

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to enhance access to transportation to improve mobility, employment opportunities, and access to community services for persons who are transportation-disadvantaged, it is hereby ordered as follows:

SECTION 1. This order is issued consistent with the following findings and principles:

(a) A strong America depends on citizens who are productive and who actively participate in the life of their communities.

(b) Transportation plays a critical role in providing access to employment, medical and health care, education, and other community services and amenities. The importance of this role is underscored by the variety of transportation programs that have been created in conjunction with health and human service programs, and by the significant Federal investment in accessible public transportation systems throughout the Nation.

(c) These transportation resources, however, are often difficult for citizens to understand and access, and are more costly than necessary due to inconsistent and unnecessary Federal and State program rules and restrictions.

(d) A broad range of Federal program funding allows for the purchase or provision of transportation services and resources for persons who are transportation-disadvantaged. Yet, in too many communities, these services and resources are fragmented, unused, or altogether unavailable.

(e) Federally assisted community transportation services should be seamless, comprehensive, and accessible to those who rely on them for their lives and livelihoods. For persons with mobility limitations related to advanced age, persons with disabilities, and persons struggling for self-sufficiency, transportation within and between our communities should be as available and affordable as possible.

(f) The development, implementation, and maintenance of responsive, comprehensive, coordinated community transportation systems is essential for persons with disabilities, persons with low incomes, and older adults who rely on such transportation to fully participate in their communities.

SEC. 2. *Definitions.* (a) As used in this order, the term “agency” means an executive department or agency of the Federal Government.

(b) For the purposes of this order, persons who are transportation-disadvantaged are persons who qualify for Federally conducted or Federally assisted transportation-related programs or services due to disability, income, or advanced age.

SEC. 3. *Establishment of the Interagency Transportation Coordinating Council on Access and Mobility.* (a) There is hereby established, within the Department of Transportation for administrative purposes, the “Interagency Transportation Coordinating Council on Access and Mobility” (“Interagency Transportation Coordinating Council” or “Council”). The membership of the Interagency Transportation Coordinating Council shall consist of:

(i) the Secretaries of Transportation, Health and Human Services, Education, Labor, Veterans Affairs, Agriculture, Housing and Urban Development, and the Interior, the Attorney General, and the Commissioner of Social Security; and

(ii) such other Federal officials as the Chairperson of the Council may designate.

(b) The Secretary of Transportation, or the Secretary’s designee, shall serve as the Chairperson of the Council. The Chairperson shall convene and preside at meetings of the Council, determine its agenda, direct its work, and, as appropriate to particular subject matters, establish and direct subgroups of the Council, which shall consist exclusively of the Council’s members.

(c) A member of the Council may designate any person who is part of the member’s agency and who is an

officer appointed by the President or a full-time employee serving in a position with pay equal to or greater than the minimum rate payable for GS-15 of the General Schedule to perform functions of the Council or its subgroups on the member’s behalf.

SEC. 4. *Functions of the Interagency Transportation Coordinating Council.* The Interagency Transportation Coordinating Council shall:

(a) promote interagency cooperation and the establishment of appropriate mechanisms to minimize duplication and overlap of Federal programs and services so that transportation-disadvantaged persons have access to more transportation services;

(b) facilitate access to the most appropriate, cost-effective transportation services within existing resources;

(c) encourage enhanced customer access to the variety of transportation and resources available;

(d) formulate and implement administrative, policy, and procedural mechanisms that enhance transportation services at all levels; and

(e) develop and implement a method for monitoring progress on achieving the goals of this order.

SEC. 5. *Report.* In performing its functions, the Interagency Transportation Coordinating Council shall present to me a report not later than 1 calendar year from the date of this order. The report shall:

(a) Identify those Federal, State, Tribal and local laws, regulations, procedures, and actions that have proven to be most useful and appropriate in coordinating transportation services for the targeted populations;

(b) Identify substantive and procedural requirements of transportation-related Federal laws and regulations that are duplicative or restrict the laws’ and regulations’ most efficient operation;

(c) Describe the results achieved, on an agency and program basis, in: (i) simplifying access to transportation services for persons with disabilities, persons with low income, and older adults; (ii) providing the most appropriate, cost-effective transportation services within existing resources; and (iii) reducing duplication to make funds available for more services to more such persons;

(d) Provide recommendations to simplify and coordinate applicable substantive, procedural, and administrative requirements; and

(e) Provide any other recommendations that would, in the judgment of the Council, advance the principles set forth in section 1 of this order.

