

Office of the Secretary of Transportation

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(1) *National Highway Safety Advisory Committee*. Directing the National Highway Safety Advisory Committee to meet (23 U.S.C. 404(c)).

(m) *Coast Guard*. The following powers relating to the Coast Guard:

(1) Appointment of Advisory Committee to the Academy (14 U.S.C. 193).

(2) Fixing date for visit to Academy by Board of Visitors (14 U.S.C. 194(b)).

(3)–(4) [Reserved]

(5) Responsibility for supervising activities of Reserve components (10 U.S.C. 264(b)).

(6) Convening General Courts-Martial under the personal authority granted by law (10 U.S.C. 822(a)(2)).

(7) Approval of execution of a sentence dismissing a commissioned officer or cadet (10 U.S.C. 871(b)).

(8) Approval of vacation of a suspension of dismissal (10 U.S.C. 872(b)).

(9) Establishing procedures for the correction of military records (10 U.S.C. 1552(a)).

(10) Establishing a Discharge Review Board under 10 U.S.C. 1553 and reviewing and taking final action on its findings in the following cases:

(i) Those cases in which a minority of the Board requests that their written opinion be forwarded to the Secretary for consideration;

(ii) Those cases selected by the Commandant to inform the Secretary of aspects of the Board's functions which may be of interest to the Secretary;

(iii) Any case in which the Secretary demonstrates an interest; and

(iv) Any case which the president of the Board believes is of significant interest to the Secretary.

(11) [Reserved]

(12) Substitute administrative discharge for dismissal of an officer under 10 U.S.C. 804 (a) and (b).

(13) Designation of commanding officers and officers in charge who may convene general, special and summary courts-martial. (10 U.S.C. 822(a)(6), 823(a)(7), and 824(a)(4)).

(14) In time of war certify cases to President to extend statute of limitations until after termination of hostilities. (10 U.S.C. 843(e)).

(15) Direct Judge Advocate General to establish branch office. (10 U.S.C. 868).

(16) Designate officers authorized to remit or suspend any part of amount of unexecuted part of any sentence. (10 U.S.C. 874(a)).

(17) Substitute administrative form of discharge for discharge or dismissal executed in accordance with sentence of court-martial (10 U.S.C. 874(b)).

(18) Substitute administrative discharge for previously executed sentence of dismissal when dismissal not imposed at new trial. (10 U.S.C. 875(c)).

(19) Designate persons to convene courts of inquiry. (10 U.S.C. 935(a)).

(n) *Automatic data processing*. Approval authority relating to automatic data processing equipment and services as delimited by DOT 1370.2A, Procurement of Automatic Data Processing Equipment and Services, of 7.22.70.

(o) *Deepwater ports*. The authority to issue, transfer, or amend a license for the construction and operation of a deepwater port (33 U.S.C. 1503(b)).

(p) [Reserved]

(q) *Review and finality of actions by Maritime Subsidy Board*. (1) Review of any decision, report, and/or order of the Maritime Subsidy Board, as described in 46 CFR part 202, as amended.

(r) *Approval of cash purchases of passenger transportation*. The authority under FPMR G-72, as amended, to authorize and approve cash purchases for emergency passenger transportation services costing more than \$100.

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §1.44, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 1.45 Delegations to all Administrators.

(a) Except as prescribed by the Secretary of Transportation, each Administrator is authorized to:

(1) Exercise the authority of the Secretary over and with respect to any personnel within their respective organizations.

(2) Exercise the authority of the Secretary as executive head of a department, under any statute, Executive order or regulation.

(3) Request the Attorney General to approve the award, compromise, or settlement of any tort claim for an

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amount exceeding \$100,000 (excluding interest) (28 U.S.C. 2672).

(4) Carry out the functions vested in the Secretary concerning environmental enhancement by 49 U.S.C. 303.

(5) Carry out the emergency preparedness functions assigned to the Secretary by Executive Order 12656 and by the Federal Emergency Management Agency, General Services Administration (FEMA/GSA) as they pertain to his administration, including those relating to continuity of operations, emergency resource management, associated Federal claimant procedures, facilities protection and warfare effects monitoring and reporting, research, stockpiling, financial aid, and training.

(6) Enter into inter- and intradepartmental reimbursable agreements other than with the head of another department or agency (31 U.S.C. 686). This authority may be redelegated only to Office Directors, Regional Directors, District Commanders or other comparable levels and Contracting Officers.

(7) Determine the existence and amount of indebtedness and the method of collecting repayments from employees and members within their respective administrations and collect repayments accordingly, as provided by 5 U.S.C. 5514. Redelegation of this authority may be made only to the principal officials responsible for financial management or such officials' principal assistants.

