



Department of Transportation

**Draft Preliminary Plan for
Implementation of The President's
Memorandum dated January 18, 2011**

**Regulatory Enforcement and
Compliance Data**

May 2011

Department of Transportation Plan on Access to Regulatory Enforcement and Compliance Information

Executive Summary

This plan responds to a January 18, 2011, Presidential Memorandum for all executive departments and agencies on *Regulatory Compliance* that requires agencies with enforcement and compliance activities to develop plans to make data related to those activities publicly accessible, downloadable, and searchable online.

The General Counsel's Office, in conjunction with the Chief Information Officer's Office (CIO) and each of the Department's operating administrations ("modes"), developed the following process for implementing the requirements in the President's Memorandum.

- **Identification of Activities and Inventory of Data.** We met with the modes to identify their enforcement and compliance activities and to inventory related data on the attached charts.
- **Evaluation of Data.** We continue to meet with the individual modes to further evaluate the data; identify needed improvements to some of their available data to make them more useful; and assess data that are not now publicly available to determine if, and in what form, they can be made public.
- **Prioritization of Data.** We then will work with the modes to prioritize improvement and publication of identified data.
- **Making Data Available.** We will make data available in a more useable format as soon as possible and in various places: on the government-wide platform data.gov and on a DOT website with links to modal websites and to open.gov.
- **Technical Issues/Innovation.** The Department's CIO is leading the effort to explore the technical issues raised by modal data and innovative ways to improve and present the data (e.g., charts or other graphic formats); consider the use of new technologies; and, where possible, identify ways to allow the public access to real-time data.
- **Broader Access.** The Department's CIO will evaluate the data to identify opportunities and develop tools to provide cross-modal searches and comparison of information and to explore how best to generate and share enforcement and compliance information across the Government, consistent with law.

As we make more determinations and collect more information, we will modify or update the attached tables.

Introduction

This plan responds to a January 18, 2011, Presidential Memorandum for all executive departments and agencies on *Regulatory Compliance*. <http://www.whitehouse.gov/the-press-office/2011/01/18/presidential-memoranda-regulatory-compliance> The Memorandum requires all agencies with regulatory compliance and administrative enforcement responsibilities to develop plans to make information related to their regulatory compliance and enforcement activities publicly accessible, downloadable and searchable online.

The Department of Transportation (DOT or the Department) consists of ten operating administrations (“modes”) and the Office of the Secretary (OST), each of which has statutory responsibility for a wide range of regulations. DOT regulates safety in the aviation, motor carrier, railroad, motor vehicle, commercial space, and pipeline transportation areas. DOT also regulates aviation consumer and economic issues and provides financial assistance for programs involving highways, airports, public transportation, the maritime industry, railroads, and motor vehicle safety. Finally, DOT develops and implements a wide range of Department-wide regulations that govern internal programs such as acquisitions and grants, access for the disabled, environmental protection, energy conservation, information technology, occupational safety and health, property asset management, seismic safety, and the use of aircraft and vehicles.

To ensure achievement of the Department’s missions, each of its “modes” and OST has responsibilities for promulgating regulations and ensuring compliance. The modes already make a wealth of enforcement and compliance data available to the public in various formats. However, some of this information is not readily searchable or in the most useful format and there is some information that is not yet publicly available.

Six of our modes have broad enforcement and compliance authority:

- The Federal Aviation Administration (FAA)
- The Federal Motor Carrier Safety Administration (FMCSA)
- The Federal Railroad Administration (FRA)
- The National Highway Traffic Safety Administration (NHTSA)
- The Office of the Secretary (OST), and
- The Pipeline and Hazardous Materials Administration (PHMSA).

While several of our modes currently do not have broad enforcement authority they do generate some compliance data that the public might find interesting. These agencies are:

- The Federal Highway Administration (FHWA)
- The Federal Transit Administration (FTA)
- The Maritime Administration (MARAD)
- The Research and Innovative Technology Administration’s (RITA) Bureau of Transportation Statistics (BTS) does not have its own enforcement and compliance authority, but does support the collection and dissemination of certain data for all of the modes, and
- The Saint Lawrence Seaway Development Corporation (SLSDC).

The Implementation Plan

The General Counsel's Office, in conjunction with the Chief Information Officer's Office (CIO), developed the following process for implementing the requirements in the President's Memorandum.

Identification of Activities and Inventory of Data.

First, we met with DOT's modes to determine what enforcement and compliance activities they engage in and set out a process for inventorying their enforcement and compliance data generated by those activities. They preliminarily determined whether these data are publicly available, downloadable, and searchable and presented in a format most useful to the public. Having identified their compliance and enforcement activities, we then asked the modes to identify where the data are located, whether the data are shared with other Federal agencies or States, and whether there might be a reason not to make non-disclosed data available. They then compiled their data in the attached tables.

Evaluation of Data.

We are now meeting with the individual modes to further evaluate the data, to identify needed improvements to some of their available data to make them more useful and to assess data that are not now publicly available to determine if, and in what form, they can be made public.

As part of this effort, we linked up modal enforcement and compliance personnel with our DOT Data.gov working group to:

- A. Determine if the information or data sets comply with DOT Order 1351.34, Departmental Data Release Policy, by ensuring data are identified and registered in the Department's S/DAG Metadata Registry (our choice of a central platform, <http://www.data.gov> .)
- B. Help identify the priority data using the [Data.gov Interim Identification and Prioritization Process and Guidelines](#).

Our preliminary evaluation of the modal data sets reveals that:

- A. Some data is publicly available and searchable in the form contemplated in the Presidential Memorandum. These formats can serve as templates for other modes.
- B. A great deal of data is publicly available and searchable, but can be improved by adding additional search factors such as: corporate identifiers, CFR part violated, disposition of case or subsequent appeals, etc. into the table or updating the data more often. These data can have links added so the public can "click" and access the actual opinion or disposition document.

- C. Some data, even some originally generated in a database or spreadsheet program, is available to the public on the web, but not in readily-searchable format. We are working with the modes to determine how to improve the public's ability to access and search the data.
- D. Some data sets are not released at all, and we are evaluating them to see if they would be useful or of interest to the public and can be released. To avoid the release of information that violate privacy or harm our modal enforcement programs, we either would have to anonymize or aggregate such data before we release it, or, where these techniques cannot be applied, not release the data. We will work with the modes and the data.gov working group to figure out how to handle these more problematic data sets. Reasons for not disclosing data could include:
- Data are preliminary, incomplete, or unverified.
 - Disclosure would harm potential enforcement/compliance proceedings by signaling agency tactics or cause the agency to abandon useful enforcement tools.

We need to ensure the integrity of the data we make public and include explanations and caveats for the data, where appropriate. We will work with the modes and the data.gov working group to assess information that presents:

- A. Security risks – DOT's Office of Intelligence, Security, and Emergency Response will assist in making determinations about national/homeland security risks associated with identifying information about non-compliant regulated entities.
- B. Proprietary/Protected Information – The General Counsel's Office will assist the modes and Secretarial Offices in determining methods to protect Proprietary/Protected Information, while still releasing a reasonable amount of information about modal enforcement/compliance activities.

Prioritization of Data.

We have identified the data from the six DOT modes that have broad enforcement and compliance authority: 1) FAA; 2) FMCSA; 3) FRA; 4) NHTSA; 5) OST; and 6) PHMSA as higher priority for upgrading and including in data.gov. As we meet further with each mode and the DOT data.gov implementation group to evaluate their data, we will identify priorities among their modal data sets for improving and making available the data most useful to the general public in making consumer decisions and evaluating safety. The attached tables are separated into three groups: 1) publicly available data sets that already meet necessary requirements and are scheduled to go on data.gov; 2) publicly available data sets that we need to improve to meet the requirements of the President's Memorandum; and 3) non-available data sets that have limited utility, need aggregation, or cannot be made public because of concerns about privacy and proprietary and/or security sensitive information or possible harm to the enforcement program. Our priority is to work on those that need improvement, as we continue to put data sets that are in good shape on data.gov. We then will work on the non-available data sets. Although historical data is always useful, generally, our priority is to improve data accessibility

going into the future. Our modes can choose to incorporate historical data to the extent their time and resources permit. As we make more determinations and collect more information, we will modify or update the attached tables.

Several of our agencies currently do not have broad enforcement authority; however, we have identified compliance data they have that the public might find useful. We will work with the following agencies to put that data into useful form: 1) FHWA; 2) FTA; 3) MARAD; and 4) SLSDC. A description of their data is included on the attached tables. As noted above, RITA/BTS data is in the modal charts.

Making Data Available.

