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APPENDIX A TO PART 1—DELEGATIONS AND REDELEGATIONS BY SECRETARIAL OFFICERS

AUTHORITY: 49 U.S.C. 322; Public Law 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

SOURCE: Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, unless otherwise noted.

Subpart A—General

§ 1.1 Purpose.

This part describes the organization of the Department of Transportation and provides for the performance of duties imposed upon, and the exercise of powers vested, in the Secretary of Transportation by law.

§ 1.2 Definitions.

As used in this part, *Administrator* includes:

- (a) The Coast Guard Commandant.
- (b) The Federal Aviation Administrator.
- (c) The Federal Highway Administrator.
- (d) The Federal Railroad Administrator.
- (e) The National Highway Traffic Safety Administrator.
- (f) The Urban Mass Transportation Administrator.
- (g) The Administrator of the St. Lawrence Seaway Development Corporation.
- (h) The Research and Special Programs Administrator.
- (i) The Maritime Administrator.

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(j) The Director of the Bureau of Transportation Statistics.

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, as amended by Amdt. 1-157, 45 FR 83403, Dec. 18, 1980; Amdt. 1-164, 46 FR 47458, Sept. 28, 1981; Amdt. 1-270, 60 FR 30196, June 8, 1995]

§ 1.3 Organization of the Department.

(a) The Secretary of Transportation is the head of the Department.

(b) The Department is comprised of the Office of the Secretary and the following operating elements, the heads of which report directly to the Secretary:

(1) The U.S. Coast Guard, headed by the Commandant.

(2) The Federal Aviation Administration, headed by the Administrator.

(3) The Federal Highway Administration, headed by the Administrator.

(4) The Federal Railroad Administration, headed by the Administrator.

(5) The National Highway Traffic Safety Administration, headed by the Administrator.

(6) The Urban Mass Transportation Administration, headed by the Administrator.

(7) The St. Lawrence Seaway Development Corporation, headed by the Administrator.

(8) The Research and Special Programs Administration, headed by the Administrator.

(9) The Maritime Administration, headed by the Administrator and including within it the Maritime Subsidy Board composed of the Maritime Administrator, the Deputy Maritime Administrator, and the Chief Counsel of the Maritime Administration.

(10) The Bureau of Transportation Statistics, headed by the Director.

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, as amended by Amdt. 1-157, 45 FR 83403, Dec. 18, 1980; Amdt. 1-164, 46 FR 47458, Sept. 28, 1981; Amdt. 1-270, 60 FR 30196, June 8, 1995]

§ 1.4 General responsibilities.

(a) *Office of the Secretary*. Provides for:

(1) Leadership in formulating and executing well-balanced national and international transportation objectives, policies, and programs;

(2) Stimulating and promoting research and development in all modes

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and types of transportation, with special emphasis on transportation safety;

(3) Coordinating the various transportation programs of the Federal Government;

(4) Encouraging maximum private development of transportation services;

(5) Responsive, timely, and effective liaison with Congress, and public and private organizations on transportation matters;

(6) Innovative approaches to urban transportation and environmental enhancement programs; and

(7) Effective management of the Department as a whole.

(b) *U.S. Coast Guard*. Is responsible for:

(1) Upon the high seas and waters subject to the jurisdiction of the United States:

(i) Enforcing or assistance in enforcing applicable Federal laws;

(ii) Administering laws and promulgating and enforcing regulations for promoting safety of life and property, covering all matters not specifically delegated by law to some other executive department or reserved to the States;

(iii) Developing, establishing, maintaining, and operating, with due regard to the requirements of national defense, aids to navigation, icebreaking facilities, and rescue facilities for promoting safety; and

(2) Maintaining a state of readiness to function as a specialized service in the Navy, in time of war or when the President shall direct, as provided in section 3 of title 14, United States Code.

(c) *The Federal Aviation Administration*. Is responsible for:

(1) Promulgating and enforcing regulations on all safety matters relating to the manufacture, operation, and maintenance of aircraft;

(2) Registering aircraft and recording rights in aircraft;

(3) Developing, modifying, testing, and evaluating systems, procedures, facilities, and devices needed for the safe and efficient navigation and traffic control of aircraft;

(4) Locating, constructing or installing, maintaining, and operating Federal aids to air navigation, wherever necessary;

(5) Developing air traffic regulations, and administering air traffic control of civil and military air operations within U.S. airspace;

(6) Providing grants-in-aid for developing public airports;

(7) Promoting and encouraging civil aviation abroad through technical assistance to other governments; and

(8) Promulgating and enforcing regulations on all safety matters relating to commercial launch activities.

(d) *The Federal Highway Administration*. Is responsible for:

(1) Planning, in cooperation with the States, the national highway system;

(2) Providing for improving, in cooperation with the States, roads on the Federal-aid primary, secondary, and interstate highway systems and urban extensions thereof;

(3) Highway beautification and scenic enhancement of the Federal-aid highway systems;

(4) Surveying and constructing forest highway system roads, defense highways and access roads, and parkways and roads in national parks and other federally administered areas;

(5) Inspecting records of motor carriers operating in interstate commerce, inspecting motor carrier vehicles, and investigating accidents and reporting violations of motor carrier safety regulations; and

(6) Developing and administering uniform State standards for highway safety programs with respect to identification and surveillance of accident locations; highway design, construction, and maintenance, including highway related aspects of pedestrian safety; and traffic control devices.

(e) *The Federal Railroad Administration*. Is responsible for:

(1) Operating and managing the Alaska Railroad;

(2) Conducting research and development activity in support of improved rail transportation;

(3) Regulating safety functions pertaining to railroads, express companies, and water carriers operating in connection with railroads under a com-

mon control, management, or arrangement for continuous carriage or shipment; and

(4) Investigating and issuing reports concerning collisions, derailments, and other railroad accidents resulting in serious injury to persons or to the property of a railroad.

(f) *The National Highway Traffic Safety Administration*. Is responsible for:

(1) Promulgating uniform standards for developing State highway safety programs, except for those standards the development and administration of which are delegated to the Federal Highway Administration.

(2) Establishing, prescribing, and enforcing National standards for improving safety in the operation and performance of motor vehicles and equipment.

(3) Informing the public of the comparative characteristics and operational cost of passenger motor vehicles and requiring display of comparative insurance costs by automobile dealers.

(4) Administering a program of mandatory automotive fuel economy standards for passenger and non-passenger automobiles for model year 1978 and beyond.

(5) Establishing safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers and enforcing the prohibition against tampering with odometers.

(g) *The Urban Mass Transportation Administration*. Is responsible for:

(1) Exercising the authority vested in the Secretary for developing comprehensive and coordinated mass transportation systems to serve metropolitan and other urban areas;

(2) Administering urban mass transportation programs and functions; and

(3) Assuring appropriate liaison and coordination with other governmental organization, with respect to the foregoing.

(h) *The St. Lawrence Seaway Development Corporation*. Is responsible for the development, operation, and maintenance of that part of the St. Lawrence Seaway within the territorial limits of the United States.

(i) *The Research and Special Programs Administration*. Is responsible for:

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(1) Planning, developing, initiating and managing programs in all fields of transportation research and development. Maintaining the capability to perform research and analysis in transportation planning and socioeconomic effects, program management, and technological support in response to request for line participation in DOT policy formulations. Particular efforts will be made on transportation systems problems, advanced transportation concepts, and on multimodal transportation. RSPA will develop and maintain a vital statistics and related transportation information data base;

(2) Exercising for the Secretary the multimodal hazardous materials (HM) program and prescribing and enforcing safety regulations for the transportation of gases or hazardous liquids by pipeline;

(3) Developing, managing, and evaluating programs and research activities for the security of passengers and cargo in the transportation systems and for the prevention of unlawful or other acts adversely affecting the efficiency or integrity of the Nation's transportation systems and providing leadership in the development and improvement of coordinated domestic and international transportation services;

(4) Providing leadership on all technical, navigation and communication, and systems engineering activities;

(5) Providing a point of contact for the Department with the academic community to encourage transportation research;

(6) Overseeing the effective discharge of the Secretary's statutory and administrative transportation responsibilities in all emergencies affecting the national defense and in national or regional crises; and

(7) Managing a Transportation Safety Institute which designs and conducts training programs responsible to the requirements of Government and industry as expressed by the operating elements of the Department.

(j) *The Maritime Administration*. Is responsible for:

(1) Fostering the development and maintenance of an American merchant marine sufficient to meet the needs of the national security and of the domes-

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tic and foreign commerce of the United States;

(2) Awarding and administering construction-differential subsidy contracts and operating-differential subsidy contracts to aid the American merchant marine, and trade-in allowances for new ship construction;

(3) Entering into and administering agreements for capital construction funds (excepting fishing vessels) and construction reserve funds;

(4) Providing insurance on construction loans and ship mortgages or guarantees on ship financing obtained from private sources for ship construction and reconstruction (excepting fishing vessels);

(5) Providing assistance to the shipping industry to generate increased trade and cargo shipments on U.S. flag ships;

(6) Promoting development of ports and intermodal transportation systems;

(7) Promoting development of the domestic waterborne commerce of the United States;

(8) Overseeing the administration of cargo preference statutes;

(9) Entering into and administering charters and general agency agreements for operation of Government-owned merchant ships;

(10) Maintaining custody of, and preserving, ships in the National Defense Reserve Fleet;

(11) Selling surplus Government-owned ships;

(12) Supervising design and construction of ships for Government account;

(13) Furnishing war risk insurance on privately owned merchant ships;

(14) Administering the foreign transfer program regarding ships and other maritime properties;

(15) Training merchant marine officers;

(16) Conducting research and development to improve and promote the waterborne commerce of the United States; and

(17) Issuing rules and regulations with respect to the foregoing functions.

(k) *The Maritime Subsidy Board (within the Maritime Administration)*. Is responsible for:

(1) Making, amending, and terminating subsidy contracts, which shall be

deemed to include, in the case of construction-differential subsidy: (i) The contract for the construction, reconstruction, or reconditioning of a vessel, and (ii) the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of the national defense features, and, in the case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy.

(2) Conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of titles V, VI, and VII, and sections 301 (except investigations, hearings, and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales, and minimum working conditions), 708, 805(a), and 805(f) of the Merchant Marine Act, 1936, as amended (the "Act").

(3) Approving the sale, assignment, or transfer of any operating subsidy contract under section 608 of the Act.

(4) Performing so much of the functions with respect to adopting rules and regulations, subpoenaing witnesses, administering oaths, taking evidence, and requiring the production of books, papers, and documents, under sections 204 and 214 of the Act, as they relate to the functions of the Board.

(5) Performing as much of the functions specified in section 12 of the Shipping Act, 1916, as amended, as the same relate to the functions of the Board under paragraphs (k) (1) through (4) of this section.

(1) *The Bureau of Transportation Statistics*. Is responsible for:

(1) Compiling, analyzing, and publishing a comprehensive set of transportation statistics to provide timely summaries and total (including industrywide aggregates and multiyear averages) of transportation-related information;

(2) Establishing and implementing, in cooperation with the modal administrators, the States, and other Federal officials, a comprehensive, long-term program for the collection and analysis of data relating to the performance of the national transportation system;

(3) Issuing guidelines for the collection of information by the Department required for statistics to be compiled pursuant to 49 U.S.C. 111(c)(1) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis;

(4) Coordinating the collection of information by the Department required for statistics to be compiled pursuant to 49 U.S.C. 111(c)(1) with related information-gathering activities conducted by the other Federal departments and agencies collecting appropriate data not elsewhere gathered;

(5) Making the statistics published under this subsection readily accessible, in compliance with all disclosure laws, regulations, and requirements; and

(6) Identifying information that is needed in accordance with 49 U.S.C. 111(c)(1) but which is not being collected, reviewing such needs at least annually with the Advisory Council on Transportation Statistics, and making recommendations to appropriate Department of Transportation research officials concerning extramural and intramural research programs to provide such information.

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, as amended by Amdt. 1-120, 41 FR 42956, Sept. 29, 1976; Amdt. 1-125, 41 FR 53798, Dec. 9, 1976; Amdt. 1-157, 45 FR 83403, Dec. 18, 1980; Amdt. 1-164, 46 FR 47458, Sept. 28, 1981; Amdt. 1-211, 51 FR 29471, Aug. 18, 1986; Amdt. 1-270, 60 FR 30196, June 8, 1995; Amdt. 1-274, 60 FR 62762, Dec. 7, 1995]

Subpart B—Office of the Secretary

§ 1.21 Purpose.

This subpart establishes the basic organizational structure, spheres of primary responsibility, and lines of authority in the Office of the Secretary. It also describes the relationships between the Office of the Secretary and the operating administrations, and provides for succession to the position of Secretary in case of need.

§ 1.22 Structure.

(a) *Secretary and Deputy Secretary*. The Secretary and Deputy Secretary are assisted by the following, all of which report directly to the Secretary: The Associate Deputy Secretary and

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Director, Office of Intermodalism; the Executive Secretariat; the Board of Contract Appeals; the Departmental Office of Civil Rights; the Office of Small and Disadvantaged Business Utilization; the Office of Intelligence and Security; and the Office of Public Affairs. The Assistant Secretaries, the General Counsel, and the Inspector General also report directly to the Secretary.

(b) *Office of the Assistant Secretary for Transportation Policy.* This Office is composed of the Offices of Environment, Energy and Safety; and Economics.

(c) *Office of the Assistant Secretary for Aviation and International Affairs.* This Office is composed of the Offices of Aviation International Economics; International Transportation and Trade; International Aviation; and Aviation Analysis.

(d) *Office of the General Counsel.* This Office is composed of the Offices of Environmental, Civil Rights, and General Law; International Law; Litigation; Legislation; Regulation and Enforcement; the Board for Correction of Military Records; and Aviation Enforcement and Proceedings.

(e) *Office of the Assistant Secretary for Budget and Programs.* This Office is composed of the Offices of Programs and Evaluation; and Budget.

(f) *Office of the Assistant Secretary for Governmental Affairs.* This office is composed of the Offices of Congressional Affairs and Intergovernmental Affairs.

(g) *Office of the Assistant Secretary for Administration.* This Office is composed of the Offices of Personnel; Management Planning; Information Resource Management; Administrative Services and Property Management; Hearings; Acquisition and Grant Management; Security; Financial Management; and Administrative Systems Development.

(h) *Office of the Inspector General.* The duties and responsibilities of the Office of Inspector General are carried out by the Assistant Inspector General for Auditing; the Assistant Inspector General for Investigations; the Assistant Inspector General for Policy, Planning, and Resources; and the Assistant In-

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spector General for Inspections and Evaluations.

[Amdt. 1-261, 59 FR 10061, Mar. 3, 1994, as amended by Amdt.1-268, 60 FR 14226, Mar. 16, 1995; Amdt. 1-269, 60 FR 15877, Mar. 28, 1995; Amdt. 1-274, 60 FR 62762, Dec. 7, 1995]

§ 1.23 Spheres of primary responsibility.

(a) *Secretary and Deputy Secretary.* Overall planning, direction, and control of departmental affairs including civil rights, contract appeals, small and disadvantaged business participation in departmental programs, transportation research and technology, commercial space transportation, intelligence and security, and public affairs.

(b) *Associate Deputy Secretary and Director, Office of Intermodalism.* Assists the Secretary and Deputy Secretary in carrying out a variety of executive and managerial policies, programs and initiatives. Focal point within the Federal Government for coordination of intermodal transportation policy which brings together departmental intermodal perspectives, advocates intermodal interests, and provides secretarial leadership and visibility on issues that involve or affect more than one operating administration.

(c) *General Counsel.* Legal services as the chief legal officer of the Department, legal advisor to the Secretary and the Office of the Secretary; final authority within the Department on questions of law; professional supervision, including coordination and review, over the legal work of the legal offices of the Department; drafting of legislation and review of legal aspects of legislative matters; point of coordination for the Office of the Secretary and Department Regulations Council; advice on questions of international law; exercise of functions, powers, and duties as Judge Advocate General under the Uniform Code of Military Justice (Chapter 47 of Title 10, U.S.C.) with respect to the United States Coast Guard; advice and assistance with respect to uniform time matters; ensures uniform departmental implementation of the Freedom of Information Act (5 U.S.C. 552); responds to requests for records of the Office of the Secretary including the Office of the Inspector

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General, under that statute; review and final action on applications for reconsideration of initial decisions not to disclose unclassified records of the Office of the Secretary requested under 5 U.S.C. 552(a)(3); promotion and coordination of efficient use of Departmental legal resources; recommendation, in conjunction with the Assistant Secretary for Administration, of legal career development programs within the Department; review and final action on application for correction of military records of the United States Coast Guard.

(d) *Assistant Secretary for Transportation Policy.* Principal policy advisor to the Secretary and the Deputy Secretary. Public policy development, coordination, and evaluation for all aspects of transportation, with the goal of making the Nation's transportation resources function as an integrated national system; evaluation of private transportation sector operating and economic issues; evaluation of public transportation sector operating and economic issues; regulatory and legislative initiatives and review; energy, environmental, disability, and safety policy and program development and review; and transportation infrastructure assessment and review.

(e) *Assistant Secretary for Aviation and International Affairs.* Public policy assessment and review; private sector evaluation; international transportation and transport-related trade policy and issues; regulatory and legislative initiatives and review of maritime/shipbuilding policies and programs; transport-related trade promotion; coordination of land transport relations with Canada and Mexico; technical assistance and science and technology cooperation; international visitors' programs; economic regulation of the airline industry; and essential air service program.

