



**Headquarters
United States Army Garrison Alaska
Fort Wainwright, Alaska
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**United States Army Garrison Alaska
Regulation 190-5**

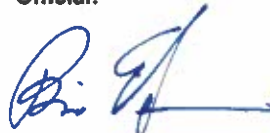
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Military Police

MOTOR VEHICLE TRAFFIC SUPERVISION LAWS AND REGULATIONS

Official:


JASON A. COLE
COL, LG
Commanding


BRIAN S. EIFLER
Major General, USA
Commanding

History. This publication is a major revision.

Authorities. The Garrison Commander has been delegated the responsibility for traffic safety and management from the senior commander.

Summary. This regulation sets forth laws and regulation for use of motorized and non-motorized transportation on Fort Wainwright.

Applicability. This regulation applies to all persons using motorized and non-motorized transportation and pedestrians on Fort Wainwright.

Supplements. The proponent agency of this regulation is the Fort Wainwright Directorate of Emergency Services (DES) Provost Marshal. Supplements or exceptions to this regulation are prohibited without prior approval from the DES, ATTN: AMIM-AKL.

Suggested Improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to DES, ATTN: AMIM-AKL.

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Chapter 1

Introduction

1-1. Purpose

a. This regulation establishes policies, procedures, and responsibilities for the rules of the road and the safe operation of vehicles, pedestrians, bicycles, and personal transportation devices on Fort Wainwright. This traffic code is established under the provisions of Army Regulation AR 190-5; "Motor Vehicle Traffic Supervision," and includes but is not limited to the following:

b. Applicable portions of Federal and State Laws.

(1) Title 13 (Public Safety).

(2) Title 17 (Commercial Vehicles).

(3) Title 28 (Alaska Statute, Motor Vehicles).

(4) Title 49 (Code of Federal Regulations).

(5) 32 CFR Section 634.

(6) Title 32, Section 210 (Combined Federal Regulations).

(7) USC 18, Section 13.

(8) DoDI 6055.04.

(9) AR 190-5, Motor Vehicle Traffic Supervision.

(10) USAG FWA Regulation 190-13, Outdoor Recreation, Conservation, and Natural Resources Policies and Enforcement on Fort Wainwright/Installation Lands and Waters.

(11) Fort Wainwright Transportation and Safety Policies.

(12) Penalties for violations of its provisions include the full range of statutory and administrative actions.

1-2. Explanation of Abbreviations and Terms

Abbreviations and terms used in this regulation are explained in the glossary.

1-3. Responsibilities

a. Garrison Commander hereafter referred to as "the Commander":

(1) Ensure that members of tenant activities are aware of the contents of this regulation.

(2) Establish an effective traffic supervision program.

(3) Cooperate with civilian police agencies and other local, state, and/or federal government agencies concerned with traffic supervision.

(4) Ensure that traffic supervision is properly integrated into the overall Traffic Safety Program.

(5) Participate actively in alcohol safety action projects in neighboring communities.

(6) Ensure that active duty Army law enforcement personnel follow the provisions of AR 190-45 in reporting all criminal violations and utilize the Army Law Enforcement Reporting and Tracking System (ALERTS) to support reporting requirements and procedures.

(7) Implement the terms of this regulation in accordance with provisions of Title 5, United States Code, Chapter 71 (5 USC 71).

(8) Revoke driving privileges in accordance with this regulation and USAG Fort Wainwright Policy 32 Suspension and Revocation of Driving Privileges.

b. Provost Marshal:

(1) Serve as the proponent for this regulation.

(2) Apprise the Commander on violations regarding this regulation.

(3) Oversee the Fort Wainwright Police Department in their pursuance of the administration of this regulation.

c. Fort Wainwright Police Department (FWPD):

(1) Exercise overall responsibility for directing, regulating, and controlling traffic, and enforcing laws and regulations pertaining to traffic control.

(2) Track, cite, investigate, and report violations of this regulation to the Fort Wainwright Consolidated Legal Office (CLO).

(3) Assist traffic engineering functions by participating in traffic control studies designed to obtain information on traffic problems and usage patterns.

d. Directorate of Public Works:

(1) Perform that phase of engineering concerned with the planning, design, construction, and maintenance of streets, highways, and abutting lands.

(2) Select, determine appropriate design of, procure, construct, install, and maintain permanent traffic and parking control devices in coordination with the installation law enforcement and the Installation Safety Office.

(3) Ensure that traffic signs, signals, and pavement markings conform to the standards in the current Manual on Uniform Traffic Control Devices for Streets and Highways.

(4) Ensure the planning, design, construction and maintenance of streets and highways to conform to the National Highway Safety Program Standards (NHSPS) as implemented by the Army.

e. Traffic Engineer:

(1) Conduct formal traffic engineering studies.

(2) Apply traffic engineering measures, including traffic control devices, to reduce the number and severity of traffic accidents.

f. Garrison Directors:

(1) Ensure personnel are properly trained and licensed for the equipment they are operating.

(2) Ensure that all personnel of their organization, Army Temporary Duty (TDY) personnel, or visitors sponsored by their organization do not operate a motor vehicle without a valid driver's license.

g. Individuals:

(1) Comply with all requirements of this regulation.

(2) Report known or suspected violations of this regulation to the FWPD.

(3) Ensure Family members/guests follow the requirements of this regulation.

1-4. Authority

a. The Garrison Commander has been delegated the responsibility for traffic safety and management from the senior commander.

b. The Provost Marshal and the Chief of Police are the senior law enforcement officials on Fort Wainwright. Direct oversight and supervision of Fort Wainwright law enforcement assets is exercised through the Chief, Law Enforcement Division (Chief of Police) and the Provost Marshal. The Fort Wainwright Police are granted the authority to enforce all aspects of this regulation.

c. Use of Traffic Radar or LIDAR (Laser Detection and Ranging) devices that meet the requirements of the National Highway Traffic Safety Administration (NHTSA) and/or the State of Alaska may be used for the detection of violators of speed limits on Fort Wainwright.

d. Operators of these devices must have been trained on how to operate these devices before being allowed to issue violation notices or traffic tickets for offenses that are detected by these devices.

e. Police officers conducting field sobriety tests for drivers suspected of being under the influence of alcohol/drugs will have been trained in administering such tests. Only NHTSA approved field sobriety tests may be used.

f. Persons operating a Breath Alcohol Testing (BAT) device must be certified in accordance with regulation of the State of Alaska.

g. Devices used for testing breath alcohol levels must be certified in accordance with regulations of the State of Alaska.

h. Fort Wainwright will adopt Alaska Administrative Code 13 AAC Chapter 2 "Motor Vehicles and Driving Offenses: rules of the Road" and 12 AAC Chapter 3 "Commercial Motor Vehicle and Driving Offenses: Rules of the Road" and Alaska Statute 28 "Motor Vehicles" as the rules of the road for Fort Wainwright.

1-5. Jurisdiction

a. The Fort Wainwright Police may cite personnel on a CVN Form 1805 or DD Form 1408, for violations of Alaska State law assimilated under 18 USC 13 (Assimilated Crimes Act), or 32 CFR 210. The jurisdiction of the FWPD ends at the boundaries of Fort Wainwright. The Federal Government and the State of Alaska have concurrent jurisdiction on Fort Wainwright.

b. The Federal Government and the State of Alaska have concurrent jurisdiction on Fort Wainwright. The Alaska Department of Public Safety, Division of Alaska State Troopers (AST), and the Fairbanks Police Department (FPD) may cite personnel for violations of Alaska State law due to concurrent jurisdiction.

c. Infractions of all other traffic offenses and offenses regarding operation of government-owned vehicles may be reported on a DD Form 1408 (Armed Forces Traffic Ticket) and a copy forwarded to the individual's unit commander or activity director.

1-6. Violations and Enforcement

a. Those paragraphs within this regulation annotated as "(Punitive)" are punitive in nature. Service members who violate punitive provisions of this regulation are subject to disciplinary action and/or prosecution under the Uniform Code of Military Justice, administrative regulations, and Alaskan State law. Civilian employees who violate punitive provisions of this regulation may be disciplined under United States Code, Title 5, §§ 7501-7543, civilian personnel regulations, or Fort Wainwright regulations. Service members and civilians who violate punitive provisions of this regulation may be barred from the installation. They may also be subject to other administrative or criminal action under federal or Alaskan State law, to include prosecution under United States Code, Title 18, § 1382.

b. In accordance with *United States v. Torres*, 74 M.J. 154 (C.A.A.F. 2015), this regulation adopts a *mens rea* of Strict Liability.

Chapter 2: Driving Privileges

2-1. Requirements for Driving Privileges (Punitive)

a. Driving a government-owned vehicle or POV on Fort Wainwright is a privilege granted by the Commander. Persons who accept this privilege must:

(1) Lawfully be licensed to operate motor vehicles in the State of Alaska in appropriate classifications and not be under suspension or revocation in any state or military installation.

(2) Comply with federal and state laws or regulations governing motor vehicle operations.

(3) Comply with Fort Wainwright registration requirements listed in this regulation.

(4) Possess, while operating a motor vehicle, and produce upon request by law enforcement personnel, the following:

(a) Proof of vehicle ownership or state registration in accordance with AS 28.10.011 (Vehicles Subject to Registration).

(b) A valid driver's license as required under AS 28.15.011 (Drivers Must Be Licensed), and/ or OF 346 (U.S. Government Motor Vehicle Operator's Identification Card), as applicable to the class vehicle to be operated, supported by a DD Form 2 ACT (Armed Forces of the United States Geneva Convention), Common Access Card (CAC), or other appropriate identification for non-Department of Defense (DoD) Civilians. Drivers who meet the requirements of AS 28.15.021 (Persons Exempt from Driver Licensing) may be exempt from the requirement for an Alaska Driver's License (ADL).

(c) Proof of valid insurance. Proof of insurance consists of an insurance card, other documents issued by the insurance company, or proof on a mobile electronic device that has a policy effective date and an expiration date. Proof of insurance must meet the requirement of Alaska Statute 28.22.021 (Requirement of Proof of Motor Vehicle Liability Insurance).

(d) Regulatory permits or other pertinent documents relative to shipping and transportation of special cargo.

(e) Documents that establish identification and status of cargo or occupants, when appropriate.

b. Operators of government-owned motor vehicles must have proof of authorization to operate the vehicle.

c. Drivers must have valid license plates on their vehicle(s). Expired license plates must be renewed in Alaska or the state of legal residence. Military personnel returning from overseas are authorized to operate vehicles displaying valid license plates for a period of 30 days from the date it was picked up from the port of entry.

d. Rated capacity. No vehicle will carry more than its authorized/rated capacity of passengers or cargo.

e. Passing. Operators must use the utmost care when passing vehicles, bicycles, or pedestrians. Passing is not allowed within 100 feet of an intersection and must be in a designated passing zone unless required to maintain a traffic flow around an immobile vehicle or fixed object, or at the direction of a police officer, or other emergency services personnel.

2-2. Penalties

a. Separate disciplinary action will be initiated on the basis of any traffic offense in addition to the administrative action found in this regulation.

b. Violations for non-motorized vehicles. The following sanctions apply to all non-motor vehicle violations of this regulation:

(1) First violation. The first violation will result in the issuance of a written citation from the FWPD. Violations involving juveniles will result in verbal notification to the sponsor from the Chief of Police Office.

(2) Second violation. The second violation will result in the issuance of a written citation from the FWPD. In addition to the citation, a warning letter from the Commander will be sent to the violator's first line supervisor. Violations involving juveniles will result in a letter being sent to the sponsor from the Chief of Police Office.

