



**PHMSA
1100.3**

U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

November 9, 2022

Subject: DELEGATIONS OF AUTHORITY

1. **PURPOSE.** By this Order, the Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA) delegates to the Executive Director, Associate Administrators, Chief Counsel, Chief Financial Officer, and Staff Office Directors of PHMSA certain powers and authorities vested in the Administrator, and certain other powers and authorities the Secretary of Transportation has delegated by Federal regulation or otherwise to the Administrator. This Order also sets forth requirements by which future delegations may be made.
2. **BACKGROUND.** PHMSA was created pursuant to the Norman Y. Mineta Research and Special Programs Improvement Act (P.L. 108-426, November 30, 2004). This Act directs that the Administrator of PHMSA “carry out [the] duties and powers related to pipeline and hazardous materials transportation and safety vested in the Secretary by chapters 51, 57, 61, 601, and 603 [of Title 49]; and other duties and powers prescribed by the Secretary.” 49 U.S.C. § 108(f). In addition, the authority of the Research and Special Programs Administration (RSPA) exercised under chapters 51, 57, 61, 601, and 603 of Title 49 were transferred to the Administrator of PHMSA. P.L. No. 108-426, § 2(b) (Nov. 30, 2004).
3. **CANCELLATION.** This Order hereby cancels PHMSA Order 1100.2, “Delegations of Authority,” dated August 24, 2010.
4. **REFERENCES.**
 - a. Norman Y. Mineta Research and Special Programs Improvement Act (P.L. 108-426, November 30, 2004).
 - b. 49 U.S.C. § 108, Pipeline and Hazardous Materials Safety Administration.
 - c. 49 C.F.R. Part 1, Organization and Delegation of Powers and Duties.
 - d. 49 C.F.R. Part 15, Protection of Sensitive Security Information.

- e. Department of Transportation (DOT) Order 1100.74B, “Department of Transportation Organization Manual Pipeline and Hazardous Material Safety Administration,” dated January 19, 2017.
- f. Pipeline and Hazardous Materials Safety Administration – Order of Succession, dated January 24, 2020.

5. DEFINITIONS. The terms herein are defined consistent with the authority cited as a reference or, if no cited reference, as generally understood in their ordinary sense, except as specifically provided below:

- a. Delegate. The act of formally empowering an employee to execute, in his or her own name and title, a specific authority or power lawfully vested in the delegating official. A delegated authority officially establishes accountability for a specific action with the specific individual performing that action.
- b. Delegation of Authority. For purposes of this Order, a delegation of authority is the grant of authority by the Administrator to an employee, acting in his or her own name and title, to execute a specific power or perform a specific duty, which action will have the legal force and effect of an official action by the Administrator under Federal law, regulation, directive, or Executive Order.
- c. Redelegation of Authority. For purposes of this Order, a redelegation of authority is the further permissible delegation of previously delegated authority received from the Administrator. A redelegation shall have the legal force and effect of an official action under Federal law, regulation, directive, or Executive Order. Redelegated authority may be granted to the same extent and terms of the originally delegated authority, or granted to a partial or limited degree, as deemed appropriate by the delegating official.
- d. Order of Succession. A formal delegation of authority providing the continuity of essential functions in the event the PHMSA Administrator or other senior level officials become absent, a vacancy occurs, or there is an inability for the official to act during a disaster or national security crisis.
- e. Staff Office Director. An official with staff office responsibilities who reports directly to the Administrator. At the time of this issuance, this includes the Director of the Office of Civil Rights and the Director of the Office of Governmental, International and Public Affairs.

6. POLICY.

- a. Delegations and redelegations of authority shall be limited by applicable laws, Executive Orders, regulations, directives, and DOT and PHMSA requirements.
- b. Delegations of authority shall be effective upon date of signature, unless otherwise stated.

- c. A delegation may not be made retroactively. However, actions taken prior to the effective date may be ratified by the Administrator or designee after review and approval by the Office of Chief Counsel.
- d. The Administrator reserves the authority to delegate any authority that the Administrator possesses, with the exception of those duties and powers expressly prohibited from delegation by 49 U.S.C. § 108(g), other Federal law, regulation, directive, or Executive Order.

