

CHAPTER I: TRAVEL AND TRANSPORTATION

I. REFERENCES

A. Government/Executive Branch

1. 31 U.S.C. § 1344, Passenger carrier use.
2. 31 U.S.C. § 1349, Adverse personnel actions [for fiscal impropriety or misuse of Government transportation].
3. 10 U.S.C. § 2632, Transportation to and from certain places of employment and on military installations.
4. 10 U.S.C. § 2637, Transportation in certain areas outside the United States.
5. 18 U.S.C. § 641, Public money, property, or records.
6. 41 C.F.R. Part 102-5, Home-To-Work Transportation.
7. Federal Acquisition Regulation.¹
8. 41 C.F.R. Part 102-34 (Motor Vehicle Management).
9. Office of Management and Budget (OMB) Circular² A-126, Revised, "Improving the Management and Use of Government Aircraft," May 22, 1992. Note: Portions of this policy have been paused by [M-17-26, Reducing Burden for Federal Agencies by Rescinding and Modifying OMB Memoranda](#), issued June 15, 2017.

B. Department of Defense³ (and Higher Executive Agencies).

1. DoD Directive 4500.09, Transportation and Traffic Management, December 27, 2019, Incorporating Change 1, October 21, 2022.

¹ The FAR is available at <https://www.acquisition.gov/far/>

² OMB Circulars are available in html format at <https://www.whitehouse.gov/omb/information-for-agencies/circulars/>

³ DoD Directives, Instructions, and Regulations can be found at <https://www.esd.whs.mil/DD/>

2. DoD Instruction 4500.36, Acquisition, Management, and Use of Non-Tactical Vehicles, February 1, 2023.
3. DoD Manual 4500.36, Acquisition, Management, and Use of DoD Non-Tactical Vehicles, July 7, 2015, Incorporating Change 1, December 20, 2018.
4. DoD Directive 4500.56, DoD Policy on the Use of Government Aircraft and Air Travel, 14 April 2009, Incorporating Change 5, April 3, 2019.
5. DoD Instruction 4515.13, Air Transportation Eligibility, January 22, 2016, Incorporating Change 6, March 2, 2022.
6. DoD Instruction 1015.15, Establishment, Management, and Control of Nonappropriated Fund Instrumentalities and Financial Management of Supporting Resources, October 31, 2007, Incorporating Change 1, March 20, 2008.
7. Administrative Instruction 109, Use of Motor Transportation and Scheduled DoD Shuttle Service in the Pentagon Area, March 31, 2011, Incorporating Change 2, February 22, 2022.

C. Joint Publications

The Joint Travel Regulations (JTR)⁴

D. Department of the Army⁵

1. Army Directive 2017-05, Secretary of the Army Policy for Travel by Department of the Army Senior Officials, 18 January 2017, [hereafter “SecArmy Travel Policy”].
2. Army Directive 2020-14, Army Spouse Travel, 23 October 2020.
3. AR 58-1, Management, Acquisition, and Use of Administrative Use Motor Vehicles (23 March 2020).
4. AR 95-1, Flight Regulations (22 March 2018).
5. AR 360-1, The Army Public Affairs Program, Ch. 5, Public Affairs Resourcing (8 October 2020).

⁴ The Joint Travel Regulations are available at <https://www.travel.dod.mil/Policy-Regulations/Joint-Travel-Regulations/>

⁵ Army regulations are available at <https://armypubs.army.mil/>

6. AR 600-8-105, Military Orders (20 December 2022) (authority to issue travel orders).

E. Department of the Air Force⁶

1. DAFPD 24-6, Distribution and Traffic Management (12 October 2022).
2. AFD 24-3, Management, Operations, and Use of Transportation Vehicles (14 December 2017).
3. DAFI 24-602V1, Passenger Movement (15 December 2020).
4. AFI 24-301, Ground Transportation (22 October 2019).
5. AFI 65-106, Appropriated Fund Support of Morale, Welfare, and Recreation (MWR) and other Nonappropriated Fund Instrumentalities (NAFIs) (15 January 2019).

F. Department of the Navy⁷

1. OPNAVINST 4610.8H Transportation and Traffic Management (18 September 2017).
2. OPNAVINST 4630.25E Government Air Transportation Eligibility (18 September 2017).
3. OPNAVINST 4650.15C CH-1 Navy Passenger Travel (22 Sep 2020).

II. APPLYING ETHICAL PRINCIPLES TO TRAVEL

A. Applicable General Principles (Executive Order 12731, 55 FR 42547).

1. *Principle #7*: Public office may not be used for private gain.

⁶ Air Force regulations are available at <https://www.e-publishing.af.mil/>

⁷ Navy regulations are available at <https://www.secnav.navy.mil/doni/opnav.aspx>

2. *Principle #8*: Government employees shall act impartially and shall not give preferential treatment to anyone.
3. *Principle #9*: Employees shall protect and conserve Federal property and shall use it only for authorized activities.
4. *Principle #10*: Employees shall not engage in outside activities that conflict with official Government duties and responsibilities.
5. *Principle #14*: Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards.

B. Travel Applications

1. Passenger Carriers may only be used for official purposes.

*Funds available to a Federal agency, by appropriation or otherwise, may be expended by the Federal agency for the maintenance, operation, or repair of any passenger carrier only to the extent that such carrier is used to provide transportation for **official purposes**.*

-- 31 U.S.C. § 1344

2. Only persons who are “legitimately performing a direct service for the Government” can be authorized to use Government owned or funded transportation assets. Exceptions for other travelers should be granted only when legally permissible and there is no impact on the Government’s cost or mission.⁸

-- 5 U.S.C. § 5703

3. Government transportation should be scheduled and arranged to be the most cost-effective for the Government, not to maximize the personal convenience of the traveler.
4. Government transportation rules must be applied uniformly and not to selectively benefit someone solely because of rank or position.

Transportation by DoD NTVs is prohibited when the justification is based solely on reasons of rank, position, prestige, or personal convenience.

⁸ See also Use of Appropriations to Pay Travel Expenses of International Trade Administration Fellows, 28 Op. O.L.C. 269, 275 (2004) citing Memorandum for Michael E. Shaheen, Jr., Counsel, Office of Professional Responsibility, from Robert B. Shanks, Deputy Assistant Attorney General, Office of Legal Counsel, Re: Use of Department of Justice Vehicles by Attorney General’s Spouse (Jan. 23, 1984).

III. AIR TRAVEL: GOVERNMENT AIRCRAFT

- A. Travel Categories OMB Circular A-126 establishes 3 categories of travel on Government aircraft.
1. Required Use Travel. Required use means use of a government aircraft for the travel of an Executive Agency officer or employee, where the use of the government aircraft is required because of bona fide communications or security needs of the agency or exceptional scheduling requirements. OMB Cir. A-126, Para. 5d
 2. The following officials are “required use” passengers for both official and unofficial travel per DoDD 4500.56, para. 2b:
 - (a) Secretary of Defense
 - (b) Deputy Secretary of Defense
 - (c) Chairman, Joint Chiefs of Staff
 - (d) Vice Chairman of the Joint Chiefs of Staff (unofficial travel authorized only when acting as the Chairman)
 3. The following officials are “required use” passengers only for official travel:
 - (a) The Secretaries of the Military Departments;
 - (b) Chiefs of the Military Services;
 - (c) Commander, International Security Assistance Force – Afghanistan (US Only);
 - (d) Commander, United States Forces Korea;
 - (e) Commanders of the Combatant Commands;
 - (f) Under Secretary of Defense for Intelligence; and
 - (g) Under Secretary of Defense for Policy.
 - (h) In accordance with Deputy Secretary of Defense memorandum, Subj:

Exception to Policy for Tier Two Travel Status Under DoD Directive 4500.56, “DoD Policy on the Use of Government Aircraft and Air Travel,” dated August 22, 2018, the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense (Comptroller), and the Under Secretary of Defense for Personnel and Readiness have been designated Tier Three Travelers for official travel.

4. Within the Department of the Army, only the Secretary of the Army and Chief of Staff of the Army are designated for “required use” of government transportation, a.k.a., military aircraft (MILAIR) for air travel when on official business in an official duty status, in accordance with DoD Directive 4500.56 and SecArmy Travel Policy.
5. Other Official Travel. DoDD 4500.56, Enclosure 3, para. 3.
 - a. Other official travel is normally accomplished using commercial transportation and is for conducting of DoD official business.
 - b. Other official travel may include travel to address matters such as giving speeches, attending conferences or meetings, making site visits to facilities, and permanent change of station.
 - c. Government aircraft shall not be approved for other official travel if commercial airline or aircraft (including charter) service is reasonably available; i.e., commercial airline or airlift service is available to effectively fulfill the mission requirement and is able to meet the traveler’s departure and arrival requirements in a 24-hour period, unless highly unusual circumstances present a clear and present danger, an emergency exists, use of government aircraft is more cost-effective than commercial air, or other compelling operational considerations make commercial transportation unacceptable.
 - d. Requesters must determine and document whether commercial service is reasonably available. To determine that commercial service is not reasonably available, the traveler must clearly demonstrate that a valid official reason for the use of government aircraft exists, other than for personal convenience.
 - e. By combining separate government aircraft requests to fully utilize aircraft, government aircraft costs for separate travel requests can be lowered and may compare more favorably with costs associated with commercial air travel. That cost comparison will be evaluated by the centralized airlift scheduling office when cost is part of the decision process to provide government aircraft. See GSA City Pairs Program and JTR 020206-M concerning commercial contract carriers for cost comparison for government travelers.
 - f. Additionally, Government Aircraft may be authorized when:
 - (a) Highly unusual circumstances present a clear and present danger or other

emergency exists.

