

ceives an award of compensation by judgment or settlement, the agency concerned shall reimburse the plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the proceeding.

§ 25.265 Allowance for benefits prohibited.

No allowance for benefits provided by this part may be included in—

- (a) Contracts or options to purchase real property;
- (b) The appraised value of real property; and
- (c) Estimated compensation in the event of condemnation with a declaration of taking.

§ 25.267 Cost of replacing publicly-owned property.

(a) When publicly-owned property used for public purposes is acquired for a project to which this part applies, the cost of replacing that property (including any improvement thereon) may be included in the cost of the project, if the appropriate DOT official finds that:

- (1) The State agency has determined that the replacement of this property is in the public interest;
- (2) The replacement property substantially has the same functional utility as the property acquired for the project; and
- (3) The replacement cost will be actually incurred.

(b) As used in paragraph (a) of this section, "replacement" includes—

- (1) The acquisition or construction of property similar to the acquired property; or
- (2) The addition or modification of other property to provide for functionally equivalent public use.

EDITORIAL NOTE: Appendix A tables, referred to in § 25.153, are updated semiannually. For revisions see LSA in back of this book.

PART 71—STANDARD TIME ZONE BOUNDARIES

Sec.

- 71.1 Limits defined; exceptions authorized for certain rail operating purposes only.
- 71.2 Annual advancement of standard time.
- 71.3 Atlantic zone.
- 71.4 Eastern zone.
- 71.5 Boundary line between eastern and central zones.
- 71.6 Central zone.
- 71.7 Boundary line between central and mountain zones.
- 71.8 Mountain zone.
- 71.9 Boundary line between mountain and Pacific zones.
- 71.10 Pacific zone.
- 71.11 Yukon zone.
- 71.12 Alaska-Hawaii zone.
- 71.13 Bering zone.

AUTHORITY: Secs. 1-4, 40 Stat. 450, as amended, sec. 1, 41 Stat. 1446, as amended, secs. 2-7, 80 Stat. 107-109, sec. 6(e)(5), 80 Stat. 937, sec. 1, 84 Stat. 119; 15 U.S.C. 260-267, 49 U.S.C. 1655(e)(5), unless otherwise noted.

SOURCE: 35 FR 12318, Aug. 1, 1970, unless otherwise noted.

§ 71.1 Limits defined; exceptions authorized for certain rail operating purposes only.

(a) This part prescribes the geographic limits of each of the eight standard time zones established by section 1 of the Standard Time Act, as amended by section 4 of the Uniform Time Act of 1966 (15 U.S.C. 261). It also contains lists of operating exceptions granted for specified rail carriers, whose operations cross the time zone boundaries prescribed by this part, authorizing them to carry the standard of time on which the major portion of a particular operation is conducted into an adjoining time zone.

(b) Any rail carrier whose operations cross a time zone boundary prescribed by this part may apply for an operating exception to the General Counsel, Department of Transportation, Washington, D.C. 20590. However, each rail carrier for which an operating exception is granted shall, in its advertisements, time cards, station bulletin boards, and other publications, show arrival and departure times in terms of

the standard time for the place concerned.

(c) The time zones established by the Standard Time Act, as amended by the Uniform Time Act of 1966, are Atlantic, eastern, central, mountain, Pacific, Yukon, Alaska-Hawaii, and Bering.

§ 71.2 Annual advancement of standard time.

(a) Section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)) requires that "the standard time of each zone * * * shall be advanced 1 hour [during the period beginning at 2:00 a.m. on the last Sunday in April of each year and ending at 2:00 a.m. on the last Sunday in October] * * * and such time as so advanced shall be the standard time of such zone during such period." The section further authorizes any State to exempt itself from this requirement. For these reasons, all times (including the period of advanced time) in the United States, whether in an exempted State or not, shall be cited as "standard time" during the entire year.

(b) Section 3(b) of the Uniform Time Act of 1966 (15 U.S.C. 260a(b)) provides that "it is the express intent of Congress * * * to supersede any and all laws of the States or political subdivisions thereof insofar as they may now or hereafter provide for advances in time or changeover dates different from those specified in [section 3(a) of that Act]", which are those specified in paragraph (a) of this section.

