UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Fisheries Science Center
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MEMORANDUM: Southwest Fisheries Science Center Staff

FROM: Kristen C. Koch, Deputy Science and Research Director

SUBJECT: Use of Government Vehicles at Southwest Fisheries Science Center (SWFSC)

This memorandum describes the policies and procedures for use of Government vehicles at the SWFSC. It includes SWFSC-specific guidance as well as excerpts of the following documents that address the use of Government vehicles : Federal Management Regulation (FMR) – 41 Code of Federal Regulations (CFR) Subchapter B, Subpart C, Part 102-34, Motor Vehicle Management; 41 CFR 301-10.201-220; NOAA Administrative order (NAO) 217-106; the Federal Property Management Regulations (FPMR), Part 38 Motor Equipment Management, Subpart 114S-38.3 Official Use of Government Vehicles; the Logistics Management Branch GSA Vehicle Guidelines; Federal Acquisition Regulations (FAR) Subchapter G, Subpart 51.2; and Title 31 of the United States Code (USC), Section 638a(c)(2):

1.0 OFFICIAL USE OF GOVERNMENT MOTOR VEHICLES

It is the responsibility of every official concerned with the use of a motor vehicle to assure that all employees under his/her supervision who operate or use a Government vehicle are fully acquainted with the following requirements:

a. Have an official Government identification or travel order.
b. Keeping vehicle in safe mechanical condition and reporting all suspected defects;
c. Keeping vehicle equipped with necessary tools, safety items, etc.;
d. Being versed on defensive driving;
e. Knowing the penalties for improper use of vehicles;
f. Properly safeguarding the credit card assigned to the vehicle;
g. Knowing the limitations on use of the credit card;
h. Knowing the operator's responsibilities in the event of an accident; and
i. Using seat belts when operating the vehicle.
j. No smoking is permitted at any time in Government vehicles.

Government-owned or leased vehicles shall be used for official purposes only. "Official" purposes are defined as those necessary activities required to carry out NOAA programs. Official

use for employees in travel status shall include transportation between places of temporary lodging and those places where official business is to be conducted when public transportation is not available or its use would be impractical.

When in travel status, official use will also include transportation between temporary place of lodging and/or duty station to suitable eating places, drugstores, barber shops, places of worship, cleaning establishments, and similar places necessary for the sustenance, comfort or health of the employee in order to foster the continued efficient performance of Government business.

1.1 HOME-TO-WORK USE

Under no circumstances are Government-owned or leased vehicles to be used between an employee's place of duty and residence.

1.1.0 Federal Tort Claims Act - Insurance Requirement:

Government Liability. In the operation of a government vehicle while on duty, Federal employees are released from personal liability by the Federal Tort Claims Act. This law makes action against the United States the exclusive remedy of a complainant.

Employee Liability. There have been cases where employees have deviated from the proper route of travel and have been held to be operating the vehicle outside the scope of their employment, in which cases they may be held personally liable. Except when the scope of their employment dictates otherwise, operators of Government motor vehicles shall obey posted speed limits. Operators will also be cognizant of the effects that weather and traffic conditions have on travel speeds.

Nothing in this section is to be construed as authorizing non-official use if extra insurance is obtained. All rules and regulations concerning officials use must be complied with at all times. Employees are cautioned to use discretion and tact in the operation of Government-owned or leased vehicles and a re reminded that al State and local laws of operation, (speed limits, etc.) must be observed, and that courtesy must be practiced at all times.

1.2 ALL DAY TRAINING COURSE USE

GSA Vehicles will normally not be used to transport employees to/from these courses. Employees should submit a request for local travel, under which reimbursement for mileage costs, in excess of normal commuting distance, and parking fees may be allowed according to the Federal Travel Regulations.

1.3 NATIONAL SAFETY COUNCIL DEFENSIVE DRIVING COURSE

GSA offers the National Safety Council Defensive Driving Course on-line and at no cost. Any NOAA organization that leases a GSA vehicle can access the training by following the guidance listed below. GSA is offering this course in order to track and trend motor vehicle accidents based on location by using our office GSA Customer Number.