We will now focus on prioritization, and will work to ensure that priority data is made accessible, downloadable and searchable as soon as feasible. The Department's CIO's office is working on identified data sets and expects to place them on data.gov by the end of Fiscal Year 2011. To give the public an alternative way to find DOT enforcement data, the Office of the General Counsel plans to include on <http://regs.dot.gov> an enforcement page with links to modal enforcement and compliance web sites and to data.gov. This page will describe what we do in this area, provide a list of the data that is available throughout the Department with links to the data, and describe and link to any on-line tools that we may ultimately create to help in the search of the data we have on the web. We also will link to this page from the Department's Open Government web site at www.dot.gov/open. The CIO's office will build a table similar to the one at www.dot.gov/open/data, automate it to the extent possible, and keep it up-to-date.

Technical Issues/Innovation.

As part of this effort, the Department's CIO is leading the effort to explore the technical issues raised by modal data sets and suggesting how best to make such data available online in searchable form, including on <http://www.data.gov>, in a manner that facilitates easy access and engages the public in new and creative ways of using the information. His staff is working with the modes to explore innovative ways to improve and present the data (e.g., charts or other graphic formats); consider the use of new technologies; and, where possible, identify ways to allow the public access to real-time data. The CIO's office and modal information technology and program staff are evaluating technologies supporting the Next Generation Data.gov platform, which would allow the public to search available modal meta-data in various ways to suit their needs. This capability would provide the public with much better access and searchability and also take a huge burden off modal information technology and program staff, who now respond to voluminous public requests for particular data.

DOT has already recognized benefits as a result of regulatory transparency efforts. For example, for the first time, FMCSA has begun releasing the information behind its Safety Measurement System (SMS) to the public in bulk, downloadable formats. Business and private citizens are mining this data for potential opportunities. For instance, a windshield repair company looking to grow its business is mining FMCSA information about safety violations to identify new customers. DOT and the public realize a benefit because the commercial vehicle operator

customer is using a safer vehicle and operating in compliance with Federal Motor Carrier Safety Regulations.

Broader Access.

The CIO will evaluate the data sets to identify opportunities to provide cross-modal searches and comparison of information and to explore how best to generate and share enforcement and compliance information across the Government, consistent with law. For example, the FAA has suggested consolidating into one place multimodal, hazardous materials enforcement activity or noncompliance with industry drug and alcohol testing, organized to enable cross agency searches. This effort will require development of a universal corporate identity search factor useable across the government. The CIO will develop ways/tools (e.g., common search factors) to make cross-agency comparisons and searching easier.

Responsibility for Implementation.

The DOT official with the primary responsibility for implementing the information technology and open government portions of President's Memorandum is the Department's Assistant Chief Information Officer, Giovanni Carnaroli, who is the Senior Accountable Official for Open Government. The General Counsel, Robert Rivkin, was responsible for the portion of the Memorandum involving identifying Departmental enforcement and compliance data and developing the implementation plan. Both Offices collaborated on establishing the plan and worked in close coordination with the modes to compile the inventory.

Descriptions of Existing Regulatory and Enforcement Activities

DOT Agencies with Broad Enforcement and Compliance Authority

The Federal Aviation Administration

The Federal Aviation Administration (FAA) has broad regulatory responsibility over the aviation industry – both over entities (commercial operators, repair stations, etc.) and individuals. The FAA develops and reviews enforcement policies and programs. It provides guidance to personnel on enforcement matters and reviews enforcement actions of national significance. The FAA also handles enforcement actions before the National Transportation Safety Board, the FAA decision maker, and the United States courts of appeals.

Information Already Available to the Public

FAA provides information on its [Enforcement Division Web site](#). FAA publishes quarterly enforcement reports regarding closed actions taken against regulated entities, including:

- Certificate Actions (e.g., suspensions and revocations of certificates)
- Civil Penalty Actions, and
- Issuance of Judicially Enforceable Orders, (e.g., cease and desist or compliance orders).

Information regarding appeals of enforcement actions is found under the [Civil Penalty Adjudication Web site](#). Cases may be searched by:

- Subject
- Regulation or Statute
- Name
- FAA Order Number
- Whether they were appealed to Federal Court

Plans for Making Additional Information Available

While FAA makes some information available to the public, there are broad categories of information that are not currently made available, except pursuant to the Freedom of Information Act. These include:

- Legal enforcement actions against individuals (e.g., pilots).
- Administrative actions (warnings, letters of correction, re-examinations) against entities and individuals.
- Inspections and investigations.

FAA will evaluate how to generate aggregate quarterly statistics in each of these topic areas, taking care to be as granular as possible while not jeopardizing privacy, confidentiality, or enforcement programs. FAA will incorporate a mechanism to receive feedback from the public on ways to improve the level of detail in these new data releases.

Plans for Wider Dissemination

FAA is an active participant in the Department's Data.gov Working Group. The Data.gov working group will assist FAA in identifying methods for improving the release of the data underlying the quarterly enforcement and civil penalty reports in more open, accessible, and modern formats, and will help FAA ensure that future information releases meet these same criteria.

The Federal Motor Carrier Safety Administration

The Federal Motor Carrier Safety Administration (FMCSA) has broad regulatory responsibility over the commercial motor vehicle (CMV) industry. FMCSA activities contribute to ensuring safety in motor carrier operations through strong enforcement of safety regulations; targeting high-risk carriers and commercial motor vehicle drivers; improving safety information systems and commercial motor vehicle technologies; strengthening commercial motor vehicle equipment and operating standards; and increasing safety awareness. To accomplish these activities, the Administration works with Federal, State, and local enforcement agencies, the motor carrier industry, labor safety interest groups, and others.

Information Already Available to the Public

The FMCSA provides the public with extensive enforcement and compliance information through the [Analysis & Information Online Web site](#), which includes data such as:

- Motor Carrier [Safety Measurement System \(SMS\)](#) – which includes information on safety scores and carrier registrations.
- [Safety Programs](#) (Reviews, Roadside Inspections, and Traffic Enforcement) – where the public has the opportunity to view and download aggregated data for multiple years with options to filter the information by types and locations of companies.
- [Crash Statistics](#) - provides information about large truck and bus crashes, provided by the States. All of this information is available in aggregate at National and State levels and in detail at a motor carrier (company) level.
- Passenger Carrier Statistics can be found both at <http://ai.fmcsa.dot.gov/ProgramReport/PassengerCarrier.aspx> and <http://www.fmcsa.dot.gov/safety-security/PCS/Consumers.aspx>.
- [Household Goods Carrier Statistics](#) - the public can search for moving companies and view complaint histories. Members of the public may also submit complaints through the National Consumer Complaint Database.
- [Motor Carrier Safety Assistance Program \(MCSAP\)](#) - data filters on the MCSAP website allow users to view MCSAP program activities on a State level. Datasets are also available to support State-level decision making.
- [CSA](#) - Provides information about Compliance, Safety, Accountability (CSA), through which the Federal Motor Carrier Safety Administration (FMCSA), together with State Partners and industry, is working to further reduce commercial motor vehicle (CMV) crashes, fatalities, and injuries on our nation's highways.

In addition to the interactive online experience provided through this Analysis and Information portal, FMCSA makes SMS information available for [bulk download](#). FMCSA also provides the public with access to information on enforcement and compliance activities, including:

- [Closed Enforcement Cases](#) - the public can search for particular companies or violations in certain Parts of the Federal Motor Carrier Safety Regulations (FMCSRs).
- [Adjudications](#) - orders are searchable by docket number at <http://www.regulations.gov> , but cases from 2009-present are searchable on the Office of Chief Counsel website.
- Medical Exemptions – typically published directly through the Federal Register. Although the information is maintained in a searchable form, the records, which include sensitive medical information and PII, are not available to the public.

Plans for Making Additional Information Available

The FMCSA provides the public with extensive access to information and its regulatory enforcement activities. The FMCSA continually evaluates their information release practices and strives to provide the public with the most detailed information possible. FMCSA regularly responds to data on consumer feedback, providing more granular data sets when the public shows interest.

Plans for Wider Dissemination

The FMCSA is an active participant in the Department's Data.gov Working Group. DOT will submit the Analysis & Information Online data sets identified above to Data.gov by the end of fiscal year 2011.

The Data.gov working group will also assist FMCSA in identifying methods for improving the release of the data underlying the enforcement, adjudication, and exemption reports in more open, accessible, and modern formats. The working group also recognizes the value of providing more of FMCSA's information in bulk downloadable formats and will evaluate potential solutions available through the Next Generation Data.gov platform to support this type of increased access.

The Federal Railroad Administration

The Federal Railroad Administration (FRA) has broad regulatory responsibility over the railroad industry. In the 1890s, Congress began regulating the railroad industry for safety purposes by enacting narrowly drawn laws to deal with discrete rail safety issues. Having determined the need for more comprehensive regulation, Congress enacted the Federal Railroad Safety Act of 1970 (FRSA), which granted rulemaking authority over "all areas of railroad safety." FRA has exercised this authority by issuing a wide variety of rail safety regulations and makes use of civil penalties and criminal penalties in limited circumstances as a means of enforcing those regulations and safety statutes. FRA is also authorized to issue orders assessing civil penalties for violations of the various hazardous materials statutes, regulations, and orders. FRA also utilizes a wide array of other enforcement tools to ensure compliance with existing regulations. These include the issuance of compliance agreements and orders as well as various sanctions against individuals such as warning letters; civil penalties; and disqualifications. In addition, FRA is authorized to issue emergency orders to address safety hazards and emergency events that pose an imminent hazard of injury or death that are not otherwise covered in existing regulations.

