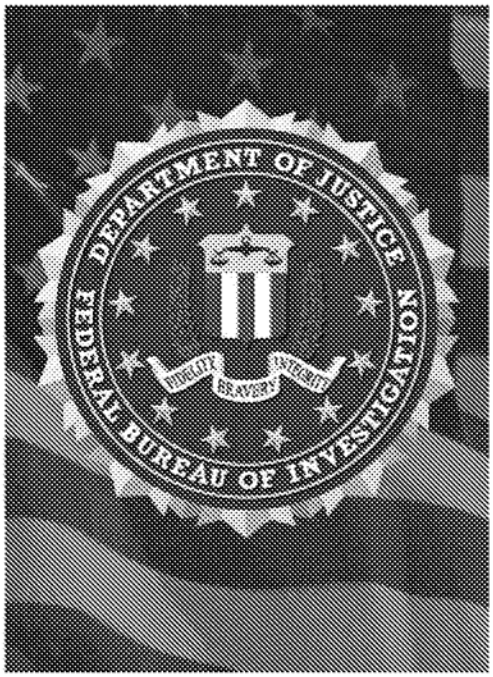
Government Vehicle Use Policy Guide



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General Information

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Supersession Information

This document supersedes the *Government Vehicle Use Policy Guide* (0947PG).

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DIOG Provision

No policy may contradict, alter, or otherwise modify the standards of the DIOG. Requests for DIOG modifications can be made to the Internal Policy Office, pursuant to DIOG subsection 3.2.2 paragraphs (A), (B), (C), and (D).

Revision Log

The revision log documents substantive changes made to the previous version of this policy, the *Government Vehicle Use Policy Guide*, 0947PG, published on February 13, 2017. The numbers and titles in the "Revised" column refer to the subsections as they currently appear in this updated policy. "Deleted" subsection numbers refer to those in the previous published version of the policy.

Revised Section Number and Title	Deleted Section Number and Title
1.2. Basic Principles	
4.2.1. Home-to-Work Authorization in the Field	

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1. Introduction

1.1. Purpose

The purpose of the *Government Vehicle Use Policy Guide* is to establish policy governing the use of government vehicles (GOV) in the Federal Bureau of Investigation (FBI). For the purposes of this policy, and unless otherwise stated, the term "government vehicle" (often referred to colloquially as "Bucar") includes a vehicle owned, leased, or rented directly by the government and a vehicle rented by an employee while in a temporary duty (TDY) status when the cost of the rental is reimbursed by the government, but excludes air and watercraft. (Title 31 United States Code [U.S.C.] does not state that rented vehicles are official GOVs; however, the FBI does consider rented vehicles to be GOVs within the scope of this policy guide [PG].)

1.2. Basic Principles

GOVs must only be used for official purposes. Federal law and regulations require that funds appropriated to the FBI may be used for the maintenance, operation, or repair of passenger vehicles, including automobiles, only to the extent that such vehicles are used for official purposes. Employees who use GOVs for nonofficial purposes may be individually liable for the costs of such use, any consequent damages to the vehicles, and any injuries or damages sustained by third parties.

Similarly, every federal employee has a duty under the standards of conduct for the executive branch to protect and conserve government property and use it only for authorized purposes. (See the *FBI Ethics and Integrity Program Policy Directive and Policy Guide* [0754DPG].) Thus, it is imperative that GOVs be used only for official purposes.

No space in FBI vehicles may be considered to be the private space of any authorized operator or passenger of the vehicle. Items or materials obtained from any lawful search of an FBI vehicle may be disclosed or used for any United States government (USG)-authorized purpose.

1.3. Scope

The policies set forth in this PG apply to all FBI employees. For the purposes of this policy, the term "employee" includes all regular, temporary, term, and special government employees of the FBI; detailees to the FBI from other government agencies (OGA); paid interns; and any other authorized users. (See subsection 4.6. of this PG.)

This PG, however, does not govern the use of GOVs by employees engaged in undercover assignments. (For guidance on the use of GOVs by employees in the performance of undercover assignments, see the *Undercover and Sensitive Operations Policy Guide* [0432PG].)

This PG also applies to use of GOVs in foreign jurisdictions by FBI employees, unless the PG conflicts with rules or guidance promulgated by the chief of mission (COM) at the post to which an FBI employee is assigned. In the event of a conflict, the COM rules apply.

Violations of this PG may subject an employee to administrative or disciplinary sanctions. Further, 31 U.S.C. Section (§) 1349 requires an employee who "willfully uses or authorizes the use" of a GOV for nonofficial purposes to be suspended without pay for at least one month.

1.4. Exemptions

There are no exemptions to this PG.

2. Roles and Responsibilities

Roles and functional responsibilities are set forth in this PG. The following roles and responsibilities are in addition to those contained in this PG.

2.1. Office of Integrity and Compliance (OIC)

OIC must provide advice to FBI employees and others regarding the interpretation of the precepts of this PG with respect to the proper use of GOVs.

2.2. FBI Deputy Designated Agency Ethics Official (DDAEO)

The DDAEO is responsible for maintaining and updating the *Government Vehicle Use Policy Guide*.

2.3. Authorized Government Vehicle Users

All authorized GOV users must know, understand, and comply with the rules, laws, and regulations governing the use and operation of GOVs.

2.4. Management Responsibility

Every FBI supervisor throughout the chain of command must:

- Set an example by personally using a GOV in a judicious and proper manner at all times.
- Administer the use and assignment of a GOV under his or her supervision in a fiscally prudent, legally permissible, and administratively responsible manner.
- Exercise the discretion granted to him or her by this PG in a prudent and principled manner. The exercise of such discretion may be delegated to another supervisor one level down the chain of command, unless otherwise noted.
- Determine, in questionable cases, whether a proposed use is official when asked by a subordinate for such guidance.
- Train employees on the provisions of this PG.
- Monitor compliance with this PG and the laws and regulations that it implements.
- Initiate appropriate investigative referrals for apparent violations of this PG.

2.5. Standards for Determinations

All determinations made under or pursuant to this PG must be based on operational needs and functions of the employees in question, without regard to ranks or titles or personal convenience.

FBI supervisors are expected to exercise sound, professional judgment in making determinations required of management under or pursuant to this PG. When these determinations are reviewed, they must be evaluated from the perspective of a reasonably prudent supervisor, of rank and seniority comparable to that of the individual faced with the determination, who is making a decision of substantial significance in the conduct of government affairs and is considering the totality of the circumstances pertinent to the

issue at hand. That other equally prudent supervisors may have reached different results under those same circumstances does not mean that the original determination is invalid. Supervisors whose decisions reflect such a substantial departure from generally accepted professional norms that the decisions cannot be said to be the result of the exercise of professional judgment are accountable for those decisions.

Further, in making such determinations, supervisors must take into account factors not specifically covered in this PG, such as operational needs; limited vehicle availability; budgetary constraints, including limited fuel, vehicle maintenance, and replacement funds; availability of alternative forms of transportation, including public transportation; geographical location of FBI offices, off-sites, and employees and their proximity to surrounding infrastructure, such as United States Attorney's Offices (USAO), courts, other federal agencies, restaurants, housing, and so forth.

3. Policy Statement

This PG establishes policy governing the use of GOVs in the FBI, and it discusses the applicable laws and external regulations that FBI employees must adhere to in order to properly utilize GOVs.

4. Processes and Procedures

4.1. Official Purpose, Use, and Status

4.1.1. Official Purpose

GOVs must only be used for official purposes. Official purposes are not exhaustively defined in the law. In general, each federal agency must determine what purposes or uses are official within the context of its mission, operations, and programs. In the FBI, uses that are in direct furtherance of the FBI's mission, operations, and programs will be considered official, subject to the specific guidance set forth in this PG. Except in situations involving personal injury, imminent threats to life or national security, or substantial property damage, any doubt about whether a proposed use is official must be resolved by consulting the appropriate supervisor and following the direction of that supervisor. Employees who fail to seek such guidance do so at their own risk.

4.1.1.1. Examples of Official Purposes

Official purposes include, but are not limited to:

- Transportation between places of official business (e.g., to conduct interviews, serve judicial process, attend official meetings, conduct surveillances, maintain emergency response capabilities, perform temporary duties, transport authorized passengers, and so forth).
- Transportation between places of official business and places of TDY lodging when public transportation is unavailable or when its use is impractical, as noted in subsection 4.1.3. of this PG or in accordance with the provisions of the Federal Travel Regulation (FTR) (Title 41 Code of Federal Regulations [CFR] Subtitle F).
- Transportation while carrying out authorized operations and programs, including work under cooperative agreements, task force assignments, or other authorized arrangements or agreements.
- Home-to-work (HTW) transportation specifically authorized by this PG.

