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OCT-99-6189-31

Office of the Secretary

49 CFR Part 1

OST Docket no. 1; Amdt 1-226]

Organization and Delegation of Powers and Duties

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This document delegates certain authorities to the National Highway Traffic Safety Administrator resulting from the enactment of the Surface Transportation Assistance Act of 1982, the Truth in Mileage Act of 1986, and the Surface Transportation and Uniform Relocation Assistance Act of 1987. Other changes are made as necessary to update the regulation (e.g. provisions which are no longer effective are deleted).

EFFECTIVE DATE: June 20, 1988.

FOR FURTHER INFORMATION CONTACT: Sam Whitehorn, Office of the Assistant General Counsel for Regulation and Enforcement, C-50, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, telephone 202-366-4723.

SUPPLEMENTARY INFORMATION: Since these amendments relate to Departmental management, procedures, and practice, notice and comment on them are unnecessary and they may be made effective in fewer than thirty days after publication in the Federal Register.

This rule revises **§ 1.50**, the Secretary's delegations of authority to the National Highway Traffic Safety Administrator. The new **§ 1.50** reflects the following changes:

Paragraph (a) is amended to delete the statutory reference in the citation.

Paragraph (b) is amended to delete the statutory reference in the citation and to cite the United States Code in a format consistent with other paragraphs.

Paragraph (c) is amended to delete the public law and statutory references in the citation of the amendment and to include the following citation . . . Clean Air Act (42 U.S.C. 7544(2)) . . .

Paragraph (d) is amended to delete the statutory reference in the citation.

Paragraph (e) is amended to delete the statutory reference in the citation and to include the National Driver Register Act of 1982 (23 U.S.C. 401 note).

Paragraph (f) is amended to correct the citation as follows: . . . amended (16 U.S.C. 1901 et seq.) . . .

Paragraph (g) is deleted.

Paragraph (h) is deleted.

Paragraph (i) is now paragraph (g) and is amended to read as follows:

Administer the following sections of Title 23, United States Code, with the concurrence of the Federal Highway Administrator:

(1) 141, as it relates to certification of the enforcement of speed limits;

(2) 154 (a), (b), (d), (e), (f), (g) and (h); and

(3) 156.

Paragraph (j) is now paragraph (h) and is amended to read as follows: Carry out the consultation functions vested in the Secretary by Executive Order 11912, as amended.

Paragraph (k) is now paragraph (i) and is amended to read as follows: Carry out section 209 of the Surface Transportation Assistance Act of 1978, as amended (23 U.S.C. 401 note) and section 165 of the Surface Transportation Assistance Act of 1982, as amended (23 U.S.C. 101 note), with respect to matters within the primary responsibility of the National Highway Traffic Safety Administrator.

Paragraph (l) is deleted.

New paragraphs (j), (k) and (l), with additional delegations, are added:

Paragraph (j)—Certain authorities vested in the Secretary by the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2314) relating to the establishment of minimum standards for performance and installation of splash and spray suppression devices are delegated to the National Highway Traffic Safety Administrator, subject to concurrence with the Federal Highway Administrator.

Paragraph (k)—Certain authorities vested in the Secretary by the Truth in Mileage Act of 1986 (15 U.S.C. 1901 note) relating to the disclosure of motor vehicle mileage when motor vehicles are transferred are delegated to the National Highway Traffic Safety Administrator.

Paragraph (l)—Certain authorities vested in the Secretary by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. 100-17, section 204(b) (101 Stat. 132), (Use "23 U.S.C. 402 note" if codified by the time Federal Register notice is to appear) relating to school bus safety are delegated to the National Highway Traffic Safety Administrator.

List of Subjects in 49 CFR Part 1

Authority delegations (government agencies), Organization and functions (government agencies).

In consideration of the foregoing Part 1 of Title 49 of the United States Code is amended as follows:

PART 1—[AMENDED]

1. The authority citation for Part 1 continues to read as follows:

Authority: 40 U.S.C. 222(a).

2. Section 1.50 is revised to read as follows:

§ 1.50 Delegation to the National Highway Traffic Safety Administrator.

The National Highway Traffic Safety Administrator is delegated authority to:

(a) Carry out the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 et seq.).

(b) Carry out the Highway Safety Act of 1966, as amended (23 U.S.C. 401 et seq.), except for highway safety programs, research and development relating to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian and bicycle safety.

