

## Subject: U.S. DEPARTMENT OF TRANSPORTATION DIRECTIVES SYSTEM

1. PURPOSE. This order updates the policies and responsibilities governing the U.S. Department of Transportation (DOT) directives system.
2. CANCELLATIONS
  - a. DOT 1320.16C, U.S. Department of Transportation Directives System, dated July 27, 2015.
3. REFERENCES
  - a. 49 CFR Part 1, Organization and Delegation of Powers and Duties
4. DEFINITIONS
  - a. Directive. A “directive” is a document that—
    - 1) is issued by a Department official;
    - 2) is intended primarily for use by Department employees, not the public; and
    - 3) is used to:
      - a) set policy applicable to the Department or an organizational unit within the Department;
      - b) define the structure of an organizational unit of the Department; or
      - c) delegate authority from one Department official to one or more other Department officials.

Each directive is one or more of a policy directive, an organizational-structure directive, or a delegation directive.
  - b. Policy Directive. A “policy directive” is a directive that sets policy applicable to the Department or an organizational unit within the Department. Each policy directive is a Departmental directive or an organization-policy directive.
  - c. Departmental Directive. A “Departmental directive” is a policy directive that sets policy applicable to the entire Department or a significant portion of the Department that includes multiple Operating Administrations.
  - d. Organization-Policy Directive. An “organization-policy directive” is a policy directive that is not a Departmental directive. An organization-policy directive is applicable only to the portion of the Department that issues the directive.
  - e. Organizational-Structure Directive. An “organizational-structure directive” is a directive that defines the structure, mission, and functions of either (1) an organizational unit of the Department or (2) an intra-Departmental board, council, committee, working group, or other body that has participants from more than one organizational unit. An

organizational structure directive may be a complete organization manual or a portion of an organization manual.

- f. Delegation Directive. A “delegation directive” is a directive that documents a delegation of authority from one Department official to one or more other Department officials.
- g. Order. An “order” is a directive that, at the time of issuance, the issuing official expects to remain in effect for more than one year.
- h. Notice. A “notice” is a directive that, at the time of issuance, the issuing official expects to remain in effect for no more than one year.
- i. Directives System. A “directives system” is a formal system to manage the creation, distribution, maintenance, and disposition of directives.
- j. Delegation of Authority. A “delegation of authority” is a grant from one official (the delegating official) to another official (the empowered official) of authority that is vested in the first official by statute, regulation, executive order, delegation of authority, or other grant of legal authority.
- k. Secretarial Delegation of Authority. A “Secretarial delegation of authority” is a delegation of authority in which the Secretary of Transportation is the delegating official.

## 5. POLICY

- a. Form of certain directives. Departmental directives shall be issued in the form documented in Appendix 1. Organizational-structure directives shall be issued in the form documented in Appendix 2.
- b. Process for developing, issuing, and maintaining directives.
  - 1) The process for developing, issuing, and maintaining directives shall use electronic technology to the maximum extent practicable.
  - 2) A directive may be cancelled or terminated only by—
    - a) issuance of a subsequent directive that specifically identifies the directive being cancelled or terminated; or
    - b) express terms within the directive that cause it to cancel or terminate on the occurrence of a specific event.
  - 3) A directive may cancel or terminate one or more other directives without replacing those other directives or otherwise setting policy, defining the structure of an organizational unit, or delegating authority.
  - 4) A directive may be changed only by a subsequent directive that cancels and replaces the to-be-changed directive and contains the complete, revised content of the

replacement directive. Directives shall not be changed through cut-and-bite amendments, change pages, or any other actions that do not state the complete content of the affected directives.

c. Content of policy directives.

- 1) Each directive shall contain only policies that implement statutory, regulatory, or administrative requirements, advance the Department's mission, or advance an organizational unit's mission.
- 2) Each directive shall be responsive to the needs of the directive's primary users.

d. Secretarial approval of Departmental directives. A Departmental directive issued after the date of this order is not valid unless approved by the Secretary.

e. Approval of organizational-structure directives.

