

**U.S. Department of Justice**  
**Executive Office for Immigration Review**



**Transit Benefit Program Policy and Guidance**

**December 2022**

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## **1.0 Introduction**

### **1.1 Objective**

TRANServe offers transit benefit distribution services nationwide, to organizations throughout the Federal government. It distributes over 320 million dollars in cash equivalent fare media annually and provides service to over 275,000 transit benefit participants employed by over 100 federal organizations nationwide. During Fiscal Year 2011 this organization distributed approximately 150 million dollars in Federal transit benefit to over 106,000 Federal employees working at over 80 Federal employer organizations within the National Capital Region (NCR) alone.

From the perspective of providing an efficient, economical means to distribute the transit benefit, TRANServe enables federal agencies to make use of a single established distribution system with extensive and effective internal controls over the receipt, maintenance, and distribution of fare media provided to Federal employees. This single system approach eliminates duplicating these functions at agencies and individual offices throughout the country.

### **1.2 Background**

DOT's Transit Benefit Program was established in 1991 when the Federal Transit Administration (FTA) began pilot testing a program, which provided up to \$21 per month in transit fare media to its employees. In 1993, as part of a national effort to improve air quality and to reduce traffic congestion, the Federal Employees Clean Air Incentive Act (FECAIA Pub.L.No.103--172) was signed into law, authorizing Federal participation in the Transit Benefit Program. The FECAIA provides for the establishment of programs, which encourage Federal employees to commute by means other than single-occupancy motor vehicles. According to its 2003 study of 85 urban areas in the United States, the Texas Transportation Institute estimated that highway congestion is imposing a high cost on the national economy. The study estimated that highway congestion causes 3.7 billion hours of travel delays and potentially wastes \$63 billion per year. For example, in the ten most congested areas in the United States, congestion has been estimated to cost individual commuters between \$850 and \$1600 in lost time and fuel each year. On April 21, 2000, President Clinton signed Executive Order 13150, Federal Workforce Transportation Fringe Benefit, which sought to reduce Federal employees' contribution to traffic congestion and air pollution. The executive order called upon DOT, the Environmental Protection Agency, and the Department of Energy to implement a nationwide pilot program, specifically a "transit pass" transportation fringe benefit program, to ascertain, among other things, its effectiveness in reducing single-occupancy vehicle travel and local area traffic congestion. In a 2003 final report to the Office of Management and Budget, DOT reported that the interagency group found the transit benefit to be successful in reducing federal employees' contribution to traffic congestion and air pollution, and expanding their commuting alternatives. The report estimated that the Transit Benefit Program resulted in over 15,000 fewer single-occupancy vehicles on the roads, saving over 8 million gallons of gasoline, and eliminating emissions of almost 40,000 tons of carbon dioxide from the air, as well as reducing other tailpipe emissions. In 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) required federal agencies to implement Transit Benefit Programs for all eligible employees.

Today, participation in the Federal Transit Benefit Program has increased considerably, and its impact in terms of congestion mitigation and air quality has grown. The Transit Benefit Program's importance is particularly evident when considering specific transportation alternatives. For example, the Virginia Railway Express (VRE), a growing commuter railroad, relies on the transit benefit for about 65 percent of its revenue and is responsible for removing a significant number of motor vehicles off the highly congested I-95 and I-66 corridors in Virginia.

