

### CHAPTER 3—GENERAL DUTIES AND POWERS

#### SUBCHAPTER I—DUTIES OF THE SECRETARY OF TRANSPORTATION

- Sec.
- 301. Leadership, consultation, and cooperation.
- 302. Policy standards for transportation.
- 303. Policy on lands, wildlife and waterfowl refuges, and historic sites.
- 303a. Development of water transportation.
- 304. Application of categorical exclusions for multimodal projects.
- 304a. Accelerated decisionmaking in environmental reviews.
- 305. Transportation investment standards and criteria.
- 306. Prohibited discrimination.
- 307. Improving State and Federal agency engagement in environmental reviews.
- 308. Reports.
- 309. High-speed ground transportation.
- 310. Aligning Federal environmental reviews.
- 311. Congressional notification requirements.
- 312. Alternative timing system.
- 313. Nontraditional and Emerging Transportation Technology Council.

#### SUBCHAPTER II—ADMINISTRATIVE

- 321. Definitions.
- 322. General powers.
- 323. Personnel.
- 324. Members of the armed forces.
- 325. Advisory committees.
- 326. Gifts.
- 327. Administrative working capital fund.
- 328. Transportation Systems Center working capital fund.
- 329. Transportation information.
- 330. Research activities.
- 331. Service, supplies, and facilities at remote places.
- 332. Minority Resource Center.
- 333. Responsibility for rail transportation unification and coordination projects.
- [334, 335. Repealed.]
- 336. Civil penalty procedures.
- 337. Budget request for the Director of Intelligence and Security.

#### SUBCHAPTER III—MISCELLANEOUS

- 351. Judicial review of actions in carrying out certain transferred duties and powers.
- 352. Authority to carry out certain transferred duties and powers.
- 353. Toxicological testing of officers and employees.
- 354. Investigative authority of Inspector General.
- 355. Motorcyclist Advisory Council.

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 117-58, div. B, title V, § 25008(b), Nov. 15, 2021, 135 Stat. 852, which directed amendment of the analysis for subchapter I of this chapter by adding item 313 at the end, was executed by adding item 313 to the analysis for this chapter, to reflect the probable intent of Congress.

Pub. L. 117-58, div. B, title IV, § 24111(b), Nov. 15, 2021, 135 Stat. 815, which directed amendment of the analysis for subchapter III of this chapter by adding item 355 at the end, was executed by adding item 355 to the analysis for this chapter, to reflect the probable intent of Congress.

2018—Pub. L. 115-282, title V, § 514(c), Dec. 4, 2018, 132 Stat. 4278, which directed amendment of the analysis for this chapter by adding item 312 at the end, was executed by adding item 312 at the end of the item for subchapter I, to reflect the probable intent of Congress.

2016—Pub. L. 114-322, title IV, § 5001(b), Dec. 16, 2016, 130 Stat. 1885, added item 311.

2015—Pub. L. 114-94, div. A, title I, §§ 1311(b), 1312(b), 1313(b), title VI, § 6011(c), Dec. 4, 2015, 129 Stat. 1399, 1400, 1402, 1569, added items 304a, 307, and 310 and substituted “Research activities” for “Research contracts” in item 330.

Pub. L. 114-94, div. A, title I, § 1446(d)(4), Dec. 4, 2015, 129 Stat. 1438, amended section 1314(b) of Pub. L. 112-141, effective July 6, 2012, as if included in Pub. L. 112-141 as enacted. See 2012 Amendment note below.

2012—Pub. L. 112-141, div. A, title I, § 1314(b), div. C, title II, § 32932(a)(2), July 6, 2012, 126 Stat. 549, 829, as amended by Pub. L. 114-94, div. A, title I, § 1446(d)(4), Dec. 4, 2015, 129 Stat. 1438, substituted “Application of categorical exclusions for multimodal projects” for “Joint activities with the Secretary of Housing and Urban Development” in item 304 and struck out item 307 “Safety information and intervention in Interstate Commerce Commission proceedings”.

2003—Pub. L. 108-168, § 8(b)(2), Dec. 6, 2003, 117 Stat. 2035, added item 354.

1994—Pub. L. 103-272, § 4(j)(6)(B), (9)(B), (10)(B), July 5, 1994, 108 Stat. 1366-1368, added item 303a, struck out items 334 “Limit on aviation charges” and 335 “Authorization of appropriations”, and added item 337, subchapter III heading, and items 351 to 353.

1991—Pub. L. 102-240, title I, § 1036(c)(2), Dec. 18, 1991, 105 Stat. 1985, added item 309.

1989—Pub. L. 101-225, title III, § 305(2), Dec. 12, 1989, 103 Stat. 1925, added item 336.

1984—Pub. L. 98-216, § 2(1)(B), Feb. 14, 1984, 98 Stat. 5, substituted “Reports” for “Annual reports” in item 308.

