

**ANTONIO B. WON PAT
INTERNATIONAL AIRPORT AUTHORITY, GUAM**

OFFICIAL VEHICLE USE AND MANAGEMENT POLICY

Adopted: October 28, 2004

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**A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM
OFFICIAL VEHICLE USE AND MANAGEMENT POLICY**

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**ARTICLE I
POLICY AND PURPOSE**

§ 100. Statement of Policy. The Antonio B. Won Pat International Airport Authority, Guam (“the Authority”) periodically provides motor vehicles for use by employees of the Authority in discharging their job duties. Additionally, the Authority authorizes its employees to use their private vehicles and/or rental vehicles when necessary to conduct government business.

It is the policy of the Authority that any marked or unmarked vehicles belonging to the Authority, and that any private vehicles used in the name of the business of the Authority, be operated at all times in a safe and responsible manner consistent with Guam and federal laws.

§ 101. Purpose. This document sets forth the Authority’s policy regarding the economical and efficient management, control, and use of motor vehicles that the Authority owns, leases, or is assigned, both marked and unmarked. This document also sets forth the Authority’s policy regarding the payment of reimbursement for private vehicles used for business. Finally, this document establishes and defines the methods and qualifying criteria used by the Authority to meet the business transportation needs of the Authority’s employees.

**ARTICLE II
DEFINITIONS**

§ 200. Definitions. As used in this Policy, unless the context requires otherwise, the following definitions apply:

§ 200.1. Alcohol. “Alcohol” means any beverage subject to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act (27 U.S.C. *et seq.*).

§ 200.2. Authority. “Authority” means the Antonio B. Won Pat International Airport Authority, Guam.

§ 200.3. Authority Vehicles. “Authority Vehicles” means those motor and transport vehicles owned by the Authority, including All-Terrain Vehicles (ATV’s), and marked and unmarked vehicles.

§ 200.4. Controlled Substance. “Controlled Substance” means those so defined by Chapter 67, Title 9, Guam Code Annotated, the Uniform Controlled Dangerous Substances Act.

§ 200.5. Government. “Government” means the Government of Guam.

§ 200.6. Intoxication. “Intoxication” means an impairment of mental or physical capacities resulting from the introduction of alcohol, drugs, or other substances into the body.

§ 200.7. Intoxicant. “Intoxicant” means any substance that causes intoxication.

§ 200.8. Lease. “Lease” means obtaining a motor vehicle by contract or other arrangement from a commercial source for sixty (60) continuous days or more.

§ 200.9. Marked vehicle. “Marked vehicle” means any vehicle that displays graphics, markings or decals, or the display of private license plate identifying the vehicle as an Authority Vehicle owned, or assigned to an agency or department of the Government of Guam.

§ 200.10. Motor Vehicles. “Motor Vehicle” means any vehicle, self-propelled or drawn by mechanical power, designed and operated principally for highway transportation of property or passengers.

§ 200.11. Official Business/Use. “Official Business” or “Official Use” means to use a motor vehicle to perform the Authority’s mission(s), as authorized and directed by the Authority.

§ 200.12. Official Duty/Duties. “Official Duty” or “Official Duties” means the job(s) authorized and directed by the Authority to be performed in furtherance of the Authority’s mission(s).

§ 200.13. Official Identification. “Official identification” means that identification issued, designated or approved by the Authority.

§ 200.14. Official Uniform. “Official uniform” means any attire designated or approved by the Authority and required to be worn during the course of performance of official duty.

§ 200.15. Operating Under the Influence or While Intoxicated. “Operating under the influence or while intoxicated” means any person operating or in physical control of any vehicle or similar device under the influence of an alcoholic beverage or a controlled substance or a combination thereof, when as a result of consuming such alcoholic beverage or controlled substance or the combination thereof, his or her physical or mental abilities are impaired to such a degree that he or she no longer has the ability to operate the vehicle or similar device with the caution characteristics of a sober person of ordinary prudence, under the same or similar circumstance, and includes any person operating or in actual physical control of a vehicle or similar device, who has eight one-hundredths of one percent (0.08%) or more, by weight, of alcohol in his or her blood. The percent of alcohol by weight shall be based upon grams of alcohol per one hundred (100) milliliters of blood.