§ 71.3 Atlantic zone.

The first zone, the Atlantic standard time zone, includes that part of the United States that is between 52°30' W. longitude and 67°30' W. longitude and that part of the Commonwealth of Puerto Rico that is west of 67°30' W. longitude, but does not include any part of the State of Maine.

§ 71.4 Eastern zone.

The second zone, the eastern standard time zone, includes that part of the United States that is west of 67°30' W. longitude and east of the boundary line described in § 71.5, and includes all of the State of Maine, but does not in-

clude any part of the Commonwealth of Puerto Rico.

§ 71.5 Boundary line between eastern and central zones.

(a) *Minnesota-Michigan-Wisconsin.* From the junction of the western boundary of the State of Michigan with the boundary between the United States and Canada northerly and easterly along the west line of Gogebic County to the west line of Ontonagon County; thence south along the west line of Ontonagon County to the north line of Gogebic County; thence southerly and easterly along the north line of Gogebic County to the west line of Iron County; thence north along the west line of Iron County to the north line of Iron County; thence east along the north line of Iron County to the east line of Iron County; thence south along the east line of Iron County to the north line of Dickinson County; thence east along the north line of Dickinson County to the east line of Dickinson County; thence south along the east line of Dickinson County to the north line of Menominee County; thence east along the north line of Menominee County to the east line of Menominee County; thence southerly and easterly along the east line of Menominee County to Lake Michigan; thence east to the western boundary of the State of Michigan; thence southerly and easterly along the western boundary of the State of Michigan to a point in the middle of Lake Michigan opposite the main channel of Green Bay; thence southerly along the western boundary of the State of Michigan to its junction with the southern boundary thereof and the northern boundary of the State of Indiana.

(b) *Indiana-Illinois.* From the junction of the western boundary of the State of Michigan with the northern boundary of the State of Indiana easterly along the northern boundary of the State of Indiana to the east line of LaPorte County; thence southerly along the east line of LaPorte County to the north line of Starke County; thence east along the north line of Starke County to the east line of

Starke County; thence south along the east line of Starke County to the south line of Starke County; thence west along the south line of Starke County to the east line of Jasper County; thence south along the east line of Jasper County to the south line of Jasper County; thence west along the south lines of Jasper and Newton Counties to the western boundary of the State of Indiana; thence south along the western boundary of the State of Indiana to the north line of Gibson County; thence easterly and southerly along the north line of Gibson County to the east line of Gibson County; thence south along the east line of Gibson County to the north line of Warrick County; thence easterly and southerly along the north lines of Warrick and Spencer Counties to the east line of Spencer County; thence southerly along the east line of Spencer County to the Indiana-Kentucky boundary.

(c) *Kentucky.* From the junction of the east line of Spencer County, Ind., with the Indiana-Kentucky boundary easterly along that boundary to the west line of Meade County, Ky.; thence southeasterly and southwesterly along the west lines of Meade and Hardin Counties to the southwest corner of Hardin County; thence along the south lines of Hardin and Larue Counties to the northwest corner of Taylor County; thence southeasterly along the west (southwest) line of Taylor County and northeasterly along the east (southeast) line of Taylor County to the west line of Casey County; and thence southerly along the west and south lines of Casey, Pulaski, and McCreary Counties to the Kentucky-Tennessee boundary.

(d) *Tennessee.* From the junction of the west line of McCreary County, Ky., with the Kentucky-Tennessee boundary westerly along that boundary to the west line of Scott County, Tenn.; thence southerly along the west line of Scott County, the north and west lines of Morgan County, and the north line of Roane County to the north line of Rhea County; thence northwesterly along the north line of Rhea County; and thence southwest-

erly along the west lines of Rhea and Hamilton Counties to the Tennessee-Georgia boundary.

