

Office of the Secretary of Transportation

§ 1.46

Transportation, with respect to the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, Public Law 91-646, 84 Stat. 1984, are delegated to:

(1) The head of each of the following Operating Administrations with respect to programs administered by their respective organizations:

- (i) U.S. Coast Guard;
- (ii) Federal Aviation Administration;
- (iii) Federal Highway Administration;
- (iv) Federal Railroad Administration;
- (v) Urban Mass Transportation Administration;
- (vi) National Highway Traffic Safety Administration;
- (vii) St. Lawrence Seaway Development Corporation; and
- (viii) Maritime Administration.

(2) [Reserved]

(d) Each office to whom authority is delegated by either § 1.45(c) or § 1.59(p) may redelegate and authorize successive redelegations of that authority within the organization under the Administrators' or Assistant Secretary for Administration's jurisdiction.

(e) Each office to whom authority is delegated by either § 1.45(c) or § 1.59(p) may prescribe additional procedures, requirements and regulations that are appropriate to the particular programs administered by the preparing official's organization, provided:

(1) Any such additional guidance is not inconsistent with the Act, 49 CFR part 25 or subpart C of this manual;

(2) Any such additional guidance is approved prior to issuance by the Federal government's designated lead agency, the Federal Highway Administration (see § 1.48(cc)), in coordination with the Assistant Secretary for Transportation Policy.

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.45, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 1.46 Delegations to Commandant of the Coast Guard.

The Commandant of the Coast Guard is delegated authority to:

(a) [Reserved]

(b) Carry out all the activities of the Coast Guard, including, but not limited

to, law enforcement, safety of life and property at sea (excluding 46 U.S.C. 170 (7), (10) and (11)), aids to navigation, search and rescue, icebreaking, oceanographic research and military readiness functions (49 U.S.C. 1655(b)(1)).

(c) Carry out the following laws relating generally to water vessel anchorages, drawbridge operating, regulations, obstructive bridges, pollution of the sea by oil and the locations and clearances of bridges and causeways over the navigable waters of the United States:

(1) Section 7 of the Act of March 4, 1915, as amended (38 Stat. 1053; 33 U.S.C. 471);

(2) Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499);

(3) The Act of June 21, 1940, as amended (54 Stat. 497; 33 U.S.C. 511 *et seq.*);

(4) The Oil Pollution Act, 1961, as amended (75 Stat. 402; 33 U.S.C. 1001 *et seq.*);

(5) Sections 9 and 18 of the Act of March 3, 1899, as amended (30 Stat. 1151; 33 U.S.C. 401, 502);

(6) The Act of March 23, 1906, as amended (34 Stat. 84, 33 U.S.C. 491 *et seq.*) except section 3 (33 U.S.C. 493) and that portion of section 4 (33 U.S.C. 494) that relates to tolls.

(7) The General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 525 *et seq.*) except sections 502(c) and 503.

(d) Carry out the functions vested in the Secretary by the Vessel Documentation Act (94 Stat. 3453, 46 U.S.C. 65a *et seq.*) and the Tonnage Measurement Simplification Act (94 Stat. 3461, 46 U.S.C. 71 *et seq.*), and the functions assigned to the Secretary by Executive Order 12419 relating to admeasurement of ships; and carry out Reorganization Plan No. 1 of 1967, relating to ship mortgages.

(e) Request the Secretary of the Navy to build at naval shipyards Coast Guard vessels not normally or economically obtainable from private contractors (14 U.S.C. 145(a)(1)).

(f) Administer Executive Order 11459 (34 FR 5057), relating to approval of containers for transport under Customs seal.

(g) Exchange information, through the Secretary of State, with foreign

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governments on matters dealing with the safety of life and property at sea, other than radio communications, but not including the submission of suggestions to the Secretary of State on international collaboration and conferences (14 U.S.C. 142).

