

INDIAN AFFAIRS MANUAL

Part 25

Safety and Risk Management Program

Chapter 4

Motor Vehicle Safety Program

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- 1.1 Purpose.** This chapter documents Indian Affairs' (IA) Motor Vehicle Safety Program policy in order to facilitate the safe operation of a motor vehicle while in the performance of the employee's duties, and the issuance of Motor Vehicle Authorization Card(s) pursuant to existing policies and procedures.
- 1.2 Scope.** This policy applies to all employees under the authority of the Assistant Secretary - Indian Affairs (AS-IA), including offices reporting to the AS-IA, the Bureau of Indian Affairs (BIA), and the Bureau of Indian Education (BIE), who are required to operate a Government-owned or leased motor vehicle, or to operate their personal vehicle as part of their official duties or while on Federal Government business.
- 1.3 Policy.** It is the policy of IA to restrict motor vehicle operations to qualified and authorized persons. Full-time operators and incidental operators must also have in their possession a valid state driver's license, and be in full compliance with IA's Motor Vehicle Safety Program policy and procedure(s).
- 1.4 Authority.**
- A. Statutes and Regulations.**
- 1) P.L. 101-194, Ethics Reform Act of 1989
 - 2) 40 U.S.C. Chapter 1 § 101 et seq., Federal Property and Administrative Services Act of 1949, as amended
 - 3) 40 U.S.C. § 606, Regulations related to operation
 - 4) 41 CFR 101-38.3, Official Use of Government Motor Vehicles
 - 5) 41 CFR 102-5, Home-to-Work Transportation
 - 6) 41 CFR 102-34, Motor Vehicle Management
 - 7) 49 CFR §§ 350-399, Federal Motor Carrier Safety Regulations
- B. Guidance.**
- 1) Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009
 - 2) 412 Departmental Manual (DM) 1: General Program Policies

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- 3) 485 DM 16: Motor Vehicle Safety
- 4) General Services Administration (GSA) Federal Management Regulation (FMR) Bulletin B-2: Wireless Phone Use in U.S. Government Vehicles
- 5) GSA FMR Bulletin B-3: Use of Tobacco Products in U.S. Government Vehicles

C. Handbooks.

- 1) 25 IAM H: Safety and Health Handbook for Field Operations, current version
- 2) Department of the Interior (DOI) Motor Vehicle Management Handbook, April 2019

1.5 Responsibilities.

- A. **AS-IA** is responsible for ensuring that appropriate safety programs are in place and that measures are taken to comply with all applicable Departmental and IA policies and requirements.
- B. **Deputy Assistant Secretary – Management (DAS-M)** provides oversight to the Office of Facilities, Property and Safety Management (OFPSM) and ensures the Safety and Risk Management Program is implemented in compliance with all applicable laws, rules, policies, and procedures. DAS-M ensures that the offices directly involved in Safety and Risk Management have the applicable resources, procedures, and other tools necessary to adequately fulfill their responsibilities.
- C. **Directors and Deputy Directors, BIA and BIE** are responsible for ensuring that employees comply with all applicable requirements of the Motor Vehicle Safety Program.
- D. **Deputy Bureau Director (DBD), Office of Justice Services (OJS)** is responsible for conducting their own review of an applicant's driving record from the appropriate state motor vehicle office(s), documenting any conflicts or concerns with respect to an employee's driving qualifications, and completing eligibility and authorization requirements.
- E. **Director, OFPSM** reports to the DAS-M and is responsible for oversight, policy, and procedures governing IA facilities management and construction, property, safety, and risk management, including the administration and management of the Safety and Risk Management Motor Vehicle Safety Program.

