

49 USC 329: Transportation information

Text contains those laws in effect on November 16, 2022

From Title 49-TRANSPORTATION

SUBTITLE I-DEPARTMENT OF TRANSPORTATION

CHAPTER 3-GENERAL DUTIES AND POWERS

SUBCHAPTER II-ADMINISTRATIVE

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§329. Transportation information

(a) The Secretary of Transportation may collect and collate transportation information the Secretary decides will contribute to the improvement of the transportation system of the United States. To the greatest practical extent, the Secretary shall use information available from departments, agencies, and instrumentalities of the United States Government and other sources. To the extent practical, the Secretary shall make available to other Government departments, agencies, and instrumentalities and to the public the information collected under this subsection.

(b) The Secretary shall-

(1) collect and disseminate information on civil aeronautics (other than that collected and disseminated by the National Transportation Safety Board under chapter 11 of this title) including, at a minimum, information on (A) the origin and destination of passengers in interstate air transportation (as that term is used in part A of subtitle VII of this title), and (B) the number of passengers traveling by air between any two points in interstate air transportation; except that in no case shall the Secretary require an air carrier to provide information on the number of passengers or the amount of cargo on a specific flight if the flight and the flight number under which such flight operates are used solely for interstate air transportation and are not used for providing essential air transportation under subchapter II of chapter 417 of this title;

(2) study the possibilities of developing air commerce and the aeronautical industry; and

(3) exchange information on civil aeronautics with governments of foreign countries through appropriate departments, agencies, and instrumentalities of the Government.

(c)(1) On the written request of a person, a State, territory, or possession of the United States, or a political subdivision of a State, territory, or possession, the Secretary may-

(A) make special statistical studies on foreign and domestic transportation;

(B) make special studies on other matters related to duties and powers of the Secretary;

(C) prepare, from records of the Department of Transportation, special statistical compilations; and

(D) provide transcripts of studies, tables, and other records of the Department.

(2) The person or governmental authority requesting information under paragraph (1) of this subsection must pay the actual cost of preparing the information. Payments shall be deposited in the Treasury in an account that the Secretary shall administer. The Secretary may use amounts in the account for the ordinary expenses incidental to getting and providing the information.

(d) To assist in carrying out duties and powers under part A of subtitle VII of this title, the Secretary of Transportation shall maintain separate cooperative agreements with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration for the timely exchange of information on their programs, policies, and requirements directly related to carrying out that part.

(e) INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.-

(1) PUBLICATION OF DATA.-The Secretary of Transportation shall publish data on incidents and complaints involving passenger and baggage security screening in a manner comparable to other consumer complaint and incident data.

(2) MONTHLY REPORTS FROM SECRETARY OF HOMELAND SECURITY.-To assist in the publication of data under paragraph (1), the Secretary of Transportation may request the Secretary of Homeland Security to periodically report on the number of complaints about security screening received by the Secretary of Homeland Security.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2426 ; Pub. L. 98-216, §2(2), Feb. 14, 1984, 98 Stat. 5 ; Pub. L. 98-443, §5(a), Oct. 4, 1984, 98 Stat. 1705 ; Pub. L. 103-272, §4(j)(7), July 5, 1994, 108 Stat. 1366 ; Pub. L. 104-287, §5(3), Oct. 11, 1996, 110 Stat. 3389 ; Pub. L. 108-176, title IV, §421, title VIII, §805(a), Dec. 12, 2003, 117 Stat. 2551 , 2587.)