(f) *Assistant Secretary for Budget and Programs.* Preparation, review and presentation of Department budget estimates; liaison with OMB and Congressional Budget and Appropriations Committees; departmental financial plans, apportionments, reappportionments, reprogrammings, and allotments; program and systems evaluation and analysis; program evaluation criteria; pro-

gram resource plans; analysis and review of legislative proposals and one-time reports and studies required by the Congress; budgetary and selected administrative matters relating to the Immediate Office of the Secretary.

(g) *Assistant Secretary for Governmental Affairs.* Coordination of legislative and non-legislative relationships; congressional affairs; communications and coordination with Federal, State and local governments, industry and labor, and with citizens and organizations representing consumers.

(h) *Assistant Secretary for Administration.* Organization; delegations of authority; personnel ceiling control; management studies; personnel management; acquisition and grant management (except for the responsibility listed for the Office of Small and Disadvantaged Business Utilization in this section); information resource management; financial management; development and implementation of a Departmental Accounting and Financial Information System (DAFIS); property management information; security; computer support; telecommunications; and administrative support services for the Office of the Secretary and certain other components of the Department.

(i) *Inspector General.* Conduct, supervise, and coordinate audits and investigations, review existing and proposed legislation and make recommendations to the Secretary and Congress (Semi-annual reports) concerning their impact on the economy and efficiency of program administration, or the prevention and detection of fraud and abuse; recommend policies for and conduct, supervise, or coordinate other activities of the Department for the purpose of promoting economy and efficiency in program administration, or preventing and detecting fraud and abuse.

(j) *Executive Secretary.* Central facilitative staff for the Immediate Office of the Secretary and the Secretarial Officers.

(k) *Board of Contract Appeals.* Conducts trials and issues final decisions, which are appealable to the United States Court of Appeals for the Federal Circuit, on appeals from contracting officer decisions under contracts awarded by the Department and its

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constituent administrations in accordance with the Contract Disputes Act of 1978, 41 U.S.C. 601 et seq.; sits as the Contract Adjustment Board with plenary authority to grant extraordinary contractual relief in accordance with 50 U.S.C. 1431-1435 and Executive Order 10789 (3 CFR, 1954-1958 comp., p. 426), as amended; hears and decides all contractor and subcontractor debarment, suspension, or ineligibility cases pursuant to the Federal Acquisition Regulation, 48 CFR 9.402; judges serve as "neutrals" under the Administrative Dispute Resolution Act, 5 U.S.C. 581 et seq., in contract-related matters; and performs such other adjudicatory functions assigned by the Secretary as are consistent with the duties and responsibilities of the Board as set forth in 41 U.S.C. 601 et seq.

(l) *Departmental Office of Civil Rights.* The Director of the Departmental Office of Civil Rights serves as the Department's Equal Employment Opportunity (EEO) Officer and Title VI Coordinator. The Director also serves as principal advisor to the Secretary and the Deputy Secretary on the civil rights and nondiscrimination statutes, regulations, and executive orders applicable to the Department, including titles VI and VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, as amended, the Age Discrimination Act of 1975, as amended, section 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act of 1990, and the Equal Pay Act of 1963. The Office of Civil Rights also provides policy guidance to the operating administrations and Secretarial officers on these matters. Also, the Office periodically reviews and evaluates the civil rights programs of the operating administrations to ensure that recipients of DOT funds meet applicable Federal civil rights requirements.

(m) *Office of Small and Disadvantaged Business Utilization.* Responsible for the Department's implementation and execution of the functions and duties under sections 8 and 15 of the Small Business Act, as amended, (15 U.S.C. 637 and 644), and for other departmental small and disadvantaged business policy direction.

(n) [Reserved]

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(o) *Office of Intelligence and Security.* Focal point within the Department of Transportation for intelligence and security matters which affect the safety of the traveling public.

(p) *Office of Public Affairs.* Focal point for public information and departmental relations with the news media, the general public, and selected special publics.

[Amdt. 1-261, 59 FR 10062, Mar. 3, 1994, as amended by Amdt. 265, 60 FR 2891, Jan. 12, 1995; Amdt. 1-274, 60 FR 62762, Dec. 7, 1995]

§ 1.24 Authority.

(a) The Deputy Secretary may exercise the authority of the Secretary, except where specifically limited by law, order, regulation, or instructions of the Secretary.

(b) Acting in his or her own name and title, each Assistant Secretary, the Inspector General, or the General Counsel, within his or her sphere of responsibility, is authorized to identify and define the requirements for, and to recommend to the Secretary, new or revised Departmental policies, plans, and proposals. Each of these officers is authorized to issue Departmental standards, criteria, systems and procedures that are consistent with applicable laws, Executive Orders, Government-wide regulations and policies established by the Secretary, and to inspect, review, and evaluate Departmental program performance and effectiveness and advise the Secretary regarding the adequacy thereof.

(c) Except for nondelegable statutory duties, including those which devolve as a result of succession to act as Secretary of Transportation, each Deputy Assistant Secretary, the Deputy Inspector General, and the Deputy General Counsel is authorized to act for and perform the duties of his or her principal in the absence or disability of the principal and as otherwise directed by the principal.

(d) *Inspector General.* The Inspector General shall report to and be under the general supervision of the Secretary and Deputy Secretary. In accordance with the statutory intent of the Inspector General Act to create an independent and objective unit, the Inspector General is authorized to make

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such investigations and reports relating to the administration of the programs and operations of the Department as are, in the judgment of the Inspector General, necessary and desirable. Neither the Secretary nor the Deputy Secretary shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, as amended by Amdt. 1-157, 45 FR 83404, Dec. 18, 1980]

§ 1.25 Relationships.

(a) *Normal staff role.* Normally, the functions of the Assistant Secretaries are staff and advisory in nature. In performing their functions, the Assistant Secretaries are responsible for continuing liaison and coordination among themselves and with the operating administrations to:

(1) Avoid unnecessary duplication of effort by or in conflict with the performance of similar activities by the operating administrations and the other Assistant Secretaries pursuant to their Secretarial delegations of authority; and

(2) Assure that the views of the operating administrations are considered in developing Departmental policies, plans, and proposals.

The Assistant Secretaries are also available to assist, as appropriate, the operating administrations in implementing Departmental policy and programs. As primary staff advisors to the Secretary, the Assistant Secretaries are concerned with transportation matters of the broadest scope, including modal, intermodal, and other matters of Secretarial interest.

(b) *Exceptions.* There are exceptions to the normal staff role described in paragraph (a) of this section. In selected instances, the Secretary has specifically delegated to Assistant Secretaries authority which they may exercise on the Secretary's behalf. For example, the Secretary has delegated authority to the Assistant Secretary for Transportation Policy and the Assistant Secretary for Aviation and International Affairs, as appropriate,

to decide on most requests to intervene or appear before administrative agencies, subject to the concurrence of the General Counsel. Also, from time to time, activities of an operational character may be delegated to an Assistant Secretary when the nature of the function or its stage of development makes it untimely to effect assignment to an operating administration.

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, as amended by Amdt. 1-157, 45 FR 83405, Dec. 18, 1980; Amdt. 1-261, 59 FR 10063, Mar. 3, 1994]

§ 1.26 Secretarial succession.

(a) The following officials, in the order indicated, shall act as Secretary of Transportation, in case of the absence or disability of the Secretary, until the absence or disability ceases, or in the case of a vacancy, until a successor is appointed:

(1) Deputy Secretary.

(2) General Counsel.

(3) Assistant Secretary for Transportation Policy.

(4) Assistant Secretary for Aviation and International Affairs.

(5) Assistant Secretary for Governmental Affairs.

(6) Assistant Secretary for Budget and Programs.

(7) Associate Deputy Secretary.

(8) Saint Lawrence Seaway Development Corporation Administrator.

(9) Assistant Secretary for Administration.

(b) Without regard to the foregoing, a person directed to perform the duties of the Secretary pursuant to 5 U.S.C. 3347 shall act as Secretary of Transportation.

[Amdt. 1-157, 45 FR 83405, Dec. 18, 1980, as amended by Amdt. 1-184, 48 FR 44079, Sept. 27, 1983; Amdt. 1-261, 59 FR 10063, Mar. 3, 1994]

Subpart C—Delegations

§ 1.41 Purpose.

(a) Except as provided in paragraph (b) of this section, this subpart provides for the exercise of the powers and performance of the duties vested in the Secretary of Transportation by law.

(b) For delegations of authority vested in the Secretary by Executive Order 11652 originally to classify documents

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as secret or confidential, see § 8.11 of this subtitle.

§ 1.42 Exercise of authority.

In exercising powers and performing duties delegated by this subpart or re-delegated pursuant thereto, officials of the Department of Transportation are governed by applicable laws, Executive orders and regulations and by policies, objectives, plans, standards, procedures, and limitations as may be issued from time to time by or on behalf of the Secretary, or, with respect to matters under their jurisdictions, by or on behalf of the Deputy Secretary, an Assistant Secretary, the Inspector General, the General Counsel, or an Administrator. This includes, wherever specified, the requirement for advance notice to, prior coordination with, or prior approval by an authority other than that of the official proposing to act.

[Amdt. 1-114, 41 FR 1288, Jan. 7, 1976, as amended by Amdt. 1-157, 45 FR 83405, Dec. 18, 1980]

§ 1.43 General limitations and reservations.

(a) All powers and duties that are not delegated by the Secretary in this subpart, or otherwise vested in officials other than the Secretary, are reserved to the Secretary. Except as otherwise provided, the Secretary may exercise powers and duties delegated or assigned to officials other than the Secretary.

(b) Except as provided in § 1.42 and subject to paragraph (a) of this section and § 1.44, the Deputy Secretary, the Assistant Secretaries, the Inspector General, the General Counsel, and the Administrators exercise the powers and perform the duties delegated to them under this subpart.

(c) Notwithstanding the provisions of paragraph (a), the delegation of authority in § 1.56b of this title to the Designated Senior Career Official in the Office of the Assistant Secretary for Aviation and International Affairs to make decisions in certain aviation hearing cases is exclusive, and may not be exercised by any other Departmental official, including the Secretary. The Secretary reserves (and delegates to the Assistant Secretary

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for Aviation and International Affairs) only the authority to make discretionary review of any such decision and to approve it or to remand it for reconsideration by the Designated Senior Career Official, with a full written explanation of the basis for the remand.

[Amdt. 1-157, 45 FR 83405, Dec. 18, 1980, as amended by Amdt. 1-199, 49 FR 50996, Dec. 31, 1984; Amdt. 1-261, 59 FR 10061, 10063, Mar. 3, 1994]

§ 1.44 Reservation of authority.

The delegations of authority in §§ 1.45 through 1.53 and §§ 1.66 and 1.67 do not extend to the following actions, authority for which is reserved to the Secretary or the Secretary's delegatee within the Office of the Secretary:

(a) *General transportation matters.* (1) Transportation leadership authority under section 4(a) of the Department of Transportation Act (49 U.S.C. 1653(a)).

(2) Functions relating to transportation activities, plans, and programs under section 4(g) of the Department of Transportation Act (49 U.S.C. 1653(g)).

(3) Authority to develop, prepare, coordinate, transmit, and revise transportation investment standards and criteria under section 7 of the Department of Transportation Act (49 U.S.C. 1656).

(4) Authority relating to standard time zones and advanced (daylight) time (15 U.S.C. 260 *et seq.*).

(5) Authority related to national transportation policy under section 3 of the Airport and Airway Development Act of 1970 (84 Stat. 219).

(b) *Legislation and reports.* (1) Submission to the President, the Director of the Office of Management and Budget, or the Congress of proposals or recommendations for legislation, Executive orders, proclamations or reorganization plans or other Presidential action.

(2) Submission to Congress or the President of any report or any proposed transportation policy or investment standards or criteria, except with the prior written approval of the Secretary.

(3) Submission of the annual statement on systems of internal accounting and administrative control under the Federal Managers' Financial Integrity Act of 1982 (Pub. L. 97-255).

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(c) *Budget and finance.* (1) Approval and submission to the Office of Management and Budget of original or amended budget estimates or requests for allocations of personnel ceiling (31 U.S.C. 22-24).

(2) Approval of requests for legislation which, if enacted, would authorize subsequent appropriations for the Department (31 U.S.C. 581b).

(3) Transfer of the balance of an appropriation from one operating element to another within the Department (31 U.S.C. 581c).

(4) Submission to the Director of the Office of Management and Budget of requests for the transfer of the balance or portions of an appropriation from one element to another within the Department (31 U.S.C. 665).

(d) *Interventions and appearances.* Except with respect to proceedings relating to safety fitness of an applicant (49 U.S.C. 1653(e)), the making of decisions on requests to intervene or appear before courts and administrative agencies to present the views of the Department.

(e) *Personnel.* (1) Recommendations to the Civil Service Commission of the allocation of a position to GS-16, 17, or 18 or an equivalent level (5 U.S.C. 5108).

(2) Recommendations to the Civil Service Commission of approval of the qualifications of any candidate for a position at grade GS-16, 17, or 18 or an equivalent level (5 U.S.C. 3324), or to an executive level position.

(3) Recommendations to the Civil Service Commission of a Lump-Sum Incentive Award in Excess of \$5,000 (5 U.S.C. 4502).

(4) Approval of the following actions relating to Schedules A, B, and C and noncareer executive assignment positions or incumbents, except for actions under Schedules A and B limited to one year or less at grade GS-9 or lower, or an equivalent level:

(i) Establishment or abolition of positions;

(ii) Hires;

(iii) Promotions other than quality and periodic within-grade promotions;

(iv) Transfer of personnel to Schedule A, B, or C positions or non-career executive assignment positions, either permanently or on detail; and

(v) Transfer of personnel from Schedule A, B, or C or non-career executive assignment positions to career Civil Service positions.

(5) Approval of employment of experts or consultants.

(6) Authority relating to scientific and professional positions under section 6(a) (5) of the Department of Transportation Act (49 U.S.C. 1655(a)(5)).

(7) Authority to determine the maximum limit of age for appointment of air traffic controllers as provided by 5 U.S.C. 3307(b) (86 Stat. 141).

(8) Authority to develop, coordinate, and issue wage schedules under the Federal Wage system, except as delegated to the Commandant of the Coast Guard at § 1.46.

(f) *Security.* (1) Suspension or removal of an employee from a position in the Department for security reasons under Executive Order 10450 (3 CFR, 1949-53 Comp., p. 936) or the employment in the Department of a person who was previously separated for security reasons from any Federal agency.

(2) Authorizing the filling of a critical-sensitive position for a limited period by a person on whom a preappointment full field investigation has not been completed (Executive Order 10450).

(3) Requesting Presidential approval of a claim of executive privilege with respect to information requested by a congressional committee or Member of Congress.

(4) Making determinations prescribed by sections 4(a)(2)(B), 4(b)(3), 5(b), and 9 of Executive Order 10865 (3 CFR, 1959-63 Comp., p. 398) relating to the adjudication and final denial of access to classified information to industry personnel.

(5) Making those determinations or delegations prescribed by sections 2(B)(3), 5(E)(1) and (2) of Executive Order 11652 (37 FR 5209, March 10, 1972) which are reserved to the head of the Department.

(g) *Procurement.* Exercise of the extraordinary authority for defense contracts provided for in Public Law 85-804 (50 U.S.C. 1431-1435), and considerations and decisions on contract appeals and other matters pursuant to the Department of Transportation Contract Appeals Regulations (41 CFR part 12-60).

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(h) *Printing.* Requesting approval of the Joint Committee on Printing for any procurement or other action requiring Committee approval.

(i) *Interagency agreements.* Execution of any written interdepartmental or interagency agreement with the head of another executive department or agency.

(j) *Withholding of funds.* Withholding or suspension of Federal-Aid Highway funds on a state-wide basis and the waiver or compromise of such withholding or suspension, except for the administration of 23 U.S.C. 141 and 154, which are specifically delegated in § 1.48(b) (23) and (28) and in § 1.50(i) (1) and (2).

(k) *Alaska Railroad.* Extension or abandonment of railroad service.

(l) *National Highway Safety Advisory Committee.* Directing the National Highway Safety Advisory Committee to meet (23 U.S.C. 404(c)).

(m) *Coast Guard.* The following powers relating to the Coast Guard:

(1) Appointment of Advisory Committee to the Academy (14 U.S.C. 193).

(2) Fixing date for visit to Academy by Board of Visitors (14 U.S.C. 194(b)).

(3)–(4) [Reserved]

(5) Responsibility for supervising activities of Reserve components (10 U.S.C. 264(b)).

(6) Convening General Courts-Martial under the personal authority granted by law (10 U.S.C. 822(a)(2)).

(7) Approval of execution of a sentence dismissing a commissioned officer or cadet (10 U.S.C. 871(b)).

(8) Approval of vacation of a suspension of dismissal (10 U.S.C. 872(b)).

(9) Establishing procedures for the correction of military records (10 U.S.C. 1552(a)).

(10) Establishing a Discharge Review Board under 10 U.S.C. 1553 and reviewing and taking final action on its findings in the following cases:

(i) Those cases in which a minority of the Board requests that their written opinion be forwarded to the Secretary for consideration;

(ii) Those cases selected by the Commandant to inform the Secretary of aspects of the Board's functions which may be of interest to the Secretary;

(iii) Any case in which the Secretary demonstrates an interest; and

(iv) Any case which the president of the Board believes is of significant interest to the Secretary.

