

PART 501—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

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AUTHORITY: 49 U.S.C. secs. 105 and 322, delegation of authority at 49 CFR 1.50.

SOURCE: 53 FR 26258, July 12, 1988, unless otherwise noted.

§ 501.1 Purpose.

This part describes the organization of the National Highway Traffic Safety Administration (NHTSA) through Associate Administrator, Regional Administrator and Staff Office Director levels and provides for the performance of duties imposed on, and the exercise of powers vested in, the Administrator of the NHTSA (hereafter referred to as the "Administrator").

§ 501.2 General.

The Administrator is delegated authority by the Secretary of Transportation (49 CFR 1.50) to:

(a) Carry out the following chapters or sections of Title 49 of the United States Code:

(1) Chapter 301—Motor Vehicle Safety.

(2) Chapter 303—National Driver Register.

(3) Chapter 305—National Automobile Title Information System.

(4) Chapter 321—General.

(5) Chapter 323—Consumer Information.

(6) Chapter 325—Bumper Standards.

(7) Chapter 327—Odometers.

(8) Chapter 329—Automobile Fuel Economy.

(9) Chapter 331—Theft Prevention.

(10) Section 20134(a), with respect to the laws administered by the National Highway Traffic Safety Administrator pertaining to highway, traffic and motor vehicle safety.

(b) Carry out 23 U.S.C. chapter 4, HIGHWAY SAFETY, as amended, except for section 409 and activities 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) Carry out the Act of July 14, 1960, as amended (23 U.S.C. 313 note).

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

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

(2) Section 153.

(3) Section 154(a), (b), (d), and (e).

(4) Section 158.

(f) Carry out the consultation functions vested in the Secretary by Executive Order 11912 (3 CFR, 1976 Comp., p. 114), as amended.

[60 FR 43029, Aug. 18, 1995]

§ 501.3 Organization and general responsibilities.

The National Highway Traffic Safety Administration consists of a headquarters organization located in Washington, DC, and a unified field organization consisting of ten geographic regions. The organization of, and general spheres of responsibility within, the NHTSA are as follows:

(a) *Office of the Administrator*—(1) *Administrator*. (i) Represents the Department and is the principal advisor to the Secretary in all matters related to chapters 301, 303, 305, 321, 323, 325, 327, 329, and 331 of Title 49 U.S.C.; 23 U.S.C. chapter 4, except section 409; as each relates to highway safety, sections 141, 153, 154(a), (b), (d) and (e), and 158 of Title 23 U.S.C.; and such other authorities as are delegated by the Secretary of Transportation (49 CFR 1.50);

(ii) Establishes NHTSA program policies, objectives, and priorities and directs development of action plans to accomplish the NHTSA mission;

(iii) Directs, controls, and evaluates the organization, program activities,

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performance of NHTSA staff, program and field offices;

(iv) Approves broad legislative, budgetary, fiscal and program proposals and plans; and

(v) Takes management actions of major significance, such as those relating to changes in basic organization pattern, appointment of key personnel, allocation of resources, and matters of special political or public interest or sensitivity.

(2) *Deputy Administrator*. Assists the Administrator in discharging responsibilities. Directs and coordinates the Administration's management and operational programs, and related policies and procedures at headquarters and in the field. Provides policy direction and executive direction to the Associate Administrator for State and Community Services.

(3) *Executive Director*. As the principal advisor to the Administrator and Deputy Administrator, provides direction on internal management and mission support programs. Provides executive direction over the Associate Administrators, except for the Associate Administrator for State and Community Services.

(4) *Director of International Harmonization*. Coordinates and develops strategies for the international harmonization of U.S. motor vehicle safety standards and regulations with those of foreign countries.

(5) *Director, Executive Secretariat*. Provides a central facilitative staff that administers an executive correspondence program and maintains policy files for the Administrator and Deputy Administrator, and services and support to committees as designated by the Administrator.

