



## DoD DIRECTIVE 4500.09

### TRANSPORTATION AND TRAFFIC MANAGEMENT

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<b>Originating Component:</b>	Office of the Under Secretary of Defense for Acquisition and Sustainment
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<b>Reissues and Cancels:</b>	DoD Directive 4500.09E, "Transportation and Traffic Management," September 11, 2007, as amended
<b>Incorporates and Cancels:</b>	DoD Directive 5126.09, "Exemption Under Title II: Federal Property and Administrative Services Act-Transportation and Traffic," November 29, 2004, as amended
<b>Approved by:</b>	David L. Norquist, Deputy Secretary of Defense
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**Purpose:** This issuance:

- Establishes policy and assigns responsibilities for DoD transportation and traffic management activities.
- Establishes DoD policy for executing the DoD exemption to General Services Administration (GSA) transportation and traffic management policy pursuant to Section 501 of Title 40, United States Code (U.S.C.).
- In accordance with current DoD policy and authorities, redesignates the Commander, United States Transportation Command (USTRANSCOM), as the DoD single manager for the DoD Customs and Border Clearance Program.

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## **SECTION 1: GENERAL ISSUANCE INFORMATION**

**1.1. APPLICABILITY.** This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff (CJCS), the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

**1.2. POLICY.** It is DoD policy:

a. To support the national defense strategy of the United States with a strong defense transportation system (DTS) that:

- (1) Operates within the national transportation system.
- (2) Is fully responsive and globally capable of meeting the DoD’s personnel and materiel movement requirements across the range of military operations.
- (3) Includes an optimum mix of various modes and methods of military and commercial transportation.
- (4) Provides streamlined, flexible, and cost-effective transportation service that is responsive to customer needs.

b. To use this issuance to govern conflicts between:

- (1) Operational support airlift policies in DoD Instruction (DoDI) 4500.43.
- (2) Policies on the use of government aircraft and air travel in DoD Directive 4500.56.
- (3) Policies on administrative use of motor vehicles in DoDI 4500.36.
- (4) Policies on air passenger management, safety, and quality control of civil air carriers in DoDI 4500.53.
- (5) Policy on eligibility to travel on-board aircraft operated by or for the DoD, pursuant to DoDI 4515.13.

c. For DoD shippers to use commercial resources from the DTS to the maximum extent practicable, unless there is a documented negative critical mission impact.

d. To transport DoD cargo, or cargo being transported by the DoD, by sea only on U.S.-flagged vessels, or vessels that belong to the United States in accordance with Section 2631 of Title 10, U.S.C., also known as the “Military Cargo Preference Act of 1904, as amended” except when:

(1) Such vessels are not available at a fair and reasonable rate for U.S. commercial vessels; or

(2) Such vessels are not otherwise available to meet the cargo requirements.

e. To transport Defense Security Cooperation Agency materiel that is grant, credit, or guarantee-funded cargo on U.S.-flagged vessels in accordance with Chapter 7.9 of the Security Assistance Management Manual, unless a waiver has been granted.

f. To use DoD transportation resources for official purposes only.

g. To establish DoD transportation and traffic management programs that foster an environment that promotes competition, industrial preparedness, quality service, and overall readiness.

h. To use the most cost-effective commercial transportation resources that meet DoD transportation requirements to the maximum extent practicable unless there is a documented negative critical mission impact.

i. To maintain and operate during peacetime only those DoD-owned or DoD-controlled transportation resources needed for:

(1) DoD emergency, wartime, and anticipated exercise requirements.

(2) Other peacetime forecast requirements that may not reasonably be met with commercial transportation resources.

(3) Essential training for operational personnel.

j. To adhere to the procedures in the Defense Transportation Regulation (DTR) 4500.9-R in determining which cargo, passengers, and personal property are permitted on DoD-owned or DoD-controlled conveyances and on chartered conveyances supporting DoD, except in urgent circumstances.

k. To use intermodal forms of transportation, including American National Standards Institute or International Standards Organization compatible containers to the maximum extent practicable, consistent with military needs as prescribed in DTR 4500.9-R.

l. To acquire common user transportation and related services to meet DoD transportation requirements primarily through USTRANSCOM in accordance with DoDI 5158.06.

m. To use existing procurement instruments for transportation services unless there is a documented negative critical mission impact.

n. To join with other Federal agencies to use transportation services procurement instruments negotiated by those agencies when it is beneficial.

