

# U.S. Department of Transportation: Background on Modal Administrations

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## U.S. Department of Transportation: Background on Modal Administrations

The Trump Administration's initiatives with respect to the staffing, funding, or management of several federal agencies have raised questions about possible reorganization plans for the Department of Transportation (DOT). Possible efforts to reorganize DOT may require congressional action due to the extent the department's organization is delineated in statute. For instance, for some modal administrations, certain duties and powers are to be carried out by that modal agency, while others are left to the Secretary of Transportation. As another example, the statute establishing the Federal Railroad Administration (FRA), Federal Motor Carrier Safety Administration (FMCSA), and the Pipeline and Hazardous Materials Safety Administration states that the powers or duties of these agencies within DOT may be transferred to another part of DOT or another federal government entity when specifically provided by law. In contrast, all duties and powers of the Maritime Administration (MARAD) are statutorily vested in the Secretary of Transportation.

DOT was established in 1966 (P.L. 89-670) and began operations on April 1, 1967. Its creation consolidated stand-alone agencies (e.g., the Federal Aviation Agency and the Bureau of Public Roads) and moved certain functions from other agencies (e.g., transferred railroad safety from the Interstate Commerce Commission to a newly created FRA). Other agencies were transferred or created after 1967, such as MARAD, FMCSA, and the National Highway and Traffic Safety Administration.

Reorganization efforts by former Administrations have sought to address a common observation about DOT—it is organized by transportation mode instead of by cross-modal functions, such as infrastructure planning and safety. In 1978, President Carter proposed to consolidate planning programs for highways and mass transit and sought to merge the Urban Mass Transportation Administration, Federal Highway Administration, and other related agencies into a single surface transportation agency. In the Reagan Administration, the Grace Commission recommended that the land-based modal administrations be combined into one Land Transportation Safety Administration and that the highway and transit administrations be combined into a Surface Transportation Administration. In 1991, the National Academy of Public Administration recommended, in a study requested by DOT, that the surface transportation modal administrations (concerning highways, transit, railroads, and traffic safety) be merged functionally into a Surface Transportation Administration for infrastructure funding and a separate Transportation Safety Administration. In 1995, the Clinton Administration proposed a consolidation of the non-aviation modal agencies into an Intermodal Transportation Administration.

The current Trump Administration has not announced any specific reorganization plans with respect to DOT, but efforts to reduce staffing within many of its modal administrations have been initiated. According to one report, court documents filed in early 2025 included a plan for reductions in force for most of DOT (excluding the Federal Aviation Administration). Committee-reported DOT appropriations bills for FY2026 contain language restricting the closure of field offices and prohibiting the consolidation of administrative personnel from various modal administrations; this is in contrast to the President's budget request. The first Trump Administration proposed a reorganization of several federal agencies, including DOT. Proposed plans included moving navigation infrastructure responsibilities from the Coast Guard and Army Corps of Engineers to DOT, transferring transportation security grant programs from the Federal Emergency Management Agency to DOT, moving military sealift programs from DOT to the Department of Defense, and privatizing the Great Lakes St. Lawrence Seaway Development Corporation. Congress did not act on the first Trump Administration's reorganization plans, which would have required changes to statute.

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## Introduction

The Trump Administration's initiatives with respect to the staffing, funding, or management of several federal agencies have raised questions about possible reorganization plans for the Department of Transportation (DOT). Any such efforts may require congressional action due to the extent the department's organization is delineated in statute.

Since the 1930s, policymakers and experts inside and outside of the federal government had recommended forming a transportation department to better coordinate federal transportation policy and administration, including a 1936 Senate select committee, the 1949 Hoover Commission, and President Eisenhower in 1961. DOT was established in 1966 (P.L. 89-670) and began operations on April 1, 1967. Its creation consolidated stand-alone agencies (e.g., the Federal Aviation Agency and the Bureau of Public Roads) and moved certain functions from other agencies (e.g., transferred railroad safety from the Interstate Commerce Commission to a newly created Federal Railroad Administration [FRA]). Other agencies were transferred or created after 1967, such as the Maritime Administration (MARAD), the Federal Motor Carrier Safety Administration (FMCSA), and the National Highway and Traffic Safety Administration (NHTSA).

