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FLEET ADMINISTRATION / ASSIGNMENT AND USE OF CITY-OPERATED VEHICLES

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■ OVERVIEW

The purpose of this policy bulletin is to outline the procedures and processes utilized to ensure the effective management and safe operation of vehicles used for City business by employees of the New York City (NYC) Department of Social Services (DSS) and its two main components, the Human Resources Administration (HRA) and the Department of Homeless Services (DHS).

■ POLICY

DSS manages its fleet of vehicles in a manner that is not only consistent with the rules and processes of the NYC Department of Citywide Administrative Services (DCAS) (see specific components in [The City of New York Fleet Management Manual](#)), as well as those of the New York State (NYS) Department of Motor Vehicles (DMV), but exceeds those standards, thus ensuring their effective use in the execution of the Agency's mission.

Accordingly, all Agency employees operating a vehicle for City business must not only abide by the directives contained in **The City of New York City Vehicle Driver Handbook**, a component of [The City of New York Fleet Management Manual](#), but by this procedure, which represents DSS' commitment to proactively managing this asset, while ensuring the well-being of its operators, their passengers, and the public. This document obsoletes all prior DSS, HRA, and DHS procedures governing vehicles used for City business. In instances when it is inconsistent with the policies and procedures of DCAS and/or NYS DMV, the rules of those entities shall take precedence. Questions concerning the content of this document should be directed to Fleet Administration.

■ I. INTRODUCTION

DSS' fleet of vehicles represents a substantial investment of New York City funds. To safeguard this major asset and minimize the impact of collisions, injuries, and traffic, Fleet Administration only authorizes the use of a vehicle to conduct City business for employees whose driving history and job requirements warrant it.

In accordance with the City's objective to Go Green, DSS encourages the use of alternative means of transportation, and only authorizes the use of vehicles to conduct City business when public transportation is unavailable, impractical, or uneconomical. As vehicles reach the end of their useful life, if replaced, they will be by electric vehicles.

The rules and regulations contained herein are based primarily on **The City of New York City Vehicle Driver Handbook**, a component of [The City of New York Fleet Management Manual](#), and outline this Agency's policies and procedures for authorization of drivers; vehicle assignment and use; collision and loss control; and asset optimization and analysis.

The areas responsible for administering these regulations are HRA and DHS Fleet Administration (see [Section II, Designation of Agency Transportation Coordinators](#)).

A. Critical Issues and Requirements - Items of Special Note

The following issues and requirements are critical to ensuring the Agency meets its goals and the City's objectives regarding the use, maintenance, and safe keeping of its fleet of vehicles:

1. Assignment and Use Procedures: Special Approvals

The full-time assignment of a City-owned/leased vehicle, the use of a City-owned/leased vehicle to commute, and the assignment of a Vehicle Operator all require the annual authorization of the DSS Commissioner/Designee.

2. Safe Operation of a Motor Vehicle

All DSS employees operating a City-owned/leased vehicle, a private vehicle authorized for use in City business, or a NYC Fleet Zipcar must do so using reasonable care and caution (see page 43, [The City of New York Fleet Management Manual](#)).

3. Use of a Private Vehicle for City Business

The City strongly discourages the use of personal vehicles to perform City business (see **The City of New York City Vehicle Driver Handbook**, page 4, a component of [The City of New York Fleet Management Manual](#)). A DSS employee may not use a privately-owned vehicle for City business unless authorized to do so. Authorization for use of a personal vehicle does

not entitle one to the use of a DOT Parking Permit. To initiate a request, an employee must submit an **Application For Use Of Personal Automobile (W-716)**. Those authorized to use a privately-owned vehicle for City business must abide by this procedure, and any additional requirements imposed by Federal, State, and local authorities.

4. Employee's Responsibility at the Scene of a Collision

An employee driving a City-owned/leased vehicle that is involved in a collision must:

1. Call 911 to report the event, and request an ambulance, if necessary.
2. Photograph the vehicles, so that, if the other driver(s) leave(s) without exchanging their license, registration, and insurance information, all vehicle damage and identifying information is captured.
3. Exchange license, registration, and insurance information with the other driver(s) involved.
4. Wait for the police to arrive, and obtain the name(s) and shield number(s) of the police officer(s) reporting to the scene.
5. Provide the responding police officer(s) all requisite information, upon arrival.
6. Obtain the police incident SLIP at the scene of the collision.
7. Immediately report the collision to their supervisor and their Agency Transportation Coordinator (ATC).

5. Vehicle Collision Investigation and Reporting

A supervisor must report to the scene of a collision of any City-owned/leased vehicle involving bodily harm, to ensure the matter is properly investigated, and procedure is followed.

Any employee involved in a collision while operating a City-owned/leased vehicle must:

- complete:
 - the **New York State Department of Motor Vehicles Report of Motor Vehicle Accident (MV-104)**
 - the **City of New York Agency Collision/Incident Report (DSS-3f)**, and
 - a signed statement outlining the details of the collision.
- obtain:
 - a copy of the **Police Report**, and
 - the **Supervisor's Evaluation (DSS-3e)**.
- submit:
 - the **DSS-3e**, the **Police Report**, the signed statement, the **DSS-3f**, and the **MV-104** to Fleet Administration within (five) 5 business days. If the employee is unable to complete the above, the supervisor must do so.

6. *Evaluation of Vehicle Collisions*

HRA and DHS each have their own Collision Review Committee (CRC) that analyzes collisions involving a City-owned/leased vehicle they are responsible for, and makes determinations based on the:

1. **Police report.**
2. Signed statement detailing what occurred during the collision.
3. **New York State Department of Motor Vehicles Report of Motor Vehicle Accident ([MV-104](#)).**
4. **City of New York Agency Collision/Incident Report ([DSS-3f](#)).**
5. **Supervisor's Evaluation Report ([DSS-3e](#)).**

■ II. DESIGNATION OF AGENCY TRANSPORTATION COORDINATORS

HRA and DHS each have an Agency Transportation Coordinator (ATC) who is responsible for the management of the DSS Fleet, as well as enforcement of the rules governing vehicle usage.

The ATCs ensure that all employees who wish to operate a vehicle for City business possess a valid Driver License issued by the DMV of their State of residence. The ATCs verify the Driver Licenses of those residing in NYS via the NYS DMV License Event Notification Service (LENS), and those residing in other states via a Driver History Abstract from the DMV of their state.

Additionally, each ATC is supported by a Director of Fleet Administration who advises Program Areas of the need to designate Transportation/Department Fleet Liaisons. These liaisons facilitate communication between Fleet Administration and their Program Areas to increase compliance with processes, procedures, and rules.

■ III. REQUIREMENTS FOR DRIVERS

A. *Applicability*

Employees who wish to operate a vehicle for City business must be authorized by Fleet Administration. Authorized drivers must comply with all aspects of this procedure, and any additional requirements imposed by Federal, State, and local statutes.

B. *Definitions*

Driver: The term “driver” as used in this document includes any employee operating a City owned/leased vehicle, an authorized private vehicle for City business, or a NYC Fleet Zipcar.

Vehicle Operator: The term Vehicle Operator, as used in this document, includes any employee serving in the title of Motor Vehicle Operator (MVO), Motor Vehicle Supervisor (MVS), Laborer, or Chauffeur, as well as any other employee whose job duties require the operation of a motor vehicle.

C. License Requirements

1. New Hires Who Will be Vehicle Operators

The Agency ensures that, prior to hiring, all Vehicle Operators possess the NYS Driver License that qualifies them to operate the vehicle(s) they will be required to operate. Vehicle Operators who are exempt from City residency requirements and reside out of state must provide a Driver History Abstract from their state's DMV prior to being hired. NYS DMV regulation dictates that anyone with a valid Driver License from another jurisdiction who establishes residency in NYS must apply for a NYS Driver License within 30 days of establishing NYS residency.

2. Current Employees Not Yet Authorized to Drive

Fleet Administration ensures that employees requesting authorization to drive for City business have a valid NYS Driver License; or, if exempt from City residency requirements and residing in another state, a valid Driver License from their state of residence. The Driver License of any employee requesting authorization to drive for City business must enable them to operate the vehicles(s) they will be required to. Employees who reside out of state must provide Fleet Administration a Driver History Abstract from their state's DMV every six (6) months.

3. The Omnibus Transportation Employee Testing Act of 1991

The Omnibus Transportation Employee Testing Act of 1991 dictates that all employees required to possess a Commercial Driver License (CDL) are subject to drug/alcohol testing.

D. Agency Verification and Authorization Procedures

1. Authorization to Drive

An employee seeking authorization to drive a vehicle for City business must understand that such authorization is at the discretion of the Agency, and only granted for twelve (12) months.

Any employee seeking such authorization must:

1. Complete the **Fleet Administration Driver Certification ([DSS-3](#))** online.
 - Sign the form electronically, and have their supervisor sign it electronically (those unable to sign electronically must use a wet signature after printing the form).
2. Print the form.
 1. Employees who are unable to sign electronically must sign the hard copy, and have their supervisor sign the hard copy.
3. Place their Driver License and Employee ID, where designated on the form, and photocopy it in color.
4. Scan the form, send it to their desktop, and email it to their Transportation/Department Fleet Liaison; or, if they do not have

one, Fleet Administration. The image must be clear, or their request will be denied.

Fleet Administration must ensure that the employee's Driver License is valid, and that their driving record meets NYS DMV guidelines. Those who have an out-of-state Driver License must provide Fleet Administration a copy of their Driver History Abstract from their state's DMV.

Employees must log on to **Employee Self Service (ESS)**, select NYC Fleet, sign the designated forms, capture screenshots of the signed forms, and email them to Fleet Administration.

NY State Defensive Driving training is required for all City Authorized Drivers, and will be conducted through NYC Fleet (DCAS).

Fleet Administration will enroll employees who have not completed a DCAS Defensive Driving Course in the next available DCAS Defensive Driving Course. Employees who have completed a DCAS Defensive Driving Course must provide Fleet Administration with a copy of their completion certificate. Employees must complete a Defensive Driving Course every three (3) years.

Authorization to drive is at the discretion of Fleet Administration. Any employee whose driving history displays a distinct disregard for safe driving practices will have their request for authorization to drive denied. If authorized, an employee must request reauthorization annually. Any employee with an out-of-state Driver License must provide Fleet Administration a copy of their Driver History Abstract from their state's DMV every six (6) months.

2. Current Driver Reauthorization/Verification

Any employee who wishes to be reauthorized to drive a vehicle for Agency business must follow the steps noted above in **D. 1., Authorization to Drive**.

