

SECTION	II.	General Safety and Health
Chapter	6.	Vehicle Safety
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VEHICLE SAFETY

INTRODUCTION

PURPOSE

This policy has been developed to promote a proactive approach to safe driving practices, to provide adequate training for those who operate Duke vehicles and to combine the various vehicle safety practices and procedures into a comprehensive standard with the goal of reducing the number of vehicle accidents.

DEFINITIONS

Duke Vehicles: Vehicles owned, leased, or rented by Duke University by which persons or property may be transported. These include some specially equipped vehicles that may not be licensed for road use to include, but not limited to, golf carts, forklifts, grounds equipment, utility vehicles, and others.

Duke Driver: An employee, student, volunteer, or contract employee who is authorized to operate Duke vehicles as a routine part of his or her position.

Commercial Motor Vehicles: Vehicles owned or leased by Duke University which meet the following criteria in accordance with Part 383 of the Federal Motor Carrier Safety Regulations:

- Vehicles whose gross vehicle weight or gross combined vehicle weight exceeds 26,000 pounds.
- Vehicles designed to carry 16 or more people (including the driver).
- Vehicles that carry hazardous materials required by Federal law to be identified with hazmat placards.

Commercial Driver's License (CDL): A license issued by a state to an individual who resides in the state that authorizes the individual to drive a class of commercial motor vehicle.

Low-Speed Vehicle (LSV): A Low-Speed Vehicle is a motor vehicle that;

- Is 4-wheeled
- Has an attainable speed of at least 20 mph and not more than 25 mph
- Has a GVWR of less than 3,000 pounds.
- Is registered for road use by the State of North Carolina

Utility Vehicle: A vehicle designed and manufactured for general maintenance, security, recreational, and landscaping purposes, but does not include vehicles designed and used primarily for the transportation of persons or property on a street or highway.

RESPONSIBILITIES

Departments shall:

- Assign an individual to oversee implementation of this policy within the department as well as ensure compliance by departmental employees.
- Designate to Duke Human Resources those positions where driving is required.
- Identify to Employee Occupational Health & Wellness (EOHW) all drivers who are required to have a Commercial Driver's License (CDL).
- Orient all new Duke drivers upon assignment to driving positions. Orientation shall include discussion of this policy, specific Departmental policies, and any additional vehicle-specific requirements. This orientation will be documented on the Vehicle Safety Policy Review Checklist (Supplement E of this Safety Manual) and maintained by the Department.
- Routinely monitor Duke drivers for revocation of driver's license.
- Initiate a DMV driving history check at least every two years for each active Duke driver and at least annually for Duke drivers who are required to have a CDL.
- Require all Duke drivers to complete an approved Defensive Driving Course as well as an orientation to Duke vehicle operation within thirty days of their assignment date to a driving position.
- Offer or schedule additional training as required to ensure the safe operation of specially equipped vehicles.
- Take appropriate action against Duke drivers who fail to comply with the Vehicle Safety Policy.
- Manage use of Department vehicles in compliance with the specific requirements of this policy.

Corporate Risk Management shall:

- Administer the insurance program for all Duke vehicles.
- Set the minimum age, experience, and training requirements for Duke drivers.
- Review each accident and/or incident which involves a Duke vehicle and a Duke driver.
- Notify the appropriate department and employee by letter to schedule training as appropriate for each Duke driver who, while operating a Duke vehicle, has been involved in a vehicle accident and/or incident in which the Duke driver has been cited by the investigating police officer or was determined to have contributed to the accident by Corporate Risk Management.

Parking & Transportation Services shall coordinate registration of Duke vehicles.

Duke Police shall:

- Enforce traffic and vehicle safety regulations.
- Provide citation information to Corporate Risk Management

Employee Occupational Health and Wellness (EOHW) shall:

- Administer the appropriate Department of Transportation (DOT) physical and pre-placement physicals for CDL required positions.
- Administer the substance abuse testing program for CDL drivers.

- Evaluate any Duke driver who reports a change in medical condition that may affect their ability to drive.
- Evaluate for fitness for duty any Duke driver whose performance/behavior raises a concern for work safety.

