

list of these coordinators and information concerning the national program can be obtained by contacting the office listed in § 101-6.303(b).

(b) Ridesharing management assistance is often available from local ridesharing agencies found in most cities throughout the country. These agencies may be sponsored by State or local governments, public transportation authorities, universities, Chambers of Commerce, Councils of Governments, etc. In addition to providing commuter matching services, these agencies have experience in local ridesharing promotion activities, vanpool and buspool programs, and are familiar with management of commuter disruptions such as transit strikes, bridge closings, as well as air pollution alerts. ETC's are encouraged to use the services of the local ridesharing agencies to the greatest extent possible.

#### Subpart 101-6.4—Official Use of Government Passenger Carriers Between Residence and Place of Employment

SOURCE: 53 FR 26776, July 15, 1988, unless otherwise noted.

##### § 101-6.400 Scope and applicability.

(a) All Federal agencies and entities, as defined in § 101-6.401(a), in the executive, judicial, and legislative branches of the Government are subject to this regulation, with the exception of the Senate, House of Representatives, Architect of the Capitol, and government of the District of Columbia.

(b) This subpart applies to the use of home-to-work transportation for employees on normal duty (non-travel) status performing assigned duties at their place of employment. This subpart does not apply to the use of a Government passenger carrier when the passenger carrier is used in conjunction with official travel to perform temporary duty (TDY) assignments away from a designated or regular place of employment.

(c) This subpart does not apply to those employees essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement

duties, when those employees have been so designated in writing by the head of a Federal agency. Each Federal agency which uses Government passenger carriers to perform such duties or services should issue guidance concerning the use of home-to-work transportation by its employees.

##### § 101-6.401 Definitions.

For purposes of this regulation, the following definitions apply:

- (a) *Federal agency* means:
- (1) A department (as such term is defined in section 18 of the Act of August 2, 1946 (41 U.S.C. 5a));
  - (2) An executive department (as such term is defined in 5 U.S.C. 101);
  - (3) A military department (as such term is defined in 5 U.S.C. 102);
  - (4) A Government corporation (as such term is defined in 5 U.S.C. 1031);
  - (5) A Government controlled corporation (as such term is defined in 5 U.S.C. 103(2));
  - (6) A mixed-ownership Government corporation (as such term is defined in 31 U.S.C. 9101(2));
  - (7) Any establishment in the executive branch of the Government (including the Executive Office of the President);
  - (8) Any independent regulatory agency (including an independent regulatory agency specified in 44 U.S.C. 3502(10));
  - (9) The Smithsonian Institution;
  - (10) Any nonappropriated fund instrumentality of the United States; and
  - (11) The United States Postal Service.
- (b) *Head of agency* means the highest official of a Federal agency.
- (c) *Passenger carrier* means a motor vehicle, aircraft, boat, ship, or other similar means of transportation that is owned or leased (including non-TDY rentals) by the United States Government, or has come into the possession of the Government by other means, including forfeiture or donation.
- (d) *Employee* means a Federal officer or employee of a Federal agency and includes an officer or enlisted member of the Armed Forces.
- (e) *Residence* means the primary place where an employee resides and from which the employee commutes to his/

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her place of employment. The term *residence* is not synonymous with *domicile* as that term is used for taxation or other purposes, nor does this regulation affect the provisions set forth in the Federal Travel Regulations for employees on temporary duty (TDY) away from their designated or regular place of employment.

(f) *Place of employment* means any place within the accepted commuting area as determined by the agency for the locality involved, where an employee performs his/her business, trade, or occupation, even if the employee is there only for a short period of time. The term includes, but is not limited to, an official duty station, home base, headquarters, or any place where an employee is assigned to work, including locations where meetings, conferences, or other official functions take place.

(g) *Field work* means official work performed by an employee whose job requires the employee's presence at various locations that are at a distance from the employee's place of employment (itinerant-type travel involving multiple stops within the accepted local commuting area, or use outside that area) or at a remote location that is accessible only by Government-provided transportation. The designation of a work site as a *field office* does not, of itself, permit the use of a Government passenger carrier for home-to-work transportation. (See § 101-6.405.)

(h) *Clear and present danger* means those highly unusual circumstances which present a threat to the physical safety of the employee's person or property under circumstances where:

- (1) The danger is—
  - (i) Real, not imaginative, and
  - (ii) Immediate or imminent, not merely potential; and
- (2) A showing is made that the use of a Government passenger carrier would provide protection not otherwise available.

(i) *Emergency* means those circumstances which exist whenever there is an immediate, unforeseeable, temporary need to provide home-to-work transportation for those employees who are necessary to the uninterrupted performance of the agency's mission. An emergency may occur where there

is a major disruption of available means of transportation to or from a work site, an essential Government service must be provided, and there is no other way to transport those employees.

(j) *Compelling operational considerations* means those circumstances where the provision of home-to-work transportation to an employee is essential to the conduct of official business or would substantially increase a Federal agency's efficiency and economy. Home-to-work transportation may be justifiable if other available alternatives would involve substantial additional costs to the Government or expenditures of employee time. These circumstances need not be limited to emergency or life and death situations.

### § 101-6.402 Policy.

(a) Each Federal agency shall ensure that Government passenger carriers operated by its employees are used for official purposes only; i.e., to further the mission of the agency.

(b) Each Federal agency shall limit the use of Government passenger carriers between an employee's residence and his/her place of employment to:

(1) Those persons, including the President, the Vice-President, and other principal Federal officials and their designees, as provided in 31 U.S.C. 1344 (b)(1) through (b)(7); or

(2) Those persons engaged in field work as defined in § 101-6.401(g).

(c) Other than those uses provided for in § 101-6.402(b), a Federal agency shall only authorize the use of a Government passenger carrier for home-to-work transportation when there is:

- (1) A clear and present danger;
- (2) An emergency; or
- (3) A compelling operational consideration.

(d) The comfort and convenience of an employee shall not be considered sufficient justification for an agency to authorize home-to-work transportation under § 101-6.402 (b) or (c).

(e) Each Federal agency shall consider the location of the employee's residence prior to authorizing home-to-work transportation. Such transportation shall be authorized only within