

**Department of the Army  
Fort A.P. Hill Regulation 190-5**

**Fort A.P. Hill Police Department**

# **Motor Vehicle Traffic Supervision**

**Installation Management Command Headquarters,  
United States Army Garrison  
Fort A.P. Hill  
01 August 2022**

Department of the Army  
Installation Management Command  
Headquarters, U. S. Army Garrison  
Fort A. P. Hill, VA 22427  
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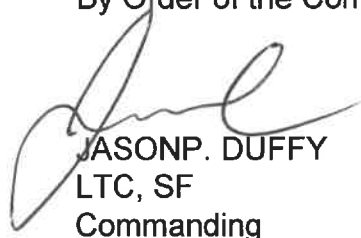
Fort A.P. Hill Regulation 190-5

**Directorate of Emergency Services**  
MOTOR VEHICLE TRAFFIC SUPERVISION

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By Order of the Commander:

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**Summary.** This regulation establishes traffic and vehicle responsibilities for vehicle operators on Fort A.P Hill (FAPH), VA.

**Applicability.** This regulation applies to all residents, units and activities assigned and/or attached to FAPH, including partner activities, and all visitors and personnel traveling on the installation.

**Proponent.** The proponent for this regulation is the Directorate of Emergency Services (DES), Fort A.P. Hill.

**Supplementation.** Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Directorate of Emergency Services, 14115 Montague Road, building 156, Fort A.P. Hill, VA 22427 or by contacting (804) 633-8425.

**Suggested Improvements.** Users are invited to send comments and suggested improvements on DA Form 2028 directly to Chief of Police, Fort A.P. Hill Police Dept., 14115 Montague Rd., BLDG 156, Fort A.P. Hill, VA 22427 or by contacting (804) 633-8299.

**Distribution.** This regulation is distributed solely through the SHARES drive.

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This regulation supersedes FAPH Regulation 190-5 dated 1 February 2021

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## Chapter 1 Introduction

### 1-1. Purpose.

To establish a traffic and vehicle regulation for the Fort A. P. Hill (FAPH) community and to prescribe the responsibilities of vehicle operators while on the installation. For military and civilian personnel, violation of the provisions of this regulation will provide a basis for criminal prosecution under the Uniform Code of Military Justice and/or other applicable laws and regulations.

### 1-2. Scope.

This regulation applies to all garrison staff and activities assigned and/or attached to FAPH including partners and training units, as well as all visitors and personnel operating a vehicle on FAPH.

### 1-3. Policy.

The entry of motor vehicles on FAPH is permitted by the Garrison Commander (GC) under the conditions prescribed by this regulation. **In any case not covered by this regulation, the traffic laws of the Commonwealth of Virginia apply.** In accordance with DoDI 5200.8-R Change 1 dated 27 May 09, after entering this installation, the driver subjects himself/herself and his/her vehicle to search and inspection by law enforcement officials. Accordingly, law enforcement officials may:

Inspect for mechanical condition of any vehicle that is operated on FAPH.

Impound, exclude, or remove from FAPH property, any stolen or abandoned vehicle, or any vehicle operated by a person reasonably suspected of being under the influence of intoxicants and drugs.

Impound or inspect any vehicle for security or for force protection purposes.

### 1-4. Responsibilities.

The privileges of operating a motor vehicle on FAPH will be granted, suspended, or terminated by the GC or his/her designated representative in accordance with the provisions of this regulation.

The Directorate of Emergency Services has the authority for traffic enforcement and is the designated representative for driving privileges, suspension and revocations.

The Administrative Law Division of the Office of the Staff Judge Advocate (OSJA) is the reviewing and hearing authority for all driving privileges suspensions and revocations on FAPH. The GC is the final appellate authority for such actions.

Unit Commanders, directors, principle staff officers and commanders of tenant organizations will:

a. Inform the FAPH DES of any derogatory information pertaining to the registration or driving qualifications of personnel under their command. In the case of civilian personnel, FAPH directors, commanders of tenant organizations and supervisors will furnish information to the FAPH DES.

b. All newly assigned or employed personnel, including personnel on temporary duty for more than three (3) days, are made aware of the contents of this regulation.

## **Chapter 2 Procedures**

### **2-1. Installation Access.**

a. Personnel without a bona fide reason for accessing the installation will be denied access by Department of the Army Security Guards (DASG). Those personnel are authorized to enter the installation will be vetted in accordance with (IAW) Homeland Security Presidential Directive 12, Army Regulation (AR) 190-13, and FAPH Reg 190-13, which also provides additional instructions for escorting personnel and special functions.

b. Personnel found to have violated any installation regulation, state statute, or federal mandate may be escorted off the installation and denied further access, issued a citation, or be barred from the installation.

### **2-2. Stopping, Standing and Parking.**

a. Federal law references: Authority of the government to regulate parking under DoDI 6055.4, "DoD Traffic Safety Program," 20 April 2009, Incorporating Change 2, January 23, 2013; Delegation of Authority to the Secretary of Defense by the Administration, General Services Administration, March 20, 1981; Title 18, United States Code, Section 13.

b. General parking prohibitions.