To take the course:

New Students:

Go to http:drivethru.fss.gsa.gov/

1. Under the Application Access menu select the Defensive Driving Course Button.

2. Enter your e-mail address and the GSA Fleet customer number: 080100136000903

3. You will be presented with a registration page. Fill in all your information, including a login ID and a password of your choice, then click on Submit. (Please note - you will receive a confirming email reminding you of the user name and password you created for access to the site at a later date.)

4. On the "My Place" page, click on Safety

5. Then on the "My Course" page, click on NSC Defensive Driving Course 8th Edition to begin the course

2.0 RESPONSIBILITIES OF USERS IN THE EVENT OF FINES, INFRACTIONS OR VIOLATIONS

a. Parking: From time to time NOAA employees receive parking violation notices while on official business with Government-owned or leased motor vehicles. Even though employees are personally responsible for moving and parking violations, relief can be obtained if certain conditions are met.

Federal employees may be excused from parking infractions if committed during the course of urgent government business if no other legal spaces were reasonably available and so long as the parking violation did not block traffic or cause a safety problem. However, the defense of being a government employee on urgent business will not excuse the following violations:

- rush hour lane
- fire hydrant
- crosswalk
- bus stop or zone
- school zone
- sidewalk
- blocking a driveway or an alley
- failure to display U.S. Government Parking Permit on the front windshield when parking in a Government designated space." (If applicable.)

b. Violation of State and Local Vehicle Traffic Laws: Operators of government-owned or leased motor vehicles shall become familiar with and obey all motor vehicle traffic laws of the State(s) and local jurisdictions in which they operate. Violation of State or local motor vehicle traffic laws can result in a fine and/or imprisonment of the motor vehicle operator.

c. Fines: Fines imposed on a government employee for an offense committed by him/her while in the performance of, but not as a part of, the employee's official duties are imposed on the employee personally and payment thereof is his or her personal responsibility.

3. 0 TRAFFIC ACCIDENTS

Each vehicle has an Accident Packet in the glove compartment of the vehicle. The form (SF 91) is to be completed by the operator along with any additional information relative to the accident. The NOAA Dispatch Pool Manager (Stan Krom in La Jolla, Ben Genegabus in Pacific Grove, and Dale Chastagner in Santa Cruz) is to be contacted as soon as possible.

In case of an accident:

1. Stop immediately.

2. Take steps to prevent another accident at the scene.

3. Call a doctor or ambulance if necessary.

4. Notify police.
5. DO NOT sign any paper or make any statement as to who was at fault (except to your supervisor or to a Federal government investigator).

6. Get name and address of each witness. Ask the witness to complete Standard Form 94, Statement of Witness in the Accident reporting kit (located in the glove compartment).

7. State your name, address, place of employment, name of your supervisor, and upon request, show your operator's permit and vehicle registration card. (NOTE: Only government-owned or leased vehicles registered in the District of Columbia or displaying state tags have registration cards.
8. Complete Standard Form 91, Motor Vehicle Accident Report.

9. Notify Dispatch Pool Manager as soon as possible
   Stan Krom (La Jolla): (858) 546-7139 or 864-4137
   Ben Genegabus (Pacific Grove): (831) 648-8516
   Dale Chastagner (Santa Cruz): (831) 420-3901 or (831) 238-1970

10. If unable to reach the Dispatch Pool Manager, contact the GSA Maintenance Control Center at 1-888-622-6344.

11. If you are unable to contact the Dispatch Pool Manager or the GSA Maintenance Control Center due to an accident after normal duty hours, and, the vehicle is unsafe to drive, have it towed to the nearest repair shop and contact the Dispatch Pool Manager as soon as possible.

