

Act of May 13, 1954 (33 U.S.C. 981), is subject to the direction and supervision of the Secretary of Transportation.

(b) The Administrator of the Corporation appointed under section 2 of the Act of May 13, 1954 (33 U.S.C. 982), reports directly to the Secretary. (Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2418; Pub. L. 103-272, §4(j)(5)(A), July 5, 1994, 108 Stat. 1366.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                             |
|-----------------|--------------------|--|
| 110(a) .....    | (no source).       |  |
| 110(b) .....    | 33:981 (note).     | Oct. 15, 1966, Pub. L. 89-670, §8(g)(2), 80 Stat. 943. |

Subsection (a) is included to provide in chapter 1 of the revised title a complete list of the organizational units established by law that are in the Department of Transportation or are subject to the direction and supervision of the Secretary of Transportation.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-272 substituted “Saint Lawrence” for “St. Lawrence”.

§ 111. Bureau of Transportation Statistics

(a) ESTABLISHMENT.—There is established in the Department of Transportation a Bureau of Transportation Statistics.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the compilation and analysis of transportation statistics.

(3) REPORTING.—The Director shall report directly to the Secretary.

(4) TERM.—The term of the Director shall be 4 years. The Director may continue to serve after the expiration of the term until a successor is appointed and confirmed.

(c) RESPONSIBILITIES.—The Director of the Bureau shall be responsible for carrying out the following duties:

(1) COMPILING TRANSPORTATION STATISTICS.—Compiling, analyzing, and publishing a comprehensive set of transportation statistics to provide timely summaries and totals (including industrywide aggregates and multiyear averages) of transportation-related information. Such statistics shall be suitable for conducting cost-benefit studies (including comparisons among individual transportation modes and intermodal transport systems) and shall include information on—

- (A) productivity in various parts of the transportation sector;
- (B) traffic flows;
- (C) travel times;
- (D) vehicle weights;
- (E) variables influencing traveling behavior, including choice of transportation mode;
- (F) travel costs of intracity commuting and intercity trips;
- (G) availability of mass transit and the number of passengers served by each mass transit authority;

(H) frequency of vehicle and transportation facility repairs and other interruptions of transportation service;

(I) accidents;

(J) collateral damage to the human and natural environment;

(K) the condition of the transportation system; and

(L) transportation-related variables that influence global competitiveness.

(2) IMPLEMENTING LONG-TERM DATA COLLECTION PROGRAM.—Establishing and implementing, in cooperation with the modal administrators, the States, and other Federal officials a comprehensive, long-term program for the collection and analysis of data relating to the performance of the transportation systems of the United States. Such program shall—

(A) be coordinated with efforts to measure outputs and outcomes of the Department of Transportation and the transportation systems of the United States under the Government Performance and Results Act of 1993 (107 Stat. 285 et seq.) and the amendments made by such Act;

(B) ensure that data is collected under this subsection in a manner which will maximize the ability to compare data from different regions and for different time periods; and

(C) ensure that data collected under this subsection is controlled for accuracy, made relevant to the States and metropolitan planning organizations, and disseminated to the States and other interested parties.

(3) ISSUING GUIDELINES.—Issuing guidelines for the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (1) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis. The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993, and the amendments made by such Act, and shall carry out such other reviews of the sources and reliability of other data collected by the heads of the operating administrations of the Department as shall be requested by the Secretary.

(4) COORDINATING COLLECTION OF INFORMATION.—Coordinating the collection of information by the Department of Transportation required for statistics to be compiled under paragraph (1) with related information-gathering activities conducted by other Federal departments and agencies and collecting appropriate data not elsewhere gathered.

(5) MAKING STATISTICS ACCESSIBLE.—Making the statistics published under this subsection readily accessible.

(6) IDENTIFYING INFORMATION NEEDS.—Identifying information that is needed under paragraph (1) but which is not being collected, reviewing such needs at least annually with the Advisory Council on Transportation Statistics, and making recommendations to appro-

priate Department of Transportation research officials concerning extramural and intramural research programs to provide such information.

(7) SUPPORTING TRANSPORTATION DECISION-MAKING.—Ensuring that the statistics compiled under paragraph (1) are relevant for transportation decisionmaking by the Federal Government, State and local governments, transportation-related associations, private businesses, and consumers.

