

Science, Space, and Technology] of the House of Representatives and the Committee on Environment and Public Works of the Senate.

“(b) NOTICE OF REORGANIZATION.—On or before the 15th day preceding the date of any major reorganization of a program, project, or activity of the Department [of Transportation] for which funds are authorized by this title or the amendments made by this title, the Secretary [of Transportation] shall provide notice of the reorganization to the Committees on Transportation and Infrastructure and Science [now Science, Space, and Technology] of the House of Representatives and the Committee on Environment and Public Works of the Senate.”

Pub. L. 105-178, title V, §5003, June 9, 1998, 112 Stat. 422, provided that:

“(a) NOTICE OF REPROGRAMMING.—If any funds authorized for carrying out this title [see Tables for classification] or the amendments made by this title are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Transportation and Infrastructure and the Committee on Science [now Committee on Science, Space, and Technology] of the House of Representatives and the Committee on Environment and Public Works of the Senate.

“(b) NOTICE OF REORGANIZATION.—On or before the 15th day preceding the date of any major reorganization of a program, project, or activity of the Department of Transportation for which funds are authorized by this title or the amendments made by this title, the Secretary shall provide notice of such reorganization to the Committee on Transportation and Infrastructure and the Committee on Science [now Committee on Science, Space, and Technology] of the House of Representatives and the Committee on Environment and Public Works of the Senate.”

SURFACE TRANSPORTATION ADMINISTRATION

Pub. L. 102-240, title V, §5004, Dec. 18, 1991, 105 Stat. 2160, provided that:

“(a) STUDY.—Not later than 60 days after the date of the enactment of this Act [Dec. 18, 1991], the Secretary shall enter into an agreement with the National Academy of Public Administration to continue a study of options for organizing the Department of Transportation to increase the effectiveness of program delivery, reduce costs, and improve intermodal coordination among surface transportation-related agencies.

“(b) REPORT.—The Secretary shall report to Congress on the findings of the study continued under subsection (a) and recommend appropriate organizational changes no later than January 1, 1993. No organizational changes shall be implemented until such changes are approved by law.”

PERSON HOLDING POSITION OF ASSOCIATE DEPUTY SECRETARY UNTIL APRIL 15, 1985

Pub. L. 98-557, §26(c), Oct. 30, 1984, 98 Stat. 2873, provided that: “Notwithstanding any other provision of law, until April 15, 1985, the position created by subsection (a) of this section [adding subsec. (d) of this section] may be held by a person named by the President alone from among qualified individuals.”

EX. ORD. NO. 11340. EFFECTIVE DATE

Ex. Ord. No. 11340, Mar. 30, 1967, 32 F.R. 5453, provided: By virtue of the authority vested in me as President of the United States by Section 15 [renumbered section 16] of the Department of Transportation Act (Public Law 89-670, approved October 15, 1966; 80 Stat. 950) April 1, 1967, is hereby prescribed as the date on which the Department of Transportation Act shall take effect.

LYNDON B. JOHNSON.

§ 103. Federal Railroad Administration

(a) IN GENERAL.—The Federal Railroad Administration is an administration in the Department of Transportation.

(b) SAFETY.—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.

(c) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in railroad transportation.

(d) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be an individual with professional experience in railroad safety, hazardous materials safety, or other transportation safety. The Administrator shall report directly to the Secretary of Transportation.

(e) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator who shall be appointed by the Secretary. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

(f) CHIEF SAFETY OFFICER.—The Administration shall have an Associate Administrator for Railroad Safety appointed in the career service by the Secretary. The Associate Administrator shall be the Chief Safety Officer of the Administration. The Associate Administrator shall carry out the duties and powers prescribed by the Administrator.

(g) DUTIES AND POWERS OF THE ADMINISTRATOR.—The Administrator shall carry out—

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

(2) the duties and powers related to railroad policy and development under subsection (j); and

(3) other duties and powers prescribed by the Secretary.

(h) LIMITATION.—A duty or power specified in subsection (g)(1) may be transferred to another part of the Department of Transportation or another Federal Government entity only when specifically provided by law. A decision of the Administrator in carrying out the duties or powers of the Administration and involving notice and hearing required by law is administratively final.