- (b) The cost of using Government Aircraft is more cost effective than the cost of commercial air service.
 - (c) Other compelling operational considerations make commercial transportation unacceptable.
- g. Determine if the actual cost of using a Government aircraft is less than the cost of using commercial airline or aircraft (including charter) service. OMB Cir. A-126, para. 8a.
- (a) Cost Analysis. DoDD 4500.56, Enclosure 3, para. 3.c.
 - (a) Use flying hour (including any positioning or repositioning flying hours) cost data.
 - (b) Compare it to the total cost for the party to use commercial air travel at available coach fare rates.
 - (c) In determining the commercial costs, the cost of rental cars, the cost of lodging and meals if the party must remain overnight, and other such appropriate factors may be considered.
 - (d) By combining separate government aircraft requests to fully utilize aircraft, government aircraft costs for separate travel requests can be lowered and may compare more favorably with costs associated with commercial air travel. That cost comparison will be evaluated by the centralized airlift scheduling office when cost is part of the decision process to provide government aircraft. Authorizing officials may provisionally approve a request on the basis that, if consolidated with another request(s), it is determined to be cost-effective.
 - (e) When an aircraft has been scheduled to satisfy a mission requirement, secondary use of that aircraft for other official travel does not require a cost comparison.

6. Unofficial Travel. DoDD 4500.56, Enclosure 3, para. 4.

- a. Unofficial travel includes travel by a family member, non-DoD civilian, or non-Federal traveler when accompanying a senior DoD or other Federal official who is traveling on government aircraft on official business.
- b. Unofficial travel is not authorized on government aircraft unless the aircraft

already is scheduled for an official purpose; the noninterference use does not require a larger or additional aircraft than needed for the official purpose; official travelers are not displaced; it results in negligible additional cost to the Government; and the Government is reimbursed at the full coach fare.

- c. Note that this is NOT the same as space available travel as addressed in DoD 4515.13, "Air Transportation Eligibility," Section 4.
- d. Travelers accompanying a DoD official on government aircraft, including family members or other invited guests, shall reimburse the Government for any unofficial travel at the full coach fare. Travel is reimbursable at the full coach fare (i.e., a coach fare available to the general public on the day that the travel was planned and the day the travel occurred, including restricted fares, provided the traveler would otherwise be able to satisfy the restrictions associated with the particular fare if traveling by commercial air).
- e. Travel must be approved in advance, in writing, on a case-by-case basis. DoDD 4500.56.

B. Check for Special Rules.

- 1. Rotary-wing Aircraft. DoDD 4500.56, Para. 4.k. Rotary-wing aircraft will be used only when the use of ground transportation would have a significant adverse impact on the ability of a senior official to effectively accomplish the purpose of the official travel. This policy applies to all officers and employees of the Department of Defense.

IV. AIR TRAVEL: SPOUSE

- A. GENERAL RULE: the spouse of an authorized traveler (the DoD Sponsor) may not travel on government aircraft without reimbursing the government for such travel. DoDD 4500.56, Enclosure 3, para. 5.

B. EXCEPTIONS:

- 1. Nonreimbursable Spousal Travel under DoDD 4500.56, Enclosure, para. 5. The Directive provides for an exception to the general rule. In each instance, the DoD Sponsor must determine in advance that, in his or her judgment under the circumstances, the spouse's presence would further the interest of DoD, the Military Service or the Command. Nonreimbursable spousal travel on government aircraft is permitted when the spouses travels to:

(1) Attend a function in which the DoD Sponsor is participating in his or her official capacity and in which the spouse is to address those assembled or otherwise play an active role and visible part;

2. (2) Attend a function (with or without the DoD sponsor) attended by spouse of community leaders, government officials, foreign dignitaries, or foreign military officers with whom the Sponsor is meeting in his or her official capacity; or
3. (3) Attend a function (with or without the DoD sponsor) where a substantial portion of those present are military families or the focus is on matters of particular concern to military families.
4. Nonreimbursable travel should be at no additional cost to the government and is generally permitted only when the spouse is accompanying the DoD Sponsor on government aircraft. This exception is not intended as new or additional authority to expend appropriated funds on commercial air travel.
5. Approval of nonreimbursable travel on government aircraft when the spouse is traveling for an official purpose requires the exercise of good judgment in application. Good judgment would counsel against nonreimbursable spousal travel if: the official function that the spouse is to attend is an incidental part of the trip or the spouse will be occupied primarily with personal activities; or travel to an official function is immediately preceded or followed by persons in the same local.
6. Travel is allowed on a mission noninterference basis only, must be supported with an ITA, which shall authorize reimbursement of travel costs only, not per diem and other expenses under the Joint Federal Regulation.
7. *Funded Travel*: A spouse of a member's travel may be approved if the travel is the result of "legitimately performing a direct service for the Government" then such travel can be justified on a basis that is *independent* from their status as a spouse. *See* JTR, paragraph 0305 for examples and further guidance. When the spouse is approved for travel on an independent basis, he/she may be eligible for per diem, as well as travel expenses.
8. *Unofficial Travel/Non-interference Travel* on Government aircraft. DoDD 4500.56, Enclosure 3, para. 4; OMB Circular A-126, 8b. & 9c. Spouses may accompany their sponsors on official business in a Government aircraft on a space-available basis⁹ when the spouse is traveling unofficially only when:
 - a. the aircraft is already scheduled for an official purpose;
 - b. the noninterference use by the spouse does not require a larger or additional aircraft than needed for the official purpose;
 - c. official travelers are not displaced;
 - d. it results in negligible additional cost to the Government;

⁹ This category of travel differs from the space available privilege in DoDI 4515.13 "Air Transportation Eligibility." For this travel, the non-Federal traveler MUST be accompanied by the person on official travel.

- e. and the Government is reimbursed at the full coach fare
 - (a) The senior DoD official shall attach to his or her travel voucher and a personal check made payable to the Treasurer of the United States.
 - (b) The official shall also include a travel office printout that reflects the full coach fare.

C. Spousal Air Travel Approval Authorities (requests routed through command channels). See JTR, Table 3-2.1.

V. AIR TRAVEL: CONTRACTOR RULES

- A. The JTR does not apply to contractor employees under a DoD contract for anything other than personal services. See JTR, page Intro-1. Contractors cannot be issued ITAs. See JTR, 030501-D.6; and FAR § 31.205-46.
 - 1. Travel costs of Government contractors and contractor employees are governed by the rules in the Federal Acquisition Regulations as a contract expense.
 - 2. Government contractors and contractor employees are not Government employees and are not eligible under any circumstances for city pair airfares.
 - 3. Generally, travel related items restricted to Government employees may not be given to contractors. Some travel service providers voluntarily give special rates, however.
 - a. Discount Rail Service.
 - (a) AMTRAK voluntarily offers discounts to Federal travelers on official business.
 - (b) These discounted rates may be extended to eligible contractors traveling on official Government business.
 - b. Discount Hotel/Motel Practices.
 - (a) Several thousand lodging providers extend affiliation discount-lodging rates to Government employees and other groups like

veterans.

(b) Many extend a discount rate to eligible contractors traveling on official Government business.

c. DoD Car Rental Practices.

(a) The DoD manages the U.S. Government Rental Car Agreement which includes special benefits and protections for Government employees traveling for official Government business. See <https://www.travel.dod.mil/Programs/Rental-Car/>

(b) Some car rental companies offer separate affiliation discount rates to eligible Government contractors at the vendor's option, with appropriate identification from the contracting DoD component.

