

§ 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.
	23:401 (note).	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.
	49:1652(e)(3) (related to FHWA) (less last sentence).	

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
104(d)	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.

In subsection (c), the source provisions are consolidated. The words “The Administrator shall carry out duties and powers” are substituted for “The Secretary shall carry out through the Federal Highway Administration those provisions of the Highway Safety Act of 1966 . . . for” in 23:401 (note) and “carry out the functions, powers, and duties of the Secretary” in 49:1655(f)(3)(B) as being more precise, to eliminate unnecessary words, and for consistency. The words “vested in the Secretary” are substituted for “as set forth in the statutes transferred to the Secretary” in 49:1655(f)(3)(B) for clarity and consistency.

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 the right to appeal.

REFERENCES IN TEXT

The Truman-Hobbs Act, referred to in subsec. (d), is act June 21, 1940, ch. 409, 54 Stat. 497, as amended, also known as the Hobbs Bridge Act, which is classified generally to subchapter II (§511 et seq.) of chapter 11 of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1999—Subsec. (c). Pub. L. 106–159, §101(c)(2)(A), substituted “; and” for the semicolon at end of par. (1), redesignated par. (3) as (2), and struck out former par. (2) which read as follows: “duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 315 of this title; and”.

Subsecs. (d), (e). Pub. L. 106–159, §101(c)(2)(B), (C), redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows: “A duty or power specified by subsection (c)(2) 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.”

1996—Subsec. (e). Pub. L. 104–324 added subsec. (e).

1994—Subsec. (b)(1). Pub. L. 103–272, §4(j)(2), substituted “Administrator” for “Admininstrator” before “who is”.

Subsec. (c)(2). Pub. L. 103–272, §5(m)(2), substituted “315” for “31”.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–159, title I, §107(a), Dec. 9, 1999, 113 Stat. 1758, provided that: “This Act [see Tables for classification] shall take effect on the date of the enactment of this Act [Dec. 9, 1999]; except that the amendments made by section 101 [enacting section 113 of this title and amending this section, sections 5314 and 5316 of

Title 5, Government Organization and Employees, and section 104 of Title 23, Highways] shall take effect on January 1, 2000.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

ELIMINATION OF REGIONAL OFFICE RESPONSIBILITIES

Pub. L. 105-178, title I, § 1220, June 9, 1998, 112 Stat. 221, provided that:

“(a) IN GENERAL.—

“(1) ELIMINATION.—The Secretary [of Transportation] shall eliminate any programmatic decision-making responsibility of the regional offices of the Federal Highway Administration for the Federal-aid highway program as part of the Administration’s efforts to restructure its field organization.

“(2) ACTIVITIES.—In carrying out paragraph (1), the Secretary shall eliminate regional offices, create technical resource centers, and, to the maximum extent practicable, delegate authority to State offices of the Federal Highway Administration.

“(b) PREFERENCE.—In locating the technical resource centers, the Secretary shall give preference to cities that house, on the date of enactment of this Act [June 9, 1998], the Federal Highway Administration regional offices and are in locations that minimize the travel distance between the technical resource centers and the Federal Highway Administration division offices that will be served by the new technical resource centers.

“(c) REPORT TO CONGRESS.—The Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a detailed implementation plan to carry out this section not later than September 30, 1998, and thereafter provide periodic progress reports on carrying out this section to such Committees.

“(d) IMPLEMENTATION.—The Secretary shall begin implementation of the plan transmitted under subsection (c) not later than December 31, 1998.”

§ 105. National Highway Traffic Safety Administration

(a) The National Highway Traffic Safety Administration is an administration in the Department of Transportation.

(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 Administration has a Deputy Administrator who is appointed by the Secretary of Transportation, with the approval of the President.

(c) The Administrator shall carry out—

(1) duties and powers vested in the Secretary by chapter 4 of title 23, except those 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) The Secretary may carry out chapter 301 of this title through the Administrator.

(e) The Administrator shall consult with the Federal Highway Administrator on all matters related to the design, construction, maintenance, and operation of highways.

(Pub. L. 97-449, § 1(b), Jan. 12, 1983, 96 Stat. 2415; Pub. L. 103-272, § 5(m)(3), July 5, 1994, 108 Stat. 1375.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
105	23:401 (note).	Sept. 9, 1966, Pub. L. 89-564, § 201(a) (less pay of Administrator and Deputy Administrator), (b)(2), (c), (d), 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. 1739.

In subsection (a), the words “The . . . is an administration in the” are substituted for “There is hereby established within the”, in section 201(a) (1st sentence) of the Highway Safety Act of 1966 (Pub. L. 89-564, 80 Stat. 731) to conform to other sections of the revised title. The words “(hereafter in this section referred to as the ‘Administration’)” are omitted as unnecessary.

In subsection (c), the words “carry out . . . duties and powers . . . prescribed by the Secretary” are substituted for “perform such duties as are delegated to him by the Secretary” to eliminate surplus words and for consistency. The list of excepted programs in clause (1) is substituted for “highway safety programs, research and development not specifically referred to in paragraph (1) of this subsection”, in section 201(b)(2) of the Highway Safety Act of 1966 for clarity.

In subsection (d), the words “Administration . . . authorized by this section” are omitted as surplus.

The text of section 201(d) of the Highway Safety Act of 1966 is omitted as executed.

AMENDMENTS

1994—Subsec. (d). Pub. L. 103-272 substituted “chapter 301 of this title” for “the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.)”.

§ 106. Federal Aviation Administration

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

(b) The head of the Administration is the Administrator. The Administration has a Deputy Administrator. They are appointed by the President, by and with the advice and consent of the Senate. When making an appointment, the President shall consider the fitness of the individual to carry out efficiently the duties and powers of the office. Except as provided in subsection (f) or in other provisions of law, the Administrator reports directly to the Secretary of Transportation. The term of office for any individual appointed as Administrator after August 23, 1994, shall be 5 years.

(c) The Administrator must—

- (1) be a citizen of the United States;
- (2) be a civilian; and
- (3) have experience in a field directly related to aviation.

(d)(1) The Deputy Administrator must be a citizen of the United States and have experience in a field directly related to aviation. An officer on active duty in an armed force may be appointed as Deputy Administrator. However, if the Administrator is a former regular officer of an