Fleet Administration must ensure that the employee's Driver License is valid, and that their driving record meets NYS DMV guidelines. Those who have an out-of-state Driver License must provide Fleet Administration a copy of their Driver History Abstract from their state's DMV.

An employee whose driving record includes any of the below will be denied:

- Two (2) violations for passing a stopped school bus in three (3) years.
- One (1) violation for leaving the scene of collision involving injury or fatality.

- A history of moving/parking violations demonstrating a poor driving record that could jeopardize life and/or property.

Additionally, any employee who has been charged with any of the following offenses will have their authorization to drive suspended until all charges are dismissed or a judgment/verdict is entered in their favor:

- Driving Under the Influence (DUI)/Driving While Intoxicated (DWI).
- Vehicular homicide/assault.
- Participating in an unlawful speeding contest.
- Eluding/attempting to elude a police officer.
- Using a vehicle in a crime.

Any employee found guilty of any of the above offenses will have their authorization to drive revoked, and may be referred to Human Resources Solutions (HRS) for possible disciplinary action. Any Vehicle Operator whose Driver License has been suspended/revoked may be disqualified from their job, due to their inability to meet the minimum job requirements for their title; and may be terminated.

Reauthorization to drive is at the discretion of the ATC/Agency authorized officer. Any employee whose driving history reveals a significant record of moving violations, parking violations, and/or collisions, or a distinct disregard for safe driving practices may have their request for reauthorization denied.

E. Training

1. Driver Requirements and Collision Procedures

Fleet Administration provides every authorized/reauthorized driver a copy of this procedure, with a link to [The City of New York Fleet Management Manual](#).

Additionally, all employees authorized to drive a vehicle for City business must complete a DCAS Defensive Driving Course every three (3) years.

2. Vehicle Training

All employees authorized to drive a vehicle for City business must satisfactorily complete any mandatory training required by NYS DMV, DCAS, and HRA/DHS Fleet Administration.

■ IV. ASSIGNMENT AND USE PROCEDURES FOR CITY VEHICLES

A. Procedures

1. Full Time Assignment of Vehicles

Full time assignment of a City-owned/leased vehicle is defined as the assignment of a vehicle for daily use in the performance of official duties. Full time assignment does not entitle an employee to take a vehicle home (i.e.,

commute). Authorization for commuting must be consistent with the criteria outlined in **ESS**, under **Guidance For Drivers Authorized To Commute With City Vehicles**.

Full time assignment of a City-owned/leased vehicle requires the written authorization of the DSS Commissioner or their Designee (i.e., the Chief Operating Officer), and must be requested annually [see **The City of New York City Vehicle Driver Handbook**, a component of [The City of New York Fleet Management Manual](#)]

To be eligible for full time assignment of a City-owned/leased vehicle, an employee must, on a daily/near daily basis:

- spend seventy-five percent (75%) or more of their regularly scheduled hours at field locations that are not readily accessible by public transit, and/or
- transport heavy/bulky equipment to field locations, and/or
- provide essential/emergency services in field locations.

The field locations cannot be the employee's regular work location or in proximity to their home. For the purposes of this procedure, proximity is defined as a distance that can be easily reached on foot or by public transit.

Potential eligibility under these criteria does not automatically entitle an employee to full time assignment of a City-owned/leased vehicle.

Drivers assigned a City-owned/leased vehicle full time are not eligible for a DOT Parking Permit to use with their private vehicle for City business.

If the job responsibility of an employee assigned a City-owned/leased vehicle full time changes, that assignment will be reevaluated.

If a vehicle assigned full time is deemed to be underutilized or misused, its assignment will be reevaluated in conjunction with all the Agency's needs.

2. Assignment of Vehicle Operators/Documenting Vehicle Usage

Only the DSS Commissioner is automatically assigned a Vehicle Operator full time. Additionally, only the DSS Commissioner/their Designee(s) are authorized to use a Vehicle Operator to commute.

Requests for assignment of a Vehicle Operator full time must be submitted to the DSS Commissioner. Vehicle Operators may only be used in the conduct of City business. Given fiscal constraints, all Vehicle Operators are assigned to an Agency vehicle pool and used to meet all the Agency's transportation needs. Vehicle Operators should only be used in instances when parking is unavailable. If parking is available and public transportation is not feasible,

authorized drivers may drive themselves, using a City-owned/leased vehicle, a private vehicle authorized for City business, or a NYC Fleet Zipcar. All employees authorized to drive a City-owned/leased vehicle receive a Geotab fob which, in conjunction with the Geotab Telematics installed in all Agency vehicles, tracks and records vehicle usage (driver, speed, location, mileage, etc.).

The Geotab fob, in most instances, negates the need for drivers to record their vehicle usage on the **Daily Route Sheet (M-200c)**. An employee must continue to use the **M-200c** if:

- they lost their Geotab fob.
- their Geotab fob is defective.
- their vehicle's Geotab Telematics is inoperable.
- they are a DHS employee who has been issued an E-ZPass tag.

The **Daily Vehicle Trip Sheet (DHS-9)**, which DHS employees had previously used to record vehicle usage, has been obsoleted.

Transportation/Department Fleet Liaisons must ensure that authorized drivers assigned pooled vehicles have their Geotab fob prior to issuing them vehicle keys. In HRA, Fleet Administration logs pooled vehicles in and out. In DHS, Department Fleet Liaisons (DFL) are issued logbooks, which they use to track their Program's daily usage of pool vehicles. DHS' DFLs must use the approved format for their entries in these logbooks. All DSS pool vehicles must be signed out/in, and the corresponding out/in times must be noted in the logbook, enabling Fleet Administration to identify the driver when a Geotab fob swipe does not register.

If a vehicle's Geotab Telematics is offline, the driver must report to the first available location for repair.

Other than Vehicle Operators, drivers who fail to operate within Agency and City guidelines will have their authorization to drive suspended and/or revoked. A driver's misuse of a vehicle, as conveyed to Fleet Administration by Geotab Telematics, subjects them to the following penalty schedule:

1. Driving twenty-six (26) or more miles per hour over the speed limit (excessive speeding):
 - First Infraction - Ten (10) business days suspension from driving.
 - Second infraction - Thirty (30) business days suspension from driving.
 - Third infraction One-hundred and eighty (180) business days suspension from driving/revocation of authorization to drive.
2. Tampering with/disconnecting a vehicle's Geotab Telematics device:

- Suspension from driving and referral to DSS' Special Investigations Division (SID) and/or the NYC Department of Investigation (DOI).
3. Operating an Agency vehicle outside of the Geotab Telematics fenced area, or at an unauthorized location within the Geotab Telematics fenced area without prior authorization.
 - First Infraction - Ten (10) business days suspension from driving.
 - Second Infraction - Suspension from driving and referral to SID and/or DOI.
 4. Unauthorized after-hours/weekend use of a City-owned/leased vehicle:
 - Suspension from driving and referral to SID and/or DOI.
 5. Driving without using seat belts:
 - Thirty (30) business days suspension from driving.
 6. Driving without using an assigned Geotab fob:
 - First Infraction - Informal warning.
 - Second infraction - Fifteen (15) business days suspension from driving.
 - Third infraction - Thirty (30) business days suspension from driving and/or possible revocation of authorization to drive.
 - Fourth infraction - Possible revocation of authorization to drive.

Drivers who report to work without their Geotab fob and request the temporary assignment of a vehicle will be denied a vehicle. Vehicle Operators who report to work without their Geotab fob will be subject to penalties, as they will not be able to execute their duties.

Drivers must pay a \$5.00 fee for a lost Geotab fob.

Defective Geotab fobs will be replaced at no charge.

3. *Commuting With Vehicles Assigned Full Time*

Authorization to use an Agency-assigned City-owned/leased vehicle to commute is granted by the Agency, in conjunction with DCAS and OMB, to those employees who frequently:

- conduct Agency business in field locations, and/or
- respond to emergencies at locations not easily accessible by public transportation during non-business hours.

Such authorization is only granted for twelve (12) months.

Staff who meet the criteria may request authorization to use their Agency-assigned City-owned/leased vehicle to commute by completing the **City Government Vehicle Commuting Authorization Form (DSS-3c)**. DHS employees must also complete the **Request For Assignment Of Agency Vehicle (DHS-72)**. The **DSS-3c** must be recommended by the

Commissioner/their Designee and authorized by DCAS and the Office of Management and Budget (OMB).

- Authorization to use a City-owned/leased vehicle to commute only applies to designated employees and their assigned Vehicle Operators.
- Other than the DSS Commissioner, employees authorized to use a City-owned/leased vehicle to commute must park the vehicle at a City owned/operated worksite/facility near/en route to their home, whenever feasible. Fleet Administration will assist in identifying such locations. Drivers must inform Fleet Administration of their City-owned/leased vehicle's regular parking location.
- Prior to taking an extended leave (e.g., three (3) or more days), any employee authorized to use their City-owned/leased vehicle to commute must notify their Transportation/Department Fleet Liaison and Fleet Administration who the vehicle will be assigned to in their absence. That employee must be an Agency authorized driver.
- Employees authorized to use their Agency-assigned City-owned/leased vehicle to commute who wish to swap their vehicle must submit their request to Fleet Administration using the [DSS-3c](#).
 - In addition, DHS employees must submit the [DHS-72](#).

Note: DSS employees may not use a temporarily assigned City-owned/leased vehicle to commute without the pre-approval of Fleet Administration.

4. Internal Revenue Service (IRS) Requirements – Taxable Fringe Benefits

The use of a City-owned/leased vehicle to commute is a taxable fringe benefit that must be reported to the IRS. Additionally, a percentage of the value of any City provided parking must also be reported as income.

To enable the determination of the amount that must be reported to the IRS, any employee authorized to use a City-owned/leased vehicle to commute must capture and record their daily commuting mileage. The daily commuting mileage is the total of the distance from their residence to their first work location, added to the distance from their last work location to their residence.

These employees must record their daily commuting mileage on the **Monthly Trip Sheet (M-200f)**, which captures the dates the vehicle was used to commute, the odometer reading at the beginning and ending of each day, the daily commuting mileage, and the total monthly mileage. The [M-200f](#) serves as a summary of all the [M-200c](#)'s each month.

Employees whose annual income is less than \$160,100.00 must use one of the following methods to calculate the amount of their taxable fringe benefit that they must report to the IRS:

- a) Trips at \$1.50 per trip (\$3.00 maximum per day) or
- b) Mileage at \$0.56 per mile.

NOTE: The amounts noted are subject to change.

At the end of each month, these employees must ensure that they:

- record all the requisite data on the [M-200f](#).
- electronically sign each form. [DHS employees who are unable to sign electronically must sign a hard copy, scan it, and send it to their desktop.]
- email the form(s) to their Transportation/Department Fleet Liaison or their Program's designated email box.

