

DEPARTMENT OF THE ARMY  
DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER  
US ARMY GARRISON PRESIDIO OF MONTEREY  
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PRESIDIO OF MONTEREY AND ORD MILITARY COMMUNITY  
MOTOR VEHICLE TRAFFIC SUPERVISION

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TABLE OF CONTENTS

CHAPTER	Paragraph	Page
1. GENERAL		
Purpose .....	1-1	2
References .....	1-2	2
Applicability .....	1-3	2
Explanation of Terms .....	1-4	2
2. POLICIES AND RESPONSIBILITIES		
Responsibilities of Driver and Owner .....	2-1	4
Responsibilities of all Military and Civilian Personnel .....	2-2	4
Towing, Impounding, Inspection, Searching, and Inventorying Privately Owned Vehicles .....	2-3	4
3. MOTOR VEHICLE REGISTRATION		
General Vehicle Registration Requirements .....	3-1	6
4. DRIVING REQUIREMENTS		
Policy .....	4-1	10
Army Driver Improvement Program (ADIP) .....	4-2	11
Suspension and Revocation .....	4-3	11
Traffic Codes .....	4-4	12
Off-Limit Roadways and Areas .....	4-5	15
Violation Notice .....	4-6	16
Cell Phone Prohibition .....	4-7	16
Driving Under the Influence .....	4-8	16

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\* This regulation appends POM Reg 190-5, dated 18 March 1997, and is punitive in nature.

## **Chapter 1**

### **General**

#### **1-1. Purpose**

Army Regulation (AR) 190-5, Motor Vehicle Traffic Supervision, is the primary source of traffic supervision rules on the Defense Language Institute Foreign Language Center and Presidio of Monterey (DLIFLC & POM), Ord Military Community (OMC) and areas under their control. This regulation establishes additional policies, responsibilities, and procedures for traffic supervision on POM/OMC. Some provisions specifically state that they apply on and off the installations.

#### **1-2. References**

Required and related publications are listed in appendix A.

#### **1-3. Applicability**

This policy applies to **all** personnel on DLIFLC & POM; i.e. these rules also apply to non-DoD affiliates who are present on the installation. Some of the rules, as identified herein, also apply off of the installation to military members and federal civilian employees and their family members assigned, attached, located, or employed on or under the control of DLIFLC & POM.

#### **1-4. Explanation of terms**

- a. Army-Approved Motorcycle Safety Course – The appropriate Motorcycle Safety Foundation (MSF), Specialty Vehicle Institute of America (SVIA), or MSF-based State approved curriculum taught by certified or licensed instructors which consists of hands-on training and a performance-based and knowledge-based evaluation.
- b. Driver's License - A license to operate a motor vehicle issued under the laws of a state or applicable Army regulations.
- c. Driving Privileges - The privileges extended by an Installation Commander (IC) to an individual permitting the operation of a Privately Owned Vehicle (POV) within the limits of the installation. This privilege, once extended, is subject to administrative suspension or revocation for cause as determined by the IC within the standards set forth in this regulation. The IC delegates authority to the Garrison Commander (GC), to suspend, revoke, and reinstate driving privileges.
- d. Law Enforcement Personnel (Officials) - Persons authorized by competent authority to direct, regulate, or control traffic, or to make apprehensions or arrests for violations of traffic regulations. Personnel so designated normally are identified as Military Police, Department of the Army Civilian Police or contract guard personnel, and operate under the supervision of the Provost Marshal or the Director of Emergency Services (DES).
- e. Motorcycle - Any two-or three-wheel motorized vehicle, to include mopeds, motor scooters, and small tactical and non-tactical speed-limited two-or three-wheel vehicles, utilizing either gasoline or battery, designed to operate on or off roads on Army installations.
- f. Motor Vehicle - Any vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways.

g. Motor Vehicle Registration - State Motor Vehicle Registration is the procedure which culminates in the issuance of a registration certificate and registration plates for a motor vehicle under the laws of a state. POM/OMC Motor Vehicle Registration is the procedure which culminates in the issuance of a registration decal for a motor vehicle under AR 190-5 and this regulation.

h. Operator - Every person who drives or is in actual physical control of a motor vehicle. A person is considered to be in actual physical control when he/she is in a position to control the motor vehicle, whether to regulate or restrain its operation or movement. (For example: Sitting in a parked car with the keys in the ignition.)

i. Owner - A person having all the incidents of ownership, including the legal title of a vehicle whether or not such person lends, rents, or creates a security interest in the vehicle; a person residing in a county, city, district, or political subdivision of the state, or the United States, when entitled to the possession and use of a vehicle under a lease, lease-sale, or rental-purchase agreement for a period of 30 consecutive days or more.

j. Registrant - The person who applies for temporary or permanent registration of a motor vehicle. This person is not necessarily the owner of the motor vehicle.

k. Restraining Devices - Includes seat belts and child passenger restraint systems.

