

to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128947 (Sub-No. 1 TA), filed March 27, 1967. Applicant: CLEVELAND BULK TRANSFER, INC., Post Office Box 1770, Cleveland, Ohio 44105. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Automobile bodies*, wrecked or scrapped, not on their own wheels, and not bundled, for remelting purposes, (1) from points in Ohio to Detroit, Mich., and its commercial zone and (2) from ports of entry on the international boundary line between the United States and Canada located at or near Port Huron and Detroit, Mich., to Detroit and points in its commercial zone, under a continuing contract with Luria Bros. & Co., Inc., for 180 days. Supporting shipper: Luria Bros. & Co., Inc., New York City, N.Y. Send protests to: District Supervisor Baccet, Interstate Commerce Commission, Bureau of Operations and Compliance, 435 Federal Building, Cleveland, Ohio 44114.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-3713; Filed, Apr. 4, 1967;
8:47 a.m.]

[Notice 1043]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 31, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 64932 (Sub-No. 430) (Republication), filed March 15, 1967, published FEDERAL REGISTER issue of March 30, 1967, and republished, this issue. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper

type vehicles, from Zeeland, Mich., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. Note: The purpose of this republication is to reflect the hearing information.

HEARING: April 24, 1967, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 103435 (Sub-No. 189) (Republication), filed July 20, 1966, published FEDERAL REGISTER issue of August 25, 1966, and republished this issue. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane, Wash. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. By application filed July 20, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cheyenne, Wyo., and Boise, Idaho, over U.S. Highway 30 and Interstate Highway 80N, serving no intermediate points, and serving the terminal for purposes of joinder only, as an alternate route for operating convenience only; restricted against the transportation of traffic moving to or from points on applicant's presently authorized routes south of junction U.S. Highway 410 and U.S. Highway 395, located at or near Wallula, Wash. An order of the Commission, Operating Rights Board No. 1, dated March 9, 1967, and served March 24, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment).

(1) Between Cheyenne, Wyo., and Boise, Idaho, over U.S. Highway 30 (Interstate Highway 80N); and (2) between junction U.S. Highways 95 and 30 and junction U.S. Highways 395 and 410; from junction U.S. Highways 95 and 30 at or near Fruitland, Oreg., over U.S. Highway 30 (Interstate Highway 80N) to junction U.S. Highway 395, thence over U.S. Highway 395 to junction U.S. Highway 410 at or near Wallula, Wash., and return over the same routes, serving no intermediate points, as alternate routes for operating convenience only in (1) and (2) above, in connection with applicant's presently authorized regular-route operations, restricted (1) to the transportation of traffic moving between Denver, Colo., on the one hand, and, on the other, the junction of U.S. Highways 395 and 410 at or near Wallula, Wash., and (2) against the transportation of traffic moving to, from, or through Portland, Oreg.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements

of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 109612 (Sub-No. 11) (Republication), filed April 28, 1966, published FEDERAL REGISTER issue of May 19, 1966, and republished, this issue. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. 46204. By application filed April 28, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) glass containers, stoppers, caps, lids, labels, and knocked-down paper cartons in straight or mixed truckloads of 15,000 pounds or more, from Muncie, Ind., to points in that part of Illinois south of U.S. Highway 50; and glass containers, stoppers, caps, lids, labels, and knocked-down paper cartons, from Muncie, Ind., to points in that part of Illinois on and north of U.S. Highway 50, and rejected shipments, on return; (2) glass containers of 1 gallon or less capacity, and caps, lids, labels, and cartons, from the plantsites and warehouses of Anchor Hocking Glass Corp. at Winchester and Richmond, Ind., to points in Illinois, St. Louis, Mo., and Milwaukee, Wis., and returned shipments, empty pallets and skids, on return; (3) glass containers, caps, lids, enclosures, and materials and supplies used in their manufacture (except such materials and supplies in bulk), between Chicago, Joliet, and Mundelein, Ill., on the one hand, and, on the other, points in Indiana, except Terre Haute, Ind.; and, between Muncie, Ind., on the one hand, and, on the other, points in Illinois.

Restricted to traffic originating at or destined to a plantsite or warehouses of the Ball Bros. Co., (4) glass containers, from the plantsite of Anchor Hocking Glass Corp. at Winchester, Ind., to points in Kentucky, Michigan, and Ohio conditioned upon a corresponding grant of authority in No. MC 115066 (Sub-No. 9); (5) glass containers, 1 gallon or less in capacity, from the plantsite of Anchor Hocking Glass Corp. at Winchester, Ind., to Oconomowoc and Racine, Wis., and returned shipments, on return; and (6) glass containers, from the plantsite of Ball Bros. Co. at Mundelein, Ill., to points in Ohio and the Lower Peninsula of Michigan, those points in Wisconsin on and south of U.S. Highway 18, and to

Watertown and Clyman, Wis.; Ashland, Maysville, Covington, Carrollton, Louisville, Owensboro, Henderson, and Paducah, Ky., and to Hannibal, St. Louis, Crystal City, Cape Girardeau, and Caruthersville, Mo., with service at said Kentucky and Missouri points restricted against service at those areas of the respective commercial zones of the named points that are not within the same States as the authorized service point; restricted, in each instance, to traffic originating at and destined to the points indicated above, and subject to the further condition that issuance of the authority sought in part (4) hereof be conditioned upon the prior grant of common or contract carrier authority in No. MC 115066 (Sub-No. 9).

A supplemental order of the Commission, Operating Rights Board No. 1, dated March 9, 1967, and served March 24, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *glass containers, container closures, labels, and knocked-down paper cartons*, from Muncie, Ind., to points in that part of Illinois on and south of U.S. Highway 50; and *glass containers, container closures, labels, and knocked-down paper cartons*, from Muncie, Ind., to points in that part of Illinois on and north of U.S. Highway 50, and *returned shipments*, on return; (2) *glass containers, and container closures, labels, and cartons*, from the plantsites and warehouses of Anchor Hocking Glass Corp. at Winchester and Richmond, Ind., to points in Illinois and to St. Louis, Mo., and Milwaukee, Wis., and *returned shipments, empty pallets, and skids*, on return; (3) *glass containers, container closures, and materials and supplies used in their manufacture* (except such commodities in bulk), (a) between Chicago, Joliet, and Mundelein, Ill., on the one hand, and, on the other, points in Indiana (except Terre Haute, Ind.); and (b) between Muncie, Ind., on the one hand, and, on the other, points in Illinois; restricted to the transportation of traffic originating at or destined to a plantsite or warehouse of the Ball Bros. Co.

(4) *Glass containers*, from the plantsite of Anchor Hocking Glass Corp., at Winchester, Ind., to Oconomowoc and Racine, Wis., and *returned shipments*, on return; and (5) *glass containers*, from the plantsite of Ball Bros. Co. at Mundelein, Ill., to points in Ohio and the Lower Peninsula of Michigan, to those points in Wisconsin on and south of U.S. Highway 18, and to Watertown and Clyman, Wis.; to Ashland, Maysville, Covington, Carrollton, Louisville, Owensboro, Henderson, and Paducah, Ky., and to Hannibal, St. Louis, Crystal City, Cape Girardeau, and Caruthersville, Mo., with service at said Kentucky and Missouri points restricted against service at those areas of the respective commercial zones of the named points that are not within the same States as the authorized service point.

