

FDA STAFF MANUAL GUIDES, VOLUME III - GENERAL ADMINISTRATION

MOTOR VEHICLE MANAGEMENT

UTILIZATION OF GOVERNMENT MOTOR VEHICLES

Transmittal Number 95-05 -- Date: 02/01/1995

1. Purpose
2. Definitions
3. Fleet Manager, Agency
4. Fleet Manager, Program
5. Policy Concerning Use and Care of Government-Owned or Commercially Leased/Rented Vehicles
6. Policy Concerning Use of Government-Owned or Commercially Leased/Rented Vehicles in Foreign Countries
7. Authorization to Operate
8. Obtaining GSA Interagency Fleet Management System (IFMS) Vehicles
9. Obtaining Commercially Leased Vehicles
10. U.S. Government Fleet Credit Card (SF-149A)
11. Daily Record-Keeping
12. Justification for Use
13. Exemption from Use of Official U.S. Government Tags and Other Identification
14. Use of Government-Owned or Commercially Leased Vehicles Between Residence and Place of Employment
15. Reporting Motor Vehicle Accidents.
Attachment A - Daily Record of Government Vehicle, (Form FDA 3369).
Attachment B - Request to use Government Furnished Vehicle for Transportation Between Residence and Place of Employment, (Form HHS-16), and instructions.
Attachment C - Quarterly Report on Use of Government-Owned or Leased Vehicles Between Residence and Place of Employment, (Form HHS-17), and instructions.

Attachment D - Agency Report of Motor Vehicle Data, (Standard Form 82), and instructions.

Attachment E - Federal Motor Vehicle Expenditure Control Report, and instructions.

Attachment F - Motor Vehicle Accident Report, (Standard Form 91).

Attachment G - Report of Accident, (Form HHS-516).

Attachment H - Statement of Witness, (Standard Form 94).

Attachment I - Data Bearing Upon Scope of Employment of Motor Vehicle Operator, (Optional Form 26).

1. PURPOSE

This Guide implements the provisions of 41 CFR Parts 101-6.4, 101-38, and 101-39; HHS Material Management Manual 103-38; and supplementing PHS issuances, pertaining to the acquisition, management, and utilization of Government-owned or commercially leased/rented vehicles by Food and Drug Administration (FDA) Headquarters and field activities.

2. DEFINITIONS

A. Clear and Present Danger. Those highly unusual circumstances which present a threat to the physical safety of the employee's person or property under circumstances where the danger is real, not imaginative, and immediate or imminent, not merely potential; and a showing is made that the use of a Government passenger vehicle would provide protection not otherwise available.

B. Compelling Operational Considerations. Those circumstances where the provision of home-to-work transportation to an employee is essential to the conduct of official business or would substantially increase the Agency'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 time. These circumstances need not be limited to emergency or life and death situations.

C. Emergency. Those circumstances which exist whenever there is an immediate, unforeseeable, temporary need to provide home-to-work transportation for those employees who are necessary to the uninterrupted performance of the Agency'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.

- D. Field Work.** Official work performed by an employee whose job requires the employee's presence at various locations that are at a distance from the employee's place of employment (itinerant-type travel involving multiple stops within the accepted local commuting area) or 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.
- E. Fleet Manager, Agency.** The person having responsibility for the Agency's motor vehicle program. The Chief, Personal Property Management Section (HFA-225), is FDA's Fleet Manager.
- F. Fleet Manager, Program.** The person, designated in writing, who shall be responsible for directing the operation of the motor vehicle fleet for his/her program area.
- G. Government-Owned Vehicles.** Motor vehicles owned by any department or agency of the U.S. Government, or leased from the General Services Administration (GSA) through their Interagency Fleet Management System (IFMS).
- H. Law Enforcement Vehicles.** Passenger automobiles or light trucks that are specifically approved in the Agency's appropriation act for use in apprehension, surveillance, police type or other law enforcement work, or specifically designed for use in law enforcement.
- I. Leased Vehicles.** Motor vehicles obtained by FDA from commercial sources on a lease basis, for 60 consecutive days or more.
- J. Rented Vehicles.** Vehicles obtained from the appropriate sources listed in the Federal Travel Directory for short-term use (less than 60 days) by Federal employees while on temporary duty (TDY) travel.
- K. Residence.** The primary place where an employee resides and from which the employee commutes to his/her place of employment.

3. FLEET MANAGER, AGENCY

- A. Designation.** The Chief, Personal Property Management Section, (HFA-225), is designated as the Agency Fleet Manager.