- o. To cooperate with the GSA in transportation and traffic management matters of mutual interest.
- p. To act jointly with the GSA when the GSA and the DoD have mutual interest and common objectives.
- q. To use the authority in Section 501 of Title 40, U.S.C., when in the best interests of national security, to exempt DoD from actions taken by the Administrator of GSA for:
  - (1) Policies and methods of procurement and supply of transportation and traffic management.
  - (2) Procurement and supply of transportation and traffic management functions.
  - (3) Negotiations with carriers and proceedings involving carriers before Federal and State regulatory bodies in transportation and traffic management.
- r. To authorize non-DoD use of DoD transportation only:
  - (1) For DoD-arranged and DoD-provided administrative, logistics, and medical support to the U.S. Department of Agriculture or to the U.S. Public Health Service advisors or inspectors at specific foreign embarkation points.
  - (2) When the DoD mission is not impaired and movement of traffic is of an emergency, lifesaving nature, or specifically authorized by:
    - (a) A statute, an acquisition and cross-servicing agreement, or a cooperative military airlift agreement;
    - (b) An international agreement, in direct support of the DoD mission; or
    - (c) An agreement with the head of another Federal agency pursuant to Sections 1535 and 1536 of Title 31, U.S.C.

**1.3. SUMMARY OF CHANGE 1.** This change:

- a. Incorporates directions from the August 25, 2021 Secretary of Defense Memorandum, based on Public Law 116-283 amendments to Section 2631 of Title 10, U.S.C., also known as the “Military Cargo Preference Act of 1904, as amended” and to Chapter 534 of Title 46, U.S.C.
- b. Incorporates directions and designations from the July 21, 2004 Deputy Secretary of Defense Memorandum in accordance with Chapter 537 of Title 46, U.S.C., and Chapter 531 of Title 46, U.S.C., respectively.

## **SECTION 2: RESPONSIBILITIES**

### **2.1. UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT (USD(A&S)).** The USD(A&S) will:

- a. Establish policy consistent with applicable law and regulations governing transportation and traffic management.
- b. Provide guidance to the DoD Components concerning the efficient and effective acquisition and use of DoD and commercial transportation resources and services.
- c. Oversee DoD transportation and traffic management in accordance with the authority in DoD Directive 5135.02, and Section 501 of Title 40, U.S.C.
- d. Coordinate with the Secretary of Homeland Security on requests for waivers pursuant to Section 501 of Title 46, U.S.C., of cabotage requirements in Section 55102 of Title 46, U.S.C., (also known as the “Jones Act”).
- e. Oversee the compliance with congressional notification requirements in Section 2631(b)(2) of Title 10, U.S.C.

### **2.2. DOD COMPONENT HEADS.** The DoD Component heads will establish implementing procedures in accordance with this issuance.

### **2.3. SECRETARY OF THE NAVY.** In addition to the responsibilities in Paragraphs 2.2. and 2.4., the Secretary of the Navy:

- a. Will act for the Secretary of Defense and exercise the powers of the Secretary of Defense only on matters pertaining to requests for waiver pursuant to Section 501 of Title 46, U.S.C., for the carriage of DoD cargo aboard government-owned and commercial vessels in the DTS.
- b. May delegate to the Commander, Military Sealift Command, the authority to approve waivers pursuant to Section 501 of Title 46, U.S.C., for the carriage of DoD cargo aboard government-owned and commercial vessels in the DTS.
- c. Will refer all other requests for waiver pursuant to Section 501 of Title 46, U.S.C., to the USD(A&S) for further coordination with the Secretary of Homeland Security.
- d. In accordance with Section 2631(b)(1) of Title 10, U.S.C., may waive the requirement for the use of a U.S. flag vessel upon a determination that:

- (1) Such vessel is not available at a fair and reasonable rate for U.S. commercial vessels;
- or

(2) Such vessel is otherwise not available to transport supplies bought for the Army, Navy, Air Force, Marine Corps, Space Force, or Defense Agencies or otherwise transported by the DoD.

e. In accordance with Section 2631(b)(2) of Title 10, U.S.C., will submit a list of waivers granted under Section 2631(b)(1) of Title 10, U.S.C., with the basis for each waiver granted, to the Commander, USTRANSCOM, not later than the end of the fiscal year in which the waivers are granted.

f. In accordance with Section 2631(c)(1) of Title 10, U.S.C., will ensure that all requests for proposals for the use of a vessel for the transportation of supplies under time charter contracts include the condition that:

(1) Any reflagging or repair work on a vessel included in the proposal be performed in the United States (including any U.S. territory).