(11) [Reserved]

(12) Substitute administrative discharge for dismissal of an officer under 10 U.S.C. 804 (a) and (b).

(13) Designation of commanding officers and officers in charge who may convene general, special and summary courts-martial. (10 U.S.C. 822(a)(6), 823(a)(7), and 824(a)(4)).

(14) In time of war certify cases to President to extend statute of limitations until after termination of hostilities. (10 U.S.C. 843(e)).

(15) Direct Judge Advocate General to establish branch office. (10 U.S.C. 868).

(16) Designate officers authorized to remit or suspend any part of amount of unexecuted part of any sentence. (10 U.S.C. 874(a)).

(17) Substitute administrative form of discharge for discharge or dismissal executed in accordance with sentence of court-martial (10 U.S.C. 874(b)).

(18) Substitute administrative discharge for previously executed sentence of dismissal when dismissal not imposed at new trial. (10 U.S.C. 875(c)).

(19) Designate persons to convene courts of inquiry. (10 U.S.C. 935(a)).

(n) *Automatic data processing.* Approval authority relating to automatic data processing equipment and services as delimited by DOT 1370.2A, Procurement of Automatic Data Processing Equipment and Services, of 7.22.70.

(o) *Deepwater ports.* The authority to issue, transfer, or amend a license for the construction and operation of a deepwater port (33 U.S.C. 1503(b)).

(p) [Reserved]

(q) *Review and finality of actions by Maritime Subsidy Board.* (1) Review of any decision, report, and/or order of the Maritime Subsidy Board, as described in 46 CFR part 202, as amended.

(r) *Approval of cash purchases of passenger transportation.* The authority under FPMR G-72, as amended, to authorize and approve cash purchases for emergency passenger transportation services costing more than \$100.

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

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.44, see the List of CFR

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Sections Affected in the Finding Aids section of this volume.

§ 1.45 Delegations to all Administrators.

(a) Except as prescribed by the Secretary of Transportation, each Administrator is authorized to:

(1) Exercise the authority of the Secretary over and with respect to any personnel within their respective organizations.

(2) Exercise the authority of the Secretary as executive head of a department, under any statute, Executive order or regulation.

(3) Request the Attorney General to approve the award, compromise, or settlement of any tort claim for an amount exceeding \$100,000 (excluding interest) (28 U.S.C. 2672).

(4) Carry out the functions vested in the Secretary concerning environmental enhancement by 49 U.S.C. 303.

(5) Carry out the emergency preparedness functions assigned to the Secretary by Executive Order 12656 and by the Federal Emergency Management Agency, General Services Administration (FEMA/GSA) as they pertain to his administration, including those relating to continuity of operations, emergency resource management, associated Federal claimant procedures, facilities protection and warfare effects monitoring and reporting, research, stockpiling, financial aid, and training.

(6) Enter into inter- and intradepartmental reimbursable agreements other than with the head of another department or agency (31 U.S.C. 686). This authority may be redelegated only to Office Directors, Regional Directors, District Commanders or other comparable levels and Contracting Officers.

(7) Determine the existence and amount of indebtedness and the method of collecting repayments from employees and members within their respective administrations and collect repayments accordingly, as provided by 5 U.S.C. 5514. Redelegation of this authority may be made only to the principal officials responsible for financial management or such officials' principal assistants.

(8) Waive claims and make refunds in connection with claims of the United

States for erroneous payment of pay and allowances or of travel, transportation, and relocation expenses and allowances in amounts aggregating not more than \$1,500 without regard to any repayments, and deny requests for waiver of such claims regardless of the aggregate amount of the claim, as provided by 4 CFR parts 91, 92, and 93. Redelegation of this authority may be made only to the level of Regional Director or District Commander.

(9) Settle and pay claims by employees for personal property losses as provided by 31 U.S.C. 3721. This authority may be redelegated only to Office Directors, Regional Directors, District Commanders, or other comparable levels and to those individuals that report to the above officials.

(10) Exercise the authority of the Secretary to resolve informal allegations of discrimination arising in or relating to their respective organizations through Equal Employment Opportunity counseling or the Alternative Dispute Resolution process and to develop and implement affirmative action and diversity plans within their respective organizations. With regard to external civil rights programs, each Administrator exercises authority pursuant to statutes, regulations, executive orders, or delegations in subpart C of this part to carry out these programs, under the general policy guidance of the Director of the Departmental Office of Civil Rights, including conducting compliance reviews and other activities relating to the enforcement of these statutes, regulations, and executive orders.

(11) Review and approve for payment any voucher for \$25 or less the authority for payment of which is questioned by a certifying or disbursing officer.

(12) Authorize and approve official non-foreign travel and transportation for themselves, their subordinates, and others performing services for, or in cooperation with, their operating administrations. Additionally, heads of operating administrations, through a redelegation from the Deputy Secretary, may authorize and approve routine operational foreign travel, as defined in DOT 1500.6A, Travel Manual, of 1-2-85. These authorities may be redelegated in accordance with regulations

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issued by the Assistant Secretary for Administration.

(13) Exercise the authority of the Secretary to make certifications, findings and determinations under the Regulatory Flexibility Act (Pub. L. 96-354) with regard to any rulemaking document for which issuance authority is delegated by other sections in this part. This authority may be redelegated to those officials to whom document issuance authority has been delegated.

(14) Carry out the functions vested in the Secretary by section 2 of the Federal Technology Transfer Act of 1986, (Pub. L. No. 99-502; 15 U.S.C. 3710a), which authorizes agencies to permit their laboratories to enter into cooperative research and development agreements.

(15) Compromise, suspend collection action on, or terminate claims of the United States not exceeding \$100,000 (excluding interest) that are referred to, or arise out of the activities of, his or her Operating Administration;

(16) Compromise, suspend collection action on, or terminate claims against the United States not exceeding \$100,000 (excluding interest) that are referred to, or arise out of the activities of, his or her Operating Administration; *provided that* when the Administrator believes that a claim against the United States presents a novel question of law or of policy, he or she shall obtain the advice of the Assistant Attorney General in charge of the Civil Division; and *provided further that* whenever he or she settles any administrative claim against the United States for an amount in excess of \$50,000, the Administrator shall prepare a memorandum fully explaining the basis for the action taken and send a copy of the memorandum to the Director, Federal Torts Claims Act Staff, Torts Branch of the Civil Division, U.S. Department of Justice.

(17) Enter into memoranda of understanding with the Occupational Safety and Health Administration (OSHA) in regard to setting and enforcing occupational safety or health standards for employees in DOT-regulated industries. The General Counsel shall concur in each memorandum of understanding with OSHA prior to its execution by

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the Administrator of the operating administration concerned.

(18) Exercise the authority vested in the Secretary by Section 329A of the Department of Transportation and Related Agencies Appropriations Act, 1995, Pub. L. No. 103-331, §329A, 108 Stat. 2471, 2493 (September 30, 1994), to enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of state or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, Pub. L. No. 102-484, 106 Stat. 2658 (October 23, 1992), and related legislation.

(b) Except as otherwise specifically provided, each official to whom authority is granted by §§1.45 through 1.53, 1.66, and 1.68 may redelegate and authorize successive redelegations of that authority within the organization under that official's jurisdiction.

(c) Except as provided in §§1.48 and 1.59 and 49 CFR 25.302, the functions, powers, and duties of the Secretary of 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 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), 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 following powers and duties vested in the Secretary by the Deepwater Port Act of 1974, as amended (33 U.S.C. 1501-1524):

(1) The authority to process applications for the issuance, transfer or amendment of a license for the construction and operation of a deepwater port (33 U.S.C. 1503(b)) *in coordination* with the Administrator of the Maritime Administration.

(2) Carry out other functions and responsibilities vested in the Secretary by the Deepwater Port Act of 1974, as amended (33 U.S.C. 1501-1524), except as reserved by § 1.44(o) and delegated by §§ 1.53(a)(3) and 1.66(aa).

(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. 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)

(l) 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 1004(d)(2)(C), 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 Secretary 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.

(ccc) Carry out the functions and exercise the authority vested in the Secretary by 46 U.S. Code Chapter 45 (uninspected commercial fishing industry vessels), as enacted by the Commercial Fishing Industry Vessel Safety Act of 1988, as amended, Title 46, 4501 *et seq.*, Pub. L. No. 100-424, 102 Stat. 1585. This authority may be redelegated.

(ddd) Carry out the functions and exercise the authority vested in the Secretary by 46 U.S. Code Chapter 33 pertaining to the delegation of authority to classification societies to review and approve commercial vessel plans and conduct commercial vessel inspections and examinations, as enacted by the Coast Guard Authorization Act of 1996, title 46, section 3316 (classification societies), Pub. L. 104-324, 110 Stat. 3901.

(eee) Carry out the functions vested in the Secretary by 46 U.S.C. 14104 to prescribe alternate tonnages for vessels.

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(fff) Carry out the functions and responsibilities and exercise the authorities vested in the Secretary by 46 U.S.C. 3203-3205 (safety management system, implementation of safety management system, and certification), that pertain to the approval, certification, and enforcement of safety management systems for vessels engaged in foreign trade.

(ggg) Carry out the functions and exercise the authorities vested in the Secretary by 46 U.S.C. 3103 to rely on reports, documents, and records of other persons determined by the Secretary to be reliable, and other methods determined by the Secretary to be reliable, as evidence of compliance with title 46, subtitle II (46 U.S.C. 3103).

(hhh) Carry out the functions and exercise the authority vested in the Secretary by 16 U.S.C. 2405 to issue such regulations as are necessary and appropriate to implement the Antarctic Science, Tourism, and Conservation Act of 1996, Pub. L. No. 104-227, 110 Stat. 3034.

(iii) Carry out the functions and responsibilities and exercise the authorities vested in the Secretary by the Coast Guard Authorization Act of 1996, Pub. L. 104-324.

(jjj) Carry out the functions and responsibilities and exercise the authorities vested in the Secretary by the National Defense Authorization Bill of Fiscal Year 1995, Pub. L. 103-337, pertaining to benefits for Coast Guard members that are being separated or have recently been separated (10 U.S.C. Chapter 58).

(kkk) Carry out the functions and responsibilities and exercise the authorities vested in the Secretary by 14 U.S.C. 670 pertaining to procurement authority for Coast Guard family housing and by 14 U.S.C. 672 pertaining to long-term lease authority for navigation and communications systems sites.

(lll) Carry out the functions and responsibilities and exercise the authorities vested in the Secretary by 33 U.S.C. 1908(b), that pertain to payments of civil penalties assessed for violations of the MARPOL Protocol, Annex IV to the Antarctic Protocol, or regulations issued thereunder, to per-

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sons who provide information leading to the assessment of such penalties.

(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:

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(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 owned or operated by the Federal Aviation Administration when engaged in noncommercial service.

(o) [Reserved]

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

(1) Section 553(b) of Public Law 99-83 (99 Stat. 226), which relates to the authority of Federal Air Marshals to carry firearms and make arrests, in coordination with the General Counsel; and

(2) The following subsections of section 1115 of the Federal Aviation Act of 1958, as amended, which relates to the security of foreign airports: Subsection 1115(a), in coordination with the General Counsel and the Assistant Secretary for Aviation and International Affairs; subsection 1115(b), in coordination with the Assistant Secretary for Aviation and International Affairs; and subsection 1115(e)(2)(A)(ii), in coordination with the General Counsel and the Assistant Secretary for Aviation and International Affairs.

(q) Carry out all of the functions vested in the Secretary under section 404(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1374(d)), as amended by section 328(a) of the Department of Transportation and Related Agencies Appropriations Act of 1988 (Pub. L. 100-202).

(r) Carry out the functions vested in the Secretary by the Airport Safety and Capacity Expansion Act of 1990, title IX, subtitle B of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508 (except those functions vested in the Secretary by sections 9113, 9125, 9127 and 9130).

(s) Carry out functions vested in the Secretary by Airport Noise and Capacity Act of 1990, title IX, subtitle D of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508.

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(t) Carry out the functions vested in the Secretary by sections 321 and 410 of the Federal Aviation Act, as amended by the Aviation Security Improvement Act of 1990, Public Law 101-604, November 16, 1990.

(u) Carry out the functions assigned to the Secretary by Executive Order 12465 (February 24, 1984) (3 CFR, 1984 Comp., p. 163) relating to commercial expendable launch vehicle activities.

(v) Carry out the functions vested in the Secretary by 49 U.S.C. Subtitle IX.

(w) Carry out the functions vested in the Secretary by the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (Pub. L. 102-588, 106 Stat 5119, November 4, 1992).

(Secs. 3(e), 6(c), and 9(e), Department of Transportation Act (49 U.S.C. 1652(e), 1655(c), and 1657(e)); 49 U.S.C. 322; 49 CFR 1.57(l))

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

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.47, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 1.48 Delegations to Federal Highway Administrator.

The Federal Highway Administrator is delegated authority to:

(a) Investigate and report on the safety compliance records of applicants seeking operating authority, or approval of transactions involving transfer of operating authority, from the Interstate Commerce Commission, and to intervene and present evidence concerning applicants' fitness in Commission proceedings under 49 U.S.C. 307, so far as it relates to motor carriers.

(b) Administer the following sections of title 23, U.S.C.:

(1)(i) 101(a); and

(ii) 101(b), (c), (d), and (e), except as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(2) 103, except as it involves the substitution of non-highway public mass transit projects authorized by section (e)(4);

(3) 104, including the apportionment of funds for Federal-aid highways once Congress approves estimates submitted by the Secretary;

(4) 105, except as subsections (a) and (g) involve mass transportation

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projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(5) 106, except subsections (a), (c), and (d) as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(6) 107;

(7) 108, except as it involves mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(8) 109, except subsections (a), (g), and (h) as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(9) 110, except as it involves mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(10) 111;

(11) 112, 113, 114, except as they involve transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(12) 115;

(13) 116, except subsections (a) and (c) as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(14) 117, except as it involves mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(15) 118, 119, 120;

(16) 121 and 122, except as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(17) 123;

(18) 124, except as it involves mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(19) 125, 126, and 127;

(20) 128, except as it involves mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(21) 129, 130, 131, 132, 134, 135, 136, 137, 138, and 139;

(22) 140, except paragraph (a) of this section, as it involved mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(23) 141, with the concurrence of the National Highway Traffic Safety Administrator as it relates to certification of the enforcement of speed limits;

(24) 142, except as it involves mass transportation projects authorized by subsections (a)(2) and (c) and by 103(e)(4);

(25) 143 and 144;

(26) 145, except as it involves mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(27) 146 through 152 and 155 through 157, inclusive;

(28) 154 and 158 each with the concurrence of the National Highway Traffic Safety Administrator;

(29) 201 through 205, 210, 212, 214 through 218, (Chapter 2);

(30) 301, 302, and 303;

(31) 304, 305, 306, except as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(32) 307 through 314 inclusive;

(33) 315 and 317, except as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(34) 318 through 321, inclusive; and

(35) 323 and 324, except as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c).

(c) Administer the following laws relating generally to highways:

(1) Sections 105, 107(c) through (e), 123(a) and (b), 124(c), 126(d) through (g), 138(c), 140, 142 through 145, 147 through 154, 167, and 171, and title IV, as amended (as it relates to matters within the primary responsibility of the Federal Highway Administrator), of the Surface Transportation Assistance Act of 1978, Public Law 95-599, 92 Stat. 2689; and sections 502-504, title V, of the Highway Revenue Act of 1978.

(2) Sections 103, 104, 111(b), 128(b), 131, 135, 136, 141, 147, 149, 154, 158 through 161, 163, 203, 206, 401, and 402 of the Federal-Aid Highway Act of 1973, as amended (Pub. L. 93-87, 87 Stat. 250; Pub. L. 93-643, 88 Stat. 2281).

(3) The Federal-Aid Highway Act of 1970, as amended (except section 118) (84 Stat. 1713).

(4) The Federal-Aid Highway Act of 1968, as amended (82 Stat. 815);

(5) The Federal-Aid Highway Act of 1966, as amended (80 Stat. 766);

(6) The Federal-Aid Highway Act of 1962, as amended (76 Stat. 1145, 23 U.S.C. 307 note);

(7) The Federal-Aid Highway Act of 1956, as amended (70 Stat. 374);

(8) The Federal-Aid Highway Act of 1954, as amended (68 Stat. 70);

(9) The Act of September 26, 1961, as amended (75 Stat. 670);

(10) The Highway Revenue Act of 1956, as amended (70 Stat. 387, 23 U.S.C. 120 note);

(11) The Highway Beautification Act of 1965, as amended (79 Stat. 1028, 23 U.S.C. 131 *et seq.*, notes);

(12) The Alaska Omnibus Act, as amended (73 Stat. 141, 48 U.S.C. 21 note prec.);

(13) The Joint Resolution of August 28, 1965, as amended (79 Stat. 578, 23 U.S.C. 101 *et seq.*, notes);

(14) Section 502(c) of the General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 525(c));

(15) The Act of April 27, 1962 (76 Stat. 59);

(16) Reorganization Plan No. 7 of 1949 (63 Stat. 1070); and

(17) Sections 102(b) (except subparagraph (2)) and (c); 105 (b)(1) and (c); 141; 146; 147; and 152 of the Federal-Aid Highway Act of 1976 (Pub. L. 94-280; 90 Stat. 425).

