UNITED STATES MARINE CORPS
MARINE AIR GROUND TASK FORCE TRAINING COMMAND
MARINE CORPS AIR GROUND COMBAT CENTER
BOX 788100
TWENTYNINE PALMS, CALIFORNIA 92278-8100

CCO P1630.8C
6A

AUG 03 2004

COMBAT CENTER ORDER P1630.8C w/ch 1

From: Commanding General
To: Distribution List

Subj: MOTOR VEHICLE AND TRAFFIC REGULATIONS

Ref: (a) Uniform Code of Military Justice (UCMJ)
(b) U.S. Department of Transportation, Federal Highway Administration Manual on Uniform Traffic Control Devices
(c) National Highway Traffic Safety Administration (NHTSA)
(d) California State Vehicle Code
(e) United States Navy Regulation Article 0105
(f) MCO 5110.1C
(g) CCO 6280.2C
(h) SECNAVINST 12792.3
(i) MCO P1700.24B W Ch 1
(j) 42 United States Code Section 290 DD-1
(k) OCPM Instruction 12792 (CP 1792)
(l) MCO 5100.19E W CH/1 & 2
(m) CCO 1625.1
(n) Privacy Act of 1974
(o) Freedom of Information Act
(p) Military Traffic Management Command Transportation Engineering Agency (MTMCTEA)
(q) MCO 11210.2
(r) National Fire Protection Act (NFPA)

1. Situation. This Order establishes policy, responsibilities and procedures for the enforcement of motor vehicle and traffic regulations aboard the Marine Air Ground Combat Center (MCAGCC), Twentynine Palms, California, in accordance with the references and applies equally to the operation of privately owned-vehicles (POVs), government-owned and leased vehicles (GOVs) and commercial vehicles. It includes detailed information concerning driving privileges, vehicle registration, vehicle traffic codes, vehicle traffic enforcement, the conduct of traffic court and the assessment of points and other punitive actions for violations of this Order.

2. Cancellation. CCO P1630.8B and CCO 1630.9.

3. Mission. To provide standard operational procedures for all forms of vehicular traffic aboard the installation thereby, providing a safe environment with established standards.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. This Order has been extensively revised in order to enhance its understanding and readability. This Order should be read in its entirety.

(2) Concept of Operations. All persons, both military and civilian, must obey the provisions of this Order when operating a motor vehicle on base. All service members subject to the Uniform Code of Military Justice (UCMJ) must obey this order when operating any motor vehicle, at any time, at any location, on or off-base.

b. Subordinate Element Mission

(1) Recommendations concerning the contents of the Motor Vehicle and Traffic Regulations are invited. Such recommendations will be forwarded to the Commanding General (Attn: PMO) via the appropriate chain of command.

(2) The Provost Marshal is responsible for the enforcement of the provisions of this Order. All violations of this Order shall be reported to the Provost Marshal's Office (PMO).

(3) All other responsibilities are specifically assigned within the contents of this Order.

c. Coordinating Instructions. This Order is applicable to all persons operating motor vehicles aboard the MCAGCC.

5. Administration and Logistics. Distribution Statement A-1 directives issued by the Commanding General are distributed via e-mail. This Order can be viewed at https://www.29palms.usmc.mil/dirs/manpower/adj/index.asp.

6. Command and Signal

a. Signal. This Order is effective as of the date signed.

b. Command. This Order is applicable to Active Duty and Reserve personnel aboard MCAGCC.

J. R. BRADEN
Chief of Staff

DISTRIBUTION: A-1

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CCO P1630.8C Ch 1
6A
OCT 15 2004

COMBAT CENTER ORDER P1630.8C Ch 1

From: Commanding General, Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center
To: Distribution List

Subj: MOTOR VEHICLE AND TRAFFIC REGULATIONS

1. Purpose. To direct a pen change to the basic Order.

2. Action. Add subparagraph 8. to paragraph 4204 "Formation runs will not be conducted on Del Valle Road at anytime due to heavy traffic. Crossing Del Valle Road en route to the "Ponds" or the PT field is permitted provided adequate road guards are provided. Extreme caution must be exercised to ensure safe passage of the formation and all stragglers. Running, jogging, or walking along Del Valle Road by anyone between the main gate and Tenth Street is prohibited".

3. Filing Instructions. File this change transmittal immediately behind the signature page of the basic Order.

J. R. BRADEN
Chief of Staff

DISTRIBUTION: A-1

LOCATOR SHEET

Subj: MOTOR VEHICLE AND TRAFFIC REGULATIONS

Location: _____
(Indicate the location(s) of the copy (ies) of this Order)

MOTOR VEHICLE AND TRAFFIC REGULATIONS

RECORD OF CHANGES

Log completed change action as indicated.

Change Number	Date of Change	Date Entered	Signature of Person Entering Change

MOTOR VEHICLE AND TRAFFIC REGULATIONS

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CHAPTER 1

GENERAL INFORMATION

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CHAPTER 1

GENERAL INFORMATION

1000. RESPONSIBILITIES

1. Provost Marshal. The Provost Marshal shall:

a. Maintain overall staff responsibility to direct, regulate and control traffic and enforce laws pertaining to traffic control.

b. Conduct traffic control studies designed to obtain information on potential traffic hazards and traffic usage patterns and make recommendations concerning altering existing traffic patterns and control devices to the Facilities Maintenance Officer.

c. Recommend the location of necessary permanent traffic and parking control devices to the Facilities Maintenance Division.

d. Employ the use of advanced traffic enforcement equipment, to include the use of radar, to reduce the number and severity of traffic accidents.

2. Safety Officer. The MCAGCC Safety Officer shall:

a. Develop traffic accident prevention initiatives in support of the MCAGCC Traffic Safety Program.

b. Develop and provide both initial and remedial driver training for all military personnel.

c. Conduct a Driver's Improvement Course for all military personnel 25 years of age and younger.

3. Traffic Engineer. The traffic engineer shall conduct formal traffic engineering studies designed to obtain information on potential traffic hazards and traffic usage patterns and make recommendations concerning altering existing traffic patterns and control devices to the Facilities Maintenance Officer.

4. Facilities Maintenance Officer. The Facilities Maintenance Officer shall:

a. Perform that phase of engineering concerned with the planning, designing, constructing and maintaining of streets, highways and abutting lands of the MCAGCC.

b. Select, design, procure, construct, install and maintain permanent traffic and parking control devices recommended by the PMO and base Traffic Engineer as applicable.

c. Ensure that the traffic signs, signals and pavement markings conform to U.S. Department of Transportation, Federal Highway Administration Manual on Uniform Traffic Control Devices (reference (b)).

d. Ensure that the planning, design, construction and maintenance of streets, highways, pavement markings and traffic control devices conform to the National Highway Traffic Safety Administration (NHTSA) standards (Ref c) as applicable.

5. Substance Abuse Control Officer (SACO). The MCAGCC SACO shall provide alcohol/drug education, treatment and rehabilitation services, as appropriate, to all MCAGCC personnel involved in alcohol or drug-related traffic offenses.

1001. JURISDICTION (PROPRIETARY). The U.S. Marine Corps has no federal legislative jurisdiction over the land comprising the MCAGCC and has only a proprietary interest in the land. California state laws and regulations may be enforced by either the California Highway Patrol or the San Bernardino County Sheriff's Office aboard the Combat Center. Violations committed by civilians may be turned over to either agency for prosecution in the municipal courts and in some cases Federal Magistrates Court.

1002. OPERATION OF MOTOR VEHICLES ABOARD THE MCAGCC. The operation of both POVs and GOVs aboard the MCAGCC is a privilege that is extended by the Commanding General to persons who meet certain qualifications. This privilege may be withdrawn for due cause at any time. This order establishes mandatory regulations that must be adhered to by all persons to include military, civilians, retired military, dependents, employees, contractors, etc.

1. Responsibility. Every motor vehicle operator on this installation shall comply with the following:

a. This Order.

b. The motor vehicle laws of California.

c. The regulations issued by the California Department of Motor Vehicles (reference (d)).

d. All posted traffic speed limits and other regulatory signs.

2. Suspension or Revocation of Driving Privileges. When it is determined that a person has failed to operate a motor vehicle in a safe, prudent, or lawful manner consistent with the provisions of this order, their driving privileges may be suspended or revoked. Anyone whose driving privileges have been suspended or revoked is forbidden to drive a motor vehicle within the confines of the MCAGCC and is forbidden to allow anyone else to operate their POVs on the MCAGCC, unless that person is a bonafide dependent of the registered owner.

3. Motorcycles, Mopeds, and Bicycles. This Order is applicable to the operators of motorcycles, mopeds, motorized cycles and bicycles, unless obviously or explicitly excepted. Motorcycles, mopeds and motorized cycles shall be included under the category of "motor vehicle" for the purposes of this Order. The motorcycle safety requirements identified in this order apply to all motorcycles, mopeds and motorized cycles.

4. Violations. This Order is issued per United States Navy Regulations Article 0105 (Ref e). It concerns matters over which the Commanding General, MCAGCC exercises command, control, or supervision. Violations of these regulations are also punishable per the UCMJ regardless of whether the violation is also punished during MCAGCC Traffic Court.

MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 2

DRIVING PRIVILEGES

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CHAPTER 2

DRIVING PRIVILEGES

2000. REQUIREMENTS FOR DRIVING PRIVILEGES

1. Driving a POV or GOV aboard the MCAGCC is a privilege granted by the Commanding General. Persons who want this privilege must:

a. Comply with the laws and regulations governing motor vehicle operation on this installation.

b. Comply with the MCAGCC Vehicle Registration requirements, as applicable (Chapter 3 of this Order).

c. Possess, while operating a motor vehicle, and produce on request to law enforcement personnel:

(1) Proof of vehicle ownership or a valid state registration.

(2) A valid state driver's license and/or Operators Form (OF) 346 (U.S. Government Motor Vehicle Operator's Identification Card) valid for the type of vehicle being driven (HMMWV license, etc), as applicable, supported by an Armed Forces Identification Card, or other document that establishes the identity and status of civilians, e.g., DD Form 1173 (Uniform Services Identification and Privilege Card), MCAGCC Activity Pass, DLA Form 572 (Identification card), DLA Form 1486 (Application for Identification Card), or national security card.

(3) Proof of insurance for the vehicle. The only exception is that a contractor must provide proof of insurance within 10 working days if an employee of the contractor is involved in a traffic accident aboard the MCAGCC in a vehicle covered by the contractor's insurance when proof of insurance is not maintained in the vehicle (taxis, etc.).

(4) Authorization to operate a U.S. Government vehicle, trip ticket, is mandatory for all operations off of the installation. The usage of the trip ticket is not required for daily usage aboard the installation.

(5) Operators of GOV(s) with a gross vehicle weight (GVW) of less than 10,000 lbs need only a valid state driver's license. The operators of vehicles over 10,000 lbs (GVW), emergency vehicles, buses (over 10 passenger capacity) and specialty vehicle must have an OF-346 in their possession when operating these vehicles.

(6) Commercial/Delivery vehicles must provide valid bill of laden or equivalent and are subject to content verification.

2. All persons (military or civilian) who operate either POVs or GOVs must take part in alcohol/drug treatment or rehabilitation programs if review of their driving record indicates that such action is appropriate.

2001. STOPPING AND INSPECTNG PERSONNEL OR VEHICLES

1. Privately Owned Vehicles. Any person who accepts the privilege of operating a motor vehicle in the MCAGCC, by such action consents to the stopping and inspecting of that vehicle by law enforcement personnel during authorized vehicle inspections at any time. At the time of the stop, the driver and occupants may be required to display all pertinent documents, including but not limited to those items identified in paragraph 2001 above.

2. Government Owned Vehicles. Law enforcement personnel on the MCAGCC may stop GOVs (to include tactical vehicles) as part of authorized vehicle inspections at any time. At the time of the stop, the driver and occupants may be required to display all pertinent documents, including but not limited to those items identified in paragraph 2001 above.

3. Commercial/Delivery Vehicles. All commercial/delivery vehicles are subject to search and verification of contents by law enforcement personnel. Prior to gaining access to the installation, the driver and or occupants may be required to display all pertinent documents.

2002. IMPLIED CONSENT TO BLOOD OR BREATH TESTS. Persons having accepted installation-driving privileges shall be deemed to have given their consent to evidentiary test for alcohol or other drug content of their blood and/or breath. This will be carried out when a person is lawfully stopped, apprehended, or suspected of committing a traffic offense on the installation while under the influence of alcohol or an illegal drug.

CHAPTER 3

ADMISSION AND REGISTRATION OF MOTOR VEHICLES

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CHAPTER 3

REGISTRATION AND ADMISSION

3000. REGISTRATION OF MOTOR VEHICLES. Registration of vehicles aboard the MCAGCC will be in accordance with references (d), (e), and (g).

1. General Requirements. All persons desiring to register a vehicle aboard the MCAGCC, or to obtain a Temporary or Visitor Pass, are required to present the following information:

a. Valid military, military dependent, retired, or civilian identification card.

b. Valid state operator's or chauffeur's license for the type of vehicle being registered.

c. Evidence of valid licensing or registration of the vehicle in a political subdivision (state or territory) of the United States.

d. Proof of motor vehicle liability insurance that meets or exceeds minimum requirements of the state of California. The minimum insurance requirement for the MCAGCC and the State of California is $15,000 for bodily injury to or death of one person in any one accident, subject to such limit for one person, to a limit of not less than $30,000 because of bodily injury to or death of two or more persons in any one accident, and limit of not less than $5,000 because of injury to or destruction of property of others in any one accident. The owner of each motor vehicle registered on this installation must maintain the minimum insurance required by the state of California and this Order throughout the period of registration.

e. Notarized written permission to operate the vehicle if the applicant is not the registered owner, legal owner, or dependent of the owner of the vehicle to be registered. Vehicles belonging to other than the immediate family of the person desiring to register the vehicle will normally not be registered to include, rental, corporate, university or government agency-owned vehicles.

2. Personnel permanently assigned to a unit or organization located at the MCAGCC are required to register their vehicles with the Vehicle Registration Office within three working days of reporting aboard.

3. Permanent DoD Decals

a. Persons eligible for permanent DoD decals include active duty military personnel and their dependents, civilians working on the MCAGCC, retired military members, military reservists residing in the local community, and bonafide dependents whose military sponsors are assigned elsewhere.

(1) The color for each category of the installation tab is as follows:

(a) Blue - active duty, reserve and retired military officers.

(b) Red - active duty, reserve and retired military enlisted.

(c) Green - civilians who are full-time employees of the U.S. Government and work aboard the MCAGCC.

(d) White - civilian contractors (and their designated employees) who have a contract to provide goods or services to the MCAGCC or its residents. The white decal is usually limited to contractor supervisors and persons of long standing with the contractor who require access to the base multiple times in a given week. Laborers are usually provided with Temporary Passes.

b. Smog Inspection Compliance. Federal agencies are required to ensure all vehicles owned, leased, or operated by military and civilian personnel aboard federal installations provide proof of compliance with smog certification regulations. As such, the PMO will issue permanent vehicle decals for a period not to exceed two years to out-of-state vehicles and a period not to exceed four years to California-registered vehicles in accordance with reference (g). At a minimum, proof of compliance will consist of a printout of the inspection results provided by a certified California State Smog Inspection Station. An actual State Smog Certificate is not required.

(1) Vehicles that are 30 model years old or older are exempt from smog certification requirements. Smog certification requirements are also waived for vehicles that are less than four model years old.

(2) Motorcycles and diesel-powered vehicles are excluded from smog certification.

c. The DoD decal will be placed on the lower left corner of the windshield. On motorcycles the decal will be placed where it is readily visible from the left front of the motorcycle. The left front fork is a standard location, but it is not the only acceptable location.

d. All military personnel 25 years of age or under who register their vehicles on the MCAGCC must show evidence of having satisfactorily completed a Driver's Improvement Course prior to vehicle registration. The MCAGCC Safety Office offers the Driver's Improvement Course.

e. The standard DoD decal is intended for gate and perimeter control only. It does not serve as personal identification, or for other purposes, such as parking or admittance to security or limited access areas.

f. Other DoD Installations. DoD decals issued by other installations or services must be re-validated by the owner/operator for registration aboard this installation. This is only applicable to permanently assigned personnel.

4. Temporary Pass. Temporary Passes may be issued under the following conditions:

a. Persons Authorized a Permanent DoD Decal. A person who rates a permanent DoD decal and only has with them a temporary driver's license, temporary registration, or temporary proof of insurance while awaiting the arrival of the actual documents, may be issued a Temporary Pass for a period of between 30-90 days, depending upon which actual document they are missing.

b. Contractor Employees. The duration of these passes is dependent upon the type of contract. Persons employed by a contractor located full-time aboard the installation (Burger King, Subway, etc.) may be issued a Temporary Pass for a period of up to 6 months. Persons working for a contractor having an established length of contract may be issued a Temporary Pass for a period of up to 6 months or the length of the contract, whichever is less.

c. Authorized Guests. A sponsored or otherwise authorized guest of the MCAGCC who will reside aboard the base (government quarters, on-base rental housing, temporary lodging, etc.), or who will reside in the local community, may be issued a Temporary Pass for the duration of their stay or a period of up to 30 days, whichever is less.

(1) The sponsor of the authorized guest must be present at Vehicle Registration Office at the time the Temporary Pass is issued unless previous arrangements have been made with the Provost Marshal, Deputy Provost Marshal, or Provost Sergeant.

(2) If the sponsor is not present or prior arrangements have not been made, the guest will only receive a one-day Visitor's Pass.

(3) Sponsors of such guests must reside or work upon the MCAGCC and are responsible for the behavior of their guests at all times.

d. Temporary Additional Duty (TAD). Persons TAD to the MCAGCC may be issued a temporary pass for the duration of their TAD.

e. Subsequent issuance of a Temporary Pass for the same vehicle is not authorized unless adequate justification can be presented.

f. The Temporary Pass shall be displayed at all times in the lower left corner of the windshield, except for motorcycles, in which case the pass shall be in the operator's possession while operating the motorcycle.

g. Temporary passes will not be transferred to another vehicle.

5. Visitor Pass. One-day visitor passes may be issued to persons having a bonafide need to be aboard the MCAGCC who do not otherwise rate a permanent DoD decal or Temporary Pass.

a. This pass shall be displayed at all times in the lower left corner of the windshield, except for motorcycles, in which case the pass shall be in the operator's possession while operating the motorcycle.

b. Visitor passes expire on midnight of the day issued and the vehicle must be off of the installation by this time.

c. A visitor's pass may be issued to visitors attending any special event to which the public is invited. This pass will be valid from the Main Gate to the location of the special event and the return trip upon completion of the event. Certain special events may not require the issuance of a visitor's pass.

3001. ADDITIONAL REQUIREMENTS FOR MOTORCYCLES.

1. In addition to the above requirements for obtaining a permanent decal, all motorcycle operators must present evidence of having completed a rider's or operator's course. The course must be either the Motorcycle Safety Foundation course (MSF) or Specialty Vehicle Institute of America (SVIA)-approved curriculum taught by MSF or SVIA-certified or licensed instructors. The course must include hands-on training as well as a performance-based and knowledge-based evaluation. Failure of the safety course examination or skill test will result in a 30-day waiting period before retesting. The MCAGCC Safety Office offers this course.

2. Operators of motorcycles aboard the MCAGCC must also present a valid state operator's license specifically endorsed as permitting motorcycle operation. If the licensing state does not require special motorcycle licensing, none will be required.

3. Operators of motorcycles aboard the MCAGCC may be issued a 30-day Temporary Pass once they have presented evidence of having enrolled in a motorcycle operator's course scheduled to be conducted within that 30-day period. There will be no extensions given for motorcycle temporary passes unless a duty commitment precludes a motorcycle operator's attendance at the motorcycle safety class and the extension is approved by the individual's command.

4. The Temporary Pass will be immediately revoked if the individual fails the motorcycle safety class. A second 30-day Temporary Pass may be issued once the individual has presented evidence that he as been re-assigned to the next motorcycle class occurring within that 30-day period.

3002. REGISTRATION OF OFF-HIGHWAY VEHICLES. Vehicles designed for off-highway travel will be registered in the state from which it came or the state of California. If the off-highway vehicle is not registered in another state the owner must register the vehicle with the state of California. The owner must then register the vehicle with the MCAGCC at the Vehicle Registration Office. Placement of the DoD decal will be in a location that is readily visible but protected from the rigors of off-highway use.

3003. RESTRICTIONS. The privilege of retaining DoD decals and passes shall be subject to the following restrictions:

1. The MCAGCC vehicle passes and DoD decals are issued as government property and remain so until surrendered or removed by competent authority. The unauthorized removal, sale, transfer to another vehicle, mutilation, forgery or obscuring of a DoD decal or pass is prohibited.

2. It shall be the responsibility of registrants to maintain their DoD decals or passes and safeguard their condition by routine care. The loss, mutilation, or defacement of a permanent decal or temporary pass shall be reported immediately to the Vehicle Registration Office.

3. The registered owner of any vehicle for which a permanent DoD decal has been issued shall immediately notify the Vehicle Registration Office of their transfer from or termination of employment at the MCAGCC, cancellation of vehicle liability insurance, or change of vehicle description as to body style or color, so proper disposition of the DoD decal can be made. The

owner will also ensure that the installation tab, but not the DoD decal, is removed and destroyed upon their transfer from the MCAGCC.

