

§ 1.45

of Executive Order 10865 (3 CFR, 1959-63 Comp., p. 398) relating to the adjudication and final denial of access to classified information to industry personnel.

(5) Making those determinations or delegations prescribed by sections 2(B) (3), 5(E) (1) and (2) of Executive Order 11652 (37 FR 5209, March 10, 1972) which are reserved to the head of the Department.

(g) *Procurement.* Exercise of the extraordinary authority for defense contracts provided for in Public Law 85-804 (50 U.S.C. 1431-1435), and considerations and decisions on contract appeals and other matters pursuant to the Department of Transportation Contract Appeals Regulations (41 CFR part 12-60).

(h) *Printing.* Requesting approval of the Joint Committee on Printing for any procurement or other action requiring Committee approval.

(i) *Interagency agreements.* Execution of any written interdepartmental or interagency agreement with the head of another executive department or agency.

(j) *Withholding of funds.* Withholding or suspension of Federal-Aid Highway funds on a state-wide basis and the waiver or compromise of such withholding or suspension, except for the administration of 23 U.S.C. 141 and 154, which are specifically delegated in § 1.48(b) (23) and (28) and in § 1.50(i) (1) and (2).

(k) *Alaska Railroad.* Extension or abandonment of railroad service.

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

(m) *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.

(n) *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)).

(o) *Deepwater ports.* Repealed.

(p) *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.

49 CFR Subtitle A (10-1-03 Edition)

(q) *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 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.

Office of the Secretary of Transportation

§ 1.45

(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. Redlegation 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. Redlegation 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 levels 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 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

§ 1.46

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) Federal Aviation Administration;
- (ii) Federal Highway Administration;
- (iii) Federal Railroad Administration;
- (iv) Federal Transit Administration;
- (v) National Highway Traffic Safety Administration;

49 CFR Subtitle A (10-1-03 Edition)

(vi) St. Lawrence Seaway Development Corporation;

(vii) Maritime Administration; and

(viii) 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 with the Assistant Secretary for Transportation Policy.

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

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §1.45, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 1.46 [Reserved]

§ 1.47 Delegations to Federal Aviation Administrator.

The Federal Aviation Administrator is delegated authority to:

(a) Carry out the powers and duties transferred to the Secretary of Transportation by, or subsequently vested in the Secretary by virtue of, section 6(c)(1) of the Department of Transportation Act (49 U.S.C. 1655(c)(1)), including those pertaining to aviation safety (except those related to transportation, packaging, marking, or description of hazardous materials) and vested in the Secretary by section 308(b) of title 49 U.S.C. and sections 306-309, 312-314, 1101, 1105, and 1111 and titles VI, VII, IX (excluding section 902(h)), and XII of the Federal Aviation Act of 1958, as amended.