

vidual is appointed to the position of Under Secretary of Transportation for Policy under subsection (d) of this section. On Mar. 19, 2003, the United States Senate confirmed the appointment of the first Under Secretary of Transportation for Policy.

## NOTICE

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 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 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

Section 26(c) of Pub. L. 98-557 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) 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 subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 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.

(Pub. L. 97-449, 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.)

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, §§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 enforced”.

ing” 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. Title III of the Act is classified generally to subchapter IV (§251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

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.”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 322 of this title.

§ 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, 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).	
104(b)(3) .....	23:303(a)(1) (last sentence), (b), (c).	
104(c) .....	49:1655(f)(3)(B).	Oct. 15, 1966, Pub. L. 89-670, §6(f)(3)(B), 80 Stat. 940; Jan. 3, 1975, Pub. L. 93-633, §113(e)(2), 88 Stat. 2163. Sept. 9, 1966, Pub. L. 89-564, §201(b)(1), 80 Stat. 735; Oct. 15, 1966, Pub. L. 89-670, §8(h), 80 Stat. 943; restated Dec. 31, 1970, Pub. L. 91-605, §202(a), 84 Stat. 1740.
	23:401 (note).	
104(d) .....	49:1652(e)(3) (related to FHWA) (less last sentence). 49:1652(e)(4) (related to FHWA). 49:1655(f)(3)(C) (related to FHWA).	

In subsection (b)(1), the words “Each of these components” are omitted as surplus.

In subsection (b)(2), the words “In addition to the Administrator of the Federal Highway Administration authorized by section 3(e) of the Department of Transportation Act” in 23:303(a)(1) (1st sentence) are omitted as surplus.

In subsection (b)(3), the words “in the competitive service” are substituted for “under the classified civil service” to conform to 5:2102. The text of 23:303(b), (c) is omitted as unnecessary because sections 322 and 323 of the revised title restate the authority of the Secretary of Transportation.