



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

# ORDER

DOT 4440.4A

3-14-91

**Subject: OFFICIAL USE OF GOVERNMENT PASSENGER CARRIERS**

1. **PURPOSE.** This Order prescribes policies, responsibilities, and procedural requirements for implementing applicable Governmentwide guidance on official use of Government passenger carriers, including use for home-to-work transportation, within the Department of Transportation (DOT).
2. **CANCELLATION.** DOT 4440.4, Official Use of Government Motor Vehicles, of 5-22-85.
3. **SCOPE.** The provisions of this Order apply to the use of Government passenger carriers by DOT employees or contractors, whether or not the transportation is provided by Government motor vehicle operators. Except as specifically noted, this Order does not apply to either: (1) the use of a Government passenger carrier in conjunction with official travel to perform temporary duty assignments (TDY) away from the place of employment, or (2) the use of a privately-owned vehicle (POV).
4. **REFERENCES.**
  - a. Title 31 U.S.C. Section 1344, Passenger Carrier Use, which governs official use of Government passenger carriers, including their use for home-to-work transportation.
  - b. Title 31 U.S.C. Section 1349(b), Adverse Personnel Actions, which specifies penalties for unauthorized use of Government passenger carriers.
  - c. Title 10 U.S.C. Chapter 47, Uniform Code of Military Justice, which governs disciplinary actions for the unauthorized use of Government passenger carriers by uniformed military personnel.
  - d. Title 14 U.S.C. Section 660, Transportation to and from Certain Places of Employment, which permits such transportation for persons attached to or employed by the Coast Guard when specific determinations have been made.
  - e. Federal Property Management Regulations (FPMR) 101-6.4, Official Use of Government Passenger Carriers Between Residence and Place of Employment, which establishes policy, agency responsibilities, and reporting requirements concerning such use and provides guidance

<b>DISTRIBUTION:</b>	All Secretarial Offices	OPI: Office of Administrative
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concerning the implementation of Public Law 99-550 which amended 31 U.S.C. 1344.

- f. DOT Notice on Taxation of Fringe Benefits (published yearly) which informs employees (including uniformed military personnel) of Internal Revenue Service (IRS) regulations governing the taxation of certain noncash fringe benefits and how these benefits are valued within the Department.
  - g. DOT 1500.6A, Travel Manual, of 1-2-85, which establishes DOT policies and procedures pertaining to employee travel, transportation, and related entitlements.
5. BACKGROUND. In the past, Comptroller General decisions suggested a considerable amount of agency discretion in the official use of Government passenger carriers, including their use for home-to-work transportation. In recent years, such usage has come under increased scrutiny by the General Accounting Office, Congress, and the media. Congress showed increasing concern that broad interpretations of the existing home-to-work exceptions by Federal agencies were resulting in confusion and abuse of home-to-work transportation. This resulted in new legislation, signed by the President and enacted as Public Law 99-550, amending 31 U.S.C. 1344, which provides strict limitations and guidelines for providing such transportation. Subsequently, as required by the Public Law, the General Services Administration developed a comprehensive implementing regulation for home-to-work transportation. This Order incorporates all necessary changes for compliance with the above guidance.
6. DEFINITIONS. The following terms are defined as used in this Order:
- a. Government Passenger Carrier. A motor vehicle, aircraft, boat, ship, or other similar means of transportation that is owned or leased (including non-TDY rentals) by the United States Government, or has come into the possession of the Government by other means, such as forfeiture or donation, and is operated by DOT employees or contractors.
  - b. Employees. All DOT officers and employees. Employees include all Coast Guard officers and enlisted personnel and employees of any DOT nonappropriated fund instrumentality.
  - c. Contractors. Both DOT contractors and their employees. For purposes of this Order, DOT contractors are subject to the same requirements--unless otherwise noted--as DOT officers and employees in the official use of Government passenger carriers. Requirements on official use of vehicles by contractors shall be included in the terms of the contract.