Information Already Available to the Public

The FRA provides the public with extensive visibility into railroad safety information through the [Office of Safety Analysis Web site](#), which includes:

- Overview data that summarizes accident and incident information by railroad, state, or region.

- Accident and incident trend information, including statistics on casualties, signal activation failures, and “false proceeds” (when a signal incorrectly activates, indicating that it is safe for a train to move when, in fact, it may not be safe).
- Highway-rail crossings and associated accidents.
- Detailed casualty information.

This web site provides the public with an interactive experience to explore railroad safety data. In addition, the site provides the public with the ability to [download entire data sets](#) in bulk. FRA also makes the safety information available through an [interactive online mapping application](#). FRA also provides the public access to information about its enforcement activities through its [Enforcement Web site](#), which contains:

- Annual Enforcement Report.
- Annual Civil Penalty Report.

In April 2010, FRA increased the amount of information readily available about its safety enforcement activities and also increased the accessibility of the information by posting its first expanded enforcement report on the Enforcement Web site. FRA intends to make this type of safety enforcement information available each year by December 31. Each report will cover the preceding fiscal year (October 1 through September 30).

Plans for Making Additional Information Available

While FRA makes a great deal of information available to the public, there are certain types of information that FRA does not make public, which are collected under a pledge of confidentiality, are not related to safety enforcement actions, or would adversely affect enforcement actions. These include:

- Information used to plan and manage inspection work – data from the Automated Track Inspection Program (ATIP), the National Inspection Plan, and the Continuous Welded Rail (CWR) inspection data.
- Information that contains proprietary and protected information – data from the Positive Train Control (PTC) Web site and operational test data reports.
- Information related to ongoing investigations – accident investigation data, and granular information from the Railroad Enforcement System.

The FRA respects the need for transparency in the area of regulatory enforcement and compliance and continually evaluates the ways to release more information about railroad safety to the public. Summary statistics for some programs are being considered and will be evaluated for quality and accuracy before they are released to the public.

Plans for Wider Dissemination

The FRA is an active participant in the Department’s Data.gov Working Group. DOT will submit the safety data sets identified above to Data.gov by the end of fiscal year 2011. The

Data.gov working group will also assist FRA in identifying methods for improving the release of the data underlying the annual enforcement and civil penalty reports in more open, accessible, and modern formats.

The National Highway Traffic Safety Administration

The National Highway Traffic Safety Administration (NHTSA) has broad regulatory responsibility over vehicle safety and associated standards. NHTSA's regulatory authority extends to activities that include vehicle safety compliance, vehicle and equipment importation, defect investigations, civil penalties, and odometer fraud.

Information Already Available to the Public

NHTSA provides the public with extensive information associated with its defect investigations:

- [Consumer Complaints](#)
- [Technical Service Bulletins](#) from vehicle manufacturers
- [Early Warning Reporting](#) of information about potential defects
- [Defect Investigations](#)
- [Recall Campaigns](#) (foreign and domestic vehicles with defects)

While information can be searched and retrieved through the Web, NHTSA also offers this data for [bulk download](#). NHTSA also participates in the [Recalls.gov](#) initiative, and its defect investigation information is available in the [Recalls.gov mobile application](#).

NHTSA has also made available information on [registered importers](#), [registered importers whose registrations have been suspended or revoked](#) as well as an [approved/disapproved vehicle list](#) at its [Vehicle Importation and Certification Requirements Web site](#).

The NHTSA Office of Vehicle Safety Compliance publishes a [searchable compliance database](#) containing testing data from 2003 to the present. Members of the public may search this database for both equipment and vehicles. These two categories may be searched by Year, Make/Brand, and Model or by Federal Motor Vehicle Safety Standard (FMVSS). NHTSA also publishes information regarding civil penalties assessed to vehicle manufacturers for violating Corporate Average Fuel Economy (CAFE) standards in [PDF form](#).

Plans for Making Additional Information Available

While NHTSA makes extensive information available to the public, some activities are enforced in cooperation with other Federal agencies. For instance, odometer fraud is a criminal matter that is pursued through the Department of Justice. In addition, forfeiture for illegal vehicle importation is administered through Customs and Border Protection at the Department of Homeland Security; NHTSA is not the lead agency in forfeiture matters, but may provide guidance in some cases.

Plans for Wider Dissemination

NHTSA is an active participant in the Department's Data.gov Working Group. DOT will submit the Office of Defect Investigation data sets identified above to Data.gov by the end of fiscal year 2011.

The Data.gov working group will assist in identifying methods for improving the release of data underlying importation compliance, vehicle safety compliance, and civil penalties in more open, accessible, and modern formats, and will help NHTSA ensure that future information releases meet these same criteria. NHTSA will also take steps to release information about the full universe of civil penalty actions before the end of the calendar year.

The Office of the Secretary

The Office of the Assistant General Counsel for Aviation Enforcement and Proceedings, including its Aviation Consumer Protection Division, monitors compliance with and investigates violations of the Department of Transportation's aviation economic, consumer protection, and civil rights regulations. The Office also provides legal review and support on aviation economic licensing matters. The Aviation Consumer Protection Division receives complaints from members of the public regarding air travel consumer issues. The Office verifies compliance with the Department's aviation consumer protection requirements and provides guidance to the industry and members of the public on consumer protection matters. The Office also makes available to the public information on pertinent consumer matters.

Consumer protection compliance and enforcement activities relate to areas such as unfair and deceptive practices and unfair competition by air carriers and travel agents, deceptive airline advertising (e.g., fare, on-time performance, schedule, code sharing, etc.), and violations of rules concerning denied boarding compensation, ticket refunds, baggage liability requirements, and charter flights.

The Office is also very active in civil rights enforcement. The Department is charged with prohibiting discrimination by airlines and has committed to protecting consumers in this regard. The Office focuses on ensuring that individuals with disabilities obtain nondiscriminatory access to the air transportation system and that the public is not subjected by airlines to unlawful discrimination on the basis of race, religion, national origin, or sex during the course of their air transportation.

Furthermore, the Office provides legal review and support on activities concerning airline authority. This includes unauthorized air transportation operations by foreign carriers within the U.S. (i.e., cabotage) or to or from the U.S. The Office also reviews the marketing or operation (i.e., holding out of service or operation) of air transportation service by unauthorized U.S. companies. Enforcement action is pursued against airlines or other companies offering service for which they have not been found fit by the Department. Requirements relating to continuing fitness (e.g., reporting requirements and insurance rules) are also enforced to ensure that airlines remain in compliance with conditions on their authority.

Information Already Available to the Public

The Aviation Consumer Protection Division produces a monthly [Air Travel Consumer Report](#), which is available to the public. This report is designed to assist consumers with information on the quality of services provided by the airlines and is divided into six sections:

- Flight delays, which includes information about on-time arrival performance by airlines, flight cancellations, flight delay causation data, and tarmac delays.
- Mishandled baggage reports by airlines.
- Passenger denied boarding data.
- Consumer complaints, which are presented by category or airline.
- Customer service reports to the Transportation Security Administration.
- Airline reports of the loss, injury, or death of animals during air transportation.

Some of the data that support the report are managed by the Department's Bureau of Transportation Statistics (BTS). While the Air Travel Consumer report itself is a static product in PDF form, BTS provides the public the ability to search, download, and visualize much of the information included in the report. BTS provides:

- [Airline On-Time Statistics](#) – available for search and download in both summary and detailed form.
- [Cause of Delay Reports](#).
- [Flights cancelled more than 5% of the time](#)

Information that is collected and maintained by the Aviation Consumer Protection Division is available directly at their Web site and includes:

- [Enforcement Orders/Settlement Agreements](#).
- Industry Notices/ [Guidance](#) Regarding Aviation [Rules](#) and Statutes.
- [Annual Report on Disability-Related Air Travel Complaints](#).
- [Airline Service Cessation Bulletins](#).

Plans for Making Additional Information Available

As discussed above, the Aviation Consumer Protection Division proactively discloses a great deal of regulatory enforcement and compliance information that is useful to consumers. Enforcement case documents and data are posted once a case has closed, and information can be accessed and studied in a number of ways.

At this time, the Aviation Consumer Protection Division does not provide the public access to Warning Letters to Regulated Entities, nor does the Division provide access to its Compliance Inspection Schedule. Warning letters are not made publicly available or typically shared with State and Federal Agencies because the disclosure of this type of data could cause public confusion and misinformation as to the culpability of the regulated entity where the findings in the documents have not been adjudicated and the entity has not agreed to them. A requirement to disclose warning letters could cause harm to the OST enforcement program and result in the office abandoning a useful enforcement tool.