4. Military personnel will notify the Vehicle Registration Office upon their permanent change of station move off of the MCAGCC.

5. Any person who knowingly falsifies any information contained in an application for any vehicle pass or DoD decal and, on the basis of this information, is issued and accepts such pass or DoD decal, shall be subject to prosecution and upon conviction may be punished in accordance with applicable law.

6. Those persons who operate a motor vehicle aboard the MCAGCC and who have had their driving privileges revoked by the MCAGCC Traffic Court, any state, or another military installation must report to the Vehicle Registration Office within 24 hours after the imposition of the suspension or revocation to surrender their DoD decals.

7. Display of Inappropriate Material. Any vehicle, private or commercial, displaying flags, pennants, decals, stickers or advertising that depicts obscene/vulgar language or pictures; bring discredit upon the United States of America or the Armed Forces; is not in keeping with the U.S. Marine Corps Core Values Honor, Courage, Commitment; or endorses illegal substances/activities will not be authorized access to the MCAGCC. The remedy is permanent removal of the inappropriate material. DoD decals and base passes will not be issued for vehicles not in compliance. The policy's intent is to maintain a proper sense of decorum aboard the MCAGCC. Disposition of complaints about displays that do not clearly fall within the defined standards rests with the Commanding General.

8. Vehicle Modifications. All vehicles entering the state of California must comply with state vehicle safety standards. Any modifications of the vehicle must be done to California standards. It does not matter whether the vehicle is registered in another state or not. This would include equipment already placed on the vehicle, even though the vehicle is registered in another state. All such equipment that does not meet California standards will have to be removed e.g., tinted windows, lift kits, mirrors, extended wheels and tires, low suspension, etc. Registration will be denied for any vehicle with modifications that do not comply with California Vehicle Code safety requirements.

3004. ADMISSION OF MOTOR VEHICLES

1. Motor vehicles displaying a valid DoD decal with a red or blue MCAGCC installation indicator shall normally be admitted at any hour.

2. Motor vehicles displaying a valid DoD decal with a green or white MCAGCC installation indicator or valid temporary pass are authorized admittance in conjunction with the operator's official duties, job, or service to the MCAGCC.

3. Motor vehicles bearing a valid DoD decal with an installation tab from other military installations or stations shall normally be admitted without restrictions during normal working hours. After normal working hours, operators of such vehicles shall be queried as to their reason for coming aboard the base.

4. POVs are only authorized access to and exit from the MCAGCC on the hard surface roads at the main gate on Adobe Road, the Ocotillo Housing Gate on Morongo Road and the Condor Gate near the Adobe Flats Housing area. The use of other roads to access or exit the base by POVs is prohibited. The only exception to this requirement is access that is needed and gained within the training areas by contractors. Prior to entering through a designated training area the contractor will coordinate with range scheduling, BEARMAT and their respective POC for their contract.

5. Delivery vehicles and contractors are required to access the installation through the main gate and will normally be admitted during working hours.

6. The Commanding General and /or Military Police may deny admission of any motor vehicle when such denial is considered to be in the best interest of the Government.

CHAPTER 4

MCAGCC TRAFFIC CODE

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CHAPTER 4

MCAGCC TRAFFIC CODE

4000. CALIFORNIA LAW. The PMO shall fully enforce the provisions of reference (d) aboard the MCAGCC. Any violation of reference (d) committed aboard the MCAGCC is a violation of state law and could subject the perpetrator to prosecution by state authorities. General guidelines from reference (d) are included in this chapter. It is the responsibility of all persons who operate a motor vehicle on board the MCAGCC to thoroughly familiarize themselves with the provisions of this chapter and abide by it at all times.

4002. DRIVING REGULATIONS

1. Motor Vehicle Operators

a. All persons who accept the privilege of operating a motor vehicle onboard the MCAGCC must abide by all motor vehicle regulations set fourth herein. These regulations are in addition to the regulations contained in reference (d) or in some cases may overlap with reference (d). Failure to abide by all MCAGCC Traffic Regulations published herein or all sections of reference (d) not published herein will subject the violator to administrative sanctions in addition to the possible criminal penalties set out elsewhere in this order.

b. Those sanctions that are fully set fourth in Chapter 7 of this order include the loss of driving privileges aboard the MCAGCC in appropriate cases.

2. Motor Vehicle Operators Subject to the UCMJ. All persons subject to the UCMJ are specifically ordered by the Commanding General, MCAGCC, to obey all MCAGCC Traffic Regulations published herein as well as all sections of reference (d). Failure to do so will constitute a violation of a lawful general order under the UCMJ.

CHAPTER 4

MCAGCC TRAFFIC CODE

SECTION 1: RULES OF THE ROAD

4100. GENERAL. Notwithstanding the enumeration of prohibited acts of conduct set fourth hereafter, any offense arising out of the operation of a motor vehicle cognizable under the laws of California and/or Federal law, shall be chargeable as a violation of this Order.

4101. MOTOR VEHICLE OPERATIONS

1. No person shall drive a vehicle carelessly in willful or wanton disregard of the rights or safety of others or without due caution and circumspection, or at a speed or in a manner so as to endanger any person or property.

2. No person shall willfully operate a motor vehicle or knowingly permit a motor vehicle owned by them or under their control, to be operated in prearranged or spontaneous speed competition e.g., drag racing.

3. Upon all roads of sufficient width, except upon one-way streets, the driver of a vehicle shall drive upon the right half of the road. When driving a slow moving vehicle, the vehicle will be driven as close as possible to the right-hand curb of the road.

4. In crossing road intersections, vehicles shall travel on the right half of the road unless that side is obstructed and impassable.

5. Drivers of vehicles proceeding toward each other shall pass each other by staying on the driver's right side of the roadway, each giving the other at least one half of the main traveled portion of the roadway.

6. Any person operating a motor vehicle with its headlights on, when meeting another vehicle, during the period from one-half hour after sunset to one-half hour before sunrise shall control the lights of the vehicle by shifting, depressing, deflecting, tilting or dimming the headlight beams in such a manner that the vehicle shall not project a glaring or dazzling light against the other vehicle within a distance of 500 feet.

7. During times of precipitation and other periods of reduced visibility all vehicles being operated aboard the MCAGCC will have their lights on. Examples are, but not limited to, during periods of light or heavy rain, or during periods of obscuration due to fog, sand or smoke.

4102. OVERTAKING AND PASSING

1. The driver of a motor vehicle passing another motor vehicle proceeding in the same direction shall, except where passing on the right is permitted, ensure that the oncoming lane is free of traffic for a reasonable and safe distance and then after giving the appropriate signal to pass, pass at least two feet to the left thereof and shall not return to the right side of the road until safely clear of the overtaken vehicle.

2. The driver of a vehicle passing another to the left shall not drive to the left side of the center of the road where a solid yellow center line has been painted and is visible.

3. The driver of a vehicle may overtake and pass upon the right of another vehicle only when the vehicle overtaken is in a lane designated for left turns.

4. The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction when approaching within 100 feet of or when traversing any intersection. This does not apply when driving upon a one-way roadway.

5. The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the road where the driver's view along the road is obstructed within a distance of 500 feet.

6. The driver of a vehicle shall not overtake and pass another on any portion of the road that is marked by signs or markers stating or clearly indicating that passing should not be attempted.

7. The driver of a vehicle about to be overtaken and passed by another vehicle approaching from the rear shall, unless the overtaken and passing is being made upon the right, give way to the right in favor of the overtaking vehicle. The driver of the overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.

8. Every person operating a motor vehicle and approaching from any direction on the same road while any school bus, base bus or privately owned bus is stopped and engaged in receiving or discharging passengers, shall bring their vehicle to a full stop and shall remained stopped until the passengers are received or discharged and until the "flashing red lights" of the bus have been turned off or until the bus has moved on.

4103. TURNING

1. The driver of a vehicle intending to turn right at an intersection shall approach the intersection in the lane of traffic nearest to the right-hand side of the road and shall keep as close as practicable to the right-hand curb.

2. The driver of a vehicle intending to turn left at an intersection shall approach the intersection in the lane of traffic nearest the center of the road and shall pass beyond the center of the intersection before turning left. In the event that the turn is being made from a one-way street the turn should be made in the same manner, only from as close as practicable to the left-hand curb.

3. The driver of a motor vehicle shall first see that movement can be made safely before starting, stopping, or turning from a direct line. If such movement may affect any vehicles or pedestrians, the driver shall, before making the movement, give a signal by means of the hand and arm or by a mechanical or electrical signal device, plainly visible to the driver of the other vehicle, within 200 feet.

4104. BACKING. No vehicle shall be backed until the driver has ascertained that the maneuver can be made safely.

4105. MISCELLANEOUS

1. The driver of a vehicle other than one on official business shall not follow any emergency vehicle or fire apparatus closer than 400 feet.

2. No vehicle shall be driven over a fire hose or any other equipment that is being used at a fire unless so directed by the fire department official in charge.

3. No person shall willfully drive or operate a vehicle on any road designated and properly posted with signs for one-way traffic except in the direction indicated by the signs.

4106. RIGHT-OF-WAY

1. When two vehicles approach or enter an uncontrolled intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right, except as otherwise provided hereinafter.

2. The driver of a vehicle approaching but not having entered an intersection shall yield the right-of-way to a vehicle already within the intersection whether the vehicle in the intersection is proceeding straight ahead or turning in either direction.

3. The driver of a vehicle entering a through road from a driveway or parking lot exit shall yield the right-of-way to all vehicles approaching on the through road.

4. The driver of a vehicle shall yield the right-of-way to military police, fire department vehicles, tactical-type emergency, ambulances and/or rescue squad/emergency service vehicles giving warning signals by appropriate light and by audible bell, siren, or exhaust whistle (audible under normal conditions for a distance not less than 1,000 feet). The driver shall immediately drive their vehicle to a position that is parallel to the right-hand edge or curb, clear of any intersection of streets or highways and shall stop until the emergency vehicle has passed. Traffic on one-way streets that cannot pull off to the right because of parked cars and traffic in the left of dual lane roads shall pull off to the left clear of the traveled portion of the road.

5. Whenever stop signs have been erected at the gate to this installation or entrance to a main traveled or through road, no driver shall fail to stop and shall yield the right-of-way to vehicles operating on the main traveled or through road.

4107. MOTORCYCLES

1. In addition to the preceding rules for all other vehicles, the following unsafe practices are forbidden for all motorcycles operating aboard the MCAGCC:

a. Carrying passengers or materials in front of the operator that interfere with control of the motorcycle. This includes all items except those attachable compartments designed to be placed on the front or gas tank of the motorcycle.

b. Use of the same traffic lane by two motorcycles abreast.

c. Carrying more passengers than the motorcycle's capacity.

d. Trail riding, racing and other related activities.

2. Motorcycle riding shall be confined to primary roads, and to secondary grade roads not posted to restricted travel, to designated parking areas or to designated off-road areas.

3. No person shall operate a motorcycle unless the operator and passenger wear required Personal Protective Equipment (PPE) (see paragraph 4305 for complete list of required motorcycle PPE).

4. Motorcycles are to be operated with headlights on at all times.

4108. SPEED RESTRICTIONS

1. No person shall drive a vehicle at a greater speed that is reasonable and prudent under the existing conditions, with the exception of emergency response vehicles in the performance of emergency response duties.

2. No person shall operate a vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation because of mechanical failure or in compliance with this order.

3. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of other vehicles, the traffic and the conditions of the road.

4. Except as may be otherwise provided by this order, it shall be unlawful to operate a vehicle in excess of the following speeds:

a. 10 mph while passing troops.

b. 10 mph in any parking and service area.

c. 15 mph in housing and troop billeting areas unless otherwise posted.

d. 30 mph on main supply roads (MSR) and 15 mph on all other dirt roads.

e. Except as noted above, no motor vehicle shall be operated in a speed in excess of the posted speed limit.

5. Drivers shall decrease speed when approaching and crossing an intersection, when approaching and going around a curve or when special hazards exist with respect to pedestrians or other traffic or by reason of weather or road conditions. Speed shall also be decreased as necessary to avoid colliding with any person, vehicle or conveyance on or entering the road.

4110. TOWING TRAILERS

1. No person shall drive any motor vehicle that is pulling more than one trailer or semi-trailer. The trailer shall be firmly attached to the rear of the motor vehicle pulling it so it will not shake, but will travel in the path of the wheels of the vehicle drawing it. Equipment shall be kept in working order at all times.

2. No person shall drive any motor vehicle that is pulling a house trailer of 1,000 pounds gross weight or more unless the house trailer is equipped with brakes controlled or operated by the driver of the towing vehicle.

4111. TOWING AND PUSHING VEHICLES

1. No motor vehicle shall be driven that is towing more than one other motor vehicle.

2. Tow lines or chains shall not be used for towing POVs.

3. Tow bars shall be used in towing all vehicles, except for towing requirements utilized by tow trucks.

4112. LOADS ON MOTOR VEHICLES

1. Loads may not extend more than three feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a bumper.

2. No person shall drive or move any motor vehicle unless the vehicle is constructed or loaded to prevent any of its load from shifting and/or falling from the vehicle.

3. No person shall operate any motor vehicle with a load which extends more than four feet beyond the rear of the bed or body unless a red flag (at least 12 inches wide by 12 inches long) is attached to the load in such a manner that it will be clearly visible at all times from the rear of the vehicle. Between one half hour after sunset and one half hour before sunrise there shall be displayed at the end of any such load a red light plainly visible under normal atmospheric conditions at least 200 feet from the rear of the vehicle.

CHAPTER 4

MCAGCC TRAFFIC CODE

SECTION 2: GENERAL REGULATIONS

4200. OPERATOR'S PERMIT AND LICENSE

1. No person shall operate a motor vehicle unless in immediate possession of a valid driver's license or chauffeur's license by any state or territory of the United States or international driver's license.

2. No person whose operator or chauffeur's license has been suspended or revoked shall drive any motor vehicle during the period of suspension or revocation.

3. No person shall operate any POV unless such person has first been licensed as an operator, except when under instruction and has a California Provisional Permit in their immediate possession, at which time a licensed operator, parent, guardian, spouse or adult 25 years of age or older, shall occupy a seat beside the driver and shall be responsible for the operation of the vehicle.

4. No person shall display or present a license not issued to the person displaying it.

5. No person shall display or cause to be displayed, or have in their possession any operator or chauffeur's license knowing the same to be fictitious or to have been canceled, revoked, suspended or altered.

6. No person shall counterfeit, sell, lend or knowingly permit the use by any person not entitled to any operator or chauffeur's license.

7. No person shall authorize or knowingly permit a motor vehicle owned by them or under their control to be driven by any person who has no legal right to do so, to include allowing someone to drive their vehicle while knowing or having reason to know that the person driving the vehicle is under the influence of alcohol or drugs.

4201. RESPONSIBILITY FOR AND CONTROL OF VEHICLES

1. The senior military passenger in a motor vehicle driven by a military dependent or by a member of the military service junior in rank to the passenger shall use reasonable efforts to case the driver to abide by these regulations and report any violations to proper authorities.

2. It shall be the responsibility of the driver of such vehicle admitted to or driven upon this installation to ensure that no person or items prohibited by these regulations, federal statutes, or local laws or ordinances are transported onto, within or off this installation in their vehicle.

3. The driver of any vehicle other than a licensed public carrier is responsible for the conduct of all passengers therein.

4202. PASSENGERS

1. No person shall operate a motor vehicle that is so loaded or crowded with passengers or property, or both, as to obstruct the operator's view of the road, including intersections, or so as to impair or restrict the proper operation of a vehicle.

2. While operating a motor vehicle, the operator will ensure that the number of passengers in the vehicle does not exceed the number of seatbelts in the vehicle and that each passenger including the operator are correctly using their seatbelt.

3. There shall be no passengers riding in the bed of a pickup truck or other truck unless the truck is provided with seats designed for passenger use.

4. All passengers shall be inside a motor vehicle before it is started. The tailgate, if there is one, shall be in the raised position whenever the cargo permits. No person shall be permitted to ride on the tailgate, either raised or lowered, on the side of the vehicle or on the running board, except on those vehicles designed to carry personnel on the outside.

5. No passenger shall be permitted to ride any type of vehicle in such a manner that any part of their person, clothing, equipment or weapon protrudes beyond the exterior of the body or cab of the vehicle. Passengers riding in vehicles with canvas tops or curtains shall not lean their person or equipment against the canvas in any manner that will extend the canvas outward.

6. No child under the age of six shall be left in a vehicle unless in the custody or supervision of a person at least 12 years of age or older.

7. No animals shall be left unattended in any vehicle at any time.

8. Unless properly licensed to do so, no person shall transport any other person as a passenger in any private vehicle upon the payment of or agreement to pay, any fee; nor shall any person solicit any other person to become a passenger for a fee in a private vehicle. This does not prohibit "share the expense plan" or a car pool where the operator of the vehicle is the owner and the cost of operation is actually shared by the passengers.

9. Vehicles will not stop on the hardtop pavement of a main traffic lane to pick up or discharge passengers but will move into a turnout, driveway or side road for this purpose.

10. The driver of a bus shall never move the bus while the passengers are entering or leaving it. The driver shall see that all passengers are in place on the bus and all doors are closed before starting the bus in motion.

11. All drivers of passenger vehicles being operated aboard the Combat Center, including pickup trucks and vans, are required to protect all riders by proper restraints, meaning:

a. "Child passenger restraints" (properly secured) for any child under six years of age, regardless of weight, or weighing less than 60 lbs, regardless of age.

b. No person (to include military and civilian) shall operate or ride in a privately owned motor vehicle aboard this installation without the use of a seat belt. This policy is only applicable to those vehicles that come equipped with seat belts as original equipment.

4203. HITCHHICKING AND IMPEDING TRAFFIC

1. Hitchhiking and impeding traffic by pedestrians is prohibited.

2. Hitchhiking is defined as endeavoring by words or gestures to beg, invite or secure transportation by any motor vehicle not engaged in the carrying of passengers for hire.

3. Impeding traffic is defined as an act, which interferes with, blocks or hinders the normal flow of traffic.

4204. PEDESTRIANS AND MARCHING TROOPS

1. During periods of reduced visibility and before morning colors and after evening colors, pedestrians, other than military formations, shall walk run/jog on the left side of the roadway facing oncoming traffic. Pedestrians will run/jog with no more than two individuals abreast and always move off the roadway to allow oncoming traffic to proceed unhindered. Personnel participating in individual physical training (running/jogging/walking) must wear reflective vest or reflective belts. Reflective belts may be obtained through unit issue (service members only) or individual purchase.

2. Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary. Drivers shall exercise proper caution by reducing speed and, if necessary, coming to a full stop upon observing a child or any confused or incapacitated person upon a roadway.

3. The driver of any vehicle aboard this installation shall yield the right-of-way to a pedestrian crossing the road within any clearly marked crosswalk or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by a Military Policeman or traffic control device.

4. Whenever any vehicle is stopped at a marked crosswalk or unmarked at an intersection to permit a pedestrian to cross the road, the driver of any other motor vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

5. Troops in a formation within populated areas shall be marched in a column of threes using the sidewalks where they exist. When it is necessary to march on the road, the formation shall be marched with vehicular traffic on the right side of the road. At no time will troops in formation interfere with traffic flow in both directions.

6. Troop formations shall be formed halted, and dismissed in an area where the formation will not interfere with vehicular traffic.

7. Troop formations of any size, marching on roads or involved in physical training, will have road guards wearing reflective vests to assist in warning

Formation runs will not be conducted on Del Valle Road at anytime due to heavy traffic. Crossing Del Valle Road en route to the "Ponds" or the PT field is permitted provided adequate road guards are provided. Extreme caution must be exercised to ensure safe passage of the formation and all stragglers. Running, jogging, or walking along Del Valle Road by anyone between the main gate and Tenth Street is prohibited.

4205

and guiding oncoming vehicular traffic. When crossing intersections, these road guards from the formation shall be assigned to stop traffic approaching from each flank. During periods of reduced visibility, normally sunset to sunrise, these road guards will be equipped with reflective vests and flashlights for use in traffic control. Additionally, each individual in the formation must have on his or her own reflective belt.

8.

4205. BICYCLES

1. Bicycles shall observe the same traffic rules and regulations required of motorist and will ride on the right edge of the roadway with the flow of traffic in single file only. No more than one rider is permitted unless the bicycle is provided with seats for more.

2. All skaters, skateboarders, rollerbladers and operators or passengers of bicycles who ride on installation streets or roadways, to include off base military housing, shall not ride unless wearing bicycle helmets which are properly fitted and secured and are approved by the American National Standards Institute (ANSI 290.4 - Bicycle Standards) or of the Snell Memorial Foundation (SNELL) type used for bicycling.

3. Bicycles shall not be operated during hours of darkness unless equipped with illuminated headlights and rear reflectors or lights as defined below.

a. With a head lamp emitting a white visible beam from a distance of 300 feet in front and from the sides of the bicycle

b. With a red reflector on the rear that shall be visible from a distance of 500 feet to the rear when directly in front of a vehicle with its upper beam headlamps on.

c. With a white or yellow reflector on each pedal visible form the front and rear of the bicycle from a distance of 200 feet.

d. With a white or yellow reflector on each side of the forward center of the bicycle, and with a white or red reflector on each side to the rear center of the bicycle.

e. The rider is required to wear a reflectorized vest during the hours of darkness.

