



## Office of Information Technology Services

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<b>Office of Information Technology Services Standard</b>	<b>No:</b> ITS-S18-001
<b>ITS Standard:</b>  <b>Fleet Management Usage</b>	<b>Updated:</b> 12/01/2020
	<b>Issued By:</b> NYS Office of Information Technology Services  <b>Owner:</b> Facilities Services Office

## 1.0 Purpose and Benefits

The Office of Information Technology Services (ITS) has responsibility for managing and maintaining the vehicles under its control. The acquisition, assignment and use of vehicles is based on periodic analysis of all available options for providing transportation, including such alternatives as public transportation and vehicle rentals. The analysis of alternatives will reflect the following statewide policy objectives:

- Using the most economical means of transportation.
- Acquiring vehicles in a cost-effective manner.
- Becoming more energy efficient and environmentally aware.

## 2.0 Authority

*Section 1 of Executive Order No. 117<sup>1</sup>*, established January 2002, charges the State Chief Information Officer with overseeing and supervising the management and operations of the Office of Information Technology Services (ITS). *Section 102(2) of the State Technology Law* gives the Director of ITS responsibility for the administration of ITS. Details regarding this authority can be found in NYS ITS Policy, [NYS-P08-002 Authority to Establish Enterprise Information Technology \(IT\) Policies, Standards, and Guidelines.](#)

The Secretary to the Governor issued a State Vehicle Use Policy, dated November 27, 2013, *State Vehicle Use Policy Memoranda* (Vehicle Policy § I) that directed each State

<sup>1</sup> All references to Executive Order 117 refer to that which was originally issued by Governor George E. Pataki on January 28, 2002 and continued by Executive Order 5 issued by Governor Eliot L. Spitzer on January 1, 2007, Executive Order 9 issued by Governor David A. Patterson on June 18, 2008, Executive Order 2 issued by Governor Andrew M. Cuomo on January 1, 2011, and Executive Order 6 issued by Governor Kathy Hochul on October 8, 2021.

agency and public authority to adopt vehicle use, control, and assignment procedures consistent with the Policy. The Policy is incorporated herein by reference.

### 3.0 Scope

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This standard is intended for all ITS employees or other persons expressly authorized by the Chief Information Officer (CIO) who operate a State Vehicle (drivers).

This standard applies to all ITS owned, or leased, vehicles. Any use of another agency's State Vehicle is subject to that agency's fleet policy.

### 4.0 Information Statement

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Within ITS, the Facilities Services Office ("Facilities") is responsible for managing the Agency's Fleet and maintaining a formal written fleet management standard. Facilities will also provide for proper maintenance of records on the Agency's Fleet including its condition, cost and usage, and will review measures of the efficiency of the Agency's Fleet in accordance with this standard.

#### 4.1 Eligibility for Use

1. Before being allowed to operate a State Vehicle, the driver must first read and sign the Fleet Vehicle New Driver Agreement Form.
2. Drivers must be a NYS ITS employee or other person expressly authorized by the CIO that is providing service to the State.
3. Drivers must have a valid NYS driver's license of the class required for the vehicle being operated and are required to immediately inform their supervisor of any license revocation, suspension, or restriction. This requires all potential drivers to supply their driver's license number; if such information is not provided, they will be ineligible to drive a vehicle.
4. ITS participates in the License Event Notification Service (LENS) program administered by the Department of Motor Vehicles (DMV). The LENS program provides Facilities with reports of driver license revocations, suspensions, and restrictions.
5. ITS retains the right to require any driver using a State Vehicle to participate in a safe driving program and/or revoke driving privileges for any person(s) whose driving habits or record indicate: (i) pattern of unsafe operation; (ii) change in licensure as a result of DMV action which restricts driving privileges, unless the operation of the State Vehicle complies with such restrictions; or (iii) any incident or series of incidents that reasonably appear to reflect adversely on driving skills or ability.
6. Any driver who uses or may use a State Vehicle must annually receive the State Vehicle Usage Policy and acknowledge in writing to Facilities that they have

received and read those documents. Written acknowledgement by email or other electronic means is acceptable. Facilities will maintain the acknowledgements.

7. Non-compliance with this policy may result in a loss of eligibility for use of State Vehicles.

## **4.2 Assignment of Vehicles**

1. All State Vehicles controlled by ITS will be deemed part of the vehicle pool of ITS. State Vehicles will be assigned from the pool to approved drivers on an as needed basis to carry out State business.
2. State Vehicles may be assigned to specific employees only in extraordinary circumstances, and only when approved by the Director of State Operations or the Director's designee. When requesting approval for the individual assignment of State Vehicles, ITS shall provide:
  - a. A list of job titles and circumstances for which individually assigned vehicles are requested, and information as to whether the vehicle may be taken home at night or used for commuting purposes, or whether the vehicle will be parked at State facilities when not in use.
  - b. For each job title, an explanation in support of the request for individually assigned vehicles. In cases where there is a need to carry specialized tools or equipment to accomplish job duties, it may be appropriate to individually assign a vehicle, but the vehicle should be parked at a State facility when not in use. As a 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 State vehicles home or use vehicles for commuting purposes. Facilities shall maintain a record of any such approvals.
3. ITS shall 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 Director of State Operations as set forth above.

