



U.S. Department
of Transportation

**Federal Highway
Administration**

Order

Subject:

FHWA ORDER OF SUCCESSION

| Classification Code | Date | Office of Primary Interest |
|---------------------|---------------|----------------------------|
| 1100.2A | June 14, 2022 | HAMS-10 |

Par.

1. What is the purpose of this directive?
2. Does this Order cancel an existing directive?
3. Who may serve as “Acting Federal Highway Administrator?”
4. What is the order of succession for other key positions authorized to perform the functions and duties of the Federal Highway Administrator?
5. What authorities do Division Administrators and Federal Lands Highway Division Directors have when they cannot establish communications with their normal chain of command?
6. What is the order of succession to other key FHWA positions?
7. What are the documentation and notification requirements for all FHWA offices relating to orders of succession?
8. Where can I obtain additional information regarding this Order?

1. **What is the purpose of this directive?** This Order provides for the continuity of Federal Highway Administration (FHWA) leadership through the orderly succession of officials to perform the functions and duties of the Federal Highway Administrator in the event of the Administrator’s resignation, death, or other circumstances in which the Administrator is unable to perform the functions and duties of the office. In addition, this Order requires that other key Headquarters (HQ) and field officials develop similar orders of succession to their positions.
2. **Does this Order cancel an existing directive?** Yes, this Order replaces FHWA Order 1100.2, FHWA Order of Succession, dated December 13, 2016.
3. **Who may serve as “Acting Federal Highway Administrator?”** The Deputy Federal Highway Administrator is “first assistant” in accordance with the Federal Vacancies Reform Act of 1998 (P.L. 105-277; 5 U.S.C. §3345-3349d). In the event of the Administrator’s resignation, death, or other circumstances in which the Administrator is unable to perform the functions and duties of the office, the Deputy Administrator is the only FHWA official authorized to serve as “Acting Federal Highway

Administrator.” In this scenario, the Deputy Administrator shall perform all of the Administrator’s functions and duties, including functions and duties that are required by statute or regulation to be performed exclusively by the Administrator.

4. What is the order of succession for other key positions authorized to perform the functions and duties of the Federal Highway Administrator?

- a. In the event of both the Administrator’s and Deputy Administrator’s resignation, death, or other circumstances in which they are unable to perform the functions and duties of the office, the officials in the positions identified in this subparagraph shall, in the sequence shown below, perform all of the functions and duties of the Administrator, except to the extent that such functions and duties may not be redelegated by law. Persons appointed to the below positions on an acting basis, or on some other temporary basis, are not eligible to serve as successor; therefore, in this case, authority would fall to the next designated official in the approved order of succession. This directive also applies to any future title changes for these key positions:

- (1) Executive Director;
- (2) Chief Counsel;
- (3) Associate Administrator (AA) for Highway Policy and External Affairs;
- (4) AA for Planning, Environment, and Realty;
- (5) AA for Infrastructure;
- (6) AA for Federal Lands Highway;
- (7) AA for Safety;
- (8) AA for Operations;
- (9) Chief Financial Officer (CFO);
- (10) AA for Administration;
- (11) AA for Research, Development, and Technology;
- (12) AA for Transportation Workforce Development and Technology Deployment
- (13) Director of Public Affairs;
- (14) AA for Civil Rights; and
- (15-18) Directors of Field Services (DFS)

*The order is based on seniority defined by the date the official was assigned to DFS position.

- b. Each individual listed in subparagraph 4a whose position is located outside of HQ succeeding to the functions and duties of the Administrator may discharge the functions and duties of that office

from the location at the time of succession, until it is determined if relocation to the HQ office is necessary.

c. **Termination of Delegation of Authority.**

- (1) The Administrator, Deputy Administrator, or Executive Director may terminate or change the order of succession in subparagraph 4a, in whole or in part, at any time.
- (2) In the absence of the Administrator, Deputy Administrator, or Executive Director, the designated official, in the order listed in subparagraph 4a, may terminate or change the order of succession, in whole or in part, at any time.

5. **What authorities do Division Administrators (DA) and Federal Lands Highway (HFL) Division Directors have when they cannot establish communications with their normal chain of command?**

- a. **Division Administrators.** When DAs cannot establish communications with, in sequence, their respective DFS, their DFS' successor (if applicable), the Executive Director, or the designated official in subparagraph 4a who is performing the functions and duties of the Administrator, they are delegated the authority to perform the functions and duties of the Administrator with respect to the geographic area(s) to which they are assigned. This authority shall not apply to DAs who can establish and maintain prompt communications with their normal chain of command.
- b. **HFL Division Directors.** When HFL Division Directors cannot establish communications with, in sequence, the AA for HFL, the Executive Director, or the designated official in subparagraph 4a who is performing the functions and duties of the Administrator, they are delegated the authority to perform the functions and duties of the Administrator with respect to the geographic area(s) to which they are assigned. This authority shall not apply to HFL Division Directors who can establish and maintain prompt communications with their normal chain of command.

6. **What is the order of succession to other key FHWA positions?** The following are requirements for developing an order of succession to other key FHWA positions. For all of the following positions, refer to documentation and notification instructions in paragraph 7.

- a. **Deputy Administrator.** Succession to the position of Deputy Administrator may follow that established for succession to the Administrator's functions and duties in subparagraph 4a, based on the successor's determination of the need for continuation of the

Deputy Administrator position.

- b. **Executive Director.** Succession to the position of Executive Director shall follow the order listed in subparagraph 4a, with the exception that the Chief Counsel, AA for Highway Policy and External Affairs, and the Director of Public Affairs shall not serve in the capacity of Executive Director.
- c. The following key officials shall develop and document an order of succession to their position to a depth of at least three positions — their position plus two levels down:
 - (1) **Headquarters:** AAs, Chief Counsel, and CFO.
 - (2) **Field:** DFSs, DAs, and HFL Division Directors. The DAs and HFL Division Directors shall provide a copy of their order of succession to their DFS and AA for HFL, respectively.

7. **What are the documentation and notification requirements for all FHWA offices relating to orders of succession?** Each FHWA office shall:

- a. maintain the official file (signed original) for their respective key official's order of succession, revise it as necessary to keep it current, and review it annually for any needed updates; and
- b. promptly provide a copy of the order of succession and subsequent revisions to:
 - (1) the respective key official;
 - (2) each individual listed in the key official's successor list; and
 - (3) the FHWA Emergency Coordinator in the FHWA Office of Transportation Operations.

8. **Where can I obtain additional information regarding this Order?** If you have questions about this Order, you may contact the Office of Administration, Office of Management Services.



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