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Trimble Task Force

THE TRIMBLE TASK FORCE

Before President Johnson signed the Bill establishing the Department of Transportation, the Bureau of the Budget Task Force prepared to transfer its duties to a successor organization.¹ Among the problems that required decision by higher authority were:

1. Establishing a senior task force and designating a Chairman;
2. Arranging liaison with the Bureau of the Budget and the Civil Service Commission;
3. Housing for the Department of Transportation, Highway and Rail Administrations and the Highway Safety Bureau;
4. How to approach the public and employees about DOT developments;
5. Arrangements for assistance from other agencies, i.e., Civil Service Commission and General Services Administration;
6. A tentative timetable for the new task force.²

Several days later, Charles L. Schultze, Director, BOB, designated Vice Admiral Paul E. Trimble, USCG, as Chairman of the DOT Interagency Task Force which would consist of

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representatives from each of the following:

Department of Commerce
Federal Aviation Agency (FAA)
Coast Guard
Bureau of Public Roads (BPR)
Civil Aeronautics Board (CAB)
Interstate Commerce Commission (ICC)
Civil Service Commission (CSC)
Bureau of the Budget (BOB) 3

The representatives, chosen by the head of their respective agencies, were Cecil Mackey, Commerce; Alan Dean, FAA; Vice Admiral Trimble, Coast Guard; Frank Turner, BPR; Bobbie Allen, CAB; Ernest Weiss, ICC; Bernard Rosen, CSC; and Gordon Murray, BOB. Admiral Trimble appointed Captain Harry Morgan the Executive Secretary of the group.

In the same memorandum, Schultze stated that the Task Force was to develop "plans and proposals" for organizing and staffing the DOT, setting up a personnel program, and arranging for housing, supplying, servicing, and other administrative actions required to establish the Department. He also told the TTF to plan budget and accounting concepts, prepare the financing of the Department for the remainder of FY 1967, and among still other duties, keep "the public and employees informed on progress in establishing the Department."

Schultze then notified the Heads of Executive Departments and establishments of the formation of the Task Force, requesting that it receive all possible cooperation and warning that

requests for personnel and services would be forthcoming from the Chairman.⁴

Certainly the TTF was confronted with a mammoth task. It had the responsibility of planning, organizing, and transferring the transportation policies and activities of the United States from the 31 virtually autonomous Government agencies, each with its own set of standards, and welding them into a smooth, well-structured, and coordinated national transportation system. The TTF was to perform as a funnel out of which would flow a practical and legal modus vivendi for the DOT.

As already stated, the Chairman of the group was VADM Trimble, Assistant Commandant of the U.S. Coast Guard. This author was curious about his background and why he was selected as Chairman.

Admiral Trimble is a graduate of the Coast Guard Academy, class, of 1936, and earned a Master's Degree in Business Administration with distinction from Harvard University in 1942. His career took him through the usual command and administrative duties of a Coast Guard officer until his selection in August of 1959 as Comptroller of the Coast Guard, in which office he gained much valuable experience in the handling of multi-million dollar funds. In July, 1964, he was promoted

to Rear Admiral--there are only 21 such officers in the Coast Guard--and exactly two years later was nominated by President Johnson to be Assistant Commandant of the Coast Guard with the rank of Vice Admiral.

His background reveals that there is little question of Trimble's capabilities and that he could undertake successfully the arduous task of Chairman of the TTF. Although he said he did not know exactly why he was selected for this position, he did say that he had been advised by the Commandant of the Coast Guard, Admiral W.S. Smith, that "there was some consideration being given possibly by Charlie Schultze, the Director of the BOB, to my being utilized." Trimble, however, did speculate that some members of his committee, himself excluded, possibly had a personal interest in the new Department, and that he was selected as Chairman for "the reason that I didn't have an ax to grind particularly and was not seeking a position in the Department." ⁵ Also, it might be added, Trimble was available for the chairmanship despite his increasing duties as Assistant Commandant of the Coast Guard.

Mr. Alan Dean, Assistant Secretary for Administration of the DOT, has made reference to the probability that several members of the Task Force had personal interests in obtaining

positions on the Assistant Secretary level and that these ambitions could prejudice their judgment. He also repeated that Trimble did not have designs on any of the executive-level positions since in view of the possible loss of Coast Guard retirement and fringe benefits it would be foolish for him to desire one.⁶ Therefore, the Assistant Commandant of the Coast Guard was selected as Chairman in the belief that he would be impartial.

Functioning Process of the Task Force

The Trimble Task Force had the tremendous responsibility of preparing for the Johnson Administration "an organization plan, basic executive orders and legal determinations" to implement the DOT legislation of October 15, 1966.⁷

Much preliminary work had to be accomplished before the President could announce the operation of the new Department. Besides the creation of an organizational structure, the Task Force had to assign functions and jurisdictions to each of the executive offices, agree on a concept of management, study staffing problems and resources, and prepare a budget. Many statutes had to be reviewed and amended where appropriate. Executive as well as Delegation Orders and other directives had to be created. In short, this group had the full spectrum of responsibility to study, in Trimble's words, "the whole ball of wax."⁸

Trimble added that the Task Force's responsibilities should not be over-emphasized, since "we were only to make recommendations." Yet the Task Force was by no means powerless. It was composed of very able executives with wide governmental managerial experience and many varied viewpoints. Thus, those to whom Trimble was responsible -- the Director of the Bureau of the Budget and later the Secretary of Transportation -- would have to value very highly the recommendations of the Task Force. Nevertheless, Trimble realized that political and "other factors" might prevent the Secretary from accepting these recommendations. Although most were accepted, a number were not, and several major problems, as shall be shown, had to be resolved by the Secretary-designate himself.

By mid-October the Task Force was ready to convene. A study of the techniques it used is a revelation of managerial concepts.

At its very first meeting, the Chairman suggested that a Charter be drawn up for Schultze's signature. This paper spelled out the objectives of the Task Force in general terms, most of which have been cited above. Schultze's signature to the Charter Notice gave a modicum of formality to the program objectives as well as an official basis from which to work.⁹

Still, the Chairman had no one to whom he was directly responsible. The Secretary of Transportation was not yet appointed and Mr. Schultze was much too occupied with his regular official duties to spend time with the Task Force. He never did become involved in the organization of the DOT, nor should he have. Realizing Schultze's pre-occupation with directing the Bureau of the Budget, Admiral Trimble commented that "there wasn't really too much point in worrying him and wasting his time trying to talk over these details."¹⁰

On occasion, however, the Admiral did confer with Alan Boyd, the Under Secretary of Commerce for Transportation, before the latter's designation as Secretary of Transportation. Trimble approached Boyd in this manner: "If you were to be the Secretary, what would you think about this way of doing it?" For the record, Trimble told this author that Mr. Boyd never at any time during these pre-selection meetings mentioned his possible appointment or actual selection as Secretary. Yet Trimble considered that as Under Secretary of Commerce for Transportation, Boyd "was the closest on the scene, and he seemed to be the likely one" to be appointed."

With Schultze's approval of the Task Force Charter, the group proceeded to identify the major areas to be covered and then working as a team, adopted the committee or working group concept of managerial functioning. Some eleven basic working groups (committees) were organized to study and propose the functional and operational -- if appropriate -- duties and personnel staffing requirements of the various offices and the Administrations which would constitute the DOT. The major working groups included those on Budget and Finance; Public and Employee Information; Legal; Research and Technology; Federal Highway, Federal Aviation, and Federal Railroad Administrations; National Transportation Safety Board; Support Services; Personnel Management; and Emergency Planning.

Many of these working groups in turn formed sub and ad hoc committees to research specific areas and problems. Admiral Trimble often met with the working groups, sometimes with the Chairmen of the subcommittees "to talk over the problems they encountered" and discuss various approaches to solutions that "would be an input into the main Task Force."¹² Working group reports were submitted to the Task Force where they were acted upon and then sent to Secretary-designate Boyd along with the recommendations of the Task Force.

Several additional functions required the immediate attention of the Task Force. One of these, suggested by Cecil Mackey, the representative from Commerce, was the establishment of Task Force relationships with the DOT components. Whereas the members of Trimble's group were very knowledgeable in some governmental areas, they had only vague concepts of the operational duties of many of the agencies and offices that would compose

the DOT. "I know that in my own case," Mackey stated, "I have far too little information about such operations as the Alaska Railroad and the rail and motor carrier safety functions of the ICC." He thought that even within the Department of Commerce where he was Director of the Office of Transportation Policy, he required a more detailed knowledge of some of the programs in order "to understand the administrative problems of building a Secretarial-level organization and constructing a rational allocation of functions among the operating units."¹³

Mackey suggested that the Task Force meet with representatives of those units which would compose the DOT and afford them an opportunity "to brief the Task Force on their functions and problems of personnel." These meetings would provide the Task Force with a widening of a "common base of understanding of what we are dealing with." In addition, Mackey suggested the representatives from the Civil Service Commission and the General Services Commission and the General Services Administration be invited to present their estimates of the problems which they anticipated for the DOT.¹⁴

The Task Force accepted the Mackey proposals and by early November, Chairman Trimble could comment to Schultze that Trimble Task Force briefings by the following agencies had taken place:

- United States Army Corps of Engineers
- Bureau of Safety, Civil Aeronautics Board
- Bureau of Operations and Compliance, Interstate Commerce Commission
- Bureau of Railroad Safety and Service, Interstate Commerce Commission
- Alaska Railroad
- Office of the Under Secretary of Commerce for Transportation
- Traffic and Motor Vehicle Safety Bureau
- St. Lawrence Seaway Development Corporation
- Great Lakes Pilotage Administration¹⁵

These briefings effectively fulfilled Mackey's intention of broadening the Task Force's understanding and knowledge.

Among other pressing matters that faced Trimble were those of establishing an Organization Concept and setting up guidelines for the working groups to avoid unnecessary duplication of effort. Despite the flow of time between the thought and the deed of creating a Department of Transportation, it was not unreasonable that the Administration expected to have the Department begin operation within a few months after the President signed the necessary legislation into law.

One result of this urgency was the Task Force's decision to immediately distribute to the Chairmen of each of the working groups a set of guidelines requiring that each Chairman develop a charter for his committee "specifying the tasks that will be carried out by the group" and that he submit it to the Task Force for approval. Each group, therefore, was to furnish the makings of a field order which would be reviewed and probably rewritten by higher authority into an official order of approval.¹⁶

In this way the Task Force could relate the functions and jurisdictions of each working group to the objectives of the Task Force as a whole. Trimble also added that the Chairmen of the working groups should notify him when the committees had established time frames for the completion of their specific tasks. Alternate plans or recommendations proposed by members of the working groups were also to be submitted for consideration. In this way the Task Force permitted dissenting opinions to reach it, some of which were approved and recommended to the Secretary-designate. Trimble also told the Chairmen

that the Task Force, acting as a committee of the whole, would develop the organization and staffing plans which were to be recommended to the Secretary and that the approved plans would be made available to the working groups. Finally, Trimble's communication requested that distribution of copies of final charters and lists of projects be made to the Chairmen of the other committees to facilitate coordination.

Shortly thereafter, the Task Force Chairman told the working groups that the Task Force planned "to firm up, as soon as possible, the basic organization recommendations which we will make to the Secretary of the Department."¹⁷ He invited the members of the groups, particularly those "with expertise in several of the major activity areas of the Office of the Secretary," to submit as soon as possible their recommendations on the organization of the Secretary's Office. This memorandum opened up serious discussion on various concepts of management to be applied to the new Department.

Gaining an early approval of an organizational concept was a "primary need". Coast Guard Captain Harry L. Morgan, the Task Force's Executive Secretary who had worked with previous study groups, actually worked out an outline of a complete program of action for the Task Force.¹⁸ Much importance should be attached to Morgan's letter because Admiral Trimble pursued most of the recommendations in it. The highest priority, said Morgan, should be given to organization and management. Admiral Trimble began to center the attention of the Task Force on management conceptualism, as Morgan had suggested. The Task Force became a committee of the whole as the DOT Organization and Staffing Working Group and proceeded to draw up a Charter which stated that the group would develop recommendations on the organizational

structure of the Office of the Secretary of Transportation along with staffing and management systems requirements. It would also generally attempt to assist all working groups on organization and staffing studies. More specifically, the Charter directed the group to firm up the basic organizational structure of the Office of the Secretary of Transportation and major new elements of the Department and draft initial guidelines for management policy, organization charting, and a directives system format "for issuance of directives on organization structure, delegation of authority, and similar management documents."¹⁹

With the acceptance of this Charter, Morgan, firmly supported by Dean and Mackey, produced a number of draft studies on Concept of Management which had been made previous to the enactment of the DOT legislation. In his letter of October 17, Morgan had suggested that the Task Force use as a base Working Draft #2 which was prepared by representatives of Federal Aviation Administration, Coast Guard, and Commerce earlier in 1966, and which mainly reflected the management views of Dean, Morgan, and Mackey. By early June it had received an unofficial affirmation from Under Secretary of Commerce for Transportation Boyd.²⁰

Working Draft #2 reflected a "team concept" approach to management organization with a heavy stress on functional assignments for the Assistant Secretaries, leaving the operational responsibilities to the modals (FAA, FRA, FHWA, USCG, SLS, and as of 1968 the Urban Mass Transit Administration) and their Administrators. Functional jurisdiction over policies of the Administration were given to the Assistant Secretaries; yet the Administrators also would have a direct line of communication to the Secretary. Since the

Administrations had been in operation for a number of years as virtually autonomous agencies, some of their directors had developed a close association with Congressional leaders who were now concerned about the future of these modals in the Department.

Working Draft #2 showed that the integrity and operational continuity of those modal agencies transferred to the DOT were to be preserved. Each of the Administrations would be headed by an Administrator to be appointed by the President with the advice and consent of the Senate and these Administrators were to report directly to the Secretary. The fear that the modal directors would be buried under the bureaucratic bulk of a very large Government Department was somewhat allayed by the comforting feeling that the salaries of the Administrators would be higher than those of the Assistant Secretaries. The Draft Study also stressed that the modals were directly responsible for the operational functioning of their specific modes. The stature of the Administrators would be further assured by organizing them, along with the Secretary and the Under Secretary, into a Transportation Policy Council, which pictured the Secretary as the captain of the "team" supported by his transportation executives.²¹

A major problem of Working Draft #2, disagreement over the structural location of the Office of Program and Budget Review, was resolved in Working Draft #3.²² Most of the recommendations of Draft #3, including all of its Concepts of Management, were approved by the Task Force and Mr. Boyd.²³

Office of the Secretary of Transportation

Among the many missions assigned to the Trimble Task Force was that of organizing and "staffing the Department in accordance with the establishing Act and related legislative history."²⁴ Naturally, very high priority was given to the organizational structure of the Office of the Secretary since the successful administration of any executive department of the Government is to a great extent dependent upon the personal policies of the Secretary and the Under Secretary and how they relate their efforts and allocates their time.

In their evaluation of the role of the Office of the Secretary, the Task Force leaned heavily on previous studies of management concepts, allocation of time and functions of the Secretary, and on the experiences learned in other Departments, particularly Health, Education, and Welfare and Interior.

Should the Secretary be the leader of an executive team composed of the Secretary, the Under Secretary, and the heads of the modals, or should he be viewed as the leader of an Office of the Secretary team which would provide policy and program direction to the heads of the modals. This question, a vital one, was thoroughly discussed by the Task Force and after due consideration, it accepted the recommendation of the Study Group on Organization, chaired by Mr. Enar B. Olsen of FAA, that the first of the two alternatives identified as the "team concept", should prevail. The Secretary should assume the responsibility of identifying and planning the requirements of a total national transportation system, and maximum authority to implement

the planning would be delegated to the Administrators of the operating elements.²⁵

This concept, readily approved by Secretary-designate Boyd, had been recommended by the Hoover Commission of the 1950's and had been under study by various task force groups since 1965.²⁶ This concept was considered by the Task Force as a more appropriate dormal means of bringing the Administrators closer to the "inner sanctum" of the Office of the Secretary of Transportation, since they could meet regularly with members of the Secretary's staff and also act as key advisors to the Secretary. Because of their experience with the various modals, these Administrators could even meet "as a single Transportation Policy Council"; thus the Secretary would have available to him the total resources of the Department and the staff capability of evaluating "transportation needs in terms of the total environment" -- political, economic, social, and strategical -- of the country and of establishing total transportation policies and goals for the whole Department.²⁷

The Task Force operated under the assumption that the Department would employ almost 95,000 civilian and military personnel. With the enabling legislation already passed by Congress, the new Department would absorb such complex components of the Executive Branch as the Bureau of Public Roads, Coast Guard, Federal Aviation Administration, and a number of smaller agencies. The Task Force had to assure a smooth transference of authority to the Department which would minimize disruptions of the agencies' vital public services and enable the Secretary to provide for "the coordination and oversight of the operating programs" with least possible delay. Much of the Task Force's

thinking in regard to these problems was reflected in two basic documents, "Department of Transportation Concept of Organization and Management" and "Department of Transportation -- How the Secretary and Under Secretary Will Use Their Time," July 14, 1966 (U. S. Coast Guard Daily Morgan File).

The Task Force considered that the "heaviest demands upon the Secretary's time" would emanate from sources "external to the Department."²⁸ Because of the Department's newness and the importance of its policy role in the Johnson Administration, the Secretary would deal directly with the President and would probably have an unusually active White House Liaison. As a member of the Cabinet, he would also be expected to consult on problems outside of the Department and serve on Presidential Committees and Study Groups.

Needless to say, considerations of protocol would require the Secretary of Transportation to deal directly with the heads of other departments and with his peers in independent agencies of the Government. He would have to also create close ties, personal and official, with Congress, particularly with the Chairmen of the appropriate substantive and appropriations Committees.²⁹

In addition, the Task Force suggested that the Secretary plan to maintain a direct, open, and reciprocal line of communication to the heads of major industries so that he could solicit their views and also be invited to address major industrial conventions where he would have the opportunity to set forth official policies, programs, and objectives.³⁰ It was also anticipated that the Secretary should be ready to receive Heads of Foreign Ministries of Transportation and entertain them, although the demands of time in the fulfillment of these obligations would be light. All these duties, plus the additional one of seeing that the Department of Transportation receive adequate news

coverage and a favorable press, would probably consume as much as two-thirds of the Secretary's total time.

