

CAC & FT LVN Reg. 190-5

Military Police

Motor Vehicle Traffic Supervision

Headquarters
Combined Arms Center & Fort
Leavenworth
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Military Police

MOTOR VEHICLE TRAFFIC SUPERVISION

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Summary. This version of CAC & FT LVN Regulation 190-5 incorporates the previous supplement; revises the process for license suspensions; and updates the traffic code.

Applicability. This regulation applies to all persons who are within Ft. Leavenworth. Portions of this regulation that prohibit specific conduct are punitive, and violations of those provisions may subject offenders to punishment under the UCMJ.

History. This regulation replaces CAC & FT LVN Regulation 190-5, dated 20 February 2010.

Proponent. The proponent of this regulation is the Directorate of Emergency Services (DES).

Improvements. Users may submit recommended changes on a DA 2028 to the DES, Fort Leavenworth, KS 66027.

Supplementation. No supplementation is permitted without permission of the CG, CAC & FT LVN.

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Glossary

Chapter 1

Introduction

1-1. Purpose. Operating a motor vehicle on the United States Military Reservation of Fort Leavenworth (Fort Leavenworth) is a privilege that is granted by the Installation Commander. Persons who accept this privilege must comply with all applicable laws, Department of Defense and Army Regulations, and this regulation.

1-2. Applicability. This regulation complements Army Regulation 190-5 and applies to all persons who are within Fort Leavenworth, to include members of the Armed Forces, Family members, retirees, DOD-affiliated civilian employees, visitors and guests, and all other persons regardless of their status.

1-3. Responsibilities.

a. The Garrison Commander, on behalf of the Installation Commander, will act as the appellate authority for any appeal from the suspension or revocation of a person's driving privileges.

b. The Staff Judge Advocate will:

(1) Appoint on behalf of the Installation Commander a judge advocate to serve as the installation hearing officer.

(2) Assign a judge advocate who is not the hearing officer to review any appeals from the suspension or revocation of a person's driving privileges.

c. The Directorate of Emergency Services (DES) will:

(1) Enforce this regulation and all applicable laws on Fort Leavenworth.

(2) Maintain a system of records that accurately records a person's driving history, to include the imposition of points under this regulation and any suspension or revocation of a person's driving privileges.

(3) Propose the suspension or revocation of a person's driving privileges in accordance with this regulation.

Chapter 2

Traffic Code

2-1. Punitive. The provisions of Chapter 2, Traffic Code, of this regulation are punitive, and a violation of any of these provisions may subject the person to punishment under the Uniform Code of Military Justice.

2-2. Assimilative Crimes Act. Through Title 18, United States Code, Section 13, many Kansas criminal statutes are applicable to Fort Leavenworth. This regulation complements those statutes and, unless expressly stated herein, does not preempt them.

2-3. Operator Requirements. No person shall operate a motor vehicle on Fort Leavenworth unless that person has a valid driver's license that is issued by his or her home jurisdiction and is operating a vehicle that has been lawfully registered and has been insured in accordance with Kansas state law.

2-4. Speed Limits.

a. No person shall operate a motor vehicle at a speed in excess of either the posted speed limit or faster than that speed at which conditions allow for safe driving, whichever is less.

b. Unless otherwise posted, the speed limit on the installation is 20 miles per hour.

c. A person violates this paragraph only when the applicable Kansas statutes do not authorize the posted speed limit.

2-5. Crosswalks. When a pedestrian approaches a crosswalk to enter it or is inside a crosswalk, motor vehicles must stop at that crosswalk and remain standing until the pedestrian has cleared the crosswalk. On multilane streets, all vehicles must stop.

2-6. U-Turns. No person shall perform a U-Turn within any intersection.

2-7. Formations. All persons operating a motor vehicle shall yield the right-of-way to all military formations, and when passing a formation, no person shall operate a motor vehicle at a speed in excess of 10 miles-per-hour.

a. All military formations shall comply with the policies that are contained with Command Policy #08-08, Physical Fitness on the Installation.

b. A military formation shall march or run on the right-hand side of all roads. Unless approved by the Garrison Commander, no formation shall march or run on Grant Avenue, Hancock Avenue, Biddle Boulevard, or within the National Cemetery.

2-8. Seatbelts and Child Restraints.

a. No person shall ride within a motor vehicle unless wearing a passenger-restraint device (e.g., a seatbelt) that is appropriate for that passenger, and no person shall operate a motor vehicle unless each passenger, to include the driver, is restrained in an age-appropriate device.

b. No person shall operate a motor vehicle unless all passengers who are under the age of eight or who weigh less than 80 pounds are properly restrained within a federally approved child-safety restraining seat that is appropriate for the child.