(18) The Federal-Aid Highway Act of 1982 (Pub. L. 97-327), except section 6 as it relates to matters within the primary responsibility of the Urban Mass Transportation Administrator.

(19) The Surface Transportation Assistance Act of 1982, Public Law 97-424, as amended,

(i) Except sections 165 and 531 as they relate to matters within the primary responsibility of the Urban Mass Transportation Administrator; 105(f), 413; 414(b)(1) and (2); 421, 426, and title III; and

(ii) Section 414(b)(1), with the concurrence of the National Highway Traffic Safety Administrator.

(20) Sections 103(e), 105(a) through (g), 106(a), and (b), 110(b), 114(d), 117(f), 120(c) and (d), 123(g) and (i), 133(f), 134, 136, 137, 139 through 145, 146(b), 147(c), 149(a) through (f), (h), (i), (k), 151 through 157, 164, and 208 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L. 100-17, 101 Stat. 132).

(d) Carry out the functions vested in the Secretary of Transportation by section 601 of the Pipeline Safety Act of 1992, Public Law 102-508, relating to construction of the Page Avenue Extension Project in Missouri.

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(e) Carry out 49 U.S.C. 3103 relating generally to investigation of the need for regulation of sizes, weights, and combinations of motor vehicles and qualifications and maximum hours of service of employees of motor carriers and motor private carriers.

(f) Carry out 49 U.S.C. 3102 relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment of motor carriers, motor private carriers and motor carriers of migrant workers.

(g) Carry out 49 U.S.C. 503 and 3104 relating generally to service of process, designation of agents to receive service of process, and identification of interstate motor vehicles so far as they pertain to motor private carriers of property and motor carriers of migrant workers (except motor contract carriers).

(h) Carry out the functions and exercise the authority vested in the Secretary by 49 U.S.C., Subtitle IV, Part B,:

- (1) Chapter 131;
- (2) Chapter 133;
- (3) Chapter 135;
- (4) Chapter 137, sections 13702(a), 13702(c)(1), 13702(c)(2), 13702(c)(3), 13704, 13707, and 13708;
- (5) Chapter 139;
- (6) Chapter 141, Subchapter I and sections 14121 and 14122 of Subchapter II;
- (7) Chapter 145, sections 14501, 14502, and 14504;
- (8) Chapter 147, sections 14701 through 14708; and
- (9) Chapter 149, sections 14901 through 14913.

(i) Carry out the functions and exercise the authority vested in the Secretary by sections 104, 403(a), and 408 of the ICC Termination Act of 1995, Pub. L. 104–88, relating to miscellaneous motor carrier provisions, railroad-highway grade crossing regulation and fatigue-related issues pertaining to commercial motor vehicle safety.

(j) Carry out the functions of the Secretary under the Appalachian Regional Development Act of 1965 (79 Stat. 5; 40 U.S.C. App.) except section 208.

(k) Initiate proceedings as a complainant under 49 U.S.C. 10925 to revoke, suspend or amend the certificates, permits or licenses of a motor carrier.

(l) Carry out the Act of September 21, 1966, Public Law 89–599, relating to certain approvals concerned with a compact between the States of Missouri and Kansas.

(m) Carry out the law relating to the Chamizal border highway (80 Stat. 1477).

(n) Carry out the Highway Safety Act of 1966, as amended (80 Stat. 731) and chapter 4 of title 23 U.S.C. as amended by section 207 of the Surface Transportation Assistance Act of 1978 for highway safety programs, research and development relating to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian and bicycle safety.

(o) Exercise the authority vested in the Secretary by section 204(b) of the Federal Railroad Safety Act of 1970 (84 Stat. 972, 45 U.S.C. 433(b)) with respect to the laws administered by the Federal Highway Administrator pertaining to highway safety and highway construction.

(p) Carry out the functions vested in the Secretary provided by 42 U.S.C. 4917 relating to procedures for the inspection, surveillance and measurement of commercial motor vehicles for compliance with interstate motor carrier noise emission standards and related enforcement activities including the promulgation of necessary regulations.

(q) Carry out the functions vested in the Secretary by section 5 (as it relates to bridges, other than railroad bridges, not over navigable waters), and section 8(a) (as it relates to all bridges other than railroad bridges) of the International Bridge Act of 1972 (Pub. L. 92–434, 86 Stat. 731).

(r) Carry out the functions vested in the Secretary by the following sections of the Urban Mass Transportation Act of 1964 as amended (78 Stat. 302, 49 U.S.C. 1601 *et seq.*):

(1) Sections 3(a)(3), 3(e)(1), 5(g)(1), and 8 as they relate to urban planning (49 U.S.C. 1602 (a)(3) and (e)(1), 1603(a), and 1604(g)(1); and 1604(l)).

(2) Section 12(c)(11) relating to approval of boundaries of urbanized areas (49 U.S.C. 1608(c)(11));

(3) Section 18 as it relates to the formula grant program for non-urbanized

areas in the Commonwealth of Puerto Rico.

(s) Exercise the authority vested in the Secretary by sections 101, 118, 120(b), 123 and 124 of the Federal-Aid Highway Amendments of 1974 (Pub. L. 93-643, January 4, 1975, 88 Stat. 2281).

(t) [Reserved]

(u)(1) 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 highway, 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 highway.

(2) Carry out the functions vested in the Secretary by 49 App. U.S.C. 1804 (b) and (c); 1805(d), except paragraph (3) (49 App. U.S.C. 1805(d)(3)); 1811 relating to highway routing, except for pending applications for inconsistency rulings and nonpreemption determinations; 1813(d); and 1819.

(v) Carry out the functions vested in the Secretary by the Commercial Motor Vehicle Safety Act of 1986, title XII of Public Law 99-570, 100 Stat. 3207-170.

(w) Carry out the functions vested in the Secretary by section 30 of the Motor Carrier Act of 1980 (Pub. L. 96-296, 94 Stat. 820), as amended by section 108(b)(5) of Public Law 96-510, 94 Stat. 2767; section 406 of Public Law 97-424, 96 Stat. 2158; and section 222 of Public Law 98-554, 98 Stat. 2846 (49 U.S.C. 10927 note).

(x) 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, August 20, 1981) (delegating sections 107(c)(1)(C) and 108(b), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, 94 Stat. 2781), insofar as they relate to motor carriers.

(y) Carry out the functions vested in the Secretary by section 118 of the National Visitor Center Facilities Act of 1968 (Pub. L. 90-264, 82 Stat. 43), as added by the Union Station Redevelop-

ment Act of 1981 (Pub. L. 97-125; 95 Stat. 1672), with respect to the completion of the parking facility and associated ramps at Union Station in Washington, DC (40 U.S.C. 818).

(z) Carry out the functions vested in the Secretary by sections 18 and 25(c) of the Bus Regulatory Reform Act of 1982 (Pub. L. 97-261, 96 Stat. 1102), as amended by section 224 of Public Law 98-554, 98 Stat. 2847 (49 U.S.C. 10927 note).

(aa) Carry out the functions vested in the Secretary by the Tandem Truck and Motor Carrier Safety Acts of 1984 (Pub. L. 98-554), except section 209.

(bb) Carry out the functions vested in the Secretary by Public Law 98-229, 98 Stat. 55, insofar as it relates to apportioning certain funds for construction of the Interstate Highway System in Fiscal Year 1985, apportioning certain funds for Interstate substitute highway projects, and increasing amounts available for emergency highway relief.

(cc) Prescribe regulations, as necessary, at parts 24 and 25 of this title, to implement Public Law 91-646, 84 Stat. 1894, and any amendments thereto, as appropriate, in coordination with the Assistant Secretary for Transportation Policy, and carry out all other functions vested in the Secretary by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 84 Stat. 1894, and any amendments thereto.

(dd)-(ee) [Reserved]

(ff) Carry out the functions vested in the Secretary of Transportation by section 114 of the "Act Making Continuing Appropriations for Fiscal Year 1987 and for Other Purposes," Public Law 99-591, October 30, 1986, relating to construction of Interstate Highway H-3 in Hawaii.

(gg) Carry out all of the functions vested in the Secretary under section 324 of the Fiscal Year 1986 Department of Transportation Appropriations Act (Pub. L. 99-190, 99 Stat. 1288), notwithstanding the reservation of authority under § 1.44(j) of this part.

(hh) Carry out the functions vested in the Secretary by sections 9, 10, 11, 12, 13, 15(b), 15(c), 15(d), and 15(e) of the Sanitary Food Transportation Act of 1990 (Pub. L. 101-500; 104 Stat. 1213),

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with respect to transportation by highway.

(ii) Carry out the functions vested in the Secretary by sections 16, 23, 24, and 27 of the Hazardous Materials Transportation Uniform Safety Act of 1990 (Pub. L. 101-615; 104 Stat. 3244 (49 App. U.S.C. 1813 note; 49 U.S.C. 10927 note; 49 App. U.S.C. 2509).

(jj) Carry out the functions and exercise the authority delegated to the Secretary in section 2(d)(2) of Executive Order 12777 (3 CFR, 1991 Comp.; 56 FR 54757), with respect to highway transportation, relating to the approval of means to ensure the availability of private personnel and equipment to remove, to the maximum extent practicable, a worst case discharge, the review and approval of response plans, and the authorization of motor carriers, subject to the Federal Water Pollution Control Act (33 U.S.C. 1321), to operate without approved response plans, except as delegated in § 1.46(m).

(kk) Carry out the functions vested in the Secretary of Transportation by section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, relating to the Alameda Corridor Project in consultation with the Federal Railroad Administrator.

(49 U.S.C. 322, 49 CFR 1.57(l))

[Amdt. 1-157, 45 FR 83405, Dec. 18, 1980]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.48, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 1.49 Delegations to Federal Railroad Administrator.

The Federal Railroad Administrator is delegated authority to:

(a) Investigate and report on safety compliance records of applicants seeking railroad operating authority from the Interstate Commerce Commission, and to intervene and present evidence concerning applicants' fitness in Commission proceedings under 49 U.S.C. 1653(e), relating to railroads.

(b) Carry out the Act of September 30, 1965, as amended (79 Stat. 893, 49 U.S.C. 1631 *et seq.*), relating generally to high speed ground transportation, except issuance of reports required by section 13(c) (49 U.S.C. 1643(c)).

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(c) Carry out the following laws relating generally to safety appliances and equipment on railroad engines and cars, and protection of employees and travelers:

(1) The Act of March 2, 1893, as amended (27 Stat. 531, 45 U.S.C. 1 *et seq.*);

(2) The Act of March 2, 1903, as amended (32 Stat. 943, 45 U.S.C. 8 *et seq.*);

(3) The Act of April 14, 1910, as amended (36 Stat. 298, 45 U.S.C. 11 *et seq.*);

(4) The Act of May 30, 1908, as amended (35 Stat. 476, 45 U.S.C. 17 *et seq.*);

(5) The Act of February 17, 1911, as amended (36 Stat. 913, 45 U.S.C. 22 *et seq.*);

(6) The Act of March 4, 1915, as amended (38 Stat. 1192, 45 U.S.C. 30);

(7) Reorganization Plan No. 3 of 1965 (79 Stat. 1320, 45 U.S.C. 22 note);

(8) Joint Resolution of June 30, 1906, as amended (34 Stat. 838, 45 U.S.C. 35);

(9) The Act of May 27, 1908, as amended (35 Stat. 325, 45 U.S.C. 36 *et seq.*);

(10) The Act of March 4, 1909, as amended (35 Stat. 965, 45 U.S.C. 37); and

(11) The Act of May 6, 1910, as amended (36 Stat. 350, 45 U.S.C. 38 *et seq.*).

(d) Carry out the Act of March 4, 1907, as amended (34 Stat. 1415, 45 U.S.C. 61 *et seq.*), relating generally to hours of service of railroad employees.

(e) 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 railroad bridges not over navigable waterways.

(f) Carry out section 25 of the Interstate Commerce Act, as amended (49 U.S.C. 26), relating generally to railroad safety appliances, methods, and systems.

(g) Exercise the administrative powers under the Interstate Commerce Act with respect to powers and duties pertaining to railroad safety transferred to the Secretary (49 U.S.C. 1655(f)).

(h) Operate and administer the Alaska Railroad under the Act of March 12, 1914, as amended (38 Stat. 305), and Executive Order 11107 (28 FR 4225 (1963)).

(i) Make individual and general changes in freight rates and passenger fares for the Alaska Railroad, without

power to redelegate authority for general changes in freight rates and passenger fares.

(j) Promote and undertake research and development relating to rail matters generally (49 U.S.C. 1653(a), 1657(e)(1), 1657(n)(1), and 1657(q)(1)).

(k) Carry out the functions vested in the Secretary by subtitle B of the National Visitor Center Facilities Act of 1968, as added by the Union Station Redevelopment Act of 1981 (Pub. L. 97-125; 95 Stat. 1667) except section 114(e) and such parts of section 118 as provided for the completion of the parking facility and associated ramps at Union Station in Washington, DC.

(l) Exercise the authority vested in the Secretary by the Emergency Rail Services Act of 1970 (Pub. L. 91-663) except the authority to make findings required by section 3(a) of that Act and the authority to sign guarantees of certificates issued by trustees.

(m) Carry out the functions vested in the Secretary by the Federal Railroad Safety Act of 1970 (title II of Pub. L. 91-458); 84 Stat. 971, 45 U.S.C. 421 et. seq.), except section 204(b) (84 Stat. 972, 45 U.S.C. 433(b)) with respect to highway, traffic, and motor vehicle safety and highway construction.

(n) Carry out the functions vested in the Secretary by the Emergency Rail Facilities Restoration Act of 1972 (Pub. L. 92-591).

(o) Carry out the functions vested in the Secretary by subsection (b) (except as it relates to conducting consultations with the Administrator of the Environmental Protection Agency) and (c) of section 17 of the Noise Control Act of 1972 (Pub. L. 92-574).

(p) Carry out the functions vested in the Secretary by sections 201(i)(3); 202(b)(7); 203, except authority to issue subpoenas; 210; 212; 213; 215; 402; 403; and 601 of the Regional Rail Reorganization Act of 1973 (Pub. L. 93-236) as amended by the Rail Transportation Improvement Act (Pub. L. 94-555).

(q) Carry out the functions vested in the Secretary by subsections 4 (h) and (i) of the Department of Transportation Act, as amended (49 U.S.C. 1653(h), (i)).

(r) [Reserved]

(s)(1) 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 railroad, 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 railroad.

(2) Carry out the functions vested in the Secretary by 49 App. U.S.C. 1813 (a) and (b); and 1817.

(t) Carry out the functions vested in the Secretary by sections 204(c); except authority to issue subpoenas; 402; 403; 502; 503; 504; 505; 506, except (c); 507; 508; 511; 512; 513; 515; 517; 606; 610; 703; 704, except (c)(1); and 705; 707; 901; 905, as applicable, of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, section 5 of the Department of Transportation Act (49 U.S.C. 1654), except authority to issue subpoenas.

(u) Carry out functions vested in the Secretary by sections 17(a) and (b) (as they relate to consultations with the Administrator of the Environmental Protection Agency) of the Noise Control Act of 1972 (Pub. L. 92-574, 49 U.S.C. 1431).

(v) Carry out the functions vested in the Secretary by the Rock Island Railroad Transition and Employee Assistance Act (title I of Pub. L. 96-254) and by section 18 of the Milwaukee Railroad Restructuring Act (49 U.S.C. 916).

(w) Carry out the functions vested in the Secretary by section 305 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 745).

(x) 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 rolling stock.

(y) Carry out the functions vested in the Secretary by the Northeast Rail Service Act of 1981 (Pub. L. 97-35).

(z) Carry out the functions vested in the Secretary by section 3 of the

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Bridge Act of 1906, as amended (33 U.S.C. 493), relating to disputes over the terms and compensation for use of railroad bridges built under the Act.

(aa) Carry out the functions vested in the Secretary by titles II through VII of the Rail Safety and Service Improvement Act of 1982 (Pub. L. 97-468), which relates to rail safety, rail finances, and the transfer of The Alaska Railroad to the State of Alaska.

(bb) Carry out the functions vested in the Secretary by section 4031 of the Budget Reconciliation Act of 1986 (Pub. L. 99-509), which relates to the abolition of the United States Railway Association, and the execution of the functions and duties of the Association transferred to the Secretary, effective April 1, 1987.

(cc) Carry out the functions vested in the Secretary by section 18 (g) and (h) of the Rail Safety Improvement Act of 1988 (Pub. L. 100-342).

(dd) Carry out the function vested in the Secretary by section 1163 of the Bankruptcy Code (11 U.S.C. 1163), which relates to the nomination of trustee for rail carriers in reorganization, with the concurrence of the Office of the General Counsel.

(ee) Carry out the functions vested in the Secretary by sections 9, 10, 11, 12, and 13 of the Sanitary Food Transportation Act of 1990 (Pub. L. 101-500; 104 Stat. 1213), with respect to transportation by railroad.

(ff) Exercise the authority vested in the Secretary by the Crime Control Act of 1990 (Pub. L. 101-647) as it relates to a railroad police officer's authority to enforce the laws of any jurisdiction in which the police officer's rail carrier employer owns property.

(gg) Carry out the functions vested in the Secretary by sections 16 and 21 of the Hazardous Materials Transportation Uniform Safety Act of 1990 (Pub. L. 101-615; 104 Stat. 3244 (49 App. U.S.C. 1813 note and 1817 note)).

