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CODE OF FEDERAL REGULATIONS
TITLE 49--TRANSPORTATION
SUBTITLE A--OFFICE OF THE SECRETARY OF TRANSPORTATION
PART 1--ORGANIZATION AND DELEGATION OF POWERS AND DUTIES
SUBPART C--DELEGATIONS
Current through November 21, 2003; 68 FR 65827

§ 1.49 Delegations to Federal Railroad Administrator.

The Federal Railroad Administrator is delegated authority to--

(a) Investigate and report on safety compliance records of applicants seeking railroad operating authority from the Interstate Commerce Commission, and to intervene and present evidence concerning applicants' fitness in Commission, proceedings under 49 U.S.C. 1653(e), relating to railroads.

(b) Carry out the Act of September 30, 1965, as amended (79 Stat. 893, 49 U.S.C. 1631 et seq.), relating generally to high speed ground transportation, except issuance of reports required by section 13(c)(49 U.S.C. 1643(c)).

(c) Carry out the following laws relating generally to safety appliances and equipment on railroad engines and cars, and protection of employees and travelers:

(1) The Act of March 2, 1893, as amended (27 Stat. 531, 45 U.S.C. 1 et seq.);

(2) The Act of March 2, 1903, as amended (32 Stat. 943, 45 U.S.C. 8 et seq.);

(3) The Act of April 14, 1910, as amended (36 Stat. 298, 45 U.S.C. 11 et seq.);

(4) The Act of May 30, 1908, as amended (35 Stat. 476, 45 U.S.C. 17 et seq.);

(5) The Act of February 17, 1911, as amended (36 Stat. 913, 45 U.S.C. 22 et seq.);

(6) The Act of March 4, 1915, as amended (38 Stat. 1192, 45 U.S.C. 30);

(7) Reorganization Plan No. 3 of 1965 (79 Stat. 1320, 45 U.S.C. 22 note);

(8) Joint Resolution of June 30, 1906, as amended (34 Stat. 838, 45 U.S.C. 35);

(9) The Act of May 27, 1908, as amended (35 Stat. 325, 45 U.S.C. 36 et seq.);

(10) The Act of March 4, 1909, as amended (35 Stat. 965, 45 U.S.C. 37); and

(11) The Act of May 6, 1910, as amended (36 Stat. 350, 45 U.S.C. 38 et seq.).

(d) Carry out the Act of March 4, 1907, as amended (34 Stat. 1415, 45 U.S.C. 61 et seq.), relating generally to hours of service of railroad employees.

(e) Carry out the functions vested in the Secretary by section 5 of the International Bridge Act of 1972 (Pub.L. 92-434) as it relates to railroad bridges not over navigable waterways.

(f) Carry out section 25 of the Interstate Commerce Act, as amended (49 U.S.C. 26), relating generally to railroad safety appliances, methods, and systems.

(g) Exercise the administrative powers under the Interstate Commerce Act with respect to powers and duties pertaining to railroad safety transferred to the Secretary (49 U.S.C. 1655(f)).

(h) Operate and administer the Alaska Railroad under the Act of March 12, 1914, as amended (38 Stat. 305), and Executive Order No. 11107 (28 FR 4225 (1963)).

(i) Make individual and general changes in freight rates and passenger fares for the Alaska Railroad, without power to redelegate authority for general changes in freight rates and passenger fares.

(j) Promote and undertake research and development relating to rail matters generally (49 U.S.C. 1653(a), 1657(e)(1), 1657(n)(1), and 1657(q)(1)).

(k) Carry out the functions vested in the Secretary by Subtitle B of the National Visitor Center Facilities Act of 1968, as added by the Union Station Redevelopment Act of 1981 (Pub.L. 97-125; 95 Stat. 1667) except section 114(e) and such parts of section 118 as provided for the completion of the parking facility and associated ramps at Union Station in Washington, DC.

(l) Exercise the authority vested in the Secretary by

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the Emergency Rail Services Act of 1970 (Pub.L. 91-663) except the authority to make findings required by section 3(a) of that Act and the authority to sign guarantees of certificates issued by trustees.