(e) *Georgia-Alabama.* From the junction of the west line of Hamilton County, Tenn., with the Tennessee-Georgia boundary westerly along that boundary to its junction with the Alabama-Georgia boundary; thence southerly along that boundary and the Florida-Georgia boundary to the southwest corner of the State of Georgia.

(f) *Florida.* From the southwest corner of the State of Georgia to the midpoint of the Apalachicola River on the downstream side of Jim Woodruff Dam; thence southerly along the middle of the main channel of the Apalachicola River to its intersection with the Jackson River; thence westerly along the center of the Jackson River to its intersection with the Intracoastal Waterway; thence westerly along the center of the Intracoastal Waterway to the west line of Gulf County; thence southerly along the west line of Gulf County to the Gulf of Mexico.

(g) [Reserved]

(h) *Municipalities on boundary line.* All municipalities located upon the zone boundary line described in this section are in the central standard time zone.

[35 FR 12318, Aug. 1, 1970, as amended by Amdt. 71-12, 37 FR 11972, June 16, 1972; Amdt. 71-13, 38 FR 9229, Apr. 12, 1973; Amdt. 71-14, 38 FR 13725, May 25, 1973; Amdt. 77-13, 42 FR 56610, Oct. 27, 1977]

§ 71.6 Central zone.

The third zone, the central standard time zone, includes that part of the United States that is west of the boundary line between the eastern and central standard time zones described in § 71.5 and east of the boundary line between the central and mountain standard time zones described in § 71.7.

§ 71.7 Boundary line between central and mountain zones.

(a) *Montana-North Dakota.* Beginning at the junction of the Montana-North Dakota boundary with the boundary of the United States and

Canada southerly along the Montana-North Dakota boundary to the Missouri River; thence southerly and easterly along the middle of that river to the midpoint of the confluence of the Missouri and Yellowstone Rivers; thence southerly and easterly along the middle of the Yellowstone River to the north boundary of T. 150 N., R. 104 W.; thence east to the northwest corner of T. 150 N., R. 102 W.; thence south to the southwest corner of T. 149 N., R. 102 W.; thence east to the northwest corner of T. 148 N., R. 102 W.; thence south to the northwest corner of T. 147 N., R. 102 W.; thence east to the southwest corner of T. 148 N., R. 101 W.; thence south to the middle of the Little Missouri; thence easterly and northerly along the middle of that river to the midpoint of its confluence with the Missouri River; thence southerly and easterly along the middle of the Missouri River to the north line of Morton County; thence west along the north line of Morton County to the northwest corner of T. 140 N., R. 83 W.; thence south to the southwest corner of T. 140 N., R. 83 W.; thence east to the southeast corner of T. 140 N., R. 83 W.; thence south to the middle of the Heart River; thence easterly and northerly along the middle of that river to the southern boundary of T. 139 N., R. 82 W.; thence east to the middle of the Heart River; thence southerly and easterly along the middle of that river to the midpoint of the confluence of the Heart and Missouri Rivers; thence southerly and easterly along the middle of the Missouri River to the northern boundary of T. 130 N., R. 80 W.; thence west to the northwest corner of T. 130 N., R. 80 W.; thence south to the North Dakota-South Dakota boundary; thence easterly along that boundary to the middle of the Missouri River.

(b) *South Dakota.* From the junction of the North Dakota-South Dakota boundary with the Missouri River southerly along the main channel of that river to the crossing of the Chicago & North Western Railway near Pierre; thence southwesterly to the northeast corner of T. 1 S., R. 28 E. in Jones County; thence south along the

range line between Rs. 28 and 29 E. to the north line of Mellette County; thence east along the north line of Mellette County to the west line of Tripp County; thence south along the west line of Tripp County to the South Dakota-Nebraska boundary.