The [M-200f](#) must be sent to Fleet Administration each month, regardless of whether the employee used the vehicle to commute.

In addition, the value of City-provided parking exceeding a set amount is forwarded by Fleet Administration to the Office of Finance, when applicable.

5. Temporary Assignment of Vehicles

Employees requesting a vehicle on a temporary basis, regardless of duration or frequency, must complete a **Fleet Administration Transportation Request** ([DSS-3b](#)), indicating the number of days they require the vehicle and reason. In DHS, the Deputy Commissioner or Assistant Commissioner of the employee's Program Area must endorse the request. A temporarily assigned vehicle must be returned prior to the expiration of the authorized period.

6. Temporary Vehicle Assignment Request Priorities

Fleet Administration considers temporary vehicle assignment requests using the following priority hierarchy:

1. Emergencies.
2. Date of request.
3. Availability of vehicles.
4. Transportation of heavy packages.
5. Inaccessibility of public transportation.
6. Agency Administrators.

7. Temporary Vehicle Pick-Up

Fleet Administration will hold a temporarily assigned City-owned/leased vehicle for up to thirty (30) minutes after its scheduled pick-up time. If the requesting employee does not arrive by then, the vehicle may be reassigned.

Employees picking up a temporarily assigned vehicle must provide their employee ID, supervisor's name, and Program name.

8. Requesting a Zipcar

Authorized drivers who wish to operate a NYC Fleet Zipcar must first obtain approval from their Program Area. These employees must review the **Procedures For The Use Of Zipcar Car Share Service (DSS-3d)**, which outlines the rules for using NYC Fleet Zipcars, provides a link to the form for requesting a NYC Fleet Zipcar account, and notes that:

- Their Agency Zipcar Administrator will authorize their employee NYC Fleet Zipcar account, and distribute their Zipcar card.
- Their Agency Zipcar Administrator will manage their employee NYC Fleet Zipcar account, and have Zip pricing information.
- The procedure for requesting a NYC Fleet Zipcar account differs if they have a personal Zipcar account.
- The use of a NYC Fleet Zipcar to conduct personal business or to commute is prohibited.
- The use of a NYC Fleet Zipcar outside the 5 boroughs is prohibited without prior authorization from Fleet Administration.

Misuse of the Zipcar Car Share Service will result in the immediate revocation of an employee's NYC Fleet Zipcar membership, as well as a referral to their Agency for disciplinary action.

9. Vehicle Use

Employees are prohibited from using City-owned/leased vehicles or NYC Fleet Zipcars for non-City business, except to make stops en route, such as those taken to have a meal.

Employees are responsible for taking appropriate action regarding Preventive Maintenance Service, NYS Inspections, and Manufacturer's Recalls; and for maintaining their assigned vehicle's fuel level at no less than half ($\frac{1}{2}$) a tank, even when the vehicle has been temporarily assigned to them, so that it is in optimum working order and useable at a moment's notice.

Employees assigned a City-owned/leased vehicle must secure their vehicle on high ground, inland, and away from flood zones, prior to the onset of any severe weather condition as determined by the National Weather Service. If an employee is unsure whether a location is in a flood zone, they must contact their Transportation/Department Fleet Liaison or Fleet Administration. Employees assigned a City-owned/leased vehicle must keep their vehicle clean.

Employees cannot use a City-owned/leased vehicle, a private vehicle in service for City business, or a NYC Fleet Zipcar to transport anyone whose presence is unnecessary in the execution of City business.

Employees may never use a temporarily assigned City-owned/leased vehicle or a NYC Fleet Zipcar to commute.

HRA employees authorized to use their assigned City-owned/leased vehicle to commute cannot use an Agency-assigned E-ZPass during their commute.

The City of New York City Vehicle Driver Handbook, a component of [The City of New York Fleet Management Manual](#), dictates that employees must not operate a City-owned/leased vehicle:

- for a purpose unintended by the manufacturer.
- that they/a third party have altered the operating systems of.
- under the influence of drugs/alcohol.
- using emergency devices (sirens, emergency flashers, etc.) without Mayoral authorization.
- for personal business.
- to transport others in lieu of public transportation.
- on nights, weekends, or holidays without pre-authorization.
- to commute to/from their home without pre-authorization.
- to travel outside the City without pre-authorization.
- with a known safety issue/hazardous condition.
- with an expired/missing State inspection sticker or registration certificate.
- while using any written/audio information receiving/transmitting device.
- while texting or emailing.
- while reading printed material.
- in a manner likely to cause bodily harm and/or property damage.

The operation of a City-owned/leased vehicle involving any of the above constitutes misuse of a motor vehicle in service for City business, and subjects the employee to referral for investigation/potential disciplinary action.

Employees operating any vehicle for City business must always err on the side of caution and avoid any action that might contribute to a hazardous condition, a collision, bodily harm, or property damage. If such employees are unsure whether an action, they could take might contribute to such an outcome, they should err on the side of caution and not take that action.

10. Fueling Card

Every gasoline powered City-owned/leased vehicle and NYC Fleet Zipcar has a vehicle specific fueling card that can be used at most gas stations to fuel the vehicle. When fueling a gasoline powered City-owned/leased vehicle or a NYC Fleet Zipcar, the employee must:

1. Insert the fueling card into the credit card reader.
2. Enter the odometer reading, omitting any tenths (10^{ths}) of a mile.
3. Enter their Personal Identification Number (PIN).
4. Select eighty-seven (87) octane (regular) fuel, or the fuel recommended by the manufacturer.
5. Fill the tank completely.

An employee who discovers that their vehicle's fueling card is missing must immediately notify their ATC and file a **Police Report**. Once they receive a copy of the **Police Report**, they must share it with their ATC, who will work with DCAS to obtain a replacement fueling card.

Note: Diesel powered City-owned/leased vehicles must be fueled at City vehicle fueling sites, such as those operated by NYC Parks and DSNY.

11. Personal Identification Number (PIN) to enable Fueling of Gasoline Powered City Owned/Leased Vehicles and ChargePoint Cards to enable Fueling of Electric Powered City Owned/Leased Vehicles

The NYC Fueling Program enables the fueling of gasoline powered City-owned/leased vehicles via a PIN. Upon authorization to drive, employees must complete the **NYC Fleet Vehicle Fueling Program** form in the NYC Fleet section of **Employee Self Service (ESS)**. If necessary, they can request a PIN from Fleet Administration. The PIN, in conjunction with the vehicle-specific fueling card found in the Agency's gasoline powered City owned/leased vehicles and NYC Fleet Zipcars, enables the fueling of those vehicles. Employees must not share their PIN with anyone. PINs that go unused for ninety (90) days are deactivated.

The Agency is embracing the City's Going Green initiative. Any Agency vehicle that reaches the end of its useful life, if deemed necessary, will be replaced by an electric powered vehicle.

The City's electric vehicles must be charged at electric charging stations, using the ChargePoint card in the vehicle.

To charge the vehicle, the employee must:

- locate the vehicle's charging port and open the cover.
- tap the ChargePoint card on the station's reader symbol.
- release the charging nozzle from the station.
- insert the charging nozzle into the charger port until the nozzle clicks.
- check the dashboard to confirm the vehicle is charging, as well as the time required to fully charge the vehicle.
- remove the charging nozzle from the charger port once the vehicle is fully charged, and insert it in its station until it clicks.

An employee who discovers that their vehicle's ChargePoint card is missing must immediately notify their ATC and file a **Police Report**. Once they receive a copy of the **Police Report**, they must share it with their ATC, who will work with DCAS to obtain a replacement ChargePoint card.

12. Assignment/Use of an Agency E-ZPass Tag

An agency-assigned E-ZPass Tag should be used discriminately. In conducting Agency business, employees must use non-toll bridges, tunnels, and routes whenever possible.

- DHS employees authorized to commute may use their Agency-assigned E-ZPass Tag during their commute, but must annotate such usage on the [M-200f](#).
- HRA employees authorized to commute may not use their Agency-assigned E-ZPass Tag during their commute, but must detach it from the base affixed to the windshield, place it in the E-ZPass Tag pouch, and attach their personal E-ZPass Tag, before passing an E-ZPass toll gate.

Employees must ensure their Agency-assigned E-ZPass Tag is mounted so that it can be read at E-ZPass toll gates. Employees who fail to do so will be held responsible for all associated fees and fines, including toll violations.

Employees must only use an Agency-assigned E-ZPass Tag on bridges, tunnels, and routes authorized for emergency situations by Fleet Administration, not all bridges, tunnels, and routes that accept E-ZPass. Employees may elect to use their own E-ZPass Tag, but will be responsible for any associated tolls, and will be ineligible for reimbursement, as they will have failed to avail themselves of the use of their Agency-assigned E-ZPass Tag. Employees who, by negligence or design, fail to adhere to this policy may have their authorization to drive suspended/terminated.

Monthly statements of E-ZPass Tag usage are reviewed by Fleet Administration, who reconcile them against Agency records.

Employees are not permitted to remove their Agency-assigned E-ZPass Tag from their vehicle unless the E-ZPass Tag is on loan or being pooled.

An employee who discovers that their Agency-assigned E-ZPass Tag is missing must immediately notify their ATC and file a **Police Report**. Once they receive a copy of the **Police Report**, they must share it with their ATC, who will deactivate the E-ZPass Tag systemically, close out the associated E-ZPass account, and request a replacement E-ZPass Account and Tag. Timely action on the part of the employee and Fleet Administration will significantly reduce any misuse of the E-ZPass Tag.

Note: DHS employees who use an Agency-assigned E-ZPass Tag during their commute must reimburse the Agency. These employees are sent a monthly E-ZPass usage statement that they must annotate their non-business-related trips on. By the fifteenth (15th) of the following month, these DHS employees must send DHS Fleet Administration a check/money order, made payable to DHS, for the full amount of their non-business-related usage of their Agency-assigned E-ZPass Tag. Failure to respond to inquiries regarding the usage of an Agency-assigned E-ZPass Tag may result in a referral to the Special Investigations Division (SID) and/or the Office of Legal Affairs (OLA), as well as the revocation of an Agency-assigned E-ZPass Tag.

13. Out of Town Trips

An employee who wishes to use their private vehicle to conduct City business outside the City must first be authorized to use that vehicle for City business (see **Use of a Private Vehicle for City Business**, below). All employees who wish to use their authorized vehicle to conduct City business outside the City must adhere to the **Out-of-City Travel Guidelines and Procedures for DSS-HRA-DHS Employees**, [P-17-06](#).