4206. MOTORIZED BICYCLES (MOPEDS)/ MINI CHOPPERS (POCKET BIKES). All pedal bicycles with helper motors aboard the Combat Center will be rated at two-brake horsepower or less and incapable of exceeding 25 MPH. Mopeds will follow the same rules and regulations as stated in paragraph 4206 above. Any person under the age of 14 years will not operate mopeds upon any highway or public vehicular area of the Combat Center. All moped operators must wear helmets and reflective vests. In addition, a valid California learner's permit is required. All rules and regulations that apply to motorcycles also apply to motorized bicycles and mopeds. Miniature vehicles also known as Mini Choppers or Pocket Bikes do not meet safety standards and are illegal to operate aboard MCAGCC.

4207. HONORS AND SALUTES. During morning and evening colors and during the playing of the National Anthem, all vehicles, except those on authorized emergency runs, shall be brought to a stop and shall remain stopped until "Carry On" is sounded; drivers and passengers of such vehicles shall remain seated at attention.

4208. TRANSPORTATION OF ALCOHOLIC BEVERAGES

1. Alcoholic beverages in an open container cannot be transported in a motor vehicle unless transported in a compartment that is inaccessible to the driver and passengers of the vehicle. An open container is defined as any container, the seal of which has been broken and/or the cap/tab stopper removed, whether or not any of the contents therein have been removed.

2. Transportation of alcoholic beverages, in quantities and under conditions not otherwise prohibited, is permitted between places where possession of such beverages is authorized.

4209. RESTRICTED AREAS

1. No vehicle shall be driven into any area designated as "Off Limits," "Danger," "Exclusion" or "Restricted" unless the operator is authorized access on official business by proper authority.

2. Vehicles shall not be driven on the shoulder of the roadway.

4210. MISCELLANOUS. No person shall walk, jog and/or operate a vehicle (to include bicycles and mopeds) wearing headphones or earphones attached to any type of stereo or music-playing device on any paved surface roads aboard the Combat Center, with the exception of the MCAGCC PFT course.

4211. SEAT BELTS. All persons operating or riding in a motor vehicle required to be equipped with seat belts or that contains seat belts and assemblies, shall wear the seat belts whenever the vehicle is in motion, regardless of location. The owner is responsible for ensuring that all of the seat belts in their privately owned vehicle are fully operational and in good working order.

4212. RADIO EQUIPMENT. All drivers operating their vehicles with the radio or stereo equipment functioning are not allowed to increase the volume so it can be heard outside the confines of the automobile.

4213. ROLLER SKATING, ROLLER BLADING, OR STAKEBOARDING

1. These activities are allowed during daylight hours on all paved surfaces except on Del Valle Road, Adobe Road and 5th and 6th street between Brown and Sturgis streets.

2. While engaging in these activities the below rules will be adhered to:

a. Observing the same traffic rules and regulations required of pedestrians (i.e., stop at traffic control signs/devices). All skater, skateboarders and rollerbladers shall skate on the left edge of the roadway against the flow of traffic in a single file only.

b. Never be assisted by a moving vehicle (i.e., car, truck, bicycle).

c. Never jump any type of ramp or any stair casing.

d. Never grandstand or show off in any manner.

3. All personnel 17 years of age or younger are required to utilize a safety helmet, elbow pads and knee pads while engaging in these activities.

4. Personnel 18 years of age or older are required to wear a safety helmet and are encouraged to utilize protective equipment while aboard the MCAGCC.

4214. CELLULAR TELEPHONES. Operators of vehicles shall not use cellular telephones while the vehicle is in operation, unless they are using a hands-free device. A hands-free device is a feature that is included or available with most of today's cellular telephones that permits a driver to use the telephone without lifting or holding the handset to the driver's ear.

CHAPTER 4

COMBAT CENTER TRAFFIC CODE

SECTION 3: EQUIPMENT

4300. GENERAL. All equipment on every vehicle required by law, regulation, or for safety, must be in good working condition. Vehicles not meeting the appropriate California State requirements shall not be permitted on the installation. In cases where questions arise on operating equipment not covered by state regulations or this order, the Provost Marshal or his representative will determine if the vehicle in question will be allowed on the MCAGCC.

4301. OPERATING EQUIPMENT. No person shall operate any vehicle not equipped to meet the mechanical and safety requirements of the State of California upon any road on the MCAGCC.

4302. PROHIBITED EQUIPMENT. No person shall operate a motor vehicle upon any road aboard this base:

1. Using a cutout or straight through muffler on the vehicle.

2. Using any spotlight on the rear of the vehicle unless the vehicle is so equipped for public service.

3. That has any radar detector in the vehicle.

4. That displays a red or blue light visible from the front of the vehicle unless, the vehicle is employed in a public service or is an emergency vehicle. Blue lights are restricted to official police vehicles only.

5. That is equipped with a siren or compression/spark plug whistle unless required to do so as a part of their official duties.

6. Using a "horn," except as reasonable warning, nor will the driver make any unnecessary or unreasonable loud or harsh sounds by means of a horn or other warning device.

7. With the manufacturer's specified height being elevated or lowered, either in front or back, by modification, alteration or change of physical structure of the vehicle, that does not meet requirements set fourth in reference (c).

8. Missing any factory equipped body parts, i.e., windshield, hood, doors, body panels, bumpers.

9. Unless equipped with fenders, covers or devices, including flaps or splash aprons, or unless the body of the vehicle or attachments thereto afford adequate protection to effectively minimize the spray or splash of water or mud to the rear of the vehicle, and all such body or attachments are at least as wide as the tire tread measured. The width of mud flaps must cover the complete width of the tread and be permanently attached so the widest part of the mud flap is closest to the ground.

4303. MOTORCYCLE OPERATING EQUIPMENT. No person shall operate a motorcycle not equipped to meet the mechanical and safety requirements of the State of California.

4304. PERSONAL PROTECTIVE EQUIPMENT (PPE). The following PPE is mandatory for all persons operating or riding as a passenger on a motorcycle on DoD installations, and for all military personnel operating or riding on a motorcycle off installations, on and off road, in uniform or civilian clothes:

1. A properly fastened (under the chin) protective helmet, which meets the standards of the Snell Memorial Foundation (SNELL), the American National Standards Institute (ANSI) or the Department of Transportation (DOT).

2. Impact or shatter resistant goggles or full face shield attached to the helmet. A windshield, eyeglasses or fairing alone is not considered proper eye protection.

3. A brightly colored outer upper garment during the day and a reflective upper garment at night or a commercially available mesh/fabric vest that is bright yellow, international orange or lime green with two 1 1/2" to 2" wide vertical or horizontal retroflective strips front and back. The vest is authorized for wear by individuals in uniform and shall be removed as soon as the Marine gets off the motorcycle. The garment must not be covered or concealed, such as by a backpack.

4. Hard-soled shoes with heels. The use of leather boots or over the ankle shoes is encouraged.

5. Properly worn long-sleeved shirt or jacket, long-legged trousers and full fingered gloves or mittens.

a. The PPE for motorcycle operators during off-road operations should also include knee and shin guards or off-road Marine Corps boots and padded full-fingered gloves.

b. Paragraph 4305.1 is punitive in nature. A Marine, a service member of any Service attached to a Marine Corps command and a service member of any Service while aboard a U.S. Marine Corps installation who violates the terms of this paragraph is subject to punitive action under the UCMJ. Any such person who operates a motorcycle with a passenger who is not in compliance with the requirements of this paragraph is also subject to punishment.

6. Equipment. Government-owned (non-tactical) and privately owned motorcycles shall not be operated on a Marine Corps installation without a rearview mirror mounted on each side of the handlebars or fairing. The mirrors shall afford a clear view of at least 200 feet to the rear. Each motorcycle passenger shall be provided with a regulation seat and footrest.

7. Failure to wear PPE or comply with licensing or operator training requirements may be considered in making line-of-duty determinations.

8. When operated on any DoD installation, on and off-road, all Government or privately owned motorcycles must have headlights turned on (if so equipped) except where prohibited by military mission, or local laws.

4305. HEADPHONES/EARPHONES. The wearing of headphones/earphones is prohibited while driving a GOV, POV, motorcycle or other self-propelled two-wheel, three-wheel or four-wheel vehicle powered by an electric or fuel powered motor. This does not negate the requirement for wearing hearing protection when conditions require their use. An exception to this policy is for the usage of one earphone for use with a "hands-free" cellular device.

4306. RESTRAINT SYSTEMS. These are required only in vehicles manufactured after 1 January 1968. However, if restraints were installed in older vehicles, those restraints must be used.

4307. TINTED WINDOWS. The restrictions on tinted windows shall be the same as those found in reference (d), sections 26708, 26708.2 and 26708.5.

1. No window tinting material or objects will be placed or affixed on the front windshield or the drivers/passenger seat side windows.

2. This rule does not prohibit any degree of tinting to side windows to the rear of the driver, or to the back window in a motor vehicle which is equipped with outside mirrors on both sides enabling the driver to view at least 200 feet of highway behind the vehicle, or to tinting material applied to top of windshields in accordance CVC 26708 subdivision (c).

4308. SUN SCREENING DEVICES. Sun screening devices may be installed on the side windows in the front seat only when all of the following preconditions exist:

a. The driver or a passenger in the front seat has in their possession a letter signed by a licensed physician, surgeon or an optometrist certifying that the person must be shaded from the sun due to a medical condition or a visual condition.

b. The device is easily removable e.g., clip-on roller shade.

c. The device utilizing transparent material is green, gray, or a neutral smoke color and has a luminous transmittance of not less than 35 percent.

d. Devices utilizing nontransparent louvers or other alternating patterns of opaque and open sections shall have essentially uniform patterns over the entire surface, except for framing and supports. At least 35 percent of the device area shall be open and no individual louver or opaque section shall have a projected vertical dimension exceeding 3/16 inch.

e. Devices shall not have a reflective quality exceeding 35 percent on either the inner or outer surface.

f. The devices are not used at night.

4. Tinted safety glass with a DOT seal may be installed in a vehicle if the glass complies with safety standards of the United States Department of Transportation for safety glazing materials and if the glass is installed in a location permitted by those standards.

CHAPTER 5

ENFORCEMENT OF MOTOR VEHICLE AND TRAFFIC REGULATIONS

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CHAPTER 5

ENFORCEMENT OF MOTOR VEHICLE AND TRAFFIC REGULATIONS

5000. GOALS. It is the goal of the Commanding General to eliminate the number of traffic-related deaths/injuries to and caused by service members and to maintain a safe and effective flow of traffic aboard the installation. To achieve these goals the Commanding General directs the following:

1. That all law enforcement personnel act promptly when driving behavior is observed to be improper or a defective vehicle is observed in operation.

2. That all law enforcement personnel take steps to detect and apprehend persons who drive while privileges are suspended or revoked.

3. That all persons endeavor to reduce property loss and personal injury resulting from motor vehicle accidents and eliminate traffic violations thereby making the operation of motor vehicles aboard the MCAGCC safer and less costly for all drivers

5001. POLICY. It is the policy of the Commanding General to continuously use all means legal and at his disposal to ensure compliance of all persons with this order and reference (d). Violators shall be educated and disciplined swiftly and fairly.

5002. THE PROVOST MARSHAL'S OFFICE

1. The Provost Marshal shall supervise and coordinate the enforcement of all traffic regulations and safe driving practices within the limits of MCAGCC, Twentynine Palms, California.

a. Military Police Marines are the agents through whom the Commanding General exercises his traffic management on the MCAGCC.

b. Military Police Marines are authorized to stop any vehicle being operated at any place on the installation upon competent orders or upon reasonable belief that a criminal or traffic offense has been committed.

c. No person regardless of rank shall willfully fail or refuse to comply with any lawful order or direction from Military Police with authority to direct, control or regulate traffic.

2. The Provost Marshal or his representative will promptly issue a traffic ticket to any service member who reportedly commits a major violation of this order committed off base.

3. Speed measuring devices will be employed in traffic control studies and enforcement programs. Signs may be posted to indicate speed-measuring devices are used. The Provost Marshal will ensure that personnel selected as traffic radar operators meet training and certification requirements prescribed by the state of California.

4. Selective enforcement will be used when practical. Selective enforcement deters traffic violations and reduces accidents by the presence or suggested presence of law enforcement personnel at places where violations, congestion, or accidents frequently occur. Selective enforcement applies proper enforcement measures to traffic congestion and focuses on selected time periods, conditions and violations that cause accidents.

5. The Provost Marshal will formally evaluate traffic enforcement at least once a year. He will examine the program to determine if the following elements of the program are effective in reducing traffic accidents and deaths:

a. Selective enforcement measures.

b. Suspension and revocation actions.

c. Chemical breath-testing programs.

5003. INSPECTION OF MOTOR VEHICLES. All vehicles are subject to inspection upon entry or as ordered by the Commanding General to minimize the unauthorized removal of government property from the MCAGCC, and to discourage the introduction of narcotics, weapons and other undesirable material onto the base. Normally excluded from inspection are vehicles that are part of military formations, units, convoys or an exercise under the direct command of a commissioned officer or staff noncommissioned officer (SNCO).

5004. PROCESSING VIOLATIONS

1. Armed Forces Traffic Tickets DD Form 1408 may be issued only by Military Police and other persons authorized by the Provost Marshal.

2. An Armed Forces Traffic Ticket shall be issued upon the violation of any provision of this order, reference (d), or other Federal law or regulation. A copy will be furnished to the violator. The original copy will be forwarded to the MCAGCC Traffic Court.

3. When issued a citation, civilian employees and dependents will normally be directed to report to the PMO to be processed to appear before the MCAGCC Traffic Court.

4. When issued a citation, active duty personnel will be directed to report to the PMO to be processed to appear before the MCAGCC Traffic Court.

a. All E-1s through E-9s will report to SgtMaj MCAGCC for adjudication of incurred traffic offenses.

b. All company grade officers, field grade officers, and GS-12 and above will report to the Chief of Staff for adjudication of incurred traffic offenses.

5. Retired personnel and civilians will be directed to report to the PMO to be processed to appear before the MCAGCC Traffic Court. If the violation is severe, it will be reported to the California Highway Patrol or the San Bernardino County Sheriff's Office for adjudication.

6. An Armed Forces Traffic Ticket to appear before the MCAGCC Traffic Court when issued by Military Police or a person authorized by the Provost Marshal shall constitute a lawful order, the violation of which could result in disciplinary action.

7. Armed Forces Traffic Tickets and reports of violations pertaining to members of the Armed Forces not permanently stationed at the MCAGCC will be forwarded to their installation's Traffic Court Magistrate only in cases where the individual cited has a mandatory appearance and they cannot attend the traffic court hearing here on MCAGCC.

8. Reports of civil arrest for off-base traffic violations by military personnel or DoD civilian employees will be processed by the Provost Marshal for appropriate administrative action and forwarded to the commanding officer/sponsor of the individual concerned.

9. A copy of all violation reports on military personnel and DoD civilian employees of the government apprehended for intoxicated driving will be sent to the MCAGCC SACO.

5005. THIRD PARTY TRAFFIC CIATATIONS

1. Third party citations will normally be written only at the request of SNCOs and Officers, however, the PMO Services Officer/Chief may authorize third party citations at the request of civilian employees, dependent spouses or sergeants and below only on a case-by-case basis.

2. Third party citations will only be written for significant violations such as:

a. Speeding.

b. Reckless driving.

c. Failure to wear protective clothing or safety equipment while on a motorcycle.

d. Failure to wear seatbelt.

3. All reports should provide as much information as possible, such as the decal number, state license plate number, a description of the vehicle, a description of the driver and the time and place of the violation.

4. No report will be acted upon unless the reporter identifies oneself and indicates a willingness to testify against the violator.

5. The Military Police Marine receiving the report shall evaluate the validity and provability of the alleged offense. If it is reasonably determined that the offense is not valid, or is not provable in traffic court, the third party citation will not be written. If the accuser wishes to contest the decision or to not accept the report, they will be directed to the Services Officer/Chief.

6. If the individual who requests the third party citation fails to appear in traffic court, the case will be dismissed.

7. Third party citations are authorized for both on and off-base offenses.

CHAPTER 6

DRIVING UNDER THE INFLUENCE

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CHAPTER 6

DRIVING UNDER THE INFLUENCE

6000. DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUORS OR DRUGS. Operation of any motor vehicle aboard this installation while under the influence of, or while impaired by alcohol or drugs, is specifically forbidden. Such conduct is also a violation of federal law and reference (d), Section 23152, which applies to all persons who operate motor vehicles aboard the MCAGCC, as well as Article 111 of the UCMJ, which applies to all persons subject to the UCMJ.

6001. LAWS APPLICABLE. For all administrative action under this order, the law of California is applied by this installation and the local courts. Nothing in this order is to be interpreted as affecting in any way the application of Military Law in a criminal prosecution under the UCMJ for a violation of Article 92, Article 111, or any other article, nor is this order intended to be interpreted in any way as changing or modifying the applicability of other Federal law or reference (d), Section 23152.

6002. DETECTION, APPHRESION AND TESTING

1. Law enforcement personnel usually detect drivers under the influence of alcohol or drugs by observing unusual or abnormal behavior. Drivers showing such behavior will be stopped immediately. The cause of the unusual driving behavior observed will be determined and proper enforcement action taken.

2. When the law enforcement personnel reasonably conclude that the individual driving or under control of the vehicle is impaired, field sobriety tests should be conducted on the individual. The DD Form 1920 (Alcohol Influence Report) will be used by the PMO in examining, interpreting and recording the results of the tests.

6003. ENFORCEMENT ACTIVITIES. Enforcement activities against intoxicated driving will include:

1. Detecting, apprehending and testing persons suspected of driving under the influence of alcohol or drugs.

2. Training law enforcement personnel in special enforcement techniques.

3. Enforcement of blood-alcohol standards.

4. Denying installation-driving privileges to persons whose use of alcohol or other drugs prevents them from operating a motor vehicle safely.

6004. VOLUNTARY BREATH AND BODILY FLUID TESTING BASED ON IMPLIED CONSENT

1. The Commanding General has designated the Breathalyzer as the primary instrument by which to determine blood alcohol content.

2. Persons accepting MCAGCC driving privileges shall be deemed to have given their consent to evidentiary tests for alcohol or other drug content in their breath and/or blood when they are lawfully stopped, apprehended, or cited for any offense allegedly committed while driving or in physical control of a motor vehicle on the MCAGCC while under the influence of intoxicants. More than one test may be given however, before any tests are administered, the person being tested should be informed which tests are required. The proper procedure is to inform the person apprehended of the offense that they are suspected of; that a blood alcohol content test will be given first; and that further tests for other drugs may also be required. The tests may be administered only one the following conditions are met:

a. The person was stopped while driving, operating or in actual physical control of a motor vehicle on the MCAGCC.

b. There were reasonable grounds to believe that the person was driving under the influence of alcohol or drugs.

c. A request was made to the person to consent to the tests combined with a warning that failure to voluntarily submit to or complete a chemical test of their breath and/or blood will result in the revocation of their driving privileges.

d. All tests must be administered by trained personnel and there must be adherence to the procedures described in this order and other applicable regulations relating to voluntary and involuntary testing.

e. If Federal Civil Service employees are suspected of driving under the influence of illegal drugs, they must be tested under the provisions of SECNAVINST 12792.3 (Ref h).

3. Persons who have hemophilia, other blood-clotting disorders, or any medical or surgical disorder being treated with an anticoagulant:

a. May refuse a blood extraction test without penalty.

b. Will not be given a blood extraction test to determine alcohol or other drug concentration or presence under this regulation.

c. Will be given the opportunity to take a breath test. Failure to take a breath test under these circumstances will be considered a failure to voluntarily submit to blood alcohol testing.

4. The law enforcement official relying on implied consent will warn the person that driving privileges will be revoked if the person fails to voluntarily submit to or complete a requested chemical test. The person does not have the right to have an attorney present before stating whether he or she will submit to a test or during the actual test. The results of chemical tests conducted under the implied consent provisions of this order may be used as evidence in courts-martial, non-judicial proceedings under Article 15, UCMJ, administrative actions and civilian courts.

5. If a person suspected of intoxicated driving refuses to submit to a chemical test, none will be given.

6005. TRAINING OF LAW ENFORCEMENT PERSONNEL IN PROCEDURES FOR HANDLING DRIVERS UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS

1. As a minimum, law enforcement personnel will be trained to do the following:

a. Recognize signs of alcohol and other drug impairment in persons operating motor vehicles.

b. Prepare DD Form 1920 (Alcohol Influence Report).

c. Perform the field sobriety test techniques.

d. Determine when a person appears intoxicated but is actually physically or mentally ill and needs prompt medical attention.

e. Understand the operation of breath-testing devices.

2. The Provost Marshal will ensure that operators of breath-testing devices:

a. Are chosen for integrity, maturity and sound judgment.

b. Meet certification requirements for the State of California.

3. Operators must maintain their skill by taking refresher training as required.

6006. TESTING

1. Any Military Police Marine having reasonable grounds to believe that a person has been driving or operating a vehicle aboard the MCAGCC while under the influence of intoxicating liquor or drugs may, without making any arrest, request that person to submit to a preliminary "roadside" field sobriety test to be administered by law enforcement personnel.