Each year the Aviation Enforcement Office plans to conduct five to seven on-site investigations at the headquarters of certain airlines. It conducts these investigations by sending a team of staff, including attorneys and transportation industry analysts, to the airline's headquarters and conducting a thorough review of the airline's records in connection with its compliance with Department regulatory matters, such as training records, airline passenger complaints, and refund and baggage claims. The airline receives information about the visit no more than three weeks before the actual visit. This is a very important investigative tool and to release specific information about the visits such as dates or airline names could be detrimental to the review of material and to any enforcement case that is initiated as a result of the visit. The information could also be damaging to the reputation of the airline in question, since these visits do not necessarily reflect any compliance issues or result in an enforcement action. In addition, scheduled visits are often canceled or rearranged because of unanticipated budget constraints or exigent circumstances at the airline.

The Office is considering methods by which summary statistics about these activities can be published after they occur.

Plans for Wider Dissemination

BTS is an active participant in the Department's Data.gov Working Group. All information for which BTS is responsible outlined above is in the queue for posting to Data.gov. DOT will submit these data sets to Data.gov by the end of fiscal year 2011. The Data.gov working group will also assist OST in identifying methods for improving the release of enforcement orders, cessation bulletins, and the annual report on disability-related air travel complaints in more open, accessible, and modern formats.

Pipeline and Hazardous Materials Safety Administration

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has broad regulatory responsibility for pipeline safety and compliance as well as hazardous materials facility safety and compliance. The PHMSA meets this responsibility through:

- field inspections of facilities and construction projects
- programmatic inspections of pipeline operator management systems, procedures, and processes
- incident investigations, and
- direct dialogue with operator management.

To facilitate compliance, PHMSA:

- clarifies its regulatory expectations with published inspection forms and protocols
- interprets rules and makes these interpretations available online
- develops guidance manuals and advisory notices
- posts frequently asked questions (FAQs) online
- posts enforcement actions on its website, and

- conducts public meetings and workshops.

Finally, PHMSA has available a full range of enforcement mechanisms to require that operators take appropriate and timely corrective actions for violations, and that they take preventive measures to preclude future failures or non-compliant operation of their pipelines and hazardous materials facilities.

Information Already Available to the Public

The PHMSA makes a broad array of information available to the public through its Web site. The PHMSA Pipeline Safety Office has made significant progress in making information on its regulatory compliance and enforcement activities available to the public. In the spring of 2007, PHMSA significantly enhanced the transparency of its enforcement program actions. A new section of the [Stakeholder Communications web site](#) was developed to provide industry-wide and operator-specific enforcement information. Commonly referred to as the [Enforcement Transparency web site](#), reports and supporting explanatory information now provide:

- The total number of enforcement cases that are [opened and closed](#) each year.
- The different types of enforcement [cases that are opened each year](#) (e.g., the number of Corrective Action Orders issued, the number of Notices of Probable Violation letters issued, etc.)
- The different types of enforcement [actions taken to resolve cases each year](#) (e.g., the number of Corrective Action Orders closed, the number of Final Orders issued, etc.)
- Summary level [case status information](#) on a year-by-year basis that shows how many cases opened in a given year are still open and how many are closed. Separate status reports are provided for each type of case PHMSA initiates.
- The number of [civil penalty cases opened](#) in a given year and the total civil penalties proposed in those cases. This report also shows the number of civil penalty cases opened in a given year that are still open and how many are closed.
- The [resolution of civil penalty cases](#) including a comparison of the civil penalty amounts proposed, assessed, and collected.

In the fall of 2010, PHMSA introduced a new series of [operator-specific reports](#) on the Stakeholder Communications web site. These new reports allow the public to readily access information on specific pipeline operators. For the first time, PHMSA now provides information on a specific operator in a single location on its web site. This information includes the operator's pipeline mileage, and accident, inspection, and enforcement history. These new operator reports represent the first time PHMSA has made summary level information on its inspection program available to the public. Within the [inspection history portion of these reports](#) is a listing of all specific inspections performed since 2005, the type of inspection conducted, the Region conducting the inspection, and the specific enforcement cases that resulted from the inspection, if any. The enforcement actions are linked to the individual case reports described previously for the Enforcement Transparency web site. PHMSA provides summary level information on [state pipeline safety program enforcement actions](#). This data is reported to PHMSA annually as part of the each state's program certification. For each state agency, two reports are provided.

The PHMSA Hazardous Materials Safety Office also makes extensive information available to the public. PHMSA's [public enforcement transparency web site](#) provides access to a variety of reports and enforcement program information. This site provides year-by-year reports on cases initiated and closed; information on the status of different types of enforcement cases, and reports on civil penalties. Information and documents on closed individual cases against each regulated entity is also provided. These documents include the notice letters that allege company violations or inadequacies, responses to these allegations, and the orders documenting PHMSA's final determinations.

Recently, PHMSA added a [new statistics section](#) to the Hazardous Materials enforcement transparency Web site to provide annual and 10-year summary reports that include the number of incidents related to specific causes, the number of injuries or fatalities, as well the cost of damages. Users can download up-to-date, useful information from the database because it is updated on a nightly basis and the data can be sorted based on the details of the incident. The creation of this database streamlines the delivery of this information to the public and continues PHMSA's commitment to increased transparency.

Plans for Making Additional Information Available

As discussed above, PHMSA a leader in the proactive disclosure of regulatory enforcement and compliance information. Enforcement case documents and data are posted as a case progresses, and information can be accessed and studied in a number of ways.

Plans for Wider Dissemination

PHMSA is an active participant in the Department's Data.gov Working Group. All information outlined above is in the queue for posting to Data.gov. DOT will submit these data sets to Data.gov by the end of fiscal year 2011.

DOT Agencies without Broad Enforcement and Compliance Authority

As discussed earlier in this report, many of DOT's modes have limited regulatory authority. These include:

- The Federal Highway Administration (FHWA) is not a traditional enforcement agency; it primarily operates grant programs. FHWA does have an oversight role at all stages of a project where Federal-aid monies are involved, largely at the project approval level. When a State department of transportation submits its plans, specifications, and estimates for a project, FHWA Division office staff evaluate the project's compliance with Federal laws before approving the project. Similarly, as the project moves forward and reimbursement is sought, the FHWA continually assesses compliance with Federal laws and regulations and, if a violation is found, uses its authority under 23 USC 1.36 to withhold Federal funds and take such other action as is appropriate under the circumstances until compliance or remedial action has been accomplished by the State. Correspondence with the States indicating that the FHWA may withhold funds for a

project under 23 CFR 1.36 is not made available to the public or other States or Federal agencies. However, FHWA does make available to the public suspension and debarment notices at the ELPS website, accessible via the DOT OST Suspension and Debarment Program page, and information on the disposition of Buy America waiver requests. The public can view waiver requests at:

www.fhwa.dot.gov/construction/contracts/waivers.cfm

- The Federal Transit Administration (FTA) – like FHWA, FTA is not a major enforcement agency. It does make available to the public and to States decisions enforcing the prohibition on the use of FTA financial assistance to operate charter bus services and school bus services, information on the purchase of U.S. goods with FTA financial assistance, and Equal Employment Opportunity compliance reviews (including the Americans with Disabilities Act and Disadvantaged Business Enterprises). It does conduct a wide variety of audits on grantees, including State safety oversight reviews, drug and alcohol program inspections, program management oversight reviews, procurement system reviews, State management reviews, Triennial reviews and financial management oversight reviews. It does not make results available to the public or States (except the subject of the review). We will examine whether these audits generate any useful, releasable data.
- The Maritime Administration (MARAD) is primarily a promotional agency with limited regulatory enforcement and compliance responsibilities. Upon noticing noncompliance of maritime laws and regulations, MARAD notifies the appropriate agency -- the U.S. Coast Guard, the Department of Defense, or the Internal Revenue Service -- so that they can undertake enforcement. While MARAD does have statutory authority in place to assess penalties for non-compliance with the Cargo Preference rules, it has not yet promulgated implementing regulations for assessing penalties.
- The Saint Lawrence Seaway Development Corporation (SLSDC) - The SLSDC and the U.S. Coast Guard (USCG), in conjunction with Transport Canada and the SLSMC, signed a Memorandum of Understanding in March 1997 to develop a program of coordinated vessel inspection and enforcement activities to expedite the safe transit of shipping through the Great Lakes Seaway System. The principal goal of the Enhanced Seaway Inspection (ESI) program is to inspect all ocean vessels for safety and environmental protection in Montreal, Quebec, before they enter U.S. waters. The program includes Seaway regulations, legislated USCG port-state inspection, and the International Safety Management Code (ISM). Other transit related inspections conducted by SLSDC personnel include ballast water screenings and security-related risk assessment inspections, which are conducted concurrently with the ESI. The USCG makes certain parts of their inspection results, such as pollution violations and vessel incident information public in a database located on its [Web site](#).