(6) *Director, Office of Public and Consumer Affairs*. As the principal staff advisor to the Administrator on public affairs and consumer programs, provides comprehensive programs for public information and public affairs covering all NHTSA activities.

(7) *Director, Office of Civil Rights*. As principal staff advisor to the Administrator and Deputy Administrator on all matters pertaining to civil rights, acts as Director of Equal Employment Opportunity, Contracts Compliance Officer and Title VI (Civil Rights Act of

1964) Coordinator; assures Administration-wide compliance with related laws, Executive Orders, regulations and policies; and provides assistance to the Office of the Secretary in investigating and adjudicating formal complaints of discrimination.

(b) *Chief Counsel*. As chief legal officer, provides legal services for the Administrator and the Administration; prepares litigation for the Administration; effects rulemaking actions; issues subpoenas; and serves as coordinator on legislative affairs.

(c) *Associate Administrators*—(1) *Associate Administrator for Plans and Policy*. Acts as the principal advisor to the Administrator on all matters involving NHTSA policies, objectives, budget, programs, and plans and their effectiveness in carrying out the goals and missions of the Administrator.

(2) *Associate Administrator for Safety Performance Standards*. As the principal advisor to the Administrator on the setting of motor vehicle standards and regulations, administers the programs of the Administration to develop and issue Federal standards and regulations dealing with motor vehicle safety, fuel economy, theft prevention, and consumer information and regulations dealing with the following characteristics of motor vehicles: damage susceptibility, crashworthiness, and ease of diagnosis and repair.

(3) *Associate Administrator for Safety Assurance*. As the principal advisor to the Administrator on the enforcement of motor vehicle standards and regulations, directs and administers programs to ensure compliance with Federal laws, standards, and regulations relating to motor vehicle safety, fuel economy, theft prevention, damageability, consumer information and odometer fraud.

(4) *Associate Administrator for Traffic Safety Programs*. As the principal advisor to the Administrator on traffic safety programs, develops national traffic safety programs, including the reduction of alcohol and drug use among drivers, the encouragement of safety belt and child safety seat use, and the enforcement of traffic laws; provides technical assistance and liaison to States (in cooperation with the Associate Administrator for State and

Community Services) and other organizations in support of highway safety programs.

(5) *Associate Administrator for State and Community Services.* As the principal advisor to the Administrator on all matters as they relate to the NHTSA Regional Offices, directs the management of the State and community highway safety programs and the activities of the Regional Administrators in the provision of leadership, technical guidance and assistance to the States; assures coordination of field programs with the Federal Highway Administration; provides guidance to promote effective implementation of the State and community highway safety programs; participates in the development, review, implementation, and coordination of related programs, policies, and procedures.

(6) *Associate Administrator for Research and Development.* As the principal advisor to the Administrator on motor vehicle and highway safety research and development, directs and administers programs related to accident investigation and information collection, analysis and dissemination, and facilities requirements to support NHTSA research and development efforts.

(7) *Associate Administrator for Administration.* Acts as the principal advisor to the Administrator on all administrative and managerial matters as they relate to NHTSA missions, programs, and objectives; organization and delegations of authority; management studies; personnel management; training; logistics and procurement; financial management; accounting and data systems design; paperwork management; investigations and security; audits; defense readiness; and administrative support services.

[53 FR 26258, July 12, 1988, as amended at 58 FR 12545, Mar. 5, 1993; 60 FR 15504, Mar. 24, 1995; 60 FR 43029, Aug. 18, 1995]

§ 501.4 Succession to Administrator.

The following officials in the order indicated, shall act in accordance with the requirements of 5 U.S.C. 3346-3349 as Administrator of the National Highway Traffic Safety Administration, in the case of the absence or disability or in the case of a vacancy in the office of

the Administrator, until a successor is appointed:

- (a) Deputy Administrator;
- (b) Executive Director;
- (c) Chief Counsel;
- (d) Associate Administrator for Plans and Policy;
- (e) Associate Administrator for Safety Performance Standards;
- (f) Associate Administrator for Safety Assurance;
- (g) Associate Administrator for Traffic Safety Programs;
- (h) Associate Administrator for State and Community Services;
- (i) Associate Administrator for Research and Development; and
- (j) Associate Administrator for Administration.