No person shall park a vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device:

- (1) On a sidewalk.
- (2) In front or within five (5) feet of either side of a public or private driveway.
- (3) Within an intersection.
- (4) Within fifteen (15) feet of a fire hydrant.
- (5) On a crosswalk.

(6) Within twenty (20) feet of a crosswalk at an intersection.

(7) Within twenty (20) feet from the intersection of curb lines (or within fifteen (15) feet of the intersection of property lines where no curb lines exist), where there is No crosswalk at an intersection.

(8) Within thirty (30) feet of any flashing beacon or traffic-control signal located at the side of a roadway, unless a different length is indicated by official signs or markings.

(9) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings.

(10) Within fifteen (15) feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station or rescue squad building, up to 75 feet from the entrance, when properly posted.

(11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.

(12) At any place where official signs prohibit parking.

c. Recreational/Hunting Parking.

(1) Vehicles must be parked on the road shoulder adjacent to the approved drivable road in such a manner that they do not prohibit through traffic, block gates or any trails.

(2) The recreational parking permit must be displayed in such a manner that it can be clearly read from outside of the vehicle.

(3) No vehicles may be parked on exterior state roads to gain access to Controlled Areas (CAs) or Training Areas (TAs).

(4) Any person violating this parking advisement may be warned, cited and fined, have their vehicles towed (at their own expense), or a combination of the penalties listed above.

d. Violations. In case of violation of any parking regulation or provisions of this regulation or other government regulation relative to parking or traffic administration, the police officer who has witnessed such a violation, may issue the accused either a DD Form 1408 or United States District Court Violation Notice (CVB), or if such person is not present, attach a DD Form 1408 or CVB to the vehicle. If the citation is attached to the vehicle, it shall be placed in such a position as to be visible to the operator of the vehicle.

**2-3. Stopping on Highways.**

No person shall stop a vehicle in such manner as to impede or render dangerous the use of the highway by others, except in the case of an emergency, a collision, or a mechanical breakdown. In the event of such an emergency, collision, or breakdown, the emergency flashing lights of such vehicle shall be turned on if the vehicle is equipped with such lights and such lights are in working order. If the driver is capable of doing so and the vehicle is movable, the driver may move the vehicle only so far as is necessary to prevent obstructing the regular flow of traffic. A report of the vehicle's location shall be made to the nearest law enforcement officer as soon as possible. If the vehicle creates a traffic hazard, such removal may be ordered by a law enforcement officer at the expense of the owner.

**2-4. Position of Parked Vehicles.**

No vehicle shall be stopped except close to and parallel to the right edge of the curb or roadway, except that a vehicle may be stopped close to and parallel to the left curb or edge of the roadway on one-way streets, or may be parked at an angle where permitted by the government with respect to streets under its jurisdiction.

**2-5. Stopping, Following, or Parking in Vicinity of Emergency Vehicles on Official Calls.**

No vehicle shall be stopped at or in the vicinity of a fire, vehicle accident or emergency call for service, in such a manner as to create a traffic hazard or interfere with emergency responders, firefighters, rescue workers, or others whose duty it is to respond to such emergencies.

**2-6. Exemption for Maintenance Vehicles.**

The provisions of this regulation shall not apply to any vehicle owned or controlled by the Directorate of Public Works (DPW) or the government while engaged in official duties such as construction, repairs and or maintenance operations.

**2-7. Use of Hazard Lights.**

Motor vehicles, trailers, and semi-trailers, when temporarily stopped on a roadway creating a road hazard will use emergency four way flashers to signal approaching motorists of the existing hazard.

**2-8. Backing to Curb.**

No vehicle shall be backed to a curb, except during the time actually engaged in loading or unloading equipment or merchandise.

**2-9. Parking Vehicle Without Current State License Plate or Decal.**

All vehicles parked on FAPH will be registered and insured unless stored in the Family, Morale, Welfare and Recreation (FMWR) vehicle storage lot.

**2-10. Parking Within the Boundaries of FAPH.**

Parking within the boundaries of FAPH is restricted to residents, guests, and personnel employed on FAPH only. Personnel may not park on the installation unless



they have business on the installation. Overnight parking is prohibited except for residents, guests, and those involved in official business that requires overnight parking. Parking within the boundaries is restricted to automobiles and motorcycles. All other vehicles, mobile homes, watercraft, and trailers are prohibited from parking on FAPH unless stored in the FMWR storage lot.

#### **2-11. Parking by Yellow Curbs.**

No person shall park any vehicle adjacent to a yellow curb.

#### **2-12. Parking for Persons with Disabilities.**

a. A fine may be imposed for parking in a properly marked handicapped parking space without displaying an authorized disabled parking license plate, removable windshield placards, or temporary removable windshield placards issued by the department of motor vehicles. Unauthorized use of a disabled parking plates and or placards, may also result in a fine.

b. No vehicle may be parked in such manner as to block or impede the use of any handicap ramp or accessible crosswalk or building entrance. Vehicles may temporarily stop for the purpose of loading and unloading handicap personnel adjacent to the ramp, however the operator must move such vehicle in a timely manner following loading or unloading of handicap personnel.

