

# 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<sup>1</sup>
8. 41 C.F.R. Part 102-34 (Motor Vehicle Management)
9. Office of Management and Budget (OMB) Circular<sup>2</sup> A-126, Revised, "Improving the Management and Use of Government Aircraft," May 22, 1992.

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

<sup>2</sup> OMB Circulars are available in html format at <http://www.whitehouse.gov/OMB/circulars>.

B. Department of Defense<sup>3</sup> (and Higher Executive Agencies)

1. DoD Directive 4500.09E, Transportation and Traffic Management, September 11, 2007.
2. DoD Directive 4500.36, Management, Acquisition, and Use of Motor Vehicles, December 11 2012 (incorporating Change 1, October 25, 2013).
3. DoD 4500.36-R, Management, Acquisition, and Use of Motor Vehicles, March 16, 2007.
4. DoD Directive 4500.56, DoD Policy on the Use of Government Aircraft and Air Travel, 14 April 2009.
5. DoD 4515.13-R, Air Transportation Eligibility, November 1994, (w/c3, 9 April 1998). (See also DTM-06-006, 3 February 2006.)
6. DoD Instruction 1015.15, Establishment, Management, and Control of Nonappropriated Fund Instrumentalities and Financial Management of Supporting Resources, 31 October 2007, (w/Administrative c1, 20 March 2008).
7. Administrative Instruction 109, Use of Motor Transportation and Scheduled DoD Shuttle Service in the Pentagon Area, March 31, 2011.

C. Joint Publications

The Joint Travel Regulations (JTR) (Department of Defense Civilian Personnel).<sup>4</sup>  
NOTE: Effective 1 October 2014, the Joint Federal Travel Regulations, Vol. 1 and Joint Travel Regulations, Vol. 2 have been consolidated into one volume titled the Joint Travel Regulations.

<sup>3</sup> DoD Directives, Instructions, and Regulations can be found at <http://www.dtic.mil/whs/directives/>.

<sup>4</sup> These publications are available at <http://www.defensetravel.dod.mil/site/travelreg.cfm>.

D. Department of the Army<sup>5</sup>

1. Army Directive 2017-05, Secretary of the Army Policy for Travel by Department of the Army Senior Officials, 18 January 7, 2017, [hereinafter “SecArmy Policy”].
2. AR 58-1, Management, Acquisition, and Use of Administrative Use Motor Vehicles (12 June 2014).
3. AR 95-1, Flight Regulations (1 September 1997) (supersedes and incorporates AR 95-3).
4. AR 360-1, The Army Public Affairs Program, Ch. 10, Public Affairs Travel (25 May 2011).
5. AR 600-8-105, Military Orders (28 October 1994) (authority to issue travel orders).

E. Department of the Air Force

1. AFPD 24-1, Personnel Movement (9 August 2012).
2. AFPD 24-3, Management, Operations, and Use of Transportation Vehicles (9 October 2013).
3. AFI 24-101, Passenger Movement (19 October 2012).
4. AFI 24-301, Vehicle Operations (1 November 2008).

F. Department of the Navy

1. OPNAVINST 4610.8F Transportation and Traffic Management (8 Sep 2009) (implementing DoDD 4500.9E).

<sup>5</sup> All listed Army regulations are available at <http://www.apd.army.mil/>.

2. OPNAVINST 4630.25D Government Air Transportation Eligibility (20 Jun 2012) (implementing DoD 4515.13-R).
3. OPNAVINST 4650.15B Navy Passenger Travel (15 Dec 2011).

## 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.
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

*It is essential that managers and commanders at all levels prevent misuse of transportation resources as well as the perception of their misuse.*

-- DoDD 4500.56

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

*DoD-owned or -controlled transportation resources shall be used for official purposes only.*

-- DoDD 4500.9E

2. Only persons whose transportation benefits the Government should use Government owned or funded transportation assets. Exceptions for other travelers should be granted only when there is no impact on the Government's cost or mission.
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.

*[T]ransportation resources shall be used during peacetime as efficiently as possible. . .*

-- DoDD 4500.9E

4. Government transportation rules must be applied uniformly and not to selectively benefit someone solely because of rank or position.

*Travel status, distinguished visitor (DV) code or status, grade, or rank alone is not sufficient to justify the use of government aircraft. . .*

-- DoDD 4500.56

*Transportation by a DoD motor vehicle shall not be provided when the justification is based solely on reasons of rank, position, prestige, or personal convenience.*

-- DoD 4500.36-R

5. The Government will use commercial transportation assets to the maximum extent possible/practicable.

*DoD transportation requirements shall be met by using the most cost effective commercial transportation resources to the maximum extent practicable unless there is a documented negative critical mission impact.*

-- DoDD 4500.9E

### **III. AIR TRAVEL: GOVERNMENT AIRCRAFT**

- A. Travel Categories OMB Circular A-126 establishes 3 categories of travel on Government aircraft.

1. Required Use Travel. Para. E3.2, DoDD 4500.56; Para. 5d., OMB Cir. A126.

- a. Designated travelers who are required to use military aircraft because of one or more of the following:

- (1) their continuous requirement for secure communications;

- (2) for security; or

- (3) for responsive transportation to satisfy exceptional scheduling requirements dictated by frequent short-notice travel, which makes commercial transportation unacceptable.

