

## 49 USC

### Sec. 111. Bureau of Transportation Statistics

- (a) Establishment- There is established in the Research and Innovative Technology Administration a Bureau of Transportation Statistics.
- (b) Director-
- (1) APPOINTMENT- The Bureau shall be headed by a Director who shall be appointed in the competitive service by the Secretary of Transportation.
  - (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 collection, analysis, and use of transportation statistics.
- (c) Responsibilities- The Director of the Bureau shall serve as the Secretary's senior advisor on data and statistics and shall be responsible for carrying out the following duties:
- (1) PROVIDING DATA, STATISTICS, AND ANALYSIS TO TRANSPORTATION DECISIONMAKERS- Ensuring that the statistics compiled under paragraph (5) are designed to support transportation decisionmaking by the Federal Government, State and local governments, metropolitan planning organizations, transportation-related associations, the private sector (including the freight community), and the public.
  - (2) COORDINATING COLLECTION OF INFORMATION- Working with the operating administrations of the Department to establish and implement the Bureau's data programs and to improve the coordination of information collection efforts with other Federal agencies.
  - (3) DATA MODERNIZATION- Continually improving surveys and data collection methods to improve the accuracy and utility of transportation statistics.
  - (4) ENCOURAGING DATA STANDARDIZATION- Encouraging the standardization of data, data collection methods, and data management and storage technologies for data collected by the Bureau, the operating administrations of the Department of Transportation, States, local governments, metropolitan planning organizations, and private sector entities.
  - (5) TRANSPORTATION STATISTICS- Collecting, compiling, analyzing, and publishing a comprehensive set of transportation statistics on the performance and impacts of the national transportation system, including statistics on--
    - (A) productivity in various parts of the transportation sector;
    - (B) traffic flows for all modes of transportation;
    - (C) other elements of the intermodal transportation database established under subsection (e);
    - (D) travel times and measures of congestion;
    - (E) vehicle weights and other vehicle characteristics;

- (F) demographic, economic, and other variables influencing traveling behavior, including choice of transportation mode and goods movement;
- (G) transportation costs for passenger travel and goods movement;
- (H) availability and use of mass transit (including the number of passengers served by each mass transit authority) and other forms of for-hire passenger travel;
- (I) frequency of vehicle and transportation facility repairs and other interruptions of transportation service;
- (J) safety and security for travelers, vehicles, and transportation systems;
- (K) consequences of transportation for the human and natural environment;
- (L) the extent, connectivity, and condition of the transportation system, building on the national transportation atlas database developed under subsection (g); and
- (M) transportation-related variables that influence the domestic economy and global competitiveness.

(6) NATIONAL SPATIAL DATA INFRASTRUCTURE- Building and disseminating the transportation layer of the National Spatial Data Infrastructure developed under Executive Order No. 12906, including coordinating the development of transportation geospatial data standards, compiling intermodal geospatial data, and collecting geospatial data that is not being collected by others.

(7) ISSUING GUIDELINES- Issuing guidelines for the collection of information by the Department required for statistics to be compiled under paragraph (5) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis.

(8) REVIEW SOURCES AND RELIABILITY OF STATISTICS- Reviewing and reporting to the Secretary 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 (Public Law 103-62; 107 Stat. 285), and the amendments made by such Act, and carrying out such other reviews of the sources and reliability of other data collected or statistical information published by the heads of the operating administrations of the Department as shall be requested by the Secretary.

(9) MAKING STATISTICS ACCESSIBLE- Making the statistics published under this subsection readily accessible to the public.

(d) Information Needs Assessment-

(1) IN GENERAL- Not later than 60 days after the date of enactment of the SAFETEA-LU, the Secretary shall enter into an agreement with the National Research Council to develop and publish a National transportation information needs assessment (referred to in this subsection as the 'assessment'). The assessment shall be submitted to the Secretary

and the appropriate committees of Congress not later than 24 months after such agreement is entered into.

(2) CONTENT- The assessment shall--

- (A) identify, in order of priority, the transportation data that is not being collected by the Bureau, operating administrations of the Department, or other Federal, State, or local entities, but is needed to improve transportation decisionmaking at the Federal, State, and local levels and to fulfill the requirements of subsection (c)(5);
- (B) recommend whether the data identified in subparagraph (A) should be collected by the Bureau, other parts of the Department, or by other Federal, State, or local entities, and whether any data is of a higher priority than data currently being collected;
- (C) identify any data the Bureau or other Federal, State, or local entity is collecting that is not needed;
- (D) describe new data collection methods (including changes in surveys) and other changes the Bureau or other Federal, State, or local entity should implement to improve the standardization, accuracy, and utility of transportation data and statistics; and
- (E) estimate the cost of implementing any recommendations.

