

**Calendar No. 541**

112TH CONGRESS }  
*2d Session* }

SENATE

{ REPORT  
112-236

RESEARCH AND INNOVATIVE TECHNOLOGY  
ADMINISTRATION REAUTHORIZATION ACT  
OF 2011

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R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

ON

S. 1953



NOVEMBER 13, 2012.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

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### RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION REAUTHORIZATION ACT OF 2011

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Mr. ROCKEFELLER, from the Committee on Commerce, Science, and  
Transportation, submitted the following

### R E P O R T

[To accompany S. 1953]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1953) to reauthorize the Research and Innovative Technology Administration, to improve transportation research and development, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

S. 1953, the Research and Innovative Technology Administration Reauthorization Act of 2011, would reauthorize the Federal research and data collection programs under the management of RITA of the U.S. Department of Transportation (DOT) for fiscal years 2012 and 2013.

#### BACKGROUND AND NEEDS

Research is critical to developing and maintaining a transportation system that is safe, mobile, economically viable, efficient, equitable, and environmentally sustainable. Through the development of new materials, production methods, design and planning tools, and data management techniques, research has made possible much of the progress in transportation over the last century. The Federal role in transportation research, development, and technology is particularly vital, as the Federal Government is in a unique position to undertake and sustain large-scale, high-risk,

long-term research that is cost-prohibitive for small private and public sector organizations.

Data collection is necessary to support prudent transportation decision-making at all levels of government. Data on household travel behavior, freight movement, vehicle use, infrastructure condition, and operational performance are particularly critical to identifying emerging trends, supporting transportation research, and evaluating the effectiveness of transportation programs, while assuring that future decision makers have the information they need to respond and adapt to changing conditions.

The Federal transportation research and data collection programs are administered by RITA of DOT. RITA was established in 2005 by the Norman Y. Mineta Research and Special Programs Improvement Act (118 Stat. 2423). RITA's formation was part of a DOT-wide reorganization to create one agency solely focused on promoting transportation research. RITA coordinates DOT's research and education programs, advances the deployment of cross-modal technologies into the transportation system, supplies comprehensive transportation statistics, research, and analysis, and supports education and training in transportation and transportation-related fields. Within RITA there are several program offices which report directly to the RITA Administrator. These offices consist of the following:

- *Office of Research, Development and Technology (RD&T)*. RITA's RD&T coordinates research across all modes of transportation and promotes advanced innovative transportation solutions. RD&T coordinates a research planning council, a planning team, and several research clusters that are dedicated to certain multimodal research subjects.

- *Bureau of Transportation Statistics (BTS)*. BTS provides comprehensive data about the Nation's transportation networks. This data reveals how people, goods, and vehicles move through the system; and also measures the impact of social, economic, and environmental factors on system performance. BTS is the source of much of the Nation's data on the operations and finances of commercial airlines. BTS also conducts the Commodity Flow Survey, the only nationwide intermodal freight data source.

- *National Transportation Library (NTL)*. Part of BTS, NTL maintains and facilitates access to statistical and other information needed for transportation decision-making at the Federal, State, and local levels. It also coordinates with public and private transportation libraries and information providers to improve information sharing among the transportation community.

- *John A. Volpe National Transportation Systems Center*. The John A. Volpe National Transportation Systems Center, located in Cambridge, Massachusetts, partners with organizations across government and the private sector to research and develop solutions to emerging transportation issues.

Legislation is needed to improve DOT's coordination of research efforts and data collection activities, and to clarify its authority to utilize competition to spur innovative transportation research. Leg-

isolation is also needed to clarify the role and authorities of certain program offices under RITA's administration.

#### SUMMARY OF PROVISIONS

S. 1953 would reauthorize certain programs administered by RITA. The bill would improve DOT's transportation research by coordinating research across modes, enhancing data gathering for multimodal projects, and allowing for competition and prizes in innovative research. The RITA Reauthorization Act of 2011 would:

- Direct the National Academy of Sciences to coordinate research agendas, project selections, and competitions under the National Cooperative Freight Research Program.
- Establish a Multimodal Innovative Research Program to promote the development of technological solutions to multimodal transportation issues and of partnerships in transportation research to address transportation problems that affect modal interfaces or multiple transportation modes.
- Consolidate BTS under RITA and enhance BTS's NTL as a fully functioning national library to serve as a repository of transportation information.
- Direct the Secretary of Transportation to report on implementing Dedicated Short Range Communication (DSRC) technologies to enable the deployment of Intelligent Transportation Systems-specific highway safety technologies. Such technologies include traffic light control, traffic monitoring, travelers' alerts, automatic toll collection, traffic congestion detection, emergency vehicle signal preemption of traffic lights, and electronic inspection of moving trucks through data transmissions with roadside inspection facilities.
- Enhance RITA's authority to enter into agreements with other stakeholders and to hold contests and award prizes as a tool for promoting innovation.
- Establish a National Travel Data Program to collect essential national passenger and freight data to help inform transportation operations, policy, and investment decisions by Federal, State, and local governments and the private sector.

#### LEGISLATIVE HISTORY

S. 1953 was introduced on December 7, 2011, by Senators Lautenberg and Rockefeller and referred to the Senate Committee on Commerce, Science, and Transportation. On December 14, 2011, the Committee met in open Executive Session and, by a voice vote, ordered S. 1953 reported without amendment.

With some modifications, the provisions of S. 1953 were enacted into law in Division E of the Moving Ahead for Progress in the 21st Century Act of 2012 (126 Stat. 864), which was signed into law on July 6, 2012.

#### ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget

Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

*S. 1953—Research and Innovative Technology Administration Reauthorization Act of 2011*

Summary: S. 1953 would authorize funds for the Bureau of Transportation Statistics (BTS) within the Research and Innovative Technology Administration (RITA) and for several new programs within RITA. The bill would set the amount of contract authority (a mandatory form of budget authority to incur obligations in advance of appropriations) for the authorized programs at \$55 million in 2012 and \$56 million in 2013.