Occupational and Environmental Safety Office shall:

- Coordinate training for Duke drivers as required by Corporate Risk Management.
- Be responsible for monitoring the Vehicle Safety Policy and coordination of efforts between the various Departments.

Duke drivers shall:

- Maintain a valid driver's license issued by a state of the United States.
- Comply with all appropriate sections of this policy, including reporting procedures.
- Be at least 18 years old. **Exception:** Duke drivers operating passenger vans carrying more than 11 people (1 driver and more than 10 passengers) must be at least 21 years old.
- Have at least 3 years of driving experience if operating vehicles for the specific purpose of transporting passengers.
- Operate Duke vehicles in a safe manner as outlined in the policy and required by state law.
- Report to their supervisor any changes in medical condition that may affect their driving.
- Report any loss of driver's license to their supervisor no later than the next business day.

PROCEDURES

The following are general procedures which apply to all Duke vehicles and Duke drivers. However, in addition to these procedures, more stringent regulations may apply to particular operations or specially equipped vehicles and are covered under specific policies. Duke drivers are required to familiarize themselves with all policies governing their duties and functions as vehicle operators.

AUTHORIZATION TO OPERATE DUKE VEHICLES:

DRIVING HISTORY

Prior to assignment to a position that requires a driver's license and the routine operation of a Duke vehicle, the assigning department shall obtain and review the assignee's driving history (past 3 years) from the assignee's resident state Department of Motor Vehicles. Duke Human Resources can provide this service for new employees or arrange for this service for non-employees upon request from the department.

Motor vehicle records (MVR) for active Duke drivers shall be obtained and reviewed at least every two years. Departments may choose to check motor vehicle records more frequently in the case of Duke drivers with concerning changes in their motor vehicle record.

Any person applying for new employment in a driving position, or volunteer, student or contracted employee who will be assigned to a driving position, whose state driving history reveals any of the following conditions will not be allowed to operate a Duke vehicle.

- A conviction for driving while impaired (DWI), or a conviction for reckless/careless driving within a three year period from the date of the conviction to the date of employment/ assignment.

Note (1): For persons having a DWI conviction prior to the three year limitation, the state driving history must show no Motor Vehicle Points for at least one year prior to the date of employment or, in the case of non-employees, the date of assignment to a driving position.

Note (2): Employees must be cleared by Employee Occupational Health and Wellness (EOHW) personnel before they may be hired into a driving position.

- A revocation or suspension of license due to Motor Vehicle Points within a three year period from the date of the suspension/revocation to the date of employment/ assignment.

Note: Employees who have received a revocation/suspension not due to driver related convictions (such as failure to pay out-of-state fines) must resolve the matter at the Court having jurisdiction and provide proof of the resolution to Duke Human Resources.

- Convictions for traffic offenses totaling more than seven (7) Motor Vehicle Points, passing a school bus, or speeding within a school zone in excess of 10 mph within a two year period from the date of the initial conviction to the date of employment/ assignment.

Each case involving a current Duke employee's application for transfer or promotion, whose state driving history reveal any of the above conditions will be referred back to Duke Human Resources. Duke Human Resources will confer with the appropriate department: Staff & Labor Relations, EOHW, and/or Corporate Risk Management. Duke Human Resources' decision concerning approval or disapproval of the transfer/promotion will be final. If the referral was based on a conviction of DWI and the transfer/promotion is approved the individual must also be cleared by EOHW prior to assuming driving duties.

DUKE DRIVING PRIVILEGES

Corporate Risk Management administers the insurance program for all Duke-owned and -leased vehicles and is the final authority in determining eligibility to operate Duke vehicles. Corporate Risk Management shall notify by letter any Duke driver who has had an accident, and shall suspend or revoke a current Duke driver's driving privileges under certain conditions as outlined below.

A Duke driver's driving privileges will be suspended or revoked if the Duke driver is convicted of any of the following offenses WHILE DRIVING A DUKE VEHICLE:

- driving while impaired; or
- careless/reckless driving; or
- leaving the scene of an accident resulting in bodily injury.