The remaining one-third of his time was to be devoted to the internal administration of the Department. Much of this time would be consumed by policy decision-making, establishing management philosophy, formulating goals, selecting key personnel, meeting with staffs and employees, and reviewing the annual budget of the Department.³¹ Even after the Department was in full operation, selective intra-departmental realignments aimed at improved service and coordination occasionally would also occupy a good portion of the Secretary's attention.

The Task Force's plan for the role of the Secretary of Transportation necessarily had to be a general one. The recommended team concept of management and a general direction of his responsibilities with predicted time consumption allotments would be sufficient to guide him as he assumed office. The specifics would be dependent upon the Secretary himself.

The Under Secretary of Transportation

Several basic assumptions were involved in the Task Force's consideration of the role of the Under Secretary. The Task Force believed that he should have a personality which would permit him to function with "a substantial degree of anonymity and self-effacement" and that he should keep in mind that although he holds a very high office, there would be only one office -- that of the Secretary. The Task Force thought that the relationship between the two top men should involve a "high degree of flexibility and interchangeability" in the execution of the total leadership function.³²

While the Secretary probably would focus most of his time on extra-departmental matters, the Under Secretary, as the so-called "inside man" would devote most of his energies to intra-departmental functions. When the Secretary was to be absent from the Washington area, the Under Secretary was to fill in as an alter ego. Basically, it was intended that he would bear the responsibility of implementing the Secretary's decisions and converting them into actions. His office was to act both as a buffer and a pipeline between the Secretary's Office and those of the Administrators and other officers. It would also handle the vast majority of matters involving employee relations with the Secretary and within the Department. Additionally, he was to be continually available to execute those functions requested of him by the Secretary.³³

The Executive Secretariat

Toward mid-December of 1966, Secretary-designate Boyd, at this time still the Under Secretary of Commerce for Transportation, informed Admiral Trimble that he had decided that the new Department of Transportation would include an Executive Secretariat.³⁴ This communication reflects the close ties that Boyd had already developed with the Task Force. As this study will show, Boyd often suggested ideas to Admiral Trimble which were developed by the Task Force.

Mr. J. R. Abernathy, Acting Director of the Office of Transportation Research of the Department of Commerce, had been asked by Mr. Boyd in November to study the functions of a proposed Secretariat.³⁵ Abernathy considered the functions of the Executive Secretariats in the Departments of Defense, State, and Treasury, and in the Office of Economic Opportunity. On December 16 he sent his findings to Boyd along with those recommended functions he deemed appropriate for the Department of Transportation.³⁶

At Boyd's request, Admiral Trimble studied the Abernathy report and passed it on for comment to Alan Dean, at that time Associate Administrator for Administration in FAA. Within a week Dean replied that "on the whole, the statement of functions proposed for the Executive Secretariat is sound," and then proceeded to suggest one or two changes.³⁷

The Abernathy report stressed that the Secretariat must be responsive to the desires of the Secretary, and it warned that if this office was to be effective it must remain insulated from the decision and policy-making processes. Abernathy thereupon proposed that the Secretariat should act "as

a left hand for the Secretary" by providing coordination, information, and knowledge for his use, "but not wisdom."³⁸

Generally, the Executive Secretariat was to "support and coordinate the activities and work of the Secretary, Under Secretary, and Assistant Secretaries" and implement the Office of the Secretary by a "control of correspondence" and by gathering and disseminating information.³⁹

More specifically, the Secretariat was to insure the proper channeling of information to and from the Office of the Secretary, including "correspondence, minutes of meetings, discussions, decisions and findings." It would, among other purely administrative duties, maintain a registry of all paperwork that passed through the Office of the Secretary, review all correspondence for Secretarial action "for completeness, style and proper coordination", synopsize and determine the distribution of correspondence and other materials, and maintain a file of all programs of interest to the Department. Finally, the Secretariat would "furnish a duty officer for 24-hour coverage for the Office of the Secretary."⁴⁰

The areas of jurisdiction, it would seem, were sufficiently flexible so that a strongly directed Secretariat could coordinate much of the administration of the Department and thus ease the burdens of the Secretary and his staff. This latitude, on the other hand, could result in administrative, and therefore functional chaos, if the Secretariat were weakly directed. "The right man" for the position of Executive Secretary and other key officials tolerable." The wrong person could "produce much unhappiness and frustration among the key officials of the Department."⁴¹

A problem of major importance was raised by the Abernathy report. It recommended that the Executive Secretary be assisted by a Deputy, eleven professionals, and nine secretarial workers with group leaders and line officers "organized to parallel the organization of the Department."⁴² Neither the Task Force nor Mr. Boyd accepted this line officer concept. They thought that a reduction in staff could take place as a result of "a more generalized use of professionals."⁴³ The line officer concept would probably promote rigidity and violate the Task Force's basic belief that the Offices of the Secretary and Assistant Secretaries should have functional pliancy.

Abernathy's report also raised the question of whether the Department operations would require a 24-hour contact point. Rather than accepting the proposal that the Secretariat furnish a duty officer for 24-hour coverage of the Office of the Secretary, the Task Force accepted the suggestion of Alan Dean that the Communication Center on the 10th floor of the FAA headquarters building with its highly professional personnel could provide the necessary 24-hour capacity.⁴⁴

Role of the Assistant Secretaries

The legislation which created the Department of Transportation provided that there "shall be in the Department four Assistant Secretaries. . . who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions, powers, and duties as the Secretary shall prescribe. . ."45* The limitation of the number of Assistant Secretaries was similar to a provision in the HUD Act which the pre-Trimble Task Force had decided to use as a model. Like the HUD Act, the DOT legislation did not assign functional or operational jurisdictions to the Assistant Secretaries. Admiral Trimble's group was to define their responsibilities.

In the Recommended Organizational Plan, the specific location of the Assistant Secretaries in the structure of the Department was not shown, although many basic functional divisions were rather clearly depicted. The Task Force had agreed that three of the authorized Assistant Secretary positions "should be utilized in Public Affairs, Transportation Policy Development, and Safety and Technology." Three alternatives were offered for the fourth Assistant Secretarial position, i.e., International Transportation, Safety, and Metropolitan and Regional Transportation Development.⁴⁶

Mr. Boyd agreed that there should be Assistant Secretaries for Public Affairs and Transportation Policy Development, but he changed the third from Safety and Technology to Research and Technology, and decided that the fourth Assistant Secretary would be for International Affairs and then proceeded to identify some of their areas of responsibility. He also identified each

* The Assistant Secretary for Administration was not included in this section, but was provide for elsewhere.

office reporting to each Assistant Secretary and even estimated personnel staffing requirements. Boyd requested that Admiral Trimble:

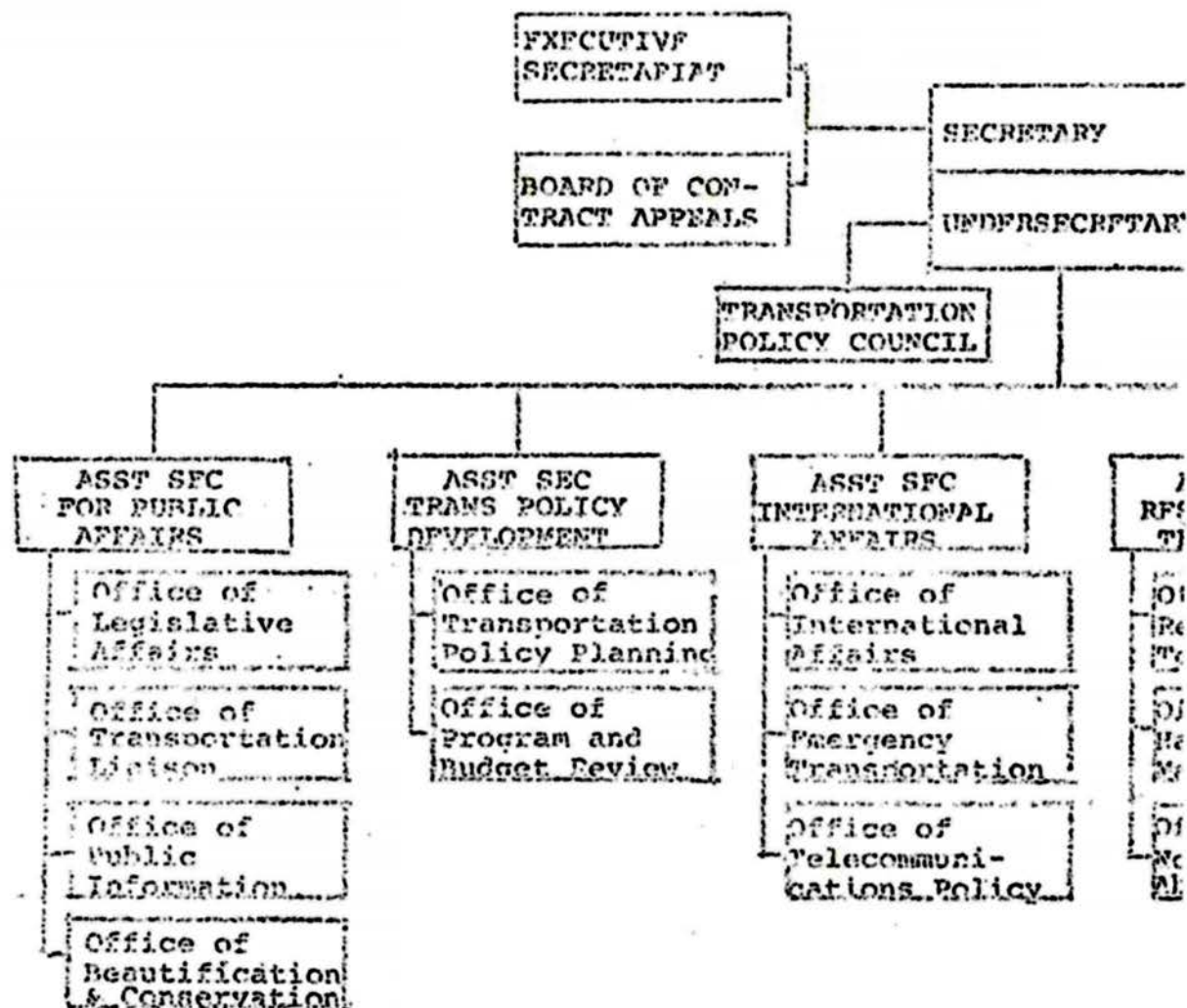
1. Create a Management Working Group to write functional statements for each of the various Secretaries, Offices, etc., which would probably become interim Departmental Orders;
2. Create a Personnel Management Working Group to translate these functional descriptions into staffing plans, proposed grade levels, and job descriptions;
3. Provide for screening applications received and matching them to the staffing plans for the various offices on the basis of information from the Personnel Management Group.⁴⁷

Although Boyd made his decisions after having been presented with a number of options, not all of his decisions were based on the alternatives presented to him. The documents do not reflect who may have advised him in making decisions somewhat different from the recommendations of the Task Force.

The organizational chart attached to Mr. Boyd's letter made provision* for the Assistant Secretary for Administration, as required by the Department of Transportation Law, and Assistant Secretaries for Public Affairs, Transportation Policy Development, International Affairs, and Research and Technology. It also showed that the General Counsel would be on the same level as that of an Assistant Secretary. A number of major offices are not included, i.e., Management Systems and Legislation; and the Office of Budget Review was placed under the Assistant Secretary for Transportation Policy Development. The Trimble Task Force would later recommend other additional offices and responsibilities, although even after long discussion they never agreed where to place the Offices of the Budget and Audit.⁴⁸

The team concept was to characterize the responsibilities of the Assistant Secretaries. According to the studies on the Concept of Organization and

* See following page.



NOTE: Decision pending on where to place the Office of Management Info Systems

Management, approved and further developed by the Task Force and Mr. Boyd, the Assistant Secretaries were to be made available for assignments which transcend departmental programs. This functional concept would take these officers out of the line and afford the Secretary additional assistance in policy and program matters which require broader perspectives than those of particular modes of transportation. The duties of the Assistant Secretaries could be varied from time to time by the Department to reflect priorities in the problems confronting the Secretary.⁴⁹ Depending upon his capabilities, a particular Assistant Secretary could serve as the head of some departmental staff office, as a task force director, or as the supervisor or coordinator of a group of offices as the situation may require.

The position of the Assistant Secretaries as recommended by the Task Force was a unique management concept. These officials were to be "very much in the nature of personal assistants to the Secretary to help him provide leadership and direction to the broad areas of his total responsibilities," and were not to execute major supervisory roles as in the usual case. This concept of management was intended to promote the idea of "flexibility and fluidity" in the relationships among the Secretary, Under Secretary, Assistant Secretaries, and Administrators.⁵⁰

The Task Force further developed this idea when it recommended specific duties for each of the Assistant Secretaries, even though it did use the term "general supervision" in stating some of the areas of responsibility for individual Assistant Secretaries.⁵¹

Office of Assistant Secretary for Policy Development

Among the major purposes in creating the Department of Transportation was that of providing leadership and resources in the area of transportation policy-making not heretofore covered by any Federal program.⁵² The Declaration of Purpose in Public Law 89-670 states that the "general welfare, the economic growth and stability of the Nation and its security require the development of national transportation policies and programs. . ."⁵³ Both the Transportation Law and the debates on the floors of the Senate and House reflect clearly that Congress contemplated that the Department of Transportation would become a leader in transportation policy planning.

Pre-Trimble Task Force planners had generally agreed that transportation policy and planning, should constitute two of the major areas of responsibility in the Department of Transportation and that they required the functional supervision of an Assistant Secretary.⁵⁴ Having been requested to give an opinion on this matter, the Chief Counsel of the Joint Committee on the Organization of Congress, stated that many Congressmen felt that the function of transportation policy "itself is the reason" for the creation of the Department of Transportation and a chief responsibility of the Secretary.⁵⁵

The Trimble Group agreed with the Congressional view and the conclusions of preceding planners and recommended the approval of both concepts.⁵⁶

Overwhelmed by the preponderant authenticity of this advice, Mr. Boyd had little choice but to agree with the Task Force's recommendations. He created the Office of the Assistant Secretary for Transportation Policy and authorized that Secretary functional jurisdiction over the Office of Policy Planning and Program and Budget Review. The decision with regard to the organizational

location of the latter office was a temporary expedient in view of the continuing heated arguments within the Task Force over the emplacement of Program and Budget Review.⁵⁷

The files of the Trimble Task Force contain relatively little information on the organization of the Office of Policy Development, although they are voluminous in many of the other areas. Mr. Cecil Mackey, with a background in both law and economics, had been a Director of Policy Development in the Federal Aviation Administration, and Director of the Office of Transportation Policy Development in the Department of Commerce. He hoped to be selected as Assistant Secretary for Policy Development. He had acted as a "conduit pipeline" of communication between Mr. Boyd and Secretary of Commerce Conner and had assisted in persuading the latter to agree to the creation of a Department of Transportation.⁵⁸

If Mackey received the Presidential appointment, he felt that he would organize the Office of Assistant Secretary for Policy Development "as he so desired." If he did not, then it would be preferable for someone else to structure it. Besides Mackey felt that if he were not selected to be Assistant Secretary, he might very well become Mr. Boyd's special assistant for policy development. Since both Mr. Boyd and he knew what was needed in the way of policy development, they, rather than the Trimble Task Force, would organize this office.⁵⁹

Of course Mackey worked diligently with the other members of the Task Force. His ideas on policy development were clearly reflected in the Recommended Organizational Plan for Office of the Secretary, Department of Transportation, dated October 21, 1966, which was submitted to the Trimble Task Force by the

Study Group on Organization, chaired by Enar B. Olson of the Federal Aviation Department. This working group also consisted of Commander David Lauth, U. S. Coast Guard and Byron Nupp, of the Department of Commerce.

Even before the Trimble Task Force was created both Mackey and Nupp had worked out plans for Transportation Planning in a proposed Department of Transportation.⁶⁰ Much of this planning was integrated by the Olson Group and presented to the Task Force as rational and functional statements for the Office of Transportation Policy Planning. Among other functions this office was to provide staff leadership in the Department for identifying transportation requirements and problems and establishing Department-level planning policies "to be followed in the planning activities of all program agencies of the Department." The Office of Policy Planning was also to serve as the principal staff element in the Office of the Secretary with respect to projecting the future requirements of a total transportation system, reviewing long-range programs of the modals to insure "realistic compliance with Departmental goals and objectives," reviewing existing transportation policies and programs with the view of proposing changes, and "developing recommended means and procedures for unified Federal approach to urban transportation problems. . . .⁶¹

The Working Group on Organization recommended that Policy and Planning work closely with the Transportation Council, which has turned out to be a virtually non-existent body, maintain liaison with Research and Technology to "insure that technical development in transportation and related fields are included in Departmental plans," and provide cognizance and coordination of long-range transportation planning in all organizations of the Department so as to "secure a coordinated and balanced total approach to meeting national transportation needs."⁶²

The rational and functional statements for policy development led to the structuring of a number of offices under the supervision of the Assistant Secretary for Policy Development as the Department became operative. These offices included Economic Analysis, Policy Review, Transportation Systems Analysis, Planning and Program Review, and Information Planning. Most of this organization reflected the thinking of Mr. Mackey, who on January 24, 1966 was nominated by President Johnson to be Assistant Secretary for Policy Development.

