

ORDER

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

EA 3590.1

EASTERN REGION
JAMAICA, NY 11430

6/6/95

EASTERN REGION MODEL PLAN -
MASS TRANSIT BENEFIT PROGRAM (MTBP)

SUBJ:

1. PURPOSE. This Order establishes responsibilities and procedures for the operation of the Mass Transit Benefit Program (MTBP), in the Eastern Region.
2. DISTRIBUTION. This Order is distributed to section level and above in the Regional Office in the Eastern Region and to all its field offices and facilities. In addition, it is distributed to division level in the New England Region and to the Manufacturing Inspection District Offices in Teterboro, New Jersey and E. Farmingdale, New York and to the Aircraft Certification Office, Valley Stream, New York.
3. BACKGROUND.
 - a. Under the Energy Act, P.L. 102-486, dated October 24, 1992, Federal agencies may participate in any program established by a State or local government that encourages employees to use public mass transportation. In addition, the Federal Employees Clean Air Incentives Act, P.L. 103-172, dated December 2, 1993, provides for the establishment of programs to encourage Federal employees to commute by means other than single occupancy motor vehicles. Order DOT 1750.1 implements P.L. 103-172 by providing policy, and assigning responsibilities for the management of employee commuter transportation program in the DOT.
 - b. General Services Administration (GSA) guidance allows appropriated funds to be used for transit benefits. The Internal Revenue Service (IRS) currently permits an exclusion from fringe benefit taxation for public mass transit passes provided to employees who commute via public mass transportation.
 - c. The Administrator has directed that the Federal Aviation Administration (FAA) shall participate fully in the program. Funding for the program will be from available appropriations.
 - d. Employees are encouraged to use mass transit for commuting to and from work through subsidizing monthly costs, where suitable and authorized transportation exists.

Distribution: XEA-4; FOF-O (Max); AEA-60 (5 cys); AEA-20 (5 cys);
XNE-2; Manufacturing Inspection District Office, Teterboro, NJ; Manufacturing District Office,
E. Farmingdale, NY; Aircraft Certification Office, Valley Stream, NY (each max.)

Initiated By: AEA-60

4. COVERAGE. This program covers all permanent and temporary employees who utilize mass transit for commuting to and/or from work on a daily basis and are not listed in any Federally sponsored worksite parking arrangements. The order is designed primarily for FAA employee participation in metropolitan areas. Since each participating metropolitan area is different, specific direction will be provided for each metropolitan area. Local Coordinators are free to utilize this order to the extent feasible, supplemented by a local directive, after obtaining the approval of the Program Coordinator, Manager, Logistics Division, AEA-50. Local Coordinators shall send one copy of the local implementing directive to AEA-50 and another to the Manager, Financial Systems Development Branch, ABA-320.

5. RESPONSIBILITIES

a. Manager, Logistics Division, AEA-50, shall:

- (1) Serve as program coordinator to develop policy and coordinate with unions, employee participation groups and management, as necessary.
- (2) Review and evaluate programs at least annually and coordinate reports.
- (3) Review, coordinate, and approve filed documentation necessary to operate the MTBP outside the New York City Metropolitan area.
- (4) Serve as the control point for collection of completed Applications for the Transit Benefit, EA Form 3590-2, and maintain an authorized employee data file, and serve as the contact point for employee inquiries.
- (5) Serve as the worksite parking control point for those duties required to effectively administer this program as outlined in the appropriate appendixes.

b. Manager, Accounting Division, AEA-20, and Manager, Logistics Division, AEA-50, shall serve as the fare media control point for those duties necessary to effectively obtain, distribute and control the fare media, as outlined in the appropriate appendixes.

c. Division and Staff Office Managers shall:

- (1) Ensure that all metropolitan area employees are aware of the program and budget sufficient operating funds for program operation.
- (2) Ensure that employees receiving mass transit benefits are not commuting by car or car pool.

d. Local Coordinators as field program coordinators shall review the local mass transit situation for their metropolitan areas and determine whether there is sufficient interest (usually 10 or more riders) to merit development of a local program. If so, Local Coordinators shall contact the Program Coordinator, AEA-50, for further information.

6. MASS TRANSIT BENEFIT. The total federal benefit cannot exceed the cost of the transit fare or the maximum nontaxable benefit as prescribed by law, currently \$60.00 per month. The benefit, within this maximum, will be limited by budgeting considerations. The method of obtaining this benefit is described in the following paragraph 7.

