Motor Vehicle Management Policy

Connie Aaron
Motor Vehicle Policy
GSA Office of Government-wide Policy
Framework

- Law
- Regulation
- Bulletin
- Agency Policy
- Executive Order
- OMB Circular
- Comptroller General Decisions
- Office of General Counsel Guidance
- Informed Decision-making
Law

- Federal Property & Administrative Services Act 1949 (as amended) = Statutory law
  - Established the General Services Administration
  - Provides GSA broad authorities for property management and oversight
  - Authorizes GSA to issue regulations that are published in the Code of Federal Regulations (CFR) and are considered administrative law
Sources of Information

- **Federal Register** (www.gpoaccess.gov/fr)
  - daily publication site for Executive Orders, Regulations, Agency notices, etc.

- **Code of Federal Regulations** (www.gpoaccess.gov/cfr)
  - integrated publication of permanent rules (50 titles)


- **Federal Acquisition Regulation** (FAR) (www.gsa.gov/far)

- **Individual Agency Regulation**
Regulation

Federal Property Management Regulation & Federal Management Regulation (FPMR & FMR)

- 41 CFR 101-26.501 (Purchase of New Motor Vehicles)
- 41 CFR 102-5 (Home-to-Work Transportation)
- 41 CFR 102-34 (Motor Vehicle Management)
- 41 CFR 102-39 (Replacement of Personal Property Pursuant to the Exchange/Sale Authority)
Final Rule published in Federal Register on March 20, 2009

- Authority to Transport Federal Employees Between Their Place of Employment and Mass Transit Facilities (SAFETEA-LU)
- Fleet MIS (Data requirements, implementation timetable) – Bulletin B-15 issued
- Revise the Unlimited exemption for the display of tags to cover investigative, law enforcement, intelligence, or security duties – Limited exemption extended to three years
- Vehicle Registration System
41 CFR 102-34 (Motor Vehicle Management)

- Final Rule published in Federal Register on December 8, 2011
  - Adjusted definition of a “rental” from less than 60 days to less than 120 days
  - For agencies who have temporary mission requirement of more than 60 days but less than 120 days
41 CFR 102-34 (Motor Vehicle Management)

- Plain language, question/answer format
- Defines terms (vehicle types, sources of supply, etc.)
- Defines scope (Military design vehicles excluded, law enforcement vehicles excluded from most provisions)
Subpart B - Obtaining Fuel Efficient Motor Vehicles

• Purchase and lease vehicles that achieve maximum fuel efficiency

• Have body types, engine sizes, and options essential to agency mission

• Establish and document a structured vehicle allocation methodology

• Fleet average fuel economy standards published each year by the Department of Transportation (www.dot.gov)
Subpart C - Identifying & Registering Motor Vehicles

• Display identification that indicates:
  • “For Official Use Only” & “U.S. Government”
  • Identification of the agency or service that owns or leases the vehicle (seal or tag code)
  • Federal license plate is the preferred location

• Register vehicles in the Federal Motor Vehicle Registration System - Agency Fleet Manager coordinates this effort.
Obtain U. S. Government license plates from Federal Prison Industries (UNICOR)

- Include the letter code assigned to the agency that owns the vehicle

- Display on front and rear of vehicle

- DC based vehicles = Require U.S. Govt. plates unless exempt
Subpart C - Identifying & Registering Motor Vehicles

Exemptions to Government license plates and identification:

• Limited (Agency head authorizes, up to three years) can now include administrative vehicles

• Unlimited (investigative, law enforcement, intelligence, or security duties)

• Special (President & heads of Executive Departments)
Subpart D- Official Use of Government Vehicles

Official Use is:

Using a motor vehicle to perform your agency’s mission(s), as authorized by your agency
Subpart D - Official Use of Government Vehicles

Misuse of Government motor vehicles:

• Incidents reported to employing agency

• Minimum one month suspension, up to removal
Subpart D- Official Use of Government Vehicles

Driver responsibilities:

• Operate, park, store, and lock as appropriate to prevent theft or damage

• Obey all State and Local traffic laws

• Use all safety devices including seat belts

• Pay any parking fees and fines
Subpart E - Replacement of Motor Vehicles

Minimum replacement standards:

• Sedans - 3 years/60,000 miles

• Buses - Mileage only

• Trucks - By class, 6 years/50,000 miles minimum
Subpart F - Scheduled Maintenance of Motor Vehicles

Requires scheduled maintenance programs:

• Meet emission standards
• Meet warranty requirements
• Ensure safe & economical operation
• Meet manufacturer recommendations
Subpart G - Motor Vehicle Crash Reporting

Report crashes as follows:

- SF 91 - “Motor Vehicle Accident Report”
- SF 94 - “Statement of Witness”
- Follow internal agency directives for owned & leased vehicles
- Report crashes of GSA Fleet vehicles to GSA Fleet
Subpart H - Disposal of Motor Vehicles

Transfer ownership as follows:

- SF 97-1 - “U.S. Government Certificate to Obtain Title to a Motor Vehicle” (Other forms may be required by jurisdiction)

Consult the following regulations for detailed instruction:

- 41 CFR Part 102-38 “Sale of Personal Property”
- 41 CFR Part 102-39 “Replacement of Personal Property Pursuant to the Exchange/Sale Authority”
Subpart I - Motor Vehicle Fueling

Obtain fuel by:

Government charge card, fuel facility, or reimbursement (See OMB Circular A-123 for Gov’t. charge card guidance)

Refuel using:

The fuel type & minimum grade recommended by the vehicle manufacturer
Subpart J - Federal Motor Vehicle Fleet Report

The Federal Fleet Report compiles:

• Inventory, Acquisition, Cost, Mileage and Fuel Use data for Federal motor vehicles

• Reported annually through the Federal Automotive Statistical Tool (FAST) at: http://fastweb.inel.gov

FAST also used to submit data for Energy Policy Act (DOE) & OMB Circular A-11 Budget (OMB)
Office of Governmentwide Policy

Regulatory Bulletins
Informational in nature – Guidance, not mandates

- FMR B-1 Acquisition and display of official U.S. Government license plates and other motor vehicle identification
- FMR B-2 Use of hand-held wireless telephones
- FMR B-3 Use of tobacco products in motor vehicles
- FMR B-6 Proceeds from sale of agency-owned vehicles
- FMR B-11 U.S. Government License Plate Codes
- FMR B-15 Requirements for MIS in Federal Vehicle Fleets
- FMR B-19 Increasing the Fuel Efficiency of the Federal Motor Vehicle Fleet
- FMR B-28 Federal Employee Transportation and Shuttle Services
- FMR B-29 Accurately Reporting Passenger Vehicle Inventory in FAST
- FMR B-30 Vehicle Allocation Methodology for Agency Fleets
- FMR B-31 Government Motor Vehicle Fueling During Market Shortages
- FMR B-32 Posting Executive Fleet Vehicles on Agency Websites
- FMR B-33 Alternative Fuel Vehicle Guidance for Law Enforcement and Emergency Vehicle Fleets
- FMR B-35 Home to Work Transportation
41 CFR 102-5 Home to Work

- Most recent change in §102-5.20
- Rewritten to exclude employees using vehicles in conjunction with official travel from coverage by the regulation
- Also updated to indicate that employee use of vehicles between work and mass transit facilities is not covered by the regulation
- This reflects provisions in Public Law 109-59
Miscellaneous Non-Energy Related

- **Executive Order** - 2009- FEDERAL LEADERSHIP ON REDUCING TEXT MESSAGING WHILE DRIVING
  - Agency issued internal guidance
  - FAR Citation - Encouraging Contractor Policies to Ban Text Messaging While Driving

- Presidential Memo on Federal Fleet Performance
Where do I go for policy questions in my agency?

- Agency Fleet Manager
- Agency General Counsel’s office
- Agency Directives and Guidance Documents
Conclusion

- Regulations are a formal policy communications tool
- The process relies on continual feedback
- Send comments to: vehicle.policy@gsa.gov
- Stay in touch & sign up for Email notifications at: www.gsa.gov/fedfleetenroll
Motor Vehicle Management Overview

Motor vehicle management policy seeks to improve management and enhance the performance of the motor vehicle fleets operated by federal agencies.

These efforts involve:

- Continuous evaluation of federal motor vehicle management programs and policies;
- Examining new technologies and automated systems;
- Analyzing the impact of current and proposed regulations, laws, Executive Orders, and international agreements;
- Facilitating the Federal Fleet Policy Council (FEDFLEET); and
- Education and training of federal fleet management professionals.