4. Vendor requirements.

a. The entity providing the service may require that the Government contractor furnish a letter of identification signed by the authorizing DoD component's contracting officer.

b. A letter of identification might look like this:

OFFICIAL AGENCY LETTERHEAD
TO: Participating Vendor
SUBJECT: Official Travel of Government Contractor
<p>(FULL NAME OF TRAVELER), the bearer of this letter, is an employee of (COMPANY NAME) which has a contract with this agency under Government contract (CONTRACT NUMBER). During the period of the contract (GIVE DATES), AND ONLY IF THE VENDOR PERMITS, the named bearer is eligible and authorized to use available travel discount rates in accordance with Government contracts and/or agreements. Government Contract City Pair fares are not available to Contractors.</p>
SIGNATURE,

5. DoD Component Responsibilities.

- a. Book travel to the maximum extent possible through DoD’s travel systems like DTS, MyTravel, etc. See JTR, 010205.
 - b. Ensure that authorized contractors know how to obtain this information. See <https://www.travel.dod.mil/>
- B. Defense contractors, who are civilian employees of commercial concerns under contract to the DoD, may sometimes fly on Government aircraft.
- 1. Defense contractor personnel. DoDI 4515.13, Section 3, Space-Required Passenger Transportation, section 3.6, para. k.
 - a. When there is a contractual requirement for the DoD to provide transportation services.
 - (a) Defense contractor personnel providing services under a contract with DoD will receive a letter of authorization for DoD funded transportation from their contracting officer or his or her representative, pursuant to DoDI 3020.41, “Operational Contract Support.” ITAs may not be issued for defense contractor employees. The LOA must contain a statement that commercial transportation is not available, obtainable, or capable of meeting the transportation requirement.
 - (b) The LOA will include the prime contract number, sub-contract number, emergency phone contact number, and DoD appropriation or DoD customer identification code (CIC) to be charged for services when travel is chargeable to DoD. Transportation is chargeable at the USG DoD rate tariff.
 - (c) **Traveler-funded**, space-required, round-trip travel aboard DoD aircraft is authorized when defense contractor personnel are stationed OCONUS and travel from CONUS, Alaska or Hawaii to the OCONUS duty assignment when issued an LOA for which emergency leave could be granted to a Service member. Space-required travel is authorized from the overseas areas to the CONUS when no change of aircraft or mission is involved, and between overseas areas. This does not apply to personal services contracts.
 - (d) Otherwise, CONUS travel is **not authorized**.¹⁰

¹⁰ Individuals traveling to or from an overseas location may travel on any CONUS leg segment (i.e., on a flight with en route stops) when no change of aircraft or mission number is involved.

VI. AIR TRAVEL: COMMERCIAL

A. Accommodations on Commercial Aircraft Generally.

1. It is the policy of the Government that employees and/or dependents that use commercial air carriers for domestic and international travel for official business shall use contracted coach-class airline accommodations available through the City Pairs Program, when available. See JTR 020206-M.1.
 - a. *ARMY POLICY*: Senior military and civilian officials should refrain from wearing uniforms and publicly discussing their position with the Government while in those accommodations, unless highly unusual circumstances exist where travel in uniform cannot be avoided”.¹¹
2. Employees shall ascertain their travel requirements in sufficient time to book coach-class accommodations.

B. Authorization/Approval for Use of First-Class Accommodations.

1. Authorization for the use of first-class air accommodations shall be made in advance of the actual travel unless extenuating circumstances or emergency situations make advance authorization impossible. If advance authorization cannot be obtained, the employee shall obtain written approval from the appropriate authority at the earliest possible time. See JTR 020206-J.
2. JTR limits authority for authorizing/approving the use of first-class air accommodations. See JTR, Table 2-5.
 - a. *ARMY POLICY*: Only the Secretary of the Army or the Under Secretary of the Army can approve first-class travel.
3. Requirements
 - a. Employee Responsibility and Documentation. See JTR 020206-J.

(a) The employee shall certify on the travel voucher the reasons for the use of

¹¹ See Army Directive 2017-05 and https://armypubs.army.mil/epubs/DR_pubs/DR_a/ARN31081-ARMY_DIR_2020-14-000-WEB-1.pdf

first-class air accommodations.

- (b) Specific authorization/approval shall be attached to, or stated on, the travel voucher and retained for the record.
 - (c) In the absence of specific authorization/approval, the employee shall be responsible for all additional costs resulting from the use of first-class air accommodations.
- b. Circumstances Justifying The Use of First-Class and Business-Class Air Accommodations. See JTR, 020206-J and Table 2-4.
- (a) When regularly scheduled flights between the authorized origin and destination points (including connection points) provide only first-class accommodations, and the employee certifies this circumstance on the travel voucher.¹²
 - (b) Lower class airline accommodations are not reasonably available.
 - (a) "Reasonably available" means a class of accommodations other than first-class airline accommodations available on an airline scheduled to leave within 24 hours before the employee's proposed departure time or scheduled to arrive up to 24 hours before the employee's proposed arrival time.
 - (b) "Reasonably available" doesn't include any accommodations with a scheduled arrival time later than the employee's required reporting time at the duty site, or with a scheduled departure time earlier than the time the employee is scheduled to complete the duty.
 - (c) Business-class transportation is not available, and premium class is necessary because the employee/dependent is so disabled or otherwise physically impaired that other accommodations cannot be used, and competent medical authority substantiates such condition.
 - (d) Business-class transportation is not available, and premium class is required by the mission. This criterion is exclusively for use in connection with Federal advisory committees, special high-level invited guests, and U.S. defense attachés accompanying ministers of foreign governments traveling to the United States to consult with members of the Federal Government. The approval authority is the Director, Administration and

¹² This is the only instance where first-class accommodations may be used without prior approval.

Management or as delegated by the Director no lower than a three-star or civilian-equivalent level. See JTR, Table 2-5.

- (e) Exceptional security circumstances require such travel. This includes, but is not limited to travel by:
 - (a) A traveler whose use of other than first-class accommodations would entail danger to the employee's life or Government property;
 - (b) Agents of protective details accompanying individuals authorized to use first-class accommodations; and
 - (c) Couriers and control officers accompanying controlled pouches or packages and business-class airline accommodations are not available.

C. Circumstances Justifying the Use of Business-Class Air Accommodations

1. Authorization for the use of business-class airline accommodations shall be made in advance of the actual travel unless extenuating circumstances or emergency situations make advance authorization impossible. If advance authorization cannot be obtained, the employee shall obtain written approval from the appropriate authority at the earliest possible time.
2. JTR limits authority for authorizing/approving the use of business-class air accommodations.
3. Army: The Administrative Assistant of the Secretary of the Army is approval authority for business-class travel requests from Headquarters, Department of Army officials. See SecArmy Travel Policy at Reference I.D.1 above which provides a list of other Army officials authorized to approve business class travel.
4. Circumstances justifying use of business-class airline accommodations are limited to:
 - a. Regularly scheduled flights between the authorized origin and destination points (including connection points) provide only business-class airline accommodations, and the employee certifies this circumstance on the travel voucher.
 - b. Space is not available in coach-class airline accommodations on any scheduled flight in time to accomplish the purpose of the official travel, which is so

urgent it cannot be postponed.

- c. Necessary to accommodate an employee's disability or other physical impairment (substantiated in writing by competent medical authority).
- d. Required for security purposes or because exceptional circumstances make their use essential to the successful performance of the DoD component's mission.¹³
- e. Premium-class is required by the mission. This criterion is exclusively for use in connection with Federal advisory committees, special high-level invited guests, and U.S. defense attachés accompanying ministers of foreign governments traveling to the United States to consult with members of the Federal Government. The approval authority is the Director, Administration and Management, Office of the Secretary of Defense, or as delegated by the Director.
- f. Coach-class airline accommodations on foreign carriers don't provide adequate sanitation or health standards, and the use of foreign flag air carrier service is approved.
- g. Results in an overall saving to the Government based on economic considerations, such as the avoidance of additional subsistence costs, overtime, or lost productive time that would be incurred while awaiting availability of coach-class.
- h. Obtained as an accommodation upgrade through the redemption of frequent traveler benefits. See JTR and Service specific policy.
- i. The employee's transportation is paid in full through the DoD component's acceptance of payment from a non-Federal source and found to be permissible by ethics counsel.
- j. Lengthy Flight
 - (a) Travel is direct between authorized origin and destination points separated by several time zones,

¹³ As determined by the local transportation officer, or other appropriate authority, in conjunction with the order-approving authority.

- (b) Either the origin or destination point is outside CONUS,
- (c) TDY purpose/mission is so urgent it cannot be delayed or postponed, and
- (d) The scheduled flight time (including stopovers) is in excess of 14 hours. See JTR 020202 and Table 2-1.
 - (a) Scheduled flight time is the time between the scheduled airline departure from the PDS/TDY point until the scheduled airline arrival at the TDY point.
 - (b) Passenger is not afforded an adequate rest period before commencing duties.

VII. BUS AND GROUP TRANSPORTATION

SEE SECTION X “MOTOR VEHICLES: HOME-TO-WORK TRANSPORTATION” CONCERNING TRANSPORTING EMPLOYEES BETWEEN THEIR PLACE OF EMPLOYMENT AND A MASS TRANSIT FACILITY

A. Generally. 10 U.S.C. § 2632, DoDM 4500.36.

1. Primarily Three Types of Service: Group Transportation, Shuttle Bus Service, and Mass Transit.
2. The DoD Bus Program ensures commercial companies performing Federal chartered services meet DoD safety and service standards. Over 400 commercial bus, limousine, and van carriers participate to meet ground transportation needs for troop movements, recruit travel, and other group moves. Because of the volume of passengers and baggage involved in group movements, bus transportation is often the most economical and efficient method of moving DoD personnel. See <https://www.travel.dod.mil/Programs/DoD-Bus/>
3. Generally, a reasonable transportation fare must be charged when transportation is provided relating to an employee’s commute. 10 U.S.C. § 2632(a)(3).
 - a. Fares must be accounted for and deposited as miscellaneous receipts. DoDM 4500.36, Enclosure 5, para. 5.d.(7).
 - b. The fare system will be structured to recover all costs of providing the group transportation service, including capital investment, salaries, operations, and

maintenance.