SEC. 6. *General.* (a) Agencies shall assist the Interagency Transportation Coordinating Council and provide information to the Council consistent with applicable law as may be necessary to carry out its functions. To the extent permitted by law, and as permitted by available agency resources, the Department of Transportation shall provide funding and administrative support for the Council.

(b) 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, or legislative proposals.

(c) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in 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.

## § 102. Department of Transportation

(a) The Department of Transportation (referred to in this section as the “Department”) is an executive department of the United States Government at the seat of Government.

(b) The head of the Department is the Secretary of Transportation (referred to in this sec-

tion as the “Secretary”). The Secretary is appointed by the President, by and with the advice and consent of the Senate.

(c) The Department has a Deputy Secretary of Transportation appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary—

(1) shall carry out duties and powers prescribed by the Secretary; and

(2) acts for the Secretary when the Secretary is absent or unable to serve or when the office of Secretary is vacant.

(d) The Department has an Under Secretary of Transportation for Policy appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall provide leadership in the development of policy for the Department, supervise the policy activities of Assistant Secretaries with primary responsibility for aviation, international, and other transportation policy development and carry out other powers and duties prescribed by the Secretary. The Under Secretary acts for the Secretary when the Secretary and the Deputy Secretary are absent or unable to serve, or when the offices of Secretary and Deputy Secretary are vacant.

(e) ASSISTANT SECRETARIES; GENERAL COUNSEL.—

(1) APPOINTMENT.—The Department has 7 Assistant Secretaries and a General Counsel, including—

(A) an Assistant Secretary for Aviation and International Affairs, an Assistant Secretary for Governmental Affairs, an Assistant Secretary for Research and Technology, and an Assistant Secretary for Transportation Policy, who shall each be appointed by the President, with the advice and consent of the Senate;

(B) an Assistant Secretary for Budget and Programs who shall be appointed by the President;

(C) an Assistant Secretary for Administration, who shall be appointed by the Secretary, with the approval of the President;

(D) an Assistant Secretary for Tribal Government Affairs, who shall be appointed by the President; and

(E) a General Counsel, who shall be appointed by the President, with the advice and consent of the Senate.

(2) DUTIES AND POWERS.—The officers set forth in paragraph (1) shall carry out duties and powers prescribed by the Secretary. An Assistant Secretary or the General Counsel, in the order prescribed by the Secretary, acts for the Secretary when the Secretary, Deputy Secretary, and Under Secretary of Transportation for Policy are absent or unable to serve, or when the offices of the Secretary, Deputy Secretary, and Under Secretary of Transportation for Policy are vacant.

(f) OFFICE OF TRIBAL GOVERNMENT AFFAIRS.—

(1) ESTABLISHMENT.—There is established in the Department an Office of Tribal Government Affairs, under the Assistant Secretary for Tribal Government Affairs—

(A) to oversee the tribal self-governance program under section 207 of title 23;

(B) to plan, coordinate, and implement policies and programs serving Indian Tribes and Tribal organizations;

(C) to coordinate Tribal transportation programs and activities in all offices and administrations of the Department; and

(D) to be a participant in any negotiated rulemakings relating to, or having an impact on, projects, programs, or funding associated with the Tribal transportation program under section 202 of title 23.

(2) RESERVATION OF TRUST OBLIGATIONS.—

(A) RESPONSIBILITY OF SECRETARY.—In carrying out this title, the Secretary shall be responsible to exercise the trust obligations of the United States to Indians and Indian tribes to ensure that the rights of a tribe or individual Indian are protected.

(B) PRESERVATION OF UNITED STATES RESPONSIBILITY.—Nothing in this title shall absolve the United States from any responsibility to Indians and Indian tribes, including responsibilities derived from the trust relationship and any treaty, executive order, or agreement between the United States and an Indian tribe.

(g) OFFICE OF CLIMATE CHANGE AND ENVIRONMENT.—

(1) ESTABLISHMENT.—There is established in the Department an Office of Climate Change and Environment to plan, coordinate, and implement—

(A) department-wide research, strategies, and actions under the Department’s statutory authority to reduce transportation-related energy use and mitigate the effects of climate change; and

(B) department-wide research strategies and actions to address the impacts of climate change on transportation systems and infrastructure.

(2) CLEARINGHOUSE.—The Office shall establish a clearinghouse of solutions, including cost-effective congestion reduction approaches, to reduce air pollution and transportation-related energy use and mitigate the effects of climate change.

