

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

Rec'd NCD 11 Aug 80

TO: **GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408**

1. FROM (AGENCY OR ESTABLISHMENT)
Department of Transportation

2. MAJOR SUBDIVISION
Federal Highway Administration

3. MINOR SUBDIVISION
Chief Counsel

4. NAME OF PERSON WITH WHOM TO CONFER
Frank Rubis

5. TEL. EXT.
426-0534

LEAVE BLANK

JOB NO

NCL-406-80-1

DATE RECEIVED
August 15, 1980

NOTIFICATION TO AGENCY

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disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10.

7-14-81 *[Signature]*
Date Archivist of the United States

6. CERTIFICATE OF AGENCY REPRESENTATIVE:

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 10 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

A Request for immediate disposal.

B Request for disposal after a specified period of time or request for permanent retention.

C. DATE 2/26/80	D. SIGNATURE OF AGENCY REPRESENTATIVE <i>[Signature]</i> John H. Schnakenberg	E. TITLE Chief, Organization and Management Programs Division
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7. ITEM NO	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
1.	Administrative Files. Contain official file copies, general correspondence pertaining to meetings and conferences with the FHWA Headquarters Division, appropriations for the Division, application forms for part-time and summer law clerks, personnel folders, awards, requisition for overtime office supplies and training material related to the Division and other general communications between DOT General Counsel and FHWA Chief Counsel. Disposition: Destroy ^{in agency} when 3 years old.		
2.	BMCS Law Division Subject Case Files. Consist of general correspondence, court cases, investigations, reports on court proceedings or other actions taken against truckdrivers, common carriers of passengers and freight. Violations include failing to inspect and maintain vehicles to ensure safe and proper operating conditions. Court proceedings regard requiring or permitting a driver of a common carrier to drive more than 10 hours and remain on duty more than 70 hours in 8 consecutive days and trucking companies		38 items

*to agency, WNRC, NNF, NNB - 7/16/81
Closed Out: 746-81: X.T.D.*

Request for Records Disposition Authority - Continuation		JOB NO	PAGE OF
7. ITEM NO	8 DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO	10. ACTION TAKEN
	<p>transporting food and related products requiring or permitting a driver to make false entries upon a daily log. Arr. by name of carrier.</p> <p><i>Place in inactive file upon close of case. Break closed file annually.</i></p> <p>Disposition: A Transfer to records center when 3 years old. Destroy when 6 years old. <i>after break. after break.</i></p>		
3.	<p>Bridge Tolls. Files contain general correspondence, congressional inquiries, correspondence from the general public, reports, proceedings in bridge toll regulatory matters and Administrator Order's thereof.</p> <p><i>Transfer to FRC 10 years after close of case.</i></p> <p>Disposition: Permanent. Offer to Archives when 20 years old. Destroy 20 years after close of case.</p>		
4.	<p>Civil Court Cases (Motor Carrier). Files consist of correspondence, drafts, notes, background material, legal documents, and cases reviewed by FHWA and OST. These are all civilian cases and generally involve violations of Motor Carrier Safety Laws.</p> <p>Disposition: Destroy ^{in agency} 3 years after case is closed.</p>	<i>RTB AT 3/9/81</i>	
5.	<p>Civil Rights Files. Consist of correspondence, significant civil rights court decisions, background material, statistical data and other documents related to efforts to provide legal services with regard to the FHWA Civil Rights program, equal opportunity program and labor compliance program. This includes any material that pertains to cases that involve Title VI of the Civil Rights Act of 1964.</p> <p>Disposition: Transfer to the records center when 3 years old. Destroy when 6 years old.</p>		
6.	<p>Contract Files. Consist of correspondence, official file copies, information concerning contract authority, contract compliance and contract claims and related papers pertaining to the General Law Division providing legal services in the negotiations, drafting, execution and administration of Federal or Federal-aid contracts to include contracts for highway construction and procurement on research and development.</p> <p>Disposition: Destroy ^{in agency} when 3 years old.</p>		