l. Revocation of Driver's License - The formal termination of a person's license or privilege to operate a motor vehicle on the public highways by a state authority. Said termination is not subject to renewal or restoration, except that application may be presented and acted on by the state after the expiration of the applicable period of time prescribed by state law. This action disqualifies the individual from operating a POV on a military installation since he/she is no longer licensed to drive.

m. Revocation of Driving Privilege - The action taken by the GC to terminate an individual's privilege to operate a motor vehicle on a military installation. This action precludes renewal or restoration except by application and only after the expiration of a specified period of time, but not less than six months.

n. Suspension of Driver's License - The temporary, formal withdrawal of a person's license or privilege to operate a motor vehicle on the public highways by a state authority. Temporary withdrawal shall be for a period specifically designated but not to exceed six months. Such an action disqualifies the individual from operating a POV on a military installation since he/she is no longer licensed to drive.

o. Suspension of Driving Privilege - The temporary withdrawal by the GC of an individual's privilege to operate a motor vehicle on a military installation for a maximum of twelve months.

## **Chapter 2 Policies and Responsibilities**

### **2-1. Responsibilities of driver or owner**

a. It is the responsibility of all personnel (driver, operator and owner) operating a motor vehicle in an area within or under the jurisdiction of POM/OMC (to include leased properties), to be familiar with the provisions of AR 190-5 and the additional provisions of this regulation. It is unlawful for anyone governed by these provisions to violate any portion thereof. No person within the boundaries of POM/OMC or subject to the Uniform Code of Military Justice (UCMJ) shall fail or refuse to comply with any lawful order or direction of any military or civilian law enforcement personnel without consequences of being apprehended.

b. Before operating a motor vehicle on POM/OMC, or properties under the jurisdiction of POM/OMC, owners or operators will make certain that the vehicle is in good repair and that it complies with safety standards established by the State of California and AR 190-5.

### **2-2. Responsibility of all military and civilian personnel**

a. All personnel, to include military, family members, civilian and contract employees, guests, and non-DoD affiliates present on the installation are advised to report any observed violations of this regulation or AR 190-5 to the Presidio of Monterey Police Department (POMPD). Reports may be made by notifying the POMPD in person, or by telephone, and indicating the offense committed, time, date, location, and description of offending vehicle (make, color, type, license plate number, state, decal number, etc., if known). The complainant's name, address, and phone number will be clearly recorded, so that he/she can be contacted at a later date, if needed.

b. Any vehicle accident on POM/OMC, which results in bodily injury or property damage, will be promptly reported to the POMPD, by the individual concerned.

### **2-3. Towing, impounding, inspection, searching, and inventorying privately owned vehicles**

a. Entry of private or commercial vehicles on POM/OMC is a privilege granted by the GC.

b. Violators are responsible for all costs of towing, storage, and impounding of vehicles for other than evidentiary reasons.

c. The following outlines specific violations and conditions under which POVs will be impounded and towed. Impounding of POVs is justified when any of the following conditions exist:

(1) The POV is illegally parked:

(a) On a street or bridge, in a tunnel, or is double parked, and interferes with the orderly flow of traffic.

(b) On a sidewalk, within an intersection, on a crosswalk, on a railroad track, in a fire lane, or is blocking a driveway, so that the vehicle interferes with operations or creates a safety hazard

to other roadway users or the general public. An example would be a vehicle parked within 15 feet of a fire hydrant or blocking a properly marked driveway of a fire station or aircraft-alert crew facility.

(c) When blocking an emergency exit door of any public place (installation theater, club, dining hall, hospital, and other facility).

(d) In a “tow-away” zone that is so marked with proper signs.

(2) The POV interferes with:

(a) Street cleaning or refuse removal operations and attempts to contact the owner have been unsuccessful.

(b) Emergency operations during a natural disaster or fire or must be removed from the disaster area during cleanup operations.

(3) The POV has been used in a crime or contains evidence of criminal activity.

(4) The owner or person in charge has been apprehended and is unable or unwilling to arrange for custody or removal.

(5) The POV is mechanically defective and is a menace to others using the public roadways.

(6) The POV is disabled by a traffic incident and the operator is either unavailable or physically incapable of having the vehicle towed to a place of safety for storage or safekeeping.

(7) Law enforcement personnel reasonably believe the vehicle is abandoned.

d. POMPD will attempt to notify the vehicle owner immediately using the information provided by the owner to POMPD during the POM/OMC vehicle registration and information available through the California Law Enforcement Terminal System (CLETS).

e. Procedures for towing and storing impounded vehicles.

(1) Impounded POVs, not of evidentiary value will be inventoried, using the appropriate POMPD forms and released to any one of the available rotational towing agencies. Impoundment and towing of POVs for violations of the installation traffic code or involvement in criminal activities will be accomplished under the direct supervision of law enforcement personnel.