#### SUBCHAPTER I—DUTIES OF THE SECRETARY OF TRANSPORTATION

##### § 301. Leadership, consultation, and cooperation

The Secretary of Transportation shall—

(1) under the direction of the President, exercise leadership in transportation matters, including those matters affecting national defense and those matters involving national or regional emergencies;

(2) provide leadership in the development of transportation policies and programs, and make recommendations to the President and Congress for their consideration and implementation;

(3) coordinate Federal policy on intermodal transportation and initiate policies to promote efficient intermodal transportation in the United States;

(4) promote and undertake the development, collection, and dissemination of technological, statistical, economic, and other information relevant to domestic and international transportation;

(5) consult and cooperate with the Secretary of Labor in compiling information regarding the status of labor-management contracts and other labor-management problems and in promoting industrial harmony and stable employment conditions in all modes of transportation;

(6) promote and undertake research and development related to transportation, including noise abatement, with particular attention to aircraft noise, and including basic highway vehicle science;

(7) consult with the heads of other departments, agencies, and instrumentalities of the United States Government on the transportation requirements of the Government, in-

cluding encouraging them to establish and observe policies consistent with maintaining a coordinated transportation system in procuring transportation or in operating their own transport services;

(8) consult and cooperate with State and local governments, carriers, labor, and other interested persons, including, when appropriate, holding informal public hearings; and

(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2418; Pub. L. 102-240, title V, §5002(a), title VI, §6017, Dec. 18, 1991, 105 Stat. 2158, 2183; Pub. L. 105-178, title I, §1504, June 9, 1998, 112 Stat. 251.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
301 .....	49:1653(a).	Oct. 15, 1966, Pub. L. 89-670, §4(a), 80 Stat. 933.

In the introductory clause before “shall”, the words “in carrying out the purposes of this chapter . . . among his responsibilities” are omitted as surplus.

In clause (4), the word “compiling” is substituted for “gathering” for consistency.

#### Editorial Notes

##### AMENDMENTS

1998—Par. (9). Pub. L. 105-178 added par. (9).

1991—Pars. (3) to (5). Pub. L. 102-240, §5002(a), added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively. Former par. (5) redesignated (6).

Par. (6). Pub. L. 102-240, §§5002(a), 6017, redesignated par. (5) as (6) and inserted “, and including basic highway vehicle science”. Former par. (6) redesignated (7).

Pars. (7), (8). Pub. L. 102-240, §5002(a), redesignated pars. (6) and (7) as (7) and (8), respectively.

#### Statutory Notes and Related Subsidiaries

##### GEOMATIC DATA

Pub. L. 117-58, div. A, title I, §11308, Nov. 15, 2021, 135 Stat. 534, provided that:

“(a) IN GENERAL.—The Secretary [of Transportation] shall develop guidance for the acceptance and use of information obtained from a non-Federal entity through geomatic techniques, including remote sensing and land surveying, cartography, geographic information systems, global navigation satellite systems, photogrammetry, or other remote means.

“(b) CONSIDERATIONS.—In carrying out this section, the Secretary shall ensure that acceptance or use of information described in subsection (a) meets the data quality and operational requirements of the Secretary.

“(c) PUBLIC COMMENT.—Before issuing any final guidance under subsection (a), the Secretary shall provide to the public—

“(1) notice of the proposed guidance; and

“(2) an opportunity to comment on the proposed guidance.

“(d) SAVINGS CLAUSE.—Nothing in this section—

“(1) requires the Secretary to accept or use information that the Secretary determines does not meet the guidance developed under this section; or

“(2) changes the current statutory or regulatory requirements of the Department [of Transportation].”

##### RISK AND SYSTEM RESILIENCE

Pub. L. 117-58, div. B, title V, §25007, Nov. 15, 2021, 135 Stat. 849, provided that:

“(a) IN GENERAL.—The Secretary [of Transportation], in consultation with appropriate Federal, State, and local agencies, shall develop a process for quantifying annual risk in order to increase system resilience with respect to the surface transportation system of the United States by measuring—

“(1) resilience to threat probabilities by type of hazard and geographical location;

“(2) resilience to asset vulnerabilities with respect to each applicable threat; and

“(3) anticipated consequences from each applicable threat to each asset.

“(b) USE BY STATE, REGIONAL, TRIBAL, AND LOCAL ENTITIES.—

“(1) IN GENERAL.—The Secretary shall provide the process developed under subsection (a) to State departments of transportation, metropolitan planning organizations, Indian Tribes, local governments, and other relevant entities.

“(2) GUIDANCE AND TECHNICAL ASSISTANCE.—The Secretary shall provide to the entities described in paragraph (1) guidance and technical assistance on the use of the process referred to in that paragraph.

“(c) RESEARCH.—

“(1) IN GENERAL.—The Secretary shall—

“(A) identify and support fundamental research to develop a framework and quantitative models to support compilation of information for risk-based analysis of transportation assets by standardizing the basis for quantifying annual risk and increasing system resilience; and

“(B) build on existing resilience research, including studies conducted by—

“(i) the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine; and

“(ii) the National Institute of Standards and Technology.

“(2) USE OF EXISTING FACILITIES.—In carrying out paragraph (1), the Secretary shall use existing research facilities available to the Secretary, including the Turner-Fairbank Highway Research Center and University Transportation Centers established under section 5505 of title 49, United States Code.”

