
Subject: Vehicle and Equipment Use Policy

Report to: Corporate Services Committee

Report date: Wednesday, August 9, 2023

Recommendations

1. That updated Policy C-HR-023 Vehicle and Equipment Use (Appendix 1) **BE APPROVED.**

Key Facts

- The purpose of this Report is to seek Council's approval of the Region's updated Vehicle and Equipment Use Policy (attached as Appendix 1).
- The Region is planning to launch the Council approved automated enforcement programs (automated speed enforcement and red-light camera technology) in September 2023.
- As a result, the Region has taken steps to update the current Vehicle Use and Driver's Licence Requirements Policy, to ensure proper alignment with these programs and to separate policy and procedure, in accordance with the Corporate policy framework.
- Internal and external policy scans were conducted as part of this policy update.
- The updated Vehicle and Equipment Use Policy is an encompassing policy that sets out the conditions for vehicle and equipment use. The policy is inclusive of employees and volunteers (as applicable) who are authorized to operate Regional vehicles and equipment or their personal vehicle for approved business purposes.
- The updated policy sets out the parameters for operation and use of Regional vehicles and equipment, operator responsibilities, access and security, environmental sustainability, insurance coverage and how to address policy non-compliance.
- On July 18, 2023, the Corporate Leadership Team reviewed the updated policy and approved the 3 related procedures: Driver's Licence and Abstract Procedure, Responsibility for Traffic Violations Procedure and Taxable Benefit Procedure – Personal Use of Regional Vehicle, pending Council approval of the parent policy.
- The updated policy clearly outlines that employees are responsible for costs related to traffic violations/tickets.

- Upon approval of the updated Vehicle and Equipment Use Policy, the policy and related 3 procedures will be shared for information purposes with the Region's agencies, boards and commissions, along with the local area municipalities.

Financial Considerations

There are no anticipated direct financial implications associated with this updated policy.

Analysis

Beginning in 2019, the Region has actively pursued automated enforcement (AE) programs under its Vision Zero Road Safety initiative. In 2022, Council approved the installation and use of 4 automated speed enforcement technology units on Regional roads, for a period of approximately 22 months. The following year, Council approved the implementation and use of red-light camera technology at 10 signalized intersections on Regional roads, for a period of approximately 26 months. The planned launch of these automated enforcement programs is September 2023.

The review and update of the Region's existing Vehicle Use and Driver's Licence Requirements Policy stemmed from an automated enforcement working group, as one of the actions required to prepare for program implementation. The working group was comprised of members from Transportation Services, Legal and Court Services, and Human Resources. Additional input was obtained from other Divisions as required.

The main objective with the policy update was to enhance the existing policy, by integrating key responsibilities related to the new automated enforcement programs. A secondary objective was to separate policy and procedure (in accordance with the Corporate policy framework), by streamlining the existing policy content into 1 policy and 3 corresponding procedures for ease of understanding, compliance, and administration.

As part of the policy review and updating process, an internal scan of related department and/or divisional policies was conducted. This yielded 1 from EMS: Vehicle Operation Policy, and 3 from Public Works: Driver Improvement Policy, Vehicle and Equipment Policy and Vehicle and Equipment Idling Policy. An external scan for related policies and procedures from other municipalities with AE programs (Cities of Hamilton, Toronto, Windsor, and Durham Region) was also conducted prior to commencing updating of this policy. This scan provided an overview of best practices for inclusion in the Region's updated policy and procedures.

As mentioned, the updated Vehicle and Equipment Use Policy is an encompassing policy that sets out the conditions for vehicle and equipment use. The policy applies to all employees and volunteers (as applicable) of Niagara Region, who are authorized to operate Regional vehicles and equipment or use their personal vehicle for approved business purposes. The policy articulates how it works with existing departmental/divisional policies, collective agreements, employment contracts, and other policies. The policy as a result addresses any procedural conflict with departmental/ divisional policies, by defaulting to the stricter, more onerous requirements in relation to the responsibilities and expectations imposed on employees.

The policy sets out the parameters for operation and use of Regional vehicles and equipment and operator responsibilities. There is an enhanced roles and responsibilities section, with defined responsibilities for Operators, Supervisors/Managers, Human Resources and Fleet Services. The policy continues to capture general Operator responsibilities and conditions related to on-call, stand-by and rapid response to urgent emergency situations. The policy has been updated to include provisions related to access and security of fleet assets and environmental sustainability.

The Corporate Leadership Team has reviewed the updated policy and on July 18, 2023, approved the 3 related procedures: Driver's Licence and Abstract Procedure, Responsibility for Traffic Violations Procedure and Taxable Benefit Procedure – Personal Use of Regional Vehicle, which will go into effect pending Council approval of this parent policy.

Of note, the accompanying Responsibility for Traffic Violations Procedure sets out the requirement for employees to be responsible for costs related to Operator infractions and tickets or notices: a) issued to an Operator, and b) issued against Regional vehicles and equipment. The procedure defines a process for Operator reimbursement to the Region, for payment of tickets or notices issued against Regional vehicles and equipment.

