



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CELD-T

26 SEP 2003

MEMORANDUM FOR COMMANDER/DIRECTRS, MAJOR SUBORDINATE
COMMANDS AND FIELD OPERATING ACTIVITIES

SUBJECT: Domicile to Duty (D-T-D) Transportation Policy

1. References:

a. DOD 4500.36R, Management, Acquisition, and Use of Motor Vehicles, Chapter 4, enclosure 1.

b. AR 58-1, Management, Acquisition and Use of Motor Vehicles, Chapter 4, enclosure 2.

c. ER 56-2-1, Administrative Vehicle Management, Chapter 2, enclosure 3.

2. This memorandum clarifies policy regarding Domicile to Duty (D-T-D) Transportation for Corps personnel when they drive government vehicles for official business.

3. Reference 1a contains general provisions regarding D-T-D transportation requirements and authorizations. Reference 1b is the implementing regulation of the Department of the Army, but does not apply to Civil Works vehicles. Reference 1c is the implementing regulation of the U.S. Army Corps of Engineers (USACE) for Civil Works owned vehicles.

4. The purpose of Reference 1c is to provide policy for the Civil Works motor vehicle fleet that is not in conflict with References 1a or 1b. Further, the intent is that it applies to the entire Corps fleet, both civil and military. A change in reference 1c is now required.

5. Reference 1c, Chapter 2, paragraph 2-4b, Transportation Between Domicile and Place of Employment shall be changed to reflect the same policy as reference 1b, Chapter 4, paragraph 4-3e, Transportation Between Domicile and Place of Employment, and shall read:

"Personnel in receipt of temporary duty (TDY) orders who are authorized to travel by government owned or controlled vehicles to/from the temporary duty location, may be authorized overnight retention of a Government vehicle at their residence under certain circumstances. Overnight retention and next day departure from an individual's residence may be authorized where it has been determined that it is more cost effective to the Government to provide an employee a vehicle from home to work. The basic consideration will be that the employee would have to travel a long distance to pick up the vehicle and then turn around and drive back in the same direction to proceed to the temporary duty site (See

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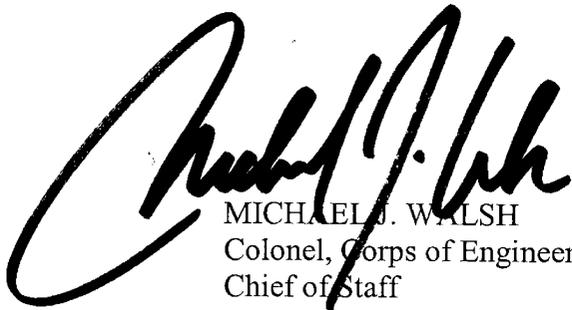
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25 Comp. Gen. 844 (1946); Op. Comp. Gen B-210555.18 (1987)). Authorization will be in writing and approved by order issuing authorities and/or Commanders of Primary and Secondary Level Field Activities. Installation Commanders are directed to establish an audit trail to document the specific circumstances of each request. Maintain strict administrative control for overnight assignment of Government vehicles.”

6. This policy provision will be incorporated into the next update of reference 1c.
7. Point of contact is Andrew Gray, (202) 761-1057.

FOR THE COMMANDER:

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as



MICHAEL J. WALSH
Colonel, Corps of Engineers
Chief of Staff

C4. CHAPTER 4

TRANSPORTATION BETWEEN DOMICILE AND PLACE OF EMPLOYMENT

C4.1. GENERAL

C4.1.1. The use of DoD motor vehicles shall be for official purposes only.

C4.1.2. Except as specifically provided therein, 31 U.S.C. 1344 (reference (c)) prohibits the use of an official vehicle for transport from an individual's domicile to place of employment, commonly known as domicile-to-duty.

C4.1.3. In areas outside of the United States, Unified Combatant Commanders may, in accordance with 10 U.S.C. 2637 (reference (z)), provide Government transportation for certain individuals when it is determined that public or private transportation is unsafe or unavailable. (See section C4.3., below.)

C4.2. POLICY

C4.2.1. 31 U.S.C. 1344 (reference (c)), as amended, authorizes domicile-to-duty transportation on an exception basis for individuals filling certain positions. These positions are listed in Appendix 1. Domicile-to-duty transportation for these individuals is considered an employer-provided fringe benefit and taxable income under current Law and Regulations (26 U.S.C. 61 and 132 (reference (aa))). Such persons will receive guidance on their tax liability in accordance with paragraph C1.2.2.2. A person in an "acting" capacity in any of these positions is not authorized domicile-to-duty transportation.

