



United States
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Office of the General Counsel

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November 23, 1993

Mr. Don E. Hansen
Travel and Relocation Systems
Division, AAA-300
Office of Accounting
Federal Aviation Administration
U.S. Department of Transportation
Washington, D.C. 20591

Dear Mr. Hansen:

This further responds to your correspondence of July 13, 1993, forwarding a request from the Federal Aviation Administration's Alaska Regional Administrator for an opinion on the use of government vehicles for after-hours transportation to areas away from the immediate work site by employees assigned to temporary duty at Cold Bay, Alaska.

The request concerns FAA maintenance personnel who are rotated in and out of Cold Bay every 2 weeks. The Regional Administrator states that Cold Bay is a small, remote community access to which is via scheduled air service from Anchorage, 630 miles away, and limited ferry service during the summer. Recreational activities are limited to satellite television, hiking, hunting, fishing, the Cold Bay Federal Community Services Facility, chapel, Ceramics Club and a Rod and Gun Club. The Regional Administrator further states that there are no commercial automobile rental agencies, taxis or other ground transportation services available at Cold Bay and, because these employees are not permanently stationed at Cold Bay, shipment of privately owned vehicles is not authorized.

The employees use FAA vehicles while performing official duties at Cold Bay, but these vehicles are generally not in use after duty hours. The Regional Administrator states her opinion that using the FAA vehicles for travel away from the work site after duty hours is necessary for their health and welfare. However, she questions whether it is appropriate to allow the employees to use these vehicles to reach recreational sites in light of the penalties associated with misuse of government vehicles.

31 U.S.C. § 1344 authorizes use of appropriated funds for the operation of passenger carriers only to the extent they
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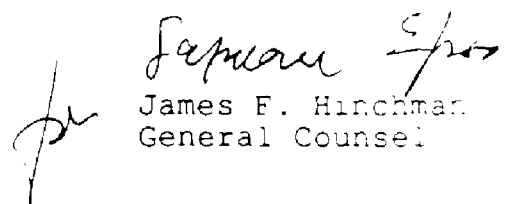
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The Regional Administrator also notes, however, that a provision of the Federal Travel Regulations appears to authorize the type of off-duty use of government vehicles contemplated for employees at Cold Bay. That provision, found at 41 C.F.R. § 301-2.6(a) (1993), authorizes the use of government-furnished vehicles for transportation at temporary duty sites to "suitable eating places, drug stores, barber shops, places of worship, cleaning establishments, and similar places necessary for the sustenance, comfort, or health of the employee to foster continued efficient performance of Government business."

Neither this Office nor the General Services Administration, which issues the Federal Travel Regulations, has further defined this provision. Therefore, the application of this provision is a matter left to a reasonable degree of agency discretion. We would not object to an FAA policy that allowed a limited use of government-owned vehicles at Cold Bay, in view of the described conditions there, for transportation to and from recreational sites, provided the policy contained adequate controls to prevent abuse and ensure accountability.

You should be aware also that expanding the authorized uses of agency-owned vehicles may increase the agency's exposure to liability under the Federal Tort Claims Act, 28 U.S.C. §§ 2671, et seq. (1988). See e.g., Ruben Carranza, 68 Comp. Gen. 186 (1989). For guidance on this issue, you may wish to consult with officials in the Civil Division of the Department of Justice.

Sincerely yours,


James F. Hinchman
General Counsel

¹(...continued)
are used for official purposes. 31 U.S.C. § 1347(b) provides penalties for misuse of such a vehicle. Another provision allows heads of agencies to prescribe by rule appropriate conditions for the incidental use, for other than official business, of vehicles owned or leased by the government." Pub. L. No. 101-194, §994-9 503, 103 Stat. 175 (1989), 31 U.S.C. § 1344, note.

²We informally consulted with an official at GSA, who concurs in this analysis.