Note: Employees convicted of any of these violations shall also be referred to EOHW for mandatory assessment.

Additionally, Corporate Risk Management shall suspend or revoke a Duke driver's driving privileges if the Duke driver is involved in three or more contributable accidents within a three-year period while driving a Duke vehicle; consistently exhibits behavior which might negatively impact on his/her ability to drive safely; or fails to adhere to Duke-wide or departmental safety policies and procedures, including this policy.

DRIVER'S LICENSE:

State Driver's License:

- Everyone who drives a Duke vehicle shall have in their possession a valid driver's license that was issued by a state of the United States. Those drivers who have established permanent residence within North Carolina must obtain a North Carolina driver's license within sixty days of moving to the state.

Commercial Driver's License (CDL):

Duke drivers whose position requires operation of a commercial motor vehicle will adhere to the following requirements:

- Possess an appropriately endorsed CDL for the vehicles that they will operate.
- Be subject to the requirements for random drug and alcohol testing in order to comply with Federal Motor Carrier Safety Administration (FMCSA) regulations.
- Possess a valid medical examiner's certificate. This certificate will be provided after completing an EOHW pre-placement physical exam or after a biennial EOHW physical exam.

Those Duke drivers who are required to have a CDL shall have a state driving history *check* annually. Each case where a current CDL licensed employee's annual state driving history reveals any of the conditions listed in the driving history section shall be referred to Duke Human Resources and follow the procedures as outlined in the driving history section.

Loss of Driver's License:

- Duke driving privileges are immediately revoked following loss of a driver's license.
- Duke drivers covered by this policy are required to report to their supervisor, no later than the next work day, any loss of their ability to drive for any reason.
- Employees whose primary duties require driving a Duke vehicle (such as Police Officers, couriers, bus or van operators, mail carriers, etc.) are subject to immediate termination should their license be revoked or suspended. Departments may (but are not required to) assign employees to other non-driving duties within their Department until driving privileges are restored.

- Employees who have lost their driving privileges and who could not be accommodated by their departments will have two weeks after notifying their supervisor of loss of license to regain the ability to drive or find alternate employment by following applicable policies and procedures. If they have not regained their license or have not found alternate work after two weeks may apply for a 90-day personal leave of absence without pay.
- Employees who have lost their license for disability, but have regained their license must be cleared by EOHW prior to the operation of a Duke vehicle.
- Employees who have been charged with DWI while operating their privately owned vehicles, but have had their license restored temporarily while awaiting the judicial process shall not operate Duke vehicles until cleared by EOHW. If cleared by written authorization from EOHW, employees may continue to operate Duke vehicles until the judicial process has been completed.

Note: This exemption does not apply to individuals required to have a CDL.

- Employees who have been convicted of DWI, but have received a "restricted license" authorizing operation of their vehicles during working hours may, upon approval of their department, Corporate Risk Management and EOHW, operate a Duke vehicle on a limited basis until full driving privileges are restored.

Note: This exemption does not apply to individuals required to have a CDL.

- Departments shall notify Corporate Risk Management if a Duke driver's license has been suspended or revoked and provide all relevant information.

INSPECTION OF DUKE VEHICLES:

VEHICLES REQUIRING A CDL

A complete vehicle safety inspection shall be conducted by the vehicle operator prior to the operation of the vehicle (daily or before each shift). If the vehicle is shared by two or more employees, the Department will appoint a responsible person to conduct the vehicle safety inspection. The inspection will include such safety equipment as: lights, turn signals, brakes, horn, tires, steering mechanism, mirrors, windshield wipers, and seat belts. Any defect that would prevent the safe operation of the vehicle will be corrected immediately or the vehicle will be put "out of service" and not operated until such repairs are made.

OTHER DUKE VEHICLES:

Departments shall ensure that:

- Preventive maintenance is performed as necessary or required by manufacturer's recommendations for each department vehicle and all deficiencies are corrected.
- The North Carolina Vehicle Inspection is performed annually in the month that it is required.

- No decal, bumper sticker, sign, emblem, or logo, other than those associated with Duke University, Duke University Health System, Duke Medicine or those required by city or state ordinances is permitted on Duke vehicles.