- 1) Organizational-structure Directives Requiring Secretarial Approval. An organizational-structure directive requires Secretarial approval if—
  - a) it describes an organizational unit of the Office of the Secretary of Transportation (OST) that is not more than two levels below an Assistant Secretary;
  - b) it describes an organizational unit of an Operating Administration that is not more than two levels below the Administrator;
  - c) it describes an intra-Departmental board, council, committee, working group, or other body that has participants from offices under more than one Administrator or Assistant Secretary; or
  - d) the Administrator or Assistant Secretary who is responsible for the organizational unit or units or the intra-Departmental body described in the directive determines that it affects the mission and functions of the Department or an organizational unit in a manner that justifies Secretarial review and approval.
- 2) Other Organizational-structure Directives.
  - a) Approving Official. If an organizational-structure directive does not require Secretarial approval under section 5.e.1, it requires approval by the Administrator or Assistant Secretary who is responsible for the organizational unit or units or the intra-Departmental body described in the directive. An Administrator or Assistant Secretary shall not delegate approval authority under this section 5.e.2 except to

an official appointed by the President and confirmed by the Senate or a “noncareer appointee” under 5 U.S.C. § 3132(a)(7).<sup>1</sup>

- b) Approval Requirement. The Administrator, Assistant Secretary, or an official exercising delegated approval authority shall not approve an organizational-structure directive under this section 5.e.2 unless that official makes a written determination that the directive does not require approval under section 5.e.1 and does not affect the mission and functions of the Department or an organizational unit in a manner that justifies Secretarial review and approval.
- 3) Compliance Requirement. An organizational-structure directive issued after the date of this order is not valid unless approved in compliance with the requirements of this section 5.e.
- 4) Application to the Office of Inspector General. This section 5.e does not apply to organizational-structure directives that describe the Office of Inspector General (OIG).
- f. Delegations of authority.
  - 1) Delegating official retains responsibility and authority. For each delegation of authority, the delegating official retains responsibility for the proper exercise of delegated authority, and the delegating official may exercise delegated authority.
  - 2) Delegations are not exclusive. A delegation of authority is not exclusive to the empowered official unless the delegating document expressly states that the delegation is exclusive.
  - 3) Redelegation authority is presumed. An empowered official may redelegate authority without restriction unless the delegating document that vested the authority in the empowered official expressly prohibits or limits redelegation.
  - 4) Controls on delegated authority must be expressly stated. A delegation of authority may require the empowered official to satisfy certain requirements before or when exercising delegated authority but only if those requirements are expressly stated in the delegating document or another directive. The following are three common controls placed on delegated or redelegated authority.
    - a) Consultation. As a control on delegated authority, requiring “consultation” means that the empowered official shall seek input from and discuss a proposed plan of action with identified officials or organizational units before exercising the delegated authority.

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<sup>1</sup> This limitation on delegation of approval authority does not limit the authority of an individual performing the functions and duties of the Administrator or Assistant Secretary temporarily in an acting capacity under 5 U.S.C. §§ 3345–3349d. That acting officer is exercising the approval authority directly, not under a delegation of authority.

- b) Coordination. As a control on delegated authority, requiring “coordination” means that the empowered official shall fully inform identified officials or organizational units before exercising the delegation authority.

This meaning of “coordination,” which is specific to the exercise of delegated authority, is separate and different from the Executive Secretariat coordination process referenced elsewhere in the order. That Executive Secretariat process may be used to satisfy a coordination requirement.

- c) Concurrence. As a control on delegated authority, requiring “concurrence” means that the empowered official shall obtain the written approval of identified officials or organizational units before exercising the delegated authority.

The Executive Secretariat coordination process may be used to satisfy a concurrence requirement.

g. Secretarial Delegations of authority.

- 1) Secretarial Approval. A Secretarial delegation of authority is not valid unless approved by the Secretary.
- 2) Publication in 49 CFR Part 1. Each Secretarial delegation of authority shall be published in 49 CFR Part 1 unless the terms of that delegation ensure that it will not remain in effect for more than one year. A delegation of authority that is subject to this codification requirement may be issued in a Secretarial memorandum only if—
  - a) that issuance is necessary to timely achieve the purpose of the delegation; and
  - b) the documentation of the Secretary’s approval states that the memorandum will be superseded by a subsequent revision to 49 CFR Part 1.

6. RESPONSIBILITIES

a. The Office of the Secretary (OST) Executive Secretariat (S-10). S-10 shall:

- 1) establish policies and procedures governing the Departmental directives system;
- 2) obtain the Secretary’s written approval of Secretarial delegations of authority and significant organizational-structure directives;
- 3) obtain concurrence for new and revised Departmental directives from appropriate offices within the Department;
- 4) assign numbers for Departmental directives;
- 5) maintain the official file of current and cancelled Departmental directives, organizational-structure directives, Secretarial delegations of authority, and controls placed on those delegations;