- d. Official Purposes. Those purposes required to carry out authorized programs or otherwise further the mission of DOT, including work carried out under DOT contracts. An official purpose does not include transporting DOT employees or contractors between home and work except as provided for by Departmental directive or specific applicable laws.
- e. Residence. The primary place where an employee resides while commuting to a place of employment. The term "residence" is not synonymous with domicile, as that is used for taxation or other purposes, nor does this affect the provisions set forth in the Federal Travel Regulations for employees on TDY away from their designated or regular place of employment.
- f. Accepted Commuting Area. Either: (1) the area within a 25-mile radius from the location of the employee's place of employment (as defined in paragraph 6g below); or (2) the area within a 40-mile radius from the employee's residence (as defined in paragraph 6e above).
- g. Place of Employment. Any place within the accepted commuting area as determined by the agency for the locality where an employee or contractor performs his or her business, trade, or occupation, even if the employee or contractor is there only for a short period of time. The term includes, but is not limited to, an official duty station, home base, headquarters, or any place where an employee or contractor is assigned to work, including locations where meetings, conferences, or other official functions take place.
- h. Field Work. Official work performed by an employee or contractor whose job requires the employee's or contractor's presence at various locations that are at a distance from the employee's or contractor's place of employment. This includes: (1) use for itinerant-type travel involving multiple stops within the accepted local commuting area; (2) use outside that area; or (3) use at a remote location that is accessible only by Government-provided transportation. The designation of a work site as a "field office" does not, of itself, permit the use of a Government passenger carrier for home-to-work transportation. Field work refers to the nature of the work performance; it is not restricted to "field service" as distinguished from "headquarters service." Home-to-work transportation under the field work exception usually does not apply when the employee or contractor is predominantly scheduled to be at his or her place of employment or can reasonably begin or end the day there.

- i. Advantageous to the Government. Providing home-to-work transportation is clearly to the benefit of the Government rather than being for the personal comfort and convenience of the employee or contractor. Providing such transportation must permit a substantial increase in the efficiency and economy of the Government (e.g., travel distance and/or travel time is substantially less from home to the work site than from the office to the work site; significant overtime payment would otherwise be incurred by the Government; responsiveness/effectiveness of personnel could not otherwise meet stated program requirements).
- j. Substantial. The additional costs or decreases in efficiency and economy which would arise from those situations where failure to provide a Government passenger carrier for home-to-work transportation would result in a loss of productivity of 10 percent (or 48 minutes) or more during a given workday.
- k. Clear and Present Danger. Those highly unusual circumstances which present a threat to the physical safety of the employee's or contractor's person or property under circumstances where:
  - (1) the danger is:
    - (a) real, not imaginative; and
    - (b) immediate or imminent, not merely potential; and
  - (2) a showing is made that the use of a Government passenger carrier would provide protection not otherwise available.
- l. Emergency. Those circumstances which exist whenever there is an immediate, unforeseeable, temporary need to provide home-to-work transportation for those employees or contractors who are necessary to the uninterrupted performance of the Departmental element's mission. An emergency may occur where there is a major disruption of available means of transportation to or from a work site, an essential Government service must be provided, and there is no other way to transport those employees or contractors.
- m. Compelling Operational Consideration. Those circumstances where the provision of home-to-work transportation of an employee or contractor is essential to the conduct of official business or would

substantially increase a Departmental element's efficiency and economy. Home-to-work transportation may be justifiable if other available alternatives would involve substantial additional costs to the Government or expenditures of employee or contractor time. These circumstances need not be limited to emergency or life and death situations.

- n. Departmental Elements. The Operating Administrations and the Office of the Secretary (OST).