(2) Any corrective and preventive maintenance or repair work on a vessel under a contract entered into pursuant to Section 2631(c) of Title 10, U.S.C. be performed in the United States (including any U.S. territory) for the duration of the contract, to the greatest extent practicable.

g. In accordance with Section 2631(c)(2) of Title 10, U.S.C.:

(1) May waive the requirement for reflagging or repair work on a vessel or any corrective and preventive maintenance or repair work on a vessel to be performed in the United States (including any U.S. territory) for time-charter contracts based upon a determination that such a waiver is critical to U.S. national security.

(2) Will submit immediately, in writing, to the appropriate congressional committees a notice of any waiver granted and the reasons for such waiver.

**2.4. SECRETARIES OF THE MILITARY DEPARTMENTS AND DEFENSE AGENCY DIRECTORS.** In addition to the responsibilities in Paragraph 2.2., the Secretaries of the Military Departments and Defense Agency Directors submit requests to the Commander, USTRANSCOM for a waiver to the requirements for the use of a U.S. flag vessel for liner/intermodal shipping in accordance with Section 2631(b)(1) of Title 10, U.S.C. Ensure that all such requests meet the conditions of Paragraph 2.7.j.

**2.5. SECRETARIES OF THE ARMY AND AIR FORCE AND DEFENSE AGENCY DIRECTORS.** In addition to the responsibilities in Paragraphs 2.2. and 2.4., the Secretaries of the Army and Air Force and Defense Agency Directors:

a. Submit requests to the Secretary of the Navy for a waiver to the requirements for the use of a U.S. flag vessel for charters in accordance with Section 2631(b)(1) of Title 10, U.S.C. Ensure that all such requests meet the conditions of Paragraph 2.3.f.

b. In accordance with Section 2631(c)(2) of Title 10, U.S.C., submit requests to the Secretary of the Navy and the Commander, USTRANSCOM to waive the requirement for reflagging or repair work or any corrective and preventive maintenance or repair work to time-charter contracts to be performed in the United States (including any U.S. territory). Waiver requests must be made on the basis that such a waiver is critical to U.S. national security.

**2.6. CJCS.** In addition to the responsibilities in Paragraph 2.2., the CJCS will:

- a. Identify requirements to the USTRANSCOM Joint Deployment and Distribution Coordinator.
- b. Prescribe a transportation movement priority system.
- c. Establish a joint transportation board to analyze courses of actions and provide recommendations when requirements exceed transportation system capability.

**2.7. COMMANDER, USTRANSCOM.** In addition to the responsibilities in Paragraph 2.2., the Commander, USTRANSCOM:

- a. Will serve as the DoD single manager for transportation for other than Service-unique or theater-assigned assets and provide:
  - (1) Common-user and commercial air, land, and sea transportation.
  - (2) Terminal management.
  - (3) Aerial refueling to support the global deployment, employment, sustainment, and redeployment of U.S. forces.
- b. Will plan, allocate, route, schedule, and track assets to meet validated joint force commander deployment and distribution requirements.
- c. Will develop, publish, and maintain the DTR 4500.9-R.
- d. Is designated as the DoD single manager for the Customs and Border Clearance Program with delegated authority to enter into interagency agreements and arrangements.
- e. Is hereby designated as the primary commander responsible for the transportation-oriented elements of strategic mobility planning and operations and for maintaining associated systems.
- f. Will plan worldwide strategic mobility (deliberate and execution), deployment-related automated data processing systems integration, and centralized traffic management.
- g. Will coordinate changes and updates to DTR 4500.9-R with the Deputy Assistant Secretary of Defense for Logistics, the Secretaries of the Military Departments, and, as appropriate, Joint Staff and Defense Logistics Agency representatives.



h. In accordance with Section 2631(b)(1) of Title 10, U.S.C., may waive the requirement for the use of a U.S. flag vessel upon a determination that:

(1) Such vessel is not available at a fair and reasonable rate for U.S. commercial vessels;  
or

(2) Such vessel is otherwise not available to transport supplies bought for the Army, Navy, Air Force, Marine Corps, Space Force, Defense Agencies or otherwise transported by the DoD.

i. In accordance with Section 2631(b)(2), of Title 10, U.S.C., will prepare and submit an annual report to the appropriate congressional committees addressing:

(1) Waivers issued by the Secretary of the Navy and the Commander, USTRANSCOM in accordance with this issuance.

