

Issue Date: 01/24/2003

COMMUTER TRANSIT SUBSIDY BENEFITS PROGRAM

I. Purpose

This directive establishes the Department of Homeland Security (DHS) policy for the Commuter Transit Subsidy Benefits Program.

II. Scope

This directive applies to all DHS organizational elements serviced by DHS Office of Administration. All organizational elements that receive administrative support from another Federal agency or that have existing programs, should continue to use these procedures until a DHS-wide system is developed and implemented.

III. Authorities

This directive is governed by numerous Executive Orders, Public Laws, and national policy, such as:

- A. Public Law 102-486, Section 1911, Treatment of Employer Provided Transportation Benefits, effective December 31, 1992.
- B. Public Law 103-172, Federal Employees Clean Air Incentives Act, effective January 1, 1994.
- C. Internal Revenue Service Notice 94-3 dated 1994, Qualified Transportation Fringes Under Code 26 USC, Section 132(f).
- D. Public Law 105-178, Transportation Equity Act for the 21st Century dated June 9, 1998.
- E. Executive Order 13150 dated April 21, 2000.
- F. 26 Code of Federal Regulations, Chapter 1, Subchapter A, Part 1, Qualified Transportation Fringes.

IV. Definitions

- A. **Carpool Members**: 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 free Federal parking benefit.
- B. **Commuter Highway Vehicle (Vanpool)**: Any highway vehicle with a seating capacity of at least 6 adults (not including the driver). At least 80 percent of the mileage use of this vehicle can reasonably be expected to be for the purpose of transporting persons between their residences and their place of employment. During such trips, the number of persons transported is at least half of the adult seating capacity of the vehicle (not including the driver).
- C. **Department-wide Service Agreement**: An agreement with an external source to administer the Department-wide Commuter Transit Subsidy Benefit Program by purchasing and distributing faremedia (i.e., vouchers, Metrocheks, Passes, tokens, etc.) to eligible employees in the DHS workforce.
- D. **Direct Transit Benefits**: Benefits provided to employees in the form of vouchers purchased and paid for by the agency. This type of benefit applies in those areas where vouchers are available which can be exchanged for qualified transit facility passes, e.g., bus/rail passes, tokens, fare cards, tickets, vanpool services, etc.
- E. **Free Federal Parking Benefit**: Parking space on limited access Federally- owned or leased property provided without charge to an employee or members of a carpool.
- F. **National Capital Region (NCR)**: Per Executive Order 13150 definition, consists of the District of Columbia; Montgomery, Prince George's, and Frederick Counties in Maryland; Arlington, Fairfax, Loudon, and Prince William Counties in Virginia; and cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of the counties listed above.
- G. **Qualified Transit Facility Cost**: The cost of any pass, token, fare card, voucher, or similar item entitling a person to transportation (or transportation at a reduced price) on qualified transit facilities.
- H. **Qualified Transit Facilities**: Private or publicly-owned mass transit systems. This includes but is not limited to: buses, subways, rail, light rail, elevated rail, streetcars, trolleys, ferries, and commuter highway vehicles.
- I. **Qualified Vanpool**: See Commuter Highway Vehicle above.

V. Responsibilities

- A. The **Under Secretary for Management** shall be responsible for all aspects of this directive.
- B. The **Director, Office of Administration** shall:
1. Provide Departmental policies and standards for the Commuter Transit Subsidy Benefit Program;
 2. Designate a Commuter Transit Subsidy Benefit Program Coordinator to coordinate the program for the Department.
 3. Develop Department-wide policy, guidance, and provide oversight of the Commuter Transit Subsidy Benefit Program.
 4. Provide technical assistance and consultative services for organizational elements on complex transportation transit benefit issues.
 5. Conduct periodic evaluations of programs to ensure compliance with applicable Federal and Departmental regulations and guidelines.
 6. Assist transit subsidy coordinators in organizational elements with inquiries related to the distribution of transit subsidy Metrochecks outside the NCR.
- C. The **Transit Subsidy Benefit Coordinator** shall implement a DHS Commuter Benefit Program for DHS NCR employees to be operational March 1, 2003.

VI. Policy & Procedures

- A. **Policy**: Federal employees on detail from other agencies shall continue to use their organizational element's transit benefit program until a comprehensive DHS wide commuter benefit program is developed and implemented. The Director of Administration, in conjunction with the CFO, will determine the amount and type of benefits to be provided by the program, including qualifying expenses eligible to be reimbursed where transit benefits are not available. The Director of Administration may provide a waiver or exemption of the eligibility requirements, if deemed appropriate. A DHS-wide Commuter Transit Subsidy Benefit Program vendor agreement may be negotiated to distribute faremedia (Metro checks, vouchers, passes, etc.) to eligible employees. The Transit Benefit Coordinator must collect and turn into the Department of Transportation for credit unused fare media. It is the Transit Benefit Coordinator's discretion on how much to collect.

B. **Procedures:**

1. All eligible employees who wish to enroll in the Department of Homeland Security commuter transit benefit program should complete the attached application form and return it to the Transit Subsidy Benefit Coordinator for approval.
2. A memorandum will be issued with a schedule of dates/locations for the distribution of transit subsidy benefits for eligible NCR employees.
3. The list of employees receiving transit subsidies will be verified against the parking data base to determine that there are no violations.
4. On a quarterly basis, the list of employees receiving a transit subsidy will be reviewed to verify that employees are not also receiving Federal parking privileges as a carpool member.
5. Notify appropriate organizational element representatives of carpool members on the transit subsidy list who are receiving Federal parking privileges, and terminate parking privilege in those cases that are not resolved within one week.
6. Conduct annual program evaluations to ensure compliance with applicable Federal and Departmental Regulations and guidelines.
7. Complete appropriate forms and required reports related to the program.

C. **Questions or Concerns Regarding the Process:** Any questions or concerns regarding this directive should be addressed to the Office of the Under Secretary for Management.