(i) AUTHORITIES.—Subject to the provisions of subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, 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 at the 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.

(j) **ADDITIONAL DUTIES OF THE ADMINISTRATOR.**—The Administrator shall—

(1) provide assistance to States in developing State rail plans prepared under chapter 227 and review all State rail plans submitted under that section;¹

(2) develop a long-range national rail plan that is consistent with approved State rail plans and the rail needs of the Nation, as determined by the Secretary in order to promote an integrated, cohesive, efficient, and optimized national rail system for the movement of goods and people;

(3) develop a preliminary national rail plan within a year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008;

(4) develop and enhance partnerships with the freight and passenger railroad industry, States, and the public concerning rail development;

(5) support rail intermodal development and high-speed rail development, including high speed rail planning;

(6) ensure that programs and initiatives developed under this section benefit the public and work toward achieving regional and national transportation goals; and

(7) facilitate and coordinate efforts to assist freight and passenger rail carriers, transit agencies and authorities, municipalities, and States in passenger-freight service integration on shared rights of way by providing neutral assistance at the joint request of affected rail service providers and infrastructure owners relating to operations and capacity analysis, capital requirements, operating costs, and other research and planning related to corridors shared by passenger or commuter rail service and freight rail operations.

(k) **PERFORMANCE GOALS AND REPORTS.**—

(1) **PERFORMANCE GOALS.**—In conjunction with the objectives established and activities undertaken under subsection (j) of this section, the Administrator shall develop a schedule for achieving specific, measurable performance goals.

(2) **RESOURCE NEEDS.**—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each goal and the additional duties required under subsection (j).

(3) **SUBMISSION WITH PRESIDENT'S BUDGET.**—Beginning with fiscal year 2010 and each fiscal year thereafter, the Secretary shall submit to the Committee on Transportation and Infra-

structure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, at the same time as the President's budget submission, the Administration's performance goals and schedule developed under paragraph (1), including an assessment of the progress of the Administration toward achieving its performance goals.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2414; Pub. L. 98-216, §2(2), Feb. 14, 1984, 98 Stat. 5; Pub. L. 103-272, §5(m)(1), July 5, 1994, 108 Stat. 1375; Pub. L. 103-440, title II, §216, Nov. 2, 1994, 108 Stat. 4624; Pub. L. 107-217, §3(n)(1), Aug. 21, 2002, 116 Stat. 1302; Pub. L. 110-432, div. A, title I, §101, div. B, title III, §307, Oct. 16, 2008, 122 Stat. 4851, 4953; Pub. L. 111-350, §5(o)(1), Jan. 4, 2011, 124 Stat. 3853.)

HISTORICAL AND REVISION NOTES
PUB. L. 97-449

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---|--|
| 103(a) | 49:1652(e)(1) (1st sentence related to FRA). 49:1652a. | Oct. 15, 1966, Pub. L. 89-670, §§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, §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, §6(f)(3)(A), 80 Stat. 940; Aug. 22, 1972, Pub. L. 92-401, §6, 86 Stat. 617; Jan. 3, 1975, Pub. L. 93-633, §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 Ad-

¹ So in original. Probably should be "chapter;"

ministrator of the Federal Railroad Administration rather than the Secretary of Transportation.

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (j)(3), is the date of enactment of Pub. L. 110-432, which was approved Oct. 16, 2008.

AMENDMENTS

2011—Subsec. (i). Pub. L. 111-350, which directed substitution of “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” in subsec. (e), was executed to subsec. (i), to reflect the probable intent of Congress.

2008—Subsec. (a). Pub. L. 110-432, § 307(1), (2), inserted heading and struck out at end “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.”

Subsecs. (b) to (k). Pub. L. 110-432, §§ 101, 307(3), (4), added subsecs. (b) to (k) and struck out former subsecs. (b) to (e), which related to: in subsec. (b), Administrator as head of the Administration; in subsec. (c), Administrator’s duties and powers; in subsec. (d), transfer of duties or powers and effect of Administrator’s decision; and, in subsec. (e), authority of Secretary of Transportation.