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## 2.0 Definitions

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1. **Amended Application.** An application for transit benefits that reflects changes in requirements.
2. **Approving Official.** Supervisor, or person of authority, required to review application for completion and reasonableness.
3. **Daily commute to and/or from work.** Using some form of mass transportation when commuting to and from work.
4. **Certification.** Occurs during initial application, change in application and recertification, whereby the employee reads the certification statement and agrees to abide by it.
5. **EFM.** Electronic fare media.
6. **Extended leave.** A period greater than 90 days that a qualified federal employee is absent from work.
7. **False Claim.** Knowingly presenting, or causing to be presented to the Government an untrue statement for payment.
8. **Fare Media.** Any transit pass, token, fare card, voucher, or similar item that can be exchanged for mass transit.
9. **Fund Certifying Official.** Federal employee in authority who reviews the funding.
10. **Integrity Awareness Training.** PowerPoint training presentation clarifies transit benefit requirements by educating participants to their roles and responsibilities by providing real-life scenarios to enhance participant understanding, addressing ramifications of non-compliance and emphasizing internal controls in place to minimize fraud and abuse.
11. **Mass Transit Expense Worksheet.** A form used by a qualified Federal employee to determine the amount of transit benefit they should receive in a given month.
12. **Mass Transportation.** Public Transportation operated for use by the public (e.g., buses, subways, ferries, commuter buses, trains, and qualified vanpools).
13. **Transit Benefits Program Coordinator.** Federal employee who has the overall responsibility for communication, coordination, and management of their respective Agency Program.
14. **POV.** Privately-owned vehicle.
15. **Qualified Federal Employee.** An EOIR Federal employee (full time, part time, and interns).  
NOTE: Contractors are not eligible to receive transit benefits.
16. **Qualified Ferry.** Ferries are an approved form of public transportation under certain circumstances. See Policy, page 9.
17. **Qualified Vanpool.** A highway vehicle with seating capacity for at least six adults, excluding the driver. See Policy, page 10.
18. **Recertification.** The process by which a qualified Federal employee completes the electronic application to confirm his or her eligibility to continue to receive the transit benefit.
19. **Transit Benefit Managers.** Federal employees working for Transportation Services (TRANServe) who have overall responsibility to manage the Transit Benefit Program for an Agency or DOT mode.

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20. **Self-Certify.** Participants are required to self-certify the amount they spend each month and recertify annually in order to receive the transit benefit.
  21. **Transit benefit.** A nontaxable transportation fringe benefit providing employees with vouchers or other fare media when they leave their personal Occupancy Vehicle to commute via mass transit to and/or from work.

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## 3.0 EOIR Policy

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In coordination with the Department of Transportation, EOIR supports programs that improve air quality and reduce traffic congestion. As delegated by the Department, EOIR will provide a non-taxable subsidy designed to encourage its employees to use mass transportation for their daily commute to and/or from work by mass transportation.

1. The Transit Benefit Program is available to all qualified Federal employees (See Section 2.0 Definitions).
2. This policy and guidance applies to all qualified EOIR employees. (See Section 2.0 Definitions).
3. Employees must use the transit benefit for their daily commute to and/or from work via public mass transportation. Only the mass transit portion of an employee's commuting cost is subsidized. Indirect costs, such as gas, mileage, parking, or an employee's payments for a personal or leased vehicle, are **NOT** included as part of the cost qualifying for the transit benefit. This statement is for individual participants. It does **NOT** apply to designated primary operators of a vanpool. Designated primary operators of a vanpool should refer to bullet #23 for vanpool regulations.
4. Employees receive a non-taxable subsidy in the form of electronic "fare media" that can be used toward public transportation commuting costs. The employee is responsible for costs over the maximum subsidy authorized.
5. Effective January 1, 2012, electronic fare media is required for all transit benefit participants within the National Capitol Region (NCR).
6. Overestimating transit costs, giving or selling the transit benefit to others, or purchasing fare media from another is prohibited.
7. Participants are not permitted to accumulate fare media in excess of their actual monthly commuting costs. The monthly benefit amount may be issued in advance of the month for which it is intended, with the stipulation that the amount of any unused benefit is deducted from the next distribution period.
8. On an annual basis, all transit benefit recipients are required to self-certify the amount they spend each month in order to continue to receive the transit benefit. The transit benefit is tied to the calendar month and will **NOT** be issued retroactively.
9. Participants are responsible for adjusting their transit benefit amount upon changes to commuting methods, work schedules (such as leave, holidays or teleworking) or change of address.
10. Participants **MUST** recertify annually and will be automatically withdrawn from the program if annual recertification is not completed.
11. All transit benefit participants are required to complete Integrity Awareness Training. At a minimum, the training must be taken upon enrollment.