USE OF DUKE VEHICLES

GENERAL

Departments are responsible for ensuring that Duke vehicles are operated only by Duke drivers who are fully compliant with this policy and only for approved duties and functions. The following uses of Duke vehicles are strictly forbidden unless the Department Head has specific written exceptions for employees of that Department which have been approved by Corporate Risk Management:

- Transporting personal items to or from University property (other than University authorized van pools).
- Transporting family, friends or other passengers not affiliated with Duke University.
- Transporting students not employed by the University or other "hitch-hikers." The transportation of students for University related activities is the only exception.
- Using a Duke vehicle to conduct any activity on or outside of Duke University other than that which is related to the nature of employment or the assignment.

PERSONAL VEHICLES USED FOR DUKE BUSINESS

Corporate Risk Management does not endorse nor advocate the use of personal vehicles (i.e. not Duke-owned or Duke-leased) to conduct University business since personal vehicles are not covered by the University's auto liability insurance. Although there may be times when this practice is necessary, it is the Department's responsibility to inform Duke drivers of the risk involved, ensure that proper records are kept and mileage reimbursement made according to proper procedures.

OPERATION

Departments shall ensure the safe operation of vehicles during adverse weather conditions by providing ancillary equipment such as mud/snow tires, chains, extra lights, ice scrapers or other safety equipment designed for a particular vehicle.

It is the responsibility of all vehicle operators to drive in a safe manner and to conform to all applicable laws and regulations. In addition, vehicle operators are responsible for the conduct and actions of all passengers riding in the vehicle. Vehicle operators will:

- Obey all traffic signs, speed limits and other warning devices.
- Not pass a Duke Transit bus unless the bus is parked in a designated bus stop and out of the lane of travel.

- Not engage in any activity involving the use of hands other than those actions necessary to operate the vehicle or necessary for required communication. This includes, but is not limited to: using a cell phone, eating, drinking, smoking, reading, etc.
- Not wear radio headsets, ear buds, earphones or similar devices or listen to audio equipment above a minimum volume that would prevent them from hearing traffic warning devices or distract them from their driving duties.
- Use proper directional signals when turning.
- Ensure visibility by scraping and/or defrosting windows and mirrors as necessary.
- Adhere to the Duke University Parking & Transportation signs & policies when parking a Duke vehicle. Duke vehicles may park only where authorized. Duke vehicles may not park on yellow markings, in fire lanes, reserved spaces, handicapped spaces, or on the landscape or sidewalks.
- Ensure that the vehicle is secured when parked by:
 1. Turning the ignition switch off.
 2. Removing the key.
 3. Engaging the hand brake or the parking brake.
 4. Using wheel chocks if provided, or “curbing” the wheels of the vehicle when parked on an incline.
 5. Locking the vehicle if left unattended.
- Adhere to the following rules while engaged in backing a vehicle:
 1. Before attempting to move, determine that backing will not endanger pedestrians, other vehicles, other objects or the vehicle being moved.
 2. If backing where space is limited, seek additional outside-the-vehicle help if available.
 3. Back slowly.
 4. Use both interior and exterior mirrors, checking both sides as the vehicle backs up.

Note: All enclosed cargo vans or other vehicles with limited visibility (with the exception of "hi-cube trucks") are required to mount an additional rear view mirror at the left rear of the vehicle to aid in backing. Make, model and mounting specifications can be obtained from Duke University Parking & Transportation Services.

- Ensure the safe transport of materials and goods by:
 1. Securely fastening all loads, regardless of weight or height, to prevent rolling, pitching, shifting or falling. No one will be allowed to physically "steady" the load while riding in the back of the vehicle.
 2. Securely fastening all doors while the vehicle is in operation.
 3. Securing tailgate in an upright position while the vehicle is moving except when the load exceeds the length of the bed of the vehicle.

