

(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.

(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 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);

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(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

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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.

(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

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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,

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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 Redevelopment 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), 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.

(ll) Carry out the function of acting as the lead DOT agency in matters relating to the National Environmental Policy Act pertinent to the authority vested in the Secretary to establish, operate, and manage the Nationwide Differential Global Positioning System (NDGPS) by section 346 of Pub. L. 105-66, titled the Department of Transportation and Related Agencies Appropriations Act, 1998.

(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)).

(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.