(3) Third violation. A third violation, within a 12-month period from the first violation, will result in referral to the Commander for imposition of sanctions.

c. Suspension. Suspension of driving privileges is a driver improvement measure normally applied to individuals when other measures, such as an official warning or remedial training, fail to produce the desired driver improvement. Suspension of driving privileges is for a specific period of time, not more than 12 months.

d. Revocation. The revocation of Fort Wainwright driving privileges is a severe measure normally exercised when other available corrective actions, such as an official warning, remedial training, or suspension fail to produce the desired driver performance. Revocation of driving privileges is for a specific period of time but never less than six months.

e. Remedial training. The Commander or designated representative may order, as the result of actions cited under paragraph 3-4, attendance at remedial driver training; additionally, the local Magistrate for the U.S. District Court, District of Alaska may also prescribe remedial training.

f. Suspension justification. Suspension of driving privileges may occur under, but is not limited to, the following circumstances:

(1) Parking violations. Fort Wainwright driving privileges may be suspended for 30 days upon the accumulation of four parking violations in a 12-month period. An official letter of warning from the Commander will precede suspension when an individual receives two parking citations within a 12-month period.

(2) Public safety. Fort Wainwright driving privileges will be suspended when an individual commits a serious driving offense (defined as more than 4 points under the Alaska Point System or AR 190-5) while awaiting adjudication or administrative due process for the commission of another driving offense and the gravity of the alleged offense, together with the individual's previous record, causes serious concern for the safety of others.

(3) Intoxicated driving. Fort Wainwright driving privileges will be immediately suspended pending resolution of an intoxicated or drug-related driving incident.

(4) Accumulation of points. Privileges will be suspended for six months when an individual accumulates twelve traffic points within 12 consecutive months or 18 traffic points within 24 consecutive months. The point system is not a disciplinary measure or substitute for punitive action. Further, this system is not intended to interfere, in any way, with the reasonable exercise of the Commander's prerogative to issue, suspend, revoke, deny, or reinstate Fort Wainwright driving privileges.

2-3. Point Schedule

a. Point schedule as defined in AR 190-5: For the purposes of administratively identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic laws, and, in order to identify a problem, points against drivers' privileges may be assessed for driving violations. The violations listed in Appendix A are in accordance with AR 190-5 and are not otherwise covered or superseded by, Alaska Statue or Administrative Code, or violations adopted under Title 18 USC, Assimilative Crimes Act.

b. For violations that do not have a point value assigned by AR 190-5, point values assigned by the Alaska Department of Motor Vehicles will be used. Reference State of Alaska traffic and vehicle offenses pub-131.

c. System procedures

(1) Reports of moving traffic violations recorded on DD Form 1408 or CVN Form 1805 will serve as a basis for determining point assessment. For DD Form 1408, return endorsements will be required from unit commanders or supervisors.

(2) On receipt of DD Form 1408 or other military law enforcement report of a moving violation, the unit commander, designated supervisor, or person otherwise designated by the Garrison Commander, will conduct an inquiry. Commanders or designates will take or recommend proper disciplinary or administrative action. If a case involves judicial or non-judicial actions, the final report of action taken will not be forwarded until final adjudication.

(3) On receipt of the report of action taken (including action by a U.S. Magistrate Court on CVN Form 1805), the FWPD will assess the number of points appropriate for the offense and record the traffic points or the suspension or revocation of driving privileges on the person's driving record. Except as specified otherwise in this regulation, 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.

(4) The Commander may require the following driver improvement measures as appropriate:

(a) Advisory letter through the unit commander or supervisor to any person who has acquired six traffic points within a 6-month period.

(b) Counseling or driver improvement interview, by the unit commander, of any person who has acquired more than 6 but less than 12 traffic points within a 6-month period. This counseling or interview should produce recommendations to improve driver performance.

(c) Referral for medical evaluation when a driver, based on reasonable belief, appears to have mental or physical limits that have had or may have an adverse effect on driving performance.

(d) Attending a remedial driver training to improve driving performance.

(e) Referral to an alcohol or drug treatment or rehabilitation facility for evaluation, counseling, or treatment. This action is required for active military personnel in all cases in which alcohol or other drugs are a contributing factor to a traffic citation, incident, or accident.

(5) An individual's driving privileges may be suspended or revoked as provided by this regulation regardless of whether these improvement measures are accomplished.

(6) Persons whose driving privileges are suspended or revoked (for one violation or an accumulation of 12 traffic points within 12 consecutive months or 18 traffic points within 24 consecutive months) will be notified in writing through official channels. Except for the mandatory minimum or maximum suspension or revocation periods prescribed in Appendix A, the Commander will establish periods of suspension or revocation. Any revocation based on traffic points must be no less than six months. A longer period may be imposed on the basis of a person's overall driving record considering the frequency, flagrancy, severity of moving violations, and the response to previous driver improvement measures. In all cases, military members must successfully complete a prescribed course in remedial driver training before driving privileges are reinstated.

(7) Points assessed against a person will remain in effect for point accumulation purposes for 24 consecutive months. The review of driver records to delete traffic points should be done routinely during records update while recording new offenses and forwarding records to new duty stations. Completion of a revocation based on points requires removal from the driver record of all points assessed before the revocation.

(8) Removal of points does not authorize removal of driving record entries for moving violations, chargeable accidents, suspensions, or revocations. Record entries will remain posted on individual driving records for the periods of time indicated below:

(a) Chargeable nonfatal traffic accidents or moving violations—three years.

(b) Non-mandatory suspensions or revocations—five years.

(c) Mandatory revocations—seven years.

2-4. Remedial Driver Training Programs

a. The Commander will establish a remedial driver-training program to instruct and educate personnel requiring additional training. Personnel may be referred to a remedial program on the basis of their individual driving history or incidents requiring additional training. The curriculum should provide instruction to improve driving performance and compliance with traffic laws.

b. The Commander may schedule periodic courses or, if not practical, arrange for participation in courses conducted by local civil authorities.

c. Civilian personnel employed on Fort Wainwright, contract employees, and Family members of military personnel, may attend remedial courses on Fort Wainwright or similar courses off Fort Wainwright, which incur no expense to the government.

2-5. Reciprocal State-Military Action

a. The Driver License Compact is an interstate compact used by most States of the United States to exchange information concerning license suspensions and traffic violations of non-residents and forward them to the state where they are licensed known as the home state. Its theme is One Driver, One License, One Record. The home state would treat the offense as if it had been committed at home,

applying home state laws to the out-of-state offense. The action taken would include, but not be limited to, points assessed on a minor offense such as speeding and suspension of license or a major violation such as DWI/DUI. It is not supposed to include non-moving violations like parking tickets, tinted windows, loud exhaust, etc.

b. The Commander recognizes the interests of the states in matters of POV administration and driver licensing. The Commander will honor the reciprocal authority and direct the FWPd to pursue reciprocity with state licensing authorities. Upon receipt of written or other official law enforcement communication relative to the suspension/revocation of driving privileges, Fort Wainwright will terminate driving privileges as if violations occurred within its own jurisdiction.

c. When imposing a suspension or revocation for an off-post (Fort Wainwright) violation, the effective date should be the same as civil disposition, or the date that state driving privileges were suspended or revoked. This effective date can be retroactive.

d. The Commander will recognize official documentation of suspensions/revocations imposed by state authorities. Administrative actions (suspension/revocations, or if recognized, point assessment) for moving traffic violations off Fort Wainwright should not be less than required for similar offenses on Fort Wainwright. When notified by state authorities of a suspension or revocation, the person's OF 346 may also be suspended.

e. The issuing state licensing authority will be notified as soon as practical when a person's Fort Wainwright driving privileges are suspended or revoked for any period, and immediately for refusal to submit to a lawful BAC test. The notification will be sent to the appropriate state department of motor vehicles (DMV) where the person is licensed. In the absence of electronic communication technology, the appropriate state DMV will be notified by official certified mail. The notification will include the basis for the suspension/revocation and the BAC level if applicable.

Chapter 3

Rules of the Road

3-1. Motor Vehicle Operation (Punitive)

a. General. No person shall operate a vehicle on Fort Wainwright at a speed greater than what is reasonable and prudent to road conditions.

b. Specific. When no special hazard exists the following speed limits are established (except for emergency vehicle responding to a call):

(1) 35 mph speed limit. The maximum speed limit on Fort Wainwright is 35 mph, unless otherwise posted, except for emergency vehicles responding to an emergency.

(2) 15 mph speed limit. The maximum speed limit on main roads in housing areas or school zones is 15 mph, unless otherwise posted.

(3) 10 mph speed limit. The maximum speed limit in parking lots and when passing troop formations is 10 mph. Caution will be taken when passing pedestrians and individuals exercising when not in an organized formation.

(4) 5 mph speed limit. The maximum speed limit in a court and parking lots in housing areas area is 5 mph.

(5) Enforcement. Speed limits on Fort Wainwright will be enforced by the FWPd using RADAR or LIDAR.

3-2. Excessive Noises from Privately-Owned Vehicles (POV) (Punitive)

a. This policy is applicable to the owners/operators of all POVs operated on Fort Wainwright.

b. In determining parameters for this policy, "Excessive Noise" is defined as: playing music, recordings or amplifying instruments generating loud sound or noises and people yelling from a POV that can be heard beyond 50 feet of a vehicle.

c. The Fort Wainwright Police may cite individuals in violation of this policy under the following provisions:

(1) A ticket may be issued for "Disorderly Conduct" under Alaska Statute 11.61.110.

(2) Under Article 134 of the UCMJ, "Disorderly Conduct/Disturbing the Peace," on a military installation.

d. Persons who accept the privilege of driving on Fort Wainwright must comply with the laws and regulations on Fort Wainwright. If a person fails to comply with applicable laws and regulations, their driving privileges may be suspended or revoked by the Commander as outlined in this regulation and

AR 190-5. Consideration will be given for location, time of day or night, and will be equally applied regardless of race, rank, gender, status (Civilian, DoD or active duty), or the type of music being played, or noise being heard in the POV or on-post housing unit.

e. Failure to comply with this policy can result in the following actions being taken against the violator:

(1) First offense. Violators will be issued a DD Form 1408 (Disturbing the Peace) by the Fort Wainwright Police.

(2) Second offense. Show Cause Letter from the Commander. Before imposing punishment, the violator will have a chance to show just cause why action should not be taken. "Show Cause" is an opportunity for the violator and their chain of command to present facts informally on their behalf.

(3) Third offense. Suspension of on-post driving privileges.

3-3. Use of Cellular Phones (Punitive)

a. In accordance with AR 190-5, chapter 4, paragraph 2, and 32 CFR 634.25(c)(3), vehicle operators on a DoD installation and operators of government-owned vehicles will not use cell phones unless the vehicle is safely parked or unless they are using a hands-free device, with the exception of emergency services personnel. IAW DoDI 6055.04 (d)(2), emergency services personnel may use a government cell phone, while operating a GSA vehicle, while in the performance of their duties. The wearing of any other portable headphones, earphones, or other listening devices (except for hands-free cellular phones) while operating a motor vehicle is prohibited. Use of those devices impairs driving and masks or prevents recognition of emergency signals, alarms, announcements, the approach of vehicles, and human speech.

b. Operators of government-owned or privately-owned vehicles observed violating the conditions set in AR 190-5 and 32 CFR 634.25(c)(3) will be subject to a fine of \$50 in accordance with 32 CFR 634.25(c)(3).