Subject to Council approval of the policy, the Region intends to share the policy and related procedure(s) with its agencies, boards, and commissions, along with the local area municipalities, for information and any respective consideration in preparing for the new automated enforcement programs launching in September 2023.

Alternatives Reviewed

An alternative considered was to leave the Vehicle Use and Driver's Licence Requirements policy in its current form. However, it was determined that the better approach would be to update the policy, properly re-name it, and outline clear

expectations and detailed processes for ease of understanding, compliance, and administration, along with adherence to the Corporate policy framework.

Relationship to Council Strategic Priorities

The updated Vehicle and Equipment Use Policy will support Council's strategic priority of Sustainable and Engaging Government.

Other Pertinent Reports

None.

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This report was prepared in consultation with Ann-Marie Norio, Regional Clerk.

Appendices

Appendix 1 C-HR-023 Vehicle and Equipment Use Policy (UPDATED)

Policy Category	Name of Policy
Human Resources	Vehicle and Equipment Use Policy

Policy Owner	Human Resources
Approval Body	Regional Council
Approval Date	August 17, 2023
Effective Date	September 1, 2023
Review by Date	September 1, 2025

1. Purpose

Employees of Niagara Region who are authorized to operate Regional vehicles and equipment or their personal vehicle for approved business purposes have a duty to operate said vehicles and equipment safely and in accordance with all traffic and/or driving related legislation, regulations, policies, procedures and by-laws (e.g. the Highway Traffic Act [HTA], municipal parking by-laws, etc.).

The Region has a significant investment of assets in vehicles and equipment that are intended for use in the delivery of Regional programs and services. As such, they are to be used in an efficient, effective, environmentally & fiscally conscious, and ethical manner. Regional vehicles and equipment are valuable assets and operators of such are expected to exercise reasonable care. This policy sets out the parameters regarding vehicle and equipment use, on behalf of Niagara Region.

In addition to this corporate policy, some departments or divisions may also have related policies or procedures, to which staff must comply. Where any policy or procedural conflict occurs between this corporate policy and a departmental or divisional policy and/or procedure, the policy or procedure with the stricter/more onerous requirements in relation to the responsibilities and expectations imposed on employees will take precedence. Where provisions in this policy differ from that of any legislation, collective agreement, or terms and conditions of employment between an employee and Niagara Region, the clause in the relevant legislation, collective agreement, or contract shall prevail.

2. Scope

This policy applies to all employees and volunteers (as applicable) of Niagara Region, hereinafter referred to as “Operators”, who are authorized to operate Regional vehicles and equipment or their personal vehicle for approved business purposes. This policy does not include elected members of Council.

Policy Category	Name of Policy
Human Resources	Vehicle and Equipment Use Policy

2.1. Roles and Responsibilities

2.1.1 Operators

- Maintain a sound understanding of and comply with this policy.
- Adhere to the Operator responsibilities set out in this policy.
- Comply with all traffic and/or driving related legislation, regulations, policies, procedures and by-laws (e.g. the Highway Traffic Act [HTA], municipal parking by-laws, etc.).

2.1.2 Supervisors and Managers (People Leaders)

- Ensure Operators are made aware of and oriented to this policy upon hire.
- Authorize, educate and monitor vehicle and equipment use, in accordance with the policy.
- Ensure consistent application of the policy to direct reports, including appropriately addressing (in consultation with Human Resources) any policy non-compliance or breaches.

2.1.3 Human Resources

- Administer and maintain this policy.
- Provide advice and support regarding application of this policy.
- Provide support to all parties when a policy decision results in the requirement to make decisions affecting employment.

2.1.4 Fleet Services

- Support the policy and related procedures, responsible for administration of the Corporate fleet of vehicles and equipment.
- Provide advice and support regarding application of this policy.
- Other related duties as set out in this policy.

3. Policy

3.1 Authorized Operators

- Anyone operating Regional vehicles and equipment must be an authorized Operator, for the purpose of work-related activities based on job function.
- Supervisors and Managers shall not permit the operation of Region vehicles and equipment by unauthorized staff.

3.2 Access and Security

Policy Category	Name of Policy
Human Resources	Vehicle and Equipment Use Policy

- When not in use, Region vehicles and equipment are to be stored and secured on Regional properties in designated areas, unless otherwise approved by the Supervisor/Manager (e.g. standby duty). Supervisors/Managers must consider storage and security as part of the approval process and ensure reasonable precautions are in place to protect Region vehicles and equipment.

3.3 Operator Responsibilities

- Operate and care for Region vehicles and equipment in safe and responsible manner.
- Keep vehicles and equipment in clean and operational condition.
- Each Operator shall inspect their assigned vehicle or equipment prior to and at the end of each use, in accordance with applicable inspection procedures.
- Obtain Supervisor/Manager pre-approval prior to any use of the 407 ETR.
- Report any hazards, damage, wear and tear on any Region vehicle and equipment to the Supervisor/Manager in a timely manner.
- Will not smoke and/or vape in Region vehicles and equipment.
- Exercise safe operation practices and not operate vehicles and equipment when impaired, including but not limited to the following circumstances:
 - after consuming alcohol; or
 - while impaired in any way, including under the influence of illicit, medicinal or prescription drugs.
- Report collisions and other vehicle and equipment damage to Regional Dispatch at the time the event occurs.
- Report collisions and other vehicle and equipment damage to the Supervisor/Manager in a timely manner.
- Abide by all traffic laws, regulations and posted signs.
- Comply with all applicable Regional policies and procedures.