Consistent with the rules in the Balanced Budget and Emergency Deficit Control Act for constructing the baseline, CBO assumes that funding provided by the bill for 2013, the last year of the authorization, would continue at the same rate in each of the following years. Hence, CBO estimates that enacting the bill would result in baseline contract authority totaling \$615 million over the 2012–2022 period. That projected funding level represents an increase of \$318 million above the amounts of contract authority currently projected in CBO’s baseline for the 2012–2021 period for programs authorized in the bill.

CBO expects that spending for the programs authorized in the bill will continue to be controlled by limits on annual obligations set in appropriation acts. Consequently, the changes in contract authority would not increase outlays from mandatory spending. As a result, CBO estimates that enacting S. 1953 would not affect outlays from direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The bill does not authorize an obligation limitation level for the RITA programs. However, for this estimate, CBO assumes that the limitation for such programs would equal the amount of contract authority provided. The RITA obligation limitation for 2012, which was enacted in the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112–55), totaled about \$28 million less than the contract authority authorized by S. 1953. CBO estimates that the bill also would authorize the appropriation of \$5 million to award cash prizes to researchers studying technologies that could change the transportation system. Assuming enactment of the estimated obligation limitations for 2012 and 2013 and the amounts necessary for the prize award, CBO estimates that implementing the bill would cost \$89 million over the 2012–2017 period.

S. 1953 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA).

S. 1953 would impose a private-sector mandate, as defined in UMRA, because it would require members of households to respond to data requests from the Bureau of Transportation Statistics. CBO estimates that the cost of this private-sector mandate would fall below the annual threshold established in UMRA (\$146 million in 2012, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1953 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

	By fiscal year, in millions of dollars—						
	2012	2013	2014	2015	2016	2017	2012–2017
CHANGES IN DIRECT SPENDING							
Estimated Budget Authority <sup>a</sup> .....	28	29	29	29	29	29	173
Estimated Outlays .....	0	0	0	0	0	0	0
CHANGES IN SPENDING SUBJECT TO APPROPRIATION							
RITA Programs:							
Estimated Obligation Limitation <sup>b</sup> .....	28	56	0	0	0	0	84
Estimated Outlays .....	10	40	20	10	4	0	84
Research Prize:							
Estimated Authorization Level .....	5	0	0	0	0	0	5
Estimated Outlays .....	0	1	2	2	0	0	5
Total Changes:							
Estimated Discretionary Resources .....	33	56	0	0	0	0	89
Estimated Outlays .....	10	41	22	12	4	0	89

Notes: RITA = Research and Innovative Technology Administration.

a. S. 1953 would provide \$318 million in budget authority over the 2012–2022 period.

b. Estimated discretionary outlays reflect use of funds under the 2012 and 2013 obligation limitations estimated by CBO. (Outlays stemming from additional contract authority shown in the table would be authorized in future legislation that covers the period after 2013.)

#### BASIS OF ESTIMATE

##### *Direct Spending*

S. 1953 would provide budget authority (in the form of contract authority) of \$55 million in 2012 and \$56 million in 2013 for programs administered by the BTS and RITA. The bill would authorize several new programs, including programs to collect data on travel nationwide and a research program intended to focus on multiple modes of transportation.

The current contract authority available for BTS programs authorized by the bill is \$13.5 million through March 31, 2012. Consistent with the rules in the Balanced Budget and Emergency Deficit Control Act for constructing the baseline, CBO assumes that funding provided for the first six months of 2012 will continue at the same rate through the rest of this year (for a total level of \$27 million) and in each subsequent year. Because of the baseline construction rules, CBO estimates that enacting the bill would add less than \$500,000 of contract authority in 2012 and about \$1 million of contract authority in 2013 to the baseline projection for programs currently administered by BTS and RITA. The bill also would appropriate \$28 million in contract authority for new programs, including programs to collect data on travel nationwide and a research program intended to focus on multiple modes of transportation. In total, CBO estimates that enacting the bill would add \$173 million to the baseline projection over the 2013–2017 period and \$290 million over the 2013–2022 period for BTS programs.

##### *Spending Subject to Appropriation*

Spending Subject to the Obligation Limitation. CBO expects that the contract authority provided in the bill would be controlled by limitations on obligations set in annual appropriation acts. The bill does not authorize an obligation limitation level. However, CBO's estimate of discretionary spending under this legislation reflects obligation limitations that are estimated to equal the contract authority provided in the bill. For this estimate, CBO did not project this discretionary authority past fiscal year 2013, the period covered by the legislation. Because the 2012 obligation limitation has

already been enacted, CBO's estimate of the costs of this bill for 2012 only assumes the difference between that current-law limit (\$27 million) and the amount of contract authority provided in S. 1953 (\$55 million). We further estimate that the obligation limitation for 2013 would be \$56 million. As a result, CBO estimates that implementing the RITA provisions of the bill would cost \$84 million over the 2012–2017 period.

**Research Prize.** Based on information from the Department of Transportation, CBO estimates that awarding cash prizes to researchers working on technologies that could affect the transportation system would cost \$5 million, assuming appropriation of the necessary amount.

**Estimated impact on state, local, and tribal governments:** S. 1953 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

**Estimated impact on the private sector:** Currently, the Census Bureau and BTS conduct several household surveys to collect data on travel behavior and transportation patterns. Participation in some of those surveys is voluntary for household members. S. 1953 would impose a private-sector mandate by making participation mandatory for certain household surveys. Members of households would be required to respond to requests for data from BTS. In general, survey respondents would only have to supply BTS with information, records, or statistics that are in their possession and readily available. Furthermore, large numbers of survey respondents voluntarily comply with requests from the federal government for travel data. Therefore, CBO estimates that the incremental cost of this private-sector mandate would fall below the annual threshold established in UMRA (\$146 million in 2012, adjusted annually for inflation).

**Estimate prepared by:** Federal Costs: Sarah Puro; Impact on State, Local, and Tribal Governments: Ryan Miller; Impact on the Private Sector: Vi Nguyen.