## **4.3 Use of State Vehicles**

State Vehicles should be used whenever possible for State business instead of a personal vehicle. A list of vehicles and contacts is available from Facilities at (518) 402-2205 or via email at [its.sm.admin.support@its.ny.gov](mailto:its.sm.admin.support@its.ny.gov).

1. State Vehicles may be used only for official State business, and their use for any personal business is strictly forbidden except under very limited circumstances where the personal use is incidental to official business (as described below).

The following are examples of appropriate use of a State Vehicle for official business:

- a. An employee uses a vehicle to travel from the employee's official work location to an official State event and back to the work location.

- b. An employee who has a meeting in a different part of the state takes a State Vehicle home the previous evening, drives to the meeting, drives home that evening, and returns the vehicle the following morning. In this example, driving from the work location to home (even if the employee stops at a store on the way home to pick-up a personal item) is considered personal use incidental to official business and is permitted.
- c. An employee who is required to stay overnight may drive the State Vehicle to a restaurant for a meal after work hours if the restaurant is within reasonable proximity to the overnight lodging.

The following are examples of inappropriate use of State vehicles:

- a. An employee uses a State Vehicle to commute between the employee's home and official work location unless commuting is specifically authorized by the Director of State Operations.
- b. An employee takes a State Vehicle home overnight prior to a meeting in another part of the state but uses the vehicle that evening to take three friends to a leisure activity. Travel to and from the leisure activity is not considered incidental personal use and is not permitted. In addition, carrying persons who are not State employees and who are not engaged in official State business violates this Policy and creates a potential liability for the State.

Even in cases where personal use is authorized or is incidental to official business, each driver operating a State Vehicle is expected to exercise good judgment to avoid the appearance of impropriety.

- 2. All personal use of State Vehicles must be reported on the State Vehicle Usage Record unless the personal use is incidental to official business. For any personal use that is not incidental, the user of the State Vehicle must reimburse ITS the value of such use, or the value must be treated as imputed personal income for tax purposes.
- 3. In circumstances where neither mass transit nor a State Vehicle is available, employees may use the least expensive option of either a rental car suitable under the circumstances or their personal car. Employees must use the "trip calculator" found on the Office of General Services' (OGS) website: <http://www.ogs.ny.gov/bu/ss/trav/calculators.asp> to determine which mode is cheaper. Employees may opt to use their personal cars in non-optimal situations but will only be reimbursed for the lesser value of the car rental or available mass transit.
- 4. Employees who may be entitled to reimbursement of travel expenses should review the Office of the State Comptroller Travel Manual and other guidance documents located at: <https://www.osc.state.ny.us/agencies/travel/travel.htm>.
- 5. When approved to drive a State Vehicle, the approved driver may pick up the vehicle at its designated location. As a rule, vehicles are to be picked up and dropped off at the same State facility and may not be driven to the approved driver's home.

6. 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 business.
7. State Vehicles should not be used to transport passengers, unless they are State employees engaged in official business or non-State employees engaged in official business with State employees. Transporting friends or family members in a State Vehicle is strictly prohibited.
8. Due to the public nature of the work being performed when operating a State Vehicle, drivers have a limited expectation of privacy in connection with such use. ITS expressly reserves the right to monitor and record the use of any equipment it issues or assigns for legitimate work-related purposes, and State vehicles are no exception. Accordingly, the use of a State Vehicle may be monitored and recorded at any time by visual documentary or electronic means.
9. Additional guidance for fleet vehicle use is available at the Driver's Guide located at Section 9.0, Related Documents.

#### **4.4 General Requirements and Restrictions:**

1. State Vehicles must always be operated in full compliance with all applicable Federal, State, and Local laws and regulations.
2. The driver is responsible for ensuring that the vehicle is in proper working order, has a valid vehicle registration affixed to the vehicle, a valid inspection sticker affixed to the vehicle, and the interior and exterior is maintained. Any missing information or issues must be reported to Facilities.
3. The driver should become familiar with the vehicle owner manual to ensure proper use and maintenance of the vehicle.
4. State Vehicles must be operated in a manner consistent with reasonable practices that avoid abuse, theft, neglect, or disrespect of the equipment. Theft or vandalism is to be reported immediately by a driver to the local police and their supervisor who will notify Facilities immediately.
5. State Vehicles must be locked after each use and the keys must be returned to their appropriate, secure location. Keys may never be left inside an unsecured vehicle.
6. Use of seat belts by drivers and all passengers, regardless of seating location, in State Vehicles is mandatory.
7. No driver may send or view emails or text messages or social media while driving.
8. No driver 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.