B. Responsibilities. The Agency Fleet Manager is responsible for FDA's motor vehicle program, and in this regard shall:

1. Implement all Government regulations, policies, and direction.
2. Develop and implement Agency policy and direction.
3. Provide advice and guidance to the Program Fleet Managers.
4. Investigate reports of vehicle misuse.
5. Analyze vehicle usage to assure maximum economies are achieved.
6. Review Agency vehicle operations to assure all Government requirements are carried out.
7. Coordinate, prepare, and submit all required Agency vehicle reports.
8. Maintain the Agency's inventory of all Government- owned and commercially leased vehicles.

4. FLEET MANAGER, PROGRAM

A. Designation. Program Fleet Managers must be designated, in writing, by the head of the program area in a memorandum to the Agency Fleet Manager (HFA-225), listing the name, title, grade, and telephone number of the designee. The following individuals will be responsible for the designation of their Program Fleet Manager:

- Directors, ORA District Offices.
- Director, New York Regional Laboratory.
- Director, National Center for Toxicological Research.
- Director, National Forensic Chemistry Center.
- Director, St. Louis Division of Drug Analysis.
- Director, Chicago Food Research Laboratories.
- Director, Winchester Engineering and Analytical Center.
- Director, Northeast Technical Services Unit.
- Director, Fishery Research Branch.

- Executive Officer, Office of the Commissioner.
 - Executive Officer, Office of Regulatory Affairs.
 - Executive Officers, Centers.
 - Special Agents In Charge, Office of Criminal Investigations, Field Offices.
- B. Responsibilities. Each Program Fleet Manager shall be responsible for directing the operation of the local motor vehicle fleet, and shall:
1. Operate the fleet in accordance with applicable laws and regulations, and FDA directives.
 2. Ensure that an adequate system of records including logs of home-to-work and daily usage are established and maintained.
 3. Verify all invoices for charges to the U.S. Government National Credit Card, SF-149A.
 4. Prepare and submit to the Agency Fleet Manager (HFA-225), the annual "Agency Report of Motor Vehicle Data," Standard Form 82, (see Attachment D) for Agency-owned and commercially leased vehicles. Report is due by October 15, each year.
 5. Prepare and submit to the Agency Fleet Manager (HFA-225), the annual "Federal Motor Vehicle Expenditure Control Report" (see Attachment E). This report covers all costs (i.e. lease, mileage, operating, overhead) for all GSA leased vehicles, commercial long term leases, agency-owned vehicles, and includes other vehicle costs (i.e. short term rentals, and reimbursed official use of privately-owned vehicles (POV), for the current fiscal year. The report also requires an estimated cost of GSA lease and commercial lease vehicles for the next two (2) fiscal years. Report is due by August 1, each year.
 6. Prepare and submit to the Agency Fleet Manager (HFA-225), all other vehicle reports, as required.
 7. Maintain an inventory of all Government-owned and commercially leased vehicles by: make, model, year, Government tag number, State tag number, physical location, and assignment.
 8. Maintain control of the U.S. Government Fleet Credit Cards, SF-149A.

9. Ensure the regularly scheduled maintenance of all vehicles assigned to the program and keep individual vehicle maintenance records.

5. POLICY CONCERNING USE AND CARE OF GOVERNMENT-OWNED OR COMMERCIALY LEASED/RENTED VEHICLES

- A. Government-owned or commercially leased/rented vehicles may not be used for other than official purposes. Any officer or employee of the Government who willfully uses or authorizes the use of any Government-owned or commercially leased/rented vehicle for other than official purposes shall be suspended from duty by the head of the department concerned, without compensation, for not less than 30 days, and shall be suspended, for a longer period or summarily removed from office if circumstances warrant.
- B. It is the responsibility of the head of each FDA Headquarters and field activity to take whatever actions are appropriate to assure that Government-owned or commercially leased/rented vehicles of that activity are not used for other than official business.
- C. The use of tobacco products is prohibited in government- owned or commercially leased/rented vehicles. If this regulation is violated, an employee may be charged for the cost of cleaning the affected vehicles(s) beyond normal detailing procedures to remove tobacco odor or residue or repairing damage caused as a result of tobacco use.
- D. The term "official business" shall be interpreted strictly and shall not be construed to encompass the mingling of official business with nonofficial business. Official business is defined as those activities conducted during duty hours which are considered an official part of the employee's assigned duties. Nonofficial business, for which the use of Government-owned or commercially leased/rented vehicles is illegal includes, but is not limited to, such activities as:
 1. Attending to personal business.
 2. Attendance at luncheons or other social engagements.
 3. Pleasure trips.
 4. Transportation of any person not engaged in the conduct of official business, except as authorized in items g, h, and i of this paragraph.
 5. Transportation for local travel for training during non duty hours (see paragraph 8.a. of Staff Manual Guide FDA 3120.4, Request for and Authorization of Training, for additional guidance).