3.4 Personal Use of Regional Vehicles

- Operators will not use Regional vehicles and equipment for personal use (e.g. travel home) unless pre-authorized by the Supervisor/Manager.
- Certain designated positions across the Region require employees to perform on-call or standby duty as a condition of their employment. Subject to management approval, employees may be provided a Regional vehicle for travel directly to and from home and work each day, to allow for rapid response times to urgent or emergency situations and immediate access to required tools and equipment.
- Travel outside Niagara region limits (including to an Operator’s residence) with a Regional vehicle is subject to pre-approval by the immediate Supervisor/Manager.
- Cross-border personal travel is not permitted in a Regional vehicle, including travel to an Operator's residence located in the United States.

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- Transport of family members, pets and/or personal materials in Region owned vehicles and equipment, including but not limited to building supplies, furniture, garbage, etc. is not permitted at any time.

3.5 Environmental Sustainability

- It is expected that Regional vehicles and equipment will be used in a fuel efficient and environmentally responsible manner.
- Idling of Regional vehicles and equipment is prohibited, unless required for operational needs.

3.6 Insurance

- Only authorized Operators of Regional vehicles and equipment are insured under the Region’s insurance policy.
- Employees who use their personal vehicles for approved business purposes are required to ensure they are adequately insured with their personal insurance carrier.

3.7 Non-Compliance

- Operators who fail to comply with this policy, related procedures and associated guidelines may be subject to disciplinary action or other sanctions, up to and including termination.
- Any fines, charges, penalties legal or court costs resulting from traffic tickets/violations against an Operator, Region vehicle or to obtain the release of a Region vehicle or equipment from impound, are the responsibility of the Operator who is operating the Regional Vehicle or Equipment at the time the offence, ticket, charge, or penalty was issued or imposed.

3.8 Passengers (non-employee)

- Operators are only permitted to transport non-employees in Regional vehicles and equipment when all occupants are travelling for Region business purposes.

4. Definitions

Approved Business Purposes: This term includes, but is not limited to job duties, assigned work, work related activities, conducting Regional business etc.

Driver’s Licence: A valid and unrestricted licence to drive a class of vehicle in Ontario. A valid driver’s licence has a future expiry date and is not suspended, cancelled, un-renewed or invalid for any reason.

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Driving Authorization: The express or implied authorization given to employees to operate Regional vehicles and equipment, to engage in related work required for approved business purposes.

Employees: Regional employees include full-time, part-time, regular, temporary, casual and contract employees.

Highway Traffic Act (HTA): A provincial statute which regulates vehicular, cycling and pedestrian traffic on all roadways within the province, which includes all regulations thereunder as passed or amended from time to time. The provisions of the HTA strictly regulate how the Region must administer the operation of its fleet and regulate the conduct of all vehicle and equipment operators.

Idling: Where the engine of a vehicle or equipment is running while stationary or not being operated.

Operators: Regional employees or volunteers (as applicable) who must possess and maintain a valid and unrestricted specified licence for the class of vehicle or equipment they are authorized to operate.

Region/al Equipment: Region/al equipment includes any self-powered/person-operated equipment that is owned, rented or leased by the Region and not required to be licenced under the Ontario Highway Traffic Act (e.g. lawn mower, brush cutter, chainsaw, backhoe etc.).

Region/al Vehicle: A Region/al vehicle includes any motorized or self-propelled vehicle that is owned, rented or leased by the Region and required to be licenced under the Ontario Highway Traffic Act (e.g. pick-up truck, car, dump truck etc.).

Tickets: A ticket is a Provincial Offence notice or Municipal Infraction notice, generally issued by a law enforcement official or agency to a motorist, other road user or vehicle owner, accusing violation of municipal, provincial or federal traffic laws. Tickets may also be issued by private organizations that manage parking facilities. Tickets can include, but are not limited to, driving infractions, parking tickets, red light camera, auto speed enforcement and HOV violations.

5. References and Related Documents.

a. Legislation, By-Laws and/or Directives

- Highway Traffic Act
- Occupational Health & Safety Act
- The Criminal Code of Canada
- Income Tax Act

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b. Procedures

C-HR-0XX-0XX Driver’s Licence and Abstract Procedure

C-HR-0XX-0XX Taxable Benefit Procedure – Personal Use of Regional Vehicle

C-HR-0XX-0XX Responsibility for Traffic Violations Procedure

6. Related Policies

C-A-011 Legal Indemnification Policy

C-F-026 Employee Travel and Expense Policy

7. Document Control

The electronic version of this document is recognized as the only valid version.

Approval History

Approver(s)	Approved Date	Effective Date

Revision History

Revision No.	Date	Summary of Change(s)	Changed by