C4.2.2. The comfort and convenience of an official shall not be considered justification for the approval of domicile-to-duty transportation.

C4.2.3. Domicile-to-duty transportation shall only be authorized within the usual commuting area for the locale of the official's place of employment.

C4.2.4. Domicile-to-duty transportation, provided pursuant to the authority in paragraph C4.1.3., is considered an employer-provided fringe benefit under current Law.

C4.2.5. 31 U.S.C. 1344 also provides that the Secretary of Defense and the Secretaries of the Military Departments may authorize, in writing, on a nondelegable

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basis, domicile-to-duty transportation for other personnel only under the following conditions:

C4.2.5.1. Considered essential in response to highly unusual circumstances that present a clear and present danger, and public or private transportation cannot be used.

C4.2.5.2. An emergency exists.

C4.2.5.3. Other compelling operational considerations make such transportation essential to the conduct of business.

C4.2.5.4. Considered essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties.

C4.2.5.5. Required for those individuals who perform field work; i.e., work performed by an employee whose position requires the employee's presence at various locations that are a significant distance from the person'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 field work authorization may not be used under the following conditions:

C4.2.5.5.1. The individual's workday begins at an official duty station.

C4.2.5.5.2. The individual normally commutes to a fixed location, however far removed from the official duty station.

C4.2.6. Transportation of Official Visitors. Official non-DoD visitors invited to participate in DoD activities may be provided fare-free transportation between commercial transportation terminals or residence and visitation point.

C4.2.7. Personnel authorized domicile to duty transportation may elect to share space in a Government passenger carrier with other individuals on a space-available basis provided that the passenger carrier does not travel additional distances as a result.

C4.2.8. Transportation Terminals. Motor vehicles owned or otherwise controlled by the Department of Defense shall be used for trips between domiciles or places of employment and commercial or military terminals only when:

C4.2.8.1. Used by individuals authorized transportation between domiciles and places of employment.

C4.2.8.2. Necessary because of emergency situations or to meet security requirements.

C4.2.8.3. The terminals are located in areas where other methods of transportation (see section C2.8., above) cannot meet mission requirements in a responsive manner.

C4.2.8.4. Authorized by paragraph C4.2.7.

C4.2.8.5. Authorized in the NCR by DoD Instruction 4515.7 (reference (b)).

C4.2.9. Based on the provisions of 41 CFR 101-6 (reference (bb)), domicile-to-duty transportation shall only be authorized when such transportation substantially increases the efficiency and economy of the Department of Defense. Unauthorized or willful misuse of a DoD motor vehicle shall be cause for action as described in Chapter 1, paragraphs C1.3.1. and C1.3.2.

C4.3. EXCEPTIONS

C4.3.1. In accordance with 10 U.S.C. 2637 (reference (z)), the Secretary of Defense has given overseas Unified Combatant Commanders authority to provide to the individuals listed below, transportation in areas outside the United States, including domicile-to-duty transportation, where it is determined by the Unified Combatant Commander that public or private transportation is unsafe or unavailable (e.g., terrorist activity, strikes, natural disasters, etc.).

C4.3.1.1. Members of the Uniformed Services.

C4.3.1.2. Federal employees.

C4.3.1.3. Spouses and dependents of such employees.

C4.3.2. The following requirements pertain to transportation authorized by section 2637:

C4.3.2.1. The initial transportation authorization will not exceed 90 days.

C4.3.2.2. If the conditions for the transportation authorization persist, the Unified Commanders may extend the authorization for vehicle use for additional specific time periods not to exceed 90 days per authorization.

C4.3.2.3. All approvals and the reasons for such authorization shall be in writing.

C4.3.2.4. The approving commander shall ensure that records are maintained on the transportation provided under this authority.

C4.3.3. The Unified Combatant Commander shall assess the provisions of such transportation, to determine if the circumstances requiring such transportation should continue.

C4.3.4. When it is determined that the motor vehicle transportation is required, the following methods shall be considered in the order shown, to the extent they are available and capable of meeting transportation requirements.

C4.3.4.1. DoD-scheduled bus service.

C4.3.4.2. DoD specially scheduled leased or owned bus service.

C4.3.4.3. Van pools.

C4.3.4.4. DoD motor vehicle centrally dispatched "taxicab" operation.