(h) Exchange personnel, vessels, facilities, and equipment with the Secretary of the Navy to facilitate operational readiness for wartime service with the Navy, and agree to undertake such assignments and functions for the mutual benefit of the Navy and Coast Guard as are necessary and advisable, except with respect to those exchanges and agreements which, in the Commandant's judgment, may have substantial political impact or adversely affect mission performance (14 U.S.C. 145(c)).

(i) Approve retention of a rear admiral on active duty for a period not exceeding one year (14 U.S.C. 290(b)).

(j) Through the Chief Counsel, U.S. Coast Guard, settle and pay claims against the United States as provided by 10 U.S.C. 2733.

(k) Award life-saving medals and military decorations (except the Medal of Honor, the Distinguished Service Medal, and the Legion of Merit) and carry out the laws and Executive orders relating to those awards (14 U.S.C. 492a, 493, 494, 496, 497, 498, 500, 501, 502; Executive Order 4601, Mar. 1, 1926, as amended by Executive Order 7786 (3 FR 39); Executive Order 9158 (7 FR 3541), as amended by Executive Order 9242A (7 FR 7874); Executive Order 10637 (20 FR 7025); Executive Order 11016 (27 FR 4139); Executive Order 11046 (27 FR 8575); Executive Order 11448 (34 FR 915)).

(l) Carry out the functions vested in the Secretary by sections 104(i), 104(j), 311(b), 311(j) (2) and (3), 311(m)(2), 312, and 402(b)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1321), as amended by the Oil Pollution Act of 1990 (August 18, 1990; Pub L. 101-380; 104 Stat. 484), and sections 4202(b) (2) and (3) of the Oil Pollution Act of 1990.

(m) Carry out the functions assigned to the Secretary by Executive Order 12777 (3 CFR, 1991 Comp.; 56 FR 54757) in sections 1(b), 2(a), 2(b)(2), 2(c), 2(d)(2), 2(e)(2), 2(f), 2(g)(2), 3, 5(a)(2), 5(b)(1) and (3), 6, 7(a) (1) and (3), 7(b), 7(c), 7(d),

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8(d), 8(f), 8(g), 8(h), 9, and 10(c), excepting that portion of section 2(b)(2) relating to the establishment of procedures, methods, and equipment and other requirements for equipment to prevent and to contain discharges of oil and hazardous substances from pipelines, motor carriers, and railroads; and further excepting the exercise of the authority in section 2(d)(2) over motor carriers and railroads, other than for operations incident to the transfer of oil or hazardous substances to or from vessels, and the exercise of the authority in section 2(d)(2) over pipelines.

(n) Carry out the functions vested in the Secretary by the following statutes:

(1) Federal Boat Safety Act of 1971 (85 Stat. 213);

(2) Vessel Bridge-to-Bridge Radio-Telephone Act (85 Stat. 164);

(3) Public Law 92-339, relating to the licensing of personnel on certain towing vessels (86 Stat. 423);

(4) Port and Tanker Safety Act of 1978 (92 Stat. 1471), except sections 4, 5, 6, 7, 8, 12 and 13 of Sec. 2 to the extent that those sections pertain to the operation of the St. Lawrence Seaway;

(5) Sections 104 (a) and (g), 107(c), 108, 201, and 302(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92-532) relating to ocean dumping;

(6) International Voyage Load Line Act of 1973 (Pub. L. 93-115);

(7) Intervention on the High Seas Act (Pub. L. 93-248) except section 13(a);

(8) Public Law 93-524 (88 Stat. 1694) which relates to waste materials on vessels (46 U.S.C. 77(e));

(9) Public Law 94-85 (89 Stat. 426), which relates to carriage of additional passengers on documented vessels in emergency situations;

(10)(i) Section 304(a)(1) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903(a)(1)) insofar as it relates to the promulgation of joint regulations with the National Transportation Safety Board (NTSB) governing investigations of major marine casualties and casualties involving public and non-public vessels, and the conduct of accident investigations upon request of the Board;