2. A person lawfully apprehended for any offense allegedly committed while driving or in actual physical control of a motor vehicle under the influence of intoxicating liquor may request the apprehending patrolman to have a chemical test made of their breath and/or blood for the purpose of determining the alcohol content of their blood, and if so requested, the patrolman shall have one of the above tests performed. A person may also, at their own expense, have an physician, or qualified technician, chemist, registered nurse, or other qualified person (non-military medical personnel) of their own choosing, administer a state-approved chemical test or tests, in addition to the test administered at the direction of the MCAGCC law enforcement official. The failure or inability to obtain this additional test shall not preclude the use of the results of the test taken at the direction of a law enforcement official to support actions taken under the provisions of this order and the UCMJ.

3. If a person under military apprehension willfully consents, upon the request of the apprehending patrolman, to submit to a chemical test, a copy of the test results will be delivered to the person tested. In addition, the person authorized to administer the chemical test shall inform persons apprehended for driving under the influence of intoxicating liquor both verbally and in writing of the following:

a. That they have a right to refuse to take the test.

b. That refusal to take the test may result in revocation of driving privileges for one year in addition to any other action of the Traffic Court Officer.

c. That they do not have the right to have an attorney present before stating whether they submit to a test.

6007. BLOOD ALCOHOL CONCENTRATION STANDARDS

1. As a uniform basis for revocation of driving privileges and/or taking enforcement action against a driver suspected of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor, the amount of alcohol in that persons blood at the time alleged as shown by chemical analysis of breath and/or blood, give rise to the following:

a. If there was at that time less than five one-hundredths of one percent (.049% or less) by weight of alcohol in the drivers blood, it shall be inferred that the driver was not under the influence of intoxicating liquor;

b. If there was at that time five one-hundredths of one percent (.05%) but less than eight one-hundredths of one percent (.079% or less) by weight of alcohol in the drivers blood, the driver was driving while impaired by intoxicating liquor; and

c. If there was at that time eight one-hundredths of one percent (.08%) or more by weight of alcohol in the drivers blood, it may be inferred that the driver was driving under the influence on the MCAGCC.

2. Drugs. If there is any amount of a controlled substance found in the blood of a driver, along with impairment as proven by the field sobriety tests, it may be inferred that the driver was driving under the influence of a controlled substance.

3. The provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the driver was under the influence of intoxicating liquor.

6008. INCAPABLE OF REFUSAL. Any person who is unconscious or who is otherwise in a condition rendering themselves incapable of refusal shall be deemed not to have withdrawn consent to submit to a chemical test and the test may be administered, subject to the provisions of this chapter.

6009. REFUSAL. If a person suspected of driving under the influence of intoxicating liquor or drugs refuses the request of an apprehending patrolman to submit to a chemical test, none will be given. The apprehending patrolman invoking implied consent will warn the individual that failure to submit to or complete a chemical test will result in the revocation of privileges to operate a motor vehicle aboard the MCAGCC for a period of one year in addition to any period of time prescribed by the Traffic Court. If any

person refuses to submit to, or complete a chemical test, the apprehending military police will complete a sworn statement that reasonable cause existed to believe the person had been driving, or was in actual physical control of a motor vehicle aboard the MCAGCC while under the influence of an intoxicating liquor or drug, and that person refused to submit to or failed to complete the test after being requested to do so. Upon receipt of the Military Police Marine's sworn statement, the MCAGCC Provost Marshal will temporarily suspend the individual's privileges to operate a motor aboard the MCAGCC until their appearance before the MCAGCC Traffic Court.

6010. CHEMICAL TESTS OF PERSONNEL INVOLVED IN FATAL ACCIDENTS

1. Per reference (a), Naval Hospital, Twentynine Palms (NHTP) medical authorities will immediately notify the PMO of:

a. The death of any person that resulted from a traffic accident.

b. The circumstances surrounding the traffic accident, based on information available at the time of admission or receipt of the body of the victim.

2. Per reference (a), NHTP medical authorities shall examine the bodies of those persons deceased in a motor vehicle accident to include drivers, passengers, pedestrians subject to military jurisdiction and other pedestrians (16 years or younger only with sponsors consent).

3. Tests for the presence and concentration of alcohol and other drugs in the person's blood, bodily fluids, or tissues will be made as soon as possible and where practical within eight hours of death. The test results shall be included in the medical reports.

4. Involuntary extraction of bodily fluids. Per reference (a), nonconsensual extractions of bodily fluids will normally not be conducted for reasons other than valid medical purposes with the following exceptions. Involuntary bodily fluid extraction is based on valid search and seizure authorization. An individual subject to the UCMJ who does not consent to chemical testing, as described in paragraph 6007 of this order, may none-the-less be subjected to an involuntary extraction of bodily fluids, including blood, breath and urine, only in accordance with the following procedures:

a. An individual subject to the UCMJ who was driving a motor vehicle involved in an accident resulting in death, personal injury, or serious property damage may be subjected to a nonconsensual bodily fluid extraction test for the presence of intoxicants (alcohol and drugs) only when there is probable cause to believe that such an individual was driving or in control of a vehicle while under the influence of an intoxicant.

b. The Commanding Officer (at least battalion level) of the person to be tested shall be contacted in order to obtain verbal authorization for the nonconsensual extraction. If the Commanding Officer cannot be reached, The Commanding General shall be called and asked to grant authorization for the nonconsensual extraction.

c. Under such circumstances when there is a clear indication that evidence if intoxication will be found and there is reason to believe that the delay necessary to obtain a search authorization would result in a loss or destruction of the evidence sought the Provost Marshal, or his representative, may authorize the nonconsensual extraction.

d. The extraction of blood shall be accomplished by qualified medical personnel

e. In performing this duty, medical personnel are expected to use only the amount of force that is reasonable and necessary to administer the extraction.

f. Force necessary to overcome an individual's resistance to the extraction will provided by Military Police if requested by the medical personnel.

g. Life endangering force will not be used in an attempt to effect nonconsensual extractions.

h. All Military Police and medical personnel will keep in mind the possibility that the individual may require medical attention for possible disease or injury.

i. Nonconsensual extraction of blood will be done in a manner that will not interfere with or delay proper medical attention. Medical personnel will determine the priority to be given involuntary blood extractions when other medical treatment is required.

6011. INTOXICATED DRIVING, CIVILIAN EMPLOYEES OR DEPENDENTS

1. Marine Corps civilian employees cited or charged with intoxicated driving, on or off the installation will be referred to the Employee Assistance Program as outlined in CCO 12792.1 (Ref i).

2. Marine dependents cited or charged with intoxicated driving, on or off the installation, will be provided assistance equivalent to that outlined in reference (j).

3. This referral assistance does not exempt the individual from appropriate administrative or disciplinary action under current Civilian Personnel Regulations, State laws, or preclude other administrative action.

6012. DRIVING PRIVILEGES AND INTOXICATED DRIVING

1. The MCAGCC driving privileges of any person who refuses to submit to or fails to complete chemical testing for blood-alcohol content when apprehended for intoxicated driving, or convicted of intoxicated driving, will not be reinstated unless the person successfully completes an alcohol education and treatment program sponsored by the MCAGCC, the State of California, or private program evaluated as acceptable by the MCAGCC Traffic Court.

2. On-base driving privileges will not be reinstated for Navy personnel convicted of driving under the influence, on or off-base, unless the person completes the full 36 hours Navy Alcohol and Drug Safety Action Program (NADSAP). The condensed NADSAP Supervisors Course shall not be utilized for this purpose.

6013. ALCOHOLICS, PROBLEM DRINKERS AND DRUG ABUSERS

1. Commanders will refer military personnel suspected of drug or alcohol abuse for evaluation in the following circumstances:

a. Behavior is indicative of alcohol or drug abuse.

b. Continuing inability to drive a motor vehicle safely because of alcohol or drug abuse.

2. Active duty Navy/Marine personnel apprehended for drunk driving, on or off the base, will be screened by their respective Combined Drug and Alcohol Counseling Center (CDACC)/NADSAP facility within seven working days to determine if the individual is dependent on alcohol or other drugs. Active duty Marines apprehended for intoxicated driving, on or off the base, will be referred for an interview by a Level II substance abuse counselor within seven working days for evaluation and determination of the appropriate level of treatment required. The appropriate level treatment program will be determined as outlined in reference (j).

3. Results of any evaluation/screening will be made available to the commander having jurisdiction over the case prior to adjudication.

4. The MCAGCC may develop preventive treatment and rehabilitative programs for civilian employees as identified in 42 USC, Section 290 DD-1 (Ref k) and OCPM Instruction 12792 (CP 1792) (Ref l).

6014. ALCOHOL AND DRUG EDUCATION PROGRAM

1. Individuals who have exhibited behavior patterns indicative of alcohol and drug abuse, to the extent it renders them incapable of safely driving a motor vehicle, will be reported to the individual's unit for appropriate action under this regulation. Persons convicted of or who have had administrative action taken against them for intoxicated driving will be referred by their SACO to the CDACC. The program should assist in identifying alcohol and drug abusers and reduce intoxicated driving and associated traffic accidents.

2. The program will include drug and alcohol education that focuses on intoxicated driving (see reference (j)). Education will be provided for personnel performing the following types of duties:

a. Law enforcement.

b. Public affairs.

c. Medical emergency room.

d. Safety.

e. Club manager.

f. Bartender.

g. Serving alcoholic beverages.

h. Selling class VI (all alcoholic beverages) items.

3. Personnel performing the duties listed in (j) through (m) above will also be given annual refresher training.

4. Leadership training at all levels will include specific information on the current policy regarding intoxicated driving.

a. Training provided to officers and noncommissioned officers (NCOs).

b. The MCAGCC officers and exchange officer indoctrination.

c. Training for legal and judicial officer.

6015. NOTIFICATION OF STATE DRIVER'S LICENSE AGENCIES

1. Per MCO 5110.1C, the installation commander will notify the state driver's license agency of those personnel whose installation driving privileges are revoked for one year or more following final adjudication of the intoxicated driving offense or for refusing to submit to a lawful blood-alcohol consent test per the instructions contained in this order. This notification will include the basis for the suspension and the blood-alcohol level. The notification will be sent to the state in which the driver's license was issued.

2. When the state driver's license agency receives the final adjudication letter of the individual's traffic court results, the driver's licensing agency may notify the individual by whatever means stating whether or not they will take civil action against his or her state driving privileges.

6016. STATE OF CALIFORNIA'S GUILTY PLEA TO A LESSER CHARGE ON DUI CASES

1. In the State of California an individual may accept a plea of guilty or nolo contendere to a charge of a violation of Section 23103 CVC in satisfaction of, or as a substitute for, an original charge of a violation 23152, and the prosecution shall state for the record if there has been any consumption or ingestion of alcohol/drugs or both in connection with the case. If there was consumption or ingestion of alcohol/drugs or both the courts will notify the Department of Motor Vehicles of each conviction that shall be prior offense for the purpose of DUI offenses.

2. If an individual accepts the plea bargain and there was alcohol/drugs or both consumed, then the installation driving privileges of that individual will be suspended or revoked per the instructions of this order.

3. Further clarification of the state's plea bargain law and how it affects base driving privileges is as follows:

a. If you were originally convicted of DUI and it was reduced to 23103.5 CVC, guilty plea to a lesser charge (Wet Reckless) offense, it means you were involved in an alcohol-related reckless driving incident and:

(1) Your base driving privileges will be suspended/revoked.

(2) You will be required to attend NADSP and remedial driving.

b. Whether or not the charge was reduced by civil court does not negate the fact that alcohol/drugs or both may have been consumed or that a BAC may have been determined at the time of the incident.

c. If you refused to take a BAC test, you will be suspended or revoked per the instructions of this Order.

d. If a BAC was determined in your civil court case, then your base driving privileges will be suspended/revoked, regardless of the plea bargain agreement, unless you can show official court documents proving that the case was dismissed, meaning the State of California failed to prove that you were suspected of DUI/DWI. If the civil DUI/DWI case is dismissed, your driving privileges will not be suspended/revoked under those circumstances.

CHAPTER 7

MCAGCC TRAFFIC COURT

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CHAPTER 7

MCAGCC TRAFFIC COURT

7000. MISSION

1. The MCAGCC Traffic Court is the agency through which the Commanding General takes administrative action in the case of traffic violations.

2. The Traffic Court will function under the staff cognizance of the Staff Judge Advocate, who will appoint Traffic Hearing Officers by direction of the Commanding General. No member of the PMO will be assigned as a traffic-hearing officer

3. The court shall determine whether or not and the extent to which an alleged violation warrants administrative action. It may consider any acts or conduct, wherever they may occur, of any service member before the court. Such acts or conduct must reasonably relate to the safe operation of a motor vehicle. As for all remaining persons other than service members, the court may only consider acts or conduct that occur on base.

4. Traffic Hearing Officer. The Traffic Hearing Officer is authorized to award permissible administrative action against any individual directed to appear before him except that the Hearing Officer shall be senior in grade to any military person whose case is heard. The MCAGCC Sergeant Major will act as the Traffic Court Hearing Officer for all enlisted E-1 through E-9, all civilians (with the exception of civilian employees of grade GS-12 or higher, and all military retirees. The MCAGCC Chief of Staff will hear all cases involving company grade, field grade officers and civilian employees of grade GS-12 or higher.

5. The court is not authorized to suspend or revoke a U.S. Government Motor Vehicle Operator's card. Such action is the responsibility of the commanding officers or supervisors.

7001. APPEARANCE BEFORE THE MCAGCC TRAFFIC COURT. A copy of the Armed Forces Traffic Ticket will be furnished to the violator at the time the citation is issued. The ticket contains instructions to report to the Traffic Court at a prescribed time in reference to the cited violation and a phone number to call in the event the violator chooses to plead guilty by phone.

1. Active Duty Personnel. Active duty personnel are directed by instructions on the reverse side of the traffic ticket to inform their commanding officer of the violation. Individual commands are responsible to ensure violators appear before the Traffic Court at the time and date prescribed. If it is determined that the individual cannot appear on the scheduled date, it is the responsibility of the each individual command to reschedule the appearance.

2. Civilian Employees. Civilian employees are directed by the instructions on the reverse of the traffic ticket to inform their supervisor of the

violation. It is the responsibility of the first line supervisor to ensure the violator appears before the Traffic Court at the time and date prescribed. If it is determined the violator cannot appear as scheduled, the first line supervisor is required to reschedule the appearance prior to the scheduled court date.

3. Dependents. Dependents are directed by the instructions on the reverse side of the traffic ticket to inform their sponsor of the violation. It is the responsibility of the sponsor to ensure the violator appears before the Traffic Court at the time and date prescribed. If the violator cannot appear as scheduled, the sponsor is required to reschedule the appearance prior to the scheduled court date. All juveniles under the age of 18 cited for traffic violations will be accompanied by their parent or sponsor at their Traffic Court appearance.

4. Retirees and Other Civilians. It is the responsibility of retirees and other civilians to ensure that they appear before the Traffic Court at the time and date prescribed. If they cannot appear as scheduled they are required to reschedule their appearance prior to the scheduled court date.

7002. HEARINGS. The Traffic Court is conducted at the PMO, Building 1408, but may be conducted at other locations as situations dictate.

1. Persons appearing before the Traffic Court should have in their possession an appropriate identification card and any documentation or evidence (to include the appearance of witnesses) that will assist the court in properly adjudicating the alleged violation.

2. Military personnel shall appear in the uniform of the day. Civilian personnel shall appear in appropriate civilian attire.

3. Personnel receiving a ticket for a minor offense (one listed as no more than four points in Appendix A) not involving an accident may, if it is their first or second offense at the MCAGCC, plead guilty and accept a voluntary assessment of traffic points. This does not apply to mandatory appearance violations (see Appendix A). This is accomplished at the PMO administration section, bldg# 1408, and may be accomplished by phone or in person. This action is recorded as a conviction on the driving record of the individual. All personnel desiring to plead not guilty must appear before the traffic court.

4. Each case shall be fully and fairly heard. Individuals appearing before the court will be given the opportunity to present evidence, including witnesses and make statements as may be relevant to their case. The procedural guide for traffic hearings is located in Appendix C.

5. Individuals appearing before the court will be advised of the administrative action taken and the consequences of those actions, using the Traffic Hearing Action Format located in Appendix D.

7003. DRUG COUNTERMEASURES. The Office of the Staff Judge Advocate will notify Traffic Court as to any action required in reference to an individual's driving privileges and any of their registered vehicles aboard the MCAGCC resulting from any illegal, wrongful, or improper use, possession, sale, transfer, distribution, or introduction aboard the MCAGCC of any controlled substance, marijuana, steroids or other dangerous or illicit drug or other forms of substance abuse (such as designer drug, fungi, chemicals

not intended for human consumption, etc.) as defined in reference (n), and/or the possession, sale, or transfer of drug paraphernalia as defined in reference (n). Any appeals, request for reconsideration, request for restricted / limited driving privileges will be forwarded through the individuals chain of command and the Office of the Staff Judge Advocate for action. The Office of the Staff Judge Advocate will notify Traffic Court to any change to an individuals driving privileges. At the completion of the suspension/revocation period, a letter requesting reinstatement of driving privileges must be forwarded through an individual's chain of command and the Office of the Staff Judge Advocate. For further information refer to reference (n).

7004. SERIOUS CRIME CONVICTIONS. The MCAGACC Traffic Court is authorized to suspend or revoke, as appropriate, the MCAGCC driving privileges of individuals who have been convicted of any offense, punishable under the UCMJ by death or confinement in excess of one year, where a motor vehicle was instrumental in the commission of that offense. Reports of civil arrest and convictions for off-base violations of civil law by military personnel will normally be processed by the Provost Marshal and forwarded to the individual's commanding officer. The commanding officer will forward appropriate cases to the Traffic Court. Revocation or suspension action will be taken only on the written request of the commanding officer or supervisor of the individual.

7005. GENERAL INFORMATION CONCERNING SUSPENSION AND REVOCATION

1. The privilege of driving motor vehicles on the military installation is subject to either administrative suspension or revocation for cause by the Commanding General or his designated representative, the Traffic Hearing Officer. The revocation of driving and registration privileges is authorized for all persons having MCAGCC driving privileges. The suspension or revocation of either base driving privileges or POV registration for lawful reason unrelated to traffic violations or safe vehicle operations is not limited or restricted by this order. The Commanding General has the authority to temporarily withdraw the OF-346 for lawful reasons such as traffic violations or revocation/suspension of driving privileges.

2. The Traffic Court is the only agency authorized by the Commanding General to suspend or revoke the privilege of operating a motor vehicle on the base. The Provost Marshal will temporarily suspend privileges of drivers suspected of driving under the influence (.08% or above) and those who refuse to submit to a chemical analysis of their breath or blood. This suspension shall be effective until the driver appears before the Traffic Court. Any driver under the age of 21 driving under the influence (.01% or above) will also have their driving privileges suspended or revoked.

3. Any military person who has been convicted of driving while on revocation or suspension will have a letter submitted to their commanding officer from the Traffic Court referring them for action in violation of this order.

4. Off-Base Suspensions and Revocations. When civil authorities suspend or revoke an individual's driving privileges off-base, that individual's driving privileges aboard the MCAGCC will automatically be terminated as well. The Traffic Court will take the following administrative action under these circumstances:

a. The minimum action will be the same as if the violation had occurred on the MCAGCC.

b. The reinstatement of base driving privileges is authorized only when the individual provides proof that their driving privileges have been restored by the jurisdiction that suspended / revoked them, action has been completed by the state that issued their driving license (if not the same jurisdiction in which the offense occurred) and all conditions imposed by the MCAGCC Traffic Court have been met.

c. A copy of all violation reports on military personnel and DoD civilian employees of the government apprehended for intoxicated driving will be sent to the MCAGCC SACO.

5. Revocation and suspension of the driving privileges applies at all military installations and remains in effect upon reassignment.

7006. SUSPENSION

1. The suspension of an individual's driving privileges is normally applied when other measures such as counseling, remedial driver training, or other rehabilitation programs have failed to produce the desired driver performance. Driving privileges may be suspended for a period not to exceed six months whenever an individual consistently (as determined by the Traffic Court) violates this order. Suspension automatically terminates vehicle registration and individuals must apply for re-registration after the expiration of the specified suspension period if the suspension period is longer than 90 days.

2. Temporary Suspension. Immediate temporary suspension of base driving privileges pending resolution of an intoxicated driving incident is required for all persons who operate a motor vehicle upon the MCAGCC and have base driving privileges, regardless of the geographic location of the incident. After a review of available evidence, personnel will immediately have their base driving privileges temporarily suspended pending resolution of the intoxicated driving incident in the following circumstances:

a. Refusal to take or complete a lawfully requested chemical test to determine contents of blood for alcohol or other drugs by law enforcement personnel.

b. Operating a motor vehicle with a BAC of .08 percent volume or higher on the base or in violation of the law of the state in which the offense took place.

c. Upon an arrest report or other official documentation of the circumstances concerning intoxicated driving while off base.

7007. REVOCATION

1. Revocation of base driving privileges is a severe administrative measure to be exercised for serious moving violations, or when other available corrective actions fail to produce the desired driver improvement. Revocation of driving privileges will be for a specified period, but never

less than six months. Revocation automatically terminates vehicle registration and individuals must apply for re-registration after the expiration of the specified revocation period.

