

# United States Code

## TITLE 49 – TRANSPORTATION

### SUBTITLE I – DEPARTMENT OF TRANSPORTATION

#### CHAPTER 1 – ORGANIZATION

##### Sec. 103. Federal Railroad Administration

(a) The Federal Railroad Administration is an administration in the Department of Transportation. To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.

(b) The head of the Administration is the Administrator who is appointed by the President, by and with the advice and consent of the Senate. The Administrator reports directly to the Secretary.

(c) The Administrator shall carry out -

(1) duties and powers related to railroad safety vested in the Secretary by section 20134(c) and chapters 203-211 of this title, and chapter 213 of this title in carrying out chapters 203-211; and

(2) additional duties and powers prescribed by the Secretary.

(d) A duty or power specified by subsection (c)(1) of this section may be transferred to another part of the Department only when specifically provided by law or a reorganization plan submitted under [chapter 9](#) of title 5. A decision of the Administrator in carrying out those duties or powers and involving notice and hearing required by law is administratively final.

(e) Subject to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Secretary of Transportation may make, enter into, and perform such contracts, grants, leases, cooperative agreements, and other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and make such payments, by way of advance or reimbursement, as the Secretary may determine to be necessary or appropriate to carry out functions of the Federal Railroad Administration. The authority of the Secretary granted by this subsection shall be carried out by the Administrator.

Notwithstanding any other provision of this chapter, no authority to enter into contracts or to make payments under this subsection shall be effective, except as provided for in appropriations Acts.

##### Source

(Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2414; Pub. L. 98-216, Sec. 2(2), Feb. 14, 1984, 98 Stat. 5; Pub. L. 103-272, Sec. 5(m)(1),

July 5, 1994, 108 Stat. 1375; Pub. L. 103-440, title II, Sec. 216,  
Nov. 2, 1994, 108 Stat. 4624.)

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Historical and Revision Notes  
Pub. L. 97-449

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
103(a)	49:1652(e)(1) (1st sentence related to FRA).  49:1652a.	Oct. 15, 1966, Pub. L. 89-670, Sec. 3(e) (related to FRA) (1), (3), (4), 6(f)(3)(C) (related to FRA), 80 Stat. 932, 940.  July 8, 1976, Pub. L. 94-348, Sec. 6, 90 Stat. 820.
103(b)	49:1652(e) (related to FRA) (1) (2d, last sentences), (3) (last sentence).	
103(c)	49:1655(f)(3)(A).  49:1652(e)(3) (related to FRA) (less last sentence).	Oct. 15, 1966, Pub. L. 89-670, Sec. 6(f)(3)(A), 80 Stat. 940; Aug. 22, 1972, Pub. L. 92-401, Sec. 6, 86 Stat. 617; Jan. 3, 1975, Pub. L. 93-633, Sec. 113(e)(1), 88 Stat. 2163.
103(d)	49:1652(e)(4) (related to FRA). 49:1655(f)(3)(C) (related to FRA).	

In subsection (a), the words "To carry out" are substituted for "for purposes of administering and enforcing" in 49:1652a for consistency and to eliminate surplus words. The words "under those laws" are substituted for "pursuant to Federal railroad safety laws" to eliminate surplus words. The words "is responsible" are substituted for "shall retain full and final responsibility" and "shall be responsible" to eliminate surplus words. The words "and for the establishment of all policies with respect to implementation of such laws" are omitted as surplus.

In subsection (b), the words "Each of these components" are omitted as surplus.

In subsection (c), the words ''vested in the Secretary'' are substituted for ''as set forth in the statutes transferred to the Secretary'' in 49:1655(f)(3)(A) for clarity and consistency. The words ''section 6(e)(1), (2), and (6)(A) of the Department of Transportation Act (49 U.S.C. 1655(e)(1), (2), and (6)(A))'' are substituted for ''subsection (e) of this section (other than subsection (e)(4) of this section)'' in 49:1655(f)(3)(A) for clarity.

In subsection (d), the word ''law'' is substituted for ''statute'' in 49:1652(e)(4) for consistency. The words after ''administratively final'' in 49:1655(f)(3)(C) are omitted as unnecessary because of the restatement of the revised title and those laws giving a right to appeal.

#### PUB. L. 103-272

Section 5(m)(1) amends 49:103(c)(1) to include a reference to section 20134(c) of the revised title. The reference is included because 45:445 on which section 20134(c) is based provides that the duties and powers under that provision are to be carried out by the Administrator of the Federal Railroad Administration rather than the Secretary of Transportation.

#### REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (e), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. For complete classification of this Act to the Code, see Short Title note set out under [section 471 of Title 40](#), Public Buildings, Property, and Works, and Tables.

#### AMENDMENTS

1994 - Subsec. (c)(1). Pub. L. 103-272 substituted ''section 20134(c) and chapters 203-211 of this title, and chapter 213 of this title in carrying out chapters 203-211'' for ''section 6(e)(1), (2), and (6)(A) of the Department of Transportation Act (49 App. U.S.C. 1655(e)(1), (2), and (6)(A))''.

Subsec. (e). Pub. L. 103-440 added subsec. (e).

1984 - Subsec. (c)(1). Pub. L. 98-216 substituted ''49 App. U.S.C.'' for ''49 U.S.C.''. ''

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section [322](#) of this title.