**Estimate approved by:** Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

##### NUMBER OF PERSONS COVERED

S. 1953 would reauthorize RITA. RITA administers the Federal transportation research and data collection programs, and this bill would improve its coordination of research efforts and its data collection activities. This bill would clarify RITA's authority to utilize competition to spur innovative transportation research. The bill affects RITA, and it does not authorize any new regulations and therefore would not subject any individuals or businesses to new regulations.

##### ECONOMIC IMPACT

S. 1953 is not expected to have an adverse economic impact on the Nation. This bill would authorize \$55,297,000 for fiscal year

2012 and \$55,597,000 for fiscal year 2013 to carry out this bill to be appropriated from the Highway Trust Fund (other than the Mass Transit Account). These funding levels are relatively modest and are not expected to have an inflationary impact on the Nation's economy.

#### PRIVACY

S. 1953 would not have any effect on the personal privacy of individuals.

#### PAPERWORK

S. 1953 would not increase paperwork requirements for private individuals or businesses. The bill would require four reports from the Federal Government, two of which would need to be revised periodically. The first report would be provided to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Energy and Commerce of the House of Representatives by the Secretary of Transportation within three years after the date of the enactment of this legislation. It would define a recommended implementation path for DSRC technology and applications and would include guidance concerning the relationship of the proposed DSRC deployment to Intelligent Transportation System National Architecture and Standards. The Secretary would be required to update its five-year transportation research and development strategic plan to guide Federal transportation research and development activities within one year after the enactment of S. 1953. The Secretary is already required to submit an annual report to appropriate committees of Congress describing the amounts spent in the last completed fiscal year on transportation research and development and the amount proposed in the current budget for transportation and development, and S. 1953 would continue this practice. The third report would be from the Secretary to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives within one year after the date of the enactment of this legislation. It would provide a five-year plan for implementing a National Travel Data Program that would include benchmarks and goals for the Program. The Secretary would be required to submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the activities of the Program upon its establishment and every two years thereafter.

#### CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short Title, Table of Contents.*

The short title of this bill is the “Research and Innovative Technology Administration Reauthorization Act of 2011”. This section includes the table of contents for this bill.

*Section 2. National Cooperative Freight Research Program.*

This section would require that the National Academy of Sciences coordinate research agendas, research project selections, and competitions across all transportation-related cooperative research programs in order to improve research coordination and make more efficient use of existing resources.

*Section 3. Multimodal Innovative Research Program.*

This section would establish a Multimodal Innovative Research Program (Program). The Program would support the development of technology solutions for multimodal transportation issues and partnerships in transportation research to address transportation problems at modal interfaces or affecting more than one transportation mode. The Program would be authorized to competitively award contracts or cooperative agreements to State and local transportation agencies, and other public, private, and academic stakeholders to develop innovative approaches to solve multimodal transportation problems. This section would make available, from funds authorized under section 13 of this Act, \$20 million for each of fiscal years 2012 and 2013 to establish and maintain the Program. The Secretary of Transportation would be authorized to expend not more than 1.5 percent of amounts made available under this section to carry out program coordination.

*Section 4. Bureau of Transportation Statistics.*

This section would consolidate BTS under the administration of RITA and make enhancements to its existing authority. This section would clarify that BTS’ responsibilities cover multimodal safety data by adding a provision that would direct BTS to conduct a Safety Data and Analysis Program. This clarification would enable BTS to integrate safety data across modes and address gaps in existing DOT safety data programs. This section would authorize BTS to create and manage a collaborative safety data program for DOT. This section would revise the list of data collections and analyses to support planning, decision-making, and program assessment and evaluation.

This section would also designate NTL as a fully functioning national library, with authority equivalent to the other three national libraries, and would designate NTL as the central repository for DOT research and technical reports. This section would allow NTL to establish agreements with other transportation libraries and information centers, both public and private, to facilitate national transportation knowledge network development.

This section would also clarify BTS as an independent Federal statistical agency, with the authority to work directly with the Office of Management and Budget on matters pertaining to implementation of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

This section would strengthen mandatory response authority for freight data collection, broaden mandatory response authority for freight data collection to include households, and provide mandatory response authority for passenger travel surveys.

*Section 5. 5.9 GHZ Vehicle-to-Vehicle and Vehicle-to-Infrastructure Communications Systems Deployment.*

This section would require the Secretary to issue a report defining a DSRC implementation within three years of enactment. The report would include guidance concerning the relationship of the proposed DSRC deployment to the ITS National Architecture and Standards.

*Section 6. Administrative Authority.*

This section would allow RITA to expend not more than 1.5 percent of amounts made available through this Act for the coordination, evaluation, and oversight of RITA-administered programs. This section would also authorize the Secretary to enter into agreements with transportation-stakeholders, such as State and local governments, foreign governments, colleges and universities, trade associations, and private parties, to carry out research and develop solutions to multimodal transportation problems and stimulate the deployment of new technology.

*Section 7. Prize Authority.*

This section would provide the Secretary of Transportation with the authority to conduct competitions and award prizes as a tool to promote innovation in the transportation arena through open competition and collaboration to address specific and difficult policy and technical problems.

*Section 8. Transportation Research and Development.*

This section would require the Secretary to revise its five-year transportation research and development strategic plan. This section would also amend the requirements of transportation research and development strategic plan by placing safety as the top research priority and by directing the Secretary to coordinate the plan with DOT's strategic goals and planning efforts.

*Section 9. Use of Funds for Intelligent Transportation Systems Activities.*

This section would increase the current cap of \$250,000 to \$500,000 on the use of Intelligent Transportation Systems Research funds for outreach, websites, public relations, displays, tours, and brochures.

*Section 10. National Travel Data Program.*

This section would direct the Secretary of Transportation within 18 months after the enactment of this Act to establish a National Travel Data Program to collect essential national passenger and freight travel data to help guide transportation operations, policy, and investment decisions by Federal, State, and local governments and the private sector. This section would make available, from funds authorized under section 11 of this Act, \$8 million for each

of fiscal years 2012 and 2013 to establish and maintain the program.