§ 200.16. Privately-owned Vehicle (POV). A privately owned vehicle (POV) is a motor vehicle owned or rented by an employee of the Authority, or owned or rented by an individual or entity other than the Authority, and which is used on official business for which the Authority reimburses the use on the basis of mileage. A privately owned vehicle (POV) does not include those motor vehicles owned or leased by the Authority.

§ 200.17. Reasonable. “Reasonable” or “Reasonableness” means what a reasonably prudent person would do under the same or similar circumstances. When determining reasonableness under this act, undue hardship is not deemed equivalent to the avoidance of mere inconvenience. Reasonableness will be interpreted in line with the employee’s engagement in Authority and Government business and conditions of employment.

§ 200.18. Roadworthy. “Roadworthy” means a condition in which a motor vehicle has sufficient power and is fit to operate on the roads and highways of Guam. In order to be roadworthy, such vehicle, in accord with its design and use, shall have all major parts and systems permanently attached and functioning, and shall not appear to have been repaired in such a manner as to make the vehicle unsafe. The phrase “major parts and systems” as used herein shall include, but not be limited to, the body of a motor vehicle with related component parts, engine, transmission, tires, wheels, seats, exhaust, and all other equipment required by Guam or federal law for the particular vehicle.

§ 200.19. Third Party. When referring to motor vehicle accidents, with the Authority being the first party, and the operator of the vehicle driven by or on behalf of the Authority being the second party, the third party is the other concern in an accident. (Example:

the third party is the operator of the motor vehicle hit by, or striking the vehicle driven by or on behalf of, the Authority).

§ 200.20. Unmarked Vehicle. “Unmarked vehicle” means any Authority Vehicle or other vehicle owned, or assigned to an agency or department of the Government of Guam which does not display graphics, markings, decals or a Government license plate identifying the agency or department.

§ 200.21. Unacceptable Driving Record. “Unacceptable driving record” means: (a) having committed a major traffic offense including driving while under the influence of intoxicants, hit-and-run, reckless driving, fleeing or trying to elude a police officer, driving with a suspended or revoked license, *or* (b) having had three (3) moving violations or three (3) driver’s license violations within the past two (2) years; *or* (c) having vision not corrected to a minimum of 20/40 visual acuity.

ARTICLE III OFFICIAL BUSINESS OR USE ONLY

§ 300. Official Business or Use. No Authority Vehicle shall be used for other than official purposes and business. Further, no Authority Vehicle including permanently assigned 24-hour vehicles, shall be used by any Authority employee, contract employee, or other person except during such time that the person is on official duty in furtherance of Authority business, except in connection with official duties for the convenience of the Authority. For purposes of this section, “Official business or use” includes using the vehicle to reasonably obtain a meal during a regularly schedule lunch or dinner break.

§ 301. Permanently Assigned Vehicles. Authority Vehicles may be permanently assigned to employees to expedite the completion of Authority business on a 24-hour day/7 day per week basis. All provisions of this Policy shall apply to such vehicles, and all usage shall be reasonable in accordance with the employee’s conditions of employment.

ARTICLE IV OPERATION AND CARE OF VEHICLES

§401. Identification and Uniform Requirement. At all times, drivers of Authority Vehicles shall ensure that they are carrying a valid driver’s license, in addition to any required official uniform, to verify their identity, unless it would jeopardize the individual’s safety due to their work assignment. All drivers shall be prepared to display their driver’s license upon request.

§ 402. Safe Operation in Accordance with Law. At all times, all Authority Vehicles shall be operated in a safe and responsible manner consistent with Guam and federal laws, including any applicable rules, regulations, and Executive Orders, and in accordance with the Rules of the Road as set forth in the Vehicle Code of Guam (Title 16, Guam Code Annotated).

§ 403. Cleanliness of Vehicles. Authority Vehicles shall be kept washed and clean, inside and out. Drivers of Authority Vehicles shall be responsible for removing any trash or personal belongings from the vehicle upon its return to the Authority.