4.1.1.2. Costs of Operating a Government Vehicle for Official Purposes

Generally, the costs of operating a GOV for official purposes (e.g., fuel, tolls, maintenance, and repairs) are borne by the United States, not by the employee operator. Employees who use GOVs for nonofficial purposes may be held individually liable for the costs and liabilities of such use.

4.1.1.3. Time and Attendance

When operating a GOV for an authorized purpose, an employee is presumed to be acting within the scope of his or her official duties. Whether a particular use is authorized and whether an employee is within the scope of his or her official duties, however, are separate questions from whether time spent in a GOV is compensable. The Human Resources Division (HRD) ultimately resolves such time and attendance issues. The commuting time from an employee's home to the employee's assigned work location is not compensable, even if an employee is authorized to use a GOV for HTW

transportation, and must not be claimed for purposes of availability pay (AVP) or regular overtime (OT).

4.1.2. Official Use

4.1.2.1. Minor Deviations

Consistent with security concerns,[1] an employee who is authorized to use a GOV must follow the most direct and expeditious route practical, under the circumstances, to carry out the purpose for which the use was authorized. Even so, minor deviations (as explained below) from that route to attend to personal business will not render a particular journey nonofficial. If, however, no official purpose exists for the underlying journey, then any personal use is not authorized, no matter how short the trip.

Determining whether a particular deviation is, in fact, minor requires that the totality of the circumstances surrounding the deviation be considered. Factors to be considered include:

- The driving time and distance involved.
- The amount of additional expense incurred by the FBI because of the deviation.
- The duration of the stop.

Further, a deviation must not be considered minor if:

- The reason for the deviation violates law or regulation.
- The official purpose underlying the vehicle's use is pretextual.

A supervisor must not declare a deviation minor if it is not considered minor under the reasonably prudent supervisor standard. (See subsection 2.5. of this PG.) An employee, however, who in good faith seeks, obtains, and follows the advice of his or her supervisor will not be deemed to have violated this PG.

GOVs must not be used for activities or purposes that reflect adversely on the FBI, such as traveling to a strip club or a similar establishment absent an official purpose, even if the trip would otherwise be a minor deviation.

Example 1: An employee is authorized by his supervisor to drive a GOV to and from the "cross-town" site of an all-day training conference that the employee is attending in the course of official business. At the conclusion of the training, the employee deviates from the most direct and expeditious route from the training site to his duty station by one mile and ten minutes driving time in order to stop at his gym to work out for an hour. This deviation is minor if the FBI office, garage, or parking facility to which the car is to be returned is still accessible at the conclusion of his workout.

Example 2: A special agent (SA) who is assigned to a headquarters city field office (FO) and is authorized to use a GOV for HTW transportation is invited to meet some of her old

[1] If operational security and the current threat environment require employees to vary their times and routes of travel to avoid predictability, such deviations are considered to fulfill the "direct and expeditious route" requirement.

college buddies after work at a restaurant near one of the FO's resident agencies (RA), which is 35 miles off her normal commuting route, but only one mile and five minutes from the RA. The SA arranges a meeting at the RA with an SA stationed at the RA, with whom she is friends, at the end of the day to discuss certain unspecified business. The meeting takes place but only family matters and the progress of local sports teams are discussed. At the end of the meeting, the SA drives to the restaurant to meet her friends. The deviation is not minor because the official purpose for the meeting at the RA was pretextual.

Example 3: On the way home, an SA who is authorized to use a GOV for HTW transportation decides to deviate from the most expeditious route in order to drop off his laundry at a local dry cleaning establishment located 0.50 miles from the route. After doing so, he begins to return to the route but is held up for 45 minutes due to a traffic jam caused by an accident a quarter of a mile up the road. The deviation is minor even though significant extra time was used because the accident and consequent delay were not reasonably foreseeable.

4.1.2.2. Employee Training and Advanced Education Activities

Training designed to improve an FBI employee's job skills, knowledge, or abilities is an official activity when approved by the appropriate management official, pursuant to standards set forth by the Training Division (TD). Such training may be pursued during work hours and will be paid for by the FBI. A GOV may be used for transporting an employee to and from such training unless FBI management determines otherwise for business purposes, such as a scarcity of available vehicles, limited fuel funds, availability of public transportation, and so forth.

Although the FBI benefits when its employees obtain advanced degrees, professional certifications, and the like offered by outside organizations, the pursuit of such endeavors by an employee outside the employee's normal working hours is primarily a personal endeavor, even if the related tuition or similar costs are paid for by the FBI. Consequently, GOVs must not be used for transportation to or from such educational activities.

Mere funding of an educational opportunity by the FBI does not, in and of itself, make the use of a GOV for related transportation official. There is, however, one exception to this rule. An employee may be authorized by his or her assistant director (AD) or assistant director in charge (ADIC)/special agent in charge (SAC) to use a GOV to engage in an educational activity pursuant to a written finding by the AD or ADIC/SAC that such use is official. Such a finding must be based upon a review of the particular facts and circumstances surrounding the employee's educational activity and a determination that pursuit of the activity will significantly advance an articulable and substantial FBI interest. In making such a determination, the AD or ADIC/SAC must weigh the related FBI costs (direct and indirect) against the expected benefit to the FBI and the principle that all similarly situated employees must be treated in a like fashion.

Example: The FBI has determined that it critically needs Urdu speakers. An SA who is engaged in an off-duty master's degree program voluntarily offers to enroll in a night course at her university to learn the Urdu language. She applies for and secures TD

funding for that portion of the tuition attributable to the language course; however, she notes that the site where the course is being offered is 25 miles each way from any point on her expeditious route to and from her home and work. She requests permission from her SAC to use her assigned Bureau vehicle for transportation to and from the university when attending the Urdu language course. The SAC may authorize this use if he determines, in writing, that the SA's participation in the course will significantly advance the FBI's goal of attaining Urdu speakers and that the benefit to the FBI outweighs the costs associated with this use.

4.1.2.3. Attendance at Funerals for Law Enforcement Officers (LEO), FBI Employees, and Other Persons of Importance to the FBI

Generally, employee attendance at funerals is an inherently personal matter, so GOVs must not be used for such purposes. The Director, deputy director (DD), associate deputy director (ADD), executive assistant director (EAD) of the Human Resources Branch (HRB), or the AD of HRD, however, may appoint one or more FBI employees to represent the FBI officially at the funerals of FBI employees; federal, state, or local officials or officers; or other persons of importance to the FBI and may authorize the use of GOVs to attend such funerals.

In addition, ADICs or SACs may designate one or more official representatives under their supervision to attend, within their areas of operation, funerals of interest to the FBI, particularly the funerals of state and local LEOs killed in the line of duty. Employees so designated may use GOVs to attend these funerals. Individuals desiring official designation in order to attend funerals in areas of operation beyond their own at government expense or using GOVs must first seek and obtain approval from the ADD.

If, in accordance with the paragraphs above, use of a GOV is authorized for transportation to and from a specific funeral, then other FBI employees granted leave, in accordance with the *Leave Policy Guide* (0341PG), to attend the funeral may ride along on a "space-available" basis, so long as doing so does not otherwise increase the cost to the government.

The authority discussed in this subsection should not be confused with the discretion given to FBI Headquarters (FBIHQ) division heads (i.e., AD)/FO heads (i.e., ADIC/SAC) by the *Leave Policy Guide* (0341PG) to grant employees who hold a "close personal or professional association" with the deceased a reasonable amount of administrative leave to attend, in a personal capacity and at their own expense, the funeral of another Bureau employee or a close relative of a Bureau employee. In such a situation, the use of a GOV for transportation to or from the funeral is not authorized. Similarly, 5 U.S.C. § 6328 authorizes federal agencies to excuse a "Federal law enforcement officer" from duty without loss of, or reduction in, pay or leave to which such officer is otherwise entitled to attend the funeral of a "fellow Federal law enforcement officer" who was killed in the line of duty. However, unless the individual has been designated as an official FBI representative under this subsection, use of a GOV to attend such a funeral is not authorized. Space-available transportation, as noted above, may be available.

Example: A state trooper is shot and killed during a routine traffic stop in upstate Michigan. The SAC of the Detroit Field Office may use his or her discretion to designate

five FBI SAs as official representatives of the FO to drive two government sedans to attend the funeral. The SAC may also use his or her discretion to authorize three FBI professional staff employees who have not been designated as official FBI representatives, but who wish to attend in their personal capacity, to ride along on a space-available basis (number of employees authorized is for illustrative purposes only).

4.1.2.4. Work-Related Social Functions and Meals

Generally, except for minor deviations and uses authorized for employees in a TDY status, as outlined in this PG (see subsections 4.1.2.1. and 4.1.3.), GOVs must not be used to transport individuals to and from restaurants or social functions.

Employees may, however, use GOVs to attend conferences, meetings, interviews, and similar gatherings for official purposes, even if meals are served incident to the events.