*Section 11. Authorization of Appropriations.*

This section would authorize \$55,297,000 for fiscal year 2012 and \$55,597,000 for fiscal year 2013, to be appropriated from the Highway Trust Fund (other than the Mass Transit Account), to carry out this bill.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 23. HIGHWAYS

CHAPTER 5. RESEARCH, TECHNOLOGY, AND EDUCATION

**§ 508. Transportation research and development strategic planning**

(a) IN GENERAL.—

(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of the **【SAFETEA-LU】** *Research and Innovative Technology Administration Reauthorization Act of 2011*, the Secretary shall develop a 5-year transportation research and development strategic plan to guide Federal transportation research and development activities. This plan shall be consistent with section 306 of title 5, sections 1115 and 1116 of title 31, and any other research and development plan within the Department of Transportation.

(2) CONTENTS.—The strategic plan developed under paragraph (1) shall—

**【(A) describe the primary purposes of the transportation research and development program, which shall include, at a minimum—**

**【(i) reducing congestion and improving mobility;**

**【(ii) promoting safety;**

**【(iii) promoting security;**

**【(iv) protecting and enhancing the environment;**

**【(v) preserving the existing transportation system;**

and

**【(vi) improving the durability and extending the life of transportation infrastructure;】**

*(A) describe the primary purposes of the transportation research and development program, which shall include—*

*(i) promoting safety;*

*(ii) reducing congestion and improving mobility;*

*(iii) promoting security;*

*(iv) protecting and enhancing the environment;*

*(v) preserving the existing transportation system;*

and

(vi) *improving transportation infrastructure, in coordination with Department of Transportation strategic goals and planning efforts;*

(B) for each purpose, list the primary research and development topics that the Department intends to pursue to accomplish that purpose, which may include the fundamental research in the physical and natural sciences, applied research, technology development, and social science research intended for each topic; and

(C) for each research and development topic, describe—

(i) the anticipated annual funding levels for the period covered by the strategic plan; and

(ii) the additional information the Department expects to gain at the end of the period covered by the strategic plan as a result of the research and development in that topic area.

(3) **CONSIDERATIONS.**—In developing the strategic plan, the Secretary shall ensure that the plan—

(A) reflects input from a wide range of stakeholders;

(B) includes and integrates the research and development programs of all the Department’s operating administrations, including aviation, transit, rail, and maritime; and

(C) takes into account how research and development by other Federal, State, private sector, and nonprofit institutions contributes to the achievement of the purposes identified under paragraph (2)(A), and avoids unnecessary duplication with these efforts.

(4) **PERFORMANCE PLANS AND REPORTS.**—In reports submitted under sections 1115 and 1116 of title 31, the Secretary shall include—

(A) a summary of the Federal transportation research and development activities for the previous fiscal year in each topic area;

(B) the amount of funding spent in each topic area;

(C) a description of the extent to which the research and development is meeting the expectations set forth in paragraph (2)(C)(ii); and

(D) any amendments to the strategic plan.

(b) **ANNUAL REPORT.**—The Secretary shall submit to appropriate committees of Congress an annual report, in conjunction with the President’s annual budget request as set forth in section 1105 of title 31, describing the amount spent in the last completed fiscal year on transportation research and development and the amount proposed in the current budget for transportation research and development.

(c) **NATIONAL RESEARCH COUNCIL REVIEW.**—The Secretary shall enter into an agreement for the review by the National Research Council of the details of each—

(1) strategic plan under this section;

(2) performance plan required under section 1115 of title 31; and

(3) program performance report required under section 1116 of title 31, with respect to transportation research and development.

**§ 509. National cooperative freight transportation research program**

\* \* \* \* \*

(d) GOVERNANCE.—The national cooperative freight transportation research program established under this section shall include the following administrative and management elements:

(1) NATIONAL RESEARCH AGENDA.—The advisory committee, in consultation with interested parties, shall recommend a national research agenda for the program. The agenda shall include a multiyear strategic plan.—

(2) INVOLVEMENT.—Interested parties may—

(A) submit research proposals to the advisory committee;

(B) participate in merit reviews of research proposals and peer reviews of research products; and

(C) receive research results.

(3) OPEN COMPETITION AND PEER REVIEW OF RESEARCH PROPOSALS.—The National Academy of Sciences may award research contracts and grants under the program through open competition and merit review conducted on a regular basis.

(4) EVALUATION OF RESEARCH.—

(A) PEER REVIEW.—Research contracts and grants under the program may allow peer review of the research results.

(B) PROGRAMMATIC EVALUATIONS.—The National Academy of Sciences may conduct periodic programmatic evaluations on a regular basis of research contracts and grants.

(5) DISSEMINATION OF RESEARCH FINDINGS.—The National Academy of Sciences shall disseminate research findings to researchers, practitioners, and decisionmakers, through conferences and seminars, field demonstrations, workshops, training programs, presentations, testimony to government officials, the World Wide Web, publications for the general public, and other appropriate means.

(6) COORDINATION OF COOPERATIVE RESEARCH.—*The National Academy of Sciences shall coordinate research agendas, research project selections, and competitions across all transportation-related cooperative research programs conducted by the National Academy of Sciences to ensure program efficiency, effectiveness, and sharing of research findings.*

**§ 513. Use of funds for ITS activities**

[(a) IN GENERAL.—For each fiscal year, not more than \$250,000 of the funds made available to carry out this subtitle C of title V of the SAFETEA-LU shall be used for intelligent transportation system outreach, public relations, displays, tours, and brochures.

[(b) APPLICABILITY.—Subsection (a) shall not apply to intelligent transportation system training, scholarships, or the publica-

tion or distribution of research findings, technical guidance, or similar documents.】

**§ 513. Use of funds for ITS activities**

(a) *IN GENERAL.*—The Secretary may use not more than \$500,000 of the amounts made available to the Department for each fiscal year to carry out the Intelligent Transportation Systems Program (referred to in this section as “ITS”) on intelligent transportation system outreach, websites, public relations, displays, tours, and brochures.

(b) *PURPOSE.*—Amounts authorized for use under subsection (a) are intended to develop, administer, communicate, and promote the use of products of research, technology, and technology transfer programs under this section.