(8) Waive claims and make refunds in connection with claims of the United States for erroneous payment of pay and allowances or of travel, transportation, and relocation expenses and allowances in amounts aggregating not more than \$1,500 without regard to any repayments, and deny requests for waiver of such claims regardless of the aggregate amount of the claim, as provided by 4 CFR parts 91, 92, and 93. Redelegation of this authority may be made only to the level of Regional Director or District Commander.

(9) Settle and pay claims by employees for personal property losses as provided by 31 U.S.C. 3721. This authority may be redelegated only to Office Directors, Regional Directors, District Commanders, or other comparable lev-

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els and to those individuals that report to the above officials.

(10) Exercise the authority of the Secretary to resolve informal allegations of discrimination arising in or relating to their respective organizations through Equal Employment Opportunity counseling or the Alternative Dispute Resolution process and to develop and implement affirmative action and diversity plans within their respective organizations. With regard to external civil rights programs, each Administrator exercises authority pursuant to statutes, regulations, executive orders, or delegations in subpart C of this part to carry out these programs, under the general policy guidance of the Director of the Departmental Office of Civil Rights, including conducting compliance reviews and other activities relating to the enforcement of these statutes, regulations, and executive orders.

(11) Review and approve for payment any voucher for \$25 or less the authority for payment of which is questioned by a certifying or disbursing officer.

(12) Authorize and approve official non-foreign travel and transportation for themselves, their subordinates, and others performing services for, or in cooperation with, their operating administrations. Additionally, heads of operating administrations, through a redelegation from the Deputy Secretary, may authorize and approve routine operational foreign travel, as defined in DOT 1500.6A, Travel Manual, of 1-2-85. These authorities may be redelegated in accordance with regulations issued by the Assistant Secretary for Administration.

(13) Exercise the authority of the Secretary to make certifications, findings and determinations under the Regulatory Flexibility Act (Pub. L. 96-354) with regard to any rulemaking document for which issuance authority is delegated by other sections in this part. This authority may be redelegated to those officials to whom document issuance authority has been delegated.

(14) Carry out the functions vested in the Secretary by section 2 of the Federal Technology Transfer Act of 1986, (Pub. L. No. 99-502; 15 U.S.C. 3710a), which authorizes agencies to permit

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their laboratories to enter into cooperative research and development agreements.

(15) Compromise, suspend collection action on, or terminate claims of the United States not exceeding \$100,000 (excluding interest) that are referred to, or arise out of the activities of, his or her Operating Administration;

(16) Compromise, suspend collection action on, or terminate claims against the United States not exceeding \$100,000 (excluding interest) that are referred to, or arise out of the activities of, his or her Operating Administration; *provided that* when the Administrator believes that a claim against the United States presents a novel question of law or of policy, he or she shall obtain the advice of the Assistant Attorney General in charge of the Civil Division; and *provided further that* whenever he or she settles any administrative claim against the United States for an amount in excess of \$50,000, the Administrator shall prepare a memorandum fully explaining the basis for the action taken and send a copy of the memorandum to the Director, Federal Torts Claims Act Staff, Torts Branch of the Civil Division, U.S. Department of Justice.

(17) Enter into memoranda of understanding with the Occupational Safety and Health Administration (OSHA) in regard to setting and enforcing occupational safety or health standards for employees in DOT-regulated industries. The General Counsel shall concur in each memorandum of understanding with OSHA prior to its execution by the Administrator of the operating administration concerned.

(18) Exercise the authority vested in the Secretary by Section 329A of the Department of Transportation and Related Agencies Appropriations Act, 1995, Pub. L. No. 103-331, §329A, 108 Stat. 2471, 2493 (September 30, 1994), to enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of state or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, Pub. L. No.

102-484, 106 Stat. 2658 (October 23, 1992), and related legislation.

(b) Except as otherwise specifically provided, each official to whom authority is granted by §§1.45 through 1.53, 1.66, and 1.68 may redelegate and authorize successive redelegations of that authority within the organization under that official's jurisdiction.

(c) Except as provided in §§1.48 and 1.59 and 49 CFR 25.302, the functions, powers, and duties of the Secretary of Transportation, with respect to the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, Public Law 91-646, 84 Stat. 1984, are delegated to:

(1) The head of each of the following Operating Administrations with respect to programs administered by their respective organizations:

- (i) U.S. Coast Guard;
- (ii) Federal Aviation Administration;
- (iii) Federal Highway Administration;
- (iv) Federal Railroad Administration;
- (v) Urban Mass Transportation Administration;
- (vi) National Highway Traffic Safety Administration;
- (vii) St. Lawrence Seaway Development Corporation;
- (viii) Maritime Administration; and
- (ix) Federal Motor Carrier Safety Administration.

