

**Memorandum**

July 19, 2006

**To:** Bruce Chrisman  
**From:** William Griffing *WGriffing*  
**Subject:** Revised FESHM Chapter 9010 – Traffic Safety

Enclosed you will find revised FESHM chapter 9010, Traffic Safety. It was pointed out that there are no speed limit requirements for parking lots in the Illinois Motor Vehicle code, nor are our parking lots posted with speed limit signs. In the list of examples of Moving Violations, the statement was revised to read "Driving at unsafe speeds in pedestrian areas such as parking lots."

This does not establish or change existing policy. For that reason site wide review and Director approval is not required.

After final approval, please return this approval page to Elizabeth May at MS119 for posting on the web.

Encl.

**Approved:**



Bruce Chrisman

*7/19/06*

Date

## TRAFFIC SAFETY

### INTRODUCTION

The driving and parking of motorized vehicles on the Fermilab campus poses a serious safety risk to motorists as well as bicyclists and pedestrians. To reduce the risk to motorists, bicyclists and pedestrians, Fermilab has adopted the applicable portions of the State of Illinois Vehicle Code and the *Rules of the Road* publication into its Work Smart Standards. These are the same standards that motorists are legally obligated to observe when operating vehicles on public roadways in Illinois. Because Fermilab roads are not "public roads" under state law, state and local law enforcement officials have no jurisdiction over traffic citations occurring on them and thus have no authority to issue traffic citations (except for driving under the influence)<sup>1</sup>. Traffic violations on Fermilab roads constitute "company rule" violations as opposed to citations, which may subject the violator to fines and court appearances, and company disciplinary action, can and will be taken against offenders. This chapter highlights the standards that Fermilab is contractually bound to enforce, assigns responsibilities, and defines a uniform progressive disciplinary program.

### DEFINITIONS

**Commercial driver's license (CDL)** - means a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR part 383, to an individual which authorizes the individual to operate a class of a commercial motor vehicle.

**Commercial motor vehicle (CMV)** - means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle --

- (a) Has a gross combination weight rating of 11,794 kilograms or more (26,001 pounds or more) inclusive of a towed unit(s) with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
- (b) Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 pounds or more); or
- (c) Is designed to transport 16 or more passengers, including the driver; or
- (d) Is of any size and is used in the transportation of *hazardous materials* as defined in 49CFR383.5.

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<sup>1</sup> For vehicle accidents involving apparent damage of at least \$250 to a non-Government vehicle, local law enforcement officials are routinely called to the Fermilab campus at the request of a driver for completion of a State vehicle accident report.

## RULES

1. Operators of motorized vehicles and bicycles shall abide by the traffic safety rules contained in the State of Illinois Vehicle Code as well as the publication, *Rules of the Road*. Copies of these standards, which are contained in Fermilab's Work Smart Set, can be found in the Fermilab Library as well as any Illinois Secretary of State Driver Services Facility.
2. Employees who operate a CMV must hold a Commercial Driver's License and comply with the applicable requirements of 49 CFR 382-399.
3. Traffic signals and signs on the Fermilab campus shall conform to the State of Illinois' standards for type, size, shape and placement.
4. Each employee-owned motorized vehicle regularly driven on the Fermilab campus shall be registered with the Security Department and shall display a Fermilab vehicle sticker in the designated location.
5. Motorists must remain on established roadways unless specific authorization is given or is otherwise required for the performance of assigned tasks. Further, motorized vehicles shall only be parked in authorized parking spaces or in safe, graveled, roadside locations that do not impede the flow of traffic or endanger pedestrians.
6. Some parking spaces are reserved (i.e., handicapped, NTF patients, emergency vehicle, etc.) and shall not be used by others. Further, many parking spaces have time limits imposed upon them for a variety of reasons, which shall not be exceeded.
7. Bicyclists are permitted to use either roadways or bicycle/pedestrian paths in accordance with the Illinois Rules of the Road, and are required to follow the same traffic safety rules as the motorists. Individuals who ride a bicycle on loan from Fermilab, or ride a personal bicycle in the performance of their work duties, are required to wear a helmet certified by either CPSC (Consumer Product Safety Commission) or ASTM (American Society of Testing and Materials). It is the responsibility of the individual's supervisor or point of contact to ensure that helmets are acquired and worn. (Note: The helmet may be purchased with a ProCard, but will require prior approval from a Division/Section ES&H representative since a bicycle helmet is considered personal protective equipment, and as such, is an ES&H sensitive item.)
8. Citations issued to operators of motor vehicles and bicycles will result in progressive discipline (Appendix A). Individuals riding Fermilab provided bicycles or personal bicycles in the performance of their work activities without a helmet will not be

issued citations. It is the responsibility of the individual's supervisor or point of contact to enforce Fermilab's bicycle helmet policy.