(c) *ITS DEPLOYMENT INCENTIVES.*—

(1) *IN GENERAL.*—The Secretary may develop and implement incentives to accelerate the deployment of ITS technologies and services within all programs receiving amounts appropriated pursuant to section 11 of the Research and Innovative Technology Administration Reauthorization Act of 2011.

(2) *COMPREHENSIVE PLAN.*—The Secretary shall develop a detailed and comprehensive plan to carry out this subsection that addresses how incentives may be adopted, as appropriate, through the existing deployment activities carried out by surface transportation modal administrations.

TITLE 49. TRANSPORTATION

SUBTITLE I. DEPARTMENT OF TRANSPORTATION

CHAPTER 1. ORGANIZATION

**§ 112. Research and Innovative Technology Administration**

(a) *ESTABLISHMENT.*—The Research and Innovative Technology Administration shall be an administration in the Department of Transportation.

(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) *POWERS AND DUTIES OF THE ADMINISTRATOR.*—The Administrator shall carry out—

(1) powers and duties prescribed by the Secretary for—

(A) coordination, facilitation, and review of the Department’s research and development programs and activities;

(B) advancement, and research and development, of innovative technologies, including intelligent transportation systems;

(C) comprehensive transportation statistics research, analysis, and reporting;

(D) education and training in transportation and transportation-related fields; and

(E) activities of the Volpe National Transportation Center; and

(2) other powers and duties prescribed by the Secretary.

(e) ADMINISTRATIVE AUTHORITIES.—The Administrator may enter into grants and cooperative agreements with Federal agencies, State and local government agencies, other public entities, private organizations, and other persons—

(1) to conduct research into transportation service and infrastructure assurance; and

(2) to carry out other research activities of the Administration.

(f) PROGRAM EVALUATION AND OVERSIGHT.—*The Administrator is authorized to expend not more than 1.5 percent of the amounts authorized to be appropriated for each of the fiscal years 2012 and 2013, for necessary expenses for administration and operations of the Research and Innovative Technology Administration for the coordination, evaluation, and oversight of the programs administered by the Administration.*

(g) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—*To encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technology, the Administrator may carry out, on a cost-shared basis, collaborative research and development with—*

(A) *non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State;*

(B) *Federal laboratories; and*

(C) *other Federal agencies.*

(2) COOPERATION, GRANTS, CONTRACTS, AND AGREEMENTS.—*Notwithstanding any other provision of law, the Administrator may directly initiate contracts, grants, other transactions, and cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)) to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, universities, associations, and the agents of such entities to conduct joint transportation research and technology efforts.*

(3) FEDERAL SHARE.—

(A) IN GENERAL.—*The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this subsection may not exceed 50 percent unless the Secretary approves a greater Federal share due to substantial public interest or benefit.*

(B) NON-FEDERAL SHARE.—*All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited*

toward the non-Federal share of the cost of the activities described in subparagraph (A).

(4) *USE OF TECHNOLOGY.*—The research, development, or use of a technology under a cooperative research and development agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(5) *WAIVER OF ADVERTISING REQUIREMENTS.*—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract, grant, or other agreement entered into under this chapter.

### CHAPTER 3. GENERAL DUTIES AND POWERS

#### SUBCHAPTER II. ADMINISTRATIVE

#### § 335. *Prize authority*

(a) *IN GENERAL.*—The Secretary of Transportation may carry out a program, in accordance with this section, to competitively award cash prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the national transportation system.

(b) *TOPICS.*—In selecting topics for prize competitions under this section, the Secretary shall—

(1) consult with a wide variety of Government and non-government representatives; and

(2) give consideration to prize goals that demonstrate innovative approaches and strategies to improve the safety, efficiency, and sustainability of the national transportation system.

(c) *ADVERTISING.*—The Secretary shall encourage participation in the prize competitions through extensive advertising.

(d) *REQUIREMENTS AND REGISTRATION.*—For each prize competition, the Secretary shall publish a notice on a public website that describes—

(1) the subject of the competition;

(2) the eligibility rules for participation in the competition;

(3) the amount of the prize; and

(4) the basis on which a winner will be selected.

(e) *ELIGIBILITY.*—An individual or entity may not receive a prize under this section unless the individual or entity—

(1) has registered to participate in the competition pursuant to any rules promulgated by the Secretary under this section;

(2) has complied with all the requirements under this section;

(3)(A) in the case of a private entity, is incorporated in, and maintains a primary place of business in, the United States; or

(B) in the case of an individual, whether participating singly or in a group, is a citizen or permanent resident of the United States; and

(4) is not a Federal entity or Federal employee acting within the scope of his or her employment.

(f) *LIABILITY.*—

(1) *ASSUMPTION OF RISK.*—

(A) *IN GENERAL.*—A registered participant shall agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in a competition, whether such injury, death, damage, or loss arises through negligence or otherwise.

(B) *RELATED ENTITY.*—In this paragraph, the term “related entity” means a contractor, subcontractor (at any tier), supplier, user, customer, cooperating party, grantee, investigator, or detailee.

(2) *FINANCIAL RESPONSIBILITY.*—A participant shall obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

(A) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant’s insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

(B) the Federal Government for damage or loss to Government property resulting from such an activity.

(g) *JUDGES.*—

(1) *SELECTION.*—For each prize competition, the Secretary, either directly or through an agreement under subsection (h), shall assemble a panel of qualified judges to select the winner or winners of the prize competition on the basis described in subsection (d). Judges for each competition shall include individuals from outside the Administration, including the private sector.

(2) *LIMITATIONS.*—A judge selected under this subsection may not—

(A) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant in a prize competition under this section; or

(B) have a familial or financial relationship with an individual who is a registered participant.

(h) *ADMINISTERING THE COMPETITION.*—The Secretary may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

(i) *FUNDING.*—

(1) *PRIVATE SECTOR FUNDING.*—A cash prize under this section may consist of funds appropriated by the Federal Government and funds provided by the private sector. The Secretary may accept funds from other Federal agencies, State and local governments, and metropolitan planning organizations for the cash prizes. The Secretary may not give any special consideration to any private sector entity in return for a donation under this paragraph.