2. Driving privileges are subject to revocation when an individual fails to comply with any of the conditions required to grant the privilege.

3. Driving privileges will be revoked for a mandatory period of not less than one year in the following circumstances:

a. When the Commanding General or MCAGCC Traffic Court finds that the person lawfully apprehended for intoxicated driving refused to submit to or failed to complete a test to measure the alcohol content in the blood or detect the presence of any other drugs, as required by California State law, this order and other appropriate directives.

b. When there has been a conviction, imposition or non-judicial punishment or a civilian administrative action resulting in the suspension or revocation of a driver's license for intoxicated driving. Appropriate official documentation of the conviction is required as the basis for revocation.

4. When temporary suspensions are followed by revocations, the period of revocation is computed beginning from the date the original suspension was imposed, exclusive of any period during which full driving privileges may have been restored pending resolution of charges. (Example: Privileges were initially suspended on 1 January 2001 for a charge of intoxicated driving with a blood alcohol content of 0.14 percent. A hearing was held, extreme family hardship was substantiated, and privileges were restored on 1 February 2001, pending resolution of the charge. On 1 March there was conviction for intoxicated driving. The mandatory one-year revocation period will consist of January 2001, plus March 2001 through January 2002, for a total of twelve months with no installation driving privileges.)

5. Driving in violation of a suspension or revocation imposed under this order is prohibited and will result in the original period of suspension or revocation being increased by two years. In addition, administrative, disciplinary or command action may also be initiated for operating a motor vehicle while driving privileges are revoked/suspended or for the commission of any traffic, criminal or military offense (for example, active duty military personnel driving on the base in violation of an order not to do so.)

7008. RESTRICTED PRIVILEGES

1. The Traffic Hearing Officer may authorize restricted driving privileges when imposing a suspension or revocation of driving privileges (based only on point accumulation) if he determines that an adverse military mission impact or severe family hardship may result. These restrictions could include authorization to drive to and from work, to drive a GOV in the execution of military duties, to drive to and from the hospital and commissary, etc.

2. The limitations on restricted driving privileges will be specified in writing and provided to the individual concerned. Persons found to be in violation of the restricted privilege are subject to revocation and

disciplinary action. In such a case, the Traffic Hearing Officer may withdraw the limited driving privilege and continue the suspension or revocation period per the original determination for cause.

3. Aside from any other provisions of this order, the Commanding General or designee may grant restricted driving privileges or probation on a case-by-case basis provided the person's state driver's license remains valid.

7009. PROBATION. In lieu of a suspension or revocation that may be imposed, a driver may be placed on probation wherein the driver will be permitted to continue driving. The conditions and terms of probation will be specified in writing and provided to the individual concerned. If the driver becomes involved in a chargeable accident or moving traffic violation during the probation period, or any other criminal or military offense, the Traffic Hearing Officer may vacate the probation and continue the suspension or revocation period per the original determination for cause as well as administer a sentence for the current offense (if traffic-related).

7010. ADMINISTRATIVE ACTION - DUE PROCESS

1. General. Suspension or revocation action will not take place unless the affected individual is offered a hearing except as contained in paragraph 7005, 7006 and 7007. Under normal circumstances there should be at least a full day between the date the affected individual is notified and the date of the hearing. If an individual is unable to appear on the scheduled date, it will be that person's responsibility to notify his commanding officer or supervisor, who may then request that the hearing be rescheduled.

2. Implied Consent Offenses. Hearings conducted on revocation actions under implied consent will cover only the issues whether:

a. The law enforcement official had reasonable grounds to believe the person had been driving, or was in actual physical control of a motor vehicle within the jurisdiction limits of the base, while under the influence.

b. The person was apprehended for driving under the influence and refused to submit to, or failed to complete, the test as required by the law enforcement official.

c. The person had been told that their driving privileges would be revoked if they refused to submit to or failed to complete the test. (This does not apply to persons who are incapable of refusing.)

3. Alcohol-Involved Offenses

a. For driving under the influence or driving while intoxicated offenses, reliable evidence will be presented to the Provost Marshal for review and authorization for immediate suspension of base driving privileges. This should be accomplished prior to releasing the driver when possible.

(1) Reliable evidence includes materials such as witness statement, the military or civilian police report of apprehension, chemical test results (if completed), refusal to consent or complete chemical testing, statement by the driver, field sobriety test results or other pertinent evidence.

(2) When detailed and reliable evidence is not available, immediate suspension should not be based on published lists of arrested persons, statements by parties not witnessing the apprehension, telephone conversations, or any other information not supported by documented and reliable evidence.

(3) For active duty military personnel the notice of immediate temporary suspension will be delivered to them at the time of their release by the Provost Marshal's representative and notification will be made to the command representative taking custody of the individual.

(4) For civilian employees the notice will be presented to them by the Provost Marshal's representative.

(5) For dependents and civilians not employed aboard the Combat Center the notice will be delivered to them at the time of release in the presence of their sponsor.

b. Intoxicated driving cases should be heard at the earliest possible scheduled hearing of the Traffic Court. The Traffic Court will consider all available competent evidence and be guided by the information contained in Chapter 6 with respect to Blood Alcohol Content (BAC) tests. The Traffic Court shall impose sanctions under Appendix A upon a finding by a preponderance of the evidence that:

(1) The driver was engaged in intoxicated driving.

(2) The driver withdrew consent for a BAC test, having been notified of the consequences of such withdrawal.

(3) The driver was driving or in physical control of a motor vehicle while a temporary suspension was in effect.

c. Upon adjudication of intoxicated driving charges by the cognizant military or civilian criminal or equivalent military or civilian non-judicial or administrative proceeding resulting in a finding of not guilty, temporary suspension of driving privileges shall remain in effect pending action of the Traffic Court.

(1) Exception: If the available evidence does not include a BAC test, or if the basis of the finding of not guilty was a determined that the BAC test conducted was invalid, the suspension shall be vacated, unless other competent evidence of intoxicated driving is available.

(2) If the suspension remains in effect pending action by the Traffic Court, the driver shall be notified per paragraph 7010 (3) above to appear at the next scheduled hearing at the Traffic Court.

4. Temporary Suspensions. Notices of temporary suspension for intoxicated driving shall follow the format in Appendix F and will include the following:

a. The fact that suspension can result in a revocation (paragraph 7008).

b. The right to request, in writing, a hearing before the MCAGCC Traffic Court within 10 days to determine if base driving privileges will be restored pending resolution of the charge and that the request must be made within five working days of the notice of suspension.

c. The right of military personnel to be represented by a personal representative at their own expense and to present evidence and witnesses at their own expense.

d. The right of civilian employees to have a personal representative present at the administrative hearing in accordance with applicable laws and regulations.

e. Written acknowledgment of receipt to be signed by the individual whose privileges are to be suspended/revoked.

5. Other Offenses. For offenses other than those involving alcohol, suspension or revocation of the base driving privilege will not become effective until the next scheduled hearing at the Traffic Court. However, if the affected person requests that the hearing be continued to a date beyond the next scheduled hearing, the suspension or revocation will become effective immediately upon receipt of notice that request for continuance has been granted. If determined as the result of a hearing, the suspension or revocation will become effective immediately upon receipt of the notification.

6. Mandatory Revocation. The revocation is mandatory upon conviction or other findings that confirm the charge of intoxicated driving. Pleas of nolo contendere are considered equivalent to guilty pleas. Revocation is effective as of the date of conviction or other findings that confirm the charges. The notice that revocation is automatic may be placed in the suspension letter. If notice does not appear in the suspension letter a separate letter must be sent, and revocation is not effective until receipt of the written notice. Revocations cancel any full or restricted driving privileges. Requests for restoration of full driving privileges are not authorized.

7. If it is determined as the result of a hearing that the individual is in violation as alleged, the action of the Traffic Court will become effective immediately. Upon the finding of a violation the points indicated in Appendix A will, without exception, be assigned.

8. Right of appeal. Any person whose base driving privileges have been suspended or revoked has the right to appeal. The Traffic Court will inform the individual of their appeal rights. Appeals will be forwarded via the chain of command and Provost Marshal to the Commanding General (Attn: Staff Judge Advocate) in the format provided in Appendix I. Appeals of civilians, retired personnel and dependents should be addressed to the Commanding General (Attn: Staff Judge Advocate). Appeals must be initiated within 10 working days from the date the individual appeared before the Traffic Court.

9. Reinstatement. The commanding General has given authority to the Staff Judge Advocate to determine reinstatement of driving privileges to applicable personnel. A request for reinstatement of full or restricted base driving privileges will be submitted via the chain of command and Provost Marshal to the Commanding General (Attn: Staff Judge Advocate) in the format provided in Appendix G. The request will contain an affirmation that the requester has a valid state driver's license and has satisfactorily completed a prescribed Remedial Drivers Course (as applicable). In addition to the foregoing requirements, individuals who have been convicted of driving under the influence, or driving under the influence of intoxicating drugs, must also include in their request a statement that they have satisfactorily

completed the ADSAP or the NADSAP. The request for reinstatement may not be submitted prior to completion of one-half of the revocation time.

7011. FAILURE TO APPEAR. Failing to appear at a scheduled traffic court hearing will result in suspension of driving privileges for 3 months for all offenses having a possible adjudication of 4 or more points. A failure to appear for minor offenses having a possible adjudication of 3 or less points shall be construed as a guilty plea and the violation shall be recorded as a conviction on the individual's driving record and the appropriate number of points assigned.

7012. ALCOHOL/DRUG SAFETY ACTION PROGRAM

1. An individual convicted for the first time of driving under the influence of an intoxicating drug or alcohol, not involving a motor vehicle accident, is encouraged to participate in the ADSAP or NADSAP.

2. The DUI offenders who are convicted at Traffic Court and will be awarded a one-year revocation of driving privileges on the base. At this appearance, the Traffic Court will brief the offender on the ADSAP/NADSAP as follows:

a. If the individual completes the ADSAP/NADSAP satisfactorily, the individual may request reinstatement of driving privileges as stated above.

b. Enrollment in the ADSAP/NADSAP is completely voluntary and the cost must be born by the individual.

c. Failure to complete the ADSAP/NADSAP for any reason will prohibit the offender from reapplying for driving privileges and the revocation of driving privileges will remain in effect.

d. The DUI offenders who desire to participate in the NADSAP will be referred to the MCAGCC SACO for details concerning enrollment.

7013. REMEDIAL DRIVER TRAINING

1. In addition to any other action, the Traffic Hearing Officer may require satisfactory completion of Remedial Driver Training Course before restoration of driving privileges.

2. MCAGCC Safety Officer. The MCAGCC Safety Officer will administer the Driver Improvement Training Program and remedial Driver Training Program.

3. Classes will be conducted during off-duty hours and attendance will be as follows:

a. Mandatory for personnel who have received their second traffic ticket for a moving violation and those who have been awarded a suspension or revocation of driving privileges.

b. All other cases will be left to the discretion of the commanding officer/Traffic Court.

CHAPTER 8

THE TRAFFIC POINT SYSTEM

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CHAPTER 8

THE TRAFFIC POINT SYSTEM

8000. THE TRAFFIC POINT SYSTEM. This system provides an impartial and uniform administrative device for evaluating driver performance. The use of the system is not to be construed as a disciplinary measure or substitute for punitive action and it is not intended to interfere in any way with the Commanding General's discretion to suspend, revoke or deny driving privileges for cause.

1. The point system is mandatory and is not subject to modification or alteration.

2. The point system applies to military and civilian personnel operating GOVs on or off the MCAGCC to military personnel operating POVs on or off the MCAGCC, and to dependents, civilian employees and all other individuals subject to this order operating POVs on the MCAGCC.

3. The point system will be applied as indicated in Appendix A.

4. When two or more violations are committed on a single occasion, assessment of points will be for the one offense having the greater value. However, if a violator commits a series of unrelated offenses that happen to be written on a single citation, the Traffic Hearing Officer may award points for each unrelated offense at his own discretion.

5. The Traffic Hearing Officer will also assess points when an individual is found to have committed a violation and the finding is based on evidence supplied by either the unit commander, civilian supervisor, military or civilian court.

8001. ACTION TAKEN

1. The Traffic Hearing Officer will conduct an inquiry on receipt of DD Form 1408 or other military law enforcement report of a moving violation and will take or recommend proper disciplinary or administrative action.

2. On receipt of the report of action taken, the Traffic Court Clerk will enter the number of points assessed or record the suspension or revocation of the driving privilege on the person's driving record. Points will not be assessed or driving privileges suspended or revoked when the report of action taken indicates that neither disciplinary nor administrative action was taken.

3. When a report of a guilty finding is received from any civilian jurisdiction or other military installation pertaining to personnel assigned to or employed by the MCAGCC, or whose sponsor is assigned to the MCAGCC and the offense would carry a mandatory suspension/revocation if it were to have occurred aboard the MCAGCC, then the violator will appear before the base Traffic Court and the offense will be treated as though it had occurred on the base.

8002. DRIVER IMPROVEMENT MEASURES. The Traffic Court may require the following driver improvement measures as appropriate:

1. Commander counseling or driver improvement interview of any person who has acquired more than six, but less than 12, traffic points within a 6-month period. This counseling or interview should produce recommendations to improve driver performance.

2. Referral for medical evaluation when a driver, based on reasonable belief, has mental or physical limits that has had or may have an adverse affect on driving performance.

3. Attendance at remedial driver training to improve driving performance.

4. Referral to an alcohol/drug treatment or rehabilitation facility for evaluation, counseling or treatment services. This is required for active duty military personnel in all cases in which alcohol or other drugs are a contributing factor to a traffic ticket, incident or accident.

8003. SUSPENSION OR REVOCATION BASED ON POINTS. The Traffic Court shall revoke driving privileges for a period of no less than six months for accumulation of 12 or more traffic points within 12 consecutive months or 18 points within 24 consecutive months. Longer periods of revocation may be imposed on the basis of the person's overall driving record and considering the frequency, flagrancy, severity of moving violations and response to previous driver improvement measures. An accumulation of points resulting in a revocation is a mandatory court appearance.

8004. DRIVING RECORDS. Driving record entries are maintained for moving violations, chargeable accidents, suspensions or revocations. Driving record entries will remain posted on individual driving records as indicated below.

1. Chargeable non-fatal traffic accidents or moving violations - three years.

2. Non-mandatory suspensions or revocations - five years

3. Mandatory revocations - seven years.

CHAPTER 9

MOTOR VEHICLE ACCIDENTS

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CHAPTER 9

MOTOR VEHICLE ACCIDENTS

9000. RESPONSIBILITIES OF OPERATORS

1. General. Operators of motor vehicles involved in any collision or accident aboard the MCAGCC shall:

a. Immediately stop and give their name, rank (if applicable), DoD Decal number, address, vehicle license plate number and state of registration, and driver's license number and state of registration to the driver or occupants of any other vehicle involved in the accident.

b. Report the accident to the Military Police Desk Sergeant (by the quickest means of communication available) as to the circumstances, location, number/extent of injuries and other information that will assist military police, accident investigators and ambulances in reaching the scene.

(1) Accidents or collisions resulting in injury or fatality to any person must be immediately reported to the Military Police Desk Sergeant.

(2) Accidents or collisions resulting in government property damage in excess of $500 or personal property damage in excess of $1000 must be immediately reported to the Military Police Desk Sergeant.

(3) All other accidents or collisions resulting in government or personal property damage must be reported to the Military Police Desk Sergeant within 72 hours of the accident.

c. Remain at the scene of the accident or collision until the arrival of the military police, except to render assistance to injured persons or to notify the PMO of the accident. (See below exceptions).

d. Not move any of the vehicles involved until the arrival and direction of military police or the accident investigator unless a vehicle is needed to transport an injured person, to notify the PMO of the accident, or leaving the vehicle in place would create an obvious and extreme hazard. (See below exceptions).

2. Injury Accidents. Drivers of vehicles involved in an accident or collision resulting in injury or fatality to any person shall render to any injured person reasonable assistance, including transportation arrangements to the Naval Hospital for medical treatment if medical treatment is apparent, or necessary, or is requested by the injured person.

3. Unattended Vehicle Accidents. Drivers of vehicles involved in an accident or collision with an unattended vehicle resulting in damage to property will immediately stop and attempt to locate and notify the operator or owner of the unattended vehicle and provide them with the above information. In the event the operator or owner cannot be located, the driver will leave a note on the windshield of the unattended vehicle providing the above information and shall immediately notify the Military Police Desk Sergeant. Any operator involved in such an accident or collision that fails to make these notifications shall be guilty of leaving the scene of an accident (Hit and Run).

4. Run-Away-Vehicle Accidents. Any person who leaves a vehicle parked, unattended or attended and it becomes a run-a-way vehicle resulting in property damage or injury shall notify the Military Police Desk Sergeant of the accident as soon as possible and remain on scene until the arrival of military police or the accident investigator. (See below exceptions).

5. Other Accidents. Drivers of vehicles involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a road, or in death or injury to an animal, shall immediately notify the Military Police Desk Sergeant and adhere to his/her directions concerning leaving or remaining at the scene until the arrival of Military Police or the accident investigator. (See below exceptions).

6. Exceptions. There are two instances where drivers of vehicles involved in on-base accidents or collisions are not required to remain on the scene until the arrival of Military Police or the accident investigator; nor are they required to leave their vehicles in place until the arrival of Military Police or the accident investigator:

a. Single vehicle accidents where there are no injuries and no damages to property other than to the operator's vehicle, (i.e., the vehicle is backed into a telephone pole causing no visible damage to the pole and a minor dent to the vehicle).

b. Multiple vehicle accidents where there are no injuries, no damages to property other than to the operators' vehicles, and all of the involved operators agree on a mutual settlement on private property damage prior to the arrival of Military Police or the accident investigator. Should an accident investigator arrive on the scene, all operators or owners of the involved vehicles or property will be requested to sign a traffic accident waiver form that will be filed at the Accident Investigation Office. No accident investigation report will be conducted under these circumstances.

7. Off-Base GOV Accidents. The operator of any government vehicle involved in an off-base accident involving injuries, fatalities, or property damage in excess of $500 must immediately notify the nearest civilian law enforcement personnel having jurisdiction and nearest military installation military police.

9002. ACCIDENT INVESTIGATION REPORTS

1. The Provost Marshal's Accident Investigation Branch will conduct an appropriate investigation of all traffic accidents occurring on board the MCAGCC.

2. Accidents occurring off the base that involve the serious injury of military personnel and their dependents or property damage to GOV(s) will be "investigated" by on-base accident investigators only if the local civil law enforcement authorities request military police assistance. In any event, a report generated by the local civil law enforcement authorities will be obtained and retained by the Provost Marshal's Office for future use.

3. Judge Advocate General (JAG) Investigations. Accident investigations conducted by the PMO are not substitutes for formal JAG investigations conducted by responsible commands, especially during investigations of accidents involving fatalities. However, accident

investigators shall provide a copy of all accident reports requested by investigation officers appointed by the responsible command.

4. Release of Information. Information will be released according to Marine Corps policy, the Privacy Act of 1974 (Ref o), and the Freedom of Information Act (Ref p).

9002. USE OF TRAFFIC ACCIDENT INVESTIGATION REPORT DATA. Data derived from traffic accident investigation reports and from vehicle owner accident reports will be analyzed to determine probable causes of accidents. When frequent accidents occur at a location, the conditions at the location and the types of accidents (collision diagram) will be examined. Based on a review of the information, the PMO shall provide this information to the MCAGCC Safety Officer and Traffic Engineer and make recommendations to the Facilities Management Officer as to possible changes in roadway markings and signage.

MOTOR VEHICLE AND TRAFFIC REGULATIONS

CHAPTER 10

GOVERNMENT VEHICLES AND COMMERCIAL CARRIERS

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CHAPTER 10

GOVERNMENT VEHICLES AND COMMERCIAL CARRIERS

SECTION 1: GOVERNMENT VEHICLES

10100. GENERAL. The operation and use of government owned vehicles (GOVs) shall be per this order and other directives and instructions relating to the use and operation of GOVs. For the purposes of this order, in addition to military tactical vehicles, GOVs shall also include vehicles leased to the government and vehicles operated by appropriated and nonappropriated fund activities.

10101. OPERATORS

1. A person must have a government license if the vehicle is over 10,000 pounds Gross Vehicle Weight (GVW), a four-wheel drive vehicle, or a tactical vehicle (CCO 11240.35 (Ref q) applies). Personnel who possess a valid state operator's permit may operate all other GOVs. Student drivers will comply with the same requirements except a licensed driver will accompany them during the operation of the vehicle.

2. Civilian operators of GOVs shall have in their possession a valid state operator's or chauffeur's license or permit.

3. No operators of a GOV shall have in their possession any alcoholic beverages or partake of any alcoholic beverages eight hours prior to taking control of the vehicle.

4. The operators of a GOV are responsible for the safe operation of the vehicle while it is assigned to them and for the safety of all passengers and cargo.

5. Drivers shall not operate a GOV while impaired by fatigue, illness, alcohol, drugs, or when otherwise physically unfit.

6. All vehicles operated by unlicensed personnel either for training or for use in the government motor vehicle operator's licensing tests shall be equipped with a sign on the front and rear of the vehicle with lettering at least five inches high reading "STUDENT DRIVER."