(h) INTERAGENCY INFRASTRUCTURE PERMITTING IMPROVEMENT CENTER.—

(1) DEFINITIONS.—In this subsection:

(A) CENTER.—The term “Center” means the Interagency Infrastructure Permitting Improvement Center established by paragraph (2).

(B) PROJECT.—The term “project” means a project authorized or funded under—

(i) this title; or

(ii) title 14, 23, 46, or 51.

(2) ESTABLISHMENT.—There is established within the Office of the Secretary a center, to be known as the “Interagency Infrastructure Permitting Improvement Center”.

(3) PURPOSES.—The purposes of the Center shall be—

(A) to implement reforms to improve interagency coordination and expedite projects relating to the permitting and environmental review of major transportation infrastructure projects, including—

(i) developing and deploying information technology tools to track project schedules and metrics; and

(ii) improving the transparency and accountability of the permitting process;

(B)(i) to identify appropriate methods to assess environmental impacts; and

(ii) to develop innovative methods for reasonable mitigation;

(C) to reduce uncertainty and delays with respect to environmental reviews and permitting; and

(D) to reduce costs and risks to taxpayers in project delivery.

(4) EXECUTIVE DIRECTOR.—The Center shall be headed by an Executive Director, who shall—

(A) report to the Under Secretary of Transportation for Policy;

(B) be responsible for the management and oversight of the daily activities, decisions, operations, and personnel of the Center; and

(C) carry out such additional duties as the Secretary may prescribe.

(5) DUTIES.—The Center shall carry out the following duties:

(A) Coordinate and support implementation of priority reform actions for Federal agency permitting and reviews.

(B) Support modernization efforts at the operating administrations within the Department and interagency pilot programs relating to innovative approaches to the permitting and review of transportation infrastructure projects.

(C) Provide technical assistance and training to Department staff on policy changes, innovative approaches to project delivery, and other topics, as appropriate.

(D) Identify, develop, and track metrics for timeliness of permit reviews, permit decisions, and project outcomes.

(E) Administer and expand the use of on-line transparency tools providing for—

(i) tracking and reporting of metrics;

(ii) development and posting of schedules for permit reviews and permit decisions;

(iii) the sharing of best practices relating to efficient project permitting and reviews; and

(iv) the visual display of relevant geospatial data to support the permitting process.

(F) Submit to the Secretary reports describing progress made toward achieving—

(i) greater efficiency in permitting decisions and review of infrastructure projects; and

(ii) better outcomes for communities and the environment.

(6) INNOVATIVE BEST PRACTICES.—

(A) IN GENERAL.—The Center shall work with the operating administrations within the Department, eligible entities, and other public and private interests to develop and promote best practices for innovative project delivery.

(B) ACTIVITIES.—The Center shall support the Department and operating administra-

tions in conducting environmental reviews and permitting, together with project sponsor technical assistance activities, by—

(i) carrying out activities that are appropriate and consistent with the goals and policies of the Department to improve the delivery timelines for projects;

(ii) serving as the Department liaison to—

(I) the Council on Environmental Quality; and

(II) the Federal Permitting Improvement Steering Council established by section 41002(a) of the Fixing America's Surface Transportation Act (42 U.S.C. 4370m-1(a));

(iii) supporting the National Surface Transportation and Innovative Finance Bureau (referred to in this paragraph as the “Bureau”) in implementing activities to improve delivery timelines, as described in section 116(f), for projects carried out under the programs described in section 116(d)(1) for which the Bureau administers the application process;

(iv) leading activities to improve delivery timelines for projects carried out under programs not administered by the Bureau by—

(I) coordinating efforts to improve the efficiency and effectiveness of the environmental review and permitting process;

(II) providing technical assistance and training to field and headquarters staff of Federal agencies with respect to policy changes and innovative approaches to the delivery of projects; and

(III) identifying, developing, and tracking metrics for permit reviews and decisions by Federal agencies for projects under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) NEPA COMPLIANCE ASSISTANCE.—

(i) IN GENERAL.—Subject to clause (ii), at the request of an entity that is carrying out a project, the Center, in coordination with the appropriate operating administrations within the Department, shall provide technical assistance relating to compliance with the applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and applicable Federal authorizations.

(ii) ASSISTANCE FROM THE BUREAU.—For projects carried out under the programs described in section 116(d)(1) for which the Bureau administers the application process, the Bureau, on request of the entity carrying out the project, shall provide the technical assistance described in clause (i).