(hh) Exercise the authority vested in the Secretary by Section 601 (d) and (e) of the National and Community Service Act of 1990 (45 U.S.C. 546 note) as it relates to the discharge of human waste from railroad passenger cars.

(ii) Carry out the functions and exercise the authority delegated to the Secretary in section 2(d)(2) of Executive

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Order 12777 (3 CFR, 1991 Comp.; 56 FR 54757), with respect to rail transportation, relating to the approval of means to ensure the availability of private personnel and equipment to remove, to the maximum extent practicable, a worst case discharge, the review and approval of response plans, and the authorization of railroads, subject to the Federal Water Pollution Control Act (33 U.S.C. 1321), to operate without approved response plans, except as delegated in § 1.46(m).

(jj) Exercise the authority vested in the Secretary by the Swift Rail Development Act of 1994, being Title I—High-Speed Rail of Public Law 103-440 (108 Stat. 4615), as it relates to the provision of financial assistance for high-speed rail corridor planning and technology improvements, the promulgation of necessary safety regulations, and the redemption of outstanding obligations and liabilities with respect to the Columbus and Greenville Railway under Sections 505 and 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825 and 831, respectively).

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

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.49, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 1.50 Delegation to the National Highway Traffic Safety Administrator.

The National Highway Traffic Safety Administrator is delegated authority to:

(a) Carry out the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 *et seq.*).

(b) Carry out the Highway Safety Act of 1966, as amended (23 U.S.C. 401 *et seq.*), except for highway safety programs, research and development relating to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian and bicycle safety.

(c) Exercise the authority vested in the Secretary by section 210(2) of the Clean Air Act, as amended (42 U.S.C. 7544(2)).

(d) Exercise the authority vested in the Secretary by section 204(b) of the

Federal Railroad Safety Act of 1970 (45 U.S.C. 433(b)) with respect to laws administered by the National Highway Traffic Safety Administrator pertaining to highway, traffic and motor vehicle safety.

(e) Carry out the Act of July 14, 1960, as amended (23 U.S.C. 313 note) and the National Driver Register Act of 1982 (23 U.S.C. 401 note).

(f) Carry out the functions vested in the Secretary by the Motor Vehicle Information and Cost Savings Act of 1972, as amended (15 U.S.C. 1901 *et seq.*), except section 512.

(g) Administer the following sections of title 23, United States Code, with the concurrence of the Federal Highway Administrator:

(1) 141, as it relates to certification of the enforcement of speed limits;

(2) 154 (a), (b), (d), (e), (f), (g) and (h); and

(3) 158.

(h) Carry out the consultation functions vested in the Secretary by Executive Order 11912, as amended.

(i) Carry out section 209 of the Surface Transportation Assistance Act of 1978, as amended (23 U.S.C. 401 note) and section 165 of the Surface Transportation Assistance Act of 1982, as amended (23 U.S.C. 101 note), with respect to matters within the primary responsibility of the National Highway Traffic Safety Administrator.

(j) Administer section 414(b)(1) of the Surface Transportation Assistance Act of 1982, as amended (49 U.S.C. 2314) with the concurrence of the Federal Highway Administrator, and section 414(b)(2).

(k) Carry out section 2(c) of the Truth in Mileage Act of 1986 (15 U.S.C. 1988 note).

(l) Carry out section 204(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Public Law 100-17 (101 Stat. 132) with the coordination of the Federal Highway Administrator.

(m) Carry out the functions vested in the Secretary by section 15(f) of the Sanitary Food Transportation Act of 1990 (Pub. L. 101-500; 104 Stat. 1213).

[Amdt. 1-226, 53 FR 23122, June 20, 1988, as amended by Amdt. 1-239, 56 FR 6810, Feb. 20, 1991]

§ 1.51 Delegations to Urban Mass Transportation Administrator.

The Urban Mass Transportation Administrator is delegated authority to exercise the functions vested in the Secretary by:

(a) The Urban Mass Transportation Act of 1964, as amended (78 Stat. 302, 49 U.S.C. 1601 *et seq.*), except section 18 as it relates to the formula grant program for non-urbanized areas in the Commonwealth of Puerto Rico and section 22, relating to intercity bus service.

(b) Section 1 of Reorganization Plan No. 2 of 1968 (84 Stat. 1369).

(c) Section 10 of the Urban Mass Transportation Assistance Act of 1970, Public Law 91-453, 84 Stat. 962, 968).

(d) Sections 3 and 9 through 15 of the National Capital Transportation Assistance Act of 1969, as amended (D.C. Code, §1-2441 *et seq.*).

(e) The following sections of title 23, United States Code:

(1) 103 as it involves the withdrawal of Interstate routes and the substitution of non-highway public mass transit projects authorized by subsection (e)(4);

(2) 101(a) as it involves approval of boundaries of urban and urbanized areas, 104(f)(4), 105(d), 106(b) as it involves the Federal-aid urban system, and 134; and

(3) 101 (b), (c), (d), and (e); 105 (a) and (g); 106 (a), (c) and (d); 108; 109 (a), (g), and (h); 110; 112; 113; 114; 116 (a) and (c); 117; 121; 122; 124; 128; 140(a); 142; and 145 as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c).

(f) Sections 140, 146, 147, 164 and 165 of the Federal-Aid Highway Act of 1973, as amended (Pub. L. 93-87, title I, 87 Stat. 250; Pub. L. 93-643, 88 Stat. 2281).

(g) Section 813 of the Housing and Community Development Act of 1974 (Pub. L. 93-383).

(h) Section 107 of the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503, November 26, 1974).

(i) Title II of the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503, November 26, 1974), except sections 204 and 205.

(j) Sections 804, insofar as it relates to 45 U.S.C. 744(e)(5); and 805, as applicable, of the Railroad Revitalization

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and Regulatory Reform Act of 1976 (Pub. L. 94-210).

(k) Section 148 of the Federal-Aid Highway Act of 1976 (Pub. L. 94-280, 90 Stat. 425).

(l) The following sections of the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599, 92 Stat. 2689): 155, 316, 320, and title IV, as amended (as it relates to matters within the primary responsibility of the Urban Mass Transportation Administrator).

(m) Section 601(d) of the Rail Passenger Service Act, as amended.

(n) Section 2 of Public Law 98-229, 98 Stat. 55, insofar as it relates to apportioning certain funds for Interstate substitute transit projects.

[Amdt. 1-157, 45 FR 83408, Dec. 18, 1980, as amended by Amdt. 1-168, 47 FR 16632, Apr. 19, 1982; Amdt. 1-180, 48 FR 15476, Apr. 11, 1983; Amdt. 1-187, 48 FR 52678, Nov. 21, 1983; Amdt. 1-191, 49 FR 6908, Feb. 24, 1984; Amdt. 1-203, 50 FR 30275, July 25, 1985]

§ 1.52 Delegations to Saint Lawrence Seaway Development Corporation Administrator.

The Administrator of the Saint Lawrence Seaway Development Corporation is delegated authority to:

(a) Carry out the functions vested in the Secretary by sections 4, 5, 6, 7, 8, 12 and 13 of section 2 of the Port and Tanker Safety Act of 1978 (92 Stat. 1471) as they relate to the operation of the St. Lawrence Seaway.

(b) 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 the St. Lawrence River.

(c) 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 owned or operated by the Corporation when engaged in noncommercial service.

(d) Carry out the Great Lakes Pilotage Act of 1960, as amended, (46 U.S.C. 9301 *et seq.*).

(e) Under the 1977 Memorandum of Arrangements with Canada and the Great Lakes Pilotage Act of 1960, as amended in 1983 (46 U.S.C. 9305), enter into, revise, or amend arrangements

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with Canada in coordination with the General Counsel.

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, as amended by 45 FR 48630, July 21, 1980; Amdt. 1-167, 47 FR 11677, Mar. 18, 1982; 60 FR 38971, July 31, 1995; Amdt. 1-272, 60 FR 63450, Dec. 11, 1995]

§ 1.53 Delegations to the Administrator of the Research and Special Programs Administration.

Administration. The Administrator of the Research and Special Programs Administration is delegated authority to exercise powers and perform duties, including duties under the specified statutes as follows:

(a) *Pipelines.* (1) Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671 *et seq.*).

(2) Mineral Leasing Act, as amended (Pub. L. 93-153, 30 U.S.C. 185).

(3) Deepwater Port Act of 1974 (Pub. L. 93-627, 33 U.S.C. 1501 *et seq.*) relating to the establishment, enforcement and review of regulations concerning the safe construction, operation or maintenance of pipelines on Federal lands and the Outer Continental Shelf (33 U.S.C. 1520).

(4) Section 5 of the International Bridge Act of 1972 (Pub. L. 92-434, 33 U.S.C. 535) as it relates to pipelines not over navigable waterways.

(5) Hazardous Liquid Pipeline Safety Act of 1979, as amended (49 U.S.C. 2001 *et seq.*).

(6) Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et seq.*) as amended, with respect to establishment, enforcement and review of regulations concerning pipeline safety.

(7) Sections 4(a) and 5(c) of Executive Order 12316 of August 14, 1981 (46 FR 42237, August 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 pipelines.

(8) Section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985, as it relates to pipeline safety user fees.

(b) *Hazardous materials.* (1) Sections 101-121 of the Hazardous Materials Transportation Act of 1975 (49 App. U.S.C. 1801-1819), as amended by the Hazardous Materials Transportation

Uniform Safety Act of 1990 (104 Stat. 3244), except as delegated by §§ 1.46(t), 1.47(j), 1.48(u)(2), and 1.49(s)(2), and except that the enforcement activities of the Research and Special Programs Administration (RSPA) shall be limited to any matter relating to or concerning any of the following:

(i) Any violation of an exemption or approval issued under that Act;

(ii) Any violation of any requirement for a telephonic or written report of a hazardous materials incident or any other reporting requirement imposed under that Act;

(iii) Any manufacture, fabrication, marking, maintenance, reconditioning, repair, testing, or retesting of any packaging, except modal-specific bulk packaging, which is represented, marked, certified, or sold for use in the transportation of hazardous materials, including any United Nations standard or DOT specification or exemption packaging;

(iv) Any manufacture, fabrication, marking, maintenance, reconditioning, repair, testing, or retesting of any modal-specific bulk packaging, which is represented, marked, certified, or sold for use in the transportation of hazardous materials, including any United Nations standard or DOT specification or exemption packaging, only when requested by the modal administration with primary responsibility for such activity;

(v) Any carrier of hazardous materials only when requested by the modal administration with primary responsibility for inspecting such carrier;

(vi) Any offeror of any hazardous material for transportation with respect to its offering of any hazardous material for transportation in:

(A) Any modal-specific bulk packaging only when requested by the modal administration with primary responsibility for inspecting such packaging; or

(B) Any other packaging.

This delegation to the Administrator of RSPA does not limit the enforcement authority of the Administrators of FHWA, FRA, and FAA, and the Commandant of the Coast Guard under the Hazardous Materials Transportation Act, as amended. Those agencies have enforcement authority over all aspects

of the transportation or shipment of hazardous materials by their respective modes, including the manufacture, fabrication, marking, maintenance, reconditioning, repair, testing, or retesting of any bulk packaging intended or represented as intended for use in the transportation of hazardous materials by their respective modes.

(2) Serves as the Department's point of contact and consults with the Environmental Protection Agency on matters arising under section 3003 of the Resources Conservation and Recovery Act (42 U.S.C. 6923) and section 9 of the Toxic Substances Control Act (15 U.S.C. 2608).

(3) Sections 601(c) and 902(h)(1) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1421 and 1472(h)(1), respectively), as they relate to regulations governing the transportation of hazardous materials by air.

(4) Section 16, 25, 26, and 29 of the Hazardous Materials Transportation Uniform Safety Act of 1990 (Pub. L. 101-615; 104 Stat. 3244 (49 app. U.S.C. 1813 note, 1804 note; 29 U.S.C. 655 note)).

(5) Section 406 of the ICC Termination Act of 1995 (Public Law 104-88) relating to the issuance of regulations concerning the use of certain fiber drum packagings for the transportation of liquid hazardous materials, including contracting for a study by the National Academy of Sciences.

(c) *Passenger and cargo security.* (1) Serve as the Department's point of contact in relationships with Government, state, regional, local and private groups and organizations in matters relative to the Department-wide program for enhancing the safety and security of passengers and cargo in transit.

(d) *Intermodal transport.* (1) Section 4(e) of the International Safe Container Act (Pub. L. 95-208, 91 Stat. 1475).

(2) [Reserved]

(e) *Emergency preparedness.* Carry out the functions related to emergency preparedness vested in the Secretary by 49 U.S.C. 101 and 301 or delegated to the Secretary by or through the Defense Production Act of 1950, 50 U.S.C. App. 2061 *et seq.*; Executive Order 10480, as amended; Executive Order 12148; Executive Order 12656; Executive Order 12742; Reorganization Plan No. 3 of 1978; and

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such other statutes, executive orders, and other directives as may pertain to emergency preparedness.

(f) *Working Capital Fund for Financing the Activities of the Transportation Systems Center.* (1) Section 207 of Public Law 96-254 (49 U.S.C. 1657(r)), authorizing the Secretary to establish a working capital fund for financing the activities of the Transportation Systems Center.

(2) [Reserved]

(g) [Reserved]

(h) *Science and technology.* (1) With respect to scientific and technological matters, serve as principal advisor to the Secretary and representative of the Department to the academic community, the private sector, professional organizations, and other Government agencies.

(2) Serve as principal liaison official for the Department of Transportation with the Office of Science and Technology Policy in the Executive Office of the President.

(3) Serve as Chairperson of the Department of Transportation's Research and Development Coordinating Council.

(4) Serve as Chairperson of the Department of Transportation Navigation Council.

(5) Serve as primary official responsible for coordination and oversight of the Department's implementation of section 2 of the Federal Technology Transfer Act of 1986 (Pub. L. No. 99-502; 15 U.S.C. 3710a), relating to the transfer of Federal technology to the marketplace.

(i) Carry out the functions vested in the Secretary by sections 4, 5, 6, 7, and 8 of the Sanitary Food Transportation Act of 1990 (Pub. L. 101-500; 104 Stat. 1213).

(j) Section 8 of the Independent Safety Board Act Amendments of 1990 (Pub. L. 101-641; 104 Stat. 4654 (49 app. U.S.C. 1804 note)).

(k)(1) Carry out the functions and exercise the authority delegated to the Secretary in Executive Order 12777 (3 CFR, 1991 Comp.; 56 FR 54757) in section 2(b)(2) relating to the establishment of procedures, methods, and equipment and other requirements for equipment to prevent discharges from, and to contain oil and hazardous substances in,

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pipelines, motor carriers, and railroads. (See 49 CFR 1.46 and 1.66.)

(2) Carry out the functions and exercise the authority delegated to the Secretary in section 2(d)(2) of Executive Order 12777 (3 CFR, 1991 Comp.; 56 FR 54757) relating to the issuance of regulations requiring the owners or operators of pipelines, motor carriers, and railroads, subject to the Federal Water Pollution Control Act (33 U.S.C. 1321), to prepare and submit response plans, except as delegated in section 1.46(m). For pipelines subject to the Federal Water Pollution Control Act (33 U.S.C. 1321), this authority includes the approval of means to ensure the availability of private personnel and equipment to remove, to the maximum extent practicable, a worst case discharge, the review and approval of response plans, and the authorization of pipelines to operate without approved response plans.

(l) University Grants Program. Sections 11(b) and 11(c) of the Federal Transit Act, as amended, 49 U.S.C. App. 1607c(b) and 1607c(c), except for the provisions in sections 11(b)(8)(b) and 11(b)(10).

[Amdt. 1-130, 43 FR 5516, Feb. 9, 1978]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.53, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 1.54 Delegations to all Secretarial Officers.

(a) This section sets forth general delegations to the Deputy Secretary, the Deputy Under Secretary, the General Counsel, the Inspector General and the Assistant Secretaries.

(b) Each officer named in paragraph (a) of this section is delegated authority to:

(1) Redelegate and authorize successive redelegations of authority granted by the Secretary within their respective organizations, except as limited by law or specific administrative reservation, including authority to publish those redelegations in appendix A of this part.

(2) Authorize and approve official travel (except foreign travel) and transportation for themselves, their subordinates, and others performing services for, or in cooperation with, the

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Office of the Secretary. This authority may be redelegated in accordance with regulations issued by the Assistant Secretary for Administration.

(3) Communicate directly with chairmen of Field Coordination Groups provided such communications are largely informational in character and do not conflict with program responsibilities of the operating administrations.

(4) Establish ad hoc committees for specific tasks within their assigned staff area.

(5) Establish, modify, extend, or terminate standing committees within their specific areas of responsibility when directed or authorized to do so by the Secretary.

(6) Designate members of interagency committees when such committees are specifically concerned with responsibilities of direct interest to their office.

(7) Exercise the following authorities with respect to executive level positions (GS-16, 17, or 18 or equivalent) within their respective areas of responsibility:

(i) Determine how executive level positions will be filled; i.e., by reassignment, promotion, appointment.

(ii) Establish selection criteria to be used in identifying eligible candidates.

(iii) Confer with the Administrators on selection criteria and candidates for an executive level position that is a counterpart of an activity or position in the Office of the Secretary.