(3) CONSULTATION- In developing the assessment, the National Research Council shall consult with the Department's Advisory Council on Transportation Statistics and a representative cross-section of transportation community stakeholders as well as other Federal agencies, including the Environmental Protection Agency, the Department of Energy, and the Department of Housing and Urban Development.

(4) REPORT TO CONGRESS- Not later than 180 days after the date on which the National Research Council submits the assessment under paragraph (1), the Secretary shall submit a report to Congress that describes--

- (A) how the Department plans to fill the data gaps identified under paragraph (2)(A);
- (B) how the Department plans to stop collecting data identified under paragraph (2)(C);
- (C) how the Department plans to implement improved data collection methods and other changes identified under paragraph (2)(D);
- (D) the expected costs of implementing subparagraphs (A), (B), and (C) of this paragraph;
- (E) any findings of the assessment under paragraph (1) with which the Secretary disagrees, and why; and
- (F) any proposed statutory changes needed to implement the findings of the assessment under paragraph (1).

(e) Intermodal Transportation Database-

(1) IN GENERAL- In consultation with the Under Secretary for Policy, the Assistant Secretaries, and the heads of the operating administrations of

the Department, the Director shall establish and maintain a transportation database for all modes of transportation.

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

(3) CONTENTS- The database 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.

(f) 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)(9).

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

(g) National Transportation Atlas Database-

(1) IN GENERAL- The Director shall develop and maintain a national transportation atlas database that is comprised of geospatial databases 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 databases shall be able to support intermodal network analysis.

(h) Mandatory Response Authority for Freight Data Collection- Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge of any freight corporation, company, business, institution, establishment, or organization of any nature whatsoever, neglects or refuses, when requested by the Director or other authorized officer, employee, or contractor of the Bureau, to

answer completely and correctly to the best of the individual's knowledge all questions relating to the corporation, company, business, institution, establishment, or other organization, or to make available records or statistics in the individual's official custody, contained in a data collection request prepared and submitted under the authority of subsection (c)(1), shall be fined not more than \$500; but if the individual willfully gives a false answer to such a question, the individual shall be fined not more than \$10,000.

(i) Research and Development Grants- 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--

(1) investigation of the subjects specified in subsection (c)(5) and research and development of new methods of data collection, standardization, management, integration, dissemination, interpretation, and analysis;

(2) demonstration programs by States, local governments, and metropolitan planning organizations to coordinate data collection, reporting, management, storage, and archiving to simplify data comparisons across jurisdictions;

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

(4) development and improvement of methods for sharing geographic data, in support of the database under subsection (g) and the National Spatial Data Infrastructure.

(j) 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 to collect and disseminate data independently.

(k) Prohibition on Certain Disclosures-

(1) IN GENERAL- An officer, employee, or contractor of the Bureau may not--

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

(B) use the information provided under subsection (c) 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) COPIES OF REPORTS-

(A) IN GENERAL- 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) with the Bureau or retained by an individual respondent.

(B) LIMITATION ON JUDICIAL PROCEEDINGS- A 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 evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

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

(3) INFORMING RESPONDENT OF USE OF DATA- 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 who is requested or required to supply the data or information of the nonstatistical purpose.

(l) Transportation Statistics Annual Report- The Director shall submit to the President and Congress a transportation statistics annual report which shall include information on items referred to in subsection (c)(5), documentation of methods used to obtain and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

(m) Data Access- The Director shall have access to transportation and transportation-related information in the possession of any Federal agency, except information--

(1) the disclosure of which to another Federal agency is expressly prohibited by law; or

(2) the disclosure of which the agency possessing the information determines would significantly impair the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

(n) Proceeds of Data Product Sales- Notwithstanding section 3302 of title 31, 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.

(o) Advisory Council on Transportation Statistics-

(1) ESTABLISHMENT- The Director shall establish an advisory council on transportation statistics.

(2) FUNCTION- The function of the advisory council established under this subsection is to--

(A) advise the Director on the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau and the Department;

(B) provide input to and review the report to Congress under subsection (d)(4); and

(C) advise the Director on methods to encourage cooperation and interoperability of transportation data collected by the Bureau, the operating administrations of the Department, States, local governments, metropolitan planning organizations, and private sector entities.

(3) MEMBERSHIP- The advisory council established under this subsection shall be composed of not fewer than 9 and not more than 11 members appointed by the Director, who are not officers or employees of the United States.