6. "Official purpose" does not include transportation of any employee between his/her residence and place of employment, except as authorized in paragraph 14 of this Guide.
- E. Operators of Government-owned or commercially leased/rented motor vehicles shall wear safety belts whenever the vehicle is in operation. The vehicle operator shall ensure that all vehicle occupants are wearing their safety belts prior to operating the vehicle.
 - F. Operators of Government-owned or commercially leased/ rented motor vehicles shall become familiar with and obey all motor vehicle traffic laws of the State(s) and local jurisdictions in which they operate. Violation of State or local motor vehicle traffic laws can result in fines and/or imprisonment of the motor vehicle operator.
 1. Fines imposed on a Government employee for an offense committed by him or her while in the performance of, but not as a part of, the employee's official duties are imposed on the employee personally and payment thereof is his or her personal responsibility. This includes fines for parking violations while operating a Government-owned or commercially leased/rented motor vehicle. However, reimbursement of parking fees is normally allowed when the fees are incurred by Federal employees in the performance of their official duties.
 2. Except when the scope of their employment dictates otherwise, operators of Government motor vehicles shall obey posted speed limits. Operators will also be cognizant of the effects that weather and traffic conditions have on travel speeds.
 - G. Transportation of personnel from other Federal agencies in a Government vehicle is authorized when it is in the interest of the Government and does not interfere with accomplishment of the FDA employee's primary business.
 - H. An FDA employee may also transport a person or persons other than a Federal employee in a Government vehicle when the use of the vehicle is the sole means of alleviating pain or injury, or preventing loss of life or serious damage to property.
 - I. An FDA employee, who because of specific duties (such as a field investigator or traveling auditor) has a Government vehicle and the duties result in extended detail to another region or location or frequent change in duty post, may transport dependents at the time the detail or change of duty post is accomplished as long as transporting the dependent does not cause additional cost for the Government or cause the employee to

deviate from his/her official itinerary. However, prior approval must be obtained from the Agency Fleet Manager (HFA-225) and annotated on the travel order.

- I. No Government-owned or leased motor vehicle shall be assigned for the exclusive use of any officer or employee for extended periods of time except when such an assignment is clearly essential to the execution of an authorized function or program.
- K. Vehicles may be assigned for the exclusive use of administrative support officers or employees only by the Agency Fleet Manager (HFA-225). The Agency Fleet Manager (HFA-225) may delegate this responsibility, for officers and employees engaged in field work, to the Program Fleet Manager.
- L. Government-owned motor vehicles may be used by officers and employees in travel status for transportation between home and rail, air, bus, or boat terminals and between the terminal and place of temporary employment or temporary domicile if no less costly method of transportation is available.

6. POLICY CONCERNING USE OF GOVERNMENT-OWNED OR COMMERCIALY LEASED/RENTED VEHICLES IN FOREIGN COUNTRIES

Generally, the Government acts as a self-insurer in regard to vehicle liability only when the official travel is performed within the conterminous United States, Alaska, Hawaii, Puerto Rico, or the United States territories and possessions.

Therefore, trip insurance policies must be purchased on vehicles regularly or intermittently driven into a foreign country (e.g., Canada) on official business, where law requires that insurance be carried or legal procedures may result in extreme difficulties to Government employees when involved in an accident.

Trip Insurance. Trip insurance covers potential liability for property damage, and personal injury or death to third parties.

GSA Vehicles. The FDA strongly discourages taking a GSA vehicle into a foreign area unless absolutely necessary for the conduct of official business. Under these circumstances, trip insurance must be purchased, or the employee must have Drive Other Car (DOC) coverage in his/her personal automobile insurance policy.

Commercially Leased Vehicles. When a commercially leased vehicle is operated on official business in a foreign area, employees may be reimbursed for trip insurance to cover third party loss and damage claims. Federal Travel

Regulations (FTR) 301-9.1(d)(3) provide that such insurance may be reimbursed only when it is required by foreign statute or is a practical necessity due to legal procedures of the foreign country involved that could result in detainment of the driver or impoundment of the vehicle in the event of an accident.

Similarly, the Agency may pay or reimburse employees for the cost of collision damage insurance when a commercial vehicle is rented or leased for official travel in foreign areas. Reimbursement for collision damage insurance is limited to instances when it becomes necessary to satisfy rental or leasing agency requirements, foreign statutes, or local legal procedures of the foreign country which could cause extreme difficulty to employees involved in an accident (FTR 301-3.2(c)).

Rented Vehicles. Vehicles rented in the United States should not be operated outside the continental United States except where such use is specifically authorized by the rental agreement. In addition, vehicles rented in the United States should not be operated across international boundaries unless specifically authorized at the time of rental.