9. No driver may use alcohol, or drugs that would impair driving. Possession or use of alcohol, illegal drugs, or other intoxicating substances by any person in a State Vehicle is strictly prohibited.
10. Smoking in State Vehicles is strictly prohibited.
11. All persons are prohibited from carrying, possessing, or transporting firearms, other weapons or explosive devices in a State Vehicle unless expressly authorized to do so in connection with carrying out their official duties.
12. The use of radar detectors in State Vehicles is strictly prohibited.
13. 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.
14. Parking tickets, permits, or placards that grant special parking privileges for State Vehicles may be used only for official business.
15. The driver of a State Vehicle shall be personally responsible for all parking, moving, and E-Z Pass violations.
16. Unless expressly authorized by ITS, no banners, advertising, placards, decals, or stickers may be placed on a State Vehicle.

#### **4.5 Use of Drivers**

An ITS employee may have an ITS-approved driver drive the ITS employee in an ITS State Vehicle for official business but driving another ITS employee cannot be the sole or primary duty of the ITS employee.

#### **4.6 Vehicle Use Records**

1. ITS Points of Contact (POC) maintain a State Vehicle Usage Record ("the Record") for each vehicle assigned to that location along with a calendar for booking.
2. The Record requires any approved driver using a State vehicle to record at least the following information: Driver's name, dates and times of use, occupants of the vehicle, starting location and destination, purpose of the trip, starting and ending odometer readings, fuel and oil purchases, and driver's signature. Any personal use must be clearly identified as such in the record. Drivers are responsible for verifying the odometer reading before leaving and during each leg of the trip. Fuel and maintenance receipts must be attached to the Record except for personal use that is incidental to official business.
3. Each leg of the trip must be separately recorded in the Record. For example, the approved user must record the trip from the official work location to the meeting and then from the meeting location back to the official work location.
4. Each driver must complete all information in the Record for the day(s) used. Drivers must print and sign to certify that the record is a correct and accurate report of the vehicle usage.

5. The POC should review the Record after each trip for legibility and completeness. If information is illegible or incomplete, the POC should immediately follow up with the individual driver for clarification.
6. When a Record is complete for the month, POC's shall collect and review for completeness and accuracy. All pages must be signed by the POC. The signature acknowledges "to the best of my knowledge and belief, this appears to be accurate and complete." The Records are to be returned to Facilities by the 1<sup>st</sup> Friday of the month. Senior staff within Facilities shall conduct monthly and annual audits of the Records to monitor vehicle use and to ensure that such use is consistent with this Standard. Vehicle use records shall be maintained in accordance with ITS-P07-004 Official Records Retention and Disposition Policy.

#### **4.7 Vehicle Maintenance**

State Vehicles must be serviced and maintained according to factory recommendations. OGS has a contract with a national fleet maintenance account program whereby State Vehicles can receive repairs and maintenance services, including car washes. It is the POC's responsibility to ensure that all prescribed schedules and any routine maintenance reminders are followed, as well as promptly responding to any observed warning signs or sounds. Each POC is responsible for scheduling oil changes, maintenance and inspections on the State Vehicle assigned to their location, at an OGS contracted facility. State Vehicles are required to be kept neat and clean. Any damage to the State Vehicle is to be reported to Facilities as soon as possible.

Upon notice of a manufacturer's recall involving a State vehicle, Facilities will inform the POC who must expeditiously ensure that such recall is addressed accordingly.

1. Each State Vehicle's glove compartment is to contain
  - a. A copy of the vehicle registration.
  - b. A maintenance card. This card covers the cost of vehicle maintenance, general repairs, inspections, and oil changes at various vendor locations in New York State.
  - c. The operator's manual for the vehicle.
2. Each State Vehicle has a binder that must contain
  - a. The current month's Vehicle Usage Record.
  - b. The vehicle key.
  - c. A NYS fuel credit card. This allows for purchase of fuel at State operated fueling sites.
  - d. The list of NYS operated fueling sites. This list is also on the OGS website, Fueling Facilities. This includes the following fuels: CNG, ethanol (E-85), unleaded, and biodiesel.
  - e. A contracted commercial vendor fuel card. If you are not near a NYS fueling facility, this card may be used for fuel purchases.