- b. The following officials are “required use” passengers for both official and unofficial travel:

- (1) Secretary of Defense

- (2) Deputy Secretary of Defense

- (3) Chairman, Joint Chiefs of Staff

- (4) Vice Chairman of the Joint Chiefs of Staff (unofficial travel authorized only when when acting as the Chairman)
  - c. The following officials are “required use” passengers *only for official travel*.
    - (1) The Secretaries of the Military Departments;
    - (2) Chiefs of the Military Services;
    - (3) Commander, International Security Assistance Force – Afghanistan (US Only);
    - (4) Commander, United States Forces Korea ;
    - (5) Commanders of the Combatant Commands;
    - (6) Under Secretary of Defense for Acquisition, Technology, and Logistics;
    - (7) Under Secretary of Defense for Intelligence;
    - (10) Under Secretary of Defense for Policy.
  - d. Within the Army, required use is restricted to only the Secretary of the Army and the Chief of Staff, Army (this is a change from the 2007 SecArmy Travel Policy that made all active four-star general officers “required users”).
2. Other Official Travel. Para. E3.3, DoDD 4500.56; Para. 5c., OMB Cir. 126.
- a. Other official travel is for the conduct of DoD official business.
  - b. Official travel may include travel to give speeches, attend conferences or meetings, make site visits to facilities, and permanent change of station moves.

- c. Commercial air (including charter) is normally used when it is “reasonably available” to effectively fulfill the mission requirement and is able to meet the traveler’s departure and arrival requirements in a 24-hour period.
  
- d. MilAir may be authorized when:
  - (1) The cost of using MilAir is more cost effective than the cost of commercial air service.
  
  - (2) Highly unusual circumstances present a clear and present danger or other emergency exists.
  
  - (3) Other compelling operational considerations make commercial transportation unacceptable.
  
- e. Determine if the actual cost of using a Government aircraft is the same or less than the cost of using commercial airline or aircraft (including charter) service. Para. 8a., OMB Cir. A-126.
  - (1) Cost Analysis. Para. E3.3.c., DoDD 4500.56.
    - (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 MilAir requests to fully utilize aircraft, MilAir costs for separate travel requests can be lowered and may compare more favorably with costs associated with commercial air travel. Authorizing officials may provisionally approve a request on the basis that, if consolidated with another request(s), it is determined to be cost-effective.



- (2) 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.

3. Unofficial Travel. Para. E3.4., DoDD 4500.56.

- a. Travel by family member, non-DoD civilian or non-Federal traveler.
- b. **MUST** be accompanying a senior DoD or other Federal official who is traveling on MilAir on official business.
- c. Must not displace official travelers or require a larger aircraft.
- d. Note that this is **NOT** the same as Space-A travel as addressed in DoD 4515.13-R, Ch. 6.
- e. Travel is reimbursable at the full coach fare (i.e., a coach fare available to the general public between 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).
- f. Travel must be approved in advance, in writing, on a case-by-case basis. Para. E3.4.a., DoDD 4500.56.

B. Check for Special Rules.

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

#### **IV. AIR TRAVEL: SPOUSE**

- A. **GENERAL RULE:** a family member may not accompany his or her DoD sponsor who is traveling on Government aircraft on official business without reimbursing the government for such travel. Para. E5, DoDD 4500.56.

B. EXCEPTIONS:

1. *Funded Travel*: A family member's travel may be approved:

- a. If the spouse's travel is justified on a basis that is *independent* from their status as a spouse. *See* JTR, Appendix E, Part 1.A. When the spouse is approved for travel on an independent basis, he/she is entitled to per diem, as well as travel expenses:

(1) Examples of independent bases:

- (a) The spouse will attend a service-endorsed training course and provide subsequent volunteer services. *See* 71 COMP. GEN. 6 (1991). (Ex. – Pre-command Course, Brigadier General Training Course, anti-terrorist training course). For other courses, the JTR requires approval through the “Secretarial process.” For the Army, process requests through command channels and the DCSOPS to the Administrative Assistant to the Secretary.
- (b) The spouse will confer with DoD officials on official matters, as a subject matter expert (does not include mere attendance at a meeting or conference, even if hosted by DoD).

(2) ARMY POLICY: It is Army policy that spouses travelling to participate in Army Family Programs and/or Quality of Life conferences *shall* travel in an accompanying spouse status (per diem NOT authorized), unless travel is as a delegate to an “**excepted program**” in which case, if the following conditions apply, *invitational travel* (with per diem) is authorized.

- (a) The conference is sponsored by an activity commanded by a major general or above;
- (b) There is a substantive agenda aimed at affording the Army leadership guidance and advice on family, education, health care, and retention policies;

- (c) The objective is to create a discernable substantive product such as an action plan;
  - (d) The agenda requires full-time delegate participation;
  - (e) The process for selecting delegates conforms to regulation and the sponsor approves the slate.
- b. to attend an unquestionably official function in which the spouse is actually to participate in an official capacity; **or**
  - c. if such travel is deemed in the national interest because of diplomatic or public relations benefit to the United States. Para. E5., DoDD 4500.56; JTR, Appendix E, Part 1.A.
2. *Unofficial Travel/Non-interference Travel* on MilAir. Para. E3.4.c, DoDD 4500.56; Para. 8b. & 9c., OMB Circular A-126. Spouses may accompany their sponsors on official business in a Government aircraft on a space-available basis<sup>6</sup> only when:
- a. the aircraft is already scheduled for an official purpose;
  - b. the noninterference use 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;
  - e. and the Government is reimbursed at the **full coach fare**
- (1) The senior DoD official shall attach to his or her travel voucher a personal check made payable to the Treasurer of the United States.

<sup>6</sup> This category of travel differs from the space available privilege in DoD 4515.13-R, Chapter 6. For this travel, the non-Federal traveler **MUST** be accompanied by the person on official travel.

- (2) He shall also include a travel office printout that reflects the full coach fare.