10102. USE AND OPERATION

1. No operators of a GOV with seat belts shall operate the vehicle without first snapping or buckling the seat belt around their body in the prescribed manner.

2. Ambulances, tank trucks, wreckers, fire trucks, dump trucks and other special purpose vehicles shall normally be used only for the purpose intended.

3. The GOVs shall not be left unattended with the engine running at any time. While stationary, the engine of a GOV shall not be operated for a period of more than one minute, unless otherwise required for proper

utilization of the vehicle and its equipment.

4. The operation of government commercial type vehicles shall be limited to developed roads, except when otherwise expressly authorized.

5. The GOVs, other than tactical vehicles in training or maneuver areas, shall not be driven on the shoulder of the roadway unless expressly authorized.

6. Tracked vehicles, when crossing paved roads, will only do so at the areas marked for such crossings and made of concrete.

7. Cranes and similar type equipment shall not be operated closer to power lines than the boom length or height of the vehicle and its equipment except as may be authorized.

10103. PUSHING AND TOWING

1. No GOV shall be used to push or tow another vehicle unless designated for that purpose.

2. The GOVs will only be towed by a wrecker truck using a tow-bar or similar connection. Both vehicles shall be completely stopped before they are uncoupled and wheels shall be checked if necessary. No person shall go between vehicles to uncouple them until it is certain that both vehicles are fully stopped.

3. Vehicles weighing more than wreckers shall be towed by tow-bars and shall not be lifted.

4. Warehouse tractors may trail a maximum of five warehouse trailers.

5. "Jump" or "push starting" a vehicle using a GOV is prohibited.

10104. BACKING OF VEHICLES

1. No vehicle shall be backed until the driver has ascertained that the maneuver can be made safely.

2. When the operators of a GOV determine that they must back or operate in close quarters, the passenger, if any, shall dismount and act as a guide. In this capacity, the guide is authorized to temporarily direct and control traffic to facilitate the required maneuver so long as they can do so in a safe manner, dependent upon traffic flow, available lighting, or other conditions.

3. Military personnel not associated with either the driver or vehicle may assist the driver of a GOV by performing the function of a guide so that the driver may safely back the vehicle.

4. If there is no passenger or other assistance available, the driver shall ensure by personal observation that the way is clear before backing or operating the vehicle in close quarters. Unless this inspection can be performed from the driver's position, the driver shall dismount to make the inspection before attempting the maneuver.

10105. SPEED RESTRICTIONS

1. The operator of a GOV shall not follow another vehicle at a distance that is not reasonable or prudent. Due regard should be given for the relative speed of the vehicle, the amount of traffic, the condition of the road, visibility, and the type of vehicle directly ahead.

2. Only those GOVs properly equipped with, and displaying, both emergency lights and siren may be operated in excess of the posted speed limits. Even then, this is only authorized during official emergency response. See paragraph 10108.

3. The GOVs moving in reverse shall not exceed 5 mph.

4. Fork lift trucks and tractors trailer trains shall not exceed 10 mph.

5. Tactical vehicles shall not exceed posted speed limits or the speed limits listed on the data plate, whichever is lower. In any case, tactical vehicles shall not exceed 45 mph.

6. The maximum speed limit for GOVs on unimproved roads shall be 15 mph unless otherwise posted or authorized. Unit commanders to whom vehicles are assigned shall be responsible for the enforcement of this restriction within training areas.

7. The majority of the light vehicles assigned to MAGTFTC have the Network car device installed in them. The Network car, device tracks vehicle information via global positioning system or cellular transmission. It tracks information such as vehicle speed, location, stops and starts, diagnostics data, etc.. Any individual who tracked via this device committing any traffic violations will be issued a notice to appear at the next Base Traffic Court. Failure to appear will be handled in accordance with in the guidelines of this Order. Not only may the individuals right to operate a government motor vehicle be suspended. The right to drive a POV may be suspended as well.

10106. PASSENGERS

1. The GOVs shall transport only authorized personnel or those personnel designated on "Official Government Business".

2. Not more than three persons, including the driver, shall ride in the front seat of a GOV if it has a bench seat and seat belts for each person. If the adding of a third passenger interferes with the smooth operation of the vehicle only two persons will be in the front seat.

3. No person shall be permitted to ride in the cargo area of any GOV, two or four-wheel trailer or semi trailer, except for authorized movements in a semi trailer.

4. The GOVs shall not be loaded in excess of the authorized passenger capacities in accordance with current safety regulations.

10107. SCHOOL BUSES

1. School buses shall pick up and discharge passengers at a designated "bus stop" outlined in school bus schedules.

2. The operator of a school bus shall not drive closer than 300 feet to another school bus and shall not proceed across any main traveled road or any dangerous thoroughfare until safety is ensured

10108. EMERGENCY VEHICLES

1. Drivers of authorized emergency vehicles responding to an emergency shall operate the vehicle with due regard for the safety of all persons.

2. Privileges granted to an authorized emergency vehicle shall apply only when:

a. The driver of such vehicle in motion sounds an audible signal, siren or horn, as may reasonably be necessary; and,

b. The vehicle is equipped with at least one lighted lamp displaying a red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle.

3. When responding to an emergency call, the driver of an authorized emergency in pursuit of an actual or suspected violator of the law or responding to a fire alarm may exercise the following privileges subject to conditions stated elsewhere:

a. Park or stand irrespective of the provisions of this order.

b. Proceed past a red/stop signal sign after slowing down or stopping as may be necessary for safe operation and to ensure the intersection is clear of all traffic.

c. Exceed by no more than 10 mph the authorized speed limits.

d. Disregard regulations governing direction of movement or turning in specified directions only if it can be conducted in a safe manner.

10109. ACCIDENTS. The operator of a GOV involved in an accident or collision on the Combat Center shall immediately notify the Provost Marshal and make a report of the event on the Operator's Report of Motor Vehicle Accident (SF-91) irrespective of the fact that other vehicles involved are GOVs. The accident will be reported by the operator regardless of the nature and extent of injuries, property damage, or apparent responsibility for the accident collision.

10110. DRIVING OFF THE COMBAT CENTER. All Marine GOVs require an "Off-Base Trip Ticket" (DD Form 1870 Motor Vehicle Utilization Record), available from the Head, South West Regional Fleet Transportation (SWRFT) office, prior to being dispatched off base.

CHAPTER 10

GOVERNMENT VEHICLES AND COMMERCIAL CARRIERS

SECTION 2: COMMERCIAL VEHICLES AND CARRIERS

10200. GENERAL. In addition to the instructions contained herein, operators of commercial vehicles and carriers shall comply with the instructions relating to the use and operation of vehicles contained elsewhere in this order.

10201. ADMISSION

1. Buses of recognized scheduled public carriers shall be regularly admitted on the base after being inspected to ensure that only those passengers having authorized access to the base are aboard the bus. Persons aboard the bus who do not have authorized access to the base shall dismount the bus and wait at the gate until the bus exits the base.

2. Taxis displaying a sticker from the Morongo Basin Transportation Authority (MBTA) Taxi Administration in the lower left hand corner of the windshield will be allowed to drop off and pick up passengers on the base. Taxis displaying the Sunline regulatory administration permit sticker will be allowed to only drop off passengers. Taxies permitted outside of the above administrations, or not displaying any stickers at all, will not be allowed to pick up or drop off passengers on the base.

3. All taxi passengers will be logged in at the Main Gate or the Vehicle Registration Office.

4. Commercial vehicles/delivery vehicles will be admitted upon verification of destination and contents of delivery. Drivers must present the required documentation, bill of laden, and submit to inspection upon request. Exception only applies to the inspection of ammo-laden vehicles. The seals on the vehicle will not be broken under any circumstances by law enforcement personnel.

10202. PASSENGERS. Taxis shall only transport that number of passengers for which there are factory-installed seats and seatbelts.

CHAPTER 11

MISCELLANEOUS TRAFFIC REGUALTIONS

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CHAPTER 11

MISCELLANEOUS TRAFFIC REGUALTIONS

11000. OFF-INSTALLATION TRAFFIC ACTIVITIES. The Provost Marshal will establish a system to exchange information with civil authorities. Procedures will be established to process reports received from civil authorities on serious traffic violations, accidents, and intoxicated driving incidents involving persons subject to this Order.

11001. COMPLIANCE WITH STATE LAWS

1. All military personnel, DoD civilian employees, contractors and their employees and other personnel with base driving privileges will comply with state and local traffic laws when operating either military or privately owned vehicles whether on or off the MCAGCC.

2. The Provost Marshal will maintain liaison with civilian law enforcement agencies and encourage the following:

a. Prompt notice to military authorities when military personnel or civilian drivers of GOVs, or military personnel operating POVs, have:

(1) Committed serious violations of civil traffic laws.

(2) Been in traffic accidents resulting in injuries or property damages.

b. Prompt notice of actions by the state and local courts and others to suspend, revoke, or restrict the state drivers license of persons who:

(1) Operate government vehicles.

(2) Regularly operate POVs on the MCAGCC.

11002. RECIPROCAL STATE/MILITARY ACTION. The MCAGCC recognizes the interest of the State of California in matters of POV administration and drivers licensing. The base fully supports the efforts of California in ensuring that persons with a suspended or revoked drivers license are detected and removed from the road. Statutory authority exists in California for a reciprocal suspension and revocation with many other states that are members of the non-resident violator's compact. The MCAGCC Traffic Court shall suspend or revoke driving privileges as if the violation has occurred aboard the MCAGCC if notified by the local authorities or any compact state that the driver's license of an individual has been revoked in the state of issuance based on violations occurring in any compact state.

11003. TRAFFIC PLANNING

1. Safe and efficient movement of traffic on the MCAGCC require police traffic supervision. A police traffic supervision program will include planning, supervision, and control of motor vehicle traffic publication and enforcement of traffic laws and regulations and investigation of motor vehicle accidents.

2. The Provost Marshal will coordinate development of traffic circulation plans that provide for the safest and most efficient use of primary and secondary roads. Circulation planning will be a major part of all long-range master planning aboard the MCAGCC. Traffic circulation planning will be developed by the Provost Marshal, engineer, safety officer, and other concerned staff agencies. Highway engineering representatives from adjacent civilian communities should be consulted to ensure that installation plans are compatible with the current and future circulation plans of the community. Plans will include the following:

a. Normal and peak load routing based on traffic control studies.

b. Effective control of traffic using planned direction, including measure for special events and adverse road and weather conditions.

c. Point control at congested locations by law enforcement personnel or designated traffic control personnel.

d. Use of traffic control signs and devices.

e. Efficient use of available parking facilities.

f. Efficient use of available mass transportation.

3. Factual data on existing roads, traffic density and flow patterns, and points of congestion are required for sound traffic circulation plans. The Provost Marshal and traffic engineer will conduct traffic control studies to obtain the data. Accurate data can help determine major and minor routes, location of traffic control devices and conditions requiring engineering of enforcement services.

4. The Military Traffic Management Command Transportation Engineering Agency (MTMCTEA)(reference (r)) will help solve complex highway traffic engineering problems. The traffic engineering services include:

a. Traffic studies of limited areas and situations.

b. Complete studies of traffic operations of entire installations. (This can include long-range planning for the future development of installation roads, public highways, and related facilities.

c. Assistance in complying with established traffic-engineering standards.

5. Request for traffic and engineering services will be submitted per MCO 11210.2 (reference (s)).

CHAPTER 12

PARKING REGULATIONS

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CHAPTER 12

PARKING REGUALTIONS AND UNATTENDED VEHICLES

12000. GENERAL. The most efficient use of on and off street parking will be stressed on a non-reserved (first-come, first-serve) basis. Illegal parking contributes to congestion and slows the flow of traffic. Strict enforcement of parking regulations will result in a better use of available parking facilities and eliminate conditions, which may contribute to traffic accidents.

12001. PARKING REGULATIONS. No person shall stop, stand, or park a motor vehicle, except when necessary to avoid interference with other traffic, in compliance with the law or the direction of a Military Police Marine or traffic control device or when otherwise authorized, in any of the following places:

1. On a roadway in front of a private driveway.

2. Per reference (t) within 20 feet of a fire hydrant.

3. Per reference (t) within 20 feet of the entrance to a fire station.

4. Within 25 feet of the intersection of curb lines, or if none, within 25 feet of the intersection of property lines at an intersection of roadways.

5. At any curb that is painted red or yellow.

6. Within 50 feet of any stop sign, traffic sign, or traffic warning device.

7. On the hard surface of any paved road or area except where marked parking lanes or parking signs indicate that parking is permitted.

8. On a roadway, against the flow of traffic, per reference (b).

9. Within an intersection or on a crosswalk.

10. On the roadway side of any vehicle stopped or parked at the edge of the curb of the road (double park).

11. Within fire lanes.

12. Within 50 feet of the rear-loading ramp of any dining facility.

13. Upon any road or bridge so as to interfere with the normal flow of traffic.

14. A parking space that is reserved for someone else or another type of vehicle.

15. Within 15 feet of a dumpster or recyclable materials pick up point, or in any manner so as to obstruct the safe emptying of a dumpster or the retrieval of recyclable materials.

16. Parking on grass or seeded areas is prohibited, and no person shall stop, stand, or park a vehicle thereon, whether attended or unattended, except in compliance with the law or the directions of a Military Policeman and the following exceptions:

17. Mechanical breakdown of a vehicle, which is causing a traffic hazard. In such cases, the vehicle shall be pushed onto the shoulder of the road, clear of the roadway and traffic, and parked so as to be plainly visible 200 feet in each direction upon the roadway.

18. The parking of vehicles, trailers and boats on the grass in front of and on the sides of quarters in family housing areas is prohibited. These vehicles may be parked in the rear of family quarters provided the approval of the Family Housing Office is obtained in advance and entrance to the backyard is accessible via service road.

19. Vehicles that are parallel parked or parked at an angle alongside a roadway will be parked facing the same direction as the traffic flow. You must park with traffic, not against it.

20. Parking in cul-de-sacs shall be parallel only (no "nose-in" parking) and shall leave enough room for the full use of the turn around by emergency response vehicles.

21. No one shall park in an open dirt area that hasn't been Graded and marked for parking. No one shall proceed to an area regardless of it being a legal parking area if they have to drive over a curb, climb up or down an embankment, or go through a ditch to get there.

22. Reference (b) is in full force and effect on the MCAGCC except where specifically identified in this Order. A violation of any provision of reference (b) pertaining to parking will be considered a violation of this Order.

23. "No Parking Spaces" will be marked per reference (b).

24. Other Parking Control Measures. The Provost Marshal may use other parking control measures as necessary to ensure orderly and efficient parking aboard the MCAGCC. These measures will be per references (b), (c), and (d).

25. No person, other than the owner or authorized driver, shall tamper with, block, or attempt to move a legally or illegally parked vehicle, except for Military Police or persons acting under the direction or authority of the Military Police.

12002. Authorized Reserved Parking. The indiscriminate use of reserved parking adds to confusion and frustration of driving aboard the Combat Center. Reserved parking will be kept to a minimum. Reserved parking spaces are authorized as follows:

1. The Commanding General, Chief of Staff, Directors, Deputy Directorate, Commanding Officers, Sergeants Major, and First Sergeants are the only individuals who will be authorized reserved parking spaces. The Director, Installations and Logistics Directorate (I&L) will determine which spaces will be reserved for the Commanding General and Chief of Staff.

2. Reserved spaces will be allocated for handicapped, motorcycle, and government vehicle parking.

3. Spaces may be reserved for maintenance vehicles, taxis, and Military Police vehicles.

4. Parking areas may be reserved for tactical vehicles.

5. Parking places in unit/organizational parking lots may be reserved as the unit Commander/Organizational Director deem appropriate. Unit/Organizational parking lots consist of off-street parking spaces that are immediately adjacent to a unit/activity and are not considered to be for public use because of their distance from otherwise public facilities.

6. Military Police will not issue citations to, or tow, vehicles parked in unauthorized reserved parking spaces (All authorized reserved parking spaces must be a list provided to the Provost Marshal by the Director, I&L).

12003. Establishing Reserved Parking Spaces

1. All reserved parking spaces are to be approved by the Director, I&L and a number will be assigned to each space. Other than in the case of the Commanding General, Chief of Staff, and MCAGCC Sergeant Major, the designation of reserved parking spaces by billet, name, or title is prohibited.

2. Reserved parking spaces will be marked with the word "RESERVED" followed by the assigned number in the form of three inch black lettering on a white or plain cement colored background. The marking may be placed on a curb or cement marker block in front of the reserved parking space. All exceptions to the marking will be approved on a case-by-case basis by the Director, I&L.

3. The reserved parking spaces for the Commanding General and Chief of Staff will be marked as above with the words "COMMANDING GENERAL" or "CHIEF OF STAFF, or "MCAGCC SERGEANT MAJOR" vice "RESERVED."

4. Handicapped Parking

a. When allocated, handicapped parking will be located near building entrances, per reference (d).

b. Spaces for handicapped parking will only be reserved in lots near buildings handicapped persons are expected to frequent, such as the Marine Corps Exchange, NHTP, Base Theater, etc.

c. Per reference (c), generally, four percent of the total number of spaces within a lot should be reserved for handicapped use. In small lots of twenty-five spaces or less, only one space is required for handicapped parking.

d. Per references (b), (c), and (d), handicapped parking spaces will be marked with a picture of a wheelchair below the words "HANDICAPPED ONLY". Both the words and picture will be blue in color and painted on the pavement.

e. Signs satisfying references (b) and (d) may also be used to designate handicapped parking.

5. Motorcycle Parking

a. The number and location of spaces to be reserved for motorcycle parking depends on the number of motorcycles expected.

b. Spaces reserved for motorcycle parking will be marked with diagonal white lines on the pavement and the words "MOTORCYCLE ONLY" or in the form of three inch black lettering on a white or plain cement background placed on a curb or cement marker block in front of the reserved parking space.

c. Motorcycles will not park in spaces that are normally used for automobiles when spaces reserved for motorcycles are reasonably available.

6. Government Vehicles

a. Spaces reserved for government vehicle parking will be marked with the abbreviation "GOV" in three-inch black lettering on a white or plain cement background.

b. The marking may be placed on a curb or cement marker block in front of the reserved parking space.

7. Tactical Vehicles

a. Tactical vehicles will park in the dirt area adjacent to building 1587 and across the street (Bourke Road) from buildings 1601 and 1603.

b. Tactical vehicles will not park in parking spaces/areas that are not reserved for tactical vehicles.

c. Tactical vehicles will normally not park in the same parking lots as privately owned vehicles (POV). However, in some cases this cannot be avoided or is detrimental to mission accomplishment. In these cases, tactical vehicles will not park within fifty feet of POV's.

d. Tactical vehicle parking spaces/areas will be marked with signs as deemed appropriate by the Facilities Maintenance Officer.

8. Maintenance Vehicles

a. A reasonable number of reserved parking spaces may be reserved for maintenance vehicles as required.

b. These spaces will be marked with the abbreviation "MAINT" in three-inch black lettering on a white or plain cement colored background on a curb or cement marker block in front of the reserved parking space.

c. These spaces may also be marked with a sign as determined by the Facilities Maintenance Officer.

9. Taxis

a. An appropriate number of spaces will be reserved for taxis in the parking lot at the intersection of Sixth Street and Sturgis Road, adjacent to building 1532.

b. These spaces will be marked with the word "TAXI" in three Inch black lettering on white or plain cement colored background on a curb or cement marker block in front of the reserved parking space.

c. These spaces may also be marked with a sign as determined appropriate by the Provost Marshal.

10. Military Police Vehicles

a. Due to the need for timely response to emergency situations and incidents, spaces may be reserved for Military Police vehicles in the vicinity of buildings 1407, 1408, and 901.

b. These spaces will be marked with the abbreviation "MP" in three-inch black lettering on white or plain cement colored background on a curb or cement marker block in front of the reserved parking space.

c. Other Parking spaces may be reserved as directed by the Provost Marshal or by the Director, I&L.

11. Facilities Maintenance has the authority to paint over/remove unauthorized reserved parking spaces and reserved parking spaces that do not conform to this Order.

13. Organizations that provide services to customers will provide sufficient parking spaces at the front entrance for customers and government vehicles. Personnel that work at the facility will park in the rear of the parking lot, away from the entrance to the facility or in the rear of the building in order to provide maximum parking for customers.

12004. Unattended or Disabled Vehicles

1. Before any vehicle shall be left unattended, the engine will be stopped, the ignition locked, the parking brake effectively set, and when standing upon any grade, the front wheel turned toward the curb or side of the road. Additionally, the key will be removed from the ignition and will not be placed elsewhere within or hidden on the vehicle.

2. If a vehicle becomes disabled, the operator will ensure that the vehicle is parked off the roadway. Immediately after leaving the vehicle unattended, the operator shall notify the Military Police, giving the location, trouble, owner/operator's name and phone number, and predicted time of removal. A note shall be placed under the windshield containing the same information. Any such vehicle not removed within 24 hours will be subject to towing.

