

systems operating under such program in achieving the purposes of this chapter;

(3) the impact of each State's decisions on the extent of required participation in one-call notification systems on prevention of damage to underground facilities; and

(4) areas where improvements are needed in one-call notification systems in operation in each State.

The report shall also include any recommendations the Secretary determines appropriate. If the Secretary determines that the purposes of this chapter have been substantially achieved, no further report under this section shall be required.

(Added Pub. L. 105-178, title VII, § 7302(a), June 9, 1998, 112 Stat. 479; amended Pub. L. 107-355, § 2(b), Dec. 17, 2002, 116 Stat. 2985.)

REFERENCES IN TEXT

The date of the enactment of this chapter, referred to in subsec. (a), is the date of enactment of Pub. L. 105-178, which was approved June 9, 1998.

AMENDMENTS

2002—Subsec. (d). Pub. L. 107-355 substituted “The Secretary shall” for “Within 3 years after the date of the enactment of this chapter, the Secretary shall begin to” in introductory provisions.

§ 6105. Implementation of best practices guidelines

(a) **ADOPTION OF BEST PRACTICES.**—The Secretary of Transportation shall encourage States, operators of one-call notification programs, excavators (including all government and contract excavators), and underground facility operators to adopt and implement practices identified in the best practices report entitled “Common Ground”, as periodically updated.

(b) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to and participate in programs sponsored by a non-profit organization specifically established for the purpose of reducing construction-related damage to underground facilities.

(c) **GRANTS.**—

(1) **IN GENERAL.**—The Secretary may make grants to a non-profit organization described in subsection (b).

(2) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized under section 6107, there is authorized to be appropriated for making grants under this subsection \$500,000 for each of fiscal years 2003 through 2006. Such sums shall remain available until expended.

(3) **GENERAL REVENUE FUNDING.**—Any sums appropriated under this subsection shall be derived from general revenues and may not be derived from amounts collected under section 60301.

(Added Pub. L. 105-178, title VII, § 7302(a), June 9, 1998, 112 Stat. 480; amended Pub. L. 107-355, § 2(c)(1), Dec. 17, 2002, 116 Stat. 2985.)

AMENDMENTS

2002—Pub. L. 107-355 amended section generally. Prior to amendment, section related to study of existing one-call systems, purpose and considerations of study, report by Secretary within one year of June 9, 1998, and discretion of Secretary as to whether to carry out study.

§ 6106. Grants to States

(a) **IN GENERAL.**—The Secretary may make a grant of financial assistance to a State that qualifies under section 6104(b) to assist in improving—

(1) the overall quality and effectiveness of one-call notification systems in the State;

(2) communications systems linking one-call notification systems;

(3) location capabilities, including training personnel and developing and using location technology;

(4) record retention and recording capabilities for one-call notification systems;

(5) public information and education;

(6) participation in one-call notification systems; or

(7) compliance and enforcement under the State one-call notification program.

(b) **STATE ACTION TAKEN INTO ACCOUNT.**—In making grants under this section, the Secretary shall take into consideration the commitment of each State to improving its State one-call notification program, including legislative and regulatory actions taken by the State after the date of enactment of this chapter.

(c) **FUNDING FOR ONE-CALL NOTIFICATION SYSTEMS.**—A State may provide funds received under this section directly to any one-call notification system in such State that substantially adopts the best practices identified under section 6105.

(Added Pub. L. 105-178, title VII, § 7302(a), June 9, 1998, 112 Stat. 482.)

REFERENCES IN TEXT

The date of enactment of this chapter, referred to in subsec. (b), is the date of enactment of Pub. L. 105-178, which was approved June 9, 1998.

§ 6107. Authorization of appropriations

(a) **FOR GRANTS TO STATES.**—There are authorized to be appropriated to the Secretary to provide grants to States under section 6106 \$1,000,000 for each of fiscal years 2012 through 2015. Such funds shall remain available until expended.

(b) **FOR ADMINISTRATION.**—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out sections 6103, 6104, and 6105 for fiscal years 2012 through 2015.

(Added Pub. L. 105-178, title VII, § 7302(a), June 9, 1998, 112 Stat. 482; amended Pub. L. 107-355, § 2(d), Dec. 17, 2002, 116 Stat. 2986; Pub. L. 109-468, § 18(d), Dec. 29, 2006, 120 Stat. 3498; Pub. L. 112-90, § 32(c), Jan. 3, 2012, 125 Stat. 1922.)

AMENDMENTS

2012—Subsecs. (a), (b). Pub. L. 112-90, § 32(c)(1), (2), substituted “2012 through 2015.” for “2007 through 2010.”

