



DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT COMMAND PACIFIC
HEADQUARTERS, UNITED STATES ARMY GARRISON HUMPHREYS
UNIT #15228
APO AP 96271-5228

IMHM-JA

14 August 2017

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy #106, Non-Tactical Vehicle (NTV) Official Use Guidelines

1. References:

- a. Title 31, US Code, Section 1344.
- b. Article 92, Uniform Code of Military Justice (UCMJ), Failure to Obey a Lawful Order or Regulation.
- c. Article 121, UCMJ, Larceny and Wrongful Appropriation.
- d. DoD 4500.36, Management, Acquisition, and Use of Motor Vehicles, 16 Mar 07.
- e. AR 58-1, Management, Acquisition, and Use of Non-tactical Vehicles, 12 Jun 14.
- f. Memorandum, Secretary of the Army, subject: Policy for Travel by Department of the Army Officials, 22 Jan 07.

2. Purpose. This Policy sets NTV official use guidelines for Army owned, General Services Administration (GSA) obtained or commercially leased NTVs applicable to all users of NTV's. This policy also provides a basis for investigation of suspected violators by Military Police (MP) performing law enforcement duties within the USAG Humphreys area or responsibility (AOR).

3. Applicability. This policy establishes responsibility for all units, activities, and staff elements receiving NTV support in the USAG Humphreys AOR. An NTV is one that is owned or commercially leased by the Department of Defense (DoD) or provided for DoD use by the GSA.

4. Policy. NTVs are for use in completing DoD missions, such as, functions, activities, or operations.

- a. The use of Army owned or leased NTVs are for official purposes only. The DoD policy is to resolve questions on official use in favor of strict compliance with law and regulations. Because each situation is fact-specific, commanders are encouraged to consult with their unit's judge advocate.

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b. Determination of official use takes into account all factors, including whether the use is essential for the successful completion of a DoD function, activity, action, or operation, and whether the use is consistent with the purpose for which the vehicle was acquired.

c. In accordance with the Secretary of the Army policy, the following uses of NTVs are not permissible

(1) Personal errands or side trips for unofficial purposes by military personnel, civilian employees, or their family members.

(2) Transporting a spouse or visitors without an accompanying DoD sponsor on official business, Military Balls, Dining-outs, and Hail and Farewells.

(3) Transportation to an official ceremony such as change of command, parade, promotion, retirement, unit activation/deactivation, field demonstration, funeral, or other similar events in a personal (as opposed to official) capacity.

(a) Examples of personal capacity include personal friendship, family ties, or prior professional relationship with the honoree or the unit. Under this analysis, it is not permissible to use government transportation to attend a farewell luncheon or similar event.

(b) In limited circumstances, commanders can approve transportation for general attendance at events of significant public interest after the request has been reviewed by senior public affairs and legal advisors. When such travel is approved it will be by mass transportation rather than individual vehicles.

(4) Transportation to official after hour's functions, such as official meetings, presentations, or speeches, requires prior approval from the traveler's supervisor as an exception to policy. In addition, travel must begin and end at the normal place of duty.

d. Other specific statutory, DoD, and Department of the Army guidance on official use:

(1) Transportation may not be provided solely for reasons of rank, position, prestige, or personal convenience.

(2) Domicile to work transportation violates federal law, except as specifically provided for by law, or personally approved the Secretary of the Army (designated positions, and by-name designations). Travel to an official function, other than for temporary duty (TDY) travel, that begins or ends at the travelers' home is considered

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domicile to work transportation unless specifically justified as in the best interest of the Government and approved in advance.

(3) Transportation between home or place of duty and commercial or military terminals is generally not allowed unless the one of the following conditions are met:

(a) Passengers are invited non-DoD visitor.

(b) Passengers are authored DTD travel.

(c) NTV is necessary because of emergency situations or to meet security requirements.

(d) Other means of transportation are not available or cannot meet the mission requirements.

(4) Unless specifically approved by the commander (see reference 1(c)) or activity director, NTVs will not be used in or near the PX, commissary, and other shopping facilities. If use of an NTV is required in these areas, a letter of authorization signed by the commander or activity director shall be affixed in both the front and rear windows of the vehicle while parked at the facility.

(5) Commanders may also authorize NTV usage to accomplish in-and-out processing activities when DoD-scheduled transportation (eg, shuttle busses) or public transportation is not capable of responsively meeting mission requirements. Commanders may not base a decision to authorize the use of an NTV on the rank or position of the incoming/outgoing Soldier/Civilian, or of the sponsor.

(6) The general rule is that spouses or other Family members will not accompany government employees on official business at government expense. The spouse of a government employee may travel in an NTV when:

(a) Accompanying an official traveler to an official event when there is space available in the vehicle and the government incurs no additional cost, such as official passengers are not bumped and a larger vehicle is not used to make room for the spouse, or

(b) Required for reasons of security.

(7) A spouse may travel at government expense in the spouse's own right when:

(a) Supporting an official volunteer program and the use of an NTV is part of the volunteer job description such as a registered volunteer with a family support group or

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Army Community Service, when the volunteer job description includes the use of an NTV.