C. Conditions on Travel:

1. Travel is allowed on a mission noninterference basis only, and must be approved in advance, in writing.
  2. Normally the spouse is only reimbursed for transportation costs, not including per diem. Spouses may only receive per diem in the following very narrow circumstances (Para. E3.5., DoDD 4500.56 and JTR, Appendix E, Part 1.A.2.m).
    - a. The authorizing official determines that there is an “unquestionable official function in which the spouse is to participate in an official capacity” or the spouse's travel is "essential to accomplishing the mission and there is a benefit for DOD beyond fulfilling a representational role."
    - b. Spouse travel is justified on a basis independent from their status as a spouse.
  3. Funded family members shall travel in the company of their DoD sponsor on Government aircraft UNLESS justified by unusual circumstances. Para. E3.5., DoDD 4500.56; DoD 4515.13-R. Under these unusual circumstances, the spouse must travel in the most cost-effective manner, which may include Government aircraft. Unusual circumstances include, but are not limited to:
    - a. Unplanned or unanticipated schedule changes or compelling requirements of the sponsor (e.g. deployment), or
    - b. Due to other official business requirements, it is more economical for the sponsor to meet the spouse at the destination and/or depart the destination directly for other official business while the spouse returns home.
- D. Spousal Air Travel Approval Authorities (requests routed through command channels). See JTR, Appendix E, Part 1.A.2.m(4) and (5).

## V. AIR TRAVEL: CONTRACTOR RULES

- A. Contractors can no longer be issued ITAs. *See* JTR, Appendix E, Part 3; 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. *See* JTR, Appendix E, Part 3.
    - a. Discount Rail Service.
      - (1) AMTRAK voluntarily offers discounts to Federal travelers on official business.
      - (2) These discounted rates may be extended to eligible contractors traveling on official Government business.
    - b. Discount Hotel/Motel Practices.
      - (1) Several thousand lodging providers extend discount-lodging rates to Federal travelers.
      - (2) Many currently extend their discount rates to eligible contractors traveling on official Government business.

c. DoD Car Rental Practices.

- (1) DoD negotiates special rate agreements with car rental companies available to all Government employees while traveling on official Government business.
- (2) Some car rental companies offer these 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:

<b>OFFICIAL AGENCY LETTERHEAD</b>
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), <b>AND ONLY IF THE VENDOR PERMITS</b>, the named bearer is eligible and authorized to use available travel discount rates in accordance with Government contracts and/or agreements. <b>Government Contract City Pair fares are not available to Contractors.</b></p>
SIGNATURE, <small>Title and telephone number of Contracting Officer</small>

5. DoD Component Responsibilities.

- a. Know which hotels and car rental companies offer Government discount rates to Government contractors.

b. Ensure that authorized contractors know how to obtain this information, which is provided to and published by commercial publications including:

(1) The Official Airline Guides Official Traveler (800) DIAL-OAG,

(2) Innovata (800) 846-6742, and

(3) National Telecommunications (201) 928-1900.

(4) In addition, GSA contract Travel Management Centers (TMCs) and DoD's Commercial Travel Offices (CTOs) have this information.

B. Contractors may sometimes fly on MILAIR.

1. CETS personnel (contract field services personnel and field service representatives only). DoD 4515.13-R, Chapter 2, ¶ C2.2.9.

a. Personal Emergencies.

(1) Stationed overseas, and

(2) Travel from the CONUS, Alaska, or Hawaii to the overseas duty assignment was at DoD expense

(3) Under conditions similar to the circumstances for which emergency leave could be granted a Military Service member

(4) **Traveler-funded**,<sup>7</sup> space-required, round-trip travel aboard DoD aircraft is authorized from overseas areas to the CONUS, and between overseas areas.

<sup>7</sup> Transportation costs shall be reimbursed by the traveler at the non-U.S. Government tariff.

(5) **This does not include travel in the CONUS.**<sup>8</sup>

b. Approved Official Travel

- (1) Engaged in official activities for the Department of Defense.
- (2) Requiring air travel or when air travel is essential to accomplish a DoD mission.
- (3) The contract provides, or a responsible authority specifies, that transportation shall be furnished at DoD expense.
- (4) Travel authorization shall indicate the contract provisions that apply or the responsible authority that approved the travel, and shall include the DoD appropriation chargeable.

c. Contractor Reimbursable Travel.

- (1) Engaged in official activities for the Department of Defense.
- (2) Requiring air travel or when air travel is essential to accomplish a DoD mission.
- (3) When the contract provides, or a responsible authority specifies, that transportation shall be furnished at the contractor's expense.
- (4) Transportation is reimbursable at the non-U.S. Government tariff. Travel authorization must contain a statement that commercial transportation is not available, readily obtainable, or satisfactorily capable of meeting the travel requirements and that the non-U.S. Government tariff applies. The travel authorization must include the name and address of the contractor's Agency responsible for reimbursement.

<sup>8</sup> Individuals traveling to or from an overseas location may travel on any CONUS leg segment (i.e., on a flight with enroute stops) when no change of aircraft or mission number is involved.



2. Other Contractors as an Exception to Policy may be Approved by:
  - a. Senior Officials. DoD 4515.13-R, Chapter 10.
    - (1) The Military Department Secretaries.<sup>9</sup>
    - (2) The Chairman of The Joint Chiefs Of Staff.
    - (3) The Chiefs of Staff of the Army and the Air Force, the Chief of Naval Operations, and the Commandant of the Marine Corps.
    - (4) When:
      - (a) Circumstance is not specifically withheld to the Secretary of Defense.
      - (b) The transportation is primarily of official interest to the DoD Component concerned.
  - b. Senior Commanders with Delegated Authority
    - (1) Approval authority. May be delegated, but not lower than:
      - (a) **Army.** Commanders, and heads of activities in the grade of major general, or above.
      - (b) **Navy.** Type Commanders as designated by the Chief of Naval Operations.
      - (c) **Air Force.** Major Commanders.

<sup>9</sup> Within the Army Secretariat, this authority is delegated to the Under Secretary of the Army.

- (d) **Marine Corps.** Authority remains with the commandant, unless specifically delegated to individual commanders in the grade of brigadier general, or above.
  
- (2) **CONUS** commanders identified above, may approve the following categories of passengers for travel **in the CONUS** when such travel is in direct support of the approving command.
  - (a) Foreign military personnel who possess proper base or installation visitation authorization.
  