Since DOT's creation, parts of certain modal agencies have been rearranged, as discussed below, but there has not been a realignment of the entire DOT. Reorganization efforts by past Administrations have sought to address a common observation about DOT—it is organized by transportation mode instead of by cross-modal functions, such as infrastructure planning and safety. In 1978, President Carter proposed to consolidate planning programs for highways and mass transit and sought to merge the Urban Mass Transportation Administration, Federal Highway Administration (FHWA), and other related agencies into a single surface transportation agency.<sup>1</sup> Congress did not act on that proposal. In the Reagan Administration, the Grace Commission recommended that the land-based modal administrations be combined into one “Land Transportation Safety Administration” and the highway and transit administrations be combined into a “Surface Transportation Administration.”<sup>2</sup> In 1991, the National Academy of Public Administration recommended, in a study requested by DOT, that the surface transportation modal administrations (concerning highways, transit, railroads, and traffic safety) be merged functionally into a Surface Transportation Administration for infrastructure funding and a separate Transportation Safety Administration.<sup>3</sup> The 1991 study also contained a section presenting DOT staff arguments against merging of the non-aviation modes.<sup>4</sup> In 1995, the Clinton Administration proposed a consolidation of the non-aviation modal agencies into an Intermodal Transportation Administration (H.R. 1440, 104<sup>th</sup> Congress; introduced by request of the executive branch). This proposal included a consolidation of funding and trust fund revenue streams for transportation.

Efforts to reduce staff within many of DOT's modal administrations has been initiated, though the Trump Administration has not announced any specific reorganization plans.<sup>5</sup> According to one

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<sup>1</sup> H.R. 10578 (95<sup>th</sup> Congress).

<sup>2</sup> U.S. President (Reagan), President's Private Sector Survey on Cost Control in the Federal Government (PPSSCC), *A Report to the President*, 1983-1984, Vol. II, p. VIII-108. The PPSSCC was also known as the Grace Commission.

<sup>3</sup> National Academy of Public Administration (NAPA), *Organizing the Administration of Surface Transportation Policies and Programs to Meet National Needs*, August 1991.

<sup>4</sup> NAPA, *Organizing the Administration of Surface Transportation Policies and Programs*, Appendix E, pp. 63-64.

<sup>5</sup> Federal News Network (FNN), “As RIFs Get Underway, Several Agencies Renew Deferred Resignation Offers,” (continued...)

report, court documents filed in early 2025 included a plan for reductions in force for all of DOT except the Federal Aviation Administration (FAA).<sup>6</sup> The Senate-reported DOT appropriations bill for FY2026 (July 24, 2025) contains a provision restricting DOT from closing or reorganizing most of its field offices and requires the agency to maintain them as they existed in September 2024.<sup>7</sup> The House-reported appropriations bill has similar language on prohibiting the closure of regional offices.<sup>8</sup> Both appropriations bills reject the President's budget request to consolidate human resources, procurement, governmental affairs, public affairs and public engagement, and civil rights personnel at various modal administrations into the working capital fund under the Office of the Secretary.

In his first term, President Trump proposed a reorganization of several federal agencies, including DOT.<sup>9</sup> He proposed to move navigation infrastructure responsibilities from the Coast Guard and Army Corps of Engineers to DOT, transfer transportation security grant programs from FEMA to DOT, move military sealift programs from DOT to the Department of Defense, and privatize the Great Lakes St. Lawrence Seaway Development Corporation (GLSDC). Congress did not act on the first Trump Administration's reorganization plan, which would have required changes to statute.

The question of whether an existing statute for a modal agency might either prohibit or allow for a reorganization of that agency's functions is common to other federal departments and is discussed in other CRS reports.<sup>10</sup> The following sections identify the modal administrations within DOT, their origin and statutory missions, and any statutory language that addresses transfer or organization of that agency's functions. For the budgets and staffing levels of these agencies, see CRS Report R48596, *Department of Transportation Funding: FY2021-FY2025 Enacted and FY2026 Requested*, coordinated by William J. Mallett.