12005. Unit Deployment Program (UDP)

1. No UDP parking is allowed in the parking structure located on Bourke St, between 3rd and 4th St.

2. No UDP parking is allowed in base housing other than the spouses of the deployed Marines/Sailors.

3. No UDP parking at Barracks, Work sections/areas, Battalion or Company Command Post areas.

12007. Towing. Unattended illegally parked vehicles are subject to immediate towing if they fall into one or more of the following categories:

1. Recovered stolen vehicles.

2. Vehicles seized for evidence.

3. Left unattended on a bridge, viaduct, or causeway.

4. Parked or left standing upon a highway in a position so as to obstruct the normal flow of traffic.

5. Blocking a driveway.

6. Stopped, parked or left unattended in such a way as to prevent access to a fire hydrant, fire fighting equipment, or fire lane.

7. Stopped, parked, or left standing on a roadway for more than 24 hours, after being tagged with a Vehicle Violation Ticket, MCAGCC 5560/4 (8-89) Form by Military Police.

8. Left unattended and being stripped or vandalized.

9. Left unattended following the apprehension of the driver by Military Police, when no other licensed driver is reasonably available to lawfully take possession of the POV.

10. Left in a space or found upon a highway where parking is prohibited by clearly posted signs.

11. Illegally parked in a space or stall designated for physically handicapped persons.

12. Illegally entered the installation.

13. The registered owner or the operator is found to have their base driving privileges under suspension or revocation. This includes personnel encountered at entry gates to the MCAGCC.

14. Vehicles that have violated written base housing regulations, if the housing office can provide proof that the offending resident has been notified of the offense (in writing) and the resident has failed to take appropriate action, and the POV has been tagged for towing by the Military Police for at least 72 hours.

15. Vehicles found in a state of disrepair, leaking fuel, oil or any other hazardous material, or missing other parts or equipment that renders the vehicle a public safety hazard or eyesore.

16. Vehicles found on base that have been previously tagged with a Vehicle Violation Ticket, MCAGCC 5560/4(8-89) Form and the reason for the original tagging was not corrected. Usually, in this case the vehicle has been moved.

17. Impoundment and inventory procedures will be per reference (e).

18. As directed by the Provost Marshal.

12008. DIRECTORS AND COMMANDING OFFICERS

1. Submit a list of requested reserved parking spaces and their locations on a work request to the Commanding General (Attn: Director, I&L).

2. Submit a list of requested reserved parking spaces for handicapped, motorcycles, and "NO PARKING" to the Provost Marshal.

3. Following the instructions contained in this Order, mark all reserved parking spaces within your own areas.

12009. DIRECTOR, INSTALLATIONS AND LOGISTICS DIRECTORATE

1. Serve as the approval authority for all reserved parking spaces aboard the Combat Center and make the final determination on which parking lots are unit controlled and which ones are for public use.

2. Provide a list of approved reserved parking spaces to the Provost Marshal for enforcement purposes. This list will be updated as needed and include parking spaces reserved for the Commanding General, Chief of Staff, handicapped, government vehicles, motorcycles, Military Police vehicles, taxis, maintenance vehicles, and tactical vehicles.

12010. PROVOST MARSHALL. Enforce this Order through the use of Armed Forces Traffic Tickets (DD Form 1408).

12011. ADJUCATION. Punishments for persons issued DD Form 1408 for illegal parking will be determined by the Traffic Court Hearing Officer.

APPENDIX A

TRAFFIC POINT ASSESSMENT TABLE

1. GENERAL. This table implements the Traffic Suspension/Revocation of Driving Privileges/Point Assessment System that appears below. The table lists the points and suspensions/revocations that may be imposed for certain offenses.

a. The Traffic Court Hearing Officer may, at his discretion, award less than the maximum penalty listed in Appendix A. The individual's record, attitude and any extenuating and/or mitigating circumstances may affect the decision to award only points or a suspension/revocation of base driving privileges.

b. When a mandatory penalty is indicated, that penalty must be awarded in the event the defendant is found guilty of that offense. No discretion on the part of the Traffic Court Hearing Officer is authorized.

c. At no time will the Traffic Court Hearing Officer exceed the maximum listed penalty.

d. In cases where the violator is awarded suspension/revocation for more than one offense at a Traffic Court Hearing (i.e., one year for violation of implied consent combined with one year for intoxicated driving) the suspension/revocation shall run consecutively.

e. In cases where a violator is cited for a violation that requires corrective modifications to a vehicle such as tinted windows or defective / illegal equipment, the violator may not appear before the Traffic Court Hearing Officer to dispute required modifications. The PMO Traffic Court Clerk at Bldg 1408 will handle these cases.

f. If the original defective or illegal equipment violation has not been corrected, or the same vehicle has subsequent/repeat offenses, the PMO Services Officer/Chief shall terminate the registration of the subject vehicle and the violator will be required to remove the vehicle from the Combat Center. The violator may re-register the vehicle when the discrepancies are corrected. Points or suspension/revocation may also be awarded per this order.

2. Persons cited for violations that may result in revocation, suspension, or point assessment have the right to have their case heard before the Traffic Court Magistrate at the date and time determined by the Traffic Court Clerks.

a. Guilty Plea. All persons who plead guilty will be adjudicated at Bldg 1408, and will not be required to appear before the Traffic Court. In those cases, which require mandatory appearances, an individual may not plead guilty at PMO; the Traffic Court Hearing Officer imposes final adjudication.

(1) Persons who plead guilty to an offense, which does not require a mandatory court appearance, will be awarded the points or the mandatory suspension/revocation allowed for that offense.

(2) In cases where offenders plead guilty and a suspension/revocation is imposed by the PMO Traffic Clerk or the MCAGCC Traffic Court Hearing Officer, they will sign and receive a copy of the notice advising them of the penalty or penalties and will be advised of the requirements necessary for full reinstatement or guidance on requesting limited driving privileges. Individuals are responsible for initiating any appeal, request for limited or full reinstatement of driving privileges through their command, per this order, and must include any evidence pertinent to their case with the appeal or request.

b. Not Guilty Plea. Persons who plead not guilty will be required to appear at Traffic Court. The Traffic Court Hearing Officer will review each contested case listed in the PMO traffic court docket and may request for additional evidence to be presented. The person cited is responsible for bringing any evidence pertinent to his/her defense to the traffic court hearing.

c. The Traffic Court Hearing Officer will determine whether a violation occurred, and if so, what penalty is to be assessed. The following table will be used to determine adjudication.

VIOLATION	ADJUDICATION
1. Driving while driver's license or installation driving privileges are under suspension or revocation, or allowing a person other than a dependent to operate the suspended/ revoked person's automobile on base	Mandatory 2 years revocation
2. Refusal to submit to or failure to complete chemical test (implied consent)	Mandatory 1 year revocation
3. Manslaughter (or negligent homicide by vehicle) resulting from the operation of a motor vehicle	Mandatory 1 year revocation
4. Driving or being in actual physical control of a motor vehicle while under the influence of alcohol (BAC - .08% or greater) or driving a vehicle while under 21 with a BAC of .01% or greater.	Mandatory 1 year revocation
5. Driving a motor vehicle while under the influence of any narcotic, or while under the influence of any other drug (including alcohol) to the degree rendered incapable of safe vehicle operation	Mandatory 1 year revocation
6. Use of a motor vehicle in the commission of a felony	Mandatory 1 year revocation
7. Fleeing the scene of an accident involving death or personal injury (hit & run)	Mandatory 1 year revocation

8. Perjury or making a false statement or affidavit under oath to responsible officials relating to the ownership or operation of motor vehicles	Mandatory 1 year revocation
9. Unauthorized use of a motor vehicle belonging to another, when the act does not amount to a felony	Mandatory 1 year revocation
10. Mental or Physical impairment (not including alcohol or other drug use) to the degree rendered incompetent to drive	6 Months or less suspension or not more than 1 year is discretionary
11. Commission of an offense in another State which, if committed on the installation, would be grounds for suspension or revocation	Same as above
12. Permitting an unlawful or fraudulent use of a Driver's license	Same as above
13. Fleeing, or attempting to elude a police officer	Same as above
14. Racing	Same as above
15. Receiving a second 1-year suspension or revocation of driving privileges within 5 years	Loss of OF346 for minimum of 6 months is discretionary
16. Reckless driving (willful and wanton disregard for the safety of persons or property)	6 points
17. Owner knowingly and willfully permitted a physically impaired person to operate the owner's vehicle	6 points
18. Fleeing the scene of a traffic accident (hit & run) - property damage only	6 points
19. Driving a vehicle while impaired (DWI) (BAC .05% to .07%)	6 points
20. Driving a vehicle while impaired (DWI) (BAC .05% or more, but less than .08%), 2nd or subsequent offense	6 points loss of OF 346 for minimum 6 months is discretionary within a 12-month period
21. Speed Contests (careless driving to include spinning tires, excessive acceleration & exhibition of speed)	6 points
In housing (enhanced penalty)	Up to 1 year revocation. Revocation discretionary.

22. Speed too fast for road conditions----------2 Points
(weather, visibility, safety of persons
road width, surface and traffic on road)

23. Speed too slow, causing a----------2 Points
potential safety hazard (Impeding Traffic)

24. Use of hydraulically operated
suspensions while vehicle is in motion----------4 points

25. Failure of operator or occupants----------1 week suspension
to properly use safety restraint system plus attendance of
(operator assessed points) Saturday Remedial
Driving Class

26. Failure of operator or occupants----------1 Month Suspension
to properly use safety restraint system,
2nd offense

27. Failure of operator or occupants----------6 month suspension
to properly use safety restraint system
3rd offense

28. Failure to properly restrain----------7 day suspension
children in a federally approved
child restraint while vehicle is
moving (when child is under 6 years
old regardless of weight, or the weight of
child is 60 lbs or less regardless of age)

29. Failure to properly restrain----------1 month suspension
children in a federally approved
child restraint while vehicle is
moving [when child is under 6 years
old regardless of weight or the weight of
child is 60 lbs or less regardless of age
(2nd or subsequent offense
within a 12 month period)]

30. 1 to 10 miles per hour over----------3 points
the posted speed limit

31. 11 to 15 MPH over the----------4 points
posted speed limit

32. 16 to 19 MPH over the----------5 points
posted speed limit

33. 20 MPH or more over the----------3 Months
posted speed limit suspension

34. In housing 11 to 15 MPH over the----------1 month suspension
posted speed limit

35. In housing 16 to 19 MPH over the----------3 months suspension
posted speed limit

36. In housing 20 MPH or more over the posted speed limit ---------- 6 months suspension

37. Crossing double yellow line when passing troop or P.T. formations in an unsafe manner ---------- 4 points

38. Following to closely ---------- 4 points

39. Failure to yield right of way to emergency vehicle ---------- 4 points

40. Failure to stop for school bus or school crossing signals ---------- 4 points

41. Failure to obey traffic signals or traffic instructions of a law enforcement officer or traffic warden; or any official regulatory traffic sign or device requiring a full stop, yield, or right of way; denying entry; or requiring direction of traffic ---------- 4 points

42. Failure to obey traffic signals or traffic instructions of a law enforcement officer or traffic warden; or any official regulatory traffic sign or device requiring a full stop or yield or right of way; denying entry; or requiring direction of traffic (2nd or subsequent offense within a 12 month period) ---------- 3 months suspension

43. Improper passing ---------- 4 points

44. Failure to yield (no official sign involved) ---------- 4 points

45. Improper turning movements (no official sign involved) ---------- 3 points

46. Wearing of headphones/earphones while driving a motor vehicle [two or more wheels (exclusion of hands-free cell phone devices in one ear) ---------- 3 points

47. Improper overtaking ---------- 3 points

48. Operating or having a vehicle on Base without valid insurance ---------- 3 months suspension

49. Operating or having a vehicle on Base with expired state registration ---------- Removal of month/year sticker

50. Operating or having a vehicle on base with state registration that is expired for more than 6 months ---------- 3 months suspension

51. Failure to report involvement in a traffic accident	3 months suspension
52. Driver involved in accident is deemed responsible (only added to points assessed for specific offenses)	1 point
53. Prohibited equipment, 1st offense	3 points
54. Prohibited equipment, 2nd offense within 12 months	3 months suspension Mandatory Appearance
55. Prohibited equipment, 3rd or subsequent offense within a 12 month period	6 months revocation mandatory appearance
56. Negligent operation of a motor vehicle resulting in property damage or bodily injury	3 points
57. Any vehicle which emits excessive pollutants or having an illegally modified exhaust system	3 points removal of decal if not corrected within 30 days
58. Illegal entry or exit by motor vehicle onto or off of the base by other than authorized entry or exit point (Condor, Main or Ocotillo Gate)	6 months revocation mandatory appearance civilians will be issued a DD form 180
59. Failure to giver proper signal	3 points
60. Inattention to driving	3 points
61. Driving without a valid state driver's license in possession (but otherwise license is valid)	2 points (will be dismissed if valid license is brought to the PMO Traffic Court Clerk)
62. Driving with an expired driver's license (unless has military extension for state)	Decal removal until deficiency is corrected
63. Driving unlicensed	1 year revocation
64. Having more than one driver's license issued, altering a driver's license or fraudulent use of a driver's license	4 points
65. Driving out of class or in violation of driver's license restrictions	3 months suspension
66. Operation of motor vehicle without the written or verbal consent of owner (other than licensed dependents)	3 points

67. Driving on sidewalk, prohibited, restricted or seeded area ---------- 4 points

68. Throwing litter or lighted/burning object from vehicle ---------- 1 month suspension

69. Operating or having a motor vehicle on base without a valid pass or decal ---------- 4 points

70. Operating a vehicle in excess of manufacturer specified capacity ---------- 3 points

71. Fraudulent application for or use of altered state tags, base decal or pass ---------- 6 months revocation

72. Failure to report to Bldg 1408 as cited ---------- Equivalent punishment that could be awarded for original offense, see note (1)

73. Failure to appear at traffic court ---------- Equivalent punishment that could be awarded for original offense, plus 3 months suspension if for a violation resulting in 4 or more points

74. Open alcoholic beverage container in vehicle ---------- 2 months suspension

75. Allowing an unlicensed driver to drive ---------- 2 months suspension

76. Illegal parking, 1st offense ---------- 1 point

77. Illegal parking, 2nd offense within 12 month period ---------- 3 points

78. Illegal parking, 3rd offense within 12 month period ---------- 2 months suspension

79. Illegal parking, 4th or subsequent offense within a 12 month period ---------- 6 months suspension

80. Illegal parking, handicapped space ---------- 1 month suspension

81. Illegal parking, handicapped space, 2nd or subsequent offense within a 12 month period ---------- 3 months suspension

82. Leaving child age 10 years or under unattended in a parked vehicle (engine off) ---------- 3 Points

83. Leaving child age 10 years or under unattended in a parked vehicle (engine running) ---------- 1 month suspension

84. Failure to set parking brake on unattended vehicle with engine running ---------- 3 points

85. Leaving an unattended animal in vehicle under inhumane conditions ---------- 1 month suspension

86. 4 or more moving violations within a 2 month period; accumulation of 12 points within 12 months; or accumulation of 18 points within 24 months ---------- 1 year revocation

87. Other moving violations (involving driver behavior only) ---------- 3 points

88. Operating an unsafe vehicle, 1st offense (see note 1) ---------- 2 points

89. Operating an unsafe vehicle, 2nd offense within a 12 month period (see note 1) ---------- 1 month suspension

90. Operating an unsafe vehicle, 3rd offense or subsequent offense within a 12 month period (see note 1) ---------- 3 months suspension

91. Any other violation of the California Vehicle Code (CVC) or this order not listed in this table ---------- To be determined by Traffic Court Hearing Officer
3 points minimum
6 points maximum

92. Driver involved in an accident ---------- 2 points

93. Illegal distribution, possession or use of a controlled substance (drug abuse) ---------- 1 year revocation

94. Failure to register/de-register vehicle aboard MCAGCC ---------- 1 month suspension

95. Loud Music (audible outside the confines of the vehicle) ---------- 3 points

MOTORCYCLE PROVISIONS

96. "Showing off" or grandstanding in any manner ---------- 4 points

97. Unsafe passing of other vehicles in same lane on either side or weaving in and out of traffic ---------- 4 points

98. Unsafe riding between lanes of moving traffic or riding between the traffic lane and parked cars ---------- 5 points

99. Riding 2 or more abreast in the same lane ---------3 points

100. Allowing passenger to ride side----------3 months suspension
saddle or without protective equipment

101. Allowing operation by any person----------3 months suspension
other than a properly licensed
motorcycle operator

102. Carrying items that interfere----------3 points
with safe control of motorcycle

103. Failure to wear approved helmet----------3 points
and/or reflective vest and/or protective
clothing/gear while operating or riding
on a motorcycle, MOPED, or a three
or four-wheel vehicle powered by an
electric or fuel powered motor

104. Violating Combat Center motorcycle----------1 month suspension
protective equipment regulations (2nd or
subsequent offense within a 12 month period)

105. Operating a motorcycle on a street or----------3 months suspension
highway without a motorcycle endorsement

106. 3 warning citations for the same offense----------See note (2)

Note: (1) This is used when a citation is issued for defective equipment and the subject fails to correct the discrepancy within the allotted amount of time (three working days plus one 4-day extension). Seven working days after being issued the citation, the offender will be issued a court date. If the offender does not report to Building 1408 as required, he/she will be processed as a Failure to Appear and receive the punishment(s) indicated in the above table.

Note: (2) If an offender is issued three warning citations for the same offense, the third warning citation will have points assessed for that offense. He/she will have the opportunity to plead guilty to the citation at Bldg. 1408, PMO traffic court, or request a hearing before the MCAGCC Traffic Court to plead their case.

3. If an offender is issued a citation on any subsequent violation of this order concerning defective/illegal equipment or modifications, the following may also apply:

a. That by issuance of an Incident Complaint Report (ICR), and any other pertinent evidence enclosed, the military police suspect the offender has by malice intent, deceived military police by such repeated violations, and the offender will be issued a mandatory Traffic Court Hearing. If found guilty at Traffic Court, he/she will be placed on Base Revocation for a period of no less than one year and no more than three years.

b. Prior to the start of the revocation period, and only after proper corrections have been made, will bonafide dependents be authorized to operate his/her vehicle aboard the MCAGCC.

c. If the same infraction occurs during his/her revocation period, the registered owner must report to the Vehicle Registration Office, Bldg. 901 for permanent de-registration of the vehicle and removal of the decal. The owner will be instructed to remove the vehicle from the MCAGCC for the remainder of his tour of duty.

d. All requests for appeals or reinstatements of base driving privileges for violations contained in paragraph (3) above will apply per this order.

APPENDIX B

GLOSSARY

1. ADSAP. Alcohol/Drug Action Safety Program that is offered by the civilian community for persons convicted of Driving While Intoxicated (alcohol or drugs).

2. BAC - Blood Alcohol Content. Term used to define the amount of alcohol in the blood by volume.

3. Chemical Breath Testing Device. An instrument that uses photoelectric cells or other physical or chemical means to quantitatively determine blood-alcohol concentrations (Breathalyzer).

4. Collision Diagram. A plan of an intersection, or section of roadway, on which reported accidents are diagrammed by means of arrows showing the manner of the collision.

5. Condition Diagram. A scale drawing of an intersection or section of roadway that shows all objects and physical conditions that bear on traffic movement and safety.

6. Conviction. A final adjudication that may include one of the following:

a. An un-vacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court.

b. Pleas of nolo-contendere accepted by a court.

c. Payment of a fine.

d. Pleas of guilty or finding of guilty on a charge of violating State law, Federal Law or the UCMJ.

e. Judicial or non-judicial punishment imposed under the UCMJ.

7. Driver. Any person who drives or is in physical control of a motor vehicle. A driver is in physical control when in a position to control the motor vehicle, whether to regulate or restrain its operation or movement; for example, sitting in a parked car behind the steering wheel, keeping it in restraint or in position to control its movement. The word driver is interchangeable with the word "operator."

8. Drivers License. A license to operate a motor vehicle under the laws of a state, the District of Columbia, the U.S. Government or overseas command.

9. Driving Privileges. The privilege extended by an installation commander to a person permitting the operation of a motor vehicle within the limits of the installation.

10. GOV - Government Owned Vehicle. A motor vehicle owned, rented or leased by DoD. This includes vehicles owned, rented, or leased by NAF activities of the military departments.

11. High Accident Frequency Location. A location, or length of roadway, normally not more than one-half mile in length, where an unusually high number of accidents have occurred.

12. Intoxicated Driving. Includes one or more of the following:

a. Driving, operating, or being in actual physical control of a motor vehicle under any intoxication caused by alcohol or drugs in violation of Article 111 of the UCMJ or a similar law of the jurisdiction in which the vehicle is being operated.

b. Driving, operating, or being in actual physical control of a motor vehicle with a BAC of 0.08% or higher on a military installation or in an area where traffic operations are under military supervision.

c. Driving, operating, or being in actual physical control of a motor vehicle with a BAC or 0.08% or higher in violation of the law of the jurisdiction in which the vehicle is being operated.

d. Driving, operating, or being in actual physical control of a motor vehicle with a BAC of 0.05% but less than 0.08% in violation of the law of the jurisdiction in which the vehicle is being operated if the jurisdiction imposes a suspension or revocation solely on the basis of the BAC level.

13. Law Enforcement Personnel (Officials). Persons under the supervision of the installation law enforcement officer (Provost Marshal) who are authorized to direct, regulate, and control traffic, and to apprehend or arrest violators of laws and regulations (Military Police).