  - (b) Foreign civilians assigned to a NATO Headquarters and who possess a base or installation visitation authorization. (Requests from non-DoD sources and those concerning non-NATO foreign civilians must be approved by SecDef).
  
  - (c) U.S. citizens, **except** for the following:
    - (i) Spouses of Government Personnel.
  
    - (ii) Non-DoD Federal officials.
  
    - (iii) Members of Congress and their staffs.

## **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 on official business shall use coach-class airline accommodations.
  - a. *ARMY POLICY:* Members may not travel in any premium class (first class or business class) while in uniform, even if they pay for the upgrade with personal frequent flyer miles.

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.
2. JTR limits authority for authorizing/approving the use of first-class air accommodations.
  - a. ARMY POLICY: Only the Secretary of the Army can approve first-class travel.
3. Requirements
  - a. Employee Responsibility and Documentation.
    - (1) The employee shall certify on the travel voucher the reasons for the use of first-class air accommodations.
    - (2) Specific authorization/approval shall be attached to, or stated on, the travel voucher and retained for the record.
    - (3) 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 Air Accommodations
    - (1) 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.<sup>10</sup>

- (2) 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.
- (3) 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.
- (4) 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 Management, Office of the Secretary of Defense, or as delegated by the Director.
- (5) 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;

<sup>10</sup> This is the only instance where first-class accommodations may be used without prior approval.

- (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: Sec Army and the Chief of Staff, Army, or their designees, are the approval authorities for premium-class travel for officials within the Secretariat and Army Staff, respectively. All other requests are processed through the normal orders approving chain. 3 & 4-Star MACOM Commanders may approve for their subordinates. They may delegate to their 3 & 2-Star Deputy Commanders/Chiefs of Staff
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.<sup>11</sup>
- 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.
- j. Lengthy Flight
  - (1) Travel is direct between authorized origin and destination points separated by several time zones,

<sup>11</sup> As determined by the local transportation officer, or other appropriate authority, in conjunction with the order-approving authority.

- (2) Either the origin or destination point is outside CONUS,
- (3) TDY purpose/mission is so urgent it cannot be delayed or postponed, and
- (4) The scheduled flight time (including stopovers) is in excess of 14 hours.
  - (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 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)***

### **A. Generally. (10 U.S.C. § 2632, DOD 4500.36-R, CHAP. 5)**

- 1. Primarily Three Types of Service: Group Transportation, Shuttle Bus Service, and Mass Transit.
- 2. Generally, a reasonable fare must be charged. 10 U.S.C. § 2632(a)(3).
  - a. Fares must be accounted for and deposited as miscellaneous receipts. DoD 4500.36-R, ¶¶ C.5.4.7; C.5.5.3.
  - 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. DoD 4500.36-R, ¶¶ C.5.4.8; C.5.5.3.
- (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* DoD 4500.36-R, ¶ C.5.5.3.

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 Secretary of the Army has authorized MACOM commanders to establish such fare-free bus service if the following specific, objective criteria are met ((AR 58-1, ¶ 5-4g). This authority may not be further delegated. AR 58-1, ¶ 5-4i):
    - (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 Regulation 4500.36-R EXCEEDS \$1.00 per passenger per round trip.

3. 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).



4. Transportation services provided must be reviewed locally on an annual basis.
  - a. **Air Force** requires this review at MAJCOM or FOA level for group transportation. AFI 24-301, ¶ 3.51..
  - b. **Air Force** requires Mass Transit to be reviewed every 6 months and records of review kept for 3 years. AFI 24-301, ¶ 3.52.

B. Group Transportation - 10 U.S.C. § 2632(a)(2)(B)

1. Uses & Limits.

- a. Normally be limited to those situations where there is a need to move personnel from domicile-to-duty, from other than Government installations, and subinstallations, when considered necessary for the effective conduct of the affairs of the Department.
- b. The vehicle used must have a seating capacity of 12 or more persons.

2. Approval

- a. To authorize the establishment of such systems, the Secretary must determine 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 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: (DoD 4500.36-R, ¶ C.5.4.)

- (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.
  - (2) In overseas commands where, due to the absence of adequate public or private transportation, local political situations, security, personal safety, or the geographical location of the duty stations, such transportation is considered essential to the effective conduct of the Department's business.
- c. The **Army** has delegated authority to approve group transportation as follows: (AR 58-1, ¶ 5-3e.)
- (1) MACOM commanders.
  - (2) Superintendent, USMA.
  - (3) Ballistic Missile Defense Program Manager.
  - (4) Chief of Engineers.
  - (5) Chief, National Guard Bureau.
  - (6) Chief, Army Reserve.
  - (7) One individual, head of a staff element or office, as appropriate, so designated by each of the chiefs of the headquarters or elements shown above.

C. Shuttle Bus Service - 10 U.S.C. § 2632(a)(2)(A)

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 busses may only operate in duty areas for the Army. AR 58-1, ¶ 5-1b.
- 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:* Routes will service offices and work centers only. Unauthorized stops include base housing areas (to include Government leased housing) and any recreational or shopping areas unless these areas are reasonably unavoidable. AFI 24-301, ¶ 3.58.
  - (2) Enlisted personnel between troop billets and work areas.
    - (a) There is an exception for Korea where OSD has approved the use of fare-free shuttle bus service from BOQ/BEQ to work site and return by officers and senior enlisted personnel in Korea. AR 58-1, ¶ 5-2b.(2).
    - (b) *Air Force Guidance:* Do not provide this service when other forms of transportation such as mass transit, privately-owned conveyance, or car or van pools are adequate to meet the needs of the member. The installation commander makes these determinations. AFI 24-301, ¶ 3.58.3..
  - (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.
  