## Federal Highway Administration

FHWA "supports State and local governments in the design, construction, and maintenance" of public highway infrastructure through the Federal-Aid Highway Program.<sup>11</sup> FHWA also supports highway projects on federally owned and tribal lands through the Federal Lands Highway Program.<sup>12</sup> FHWA typically provides support in the form of apportioned grant funding,

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April 1, 2025; and FNN, "Long-Awaited RIF List Reveals Few New Details About Agencies Downsizing Plans," July 24, 2025. The reduction in force (RIF) list includes Department of Transportation (DOT) requests in April 2025 (see FNN, "List of Agency Reduction in Force Competitive Areas and Notification Waivers Approved by OPM Between March 10, 2025 and April 13, 2025," [https://federalnewsnetwork.com/wp-content/uploads/2025/07/072425\\_OPM\\_RIF\\_List.pdf](https://federalnewsnetwork.com/wp-content/uploads/2025/07/072425_OPM_RIF_List.pdf)).

<sup>6</sup> See the weekly edition of "Morning Transportation," *Politico*, July 28, 2025.

<sup>7</sup> S. 2465, §192.

<sup>8</sup> H.R. 4552, §119C; H.Rept. 119-212.

<sup>9</sup> CRS Insight IN10920, *The Trump Administration's Reform Plan and Reorganization Recommendations*, by Henry B. Hogue. The reform plan is available at <https://www.whitehouse.gov/wp-content/uploads/2018/06/Government-Reform-and-Reorg-Plan.pdf>.

<sup>10</sup> CRS Report R48523, *Organizing Executive Branch Agencies: Structure and Delegations of Authority*, by Daniel T. Shedd and Jared P. Cole; CRS Legal Sidebar LSB10158, *Organizing Executive Branch Agencies: Who Makes the Call?*, by Jared P. Cole; and CRS Report R44909, *Executive Branch Reorganization*, by Henry B. Hogue.

<sup>11</sup> DOT, Bureau of Transportation Statistics, "DOT History," March 1, 2021, <https://ntl.bts.gov/ntl/dot-history>. For more information about the Federal-Aid Highway Program, see CRS Report R47022, *Federal Highway Programs: In Brief*, by Robert S. Kirk.

<sup>12</sup> For information about the Federal Lands Highway Program, see DOT, Federal Highway Administration (FHWA), "About the Office of Federal Lands Highway," February 4, 2025, <https://highways.dot.gov/federal-lands/about>.

competitive discretionary grant funding, standard setting, and technical assistance. FHWA also conducts and coordinates highway research.<sup>13</sup>

Congress established FHWA through the Department of Transportation Act of 1966 (DOT Act; P.L. 89-670).<sup>14</sup> Federal responsibility for public roads previously had resided in offices and agencies within the Department of Agriculture (1893-1939), the Federal Works Agency (1939-1949), and the Department of Commerce (DOC; 1949-1967). Within DOC, this agency was the Bureau of Public Roads.<sup>15</sup> The DOT Act transferred the functions of the Bureau of Public Roads to FHWA.<sup>16</sup>

The DOT Act requires that FHWA be headed by an administrator appointed by the President with the advice and consent of the Senate.<sup>17</sup> In some cases, sections of Title 23 of the *U.S. Code* direct DOT or the Secretary of Transportation to take a specific action, which is then delegated to FHWA.<sup>18</sup> In other cases, FHWA or the FHWA administrator is required to carry out specific actions. Legislation has also assigned specific responsibilities to FHWA division offices, which exist in every state, the District of Columbia, and Puerto Rico and provide “front line Federal-aid program delivery assistance to partners and customers.”<sup>19</sup>

The majority of funding for federal highway programs comes from the Highway Trust Fund and is authorized in surface transportation authorization acts.<sup>20</sup> Title 23, Section 101, of the *U.S. Code* establishes that funds authorized from the Highway Trust Fund can be expended by or on behalf of FHWA unless an appropriations or authorization act specifies that a different agency is to use such funds.<sup>21</sup>

## Federal Aviation Administration

FAA is primarily responsible for regulating and overseeing civil aviation in the United States to ensure the safety and efficiency of air travel and the use of airspace by civilian and military aircraft. These responsibilities include managing air traffic control; setting and enforcing safety standards for aircraft design, maintenance, and flight operations; and certifying pilots, airlines, and airports.

Federal oversight of civil aviation was originally carried out by the aeronautics branch in DOC, as directed by the Air Commerce Act of 1926.<sup>22</sup> The Civil Aeronautics Act of 1938 established the

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<sup>13</sup> FHWA reports and resources are published on the Repository and Open Science Access Portal at <https://rosap.ntl.bts.gov/cbrowse?pid=dot%3A232&parentId=dot%3A232>.

<sup>14</sup> P.L. 89-670, §3(e)(1).