(i) CHIEF TRAVEL AND TOURISM OFFICER.—

(1) ESTABLISHMENT.—There is established in the Office of the Secretary of Transportation a position, to be known as the “Chief Travel and Tourism Officer”.

(2) DUTIES.—The Chief Travel and Tourism Officer shall collaborate with the Assistant Secretary for Aviation and International Affairs to carry out—

(A) the National Travel and Tourism Infrastructure Strategic Plan under section 1431(e) of Public Law 114-94 (49 U.S.C. 301 note); and

(B) other travel- and tourism-related matters involving the Department of Transportation.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2414; Pub. L. 98-557, §26(a), Oct. 30, 1984, 98 Stat. 2873; Pub. L. 103-272, §4(j)(1), July 5, 1994, 108 Stat. 1365; Pub. L. 107-295, title II, §215(a), (c), Nov. 25, 2002, 116 Stat. 2101, 2102; Pub. L. 109-59, title I, §1119(l), Aug. 10, 2005, 119 Stat. 1189; Pub. L. 110-140, title XI, §1101(a), Dec. 19, 2007, 121 Stat. 1756; Pub. L. 112-166, §2(k)(1), Aug. 10, 2012, 126 Stat. 1286; Pub. L. 114-94, div. A, title VI, §6011(a), Dec. 4, 2015, 129 Stat. 1568; Pub. L. 117-58, div. A, title IV, §14009, div. B, title V, §§25009(a), 25018(b), Nov. 15, 2021, 135 Stat. 651, 852, 875.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
102(a) .....	49:1652(a) (1st sentence).	Oct. 15, 1966, Pub. L. 89-670, §3(a), (c), (d), 80 Stat. 931.
102(b) .....	49:1652(a) (less 1st sentence).	
102(c) .....	49:1652(b) (less words between parentheses).	Oct. 15, 1966, Pub. L. 89-670, §3(b), 80 Stat. 931; Oct. 28, 1974, Pub. L. 93-496, §16(a), 88 Stat. 1533.
102(d) .....	49:1652(b) (words between parentheses), (c), (d).	
102(e) .....	49:1657(k).	Oct. 15, 1966, Pub. L. 89-670, §9(k), 80 Stat. 946.

In subsection (a), the words “There is hereby established” and “to be known as” are omitted as executed. The words “(hereafter referred to in this chapter as the ‘Department’)” are omitted as unnecessary because of the style used in codifying the revised title. The words “of the United States Government” are added for clarity.

In subsection (b), the words “(hereafter referred to in this chapter as the ‘Secretary’)” are omitted as unnecessary because of the style used in codifying the revised title.

In subsection (c), the words “carry out duties and powers” and “acts for” are substituted for “act for and exercise the powers of” and “perform such functions, powers, and duties”, respectively, for consistency and to eliminate surplus words. The words “unable to serve” are substituted for “disability” for consistency and clarity.

In subsection (d), the words “in the competitive service” are substituted for “under the classified civil service” to conform to 5:2102. The words “from time to time” are omitted as surplus. The words “acts for” are substituted for “act for, and exercise the powers of” for consistency and to eliminate surplus words. The words “when the Secretary and the Deputy Secretary are absent or unable to serve, or when the offices of Secretary and Deputy Secretary are vacant” are substituted for “during the absence or disability of the Deputy Secretary, or in the event of a vacancy in the office of a Deputy Secretary” as being more precise and for consistency.

In subsection (e), the words “The Secretary shall cause a . . . of office” and “of such device” are omitted as unnecessary because of the restatement. The words “as he shall approve” are omitted as unnecessary because subsection (b) of the section establishes the Secretary of Transportation as the head of the Department of Transportation.

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (h)(6)(B)(iii)(III), (C)(i), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

2021—Subsec. (a). Pub. L. 117-58, §25009(a)(1), inserted “(referred to in this section as the ‘Department’)” after “Transportation”.

Subsec. (b). Pub. L. 117-58, §25009(a)(2), inserted “(referred to in this section as the ‘Secretary’)” after “Transportation” in first sentence.

Subsec. (e)(1). Pub. L. 117-58, §14009(1)(A), substituted “7 Assistant” for “6 Assistant” in introductory provisions.

Subsec. (e)(1)(D), (E). Pub. L. 117-58, §14009(1)(B)–(D), added subpar. (D) and redesignated former subpar. (D) as (E).