(2) The reasons for such waivers.

j. In accordance with Section 2631(c)(1) of Title 10, U.S.C., will ensure that all requests for proposal for the use of a vessel for the transportation of supplies in time-charter contracts include the condition that:

(1) Any reflagging and repair work on a vessel included in the proposal be performed in the United States (including any U.S. territory).

(2) Any corrective and preventive maintenance or repair work on a vessel under a contract entered into pursuant to Section 2631(c) of Title 10, U.S.C., be performed in the United States (including any U.S. territory) for the duration of the contract, to the greatest extent practicable in accordance with Section 2631(c)(2) of Title 10, U.S.C.

k. In accordance with Section 2631(c)(2) of Title 10, U.S.C.:

(1) May waive the requirement for reflagging or repair work or corrective and preventive maintenance or repair work to be performed in the United States for time-charter contracts based upon a determination that such a waiver is critical to U.S. national security.

(2) Will submit immediately, in writing, to the appropriate congressional committees a notice of any waiver granted and the reasons for such waiver.

l. Will serve as the DoD representative for certain Tanker Security Fleet Program actions that the Secretary of Defense is authorized to take under Chapter 534 of Title 46, U.S.C., and will coordinate actions with the CJCS and the USD(A&S). This delegation of authority does not include the authorities described in Sections 53402(d) and 53412(a) of Title 46, U.S.C.

m. Will serve as the DoD representative for Maritime Security Fleet actions that the Secretary of Defense is authorized to take under Chapter 531 of Title 46, U.S.C. and will coordinate actions with the CJCS and the USD(A&S).

n. Will serve as the DoD representative for loan guarantees under Title XI of the Merchant Marine Act of 1936 in Chapter 537 of Title 46, U.S.C. and will coordinate actions with the CJCS and the USD(A&S).

## **SECTION 3: DoD SUPPORT FOR THE MOVEMENT OF NON-DoD TRAFFIC**

### **3.1. REQUESTS IN THE BEST INTEREST OF THE GOVERNMENT.**

a. Non-DoD entities may use DoD transportation resources for the movement of non-DoD traffic when doing so is in the best interest of the Federal Government.

b. Federal departments and agencies may request DoD transportation when commercial transportation is not available or, for specified reasons, is not capable of satisfying the movement requirement.

c. When use of DoD transportation is approved, the U.S. Government agency, non-U.S. Government agency, or private individuals will provide reimbursement to DoD for transportation in accordance with Volumes 11A and 11B of DoD 7000.14-R.

d. To determine the costs for a request to use DoD transportation for the movement of non-DoD traffic, DoD Components will:

(1) Construct rates in accordance with DoDI 6000.11 to recover specific costs based on the type of department or agency supported.

(2) Construct non-DoD U.S. Government rates that recover costs and offset expenses from appropriated funds such as military and civilian pay or funded fringe benefit costs, and recover other significant costs such as the cost of fuel or landing fees.

(3) Construct non-U.S. Government rates that recover the full cost of operation including costs charged to other Federal departments and agencies, plus miscellaneous costs, as provided in DoD 7000.14-R.

(4) Use specific rates or surcharges when provided by transportation operating agencies.

(5) Construct reimbursement for the transportation of foreign military sales materiel in accordance with DoD 7000.14-R.

### **3.2. DOD PROCEDURES FOR NON-DoD TRAFFIC.**

a. DoD Components will process requests for the use of DoD transportation to move non-DoD traffic and refer:

(1) Requests for patient movement to the Global Patient Movement Requirements Center for disposition in accordance with DoDI 6000.11.

(2) Requests to the DoD Component with approval authority as specified in DoDI 4515.13.

(3) Other requests not covered in Paragraphs 3.2a.(1) and 3.2a.(2) to the Deputy Assistant Secretary of Defense for Logistics.

b. When DoD transportation has been authorized to move non-DoD traffic, the organization requesting the transportation will provide the documents required for:

(1) Customs, immigration, import, and export processes, including export authorizations:

(a) By the Department of State for defense articles controlled for export under the International Traffic in Arms Regulations in Parts 120 through 130 of Title 22, Code of Federal Regulations.

(b) From the Department of Commerce for dual use items and munitions articles controlled for export under the Export Administration Regulations in Parts 730 through 774 of Title 15, Code of Federal Regulations.