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- F. Director, IA Office of Human Capital Management (OHCM)** is responsible for ensuring applicants for employment meet all requirements if the vacant position requires the incumbent to operate a Government-owned, leased, rented, or personal vehicle in the performance of their duties. Additionally, the OHCM must ensure that each position description includes a statement concerning the requirement to operate a motor vehicle, occasionally operate a motor vehicle, or to not operate a motor vehicle in the performance of his/her duties.
- G. Chief, Division of Safety and Risk Management (DSRM)** is responsible for: oversight, policy, procedures, administration, and management of the Motor Vehicle Safety Program. This includes administering the program for Central Office Headquarters programs in Albuquerque, NM; Boise, ID (National Interagency Fire Center); Lakewood, CO (Division of Energy and Mineral Development and Division of Water and Power); Reston, VA; and Washington, D.C.
- H. Regional Safety Managers** are responsible for all BIA regional programs within the servicing region.
- I. BIE Safety Program Manager** is responsible for all BIE programs.
- J. Supervisors** are responsible for the designation of those positions that require the operation of Government-owned, leased, rented, or personal vehicles as a requirement of the position description, and that qualified full-time operators and incidental operators be in full compliance with the requirements of this policy.
- K. Motor Vehicle Operators** using Government-owned, leased, rented, or personal vehicles when on official Government business must:
- 1) have in their possession a valid state driver's license, a valid government identification badge, and must adhere to the established IA Motor Vehicle Safety Program policy;
 - 2) operate motor vehicles in a safe and prudent manner, and exercise a reasonable degree of care, skill, and judgement in the performance of their duties;
 - 3) refrain from the use of cellphones and smartphones while the vehicle is in motion;
 - 4) ensure that all vehicle occupants wear safety belts;
 - 5) ensure that all vehicle occupants refrain from the use of tobacco products while in IA provided vehicles; and
 - 6) notify his/her supervisor of any physical condition that may affect their ability to operate the vehicle safely.

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1.6 Definitions.

- A. Commercial Motor Vehicle** is a vehicle having a GVWR of 26,001 or more pounds, a vehicle towing a trailer weighing 10,000 pounds or more, a vehicle hauling hazardous material which requires display signs noting the hazardous material content of the vehicle, a vehicle designed to transport 16 or more people, including the driver, or a school bus. Operators of these vehicles must have a valid Commercial Driver's License (CDL).
- B. Commercial Operator** is an employee who operates a commercial vehicle and is required by the state (where operated) or as a condition of employment to possess a CDL.
- C. Employee** means all permanent, temporary, intermittent, and contract employees; interns; student teachers; volunteers; and administratively determined (AD) emergency workers as defined in 5 U.S.C. 2105.
- D. Full-time operator** is any employee who is regularly required to operate a motor vehicle that is inherent in the performance of their duties and is occupying a position officially classified as a motor vehicle operator. Employees are required to have a valid state driver's license and a valid IA Motor Vehicle Operators Authorization card in their possession at all times while driving on official business.
- E. Incidental operator** is any employee who is required to operate a motor vehicle in order to properly carry out his/her assigned duties but whose principal duties are not operating a motor vehicle and his/her position is not classified as a motor vehicle operator.
- F. Motor Vehicle** is a Government-owned, leased, or rented motor vehicle and/or privately owned, leased, or rented motor vehicle, with a gross vehicle weight rating (GVWR) of less than 26,000 pounds, designed to transport up to 16 people (including the driver), and which does not haul hazardous materials or tow vehicles with a GVW of 10,000 pounds or more [e.g. sedans, light trucks, Sports Utility Vehicles (SUVs), All Terrain Vehicles (ATVs), and Utility Terrain Vehicles (UTV's)].

1.7 Standards, Requirements, and Procedures.

A. Special Requirements for Operation of Commercial Motor Vehicles

In addition to established policy governing issuance of a Motor Vehicle Authorization Card, IA employees who drive commercial motor vehicles (having either a GVWR of 26,001 or more pounds, towing a vehicle with a 10,000 pound or more GVWR, hauling

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hazardous material requiring the vehicle to display the required signage and notifications, or operating a vehicle designed to transport more than 16 people including the driver) must:

- 1) Have a valid CDL medical card or certificate if required by the state of domicile or location of employment.
- 2) Notify their supervisor if convicted of any traffic violation other than illegal parking.
- 3) Possess only one CDL, not be prohibited from holding a CDL in any state, and must be at least 21 years old.