(m) Carry out the functions vested in the Secretary by the Federal Railroad Safety Act of 1970 (Title II of Pub.L. 91-458); 84 Stat. 971, 45 U.S.C. 421 et. seq.), except section 204(b)(84 Stat. 972, 45 U.S.C. 433(b)) with respect to highway, traffic, and motor vehicle safety and highway construction.

(n) Carry out the functions vested in the Secretary by the Emergency Rail Facilities Restoration Act of 1972 (Pub.L. 92-591).

(o) Carry out the functions vested in the Secretary by (b)(except as it relates to conducting consultations with the Administrator of the Environmental Protection Agency) and (c) of section 17 of the Noise Control Act of 1972 (Pub.L. 92-574).

(p) Carry out the functions vested in the Secretary by sections 201(i)(3); 202(b)(7); 203, except authority to issue subpoenas; 210; 212; 213; 215; 402; 403; and 601 of the Regional Rail Reorganization Act of 1973 (Pub.L. 93-236) as amended by the Rail Transportation Improvement Act (Pub.L. 94- 555).

(q) Carry out the functions vested in the Secretary by subsections 4 (h) and (i) of the Department of Transportation Act, as amended (49 U.S.C. 1653(h), (i)).

(r) [Reserved]

(s)(1) Except as delegated by § 1.74, carry out the functions vested in the Secretary by 49 U.S.C. 5121(a), (b) and (c), 5122, 5123, and 5124 relating to investigations, records, inspections, penalties, and specific relief, with particular emphasis on the transportation or shipment of hazardous materials by railroad, including the manufacture, fabrication, marking, maintenance, reconditioning, repair or test of containers which are represented, marked, certified, or sold for use in the bulk transportation of hazardous materials by railroad.

(2) Carry out the functions vested in the Secretary by 49 U.S.C. 5105(b) relating to a rail transportation safety study and 5111 relating to rail tank cars.

(t) Carry out the functions vested in the Secretary by sections 204(c); except authority to issue subpoenas; 402; 403; 502; 503; 504; 505; 506, except (c); 507; 508; 511; 512; 513; 515; 517; 606; 610; 703; 704, except (c)(1); and 705; 707; 901; 905, as applicable, of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, section 5 of the Department of Transportation Act (49 U.S.C. 1654), except authority to issue subpoenas.

(u) Carry out functions vested in the Secretary by sections 17(a) and (b)(as they relate to consultations with the Administrator of the Environmental Protection Agency) of the Noise Control Act of 1972 (Pub.L. 92-574, 49 U.S.C. 1431).

(v) Carry out the functions vested in the Secretary by the Rock Island Railroad Transition and Employee Assistance Act (Title I of Pub.L. 96-254) and by section 18 of the Milwaukee Railroad Restructuring Act (49 U.S.C. 916).

(w) Carry out the functions vested in the Secretary by section 305 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 745).

(x) Carry out the functions vested in the Secretary by sections 4(a) and 5(c) of Executive Order 12316 of August 14, 1981 (46 FR 42237, August 20, 1981) (delegating sections 107(c)(1)(c) and 108(b), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1981, Pub.L. 96-510), insofar as they relate to rolling stock.

(y) Carry out the functions vested in the Secretary by the Northeast Rail Service Act of 1981 (Pub.L. 97-35).

(z) Carry out the functions vested in the Secretary by Section 3 of the Bridge Act of 1906, as amended (33 U.S.C. 493), relating to disputes over the terms and compensation for use of railroad bridges built under the Act.

(aa) Carry out the functions vested in the Secretary by Titles II through VII of the Rail Safety and Service Improvement Act of 1982 (Pub.L. 97- 468), which relates to rail safety, rail finances, and the transfer of The Alaska Railroad to the State of Alaska.

(bb) Carry out the functions vested in the Secretary by section 4031 of the Budget Reconciliation Act of 1986 (Pub.L. 99-509), which relates to the abolition of the United States Railway Association, and the execution of the functions and duties of the Association transferred to the Secretary, effective April 1, 1987.

(cc) Carry out the functions vested in the Secretary by section 18 (g) and (h) of the Rail Safety Improvement Act of 1988 (Pub.L. No. 100-342).