Request for Records Disposition Authority - Continuation		JOB NO	PAGE OF
7. ITEM NO	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO	10. ACTION TAKEN
↓ 7.	<p>Debarred Bidder Files. Consist of correspondence, memoranda, official files, and other papers pertaining to the listing of debarred bidders (distributed by the U.S. Department of Labor) which is a listing of persons or firms that have breached the agreement required by 41 U.S.C. and Executive Order 11246. The person, firms, corporations, partnerships, or associations interested in a firm shall not be awarded a contract until 3 years have elapsed. Files also contain material concerning unacceptability for employment in which a company is unacceptable for employment as a prime contractor or a subcontractor on a highway project requiring the approval or concurrence of FHWA.</p> <p>Disposition: Review files quarterly:</p> <p>a. Destroy Debarred Bidders, list ^{in agency} quarterly.</p> <p>b. Destroy ^{in agency} all other material when 3 years old. except those unacceptability files deemed to have Presidential value. Offer these to Archives when 10 years old. _{PTB 8/22/80 OK 8/26/80}</p>		
↓ 8.	<p>Docket Files (Federal Register).</p> <p>a. Official file copies of all Federal Highway documents sent to the Federal Register for publication, and</p> <p>Comments received from the public on all documents except those of Bureau of Motor Carrier Safety,* published in the Federal Register for public comment.</p> <p>Disposition: Transfer to the records center 5 years after termination, withdrawal, or closing of docket. Destroy when 15 years old. _{15 years after termination, withdrawal, or closing of docket.}</p> <p>b. Hazardous Material Driver Qualifications and Cease and Desist Docket Files. Contain the official administrative records used in the prosecution of cases involving violations of 49 CFR, Parts 171-179 and 390-399.</p>		

Request for Records Disposition Authority -- Continuation		JOB NO	PAGE OF
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	<p>Contain the official administrative records used in the prosecution of cases involving violations of 49 CFR, Parts 171-179 and 390-399.</p> <p>Disposition: <i>A.1)</i> <u>Cases without consent or cease and desist order.</u> Transfer to records center 1 year after case is decided. Destroy when 7 years old. <i>5</i> after case is decided.</p> <p><i>B.2)</i> <u>Cases with consent or desist order.</u> Transfer to records center 1 year after order is terminated. Destroy when 5 years old. after order is terminated.</p>		
↓ 9.	<p><u>Eminent Domain Files.</u> Consist of official file copies, draft copies of deeds, memorandums of agreement and background material related to inspection of States condemnation practices and procedures, court cases, requests for information on condemnation procedures, answering complaints and inquiries from the general public, Federal Land Transfer and Land Acquisition in relation with other Federal agencies.</p> <p><i>Place in inactive file upon close of case, Break file annually.</i></p> <p>Disposition: <u>Transfer to the records center</u> when 5 years old. <i>after file break,</i> Destroy when 10 years old. <i>after file break,</i></p>		
↓ 10.	<p><u>Environmental Files.</u> Contain correspondence, official file copies, comments made on proposed regulations published in the Federal Register, legal opinions, requests for legal opinions, regulations, guidelines on environmental policies and reviews on environmental impact statement laws.</p> <p>Disposition: Transfer to the records center when 2 years old. Destroy when 5 years old.</p>		
↓ 11.	<p><u>Environmental Impact Statement Review Legal Files.</u> Contain general correspondence, official file copies, background material and reviews by FHWA for all State and Regional Offices on the legal aspects of the EIS.</p>		

Request for Records Disposition Authority—Continuation		JOB NO	PAGE OF
7. ITEM NO	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9 SAMPLE OR JOB NO	10 ACTION TAKEN
12.	Disposition: Transfer to the records center when 10 year old. Destroy when 20 years old. Federal Participation Policy Files. Contain correspondence, official file copies , material submitted for review and evaluation relative to the <u>subject settlement proposal</u> , such as damage claims for pollution of a public water supply source, and requests to FHWA for hardship approval or for information about the acquisition of real property. Disposition: Transfer to the records center when 5 years old. Destroy when 8 years old.		
13.	Field Studies Legal Files. Contain reports, background material, statistical data, general correspondence, field studies of highway capabilities, and legal reviews of State Highway Departments acquisition functions. Disposition: Transfer to the records center when 5 years old. Destroy when 10 years old.		
14.	Fifty-Five M.P.H. Speed Limit. Files contain general correspondence and official file copies regarding proposed changes in the 55 m.p.h. speed limit legislation. ^{correspondence} The files also contain coordinations sent out for comments, recommendations and background material on the national maximum speed limit, and letters to States indicating the serious nature of violations or potential violations of the 55 m.p.h. speed limit. Disposition: Transfer to the records center when 10 years old. Destroy when 15 years old.		
15.	Freedom of Information Act Files. Consist of correspondence, requests for information, copies of replies and related material that pertain to requests for records that may involve litigation. ^{These are reference copies only.} Office of Assoc. Administrator for Administration ^{in agency} maintains record copies. Disposition: Destroy when 3 years old.		