##### SAFETY DATA INITIATIVE

Pub. L. 117-58, div. B, title V, §25011, Nov. 15, 2021, 135 Stat. 857, provided that:

“(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

“(1) a State;

“(2) a unit of local government;

“(3) a transit agency or authority;

“(4) a metropolitan planning organization;

“(5) any other subdivision of a State or local government;

“(6) an institution of higher education; and

“(7) a multi-State or multijurisdictional group.

“(b) SAFETY DATA INITIATIVE.—

“(1) ESTABLISHMENT.—The Secretary [of Transportation] shall establish an initiative, to be known as the ‘Safety Data Initiative’, to promote the use of data integration, data visualization, and advanced analytics for surface transportation safety through the development of innovative practices and products for use by Federal, State, and local entities.

“(2) ACTIVITIES.—

“(A) APPLIED RESEARCH.—

“(i) IN GENERAL.—The Secretary shall support and carry out applied research to develop practices and products that will encourage the integration and use of traditional and new sources of safety data and safety information to improve policy and decisionmaking at the Federal, State, and local government levels.

“(ii) METHODOLOGY.—In carrying out clause (i), the Secretary may—

“(I) carry out demonstration programs;

“(II) award grants and provide incentives to eligible entities;

“(III) enter into partnerships with—  
 “(aa) eligible entities;  
 “(bb) private sector entities; and  
 “(cc) National Laboratories; and  
 “(IV) use any other tools, strategies, or methods that will result in the effective use of data and information for safety purposes.  
 “(B) TOOLS AND PRACTICES.—In carrying out subparagraph (A), the Secretary, to the maximum extent practicable, shall—  
 “(i) develop safety analysis tools for State and local governments, with a particular focus on State and local governments with limited capacity to perform safety analysis;  
 “(ii)(I) identify innovative State and local government practices;  
 “(II) incubate those practices for further development; and  
 “(III) replicate those practices nationwide; and  
 “(iii) transfer to State and local governments the results of the applied research carried out under that subparagraph.  
 “(C) DATA SHARING.—  
 “(i) IN GENERAL.—To inform the creation of information useful for safety policy and decision-making, the Secretary shall—  
 “(I) encourage the sharing of data between and among Federal, State, and local transportation agencies; and  
 “(II) leverage data from private sector entities.  
 “(ii) GOALS.—The goals of the data-sharing activities under clause (i) shall include—  
 “(I) the creation of data ecosystems to reduce barriers to the efficient integration and analysis of relevant datasets for use by safety professionals; and  
 “(II) the establishment of procedures adequate to ensure sufficient security, privacy, and confidentiality as needed to promote the sharing of sensitive or proprietary data.  
 “(iii) MANAGEMENT OF DATA ECOSYSTEMS.—A data ecosystem described in clause (ii)(I) may be managed by—  
 “(I) the Director of the Bureau of Transportation Statistics;  
 “(II) 1 or more trusted third parties, as determined by the Secretary; or  
 “(III) 1 or more other entities or partnerships capable of securing, managing, and analyzing sensitive or proprietary data.  
 “(3) PLAN.—  
 “(A) IN GENERAL.—The Safety Data Initiative shall be carried out pursuant to a plan to be jointly established by—  
 “(i) the Under Secretary of Transportation for Policy;  
 “(ii) the Chief Information Officer of the Department [of Transportation];  
 “(iii) the Administrator of the National Highway Traffic Safety Administration;  
 “(iv) the Administrator of the Federal Highway Administration;  
 “(v) the Administrator of the Federal Motor Carrier Safety Administration;  
 “(vi) the Administrator of the Federal Transit Administration; and  
 “(vii) the Administrator of the Federal Railroad Administration.  
 “(B) REQUIREMENT.—The plan established under subparagraph (A) shall include details regarding the means by which tools and innovations developed by projects carried out under the Safety Data Initiative will be transferred to the appropriate program of the Department for further implementation.  
 “(C) DEADLINE.—Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the Secretary shall direct the officials described in clauses (i) through (vii) of subparagraph (A) to establish, by a date determined by the Secretary, the plan referred to in that subparagraph.

“(4) TERMINATION.—The Safety Data Initiative shall terminate on the later of—  
 “(A) the date that is 1 year after the date of enactment of this Act; and  
 “(B) the date on which the Secretary makes the direction to officials described in paragraph (3)(C).”

#### GAO CYBERSECURITY RECOMMENDATIONS

Pub. L. 117–58, div. B, title V, § 25022, Nov. 15, 2021, 135 Stat. 878, provided that:

“(a) CYBERSECURITY RISK MANAGEMENT.—Not later than 3 years after the date of enactment of this Act [Nov. 15, 2021], the Secretary [of Transportation] shall implement the recommendation for the Department [of Transportation] made by the Comptroller General of the United States in the report entitled ‘Cybersecurity: Agencies Need to Fully Establish Risk Management Programs and Address Challenges’, numbered GAO–19–384, and dated July 2019—

“(1) by developing a cybersecurity risk management strategy for the systems and information of the Department [of Transportation];

“(2) by updating policies to address an organization-wide risk assessment; and

“(3) by updating the processes for coordination between cybersecurity risk management functions and enterprise risk management functions.