Restricted, in each instance to the transportation of traffic originating at the named origin points and destined to the named destination points as indicated above; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate certificate authorizing such operations should be issued upon receipt from applicant of a written request for the coincidentally cancellation of its outstanding permits in MC 115066, and Sub Nos. 3, 5, 6, and 8, dated November 7, 1961, May 6, 1963, March 31, 1964, June 24, 1966, and April 29, 1966, respectively. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 107475 (Sub-No. 62), filed March 15, 1967. Applicant: DANCE FREIGHT LINE, INC., 245 New Circle Road, Lexington, Ky. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (a) between points in Greenville County, S.C., (b) between points in Greenville County, S.C., and points in South Carolina, and (c) from points in Charleston County, S.C., to points in Abbeville, Anderson, Cherokee, Greenwood, Laurens, Oconee, Pickens, Spartanburg, and Union Counties, S.C., (2) *cotton piece goods*, finished and unfinished, and *empty oil drums*, from points in Cherokee, Spartanburg, and Union Counties, S.C., to points in Charleston County, S.C., and (3) *canned goods*, from points in South Carolina to points in Abbeville, Anderson, Cherokee, Greenwood, Laurens, Oconee, Pickens, Spartanburg, and Union Counties, S.C. Note: Applicant states that joinder would take place at Greenville, S.C. to enable service to and from points in South Carolina in conjunction with applicant's existing service in the States of Ohio, Kentucky, North

Carolina, South Carolina, Georgia, and Tennessee. This application is directly related to MC-F 9701, published FEDERAL REGISTER issue of March 22, 1967. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Columbia, S.C., or Columbus, Ohio.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9698. (Correction) (TRUCK TRANSPORT, INC.—Purchase (Portion)—CLEXTEX TRUCKING, INC.), published in the March 22, 1967, issue of the FEDERAL REGISTER, on page 4387. Notice erroneously stated the name of the vendor. The correct name of the vendor is CLETEX TRUCKING, INC., in lieu of CLEXTEX TRUCKING, INC.

No. MC-F-9710. Authority sought for purchase by J. B. MONTGOMERY, INC., 5151 Brighton Boulevard, Denver, Colo. 80216, of the operating rights of GREAT WESTERN PACKERS EXPRESS, INC., Box 16886, Denver, Colo., and for acquisition by Rober C. Thorslund, 5120 Fair Elm, Western Springs, Ill., of control of such rights through the purchase. Applicants' attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Operating rights sought to be transferred: *Fresh, frozen, or dried fruits and vegetables*, as a common carrier over regular routes, from Yuma, Ariz., to Denver, Colo., serving certain intermediate points, with restrictions; *meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *dairy products*, over irregular routes, from certain specified points in Colorado to certain specified points in Arizona, from certain specified points in Colorado to Ehrenberg and Topock, Ariz.; *meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver, Colo., to points in Arizona, except Tucson, Phoenix, and Prescott, Ariz., and except points in that part of Arizona on and east of U.S. Highway 89 and on and north of U.S. Highway 66; and *dairy products and vegetable food products*, from points in Colorado east of the Continental Divide, to points in Arizona. Vendee is authorized to operate as a common carrier in Illinois, Connecticut, Colorado, Delaware, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin,

sin, Missouri, Arizona, California, Nevada, Utah, New Mexico, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9711. Authority sought for purchase by BRAZOS TRANSPORT CO., East Highway 80, Post Office Drawer 2679, Abilene, Tex. 79604, of a portion of the operating rights of MELTON TRUCK LINES, INC., 1129 Grimmert Drive, Post Office Box 7295, Shreveport, La. 71107, and for acquisition by OIL TRANSPORT COMPANY, also of Abilene, Tex., of control of such rights through the purchase. Applicants' attorney: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Operating rights sought to be transferred: *Building, roofing and insulating materials, and gypsum and gypsum products*, as a common carrier over irregular routes from the plantsite of the National Gypsum Co. located at or near Medicine Lodge, Kans., to points in Arkansas. Vendee is authorized to operate as a common carrier in Texas, Arkansas, Louisiana, New Mexico, and Oklahoma. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9712. Authority sought for control by TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Interstate Business Route 44, Joplin, Mo. 64802, of HUGHES TRANSPORTATION, INC., Post Office Box 851, Charleston, S.C., and for acquisition by GEORGE F. BOYD, also of Joplin, Mo., JACK D. MERRIMAN, 301 Commerce Building, Kansas City, Mo., EARL L. COMBEST, 15 West 10th Street, Kansas City, Mo. and X. O. BUNCH, Jr., Post Office Box 851, Charleston, S.C., of control of HUGHES TRANSPORTATION, INC., through the acquisition by TRI-STATE MOTOR TRANSIT CO. Applicants' attorneys: Frank B. Hand, 1345 Pennsylvania Ave. NW., Washington, D.C. 20004, and Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Operating rights sought to be controlled: *Ammunition and explosives*, as a common carrier, over irregular routes, from Charleston, S.C., to points in North Carolina, South Carolina, and Georgia, except Savannah, Ga., from Savannah, Ga., to Charlotte, N.C., from Augusta, Ga., to Charlotte, N.C., from Wilmington, N.C., and points within 15 miles of Charleston, S.C., to Charleston, S.C., from Charleston Ordnance Depot, Charleston, S.C., to military camps, forts, depots, reservations, and airports located in South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, Kentucky, Virginia, Maryland, Pennsylvania, New Jersey, Delaware, and the District of Columbia; from Charlotte, N.C., to points in Georgia, South Carolina, and Florida, with restriction; *dangerous explosives, component parts (not including ingredients) thereof, ammunition not classified as a dangerous or less dangerous explosives, and empty ammunition containers*, between the site of the Blue Grass Ordnance Depot near Richmond, Ky., on the one hand, and, on the other, the site of Camp Atterbury, Ind., points

in that part of Louisiana east of the Mississippi River, and points in Delaware, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, serving points within 3 miles of the Blue Grass Ordnance Depot near Richmond, Ky., for purpose of interchange only.

Classes A, B, and C explosives and containers thereof, between Fort Gordon, Ga., and points within 5 miles thereof, on the one hand, and, on the other, the Savannah River Project, at or near Dunbarton, S.C., and points within 10 miles of Dunbarton, S.C., with restriction, between Memphis, Tenn., and West Memphis, Ark., restricted to traffic originating at or destined to points beyond West Memphis, Ark.; *classes A, B, and C explosives*, as defined by the Commission, *ammunition* (not included in classes A, B, and C explosives), and *component parts thereof*, from points in Duval and Clay Counties, Fla., to points in Berkeley and Charleston Counties, S.C.; *ammunition and explosives, and component parts of ammunition and explosives* when moving in the same vehicle therewith, except such commodities which because of size or weight require the use of special equipment or special handling, between Charlotte, N.C., on the one hand, and, on the other, points in North Carolina (1) except High Point and Raleigh and intermediate points on U.S. Highway 70, between such points, (2) except Winston-Salem and Greensboro and intermediate points on U.S. Highway 421 between such points, from points in South Carolina (1) except Waterboro and all points on U.S. Highway 15 north thereof to the South Carolina-North Carolina State line and (2) except Columbia, S.C., and points in the commercial zone thereof as defined by the Commission, to Charlotte, N.C., from points in that part of Georgia on and east of U.S. Highway 1, to Charlotte, N.C., to Charleston, S.C., from points in South Carolina, to West Memphis, Ark., and points in Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina (except Charlotte), Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia. TRI-STATE MOTOR TRANSIT CO., is authorized to operate as a common carrier in all States in the United States (except Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9713. Authority sought for purchase by SOONER TRANSPORT CORPORATION, Wynne Wood, Okla., of the operating rights and property of GRISSOM BROS. TRANSPORTS, INC., 1442 South Shawnee, Bartlesville, Okla., and for acquisition by RUAN TRANSPORT CORPORATION, and, in turn by JOHN RUAN, both of Keosauqua Way at Third, Des Moines, Iowa, of control of such rights and property through the purchase. Applicants' attorney: Henry L. Fabritz, Post Office Box 855, Des Moines, Iowa 50304. Operating rights sought to be transferred: *Asphaltic roofing materials* in rolls, containers, and

