

#### § 501.4

#### 49 CFR Ch. V (10–1–13 Edition)

(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.

(3) [Reserved]

(4) *Director, Executive Correspondence*. 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.

(5) *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.

(6) *Director, Governmental Affairs, Policy & Strategic Planning*. As the principal advisor to the Administrator and Deputy Administrator on all intergovernmental matters, including communications with Congress, communicates agency policy and coordinates with the Senior Associate Administrators and Chief Counsel on legislative issues affecting the agency. Also, coordinates Agency policy discussions and activities and coordinates with other operating administrations and the Office of Secretary on strategic planning efforts.

(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 Planning, Administrative and Financial Management, the Chief Information Officer, the Director of Human Resources, the Director of Executive Correspondence, the Associate Administrator for Communications and Consumer Information, and the Emergency Coordinator.

(2) *Senior Associate Administrator for Vehicle Safety*. As the principal advisor to the Administrator and Deputy Administrator with regard to rulemaking, enforcement, vehicle safety research and statistics and data analysis, 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, the Associate Administrator for the National Center for Statistics and Analysis, and the Associate Administrator for Vehicle Safety 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 Research and Program Development and the Associate Administrator for Regional Operations and Program Delivery.

#### § 501.4 Succession to Administrator.

(a) The Deputy Administrator is the "first assistant" to the Administrator for purposes of the Federal Vacancies Reform Act of 1998 (5 U.S.C. 3345–3349d), and shall, in the event the Administrator dies, resigns, or is otherwise unable to perform the functions and duties of the office, serve as the Acting Administrator, subject to the limitations in the Federal Vacancies Reform Act of 1998.

(b) In the event of the absence or disability of both the Administrator and the Deputy Administrator, or in the event that both positions are vacant, the following officials, in the order indicated, shall serve as Acting Deputy Administrator and shall perform the functions and duties of the Administrator, except for any non-delegable statutory and/or regulatory functions and duties:

- (1) Chief Counsel;
- (2) Senior Associate Administrator for Vehicle Safety;
- (3) Senior Associate Administrator for Traffic Injury Control;
- (4) Senior Associate Administrator for Policy and Operations.

(c) In order to qualify for the line of succession, officials must be encumbered in their position on a permanent basis.

**§ 501.5 Exercise of authority.**

(a) All authorities lawfully vested in the Administrator and reserved to him/her in this Regulation or in other NHTSA directives may be exercised by the Deputy Administrator and, in the absence of both Officials, by the Chief Counsel, 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, the Deputy Administrator and the Chief Counsel or, with respect to matters under their jurisdiction, by or on behalf of the Senior Associate Administrators, 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 § 1.21 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, except when exercised pursuant to §§ 501.4 and 501.5(a):

(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 highway safety programs under 23 U.S.C. 402;

(2) Award grants to the States under the National Priority Safety Programs, 23 U.S.C. 405;

(3) Issue, amend, or revoke uniform State highway safety guidelines and rules identifying highly effective 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 303, 321, 323, 325, and 329 (except section 32916(b)) of Title 49 of the United States Code to:

(1) Issue, amend, or revoke final rules and regulations; and