Information Already Available to the Public

Following is a summary of activities that are already available to the public for these agencies:

- Any suspension and debarment activities undertaken by the FHWA and FTA are published through the General Services Administration's [Excluded Parties List System](#).
- FHWA and FTA conduct reviews of waivers and violations of the *Buy America Act*. Information on these activities are found at:
 - FHWA [Web site](#), once waiver decisions are made.
 - FTA [Web site](#).
- FTA conducts reviews of certain expenditures to ensure that funds are applied in accordance with the law:
 - Enforcement of provisions regarding charter bus service
 - From 1996 to 2008, on the [FTA Web site](#).
 - From 2008 to present, at regulations.gov in docket [FTA-2007-0024](#).
 - Enforcement of provisions regarding school bus service at the [FTA Web site](#).
- FTA also evaluates grantees for compliance under Title VI of the Civil Rights Act of 1964, and publishes compliance reports at the [FTA Web site](#).
- SLSDC publishes an annual report on the Ballast Water Exchange Inspection in coordination with Canada. This report is available at the [Seaway Web site](#)

Plans for Making Additional Information Available

MARAD intends to begin publishing information regarding shipper agency compliance with its current Cargo Preference Rule at its Web site.

The Office of the Secretary's Office of Drug & Alcohol Policy & Compliance (ODAPC) publishes information on Public Interest Exclusions, but has only had one such case during the last ten years. Information is available at the [ODAPC Web site](#). If more exclusions are made, release practices may be reviewed.

The SLSDC issues tickets for violations of the joint regulations that occur in U.S. waters, which typically involve speeding. Depending on where the speeding occurs, either the SLSDC (U.S.) or SLSMC (Canada) issues the actual violation. SLSDC averages 6-8 tickets per year. Making only the U.S. violations public would not give a consumer an accurate picture of a vessel's transit violations in the Seaway System. Releasing complete information on SLSDC and SLSMC ticketing would require negotiations with Canada. This is lower priority data, therefore, we have no plans to make additional information regarding these activities available at this time.

As noted above, FTA conducts a wide variety of audits on grantees, including safety oversight audits, drug & alcohol program inspections, program management oversight, procurement system reviews, state management reviews, and financial management oversight reviews. The results of these audits are shared only with the subject of the review, and are not part of any regulatory compliance or enforcement activity.

Plans for Wider Dissemination

Where appropriate, the Department's Data.gov working group will also assist these modes with little enforcement authority in identifying methods for improving the release of the data underlying these activities in more open, accessible, and modern formats.

Public Availability of DOT Plan

DOT will post a copy of this preliminary report on its regs.dot.gov website and invite the public to comment on it and about the accessibility, downloadability, searchability, and usefulness of specific data.

Appendix A – Information Already Available to the Public

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
OA	1. Activity	2 Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
OST (C-70)	Flight Delay Statistics by Airline (ATCR)	Yes Available at http://airconsumer.dot.gov	Yes	Yes		
OST (C-70)	Flight Delay Statistics by Airline and Airport (ATCR)	Yes Available at http://airconsumer.dot.gov	Yes	Yes		
OST (C-70)	Mishandled Baggage Statistics by Airline (ATCR)	Yes Available at http://airconsumer.dot.gov	Yes	Yes		
OST (C-70)	Airline Consumer Complaints by Categories (ATCR)	Yes Available at http://airconsumer.dot.gov	Yes	Yes		
OST (C-70)	Airline Consumer Complaints by Airlines (ATCR)	Yes Available at http://airconsumer.dot.gov	Yes	Yes		
OST (C-70)	Loss, Injury, or death of an animal in air transportation (ATCR)	Yes Available at http://airconsumer.dot.gov	Yes	Yes		
OST (C-70)	Airline on time arrival statistics (ATCR)	Yes Available at http://airconsumer.dot.gov	Yes	Yes		
OST (C-70)	On-time arrival and departure percentage by airport (ATCR)	Yes Available at http://airconsumer.dot.gov	Yes	Yes		
OST (C-	Percentage of	Yes	Yes	Yes		

Appendix A – Information Already Available to the Public

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
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70)	Flight Cancellations by Airline (ATCR)	Available at http://airconsumer.dot.gov				
FTA	Enforcement of 49 U.S.C. 5323(d) prohibition on use of FTA financial assistance to operate charter bus services	Yes. Decisions from 1996 to 2008 are posted at http://www.fta.dot.gov/laws/legislation/leg_reg_8807.html . Decisions from 2008 to the present are posted at http://www.regulations.gov/#!doCKETDetail;D=FTA-2007-0024	Yes	Decisions are publicly posted.		
FTA	Enforcement of 49 U.S.C. 5323(f) prohibition on use of FTA financial assistance to operate school bus services	Yes. Decisions are posted at http://www.fta.dot.gov/laws/leg_reg_8724.html	Yes	Decisions are publicly posted.		
FTA	Enforcement of 49 U.S.C. 5323(j) requirements regarding purchase of U.S. goods with FTA financial assistance	Yes. Decisions and guidance are posted at http://www.fta.dot.gov/laws/leg_reg_598.html	Yes	Decisions are publicly posted.		
FMCSA	Motor Carrier Safety Measurement	Yes. SMS data is available at http://ai.fmcsa.dot.gov .	Yes. FMCSA has made the SMS scores	Yes. Expanded information is shared with State &	The next phase of SMS data release to the public will	Our next steps are twofold --new information to release

Appendix A – Information Already Available to the Public

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
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	System (SMS)		and the company registration data available for public download. (http://ai.fmcsa.dot.gov/SMS/Data/Downloads.aspx).	Federal Agencies through a password protected page from http://ai.fmcsa.dot.gov .	either involve expanded summary information related to SMS, or the detailed crash and inspection records that go into SMS.	in bulk and ways to tailor the release so that users get what they want without the need to get extraneous information.
FMCSA	Safety Programs (Reviews, Roadside Inspection, Traffic Enforcement)	Yes. Safety programs data is available at http://ai.fmcsa.dot.gov .	Yes. National and State level enforcement information is available through the “Safety Programs” section of A&I Online (http://ai.fmcsa.dot.gov/SafetyProgram/home.aspx). At this website, the public has the opportunity to view and download aggregated data for multiple years with options to filter the information by types and locations of companies.	Yes. FMCSA provides States with software and data needed to perform roadside inspections (ASPEN), interventions (CAPRI), safety audits (SENTRI), and prioritize carriers for roadside inspections (ISS and Query Central). FMCSA distributes data to roadside State law enforcement officers through the Commercial Vehicle Information Systems and Networks (CVISN) program. FMCSA assists States in keeping unsafe companies off the road through the Performance and Registration Information Systems	There has been some public demand for inspection records, and it is being considered for public release. Data quality standards and performance are available online at http://ai.fmcsa.dot.gov/DataQuality/dataquality.asp .	FMCSA may release details of roadside inspections and crashes and should consider releasing details of compliance reviews and safety audits. The first two items directly feed SMS and would provide additional transparency to the process. The inspection file is large (over 3.5 million inspections in each of the past two years and over 7 million violations per year), but manageable. Compliance reviews (interventions) and safety audits would help provide additional transparency, but might raise questions on FMCSA and State operations (such as why ratings were not available for reviews

Appendix A – Information Already Available to the Public

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
OA	1. Activity	2 Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
				Management (PRISM) program.		uploaded late).
FMCSA	Crash Statistics	Yes. Crash statistics are available at http://ai.fmcsa.dot.gov .	Yes. FMCSA provides information about large truck and bus crashes, provided by the States. All of this information is available in aggregate at National and State levels and in detail at a motor carrier (company) level through FMCSA's Analysis & Information Online (A&I Online) website at http://ai.fmcsa.dot.gov .	Yes. The information is publically available, however a special download is available to State Partners through the MCSAP page on A&I.	There has been some public demand for crash data records, and it is being considered for public release. Data quality standards and performance are available online at http://ai.fmcsa.dot.gov/DataQuality/dataquality.asp .	FMCSA works with NHTSA data sources, but there are differences in how our data are collected and used. FMCSA works with other DOT modes through the Traffic Records Coordinating Committee (TRCC) in order to standardize data whenever possible.
FMCSA	Passenger Carrier Statistics	Yes. Passenger Carrier statistics are available at http://ai.fmcsa.dot.gov .	Yes. FMCSA provides reports and information regarding its passenger carrier program. Reports can be downloaded or printed via pdf.	Yes. This information is geared towards public consumption of information. We have an internal system called GOTHAM that provides Passenger carrier data analysis to FMCSA and State Partners.	The information in this section is coordinated closely with the SMS and Safety Programs sections of the A&I website.	The information on this site already combines multiple FMCSA data sources to provide a "one-stop shopping" experience for users.
FMCSA	MCSAP (Motor	Yes.	Yes.	Yes.	The information in	Information on the