(2) If a POV is impounded for evidentiary purposes, the vehicle can be held for as long as the evidentiary or law enforcement purpose exists. The vehicle must then be returned to the owner without delay unless directed otherwise by competent authority.

f. Inspection and Searching.

(1) Stopping and inspecting personnel or vehicles.

(a) Government vehicles on the installation and all vehicles at installation gates or entry control points (ECP) and in restricted areas are subject to administrative inspections. Prior to any inspection the specific consent of the vehicle operator will be requested.

(i) For government vehicles anywhere on the installation or at installation gates or ECPs, and for government vehicles or POVs in restricted areas, if consent is refused, an inspection may only be made if based upon probable cause or in order to ensure safety of the installation and/or persons on the installation.

(ii) For non-government vehicles attempting to enter the installation, if consent is refused, access to the installation will be denied to the vehicle and all occupants of the vehicle.

(b) Stops and inspections of POVs within the military installation, other than at restricted areas or at an installation gate, are authorized only when there is a reasonable suspicion of criminal activity, or a violation of a traffic regulation, or as the IC directs.

(2) Search of a POV in conjunction with impoundment based on criminal activity will likely occur in one of the following general situations:

(a) The owner or operator is not present. This situation could arise during traffic and crime-related impoundments and abandoned vehicle seizures. A property search related to an investigation of criminal activity should not be conducted without search authority unless the item to be seized is in plain view or is readily discernible on the outside as evidence of criminal activity. When in doubt, proper search authority should be obtained before searching.

(b) The owner or operator is present. This situation can occur during either a traffic or criminal incident, or if the operator is apprehended for a crime or serious traffic violation and sufficient probable cause exists to seize the vehicle. This situation could also arise during cases of intoxicated driving or traffic accidents in which the operator is present but incapacitated or otherwise unable to make adequate arrangements to safeguard the vehicle. If danger exists to the police or public or if there is risk of loss or destruction of evidence, an investigative-type search of the vehicle may be conducted without search authority. Vehicle searches may also be conducted at any time with the informed consent of the operator.

### **Chapter 3**

#### **Motor vehicle registration**

##### **3-1. General vehicle registration requirements**

a. DoD registration requirements apply to all personnel who live or work and operate a POV on POM/OMC. Operating a POV on POM/OMC is a privilege extended by the GC, once extended, is subject to administrative suspension or revocation.

b. Upon assignment to POM/OMC, personnel will have thirty days to register their POVs that will be located or operated on POM/OMC, with the POMPD. Personnel assigned to the POM from other Installations who already have a decal, are still required to register their vehicle and be issued the POM Installation Tab, Parking Sticker and to update their information in the Centralized Operations Police Suite. The military member, the retiree, or the civilian employee are the only authorized persons allowed to register any vehicle, owned or operated by their family members, provided their name is on the vehicle registration. Thirty days will allow applicants time to accomplish the requirements as indicated in paragraph c below.

c. The following requirements must be met in order to register a vehicle on POM/OMC:

(1) Live or work on POM/OMC, or be a military retiree.

(2) Possess a valid Drivers License.

(3) Have a valid vehicle registration with the name of the applicant to whom the decal is to be issued. If the Applicant's name is not on the registration, a notarized letter must be initiated by the registered owner indicating that the applicant has full use of the vehicle. Staff Judge Advocate (SJA) may be able to assist military personnel in this matter. The other option is for the owner of the vehicle to contact Department of Motor Vehicles (DMV) in person and have the applicant added to the registration.

(4) Proof of current minimum liability insurance.

(5) Valid Identification (ID) card.

(6) If registering a motorcycle, a motorcycle license (or endorsement on the driver's license) and certificate of completion of an approved motorcycle safety course, is required. If the applicant does not have proof of completion of an approved motorcycle safety course, the motorcycle will not be driven on POM/OMC. The Installation Safety Office will provide information on scheduling and locations of upcoming motorcycle safety courses. The Vehicle Registration Office will annotate the type and date of completion of motorcycle safety course and retain a copy of the certificate of completion on file.

(7) Motor vehicles that are four years old or older, and are not registered in the State of California, are required to have a smog check. Smog inspections are required unless the vehicle is: Hybrid, 1975 year model or older, Diesel powered, Electric, Natural gas powered and has a gross vehicle weight rating of 14,001 lbs. or more, Motorcycle, or Trailer.

(8) National Guard/Army Reserve personnel are only authorized a decal if they are assigned to DLIFLC & POM for language study or live or work on POM/OMC.

(9) Personnel registering POVs must consent to the impoundment policy IAW paragraph 3-5, AR 190-5.

d. In addition to those requirements set forth above, the owner/driver/operator registrant must provide proof of current financial responsibility. If an insurance certificate is presented, it must contain information specified in Section 16028.4, California Vehicle Code (CVC). With respect

to each motor vehicle, California law requires that the minimum liability coverage will be \$15,000 for bodily injury to or death of one person as a result of any one accident, \$30,000 for bodily injury to or death of two persons as a result of any one accident, and \$5,000 for damage to property of others as a result of any one accident, IAW Section 16056, CVC. As an alternative, owners may meet the financial responsibility requirements by:

(1) Depositing with the California DMV, cash in the amount specified in Section 16056, CVC (\$15,000; \$30,000; \$5,000).