(2) *AVAILABILITY OF FUNDS.*—Notwithstanding any other provision of law, amounts appropriated for prize awards under this section—

(A) shall remain available until expended; and

(B) may not be transferred, reprogrammed, or expended for other purposes until after the expiration of the 10-year period beginning on the last day of the fiscal year for which the funds were originally appropriated.

(3) *SAVINGS PROVISION.*—Nothing in this subsection may be construed to permit the obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

(4) *PRIZE ANNOUNCEMENT.*—A prize may not be announced under this section until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by a private source.

(5) *PRIZE INCREASES.*—The Secretary may increase the amount of a prize after the initial announcement of the prize under this section if—

(A) notice of the increase is provided in the same manner as the initial notice of the prize; and

(B) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

(6) *CONGRESSIONAL NOTIFICATION.*—A prize competition under this section may offer a prize in an amount greater than \$1,000,000 only after 30 days have elapsed after written notice has been transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

(7) *AWARD LIMIT.*—A prize competition under this section may not result in the award of more than \$25,000 in cash prizes without the approval of the Secretary.

(j) *USE OF DEPARTMENT NAME AND INSIGNIA.*—A registered participant in a prize competition under this section may use the Department's name, initials, or insignia only after prior review and written approval by the Secretary.

(k) *COMPLIANCE WITH EXISTING LAW.*—The Federal Government shall not, by virtue of offering or providing a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and nonproliferation laws, and related regulations.

### SUBTITLE III. GENERAL AND INTERMODAL PROGRAMS

#### CHAPTER 55. INTERMODAL TRANSPORTATION

##### SUBCHAPTER I. GENERAL

#### **§ 5507. Multimodal Innovative Research Program**

(a) *ESTABLISHMENT.*—The Secretary of Transportation shall establish a Multimodal Innovative Research Program (referred to in this section as the “Program”) in the Research and Innovative Technology Administration.

(b) *PURPOSE.*—The Program shall support—

(1) national transportation policy, objectives, and goals by applying state-of-the-art advanced technology solutions to multimodal transportation issues; and

(2) key partnerships throughout the Department of Transportation and with other Federal agencies to fully leverage their investments in transportation research and technology developments to address transportation problems at modal interfaces or affecting more than 1 transportation mode.

(c) *CONTENT.*—The Program shall—

(1) address issues affecting—

(A) policy;

(B) cross-modal concerns, such as efficient and inter-modal goods and passenger movements;

(C) the development of advanced vehicle technologies;

(D) the application of existing technologies; and

(E) the integration of multimodal realtime transportation information systems;

(2) competitively award contracts or cooperative agreements for advanced multimodal transportation research to facilitate practical innovative approaches to solve transportation problems related to attaining—

(A) the strategic goals of the Department of Transportation; and

(B) multimodal elements of the Transportation Research and Development Strategic Plan required under section 508 of title 23;

(3) demonstrate transportation system applications of advanced transportation technologies, methodologies, policies, and decisions;

(4) disseminate best practices in planning, operations, design, and maintenance of transportation and related systems; and

(5) provide technology identification, modification, and dissemination through outreach to other Federal agencies, State and local transportation agencies, and other public, private, and academic stakeholders in the industry.

(d) *COORDINATION.*—The Secretary of Transportation shall coordinate activities under this section with other Federal agencies, as appropriate.

(e) *FUNDING.*—

(1) *IN GENERAL.*—Of the amounts appropriated pursuant to section 11 of the Research and Innovative Technology Administration Reauthorization Act of 2011, \$20,000,000 shall be made available for each of the fiscal year 2012 and 2013 to establish and maintain the Multimodal Innovative Research Program.

(2) *MANAGEMENT AND OVERSIGHT.*—During each of the fiscal years 2012 and 2013, the Secretary of Transportation may not expend more than 1.5 percent of the amounts made available under paragraph (1) to carry out management and oversight of the Multimodal Innovative Research Program.

**§ 5508. GHz vehicle-to-vehicle and vehicle-to-infrastructure communications systems deployment**

(a) *IN GENERAL.*—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit a report to the

*Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives that—*

*(1) defines a recommended implementation path for Dedicated Short Range Communications (DSRC) technology and applications; and*

*(2) includes guidance concerning the relationship of the proposed DSRC deployment to Intelligent Transportation System National Architecture and Standards.*

*(b) REPORT REVIEW.—The Secretary shall enter into an agreement for the review of the report submitted under subsection (a) by an independent third party with subject matter expertise.*

**§ 5509. National Travel Data Program**

*(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the Research and Innovative Technology Administration Reauthorization Act of 2011, the Secretary of Transportation shall establish the National Travel Data Program (referred to in this section as the “Program”) to collect essential national passenger and freight travel data to help guide transportation operations, policy, and investment decisions for Federal, State, and local governments and the private sector.*

*(b) PROGRAM ELEMENTS.—In carrying out the Program, the Secretary shall—*

*(1) collect data and make such data available to support transportation operations, policy, and investment decisions, including data on system performance, safety, international competitiveness, energy efficiency, and changes in demographics;*

*(2) improve the quality of the data collected under the Program, including identifying and addressing current gaps in passenger and freight travel data collection, such as the sample sizes and frequency of transportation surveys including the Commodity Flow Survey, the National Household Travel Survey, and the Transportation Services Index; and*

*(3) consult with State and local governments, private sector data providers, and professional and nonprofit associations to improve the integration, management, and implementation of data collected under the Program.*

*(c) ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.—*

*(1) ESTABLISHMENT.—In carrying out the Program, the Secretary shall seek recommendations from the Advisory Council on Transportation Statistics, established under section 6305 on—*

*(A) the design and implementation of the Program;*

*(B) emerging transportation-related data needs relevant to the Program; and*

*(C) other matters the Secretary determines to be appropriate.*

*(d) REPORTS TO CONGRESS.—*

*(1) 5-YEAR PLAN.—Not later than 1 year after the date of the enactment of the Research and Innovative Technology Administration Reauthorization Act of 2011, the Secretary shall submit, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and*

*Infrastructure of the House of Representatives, a 5-year plan for implementing the National Travel Data Program that includes benchmarks and goals.*

(2) *BIENNIAL REPORT.*—Upon the establishment of the National Travel Data Program, and every 2 years thereafter, the Secretary shall submit a report on the activities of the Program to the congressional committees set forth in paragraph (1).