3-4. Use of Video Screens or Televisions While Driving (Punitive)

Drivers may not operate a vehicle equipped with television or video viewing equipment located where the viewing screen is visible from the driver's seat. Emergency vehicles equipped with video recording equipment are exempt from this requirement.

3-5. Stopping and Inspecting Personnel or Vehicles (Punitive)

a. Government-owned vehicles may be stopped by law enforcement personnel on and off Fort Wainwright based on the Commander's policy.

b. Stops and inspections of POVs within Fort Wainwright, other than at restricted areas or at a Fort Wainwright gate, are authorized only when there is a reasonable suspicion of criminal activity, or a violation of a traffic regulation, or as directed in accordance with the Commander's policy.

c. At the time of stop, the driver and occupants may be required to display all pertinent documents, including but not limited to:

(1) The DD Form 2 (ACT);

(2) Documents that establish the identity and status of U.S. Government affiliated Civilians, for example, CAC; DD Form 1173 (United States Uniformed Services Identification and Privilege Card); post pass, national identity card; or other identification.

(3) Proper POV registration documents as required by the state where the vehicle is registered.

(4) Authorization to operate a government-owned vehicle, if applicable.

(5) Proof of insurance.

(6) A driver's license or ID card with photo issued by a US State, Territory, or the District of Columbia (Washington D.C.).

(7) A passport if no other form of identification is available.

(8) Police officers may conduct a basic person's check using the National Crime Information Computer (NCIC) or Alaska Public Safety Information Network (APSIN) to verify the identity of any operator or occupant of a vehicle contacted for violation of this regulation or applicable law.

3-6. Commercial and Tactical Vehicles

a. Tactical wheeled and soft component track vehicles. Tactical vehicles are not allowed in the housing areas of Fort Wainwright. Tactical vehicle traffic will be restricted to accessing the post via the Main Gate or Badger Gate and must follow the Commercial and Military Supply Route to the Petroleum, Oil and Lubricants Point (POL), the Water Point, or Range Control. Tactical vehicles are not authorized to visit or park at the Fort Wainwright Commissary, Shopette, or Gym.

b. Hard-component tracked vehicles. All tracked vehicles with hard-component tracks (e.g., Tanks, Bradley Vehicles, and Bulldozers) are strictly forbidden to travel on any improved road, including dirt roads in the industrial area, ski hill, and airfield. All units with tracked vehicles must contact range control for alternate entry through a Gate.

c. Commercial vehicles. All commercial vehicles are required to follow the Commercial and Tactical Vehicle Route to the industrial area of the cantonment area. Only household goods transport vehicles, DPW service vehicles, and North Haven home maintenance vehicles are authorized in the housing and business areas of the cantonment area.

d. Tactical and commercial vehicle route. The commercial and tactical vehicle routes are as follows: Gaffney Road, Montgomery Road, River Road, Chippewa Ave, and Ketchum Road.

e. Commercial vehicle enforcement. The goal of commercial vehicle enforcement is the elimination of motor vehicle accidents involving commercial motor vehicles through enforcement, education, and cooperative efforts with the area motor carriers. Officers shall follow all federal laws, state laws and local policies. This policy is applicable to all Department of the Army Civilian Police (DACP) personnel and MP personnel. Trained personnel from the Fort Wainwright Police Department may conduct roadside inspections and weight enforcement.

3-7. Off-Road Recreation Vehicles (ORVs)

a. ORV prohibited areas. The following areas are specifically prohibited for use by ORVs:

(1) The main post area and all roadways to include housing areas.

(2) The vicinity of the airfield approach lights east or west of the runway.

(3) All playgrounds and improved lawns or field areas.

(4) All Birch Hill Ski trails.

(5) The Trans Alaska Pipeline right of way. Separate permits are required from Alyeska for access to the Pipeline right of way.

(6) All bike/running paths to include the running path adjacent River Road and Birch Hill Ski area.

b. Speed limits. Speed limit for ORVs is the posted speed limit for other motor vehicles.

c. Passengers. Passengers on ORVs are authorized only if the ORV is equipped with a factory mounted passenger seat and the passenger is seated in that seat.

d. DOT Approved protective helmets, eye protection, hard-soled shoes, long trousers and brightly colored or reflective outer upper garment will be worn by operators and passengers when in operation. All ORVs will have head lights turned on while in operation.

e. Intoxicated use. ORVs will not be operated by anyone under the influence of alcohol or drugs and will be subject to prosecution under Federal Code or UCMJ.

f. Towing. ORVs may tow commercial or home-made carts and trailers. Towing a disabled ORV with another ORV is authorized. Towing persons (e.g., while sledding, rollerblading, or roller skating) by rope or cable is prohibited.

g. Commuter use. ORVs are not allowed to be driven through the garrison area as personal vehicles for transportation to and from places of work, the Gym, PX, Commissary, or between housing units.

h. All ORVs will be registered through the State of Alaska.

i. Liability: The United States Government shall not be liable for any damages to property or injury to persons while participating in ORV activities on Fort Wainwright. It is understood by owners and operators of ORVs that both natural and man-made hazards do exist in the designated ORV use areas and that anyone who engages in this activity does so completely at their own risk. ORV owners and operators are financially liable for any damage to government or private property resulting from their activity. Insurance for off-road vehicles is not required, but highly recommended.

j. ORVs may not be ridden from their storage location to the area of recreation.

k. The Commander may close areas to use by ORVs without notice.

l. This section applies to all USAG Fort Wainwright training lands.

3-8. Bicycles (Punitive)

a. General. Bicyclists must observe and obey all traffic signs and markings in the same manner as operators of motor vehicles are required. Bicycle helmets are required for all persons operating a bicycle on Fort Wainwright. Helmets must comply with a mandatory safety standard issued by the Consumer Product Safety Commission. Older helmets certified by the American Society for Testing and Materials (ASTM), or Snell Memorial Foundation may continue to be used. Bicycles will comply with the requirements of 13 AAC 02, sections 385-420, in addition to the requirements of this regulation.

b. Lights:

(1) Use of a light is required when traveling in all areas of Fort Wainwright during the hours of limited visibility. The hours of limited visibility are 30 minutes before sunset to 30 minutes after sunrise.

(2) The light must be visible 100 feet to the front.

(3) The use of reflectors on the rear, side, front, and pedals is recommended for the added safety of operating the bicycle at night.

c. Roadway lane usage:

(1) Bicyclists will operate the bicycle on the right side of the roadway.

(2) Two bicyclists may ride two abreast when no other motor vehicle traffic is present. When motor vehicle traffic is present, bicyclists must ride single file.

(3) Bicyclists are not permitted to ride on sidewalks.

d. Roadway signals. Bicyclists will use hand and arm signals when turning or stopping.

(1) To signal a left-hand turn, the left arm extends horizontally.

(2) To signal a right-hand turn, the left arm extends horizontally with the forearm bent upward at a ninety-degree angle.

(3) To signal a stop, the left hand extends out straight and down, at a 45-degree angle, palms facing rearward.

e. Clinging or snagging. No bicyclist may attach themselves to another bicycle or motor vehicle while moving along any roadway.

f. Riders and packages:

(1) Bicyclists will keep at least one hand on the handlebars at all times.

(2) Carrying passengers on bicycles is prohibited except when carrying a young child or infant secured in an infant pouch, permanent seat, or child passenger trailer. The permanent seat must prevent the child from falling off and from inserting their hands and/or feet into the moving parts of the bicycle. Any person carrying a young child or infant must be of such an age and capability as to have total control of the bicycle.

(3) Bicyclists will not carry an opened alcoholic beverage or operate a bicycle when intoxicated.

3-9. Personal Transportation Devices (Punitive)

a. DoDI 6500.4 Highway Safety Program prohibits the use of powered and non-powered scooters, skateboards, roller skates, and other similar equipment not meeting Department of Transportation motor vehicle standards for public roadways on installation roads unless specifically authorized by location in the installation traffic code.

b. Operators of PTDs will be subject to the same rules of the road as those operating a bicycle.

c. Electronically propelled single wheeled, non-steering vehicles (unicycles), motorized skateboards are not authorized. Self-propelled (by foot) skateboards and hover boards, and motorized hover boards may only be utilized on sidewalks, so long as it is safe to do so and does not impede or endanger pedestrians.

d. PTD operators must:

(1) Wear the personal protective equipment (PPE) prescribed for a bicycle to include a helmet and reflectorized vest or waistband. Any operator not using PPE as required may be stopped and prohibited from using the PTD until compliance with PPE requirements are met.

(2) Utilize in priority order: 1) bike paths, 2) sidewalks, 3) designated roadway bike lanes, 4) roadways without bike lanes.

(a) Utilize bicycle paths when available and yield to bicycles or pedestrians on the bicycle paths.

(b) Utilize sidewalks when available and yield to pedestrians. Approach and transit crosswalks at a walking speed to allow vehicle drivers the ability to clear the intersection appropriately. PTDs and bicycles do not have the right of way in crosswalks.

(c) Utilize the right side of the roadway in the designated bicycle lane when no bicycle path or sidewalk is available and only operate with the flow of traffic.

(3) Yield the right of way to any pedestrian in a cross walk or parking area.

(4) Obey the same speed limits as those of any vehicle operated on the same roadway.

(5) Obey the same rules of the road for all motor vehicles concerning the passing of military formations anywhere on the installation at any time.

(6) Stop and not pass a bus that is discharging or picking up passengers when operating the PTD on the road.

(7) Ride in single file.

- (8) Signal turn and stop intentions with standard hand and arm signals, otherwise maintain both hands on the steering device at all other times.
- (9) Not carry articles or packages that prevent effective use of both hands to control the PTD.
- (10) Not use cellular telephone devices/personal electronic devices or wear headphones/earbuds while operating the PTD.
- (11) Not operate a PTD during the hours of darkness unless the PTD is equipped with operational headlights and taillights.
- (12) Not operate the PTD in an area prohibited for vehicle operation while unit physical fitness training is being conducted.
- (13) Not use a crosswalk to avoid traffic lights when operating a PTD on the roadway.
- (14) Park or secure a PTD in bicycle racks, not in parking spaces for vehicles, motorcycles, or mopeds.

3-10. Pedestrian Rights and Responsibilities

- a. Where sidewalks are provided, pedestrians will not walk on the roadways. Where no sidewalk exists, pedestrians should walk on the far-left side of the roadway or shoulder as safely possible, facing the traffic.
- b. Crosswalks. Pedestrians will use crosswalks where available, and proceed only when it is safe to do so.
- c. If crosswalks are not available within a reasonable distance of a traffic control device, pedestrians shall yield right way to all vehicles and must cross by shortest route to opposite side of the roadway.

3-11. Unit Formations and Physical Training

- a. During PT hours, the speed limit will be 15 MPH on roads authorized for running. Roads not authorized for running will remain at their posted speeds with the exception of Ketchum Road, which will observe 15 MPH during PT Hours. See USAG Fort Wainwright Policy #8 for designated running routes.
- b. Vehicular traffic is prohibited on Luzon Avenue between 0630 and 0745. Vehicles may, however, cross Luzon Avenue at Rhineland Avenue or Lie de France Avenue to access the Mission Training Center (MTC) or at Neely Road for Aviation personnel in order to support aviation refuel operations. Barricades will be placed at the ends of Luzon Avenue no later than 0630 each day and removed at 0745 to stop vehicular traffic during PT times.
- c. Vehicular traffic is prohibited on MacArthur Road between Luzon and Old Badger Road during PT Hours, 0630 to 0745.
- d. PT will be prohibited on the following roads.
 - (1) Gaffney Road between the Gaffney Gate and Apple Street.
 - (2) Montgomery Road between Montgomery Gate and Whidden Road. (Troops may cross Montgomery Road at Luzon Avenue and Santiago Avenue in order to access the unit areas north of Montgomery Road vicinity of the hangers).
 - (3) River Road between Trainer Gate Road and Gaffney Road
 - (4) Neely Road west of Meridian Road
 - (5) Family Housing Areas
 - (6) Ketchum Road (PT will be conducted on the bike trail adjacent to Ketchum Road from Montgomery Gate to River Road. Troops may cross Ketchum Road in order to access the bike path that parallels Ketchum Road or to access Kinney Road in order to cross the bridge and run north of the river).
- e. All roads and trails not specifically mentioned will be open to both PT and vehicular traffic and will be 15 MPH between the hours of 0630 and 0745.
- f. The Fort Wainwright Police may close roads to physical training activity on a temporary basis due to traffic, weather, or other safety conditions.