- (1) If the transportation vehicle is used for both operational (mission) and fare-based transportation, only the costs directly related to the fare-based transportation must be recovered. DoDM 4500.36, E.5.1.a.(8).
- (2) Since these vehicles are acquired in direct support of the defense mission, acquisition costs will not be recovered through the fare system.
- (3) In overseas areas, the fee should be not more than what would be charged if the service were available through local commercial transportation. *See* DoDM 4500.36, E5.5.e.(3)(a).

c. Exceptions to the requirement of a fare.

- (1) Shuttle bus or mass transit transportation that is incident to the performance of duty. 10 U.S.C. § 2632(b)(3).
- (2) Mass transit services where the Secretary determines that the area of the installation is not adequately served by “regularly scheduled and timely commercial municipal services.”
 - (a) The SecArmy, in accordance with 10 U.S.C. § 2632 and in the exercise of his discretionary authority, has authorized ACOM, ASCC, DRU, and FOA commanders to establish fare-free mass transportation bus service if certain specific, objective criteria are met. AR 58-1, ¶ 6-4b.
 - (i) The sending location does not have adequate medical, dental, commissary, or Post Exchange facilities and/or, the rider's place of work is located on the receiving installation and/or the use of privately owned vehicles is restricted in the area served.
 - (ii) The receiving installation is more than one mile from the sending installation.
 - (iii) Fare charged per DOD Manual 4500.36 EXCEEDS \$1.00 per passenger per round trip. DoDM 4500.36, E5.5.(1)(h).

4. The Service Secretary must determine that the service is needed for the effective conduct of affairs within that service. 10 U.S.C. § 2632(a)(1).

5. Transportation services provided must be reviewed locally on an annual basis.

- a. **Air Force** The Air Force Installation and Mission Support Center (AFIMSC), Air National Guard (NGB) or Air Force Reserves (AFR) reviews operational data annually to ensure continued service is justified. AFI 24-301, ¶ 3.10.6.2.

B. Group Transportation - 10 U.S.C. § 2632

1. Uses & Limits.

- a. Normally be limited to those situations when the Secretary of the military department concerned determines that it is necessary for the effective conduct of the affairs of the Department of Defense to provide transportation by motor vehicle: among places on a military installation (including any subinstallation of a military installation); to and from their places of employment on a military installation for persons covered; to and from a military installation for persons covered and their dependents in the case of a military installation located in an area determined by the Secretary of the military department concerned not to be adequately served by regularly scheduled, and timely, commercial or municipal mass transit services; to and from their places of employment for persons attached to, or employed in a private plant that is manufacturing material for that department, but only during a war or national emergency.
- b. Persons covered in 10 U.S.C. § 2632(a) in the case of a military installation are members of the armed forces, employees of the military department concerned, and other persons attached to that department who are assigned to or employed at that installation.
- c. The vehicle used must have a seating capacity of 12 or more persons. 10 U.S.C. § 2632(c)(1).

2. Approval

- a. To authorize the establishment of such systems, the Secretary of the military department concerned, or an officer of the department concerned designated by the Secretary determines that the effective conduct of affairs requires “assured and adequate transportation” and:

- (1) Other transportation options are inadequate and cannot be made adequate;

- (2) A reasonable, but unsuccessful, effort has been made to induce operators of private companies to provide the necessary transportation; and
 - (3) The services to be furnished will make proper use of transportation facilities and provide the most efficient transportation.
- b. In exercising the authority to provide group transportation service to and from places of employment, Military Departments shall consider the following conditions as a basis for approval of such services:
 - (1) Where an installation or other DoD activity is so located with respect to personal residential areas that some form of Government assistance is necessary to ensure adequate transportation that enables personnel to arrive at their place of duty or employment. DoDM 4500.36, E5.5.d.(3)(a).
 - (2) In overseas commands where, due to the absence of adequate public or private transportation, local political situations, security, personal safety, or the geographical remoteness of the duty stations, such transportation is considered essential to the effective conduct of the Department's business. DoDM 4500.36, E5.5.d.(3)(b).
 - c. The **Army** has delegated authority to Combatant Commanders to approve Domicile-to-duty (AR 58-1, ¶ 5-3e.). Domicile-to-duty requesting procedures are set forth in AR 58-1, ¶ 5-4.
 - d. The **Air Force** has delegated authority to the AFIMSC, ANG or AFR Commander to approve group transportation service requests IAW the process outlined in DoDM 4500.36. AFI 24-301, ¶ 3.10.6.1.

C. Shuttle Bus Service - 10 U.S.C. § 2632

1. Uses & Limits.

- a. The capability to transport groups of individuals on official business between offices on installations **or** between nearby installations is a recognized requirement and is essential to mission support.
 - (1) Shuttle buses may only operate in duty areas for the Army. AR 58-1, ¶ 6-1a.

- b. Shuttle bus service may be provided on or between installations for the transportation of:
 - (1) Military personnel and DoD employees between offices and work areas of the installation(s) or activity during designated hours when justified by the ridership.
 - (a) *Air Force Guidance*: Provides the capability to transport groups of individuals on official business between offices on installations or between nearby installations. AFI 24-301, ¶ 3.10.5.
 - (2) Enlisted personnel between troop billets and work areas.
 - (a) There is an exception, approved by the Office of the Secretary of Defense, for officers and senior enlisted personnel stationed in Korea to use a fare-free shuttle bus service from bachelor officer quarters (BOQ)/bachelor enlisted quarters to their work site and return. AR 58-1, ¶ 6- 2d.(2).
 - (3) DoD contractor personnel conducting official defense business.
 - (4) Employees of non-DoD Federal Agencies on official business. Such transportation will only be provided over routes established for primary support of the defense mission.
- c. In isolated sites with limited support facilities where DoD personnel and dependents need additional life support (medical, commissary, and religious) which directly affects health, morale and welfare of the family, shuttle bus service may be provided.
- d. *Space-available transportation* on existing, scheduled shuttle buses may be provided to the following categories of passengers:
 - (1) Off-duty military personnel or DoD civilian employees.
 - (2) Reserve and National Guard members.
 - (3) Dependents of active duty personnel.
 - (4) Retirees.

(5) Visitors to the base (intra-installation only).

(6) In overseas areas, volunteers of Type 2 – Affiliated Private Organization.

D. Mass Transit Services - 10 U.S.C. § 2632(a)(2)(C)

1. Uses & Limits

a. May be used to provide transportation to and from a military installation located in an area that the Secretary of the military department concerned determines could not be adequately served by regularly scheduled, and timely commercial or municipal mass transit services.

(1) The service may also be used to provide transportation:

(a) To and from places of duty and employment on a military installation.

(b) To and from a military installation in a remote area determined by the Secretary of the Military Department not to be adequately served by regularly scheduled commercial mass transit.

(c) Between places of employment for persons attached to, and employed in, a private plant that is manufacturing material for the Department, ***but only during war or national emergency declared by Congress or the President.***

b. May be provided to military personnel, DoD civilians, contractors, and their dependents.

2. Approval. To authorize the establishment of such systems, the Secretary must determine that:

a. There exists a potential for saving energy and for reducing air pollution;

b. A reasonable, but unsuccessful, effort has been made to induce operators of private companies to provide the necessary transportation; and

- c. The services to be furnished will make proper use of transportation facilities and provide the most efficient transportation to persons concerned.

3. *Army Guidance*. AR 58-1, ¶ 6-4a. – h.

- a. The Secretary of the Army has determined that the effective conduct of the affairs of the Army may warrant mass transportation support for military personnel, DOD civilians, contractors, and their dependents, who are assigned, employed, or residing at isolated installations **if**:
 - (1) There is no regularly scheduled mass transportation twice a day, five times a week between the sending or receiving installations that picks up and drops off passengers within 1/2 mile of the installations, provides pick-up from the sending installation not later than 0800 hours and provides last departure from the receiving location not later than 1900 and is licensed and operates in accordance with reasonable maintenance and safety standards.
 - (2) Other mass transportation providers are unable or have declined to provide adequate transportation facilities or service after a reasonable effort has been made to induce them to do so.
 - (3) The service will save unproductive person-hours.
 - (4) The service will enhance the rider's quality of life.
- b. MACOM commanders may implement mass transportation service if the objective criteria in the AR are met.
- c. Vehicles used will hold 12 or more riders and operate at 50 percent of capacity on a monthly basis. For example, service scheduled for three times a week using a 16 pax bus would require a minimum monthly ridership of 96 (8x3x4) passengers to justify use.
- d. Annual cost of the bus service provided as calculated in Chapter 12 will not exceed \$100,000. For USAREUR based units, the ceiling is waived. For EUSA, the ceiling is \$250,000.
- e. The service to be furnished will pick up and drop off at centralized collection points and otherwise make proper use of transportation facilities to supply the

most efficient transportation to eligible passengers.

4. *Air Force Guidance*. AFI 24-301, Section 3.

- a. The AFIMSC, ANG or AFR Commander is the designated approval authority for mass transit service. AFI 24-301 ¶ 3.10.7.2.

E. Other Bus Services

1. *MWR Support Services*. Bus service in support of DoD–authorized MWR programs, family service center programs, or private organizations may be provided when such transportation can be made available without detriment to the DoD mission.

