card specifications set forth by DCAS in the City's requirement contract. Each gas card, issued to a specific City Government Vehicle, must be used in conjunction with the specific vehicle; under no circumstances are drivers allowed to use it to fuel other City vehicles or any private vehicle. The Personal Identification Number (PIN) issued in connection with a gas card assigned to an individual must be kept confidential and not revealed to other drivers. When a new vehicle assignment is made, the old PIN will continue to be used by the driver and a new gas card will be issued for the new vehicle assignment.

**9.1.1 Properly recording odometer readings** NYC Fleet receives monthly reports of all fueling transactions accompanied by odometer readings. If an odometer reading repeatedly appears to be incorrect, such errors will lead to the loss of gas card privileges or other disciplinary action.

**9.2 Loss or theft of a gas card** If a driver loses a gas card or it is stolen, the driver must notify the ATC immediately in order to properly close out the account and have a replacement gas card issued. If a driver believes that an unauthorized use of a PIN has occurred, the ATC must be notified immediately. The ATC will file a report with the police precinct if appropriate and send a copy of the police report to NYC Fleet.

## SECTION II

### SAFE OPERATION, USE, CARE AND MAINTENANCE OF CITY GOVERNMENT VEHICLES

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City Authorized Drivers are responsible for the proper use, care and maintenance of City Government Vehicles, including operating such vehicles in accordance with all applicable vehicle and traffic related laws. A Vehicle Inspection Checklist has been added at the end of this manual. Drivers must refer to it and regularly perform an inspection on the assigned City Government Vehicle.

Whether assigned a vehicle for full-time or temporary use, or while using a pooled car, drivers must familiarize themselves and comply with instructions contained in the vehicle's Owner's Manual, stored in the vehicle's glove compartment.

- 1. Inspection of City Government Vehicle** Drivers, including those operating a pooled vehicle, must frequently do an external visual check of the vehicle, with emphasis on the condition of the tires and the operation of the exterior lights. Then, upon entering the vehicle, the driver must verify the proper operation of the brakes, horn, heater and air conditioner blower motor, and windshield wipers. In addition, the driver is responsible for checking the check engine/service engine light and notifying the ATC of any problems. Problems with any of these components may impact safe vehicle operations as well as result in traffic infractions.
- 2. Safe operation of City Government Vehicle** The abuse or neglect of a City Government Vehicle will lead to the loss of driving privileges and possible disciplinary proceedings. Drivers must not operate vehicles with expired inspection stickers or with known or apparent problems such as cracked or broken windshields, smoking radiators, any loud or scraping noises, illuminated/flashing check engine lights, or slipping transmissions. Drivers are reminded that unattended vehicle service needs can compromise proper vehicle operations and may lead to collisions, unnecessary repairs as well as the loss of productivity.

For personal protection and safety of the public, drivers must observe the following:

- **Do not use a vehicle for a purpose unintended by the manufacturer** Manufacturers publish the gross vehicle weight (GVW) and towing capacities of their vehicles in the vehicle owner's manual. The GVW conveys the maximum weight the vehicle is engineered to handle, including cargo. The towing capacity indicates the maximum weight the vehicle is allowed to tow. Overloading a vehicle can not only damage critical vehicle components, but also cause the driver to lose control of the vehicle.
- **Do not operate a vehicle while under the influence of drugs or alcohol** Employees assigned to a City Government Vehicle who are charged with and convicted of a DUI or DWI will lose their driving privileges.
- **Do not operate a vehicle without permission from the Agency Transportation Coordinator** The ATC is responsible for managing the agency's fleet and must be informed about vehicle assignments. Driving a City Government Vehicle in the absence of ATC approval is a violation of the City's vehicle use rules and may result in disciplinary action.