(2) Qualifying as a self-insurer by obtaining a valid certificate of self-insurance issued by the State of California IAW Section 16052, CVC.

e. Vehicles without current insurance or financial responsibility are subject to impoundment. The operator or registered owner may be cited for CVC 16028(a). The operator/owner of any motor vehicle involved in traffic accidents as described in CVC sections 16000 and 16028, shall present proof of financial responsibility to any law enforcement official upon demand. Failure to comply will result in the issuance of a USDCVN, with a mandatory court appearance before the US Magistrate. In addition, suspension/revocation of on-post driving privileges will occur until such time as proof of financial responsibility is demonstrated.

f. Vehicle Registration System (VRS) Representatives.

(1) The POMPD registers POVs for the owner/operator using an automated VRS. The POMPD may serve as the VRS Administrator. In an effort to expedite the registration process for personnel newly assigned to DLIFLC & POM, a representative from each directorate, separate unit, or organization, as indicated below, will be responsible for the vehicle registration process for their organization. Personnel will apply for registration and installation parking stickers, by contacting their VRS representative, who will provide the vehicle registration data form.

(2) The VRS representative will review the registrant's completed form, registrant's driver's license, registration, and insurance documents to ensure the VRS form is accurate. The VRS representative will then deliver the forms, to include copies of the driver's license, proof of insurance, vehicle registration, and smog certificate, if applicable, to the POMPD. Additionally, information will include, whether the registrant is a student commuter, on-post student, staff and faculty or resident of POM/OMC.

(3) The following units/organizations will designate VRS Representatives to ensure that all personnel owning or operating POVs on the installation comply with the above-mentioned requirements. Names and telephone numbers of the VRS representatives will be submitted to the POMPD, ATTN: VRS.

(a) A through F Companies, 229<sup>th</sup> MI Battalion.

(b) 311<sup>th</sup> Training Squadron and Air Force Element.

(c) HHC, DLIFLC.

- (d) Marine Corps Detachment.
- (e) Center for Information Dominance Detachment, US Navy.
- (f) Deans of each School.
- (g) Directorates.
- (h) Tenant Units.

(i) Individuals from other units/organizations, living or working on POM/OMC who are not listed above will receive their decals directly from POMPD VRS.

g. Temporary Vehicle Passes will normally be issued for thirty days, pending permanent registration, or in other special circumstances for longer terms. Motorcycles will be given one-day passes, without exception, to allow for safe and secure parking/storage at owner's expense, until the operator/owner can show proof of completion of approved motorcycle safety course and complete the motor vehicle registration process. The Visitor Centers (Private Bolio and Franklin Street Gates) are the only access point where temporary visitor passes will be issued. Upon receiving and processing the VRS Forms, POMPD VRS will issue the decals and installation parking stickers to the VRS representative of the respective unit for issue to the registrant. The VRS representative will collect the temporary visitor passes and return them to the Private Bolio or Franklin Street Gate Visitor Center. The VRS representative will ensure that decals and parking stickers are properly affixed to the registrants' vehicles. Inoperable vehicles will not be registered or brought onto POM/OMC.

h. Vehicle decals will be placed on the exterior lower driver's side of the windshield. Visitor and temporary passes will be placed on the dashboard, inside of the vehicle on the driver's side. Parking stickers will be placed on the rear exterior of the windshield, on the lower left side.

i. Motorcycle owners and operators will place decals on the lower left portion of the motorcycle windshield. If the motorcycle is not equipped with a windshield, the decal will be placed on the left front fork, or to a plate affixed to the left front fork area.

j. Decals will expire four years from the date of issue. All personnel must notify the POMPD of transfers, sales, or other dispositions of registered POVs. Additionally, the registered owner of the vehicle is responsible for removing the registration decal from the POV and returning it to the POMPD VRS.

k. All personnel who are departing DLIFLC & POM, (i.e., termination, retirement, resignation, etc.) must notify the POMPD of their change in status during out-processing and return the registration decal. The POMPD will cancel the registration accordingly. Supervisors and commanders will ensure that personnel being separated from DLIFLC & POM or military service follow this provision to the maximum extent possible and notify the POMPD of any and all discrepancies.

l. Vehicles, which appear to be abandoned, (expired registrations, flat tires, broken windows, etc.,) will have a DD Form 2504 (Abandoned Vehicle Notice) placed on the windshield by the

POMPD instructing the operator or registered owner to contact the POMPD within three calendar days, or the vehicle will be towed and the operator of the registered owner cited for violation CVC 22523.