The major problem which confronted the organization of the Office of Policy Development was related to the jurisdictional responsibility over Program Planning and Budgeting Systems which has been covered under the section on Assistant Secretary for Administration and the fear that the Task Force "would put far too much strength in the hands of the Assistant Secretary for Policy Development."⁶³ This difference between the Assistant Secretaries for Administration and for Policy Development was settled by a so-called "treaty" between them in the form of "Assignment of Responsibilities for Program, Planning and Budgeting Systems in DOT" dated February 28, 1967 and signed by Alan S. Boyd.⁶⁴ This memorandum lists the functions involved in program planning and budgeting and indicates the responsibilities of each Assistant Secretary. This solution to the Program Planning and Budgeting Systems problem, however, can hardly be considered permanent.⁶⁵

Among the functions of Program Planning and Budgeting Systems in which the Assistant Secretary for Policy Development was given primary responsibility were: statements of missions, goals, and policies; definition of programs; analysis of alternatives and determination of priorities; multi-year programming,

financial plans, and program memoranda, including the review of supporting analyses and conduct of special analysis. He was given consultative roles in presentation of the budget to Congress and in the execution of legislated enactments, and a much greater degree of responsibility was extended to him in preview hearings with the Bureau of the Budget, preparation of annual budgets, and in various miscellaneous functions related to budget administration, i.e., formal cost reduction programs, position management, employment ceilings, and special reports on budget levels. While his responsibilities in the Program Planning and Budgeting Systems were not all encompassing, they did bestow upon the Assistant Secretary for Development very strong powers, sufficient to make him a major executive in this important area of the Department of Transportation.⁶⁵

Assistant Secretary for Public Affairs

As already noted the Trimble Task Force had agreed that one of the Assistant Secretary posts should be designated for Public Affairs.⁶⁸ Mr. Boyd had approved this recommendation as well as those designating Assistant Secretaries for Transportation Policy, Research and Technology, and International Affairs.⁶⁹

Realizing that the Department of Transportation required strong reinforcement in the field of public information, the Task Force formed a working group on Public and Employee Information and appointed Mr. Thomas McGarry of the Bureau of Public Roads as Chairman. The membership included Messrs. E. E. Slattery (Civil Aeronautics Board), C. G. Warnick and D. S. Feldman (Federal Aviation Administration), D. Stull (Office of the Under Secretary), Baylor (Interstate Commerce Commission), W. Sienis (Bureau of Public Roads), and A. Heckman (U. S. Coast Guard).

By the end of October, McGarry's committee had written a charter, which was approved by the Task Force on November 1, and had established liaison with each of the other working groups.⁷⁰ McGarry thought that his group would simply make itself available to provide whatever services most working groups might require. He intended, however, to work more closely with the National Transportation Safety Board, Railway, and Highway groups and "make recommendations for the organization and operations of the information functions in each."⁷¹ Within about ten days his committee determined the objectives, missions, methods to be used, and purported jurisdictions of the working group, and then incorporated these into the charter which was approved by the Task Force. The primary objectives were:

1. Providing interim public and employee information services to the Task Force, including service to the affected agencies on the progress of the establishment of the Department and to the Secretary and Department when appointed and established, until the group was dissolved at the discretion of the Secretary;
2. Developing proposals for the interim operation of the Office of Public Information pending the establishment of a permanent organization; and
3. Developing a proposal with alternatives for the organization, staffing, and operations of the permanent Office of Public Information in the Department.⁷²

The outlook of the working group was both horizontal and vertical: horizontal in that it felt a responsibility to relate any developments, including employment opportunities, to the public; vertical in that it had to establish liaison with the other Task Force working groups and in that it had to prepare plans for the formation of a viable and permanent Office of Public Information.

To carry out its major missions, the McGarry group determined to execute, among other actions: the formation of an information center for press and public inquiries; development of an operational information service; preparation of materials for use of the information service; development of plans "for the orderly transition from the working group to the interim operation of the Office of Public Information"; and development of proposals for the organization, functions, and staffing of this office, along with related orders on organization, authority, and suggested budget parameters.⁷³

The group determined to study the operation of information offices of "selected Federal Departments and agencies," form liaison subcommittees with

each Department working group, and establish a newsletter "reporting progress, public statements, background materials, etc." for all employees. It would also prepare a general booklet on the historical role of transportation in the development of the United States, "with emphasis on the role of the Federal Government, significance of the Department of Transportation and coordinated transportation planning. . .," and prepare the draft of a Presidential Message to the employees of all agencies to be transferred or affected by the creation of the Department of Transportation. The emphasis in this Message would be on job-security provisions of the legislation and the assurance of an orderly transfer of functions and employees to the new Department. The working group also decided to prepare plans for a motion picture on the objectives of the Department.

In the implementation of the intra-task force liaison program, the Chairman organized the subcommittees as follows:

- National Transportation Safety Board--Slattery, Warnick, and Feldman
- Federal Railroad Administration--Stull and Baylor
- Federal Highway Administration--McGarry and Sienis
- Personnel Management--Heckman
- Space, Furnishing, Services--Warnick and Feldman
- Budget, Accounting, Financing--McGarry
- Legal Documents, Delegation, Directives--Warnick and Feldman
- Radio Frequency and Communication--Heckman
- Personnel Security--Baylor
- Emergency Planning--Stull
- Unassigned Functions--Warnick and Feldman⁷⁴

The structural organization and staffing of the Offices of Public Affairs and Information, as recommended by the McGarry group, is shown on pages 48a and 48b.

Although there had been some suggestions that this working group should also deal with the Offices of Legislative Affairs and General Transportation Liaison, the committee unanimously agreed that it should not deal with these

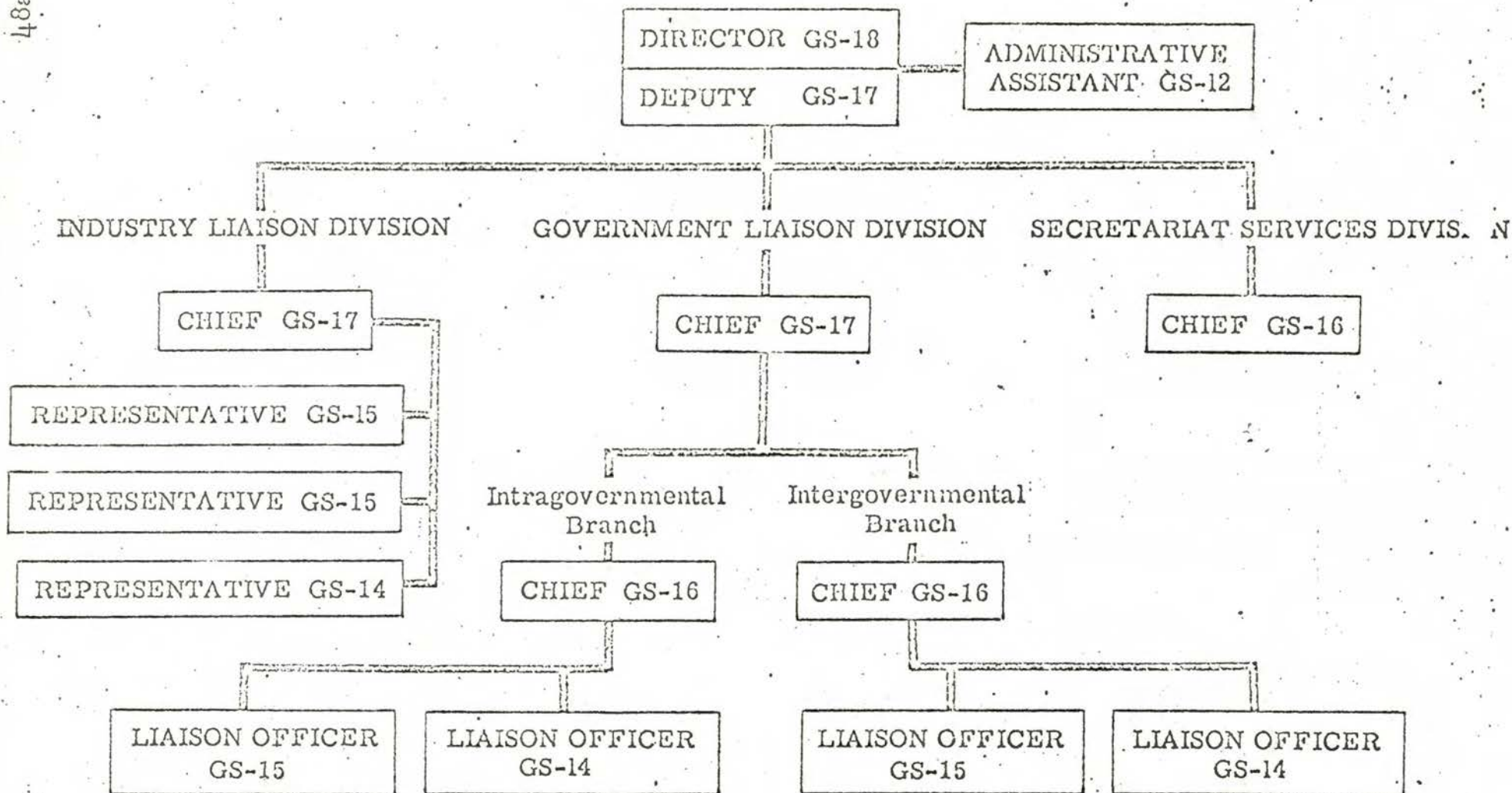
two areas and did not include references to them in the study of the role of the Office of Information in the Department of Transportation.⁷⁵ However, when the Task Force requested McGarry to study the merits of incorporating functions of Legislative Affairs and General Liaison, the latter formed an ad hoc committee to do so. In his report to the Chairman of the Task Force, McGarry stated that although there was major disagreement among the committee members, the Department should designate an Assistant Secretary for General Transportation Liaison who would coordinate the Offices of Public Affairs, Information, and Legislative Affairs. The last office would "be responsible for the coordination and policy control of activities in these areas, working substantially through the modal Administrators."

McGarry's concept of the Offices of General Transportation Liaison, Public Affairs, and Information, which was attached to his December 7 letter to Trimble, is shown on the following page.

Meanwhile, Mr. McGarry had informed the Task Force of his intended resignation from Government work to assume an executive position in private industry. Mr. Charles Warnick, Director of Information Services, Federal Aviation Administration, was appointed his successor. On November 25, Mr. Warnick submitted his working group's proposal that the information services of the Department be under the Office of Public Affairs, headed by a Principal Executive who would serve on the immediate staff of the Secretary, "participate with him in policy decisions, and have ready access to him at all times." This, said Warnick, was a "policy which has been adopted by virtually all Departments and Agencies in the Federal Government."⁷⁶

OFFICE OF PUBLIC AFFAIRS

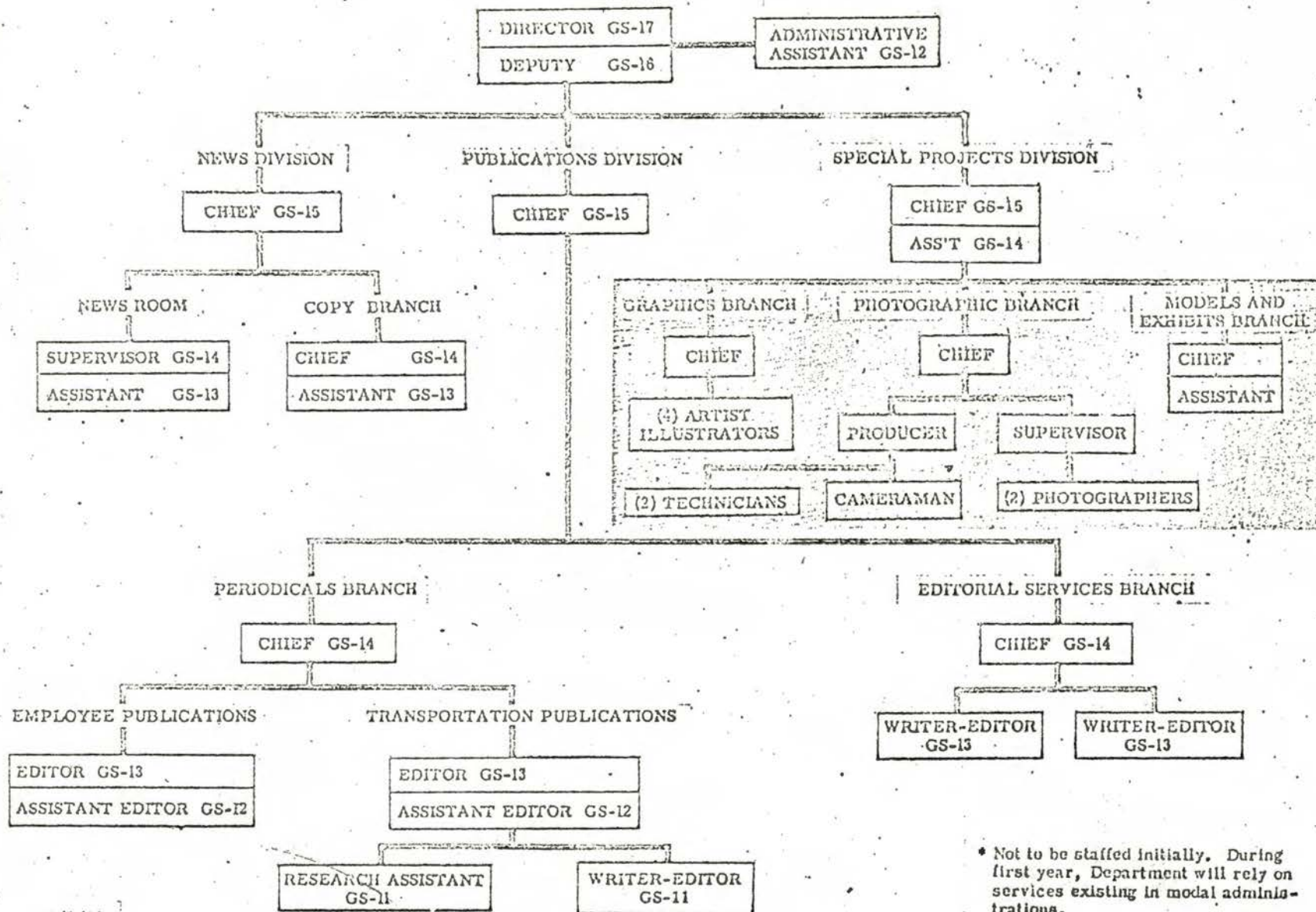
48a



12/5/66

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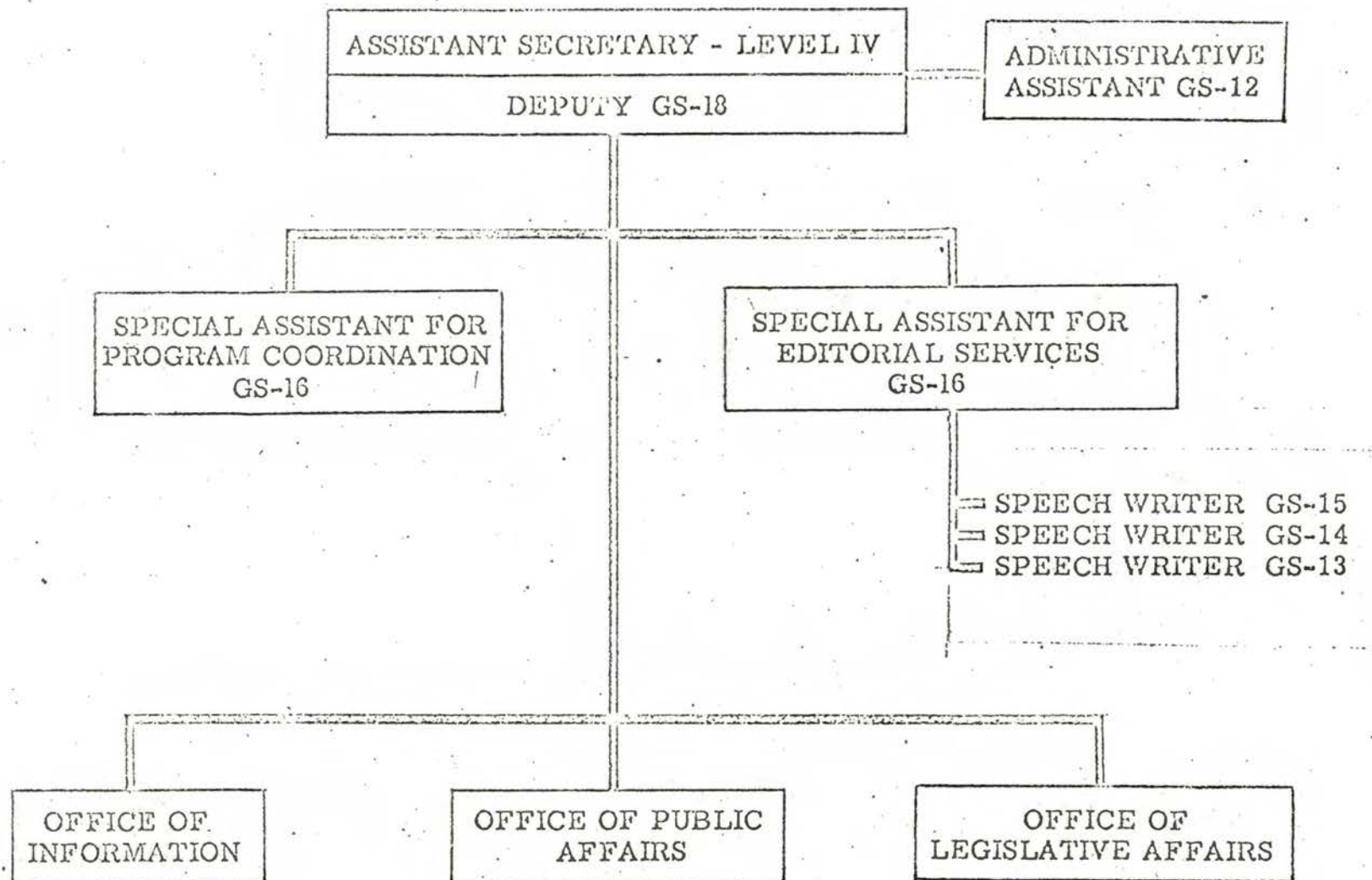
OFFICE OF INFORMATION