(ii) Section 307 of the Independent Safety Board Act of 1974 (49 U.S.C. 1906)

insofar as it relates to responses to NTSB recommendations regarding marine casualties;

(11) International Navigational Rules Act of 1977 (Pub. L. 95-75, 91 Stat. 308);

(12) International Safe Container Act (Pub. L. 95-208, 91 Stat. 1475), except section 4(e);

(13) 14 U.S.C. 195, relating to instruction of foreign nationals at the Coast Guard academy; and

(14) Inland Navigational Rules Act of 1980 (Pub. L. 96-591).

(o) Carry out the functions vested in the Secretary by 14 U.S.C. 475 and Executive Order 11645, 3 CFR 371 (1973), 37 FR 2923, February 10, 1972, relating to the rental of housing facilities at or near Coast Guard installations.

(p) Carry out the functions vested in the Secretary by Public Law 92-425 and Executive Order 11687 (37 FR 21479), relating to the Retired Serviceman's Survivor Benefit Plan.

(q) Carry out the functions vested in the Secretary by section 5 of the International Bridge Act of 1972 (Pub. L. 92-434) as it relates to navigable waterways other than the St. Lawrence River.

(r) Carry out the functions vested in the Secretary by 14 U.S.C. 657, relating to schooling and transportation to schools for dependents of Coast Guard personnel.

(s) Carry out the functions and responsibilities vested in the Secretary by the Deepwater Port Act of 1974 (33 U.S.C. 1501-1524), except as reserved by § 1.44(o) and delegated by § 1.53(c).

(t) Carry out the functions vested in the Secretary by 49 App. U.S.C. 1801-1819, and 46 App. U.S.C. 3306(a)(5) to the extent they relate to regulations and exemptions governing the bulk transportation of hazardous materials that are loaded or carried on board a vessel without benefit of containers or labels, and received and handled by the vessel carrier without mark or count, and regulations and exemptions governing ships' stores and supplies.

(u) Carry out the functions vested in the Secretary by 49 U.S.C. 1808(a), (b), and (c) and 1809 and 1810, relating to investigations, records, inspections, penalties, and specific relief, so far as they apply to the transportation or shipment of hazardous materials by water.

(v) Carry out the functions vested in the Secretary by the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended; 16 U.S.C. 1801 *et seq.*) except that the authority to approve seizure of a foreign vessel may not be redelegated and shall be exercised in each instance only after consultation with the Department of State.

(w) Issue wage schedules for trades, crafts, and laboring employees in non-appropriated fund activities.

(x) Carry out the functions vested in the Secretary by 10 U.S.C. 2683 insofar as it relates to the relinquishment to a state of legislative jurisdiction of the United States over lands and interests under the control of the Coast Guard in that state.

(y) Carry out the functions and responsibilities vested in the Secretary by the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671 *et seq.*) relating to rulemaking so far as it applies to liquefied natural gas facilities adjacent to the navigable waters of the United States: *Provided*, That such rulemaking is in accordance with the Memorandum of Understanding between the Coast Guard and Materials Transportation Bureau executed on February 7, 1978, for regulation of such facilities.

(z) Carry out the functions vested in the Secretary by the Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et seq.*), as amended, title VI of the Outer Continental Shelf Lands Act Amendments of 1978 (September 18, 1978; Pub. L. 95-372; 92 Stat. 629), except as delegated by § 1.53(a)(6).

(aa) Carry out the functions vested in the Secretary by the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714(i)) for lands under the administration of the U.S. Coast Guard.

(bb) Carry out the functions vested in the Secretary by the Act of September 10, 1976 (90 Stat. 1236, 46 U.S.C. 420) relating to the issuance of permits exempting specific cargo-carrying vessels operating within the State of Alaska from all or part of 46 U.S.C. 88, 391, 391a, and 404 and the regulations issued thereunder.