Further, to maintain emergency response capabilities and provide for the safe and efficient performance of their duties, employees authorized to use GOVs for HTW transportation, as detailed in subsection 4.2. of this PG, may use such vehicles to obtain meals during work hours. Any such use must be reasonable under the circumstances and must involve only minimal additional cost to the government. Any expenses necessitated by such trips, such as tolls or parking, must be paid by employees and are not reimbursable. Employees using GOVs in the circumstances described in this subsection must comply with all pertinent requirements, including those pertaining to time and attendance and the consumption of alcohol (see subsection 4.4.4.2. of this PG). However, an ADIC or an SAC (or a designee) may rescind or restrict this authority within his or her area of operation for any reason, such as vehicle availability; budgetary constraints, including limited fuel, vehicle maintenance, and replacement funds; availability of alternative forms of transportation, including public transportation; geographical location of FBI offices, off-sites, and personnel and their proximity to surrounding eating establishments.

Example: After considering rising fuel costs, reductions in the FO's fuel budget, and a notice from FBIHQ that no new cars will be purchased Bureauwide for the next fiscal year (FY), the SAC of a small FO located in a newly constructed building in an office park that is away from the downtown area (where the FO was formerly located) decides to prohibit the use of all GOVs to obtain lunch, even though the office park is served only by two fast-food restaurants. This result is appropriate even if another SAC faced with the same conditions might have placed a ten-mile limit on the distance that could be driven to obtain a midday meal. Neither decision can be said to be a substantial departure from professional norms, so both meet the standard required for such judgments under this PG. If, however, either decision was based primarily on the personal convenience of the employees involved rather than the need to maintain emergency response capabilities, then that decision would have been improper under subsection 2.5. of this PG.

4.1.3. Use of Government Vehicles by Employees in a Temporary Duty Status

4.1.3.1. Essential Uses

Uses to facilitate the sustenance, comfort, or health needs of employees in a TDY status, other than those participating in the Headquarters Staffing Initiative (HSI) or other similar long-term TDY assignments, are considered official under the FTR to the extent

that they are necessary for the continued efficient performance of government business, even though such uses would not be so considered if conducted by employees at their permanent places of assignment. In addition to minor deviations, employees in a TDY status (other than those participating in the HSI or other similar long-term TDY assignments) may use GOVs to travel from their workplaces or lodgings to restaurants, drug stores, barber shops, places of worship, cleaning establishments, and similar places necessary for the sustenance, comfort, or health of the employees to foster the continued efficient performance of government business. For the purposes of this PG, such uses are deemed essential, and travel in GOVs for such errands will be considered official. (For more information, see the FTR at <www.gsa.gov/ftr>.)

This authorization is not without limits. FBI employees are accountable for the exercise of good judgment and must take direction from the instructions of their supervisors and customary practices governing such use in the FBIHQ divisions/FOs to which they are assigned. Furthermore, FBI management officials may place limits on the nature and scope of otherwise permissible uses. In the absence of such guidance, however, a reasonably prudent decision by an employee that a visit to a particular location is necessary for that employee's sustenance, comfort, or health to foster the continued efficient performance of government business is all that is required.

Notwithstanding the general prohibition on using GOVs for HTW transportation, a supervisor may authorize an employee, per Department of Justice (DOJ) Order 2400.3A, to drive a GOV, under certain conditions, to his or her residence at the beginning or end of a TDY trip. See subsection 4.2.4. of this PG for details.

4.1.3.2. Commercial Vehicles Rented While in a Temporary Duty Status: Combining Official and Personal Travel

As noted in subsection 1.1, this PG governs the use of vehicles owned, leased, or rented by the government and vehicles rented by employees on a TDY status when the cost of the rentals are reimbursed by the government, even though such vehicles are not considered GOVs for purposes of 31 U.S.C. §1344. DOJ policy states that employees must not use official rental vehicles for personal travel. If a traveler arrives at the TDY location early or stays at the TDY location after official travel for personal reasons, the traveler must contract for the rental vehicle separately for the personal portion of the travel at personal expense and not use a government-issued travel charge card.

Example 1: An FBI employee is sent on a TDY for four nights and is authorized to rent a commercial vehicle at the government's expense. On the second evening, the employee decides to go to a restaurant 45 miles away from his hotel, even though the hotel has two perfectly acceptable restaurants right on the premises, and there are five others within a two-mile radius. Although travel by an employee to obtain a meal while in a TDY status is generally permissible, the time and distance involved in traveling to the distant restaurant under these circumstances is not reasonable and, thus, cannot be considered essential for the furtherance of the government's business. Consequently, the trip can only be undertaken if the employee contracts for the rental vehicle separately and does not use a government travel card (GTC).

Example 2: An FBI employee is going to be sent on a TDY for two weeks and is authorized to rent a vehicle at the government's expense. The employee's spouse plans to accompany her on the flight out at his own expense and asks whether he can ride in or drive the rental car when they arrive at their destination. The answer is no because the spouse is not an authorized passenger (see subsection 4.5. of this PG), and the spouse's presence in the vehicle while it is being operated for official purposes (including essential uses) increases the latent liability to the government. To avoid such a result, the employee must rent the vehicle in her personal capacity and be responsible for all attendant costs. The employee may claim (on her travel voucher) the standard, privately owned vehicle (POV) mileage costs attributable directly to the transaction of government business if those costs can be segregated from the costs associated with either the employee's or her spouse's personal costs.

Example 3: An SA in the field is authorized by his SAC to use a GOV for HTW transportation. He is selected for a supervisory special agent (SSA) position at FBIHQ under the HSI and is given the option of taking the assignment on an 18-month TDY basis or as a permanent transfer. He selects the 18-month TDY and asks whether he may use his GOV to commute to and from his temporary quarters and FBIHQ. He must not. Even though he is in a TDY status while assigned to FBIHQ, the rules governing the use of GOVs by employees in a TDY status do not apply to participation in the HSI or other long-term TDY assignments. Whether the SA may be authorized to use a GOV for HTW transportation will be governed by the FBI HTW transportation plan, as it applies to FBIHQ employees.

4.2. Home-to-Work Transportation

GOVs must only be used for official purposes. No employee is entitled to use a GOV for HTW transportation, regardless of his or her rank, grade, or position. Certain employees, however, may be authorized to use GOVs for HTW transportation if doing so is "essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties," pursuant to the FBI's official HTW transportation plan, as approved by the Attorney General (AG). (See the Ethics Library.) Consequently, employees must not use GOVs for HTW transportation unless authorized to do so in accordance with the FBI HTW transportation plan and this PG.

The FBI HTW transportation plan outlines standing authorizations and procedures for obtaining temporary authorizations for using GOVs involving transportation between an employee's residence and workplace. The plan is premised upon a certification that any authorized use of a GOV for HTW purposes is "essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties." The plan has been presented to, and approved by, the AG. Strict compliance with the plan is mandatory if the FBI is to preserve its authority to use GOVs for this purpose. Employees who do not comply with the plan are subject to disciplinary action, including possible action under 31 U.S.C. § 1349.

Each FBIHQ division/FO head (or designee not below the deputy assistant director [DAD] level for FBIHQ divisions and the assistant special agent in charge [ASAC] level for FOs) must make the determinations and designations required by subsections 4.2.1.

through 4.2.5. of this PG on the basis of the employee's assignments and duties, not on his or her rank, grade, position, title, comfort, or convenience.

4.2.1. Home-to-Work Authorization in the Field

For the purposes of the FBI HTW transportation plan, the term "field" includes all non-FBIHQ divisions and components.
The plan states that in the field, the use of GOVs on a routine basis for HTW transportation is "essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties." In accordance with the plan, the following FO employees and deputized task force officers (TFO) may use GOVs on a routine basis:

1. Officials in charge of FOs and their alternates (i.e., ADICs, SACs, and ASACs)
2. FO SSAs
3. [redacted] b7E
4. SAs assigned to RAs (legal attaché [Legat] offices are considered RAs for this purpose)
5. [redacted]
6. FO SAs and deputized TFOs designated for off-duty or emergency response by the head of the office (or designated representatives not below the ASAC level)

Selection of SAs and deputized TFOs in category 6 above "shall be based upon the operational requirements of the territory under control of the particular field office and the intelligence, counterintelligence, protective service, or criminal law enforcement functions performed by such Agents which are deemed necessary to meet these requirements." An FD-490, "Authorization to Use Bureau Vehicle for Home-to-Work Transportation on Temporary Basis" is not required to make a designation of SAs and deputized TFOs in category 6; however, these individuals must be included in the three-part list of all employees authorized to use GOVs for HTW transportation. (See subsection 4.2.6. of this PG, "Compliance Monitoring and Auditing Requirements.")
TFO use of GOVs must be in accordance with the applicable memorandum of understanding (MOU) or memorandum of agreement (MOA). (See subsection 4.6.2. of this PG, "Task Force Personnel.")
In addition, the head of an FO (or a designated representative not below the ASAC level) may authorize, in writing, that a GOV be used for HTW transportation on a temporary basis by other FO employees. This may be done "to meet requirements of the investigative or protective service duties that require the presence of that employee, in an official capacity, at a location other than the office to which he or she is assigned." This authority must not be granted to facilitate employee participation in nonoperational meetings, conferences, trainings, and the like. Authorizations issued under this subsection must not exceed one month; however, renewals may be issued if the underlying need still exists. Every authorization and renewal must be documented on an FD-490 "Authorization to Use Bureau Vehicle for Home-to-Work Transportation on Temporary Basis." Authorization to permit an employee to keep a GOV at his or her residence in anticipation of travel must be documented on an FD-490a "Trip-by-Trip Authorization to

Maintain Bureau Vehicle at Employee's Residence in Anticipation of Travel." (See subsection 4.2.4. of this PG, "Special, Limited Authorizations.")

