

FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554  <b>FCC DIRECTIVE</b>	<b>Title</b>	
	Management of FCC Motor Vehicles	
	<b>Directive Number</b> FCCINST 1194.3	<b>Effective Date</b> December 26, 2018

1. **PURPOSE:** This directive sets forth the Federal Communications Commission's (Commission or FCC) policies, procedures, and responsibilities relating to requesting, operating, maintaining, managing, securing, and reporting of the Commission's owned or leased motor vehicles.
2. **CANCELLATION:** This instruction supersedes FCCINST 1194.2, dated September 19, 2012.
3. **BACKGROUND:** Passenger carrier utilization of Government owned/leased vehicles is governed by 31 U.S.C. § 1344. Funds available to a Federal agency, by appropriation or otherwise, may be expended by an agency for the maintenance, operation, or repair of any passenger carrier only to the extent that such carrier is used to provide transportation for official purposes.
4. **SCOPE AND APPLICABILITY:** This directive applies to the use of Commission owned/leased vehicles by personnel assigned to the FCC. Utilization of Commission owned/leased vehicles by the Enforcement Bureau (EB) is also governed by its Bureau Standard Operating Procedures. Utilization of FCC owned/leased vehicles by motor vehicle operators assigned to the Office of Managing Director, Associate Managing Director - Administrative Operations (AMD-AO), Administrative Services Center (ASC) is also governed by Standard Operating Procedures, dated April 12, 2010.
5. **AUTHORITIES:** 5 U.S.C. § 5733; 31 U.S.C. §§ 1344, 1349 5 CFR Part 930, Subpart A; 41 CFR Part 102-5; 41 CFR §§102-34.200, 34.220, 301-70.101(a). In addition, EB issues a Vehicles Manual, periodically revised, which contains instructions and guidance for EB field personnel on policies and procedures related to use of Government-owned motor vehicles. We refer all EB personnel to that document.
6. **DEFINITIONS:** Definitions of the terms "incidental operator," "motor vehicle," and "operator" as used in this directive are found in 5 CFR § 930.102 of the Office of Personnel Management regulations.
7. **POLICY:**
  - a. **Driver's Requirements.** All employees and contractors required and authorized to operate a motor vehicle in the performance of their duties must meet applicable state requirements and maintain a good driving record. Motor vehicle drivers are responsible for the safe operation of FCC owned/leased vehicles in accordance with traffic laws in the state(s) and local jurisdiction in which they operate. Drivers are required to have in their possession at all times when operating a Government owned/leased vehicle their valid operator's permit for the type of vehicle being operated. Annual safety training will be required to encourage safe driving.

- b. Official Use Requirement. Commission owned or leased vehicles will only be used in the performance of official duties, or in emergencies threatening loss of life or property. As a general rule, whenever transportation is essential to the successful operation of the FCC's mission, it will be considered as official use. Conflicts will be resolved in favor of strict compliance with the statutory restriction on using government transportation for unofficial purposes (*see* 31 U.S.C. § 1344, *see also* 41 CFR § 102-34.200 (describing official use of motor vehicle owned or leased by the government) and 41 CFR § 102-34.220 (explaining possible actions by the General Services Administration (GSA) upon learning of unofficial vehicle use)).
- c. Prohibition against Home-to-Work Transportation. With the limited exception provided below, home-to-work (portal-to-portal) transportation of FCC employees in normal duty (non-travel) status, performing duties at their place of employment, is not permitted, unless authorized in writing by the Chairman under the provisions of 31 U.S.C. § 1344 or 41 CFR Part 102-5. However, EB field personnel shall act in accordance with instructions contained in EB's Vehicles Manual.
- d. Use of Vehicles May be Authorized for Government-Approved Travel. An FCC employee in travel status may be authorized to use a government vehicle to ride from his/her home to the airport/train station or from the airport/train station to his/her home when traveling on official business. The home-to-work restrictions in section 5(c) above do not apply to employees on official travel (41 CFR § 102-5.20). The FCC has a statutory duty to select the method of transportation that is most advantageous to the Government and the most expeditious means practicable commensurate with the nature and purpose of the duties of the employee requiring such travel, when cost and other factors are considered. *See* 5 U.S.C. § 5733; 41 CFR § 301-70.101(a).
- e. Restrictions on Who May Ride in Vehicles. Only persons traveling on official Commission business may ride in Commission vehicles. Their business must be specifically related to approved programs. Before allowing other persons to ride in a Commission vehicle, employees must consider the impact on the performance of official duties and the ability to justify their decision should there be a complaint or an accident.
- f. Penalties for Unauthorized Use. Any officer or employee who willfully uses or authorizes the use of such vehicle, for other than official purposes, shall be suspended for at least one (1) month or a longer period when warranted, or removed by the Chairman (*See* 31 U.S.C. § 1349 (b)).
- g. Prohibition against Personal Use. Commission-owned or leased vehicles shall not be used for personal business under any circumstances. Employees shall exercise discretion to avoid any situation which may convey an impression that a Commission vehicle is being used for unofficial purposes.
- h. Safety Requirements. Anyone driving or riding in a vehicle on official business must wear a safety belt at all times when the vehicle is moving. Operators shall exercise all possible care to drive safely and defensively to avoid accidents. Operators shall determine that the vehicles are in proper operating condition before driving them and shall notify the supervisor if the vehicles are inappropriate for use or in poor operating condition.
- i. Prohibition on Smoking. The Commission prohibits smoking in agency owned and leased motor vehicles.