“(b) WORK ROLES.—Not later than 3 years after the date of enactment of this Act [Nov. 15, 2021], the Secretary shall implement the recommendation of the Comptroller General of the United States in the report entitled ‘Cybersecurity Workforce: Agencies Need to Accurately Categorize Positions to Effectively Identify Critical Staffing Needs’, numbered GAO–19–144, and dated March 2019, by—

“(1) reviewing positions in the Department; and

“(2) assigning appropriate work roles in accordance with the National Initiative for Cybersecurity Education Cybersecurity Workforce Framework.

“(c) GAO REVIEW.—

“(1) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States 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 report that examines the approach of the Department to managing cybersecurity for the systems and information of the Department.

“(2) CONTENTS.—The report under paragraph (1) shall include an evaluation of—

“(A) the roles, responsibilities, and reporting relationships of the senior officials of the Department with respect to cybersecurity at the components of the Department;

“(B) the extent to which officials of the Department—

“(i) establish requirements for, share information with, provide resources to, and monitor the performance of managers with respect to cybersecurity within the components of the Department; and

“(ii) hold managers accountable for cybersecurity within the components of the Department; and

“(C) other aspects of cybersecurity, as the Comptroller General of the United States determines to be appropriate.”

#### PERFORMANCE MEASUREMENT, TRANSPARENCY, AND ACCOUNTABILITY

Pub. L. 117–58, div. B, title VII, § 27001, Nov. 15, 2021, 135 Stat. 884, provided that: “For each grant awarded under this Act [div. B of Pub. L. 117–58, see Tables for classification], or an amendment made by this Act, the Secretary may—

“(1) develop metrics to assess the effectiveness of the activities funded by the grant;

“(2) establish standards for the performance of the activities funded by the grant that are based on the metrics developed under paragraph (1); and

“(3) not later than the date that is 4 years after the date of the initial award of the grant and every 2 years thereafter until the date on which Federal financial assistance is discontinued for the applicable activity, conduct an assessment of the activity funded by the grant to confirm whether the performance is meeting the standards for performance established under paragraph (2).”

#### NATIONAL ADVISORY COMMITTEE ON TRAVEL AND TOURISM INFRASTRUCTURE

Pub. L. 114-94, div. A, title I, §1431, Dec. 4, 2015, 129 Stat. 1427, as amended by Pub. L. 117-58, div. B, title V, §25018(a), Nov. 15, 2021, 135 Stat. 874, provided that:

“(a) FINDINGS.—Congress finds that—

“(1) 1 out of every 9 jobs in the United States depends on travel and tourism, and the industry supports 15,000,000 jobs in the United States;

“(2) the travel and tourism industry employs individuals in all 50 States, the District of Columbia, and all of the territories of the United States;

“(3) international travel to the United States is the single largest export industry in the United States, generating a trade surplus balance of approximately \$74,000,000,000;

“(4) travel and tourism provide significant economic benefits to the United States by generating nearly \$2,100,000,000,000 in annual economic output; and

“(5) the United States intermodal transportation network facilitates the large-scale movement of business and leisure travelers, and is the most important asset of the travel industry.

“(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act [Dec. 4, 2015], the Secretary [of Transportation] shall establish an advisory committee to be known as the National Advisory Committee on Travel and Tourism Infrastructure (referred to in this section as the ‘Committee’) to provide information, advice, and recommendations to the Secretary on matters relating to the role of intermodal transportation in facilitating mobility related to travel and tourism activities.

“(c) MEMBERSHIP.—The Committee shall—

“(1) be composed of members appointed by the Secretary for terms of not more than 3 years; and

“(2) include a representative cross-section of public and private sector stakeholders involved in the travel and tourism industry, including representatives of—

“(A) the travel and tourism industry, product and service providers, and travel and tourism-related associations;

“(B) travel, tourism, and destination marketing organizations;

“(C) the travel and tourism-related workforce;

“(D) State tourism offices;

“(E) State departments of transportation;

“(F) regional and metropolitan planning organizations; and

“(G) local governments.

“(d) ROLE OF COMMITTEE.—The Committee shall—

“(1) advise the Secretary on current and emerging priorities, issues, projects, and funding needs related to the use of the intermodal transportation network of the United States to facilitate travel and tourism;

“(2) serve as a forum for discussion for travel and tourism stakeholders on transportation issues affecting interstate and interregional mobility of passengers;

“(3) promote the sharing of information between the private and public sectors on transportation issues impacting travel and tourism;

“(4) gather information, develop technical advice, and make recommendations to the Secretary on policies that improve the condition and performance of an integrated national transportation system that—

“(A) is safe, economical, and efficient; and

“(B) maximizes the benefits to the United States generated through the travel and tourism industry;

“(5) identify critical transportation facilities and corridors that facilitate and support the interstate

and interregional transportation of passengers for tourism, commercial, and recreational activities;

“(6) provide for development of measures of condition, safety, and performance for transportation related to travel and tourism;

“(7) provide for development of transportation investment, data, and planning tools to assist Federal, State, and local officials in making investment decisions relating to transportation projects that improve travel and tourism; and

“(8) address other issues of transportation policy and programs impacting the movement of travelers for tourism and recreational purposes, including by making legislative recommendations.