C4.3.4.5. DoD motor vehicles individually dispatched to licensed Uniformed Service member or Federal employee.

C4.3.5. Spouses and dependents are not permitted to operate the vehicles listed in paragraph C4.3.4.

C4.3.6. The Unified Combatant Commander will ensure that adequate records are maintained on transportation provided under this authority.

C4.4. GUIDANCE

C4.4.1. 31 U.S.C 1344 (reference (c)) (see paragraph C4.2.5.) authorizes domicile-to-duty transportation in situations involving highly unusual circumstances (e.g., a clear and present danger, an emergency, or other compelling operational considerations).

C4.4.1.1. The request for domicile-to-duty transportation shall be submitted through the appropriate military channel. Domicile-to-duty transportation requests

emanating from the Joint Staff and the Defense Agencies will be forwarded through established OSD channels.

C4.4.2. The Agency Head (Secretary of Defense, Secretaries of the Military Departments) may approve (nondelegable) a written determination containing the following information:

C4.4.2.1. The name (or other identification, if confidential) and title of the individual.

C4.4.2.2. The reason for the determination.

C4.4.2.3. The anticipated duration of the authorization.

C4.4.3. The initial duration of a determination shall not exceed 15 consecutive days. Should the circumstances continue, the Agency Head may approve a subsequent determination of not more than 90 additional consecutive days. If at the end of the subsequent determination, the circumstances continue to exist, the Agency Head may authorize an additional extension of 90 consecutive days. This process may continue as long as required by the circumstances. The Commander-in-Chief (CINC) shall ensure that records are maintained on transportation provided under this authority.

C4.4.4. With the exception of those authorizations approved in accordance with paragraphs C4.4.2., C4.4.3., and C4.4.4., each initial determination shall be submitted to Congress promptly, but not later than 30 days after approval. Subsequent determinations may be consolidated into a single report and submitted quarterly. The reports shall be sent to the following:

C4.4.4.1. Chairman, Committee on Governmental Affairs
United States Senate
Dirksen Senate Office Building, Suite SD-340
Washington, DC 20510

C4.4.4.2. Chairman, Committee on Government Operations House of
Representatives
House of Representatives
Rayburn House Office Building, Suite 2157
Washington, DC 20515

C4.4.5. A copy of each notification letter to Congress shall be sent to:

C4.4.5.1. Assistant Deputy Under Secretary of Defense
Transportation Policy
3500 Defense Pentagon
Washington, DC 20301-3500

C4.4.5.2. For domicile-to-duty transportation involving "field work," (as defined in 41 CFR 101-6 (reference (bb))):

C4.4.5.2.1. The Agency Head must approve, in writing, those positions authorized for "field work." These authorizations may cover periods of up to two years from the date of approval. Some examples of field work could include:

C4.4.5.2.1.1. Medical officers performing outpatient medical service away from a hospital.

C4.4.5.2.1.2. Military recruiters who proceed directly from their domiciles to conduct official recruiting matters, when it is determined to be infeasible or impractical for the recruiter to first proceed to an office location where the Government motor vehicle is normally garaged.

C4.4.5.2.1.3. Quality assurance representatives, auditors, subsistence procurement agents, and inspectors who perform field work involving itinerant travel.

C4.4.5.2.2. The field work determination should contain sufficient information such as the position title, number of employees, and operational level where the work is to be performed to satisfy an audit, if necessary.

C4.4.5.2.3. The assignment of an individual to such a position does not, of itself, entitle that individual to receive daily domicile-to-duty transportation. When authorized, such transportation should be provided only on days when the individual actually performs field work.

C4.4.5.2.4. All field work determinations shall be updated and approved biannually by the Agency Head.

C4.4.5.3. Domicile-to-duty transportation involving the performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties:

C4.4.5.3.1. Within each DoD Component engaged in an intelligence, counterintelligence, protective services, or criminal law enforcement mission, justification for domicile-to-duty transportation, considered essential for the efficient conduct of such mission, shall be submitted to the appropriate Secretary.

C4.4.5.3.2. All domicile-to-duty transportation authorizations must be approved in writing by the Secretaries. There is no requirement for reports to Congress for domicile-to-duty transportation provided under the provisions of paragraph C4.3.1. Each Agency shall, however, maintain a central record system of those positions or persons for whom domicile-to-duty transportation is authorized. In addition, each approving authority shall establish a procedure to review, on an annual basis, the continued need for these domicile-to-duty authorizations.