(d) INTERMODAL TRANSPORTATION DATA BASE.—

(1) IN GENERAL.—In consultation with the Associate Deputy Secretary, the Assistant Secretaries, and the heads of the operating administrations of the Department of Transportation, the Director shall establish and maintain a transportation data base for all modes of transportation.

(2) USE.—The data base shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

(3) CONTENTS.—The data base shall include—

(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation and intermodal combinations, and by relevant classification;

(B) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes) and intermodal combinations, and by relevant classification;

(C) information on the location and connectivity of transportation facilities and services; and

(D) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

(e) NATIONAL TRANSPORTATION LIBRARY.—

(1) IN GENERAL.—The Director shall establish and maintain a National Transportation Library, which shall contain a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

(2) ACCESS.—The Director shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Director to make statistics readily accessible under subsection (c)(5).

(3) COORDINATION.—The Director shall work with other transportation libraries and other transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

(f) NATIONAL TRANSPORTATION ATLAS DATA BASE.—

(1) IN GENERAL.—The Director shall develop and maintain geospatial data bases that depict—

- (A) transportation networks;
- (B) flows of people, goods, vehicles, and craft over the networks; and
- (C) social, economic, and environmental conditions that affect or are affected by the networks.

(2) INTERMODAL NETWORK ANALYSIS.—The data bases shall be able to support intermodal network analysis.

(g) RESEARCH AND DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education) for—

(A) investigation of the subjects specified in subsection (c)(1) and research and development of new methods of data collection, management, integration, dissemination, interpretation, and analysis;

(B) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (e); and

(C) development and improvement of methods for sharing geographic data, in support of the national transportation atlas data base under subsection (f) and the National Spatial Data Infrastructure developed under Executive Order No. 12906.

(2) LIMITATION.—Not more than \$500,000 of the amounts made available to carry out this section in a fiscal year may be used to carry out this subsection.

(h) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

(1) to authorize the Bureau to require any other department or agency to collect data; or

(2) to reduce the authority of any other officer of the Department of Transportation to collect and disseminate data independently.

(i) PROHIBITION ON CERTAIN DISCLOSURES.—

(1) IN GENERAL.—An officer or employee of the Bureau may not—

(A) make any disclosure in which the data provided by an individual or organization under subsection (c)(2) can be identified;

(B) use the information provided under subsection (c)(2) for a nonstatistical purpose; or

(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c)(2).

(2) PROHIBITION ON REQUESTS FOR CERTAIN DATA.—

(A) GOVERNMENT AGENCIES.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c)(2) with the Bureau or retained by an individual respondent.

(B) COURTS.—Any copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

(i) shall be immune from legal process; and

(ii) shall not, without the consent of the individual concerned, be admitted as evi-

dence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably inferred by direct or indirect means.

(3) DATA COLLECTED FOR NONSTATISTICAL PURPOSES.—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent that is requested or required to supply the data or information of the nonstatistical purpose.

(j) TRANSPORTATION STATISTICS ANNUAL REPORT.—The Director shall transmit to the President and Congress a Transportation Statistics Annual Report which shall include information on items referred to in subsection (c)(1), documentation of methods used to obtain and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

(k) PROCEEDS OF DATA PRODUCT SALES.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.

(Added Pub. L. 102-240, title VI, § 6006(a), Dec. 18, 1991, 105 Stat. 2172; amended Pub. L. 104-287, § 5(2), Oct. 11, 1996, 110 Stat. 3389; Pub. L. 104-324, title XI, § 1131, Oct. 19, 1996, 110 Stat. 3985; Pub. L. 105-130, § 4(b)(1), Dec. 1, 1997, 111 Stat. 2556; Pub. L. 105-178, title V, § 5109(a), June 9, 1998, 112 Stat. 437.)

#### REFERENCES IN TEXT

The Government Performance and Results Act of 1993, referred to in subsec. (c)(2)(A), (3), is Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, which enacted sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, section 306 of Title 5, Government Organization and Employees, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

Executive Order No. 12906, referred to in subsec. (g)(1)(C), is set out as a note under section 1457 of Title 43, Public Lands.

#### AMENDMENTS

1998—Subsec. (b)(4). Pub. L. 105-178, § 5109(a)(1), struck out after first sentence “The term of the first Director to be appointed shall begin on the 180th day after December 18, 1991.”

Subsec. (c)(1)(L). Pub. L. 105-178, § 5109(a)(2)(A), added subpar. (L).

