

Presidential Documents

Title 3—

Executive Order 13485 of January 9, 2009

The President

Providing an Order of Succession Within the Department of Transportation

By the authority vested in me as President under the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, it is hereby ordered that:

Section 1. Order of Succession. Subject to the provisions of section 2 of this order, the following officials of the Department of Transportation, in the order listed, shall act as and perform the functions and duties of the office of the Secretary of Transportation (Secretary), during any period in which the Secretary, the Deputy Secretary of Transportation, the Under Secretary of Transportation for Policy, and the officials designated by the Secretary pursuant to 49 U.S.C. 102(e) have died, resigned, or otherwise become unable to perform the functions and duties of the office of Secretary, until such time as the Secretary or one of the officials listed above is able to perform the duties of that office:

- (a) Administrator of the Federal Highway Administration;
- (b) Administrator of the Federal Aviation Administration;
- (c) Administrator of the Federal Motor Carrier Safety Administration;
- (d) Administrator of the Federal Railroad Administration;
- (e) Administrator of the Federal Transit Administration;
- (f) Administrator of the Maritime Administration;
- (g) Administrator of the Pipeline and Hazardous Materials Safety Administration;
- (h) Administrator of the National Highway Traffic Safety Administration;
- (i) Administrator of the Research and Innovative Technology Administration;
- (j) Administrator of the Saint Lawrence Seaway Development Corporation;
- (k) Regional Administrator, Southern Region, Federal Aviation Administration;
- (l) Director, Resource Center, Lakewood, Colorado, Federal Highway Administration; and
- (m) Regional Administrator, Northwest Mountain Region, Federal Aviation Administration.

Sec. 2. Exceptions. (a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as Secretary pursuant to this section.

(b) No individual who is serving in an office listed in section 1 shall act as Secretary unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by law, to depart from this order in designating an acting Secretary.

Sec. 3. This order supersedes the President's Memorandum of March 19, 2002 (Designation of Officers of the Department of Transportation).

Sec. 4. This order is intended to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 9, 2009.

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