m. Commanders are required to conduct unit level POV safety inspections prior to long weekends, federal and unit training holidays. During these inspections, commanders are responsible for ensuring that all unit members have a valid driver's license, current state registration, valid post registration and appropriate proof of financial responsibility. Additionally, commanders should ensure that vehicle safety equipment is operational, (i.e., brake lights, headlights, taillights, turn signals, windshield wipers, horns, mirrors and tires). Deficiencies identified that hamper safe operation of the vehicle are cause for the commanders to deny the owner/registrant permission to operate the vehicle until the deficiencies have been corrected. Any deficiencies must be corrected prior to operating the vehicle except as may be necessary for the driver/operator to return to his/her residence or to a garage for the purpose of accomplishing the necessary repairs. Proof of correction will be made to the unit commander or the designated representative within a reasonable period of time as established by the unit commander.

(1) Unit commanders may order individuals not to operate or allow the operation of a POV with a major safety defect where operation could endanger the general public or operator on POM/OMC. If the safety deficiency has not been corrected within ten days, the vehicle will be removed from POM/OMC at the owner's expense.

(2) Every operator/owner of a motor vehicle operated on any roadway on POM/OMC shall at all times maintain in force one of the forms of financial responsibility as specified in 3-1d.

n. The operator/owner of any motor vehicle involved in traffic accidents as described in CVC sections 16000 and 16028, shall present proof of financial responsibility to any law enforcement official upon demand. Failure to comply will result in the issuance of a USDCVN, with a mandatory court appearance before the US Magistrate. In addition, suspension/revocation of on-post driving privileges will occur until such time as proof of financial responsibility is demonstrated.

## **Chapter 4**

### **Driving requirements**

#### **4-1. Policy**

The operation of a POV on POM/OMC constitutes a conditional privilege extended by the GC. Individuals desiring this privilege shall:

a. Comply with AR 190-5, this regulation, and State of California laws and regulations governing motor vehicle operation.

b. Possess, while operating a motor vehicle, and produce on demand by law enforcement personnel:

(1) Proof of state registration.

(2) A valid state driver's license.

(3) Proof of financial responsibility. The operator/owner of any motor vehicle involved in traffic accidents as described in CVC sections 16000 and 16028, shall present proof of financial responsibility to any law enforcement official upon demand. Failure to comply will result in the issuance of a USDCVN, with a mandatory court appearance before the US Magistrate. In addition, suspension/revocation of on-post driving privileges will occur until such time as proof of financial responsibility is demonstrated. Vehicles without current insurance or financial responsibility are subject to impoundment. The operator or registered owner may be cited for CVC 16028(a). The operator/owner of any motor vehicle involved in traffic accidents as described in CVC sections 16000 and 16028, shall present proof of financial responsibility to any law enforcement official upon demand. Failure to comply will result in the issuance of a USDCVN, with a mandatory court appearance before the US Magistrate. In addition, suspension/revocation of on-post driving privileges will occur until such time as proof of financial responsibility is demonstrated.

#### **4-2. Army Driver Improvement Program and Drivers Accident Avoidance Course**

a. All drivers of Army motor vehicles, regardless of age, shall have completed Army Driver Improvement Program (ADIP), Defense Driving Course (DDC) or the Drivers Accident Avoidance Course (DAAC) training conducted at installation level. Personnel who have completed ADIP, DDC, or DAAC at another installation outside California will be required to show proof of attendance and be required to complete a refresher course.

b. Army-Approved Motorcycle Safety Training: All active duty military personnel and civilian employees of DLIFLC & POM and OMC desiring to regularly operate a motorcycle or other two or three-wheeled motorized vehicle (excluding golf carts and mini-bikes) on POM/OMC must satisfactorily complete approved motorcycle safety training. Commanders shall insure that unit safety programs confirm compliance with the motorcycle safety training requirement.

#### **4-3. Suspension and revocation**

a. The GC may suspend or revoke driving privileges on POM/OMC. Such action may be appropriate when:

(1) An individual's driving habits represent a clear and present danger to the public, other motorists, or themselves. For example: Driving Under the Influence (DUI).

(2) Measures such as warnings, counseling, ADIP or rehabilitation programs have failed to produce the desired driver performance.

(3) An individual consistently fails to adhere to DoD, Department of the Army, or appropriate state regulations or codes pertaining to the operation of a motor vehicle. For example: Two or more abstracts from failure to pay fines or appear in court.

(4) The individual fails to comply with any condition established by the Commander requisite for granting and sustaining an individual's driving privilege on the POM/OMC. For

example: Compliance with California Motor Vehicle Safety Standards, and California financial responsibility laws.

(5) An individual exhibits behavior patterns indicative of use of alcohol or controlled substances to the extent that renders him/her incapable of safely driving a motor vehicle.

b. Commanders, directors, or agency heads will forward recommendations for consideration of suspension/revocation of the installation driving privilege of individuals considered unsafe drivers. Recommendations should be submitted in writing to: Directorate of Emergency Services, ATTN: Records Section, 4468 Gigling Road, Presidio of Monterey, CA 93944.

c. An individual cited by civilian or military law enforcement agents for a traffic violation for which suspension or revocation action is mandated need not be recommended for suspension or revocation.

d. Administrative Due Process.