Appendix A – Information Already Available to the Public

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
OA	1. Activity	2. Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
	Carrier Safety Assistance Program) (Quarterly Report/CVSP Dashboard, CVSP Toolkit, State Data Summary, State Safety Performance Measure)	Quarterly reports, CVSP data dashboard and state data summary are available. State safety performance measures and the CVSP toolkit are not publically available.	There are data filters on the MCSAP website that allow users to view MCSAP program activities on a State level. Datasets are also available to support State-level decision making.	To provide States with the data needed to analyze safety problems and monitor their safety programs through a MCSAP program dashboard, a toolkit for developing their Commercial Vehicle Safety Plans (part of the MCSAP grant application process), and other monitoring tools on A&I (http://ai.fmcsa.dot.gov/StatePrograms/Home.aspx).	this section is coordinated closely with the SMS and Safety Programs sections of the A&I website.	MCSAP website is provided in a number of formats (charts, tables and downloadable data) to make it easy for the user to view the data in a way that makes sense to them.
FMCSA	Closed Enforcement Cases	Yes. Information about closed cases for the past 6 years is available at: http://www.fmcsa.dot.gov/facts-research/enforcement-reports/enforcement-reports.aspx .	Yes. Information on closed civil penalties is available on FMCSA's main website. The public can search for particular companies or violations in certain Parts of the Federal Motor Carrier Safety Regulations (FMCSRs). The data is also	Yes. This information is geared towards public consumption of information. We have an internal system called EMIS that provides enforcement case data to FMCSA and State Partners.	FMCSA is working to provide this information in a more timely manner (monthly or weekly rather than quarterly).	

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			available for download in multiple formats (Excel and searchable PDF) for multiple years.			
SLSDC	Joint U.S./Canadian Enhanced Seaway Inspection Program (ESI); 33 CFR Part 401	Yes	Some is accessible.	Yes		
FRA	Accident/ Incident Data	Yes the data can be found at: http://safetydata.fra.dot.gov Can also be accessed through FRA's web-site at: www.fra.dot.gov	Yes	Yes	Data can be searched and prioritized in a variety of ways	Railroads Identified by Railroad Code and data presented in tables, charts and graphs
FRA	Signal Activation Failures and False Proceeds	Yes the data can be found at: http://safetydata.fra.dot.gov Can also be accessed through FRA's web-site at: www.fra.dot.gov	Yes	Yes	Data can be searched and prioritized in a variety of ways	Railroads Identified by Railroad Code and data presented in tables, charts and graphs
FRA	Crossing Inventory	Yes the data can be found at: http://safetydata.fra.dot.gov Can also be accessed through FRA's web-site at: www.fra.dot.gov	Yes	Yes	Data can be searched and prioritized in a variety of ways	Railroads Identified by Railroad Code and data presented in tables, charts and graphs
FRA	Inspection Data and Dashboard	Yes Limited - FRA will provide	No	No	Data can be searched and	Data presented in tables, charts and

Appendix A – Information Already Available to the Public

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
OA	1. Activity	2 Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
		summary information when requested. Used as a work resource and evaluation tool			prioritized in a variety of ways	graphs
ODAPC (OST)	Public Interest Exclusion Decisions (PIE) see 49 CFR Part 40, Subpart R	Yes - published in the Federal Register when issued & available at: http://www.dot.gov/ost/dapc/pie.html	Yes	Yes	N/A	N/A
NHTSA	Results of NHTSA testing for compliance with Federal Motor Vehicle Safety Standards (FMVSS)	Yes. Available at http://www.nhtsa.gov/cars/problems/comply/	Accessible, downloadable and searchable. Contains testing data from 2003 to present. Searches can be performed for equipment and vehicles by Year, Make/Brand, and Model or by Federal Motor Vehicle Safety Standard (FMVSS). Once a list of test results (pass or fail) is retrieved, the final test report can be viewed or saved.	Data shared with CPB, EPA, sometimes FMCSA, and other countries including Canada.		
NHTSA	Defect Investigations - Consumer Complaints	Yes. Available at http://www-odi.nhtsa.dot.gov/complaints/	Accessible, downloadable and searchable. Contains data from January 1, 1995 to present. Searches			

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			can be performed for child seats, tires, equipment and vehicles by Year, Make/Brand, and Model or Component. Once a list of complaints is retrieved, the complaint or a summary can be viewed or saved. No personal identifiers are included. The information is updated nightly. Note: An online form provides the capability to file a complaint.			
NHTSA	Defect Investigations - Technical Service Bulletins	Yes. Available at http://www-odi.nhtsa.dot.gov/tsbs/	Accessible, downloadable and searchable. Contains data from January 1, 1995 to present. Searches can be performed for child seats, tires, equipment and vehicles by Year, Make/Brand, and Model or Component. Also contains			

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OA	1. Activity	2 Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
			summaries of bulletins. The information is updated nightly.			
NHTSA	Defect Investigations - Early Warning Reporting	Some are available. (Information including deaths, injuries, property damage and light vehicle production) Available at http://www-odi.nhtsa.dot.gov/ewr/	Accessible, downloadable and searchable. Contains data from July 2000 to present. Searches can be performed by Manufacturer, Report Type and Reporting Period. The information is updated quarterly. No personal identifiers or business confidential data are included.			
NHTSA	Defect Investigations	Yes. Available at http://www-odi.nhtsa.dot.gov/defects/	Accessible, downloadable and searchable. Contains data from January 1, 1972 to present. Searches can be performed for child seats, tires, equipment and vehicles by Year, Make/Brand, and Model or Component. Once a list of			

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OA	1. Activity	2 Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
			investigations is retrieved, documents from the investigation can be viewed or saved. The information is updated nightly. No personal identifiers or business confidential data are included.			
NHTSA	Recall Campaigns	Yes. Available at http://www-odi.nhtsa.dot.gov/recalls/	Accessible, downloadable and searchable. Contains data from January 1, 1966 to present. Searches can be performed for child seats, tires, equipment and vehicles by Year, Make/Brand, and Model or Component. Once a list of recalls is retrieved, documents such as defect or noncompliance report, representative letter to owners and quarterly			

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Department of Transportation - Regulatory Enforcement & Compliance Data Review						
OA	1. Activity	2 Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
			report may be viewed or saved. The information is updated nightly. No business confidential data are included.			
NHTSA	Foreign Recall Campaigns	Yes. Available at http://www-odi.nhtsa.dot.gov/frecalls/	Accessible, downloadable and searchable. Contains data from November 20, 2000 to present. Searches can be performed by date range and Manufacturer. Once a list of recalls is retrieved, a copy of the report can be viewed or saved. The information is updated nightly. No business confidential data are included.			
FHWA	Suspension and Debarment	Yes This information is made available on the GSA EPLS website, accessible via the DOT OST Suspension and Debarment Program page.	Y	Y Once a case is decided, we have provided upon request copies of the suspension and debarment notices, which are letters that serve as the decision		

Appendix A – Information Already Available to the Public

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
OA	1. Activity	2 Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
				for the agency, to the OIG and Division Administrators who refer a case to us.		
FHWA	Buy America Waiver Requests	Y This information is made available to the public on the FHWA Web site at www.fhwa.dot.gov/construction/contracts/waivers.cfm . After a decision has been made whether the waiver should be granted, a notice is also published in the Federal Register. Members of the public can also sign up for email alerts from the FHWA web site when new waiver requests are posted.	Y	Y Waiver information is shared with the State in which the project is located and is otherwise available for review on the FHWA website. FHWA also produces a Quarterly Report to Congress.		
MARAD	Statistical data for preference cargo shipped by US AID and Dept. of Agriculture showing funds expended and tonnage.	To be placed on MARAD's website.	Will be accessible, downloadable, searchable and 508 compliant.	Compiled from shipping agency calculations.		
PHMSA PIPELINE	Stakeholder Communication web site: Information on its regulatory compliance and enforcement	Yes. Available at http://primis.phmsa.dot.gov/comm/	Accessible and downloadable.	Yes	Yes	No

Appendix A – Information Already Available to the Public

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
OA	1. Activity	2 Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
	activities available to the public.					
PHMSA PIPELINE	Enforcement Transparency web site: Provide industry-wide and operator-specific enforcement information.	Yes. Available at http://primis.phmsa.dot.gov/comm/reports/enforce/Enforcement.html?nocache=8644	Accessible and downloadable.	Yes	Yes	No
PHMSA PIPELINE	The total number of enforcement cases that are opened and closed each year.	Yes. Available at http://primis.phmsa.dot.gov/comm/reports/enforce/EnfHome.html?nocache=2161	Accessible and downloadable.	Yes	Yes	No
PHMSA PIPELINE	The different types of enforcement cases that are opened each year.	Yes. Available at http://primis.phmsa.dot.gov/comm/reports/enforce/Actions_op_id_0.html?nocache=7143	Accessible and searchable.	Yes	Yes	No
PHMSA PIPELINE	The different types of enforcement actions taken to resolve cases each year.	"Yes. Available at http://primis.phmsa.dot.gov/comm/reports/enforce/Actions_op_id_0.html?nocache=7143# TP_1_tab_2 "	Accessible and searchable.	Yes	Yes	No
PHMSA PIPELINE	Summary level case status information on	"Yes. Available at http://primis.phmsa.dot.gov/comm/reports/enforce/CaseStatus	Accessible and searchable.	Yes	Yes	No