Request for Records Disposition Authority - Continuation		JOB NO	PAGE OF
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16.	<p><u>Government Relations Files.</u> Contain official file copies, general correspondence from other federal agencies, general correspondence and legal opinions from the States, and their comments and recommendations on disagreements with federal agencies regarding the mortgage insurance policies and related legal opinion documents.</p> <p>Disposition: Transfer to the records center when 3 years old. Destroy when 5 years old.</p>		
17.	<p><u>Great River Road.</u> Contains proposals recommending laws prohibiting using Great River Road funds for projects involving state parks or historical sites which charge fees to cover operating expenses. Files also contain regulations concerning States' request for changes in regulations which prohibit projects involving fees or tolls.</p> <p>Disposition: Transfer to the records center when 2 years old. Destroy when 5 years old.</p>		<p><i>withdrawn - does not exist in 8/26/80 RB</i> <i>OK 9/26/80</i></p>
18.	<p><u>Hazardous Materials Case Files.</u> Contain notices of claims, notices of violations, correspondence and court cases on particular hazardous materials such as flammable products, gasoline, natural gas, road building materials, chemicals, and explosives.</p> <p>Disposition: ^{a) Cases without consent or cease & desist orders;} Transfer to the records center when 3 ¹ years old. Destroy when 5 years old ^{after case is decided.}</p>		
19.	<p><u>Highway Safety Files.</u> Contain hearings involving the highway safety program, sections of the Highway Act, legal interpretations, memorandums of eligibility for federal funding, highway safety legislation and general correspondence on State and community highway safety programs.</p> <p>Disposition: Destroy ^{in agency} when 10 years old.</p>		<p><i>same disposition as 18a.</i></p>

Request for Records Disposition Authority - Continuation

JOB NO

PAGE OF

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20.	<p><u>Highway Beautification.</u> Contain general correspondence, official file copies, reports, drafts of State bills pertaining to Highway Beautification, junkyards, outdoor advertising billboards, legal opinions and reviews of papers from States on revisions of the Highway Beautification Act.</p> <p>Disposition: Transfer to the Federal Records Center when 5 years old. Destroy when 10 years old.</p>		
21.	<p><u>Impoundment Legislation Files.</u> Consist of general correspondence, court papers, background material, official file copies and final draft forms. These are all closed cases involving litigation of appropriation of funds and limitations imposed by FHWA on Federal-aid highway funds appropriated to the States.</p> <p>Disposition: Destroy ^{in agency} 3 years after the case is closed.</p>		
22.	<p><u>Legal Precedent Files.</u> Consist of opinions, interpretations of the law, copies of implementation of the statutes, notes, articles, background form reviews and documents related to Title 23 CFR. This material is maintained by the Legislation and Regulations Division and is used by the attorneys as legal research material. Arr. alphabetically by subject, ^{thereunder} chronologically. Ca. 1/3 cu ft/yr.</p> <p>Disposition: <u>Permanent.</u> Transfer to records center when 10 years old. Offer to Archives when 25 years old. <i>RTB 5/22/80</i></p>	<p><i>11/18/80 12/11 11-200</i></p>	
23.	<p><u>Legislation Bills Files.</u> Contain information on Congresses from the 90th to the 96th which includes correspondence, comments, draft proposed legislation, minutes of meetings of testimony made before committee hearings, reports and official file copies pertaining to highway legislation with other agencies such as HEW, HUD, and Interior.</p> <p>Disposition: Destroy when 10 years old after bill is either passed or killed,</p>	<p><i>NCF-406-78-4, It. 2 (was "destroy when 15 yrs. old")</i></p>	