(1) Children who are under the age of one year or who weigh less than 20 pounds shall be secured in a rear-facing child seat.

(2) Children who are between the ages of one year and four years shall be secured in a child seat.

(3) Children who are between the ages of four years and eight years and who weigh less than 80 pounds or are shorter than 57 inches shall be secured in a booster seat.

2-9. Parking.

a. No person shall park or stand a motor vehicle in violation of Combined Arms Center and Fort Leavenworth Command Policy Letter #35-08 or its successor regulation.

b. No person shall park or stand a motor vehicle anywhere other than marked or designated parking spots. No person shall park or stand a motor vehicle in a designated or reserved parking slot for which the person does not qualify. The prohibition in this paragraph shall not apply to emergency responders who are performing their official duties.

c. No person shall park a recreational vehicle or a trailer, to include a boat trailer, any place other than that which has been designated as a recreational vehicle or trailer parking lot (to include the RV lot and, for horse trailers, the parking lot directly adjacent to the horse stable). Notwithstanding the foregoing, one recreational vehicle may be parked for one overnight period to permit loading or unloading. The Garrison Commander is authorized to grant exceptions to this paragraph on a case-by-case basis. Any person who seeks an exception shall submit a request through the DES to the Garrison Commander.

2-10. Vehicle Repairs. No person shall conduct vehicle repair or maintenance activities in the housing areas unless those repairs are limited to ensuring that the vehicle is operational within 24 hours, for example replacing a flat tire or battery. No major vehicle repairs are authorized.

2-11. Abandoned Vehicles. No person shall abandon a motor vehicle that is either that person's motor vehicle or a motor vehicle that the person was operating.

2-12. Sleeping or Loitering in a Motor Vehicle. No person shall sleep overnight or loiter within a parked motor vehicle.

2-13. Driver Distractions.

a. No person shall operate a motor vehicle while wearing any form of portable headphones, earphones, or any other listening device, nor except as provided in paragraph 2-13(d) shall any person operate a motor vehicle while using a personal-communications device.

b. Regardless of the applicable state's laws, no person shall operate a government-owned vehicle (on or off the installation) while using a personal-communications device.

c. No Soldier shall operate any motor vehicle (on or off the installation), whether it is a privately-owned vehicle or a government-owned vehicle, while using a personal-communications device, but a Soldier who violates this subsection while off the installation is subject to administrative action only.

d. A person may operate a motor vehicle while using a personal-communications device if that device is operated in a hands-free mode. A device is operating in a hands-free mode if the person can use the device without holding it in his or her hands and while both of his or her hands are on the steering wheel.

e. This paragraph does not apply to emergency responders who are acting in the performance of their official duties.

2-14. Motorcycles and Mopeds. No person shall operate a motorcycle, moped, scooter or other self-propelled, open, 2-wheel, 3-wheel, or 4-wheel vehicle that is powered by a motorcycle-type engine unless:

a. That vehicle has been registered with the installation's Vehicle Registration Office in accordance with Chapter 4 of this regulation.

b. The vehicle is burning a headlight at all times the vehicle is in operation and possesses a working brake light and rearview mirrors that are attached to both sides of the motorcycle. If the vehicle does not possess turn signals, no person shall operate such a vehicle without displaying hand signals.

c. The operator and all passengers wear an approved motorcycle helmet; impact or shatter resistant eye protection that meet or exceed the ANSI Safety Code Z87.1, such as wraparound glasses, goggles, or a full-face shield (the windshield alone is insufficient to meet this requirement); sturdy hard-soled ankle-covering shoes; long trousers; and an uncovered brightly colored (during daylight hours) or reflective (during nautical twilight and nighttime hours) outer upper garment that includes long sleeves; and full-fingered gloves or mittens.

d. The person who is operating the vehicle is not using, or wearing, headphones or earphones of any type.

e. Any vehicle or low-powered cycle that is powered by an engine or battery with a capacity of or less than 49cc and/or one brake horsepower that does not meet the requirements in subparagraphs (b) and (c) of this paragraph must be operated on the sidewalks. But any operator of such vehicle must yield the right-of-way on those sidewalks to any pedestrian. No person shall operate a vehicle that is powered by an engine with a capacity of or greater than 50cc on any sidewalk.