Appendix A – Information Already Available to the Public

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
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	a year-by-year basis.	_opid_0.html?nocache=8759"				
PHMSA PIPELINE	The number of civil penalty cases opened in a given year and the total civil penalties proposed in those cases	"Yes. Available at http://primis.phmsa.dot.gov/comm/reports/enforce/CivilPenalty_opid_0.html?nocache=5512#_TP_1_tab_1 "	Accessible and searchable.	Yes	Yes	No
PHMSA PIPELINE	The number of civil penalty cases opened in a given year and the total civil penalties proposed in those cases	"Yes. Available at http://primis.phmsa.dot.gov/comm/reports/enforce/CivilPenalty_opid_0.html?nocache=5512#_TP_1_tab_2 "	Accessible and searchable.	Yes	Yes	No
PHMSA PIPELINE	Operator-specific reports allow the public to readily access information on specific pipeline operators.	"Yes. Available at http://primis.phmsa.dot.gov/comm/reports/operator/OperatorList.html?nocache=3692 "	Accessible and searchable.	Yes	Yes	No
PHMSA PIPELINE	Summary level inspection history portion of these reports .	"Yes. Available at http://primis.phmsa.dot.gov/comm/reports/operator/OperatorListE_opid_31618.html?nocache=8034#_InspectionActivity_tab_2 "	Accessible and searchable.	Yes	Yes	No
PHMSA	Summary level	"Yes. Available at	Accessible and	Yes	Yes	No

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PIPELINE	information on state pipeline safety program enforcement actions	http://primis.phmsa.dot.gov/comm/reports/stenforce/StateEnfDet_state_AZ.html?nocache=657	searchable.			
PHMSA HAZMAT	PHMSA Hazardous Materials safety also makes extensive information available to the public. PHMSA's public enforcement transparency web site provides access to a variety of reports and enforcement program information.	Yes. Available at http://www.phmsa.dot.gov/hazmat/enforcement/reports-documents	Accessible and searchable.	Yes	Yes	No
PHMSA HAZMAT	Statistics section to the Hazardous Materials enforcement transparency provides annual and 10-year summary reports that include the	Yes. Available at http://www.phmsa.dot.gov/hazmat/library/data-stats/incidents	Accessible and searchable.	Yes	Yes	No

Appendix A – Information Already Available to the Public

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
OA	1. Activity	2 Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
	number of incidents related to specific causes, the number of injuries or fatalities, as well the cost of damages.					

Appendix B – Information Already Available to the Public, but release practices could be improved

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
OA	1. Activity	2. Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
FAA	Certificate Actions (e.g., suspensions and revocations of certificates)	Basic information about closed certificate actions against entities are posted quarterly at http://www.faa.gov/about/offices/headquarters_offices/agc/operations/agc300/reports/quarters/ All other actions available under FOIA.	Info. posted on internet is not searchable. Info. about certificate actions is stored in EIS, FAA's National Database for enforcement actions. EIS is not open to search or review by public.	Pursuant to a request for such information	FAA will take measures to improve the accessibility, searchability, and usability of these reports.	
FAA	Civil Penalty Actions	Basic information about closed civil penalty actions against entities are posted quarterly at http://www.faa.gov/about/offices/headquarters_offices/agc/operations/agc300/reports/quarters/ All other actions available under FOIA.	Info. posted on internet is not searchable. Info. about civil penalty actions is stored in EIS, FAA's National Database for enforcement actions. EIS is not open to search or review by public.	Civil penalty cases >\$50K for small business concerns or >\$400K for other businesses might be referred to DOJ for processing but not publication. Civil Penalty cases might be referred to Dept. of Treasury for collection, but not publication. Otherwise, civil penalty actions would be referred to a state or Federal agency upon request.	FAA will take measures to improve the accessibility, searchability, and usability of these reports.	
FAA	Issuance of Judicially Enforceable Orders, e.g., cease and	Basic information about closed actions against entities are posted quarterly at http://www.faa.gov/about/offices/headquarters_offices/agc/	Info. posted on internet is not searchable. Info. about cp actions is stored in EIS,	Would refer orders to DOJ for judicial enforcement, not for publication. Otherwise, orders	FAA will take measures to improve the accessibility, searchability, and	

Appendix B – Information Already Available to the Public, but release practices could be improved

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
OA	1. Activity	2. Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
	desist, compliance	operations/agg300/reports/quarters/ All other actions available under FOIA.	FAA's National Database for enforcement actions. EIS is not open to search or review by public.	would be shared upon request.	usability of these reports.	
OST (C-70)	Enforcement Orders/ Settlement Agreements	Yes Available at http://airconsumer.dot.gov and www.regulations.gov	Yes	Yes		
OST (C-70)	Industry Notices/ Guidance Regarding Aviation Rules and Statutes	Yes Available at http://airconsumer.dot.gov	Yes	Yes		
OST (C-70)	Annual Report on Disability-Related Air Travel Complaints	Yes Available at http://airconsumer.dot.gov	Yes	Yes		
OST (C-70)	Airline Service Cessation Bulletins	Yes Available at http://airconsumer.dot.gov	Yes	Yes		
FTA	EEO Compliance Reviews - FTA contracts for reviews to determine if the grantee's required efforts under Title VI of the Civil	ADA compliance determinations are posted at http://www.fta.dot.gov/civilrights/ada/civil_rights_3903.html	Yes	ADA compliance reviews are publicly posted.		

Appendix B – Information Already Available to the Public, but release practices could be improved

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OA	1. Activity	2. Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
	Rights Act of 1964, Disadvantaged Business Enterprise programs and the Americans with Disabilities Acts requirement are in compliance with Federal law.					
FMCSA	Household Goods Carrier Statistics	Yes. Information about household goods carriers is available at https://www.protectyourmove.gov .	Yes. Members of the public can search for moving companies and view complaint histories. Members of the public may also submit complaints through the National Consumer Complaint Database.	Yes. This information is geared towards public consumption of information. We have an internal system called GOTHAM that provides HHG carrier data analysis to FMCSA and State Partners.	The information in this section is coordinated closely with the SMS and Safety Programs sections of the A&I website. Information underlying the search tool could be made more accessible in bulk or via an API.	The information on this site already combines multiple FMCSA data sources to provide a "one-stop shopping" experience for users.
FMCSA	Adjudications	Yes. Orders in cases adjudicated by the Assistant Administrator are available at http://www.regulations.gov or http://www.fmcsa.dot.gov/about	Yes. Orders are searchable by docket number at regulations.gov , but cases from	Yes. The adjudications orders are publically available and the website was shared with the other modes.	FMCSA plans to update the orders on its internal site as they are issued and is working towards having pre-2009	The Office of Chief Counsel developed its own searchable database of adjudications. An FAQ regarding Civil Penalty

Appendix B – Information Already Available to the Public, but release practices could be improved

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
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		t/offices/cc/chiefcounsel.aspx.	2009-present are searchable on the Office of Chief Counsel website.		cases posted. The search capability will also be further refined.	Proceedings is also available for carriers.
FMCSA	Exemptions	Yes. Some information about medical exemptions are published in the Federal Register.	No. Although the information is maintained in a searchable form, the records, which include sensitive medical information and PII, are not available to the public.	Yes. FMCSA notifies the State licensing and motor carrier enforcement agencies of the exemptions granted and revoked.	The Vision and Diabetes Exemption Programs are priorities for the Office of Policy because of the Congressional interest in helping constituents begin or continue their careers in trucking.	FMCSA is developing a "Med-Ex" web site to support online applications for medical exemptions. The system will also provide for improved management of the records.
SLSDC	Ballast Water Exchange Inspections, part of the ESI.	Yes. The annual Bi-national Ballast water Inspection Summary Report is made publically available at http://www.greatlakes-seaway.com/en/pdf/2010_BW_Rpt_EN.pdf	Yes. It is not searchable.	Yes		
FRA	GIS Mapping of National Rail System and Crossings	Yes the data can be found at: www.fra.dot.gov by looking under freight data	Yes	Yes	Data can be searched and prioritized in a variety of ways	
FRA	Annual Enforcement Report	Yes the data can be found at: www.fra.dot.gov	Yes limited - PDF document that can be searched through word search.	Yes	The document provides a variety of information regarding FRA's enforcement activities - most in summary format.	Railroads Identified by Railroad Code

Appendix B – Information Already Available to the Public, but release practices could be improved

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OA	1. Activity	2. Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
					FRA could make data underlying the report more accessible and searchable.	
FRA	Annual Civil Penalty Report	Yes the data can be found at: www.fra.dot.gov	Yes limited - PDF document that can be searched through word search.	Yes	The document provides information regarding annual civil penalty assessments and settlements. FRA could make data underlying the report more accessible and searchable.	Railroads Identified by Railroad Code
NHTSA	Corporate Average Fuel Economy	Yes. Available at http://www.nhtsa.gov/fuel-economy Latest version: http://www.nhtsa.gov/staticfiles/rulemaking/pdf/cape/Fines_Collected_112010.pdf	Accessible and downloadable but not searchable. Data is maintained in a spreadsheet. Report generated at least twice per year (after civil penalties are paid) of penalties collected since 1978 and made available as a "PDF".	DOE and Congressional Research Services periodically request data.		