- **Do not operate a vehicle with a known or obvious safety problem** Modern vehicles incorporate sophisticated systems that are engineered to detect potentially dangerous and inoperable conditions. These systems allow for the correction of conditions before they worsen or lead to possible collisions. Drivers must immediately notify their ATC and designated maintenance provider of any vehicle safety problems and service needs.
  - **Do not drive with an expired or missing state inspection or registration certificate** If an inspection sticker is expired or missing, the ATC must be contacted so that an inspection and any necessary maintenance can be performed on the vehicle. A replacement vehicle with proper documentation may be assigned in the interim. It is in the driver's best interest to ensure that the City Government Vehicle is outfitted with a proper inspection and valid registration certificate.
  - **Do not interfere with the work of vehicle mechanics** Mechanics use complex computerized diagnostic equipment and procedures to detect and repair vehicle problems. Drivers must not interfere with or attempt to rush vehicle maintenance and repair work.
  - **Do not operate a vehicle while using any portable electronic device** City Authorized Drivers are reminded that pursuant to Section 1225-D of the New York Vehicle and Traffic Law, no person shall operate a motor vehicle while using any portable electronic devices while the vehicle is in motion. Such devices include but are not limited to cell phones, laptop computers, pagers, personal digital assistants and two-way messaging devices. Do not operate a vehicle while talking on a phone, including hand-held, hands-free, or phones affixed to a vehicle. Do not do anything that will interfere with the safe operation of the vehicle, and this specifically includes texting or emailing while you are driving. Always pay attention to the road. If you must make a phone call, find a safe place to pull over. Consistent with NY State Law governing hand-held use, the only exceptions are for emergency 911 calls or when operating an authorized emergency vehicle in the performance of official duties.
- 3. Required vehicle documents** Prior to operating a City vehicle, the ATC will provide all drivers with a copy of this manual to be kept in the vehicle and instruct drivers with respect to the following:
- Where the owner's manual is located in the vehicle, as well as pertinent information contained in the manual.
  - Where the vehicle registration is located in the vehicle.
  - Where the "No-Insurance" card is located in the vehicle. The City provides in every vehicle such a card for drivers to furnish to law enforcement, stating that the City is "Not-Insured", meaning that it is not required to privately insure its vehicles against outside claims.
  - Procedures for refueling the vehicle. If refueling via the City's gas card program, the ATC will provide a PIN to use with the gas card located in the glove compartment.
  - Procedures for maintaining accurate odometer readings and filling out trip tickets after each use of the vehicle. A trip ticket indicating the driver name, the vehicle number, and trip destinations is required for all on-road vehicle uses unless this information, including driver name, is captured by a telematics system with approval through DCAS.

- Procedures for repairing and towing. The driver must be familiar with servicing and towing procedures. The driver may change a flat tire when safe and practicable but must obtain emergency repairs and towing services if the vehicle needs mechanical servicing or if there is a safety risk. (The ATC will keep relevant information for obtaining emergency repairs and towing information in the glove compartment).
- Procedures for handling collisions. Drivers must know the procedure to follow in the event of an collision; how to file a police report and a NYS MV104 report, and how to obtain towing to the appropriate repair facility as well as reporting to their ATC the location to which the vehicle has been towed.

**4. Periodic vehicle maintenance and driver care** Routine care and maintenance of assigned vehicles are critical to proper vehicle operation. The following points must be observed to ensure proper vehicle care and operations.

**4.1 Vehicle cleanliness** To keep City Government Vehicles in top condition, the following must be observed:

- Smoking is prohibited in a City Government Vehicle. Smoking in vehicles will lead to disciplinary action and may result in termination of the employee's vehicle assignment.
- Keep your vehicle clean. Remove any litter from the assigned vehicle on a regular basis.

**4.2 Preventive maintenance cycles** The driver will be notified when the vehicle is due for a scheduled maintenance inspection and will be responsible for drop-off and pick-up.

## SECTION III

### COLLISION MANAGEMENT, CLAIMS AGAINST THE CITY, VANDALISM AND THEFT

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ATCs have developed or contracted for driver training programs designed to enhance safety and reduce the occurrence of vehicle collisions. ATCs have also instituted Affirmative Claims programs to recover payments for damages to City Government Vehicles caused by other parties. These programs work to protect the City against lawsuits as well as facilitate expeditious repair of City Government Vehicles. To facilitate these activities, in the event of vehicle collisions, vandalism or theft, drivers must notify the appropriate law enforcement authorities, file a police and collision report and as soon as possible, advise their ATC with respect to the incident.

#### 1. Reporting vehicle collisions, vandalism and theft

**1.1 What to do at the scene of a collision** Drivers must always promptly notify the police by dialing 911 or the local precinct in the event of a collision, including collisions involving City Authorized Drivers striking animals. To ensure NYPD response to the scene, City employees should notify 911 that the vehicle involved is a City government vehicle. Where there is no police response at the time of the collision, drivers are encouraged to follow up with the local precinct with frequent calls. Drivers must remain at the scene of a collision involving a City vehicle until the local police authorities arrive at the scene unless injury dictates otherwise. In accordance with NY State Motor Vehicle Law, drivers must also gather and report pertinent facts. Contact and insurance information must be shared with other drivers and property owners affected by the collision, and drivers should obtain contact information for other drivers and property owners, including the name, address, telephone number, insurer, vehicle license plate and vehicle identification number. It is critical that drivers file a police report, obtain a police report number, take photographs and video if possible, and share this information with the ATC.

