

MS 522 VEHICLE USE

Date: January 19, 2001; Partial revision 10/16/2006

Responsible Office: Office of the Chief of Staff

Supersedes: 07/26/96; 1/12/84; 9/24/82

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Issuance Memo of Feb. 20, 2004

Issuance Memo of Oct. 16, 2006

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ATTACHMENTS

- Attachment A Agreement Regarding Liability for Claims
 - Attachment B Daily Vehicle Log
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1.0 AUTHORITY

31 U.S.C. § 1344 and note and §1349 (Pub. L. 101-194, Title V, § 503, 1989; Pub. L. 101-280, § 6(b),1990; 22 U.S.C. 2700; 6 FAM 228 et seq.

2.0 PURPOSE

This manual section sets out Peace Corps policies and procedures for the use of Peace Corps vehicles overseas and in the United States. It provides mandatory penalties, including suspension and removal from employment, for willful violations of Peace Corps vehicle policies. It also sets out Peace Corps policy regarding private ownership and use of vehicles by employees and Volunteers overseas.

3.0 DEFINITIONS

3.1 “Home-to-work use” means use of a Peace Corps vehicle between the operator’s residence and place of employment.

3.2 “Employee” means U.S. direct-hire employees and Foreign Service National Employees, but does not include contractors.

3.3 “Staff” means employees and contractors.

3.4 “Use of a vehicle” means operating a vehicle or being a passenger in a vehicle, whereas “operating a vehicle” is limited to driving a vehicle.

3.5 “Vehicle” means a motorized vehicle with four or more wheels or an enclosed motorized three-wheeled vehicle clearly intended for use as a truck.

3.6 “Volunteer” means a Peace Corps Volunteer or Trainee.

4.0 USE OF VEHICLES OVERSEAS

4.1 General Policies

4.1.1 Country Director Responsibilities

Country Directors are responsible for the overall management of the Peace Corps vehicle fleet at each post in accordance with this manual section and the Chief of Mission’s vehicle policy. Any conflicts between Peace Corps policy and the Chief of Mission’s policy should be brought to the attention of the appropriate Regional Director. Country Directors shall ensure that Peace Corps vehicles are insured in accordance with MS 526 and shall take reasonable steps to ensure that all Peace Corps staff, and others who may use Peace Corps vehicles, are familiar with this manual section. Country Directors shall also review vehicle logs on a monthly basis pursuant to paragraph 5.3.

4.1.2 Regional Director Responsibilities

Regional Directors are responsible for approving certain types of vehicle use (see paragraphs 4.2.3, 4.2.4, 4.3.1, 4.3.3, 4.4, 4.5.2, 4.6.2), approving reimbursement rates established by Country Directors (see paragraph 4.1.9), and determining when exceptional circumstances make alternate transportation unsafe or unavailable (see paragraph 4.3.3). They are also responsible for resolving any conflicts between the Peace Corps vehicle policy and that of the Chief of Mission.

4.1.3 Vehicle Pool

Peace Corps vehicles shall be operated on a pooled basis and assigned in accordance with the provisions of this manual section. Vehicles should be garaged centrally, where practicable.

Each post is responsible for ensuring that on-call medical personnel have safe, reliable transportation readily available so they can respond promptly to medical emergencies at all times. The vehicle available for medical emergencies must be appropriate for transporting sick or injured Volunteers.

4.1.4 License Requirement

Individuals authorized to operate a Peace Corps vehicle must obtain, at their own expense, a local driver’s license as required under local law and pay any applicable fees or costs.

4.1.5 Staff Drivers

Drivers hired by the Peace Corps overseas may operate Peace Corps vehicles for Peace Corps personnel in connection with uses authorized by this manual section only. They may not be used as personal chauffeurs.

4.1.6 Passengers

No passengers shall be transported in a Peace Corps vehicle unless such use is permitted by this manual section.

4.1.7 Daily Vehicle Log

Each trip taken with a Peace Corps vehicle overseas must be recorded by the driver in the daily vehicle log. See Attachment B, “Form 1490 B” (Form 1490 B supersedes Form 1490 in MS 527). Such log shall be reviewed by the administrative officer on a weekly basis and maintained for review by the Country Director on a monthly basis.

4.1.8 Use of Taxicabs

The Country Director may authorize Peace Corps staff to use taxicabs for business use if the Country Director determines such use is advantageous to the government.

