

## § 1.89 Delegations to the Federal Railroad Administrator.

The Federal Railroad Administrator is delegated authority to:

- (a) Carry out the functions and exercise the authority vested in the Secretary by 49 U.S.C. Subtitle V, Part A (Safety, chapter 201 *et seq.*), Part B (Assistance, chapter 221 *et seq.*), Part C (Passenger Transportation, chapter 241 *et seq.*), Part D (High-speed Rail, chapter 261), and section 28101 of Part E, relating to the law enforcement authority of railroad police officers; except 49 U.S.C. 20134 with respect to highway, traffic, and motor vehicle safety and highway construction.
- (b) Carry out the functions and exercise the authority vested in the Secretary by the Rail Safety Improvement Act of 2008 ( Pub. L. 110-432, Div. A, 122 Stat. 4848).
- (c) Carry out the functions and exercise the authority vested in the Secretary by the Passenger Rail Investment and Improvement Act of 2008 ( Pub. L. 110-432, Div. B, 122 Stat. 4907), except Title VI ( 122 Stat. 4968) as it relates to capital and preventive maintenance projects for the Washington Metropolitan Area Transit Authority.
- (d) Carry out the functions vested in the Secretary by section 5 (as it relates to railroad bridges not over navigable waterways) and section 8(a) (as it relates to railroad bridges) of the International Bridge Act of 1972 (Pub. L. 92-434, 86 Stat. 731) ( 33 U.S.C. 535c and 535e(a)).
- (e) Exercise the administrative powers vested in the Secretary by 49 U.S.C. Subtitle I, Chapter 5 (section 501 *et seq.*) pertaining to railroad safety and 49 U.S.C. 103 (Federal Railroad Administration).
- (f) Promote and undertake research and development relating to rail matters generally ( 49 U.S.C. Chapter 3 (section 301 *et seq.*) and 49 U.S.C. 102).
- (g) Carry out the functions vested in the Secretary by 45 U.S.C. Ch. 15 (section 601 *et seq.*) with respect to emergency rail services, except the authority to make findings required by 45 U.S.C. 662(a) and the authority to sign guarantees of certificates issued by trustees.
- (h) Carry out the functions vested in the Secretary by 45 U.S.C. chapter 17 (section 801 *et seq.*) with respect to railroad revitalization and regulatory reform and the Railroad Rehabilitation and Improvement Financing program.
- (i) Carry out the functions vested in the Secretary by 45 U.S.C. chapter 21 (section 1201 *et seq.*) related to the Alaska Railroad transfer.
- (j) Except as delegated to the Under Secretary of Transportation for Policy by § 1.25, carry out the functions vested in the Secretary by 49 U.S.C. 5121- 5124 relating to the transportation or shipment of hazardous materials by railroad.
- (k) Carry out the functions vested in the Secretary by section 7 of Executive Order 12580(delegating sections 108 and 109, respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended ( 49 U.S.C. 9615*et seq.*), insofar as they relate to rolling stock.

- (l)** Carry out the functions vested in the Secretary by [33 U.S.C. 493](#), relating to disputes over the terms and compensation for use of railroad bridges built under that statute.
- (m)** Carry out the functions vested in the Secretary by [49 U.S.C. 5701](#) with respect to transportation of food and other products by railroad.
- (n)** Carry out the functions vested in the Secretary by [23 U.S.C. 322](#) (Magnetic Levitation Transportation Technology Deployment Program).
- (o)** Carry out the functions vested in the Secretary by sections 1307 (see note to [23 U.S.C. 322](#)), and 1946 of SAFETEA-LU as they relate to deployment of magnetic levitation transportation projects and a study of rail transportation and regulation.
- (p)** Carry out the function vested in the Secretary by the Bankruptcy Code ( [11 U.S.C. 1163](#)), which relates to the nomination of trustees for rail carriers in reorganization, with the concurrence of the Office of the General Counsel.
- (q)** Carry out the functions vested in the Secretary by [23 U.S.C. 327](#), as it relates to railroad projects.
- (r)** Carry out the functions vested in the Secretary by the sections 1318(d) and 1534 of Moving Ahead for Progress in the 21st Century Act ( [Pub. L. 112-141, 126 Stat. 405](#)), as they relate to railroads.
- (s)** Carry out the functions vested in the Secretary by section 2(d)(2) of [Executive Order 12777](#), 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 to operate without approved response plans.