“(e) NATIONAL TRAVEL AND TOURISM INFRASTRUCTURE STRATEGIC PLAN.—Not later than 180 days after the date of enactment of the Surface Transportation Investment Act of 2021 [Nov. 15, 2021], the Secretary, in consultation with the Committee, State departments of transportation, and other appropriate public and private transportation stakeholders, shall develop and post on the public Internet website of the Department a national travel and tourism infrastructure strategic plan—

“(1) to develop an immediate-term and long-term strategy, including policy recommendations across all modes of transportation, for the Department and other agencies to use infrastructure investments to revive the travel and tourism industry and the overall travel and tourism economy in the wake of the Coronavirus Disease 2019 (COVID-19) pandemic; and

“(2) that includes—

“(A) an assessment of the condition and performance of the national transportation network, including consideration of the impacts of the COVID-19 pandemic;

“(B) an identification of the issues on the national transportation network that create significant congestion problems and barriers to long-haul passenger travel and tourism;

“(C) forecasts of long-haul passenger travel and tourism volumes for the 20-year period beginning in the year during which the plan is issued;

“(D) an identification of the major transportation facilities and corridors of regional significance for current and forecasted long-haul travel and tourism volumes, the identification of which shall be revised, as appropriate, in subsequent plans;

“(E) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved long-haul passenger travel performance (including opportunities for overcoming the barriers);

“(F) best practices for improving the performance of the national transportation network;

“(G) strategies to improve intermodal connectivity for long-haul passenger travel and tourism; and

“(H) an identification of possible infrastructure investments that create recovery opportunities for small, underserved, minority, and rural businesses in the travel and tourism industry, including efforts to preserve and protect the scenic, but often less-traveled, roads that promote tourism and economic development throughout the United States.”

#### COLLABORATION AND SUPPORT

Pub. L. 114-94, div. A, title VI, §6024, Dec. 4, 2015, 129 Stat. 1585, provided that: “The Secretary [of Transportation] may solicit the support of, and identify opportunities to collaborate with, other Federal research agencies and national laboratories to assist in the effective and efficient pursuit and resolution of research challenges identified by the Secretary.”

#### PUBLIC-PRIVATE PARTNERSHIPS

Pub. L. 112-141, div. A, title I, §1534, July 6, 2012, 126 Stat. 584, provided that:

“(a) BEST PRACTICES.—The Secretary [of Transportation] shall compile, and make available to the public

on the website of the Department [of Transportation], best practices on how States, public transportation agencies, and other public officials can work with the private sector in the development, financing, construction, and operation of transportation facilities.

“(b) CONTENTS.—The best practices compiled under subsection (a) shall include policies and techniques to ensure that the interests of the traveling public and State and local governments are protected in any agreement entered into with the private sector for the development, financing, construction, and operation of transportation facilities.

“(c) TECHNICAL ASSISTANCE.—The Secretary, on request, may provide technical assistance to States, public transportation agencies, and other public officials regarding proposed public-private partnership agreements for the development, financing, construction, and operation of transportation facilities, including assistance in analyzing whether the use of a public-private partnership agreement would provide value compared with traditional public delivery methods.

“(d) STANDARD TRANSACTION CONTRACTS.—

“(1) DEVELOPMENT.—Not later than 18 months after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary shall develop standard public-private partnership transaction model contracts for the most popular types of public-private partnerships for the development, financing, construction, and operation of transportation facilities.

“(2) USE.—The Secretary shall encourage States, public transportation agencies, and other public officials to use the model contracts as a base template when developing their own public-private partnership agreements for the development, financing, construction, and operation of transportation facilities.”

#### VESSEL TRANSFER AUTHORITY

Pub. L. 109-364, div. C, title XXXV, §3504, Oct. 17, 2006, 120 Stat. 2516, provided that: “The Secretary of Transportation may transfer or otherwise make available without reimbursement to any other department a vessel under the jurisdiction of the Department of Transportation, upon request by the Secretary of the department that receives the vessel.”

#### BUDGET JUSTIFICATION

Pub. L. 112-141, div. A, title I, §1532, July 6, 2012, 126 Stat. 583, provided that: “The Secretary [of Transportation] shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a budget justification for each agency of the Department concurrently with the annual budget submission of the President to Congress under section 1105(a) of title 31, United States Code.”

Pub. L. 109-59, title I, §1926, Aug. 10, 2005, 119 Stat. 1483, as amended by Pub. L. 110-244, title I, §108(a), June 6, 2008, 122 Stat. 1602, provided that: “Notwithstanding any other provision of law, the Department of Transportation and each agency in the Department shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a budget justification concurrently with the President’s annual budget submission to Congress under section 1105(a) of title 31, United States Code.”