<sup>15</sup> National Archives, “Records of the Bureau of Public Roads,” accessed July 23, 2025, <https://www.archives.gov/research/guide-fed-records/groups/030.html>.

<sup>16</sup> P.L. 89-670, §3(f)(4).

<sup>17</sup> P.L. 89-670, §3(e)(1).

<sup>18</sup> 23 C.F.R. §1.85.

<sup>19</sup> For example, see P.L. 114-94, §1122(b). For information about the FHWA division offices, see FHWA, “Field Offices,” June 5, 2025, <https://highways.dot.gov/about/field-offices>.

<sup>20</sup> For information about the Highway Trust Fund, see CRS Report R48472, *The Highway Trust Fund’s Highway Account*, by Ali E. Lohman. For information about highway funding in general, see CRS Report R47573, *Funding and Financing Highways and Public Transportation Under the Infrastructure Investment and Jobs Act (IIJA)*, by William J. Mallett.

<sup>21</sup> 23 U.S.C. §101(d).

<sup>22</sup> P.L. 69-254. In the *U.S. Code*, see <https://tile.loc.gov/storage-services/service/l1/uscode/uscode1925-00304/uscode1925-003049006/uscode1925-003049006.pdf>.

independent Civil Aeronautics Authority (CAA).<sup>23</sup> Under CAA, a three-member Air Safety Board conducted air accident investigations and made safety recommendations. The law also empowered CAA to regulate airline fares and routes. In 1940, President Franklin D. Roosevelt divided CAA into two agencies:<sup>24</sup> the Civil Aeronautics Administration and the Civil Aeronautics Board (CAB). That same year, the functions of the Air Safety Board were transferred to CAB and were subsequently assigned to the National Transportation Safety Board (NTSB) upon its creation in 1967.<sup>25</sup> The Civil Aeronautics Administration retained responsibilities for air traffic control, airman and aircraft certification, safety enforcement, and airway development. CAB responsibilities included accident investigation, safety rulemaking, and economic regulation of airlines. CAB was later dissolved after the enactment of the Airline Deregulation Act of 1978 (P.L. 95-504), which eliminated federal regulation of airfares and routes.<sup>26</sup>

The Federal Aviation Act of 1958 (P.L. 85-726) transferred CAA's functions to a new, independent Federal Aviation Agency responsible for providing air traffic control services and regulating civil aviation safety. With the creation of DOT in 1967 by the DOT Act (P.L. 89-670), the Federal Aviation Agency became one of several modal organizations within DOT and received a new name—Federal Aviation Administration.

FAA employs a staff of about 45,000. More than 31,000 of these positions are in the Air Traffic Organization, which provides air traffic control and air navigation services to airspace users. The Office of Aviation Safety accounts for about 8,000 of FAA's employees, including inspectors who monitor safety and regulatory compliance at airlines, technicians at aircraft repair stations, and aviation manufacturers.

## Federal Railroad Administration

FRA was established on October 15, 1966, by Section 3(e)(1) of the DOT Act. The DOT Act established the positions of FRA administrator (appointed by the President, by and with the advice and consent of the Senate) and deputy administrator (appointed by the Secretary). The act directed the administrator to “carry out the functions, powers, and duties of the Secretary pertaining to railroad and pipeline safety as set forth in the statutes transferred to the Secretary by [other provisions of the DOT Act].”<sup>27</sup> Those powers, previously held in large part by the Interstate Commerce Commission, covered issues such as safety appliances and equipment on railroad engines and cars, protection of rail employees and travelers, and limitations on hours of service for rail employees.<sup>28</sup>

In 1970, Congress passed the Federal Rail Safety Act (FRSA; P.L. 91-458), which expanded FRA's authorities in the wake of a string of major train crashes. As a report by the Senate Committee on Commerce, Science, and Transportation explained,

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<sup>23</sup> P.L. 75-706. In the *U.S. Statutes at Large*, see <https://tile.loc.gov/storage-services/service/l1/lsl//lsl-c75s3/lsl-c75s3.pdf#page=1014>.

<sup>24</sup> The White House, *Reorganization Plan No. V of 1940*, April 11, 1940, <https://www.govinfo.gov/content/pkg/USCODE-2009-title5/pdf/USCODE-2009-title5-app-reorganiz-other-dup3.pdf>.