#### **2-13. Parking in Fire Lanes**

a. It shall be unlawful for any person to park any vehicle in any fire lane.

b. It shall be unlawful for any person to park any vehicle within fifteen feet (15) of any fire hydrant.

#### **2-14. Unattended, Abandoned or Disabled Vehicles.**

a. Removal of unattended, abandoned or disabled vehicles will be IAW DES PD SOP # 43 Impoundment of Abandoned vehicles.

b. A vehicle may be considered abandoned, if one or more of the following conditions apply to a vehicle found within the boundaries of FAPH:

- (1) No registration.
- (2) Vehicle registration has expired.
- (3) Temporary registration has expired.
- (4) Registration plates of another vehicle are displayed.
- (5) Any unattended vehicle that blocks traffic.

(6) Any vehicle in state of disrepair, unsightly, or that may cause a public safety hazard (i.e., on jack stands, leaking fluids, etc.).

(7) Any vehicle deemed as abandoned by the Traffic Accident Investigations Section, Chief of Police, Director of Emergency Services (DES), or GC.

(8) Any vehicle that has not moved in 5 consecutive days.

(9) Any vehicle disabled by a traffic collision.

### **2-15. Designation of Spaces.**

The GC may designate restricted or reserved parking spaces.

### **2-16. Snow Emergencies.**

During periods of snow and ice emergencies, the GC may close certain or all roads.

### **2-17. Announcement of Parking Prohibition.**

The GC or his/her designee may notify the garrison of parking restrictions via mass alerts, e-mail or through television news channels. Individuals wishing to obtain current base status and road conditions may call the Operational Status Hotline at (804) 633-8600.

### **2-18. Traffic Control Devices.**

a. DPW is responsible for the location of all traffic control devices, signs, and pavement markings on this installation. The DPW is responsible for their preparation and location. All traffic control devices and signs will conform to the manual of Uniform Traffic Control Devices for Streets and Highways, Public Roads Administration, FHWA, under 23 Code of Federal Regulations (CFR), Part 655, Subpart F and FM 19-25, Military Police Traffic Operations.

b. No persons without proper authority will attempt to, or in fact erect, alter, deface, knock down, move any traffic control device, railroad signal or sign.

### **2-19. Traffic Rules for Bicyclists.**

a. Bicyclists are required to obey all traffic signals, signs and devices except when dismounted, at which time the rules pertaining to pedestrians will apply.

b. A bicyclist will ride as near to the right of the roadway as practical, exercising caution when passing a standing vehicle or one proceeding in the same lane.

c. A bicyclist emerging from a driveway or alleyway will come to a complete stop and yield the right-of-way to approaching traffic.

d. Bicyclists will not ride two abreast.

e. A bicycle being used at night will be equipped with a suitable headlight and tail light or red reflector.

f. Every bicycle must be equipped with working brakes.

g. Riding double on a bicycle is prohibited with the exception of tandem built bicycles; however, child carriers are authorized.

h. Bicycle riders will wear an approved helmet and are encouraged to use other protective equipment.

i. Bicyclists are prohibited from wearing headphones or earphones.

j. Bicyclists are required to ride with the flow of traffic and use appropriate hand and arm signals when turning.

### **2-20. In-line Skating/Skateboarding/Hover board/Electric Scooter.**

In-line Skating/Skateboarding and Hover board/ Electric Scooter riding is authorized in recreational areas only.

a. All riders must obey the posted speed limit and directional/traffic signals and signs. Personal protective equipment must be worn at all times, to include a helmet, elbow pads, knee pads, wrist guards, and gloves.

b. In-line skaters/Skateboarders and Hover board/Electric Scooter riders are prohibited from wearing headphones or earphones.

### **2-21. Traffic Rules for Pedestrians.**

a. Pedestrians will obey all traffic control devices unless otherwise directed by law enforcement personnel.

b. No pedestrian will leave a curb or other place of safety and walk or run into the path of a vehicle, which is so close that it is impractical and/or unsafe for the driver to yield.

c. Pedestrians will use crosswalks when available to cross streets. Where sidewalks are not provided, pedestrians will walk on the left side of the roadway facing approaching traffic. Pedestrians walking on roadways where sidewalks are not provided will yield right of way to all traffic upon the roadway.

d. The driver of a vehicle emerging or entering an alley, building entrance, private road or driveway will yield the right of way to any pedestrian approaching any sidewalk extending across such alley, building entrance, road or driveway.

e. Children are prohibited from playing on roadways.

f. All personnel conducting physical training, jogging, running or walking on installation roads and streets are prohibited from wearing headphones or earphones. All personnel conducting physical training, jogging, running or walking on installation roads and streets are required to wear a reflective vest. If conducting physical training in a formation on the installation roads or streets Road Guards are required.