7. POLICIES.

- a. All Government passenger carriers operated by DOT employees or contractors shall be used only for official purposes as defined in this Order. Further, DOT employees or contractors shall not authorize others to use Government passenger carriers for other than official purposes.
- b. Each DOT employee or contractor is responsible for his or her transportation to the workplace unless such transportation may be provided in accordance with this Order.
- c. The use of Government passenger carriers for home-to-work transportation is strictly limited to those specific circumstances when such use is:
  - (1) permitted under one of five specific exceptions affecting such use (field work, law enforcement, a clear and present danger, an emergency, or a compelling operational consideration) and has also been authorized and approved in writing in accordance with the procedures and requirements set forth in this Order; or
  - (2) is expressly permitted by specific applicable laws.
- d. Each use of a Government passenger carrier shall be authorized and documented in accordance with this Order.
- e. DOT employees or contractors who use Government passenger carriers for home-to-work transportation are subject to applicable IRS regulations that treat such use as a taxable fringe benefit.



8. RESPONSIBILITIES.

- a. The Secretary of Transportation is authorized to:
  - (1) make a written determination that home-to-work transportation is appropriate for a single principal deputy to the Secretary;
  - (2) make written determinations approving home-to-work transportation for employees because of field work, law enforcement, a clear and present danger, an emergency, or a compelling operational consideration;
  - (3) make written determinations approving extensions (to the initial 15-day approval) not to exceed 90 days for home-to-work transportation for employees if a continuing need for such transportation exists because of a clear and present danger, an emergency, or a compelling operational consideration; and
  - (4) update field work and law enforcement determinations for employees as necessary, and recertify these determinations at least every 2 years.
- b. The OST General Counsel shall review all approval requests and recommendations for home-to-work transportation for legal sufficiency.
- c. The Assistant Secretary for Administration shall:
  - (1) process, with the concurrence of the General Counsel, all approval requests for home-to-work transportation which are from Departmental elements;
  - (2) assist the General Counsel's review process by providing initial recommendations and comments to the General Counsel on all approval requests, and obtaining additional information required by the General Counsel for the review;
  - (3) compile all approval requests and recommendations that the General Counsel concurs with and submit them to the Secretary for written determinations, in the case of employees;
  - (4) make written determinations (for both initial requests and extensions), with the concurrence of the General Counsel, approving home-to-work transportation for contractors because of field work, law enforcement, a

clear and present danger, an emergency, or a compelling operational consideration, in the case of contractors;

- (5) notify Departmental elements of the actions taken on all approval requests; and
- (6) submit required reports to Congress for OST employees when a written determination was made by the Secretary on providing home-to-work transportation to a single principal deputy to the Secretary, or when written Secretarial determinations were made approving home-to-work transportation for OST employees because of a clear and a present danger, an emergency, or a compelling operational consideration (including reports with details under which actual use of contingency determinations by OST employees occurred).

d. Heads of Departmental Elements shall:

- (1) review, in conjunction with their Chief Counsels, all approval requests for home-to-work transportation prior to submitting these requests to the Assistant Secretary for Administration for processing in accordance with this Order;
- (2) implement the policies and procedures on official use of Government passenger carriers including use for home-to-work transportation contained in this Order; and
- (3) ensure that periodic reviews are made to monitor compliance with this Order, their own internal directives, and applicable external directives/regulatory guidance.

e. Administrative Management Council Members shall:

- (1) ensure compliance in their Departmental elements with the policies and procedures on official use of Government passenger carriers including use for home-to-work transportation contained in this Order;
- (2) submit required reports to Congress for their Departmental elements when written Secretarial determinations were made approving home-to-work transportation for employees because of a clear and present danger, an emergency, or a compelling operational consideration (including reports with details under which actual use of contingency determinations by their employees occurred); and

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- (3) submit supplemental information for contractors to the Assistant Secretary for Administration on each situation when a contingency determination is exercised.

f. Departmental Elements' Supervisors shall:

- (1) familiarize themselves with the requirements contained in this Order on official use of Government passenger carriers, including use for home-to-work transportation;
- (2) ensure that all use of Government passenger carriers operated under their supervision is for official purposes only;
- (3) ensure that their supervisory approvals of use of Government passenger carriers for home-to-work transportation are made on an individual case-by-case basis and are limited to those DOT employees or contractors who are eligible for such use based on prior approval (either as an individual or as a member of a category) by the Secretary for employees or by the Assistant Secretary for Administration for contractors;
- (4) ensure that the detailed information required by paragraph 11b of this Order for the purpose of the above supervisory approval is maintained for each individual under their supervision, and ensure that this information is kept up-to-date and readily available for audit;
- (5) ensure that accurate and up-to-date logs or other records of official use, including use for home-to-work transportation, are being kept for each individual under their supervision; and
- (6) ensure, in accordance with DOT Notice on Taxation of Fringe Benefits (published yearly) that these logs or other records of use for home-to-work transportation are reviewed to determine the taxation impact on each individual and ensure that an annual summary report of fringe benefit income (if applicable) is prepared and submitted to the appropriate payroll office.

g. Operators of Government Passenger Carriers shall:

- (1) familiarize themselves with the requirements contained in this Order regarding the official use of Government passenger carriers including use for home-to-work transportation and the applicability of fringe benefit taxation to such use;



- (2) ensure that their use of Government passenger carriers is for official purposes only, and ensure that they do not authorize others to use Government passenger carriers for other than official purposes;
- (3) obtain advance supervisory approval of use of Government passenger carriers for home-to-work transportation in those instances when such use is advantageous to the Government and will result in a substantial increase to the efficiency and economy of the Government;
- (4) provide complete information to their supervisors to enable them to make a determination that the above conditions exist; and
- (5) document promptly, in accordance with this Order, all official use of Government passenger carriers including use for home-to-work transportation.

9. EXAMPLES OF AUTHORIZED USE OF GOVERNMENT PASSENGER

CARRIERS. Government passenger carriers may be used by DOT employees or contractors for official purposes only.

a. Official Use Under Routine Conditions. Examples of transportation which are considered as official use under routine conditions include:

- (1) home-to-work transportation for the Secretary of Transportation, a single principal deputy to the Secretary (when determined to be appropriate by the Secretary), or the Commandant of the U.S. Coast Guard;
- (2) home-to-work transportation because of field work, law enforcement, a clear and present danger, an emergency, or a compelling operational consideration when such use is advantageous to the Government and properly approved in accordance with this Order;
- (3) home-to-work transportation under the provisions of 14 U.S.C. 660 for persons attached to or employed by the U.S. Coast Guard;
- (4) transportation directly incident to the performance of official business, provided that the vehicle is not diverted from a reasonable and prudent route or from its intended purposes;
- (5) transportation of Government documents, equipment, and supplies;

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- (6) transportation to and from official functions (including those which occur in the evening), provided that such transportation begins and ends at the principal workplace or other official duty station; and
- (7) transportation authorized under the provisions of DOT 1500.6A, Travel Manual, including transportation to and from the worksite from the place of lodging while in a travel status.

b. Official Use Under Contingency Determinations.

- (1) In certain instances, it may be possible based on past history to reasonably predict that there will be a recurring need to use Government passenger carriers to provide home-to-work transportation under the circumstances of a clear and present danger, an emergency, or a compelling operational consideration.
- (2) To meet such needs for home-to-work transportation, a contingency determination may be made which would permit immediate response by designated individuals when those circumstances arise without warning. The request for a contingency determination should contain the names of authorized individuals or categories, the situations upon which home-to-work transportation may be provided, and the administrative controls which will be in effect.
- (3) The request for a contingency determination shall be submitted to the Assistant Secretary for Administration for processing in accordance with this Order. Each time a contingency determination for an employee has been approved by the Secretary, Congress shall be notified by the Departmental element's Administrative Management Council member in accordance with paragraph 12c of this Order. (Contingency determinations for contractors that have been approved by the Assistant Secretary for Administration are not reported to Congress by the Departmental elements.)
- (4) If an approved contingency determination for an employee is actually used, supplemental information on the specific situation must be reported to Congress in accordance with paragraph 12c of this Order.

10. APPROVAL OF USE OF GOVERNMENT PASSENGER CARRIERS.

- a. Approval of use of Government passenger carriers for official purposes such as those set forth in

paragraphs 9a(3) through (6) above shall be at an appropriate supervisory level that is aware of the need.