  - e. ***Air Force Only: Shuttle Bus Service in Support of TDY Personnel and Transient Air Crews.*** AFI 24-301, ¶ 3.58.3. Establish special shuttle bus services at installations to accommodate large numbers of TDY personnel and transient aircrews when the service would be the most cost effective and efficient support. The following guidelines apply:
    - (1) Transportation Squadron Commander must approve the service.
    - (2) Limit designated stops to those specified in the Federal Travel regulations (JTR¶ U3200).
    - (3) Analyze this service semiannually.
2. Approval. The following instructions apply in establishing and maintaining shuttle bus routes:
- a. Established routes and schedules must be based on a validated need to transport authorized passengers.

- b. Shuttle bus routes (see 5-6.b. (2), above) will not be used to provide domicile-to-duty travel, except when supporting enlisted personnel between troop billets and work areas.
- c. The conveyance used must be no larger than the most economical available to accommodate “duty” passengers.
- d. Surveys must be conducted at least annually to ensure that need for the service remains valid.

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

1. Uses & Limits

- a. Designed to fulfill requirements beyond the scope of shuttle bus service.
- b. May be used to provide other “non-duty” types of transportation within a military installation or between subinstallations on a fare basis.
  - (1) The mass transportation may be used to provide domicile-to-duty transportation on military installations or between subinstallations in reasonable proximity.
  - (2) 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.***

- c. 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 and provide the most efficient transportation.
3. *Army-specific Guidance.* AR 58-1, ¶ 5-4a. – n.
- 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 Specific Guidance.* AFI 24-301, Chapter 3.
- a. Approval for Mass Transport is at the MAJCOM level.
  - b. Isolated Areas: (See ¶ 1.b(2)(b) above).
    - (1) This service provides no-fare bus transportation to military members, DoD civilians, contractors, and their dependents (12 passenger or more) for locations designated as an isolated area.
    - (2) Isolated areas are those locations not adequately serviced by regularly scheduled commercial or municipal transit services.
      - (a) Consider CONUS locations as isolated areas only under unique circumstances. Forward requests for CONUS locations through command transportation channels to HQ USAF/ILT for approval.
      - (b) For overseas commands, forward requests to the MAJCOM LGT for approval.

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) The *Army* has delegated this authority to the “MACOM Commanders, or their delegates.” AR 58-1, ¶ 5-5b.
    - (2) The Air Force provides that installation commanders approve this type of service. AFI 24-301, ¶ 3.10.
  - 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 to the same levels as for approval of group transportation. *See* ¶ VII.B.2.c above.
- 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, ¶ 5-2d.)
    - (1) One annual conference/convention of national military associations approved by the Assistant Secretary of Defense for Public Affairs (10 U.S.C. § 2558).
    - (2) Overseas Support for Boy/Girl Scouts (10 U.S.C. § 2606 and DoD Instruction 1015.9.)
    - (3) World and National Boy Scout Jamboree Support (10 U.S.C. § 2554).
    - (4) International Transportation Support for Girl Scout Events (10 U.S.C. § 2555).
    - (5) Financial Institutions on DOD Installations (DoD Directive 1000.11 and AR 210-135).
    - (6) American National Red Cross (DoD Directive 1330.5 and AR 930-1).
    - (7) United Service Organization, Inc. (DoD Directive 1330.12 and AR 930-1).
    - (8) United Seaman's Service (DoD Directive 1330.16 and AR 930-1).

- (9) 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. MOTOR VEHICLES: OFFICIAL USE

### A. Fundamental Principles:

1. The use of Government-owned or leased motor vehicles is restricted to official purposes only. DoD 4500.36-R, para. C2.5, 31 U.S.C. § 1344.
2. Transportation “shall not be provided” based solely on rank, position, prestige, or personal convenience. DoD 4500.36-R, para. C.2.5.10.

### B. Definitions are important in this area.

1. Limits on GSA Rule. The following motor vehicles are *not* covered: (41 C.F.R. § 102-34.15)
  - a. Those designed or used for military field training, combat, or tactical purposes; or
  - b. Those used principally within the confines of a regularly established military post, camp, or depot.
2. Motor Vehicle: A vehicle designed and operated principally for highway transportation of property or passengers, but does not include a vehicle designed or used for military field training, combat, or tactical purposes. DoD 4500.36-R, App. 4, ¶ AP4.37.
3. Military Design Vehicles. Motor vehicles (excluding general purpose commercial design) designed in accordance with military specifications to meet transportation requirements for the direct support of combat or tactical operations, or for training of troops for such operations. DoD 4500.36-R, App. 4, ¶ AP4.36.

4. Nontactical Vehicle (NTV). A motor vehicle or trailer of commercial design acquired for administrative, direct mission, or operational support of military functions. All DoD sedans, station wagons, carryalls, vans, and buses are considered “nontactical.” DoD 4500.36-R, App. 4, ¶ AP4.1.42.
  
5. What is “Official Use?”
  - a. CONGRESS: "Uses that would further the mission of the agency. Providing a Government vehicle solely or even principally to enhance the comfort or convenience of a Government officer or employee is not permissible." H.R. Rep. No. 451, 99th Cong., 2d Sess. 6 (1986).
  
  - b. GSA: “using a motor vehicle to perform your agency's mission(s), as authorized by your agency.” 41 C.F.R. § 102-34.220.
  
  - c. DoD: “Official Purposes. Any application of a motor vehicle in support of authorized DoD functions, activities, or operations.” DoD 4500.36-R, App. 4, ¶ AP4.1.43.
  
  - d. 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.

#### C. Using Vehicles for Official Purposes

1. Determination of Officiality. DoD 4500.36-R, para. C2.5.
  - a. The use of all DoD motor vehicles, *including those leased* using DoD funds, from other Government agencies or commercial sources, shall be restricted to official purposes only.
  
  - b. When *questions* arise about the official use of a motor vehicle, they shall be *resolved in favor of strict compliance* with statutory provisions and DoD policy.

- 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:
  - (1) essential to the successful completion of a DoD function, activity, or operation, and
  - (2) consistent with the purpose for which the vehicle was acquired.
  