Example 1: An administrative officer (AO) is frequently required to travel to meetings at the offices of vendors and OGAs, as well as to transact other official business. The AO must not be authorized to use a GOV for HTW transportation for this purpose. Clearly, she may be permitted to use a GOV to travel from her office to the sites of such meetings, but that alone does not justify providing her with a vehicle for HTW transportation. Like the vast majority of all other federal employees, commuting to and from her office from her home is her responsibility.

Example 2: An evidence technician normally works out of a main FO but is temporarily assigned to support a white-collar crime squad engaged in the execution of several search warrants involving a large corporation located in another part of the city. The squad expects to be at the corporation's offices, sifting through documents and other evidence, for four straight days. The technician asks her supervisor if she may be assigned a GOV to drive to the corporate site from her home and back during the four-day assignment. She may be authorized to use a GOV for HTW transportation during this period, or her supervisor may instead arrange for the SSA in charge of the squad to give her a ride to and from the site as a more economical means of getting her to the site.

Example 3: An analyst is often required to return to his office after normal working hours in order to assist in the analysis of evidence and data collected in an ongoing case. He must not be authorized to use a GOV for HTW transportation. Although he is subject to recall after normal duty hours, he is not required to go anywhere other than his normal place of assignment; thus, he is not eligible for HTW transportation at the government's expense.

Example 4: An electronics technician (ET) assigned to an FO may be authorized to use a GOV for HTW transportation on a temporary basis if his use of the vehicle is necessary "to meet requirements of the investigative or protective service duties that require the presence of that employee, in an official capacity, at a location other than the office to which he is assigned." Such authorizations must not exceed one month but may be renewed if the underlying need still exists. Every authorization must be documented on an FD-490 "Authorization to Use Bureau Vehicle for Home-to-Work Transportation on Temporary Basis." Rotational HTW transportation authorizations may be issued. For example, if an FO has eight ET employees but only needs two ETs to be able to respond to off-site emergency communication needs, the SAC may authorize two ETs at a time, on a rotational basis, to use GOVs for HTW transportation for specific periods, not to exceed one month.

Example 5: A nonagent community outreach specialist is often required to travel to locations outside the FO to facilitate community outreach initiatives. This type of travel is not done "to meet requirements of the investigative or protective service duties that require the presence of that employee, in an official capacity, at a location other than the office to which he or she is assigned." Therefore, the employee must not be assigned a GOV for HTW transportation. The employee may be permitted, on a trip-by-trip basis, to maintain a Bureau vehicle at his or her residence in anticipation of travel, in accordance with subsection 4.2.4. of this PG, "Special, Limited Authorizations."

Example 6: A nonagent, FO media coordinator is often called back into the office after hours to work on press communications relating to late-breaking investigative matters. In

addition, the employee may be called after hours to travel to the scene of an arrest or other operation to coordinate press activity. This type of travel is not done "to meet requirements of the investigative or protective service duties that require the presence of that employee, in an official capacity, at a location other than the office to which he or she is assigned." Therefore, the employee must not be assigned a GOV for HTW transportation. The employee may be permitted, on a trip-by-trip basis, to maintain a Bureau vehicle at his or her residence in anticipation of travel to a location other than the employee's office, in accordance with subsection 4.2.4. of this PG.
Each FO head (or designee not below the ASAC level) must make the determination and designation required in this subsection on the basis of the employee's assignment and duties, not on his or her rank, grade, position, title, comfort, or convenience.

An FO head (or a designated representative not below the ASAC level) may impose additional conditions that he or she finds necessary or appropriate regarding the use of GOVs for HTW transportation purposes to (1) enhance the overall operational posture of the FO, (2) conserve limited fiscal resources, (3) meet unexpected contingencies, or (4) otherwise advance the government's best interests. Such action may include, but is not limited to, the imposition of limitations on the time or distance GOVs may be driven to and from home and work. That other equally prudent officials in other FOs may impose different conditions does not mean that the conditions in question are invalid or improper.

4.2.2. Home-to-Work Authorization at FBIHQ

The Director is statutorily authorized, if not required, to use a GOV for HTW transportation and is not otherwise discussed in, or covered by, this PG.

Under the FBI HTW transportation plan, only the incumbents of the following FBIHQ positions are authorized to use GOVs on a routine basis for HTW transportation:

- DD
- AD, Criminal Investigative Division (CID)
- Principal DAD, CID
- AD, Counterintelligence Division (CD)
- Principal DAD, CD

Under the plan, the use of GOVs at FBIHQ for HTW transportation may be authorized, in writing, on a temporary basis by the AD of the concerned division (or a delegated representative not below the DAD level). This authorization may occur "when it is essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties" if those duties require "(1) continuous access to secure communication devices or other specialized equipment which, for reasons of security, cost, and efficiency, can only be housed in a Government vehicle or conveyance; and (2) an ability to respond to emergencies at various locations." The plan notes that "it is anticipated that very few personnel at any one time will be granted home-to-work transportation authority" under this provision. This authority must not be granted to facilitate employee participation in nonoperational meetings, conferences, local trainings, and so forth. Authorizations issued under this subsection

must not exceed 30 days; however, renewals may be issued if the underlying need still exists. Each authorization and renewal must be documented on an FD-490.

Example 1: An SA assigned to the Counterterrorism Division (CTD) must constantly work 12-hour days and is often required to return to her office after normal working hours to review Foreign Intelligence Surveillance Act (FISA) material and other possible evidence in several ongoing investigations. Notwithstanding the operational nature of her work, she must not be authorized to use a GOV for HTW transportation because she is required only to travel to the office of her assignment.

Example 2: An SA assigned to the Operational Technology Division (OTD) must respond to a variety of locations around the metropolitan Washington, D.C., area during all hours of the day or night in order to assist with the execution of search warrants [redacted] b7E [redacted] He may be authorized to use a GOV for HTW transportation on a temporary basis if OTD management determines that doing so is essential for the performance of his investigative responsibilities. This authorization must be reevaluated and, if renewed, documented every 30 days.

Example 3: A Senior Executive Service (SES) employee's office of assignment is at FBIHQ, but she must frequently attend meetings at the site of another government agency located approximately 90 miles west of Washington, D.C. The employee lives west of the city, about one-third of the way to the OGA. She must not be authorized to use a GOV for HTW transportation under the authority of this section because her duties do not involve emergency responses to a variety of locations, and she does not need continuous access to secure communications. She may, however, be authorized to take a GOV home for travel to the OGA site the following day on a trip-by-trip basis. This authority must be documented on an FD-490a (see subsection 4.2.4. of this PG).

4.2.3. Designation of Additional Positions

Requests to modify the list of positions set forth in subsections 4.2.1. or 4.2.2. of this PG must be submitted via the chain of command to the ADD for consideration and possible forwarding to DOJ. Until and unless such a request is approved by DOJ, no person must use a GOV on a routine basis for HTW transportation. Such requests are not favored by DOJ. Each request must set forth:

- A detailed explanation as to why the proposed modification meets the statutory standard.
- Statistics detailing the number and frequency of emergency responses required of the incumbent(s) of the position(s) under consideration.
- An explanation as to why the inability to use a GOV for HTW transportation has impeded or detracted from the safe and efficient performance of those duties required by the incumbent(s) of the position(s) under consideration.

4.2.4. Special, Limited Authorizations

Federal law (31 U.S.C. § 1344) permits the AG to authorize GOVs to be used for HTW transportation of specific employees if the AG determines "that highly unusual circumstances present a clear and present danger, that an emergency exists, or that other

compelling operational considerations make such transportation essential to the conduct of official business." The "clear and present danger" provision of this law is almost never used. Such authorizations "shall be effective for not more than 15 calendar days" but may be extended for up to 90 days (in 15-day increments) if the AG determines that the underlying conditions continue to exist. The responsible FBIHQ division or FO head must forward a request to seek such a determination to the ADD for review and possible further forwarding to the AG.