#### COORDINATED TRANSPORTATION SERVICES

Pub. L. 105-178, title III, §3034, June 9, 1998, 112 Stat. 386, provided that, not later than 1 year after June 9, 1998, the Comptroller General would transmit to Congress the results of a study of Federal departments and agencies (other than the Department of Transportation) receiving Federal financial assistance for non-emergency transportation services and any recommendations for enhanced coordination between the

Department of Transportation and other Federal departments and agencies that provide non-emergency transportation funding.

#### ESTABLISHMENT OF NATIONWIDE DIFFERENTIAL GLOBAL POSITIONING SYSTEM

Pub. L. 105-66, title III, §346, Oct. 27, 1997, 111 Stat. 1449, provided that:

“(a) As soon as practicable after the date of enactment of this Act [Oct. 27, 1997], the Secretary of Transportation, acting for the Department of Transportation, may take receipt of such equipment and sites of the Ground Wave Emergency Network (referred to in this section as ‘GWEN’) as the Secretary of Transportation determines to be necessary for the establishment of a nationwide system to be known as the ‘Nationwide Differential Global Positioning System’ (referred to in this section as ‘NDGPS’).

“(b) As soon as practicable after the date of enactment of this Act [Oct. 27, 1997], the Secretary of Transportation may establish the NDGPS. In establishing the NDGPS, the Secretary of Transportation may—

“(1) if feasible, reuse GWEN equipment and sites transferred to the Department of Transportation under subsection (a);

“(2) to the maximum extent practicable, use contractor services to install the NDGPS;

“(3) modify the positioning system operated by the Coast Guard at the time of the establishment of the NDGPS to integrate the reference stations made available pursuant to subsection (a);

“(4) in cooperation with the Secretary of Commerce, ensure that the reference stations referred to in paragraph (3) are compatible with, and integrated into, the Continuously Operating Reference Station (commonly referred to as ‘CORS’) system of the National Geodetic Survey of the Department of Commerce; and

“(5) in cooperation with the Secretary of Commerce, investigate the use of the NDGPS reference stations for the Global Positioning System Integrated Precipitable Water Vapor System of the National Oceanic and Atmospheric Administration.

“(c) The Secretary of Transportation may—

“(1) manage and operate the NDGPS;

“(2) ensure that the service of the NDGPS is provided without the assessment of any user fee; and

“(3) in cooperation with the Secretary of Defense, ensure that the use of the NDGPS is denied to any enemy of the United States.

“(d) In any case in which the Secretary of Transportation determines that contracting for the maintenance of 1 or more NDGPS reference stations is cost-effective, the Secretary of Transportation may enter into a contract to provide for that maintenance.

“(e) The Secretary of Transportation may—

“(1) in cooperation with appropriate representatives of private industries and universities and officials of State governments—

“(A) investigate improvements (including potential improvements) to the NDGPS;

“(B) develop standards for the NDGPS; and

“(C) sponsor the development of new applications for the NDGPS; and

“(2) provide for the continual upgrading of the NDGPS to improve performance and address the needs of—

“(A) the Federal Government;

“(B) State and local governments; and

“(C) the general public.”

#### INTERMODAL TRANSPORTATION ADVISORY BOARD AND OFFICE OF INTERMODALISM

Pub. L. 102-240, title V, §5002(b), (c), Dec. 18, 1991, 105 Stat. 2158, which provided for establishment within the Office of the Secretary of Transportation of an Intermodal Transportation Advisory Board to make recommendations for carrying out responsibilities of the Secretary concerning the coordination of Federal pol-

icy on intermodal transportation, and for establishment within the Office of the Secretary of an Office of Intermodalism to develop intermodal transportation data, to coordinate Federal research on intermodal transportation, to provide technical assistance to States and metropolitan planning organizations, and to provide administrative and clerical support to the Intermodal Transportation Advisory Board, was repealed and reenacted as sections 5502 and former 5503 of this title by Pub. L. 103-272, §§1(d), 7(b), July 5, 1994, 108 Stat. 849, 850, 1379.

#### MODEL INTERMODAL TRANSPORTATION PLANS

Pub. L. 102-240, title V, §5003, Dec. 18, 1991, 105 Stat. 2159, which directed Secretary of Transportation to make grants to States, representing a variety of geographic regions and transportation needs, patterns, and modes, for purpose of developing model State intermodal transportation plans consistent with policy of United States to encourage and promote development of national intermodal transportation system, was repealed and reenacted as section 5504 of this title by Pub. L. 103-272, §§1(d), 7(b), July 5, 1994, 108 Stat. 850, 1379.

#### NATIONAL COMMISSION ON INTERMODAL TRANSPORTATION

Pub. L. 102-240, title V, §5005, Dec. 18, 1991, 105 Stat. 2160, provided for establishment of a National Commission on Intermodal Transportation, consisting of 11 appointed members, to make a complete investigation and study of intermodal transportation in the United States and internationally and to send a report to Congress not later than Sept. 30, 1993, containing recommendations for implementing the policy set out in section 302(e) of this title, with the Commission to terminate on the 180th day following transmittal of the report, prior to repeal by Pub. L. 104-287, §7(3), Oct. 11, 1996, 110 Stat. 3400.