7. **RESERVATIONS TO THE ADMINISTRATOR**. The Administrator reserves to the Administrator, and to any lower-ranking official who is performing the duties of the Administrator pursuant to PHMSA’s Order of Succession, dated January 11, 2017, the authority to:

- a. Delegate powers and duties to the Executive Director, Associate Administrators, Chief Counsel, Chief Financial Officer, and Staff Office Directors.
- b. Perform any function specifically delegated by statute or delegated by the Secretary.
- c. Approve and sign all final rulemaking actions, including (but not limited to) each of the following: final rules; decisions in response to petitions for reconsideration of final rules submitted pursuant to 49 C.F.R. §§ 190.335–190.337; decisions on administrative appeals of denials of responses to petitions for reconsideration of final rules submitted pursuant to 49 C.F.R. § 190.338; and decisions on administrative appeals of final rules submitted pursuant to 49 C.F.R. § 106.110 et seq.
- d. Approve and sign PHMSA's responses to the Office of Inspector General (OIG) and the Government Accountability Office (GAO).
- e. Select individuals for positions in the Senior Executive Service (SES), in accordance with applicable DOT procedures.
- f. Approve PHMSA Administrator's honorary awards, nominations for the Secretary's awards, nominations for Presidential rank awards, and other Federal awards.
- g. Consistent with DOT Order M 1500.6B, Department of Transportation Travel Order and Manual, dated March 29, 2018, and DOT 1240.6, International Travel Approval Policy Memorandum, dated July 29, 2022, and superseding orders and policies:
 - i. Approve international travel for PHMSA employees (including international invitational travel), except that international travel of the Administrator, Deputy Administrator, Chief Counsel, and other non-career appointees (i.e., political appointees) and accompanying staff must be approved by the Office of the Secretary consistent with procedures and requirements in DOT 1240.6 and other applicable policies.

- ii. Authorize and approve official domestic travel and transportation for the Administrator, the Administrator's subordinates, and others performing services for, or in cooperation with, PHMSA.
- f. Recommend to the Secretary or his or her delegate acceptance of an offer of reimbursement from an entity regulated by DOT, an association of entities regulated by DOT, or an entity that has a matter pending before PHMSA. This authority must be carried out in accordance with DOT policy on accepting such payments.
- g. Approve all Field and Headquarters organizational changes.
- h. Accept a gift to PHMSA in accordance with DOT Order 2700.11 Gifts and Bequests, dated April 10, 1973, and superseding orders, subject to the concurrence of the Office of Chief Counsel.
- i. Exercise the Secretary's authority under 28 U.S.C. § 2672 and 28 C.F.R. Part 14, related to the administrative disposition of federal tort claims, for claims involving PHMSA, to the extent permitted by 49 C.F.R. § 1.81(a)(22).
- j. Any other powers and duties that are not expressly delegated by the Administrator in this memorandum, or otherwise vested in officials other than the Administrator, are reserved to the Administrator.

8. **GENERAL DELEGATIONS OF AUTHORITY**. The Administrator hereby delegates to the Executive Director, Associate Administrators, Chief Counsel, Chief Financial Officer, and Staff Office Directors the general authority, consistent with the duties indicated in DOT Order 1100.74B, DOT Organization Manual PHMSA, dated January 19, 2017, and any superseding order to:

- a. With respect to all matters within the official's sphere of responsibility, sign all correspondence consistent with assigned responsibilities not reserved for the Administrator and correspondence associated with routine operational reports that do not require the Administrator's signature. This signature authority may be further delegated consistent with assigned responsibilities.
- b. Authorize and approve official non-foreign travel and transportation for subordinates in the official's office in accordance with DOT Order M 1500.6B, Department of Transportation Travel Order and Manual, dated March 29, 2018, and superseding orders.
- c. Represent the Administrator with respect to all matters within the official's sphere of responsibility.
- d. Within personnel and budget ceilings, select employees reporting to them for positions through GS-15 and the equivalent.