The AG, in DOJ Order 2400.3A, permits an employee to be authorized to use a GOV for transportation between his or her residence and place of employment.

> Incidental use of a GOV is permitted at the beginning of a trip for which use of a GOV has been authorized, when it is determined to be in the interest of the Government that an employee's travel start from the employee's residence rather than place of employment and when advanced, written authorization to start travel from the employee's residence is secured; and at the conclusion of such a trip, under the same conditions.

The above provision clearly contemplates a trip-by-trip determination and must not be used to avoid the strictures of the laws governing the routine or temporary use of GOVs for HTW transportation.

A supervisor may authorize an FBI employee (no individual is permitted to make this determination for himself or herself) to use a GOV for transportation between his or her residence and place of employment, on a trip-by-trip basis, when it is in the best interest of the government. In making such determinations, the supervisor must consider the following:

- The cost to the government of the overall trip if the employee is permitted to use the vehicle as requested compared to the cost the government would incur if the employee was required to return to the place of employment in order to obtain or return the vehicle. (The calculation of costs may include the costs of the productive work time lost by the employee if the request is not granted, as well as direct travel expenses.)
- The adequacy of alternative modes of available transportation, including public transportation.
- Whether the requesting employee has made similar requests so frequently as to cause a reasonable person to question whether the authority was being abused.

The requesting employee's grade, position, rank, title, personal comfort, or personal convenience must not play a role in the determination.

To document the supervisor's determination and grant of authority, an FD-490a must be executed. The official purpose, itinerary, and estimated cost of the proposed travel must be recorded in accordance with the recordkeeping guidance detailed in Section 6 of this PG.

Example: An employee stationed at the Criminal Justice Information Services (CJIS) Division in West Virginia is given TDY orders to attend a meeting the next day at FBIHQ in Washington, D.C. The employee lives 30 miles east of the CJIS complex. She requests permission from her supervisor to use a GOV to drive to her residence that

evening and begin her trip the next day from her residence. The supervisor notes that granting the request will save the employee from having to drive west to the CJIS complex to pick up a GOV in the morning and then doubling back to begin her journey. The supervisor may conclude that granting the employee's request is in the best interests of the government. The supervisor must document the decision on the employee's travel orders and on an FD-490a.

4.2.5. The Meaning of "Home" in "Home to Work"

An employee permitted to use a GOV must, consistent with security considerations (see footnote 1 of subsection 4.1.2.1. of this PG), follow the most direct and expeditious route practical (under the circumstances) to carry out the purpose for which the use was authorized. If an employee is authorized to use a GOV for HTW transportation, this principle requires the employee to take the most direct and expeditious route practical (with such minor deviations as may be authorized in subsection 4.1.2.1. of this PG) to and from the employee's residence and the workplace, consistent with security rules that may require varying routes.

For the purposes of this PG, an employee's residence is the residence in which the employee routinely resides overnight during the workweek. For the purposes of this PG, an employee must only have one designated residence at a time. This residence may or may not be the residence in which the employee's family resides.

Before changing his or her residence for the purposes of this PG, an employee must obtain supervisory approval. A supervisor may authorize a change of residence, for the purposes of the meaning of "home" in this section, in this regard if the supervisor determines that doing so is reasonable, after considering the totality of the circumstances, including the driving time and distances involved, the costs to the government, and the impact of the change on the performance of the employee's duties. A supervisor must not, however, approve changes to an employee's residence on a daily, weekly, or monthly basis or with such other frequency as to cause a reasonable person to question the legitimacy of the residence designation.

Example 1: An SA authorized to use a GOV for HTW transportation is assigned to a metropolitan FO and has a residence in a distant suburb, but he also has a brother who lives in the city where the FO is located. The employee is assigned for three weeks to another squad in response to a crisis and is required to work long and unusual hours in locations around the city. The employee arranges to stay at his brother's house for the duration of the assignment and requests permission from his supervisor to drive the GOV to and from his brother's house instead of to his residence in the suburb for the length of the assignment. The supervisor may grant this request.

Example 2: An SA is transferred from her FO to an RA located 250 miles from the main FO. Rather than relocate her family, she leases a Spartan, one-room apartment in the town where the RA is located and commutes to her principal residence on weekends, holidays, and during leave taken. She is authorized to use a GOV for HTW transportation and asks her ASAC whether she may use the GOV to drive to her principal residence on such occasions. The ASAC must not grant this request because it is not reasonable. For the purposes of this PG, the SA's apartment is her residence and driving to her principal

residence would significantly exceed the normal driving time and distance between her office and her residence and would increase the costs to the government significantly.

4.2.6. Compliance Monitoring and Auditing Requirements

FBIHQ division/FO heads are responsible for monitoring compliance with the policies established in this PG. For the purposes of monitoring compliance with the provisions in subsection 4.2. of this PG, FBIHQ division/FO heads must:

- Serialize the completed FD-490 and FD-490a forms to the appropriate Sentinel subfile in that FBIHQ division/FO [redacted] b7E [Automobile Driver Authorizations]). Per guidance from the Records Management Division (RMD), these forms must be maintained for three years "after separation of [the concerned] employee or 3 years after rescission of authorization to operate Government-owned vehicle, whichever is sooner."
- Prepare three-part lists of all employees authorized to use GOVs for HTW transportation on a routine, temporary, or trip-by-trip basis (referred to as "HTW list" hereafter). The HTW lists must provide the name and title of each authorized employee, the inclusive dates for which the authorization was granted and, for temporary and trip-by-trip authorizations, whether an FD-490 or an FD-490a was executed. These lists must be updated, reviewed, and certified by FBIHQ division/FO heads (this must not be delegated) on June 15 and December 15 of each year. The certification required by this provision must include an attestation that the FBIHQ division/FO head is personally satisfied with the accuracy and completeness of the list and that, to the best of his or her knowledge and belief, the FBIHQ division/FO is in compliance with the FBI HTW transportation plan. If any instances of noncompliance are revealed, they must be noted and the list annotated to reflect what corrective action was taken. The lists must be filed locally, as stated above, and must be sent via FD-1057s, "Electronic Communication" (EC), to the Facilities and Logistics Services Division (FLSD) (Attention: Fleet Management Unit [FMU]) and serialized to the same case classification [redacted] b7E [Automobile Driver Authorizations]).
- Complete any self-inspection reports or similar reviews when requested by the Inspection Division (INSD).

FMU must:

- Review the HTW lists to ensure that each FBIHQ division/FO head has filed in a timely manner, discuss any deficiencies or anomalies with the concerned FBIHQ division/FO, and report unresolved issues to INSD.
- Include questions designed to review compliance with the FBI HTW transportation plan in any self-inspection report or similar review. In conjunction with INSD, review completed self-inspection reports or similar reviews; provide feedback to, and discuss noted deficiencies or anomalies with, the filing FBIHQ division/FO heads; and report unresolved issues to INSD or the ADD.

- Audit, in coordination with INSD, a portion of the self-inspection reports or similar reviews filed by FBIHQ division/FO heads, together with the underlying documentation, including specifically FD-490 and FD-490a forms, to ensure their accuracy and completeness, and take such follow-up action as may be warranted.

INSD must:

- Ensure, in coordination with FLSD, that all self-inspection reports or similar reviews of the use of GOVs are made pursuant to the policies enumerated in this PG.
- Review, in conjunction with FLSD, deficiencies or anomalies noted in the HTW lists or self-inspection reports or similar reviews filed by FBIHQ division/FO heads, and take such action as warranted.
- Audit, in accordance with their established schedules, a portion of the self-inspection reports or similar reviews filed by FBIHQ division/FO heads, together with the underlying documentation, including specifically FD-490 and FD-490a forms, to ensure their accuracy and completeness, and take such follow-up action as may be warranted.

4.3. Operating and Operator Requirements

4.3.1. Valid License Requirement

Any individual who operates a GOV under this policy must possess a valid state, District of Columbia, or territorial motor vehicle operator's license qualifying him or her to operate the type of vehicle in question. An individual must not operate a GOV without such a license.

Example: An SA has had his driver's license suspended for six months due to a serious violation of state traffic laws committed while he was off duty and driving his personal vehicle. He must not be permitted to drive a GOV during the period of suspension, even though the violation was not committed in a GOV or while on duty.

4.3.2. Operator Responsibility

When a GOV is under an employee's control, the employee must park or store the vehicle in a manner that reasonably protects it from theft or damage and must lock it when unattended. (The only exceptions to this requirement are when fire regulations, commercial valet parking rules, or other directives prohibit locking motor vehicles in closed buildings or enclosures.) The employee must also secure firearms, laptops, and other high-value equipment that may be in the vehicle, in accordance with FBI policies (e.g., *Firearms Policy Guide* [0741DPG]).