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GENERAL TRANSPORTATION LIAISON

49a



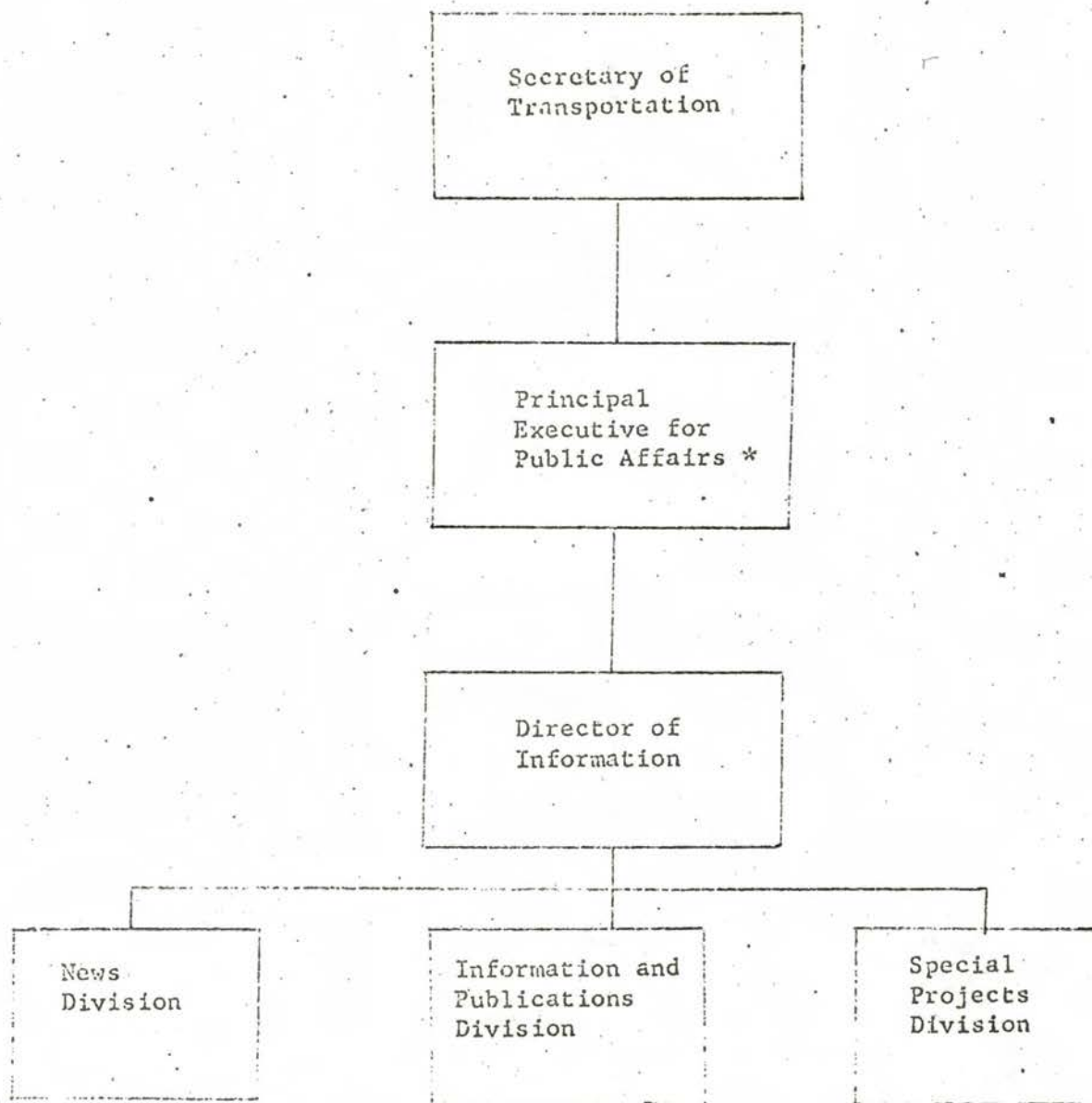
12/7/66

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This Principal Executive was to be the Secretary's press secretary and major advisor on all public appearances, speeches, and meetings with news media. In the organization proposed there was also to be a Director of Information, a News Division, an Information and Publications Division, and a Special Projects Division. Because of the reliance on the report of McGarry's ad hoc committee, no mention was made of Transportation Liaison and Legislative Affairs Offices in Warnick's proposed organization. (See following page.)

Apparently the Task Force already had a clear concept of how the Department of Transportation Office of Public Affairs should be organized. Trimble replied to Warnick, approving "in principle" the proposed organization with a number of recommended exceptions, even though the report of McGarry's ad hoc group had not as yet been received. The exceptions provided that the Principal Executive for Public Affairs, who would eventually become the Assistant Secretary for Public Affairs, would have "supervisory authority over the Offices of Public Information, General Transportation Liaison, and Congressional Liaison." When the Principal Executive became the Assistant Secretary, his duties and functions would be combined with the Director of Information and assigned to the Office of Public Information.

The Task Force had decided that this officer would be "the principal advisor to the Secretary on information matters under the general supervision of the Assistant Secretary for Public Affairs." The Office of Information, it was agreed, would keep employees aware of the activities, plans, and policies of the Department but "as a news letter type of advisory, and not as a formal dissemination of policy to employees "through the directive system of the Office of Personnel" as the working group had recommended earlier.



* This position may be designated Assistant Secretary for Public Affairs, Special Assistant for Public Affairs, or Assistant to the Secretary for Public Affairs.

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attached to McCarry to Trumbull 12/7/66.

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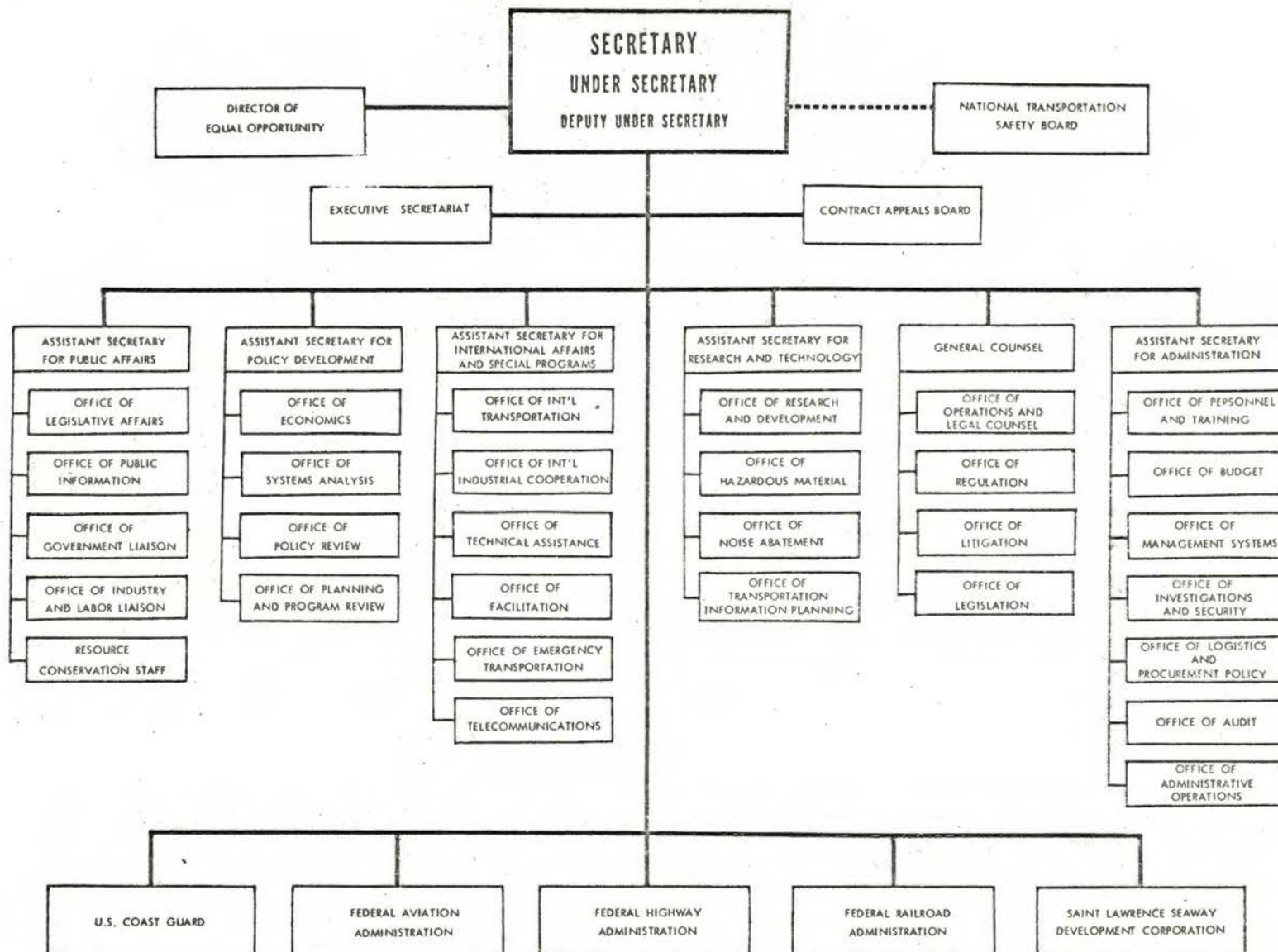
Finally, the Task Force disagreed with the working group's proposal that liaison with industry was to be "a two-way communication responsibility," and decided instead that the liaison should take the form of "news issuing."⁷⁷

Before making any official acceptances of the Warnick and McGarry proposals, along with the recommendations of the Task Force, Mr. Boyd requested via the Task Force that Warnick compare the proposed organization of the Office of Public Information "with similar functions in at least three other Departments."⁷⁸ Within ten days, Warnick reported his findings directly to Boyd. His committee had selected the Departments of Health, Education, and Welfare (HEW), Interior, and Labor for the purposes of comparison. HEW was selected because of its similarity to DOT in volume of employment (HEW had almost 100,000 employees); Interior "because of its extensive field activities and geographical dispersion"; and Labor because of its "diverse types of overlapping national programs."⁷⁹

The Warnick working group concluded that although the proposed DOT Office of Public Information was basically similar to those of the three Departments studied in organization and function, there were several differences. DOT is the only one primarily responsible for employee information, which in the other three Departments was a function of Personnel. Only DOT's Office of Public Information provided for the administration of a motion picture program and for a centralized Speaker's Bureau. In the other Departments, the submission of the Annual Report was a Management Services Function, whereas in DOT it was to be a responsibility of the Office of Public Information. This report also included a listing of staffing of the Public Information Offices of all four Departments.

Mr. Boyd received the working group's study and after some intensive deliberation decided that the basic Warnick, McGarry, and Task Force proposals were sound and should be incorporated into a Division of Public Affairs under an Assistant Secretary for Public Affairs. He did, however, transfer the function of providing the Department's Annual Report to the Office of Management Systems, which he placed under the aegis of the Assistant Secretary for Administration. (See following page.)

DEPARTMENT OF TRANSPORTATION



Assistant Secretary for International Affairs and Special Projects

There was little doubt in the minds of the members of the Trimble Task Force that the areas of International Affairs and Special Projects would have major roles in the Department of Transportation and would rate an Assistant Secretary. For a short time there seemed to be some question as to whether there should be an Assistant Secretary for Special Projects with supervision over International Affairs or an Assistant Secretary for International Affairs who would have jurisdiction over special projects.⁸⁰ The adherents of both schools of thought were agreed that neither International Affairs nor Special Projects by themselves should or could command the full time of an Assistant Secretary. An early decision by Boyd settled the issue temporarily when he determined that one of the executives in the Department would be an Assistant Secretary for International Affairs and assigned to that individual jurisdiction over Emergency Transportation and Telecommunications Policy.⁸¹

Boyd undoubtedly had been influenced by the numerous activities of the Coast Guard in international activities and by Mr. Ernest Lister's study of the Federal Government's involvement in international transportation matters. Lister, who was at that time Special Assistant to the Under Secretary of Commerce for Transportation, took as a basis for his survey such existing documents as "International Functions of the Department of Transportation," June 16, 1966 which had been prepared by the FAA's Office of International Affairs.⁸²

In his report to the Chairman of the Task Force, Lister stressed the international responsibilities of those offices which were to compose the

Department of Transportation. To illustrate the varied character of these functions and the magnitude of some of the programs to be transferred, here is a partail listing.

Department of Commerce.

1. Office of Emergency Transportation (OET). This office has a primary interest in NATO Civil Aviation Planning Committee and is responsible for bilateral emergency transportation problems in cooperation with Canada's Department of Transportation. Under the provisions of the Civil Reserve Air Fleet program "OET is responsible for planning the allocation of air carrier aircraft to the Department of Defense and for planning the allocation to the CAB for the War Air Service Program. It is also concerned with the Planning Board for Europe Inland Surface Transport and Ocean Shipping.⁸³

2. Office of High Speed Ground Transportation. This office maintains a continuous interchange of ideas on groud transportation with foreign countries, particularly Franch, Japan, and the United Kingdom.

3. Office of Transportation Research (OTR). The OTR is interested in planning and research which have international connotations, i.e. projected requirements of United States world commerce during the next five, ten, and even fifteen years, and in maritime cost studies which stress the effects of ship speed, design, age, andsize on unit shipping costs.

Other Department of Commerce transportation functions vested in the Secretary and Under Secretary with specific programs in international activities are the National Highway Safety Agency, Office of Transportation Data Systems, and Aviation War Risk Insurance. The Bureau of Public Roads of the Department

of Commerce included among its functions such international activities as cooperating with Canada and Mexico in the selection of suitable border points for connecting routes of continental importance and in advising the Department of State in the negotiation of "treaties or other agreements with Canada relative to the connection of Alaskan roads with Canadian roads at the international boundary."⁸⁴ In 1965 alone the highway improvement programs of the Bureau of Public Roads were conducted in some twenty countries in Latin America, Europe, Africa, and the Middle and Far East. In November 1966, the Bureau of Public Roads operated in Brazil under a Participating Agency Service Agreement with the U. S. Agency for International Development (AID). In South Brazil, it supervised the construction of 647 kilometers of roads at a total estimated cost of \$63,000,000 and developed a highway maintenance program which involved the purchase of equipment and spare parts and the establishment of shops and warehouses which would coast an additional estimated \$17,100,000. Similar programs of road construction and maintenance, costing over \$42,000,000 were developed in Northeast Brazil.

Under like agreements with AID, the Bureau developed road construction, maintenance, and training programs in, among other states, Burundi, Laos, Peru, the Philippines, Sudan, Yemen, Dominican Republic, Iran, and Bolivia at an estimated expenditure of some \$115,000,000. In addition, equipment purchases and/or short-term advisory services were conducted by the Bureau on Argentina, Paraguay, Central African Republic, Chad, Gabon, Gambia, Togo, Turkey and Guyana.⁸⁵

Still another aspect of the international functions of the Bureau of Public Roads is related to completing the construction of the Inter-American Highway which was funded two-thirds through the Bureau of Public Roads

appropriation and one-third through Export-Import Bank loans. In November of 1966, Public Roads maintained a regional office in San Jose, Costa Rico, with subordinate offices in each country responsible for the Inter-American Highway Program. Much, if not all of the planning, construction, and maintenance of this network was under the general jurisdiction of the Bureau, which in 1966 determined the distribution of some \$375,000,000 in the construction and maintenance of this highway. The reader must again be reminded that about one-third of these funds emanated either directly or indirectly from the countries in which the road was being constructed. With this expenditure of foreign as well as United States funds, it is clear that the Bureau of Public Roads was, and still remains, involved in international finance.

In the same year the Bureau provided orientation, study and training programs for some 835 representatives of 61 countries. Grants and loans for these programs were obtained from such sources as the Agency for International Development, Export-Import Bank, Development Loan Fund, and Inter-American Development Bank.

Other Federal offices to be included in the Department of Transportation and which had important responsibilities in international activities were the Saint Lawrence Seaway Development Corporation, Great Lakes Pilotage Administration, Federal Aviation Agency, Coast Guard, Civil Aeronautics Board, Interstate Commerce Commission, and the Alaska Railroad of the Department of Interior. The Saint Lawrence Seaway Development Corporation deals with the Canadian Government, the Province of Ontario, the St. Lawrence Seaway Authority of Canada, and the Hydro-Electric Power Commission of Ontario in matters that concern that portion of the Saint Lawrence Seaway that stretches from Lake Erie to Montreal. The

Great Lakes Pilotage Administration is authorized to deal with Canadian authorities in activities relating to the establishment of identical rates and charges for pilots, and equitable participation by United States and Canadian pilots.

Both the Federal Aviation Agency and the United States Coast Guard have vast international functions. Among the areas of responsibility of the FAA in the international field are those of safety regulation, research and development, participation in international aviation organizations, and negotiation of agreements with foreign powers. In regard to safety regulations, the FAA establishes the standards of air worthiness requirements for aeronautical products manufactured abroad for exportation to the United States. It supervises the flight operations and maintenance requirements of foreign air carriers that operate in and over the United States, and participates in the investigation of accidents to foreign aircraft in the United States and mishaps of American aircraft in foreign lands.

In its juridical functions relating to research and development the FAA communicates with other governments on that research which is aimed at improving safe and efficient air navigation and traffic control. The FAA also participates in the activities of the International Civil Aviation Organization (ICAO) by providing the United States member of the Air Navigation Commission and developing common international standards on all aviation technical matters. In the implementation of the FAA other functions in this area it contributes to the development of air navigation plans for all regions of the globe, participates in the development of multilateral agreements on various aspects of air law the FAA also takes part in the activities of other international governmental as well as non-governmental organizations that have

an impact on international aviation, such as the International Telecommunications Union and the World Meteorological Organization (both governmental), and the International Air Transport Association, and Federation of Air Line Pilots Association (both non-governmental).

