

## Office of the Secretary of Transportation

## § 1.73

### § 1.70 Delegations to the Director of the Departmental Office of Civil Rights.

The Director of the Departmental Office of Civil Rights is delegated authority to conduct all stages of the formal internal discrimination complaint process (including the acceptance or rejection of complaints); to provide policy guidance to the operating administrations and Secretarial officers concerning the implementation and enforcement of all civil rights laws, regulations and executive orders for which the Department is responsible; to otherwise perform activities to ensure compliance with external civil rights programs; and to review and evaluate the operating administrations' enforcement of these authorities.

These authorities include:

(a) Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. 2000e *et seq.*

(b) Title VI of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. 2000d *et seq.*

(c) Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. 794 and 794a.

(d) Section 501 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. 791.

(e) Age Discrimination in Employment Act of 1967, *as amended*, 29 U.S.C. 621 *et seq.*

(f) Age Discrimination Act of 1975, *as amended*, 42 U.S.C. 6101.

(g) Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327 (1990) (codified at 42 U.S.C. 12101-121213).

(h) Equal Pay Act of 1963 (enacted as section 6(d) of the Fair Labor Standards Act of 1938, 29 U.S.C. 206(d)).

(i) Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act, 42 U.S.C. 290dd(b).

(j) 29 CFR Parts 1600 through 1691 (Equal Employment Opportunity Commission Regulations).

(k) Title VIII of the Civil Rights Act of 1968, *as amended*, 42 U.S.C. 3601 *et seq.* (fair housing provisions).

(l) The Federal Property and Administrative Services Act of 1949, 40 U.S.C. 476.

(m) Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681.

(n) Executive Order No. 12898, Federal Actions To Address Environmental

Justice in Minority Populations and Low-Income Populations. (In coordination with the Assistant Secretary for Transportation Policy.)

(o) 49 U.S.C. 47113, 47107, and 47123 (formerly sections 505(f), 511(a)(17), and 520 of the Airport and Airway Improvement Act of 1982, *as amended*).

(p) 49 U.S.C. 41705 (formerly the Air Carrier Access Act of 1986, *as amended*).

(q) The Federal-Aid Highway Act, *as amended*, 23 U.S.C. 140 and 324.

(r) 49 U.S.C. 306.

(s) 49 U.S.C. 5310, 5332 (formerly sections 16 and 19 of the Federal Transit Act, *as amended*).

(t) The Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. 102-240, 105 Stat. 1919, section 1003.

(u) The Highway Safety Act of 1966, *as amended*, 23 U.S.C. 402(b)(1)(D).

[Amdt. 265, 60 FR 2891, Jan. 12, 1995, as amended at 68 FR 34550, June 10, 2003]

### § 1.71 [Reserved]

### § 1.72 Delegations to the Office of the Chief Information Officer.

(a) Carry out all functions and responsibilities assigned to the Secretary with respect to the Paperwork Reduction Act of 1995 (44 U.S.C. 3506);

(b) Carry out all functions and responsibilities assigned to the Secretary with respect to the Clinger-Cohen Act of 1996 (40 U.S.C. 1422 to 1424, 1427);

(c) Carry out all functions and responsibilities assigned to the Secretary with respect to the Computer Security Act of 1987 (40 U.S.C. 759, 759 notes);

(d) Approve waivers to Federal Information Processing Standards (FIPS) under Section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441); and

(e) Carry out all the functions and responsibilities assigned to the Secretary with respect to Executive Order 13011, Federal Information Technology, Section 2, paragraphs (a), (b), (d), (e), and (f).

[Amdt. 1-290, 62 FR 51804, Oct. 3, 1997]

### § 1.73 Delegation to the Administrator of the Federal Motor Carrier Safety Administration.

The Administrator of the Federal Motor Carrier Safety Administration is delegated authority to:

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(a) Carry out the functions and exercise the authority vested in the Secretary by 49 U.S.C., Subtitle IV, part B:

(1) Chapter 131, relating to general provisions on transportation policy;

(2) Chapter 133, relating to administrative provisions;

(3) Chapter 135, relating to jurisdiction;

(4) Chapter 137, sections 13702(a), 13702(c)(1), 13702(c)(2), 13702(c)(3), 13704, 13707, and 13708, relating to rates, routes, and services;

(5) Chapter 139, relating to registration and financial responsibility requirements;

(6) Chapter 141, subchapter I and sections 14121 and 14122 of subchapter II, relating to operations of motor carriers;

(7) Chapter 145, sections 14501, 14502, 14504, and 14504a relating to Federal-State relations, and section 14506 relating to identification of vehicles;

(8) Chapter 147, sections 14701 through 14708, 14710, and 14711, relating to enforcement remedies, investigations and motor carrier liability; and

(9) Chapter 149, sections 14901 through 14912 and 14915 relating to civil and criminal penalties for violations of 49 U.S.C. subtitle IV, part B.

(b) Carry out the functions and exercise the authority vested in the Secretary by sections 104, 403(a), and 408 of the ICC Termination Act of 1995, Public Law 104-88, 109 Stat. 803, relating to miscellaneous motor carrier provisions, railroad-highway grade crossing regulation and fatigue-related issues pertaining to commercial motor vehicle safety.