bundles, and *liquid asphalt and asphaltic products*, in containers, as a common carrier, over irregular routes, from Wynne Wood, Okla., and points within 1 mile thereof, to certain specified points in Arkansas; *liquid asphalt and asphaltic products*, in bulk, in tank vehicles, from Wynne Wood, Okla., to points within 1 mile thereof, to points within 150 miles of Fort Smith, Ark., including Fort Smith, Ark., with restriction; *fuel oils, road oils, and asphalt products and by-products*, in bulk, in tank vehicles, and in containers, from Wynne Wood, Okla., and points within 1 mile thereof, to points in Texas within 250 miles of Wynne Wood, Okla.; and *crude oils, fuel oils, and petroleum asphalt*, in bulk, in tank vehicles, and in containers, from Beckett, Okla., to points in Texas within 200 miles of Beckett, Okla. Vendee holds no authority from this Commission. However, its controlling stockholder, RUAN TRANSPORT CORPORATION, Post Office Box 855, Keosauqua Way at 3d Street, Des Moines, Iowa 50304, is authorized to operate as a common carrier in Iowa, Illinois, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, North Dakota, South Dakota, Indiana, Michigan, Ohio, Colorado, Oklahoma, Arkansas, Louisiana, Kentucky, Texas, Pennsylvania, Tennessee, Wyoming, Mississippi, Arizona, Idaho, Virginia, California, Maryland, Florida, New York, Montana, Alabama, West Virginia, Massachusetts, New Mexico, and Nevada. Application has been filed for temporary authority under section 210a(b). NOTE: Application has been filed for temporary authority under section 210a(b).

No. MC-F-9714. Authority sought for purchase by SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306, of the operating rights of DIRECT TRANSPORT, INC., Stanley, Wis., and for acquisition by AL J. SCHNEIDER, AGNES SCHNEIDER, both of 812 Stuart Street, Green Bay, Wis., and DONALD J. SCHNEIDER, 836 Neufeld Street, Green Bay, Wis., of control of such rights through the purchase. Applicants' attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago, Ill. 60602. Operating rights sought to be transferred: *New furniture, new furniture parts, and furniture materials*, uncrated, and *skids* used in the transportation of such commodities, as a common carrier, over irregular routes, between Stanley, Wis., on the one hand, and, on the other, Geneva and St. Charles, Ill.; *furniture parts*, uncrated, from Stanley, Wis., to Menominee, Mich.; *skids* used in the transportation of furniture parts, from Menominee, Mich., to Stanley, Wis.; *new furniture*, from Ft. Charles, Ill., to points in Minnesota and Wisconsin, and those in the Upper Peninsula of Michigan; and *new furniture* as described in appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, crated, from St. Charles, Ill., to points in Indiana and Ohio, and those in Iowa on and east of U.S. Highway 69. Vendee is authorized to operate as a common carrier in Wisconsin, Michigan, Illinois, Indiana, Iowa, Kansas, Kentucky, New York, North

Dakota, Ohio, Pennsylvania, South Dakota, Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, North Carolina, Oklahoma, Rhode Island, South Carolina, Minnesota, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9715. Authority sought for control by VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, Post Office Box 832, Martinsville, Va. 24112, of MATERIALS TRANSPORT, INCORPORATED, Post Office Box 166, Columbia, S.C. 29206, and for purchase by VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, of the operating rights of MATERIALS TRANSPORT, INCORPORATED, and for acquisition by JAMES C. STONE, also of Martinsville, Va., of control of such rights through the transaction. Applicants' attorney: Spencer T. Money, Suite 411, Park Lane Building, 2025 Eye Street NW., Washington, D.C. Operating rights sought to be controlled and purchased: *Petroleum and petroleum products*, in containers, as a *common carrier*, over irregular routes, from Savannah, Ga., to Estill, S.C.; and *building materials, starch, sugar, flour, fertilizer, foodstuffs, iron and steel products, and oil in drums*, between points in South Carolina; between points in Georgia, on the one hand, and, on the other, points in South Carolina. VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, is authorized to operate as a *common carrier* in South Carolina, Virginia, North Carolina, Georgia, Tennessee, Maryland, West Virginia, Pennsylvania, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9716. Authority sought for purchase by AUCLAIR TRANSPORTATION, INC., 41 McGregor Street, Manchester, N.H. 03102, of the operating rights and property of D. F. WEYMOUTH EXPRESS, INC., 284 Central Street, Leominster, Mass. 01453, and for acquisition by ALFRED SICOTTE and HENRY PARISEAU, both also of MANCHESTER, N.H., of control of such rights and property through the purchase. Applicants' attorney and representatives: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108, Robert E. Dastin, Amoskeag Bank Building, Manchester, N.H. 03101, and Robert O. Doucette, 10 Monument Square, Leominster, Mass. 01453. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Fitchburg, Mass., and Winchendon, Mass., between Winchendon, Mass., and Gardner, Mass., serving no intermediate points; between Boston, Mass., and Athol, Mass., serving certain intermediate and off-route points; between Worcester, Mass., and Clinton, Mass., serving the off-route points of Lancaster and Berlin, Mass.; between Worcester, Mass., and Fitchburg, Mass.,

serving the intermediate point of Leominster, Mass.; and under a certificate of registration, in Docket No. MC-26516 Sub-2, covering the transportation of property and furniture, as a *common carrier*, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, New Hampshire, Vermont, Connecticut, Maine, New Jersey, New York, and Rhode Island. Application has been filed for temporary authority under section 210a(b). NOTE: MC-59557 Sub-8 is a matter directly related.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-3714; Filed, Apr. 4, 1967;
8:47 a.m.]

[Notice 1045]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 31, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing.

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

That the following special rules of procedure shall apply for the receipt of the testimony of applicant's public witnesses: 1. Each applicant shall present for at least 80 percent of its public witnesses to be heard daily, written statements of such witnesses which shall contain, as a minimum, (1) name and address; (2) company; (3) qualification; (4) description of traffic and special transportation requirements, if any; (5) volume of traffic and points or areas to which it moves or from which it is received; (6) potential traffic requirements, if any; and (7) transportation service now utilized.

2. Such written statements shall be circulated to the opposing parties at the adjournment of the hearing on the date preceding the day upon which the witnesses are scheduled to testify, or as otherwise directed by the presiding officer.

3. Supplemental testimony by the witnesses for whom the written statements are presented is, of course, permissible.

4. The written statements shall be offered in evidence as exhibits at the hearing in the same manner as any other type of evidence, and the witnesses submitting the statements shall be made available for cross-examination.

5. The admissibility of the evidence contained in the written statements and any appendices thereto will be subject to the same rules as if the evidence were produced in the usual manner.

No. MC 1187 (Sub-No. 27) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 23, 1966, amended August 12, 1966, and republished as amended, this issue. Applicant: CUSHMAN MOTOR DELIVERY COMPANY, a corporation, 1480 West Kinzie Street, Chicago, Ill. 60622. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, equipment, materials, and supplies used in the manufacture or processing of iron and steel articles* (except commodities in bulk, and oilfield and pipeline commodities as defined by the Commission), between Burns Harbor and Portage, Ind., Chicago, Chicago Heights, Joliet, and Waukegan, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: The purpose of this republication is to (1) broaden the commodity description, and (2) add the hearing information.

HEARING: May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 113974 (Sub-No. 19) (Amendment), filed June 6, 1966, published in FEDERAL REGISTER issue of June 23, 1966, amended March 17, 1967, and republished as amended, this issue. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel; iron and steel articles; steel mill supplies, equipment, and materials, and building materials*, between Chicago, Ill., points in its commercial zone, and Portage, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Note: The purpose of this republication is to add Portage, Ind., as a point in the base territory, thereby broadening the scope of the application, and to add the hearing information.

HEARING: May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 114360 (Sub-No. 15) (amendment), filed May 18, 1966, published FEDERAL REGISTER issue of June 9, 1966, amended August 10, 1966, and republished as amended, this issue. Applicant: SOUTHERN EXPRESS COMPANY, a corporation, 3333 South Cicero Avenue, Cicero, Ill. 60650. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, equipment, materials, and supplies used in the manufacture or processing of iron and steel articles (except commodities in bulk and oilfield and pipe line commodities as defined by the Commission)*, between Burns Harbor and Portage, Ind., Chicago, Chicago Heights, Joliet, and Waukegan, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin. Note: The purpose of this republication is to broaden the commodity description and add hearing information.