(iv) Recommend final selection for executive level positions, subject to review by the Executive Committee of the Departmental Executive Personnel Board and approval by the Secretary and the Civil Service Commission.

(v) Serve as ad hoc member of the Departmental Executive Personnel Board at the call of the Chairman and serve on the Board's Executive Committee whenever matters involving their respective offices or a functional counterpart thereof in an operating administration are presented to the Executive Committee for its consideration.

(8) Enter into inter- and intra-departmental reimbursable agreements other than with the head of another department or agency (31 U.S.C. 686). This authority may be redelegated only to office directors or other comparable levels and to contracting officers.

(9) Administer and perform the functions described in their respective functional statements.

(10) Exercise the authority of the Secretary to make certifications, findings and determinations under the Regulatory Flexibility Act (Pub. L. 96-354) with regard to any rulemaking document for which issuance authority is delegated by other sections in this part. This authority may be redelegated to those officials to whom document issuance authority has been delegated.

(11) Exercise the authority of the Secretary to resolve informal allegations of discrimination arising in or relating to their respective organizations through Equal Employment Opportunity counseling or the Alternative Dispute Resolution process and to develop and implement affirmative action and diversity plans within their respective organizations.

(49 U.S.C. 1657(e)(1))

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, as amended by Amdt. 1-114, 41 FR 1288, Jan. 7, 1976; Amdt. 1-157, 45 FR 83408, Dec. 18, 1980; Amdt. 1-159, 46 FR 22593, Apr. 20, 1981; Amdt. 265, 60 FR 2891, Jan. 12, 1995]

§ 1.55 Delegations to Deputy Secretary.

The Deputy Secretary may exercise the authority of the Secretary except where specifically limited by law, order, regulations, or instructions of the Secretary. In addition, the Deputy Secretary is delegated authority to:

(a) Exercise executive control over the Departmental Planning-Programming-Budgeting System.

(b) Serve as Chairman of the Departmental Executive Personnel Board and its Executive Committee.

(c) Originate direct correspondence to chairmen of Field Coordination Groups on overall Departmental matters.

(d) Approve the establishment, modification, extension, or termination of:

(1) Department-wide (intra-department) committees affecting more than one program.

(2) OST-sponsored interagency committees.

(3) All advisory committees (including industry advisory committees) except those sponsored by field activities of the operating administrations.

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(e) Approve the designation of:

(1) Departmental representatives and the chairman for interagency committees sponsored by the Office of the Secretary.

(2) Departmental representatives on all advisory committees except those sponsored by a field component of one of the operating administrations or the Materials Transportation Bureau.

(3) Departmental members for international committees.

(f) Authorize and approve official travel and transportation for self, subordinates, and others performing services for or in cooperation with the Office of the Secretary; and authorize and approve official foreign travel of all Departmental personnel and others performing travel for the Department.

(g) Serve as the representative of the Secretary on the board of directors of the National Railroad Passenger Corporation and carry out the functions vested in the Secretary as a member of the board by section 303 of the Rail Passenger Service Act of 1970 (84 Stat. 1330).

(h) Serve as the representative of the Secretary as incorporator, member of the acting board of directors, member of the board of directors, and member of the executive committee of the board of directors, of the United States Railway Association and when so serving carry out the functions vested in the Secretary in each capacity by title II of the Regional Rail Reorganization Act of 1973 (Pub. L. 93–236), as amended.

(i) Serve as the representative of the Secretary as incorporator, member of the interim board of directors established by section 301(c) of the Regional Rail Reorganization Act of 1973 (Pub. L. 93–236), and member of the board of directors, of the Consolidated Rail Corporation and when so serving carry out the functions vested in the Secretary in each capacity by title III of the Regional Rail Reorganization Act of 1973 (Pub. L. 93–236).

[Amdt. 1–113, 40 FR 43901, Sept. 24, 1975, as amended by Amdt. 1–114, 41 FR 1288, Jan. 7, 1976; Amdt. 1–116, 41 FR 20680, May 20, 1976; Amdt. 1–126, 41 FR 56327, Dec. 28, 1976; Amdt. 1–157, 45 FR 83408, Dec. 18, 1980; Amdt. 1–165, 46 FR 55266, Nov. 9, 1981]

§ 1.56 Delegations to the Assistant Secretary for Transportation Policy.

The Assistant Secretary for Transportation Policy is delegated authority to:

(a) Establish policy and maintain oversight of implementation of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4347) within the Department of Transportation.

(b) Oversee the implementation of section 4(f) of the Department of Transportation Act of 1969 (49 U.S.C. 303).

(c) Represent the Secretary of Transportation on various interagency boards, committees, and commissions to include the Architectural and Transportation Barriers Compliance Board and the Advisory Council on Historic Preservation.

(d) Except with respect to proceedings under section 4(e) of the Department of Transportation Act (49 U.S.C. 307) relating to safety fitness of an applicant, decide on requests to intervene or appear before administrative agencies to present the views of the Department subject to concurrence by the General Counsel.

(e) Carry out the functions vested in the Secretary by section 656 of the Department of Energy Organization Act (42 U.S.C. 7266) which pertains to planning and implementing energy conservation matters with the Department of Energy. Serves as the Department's principal conservation officer.

[Amdt. 1–261, 59 FR 10063, Mar. 3, 1994]

§ 1.56a Delegations to the Assistant Secretary for Aviation and International Affairs.

The Assistant Secretary for Aviation and International Affairs is delegated authority to:

(a) Represent the Secretary of Transportation on various interagency boards, committees, and commissions to include the Trade Policy Review Group and the Trade Policy Staff Committee.

(b) Except with respect to proceedings under section 4(e) of the Department of Transportation Act (49 U.S.C. 307) relating to safety fitness of an applicant, decide on requests to intervene

or appear before administrative agencies to present the views of the Department subject to concurrence by the General Counsel.

(c) Carry out the functions of the Secretary pertaining to aircraft with respect to Transportation Orders T-1 and T-2 (44 CFR chapter IV) under the Act of September 8, 1950, as amended (50 U.S.C. app. 2061 *et seq.*) and Executive Order No. 10480 (3 CFR, 1949-1953 comp., p. 962), as amended.

(d) Serve as Department of Transportation member of the Interagency Group on International Aviation, and pursuant to Executive Order No. 11382 (3 CFR, 1966-1970 comp., p. 691), as amended, serve as Chair of the Group.

(e) Serve as second alternate representing the Secretary of Transportation to the Trade Policy Committee as mandated by Reorganization Plan No. 3 of 1979 (5 U.S.C. app. at 1381 (1988)) and Executive Order No. 12188 (3 CFR, 1980 comp., p. 131), as amended.

(f)(1) As supplemented by 14 CFR part 385, as limited by paragraph (f)(2) of this section, and except as provided in §§ 1.53(g), 1.57(a), and 1.57(s) of this title, carry out the functions transferred to the Department from the Civil Aeronautics Board under the following statutes:

(i) 49 U.S.C. app. 1551(b); and

(ii) Section 4(a)(1) through (4), (6), and (8) through (10) of the Civil Aeronautics Board Sunset Act of 1984 (49 U.S.C. app. 1553(a)(1) through (4), (6), and (8) through (10)).

(2) Insofar as the delegation in this paragraph (f) authorizes review of decisions of the Designated Senior Career Official in the Office of the Assistant Secretary for Aviation and International Affairs under § 1.56b of this title, the authority is limited to approving any such decision or remanding it for reconsideration by the Designated Senior Career Official, with a full written explanation of the basis for the remand.

(g) Carry out the functions vested in the Secretary by the following subsections of section 1115 of the Federal Aviation Act of 1958, as amended, which relates to the security of foreign airports:

(1) Subsection 1115(e)(1), in coordination with the General Counsel, and the Federal Aviation Administrator; and

(2) Subsection 1115(e)(3), in coordination with the General Counsel, the Federal Aviation Administrator, the Assistant Secretary for Governmental Affairs, and the Assistant Secretary for Administration.

(h) Carry out the following statutory provisions relating to consumer protection:

(1) Section 4(a)(5) of the Civil Aeronautics Board Sunset Act of 1984 (49 U.S.C. app. 1553(a)(5)) relating to enforcement of the Consumer Credit Protection Act;

(2) Sections 101(3) (relating to relieving certain carriers from provisions of the Federal Aviation Act), 204 (relating to taking such actions and issuing such regulations as may be necessary to carry out responsibilities under the Act), 404 (relating to enforcing the duty of carriers to provide safe and adequate service), 407(a) (relating to requiring the production of information), 407(e) (relating to entering carrier property, and inspecting records), 411 (relating to determining whether any carrier or ticket agent is engaged in unfair or deceptive practices or unfair methods of competition), and 416 (relating to establishing just and reasonable classifications of carriers and rules to be followed by each) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1301(3), 1324, 1374, 1377 (a) and (e), 1381, and 1386) as appropriate to the consumer protection functions in this paragraph.

(i) Carry out the functions of the Secretary pertaining to a determination of whether a fee imposed upon one or more air carriers by the owner or operator of an airport is reasonable under section 113 of the Federal Aviation Administration Authorization Act of 1994 (August 23, 1994; Pub. L. 103-305; 108 Stat. 1577-1579).

[Amdt. 1-261, 59 FR 10063, Mar. 3, 1994, as amended by Amdt. 1-266, 60 FR 11046, Mar. 1, 1995; Amdt. 1-269, 60 FR 15877, Mar. 28, 1995]

§ 1.56b Delegations to the Designated Senior Career Official, Office of the Assistant Secretary for Aviation and International Affairs.

The Designated Senior Career Official in the Office of the Assistant Secretary for Aviation and International Affairs is delegated exclusive authority to make decisions in all hearing cases to select a carrier for limited-designation international route authority, and in any other case that the Secretary designates, under the authority transferred to the Department from the Civil Aeronautics Board described in §§ 1.56a(f) and 1.57(s) of this title; this includes the authority to adopt, reject or modify recommended decisions of administrative law judges.

[Amdt. 1–261, 59 FR 10064, Mar. 3, 1994, as amended by Amdt. 1–269, 60 FR 15877, Mar. 28, 1995]

§ 1.57 Delegations to General Counsel.

The General Counsel is delegated authority to:

(a) Conduct all rule-making proceedings, except the issuance of final rules, under specific laws relating generally to standard time zones and daylight saving (advanced standard) time.

(b) Determine the practicability of applying the standard time of any standard time zone to the movements of any common carrier engaged in interstate or foreign commerce and issue operating exceptions in any case in which the General Counsel determines that it is impractical to apply the standard time.

(c) Provide and coordinate the Department's counseling service to employees on questions of conflict of interest and other matters of legal import covered by Departmental regulations on employee responsibility and conduct. Assure that counseling and interpretations on these matters are available to designated Deputy Counselors of the Department. Serve as the Department's designee to the Civil Service Commission on these matters.

(d) Serve as the alternate representative of the Secretary on the Board of Directors of the National Railroad Passenger Corporation when so designated by the Secretary or Deputy Secretary and carry out the functions vested in the Secretary as a member of the board

by section 303 of the Rail Passenger Service Act of 1970 (84 Stat. 1330).

(e) Review and take final action on referrals of the findings of the Board for Correction of Military Records of the Coast Guard (except with respect to those matters on which the Secretary's authority to take final action is exercised by the Board pursuant to 33 CFR 52.35–15) and the Coast Guard Discharge Review Board.

(f) Approve vacation of suspension of dismissal of military personnel (10 U.S.C. 872(b)).

(g) Grant permission, under specific circumstances, to deviate from a policy or procedure prescribed by part 9 of the regulations of the Office of the Secretary (part 9 of this subtitle) with respect to testimony of OST employees as witnesses in legal proceedings, the serving of legal process and pleadings in legal proceedings involving the Secretary or his Office, and the production of records of that Office pursuant to subpoena.

(h) Prepare proposed Executive orders and proclamations (including transmittal documents), effect appropriate Departmental coordination, and determine whether the transmittal to the Office of Management and Budget should be submitted over the Secretary's signature or the General Counsel's.

(i) Emboss and affix the official Departmental seal to appropriate documents and other materials, for all purposes for which authentication by seal is required.

(j) Except with respect to proceedings under section 4(e) of the Department of Transportation Act (80 Stat. 934) relating to safety fitness of an applicant, decide on requests to intervene or appear before courts or agencies to present the views of the Department, subject to the concurrence of other interested staff elements in the Office of the Secretary.

(k) Exercise the authority delegated to the Department by the Assistant Attorney General, Land and Natural Resources Division, in his order of October 2, 1970, to approve the sufficiency of the title to land being acquired by purchase or condemnation by the United States for the use of the Department.

Redelegation and successive redelegations of this authority may only be made to attorneys within the Department.

(l) Issue regulations making editorial changes or corrections in the Regulations of the Office of the Secretary.

(m) Review and take final action on applications for reconsideration of initial decisions not to disclose unclassified records of the Office of the Secretary requested under 5 U.S.C. 552(a)(3).

(n) Consider, ascertain, adjust, determine, compromise, and settle for an amount not exceeding \$25,000, any tort claim arising from the activities of any employee of the Office of the Secretary. Request the approval of the Attorney General for any such award, compromise, or settlement in excess of \$25,000 (28 U.S.C. 2672).

(o) Conduct coordination with foreign governments under section 118 of the Deep Seabed Hard Mineral Resources Act (June 21, 1980).

(p) Grant or deny petitions for extension of time to file a document under part 202 of title 46.

(q) Deny petitions for rulemaking or petitions for exemptions in accordance with § 5.13(c) of this title, and notify petitioners of denials in accordance with § 5.13(d) of this title.

(r) Exercise the review authority delegated to the Secretary by the President in Executive Order 12597 of May 13, 1987.

(s) Assist and protect consumers in their dealings with the air transportation industry and assist state and local organizations in handling airline consumer complaints. Carry out 49 U.S.C. 40113 and 41771 as appropriate to those functions.

(10 U.S.C. 1552; 49 U.S.C. 1655(b); 49 U.S.C. 322; 49 CFR 1.57(l))

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

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.57, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 1.57a Delegations to Deputy General Counsel.

The Deputy General Counsel is delegated authority to:

(a) Appear on behalf of the Department on the record in hearing cases,

and to initiate and carry out enforcement actions on behalf of the Department, under the authority transferred to the Department from the Civil Aeronautics Board as described in §§ 1.56a(f) and 1.57(s). This includes the authority to compromise penalties under 49 U.S.C. 46301; to issue appropriate orders, including cease and desist orders, under 49 U.S.C. 46101; and to require the production of information, enter carrier property and inspect records and inquire into the management of the business of a carrier under 49 U.S.C. 41711, as appropriate to the enforcement responsibilities. In carrying out these functions, the Deputy General Counsel is not subject to the supervision of the General Counsel.

(b) Initiate and carry out enforcement actions relating to:

(1) foreign airport security on behalf of the Department under 49 U.S.C. 44907; and

(2) the Consumer Credit Protection Act under section 4(a)(5) of the Civil Aeronautics Board Sunset Act of 1984 (October 4, 1984; Pub. L. 98-443). In carrying out these functions, the Deputy General Counsel is not subject to the supervision of the General Counsel.

[Amdt. 1-269, 60 FR 15877, Mar. 28, 1995]

§ 1.57b Delegations to the Assistant General Counsel for Environmental, Civil Rights, and General Law.

Administer 5 U.S.C. 552 and 49 CFR part 7 in connection with the records of the Office of the Secretary (including the Office of the Inspector General) and issue procedures to ensure uniform Departmental implementation of statutes and regulations regarding public access to records.

[Amdt. 1-228, 54 FR 10010, Mar. 9, 1989, as amended by Amdt. 1-261, 59 FR 10064, Mar. 3, 1994]

§ 1.58 Delegations to Assistant Secretary for Budget and Programs.

The Assistant Secretary for Budget and Programs is delegated authority to:

(a) Exercise day-to-day operating management responsibility over the Office of Programs and Evaluation and the Office of Budget.

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(b) Direct and manage the Departmental planning, evaluation, and budget activities.

(c) Request apportionment or reapportionment of funds by the Office of Management and Budget, provided that no request for apportionment or reapportionment which anticipates the need for a supplemental appropriation shall be submitted to the Office of Management and Budget without appropriate certification by the Secretary.

(d) Issue allotments or allocations of funds to components of the Department.

(e) Authorize and approve official travel and transportation for staff members of the Immediate Office of the Secretary including authority to sign and approve related travel orders and travel vouchers, but not including requests for overseas travel.

(f) Issue monetary authorizations for use of reception and representation funds.

(g) Act for the Secretary and Deputy Secretary with respect to certain budgetary and administrative matters relating to the Immediate Office of the Secretary.

[Amdt. 1-130, 42 FR 58754, Nov. 11, 1977. Redesignated by Amdt. 1-157, 45 FR 83409, Dec. 18, 1980]

§ 1.59 Delegations to the Assistant Secretary for Administration.

The Assistant Secretary for Administration is delegated authority for the following:

(a) *Acquisition.* (1) Exercise procurement authority with respect to requirements of the Office of the Secretary.

(2) Make the required determinations with respect to mistakes in bids relative to sales of personal property conducted by the Office of the Secretary without power of redelegation.

(3) Carry out the functions vested in the Secretary by sections 3 and 4(b) (as appropriate) of Executive Order 11912.

(4) Carry out the functions delegated to the Secretary from time to time by the Administrator of General Services to lease real property for Department use.