- a. This service is limited to full support of Category A activities, substantial support of Category B, some support of Category C. See paragraph 6.2, DoDI 1015.15, October 31, 2007, Incorporating Administrative Change 1, March 20, 2008, *Establishment, Management, and Control of Nonappropriated Fund Instrumentalities and Financial Management of Supporting Resources*.
- b. Since group travel vehicles may not be acquired or leased with appropriated funds solely or partially to support MWR, activities, family support programs, or private organizations, no portion of the acquisition cost of the vehicle shall be considered in determining the reimbursable expenses to be charged or in the determination of motor vehicle authorizations.
- c. Approval for this transportation service can be delegated to the installation commander who must consider the potential of competition with commercial transportation sources in the decision process.
 - (1) *Army* specific: ACOM, ASCC, DRU, and FOA commanders, or their delegates have discretion to provide bus service for ACS, Family and MWR missions, consistent with available resources and other mission requirements, when failure to provide the service would have an adverse effect on morale or welfare of Soldiers and their Families. The approving authority must consider the potential of competition with commercial transportation sources in the decision process. Transportation may be provided on a reimbursable or nonreimbursable basis per AR 215–1.AR 58-1, ¶ 6-5a.
 - (2) The Air Force provides that installation commanders approve this type of service. AFI 65-106.

- d. Such services cannot be provided for domicile-to-duty transport.
 - e. Transportation may be provided on a *nonreimbursable basis* for the following categories:
 - (1) In support of the Chaplain's program (not domicile-to-duty).
 - (2) MWR functional staffs engaged in routine direct administrative support of Categories A, B, and C activities.
 - (3) Teams composed of personnel officially representing the installation in scheduled competitive events.
 - (4) DoD personnel or dependent spectators attending local events in which a command or installation-sponsored team is participating.
 - (5) Entertainers, guests, supplies, and/or equipment essential to the MWR programs.
 - (6) MWR sponsored activities (Categories A, B, and C) including recreational tours and trips when fees are not levied upon the passengers (except fees made to cover the cost of the driver when required) and when approved by the installation commander.
 - (7) Civilian groups transported to military installations in the interest of community relations when officially invited by the installation commander or other competent authority.
 - f. Assets may be used in support of MWR only after mission requirements have been met.
2. *Emergency Bus Service.* Transportation between domicile and place of employment may be provided for military personnel and civilian employees during public transportation strikes and transportation stoppages.
- a. This service must be limited to only those employees who are actively engaged in projects, or in the support of projects, the delay of which would adversely affect national defense.

- b. A fare that recovers the operational costs shall be charged for such service and accounted for as with other fare-based service.
 - c. Routine works such as construction, repair, or overhaul of aircraft, ships, or material peculiar to the Military Departments shall not qualify under this policy.
 - d. When transit strikes, or other work stoppages, are imminent or in progress, Heads of installations or activities who determine that transportation between domicile and place of employment is essential, shall request approval for necessary transportation to the Secretary.
 - (1) The Secretary of the Army has delegated this authority. Requests for emergency bus service will be submitted to the proper ACOM, ASCC, DRU, or FOA (the same levels as for approval of group transportation). AR 58-1, ¶ 6-7e.
3. Transportation may be provided for *special activities* such as scouting programs and private organizations (in compliance with the limits imposed by the JER). Such service shall be accomplished on a reimbursable basis covering all operations and maintenance costs of providing the service.
- a. Other specific authority may authorize support for certain non-Federal entity (NFE) events: (See AR 58-1, ¶ 6-2f.)
 - (1) The Secretary of a military department concerned may provide for limited air and ground transportation in connection with an annual conference and/or convention of a national military association. (10 U.S.C. 2558).
 - (2) Overseas Support for Boy/Girl Scouts (see 10 U.S.C. 2606).
 - (3) World and National Boy Scout Jamboree Support (see 10 U.S.C. 2554).
 - (4) International Transportation Support for Girl Scout Events (see 10 U.S.C. 2555).
 - (5) American National Red Cross (see AR 930–5, 10 U.S.C. 2602).
 - (6) United Service Organizations, Inc. (see AR 930–1, 36 U.S.C. 2107).
 - (7) United Seaman’s Service (AR 930–1, 10 U.S.C. 2604).
 - (8) Annual DoD Authorization Acts and DoD Appropriations Acts frequently contain special authority. Most changes contained in special authority are incorporated in the U.S. Code, but some, which are one-time events, are not.

VIII. GOVERNMENT MOTOR VEHICLES: OFFICIAL USE

A. Fundamental Principles:

1. The use of Government-owned or leased motor vehicles is restricted to official purposes only. DoDM 4500.36, E5.1.b., 31 U.S.C. § 1344.
2. Transportation “will not be provided” based solely on rank, position, prestige, or personal convenience. DoDM 4500.36, E.5.1.a.8.(g).
3. Travelers should utilize the U.S. Government Rental Car Agreement when a rental vehicle is determined to be advantageous to the Government. See JTR 020209-C and <https://www.travel.dod.mil/Programs/Rental-Car/>

B. Definitions are important in this area.

1. Limits on GSA Rule. The following motor vehicles are *not* covered: (41 C.F.R. § 102-34.20)
 - a. Military design motor vehicles;
 - b. Motor vehicles used for military field training, combat, or tactical purposes;
 - c. Motor vehicles used principally within the confines of a regularly established military post, camp, or depot; and
 - d. Motor vehicles regularly used by an agency to perform investigative, law enforcement, or intelligence duties, if the head of the agency determines that exclusive control of the vehicle is essential for effective performance of duties, although such vehicles are subject to subpart D and subpart J of this part.
2. Nontactical Vehicle (NTV). Any commercial NTV, trailer, material handling or engineering equipment that carries passengers or cargo acquired for administrative, direct mission, or operational support of military functions. All DoD sedans, station wagons, carryalls, vans, and buses are considered “nontactical.” A self-propelled wheeled conveyance, that does not operate on rails, designed and operated principally for the movement of property or passengers, but does not include an NTV designed or used for military field training, combat, or tactical purposes. DoDM 4500.36
3. What is “Official Use?”

- a. Official use of a Government motor vehicle is using a Government motor vehicle to perform your agency's mission(s), as authorized by your agency. 41 C.F.R. § 102-34.200.
- b. DoD: “Official Purposes. Any application of an NTV in support of authorized DoD functions, activities, or operations, consistent with the purpose for which the NTV was acquired” as defined in DoDM 4500.36.
- c. DoD: May further limit use of transportation services based on geographic area. For the National Capital Region, DoD determined that public and commercial transportation to air terminals is adequate and prohibits the use of DoD motor vehicles for such transportation except under unusual circumstances (emergencies, security). AI 109, Use of Motor Transportation and Scheduled DoD Shuttle Service in the Pentagon Area, March 31, 2011, Incorporating Change 2, February 22, 2022.

C. Using Vehicles for Official Purposes

- 1. Determination of Officiality. DoDM 4500.36, E5.1.a.(1).
 - a. The use of all DoD NTVs, including those leased using DoD funds, or from other U.S. Government agencies or commercial sources, will be restricted to official purposes only. DoD will ensure that U.S. Government carriers are used for official purposes only, e.g., to perform the mission of the DoD Components as authorized by the DoD Components, in accordance with parts 102-34.220-260, 41 C.F.R.
 - b. When questions arise about the official use of an NTV, they will be resolved in favor of strict compliance with statutory provisions and this manual.
 - c. Whether a use is for an official purpose is a matter of *administrative discretion*. Commanders or their designated representatives will determine the official use of motor vehicles. All factors will be considered including whether the transportation is:
 - (a) essential to the successful completion of a DoD function, activity, or operation, and
 - (b) consistent with the purpose for which the vehicle was acquired.

- d. Activities that generally ARE considered official use.
 - (a) Transportation support of groups may be provided for authorized activities such as installation-sponsored athletic teams, military community activities, and chaplain's programs when the installation commander determines that failure to provide such service would have an adverse effect on morale. DoDM 4500.36, E.5.1.a.(8)(a).
 - (b) Transportation may be provided for military and civilian personnel officially participating in public ceremonies, military field demonstrations, and parades directly related to official activities. Attendance at such activities does not equate to official participation. DoDM 4500.36, E.5.1.a.(8)(b).
 - (c) Incidental Use of NTVs. Each DoD Component head, or designee, may prescribe by rule appropriate conditions for the incidental use for other than "official" business of U.S. Government-owned or -leased NTVs, pursuant to section 1344 of Title 31, U.S.C. The use of U.S. Government-owned or -leased NTVs by DoD employees to obtain a commercial driver's license that is required for employment is authorized.

(d) *Army*

- (a) Transportation for officially directed medical appointment. Transportation to or from an appointment or patient therapeutic program scheduled by the Army that requires a Soldier's attendance is authorized NTV support. When directed by competent authority records checks, physicals, dental, or hospital outpatient appointments are considered official business and use of a NTV for active duty military personnel and cadets is authorized. See AR 58-1, ¶ 2-3d. If possible, regularly scheduled shuttle bus service or public mass transportation should be used.