The international functions of the United States Coast Guard are at least as voluminous and even more varied. This Service enforces or assists in the enforcement of all applicable Federal laws on the high seas and the navigable waters of the United States and its possessions. Under the North Atlantic Ocean Station Agreement, the Coast Guard discharges the responsibilities of the United States for the providing of floating stations which furnish meteorological, navigational and search and rescue services to international air commerce, and participate in conferences on ocean station matters sponsored by the International Civil Aviation Organization.

It handles United States obligations for providing vessels to the North Atlantic Ice Patrol which is financed by seventeen nations. Like the FAA it is an active participant in the meetings of a number of international organizations, particularly those that are concerned with safety and communications, territorial waters, meteorological services, fire test procedures, and at-sea enforcement of law, prevention of oil pollution of the sea and rescue of life at sea.⁸⁶

A clearer picture of some of these Coast Guard international functions is revealed in its very active participation in the affairs of the Inter-governmental Maritime Consultative Organization (IMCO) which is a specialized agency of the United Nations and purports to achieve the highest standards of maritime safety and navigation by promoting cooperation among nations in maritime technology. The Department of State looks to the Coast Guard for trained personnel

and special technical advice on "all maritime safety activities" so that the United States can effectively participate in the execution of international agreements in this area. The Coast Guard furnishes the chief United States delegation to the United Nation's Maritime Safety Committee as well as other principals to the Inter-Governmental Maritime Consultative Organization subcommittees. A further illustration of the expansive international activities of the Coast Guard is also reflected in a recent re-organization of its Headquarters. The Office of Public and International Affairs was established which included an International Affairs Division. Thus in this office the multi-directional international functions of the Coast Guard could be better coordinated and more efficiently related to "Coast Guard functions with the new Department of Transportation."

Besides furnishing United States representation at international conferences the Coast Guard also provides staff studies for United States positions at these meetings -- at the request of the Department of State. The Merchant Marine Safety Program which relates to the inspection and regulation of vessels, the licensing and regulation of personnel, the approval of vessel appliances and equipment, including references to foreign ships, is a major responsibility of the Coast Guard which also has the duty of establishing and maintaining a system of aids to navigation that serves maritime and air commerce and the military all the way to Europe, the Middle East, the Arctic, and the Western Pacific. To facilitate the implementation of its responsibilities in these functions, the Coast Guard has established Long Range Aids to Navigation (LORAN) stations in some 43 foreign regions of the world, including Greenland, Bahamas, Marshall Islands, Iwo Jima, Johnson Island, Japan, Germany, Italy, Greece,

Turkey, and Iceland. It has also established section offices in Naples, Italy; Guam in the Marianas; Sangely Point, R. P.; Tokyo, Japan; as well as in Bangkok, Thailand; and Saigon, South Vietnam.

Coast Guardsmen are also stationed in Bremen, Germany; Naples, Italy; Yokohama, Japan; Rotterdam, Netherlands, and Saigon, South Vietnam where they are responsible for checking the safety standards on United States merchant ships and if the occasion warrants, settling any difficulties among the American merchant seamen in those areas.

A summary analysis of the international activities of the U. S. Coast Guard certainly reveals the magnitudinal importance of its responsibilities in international transportation; it also shows how significant a role the Coast Guard plays in the national welfare of the United States, particularly in time of peace.

The international aspects of the activities of the Civil Aviation Board that were to be transferred to the Department of Transportation were limited to safety functions primarily. Even in this area the responsibilities of the Board were restricted to participation in the International Civil Aviation Organization efforts in developing international standards and practices that relate to aircraft accident inquiry, investigation of accidents in any unfortunate events affecting damage or loss of life that involve aircraft manufactured in the United States. According to a provision in the Convention on International Civil Aviation, where mishaps occur to American aircraft abroad, CAB employees as representatives of the United States could participate as observers at the inquiry held into such accidents. Any signatory nation in which the doomed

aircraft is registered acquired the same privilege. In turn the CAB had the onerous and often times arduous task of conducting an inquiry into any accident to foreign aircraft which took place in the United States and was to invite the State of Registry to send observers to the investigation. Accidents involving aircraft built in the United States, although not of U. S. registry have often resulted in requests by foreign governments for CAB assistance in conducting the inquiry. While it is clear that the international functions of the CAB are not multitudinous, they are nevertheless important and on occasion could even be critical.

Both the Interstate Commerce Commission and the U. S. Army Corps of Engineers have somewhat more limited responsibilities in international activities. The functions of the ICC which were to be transferred to the new Department involved for the most part inspection and enforcement of safety regulations for railroad, motor carriers, pipelines, and the safe transportation of explosives and other such dangerous articles. The shipment of the latter in particular brings the ICC in active communication with the International Civil Aviation Organization and the Inter-governmental Maritime Consultative Organization which are very much concerned with the transportation of dangerous commodities in international air and maritime commerce, respectively. The international activities of the U. S. Army Corps of Engineers, are limited to the international aspects of bridge and toll functions and the designation of certain areas as anchorages. Naturally these activities are limited to the extent to which foreign entities might be involved.

Lastly, the Alaska Railroad, also to join the Department of Transportation had a number of international functions. These included dealing with foreign emissaries who visited the United States on railroad matters, providing dockage

for foreign ships and assessing charges on them, and being responsible for the sea train service operating from Prince Rupert, British Columbia, which connects with the Alaska Railroad at Whittier, Alaska.

It seems rather clear that the newly created Department of Transportation would have to assume major mutli-variety as well as multitudinous functional and operational responsibilities in the area of international activities. Its functions in this field are of special significance to many aspects of United States foreign policy and if the Department was to become a viable asset to the nation, then it would have to assume an aura of acute perspective international mindedness in its parametric framework of analysis and planning.

The Study Group on Organization of the Office of the Secretary of Transportation concluded that the activities of the Department of Transportation in international affairs would be very significant and that they should be incorporated into one office separate from the functional jurisdiction of the Office of Transportation Planning. The technical assistance programs, which promoted United States products abroad and furnished United States representation to international conferences were to be part of the activities of this office. In this way the Department of Transportation would be provided with leadership "in developing policy and Department guidelines in matters which are primarily international rather than domestic."⁸⁸

The Organization Committee suggested that the area of international affairs be placed on a high level and have the authority to establish policies and objectives in the international arena. Yet it also concluded that the operating elements of the Department should continue to "carry on essentially as they have in the past on international matters," but that they would be subject to policy guidance from a total transportation standpoint. Thus

Mr. Olson and his associates furthered the "team approach" concept in planning the organization of the international affairs sector of the new Department. They even anticipated that the Office of International Transportation Affairs would become the focal point for interdepartmental leadership in transportation matters.⁸⁹

While Olson's committee built up the activities of the proposed office, it did not go so far as to recommend the centralization of all these functions under an Assistant Secretary for International Affairs, even though two of the three options it dispatched to Chairman Trimble reflected this direction of thought. Special attention should be devoted, the group stated, to deciding "whether or not to place the Office of International Transportation Affairs under an Assistant Secretary with no other major responsibilities" or "under an Assistant Secretary who has jurisdiction over another office, such as the Office of Emergency Transportation. . ."⁹⁰

The Olson report was discussed by the Task Force and passed on to Mr. Boyd, who decided that the position of Assistant Secretary for International Affairs should be created. This office would have jurisdiction over the Office of International Affairs, Emergency Transportation, and Telecommunications Policy with a total of some 80 employees.⁹¹

Boyd actually had accepted the idea that special projects would be under this Assistant Secretary when he placed the Office of Emergency Transportation within the jurisdiction of that Secretary. This office would be "the principal staff element in the Office of the Secretary" with respect to such matters as establishing policy on transportation emergency planning, coordination, overall policies, plans and procedures of "all modes of transportation in an emergency."

It would also coordinate the emergency readiness plans of the Department and maintain liaison with State, Defense, and Office of Emergency Planning in matters concerning emergency transportation planning. Both the rationale and functional phenomena of the OET, at least on paper, were very conducive to the formation of special projects. Whether Mr. Boyd realized it or not at that time, he paved the way for the incorporation of special projects under the Assistant Secretary for International Affairs when he placed Emergency Transportation within the jurisdiction of the latter.

The idea of combining Special Projects with International Affairs was also strengthened by Boyd's decision to place the Office of Telecommunications under the Assistant Secretary for International Affairs. This office would give the Department the capability, among other functions, of identifying and correlating Department positions on national and international matters that relate to frequency management. It would provide Interdepartmental Radio Advisory Committee representatives who would substantiate and defend both surface and aviation interests; lend flexibility in situations involving consolidated telecommunication plans that relate to maritime and aviation requirements; and facilitate "financial action for research and development efforts" aimed at supporting frequency management of the Department's interests. The Telecommunications Office would also attempt to make more efficient utilization of the radio spectrum, represent the Department before all national and international telecommunications regulatory and management organizations, assign all radio frequency, and maintain a program to cover the Department's "compliance with all national and international policies and regulations governing the use of the radio spectrum."⁹³

The Study Group concluded that while most of the telecommunication programs deal with national transportation policy, international policy also "is important," and cited as an example the area of satellite telecommunications. Certainly it would seem superfluous for anyone to assert the necessity of possessing clairvoyant powers to perceive that many special projects, some quite unexpected, would emanate from this Telecommunication Office. Thus, as in the case of creating the Office of Emergency Transportation, the Secretary-designate of Transportation promoted the occasion for special projects when he decided to form the Office of Telecommunications and designate its organizational position under the authority of the Assistant Secretary for International Affairs. Yet when the Department of Transportation was activated on April 1, 1967, the Assistant Secretary for International Affairs had only that title. Special Programs as an entity of jurisdiction had not been given to him.

The question naturally arises then as to when and why this area was made the responsibility of the Assistant Secretary for International Affairs.

Shortly after the Department was activated it was foreseen by Secretary Boyd that special projects and programs would be very significant if the Department was to develop in a well-planned systematized and progressive manner. Yet there was no allocation for Special Programs as such in the organization of the Department. Mr. John McGruder earlier had persuaded Mr. Boyd to place the Office of Emergency Transportation under the Assistant Secretary for International Affairs and it was generally accepted that although the activities of that office would deal with some international matters, much of its activities would be devoted to domestic national functions and would require special projects. The Telecommunications Office, it was realized, would also require special projects.

The Secretary realized that much of the functional operation of the Office of International Affairs would relate to special programs and that there would be other special projects and programs required which did not fit under any group in the Department, such as the Office of Facilitation. Organizational location for Special Programs was made conspicuous by its absence and the Secretary knew that he had to find a slot for it. After a review of the responsibilities of the Assistant Secretary for International Affairs he concluded that this office was not as fully active as those of the other Assistant Secretaries noting too, that it was already involved in special programs. Mr. Boyd thereupon decided to place Special Programs under that Assistant Secretary and amend his title accordingly to Assistant Secretary for International Affairs and Special Programs.

Assistant Secretary for Research and Technology

It had been decided rather early in the meetings of the Task Force that among the offices rating the level of Assistant Secretary was that of Research and Technology.⁹⁶ In these early conferences there was much discussion of safety in all modes of transportation, which, it was agreed, would be a major aim of the Department of Transportation. In fact, much of the early correspondence reflects the use of the term Safety and Technology as the title of a Secretarial-level office.⁹⁷ Boyd was not long in deciding that a more appropriate title should be Research and Technology and that this office would stress development and safety within the sphere of research and technological progress. Thus Boyd envisioned that this office's scope would be much more encompassing than the field of research and safety.

Since there was such general agreement on the necessity of having an Assistant Secretary for Research and Development, little hesitancy was involved in forming a working group on this office and even less difficulty was encountered in obtaining approval of the latter's recommendations.⁹⁸ This study laid most of the groundwork for the organization and modus vivendi of the Office of the Assistant Secretary for Research and Technology.

The Department of Transportation legislation provided that the Secretary undertake and promote research and development in the Department. It went on to state that in regard to these matters,

There are hereby transferred to and vested in the Secretary all functions, powers, and duties of the Federal Aviation Administration and of the Administrator and of the officers and offices thereof. . .

even to include the construction of a civil supersonic aircraft. The Secretary was empowered to negotiate with universities for the conduct of scientific and

technological research "related to the programs of the Department," and to furnish "such advice and assistance as he believes will best carry out the mission of the Department. . . ." The Act placed the full responsibility for the coordination of all the areas of research and technology in the Office of the Secretary.⁹⁹

The working group on Research and Technology, using these sections of the Department of Transportation legislation as a base, decided that its primary missions were to:

1. Provide leadership in transportation research and development in the Department of Transportation;
2. Coordinate the research programs of the Administrations and agencies of the Department of Transportation;
3. Identify research needs and priorities;
4. Manage research facilities consistent with program objectives; and
5. Encourage and support research in the private sector to promote the improvement of the total transportation system.¹⁰⁰

The functions of Research and Development on the Secretarial level were to be geared so as to assure the execution of these missions. This section of the Secretary's Office was authorized to act as the principal staff element for identifying and coordinating at the Departmental level those needs and priorities on problems concerning more than one program, Administration, or agency of the Department. It was to make certain that "effective research programs are developed to meet identified and approved needs," and among other activities, it was to encourage research and development by the private sector in transportation systems. It was also empowered to establish and maintain close liaison with other Government agencies involved in transportation research and provide the necessary DOT representation to industry where appropriate.¹⁰¹

The working group made it rather clear that those requirements important to only one modal were "primarily a responsibility of that organization."¹⁰² The Office of the Assistant Secretary for Research and Technology would identify transportation research requirements which were beyond the scope of any one Administration or program, or which needed to be accommodated. Research and Technology would not conduct the research itself but would provide recommendations and staff advice to the Transportation Council, to be composed of modal Administrators and Assistant Secretaries, as to how this research might be accomplished.

Since the modal Administrations would constitute a major representation on the Council, they were to have a weighty influence in the formulation of any inter-modal research and development policy. Concomitantly, the Council members would virtually control the research and technological efforts in their own modals. Although the Administrations would remain virtually autonomous individually, collectively they were to be partners, with the Secretary as the Director, in the formulation of policy for the whole Department. Such a situation reflects, at least theoretically, the team concept of management in operation.

The working group was also careful to distinguish between responsibilities in applied social science research and those in the physical sciences. The Office of Transportation Planning was to be responsible for all applied social science research concerned with policy and planning. The Office of Research and Technology would assume jurisdiction over research in the physical sciences, including those aspects relating to medical and biological developments. It would also have to be responsible for original social study that is related to

its physical research objectives, i.e., sociological applications of biological or medical discoveries in safety research.¹⁰³

The Task Force accepted the recommendations of the group as a basis upon which the Office of the Assistant Secretary for Research and Development (Technology) could be constructed. At the suggestion of Mr. W. DeVier Pierson, Chief Counsel, Joint Committee on the Organization of Congress, who had a fairly clear picture of how Congress had reacted to the DOT legislation, the Task Force added a recommendation that an Office of Noise Abatement be included under the Assistant Secretary for Research and Technology. Pierson noted that considerable Congressional attention had been directed towards this problem and that a number of minority studies attached to the Committee report had urged the creation of an Office of Noise Abatement. Pierson suggested that this office be placed under Research and Technology. He also warned that the "obligation for seeking solutions to the noise abatement problem should be stated loud and clear for legislative study." The Task Force had no desire to pull the Congressional tiger's tail, and therefore readily heeded Pierson's advice.¹⁰⁴

The atmosphere of cooperation that existed within the Task Force was suddenly disrupted by a controversy over the promulgation of regulations on explosives and other dangerous articles. This burning issue raged for the better part of three months. The differences of opinion concerned the location and the responsibilities of the Office of Hazardous Materials in the structural organization of the Department. The chief agencies involved were the Interstate Commerce Commission, the Coast Guard, and the Federal Aviation Administration, each of which published regulations for the packing, loading, and transportation of explosives and other dangerous articles under authority of Federal legislation.

The Administrator of the Federal Aviation Administration adopted and issued regulations on air transportation handling of dangerous articles under the authority of Title VI of the Federal Aviation Act, 49 USC 1354, 1421 and following; the Interstate Commerce Commission promulgated dangerous articles regulations covering rail and motor carriers and shippers under the authority of 18 USC 834, Act of June 25, 1948; and under the authority granted the Secretary of the Treasury by USC 170, the Commandant of the Coast Guard had a similar authority over the carriage of these materials by vessels.

Would the Interstate Commerce Commission, Federal Aviation Administration or U. S. Coast Guard assume the overall responsibilities for the handling of hazardous materials? The working group on Hazardous Materials realized that the problem of handling dangerous articles was inter-modal, even though each of the agencies had its own regulations covering the shipment of these materials, and thought that general regulations should be adopted.¹⁰⁵ Not one of the agencies concerned desired to take over the Office of Hazardous Materials, nor did any wish to lose its functions in the shipment of dangerous articles.

The issues involved in this problem penetrated the heart of the concept of team management. A survey of the legislative history of the Department reveals that the Congress wanted all regulations concerned with the shipment of hazardous materials to remain under the control of the modals, even though Section 6(e)(4) of the DOT Law transferred to the Secretary the Interstate Commerce Commission rule-making functions that related to dangerous articles. Sections 6(f)(3), 6(b)(1), and 6(c)(1) made rather clear the modal jurisdictions over dangerous articles.¹⁰⁶

In discussing the proposed Department of Transportation legislation, the Senate Committee on Government Operations had listed among the responsibilities of the Secretary the development of national transportation policies and programs, promotion and undertaking of research and development, coordination of Federal transportation activities, etc. It then went on to state that he had so many vast and heavy responsibilities and functions vested in him that it would be "in the public interest to vest the sole authority for all transportation safety decisions in the modal Administrators and in the National Transportation Safety Board." Yet the same Committee asserted that the safety functions pertaining "to rail, pipeline, and highway safety would not be transferred from the Secretary to the respective Administrators" although they should be carried out by the Administrations. This apparent exercise in dialectics is not inconsistent if the reader concludes that the Secretary had functional jurisdiction over areas of safety which were not delegative, as at the same time the modals maintained operational control in these very areas. (Underlining by author.)¹⁰⁷

Both the Senate Committee and the working group realized the necessity for expertise in the transportation of dangerous articles. The working group, however, had the burden of satisfying the law, the Senate, the Secretary, and the Administrations. However the Secretary is the official who is ultimately responsible for the Department, its policies and programs, and is empowered to take necessary steps to insure expedient functioning of the Department and execution of said policies and programs.