(1) Suspension/revocation of driving privileges for DUI charges will be accomplished as mandated by AR 190-5. Commanders or staff directors, as appropriate, and the affected person will sign the suspension/revocation letter and return it to the Directorate of Emergency Services, ATTN: Records Section, 4468 Gigling Road, Presidio of Monterey, CA 93944, within five days after notification.

(2) Suspension/revocation of POM/OMC driving privileges for other than DUI charges will become effective ten days after notification, unless a request for administrative hearing is submitted and received by the Records Section within this time period. Such a request will stay the suspension until after the hearing. Hearing requests will be made to DES Records Section within ten days after written notification of suspension/revocation. Appeals or requests for consideration will be in writing to DES Records Section, and will be forwarded to SJA for scheduling.

#### **4-4. Traffic codes**

a. Rules of the Road. Pursuant to the Assimilative Crime Act (18 USC, Section 13), all matters of the California Vehicle Code (CVC) and the California Penal Code (CPC) concerning acts or omissions defining crimes, and the punishments therefore, are hereby assimilated and applicable within POM/OMC.

b. All assimilated sections of the CVC which refer to the authority of "peace officer," "police department," "counties," "municipalities," or terms of similar import or which refer to the authority of the Department of Transportation (DOT), California shall be interpreted to convey such authority to the IC and his/her designated representative.

c. Speed Limits.

(1) The speed limit for motor vehicles operating on paved road surfaces within POM/OMC is 20 mph, unless otherwise posted.

(2) Off-road speed is limited to 15 mph, unless otherwise posted.

(3) The maximum authorized speed (regardless of the posted limit) for troop carriers, when used to transport one or more military members occupying the cargo space of troop carriers, is 30 mph.

(4) The speed limit for motor vehicles passing troops in formation marching/running along any roadway is 10 mph.

(5) The Directorate of Public Works, in coordination with the DES and Safety Division, is responsible for posting speed limit signs.

(6) Speed limits will be posted or modified only after performance of a credible speed study and approval of the IC or his designated representative.

d. Vehicle Equipment.

(1) POVs operated on POM/OMC shall comply with the minimum standard equipment requirements outlined in Division 12 and Division 16.5, Chapter 5, CVC, to include additions outlined herein.

(2) It is mandatory, according to the DoDI 6055.4, Department of Defense Traffic Safety Program, that *“all personnel operating or riding in motor vehicles shall wear safety belts.”* Additionally, the regulation states that, *“the vehicle operator shall be responsible for informing passengers of the safety belt requirement. The senior occupant shall be responsible for ensuring enforcement. For civilian employees, if the senior occupant cannot be ascertained, the driver shall be responsible for enforcement. All nonuse of occupant protective devices shall be enforced as a primary traffic violation.”* Restraint systems are required only in vehicles manufactured after model year 1966.

(3) Infant/child restraint devices (car seats) will be required in POVs for children six years old or less and who do not exceed 60 lbs in weight.

e. Operation of Motorcycles.

(1) Military personnel will not operate a motorcycle, either on or off-post, unless the individual has successfully completed an approved motorcycle safety course. Civilian personnel who operate motorcycles on-post or off-post, on government business, are also required to successfully complete approved motorcycle safety course. Family members are also encouraged to adhere to the above.

(2) A motorcycle helmet that meets DOT motorcycle safety helmet construction standards (a Kevlar helmet is unsatisfactory) will be properly fastened (under the chin) and worn when operating or riding a motorcycle on or off the installation.

(3) Headlights on motorcycles will remain on whenever the motorcycle is in operation.

(4) Use of headphones or earphones is prohibited while operating a motorcycle.

(5) Motorcycle and moped operators and riders shall wear approved motorcycle helmets, proper eye protection, hard-soled, leather boots or over-the-ankle shoes, long trousers, full-fingered gloves, long-sleeved shirt or jacket, and high visibility reflective vest or outer garments (bright color for the day and retro-reflective for night). Reflective armbands or waist belts are not sufficient. Proper eye protection includes clear goggles or a face shield attached to the helmet. A motorcycle or moped windshield or fairing is not considered proper eye protection.

(6) Rear-view mirrors will be attached to each side of the handlebars.

f. Off-Road Vehicle Operation.

(1) It is unlawful to operate a POV or off-road vehicle off the paved road surface, except in those areas specifically designated by the Commander. (At present, no area on the POM/OMC has been designated for off road operation).

(2) Off-road vehicles not licensed for highway operation that are operated or transported on POM/OMC shall comply with the vehicle identification and display requirements set forth in the CVC. Segways and All-Terrain-Vehicles, if operated on public streets must meet the same requirements as motor vehicles, in that they must be licensed.