4.1.9 Authorizing Vehicle Use

Peace Corps vehicles may be used overseas only as permitted by this manual section. Peace Corps vehicles may be authorized for business use pursuant to paragraph 4.2, other authorized use pursuant to paragraph 4.3, incidental use pursuant to paragraph 4.4, use by non-employees pursuant to paragraph 4.5, and use by Volunteers pursuant to paragraph 4.7.1.

For each permissible use, the applicable paragraph states whether advance written authorization must be obtained from the authorizing official, whether concurrence by the Chief of Mission is required, and whether reimbursement to the Peace Corps is required. When concurrence is required, the Chief of Mission may provide a “blanket concurrence.”

4.1.10 Reimbursement to the Peace Corps

Certain uses of Peace Corps vehicles are permitted only if reimbursement for the use is made to the Peace Corps. Where reimbursement is required, it shall be made at the standard in-country rate. This may be the rate established by the Chief of Mission or it may be a higher rate established by the Country Director, with approval of the Regional Director, that reflects the cost of vehicle operation and maintenance in that country. If establishing a higher rate, the Country Director should consider the cost of fuel, the condition of roads, the cost of spare parts, and the cost of maintenance services.

The Country Director shall use the daily vehicle log to make monthly collections for those authorized uses that require reimbursement to the Peace Corps and shall deposit the collections against obligations for fuel expenditures established by the post. The funds reimbursed to that obligation should not exceed total liquidations to that obligation. (See also MS 777 and the Overseas Financial Management Handbook.)

4.2 Business Use

“Business use” means use directly related to the official business of the Peace Corps and includes the uses described in paragraphs 4.2.1 through 4.2.4.

4.2.1 Day-to-Day Operations

Use of a vehicle for the day-to-day operation of the post is a business use.

Written authorization: Not required

Chief of Mission concurrence: Not required

Reimbursement to Peace Corps: Not required

4.2.2 Home-to-Work Use: On-Call Medical Officer

If the Country Director determines that the ready availability of a Peace Corps vehicle at the on-call medical officer’s residence is necessary to assure safe, reliable transportation to respond promptly to after-hours emergencies, the Country Director may authorize home-to-work use of the vehicle as a business use.

Such use may be authorized for medical officers serving as personal services contractors only if their contracts provide that they may be authorized to use a Peace Corps vehicle to perform their contract.

Written authorization: Required in advance of use. Authorization must be for a defined time period, not to exceed one year. The Country Director is the authorizing official.

Chief of Mission concurrence: Required in advance of use

Reimbursement to Peace Corps: Not required

4.2.3 Home-to-Work Use: Field Work

If the Country Director determines that departure from the employee's residence will allow the employee more working time to conduct Peace Corps business or will reduce the number of miles a Peace Corps vehicle is driven, the Country Director may authorize home-to-work use of the vehicle as a business use for Peace Corps employees engaged in field work.

"Field work" means official Peace Corps work performed by an employee whose job requires the employee's presence at various locations that are at a distance from the employee's duty station or at a remote location that is accessible only by government-provided transportation. "Field work" does not include work assignments in which the employee's work day begins and ends at the employee's duty station.

Written authorization: Required in advance of use. The Country Director is the authorizing official for post employees, except that the Regional Director is the authorizing official for the Country Director.

Chief of Mission concurrence: Not required

Reimbursement to Peace Corps: Not required

4.2.4 Home-to-Work Use: Rotating Duty Officer

If the Country Director determines that the rotating duty officer needs to use a Peace Corps vehicle to respond to Volunteer emergencies and urgent after-hours official business and that no safe, reliable, and reasonably quick alternative transportation exists, the Country Director may authorize home-to-work use of a vehicle by rotating duty officers as a business use.

Written authorization: Required in advance of use. Authorization must be for a defined time period, not to exceed one year, and may be given only if the duty officer position is rotated among senior staff at post and no blanket authorization is given to any particular staff member, including the Country Director. The Regional Director is the authorizing official for the Country Director.

Chief of Mission concurrence: Required in advance of use

Reimbursement to Peace Corps: Not required

4.3 Other Authorized Use

Peace Corps staff are expected to use privately owned vehicles or public transportation for personal, non-business transportation. There are, however, certain limited circumstances, set out in paragraphs 4.3.1 through 4.3.3, in which non-business use of a Peace Corps vehicle may be permitted because public transportation is unsafe or not available or because such use is advantageous to the agency (hereinafter referred to as "other authorized use").