(e) *Air Force:*

- (a) GMV Official Use. The purpose of the vehicle use must be essential to the successful completion of a DoD function, activity, program or operation. AFI 24-301, ¶ 5.11.
- (b) Entertainment and Morale: GMVs may be used between places of business or lodging and eating establishments, pharmacies, salons, places of worship, laundry facilities, and similar places required for sustenance of the member whether on or off base. If used off base for sustenance, restrict GMV use to reputable eating establishments in reasonable proximity to the installation. AFI 24-301, ¶ 3.8.7.

(i) This authority does not include eating or stopping at private quarters.

e. Activities that are expressly NOT official use:

(a) Transportation to and from place of residence unless “Home-to-Work” transportation is approved by the Federal agency head in accordance with 31 U.S.C. 1344. *See Section X of this outline, “Motor Vehicles: Home-to-Work Transportation” for information concerning the use of passenger carriers to transport employees between their place of employment and a mass transit facility.*

(b) Transportation to, from, or between locations will not be provided by the DoD for the purpose of conducting personal business or engaging in other activities of a personal nature by military or civilian personnel, members of their families, or others. DoDM 4500.36, E.5.1.a.(3).

(c) Public and commercial transportation to commercial transportation terminals in the Pentagon area is considered adequate for all but emergency situations, security requirements, and other unusual circumstances. If public and commercial transportation is not routinely available, a DoD vehicle may be used on official business involving these commercial terminals. AI 109 defines the *Pentagon area* as the geographical boundaries of: District of Columbia; Montgomery and Prince George’s County in the State of Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties and the City of Alexandria in the Commonwealth of Virginia; and all cities and other units of government within the geographic areas of such District, counties, and city.

(d) *Army:*

(a) transportation to unofficial private social functions;

(b) personal errands or side trips for unofficial purposes;

(c) transportation of Family members or visitors without an accompanying official;

(d) or supporting non-DOD activities unless specifically stated in a current AR. See SecArmy Policy, ¶ 14; AR 58-1, ¶ 2-4b.

f. *Other Army-Specific Guidance*

- (a) Official After-Hours Functions: (SecArmy Policy, ¶ 14c; AR 58-1, ¶ 2-3c.)
 - (a) Treated as an exception to policy for which prior approval is required.
 - (b) After hours functions. All transportation to official after-hours functions will begin and end at the individual's normal place of duty.
 - (b) *Emergency Leave*. Transportation of Army personnel and family members on emergency leave to the nearest commercial transportation terminal to ensure arrival at an embarkation point prior to departure of the first available flight, bus, or train is official. AR 58-1, ¶ 2-3g.
 - (a) Prior to approval, the commander will make a determination whether commercial transportation is adequate.
 - (b) Nontactical vehicles normally will not be provided on return trips to the unit of assignment.
 - (c) NTVs owned or otherwise controlled by the DOD may be used for trips between domiciles or places of employment and commercial or military terminals when at least one of the following conditions is met per AR 58-1, ¶ 2-3i.(1). See also 70 COMP. GEN. 196 (1991).
 - (a) Used to transport official non-DOD visitors invited to participate in DOD activities, provided that this use does not impede other primary mission activities.
 - (b) Used by individuals authorized door-to-door (DTD) transportation.
 - (c) Necessary because of emergency situations or to meet security requirements.
 - (d) Terminals are located in areas where commercial methods of transportation cannot meet mission requirements in a responsive manner.
 - (e) Authorized in the NCR by AI 109.
 - (f) Necessary because other methods of transportation cannot reliably or adequately meet mission requirements, based on a case-by-case factual assessment.
2. Modes of Transportation. Once use of a Government vehicle is determined to be essential to the performance of official business, the following modes of transportation shall be considered in the following order, to the extent it is available and capable of meeting mission requirements per DoDM 4500.36, E.5.1.a.(6); AR 58-1, ¶ 2-3i(2); AFI 24-301, ¶ 3.4.4:
- a. DoD-scheduled bus service.

- b. DoD specially scheduled leased or owned bus service.
- c. Van pools.
- d. DoD NTV centrally dispatched “taxicab” operation.
- e. DoD NTVs individually dispatched to licensed Service members or federal employees.
- f. Spouses and dependents are not permitted to operate the NTVs unless they are a licensed Service member, federal employee, or authorized contractor hired to drive DoD administrative NTVs.

3. Ridership.

- a. *Government contractors* may use Government motor vehicles when authorized under applicable procedures and the following conditions. 41 C.F.R. § 102-34.215
 - (a) Motor vehicles are used for official purposes only and solely in the performance of the contract.
 - (b) Motor vehicles cannot be used for transportation between residence and place of employment, unless authorized in accordance with 31 U.S.C. § 1344 and 41 C.F.R. § 102-5.
 - (c) Contractors must:
 - (a) Establish and enforce suitable penalties against employees who use, or authorize the use of, such motor vehicles for unofficial purposes or for purposes other than in the performance of the contract; and
 - (b) Pay any expenses or cost, without Government reimbursement, for using such motor vehicles other than in the performance of the contract.
- b. Individuals may be transported with a U.S. Government employee in a DoD NTV per DoDM 4500.56, E.5.1.a.(8)(c) only when:
 - (a) Accompanying the sponsoring Service member or civilian employee in the NTV, under authorized use to accomplish official business, and there is available space. Such transportation may be provided only at no additional government cost. The size of the NTV authorized must be no larger than that required for the performance of the official business.
 - (b) Accompanied by a Service member or civilian employee other than the sponsor, when traveling to an official function only when:
 - (a) The military or civilian sponsor and that individual will

participate in an official capacity in that function.

- (b) The NTV already has been authorized to accomplish official business.
 - (c) There is space available and transportation can be provided at negligible additional cost to the U.S. Government.
 - (d) There is no deviation from the route that the NTV will take for the official business, and the size of the NTV authorized must be no larger than required. Deviations or exceptions to these conditions are not authorized.
- c. Proceeding independently to or from an official function when the presence at the function is in the best interest of the U.S. Government and circumstances have made it impractical or impossible for the official to accompany the dependent en route. However, this authority applies only to the dependent of an employee who is authorized to receive DTD transportation, or such transportation is required for reasons of security.
- (a) Staff members and military community activities engaged in direct administrative support of those activities, may be provided transportation services. The sole act of attendance at these activities does not equate to direct administrative support (DoDM 4500.36, Enclosure 5, Table 3, NTV Activity Categories).
 - (b) Testimonials, tributes, or honors to individuals are not generally of common interest or benefit to the community at large.
 - (c) Transportation may be provided to support DoD family advocacy programs in accordance with guidance issued by the DoD Components in the case of dependent neglect or abuse.
 - (d) Prospective military recruits may be provided transportation in connection with interviewing, processing, and orientation.
 - (e) Transportation by a DoD NTV will not be provided when the justification is based solely on reasons of rank, position, prestige, or personal convenience.
 - (f) Use of DoD-owned or -controlled NTVs to support the immediate family of the sponsor in the case of the sponsor's combat-related death may be authorized at the discretion of the DoD Component.

IX. GOVERNMENT MOTOR VEHICLES: TDY USE

- A. Use of Government Motor Vehicles (GMV) is always limited to official purposes and shall always be predicated on need, distance, and other conditions that justify their use. DoDM 4500.36, E.5.1.a.(7)(a); AR 58-1, ¶ 2-3j(1); AFI 24-301, Section 3, ¶ 3.8.

1. The temporary duty status of an individual does not necessarily justify the use of a DoD motor vehicle.
2. Use of the vehicle will always be predicated on need, distance involved, and other conditions that justify its use.
3. When adequate DoD, public, or commercial transportation system (taxi, shuttle, peer to peer ride sharing, etc.) is available and cost effective, the use of a GMV is prohibited. See 41 C.F.R. § 102–34.35 for GMV definition.

B. Official use while on TDY includes:

1. Transportation may be provided between lodgings and duty stations for personnel on TDY when public or commercial services are inadequate or nonexistent. The TDY status of an individual does not necessarily justify the use of a DoD NTV. Use of DoD NTVs will always be predicated on need, distance involved, and other conditions that justify their use. When an adequate DoD, public, or commercial transportation system is available, the use of any individual NTV or commercial rental car is prohibited. DoDM 4500.36, E.5.1.a.(7)(a).
2. When a DoD-owned or -controlled NTV is authorized for use while on TDY, the NTV will be operated between places where the person's presence is required for official business or between such places and temporary lodgings. When public transportation is not available or its use is impractical, the use of DoD-owned or -controlled NTVs is authorized between places of business, lodging, eating establishments, places of worship, and similar places required for the comfort or health and welfare of the member. DoDM 4500.36, E.5.1.a.(7)(a).
 - a. *Army*: When a NTV is authorized for use while on TDY, the NTV may be operated between places where the person's presence is required for official business and temporary lodging. In the absence of regularly scheduled public transportation, or if its use is impractical, a NTV may be operated between places of business or lodging and eating establishments, drugstores, barber shops, places of worship, and similar places required for the comfort or health of the member, and which foster the continued efficient performance of Army business. Using a NTV to travel to or from commercial entertainment facilities (professional sports venues, amusement parks, concerts, and similar venues) is not authorized. AR 58-1, ¶ 2-3j.(2).
 - b. *Air Force*: GMVs may be used between places of business or lodging and eating establishments, pharmacies, salons, places of worship, laundry facilities, and similar places required for sustenance of the member whether

on or off base. If used off base for sustenance, restrict GMV use to reputable eating establishments in reasonable proximity to the installation. AFI 24-301, ¶ 3.8.7.