3-12. Miscellaneous Provisions (Punitive)

- a. Prohibition on wearing of headphones/earphones. The wearing of any portable headphones, earphones, or other listening devices (except for hands-free cellular phones) while operating a motorized or other vehicle is prohibited.
- b. Authorization. For all (non-Department of Defense (DoD) civilians, the wearing of headphones/earphones and cellular phones without a hands-free device while walking, jogging, skating, or skateboarding is authorized if the operator is not on a roadway and emergency vehicles, or vehicle horns can be heard. Army military personnel should consult AR 670-1 for applicable restrictions.

c. Unreasonable loud noise produced by a POV. A person may not operate a POV that is producing unreasonably loud noise generated by:

(1) The playback of music and recordings through an amplification system or installed devices specifically intended to be exhaust amplifying instruments (whistle-tips, cherry-bomb glass packs, etc.).

(2) As used in this section, "noise" is "unreasonably loud" if, considering the nature and purpose of the operator's conduct and the circumstances known to that person including the nature of the location and time of day or night, the conduct involves a gross deviation from the standard of conduct that a reasonable person would follow in the same situation. Violators of this section may be subject to criminal prosecution under Alaska Statute "11.61.110 Disorderly Conduct" and/or the UCMJ.

d. Transporting personally owned weapons in vehicles. Weapons prohibited by federal, or state law are not allowed on Fort Wainwright. Lawful weapons including firearms and ammunition must be stored separately out of arms reach while being transported on Fort Wainwright. Persons bringing weapons onto Fort Wainwright for any reason shall comply with the Commander's policy on weapons and firearms (Garrison Policy Letter 27). Failure to comply with these policies may result in administrative or criminal action to include prosecution under UCMJ, US Code, or Alaska Statute.

e. Ground guide. Operators of government-owned vehicles weighing over 1/2 ton, all tactical vehicles, and when driver visibility to the rear is limited, will post a ground guide to the rear of the vehicle while operating the vehicle in reverse. If a ground guide is not reasonably available, the operator may conduct a safety walk around inspection and clear the area of hazards. This does not relieve the operator of liability in the event of a collision. The only exception is in the case of snow removal or construction.

f. Seat belts: All operators and passengers in a motor vehicle must wear a seat belt at all times when the motor vehicle is being operated.

g. Motorcycles:

(1) When operating a motorcycle, operators will have in their possession a valid license with the appropriate endorsement, current registration, and insurance. Soldiers operating motorcycles on Fort Wainwright must have successfully completed the Motorcycle Safety Foundation Basic Rider Course.

(2) Riding Season. During spring and summer months (April – September), motorcycles will only be operated on Fort Wainwright when road conditions are "Green". During fall and winter months (October - March), motorcycles will only be operated on Fort Wainwright when road conditions are "Green," until the first winter snow and/or ice event changes road conditions to "Amber."

(3) IAW AR 385-10, all operators and passengers on motorcycles must, at a minimum, wear the following motorcycle Personal Protective Equipment (PPE):

(a) Helmet. Certified to meet Department of Transportation (DOT) standards and properly fastened under the chin.

(b) Impact or shatter resistant goggles, wrap-around glasses, or full-face shield properly attached to the helmet must meet ANSI Safety Code Z87.1, for impact and shatter resistance. A windshield, alone, is not proper eye protection.

(c) Footwear. Sturdy over-the-ankle footwear that affords protection for the feet and ankles (durable leather or ballistic-type cloth athletic shoes that cover the ankles may be worn).

(d) A long-sleeved shirt or jacket, long trousers, and full fingered gloves or mittens designed for use on a motorcycle must be worn constructed of abrasion resistant materials. Impact-absorbing padding is strongly encouraged.

(e) For on-road operations, riders are encouraged to select PPE that incorporates fluorescent colors and retro-reflective material. Military uniforms, alone, do not meet these criteria. The outer garment shall be clearly visible and not covered. Items may be worn on top of the outer garment; however, they must meet the same visibility requirements of the outer upper garment.

h. Motorized carts, either powered by electric or combustion engines, shall not operate on roadways or parking lots. Electric powered riding toys that are designed for children, which cannot exceed 5 mph operating speed, may be operated on sidewalks, driveways, or courts under direct parental supervision.

i. Emergency vehicles:

(1) Police vehicles, ambulances, fire fighting vehicles, and any other vehicles designated by the Director of Emergency Services as emergency vehicles are the only vehicles authorized to use emergency lights and/or sirens. In responding to an emergency, operators of emergency vehicles will exercise due care to not jeopardize their safety or the safety of others.

(2) Vehicles responding to emergency calls should not exceed the posted speed limit by more than a reasonable speed for response and only when it is safe to do so.

(3) Other emergency vehicles: Local volunteer emergency service responders may operate their vehicles on Fort Wainwright during emergency response calls if the POVs are equipped with a flashing blue light and credentials as described in Title 13 Alaska Administrative Code. These operators must activate the flashing blue light when responding to an emergency, obey all traffic control devices (Stop, Yield, etc.) and observe the posted speed limit.

(4) Drivers of all vehicles and pedestrians will yield the right of way to all authorized emergency vehicles. They will also not follow within 500 feet of an emergency vehicle.

(5) POVs will not park within one block of where a firefighting vehicle has responded to a medical emergency or alarm.

j. Window tint meter. In accordance with Alaska Administrative Code 13 AAC 04.223 (a-d), a vehicle must meet or exceed these standards:

(1) Driver and passenger side windows must have 70% or greater light transparency.

(2) Driver and passenger rear windows must have 40% or greater light transparency.

(3) Front windshield tint must not be greater than 5 inches downward from top of windshield.

(4) Rear window tint must have 40% or greater light transparency, unless proof can be shown that aftermarket tint was installed before 1 July 1994, and two side mirrors are required.

(5) Tint color may be green, gray, bronze, or neutral smoke.

(6) Medical exemptions:

(a) Certificate issued by a State of Alaska licensed physician.

(b) Must be renewed annually.

(c) Must carry the certificate in the vehicle.

k. Obscene bumper stickers will not be displayed on vehicles operated on Fort Wainwright. Vehicles operated on Fort Wainwright that display bumper stickers or decals must comply with the appropriate SHARP/EO or political activities guidelines contained in Army Regulation, Department of Defense Directive, and/or the Hatch Act. Any suspected violation may be referred to the service member's unit leadership or in the case of DoD Employees, DA Civilians, or Contractors, the appropriated supervisor will be notified.

3-13. Reports

a. Policy. All traffic violators on Fort Wainwright may be issued either a DD Form 1408 (Armed Forces Traffic Ticket) or a CVN Form 1805 (US District Court Violation Notice), as appropriate. Unless specified otherwise, only on-duty law enforcement personnel with the FWPD (including game wardens in the exercise of their duties) may issue these forms:

(1) CVN Form 1805:

(a) CVN Form 1805 will be used to refer violations of federal or state traffic laws, made applicable to Fort Wainwright, to the US District Courthouse in Fairbanks.

(b) Distribution. For cases referred to the US Magistrate, normal distribution of CVN 1805 will be:

1) The FWPD will forward copy 1 (white) to the Central Violations Bureau (CVB), the violator will be provided 1 copy (yellow) of the citation.

2) The Consolidated Legal Office (CLO) will file copy 4 (pink).

b. DD Form 1408:

(a) DD Form 1408 will be used to refer violations, by any person, of state traffic laws, local regulations or policies made applicable to Fort Wainwright, to the Commander, unit commanders, supervisors, or directors for administrative action. Warnings will be retained in the traffic office.

(b) Distribution. When DD form 1408 is used, the white copy will be forwarded through command channels to the violator's commander, supervisor, or director for adjudication. In cases of violations by visitors, personnel on TDY, and dependents not employed on Fort Wainwright, the violation notice will be forwarded to Police Admin.

(c) Instruction procedures for adjudication of the DD Form 1408, as well as recommendations for action taken, will also be sent along with the form. Previous traffic violations and points assessed to the offender may be sent with the citation to assist the adjudicator with the process.

(d) The Commander, unit commander, supervisor, or director will then have 10-working days to adjudicate the citation; complete the report of action taken; and return the DD Form 1408 to the FWPD for records keeping purposes.

(e) Electronic processing of DD Form 1408: When a DD Form 1408 citation is issued it will be input by the FWPD into the ALERTS.

Chapter 4

Parking/Abandonment

4-1. Parking

a. **Parking.** Except for emergency vehicles or DPW/maintenance vehicles in the performance of official duties, no person will stop, stand, or park a vehicle on the traveled section of a roadway for any purpose except when necessary to yield to other traffic or emergencies.

b. **Specific:**

(1) Vehicles will park in designated locations, such as parking lots or parking stalls.

(2) No person may stop, park, or leave standing a vehicle (attended or unattended) on or within eight feet of a roadway, except where the roadway is designed to allow parking without interfering with the normal flow of traffic or snow removal and other road maintenance, unless directed to do so by a police officer, emergency services personnel or other designated personnel.

(3) Vehicles will not park where signs, authorized in writing by the Commander, specify prohibited parking or park where signs designate areas for disabled persons, emergency vehicles, and official government-owned vehicles.

(4) Parking will be on a first-come, first-serve basis. Authorization for signs designating parking stalls for specific persons, groups, or organizations should be avoided. Any request by a person, group, or organization seeking designated parking facilities will be submitted by memorandum through the Chief of Police to the Commander for approval. Violators of this section are subject to penalty under this regulation. Personal, group, or organizational parking stall designation signs existing prior to the implementation of this regulation and not authorized in writing by the Commander, are no longer valid, will not be enforced, and must be removed.

(5) Vehicles, to include off-road vehicles (ORVs), and bicycles will not park within 15 feet of a fire hydrant.

(6) Vehicles, to include off-road vehicles (ORVs), and bicycles will not park where they impede the flow of traffic.

(7) Vehicles, to include off-road vehicles (ORVs), and bicycles will not park in fire or service lanes.

(8) Vehicles, to include off-road vehicles (ORVs), and bicycles will not park on sidewalks, in or within 20 feet of crosswalks, in front of entrances to facilities, or on seeded grass areas.

(9) Vehicles, to include off-road vehicles (ORVs), and bicycles will not park within 30 feet of the approach side of a stop sign, yield sign, or other traffic-control sign located at the side of a roadway.

(10) Where prohibited by either Alaska Administrative Code 13 AAC 2 sections 340, 360, 365 and 367, or Alaska Statute AS 28.35.