(b) Conferring with DoD officials on DoD matters and performing a direct service to DoD such as, speaking at the Senior Officer Training Program. Orders may be issued by the sponsoring command after consultation with the servicing SJA office.

(c) Attending service-endorsed training courses or briefings, such as Pre-Command Course, Brigadier General Training Course, and Anti-Terrorist Training Course.

(8) Transportation may be approved for group activities such as athletic team events, Morale, Welfare, and Recreation (MWR) activities, and chaplain's programs when the commander determines that failure to provide the transportation would have an adverse effect on morale. This service will not be provided to the exclusion of mission needs and it will not be used to generate requirements for additional long-term NTVs.

(9) On-duty MPs may eat or purchase food at on-base facilities within the garrison AOR where they are employed. In the event no on-base facility is available within the patrol's AOR, that patrol may stop to pick up food on a "take-out" basis from an off-base facility. The MP must remain in an on-duty status while eating and respond if called.

e. Use of NTVs during TDY/Temporary Change of Station (TCS) vehicle use. TDY status does not necessarily justify the NTV travel. Use of NTV is predicated on need, distance, and other conditions, including availability of public transportation.

(1) When NTV use is authorized at the TDY site, the NTV may be used for transportation between TDY lodgings and the duty site.

(2) Transportation to entertainment or recreational facilities is prohibited, but if public transportation is not available, the NTV may be used to travel to local restaurants, places of worship, drugstores, barber shops, laundries, physical training facilities, and similar places for health and comfort.

(3) Vehicles rented by government employees, when the employee pays the rental company directly and is later reimbursed under TDY orders, are not considered government vehicles for purposes of the official use restrictions. Reimbursement is limited to costs associated with official use of the vehicle. Any costs for off-duty, unofficial use are the employee's personal expense (for example, gas, mileage, and insurance). Vehicles rented under a government contract, for which the employee does

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not pay and claim reimbursement, are government vehicles and are restricted to official use policies.

(4) Personnel on TCS orders are authorized official travel consistent with the rules for TDY travel outlined in paragraph 4e.

f. Shuttle Bus Service:

(1) Shuttle bus services are provided fare-free, operated with appropriated funds, and may be provided to the following authorized personnel:

(a) Military personnel and DoD employees traveling between offices and work areas of the installation(s) or activity during designated hours when justified by patronage.

(b) Enlisted Soldiers traveling between troop billets, places of duty, and dining facilities. Commanders must determine if the travel is incident to performance of duty.

(c) Contractor personnel of the DoD conducting defense business.

(d) Non-DoD employees of federal agencies on official business.

(2) When space is available on scheduled shuttle buses, transportation may be provided to the following passenger categories:

(a) Off-duty military personnel or DoD civilian employees

(b) Reserve Soldiers and National Guard members.

(c) Family members of active duty personnel.

(d) Retirees.

(3) Shuttle bus services will not include housing, recreational, or shopping areas unless such areas cannot be reasonably avoided in serving the authorized locations.

g. Military Police assigned to support the Garrison will conduct investigations into suspected violations on DA Form 3975, MP report. Director of Emergency Services will track violations by company UIC's and notify commanders of violations through the USAG-H blotter report.

h. Commanders are responsible for ensuring their Soldiers understand the proper use of NTVs and adherence to the applicable rules discussed in this policy letter.

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Neither supervisors nor commanders can waive the provisions of federal law by authorizing the unlawful use of an NTV.

(1) Violators of this policy may be punished under the UCMJ and/or appropriate administrative regulations.

(2) In addition to punishment or appropriate administrative action for individual misconduct, units found to have violated this policy on three or more occasions within a calendar year period will have their long-term NTV usage revoked by the Garrison. I have delegated authority to revoke long-term NTV usage to the Deputy Garrison Commander. Units will still have access to NTV/TMP support but will have to request support on an as-needed basis.

i. Commanders may request reinstatement of their long-term NTV usage privileges by submitting a memorandum through their Brigade Commander, through the Chief, Administrative Law to the Deputy Garrison Commander. This policy will explain in detail how the unit plans to address previous NTV misconduct and the systems it will put in place to ensure misuse does not continue. The Chief, Administrative Law will hold an administrative hearing to determine if the plan is sufficient and make a recommendation to the Deputy Garrison Commander as to the viability of the unit's long-term NTV usage plan. After reviewing all facts and circumstances surrounding the repeated NTV misuse, and the offending units corrective action plan, the Deputy Garrison Commander will make a determination regarding the unit's request for reinstatement of long-term NTV usage. If long-term NTV privileges are reinstated, the unit's record of offenses for the calendar year will be reset.

5. Questions concerning specific situations pertaining to the use of NTVs should be directed to your unit's servicing judge advocate or to the 8 Army Administrative Law Division at usarmy.humphreys.8-army.list.ad-law@mail.mil.

6. POC is the 8 Army Administrative Law Attorney at DSN 755-8308.



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Commanding

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