

SECTION 6:
MOTOR VEHICLE SAFETY

6.0 MOTOR VEHICLE SAFETY

References

1. Section 211(j), Federal Property and Administrative Services Act of 1949, as amended [68 Stat. 1128].
2. 40 U.S.C. Section 491(j).
3. 5 CFR Part 930, Subpart A, Motor Vehicle Operators.
4. 5 CFR Part 339, Medical Qualifications Determinations.
5. 49 CFR, various parts, Department of Transportation.

Definitions

1. Commercial Vehicle: Vehicle having a gross weight of more than 26,000 pounds, towing a vehicle rated at or greater than 10,000 pounds, having hazardous material, or operating a vehicle designed to transport 15 or more persons, including the driver.
2. Fleet Vehicle: Any vehicle kept as part of a permanent or temporary fleet that is owned or leased by the government. It does not include private or rented vehicles used by employees on temporary travel status.
3. Government Motor Vehicle. Any vehicle owned, leased, rented or otherwise acquired for official purposes.
4. Gross Negligence: An act or omission of the employee that constitutes misconduct, willful negligence or a wanton and reckless disregard for the property.
5. Satisfactory Driving Record: A driving record free of offenses and convictions as indicated by the National Driver's Register.
6. Scooters: Three- and four-wheeled golf-cart-type vehicles. Does not refer to two-wheeled vehicles, such as motorcycles.
7. Simple Negligence: An act or omission of the employee in which the employee failed to exercise the degree of care, precaution, attention and vigilance that a reasonably prudent person would exercise under the circumstances. Incidents of a freakish and completely unpredictable nature do not constitute simple negligence.

Requirements for All Motor Vehicles

Each operating unit will enforce establishing requirements and regulations for the safe operation of motor vehicles.

1. At a minimum, all employees who operate fleet vehicles must a) be at least 18 years of age, b) possess a valid state driver's license for the appropriate class of vehicle operated, and c) have a safe driving record (as defined in OPM qualification guidelines). The employee's driving record will be verified by contacting the state or National Driver Register.
2. The driver and all passengers will use the provided safety belts at all times when the motor vehicle is in motion.
3. Smoking in government-owned or leased motor vehicles is prohibited.
4. If the state or local jurisdiction, in any manner, restricts an employee's driving privileges, those same restrictions will apply to the employee's operation of government-owned or leased motor vehicles.
5. Each operating unit will incorporate a system to inspect and maintain motor vehicles in a safe and operable condition.
6. Incidents resulting in damage to vehicles being used for official purposes will be promptly investigated, reported and reviewed by a Technical Board of Inquiry.
7. Supervisors will be responsible for ensuring that prior to first-time operation of motor vehicles, employees will be given training on local conditions, hazards, regulations, inspection requirements, fueling and other factors that may affect the operation of motor vehicles in their area. The supervisor must document this training.
8. The safest way to use a cellular telephone while driving is to pull over and stop the vehicle. When this is not possible, all employees, volunteers, youth program enrollees or any individual acting on behalf of the National Park Service are prohibited from using a cellular or car telephone unless they can be operated in a hands-free operation mode. In addition, Executive Order 13513 of October 1, 2009 states, "Federal employees shall not engage in text messaging (a) when driving GOV, or when driving POV while on official Government business, or (b) when using electronic equipment supplied by the Government while driving."

Use of Personal Vehicles

1. The use of personal vehicles for the benefit of the government is prohibited unless officially authorized. When such authorization is given, the employee is reimbursed on a mileage basis. Since the cost of collision and liability insurance is a component of the mileage rate-setting process, employees must seek reimbursement from their private insurance carrier for loss or damage to their private vehicle while under a privately owned vehicle travel authorization (this includes deductibles).
2. Government employees cannot be held liable for damage or injury to third parties if acting within the scope of employment. This does not, however, indemnify the employee from adverse action for negligence.

Special Vehicles

All-Terrain Vehicles (ATVs)

- a. Use of three-wheeled ATVs is prohibited.
- b. Use of other types of ATVs is discouraged except where no other practical alternatives exist.
- c. Training (Instructor) — Competent Person: An individual who has completed an instructor training course endorsed by an ATV manufacturer, the ATV safety institute or an ATV vendor.
- d. Training (Operator): A qualified operator is a person who has completed an ATV rider safety course and has demonstrated riding proficiency to a competent person.

Scooters

- a. Scooters should not be operated on park highways.
- b. Purchase of scooters with fewer than four wheels should be approved by the park superintendent with input from the Regional Safety Manager.
- c. Scooters should be operated only as intended by the manufacturer.

Forklifts and Cranes

- a. The supervisor, where forklifts, boom trucks or cranes are operated, must establish a written operator training, maintenance and certification program.
- b. Only certified operators may operate this equipment.
- c. The equipment must be operated only within the terrain and environment as specified by the manufacturer.

Over-Snow Machines

- a. Operators of over-snow vehicles, such as snowmobiles and snow cats, will be held to the same standard of care as operators of other fleet vehicles.
- b. Each park area using over-snow machines must develop a written operator-training program. Operators will receive initial and annual refresher training, which should include proper operation, personal protective equipment, emergencies and emergency equipment.
- c. Over-snow machines are to be counted as part of the park's motor fleet.

Requirements for Emergency Vehicles

Operation of emergency vehicles will be in accordance with guidelines established in Director's Orders, NPS Guidelines — Number 9, Law Enforcement; Number 58, Structural Fire; and Number 51, Emergency Medical Services.

Requirements for Commercial Motor Vehicles

1. Operation of commercial motor vehicles, including buses and vans, will be in accordance with 49 CFR Part 383 and applicable state laws.
2. Transporting Passengers: Drivers operating vehicles designed to transport more than 16 passengers (including the driver) must have a commercial driver's license and agency approval (Regional Director).

Transportation of Hazardous Materials

1. Transportation of Hazardous Chemicals: Operators transporting hazardous chemicals will be properly licensed and trained in hazards of the specific chemicals they are transporting and in emergency procedures. Chemicals will be transported in containers or packages meeting Department of Transportation 49 CFR requirements. Containers will be properly labeled, and appropriate placarding will be placed on the vehicle if required. Applicable state and/or federal requirements for shipping papers, bills of lading or manifest will be followed.
2. Transportation of Explosives:
 - a. Operators transporting explosives of any class must hold a valid state commercial motor vehicle operator's license for the class of vehicle being operated, including any required hazardous materials endorsements. Drivers will be certified to transport explosives in accordance with 49 CFR Part 383.
 - b. Operators must be familiar with traffic regulations and state laws regarding the transportation of explosives. A document describing the type and quantity of explosives shall be in the vehicle and readily available. When operating a vehicle with explosives, operators will have in their possession a document with instructions on what to do in the event of an accident or delay; proper shipping papers; a written route plan; and a copy of 49 CFR Part 397, which details motor carrier safety regulations. Vehicles will be placarded in accordance with applicable DOT regulations (49 CFR 172.500).
 - c. Other requirements, as detailed in Director's Order No. 65 or applicable federal or state regulations, will be adhered to.

Training

A safe driver course, the content of which is specific to the type(s) of vehicle(s) to be operated and which has been approved by the Regional Safety Manager, should be attended every three years. The course instructor should be knowledgeable and qualified to instruct on park driving conditions. If the course being used is copyrighted, such as the National Safety Council's Defensive Driver Course, the organization holding the copyright may require the instructor to be certified.