(cc) Carry out the requirements of section 146 of the Surface Transportation Assistance Act of 1978 (Pub. L.

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95–599, 92 Stat. 2689) relating to foreign-built hovercraft in Alaska.

(dd) Exercise all functions of the General Services Administrator pertaining to the acquisition of special purpose space in urban centers, as defined in 41 CFR 101–18.102, to house U.S. Coast Guard Recruiting Offices pursuant to the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and to acquire such space by firm term leases up to five (5) years in accordance with the authority contained in section 210(h) (1) of the Federal Property and Administrative Services Act of 1949, as amended. Provided, that such authority is exercised in accordance with the Memorandum of Understanding between the Department of Transportation and the General Services Administration executed on January 27, 1981, for implementation of this delegation.

(ee) Carry out all functions vested in the Secretary in any capacity by the Ocean Thermal Energy Conversion Act of 1980 (Pub. L. 96–320, August 3, 1980), except title II.

(ff) Carry out the functions vested in the Secretary by:

(1) Section 108(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9608(a)(3)), and by sections 7(b)(1), 7(b)(2), and 7(c) (2) of Executive Order 12580 relating to vessel financial responsibility; and

(2) Sections 2(e)(1), 2(e)(2), 2(i), 2(j)(1), 2(j)(2), 2(k), 3(a), 4(b)(1), 4(b)(2), 6(c), 9(d), 9(i), and 11(b)(2) of Executive Order 12580 relating to facilities and vessels under the jurisdiction, custody, or control of the Coast Guard.

(gg) Carry out the functions, relating to releases or threatened releases involving the coastal zone, Great Lakes waters, and ports and harbors, vested in the Secretary by sections 2(f), 2(i), 2(j)(2), 2(k), 4(c)(1), 4(c)(2), 5(b), 6(c), 9(d), 9(i), and 11(b)(2) of Executive Order 12580 insofar as they relate to:

(1) Responses to releases or threats of releases from vessels;

(2) Emergency action concerning releases or threats of releases at facilities other than active or inactive “hazardous waste management facilities” (as defined in 40 CFR 270.2); and

(3) Emergency action concerning releases or threats of releases at active or inactive “hazardous waste management facilities” only when the Coast Guard On-Scene Coordinator determines that such action must be taken pending the arrival on scene of an Environmental Protection Agency (EPA) On-Scene Coordinator (OSC). Unless otherwise agreed upon by the EPA and Coast Guard, this authority will not be exercised unless the EPA OSC is scheduled to arrive on scene within 48 hours of notification of the release or threat of release.

As used in this paragraph “emergency action” includes any removal action which, in the view of the Coast Guard On-Scene Coordinator, must be taken immediately to prevent or mitigate immediate and significant danger to the public health, welfare, or the environment. Situations in which such actions may be taken include, but are not limited to, fire, explosions, and other sudden releases; human, animal, or food chain exposure to acutely toxic substance; and the contamination of a drinking water supply. All functions listed in this paragraph include the authority to contract for, obligate monies for, and otherwise arrange for and coordinate the responses included within such functions.

(hh) Carry out the functions vested in the Secretary by the Act to Prevent Pollution from Ships (October 21, 1980; Pub. L. 96–478; 94 Stat. 2297) except section 10(b) and (c) and except as limited by § 1.47(n), § 1.52(c), and § 1.66(u) of this title.

(ii) Carry out the functions vested in the Secretary by the Deep Seabed Hard Mineral Resources Act (June 21, 1980; Pub. L. 96–283; 94 Stat. 553), except section 118.

(jj) Carry out the functions vested in the Secretary to convene and approve a Coast Guard Reserve Policy Board as provided in 14 U.S.C. 703.

(kk) Carry out the functions vested in the Secretary by the Fisheries Amendments of 1982 (Pub. L. 97–389; 96 Stat. 1949) relating to implementation of the Convention for the Conservation of Salmon in the North Atlantic Ocean and to documentation and certification of inspection of certain vessels.

