

DHS PARKING PROGRAM DIRECTIVE

I. Purpose

This Directive establishes the Department of Homeland Security (DHS) policy concerning the use of appropriated funds to procure parking in commercial facilities for employees who commute to work in privately-owned vehicles (POV) and to establish guidelines for parking POVs in federally-owned and Government-leased locations.

II. Scope

- A. This Directive applies to all DHS federal employees.
- B. Those DHS Components with broad authority to determine the compensation of their employees outside of the normal Title 5 of the United States Code (U.S.C.) statutes, such as the Transportation Security Administration (TSA), may consider their Component-unique compensation packages when examining their authority to procure commercial parking.
- C. This policy does not apply for parking POVs at Government-owned sites. For these cases, the General Services Administration (GSA) policy and guidance is to be followed.
- D. This policy does not apply to Government-owned vehicles (GOV) parking.

III. Authorities

- A. Title 5, U.S.C., § 7905, "Programs to Encourage Commuting by Means Other than Single Occupancy Vehicles"
- B. Title 41, Code of Federal Regulations (C.F.R.), §101-6.300
- C. Title 41, C.F.R. §102-74.205, "Promote" Carpool, van pool, buses"
- D. Federal Property Management Regulations, 41 C.F.R., Chapter 101 (revised July 2000), §101-20.003 through 101-20.104.4, inclusive
- E. Americans with Disabilities Act of 1990

- F. Rehabilitation Act of 1973
- G. DHS Delegation 00002, "Delegation to the Under Secretary for Management"
- H. DHS Delegation 00500, "Delegation for Administrative Services"

IV. Reference

- A. Department of Homeland Security - Use of Management Directorate to Pay Costs of Component Agencies, B-307382, (Comp. Gen. Sept. 5, 2006)
- B. Use of Appropriated Funds to Pay Commercial Parking Costs of Severely Disabled Employees, B-211812, (Comp. Gen. Mar. 26, 1984)
- C. U.S. International Trade Commission - Use of Appropriated Funds to Subsidize Employee Parking Permits, B-322337 (Comp. Gen. Aug. 3, 2012)
- D. United States Commission on Civil Rights, Parking Fees for Employees with Disabilities, B-291208 (Comp. Gen. Apr. 9, 2003)

V. Responsibilities

- A. The **Under Secretary for Management** is responsible for all aspects of this Directive.
- B. The **Chief Readiness Support Officer (CRSO)** is responsible for the formulation of overall DHS parking policy and programs and for the oversight of administrative practices affecting all such programs in all DHS locations.
- C. **Component Heads** or **their designees** are responsible for enforcing this policy in their respective Components.
- D. **Component Parking Program Managers** forward a copy of their operating guidelines and policies to CRSO's National Capital Region Transportation Coordinator for review and approval, and keeps such operating guidelines and policies current with this policy.
- E. **Component Senior Acquisition Officials** ensure that contract files for commercial parking procurements include and document all required determinations and justifications.
- F. **DHS Federal Employees** are responsible for ensuring all information contained in their parking assignment application is accurate and updated as necessary and for seeking renewal prior to expiration. Employees may not concurrently participate in any parking programs and a transit subsidy program.

VI. Policy and Requirements

A. **General:** Ordinarily it is the responsibility of employees to furnish their own transportation to and from their place of employment. Should an employee use a POV to commute to work, the Government, in general, cannot use appropriated funding to provide parking, except under certain conditions as follows:

1. **Parking Needs Determination:** A determination is made in writing that the lack of parking facilities significantly impairs operating efficiency and is detrimental to the hiring and retention of personnel.
2. **Reasonable Accommodation:** Appropriated funds may be used to pay the amount a disabled employee pays exceeding the amount paid by a non-handicapped employee who obtains commercial parking. Handicapped parking is available for applicants who are formally designated as disabled employees by proper DHS authority and for the term specified in their certification. Parking management reserves the right to seek recertification as appropriate. See 42 U.S.C. § 12102 for the definition of disability. Disability includes, in general:
 - a. Using a wheelchair, a cane, crutches, or a walker;
 - b. Difficulty performing one or more functional activities (seeing, hearing, speaking, lifting/carrying, using stairs, walking or grasping small objects); and
 - c. Difficulty with one or more activities of daily living (getting in or out of bed or a chair, bathing, dressing, eating, toileting, getting around inside the home).

B. **Vanpools and Carpools:** Components are authorized to subsidize parking for licensed vanpool and certified carpool vehicles. To promote energy conservation, vanpools have preference over carpools.

C. **Parking Needs Determination:** A DHS Component must perform analysis, considering pertinent factors, and make a determination in writing that the lack of POV parking will significantly impair operating efficiency and is detrimental to the hiring and retention of personnel. A formal determination justifying use of appropriated funds for a personal expense is required to be submitted by the Component Head or their designee to the Chief Readiness Support Officer who reviews and determines the validity of the requirement and submits the request to GSA.