§ 404. Maintenance and Repair of Vehicles.

1. For safety reasons, Authority Vehicles shall also be regularly serviced and maintained in a roadworthy condition. In order to be roadworthy, such vehicle, in accord with its design and use, shall have all major parts and systems permanently attached and functioning, and shall not appear to have been repaired in such a manner as to make the vehicle unsafe. For purposes of this subsection, “major parts and systems” shall include, but not be limited to, the body of a motor vehicle with related component parts, engine, transmission, tires, wheels, seats, exhaust, and all other equipment required by Guam or federal law for the particular vehicle. Privately-owned vehicles shall not be maintained or repaired by the Authority or on Authority property, even if such vehicle is used for Authority business.

2. Employees and drivers of Authority Vehicles are prohibited from making repairs, alternations, modifications to the assigned vehicle. The unauthorized removal or switching of installed parts, accessories, or fuel from an Authority Vehicle is strictly prohibited, and violators shall be subject to disciplinary and adverse action, including termination and/or criminal prosecution.

§ 405. Inspection and Fueling of Vehicles.

1. A pre-operation inspection shall be conducted prior to operating the vehicle to ensure that the vehicle is safe to drive. At the conclusion of the travel itinerary, the driver of the vehicle shall conduct a post-operational inspection prior to returning the vehicle for the day.

2. The last driver to operate the vehicle is responsible for making sure that the returning vehicle’s fuel tank is at least one-half full. If the fuel tank is less than one-half full, the driver must refill the fuel tank prior to parking and returning the vehicle. Fueling shall be made at existing Government-owned fuel facilities or commercial fuel facilities with which the Authority has a contract for the provision of fuel to Authority Vehicles.

§ 406. Liability for Misuse or Damage to Vehicles. Drivers of Authority Vehicles are expected to exercise proper care in the driving and maintenance of the vehicles.

1. The Authority shall hold responsible any person whose intentional or negligent acts or omissions cause damage to a vehicle.

2. Any negligent or intentional act or omission which causes damage to an Authority Vehicle, or any misuse of a vehicle, may subject the person(s) responsible to any one or more of the following actions: (a) making the Authority whole for the damage caused, including the reimbursement for the reasonable value of the Authority Vehicle when repair is not feasible; (b) restoring the Authority Vehicle to its condition prior to the damage caused by the person's negligent act or omission; (c) if an employee, the filing of adverse disciplinary action against the employee; (d) prohibition against future use of an Authority Vehicle; and (e) prosecution for criminal offense, if applicable. Misuse of an Authority Vehicle includes lack of proper maintenance, reckless driving, using an Authority Vehicle for personal use, unauthorized use of an Authority Vehicle, or any violation of this Policy.

3. Drivers of an Authority Vehicle are responsible for any traffic violations and the payment of any fines.

ARTICLE V AUTHORIZED DRIVERS

§ 501. Authorized Drivers. *No one may drive an Authority vehicle for personal business.* The following persons are authorized to drive Authority Vehicles for official business and use only:

1. An officer, board member, or employee of the Authority acting within the scope of his/her duties while on official business or for official use; and

2. Independent contractors, agents of the Authority or employees of other Government of Guam agencies during such time as they are on official duty in furtherance of Authority business.

3. Independent contractors or employees of other Government of Guam agencies pursuant to a contract or memorandum of understanding (MOU); *provided* that (a) the independent contractor or Government agency agrees to indemnify the Authority for any liability arising from use of the vehicle and for any damages caused to the vehicle arising from said use; *or* (b) to provide adequate automobile liability coverage at its expense.

§ 502. Exceptions. At the discretion of the Authority, limited exceptions to this Article may be granted by the Executive Manager of the Authority after careful evaluation of the potential liability to the Authority. Justifications for the exception must be included and clearly stated. Justifications shall further Authority business and/or shall enhance the Authority's ability to meet its objectives.

Any request for an exception must be directed to the Executive Manager or his/her designee. Requests for an exception must be submitted in writing by the appropriate supervisor of the employee or by the administrator or division head of the requesting agency.

