Learning Objectives

• Understand how informal decision making can help guide you to your agency’s internal policy.

• Understand that what seem to be vague answers from GSA are purposely that way so as not to impede your agency’s mission.

• Know where to find additional resources and information for finding out your agency’s internal policy on federal fleet questions.

• This is an informal conversation to help you know the right questions to ask your fleet managers and General Counsel’s office.
What’s the definition of a motor vehicle?

Government motor vehicle is defined as motor vehicles obtained through purchase, excess, forfeiture, commercial lease, or GSA Fleet lease.

Regulatory definition

41 CFR 102-34 Motor Vehicle Management:

_Motor vehicle means any vehicle, self propelled or drawn by mechanical power, designed and operated principally for highway transportation of property or passengers, but does not include a military design motor vehicle or vehicles not covered by this part (see § 102-34.20)._
What’s the definition of a motor vehicle?

Another way to define a motor vehicle is to look at what is not reportable to FAST

- Military tactical
- Off-road vehicles which are not licensable for use on all roads and Federal highways
- Personal Owned Vehicles (POV)
- Short-term rentals (rentals are defined as obtaining a motor vehicle by contract or other arrangement from a commercial source for less than 120 consecutive days. However, if the rental is renewed beyond the initial 120 days, they should be considered as leased and should be identified with US government license plates and reported.)
- Motorcycles
- Trailers
What’s the definition of a motor vehicle?

Automobile means a 4-wheeled vehicle propelled by conventional fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways.
What’s the definition of a motor vehicle?

Definitions of motor vehicle that can be found in US Code


- An item of equipment, mounted on wheels and designed for highway and/or land use, that derives power from a self-contained power unit; or is designed to be towed by and used in conjunction with self-propelled equipment. FAR – General Structure & Subparts, B, 8.11
What’s the definition of a motor vehicle?

Definitions of motor vehicle that can be found in US Code

- A vehicle self-propelled or drawn by mechanical power; but not designed or used for military field training, combat, or tactical purposes, or any other special purpose vehicle. 40 U.S.C. §17501

- A self-propelled vehicle that meets the definition of section 215(2) of the Clean Air Act (42 U.S.C. 7550(2) and is fully Federal Motor Vehicle Safety Standards certified for operation on all public roads and highways, designed for transporting persons or property.
GOV, Agency Owned, Leased, Rentals, POV...on my!

GOV - government vehicle
Agency owned
Leased - commercial or GSA Fleet - greater than 120 days
Rentals - GSA Fleet STR Program, Official Travel (TDY) - less than 120 days

DTMO is government-wide source for rentals for official travel
https://www.defensetravel.dod.mil/site/rentalCar.cfm

Confirm that the “Government Administrative Rate Supplement” or “GARS,” a $5 per day fee, is listed on the rental contract at the time of pick-up. Ensures that you are eligible for program benefits including insurance.

POV - privately owned vehicle
www.gsa.gov/pov
Is my agency required to have an agency fleet manager?

Not a requirement in FMR 102-34 that agencies should appoint an agency head for fleet management.

40 USC 17502 does require the following with regards to the establishment of a fleet-related monitoring system:

§ 17502. Monitoring system

The head of each executive agency shall designate one office, officer, or employee of the agency—

(1) to establish and operate a central monitoring system for the motor vehicle operations of the agency, related activities, and related reporting requirements; and

(2) provide oversight of those operations, activities, and requirements.
Can my agency mandate the use of GOVs vs POVs?

GSA does not regulate local travel
GSA does publish the GOV reimbursements rates-
www.gsa.gov/pov.

Your agency has internal guidance on what mode of transportation is authorized for local travel to conduct official business.
Can my agency mandate the use of GOVs vs POVs?

Some factors to consider when writing internal policy-

Federal employees need to let their private insurance companies know if they are using a POV for official business. May require them to acquire additional insurance at their own expense. POV reimbursement rate covers insurance so the Government can't provide this additional coverage.

Use of a POV advantageous to the Government? Another Federal employee being displaced because a POV is being used? Has a cost benefit analysis been completed?

Is the use of a POV being authorized due to an employee accommodation that can not be met with a GOV?