HEARING: May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Francis A. Welch.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-3715; Filed, Apr. 4, 1967; 8:47 a.m.]

[Notice 1046]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 31, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing.

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 95540 (Sub-No. 692), filed March 23, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packing-houses*, as described in sections A and C

of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 MCC 209 and 766 except commodities in bulk, in tank vehicles, from the plantsite of Aurora Packing Co. located at or near North Aurora, Ill., to points in Georgia, Florida, North Carolina, and South Carolina.

HEARING: May 11, 1967, at 1900 State Office Building, 160 North La Salle Street, Chicago, Ill., before Examiner Isadore Freidson.

No. MC 95540 (Sub-No. 695), filed March 27, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33802. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to points in Missouri, Kansas, Nebraska, Iowa, and Minnesota.

HEARING: May 3, 1967, in Room 232, U.S. Courthouse and Customhouse, 215 Superior Avenue, Cleveland, Ohio, before Examiner Henry Whitehouse.

No. MC 102567 (Sub-No. 119) (Republication), filed February 27, 1967, published in the FEDERAL REGISTER of March 23, 1967, and republished this issue. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 641 Bettes Building, Houston, Tex. 77002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, including anhydrous ammonia, and petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsite of Monsanto Co., at or near Luling, La., to points in the United States (excluding Alaska and Hawaii). Except: (1) Petroleum and petroleum products (not including anhydrous ammonia), to points in Utah, Arizona, Wyoming, Colorado, New Mexico, Oklahoma, Texas, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Ohio, Alabama, Georgia, West Virginia, North Carolina, South Carolina, Florida, and Virginia; and (2) *acids and chemicals*, to points in Texas. Note: Applicant states that the above proposed operations will be restricted to traffic originating at plantsite of Monsanto Co. at or near Luling, La., and destined to points in the United States (excluding Alaska and Hawaii). The purpose of this republication is to reflect the hearing information.

HEARING: April 17, 1967, in Room 13003, Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James I. Carr.

No. MC 106644 (Sub-No. 73) (Amendment), filed September 21, 1966, published in FEDERAL REGISTER issue of October 13, 1966, amended March 27, 1967, and republished as amended, this issue. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW, Post Office Box 17050, Chattahoochee Station, Atlanta, Ga. 30321. Applicant's representative: Otis E. Stovall

(address same as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies*, used in the manufacture or processing of iron and steel articles, between points in the Chicago, Ill., commercial zone, as defined by the Commission, and Chicago Heights, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it could tack with authority in its lead certificate at a point in Tennessee, and with its Sub 41, at a point in North Carolina to perform through service on machinery and articles requiring special equipment to and from points in Virginia, Maryland, Pennsylvania, New Jersey, New York, Rhode Island, and Massachusetts. The purpose of this republication is (1) to add Chicago Heights, Ill., as a point in the base territory, thereby broadening the scope of the application and (2) to reflect the hearing information.

HEARING (remains as assigned): May 8, 1967, in Room 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Francis A. Welch. This assignment is subject to the rules set forth in the order of March 23, 1967 in No. MC 217 (Sub-No. 10), et al.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-3716; Filed, Apr. 4, 1967; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 31, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 4319, filed March 13, 1967. Applicant: THOMAS CARTAGE INC., Post Office Box 2301, Amarillo, Tex. Applicant's representative: Leroy Hall-

man, 4555 First National Bank Building, 1401 Elm Street, Dallas, Tex. Certificate of public convenience and necessity sought to operate a property service as follows: Transportation of general commodities (1) Between Amarillo, Tex., and the Texas-Oklahoma State line, approximately 14 miles west of Follett, Tex., serving all intermediate points, from Amarillo over Texas State Highway 136 to Borger, thence over Texas State Highway 15 to the Texas-Oklahoma State line, (2) between Borger, Tex., and Phillips, Tex., serving all intermediate points, from Borger over Texas State Highway 19 to Phillips (a distance of approximately 3 miles), (3) between the intersection of Texas State Highway 15 and Texas State Highway 136 and Spearman, Tex., via Gruver, Tex., serving all intermediate points, from the intersection of Texas State Highway 136 and Texas State Highway 15 approximately 6 miles north of Stinnett over Texas State Highway 136 to Gruver, thence over Texas State Highway 282 to Spearman, (4) between the intersection of Texas State Highway 136 and Texas State Highway (F.M. Rd.) 687 and the intersection of Texas State Highway 136 and Texas State Highway (F.M. Rd.) 1319, via Sanford, Tex., serving all intermediate points, from the intersection of Texas State Highway 136 and Texas State Highway (F.M. Rd.) 687 over Texas State Highway (F.M. Rd.) 687 to Sanford, thence over Texas State Highway (F.M. Rd.) 1319 to its intersection with Texas State Highway 136, (5) between Dumas, Tex., and Stinnett, Tex., from Dumas, Tex., and (6) between Gruver, Tex., and Stratford, Tex., from Gruver, Tex., over Texas State Highway (F.M. Rd.) 289 to Stratford, Tex. Both intrastate and interstate authority sought.

HEARING: Date of hearing will be fixed after publication in FEDERAL REGISTER, on April 11, 1967, or later. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to Railroad Commission of Texas, Austin, Tex., and should not be directed to the Interstate Commerce Commission.

State Docket No. 10001 (Amendment), filed March 3, 1967, published in FEDERAL REGISTER issue of March 22, 1967, amended March 28, 1967, and republished as amended this issue. Applicant: ASWELL P. PITRE AND RONALD F. STORY, a partnership, doing business as SOUTHEASTERN MOTOR FREIGHT, 4320 Hessmer Street, Post Office Box 786, Metairie, La. 70004. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between New Orleans, La., and the intersection of Louisiana Highway 48 with U.S. Highway 61, near Norco, La., as follows: From New Orleans, La., over Louisiana Highway 48 to its intersection with U.S. Highway 61, near Norco, La., in both directions, serving all intermediate points; (2) between the intersection of Louisiana Highway 628 with the intersection of U.S.

Highway 61 at or near the Bonnet Carre Spillway, and Laplace, La., as follows: From the intersection of Louisiana Highway 628 with U.S. Highway 61 at or near the Bonnet Carre Spillway, over Louisiana Highway 628 to its intersection with Louisiana Highway 44, at or near Laplace, La., thence over Louisiana Highway 44, to Burnside, La., to its intersection with Louisiana Highway 22, thence over Louisiana Highway 22, to Sorrento, La., thence over U.S. Highway 61 to Laplace, La., in both directions, serving all intermediate points; (3) between Union, La., and Sorrento, La., over Louisiana Highway 942 to its intersection with Louisiana Highway 22, thence over Louisiana Highway 22 to Sorrento, La., in both directions, serving all intermediate points; and (4) between New Orleans, La., and a point on Louisiana Highway 18, 5 miles beyond Taft, La., as follows: From New Orleans, La., over U.S. Highway 90, to Boutte, La., thence over Louisiana Highway 52 to Luling, La., thence over Louisiana Highway 18 to a point 5 miles beyond Taft, La., in both directions, serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Not known at this time. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Louisiana Public Service Commission, Baton Rouge, La., and should not be directed to the Interstate Commerce Commission. NOTE: The purpose of this republication is to redescribe the routes in (2) and (3) above.