Subsec. (f). Pub. L. 117-58, §14009(2), substituted “Office of Tribal Government Affairs” for “Deputy Assistant Secretary for Tribal Government Affairs” in heading.

Subsec. (f)(1). Pub. L. 117-58, §14009(2), added par. (1) and struck out former par. (1) which provided for a Deputy Assistant Secretary for Tribal Government Affairs appointed by the President.

Subsec. (h). Pub. L. 117-58, §25009(a)(4), added subsec. (h). Former subsec. (h) redesignated (i) and subsequently struck out.

Subsec. (i). Pub. L. 117-58, §25018(b), added subsec. (i) and struck out former subsec. (i). Prior to amendment, text read as follows: “The Department shall have a seal that shall be judicially recognized.”

Pub. L. 117-58, §25009(a)(3), redesignated subsec. (h) as (i).

2015—Subsec. (e)(1). Pub. L. 114-94, §6011(a)(1), substituted “6” for “5” in introductory provisions.

Subsec. (e)(1)(A). Pub. L. 114-94, §6011(a)(2), inserted “an Assistant Secretary for Research and Technology,” after “Governmental Affairs.”

2012—Subsec. (e). Pub. L. 112-166 inserted subsec. (e) heading, struck out “The Department has 4 Assistant Secretaries and a General Counsel appointed by the President, by and with the advice and consent of the Senate. The Department also has an Assistant Secretary of Transportation for Administration appointed in the competitive service by the Secretary, with the approval of the President. They shall carry out duties and powers prescribed by the Secretary. An Assistant Secretary” before “or the General Counsel,” added par. (1), inserted par. (2) designation and heading, and, in par. (2), inserted “The officers set forth in paragraph (1) shall carry out duties and powers prescribed by the Secretary. An Assistant Secretary”.

2007—Subsecs. (g), (h). Pub. L. 110-140 added subsec. (g) and redesignated former subsec. (g) as (h).

2005—Subsecs. (f), (g). Pub. L. 109-59, which directed amendment of this section by adding subsec. (f) and redesignating former subsecs. (f) and (g) as (g) and (h), respectively, was executed by adding subsec. (f) and redesignating former subsec. (f) as (g), to reflect the probable intent of Congress. See 2002 Amendment note below.

2002—Subsec. (d). Pub. L. 107-295, §215(a)(2), added subsec. (d). Former subsec. (d) redesignated (g).

Subsec. (e). Pub. L. 107-295, §215(a)(3), which directed the substitution of “Secretary, Deputy Secretary, and Under Secretary of Transportation for Policy” for “Secretary and the Deputy Secretary” each place it appears in last sentence, was executed by making substitution for “Secretary and the Deputy Secretary” before “are absent” and for “Secretary and Deputy Secretary” before “are vacant”, to reflect the probable intent of Congress.

Subsec. (g). Pub. L. 107-295, §215(c), struck out subsec. (g) which read as follows: “The Department has an Associate Deputy Secretary appointed by the President, by and with the advice and consent of the Senate. The Associate Deputy Secretary shall carry out powers and duties prescribed by the Secretary.”

Pub. L. 107-295, §215(a)(1), redesignated subsec. (d) as (g).

1994—Subsecs. (e), (f). Pub. L. 103-272 redesignated subsec. (e), relating to judicial recognition of Department seal, as (f).

1984—Subsecs. (d), (e). Pub. L. 98-557 added subsec. (d) and redesignated former subsec. (d), relating to Assistant Secretaries and General Counsel, as (e).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 14009 of Pub. L. 117-58 effective Oct. 1, 2021, see section 10003 of Pub. L. 117-58, set out as a note under section 101 of Title 23, Highways.

##### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

##### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

##### EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

##### EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-295, title II, §215(c), Nov. 25, 2002, 116 Stat. 2102, provided that the amendment to this section made by section 215(c) is effective on the date that an individual is appointed to the position of Under Secretary of Transportation for Policy under subsection (d) of this section. On Mar. 19, 2003, the United States Senate confirmed the appointment of the first Under Secretary of Transportation for Policy.

##### DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to “this title” deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111-314, set out as a note under section 101 of this title.