[60 FR 43030, Aug. 18, 1995]

§ 501.5 Exercise of authority.

(a) All authorities lawfully vested in the Administrator and reserved to him/her in this Regulation or other NHTSA directives may be exercised by the Deputy Administrator and, in the absence of both Officials, by the Executive Director, unless specifically prohibited.

(b) In exercising the powers and performing the duties delegated by this part, officers of the NHTSA and their delegates are governed by applicable laws, executive orders, regulations, and other directives, and by policies, objectives, plans, standards, procedures, and limitations as may be issued from time to time by or on behalf of the Secretary of Transportation, the Administrator, Deputy Administrator and Executive Director or, with respect to matters under their jurisdictions, by or on behalf of the Associate Administrators, Regional Administrators, and Directors of Staff Offices.

(c) Each officer to whom authority is delegated by this part may redelegate and authorize successive redelegations of that authority subject to any conditions the officer prescribes. Redelegations of authority shall be in written form and shall be published in the FEDERAL REGISTER when they affect the public.

(d) Each officer to whom authority is delegated will administer and perform

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the functions described in the officer's respective functional statements.

[53 FR 26258, July 12, 1988, as amended at 58 FR 12545, Mar. 5, 1993]

§ 501.6 Secretary's reservations of authority.

The authorities reserved to the Secretary of Transportation are set forth in subpart 1.44 of part 1 and in part 95 of the regulations of the Office of the Secretary of Transportation in subtitle A of this title (49 CFR parts 1 and 95).

§ 501.7 Administrator's reservations of authority.

The delegations of authority in this part do not extend to the following authority which is reserved to the Administrator and, in those instances when the office of the Administrator is vacant due to death or resignation, or when the Administrator is absent as provided by § 501.5(a), to the Deputy Administrator or Executive Director:

(a) The authority under chapter 301—Motor Vehicle Safety—of Title 49 of the United States Code to:

(1) Issue, amend, or revoke final federal motor vehicle safety standards and regulations;

(2) Make final decisions concerning alleged safety-related defects and non-compliances with Federal motor vehicle safety standards;

(3) Grant or renew temporary exemptions from federal motor vehicle safety standards; and

(4) Grant or deny appeals from determinations upon petitions for inconsequential defect or noncompliance.

(b) The authority under 23 U.S.C. chapter 4, as amended, to:

(1) Apportion authorization amounts and distribute obligation limitations for State and community highway safety programs under 23 U.S.C. 402;

(2) Approve the initial awarding of alcohol incentive grants to the States authorized under 23 U.S.C. 408, and drunk driving prevention grants to the States authorized under 23 U.S.C. 410;

(3) Issue, amend, or revoke uniform State and community highway safety guidelines, and, with the concurrence of the Federal Highway Administrator, designate priority highway safety programs, under 23 U.S.C. 402;

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(4) Fix the rate of compensation for non-government members of agency sponsored committees which are entitled to compensation.

(c) The authority under chapters 321, 323, 325, and 329 of Title 49 of the United States Code to:

(1) Issue, amend, or revoke final rules and regulations, except for final rules issued under section 32902(d); and

(2) Assess civil penalties and approve manufacturer fuel economy credit plans under chapter 329.

(d) The authority under sections 141, 153, 154 and 158 of Title 23 of the United States Code, with the concurrence of the Federal Highway Administrator, to disapprove any State certification or to impose any sanction or transfer on a State for violations of the National Maximum Speed Limit, Safety Belt and Motorcycle Helmet Use Requirements, or the National Minimum Drinking Age.