9. All accidents involving motorized vehicles or bicyclists must be reported to ext. 3414 as soon as possible so that an incident investigation and report can be made. (If a medical emergency situation is involved, ext. 3131 should be called.)
10. Special traffic safety provisions have been established for temporary construction and maintenance activities (see Appendix C).

## RESPONSIBILITIES

**Employees, Users, Visiting Scientists, and Guests** shall comply with the traffic safety rules contained in this FESHM Chapter, the State of Illinois Vehicle Code as well as the publications, *Illinois Rules of the Road* and *Illinois Bicycle Rules of the Road*. Failure to do so may result in the issuance of citations and possible disciplinary action, or in the case of a bicycle on loan to an individual, loss of the bicycle. All individuals in accidents involving motorized vehicles or bicycles must report to ext. 3414 as soon as possible so that an incident investigation and report can be completed, and must report to Medical even if no injuries are suspected. (If a medical emergency situation is involved, call ext. 3131 immediately.)

**Division/Section Heads** shall enforce the progressive disciplinary measures identified in this chapter, unless the citation is invalidated through the Appeals Process (see Appendix A). It is the responsibility of each Division and Section Head to ensure that only authorized personnel use government-supplied vehicles and that these drivers are reminded to wear seat belts and obey traffic rules whether driving on or off the Fermilab campus while on official Fermilab business. Finally, it is the responsibility of each Division or Section Head initiating an activity that presents a temporary obstruction of roadway traffic to see that the special safety provisions identified in Appendix C are carried out.

**Security Officers** of the ES&H Section are authorized to enforce the traffic safety rules by issuing citations to violators. In stopping motorists for moving violations, the officers shall not engage in any high-speed pursuits or attempt any maneuver that places themselves or any other motorist, bicyclist, or pedestrian in danger. Under all circumstances, the security officers shall be expected to remain calm and courteous in their interactions with operators of motorized vehicles or bicycles when they are investigating accidents or issuing citations. Concerns or issues regarding the qualifications, competency or professional conduct of security officers should be brought to the immediate attention of the Security Chief.

The **Security Department** of the ES&H Section will maintain a database of citations and will notify the appropriate Division or Section Head each time a citation is issued.

The **Roads and Grounds Department** of the Facilities Engineering Services Section is responsible for determining the appropriateness of traffic safety signs and controls as well as their placement, or replacement when damaged, on the Fermilab campus. They are also responsible for the maintenance of roads and pedestrian/bike paths and shall in particular make every effort to keep them in a serviceable and safe condition.

## TECHNICAL APPENDICES

### APPENDIX A

For Fermilab employees, the corrective action process herein will be in place under the Traffic Safety Program for both parking and moving violations; however, Fermilab reserves the right in its sole discretion to impose different disciplinary measures in given cases. Sanctions for non-employees will be determined on a case-by-case basis by Fermilab management, but could include restricted parking permission, limited access to the site, or banishment from the site, including cancellation of contracts for subcontractors or termination of an assignment for temporary staff.

#### A. Parking Violations:

Some parking violations have serious safety consequences associated with them. For these parking violations, such as parking in marked fire lanes or next to fire hydrants, Fermilab reserves the right to bypass any of the steps identified below and to take more aggressive disciplinary action.

1. One citation in any 90-day period: Issuance of a printed citation by a Fermilab Security Officer regarding the offense. This action is considered a verbal warning. A copy of the citation will be provided to the employee's supervisor.
2. Two citations in any 90-day period: Issuance of a printed citation by a Fermilab Security Officer regarding the offense. This action is considered to be a second verbal warning. A copy of the citation will be provided to the employee's supervisor.
3. Three citations within any 90 day period: During a meeting with the employee and his/her supervisor, a written warning will be given to the employee and placed in the employee's personnel file.
4. Four citations within any 90 day period: A final written warning will be issued and the employee will be required to take a vacation day on a day prescribed by their Division or Section Head. Non-exempt employees may elect to take a day without pay in lieu of forced vacation. A copy of the warning including a statement of the circumstances will be placed in the employee's personnel file.

5. Five citations within any 90 period: The employee will be subject to severe disciplinary action up to and including termination for failure to follow Fermilab rules and regulations.

B. Moving Violations:

The following are examples of common moving violations, but the list is not intended to be inclusive of all moving violations for which citations may be issued.