AMENDMENT OF SUBSECTION (B)(1)

Pub. L. 108–176, title VIII, §805, Dec. 12, 2003, 117 Stat. 2588 , provided that, effective on the date of the issuance of a final rule to modernize the Origin and Destination Survey of Airline Passenger Traffic, pursuant to the Advance Notice of Proposed Rulemaking published July 15, 1998 (Regulation Identifier Number 2105–AC71), that reduces the reporting burden for air carriers through electronic filing of the survey data collected under subsection (b)(1) of this section, subsection (b)(1) of this section is amended by striking "except that in no case" and all that follows through the semicolon at the end and inserting the following: "except that, if the Secretary requires air carriers to provide flight-specific information, the Secretary-

"(A) shall not disseminate fare information for a specific flight to the general public for a period of at least 9 months following the date of the flight; and

"(B) shall give due consideration to and address confidentiality concerns of carriers, including competitive implications, in any rulemaking prior to adoption of a rule requiring the dissemination to the general public of any flight-specific fare;"

HISTORICAL AND REVISION NOTES
PUB. L. 97–449

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
329(a)	49:1634. 49:1655(a)(2)(A) (related to 49:1634).	Sept. 30, 1965, Pub. L. 89–220, §4, 79 Stat. 893 . Oct. 15, 1966, Pub. L. 89–670, §§6(a)(2)(A) (related to §4 of the Act of Sept. 30, 1965), 9(n), 80 Stat. 937 , 946.
329(b)	49:1352.	Aug. 23, 1958, Pub. L. 85–726, §311, 72 Stat. 751 .
329(c)(1)	49:1657(n)(1) (less last 17 words).	
329(c)(2)	49:1657(n)(1) (last 17 words), (2).	
329(d)	49:1343(b).	Aug. 23, 1958, Pub. L. 85–726, §302(d), 72 Stat. 746 .

In subsection (a), the word "information" is substituted for "data, statistics, and other information" in 49:1634 to eliminate unnecessary words. The words "transportation system of the United States" are substituted for "national transportation system" in 49:1634 for clarity and consistency. The words "in carrying out this activity" before "the Secretary shall" in 49:1634 are omitted as surplus. The words "departments, agencies, and instrumentalities of the United States Government" are substituted for "Federal agencies" in 49:1634 for clarity and consistency. The words "To the greatest extent practical" are substituted for "insofar as practicable" in 49:1634 for consistency. The words "The Secretary shall" are added for clarity.

In subsection (b), the words "by the National Transportation Safety Board under title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441 et seq.) or the Civil Aeronautics Board under title IV of that Act (49 U.S.C. 1371 et seq.)" are substituted for "the Board under subchapter IV and VII of this chapter" in 49:1352 because 49:1655(d) (1st sentence) transferred duties of the Civil Aeronautics Board under 49:ch. 20, subch. VII to the Secretary of Transportation to be carried out through the National Transportation Safety Board. The reference to the National Transportation Safety Board is to the independent Board established by section 303(a) of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2167) outside the Department of Transportation and not to the prior Board that was a part of the Department. The words "departments, agencies, and instrumentalities of the Government" are substituted for "government channels" in 49:1352 for clarity and consistency.

In subsection (c)(1), the words "of the United States" are added for clarity and consistency. The words "of a State, territory, or possession" are substituted for "thereof" after "subdivision" for clarity. The words "related to the duties and powers of the Secretary" are substituted for "falling within the province of the Department" for clarity and consistency.

In subsection (c)(2), the words "governmental authority requesting information under paragraph (1) of this subsection" are substituted for "body requesting it" for clarity and consistency. The word "separate" before "account" is omitted as unnecessary and for consistency. The words "must pay" are substituted for "upon the payment" after "other records" for clarity. The words "preparing the information" are substituted for "such work" after "actual cost of" for clarity. The word "payments" is substituted for "All moneys received by the Department in payment of the cost of work under paragraph (1)" to eliminate unnecessary words. The words "in the Treasury" are added for clarity and consistency. The words "The Secretary may use amounts in the account" are substituted for "These moneys may be used, in the discretion of the Secretary" for clarity and to eliminate unnecessary words. The words "to getting and providing the information" are substituted for "to the work and/or to secure in connection therewith the

special services of persons who are neither officers nor employees of the United States" for clarity and to eliminate unnecessary words.

In subsection (d), the words "in carrying out duties and powers under the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.)" are substituted for "in discharge of responsibilities under this chapter" in 49:1343(b) because of the transfer of aviation functions to the Secretary under 49:1655(c)(1) and for consistency. The words "directly related to carrying out that part" are substituted for "directly relating to such responsibilities" in 49:1343(b) because of the restatement of the source provisions.