- d. Activities that generally ARE considered official use.
  - (1) Transportation of certain groups (athletic teams, MWR, Chapel programs, etc.) when it is determined that failure to provide transportation will have an adverse effect on morale. DoD 4500.36-R, para. C2.5.5.
  - (2) Transportation provided to those “officially participating in public ceremonies, military field demonstrations, and parades directly related to official activities.” DoD 4500.36-R, para. C2.5.6. (*See also* ¶ XI below).
  - (3) “Incidental use” may be authorized IAW Service regulations for non-official business only when such use is clearly in the interest of DoD (e.g., to obtain a commercial driver’s license required for employment). DoD 4500.36-R, para. C2.11; *see also* DoD 4500.36-R, para. C9.5.2..
  - (4) *Army*
    - (a) Mandatory appointments made by the Army. Transportation to or from an appointment scheduled by the Army that requires a soldier's attendance (as opposed to a doctor's appointment made by the soldier).
      - (i) For example, records checks, physical, dental or hospital outpatient appointments, are considered official use for active duty military personnel, cadets, and for DoD civilian personnel when directed by competent authority and as a condition for employment. See AR 58-1, ¶ 2-3d.

(ii) If possible, regularly scheduled shuttle bus service or public mass transportation should be used.

(5) *Air Force:*

- (a) Official use for active duty personnel includes transportation to or from Air Force scheduled appointments, i.e., records checks, dental appointments, hospital outpatient appointments, etc. AFI 24-301, ¶ 3.6.
- (b) Personnel conducting official off-base duties are authorized to stop at off-base eating establishments in the immediate vicinity of the off-base work site. AFI 24-301, ¶ 3.6.1.
  - (i) This authority does not include eating or stopping at private quarters.
  - (ii) Personnel are not authorized to stop at shopping or dining facilities on, or in the close proximity of, the installation while in route to off-base locations.
- (c) The installation commander may approve alert aircrews and Intercontinental Ballistic Missile (ICBM) personnel the use of Government vehicles to and from on-base facilities. AFI 24-301, ¶ 3.6.2.
  - (i) The commander must identify these facilities.
  - (ii) Alert crews and ICBM personnel may not drive Government vehicles to private quarters, for domicile-to-duty purposes, or to conduct personal business.
- (d) Operations Group Commanders (OG/CCs) driving to on-base quarters incident to the performance of their duties in connection with on-going flight operations. AFI 24-301, ¶ 3.10.

(e) When guidance does not specifically fit a request for transportation support, commanders will use the following factors: AFI 24-301, ¶ 3.63.

(i) Is the purpose of the trip official?

(ii) Does the request have the potential to create a perception that will reflect unfavorably on the Air Force or cause public criticism?

(iii) Will the request impact on mission requirements?

(iv) Is commercial or DoD scheduled transportation available? (It is important to note that the Air Force does not provide transportation support that competes with commercial services.)

e. Activities that are expressly NOT official use

(1) Transportation to and from place of residence unless “Home-to-Work” transportation is approved. *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.*

(2) Government vehicles may not be used for transportation to, from, or between any location for the purpose of *conducting personal business* or other personal activities by military or civilian personnel, their family members, or others. DoD 4500.36-R, para. C2.5.3.

(3) Public and commercial transportation to commercial terminals in the Pentagon area is adequate and therefore use of official vehicles for transportation to the airport is not authorized. AI 109 defines the NCR as the District of Columbia, Montgomery and Prince George’s Counties in Maryland, and Arlington, Fairfax, Loudoun and Prince William Counties in Virginia, and all cities and towns included within the outer boundaries of the foregoing counties.

(4) *Army*: (SecArmy Policy, ¶ 14; AR 58-1, ¶ 2-4e.)

- (a) transportation to unofficial private social functions;
- (b) personal errands or side trips for unofficial purposes;
- (c) attendance at official ceremonies in personal capacity.
- (d) transporting Army personnel and their family members to, from, or between U. S. Government facilities or commercial establishments for the purpose of conducting personal business or engaging in other activities of a personal nature.
- (e) using NTVs to transport personnel or to pickup or deliver items or supplies that are required for any unofficial functions or activities such as office coffee funds, office luncheons, etc. *Id.*

f. *Other Army-Specific Guidance*

(1) *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) The transportation **MUST** begin and end at the place of duty. It may **NOT** begin or end at home.

(2) *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, ¶ 2-3f.

- (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.
- (3) *Transportation between an employee's home and an airport or other common carrier terminal in conjunction with official travel.* AR 58-1, ¶ 2-3i.(1). (See also 70 COMP. GEN. 196 (1991)). Nontactical vehicles may be used for trips between domiciles or places of employment and commercial or military terminals only when at least one of the following conditions is met:
- (a) Used to transport official non-DoD visitors invited to participate in DoD activities, provided that the use does not impede other mission activities.
  - (b) Used by individuals authorized domicile-to-duty transportation, for example: Secretary of the Army or the Chief of Staff, Army.
  - (c) Necessary because of emergency situations or to meet security requirements.
  - (d) Terminals are located where other means of transportation are not available or cannot meet mission requirements in a responsive manner.
  - (e) Authorized in the National Capital Region by Administrative Instruction 109.
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 (DoD 4500.36-R, para. C2.8; AR 58-1, ¶; AFI 24-301, ¶):
- a. Scheduled DoD bus service;
  - b. Scheduled public transportation;
  - c. DoD motor vehicles;

- d. Voluntary use of privately owned vehicle (POV) (reimbursable);
- e. Taxi (reimbursable).

3. Ridership.

- a. *Government contractors* may use Government motor vehicles when authorized under applicable procedures and the following conditions. (41 C.F.R. § 102-34.230)

- (1) Motor vehicles are used for official purposes only and solely in the performance of the contract.

- (2) 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. § 101-6.4.