State Docket No. 80,975M, filed March 14, 1967. Applicant: LOWELL L. RHODES, doing business as RHODES TRUCK SERVICE, 624 East Morris, Wichita, Kans. Applicant's representative: Paul V. Dugan, 501 One Twenty Building, Wichita, Kans. 67202. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *property*, between Wichita, Kans., and Hope, Kans., through the following points: From Hillsboro, Kans., presently within the authority of the applicant, Route 408, east on U.S. Highway 56 to Marion, Kans.; then east to the junction of U.S. Highway 56 and U.S. Highway 77; thence north on U.S. Highway 77 and U.S. Highway 56 to Lincolnville, Kans.; thence north on U.S. Highway 77 and U.S. Highway 56 to Herington, Kans.; thence north on U.S. Highway 77 to the junction of U.S. Highway 77 and Kansas Highway 4; thence west on Kansas Highway 4 to Hope, Kans., also presently within the authority of applicant, Route 408; and return over the same route, serving all intermediate points therein; and serving to and between all points upon the present route of applicant, and a radius of 3 miles from each and every such point, except Herington, Kans., and a radius of 10 miles from Herington, Kans. Both intrastate and interstate authority sought.

HEARING: Friday, May 12, 1967 at Marion, Kans., and on Friday, May 19, 1967 at Wichita, Kans. Requests for procedural information including the

time for filing protests, concerning this application should be addressed to the State Corporation Commission, Transportation Division, Topeka, Kans., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3717; Filed, Apr. 4, 1967;
8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

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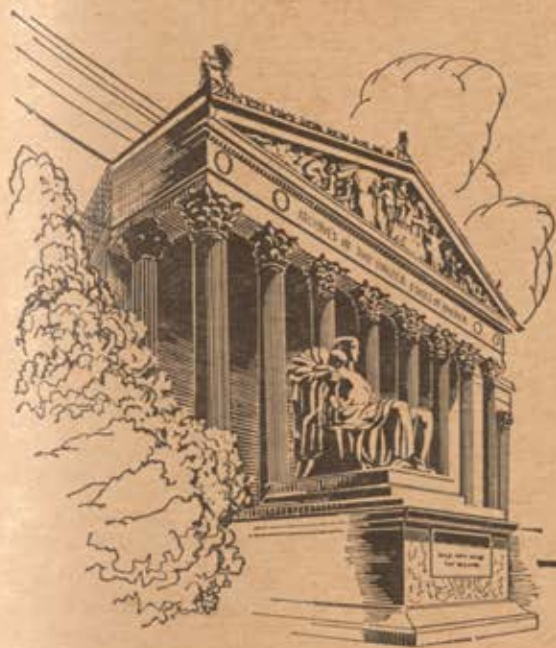
VOLUME 32 • NUMBER 65

Wednesday, April 5, 1967 • Washington, D.C.

PART II

Department of Transportation

Functions, Powers,
and Duties



Title 49—TRANSPORTATION

ESTABLISHMENT OF SUBTITLES AND RENUMBERING OF CHAPTER I

EDITORIAL NOTE: As an initial measure to accommodate rules prescribed by the Secretary of Transportation (Public Law 89-670, 80 Stat. 931), Title 49 of the Code of Federal Regulations is renumbered as follows:

1. Parts 0 through 99 are vacated and assigned to a new Subtitle A entitled "Subtitle A—Office of the Secretary of Transportation".

2. A new Subtitle B entitled "Subtitle B—Other Rules Relating to Transportation" is established to begin with Part 100.

3. Parts in Chapter I are renumbered by adding 100 to each part number. Thus Part 0 becomes Part 100, Part 101 becomes Part 201, etc.

Effective date. The foregoing assignments shall be followed in all pertinent documents published in the *FEDERAL REGISTER* on and after April 1, 1967.

Subtitle A—Office of the Secretary of Transportation

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Subpart A—Delegations by Secretary of Transportation

Subpart A is set forth to read as follows:

Subpart A—Delegations by Secretary of Transportation

- Sec.
- 1.1 Purpose.
 - 1.2 Preamble.
 - 1.3 Organization.
 - 1.4 Delegation of functions, powers, and duties.
 - 1.5 Reservations of authority.
 - 1.6 General.
 - 1.7 Exercise of authority.
 - 1.8 Assignment of personnel, assets, etc.
 - 1.9 Continuation in effect of prior actions.

AUTHORITY: The provisions of this Part 1 issued under P.L. 89-670, 80 Stat. 931.

§ 1.1 Purpose.

The purpose of this subpart is to provide for the continued exercise of the functions, powers, and duties transferred to the Secretary of Transportation by the Department of Transportation Act.

§ 1.2 Preamble.

(a) The Department of Transportation Act, Public Law 89-670, 80 Stat. 931 (hereinafter referred to as the Act), established at the seat of Government an executive department known as the Department of Transportation, headed by a Secretary of Transportation. The Act vested in the Secretary certain general functions, powers, and duties, in the field of transportation. In addition, the Act transferred to the Secretary and other officials of the Department, and to the National Transportation Safety Board

within the Department, certain functions, powers, and duties exercised prior to the effective date of the Act by various Government agencies and officials.

(b) In general, the Act transferred functions, powers, and duties from:

(1) The Secretary of Commerce, under laws relating to highways, ground transportation, aircraft loan guarantees, aviation war risk insurance, pilotage on the Great Lakes, and traffic and highway safety;

(2) The Secretary of the Treasury, under laws relating to the Coast Guard;

(3) The Administrator of the Federal Aviation Agency, under all laws administered by that Agency;

(4) The Civil Aeronautics Board, under laws relating to aircraft accident investigations and review of denial, suspension, or revocation of air safety certificates;

(5) The Interstate Commerce Commission, under laws relating to railroad, motor, and pipeline safety, safe transportation of explosives and other dangerous articles, daylight saving time, and standard time zones; and

(6) The Secretary of the Army, under laws relating to water vessel anchorages, drawbridge operations, rates on toll bridges, locations and clearances of bridges over navigable waters, and offshore marine oil pollution.

(c) The Act also:

(1) Transferred to the Secretary the functions vested in the Secretary of the Interior by Executive Order 11107 for the administration of the Alaska Railroad, and

(2) Provided for the direction and supervision by the Secretary of the Saint Lawrence Seaway Development Corporation.

§ 1.3 Organization.

(a) The Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the National Transportation Safety Board were established by the Act within the Department of Transportation. The U.S. Coast Guard was transferred by the Act to the Department. The Saint Lawrence Seaway Development Corporation was placed by the Act under the direction and supervision of the Secretary.

(b) The Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the Saint Lawrence Seaway Development Corporation are each headed by an Administrator, appointed by the President with the advice and consent of the Senate, who reports directly to the Secretary. The U.S. Coast Guard is headed by the Commandant, appointed by the President with the advice and consent of the Senate, who also reports directly to the Secretary. The National Transportation Safety Board, consisting of five members appointed by the President with the advice and consent of the Senate, is independent of the Secretary and other offices and officers of the Department in the exercise of its functions, powers, and duties under the Act. Its functions, powers, and duties

relate primarily to the determination of probable cause of transportation accidents; appellate review of the suspension, modification, revocation, or denial of certificates and licenses; and investigation of aircraft accidents.

(c) The Act provides for the establishment or creation in the Department of the Bureau of Public Roads, National Highway Safety, and National Traffic Safety, each headed by a Director, appointed by the President with the advice and consent of the Senate.

(d) Pursuant to the authority vested in the Secretary by the Act, there are hereby established and created in the Federal Highway Administration, the Bureau of Public Roads, the National Highway Safety Bureau, and the National Traffic Safety Bureau. The Director of each Bureau shall report to the Federal Highway Administrator.

§ 1.4 Delegation of functions, powers, and duties.

Except as provided in § 1.5, and subject to the provisions of §§ 1.6 and 1.7:

(a) The Commandant of the Coast Guard is hereby authorized to exercise the functions, powers, and duties vested in the Secretary by the following sections of the Act:

(1) Section 6(a)(4), relating generally to functions under the Great Lakes Pilotage Act of 1960, as amended (74 Stat. 259, 46 U.S.C. 215 et seq.).