- e. Take action and issue orders in the name of the Administrator with respect to all matters within the official's sphere of responsibility, except for those matters specifically reserved to the Administrator.
- f. Further delegate the authority given to that official unless expressly limited by the Administrator or prohibited by law. However, the officials listed in this section may not redelegate any previously delegated authority to any other official listed in this section. All redelegations authorized under this section must be in writing and made in consultation with the Chief Counsel.

9. SPECIFIC DELEGATIONS OF AUTHORITY.

- a. The Deputy Administrator is delegated the authority to exercise all duties lawfully vested in the Administrator and reserved to the Administrator in accordance with this Order.
- b. Specific delegations to the Executive Director, Associate Administrators, Chief Counsel, Chief Financial Officer, and Staff Directors are documented as separate attachments to this Order. When a new or change in delegation of authority occurs, it will be added to the list of authorities on the applicable attachment. A footnote reference will state the date and citation of any new or amended delegation of authority. In the case of overlap or conflict in the exercise of the duties and responsibilities delegated to these officials, the more specific delegation controls. DOT Order 1100.74B, DOT Organization Manual PHMSA, dated January 19, 2017, and any superseding orders, set forth the approved formal organizational elements of PHMSA and the corresponding functions and responsibilities of those elements.

10. AUTHORITY TO AMEND THIS ORDER. Any further delegations, redelegations, or proposed changes to this Order must be made in writing and submitted to the Executive Director and Chief Counsel for review. Final approval/disposition of any such action lies with the Administrator.

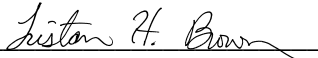
11. EXERCISE OF DELEGATED AUTHORITY. The Administrator and any lower-ranking official who is performing the duties of the Administrator shall retain the authority to exercise any authority, powers, and duties that are delegated under this Order or to redelegate such authority, powers, and duties under this Order, and to review (including by providing input or exercising oversight over) any other official's exercise of an authority that is delegated under this Order.

12. RESCISSION. No delegation of authority or assignment of responsibility under this Order will be deemed to affect the authority of the Administrator or any lower-ranking official who is performing the duties of the Administrator to rescind any delegation of authority provided for in this Order. Such rescission may include total, partial, permanent, or temporary rescission of any delegated authority. The Administrator reserves the authority to rescind a delegation of authority or assignment of responsibility without written notification.

13. IMPLEMENTATION. The delegations set forth herein are effective immediately.

14. ATTACHMENTS.

- a. Attachment A – Delegation to the Assistant Administrator for Pipeline and Hazardous Materials Safety and Chief Safety Officer (Executive Director)
- b. Attachment B – Delegation to the Chief Counsel
- c. Attachment C – Delegation to the Associate Administrator for Pipeline Safety
- d. Attachment D – Delegation to the Associate Administrator for Hazardous Materials Safety
- e. Attachment E – Delegation to the Associate Administrator for Administration
- f. Attachment F – Delegation to the Chief Financial Officer
- g. Attachment G – Delegation to the Director of the Office of Civil Rights
- h. Attachment H – Delegation to the Associate Administrator for Planning and Analytics



Deputy Administrator

ATTACHMENT A

Delegation to the Assistant Administrator for Pipeline and Hazardous Materials Safety and Chief Safety Officer (Executive Director)

The Executive Director assists the Administrator and the Deputy Administrator in establishing policies, objectives, and priorities for PHMSA offices and programs that report into the Office of the Executive Director, and in coordinating and evaluating programs; oversees, directs, and coordinates cross-agency programs and initiatives, ensuring operational excellence, integration, and strategic planning; and establishes and oversees governance strategies and implementation across PHMSA.

The Executive Director has the authority to:

1. Decide and sign decisions on appeal of hazardous materials safety enforcement orders, pursuant to 49 C.F.R § 107.325.
2. Approve and sign PHMSA's responses to the National Transportation Safety Board (NTSB) in accordance with Departmental procedures for handling NTSB recommendations.
3. Serve as Chairman and carry out functions of the PHMSA Safety Review Board pursuant to PHMSA Order 3770.1, PHMSA Safety Review Board.
4. Serve as PHMSA's representative on the DOT Safety Council.

