

#### § 501.4

#### 49 CFR Ch. V (10–1–06 Edition)

performance of NHTSA staff, program and field offices;

(iv) Approves broad legislative, budgetary, fiscal and program proposals and plans; and

(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. Provides policy direction and executive direction to the Associate Administrator for State and Community Services.

(3) [Reserved]

(4) *Director, Executive Secretariat*. 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, Intergovernmental Affairs*. 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 Chief Counsel on legislative issues affecting the agency.

(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.

[53 FR 26258, July 12, 1988, as amended at 58 FR 12545, Mar. 5, 1993; 60 FR 15504, Mar. 24, 1995; 60 FR 43029, Aug. 18, 1995; 67 FR 44083, 44085, July 1, 2002]

#### § 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:

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

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

[69 FR 63957, Nov. 3, 2004]

**§ 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.

[53 FR 26258, July 12, 1988, as amended at 58 FR 12545, Mar. 5, 1993]

**§ 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 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 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