PUB. L. 103-272

Section 4(j)(7) amends 49:329 to omit references to overseas air transportation because there no longer is a distinction between interstate air transportation and overseas air transportation.

PUB. L. 104-287

This amends 49:329 to make conforming amendments necessary because of the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 745).

EDITORIAL NOTES

AMENDMENTS

2003-Subsec. (e). Pub. L. 108-176, §421, added subsec. (e).

1996-Subsec. (b)(1). Pub. L. 104-287, §5(3)(A), substituted "(as that term is used in part A of subtitle VII of this title)" for "(as those terms are used in such Act)".

Subsec. (d). Pub. L. 104-287, §5(3)(B), substituted "that part" for "that Act".

1994-Subsec. (b)(1). Pub. L. 103-272, §4(j)(7)(A), substituted "chapter 11 of this title" for "title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441 et seq.)", "in interstate air transportation" for "in interstate and overseas air transportation" in two places, "for interstate air transportation" for "for interstate or overseas air transportation", and "subchapter II of chapter 417 of this title" for "section 419 of the Federal Aviation Act of 1958".

Subsec. (d). Pub. L. 103-272, §4(j)(7)(B), substituted "part A of subtitle VII of this title" for "the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.)".

1984-Subsec. (b)(1). Pub. L. 98-443 struck out reference to information collected and disseminated by the Civil Aeronautics Board under section 1371 et seq. of this title, and added cls. (A) and (B).

Pub. L. 98-216 substituted "49 App. U.S.C." for "49 U.S.C.".

Subsec. (d). Pub. L. 98-216 substituted "49 App. U.S.C." for "49 U.S.C.".

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by section 421 of Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

Pub. L. 108-176, [title VIII, §805\(b\)](#), [Dec. 12, 2003](#), 117 Stat. 2588 , provided that: "The amendment made by subsection (a) [amending this section] shall take effect on the date of the issuance of a final rule to modernize the Origin and Destination Survey of Airline Passenger Traffic, pursuant to the Advance Notice of Proposed Rulemaking published July 15, 1998 (Regulation Identifier Number 2105-AC71), that reduces the reporting burden for air carriers through electronic filing of the survey data collected under section 329(b)(1) of title 49, United States Code."

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-443, [§5\(b\)](#), [Oct. 4, 1984](#), 98 Stat. 1705 , provided that: "The amendment made by this section [amending this section] shall take effect on January 1, 1985."

DEPARTMENT OF TRANSPORTATION PUBLIC DRUG AND ALCOHOL TESTING DATABASE

Pub. L. 115-271, [title VIII, §8103](#), [Oct. 24, 2018](#), 132 Stat. 4104 , provided that:

"(a) **IN GENERAL.**-Subject to subsection (c), the Secretary of Transportation shall-

"(1) not later than March 31, 2019, establish and make publicly available on its website a database of the drug and alcohol testing data reported by employers for each mode of transportation; and

"(2) update the database annually.

"(b) **CONTENTS.**-The database under subsection (a) shall include, for each mode of transportation-

"(1) the total number of drug and alcohol tests by type of substance tested;

"(2) the drug and alcohol test results by type of substance tested;

"(3) the reason for the drug or alcohol test, such as pre-employment, random, post-accident, reasonable suspicion or cause, return-to-duty, or follow-up, by type of substance tested; and

"(4) the number of individuals who refused testing.

"(c) **COMMERCIALLY SENSITIVE DATA.**-The Department of Transportation shall not release any commercially sensitive data or personally identifiable data furnished by an employer under this section unless the data is aggregated or otherwise in a form that does not identify the employer providing the data.

"(d) **SAVINGS CLAUSE.**-Nothing in this section may be construed as limiting or otherwise affecting the requirements of the Secretary of Transportation to adhere to requirements applicable to confidential business information and sensitive security information, consistent with applicable law."