## **2-22. Collisions.**

The operator or owner of a vehicle involved in a collision will stop immediately as close to the scene as possible without obstructing traffic. The operator will:

- a. Render reasonable assistance to any person injured.
- b. Report the collision to law enforcement personnel immediately.
- c. Remain at the scene until released by law enforcement personnel.

d. The driver or owner of any vehicle involved in a collision will give their name, contact information, and vehicle license number, and exhibit their operator's license upon request to any person injured; to any occupant of the vehicle collided with; or to any person acting for such persons.

e. The driver of a vehicle, that has damaged an unattended vehicle will stop immediately, notify law enforcement and attempt to locate the owner. If the owner cannot be located, the driver of the vehicle will place a written notice containing his/her name and contact information in a conspicuous place on the other vehicle.

f. If the collision involves on-duty personnel or Government vehicles or property damage, the collision scene will be left intact pending arrival of law enforcement personnel.

g. If the collision involves two privately owned vehicles, and no government property has been damaged, the drivers may exchange information. Both drivers will provide their name, contact information, vehicle license number and insurance contact information. FAPH Law Enforcement will verify consent of exchange and complete a Raw Data File (RDF) pertaining to the collision. Following the exchange of information, FAPH is relinquished of all criminal or civil actions and all matters are to be handled by the drivers.

## **2-23. Cellular Telephones and Other Communications Devices.**

a. Operator of any vehicle are prohibited from using a cell phone while operating a vehicle, unless the vehicle is safely parked.

b. Operators of motor vehicles are prohibited from wearing portable headphones, earphones, or other listening devices (except for hand-free cellular phones) while operating a motor vehicle while on FAPH 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.

c. Exemptions. Individuals with an official requirement to utilize a mobile radio such as Land Mobile Radio and FM handheld systems are exempt from the requirements of this section.

#### **2.24. Travel Prohibitions.**

In accordance with DODM 6055-09-M-V3.E3.1.1.4.2, Fortune Road beginning at A.P. Hill Drive and extending East past the Ammunition Supply Point (ASP), where the road changes to Campbell drive to the beginning of Wilcox is designated as an "On Post Road" and its use is restricted to:

a. Installation-related personnel (government employees assigned to the installation for duty, to include permanently assigned government employees to tenant activities, as well as permanently assigned contractor personnel performing official government business) in any vehicle.

b. Individuals with a legitimate requirement to access the ASP (Military units receiving or turning-in munitions or personnel either making or taking deliveries of munitions).

c. Military units and other activities who require access to Training Areas (TA) 23B, 23C and or 24A.

d. All other use of Fortune Road or Campbell Road from the ASP to Wilcox Drive is prohibited. Personnel requiring access to Wilcox Barracks or North Range Road are required to use Shackelford Road located approximately 1.5 miles north of Fortune Road on A.P. Hill Drive.

e. Any request to deviate from this policy requires advanced written approval from the Installation Safety Office (ISO) and the GC. Personnel found in violation of this policy may be subject to administrative or disciplinary actions and those individuals without Department of Defense affiliation may subject themselves to losing access to the installation.

#### **2.25. Motorcycles.**

Operators of privately or government-owned motorcycles and mopeds must be currently licensed by civil authorities to drive motorcycles or mopeds on public roadways. Mopeds will not carry passengers unless specifically designed to do so.

a. Motorcycles and mopeds must have headlights turned on at all times.

b. Military personnel must conform to the motorcycle training requirements listed in AR 385-10, The Army Safety Program.

c. All motorcycle or moped operators must wear approved helmets. The helmet will be properly fastened (under the chin) and meet DOT motorcycle safety helmet construction standards.

## **Chapter 3**

### **Driving Privileges**

#### **3-1. Driving Privileges in General.**

Driving on FAPH is a privilege. The DES, as a designee of the GC, may suspend or revoke installation driving privileges for lawful cause. The administrative hearing authority is the OSJA. The final appeal authority is the GC.

#### **3-2. Implied Consent.**

a. Persons who drive on the installation shall be deemed to have given their consent to tests for alcohol or other drug content in their blood, breath, or urine when lawfully stopped, apprehended, or cited for any offense allegedly committed while driving or while in physical control of a motor vehicle on FAPH.

b. Any person granted the privilege to operate or register a motor vehicle on FAPH shall be deemed to have given his/her consent for the removal and temporary impoundment of the POV when it is parked illegally, interfering with military operations, creating a safety hazard, disabled by accident, left unattended in a restricted or controlled area, or abandoned.

#### **3-3. Administrative Actions and the Point System.**

a. All personnel who operate a military or privately owned vehicle within the boundaries of FAPH, to include concessionaires and commercial vehicles or their authorized representatives, are subject to appropriate action for violation(s) of this regulation. FAPH law enforcement officials shall enforce all of the provisions of this regulation and may issue a DD 1408 or CVB for each offense.

b. Violations will incur points against the vehicle operator's driving record. The DES will keep a record of all point violations. See Table 7-1. Upon the accumulation of six points in a six month period, or two parking violations in a 12 month period, the DES will disseminate a warning letter to the driver through command or supervisory channels. If the driver is a non DoD civilian, the letter will be sent via certified mail to the individual's last known address.

c. Administrative action imposed under the provisions of this regulation does not preclude the unit commander, or supervisor in the case of civilian personnel, from initiating appropriate disciplinary action under the Uniform Code of Military Justice or appropriate civilian disciplinary regulations.

d. Any person receiving a CVB may, within 30 days thereafter, pay the fine shown on the violation of the CVB by following the instructions on the Defendant's copy of the CVB. Any person contesting the citation will be notified by mail of the court date,

time and location to appear. Failure to complete one or the other may result in the issuance of a warrant for citation delinquency.

e. The DES will forward all DD Form 1408 citations to the unit commander or agency director for administrative action. Unit commanders and agency directors must respond to the DES, in writing, within thirty (30) days, advising of the action taken.