Request for Records Disposition Authority - Continuation		JOB NO	PAGE OF
7. ITEM NO	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9 SAMPLE OR JOB NO	10. ACTION TAKEN
24.	<p><u>Litigation Files.</u> Contain pending active cases and memoranda pertaining to court cases, trials, etc. Files also contain correspondence, court papers, background material, official file copies and other general documents.</p> <p>Disposition: Destroy ^{in agency} 3 years after final disposition of the case.</p>		
25.	<p><u>Monthly Reports.</u> Files contain monthly reports from the Regional Counsels, which include BMCS final investigation reports, civil forfeiture cases and court cases.</p> <p>Disposition: Transfer to the records center when 5 years old. Destroy when 10 years old.</p>		
26.	<p><u>Organization Files.</u> Contain general correspondence and information about research organizations and national associations such as the Highway Research Institute, National Highway Institute and the Federal Advisory Research Board.</p> <p>Disposition: Destroy ^{in agency} when 3 years old.</p>		
27.	<p><u>Personnel and Ethics Law Files.</u> Consist of administrative correspondence, letters, memoranda, official file copies and supporting documents related to the functions of the General Law Division to provide legal advice, assistance and services in coordination with the Office of Personnel and Training on the subject areas of (1) post employment restrictions, (2) reporting requirements, (3) conflicts of interest, (4) outside interest, (5) gifts and fees, (6) misconduct, (7) grievances, (8) Civil Service Reform Act and the (9) Hatch Act.</p> <p>Disposition: Destroy ^{in agency} when 3 years old.</p>		
28.	<p><u>Privacy Act Files.</u> Consist of correspondence, original requests, official files and copies of replies pertaining to an individuals request for documents that may contain information pertaining to him/her. <i>These are reference copies. Office of the Assoc. Administrator for Administration maintains record material.</i></p> <p>Disposition: Destroy ^{in agency} when 3 years old.</p>		

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29.	<p><u>Program Files.</u> Contain general information on AASHTO, minutes of meetings, press releases, congressional reports, funding reports, drafts of hearings, highway acts and testimonial statements from Congress, and inquiries involving legislative matters pertaining to the activities of the legislation and Regulations Division. <i>This is a reference file for Chief Counsel's office.</i></p> <p>Disposition: Destroy ^{in agency} when 3 years old.</p>		
30.	<p><u>Reference Files.</u> Contain copies of information used as ready reference on subjects of current or ongoing interest. These files may contain copies of publications, directives, pictures, correspondence and the like. Official file copies are not to be placed in these files nor are the files to be considered pending files where official file copies are kept on a tentative basis.</p> <p>Disposition: Destroy ^{in agency} when no longer needed.</p>	<i>(not scheduled elsewhere in this schedule)</i>	
31.	<p><u>Regulations (CFR) Files.</u> Contain correspondence, official file copies, background material, public information, memorandums of law, revisions to regulations related to environmental policies and procedures, and comments on proposed environmental policies and procedures, and comments on proposed codification of instructional memorandums and proposed documents.</p> <p>Disposition: Destroy when 5 years old <i>see Item 8 of this schedule.</i></p>		
32.	<p><u>Size and Weights Files.</u> Contain general correspondence, administrative and official file copies of hearings, comments and proposals to increase truck weights, and standardization of the trucking industry. Also contain reports made from the regions to Headquarters on actions in the area of vehicle weight limits, special permits for testing of overweight and over-length trucks which present a number of policy and research implications, both with respect to safety and future policy initiatives.</p>		

Request for Records Disposition Authority - Continuation

JOB NO

PAGE OF

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	<p>Disposition: Review file annually.</p> <p>a. <u>Administrative and Official File Copies of hearings</u>: Transfer to records center when 10 years old. Destroy when 15 years old.</p> <p>b. <u>Correspondence Files on Special Permits</u>. Transfer to records center when 25 years old. Offer to Archives 10 years later. Destroy in agency when no longer needed for administrative purposes.</p>		
33.	<p><i>RIB 8/22/80 AF</i></p> <p><u>State Toll Bridges</u>. Files consist of general correspondence, official file copies, reports, studies, background material and complaints on particular bridge problems in specific States. Also in the files are copies of notices of public hearings related to protests received by FHWA that tolls charged for transit over bridges are not reasonable and by reason that the owners have diverted net operating revenues to defray general municipal expenses.</p> <p>Disposition: Transfer to the records center when 5 years old. Destroy when 10 years old. <i>see Item 3 of this schedule</i></p>		
34.	<p><u>State Files</u>. Consist of court cases, official file copies, memoranda, background material and other related papers in connection with Federal participation in claims awards made by States to Federal-aid contractors concerning construction projects.</p> <p>Disposition: Destroy ^{in agency} 3 years after case is closed.</p>		
35.	<p><u>Tort Files</u>. Consist of correspondence, letters, drafts, memoranda, official files and supporting documents related to tort claims which are processed by the General Law Division under the Federal Tort Claims Act.</p> <p>Disposition: Destroy ^{in agency} 3 years after case is closed.</p>		

115-203

Four copies, including original, to be submitted to the National Archives

STANDARD FORM 115-A
Revised July 1974
Prescribed by General Services
Administration
FPMR (41 CFR) 101-11.4