(2) [Reserved]

(d) Each office to whom authority is delegated by either §1.45(c) or §1.59(p) may redelegate and authorize successive redelegations of that authority within the organization under the Administrators' or Assistant Secretary for Administration's jurisdiction.

(e) Each office to whom authority is delegated by either §1.45(c) or §1.59(p) may prescribe additional procedures, requirements and regulations that are appropriate to the particular programs administered by the preparing official's organization, provided:

(1) Any such additional guidance is not inconsistent with the Act, 49 CFR part 25 or subpart C of this manual;

(2) Any such additional guidance is approved prior to issuance by the Federal government's designated lead agency, the Federal Highway Administration (see §1.48(cc)), in coordination

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with the Assistant Secretary for Transportation Policy.

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§ 1.46 Delegations to Commandant of the Coast Guard.

The Commandant of the Coast Guard is delegated authority to:

- (a) [Reserved]
- (b) Carry out all the activities of the Coast Guard, including, but not limited to, law enforcement, safety of life and property at sea (excluding 46 U.S.C. 170 (7), (10) and (11)), aids to navigation, search and rescue, icebreaking, oceanographic research and military readiness functions (49 U.S.C. 1655(b)(1)).
- (c) Carry out the following laws relating generally to water vessel anchorages, drawbridge operating, regulations, obstructive bridges, pollution of the sea by oil and the locations and clearances of bridges and causeways over the navigable waters of the United States:
 - (1) Section 7 of the Act of March 4, 1915, as amended (38 Stat. 1053; 33 U.S.C. 471);
 - (2) Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499);
 - (3) The Act of June 21, 1940, as amended (54 Stat. 497; 33 U.S.C. 511 *et seq.*);
 - (4) The Oil Pollution Act, 1961, as amended (75 Stat. 402; 33 U.S.C. 1001 *et seq.*);
 - (5) Sections 9 and 18 of the Act of March 3, 1899, as amended (30 Stat. 1151; 33 U.S.C. 401, 502);
 - (6) The Act of March 23, 1906, as amended (34 Stat. 84, 33 U.S.C. 491 *et seq.*) except section 3 (33 U.S.C. 493) and that portion of section 4 (33 U.S.C. 494) that relates to tolls.
 - (7) The General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 525 *et seq.*) except sections 502(c) and 503.
- (d) Carry out the functions vested in the Secretary by the Vessel Documentation Act (94 Stat. 3453, 46 U.S.C. 65a *et seq.*) and the Tonnage Measurement Simplification Act (94 Stat. 3461, 46 U.S.C. 71 *et seq.*), and the functions

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assigned to the Secretary by Executive Order 12419 relating to admeasurement of ships; and carry out Reorganization Plan No. 1 of 1967, relating to ship mortgages.

(e) Request the Secretary of the Navy to build at naval shipyards Coast Guard vessels not normally or economically obtainable from private contractors (14 U.S.C. 145(a)(1)).

(f) Administer Executive Order 11459 (34 FR 5057), relating to approval of containers for transport under Customs seal.

(g) Exchange information, through the Secretary of State, with foreign governments on matters dealing with the safety of life and property at sea, other than radio communications, but not including the submission of suggestions to the Secretary of State on international collaboration and conferences (14 U.S.C. 142).

(h) Exchange personnel, vessels, facilities, and equipment with the Secretary of the Navy to facilitate operational readiness for wartime service with the Navy, and agree to undertake such assignments and functions for the mutual benefit of the Navy and Coast Guard as are necessary and advisable, except with respect to those exchanges and agreements which, in the Commandant's judgment, may have substantial political impact or adversely affect mission performance (14 U.S.C. 145(c)).

(i) Approve retention of a rear admiral on active duty for a period not exceeding one year (14 U.S.C. 290(b)).

(j) Through the Chief Counsel, U.S. Coast Guard, settle and pay claims against the United States as provided by 10 U.S.C. 2733.

(k) Award life-saving medals and military decorations (except the Medal of Honor, the Distinguished Service Medal, and the Legion of Merit) and carry out the laws and Executive orders relating to those awards (14 U.S.C. 492a, 493, 494, 496, 497, 498, 500, 501, 502; Executive Order 4601, Mar. 1, 1926, as amended by Executive Order 7786 (3 FR 39); Executive Order 9158 (7 FR 3541), as amended by Executive Order 9242A (7 FR 7874); Executive Order 10637 (20 FR 7025); Executive Order 11016 (27 FR 4139); Executive Order 11046 (27 FR