(e) *FUNDING.*—Of the amounts made available under section 11 of the Research and Innovative Technology Administration Reauthorization Act of 2011, \$8,000,000 shall be available for each of the fiscal years 2012 and 2013 to establish and maintain the Program.

CHAPTER 63. BUREAU OF TRANSPORTATION STATISTICS

SUBCHAPTER I. BUREAU OF TRANSPORTATION STATISTICS

**§ 6301. Establishment**

*There is established, in the Research and Innovative Technology Administration, a Bureau of Transportation Statistics (referred to in this subchapter as the “Bureau”).*

**§ 6302. Director**

(a) *APPOINTMENT.*—The Bureau shall be headed by a Director, who shall be appointed in the competitive service by the Secretary of Transportation.

(b) *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.

**§ 6303. Responsibilities**

(a) *DUTIES OF THE DIRECTOR.*—The Director, who shall serve as the Secretary of Transportation’s senior advisor on data and statistics, shall be responsible for carrying out the following duties:

(1) *Ensuring that the statistics compiled under paragraph (6) 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) *Establishing a program, on behalf of the Secretary—*

(A) *to effectively integrate safety data across modes; and*

(B) *to address gaps in existing safety data programs of the Department of Transportation.*

(3) *Working with the operating administrations of the Department of Transportation—*

(A) *to establish and implement the Bureau’s data programs; and*

(B) *to improve the coordination of information collection efforts with other Federal agencies.*

(4) *Continually improving surveys and data collection methods to improve the accuracy and utility of transportation statistics.*

(5) *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.

(6) *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) *transportation safety across all modes and intermodally;*

(B) *the state of good repair of United States transportation infrastructure.*

(C) *the extent, connectivity, and condition of the transportation system, building on the national transportation atlas database developed under section 6312;*

(D) *economic efficiency throughout the entire transportation sector;*

(E) *the effects of the transportation system on global and domestic economic competitiveness;*

(F) *demographic, economic, and other variables influencing travel behavior, including choice of transportation mode and goods movement;*

(G) *transportation-related variables that influence the domestic economy and global competitiveness;*

(H) *the economic costs and impacts for passenger travel and freight movement;*

(I) *intermodal and multimodal passenger movement;*

(J) *intermodal and multimodal freight movement; and*

(K) *the consequences of transportation for the human and natural environment, sustainable transportation, and livable communities.*

(7) *Building and disseminating the transportation layer of the National Spatial Data Infrastructure developed under Executive Order 12906, including—*

(A) *coordinating the development of transportation geospatial data standards;*

(B) *compiling intermodal geospatial data; and*

(C) *collecting geospatial data that is not being collected by others.*

(8) *Issuing guidelines for the collection of information by the Department of Transportation that is required for transportation statistics, modeling, economic assessment, and program assessment in order to ensure that such information is accurate, reliable, relevant, uniform and in a form that permits systematic analysis by the Department.*

(9) *Reviewing and reporting to the Secretary of Transportation on the sources and reliability of—*

(A) *the statistics proposed by the heads of the operating administrations of the Department of Transportation to measure outputs and outcomes, as required by the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285); and*

(B) *other data collected or statistical information published by the heads of the operating administrations of the Department.*

(10) *Making the statistics published under this subsection readily accessible to the public, consistent with applicable security constraints and confidentiality interests.*

(b) *ACCESS TO FEDERAL DATA.—In carrying out subsection (a)(2), the Director shall be provided access to—*

(1) *all safety data held by any agency of the Department; and*

(2) *all safety data held by any other Federal Government agency that is germane to carrying out subsection (a), upon written request and subject to any statutory or regulatory restrictions.*

(c) *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 of Transportation, the Director shall establish and maintain a transportation database for all modes of transportation.*

(2) *USE OF DATABASE.—The database established under this subsection shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.*

(3) *CONTENTS.—The database established under this section shall include—*

(A) *information on the volumes and patterns of movement, including local, interregional, and international movement—*

(i) *of goods by all modes of transportation and intermodal combinations, and by relevant classification; and*

(ii) *of people by all modes of transportation (including bicycle and pedestrian modes) and intermodal combinations, and by relevant classification;*

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

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

#### **§ 6304. National Transportation Library**

(a) *PURPOSE AND ESTABLISHMENT.—There is established, in the Bureau, a National Transportation Library (referred to in this section as the “Library”), which shall—*

(1) *support the information management and decision-making needs of transportation at Federal, State, and local levels;*

(2) *be headed by an individual who is highly qualified in library and information science;*

(3) *acquire, preserve, and manage transportation information and information products and services for use of the Department of Transportation, other Federal agencies, and the general public;*

(4) *provide reference and research assistance;*

(5) *serve as a central depository for research results and technical publications of the Department of Transportation;*

(6) provide a central clearinghouse for transportation data and information in the Federal Government;

(7) serve as coordinator and policy lead for transportation information access;

(8) provide transportation information and information products and services to the Department of Transportation, other agencies of the Federal Government, public and private organizations, and individuals, within the United States and internationally;

(9) coordinate efforts among, and cooperate with, transportation libraries, information providers, and technical assistance centers, in conjunction with private industry and other transportation library and information centers, toward the development of a comprehensive transportation information and knowledge network supporting activities described in subparagraphs (A) through (K) of section 6303(a)(6); and

(10) engage in such other activities as the Director determines appropriate and as the Library's resources permit.

(b) ACCESS.—The Director shall publicize, facilitate, and promote access to the information products and services described in subsection (a) to improve—

(1) the ability of the transportation community to share information; and

(2) the ability of the Director to make statistics and other information readily accessible under section 6303(a)(10).

(c) AGREEMENTS.—

(1) IN GENERAL.—The Director may enter into agreements with, award grants to, and receive funds from any State and other political subdivision, organization, business, or individual for the purpose of conducting activities under this section.