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14. Employees who misuse transit benefit subsidies are subject to appropriate administrative action including discipline and disqualification for future transit benefits. Disciplinary penalties could range from a letter of admonishment to removal from Federal service, depending on the severity of the abuse. Management at the recommendation of the Transit Benefit Program Coordinator is authorized to disqualify employees enrolled within the Program who have been determined to have misused the transit benefit subsidies. Instances of fraud or possible fraud will be referred to Management and the Office of the General Counsel (OGC).
  15. Approving Officials/Alternate Approving Officials and the Manager/Funds Certifier (Transit Benefit Program Coordinator) must confirm or verify the employee worksheet.
  16. Approving Officials/Alternate Approving Officials and the Manager/Funds Certifier (Transit Benefit Program Coordinator) **MUST** complete a mandatory approvers training. All new approving officials/alternate approving officials must complete a mandatory approvers training.
  17. EOIR employees who travel to work in any vehicle other than mass transit are **NOT** eligible for the transit benefit. This includes a single-occupancy vehicle, carpool, airplane, and any vehicle not designated as mass transportation.
  18. Participants who decide to stop participating in the Transit Benefit Program must officially withdraw from the program via the electronic application (<https://transitapp.ost.dot.gov>).
    - a. Participating employees on **extended leave** of 90 days or more are required to withdraw from the program and reapply when they return.
  19. Participants whose TRANServe cards are inactive for six months will be automatically withdrawn from the program per US Bank's policy and procedures.
  20. Employees named on a federally-subsidized workplace motor vehicle parking permit are **NOT** eligible to participate in this program (the phrase, named on a federally-subsidized workplace permit, means an individual who drives, or is a passenger in a privately-owned or leased vehicle and who parks in a federally-subsidized parking area. Any government-provided, owned, or leased parking area is considered federally-subsidized). Additionally, employees who are given an Agency-assigned transponder are **NOT** eligible to participate in this program.
    - a. Management may determine that it is necessary to Agency operations for selected employees to use federally-subsidized parking areas because of changes in their work schedules or in exigent circumstances. Accordingly, participants of the Transit Benefit Program may request authority to use the facility parking areas on an extremely limited basis, at the discretion of, and under procedures established by the Transit Benefit Program Coordinator, in coordination with Management. Employees may request authority for limited use of federally-subsidized parking areas from their immediate supervisor. Participants are required to make a corresponding adjustment to their transit benefit, as applicable.
  21. Ferries are an approved form of public transportation under certain circumstances. However, they are not approved to shuttle a participant's POV from one point to another then complete the journey by POV. The Federal Transit Benefit Program covers "walk on" fares only. This includes individuals who park their POV and walk onto the ferry. At the debarkation point, the ferry rider must walk to work, use a public transit connection, or make other arrangements at his/her own expense. Individuals who ride bicycles on to the ferry and then use the bicycle to complete the journey to their duty station are eligible to claim transit benefits to cover the pedestrian fare rates

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of the ferry. Approved vanpools and their riders are eligible to claim ferry ticket costs and may include the cost of the van ticket.

23. Qualified Vanpool is a highway vehicle with seating capacity for at least six adults excluding the driver.
- a. Each vanpool will designate a primary operator who is the designated permit holder and will be responsible to ensure the minimum requirements are met. One alternate operator may be named.
  - b. The primary operator may not apply for the transit benefit. All other federal employees in the vanpool, including the alternate, are eligible to collect the transit benefit.
  - c. Transportation of employees to and from work must represent 80% of the usage of the van.
  - d. Vanpools may be made up of Government and non-Government employees.
  - e. According to the IRS Regulation 26 CFR §1.132-9 – Qualified transportation fringes – General Rules – Q3 A3(b)- ... A qualified vanpool service must be “provided by any person in the business of transporting persons for compensation or hire in a highway vehicle with a seating capacity of at least 6 adults (excluding the driver).”
  - f. Vanpools may be privately-owned, operated by a transportation company or a public transportation provider. In the National Capital Region (NCR), vanpools are required to register with the local transportation authority in order to be eligible to receive and negotiate benefits.
  - g. Individual Federal employees are eligible to start up a private vanpool. Private vanpools are subject to the same criteria as all other vanpools. When a private vanpool meets the established criteria, riders are eligible to receive the transit benefit. Private vanpools operated by federal employees are in no way connected with or sanctioned by the federal government.
  - h. Vanpool riders may **NOT** use their transit benefit to “hold” a seat for a period of 30 days or more. Employees may only collect the transit benefit when they are actively riding in the vanpool.
  - i. Participants **MUST** withdraw from the vanpool program after 60 days of inactivity.
  - j. Vanpool charges must reflect reasonable costs and rates charged and must be the same for all passengers. Rates may be reduced or waived for the driver, who is not eligible to receive the transit benefit.