2-15. Bicycles. A person who rides a bicycle on the installation is given the same privileges and subject to the same rules as a person who operates a motor vehicle on the installation.

a. No person shall ride a bicycle unless he or she is wearing a helmet that has been approved by the American Society for Testing and Materials or that meets or exceeds the Snell Foundation Safety Standard.

b. No person shall tow a bicycle behind another vehicle regardless of the source of that vehicle's power, to include a human-powered vehicle.

c. No person shall park or stand a bicycle in a manner that obstructs a walkway or building entrance. When bicycle racks are provided, all persons must secure their bicycles within those racks. All persons shall secure their bicycles when not in use.

d. No person shall ride a bicycle on Grant Avenue, and no person shall ride a bicycle through a crosswalk that is located on Grant Avenue; rather, the person shall dismount and walk the bicycle across the street.

e. No person shall ride a bicycle through the National Cemetery or within the Fort Leavenworth golf course.

f. Bicycles may be ridden on all sidewalks, but any person who is riding a bicycle and is approaching a pedestrian shall give ample warning of his or her approach. All bicycle riders are strongly encouraged to equip their bicycles with a bell or a horn. Any person who is riding a bicycle on a sidewalk must yield the right of way to any pedestrian.

g. During the hours of darkness, no person shall ride a bicycle unless that bicycle is equipped with a working lamp on the front of the bicycle and a red reflector that is affixed to the rear of the bicycle. The front lamp must emit a white light that is visible from a distance of at least 500 feet from the bicycle. The rear reflector must be visible from 600 feet behind the bicycle when directly within the lower beams of a motor vehicle's headlamps.

h. During reduced visibility (e.g., overcast days, fog, rain, 30 minutes before or after sunrise or sunset, etc.), no person shall ride a bicycle unless that person is wearing reflective clothing, which may be a reflective belt on their upper body.

i. No person shall ride a bicycle while also using, or wearing, headphones or earphones of any type.

2-16. Other Human-powered Vehicles.

a. A human-powered vehicle is a vehicle that the primary source of power is human muscle, to include skateboards, rollerblades, tricycles, etc., but is not a bicycle.

b. No person shall ride a human-powered vehicle without wearing a helmet.

c. No person shall tow a human-powered vehicle behind any other vehicle, to include human-powered or motor-powered vehicles, and no person shall tow another vehicle behind a bicycle, regardless of how that vehicle is powered.

d. No person shall ride a human-powered vehicle on any street, on any outside stairwell or walkway that is adjacent to an organization, or in any common-service area, to include the Post Exchange, Commissary, Burger King, and the Shoppette.

e. A person who is riding a human-powered vehicle shall yield the right-of-way to pedestrians who are on the sidewalks.

f. No person shall ride a human-powered vehicle, other than a bicycle that has been equipped in accordance with this regulation, during the hours of darkness. During periods of reduced visibility, no person shall ride a human-powered vehicle without wearing reflective clothing on their upper body.

g. All persons who operate a human-powered vehicle within a parking lot shall exercise due caution.

2-17. Animals. No person shall ride an animal, to include horses, on Grant Avenue, Biddle Boulevard, Hancock Avenue, McClellan Avenue, or that portion of McPherson Avenue that lies to the east of McClellan Avenue or within any housing area. Any person who rides or walks an animal on any part of the installation shall clean up that animal's waste from the installation's roadways, sidewalks, or mowed areas.

2-18. Off-road Vehicles.

a. Due to the potential for erosion, no person shall operate any motor vehicle (whether that vehicle is gasoline or electric powered) off the road. The Garrison Commander on a case-by-case basis may authorize official vehicles and select privately- owned vehicles to operate on forest access roads for training purposes and other approved post activities. All persons shall comply with the installation's hunting policies.

b. No person shall operate and no owner shall allow his or her off-road vehicle, to include go- carts, snowmobiles, and all-terrain vehicles, on the roadways unless specifically required by an approved mission.

c. No person shall operate a low-powered cycle regardless of whether that low-powered cycle is gasoline or electric powered, upon a street, public parking lot, or public park areas.

2-19. Unattended Children. No person shall leave a child who is under the age of 10 in any motor vehicle.

2-20. Handicapped Parking. A nonhandicapped person who is transporting a handicapped person in a motor vehicle, regardless of whether that motor vehicle displays a handicapped registration, shall not park or stand that motor vehicle in a handicapped spot if the handicapped person has no intention of leaving the vehicle.

2-21. Excessive Noise. No person shall operate a motor vehicle or any equipment (to include the radio) within or attached to that vehicle in a manner that disturbs other individuals.

a. No person shall play music from or drive a motor vehicle such that the music or noise can be heard 100 feet from the vehicle when the windows are open or 50 feet from the vehicle when the windows are closed.

b. No person shall “rev” the engine of a motor vehicle unnecessarily or intentionally break the traction of the tires so that the tires squeal.

2-22. Radar Detection Devices. No person shall operate a motor vehicle while also operating a radar or laser detection device that indicates the presence of a speed-detecting system or is designed to transmit an erroneous signal to a speed-detection system; the device will be removed from the windshield or dash.