4.4. State and Local Traffic Laws

An FBI employee operating a GOV is subject to state jurisdiction and must obey all motor vehicle traffic laws of the state and local jurisdiction in which the vehicle is being operated, except to the extent required to perform his or her official government duties. (See 41 CFR § 102-34.235.) Unless it is determined by the employee's FBIHQ division/FO head, in consultation with the chief division counsel (CDC) or Office of the General Counsel (OGC), that a violation or infraction was necessary for the performance

of official duties, an employee is personally responsible and accountable for any violations of traffic laws and must not be reimbursed for the costs of any attendant penalties.

Fines for traffic infractions assessed against the FBI (or any of its components) cannot be paid from appropriated funds because state and local governments do not generally have legal authority to penalize the federal government. Nevertheless, the FBI has a substantial interest in ensuring that its employees operate its vehicles in a safe, responsible, and lawful manner. Therefore, upon notification of a traffic citation involving a GOV driven by an FBI employee, the employee's supervisor must ensure within three business days that the driver has been notified of the matter and must follow up and document that the driver has taken appropriate action to address the matter by paying the fine, contesting the fine, or documenting the circumstances that required the employee to violate the law in the performance of duty. If an employee fails to resolve the citation, the FBIHQ division/FO office head must take the appropriate action, which may include withdrawal of government driving privileges, reporting the individual to state law enforcement authorities, and referral to INSD for disciplinary action.

If the FBIHQ division/FO head determines that the infraction was required in the performance of the employee's official duties, the FBIHQ division/FO head should coordinate with local authorities to dismiss the matter on this basis. If this effort is unsuccessful, the ticket assessed against the employee may be paid from the FBIHQ division's/FO's funds.

FBI employees must not misuse their emergency vehicle equipment (e.g., lights and sirens), credentials, titles, or other indicia of official positions (see the *FBI Ethics and Integrity Program Policy Directive and Policy Guide* [0754DPG] and FBI Office of Professional Responsibility [OPR] Offense Table [see 2.7, 2.8, and 2.9]) in attempts to avoid or negotiate any citations or tickets (or consequent fines or penalties) resulting from violations of traffic rules and regulations while driving either a GOV or personal vehicle.

Use of high-occupancy vehicle (HOV) lanes or other restricted highway lanes, such as express lanes, must comply with applicable state or local laws.

Example 1: [redacted] employee runs a red light [redacted] Two weeks later, the FO receives a photo citation clearly showing the violation and a request to remit the standard $25 penalty. The FO notifies the driver within three business days of receipt of the citation. The employee explains the circumstances to his ASAC who, in turn, recommends that the SAC determine that the employee's actions were required in the performance of the employee's official duties. The SAC concurs. The FO should contact the appropriate local government office to resolve the matter and if the matter is not otherwise resolved, the FO may pay the ticket. b7E

Example 2: An SA authorized to use a GOV for HTW transportation is on his way home at the end of the workday and is driving well above the posted speed limit on the interstate highway. He is pulled over by a state trooper for speeding. When the trooper approaches the SA's vehicle, the SA keeps both hands on the steering wheel and states

that he is armed and is an FBI SA. The trooper asks to see some credentials, and the SA complies by showing his FBI credentials to the trooper. The trooper thanks the SA but issues him a speeding ticket. The SA is responsible for dealing with the citation and the payment of any fine, but he is not guilty of misusing his credentials or official status because it is critical in such circumstances for the trooper to know that the person with whom he is dealing is authorized to carry a weapon and is, in fact, armed.

Example 3 employee is stopped by a local LEO for speeding. The employee shows her credentials to the LEO and explains her need to continue after the suspect The display of the credentials is not a misuse of the employee's official position. In addition, the employee's supervisor may contact the local authorities to seek redress if a ticket was issued, and the SAC determines the speeding violation was appropriate b7E

Example 4: An SA finds that he is late starting out for an appointment to interview a witness, but he decides that he can make the scheduled time if he "steps on it," and proceeds to employ his vehicle's lights and sirens to facilitate his high-speed transit. The employee is stopped by a local LEO and issued a ticket for speeding. Because the speeding violation was not required in the performance of the employee's official duties, the employee is personally responsible for paying the ticket.

4.4.1. Use of Safety Devices

FBI employees driving GOVs must use all safety devices with which the vehicle is equipped, including safety belts, and must follow all appropriate motor vehicle manufacturer safety guidelines, unless emergency circumstances dictate otherwise.

4.4.2. Texting While Driving

Executive Order (EO) 13513, dated October 1, 2009, prohibits texting (1) while driving a GOV, (2) while using a government-issued device and driving a POV, or (3) while driving a POV on official government business. Except as provided for below, FBI employees must comply with this EO.

In this context, "texting" means reading from, or entering data into, any hand-held or other electronic device, including for the purpose of short message service (SMS) texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. It does not, however, include glancing at a navigational device affixed to the vehicle, adjusting radio controls, or similar activities.

In this context, "driving" means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light, a stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running once the vehicle has been pulled over to the side of, or off of, an active roadway and has halted in a location where the driver and vehicle can remain safely stationary.

[redacted] or other personnel with similar responsibilities are exempt from this prohibition when their protective, law enforcement, intelligence, or national security duties require texting while driving. b7E

4.4.3. Paying for Fuel

FBI employees who have been issued GTCs must use GTCs when purchasing fuel for FBI vehicles and rental cars to the maximum extent possible. There are only two exceptions to this policy:

1. HSI participants must not use GTCs for fuel purchases for FBI vehicles and rental cars.
2. Transferees must not use GTCs to fuel rental vehicles used during home-finding trips.

All fuel purchases made with GTCs ordinarily divert to the FBIHQ division's/FO's corporately billed account (CBA). As a result, fuel charges as a general matter must not be claimed on a travel voucher or expense reimbursement, even when such charges appear on an employee's GTC statement. The FBIHQ division's/FO's financial manager must be contacted for specific guidance for obtaining reimbursement for fuel purchased with a GTC that did not divert to the CBA.

In addition, a GTC must not be used to purchase food, beverages, or personal items at fuel stations as these items may also divert to the CBA. If food, beverage, or personal items are charged to the GTC and divert to the CBA, the traveler will be required to reimburse the FBI for the amount of the purchase.

Also, a GTC must not be used to buy fuel for a personal vehicle or a rental vehicle being used for nonofficial purposes. Employees who knowingly do so will be subject to disciplinary measures, up to and including dismissal.

Vehicle operators must use self-service pumps at commercial service stations where available. The following exceptions from this policy apply:

- Self-service pumps are not available.
- Cost of fuel at a full-service station is the same or lower than the cost of fuel at a self-service station.
- Physical limitations of the vehicle operator.
- Severe weather conditions.

All commercial fuel purchases must be at the octane level recommended by the vehicle manufacturer. Mid-grade and premium gasoline must not be used in vehicles except for those vehicles that require mid-grade or premium fuel.

4.4.4. Operation of a Vehicle Involving Illegal Substances, Drugs, or Alcohol

4.4.4.1. Illegal Substances

A GOV must not be used by an FBI employee with any illegal substance present in his or her body, whether or not the employee is under the influence of, or impaired by, such

substance. Illegal substances include illegal drugs or legal drugs used in an illegal manner.

4.4.4.2. Alcohol Use

An employee must not operate a GOV:

- In violation of any applicable law or regulation governing operation of a motor vehicle by driving under the influence (DUI) of, or while impaired by, the consumption of alcohol.
- While consuming alcohol.
- When open alcohol containers are present anywhere in the vehicle.

An employee who is unexpectedly ordered to report for duty after consuming an amount of alcohol sufficient to call into question his or her ability to drive safely must disclose the timing and amount of consumption to the supervisor ordering the recall and follow such directions as the supervisor may provide. A supervisor, however, must not authorize an employee who is, or appears to be, under the influence of, or impaired by, the consumption of alcohol to drive a GOV.

Example: An SA of average stature and weight who is authorized to use a GOV for HTW transportation returns home on a Friday evening and is scheduled to have the next three days off duty. The SA drinks four five-ounce glasses of wine after dinner between the hours of 8 p.m. and 10 p.m. and then goes to bed. At 10:30 p.m., the SA's supervisor calls and directs the SA to return to the office to assist in interviewing the recently arrested principal subject of an investigation in which the SA is the case agent (CA). The SA informs the supervisor of his recent alcohol consumption and asks for guidance. The supervisor asks the SA whether he's drunk, to which the SA replies, "I don't think so, but I'm not sure." The supervisor then tells the SA to "drive in here pronto." The supervisor's decision was improper since the consumption of four alcoholic beverages over a two-hour period 30 minutes prior to the call is likely to impair the SA's ability to operate a motor vehicle safely. The supervisor should have dispatched another employee to pick up the SA and may be held accountable for his improper decision. Of course, the responsible supervisor must also evaluate the employee's ability to conduct any official business under such circumstances.