(2) Section 6(b)(1), relating generally to functions, powers, and duties of the Coast Guard, including, but not limited to, law enforcement, safety of life and property at sea, aids to navigation, search and rescue, ice breaking, oceanographic research and military readiness functions.

(3) Section 6(g) (except for section 6(g)(4)), relating generally to water vessel anchorages, drawbridge operating regulations, obstructive bridges, pollution of the sea by oil and the locations and clearances of bridges and causeways over the navigable waters of the United States under the following laws:

(i) Section 7 of the Act of March 4, 1915, as amended (38 Stat. 1053, 33 U.S.C. 471);

(ii) Article 11 of section 1 of the Act of June 7, 1897, as amended (30 Stat. 46, 33 U.S.C. 180);

(iii) Rule 9 of section 1 of the Act of February 8, 1895, as amended (28 Stat. 647, 33 U.S.C. 258);

(iv) Rule numbered 13 of section 4233 of the Revised Statutes, as amended (33 U.S.C. 322);

(v) Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362, 33 U.S.C. 499);

(vi) The Act of June 21, 1940, as amended (54 Stat. 497, 33 U.S.C. 511 et seq.);

(vii) The Oil Pollution Act, 1961, as amended (75 Stat. 402, 33 U.S.C. 1001 et seq.);

(viii) Section 9 of the Act of March 3, 1899, as amended (30 Stat. 1151, 33 U.S.C. 401);

(ix) The Act of March 23, 1906, as amended (34 Stat. 84, 33 U.S.C. 491 et seq.); and

(x) The General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 525 et seq.) except sections 502(c) and 503 which are delegated under paragraph (e) (2) (xi) and (10) (ii) of this section, respectively.

(b) The Federal Aviation Administrator is hereby authorized to exercise the functions, powers, and duties vested in the Secretary by the following sections of the Act:

(1) Section 6(a)(3)(C), relating generally to aircraft under Title XIII of the Federal Aviation Act of 1958, as amended (72 Stat. 800, 49 U.S.C. 1531 et seq.).

(2) Section 6(c)(1), relating generally to functions, powers, and duties of the Federal Aviation Agency and of the Administrator and other officers and offices thereof. (Section 6(c)(1) also transfers directly to the Federal Aviation Administrator functions, powers, and duties pertaining to aviation safety as set forth in sections 306, 307, 308, 309, 312, 313, 314, 1101, 1105, and 1111, and Titles VI, VII, IX, and XII of the Federal Aviation Act of 1958, as amended.)

(c) The Federal Highway Administrator is hereby authorized to exercise the functions, powers, and duties vested in the Secretary by Public Law 89-795, 80 Stat. 1477, relating to the Chamizal border highway, and the functions, powers, and duties vested in the Secretary by the following sections of the Department of Transportation Act:

(1) Section 4(e), insofar as it pertains to motor carriage, relating generally to investigation and reporting of safety compliance records of applicants seeking operating authority, or approval of transactions involving transfer of operating authority, from the Interstate Commerce Commission, and to intervention and presentation of evidence concerning applicants' fitness in Commission proceedings.

(2) Section 6(a)(1), relating generally to highways under the following laws:

(i) Title 23, United States Code, as amended;

(ii) The Federal-Aid Highway Act of 1966 (80 Stat. 766);

(iii) The Federal-Aid Highway Act of 1962, as amended (76 Stat. 1145, 23 U.S.C. 307 note);

(iv) The Act of July 14, 1960, as amended (74 Stat. 526, 23 U.S.C. 313 note);

(v) The Federal-Aid Highway Act of 1954, as amended (68 Stat. 70);

(vi) The Act of September 26, 1961, as amended (75 Stat. 670);

(vii) The Highway Revenue Act of 1956, as amended (70 Stat. 387, 23 U.S.C. 120 note);

(viii) The Highway Beautification Act of 1965, as amended (79 Stat. 1028, 23 U.S.C. 131 et seq. notes);

(ix) The Alaskan Omnibus Act, as amended (73 Stat. 141, 48 U.S.C. 21 note prec.);

(x) The Joint Resolution of August 28, 1965, as amended (79 Stat. 578, 23 U.S.C. 101 et seq. notes);

(xi) Section 502(c) of the General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 525(c));

(xii) The Act of April 27, 1962 (76 Stat. 59); and

(xiii) Reorganization Plan No. 7 of 1949 (63 Stat. 1070, 5 U.S.C. 1332-15 note).

(3) Section 6(a)(6), relating generally to highway and traffic safety under the following laws:

(i) The National Traffic and Motor Vehicle Safety Act of 1966, Public Law 89-563 (80 Stat. 718); and

(ii) The Highway Safety Act of 1966, Public Law 89-564 (80 Stat. 731).

(4) Section 6(e)(3), relating to medals for heroism under the Act of February 23, 1905, as amended (33 Stat. 743, 49 U.S.C. 1201 et seq.), insofar as it pertains to motor vehicles.

(5) Section 6(e)(4), relating generally to explosives and other dangerous articles under sections 831-835 of Title 18, United States Code, as amended, insofar as they pertain to motor carriers.

(6) Section 6(e)(6)(B), relating generally to investigation of motor vehicle size, weights, and service of employees under section 226 of the Interstate Commerce Act, as amended (49 U.S.C. 325).

(7) Section 6(e)(6)(C), relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment of motor carriers under sections 204(a)(1), (2), (3), (3a), and (5) of the Interstate Commerce Act, as amended (49 U.S.C. 304).

(8) Section 6(e)(6)(D), relating generally to service of process, designation of agents to receive service of process, and identification of interstate motor vehicles under sections 221(a), 221(c), and 224 of the Interstate Commerce Act, as amended (49 U.S.C. 321 et seq.) insofar as they pertain to private carriers of property by motor vehicle and carriers of migrant workers by motor vehicle other than contract carriers.

(9) Section 6(f)(2)(A), relating generally to the administrative powers under the Interstate Commerce Act with respect to functions, powers, and duties pertaining to motor carrier safety transferred to the Secretary under the Act.

(10) Section 6(g)(4), relating generally to the reasonableness of tolls under the following laws:

(i) Section 4 of the Act of March 23, 1906, as amended (34 Stat. 85, 33 U.S.C. 494);

(ii) Section 503 of the General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 526);

(iii) Section 17 of the Act of June 10, 1930, as amended (46 Stat. 552, 33 U.S.C. 498a);

(iv) The Act of June 27, 1930, as amended (46 Stat. 821, 33 U.S.C. 498b); and

(v) The Act of August 21, 1935, as amended (49 Stat. 670, 33 U.S.C. 503 et seq.).

(11) Section 8(b), relating generally to Appalachian Regional Development under the Appalachian Regional Development Act of 1965, as amended (79 Stat. 5, 40 U.S.C. App. 1 et seq.).

(12) Section 8(d), relating generally to the suspension, change, or revocation of motor carrier certificates, permits, or licenses under section 212(a) of the In-

terstate Commerce Act, as amended (49 Stat. 555, 49 U.S.C. 312(a)).

(13) Section 8(k), relating generally to certain approvals concerned with a compact between the States of Missouri and Kansas under the Act of September 21, 1966, Public Law 89-599.

(d) The Federal Railroad Administrator is hereby authorized to exercise the functions, power, and duties vested in the Secretary by the following sections of the Act:

(1) Section 4(e), insofar as it pertains to railroads and pipelines, relating generally to investigation and reporting of safety compliance records of applicants seeking railroad operating authority from the Interstate Commerce Commission, and to intervention and presentation of evidence concerning applicants' fitness in Commission proceedings.

(2) Section 6(a)(2)(A), relating generally to high-speed ground transportation under the Act of September 30, 1965, as amended (79 Stat. 893, 49 U.S.C. 1631 et seq.).