2-23. Improper Display of a DOD Decal. No person shall operate a motor vehicle that displays a DOD decal that is not registered to that vehicle, is not valid, is unreadable or is not displayed as required by regulation.

2-24. Transportation of Firearms. No person shall transport any firearm within a motor vehicle on Fort Leavenworth unless that firearm has been registered with the DES. A person shall not be subject to this paragraph if the person’s weapon is exempt from registration by law or regulation or if the person is transporting the firearm to the DES for the purpose of registering the weapon or to an arms room as directed by the person’s chain of command provided that the person declares the presence of the weapon at the Access Control Point.

2-25. Accidents. In addition to any duty imposed by applicable law, all persons who are involved in a motor vehicle accident shall notify the DES of that accident and shall remain with their vehicles until released by the DES. The foregoing shall not be construed to limit the right of such persons to remove themselves and their vehicles to a safe location on the installation while awaiting the DES.

2-26. Implied Consent.

a. Any person who operates a motor vehicle on Fort Leavenworth is deemed to have given his or her consent to evidential tests to determine the presence of alcohol or other drug contents of his or her blood, breath, or urine when lawfully stopped, apprehended, or cited for any offense allegedly committed while driving or in physical control of a motor vehicle on Fort Leavenworth.

b. Those testing procedures that are established by the State of Kansas and are current as of the date of the test are adopted for the purpose of carrying out this regulation. But in no circumstances shall a person who has a blood-clotting disorder, to include hemophilia, or is undergoing anticoagulant treatment be subject to a blood test. Nonconsensual extraction of bodily fluids shall be performed only after obtaining the concurrence of the Office of the Staff Judge Advocate. (For refusal to submit see section 3-2).

c. Any person granted the privilege to operate or register a motor vehicle on Fort Leavenworth shall be deemed to have given his or her consent for the removal and temporary impoundment of the POV when it is parked illegally or for unreasonable periods, as determined by the DES, or is interfering with military operations, is creating a safety hazard, or has been disabled by accident, left unattended in a restricted or controlled area, or abandoned. Such person further agrees to reimburse the United States for the cost of towing and storage should his or her motor vehicle be removed or impounded. Existence of these conditions will be determined by the DES.

2-27. Vehicle Impoundment.

a. A privately-owned vehicle may be impounded if it interferes with ongoing operations, poses a security or safety risk to Fort Leavenworth, has been involved in criminal activity, or has been abandoned. Those reasons include:

- (1) The POV has been illegally parked.
- (2) The POV interferes with traffic, to include street cleaning and snow removal.
- (3) The POV has been used in a crime or has evidence of criminal activity.

(4) The owner or operator of the POV has been apprehended and cannot or will not arrange for lawful transportation of the POV.

(5) The POV is mechanically defective and the owner or operator is unable or unwilling to arrange to have the POV towed.

(6) The POV has been abandoned.

(7) The POV is uninsured and there is no reasonable expectation that the owner can acquire insurance for the vehicle in a reasonable period of time, which shall be determined by the DES based on the location of the POV and the security or operational risk the POV poses in that location.

b. When the Military Police discover an apparently abandoned vehicle, the Military Police shall tag that vehicle with a DD 2504 (Notice of Abandoned Vehicle) and shall annotate that fact in the journal. The owner of the vehicle shall be given three calendar days to remove the vehicle. If the owner fails to do so, the vehicle may be towed. Notwithstanding the foregoing, the DES may immediately tow an apparently abandoned vehicle if the circumstances warrant.

c. If a vehicle is impounded, the Military Police shall fill out a DD 2506 (Vehicle Impoundment Report), to include an inventory of the vehicle. If the owner of the vehicle is not present when the vehicle is impounded, the Military Police shall mail (certified, return receipt requested) a DD 2507 (Notice of Impounded Vehicle) to the owner's last known address.

d. A vehicle that is impounded for evidentiary purposes may be held until the vehicle is no longer needed for that purpose. Other vehicles shall be held until claimed by the owner in accordance with Kansas state law. If a vehicle is not claimed within 120 days of the impoundment, the DES shall follow the procedures in Army Regulation 190-5, paragraph 6-6(b), which governs the disposition of abandoned vehicles.

2-28. Tow Truck Services. Any person who operates a tow truck on the installation shall notify access control point personnel of the reason why that person is operating a tow truck on the installation. Unless directed to do so by the DES, no person shall tow or otherwise remove any vehicle without the authorization of the Office of the Staff Judge Advocate and an escort from the DES.

2-29. Modification of Regulation by the Military Police. No person shall remove, add, or modify any traffic-control device, to include any traffic-control sign, without the permission of the DES. Further, only the Directorate of Logistics/Directorate of Public Works is authorized to deploy or remove a traffic-control device. The provisions of this regulation may be modified at any time by the emplacement of official signs, signals, or devices by an MP or by road guards. This applies during periods of operational necessity, such as the implementation of emergency plans, and to provide traffic control at special events. All exceptions must be coordinated with the DES and the CAC Safety Office.