(2) International travel and transportation requirements.

c. When DoD support is approved for the U.S. Department of Agriculture, the U.S. Public Health Service advisors, or inspectors at specific foreign embarkation points, DoD Components will:

(1) Embark retrograde DoD cargo only with official clearance certification or free pratique authorization by a certified quarantine inspector.

(2) Arrange retrograde movement of foreign equipment for repair and return on a space-available, reimbursable basis.

## GLOSSARY

### G.1. ACRONYMS.

CJCS	Chairman of the Joint Chiefs of Staff
DoDI	DoD instruction
DTR	Defense Transportation Regulation
DTS	defense transportation system
GSA	General Services Administration
U.S.C.	United States Code
USD(A&S)	Under Secretary of Defense for Acquisition and Sustainment
USTRANSCOM	United States Transportation Command

### G.2. DEFINITIONS. These terms and their definitions are for the purposes of this issuance.

**cabotage.** A term of maritime law that refers to transit of a vessel along the coast of a nation for the purpose of trade from one port to another within the territorial limits of that nation. Usually, this is regulated by the national law of the host nation. The terms coastal trade or coastal trading are more commonly used now instead of cabotage.

**DTS.** The portion of the worldwide transportation infrastructure that supports DoD transportation needs in peace and war.

DTS consists of two major elements: military and commercial resources. These resources include aircraft, assets, services, and systems organic to, contracted for, or controlled by the DoD. DoD's infrastructure, including ports, airlift, sealift, railway, highway, in-transit visibility, information management systems, customs, and traffic management that the DoD maintains and exercises in peacetime, is a vital element of the DoD's capability to project power worldwide. It provides for responsive force projection and a seamless transition between peacetime and wartime operations.

**fair and reasonable rate.** Determination of rate reasonableness pursuant to Section 3453(d) of Title 10, U.S.C.

**free pratique.** A license given to a ship to enter a port after assuring governing authorities that the ship is free from contagious disease.

**non-DoD entities.** Non-governmental organizations, commercial activities, and other government agencies, including foreign governments.

**shipper.** A Military Service or agency activity (including the contract administration or purchasing office for vendors) or vendor that originates shipments. It plans, assembles, consolidates, documents, and arranges materiel movement.

**traffic.** Cargo, personal property, mail, passengers, patients, security courier material, accompanied baggage, and human remains.

**traffic management.** The direction, control, and supervision of all functions related to the procurement and use of freight and passenger transportation services, and the movement of a member or employee's personal property.

## REFERENCES

- Code of Federal Regulations, Title 15, Parts 730 through 774 (also known as the “Export Administration Regulations”)
- Code of Federal Regulations, Title 22, Parts 120 through 130 (also known as the “International Traffic in Arms Regulations”)
- Defense Security Cooperation Agency, “Security Assistance Management Manual,” current edition<sup>1</sup>
- Defense Transportation Regulation 4500.9-R, current edition
- Deputy Secretary of Defense Memorandum, “Designation of USTRANSCOM as DoD Representative for Administration of Title XI Ship Loan Guarantee Program and Maritime Security Program,” July 21, 2004<sup>2</sup>
- DoD 7000.14-R, “Department of Defense Financial Management Policy,” current version
- DoD Directive 4500.56, “DoD Policy on the Use of Government Aircraft and Air Travel,” April 14, 2009, as amended
- DoD Directive 5135.02, “Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)),” July 15, 2020
- DoD Instruction 4500.36, “Acquisition, Management, and Use of Non-Tactical Vehicles (NTVs),” December 11, 2012, as amended
- DoD Instruction 4500.43, “Operational Support Airlift,” July 30, 2021
- DoD Instruction 4500.53, “DoD Commercial Air Transportation Quality and Safety Review Program,” May 7, 2021
- DoD Instruction 4515.13, “Air Transportation Eligibility,” January 22, 2016, as amended
- DoD Instruction 6000.11, “Patient Movement (PM),” June 22, 2018
- Public Law 116-283, “William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021,” January 1, 2021
- Secretary of Defense Memorandum, “Delegation of Authority Under the Cargo Preference Act and the Tanker Security Fleet Program,” August 25, 2021
- United States Code, Title 10
- United States Code, Title 31
- United States Code, Title 40, Section 501
- United States Code, Title 46

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<sup>1</sup> Available at <https://www.samm.dsca.mil/chapter/chapter-7>

<sup>2</sup> Available at [https://www.acq.osd.mil/log/LOG\\_TD/policies.html](https://www.acq.osd.mil/log/LOG_TD/policies.html)