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## 4.0 Roles and Responsibilities

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### 4.1 Executive Office for Immigration Review (EOIR)

#### 4.1.1 EOIR Transit Benefits Program

DOT TRANServe provides a service to EOIR with participants in the Transit Benefits Program. The role of the TRANServe Program Office is to:

- Enroll new participants.
- Distribute the Transit Benefits.
- Administer the Transit Benefit Program.
- Establish and implement Best Practices.

#### 4.1.2 Transit Benefits Program Coordinator (TBPC)

EOIR's Office of Administration designates a Transit Benefit Program Coordinator (TBPC) that will have overall responsibility for communication, coordination, and management of their respective organization's transit benefit program, nationwide. TRANServe will provide guidance and serve as the point of contact for EOIR's TBPC on national Transit Benefit Program questions or issues.

The TBPC is responsible for:

- Monitoring and examining current internal controls.
- Identifying potential program vulnerabilities.
- Developing solutions for identified vulnerabilities.
- Having knowledge of existing rules and regulations concerning internal controls.
- Keeping abreast of new developments for best practices in internal controls.
- Designing training classes for EOIR employees and transit benefit participants.
- Offering training packages to the Agency as a resource tool.

#### 4.1.3 Transit Benefit Managers (TBM)

Transit Benefit Managers (TBMs) have overall responsibility to manage the Transit Benefit Program for non-DOT agencies.

NCR distribution occurs electronically via WMATA Smart Benefits or the TRANServe Credit Card. DOT in coordination with their TBMs determines the location and frequency of fare media distribution for each region outside of the NCR per the Agency agreement.

#### 4.1.4 Budget and Finance Personnel

The DOT TRANServe Business Office Budget and Finance Personnel are responsible for:

- Processing returns to vendors.
- Processing agency credits.

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- Receiving shipments and program mail.
  - Researching inventory issues.
  - Procurement.

## 4.2 Participants

Federal employees who participate in the Transit Benefit Program are required:

- To understand the scope and limitations of the Transit Benefit Program.
- **NOT** to sell or transfer the benefit or make a false claim.
- To understand the penalties involved in misuse or false claims involving the transit benefit.
- **NOT** to be named on a work site parking permit at any Federal agency, nor otherwise participate in a carpool.
- To use their transit benefit only for their home to work transportation.
- To make sure that the amount of the transit benefit received does not exceed actual monthly commuting cost by public transportation even though they receive the benefit quarterly.
- To understand that it is a violation of law to provide false or fraudulent information to obtain the transit benefit, to transfer, or to sell the transit benefit.
- To personally adjust the transit benefit amount upon changes to commuting methods, work schedules (such as leave, holidays or teleworking) or change of address.
- To withdraw from the transit benefit program via the electronic transit benefit application.
- To report to the Transit Subsidy Program Coordinator when transit providers charge additional or excessive fees to transit benefit recipients. Employees are responsible for determining that charges represent fair market value.

## 4.3 Participating Agencies

TRANServe enters into a customer agreement with each Federal entity it services. The customer agreement specifically states it is the responsibility of the Customer (i.e., the participating federal entity) to verify the eligibility of its employees to receive the transit benefit. This means that the participating agencies are responsible for identifying, determining the amount of eligibility, and overseeing the participation of their employees in the Transit Benefit Program. A Transit Benefit Program Partnership Agreement is also provided along with the customer agreement to outline the respective responsibilities of the partner and TRANServe.

Participating Agencies must name a Point of Contact (POC)/Transit Subsidy Program Coordinator (TSPC) and an Approving Official/Alternate Approving Official to serve as an independent verification of an employee's eligibility. A Manager/Funds Certifier must also be named to verify the eligibility of funds.

Participating Agencies have responsibility for internal controls over their employees' eligibility and the amounts received.

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## 5.0 Applicable Laws and Regulations

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### 5.1 Executive Order No. 13150

Federal agencies are required by Executive Order No. 13150 to implement a Transportation Fringe Benefit Program providing qualified employees the option of excluding from gross income from certain commuting costs.

### 5.2 Federal Employees Clean Air Incentive Act

Congress enacted the Federal Employees Clean Air Incentive Act (FECAIA) Pub. L. No. 103-172 in 1993 to “improve air quality and to reduce traffic congestion by providing for the establishment of programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles.”

