

Subject: DOT TRANSIT BENEFIT LONG- DISTANCE COMMUTE

1. PURPOSE: This document establishes the guidelines and procedures for approval of transit benefits for employee long-distance commutes under the Federal Transit Benefit Program.
2. BACKGROUND The U.S. Department of Transportation (DOT) is the government-wide Executive Agent authorized to establish uniform standards for the Federal Transit Benefit Program under Section 7905, Title 5 of the U.S. Code. Because DOT has this government-wide policy role, many agencies contacted DOT and asked how they should address a U.S. Government Accountability Office (GAO) opinion on the availability of appropriated funds to subsidize federal employees' long-distance home-to-work commute costs (B-330935).

In its role as Executive Agent, DOT has determined that a universal rule restricting commute distance is not appropriate given the statutory purpose of encouraging federal employees to commute in other than single-occupancy vehicles, and also the many factors, including telework, work schedule, and hoteling policies that are unique to each Department/Agency. As such, DOT believes each Department/Agency should decide what parameters should apply to home-to-work travel distances for its employees.

Therefore, DOT is adding this directive to its Departmental Transit Benefit Policy to address long- distance home-to-work- to- home commutes. After analyzing its pool of transit benefit participants, DOT has determined general parameters for its employees to ensure that the Federal transit benefit is used for employee home-to-work travel that is regular, reasonable, and otherwise consistent with the common understanding of a commute.

3. POLICY

- a. Parameters of an eligible commute.

- 1) A commute is regular travel back and forth between the employee's place of residence and official duty station during a 24-hour period. A place of residence will usually be the employee's primary home, but may also include a place the employee stays regularly.
 - 2) It requires that there be no intermediate overnight stay between the home and work at a location away from the employee's originating place of residence

- 3) The complete roundtrip between home and work is one that could reasonably be expected to occur on a regular basis, even if it does not, in fact, occur every weekday.
 - 4) A commute need not occur every day; it may occur as infrequently as one time per pay period in accordance with an employee's approved regular work and telework schedule.
 - 5) A commute is not reasonable if the whole monthly transit benefit would be needed to cover a single one-way trip.
 - 6) A commute must take place on an official business day, defined as Monday through Friday unless otherwise defined by your office or applicable Collective Bargaining Agreement.
- b. DOT has determined that, for its employees, travel of about two hours (without traffic) between home and work is reasonable and should be considered an eligible commute under the federal transit benefit program.¹
- 1) For any proposed commutes that appear to be outliers, DOT will utilize the waiver process set forth below to review on a case-by-case basis whether the home-to-work travel appears to be reasonable and regular and otherwise consistent with a commute.
 - 2) Applicants shall refer to the Frequently Asked Questions below which further illustrate the parameters of the DOT long-distance commute guidance.
4. RESPONSIBILITIES: In addition to the responsibilities detailed in the DOT Transit Benefit Program Policy and Guidance:
- a. Employee shall:
- 1) Submit a waiver request to receive transit benefits if their one-way commute distance exceeds approximately two hours (without traffic) between home and work;
 - 2) Provide all requested documentation and support regarding the waiver request;

¹ For instance, a regular commute of a reasonable distance to DOT's Headquarters in Washington, D.C. could originate in Richmond, VA, Baltimore, MD, or even some locations in West Virginia. Commutes farther than two hours without traffic would be difficult to accomplish in one day on regular basis. Similar commutes and distances apply for Regional offices as well.

- 3) Collaborate with their Approving Official; and
- 4) Maintain records of the waiver.

b. Approving Official shall:

- 1) Review waiver requests and supplemental information for approval or disapproval;
- 2) Collaborate with TRANServe, the employee, and other resources on waiver requests; and
- 3) Maintain records of the waiver request.

c. DOT Transit Benefit Manager shall:

- 1) Collaborate with DOT Approving Officials to ensure proper documentation is provided;
- 2) Serve as resource for questions regarding this directive; and
- 3) Maintain records of waiver requests submitted to the TRANServe Review Panel.

d. TRANServe Review Panel shall:

- 1) Review waivers in a timely manner and provide recommendations; and
- 2) Collaborate with Approving Officials and Employees to provide waiver approval/disapproval.

5. WAIVER PROCESS. Consistent with DOT Transit Benefit Program Policy and Guidance, DOT employees requesting a waiver shall follow the process set forth below. DOT employees who receive waivers must recertify the waiver request each year in conjunction with the DOT transit benefit annual recertification.

- a. The employee will provide his or her Approving Official a completed long- distance commute waiver (see waiver at end of Appendix I) and sufficient information and documentation to determine whether the individual's commute is reasonable even though he or she lives outside of a two-hour radius. See sections 3 and 6 for guidance on reasonability of commutes.