(3) No person shall operate, nor shall an owner permit operation of, an off-road vehicle with an exhaust system or pollution control system having other than original manufacturer's specifications except when the vehicle is being operated in an organized racing or competitive event under auspices of a recognized body sanctioned by the IC.

g. Major motor vehicle repairs or those maintenance measures that will cause oil or gas to be spilled, will not be accomplished in any of the installation's parking lots, on the streets, yards, seeded areas, or in the driveways and/or carports in the post housing areas. Minor vehicle maintenance and adjustments may be accomplished in driveways, carports, or unit parking lots; however, work areas will be kept clean and well policed at all times. Dismantled vehicles (those with major assemblies removed), vehicles with major structural damage, or vehicles determined to be abandoned will be removed to a storage facility off post under abandoned vehicles provisions of Chapter 6, AR 190-5.

h. Roller skating, in-line skating, rollerblading, and skateboarding are prohibited on any roadway. These activities are permissible in parking areas after duty hours, unless otherwise designated, and require the proper wear and use of helmet, kneepads, and elbow pads at all times.

i. Wearing/use of portable headphones, earphones, or other listening devices is prohibited on roadways/sidewalks while operating a motor vehicle, jogging/running, bicycling, roller skating, rollerblading, in-line skating, or skateboarding. Use of headphones on fitness tracks and Soldier Field is authorized.

j. Leaving motor vehicles unattended with engine running is prohibited, unless an emergency exists.

k. Bicyclists shall wear helmets and reflective outer garment. Bicyclists shall use bike lanes, where they are available and shall ride in the same direction of traffic. Bicyclists riding at night will use reflectors, lights, and retro-reflective clothing.

l. Motorists and bicyclists must watch out for pedestrians. Cell phone usage is prohibited for bicyclists and for pedestrians, while they are crossing the streets and walking on the roadway.

m. Road guards will use reflective equipment. Troop formations will use lights during periods of reduced visibility.

n. Pedestrians shall use crosswalks when crossing the streets and use designated paths for walking, jogging, or running. If there is no sidewalk, always walk facing traffic so you can see any car that might go out of control. Dress to be seen. During darkness or reduced visibility, joggers, walkers, and runners will wear reflective gear visible 360 degrees.

o. All traffic shall stop when a school bus is stopped with flashing red lights or when a shuttle bus is stopped with flashing warning lights. Traffic will resume only upon cancellation of flashing lights.

p. Stand-in motorized scooters, chariots or Segways will not be operated on public roads, unless on designated paths. (Currently, there is no designated path on POM/OMC).

#### **4-5. Off-limits roadways and areas**

a. All roadways blocked by barricades are off-limits to vehicular traffic with the exception of personnel traversing the area on official business.

b. All family housing areas on POM/OMC are off limits to all personnel except residents, their authorized guests, and other individuals authorized by the IC or his/her designated representative.

#### **4-6. Violation Notice**

The United States District Court Violation Notice (USDCVN) will be used by POMPD to cite all violations committed while operating POVs/Government Vehicles on POM/OMC. USDCVN's on military and civilian employees will be forwarded to the Central Violations Bureau for processing.

#### **4-7. Cell phones**

All vehicle operators on the installation and all operators of government owned vehicles shall not use cell phones unless the vehicle is parked safely or the operator is using a hands-free device, (32 CFR 634.25) except for medical, fire and law enforcement personnel in response to emergency calls and rescue operations. Soldiers are also prohibited from using non-hands free cell phones while operating a POV off the installation unless the vehicle is safely parked. While driving, operating a vehicle safely is a driver's primary responsibility. Eating, drinking, programming music, and applying cosmetics are distracters that negate a driver's ability to react. Avoid unsafe driving practices at all times.

#### **4-8. Driving Under the Influence (DUI)**

DUI is punishable under provisions of the UCMJ and California State law. As a result, an individual may face subsequent discharge, forfeiture, imprisonment, fines and a loss of driving privileges. The actions taken below are in addition to any action that may be mandated by AR 190-5 for DUI offenders.

a. Traffic offenses committed by military members, family members, and civilians on POM/OMC, while in a POV or military vehicle, are cited on a US Magistrate Court Violation Notice.

b. Any person granted the privilege of operating a motor vehicle on POM/OMC, shall be deemed to have given his/her consent to a chemical test of his/her blood, or breath for the purpose of determining the blood alcohol content (BAC) when lawfully stopped, apprehended, or cited for any offense allegedly committed while driving or in actual physical control of a motor vehicle on the installation while appearing to be under the influence of an intoxicant. Any person failing to submit to or properly complete a test for BAC will have his/her on-post driving privilege revoked. Refusal to submit to a test for BAC or failure to properly complete any such test will result in written notification to California DMV, and/or the DMV of the state that issued the offender's driver license, requesting the revocation of the person's driver license.

c. If an individual suspected of DUI refuses the request of an individual law enforcement official to submit to a chemical test, the procedures in paragraph 4-15, AR 190-5, will be followed.

d. Actions to be taken in DUI cases. The contents of this section will be included as standard in-processing information for all military and civilian personnel assigned and attached to DLIFLC & POM. Upon notification of a DUI offense occurring on or off POM/OMC, the unit commander, directorate, or supervisor of the individual will:

(1) Suspend the military/government driver's license if the individual was found DUI in a POV, or revoke the military/government driver's license if the individual was found DUI in a military/government vehicle. Provide unit level ADIP training to the individual.