When determining whether to permit other authorized use of a Peace Corps vehicle, Country Directors and Regional Directors should:

- (a) Consider the appropriateness of the use in light of the Peace Corps mission and local perceptions of the Peace Corps in country;

- (b) Set limits on such use to prevent abuse; and
- (c) Ensure that business use of Peace Corps vehicles always takes precedence over any other authorized use.

4.3.1 First and Last 90 Days

Except where operation of a vehicle is prohibited by paragraph 4.5, Peace Corps employees, personal services contractors, and their dependents may be authorized to use a Peace Corps vehicle during their first and last 90 days at post if the Country Director determines that they need to use a vehicle while securing a means of personal transportation after they first arrive, or if, in connection with leaving post, their primary means of transportation is no longer available.

Written authorization: Required in advance of use. Authorization must be for a defined time period, not to exceed 90 days. The Country Director is the authorizing official for post employees, except that the Regional Director is the authorizing official for the Country Director.

Chief of Mission concurrence: Required in advance of use

Reimbursement to Peace Corps: Required

4.3.2 Home-to-Work Use: Temporary Duty Employees

If the Country Director determines that home-to-work use of a Peace Corps vehicle by a temporary duty employee is advantageous to the Peace Corps, the Country Director may authorize such use.

Written authorization: Required in advance of use. Authorization must be for a defined time period, not to exceed one year. The Country Director is the authorizing official.

Chief of Mission concurrence: Required in advance of use.

Reimbursement to Peace Corps: Not required.

4.3.3 Use in Exceptional Circumstances

Except where operation of a vehicle is prohibited by paragraph 4.5, Peace Corps employees, personal services contractors, and their dependents may be authorized to use a Peace Corps vehicle if the Country Director recommends and the Regional Director determines that exceptional circumstances make alternate transportation unsafe or unavailable. Examples of exceptional circumstances may include restrictions upon or prohibitive costs associated with importing, purchasing, or selling a personal vehicle, or security risks that preclude use of privately-owned vehicles and public transportation.

Written authorization: Required in advance of use. Authorization must be for a defined time period, not to exceed one year. The Country Director is the recommending official and the Regional Director is the authorizing official.

Chief of Mission concurrence: Required in advance of use

Reimbursement to Peace Corps: Required

4.4 Incidental Use

Except where operation of a vehicle is prohibited by paragraph 4.5, Peace Corps employees, personal services contractors, and their dependents may be authorized to use a Peace Corps vehicle if the Country Director determines that such use is incidental to a previously scheduled and bona fide business use, will not

significantly affect the operation of Peace Corps business, and is otherwise reasonable under the circumstances.

Written authorization: Required in advance of use. Authorization must be for a defined time period, not to exceed one year. The Country Director is the authorizing official, except that the Regional Director is the authorizing official for the Country Director.

Chief of Mission concurrence: Not required

Reimbursement to the Peace Corps: Required

4.5 Operation of Vehicles by Non-Employees

Due to the strict legal limitations on the government's liability for actions of persons who are not Peace Corps employees, non-Peace Corps employees may not operate Peace Corps vehicles except as provided below:

4.5.1 Operation of Vehicles by Contractors

Operation of a Peace Corps vehicle by contractors and their employees may be authorized if necessary to perform work within the scope of their contracts and operation of the vehicle is authorized by and consistent with this and other applicable manual sections. Contractors and their employees must comply with all conditions for the use, operation, and maintenance of Peace Corps vehicles specified in their contracts.

4.5.2 Operation of Vehicles by Dependents

If the Country Director accepts an offer of voluntary services from a Peace Corps employee's dependent, the Country Director may authorize the dependent to operate a Peace Corps vehicle to perform such services. See MS 721. The authorization must be in writing and should delineate, if possible, the scope of the authorized vehicle use, specifying dates and destinations. If not possible, a separate written travel authorization must be prepared to authorize the use of the vehicle by the dependent. The Regional Director is the authorizing official for the use of a Peace Corps vehicle by a dependent of the Country Director.

4.5.3 Operation of Vehicles in an Emergency

Any person may operate a Peace Corps vehicle in an emergency if personal health or safety or protection of life or government property requires such use.