Is there an additional security issue for the Federal employee if a POV is authorized?
Can I use a GOV to...?

- **Official use** means using a vehicle to perform your agency’s mission as defined and authorized by your agency.
- **Contact** agency fleet manager or general counsel for agency policy.
- **Personal liability** (and DOJ defense) is based on State case law under Federal Tort Claims Act.
- **Incidental use** is a taxable benefit reported to the IRS; see [https://www.irs.gov/pub/irs-pdf/p5137.pdf](https://www.irs.gov/pub/irs-pdf/p5137.pdf).
- **Perception**- how would a taxpayer view the use of the vehicle?
How many miles/hours can I drive a GOV in one day?

- GSA does not have a policy or regulation concerning driver fatigue or maximum distance to drive a government vehicle in one day.
- If driver has a CDL, there are restrictions prescribed by DOT & State the vehicle is operated. [http://www.fmcsa.dot.gov/registration-licensing/cdl/cdl.htm](http://www.fmcsa.dot.gov/registration-licensing/cdl/cdl.htm).
- Your agency may have internal policy limiting the amount of time or miles a person can drive in a GOV or POV.
- Federal Travel Regulation (FTR) Has the most advantageous mode of transportation been authorized if TDY?
Can I drive my GOV home for TDY purposes?

- Home-to-Work regulations do not apply to employees on official travel.
- Official travel orders must authorize GOV use.

Contact your Agency Travel Manager for assistance!
Can I drive a GOV in a foreign country?

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, you may need to purchase liability insurance locally.
- 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.
- US Embassy’s Chief of Mission in that country could be helpful to understand local requirements.
Can I transport a non-Fed in a GOV?

- Governmentwide regulations are silent. But, your agency may have a policy
- Contact your agency fleet manager and/or General Counsel for internal agency guidance
- Federal Tort Claims Act covers Federal employees in scope of employment
- Who would be liable if something happened?
- Is a Federal employee being displaced? In other words, is it costing taxpayers?
- Again, perception. How does it look?
Can a contractor drive a GOV?

Applicable regulations:
- 41 CFR 102-34.21
- FAR 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?
- Does the contractor have liability insurance?
- Do drivers have state driver’s license for applicable vehicle type?
Who pays for tolls?

Federal agencies are required to pay tolls

- Reimbursable expense
- Agencies may set up accounts with "EZ Pass" or similar
- Tolls are not included in GSA Fleet lease rates
- Tolls may not be paid with GSA Fleet fuel card
- GSA Smartpay Office is neutral on which type of card your agency decides to use to pay for tolls.
Can I use the express or hot lane in a GOV?

- Drivers do have to pay for any tolls incurred while driving a GOV
- GSA does not regulate local travel
- Agency decision
  - Mission essential
  - Saves government time and money
  - Not for the convenience of the employee
- Agency policy also dictates whether use the purchase, travel or fleet card- GSA Smartpay neutral
- Home to Work Transportation- proximity of work location to home and cost analysis
Who pays for the tickets?

- Employees are personally responsible for tickets/fines
- NOT a reimbursable expense
- Appropriated funds may not be used
- Tickets mailed to agency must be delivered to employee
- If parking or moving violation occurred while in performance of your duty, ask your General Counsel’s office for assistance
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 advises agencies to develop an internal policy
- 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
Can I carry a personal firearm in a GOV?

- 18 U.S. Code Chapter 44 - FIREARMS
  - Defines the terms
  - Possession of firearms and dangerous weapons in Federal facilities
- Agency Decision
- Must obey all State and local laws
Can I have a copy of the VAM Study Questionnaire?

• FMR Bulletin B43, Vehicle Allocation Methodology for Agency Fleets

• Sample VAM Survey Questions Document- send email to
  vehicle.policy@gsa.gov for a copy!
What about localities that have legalized marijuana?

- Agency policy

- Must take into consideration that marijuana is still a Schedule I controlled substance under the Controlled Substance Act
Is the use of E-Cigarettes allowed in GOVs?

FDA published its final rule on Electronic Nicotine Delivery Systems (ENDS) which defines them as **tobacco products** in 2016.