- f. A list of participating contracted commercial vendors.
  - g. A Report of Motor Vehicle Accident (MV-104) form:  
<http://dmv.ny.gov/forms/mv104.pdf>.
  - h. A hardcopy of ITS-S18-001 Fleet Management Usage Standard.
  - i. A Driver's Guide for ITS Pool Vehicle Use and Accident/Breakdown Reporting.
3. Fueling
- a. State operated fueling sites should be used whenever possible.
  - b. When using commercial fueling sites, self-service pumps should always be utilized. Regular grade fuel should be purchased unless the vehicle owner manual specifies otherwise. The contracted commercial vendor card can be used for fuel and emergency items only.
4. Fuel Credit Card Usage
- a. Fuel credit cards, (State and contracted commercial vendor), can only be utilized in connection with the State Vehicle assigned such cards. Fraudulent use of the fuel credit cards may subject the user to administrative action including suspension, termination, restitution, and referral for criminal investigation.
  - b. Current contracted commercial vendor fuel credit cards are for use only at the accepted State-operated fuel facilities and commercial fuel stations. Drivers are responsible for their own Personal Identification Numbers, and they are not to be transferred or exchanged between drivers.
  - c. The NYS fuel credit card is to be utilized only for fuel purchases at State-operated fuel facilities that do not accept the commercial vendor fuel credit card. It is not valid for commercial use.
  - d. The driver using the fuel credit card is responsible for always safeguarding the card. It must never be left in an unsecured vehicle. If a fuel credit card is lost or stolen, the driver must immediately notify Facilities who will immediately notify OGS Fleet Management so that the card can be cancelled, and a replacement issued.
5. E-ZPass Usage
- a. E-ZPass tags may be supplied with the State Vehicle. State provided tags are numbered and assigned to a vehicle license plate. The tags should not be removed from their assigned State Vehicle or transferred to any other vehicle.
  - b. E-ZPass tags are for State Vehicles only. Use of State-provided tags in personal vehicles, or for any non-work-related purpose, may result in administrative action that could include suspension, termination, restitution, and referral for criminal investigation.



- c. Loss or malfunction of the E-ZPass tag must be reported immediately to Facilities. Failure to report may subject the driver to administrative action.
- d. Drivers must obey speed limits posted at E-ZPass lanes. E-ZPass reports violations to Facilities. The Director of Administration will be notified of these violations. Repeated misuse will result in an automatic suspension of the E-ZPass tag by the E-ZPass system and may lead to a revocation of the driver's vehicle use privileges and potential administrative action against the driver.

#### 6. Vehicle Modifications

- a. Modifications to a State Vehicle are not permitted without Facilities and Executive approval.
- b. No modifications to a State Vehicle may be performed which alter the emission systems or which would render the vehicle unable to pass New York State inspection.

### 4.8 Vehicle Repairs

#### 1. Emergency Service or Repairs

- a. If you are in the Capital District area during regular business hours and need roadside assistance, make yourself safe and contact the ITS Facilities Services Office at (518) 402-2205. If you are out of the area or it is after hours or a weekend, or you are unable to reach Facilities, make yourself safe and contact the contracted roadside assistance vendor (see the Driver's Guide, Maintenance-Breakdowns-Repairs, located at Section 9.0, Related Documents for further instructions). Advise your supervisor and ITS Facilities Services Office as soon as possible.
- b. Employees are not required to use leave credits for time utilized on emergency vehicle repairs, provided the emergency occurs during the performance of official duties.

#### 2. Routine and Preventative Maintenance

- a. Driver must notify supervisor. Any repairs needed must be approved by Facilities prior to scheduling. Employees are not required to utilize leave credits for time spent on emergency vehicle repairs provided the emergency occurs during the performance of official duties.
- b. Additional guidance for fleet vehicle repairs is available at the Driver's Guide located at Section 9.0, Related Documents.

### 4.9 Risk Management

To minimize risk of an accident, drivers are to always observe all State and Local traffic laws and use defensive driving techniques. Accidents will be reviewed to determine preventability. A driver that has been involved in an accident may be required to attend a defensive driving course.

Any changes to a driver's record for a revoked or suspended license must be reported immediately to Facilities. Failure to report a revoked or suspended license while in possession of a State Vehicle could result in disciplinary action.

In the event of an accident, a driver is to follow these steps **immediately**, or as soon as practicable:

1. Contact emergency services (911) as necessary.
2. If the vehicle will need to be towed, contact the contracted roadside assistance vendor (see the Driver's Guide, Maintenance-Breakdowns-Repairs, located at Section 9.0, Related Documents for further instructions). Write down the claim # and where the vehicle will be towed.
3. Complete MV-104 "Accident Report Form" and when applicable, a Police Report. Accidents involving bodily injury always require Police to be summoned to the scene of the accident. Each person involved in the accident must be included on the [MV-104 form](#) with all their pertinent information.
4. Get witness information if possible. Take pictures of the accident scene and damage.
5. Notify your Supervisor and Facilities.
6. Forward all information/reports to Facilities.

ITS is required to report all State Vehicle and equipment accidents involving State employees in the course and scope of their employment to allow for review by the NYS Accident Review Board within ten (10) days of occurrence if the accident meets any one of the following criteria:

1. An incident involving a fatality.
2. An incident which has had or will have a significant negative impact on New York State's insurance premiums and/or insurance coverages.
3. An incident in which the New York State operator has accumulated two (2) or more moving accidents (i.e., vehicle in motion) within a 24-month period.
4. An incident in which a State Vehicle(s) is deemed to be a "total loss" where frequency and/or cost appear to be factors.
5. An incident resulting in \$5,000 or more in property damage.
6. An incident resulting in \$10,000 or more in bodily injury damages.
7. An incident raising questions or concerns about fleet policy or procedure from a State risk management perspective.
8. An incident that is a legal violation that is reported through the Department of Motor Vehicles LENS program.