(c) Exercise the authority vested in the Secretary by section 210(2) of the Clean Air Act, as amended (42 U.S.C. 7544(2)).

(d) Exercise the authority vested in the Secretary by section 204(b) of the

Federal Railroad Safety Act of 1970 (45 U.S.C. 433(b)) with respect to laws administered by the National Highway Traffic Safety Administrator pertaining to highway, traffic and motor vehicle safety.

(e) Carry out the Act of July 14, 1960, as amended (23 U.S.C. 313 note) and the National Driver Register Act of 1982 (23 U.S.C. 401 note).

(f) Carry out the functions vested in the Secretary by the Motor Vehicle Information and Cost Savings Act of 1972, as amended (15 U.S.C. 1901 et seq.), except section 512.

(g) Administer the following sections of Title 23, United States Code, with the concurrence of the Federal Highway Administrator:

(1) 141, as it relates to certification of the enforcement of speed limits;

(2) 154 (a), (b), (d), (e), (f), (g) and (h); and

(3) 158.

(h) Carry out the consultation functions vested in the Secretary by Executive Order 11912, as amended.

(i) Carry out section 209 of the Surface Transportation Assistance Act of 1978,

as amended (23 U.S.C. 401 note) and section 105 of the Surface Transportation Assistance Act of 1982, as amended (23 U.S.C. 101 note), with respect to matters within the primary responsibility of the National Highway Traffic Safety Administrator.

(j) Administer section 414(b)(1) of the Surface Transportation Assistance Act of 1982, as amended (49 U.S.C. 2314) with the concurrence of the Federal Highway Administrator, and section 414(b)(2).

(k) Carry out section 2(c) of the Truth in Mileage Act of 1986 (15 U.S.C. 1988 note).

(l) Carry out section 204(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. 100-17 (101 Stat 132) with the coordination of the Federal Highway Administrator.

Issued on: 23rd day of May, 1988.

James Burnley,

Secretary of Transportation.

[FR Doc. 88-13850 Filed 6-17-88; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

(OST DOCKET NO. 1; Amdnt 1-226)
ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

AGENCY: Office of the Secretary, DOT

ACTION: Final rule

SUMMARY: This document delegates certain authorities to the National Highway Traffic Safety Administrator resulting from the enactment of the Surface Transportation Assistance Act of 1982, the Truth in Mileage Act of 1986, and the Surface Transportation and Uniform Relocation Assistance Act of 1987. Other changes are made as necessary to update the regulation (e.g. provisions which are no longer effective are deleted).

EFFECTIVE DATE: <Date of publication in the Federal Register>

FOR FURTHER INFORMATION CONTACT: Sam Whitehorn, Office of the Assistant General Counsel for Regulation and Enforcement, C-50, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202-366-4723.

SUPPLEMENTARY INFORMATION: Since these amendments relate to Departmental management, procedures, and practice, notice and comment on them are unnecessary and they may be made effective in fewer than thirty days after publication in the FEDERAL REGISTER.

This rule revises section 1.50, the Secretary's delegations of authority to the National Highway Traffic Safety Administrator. The new section 1.50 reflects the following changes:

Paragraph (a) is amended to delete the statutory reference in the citation.

Paragraph (b) is amended to delete the statutory reference in the citation and to cite the United State Code in a format consistent with other paragraphs.

Paragraph (c) is amended to delete the public law and statutory references in the citation of the amendment and to include the following citation * * * Clean Air Act (42 U.S.C. 7544(2)) * * *.

Paragraph (d) is amended to delete the statutory reference in the citation.

Paragraph (e) is amended to delete the statutory reference in the citation and to include the National Driver Register Act of 1982, (23 U.S.C. 401 note>.

Paragraph (f) is amended to correct the citation as follows: * * * as amended, (15 U.S.C. 1901 et seq. > * * *.

Paragraph (g) is deleted.

Paragraph (h) is deleted.

Paragraph (i) is now paragraph (g) and is amended to read as follows:

Administer the following sections of Title 23, United States Code, with the concurrence of the Federal Highway Administrator:

(1) 141, as it relates to certification of the enforcement of speed limits;

(2) 154 (a), (b), (d), (e), (f), (g) and (h); and

(3) 158.

Paragraph (j) is now paragraph (h) and is amended to read as follows: Carry out the consultation functions vested in the Secretary by Executive Order 11912, as amended.