4. Affixing a red flag to the end of any load that extends four feet or more beyond the end of the vehicle or loads that extend beyond the width of the vehicle.
 5. Utilizing a tarpaulin or other cover to cover loads of loose materials such as sand, gravel, or trash.
 6. Ensuring that Duke vehicles with an overall height of more than 11'0" do not travel that section of Campus Drive which requires passing beneath the East Campus bridge.
 7. Utilizing the proper loading docks or areas at each building.
 8. Ensuring that barriers installed in all enclosed vans to separate the cargo and passenger areas are secured and will protect the driver and passengers from injury should the load shift during transport.
- Ensure the safe transport of hazardous materials.

Note: The US Department of Transportation classifies hazardous materials into the following groups: Explosives, Flammable Materials, Compressed Gases, Oxidizers, Poisonous Materials, Corrosive Materials and Radioactive Materials. Transportation of these materials is strictly regulated to protect people, property and the environment by minimizing the possibility of a hazardous materials release. Anyone transporting these materials for Duke University should contact the OESO-Environmental Programs Division at 919-684-2794 prior to transport to ensure compliance with the applicable regulations.

- Ensure the safe transport of all occupants by requiring all occupants to be secured with a seat belt installed by the manufacturer whenever the vehicle is in motion. This requirement does not apply to Duke Transit buses.

PROHIBITED PRACTICES

- Allowing any passenger to ride in the bed of the vehicle or to sit on the tailgate or sides of the vehicle, or allowing passengers to extend their arms or legs beyond the vehicle while it is moving.
- Allowing any passenger to ride in a trailer while it is being towed.
- Allowing the number of passengers to exceed the number of seat belts (except for buses).
- Allowing any passenger to ride between bucket-type seats, on the engine cowling or on a chair placed between the seats and not affixed to the floor.

HAND-HELD ELECTRONIC DEVICES

These devices include, but are not limited to, cell phones, computers, pagers, PDAs, and any other similar device. Duke drivers are prohibited from using a hand-held electronic device while operating a Duke vehicle except when making an emergency voice call to Duke Police or 911 for

situations such as traffic accident, fire, medical emergency, severe road hazard, etc. In such cases, drivers should attempt to pull off the road prior to initiating the call. If it is not possible to stop, the conversation should be as short as necessary to communicate the nature of the emergency.

Specific exemptions may be authorized by Corporate Risk Management when such devices are essential to the operation. **Note: This restriction does not apply to law enforcement or ambulance operators while in the performance of their official duties.**

PASSENGER VANS

In addition to the requirements already outlined in this policy, departments shall ensure that the following requirements are followed when using passenger vans carrying more than 11 people (1 driver and more than 10 passengers):

- All drivers of passenger vans carrying more than 11 people shall be at least 21 years old and meet the other requirements of Duke drivers as previously outlined in this policy.
- Departments shall schedule all Duke drivers who will operate passenger vans carrying more than 11 people to attend training on the safe operation of passenger vans.
- Departments leasing passenger vans shall carry (at the Department's expense) supplemental liability insurance offered by the leasing agency.
- On trips where a driver may be required to operate a passenger van for more than four hours consecutively, a trained relief driver shall be required. The two shall alternate as necessary to ensure that neither operates the van while fatigued.
- The use of passenger vans with cargo stored on the roof shall be prohibited.
- Drivers are restricted from using passenger vans to transport children in the 12th grade or younger. Drivers using passenger vans to transport minors must have prior written approval from Duke Corporate Risk Management.

Note: This portion of the policy applies to passenger van use only. This does not apply to cargo vans used by any department for any purpose.

LOW SPEED VEHICLES (LSVs)

Properly registered LSVs may be operated on all streets and roads under the following conditions:

- The operator possesses a valid driver's license and is designated as a Duke driver.
- The vehicle is equipped with all safety equipment required by Code of Federal Regulations, Title 49, §581.500. These include:
 - Head lamps
 - Stop lamps
 - Rearview mirrors
 - Windshield with wipers

- Turn signals
 - Tail lamps
 - Parking brakes
 - Speedometer
 - Seat belts
 - Reflex reflectors, one red on each side as far to the rear as practicable, and one red on the rear,
- The vehicle has a valid North Carolina registration.
 - The street upon which the LSV is operated has a posted speed limit of no more than 35 mph. LSVs are permitted to cross a street with a higher posted speed limit.