Chapter 3

Suspension, Revocation, and Reinstatement

3-1. Suspension or Revocation Procedures. Other than an immediate suspension of driving privileges under paragraph 3-2, the following procedures shall be used for all suspensions or revocations of a person's driving privileges.

a. Proposal. The DES shall propose that a person's driving privileges be suspended or revoked. The DES shall notify that person in writing of its proposal. That notice shall state:

(1) The proposed basis for the suspension or revocation.

(2) That the person has the right to request an administrative hearing before the installation hearing officer; that the person's request must be received by the DES within 14 calendar days of the date of receipt of the notice; and that if the person does not request a hearing within 14 days, the person will be deemed to have waived the hearing and any appeal.

(3) That, for intoxicated-driving offenses, the proposed suspension is effective immediately or that, for non-intoxicated driving offenses, the proposed suspension will become effective upon either the lapse of the 14-day period to request a hearing or 10 days after the decision of the installation hearing officer unless that hearing is delayed not due to the person's actions. If a hearing is delayed because of the person or the person's attorney, the proposed suspension shall become effective upon the lapse of the 14-day period.

(4) That the person may be represented by an attorney who he or she provides at his or her own expense.

(5) That a person who drives on the installation when his or her driving privileges have been suspended may be subject to a more than one-year revocation of those privileges.

b. Hearing. If the person requests an administrative hearing, the DES shall immediately transmit all appropriate documentation to the installation hearing officer, who will schedule a hearing. The hearing will occur within ten days of the receipt of the request. The installation hearing officer will allow the person to present relevant evidence and will consider that evidence along with any documentation that is supplied by the DES. The hearing officer may suspend or revoke a person's driving privileges, or that officer may impose restrictions, as discussed in paragraph 3-6, to those privileges. Following the hearing, the officer will render a written decision, a copy of which will be given to the person and the DES. That notice shall include:

(1) The specific findings of fact and the decision of the hearing officer.

(2) That if a suspension or revocation is ordered by the hearing officer, that suspension or revocation shall take effect 10 calendar days after the receipt of the hearing officer's decision.

(3) That if the person's driving privileges are currently suspended or revoked while driving on the installation may result in an additional period of revocation.

(4) That the person has a right to appeal the decision to the Garrison Commander and that any appeal must be submitted to the Garrison Commander within 10 calendar days of the date of the hearing officer's decision.

c. Appeal. The person whose privileges have been suspended or revoked shall have one opportunity to appeal. To appeal, the person shall submit a written memorandum of appeal to the Garrison Commander through the Office of the Staff Judge Advocate, Administrative Law Division, within 10 calendar days of receipt of the hearing officer's decision.

(1) A judge advocate who was not the hearing officer shall review the appeal and make specific recommendations to the Garrison Commander.

(2) The Garrison Commander shall act on the appeal, and his decision shall be forwarded to the person involved and the DES.

(3) During the pendency of the appeal, the hearing officer's decision to suspend or revoke the driving privileges shall stand. The Garrison Commander may grant exceptions to this rule on a case-by-case basis.

3-2. Immediate Suspension for an Intoxicated-Driving Incident.

a. The installation hearing officer or, if the hearing officer cannot be reasonably located, the DES shall suspend a person's driving privileges during the pendency of an intoxicated-driving incident upon the occurrence of any of the following events.

(1) The person refuses to take or complete a lawfully requested chemical test to determine whether the person has alcohol or other drugs present in his or her blood.

(2) The person operated a motor vehicle with a blood-alcohol concentration of .08 or greater. If the person is under the age of 21, the person operated a motor vehicle with a blood-alcohol concentration of .02 or greater. If the person is operating a commercial vehicle and possesses a commercial driver's license, the person operated a commercial motor vehicle with a blood-alcohol concentration of .04 or greater.

(3) The DES receives an arrest report or other official documentation that indicates that the person was arrested or charged with an intoxicated-driving incident.

b. When a person's driving privileges have been immediately suspended under this paragraph, the DES shall give the driver a notice to that effect that includes all the information that is identified in paragraph 3-1(a).

c. Regardless of where the intoxicated-driving incident occurred, the suspension of driving privileges in this paragraph shall be applied to active duty members of the Armed Forces, Family members, retired personnel, DOD-Affiliated civilian employees, and volunteers who have been granted the privilege of operating a government-owned vehicle.

d. A person's driving privileges shall be restored if the person is adjudicated not guilty of the intoxicated-driving offense or is adjudicated guilty of a lesser offense that is not an intoxicated-driving offense or if the charges against the person are dismissed. This paragraph does not apply if the suspension was based on a refusal to submit to a chemical test or the suspension was based on a facially valid chemical test.