14. Moped. Any two or three-wheel device having operative capability by:

a. Human propulsion power (or no pedals if powered solely by electrical energy).

b. An automatic transmission.

c. A motor that produces less than two gross brake horsepower and:

(1) Propels the device at a maximum of not more than 30 miles per hour level ground.

(2) Has a maximum engine size of 50 cubic centimeters.

15. Motorcycles. Every motor vehicle that has a seat or saddle for use of the rider and is designed to travel with not more than three wheels in contact with the ground. Tractors and mopeds are excluded.

16. Motor Vehicle. Any vehicle driven or drawn by mechanical power, and manufactured primarily for use on public streets, roads, and highways. (Vehicles operated only on a rail or rails are excluded.)

17. Motor Vehicle Registration. The process of issuing registration certificate and registration plates for a motor vehicle under the law of a State (state registration). A motor vehicle authorized to operate on a military installation in the United States or its territories.

18. Motor Vehicle Traffic Accident. An unintended event causing injury or damage, and involving one or more motor vehicles on a highway, road, or street that is publicly maintained and open for public vehicular travel.

19. Motor Vehicle Traffic Accident Classification. The classification of traffic accidents according to severity of injuries or property damage sustained. Major classifications include the following:

a. Severity of injury

(1) Fatal accident. A motor vehicle accident that results in fatal injuries to one or more personnel. A fatal injury is one that results in death within 12 months of the accident causing the injury.

(2) Incapacitating injury. An injury, other than fatal, that prevents the injured person from walking, driving, or normally continuing the activities that he/she was capable of performing before the accident. Examples are severe lacerations, broken or distorted limb, skull fracture, crushed chest, internal injuries, unconsciousness when taken from the accident scene, or inability to leave the accident scene without help.

(3) Evident injury. An injury, other than fatal and incapacitating, that is evident to any person at the scene of the accident. Examples are lump on the head, abrasions, or minor lacerations.

(4) Possible injury. An injury reported or claimed that is not fatal, incapacitating, or non-incapacitating evident injury. Examples are momentary unconsciousness, claim of injuries that are not evident, limping, or complaint of pain, nausea, or hysteria.

b. Severity of vehicle damage

(1) Disabling damage. Any damage to a vehicle such that it cannot be driven (or towed in the case of trailers) from the scene of the accident in the usual manner by daylight after simple repairs, and without further damage or hazard to itself, other traffic elements, or to the roadway.

(2) Functional damage. Any non-disabling damage to a vehicle that affects operation of the vehicle or its parts. Examples are doors, window, hood, and trunk lids that will not operate properly; or any damage that could prevent the motor vehicle from passing an official motor vehicle safety inspection.

(3) Other motor vehicle damage. Any damage to a vehicle that is neither disabling nor functional damage. Such damage usually affects only the load on the vehicle or the appearance of the motor vehicle. Examples are damage to hubcaps, trim, or grill; glass cracks that do not interfere with the vision; dents, scratches; body punctures; or damage to the load.

20. Moving Violation. A violation of any traffic law, ordinance, or regulation while operating a vehicle. Moving violations typically involve one or both of the following:

a. Unsafe act. An act or omission in traffic that is hazardous.

b. Unsafe condition. Causing or permitting an illegal and possibly hazardous condition of;

(1) Highways, roads, or streets used by traffic.

(2) Vehicles used in traffic.

(3) A pedestrian or driver in traffic.

21. Navy Alcohol, Drug Substance Abuse Program (NADSAP). A Navy program that provides a means to identify Navy personnel involved in alcohol-related situations, within the legal and medical systems, at the earliest indication of alcohol misuse, alcoholism or drug abuse.

22. Pedicycle. A vehicle operated solely by pedals and propelled by human power.

23. Pedestrian. Any person not in or on a motor vehicle or other road vehicle.

24. Revocation of a Driver's License. The termination by formal action of a State of a person's license or privilege to operate a motor vehicle on the public roadways. This 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 period set by the State.

25. Revocation of Driving Privileges. Action taken by an installation commander to terminate a privilege to operate a motor vehicle on a military installation.

26. State. One of the U.S. States, the District of Columbia, the commonwealth of Puerto Rico, and the territory of Guam.

27. Suspension of Driver's License. The temporary withdrawal by formal action of a State of a person's driving license or privilege to operate a motor vehicle on public roadways.

28. Suspension of Driving Privileges. The temporary withdrawal by an installation commander of a person's privilege to operate a motor vehicle on a military installation for up to six months.

29. Traffic. Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances, either single or together, using the roadway.

30. Traffic Control Devices. Signs, signals, marking, lights, cones, and other devices placed by proper officials to regulate, warn, or guide traffic.

31. Traffic Laws. All laws, ordinances, and regulations concerning roadway traffic, including regulations on weight, size, and type of vehicles and vehicle cargo.

APPENDIX C

PROCEDURAL GUIDE FOR TRAFFIC COURT HEARINGS

1. The Traffic Court Hearing Officer will ensure that all persons who appear before the Hearing Officer received the following advice:

My name is _____. I have been designated by the Commanding General to conduct Traffic Court Hearings. This hearing is held pursuant to Marine Corps Order 5110.1C and Combat Center Order P1630.8C.

The purpose of this hearing is to determine whether or not violations of laws and regulations relating to the registration and operation of motor vehicles have occurred and, if so, to take appropriate remedial measures. These measures may include revocation or suspension of MCAGCC driving privileges, or assessment of points against MCAGCC driving records. Accumulation of points may lead to suspension or revocation of MCAGCC driving privileges. The assessment of points, revocation and suspension of driving privileges are governed by an assessment table found in Marine Corps Order 5110.1C as supplemented by Combat Center Order 1630.8C.

These proceedings are administrative, not punitive in nature and I cannot impose a forfeiture, restriction or any other "office hours" or court-martial punishment. The purpose of this hearing is to insure that vehicles on MCAGCC roads, and the people in them, are safe; and to ensure that active duty military personnel are not unreasonably endangering their own lives or lives of others while operating motor vehicles off the MCAGCC. These proceedings are separate and independent of disciplinary proceedings under the Uniform Code of Military Justice. Your respective commanding officers may evaluate the incident that led to your appearance here and take whatever actions may be appropriate under the Uniform Code of Military Justice.

You have the following rights:

a. To present evidence and call witnesses, if reasonably available.

b. To remain silent, that is, to make no statement at all.

c. To confront adverse witnesses, if reasonably available. In most cases the adverse witness is a military policeman (MP). Experience has shown that most cases can be resolved without requiring the MP to come to the hearing. Many people admit the violation and question only the sanction. In other cases, the act alleged does not constitute a violation (for example, in an expired license case, it may turn out that the issuing state has a provision for automatic extensions for people in the service). Other cases may be disposed of by the hearing officer if the problem has been resolved and further action is not necessary. In such cases the hearing officer may simply dismiss the matter. If necessary to do so, however, we will call the MP to testify, today if possible, but most likely at a later date.

d. You also have the right to be represented by a lawyer. With respect to this right, the government will not provide a lawyer for you. If you want to be represented by a lawyer, you must make your own arrangements, that is, hire your own.

e. You have the right to inspect the statements and reports that comprise the record of your case.

f. Each of you has the right to request a private hearing, and I will grant that request for good cause in the event, for example, the testimony of witnesses could be potentially embarrassing.

g. Finally, if your case results in suspension or revocation of your base driving privileges, you have the right to appeal my decision to the Commanding General. The appeal must be submitted in writing, via the chain of command and Provost Marshal, addressed to the Commanding General, MCAGCC, Twentynine Palms, California (Attn: SJA). If no appeal is submitted to the Provost Marshal within ten working days from the date of the hearing, your appeal can be denied on the ground that it is untimely. You may apply for a limited reinstatement of driving privileges if suspension or revocation of your driving privileges creates a truly extraordinary hardship or interferes with your command's military mission. Requests for reinstatement must also be submitted in writing, via the chain of command to the Commanding General, MCAGCC (Attn: SJA).

(1) Are there any questions?

(2) Does anyone desire a continuance to obtain a lawyer?

(3) Does anyone desire a closed hearing?

2. The hearing officer will write a brief summary of each case including testimony given, witnesses presented and evidence presented. The hearing clerk will retain these summaries on file for a period of one year from the date of the hearing, and a copy will be attached to any appeal of the action.

APPENDIX D

TRAFFIC HEARING ACTION

LETTERHEAD

Date

From: Traffic Hearing Officer
To: _____
(Name, Rank, SSN, Unit)

Subj: TRAFFIC HEARING ACTION

Ref: (a) MCO 5110.1C
(b) CCO P1630.8B

1. Per the references, the below checked blocks indicate the results of the Traffic Hearing action taken in your case on _____.
(date)

_____ Revocation of driving privileges for a period of_____.
_____ Suspension of driving privileges for a period of_____.
_____ Assessed _____ points on driving record.
_____ Case dismissed.
_____ Remedial Driving School next scheduled class commencing _____.
_____ NADSAP next scheduled class commencing _____.
_____ Referred to _____ for action.
_____ Continued for _____. You are to reappear on _____.
_____ Failed to appear.

_____
TRAFFIC HEARING OFFICER

FIRST ENDORSEMENT

From:_____
(Name, Rank, SSN, Unit)
To: Traffic Hearing Officer

1. I understand that the above action has been taken as a result of my Traffic Court Hearing. I further understand that I have the right to appeal this administrative action within 10 working days per Combat Center Order P1630.8B.

_____
(Signature)

Copy to: Commanding Officer concerned

APPENDIX E

PROPOSED REVOCATION OF MCAGCC DRIVING PRIVILEGES FOR DRUG ABUSE

LETTERHEAD

Date: _____

From: Commanding Officer
To: _____
(Name, Rank, SSN)

Subj: PROPOSED REVOCATION OF COMBAT CENTER DRIVING PRIVILEGES FOR DRUG ABUSE

Ref: (a) MCO P5300.12
(b) CCO P1630.8B

1. In accordance with the references, you are hereby advised that I intend to request that the Commanding General, MCAGCC revoke your driving privileges aboard the MCAGCC for one year for drug abuse. My request is based upon your _____ of_____ as confirmed by_____.

2. Prior to a decision being made in your case, you have the right to request a hearing before the Traffic Hearing Officer. At that hearing you can examine the evidence against you and present any evidence or other matters you desire to be considered.

3. You are hereby directed to complete the endorsement to this correspondence by _____ and advise me as to whether you desire a hearing in this matter.

_____
COMMANDING OFFICER'S SIGNATURE

FIRST ENDORSEMENT

From: Individual Concerned
To: Commanding Officer,_____

1. Returned.

2. I acknowledge receipt of this correspondence. I do/do not desire to have a hearing.

_____
INDIVIDUAL CONCERNED

APPENDIX F

NOTICE OF TEMPORARY SUSPENSION OF MCAGCC DRIVING PRIVILEGES

DATE

From: Provost Marshal
To: _____SSN_____UNIT_____

Sponsor_____SSN_____UNIT_____

Ref: (a) CCO P1630.8C

1. Department of Defense regulations implemented by the reference require the immediate temporary suspension of Combat Center Driving Privileges whenever a military member or civilian having Center driving privileges is cited or apprehended on or off Base by any civilian or military law enforcement agency for any alcohol or drug related driving offense or whenever such an individual refuses to submit to a Blood Alcohol Content (BAC) test. Unless sooner terminated, as described below, the temporary suspension must continue until the case is finally resolved.

2. The following information supports the facts pertaining to your case:

a. Date cited/apprehended :_____

b. Law Enforcement Agency :_____

c. Offense :_____

d. BAC % : BRE_____/BLD_____/Refused BAC test(yes/no)

3. Effective this date your driving privileges aboard the MCAGCC and all other military installations are temporarily suspended pending final resolution of your case. At this time pending the resolution of your case, only your direct dependent(s) may be authorized to drive your vehicle on the MCAGCC or any other military installation. Failure to comply with this suspension constitutes disobedience of a general order.

4. Your have the right to appeal the temporary suspension and have it terminated. Your appeal must be in writing, addressed to the MCAGCC Traffic Hearing Officer, and submitted to the PMO within ten working days from the date of this notice.

T. E. LITTLE

I certify that I have read and understand the meaning and effect of this NOTICE OF TEMPORARY SUSPENSION OF DRIVING PRIVILEGES. I will also abide by the following:

1. I will report to the Traffic Court Clerk located at PMO Admin, Bldg 1408, ext 830-5461/5459 by 1300 on_____.

_____ _____
DRIVER DATE WITNESS (WATCH COMMANDER) DATE

APPENDIX G

REQUEST FOR REINSTATEMENT OF DRIVING PRIVILEGES

(DATE)

From:_____
(Name, Rank, SSN, Unit)
To: Commanding General, Marine Corps Air Ground Combat Center (SJA)
Via: (1) Battalion/Company Commander,_____
(2) Provost Marshal, MCAGCC

Subj: REQUEST FOR REINSTATEMENT OF DRIVING PRIVILEGES

Ref: (a) CCO P1630.8C

Encl: (1) Remedial Driving Certificate
(2) PREVENT Certificate (for alcohol related offenses)

1. On _____, 20___, my driving privileges were suspended/revoked for a period of _____ months, ending on_____, 20____. In accordance with the reference, it is requested that my privileges to drive aboard MCAGCC be reinstated. The enclosures are submitted to document completion of training or treatment requisite for reinstatement.

_____
Signature

Date: _____

FIRST ENDORSEMENT

From: Battalion/Company Commander,_____
To: Commanding General, Marine Corps Air Ground Combat Center (SJA)
Via: Provost Marshal, MCAGCC

1. Recommendation:_____

2. Comments:_____

_____

_____

_____
Signature

SECOND ENDORSEMENT on _____ ltr dated_____

From: Provost Marshal, MCAGCC
To: Commanding General, Marine Corps Air Ground Combat Center (SJA)

Subj: REINSTATEMENT OF DRIVING PRIVILEGES

1. Recommendation:_____

_____

2. Comments:_____

_____

_____

_____

_____
Signature

Date:_____

THIRD ENDORSEMENT

From: Commanding General, Marine Corps Air Ground Combat Center (SJA)
To: _____
Via: (1) Provost Marshal, MCAGCC
(2) Battalion Commander,_____

1. Your request for reinstatement of driving privileges is:

____ a. Approved, effective this date.

____ b. Approved, but limited to the following:_____

_____

____ c. Denied as untimely.

____ d. Disapproved by reason of:_____

____ e. Other:_____

_____

_____

_____

By direction

APPENDIX H

REQUEST FOR LIMITED DRIVING PRIVILEGES

(DATE)

From:_____
(Name, Rank, SSN, Unit)
To: Commanding General, Marine Corps Air Ground Combat Center (SJA)
Via: (1) Battalion/Company Commander,_____
(2) Provost Marshal, MCAGCC

Subj: REQUEST FOR LIMITED DRIVING PRIVILEGES

Ref: (a) CCO P1630.8C

1. On _____, 20___, my driving privileges were suspended/revoked for a period of _____ months, ending on _____, 20____. per the reference, I am requesting Limited Driving Privileges to and from the following places for the following reasons:

_____

_____

_____

_____

_____

_____
Signature

Date:_____

FIRST ENDORSEMENT

From: Battalion/Company
Commander,_____
To: Commanding General, Marine Corps Air Ground Combat Center (SJA)
Via: Provost Marshal, MCAGCC

1. Recommendation:_____

2. Comments:_____

_____

_____

_____

_____
Signature

SECOND ENDORSEMENT on _____ltr dated_____

From: Provost Marshal, MCAGCC
To: Commanding General, Marine Corps Air Ground Combat Center (SJA)

Subj: REQUEST FOR LIMITED DRIVING PRIVILEGES

1. Recommendation:_____

_____

_____

2. Comments:_____

_____

_____

_____

_____
Signature

Date: _____

THIRD ENDORSEMENT

From: Commanding General, Marine Corps Air Ground Combat Center (SJA)
To: _____
Via: (1) Provost Marshal, MCAGCC
(2) Battalion Commander, _____

1. Your request for limited driving privileges is:

____ a. Approved, effective this date.

____ b. Approved, but limited to the following:_____

_____

____ c. Denied as untimely.

____ d. Disapproved by reason of:_____

_____

_____

_____

_____

_____

By direction

APPENDIX I

APPEAL OF TRAFFIC COURT HEARING ACTION

DATE

From: _____
(Name, Rank, SSN, Unit, Phone Ext.)
To: Commanding General, Marine Corps Air Ground Combat Center (SJA) Via:
Via: (1) Battalion/Company Commander
(2) Provost Marshal

Subj: Appeal of Traffic Court Hearing Action

Ref: (a) CCO 1630.8C

1. On _____, I appeared before the Combat Center Traffic Hearing Officer regarding a traffic citation I received on _____ for _____ _____. The Hearing Officer found me guilty of the charge(s) and I was assessed _____ points to my driving record and my driving privileges were suspended/revoked for a period of _____ month(s).

2. I request an appeal of the Hearing Officer's decision for the following reason(s):

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____
Signature

FIRST ENDORSEMENT on _____ ltr dated _____

From: Battalion/Company Commander, _____
To: Commanding General, MCAGCC (SJA)
Via: Provost Marshal, MCAGCC

Subj: APPEAL OF TRAFFIC COURT HEARING ACTION

1. Recommendation: _____

2. Comments: _____

_____

_____

_____
Signature

Date: _____

SECOND ENDORSEMENT
From: Provost Marshal, MCAGCC
To: Commanding General, MCAGCC (SJA)

1. Recommendation: _____

2. Comments: _____

_____

_____
Signature

Date: _____

THIRD ENDORSEMENT
From: Commanding General, MCAGCC (SJA)
To: _____

1. Your appeal is:

___ a. Approved, effective this date: _____

___ b. Denied as untimely _____

___ c. Disapproved for the following reason(s): _____

_____

_____

_____

_____
By Direction

APPENDIX J

UNIT NOTIFICATION OF LIMITED DRIVING PRIVILEGE REQUEST

(DATE)

From: Provost Marshal's Office (Traffic Court Clerk)
To: Commanding Officer,_____

Subj: UNIT NOTIFICATION OF LIMITED DRIVING PRIVILEGES REQUEST

Ref: (a) CCO P1630.8C

Encl: (1) Request for Limited Driving Privileges

1. This letter is to inform you that on _____, 20___,_____ has requested limited driving privileges during their period of suspension/revocation that terminates on _____, 20____. Per the enclosure and any conditions it may require, their request for Limited Driving Privileges to and from the following places were approved/disapproved.

_____
Signature

APPENDIX K

UNIT NOTIFICATION OF SUSPENDED OR REVOKED DRIVING PRIVILEGES

(DATE)

From: Provost Marshal's Office (Traffic Court Clerk)
To: Commanding Officer,_____

Subj: UNIT NOTIFICATION OF SUSPENDED OR REVOKED DRIVING PRIVILEGES

Ref: (a) CCO P1630.8B

Encl: (1) Traffic Court Suspension/Revocation Letter

1. This letter is to inform you that on _____, 20___, per enclosure (1) _____, was found guilty by administrative hearing of _____.

_____
Signature

Letterhead

1630
27
18 MAR 04

From: Commanding General
To: _____

Subj: SUSPENSION/REVOCATION OF DRIVING PRIVLIGES ICO _____

Ref: CCO P1630.8C

1. In accordance with current and effective directives, the below checked blocks indicate the administrative action taken against you at MCAGCC Traffic Court on_____.

( ) WARNING
( ) CASE DISMISSED
( ) FAILURE TO APPEAR TO MCAGCC TRAFFIC COURT AS DIRECTED
( ) RESCHEDULED FOR
( ) REMEDIAL DRIVING MANDATORY PER COMBAT CENTER ORDER (CCO)
( ) NOT ELIGIBLE FOR LIMITED/FULL DRIVING PRIVILEGES PER CCO
( ) ASSESSED ___ POINT(S) TOWARDS DRIVING RECORD
( ) SUSPENSION/REVOCATION OF DRIVING PRIVILEGES FOR _____

2. Per CCO 1630.8C, you may appeal this administrative action to the Commanding General (Attention: SJA) via your Commanding Officer. The appeal must be initiated within ten working days of receiving this document.

3. If your driving privileges are suspended or revoked, "YOU" Are prohibited from driving or re-registering your vehicle(s) aboard any military or any federal installation. Effective immediately, you are hereby lawfully ordered to report with your vehicle(s) within one working day, to the Vehicle Registration Office, Bldg #901, for suspension/revocation processing. DOD Decals or temporary/visitor passes will only be retained on the vehicle if you have a bona fide dependent that is properly licensed and insured. Bona fide dependent's will be verified by the Vehicle Registration Office prior to authorization. Any vehicle authorized to be operated under these suspension actions must display, affixed on the windshield or indicated on the pass, the proper suspension designator, i.e., SM, SF, SS, SD.

4. Your suspension or revocation is effective _____ to _____ and will remain in effect until your written request for reinstatement of driving privileges is approved. All requests will be completed on form Appendix G or H of CCO 1630.8C. Driving while on suspension or revocation cancels all full or limited driving privileges, carries additional penalties, and is a violation of Article 92 of the Uniform Code of Military Justice.

_____	_____	_____
TRAFFIC HEARING OFFICER/DATE	COURT CLERK/DATE	INDIVIDUAL/DATE