Trips to City worksites outside the City, as well as those made for City business within seventy-five (75) miles of the City are exempt from [P-17-06](#), but remain subject to Program Area requirements.

Employees are expected to comply with **Comptroller's Directive #6** [Comptroller's Directive #6](#) which dictates that public transportation must be utilized whenever possible, including to and from airports, hotels, and convention sites. Use of multiple vehicles during one (1) trip is prohibited, and multiple claims for reimbursement of expenses associated with gas and tolls will be denied, unless unique circumstances exist, as determined by the Mayor's Office of Operations. Additional information is available from the DSS Travel Coordinator at the office of the Agency Chief Contracting Officer (ACCO).

B. Use of a Private Vehicle for City Business

Employees may not use a privately-owned vehicle for City business unless they have received prior authorization. An employee using a private vehicle in the performance of their job without having first obtained authorization to do so is not considered to be driving for City business. When Fleet Administration becomes aware of such usage, they must direct the employee to follow the process below.

1. Criteria for Authorization to Use a Private Vehicle for City Business without the use of a Parking Permit.

To obtain authorization to use a private vehicle for City business, the employee must submit, through their chain of command:

1. An **Application For Use Of Personal Automobile (W-716)**.
2. Copies of their Driver License, registration, and insurance.

If their Responsibility Area (RA) Head approves the request, the employee must forward the [W-716](#) to Fleet Administration, which will:

- a. Obtain a copy of the employee's Driver History Abstract from their state's DMV. Outstanding summonses and/or a poor driving record are grounds for disapproval.
- b. Verify NYC residency requirements, based on Local Law and City Regulations. This information will be shared with HRS.

Fleet Administration will only authorize the use of a privately-owned vehicle for City business if:

1. it is the most feasible and economical means of transportation based on:
 - a. the number of locations to be visited daily,
 - b. the extent of the area to be covered in a limited time, and
 - c. the unavailability of public transportation.
2. it is validly inspected, registered in the employee's name/the name of an immediate family member residing at their residence address, and covered by appropriate liability insurance from a licensed insurance company.
3. the employee has a clean driving record, as confirmed by NYS DMV LENS or a Driver History Abstract from their state's DMV.

Authorization to use a privately-owned vehicle for City business will be considered void effective the date of the employee's transfer to another office, job classification, or assignment. The employee is responsible for informing Fleet Administration of any change to their credentials, vehicle, or job status.

2. **Mileage Reimbursement when using an Authorized Private Vehicle**

To be reimbursed for mileage, HRA employees must submit claims via the **Employee Expense System (EES)** (see [Summary of Employee Reimbursement Process](#)). DHS employees must refer to [DHS-P-14-001 Employee Travel On Official Agency Business](#), available on the DHS website. Employees will only be eligible for reimbursement from the date their request is approved, not the date it was submitted. Employees cannot file for reimbursement prior to being authorized to use their privately-owned vehicle for City business.

3. **Approval of a Department of Transportation (DOT) Parking Permit for a Private Vehicle on City Business**

Employees requesting a DOT Parking Permit for use with their private vehicle authorized for City business must submit the **Application For DOT Parking Permit (DSS-3a)** to Fleet Administration. Employees who have received any traffic violations may have their request for a Parking Permit rejected by DOT. To be eligible, employees must continuously be required, on a daily or near daily basis, to:

- spend seventy-five percent (75%) or more of their regularly scheduled hours in field locations that are not readily accessible by public transportation, and/or
- transport heavy/bulky equipment to field locations, and/or
- provide essential emergency services in field locations.

Prior to forwarding a [DSS-3a](#) to DOT, the Administrator/Commissioner must recommend it. Final approval rests with DOT.

Drivers assigned a DOT Parking Permit to use with their private vehicle authorized for City business are ineligible for assignment of a City-owned/leased vehicle full time.

DOT Parking Permits issued for use with private vehicles authorized for City business in DSS are valid for one (1) year. Employees wishing to be re-issued a DOT Parking Permit must submit a [DSS-3a](#) to Fleet Administration within ninety (90) days of the expiration date noted on their Parking Permit. Submittal of a [DSS-3a](#) in no way guarantees that a Parking Permit will be re-issued.

DOT Parking Permits are a privilege that employees must not abuse. DOT audits the usage of Parking Permits. Any employee found to be misusing their Parking Permit, as evidenced by the issuance, on three (3) or more occasions, of violations for the improper use of a permit (code 33) and/or the fraudulent use of a permit (code 87) will have their:

- Parking Permit revoked by DOT.

- authorization to use a Parking Permit suspended and/or revoked.
- authorization to drive reviewed for possible suspension/revocation.

An employee may not:

- create a Parking Permit of their own design.
- copy a DOT Parking Permit in any manner.
- use an unofficial Parking Permit in the conduct of City business.

Such action constitutes fraudulent creation and/or use of a legal document and carries severe penalties.

An employee who discovers that their DOT Parking Permit is missing must immediately notify their ATC and file a **Police Report**. Once they receive a copy of the **Police Report**, they must provide it to Fleet Administration, who will work with DOT to obtain a replacement Parking Permit.

■ V. COLLISIONS AND INCIDENTS – VEHICLE DRIVER AND SUPERVISOR RESPONSIBILITIES

A. *Collisions / Incidents*

All collisions involving City-owned/leased vehicles must be reported. A collision is any event that results in injury/property damage (excluding vandalism), even when the damage is minor and may not be repaired.

There are three (3) types of collisions:

- **Multi-car Collision** - a vehicle collides with one (1) or more vehicle(s).
- **Structural Collision** - a vehicle hits/is hit by an inanimate object.
- **Living Creature Collision** - a vehicle hits/is hit by a person or an animal.

Although there are many mitigating factors/circumstances, there is only one (1) type of incident:

- **Incident** – a vehicle suffers damage/theft that is typically noted after its' occurrence.

B. *Vehicle Driver Responsibility at the Scene of a Collision/Vehicle Driver & Supervisor Reporting Responsibility*

An employee operating a City-owned/leased vehicle who is a party to a collision must adhere to the **10 Steps to follow when a City vehicle is involved in a collision (Attachment A)**, and must:

1. Stop the vehicle immediately, turn on the four-way flashers, and use the available warning devices. Only move the vehicle if its location is hazardous and likely to cause additional collisions.
2. Ensure that anyone injured is cared for. Call for an ambulance if necessary.

3. Notify the nearest police precinct, via 911, as well as their supervisor and Fleet Administration.
4. Photograph the condition of the vehicles, as well as the license plates and registration stickers, so that, if the other driver(s) leave(s) the scene of the collision, the damage and requisite information is captured.
5. Request that the other driver(s) involved exchange(s) Driver License, registration, and insurance information. Provide any individual involved who requests insurance information the NYS DMV Code # 994, and refer them to:

**Office of the Comptroller
1 Centre Street, Room 1225
New York, New York 10007
(212) 669-8750/3916**

6. Provide all requisite information to the investigating police officer(s) and City personnel; but refrain from giving an opinion regarding who was responsible for the collision to anyone other than their supervisor, Fleet Administration, the City claim examiner, and the City attorney.
7. Obtain the name(s) and shield number(s) of the police officer(s) reporting to the scene.
8. Provide all requisite information on the **New York State Department of Motor Vehicles Report of Motor Vehicle Accident ([MV-104](#))**, the **City of New York Agency Collision/Incident Report ([DSS-3f](#))**, and a signed statement outlining the details of the collision, including the:
 - drivers involved
 - passengers
 - damage
 - location
 - witnesses
 - injured parties
 - diagram of collision
 - description of collision
 - investigating police officers.
 - Driver License, registration, and insurance.
 - Vehicle Identification Numbers (VIN) and License Plate Numbers.
9. Obtain a copy of the **Police Report** from the police.
10. Submit the **Police Report**, the [MV-104](#), the [DSS-3f](#), and the signed statement outlining the details of the collision, along with the **Supervisor's**

Evaluation Report ([DSS-3e](#)), to Fleet Administration within five (5) business days.

Note: If the employee is unable to obtain, complete, and submit the above noted documents to Fleet Administration within five (5) business days, the supervisor must do so.

C. Vehicle Driver's Responsibility – Violations, Fines, and Penalties

Employees, including those operating NYC Fleet Zip cars, are responsible for all violations, fines, and penalties incurred while operating a vehicle for City business.

Employees must report all violations received regarding a vehicle they operate for City business within twenty-four (24) hours. Employees who fail to report/satisfy any such violation may have their authorization to drive suspended/revoked and/or may be subject to disciplinary action.

1. Safety Policy

All drivers and passengers must wear seat belts when a City-owned/leased vehicle is in motion.

All drivers must inspect/check the operation of all safety-related equipment (turn signals, four-way flashers, horn, fluids, brakes, etc.) of any vehicle they operate for City business before every use. Drivers are responsible for:

- ensuring that any vehicle they operate for City business has current NYS inspection/registration stickers.
- reporting any safety issues/hazardous conditions to Fleet Administration and following instructions regarding same.

2. Theft/Vandalism

In the event of theft/vandalism of a City-owned/leased vehicle, the driver must:

4. immediately notify their supervisor, Fleet Administration, and the nearest police precinct, via 911.
5. complete the **City of New York Agency Collision/Incident Report ([DSS-3f](#))**.
6. have their supervisor complete the **Supervisor's Evaluation Report ([DSS-3e](#))**.
7. obtain a copy of the **Police Report**.
8. prepare a signed statement outlining the details of the incident (location, time, etc.).
9. forward the **Police Report**, [DSS-3f](#), [DSS-3e](#), and the signed statement outlining the details of the incident to Fleet Administration.

The supervisor must ensure that the above action is taken if the employee is unable to do so. Fleet Administration will follow-up on repairs/replacement of the vehicle.

3. **Parking**

Parking with a DOT Parking Permit in contradiction to posted signs is only permitted for the minimum time necessary to perform City business. Users of DOT Parking Permits must familiarize themselves with permit restrictions (see **NO PERMIT AREA (Blue & Orange Zones) (Attachment B)**).

Authorized drivers may not park a City-owned/leased vehicle, a private vehicle in service for City business, or a NYC Fleet Zipcar:

- in a bus stop,
- at a fire hydrant,
- in a crosswalk,
- in a driveway,
- at a taxi stand where parking is prohibited,
- in a parking zone designated for another City agency,
- on a sidewalk,
- on a snow emergency street,
- in a Bus Lane,
- in a No Standing Zone,
- in a Fire Zone,
- in a Tow-Away Zone, or
- in a manner that obstructs traffic, including but not limited to, double-parking and parking at a corner so that the vehicle protrudes into a crosswalk and/or traffic lane.

