

INFORMATION PAPER

SUBJECT: Use of Non-Tactical Vehicles (NTVs)

1. NTVs are used for official purposes as determined by the commander. As a rule, “[t]he use of Army owned or controlled nontactical vehicles is restricted to official purposes only.” AR 58-1, paragraph 2-3. “Official Purposes” are defined in Appendix B of this regulation as, “[a]ny application of a motor vehicle in support of authorized DoD functions, activities, or operations.” The ultimate determination as to whether a particular use is for official purposes is a matter of administrative discretion to be exercised within applicable law and regulations. DoDM 4500.36, Enclosure 5, para 1a(1).

2. Official purpose use of Army motor vehicle transportation assets is covered by AR 58-1 and the Secretary of the Army Travel Policy, Army Directive 2007-01. There are at least four situations to consider, as described below: official use, after-hours official functions, other authorized activities, and private social functions. The facts and circumstances of each general category of use must be considered in determining whether the use of official purpose transportation is appropriate. Transportation between quarters and duty station is generally prohibited and transportation to commercial or military terminals is restricted as explained below. The Logistics Readiness Center - Honshu oversees the use of TMP assets to comply with regulatory guidance.

a. OFFICIAL USE: The use of Army-owned or controlled nontactical vehicles (including buses) is restricted to official purposes only. In paragraph 2-3, AR 58-1, the Army reserves the right to make certain provisions of NTV use more restrictive than the current DOD policy as provided in DOD Manual 4500.36.

b. AFTER HOURS FUNCTIONS: All transportation to official after-hours functions will begin and end at the individual's normal place of duty or designated assembly area. This use usually involves transporting Soldiers and spouses to bilateral functions. The unfamiliarity with driving conditions, the difficulty in finding locations in Japan and the potential for the consumption of alcoholic beverages may justify the use of a bus for these functions based upon safety and other considerations.

c. OTHER AUTHORIZED ACTIVITIES: Transportation may be provided to support authorized activities such as installation sponsored athletic teams, morale, welfare, and recreation groups, patient therapeutic programs, and chaplain programs when determined by the commander that failure to provide such service would have an adverse effect on morale of the service members, family members and DOD civilians (para 2-3 and 5-5, AR 58-1). MACOM commanders or their delegates, have discretion to provide bus service for morale, welfare, and recreation (MWR) missions, consistent with available resources and mission requirements, when failure to provide the service would have an adverse effect on the morale of service members. The approving authority must consider the potential of competition with commercial transportation sources in the decision process. In addition to the categories above, this use could include administrative support to MWR staff; teams composed of personnel who are officially representing the installation in scheduled competitive events; DOD personnel or dependent spectators attending local events in which a command or installation-sponsored team is participating; entertainers, guests, supplies, and/or equipment in support of MWR

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programs; civilian groups transported to Army installations in the interest of community relations; when invited by the installation commander or other competent authority; and MWR sponsored activities, including recreational tours and trips when fees are not levied upon the passengers (except fees made to cover the cost of the driver when required) and when approved by the installation commander.

d. PRIVATE SOCIAL FUNCTIONS: Paragraph 5-5d of AR 58-1 provides that bus transportation may be provided for special activities such as scouting programs and private organizations. Such service shall be accomplished on a reimbursable basis covering all operations and maintenance costs of providing the service. Additionally, LRC practice is to include the cost of drivers. Ethical considerations to include avoiding the appearance of impropriety or favoritism to selected private organizations must be considered for this category of use. The Joint Ethics Regulation, paragraph 3-211, permits limited logistical support to non-Federal entities (private organizations/individual groups acting for personal unofficial purposes). One of the factors for consideration is that the DOD component command or organization is able and willing to provide the same support to comparable events sponsored by other similar non-Federal entities. Providing a bus to private organization A to conduct a cultural tour, should be on the same terms as providing a bus to private organization B to attend a concert.

e. DOMICILE TO DUTY TRANSPORTATION: The use of NTVs to transport DOD employees between domicile (quarters) and place of duty is generally prohibited by federal law and Army regulations and can result in disciplinary action. (Paragraph 4-2, AR 58-1). Individuals in a TDY status who are authorized use of NTVs can use the NTV to travel between lodgings and duty location. (Paragraph 2-3, AR 58-1).

f. MILITARY OR COMMERCIAL TERMINALS: The use of NTVs to transport DOD employees, traveling on official business, to or from military or commercial terminals is unauthorized unless public or commercial transportation is not reasonably available, or security concerns require the use of a NTV, or the mission cannot be accomplished without use of an NTV. Units or directorates should seek a legal review if they believe NTV transportation to a terminal is warranted.

3. References:

- a. Army Directive 2007-01, Secretary of the Army Policy for Travel by Department of the Army Officials, 25 January 2007.
- b. AR 58-1, Management, Acquisition, and Use of Motor Vehicles, 12 June 2014.
- c. DoDM 4500.36, Acquisition, Mgmt., and Use of DoD Non-Tactical Vehicles, 7 July 2015.
- d. DoD 5500.7-R, Joint Ethics Regulation, August 1993, thru change 7, 17 November 2011.

FOR THE STAFF JUDGE ADVOCATE:

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