(2) Refer the military members within seven days to the Army Substance Abuse Program to have the individual screened for alcohol/drug dependency.

e. If, either on or off POM/OMC, a Soldier is convicted of DUI, and/or refuses/fails to complete a lawfully requested test to measure BAC, and/or drives or is in physical control of a motor vehicle with a BAC of .08 percent or higher, the following personnel will assure the underlying mandatory actions are initiated.

(1) Unit Commander will:

(a) Immediately flag the Soldier, not lifting the flag until all administrative and punitive actions have been completed.

(b) Suspend/revoke the military driver's license. Revoked licenses will not be reinstated sooner than one year from the offense date and not until an ADIP is completed.

(c) Ensure Soldier appears in court and pays any fines due.

(2) The DES will:

(a) Notify the unit commander of all DUI offenses via DA Form 3975, MP Report.

(b) Upon apprehension/conviction/notification, process the necessary action to suspend/revoke the individual's installation driving privileges.

f. If on POM/OMC, a civilian is convicted of DUI, and/or refuses/fails to complete a lawfully requested test to measure BAC, and/or drives or is in physical control of a motor vehicle with a BAC of .08 percent or higher, the DES will, upon apprehension/conviction/notification, process the necessary action to suspend/revoke the individual's installation driving privileges.

g. In other violations, not related to DUI cases, the DES will initiate action to immediately suspend, for the stated minimum period, the on-post driving privilege of any person who accumulates points for moving violations IAW Table 5-2, AR 190-5, and as listed below.

<b>VIOLATION</b>	<b>SUSPENSION</b>
Wanton excessive speed (21 mph or more over posted limit)	6 months
Speeding with one or more prior traffic offenses	6 months
25 mph over posted limit	1 year
Reckless Driving	6 months
Hit and run	1 year
Eluding Police	6 months
Racing	6 months
Driving without insurance	6 months
Driving on a suspended license	5 years
Upon notification from the US Magistrate Court of anyone who fails to appear and/or pay designated fines for a violation of the CVC, installation privileges will be suspended for a period of twelve months.	
Assessment of 12 points in one year or the assessment of 18 points within a two year period requires a one year revocation.	

h. In actions to suspend or revoke on post driving privileges, the due process provisions of AR 190-5 apply to include written notice and the offender's right to request a hearing and/or restricted driving privileges (see paragraph 2-6, AR 190-5 for details).

(1) The DES will prepare suspension letters for the GC's signature. The suspension/revocation will become effective ten days after service upon the offender, if no hearing is requested.

(2) If the offender requests a hearing, the GC will appoint a hearing officer to conduct a hearing and submit findings and recommendations to the GC IAW AR 190-5. In hearings, the offender is not entitled to representation by legal counsel. Furthermore, AR 15-6 does not apply.

(3) All requests for restricted driving privileges will be submitted in writing to the DES, ATTN: Records Section. Appeals or requests for reconsideration must be submitted to the Garrison Commander within six working days from the date the individual is notified of the suspension/revocation action or the result of the administrative hearing.

The proponent agency for this regulation is the Directorate of Emergency Services (DES). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to Commander, USAG POM, ATTN: IMWE-POM-ES, Monterey, California 93944-5006.

OFFICIAL:  
SUE ANN SANDUSKY  
COL, AG  
Commanding

/s/  
SUSAN M. KASTNER  
Director, Human Resources

APPENDIX A: Required and related publications.

DISTRIBUTION: G

APPENDIX A: Required and related publications.

1. AR 190-5, Motor Vehicle Traffic Supervision, 22 May 2006.
2. California Vehicle Code (CVC) 2006.
3. Federal Assimilative Crimes Act, 18 United States Code Section 13.
4. Department of Defense (DoD) Instruction 6055.4, DoD Traffic Safety Program, 20 July 1999.
5. Code of Federal Regulations, Title 32, Part 634.25, Motor Vehicle Traffic Supervision.
6. The Clean Air Act, 42 United States Code 7418(d).
7. AR 385-55, Prevention of Motor Vehicle Accidents, 12 March 1987.
8. DLIFLC & POM Command Policy of Motor Vehicle and Pedestrian Accident Prevention Policy, 9 May 2007.
9. DLIFLC & POM Command Policy on Motor Vehicle Registration, 4 October 2005.