

§ 1.41

(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; Amdt. 1-291, 62 FR 55357, Oct. 24, 1997; 68 FR 35184, June 12, 2003]

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 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 as-

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signed 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 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:

(1) *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.*).