(ll) Carry out the functions vested in the Secretary by sections 1015(b), 1016, 4107(b), 4109, 4110, 4111, 4114(a), 4115(b), 4115(e), 4116(c), 4118, 4203, 5002(c)(4), 5002(i), 5002(k), 5003, 5004, 5005(a)(5), 7001(a), 7001(b)(2) and 7001(c)(6) and (11) of the Oil Pollution Act of 1990 (August 18, 1990; Pub. L. 101-380; 104 Stat. 484). (See 49 CFR 1.53 and 1.66).

(mm)—(oo) [Reserved]

(pp) Except as specifically reserved in 49 CFR 1.44, carry out the responsibilities of, and exercise the authority of the Secretary contained in the Uniform Code of Military Justice, chapter 47 of title 10 United States Code, and the Manual for Courts-Martial, United States.

(qq) Carry out the functions and exercise the authority vested in the Secretary by 14 U.S.C. 659 relating to providing assistance to film producers and obtaining reimbursement for assistance provided.

(rr) Exercise the authority of the Secretary contained in 10 U.S.C. 1588 to accept voluntary services for a museum or a family support program operated by the Coast Guard; to determine which expenses are eligible for reimbursement; and to provide reimbursement from nonappropriated funds of incidental expenses incurred by persons providing voluntary services as an ombudsman or for a family service center program.

(ss) Carry out the functions and exercise the authority vested in the Secretary by chapter 125, title 46 U.S.C., to establish and maintain a vessel identification system and to charge fees to persons providing information to or requesting information from the system.

(tt) Carry out the functions and exercise the authority vested in the Secretary by chapter 19, title 14 U.S.C., to establish and carry out a program of environmental compliance and restoration at current and former Coast Guard facilities and to expend funds from the Environmental Compliance and Restoration Account.

(uu) Carry out the functions and exercise the authority vested in the Secretary by 46 U.S.C. 2110 to establish, collect, and enforce the fees and charges required by that section.

(vv) Carry out the functions and exercise the authority vested in the Sec-

retary by 46 U.S.C. 8103(b)(3) to waive the citizenship requirements on vessels documented under U.S. law.

(ww) Carry out the functions and exercise the authority vested in the Secretary by 16 U.S.C. 4711 to establish and enforce regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels. This authority may be redelegated.

(xx) Carry out the functions and exercise the authority vested in the Secretary by 33 U.S.C. 1226 to prevent or respond to acts of terrorism and 46 U.S.C. app. 1803, subsections (a) and (b), to assess the state of security standards at foreign ports. This authority may be redelegated.

(yy) Carry out the functions and exercise the authority vested in the Secretary by 42 U.S.C. 7511b(f), concerning tank vessel emissions, to promulgate safety regulations, to consult with the Administrator of the Environmental Protection Agency concerning emission standards, and to enforce compliance of emission standards as determined by such consultation. This authority may be redelegated.

(zz) Carry out the functions and exercise the authority vested in the Secretary by 46 U.S. Code Chapter 47 (abandonment of barges) and § 12301(b) (numbering of undocumented barges), as enacted by the Oceans Act of 1992, Title V, section 5301 *et seq.*, Pub. L. No. 102-587, 106 Stat. 5081. This authority may be redelegated.

(aaa) Establish the promotion zone for rear admiral (lower half), provided all captains eligible for consideration under the provisions of section 257(a)(5), Title 14, U.S. Code, are placed in the zone.

(bbb) Remove an officer from active duty under section 326, Title 14, U.S. Code.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e); 49 CFR 1.57(l); 49 U.S.C. 322)

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.46, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 1.47 Delegations to Federal Aviation Administrator.