Notify emergency services if persons are injured and in need of medical assistance. Notify your agency ATC or designated 24-hour contact immediately and from the scene of the collision. Agencies will conduct a review of the crash and will deploy supervisors to the scene for major crashes.

Drivers must provide all required factual information to police officers when police arrive at the scene of the collision. Drivers should not discuss liability or responsibility for a collision, except when speaking to a City attorney, investigator, DCAS or agency claims examiner or to a personal attorney or union representative.

**\*\*Note:** The City of New York manages and settles all claims directly and is self-insured. Claims for damage or injury must be sent to:

Office of the New York City Comptroller  
1 Centre Street, Room 1225  
New York, NY 10007

- 1.1.1 Towing when collision occurs on highways and arterial roads** If a collision occurs, drivers must follow the instruction of the police department with jurisdiction for that road. If the City Government Vehicle is towed, drivers must obtain a receipt for the vehicle and as soon as possible provide the ATC with information as to where the vehicle was towed and the contact information of the towing company.
- 1.1.2 Towing when collision occurs on non-highway and arterial roads** If the collision makes the vehicle inoperable, drivers must arrange for towing to a safe location. Drivers must obtain a receipt for the vehicle and as soon as possible provide the ATC with information as to where the vehicle was towed and the contact information of the towing company.
- 1.2 When and how to report a collision, vandalism and theft** If physically able, drivers must report all vehicle collisions, vandalism and theft immediately and from the scene to their ATC or agency 24-hour contact.
- 1.2.1 New York State collision reporting requirements** City Authorized Drivers who are involved in any motor vehicle collision or whose vehicle has been vandalized or involved in any related incident must complete a New York State MV-104 report and submit it to the NYS DMV within ten (10) days, where the collision results in death, personal injury, or property damage. This must be completed in addition to the police report completed at the scene of the collision. If a driver fails to satisfy this requirement, the NYS DMV may suspend that driver's license. Further, if a driver is licensed in another state and fails to file a MV-104, the NYS DMV has the right to notify the driver's licensing jurisdiction, seeking suspension of the driver's license.
- 1.2.2 Vandalism and theft** Drivers must file a police report at the nearest police precinct when acts of vandalism or theft occur involving a City vehicle. Drivers must also notify their supervisor and ATC.
- 2. Vehicle collision investigation** The City Authorized Driver's ATC or agency investigator will make a determination as to whether a collision was preventable. They will consider information received from the driver and the police, and complete an evaluation for every collision. Drivers have the option of disagreeing with the evaluation and submitting to the committee documentation opposing the ATC's or agency investigator's claim. This determination will be submitted to the Agency Collision Review Committee which meets quarterly to review these reports.
- 2.1 Preventable collisions** A collision that is not deemed chargeable by the police may still be assessed as preventable by the agency's Collision Review Committee. The committee shall recommend appropriate disciplinary action to be taken in connection with the violation of New York State Vehicle and Traffic Laws and the Agency's Code of Conduct. Preventable collisions may subject the driver to agency disciplinary proceedings if agency rules have been violated. Preventable collisions may occur because the driver:



- Violated NYS Motor Vehicle Law, regardless of whether the police issued a summons.
- Operated the vehicle inattentively, including failure to exercise defensive driving skills.
- Operated the vehicle incorrectly due to failure to read the owner's manual.
- Drove a vehicle without proper authority, license or certification.
- Operated a vehicle that was known to be unsafe.

The ATC reviews documentation with respect to preventable collisions and may notify the agency's Disciplinary Officer or Human Resources Division to initiate disciplinary actions. In addition, based on determinations of the agency's Disciplinary Officer or Human Resources Division and Collision Review Committee, drivers may be referred to driver awareness training and/or lose City driving privileges.

**2.2 Employee rights to defense against charges** In the event of disciplinary proceedings or charges with respect to the use of a City Government Vehicle, drivers are entitled to all rights and protections afforded by applicable personnel procedures, civil service rules, and collective bargaining agreements.