(3) Section 6(e)(1), relating generally to safety appliances and equipment on railroad engines and cars, and protection of employees and travelers under the following laws:

(i) The Act of March 2, 1893, as amended (27 Stat. 531, 45 U.S.C. 1 et seq.);

(ii) The Act of March 2, 1903, as amended (32 Stat. 943, 45 U.S.C. 8 et seq.);

(iii) The Act of April 14, 1910, as amended (36 Stat. 298, 45 U.S.C. 11 et seq.);

(iv) The Act of May 30, 1908, as amended (35 Stat. 476, 45 U.S.C. 17 et seq.);

(v) The Act of February 17, 1911, as amended (36 Stat. 913, 45 U.S.C. 22 et seq.);

(vi) The Act of March 4, 1915, as amended (38 Stat. 1192, 45 U.S.C. 30);

(vii) Reorganization Plan No. 3 of 1965 (79 Stat. 1320, 5 U.S.C. 1332-15);

(viii) Joint Resolution of June 30, 1906, as amended (34 Stat. 838, 45 U.S.C. 35);

(ix) The Act of May 27, 1908, as amended (35 Stat. 325, 45 U.S.C. 36 et seq.);

(x) The Act of March 4, 1909, as amended (35 Stat. 965, 45 U.S.C. 37); and

(xi) The Act of May 6, 1910, as amended (36 Stat. 350, 45 U.S.C. 38 et seq.).

(4) Section 6(e)(2), relating generally to hours of service of employees under the Act of March 4, 1907, as amended (34 Stat. 1415, 45 U.S.C. 61 et seq.).

(5) Section 6(e)(3), relating generally to medals for heroism under the Act of February 23, 1905, as amended (33 Stat. 743, 49 U.S.C. 1201 et seq.), insofar as it pertains to railroads.

(6) Section 6(e)(4), relating generally to explosives and other dangerous articles under sections 831-835 of Title 18, United States Code, as amended, insofar as it pertains to railroads and pipelines.

(7) Section 6(e)(6)(A), relating generally to safety appliances, methods and systems under section 25 of the Inter-

state Commerce Act, as amended (49 U.S.C. 26).

(8) Section 6(f) (2) (A), relating generally to the administrative powers under the Interstate Commerce Act with respect to functions, powers, and duties pertaining to railroad and pipeline safety transferred to the Secretary under the Act.

(9) Section 6(i), relating to the administration and operation of the Alaska Railroad under the Act of March 12, 1941, as amended (38 Stat. 305), and Executive Order 11107, April 25, 1963 (28 F.R. 4225).

(e) The authority of the Secretary over and with respect to any personnel (except the Commandant or an Administrator) within the Coast Guard, an Administration, or the Saint Lawrence Seaway Development Corporation, is delegated to and may be exercised by the Commandant or such Administrator.

(f) The Commandant and the four Administrators, each with respect to his own organization, are authorized to exercise the authority granted to the Secretary as Executive head of a department, by any statute, Executive order or regulation.

(g) Each official to whom authority is granted by this order may redelegate and authorize successive redelegations of such authority within the organization under his jurisdiction.

§ 1.5 Reservations of authority.

The delegations of authority in § 1.4 shall not extend to the following actions, authority for which is reserved to the Secretary:

(a) *Legislation, reports, committees.* (1) Submit to the President, the Director of the Bureau of the Budget, or the Congress proposals or recommendations for legislation, Executive orders, Proclamations or Reorganization Plans or other Presidential action.

(2) Submit to Congress or the President any report or any proposed transportation policy or investment standards or criteria, except with the prior written approval of the Secretary.

(b) *Budget and finance.* (1) Approve and submit to the Bureau of the Budget original or amended budget estimates or requests for allocations of personnel ceiling (31 U.S.C. 22-24).

(2) Approve requests for legislation which, if enacted would authorize subsequent appropriations for the Department (31 U.S.C. 581b).

(3) Transfer the balance of an appropriation from one operating element to another within the Department (31 U.S.C. 581c).

(4) Request apportionment or reapportionment by the Bureau of the Budget (31 U.S.C. 665).

(5) Approve systems of administrative control to restrict obligations or expenditures to the amount of apportionments and to fix responsibility for the creation of any such obligation (31 U.S.C. 665).

(c) *Intervention proceedings.* Except with respect to proceedings under section 4(e) of the Act relating to safety fitness of an applicant, decisions on requests to intervene before courts and

administrative bodies to present the views of the Department.

(d) *Personnel.* (1) Recommend to the Civil Service Commission the allocation of a position to GS-16, 17, or 18 (5 U.S.C. 5108).

(2) Recommend to the Civil Service Commission approval of the qualifications of any candidate for a position at grade GS-16, 17, or 18 (5 U.S.C. 3324), or to an executive level position.

(3) Recommend to the Civil Service Commission a Lump-Sum Incentive Award in excess of \$5,000 (5 U.S.C. 4502).

(e) *Security.* (1) Terminate an individual from employment in a position in the Department for security reasons under Executive Order No. 10450 (5 U.S.C. 7532).

(2) Authorize the filing of a critically sensitive position for a limited period by a person on whom a preappointment full-field investigation has not been completed.

(3) Approve release of any information classified as national defense information pursuant to Executive Order No. 10501 to any person outside the Executive Branch, except as released under the Industrial Security regulations in accordance with Executive Order No. 10865.

(4) Request Presidential approval for a claim of executive privilege with respect to information requested by any Congressional Committee or Member of Congress.

(f) *Procurement.* Exercise the extraordinary authority for defense contracts provided for in Public Law 85-804 (50 U.S.C. 1431-1435).

(g) *Printing.* Request approval of the Joint Committee on Printing for any procurement or other action requiring committee approval.

(h) *Apportionment of funds.* The apportionment of funds for:

(1) Federal-aid Highways (23 U.S.C. 104).

(2) Forest Highways (23 U.S.C. 202).

(3) Federal-aid Airports (49 U.S.C. 1105).

(4) State and community Highway Safety Programs, including the recommendation to Congress concerning non-discretionary apportionment formulas (23 U.S.C. 402).

(i) *Issuance, modification, or revocation of rules or regulations.* The issuance, modification, or revocation of proposed or final rules or regulations for any of the following:

(1) Federal-aid Highways (23 U.S.C. 109, 131, 315).

(2) Forest Highways (23 U.S.C. 204).

(3) Park Roads and Trails (23 U.S.C. 206).

(4) Parkways (23 U.S.C. 207).

(5) Importation of motor vehicles (15 U.S.C. 1397).

(6) Defense Access Roads (23 U.S.C. 210).

(j) *Issuance, modification, or revocation of standards.* The issuance, modification, or revocation of proposed or final standards, rules, or regulations for any of the following:

(1) Motor vehicle safety (15 U.S.C. 1392).

(2) Sale of regrooved tires (15 U.S.C. 1424).

(3) State Highway Safety Programs (23 U.S.C. 402).

(4) Uniform quality labeling of tires (23 U.S.C. 1423).

(k) *Interagency agreements.* Execution of any written interdepartmental or interagency agreement with a head of another Executive department or agency.

(l) *Penalties and withholding of funds.* (1) Compromise of civil penalties under the Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1398).

(2) Withholding or suspension of Federal-aid Highway Funds on a statewide basis and the waiver or compromise of such withholding or suspension.

(m) *Tort claims.* Request the Attorney General to approve the award, compromise, or settlement of any tort claim for an amount exceeding \$25,000 (28 U.S.C. 2672).

(n) *Alaska Railroad.* (1) Extension or abandonment of railroad service (24 F.R. 10467).

(2) Changes in general freight rates or passenger fares (24 F.R. 10467).

(o) *High-speed ground transportation.* (1) Determination of demonstrations to be conducted (49 U.S.C. 1632).

(2) Determination of research and development projects to be undertaken (49 U.S.C. 1631).

(3) Collection, collation, and dissemination of transportation data, statistics, and other information which the Secretary determines will contribute to the improvement of the national transportation system (49 U.S.C. 1634).