4.5.4 Insurance for Non-Employees

Contractors, contractors' employees, and employees' dependents shall not operate Peace Corps vehicles unless they have provided evidence to the Country Director that they have vehicle liability insurance coverage. Such insurance must meet the minimum recommendations of the American Embassy for personal vehicles owned by mission employees, but in any case must include at least \$25,000 bodily injury and property damage coverage. This requirement may be waived only if the Peace Corps has procured vehicle liability insurance in accordance with MS 526 and such insurance covers any operator of the insured vehicle.

Contractors and their employees are not Peace Corps employees, and the Peace Corps cannot assume liability for any claim against contractors or their employees arising out of their use of Peace Corps vehicles. Contractors must acknowledge this condition in writing before being authorized to operate a Peace Corps vehicle. (See Attachment A for specific language to include in a contract or separate acknowledgement form.)

4.6 Staff Privately-Owned Vehicles

4.6.1 Personal Use of a Privately-Owned Vehicle

To the extent permitted by host country law and applicable embassy regulations, U.S.-hired staff are encouraged to ship to post, at their own expense, or to purchase at post an appropriately modest vehicle for their personal transportation. (See MS 812 for additional information.)

U.S.-hired staff must carry liability insurance on their privately-owned vehicles to the extent required by local law.

Upon assignment overseas, U.S.-hired staff may request an advance of pay to purchase a vehicle. (Contact Human Resource Management for more information.)

4.6.2 Business Use of Privately-Owned Vehicles

Business use of privately-owned vehicles should be authorized only in extraordinary circumstances. Advance written authorization is required for such use. The Country Director is the authorizing official for post employees, except that the Regional Director is the authorizing official for the Country Director. Such business use is reimbursable to the employee at the standard in-country rate. (See MS 812 for additional information.)

If an accident occurs during an authorized business use of a privately-owned vehicle, the Peace Corps will not be responsible for third-party claims that are covered by private insurance, nor will the Peace Corps pay an employee for damage to the vehicle. The Peace Corps may exercise its discretionary authority to settle third-party claims not covered by, or in excess of, amounts provided by private insurance.

4.7 Operation of Vehicles by Volunteers

Operation of vehicles by Peace Corps Volunteers raises a number of concerns. The safety and security of Volunteers can be jeopardized by unsafe roads or vehicles, lack of familiarity with local conditions, or other circumstances. In addition, it is an essential part of the Peace Corps mission that a Volunteer's standard of living comports with local community standards. Accordingly, Peace Corps Volunteers shall not operate vehicles overseas except when they are outside of their site on approved leave, or when their operation of a vehicle is specifically authorized by paragraphs 4.7.1 or 4.7.2.

4.7.1 Peace Corps Vehicles

Volunteers may be authorized to operate Peace Corps vehicles when necessary and appropriate for official Peace Corps business, and when the criteria set out in paragraph 4.3 (a) through (c) are satisfied. For example, Volunteers may be authorized to operate a Peace Corps vehicle when acting as Volunteer leaders or during pre-service training. Except when justified by exceptional circumstances, Volunteers shall not be authorized to use Peace Corps vehicles for purposes related to their Volunteer assignments.

Written authorization: Required in advance of use. Authorization must be for a defined time period, not to exceed one year. The Country Director is the authorizing official.

Chief of Mission concurrence: Not required.

Reimbursement to Peace Corps: Not required.

4.7.2 Other Agency Vehicles

In general, Volunteers shall not operate vehicles owned by other government or non-government agencies (hereinafter referred to as "another agency vehicle"). Accordingly, Volunteer assignments requiring

Volunteer operation of another agency vehicle should ordinarily not be approved. In some cases, however, a Country Director may authorize a Volunteer to operate another agency vehicle for a limited period of time and specific purpose if the Director determines that (1) operation of the vehicle is necessary to the Volunteer's assignment; (2) no practical transportation alternative exists; (3) the vehicle to be used meets local safety standards and laws; (4) the Volunteer is adequately insured under the other agency's vehicle liability policy; and (5) the Volunteer is licensed to operate a vehicle in the relevant jurisdiction(s).

Written authorization: Required in advance of use. The Country Director is the authorizing official.

Chief of Mission concurrence: Not required.

Reimbursement to Peace Corps: Not required.

4.7.3 Volunteer Ownership of Vehicles

Volunteers are not permitted to own vehicles or to rent or lease vehicles for long-term use in their country of assignment.

5.0 USE OF GOVERNMENT VEHICLES WITHIN THE UNITED STATES

5.1 Business Use

Vehicles owned, leased, or rented by the Peace Corps may be used by Peace Corps employees within the United States only for the business uses described in paragraphs 5.1.1, 5.1.2, and 5.1.3.