Privately-Owned Vehicles (POV). When a POV is operated on official business in a foreign area, the employee must purchase trip insurance, unless his automobile policy includes coverage in a foreign area.

7. AUTHORIZATION TO OPERATE

Each FDA employee who operates a Government-owned or commercially leased/rented vehicle is required to have a valid driver's license issued by the State, District of Columbia, territory or possession of the United States wherein the employee resides and from which the employee commutes to his/her place of employment, plus some form of Agency identification. It is the supervisor's responsibility to verify that an employee's State driver's license is not expired or revoked, and to restrict the use of Government-owned vehicles where safety issues are or become present.

8. OBTAINING GSA INTERAGENCY FLEET MANAGEMENT SYSTEM (IFMS) VEHICLES

Headquarters: Any activity in Headquarters requiring GSA IFMS vehicle(s) for indefinite assignment shall write a memorandum to the Agency Fleet Manager (HFA-225), through the Program Fleet Manager, stating the number and type of vehicle(s) required; location where the vehicle(s) is needed; date required; justification; GSA billed office address code (BOAC); program area requiring the vehicle(s); and the activity's contact, including name, address and telephone number.

Upon obtaining any vehicles from the GSA IFMS, the Program Fleet Manager must inform the Agency Fleet Manager (HFA-225) of the make, model, year, Government tag number, and location of each newly assigned vehicle, including any replacement vehicle(s).

Field:

1. When any activity in the field requires fewer than 5 additional GSA IFMS vehicles at any time, the Program Fleet Manager may directly contact the appropriate GSA Regional Fleet Management Center. Arrangements for the assignment(s) will be made by the issuing fleet management center. If the GSA Regional Fleet Management Center cannot provide the vehicle(s), the Program Fleet Manager shall send a request to the FDA Fleet Manager, HFA-225. Upon obtaining any IFMS vehicles directly from GSA, the Program Fleet Manager must inform the Agency Fleet Manager (HFA-225) of the number of vehicles obtained, year, make, model, Government tag number, and location of each newly assigned vehicle, including any replacement vehicle(s).
2. When any activity in the field requires 5 or more additional GSA IFMS vehicles at any time, the Program Fleet Manager shall write a memorandum to the Agency Fleet Manager (HFA-225), stating the number and type of vehicles required; location where the vehicles are needed; date required; justification; GSA billed office address code (BOAC); program area requiring the vehicles; and the activity's contact, including name, address and telephone number.

Upon obtaining the vehicles, the Program Fleet Manager must inform the Agency Fleet Manager (HFA-225) of the number of vehicles obtained, year, make, model, Government tag number, and location of each newly assigned vehicle, including any replacement vehicle(s).

9. OBTAINING COMMERCIALY LEASED VEHICLES

FDA cannot commercially lease vehicles unless written authorization has been given to the FDA Fleet Manager or Program Fleet Manager by GSA.

Headquarters and Field: All requirements for commercially leased motor vehicles that are needed by any program area for 60 consecutive days or more, shall be submitted on a Form HHS-393 by the Program Fleet Manager to the Agency Fleet Manager (HFA-225), for approval and appropriate action.

The request shall include full justification of the need plus the following information:

1. The number and types of vehicles required.

2. Location where vehicles are needed.
3. Date required - earliest and latest date acceptable.
4. Anticipated length of assignment.

Upon obtaining the vehicles, the Program Fleet Manager must inform the Agency Fleet Manager (HFA-225) of the number of vehicles obtained, year, make, model, tag number, and location of each newly assigned vehicle, including any replacement vehicle(s).

10. U.S. GOVERNMENT FLEET CREDIT CARD, STANDARD FORM (SF)-149A

General. The U.S. Government Fleet Credit Card (SF-149A), is authorized to obtain services and supplies at contracted service stations for Government-owned or commercially leased vehicles.

Controls on Credit Cards.

1. Each Program Fleet Manager shall provide all motor vehicle operators with appropriate instructions regarding the use and protection of credit cards against theft and misuse.
2. In the event an SF-149A is lost or stolen, the Program Fleet Manager shall submit a report to the Agency Fleet Manager (HFA-225), for appropriate action.
3. If an SF-149A is reported lost or stolen, reasonable precautions shall be taken to minimize the opportunity of purchases being made by unauthorized persons. The program's fiscal office shall be notified of the loss or theft, and to be on the alert for any unauthorized bills.

The following applies only to obtaining an SF-149A for FDA-owned or commercially leased vehicles. It does not apply to vehicles leased from GSA IFMS. GSA provides an SF-149A for each of its IFMS vehicles.