4.4.4.3. Prescription Medication

An employee receiving a prescription for any medication must inform the prescribing doctor that he or she operates, or may be required to operate, a motor vehicle in the course of employment and must ask whether the prescribed medication will likely impair the employee's ability to drive safely. The employee must follow such driving limitations as the physician may provide, and report the nature and scope of those limitations to his or her supervisor prior to driving a GOV if the limitations are still in effect at that time. An employee must not operate a GOV after using legally prescribed medication if use of that medication does not comport with the limitations on driving imposed by the prescribing physician or if the employee knows, or has reason to know, that such use has impaired, or will impair, his or her ability to operate a motor vehicle safely.

Example: An employee is prescribed a medication to assist in regulating his heartbeat and is warned by his doctor not to drive for 24 hours after the initial dose to determine whether the drug will make him too drowsy to operate a motor vehicle. The employee takes the first dose at 10 p.m. and then goes to bed. The next day, he feels sleepy upon awakening but takes public transportation to the office in accordance with his routine. At 11 a.m., the employee still feels tired but checks out a GOV from the office motor pool. Two miles and ten minutes later, he nods off behind the wheel and drives the car into a ditch. Because the employee failed to follow the clear warning of his physician, he will face administrative or disciplinary action and may be held accountable for the damages to the GOV.

4.5. Passengers

Generally, only authorized passengers may ride in GOVs. In the FBI, authorized passengers include persons with whom the FBI transacts official business, including, but not limited to, other federal employees and officials; witnesses, confidential human sources (CHS), subjects, and victims; persons issued invitational travel orders; contractors (see the limitations below); state, local, tribal, and foreign officials and dignitaries; and so forth. Although the categories of authorized passengers are numerous, persons with whom the FBI does not have official business must not ride in GOVs unless expressly authorized to do so in accordance with this PG.

FBI vehicle operators may take on unauthorized passengers in the following circumstances:

- When necessary to prevent loss of life or serious physical injury to any individual.
- To transport ill or injured FBI employees to a hospital or a health care facility.
- During a commute to or from work if the operator is authorized to use a GOV for HTW transportation or while otherwise using the vehicle for official purposes, and the passenger is also a federal employee or official; the travel does not result in any significant increased cost to the government; and the safe and rapid unloading of the passenger will not significantly impede the emergency response capabilities of the driver if he or she has such responsibilities.
- To transport the operator's spouse (or other member of the operator's household) to an official function or to an event at which the operator has an official role if the operator's AD or ADIC/SAC determines, on a case-by-case basis, that (1) it is an event of a nature where it is customary and traditional for a spouse and/or member of the household to attend, (2) embarking the spouse or family member(s) will not increase the cost to the government, and (3) the safe and rapid unloading of the passengers will not significantly impede the emergency response capabilities of the driver if he or she has such responsibilities. Officials at the AD or ADIC/SAC levels may make such determinations for themselves.

Example 1: An SA authorized to use a GOV for HTW transportation occasionally takes his son to school in the morning. The school is directly on the most expeditious route from the SA's home and his office. This is a violation, notwithstanding that the stop is "en route," because the SA's son is not an authorized passenger.

Example 2: An SA authorized to use a GOV for HTW transportation routinely commutes with her spouse, who is an FBI analyst employed in the same office. Because the spouse is an FBI employee, there is no increased cost to the government, and the spouse is fully capable of finding an alternate means of transportation if dropped at the curb by the SA in order to respond to an emergency, this arrangement is permissible.

Example 3: An FBI chemist from the Laboratory Division (LD) is scheduled to receive a Director's award for meritorious public service. The award will be presented at a midday ceremony at FBIHQ to which the employee's spouse and the spouses of the other award winners will be invited. The employee asks permission to use a GOV to drive to FBIHQ from LD and back and asks to take his spouse along. The LD AD may appropriately grant this request.

Example 4: An FO schedules its annual, daylong all-employees conference at an off-site location. The FO also schedules its annual holiday party on the same evening at a nearby restaurant. Some employees ask the SAC whether they may drive their GOVs to the all-employees conference, commute home afterwards, and return with their spouses to the holiday party. Because the holiday party is not an official function, and neither the requesting employees nor their spouses have any official roles to play at the holiday party, the SAC must not grant such a request.

4.6. Non-FBI Employee Users

4.6.1. Contractors

Contractor personnel must only be authorized to drive or ride in a GOV if:

- Such use is consistent with the terms of the contract pursuant to which the contractor is engaged.
- Such use is approved by the responsible contracting officer (CO) or contracting officer's representative (COR).
- Such use directly advances performance of the contract or other significant government functions.
- Related charges under the contract are adjusted accordingly.
- The contractor provides appropriate insurance coverage if driving.
- Such use does not interfere with the performance of official duties by government personnel. (See General Services Administration [GSA] regulations, such as 41 CFR § 102-34.230.)

Example: An FBI employee is authorized to use a GOV to travel between his FO and an RA to attend an official meeting. A contractor working at the FO learns of the travel and asks his COR for permission to ride along, if space is available, to visit a watch repair shop next door to the RA. Even though the FBI employee would not deviate from the most direct and expeditious route, and there would be no extra cost to the government, the COR must not approve this request because it is based on personal convenience and bears no connection to performance of the contract.

4.6.2. Task Force Personnel

Task force personnel (this term encompasses task force officers [TFO], task force members [TFM], and task force participants [TFP], as defined in the *Domestic Investigations and Operations Guide* [DIOG]) may be permitted to use FBI vehicles under the same terms and conditions as FBI employees, so long as doing so is consistent with the memorandum of understanding (MOU) or memorandum of agreement (MOA) governing the formation and administration of the task force and the *National Vehicle Lease Program Guidance* when the vehicle is obtained pursuant to a national vehicle lease program.

4.6.3. Confidential Human Sources

For FBI policy regarding the use of GOVs by CHSs, see the *Confidential Human Source Policy Guide* (0836PG).

4.6.4. Volunteers and Unpaid Interns

Volunteers and unpaid interns in established programs (such as the FBI Chaplain Program) may be authorized by the responsible AD or ADIC/SAC to use GOVs under the same terms and conditions as FBI employees. Ad hoc volunteers must not be so authorized, except in situations involving imminent threats to life, national security, or substantial property damage.

4.7. Violations, Accidents, and Reporting

4.7.1. Unauthorized or Improper Use of Vehicles: Reporting Requirements

Employees must adhere to the following reporting requirements:

(a) Employees must promptly notify their supervisors of any known violations of this PG by themselves or by others, and follow such directions as their supervisors may provide.

(b) Employees must also promptly notify their supervisors, CDCs, and their security officers if they are arrested in connection with the operation of a motor vehicle (whether personally or government-owned) by state, local, tribal, or foreign law enforcement authorities.

(c) Citations and tickets not resulting in arrests and related to the operation of personally or government-owned vehicles must be reported to the employees' supervisors.

The notifications required above may initially be made orally but must be confirmed in writing (an e-mail will suffice) within 48 hours of the initial report. The written communication must detail the circumstances, including whether any citation or ticket was issued to the employee or the employee was arrested. See below for additional guidance regarding the reporting of accidents.

4.7.2. Initial Processing and Referral

A supervisor receiving a report made pursuant to subsection 4.7.1. (a) or (b) of this PG or who otherwise learns of a probable violation of this PG must report the same, along with such details of the surrounding circumstances as are known, to the chain of command and

to the Initial Processing Unit (IPU), INSD and follow such directions as IPU and superior supervisors in the chain of command may provide.

A supervisor receiving a report made pursuant to subsection 4.7.1. (c) of this PG or who otherwise learns that one of his or her employees has received a traffic citation or a ticket may, but is not required to, report the same along with the details of the surrounding circumstances, as are known, to the chain of command.

4.7.3. Termination or Suspension of Driving Privileges

Use of a GOV is not an entitlement; rather, it is a privilege. The decision to suspend or revoke that privilege must be made by the responsible AD or ADIC/SAC (or higher authority), pursuant to the guidelines that follow.

(a) Driving privileges must be suspended or terminated by the AD or ADIC/SAC if:

1. A medical officer finds that the employee's medical condition prevents the employee from operating a vehicle in a safe manner.
2. The employee's state or local driver's license is suspended or revoked by the authority issuing it.
3. The employee is suspended from duty without pay or is terminated from employment by OPR for any disciplinary infraction, including violations of this PG.
4. The employee is arrested for DUI, driving while intoxicated (DWI), or for any other traffic-related offense carrying a possible maximum punishment of confinement for one year or more.
5. The employee is convicted of DUI, DWI, or any other offense carrying a possible maximum punishment of confinement for one year or more, even if the employee receives less than the maximum punishment authorized.

(b) Driving privileges may be suspended or terminated by the AD or ADIC/SAC if:

1. He or she determines for articulable reasons that permitting the employee to drive a GOV is not clearly consistent with the interests of the government.
2. The employee is cited, ticketed, convicted, or administratively determined to be guilty of any traffic-related offense while driving a government or personal vehicle, and the events or the surrounding circumstances, considered individually or cumulatively, call the employee's driving capabilities or judgment into question.

