



## PART 5—RULEMAKING PROCEDURES

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#### APPENDIX A TO PART 5

AUTHORITY: Sec. 9, 80 Stat. 944 (49 U.S.C. 1657).

SOURCE: 32 FR 10363, July 14, 1967, unless otherwise noted.

### Subpart A—General

#### § 5.1 Applicability.

(a) This part prescribes general rulemaking procedures that apply to the issue, amendment, and repeal of rules of the Secretary of Transportation. It does not apply to rules issued by the

National Transportation Safety Board, U.S. Coast Guard, Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, Urban Mass Transportation Administration, National Highway Traffic Safety Administration, or St. Lawrence Seaway Development Corporation.

(b) For the purposes of this part, *Secretary* means the Secretary of Transportation or the Under Secretary of Transportation, or any of the following to whom the Secretary has delegated authority to conduct rulemaking proceedings:

- (1) Any Assistant Secretary.
- (2) The General Counsel.

Any of these officers may redelegate that authority to the head of any office who reports to him.

(c) Records relating to rulemaking proceedings are available for inspection as provided in part 7 of this subtitle.

[32 FR 10363, July 14, 1967, as amended by Amdt. 5-2, 35 FR 5331, Mar. 31, 1970; Amdt. 5-3, 36 FR 430, Jan. 13, 1971]

#### § 5.3 Initiation of rulemaking.

The Secretary initiates rulemaking on his own motion. However, in doing so, he may, in his discretion, consider the recommendations of other agencies of the United States and of other interested persons.

#### § 5.5 Participation by interested persons.

Any person may participate in rulemaking proceedings by submitting written information or views. The Secretary may also allow any person to participate in additional rulemaking proceedings, such as informal appearances or hearings, held with respect to any rule.

#### § 5.7 Regulatory docket.

(a) Records of the Office of the Secretary of Transportation concerning rulemaking actions, including notices of proposed rule making, comments received in response to those notices, petitions for rulemaking or exemption, petitions for rehearing or reconsideration, grants and denials of exemptions, denials of petitions for rule making, and final rules are maintained in