Motor Vehicle Management Resources

- Federal Travel Regulation (FTR)
- Federal Management Regulation (FMR)
- FY 2008 Federal Fleet Report
- Vehicle Views Newsletter - Past Editions
- Guide to Federal Fleet Management
- Join the Federal Fleet Policy Council (FEDFLEET)
- Access the Latest Motor Vehicle Management Advisory Bulletins
- Exhibit 300 Aircraft and Motor Vehicle Capital Asset Planning Desk Guide

The shortcut to this page is www.gsa.gov/vehiclepolicy.

Printer Friendly format

Last Reviewed 2/19/2009
Frequently Asked Questions

- Can I use my GOV to …….?
- Can I drive my vehicle home for TDY purposes?
- Can I drive my GOV into Canada or Mexico?
- Can my spouse accompany me in a GOV?
- Can a contractor drive a GOV?
- What is the policy on cell phone use in a GOV?
- Where do I report misuse of a GOV?
- Where do I go for policy questions in my agency?
- Can I use the express or hot lane in a GOV?
Can I use my GOV to ……?

- Official use is using a motor vehicle to perform your agency’s mission(s), as authorized by your agency.
- Contact your Agency Fleet Manager and/or General Counsel’s office for policy guidance.
- Personal Liability is determined by the Justice Dept. and base their decisions on State case law.
- Incidental use is a taxable benefit reported to the IRS.
  
- Perception- how would a taxpayer view the use of the vehicle?
Can I drive my GOV into Canada or Mexico?

- Many foreign countries do not recognize the U.S. Government self-insurance
- If your agency is not covered under a SOFA or other diplomatic treaty which specifically addresses liability issues.
- General Counsel’s office of GSA has determined that an agency must purchase additional liability insurance to operate vehicles in foreign countries
- The Federal Torts Claims Act does not protect Federal employees outside the United States
- Contact your agency’s General Counsel’s office for assistance
- If short duration trips, consider commercial rentals that are inclusive of insurance in foreign countries.
Can my spouse accompany me in a GOV?

- Agency policy
- Considerations:
  - Agency liability
  - Only Federal employees are covered under the Federal Tort Claims Act
  - Is a Federal employee being displaced?
  - Perception- if in doubt, use your POV!
Can a contractor drive a GOV?

- Regulations:
  - 41 CFR 102-34.21
  - FAR Subpart 51.2- Contractor Use of GSA Fleet Vehicles
  - 41 CFR 101-39.202 Contractor Authorized Services

- Considerations:
  - Has the contracting officer authorized use of GOV’s?
  - Liability- Does the contractor have insurance and certified their drivers have the correct State issued licensed for the vehicle they are operating?
  - What is my agency’s written policy on Contractor use of GOV’s?
What is the policy on cell phone use in a GOV?

- EO 13513 prohibits:
  - texting while driving a GOV
  - texting in a POV if using government furnished equipment
- FMR Bulletin-B2 advised agencies to develop a policy recommending use of wireless devices
- Many agencies have more restrictive policies on using devices while driving a GOV
- Federal employees must obey all State and local laws and ordinances while driving a GOV
What is your locality or State law?

http://www.iihs.org/iihs/topics/laws/cellphonelaws?topicName=distracted-driving

http://www.distraction.gov
Where do I report misuse of a GOV?

- Vehicle.policy@gsa.gov
- howsmydriving@gsa.gov
- Agency Fleet manager: www.gsa.gov/vehiclepolicy

What do I need to report?

- License plate number
- The date and time of the activity being reported
- The location where the activity occurred (name of the city, street, highway, mile marker, direction of travel)
- Activity that is the cause of your concern
- Description of vehicle
- Description of driver and passengers
OPM Regulates Drivers, not GSA

CFR Title 5 PART 930—
PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

Subpart A—Motor Vehicle Operators

• Definitions
• Medical Evaluations
• Authorizations
• Corrective Actions
Where do I go for policy questions in my agency?

- Agency Fleet Manager
- Agency General Counsel’s office
- Agency Directives and Guidance Documents
Thank You

Connie Aaron
(202) 208-7634
Connie.aaron@gsa.gov
Vehicle.policy@gsa.gov