Appendix C – Information not currently available to the Public

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
OA	1. Activity	2. Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
FAA	Inspections, Investigations	No, except under FOIA. Results of investigation/inspection protected under 7(A) until enforcement action taken or case closed.	No, this information is voluminous and is stored in program office specific databases (not open to searches or review by public).	Yes, case-by-case basis when possible criminal activity is discovered or noncompliance within jurisdiction of other Fed. Agency.		
FAA	Reexamination	No, except under FOIA.	No, this information is stored in program office specific databases (not open to search or review by public).	Pursuant to a request for such information		
FAA	Informal Actions	No, except under FOIA.	No, this information is stored in program office specific databases (not open to search or review by public).	Pursuant to a request for such information		
FAA	Administrative Actions (Warning Notices and Letters of Correction)	No, except under FOIA.	No, this information is stored in program office specific databases.	Pursuant to a request for such information		
OST (C-70)	Warning Letters to Regulated Entities	No These documents are not publicly available or typically shared with State and Federal Agencies. The disclosure of	No	Yes (Federal) No(State)		

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
OA	1. Activity	2. Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
		<p>this type of data could cause public confusion as to the culpability of the regulated entity where the findings in the documents have not been adjudicated and the entity has not agreed to them. A requirement to disclose warning letters could cause harm to our enforcement program and result in the office abandoning a useful enforcement tool.</p>				
OST (C-70)	Airline Compliance Inspection Schedule	<p>No</p> <p>Each year the Aviation Enforcement Office plans to conduct five to seven on-site investigations at the headquarters of certain airlines. We conduct these investigations by sending a team of staff, including attorneys and transportation industry analysts, to the airline’s headquarters and conducting a thorough review of the airline’s records in connection with its compliance with Department regulatory matters, such as training records, airline passenger complaints, and refund and baggage claims. The airline receives information about our</p>	No	No		

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OA	1. Activity	2. Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
		visit no more than three weeks before the actual visit. The is a very important investigative tool and to release specific information about our visits such as dates or airline names could be detrimental to our review of material and to any enforcement case that is initiated as a result of the visit. The information could also be damaging to the reputation of the airline in question since these visits do not necessarily reflect any compliance issues or result in an enforcement action. In addition, scheduled visits are often canceled or rearranged because of unanticipated budget constraints or exigent circumstances at the airline.				
FTA	State Safety Oversight Reviews - FTA audits each of the State Safety Oversight agencies on a three-year basis	No.	No	Results are shared with the audited entities.		
FTA	Drug & Alcohol program inspections - FTA implements	No.	No	Results are shared with the audited entities.		

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	regulations governing substance abuse management programs, under its drug and alcohol testing regulations for transit employees, published in February 1994.					
FTA	Program Management Oversight Reviews - FTA contracts with consultants to assist FTA to ensure compliance with statutory, administrative and regulatory requirements.	No.	No	Contract deliverable may be shared with the subject of the review.		
FTA	Procurement System Reviews - FTA contracts with consultants to review grantee procurement systems in an effort to ensure	No.	No	Results are shared with the subject of the review.		

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OA	1. Activity	2. Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
	grantees expend FTA assistance in accordance with Federal requirements					
FTA	State Management Reviews - FTA contracts for reviews of the States' implementation and management of their transit programs	No.	No	Results are shared with the subject of the review.		
FTA	Triennial Reviews - FTA contracts for reviews of grantee performance and adherence to current FTA requirements and policies.	No.	No	Results are shared with the subject of the review.		
FTA	Financial Management Oversight Reviews - FTA contracts for reviews to determine if a grantee's	No.	No	Results are shared with the subject of the review.		

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	financial management system meets the requirements of the Common Grant Rule (49 C.F.R. Part 18)					
FMCSA	Driver Safety Information (Driver Safety Management System (DSMS), Driver Information Resource, GOTHAM Reports)	No. FMCSA does not post the personally identifiable information (PII) of commercial drivers involved in a roadside inspection or crash. FMCSA does provide this information to the motor carrier listed on these reports as well as to Federal and State enforcement personnel.	No.	Yes. Driver safety information is shared with State & Federal Agencies through a password protected page from http://ai.fmcsa.dot.gov .	This information is not publically available, although FMCSA strives to improve data quality at every opportunity to increase the data integrity.	Lack of a Federal database of commercial drivers makes this very difficult.
SLSDC	Violations of joint Seaway regulations, primarily speeding; 33 CFR Part 401	No. The tickets are issued by country with jurisdiction over where the violation occurred. Release of only U.S. activity would not usefully inform the public of enforcement in the Seaway.	No.	Shared with Canada and the US Coast Guard		
FRA	Automated Track Inspection Program	No Used as a work resource and evaluation tool	Yes internal to FRA	Yes Limited - Sanitized and Upon request	Data can be searched and prioritized in a variety of ways	
FRA	Accident Investigation Data	No involves on-going investigations. PII involved	Yes internal to FRA	Yes Limited - Sanitized and Upon request	Data can be searched and prioritized in a variety of ways	Data presented in tables, charts and graphs

Appendix C – Information not currently available to the Public

Department of Transportation - Regulatory Enforcement & Compliance Data Review						
OA	1. Activity	2. Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
FRA	Railroad Enforcement System/VTMS - contains current violation reports and information	No contains ongoing violation information	Yes internal to FRA	Yes Limited - Provide summary information on request	Data can be searched and prioritized in a variety of ways	Railroads Identified by Railroad Code and data presented in tables and charts
FRA	PTC Website	No - proprietary and protected information. Limited public access.	No Each railroad has separate web drop box for submitting information	No		
FRA	Operational Test Data Reports	No On FRA's secure site. Contains PPI and other proprietary railroad information	Yes internal to FRA	Yes Limited - Provide summary information on request	Data can be searched and prioritized in a variety of ways	
FRA	National Inspection Plan	No management work planning tool	Yes internal to FRA	No	Data can be searched and prioritized in a variety of ways	
FRA	CWR Inspection Data	No internal planning tool	Yes internal to FRA	Yes Limited - Sanitized and Upon request	Data can be searched and prioritized in a variety of ways	Railroads Identified by Railroad Code and data presented in tables and charts
NHTSA	Registered Importers (RI): Suspensions and Revocations	No. Note: in the future, NHTSA will post and update an annual list of RIs whose registrations have been suspended or revoked. Most of the suspensions are for non-payment of renewal fees.	No. Note: NHTSA will post an accessible and downloadable list at: http://www.nhtsa.gov/cars/rules/import/	Data shared with CPB, EPA, sometimes FMCSA.		

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Department of Transportation - Regulatory Enforcement & Compliance Data Review						
OA	1. Activity	2. Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
		When the fees are paid, the RI will be reinstated and added to the list of active RIs. The list will be updated quarterly, if there is a change in any RI status.				
NHTSA	Forfeiture Cases	No. Customs and Border Protection (CBP) may request NHTSA's guidance in these cases and CBP is considered the owner of this data.	No. NHTSA is not the lead agency and does not have the status on all cases. The information should be obtained from DOJ and CBP.			
NHTSA	Civil penalties assessed for Noncompliance and Defect Violations	No. Note: in the future, NHTSA will post and update an annual list of civil penalty cases.	No. Note: NHTSA will post an accessible and downloadable list at: http://www.nhtsa.gov/Vehicle+Safety			
NHTSA	Ongoing criminal investigations into odometer fraud	No. Data is often subject to federal rules of criminal procedure and will not be made publically available. Post-indictment information generally available at US DOJ website - unless determined confidential by court order.	No. Data supports criminal investigative activities concerning multiple state, local, and federal enforcement agencies. Releasing this information would seriously hamper	Yes. Very limited Government agencies and entities on a need-to-know basis.		

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OA	1. Activity	2. Publicly Available?	3. Accessible, Downloadable, Searchable?	4. Shared With State & Federal Agencies?	5. Prioritization & Data Integrity?	6. Centralization/ Innovation/ Cross-Agency Comparison?
			the program effectiveness and jeopardize officer safety. DOJ is the lead agency in criminal cases. http://www.justice.gov/civil/ocpl/cases.html			