ITS is responsible for submitting all pertinent information about these incidents and requires the driver to submit as much of the following information as it applies, including:

- Detailed description of incident
- Department of Motor Vehicles MV-104 form
- Police reports and all internal reports

- Applicable pictures of the incident scene (e.g., skid marks, impact zones) and vehicle/equipment damage
- Documents which may bear on the incident (e.g., timesheets, daily logs, training records)
- Any Uniform Traffic Tickets that were issued (if available)
- The ITS Fleet Management Usage Standard

Additional guidance for accidents involving a fleet vehicle is available at the Driver's Guide located at Section 9.0, Related Documents.

#### **4.10 Internal Controls**

It is the responsibility of the Division Executive, or the Executive's designee, to which a State Vehicle is assigned to develop and maintain necessary internal controls. The controls will include but not be limited to developing appropriate preventative and detective controls over: (i) monthly financial reports to address improper charges; (ii) mileage and destination records to increase accuracy; and (iii) compliance with this Standard and related sections of other relevant policies, standards, and guidelines (e.g., record retention).

ITS may pursue recovery of unauthorized charges and administrative action against the driver and/or Supervisor and may also refer the failure to comply with this Policy for criminal investigation.

#### **4.11 Vehicle Redeployment, Replacement and Surplus**

##### **1. Redeployment**

- a. It is ITS policy that State Vehicles are considered underutilized if they are driven under 10,000 miles per year.
- b. Given the specific Business Unit uses, some State Vehicles may be retained with a low annual mileage under 10,000. Examples include vans that are used for such things as transporting equipment.
- c. Facilities shall review utilization on a monthly basis and may redeploy/swap out if State Vehicles are found to be underutilized. Such vehicles may be swapped within a business unit or to another business unit.

##### **2. Replacement**

- a. The Division Executive, or the Executive's designee, to which a State Vehicle is assigned, in consultation with Facilities will, on an ongoing basis, evaluate the most economical time to replace State Vehicles. In addition to fiscal considerations, factors to be used in evaluating replacement vehicles will include vehicle age, accumulated mileage, condition, maintenance/cost history and programmatic need. The age/mileage criteria to be used are vehicles that are at least seven years old or have at least 125,000 miles.

- b. Exceptions to these criteria may be considered. State Vehicle disposal may be reviewed at an earlier point if the performance of the vehicle does not meet the needs of the Business Unit and/or due to an excessive vehicle maintenance or repair history in relation to the vehicle value and other possible lower cost alternatives. State Vehicles may be maintained beyond the replacement requirements if deemed safe and economical to operate and the vehicle does not incur excessive ongoing maintenance or repair operating costs.

### 3. Surplus

When it is determined a State Vehicle should be removed from service pursuant to [ITS-P04-005 Surplus and Disposal of ITS Equipment, Furniture and Vehicles](#) policy. The following steps must be taken:

- a. All decals, etc., except for inspection sticker, must be removed and the vehicle cleaned inside and out.
- b. The State Vehicle is to be transported to the Swan Street location if the normal assigned parking for that vehicle is not in Albany/Capital District.
- c. When the State Vehicle is turned in to Facilities, all related items such as gas cards, Fleet Service cards/manuals, E-Z Pass tags, and completed/signed mileage reports must also be turned in.
- d. Facilities will process the State Vehicle to OGS for auction, transfer, or disposal by filling out a Report of Surplus Motor Vehicles and Motorized Equipment, CS-201.1 Form. They will further notify all concerned parties that the State Vehicle is no longer in service.
- e. Once all approvals are in place, Facilities will coordinate the State Vehicle drop-off with OGS.

#### **4.12 Non-ITS Employee Vehicle Use**

Use of State Vehicles by persons other than ITS employees (e.g., contractors) is highly restricted by ITS. Such use is only permitted to provide a service to the State. All approvals and re-approvals for use of a State Vehicle shall be at the complete discretion of the CIO.

Where these persons are approved to drive a State Vehicle, they must comply with this standard and the additional requirements detailed below. Only drivers with valid New York State licenses will be considered.

All drivers shall have valid, contract-compliant Certificates of Insurance on file with the ITS Procurement and Contract Services Unit (PaCS). In order to drive a State vehicle, drivers also need to provide proof the policy covers temporary vehicle replacement should the vehicle become damaged or unavailable. Should insurance coverage lapse at any time, the driver shall immediately cease operating the State vehicle(s) and shall be prohibited from operating any State vehicles until such time as ITS, in its sole

discretion, deems it necessary in order for the non-ITS employee to meet its service obligations to the State and proof of current, compliant insurance is provided.

Approvals shall expire at the end of the State's fiscal year (March 31) and no requests will be considered within the three (3) months before such date.

