

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

50922

FILE: B-184641

DATE: SEP 11 1975

MATTER OF:

James J. Berryhill - Mileage allowance for use
of bicycle on official business

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DIGEST:

Mileage allowance may not be paid to an employee for the use of his privately owned bicycle on official travel since the mileage statute, 5 U.S.C. § 5704, and implementing regulations specifically pertain only to the use of motor-driven vehicles.

This action is in response to a request by a certifying officer of the Department of Interior for an advance decision concerning the payment of a mileage allowance to an employee for the use of his privately owned vehicle (POV), a bicycle, on official business.

Mr. James J. Berryhill, an employee of the Department's Bureau of Outdoor Recreation, was authorized to travel from his official station in Atlanta, Georgia, to Fort Worth, Texas, and return to attend a National Convention of Bicyclists on April 25 and 26, 1975, as a scheduled speaker. Rather than traveling by taxicab or other commercial carrier or by other vehicle from the Fort Worth airport to the conference site and back, the employee chose to ride the 20-mile round-trip on his own bicycle, which he had carried as baggage on the air flight from Atlanta. Mr. Berryhill has submitted a voucher dated May 8, 1975, for 60 cents, claiming 3 cents per mile as a transportation allowance for that portion of his travel.

Mileage expenses for employees using POV's and traveling on official business may be paid under section 4 of the Travel Expense Act of 1949, as amended. The provisions applicable at the time of the travel in question are codified in 5 U.S.C. § 5704(a) (1970) as follows:

"(a) Under regulations prescribed under section 5707 of this title, an employee or other individual performing service for the Government, who is engaged on official business inside or outside his designated post of duty or place of service, is entitled to not in excess of—

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"(1) 8 cents a mile for the use of a privately owned motorcycle; or

"(2) 12 cents a mile for the use of a privately owned automobile or airplane;

instead of the actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of advantage is not required when payment on a mileage basis is limited to the cost of travel by common carrier including per diem." (Emphasis added.)

That statute is implemented by the Federal Travel Regulations (FPMR 101-7) (1973). Paragraph 1-2.2a of the FTR states:

"Authorized Method. Methods of transportation authorized for official travel include railroads, airlines, helicopter service, ships, buses, streetcars, subway, taxicabs, Government-owned and contract rental automobiles and airplanes, privately owned and rented automobiles and airplanes, and other necessary means of conveyance." (Emphasis added.)

While travel by bicycle would possibly seem to be authorized by that regulation, reimbursement for the use of a POV is governed by FTR para. 1-4.1a which reads:

"Mileage payments. When employees and others rendering service to the Government use privately owned motor vehicles or airplanes in the conduct of official business within or outside their designated posts of duty or places of service and such use is authorized or approved as advantageous to the Government or as an authorized or approved exercise of the employee's preference, payment shall be made on a mileage basis unless payment on an actual expense basis is specifically authorized by law." (Emphasis added.)

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Examination of the legislative history of the mileage allowance indicates that it is designed to "reimburse the traveler for expenses of operation" of a privately-owned motor vehicle. H.R. Rep. No. 389, 81st Cong., 1st Sess. 3 (1949). In view of the congressional intent and the language of both 5 U.S.C. § 5704 and FTR para. 1-4.1a, it is clear that mileage payments may not be made for the use of a bicycle, but only for the use of a motor-driven vehicle.

Accordingly, the voucher for the mileage allowance for the use of a bicycle on official business may not be certified for payment.

R.F.KELLER

Deputy] Comptroller General
of the United States