- j. Hands-Free Units. Drivers are required to use the hands-free feature in the vehicle (If equipped) or an ear piece while driving in the District of Columbia and any State that requires the use of hand-free units. Cellular phones will be used by the drivers for official business only. The use of the cellular phones by drivers for personal calls while the vehicle is in motion, incoming or outgoing, is prohibited, unless utilizing hands-free technology. Cf. *FCCINST 1195.2, Policies on Text Messaging While Driving.*

8. VEHICLE MANAGEMENT:

- a. It is the Commission's policy to develop an efficient and economical Vehicle Management Program to ensure that adequate transportation is available to meet the FCC's mission requirements.
- b. As part of any efficient and economical Vehicle Management Program to be developed and maintained by the agency, priority for use of Commission owned or leased vehicles shall be given to FCC personnel in the following order:
  - (1) The Chairman;
  - (2) Commissioners;
  - (3) The Chairman's Chief of Staff;
  - (4) Bureau Chiefs and Office Directors;
  - (5) Deputy Bureau Chiefs and Deputy Office Directors (Federal agents requiring the use of an official government vehicle in the performance of their duties associated with an investigation shall be given the priority of a Deputy Bureau Chief and Deputy Office Director);
  - (6) All other Commission staff.

In accordance with this order of priority, a reservation for the use of a Commission owned or leased vehicle by agency personnel shall be cancelled if agency personnel with higher priority subsequently requests use of a motor vehicle for official use at the same time, and additional vehicles are not available. In such instances, Commission personnel shall be informed at the earliest practicable time that their reservation to use a Commission owned or leased motor vehicle has been cancelled.

- c. Headquarters vehicles will be dispatched from a central dispatch and control system to give the flexibility needed to meet changing mission requirements.
- d. FCC vehicles assigned to Headquarters will be garaged at the FCC in the spaces reserved for this purpose, in order to support operations.

9. HEADQUARTERS VEHICLE SERVICES:

- a. Generally, FCC vehicles may not be used as a first resort for transportation needs. Other modes of transportation, consistent with operational requirements, should be first considered by the availability of scheduled services as listed below:

- (1) Scheduled public transportation - Metro transit cards are available for official travel;
  - (2) Taxicabs on a reimbursable basis, including transportation network services such as Uber, Lyft, and Rideshare; and,
  - (3) Voluntary use of a privately-owned motor vehicle on a reimbursable basis for out of town trips, such as to FCC facilities in Gettysburg, Pennsylvania and Columbia, Maryland.
- b. Vehicular services may be requested via e-mail using the electronically generated FCC Vehicle Request Form, which is found on the Commission's intranet page under "FCC Forms." Requests must include:
- (1) The date that the vehicle is required;
  - (2) The time that the vehicle is required;
  - (3) The number of passengers making the requested trip;
  - (4) An indication if the driver will be required to wait;
- Note:** As a general rule, drivers should not be requested to wait for passengers. However, drivers shall wait for the Chairman, Commissioners, the Chairman's Chief of Staff, and Bureau/Office Chiefs when they are making appearances on Capitol Hill or other such official events as appropriate.
- (5) The destination of the trip clearly stated; and
  - (6) The requester's name and telephone number.
- c. With the exception of the Chairman, Commissioners, and the Chairman's Chief of Staff, all personnel must submit the FCC Vehicle Request Form in advance of their scheduled trip. To aid the process of scheduling the use of Commission vehicles, requests for vehicular service should be submitted as soon as the requirement is known.
- d. All trips originating from FCC headquarters will depart from an appropriately designated location nearest the front entrance of the building unless otherwise directed by building security, police, or other official.
- e. If a passenger is delayed by more than ten (10) minutes from the scheduled time of departure, the ASC must be notified.
- f. With the exception of the Chairman, Commissioners, and the Chairman's Chief of Staff, at the conclusion of the trip, at least one passenger will be required to sign the FCC Vehicle Request Form in the block indicating that the trip was for official government business. For the Chairman, Commissioners, and Chairman's Chief of Staff, submitting the electronically-generated FCC Vehicle Request Form shall serve as a certification that the request is for official government business.