- 6) provide advice and assistance to the Department regarding directives, delegations of authority, and organizational structure, mission, and functions; and
  - 7) serve as the Departmental liaison with other Federal agencies concerning directives management.
- b. The Assistant Secretaries, Inspector General, and Administrators. The Assistant Secretaries, Inspector General, and Administrators shall:
- 1) establish and maintain an organization-level directives system for their organization within the framework of overall Department-wide directives policy;
  - 2) ensure the organization-level directives system for their organization contains a directive documenting the current delegations of authority within their organization and controls on those delegations, except that delegations and controls that are published in the Code of Federal Regulations do not need to be restated in a directive;
  - 3) ensure their organization has a current organizational-structure directive documenting the structure, mission, and functions of each organizational unit one or two levels below the Assistant Secretary, Inspector General, or Administrator;
  - 4) maintain an ongoing program to review existing organization-policy directives, remove unnecessary directives, and update inaccurate or outdated directives; and
  - 5) ensure their organization's compliance with this order.
- c. The Office of the Assistant General Counsel for General Law (C-10). C-10 shall:
- 1) advise Department officials concerning delegations of authority, organizational structure, and responsibilities codified in 49 CFR Part 1; and
  - 2) update 49 CFR Part 1 as requested by Department officials and permitted under this order.

## 7. PROCEDURES

- a. Departmental Directives and Organizational-structure Directives Requiring Secretarial Approval. If a Departmental directive or an organizational-structure directive that requires Secretarial approval under section 5.e.1 is needed—
- 1) For a Departmental directive, the Assistant Secretary, Inspector General, or Administrator responsible for the program shall prepare a draft directive and request a directive number from S-10. For an organizational-structure directive, the Assistant Secretary or Administrator responsible for the organizational unit or units or the intra-Departmental body described in the directive shall prepare a draft directive and request a directive number from S-10.

- 2) If a Departmental directive is to apply to OIG, the originating office shall inform OIG of the proposal and solicit comment from OIG on the draft directive before submitting it to S-10 for formal coordination.
  - 3) The originating office shall submit the proposed directive to S-10 for coordination with an action memo addressed to the reviewing offices that explains the nature of the directive and the reason it is necessary and that attaches a copy of any directives that would be changed, cancelled, or terminated by the proposed directive.
  - 4) S-10 will coordinate the documents with the Assistant Secretaries, Inspector General, and Administrators. A minimum of 10 business days will be allowed for coordination. S-10 will provide the originating office a record of management comments received during the coordination process, and the originating office shall resolve these comments. S-10 may conduct additional coordination rounds as determined appropriate by S-10 or the originating office.
  - 5) The originating office shall fulfill all requirements related to communication with employee labor organizations.
  - 6) After the directive has completed the process described above, it shall be re-submitted to S-10 for Secretarial approval. The re-submitted proposal shall contain the information described in ¶ 3, except that the action memo shall be addressed to the Secretary.
  - 7) After the Secretary approves the directive, the Assistant Secretary, Inspector General, or Administrator having jurisdiction over the program shall sign the directive.
  - 8) After signature, the originating office shall provide a copy of the signed directive to S-10, in a form acceptable to S-10, for placement on the public-facing DOT Directives website (<https://www.transportation.gov/mission/dot-orders>), on a DOT-internal website cataloging directives, and in the official DOT directives file. Before being made available to the public, the directive shall comply with applicable Federal requirements for accessibility, including section 508 of the Rehabilitation Act of 1973. The originating office shall also distribute the directive to all Administrators, the Inspector General, the Chief of Staff, the General Counsel, the Under Secretary of Transportation for Policy, and all Assistant Secretaries. Those officials may designate subordinate officials to receive directives under this section 7.a.
- b. Delegations of Secretarial Authority. If a Secretarial delegation of authority is needed—
- 1) The originating office shall submit a proposed delegation of authority to C-10.
  - 2) C-10 shall prepare a rulemaking document or, subject to section 5.g, a Secretarial memorandum.

- 3) If C-10 prepares a rulemaking document, C-10 will submit that document for clearance under the Department's rulemaking processes. If C-10 prepares a Secretarial memorandum, C-10 will submit that memorandum to S-10 for coordination with an action memo that explains the nature of the delegation and the reason it is necessary.
- 4) After the Secretary approves the delegation—
  - a) if the delegation occurs through a rulemaking, C-10 will publish the rulemaking document in the Federal Register; and
  - b) if the delegation occurs through a Secretarial memorandum, C-10 shall distribute that memorandum to the Chief of Staff, the General Counsel, the Under Secretary of Transportation for Policy, all Assistant Secretaries, affected Administrators, and, if affected, the Inspector General. Those officials may designate subordinate officials to receive directives under this section 7.b. If the delegation is subject to the codification requirement at section 5.g, C-10 shall include the delegation in a subsequent rulemaking revising 49 CFR Part 1.