## DEFINITION OF TERMS

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1. **Affirmative Property Damage Claim (or Affirmative Claim)** A claim made by a Mayoral agency against a non-City government driver and that driver's insurance company with respect to reimbursement for damages to a City Government Vehicle, which were caused by the non-City government driver.
2. **Agency Collision Review Committee** An agency committee composed of the executive level manager in charge of fleet administration, the Agency Transportation Coordinator and one or more members of the agency's Human Resources Division or Disciplinary Officer. This committee is responsible for reviewing all vehicle collision reports, including all police reports, supervisory determinations and collision appraisals. The Committee determines whether the vehicle collision was a preventable collision and it recommends appropriate corrective actions to minimize collisions and breakdowns.
3. **Agency Head** The person in charge of the Mayoral agency, or an equivalent position with respect to commissions, boards and offices.
4. **Agency Transportation Coordinator (ATC)** An Agency Head appointee responsible for managing the vehicle fleet. Specific duties include oversight of agency drivers and training, as well as managing vehicle requisitions, maintenance, relinquishments and collision repairs. Duties may also include oversight of automotive parts and shop equipment. This designee helps ensure that all required preventative maintenance, recalls and warranty work is performed on agency vehicles and recorded in the City's fleet management system following guidelines established by the Department of Citywide Administrative Services.
5. **Chargeable collision** Chargeable collisions are events that, upon prior determination from law enforcement personnel, require the consideration of disciplinary proceedings by the City and against drivers who violate New York State Vehicle and Traffic Law.
6. **Chauffeur** City employees who are authorized to transport City officials in the conduct of official business.
7. **City Authorized Driver** An individual designated by City of New York civil service job specification or by an Agency Head to operate a City-owned, -leased or -rented vehicle in the conduct of City business.
8. **City Government Vehicle** For purposes of this manual, a City Government Vehicle includes motorized devices operated or driven in a public place, namely upon a public highway, road, street, avenue, alley, driveway or path, in or upon which any person or property may be transported.

A City Government Vehicle may be owned by a Mayoral agency or leasing/rental company. Such vehicles include all on-road or off-road land equipment classified as such by a federal regulatory body or New York State law including motor vehicles and any wheeled trailer that can be towed by such motor vehicles.

For purposes of this manual only, a City Government Vehicle also includes motorized equipment/devices used to transport people and supplies, but not operated on public highways, and not defined or regulated as a motor vehicle under federal or NY State Vehicle and Traffic Law.

9. **Full-time vehicle assignment** A designation made by the Agency Head granting a City Authorized Driver sole use of a City Government Vehicle.
10. **“No-Insurance”** The City of New York is a “Not-Insured” entity. As its own insurance provider (it is self-insured), the City of New York sets aside money to be used as compensation for potential future damage or loss of any vehicle within its fleet. Drivers are not provided with typical carrier insurance cards and all City-owned vehicles are issued certificates, detailing “Not-Insured” status, which must be used in place of private insurance cards.
11. **Pooled vehicles** Any vehicle not assigned on a full-time basis. Drivers will be assigned a pooled vehicle based upon the ATC’s determination.
12. **Preventable collision** A collision in which the driver, by his/her own admission or in the judgment of an Agency Collision Review Committee, did not take all reasonable avoidance actions, including attention to road conditions and improper actions of other drivers. “Preventability” is not limited to the violation of traffic laws and is distinguished from “chargeability” as determined by the law.
13. **Take home (commuting) vehicle** A vehicle designated by the Agency Head to be driven to and from an employee’s home on a regular basis. Pursuant to federal Internal Revenue Service (IRS) regulations, such Full-time Vehicle Assignment privileges constitute a taxable fringe benefit which must be reported on the employee’s W-2 form.
14. **Vehicle collision** Any incident involving at least one vehicle being in a collision with another vehicle or animal, another road user, or a stationary roadside object, and which usually results in injury or property damage, even when the damage is minor and may not need repair. Incidents include parked City Government Vehicles and those that are in operation.