What did the working group on hazardous materials decide? How did they arrive at this decision? The answers to these questions involve the basic philosophy of the team concept.

The working group perceived through the clouds of controversy some light in the form of cooperation between the Office of the Secretary and the Administrations: Let the Office of the Secretary adopt a general supervisory function and permit the Administrations as the areas of expertise to submit inputs into an overall DOT policy concerning dangerous articles. Such a basic idea would also stress the team approach. The modal representatives on the working group accepted this theorem as a way of specifying the responsibilities of the Office of the Secretary and the modals. Thus the stalemate was broken and the team concept reinforced.

Under the direction of Chairman William K. Byrd, at the time Chief, Section of Explosives and other Dangerous Articles, Interstate Commerce, Commission, the working group proposed that an Office of Hazardous Materials be created within the organization of the Office of the Assistant Secretary for Research and Technology. The group thought that the publication of regulations as well as the issuance of special permits for the transportation of explosives and other dangerous articles could be handled through this office in a "uniform and expeditious manner, with appropriate input from the modal Administrators."¹⁰⁸ It thereupon recommended that the Office of Hazardous Materials should prepare these regulations for issuance by the modal Administrators, and that special permits, not covered by regulations, might appropriately be issued by the Director of the Office of Hazardous Materials. The question of special permits requires a brief explanation. The issuance of these permits by individual modals, as had been the case, created numerous difficulties because transportation under such permits is often inter-modal and necessary paperwork and unnecessary "red tape" often caused delays. The Byrd group felt that the issuance of these permits could better be synchronized through a single office,

especially since the special permit program sometimes involves emergency situations such as immediate shipment of munitions or other hazardous materials by the Department of Labor.

Keeping before them the concept of team management, as well as the desire to emphasize modal participation in policies concerning the shipment of Explosives and Dangerous Articles, the members agreed to recommend the establishment of a Hazardous Material Regulations Committee. The composition of this group was:

Chairman: Director, Office of Hazardous Materials
Vice Chairman: Assistant Director, Office of Hazardous Materials
Secretary: Chief, Safety Standards Division, Office of Hazardous Materials
Members: Representatives: Federal Railroad, Federal Highway,
Federal Aviation, U. S. Coast Guard

As the title suggests, this committee would recommend any necessary revisions of the Hazardous Materials Regulations and consider petitions for adoption by the modal Administrators. The Office of Hazardous Materials was to furnish technical and administrative advice on the proposed changes and new regulations. Revisions could be proposed by Committee staff members through the respective modal Administrators. All such actions agreed upon by the Committee would be submitted by the Director, Office of Hazardous Materials, to the modals for "review, approval, and issuance."

The study also suggested the formation of a Hazardous Materials Board, composed of representatives from each of the modals. These representatives were to have the authority to approve regulatory actions in the name of the Administrators. The formation of such a Board "would assure coordination and cooperative effort between the modes." It would also provide "an orderly and expeditious means of retaining responsibility for regulatory actions within the Administrations."¹⁰⁹

Lastly, the group recommended that the general regulations for shipments involving classification, packaging, and identification of Explosives and Dangerous Articles shipments and the general carrier regulations applying to all modes of transport be correlated and published as a single document. This latter was to be only after agreement and approval was granted by each Administrator or his representative. (Underlining is that of the author.)

The issuance of such a document, it was hoped, would assure uniformity in the promulgation of regulations as well as assuring the Secretary's authority over regulations common to all modals.

Most of the recommendations of the Office of Hazardous Materials working group were approved by the Task Force and Secretary-designate Boyd. Mr. Boyd ordered the Office of Hazardous Materials to be placed under the Assistant Secretary for Research and Technology and stated that each modal would work through the Office of Hazardous Materials in adopting regulations concerning shipping policies of dangerous articles. Boyd also decided that each modal would assign one or more persons to the Office of Assistant Secretary for Research and Technology for the purpose of setting up a Hazardous Materials Board.¹¹⁰

As it has developed all regulations on Hazardous Materials are written by the Office of Hazardous Materials and submitted to the Hazardous Materials Board for approval. With deployment of specialists on the shipment of dangerous articles from the modals to the Office of Hazardous Materials, the latter has become, as Byrd and his group hoped, the staff for all modals in publishing regulations and policies concerning hazardous materials.¹¹¹

Theoretically, the result of the Hazardous Materials working group was a victory for increased expedience and efficiency. It was also a special lesson in the application of the team concept of management. The modals and the Office of the Secretary together were to have practical machinery for inputs into a general policy on regulations and the issuance of special permits and the Administrators would retain operational jurisdiction and responsibilities. Through the Assistant Secretary for Research and Development, the Secretary of Transportation was still the captain of the team, and through the modal representatives in the Office of Hazardous Materials and on the Hazardous Materials Board, the Administrators were participating members of the same team.

The Office of General Counsel

The contributions of the Trimble Task Force to the creation and organization of the Office of the General Counsel were few in number, although they were major in character. The Committee on Organization did propose that such an office be created as a very important segment of the Office of Secretary of Transportation and that it be on the same level as that of Assistant Secretary. The Committee also recommended a philosophy of management for the General Counsel's office which was quite consistent with the concept of functionalism which had been adopted for use in the Office of the Secretary of Transportation.

To be more specific, the Study Group on Organization, with Mr. Enar B. Olson as chairman, agreed that the Office of the General Counsel should provide the legal advice and assistance required by the Office of the Secretary of Transportation and those offices within the Department of Transportation which do not maintain legal staffs, and that it would also "establish Department-level policies for all legal work in the Department. Olson's group made it rather clear that the modals would be responsible for drafting the legislation which was of concern only to them, although such draft legislation was to be coordinated with the Department General Counsel "for legal consistency from a total Department standpoint." Because of the Coast Guard's special activities in certain areas of military affairs, the Office of General Counsel was to be authorized to perform review functions related to the Uniform Code of Military Justice and assume special responsibilities equivalent to those of the Judge Advocates General of the other military forces.

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The Trimble Task Force was virtually unanimous in agreeing to the proposals of the Olson group and readily recommended their approval by Mr. Boyd. Unlike

its recommendations for the organization of the other major component offices of the Secretary of Transportation, the Task Force did not suggest a breakdown of the General Counsel's Office. Apparently, it was felt that the General Counsel, once designated, could structure his office so as to obtain the most efficiency. As a result little was accomplished in regard to the organization of the General Counsel's Office until the General Counsel was appointed.

In January 1967, Mr. John E. Robson was nominated by President Johnson to be General Counsel. After confirmation by the Senate, Robson took office on February 12. Prior to his appointment, Mr. Robson had graduated from Yale University with an AB degree and Harvard University Law School with honors, and served as a partner in a Chicago law firm. Immediately preceding his appointment to the Department, Robson had been a consultant to the Director of the Bureau of the Budget.¹¹³

Between the time of his nomination and assumption of office, Robson was occupied with drawing up a basic organization of legal functions for his office. He dispatched copies of his proposals to General McKee, Administrator of the Federal Aviation Administration, and Admiral Smith, Commandant of the Coast Guard, with the hope of receiving their comments before sending his plan to Mr. Alan S. Boyd.

Robson had studied the recommendations of the Task Force relating to the Office of General Counsel and considered them to be too narrow in scope. He desired the Office of the Secretary to have more power to determine the legality of regulations and laws as applied to the Department as a whole.¹¹⁴

Actually Robson's proposals for the structuring and jurisdiction of his office reflected a major basic difference in conceptual management from that

already approved by the Task Force. His study, to be sure, was much more definitive than that of the Olson group, as it had to be. A careful analysis of Robson's ideas reflected that he was unaware that the management philosophy in the Office of the Secretary was to be along functional rather than operational lines. It also shows that the young General Counsel had either misjudged or overlooked the traditional political force of the Administrations which had been derived from years of virtual autonomous policy-making.

Mr. Robson recommended that the General Counsel be designated as the chief legal officer in the Department and that as such he would be responsible for "providing legal services for the Department and for supervising such services." Desiring an expansion of jurisdiction for the General Counsel, he asserted that the chief legal officer in each modal should also serve as a departmental Deputy General Counsel. Thus the modal legal officer would serve in a dual capacity or wear "two hats." As chief legal officer of an Administration his primary responsibility would be to direct the legal services in his mode, subject only to the general supervision of the General Counsel, although Robson was careful to state that he had no desire "to become involved in the great bulk of legal matters within the modes." Concomitantly, the top Administration legal officer would serve as a departmental Deputy General Counsel. Whether he realized it or not, Robson offered a line-officer concept of management which had already been rejected by both the Trimble Task Force and Mr. Boyd.¹¹⁵

Robson also felt that the appointment power of modal legal personnel should be vested in the chief modal legal officer unless the selection of supergrades or division heads was involved. If they were then he desired that the General Counsel's concurrence be required. Thus Robson desired some degree of control in the selection of key legal personnel in the Administrations.¹¹⁶

He then proceeded to explain that his office should have four Associate General Counsels, each with functional jurisdiction in specific areas, "such as litigation, legislation, intervention, administrative law and general law."¹¹⁷ Robson was quite certain that the legal activities of the Department as a whole would function much more smoothly if his recommendations were accepted by Boyd.¹¹⁸

As might be expected, Mr. Robson's ideas met with much opposition. Acting Under Secretary Bridwell opposed permitting the General Counsel to have power over the hiring of key legal personnel in the Administrations. The modals quite vehemently opposed the "two hat" positions of the chief administration legal officers. At a number of executive meetings, the Administrators gave vent to their opposition to Robson ideas. Admiral Smith, who earlier had been asked to comment on Robson's ideas, assured the General Counsel that he was "in full agreement with the goals which you seek to achieve in carrying out the legal functions of the Department of Transportation. Like Bridwell, however, the Admiral felt that Robson's proposals were too much along operational lines and recommended that the idea of supervising the legal services of the top modal legal officers be restrained or even eliminated."¹¹⁹

Mr. Boyd, himself, disagreed with Robson's recommendation that the General Counsel be given authority in the hiring of modal key legal personnel and the modals' opposition to the dual role concept of the Administration chief legal officers forced Boyd to reject that idea. Boyd had no desire to alienate the Administrators. Robson, however, was able to persuade the Secretary to agree that the General Counsel of the Department should have the final say in legal matters.

When the Department was activated on April 1, the operational concepts of General Counsel Robson were somewhat conspicuous by their absence, although

his office was organized in the way he had recommended. Assisting the General Counsel were four Assistant Counsels, one each in charge of Litigation, Legislation, Regulation, and Operations and Legal Counsel. The General Counsel was the chief legal officer of the Department and "the final legal authority within the Department." He also had the power to provide professional supervision "including coordination and review of the legal work of the legal officers within the Department."¹²⁰ The General Counsels of the Administrations were not, therefore, the final legal authorities of their respective modals. This responsibility was now transferred to the General Counsel, Office of the Secretary of Transportation."¹²¹

Assistant Secretary for Administration

As early as January, 1966 a subcommittee of a Task Force on the Department of Transportation had recommended that provision should be made for an Assistant Secretary for Administration "using language identical with that in Section 4(b) of the Housing and Urban Development Act."¹²² This section of the Act provided for a career Assistant Secretary to be appointed with the approval of the President, by the Secretary under the classified civil service. Many of the Executive Departments had such an Assistant Secretary for Administration by this time. Although this study was revised periodically throughout the year, the concept of a professional Assistant Secretary for Administration remained virtually intact. Thus the Department of Transportation Act provided that:

There shall be in the Department an Assistant Secretary for Administration, who shall be appointed, with the approval of the President, by the Secretary under the classified civil service who shall perform such function, powers, and duties as the Secretary shall prescribe from time to time.¹²⁴

The Trimble Task Force reviewed the previous studies on Assistant Secretaries and concluded that the Assistant Secretary for Administration should exercise direction over all of the general administrative functions and was therefore to be regarded as the principal management staff official in the Office of the Secretary. He was to be "a person with a broad and mature background in Federal Government executive management." The Task Force recommended that this official also be responsible for Personnel and Training, Management Systems, Logistics and Procurement, Audit Staff, and Administrative Operations.¹²⁵

One of the major problems arose when the Task Force considered which of the Assistant Secretaries should have finance and budget responsibility for the Office of the Secretary, and whether an office should be created to handle all financial and budgetary matters. The answers to the above questions involved the basic conceptual philosophy of team management as well as the critical issue of Planning, Programming and Budget. Lack of time does not permit a thorough investigation of the history and development of Planning, Programming and Budget. It should be stated, however, that the White House had ordered each of the Executive Departments, as a matter of policy, to correlate its Planning, Programming and Budget under one common area of management. The documents reflect major differences of opinion among the Budget and Finance Working Group and within the Task Force itself. Some members thought that the Task Force should propose a line officer concept of budget functions, a concept that would threaten the already accepted team approach to management.

It must be recalled that the Department was to be composed of some 95,000 people and would probably have an initial budget of about \$6,000,000,000. The utilization of this large sum would require astute financial planning. Most major Governmental agencies of this magnitude had formed a comprehensive controller-type organization reporting directly to the Head, or Secretary, of the Department. The resultant line officer concept generally had created a financial management organization separate from the rest of the Department, and offered the distinct and valuable advantage of strong financial regulation as well as an adequate review mechanism with direct access to the Secretary.

The majority of the Budget and Finance Working Group agreed that the financial management of the Department of Transportation should be an Assistant Secretary level with direct access to the Secretary. Among the provisions that this committee recommended were:

1. Establishment of a Chief Financial Officer at the Assistant Secretary level;
2. That "this Chief Financial Officer be designated as Controller or Assistant Secretary (Controller) and that, preferably, he be a career official";
3. That there should be four offices under the Chief Financial Officer; Budget and Program Review; Accounting Policy; Financial Reporting; and Audit; and
4. That the Chief Financial Officer be responsible for "Providing leadership, direction, and policy guidance for the Department as a whole for the functions of programming, budgeting, accounting, financial reporting, and auditing."¹²⁶

The Working Group Report then proceeded to reflect the functions, responsibilities and staffing requirements of each of the sections of the proposed Office of the Chief Financial Officer. Lastly, it stated:

The Working Group is unanimous in its agreement with the recommendations contained in this report, except for one point. (Emphasis added.)

This one point, saved for the very end, was an explosive one and went to the very heart of the team concept and the new Planning, Programming and Budget philosophy. It also created some very sharp differences within the group. The report continued:

This has to do with the organizational location of the Chief Financial Officer. One member believes that the Chief Financial Officer should be under the Assistant Secretary for Administration.

While it is true that all six members of the Working Group signed the report, the one dissenter, Mr. Harold B. Alexander of Federal Aviation Administration, felt so strongly about the line-officer position of the proposed Office of the Chief Financial Officer that he dispatched a memorandum to the Working Group Chairman.¹²⁷ Mr. Alexander made it clear that his disagreement

"lay solely in the supervisory relationship of this organization and not in its functions." He then asserted that the structural location of the Chief Financial Officer as recommended in the Working Group Report offered a number of "distinct disadvantages":

First, the fragmentation of administrative management functions make the Secretary or Under Secretary the lowest common supervisor for resolution of problems between administrative management organizations. Second, it complicates the coordination between the necessarily related administrative functions of financial, personnel, and other managerial functions.

Alexander felt that the proposed plan, centralizing as it would all budgetary and financial matters in one office, would decentralize the financial authority of the Secretary of Transportation and hinder proper planning for the Department as a whole. While agreeing that he would "maintain the same functions in the financial management organization", he recommended that the Chief Financial Officer should "report to the Assistant Secretary for Administration." Thus, "coordination of related administrative systems would be enhanced," the disadvantages of a separate controllership would be eliminated, and "the Secretary's span of control would be simplified."¹²⁸

The Alexander memorandum was attached to the recommendations of the Budget and Finance Working Group and sent to Admiral Trimble. The Task Force discussed these recommendations thoroughly, with particular attention given to the Controller Line-Officer Concept, which aroused some strong opposition. Mr. Gordon Murray of the Bureau of the Budget argued that the Controller concept had been tried several times in BOB during the past ten years and he felt that it did not work. He also argued that, despite his position in BOB, "the fiscal point of view should not be the dominant influence in any agency."