B. Identification of Authorized Operators

Authorization to operate specialized equipment (i.e., 4x4 vehicles, dump trucks, front-end loaders, dozers, forklifts, backhoes, skid-steer equipment, snowmobiles, ATVs, UTVs, etc.) must be noted in the Official Personnel File or maintained by the applicable supervisor.

C. Special Requirements for Transporting School-Age Children

Drivers who transport school-age children must be licensed in accordance with regulations administered by the Federal Highway Administration and the states wherein the children are transported. Supervisors are responsible for ensuring drivers comply with all applicable requirements set forth by the Federal Highway Administration and respective state(s).

D. Federal, State, Local, and Agency Requirements for Operating a Government Vehicle

It is important that the employee understand the requirements and restrictions for operating a Government-owned or leased motor vehicle.

- 1) All motor vehicle operators using Government-owned or leased motor vehicles must comply with Federal requirements for operating a government vehicle.
- 2) Federal law requires all vehicle occupants wear safety belts.
- 3) The Executive Order issued October 1, 2009, prohibits text messaging while the vehicle is in motion. Certain state and local jurisdictions prohibit the use of mobile communication devices (to include cellphone, smartphone, texting) while

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the Government-owned or leased motor vehicle or personal vehicle is in motion. IA prohibits the use of cellphones and smartphones while the Government-owned or leased motor vehicle is in motion.

- 4) GSA prohibits the use of tobacco products in GSA fleet vehicles. Agencies are encouraged to prohibit the use of tobacco products in motor vehicles owned or leased by the Agency.
- 5) All vehicle occupants must not consume alcohol or use prohibited substances or prescription medicines (if operation of a motor vehicle is prohibited pursuant to the Food and Drug Administration (FDA) or manufacturer's instructions) while in a Government-owned or leased motor vehicle.

E. Use of Privately Owned Vehicles (POV) for Official Business

When an employee is authorized (Approved Travel Authorization) to use a POV to conduct official business, the authorization must be in writing and the head of the bureau or office must also consent to liability for the damages. Otherwise, use of the personal vehicle will be at the risk of the employee and no payment will be authorized. Reimbursement for the use of the POV is on a cost-per-mile basis.

F. Driving Limitations

- 1) **Maximum Driving Time Restriction:** Employees will not exceed eight hours of driving time (behind the wheel), to include use of specialized equipment, during a 16-hour duty period.
- 2) **Rest Requirement:** At least eight consecutive hours of rest, without duty, are required prior to each duty period requiring driving. Breaks of 15 minutes are recommended every two hours when driving continuously.
- 3) Managers or employees may place further limitations on the above hours of duty or driving time due to hazard factors (e.g., fatigue, weather, poor road conditions, distance, illness, driving hours between 10 p.m. and 5:00 a.m., etc.).

G. Authorization Procedures

- 1) All full-time operators must annually submit to their supervisor GSA Form 3607, Motor Vehicle Operator's License and Driving Record, for renewal. In completing the form, individuals will provide a response to all questions (Section II) and certify that their statements are true and correct to the best of their knowledge (Section III). This form can be found on the GSA webpage here:

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<https://www.gsa.gov/forms-library/motor-vehicle-operators-license-and-driving-record>.