- b. Approval of use of Government passenger carriers for home-to-work transportation because of field work or law enforcement shall be in accordance with the guidance and procedures set forth in paragraph 11 below.
- c. Approval of use of Government passenger carriers for home-to-work transportation because of a clear and present danger, an emergency, or a compelling operational consideration shall be in accordance with the applicable guidance and procedures set forth in paragraphs 9b above and paragraph 12 below.
- d. Approval of use of Government passenger carriers for official purposes by employees or contractors under travel orders shall be made by officials designated to authorize or approve official travel.

11. HOME-TO-WORK TRANSPORTATION FOR FIELD WORK OR LAW ENFORCEMENT. The guidance and procedures of this paragraph apply to all home-to-work transportation that is: (1) required for the performance of field work (hereafter referred to as "field work"); or (2) essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties (hereafter referred to as "law enforcement"). The provisions apply regardless of the frequency or duration of such usage. This guidance does not affect the provisions set forth in the Federal Travel Regulations for employees who are TDY from their designated or regular place of employment. All home-to-work transportation for either field work or law enforcement must be advantageous to the Government and documented to that effect each time the Government passenger carrier is used. Such transportation shall be authorized only to the extent that it will result in a substantial increase in the efficiency and economy of the Government. Approvals must be in writing and are not transferable. Approvals shall be limited to the specified period of need, not to exceed 2 years, and shall be promptly canceled in writing when the requirement no longer exists. The procedures and requirements governing the provision of home-to-work transportation for field work or law enforcement are discussed below:

- a. Approval Requests of Home-to-Work Transportation for Field Work or Law Enforcement. Approval requests for

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such transportation must be processed in accordance with the following procedures:

(1) Departmental Elements.

(a) Requests by Departmental elements for approvals may be made either for:

- 1 individual employees or contractors; or
- 2 categories of employees or contractors.

(b) All requests shall be reviewed by the Chief Counsels in the Departmental elements for substantive compliance with applicable laws and regulations as well as this Order.

(c) Requests shall be submitted by the Heads of Departmental elements to the Assistant Secretary for Administration for processing in accordance with this Order.

(d) Departmental elements shall ensure that a narrow category of employees or contractors is used (e.g., Federal Railroad Administration railroad safety inspectors). Adequate information including job titles, the total number of employees or contractors in the category, the operational locations, number at each location, and levels where the work is to be performed shall be included in the request.

(2) Assistant Secretary for Administration. The Assistant Secretary for Administration shall submit his/her recommendations regarding approval requests to the General Counsel for concurrence for legal sufficiency. After receiving General Counsel concurrence, the Assistant Secretary shall submit the approval requests and recommendations for employees to the Secretary. In the case of contractors, the Assistant Secretary for Administration will make determinations approving home-to-work transportation.

(3) The Secretary. The Secretary will make a written determination approving: (a) individual employees; or (b) categories of employees as eligible to receive home-to-work transportation for field work or law enforcement.

- b. Information Needed for Approval Requests. Requests must contain the following information:

(1) Individual Employees or Contractors.

- (a) name of Departmental element/organization;
- (b) statement that home-to-work transportation is necessary because of:
  - 1 field work, or
  - 2 law enforcement;
- (c) name and job title of the individual employee or contractor;
- (d) location of both residence and place of employment of the individual employee or contractor;
- (e) distance between residence and place of employment;
- (f) nature of the individual employee's or contractor's duties;
- (g) justification of the need for home-to-work transportation;
- (h) alternate arrangements considered;
- (i) specified periods for this request (actual period of need or 2 years, whichever is less); and
- (j) in the case of an individual contractor, the contract number, name of firm, and purpose of contract.

(2) Categories of Employees or Contractors.