■ VI. COLLISION EVALUATION, CLAIMING, AND REPORTING

A. **Agency's Responsibilities**

1. **Evaluation of Vehicle Collisions**

Both HRA's and DHS' Collision Review Committee (CRC) reviews and evaluates every collision involving a City owned/leased vehicle assigned to their part of DSS, and makes determinations regarding appropriate follow up. The evaluation checks for "red flags" such as Driving Under the Influence (DUI), Driving While Intoxicated (DWI), reckless driving, and repeat offenses, and takes into consideration the:

- **Police Report,**
- **New York State Department of Motor Vehicles Report of Motor Vehicle Accident ([MV-104](#)),**
- **City of New York Agency Collision/Incident Report ([DSS-3f](#)),**
- signed statement detailing what occurred during the collision, and
- **Supervisor's Evaluation Report ([DSS-3e](#)).**

2. Preventable Collisions

Preventable collisions are ones in which the employee failed to operate a vehicle with all reasonable care and caution, and/or failed to take all reasonable action to avoid the collision, including not having allowed for road conditions and/or improper driving practices of others. Preventable collisions are distinguished from chargeable collisions, in that they are not limited to the violation of traffic laws/regulations. A collision that is not deemed chargeable by the police may still be deemed preventable by Fleet Administration, which uses that standard to hold its authorized drivers to. Preventable collisions include, but are not limited to, those in which the driver:

- failed to yield right-of-way,
- followed too closely,
- failed to signal intentions,
- drove too fast for existing conditions,
- misjudged clearance,
- utilized electronic communication devices while driving,
- failed to obey traffic signage and/or signals,
- used an improper traffic lane, and
- engaged in any activity which distracted them from driving.

B. Chargeable Collisions

Driving While Intoxicated (DWI), Driving Under the Influence (DUI), and/or leaving the scene of a collision constitute chargeable collisions that are followed-up with appropriate disciplinary action.

C. Claims Against the City

The Office of the Comptroller is the recipient of all claims filed against the City for alleged bodily injury and/or property damage. Fleet Administration sends DCAS copies of all collision reports and signed statements detailing what occurred during a collision within seven (7) business days, regardless of whether a claim is anticipated.

D. Claims by the City

DCAS is responsible for recovering the cost of repairing/replacing any Agency property that has been damaged by an identifiable party. This action is considered an affirmative property damage claim. Any collision that results in damage to a City owned/leased vehicle must be evaluated to determine whether an affirmative claim needs to be initiated.

E. Quarterly Reports/Collision Analysis

1. Quarterly Reports

Both HRA and DHS Fleet Administration have records of all collisions, which they provide to the:

- Collision Review Committee (CRC) for their part of DSS, to determine if any were preventable.

- Office of Legal Affairs (OLA) and Human Resources Solutions (HRS), upon request.
- Comptroller, Law Department, and any other authorized party, upon demand.

2. Collision Analysis and Follow Up

As part of DSS' effort to prevent/reduce vehicle collisions, Fleet Administration reviews collision records to identify repeat offenders/problem incidents. The HRA and DHS CRCs use that data to determine whether an employee's authorization to drive should be suspended and/or revoked.

■ VII. DISCIPLINE AND SAFETY

A. Disciplinary Action

DSS enforces defensive driving policies and procedures, including those referencing/reinforcing Vision Zero. Disciplinary action, including the suspension/revocation of authorization to drive, is executed against those employees whose record of violations and/or collisions reveals a repeated disregard for safe driving practices.

Suspension/revocation of authorization to drive will be immediately executed against those who have:

- been convicted of Driving Under the Influence (DUI).
- been convicted of Driving While Intoxicated (DWI).
- been convicted of leaving the scene of a collision while on City business.
- failed to contact the police or submit a collision report after a work-related vehicle collision.

B. Disqualification

A Vehicle Operator who has engaged in driving practices that have caused their state's DMV to suspend/revoke their Driver License may be disqualified from their job and/or terminated, due to their inability to meet the minimum qualification requirements of their job title.

C. Safety, Vehicle, and Violations Policies

1. Safety Policy

Prior to operating a vehicle, employees must:

- Inspect their vehicle's safety-related equipment (turn signals, four-way flashers, horn, brakes, etc.).
- Check their fuel level.
- Ensure their vehicle has current NYS inspection/registration stickers.
- Fasten their seat belt.

2. **Vehicle Policy**

Fleet Administration ensures the safe and efficient performance of the Agency's City-owned/leased vehicles. Drivers are responsible for taking requisite action on issues revealed by Preventive Maintenance, State Inspections, and Manufacturer's Recalls.

3. **Theft/Vandalism**

Employees operating a City owned/leased vehicle must report any incident of theft/vandalism to the nearest police precinct, via 911, within twenty-four (24) hours. Repairs will not be executed on vehicles maintained by DCAS unless the employee has reported the matter to the police and forwarded a copy of the **Police Report**, as well all requisite forms, to Fleet Administration.

4. **Violations**

Employees must adhere to all rules/regulations governing the operation of a vehicle in service for City business, including traffic/parking regulations.

An employee who receives a traffic/parking violation must notify Fleet Administration within twenty-four (24) hours of receipt, and must pay the fine and/or the violation's adjudication. Failure to do so may result in a referral to the Special Investigations Division (SID) and/or Human Resources Solutions (HRS) for disciplinary action, and/or the revocation of authorization to drive.

In addition, any driver who receives three (3) or more NYS traffic law violations (red light, school zone, bus lane, moving and/or parking) within a six (6) month period will have their authorization to drive suspended for three (3) to twelve (12) months. Drivers who fail to address a violation within thirty (30) days will have their authorization to drive suspended until they satisfy the fine or provide proof of adjudication to Fleet Administration. Drivers must operate their vehicle with all reasonable caution and care, as doing so will reduce vehicle incidents/collisions, pedestrian injuries/fatalities, vehicle/property damage, and claims by/against the City.

City issued Parking Stickers/Permits only allow an employee to park at:

- No Standing Except Trucks Loading and Unloading zones,
- No Parking Anytime – with specific hours noted – zones, and
- Parking Meters.

The backs of the Parking Permits highlight two (2) No Permit Areas for which an Official Business Defense will not be accepted in response to a parking violation issued [see **NO PERMIT AREA (Blue & Orange Zones) (Attachment B)** and **Department of Finance Adjudication Division Official Business Defense Unit Guidelines (Attachment C)**].

Employees must:

- familiarize themselves with City parking restrictions, including busway rules.
- prominently display their Agency-issued Parking Sticker/Permit in their authorized vehicle's windshield.
- pay the fines associated with any summonses, booting, and towing of their vehicle.

5. 311 Complaints

All 311 complaints concerning authorized drivers are forwarded to their ATC and the Special Investigation Division (SID). The ATC, in consultation with their Collision Review Committee (CRC), investigates the complaint, and takes appropriate action, up to and including suspension of authorization to drive.

D. Official Business Defense

The Official Business Defense (OBD) unit addresses parking violations issued to vehicles authorized for use in City business. The **Department of Finance Adjudication Division Official Business Defense Unit Guidelines (Attachment C)** detail amenable and non-amenable violations, and outline No Permit Areas, as does **Attachment B, NO PERMIT AREA (Blue & Orange Zones)**. Employees disputing a parking violation must complete the **Official Business Affidavit for Camera Violations and/or Parking Violation Summons (Attachment D)**. Employees are responsible for the penalties associated with guilty verdicts on non-amenable violations, as well as amenable violations that the Department of Finance deems culpable; unless through an appeal, the initial decision is reversed by the OBD unit.

■ VIII. AFFIRMATIVE CLAIMS AND FILING PROCEDURES

Collisions involving damage to DSS' City-owned vehicles are evaluated to determine if an affirmative property damage claim should be initiated. DSS works to recover the cost of repairing/replacing Agency property damaged by an identifiable party when it is determined that such a claim should be initiated.

A. Affirmative Claims Program

DSS liaises with DCAS to file for and settle affirmative claims. DSS submits these claims to DCAS expeditiously, and ensures the vehicles are available for appraisal after a collision. DCAS evaluates the possibility of an affirmative claim for each collision; initiates and files claims; and negotiates with insurance companies once all paperwork is submitted by Fleet Administration.

B. Criteria for Vehicle Damage Claims

The following criteria apply:

- A driver, other than the operator of a City-owned/leased vehicle, was identified. A hit-and-run collision is not a candidate for an affirmative claim.
- The operator of the City-owned/leased vehicle does not clearly bear sole responsibility for the collision.

C. Affirmative Claims Processed by DCAS

In the claiming process,

DSS is responsible for:

- Gathering all information.
- Ensuring all collisions/incidents are properly reported.
- Making vehicles available for appraisal appointments.
- Submitting all vehicle collision/incident reports to DCAS.
- Maintaining records of claims sent to DCAS.

DCAS is responsible for:

- Evaluating the possibility of an affirmative claim for each collision/incident.
- Contacting the appraisal company.
- Obtaining insurance information and logging all claim information.
- Following-up on all claims.
- Ensuring that funds are properly deposited.
- Obtaining settlement approvals from the Comptroller.
- Transferring uncollectible claims to the Law Department.

■ IX. LICENSE EVENT NOTIFICATION SERVICE (LENS)

NYS DMV has a monitoring program for entities that have employees with critical driving assignments. Entities with five (5) or more vehicles must participate in the program. LENS notifies Fleet Administration when an employee's Driver License is suspended, revoked, or expired; and, when a driver is charged with a DWI or DUI. Fleet Administration shares information with NYS DMV to ensure it is up to date.

A. NYS DMV Inquiry System

NYS DMV allows Fleet Administration to obtain instantaneous information from its license, registration, and vehicle databases. The abstracts/operating records of NYS drivers are also obtained by Fleet Administration from NYS DMV.

■ X. EFFECTIVE DATE AND OVERSIGHT

These revised regulations are effective immediately. DCAS is responsible for overseeing their implementation.