The Federal Aviation Administrator is delegated authority to:

(a) Carry out the powers and duties transferred to the Secretary of Transportation by, or subsequently vested in the Secretary by virtue of, section 6(c)(1) of the Department of Transportation Act (49 U.S.C. 1655(c)(1)), including those pertaining to aviation safety (except those related to transportation, packaging, marking, or description of hazardous materials) and vested in the Secretary by section 308(b) of title 49 U.S.C. and sections 306–309, 312–314, 1101, 1105, and 1111 and titles VI, VII, IX (excluding section 902(h)), and XII of the Federal Aviation Act of 1958, as amended.

(b) Carry out title XIII of the Federal Aviation Act of 1958, as amended (72 Stat. 800; 49 U.S.C. 1531 *et seq.*), relating to aviation insurance.

(c) Carry out the functions vested in the Secretary by the Act of September 7, 1957 (71 Stat. 629; 49 U.S.C. 1324 note), as amended by section 6(a)(3)(B) of the Department of Transportation Act, relating to the guarantee of aircraft purchase loans, and those functions which relate to the issuance of obligations to finance the expenses of such guarantees.

(d) Administer Executive Orders 11419 and 11322 relating to prohibited aviation operations and the prohibited carriage of commodities and products to and from Southern Rhodesia. Carry out the functions vested in the Secretary by Executive Order 12183.

(e) Provide certain facilities and services to FAA employees and their dependents at remote locations (49 U.S.C. 1659).

(f) Carry out the functions vested in the Secretary by:

(1) The Airport and Airway Development Act of 1970, as amended (49 U.S.C. 1701 *et seq.*), except sections 3 and 4 (49 U.S.C. 1702, 1703).

(2) Sections 208 and 209 of the Airport and Airway Revenue Act of 1970, as amended (49 U.S.C. 1742, 1742 note); and

(3) Sections 21, 22, 23(b), 24, and 25 of the Airport and Airway Development Act Amendments of 1976 (49 U.S.C. 1346(a), 1348 note, 1713 note, 1356a, 1704).

(g) Carry out the functions vested in the Secretary by part B of title II of the Clean Air Act, as amended (84 Stat. 1703), and by 40 CFR part 87 as it relates to exemptions from aircraft air pollution standards.

(h) Carry out the functions of the Secretary under section 208 of the Appalachian Regional Development Act of 1965 (85 Stat. 168; 40 U.S.C. App. 208).

(i) Carry out the functions vested in the Secretary by section 902(h)(2) of the Federal Aviation Act of 1958, as amended, as it relates to enforcement of hazardous materials regulations as they apply to the transportation or shipment of such materials by air.

(j) Carry out the functions vested in the Secretary by 49 U.S.C. 1807 as it relates to the establishment of procedures for monitoring and enforcing provisions of regulations with respect to the transportation of radioactive materials on passenger-carrying aircraft.

(k) Carry out the functions vested in the Secretary by 49 App. U.S.C. 1808 (a), (b), and (c), 1809 and 1810 relating to investigations, records, inspections, penalties and specific relief so far as they apply to the transportation or shipment of hazardous materials by air, including the manufacture, fabrication, marking, maintenance, reconditioning, repair, or test of containers which are represented, marked, certified, or sold for use in the bulk transportation of hazardous materials by air.

(l) Serve, or designate a representative to serve, as Vice Chairman and alternate Department of Transportation member of the Interagency Group on International Aviation (IGIA) pursuant to interagency agreement of December 9, 1960, and Executive Order 11382, and provide for the administrative operation of the IGIA Secretariat.

(m) Carry out the functions vested in the Secretary by sections 4(a) and 5(c) of Executive Order 12316 of August 14, 1981 (46 FR 42237, Aug. 20, 1981) (delegating sections 107(c)(1)(c) and 108(b), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1981, Pub. L. 96–510), insofar as they relate to aircraft.

(n) Carry out the functions vested in the Secretary by section 3(d) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(d)) as it relates to ships