

Office of the Secretary of Transportation

§ 1.73

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

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

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

(n) 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.)

(o) 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*).

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

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

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

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

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

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

[Amdt. 265, 60 FR 2891, Jan. 12, 1995, as amended at 68 FR 34550, June 10, 2003]

§ 1.71 [Reserved]

§ 1.72 Delegations to the Office of the Chief Information Officer.

(a) Carry out all functions and responsibilities assigned to the Secretary with respect to the Paperwork Reduction Act of 1995 (44 U.S.C. 3506);

(b) Carry out all functions and responsibilities assigned to the Secretary with respect to the Clinger-Cohen Act of 1996 (40 U.S.C. 1422 to 1424, 1427);

(c) Carry out all functions and responsibilities assigned to the Secretary with respect to the Computer Security Act of 1987 (40 U.S.C. 759, 759 notes);

(d) Approve waivers to Federal Information Processing Standards (FIPS) under Section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441); and

(e) Carry out all the functions and responsibilities assigned to the Secretary with respect to Executive Order 13011, Federal Information Technology, Section 2, paragraphs (a), (b), (d), (e), and (f).

[Amdt. 1-290, 62 FR 51804, Oct. 3, 1997]

§ 1.73 Delegation to the Administrator of the Federal Motor Carrier Safety Administration.

The Administrator of the Federal Motor Carrier Safety Administration is delegated authority to:

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

(1) Chapter 131, relating to general provisions on transportation policy;

(2) Chapter 133, relating to administrative provisions;

(3) Chapter 135, relating to jurisdiction;

(4) Chapter 137, sections 13702(a), 13702(c)(1), 13702(c)(2), 13702(c)(3), 13704, 13707, and 13708, relating to rates, routes, and services;

(5) Chapter 139, relating to registration and financial responsibility requirements;

(6) Chapter 141, subchapter I and sections 14121 and 14122 of subchapter II, relating to operations of motor carriers;

(7) Chapter 145, sections 14501, 14502, and 14504, relating to Federal-State relations;

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(8) Chapter 147, sections 14701 through 14708, relating to enforcement remedies, investigations, and motor carrier liability; and

(9) Chapter 149, sections 14901 through 14913, relating to civil and criminal penalties for violations of 49 U.S.C., Subtitle IV, part B.

(b) 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, Public Law 104–88, 109 Stat. 803, relating to miscellaneous motor carrier provisions, railroad-highway grade crossing regulation and fatigue-related issues pertaining to commercial motor vehicle safety.

(c) Carry out the functions vested in the Secretary 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.

(d)(1) Except as delegated by § 1.74, carry out the functions vested in the Secretary by 49 U.S.C. 5121(a), (b) and (c), 5122, 5123, and 5124 relating to investigations, records, inspections, penalties, and specific relief with particular emphasis on 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 U.S.C. 5112 relating to highway routing of hazardous materials; 49 U.S.C. 5109 relating to motor carrier safety permits, except subsection (f); 49 U.S.C. 5113 relating to unsatisfactory safety ratings of motor carriers; 49 U.S.C. 5125(a) and (c)–(f), relating to preemption determinations or waivers of preemption of hazardous materials highway routing requirements; 49 U.S.C. 5105(e) relating to inspections of motor vehicles carrying hazardous material; and 49 U.S.C. 5119 relating to uniform forms and procedures.

(e) Carry out the functions vested in the Secretary by 49 U.S.C. chapter 313 relating to commercial motor vehicle operators, including the requirement of section 31305(a)(5)(C) that States issue a hazardous materials endorsement to a commercial driver's license only after being informed pursuant to 49 U.S.C. 5103a that the applicant does not pose a security risk warranting denial of the license.

(f) Carry out the functions vested in the Secretary by 49 U.S.C. 13906, 31138 and 31139 relating to financial responsibility requirements for motor carriers, brokers, and freight forwarders.

(g) Carry out the functions vested in the Secretary by subchapters I and III of chapter 311, title 49, U.S.C., relating to commercial motor vehicle programs and safety regulation, except that the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is limited to standards that are not based upon and similar to a Federal Motor Vehicle Safety Standard promulgated under chapter 301 of title 49, U.S.C.

(h) Carry out the functions vested in the Secretary by 49 U.S.C. 5708 relating to food transportation inspections; 5710 relating to the Secretary's powers to administer the sanitary food transportation regulations; 5711 relating to enforcement of sanitary food transportation regulations and applicable penalties; 5712 and 5714 relating to Federal-State relations; and 5113 and 31144 relating to safety fitness of owners and operators.

(i) Carry out the functions vested in the Secretary by 49 U.S.C. 5118 relating to the use of inspectors to promote safety in the highway transportation of radioactive material; and 49 U.S.C. 31142(f) relating to application of State regulations to government-leased vehicles and operators.

(j) Carry out the functions and exercise the authority delegated to the Secretary in section 2(d)(2) of Executive Order 12777 (3 CFR, 1992 Comp., p. 351), 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 49 CFR 1.46(m).

(k) Carry out 49 U.S.C. 31503 as it relates to investigation of the need for regulation of qualifications and maximum hours of service of employees of motor carriers and motor private carriers.

(l) Carry out 49 U.S.C. 31502 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, except that the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is limited to standards that are not based upon and similar to a Federal Motor Vehicle Safety Standard promulgated under chapter 301 of title 49, U.S.C.

(m) Carry out 49 U.S.C. 503 and 31504 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).

(n) Carry out 49 U.S.C. 502, 504, 506, and 523 to the extent they relate to motor carriers, motor carriers of migrant workers, and motor private carriers; 49 U.S.C. 507 to the extent it relates to motor carriers, motor carriers of migrant workers, motor private carriers, or freight forwarders; and 49 U.S.C. 505, 508, and 521(b)(1), (2), (3), (4), (5), and (7).

(o) Carry out the functions and exercise the authority vested in the Secretary by 23 U.S.C. 502(a)(1)(A).

(p) Carry out the functions vested in the Secretary by 49 U.S.C. 14123, relat-

ing to the collection and dissemination of information on motor carriers.

[64 FR 56270, Oct. 19, 1999, as amended at 64 FR 58357, Oct. 29, 1999; 65 FR 221, Jan. 4, 2000; 65 FR 41015, July 3, 2000; 65 FR 49765, Aug. 15, 2000; 67 FR 11582, Mar. 15, 2002; 68 FR 10989, Mar. 7, 2003; 69 FR 51010, Aug. 17, 2004]

§1.74 Delegations to the Under Secretary for Transportation Policy.

The Under Secretary for Transportation Policy is delegated authority under the Federal hazardous materials transportation law, 49 U.S.C. 5101 *et seq.*, to:

(a) Serve as the principal adviser to the Secretary on all intermodal and cross-modal hazardous materials matters;

(b) Act as the focal point for review of hazardous materials policies, priorities, and objectives;

(c) Provide oversight for planning and budgeting strategies for all departmental hazardous materials activities;

(d) Resolve disputes among Operating Administrations on hazardous materials issues;

(e) Provide external reviews and continual monitoring of all departmental hazardous materials activities;

(f) In coordination with the Assistant Secretary for Budget and Programs, direct that the Operating Administrations apply resources to specific cross-modal initiatives;

(g) Coordinate DOT-wide hazardous materials outreach and data activities; and

(h) Address other regulatory and programmatic cross-modal issues related to hazardous materials as warranted.

[65 FR 49765, Aug. 15, 2000, as amended at 70 FR 8302, Feb. 18, 2005]

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