3-3. Suspension.

a. Army Regulation 190-5, table 5-2, establishes a system of points for specific traffic violations. The DES shall establish and maintain a system of records to track each driver's accumulated points in accordance with Appendix B.

(1) The DES shall send an advisory letter to a person who accumulates six or more points within a six-month period. A person who accumulates no less than six points and no more than 11 points in a 12-month period shall be counseled by his or her commander or, if a civilian, his or her supervisor. A person's driving privileges shall be suspended or revoked if that person receives 12 or more points in a 12-month period or 18 or more points in a 24-month period.

(2) Unless a different reporting period is specified in Army Regulation 190-5, a point shall expire 24 months after it has been placed on the person's record.

b. Driving privileges may also be suspended for up to six months should a driver violate Combined Arms Center and Fort Leavenworth Command Policy #35-09, Installation Parking or its successor regulation three times within a 12 month period.

c. Upon notification by the Special Assistant United States Attorney and without further hearing or appeal a person's driving privileges on Fort Leavenworth shall be suspended if the person fails to comply with a traffic citation that was issued on Fort Leavenworth and shall remain suspended until the person complies with the citation. For the purpose of this paragraph, a person fails to comply with a traffic citation if the person fails to forfeit collateral in accordance with the instructions on the citation or fails to appear when directed to do so by the court.

d. If the circumstances warrant, a person's driving privileges may be suspended even if he or she has not accumulated sufficient points under this paragraph.

3-4. Revocation.

a. A person's driving privileges shall be revoked for no less than 12 months if that person operates a motor vehicle on Fort Leavenworth while that person's Fort Leavenworth driving privileges were suspended.

b. A person's driving privileges may be revoked if the person's driving privileges have been suspended two or more times in a 24-month period; this revocation may be in addition to any proposed suspension.

c. A person's driving privileges shall be revoked for a period of no less than one year if any of the following occurs.

(1) A person fails to submit to a lawfully requested chemical test for the purpose of determining the alcohol or other drugs present in the person's blood.

(2) The person has been convicted of a crime or was subject to nonjudicial punishment or administrative action that resulted in the suspension of the person's driving privileges for intoxicated driving.

d. If circumstances warrant, the DES may propose that a person's driving privileges be revoked regardless of the number of previous suspensions.

3-5. Suspension/Revocation of Civilians' Privileges. A non-DOD affiliated civilian's driving privileges may be suspended or revoked only in response to incidents (whether traffic violations, accidents, etc.) that occur on Fort Leavenworth.

3-6. Restricted Driving Privileges.

a. A person whose driving privileges have been suspended or revoked may petition the installation hearing officer for restricted driving privileges. Any request from a Soldier shall be forwarded to the installation hearing officer through that Soldier's chain of command. The decision of the hearing officer is subject to appeal as provided in paragraph 3-1.

b. Restricted driving privileges may be granted by the installation hearing officer after a case-by-case review of each circumstance and on the basis of the following reasons:

(1) Mission requirements.

(2) Unusual personal or family hardships.

(3) A delay that exceeds 90 days in the adjudication of any intoxicated-driving incident provided that the delay is not attributable to the person or the actions of the person's attorney.

c. The installation hearing officer shall impose whatever restrictions on the person's driving privileges that the officer concludes is necessary to ensure the safety and security of the Fort Leavenworth community.

d. A person who cannot meet the requirements of paragraph 2-2 (operator standards) shall not be eligible for restricted driving privileges.

3-7. Reinstatement. Unless a person fails to comply with the directives of the hearing officer or, on appeal, the Garrison Commander, the person's driving privileges shall be restored automatically upon the expiration of the term of suspension or revocation.

Chapter 4 Vehicle Registration

4-1. Registration Requirement. Any member of the Armed Forces, Family member, retiree, or DOD-affiliated civilian employee who regularly accesses Fort Leavenworth shall register his or her vehicle with the installation. The registered owner must be present unless a lease agreement, a power of attorney, or a notarized agreement from the owner that indicates the dates on which the person who is registering the vehicle is entitled to use the vehicle.

4-2. Visitor Registration. A visitor who has been permitted access through the non-DOD decal lanes at the Grant or Hancock Access Control Points shall be deemed to have been granted a 24-hour visitor pass, which shall expire upon either the end of that 24-hour period or the person's departure from Fort Leavenworth, whichever is less. Extended gate passes for up to one year may be issued by the Vehicle Registration Office.