- Driving at unsafe speeds in pedestrian areas such as parking lots.
- Exceeding the posted speed limit on Fermilab roadways.
- Not coming to a complete stop at posted stop signs.
- Failure to yield right-of-way to pedestrians in or approaching a marked crosswalk.
- Crossing a double yellow line to pass any vehicle except for slow moving equipment and vehicles after being signaled by the driver or operator that it is safe to pass.
- Operating any vehicle after sundown or before sunrise without lights, or without lighted escort vehicles or persons.
- Operating any vehicle off of the existing road network (including fence line roads) on the Fermilab site without specific permission of the Facilities Engineering Services Section.
- Operating any vehicle in an inherently unsafe manner that would endanger the life or health of any person, or the property of any person, or of Fermilab or any other organization, company, or university, or the property of the U.S. Department of Energy.
- Operating any vehicle while under the influence of alcohol or other drugs.

All moving violations occurring on the Fermilab site are possible life-threatening situations. Based on the severity of the violation, Fermilab reserves the right to forego any or all of the below listed steps in the disciplinary process and initiate immediate action up to and including termination for gross misconduct.

1. One citation in any 180 day period: Issuance of a printed citation by a Fermilab Security Officer regarding the offense. This action is considered a verbal warning. A copy of the citation will be provided to the employee's supervisor.
2. Two citations within any 180 day period: During a meeting with the employee and his/her supervisor, a written warning will be given to the employee and will be placed in the employee's personnel file.
3. Three citations within any 180 day period: A final written warning will be issued and the employee will be required to take two days of vacation on

days to be prescribed by their Division or Section Head. Non-exempt employees may elect to take two days without pay in lieu of forced vacation. A copy of the warning including a statement of the circumstances will be placed in the employee's personnel file.

4. Four citations within any 180 day period: The employee will be subject to severe disciplinary action up to and including termination for failure to follow Fermilab rules and regulations.

### C. Appeals Process

It is expected that the security officers will be professional and fair in the issuance of citations, but it is recognized that there can be honest differences of opinion regarding a situation. For this reason, an appeals process has been developed so a cited person can have his/her disagreement reviewed by disinterested people.

A Traffic Citation Review Committee has been established. It is comprised of two standing members selected from the Laboratory Safety Committee and a temporary third member selected by the appealing person. This Committee will review the facts of the citation, talk with appropriate people, and do what it considers necessary to determine the facts. The Committee will rule on the validity of the citation by taking a majority vote and its decision will be final. If the citation is considered invalid, the record will be purged; if it is considered valid, the appropriate sanction will be imposed.

If an employee is disciplined as a result of the citation, he/she can file a grievance under the appropriate grievance procedures of the Laboratory. A non-employee will have to abide by the sanctions imposed.

The Fermilab ES&H Concerns Reporting Form 1060.01 should be used when appealing a traffic violation.

## APPENDIX B

### EXAMPLE OF WRITTEN WARNING

DATE:

TO: Employee Name

FROM: Division/Section Head Name

SUBJECT: Violation of Traffic Safety Rules

Despite [one, two] prior verbal warnings [list dates of previous warnings], you have recently received a citation for another [parking, moving] violation within the last [90, 180 days]. [A copy of the citation should be attached.] This letter will serve as notice that further disciplinary action will follow if you continue to disobey the [parking restrictions, traffic safety rules] in Chapter 9010 of the Fermilab ES&H Manual.

cc: Employee's Supervisor

### EXAMPLE OF DISCIPLINARY ACTION LETTER

DATE:

TO: Employee Name

FROM: Division/Section Head Name

SUBJECT: Discipline for Violation of Traffic Safety Rules

Despite prior verbal and written warnings [list the dates of prior actions], you have recently received a citation for another [parking, moving] violation. Your failure to abide by the Laboratory's Traffic Safety rules is a serious matter and therefore [insert phrase describing disciplinary action to be taken.]

A further violation of Fermilab's Traffic Safety rules may result in more severe discipline, up to and including termination.

cc: Employee's Supervisor

## APPENDIX C

### SAFEGUARDS FOR CONSTRUCTION & MAINTENANCE ACTIVITIES

The following safeguards shall be taken during construction or maintenance activities that may affect the flow of traffic on campus roads.

1. Signs shall be posted indicating road work in progress. Reflective signs and/or flashing lights are required for night visibility.
2. Traffic cones shall be set up to divert traffic safely away from or through the work area.
3. A flag person shall be assigned to the area if the work is to be performed in any area where driver visibility is obstructed, e.g., by heavy equipment. The flag person shall wear a hard hat, an orange reflective vest and use an orange flag or hand-held stop/slow sign to direct traffic. In some circumstances, two flag persons may be necessary.
4. The ES&H Section shall be notified in advance so that fire and security crews are aware of the temporary road conditions.

For impaired roadways (totally blocked):

1. The ES&H Section shall be notified at least three days in advance so that appropriate notifications and emergency arrangements can be made for fire and security emergency services.
2. "Road Closed" and "Detour" signs shall be posted. Reflective signs and/or flashing lights are required for night visibility.
3. The area shall be fully barricaded to prevent inadvertent access.