UTILITY VEHICLES

Utility vehicles may be operated as follows.

ALL USES

- The operator possesses a valid driver's license and is designated as a Duke driver.
- The vehicle is equipped with the following required equipment:
 - Operable brakes
 - Identification on sides (Duke vehicle number)
 - Seat belts, if provided by the manufacturer
- The number of passengers shall not exceed design capacity.
- The load shall not exceed design capacity.
- All body parts shall be kept inside vehicle when in motion.

USE ON DUKE UNIVERSITY STREETS AND ROADS

- Utility vehicles may be operated on streets owned and maintained by Duke University ([see map](#)) when equipped with the following additional equipment:
 - Reflective, DOT approved slow moving vehicle sign visible from rear.
 - Lights if operated in low light conditions from dusk to dawn.
 - Functional horn
- When operated on streets and roads, the driver must obey all traffic laws.

USE ON OTHER STREETS AND ROADS

- Operation of utility vehicles on other roadways is prohibited except to cross. Crossing is authorized under the following conditions:
 - Crossing shall be from one piece of Duke-owned property to another (i.e., property would be contiguous if not for the roadway).
 - Driver must bring the vehicle to a complete stop before crossing.
 - Crossing the roadway must be as close to perpendicular as possible to the roadway.

- Operation of utility vehicles along the shoulder of a roadway is prohibited except when active work is being performed.

OFF ROAD USE

- Utility vehicles may be operated on sidewalks/paths in such a manner that they do not impede or interfere with normal pedestrian traffic. Speed limited to 5 mph.
- Operators shall exercise caution and avoid unsuitable terrain.

ACCIDENT/ INCIDENT REPORTING:

It is the responsibility of all Duke drivers to report all accidents and/or incidents that involve Duke vehicles **regardless of damage**. Accidents and/or incidents that occur on Duke property will be reported immediately to Duke University Police Department by calling 919-684-2444. Vehicle accidents and/or incidents that occur outside Duke property will be immediately reported to the nearest law enforcement agency having jurisdiction. All accidents and/or incidents shall be reported to Corporate Risk Management as soon as possible. Duke drivers will follow these guidelines should an accident and/or incident occur:

1. Call or have someone call the appropriate police department and give all pertinent information, but **do not** leave the scene or move the vehicle until given permission by a police officer.
2. Contact your supervisor as soon as possible.
3. Obtain the names of witnesses, insurance information, and other pertinent facts and forward those to Corporate Risk Management as soon as possible. Please see Duke's Insurance Identification Card.

ENFORCEMENT:

Departments will follow procedures as outlined in the Human Resources Policy Manual and applicable bargaining unit provisions. A copy of the disciplinary action form will be forwarded to Corporate Risk Management.

TRAINING

GENERAL TRAINING

All Duke drivers are required to complete a Defensive Driving Course approved by Corporate Risk Management. This will generally be a one-time requirement. Repeat or supplemental training may be required at the discretion of Corporate Risk Management. This Defensive Driving Course training is available online through the Duke Learning Management System website at a small cost to the Duke driver's department. Note: Duke drivers who only operate golf carts, or utility vehicles, or powered industrial trucks are not required to take the Defensive Driving Course.

All Duke drivers are also required to complete an online Vehicle Safety Policy training to ensure that they are aware of the requirements of this policy. This will be a triennial requirement.

SPECIALTY VEHICLE TRAINING

See the Powered Industrial Truck Safety Policy (Supplement I) for forklift, motorized pallet jack, and order-picker operator's training requirements.

PASSENGER VAN TRAINING

Drivers who are assigned to drive vans carrying more than 11 people (1 driver and more than 10 passengers), shall receive additional training as required by Corporate Risk Management. This training will be coordinated through Parking & Transportation Services at a cost to the Duke driver's department.

REFERENCES

Motor Vehicle Laws of North Carolina

Duke University Parking and Traffic Regulations

Occupational Safety and Health Administration Regulations

Federal Motor Carrier Safety Regulations