Replaces: DSS PB-2018-001

REFERENCES:

- [DHS-P-14-001](#) **Employee Travel On Official Agency Business**
- [P-17-06](#) **Out-of-City Travel Guidelines and Procedures for DSS-HRA-DHS Employees**
- [The City of New York Fleet Management Manual](#)
- [Summary of Employee Reimbursement Process](#)
- [Comptroller's Directive #6](#)

ATTACHMENTS:

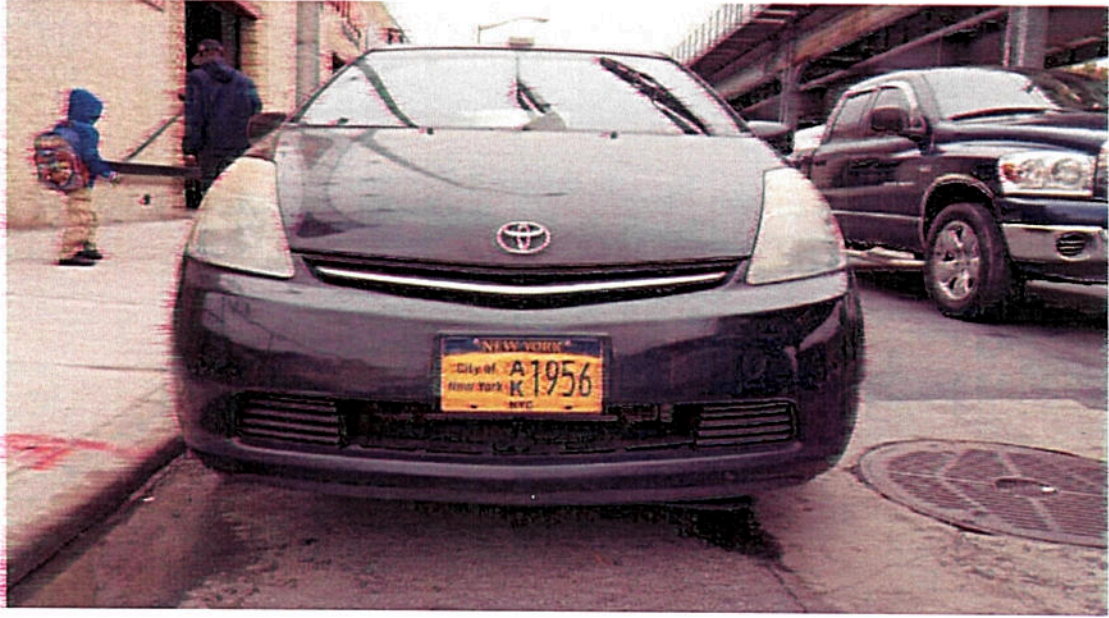
- Attachment A** **10 Steps to follow when a City vehicle is involved in a collision**
- Attachment B** **NO PERMIT AREA (Blue & Orange Zones)**
- Attachment C** **Department of Finance Adjudication Division Official Business Defense Unit Guidelines**
- Attachment D** **Official Business Affidavit for Camera Violations and/or Parking Violations Summons**
- [DHS-72](#) **Request For Assignment Of Agency Vehicle**
- [DSS-3](#) **Fleet Administration Driver Certification**
- [DSS-3a](#) **Application For DOT Parking Permit**
- [DSS-3b](#) **Fleet Administration Transportation Request**
- [DSS-3c](#) **City Government Vehicle Commuting Authorization Form**
- [DSS-3d](#) **Procedures For The Use Of Zipcar Car Share Service**
- [DSS-3e](#) **Supervisor's Evaluation Report**
- [DSS-3f](#) **City of New York Agency Collision/Incident Report**
- [M-200c](#) **Daily Route Sheet**
- [M-200f](#) **Monthly Trip Sheet**
- [MV-104](#) **Report of Motor Vehicle Accident**
- [W-716](#) **Application For Use Of Personal Automobile**
- DHS-9** **Daily Vehicle Trip Sheet (OBSOLETE)**

10 Steps to follow when a City vehicle is involved in a collision

1. Do not leave the scene of the collision.
2. Move the vehicle off the road to avoid blocking traffic and to protect yourself and others.
3. Check with all drivers and passengers to see if they are injured.
4. Call the Police using 911 for a police report. Wait until the police arrive to create the report.
5. Exchange and gather as much information as possible with the other party:
 - ❖ Driver and passenger names.
 - ❖ License plate numbers.
 - ❖ Insurance info (Name and policy number) from all drivers involved.
 - ❖ Colors, makes and models of all vehicles involved.
 - ❖ Contact information for any eyewitnesses (Name, address, phone# and email if possible).
 - ❖ Location of the collision.
 - ❖ Time, weather, traffic condition, how all drivers were driving.
 - ❖ The name and badge number of any responding police officers.
6. If you have a camera or a smart phone, take a clear snapshot of the following:
 - ❖ The scene of the collision (Name of the street, cross street or intersection).
 - ❖ The damages to all vehicles involved (front and rear to identify the vehicles, all sides and angles to determine if any of the vehicles had unrelated damages.).
7. Refrain from discussing the event with other involved drivers. Drivers should not apologize or determine fault at the scene of the collision.
8. Inform your Agency Vehicle Coordinator and Supervisor.
9. Fill out an agency internal collision report and NYS MV-104 (if there was \$1,000 in damage or an injury). It is the driver's responsibility to mail the MV-104 to the NYS DMV.
10. Any calls from the other party's insurance must be referred to the Affirmative Claims Unit at (212) 386-0275.

Snapshot Examples

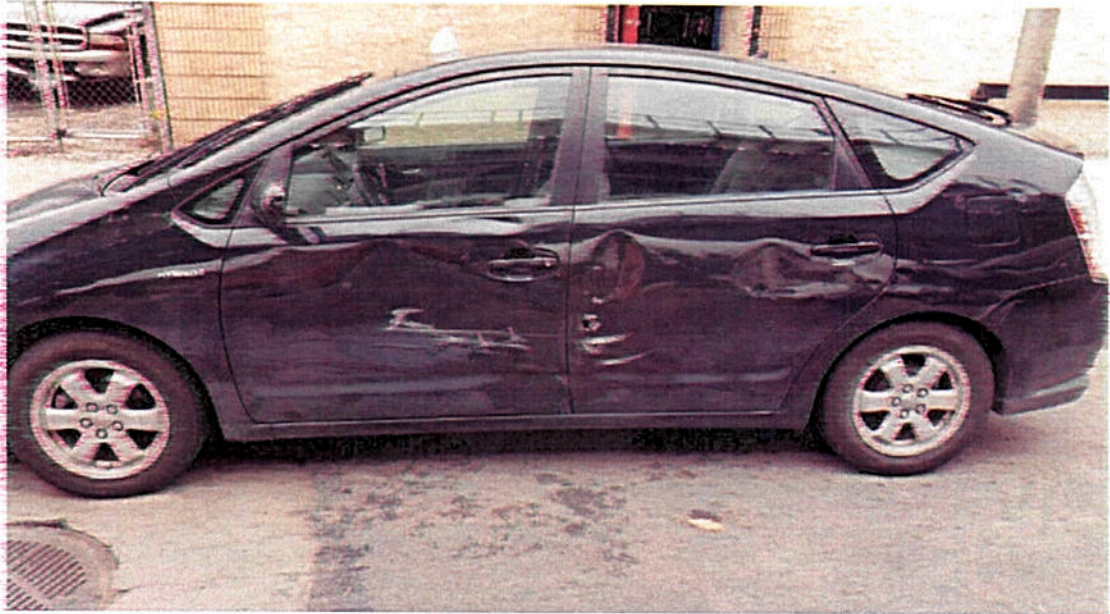
Front



Rear



Left Side



Right Side

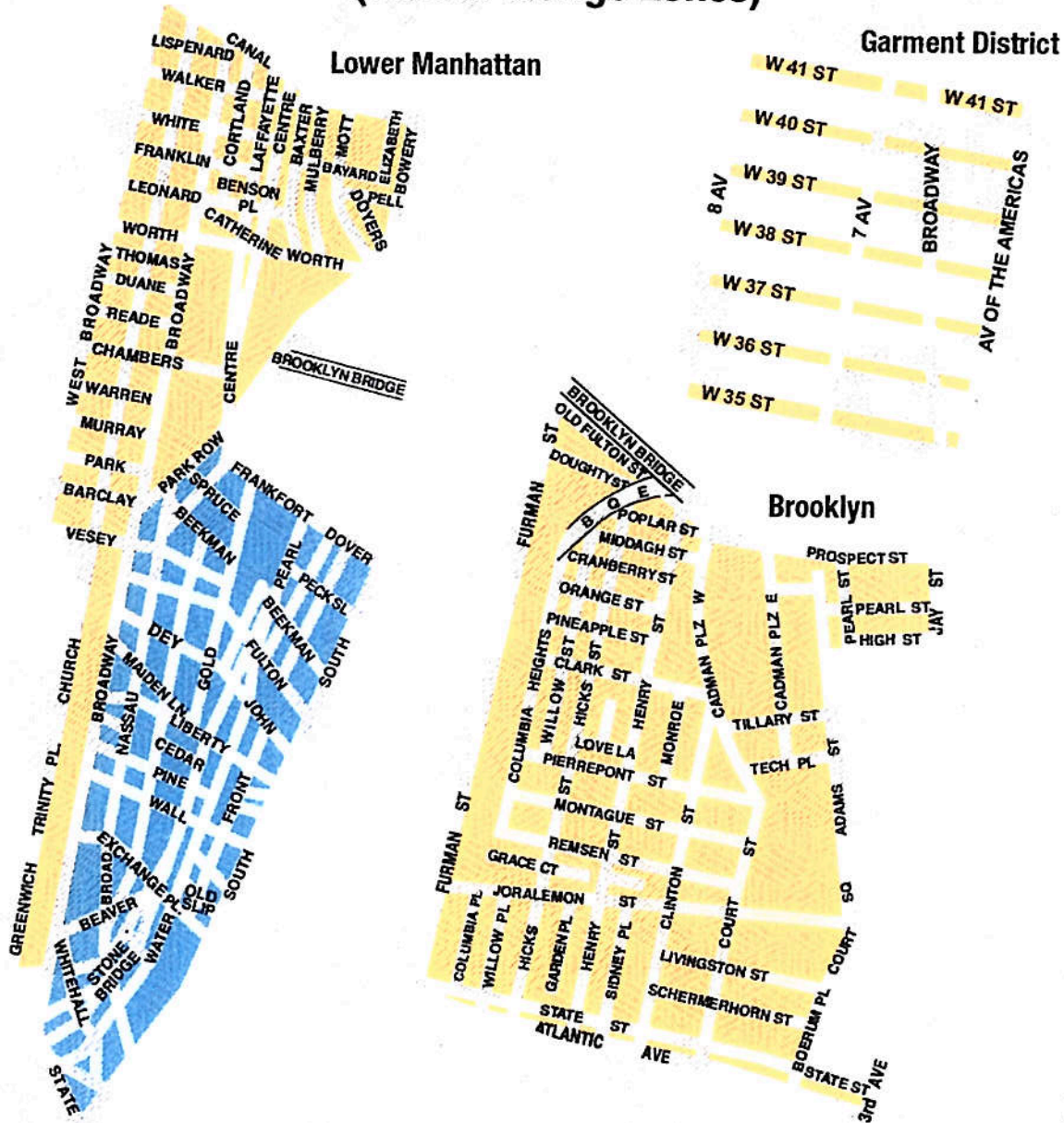


Angles





NO PERMIT AREA (Blue & Orange Zones)



NOTES ON PERMIT USE

Summonses submitted for **OFFICIAL BUSINESS DEFENSE** will be considered only for parking **LESS THAN 3 HOURS** in the following locations (except in No Permit Areas and Garment District):

- 1) **NO STANDING EXCEPT TRUCKS LOADING & UNLOADING**
- 2) **NO PARKING ZONES** except where rider is for agency other than yours .
- 3) **METER PARKING**

Drivers must comply with directions of a N.Y.C. Police Officer or Traffic Enforcement Agent.