(c) Driving privileges may be reinstated by the AD or ADIC/SAC upon application of the involved employee, in accordance with the following guidelines:

1. For actions taken pursuant to subsection 4.7.3. (a)(1) or (2) or (b)(1) or (2) of this PG, when the reason underlying the suspension or termination no longer exists and the AD or ADIC/SAC determines that reinstatement of driving privileges is in the best interests of the government.
2. For actions taken pursuant to subsection 4.7.3. (a)(3) of this PG, when the period of suspension has run or the employee is reinstated, respectively, and

the AD or ADIC/SAC determines that reinstatement of driving privileges is in the best interests of the government.

3. For actions taken pursuant to subsection 4.7.3. (a)(4) of this PG:

   I. Six months have passed since the arrest, the case has not yet been adjudicated, and the AD or ADIC/SAC determines that reinstatement of driving privileges is in the best interests of the government.

   II. If the employee is acquitted or found guilty of some lesser included charge, and the AD or ADIC/SAC determines that reinstatement of driving privileges is in the best interests of the government, unless OPR determines administratively, applying its usual adjudicative processes and standards, that the employee did commit the offense for which the employee was arrested.

4. For actions taken pursuant to subsection 4.7.3. (a)(5) or for actions taken under subsection 4.7.3. (a)(4) of this PG, and OPR determines that the employee did commit the underlying offense, when any punishment adjudicated is completed and at least six months have expired from the date of completion and the AD or ADIC/SAC determines that reinstatement of driving privileges is in the best interests of the government.

Collateral consequences related to suspensions, terminations, and reinstatements, such as the effect on premium compensation, will be dealt with in accordance with applicable procedures but will not constitute grounds for deviation from this PG.

4.7.4. Reporting and Investigating Accidents

(a) FBIHQ employees must promptly notify their supervisors and FMU of all motor vehicle accidents in which they are involved while driving or riding in GOVs. FO employees must promptly notify their supervisors and the cognizant CDCs of all motor vehicle accidents in which they are involved while driving or riding in GOVs. The initial report may be made orally but must be followed as soon as practicable with a written report, preferably on a Standard Form (SF)-91, "Motor Vehicle Accident Report." The report must describe all of the pertinent details surrounding the accident, including, but not limited to, time and date of the accident, identities of parties and witnesses, makes and models of the involved cars, weather and lighting conditions, insurance companies, companies of nongovernment driver(s) involved, contact information of all persons involved, names and contact information of responding officers, description of damages or injuries, and so forth. Whenever possible, photographs should be taken of the accident scene, involved vehicles, and other relevant features. The report must be augmented with all available documentation, including, but not limited to, police reports, photographs, written witness statements, and so forth. When an employee is involved in an accident while driving or riding in a vehicle rented by an employee who is in a TDY status, the accident must also be reported to the rental company in accordance with the process set forth in the rental agreement.

(b) Upon receiving a report made pursuant to subsection 4.7.4.(a) of this PG, FMU (in FBIHQ) and the responsible CDC (in the field) must:

1. Make a preliminary assessment as to whether the involved employee was in violation of any portion of this PG and, if so, take the action prescribed in subsection 4.7.2. above.
2. Make a preliminary assessment as to whether any personal injury was involved, damages to the property of third parties occurred, or any damages sustained by the GOV exceeded $750. (FMU or a CDC may require an investigation to be conducted even if the threshold is not met if, in FMU's or the CDC's judgment, an investigation is warranted.)
   I. If the assessment indicates that no personal injuries were involved, no third-party damages occurred, and the damages to the GOV did not exceed $750, FMU or the CDC, together with the responsible supervisor, must follow the procedures prescribed by the executive management (EM) of the FBIHQ division/FO to which the vehicle is assigned to document the incident, assess the impact on the driver's driving privileges, and return the vehicle to service.
   II. If the assessment indicates that personal injuries were involved, third-party damages occurred, or the damages to the GOV is likely to exceed $750, then FMU or the CDC must ensure that the accident is investigated in accordance with the procedures established by the EM of the FBIHQ division/FO to which the vehicle is assigned, provide copies of the resulting investigation to FMU or the responsible CDC, and follow such other directions as the chain of command may provide.

4.7.5. Accident Forms

Unless operational considerations dictate otherwise (e.g., an undercover or covert use of a vehicle), the EM of the FBIHQ division/FO to which each FBI vehicle is assigned must ensure that each vehicle carries the following forms to assist in detailing the incidentals of any accident: (1) SF-91, "Motor Vehicle Accident Report" and (2) SF-94, "Statement of Witness."

EM must also establish and maintain an official accident file for each accident and an accident log that contains pertinent information pertaining to each accident.

4.7.6. Personal Financial Responsibility of Employee

An FBI employee will not be held financially responsible by the FBI for damages to a GOV resulting from an accident caused by the employee's negligence while using the vehicle for an official purpose. If, however, an employee uses a GOV with reckless disregard for the health and safety of any person or sustains damages to a GOV while utilizing it for nonofficial purposes, the employee may be held financially responsible by the FBI for any resulting damages to the vehicle or other government property. In addition, an employee may be held personally liable to third parties, under applicable law, for any injury, death, or property damage arising from the use of a GOV for nonofficial purposes.

5. Authorities

- 31 U.S.C. § 1344, Passenger carrier use
- Public Law (Pub. L.) 101-194, § 503 (31 United States Code Annotated [U.S.C.A.] 1344 note), Use of Government Vehicles
- DOJ Order 2400.3A
- 41 CFR Chapter 102, "Federal Management Regulation"
- 41 CFR Chapters 300-304, Federal Travel Regulation
- 5 U.S.C. § 6328, Absence in connection with funerals of fellow Federal law enforcement officers

6. Recordkeeping Requirements

Classification Number	Description	Subsection in *Government Vehicle Use Policy Guide*
319I Item 1-8	**Maintenance and operation:** records related to the general maintenance and operation, as well as authorizations of use	4.2.6.
Classification 66A	**Automobile accidents investigations:** records relating to motor vehicle accidents that are maintained by transportation offices, including the SF-91, SF-94, and investigative reports	4.7.4.
319O Item 25	**Internal compliance matters:** records related to assessment of Bureau compliance with applicable laws, regulations, policies, and procedures, including risk assessments, reviews, audits, mitigation plans, and other related records	4.2.6.

Appendix A: Acronyms

Acronyms	
AD	assistant director
ADD	associate deputy director
ADIC	assistant director in charge
AG	Attorney General
AO	administrative officer
ASAC	assistant special agent in charge
AVP	availability pay
CA	case agent
CBA	corporately billed account
CD	Counterintelligence Division
CDC	chief division counsel
CFR	Code of Federal Regulations
CHS	confidential human source
CID	Criminal Investigative Division
CJIS	Criminal Justice Information Services [Division]
CO	contracting officer
COM	chief of mission
COR	contracting officer's representative
CTD	Counterterrorism Division
DAD	deputy assistant director
DD	deputy director
DDAEO	deputy designated agency ethics official

DIOG	*Domestic Investigations and Operations Guide*
DOJ	Department of Justice
DUI	driving under the influence
DWI	driving while intoxicated
EAD	executive assistant director
EC	electronic communication
EM	executive management
EO	executive order
ET	electronics technician
FBI	Federal Bureau of Investigation
FBIHQ	Federal Bureau of Investigation Headquarters
FISA	Foreign Intelligence Surveillance Act
FLSD	Facilities and Logistics Services Division
FMU	Fleet Management Unit
FO	field office
FTR	Federal Travel Regulation
FY	fiscal year
GOV	government vehicle
GSA	General Services Administration
GTC	government travel card
HOV	high-occupancy vehicle
HRB	Human Resources Branch
HRD	Human Resources Division
HSI	Headquarters Staffing Initiative

HTW	home to work
INSD	Inspection Division
IPU	Initial Processing Unit
LD	Laboratory Division
Legat	legal attaché [office]
LEO	law enforcement officer
MOA	memorandum of agreement
MOU	memorandum of understanding
OGA	other government agency
OGC	Office of the General Counsel
OIC	Office of Integrity and Compliance
OPR	Office of Professional Responsibility
OT	overtime
OTD	Operational Technology Division
PG	policy guide
POV	privately owned vehicle
Pub. L.	public law
RA	resident agency
RMD	Records Management Division
SA	special agent
SAC	special agent in charge
SES	Senior Executive Service
SF	standard form
SMS	short message service

SSA	supervisory special agent
TD	Training Division
TDY	temporary duty
TFM	task force member
TFO	task force officer
TFP	task force participant
USAO	United States Attorney's Office
U.S.C.	United States Code
U.S.C.A.	United States Code Annotated

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