4-2. Towing and Impoundment

a. **Towing and Impoundment Procedures:**

(1) When a vehicle has been declared abandoned IAW AR 190-5, a DD Form 2504, Abandoned Vehicle Notice, will be filled out and conspicuously attached to the vehicle by an orange, "Parking List Enclosed" sticker with instructions to the owner to remove the vehicle within 72 hours. This action will be documented by an entry in the Fort Wainwright Law Enforcement Desk Journal.

(2) The owner will be allowed 72 hours from the date the POV is tagged as abandoned to remove the vehicle before impoundment action is initiated. After 72 hours, impound procedures will be IAW with AR 190-5 and DoDI 4160.21-M.

(a) Items of value in the passenger area and trunk of all abandoned vehicles will be inventoried and annotated on DD Form 2506, Vehicle Impound Report, and stored inside the vehicle to protect the owner, law enforcement personnel, the contractor, and the Commander. This will be done before the vehicle is towed. Items of high value (firearms, jewelry, currency, etc.) will be taken as safekeeping, utilizing DD Form 4137 (Property & Evidence Control), and stored in the Fort Wainwright Police Evidence Vault. Once all items have been inventoried the vehicle will be secured inside the DFMWR Lot. Contents secured inside closed containers, such as a suitcase, need not be inventoried; such articles should be opened only if necessary.

(b) Vehicles towed by the Directorate of Family and Morale, Welfare and Recreation (DFMWR) are subject to Alaska Statutes pertaining to abandoned vehicles.

(3) DFMWR Auto Skills Towing will be contacted to tow the vehicle at the owner's expense. A DD Form 2505, Abandoned Vehicle Removal Authorization, will be completed. A DD Form 2506, Vehicle

Impound Report will be completed. This form will be signed by traffic personnel and then signed by the tow truck driver. The original is to be turned into the desk sergeant and a copy is to be given to the towing company. The desk sergeant will ensure the entry is completed and then forward the original copy to the FWPD Traffic Section.

(4) When a vehicle has been declared abandoned IAW AR 190-5, the following tasks will be utilized in accomplishing the investigative process to locate any possible owner:

(a) Once the vehicle has been tagged as abandoned, the vehicle license plate number and basic persons check will be done through the Alaska Public Safety Information Network (APSIN) or the National Law Enforcement Telecommunications System (NLETS). A copy of any information received will be placed in the vehicle/properties case file.

(b) If the owner of the vehicle/property is a non-US Government affiliated civilian or member of a separate military branch, a phone directory will be used in an attempt to locate and contact the owner.

(c) If the owner is a military member, the post Alpha Roster will be used in an attempt to locate and contact the owner.

(d) The Military Personnel Division, Directorate of Personnel and Family Services (MPD DPFS), will be contacted in an attempt to locate military members that have been reassigned to other military installations, or have ended their tour of service.

(e) All contacts made by phone or in person must be annotated on the vehicle check sheet by date, time, and signature of individual annotating the message.

(f) Once the owner of a declared abandoned vehicle has been located, he/she will be cited on a DD Form 1408 (Armed Forces Traffic Ticket) for violating AR 190-5 "Abandoning a Vehicle". In the remarks section on the DD Form 1408, it will be explained that the owner is liable for any towing or storage fees.

(g) When a vehicle/property has been towed, the owner must show proof of the correction (i.e., expired tags, suspended/no driver's license, etc.) to the Traffic Section Abandoned Vehicle Coordinator. Once the corrections have been verified, the DD Form 2506, Vehicle Impoundment Report, will be signed, and a copy released to the owner for authorization to retrieve the vehicle from the towing company or the DFMWR Lot.

(5) Unclaimed vehicles impound procedures. For those vehicles not claimed within 72 hours of impoundment, the following procedures apply:

(a) The Fort Wainwright Police or their designee must determine whether the vehicle is subject to a lien, IAW DODI 4160-21-M, Ch. 4, 40(j).

(b) The Fort Wainwright Police will complete and send, via certified mail, a DD Form 2507, Notice of Vehicle Impoundment, to the last known address of the owner, which will include contact information for the Fort Wainwright Police as well as for the DFMWR.

(c) The Fort Wainwright Police will wait 120 days for a response before authorizing DFMWR to set a date and time for the sale or other disposition of the vehicle. Thereafter, before authorizing DFMWR to dispose of the vehicle, the Fort Wainwright Police will give the owner and lien holder, if a lien holder exists, 45-days' notice, via certified mail, of the date and time planned for the sale or other disposition of the vehicle.

(d) The notice sent to the owner must specifically state the following "Under the law, 10 USC 2575, you are hereby advised that the property described above shall be sold or otherwise disposed of at (location, on [approximate date]). A request for the return of the property shall be honored, if received before the time specified. Request for return of the property after the specified time shall be honored, only if the disposition has not been made."

(e) The Garrison Resource Management Office will process funds IAW DFAS-IN 37-100-11, specifically pertaining to unclaimed money and proceeds from the sale of abandoned property.

Chapter 5

Traffic Accidents

5-1. Traffic Accidents.

a. Traffic Accident Investigations. The FWPD must make detailed investigation of accidents described below:

b. Accidents involving government-owned vehicles or government property on Fort Wainwright involving a fatality, personal injury, or estimated property damage in the amount \$1,000 or more. If the estimated property damage is under \$1,000, the accident must still be reported the FWPD. The Installation Transportation Motor Pool (TMP) will provide the estimates of the cost of repairs.

Investigations of off-Fort Wainwright accidents involving government vehicles will be made in cooperation with the appropriate civilian law enforcement agency.

c. Any POV accidents on Fort Wainwright involving a fatality, personal injury, or when a POV is inoperable as a result of an accident.

5-2. Traffic Accident Investigation Reports

a. Accidents requiring immediate reports. The driver or owner of any vehicle involved in an accident, as described in paragraph 4-1, above, on Fort Wainwright, must immediately notify the FWPD. The operator of any government-owned vehicle involved in a similar accident off Fort Wainwright must immediately notify the local civilian law enforcement agency having jurisdiction, as well as law enforcement personnel of the nearest military installation.

b. For all privately-owned vehicle accidents not addressed in paragraph 4-1, guidance for reporting these cases is provided below:

(1) For accidents that occurred within the jurisdiction of Fort Wainwright, drivers, or owners of POVs are required to notify/report to the FWPD within 24 hours of an accident in the following cases:

(2) The notification/report required in paragraph b (1), above, will include the following about the accident:

- (a) Location, date, and time.
 - (b) Identification of all drivers, pedestrians, and passengers involved.
 - (c) Identification of vehicles involved.
 - (d) Direction and speed of travel of each vehicle involved, including a sketch of the collision and roadway with street names and north arrow.
 - (e) Property damage involved.
 - (f) Environmental conditions at the time of the incident (weather, visibility, road surface condition, and other factors).
 - (g) A narrative description of the events and circumstances concerning the accident.
- (1) The notification/report required in paragraph b(1) will be completed by law enforcement officers.
- (2) Reporting to local police department. In accordance with AS 28.35.080, drivers involved in a motor vehicle accident resulting in bodily injury or death of a person or total property damage to an apparent extent of \$2,000 or more shall immediately by the quickest means of communication give notice of the accident to the local police department if the accident occurs within a municipality, otherwise to the department of public safety within 10 days of the collision. In addition, when the driver of a vehicle involved in an accident resulting in bodily injury to or death of a person or total property damage to an apparent extent of \$2,000 or more shall, within 10 days after the accident, forward a written report (Alaska Motor Vehicle Crash Form 12-209) of the accident to the Department of Administration and to the local police department if the accident occurs within a municipality. A report is not required under this subsection if the accident is investigated by a peace officer.

(3) Alaska Mandatory Insurance and Financial Responsibility, AS 28.22, AS 28.20. Drivers involved in a crash that results in: bodily injury or death to a person, or property damage more than \$501, must provide the DMV – within 15 days – proof of liability insurance in effect at the time of the crash. Proof of insurance is required from all drivers involved in the crash regardless of who was at fault. The requirement to notify the DMV is in addition to any report given to a police department or insurance company. A failure to provide proof of insurance within 15 days to the DMV will cause the driver's license to be suspended for 90 days for a first occurrence or one year for a second occurrence.

5-3. Use of traffic accident investigation report data

a. 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.

b. Law enforcement personnel and others who prepare traffic accident investigation reports will indicate whether or not seat restraint devices were being used at the time of the accident.

c. When accidents warrant, an installation commander may establish a traffic accident review board. The board will consist of law enforcement, engineer, safety, medical, and legal personnel. The board will determine principal factors leading to the accident and recommend measures to reduce the number and severity of accidents on and off the installation.

d. Data will be shared with the installation legal, engineer, safety, and transportation officers. The data will be used to inform and educate drivers and to conduct traffic engineering studies.

e. Army traffic accident investigation reports will be provided to Army centralized accident investigation of ground accidents (CAIG) boards on request. The CAIG boards are under the control of the Commander, U.S. Army Combat Readiness Center, Fort Novosel, AL 36362-5363. These boards investigate Class A, on-duty, non-POV accidents and other selected accidents Army-wide (see AR 385-40). Local commanders provide additional board members as required to complete a timely and accurate investigation. Normally, additional board members are senior equipment operators, maintenance officer, and medical officers. However, specific qualifications of the additional board members may be dictated by the nature of the accident.

f. The CAIG program is not intended to interfere with, impede, or delay law enforcement agencies in the execution of regulatory responsibilities that apply to the investigation of accidents for a determination of criminal intent or criminal acts. Criminal investigations have priority.

g. Fort Wainwright law enforcement agencies will maintain close liaison and cooperation with CAIG boards. Such cooperation, particularly with respect to interviews of victims and witnesses and in collection and preservation of physical evidence, should support both the CAIG and law enforcement collateral investigations.

5-4. Required actions in the event of Accident

a. The driver of a vehicle involved in an accident will stop immediately as close to the scene as possible without obstructing traffic and perform the following:

(1) Render first aid if necessary.

(2) Report the accident to the FWPD by giving their name, rank, organization, and location of the accident. In cases involving civilian employees, they will give their name, work section, and location of the accident.

(3) Remain at the scene until released by the law enforcement or as otherwise delineated by provisions of this section.

b. The drivers of both vehicles involved in the accident will exchange their names, vehicle information, and insurance information.

c. (Punitive) When a driver becomes involved in an accident with an unattended vehicle, the driver will stop immediately and make reasonable efforts to locate the owner/operator of the damaged vehicle. If the driver is unable to locate the owner/operator of the unattended vehicle, the driver will leave—in a conspicuous place on the other vehicle—a written notice containing their name, address, phone number, and a statement of the circumstances. The driver must also report the incident to law enforcement in accordance with paragraph 4-2 of this regulation.

d. In addition to other duties imposed under this regulation, the driver of a military or government-owned vehicle involved in an accident will complete a DD Form 518 (Accident- Identification Card) and a SF 91 (Motor Vehicle Accident Report) and notify TMP within 24 hrs.

e. (Punitive) Individuals involved in traffic accidents, on-post, may not consume alcoholic beverages within the first 90 minutes after the accident.

