



Department of Defense INSTRUCTION

NUMBER 4500.17

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Administrative Reissuance Incorporating Through Change 2, April 5, 1978

ASD(MRA&L)

SUBJECT: Proceedings Before Transportation Regulatory Bodies

- References:
- (a) DoD Instruction 4500.17, "Responsibilities of and Relationships Among Elements of the Department of Defense with Regard to Activities Involving Transportation Regulatory and Supervisory Bodies," August 26, 1958 (canceled hereby)
 - (b) DoD Directive 4500.20, "Notice of Subpoena to Testify Before Transportation Regulatory Bodies," October 27, 1953 (canceled by DoD Transmittal 69-2, January 16, 1969)
 - (c) DoD Directive 5160.2, "Single Manager Assignment for Airlift Service," *October 17, 1973*
 - (d) DoD Directive 5160.10, "Single Manager Assignment for Ocean Transportation," March 24, 1967
 - (e) DoD Directive 5160.53, "Single Manager Assignment for Military Traffic, Land Transportation, and Common-User Ocean Terminals," March 24, 1967

1. PURPOSE AND APPLICABILITY

1.1. This Instruction sets forth policies and responsibilities governing participation in or initiation of proceedings before transportation regulatory bodies within the United States.

1.2. The provisions of this Instruction apply to all Department of Defense (DoD) Components.

2. CANCELLATIONS

References (a) and (b) are hereby canceled.

3. DEFINITIONS

For the purpose of this Instruction, the following definitions apply:

3.1. Carrier Service. The availability and use of equipment and facilities of commercial carriers for the movement (or incident to the movement) of persons, property, and mail to or from any designated point(s).

3.2. Continental United States. The forty-eight contiguous States and the District of Columbia.

3.3. Operating Authority. The authorization issued by the appropriate regulatory body for a commercial carrier to perform the transportation service involved within specified limitations.

4. POLICY

4.1. Proceedings Involving General Rate Increases and Matters Other Than Operating Authority or Carrier Service. When a proceeding before a transportation regulatory body involves rates or other matters other than operating authority or carrier service that affect Department of Defense interests, the DoD will ensure that its position is adequately presented during the proceedings.

4.2. Operating Authority or Carrier Service. Participation by DoD in transportation regulatory body proceedings involving the inauguration, expansion, or reduction of operating authority or carrier service will be undertaken only when:

4.2.1. The Department of Defense is named as a party to the proceedings by a transportation regulatory body; or

4.2.2. A transportation regulatory body requests information from DoD on matters pending before it; or

4.2.3. The Single Manager concerned (Directives 5160.2, 5160.10 and 5160.53 references (c), (d) and (e)) determines that any one of the following situations exist within their area of responsibility as outlined in section 5., below:

4.2.3.1. There is no commercial carrier authorized to render the service required by the Department of Defense.

4.2.3.2. The services of authorized commercial carriers are inadequate to fulfill the needs of the Department of Defense.

4.2.3.3. Appreciably greater economy, frequency or speed of service to the Department of Defense will result.

4.2.3.4. The discontinuance or abandonment of an operating authority or carrier service would be detrimental to the DoD or the proposed inauguration or expansion of an operating authority or service would be beneficial to the DoD.

4.2.4. Presentations in all proceedings will be confined to a statement of Department of Defense needs or to such other information as may be required by the regulatory body (consistent with security regulations), and, with the exception of requests for emergency temporary authority and temporary authority, will be forwarded to the ASD(*MRA&L*) for approval.

4.3. Notice of Subpoena. Whenever any person (military or civilian) in the DoD is required by subpoena to testify in proceedings before transportation regulatory bodies, prompt notification of the receipt of such subpoenas and the nature of the proceedings will be transmitted immediately to the appropriate DoD Component in Washington, DC, which in turn will promptly notify the Office of the Assistant Secretary of Defense (*Manpower, Reserve Affairs and Logistics*). In such cases, notification will be transmitted so that it is received in a reasonable time before the date of the proceeding.

5. DoD REPRESENTATION

5.1. Operating Authority or Carrier Service. Single Managers listed below will, under authorities outlined in references (c) through (e), be responsible for representing the Department of Defense in transportation regulatory proceedings involving the following areas of responsibility:

5.1.1. Single Manager for Military Traffic, Land Transportation and Common-User Ocean Terminals, in proceedings involving all modes of transportation between points within the Continental United States, excluding intra- and inter-coastal service procured by *MSC* and common-user air transportation service within CONUS procured by MAC under their Single Manager operating authorities.

5.1.2. Single Manager for Ocean Transportation, in proceedings involving ocean transportation and intra- and inter-coastal service.

5.1.3. Single Manager for Airlift Service, in proceedings involving international air transportation and common-user air transportation service within the CONUS procured by MAC under its Single Manager operating authority.

5.2. Proceedings Involving General Rate Increases or Matters Other Than Operating Authority or Service

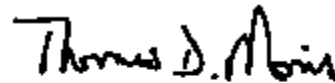
5.2.1. The responsible Single Manager will notify the Assistant Secretary of Defense (*Manpower, Reserve Affairs and Logistics*) of any scheduled proceeding involving rates or matters other than operating authority or service that is expected to have a significant effect upon the Department of Defense, together with a recommendation on the course of action that should be taken.

5.2.2. The responsible Single Manager shall represent the DoD and participate in proceedings involving general rate increases or matters other than operating authority or service only when directed to do so by the Assistant Secretary of Defense (*Manpower, Reserve Affairs and Logistics*). The other DoD Components shall provide assistance and information, as required.

5.2.3. After the proceeding has been completed, the responsible Single Manager shall inform the Assistant Secretary of Defense (*Manpower, Reserve Affairs and Logistics*) of the outcome of the case and recommend what further action, if any, should be taken. Interested DoD Components or other Single Managers shall be provided information copies of this advice.

6. EFFECTIVE DATE AND IMPLEMENTATION

This Instruction is effective immediately. Two copies of implementing documents shall be forwarded to the Assistant Secretary of Defense (*Manpower, Reserve Affairs and Logistics*) within 90 days.



THOMAS D. MORRIS
Assistant Secretary of Defense
Installations and Logistics