[60 FR 43030, Aug. 18, 1995]

§ 501.8 Delegations.

(a) *Deputy Administrator.* The Deputy Administrator is delegated authority to act for the Administrator, except where specifically limited by law, order, regulation, or instructions of the Administrator. The Deputy Administrator is delegated authority to provide executive direction to the Associate Administrator for State and Community Services and the Director of International Harmonization, and assist the Administrator in providing executive direction to all organizational elements of NHTSA.

(b) *Executive Director.* The Executive Director is delegated line authority for executive direction over the Associate Administrators, except for the Associate Administrator for State and Community Services.

(c) *Director, Office of Civil Rights.* The Director, Office of Civil Rights is delegated authority to:

(1) Act as the NHTSA Director of Equal Employment Opportunity.

(2) Act as NHTSA Contracts Compliance Officer.

(3) Act as NHTSA coordinator for matters under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Executive Order 12250 (3 CFR,

1980 Comp., p. 298), and regulations of the Department of Justice.

(d) *Chief Counsel.* The Chief Counsel is delegated authority to:

(1) Exercise the powers and perform the duties of the Administrator with respect to setting of odometer regulations authorized under 49 U.S.C. chapter 327, and with respect to providing technical assistance and granting extensions of time to the states under 49 U.S.C. 32705.

(2) Establish the legal sufficiency of all investigations conducted under the authority of the following chapters of Title 49 of the United States Code: chapter 301; chapter 323; chapter 325; chapter 327; chapter 329; and chapter 331, and to compromise any civil penalty or monetary settlement in an amount of \$25,000 or less resulting from a violation of any of these chapters.

(3) Exercise the powers of the Administrator under 49 U.S.C. 30166 (c), (g), (h), (i), and (k).

(4) Issue subpoenas, after notice to the Administrator, for the attendance of witnesses and production of documents pursuant to chapters 301, 323, 325, 327, 329, and 331 of Title 49 of the United States Code.

(5) Issue authoritative interpretations of the statutes administered by NHTSA and the regulations issued by the agency.

(e) *Associate Administrator for Plans and Policy.* The Associate Administrator for Plans and Policy is delegated authority to direct the NHTSA planning and evaluation system in conjunction with Departmental requirement and planning goals; to coordinate the development of the Administrator's plans, policies, budget, and programs, and analyses of their expected impact, and their evaluation in terms of the degree of goal achievement; and to perform independent analyses of proposed Administration regulatory, grant, legislative, and program activities.

(f) *Associate Administrator for Safety Performance Standards.* Except for authority reserved to the Administrator or delegated to the Associate Administrator for Safety Assurance, the Associate Administrator for Safety Performance Standards is delegated authority to exercise the powers and perform the duties of the Administrator

with respect to the setting of motor vehicle safety and theft prevention standards, average fuel economy standards, procedural regulations, and the development of consumer information and regulations authorized under 49 U.S.C. chapter 301 (except for sections 30141 through 30147), and authorized under 49 U.S.C. chapters 323, 325, 329, and 331. The Associate Administrator for Safety Performance Standards is also delegated authority to:

(1) Respond to a manufacturer's petition for exemption from 49 U.S.C. chapter 301's notification and remedy requirements in connection with a defect or noncompliance concerning labelling errors;

(2) Extend comment periods (both self-initiated and in response to a petition for extension of time) for non-controversial rulemakings;

(3) Make technical amendments or corrections to a final rule; and

(4) Extend the effective date of a non-controversial final rule.

(g) *Associate Administrator for Safety Assurance.* Except for those portions that have been reserved to the Administrator or delegated to the Chief Counsel, the Associate Administrator for Safety Assurance is delegated authority to exercise the powers and perform the duties of the Administrator with respect to:

(1) Administering the NHTSA enforcement program for all laws, standards, and regulations pertinent to vehicle safety, fuel economy, theft prevention, damageability, consumer information and odometer fraud, authorized under 49 U.S.C. chapters 301, 323, 325, 327, 329, and 331.