- (a) name of Departmental element/category;
- (b) statement that home-to-work transportation is necessary because of:
  - 1 field work, or
  - 2 law enforcement;



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- (c) number and job title of employees or contractors in the category;
- (d) operational location(s), number at each location, and level(s) where the category of employees or contractors is to perform the work;
- (e) nature of the duties of employees or contractors within the category;
- (f) justification of the need for home-to-work transportation;
- (g) alternate arrangements considered;
- (h) specified periods for this request (actual period of need or 2 years, whichever is less); and
- (i) in the case of a category of contractors, the contract number, name of firm, and purpose of contract.

c. Supervisory Approval for Categories.

- (1) General. The Assistant Secretary for Administration shall notify the Departmental element that a category of employees or contractors has been approved as eligible to receive home-to-work transportation for field work or law enforcement. Subsequent to this approval, supervisory approvals of individual employees or contractors within the category shall be made on an individual case-by-case basis. For DOT employees, the supervisory approval authority may not be delegated lower than to an office director (or equivalent) at Headquarters or the head of a field office (or equivalent). For DOT contractors, approval authority may not be delegated lower than the cognizant contracting officer or contracting officer's technical representative.
- (2) Information for Supervisory Approval. The supervisory approval authority must approve use by individual employees or contractors within a category that has been approved by the Secretary (for employees) or the Assistant Secretary for Administration (for contractors). Additionally, the information shall be readily available for audit at the level where such approvals were made. As a minimum, the following information should be provided for this purpose:
  - (a) name of Departmental element/organization;
  - (b) name of approved category;

- (c) name and job title of the individual employee or contractor;
  - (d) location of both residence and place of employment of the individual employee or contractor;
  - (e) distance between residence and place of employment;
  - (f) period approval is in effect (actual period of need or 2 years, whichever is less);
  - (g) name and title of supervisory approval authority;
  - (h) date of approval action; and
  - (i) dates of: (1) last supervisory review of continuing requirement for home-to-work transportation; and (2) last Secretarial recertification of continuing requirement for home-to-work transportation for employees (or the Assistant Secretary for Administration for contractors).
- d. Review/Recertification of Continuing Requirements for Home-to-Work Transportation. To safeguard against abuse of Government passenger carriers for home-to-work transportation, the continuing need for such transportation for field work or law enforcement shall be monitored on a periodic basis.
- (1) Annual Supervisory Review and Certification. An annual review shall be made of each individual employee's or contractor's continuing need for use of a Government passenger carrier because of field work or law enforcement. Such reviews shall be made on an individual case-by-case basis. Written certification shall be made that there is a continuing need for the individual to be provided such transportation when it is advantageous to the Government. This review and certification may not be delegated lower than to: (a) an office director (or equivalent) at Headquarters or the head of a field office (or equivalent) in the case of employees; or (b) the cognizant contracting officer or contracting officer's technical representative in the case of contractors. The written certifications from these annual reviews shall be readily available for audit at the level where the reviews were made.

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- (2) Biennial Recertification. At least every 2 years the Secretary shall make a recertification of the continuing need for use of a Government passenger carrier for home-to-work transportation by an employee (for contractors, the Assistant Secretary for Administration shall make this recertification) because of field work or law enforcement. To ensure such action is timely, the Assistant Secretary for Administration shall issue a call to Departmental elements to provide information required to recertify the need for such transportation. Departmental elements shall ensure that complete, accurate and up-to-date information is provided in the same format as paragraph 11b above. Further, they should identify changes (e.g., in the justification, in the number of individuals in approved categories, etc.) which have occurred since the last recertification or initial approval. Home-to-work transportation provided because of a clear and present danger, an emergency, or a compelling operational consideration is not affected by this recertification requirement since the maximum extension to provide such transportation is for a period not to exceed 90 days.