PaCS shall maintain all necessary records with the vendor's file.

#### **4.12.1 Procedure for Non-ITS Employee Vehicle Use Approval**

Should a Non-ITS Employee request the use of a State Vehicle for the purpose of providing a service to the State, the following steps must be completed:

1. The Requestor must submit a Request for Non-ITS Employee Use of ITS Vehicles Form ("the Form") requesting the use of a State vehicle. The Requestor and/or Requestor's agents, employees, officers, partners, or subcontractors, if any, shall have completed the ITS onboarding process.
2. The ITS program staff overseeing the Requestor's work will review the Form and determine whether the use of a State vehicle may be permitted by analyzing the request and whether suitable alternatives are available.
3. PaCS staff shall then confirm that the applicable insurances required by the ITS, or other State Agency's (e.g., OGS) contract are on file and valid.
4. The ITS Division of Legal Affairs will then review the Form and all documentation, seek further documentation as needed, and provide a recommendation to the CIO.
5. Facilities staff will then have the Requestors supervisor and the Non-ITS Employee complete and return the Fleet Vehicle New Driver Agreement Form. Upon LENS approval, Facilities will forward the request to the CIO for final approval.
6. The CIO may either approve or disapprove the request, with or without cause. If the CIO does not act upon the request within fifteen (15) business days, such request will be deemed as denied.
7. The Form will be returned to Facilities. Facilities will notify the applicable program staff, the PaCS unit, and Division of Legal Affairs of the outcome of the request, along with a copy of the approval.

#### **4.13 Shared Responsibilities**

OGS is responsible for developing statewide purchase, long-term lease, rental, and maintenance contracts. In addition, OGS is responsible for assigning identification numbers to all vehicles, managing a self-insurance/insurance program, and coordinating the alternative-fueled vehicles program and related initiatives. OGS also coordinates the surplus of vehicles.

## 5.0 Compliance

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This standard shall take effect upon publication. Compliance is required with all enterprise policies and standards. ITS may amend its policies and standards at any time; compliance with amended policies and standards is required.

## 6.0 Definitions of Key Terms

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Except for terms defined in this standard, all terms shall have the meanings found in <http://www.its.ny.gov/glossary>.

## 7.0 Contact Information

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Submit all inquiries and requests for future enhancements to the standard owner at:

**Facilities Services Office**  
**Reference: ITS-S18-001**  
**NYS Office of Information Technology Services**  
**Swan Street Bldg., Core 4**  
**Albany, NY 12220-0062**  
**Telephone: (518) 402-2205**  
**Email: [its.sm.admin.support@its.ny.gov](mailto:its.sm.admin.support@its.ny.gov)**

Statewide technology policies, standards, and guidelines may be found at the following website: <https://its.ny.gov/policies>

## 8.0 Revision History

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This policy should be reviewed consistent with the requirements set forth in [\*NYS-P09-003 Process for Establishing Information Technology Policies, Standards, and Guidelines\*](#).

Date	Description of Change	Reviewer
07/07/2004	Issued policy	CIO/OFT
05/21/2008	Revised	CIO/OFT
10/15/2009	Revised to provide clarification associated with Division of the Budget guidelines	CIO/OFT
03/24/2014	Revised based on updates to the NYS Vehicle Use Policy 2013 – Larry Schwartz	Administration Facilities Services
08/07/2014	Revised based on updates from the NYS Office of General Services Memorandum dated May 21, 2014	Administration Facilities Services
07/19/2018	Updated approver and agency branding and included provisions for Contractor vehicle use	Operations Facilities Services

<b>Date</b>	<b>Description of Change</b>	<b>Reviewer</b>
12/01/2020	Scheduled review, updated to align with current agency fleet management practices.	Administration Facilities Services

## 9.0 Related Documents

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[OGS/Fleet Management Services Page](#)

Driver's Guide for Fleet Vehicle Use and Accident/Breakdown Reporting

Facilities Fleet Management Resources Tab

[ITS-P04-005 Surplus and Disposal of ITS Equipment Furniture and Vehicles](#)

State Vehicle Use Policy dated November 27, 2013

State Vehicle Use Policy dated May 15, 2017

State Vehicle Usage Record

Request for Non-ITS Employee Use of ITS Vehicles Form



## Exhibit 1 – State Vehicle Use Policy




STATE OF NEW YORK

ANDREW M. CUOMO  
GOVERNOR

LAWRENCE SCHWARTZ  
SECRETARY TO THE GOVERNOR

### MEMORANDUM

**TO:** Heads of State Agencies and Public Authorities  
**FROM:** Larry Schwartz  
Secretary to the Governor   
**SUBJECT:** State Vehicle Use Policy  
**DATE:** November 27, 2013

#### **A. Purpose and Applicability**

This memorandum sets forth a uniform Statewide policy for the use of State vehicles. This Policy applies to officers and employees of all State agencies and public authorities and supersedes all inconsistent vehicle use policies currently in effect. Each State agency and public authority shall adopt vehicle use, control, and assignment procedures consistent with this Policy in order to address its particular operational requirements. Any deviation from this policy requires the approval of the Director of State Operations or his or her designee. Any violation of this policy may result in disciplinary action.