Method of Obtaining an SF-149A. Any FDA Headquarters or field activity that wishes to obtain an SF-149A for an FDA owned or commercially leased vehicle, shall forward a requisition (Form HHS-393) to the Agency Fleet Manager (HFA-225), for approval and ordering. The Object Class Code is O.C. 26.99.

The following information must be provided on the requisition to HFA-225:

1. Billing Address. This is the address to which the fuel vendors will submit invoices for charges made using the credit card. The billing address is the designated billing office under the Prompt Payment Act. The Program Fleet Manager is responsible for verifying all invoices prior to payment. Note: ALL credit cards with the same account number must have the same billing address. The fuel vendors use the account number to determine the correct billing address for goods and services provided by use of the credit card. If certain cards within your inventory need to have separate billing addresses to facilitate prompt payment, then they must be assigned separate account numbers. Each line in the billing address is limited to 25 characters. The city is limited to 22 characters. The State should be abbreviated using the standard 2 digit postal abbreviation. The first five digits of the zip code must be provided. The last four digits of the zip code are optional.

2. Shipping Address. This is the address to which the cards are to be shipped. The line limitations are the same as for the billing address.

Note: Please ensure that the personnel receiving the cards provide the proper receipt notification to the contracting and finance offices so that the contractor can be paid in a timely manner.

3. Issue Code. Provide the appropriate issue code for each transaction:

"N" for new cards

"R" for replacement cards

"D" for card deletions

New Card: A new card is one which does not already exist as an active record on the master file. This is determined by a combination of the account number and card identifier. Replacement Card: A replacement card is one which does exist as an active record on the master file. To replace a card, the card must be ordered with the same account number and the exact same card identifier as the current active card. If the account number or card identifier are different than that of the card record on the master file, the transaction will not be processed. Changing anything in the card identifier (i.e., dashes, spaces, zeros to "O"s, etc.) will cause the transaction to be void. Be sure to check your inventory before ordering to ensure that the card information is entered exactly as it appears on the master file.

Deletion of a Card: A deletion request will remove a card from active status. To delete a card, the account number and card identification must be exactly the same as the card record on the master file. The

same rules for card replacements apply to card deletions. Once a card has been deleted, it cannot be ordered as a replacement. The card may be ordered as a new card after ten calendar days.

4. **Account Number.** The account number is a 9 digit number and is embossed on the first line of the SF-149A. The first 4 digits shall always be 0000. The fifth and sixth digits shall always be 75 (assigned to FDA). The seventh, eighth, and ninth digits are for agency use and may be assigned by the ordering activity.
5. **Prefix.** Provide the type of card identification that will prefix the identifier, as follows:
 - "T" = Tag (usually license tag number of vehicle)
 - "I" = ID (make of car, type of car, etc.)
 - "S" = Serial Number (either the serial number of the vehicle or a sequential series of card numbers).
6. **Identifier:** Provide a unique 9 character card identification. This can be the license tag number of the vehicle and abbreviated description of the vehicle (i.e. truck, sedan, van), or any other form of identification. Each card identifier must be different if they have the same account number. Duplicate cards are not allowed. Card identifiers may consist of alpha characters, numeric characters, and/or special characters.
7. **Expiration Date:** Provide the desired expiration date. Use MM/DD/YY where MM = two digit numeric month, DD = two digit numeric date, and YY = last two digits of the year. Add leading zeros, if necessary.

The cards may have an expiration date up to 4 years from the month of issuance. Use the last day of the month to avoid confusion for the users and the fuel vendors.

If a card is to have a very short life due to special circumstances, enclose a note of explanation. For example, if a card is needed for security and preparations for a special event.

11. DAILY RECORD-KEEPING

Each FDA employee who operates a Government-owned or leased vehicle is required to complete the Daily Record of Government Vehicle, (Form FDA 3369), for each trip (see Attachment A). This daily record will be maintained for each vehicle and shall be readily available for audit until disposed of in accordance with the Department's Records Management procedures.

12. JUSTIFICATION FOR USE

Public transportation (air, rail, bus, taxi) shall be used in lieu of government-owned or commercially leased/rented vehicles, unless the use of such vehicles is clearly more economical and practicable, and solely in the Government's interest. The following circumstances would justify the use of Government-owned or commercially leased vehicles:

1. The employee's itinerary requires a number of stops, and the scheduled arrival and departure of public transportation does not coincide with the timetable of the itinerary, resulting in undue loss of Government time.
2. The employee is required to transport a considerable amount of heavy or bulky equipment that cannot be conveniently carried on public transportation.
3. The nature of the employee's field work necessitates the use of transportation at a time of day when it would be highly impractical to use public transportation.
4. The employee is continually engaged in the enforcement of regulatory laws affecting public health and welfare, and the use of public transportation is impractical and not in the best interest of the Government.