4-3. Registration Requirements. To register a vehicle, an eligible registrant must present:

- a. A valid driver's license.
- b. A valid registration for that vehicle that was issued by the vehicle's home state.
- c. Proof that the vehicle carries sufficient current insurance to comply with Kansas law.
- d. Proof that the vehicle complies with any safety or emissions inspection requirements that are imposed by the vehicle's home state.
- e. A CAC card or Armed Forces identification card that indicates that the person in his or her own capacity is entitled to services on the installation.
- f. If registering a motorcycle, the person shall present a motorcycle safety card.

g. For any motorcycle- or moped-type vehicle that has an engine capacity equal to or greater than 50cc, proof of registration of the vehicle with the operator's home state, that the operator's driver's license contains the appropriate endorsement, and that the operator has successfully completed a motorcycle or safety course or the equivalent.

4-4. Revocation of Registration. A vehicle's registration shall be revoked if the person who registered the vehicle sells or otherwise transfers the vehicle to another, separates from the military, or is released from active duty or if the person's employment is terminated. Army personnel who are transitioning to a new assignment on PCS orders shall be permitted to retain their registrations although they must register their vehicles upon arrival at their new assignment.

4-5. Contractor Registration. An employee of a government contractor (a contractor or a recognized subcontractor that holds a contract with the United States government) whose full-time duties are on Fort Leavenworth may register his or her vehicle in accordance with this chapter. Such registration shall expire either at the end of one year or upon the termination of the contract, whichever is less. To be eligible for registration, that contractor must present a CAC card.

Appendix A References

Section 13, Title 18 U.S. Code
Assimilative Crime Acts

DOD 4160.21-M
Defense Reutilization and Marketing Manual

DOD Directive 5525.4
Enforcement of State Traffic Laws on DoD Installations

DOD Instruction 6055.4
DOD Traffic Safety Program

AR 190-5
Motor Vehicle Traffic Supervision

AR 385-55
Prevention of Motor Vehicle Accidents

DA Pam 25-30
Personnel Parking Facilities Program and DA Ridesharing Program

TRADOC Regulation 385-2
TRADOC Safety Program

TRADOC Regulation 385-32
Protective Clothing and Equipment

TRADOC Commanding General Memorandum dated 18 May 06, SUBJECT: Safety-
Extending Cell Phone Prohibition Use Policy to Soldiers Operating Privately Owned
Conveyances (POVs) Off Post

Combined Arms Center & Fort Leavenworth Regulation 27-1
Military Justice

Command Policy #08-08
Physical Fitness on the Installation

Command Policy #42-06
Fort Leavenworth Motor Vehicle Safety Policy

Command Policy Letter #35-08
Installation Parking

Command Policy Letter #34-08 (hereby rescinded)
Vehicle Noise

Command Policy Letter #33-08
Driving Under the Influence (DUI) Prevention

Command Policy Letter #08-05
Physical Fitness on the Installation

Kansas Statutes Annotated
Chapter 8 Automobiles and Other Vehicles.

Manual on Uniform Traffic Control Devices, 1988.

Michaels Military Housing Guidelines.

APPENDIX B

Table 5–2 Point assessment for traffic violations

Violation: Reckless driving (willful and wanton disregard for the safety of persons or property).

Points assessed: 6

Violation: Owner knowingly and willfully permitting a physically impaired person to operate the owner's motor vehicle.

Points assessed: 6

Violation: Fleeing the scene (hit and run)—property damage only.

Points assessed: 6

Violation: Driving vehicle while impaired (BAC more than 0.05 percent and less than 0.08 percent).

Points assessed: 6

Violation: Speed contests.

Points assessed: 6

Violation: Speed too fast for conditions.

Points assessed: 2

Violation: Speed too slow for traffic conditions, and/or impeding the flow of traffic, causing potential safety hazard.

Points assessed: 2

Violation: Failure of operator or occupants to use available restraint system devices while moving (operator assessed points).

Points assessed: 2

Violation: Failure to properly restrain children in a child restraint system while moving (Refer to paragraph 2-8(b)).

Points assessed: 2

Violation: One to 10 miles per hour over posted speed limit.

Points assessed: 3

Violation: Over 10 but not more than 15 miles per hour above posted speed limit.