(c) Carry out the functions vested in the Secretary by 42 U.S.C. 4917 relating to procedures for the inspection, surveillance and measurement of commercial motor vehicles for compliance with interstate motor carrier noise emission standards and related enforcement activities including the promulgation of necessary regulations.

(d)(1) Except as delegated by § 1.74(a), carry out the functions vested in the Secretary by 49 U.S.C. 5121(a), (b), (c), and (d), 5122, 5123, and 5124, with particular emphasis on the transportation or shipment of hazardous materials by highway.

### 49 CFR Subtitle A (10-1-07 Edition)

(2) Carry out the functions vested in the Secretary by 49 U.S.C. 5112 relating to highway routing of hazardous materials; 49 U.S.C. 5109 relating to motor carrier safety permits, except subsection (f); 49 U.S.C. 5113 relating to unsatisfactory safety ratings of motor carriers; 49 U.S.C. 5125(a) and (c)-(f), relating to preemption determinations or waivers of preemption of hazardous materials highway routing requirements; 49 U.S.C. 5105(e) relating to inspections of motor vehicles carrying hazardous material; and 49 U.S.C. 5119 relating to uniform forms and procedures.

(e) Carry out the functions vested in the Secretary by:

(1) 49 U.S.C. chapter 313 relating to commercial motor vehicle operators, including the requirement of section 31305(a)(5)(C) that States issue a hazardous materials endorsement to a commercial driver's license only after being informed pursuant to 49 U.S.C. 5103a that the applicant does not pose a security risk warranting denial of the license; and

(2) Section 4123(c), (d) and (e) of Public Law 109-59, 119 Stat. 1735 (Aug. 10, 2005) relating to grants, funding, and contract authority and availability, respectively, for commercial driver's license information system modernization.

(f) Carry out the functions vested in the Secretary by 49 U.S.C. 13906, 31138 and 31139 relating to financial responsibility requirements for motor carriers, brokers, and freight forwarders.

(g) Carry out the functions vested in the Secretary by subchapters I, III, and IV of chapter 311, title 49, U.S.C., relating to commercial motor vehicle programs, safety regulation, and international activities, except that the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is limited to standards that are not based upon and similar to a Federal Motor Vehicle Safety Standard promulgated under chapter 301 of title 49, U.S.C.

(h) Carry out the functions vested in the Secretary by 49 U.S.C. 5701 relating to food transportation inspections of commercial motor vehicles; and 5113

and 31144 relating to safety fitness of owners and operators.

(i) Carry out the functions vested in the Secretary by 49 U.S.C. 5118 relating to the use of inspectors to promote safety in the highway transportation of radioactive material; and 49 U.S.C. 31142(f) relating to application of State regulations to government-leased vehicles and operators.

(j) Carry out the functions and exercise the authority delegated to the Secretary in section 2(d)(2) of Executive Order 12777 (3 CFR, 1992 Comp., p. 351), with respect to highway transportation, relating to the approval of means to ensure the availability of private personnel and equipment to remove, to the maximum extent practicable, a worst case discharge, the review and approval of response plans, and the authorization of motor carriers, subject to the Federal Water Pollution Control Act (33 U.S.C. 1321), to operate without approved response plans, except as delegated in 49 CFR 1.46(m).

(k) Carry out 49 U.S.C. 31503 as it relates to investigation of the need for regulation of qualifications and maximum hours of service of employees of motor carriers and motor private carriers.

(l) Carry out 49 U.S.C. 31502 relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment of motor carriers, motor private carriers and motor carriers of migrant workers, except that the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is limited to standards that are not based upon and similar to a Federal Motor Vehicle Safety Standard promulgated under chapter 301 of title 49, U.S.C.

(m) Carry out 49 U.S.C. 503 and 31504 relating generally to service of process, designation of agents to receive service of process, and identification of interstate motor vehicles so far as they pertain to motor private carriers of property and motor carriers of migrant workers (except motor contract carriers).

(n) Carry out 49 U.S.C. 502, 504, 506, and 523 to the extent they relate to motor carriers, motor carriers of mi-

grant workers, and motor private carriers; 49 U.S.C. 507 to the extent it relates to motor carriers, motor carriers of migrant workers, motor private carriers, or freight forwarders; and 49 U.S.C. 505, 508, and 521(b)(1), (2), (3), (4), (5), and (7).

(o) Carry out the functions and exercise the authority vested in the Secretary by 23 U.S.C. 502(a)(1)(A).

(p) Carry out the functions vested in the Secretary by 49 U.S.C. 14123, relating to the collection and dissemination of information on motor carriers.