13. EXEMPTION FROM USE OF OFFICIAL U.S. GOVERNMENT TAGS AND OTHER IDENTIFICATION

- A. Certain vehicles operated by Food and Drug Administration Headquarters and field activities for undercover law enforcement and similar investigative work may be exempted from the requirement for displaying official U.S. Government tags and other identification. In such instances, exempted vehicles shall display the regular license plates issued by the State where the vehicle is principally operated.
- B. Requests for exemption shall be made in writing by the Program Fleet Manager and mailed to the Agency Fleet Manager (HFA-225) for processing and forwarding to the Director, Office of Facilities and Administrative Management, for approval. The request should contain a detailed justification for the exemption and include full identification of the vehicle to include its make, year, color, and all identification numbers.

When the State license plate is received, the Program Fleet Manager shall inform the Agency Fleet Manager (HFA-225) of the tag number assigned.

14. USE OF GOVERNMENT-OWNED OR COMMERCIALY LEASED VEHICLES BETWEEN RESIDENCE AND PLACE OF EMPLOYMENT

This subpart applies to the use of home-to-work transportation for employees in specific positions on normal duty (non travel) status performing assigned duties at their place of employment.

Employees are expected to provide their own transportation between residence and place of employment including overtime. Inconvenience, awkwardness with a car pool arrangement, or difficulties with a personal vehicle do not justify furnishing Government transportation.

This subpart **does not apply** to the use of a Government passenger vehicle when the passenger vehicle is used in conjunction with official travel to perform temporary duty (TDY) assignments away from a designated or regular place of employment, or official travel on a trip by trip travel order, or on a limited open travel authorization (blanket travel order).

Approving officials should be aware of the possible income tax impact on their employees when approving home-to-work transportation. Additional information is available in the Internal Revenue Service tax regulations 26 CFR 1.6, Computation of Taxable Income.

1. **Authority.** The authority to make determination of the necessity for, and to authorize the use of, Government-owned or commercially leased vehicles between residence and place of employment has been delegated by the Congress to the Secretary, Department of Health and Human Services. Determinations will be recertified every 2 years. The authority to make determinations **may not be redelegated.**
2. **Approval.** Only the Secretary may approve the use of Government vehicles between residence and place of employment. The approval process will be different based on the reason for approval.
 - a. The Secretary has determined that **only those employees engaged in field work are authorized home-to-work use of Government-owned or commercially leased vehicles.**

Position Title	Series
Biologist	401
Chemist	1320
Consumer Safety Inspector	1862
Consumer Safety Officer	696
Criminal Investigator	1811
Engineer	800

Position Title	Series
Entomologist	414
Health Physicist	1306
Microbiologist	403
*PHS Commissioned Corp Officer	
Physicist	1310
Public Affairs Specialist	1035
Sample Custodian	6901
Supply Clerk	2005

* Only those PHS Commissioned Corps Officers assigned the same duties as the positions listed above.

The assignment of an employee to such a position does not, of itself, entitle an employee to receive **daily** home-to-work transportation.

The Secretary's approval for the use of a vehicle between residence and place of employment is only in effect when an employee is actually engaged in **field work** and should not be interpreted as authorization to use the vehicle at anytime other than when conducting **field work**.

- b. Additional requests for approval based on a **clear and present danger**; an **emergency**; or a **compelling operational consideration**, shall be submitted by the requesting office to the Agency Fleet Manager (HFA-225). The justification may be submitted on Request To Use Government Furnished Vehicle for Transportation Between Residence and Place of Employment, (Form HHS-16) (see attachment B), after striking the references to "field work", or in memorandum form. Whichever method is used, it shall include the position title and series; number of employees affected; name and title of person requesting approval; date; location of official duty station; duration of assignment; and justification for the use of the vehicles. The Agency Fleet Manager (HFA-225) will submit all requests to the Secretary for approval. Approvals made under these circumstances shall initially be for a period not to exceed 15 calendar days. Extensions of up to 90 calendar days may be requested as long as the underlying circumstances continue to exist.
- c. Requests for contingent approvals are permitted. They shall include, in addition to the information identified in (2) above, a statement on what administrative controls have been established to assure that any contingent approval is not abused. Requests

should be submitted to the Agency Fleet Manager (HFA-225) as described in (2) above. If the contingent approval is exercised, the requesting office will immediately notify the Agency Fleet Manager (HFA-225) and provide the following additional information: name of the individual using the vehicle; the reason that justified the use of the contingent approval; and the starting date and ending date (or anticipated ending date) of the authorization.