- (a) Use of motor vehicles for transportation to or from any other entertainment or recreational facilities is prohibited.
- (b) Vehicle use off-base is restricted to reputable eating establishments in reasonable proximity to the installation.

C. Trains (AMTRAK).

- 1. As a general rule, coach class is the only class of travel authorized for rail transportation.
- 2. However, travel by extra-fare trains may be authorized/approved when its use is advantageous to the Government. The Federal Travel Regulation makes it clear that use of the AMTRAK *Acela* or *Metroliner* is considered advantageous to the Government when approved/authorized, even though the lowest class of service available on those trains is business class – no further agency approval is needed for use of these trains. However, if the lowest class available on the specific train chosen is first class (because business class is sold out), then rules for approval of premium class travel must be followed. See JTR 020206-J.

D. Rental Vehicles.

- 1. Vehicles rented by Government employees using their Government travel cards are not "Government leased" vehicles and therefore are not subject to the sanctions of 31 U.S.C. § 1349(b). *Chufu v. Department of Interior*, 45 F.3d 419 (Fed. Cir. 1995).
- 2. Employees and service members may be reimbursed only for costs associated with the official use of rental vehicles.

X. GOVERNMENT MOTOR VEHICLES: HOME-TO-WORK TRANSPORTATION.

- A. General Rule: Using Government vehicles to transport individuals between their residences and places of work is not transportation for an official purpose and is prohibited. 31 U.S.C. § 1344(a)(1) and (b). See also DoDM 4500.36, E.5.2. Unless DTD approval is granted by the Federal agency head in accordance with 31 U.S.C.

1344(a)(2), U.S. Government NTVs will not be parked or garaged at a domicile for other than official business.

- B. Use of passenger carriers to transport federal employees between their place of employment and mass transit facilities is permitted if and to the extent that the head of the Federal agency, in his or her sole discretion deems it appropriate. 31 U.S.C. § 1344(g).
- C. Exceptions: Home-to-work transportation as an official purpose in the following situations per 31 U.S.C. § 1344 and DoDM 4500.36, E5.2.c.(5)(e):
 - 1. When an employee is engaged in field work -- official work performed by employees whose jobs require their presence at various locations that are at a significant distance from their place of employment (itinerant-type travel with multiple stops in the local commuting area or use outside that area) or at a remote location that is accessible only by Government-provided transportation.
 - a. Examples may include, but are not limited to, mine inspectors, meat inspectors, quality assurance inspectors, construction inspectors, recruiters, compliance investigators, personnel background investigators, certain other law enforcement officers, whose jobs require travel to several locations during the course of a workday, medical officers performing medical outpatient services away from a hospital, and military recruiters who proceed directly from their domiciles to conduct official recruiting matters, when it is determined to be infeasible or impractical for the recruiter to first proceed to an office location where a Government NTV is normally garaged. Each such determination under 31 U.S.C. 1344(a)(2)(A) is made on a case-by-case basis.
 - (a) The assignment of an employee to such a position **does not**, of itself, entitle an employee to receive daily home-to-work transportation.
 - (b) When authorized, such transportation should be provided:
 - (a) only on days when the employee actually performs field work, and
 - (b) only to the extent that such transportation will substantially increase the efficiency and economy of the Government.
 - b. This authorization is not applicable when:
 - (a) The individual's workday begins at an official duty station; or

- (b) The individual normally commuted to a fixed location, however far removed from the official duty station.
 - 2. When the transportation is essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties or transportation of federally owned canines associated with force protection duties of any part of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).
 - 3. Designated positions for home to work transportation in accordance with 31 U.S.C. 1344(b)(5)– include the Deputy Secretary of Defense, the Under Secretaries of Defense, Secretaries of the Military Departments, the members and Vice Chairman of the Joint Chiefs of Staff, and Commandant of the Coast Guard.
- D. Service Secretaries may authorize home-to-work transportation per 31 U.S.C. § 1344; DoDM 4500.36, E5.2.c.(4) when they make a determination in writing, on a nondelegable basis, that one of the following situations exists:
- 1. *Clear and Present Danger* -- highly unusual circumstances present a threat to the physical safety of an employee's person or property and public/private transportation cannot be used.
 - a. The danger must be:
 - (a) Real, not imaginative, and
 - (b) Immediate or imminent, not merely potential.
 - b. Requester must make a showing that the use of a Government passenger carrier would provide protection not otherwise available.
 - 2. *Emergency* -- an immediate, unforeseeable, temporary need to provide home-to-work transportation for employees who are necessary to the uninterrupted performance of the agency's mission. An emergency may occur where:
 - a. There is a major disruption of available means of transportation to or from a work site,
 - b. An essential Government service must be provided, and

- c. There is no other way to transport the employees performing that service to the work site.
3. *Compelling Operational Considerations* -- circumstances in which the provision of home-to-work transportation is essential to the conduct of official business or would substantially increase the agency's efficiency and economy.
- a. Transportation may be justifiable if other available alternatives involve substantial additional costs to the Government or expenditures of employee time.
 - b. These circumstances need not be limited to emergency life or death situations.
 - c. *Cost-Effectiveness.* Situations may arise where it is more cost-effective for the Government to provide an employee a vehicle for home-to-work transportation rather than have the employee travel a long distance to pick up a vehicle and then drive back toward or beyond his/her residence to perform his/her job.
 - (a) First, consider basing the vehicle at a Government facility located near the employee's job site.
 - (b) If such a solution is not feasible, an agency must then decide if the use of the vehicle should be approved under the "compelling operational considerations" definition.
 - (c) Home-to-work transportation in these cases may be approved only if other available alternatives would involve substantial cost to the Government or expenditure of substantial employee time.
4. *Special Overseas Authority.* 10 U.S.C. § 2637; DoDM 4500.36, E5.2.c.(5)(g).
- a. The Secretary of Defense may authorize the commander of a unified combatant command to use Government owned or leased vehicles to provide transportation outside the United States for members of the uniformed services and federal civilian employees under the jurisdiction of that commander, and for the dependents of such members and employees, if the commander determines that public or private transportation in such area is unsafe or not available, (e.g., terrorist activity, strikes, natural disasters). This authority is not delegable.
 - b. DTD-like transportation and incidental use for unofficial purposes in these cases can be provided to Service members and federal civilian employees in the Combatant Commander's area of operation and their dependents.
 - c. All requests should be transmitted directly to the appropriate Combatant

Commander for approval or disapproval. This authorization will be on a case-by-case basis.

d. Policy.

- (a) The initial transportation authorization may not exceed 1 year.
- (b) The Combatant Commander periodically, at least every 6 months, will conduct an assessment to determine if the circumstances requiring such transportation continue.
- (c) If the conditions for the transportation authorization remain, the Combatant Commander may extend the authorization for NTV use for an additional specified time period not to exceed 1 year.
- (d) All approvals and the reason for those approvals will be in writing and will contain: name, reason, and anticipated duration.
- (e) The requesting activity is responsible for all funding requirements.
- (f) The approving Combatant Commander will ensure that records are maintained on the transportation provided in accordance with the National Archives and Records Administration approved records retention schedule.
- (g) Under this determination, no report to Congress is required.
- (h) All personally identifiable information will be collected, maintained, disseminated, and used in accordance with DoD 5400.11-R.

5. *Special Air Force Authority*: When a telecommunications-equipped, permanently assigned vehicle is authorized, this authorization is extended to Operations Group commanders performing their duties in connection with on-going flight operations. AFI 24-301, para. 3.15.1.

- a. The intent of the policy is to allow OG/CCs to go home to eat during ongoing flight operations without having to transfer to a POV.
- b. Vehicles will not be driven to quarters and parked overnight.

6. Approval

- a. Determination must be in writing and include traveler's name, title, reason for exception, and expected duration.
 - (a) Each Federal agency shall consider the location of the employee's residence prior to authorizing home-to-work transportation.
 - (b) DTD transportation will only be authorized within the usual commuting

area for the locale of the official's place of employment. Personnel authorized DTD transportation may elect to share space in a U.S. Government passenger carrier with other individuals on a space available basis provided that the passenger carrier does not travel additional distances as a result. DoDM 4500.36, E5.2.c.

- (c) The use of DTD transportation for field work should be authorized only to the extent that such transportation will substantially increase the efficiency and economy of the DoD.
- (d) The head of each Federal agency shall authorize the use of home-to-work transportation only to the extent that such transportation will substantially increase the efficiency and economy of the Government/DoD. DoDM 4500.36, E5.2.c.4.

b. *Field work determinations.*

- (a) Agency head may elect to designate positions rather than individual names, especially in positions where rapid turnover occurs. All designations must be in writing.
- (b) The determination should contain sufficient information, such as the job title, number of employees, and operational level where the work is to be performed (i.e., five recruiter personnel or positions at the Detroit Army Recruiting Battalion) to satisfy an audit, if necessary.

- c. In accordance with 31 U.S.C. 1344(d)(4), certain DTD authorizations require notification to Congress. See DoDM 4500.36, E5.2.b.