(p) *National Highway Safety Advisory Committee.* Direct the National Highway Safety Advisory Committee to meet (23 U.S.C. 404(c)).

(q) *Coast Guard.* The following functions and powers relating to the Coast Guard:

(1) Establishment or revision of fees under the Great Lakes Pilotage Act (46 U.S.C. 216c).

(2) Request the Secretary of the Navy to build Coast Guard vessels at Naval shipyards (14 U.S.C. 145(a)(1)).

(3) Exchange of information, through Secretary of State, with foreign governments concerning marine safety (14 U.S.C. 142).

(4) The exchange of personnel, vessels, facilities, and equipment with the Secretary of the Navy to facilitate operational readiness for wartime service with Navy, and agreement to undertake such assignments and functions for each other as are necessary and advisable (14 U.S.C. 145(c)).

(5) Appointment of Advisory Committee to the Academy (14 U.S.C. 193).

(6) Fixing date for visit to Academy by Board of Visitors (14 U.S.C. 194(b)).

(7) Establish promotion zone for selection of rear admirals (14 U.S.C. 256(b)).

(8) Approve retention of rear admiral on active duty (14 U.S.C. 290(b)).

(9) Removal of officer from active duty when recommended by board convened under section 323 of Title 14, U.S. Code (14 U.S.C. 326).

(10) Responsibility for supervising activities of Reserve components (10 U.S.C. 264(b)).

(11) Approval of regulations for placement of Retired Reservists in Ready Reserve (10 U.S.C. 269(d)).

(12) Convene General Court-Martial (10 U.S.C. 822(a)(2)).

(13) Approve execution of sentence dismissing commissioned officer or cadet (10 U.S.C. 871(b)).

(14) Approve vacation of suspension of dismissal (10 U.S.C. 872(b)).

(15) Establish procedures for the correction of military records (10 U.S.C. 1552(a)).

(16) Establish board of review to review discharge or dismissal of former Coast Guard members (10 U.S.C. 1553(a)).

(17) Review findings of board established under section 1553(a) (10 U.S.C. 1553(b)).

(18) Review of findings of boards established under section 1554(a) to forward requests of officers released or retired from active duty without pay for physical disability (10 U.S.C. 1554(b)).

(19) Negotiate purchase or contract in excess of \$100,000 involving experimental, developmental, or research work, etc. (10 U.S.C. 2304(a)(11)).

(20) Negotiate other purchase or contract work for reasons specified in these subsections (10 U.S.C. 2304(a)(12)-(16)).

(r) *Prior actions.* The validity of all actions taken prior to April 1, 1967, by an official other than the Secretary of Transportation is not affected in any way by any provision of this section, reserving specified authority in the Secretary, effective April 1, 1967.

§ 1.6 General.

Nothing in this subpart is intended to delegate an authority which by statute, Executive order or other directive is nondelegable or is reserved to the Secretary. All functions, powers and duties which are not delegated by the Secretary in § 1.4 or specifically transferred by the Act to officials other than the Secretary are reserved to the Secretary.

§ 1.7 Exercise of authority.

In exercising functions, powers, duties, and authorities delegated by this subpart or redelegated pursuant thereto, the Commandant, the Administrators, and their delegates shall be governed by applicable law, Executive orders, and regulations and by policies, objectives, plans, standards, procedures, and limitations as may be issued from time to time by or on behalf of the Secretary, or, with respect to matters under their jurisdictions, by or on behalf of the Commandant or an Administrator. This includes, wherever specified, the requirement for advance notice to, or prior approval by, authority higher than that of the official proposing to act.

§ 1.8 Assignment of personnel, assets, etc.

All positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations,

authorizations, allocations, and other funds, transferred to the Secretary pursuant to section 9(f) or section 9(g) of the Act are: (a) To the extent required to be assigned to the Federal Aviation Administrator by section 9(f) of the Act hereby assigned to such Administrator and, (b) to the extent related to and necessary to perform the functions, powers and duties transferred to the Commandant or an Administrator pursuant to the Act or delegated under this subpart hereby assigned to such Commandant or Administrator.

§ 1.9 Continuation in effect of prior actions.

(a) All actions, including but not limited to orders, determinations, rules, regulations, permits, contracts, agreements, certificates, licenses, and privileges made, granted, or allowed to become effective prior to April 1, 1967, and respecting any of the functions, powers, and duties retained by the Secretary of Transportation are hereby adopted and affirmed and shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by appropriate authority: *Provided*, That all delegations of authority effective prior to April 1, 1967, respecting such functions, powers, and duties are hereby terminated.

(b) Each Administrator and the Commandant of the Coast Guard, by order effective April 1, 1967, and published in the notices section of the FEDERAL REGISTER, is providing for the continuation in effect of appropriate prior actions respecting the functions, powers, and duties of each Administrator and the Commandant.

Effective date. This subpart is effective April 1, 1967.

Issued in Washington, D.C., on March 31, 1967.

[SEAL] ALAN S. BOYD,
Secretary of Transportation.
[P.R. Doc. 67-3734; Filed, Apr. 4, 1967;
8:49 a.m.]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Subpart B—Organization, Office of the Secretary

Subpart B is set forth to read as follows:

Subpart B—Organization, Office of the Secretary

Sec.	
1.21	Purpose.
1.23	Scope.
1.25	Functions performed by the Office of the Secretary.
1.27	Structure.
1.29	Spheres of primary responsibility.
1.31	Authority.
1.33	Secretarial succession.

Authority: The provisions of this Subpart B issued under P.L. 89-670, 80 Stat. 931.

§ 1.21 Purpose.

This subpart establishes the basic organizational structure, spheres of re-

sponsibility, and lines of authority, in the Office of the Secretary, and provides for succession to the position of Secretary, in case of need.

§ 1.23 Scope.

The provisions of this subpart are not applicable to the National Transportation Safety Board.

§ 1.25 Functions performed by the Office of the Secretary.

The following functions, powers, and duties are performed by the Office of the Secretary:

(a) All of the authority reserved to the Secretary in § 1.5;

(b) Transportation leadership authority under section 4(a) of the Department of Transportation Act, Public Law 89-670, 80 Stat. 931, hereinafter referred to as the Act;

(c) The authority relating to transportation activities, plans and programs under sections 4(f) and 4(g) of the Act;

(d) The authority relating to urban mass transportation under section 6(a)(2)(B) of the Act;

(e) The authority relating to the guaranty of loans for the purchase of aircraft and equipment under sections 6(a)(3)(A) and 6(a)(3)(B) of the Act;

(f) The authority relating to scientific and professional positions under section 6(a)(5) of the Act;

(g) The authority relating to the General Counsel under section 6(b)(3) of the Act;

(h) The authority relating to standard time zones and daylight savings time under section 6(e)(5) of the Act; and

(i) The authority to develop, prepare, coordinate, transmit, and revise transportation investment standards and criteria under section 7 of the Act.

§ 1.27 Structure.

The structure of the Office of the Secretary through the level of functional offices is as follows:

(a) *Secretary.* The Secretary and Under Secretary are assisted by the Deputy Under Secretary, the Executive Secretariat, Board of Contract Appeals, and the Transportation Policy Council, all of which report to the Secretary. The National Transportation Safety Board performs its functions in the Department of Transportation independently of the Secretary. The Assistant Secretaries and the General Counsel report directly to the Secretary.

(b) *Office of the Assistant Secretary for Policy Development.* This office is composed of the Offices of Economic Analysis, Policy Review, System Analysis, Planning and Program Review, and Transportation Statistics.

(c) *Office of the Assistant Secretary for Public Affairs.* This office is composed of the Offices of Legislative Affairs, Public Information, Government Liaison, Industry and Labor Liaison, Resource Conservation, and Equal Opportunity.

(d) *Office of the Assistant Secretary for International Affairs.* This office is composed of the Offices of International Research and Development Cooperation,