

11-
Subject Card

B-191960

JUL 14 1978

The Honorable Warren G. Magnuson
Chairman, Committee on Commerce,
Science and Transportation
United States Senate

Dear Senator Magnuson:

Further reference is made to your letter of May 12, 1978, with enclosures, on behalf of your constituent, [REDACTED], 1521 [REDACTED] [REDACTED], concerning a Federal employee's entitlements while traveling in a privately owned vehicle (POV).

[REDACTED] questions the guidance given him in a memorandum entitled "Authorized U.S. Government Travel" dated March 23, 1978, from Jerry L. Ekberg, Assistant Supervisor of Education (no agency listed). There are two points made in the memorandum. The first is that when an employee has been authorized use of POV when traveling, employees riding along with him as passengers are not entitled to a mileage payment. This is a correct statement as the Federal Travel Regulations (FPMR 101-7), which provide for the reimbursement of travel expenses to employees, and which have the force and effect of law, specifically state at paragraph 1-4.5:

"More than one person in conveyance. Mileage shall be payable to only one of two or more employees traveling together on the same trip and in the same conveyance, but no deduction shall be made from the mileage otherwise payable to the employee entitled thereto by reason of the fact that other passengers (whether or not Government employees) may travel with him and contribute to defraying the operating expenses. * * *"

The rationale for the above regulation is that the allowance of mileage to one employee completely satisfies the Government's obligation to pay for the transportation involved. B-162162, August 28, 1967; 32 Comp. Gen. 550 (1953), copies enclosed.

The second point made in the memorandum in question is to the effect that " * * * (2) individuals from the same agency, traveling

B-191960

to the same destination, must use the same private vehicle. * * *

A portion of paragraph 1-2.2b and all of paragraph 1-2.2c(1) of the FTRs are cited in apparent support of that statement and are quoted as follows:

"b. Selecting method of transportation to be used. Travel on official business shall be by the method of transportation which will result in the greatest advantage to the Government, cost and other factors considered. In selecting a particular method of transportation to be used, consideration shall be given to energy conservation and to the total cost to the Government, including costs of per diem, overtime, lost work time, and actual transportation costs. * * *

* * * * *

"c. Presumptions as to most advantageous method of transportation.

"(1) Common carrier. Since travel by common carrier (air, rail, or bus) will generally result in the most efficient use of energy resources and in the least costly and most expeditious performance of travel, this method shall be used whenever it is reasonably available. Other methods of transportation may be authorized as advantageous only when the use of common carrier transportation would seriously interfere with the performance of official business or impose an undue hardship upon the traveler, or when the total cost by common carrier would exceed the cost by some other method of transportation. The determination that another method of transportation would be more advantageous to the Government than common carrier transportation shall not be made on the basis of personal preference or minor inconvenience to the traveler resulting from common carrier scheduling."

It does not follow from the above-cited regulations that employees can be required to travel as passengers in another

B-191960

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-08-2001 BY 60322 UCBAW/STP

employee's POV. The above-cited regulations which give guidelines as to what mode of transportation may be selected as being the most advantageous to the Government, do not presume to require that employees must travel in another's automobile. Rather, we have held that an agency cannot require two or more employees to travel together in the private automobile of one of the employees on permanent-duty travel. 53 Comp. Gen. 67 (1973). There would be no reason not to apply the latter rule also to employees on temporary-duty travel. We note, however, that if use of POV is determined to be advantageous to the Government because passengers will be transported in the POV, thus saving the Government transportation costs, an employee who then does not carry the passengers might not receive the total sum for mileage to which he would otherwise be entitled. B-131522, June 3, 1957, copy enclosed.

Accordingly, as to the guidance given in the subject memorandum, the first point is correct and the second point is not. We trust this assists you in responding to your constituent. We have returned your enclosures as requested.

Sincerely yours,

R.F.KELLER

Deputy Comptroller General
of the United States

Enclosures

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-08-2001 BY 60322 UCBAW/STP

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-08-2001 BY 60322 UCBAW/STP