DHS Components requiring POV parking should first use Government-owned or leased facilities. Upon acceptance of a request, if GSA can provide the parking, GSA will designate parking to fulfill the DHS request. In this case, GSA policy and guidance will be followed. If GSA cannot provide the parking, GSA will authorize DHS to obtain commercial parking. DHS Components may use their procurement authority to acquire parking by service contract, provided that the necessary documentation shall be maintained in the contract file.

1. The requirements of this Directive guide the use of parking spaces controlled by DHS Components, Directorates, and Headquarter Offices, but contracted to a third party for management purposes. In cases where DHS exercises no allocation control over parking permits, consultation must occur with legal counsel prior to taking any action to overrule the parking related decisions of a third party.
2. Commercial parking may be procured as necessary for Government-owned vehicles such as DHS law enforcement and emergency management vehicles and vehicles owned-and-operated for DHS business purposes.

D. **Required Analysis for Parking Needs Determination:** All DHS Components procuring commercial parking for POVs in a major metropolitan area are required to explain in writing the consequences for operating efficiency if the DHS Component does not pay for employee parking. The following factors should be considered as applicable: (1) daily hours of employment; (2) amount of likely overtime; (3) frequency of public transportation during peak hours; (4) cost of public transportation; (5) location of residences of majority of workforce and commuting time; (6) available parking in area; (7) other relevant factors including safety of employees using public transportation; (8) the impact on air quality; (9) traffic congestion; (10) energy conservation (public policy initiatives); (11) promotion of ridesharing; (12) policy of providing transit benefits to encourage mass transit use; (13) telework; (14) flexible work schedules; (15) recruitment tools; and (16) subsidized parking by non-federal employees. In addition, the Component may consider agency-unique compensation packages (e.g., TSA) and compelling security issues (e.g., where an agency rents an entire building located over a commercial parking garage). Components need not engage in the same level of analysis to obtain commercial parking for Government-owned or leased vehicles.

E. **Priority of Parking:** The priority of parking is governed by 41 CFR 102-74.305.

F. **Transit Benefits:** Transit subsidy participants are not eligible to receive subsidized commercial parking.

G. **Taxable Fringe Benefit.** For each employee that receives subsidized parking, a determination will be made to identify the portion, if any, that constitutes a taxable as a fringe benefit, and that amount will be reported on the employee's W-2.

VII. Questions

Address any questions or concerns regarding this Directive to the Office of the Chief Readiness Support Officer.



Chip Fulghum
Acting Under Secretary for Management

8/4/17

Date

Appendix A: Definitions

- A. **Carpool:** Individuals who commute to and from work together on a regular full-time basis via a motor vehicle, and who are registered with the agency as a carpool for the purpose of receiving a subsidized federal parking benefit. A carpool consists of at least two riders, in addition to the driver.
- B. **Commercial Parking:** Any independently owned-and-operated entity which charges a fee to the public to park vehicles within a structure or lot.
- C. **Federal Employee Parking Benefit:** Parking privileges provided on limited access federally-owned or leased property without charge to an employee or members of a carpool.
- D. **General Services Administration (GSA):** GSA issues the Government's parking policy standard to which DHS adheres. GSA policy requires a formal query requesting additional parking. If GSA can provide the parking, they will obtain the spaces on behalf of DHS. If they cannot, they will then authorize the agency to obtain the spaces.
- E. **Official Needs:** Parking spaces allocated for Government-owned vehicles or service vehicles directly servicing the needs of a particular facility on a frequent basis.
- F. **Parking Permits:** A device used for identifying vehicles qualified and authorized to park in a designated area. Permits may vary in term and are not a guarantee that a parking space is available.
- G. **Privately-owned vehicles (POV):** Any vehicle, such as an automobile or motorcycle, operated by an individual that is not owned or leased by a Government agency, and is not commercially leased or rented by an employee under a Government rental agreement for use in connection with official Government business.
- H. **Reserved Parking:** A DHS-controlled parking space that is reserved for the use of one specific individual or individuals.
- I. **Site Specific Rules:** A set of rules developed by a local activity and approved by the Office of Chief Readiness Support Officer designed to enforce this policy on a unique site with unique parking conditions.
- J. **Third Party Managed Parking:** Parking included within the normal leasing arrangement space of the DHS facility, including all Component facilities, controlled spaces allocated by a third party, such as a garage management firm, and that may be used for the parking of Government vehicles, other official vehicles, employee vehicles, or visitor vehicles.
- K. **Un-Reserved Parking:** A parking space without dedicated assignment.

Appendix A: Definitions

L. **Unusual Hours**: Work hours that are frequently varied and do not coincide with any regular work schedule and regularly extend beyond an 8-hour work day. This category specifically excludes employees working shift hours, alternative work schedules, or who work an approved exception to normal work hours, such as a flex schedule. Typically, this is a circumstance where the work hours are varied, required and approved by management, outside of regular commuting and parking needs, and in which parking issues regularly arise.

M. **Vanpool**: A group of at least 7 persons using a mini-van, passenger van, or a commuter bus for transportation to and from work in a single daily round trip.