Messrs. Frank Turner and Alan Dean, representing the Bureau of Public Roads and the Federal Aviation Agency, respectively, also were opposed to the concept. Mr. Bridwell stated that this role for a Chief Finance Officer had been discussed in the Office of the Under Secretary of Transportation. It was felt there that such a controller concept "could be a potential source of conflict with the Office of Transportation Policy." Yet few of the Task Force members agreed on any constructive program or recommendation. Bridwell recommended that the Secretary be provided with a personal advisor who could investigate the organization and operation of the Department. After a year this expert was to advise the Secretary where the organizational position of the Chief Financial Officer should be located.¹²⁹

Mr. Byron Nupp, sitting in for Mr. Cecil Mackey, felt that the whole budget program was "basically the responsibility of the Assistant Secretary for Administration"; whereas the Chairman of the Task Force felt that if Mr. Alexander's proposal were accepted, then the Assistant Secretary for Administration would "have too much responsibility." In an interview, Trimble said that "we probably had more discussion about this facet of the Department organization than any other area, and we never did come to an agreement."¹³⁰

It was rather obvious by now that the Secretary would have to decide for himself the location of the financial and budgetary functions. All the Task Force could reflect in its submission to Mr. Boyd were its disagreements. Faced with a number of alternatives, the Secretary-designate decided to follow the basic alternative recommended by Mr. Alexander. Actually, Alexander had been asked by Alan Dean, who supported the Alexander concept, to refine his memorandum. Dean then approached Boyd with it and the Secretary, who was much opposed to the controller concept anyway, decided that the offices of

Budget and Audit would occupy positions under the organizational jurisdiction of the Assistant Secretary for Administration.¹³¹

Mr. W. DeVier Pierson, Chief Counsel of the Congressional Joint Committee on the Organization of the Congress, as requested, gave the Trimble group an estimate of potential relationships between the Congress and the Department of Transportation.¹³² In his memorandum to Trimble, Pierson, like Alexander and Dean, stated that he did not care for a controller-type office. He felt that the Office of Program and Review, with its responsibilities "under the planning-programming-budgeting concept" should be "directly under the Secretary and Under Secretary." This office is a vital tool in policy formation, he stated, and "should work in close support of the Transportation Council." Pierson then proceeded to state that the inputs to this Office of Program and Review would "come from the Office of Transportation Policy, the Office of Research and Technology, and the Planning, Programming and Budgeting units of the modal Administrations." Acceptance or rejection of the findings of the Office of Program and Review "should flow uninterrupted to the Secretary, Under Secretary, and Transportation Council."¹³³

Pierson's recommendation had much merit. Acceptance of it would have precluded some of the suspicions and differences that began to form between the Offices of Policy Development and Administration. Although these differences were to some degree settled by an agreement between the Assistant Secretaries for Administration and Policy Development, the successors to these Secretaries are not bound by the provisions of this "treaty."¹³⁴ The team concept could easily be jeopardized by reasonable claims of jurisdiction by the new Assistant Secretaries as well as by assertions that the present system of Planning, Programming, and Budget is not efficient.¹³⁵

The National Transportation Safety Board

The promotion of safety in all modes of transportation was to be a major function of the Department of Transportation. All of the working groups were conscious of this goal and a number of them reflected an overzealousness in their recommendations of this responsibility to certain of the offices of the Department. Mr. Pierson of the Joint Committee on the Organization of Congress had already warned the Task Force against the delegation of safety as a major function to the several offices of the Secretary. The law, he said, was "most explicit in assigning safety functions to the National Transportation Safety Board (NTSB) and to the modal Administrations."¹³⁶

Section 5(a) of the Law which created the new Department provides for the establishment of a National Transportation Safety Board which was authorized to: make safety recommendations to the Secretary or the modal Administrators; conduct special studies pertaining to safety in transportation; determine the causes of accidents; and translate information on causes of mishaps into accident prevention programs.¹³⁷ The Trimble Group heeded Pierson's warning about centering the responsibility for safety functions.

Admiral Trimble thereupon appointed a working group on the NTSB with Mr. Arthur D. Kallen of the Bureau of the Budget as Chairman. This group had representatives from all the modals coming into the Department. Other members were Captain William Foster (USCG), Martin Foley and Howard Longhurst (ICC), William Haddon and David Schwartz (Commerce), James Lacy (BPR), Fritz Puls and Clifford Walker (FAA), and Marion Roscoe and Warren Vibbard (CAB). Most of these capable individuals had been members of pre-Trimble Task Force study

groups and were familiar with the intent of the Department of Transportation Law, major objectives of the Department, and the concept of management to be exercised in the Department.

The legislative background of the enactment of Public Law 89-670 was full of objections to the inclusion of a NTSB. Representatives of several modals considered that their safety functional powers would be lost to the NTSB; others could not perceive the need for the pursuit of common safety procedures and accident investigations.*

The members of the Kallen group were well aware of these objections and also of the desire on the part of the Federal Aviation Administration, particularly, to maintain its authority in the area of safety. Which of the functions of safety were to be incorporated into the jurisdiction of the NTSB? Which were to be retained by the modals? How would the team concept of management be applied?

In an attempt to develop positions on these questions, Kallen and his colleagues reviewed those portions of Public Law 89-670 which provided for the establishment and functions of the NTSB. Besides creating the NTSB and authorizing those powers which had been stated earlier, the Law also provided for the shifting of the determination of the causes of air mishaps from the Civil Aeronautics Board to the NTSB, although the authority to investigate accidents would still remain with the FAA. The Board could make safety recommendations to the Secretary or the Administrators and was authorized to conduct rail, highway, and pipeline accident investigations that it deemed necessary. It could recommend to the Secretary or Administrators "rules, regulations, and even procedures for the conduct of accident investigations." It had the power

* (See Chapter I, "Legislative History of the Department of Transportation Act" for a more complete explanation of the difficulties in connection with the National Transportation Safety Board.)

to request the Secretary or Administrators to initiate mishap investigations, participate in "accident investigations conducted by the Secretary or Administrators", and also to have the Secretary and the Administrators submit a notification of accidents and reports of mishaps as it considered necessary.

Interests of the public were considered in that the NTSB was to "make public all reports, orders, decisions, rules, and regulations pursuant to Sections 5(b)(1) and 5(b)(2)" which empowered the Board to determine the probable cause(s) of accidents and review "on appeal the suspension, amendment, modification, revocation, or denial of any certificate of licence issued by the Secretary or by an Administrator." It was to make public all of its recommendations made to the Secretary, all requests to him and to the Administrators to take action, and every special study conducted. As a result, the NTSB had a direct line to the people; it could inform an interested public, including the Congress, and it also had the available means of arousing an apathetic one.

Public Law 89-670 also stressed the jurisdictional independence of the Board from the Secretary and the other offices of the Department. The NTSB was to report to the Congress annually "on the conduct of its functions," and on the "effectiveness of accident investigations in the Department, together with such recommendations for legislation as it may deem appropriate." To further illustrate their independence, only the President, with the advice and consent of the Senate, could appoint its five-man membership. The Chairman, also appointed by the President, was responsible for the staffing and supervision of personnel, distribution of assignments, and "the use and expenditure of funds." It is somewhat ironic that the capstone of its independence from the Secretary is really reflected in a statutory restriction,

5(m)(2), which prohibited the NTSB from delegating "the appellate or determination of probable cause functions transferred to it" by section 6(d) of Public Law 89-670. This portion of the legislation provided for the transfer of the powers, functions, and duties of the Civil Aeronautics Board to the Secretary, "provided however, that these functions, powers, and duties are hereby transferred to and shall be exercised by the NTSB." Decisions of the NTSB in pursuit of this authority were final and appeals could be made only by court action.

As in the case of the other working groups the NTSB committee drew up a charter that provided the guidelines of its project. This charter stated that the working group would coordinate its plans with those of other groups, particularly those related to the Rail and Highway Administrations, administrative services, budget, and personnel. The working group proposed to establish plans and proposals for:

1. Organizing and staffing of the NTSB.
2. Division of responsibilities between NTSB and DOT staff in accident investigation, cause determination, license appeals, and other statutory responsibilities.
3. A concept of the role of the Board; and
4. Operational support for the Board.¹³⁸

The Kallen working group perceived potential anomaly in the legal structure of the DOT: Although the NTSB was ostensibly independent of the Secretary, it constituted an important physical part of the Department. While the Secretary was responsible for the work of the whole Department, the working group also had to comprehend the NTSB's legal isolation from the Secretary and the necessity for complete objectivity in the implementation of its decisions. As previously

stated, the Board might hesitate to condemn the shortcomings of the modals or the Secretary in the course of its investigations if it were an integral part of the Department. The group, therefore, stated in its concept of organization that the Board "in exercising its accident and certification of license review function is to maintain maximum independence from the Secretary and the modal units of the Department."¹³⁹

It then proceeded to suggest that the Board should encourage general reliance "upon the modal Administrations to conduct investigations" and use sparingly its power to initiate accident investigations. Since the NTSB was authorized so many responsibilities, it had to be provided with adequate staff particularly for the analysis and review functions of all modes. This analysis staff of the NTSB was not, however, to be involved in the particulars of accident investigation or to have its time consumed in detailed analysis work. Such was the basic concept of management agreed upon by the Kallen Committee.

The Board obviously was to be independent of the Secretary so that departmental loyalty would not hinder the objective pursuit of accident responsibilities. However, the NTSB, it was concluded, could draw upon the Office of the Secretary for detailed administrative support. The Secretary's office, however, was not to be responsible for providing all of this support, for if it were, the independence of the NTSB would be significantly impaired. Therefore, the working group recommended that the Board have within its own structure an executive director and a small support staff of specialists for budget, personnel, management, and administrative services.¹⁴⁰

The Kallen committee felt that the office of the executive director should not be placed in the line of command of the operational segments of the Board, and that it be restricted to the responsibilities of the Board's day-to-day

administrative activities so that it would not become a focal point for operational problems. The number of bureaus involved in the NTSB would be few, but the occasions for "personnel involvement" by the Board would be multitudinous, particularly in the beginning. Hence there was no need to provide a focal point for operational problems.

Another issue was raised as the group discussed the management concepts of NTSB. Should modal expertise be obtained by rotating Departmental personnel to the Board on periodic assignments or should the Board employ its own officers and employees for this purpose? Here the discussion centered on the function of accident review and analysis of all modes of transportation as distinguished from the functions transferred from the Civil Aeronautics Board. Certainly the Board could employ personnel for the above purposes either from the modals or from outside the Government. A second alternative would be to rotate personnel from the modals for a specific period of time; a third plan would involve a combination of the first two.

After reviewing the advantages and disadvantages involved in each of the three possible choices, the majority of Kallen's group agreed that permanent staffing would be the best solution to the problem of organizing the accident review and analysis function. Representatives of the Coast Guard, detailed for this kind of duty to the NTSB, would be the only exception.

The Working Group on the National Transportation Safety Board recognized the multi-directional character of accident prevention in the various transportation modals and considered that Section 5(a) of the Transportation Law accommodated a variety of accident procedures. Over the years these practices had been developed in particular modals according to the unique operations in each. The group concluded, therefore, that what is essential or convenient in

the area of air accident investigation is not per se the case in the fields of maritime or railroad accident investigations and that differences in "the various modes also lead to differences in field organization."¹⁴¹

In his report to the Chairman of the Task Force, Kallen stated that both the Secretary and the NTSB should be permitted future flexibility in improving practices and porcedures so as to reflect the contributions of experts in each of the modals. It disapproved, as a general policy, any formal separation of accident investigative functions from the operating agency and proposed that in the modals other than FAA, the investigation of mishaps be carried out by the specialists and staffs "in the appropriate operating units of the DOT." Where the cases of mishaps were investigated by the modal, it was proposed that the determination of the cause, "under formal delegation from the NTSB," also be made in the operating units of the Department. In selected major catastrophes, however, the authority to determine cause would be reatined by the Board.¹⁴²

Kallen's Committee conceded that the Transportation Act prescribed all air mishaps and that the investigations of such mishaps would be pursued by the Board staff. Cases involving nonfatal, light plan, and general aviation cases would be handled by the FAA at the request of the NTSB. Even in these cases the NTSB could terminate the delegation of investigation of cause upon written notice to the Administrator. Naturally, the Board would assume full responsibility in these instances. Even in those cases where investigations are conducted by the Federal Aviation Administration, the latter's reports were to be forwarded to the NTSB for determination of probably cause by the Board.¹⁴³

The Kallen Group stated that in maritime safety cases, the Board would delegate to the Commandant of the Coast Guard the determination of the probable causes of all accidents except those considered by the Commandant to be of

Marine Board character. Unlike the field of aviation, the formal separation of accident investigative functions from the operating agency in the maritime safety field had no historical precedent, and the Working Group could see no reason to effect such a separation. The members agreed that the ultimate determination of cause should remain vested in the Commandant, since transfer of this function from the Coast Guard, particularly in wartime when that service is transferred to the Navy, could result in fragmentation of authority that would endanger national security. The Group also recommended that the Board's authority to participate in marine accident investigations be generally limited to those of major importance and to participation of the NTSB in the Coast Guard Marine Board inquiries.

In the cases which involve railroad, motor carrier and pipeline accidents, determination of the causes of these mishaps, the Working Group asserted, would be made by the NTSB provided they are of general interest, catastrophic in magnitude, involve issues of broad national interest, or involve unique technical problems. The determination of cause in less important mishaps would be delegated to the modals concerned. In the event of rail mishaps the Administrator of that modal would promptly notify the Board if the accident falls within the above categories. The Board just as promptly was to send a notice to the Administrator asking whether the modal chose to participate in or conduct the accident investigation and also stating whether the Board agreed with the Administrator's designation of the case.

Despite the authority of the NTSB under Section 5(d)(4) and 5(d)(7) of the Transportation Act to initiate and participate in highway accident investigation, the Working Group proposed that the Board exercise this authority sparingly by limiting its investigative powers to major accidents. Kallen's committee also

agreed that the Board should not undertake to conduct automobile accident investigations and that such authority should rightfully remain with the States and the Federal Highway Administration. In the determination of probable cause of motor carrier mishaps, the same categories listed above were to be applied before the NTSB entered the case. The cause determination of accidents outside these categories should be delegated to the Federal Highway Administration.

The investigation of accidents involving pipelines transmissions of oil, gas, and other dangerous articles created different problems for Kallen's study mainly because of lack of historical precedent. The Working Group appeared confused as to the direction it should pursue, since both the NTSB and the FRA (under the functions transferred from ICC) had been authorized investigative authority in this field. The few accidents that had occurred in this area, however, had been catastrophic. Hence the NTSB should have a special interest in such mishaps. Kallen's committee recommended that the determination of the probable causes of the accidents be under the jurisdiction of the NTSB and that the general investigation of such accidents remain within the jurisdiction of the FRA. The Board again was to use its authority sparingly and in cooperation with the FRA.

The Working Group then proceeded to draw up functional statements and staff requirements for each of the units in the NTSB, including the Offices of Director, Secretary, Resource Requirements, Administrative Services, General Counsel, Public Affairs, and Hearings Examiners.¹⁴⁵

The final Report formulated a concept which included "sufficient managerial and administrative functions within the NTSB to assure its relative independence" and thus afforded compliance with the intent of Congress as reflected in 5(g), 5(n), and 5(o) of Public Law 89-670. Concomitantly, this concept required

reliance on other elements of DOT including the Administrations, for expedient functioning, facilities, and services.

The Trimble Task Force approved the recommendations of the Kallen Working Group. Admiral Trimble considered the Kalley Report to be "excellent" because it reflected the intent of Congress, and coped with the necessity of providing "continuity of operations when the Department commences operations."¹⁴⁶

At a time when he thought that DOT might go into operation on March 1, Kallen suggested to Trimble that until the NTSB was appointed, the Director of the Bureau of Safety, CAB, "be designated as interim acting executive authority" and that it be "vested with appropriate authority to arrange to bring the NTSB as close to organizational and operational readiness as possible." Through this office, in close liaison with the Office of the Secretary, "appropriate means¹⁴⁷ for carrying out all necessary activities could be expeditiously completed."

Alan Dean, reflecting the sentiment of Mr. Boyd, agreed with Kallen's idea and thought that the staff of the CAB Bureau of Safety would be "of great assistance" during this period.¹⁴⁸ With the acceptance of this last recommendation, and the apparent completion of its functions, the NTSB Working Group was dissolved.

Delegation Orders

Thirty-one active agencies related to various phases and types of transportation were being transferred to the Department of Transportation. Some of these were autonomous in their functional and operational jurisdictions while others had constituted major segments of other Federal Departments and Agencies and would have to be extracted from them. By January of 1967, most of the Working Groups had completed their tasks which meant that the Department was almost organized, although most of the statutory officials provided by the Transportation Act had not been appointed. In fact, since the President had appointed Mr. Boyd as Secretary of Transportation on November 6 with the implicit hope that the Department would be operational within ninety days, there was a drive among the designated leaders to activate the Department on March 1.¹⁴⁹

Yet the Department could not be activated until the necessary delegation orders had been promulgated. While it is true that Public Law 89-670 had created the Department and authorized the transfer of the thirty-one agencies to it, the authority of the Secretary of Transportation had not yet been implemented. Orders aimed at delegating functions, powers, and duties of the Secretary to the Administrators and the Commandant of the Coast Guard had not been written. Yet these delegations had to be authorized, at least on an interim basis, to assure a smooth start for the Department and also to inform the public as to how it would function.¹⁵⁰

It was essential, therefore, to distribute the Secretary's authority throughout the Department. Such orders naturally would reflect the recommendations of the Working Groups which had been approved by Mr. Boyd, but in a more codified form.

The task of preparing the Delegation Order which would officially activate the Department quite logically fell to the Legal Working Group, whose membership was composed of Charles J. Peters (FAA) Chairman, Daniel F. O'Keefe (Commerce), H. A. Cretella (USCG), Sherwood K. Booth (BPR), Edward Conway (ICC), Alfred U. Krebs (CAB), Frank Rhuland (Alaska RR), and Lester Edelman (Corps Engrs). This group, in its charter, had stated that it would include the composing of the delegations of authority among such other responsibilities as reviewing all laws, Executive Orders, directives, and pertinent agreements, and prepare all necessary legal documents, Executive Orders, Departmental Orders, regulations, and directives.¹⁵¹

In addition to giving legal advice when so requested by the Working Groups and the Chairman of the Task Force, the Peters Committee initiated a rough draft of an "interim" order in late December by which the Secretary of Transportation would delegate authority to the organizational units of the Department "for the continuance of the existing operations transferred to the Secretary by the Transportation Act."¹⁵²

Admittedly incomplete because the tentative allocations of functions among the modal units were either undecided or based on lack of information, this draft did set the delegation order wheels in motion by making the Task Force more cognizant of the need for such documents and for the construction of a line of communication from the other Working Groups through the Chairman of the Task Force to Peter's Committee. The Legal Group could not include in its draft a delegation of orders to the Under Secretary and Assistant Secretaries until it had received the recommendations of Admiral Trimble's group on the roles of these officers in the Department of Transportation.¹⁵³

Peters could not know "the extent to which we will be asked to review for legality the work product of the other groups, or the time which will be required to do so." Nor could he anticipate how often his group would be asked to give legal opinions on specific subjects which naturally would cause deviation "from performance of our basic tasks." Yet he planned that writing the delegation orders would have the highest priority in his committee--the first draft would be completed by January 4, 1967 and after comments had been made on it and received, the final draft would be completed on the 20th of the same month.¹⁵⁴

The Legal Working Group decided that there should be two covering Delegation Orders. The first, Department Order No. 1, was to be an interim one to provide for delegating functions, powers, and duties of the Secretary of Transportation to the modal Administrators and the Coast Guard Commandant. The second Delegation Order, Department Order No. 2, was to cover supervision and performance of functions in the Office of the Secretary.¹⁵⁵ Both of these documents were to be ready simultaneously.

