49 CFR 1.89 - Delegations to the Federal Railroad Administrator.

§ 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 33 U.S.C. 535c, as it relates to railroad bridges not over navigable waterways.
(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 Railway 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 of this part, 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) Investigate and report on safety compliance records of applicants seeking railroad operating authority from the Surface Transportation Board, and to intervene and present evidence concerning applicants' fitness in Board proceedings under 49 U.S.C. 307, relating to railroads.
(q) Carry out the function vested in the Secretary by the Bankruptcy Code (11 U.S.C. 1163), which relates to the nomination of trustee for rail carriers in reorganization, with the concurrence of the Office of the General Counsel.