#### BORDER CROSSINGS

Pub. L. 102-240, title VI, §6015, Dec. 18, 1991, 105 Stat. 2181, directed Secretary of Transportation to identify existing and emerging trade corridors and transportation subsystems that facilitate trade between United States, Canada, and Mexico and to recommend changes to improve and integrate corridor subsystems in order to achieve increased productivity and use of innovative marketing techniques, and directed Secretary to report to Congress not later than 18 months after Dec. 18, 1991, on transportation infrastructure needs and associated costs and to propose an agenda to develop systemwide integration of services for national benefits.

#### UNDERGROUND PIPELINES

Pub. L. 102-240, title VI, §6020, Dec. 18, 1991, 105 Stat. 2184, directed Secretary of Transportation to conduct a study to evaluate feasibility, costs, and benefits of constructing and operating pneumatic capsule pipelines for underground movement of commodities other than hazardous liquids and gas, and to submit, not later than 2 years after Dec. 18, 1991, a report to Congress on the results of the study, prior to repeal by Pub. L. 104-287, §7(3), Oct. 11, 1996, 110 Stat. 3400.

#### LONG-RANGE NATIONAL TRANSPORTATION STRATEGIC PLANNING STUDY

Pub. L. 100-457, title III, §317(b), Sept. 30, 1988, 102 Stat. 2149, directed Department of Transportation to undertake a long-range, multi-modal national transportation strategic planning study, such study to forecast long-term needs and costs for developing and maintaining facilities and services to achieve a desired national transportation program for moving people and goods in the year 2015 and to include detailed analyses of transportation needs within six to nine metropolitan areas that have diverse population, development, and demographic patterns, including at least one interstate metropolitan area, with study to be submitted to Con-

gress on or before Oct. 1, 1989. Similar provisions were contained in the following prior appropriation act: Pub. L. 100-202, §101(f) [title III, §317(b)], Dec. 22, 1987, 101 Stat. 1329-358, 1329-381.

### Executive Documents

#### COMMERCIAL EXPENDABLE LAUNCH VEHICLE ACTIVITIES

Designation of Department of Transportation as lead agency and duties of the Secretary for encouraging, facilitating, and developing commercial expendable launch vehicle operations by private enterprise, see Ex. Ord. No. 12465, Feb. 24, 1984, 49 F.R. 7211, set out under section 50903 of Title 51, National and Commercial Space Programs.

#### EX. ORD. NO. 13274. ENVIRONMENTAL STEWARDSHIP AND TRANSPORTATION INFRASTRUCTURE PROJECT REVIEWS

Ex. Ord. No. 13274, Sept. 18, 2002, 67 F.R. 59449, as amended by Ex. Ord. No. 13286, §2, Feb. 28, 2003, 68 F.R. 10619, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to enhance environmental stewardship and streamline the environmental review and development of transportation infrastructure projects, it is hereby ordered as follows:

**SECTION 1. Policy.** The development and implementation of transportation infrastructure projects in an efficient and environmentally sound manner is essential to the well-being of the American people and a strong American economy. Executive departments and agencies (agencies) shall take appropriate actions, to the extent consistent with applicable law and available resources, to promote environmental stewardship in the Nation's transportation system and expedite environmental reviews of high-priority transportation infrastructure projects.

**SEC. 2. Actions.** (a) For transportation infrastructure projects, agencies shall, in support of the Department of Transportation, formulate and implement administrative, policy, and procedural mechanisms that enable each agency required by law to conduct environmental reviews (reviews) with respect to such projects to ensure completion of such reviews in a timely and environmentally responsible manner.

(b) In furtherance of the policy set forth in section 1 of this order, the Secretary of Transportation, in coordination with agencies as appropriate, shall advance environmental stewardship through cooperative actions with project sponsors to promote protection and enhancement of the natural and human environment in the planning, development, operation, and maintenance of transportation facilities and services.

(c) The Secretary of Transportation shall designate for the purposes of this order a list of high-priority transportation infrastructure projects that should receive expedited agency reviews and shall amend such list from time to time as the Secretary deems appropriate. For projects on the Secretary's list, agencies shall to the maximum extent practicable expedite their reviews for relevant permits or other approvals, and take related actions as necessary, consistent with available resources and applicable laws, including those relating to safety, public health, and environmental protection.

**SEC. 3. Interagency Task Force.** (a) *Establishment.* There is established, within the Department of Transportation for administrative purposes, the interagency "Transportation Infrastructure Streamlining Task Force" (Task Force) to: (i) monitor and assist agencies in their efforts to expedite a review of transportation infrastructure projects and issue permits or similar actions, as necessary; (ii) review projects, at least quarterly, on the list of priority projects pursuant to section 2(c) of this order; and (iii) identify and promote policies that can effectively streamline the process required to provide approvals for transportation infrastructure projects, in compliance with applicable law,

while maintaining safety, public health, and environmental protection.