##### RURAL OPPORTUNITIES TO USE TRANSPORTATION FOR ECONOMIC SUCCESS INITIATIVE

Pub. L. 117-58, div. B, title V, §25010, Nov. 15, 2021, 135 Stat. 854, provided that:

“(a) DEFINITIONS.—In this section:

“(1) BUILD AMERICA BUREAU.—The term ‘Build America Bureau’ means the National Surface Transportation and Innovative Finance Bureau established under section 116 of title 49, United States Code.

“(2) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(3) ROUTES COUNCIL.—The term ‘Routes Council’ means the Rural Opportunities to Use Transportation for Economic Success Council established by subsection (c)(1).

“(4) ROUTES OFFICE.—The term ‘Routes Office’ means the Rural Opportunities to Use Transportation

for Economic Success Office established by subsection (b)(1).

“(b) ROUTES OFFICE.—

“(1) IN GENERAL.—The Secretary [of Transportation] shall establish within the Department [of Transportation] the Rural Opportunities to Use Transportation for Economic Success Office—

“(A) to improve analysis of projects from rural areas, Indian Tribes, and historically disadvantaged communities in rural areas applying for Department discretionary grants, including ensuring that project costs, local resources, and the larger benefits to the people and the economy of the United States are appropriately considered; and

“(B) to provide rural communities, Indian Tribes, and historically disadvantaged communities in rural areas with technical assistance for meeting the transportation infrastructure investment needs of the United States in a financially sustainable manner.

“(2) OBJECTIVES.—The ROUTES Office shall—

“(A) collect input from knowledgeable entities and the public on—

“(i) the benefits of rural and Tribal transportation projects;

“(ii) the technical and financial assistance required for constructing and operating transportation infrastructure and services within rural areas and on the land of Indian Tribes;

“(iii) barriers and opportunities to funding transportation projects in rural areas and on the land of Indian Tribes; and

“(iv) unique transportation barriers and challenges faced by Indian Tribes and historically disadvantaged communities in rural areas;

“(B) evaluate data on transportation challenges faced by rural communities and Indian Tribes and determine methods to align the discretionary funding and financing opportunities of the Department with the needs of those communities for meeting national transportation goals;

“(C) provide education and technical assistance to rural communities and Indian Tribes about applicable Department discretionary grants, develop effective methods to evaluate projects in those communities in discretionary grant programs, and communicate those methods through program guidance;

“(D) carry out research and utilize innovative approaches to resolve the transportation challenges faced by rural areas and Indian Tribes; and

“(E) perform such other duties as determined by the Secretary.

“(c) ROUTES COUNCIL.—

“(1) IN GENERAL.—The Secretary shall establish a Rural Opportunities to Use Transportation for Economic Success Council—

“(A) to organize, guide, and lead the ROUTES Office; and

“(B) to coordinate rural-related and Tribal-related funding programs and assistance among the modal administrations of the Department, the offices of the Department, and other Federal agencies, as appropriate—

“(i) to ensure that the unique transportation needs and attributes of rural areas and Indian Tribes are fully addressed during the development and implementation of programs, policies, and activities of the Department;

“(ii) to increase coordination of programs, policies, and activities of the Department in a manner that improves and expands transportation infrastructure in order to further economic development in, and the quality of life of, rural areas and Indian Tribes; and

“(iii) to provide rural areas and Indian Tribes with proactive outreach—

“(I) to improve access to discretionary funding and financing programs; and

“(II) to facilitate timely resolution of environmental reviews for complex or high-priority projects.

## “(2) MEMBERSHIP.—

“(A) IN GENERAL.—The ROUTES Council shall be composed of the following officers of the Department, or their designees:

“(i) The Deputy Secretary of Transportation.

“(ii) The Under Secretary of Transportation for Policy.

“(iii) The General Counsel.

“(iv) The Chief Financial Officer and Assistant Secretary for Budget and Programs.

“(v) The Assistant Secretary for Research and Technology.

“(vi) The Assistant Secretary for Multimodal Freight.

“(vii) The Administrators of—

“(I) the Federal Aviation Administration;

“(II) the Federal Highway Administration;

“(III) the Federal Railroad Administration;

and

“(IV) the Federal Transit Administration.

“(viii) The Executive Director of the Build America Bureau.

“(ix) The Assistant Secretary for Governmental Affairs.

“(x) The Assistant Secretary for Transportation Policy.

“(xi) The Deputy Assistant Secretary for Tribal Government Affairs.

“(B) CHAIR.—The Deputy Secretary of Transportation shall be the Chair of the ROUTES Council.

“(C) ADDITIONAL MEMBERS.—The Secretary or the Chair of the ROUTES Council may designate additional members to serve on the ROUTES Council.