3. Request, Recommendation, and Authorization to use Government-Owned or Commercially Leased Vehicles between Residence and Place of Employment.

- a. The use of a Government-owned or commercially leased vehicle between residence and place of employment to perform field work as described herein, by an employee whose position has been approved by the Secretary of HHS and who is not on a trip by trip travel authorization, nor on a limited open travel authorization (blanket travel order) must be requested and justified in writing by the employee and submitted to the immediate supervisor for approval. A Form HHS-16 should be used for this purpose (see attachment B).
- b. All uses of a vehicle under the circumstances outlined in (1) above, shall be reported on the Quarterly Report on Use of Government-Owned or Leased Vehicles Between Residence and Place of Employment, (Form HHS-17). (See attachment C). The quarterly report shall be forwarded to the Agency Fleet Manager (HFA-225), on the 15th of the month immediately following the end of the quarter.

15. REPORTING MOTOR VEHICLE

Officials or employees responsible for the operation of Government-owned or commercially leased/rented motor vehicles shall exercise every precaution to prevent accidents. In case of an accident, the employee or official concerned shall comply with the following procedures:

1. Government-owned or Commercially Leased Vehicles:

- a. **Vehicle User's Responsibilities.** Each FDA employee who becomes involved in a motor vehicle accident while operating a Government-owned or commercially leased motor vehicle shall:

- (1) Summon police, and emergency medical aid, if necessary, and notify supervisor.

- (2) If possible, photograph the accident scene, including all vehicles involved, preferably before any vehicle has been moved. The objective of photographs is to show how damages occurred, what was damaged, and the extent of damage.
- (3) Make no statement as to responsibility for the accident except to supervisor or investigating official for the Government.
- (4) In addition, the vehicle operator shall obtain and record information pertaining to the accident on Motor Vehicle Accident Report, (Standard Form 91) (see Attachment F). The vehicle operator shall also obtain the names, addresses, and telephone numbers of any witnesses and, wherever possible, have witnesses complete Statement of Witness, (Standard Form 94) (see Attachment H) and submit the completed Standard Forms 91 and 94 to his or her supervisor.

b. Supervisor's Responsibilities.

- (1) The supervisor is responsible for assuring that a prompt and thorough investigation is made whenever an FDA employee under his or her supervision becomes involved in an accident while operating a Government-owned or commercially leased motor vehicle, as well as when any motor vehicle assigned to or owned by FDA is allegedly damaged while parked or otherwise left unattended. The procedures for such an investigation are described in the FDA supplement to Chapter 18-20 of the HHS Safety Management Manual. The Safety Officer in each FDA activity has a copy of the supplement and manual.

Motor Vehicle Accident Report, (Standard Form 91) shall be completed by the person assigned by the supervisor to investigate the accident.

- (2) The supervisor is also responsible for completing Report of Accident, (Form HHS-516) (see Attachment G). The report of the accident shall be promptly submitted by the supervisor to the FDA Safety Officer (HFA-205).

The supervisor shall also prepare Data Bearing Upon Scope of Employment of Motor Vehicle Operator, (Optional Form 26) (see Attachment I). A complete set of the accident reports (Standard Forms 91 and 94 and Optional Form 26) shall be forwarded by the Program Fleet Manager, to the appropriate GSA office as outlined in the vehicle operator's packet, if the vehicle involved in the accident was a GSA IFMS vehicle.

2. Rented Vehicles:

The U.S. Government Car Rental Agreement is negotiated for the Federal Government by the Military Traffic Management Command (MTMC). The terms and conditions of the agreement and rates apply to all Federal employees on official travel and include unlimited free mileage, plus **full comprehensive and collision coverage (CDW)** on the rental vehicle.

a. Accidents. If involved in an accident, do not leave the scene. In some jurisdictions, it is not necessary to summon the police in the event of a minor accident. However, for the employee's own protection, it is recommended. The police will determine if a traffic violation should be issued and they will ensure that the parties involved exchange appropriate information, such as names, telephone and insurance numbers. Accidents must be reported to the car rental company. The employee will be responsible to complete and/or provide any reports or documents required by the company, including police reports. Collision damage waiver is included in the daily rate when renting vehicles from companies listed in the Federal Travel Directory.

b. Insurance and Damage Liability. Government renters will not be subject to any fee for loss or collision damage waiver, and in the event of an accident, will not be responsible for loss or damage to the vehicle except as stated below in paragraph b. Personal accident insurance or personal effects coverage may be offered to the renter but is not a prerequisite for renting a vehicle.