(c) *Nebraska.* From the junction of the west line of Tripp County, South Dakota with the South Dakota-Nebraska boundary west along that boundary to the west line of R. 30 W.; thence south along the range line between Rs. 30 and 31 W. to the southwest corner of sec. 19, T. 33 N., R. 30 W.; thence easterly along section lines to the northeast corner of sec. 29, T. 33 N., R. 30 W.; thence southerly along section lines with their offsets to the northeast corner of sec. 17, T. 32 N., R. 30 W.; thence westerly along section lines to the northwest corner of sec. 18, T. 32 N., R. 30 W.; thence southerly along the range line to the southwest corner of T. 31 N., R. 30 W.; thence easterly along the township line to the northeast corner of T. 30 N., R. 30 W.; thence southerly along the range line to the southwest corner of T. 29 N., R. 29 W.; thence westerly along the township line to the northwest corner of sec. 4, T. 28 N., R. 30 W.; thence southerly along section lines to the southwest corner of sec. 33, T. 28 N., R. 30 W.; thence easterly along the township line to the northeast corner of sec. 4, T. 27 N., R. 30 W.; thence southerly along section lines to the southwest corner of sec. 22, T. 26 N., R. 30 W.; thence easterly along section lines to the southeast corner of sec. 24, T. 26 N., R. 30 W.; thence southerly along the range line to the north line of Thomas County; thence westerly along the north line of Thomas County to the west line of Thomas County; thence south along the west line of Thomas County to the north line of McPherson County; thence west along the north line of McPherson County to the west line of McPherson County; thence south along the west line of McPherson County to the north line of Keith County; thence east along the north line of Keith County to the west line of Lincoln County; thence south along the west line of Lincoln County to the

north line of Hayes County; thence west along the north lines of Hayes County to the west line of Hayes County; thence south along the west line of Hayes and Hitchcock Counties to the Nebraska-Kansas boundary.

(d) *Kansas-Colorado*. From the junction of the west line of Hitchcock County, Nebr., with the Nebraska-Kansas boundary westerly along that boundary to the northwest corner of the State of Kansas; thence southerly along the Kansas-Colorado boundary to the north line of Sherman County, Kans.; thence easterly along the north line of Sherman County to the east line of Sherman County; thence southerly along the east line of Sherman County to the north line of Logan County; thence westerly along the north line of Logan County to the east line of Wallace County; thence southerly along the east line of Wallace County to the north line of Wichita County; thence westerly along the north line of Wichita County to the east line of Greeley County; thence southerly along the east line of Greeley County to the north line of Hamilton County; thence easterly along the north line of Hamilton and Kearny Counties to the junction of the east line of R. 36 W.; thence southerly along the range line between Rs. 35 and 36 W. with its offset to the south line of Kearny County; thence westerly along the south line of Kearny and Hamilton Counties to the Kansas-Colorado boundary; thence southerly along the Kansas-Colorado boundary to the junction of that boundary with the north boundary of the State of Oklahoma.

(e) *Oklahoma-Texas-New Mexico*. From the junction of the Kansas-Colorado boundary with the northern boundary of the State of Oklahoma westerly along the Colorado-Oklahoma boundary to the northwest corner of the State of Oklahoma; thence southerly along the west boundary of the State of Oklahoma and the west boundary of the State of Texas to the southeast corner of the State of New Mexico; thence westerly along the Texas-New Mexico boundary to the east line of Hudspeth County, Tex.; thence southerly along the east line of

Hudspeth County, Tex., to the boundary between the United States and Mexico.

(f) [Reserved]

(g) *Points on boundary line*. All municipalities located upon the zone boundary line described in this section are in the mountain standard time zone, except Murdo, S. Dak., which is in the central standard time zone.

[35 FR 12318, Aug. 1, 1970, as amended by Amdt. 71-14, 38 FR 13725, May 25, 1973; Amdt. 71-16, 43 FR 42763, Sept. 21, 1978]

§ 71.8 Mountain zone.

The fourth zone, the mountain standard time zone, includes that part of the United States that is west of the boundary line between the central and mountain standard time zones described in § 71.7 and east of the boundary line between the mountain and Pacific standard time zones described in § 71.9.

§ 71.9 Boundary line between mountain and Pacific zones.