NO PERMIT AREAS: No Official Business Defense will be accepted for violations of the NO PERMIT AREAS and for parking in the GARMENT DISTRICT



**FINANCE
NEW•YORK**
THE CITY OF NEW YORK
DEPARTMENT OF FINANCE

Mary Gotsopoulos
Chief Administrative Law Judge

AJUDICATION DIVISION

**OFFICIAL
BUSINESS
DEFENSE
UNIT
GUIDELINES**

INSTRUCTIONS FOR OFFICIAL BUSINESS DEFENSE

I. GENERAL INTRODUCTION: STATEMENT OF INTENT

The Official Business Defense Unit (OBD) was established by the Parking Violations Bureau in order to provide a just and efficient mechanism for the adjudication of parking violations summonses issued to vehicles owned or utilized by government agencies, when such vehicles are performing an official function.

The Official Business Defense Unit eliminates the need for individual appearances at hearings and provides instead for a hearing on the basis of written submission. Summonses submitted to the OBD Unit, which meet all administrative requirements, are adjudicated in an expeditious manner. For administrative purposes, it is probably beneficial to categorize all Violation Codes either as amenable (parking is permitted with a permit) or “non-amenable” (parking is prohibited, even with a permit).

Utilizing a series of sworn operator affidavits, together with verification of facts by designated liaisons, each contested summons is reviewed and a determination is made based on circumstances that have been properly detailed and documented. Where dismissal is not warranted, but mitigating circumstances exist, fines may be reduced. Agencies are expected to hold drivers accountable for the payment of parking violation fines. The operator may exercise the right to appeal if a guilty determination is made.

The OBD Unit endeavors to work closely with Agency Liaisons in order to insure that any matters, which require further clarification or documentation, are quickly resolved. All submissions, inquiries and determinations are routed via the liaison appointed by each agency.

INSTRUCTIONS FOR OFFICIAL BUSINESS DEFENSE

II. DESIGNATED LIAISONS: The head of each participation Agency must designate, in writing, to the PVB Official Business Defense Unit, a liaison and alternate liaison and telephone numbers of each. The designated liaisons should hold a responsible position within the Agency. The OBD Unit must be notified of any change of liaison.

All submissions of summonses or subsequent inquiries from employees must be channeled through the designated liaison. The OBD Unit will respond only to the designated liaison. Submissions or inquiries submitted directly by an employee will be referred to the designated liaison for action. The liaison is responsible for confirming the authenticity of all submissions prior to forwarding to the OBD Unit, and must reject any unauthorized or unfounded claims, or any submissions which do not meet established

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criteria. The liaison must also maintain appropriate records and the Agency should hold the driver accountable for such parking violation fines.

All inquiries, problems, changes in liaison and/ or alternate, and requests for forms should be directed to the OBD Unit.

III. AMENABLE AND NON-AMENABLE VIOLATIONS

- A. AMENABLE VIOLATIONS: Section 4-08 (0)(3) of the NYC Traffic Rules provides that the Department of Transportation or any other agency authorized by the Department of Transportation can issue yearly permits to government and certain not-for-profit organizations for parking in contradiction to posted signs on City streets. Such permits are required to be displayed so they are visible through the windshield.

Parking with a permit in contradiction to posted signs is permitted only for the minimum time necessary to perform official agency business. The permits themselves contain certain restrictions that apply to their use. Users of permits are expected to familiarize themselves with permit restrictions.

In general, parking with a permit is permitted in the following zones:

- A. NO PARKING ANYTIME
 - B. NO PARKING (DAY/TIMES)
 - C. NO STANDING EXCEPT TRUCKS LOADING OR UNLOADING
 - D. METERED PARKING
 - E. NO PARKING EXCEPT AUTHORIZED VEHICLES
- *ONLY WHEN PERMIT MATCHES THE SIGN
*APPROPRIATE PERMIT IS DISPLAYED ON WINDSHIELD

Parking with a permit is generally not permitted in “No Permit Zones” and zones of which the following are examples:

- A. “NO STANDING” AREAS
- B. “NO STOPPING” AREAS
- C. FIRE HYDRANTS
- D. BUS STOPS
- E. DOUBLE PARKING
- F. DRIVEWAYS
- G. BRIDGES AND HIGHWAYS
- H. AREAS WHERE A TRAFFIC HAZARD WOULD BE CREATED

Zones where a person on official agency business may park a vehicle displaying a permit in contradiction to a posted sign are called “amenable” zones. A listing of “amenable” Violation Codes is set forth in the following section of this booklet. Each parking violation summons contains the “Violation Code” of the charged violation. Agency liaisons can thus use the Violation Code list in deciding which summonses to submit to the OBD Unit for adjudication.

It is noted that certain offenses are only amenable for government –owned, as opposed to privately owned vehicles. (See list)

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It is also noted that the official agency business defense is available to certain vehicles that were not issued general City permits. For example, some vehicles are issued “law enforcement” permits, having broader parking privileges. Vehicles owned by the Federal government, other law enforcement agencies, and certain undercover and emergency vehicles may be permitted to park in contradiction to posted signs on official business without displaying a permit. These privileges are summarized in the Violation Code list in this booklet.

- B. NON-AMENABLE VIOLATIONS: Summonses issued to government-owned or utilized vehicles in non-amenable parking zones may be dismissible when the operator presents credible evidence that there was an emergency involving public health or safety. Certification by the supervisor is required. Ordinary pickups and deliveries, attendance at meetings and commuting do not constitute a public health or safety emergency.

Of course, the operator of a vehicle issued a non-amenable summons can obtain an in-person hearing or a hearing by mail from PVB to offer any defense (other than official agency business) to have the summons dismissed or the fine and penalties mitigated.

- C. NO PERMIT AREAS AND BLUE ZONE AREA: No Official Business Defense will be accepted for parking summonses issued in the No Permit area inclusive of the Blue Zone. The situation may develop when an agency has a designated space in the No Permit Area, but the space is occupied by an illegally parked vehicle. Under these circumstances the summons may be dismissed if the vehicle operator submits an affidavit attesting to these facts, and the form is “signed off” by the head of the agency.

The Blue Zone area is described as follows:

BLUE ZONE: No person shall park a vehicle upon any of the streets within a area designated as the “Blue Zone”, Monday through Friday from 7 a.m. to 7 p.m., except as otherwise posted along the perimeter of and inside the designated area, or when necessary to avoid conflict with other traffic or in compliance with law or upon the direction of any law enforcement officer authorized to enforce these rules. Said area is indicated by a blue line painted parallel to the curb and is bounded by the northern property line of Frankfort Street, the northern property line of Dover Street, the eastern property line of South Street, the western property line of State Street, the centerline of Broadway, and the centerline of Park Row.

- IV. PROCEDURE FOR APPLICATION SUBMISSION: Application for Official Business consideration must be submitted within thirty (30) days from summons issuance date or the generation of the first “Notice of Outstanding Summons”. This time has been established to permit sufficient time for processing before the entry of default judgment against the government entity.

Each submission must include the following documents and must be certified by the designated liaison or alternate:

- A. SUMMONS: The actual “hard copy” summons with reverse side completed as per instructions on summons, or if original is unavailable, a microfilm copy of the summons is available after twenty-one (21) days of issuance.
- B. MICROFILM SUMMONS COPY: When a “Notice of Outstanding Summons” had been

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generated and the original summons not submitted or seen by the driver of the vehicle, the agency liaison should fax a request for a microfilm copy of the original summons to the OBD Unit (fax # 212-361-5919).

Upon receipt of the microfilm copy the agency liaison should verify the authenticity of the official business claim and a written explanation as to why the actual “hard copy” was not submitted.

e.g. The summons was not seen.

The summons was not on the vehicle.

A twenty (20) day extension will be granted to allow for the completion of the official business defense submission if a summons copy is requested.

- C. OPERATOR AFFIDAVITS: Must be completed by the employee operating at the time the summons was incurred and signed by the operator’s supervisor. Please note that the following instructions must be complied with when completing Operator Affidavits:
1. Detailed circumstances surrounding the issuance of the summons and nature of the official business or emergency must be given. Entries such as “official business”, “attending meeting”, “unable to find legal space”, “all authorized spaces taken”, etc., are not sufficient for dismissal without additional facts describing the nature of Official Business.
 2. Parking in designated agency spaces, vehicle near office location. When parking in an agency space the Official Permit must be properly displayed in the windshield and the liaison must state in writing that the permit was in fact displayed properly.
 3. Sign claims (**CHALLENGING DESCRIPTION OF THE SIGN**) converting a Non-Amenable violation to Amenable, must consist of photo evidence showing clearly the arrow, if any, on the sign or signs being shown. It is equally important that the photos identify the location where the vehicle was parked in relation to the street address appearing on the summons, showing the street sign as well as the building stated on the summons.
 4. Agency forms, letterheads, etc., may not be submitted in lieu of official forms.
 5. All operator affidavits must be notarized.
 6. All operator affidavits must be signed by the operator’s supervisor.
- D. LIASON CERTIFICATION: Liaison Certification must accompany each submission. This document certifies that the liaison had reviewed each summons and accompanying Operator Affidavit and believes that the vehicles were on official agency business.

NOTE: (WHEN TO USE A HEAD OF AGENCY FORM)

This form is used when:

- The Agency Liaison and/or Alternate receive a summons while on Official Business.

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Or

- Summons issued during an emergency involving public health or safety emergency while parked in a “**No Permit Area or Blue Zone Area.**”

- E. COPY OF PERMIT: From and back copies of recognized on-street parking permits must be submitted.
- V. THE ADJUDICATORY PROCESS: Each summons submitted for Official Business Defense consideration will be adjudicated on its individual merits.