12. HOME-TO-WORK TRANSPORTATION FOR A CLEAR AND PRESENT DANGER, AN EMERGENCY, OR A COMPELLING OPERATIONAL CONSIDERATION. The guidance and procedures of this paragraph apply to all home-to-work transportation provided as a result of: (1) a clear and present danger; (2) an emergency situation; or (3) a compelling operational consideration. All such transportation must be closely scrutinized to prevent abuses. Supervisory approvals of usage (subsequent to approval by the Secretary for employees or the Assistant Secretary for Administration for contractors) under these three conditions shall be made to the extent practicable under the specific situation. Supervisors shall ensure that all such usage is strictly limited to only justifiable uses and that actual use is documented and justified in accordance with this Order. Home-to-work transportation provided as a result of any of these conditions must not be for the comfort and convenience of the employees or contractors. Such transportation must be advantageous to the Government (i.e., satisfy the requirements defined in paragraph 6 of this Order) and documented to that effect each time the Government passenger carrier is used. Such transportation shall be authorized only to the extent that it will result in a substantial increase to the efficiency and economy of the Government. Approvals by the Secretary (for employees) or the Assistant Secretary for Administration (for contractors) must be in writing and are not transferable. Approvals shall be limited to the lesser of the period of actual need or 15 days on initial requests. Requests for extensions not to exceed 90 days shall be

submitted as long as the need arises. All approvals shall be promptly canceled in writing when the requirement no longer exists. To the extent practicable, all requests shall be approved in advance of actual use. The procedures and requirements governing the provision of home-to-work transportation as a result of a clear and present danger, an emergency, or a compelling operational consideration are discussed below.

- a. Approval Requests. In general, approval requests for home-to-work transportation as a result of a clear and present danger, an emergency, or a compelling operational consideration shall be processed in a similar manner to requests for field work or law enforcement. When it is possible, based on past history, to reasonably predict a recurring need for such transportation, approval requests shall be submitted for prior approval by the Secretary (for employees) or Assistant Secretary for Administration (for contractors) for official use under a contingency determination.
- b. Additional Information. Approval requests for home-to-work transportation as a result of a clear and present danger, an emergency, or a compelling operational consideration are subject to certain requirements beyond those approval requests for field work or law enforcement. Additional information is required for such requests to:
  - (1) identify under which specific condition home-to-work transportation is being provided;
  - (2) state whether the approval request is for official use under a contingency determination;
  - (3) justification of need in the approval request must satisfy the applicable requirements contained in the definition of the specific condition (see paragraph 6 above);
  - (4) for contingency determinations, the specific situations under which home-to-work transportation may be provided and the administrative controls which will be in effect; and
  - (5) the specified period of need (for an initial request, this is limited to the lesser of the period of actual need or 15 days--subsequent extensions of not more than 90 days may be requested as long as the need continues).

- c. Additional Special Requirements. Home-to-work transportation provided as a result of a clear and present danger, an emergency, or a compelling operational consideration is subject to certain special requirements.
- (1) Notification of each initial determination and contingency determination for employees, as well as supplemental information on each situation when a contingency determination was exercised, shall be submitted by the Departmental element to Congress promptly, but not later than 60 calendar days after approval. The Departmental element may consolidate any subsequent determinations for employees into a single report and submit it quarterly.
  - (2) The Departmental element's Administrative Management Council member (Assistant Secretary for Administration for OST) is responsible for submitting all required notifications on employees to Congress.
    - (a) Determinations and reports shall be submitted to:  
  
Chairman, Committee on Governmental Affairs  
United States Senate, Suite SD-340  
Dirksen Senate Office Building  
Washington, DC 20510  
  
Chairman, Committee on Governmental Operations  
United States House of Representatives  
Suite 2157, Rayburn House Office Building  
Washington, DC 20515
    - (b) A copy of each determination and report submitted to Congress shall be submitted simultaneously to the Assistant Secretary for Administration.
  - (3) Notifications of determinations for contractors are not required to be submitted to Congress. Departmental elements, however, shall submit supplemental information to the Assistant Secretary for Administration on each situation where either a contingency determination is exercised or use occurs under unusual circumstances. This information shall be submitted promptly but not later than 60 calendar days after the situation occurred.