“(3) ADDITIONAL MODAL INPUT.—To address issues related to safety and transport of commodities produced in or by, or transported through, as applicable, rural areas, Indian Tribes, or the land of Indian Tribes, the ROUTES Council shall consult with the Administrators (or their designees) of—

“(A) the Maritime Administration;

“(B) the Great Lakes St. Lawrence Seaway Development Corporation; and

“(C) the National Highway Traffic Safety Administration.

“(4) DUTIES.—Members of the ROUTES Council shall—

“(A) participate in all meetings and relevant ROUTES Council activities and be prepared to share information relevant to rural and Tribal transportation infrastructure projects and issues;

“(B) provide guidance and leadership on rural and Tribal transportation infrastructure issues and represent the work of the ROUTES Council and the Department on those issues to external stakeholders; and

“(C) recommend initiatives for the consideration of the Chair of the ROUTES Council to establish and staff any resulting activities or working groups.

“(5) MEETINGS.—The ROUTES Council shall meet bimonthly.

“(6) ADDITIONAL STAFFING.—The Secretary shall ensure that the ROUTES Council and ROUTES Office have adequate staff support to carry out the duties of the ROUTES Council and the ROUTES Office, respectively, under this section.

“(7) WORK PRODUCTS AND DELIVERABLES.—The ROUTES Council may develop work products or deliverables to meet the goals of the ROUTES Council, including—

“(A) an annual report to Congress describing ROUTES Council activities for the past year and expected activities for the coming year;

“(B) any recommendations to enhance the effectiveness of Department discretionary grant programs regarding rural and Tribal infrastructure issues; and

“(C) other guides and reports for relevant groups and the public.”

## HIGHLY AUTOMATED SYSTEMS SAFETY CENTER OF EXCELLENCE

Pub. L. 116-94, div. H, title I, §105, Dec. 20, 2019, 133 Stat. 2938, provided that:

“(a) The Secretary shall establish a Highly Automated Systems Safety Center of Excellence within the Department of Transportation, in order to have a Department of Transportation workforce capable of reviewing, assessing, and validating the safety of automated technologies.

“(b) The Highly Automated Systems Safety Center of Excellence shall—

“(1) serve as a central location within the Department of Transportation for expertise in automation and human factors, computer science, data analytics, machine learning, sensors, and other technologies involving automated systems;

“(2) collaborate with and provide support on highly automated systems to all Operating Administrations of the Department of Transportation; and

“(3) have a workforce composed of Department of Transportation employees, including direct hires or detailees from Operating Administrations of the Department of Transportation and other Federal agencies.

“(c) Employees of the Highly Automated Systems Safety Center of Excellence, in conjunction with the relevant Operating Administrations of the Department of Transportation, shall review, assess, and validate highly automated systems to ensure their safety.

“(d) The Highly Automated Systems Safety Center of Excellence shall not supersede laws or regulations granting certification authorities to Operating Administrations of the Department of Transportation.

“(e) No later than 90 days after the date of enactment of this Act [Dec. 20, 2019], the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on staffing needs and the staffing plan for the Highly Automated Systems Safety Center of Excellence.”

## HUMAN TRAFFICKING PREVENTION COORDINATOR

Pub. L. 115-99, §2, Jan. 3, 2018, 131 Stat. 2242, provided that: “The Secretary of Transportation shall designate an official within the Department of Transportation who shall—

“(1) coordinate human trafficking prevention efforts across modal administrations in the Department of Transportation and with other departments and agencies of the Federal Government; and

“(2) in coordinating such efforts, take into account the unique challenges of combating human trafficking within different transportation modes.”

## COORDINATION

Pub. L. 110-140, title XI, §1101(b), Dec. 19, 2007, 121 Stat. 1756, provided that: “The Office of Climate Change and Environment of the Department of Transportation shall coordinate its activities with the United States Global Change Research Program.”

## NOTICE

Pub. L. 109-59, title V, §5510, Aug. 10, 2005, 119 Stat. 1828, provided that:

“(a) NOTICE OF REPROGRAMMING.—If any funds authorized for carrying out this title [see Tables for classification] or the amendments made by this title are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations, Transportation and Infrastructure, and Science [now Science, Space, and Technology] of the House of Representatives and the Committees on Appropriations and Environment and Public Works of the Senate, notice of that action shall be concurrently provided to the Committee of Transportation and Infrastructure and the Committee on Science [now Committee on Science, Space, and Technology] of the House of Representatives and the Committee on Environment and Public Works of the Senate.