C4.5. LOGS

C4.5.1. Logs or other records shall be maintained:

C4.5.1.1. Locally for a period to conform with Agency records disposition schedules.

C4.5.1.2. The logs or records must contain the following information:

C4.5.1.2.1. Name and title of employee (or other identification, if (confidential) using the passenger carrier.

C4.5.1.2.2. Name and title of person authorizing use.

C4.5.1.2.3. Passenger carrier identification.

C4.5.1.2.4. Date.

C4.5.1.2.5. Location.

C4.5.1.2.6. Duration.

C4.5.1.2.7. Circumstances requiring domicile-to-duty transportation.

C4.5.2. The requirement to maintain logs for domicile-to-duty transportation applies equally to all categories of vehicles.

b. Statutory restrictions on D-T-D transportation are contained in 31 U.S.C. 1344 and the Federal Property Management Regulations Amendment A-42.

c. D-T-D transportation is prohibited by 31 U.S.C. 1344 except as specifically provided therein. In The Army, only the Secretary of the Army and the Chief of Staff, Army are authorized D-T-D under 31 USC 1344. D-T-D for these individuals is considered an employer-provided fringe benefit and taxable income under current Law and Regulations (26 U.S.C. 61 and 132).

(1) A person in an "acting" capacity in either of these positions is not authorized D-T-D transportation.

(2) The comfort and convenience of an official shall not be considered justification for the approval of D-T-D transportation.

(3) D-T-D transportation shall only be authorized within the usual commuting area for the locale of the official's place of employment.

(4) D-T-D transportation, provided pursuant to the authority in paragraph 4-1, DoD 4500.36-R is considered an employer-provided fringe benefit under current Law.

4-3. Authorized Exceptions

a. The Secretary of the Army may authorize, in writing, on a nondelegable basis, D-T-D transportation for other personnel under conditions that are considered essential in response to highly unusual circumstances that present a clear and present danger, and public or private transportation cannot be used; an emergency exists; other compelling operational considerations make such transportation essential to the conduct of business; considered essential for the safe and efficient performance of intelligence, counterintelligence, protective services, and criminal law enforcement duties.

b. Field Work.

(1) D-T-D transportation may be granted to employees whose jobs require their presence at various locations that are a significant distance from their place of employment or at a remote location that is accessible only by Government provided transportation. This authorization does not apply to anyone whose workday begins at an official duty station, or to anyone who normally commutes to a fixed location, however distant from the official duty station.

(2) The designation of a work site as a "field office" does not, of itself, permit the use of a Government vehicle for D-T-D transportation.

(3) Positions authorized for fieldwork will be approved, in writing, on a nondelegable basis by the Secretary of the Army, and this authority may not be delegated. Once granted, such determinations may cover periods of up to two years from the date of approval and must be recertified biannually.

(4) Examples of "field work" include:

(a) Medical officers performing outpatient medical service away from a hospital.

(b) Military recruiters who proceed directly from their domiciles to conduct official recruiting matters, when it is determined to be infeasible or impractical for the recruiter to first proceed to an office location where the government motor vehicle is normally garaged.

(c) Quality assurance representatives, auditors, subsistence procurement agents, and inspectors who perform field work involving itinerant travel.

(5) The field work determination should contain sufficient information such as the position, title, number of employees, and general justification that includes description of duties to satisfy an audit if necessary.

(6) The assignment of an individual to such a position does not, of itself, entitle that individual to receive daily D-T-D transportation. When authorized, such transportation should be provided only on days when the individual actually performs field work.

c. Agencies involved in intelligence/counterintelligence, protective services, and/or criminal law enforcement duties may submit requests for D-T-D transportation when it is deemed essential for the safe and efficient performance of those missions. Approval authority is the Secretary of the Army. This authority may not be

delegated. Once granted, such authorizations must be re-certified biannually.

d. The Secretary of the Army may authorize an initial period of 15 consecutive days D-T-D transportation. Should the circumstances continue, the Secretary of the Army may approve a subsequent determination of not more than 90 additional consecutive days. If at the end of the subsequent determination, and the circumstances continue to exist, the Secretary of the Army may authorize an additional extension of 90 consecutive days. This process may continue as long as required by the circumstances. In such cases, by-name lists will be provided to Congress. All such requests for extensions will be submitted in writing by the MACOM to HQDA, ATTN: DALO-TSP, 500 Army Pentagon, Washington, DC. 20310-0500.