7. PROGRAM PARTICIPANTS.

a. Employees desiring to participate must complete the Application for Transit Benefit, EA Form 3590-2. The form must be completed and approved by the program coordinator prior to picking up the fare media. This is a one-time application which remains in effect for as long as the employee is in the program. No responses will be made to the form unless there is some reason for disapproval in which case the applicant will be contacted directly by the designated program coordinator.

b. Non-Payment Penalty and Other Penalties. Employees are cautioned that certain actions may seriously jeopardize their entitlement to the benefits of this program as explained below:

(1) Employees not paying for fare media on a timely basis or issuing a bad check in payment shall be removed from further participation in the program. This condition is not valid in the New York City Metropolitan area because employees will not be purchasing the fare media (Transitchek).

(2) Employees receiving the benefits of this program, who attempt to participate in a Federal agency sponsored worksite parking program or who do not use their fare media for the purpose of commuting to and/or from work, shall be removed from further participation in the program. One exception exists to the restriction on usage. If a pass allows unlimited rides during the month, employees may use the pass for personal transportation, as long as the pass is also used as the primary means of commuting to/from work.

(3) Disciplinary action shall be taken against employees who violate the terms of this program.

c. Termination of Program Utilization. Employees leaving the metropolitan area, leaving agency employment, or electing to utilize some other form of transportation, must contact the appropriate local program coordinator or AEA-50 immediately and return any unused fare media.

8. APPENDIXES.

a. Appendix 1 - Detailed Procedures for the Eastern Region New York City Metropolitan Area Mass Transit Benefit Program.

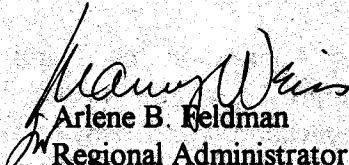
b. Appendix 2 - Sample copy of EA Form 3590-2, Application for Transit Benefit

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c. Appendix 3 - Sample copy of EA Form 3590-1, Transit Benefit Certification and Receipt.

9. AVAILABILITY OF FORMS. A supply of EA Form 3590-2 and EA Form 3590-1 is being furnished to distributees with this order and may be reproduced as needed.


Arlene B. Feldman
Regional Administrator

**APPENDIX 1: DETAILED PROCEDURES FOR THE ADMINISTRATION
OF THE NEW YORK CITY METROPOLITAN AREA
MASS TRANSIT BENEFIT PROGRAM**

1. **PURPOSE.** This appendix provides specific procedures for the administration, control, and participation in the Mass Transit Benefit Program in the New York City Metropolitan area by Eastern and New England Region employees.

2. **SCOPE.**

a. The procedures herein includes participating Suburban Mass Transit in New Jersey and the New York State Counties of Westchester, Nassau and Suffolk, in addition to the five counties of New York City.

b. The administration of the New York City Metropolitan Area program involves two divisions. The Manager, Logistics Division, serves as program coordinator and worksite parking control point for employees working at the Federal Building, JFK International Airport. The Manager, Accounting Division, AEA-20, shall serve as the transit control point. Close coordination is required between these two divisions.

3. **PROCEDURES.**

a. **Program Participants.**

(1) **Application.** Employees desiring to participate must complete the Application for Transit Benefit, EA Form 3590-2. The employee's approving official must sign the form prior to submission to the Logistics Division, AEA-50, at least seven weeks prior to picking up the Transitchek for the first month of the initial calendar quarter of participation. AEA-50 shall immediately, upon receipt, process the form. This is a one-time application which remains in effect for as long as the employee is in the program. Transit subsidies shall only be approved in advance of a calendar quarter. Subsequent requests shall be held for the beginning of the next quarter. If the applicant uses worksite parking, at the Federal Building, JFK Airport, he or she must contact AEA-50 to be removed from the worksite parking listing before submitting the application. Similarly, employees working at other sites must request the appropriate local coordinators. Applicants may assume that they are approved for the program. No responses shall be made to the application form unless there is some reason for disapproval. In these instances, the applicant shall be contacted by the Manager, AEA-50, and reauthorized for worksite parking at the Federal Building.