- (3) 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. The *spouse of a Government employee* may be transported in a DoD motor vehicle only when: (DoD 4500.56-R, ¶ C2.5.7.

- (1) Accompanying the military member or civilian employee in the Government vehicle, the use of which has already been authorized to accomplish official business, and there is space available.

- (a) Such transportation can be provided only at no additional cost to the Government.

- (b) The size of the vehicle authorized must be no larger than that required for the performance of the official business.
- (2) Proceeding independently to or from an official function when
  - (a) The spouse's presence at the function is in the best interest of the Government and
  - (b) Circumstances have made it impractical or impossible for the official to accompany the spouse en route.
  - (c) **This authority applies only to the spouse of an employee who is authorized to receive domicile-to-duty transportation.**
- (3) Such transportation is required for reasons of security. Spouses are not considered representatives of the United States.
- (4) Transportation may be provided to support DoD Family Advocacy Programs in accordance with instructions established by the DoD Components. DoD 4500.56-R, ¶ C2.5.8.

## **IX. MOTOR VEHICLES: TDY USE**

- A. Use of Government vehicles is always limited to official purposes and shall always be predicated on need, distance, and other conditions that justify their use. DoD 4500.36-R, ¶ C2.5; AR 58-1, ¶ 2-3i.; AFI 24-301, Chapter 3, ¶3.6...
  - 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.
- B. When an adequate DoD or commercial bus system is available, the use of any individual motor vehicle or commercial rental car is prohibited. DoD 4500.36-R, para. C2.5.4.1; AFI 24-301, ¶3.6.1. .

- C. Official use while on TDY includes: (JTR, para. U3200; JTR; DoD 4500.36-R, para. C2.5.4.2.)
1. Transportation between places where the member's presence is required for official business and between such places and temporary lodging.
  2. When public transportation is unavailable or its use is impractical, travel to restaurants, drugstores, place of worship, barbershops, cleaning establishments, and similar places required for the subsistence, comfort, or health of the member is authorized.
    - a. *Army Says:* 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,(i.e. professional sports, concerts, etc.) is not authorized. AR 58-1, ¶ 2-3i.(3).
    - b. *Air Force Says:* Transportation is OK between places of business or lodging and installation bowling centers, officer and non-commissioned officer clubs, gymnasiums or any on-base non-appropriated fund activity (i.e., golf courses, rod & gun clubs, etc.) facilities required for the comfort or health of the member. AFI 24-301, ¶ 2.6.1.3.
      - (1) Use of motor vehicles for transportation to or from any other entertainment or recreational facilities is prohibited.
      - (2) Vehicle use off-base is restricted to reputable eating establishments in reasonable proximity to the installation.
- D. Using a DoD-owned or leased vehicle for transportation to or from entertainment or recreational facilities is prohibited. DoD 4500.36-R, para. C2.5.4.2. *But see*, Comp. Gen. B-254296 (1993) (authorizing limited exception for transportation to recreation necessary to the “health and welfare” of the employees at a remote FAA installation in Alaska).
- E. 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 Travel Regulations make 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 will have to be followed. *See, JTR paragraph 3620.*

F. 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 USC 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. 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) (*see also*, DoD 4500.36-R, Chapter 4; AR 58-1, Chapter 4; AFI 24-301, ¶ 2.8.).
1. Prohibition includes any part of route between home and place of employment except as otherwise authorized. DoD 4500.36-R, ¶ C2.5.2; AR 58-1, para. 2-4d.
- B. 31 U.S.C. § 1344 permits the use of passenger carriers to transport federal employees between their place of employment and mass transit facilities. 31 U.S.C. § 1344(g) On December 18, 2006, the Deputy Secretary of Defense issued a memorandum implementing this amendment for the Department of Defense. *OSD 18687-06*. Note that there are very strict approval authorities, findings, and procedures necessary before this permission may be implemented locally. See paragraph C5.2, DoD 4500.36-R, "Management, Acquisition and Use of Motor Vehicles."

- C. Exceptions: 31 U.S.C. § 1344 defines home-to-work transportation as an official purpose in the following situations:
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 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 include, but are not limited to, mine inspectors, meat inspectors, quality assurance inspectors, construction inspectors, recruiters, compliance investigators, personnel background investigators, and certain other law enforcement officers, whose jobs require travel to several locations during the course of a workday.
      - (1) The assignment of an employee to such a position **does not**, of itself, entitle an employee to receive daily home-to-work transportation.
      - (2) 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:
      - (1) The individual's workday begins at an official duty station; **or**
      - (2) The individual normally commuted to a fixed location, however far removed from the official duty station. (for example, auditors or investigators assigned to a defense contractor plant).
  2. When the transportation is essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties.

3. Designated positions – includes, among others, Secretaries of the Military Departments; Chief of Staff, Army; Chief of Staff, Air Force; Chief of Naval Operations; and Commandant of the Marine Corps.
- D. Service Secretaries may authorize home-to-work transportation when they make a determination in writing, on a nondelegable basis, that one of the following situations exists: (31 U.S.C. § 1344; DoD 4500.36-R, ¶ C4.2.7.)
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:
      - (1) Real, not imaginative, and
      - (2) 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.
    - (1) First, consider basing the vehicle at a Government facility located near the employee's job site.
    - (2) 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.
    - (3) 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.* The Secretary of Defense has given overseas combatant commanders authority to approve home-to-work transportation using Government owned or leased vehicles for certain personnel. 10 U.S.C. § 2637; DoD 4500.36-R, ¶ C4.2.8.
- a. Qualified Personnel.
    - (1) Members of the Uniformed Services
    - (2) Federal civilian employees under the jurisdiction of that commander, and
    - (3) Dependents of such members and employees