(q) Carry out the functions vested in the Secretary by the following sections of Public Law 109-59, 119 Stat. 1144 (Aug. 10, 2005):

(1) Section 4105(b)(1) relating to the study concerning predatory tow truck operations;

(2) Section 4126 relating to the commercial vehicle information systems and networks program;

(3) Section 4128 relating to grants under the safety data improvement program;

(4) Section 4129 relating to the operation of commercial motor vehicles by individuals who use insulin to treat diabetes mellitus;

(5) Section 4130 relating to the operators of vehicles transporting agricultural commodities and farm supplies;

(6) Section 4131 relating to the maximum hours of service for operators of ground water well drilling rigs;

(7) Section 4132 relating to hours of service for operators of utility service vehicles;

(8) Section 4133 relating to hours of service rules for operators providing transportation to movie production sites;

(9) Section 4134 relating to the grant program for persons to train operators of commercial motor vehicles;

(10) Section 4135 relating to the task force concerning commercial driver's license program;

(11) Section 4139(a)(1) relating to the training of and outreach to State personnel; section (b)(1) relating to a review of Canadian and Mexican compliance with Federal motor vehicles safety standards; and the first sentence of section (b)(2) relating to the report

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concerning the findings and conclusions of the review required by section (b)(1);

(12) Section 4146 relating to an hours-of-service exception during harvest periods;

(13) Section 4147 relating to emergency conditions requiring immediate response;

(14) Section 4213 relating to the establishment of a working group for the development of practices and procedures to enhance Federal-State relations;

(15) Section 4214 relating to consumer complaint information;

(16) Section 5503 relating to the motor carrier efficiency study; and

(17) Section 5513(a), under the condition of section (m), relating to the research grant for a thermal imaging inspection system demonstration project.

[64 FR 56270, Oct. 19, 1999, as amended at 64 FR 58357, Oct. 29, 1999; 65 FR 221, Jan. 4, 2000; 65 FR 41015, July 3, 2000; 65 FR 49765, Aug. 15, 2000; 67 FR 11582, Mar. 15, 2002; 68 FR 10989, Mar. 7, 2003; 69 FR 51010, Aug. 17, 2004; 71 FR 30833, May 31, 2006; 71 FR 52753, Sept. 7, 2006]

### § 1.74 Delegations to the Under Secretary for Transportation Policy.

The Under Secretary for Transportation Policy is delegated authority to:

(a) Lead the development of transportation policy and serve as the principal adviser to the Secretary on all transportation policy matters.

(b) Carry out the functions and exercise the authority vested in the Secretary by section 11143 of Public Law 109-59, Stat. 1144, titled "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" to manage the day-to-day activities associated with implementation of section 11143 regarding tax-exempt financing of highway projects and rail-truck facilities. The Under Secretary of Transportation for Policy may further delegate this authority.

[71 FR 30833, May 31, 2006, as amended at 71 FR 52754, Sept. 7, 2006]

#### APPENDIX A TO PART 1—DELEGATIONS AND REDELEGATIONS BY SECRETARIAL OFFICERS

1. *Director of Budget.* The Assistant Secretary for Budget and Programs has redelegated to the Director of Budget authority to:

## 49 CFR Subtitle A (10-1-07 Edition)

(a) Request apportionment and reapportionment of funds by the Office of Management and Budget, provided that no request for apportionment or reapportionment which anticipates the need for a supplemental appropriation shall be submitted to the Office of Management and Budget without appropriate certification by the Secretary.

(b) Issue allotments or allocations of funds to components of the Department.

2. *Chief Counsels.* The General Counsel has delegated to the Chief Counsels the authority delegated to the General Counsel by Amendment 1-41 to part 1 of title 49, Code of Federal Regulations, 35 FR 17653, November 17, 1970, as follows:

Section 855 of the Revised Statutes, as amended by Public Law 91-393, 84 Stat. 835 (40 U.S.C. 255) authorizes the Attorney General to delegate to other departments and agencies his authority to give written approval of the sufficiency to the title to land being acquired by the United States. The Attorney General has delegated to the Assistant Attorney General in charge of the Land and Natural Resources Division the authority to make delegations under that law to other Federal departments and agencies (35 FR 16084; 28 CFR 0.66). The Assistant Attorney General, Land and Natural Resources Division, has further delegated certain responsibilities in connection with the approval of the sufficiency of the title to land to the Department of Transportation as follows:

#### DELEGATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE APPROVAL OF THE TITLE TO LANDS BEING ACQUIRED FOR FEDERAL PUBLIC PURPOSES

Pursuant to the provision of Public Law 91-393, approved September 1, 1970, 84 Stat. 835, amending R.S. 355 (40 U.S.C. 255), and acting under the provisions of Order No. 440-70 of the Attorney General, dated October 2, 1970, the responsibility for the approval of the sufficiency of the title to land for the purpose for which the property is being acquired by purchase or condemnation by the United States for the use of your Department is, subject to the general supervision of the Attorney General and to the following conditions, hereby delegated to your Department.

This delegation of authority is further subject to:

1. Compliance with the regulations issued by the Assistant Attorney General on October 2, 1970, a copy of which is enclosed.

2. This delegation is limited to:

(a) The acquisition of land for which the title evidence, prepared in compliance with these regulations, consists of a certificate of title, title insurance policy, or an owner's duplicate Torrens certificate of title.

(b) The acquisition of lands valued at \$100,000 or less, for which the title evidence consists of abstracts of title or other types of