§ 503. Driver Eligibility. The driver of an Authority Vehicle is responsible for the safe and proper operation of the vehicle.

1. All drivers of Authority Vehicles must possess a valid driver's license and present it to the appropriate supervisor before checking out a vehicle. Drivers must comply with all laws and regulations relating to the operation of motor vehicles, including driving in accordance with the posted speed limits and the use of seat belts by all occupants.

2. Persons with an unacceptable driving record shall not be authorized or permitted to drive Authority Vehicles. For purposes of this section, "unacceptable driving record" means: (a) having committed a major traffic offense including driving while under the influence of intoxicants, hit-and-run, reckless driving, fleeing or trying to elude a police officer, driving with a suspended or revoked license; *or* (b) having had three (3) moving violations or three (3) driver's license violations within the past two (2) years; *or* (c) having vision not corrected to a minimum of 20/40 visual acuity.

3. Drivers assigned to operate specialized vehicles including All-Terrain Vehicles (ATVs); Bucket Trucks; ARFF Fire Trucks or Fire Units; and other utility vehicles are required to be properly trained and certified (if applicable) in the operation of such vehicles.

4. Drivers assigned to operate Emergency Response Vehicles are required to be properly trained and certified pursuant to an Emergency Vehicle Operation Course (EVOC) based upon the National Standard Curriculum established by the U.S. Department of Transportation (DOT), National Highway Traffic Safety Administration (NHTSA) pursuant to guidelines established by the Federal Highway Safety Act of 1966.

5. Drivers assigned to operate vehicles which require equipment to be towed (e.g. trailer mounted generator, light carts, etc.) are required to be properly trained and certified (if applicable) in the operation of such vehicles.

**ARTICLE VI
AUTHORIZED PASSENGERS**

§ 601. Authorized Passengers. *No one may ride in an Authority vehicle for personal business.* The following persons are authorized to ride in an Authority Vehicles for official business and use only:

1. Employees of the Authority, elected officials, board or commission members and any other government employee, agent, or other authorized person who is involved in an activity which furthers the business of the Authority;

2. Employees of independent contractors, business professionals, professional service providers, and any other persons while involved in an activity which furthers the business of the Authority;

3. Spouses, children, relatives and friends of employees are prohibited from riding in an Authority vehicle. However, spouses participating in an Authority-authorized business function are authorized to ride in an Authority vehicle with supervisor approval.

§ 602. Exceptions. At the discretion of the Authority, limited exceptions to this Article may be granted by the Executive Manager of the Authority after careful evaluation of the potential liability to the Authority. Justifications for the exception must be included and clearly stated. Justifications shall further Authority business and/or shall enhance the Authority's ability to meet its objectives.

Any request for an exception must be directed to the Executive Manager or his/her designee. Requests for an exception must be submitted in writing by the appropriate supervisor of the employee or by the administrator or division head of the requesting agency.

**ARTICLE VII
UNAUTHORIZED VEHICLE USE**

§ 701. Transportation of Pets, or Hazardous Materials. Transporting pets, alcohol, controlled substances, or hazardous materials which are for personal use or convenience and not in the scope of duties, are strictly prohibited. Service dogs for individuals with disabilities and dogs for business use are exempt from this provision.

§ 702. Transportation of Firearms. The transportation of firearms in an Authority vehicle is strictly prohibited, except for employees who possess firearms requested, authorized

or required in order to perform Authority job-related functions or for a duly acting Government or Federal peace officer carrying a service weapon.

**ARTICLE VIII
DRUG, ALCOHOL, TOBACCO, AND CELLULAR PHONE USE**

§ 801. Drug or Alcohol Use Prohibited.

1. Drivers of Authority Vehicles are strictly prohibited from operating an Authority Vehicle anytime while under the influence of drugs or alcohol.

2. Drivers of Authority Vehicles shall refrain from knowingly operating a state vehicle after taking prescription drugs or over-the-counter drugs which may cause drowsiness or affect the employee's alertness or driving ability.