- b. Approval. The commander must determine that public or private transportation in such area is unsafe or not available (e.g., terrorist activity, natural disasters, strikes, etc.). Determinations must be in writing.
  - c. Policy.
    - (1) The initial transportation authorization will not exceed 90 days. If the conditions for the transportation authorization persist, the combatant commanders may extend the authorization for vehicle use for additional specific time periods not to exceed 90 days per authorization.
    - (2) The following methods for providing this transportation shall be considered in the order shown, to the extent they are available and capable of meeting transportation requirements:
      - (a) DoD – Scheduled bus service.
      - (b) DoD - Specially scheduled leased or owned bus service.
      - (c) Van pools.
      - (d) DoD motor vehicle centrally dispatched “taxicab” operation.
      - (e) DoD motor vehicles individually dispatched to a licensed uniformed service member or Federal employee.
      - (f) Spouses and dependents are not permitted to operate the vehicles listed in this section.
5. *Special Air Force Authority*: The installation commander may authorize Operations Group Commanders (OG/CCs) to drive their vehicles to on-base quarters incident to the performance of their duties in connection with on-going flight operations. AFI 24-301, ¶ 3.10..
- a. This should not be interpreted as having Command and Control Vehicle (CACV) authority.

- b. 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.
- c. 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.
  - (1) Each Federal agency shall consider the location of the employee's residence prior to authorizing home-to-work transportation.
  - (2) Home-to-work transportation shall be authorized only within the usual commuting area for the locale of the employee's place of employment. *Id*; DoD 4500.36-R, ¶ C4.2.4.
  - (3) 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. DoD 4500.36-R, ¶ C4.2.6.
- b. *Field work determinations.*
  - (1) Agency head may elect to designate positions rather than individual names, especially in positions where rapid turnover occurs.
  - (2) The determination should contain sufficient information, such as the job title, number, 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 some situations, notification must be submitted to Congress. See DoD 4500.36-R, ¶ C4.3.4.

## 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.” DoD 4500.36-R, para. C2.5.3.1.
  
2. *“Space Available” Passengers*. Personnel authorized home-to-work transportation may share the vehicle with others on a space-available basis provided the vehicle does not travel additional distances as a result. DoD 4500.36-R, para. C4.2.4.
  - 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.”
  
  - b. **Spouses** (and other friends & relatives). If an employee is authorized transportation between his/her residence and an official duty site, the space available privilege **does not** extend to his/her spouse, other relatives, or friends **unless--**
    - (1) It is consistent with the agency's policy,
  
    - (2) They are with the employee when he/she is picked up, and
  
    - (3) They are transported to the same place or event.
  
3. The comfort and convenience of an employee shall not be considered sufficient justification for an agency to authorize home-to-work transportation. DoD 4500.36-R, ¶ C4.2.3.

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

- A. Generally, transportation may be provided for military and civilian personnel officially participating in public ceremonies, military field demonstrations, and parades directly related to official activities. DoD 4500.36-R, ¶ C2.5.6.
  
- B. Army Guidelines. SecArmy Policy, ¶ 14e; AR 58-1, ¶ 2-3a.
  - a. Official Use Only. The Army parallels DOD 4500.36-R as stated in para. A above; transportation may be provided for official participation in public ceremonies,

military field demonstrations, and parades directly related to official activities. In addition, the Army reserves the right to make certain provisions of NTV use more restrictive than the current DOD policy.

**b. Changes of command, promotions, retirements, unit activations/deactivations are considered official business internal to the Army community.** As such, attendance by the Army community is encouraged, and personnel need not be personally participating in the event to attend. Prudent use of transportation is required (use a 15 passenger bus instead of 10 sedans to attend the function).

c. Commanders or principal staff will determine whether an event is of significantly high public interest, as to warrant the use of official Government transportation for general attendance.

d. All requests for general transportation to any ceremony or event will be reviewed by both the senior public affairs and legal officials prior to review by the commander.

e. For general attendance, commanders will normally use mass transportation, not individual transportation.

1. *After hours functions.* All transportation to official after-hours functions will begin and end at the individual's normal place of duty, not at a residence. See ¶ VIII.C.1.f(1) above.
2. *Spouses* accompanying their sponsor. See ¶ VIII.C.3.b. above.

C. Air Force Guidelines. AFI 24-301, Chapter 2.

1. Units may provide transportation to military and civilian personnel *officially taking part* in public ceremonies, parades, and military field demonstrations. AFI 24-301, ¶ 3.33 and 3.8..
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, or any other similar type functions.

## **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. (DoD 4500.36-R, ¶ C1.3.1.2). 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 McDonalds 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.

#### 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 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 Card

1. GSA Final Rule published January 19, 2000. 41 C.F.R. Parts 301-51, 52, 54, 70, 71, and 76.

2. DoD Implementation. Under Secretary of Defense (Comptroller) Memos dated 18 Feb 2000 and 19 July 2002. See, also, DoD Financial Management Regulation (FMR) Volume 9, Chapter 3.
3. Key Issues:
  - a. Use of Card is mandatory for all travelers unless they have an exemption.
  - b. Key Exemptions – Classes of Personnel:
    - (1) Employees with a card application pending.
    - (2) Individuals travelling on ITAs.
    - (3) ROTC Cadets and members undergoing IET prior to reporting to their first PDS.
    - (4) Members denied a card or whose card is cancelled or suspended.
    - (5) Members of DoD approved by the Secretary during war, declared national emergency, mobilization, deployment, or contingency.
    - (6) Personnel travelling to places where infrastructure does not support use.
    - (7) National Security/Law Enforcement Risk.
    - (8) “Infrequent Travelers”.
  - c. Key Exemptions – Classes of Expense
    - (1) Vendors do not accept card.
    - (2) Laundry/Dry Cleaning, Parking, & Local Transport Fares

(3) All expenses covered by the meals and incidentals portion of per diem.

4. Timely Reimbursement

a. Reimbursement must occur within 30 days.

b. If payment is late, traveler is entitled to a late payment fee based on the Prompt Payment Act, so long as the payment is at least \$1.

5. 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**