Subsec. (c)(2). Pub. L. 105-178, § 5109(a)(2)(B)(i), substituted “transportation systems of the United States” for “national transportation system” in introductory provisions.

Subsec. (c)(2)(A). Pub. L. 105-178, § 5109(a)(2)(B)(ii), added subpar. (A) and struck out former subpar. (A)

which read as follows: “be coordinated with efforts to develop performance indicators for the national transportation system undertaken pursuant to section 307(b)(3) of title 23, United States Code;”

Subsec. (c)(2)(C). Pub. L. 105-178, § 5109(a)(2)(B)(iii), inserted “, made relevant to the States and metropolitan planning organizations,” after “accuracy”.

Subsec. (c)(3). Pub. L. 105-178, § 5109(a)(2)(C), inserted at end “The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993, and the amendments made by such Act, and shall carry out such other reviews of the sources and reliability of other data collected by the heads of the operating administrations of the Department as shall be requested by the Secretary.”

Subsec. (c)(7). Pub. L. 105-178, § 5109(a)(2)(D), added par. (7).

Subsecs. (d) to (f). Pub. L. 105-178, § 5109(a)(5), added subsecs. (d) to (f). Former subsecs. (d) to (f) redesignated (h) to (j), respectively.

Subsec. (g). Pub. L. 105-178, § 5109(a)(4), (5), added subsec. (g) and struck out heading and text of former subsec. (g). Text read as follows: “An individual who, on December 18, 1991, is performing any function required by this section to be performed by the Director may continue to perform such function until such function is undertaken by the Director.”

Subsec. (h). Pub. L. 105-178, § 5109(a)(3), redesignated subsec. (d) as (h).

Subsec. (i). Pub. L. 105-178, § 5109(a)(6), added subsec. (i) and struck out heading and text of former subsec. (i). Text read as follows: “Information compiled by the Bureau shall not be disclosed publicly in a manner that would reveal the personal identity of any individual, consistent with the Privacy Act of 1974 (5 U.S.C. 552a), or to reveal trade secrets or allow commercial or financial information provided by any person to be identified with such person.”

Pub. L. 105-178, § 5109(a)(3), redesignated subsec. (e) as (i).

Subsec. (j). Pub. L. 105-178, § 5109(a)(7), substituted “The Director” for “On or before January 1, 1994, and annually thereafter, the Director”.

Pub. L. 105-178, § 5109(a)(3), redesignated subsec. (f) as (j).

Subsec. (k). Pub. L. 105-178, § 5109(a)(8), added subsec. (k).

1997—Pub. L. 105-130 made technical amendment to directory language of Pub. L. 102-240, § 6006(a), which enacted this section.

1996—Subsec. (b)(4). Pub. L. 104-324 inserted at end “The Director may continue to serve after the expiration of the term until a successor is appointed and confirmed.”

Pub. L. 104-287 substituted “December 18, 1991” for “the date of the enactment of this section”.

Subsec. (g). Pub. L. 104-287 substituted “December 18, 1991” for “the date of the enactment of this section”.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 7th item on page 138 identifies a report to Congress in a provision which, as subsequently amended, is contained in subsec. (j) of this section), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

#### OFFICE OF AIRLINE INFORMATION

Pub. L. 106-181, title I, § 103(b), Apr. 5, 2000, 114 Stat. 67, provided that: “There is authorized to be appropriated from the Airport and Airway Trust Fund to the Secretary [of Transportation] \$4,000,000 for fiscal years

beginning after September 30, 2000, to fund the activities of the Office of Airline Information in the Bureau of Transportation Statistics of the Department of Transportation.”

#### INTERNATIONAL TRADE TRAFFIC

Pub. L. 105-178, title V, §5115, June 9, 1998, 112 Stat. 446, as amended by Pub. L. 105-206, title IX, §9011(e), July 22, 1998, 112 Stat. 864, provided that:

“(a) **STUDY.**—The Director of the Bureau of Transportation Statistics shall carry out a study—

“(1) to measure the ton-miles and value-miles of international trade traffic carried by highway for each State;

“(2) to evaluate the accuracy and reliability of such measures for use in the formula for highway apportionments;

“(3) to evaluate the accuracy and reliability of the use of diesel fuel data as a measure of international trade traffic by State; and

“(4) to identify needed improvements in long-term data collection programs to provide accurate and reliable measures of international traffic for use in the formula for highway apportionments.