Appendix A
AR 190-5 Point Schedule

A-1. Point Assessment for Moving Violations

- a. Violation: Reckless Driving (willful and wanton disregard for the safety of persons or property)
Points assessed: 6
- b. Violation: Owner knowingly and willfully permitting a physically impaired person to operate the owner's motor vehicle. Points assessed: 6
- c. Violation: Fleeing the scene (hit and run) – Property damage only. Points assessed: 6
- d. Violation: Driving vehicle while impaired (BAC more than 0.05 percent and less than 0.08 percent)
Points assessed: 6
- e. Violation: Speed contests. Points assessed: 6
- f. Violation: Speed too fast for conditions. Points assessed: 2
- g. Violation: Speed too slow for traffic conditions, and/or impeding the flow of traffic, causing potential safety hazard. Points assessed: 2
- h. Violation: Failure of operator or occupants to use available restraint system devices while moving (operator assessed points). Points assessed: 2
- i. Violation: Failure to properly restrain children in a child restraint system while moving (when child is 4 years of age or younger or the weight of child does not exceed 45 pounds). Points assessed: 2
- j. Violation: One to 10 miles per hour over posted speed limit. Points assessed: 3
- k. Violation: Over 10 but not more than 15 miles per hour above posted speed limit. Points assessed: 4
- l. Violation: Over 15 but not more than 20 miles per hour above posted speed limit. Points assessed: 5
- m. Violation: Over 20 miles per hour above posted speed limit. Points assessed: 6
- n. Violation: Following too close. Points assessed: 4
- o. Violation: Failure to yield right of way to emergency vehicle. Points assessed: 4
- p. Violation: Failure to stop for school bus or school-crossing signals. Points assessed: 4
- q. 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 right of way; denying entry; or requiring direction of traffic. Points assessed: 4
- r. Violation: Improper passing. Points assessed: 4
- s. Violation: Failure to yield (no official sign involved). Points assessed: 4
- t. Violation: Improper turning movements (no official sign involved). Points assessed: 3
- u. Violation: Wearing of headphones/earphones while driving motor vehicles (Two or more wheels).
Points assessed: 3
- v. Violation: Failure to wear an approved helmet and/or required PPE while operating or riding on a motorcycle, MOPED, or a three or four-wheel vehicle powered by a motorcycle-like engine. Points assessed: 3
- w. Violation: Improper overtaking. Points assessed: 3
- x. Violation: Other moving violations (involving driver behavior only). Points assessed: 3
- y. Violation: Operating an unsafe vehicle. Points assessed: 2
- z. Violation: Driver involved in accident is deemed responsible (only added to points assessed for specific offenses). Points assessed: 1

Appendix B Road Conditions

B-1. Weather and Road Conditions

The road condition classification will be monitored by the FWP and updated to reflect changes in the weather and road conditions. The road condition classifications as they apply to government and personally owned vehicles are as follows:

Main Post Fort Wainwright Road Conditions

| Category | Conditions | Driver Advisory |
|---|--|--|
| GREEN Ideal Road Conditions | Ideal road, visibility, and temperature conditions exist. Motorcycles are allowed to operate on installation. | 1) Drivers will observe normal precautions and obey speed limits. |
| AMBER Hazardous Road Conditions | Hazardous road conditions exist in some or all areas. Motorcycles are prohibited from operating on installation's roadways. <ul style="list-style-type: none"> • 3 inches or less of snow/water • Icy Patches • Visibility to 200 meters • Winds 15-20 mph | 1) Drivers should exercise caution by: <ul style="list-style-type: none"> • Decreasing speed • Increasing distance between vehicles while driving and entering/exiting roadways • Avoid sudden braking or sharp turns |
| RED Highly Hazardous Road Conditions | All roads made highly hazardous by snow, ice, or greatly reduced visibility. <ul style="list-style-type: none"> • 3-6 inches of snow/water • Visibility from 60-200 meters • Winds 20-30 mph | 1) Drivers should use extreme caution when driving by: <ul style="list-style-type: none"> • Decreasing speed significantly • Substantially increasing distance between vehicles while driving and entering/exiting roadways • Avoid sudden braking or sharp turns 2) Personnel should limit unnecessary travel. 3) Units should consider road hazards as likely and moderately severe. |
| BLACK Extremely Hazardous Road Conditions | Road conditions are extremely hazardous and pose high risk from snow, ice, or severely reduced visibility. <ul style="list-style-type: none"> • 6 or more inches of snow/water • Sheet Ice • Visibility is 0-60 meters • Winds exceeding 30 mph | 1) Road conditions are not suitable for travel. 2) All travel is highly discouraged and should only be considered in emergency situations. 3) If travel is necessary, carry emergency supplies. 4) Units should consider road hazards as likely and critically or catastrophically severe. |



Appendix C

DUI Processing and Administrative Action for Suspensions and Revocation

C-1. Purpose

This appendix establishes procedures in which the senior commander through his designee, the Garrison Commander, may, for cause, administratively suspend or revoke driving privileges on the installation IAW AR 190-5, paragraphs 2-4 and 2-6 and incorporates USAG Fort Wainwright Policy #32.

C-2. Reviewer

a. The Garrison Commander has been delegated command authority to suspend and/or revoke installation driving privileges by the Commander, 11th Airborne Division. The suspension or revocation of installation driving privileges for lawful reasons unrelated to traffic violations or safe vehicle operation, is not limited or restricted by this policy or regulation. The Garrison Commander is the final approval authority for all actions relating to the suspension or revocation of installation driving privileges.

(1) The DES will initiate all actions to suspend or revoke installation driving privileges on USAG Alaska installations.

(2) Unit Commanders may submit requests for suspensions and revocations to DES for initiation.

(3) The DES may authorize an immediate suspension of driving privileges in cases involving intoxicated driving incidents.

C-3. DWI/DUI Processing

a. All patrol officers will adhere to the National Highway Traffic Safety Administration (NHTSA) Standardization guidelines outlined below. Deviation from these guidelines could seriously hinder the ability to prosecute the offender and increase the possibilities of civil liabilities. Patrol officers will conduct their investigations in the following manner:

b. Vehicles involved in a DUI (Driving Under Influence) disposition. Upon arrest/apprehension of the driver, all vehicles will be searched "incident to arrest/apprehension". The arresting/apprehending officer is authorized to search all areas of the vehicle IAW federal search and seizure laws (within lunge, reach, or grasp of the driver). All locked compartments will remain locked and unsearched. If an officer feels the driver is hiding something of an illegal nature within the locked area, the officer will contact the patrol supervisor or watch commander for further guidance prior to the search. All materials/items found within the vehicle that can be used as evidence to substantiate the case should be seized as evidence. All vehicles operated by a person who is an Active Duty military member will be towed to the Fort Wainwright Police Impound Lot. The Fort Wainwright Police Traffic Section will be notified of the request for tow.

c. Vehicle impounds. All vehicles operated by the subject that is a non-Department of Defense (DoD) Civilian will be impounded through the rotational tow list. Upon identifying a vehicle for impound, the patrol supervisor or the watch commander will contact the FWPD Traffic Section for impound guidance. Officers will complete a Fairbanks Impound Report Form (ST-18):

(1) This form will be completed to impound the vehicle by the rotational tow company in order to tow the vehicle to the appropriate impound lot and to advise the subject of the impound fees and/or fines. It is important that officers assess the appropriate fines IAW the upper right-hand corner of the form if any prior convictions of DUI within the past 10 years. Officers will consult the desk sergeant or dispatch on all prior convictions. Officers will complete and distribute one copy to the subject and one for the case file.

(2) The ST-18 also serves to identify and track the vehicle and its contents. It is a four-copy carbon form that will be prepared by the officer during the impound procedures. A thorough inventory will be conducted on all contents in the vehicle (except contents in locked compartments; see search and seizure procedures for clarification) and will be listed by item number in the space provide on the bottom portion of the form. Upon completion, the white copy will be forwarded to the case file, the pink copy to the traffic section for tracking purposes, and the two remaining yellow copies will be collected at the scene and provided to the towing company.

d. The State of Alaska or other state licensing authorities may immediately suspend or revoke a subject's license for an offense of driving under the influence. These laws allow the arresting officer to confiscate the subject's license and is classified as an administrative sanction. The duration or period of immediate administrative suspension or revocation varies by jurisdiction of the issuing authority.

e. Disposition of all subjects. Prior to the release of any subjects, the desk sergeant will ensure all the appropriate documentation has been completed and reviewed. Officers will ensure any miscellaneous

paperwork such as Uniform Traffic Violations (CVN Form 1805 or DD Form 1408s) have been completed and issued to the subject. The State of Alaska or other state licensing authorities may immediately suspend or revoke the license of a subject of an offense of driving under the influence. These laws allow the arresting officer to confiscate the subject's license and is classified as an administrative sanction. All subjects will be managed in one of the following manners:

(1) If the subject is an Active Duty Member, his/her unit's chain of command will be notified and released to an E-8 or higher on DD Form 2708. If the unit is currently deployed, Rear Detachment Noncommissioned Officers (NCOs) are authorized to pick up the Military member providing they have assumption of command orders.

(2) If the subject is a non-Department of Defense (DoD) civilian, the officer will complete a Fairbanks Correctional Center (FCC) Remand Form. This form allows FCC to assume custody of the subject to await arraignments in district court. Upon completion of this form the desk sergeant will notify FPD to request an officer to respond to the main gate for transportation to FCC. Arresting/apprehending officers will then transport the subject to the main gate and advise the transporting officer (from FPD) if any officer safety issues exist.

C-4. Suspension of Driving Privileges

a. Driving privileges are usually suspended when other measures fail to improve a driver's performance. Measures should include counseling, remedial driving training, and rehabilitation programs if violator is entitled to the programs. Driving privileges may also be suspended for up to six months if a driver receives four parking violations in a 12-month period. Any vehicle parked without authorization in an area restricted due to force protection measures may subject the driver to immediate suspension by the Commander. Vehicle will be towed at the owner's and/or operator's expense.

b. The Garrison Commander has discretionary power to withdraw the authorization of active duty military personnel, DoD Civilian employees, non-appropriated funds (NAF) employees, contractors, and subcontractors to operate government-owned vehicles.

c. Immediate suspension of Fort Wainwright POV driving privileges, pending resolution of an intoxicated driving incident, is authorized for active-duty military personnel, Family members, retired members of the military services, DoD Civilian personnel, and others with installation or overseas command driving privileges, regardless of the geographic location of the intoxicated driving incident. Suspension is authorized for non-DoD affiliated civilians only with respect to incidents occurring on Fort Wainwright or in areas subject to military traffic supervision. After a review of all available information, Fort Wainwright driving privileges will be immediately suspended pending resolution of the intoxicated driving accident in the following circumstances:

(1) Refusal to take or complete a lawfully requested chemical test to determine contents of blood for alcohol or other drugs;

(2) Operating a motor vehicle with a blood alcohol content (BAC) of 0.08 percent by volume (0.08 grams per 100 milliliters) or higher or in violation of Alaska State law or in violation of the Uniform Code of Military Justice (UCMJ);

(3) Operating a motor vehicle with a BAC of 0.05 percent by volume but less than 0.08 percent blood alcohol by volume in violation of the UCMJ or the Alaska State Law;

(4) Operating a government-owned or contracted vehicle with a BAC of 0.04 or higher; or

(5) On an arrest report or other official documentation of the circumstances of an apprehension for intoxicated driving.

C-5. Revocation of Driving Privileges.

a. The revocation of Fort Wainwright POV 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 the driving privilege will be for a specified period but never less than six months, apply at all military installations, and remain in effect upon reassignment.

b. Driving privileges are subject to revocation when an individual fails to comply with any of the conditions requisite to granting driving privileges. Revocation of Fort Wainwright driving, and registration privileges is authorized for military personnel, Family members, DoD Civilian employees, contractors, and other individuals with Fort Wainwright driving privileges. For non-US Government affiliated civilian guests, revocation is authorized only with respect to incidents occurring on Fort Wainwright or in the areas subject to military traffic supervision.

