



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

B-168096

DEC 6 1975

The Honorable Alan Cranston  
United States Senate

Dear Senator Cranston:

This is in response to your inquiry as to ". . . whether there should be a consistent policy on employee parking among Federal agencies."

Currently there are no legal requirements that employees of different agencies have proportionately equal amounts of Government parking spaces available to them. Furthermore, as we have stated in a number of our decisions (B-168096, January 5, 1973; B-155817, March 11, 1966; 43 Comp. Gen. 131, 132 (1963)), a parking space is not one of the emoluments of Government service. The provision of a parking space by the Federal Government is not an employee right, but rather a privilege. Nevertheless, to the extent that parking is provided by the Government, we would agree that the assignment of space should be based on a rational and consistent set of criteria.

40 U.S.C. § 490(e) gives the Administrator of the General Services Administration (GSA) the authority to procure parking services for the use of executive agencies in the proper discharge of their responsibilities to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or national security. Before making his determinations the Administrator must take into account the policies and directives prescribed by the President under 40 U.S.C. § 486(a), and must consult with the heads of the affected agencies. Guidelines to aid GSA in allocating total parking space to a particular agency are set forth in GSA Order PBS 7030.2C, "Vehicle Parking Facilities," April 10, 1970. GSA must take account of the following factors:

- (1) The availability and capability of public transportation, and the proportion of employees likely to use it;
- (2) the average number of persons per automobile;
- (3) the availability of on-and off-street parking, both public and private, in the vicinity;

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(4) the degree of traffic congestion;

(5) the character of the area in question, (for example, whether it is the core, or central employment area, of a city, the "ring" surrounding the central core, or the "outer ring" extending into the suburbs;

(6) the intention of the Government not to compete with privately owned parking facilities but rather to be a "good neighbor" by providing a reasonable amount of parking spaces. PBS 7030.2C-8e.

If, having weighed the foregoing considerations, GSA determines that a need exists for parking facilities for employees, it is empowered to provide such facilities "to the extent feasible." PBS 7030.2C-8e(3)(d).

In addition to the above-described method whereby GSA decides whether to provide parking for employees, agency heads may on their own determine that parking facilities for employees of their respective agencies are required at specific locations "in order to avoid significant impairment of the operating efficiency" of such agencies, and request GSA to lease parking facilities on a reimbursable basis. PBS 7030.2C-10c. See also 49 Comp. Gen. 476 (1970). In making such a determination, the head of an agency may take into account such factors as:

(1) Daily hours of employment;

(2) the amount of overtime work likely to be necessary, number of persons employed during overtime periods and the adequacy of public transportation during regular and overtime periods;

(3) frequency of public transportation during peak periods;

(4) the cost of public transportation;

(5) the location of the residences of the majority of employees in relation to their place of employment and the estimated time required for travel between home and work;

(6) the amount of parking available in the area, and the possible impact of increased demand on cost and availability of such existing parking if Government parking is not provided;

(7) any other relevant factors including those 'involving the safety of employees using public transportation.' PBS 7030.2C-10c(1) through (6). See also 41 CFR 101-19.111-2(a) prescribing policy for furnishing of parking by GSA at existing facilities; and 41 CFR 101-18.107(c) and 101-20.102(b), concerning authority of agencies in certain circumstances to procure parking facilities themselves."

According to the Federal Property Management Regulations (FPMR), § 101-20.111-3, after GSA determines the total amount of parking space which an agency may have, the agency may decide on what basis the individual spaces are to be assigned. If an agency wishes GSA to make the assignments, it will do so using the following order of priority:

"(1) Postal maneuvering area and official postal vehicle parking (including contract mail hauling vehicles and private vehicles or rural carriers);

"(2) Government-owned vehicles used for criminal apprehension law enforcement activities;

"(3) Privately owned vehicles of Federal judges, Members of Congress, and heads of occupant agencies (priority is limited to the individuals and does not include members of their staffs);

"(4) Official parking other than that listed in subparagraphs (1) and (2) of this paragraph:

"(1) Net requirements for Government-owned vehicles other than those listed in subparagraphs (1) and (2) of this paragraph, including motor pool dispatch service vehicles and vehicles assigned directly to occupant agencies, shall be an amount less than the total number of vehicles assigned to the pool, depending on the nature of the pool operations;

"(ii) Areas assigned for Government-owned vehicles, including postal and motor pool areas, shall also be used during other than early morning or late afternoon hours for visitors, service vehicles, privately owned vehicles regularly used for official business, physically handicapped employees of occupant agencies, and occupant agency employees not otherwise accommodated (with preference given to carpool drivers), in the order named. In connection with part-time use of these areas, street parking, municipal lots, and commercial parking facilities may be used during early and late hours when Government-owned vehicles are occupying assigned spaces;

"(3) Vehicles of patrons and visitors and service vehicles not accommodated under subparagraph (4)(ii) of this paragraph; and,

"(6) Privately owned vehicles of employees of occupant agencies not otherwise accommodated." (FPMR 101-20.111-2(a))."

Thus, whether, and to what extent, parking is to be provided for employees of a specific executive agency at a specific location, is determined by the General Services Administration and the agency in question in accordance with the above criteria. The differences in an agency's requirements, location, etc., account for the differences in the amounts of parking available to employees of different agencies.

We hope this letter is of assistance to you.

Sincerely yours,

R.F.KELLER

Deputy ] Comptroller General  
of the United States