

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

DEPARTMENTAL REGULATION		Number: 4060-002
SUBJECT: Commuter Transit Subsidy Benefit Program	DATE: October 9, 2001	
	OPI: Office of Human Resources Management	

1 PURPOSE

This regulation states the authority, policy and responsibilities for managing the Department of Agriculture's (USDA) Commuter Transit Subsidy Benefit Program.

2 POLICY

USDA supports programs which improve air quality and reduce traffic congestion. USDA encourages its employees to commute to work by methods other than single-occupant vehicles.

3 CANCELLATION

This directive supersedes DR 4060-2, Transit Incentives, dated December 15, 1998.

4 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 USDA 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 Capitol 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 (as defined in "b" above).
- i Qualified Vanpool. See Commuter Highway Vehicle above.

5 AUTHORITIES

- 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, Part 1, Qualified Transportation Fringe Benefits.

6 RESPONSIBILITIES

a The Assistant Secretary for Administration (ASA) will:

- (1) Advise the Secretary of Agriculture, mission area/agency heads, and staff officials in the development and implementation of policies, programs, and oversight of the Commuter Transit Subsidy Benefit Program; and,
- (2) Grant waivers as appropriate to a Department-wide service agreement.

b The Director of the Office of Human Resources Management (OHRM) will:

- (1) Advise the ASA and agency and staff officials in planning, developing, and implementing policies, programs and systems to manage the Commuter Transit Subsidy Benefit Program;
- (2) Provide and interpret Departmental policies and standards for the Commuter Transit Subsidy Benefit Program; and,
- (3) Approve plans of mission areas/agencies/staff offices not participating in a Department-wide service agreement.

c The Director, Safety, Health and Employee Welfare Division will:

- (1) Develop Department-wide policy, guidance, and provide oversight of the Commuter Transit Subsidy Benefit Program;
- (2) Provide agency and staff officials with technical assistance and consultative services for complex transportation transit benefit issues; and,
- (3) Conduct periodic evaluations of programs to ensure compliance with applicable Federal and Departmental Regulations and guidelines.

d The Director, Office of Operations will:

- (1) Designate a Program Coordinator to:
 - (1) Establish and publicize dates and locations for the distribution of transit subsidy Metrocheks to eligible employees in the NCR;
 - (2) Assist mission/area/agency/staff office transit subsidy coordinators with inquiries related to the distribution of transit subsidy Metrocheks within the NCR
- (2) Review on a quarterly basis, the list of employees receiving a transit subsidy for verification that those employees are not also receiving Federal parking privileges as a carpool member;
- (3) Verify the list of employees receiving a transit subsidy against the parking data base to determine that there are no violations; and,
- (4) Notify appropriate mission area/agency/staff office representative 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.

e Mission Area/Agency Heads/Staff Office Directors will:

- (1) Designate a Commuter Transit Subsidy Benefit Program Coordinator for both Headquarters and Field locations to coordinate the program with both external sources and internal USDA offices;
- (2) Participate in any Department-wide negotiated Commuter Transit Subsidy Benefit Program vendor service agreement to distribute faremedia (Metrocheks, vouchers, passes, etc.) to eligible participating employees unless granted a waiver by the ASA;
- (3) Implement procedures for cash reimbursement of qualifying expenses in areas where direct transit benefits are not available. The process must include: 1) completed and signed AD-1147,

Public Transportation Benefit Program Application; 2) proof of use of qualified transit facilities or commuter highway vehicles, unless such proof is not available. Then, the employee's initial application will suffice; and, 3) the Office of Chief Financial Officer's guidance for processing cash reimbursement of qualifying expenses in areas where direct transit benefits are not available. For agencies using the Central Accounting System at the National Finance Center, a "Miscellaneous Payments System" (MISCPAY) voucher Form AD-757 must be completed. Instructions for completing the MISCPAY voucher may be found in the NFC Voucher and Invoice Payments Manual, Title II, Chapter 6, Section. For agencies using the Foundation Financial Information System (FFIS) a "No Obligation" document must be completed. Agencies should refer to the FFIS reference materials for specific requirements for their agency; and,

- (4) Consult and negotiate with bargaining unions, as appropriate; and,
- (5) Conduct an annual program evaluation to ensure compliance with applicable Federal and Departmental Regulations and guidelines.

f Managers and Supervisors will:

- (2) Advise employees of their responsibilities, rights, and benefits;
- (3) Ensure all employees are treated equitably and fairly; and,
- (4) Take appropriate action when it is suspected that an employee is receiving program benefits for which they are not eligible.