The Chairman was too optimistic in his time schedule. While it is true that the committee's drafts of these two orders were prepared either on schedule or within several days of the promised dates, too little time was allowed for the comments of the Working Groups and the legal difficulties that were sometimes raised by those consulted. As late as February 13, Mr. Enar Olson, Acting Director, Office of Management Systems, requested the Acting Interim Offices within the Assistant Secretary for Administration, DOT, to review "your area of responsibility and recommend any items that would be excluded from the delegation order" and "retained in the Office of the Secretary." He desired a response by February 17.¹⁵⁶ Similar requests were made even later in

the month by other Acting Directors and there is evidence to show that differences of opinion that prevented the finalization of the delegation orders continued until the end of February.¹⁵⁷

Because either the law supported the provisions of the delegation orders or Mr. Boyd desired them to remain in these documents, few changes were made in the drafts provided by the Legal Working Group, even though differences of opinion existed between those who probably would head the new offices and Peter's committee.¹⁵⁸

The draft of Department Order No. 1 provided for the continued exercise of functions and duties which were transferred to the Secretary under Public Law 89-670, pending the issuance of other orders assigning specific responsibilities and duties to officials of the Department. It stated that Public Law 89-670 had transferred to the Secretary of Transportation certain functions, powers, and duties from the Secretaries of Commerce, Army, and Treasury, the FAA, CAB, and ICC. In addition Peters' draft stated that the Transportation Act also transferred the Alaska Railroad and the St. Lawrence Seaway Development Corporation to the jurisdiction of the Secretary of Transportation. After a brief description of modal Administrations and the Coast Guard the order proceeded to authorize the Administrators of the FAA, FHWA, FRA, and the Commandant of the Coast Guard to conduct "the functions, powers, and duties vested in the Secretary" as designated in specific sections of Public Law 89-670. For example, the Federal Aviation Administrator was "authorized to exercise the functions, powers, and duties vested in the Secretary "by Section 6(a)(3) of the Transportation Act which related generally to aircraft under the following laws:

- (i) The Act of September 7, 1957, as amended (71 Statute 629, 49 U.S.C. 1324 note);
- (ii) Section 410 of the Federal Aviation Act of 1958 as amended (72 Statute 800, 49 U.S.C. 1531 et. seq.)
- (iii) Title XIII of the Federal Aviation Act of 1958, as amended (72 Statute 800, 49 U.S.C. 1531 et. seq.)

The FAA was granted a number of other functions, powers, and duties under section 6(c)(1) of the same Act.

In a similar method, but with several pages of references to the appropriate sections of Public Law 89-670 and other statutes, the Federal Highway and Federal Railroad Administrators and the Commandant of the Coast Guard were also delegated powers vested in the Secretary. To assure that all areas of jurisdiction were covered the document stated that each Administrator and the Commandant of the Coast Guard were authorized to exercise within his own unit "the authority granted the Secretary by any statute or regulation as the executive head of an agency."¹⁵⁹

The draft of Department Order No. 1 was sent to Admiral Trimble along with explanatory notes and briefs. Admiral Trimble felt that there should be an assurance of referral to the Secretary "in matters appropriate for his attention" and therefore suggested an additional subsection to the draft which made the Administrators and the Commandant of the Coast Guard individually responsible "for referring to the Secretary any matters on which action should appropriately be taken by the Secretary."¹⁶⁰ Trimble's suggestion does not appear in the published order.

While there were some differences in the delegation to the modal Administrators and the Commandant of the Coast Guard, between the draft order of the Legal Working Group and the one published by the Secretary, they were mainly in format and working. The Secretary, however, did see fit to add a section

on Reservations of Authority which prohibited any delegation of functions, powers, and duties to the modal Administrators and the Coast Guard Commandant in such matters as recommendations for legislation, Executive Orders, submission of budget to the Bureau of Budget, recommendations to the Civil Service Commission of the allocations of supergrade positions (GS 16-18), modification of safety standards, and among other activities the distribution of funds in the

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Department. With the approval of the final draft of the order by Secretary Boyd and its publication on March 31, 1967, the Department of transportation could be activated and made operational.

As stated earlier the Legal Working Group had recommended the issuance of two department delegation orders. As Department Order No. 1 was being prepared so was the second delegation document. While the former provided for the delegation of authority to the modals and the Coast Guard, the latter was concerned with the performance of functions in the Office of the Secretary. In the draft of this document, the Peters' group proposed a broad, general delegation of the Secretary's authority to designated officers in the Office of the Secretary. Each official was to exercise such authority only within his sphere of activity. This "type of delegation order", the Group felt, would eliminate

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the necessity for many individual delegation orders.

This draft of Order No. 2 described briefly the supervisory responsibilities of each of the major component positions of the Office of the Secretary, including those of the Assistant Secretaries and the General Counsel. In regard to delegation of authority, it stated that the Under Secretary, the Assistant Secretaries, and the General Counsel "are authorized to perform any functions the Secretary is authorized to perform." Each of these officials, under this authority, should be responsible for referring to the Secretary any matters

deemed appropriate for the Secretary's action. This draft also provided for Secretarial succession and a statement to the effect that nothing in it modified or altered the direct line of communication between the Administrators, the Coast Guard Commandant, and the Secretary.¹⁶³

The Secretary, assisted by some of his staff, made a thorough study of the proposed order and decided to change the basic concept of the document. The draft quite characteristically stressed delegation of authority. However in a department or agency where functionalism, rather than operationalism, was to be a major characteristic, the idea of delegation of authority adhered too closely to the line-officer concept. Besides, with the various Secretaries to be utilized as assistants to the Secretary of Transportation in his multi-directional activities, some of which at times would transcend their own offices, to what extent the Secretary's authority could be delegated? Although the lines of delegation in the draft were broad, nevertheless they lacked the necessary flexibility to support the authority of the Assistant Secretaries in the exercise of their varied functions, particularly those of an unexpected or critical nature.

As rewritten by Boyd's staff and formalized in OST Order 1100.1, the document made no references to the term "delegation of authority." It established a basic organizational structure and some spheres of responsibility and lines of authority in the Office of the Secretary. The spheres of primary responsibility of each of the major officers in the Secretary's offices were sketchily outlined. The Assistant Secretaries were empowered to "identify and define the requirements for, and to recommend to the Secretary, new or revised Departmental policies." They could evaluate Departmental programs, but were not authorized to make policy, although they could review and recommend changes

in this area. Since most of the spheres of responsibility were so general, the Secretary promised to issue in the future an organizational manual describing the functions of his assistants in a more definitive manner.

The completed document was signed by Mr. Boyd and published on March 31 as OST Order 1100.1A and became effective on the following day. With the publication of DOT Orders 1100.1 and 1100.1A on April 1, 1967, the Department of Transportation was officially activated.

Summary

A review of the work of the Department of Transportation Inter-Agency Task Force, chaired by Vice Admiral Trimble, reflects a high degree of success. While a good deal of the preliminary work on the organizing of the Department of Transportation had been accomplished before the Trimble Task Force had even been created, much planning, preparation, and structuring had yet to take place before the Department of Transportation could be activated. The job of the Trimble Task Force was to pursue the major unfinished business of the previous study groups, relate it to Public Law 89-670 and then create an organizational and jurisdictional structure of the Department of Transportation which would permit activation within a short period of time.

Unlike its predecessors, the Task Force was somewhat restricted by Public Law 89-670 itself and the very fact that it would have to construct the new department on a functional concept of management rather than on one of operationalism. Working within these parameters, it was to recommend a basic and workable plan for the structuring of a Department of Transportation which would be capable of organizing an efficient national transportation program for the United States. Assisted, often in a major way, by Alan Boyd, Trimble's Group ironed out a workable plan of organization which contributed greatly to the state of readiness of the Department for activation on April 1, 1967. At this time the Department of Transportation is still operating under most of the recommendations of the Trimble Task Force, although more time is needed for a more conclusive estimate of Department efficiency.

Actually the Inter-agency DOT Task Force was disbanded in early January, 1967, so well had it proceeded in the achievement of its objectives. Mr. Boyd, however, had no intention of terminating the Working Groups, some of which had not completed their studies. He therefore appointed Trimble as Coordinator of DOT Working Groups. As such, the Admiral was Boyd's direct representative with the Working Groups "and all work and questions should be submitted to you."¹⁶⁴

Coordinator Trimble carried the spirit of the Task Force with him and generally applied it to the recommendations he received from the Working Groups. In essence, therefore, the Task Force still carried on, although it had been disbanded. Ably assisted by his Chief Executive Officer, Captain Harry Morgan, Trimble spurred on the Working Groups, remained in constant contact with Boyd and his ideas, and often correlated the latter with the thoughts of the Groups.

There seemed to be an underlying sentiment as the Task Force was organized, that Mr. Boyd, because of his experience as Under Secretary of Commerce for Transportation, would become the Secretary of Transportation and that Trimble would be an Assistant Secretary, probably for Administration. This feeling grew as the Task Force progressed in its work, although there was no evidence that Boyd and Trimble would be nominated for key positions.

It is fair to conclude, on the basis of the available record, that some recommendations concerning the organization of the Department were shaped by compromises between good administrative theory and the ambitions of individuals who served the Task Force in one capacity or another.

Granting that the Trimble Task Force adopted the functional concept of management as a general policy, one may well question whether this philosophy should have been so adamantly pursued. It was true that some executives

associated with the Task Force had experienced difficulties in the Department of Commerce due to the policy of centralization of authority pursued there. The fact remains, however, that very little consideration, if any at all, was given to the possibility of gaining greater efficiency in some areas of the new Department by continuing the functional concept with that of the line officer. It is known that the original planners of the Department of Transportation judiciously studied the organization of the Department of Defense. One may reasonably conclude that the separate service concept so characteristic of the Department of Defense had an influence on the architects of the Department of Transportation.

On balance, the Trimble Task Force did accomplish its objectives within a short time. The charismatic personality and administrative capability of Admiral Trimble contributed heavily to its success. As Chairman he was meticulous in his efforts and consistently followed up his own "orders" to the other members and the Working Groups, so as to obtain results as quickly as good judgment would allow.

FOOTNOTES

1. M.A. Whalen to Commandant of the Coast Guard, letter, October 10, 1966; Charles Schultze to Admiral W.J. Smith, October 10, 1966.
2. "Meeting on DOT," memorandum, October 13, 1966.
3. Charles Schultze to Vice Admiral Paul E. Trimble, memorandum, October 18, 1966.
4. Charles Schultze to Heads of Executive Departments and Establishments, memorandum, October 18, 1966.
5. Vice Admiral Paul E. Trimble, interview by R.M. Paone, July 26, 1968.
6. Alan L. Dean, interview by Walter Cronin, August 8, 1968.
7. Trimble interview, op. cit.
8. Ibid., also see Charles Schultze to Vice Admiral Paul E. Trimble, op. cit.
9. Ibid.
10. Trimble interview, op. cit.
11. Ibid.
12. Ibid.
13. Cecil Mackey to Vice Admiral Paul E. Trimble, memorandum, October 17, 1966.
14. Ibid.
15. Vice Admiral Paul E. Trimble to Director of the Bureau of the Budget, memorandum, November 4, 1966.
16. Vice Admiral Paul E. Trimble to Chairmen of DOT Working Groups, memorandum, November 1, 1966.
17. "Proposed Memorandum from Chairman, DOT Task Force to Chairman, DOT Working Groups," November 4, 1966.
18. Captain Harry L. Morgan to Vice Admiral Paul E. Trimble, memorandum, October 17, 1966.
19. "Draft Charter for DOT Organization and Staffing Working Group," no date.

20. Alan L. Dean, memorandum to file, June 8, 1966.
21. W. DeVier Pierson to Vice Admiral Paul E. Trimble, memorandum, November 14, 1966.
22. Enar B. Olson, Commander David F. Lauth, and Byron Nupp, Recommended Organization Plan for Office of the Secretary, Department of Transportation, Working Draft #3, October 21, 1966; Captain Harry L. Morgan to Chief of Staff, memorandum, August 2, 1966.
23. Alan Boyd to Admiral W.J. Smith, letter, January 17, 1966; Commander David Lauth to Rear Admiral M.A. Whalen, letter, June 15, 1966; Commander David Lauth to Rear Admiral M.A. Whalen, letter, June 30, 1966.
24. Charles Schultze to Vice Admiral Paul E. Trimble, memorandum, October 18, 1966.
25. Recommended Organization Plan, op. cit.
26. Cecil Mackey to Alan Boyd, memorandum with enclosure, January 28, 1966; Vice Admiral Paul E. Trimble to Alan Boyd, memorandum, December 21, 1966.
27. Recommended Organization Plan, op. cit.
28. "Department of Transportation--How the Secretary and Under Secretary Will Use Their Time," unsigned memorandum, July 14, 1966.
29. W. DeVier Pierson to Vice Admiral Paul E. Trimble, memorandum, December 12, 1966, see enclosure "Office of Legislative Affairs--Department of Transportation."
30. Ibid., see enclosure "Office of General Transportation Liaison--Department of Transportation."
31. "Department of Transportation--How the Secretary and Under Secretary Will Use Their Time," op. cit., p. 5.
32. Ibid., p. 1.
33. Ibid., pp. 5-6.
34. Alan Boyd to Vice Admiral Paul E. Trimble, memorandum, December 16, 1966.

35. J.R. Abernathy, telephone interview by R.M. Paone, July 31, 1968.
36. J.R. Abernathy to Alan Boyd, memorandum, December 16, 1966.
37. Alan L. Dean to Vice Admiral Paul E. Trimble, memorandum, December 20, 1966.
38. J.R. Abernathy to Alan Boyd, memorandum, December 16, 1966.
39. Ibid., see enclosure.
40. Ibid.
41. Alan Dean to Vice Admiral Paul E. Trimble, December 20, 1966, op. cit.
42. J.R. Abernathy to Alan Boyd, memorandum, December 16, 1966.
43. Alan L. Dean to Vice Admiral Paul E. Trimble, December 20, 1966, op. cit.
44. Ibid.
45. Public Law 89-670.
46. Vice Admiral Paul E. Trimble to Alan Boyd, memorandum, November 18, 1966.
47. Alan Boyd to Vice Admiral Paul E. Trimble, memorandum, December 13, 1966.
48. H.B. Alexander to William J. Armstrong, memorandum with enclosure, November 15, 1966.
49. "Department of Transportation, Concept of Organization and Management, July 15, 1966.
50. Recommended Organization Plan, op. cit.
51. Vice Admiral Paul E. Trimble to Alan Boyd, memorandum, November 18, 1966.
52. Cecil Mackey to the Secretary, memorandum with enclosure, February 20, 1967.
53. Public Law 89-670.

54. Cecil Mackey to Alan Boyd, Lowell E. Bridwell, and A. Scheffer Lang, memorandum, August 5, 1966.
55. W. DeVier Pierson to Vice Admiral Paul E. Trimble, November 14, 1966, op. cit.
56. Vice Admiral Paul E. Trimble to Alan Boyd, November 18, 1966, op. cit.
57. Alan Boyd to Vice Admiral Paul E. Trimble, December 13, 1966, op. cit.
58. Cecil Mackey, interview by Walter Cronin and R.M. Paone, September 25, 1968.
59. Ibid.
60. Byron Nupp to Cecil Mackey, memorandum, July 11, 1966.
61. Recommended Organization Plan, op. cit.
62. Ibid., pp. 103-104.
63. A. Scheffer Lang to Alan Boyd, memorandum, December 1, 1966.
64. Cecil Mackey, interview, op. cit.
65. Alan Boyd to Alan L. Dean and Cecil Mackey, memorandum with enclosure, February 23, 1967.
66. Ibid.
67. Vice Admiral Paul E. Trimble to Alan Boyd, November 18, 1966, op. cit.
68. Alan Boyd to Vice Admiral Paul E. Trimble, December 13, 1966, op. cit.
69. Thomas McGarry to Vice Admiral Paul E. Trimble, memorandum, with enclosure, November 2, 1966.
70. Thomas F. McGarry to Vice Admiral Paul E. Trimble, memorandum, November 3, 1966.
71. Thomas F. McGarry to Vice Admiral Paul E. Trimble, November 2, 1966, op. cit.
72. Ibid., pp. 2-3.

73. Thomas F. McGarry to Vice Admiral Paul E. Trimble, November 8, 1966, op. cit.
74. Thomas F. McGarry to Vice Admiral Paul E. Trimble, memorandum, November 1, 1966.
75. Ibid.
76. Charles G. Warnick to Vice Admiral Paul E. Trimble, memorandum with enclosure, November 25, 1966.
77. Vice Admiral Paul E. Trimble to Charles G. Warnick, memorandum with enclosure, December 6, 1966.
78. Alan Boyd to Vice Admiral Paul E. Trimble, memorandum, December 6, 1966.
79. Charles G. Warnick to Alan Boyd, memorandum, December 14, 1966.
80. W. DeVier Pierson to Vice Admiral Paul E. Trimble, November 14, 1966, op. cit.
81. Alan Boyd to Vice Admiral Paul E. Trimble, December 13, 1966, op. cit.
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