2002—Subsec. (e). Pub. L. 107-217 inserted “subtitle I of title 40 and title III of” before “the Federal Property” and substituted “(41 U.S.C. 251 et seq.)” for “(40 U.S.C. 471 et seq.)”.

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.”.

UPDATE OF FEDERAL RAILROAD ADMINISTRATION WEB SITE

Pub. L. 110-432, div. A, title III, § 307, Oct. 16, 2008, 122 Stat. 4881, as amended by Pub. L. 114-94, div. A, title XI, § 11316(j)(5), Dec. 4, 2015, 129 Stat. 1677, provided that:

“(a) IN GENERAL.—The Secretary shall update the Federal Railroad Administration’s public Web site to better facilitate the ability of the public, including those individuals who are not regular users of the public Web site, to find current information regarding the Federal Railroad Administration’s activities.

“(b) PUBLIC REPORTING OF VIOLATIONS.—On the Federal Railroad Administration’s public Web site’s home page, the Secretary shall provide a mechanism for the public to submit written reports of potential violations of Federal railroad safety and hazardous materials transportation laws, regulations, and orders to the Federal Railroad Administration.”

[For definitions of “Secretary” and “railroad”, as used in section 307 of Pub. L. 110-432, set out above, see section 2(a) of Pub. L. 110-432, set out as a note under section 20102 of this title.]

FUNDS FOR BROADBAND HIGH SPEED INTERNET SERVICE CONNECTION FOR FEDERAL RAILROAD ADMINISTRATION EMPLOYEES

Pub. L. 108-447, div. H, title I, § 151, Dec. 8, 2004, 118 Stat. 3222, provided that: “Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 2005, and hereafter, the Federal Railroad Administration may use funds appropriated

by this or any other Act to provide for the installation of a broadband high speed internet service connection, including necessary equipment, for Federal Railroad Administration employees, and to either pay directly recurring monthly charges or to reimburse a percentage of such monthly charges which are paid by such employees: *Provided*, That the Federal Railroad Administration certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency’s mission.”

§ 104. Federal Highway Administration

(a) The Federal Highway Administration is an administration in the Department of Transportation.

(b)(1) 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 of Transportation.

(2) The Administration has a Deputy Federal Highway Administrator who is appointed by the Secretary, with the approval of the President. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

(3) The Administration has an Assistant Federal Highway Administrator appointed in the competitive service by the Secretary, with the approval of the President. The Assistant Administrator is the chief engineer of the Administration. The Assistant Administrator shall carry out duties and powers prescribed by the Administrator.

(c) The Administrator shall carry out—

(1) duties and powers vested in the Secretary by chapter 4 of title 23 for highway safety programs, research, and development related to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety; and

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

(d) Notwithstanding the provisions of sections 101(d) and 144 of title 23, highway bridges determined to be unreasonable obstructions to navigation under the Truman-Hobbs Act may be funded from amounts set aside from the discretionary bridge program. The Secretary shall transfer these allocations and the responsibility for administration of these funds to the United States Coast Guard.

(Pub. L. 97-449, § 1(b), Jan. 12, 1983, 96 Stat. 2415; Pub. L. 103-272, §§ 4(j)(2), 5(m)(2), July 5, 1994, 108 Stat. 1365, 1375; Pub. L. 104-324, title I, § 101(b)(1), Oct. 19, 1996, 110 Stat. 3905; Pub. L. 106-159, title I, § 101(c)(2), Dec. 9, 1999, 113 Stat. 1751.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|--|
| 104(a) | 49:1652(e)(1) (1st sentence related to FHWA). | Oct. 15, 1966, Pub. L. 89-670, §§ 3(e) (related to FHWA) (1), (3), (4), 6(f)(3)(C) (related to FHWA), 80 Stat. 932, 940. |
| 104(b)(1) | 49:1652(e) (related to FHWA) (1) (less 1st sentence), (3) (last sentence). | |
| 104(b)(2) | 23:303(a)(1) (1st, 2d sentences). | |