**Table 7-1. Point System**

Violation	Points Assessed
Reckless driving (willful and wanton disregard for the safety of persons or property).	6
Owner knowingly and willfully permitting a physically impaired person to operate the owner's motor vehicle.	6
Fleeing the scene (hit and run)-property damage only.	6
Driving vehicle while impaired (BAC more than 0.05 percent and less than 0.08 percent).	6
Exhibition of Speed	6
Speed too fast for conditions.	2
Speed too slow for traffic conditions, and/or impeding the flow of traffic, causing potential safety hazard.	2
Failure of operator or occupants to use available restraint system devices while moving (operator assessed points)	2
Failure to properly restrain children in a child restraint system while moving (when child is 8 years of age or younger or the weight	2
One to 10 miles per hour over posted speed limit.	3
Over 10 but not more than 15 miles per hour above posted speed limit.	4
Over 15 but not more than 20 miles per hour above posted speed limit.	5
Over 20 miles per hour above posted speed limit.	6
Following too close.	4
Failure to yield right of way to emergency vehicle.	4
Failure to stop for school bus or school-crossing signals.	4
Failure to obey traffic signals or traffic instructions of an enforcement officer or traffic warden; or any official regulatory traffic sign or device requiring a full stop or yield of right of way; denying entry; or requiring direction of traffic.	4
Improper passing.	4
Failure to yield (no official sign involved).	4
Improper turning movements (no official sign involved).	3
Wearing of headphones/earphones while driving motor vehicles (two or more wheels).	3
Failure to wear an approved helmet and/or reflectorized vest while operating or riding on a motorcycle, MOPED, or a three or four- wheel vehicle powered by a motorcycle-like engine.	3
Improper overtaking.	3
Other moving violations (involving driver behavior only).	3
Operating an unsafe vehicle	2

Driver involved in accident is deemed responsible (only added to points assessed for specific offenses).	1
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### **3-4. Suspension of Driving Privileges.**

DES may suspend installation driving privileges when other remedial measures and training fail to improve a driver's performance. Suspension is a temporary withdrawal of an individual's installation driving privileges, often pending the adjudication of an underlying offense. Suspensions may become revocations upon conviction.

a. Driving privileges may be suspended for any of the following non-DWI circumstances:

(1) Accumulation of three parking tickets (1408, CVB, or any combination of the two) within a one year period (i.e. June 1 2012 to May 31 2013). Suspension will be for up to six months.

(2) Accumulation of 12 driving points in 12 consecutive months or 18 points in 24 consecutive months. Suspension will be for one year. See Table 7-1.

(3) Driving or permitting the operation of an uninsured vehicle in violation of the financial responsibility, or the compulsory insurance law as required by state or local law.

(4) Any felony in the commission of which a motor vehicle was used.

(5) Perjury or making false affidavit or statement under oath to responsible officials under law or regulations relating to the ownership or operation of motor vehicles.

(6) Unauthorized use of a motor vehicle belonging to another, when the act does not amount to a felony.

(7) Commission of an offense off the installation, resulting in the suspension or revocation of the driver's state-issued driving license.

b. Driving privileges will be indefinitely suspended, pending adjudication, for the following DWI-related circumstances:

(1) Driving or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug to a degree which renders the driver incapable of safe driving (0.08 percent or greater blood-alcohol concentration is prima facie indication of being under the influence).



(2) For refusal to submit to or failure to complete chemical tests (implied consent).

(3) When lawfully apprehended for DUI/DWI (on or off-post).

c. The suspension of installation driving privileges or Privately Owned Vehicle (POV) registrations, for lawful reasons unrelated to traffic violations or safe vehicle operation, is not limited to or restricted by this regulation.

### **3-5. Revocation of Driving Privileges.**

a. Upon an individual's conviction for any of the following non-DWI offenses, the DES will revoke the individual's driving privileges for a mandatory term of one year:

(1) Manslaughter (or negligent homicide by vehicle) resulting from the operation of a motor vehicle.

(2) Use of a motor vehicle in the commission of a felony.

(3) Fleeing the scene of an accident involving death or personal injury (hit and run).

(4) Perjury or making a false statement or affidavit under oath to responsible officials relating to the ownership or operation of motor vehicles.

(5) Unauthorized use of a motor vehicle belonging to another, when the act does not amount to a felony.

b. The DES must revoke installation driving privileges for a mandatory period of one year in the following DWI/DUI circumstances:

(1) Upon lawful apprehension for driving while intoxicated, where the driver has failed consent to chemical testing (implied consent).

(2) A conviction, non-judicial punishment, or 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.

c. The DES has discretion to suspend an individual's driving privileges for not less than six months or to revoke an individual's driving privileges for not more than one year in the following circumstances:

(1) Mental or physical impairment (not including alcohol or other drug use) to the degree that renders an individual incompetent to drive a motor vehicle.