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

(1) The Commander or designee has determined that the person lawfully apprehended for driving under the influence refused to submit to or complete a test to measure the alcohol content in the blood (or detect the presence of any other drug) as required by this regulation.

(2) A conviction, non-judicial punishment, of a military or civilian administrative action resulting in the suspension or revocation of driver's license for intoxicated driving. Appropriate official documentation of such conviction is required as the basis for revocation.

d. When temporary suspensions, under paragraph C-3(c) above, 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 2000 for a charge of intoxicated driving with a BAC of 0.14 percent). A hearing was held, extreme Family hardship was substantiated, and privileges were restored on 1 February pending resolution of the charge. On 1 March 2000, the driver was convicted for intoxicated driving. The mandatory 1-year revocation period will consist of January 2000 plus March 2000 through January 2001, for a total of 12 months with no Fort Wainwright driving privileges.

C-6. Notification Procedures

a. Notice. When the Garrison Commander or designated representative decides to suspend or revoke the authorization to operate vehicles, a notice will be sent to the individual. A notice will also be sent to the FWPD, Consolidated Legal Office (CLO), the individual's senior supervisor (if military or federal employee), or employer (if a contract worker).

b. Specifics. Notice of suspension of Fort Wainwright driving privileges for alcohol-related offenses will contain the following:

(1) Notification that the suspension may automatically become a revocation if the individual is found responsible for an alcohol-related offense.

(2) That the suspension prohibits operation of all motor vehicles anywhere on Fort Wainwright.

(3) The right to appeal the suspension to the Garrison Commander as described in AR 190-5 and this policy.

(4) Written acknowledgement of receipt to be signed by the individual whose privileges are suspended.

(5) Original acknowledged suspensions (memorandum) will be maintained in the appropriate databases at the PMO and FWPD.

C-7. Administrative Due Process for Suspensions and Revocations

a. The administrative due process procedures for suspension or revocation of driving privileges in paragraphs b and c, below, apply to actions taken by Army commanders with respect to Army military personnel and Family members and to non-US Government affiliated civilian personnel operating motor vehicles on Fort Wainwright. Requested hearings must take place within a reasonable period as determined by the Garrison Commander.

b. For offenses other than intoxicated driving, suspension or revocation of Fort Wainwright driving privileges will not become effective until the Garrison Commander or designee notifies the affected person and offers that person an administrative hearing. Suspension or revocation will take place fourteen (14) calendar days after written notice is received unless the affected person makes an application for a hearing within this period. Such application will stay the pending suspension or revocation for a period of fourteen (14) calendar days.

(1) If, due to action by the government, a hearing is not held within fourteen (14) calendar days, the suspension will not take place until such time as the person is granted a hearing and is notified of the action of the Commander or designee. However, if the affected person requests that the hearing be continued to a date beyond the 14-day period, the suspension or revocation will become effective immediately upon receipt of notice that the request for continuance has been granted, and remain in force pending a hearing at a scheduled hearing date.

(2) If it is determined as a result of a hearing to suspend or revoke the affected person's driving privileges, the suspension or revocation will become effective when the person receives the written notification of such action. In the event that written notification cannot be verified, either through a return receipt for mail or delivery through command channels, the hearing authority will determine the effective date on a case-by-case basis.

(3) If the revocation or suspension is imposed after such hearing, the person whose driving privilege has been suspended or revoked will have the right to appeal or request reconsideration. Such requests must be forwarded through command channels to the Commander within fourteen (14) calendar days from the date the individual is notified of the suspension or revocation resulting from the administrative hearing. The suspension or revocation will remain in effect pending a final ruling on the request. Requests for restricted privileges will be considered per paragraph C-5(c.).

(4) If driving privileges are temporarily restored (that is, for Family hardship) pending resolution of charges, the period of revocation (after final authority determination) will still total the mandatory twelve (12) months. The final date of the revocation will be adjusted to account for the period when the violator's privileges were temporarily restored, as this period does not count towards the revocation time.

c. For drunk driving or driving under the influence offenses, reliable evidence readily available will be presented promptly to an individual designated by the Garrison Commander for review and authorization for immediate suspension of Fort Wainwright driving privileges.

(1) The reviewer should be any officer to include GS-11 and above, designated in writing by the Garrison Commander, whose primary duties are not in the field of law enforcement.

(2) Reliable evidence includes witness statements, military or civilian police report of apprehension, chemical test results if completed, refusal to consent to complete chemical testing, videotapes, statements by the apprehended individual, field sobriety or preliminary breath tests results, and other pertinent evidence. Immediate suspension should not be based solely on published lists of arrested persons, statements by parties not witnessing the apprehension, or telephone conversations or other information not supported by documented and reliable evidence.

(3) Reviews normally will be accomplished within the first normal duty day following final assembly of evidence.

(4) The Garrison Commander may authorize the FWPd to conduct reviews and authorize suspensions in cases where the designated reviewer is not reasonably available and, in the judgment of the law enforcement officer(s), such immediate action is warranted. Review by the designated officer will follow as soon as practical in such cases. When a suspension notice is based on the law enforcement officer's review, there is no requirement for confirmation notice following subsequent review by the designated officer.

(5) For active duty military personnel, final written notice of suspension for intoxicated driving will be provided to the individual's chain of command for immediate presentation to the individual.

(6) For non-Department of Defense (DoD) civilian personnel, written notice of suspension for intoxicated driving will normally be provided without delay via certified mail. If the person is employed on Fort Wainwright, such notice will be forwarded through the military or civilian supervisor. When the notice of suspension is forwarded through the supervisor, the person whose privileges are suspended will be required to provide written acknowledgment of receipt of the suspension notice.

(7) Notices of suspension for intoxicated driving will include:

(a) The fact that the suspension can be made a revocation.

(b) The right to request, in writing, a hearing before the Commander or designee to determine if post driving privileges will be restored pending resolution of the charge and that such requests must be made within fourteen (14) calendar days of the final notice of suspension.

(c) The right of military personnel to be represented by counsel at his or her own expense and to present evidence and witnesses at his or her own expense. The CLO will determine the availability of any local active duty representatives requested.

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

(e) Receive written acknowledgment of receipt to be signed by the individual whose privileges are to be suspended or revoked.

(8) If a hearing is requested, it must take place within fourteen (14) calendar days of receipt of the request. The suspension for intoxicated driving will remain in effect until a decision has been made by the Garrison Commander or designee, but will not exceed fourteen (14) calendar days after the hearing while awaiting the decision. If no decision has been made by that time, full driving privileges will be restored until such time as the accused is notified of a decision to continue the suspension.

(9) A hearing on suspension actions for drunk or impaired driving pending resolution of charges will cover only the following pertinent issues:

(a) Whether the law enforcement official had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle under the influence of alcohol or other drugs.

- (b) Whether the person was lawfully cited or apprehended for a driving under the influence offense.
- (c) Whether the person was lawfully requested to submit his or her blood, breath, or urine in order to determine the content of alcohol or other drugs and was informed of the implied consent policy (consequences of refusal to take or complete the test).
- (d) Whether the person refused to submit to the test for alcohol or other drug content of blood, breath or urine; failed to complete the test; submitted to the test and the result was 0.08 or higher BAC or between 0.05 and 0.08 in violation of the law of the jurisdiction in which the vehicle is being operated; if the jurisdiction imposes a suspension solely on the basis of the BAC level or showed results indicating the presence of other drugs for an on-post apprehension or in violation of state laws for an off-post apprehension.
- (e) Whether the testing methods were valid and reliable, and the results accurately evaluated.
- (10) For revocation actions involving intoxicated driving, the revocation is mandatory on conviction or other findings that confirm the charge (pleas of no contest are considered equivalent to guilty pleas).
- (11) Revocations are effective as of the date of conviction or other findings that confirm the charges. Test refusal revocations will be in addition to any other revocation incurred during a hearing. Hearing authority will determine if revocations for multiple offenses will run consecutively or concurrently taking into consideration if offenses occurred on same occasion or different times, dates. The exception is that test refusal will be a 1-year automatic revocation in addition to any other suspension.
- (12) The notice that revocation is automatic may be placed in the suspension letter. If it does not appear in the suspension letter, a separate letter must be sent, and revocation is not effective until receipt of the written notice.
- (13) Revocations supersede any full or restricted driving privileges that may have been restored during suspension and the resolution of the charges. Requests for restoration of full driving privileges are not authorized; only restricted privileges are considered.

C-8. Administrative Actions Against Intoxicated Drivers

- a. Commanders will take appropriate action against intoxicated drivers. These actions may include the following:
 - (1) A written reprimand, administrative in nature, will be issued to active duty Soldiers in the cases described below. Any general officer, and any officer frocked to the grade of brigadier general, may issue this reprimand. Filing of the reprimand will be in accordance with the provisions of AR 600-3-7.
 - (a) Conviction by courts-martial or civilian court or imposition of non-judicial punishment for an offense of drunk or impaired driving either on or off Fort Wainwright.
 - (b) Refusal to take or failure to complete a lawfully requested test to measure alcohol or drug content of the blood, breath, or urine, either on or off Fort Wainwright, when there is reasonable belief of driving under the influence of alcohol or drugs.
 - (c) Driving or being in physical control of a motor vehicle on post when the BAC is 0.08 percent or higher, irrespective of other charges, or on off post when the BAC is in violation of Alaska State laws.
 - (d) Driving, or being in physical control of a motor vehicle, either on or off Fort Wainwright, when lawfully conducted chemical tests reflect the presence of illegal drugs or legally prescribed medications.
- (2) Commanders will refer Soldiers to the Traffic Safety Office for enrollment in and completion of Remedial Driver Training (RDT).
- (3) Review by the unit commander of the service records of active duty Soldiers apprehended for offenses described in paragraph a, above, to determine if any of the following actions should be taken:
 - (a) Administrative reduction per AR 600-8-19.
 - (b) Bar to reenlistment per AR 601-280.
 - (c) Administrative separation per AR 635-200.

C-9. Army Substance Abuse Program (ASAP)

- a. Commanders will refer military personnel suspected of drug or alcohol abuse for evaluation in the following circumstances:
 - (1) Behavior indicative of alcohol or drug abuse.
 - (2) Continued inability to drive a motor vehicle safely because of alcohol or drug abuse.
- b. Commanders will ensure military personnel are referred to ASAP or other comparable facilities when they are convicted of, or receive an official administrative action for, any offense involving driving under the influence. A first-time offender may be referred to treatment if evidence of substance abuse exists in addition to the offense of intoxicated driving. The provisions of this paragraph do not limit a commander's prerogatives concerning other actions that may be taken against an offender.

c. Active duty personnel apprehended for drunk driving, on or off Fort Wainwright, will be referred to ASAP for evaluation within 5 calendar days to determine if the person is dependent on alcohol or other drugs, which could result in enrollment in treatment in accordance with AR 600-85. A copy of all reports on military personnel and DoD Civilian employees apprehended for intoxicated driving will be forwarded to ASAP.

d. The Employee Assistance Program (EAP) is a program for DoD Civilian employees with substance abuse problems.

e. Army supervisors of DoD Civilian employees apprehended for intoxicated driving will advise employees of ASAP services. DoD Civilian employees apprehended for intoxicated driving while on duty will be referred to ASAP or EAP or a comparable facility for evaluation in accordance with AR 600-85. Commanders will ensure that sponsors encourage Family members apprehended for drunk driving to seek ASAP assistance/evaluation, if available.

f. Fort Wainwright driving privileges of any person who refuses to submit to, or fails to complete, chemical testing for BAC when apprehended for intoxicated driving, or convicted of intoxicated driving, will not be reinstated unless the person successfully completes either an alcohol education or treatment program sponsored by Fort Wainwright, state, county, or municipality, or other program evaluated as acceptable by the Commander.