- b. The employee's Approving Official will review the documentation submitted and approve or disapprove it pursuant to guidelines described in the DOT Transit Benefit Program Policy and Guidance and further described in this directive.
- c. The employee's Approving Official shall either approve the request and submit the waiver and supporting documentation to the DOT transit benefit manager or disapprove the request and notify the employee of their disapproval. Copies of all supporting documentation and the waiver should be kept by the employee and the Approving Official.
- d. The DOT transit benefit manager shall review all submitted documentation for completion and notify the TRANServe Review Panel. The TRANServe Review Panel shall review the submitted documentation and provide a recommendation for approval or disapproval. The Panel shall engage in an interactive process and may contact, Approving Officials and/or the employee to provide more information regarding the waiver.
- e. The TRANServe Review Panel shall create a recommendation and provide all required documentation for final approval and signature. The signed waiver and all supporting documentation shall be maintained with the employee's transit benefit application.
- f. The Approving Official will provide the employee with a written determination of the agreed upon waiver and maintain a copy in their files as required.

6. FREQUENTLY ASKED QUESTIONS

FAQ 1. I live in Richmond, VA and my Official Duty Station is in Washington, D.C. Due to the nature of my work, I have an approved compressed work schedule and telework regularly. Therefore, generally I commute from my home in Richmond to my work in D.C. and back, a couple times per pay period. This commute is over 100 miles. I take a van pool to work and back to my home and it costs \$100 a month. Do I qualify for the transit benefit subsidy?

- A. Yes, you would be eligible for the transit benefit subsidy of \$100 under DOT policy. Since you are commuting from your home in Richmond, VA to your official duty station in Washington, D.C. and back in the same 24- hour period and this distance is reasonable (located within about two hours from D.C. without traffic), you would be eligible. If you had this home in Richmond, VA with your family and another home in Washington, D.C. that you stayed at during the week, you would not be able to claim the benefit from D.C. to Richmond, VA the times you traveled from Richmond to D.C. and from D.C. to Richmond, VA. Instead you would only be eligible for the subsidy from your home in D.C. to your workplace in D.C.

FAQ 2. My home is in Philadelphia, PA. I travel to my official duty station in Washington, D.C. on Sunday evening or Monday morning via Amtrak train or Greyhound bus and back to Philadelphia on Friday or Saturday. During the week, I stay with friends in D.C. and commute from there to work. Can I receive the transit benefit subsidy to cover my travel from Philadelphia to D.C.?

- A. No, you would not be able to receive the transit benefit subsidy for your travel on Sunday from Philadelphia to D.C. A commute is from home to work and work to home. This commute should take place on an official business day, defined as Monday through Friday in the 2015 DOT Collective Bargaining Agreement, unless otherwise defined by your office. A commute on Sunday is not taking place on an official business day and therefore the subsidy cannot be used. If this commute takes place Monday morning and is direct from home to work and back, you may utilize the DOT waiver process to request a review of whether you may receive the transit benefit for that trip. Outliers to the two-hour rule will be reviewed on a case by case basis through the DOT waiver process. Your commute to work from your friend's house in D.C. where you stay during the week would likely be eligible for the transit subsidy.

FAQ 3. My home is in Manhattan, NY. I travel from my home in Manhattan to my official duty station in Washington, D.C. early Monday morning via the Amtrak Acela train, which costs \$274 one way. Can I receive the transit benefit subsidy to cover most of the cost of this one-way trip?

- A. No, you would not be able to receive the transit benefit subsidy for your travel on Monday morning from New York. A commute is round-trip travel between your home and work within a 24-hour period, but the travel proposed here does not include a round-trip journey within 24 hours. Additionally, a commute must occur regularly; therefore, the transit benefit cannot be used in its entirety to cover a single one-way trip. Finally, this trip is also greater than two hours and therefore may only be approved subject to the DOT waiver process. However, due to the fact that it does not include a round-trip within 24-hours and uses the entirety of the benefit on a single one-way trip, it would be unlikely to receive waiver approval.

FAQ 4. I live in Boston, MA and my official duty station is in Manhattan, NY. I would like to take the Amtrak train to and from work the one day per pay period that I commute from Boston to Manhattan and back. The total cost is about \$150 per trip, or \$600 a month at the lowest. Can I receive the transit benefit subsidy to cover \$265 of my monthly trip expenses?

- A. No, you would not be eligible for the transit benefit subsidy. Even though this travel from Boston to Manhattan could be accomplished in a 24-hour period, the distance is over 200 miles and cannot be accomplished within about two hours without traffic. It would likely be an outlier among the pool of all commuters. While you may utilize the DOT waiver process to request a review of your eligibility for the benefit, a waiver is unlikely to be granted because the distance and one-way cost of the trip are significant outliers and appear unreasonable and inconsistent with a regular commute. If you had another residence in New York that you used on the days that you commuted to your official duty station, then you could likely receive the transit benefit for the trip between your second residence in New York and your duty station in New York.



Keith Washington

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**U.S. Department of Transportation
Transit Benefit Long- Distance Commute Waiver Request Form**

Participant Information:

Participant Name: _____

Participant Home Address: _____

Participant Commuting Address: _____

**This only applies if the participant is claiming transit benefits from an address that differs from their primary home address.*

Phone Number: _____

Normal Duty Hours to include Regular Scheduled Days Off (RDO) and Telework Days:

Waiver Justification:

Approving Official Approval Yes ☐ No ☐

Approving Official's justification as to why the participant's waiver is approved or disapproved:

Participant Signature

Date

Approving Official Signature

Date