## VEHICLE INSPECTION CHECKLIST

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Inspections must be performed frequently so that the following items remain in good repair and function properly:

- Brakes
- Both Taillights
- Windshield/Wipers
- Horn
- Turn Signals
- Back-up Lights
- Both Headlights (High and Low Beams)
- Tires (Safe Tread Depth, No Bald Spots)
- Brake Lights
- Safety Belt
- Hazard Lights
- Inspection Sticker
- Engine Oil
- Mirrors

Date: \_\_\_\_\_  
 Driver Name (Print): \_\_\_\_\_  
 Division: \_\_\_\_\_  
 Vehicle Model: \_\_\_\_\_  
 Vehicle Plate/Number: \_\_\_\_\_ / \_\_\_\_\_  
 Odometer: Out \_\_\_\_\_ In \_\_\_\_\_  
 Towed Equip/Number \_\_\_\_\_



**CDL Vehicle  
 Operation - (Pre/Post)  
 Inspection Form**

Time Out: \_\_\_\_\_ AM/PM  
 Time In: \_\_\_\_\_ AM/PM

**Check Any Defective Item (U) and Give Details in Remarks Area**

**Serious Conditions:** A problem or problems in any of the areas below must be corrected before the vehicle is put into operation. Place NA next to areas Not Applicable.

S	U	S	U	S	U
	NYS Inspection (Current)		Windows/Windshield		Rear End (Differential)
	Fluid Leak (Oil, Trans/Hyd Fluid)		Clutch/Accelerator		Hazardous Materials Placards
	Radiator/Coolant/Leaks		Defroster/Heater		Suspen./Steer. System (Raise Body If Appl.)
	Fuel Tanks		Charging System		Wheels / Rims
	Body Damage (Affecting Vehicle Operation)		Backup Alarm		Tires (Tread Depth, Pressure, Physical Dam.)
	Belts (Tightness/Wear)		Exhaust Leak/Muffler		Coupling Devices/Fifth Wheel/Tailgate Hitch
	Battery Connections/Tie Down		Oil Pressure		Frame and Assembly
	Wiring (Damaged Insulation)		Steering (Substantial Play)		Dump Body Operation
	Starting System		Mirrors (Rearview if Applicable)		Drive Line
	Air Compressor/ Air Lines		Lights (Head, Stop, Tail, Turn, Dash, 4-Way, Rev)		Tarp (Cargo Cover)
	Gauge/Warning Light Indicating A Problem		Lighting, Additional (Strobes, Arrows, Plow, etc.)		Impact Atten. Device Oper (Inc. Lock-Pin Oper)
	Brake Accessories		Horn		Mud Flaps
	Brakes, Parking		Safety Equip. (Fire Exting., Refl. Triang., etc)		Front Axle
	Brakes, Service		Reflectors		Communication Equipment
	Windshield Wiper/Washer				

**S = Satisfactory U = Unsatisfactory**

**Non-Serious Conditions:** A problem or problems in any of the areas below indicates a situation that may or may not be grounds for removing the vehicle from service until problem(s) corrected

S	U	S	U	S	U
	Minor Fluid Leaks		NYS Inspection (Expiration Within 30 Days)		PM Overdue(>30 Days)
	Body Damage (Not Affecting Vehicle Operation)				

**CONDITION OF ABOVE VEHICLE IS SATISFACTORY**

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Driver Signature Out: _____  Driver Signature In: _____	Supervisor/Dispatcher Signature Out: _____  Supervisor/Dispatcher Signature In: _____	Mechanic/M&R Rep. Referral: _____  Date/Time: _____
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**CITY GOVERNMENT VEHICLE COMMUTING AUTHORIZATION FORM**



<b>Date:</b>	<b>Agency/Division:</b>
<b>Driver Name (Print):</b>	<b>ERN:</b>

Commuting must be pre-approved and re-authorized by your agency on an annual basis. This form must be filled out and on file at DCAS for all authorized commuters. Authorized commuters must familiarize themselves with the Fleet Manual and City Vehicle Driver Handbook. Commuting authorization is determined by the Agency Transportation Coordinator (ATC), Agency Head, OMB, and must be approved by the DCAS Chief Fleet Officer. The ATC must approve the parking location and the vehicle must be parked where authorized. Where an authorized driver does not adhere to all rules in the Manual and Driver Handbook, commuting privileges and/or the vehicle assignment may be revoked.