(2) Commission of an offense in another state which, if committed on the installation, would be grounds for suspension or revocation.

(3) Permitting an unlawful or fraudulent use of an official driver's license.

(4) Conviction for the offenses of fleeing, or attempting to elude, a police officer or similar offense under the law of any state.

(5) Conviction for racing on the highway.

d. When temporary suspensions result in a revocation, 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.

e. The revocation of installation driving privileges or POV registrations, for lawful reasons unrelated to traffic violations or safe vehicle operation, is not limited to or restricted by this regulation.

### **3-6. Procedures and Administrative Due Process for Suspensions and Revocations (other than DWI or DUI).**

a. Prior to enacting a suspension or revocation, DES must notify the affected driver of the reasons for the suspension or revocation. This notice must offer the affected driver an administrative hearing through the Administrative Law Division (ALD) of the OSJA.

b. Suspension letters for military members shall be forwarded through the chain of command for service on the military member. Suspension letters for family members will be sent by certified mail, return receipt requested, to both the sponsoring member at their current residence and directly to the family member. Suspension letters for civilian employees and civilian contractors will be sent through the government chain of command for service on the individual. Suspension letters for non-DoD affiliated individuals will be sent to the individuals last known address by certified mail, return receipt requested.

c. Suspension letters will include the following information.

(1) That the suspension or revocation takes effect 14 calendar days after receipt.

(2) That the individual may, within 14 calendar days of receipt of the suspension request, in writing, an administrative hearing to review the suspension.

(3) That the request for an administrative hearing will be made to the ALD of the OJSA, providing the contact information for the ALD.

(4) That the request for an administrative hearing will stay the suspension or revocation for 14 calendar days following the request.

d. If, due to action by the Government, a requested hearing is not held within 14 calendar days, the suspension will not take place until such time as the person is granted a hearing and is notified of the result. 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 on receipt of notice that the request for continuance has been granted, and will remain in force pending the hearing

e. The ALD will conduct the hearing. If, at the hearing, the hearing officer determines that the revocation or suspension is warranted, the suspension or revocation will become effective following notice to the individual.

f. If the hearing officer imposes the suspension or revocation, the affected driver may appeal the decision to the GC. Such appeals must be sent through command channels to the GC within 14 days of being notified of the results of the hearing. The suspension or revocation will remain in effect until final resolution of the request.

### **3-7. Procedures and Administrative Due Process for Suspensions (DUI/DWI).**

a. The DES is the action branch for initiating driving suspensions for DUI/DWI.

b. Within three days of receipt of reliable evidence, the DES will provide a letter notifying the offending party that their privilege to drive on FAPH is indefinitely suspended.

c. Suspension shall occur when reliable evidence establishes probable cause to believe an individual operated a vehicle while under the influence of any intoxicant (DUI), to include alcohol or drugs or is driving a vehicle with a Blood Alcohol Content of .08% or higher (DWI). Refusal to submit to a breath or blood alcohol test will result in a mandatory 1-year revocation of driving privileges.

d. Suspension letters for military members shall be forwarded through the chain of command for service on the military member. Suspension letters for family members will be sent by certified mail, return receipt requested, to both the sponsoring member at their current residence and directly to the family member. Suspension letters for civilian employees and civilian contractors will through the government chain of command for service on the individual. Suspension letters for non-DoD affiliated individuals will be sent to the individuals last known address by certified mail, return receipt requested.

e. The suspension letter shall include the following information:

(1) That the suspension takes effect upon receipt and will remain in effect until the final disposition (judicial or non-judicial) of the charges pending against the individual.

(2) That the suspension shall become a revocation for one year if the individual is convicted of DUI or DWI.

(3) That the individual may, within 14 calendar days of receipt of the suspension request, in writing, an administrative hearing to review the suspension.

(4) That the request for an administrative hearing will be made to the ALD of the OSJA, providing the contact information for the ALD.

(5) That the individual has a right to be represented at the hearing at no cost to the government. If the individual is a civilian employee and is a member of a union, that the employee has a right to a representative IAW with the Collective Bargaining Agreement.

(6) That it is the responsibility of individual to notify the DES of the results of the final disposition of his/her case and that failure to do so will keep in place the suspension.

(7) That failure to follow the suspension directives could lead to further disciplinary actions, to include action under the UCMJ for military members, other administrative actions against family members, retirees and retiree family members, to include being barred from the installation, or disciplinary actions against a civilian employee.

(8) Written acknowledgement of receipt signed by the affected individual.

f. Upon receipt of a request for an administrative hearing, the Administrative Law Division must complete the hearing within 14 calendar days. During this time, the driving suspension remains in effect. Hearings shall address only the following issues:

(1) Whether the law enforcement official had reasonable grounds to believe the individual was driving or had control of the vehicle.

(2) Whether the individual was lawfully cited or apprehended for DWI or DUI.

(3) Whether the person was lawfully requested to submit his/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).

(4) 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 showed results indicating the presence of other drugs for an on post apprehension or in violation of State laws for an off post apprehension.

(5) Whether the testing methods were valid and reliable and the results were accurately evaluated.

g. Within seven calendar days, the Hearing Officer will create a memorandum through the OSJA, to the GC with a recommendation for disposition. The GC will make the final determination.