g Participating employees will:

- (1) Complete an initial Public Transportation Benefit Program Application, AD-1147, certifying their use of qualified transit facilities or commuter highway vehicles to commute to and from work;

- (2) Present their USDA identification card at the time of distribution, prior to receiving vouchers, to verify their identity and continued eligibility;
- (1) Inform the Commuter Transit Subsidy Benefit Program Coordinator of any changes that will affect the amount to be received for the upcoming benefit period (e.g., increased or decreased fares, reduced commuting cost due to temporary duty away from the employee's official duty station or scheduled leave of two or more weeks duration);
- (4) Provide proof of use of qualified transit facilities or commuter highway vehicles, e.g., fare card, train ticket, etc., to the Commuter Transit Subsidy Benefit Program Coordinator when receiving cash reimbursement for these qualifying expenses. If such proof is not available, the employee's initial certification will suffice;
- (5) Use the fare media provided only for commuting to or from work;
- (6) Not give or sell fare media to others, purchase fare media from another, or otherwise abuse this benefit. False claims may be investigated and prosecuted; and,
- (7) Immediately notify the Commuter Transit Subsidy Benefit Program Coordinator in writing when he/she becomes ineligible for transit subsidy benefits for any reason. Unused vouchers must be returned with this notification.

7 PROGRAM ADMINISTRATION

a Commuter Transit Subsidy Benefits:

- (1) Employees in the NCR who commute using qualified transit facilities or commuter highway vehicles will receive up to \$65 per month (or the subsequent statutory limit), or their actual commuting cost whichever is less, in the form of a transit voucher, i.e., Metrochek supplied by the agency.

- (2) Outside of the NCR, employees who commute using qualified transit facilities or commuter highway vehicles will receive \$30 per month, or their actual commuting cost whichever is less, in the form of a transit voucher supplied by the agency. Agencies may elect to provide a greater subsidy amount for qualified expenses (up to \$65 per month or the subsequent statutory limit).
- (3) Outside of the NCR, where a voucher or similar item is not readily available for direct distribution and exchange, qualified employees will receive cash reimbursements at the end of the month. This includes locations where the lowest denomination monthly transit voucher costs more than the normal amount of monthly benefits provided to employees.
- (4) Commuter transit subsidy benefits become effective on the date of the employee's signed application. However, if the application is received after the 15th in any month, actual distribution of the faremedia will not be until the next month's distribution.

b Eligibility:

- (1) Participants must be USDA employees (i.e., full-time, part-time, temporaries, stay-in-school, etc.) who use qualified transit facilities or commuter highway vehicles for at least 50 percent of their regular monthly commuting trips, and who do not receive a free Federal Parking Benefit except as noted in b(2).
- (2) Drivers, alternate drivers, and passengers of qualified vanpools receiving a free Federal parking benefit are eligible for transit subsidy benefits.

c Recordkeeping and Reporting:

- (1) Mission areas/agencies/staff offices must maintain records to ensure recording of and accounting for expenditures (i.e., transit passes or vouchers ordered, dispensed, accounted for, etc.) to ensure protection against loss and possible abuse. Recordkeeping for those mission areas/agencies/staff offices participating in a Department-wide service agreement will be provided by the service provider to the Director of SHEWD; and,
- (2) Mission areas/agencies/staff offices not participating in a Department-wide service agreement must submit an annual report to the Director, OHRM, for the period October 1 through September 30. Reporting requirements are identified in Appendix A. Reporting for those mission areas/agencies/staff offices participating in a Department-wide service agreement will be provided by the service provider to the Director SHEWD for review and appropriate action.

8 INQUIRIES

Direct all inquiries to the Office of Human Resources Management; Safety, Health and Employee Welfare Division; Washington, D.C. 20250; telephone number (202) 720-8248.

-END-

APPENDIX A

**COMMUTER TRANSIT SUBSIDY BENEFIT REPORT
October 1 Thru September 30, _____ (Insert Year)**

Mission Area/Agency/Staff Office: _____

(2) Total Number of Employees In Mission Area/Agency/Staff Office: _____

(3) Number of Employees participating in Employer Paid Transit Subsidy:

Headquarters: _____ Field: _____

(4) What has been the employer's cost of providing the paid transit subsidy benefit?

Headquarters: _____ Field: _____

(5) What has been the increase/decrease in employee participation since the beginning of this reporting period? _____

(6) Have there been any substantiated program violations? ___ Yes ___ No
If yes, how many? _____

(7) Have the violations been addressed: ___ Yes ___ No
If no, please explain: _____