(b) *Personnel.* (1) Conduct a personnel management program for the Office of

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the Secretary with authority to take, direct others to take, recommend or approve any personnel action with respect to such authority.

(2) Serve as Vice Chairman of the Departmental Executive Resources Board and its Executive Resources Review Committee.

(3) Exercise emergency authority to hire without the prior approval of the Deputy Secretary normally required by Departmental procedures implementing general employment limitations when in the judgment of the Assistant Secretary immediate action is necessary to effect the hire and avoid the loss of a well-qualified job applicant, and for similar reasons.

(4) Review proposals of the Office of the Secretary for each new appointment or transfer to:

(i) Verify the essentiality of the position, and

(ii) [Reserved]

(5) Approve employment of experts and consultants in accordance with 5 U.S.C. 3109.

(6) Serve as Vice Chairman of the Departmental Executive Personnel Board and its Executive Committee.

(7) Issue final interpretations for the Department and its administrations on matters arising under section 7117 of title VII of the Civil Service Reform Act of 1978.

(8) Develop, coordinate, and issue wage schedules for Department employees under the Federal Wage System, except as delegated to the Commandant of the Coast Guard at § 1.46.

(c) *Finance.* (1) Administer the financial and fiscal affairs of the Office of the Secretary (other than those for which the Assistant Secretary for Budget and Programs is responsible), in accordance with 31 U.S.C. 3512.

(2) Designate to the Treasury Department certifying officers and designated agents for the Office of the Secretary and imprest fund cashiers for the Departmental headquarters. (Redelegation to the Director of Financial Management is contained in subpart C, § 1.59a.)

(3) In accordance with 31 U.S.C. 3527, grant or recommend relief from accountability for losses or deficiencies of disbursing officers, cashiers, or other accountable officers as follows:

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(i) Grant relief for losses or deficiencies of less than \$500 for which charges or exceptions have not been raised by the General Accounting Office.

(ii) Recommend relief by the Comptroller General for all other losses or deficiencies.

(4) Settle and pay claims by employees of the Office of the Secretary, except at the Transportation System Center, for personal property losses, as provided by 31 U.S.C. 241(b).

(5) Waive claims and make refunds in connection with claims of the United States for erroneous payment of pay and allowances or of travel, transportation, and relocation expenses and allowances to an employee of the Office of the Secretary in amounts aggregating not more than \$1,500 without regard to any repayments, and deny requests for waiver of such claims regardless of the aggregate amount of the claim, as provided by 4 CFR parts 91, 92, and 93. This authority may be redelegated only to the Director of Financial Management.

(6) Compromise, suspend collection action on, or terminate claims of the United States not exceeding \$100,000 (excluding interest) which are referred to, or arise out of the activities of, the Office of the Secretary.

(7) Determine the existence and amount of indebtedness and the method of collecting repayments from employees of the Office of the Secretary and collect repayments accordingly, as provided by 5 U.S.C. 5514. This authority may be redelegated only to the Director of Financial Management.

(8) Sign Budget Execution reports required by OMB Circular A-34, for the Office of the Secretary. (Redelegation to the Director of Financial Management is contained in subpart C, § 1.59a.)

(9) Review and approve for payment any voucher for \$25 or less the authority for payment of which is questioned by a certifying or disbursing officer. (Redelegation to the Director of Financial Management is contained in subpart C, § 1.59a.)

(10) Approve cash purchases of emergency passenger transportation services costing over \$100 under FPMR G-72, as amended.

(11) Perform accounting and related functions in support of the essential air service program.

(12) Carry out the functions and obligations assigned to the Secretary with respect to the Prompt Payment Act, Public Law 97-177.

(13) Carry out the functions and duties assigned to the Secretary with respect to the Debt Collection Act of 1982, Public Law 97-365.

(d) *Special funds.* Except as otherwise delegated, establish or operate, or both, such special funds as may be required by statute or by administrative determination. This excludes the Working Capital Fund (49 U.S.C. 327).

(e) *Security.* (1) Represent the Secretary on the National Communications Security Committee and Interdepartmental Committee on Internal Security.

(2) Issue identification media "by direction of the Secretary".

(3) Classify information in the interests of national defense.

(4) Take certain classified actions on behalf of the Department in connection with counter-audio programs.

(5) Authorize exceptions to investigative standards for National Defense Executive Reservists.

(6) Determine when emergencies, other than attack on the United States, justify activation of Personnel Security Regulations issued by the Secretary.

(7) Approve exceptions to the Personnel Security regulations issued by the Secretary.

(8) Request the Office of Personnel Management to modify investigative requirements in other areas.

(9) Ensure Department-wide compliance with Executive Orders 10450, 12829, 12958, 12968, and related regulations and issuances.

(f) *Printing.* (1) Request approval of the Joint Committee on Printing, Congress of the United States, for any procurement or other action requiring Committee approval.

(2) Certify the necessity for Departmental periodicals and request approval of the Director of the Office of Management and Budget (OMB Circular No. A-3 Revised as of Sept. 8, 1960).

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(g) *Document authentication.* Emboss and affix the official Departmental seal to appropriate documents and other materials, for all purposes for which authentication by seal is required.

(h) *Foreign travel.* Review written requests for modification to the Department's foreign travel plan approved by the Office of Management and Budget.

(i) *Gifts and bequests.* Carry out the functions vested in the Secretary by section 9(m) of the Department of Transportation Act (Pub. L. 89-670).

(j) *Building management.* Carry out the functions vested in the Secretary by sections 1(b) and 4(b) (as appropriate) of Executive Order 11912.

(k) *Privacy.* Issue notices of Department of Transportation systems of records as required by the Privacy Act of 1974 (5 U.S.C. 552a(e)(4), (11)).

(l) *Hearings.* Provide logistical and administrative support to the Department's Office of Hearings.

(m) *Paperwork reduction.* Carry out the functions and responsibilities assigned to the Secretary with respect to the Paperwork Reduction Act of 1980, Public Law 96-511.

(n) *Federal real property management.* Carry out the functions assigned to the Secretary with respect to Executive Order 12512 of April 28, 1985.

(o) *The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 84 Stat. 1894.* Except as provided in §§ 1.45, 1.48 and 49 CFR 25.302, the functions, powers, and duties of the Secretary of Transportation, with respect to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, are delegated to the Assistant Secretary for Administration with respect to programs administered by the Office of the Secretary. This authority is subject to the requirements listed in § 1.45 that govern all Operating Administrations' authority with respect to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(p) *Regulations.* Issue Department of Transportation procurement regulations, subject to the following limitation:

(1) *Coordination.* The views of the General Counsel, the interested administrations and other offices will be so-

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licitated in the development of the procurement regulations. In commenting upon proposed provisions for the procurement regulations, the administrations will indicate the nature and purpose of any additional implementing or supplementing policy guidances which they propose to issue at the administration level.

(2) [Reserved]

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

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.59, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 1.59a Redelegations by the Assistant Secretary for Administration.

(a) The Assistant Secretary for Administration has redelegated to the Director of Acquisition and Grant Management authority to procure and authorize payment for property and services for the Office of the Secretary, with power to redelegate and authorize successive redelegations.

(b) The Assistant Secretary for Administration has redelegated to the Director of Personnel authority to:

(1) Conduct a personnel management program for the Office of the Secretary with authority to take, direct others to take, recommend or approve any personnel action with respect to such authority.

(2) Develop, coordinate, and issue wage schedules for Department employees under the Federal Wage System, except as delegated to the Commandant of the Coast Guard at § 1.46 of this part.

(c) The Assistant Secretary for Administration has redelegated to the Director of Financial Management authority to:

(1) Designate to the Treasury Department certifying officers and designated agents for the Office of the Secretary and imprest fund cashiers for the Departmental Headquarters.

(2) Certify to the validity of obligations as required by 31 U.S.C. 200 and to the adequacy of bond coverage for the designations under section 160(c)(2).

(3) Sign reports on Budget Execution as required by OMB Circular A-34 (Revised).

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(4) Review and approve for payment any voucher for \$25 or less the authority for payment of which is questioned by a certifying or disbursing officer.

(5) Process essential air service payments.

(6) Approve claims of OST employees allowable under 31 U.S.C. 3721 for amounts of \$500 or less.

[Amdt. 1-209, 51 FR 29233, Aug. 15, 1986, as amended by Amdt. 1-232, 54 FR 46616, Nov. 6, 1989]

§ 1.60 Delegations to the Inspector General.

The Inspector General is delegated, and has agreed to carry out, the following:

(a) *Aviation economics*. The conduct of audits under 49 U.S.C. 1389; and 49 U.S.C. 1377(e).

(b) [Reserved]

[Amdt. 1-199, 49 FR 50997, Dec. 31, 1984]

§ 1.61 Delegations to Assistant Secretary for Governmental Affairs.

The Assistant Secretary for Governmental Affairs is delegated authority to:

(a) Establish procedures for responding to Congressional correspondence.

(b) Serve as the Department's point of contact in relationships with public and private organizations and groups devoted to consumer and community services or affairs.

(c) Serve as coordinator for intra-Departmental consumer affairs programs.

[Amdt. 1-157, 45 FR 83409, Dec. 18, 1980, as amended by Amdt. 1-199, 49 FR 50997, Dec. 31, 1984; Amdt. 1-205, 50 FR 52468, Dec. 24, 1985; Amdt. 1-269, 60 FR 15877, Mar. 28, 1995]

§ 1.62 Delegations to the Director of Small and Disadvantaged Business Utilization.

The Director of Small and Disadvantaged Business Utilization is delegated authority to:

(a) Exercise Departmental responsibility for the implementation and execution of functions and duties under sections 8 and 15 of the Small Business Investment Act, as amended (15 U.S.C. 637 and 644).

(b) Carry out the functions vested in the Secretary by section 906 of the Railroad Revitalization and Regu-

latory Reform Act of 1976 (Pub. L. 94-210), as amended.

[Amdt. 1-157, 45 FR 83409, Dec. 18, 1980]

§ 1.63 Delegations to Assistant to the Secretary and Director of Public Affairs.

The Assistant to the Secretary and Director of Public Affairs is delegated authority to:

(a) [Reserved]

(b) Monitor the overall public information program and review and approve Departmental informational materials having policy-making ramifications before they are printed and disseminated.

(c) Carry out the functions vested in the Secretary by section 4(b) (as appropriate) of Executive Order 11912.

(d) Carry out the functions to promote carpooling and vanpooling which were vested in the Federal Energy Administration by section 381(b)(1)(B) of the Energy Policy and Conservation Act and transferred to the Department of Transportation by section 310 of the Department of Energy Organization Act of 1977.

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, as amended by Amdt. 1-118, 41 FR 35849, Aug. 25, 1976; Amdt. 1-157, 45 FR 83409, Dec. 18, 1980; Amdt. 1-184, 48 FR 44079, Sept. 27, 1983; Amdt. 1-228, 54 FR 10010, Mar. 9, 1989; Amdt. 1-261, 59 FR 10064, Mar. 3, 1994]

§ 1.64 Delegations to the Director, Transportation Administrative Service Center.

The Director, Transportation Administrative Service Center (TASC), is delegated authority to operate the Working Capital Fund (49 U.S.C. 327).

[Amdt. 1-285, 62 FR 16499, Apr. 7, 1997]

§ 1.65 Authority to classify information.

(a) E.O. 12356 confers upon the Secretary of Transportation authority to originally classify information as Secret and Confidential with further authorization to delegate this authority. (No official of the Department of Transportation has authority to originally classify information as Top Secret.)

(b) The following delegations of this authority, which may not be redelegated, are hereby made:

§ 1.66

(1) *Office of the Secretary (OST)*. Chief, Security Staff.

(2) *U.S. Coast Guard (USCG)*. The Commandant; Chief, Office of Operations.

(3) *Federal Aviation Administration (FAA)*. The Administrator; Director of Civil Aviation Security.

(4) *Maritime Administration (MARAD)*. The Administrator; Associate Administrator for Policy and Administration (Confidential only); Director, Office of International Activities (Confidential only); Chief, Division of National Security Plans (Confidential only).

(c) Authority to originally classify information as Secret or Confidential is delegated to the following officials to become effective automatically upon declaration of civil readiness level Initial Alert or the comparable military readiness level. If invoked, this authority is automatically terminated when both civil and military levels return to the level of Communications Watch or comparable readiness state.

(1) *OST*. Deputy Secretary; Assistant Secretary for Transportation Policy; Assistant Secretary for Aviation and International Affairs; Assistant Secretary for Administration.

(2) *USCG*. Vice Commandant; Chief of Staff; Commander, Atlantic Area; Commander, Pacific Area; Commanders, Coast Guard Districts; Commander, Coast Guard Activities, Europe; Chief, Intelligence and Security Division.

(3) *FAA*. Deputy Administrator; Directors, FAA Regions and Centers.

(4) *MARAD*. Deputy Administrator; Region Directors; Heads of ALFA, BRAVO, and CHARLIE Emergency Teams when activated.

(d) Although the delegations of authority are expressed above in terms of positions, the authority is personal and is vested only in the individual occupying the position. The authority may not be exercised "by direction of" a designated official. The formal appointment or assignment of an individual to one of the identified positions, a designation in writing of an individual to act in the absence of one of these officials, or the exercise by an individual of the powers of one of these officials by operation of law, however, conveys

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the authority to originally classify information.

(e) Previous delegations of authority to Department of Transportation officials to originally classify information as Secret and Confidential are hereby rescinded.

[Amdt. 1-195, 49 FR 26594, June 28, 1984, as amended by Amdt. 1-261, 59 FR 10061, 10064, Mar. 3, 1994]

§ 1.66 Delegations to Maritime Administrator.

With the exception of those authorities delegated to the Maritime Subsidy Board in § 1.67 of this title, the Maritime Administrator is delegated authority to:

(a) Carry out sections 9, 12, 14a, 21a, 37, 38, 40, 41, and 42 of the Shipping Act, 1916, as amended (46 App. U.S.C. 801 *et seq.*);

(b) Carry out the Merchant Marine Act, 1920, as amended (46 App. U.S.C. 861 *et seq.*), including the Ship Mortgage Act, 1920, as amended (46 App. U.S.C. 921 *et seq.*);

(c) Carry out the Merchant Marine Act, 1928, as amended (46 App. U.S.C. 891 *et seq.*);

(d) Carry out section 7 of the Intercoastal Shipping Act, 1933, as amended (46 App. U.S.C. 843 *et seq.*);

(e) Carry out the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1101 *et seq.*); except the authority delegated to the Administrator of the National Oceanic and Atmospheric Administration relating to the establishment of capital construction fund agreements under section 607 thereof and the granting of financing guarantees under title XI thereof, with respect to vessels in the fishing trade or industry;

(f) Carry out the Merchant Ship Sales Act of 1946, as amended (50 U.S.C. App. 1735 *et seq.*);

(g) Carry out the Suits in Admiralty Act (1920), as amended (46 App. U.S.C. 741 *et seq.*);

(h) Carry out the Civilian Nautical School Act, 1940 (46 App. U.S.C. 1331 *et seq.*);

(i) Carry out the Act of June 2, 1951 (46 App. U.S.C. 1241a) regarding the "Vessel Operations Revolving Fund";

(j) Carry out the Act of August 9, 1954 (50 U.S.C. 196 *et seq.*) commonly called

the Emergency Foreign Vessels Acquisition Act;

(k) Carry out the Merchant Marine Decorations and Medals Act of 1988 (46 App. U.S.C. 2001 *et seq.*);

(l) Carry out the Maritime Academy Act of 1958, as amended (46 App. U.S.C. 1381 *et seq.*);

(m) Carry out the Act of May 16, 1972, as amended (86 Stat. 140) authorizing sale or purchase of certain passenger vessels;

(n) Carry out the Act of August 22, 1972 (86 Stat. 618) authorizing sale of Liberty ships for use as artificial reefs;

(o) Carry out section 717 of the Act of October 26, 1972 (86 Stat. 1184) commonly known as the Department of Defense Appropriations Act, 1973, and similar subsequent enactments, with respect to transferring or otherwise making available vessels under the jurisdiction of the Maritime Administration to another Federal agency or, similarly, accepting vessels from another Federal agency;

(p) Carry out the provisions of sections 10 through 13 of Public Law 103-451, the National Maritime Heritage Act of 1994, 108 Stat. 4769, 4778-4782;

(q) Exercise the authority vested in the Administrator of General Services by the Act of June 1, 1948, Pub. L. 80-566, 62 Stat. 281, 40 U.S.C. 318-318c and the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377, and delegated by the Administrator of General Services on May 8, 1995, relating to the enforcement of laws for the protection of property and persons at the United States Merchant Marine Academy, located in Kings Point, New York. This may be accomplished through appointment of uniformed personnel as special police, establishment of rules and regulations governing conduct on the affected property, and execution of agreements with other Federal, State, or local authorities. This delegation shall remain in effect through May 1, 2000;

(r) Carry out the responsibilities of the National Shipping Authority (initially established by the Secretary of Commerce effective March 13, 1951) in the capacity of Director, National Shipping Authority;

(s) Carry out the Maritime Education and Training Act of 1980 (46 App. U.S.C. 1295), as amended;

(t) Carry out all other activities previously vested in the Secretary of Commerce and transferred pursuant to Public Law 97-31;

(u) 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 owned or operated by the Maritime Administration when engaged in non-commercial service;

(v) Carry out the responsibilities and exercise the authorities of the Secretary of Transportation under the Maritime Security Act of 1996, Public Law 104-239;

(w) Carry out the provisions of subtitle B of Public Law 101-624;

(x) Carry out the responsibilities and exercise the authorities of the Secretary of Transportation under sections 1008, 1009, and 1013 of Public Law 104-324;

(y) Carry out the functions vested in the Secretary by the Oil Pollution Act of 1990 (August 18, 1990; Pub. L. 101-380; 104 Stat. 484) in sections 4115(f) relating to vessel financing and 4117 relating to a feasibility study of an oil pollution prevention program. (See 49 CFR 1.46 and 1.53).