Points assessed: 4

Table 5–2
Point assessment for traffic violations—Continued

Violation: Over 15 but not more than 20 miles per hour above posted speed limit.
Points assessed: 5

Violation: Over 20 miles per hour above posted speed limit.
Points assessed: 6

Violation: Following too close.
Points assessed: 4

Violation: Failure to yield right of way to emergency vehicle.
Points assessed: 4

Violation: Failure to stop for school bus or school–crossing signals.
Points assessed: 4

Violation: Failure to obey traffic signals or traffic instructions of an enforcement officer or traffic warden; or any official regulatory traffic sign or device requiring a full stop or yield of right of way; denying entry; or requiring direction of traffic.
Points assessed: 4

Violation: Improper passing.
Points assessed: 4

Violation: Failure to yield (no official sign involved).
Points assessed: 4

Violation: Operating a motor vehicle while using a personal-communications device that is not in a hands free mode.
Points assessed: 4

Violation: Improper turning movements (no official sign involved).
Points assessed: 3

Violation: Wearing of headphones/earphones while driving motor vehicles (two or more wheels).
Points assessed: 3

Violation: Failure to wear an approved helmet and/or reflectorized vest while operating or riding on a motorcycle, MOPED, or a three or four–wheel vehicle powered by a motorcycle–like engine.
Points assessed: 3

Table 5–2
Point assessment for traffic violations—Continued

Violation: Improper overtaking.
Points assessed: 3

Violation: Other moving violations (involving driver behavior only).
Points assessed: 3

Violation: Operating an unsafe vehicle (see note 2).
Points assessed: 2

Violation: Driver involved in accident is deemed responsible (only added to points assessed for specific offenses).
Points assessed: 1

Notes:

1. When two or more violations are committed on a single occasion, points may be assessed for each individual violation.
2. This measure should be used for other than minor vehicle safety defects or when a driver or registrant fails to correct a minor defect (for example, a burned out headlight not replaced within the grace period on a warning ticket).

System procedures

Reports of moving and nonmoving traffic violations recorded on DD Form 1408 or CVB will serve as a basis for determining point assessment. For DD Form 1408, return endorsements will be required from commanders or supervisors. A person's installation driving privileges shall be suspended or revoked if that person receives 12 or more points in a 12-month period or 18 or more points in a 24-month period. If the circumstances warrant, a person's driving privileges may be suspended even if he or she has not accumulated sufficient points.

Glossary

Section I Abbreviations

CAC
Common Access Card

DES
Directorate of Emergency Services

DOD
Department of Defense

DUI
Driving Under the Influence

MP
Military Police

POV
Privately Owned Vehicle

UCMJ
Uniform Code of Military Justice

USC
United States Code

Section II Terms

Bicycle

Every device propelled by human power upon which any person may ride, having two (2) tandem wheels, either of which is more than fourteen (14) inches in diameter.

Crosswalk

That part of a roadway at an intersection included within the connections of the lateral lines of sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Home State

The current state where the vehicle is legally titled or registered.

Intoxicated-Driving Incident

A violation or alleged violation of any criminal law or regulation that prohibits operating a motor vehicle while under the influence of any intoxicant, to include alcohol (e.g., driving under the influence, driving while intoxicated, etc.)

Low-powered cycle

Every vehicle, bicycle and tricycle not to exceed 49cc or one brake horsepower provided by battery or motorcycle type engine. Low-powered cycles must abide by all bicycle traffic laws.

Moped

A motor bicycle or moped is a device having two tandem wheels or three wheels which may be propelled by either human power, helper motor or by both, and which has a motor which produces not more than 3.5 brake horsepower; a cylinder capacity of not more than 130 cubic centimeters and the capability of a maximum design speed of no more than 30 miles per hour.

Motor vehicle

Every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Motorcycle

Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

Owner

A person, other than a lienholder, having the property in or title to a vehicle; and such term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

Park or Parking

The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

Pedestrian

Any person afoot, any person in a wheelchair, either manually or mechanically propelled, or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person, or any person using an electric personal assistive mobility device.

Personal-Communications Device

Any piece of electronic equipment that is not physically a part of a vehicle and is used to perform communications functions, to include a cell phone, a blackberry, a personal-digital assistant, a laptop, etc.

Regularly Accesses

Entering the installation two or more times in a given month.

Revocation of Driving Privileges

Is a severe administrative measure that removes a person's driving privileges for a period greater than six months, applies to all military installations, and remains in effect upon reassignment.

Right-of-way

The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Roadway, road, street, etc.

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

Scooter

A motor-driven cycle, which includes motor scooters, refers to any two-wheel vehicle with a motor which produces not to exceed 5 brake horsepower.

Sidewalk

That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use by pedestrians.

Stand or Standing

The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Stop or Stopping

When required means complete cessation from movement.

When prohibited means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Suspension of Driving Privileges

A temporary withdrawal of that person's privilege to drive a motor vehicle (regardless of whether that vehicle is privately or government-owned) on Fort Leavenworth for a period of up to six months.

Vehicle

Unless context indicates otherwise, any constructed device that is intended for or is used to transport persons and the primary power source of which is not human-powered.

/////Original Signed/////

DOMINIC E. POMPELIA JR

COL, GS

CHIEF OF STAFF