E. Policy Guidance

1. *Transporting Visitors.* "Official non-DoD visitors invited to participate in DoD activities may be provided fare-free transportation between commercial transportation terminals or residence and visitation point." DoDM 4500.36, E.5.1.a.(1)(b)(4).
2. *"Space Available" Passengers.* DTD transportation will only be authorized within the usual commuting area for the locale of the official's place of employment. Personnel authorized DTD transportation may elect to share space in a U.S. Government passenger carrier with other individuals on a space available basis provided that the passenger carrier does not travel additional distances as a result. DoDM 4500.36, E.5.2.c.(3).

- a. When an agency establishes a space sharing policy, it should consider the effects of its potential liability for and to individuals riding “Space-A.”
3. The comfort and convenience of an official will not be considered justification for the approval of DTD transportation. DoDM 4500.36, E.5 para. 2.c.(2)

XI. GOVERNMENT MOTOR VEHICLES: NON-TACTICAL VEHICLE (NTV)

A. Army Guidelines. SecArmy Policy, AR 58-1, ¶ 2-3.

1. The use of Army-owned or Army-controlled NTVs is restricted to official purposes only. Official purpose includes official duty for first responder vehicles and their occupants who are authorized appropriate use while on duty, which includes obtaining food and/or personal relief at commercial establishments.
 - a. Official ceremonies.
 - (a) Transportation may be provided for military and civilian personnel officially participating in public ceremonies, military field demonstrations, and parades directly related to official activities. A commander will determine whether the event in question is of significantly high interest as to warrant the use of official Government transportation for general attendance. All requests for general transportation to any public ceremony or event will be reviewed by both the senior public affairs and legal officials prior to review by the commander. When official travel is authorized for general attendance, the mode of travel provided will be via mass transportation rather than separate vehicles (for example, multiple sedans, SUVs, or mini-vans).
 - (b) Army initiated ceremonies (for example, changes of command, promotions, retirements, and unit activations/deactivations normally held at Government-owned or Government-leased facilities) are considered official business internal to the Army community. For that reason, the use of Government-owned or Government-leased vehicles to attend such activities should be managed and not discouraged.
 - (c) Transportation will begin and end at the transported individual’s normal place of duty or an officially designated assembly area, but not a personal residence and/or domicile.
2. *After hours functions.* After hours functions. All transportation to official after-hours functions will begin and end at the individual’s normal place of duty.
3. Transporting Family members. The spouse, other immediate Family members (for example, grandparents, parents, siblings, and their spouses, and Soldier’s children and spouses) of a Government employee or other non-military individuals may be transported in an Army motor vehicle only when accompanying the Soldier or Civilian employee in the Government vehicle. Such use will be authorized

beforehand only to accomplish official business and if there is space available in the vehicle. See also DODM 4500.36, Enclosure 5, Paragraph 1a(8).

B. Air Force Guidelines. AFI 24-301, Chapter 3.

1. Transportation may be provided for military and civilian personnel officially participating in public ceremonies, military field demonstrations, and parades directly related to official activities. "Official participation" is defined as activities similar to and including: Presiding Officer, Host, Chaplain, Master of Ceremonies, Honor Guard/Formation detail, Guest Speaker and Proffer. Attendance at such activities does not equate to official participation. AFI 24-301, para. 3.21.2.
2. This is not to be interpreted as authority to transport a member's relatives or personal friends invited to attend activities such as retirements, promotions, awards ceremonies, dedications, funerals, redeployment ceremonies or any other similar type functions. Determinations regarding any question of authorized support for such activities will be resolved in favor of strict compliance with rules outlined in DoDM 4500.36 to preclude any negative public perception or inappropriate use of appropriations.

XII. PENALTIES FOR MISUSE OF GOVERNMENT VEHICLES/AIRCRAFT.

A. 18 U.S.C. § 641. Employees who steal public property or convert it to their own use may be prosecuted under Federal law.

B. 31 U.S.C. § 1349(b).

1. An Officer/employee who *willfully* uses or authorizes the use of a Government vehicle/aircraft, for other than an official purpose.
 - a. Standard: Did official know use was unofficial or have "reckless disregard" for whether official? See, e.g., *Felton v. EEOC*, 820 F. 2d 391 (Fed. Cir. 1987).
 - b. Exception: If Government vehicle was used primarily to further agency business, a charge of willful use may not be sustained for "minor personal use." See, e.g., *Madrid v. Dept. of Interior*, 37 M.S.P.R. 418 (1988).
2. Or, violates any other provision of 31 U.S.C. § 1344 ("willful" violation not required),
3. Shall be suspended without pay for at least one month by the head of the agency, and

4. When circumstances warrant, may be summarily removed from office.
- C. Military personnel who willfully use or authorize the use of a Government vehicle for other than an official purpose, or otherwise violate 31 U.S.C. § 1344, can be disciplined under provisions of the UCMJ or other administrative procedures deemed appropriate. DoDM 4500.36, E5.7.a.(1). For example:
1. Article 92 – Failure to obey order or regulation.
 2. Article 121 – Larceny and wrongful appropriation.
- D. Examples of Violations of Official Use Prohibition
1. *Mattos v. Department of Army*, No. 93-3203 (Fed. Cir. Oct. 8, 1993). 30-day suspension for using Government vehicle to stop at McDonald’s when returning from meeting when employee knew such use was unauthorized.
 2. *Devine v. Nutt*, 718 F.2d 1048 (Fed. Cir. 1983). 30-day suspension for using Government vehicle while on patrol to drive by residence to pick up beer and deliver to command center.
 3. *Madrid v. Dept. of Interior*, 37 M.S.P.R. 418 (1988). 30-day suspension for giving employee's loan officer a ride to lawyer's residence to sign loan papers. Deviation was only several blocks off employee's normal route, but he transported unauthorized individual for personal business.
 4. *Baltimore v. Clinton*, 900 F.Supp.2d 21 (D.D.C. Oct. 25, 2012). “The Ambassador's use here was plainly non-official. The use of government owned vehicles for personal purposes without any exigency is squarely prohibited. See 31 U.S.C. § 1349(b); see also 31 U.S.C. § 1344 (listing official purposes). The Embassy's written policy is similarly clear. See A.R. 1562-65. The Ambassador even initialed the policy...and makes the Ambassador's plea of ignorance difficult to believe.”
- E. Examples of No Violation of Official Use Prohibition.
1. *Kimm v. Department of Treasury*, 61 F.3d 888 (Fed. Cir. 1995). An ATF agent on 24-hour call who was authorized to use Government vehicle for home-to-work travel transported his child to day care on his way to work for one-week period

while his wife was bedridden. Circuit court overturned suspension finding that it was reasonable under the circumstances for agent to assume the use was essential to completion of the mission.

2. *Felton v. EEOC*, 820 F.2d 391 (Fed. Cir. 1987). Overturned 30-day suspension of supervisor who authorized office's only typist to take a Government vehicle to secure her POV which had broken down on the way to work. Circuit court found no evidence of willful element since supervisor reasonably determined that the use would promote the successful operation of the agency.

XIII. PAYING FOR TRAVEL

A. Paying for Travel – The Government Travel Charge Card

1. Use of the travel card is mandated by the Travel and Transportation Reform Act of 1998. Authorized by the [DoDI 5154.31, Volume 4 \[PDF, 10 pages\]](#), the Defense Travel Management Office (DTMO) manages the card program, provides guidance, policy, and training, and serves as a liaison to GSA, the travel card vendor, and DoD Component Program Managers on travel card related issues. DTMO is also responsible for developing, coordinating, and maintaining the [Government Travel Charge Card Regulations \[PDF, 46 pages\]](#). Refer to the GTCC Regulations for GTCC policy and purpose, general travel card information, and special travel considerations. See also <https://www.travel.dod.mil/Programs/Government-Travel-Charge-Card/>
2. Key Issues:
 - a. Use of Card is mandatory for all travelers unless they have an exemption.
 - b. Key Exemptions – Classes of Personnel that often may not have a card:
 - (a) Employees with a card application pending.
 - (b) Individuals travelling on ITAs.
 - (c) ROTC Cadets and members undergoing IET prior to reporting to their first PDS.
 - (d) Members denied a card or whose card is cancelled or suspended.

- (e) Members of DoD approved by the Secretary during war, declared national emergency, mobilization, deployment, or contingency.
 - (f) Personnel travelling to places where infrastructure does not support use.
 - (g) National Security/Law Enforcement Risk.
 - (h) “Infrequent Travelers”.
- c. Key Exemptions – Classes of Expense
- (a) Vendors do not accept the card.
 - (b) Expenses covered by incidentals portion of per diem.
3. Timely Reimbursement
- a. Reimbursement must occur within 30 days.
 - b. Components can earn additional rebates for earlier payment.
 - c. Payment is late on the 31st day and interest based on the Prompt Payment Act may be assessed. Interest payment funding instructions can be found in the DoD Financial Management Regulation (DoDFMR), Volume 10, Chapter 7.
4. When an exemption is granted, payment may be made via personal funds, travel advances, or Government Transportation Request (GTR). A GTR is an accountable Government document used to procure common carrier transportation services. The document obligates the Government to pay for transportation services provided.

XIV. CONCLUSION