(b) *Membership and Operation.* The Task Force shall promote interagency cooperation and the establishment of appropriate mechanisms to coordinate Federal, State, tribal, and local agency consultation, review, approval, and permitting of transportation infrastructure projects. The Task Force shall consist exclusively of the following officers of the United States: the Secretary of Agriculture, Secretary of Commerce, Secretary of Transportation (who shall chair the Task Force), Secretary of the Interior, Secretary of Defense, Secretary of Homeland Security, Administrator of the Environmental Protection Agency, Chairman of the Advisory Council on Historic Preservation, and Chairman of the Council on Environmental Quality. A member of the Task Force may designate, to perform the Task Force functions of the member, any person who is part of the member's department, agency, or office and who is either an officer of the United States appointed by the President with the advice and consent of the Senate or a member of the Senior Executive Service. The Task Force shall report to the President through the Chairman of the Council on Environmental Quality.

SEC. 4. *Report.* At least once each year, the Task Force shall submit to the President a report that: (a) Describes the results of the coordinated and expedited reviews on a project-by-project basis, and identifies those procedures and actions that proved to be most useful and appropriate in coordinating and expediting the review of the projects.

(b) Identifies substantive and procedural requirements of Federal, State, tribal, and local laws, regulations, and Executive Orders that are inconsistent with, duplicative of, or are structured so as to restrict their efficient implementation with other applicable requirements.

(c) Makes recommendations regarding those additional actions that could be taken to: (i) address the coordination and expediting of reviews of transportation infrastructure projects by simplifying and harmonizing applicable substantive and procedural requirements; and (ii) elevate and resolve controversies among Federal, State, tribal, and local agencies related to the review or impacts of transportation infrastructure projects in a timely manner.

(d) Provides any other recommendations that would, in the judgement of the Task Force, advance the policy set forth in section 1 of this order.

SEC. 5. *Preservation of Authority.* Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals.

SEC. 6. *Judicial Review.* This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

GEORGE W. BUSH.

### § 302. Policy standards for transportation

(a) The Secretary of Transportation is governed by the transportation policy of sections 10101 and 13101 of this title in addition to other laws.

(b) This subtitle and chapters 221 and 315 of this title do not authorize, without appropriate action by Congress, the adoption, revision, or implementation of a transportation policy or investment standards or criteria.

(c) The Secretary shall consider the needs—

(1) for effectiveness and safety in transportation systems; and

(2) of national defense.

(d)(1) It is the policy of the United States to promote the construction and commercialization of high-speed ground transportation systems by—

(A) conducting economic and technological research;

(B) demonstrating advancements in high-speed ground transportation technologies;

(C) establishing a comprehensive policy for the development of such systems and the effective integration of the various high-speed ground transportation technologies; and

(D) minimizing the long-term risks of investors.

(2) It is the policy of the United States to establish in the shortest time practicable a United States designed and constructed magnetic levitation transportation technology capable of operating along Federal-aid highway rights-of-way, as part of a national transportation system of the United States.

(e) **INTERMODAL TRANSPORTATION.**—It is the policy of the United States Government to encourage and promote development of a national intermodal transportation system in the United States to move people and goods in an energy-efficient manner, provide the foundation for improved productivity growth, strengthen the Nation's ability to compete in the global economy, and obtain the optimum yield from the Nation's transportation resources.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2419; Pub. L. 98-216, §2(2), Feb. 14, 1984, 98 Stat. 5; Pub. L. 102-240, title I, §1036(a), title V, §5001, Dec. 18, 1991, 105 Stat. 1978, 2158; Pub. L. 103-272, §5(m)(6), July 5, 1994, 108 Stat. 1375; Pub. L. 104-88, title III, §308(a), Dec. 29, 1995, 109 Stat. 946.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
302(a) .....	49:1653(b)(1).	Oct. 15, 1966, Pub. L. 89-670, §4(b), 80 Stat. 933.
302(b) .....	49:1653(b)(2).	
302(c) .....	49:1653(b)(3).	

In subsection (a), the words “In carrying out his duties and responsibilities under this chapter” before “Secretary of Transportation” are omitted as surplus. The words “the transportation policy of sections 10101 and 10101a of this title in addition to other laws” are substituted for “all applicable statutes including the policy standards set forth in the Federal Aviation Act of 1958, as amended [49 U.S.C. 1301 et seq.]; the national transportation policy of the Interstate Commerce Act, as amended; title 23, relating to Federal-aid highways; and title 14, titles 52 and 53 of the Revised Statutes, the Act of April 25, 1940, as amended, and the Act of September 2, 1958, as amended, relating to the United States Coast Guard” because each of the omitted laws is now applicable to the Secretary of Transportation and the Department of Transportation as the result of the restatement of those laws, and the Secretary is therefore bound to follow those laws by their own terms.

In subsection (c), the words “In exercising the functions, powers, and duties conferred on and transferred to the Secretary by this chapter” before “Secretary” are omitted as surplus. The word “consider” is substituted for “give full consideration to” to eliminate surplus words. The words “for operational continuity of the functions transferred” after “the needs” are omitted as executed.