The use of electronic alternatives that produce nicotine or other vapors is also **prohibited** in federally owned or leased buildings.

GSA Fleet prohibits the use of tobacco products in leased vehicles.

Can I transport an animal in a GOV?

GSA does not regulate specific uses of vehicles or agency employees.

Your agency determines official and incidental use. Federal Tort Claims Act protects Federal employees when acting within the scope of employment to accomplish agency's mission.

Drivers of GOVs are required to abide by state and local laws.

Modifications to GSA Fleet vehicle required to secure animal must be submitted in advance to the local GSA FSR.

Procurement and costs for the acquisition, installation, maintenance and removal of any installed equipment are the responsibility of the agency.

Any costs or financial losses GSA Fleet incurs due to the animal or the modification of the vehicle are the responsibility of the agency and will be charged back.
What about ELDs?

Electronic Logging Devices

Federally owned and operated vehicles are not subject to the Federal Motor Carrier Safety Regulations (49 CFR 390-399)

Exempt from medical requirements and hours of service requirements

Not considered “in commerce” as governmentally owned and operated vehicles and drivers.

If you have a contractor operating a government vehicle, they are subject to the Federal Motor Carrier Safety Regulations.

Note- The CDL and Drug and Alcohol Regs (49 CFR 382 and 383) would apply if Federal driver is operating certain size vehicle.

For more information, contact FMCSA- Bill.Mahorney@dot.gov
Help! My personal belongings were stolen from my GOV!

• 31 U.S.C. § 3701 and 3721 has you covered!
• Each agency should have internal procedures to implement these regulations for loss of and damage to personal property occurring incident to service.
• GSA employees use GSA Form 2116
Does my GOV need a State safety and emissions inspection?

- Congress waived the Federal government's sovereign immunity in the Clean Air Act, which is why GOVs with government plates are required to comply with emissions inspections and other state-imposed environmental requirements.

- No waiver for safety inspections.

- But, if you are using a State license plate on the vehicle, the government is subject to all the safety and emissions inspection requirements.
Special parking requirements for GOVs?

41 CFR 102-34.230-How am I responsible for protecting Government motor vehicles?

Park or store the Government motor vehicle in a manner that reasonably protects it from theft or damage; and lock the unattended Government motor vehicle.

41 CFR 102-34.240-Who pays for parking fees? You must pay parking fees while operating a Government motor vehicle. However, you can expect to be reimbursed for parking fees incurred while performing official duties.

41 CFR 102-34.245-Who pays for parking fines? If you are fined for a parking violation while operating a Government motor vehicle, you are responsible for paying the fine and will not be reimbursed.
Who must provide for the regulation and policing of parking facilities?

Are vehicles required to display parking permits in parking facilities?

May Federal agencies authorize lessors or parking management contractors to manage, regulate and police parking facilities?

How must Federal agencies assign priority to parking spaces in controlled areas?

May Federal agencies allow employees to use parking spaces not required for official needs?

Who determines the number of employee parking spaces for each facility?

How must space available for employee parking be allocated among occupant agencies?

How must Federal agencies assign available parking spaces to their employees?

What measures must Federal agencies take to improve the utilization of parking facilities?
What about insurance?

- Federal Torts Claims Acts protects Federal employees from personal liability while acting within the scope of their employee to accomplish their agencies mission.
- Yes, you may be personally liable for an accident if you are found to be operating the vehicle outside the scope of your employment!
- All Tort claims are automatically transferred to the Justice Department. Don’t assume your agency has you covered.
Can I dispose of a vehicle with an open recall?

Contact your Sales Center for information on reporting vehicles for disposal with an open recall.

GSA's Office of Personal Property currently accepts such vehicles:

- Owning agency notes in the item description any information available about a recall, whether it is open without a remedy available, resolved, or pending repair status.
- Only if the vehicle has a STOP DRIVE designation would GSA return it to your agency for other disposition or until the repair is made.
- Each vehicle is "double-checked" by VIN after it is reported to GSA, but before it is offered for sale to the general public.