3. Drivers of Authority Vehicles are prohibited from possessing or transporting alcohol or any illegal controlled substances in an Authority Vehicle. No open containers of alcohol may be transported in an Authority Vehicle. Law enforcement and regulatory personnel are exempt from this provision only if the transportation of alcohol or illegal drug coincides with the course and scope of duties or in the enforcement of Guam or Federal law.

§ 802. Tobacco Use Prohibited. Due to the potential health and safety hazards associated with the use of tobacco products and the negative residual effects of their use on Authority Vehicles, there is hereby implemented a "smoke free policy" in all Authority Vehicles, and the use of any tobacco products in Authority Vehicles strictly prohibited.

§ 803. Use of Cellular/Mobile Telephones Prohibited.

1. With the exception of "Air to Ground Radios" or hands free devices, except as otherwise provided herein, no person shall operate an Authority Vehicle while using a cellular or mobile telephone, or a two-way radio (e.g. "I-Connect" or similar device) to engage in a call while the vehicle is in motion.

For purposes of this section, the terms "using" or "engage in a call" shall mean talking into or listening on a cellular or mobile telephone, two-way radio, or other hands-free communication device; but shall not include holding such device to activate, deactivate or initiate a function of the device.

**ARTICLE IX
USE OF PRIVATELY-OWNED VEHICLES**

§ 901. Mileage Allowance. Persons authorized to travel at Authority expense shall, in accordance with regulations and whenever such mode of transportation is authorized or approved as more advantageous to the Authority, be paid in lieu of transportation not to exceed Sixty-five Cents (65¢) per mile for the use of privately-owned four wheeled-passenger motor vehicles (POV) when engaged on business.

**ARTICLE X
MOTOR VEHICLE ACCIDENTS INVOLVING THE AUTHORITY**

§ 1001. Reporting of Accidents Required. All accidents, incidents, damages, collisions, vandalism, or theft involving Authority Vehicles, or privately-owned vehicles engaged in Authority business, must be investigated by law enforcement and reported to the Authority according to the procedures set forth in the Authority's "Employee Safety Handbook."

§ 1002. Accident Reporting Procedures.

1. All accidents, incidents, damages, collisions, vandalism, or theft involving Authority Vehicles or a privately owned vehicle engaged in Authority business shall be reported in writing on the form "Equipment/Vehicle Accident/Incident Report" provided (Appendix Form # ____). A copy of said form shall be submitted to the employee's supervisor and to the Executive Manager or his/her designee within five (5) calendar days of the incident. A copy of the relevant police report shall be also submitted as soon as the report becomes available.

2. If vandalism or theft of any Authority or Government-owned property is suspected, law enforcement must be contacted immediately to investigate. A written statement about the vandalism or theft, including the damage surveyed, the suspected cause of damage, and the employee discovering the vandalism or theft to the employee's supervisor and to the Executive Manager or his/her designee must submit the value of any items taken.

**ARTICLE XI
MISCELLANEOUS**

§ 1101. Authority to Establish Fleet Procedures. The Authority shall promulgate in writing those procedures necessary for the daily inventory, check-in and check-out, fueling, and maintenance and servicing of Authority Vehicles, including procedures for the calculation and reimbursement of mileage allowance.

§ 1102. Violations Subject to Adverse Action. Persons violating the provisions of this Policy shall be subject to disciplinary and adverse action, up to and including termination, as provided for by Guam law. Such action shall not preclude prosecution for any criminal offense.

§ 1103. Driving In Restricted Areas. In addition to the provisions of this Policy, the operation of any vehicle in the Air Operations Area (AOA) and other similar restricted areas shall also be subject to the separate policies, rules, and regulations of the Authority governing such areas, including the testing, issuance and requirement of an Authority-issued AOA Driver's Permit. The AOA is the area within the AOA fence, including the portion of the Airport designed for the takeoff, landing, or surface maneuvering of aircraft.

§ 1104. Application of Guam Law. Notwithstanding anything to the contrary, this Policy shall be construed under the laws, rules, regulations, and Executive Orders of Guam, and by the interpretations given them by the Courts of Guam. In the event of a conflict between this policy and Guam law, then Guam law shall prevail.