4.0 IN CASE OF VEHICLE BREAKDOWN

1. Notify Dispatch Pool Manager as soon as possible
   Stan Krom (La Jolla): (858) 546-7139 or 864-4137
   Ben Genegabus (Pacific Grove): (831) 648-8516
   Dale Chastagner (Santa Cruz): (831) 420-3901 or (831) 238-1970

2. If unable to reach Dispatch Pool Manager or if it is after normal duty hours, contact the GSA Maintenance Control Center at 1-888-622-6344.

5.0 TRANSPORTATION OF NON-GOVERNMENT PERSONNEL AS PASSENGERS IN GOVERNMENT MOTOR VEHICLES

1. Transportation of nongovernment personnel on NOAA motor vehicles is considered in the best interests of the Government if the transportation heightens the continuing public awareness of the NOAA mission and its programs.

2. NOAA shall provide transportation for accredited scientific observers, students, guest scientists, foreign government officials, special groups, and representatives when arrangements and approval are given in advance.
3. Approvals shall be granted only in those instances where it is in the Government interest, when conveyances are used to conduct Government business, and when the transportation of nongovernment passengers does not interfere with NOAA operations.

4. The Center Management and Motor Vehicle Operator may authorize passage in emergencies involving the protection of life and property.

5. Privately owned property transported in NOAA vehicle shall be limited to small items authorized by Center Management or the Motor Vehicle Operator.

6. 0 RELATIVES AND GUESTS OF SPONSORING NOAA PERSONNEL

Transportation of relatives and guests of NOAA personnel may be authorized to travel in NOAA motor vehicles as long as:

a. the relative or guest is accompanied by the sponsoring NOAA personnel;
b. all accommodations and other personal expenses of the relatives and guests are the responsibility of the sponsoring NOAA personnel and their relatives and guests; and
c. the transportation of relatives and guests of sponsoring NOAA personnel shall not:
   1. cause the Government to incur any additional expense;
   2. delay Government business; and
   3. involve private profit-seeking activities or commercial dealings other than consumer purchases.

7. 0 GOVERNMENT CONTRACTORS USE OF GOVERNMENT VEHICLES

Government contractors may use Government vehicles when authorized under applicable procedures and the following conditions:

(a) Motor vehicles are used for official purposes only and solely in the performance of the contract.

(b) Motor vehicles cannot be used for transportation between residence and place of employment, unless authorized in accordance with 31 U.S.C. 1344 and subpart 101-6.4 of this title.

(c) Contractors must:

(1) Establish and enforce suitable penalties against employees who use, or authorize the use of, such motor vehicles for unofficial purposes or for other than in the performance of the contract; and

(2) Pay any expenses or cost, without Government reimbursement, for using such motor vehicles other than in the performance of the contract.

8.0 UNOFFICIAL USE OF A GOVERNMENT VEHICLE:

GSA reports the matter to the head of the agency employing the motor vehicle operator. The employing agency investigates and may, if appropriate, take disciplinary action under 31 U.S.C. 1349 or may report the violation to the Attorney General for prosecution under 18 U.S.C. 641.

Penalties of misuse of Government Motor Vehicles owned or leased by the Government:
If an employee willfully uses, or authorizes the use of, a motor vehicle for other than official purposes, the employee is subject to suspension of at least one month or, up to and including, removal by the head of the agency (31 U.S.C. 1349).

9. 0 USER RESPONSIBILITY IN PROTECTING GOVERNMENT MOTOR VEHICLES:

When a Government-owned or -leased motor vehicle is under your control, you must:
(a) Park or store the vehicle in a manner that reasonably protects it from theft or damage.

(b) Lock the unattended motor vehicle. (The only exception to this requirement is when fire regulations or other directives prohibit locking motor vehicles in closed buildings or enclosures.)

10.0 GOVERNMENT VEHICLE CHECKOUT PROCEDURES:

1. To assure that Government vehicles are available for use there is usage limit of no more than 3-days with exceptions to be considered only under extenuating circumstances and with approval of the exemption request by the SWFSC Director or Deputy Director (e.g., rental vehicles are not useable because the authorized travel takes place in Mexico)

Pacific Grove Site: ERD Federal Employees are encouraged to use the GSA sedan for official use instead of their POV.