**Driver Information**

Home Address:	City:	State:	ZIP:
Work phone number:	Home phone number:		

Driver's License Number & State: \_\_\_\_\_

**Commuting is for operational need only. Operational Purpose for Take-Home Vehicle (Check where applicable)**

Perform work frequently in field locations  
 Respond to emergencies during non-business hours  
 There is no available secure overnight parking near the work location  
 Other operational purpose. Explain: \_\_\_\_\_

**To be Determined by ATC**

Location of where City-owned vehicle will be parked overnight

Home Address: \_\_\_\_\_

City owned/managed/operated lot. Location: \_\_\_\_\_

Alternate location for parking

City owned/managed/operated lot. Location: \_\_\_\_\_

Home Address: \_\_\_\_\_

**To be filled Out by ATC**

Vehicle Model: \_\_\_\_\_

License Plate #:	VIN#:	Official Plates Yes  No
Agency Vehicle #:	Parking Permit #:	

**Commuter Signature**

Driver Name:	Driver Signature:	Date:
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*I acknowledge that I have read, understand, and do hereby accept the terms and conditions contained on the back of this document.*

**Agency Authorization**

Agency Transportation Coordinator Name:	Agency Transportation Coordinator Signature:	Date:
Agency Head/Designee Name:	Agency Head/Designee Signature:	Date:

**DCAS USE ONLY**

DCAS CFMO / Designee Name:	DCAS CFMO / Designee Signature:	Date:
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## GUIDANCE FOR DRIVERS AUTHORIZED TO COMMUTE WITH CITY VEHICLES

January 2021

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**The City's Fleet Management Manual (FMM) and the City Vehicle Driver Handbook (Handbook) outline rules for City fleet use including in cases where staff are authorized to commute with City vehicles. Below we review sections of the manuals that relate to commuting. Both manuals are available online at the fleet section of the DCAS website.**

- Commuting with a City vehicle can be authorized by an agency in conjunction with DCAS to support essential agency operations. Commuting is not and may not be assigned as a perk of employment or for personal convenience. The main purposes for commuting are:
  - Perform work frequently in field locations
  - Respond to emergencies during non-business hours
  - There is not available secure overnight parking near the work location

The justification for commuting must be listed on the Commuting Approval Form (See Appendix, Handbook). Commuting is subject to IRS reporting requirements as a fringe benefit (Page 5, Handbook).

- Commuting must be approved and re-authorized by each agency in conjunction with DCAS on an annual basis. All new commuters must be pre-approved by their agency, DCAS and OMB. Commuting forms must be approved by the agency head and on file with DCAS Fleet (Page 5, Handbook). Commuters acknowledge the requirements of the City's Driver Handbook when signing the Commuting Approval Form.
- Whenever possible, approved commuters should park at City facilities near their homes and not at personal homes (Page 5, Handbook). The vehicle must always be parked at the approved location which must be indicated on the form.
- One time or occasional commuting use for a special event or other city purpose must be approved in writing beforehand by the Agency Transportation Coordinator (ATC) or Fleet Director (AFD) (Page 32, FMM).
- City personnel authorized to commute with City vehicles must comply with required daily trip reports (Pages 30, 32, FMM).
- Personnel authorized to commute with City vehicles must still comply with City policy on out of town trips including obtaining written pre-approval by the Agency Head or designee (Pages 29-30, FMM).
- Non-City employees in City vehicles: Non-City employees may travel as passengers in City Government Vehicles only when consistent with the fleet purpose for the vehicle. For example, a Parks recreation vehicle may be used to transport participants as part of a Parks event. An employee of a vendor may take a trip in a City vehicle when the trip is related to their City contract. Non-City employees may not travel in City vehicles for personal reasons and may never operate City vehicles, except as otherwise outlined in the rules. Authorized commuters must not use City Government Vehicles for personal purposes; for example, to transport family members or friends, except for limited exceptions involving elected officials. Questions regarding this rule may be directed to the DCAS CFMO or COIB (Page 30, FMM).
- Drivers are not allowed to use City Government Vehicles for personal activities, except for required rest periods, meals, and brief stops incidental to the conduct of official City business. Such stops do not entitle drivers to use the vehicle for shopping, recreation or to transport others. However, family members may be transported only as part of an official agency function, which has been approved by the Agency Head. Likewise, drivers may transport other City employees, as well as contractual personnel who are on official City business, to destinations directly along the driver's route (Pages 30, 32 FMM).
- It is recognized however, that elected officials for whom the New York City Police Department has determined that personal security is necessary will be required to conduct personal activities while using a City Government Vehicle. Such activity and limitations are to be determined by the New York City Conflicts of Interests Board (COIB). Further, certain other governmental executives as determined by COIB may be allowed limited personal use of a City Government Vehicle while on official City business (Page 4, Handbook).

Please also see the one page "Rules for City Operators" in the Fleet Manual.

Any questions regarding fleet rules or particular scenarios should be directed to the City Chief Fleet Officer at DCAS or to COIB as appropriate. If you are not sure that a particular use of a vehicle is allowable, ask for clarification or do not engage in the use.