#### **B. Definitions**

As used herein:

"Policy" means the Statewide vehicle use policy set forth in this memorandum and any amendments that may be made in the future.

"Public authority" or "authority" means any public authority or public benefit corporation created by or existing under any New York State law, at least one of whose members is appointed by the Governor or whose members serve by virtue of holding a civil office of New York State, including any subsidiaries of such public authority or public benefit corporation, but not including any interstate or international authority or public benefit corporation.

"State agency" or "agency" means (i) any State agency or department, or any office, division, bureau, or board of such State agency or department, except where the head of such agency or department is not appointed by the Governor and (ii) any State board, committee, or commission, at least one of whose members is appointed by the Governor.

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"State vehicle" means a vehicle owned by a State agency or authority or leased or rented by a State agency or authority for official State business.

**C. Eligibility for Use of State Vehicles**

1. Any person driving a State vehicle must be an employee of New York State or other person expressly authorized by the head of an agency or authority that is providing service to the State. Use of a State vehicle by an authorized person who is not a New York State employee is permitted only for the purpose of providing service to the State.
2. Any person driving a State vehicle must have a valid driver's license of the class required for the vehicle being operated. Every person who may use a State vehicle is required to immediately inform his or her supervisor of any license revocation, suspension, or restriction.
3. Agencies and authorities shall participate 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 State vehicle if there has been a change in licensure that restricts driving privileges unless the operation of the State vehicle complies with such restrictions. Each agency and authority retains the right to require any person using a State vehicle to participate in a safe driving program.

**D. Assignment of Vehicles**

1. All State vehicles controlled by an agency or authority will be deemed part of the vehicle pool of that agency or authority. Pool vehicles will be assigned to employees on an as-needed basis to carry out State business.
2. The heads of agencies and authorities shall not be assigned a particular vehicle on a permanent basis but shall have unrestricted use of pool vehicles subject to the restrictions set forth in Section E.
3. State vehicles may be assigned to specific employees only in extraordinary circumstances and only when approved by the Director of State Operations or his or her designee. When requesting approval for the individual assignment of State vehicles, agencies and authorities shall provide:

(a) A list of the job titles and circumstances for which individually assigned vehicles are requested and information as to whether the vehicle may be taken home at night or used for commuting purposes or whether the vehicle will be parked at State facilities when not in use.

(b) For each job title, an explanation in support of the request for individually assigned vehicles. In cases where there is a need to carry specialized tools or equipment to accomplish job duties, it may be appropriate to individually assign a vehicle, but the vehicle should be parked at a State facility when not in use. 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 State vehicles home or use vehicles for commuting purposes.

Each agency and public authority shall 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 Director of State Operations.

4. In circumstances where a pool vehicle is not available, State agencies and authorities may allow employees to use either a rental car or their personal vehicle, whichever is less expensive. A "trip calculator" for determining the least expensive option may be found on the website of the Governor's Office of Employee Relations at [http://www.goer.ny.gov/Employee\\_Resources/Travel\\_Information.cfm](http://www.goer.ny.gov/Employee_Resources/Travel_Information.cfm). State employees who may be entitled to reimbursement of travel expenses should review the regulations of the State Comptroller and other guidance documents, which may be found at <http://www.osc.state.ny.us/agencies/travel/travel.htm>.
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 State functions.

#### **E. Use of State Vehicles<sup>1</sup>**

1. State vehicles may be used only for official State 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 Director of State Operations 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 State vehicle is expected to exercise good judgment to avoid the appearance of impropriety.
2. All personal use of State vehicles must be reported on the vehicle use log (see Section G of this Policy) unless the personal use is incidental to official business. For any personal use that is not incidental, the user of the State vehicle must reimburse the agency or authority the value of such use or the value must be treated as imputed personal income for tax purposes. For requirements, see Comptroller Payroll Bulletin, *Reporting the Taxable Value of Personal Use of Employer Provided Vehicles and Chauffeur Services*, and Form AC 3173.
3. State vehicles should not be used to transport passengers unless they are: (i) State employees engaged in official business, (ii) non-State employees engaged in official business with State 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 State vehicle—regardless of their status as State employees—is strictly prohibited.
4. Due to the public nature of the work being performed when operating a State vehicle, persons using a State 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 State vehicles are no exception. Accordingly, the use of a State vehicle may be monitored and recorded at any time by visual, documentary, or electronic means.

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<sup>1</sup> Special rules regarding vehicle use may apply (and consultation with the agency Ethics Officer is required) in extraordinary circumstances when law enforcement personnel are conducting an independent security assessment.