(2) Obtaining Fare Media. Fare media shall be obtained at the Imprest Fund window only during regular Imprest Fund business hours, beginning the last five work days of each month. These dates are dictated by the transportation authorities and cannot be adjusted. Employees are expected to pick up fare media in person and show employee identification.

(a) All employees receiving a Transitchek, shall sign Transit Fare Certification and Receipt Form EA 3590-1.

(b) Employees on leave or in a travel status during the designated period for picking up fare media, may have another employee do so. In these instances, the employee must sign a memorandum stating the situation and a Transit Benefits Certification and Receipt form. This signed memorandum and form must be presented to the Imprest Fund by the employee picking up the Transitchek. That employee will be required to sign for the Transitchek.

(c) Employees in the metropolitan area working at locations other than the Regional Office are eligible to participate in this program. At present, it is not administratively feasible to set up the distribution points at locations other than the Imprest Fund located at the Regional Office. At a later date, local distribution points may be established where warranted. If there are several employees desiring to participate at one of the other locations, one of them may be designated to purchase the Transitcheks for all employees at that location. The designated person must have a signed memorandum and Transit Benefits Certification and Receipt form from each participant.

(3) Quitting the Program. When an employee decides to quit the program, any unused fare media must be attached to a copy of EA Form 3590-2, and hand-carried to the Accounting Division, AEA-20. The employee shall write "cancel" in red across the form. If a copy of the form cannot be obtained, an interoffice memo can be used for cancellation.

b. Manager, Logistics Division, AEA-50.

(1) Processing EA Form 3590-2. The completed form shall be used to build a data file of authorized employees. It shall include date of application, the last four digits of the employee's social security number, name, home address, work address, work phone number, grade, previous mode of commute, accounting classification code, approving official, total fare cost, state and/or local subsidy if any, FAA benefit, and amount of fare to be paid by the employee. The fare media will be the Transitchek. Employees may be added to the Authorization List quarterly. Employees may be removed from the Authorization List upon request, or when the employee's actions justify removal as described in Paragraph 7b. AEA-50 shall maintain data and process EA Form 3590-2 for all Eastern employees who work in the New York City Metropolitan area, as defined in Paragraph 2a.

(2) Updating the Authorization Data File. Each quarter, as soon as the Transitcheks have been distributed, a completed Authorization List shall be provided by the Imprest Fund Cashier/Alternate. The Authorization Data File maintained by AEA-50, shall then be updated.

(3) Dissemination of Authorized List. The Data File shall be updated at least five weeks prior to the start of each calendar quarter. This is to provide sufficient time for the purchase of the Transitcheks. The Data File shall also be provided to the Budget Division, AEA-30, and all participating divisions receiving straightline funding in both regions. AEA-30 and all participating straightline divisions, shall immediately advise AEA-20, whether funding is available for the purchase of Transitcheks.

(4) Reporting. AEA-50 shall generate reports, as needed, to perform the required analysis and control of the program. As a minimum, the following reports shall be generated:

(a) Authorization Lists. This quarterly list shall be generated and reviewed prior to dissemination as described in subparagraph 3b(3) above. The review shall ensure that the amounts shown as the agency's benefit does not exceed the maximum prescribed by law and that the total value of the fare media less total subsidies/benefits equals the employee's cost.

(b) Semi-annual Report. This report shall be generated to document all participants and costs in all categories. AEA-50 shall analyze the report to ensure that:

1 Total agency benefit does not exceed the maximum prescribed by current law,

2 All participants are current and bonafide employees,

3 No participant has been identified on the agency worksite parking list by AEA-50 for employees working at the Federal Building, JFK Airport, and on appropriate lists maintained by the other site coordinators.

c. Manager, Accounting Division, AEA-20.

(1) Procurement of Transitcheks. Subsequent to receiving funding authorization from AEA-30 and the participating straightline divisions, the Transitcheks shall be procured by AEA-20. Utilizing a blanket purchase order to obtain a Treasury Check, at least four weeks prior to the start of each calendar quarter, AEA-20 shall purchase the required number of each denomination of Transitcheks for a three month supply from the Transit Center. The Transit Center will only sell Transitcheks to cover a quarterly requirement. This purchase shall be based on the Authorization List. The cost of this program shall be charged to each cost center shown on the Authorization List for each employee, using object class 121T. Transitcheks not used must be returned to the Transit Center for credit.