### 5.3 Section 132 of the Internal Revenue Code

Executive Order No. 13150 must be viewed in conjunction with section 132 of Title 26, United States code, Internal Revenue Code (IRC). 26 USC §132. Section 132(a) permits an employee to exclude from gross income a “qualified transportation fringe” provided by the employer. “

### 5.4 OMB Circular A-123 Appendix A Implementation Plans

Circular A-123 Appendix A prescribes a strengthened management process for assessing internal controls over financial reporting. Appendix A also requires a new management assurance statement specifically addressing the effectiveness of internal controls over financial reporting based on the results of management’s assessment. TRANServe issues an Assurance Letter to customers annually.

### 5.5 OMB Memorandum, M-07-15, “Federal Transit Benefits Program,” May 14, 2007

On May 14, 2007, OMB issued a memorandum to the Heads of Department and Agencies regarding the Federal Transit Benefit Program. The memorandum required agencies to implement, at a minimum, certain internal controls for the administration of the program.

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## 6.0 EOIR Transit Benefits Program

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EOIR seeks to maintain a program with extensive federal employee participation and use of mass transit, in line with its strategic goal for congestion reduction, while having effective and useful controls in place to ensure the program accomplishes its intended results.

### 6.1 Approved Public Transportation Modes

- Rail (subway, commuter and light)
- Bus (transit authority and commuter)
- Ferry – approved form of public transportation when used as walk on fares or on bicycle
- Bicycle – Federal employees who ride bicycles to and from work may claim the transit benefit to cover the cost of using mass transit as part of the commute.
- Qualified van pools

### 6.2 Eligibility

The EOIR transit benefit is available to Federal employees of its workforce as follows:

- All EOIR Federal employees working in a full or part-time paid status
- Eligibility for enrollment in the Transit Benefit Program begins after all processes are completed:
  - Transit Benefit Integrity Awareness Training
  - Submission of transit benefit application
  - Approval of transit benefit application
- It is the participant's responsibility to follow up on the status of their transit benefit application
- The transit benefit is tied to the calendar month and will not be issued retroactively

### 6.3 Program Consistency

DOT seeks to continually improve the Transit Benefit Program. The Agencies participating in the program benefit from consistency in several processes including:

- Application for benefits
- Annual recertification for benefits
- Internal controls
- Eligibility verification
- Agency Point of Contact (POC)/Transit Subsidy Program Coordinator (TSPC)
- Education for participants

There is an opportunity to draw from the best practices across all participating Agencies to determine the most effective and streamlined method. The use of consistent processes would benefit the program across the board by reducing program costs, improving internal controls and increasing the ability to replicate the processes for new participants. The OMB has mandated that some of these processes be consistent, including the application for benefits and requirement for an agency transit benefit program coordinator.

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## 6.4 Calculation of Benefit

It is the employee's responsibility to research the projected cost of transit fares to and from work. The EOIR's Office of Administration website, under the Transit Subsidy Program banner (<https://intranet.eoir.usdoj.gov/sites/eoir/Admin/Pages/Home.aspx>) provides a link that can assist in the benefit estimate process.

Although there is no single formula for calculating monthly commuting costs, it is a generally accepted rule to multiply the daily commuting costs by the average number of workdays each month. This works well where fare rates are based on a single ride or per trip basis. Where monthly or annual passes are the primary fare media choice, the cost is fixed. In all cases, it is the responsibility of each participant to evaluate his/her commuting pattern, determine the most cost effective and beneficial means of public transportation to meet his/her needs and then request only the amount of benefits that are needed to cover those expenses. In some cases, the cost for commuting is higher than the maximum benefit provides. In this case, the participant will have out of pocket expenses. The Mass Transit Expense Worksheet, which is a part of the Transit Benefit Self Certification/Recertification Form, in Appendix C must be used when calculating transit benefit requirements.

Employees must ensure vanpool charges reflect reasonable costs and profits. For example, employees must ensure that the monthly vanpool fare is based on some reasonable methodology, e.g. the average daily round-trip mileage and the number of riders. Employees must ensure that vanpool rates reimbursed with the transit benefit are the same for all passengers within approximately the same commuting route and distance. Rates may be reduced or waived for the driver, who is not eligible to receive the transit benefit.

Transit links for major cities around the country are listed at the following link: <https://www.transportation.gov/transerve/transit-providers-state>.

