

**Reference:** Finance and Administration  
**Title:** VEHICLE USE POLICY  
**Policy Number:** 03-02-13  
**Effective Date:** 03/10/2020

## **I. Purpose**

The purpose of this policy is to define the appropriate use of NFTA/Metro non-revenue vehicles. This Policy applies to all NFTA/Metro employees. Any violation of this policy may result in disciplinary action. Employees should be familiar with the following related policies:

03-01-03 – Parking Tickets  
03-02-05 – Hand-Held Mobile Telephones  
03-02-08 – Travel Guidelines  
03-02-09 – Use of Authority Assets  
04-03-08 – Prohibited Activities  
07-01-06 – Accident Reports – Authority Owned Vehicles

## **II. Policy**

### **Eligibility for Use of NFTA/Metro Vehicles**

1. Any person driving a NFTA/Metro vehicle must be an employee of the NFTA/Metro.
2. Any person driving a NFTA/Metro vehicle must have a valid driver's license of the class required for the vehicle being operated. Every person who may use a NFTA/Metro vehicle is required to immediately inform his or her supervisor of any license revocation, suspension, or restriction.
3. The NFTA participates in the LENS program administered by the Department of Motor Vehicles in order to receive reports of driver license revocations, suspensions, and restrictions. No person shall be allowed to operate a NFTA/Metro vehicle if there has been a change in licensure that restricts driving privileges unless the operation of the NFTA/Metro vehicle complies with such restrictions. The NFTA retains the right to require any person using a NFTA/Metro vehicle to participate in a safe driving program.

### **Assignment of Pool Vehicles**

1. The NFTA has a very limited number of pool vehicles. Pool vehicles may be used by employees on an as needed basis to carry out NFTA/Metro business.
2. The Executive Director of the NFTA shall not be assigned a vehicle on a permanent basis but shall have unrestricted use of pool vehicles subject to the restrictions set forth in this policy.
3. No NFTA/Metro Vehicles will be assigned to specific employees. As a general rule, only employees who are first responders, who are on call 24 hours per day, or who are responsible for ensuring public safety will be allowed to take NFTA/Metro Vehicles home or use vehicles for commuting purposes. These vehicles will be limited to the NFTA Chief of Police, NFTA Police Captains, K-9 Vehicles and the Chief of the ARRF at the BNIA.

The NFTA will review individual assignments of vehicles on no less than an annual basis. If at any time the job duties change and the individual vehicle assignment is no longer warranted,

such assignment shall be terminated. Any new individual assignments must be approved by the Executive Director.

4. In circumstances where a pool vehicle is not available, the NFTA may allow employees to use either a rental car (for out of town travel only) or their personal vehicle. NFTA/Metro employees who may be entitled to reimbursement of travel expenses should review the NFTA travel guidelines. (see policy 03-02-08 – Travel Guidelines)
5. Employees with physical disabilities who own specially equipped personal vehicles are authorized to use their personal vehicles when automobile transportation is required to perform official NFTA functions.

### **Use of NFTA/Metro Vehicles**

- 1 NFTA/Metro Vehicles may be used only for official NFTA/Metro business, and their use for any personal business is strictly forbidden except under very limited circumstances where (i) personal use such as commuting is expressly authorized by the Executive Director or (ii) the personal use is incidental to official business (see examples below). Even in cases where personal use is authorized or is incidental to official business, each person operating a NFTA/Metro vehicle is expected to exercise good judgment to avoid the appearance of impropriety.

All personal use of NFTA/Metro Vehicles prohibited unless the personal use is incidental to official business.

- 2 NFTA/Metro Vehicles should not be used to transport passengers unless they are: (i) NFTA/Metro employees engaged in official business, (ii) non-NFTA/Metro employees engaged in official business with NFTA/Metro employees, or (iii) persons in the control or custody of the agency. Picking up or dropping off friends or family members at their place of employment or school in a NFTA/Metro vehicle-regardless of their status as NFTA/Metro employees-is strictly prohibited.
- 3 Due to the public nature of the work being performed when operating a NFTA/Metro vehicle, persons using a NFTA/Metro vehicle have a limited expectation of privacy in connection with such use. State agencies and authorities expressly reserve the right to monitor and record the use of any equipment they issue or assign for a legitimate work-related purpose, and NFTA/Metro Vehicles are no exception. Accordingly, the use of a NFTA/Metro vehicle may be monitored and recorded at any time by visual, documentary, or electronic means.

### ***Illustrative Examples***

Example 1. *An employee who is required to stay overnight for an out of town meeting drives the NFTA/Metro vehicle to a restaurant in close proximity to the overnight lodging in order to have dinner.*

All vehicle use in this example is **consistent with this Policy** because the NFTA/Metro vehicle is used for official business and the personal use (driving to and from the restaurant) is incidental to official business.

Example 2. *An employee has an all-day meeting in a different part of the State. Because it would not be practical to pick up or drop off the vehicle from the official work location on the day of the meeting, the employee takes a NFTA/Metro vehicle home the evening prior to the meeting,*

*drives to the meeting early the next morning, drives home that evening, and returns the vehicle the following morning.*

All vehicle use in this example is consistent with this Policy because driving from the official work location to home and from home back to the official work location is personal use incidental to official business.

**Example 3.** *Same facts as Example 2, except that on the trip back to home the employee stops to pick up a loaf of bread and a gallon of milk at a supermarket that is on the route home.*

All vehicle use in this example is consistent with this Policy because the brief stop at the supermarket, while clearly personal, is a minor deviation from official State business and is considered incidental to official NFTA/Metro business.