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**13. TRANSPORTATION OF NONOFFICIAL PASSENGERS.**

- a. The transportation of nonofficial passengers in Government passenger carriers creates the possibility of tort claims and public criticism and shall not be encouraged. Any such transportation must be without expense to the Government and must not result in the delay of Government business or the taking of circuitous routes.
- b. Use of a Government passenger carrier for transportation of a DOT employee and spouse together from the office to an official function to which spouses were invited is permissible. The passenger carrier may also be used for the return trip to transport the employee and spouse together back to the office of the employee. Under no circumstances, however, would it be appropriate to use the passenger carrier to pick up or return the spouse from or to home or any place other than the employee's office, except for the spouse of a principal identified in paragraph 9a(1) when the principal is being transported in the same passenger carrier.
- c. Picking up hitchhikers or otherwise giving rides to strangers is prohibited when operating a Government passenger carrier on official business.

**14. RETENTION OF RECORDS AND REPORTING REQUIREMENTS.**

- a. Retention of Records. Records of the official use of Government passenger carriers including use for home-to-work transportation of DOT employees shall be retained for a minimum of 3 years. Records of such uses by DOT contractors shall be retained in accordance with the record retention requirements of the contract.
- b. Reporting Requirements.
  - (1) Notifications to Congress. In accordance with the provisions of paragraph 12c, written notification shall be provided to Congress on approvals/usage for home-to-work transportation for employees provided for reasons other than field work or law enforcement.
  - (2) Notification to the Assistant Secretary for Administration. In accordance with the provisions of paragraph 12c, written notification shall be provided to the Assistant Secretary for Administration on usage for home-to-work transportation for contractors provided for reasons other than field work or law enforcement.

- (3) Special Reports. Upon written request by the Assistant Secretary for Administration, the Departmental elements shall promptly submit a report showing both the names and total number of DOT employees and contractors, by category of employees or contractors (e.g., railroad safety inspectors) or individuals, who are actually receiving home-to-work transportation or are eligible to receive such transportation. Additionally, Departmental elements shall be able to provide information on frequency of use and cumulative use during a specific period.

15. TEMPORARY DUTY (TDY) TRAVEL.

- a. The guidance in this Order on use of Government passenger carriers for home-to-work transportation does not affect the provisions set forth in the Department's Travel Manual (DOT 1500.6A) for employees on TDY from their designated or regular place of employment.
- b. The approval of the use of a Government passenger carrier in conjunction with official travel to perform TDY shall be made within the Departmental element. Approval for home-to-work use of a Government passenger carrier prior to, or at the end of, a TDY trip must be documented by the official travel authorization. Such approval shall be made on an individual case-by-case basis considering whether use of a Government passenger carrier in these circumstances is advantageous to the Government. Approval by the Secretary is not required for home-to-work use of a Government passenger carrier prior to, or at the end of, a TDY trip that has been properly approved and documented in accordance with this paragraph. For such use, approvals of employees shall be made on an individual case-by-case basis; approval authority may not be delegated lower than to an office director (or equivalent) at Headquarters or the head of a field office (or equivalent). Approvals of contractors shall be made on an individual case-by-case basis; approval authority may not be delegated lower than the cognizant contracting officer or contracting officer's technical representative.

16. PENALTIES FOR UNOFFICIAL USE.

- a. DOT Employees. Any DOT employee (other than uniformed military personnel) who willfully uses or authorizes the use of any Government passenger carrier for other than official purposes is subject to suspension without pay by the head of the Departmental element, for at least one month, and when circumstances warrant for a longer

period, or being summarily removed from office. Furthermore, an employee may be held personally liable for expenses incurred through his or her unauthorized use of a Government passenger carrier. Uniformed military personnel are subject to disciplinary action for unofficial use of Government passenger carriers in accordance with provisions of the Uniform Code of Military Justice.

- b. DOT Contractors. Contracting officers shall ensure that DOT contracts involving the use of Government passenger carriers provide: (1) that the contractor's firm will not permit Government passenger carriers to be used for other than official purposes; and (2) that the contracting officer be promptly notified of any instance of misuse of Government passenger carriers and the action taken by the contractor's firm as a result of the misuse.

FOR THE SECRETARY OF TRANSPORTATION:



Jon H. Seymour  
Assistant Secretary for  
Administration