(2) Distribution of Transitcheks. Utilizing the Authorization List, the Imprest Fund Cashier/Alternate shall distribute the Transitcheks monthly, during the last five working days of each month, covering transportation for the following month. Prior to issuing the Transitcheks, the employee must provide the Imprest Fund Cashier/Alternate with a signed Transit Fare Certification and Receipt, Form EA 3590-1.

(3) Reconciliation of Records. After the distribution period is completed, the Imprest Fund Cashier/Alternate shall annotate the Authorization List in the following manner:

- (a) Delete all employees that did not participate in the program,
- (b) Delete and correct any items on the list,
- (c) Verify or compute new totals for each cost column,
- (d) Verify that the three cost columns balance,
- (e) Reconcile the total cost (total transitchek value, less total State and local subsidy if any) with the total amounts paid to the transit authorities,
- (f) Write in ink "completed", sign and date each copy of the Authorization List.

(4) Processing Completed Authorization Listing. AEA-20 shall provide an Authorization List to AEA-50. The totals must be entered on the list and signed as completed by the Cashier/Alternate Cashier. Attached shall be the receipt forms signed by the employees or persons picking up the Transitcheks to acknowledge receipt. AEA-20 shall also send a copy of the completed Authorization List to the New England Region Program Coordinator and Local Program Coordinators at other participating sites. Another copy of the completed Authorization List, sorted and total shown by division, shall be sent to AEA-30, and each straightline funded division which has employees in the program, in order to assure that funding is available for the Mass Transit benefits for the subsequent quarter. A copy of the Authorization List shall be retained by AEA-20.

4 d. Verification by the Logistics Division and Local Program Coordinators. Upon receipt of the monthly Authorization List, AEA-50, and Local Program Coordinators shall determine that the employees on this report are not also receiving an agency subsidized worksite parking spot and/or are not listed as a rider in agency sponsored ride share programs, if any. Any violation shall be immediately coordinated with the employee and AEA-50, as to which benefit shall be stopped. Depending on the circumstances, disciplinary actions may be taken as prescribed by the agency's personnel regulations.

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Appendix 1

e. New England Region.

(1) The New England Program Coordinator or Local Program Coordinators should adhere to the instructions in this Appendix with respect to their employees who are located in the New York City Metropolitan area. This will facilitate the rendering of quality service by the Accounting Division, AEA-20.

(2) Of particular importance is that the ANE Program Coordinator or Local Program Coordinators submit an accurate and timely Authorization List to AEA-20. In addition, ANE employees who receive transit fares from AEA-20 shall submit a Transit Benefit Certification and receipt. EA Form 3590-1 can be used for this purpose.

APPLICATION FOR TRANSIT BENEFIT

NAME	LAST FOUR DIGITS OF SOCIAL SECURITY NO.
(LAST) (FIRST) (MI)	

HOME ADDRESS**WORK ADDRESS****ROUTING SYMBOL****MODE OF TRANSPORTATION CURRENTLY USED FOR COMMUTING**
☐ DRIVE ALONE

 ☐ TRANSIT (RAIL)

 ☐ COMMUTER (RAIL)

 ☐ OTHER

☐ CARPOOL/VANPOOL

 ☐ TRANSIT (BUS)

 ☐ COMMUTER (BUS)
EMPLOYEE CERTIFICATION

I HEREBY CERTIFY THAT I AM EMPLOYED BY THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION AND AM NOT NAMED ON A WORKSITE PARKING PERMIT WITH FAA OR ANY OTHER FEDERAL AGENCY. I FURTHER CERTIFY THAT I AM ELIGIBLE FOR A PUBLIC TRANSPORTATION FARE BENEFIT, WILL BE USING IT FOR MY DAILY COMMUTE TO AND/OR FROM WORK, AND WILL NOT TRANSFER IT TO ANYONE ELSE.

THIS CERTIFICATION CONCERNS A MATTER WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES, AND MAKING A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO CRIMINAL PROSECUTION UNDER TITLE 18, UNITED STATES CODE, SECTION 1001, CIVIL PENALTY ACTION PROVIDING FOR ADMINISTRATIVE RECOVERIES OF UP TO \$5,000 PER VIOLATION, AND/OR AGENCY DISCIPLINARY ACTIONS UP TO AND INCLUDING DISMISSAL.