C-10. Restoration of Driving Privileges/Acquittal of Intoxicated Driving

a. The suspension of driving privileges for military and DoD Civilian personnel or non-US Government affiliated civilian personnel shall be restored if a final disposition indicates a finding of not guilty, charges are dismissed or reduced to an offense not amounting to intoxicated driving, or where an equivalent determination is made in a non-judicial proceeding. The following are exceptions to the rule in which suspensions will continue to be enforced:

b. The preliminary suspension was based on refusal to take a BAC test.

c. The preliminary suspension resulted from a valid BAC test (unless disposition of the charges was based on invalidity of the BAC test). In the case of a valid BAC test, the suspension will continue, pending completion of a hearing as specified in this regulation. In such instances, the individual will be notified in writing that the suspension will continue and of the opportunity to request a hearing within fourteen (14) calendar days.

(1) At the hearing, the arrest report, the Garrison Commander's report of official disposition, information presented by the individual, and such other information as the hearing officer may deem appropriate will be considered.

(2) If the hearing officer determines by preponderance of evidence that the individual was engaged in intoxicated driving, the revocation will be for one year from the date of the original preliminary suspension.

d. The person was driving or in physical control of a motor vehicle while under a preliminary suspension or revocation.

e. An administrative determination has been made by the State of Alaska, or other state licensing authority to suspend or revoke driving privileges.

f. The individual has failed to complete a formally directed substance abuse or command directed remedial driving training program.

C-11. Restricted Driving Privileges or Probation

a. Requests for restricted driving privileges subsequent to suspension or revocation of Fort Wainwright driving privileges will be referred to the Garrison Commander or designee, except for intoxicated driving cases. Withdrawal of restricted driving privileges is within the Garrison Commander's discretion.

b. Probation or restricted driving privileges will not be granted to any person whose driver's license or right to operate motor vehicles is under suspension or revocation by a state or federal licensing authority. Prior to application for probation or restricted driving privileges, a state or federal driver's license or right to operate motor vehicles must be reinstated. The burden of proof for reinstatement of driving privileges lies with the person applying for probation or restricted driving privileges. Revocations for test refusals shall remain.

c. With the exception of intoxicated driving cases, the Garrison Commander or designee may grant restricted driving privileges or probation on a case-by-case basis provided the person's state driver's license or right to operate motor vehicles remains valid to accommodate any of the following reasons:

- (1) Mission requirements.
 - (2) Unusual personal or Family hardships.
 - (3) Delays exceeding ninety (90) days, not attributed to the person concerned, in the formal disposition of an apprehension or charges that are the basis for any type of suspension or revocation.
 - (4) When there is no reasonably available alternate means of transportation to officially assigned duties. In this instance, a limited exception can be granted for the sole purpose of driving directly to and from the place of duty.
- d. The terms and limitations on a restricted driving privilege (for example, authorization to drive to and from place of employment or duty, or selected Fort Wainwright facilities such as medical, commissary, and or other facilities) will be specified in writing and provided to the individual concerned. Persons found in violation of the restricted privilege are subject to revocation action.
 - e. The conditions and terms of probation will be specified in writing and provided to the individual concerned. The original suspension or revocation term in its entirety may be activated to commence from the date of the violation of probation. In addition, separate action may be initiated based on the commission of any traffic, criminal, or military offense that constitutes a probation violation.
 - f. Any DoD employees or contractors, who can demonstrate that suspension or revocation of Fort Wainwright driving privileges would constructively remove them from employment, may be given a limiting suspension/revocation that restricts driving on Fort Wainwright or activity to the most direct route to and from their respective work sites (see 5 USC 23, section 2302(b)(10) and DoDI 6055.04). This is not to be construed as limiting the Commander from suspension or revocation of on-duty driving privileges or seizure of OF 346 (U.S. Government Motor Vehicle Operators Identification Card) even if this action would constructively remove a person from employment in those instances in which the person's duty requires driving from place to place on Fort Wainwright.

C-12. Extensions of Suspensions and Revocations

- a. Driving in violation of a suspension or revocation imposed under this regulation will result in the original period of suspension or revocation being increased by two years. In addition, administrative action may be initiated based on the commission of any traffic, criminal, or military offenses, for example, active duty military personnel driving on Fort Wainwright in violation of a lawful order.
- b. For each subsequent determination within a 5-year period that revocation is authorized under this regulation, military personnel, DoD Civilians, contractors, and NAF employees will be prohibited from obtaining or using an OF 346 for six months for each such incident, a determination whether DoD Civilian personnel should be prohibited from obtaining or using an OF 346 will be made in accordance with the laws and regulations applicable to DoD Civilian personnel. This does not preclude a commander from imposing such prohibition for a first offense, or for a longer period of time for a first or subsequent offense, or for such other reasons as may be authorized.
- c. The Commander may extend a suspension or revocation of driving privileges on personnel until completion of an approved remedial driver training course or alcohol or drug counseling programs after proof is provided.
- d. The Commander may extend a suspension or revocation of driving privileges on DoD Civilian or non-US Government affiliated civilian personnel convicted of intoxicated driving on Fort Wainwright until successful completion of a state or Fort Wainwright-approved alcohol or drug rehabilitation program.

C-13. Reinstatement of Driving Privileges

Reinstatement of driving privileges will not be automatic. In order for an operator to regain their privilege to operate a motor vehicle on Fort Wainwright, they must submit a request, in writing, to the Commander through the Consolidated Legal Office. This request must contain proof that the individual suspended has obtained a valid driver's license. Service members who have had their driving privileges suspended must submit the request through their chain of command.

Glossary

Section I: Abbreviations

AAC - Alaska Administrative Code

ACT - Active

ADL - Alaska Driver's License

APSIN - Alaska Public Safety Information Network

AS - Alaska Statute

ASAP - Army Substance Abuse Program

BAT - Breath Alcohol Testing

CAC - Common Access Card

CAIG - Centralized Accident Investigation of Ground Accidents

CAPRI - Carrier Automated Performance Review Information

CFR - Code of Federal Regulations

CLO - Consolidated Legal Office

CRTC - Cold Regions Test Center

CTS - Citation Tracking System

CVB - Central Violations Bureau

CVN - Central Violations Notice

DACP - Department of the Army Civilian Police

DES - Directorate of Emergency Services

DFMWR - Directorate of Family and Morale, Welfare and Recreation

DMV - Department of Motor Vehicles

DoD - Department of Defense

DoDI - Department of Defense Instructions

DPFS - Directorate of Personnel and Family Services

DUI - Driving Under Influence

DWI - Driving While Impaired

FAO - Fairbanks Attorney's Office

FCC - Fairbanks Correctional Center

FPD - Fairbanks Police Department

FYPD - Fort Wainwright Police Department

GOV - Government Owned Vehicle

GSA - General Services Administration

IAW - In Accordance With

LIDAR - Laser Detection and Ranging

MCMIS - Motor Carrier Management Information System

MP - Military Police

NLETS - National Law Enforcement Telecommunications System

NHSPS - National Highway Safety Program Standards

NHTSA - National Highway Traffic Safety Administration

ORV - Off-Road Recreational Vehicle

POV - Privately Owned Vehicle

PPE – Personal Protective Equipment

TAI - Traffic Accident Investigator

TDY - Temporary Duty

UCMJ - Uniformed Code of Military Justice

USAG - U.S. Army Garrison

USC - United States Code

USDOT - U.S. Department of Transportation

Sections II Terms

Bicycle - A vehicle operated solely by pedals or propelled by human power.

Commander - Unless otherwise stated means Commander, US Army Garrison, Fort Wainwright

Driver - Any person who drives or is in actual physical control of a vehicle. A driver is in physical control when in position to control the vehicle, whether to regulate or restrain its operation or movement (i.e., sitting in a parked car behind the steering wheel, keeping it in restraint or in a position to control its movement.). The word "driver" is interchangeable with the word "operator."

Driver's License - A license to operate a vehicle under the laws of a state, the District of Columbia, a U.S. territory, or under international agreements (international driver's license.) And authorized under Alaska Statute 28.15.0 11 "Drivers Must Be Licensed" Also, a vehicle operator's permit issued by an agency of the U.S. Government, or an overseas command.

Driving Privilege - The privilege extended by the Commander to a person permitting the operation of a motor vehicle within the limits of Fort Wainwright.

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

Intoxicated Driving - Includes one or more of the following:

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

Law Enforcement Officer - Persons under the supervision of or working in conjunction with the FWPd who are authorized to direct, regulate, and control traffic or to apprehend, arrest or cite violators of laws and regulations. They are usually identified as Fort Wainwright Police, Alaska State Troopers, and Armed Security Guards.

Motor Vehicle - Any motorized vehicle manufactured primarily for use on public streets, roads, and highways. Any motorized vehicle used for the purposes of construction, manufacturing, or industrial use (i.e., front-end loaders, forklifts, road graders etc.). Any self-propelled, two-wheel, three-wheel or four-wheel vehicle powered by a motorcycle-type engine, based on a motorcycle type frame, steered by a handlebar control, and designed to operate on primary improved roadways. Any motorized vehicle primarily designed for recreational cross-country travel on land, sand, snow, ice, marsh, swampland, or other natural terrain (ATVs, Dirt bikes, Snow machines, Argos, etc.). Any motor vehicle when operated on unimproved roadways.

Moving Violation - A violation of any traffic law, ordinance or regulation while operating a vehicle.

Personal Transportation Device - A powered two or three wheeled vehicles designed to transport but not registered as a motor vehicle, motorcycle, or motor scooter that propels the device at a maximum speed of not more than 60 kilometers per hour on level ground.

Privately-Owned Vehicle (POV) - A vehicle owned, rented, or leased and operated by an individual or non-governmental organization.

Revocation of Driver's License - The termination of a person's license or privilege to operate a motor vehicle on public roadways by formal action of a state. This termination is not subject to renewal or

restoration except that an application may be presented and acted on by the state after the expiration of the revocation period.

Revocation of Driving Privileges - The termination of an individual's privilege to operate a motor vehicle on a military installation by administrative action of the Commander.

Suspension of Driver's License - The temporary withdrawal of a person's license or privilege to operate a motor vehicle on public highways by formal action of the state.

Suspension of Driving Privileges - The temporary withdrawal of an individual's privilege to operate a motor vehicle on a military installation by administrative action of the Commander. Privileges are normally restored automatically on the day after the suspension period ends.

Traffic Accident Investigator (TAI) - Responsible for investigating traffic accidents on Fort Wainwright.

Traffic Laws - All laws, codes, ordinances, and regulations concerning roadway traffic, including regulations on weight, size and type of vehicles and vehicle cargo.

Weapons - Means any firearm as defined by 18 USC 931(3), or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, sword, metal knuckles, or destructive device defined by 18 USC 931(4). Pocket or folding knives with a blade of 6 inches or less; unsharpened ceremonial swords or bayonets used for official uniform or functions are exempt if not wielded in a manner to cause harm.

Unsafe Act - An act or omission in traffic that is hazardous.

Unsafe Condition - Causing or permitting an illegal and possibly hazardous condition regarding:

- a. Highways, roads, or streets used by traffic.
- b. Vehicles used in traffic.
- c. A pedestrian or driver in traffic.

Vehicle - Any mechanical conveyance used for transporting persons or materials.

Vehicle Traffic Accident - An event, intentional or unintentional causing injury or damage and involving one or more moving vehicles.