(2) CONTRACTS, GRANTS, AND AGREEMENTS.—The Library may initiate and support specific information and data management, access, and exchange activities in connection with matters relating to Department of Transportation's strategic goals, knowledge networking, and national and international cooperation by entering into contracts or awarding grants for the conduct of such activities.

(3) FUNDS.—Amounts received under this subsection for payments for library products and services or other activities shall—

(A) be deposited in the Research and Innovative Technology Administration's general fund account; and

(B) remain available to the Library until expended.

#### **§ 6305. Advisory Council on Transportation Statistics**

(a) IN GENERAL.—The Director shall maintain an Advisory Council on Transportation Statistics (referred to in this section as the "Advisory Council").

(b) FUNCTION.—The Advisory Council shall advise the Director on—

(1) the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau and the Department of Transportation; and

(2) *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.*

(c) **MEMBERSHIP.**—

(1) **IN GENERAL.**—*The Advisory Council shall be composed of not fewer than 9 members and not more than 11 members, who shall be appointed by the Director.*

(2) **SELECTION.**—*In selecting members for the Advisory Council, the Director shall appoint individuals who—*

(A) *are not officers or employees of the United States;*

(B) *possess expertise in—*

(i) *transportation data collection, analysis, or application;*

(ii) *economics; or*

(iii) *transportation safety; and*

(C) *represent a cross section of transportation stakeholders, to the greatest extent possible.*

(3) **TERMS OF APPOINTMENT.**—

(A) **IN GENERAL.**—*Except as provided in subparagraph*

(B), *members of the Advisory Council—*

(i) *shall be appointed to staggered terms not to exceed 3 years; and*

(ii) *may be renominated for 1 additional 3-year term.*

(B) **CURRENT MEMBERS.**—*Members serving on the Advisory Council as of the date of the enactment of the Research and Innovative Technology Administration Reauthorization Act of 2011 shall serve until the end of their appointed terms.*

(d) **APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—*The Federal Advisory Committee Act (except for section 14 of such Act) shall apply to the Advisory Council.*

**§ 6306. Transportation statistical collection, analysis, and dissemination**

*To ensure that all transportation statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director may—*

(1) *utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement for such utilization;*

(2) *enter into agreements with agencies and instrumentalities referred to in paragraph (1) for purposes of data collection and analysis;*

(3) *confer and cooperate with foreign governments, international organizations, States, municipalities, and other local agencies;*

(4) *request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this section;*

(5) encourage replication, coordination, and sharing among transportation agencies regarding information systems, information policy, and data; and

(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this section, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.

**§ 6307. Furnishing information, data, or reports by Federal agencies**

Federal agencies requested to furnish information, data, or reports under section 6303(b) shall provide such information to the Bureau as is required to carry out the purposes of this section.

**§ 6308. Prohibition on certain disclosures**

(a) *IN GENERAL.*—An officer, employee, or contractor of the Bureau may not—

(1) make any disclosure in which the data provided by an individual or organization under section 6303 can be identified;

(2) use the information provided under section 6303 for a nonstatistical purpose; or

(3) permit anyone other than an individual authorized by the Director to examine any individual report provided under section 6303.

(b) *COPIES OF REPORTS.*—

(1) *IN GENERAL.*—A department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may not require, for any reason, a copy of any report that has been filed under section 6303 with the Bureau or retained by an individual respondent.

(2) *LIMITATION ON JUDICIAL PROCEEDINGS.*—A copy of a report described in paragraph (1) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

(A) shall be immune from legal process; and

(B) may 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.

(3) *APPLICABILITY.*—This subsection shall only apply to reports that permit information concerning an individual or organization to be reasonably determined by direct or indirect means.

(c) *INFORMING RESPONDENT OF USE OF DATA.*—If the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of such data or information, by rule and on the collection instrument, to inform a respondent who is requested or required to supply the data or information of the nonstatistical purpose.

**§ 6309. Data access**

The Director shall be provided access to transportation and transportation-related information in the possession of any Federal agency, except—

(1) information that is expressly prohibited by law from being disclosed to another Federal agency; or

(2) information that the agency possessing the information determines could not be disclosed without significantly impairing the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

**§ 6310. Proceeds of data product sales**

Notwithstanding section 3302 of title 31, amounts 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 such expenses.

**§ 6311. Information collection**

As the head of an independent Federal statistical agency, the Director may consult directly with the Office of Management and Budget concerning any survey, questionnaire, or interview that the Director considers necessary to carry out the statistical responsibilities under this subchapter.

**§ 6312. National transportation atlas database**

(a) *IN GENERAL.*—The Director shall develop and maintain a national transportation atlas database that is comprised of geospatial databases that depict—

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

(b) *INTERMODAL NETWORK ANALYSIS.*—The databases developed under subsection (a) shall be capable of supporting intermodal network analysis.

**§ 6313. Limitations on statutory construction**

Nothing in this subchapter may 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 independently collect and disseminate data.

**§ 6314. Research and development grants**

The Secretary may award 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 section 6303 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 section 6304; and

(4) development and improvement of methods for sharing geographic data, in support of the database under section 6303 and the National Spatial Data Infrastructure.

**§ 6315. Transportation statistics annual report**

The Director shall submit to the President and Congress a transportation statistics annual report, which shall include—

- (1) information on items referred to in section 6303(a)(6);
- (2) documentation of methods used to obtain and ensure the quality of the statistics presented in the report; and
- (3) recommendations for improving transportation statistical information.

**§ 6316. Mandatory response authority for data collections**

Any individual who, as the owner, official, agent, person in charge, or assistant to the person in charge of any corporation, company, business, institution, establishment, organization of any nature or the member of a household, neglects or refuses, after 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 household, or to make available records or statistics in the individual's official custody, contained in a data collection request prepared and submitted under section 6303(a)—

- (1) shall be fined not more than \$500, except as provided under paragraph (2); and
- (2) if the individual willfully gives a false answer to such a question, shall be fined not more than \$10,000.