e. Personnel in receipt of temporary duty (TDY) orders who are authorized to travel by government owned or controlled vehicles to/from the temporary duty location, may be authorized overnight retention of a Government vehicle at their residence under certain circumstances. Overnight retention and next day departure from an individual's residence may be authorized where it has been determined that it is more cost effective to the Government to provide an employee a vehicle from home to work. The basic consideration will be that the employee would have to travel a long distance to pick up the vehicle and then turn around and drive back in the same direction to proceed to the temporary duty site (See 25 Comp. Gen. 844 (1946); Op. Comp. Gen B-210555.18(1987)). Authorization will be in writing and approved by order issuing authorities and/or Commanders of Primary and Secondary Level Field Activities. Installation Commanders are directed to establish an audit trail to document the specific circumstances of each request. Maintain strict administrative control for overnight assignment of Government vehicles.

4-4. Procedures

All requests to commence or continue D-T-D transportation or to change or reclassify previously approved D-T-D determinations, will be submitted through the MACOM to HQDA ATTN: DALO-TSP, 500 Army Pentagon, Washington, DC. 20310-0500. Submissions will normally be memorandum, e-mail or message. The following data will be included in each request:

a. Name, title, and DA position of the person.

b. Description of the locale, routes, distances, and places served.

c. Detailed conditions that make the service necessary such as a description of imminent threat to a specific individual.

d. Statement as to why privately-owned vehicles or public facilities cannot be used.

e. If applicable, number and type of NTVs required for D-T-D transportation.

f. Brief summary of local policies that apply to other Government persons in the area operating under similar conditions.

g. For all renewal requests, a summary of original findings and any changes which require attention during ODCSLOG review.

h. Anticipated duration of authorization.

i. In jurisdictions of ambassadors or chiefs of diplomatic missions, activities will ensure that requests for D-T-D transportation:

(1) Conform to the ambassador or chief's finding.

(2) State that the ambassador or chief concurs that proposed service is essential.

4-5. Transportation of Official Visitors

Official non-DOD persons invited to take part in DA functions may be provided fare-free transportation between commercial transportation terminals or residence and visitation point.

4-6. Transportation To Commercial and Military Terminals

Army owned or controlled NTVs may be used for trips between domiciles or places of duty and commercial or military terminals only when:

a. Used by principal diplomatic officials or the Secretary of the Army or the Chief of Staff, Army.

b. Required for emergencies or for security.

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d. Permissible Operating Distance (POD). Since it is usually more economical to use the services of commercial carriers for the transportation of personnel and cargo to destinations outside the immediate areas of the activities, a one-way distance of 100 miles has been selected as a guide upon which to base permissible operating distance for motor vehicles. The POD established for an activity should be sufficient to support normal operations and based on installation experience.

e. Parking or Garaging of Vehicles. Vehicles shall be parked to provide reasonable protection from pilferage or damage. All unattended vehicles shall be locked. Garaged parking is not necessary and vehicles will not be parked on quarters areas or at the domicile of the user.

f. Bus Transportation Services. When bus or shuttle bus service is provided the FOA will do so according to DOD 4500.36 -R.

g. Vehicle Accounting. Procedures will be defined in the FOA Corps of Engineers Financial Management System (CEFMS) Business Plan.

2-3. Use Of Corps Motor Vehicles By Other Federal Agencies.

Corps motor vehicles may be furnished for short periods of time to other federal government agencies when the Corps mission will not be impaired. Property records shall account for this relocation and all expenses should be covered by the gaining agency.

2-4. Official Use Of Vehicles. The use of all Corps-owned or leased motor vehicles shall be restricted to official purposes only.

a. Personal Use. Use of motor vehicles will not be authorized for conducting personal business or engaging in other activities of a personal nature.

b. Transportation Between Domicile and Place of Employment. DOD 4500.36-R specifies that use of motor vehicles will NOT be authorized for the purpose of transporting employees or other personnel over all or any part of the route between their domiciles and places of employment. Driving a vehicle home prior to departing on TDY or field trips shall not be done under any circumstances.

c. Use of Government Vehicle While on TDY. Transportation may be provided between lodgings, duty stations, and restaurants for personnel on temporary duty, when public or commercial transportation are inadequate or nonexistent. Use of a government vehicle while on TDY shall be in accordance with Joint Travel Regulations (JTR) Vol. I and II.

d. Transporting Spouse. DOD 4500.36-R specifies when a spouse may be transported in a Corps owned or leased vehicle. This does not include dependents of the employee.