“(b) **BASIS FOR EVALUATIONS.**—The study shall evaluate the accuracy and reliability of measures for use as formula factors based on statistical quality standards developed by the Bureau of Transportation Statistics, in consultation with the Committee on National Statistics of the National Academy of Sciences.

“(c) **REPORT.**—Not later than 3 years after the date of enactment of this Act [June 9, 1998], the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study carried out under subsection (a), including recommendations for changes in law necessary to implement the identified needs for improvements in long-term data collection programs.”

#### ADVISORY COUNCIL ON TRANSPORTATION STATISTICS

Section 6007 of Pub. L. 102-240 provided that:

“(a) **ESTABLISHMENT.**—The Director of the Bureau of Transportation Statistics shall establish an Advisory Council on Transportation Statistics.

“(b) **FUNCTION.**—It shall be the function of the advisory council established under this section to advise the Director of the Bureau of Transportation Statistics on transportation statistics and analyses, including whether or not the statistics and analysis disseminated by the Bureau of Transportation Statistics are of high quality and are based upon the best available objective information.

“(c) **MEMBERSHIP.**—The advisory council established under this section shall be composed of not more than 6 members appointed by the Director who are not officers or employees of the United States and who (except for 1 member who shall have expertise in economics and 1 member who shall have expertise in statistics) have expertise in transportation statistics and analysis.

“(d) **APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act [5 App. U.S.C.] shall apply to the advisory council established under this section, except that section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee established under this section.”

#### STUDY OF DATA COLLECTION PROCEDURES AND CAPABILITIES OF DEPARTMENT OF TRANSPORTATION

Section 6008 of Pub. L. 102-240 provided that:

“(a) **STUDY.**—Not later than 1 year after the date of the establishment of the Bureau of Transportation Statistics, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study on the adequacy of data collection procedures and capabilities of the Department of Transportation.

“(b) **CONSULTATION.**—The Secretary shall enter into the agreement under subsection (a) in consultation

with the Director of the Bureau of Transportation Statistics.

“(c) **CONTENTS.**—The study under subsection (a) shall include an evaluation of the Department of Transportation’s data collection resources, needs, and requirements and an assessment and evaluation of the systems, capabilities, and procedures established by the Department to meet such needs and requirements, including the following:

“(1) Data collection procedures and capabilities.

“(2) Data analysis procedures and capabilities.

“(3) Ability of data bases to integrate with one another.

“(4) Computer hardware and software capabilities.

“(5) Information management systems, including the ability of information management systems to integrate with one another.

“(6) Availability and training of the personnel of the Department.

“(7) Budgetary needs and resources of the Department for data collection.

“(d) **REPORT.**—Not later than 18 months after the date of the agreement under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study under this section, including recommendations for improving the Department of Transportation’s data collection systems, capabilities, procedures, and analytical hardware and software and recommendations for improving the Department’s management information systems.”

#### § 112. Research and Special Programs Administration

(a) **ESTABLISHMENT.**—There is established in the Department of Transportation a Research and Special Programs Administration.

(b) **ADMINISTRATOR.**—

(1) **APPOINTMENT.**—The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) **REPORTING.**—The Administrator shall report directly to the Secretary.

(c) **DEPUTY ADMINISTRATOR.**—The Administration shall have a Deputy Administrator who shall be appointed by the Secretary of Transportation. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

(d) **RESPONSIBILITIES OF ADMINISTRATOR.**—The Administrator of the Administration shall be responsible for carrying out the following:

(1) **HAZMAT TRANSPORTATION SAFETY.**—Duties and powers vested in the Secretary of Transportation with respect to hazardous materials transportation safety, except as otherwise delegated by the Secretary.

(2) **PIPELINE SAFETY.**—Duties and powers vested in the Secretary with respect to pipeline safety.

(3) **ACTIVITIES OF VOLPE NATIONAL TRANSPORTATION SYSTEMS CENTER.**—Duties and powers vested in the Secretary with respect to activities of the Volpe National Transportation Systems Center.

(4) **OTHER.**—Such other duties and powers as the Secretary shall prescribe, including such multimodal and intermodal duties as are appropriate.

(e) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall affect any delegation of authority, regulation, order, approval, exemption, waiver, contract, or other adminis-