### **3-8. Procedures and Administrative Due Process for Revocations (DUI/DWI).**

a. Revocation of on-post driving privilege for one year is mandatory for any judicial or non judicial conviction for DUI or DWI and for presentation of evidence that the individual refused to provide a breath or blood test to determine their blood alcohol content when ordered to do so by a military or civilian law enforcement officer. There is no right to an administrative hearing after a revocation of driving privileges for DWI/DUI.

b. Upon receipt of reliable information that an individual has received a conviction for DWI/DUI or has refused to provide a breath or blood test to determine their blood alcohol content when ordered to do so by a military or civilian law enforcement officer, DES shall prepare a revocation letter. The letter shall revoke the individual's privilege to drive on-post for one year. Revocations shall not become effective until receipt of the letter.

c. The letter will inform the individual of the term of his/her revocation. In case where the individual is already under privilege suspension, the term of the revocation will begin on the same date as the suspension.

d. The individual may apply for a modification of his/her revocation, in writing, through the ALD of the OSJA. The ALD will present the request to the GC within seven calendar days of receipt. The GC will make the final determination.

### **3-9. Restoration of Driving Privileges Following Acquittal of DWI/DUI Charge.**

The suspension of driving privileges for military and civilian personnel shall be restored if a final disposition indicates a finding of not guilty, the 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:

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

b. The preliminary suspension resulted from a valid BAC test. In the case of a valid BAC test, the suspension will continue, pending completion of a hearing as specified in paragraph 3-7. In such instances, the individual will be notified, in writing, that the suspension will continue and that he/she may request a hearing within 14 calendar days.

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

d. An administrative determination has been made by a state licensing authority to suspend or revoke driving privileges.

e. The individual has failed to complete a formally directed substance abuse or driver's training program.

**3-10. Restricted Driving Privileges and Probation.**

a. Requests for restricted driving privileges in lieu of suspension or revocation must be presented, in writing, to the ALD of the OSJA. The ALD will forward requests to the GC.

b. An individual requesting probation or restricted driving privileges must possess a valid state-issued driving license.

**Appendix A**  
**References**  
**Section I**  
**Required Publications**

**AR 190-5**  
Motor Vehicle Traffic Supervision, 22 May 2006

**DOD Instructions 6055.4**  
Department of Defense Traffic Safety Program, 23 January, 2013

**Section II**  
**Related Publications**

This section contains no entries.

**Section III**  
**Prescribed Forms**

**DD Form 1131**  
Cash Collection Voucher, 1 Dec 2003

**DD For 1408**  
Traffic Ticket, Armed Forces, December 1987

**USDCVN**  
United States District Court Violation Notice, Rev. January, 2019

**DD Form 2504**  
Abandoned Vehicle Notice, 1 May 2000

**DD Form 2506**  
Vehicle Impoundment Report, 1 May 2000

**DD Form 2507**  
Notice of Vehicle Impoundment, 1 May 2000

**DA Form 4137**  
Evidence/Property Custody Document, 1 July 1976

**Appendix B  
Glossary**

**Section I  
Abbreviations**

**ALD**

Administrative Law Division

**CFR**

Code of Federal Regulation

**CVB**

Central Violation Bureau

**DFAS**

Defense Finance and Accounting Service

**DES**

Directorate of Emergency Services

**DPW**

Directorate of Public Works

**DOD**

Department of Defense

**DPW**

Directorate of Public Works

**DRMO**

Defense Reutilization and Marketing Office

**DUI**

Driving Under the Influence

**DWI**

Driving While Intoxicated

**FMWR**

Family, Morale, Welfare, and Recreation

**FAPH**

Fort A.P. Hill



**GC**

Garrison Commander

**GSA**

General Services Administration

**ILC**

Impound Lot Custodian

**ISO**

Installation Safety Office

**OSJA**

Office of the Staff Judge Advocate

**POV**

Privately Owned Vehicle

**Section II**

**Terms**

**Abandoned Vehicles.**

Any vehicle that is not moved within 72 hours, has not had noted deficiencies corrected within the prescribed time (normally 72 hours from notification), and vehicles left unattended on emergency routes or otherwise posing an immediate safety hazard as determined by law enforcement officials.

**Authorized Emergency Vehicles.**

Vehicles operated by the Fire Department, DA Civilian Police, ambulances, explosive ordinance disposal unit, and other emergency vehicles designated or authorized by the GC. All warning lights will be visible from the front for a distance of not less than 300 feet when activated.

**Cycles.**

Any vehicle propelled by other than human power, including motorcycles, motor scooters, and motor driven bicycles, having a seat or saddle for use by the operator, and so constructed to use not more than three wheels (regardless of diameter), excluding a tractor, in contact with the surface traveled upon and any four-wheeled vehicle weighting less than 500 pounds and equipped with an engine of less than six horsepower.

**Bicycles.**

Only those devices propelled by human power, having two or more wheels and a seat height of more than 25" from the ground when adjusted to its maximum height. A bicycle will be considered a vehicle when operated upon a roadway.

**Reflective Sticker.**

A reflective sticker, bearing letters and numbers, for display on a motor vehicle.