(1) Notwithstanding the provisions of any Company rental vehicle agreement executed by the Government employee, the Company will maintain in force, at its sole cost, insurance coverage, or a duly qualified self insurance program, which will protect the U.S. Government and its employees against liability for personal injury, death, and property damage arising from the use of the vehicle. The personal injury/wrongful death limits will be at least \$100,000 for each person for each accident or event, \$300,000 for all persons in each such accident or event, and property damage limits of \$25,000 for each such occurrence.

(2) Loss of or Damage to Vehicle. Notwithstanding the provisions of any Company vehicle rental agreement executed by the Government renter, the Company assumes and shall bear the entire risk of loss of, or damage to, the rented vehicle (including costs of towing, administrative costs, loss of use, and

replacement), from any and every cause whatsoever, including without limitation, casualty, collision, fire, upset, malicious mischief, vandalism, falling objects, overhead damage, glass breakage, strike, civil commotion, theft and mysterious disappearance, except where the loss or damage is caused by one or more of the following:

- (a) Willful or wanton misconduct on the part of the driver.
- (b) Obtaining the vehicle through fraud or misrepresentation.
- (c) Operation of the vehicle by a driver who is under the influence of alcohol or any prohibited drugs.
- (d) Use of the vehicle for any illegal purpose.
- (e) Use of the vehicle in pushing or towing another vehicle.
- (f) Use or permitting the vehicle to carry passengers or property for hire.
- (g) Operation of the vehicle in a test, race, or contest.
- (h) Operation of the vehicle by a person other than an authorized driver.
- (i) Operation of the vehicle outside the continental United States except where such use is specifically authorized by the rental agreement.
- (j) Operation across international boundaries unless specifically authorized at the time of rental.
- (k) Operation of the vehicle off paved, graded or maintained roads, or driveways, except when the Company has agreed to this in writing beforehand.

NOTE: The above exceptions are not valid where prohibited by state law.

- (3) Billing for Damages. When loss or damage is due to an exception stated above, the Company will submit its bills directly to the employee's agency, and not the employee. If the agency denies liability on the basis that the employee was not operating the vehicle within the scope of employment at the time of the loss, the Company may handle the matter directly with the

employee. Claims for damage to a vehicle will not include amounts for loss of use.

3. Claims in Favor of the Government.

Whenever there is any indication that a party other than the operator of the Government-owned or leased vehicle is at fault and that party can be reasonably identified, the activity responsible for investigating the accident shall submit, through the Program Fleet Manager, all original documents and data pertaining to the accident and its investigation to the GSA Regional Counsel of the region that issued the vehicle. The Regional Counsel will initiate the necessary action to effect recovery of the Government's claim.

Upon specific request of the using activity, the GSA Regional Counsel will notify that activity of the introduction of the Government's claim and provide pertinent information about the claim's progress and final settlement.

4. Claims Against the Government.

Whenever a Government-owned or leased vehicle is involved in an accident resulting in damage to the property of, or injury to, a third party and the third party asserts a claim against the Government based on the alleged negligence of the vehicle operator (acting within the scope of his or her duties), it shall be the responsibility of the activity employing the person who was operating the vehicle at the time of the accident, through the Program Fleet Manager, to file the claim for settlement by following the procedures contained in Staff Manual Guide FDA 2260.1, Claims.

Attachment B

Request to Use Government-Owned or Commercially Leased Vehicle for Transportation Between Residence and Place of Employment (Form HHS-16).

1. Name and title of employee making the request.
2. Region or District of employment.
3. Addresses of employee's place of employment and residence. Include mileage between residence and place of employment, and location by direction from residence to place of employment.
4. Be specific. Provide a complete justification, to include nature of official duties and circumstances requiring use of Government-owned or commercially leased vehicle. Include reasons why public or private transportation is not available, and why use of such vehicle would be more advantageous to the Government. Justification must be consistent with criteria established in this Guide.
5. Period for which use of vehicle is required.
6. Signature of employee's supervisor.
7. Date signed by supervisor.
8. Signature of district director or regional director (as appropriate).
9. Date signed by district director or regional director.

Attachment C

Quarterly Report on Use of Government-Owned or Leased Vehicles Between Residence and Place of Employment (Form HHS-17).

1. Name and title of employee.
2. Region or District of employment.
3. Addresses of employee's place of employment and residence. Include mileage between residence and place of employment, and location by direction from residence to place of employment.
4. Report should be made of each trip between residence and place of employment.
 - a. Number of trips made.
 - b. Starting point.
 - c. Ending point.
 - d. Include:
 - (1) Vehicle used (include license plate number).
 - (2) Time and date of departure.
 - (3) Time and date of arrival.
 - (4) Starting and ending mileage.
 - (5) Circumstances requiring home-to-work transportation.
5. Date of report.
6. Signature of employee.
7. Signature and title of supervisor.
8. Date signed by supervisor.