“(b) NOTICE OF REORGANIZATION.—On or before the 15th day preceding the date of any major reorganization of a program, project, or activity of the Department [of Transportation] for which funds are authorized by this title or the amendments made by this title, the Secretary [of Transportation] shall provide notice of the reorganization to the Committees on Transportation and Infrastructure and Science [now Science, Space, and Technology] of the House of Representatives and the Committee on Environment and Public Works of the Senate.”

Pub. L. 105-178, title V, §5003, June 9, 1998, 112 Stat. 422, provided that:

“(a) NOTICE OF REPROGRAMMING.—If any funds authorized for carrying out this title [see Tables for classification] or the amendments made by this title are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Transportation and Infrastructure and the Committee on Science [now Committee on Science, Space, and Technology] of the House of Representatives and the Committee on Environment and Public Works of the Senate.

“(b) NOTICE OF REORGANIZATION.—On or before the 15th day preceding the date of any major reorganization of a program, project, or activity of the Department of Transportation for which funds are authorized by this title or the amendments made by this title, the Secretary shall provide notice of such reorganization to the Committee on Transportation and Infrastructure and the Committee on Science [now Committee on Science, Space, and Technology] of the House of Representatives and the Committee on Environment and Public Works of the Senate.”

#### SURFACE TRANSPORTATION ADMINISTRATION

Pub. L. 102-240, title V, §5004, Dec. 18, 1991, 105 Stat. 2160, provided that, not later than 60 days after Dec. 18, 1991, the Secretary was to enter into an agreement with the National Academy of Public Administration to continue a study of options for organizing the Department of Transportation to increase effectiveness and report to Congress on the study and recommend appropriate organizational changes no later than Jan. 1, 1993, to be implemented if approved by law.

#### PERSON HOLDING POSITION OF ASSOCIATE DEPUTY SECRETARY UNTIL APRIL 15, 1985

Pub. L. 98-557, §26(c), Oct. 30, 1984, 98 Stat. 2873, provided that, until Apr. 15, 1985, the position of Associate Deputy Secretary could be held by a person named by the President alone.

#### EX. ORD. NO. 11340. EFFECTIVE DATE

Ex. Ord. No. 11340, Mar. 30, 1967, 32 F.R. 5453, provided: By virtue of the authority vested in me as President of the United States by Section 15 [renumbered section 16] of the Department of Transportation Act (Public Law 89-670, approved October 15, 1966; 80 Stat. 950) April 1, 1967, is hereby prescribed as the date on which the Department of Transportation Act shall take effect.

LYNDON B. JOHNSON.

### § 103. Federal Railroad Administration

(a) IN GENERAL.—The Federal Railroad Administration is an administration in the Department of Transportation.

(b) SAFETY.—To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.

(c) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in railroad transportation.

(d) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be an individual with professional experience in railroad safety, hazardous materials safety, or other transportation safety. The Administrator shall report directly to the Secretary of Transportation.

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

(f) CHIEF SAFETY OFFICER.—The Administration shall have an Associate Administrator for Railroad Safety appointed in the career service by the Secretary. The Associate Administrator shall be the Chief Safety Officer of the Administration. The Associate Administrator shall carry out the duties and powers prescribed by the Administrator.

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

(1) duties and powers related to railroad safety vested in the Secretary by section 20134(c) and chapters 203 through 211 of this title, and by chapter 213 of this title for carrying out chapters 203 through 211;

(2) the duties and powers related to railroad policy and development under subsection (j); and

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

(h) LIMITATION.—A duty or power specified in subsection (g)(1) may be transferred to another part of the Department of Transportation or another Federal Government entity only when specifically provided by law. A decision of the Administrator in carrying out the duties or powers of the Administration and involving notice and hearing required by law is administratively final.

(i) AUTHORITIES.—Subject to the provisions of subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, the Secretary of Transportation may make, enter into, and perform such contracts, grants, leases, cooperative agreements, and other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and make such payments, by way of advance or reimbursement, as the Secretary may determine to be necessary or appropriate to carry out functions at the Administration. The authority of the Secretary granted by this subsection shall be carried out by the Administrator. Notwithstanding any other provision of this chapter, no authority to enter into contracts or to make payments under this subsection shall be effective, except as provided for in appropriations Acts.

(j) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—The Administrator shall—