One of six (6) determinations will result:

1. OBD claim administratively granted- Amenable Violation.
2. OBD claim administratively denied-Non-Amenable Violation (resubmit on **NON-AMENABLE LOG**).
3. Non Prima Facie Summons- The summons dismissed for a technical error, and the official business claim was not considered.
4. OBD Hearing/Guilty Non-Amenable Violation- Does not meet criteria, summons is returned for payment and for opportunity to Appeal the guilty decision.
5. OBD Hearing/ Not Guilty Non-Amenable Violation - Criteria for public health or safety emergency met.

Adjournment for additional documentation- Additional information or documents must be submitted within the requested time frame.

- VI. FEDERAL AGENCIES: PVB will dismiss summonses submitted by Federal Agencies except for hydrant violations (code 40) and status violations on privately owned vehicles. However, the operator must submit an operator affidavit stating the nature of the official business. Affidavits with entries such as “parking permit displayed on windshield,” “on official business,” etc., will not be excepted, and must be resubmitted with appropriate statement of activity.

NOTE: All liaisons are required to submit the proper documentation regardless of the Type of agency. Any submissions without proper forms will be returned to the agency liaison.

- VII. TOWED VEHICLES: Agency liaison should contact the OBD Unit within forty-eight (48) hours for the information needed to retrieve restrained vehicles. Towed government-owned vehicles will be released, upon request, by the head of the agency (or his or her deputy) responsible for the vehicle.

Liaisons must resolve all outstanding violations within thirty (30) days of release of restrained vehicle. Failure to resolve outstanding violations may cause these vehicles to be impounded again, at anytime, by the NYC Sheriff’s Department or by a city Marshall assigned to scofflaw tow programs.

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NOTE TO ALL AGENCY LIAISONS:

AS YOU KNOW, THE OFFICIAL BUSINESS DEFENSE PRIVILEGE IS A LIMITED ONE. TO DISCOURAGE ABUSE OF PARKING PRIVILEGES, WE RECOMMEND A PERIODIC REVIEW TO VERIFY THE REPRESENTATION OF "OFFICIAL BUSINESS" BEING MADE BY YOUR AGENCY.

NEW YORK CITY PARKING VIOLATIONS BUREAU AMENABLE CODES
FOR GOVERNMENT PARKING PERMITS ISSUED BY NYC AND FOR LAW ENFORCEMENT VEHICLES
WITH OR WITHOUT NYC PERMITS:

VIOLATION CODE	OFFENSE
16	NO STANDING (EXCEPT TRUCK LOADING)
17	NO STANDING (EXCEPT <u>AUTHORIZED</u> VEHICLES)
20	NO PARKING
21	NO PARKING (ALTERNATE SIDE)
24	NO PARKING (EXCEPT <u>AUTHORIZED</u> VEHICLES)
29	FAILURE TO PROPERLY ACTIVATE METER
31	NO STANDING COMMERCIAL ZONE
32	OVERTIME PARKING AT MISSING/ BROKEN METER
33	FEEDING METER
34	EXPIRED METER
37	OVERTIME PARKING (MUNI CARD)
38	FAILURE TO DISPLAY MUNI CARD RECEIPT
42	EXPIRED MUNI-METER COMMERCIAL METERED ZONE
43	EXPIRED METER, COMMERCIAL METERED ZONE
44	PARKING IN EXCESS OF POSTED TIME LIMITS, COMMERCIAL METERED
58	MARGINAL STREET/WATERFRONT
63	NIGHTTIME STANDING IN A PARK
 <u>GOVERNMENT OWNED VEHICLES ONLY</u>	
66	DETACHED TRAILER
70	MISSING/EXPIRED REGISTRATION STICKER
71	MISSING/EXPIRED INSPECTION STICKER
72	MUTILATED REGISTRATION STICKER
73	IMPROPER STICKER DISPLAY
74	MISSING/IMPROPER PLATES
75	NO MATCH-PLATE/STICKER
77	PARKED BUS
78	NIGHTTIME COMMERCIAL PARKING
80	MISSING EQUIPMENT
82	UNALTERED VEHICLE
83	IMPROPER REGISTRATION
85	STORAGE
86	STORAGE
87	STORAGE
92	WASHING/REPAIRING VEHICLE
93	REMOVING/ REPLACING FLAT TIRE
97	VACANT LOT

LONG TERM LEASED VEHICLES (ONE YEAR OR LONGER)

70	MISSING/EXPIRED REGISTRATION STICKER
71	MISSING/EXPIRED INSPECTION STICKER

“LAW ENFORCEMENT” VEHICLES/PERMITS ONLY

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BLUE ZONE

AUTHORIZED EMERGENCY OPERATION

114-B. Emergency operation. The operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, delivering blood or blood products in a situation involving an imminent health risk, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation shall not include returning from such service.

When involved in an emergency operation, the driver of an authorized emergency vehicle may stop, and stand or park irrespective of the provisions of the NYC Traffic Rules. (VTL section 1104)

An emergency ambulance service vehicle, while awaiting an emergency call, may park at meters, truck loading and unloading zones, and “No Parking” areas not specifically designed for other vehicles. (T.R. 4-08(m)(7)).

During an emergency, as stated, above all submissions must include a file or case number, and an explanation of what official duties were being performed.

Registration Clearance Notice Requests (With Outstanding Judgment Debt):

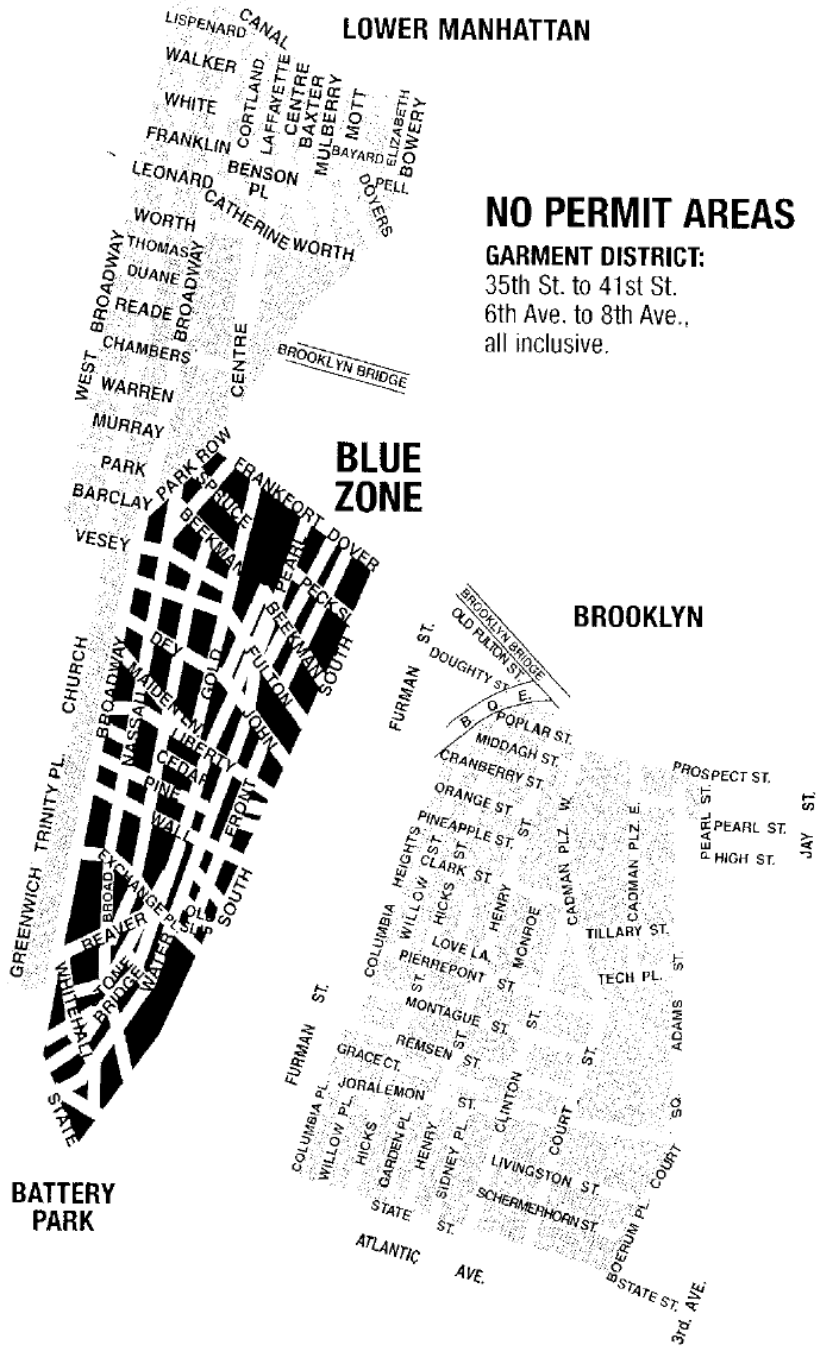
All government owned vehicles with collateral or individual plates in need of a Registration Clearance Notice must meet the following criteria:

- I. For non-Fleet registered vehicles:
 - (a) All judgment summonses must be satisfied.

- II. For Fleet registered vehicles:
 - (a) Clearance notices will be given to vehicles with outstanding judgment debt providing there are no Hydrant (code 40) violations.
 - (b) Fleet vehicles that have collateral plates will be issued a clearance notice providing all collateral plates are Fleet Registered and are void of Hydrant (code 40) summonses.

- III. Clearance Notices must be requested on agency letterhead signed by the Agency Head.

RECOGNIZED ON-STREET PARKING PERMITS 2005/06





Department of Finance

OFFICIAL BUSINESS AFFIDAVIT
FOR CAMERA VIOLATIONS AND/OR PARKING VIOLATION SUMMONS
(Submit this Affidavit, duly notarized, attach summons and copy of permit to your Liaison)

- A. Driver Name, Address, City, State, Zip Code, Job Title
B. Employing Agency
C. Summons/NOL, Date Issued, Violation Code
D. Vehicle Plate Number & State, Owner: Agency Owned, Agency Lease, Privately Owned

The Driver, being duly sworn, and mindful of the penalties of perjury, states:

- 1. I am employed by the above Agency in the above Job Title.
2. I was the operator of the above Vehicle at the time of issuance of the above Parking Violation Summons. I was engaged in performing my official job duties for the Agency, and it was necessary to utilize the Vehicle in the performance of such duties.
3. I am "Not Guilty" of the alleged parking violation because: (Detail fully the nature of the official business which you were engaged in at the time the summons was issued; failure to fully describe the nature of the official business activity will result in the denial of your claim.)

Signature of Driver

Sworn to before me this day, 200

I reviewed this form and concur with the statements:

Name/Signature of Driver's Supervisor