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(dd) Carry out the function vested in the Secretary by Section 1163 of the Bankruptcy Code (11 U.S.C. Section 1163), which relates to the nomination of trustee for rail carriers in reorganization, with the concurrence of the Office of the General Counsel.

(ee) Carry out the functions vested in the Secretary by sections 9, 10, 11, 12, and 13 of the Sanitary Food Transportation Act of 1990 (Pub.L. 101-500; 104 Stat. 1213), with respect to transportation by railroad.

(ff) Exercise the authority vested in the Secretary by the Crime Control Act of 1990 (Pub.L. 101-647) as it relates to a railroad police officer's authority to enforce the laws of any jurisdiction in which the police officer's rail carrier employer owns property.

(gg) Carry out the functions vested in the Secretary by sections 16 and 21 of the Hazardous Materials Transportation Uniform Safety Act of 1990 (Pub.L. 101-615; 104 Stat. 3244 (49 App. U.S.C. 1813 note and 1817 note)).

(hh) Exercise the authority vested in the Secretary by Section 601 (d) and (e) of the National and Community Service Act of 1990 (45 U.S.C. 546 note) as it relates to the discharge of human waste from railroad passenger cars.

(ii) Carry out the functions and exercise the authority delegated to the Secretary in section 2(d)(2) of Executive Order 12777 (3 CFR, 1991 Comp.; 56 FR 54757), with respect to rail 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 railroads, subject to the Federal Water Pollution Control Act (33 U.S.C. 1321), to operate without approved response plans, except as delegated in § 1.46(m).

(jj) Exercise the authority vested in the Secretary by the Swift Rail Development Act of 1994, being Title I--High-Speed Rail of Public Law 103-440 (108 Stat. 4615), as it relates to the provision of financial assistance for high-speed rail corridor planning and technology improvements, the promulgation of necessary safety regulations, and the redemption of outstanding obligations and liabilities with respect to the Columbus and Greenville Railway under Sections 505 and 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825 and 831, respectively).

(kk) Carry out the functions and exercise the authority vested in the Secretary by 23 U.S.C. 322, titled the Magnetic Levitation Transportation Technology Deployment Program.

(ll) Carry out the function of determining the Federal requirements for the Nationwide Differential Global Positioning System (NDGPS) as a necessary part of the Secretary's authority to establish, operate, and manage the NDGPS granted by Section 346 of Public Law 105-66, titled the Department of Transportation and Related Agencies Appropriations Act, 1998.

(Authority: 49 U.S.C. 322)

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, as amended by Amdt. 1-126, 41 FR 56327, Dec. 28, 1976; Amdt. 1-13, 43 FR 14021, April 4, 1978; Amdt. 1- 153, 45 FR 14576, March 6, 1980; Amdt. 1-157, 45 FR 83407, Dec. 18, 1980; Amdt. 1-163, 46 FR 42678, Aug. 24, 1981; Amdt. 1-166, 46 FR 63294, Dec. 31, 1981; Amdt. 1-174, 47 FR 33965, Aug. 5, 1982; Amdt. 1- 177, 47 FR 51400, Nov. 15, 1982; 49 FR 1521, Jan. 12, 1984; 49 FR 1729, Jan. 13, 1984; 49 FR 31290, Aug. 6, 1984; 52 FR 24164, June 29, 1987; 54 FR 8747, March 2, 1989; 54 FR 38233, Sept. 15, 1989; 56 FR 6810, Feb. 20, 1991; 56 FR 25050, June 3, 1991; 56 FR 31346, July 10, 1991; 56 FR 47007, Sept. 17, 1991; 57 FR 62484, Dec. 31, 1992; 58 FR 6194, Jan. 27, 1993; Amdt. 1-267, 60 FR 13639, March 14, 1995; Amdt. 1- 295, 63 FR 57610, Oct. 28, 1998; Amdt. 1-297, 64 FR 7814, Feb. 17, 1999; 65 FR 49765, Aug. 15, 2000]

<General Materials (GM) - References, Annotations, or Tables>

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