(2) Issuing regulations relating to the importation of motor vehicles under 49 U.S.C. 30141 through 30147.

(3) Granting and denying petitions for import eligibility determinations submitted to NHTSA by motor vehicle manufacturers and registered importers under 49 U.S.C. 30141.

(h) *Associate Administrator for Traffic Safety Programs.* Except for those portions that have been reserved to the Administrator or delegated to the Associate Administrator for State and

Community Services, the Associate Administrator for Traffic Safety Programs is delegated authority to exercise the powers and perform the duties of the Administrator with respect to: 23 U.S.C. chapter 4, as amended; the authority vested by section 210(2) of the Clean Air Act, as amended (42 U.S.C. 7544(2)); the authority vested by 49 U.S.C. 20134(a), with respect to the laws administered by the Administrator pertaining to highway, traffic, and motor vehicle safety; the Act of July 14, 1960, as amended (23 U.S.C. 313 note) and 49 U.S.C. chapter 303; the authority vested by section 141, as it relates to certification of the enforcement of speed limits, and sections 153, 154(a), (b), (d), and (e) and 158 of Title 23 of the United States Code, with the concurrence of the Federal Highway Administrator; and section 209 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 401 note) as delegated by the Secretary in §501.2(i).

(i) *Associate Administrator for State and Community Services.* The Associate Administrator for State and Community Services is delegated authority to exercise the powers and perform the duties of the Administrator with respect to State and community highway safety programs under 23 U.S.C. 402, including approval and disapproval of State highway safety plans and final vouchers, in accordance with the procedural requirements of the Administration; to approve the awarding of alcohol incentive grants to the States under 23 U.S.C. 408 and drunk driving prevention grants under 23 U.S.C. 410, for years subsequent to the initial awarding of such grants by the Administrator; as appropriate for activities benefiting states and communities, to implement 23 U.S.C. 403; and to implement the requirements of 23 U.S.C. 153, jointly with the delegate of the Federal Highway Administrator.

(j) *Associate Administrator for Research and Development.* The Associate Administrator for Research and Development is delegated authority to: develop and conduct research and development programs and projects necessary to support the purposes of chapters 301, 323, 325, 327, 329, and 331 of Title 49 U.S.C., and Title 23 U.S.C. chapter 4, as amended, in coordination with the appro-

priate Associate Administrators, and the Chief Counsel.

(k) *Associate Administrator for Administration.* The Associate Administrator for Administration is delegated authority to:

- (1) Exercise procurement authority with respect to NHTSA requirements;
- (2) Administer and conduct NHTSA's personnel management activities;
- (3) Administer NHTSA financial management programs, including systems of funds control and accounts of all financial transactions; and
- (4) Conduct administrative management services in support of NHTSA missions and programs.

(1) *Director, Office of Vehicle Safety Compliance, Enforcement.* The Director, Office of Vehicle Safety Compliance, Enforcement, is delegated authority to exercise the powers and perform the duties of the Administrator with respect to granting and denying petitions for import eligibility decisions submitted to NHTSA by motor vehicle manufacturers and registered importers under 49 U.S.C. 30141(a)(1).

[60 FR 43030, Aug. 18, 1995, as amended at 61 FR 26469, May 28, 1996]

PART 509—OMB CONTROL NUMBERS FOR INFORMATION COLLECTION REQUIREMENTS

Sec.

509.1 Purpose.

509.2 Display.

AUTHORITY: 44 U.S.C. 3507.

§509.1 Purpose.

This part collects and displays the control numbers assigned to information collection requirements of NHTSA by the Office of Management and Budget (OMB). NHTSA intends that this part comply with the requirements of 44 U.S.C. 3507(f), which mandates that agencies display a current control number assigned by the Director of the OMB for each agency information collection requirement.

[48 FR 51310, Nov. 8, 1983]