8. APPLICABILITY TO OFFICE OF INSPECTOR GENERAL.

- a. Presumption of Inapplicability. A directive issued under this order does not apply to OIG unless that directive expressly states that it is applicable to OIG and application of the directive to OIG is consistent with legal requirements related to OIG independence.
- b. Requirement to Seek OIG Input. Each draft directive intended to apply to OIG shall be submitted to S-10 for coordination after the originating office has provided a draft of the directive to OIG, solicited OIG comments, and resolved any identified issues related to OIG independence.

9. APPLICABILITY TO SPECIFIC UNITS OF THE OFFICE OF THE SECRETARY.

- a. Office of the General Counsel. For purposes of sections 5, 6, and 7, the General Counsel is deemed an Assistant Secretary.
- b. The Office of the Under Secretary. For purposes of sections 5, 6, and 7, the Under Secretary of Transportation for Policy is deemed an Assistant Secretary for offices under the Under Secretary that are not under an Assistant Secretary.
- c. Other Offices Not Under Assistant Secretaries. For purposes of sections 5, 6, and 7, for offices in the Office of the Secretary that do not report to the Secretary through the General Counsel, the Under Secretary of Transportation for Policy, or an Assistant Secretary, the Chief of Staff is deemed an Assistant Secretary.



10. AUTHORITY OF THE DEPUTY SECRETARY. Nothing in this Order limits the authority of the Deputy Secretary of Transportation to exercise the authority of the Secretary under 49 C.F.R. § 1.22.

A handwritten signature in black ink, appearing to read "Steven G. Bradbury", is written over a horizontal line.

Steven G. Bradbury  
Acting Secretary and General Counsel

## Appendix 1: Departmental Directive Template

The attached template provides a basic layout for a DOT order. Not every order will need every section listed. A new order on a new topic, for instance, will not need to cancel any existing orders. And not every order will require references to other authorities or a statement of DOT policy. Any sections not needed should be deleted.

The date at the top of the order is the date the order is ultimately approved, and should be filled in after it is approved.

The hierarchy of sections should be numbered/lettered as follows:

### 1. SECTION

a. First level – lowercase letters

1) Second level numerals in parentheses

b) lowercase letters in parentheses

i lowercase Roman numerals

DOT XXXX.X

MONTH-DAY-YEAR

Subject: TITLE OF THE ORDER, IN ALL CAPS

1. PURPOSE State the purpose of the order as clearly and concisely as possible.

2. CANCELLATIONS

a. List any orders being cancelled by this order. If none, this section can be deleted.

3. BACKGROUND

a. If you need to provide further information about the order and the reasons behind it.

b. Explain the changes that were made to the previous order.

c. Try to stick to one thought per lettered paragraph.

4. REFERENCES

a. List any statutes, executive orders, DOT orders, regulations, or other authorities cited or relied upon by the order.

b. Each authority should get its own lettered paragraph.

5. DEFINITIONS

a. Clearly define any ambiguous terms used in the order.

6. POLICY

a. If a statement of departmental policy is needed. If not, this section can be skipped.

7. RESPONSIBILITIES

a. Outline the specific roles played by offices/positions involved in the order.

8. SUBSTANTIVE PARAGRAPHS. Begin describing the procedures required by the order. If a numbered section has only one topic, it can be a single paragraph and begin on the same line as the title.

9. ADDITIONAL SUBSTANTIVE PARAGRAPHS

a. If a section can be divided logically into multiple discrete paragraphs, it should be.

b. Each paragraph can have subsections if they are:

- (1) discrete;
- (2) logical; and
- (3) necessary.

Signature Block  
(Administrator Level Leadership)

## Appendix 2: Organizational-Structure Directive Template

DOT XXXX.X

MONTH-DAY-YEAR

Subject: DEPARTMENT OF TRANSPORTATION ORGANIZATION MANUAL, [NAME OF MODE/OFFICE]

1. PURPOSE. State the purpose of the order as clearly and concisely as possible.

2. CANCELLATIONS.

a. List any orders being cancelled by this order. If none, this section can be deleted.

3. BACKGROUND.

a. If you need to provide further information about the order and the reasons behind it.

b. Try to stick to one thought per lettered paragraph.

4. REFERENCES.

a. List any statutes, executive orders, DOT orders, regulations, or other authorities cited or relied upon by the order.

b. Each authority should get its own lettered paragraph.

5. DEFINITIONS.

a. Clearly define any ambiguous terms used in the order.

6. EXPLANATION OF CHANGES.

a. Explain any changes that are being implemented in this order.

7. MISSION.

a. A statement explaining the mode/office's mission.

8. FUNCTIONS.

a. Outline the functions performed by the mode/office.

9. DELEGATIONS.

- a. If appropriate describe the delegations authorized within the office/mode.

10. ORGANIZATION.

- a. Include an organizational chart, and if appropriate description of each sub-office's mission and function.

Signature Block  
(Administrator Level Leadership)