2. Each operator must have a valid Driver's License and either a U.S. Government ID (CAC – Common Access Card) or a authorized travel order in his or her possession each time a GSA vehicle is operated.

3. **La Jolla Sites:** Each operator must sign the vehicle out with each use and indicate an estimated time of return using the "TPC and LJSD Vehicle Registration" link located on the SWC Intranet Portal (http://lajolla.noaa.gov/) located in the "Calendar" Section.

   Santa Cruz Site: Each operator must sign the vehicle out and back in with each use and indicate an estimated time of return using the "Vehicle Check-out" form located in the Facility Manager's office, room 101. Advance reservations for a vehicle may be made using the reservation calendar in the Facility Manager's office.

   Pacific Grove Site: The driver must sign the vehicle out with each use and indicate an estimated time of return. Drivers are asked to reserve the vehicle on the sign-out log as far in advance as possible.

4. **La Jolla Sites:** Keys for vehicles in the lot should be returned to the sign-out board in the mailrooms of Torrey Pines Court and La Jolla Shores Drive.

   Santa Cruz Site: Keys for vehicles in the lot should be returned to the sign-out board in the Facility Manager's office, room 101.

   Pacific Grove Site: Vehicle keys should be returned to the sign-out clipboard in the Administrative Assistant Office, Rm 29A.

5. Honor the vehicle sign-out system. Do not take keys to a vehicle someone has reserved in advance.

6. **La Jolla Sites:** Vehicles should have their gas tanks filled completely whenever the vehicle has less than 1/4 tank. Use only unleaded gas paid for with the U.S. Government Fleet Services Voyager credit card. The GSA credit card is on each vehicle's key chain. A list of fuel merchants that accept the U.S. Government Fleet Services Card is posted on the sign-out board in the mail rooms and in the glove box of each vehicle. Purchases from suppliers not listed above except in an emergency may be the responsibility of the driver.

   Santa Cruz Site: Vehicles should have their gas tanks filled completely whenever the vehicle has less than 1/2 tank. Use only unleaded gas paid for with the U.S. Government Fleet Services Voyager credit card. The GSA credit card is on each vehicle's key chain. Most major gas stations will accept the U.S. Government Fleet Services Voyager credit card. Purchases from suppliers that do not accept the U.S. Government Fleet Services Voyager credit card, except in an emergency, may be the responsibility of the driver.

Pacific Grove Site: It is the driver's responsibility to fill-up when the tank is half empty. Upon return, the vehicle operator will place the gas receipt in the envelope attached to the sign-out clipboard located in Room 29A.

7. **La Jolla Sites:** Vehicle operator must turn in the gas receipt and fill out the "Daily Vehicle Usage Report" log when picking up and returning the vehicle key to the mail room (312 for TPC and A-201 for LJSD).

   Santa Cruz Site: Vehicle operator must turn in the gas receipt when returning the vehicle key to the Facility Manager's office.

   Pacific Grove Site: Drivers are responsible for the care and condition of the vehicle in their use. Report any problems to Ben Genegabus (831-648-8516) or Eleanor Domalaog (831-648-8515).

8. **La Jolla Sites:** Drivers are responsible for the care and condition of the vehicle used. Report any problems on the sign-out log as well as entering an O&M Help Desk Request, through the SWC Intranet, as a Facilities / Maintenance Incident. Please ensure all belongings and trash are removed from the vehicle before returning the keys.

   Santa Cruz Site: Drivers are responsible for the care and condition of the vehicle used. Report any problems to the Facility Manager. Please ensure all belongings and trash are removed from the vehicle before returning the keys.

   Pacific Grove Site: Please ensure all belongings and trash is removed from the vehicle before returning the keys.

9. Roll up windows and lock vehicles while they are parked, including when they're parked at the SWFSC facilities.

10. Federal property management regulations prohibit smoking in Government vehicles.

11. If you have questions or concerns with these procedures, please contact the O&M Director.