10. RESPONSIBILITIES:

- a. The Managing Director is responsible for the FCC's Vehicle Management Program and will ensure compliance with applicable Federal statutes and regulations.
- b. The Associate Managing Director - Administrative Operations is responsible for:
  - (1) Overseeing the FCC's Vehicle Management Program at FCC Headquarters and Commission facilities in Gettysburg, Pennsylvania and Columbia, Maryland to ensure that vehicle utilization is only for official business; and
  - (2) Issuing license plates for FCC owned/leased vehicles and maintaining a record of such assignments for the agency.
- c. The Manager, Administrative Services Center (ASC) is responsible for:
  - (1) Development and management of the FCC's Vehicle Management Program;
  - (2) Maintaining and updating vehicle data, including required reports;
  - (3) Establishing a maintenance program to ensure appropriate standards are achieved;
  - (4) Ensuring against vehicle misuse, abuse, and unofficial use by FCC personnel;
  - (5) Administering a safety program for all motor vehicles and operators;
  - (6) Reporting motor vehicle accidents to the Office of General Counsel (OGC) and the Office of Managing Director (OMD) via Standard Form 91, Motor Vehicle Accident Report, and maintaining records on vehicle accidents and safety issues;
  - (7) Managing the accounts for rental of leased General Services Administration (GSA) pool vehicles for Headquarters, Gettysburg, Pennsylvania, and Columbia, Maryland; and
  - (8) Maintaining and updating standard operating procedures which contain instructions and guidance to Headquarters, Gettysburg, Pennsylvania, and Columbia, Maryland personnel on the policies and procedures related to the use of Government owned/leased motor vehicles.
- d. The Enforcement Bureau, Office of Management and Resources, is responsible for:
  - (1) Developing and managing EB's Field Vehicle Management Program;
  - (2) Developing and maintaining a comprehensive database of motor vehicle usage including compilation of data from Motor Vehicle Operation Reports (FCC Form A-344) and submission of the annual Report of Motor Vehicle Data to GSA on behalf of the Commission;
  - (3) Compiling energy usage data (fuel consumption) and submitting the annual usage report to GSA for the agency;

- (4) Managing EB's accounts for rental of leased GSA pool vehicles;
  - (5) Reporting motor vehicle accidents to OGC and maintaining records on vehicle accidents and safety issues for EB;
  - (6) Maintaining and updating Standard Operating Procedures which contain instructions and guidance to EB personnel on policies and procedures related to the use of Government owned motor vehicles; and
  - (7) Developing the EB's Vulnerability Assessment Report for Vehicle Use – Field, to ensure against fraud, waste and abuse.
- e. The Financial Operations Center, Accounts Processing Group is responsible for managing the agency's U.S. Government National Charge Card Program and issuing credit cards for use with FCC owned/leased vehicles.
- f. Each Bureau/Office is responsible for:
- (1) Submitting Fiscal Year Motor Vehicle Operation Reports, including information on vehicle fuel consumption, to EB via FCC Form A-344 annually or when a vehicle is acquired, transferred or disposed of;
  - (2) Maintaining a file on those employees who are qualified and authorized to operate Government owned/leased vehicles, including incidental drivers, in accordance with 5 CFR §§ 930.109, 930.110;
  - (3) Reporting motor vehicle accidents to the OGC and the OMD, and maintaining records on vehicle accidents.
- g. Motor Vehicle Operators are responsible for:
- (1) Providing the ASC with their driver's license number upon request;
  - (2) Completing the Office of Personnel Management Physical Fitness Inquiry for Motor Vehicle Operators Form, OF-345 and a Federal Occupational Health (FOH) Authorization for Medical Release Form FOH-6 ME. The FOH form allows the FCC to release form OF-345 to the Federal Occupational Health Physician for review and allows the Federal Occupational Health Physician to discuss relevant information with the FCC Safety and Health Manager as necessary; and
  - (3) For motor vehicle operator(s) assigned the responsibility for operating the Agency's owned/leased cargo truck with a gross combination weight (GCW) of 26,001 or more pounds, acquiring and maintaining a Commercial Driver's License and Medical Examiner's Certificate in accordance with the Commercial Motor Vehicle Safety Act, April 1, 1992.