## 6.5 Application

For EOIR employees, the Transit Benefit application must be completed on-line at <https://transitapp.ost.dot.gov/>. Employees are asked to confirm specific information including their complete home address as well as their permanent duty station location. Per OMB guidance, this information is verified by the Transit Subsidy Program Coordinator (TSPC) over the program or the employee.

The electronic application is used for new enrollees; changes affecting current participants, including changes that affect an employee's organizational code; recertification; and withdrawals from the program. This application for agency employees is found in Appendix B.

A database is maintained that identifies all eligible participants in the program who are currently deemed eligible by the agency, the original effective date of program participation, the value of fare media provided and the effective date of termination, as appropriate. Benefits are calculated using the worksheet on the top of the application. This package is reviewed by an Approving Official/Alternate Approving Official, and approved by the Manager/Funds Certifying Official.

## 6.6 Receipt of Transit Benefits

Effective January 1, 2012, electronic fare media is required for all transit benefit participants within the NCR. Employees at a regional location will receive a government-issued personal credit card to purchase their monthly transit benefit or purchase a SmarTrip card from WMATA to purchase their transit fare media locally.

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## 6.7 Recertification

Federal employees who are participants in the Transit Benefit Program are required to recertify on an annual basis. To recertify, click on <https://transitapp.ost.dot.gov/>. Failure to recertify by the deadline will result in withdrawal from the program. The certification statement shown in Appendix C is used with the initial application, recertification, and changes to the account.

## 6.8 Termination of Benefits

When an employee terminates Federal service or transfers to another Agency, he/she must do the following:

- Withdraw from the program at <https://transitapp.ost.dot.gov/>.

## 6.9 Parking

Employees who are receiving the transit benefit may not be named on a federally-subsidized parking permit nor allow their name to be used on a carpool list if that carpool parks in a federally-subsidized parking lot. Additionally, employees who are given an Agency-assigned transponder are **NOT** eligible to participate in this program.

## 6.10 Reporting

### 6.10.1 Distribution Reports

The Transit Benefit Program maintains a certified reporting system, an Oracle database, based on information submitted on the application. Standard reports are produced for EOIR customers, as needed. Based on the data required; there are a variety of reports available.

### 6.10.2 Account Activity Statement (AAS)

A monthly AAS will be provided with a detailed report of employee participation in the program. These reports will include a description of specific services provided that month, such as the name of the employee who received the transit benefit that month, the fare media expenses, vendor fees, billable hours, travel, mailing expenses, administrative and distribution costs. The monthly reports will be sent to the Transit Benefit Program Coordinator no later than the 25th of each month for review.

Billing records and other information will be maintained according to National Archives and Records Association (NARA) guidelines and requirements to enable the agency to comply with audit requirements. In addition, TRANServe will provide required technical consulting expertise to answer and or address audit issues that may occur.

### 6.10.3 Six-Month Report

The Quarterly Six-Month report is used as a means to review 6 months' worth of pickup records for participants and gives the Transit Benefit Program Coordinator the tool to evaluate if participants are adjusting their transit benefit amounts upon changes to commuting methods, work schedules (such as leave, holidays or teleworking) or changes of address.



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## 7.0 Internal Controls and Testing

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### 7.1 Secure Media

EOIR's Transit Benefit Program designated a Program Coordinator (TBPC) to handle internal controls. This position heightens review of the organization's internal controls and ensures all policy and procedure requirements are effectively fulfilled. The TBPC is responsible for maintenance and testing of internal controls for the transit benefit as well as employee awareness training. See 4.1.2 for TBPC responsibilities.

### 7.2 Fraud and Abuse

Employees who misuse transit benefit subsidies are subject to appropriate administrative action including discipline and disqualification for future transit benefits. Disciplinary penalties could range from a letter of admonishment to removal from Federal service, depending on the severity of the abuse. The Transit Benefit Program Coordinator is authorized to disqualify employees under their jurisdiction who have been determined to have misused the transit benefit subsidies. Instances of fraud or possible fraud will be reported to Agency's management.

#### 7.2.1 Electronic Fare Media (EFM)

Effective January 1, 2012, EFM is required for all transit benefit participants within the NCR.

#### 7.2.2 Application/Estimate of Transit Benefit

Initial applications include street address, city, work location, mode of transportation, and commuting costs. This information, along with the Expense Worksheet and supporting data, must be reviewed and approved by an Approving Official and/or an Alternate Approving Official.