### **Illustrative Examples**

Example 1. *An employee who is required to stay overnight for an out of town meeting drives the State 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 State 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 State 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 State 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 State 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 State vehicle, he drives himself and three friends to the ball game.*

Using the State 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 State business. Second, carrying persons who are not State employees and who are not engaged in official State business violates this Policy and creates a potential liability for the State.

#### **F. Use of Drivers<sup>2</sup>**

An employee may have another State employee drive the employee in a State vehicle for official business, but driving another State employee cannot be the sole or primary duty of any State employee.

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<sup>2</sup> Special rules regarding the use of drivers may apply (and consultation with the agency Ethics Officer is required) in extraordinary circumstances when law enforcement personnel are conducting an independent security assessment.



## **G. Vehicle Use Logs**

1. Agencies and authorities shall maintain a vehicle use log for all State vehicles. Such logs shall require any person using a State 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. Except for personal use that is incidental to official State business (see the examples in Section E of this Policy), all personal use must be clearly identified as such in the vehicle use log.
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 State 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 within the central office of the agency or authority shall conduct monthly and annual 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 State agency's or authority's record retention policy.

## **H. General Requirements and Restrictions**

1. State vehicles must at all times be operated in full compliance with all applicable federal, State, and local laws and regulations.
2. Use of seat belts by drivers and all passengers, regardless of seating location, in State vehicles is mandatory.
3. No person driving a State vehicle may send or view e-mails or text messages while driving.
4. No person driving a State 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 State 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 State vehicle is strictly prohibited.
7. Smoking in State vehicles is strictly prohibited.

8. All persons are prohibited from carrying, possessing, or transporting firearms, other weapons, or explosive devices in a State vehicle unless expressly authorized to do so in connection with carrying out their official duties.
9. The use of radar detectors in State 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 State vehicles may be used only for official State business.
12. The driver of a State vehicle shall be personally responsible for all parking, moving, and E-ZPass violations.
13. Unless expressly authorized by the State agency or authority, no banners, advertising, placards, decals, or stickers may be placed on a State vehicle.

**I. Dissemination and Acknowledgement**

Agencies and authorities shall ensure that this Policy is provided on at least an annual basis to all employees who use State vehicles or who may use State 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.

cc: Mylan Denerstein  
All Agency and Authority General Counsels  
All Deputy and Assistant Secretaries  
All Assistant Counsels to the Governor

## Exhibit 2 – State Vehicle Use Memo

### MEMORANDUM

**TO:** Commissioners and Agency Heads  
**FROM:** Melissa DeRosa, Secretary to the Governor  
**SUBJECT:** State Vehicle Use Policy  
**DATE:** May 15, 2017

This memo is a reminder for all State agencies and public authorities to comply with the State-wide policy for the use of State vehicles set forth in the attached Secretary to the Governor's Memorandum, dated November 27, 2013 ("Vehicle Policy"). The Vehicle Policy applies to officers and employees of all State agencies and public authorities, including heads, commissioners and executives of agencies and public authorities.

I want to draw your attention to certain specific provisions of the Vehicle Policy:

- State vehicles should not be permanently or specifically assigned to any one individual—including heads, commissioners and executives of agencies and public authorities—except in extraordinary circumstances expressly approved by the Director of State Operations (Vehicle Policy §§ D(1)-(2)). A record of any such approvals must be maintained by the State agency or public authority.
- Personal use of State vehicles is forbidden except under limited specified circumstances (Vehicle Policy § E(1)). Reimbursements and tax reporting must be made for any personal use (Vehicle Policy § E(2)).
- Only State employees may be transported in State vehicles, with rare enumerated exceptions (Vehicle Policy § E(3)). Transportation of passengers who are not engaged in official State business or under the control or custody of an agency/authority is strictly prohibited.
- Driving another employee cannot be the sole or primary duty of any employee (*see* § F).
- Vehicle use logs must be accurately maintained and periodically reviewed in the form and manner prescribed in Vehicle Policy § G (1-3).

State agencies and public authorities shall ensure that the Vehicle Policy is provided annually to all employees who use, or may use, State vehicles (Vehicle Policy § I). Additionally, pursuant to the Vehicle Policy, State agencies and public authorities should require those employees to provide written acknowledgement of having read the Vehicle Policy and retain those acknowledgements consistent with their record retention policies. (*Id.*) Each State agency and public authority shall ensure that any separate policy governing vehicle use, control, and assignment and setting forth any related procedures is consistent with the Vehicle Policy and incorporates the same by reference.



Any heads, commissioners and executives of agencies and public authorities who seek an exception of any provision outlined in the Vehicle Policy must provide a detailed written request directly to the Counsel to the Governor. Any violation of the Vehicle Policy may result in disciplinary action.

cc: Alphonso B. David, Counsel to the Governor  
Jamie Rubin, Director of State Operations  
Adam H. Schuman, Special Counsel for Public Integrity  
All Agency and Authority General Counsels  
All Deputy and Assistant Secretaries  
All Assistant Counsels to the Governor  
All Special Counsels for Ethics, Risk and Compliance