Subsec. (c). Pub. L. 112-90, § 32(c)(3), struck out subsec. (c). Text read as follows: “Any sums appropriated under this section shall be derived from general revenues and may not be derived from amounts collected under section 60301 of this title.”

2006—Subsecs. (a), (b). Pub. L. 109-468 substituted “fiscal years 2007 through 2010” for “fiscal years 2003 through 2006”.

2002—Subsec. (a). Pub. L. 107-355, §2(d)(1), substituted “\$1,000,000 for each of fiscal years 2003 through 2006” for “\$1,000,000 for fiscal year 2000 and \$5,000,000 for fiscal year 2001” in first sentence.

Subsec. (b). Pub. L. 107-355, §2(d)(2), substituted “for fiscal years 2003 through 2006” for “for fiscal years 1999, 2000, and 2001”.

§ 6108. Relationship to State laws

Nothing in this chapter preempts State law or shall impose a new requirement on any State or mandate revisions to a one-call system.

(Added Pub. L. 105-178, title VII, §7302(a), June 9, 1998, 112 Stat. 482.)

§ 6109. Public education and awareness

(a) GRANT AUTHORITY.—The Secretary shall make a grant to an appropriate entity for promoting public education and awareness with respect to the 811 national excavation damage prevention phone number.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$1,000,000 for the period beginning October 1, 2006, and ending September 30, 2008, to carry out this section.

(Added Pub. L. 109-468, §3(a), Dec. 29, 2006, 120 Stat. 3489.)

CHAPTER 63—BUREAU OF TRANSPORTATION STATISTICS

Sec.	
6301.	Definitions.
6302.	Bureau of Transportation Statistics.
6303.	Intermodal transportation database.
6304.	National Transportation Library.
6305.	Advisory council on transportation statistics.
6306.	Transportation statistical collection, analysis, and dissemination.
6307.	Furnishing of information, data, or reports by Federal agencies.
6308.	Proceeds of data product sales.
6309.	National transportation atlas database.
6310.	Limitations on statutory construction.
6311.	Research and development grants.
6312.	Transportation statistics annual report.
6313.	Mandatory response authority for freight data collection.

§ 6301. Definitions

In this chapter, the following definitions apply:

- (1) BUREAU.—The term “Bureau” means the Bureau of Transportation Statistics established by section 6302(a).
- (2) DEPARTMENT.—The term “Department” means the Department of Transportation.
- (3) DIRECTOR.—The term “Director” means the Director of the Bureau.
- (4) LIBRARY.—The term “Library” means the National Transportation Library established by section 6304(a).
- (5) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(Added Pub. L. 112-141, div. E, title II, §52011(a), July 6, 2012, 126 Stat. 887.)

EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

CONSTRUCTION

Pub. L. 112-141, div. E, title II, §52011(b), July 6, 2012, 126 Stat. 895, provided that: “If the provisions of section 111 of title 49, United States Code, are transferred to chapter 63 of that title, the following rules of construction apply:

“(1) For purposes of determining whether 1 provision of law supersedes another based on enactment later in time, a chapter 63 provision is deemed to have been enacted on the date of enactment of the corresponding section 111 provision [section 111 of this title was enacted Dec. 18, 1991].

“(2) A reference to a section 111 provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding chapter 63 provision.

“(3) A regulation, order, or other administrative action in effect under a section 111 provision continues in effect under the corresponding chapter 63 provision.

“(4) An action taken or an offense committed under a section 111 provision is deemed to have been taken or committed under the corresponding chapter 63 provision.”

§ 6302. Bureau of Transportation Statistics

(a) ESTABLISHMENT.—There is established in the Office of the Assistant Secretary for Research and Technology of the Department of Transportation the Bureau of Transportation Statistics.

(b) DIRECTOR.—

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

(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the collection, analysis, and use of transportation statistics.

(3) DUTIES.—

(A) IN GENERAL.—The Director shall—

- (i) serve as the senior advisor to the Secretary on data and statistics; and
- (ii) be responsible for carrying out the duties described in subparagraph (B).

(B) DUTIES.—The Director shall—

- (i) ensure that the statistics compiled under clause (vi) are designed to support transportation decisionmaking by—
 - (I) the Federal Government;
 - (II) State and local governments;
 - (III) metropolitan planning organizations;
 - (IV) transportation-related associations;
 - (V) the private sector, including the freight community; and
 - (VI) the public;
- (ii) establish on behalf of the Secretary a program—
 - (I) to effectively integrate safety data across modes; and
 - (II) to address gaps in existing safety data programs of the Department;
- (iii) work with the operating administrations of the Department—
 - (I) to establish and implement the data programs of the Bureau; and
 - (II) to improve the coordination of information collection efforts with other Federal agencies;