- The Participant must certify that information is accurate and acknowledge punitive actions may result from violations of program requirements.
- Continuing Eligibility –All participating employees must update their enrollment information annually. Updates include changes to mode of transit and monthly commuting costs. In addition, the employee must verify specific information such as zip code, state, and work location.
- The Transit Subsidy Program Coordinator (TSPC) will crosscheck the transit and parking systems on a random basis to determine that employees are not receiving both benefits.

#### 7.2.3 Verification of Eligibility

The Approving Official/Alternate Approving Official must ensure that the employee is aware of the limitations and use requirements of the transit benefit. This must be accomplished by review and approval of the Mass Transit Expense Worksheet with supporting data used to determine commuting cost.

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#### **7.2.4 Human Resources Exit Procedures**

Human Resources Exit Procedures include withdrawal of participants from the Transit Benefit Program. In addition, a list must be generated by HR on a bi-weekly basis to include all employees who have separated from EOIR or have been hired by a different EOIR organization and sent to TRANServe.

#### **7.2.5 Parking Permit List**

All agency employees who receive parking are **NOT** eligible for the transit benefit.

#### **7.2.6 Self-Monitoring**

Participants are required to adjust the transit benefit as appropriate. Benefits must be adjusted when an employee does not report to work in accordance with the calculation as submitted on the transit benefit application. Examples of these types of instances are: changes his or her address, takes a vacation, is out sick, takes an extended leave of absence, or travels for work or for any other reason. When the amount of the transit benefit exceeds the amount needed, participants must adjust his or her benefit.

#### **7.2.7 Integrity Awareness Training**

Integrity Awareness Training is mandatory for all employees who receive a transit benefit. The training will emphasize the internal controls in place to minimize fraud and address ramifications of noncompliance.

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## 8.0 Integrity Awareness Training

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### 8.1 EOIR Employees

All EOIR participants of the Transit Benefit Program are required to complete the Transit Benefit Integrity Awareness Training. At a minimum, the training must be taken at enrollment and annually during recertification. The Transit Benefit Program has developed an electronic video slide presentation. This presentation reemphasizes responsibility and identifies prohibited practices such as unauthorized use by ineligible employees and inappropriate transfer of fare media. It also enumerates the potential penalties associated with inappropriate actions. These range from admonishment to dismissal, depending on the circumstances. It is necessary for participants to complete the training course each year, as part of the recertification process.

A slide presentation is available on <https://www.transportation.gov/transerve/participants/doj-eoir> for participants who do not have access to the training. The participant is required to present documentation to their approving official and program coordinator to update records. Reports indicating completion of training are the source document for the application system to allow the participant to move forward with their application.

### 8.2 Frequently Asked Questions (FAQ)

FAQs are also posted on EOIR's TRANServe web page at <https://www.transportation.gov/transerve/participants/doj-eoir>.

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## 9.0 References

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Broadcast Message, Transit Benefit Program Requirements and Expectations, Linda Washington, Acting Assistant Secretary for Administration, April 30, 2007. (<https://www.transportation.gov/transerve/transit-benefit-program-requirements-and-expectations-reminder>)

Broadcast Message, Implementation of Mandatory SmartBenefits® Program Use, Office of the Assistant Secretary for Administration, 2007.

DOT Order 1750.1, Employee Commuter Transportation Programs Manual, Office of Administrative Services and Property Management, Office of the Assistant Secretary for Administration, Office of the Secretary, March 21, 1995.

Executive Order 13150, Federal Workforce Transportation, April 21, 2000. (<https://www.transportation.gov/transerve/executive-order-13150-federal-workforce-transportation>)

Government Accountability Office (GAO), Federal Transit Benefits Program: Ineffective Controls Result in Fraud and Abuse by Federal Workers, GAO-07-724T, Washington, DC, April 24, 2007. (<https://www.transportation.gov/transerve/policy-and-procedures>)

Fiscal and Payroll Policies and Procedures for the Transit Benefit Program, OF Bulletin 07GA2.12, March 27, 2007.

GAO Testimony before the Permanent Subcommittee on Investigations, Committee on Homeland Security and Government Affairs, US Senate. Federal Transit Benefits Program – Ineffective Controls Result in Fraud and Abuse by Federal Workers, April 24, 2007.