5.1.1 Home-to-Work Use Authorized by an Office Head

An office head may authorize home-to-work use of Peace Corps vehicles only if such use is:

- (a) Required for the performance of field work; or
- (b) Essential to the performance of protective services or law enforcement activities.

5.1.2 Home-to-Work Use Authorized by the Director

The Director may authorize home-to-work use of Peace Corps vehicles when necessary to respond to:

- (a) A clear and present danger;
- (b) An emergency that causes an immediate, unforeseeable, and temporary need for an employee to use a Peace Corps vehicle to ensure the uninterrupted performance of the Peace Corps mission; or
- (c) A compelling operational consideration. (A compelling operational consideration includes circumstances where (1) home-to-work use is essential to the conduct of official business; (2) home-to-work use would substantially increase the Peace Corps' efficiency and economy; or (3) other alternatives would involve substantial additional cost to the government or expenditure of employee time.)

5.1.3 Incidental Use

The transportation of passengers in a vehicle owned, leased, or rented by Peace Corps is permitted when such vehicle is otherwise in use for official business, as defined in Section 4.2 of this manual section, and the passengers' presence in the vehicle does not result in additional costs to the Peace Corps.

5.2 Authorization Requirements

Authorization for home-to-work use under paragraph 5.1.1(a) must be in writing, must specify the specific employee(s) authorized to use the vehicles, and must be re-certified at least every two years.

Authorizations for business use under paragraphs 5.1.1(b) and 5.1.2 must be in writing and must contain the information required by 41 CFR 101-6.403. The initial duration of an authorization may not exceed 15 days. Authorizations may be extended for additional periods not to exceed 90 days each, if the circumstances justifying home-to-work use continue. Each such authorization must be reported to Congress as required by 41 CFR 101-6.404.

No authorization is required for no-cost incidental use of an official vehicle. However, in no instance should such incidental use be allowed unless it is certain that such use will not result in any additional costs to Peace Corps. For example, a passenger who is not on official business may accompany a Peace Corps employee on official business in the vehicle from the official point of departure to the official point of destination without route variance or detour. Employees should always take into consideration the nature and extent of potential liability to the Agency for such use.

5.3 Vehicle Use Logs

Each trip taken with a Peace Corps vehicle in the United States must be recorded by the driver in the daily vehicle log. See Attachment B, "Form 1490 B" (Form 1490 B supersedes Form 1490 in MS 527).

6.0 SAFETY AND OTHER OPERATOR REGULATIONS

6.1 The authorizing official shall take reasonable steps to ensure that any individual authorized to operate a Peace Corps vehicle:

- (a) Has provided certification that he or she is licensed to operate the vehicle under local laws and regulations;
- (b) Is familiar with the operating characteristics of the vehicle, local driving laws and customs, procedures to be followed in case of an accident, and other applicable provisions of this and related manual sections;
- (c) Is not permitted to operate a vehicle that has known mechanical defects or is otherwise unsafe to operate;
- (d) Is instructed to use seat belts at all times when the vehicle is in operation;
- (e) Is instructed not to carry passengers for purposes that do not relate to official Peace Corps business or the authorized use of the vehicle, and not to use or allow the use of the vehicle for unauthorized purposes;
- (f) Is advised that any traffic law violations and fines, including parking violations, are the personal responsibility of the driver;
- (g) Maintains an accurate record of vehicle use on the vehicle log forms (see Attachment B); and
- (h) Is instructed to properly secure the vehicle when not in use to avoid theft.

6.2 The authorizing official shall ensure that each vehicle includes a safety (first aid) kit.

6.3 All operators of and passengers in a Peace Corps vehicle shall use seat belts at all times when the vehicle is in operation.

7.0 MISUSE OF VEHICLES

7.1 Penalties

Employees who violate this manual section are subject to administrative sanctions and to the sanctions mandated by 31 U.S.C. 1349(a), which provides as follows:

Any officer or employee who willfully uses or authorizes the use of a passenger motor vehicle or aircraft owned or leased by the Government (except for an official purpose authorized by Section 1344 of this title), or otherwise violates Section 1344, shall be suspended without pay by the head of the agency. The officer or employee shall be suspended for at least one month, and when circumstances warrant, for a longer period or summarily removed from office.

7.2 Reporting Violations

Violations of the vehicle policies set out in this manual section should be reported to the Regional Director or Chief of Staff.