ATTACHMENT B

Delegation to the Chief Counsel

The Chief Counsel is the principal legal officer of PHMSA, serves as legal advisor to the Administrator, and provides a comprehensive program of legal services regarding applicable laws, rules, regulations, and orders.

The Chief Counsel has the authority to:

1. Compromise, suspend collection action on, or terminate claims of the United States not exceeding \$100,000 (excluding interest), which are referred to, or arise out of the activities of, PHMSA. 49 C.F.R. § 1.81(a)(21). *See also*, 31 U.S.C. § 3711.
2. Approve the award, compromise or settle any claim of an amount up to \$50,000, after consultation with the Administrator, against the U.S. for any claim brought under the Federal Tort Claims Act arising out of PHMSA activities. 49 C.F.R. § 1.81(a)(22).
3. Approve personnel-related settlements of up to \$50,000 after consultation with the Administrator and the Secretary of Transportation. 49 C.F.R. § 1.81(a)(1).
4. Execute for, and in the name of, the Administrator, formal legal instruments and documents creating commitments on behalf of PHMSA, except when such authority is otherwise reserved or delegated.
5. Exercise hazardous materials safety compliance and enforcement responsibilities involving failure to comply with the hazardous materials laws and regulations and Section 311 of the Federal Water Pollution Control Act (33 U.S.C. § 1321), in accordance with the procedures prescribed in 49 C.F.R. Part 107, Subpart C, and Subpart D §§ 107.307, and 107.311 to 107.339. 49 C.F.R. § 1.97(b). The authority delegated includes, but is not limited to, the power to:
 - a. Issue Notices, Orders and Preemption Determinations.
 - b. Compromise civil penalties prior to submission to the Attorney General.
 - c. Issue formal interpretations of the hazardous materials laws and regulations.
6. Exercise pipeline safety enforcement responsibilities involving failure to comply with pipeline safety laws and regulations and Section 311 of the Federal Water Pollution Control Act (33 U.S.C. § 1321), in accordance with the procedures prescribed in 49 C.F.R. Part 190. 49 C.F.R. § 1.97(a). The authority delegated includes, but is not limited to, the power to:
 - a. Prepare administrative orders in enforcement proceedings, including final orders in cases involving a notice of probable violation. 49 C.F.R. § 190.213.
 - b. Issue subpoenas in accordance with 49 C.F.R. § 190.7.

7. Make initial determinations on requests for records under the Freedom of Information Act. 49 C.F.R. § 1.81(a)(7).
8. With respect to procedural regulations (including those regulations in 49 C.F.R. Parts 106, 107 and 190; 49 C.F.R. §§ 1.81(a)(3) and 1.81(a)(18); 49 C.F.R. §§ 1.97(a) and 1.97(b)), issue Advance Notices of Proposed Rulemaking (“ANPRMs”), Notices of Proposed Rulemaking (“NPRMs”) and rulemaking documents other than final rules (including, but not limited to, responses to petitions for reconsideration of a final rule).

ATTACHMENT C

Delegation to the Associate Administrator for Pipeline Safety

The Associate Administrator for Pipeline Safety helps carry out a national safety program to ensure the safe, reliable, and environmentally friendly transportation of hazardous materials via pipelines.

The Associate Administrator for Pipeline Safety has authority to:

1. Carry out a pipeline safety inspection and enforcement program pursuant to 49 U.S.C. § 60101 et seq. and 49 C.F.R. Parts 190–199. 49 C.F.R. § 1.97(a).
2. Carry out a pipeline safety regulatory program to develop and implement minimum safety standards for pipeline transportation and pipeline facilities pursuant to 49 U.S.C. § 60101 et seq. This includes signing or issuing ANPRMs, NPRMs, and other documents (including, but not limited to, responses to petitions for reconsideration of final rules, findings and approvals under 49 C.F.R. § 190.9, special permits, interpretations, and advisories) other than final rules. 49 C.F.R. § 1.97(a); 49 C.F.R. §§ 1.81(a)(3) and 1.81(a)(18).
3. Accept, reject, and monitor compliance with intrastate pipeline safety program certifications under 49 U.S.C. § 60105. 49 C.F.R. § 1.97(a).
4. Enter and terminate (if necessary) interstate pipeline safety agreements under 49 U.S.C. § 60106. 49 C.F.R. § 1.97(a).
5. Carry out the functions under 49 U.S.C. § 6101 et seq. as they relate to pipeline damage prevention One Call programs. 49 C.F.R. §§ 1.97(a)(8) and 1.81(a)(25).
6. Award grants and cooperative agreements authorized under 49 U.S.C. Chapters 61 and 601, with consultation of the Secretary, 49 C.F.R. § 1.81(a)(25), and enter into other transactions authorized under 49 U.S.C. Chapter 601 after consultation with the Chief Financial Officer.
7. Assess user fees for pipeline facilities, including underground natural gas storage facilities, pursuant to 49 U.S.C. § 60301. 49 C.F.R. § 1.97(a)(7).
8. Carry out the functions under section 21 of the Deepwater Port Act, as amended (33 U.S.C. § 1520) relating to the establishment, enforcement and review of regulations concerning the safe construction, operation, and maintenance of pipelines on Federal lands and the Outer Continental Shelf. 49 C.F.R. § 1.97(a)(3).
9. Carry out the functions under section 28 of the Mineral Leasing Act, as amended (30 U.S.C. § 185). 49 C.F.R. § 1.97(a)(2).

10. Carry out the functions under section 5 (as it relates to pipelines not over navigable waterways) and section 8(a) (as it relates to pipelines) of the International Bridge Act of 1972 (33 U.S.C. §§ 535c and 535e(a)). 49 C.F.R. § 1.97(a)(4).
11. Carry out the functions under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. § 1331 et seq.) with respect to the establishment, enforcement and review of regulations concerning pipeline safety. 49 C.F.R. § 1.97(a)(5).
12. Carry out the functions of Executive Order 12777 (56 FR 54757, October 22, 1991) section 2(d)(2) relating to pipelines subject to Section 311 of the Federal Water Pollution Control Act (33 U.S.C. § 1321). 49 C.F.R. § 1.97(c).
13. Carry out the functions vested in the Secretary of Transportation by Section 7 of Executive Order 12580 (January 23, 1987) (relating to Sections 108 and 109 of the Comprehensive Environmental Response Compensation and Liability Act of 1980 as amended) insofar as they relate to pipelines. 49 C.F.R. § 1.97(a)(6).
14. Make initial recommendations that information constitutes Sensitive Security Information in consultation with the Office of Chief Counsel. 49 C.F.R. § 1.81(a)(26); 49 C.F.R. Part 15.
15. Coordinate with other agencies on the nexus between pipeline safety and cyber- and physical security. 49 C.F.R. § 1.97(a).

ATTACHMENT D

Delegation to the Associate Administrator for Hazardous Materials Safety

The Associate Administrator for Hazardous Materials Safety helps carry out a national safety program to protect against the risks inherent in the transportation of hazardous materials.

The Associate Administrator for Hazardous Materials Safety has authority to:

1. Carry out the functions under the Federal Hazardous Materials Transportation Law (49 U.S.C. § 5101 et seq.) except as delegated by 49 C.F.R. §§ 1.83(d)(2) and (3) and 1.87(d)(2) and by paragraph 2(99) of the Department of Homeland Security Delegation No. 1070. 49 C.F.R. § 1.97(b).
2. Carry out a hazardous material safety regulatory program to develop standards for the safe transportation, including security, of hazardous materials in intrastate, interstate and foreign commerce, pursuant to 49 U.S.C. § 5103. This includes signing ANPRMs and NPRMs and other rulemaking documents (including, but not limited to, responses to administrative appeals of final rules) other than final rules. 49 C.F.R. §§ 1.81(a)(3), 1.81(a)(18), and 1.97(b).
3. Carry out the functions under section 4(e) of the International Safe Container Act (46 U.S.C. § 1503(e)). 49 C.F.R. § 1.97(b).
4. Carry out the functions provided in Executive Order 12777 (56 FR 54757, October 22, 1991), Section 2(d)(2) relating to motor carriers and railroads subject to Section 311 of the Federal Water Pollution Control Act (33 U.S.C. § 1321). 49 C.F.R. § 1.97(c).
5. Carry out a hazardous materials transportation safety inspection and enforcement program pursuant to the Federal Hazardous Materials Transportation Law and 49 C.F.R. Part 107, Subpart D. 49 C.F.R. § 1.97(b)(1).
6. Represent the agency in international forums on hazardous materials issues. This authority is to be carried out in consultation and coordination with the Office of the Assistant Secretary for Aviation and International Affairs. 49 C.F.R. § 1.97(b)(2).
7. Assess registration fees from offerors and transporters of hazardous materials. 49 C.F.R. § 1.97(b).
8. Award grants and cooperative agreements authorized under 49 U.S.C. Chapter 51 and applicable appropriations acts, in consultation with the Secretary. 49 C.F.R. § 1.81(a)(25).
9. Make initial determinations that information is Sensitive Security Information in consultation with the Office of Chief Counsel. 49 C.F.R. § 1.81(a)(26); 49 C.F.R. Part 15.

ATTACHMENT E

Delegation to the Associate Administrator for Administration

The Associate Administrator for Administration advises and assists the Administrator on all administrative and management matters as they relate to PHMSA's missions, programs, and objectives.

The Associate Administrator for Administration has authority to:

1. Carry out the authority under the Federal Property and Administrative Services Act of 1949, concerning real and personal property management.
2. Serve as Chief Human Capital Officer for PHMSA and carry out responsibilities for the selection, development, training and management of the work force consistent with the government-wide human capital provision included in the Homeland Security Act of 2002. 49 C.F.R. § 1.81(a)(1).
3. Make initial decisions concerning the granting of access or amendment to records pertaining to individuals. 49 C.F.R. § 1.81(a)(8).
4. Certify PHMSA records control schedules pursuant to 44 U.S.C. § 3101. 49 C.F.R. § 1.81(a)(8).

ATTACHMENT F

Delegation to the Chief Financial Officer

The Chief Financial Officer plans, develops, coordinates, implements, and administers for all elements of PHMSA a comprehensive financial management, acquisition, and information technology program in accordance with all applicable Federal laws, regulations, policies, guidance, and DOT and PHMSA requirements.

The Chief Financial Officer has authority to:

1. Waive claims and make refunds in connection with claims for erroneous payment of pay and allowances, or of travel, transportation and relocation expenses and allowances in amounts not aggregating more than \$1,500, and may deny requests for waiver of such claims, regardless of aggregate amount. 49 C.F.R. § 1.81(a)(13).
2. Grant, authorize, and account for cost of living allowances and non-foreign differentials as prescribed in OPM guidance. 49 C.F.R. § 1.81(a)(1).
3. Serve as the Head of Contracting Activity (HCA) and exercise procurement authority with respect to the requirements of the agency, and issue warrants to delegate contracting authority.
4. Enter into inter- and intra-agency reimbursable agreements, other than with the head of another Department or Agency. 49 C.F.R. § 1.81(a)(11).
5. Implement the policies and procedures of the Clinger-Cohen Act of 1996 (formerly the Information Technology Management Reform Act (ITMRA) of 1996, 40 U.S.C. § 1401 et seq. (P.L.104-106)); and the Federal Information Technology Acquisition Reform Act (FITARA) (P.L. 113-291).
6. Direct, manage and coordinate Information Technology (IT) planning, IT-related acquisitions, enterprise architecture, infrastructure management, continuity of operations, database and records management, IT security and other information technology support and coordination.
7. Exercise responsibilities under the Chief Financial Officer and Federal Financial Reform Act of 1990 (CFO Act), P.L. 101-576.
8. Direct, manage, and coordinate all financial management matters for PHMSA, including budgetary and program planning activities, accounting, and disbursement of funds.
9. Prescribe accounting and financial systems, procedures, and techniques; and prescribe and maintain a system of administrative control over funds available to PHMSA.
10. Develop financial management policies and internal controls for PHMSA programs.

