

INACTIVE - ALL ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: N1-406-97-001

All items in this schedule are inactive. Items are either obsolete or have been superseded by newer NARA approved records schedules.

Description:

Item 1 is superseded by N1-406-08-011 item 6. Item 2 is now the responsibility of the Federal Motor Carrier Administration. See <https://www.fmcsa.dot.gov/regulations/enforcement/adjudication-decisions>.

Date Reported: 08/27/2020

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REQUEST FOR RECORDS DISPOSITION AUTHORITY

(See Instructions on reverse)

TO: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR)
WASHINGTON, DC 20408

1. FROM (Agency or establishment)
Department of Transportation

2. MAJOR SUBDIVISION
Federal Highway Administration

3. MINOR SUBDIVISION
Office of Chief Counsel

4. NAME OF PERSON WITH WHOM TO CONFER
Arthur McCune, Jr.

5. TELEPHONE
(202) 366-9090

LEAVE BLANK (NARA use only)

JOB NUMBER
N1-406-97-1

DATE RECEIVED
11/18/96

NOTIFICATION TO AGENCY

In accordance with the provisions of 44 U.S.C. 3303a the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.

DATE
3-28-97

ARCHIVIST OF THE UNITED STATES
John W. Paul

6. AGENCY CERTIFICATION

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached ___ page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,

is not required; is attached; or has been requested.

DATE
10/10/96

SIGNATURE OF AGENCY REPRESENTATIVE
Arthur L. McCune, Jr.

TITLE
Records Officer

7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	<p>See attached</p> <p>PUBLIC DOCKET FILES</p> <p>Note: If selected dockets are scanned into the DOT's optical disk system, then FHWA will follow disposition instructions approved for the system as cited in N1-398-95-3:</p> <p>Destroy paper files upon verification that the record copy has been fully and accurately converted to optical disk. Transfer record copy of files and related finding aids to the National Archives in an acceptable format when files are ten years old. Acceptable format may be optical images converted to paper, microform, magnetic tape, 3480 class tape cartridge or any other medium that meets the standards specified in Subchapter B of 36 CFR Chapter XII before transfer to the National Archives' legal custody with related finding aids. Prior to transfer, NARA and DOT will determine the medium in which records will be transferred.</p> <p>It is anticipated that records covered by Item 1 will be scanned.</p>		

APR - 4 1997 MHW copy to: Agency, NR
NWDD, NWP

PUBLIC DOCKET FILES

1. Rulemaking. The Federal Highway Administration public docket files contain notices, advance notices of proposed rulemaking; notices of proposed rulemaking; comments received in response to notices; petitions for rulemaking and consideration; denials of petitions and reconsideration; records of additional rulemaking proceedings; and final rules as published. The dockets also contain research studies, transcripts or notes of public meetings, slides, photographs, truck hardware and other related material. Audiovisual materials are located in the supplemental information files which are maintained with the docket files.

Arranged by docket number.

Volume on hand - 70 cubic feet, files on hand date back to 1970's.

Annual accumulation - 20 cubic feet.

DISPOSITION: PERMANENT. Transfer to FRC 3 years after close of file. Transfer to the National Archives 10 years after close of file. NOTE: IF scanned, follow instructions on cover of SF115.

2. Motor Carrier Safety Adjudication Appeals Files. The record copies of the Motor Carrier Safety Adjudication Files are maintained in the regional offices of Chief Counsel. When a motion is filed, the record copy of that adjudication file is transferred to Office of Chief Counsel, Motor Carrier Law Division (HCC-20), and a docket is opened. When a case is assigned to a Administrative Law Judge from the Office of Hearings (M-50) that judge controls what material goes into the docket that is maintained in HCC-20. The Motor Carrier Safety Adjudication Appeals Docket File may contain notices of claims; notices of investigations; pleadings; evidence; orders; decisions; appeals from safety ratings; slides; photographs; and other related material.

Arranged by region, carrier name, and document number.

Volume on hand - 30 cubic feet.

Annual accumulation - 10 cubic feet.

- A. Case files that are transferred to Office of Chief Counsel, Motor Carrier Law Division (HCC-20).

DISPOSITION: PERMANENT. Transfer to FRC 3 years after close of file. Transfer to the National Archives 10 years after close of file.

- B. Case files located in field offices.

- (1) Substantive case files.

DISPOSITION: PERMANENT. Transfer to FRC 3 years after close of file. Transfer to the National Archives 10 years after close of file.

- (2) All other case files.

DISPOSITION: Cut off closed case files annually. Transfer to FRC when 3 years old. Destroy when 10 years old.

**SELECTION CRITERIA
FOR REGIONAL MOTOR CARRIER SAFETY ADJUDICATION FILES**

Item 2B(1). Substantial Case Files are files that are closed in the regions and are not forwarded to headquarters, but because the following criteria warrant permanent retention:

- *Length or type of review
- *Cost of enforcement actions
- *Amount of financial or other legal penalty assessed by FHWA
- *Other outstanding criteria as selected by the Chief Counsel Regional staff

With the approval of this schedule, the following authorities are deleted:

1. Federal Motor Carrier Safety Regulation Dockets, NC1-406-80-10, items 27a and 27b.
2. Petitions for Rulemaking NC1-406-80-10, item 28
3. FHWA Dockets, NC1-406-80-1/8a