**License to Operate Motor Vehicles.**

Any official permit, license, or other documents issued under the laws of any state, any territory of the United States, or by any agency of the United States Government, evidencing by possession thereof, that the bearer has qualified as an operator of a specific type vehicle within the category of motor vehicles.

**Local Streets.**

All streets designated as other than arterial and collector streets on the comprehensive plan of the government.

**No Thoroughfare Streets (Restricted Area).**

All streets so designated are limited exclusively to use by residents of such areas, by visitors to residents of such areas, by commercial service representatives permitted to serve or called by residents of such areas, or by authorized persons working or training in such areas.

**Official Sign.**

A sign that meets the standard set forth by the Uniform Manual of Traffic Control Devices and is posted by the Department of Public Works or law enforcement officials.

**On-Post Driving Privileges.**

The privilege to operate any privately owned vehicle on the installation granted by the GC.

**Operator-Driver.**

Any person engaged in driving, operating, steering, or otherwise exercising physical control over any vehicle, whether propelled by human power or by other means. This includes persons controlling a vehicle while it is being pushed or towed, regardless of where such control is exercised.

**Parking-Standing.**

The halting of any vehicles, other than temporarily, while actually engaged in loading or unloading merchandise or passengers, whether or not the vehicle is occupied.

**Pedestrian.**

Any person afoot, including members of a military formation, upon any sidewalk, crosswalk or roadway, whether alone or in a group.

**Point System.**

An administrative aid for evaluating driving performance by assessment of weighted point values for traffic violations.

**Privately Owned Vehicle (POV).**

Those vehicles belonging to individuals (who hold the legal title), firms, co-partnerships, associations, companies, corporations, or other legal entities, which may be transported or drawn upon a highway, except devices moved by human power. Vehicles belonging to US Government military forces or other US agencies are not POV.

**Public Property.**

Property owned by the government that has been dedicated to public use and to which the general public is generally permitted.

**Recreational Vehicle.**

Any vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, self-propelled or permanently towable by a light duty truck, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.

**Registration Certificate.**

A certificate or other document issued under the laws of any State, any territory of the United States, or by any agency of the United States Government, evidencing by possession thereof that a specific vehicle is registered lawfully and for the period specified on such certificate or document.

**Registration Plate (State License Tag).**

A plate, sign, or other device bearing either numbers or letters and numbers for display on the front and/or rear of a specific vehicle to indicate it is property registered with the respective state motor vehicle office.

**Reservation.**

The terms "reservation" and "installation" when used in this regulation will apply to the entire area within the recorded boundaries of the FAPH and all roadways and streets located therein to include concurrent jurisdiction areas.

**Revocation or Suspension and Registration/Termination of On-Post Driving Privileges.**

The withdrawal by proper authority of any vehicle's registration (post); such action immediately terminates the registrant's privilege to operate a vehicle on FAPH installation.

**Right-of-Way.**

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

**Roadway.**

That portion, exclusive of the berms, curbs, or shoulders of every street, road and highway intended and constructed for vehicular traffic.

**School Bus.**

Any motor vehicle other than station wagon, automobile, truck, or commercial bus, used for the transportation of school children, bearing markings indicating and painted yellow for the purpose for which used.

**Snow Emergency Push Area.**

Those streets marked as such in accordance with the provisions of this regulation.

**Snow Emergency Route.**

Those streets marked as such in accordance with the provisions of this regulation.

**Snow Tires.**

Any tires mounted on drive wheels of motor vehicles which are especially designed to give effective traction on snow, mud or ice covered streets, by means of radial tire construction or extra-heavy-duty treads with special high-traction patterns; except that no tire so defined shall be construed to be a snow tire if it is damaged or worn to the extent that its performance would be substantially impaired.

**Stop.**

The complete cessation of all movement.

**Tire chains.**

Any metal chains mounted on drive wheel tires of motor vehicles, which cross the tread of each tire laterally in at least three different places.

**Traffic.**

Pedestrians, vehicles, and conveyances while traveling on a roadway/highway, either singularly or in groups.

**Trailer.**

Any vehicle on wheels, not powered by any type of internal combustion engine or electric motor, of any design which is used or may be used for commercial or private hauling or storage purposes and is intended to be towed or attached to a motor vehicle, not including watercraft trailers, and travel trailers.

**Travel Trailer.**

A vehicle designed to provide temporary living quarters of such size or weight as not to require special highway movement permits when towed by a motor vehicle and having a gross trailer area less than 320 square feet.

**Vehicle-Motor Vehicle.**

Every device, in, upon, or by which any person or property is or may be transported or drawn upon highway, excepting devices moved by human power and any structure designed for loading on to or off of a motor vehicle to provide a mobile dwelling.

**Visitor.**

Persons within the boundaries of the installation for short periods of time who are a guest of, or visitor to, activities or persons assigned to FAPH and who are without official affiliation or commercial interest therein, including retired military personnel, sightseers, and military dependents whose sponsors are stationed elsewhere, but excluding those persons in the process of reporting to or departing an assignment to FAPH.

**Watercraft Trailer.**

Any new or used trailer specifically designed to carry a watercraft or a motorboat.