(a) *Montana-Idaho-Oregon*. From the junction of the Idaho-Montana boundary with the boundary between the United States and Canada southerly along the Idaho-Montana boundary to the boundary line between Idaho County, Idaho, and Lemhi County, Idaho; thence southwestward along the boundary line between those two counties to the main channel of the Salmon River; thence westerly along the main channel of the Salmon River to the Idaho-Oregon boundary; thence southerly along that boundary to the boundary line between Baker County, Oreg., and Malheur County, Oreg.; thence westerly along the north line of Malheur County to the northwest corner of Malheur County; thence southerly along the west line of Malheur County to the southwest corner of T. 35 S., R. 37 E.; thence east to the Idaho-Oregon boundary; thence south along that boundary to the southwest corner of the State of Idaho; thence easterly along the Idaho-Nevada boundary to the northeast corner of the State of Nevada.

(b) *Utah-Nevada-Arizona-California*. From the northeast corner of the State of Nevada southerly along the

Utah-Nevada boundary, the Nevada-Arizona boundary, and the Arizona-California boundary to the boundary between the United States and Mexico.

(c) [Reserved]

(d) *Points on boundary line.* All municipalities located upon the zone boundary line described in this section are in the mountain standard time zone.

[35 FR 12318, Aug. 1, 1970, as amended by Amdt. 71-14, 38 FR 13725, May 25, 1973]

§ 71.10 Pacific zone.

The fifth zone, the Pacific standard time zone, includes that part of the United States that is west of the boundary line between the mountain and Pacific standard time zones described in § 71.9 and east of 137° W. longitude.

§ 71.11 Yukon zone.

The sixth zone, the Yukon standard time zone, includes that part of the United States that is between 137° W. longitude and 141° W. longitude.

§ 71.12 Alaska-Hawaii zone.

The seventh zone, the Alaska-Hawaii standard time zone, includes that part of the United States that is between 141° W. longitude and 162° W. longitude and including all of the State of Hawaii.

§ 71.13 Bering zone.

The eighth zone, the Bering standard time zone, includes that part of the United States that is between 162° W. longitude and 172°30' W. longitude and that part of the Aleutian Islands that is west of 172°30' W. longitude, but does not include any part of the State of Hawaii.

PART 79—MEDALS OF HONOR

- Sec.
- 79.1 Applications and affidavits.
- 79.2 Character of evidence.
- 79.3 Investigation by Department.
- 79.4 Review of evidence; recommendations.
- 79.5 Award of Medals.
- 79.6 Adoption and revision of designs.
- 79.7 Time limits for filing.

AUTHORITY: Secs. 1, 2, 33 Stat. 743, as amended; 49 U.S.C. 1201 et seq., unless otherwise noted.

SOURCE: 33 FR 19605, Dec. 25, 1968, unless otherwise noted.

§ 79.1 Applications and affidavits.

Applications for medals under the Medals of Honor Act, 33 Stat. 743, as amended by the act of June 13, 1957, 71 Stat. 69 (49 U.S.C. 1201 et seq.), shall be prepared in accordance with, and contain the information called for in, the form of application prescribed by the Department of Transportation consistent with these regulations, or any instructions which may be issued by the Department with respect to the filing of an application. Applications should be addressed to and filed with the Department of Transportation, Washington, D.C. The acts relied upon in the application must be of such a nature that the applicant would not be expected or required to perform such acts in performing the duties of his regular work or vocation. Satisfactory evidence of the facts upon which the application is based must be filed in each case. Such evidence should be in the form of affidavits made by witnesses of good repute and standing, testifying of their own knowledge. The affidavits should be made before an officer duly authorized to administer oaths, and should be accompanied by the certificate of a United States official of the district in which the affiants reside, such as a judge or clerk of a United States court, a district attorney, or a postmaster, to the effect that the affiants are reputable and credible persons. If the affidavits are taken before an officer without an official seal, his official character must be certified by the proper officer of a court of record under the seal thereof.

§ 79.2 Character of evidence.

The expression by a witness, or witnesses, of the opinion that the person for whom an award is sought acted with extreme daring and endangered his life is not sufficient basis for an award, but the affidavits or testimony should set forth the pertinent facts in detail, and show clearly in what manner and to what extent the life of