Providing notice allows GSA the opportunity to be transparent with potential buyers because GSA can require a signed acknowledgement that all have been made aware that a recall exists.
Can I Use Valet Parking Services? Agency Decision

41 CFR 102-34 Motor Vehicle Management

(a) Park or store the Government motor motor vehicle in a manner that reasonably protects it from theft or damage; and

(b) Lock the unattended Government motor vehicle.

There are some establishments where you have no choice but to use valet parking. There isn't anything in the regulations that prohibit the use of valet parking but it's an agency by agency decision. Some agencies may instruct drivers not to use valet services because it's an perception issue.
Home to Work Transportation (HTW) Virtual Workers & Telework

• Oh so complicated...
• Each agency handles virtual workers a little differently with regards to home to work transportation.
• Contact your agency’s General Counsel’s office for assistance on this issue.
• Option to park at an alternate location such as the local Post Office or nearby Federal facility.
• HTW, Virtual Workers and EVs- oh my! Stay tuned!
Do I need a Government license to drive a GOV?

- OF 346, US Government Motor Vehicle Identification Card
- DOD is the sponsor of the form governmentwide
- Agency Decision
How do I join the Federal Fleet Policy Council (FEDFLEET)?

Email vehicle.policy@gsa.gov


Next meeting is April 26, 2023!
Where can I get help with FAST?

FAST Help page full of information!
https://fastweb.inl.gov/help/

List of Underlying Requirements for FAST Reporting- Why am I having to collect all this data for each vehicle?

Frequently Asked Questions (FAQs) including a list of vehicles not reportable in FAST

Glossary of Terms such as:

Light-duty (LD) vehicle
A vehicle weighing 8,500 pounds GVWR or less, general purpose vehicles certified for use on all public roads and highways.

Medium-duty (MD) vehicle
A vehicle between 8,500 and 16,000 pounds GVWR, certified for use on all public roads and highways.

Heavy-duty (HD) vehicle
A vehicle weighing more than 16,000 pounds GVWR certified for use on all public roads and highways.

FAST Program Points of Contact
What’s the difference between FEDFLEET and FedFleet?

FEDFLEET is the Federal Fleet Policy Council that has been around since 1996!

FedFleet is the annual training event for super cool federal fleet managers that was first held in Scottsdale, AZ in 1998!
Agency Policy Statement: CONTRACTOR USE OF GOVERNMENT AND PRIVATELY-OWNED VEHICLES

Contractors are required to follow the policies and procedures stated in PS 5401 Use of Agency Vehicles and PS 5205 Employee Use of Privately-Owned Vehicles except for the areas stated below:

A. USE OF GOVERNMENT-OWNED VEHICLES (GOVs)

1. Approval

Contractors may use a GOV for local and out-of-town travel if such use is allowed in their contract. Contractors must have specific authorization for the use of a GOV prior to each instance of using the vehicle.

Contractors must receive approval from their COTR to use GOVs and must restrict their use for official purposes only; namely, in performance of the contract duties. All contractors are required to read or be issued a copy of this Policy Statement and PS 5401. Contractors are required to sign a statement acknowledging receipt (see Appendix F) of said policies. Contractors are forbidden from allowing other persons to operate GOVs. The following steps shall be followed in seeking authorization:

a. Complete a “Contractor Request for Use of Government Vehicle” form and submit it to the appropriate COTR for signature. The form is available from the COTR or the CSOSA Intranet;
b. Indicate on the request form the purpose and each destination for which the government vehicle will be used;
c. When possible the COTR must submit the form to the appropriate Site Coordinator 24 to 48 hours in advance of need;
d. For out-of-town travel only, the contractor must request and receive an approved Agency Travel Authorization, prior to travel;
e. The contractor should maintain a copy of the vehicle request form at all times while operating an Agency vehicle; and
f. Upon return of the vehicle, complete the section of the form relating to mileage and fuel, and submit it to Fleet Coordinator.
Army Regulation 58–1
Surface and Transportation Management, Acquisition, and Use of Motor Vehicles

Agency Policy Examples
Agency Policy Examples

HHS Website with helpful contacts and links.
If you lease from GSA Fleet, please read through this guide!
Contacts

You’ve Got Motor Vehicle Policy Questions?
We’ve Got Answers

vehicle.policy@gsa.gov
www.gsa.gov/vehiclepolicy