Paragraph (k) is now paragraph (i) and is amended to read as follows: Carry out Section 209 of the Surface Transportation Assistance Act of 1978, as amended (23 U.S.C. 401 note) and Section 165 of the Surface Transportation Assistance Act of 1982, as amended (23 U.S.C. 101 note), with respect to matters within the primary responsibility of the National Highway Traffic Safety Administrator.

Paragraph (l) is deleted.

New paragraphs (j), (k) and (l), with additional delegations, are added:

Paragraph (j) - Certain authorities vested in the Secretary by the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2314) relating to the establishment of minimum standards for performance and installation of splash and spray suppression devices are delegated to the National Highway Traffic Safety Administrator, subject to concurrence with the Federal Highway Administrator.

Paragraph (k) - Certain authorities vested in the Secretary by the Truth in Mileage Act of 1986 (15 U.S.C. 1901 note) relating to the disclosure of motor vehicle mileage when motor vehicles are transferred are delegated to the National Highway Traffic Safety Administrator.

Paragraph (1) - Certain authorities vested in the Secretary by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub.L. 100-17, section 204(b) (101 Stat. 132), (Use "23 U.S.C. 402 note" if codified by the time Federal Register notice is to appear) relating to school bus safety are delegated to the National Highway Traffic Safety Administrator.

LIST OF SUBJECTS IN 49 CFR Part 1

Authority delegations (government agencies);

Organization and functions (government agencies);

Transportation Department

In consideration of the foregoing Part 1 of Title 49 of the United States Code is amended as follows:

1. The authority citation for Part 1 continues to read as follows:

Authority:

49 U.S.C. 322(a)

2. Section 1.50 is revised to read as follows:

Section 1.50. Delegations to the National Highway Traffic Safety Administrator.

The National Highway Traffic Safety Administrator is delegated authority to:

(a) Carry out the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 et seq.).

(b) Carry out the Highway Safety Act of 1966, as amended (23 U.S.C. 401 et seq.), except for highway safety programs, research and development relating to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian and bicycle safety.

(c) Exercise the authority vested in the Secretary by Section 210(2) of the Clean Air Act, as amended (42 U.S.C. 7544(2)).

(d) Exercise the authority vested in the Secretary by Section 204(b) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 433(b)) with respect to laws administered by the National Highway Traffic Safety Administrator pertaining to highway, traffic and motor vehicle safety.

(e) Carry out the Act of July 14, 1960, as amended (23 U.S.C. 313 note) and the National Driver Register Act of 1982 (23 U.S.C. 401 note).

(f) Carry out the functions vested in the Secretary by the Motor Vehicle Information and Cost Savings Act of 1972, as amended (15 U.S.C. 1901 et seq.), except Section 512.

(g) Administer the following sections of Title 23, United States Code, with the concurrence of the Federal Highway Administrator:

(1) 141, as it relates to certification of the enforcement of speed limits;

(2) 154 (a), (b), (d), (e), (f), (g) and (h); and

(3) 158.

(h) Carry out the consultation functions vested in the Secretary by Executive Order 11912, as amended.

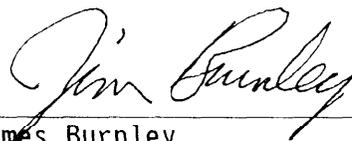
(i) Carry out Section 209 of the Surface Transportation Assistance Act of 1978, as amended (23 U. S. C. 401 note) and Section 165 of the Surface Transportation Assistance Act of 1982, as amended (23 U. S. C. 101 note), with respect to matters within the primary responsibility of the National Highway Traffic Safety Administrator.

(j) Administer Section 414(b)(1) of the Surface Transportation Assistance Act of 1982, as amended (49 U. S. C. 2314) with the concurrence of the Federal Highway Administrator, and Section 414(b)(2).

(k) Carry out Section 2(c) of the Truth in Mileage Act of 1986 (15 U. S. C. 1988 note).

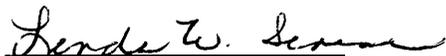
(l) Carry out Section 204(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. 100-17 (101 Stat. 132) with the coordination of the Federal Highway Administrator.

ISSUED ON: 23rd day of May, 1988



James Burnley
Secretary of Transportation

CERTIFIED TO BE A TRUE
COPY OF THE ORIGINAL:



Linda W. Seneese
LINDA W. SENESE
CERTIFYING OFFICER