**Example 4.** *Same facts as Example 3, except that instead of stopping briefly at a supermarket on the route home, the employee stops at an outlet mall just off the highway to shop for one hour.*

Even assuming that the employee stops at the outlet mall outside of his or her regular work hours, using the NFTA/Metro vehicle for outlet shopping violates this Policy. Unlike the stop in Example 3, the purpose of this detour is not to obtain necessary items of sustenance (such as bread and milk), nor is the detour brief. For these reasons, the personal use of the vehicle is clearly not incidental to official business.

**Example 5.** *An employee takes a vehicle home overnight prior to an all-day meeting in another part of the State and leaves his vehicle at his official work location. He has tickets to a ball game the evening before his trip, and because the only vehicle he has available is the NFTA/Metro vehicle, he drives himself and three friends to the ball game.*

Using the NFTA/Metro vehicle to take friends to the ball game violates this Policy for two reasons. First, travel to and from the ball game is clearly personal and not connected in any way to official NFTA/Metro business. Second, carrying persons who are not NFTA/Metro employees and who are not engaged in official NFTA/Metro business violates this Policy and creates a potential liability for the NFTA/Metro.

**Example 6.** *A Metro Rail employee at the Yards & Shops takes a Metro Rail vehicle at lunchtime for the sole purpose of getting lunch at the food court in downtown Buffalo.*

Using the NFTA/Metro vehicle to get lunch violates this Policy. Travel to and from the food court is clearly personal and not connected in any way to official NFTA/Metro business.

## **Vehicle Use Logs for Pool Vehicles**

1. The NFTA shall maintain a vehicle use log for all NFTA/Metro Vehicles. Such logs shall require any person using a NFTA/Metro vehicle to record at least the following information: employee name, dates and times of use, driver and occupants of the vehicle, starting location and destination, purpose of the trip, starting and ending odometer readings, fuel and oil purchases, and employee signature.

2. Each leg of a trip should be separately recorded in the vehicle use log. For example, if an employee who has an all-day meeting in a different part of the State takes a NFTA/Metro vehicle home the evening prior to the meeting, drives to the meeting the next morning, drives home that evening, and returns the vehicle the following morning, she should separately record: (1) the trip from the official work location to home, (2) the trip from home to the meeting, (3) the trip from the meeting back to home, and (4) the trip from home to the official work location to return the vehicle.
3. Vehicle use logs shall be collected, reviewed, and approved as to completeness and accuracy by a designated supervisor on a regular basis. The frequency of such review and approval (e.g., weekly, monthly) shall be reasonable in light of the overall vehicle use by the agency or authority. Senior staff of the authority shall conduct periodic audits of the vehicle use logs to monitor vehicle use to ensure that such use is consistent with this Policy. Vehicle use logs shall be maintained in accordance with the authority's record retention policy.

### **General Requirements and Restrictions**

1. NFTA/Metro Vehicles must always be operated in full compliance with all applicable Federal, State, and local laws and regulations, and NFTA/Metro policies.
2. Use of seat belts by drivers and all passengers, regardless of seating location, in NFTA/Metro Vehicles is mandatory.
3. No person driving a NFTA/Metro vehicle may send or view e-mails or text messages while driving.
4. No person driving a NFTA/Metro vehicle may use a mobile telephone or other electronic communication device (e.g., blackberry) to engage in a telephone call while driving unless the mobile telephone or other electronic communication device is used in hands-free mode. Even hands-free calling should be conducted only if it does not interfere with the safe operation of the vehicle. Because of the inherent dangers of distracted driving, all drivers are strongly encouraged to conduct calls only while the vehicle is safely off the highway and not in motion.
5. No person driving a NFTA/Metro vehicle may use alcohol or drugs that would impair driving.
6. Possession or use of alcohol, illegal drugs, or other intoxicating substances by any person in a NFTA/Metro vehicle is strictly prohibited.
7. Smoking in NFTA/Metro Vehicles is strictly prohibited.
8. All persons are prohibited from carrying, possessing, or transporting firearms, other weapons, or explosive devices in a NFTA/Metro vehicle unless expressly authorized to do so in connection with carrying out their official duties.
9. The use of radar detectors in NFTA/Metro Vehicles is strictly prohibited.
10. Except as otherwise required by traffic, weather, or road conditions, travel should be by the most direct route possible taking into consideration cost-effectiveness, actual distance traveled, and the time to travel such distance.
11. Parking tickets, permits, or placards that grant special parking privileges for NFTA/Metro Vehicles may be used only for official NFTA business.
12. The driver of a NFTA/Metro vehicle shall be personally responsible for all parking, moving, and E-ZPass violations.

13. Unless expressly authorized by the NFTA, no banners, advertising, placards, decals, or stickers may be placed on a NFTA/Metro vehicle.
14. Employees should notify their supervisor and the Claims Department immediately if any vehicle is involved in an accident.

#### **I. Dissemination and Acknowledgement**

The NFTA shall ensure that this Policy is provided on at least an annual basis to all employees who use NFTA/Metro Vehicles or who may use NFTA/Metro Vehicles and that such employees acknowledge in writing that they have received and read this Policy. Written acknowledgement by e-mail or other electronic means is acceptable. Employee acknowledgements shall be maintained on file with the agency or authority.