(z) Carry out the functions vested in the Secretary by Section 2927, Title XXIX of the National Defense Authorization Act of 1994 (Public Law 103-160; November 30, 1993) relating to authority to convey surplus real property to public entities for use in the development or operation of port facilities.

(aa) Carry out the following powers and duties vested in the Secretary by the Deepwater Port Act of 1974, as amended (33 U.S.C. 1501-1524):

(1) The authority to process applications for the issuance, transfer, or amendment of a license for the construction and operation of a deepwater port (33 U.S.C. 1503(bb)) in coordination with the Commandant of the Coast Guard.

(2) Approval of fees charged by adjacent coastal States for use of a deepwater port and directly related land-based facilities (33 U.S.C. 1504(h)(2)).

(3) In collaboration with the Assistant Secretary for Aviation and International Affairs and the Assistant Secretary for Transportation Policy, consultation with the Secretary of State relating to international actions and cooperation in the economic, trade and general transportation policy aspects of the ownership and operation of deepwater ports (33 U.S.C. 1510).

(4) Submission of notice of the commencement of a civil suit (33 U.S.C. 1515(b)(2)).

(5) Intervention in any civil action to which the Secretary is not a party (33 U.S.C. 15150).

(6) Authority to request the Attorney General to seek the suspension or termination of a deepwater port license and to initiate a proceeding before the Surface Transportation Board (33 U.S.C. 1507, 1511(a)).

[Amtd. 1-164, 46 FR 47459, Sept. 28, 1981]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.66, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 1.67 Delegations to Maritime Subsidy Board.

(a) The Maritime Subsidy Board is delegated authority to:

(1) Carry out all functions previously vested in the Secretary of Commerce pursuant to section 105(1) (except the last proviso thereto and readjustments in determinations of operating cost differentials not requiring a hearing and contractual changes reducing or realigning service requirements not involving additional subsidy or requiring a section 605(c) hearing under the Act (46 App. U.S.C. 1175(c)), section 105(2), and, insofar as applicable to these functions, section 105(3) of Reorganization Plan No. 21 of 1950, and section 202(b)(1) of Reorganization Plan No. 7 of 1961, except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales, and minimum working conditions referred to in section 301(a) of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1101 *et seq.*).

(2) Carry out all functions previously vested in the Secretary of Commerce pursuant to section 103(e) of Reorganization Plan No. 7 of 1961 and section

202(b)(2) (except requiring the filing of reports, accounts, records, rates, charges, and memoranda under section 21 of the Shipping Act, 1916, as amended, and making reports and recommendations to Congress) and section 202(b)(3) of Reorganization Plan No. 7 of 1961, insofar as said functions relate to the functions described in paragraph (a)(1) of this section.

(3) Execute and sign, by and through any member of the Board or the Secretary or an Assistant Secretary of the Board, contracts and other documents authorized or approved by the Board pursuant to paragraphs (a)(1) and (a)(2) of this section. The execution of such contracts or documents may be attested, under the seal of the Department of Transportation, by the Secretary or an Assistant Secretary of the Maritime Subsidy Board.

(b) The Maritime Subsidy Board may exercise other authorities of the Secretary of Transportation as applicable to performing the functions assigned to the Board in this part.

(c) The Board is composed of the Maritime Administrator, the Deputy Maritime Administrator, and the Chief Counsel of the Administration, and during a vacancy in any one of those offices, the person acting in such capacity shall be a member of the Board, unless the Secretary of Transportation designates another person. In case there still is a vacancy in the Board or in the absence or disability of one of its members, the Secretary of the Maritime Administration and Maritime Subsidy Board, or any other persons designated by the Secretary of Transportation, shall act as a member or members of the Board. Each member of the Board, while serving in that capacity, shall act pursuant to direct authority from the Secretary of Transportation and exercise judgment independent of authority otherwise delegated to the Maritime Administrator. The Maritime Administrator or the Acting Maritime Administrator serves as Chairperson of the Board. The concurring votes of two members shall be sufficient for the disposition of any matter which may come before the Board.

(d) The Chairperson of the Maritime Subsidy Board may make use of officers and employees of the Maritime Administration to perform activities for the Board. Employees of the Maritime Administration may be designated as the Secretary or Assistant Secretaries of the Board.

[Amdt. 1-164, 46 FR 47460, Sept. 28, 1981, as amended by Amdt. 1-211, 51 FR 29471, Aug. 18, 1986; Amdt. 1-247, 56 FR 59893, Nov. 26, 1991]

§ 1.68 [Reserved]

§ 1.69 Delegations to the Director of Intelligence and Security.

The Director of Intelligence and Security is delegated authority to:

(a) Carry out the functions assigned to the Secretary by the Aviation Security Improvement Act of 1990, section 101 (Pub. L. 101-508; November 16, 1990) relating to intelligence and security matters for all modes of transportation.

(b) [Reserved]

[Amdt. 1-237, 56 FR 5958, Feb 14, 1991]

§ 1.70 Delegations to the Director of the Departmental Office of Civil Rights.

The Director of the Departmental Office of Civil Rights is delegated authority to conduct all stages of the formal internal discrimination complaint process (including the acceptance or rejection of complaints); to provide policy guidance to the operating administrations and Secretarial officers concerning the implementation and enforcement of all civil rights laws, regulations and executive orders for which the Department is responsible; to otherwise perform activities to ensure compliance with external civil rights programs; and to review and evaluate the operating administrations' enforcement of these authorities.

These authorities include:

(a) Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. 2000e *et seq.*

(b) Title VI of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. 2000d *et seq.*

(c) Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. 794 and 794a.

(d) Section 501 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. 791.

(e) Age Discrimination in Employment Act of 1967, *as amended*, 29 U.S.C. 621 *et seq.*

(f) Age Discrimination Act of 1975, *as amended*, 42 U.S.C. 6101.

(g) Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327 (1990) (codified at 42 U.S.C. 12101-121213).

(h) Equal Pay Act of 1963 (enacted as section 6(d) of the Fair Labor Standards Act of 1938, 29 U.S.C. 206(d)).

(i) Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act, 42 U.S.C. 290dd(b).

(j) 29 CFR Parts 1600 through 1691 (Equal Employment Opportunity Commission Regulations).

(k) Department of Transportation Coast Guard Military Justice Manual, CG-488, Part 700-9 (Civil Rights Complaints).

(l) Title VIII of the Civil Rights Act of 1968, *as amended*, 42 U.S.C. 3601 *et seq.* (fair housing provisions).

(m) The Federal Property and Administrative Services Act of 1949, 40 U.S.C. 476.

(n) Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681.

(o) Executive Order No. 12898, Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations. (In coordination with the Assistant Secretary for Transportation Policy.)

(p) 49 U.S.C. 47113, 47107, and 47123 (formerly sections 505(f), 511(a)(17), and 520 of the Airport and Airway Improvement Act of 1982, *as amended*).

(q) 49 U.S.C. 41705 (formerly the Air Carrier Access Act of 1986, *as amended*).

(r) The Federal-Aid Highway Act, *as amended*, 23 U.S.C. 140 and 324.

(s) 49 U.S.C. 306.

(t) 49 U.S.C. 5310, 5332 (formerly sections 16 and 19 of the Federal Transit Act, *as amended*).

(u) The Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. 102-240, 105 Stat. 1919, section 1003.

(v) The Highway Safety Act of 1966, *as amended*, 23 U.S.C. 402(b)(1)(D).

[Amdt. 265, 60 FR 2891, Jan. 12, 1995]

§ 1.71 Delegations to the Director of the Bureau of Transportation Statistics.

The Director of the Bureau of Transportation Statistics is delegated authority to exercise powers and perform duties under the following statutes:

(a) *Aviation information.* (1) 49 U.S.C. 329(b)(1), relating to collection and dissemination of information on civil aeronautics;

(2) Section 4(a)(7) of the Civil Aeronautics Board Sunset Act of 1984 (October 4, 1984; Pub. L. 98–443), relating to the reporting of the extension of unsecured credit to political candidates (section 401, Federal Election Campaign Act of 1971; 2 U.S.C. 451), in conjunction with the General Counsel and the Assistant Secretary for Aviation and International Affairs; and

(3) 49 U.S.C. 40113 (relating to taking such actions and issuing such regulations as may be necessary to carry out responsibilities under the Act), 49 U.S.C. 41702 (relating to the duty of carriers to provide safe and adequate service), 49 U.S.C. 41708 and 41709 (relating to the requirement to keep information and the forms in which it is to be kept), and 49 U.S.C. 41701 (relating to establishing just and reasonable classifications of carriers and rules to be followed by each) as appropriate to carry out the responsibilities under this paragraph in conjunction with the General Counsel and the Assistant Secretary for Aviation and International Affairs.

(b) *Motor carrier information.* 49 U.S.C. 14123, relating to the collection and dissemination of information on motor carriers.

[Amdt. 1-270, 60 FR 30196, June 8, 1995, as amended by Amdt. 282, 61 FR 68163, Dec. 27, 1996]

APPENDIX A TO PART 1—DELEGATIONS AND REDELEGATIONS BY SECRETARIAL OFFICERS

1. *Director of Budget.* The Assistant Secretary for Budget and Programs has redelegated to the Director of Budget authority to:

(a) Request apportionment and reapportionment of funds by the Office of Management and Budget, provided that no request for apportionment or reapportionment which anticipates the need for a supplemental appropriation shall be submitted to the Office

of Management and Budget without appropriate certification by the Secretary.

(b) Issue allotments or allocations of funds to components of the Department.

2. *Chief Counsel, U.S. Coast Guard.* (a) The General Counsel, as Judge Advocate General for the U.S. Coast Guard, has delegated to the Chief Counsel, U.S. Coast Guard, pursuant to the Uniform Code of Military Justice, chapter 47 of title 10, United States Code, authority to exercise the following powers and duties:

(1) The authority to recommend assignment for duty of judge advocates under Article 6(a), section 806(a) of title 10, United States Code.

(2) The authority to make field inspections in connection with the administration of military justice under Article 6(a) section 806(a) of Title 10, United States Code.

(3) The authority to designate military judges; to make assignments of, and exercise direct responsibility for, military judges; and to assign, or approve the performance of, other duties of a judicial or nonjudicial nature by military judges under Article 26(c), section 826(c) of title 10, United States Code.

(4) The authority to forward to a Court of Military Review records that must be referred to a Court of Military Review under Article 66(b), section 866(b) of title 10, United States Code.

(5) The authority to instruct the convening authority to take action in accordance with the decision of the Court of Military Review or dismiss the charges under Article 66(e), section 866(e) of title 10, United States Code.

(6) The authority to modify or vacate findings and sentences in cases not reviewed by a Court of Military Review under Article 69, section 869 of title 10, United States Code.

(7) The authority to certify counsel as competent to perform the duties of trial counsel and defense counsel of a general court-martial under 10 U.S.C. 827(b), Art. 27(b) UCMJ.

(8) The authority to detail appellate Government counsel and appellate defense counsel to perform duties in connection with the review of court-martial cases by the Court of Military Review, the Court of Military Appeals and the Supreme Court.

(9) The authority to perform any other duty and exercise any other power which the General Counsel is authorized or required to perform under the Uniform Code of Military Justice or the Manual for Courts-Martial, with the exception of the following which are reserved to the General Counsel or his or her delegatee within the Office of the General Counsel:

(i) Authority to certify commissioned officers as qualified for duty as military judges under Article 26(b), section 826(b) of title 10, United States Code.

(ii) Authority to establish a Court of Military Review and designate a chief judge of

the court under Article 66(a), section 866(a) of title 10, United States Code.

(iii) Authority to order cases sent to the Court of Military Appeals under Article 67(b)(2), section 867(b)(2) of title 10, United States Code.

(iv) Authority to examine records of general courts-martial not reviewed under Article 66, section 866 of title 10, United States Code, and modify or set aside the findings or the sentence, or refer the record to the Court of Military Review under Article 69(a), section 869(a) of title 10, United States Code.

(v) Authority to prescribe rules not inconsistent with the Manual for Courts-Martial to govern the professional supervision and discipline of military trial and appellate judges, judge advocates, and other lawyers who practice in proceedings governed by the UCMJ and Manual for Courts-Martial.

(vi) Authority to make the recommendation of the Judge Advocate General in a court-martial case requiring approval by the Secretary or the President.

(vii) Authority to approve a vacation of suspension or dismissal of military personnel.

(b) The authority delegated by paragraph (a)(3) of this section may be redelegated only to the Deputy Chief Counsel.

(c) The Chief Counsel shall make an annual summary report of his actions taken under paragraph (a)(6) of this section of this delegation to the General Counsel of the Department of Transportation (including the number of cases subject to that authority, the number of applications for review filed, and the disposition thereof) for inclusion, as appropriate, in the Judge Advocates General and Court of Military Appeals report to Congress required by Article 67(g), section 867(g) of title 10, United States Code.

3. *Chief Counsels.* The General Counsel has delegated to the Chief Counsels the authority delegated to the General Counsel by Amendment 1-41 to part 1 of title 49, Code of Federal Regulations, 35 FR 17653, November 17, 1970, as follows:

Section 855 of the Revised Statutes, as amended by Public Law 91-393, 84 Stat. 835 (40 U.S.C. 255) authorizes the Attorney General to delegate to other departments and agencies his authority to give written approval of the sufficiency to the title to land being acquired by the United States. The Attorney General has delegated to the Assistant Attorney General in charge of the Land and Natural Resources Division the authority to make delegations under that law to other Federal departments and agencies (35 FR 16084; 28 CFR 0.66). The Assistant Attorney General, Land and Natural Resources Division, has further delegated certain responsibilities in connection with the approval of the sufficiency of the title to land to the Department of Transportation as follows:

DELEGATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE APPROVAL OF THE TITLE TO LANDS BEING ACQUIRED FOR FEDERAL PUBLIC PURPOSES

Pursuant to the provision of Public Law 91-393, approved September 1, 1970, 84 Stat. 835, amending R.S. 355 (40 U.S.C. 255), and acting under the provisions of Order No. 440-70 of the Attorney General, dated October 2, 1970, the responsibility for the approval of the sufficiency of the title to land for the purpose for which the property is being acquired by purchase or condemnation by the United States for the use of your Department is, subject to the general supervision of the Attorney General and to the following conditions, hereby delegated to your Department.

This delegation of authority is further subject to:

1. Compliance with the regulations issued by the Assistant Attorney General on October 2, 1970, a copy of which is enclosed.

2. This delegation is limited to:

(a) The acquisition of land for which the title evidence, prepared in compliance with these regulations, consists of a certificate of title, title insurance policy, or an owner's duplicate Torrens certificate of title.

(b) The acquisition of lands valued at \$100,000 or less, for which the title evidence consists of abstracts of title or other types of title evidence prepared in compliance with said regulations.

As stated in the above-mentioned Act, any Federal department or agency which has been delegated the responsibility to approve land titles under the Act may request the Attorney General to render his opinion as to the validity of the title to any real property or interest therein, or may request the advice or assistance of the Attorney General in connection with determinations as to the sufficiency of titles.

The Chief Counsels of the United States Coast Guard, Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, National Highway Traffic Safety Administration, Urban Mass Transportation Administration, the St. Lawrence Seaway Development Corporation, Maritime Administration, and Research and Special Programs Administration are hereby authorized to approve the sufficiency of the title to land being acquired by purchase or condemnation by the United States for the use of their respective organizations. This delegation is subject to the limitations imposed by the Assistant Attorney General, Land and Natural Resources Division, in his delegation to the Department of Transportation. Redelegation of this authority may only be made by the Chief Counsels to attorneys within their respective organizations.

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If his organization does not have an attorney experienced and capable in the examination of title evidence, a Chief Counsel may, with the concurrence of the General Counsel, request the Attorney General to (1) furnish an opinion as to the validity of a title to real property or interest therein, or (2) provide advice or assistance in connection with determining the sufficiency of the title.

(49 CFR 1.45(a) and 1.53(a); 49 U.S.C. 322)

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

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting appendix A to part 1, see the List of CFR Sections Affected in the Finding Aids section of this volume.

PART 3—OFFICIAL SEAL

AUTHORITY: 49 U.S.C. 102(e).

SOURCE: Amdt. 3-3, 45 FR 75666, Nov. 17, 1980, unless otherwise noted.

§ 3.1 Description.

The official seal of the Department of Transportation is described as follows: A white abstract triskelion figure signifying motion appears within a circular blue field. The figure is symmetrical. The three branches of the figure curve outward in a counter-clockwise direction, each tapering almost to a point at the edge of the field. Surrounding the blue circle is a circular ring of letters. The upper half of the ring shows the words "Department of Transportation". The lower half of the ring shows the words "United States of America". The letters may be shown in either black or medium gray. The official seal of the Department is modified when embossed. It appears below in black and white.