11. Carry out authority under the Debt Collection Improvement Act of 1996 (P.L. 104-134); the Debt Collection Act of 1982 (P.L. 97-365); 5 U.S.C. § 5514; and the Federal Claims Collection Standards (31 C.F.R. Parts 900–904) with respect to collection actions, compromises or termination of collection actions or waiver of claims. 49 C.F.R. § 1.81(a)(12).
12. Approve or deny claims for payment by PHMSA employees for personal property damage or losses up to \$40,000, incident to employment with PHMSA, pursuant to 31 U.S.C. § 3721. 49 C.F.R. § 1.81(a)(14).
13. Approve or deny all reprogramming requests that augment or reduce existing programs, projects, or activities in an amount no greater than \$5,000,000 or 10% (whichever is less), after consultation with the Administrator.
14. Make initial determinations on which systems of records are exempt from being accessed or amended. 49 C.F.R. § 1.81(a)(8).

ATTACHMENT G

Delegation to the Director of the Office of Civil Rights

The Director of the Office of Civil Rights advises and assists the Administrator and Deputy Administrator on civil rights and Equal Employment Opportunity (EEO) laws, policies, and initiatives.

The Director of the Office of Civil Rights has authority to:

1. Resolve informal allegations of discrimination arising from or relating to PHMSA activities, through EEO counseling or the Alternative Dispute Resolution process. 49 C.F.R. § 1.81(a)(15).
2. Approve final decisions and certifications of full relief for internal discrimination complaints. 49 C.F.R. § 1.81(a)(15).
3. Make civil rights and EEO determinations to ensure no person, consistent with law and departmental policy, is excluded from, or denied benefits, or subjected to discrimination under any PHMSA program. 49 C.F.R. § 1.81(a)(15).

ATTACHMENT H

Delegation to the Associate Administrator for Planning and Analytics

The Associate Administrator for Planning and Analytics develops and evaluates proposals that foster forward-thinking, innovative, and data-driven regulations and program policies; assesses available data and conducts economic analysis to develop market intelligence regarding pipeline and hazardous material transportation safety; implements processes and procedures to ensure effective strategic planning and performance; and facilitates information sharing and drives consistency in how PHMSA collects and uses data.

The Associate Administrator for Planning and Analytics has the authority to:

1. Carry out the functions of the Secretary regarding the assessment of costs and benefits, as required by 49 U.S.C. § 60102, when prescribing minimum pipeline safety standards and, more generally, perform assessments of the costs and benefits of available alternatives, consistent with Executive Order 12866, for intended pipeline safety standards and intended hazardous materials safety standards. 49 C.F.R. § 1.97(a)(1).
2. Carry out the functions of the Secretary concerning environmental enhancement by 49 U.S.C. § 303 (Duties of the Secretary of Transportation: Policy on lands, wildlife and waterfowl refuges, and historic sites) and 23 U.S.C § 138 as they relate to matters within the primary responsibility of PHMSA. 49 C.F.R. § 1.81(a)(4).
3. Carry out the functions of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C § 4321 et seq.), Section 176(c) of the Clean Air Act (42 U.S.C. § 7506(c)), and related environmental laws as they relate to matters within the primary responsibility of PHMSA. 49 C.F.R. § 1.81(a)(5).
4. Carry out the functions of the Secretary under Section 106 of the Historic Preservation Act of 1966, 16 U.S.C. § 470f, as they relate to matters within the primary responsibility of PHMSA. 49 C.F.R. § 1.81(a)(6).
5. Exercise the authority vested in the Secretary by Section 329A of the Department of Transportation and Related Agencies Appropriations Act, 1995, P.L. 103-331, 329A, 108 Stat. 2471, 2493 (September 30, 1994), to enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of state or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, P.L. 102-484, 106 Stat. 2658 (October 23, 1992), and related legislation. 49 C.F.R. § 1.81(a)(25).