IRS Regulation 26 CFR §1.132-9 – Qualified Transportation Fringes – General Rules. (<https://www.transportation.gov/transerve/legal-guidance>)

Internal Revenue Service (IRS) Notice 94-3, Qualified Transportation Fringes Under Section 132 (f).

Office of Management and Budget (OMB) Memorandum for the Heads of Departments and Agencies from Robert Shea, Associate Director for Management. “Federal Transit Benefit Program,” May 14, 2007. (<https://www.transportation.gov/transerve/omb-memo-federal-transit-benefit-program>)

Secretary of Transportation Memorandum to Heads of Operating Administrations, Assistant Secretaries and Office Directors, from Norman Y. Mineta, October 4, 2005.

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OMB Circular 123 Management's Responsibility for Internal Control, Washington DC, December 30, 2005, Appendix A, Implementation Plans August 1, 2005.

Statement of Linda J. Washington, Acting Assistant Secretary for Administration, Office of the Secretary, United States Department of Transportation (DOT) Hearing on the Transit Benefit Program Before Permanent Subcommittee on Homeland Security and Governmental Affairs, United States Senate, April 24, 2007.

U.S. Department of Transportation Implementation Plan for OMB Circular A-123, Appendix A, Revised December 30, 2005.

## Appendix A – Acronyms List

Acronyms	Description
ALC	Agency Location Code
A/R	Accounts Receivable
ASMR	Acquisition Strategy Meeting Record
BPA	Blanket Purchase Agreements
BPAC	Budget Program Activity Code
BPR's	Blanket Purchase Requests
CIO	Chief Information Officer
CO	Contracting Officer
COCO	Chief of the Contracting Office
COTR	Contracting Office Technical Representative
DOT	Department of Transportation
DUNNS	Dunn & Bradstreet Universal Numbering System
EAS	Electronic Access System
EFM	Electronic Fare Media
FAR	Federal Acquisition Regulations
FASAB	Federal Accounting Standards Advisory Board
FAQ's	Frequently Asked Questions
FMFIA	Federal Managers' Financial Integrity Act (P.L. 97-255)
FTA	Federal Transit Administration
GSA	General Service Administration
HCA	Head of Contracting Activity
IPAC	Intra-Governmental Payment and Collections
MOU	Memorandum of Understanding
NCR	National Capitol Region
OA	Operating Administration
OIG	Office of Inspector General
OMB	Office of Management and Budget
OST	Office of the Secretary of Transportation
PRISM	Procurement Request Information System for Management
PO	Purchase Order
PR	Purchase Request
SBS	Small Business Specialist
SF	Standard Forms
SFFAS	Statement of Federal Financial Accounting Standard
TAR	Transportation Acquisition Regulations
TBM	Transit Benefit Manager
TAM	Transportation Acquisition Manual
UDO	Undelivered Orders
VRE	Virginia Rail Express
WCF	Working Capital Fund

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## Appendix B – Transit Benefit Certification Statement/Recertification Form

**WARNING !**

This certification concerns a matter within the jurisdiction of an agency of the United States. Making a false, fictitious, or fraudulent certification may constitute criminal violations punishable under Title 18, United States Code, Section 1001, by imprisonment up to five years and fines up to \$10,000 for each offense, and/or agency disciplinary actions up to and including dismissal.

- I certify that I am employed by the U.S. Federal Government.
- I certify that I am not named on a federally subsidized parking permit with any other federal agency.
- I certify that I am eligible for a public transportation fare benefit, will use it for my daily commute to and from work by public transit or vanpool, and will not give, sell, or transfer it to anyone else.
- I certify that in any given month, I will not use the Government-provided transit benefit in excess of the statutory limit. If my commuting costs per month on public transit exceed the month statutory limit, then I will supplement those additional costs with my own funds rather than use a Government-provided transit benefit designated for use in a future month.
- I certify that I will not claim the transit benefit in excess of my actual monthly commuting expense. If at anytime during a given month I am out of work due to sickness, vacation or any other reason, on official travel, or use a private vehicle for commuting, I will claim less and adjust the amount of my transit benefit the following month if appropriate.
- I certify that my parking fees are not included in the computation of the daily, weekly or monthly commuting costs for my transit benefit.

I Agree

I Do Not Agree