APPLICANT SIGNATURE**DATE****PRIVACY ACT STATEMENT**

THIS INFORMATION IS SOLICITED UNDER AUTHORITY OF PUBLIC LAW 101-509. FURNISHING THE INFORMATION ON THIS FORM IS VOLUNTARY; HOWEVER, FAILURE TO DO SO MAY RESULT IN DISAPPROVAL OF YOUR REQUEST FOR A PUBLIC TRANSIT FARE BENEFIT. THE PURPOSE OF THIS INFORMATION IS TO FACILITATE TIMELY PROCESSING OF YOUR REQUEST, TO ENSURE YOUR ELIGIBILITY, AND TO PREVENT MISUSE OF THE FUNDS INVOLVED. THIS INFORMATION WILL BE MATCHED WITH LISTS AT OTHER FEDERAL AGENCIES TO ENSURE THAT YOU ARE NOT LISTED AS A CARPOOL OR VANPOOL PARTICIPANT OR A HOLDER OF ANY OTHER FORM OF VEHICLE WORKSITE PARKING PERMIT WITH FAA OR ANY OTHER FEDERAL AGENCY.

ACCOUNTING CLASSIFICATION**DOLLAR AMOUNT OF FARE MEDIA REQUESTED**

\$ _____ (MONTHLY)

SIGNATURE OF APPROVING OFFICIAL**PRINTED NAME OF APPROVING OFFICIAL****ROUTING SYMBOL****AEA-50 ACTION**☐ APPROVED☐ DISAPPROVED**SIGNATURE****PRINTED NAME****DATE**

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TRANSIT BENEFIT CERTIFICATION AND RECEIPT

TO: **MANAGER, CONTROL, REPORTS AND ANALYSIS BRANCH, AEA-22**

I ACKNOWLEDGE RECEIPT OF TRANSIT FARE FOR THE MONTH OF _____
FROM THE TRANSIT CENTER. I UNDERSTAND THAT THE TRANSIT FARE DEVICE IS MY
SOLE RESPONSIBILITY AND, ONCE ISSUED, IT WILL NOT BE REPLACED FOR ANY REASON.

I CERTIFY THAT I AM EMPLOYED BY THE U.S. DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION AND AM NOT NAMED ON A WORKSITE PARKING
PERMIT WITH ANY OTHER FEDERAL AGENCY. I FURTHER CERTIFY THAT I AM ELIGIBLE
FOR A PUBLIC TRANSPORTATION FARE SUBSIDY, WILL BE USING FOR MY DAILY
COMMUTE TO AND/OR FROM WORK, AND WILL NOT TRANSFER IT TO ANYONE ELSE.

IN ADDITION, I CERTIFY THAT THE MONTHLY TRANSIT BENEFIT I AM RECEIVING DOES
NOT EXCEED MY AVERAGE MONTHLY COMMUTING COST (BASED ON A 20-DAY
MONTH COMMUTING BY PUBLIC TRANSPORTATION).

THIS CERTIFICATION CONCERNS A MATTER WITHIN THE JURISDICTION OF AN AGENCY
OF THE UNITED STATES, AND MAKING A FALSE, FICTITIOUS, OR FRAUDULENT
CERTIFICATION MAY RENDER THE MAKER SUBJECT TO CRIMINAL PROSECUTION UNDER
TITLE 18, UNITED STATES CODE, SECTION 1001, CIVIL PENALTY ACTION PROVIDING
FOR ADMINISTRATIVE RECOVERIES OF UP TO \$5,000 PER VIOLATION, AND/OR AGENCY
DISCIPLINARY ACTIONS UP TO AND INCLUDING DISMISSAL.

NAME (PLEASE PRINT)	ROUTING SYMBOL	LAST FOUR DIGITS OF SSN
SIGNATURE		DATE

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OF FUNDS INVOLVED. THIS INFORMATION WILL BE MATCHED WITH LISTS AT OTHER
FEDERAL AGENCIES TO ENSURE THAT YOU ARE NOT LISTED AS A CARPOOL OR VANPOOL
PARTICIPANT OR A HOLDER OF ANY OTHER FORM OF VEHICLE WORKSITE PARKING PERMIT
WITH THE U.S. DEPARTMENT OF TRANSPORTATION OR ANY OTHER FEDERAL AGENCY.