- 2) Supervisors will review the GSA Form 3607 for accuracy and completeness, complete and sign Section IV - Supervisory Review, and forward it to the appropriate Safety Office.
- 3) The designated Safety Office will review the submitted form and request a copy of the applicant's driving record from the appropriate state motor vehicle office(s), document any conflicts or concerns with respect to an employee's driving qualifications, and return GSA Form 3607 with certification to the supervisor after processing.
- 4) Upon a receipt of a favorable review of the driving record, the designated Safety Officer for the assigned duty station(s) will complete Section V - Certification of Eligibility and Authorization, sign and date, certifying that the individual meets IA driver qualifications.
- 5) With the Safety Officer's certification, the supervisor may issue an IA Motor Vehicle Operator Authorization Card. The card will be issued for a period of five years. Operator Authorization Cards are available from the servicing Safety Office and are also located on the IA Online Forms webpage here: <https://www.bia.gov/policy-forms/online-forms>
- 6) If the Safety Officer's report indicates that the applicant is not qualified, the supervisor will not issue, or will revoke, a Motor Vehicle Operator Authorization Card. Supervisors are reminded that they may be personally liable if they authorize an employee to operate a motor vehicle on Federal Government business if an employee is determined not to be qualified by virtue of failing to meet qualification standards.
- 7) All incidental operators must annually submit to their supervisor the IA Annual Incidental Motor Vehicle Operator's Certification. This form can be found on the IA Online Forms webpage here: <https://www.bia.gov/policy-forms/online-forms> In completing the form, incidental operators will certify that their statements are true and correct to the best of their knowledge. The supervisor must submit a copy to the servicing Safety Office within ten (10) business days.

H. Periodic Medical Evaluation

CDL operators must demonstrate they are medically qualified to operate the vehicle safely. Employees with a CDL must meet the requirements of their position

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description. Documentation of medical qualifications will be maintained by individual employees. Supervisors are responsible to ensure that CDL operators maintain a valid certification. When there is any question as to any driver's ability to perform these tasks, the employee must be referred for a medical examination. Supervisors should refer to their Human Capital Management Office to accomplish this action.

I. Corrective Action

Unsafe drivers will not drive on official business. Any driver who has been involved in two or more accidents in a 12 month period while on official duty, or is careless, uses poor judgment at the wheel, or has numerous driving violations, may have their IA driving privileges suspended or revoked even though they possess a valid state driver's license. Immediate Supervisors will investigate and report to the next level of supervision the circumstances and action taken in regard to the driving record of subordinates, and notify the Human Capital Management office if driving privileges will be revoked.

Supervisors are reminded that they may be personally liable if they authorize an employee to operate a motor vehicle on Federal Government business even though an employee is determined to be not qualified by virtue of failing to meet the qualification standards. Employees will be denied authorization to operate a Government vehicle and/or be subject to disciplinary action as a result of the following situations:

- 1) Leaving the scene of an accident.
- 2) Operating a vehicle under the influence of alcohol and/or drugs.
- 3) Revocation or suspension of an employee's state license.
- 4) Recurring traffic or safety violations.
- 5) Physical or mental impairments, pursuant to 5 CFR 930.113f.
- 6) Operating a vehicle in a reckless manner.
- 7) Driving without a seat belt or allowing passengers to ride without a seat belt.
- 8) A report from the state that reflects the above situations or that may contain additional information indicating a review of the license application.

J. Penalties

Employees must be informed of the potential penalties (see 49 CFR 383 and 391) for failure to operate motor vehicles in a safe and lawful manner.

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K. Driver Training Requirements

- 1) All full-time operators must successfully complete a defensive driving course within three months of his/her official start date, and refresher driver training every three years. The GSA online defensive driving course content meets the intent of this training. The course can be found here:
<https://www.gsa.gov/acquisition/products-services/transportation-logistics-services/vehicle-leasing/national-safety-program/online-driver-safety-offerings>
- 2) All employees are encouraged to refresh their safety awareness in the operation of motor vehicles by undertaking the course of instruction.
- 3) Training requirements for specialized equipment such as ATVs, UTVs, dozers, loaders, graders, etc., are contained in the BIA Safety and Risk Management Handbook, Topic 4, Motor Vehicle and Equipment Safety, and Topic 5, Heavy Equipment.

1.8 Reports and Forms.

The Motor Vehicle Operator Report must be submitted by the Regional Safety Manager and the BIE Safety Program Manager to the DSRM no later than the 10th day of each month. The report is submitted for the previous month activities. The report template can be located on the IA Online Forms webpage here: <https://www.bia.gov/policy-forms/online-forms>

Approval

JASON FREIHAGE Digitally signed by JASON FREIHAGE
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Jason Freihage
Deputy Assistant Secretary –Management

Date