11. PERIODIC DRIVER REQUIREMENTS REVIEW:

- a. In accordance with 5 CFR §§ 930.105 and 109, the Associate Managing Director - Administrative Operations or his or her designee must review the authorization of the

employees who operate a Government-owned or leased vehicle as part of their duties, at least once every 4 years to ensure that those employees meet the following requirements:

- (1) Possess a safe driving record; and
  - (2) Possess a valid State driver's license.
- b The FCC will meet this requirement by obtaining a copy of the employees' driving record through the Department of Motor Vehicles. This will be done at least every four years in conjunction with the required medical review.

12. PERIODIC MEDICAL REVIEW:

In accordance with 5 CFR §§ 930.108-109, the FCC must ensure at least once every 4 years, that those employees who operate Government-owned or leased vehicles as part of their duties, are medically able to do so without undue risk to themselves or others. This will be accomplished by:

- a. Requiring all employees who operate a government motor vehicle as part of their duties, to complete and submit Form OF-345 and FOH Form FOH-6 ME to the Safety and Health Manager upon request, but not more than four-year intervals;
- b. The FCC Safety and Health Manager will submit the form OF-345 and FOH Form FOH-6 ME to a Federal Occupational Health Physician for review;
- c. The Federal Occupational Health Physician will review, complete, and return the form to the FCC Safety and Health Manager certifying whether or not the employee is medically able to operate a government motor vehicle or leased vehicle;
- d. The FCC Safety and Health Manager will inform the Bureau/Office of the content of the forms certified and returned by the Federal Occupational Health Physician, without releasing any medical documentation or other personal sensitive information; and
- e. The FCC Safety and Health Manager will direct the FCC Nurse to develop a medical record for each motor vehicle operator to house Form OF-345 and FOH Form FOH-6 ME and any additional information received from the Federal Occupational Health Physician.

**Note:** Forms OF-345 and FOH Form FOH-6 ME will be maintained in the FCC Health Center medical records file, which are maintained consistent with the FCC's Privacy Act System of Records and with all applicable federal laws, rules and regulations regarding confidentiality of records including the Privacy Act (5 U.S.C. Section 552a). These records will not be released to unauthorized personnel without the prior written consent of the employee.

13. FINES/ACCIDENTS:

Employees who operate vehicles for official purposes are subject to all traffic laws and regulations promulgated by any level of government of any authorized public entity. Responses to citations, tickets, payment of fines, and any court appearances are the personal responsibilities of the vehicle operators. All citations, tickets, fines, court appearances and accidents must be immediately reported to the OGC and the OMD.

14. CORRECTIVE ACTIONS:

- a. Office of Personnel Management regulations at 5 CFR § 930.113 require that an agency will take adverse, disciplinary, or other appropriate action against an operator or an incidental operator in accordance with applicable laws and regulations. Agency orders and directives will include the following reasons among those constituting sufficient cause for such action against an operator or an incidental operator:
- (1) The employee is convicted of operating under the intoxicating influence of alcohol, narcotics, or pathogenic drugs.
  - (2) The employee is convicted of leaving the scene of an accident without making his or her identity known.
  - (3) The employee is not qualified to operate a government owned/leased vehicle safely because of a physical or pre-existing medical condition. In making such a determination, consult a Federal medical officer or other medical authority as appropriate.
  - (4) The employee's state driver's license is revoked.
  - (5) The employee's State license is suspended. (Note: The agency may continue the employee in his or her position for operation of Government-owned or -leased motor vehicles on other than public highways for not to exceed 45 days from the date of suspension of the State license).
- b. If a supervisor has reason to believe an employee has developed unsafe driving habits (multiple accidents, tickets, etc.), the supervisor will gather all information, facts, and circumstances leading to and supporting their concern and discuss them with the employee's Bureau/Office Chief, and if appropriate, Regional Director. If higher-level concurs with the supervisor's concern, then the supervisor will promptly prepare a written report detailing the circumstances and contact Human Resource Management with a recommended course of action.

15. EFFECTIVE DATE AND IMPLEMENTATION:

This directive is effective immediately and shall be implemented promptly upon distribution.



Mark Stephens  
Managing Director