PART 501—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

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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,
§ 501.4 Succession to Administrator.

(a) 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:

(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) Senior Associate Administrators—(1) Senior Associate Administrator for Policy and Operations. As the principal advisor to the Administrator and Deputy Administrator with regard to core administrative and support services, provides direction and internal management and mission support for such activities. Provides executive direction over the Associate Administrator for Advanced Research and Analysis, the Associate Administrator for Administration, the Associate Administrator for Planning, Evaluation and Budget, the Chief Information Officer and the Office of Communications and Consumer Information.

(2) Senior Associate Administrator for Vehicle Safety. As the principal advisor to the Administrator and Deputy Administrator with regard to rulemaking, enforcement and applied research, provides direction and internal management and mission support for such activities. Provides executive direction over the Associate Administrator for Rulemaking, the Associate Administrator for Enforcement, and the Associate Administrator for Applied Research.

(3) Senior Associate Administrator for Traffic Injury Control. As the principal advisor to the Administrator and Deputy Administrator with regard to programs to reduce traffic injury, provides direction and internal management and mission support for such activities. Provides executive direction over the Associate Administrator for Program Development and Delivery and the Associate Administrator for Injury Control Operations and Resources.

[58 FR 26258, July 12, 1988, as amended at 58 FR 12545, Mar. 5, 1993; 60 FR 15504, Mar. 24, 1995; 60 FR 43629, Aug. 18, 1995; 67 FR 44083, 44085, July 1, 2002]
§ 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 the functions described in the officer’s respective functional statements.

§ 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 noncompliances 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;

(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
§ 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) [Reserved]

(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 and enforcement actions conducted under the authority of the following chapters, including notes, of Title 49 of the United States Code: Chapter 301; chapter 323; chapter 325; chapter 327; chapter 329; and chapter 331; to make an initial penalty demand based on a violations of any of these chapters; and to compromise any civil penalty or monetary settlement in an amount of $100,000 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) Senior Associate Administrator for Policy and Operations. The Senior Associate Administrator for Policy and Operations is delegated authority for executive direction of the Associate Administrator for Advanced Research and Analysis; the Associate Administrator for Administration; the Associate Administrator for Planning, Evaluation, and Budget; the Chief Information Officer; and the Director of Communications and Consumer Information. To carry out this direction, the Senior Associate Administrator for Policy and Operations is delegated authority, except for authority reserved to the Administrator, 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. Except for authority reserved to the Senior Associate Administrator for Vehicle Safety, the Senior Associate Administrator for Policy and Operations 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, United States Code, and Chapter 4 of title 23, United States Code, as amended, in coordination with the appropriate Associate Administrators, and the Chief Counsel. The Senior Associate Administrator for Vehicle Safety is also delegated authority to 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 non-compliance concerning labeling errors; extend comment periods (both self-initiated and in response to a petition for extension of time) for noncontroversial rulemakings; make technical amendments or corrections to a final rule; extend the effective date of a non-controversial final rule; administer 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 Chapters 301, 323, 325, 327, 329, and 331 of title 49, United States Code; issue regulations relating to the importation of motor vehicles under sections 30141 through 30147 of title 49, United States Code; and grant and deny petitions for import eligibility determinations submitted to NHTSA by motor vehicle manufacturers and registered importers under 49 U.S.C. 30141.

(g) Senior Associate Administrator for Traffic Injury Control. The Senior Associate Administrator for Traffic Injury Control is delegated authority for executive direction of the Associate Administrator for Program Development and Delivery and the Associate Administrator for Injury Control Operations and Resources. To carry out this direction, the Senior Associate Administrator for Traffic Injury Control is delegated authority, except for authority reserved to the Administrator, over programs with respect to: Chapter 4 of title 23, United States Code, 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 157(g) of title 23, United States Code; the authority vested by sections 153, 154, 157(except
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[48 FR 51310, Nov. 8, 1983]

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[57 FR 21215, May 19, 1992]

PART 510—INFORMATION GATHERING POWERS

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paragraph (g)), 161, 163, and 164 of title 23, 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(l). The Senior Associate Administrator for Traffic Injury Control is also 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; and to implement 23 U.S.C. 403.