<sup>25</sup> National Transportation Safety Board (NTSB), “History of the NTSB,” <https://www.nts.gov/about/history/pages/default.aspx>.

<sup>26</sup> For more details, see P.L. 95-504.

<sup>27</sup> P.L. 89-670, §6(f)(3)(A). The pipeline safety functions were transferred to the Office of Pipeline Safety in 1968, created to carry out the Natural Gas Pipeline Safety Act of 1968 (P.L. 90-481).

<sup>28</sup> P.L. 89-670, §6(e).



To date, scant attention has been paid to railroad safety at either the State or Federal levels. At present, there are several rail safety statutes, each one of which applies to some very specific safety hazard. The majority of these statutes are from 50 to 75 years old and were written when technology was quite different from what it is today. Some 95 percent of the causes of accidents on railroads are in no way covered by Federal statutes or by State law. The Federal Government, for example, has no jurisdiction over the design, construction, inspection, or maintenance of track, roadway, and bridges. Its authority with respect to freight and passenger cars applies only to safety appliances and certain aspects of the brake system. Car wheels, axles, which are major causative elements in many accidents, are not subject to Federal regulations.<sup>29</sup>

FRSA therefore directed the Secretary to “prescribe, as necessary, appropriate rules, regulations, orders, and standards for all areas of railroad safety....”<sup>30</sup> To address the patchwork of state and local rail safety laws established in the absence of federal standards, FRSA established that federal regulations preempt state or local measures if they cover the same subject matter.<sup>31</sup> As with other modal administrations within DOT, federal statute provides that FRA powers or duties “may be transferred to another part of the Department of Transportation or another Federal Government entity only when specifically provided by law.”<sup>32</sup>

Congress amended the structure of FRA in the Rail Safety Improvement Act of 2008 (RSIA; P.L. 110-432, Div. A). RSIA directed FRA to be “divided on a geographical basis into at least 8 safety offices”<sup>33</sup> and enshrined the position of chief safety officer, “an Associate Administrator for Railroad Safety appointed in the career service by the Secretary,” in statute.<sup>34</sup> The Passenger Rail Investment and Improvement Act of 2008 (P.L. 110-432, Div. B), passed concurrently with RSIA, created several grant programs within FRA to fund improvements to rail safety and passenger rail service. Subsequent legislation added new grant programs to FRA’s portfolio or expanded existing ones, enlarging the agency’s role as a funder of rail infrastructure development projects in addition to its original role as a safety regulator.<sup>35</sup>

FRA is organized into nine safety management teams, with each team assigned to either a Class I railroad or a group of railroads.<sup>36</sup> FRA had a workforce of 1,150 full-time positions and a budget of \$16.6 billion in FY2024, with the bulk of its funding dedicated to discretionary grant programs and annual grants to Amtrak.<sup>37</sup>

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<sup>29</sup> S. Rept. 91-619, p. 4.

<sup>30</sup> P.L. 91-458, §202(a)(1).

<sup>31</sup> P.L. 91-458, §205.

<sup>32</sup> 49 U.S.C. §103(h).

<sup>33</sup> 49 U.S.C. §103(b).

<sup>34</sup> 49 U.S.C. §103(f).

<sup>35</sup> See CRS Report R47260, *Intercity Passenger Rail: Federal Policy and Programs*, by Ben Goldman.

<sup>36</sup> Federal Railroad Administration, “Safety Management Teams,” <https://railroads.dot.gov/railroad-safety/divisions/regional-offices/safety-management-teams>. “Class I” refers to railroads with annual operating revenues of or exceeding \$900 million in inflation-adjusted 2019 dollars. As of the publication of this report, the six Class I railroads are Norfolk Southern, CPKC, Canadian National Railway, CSX Transportation, Union Pacific Railroad, and BNSF Railway.

<sup>37</sup> DOT, *Budget Estimates—Fiscal Year 2025—Federal Railroad Administration*, pp. 9-10, 14, [https://www.transportation.gov/sites/dot.gov/files/2024-03/FRA\\_FY\\_2025\\_Budget\\_Estimates\\_508compliant.pdf](https://www.transportation.gov/sites/dot.gov/files/2024-03/FRA_FY_2025_Budget_Estimates_508compliant.pdf).



## Federal Transit Administration

The Federal Transit Administration (FTA) is primarily responsible for administering federal funding for public transportation, overseeing public transportation safety and planning, and supporting public transportation through research and technical assistance.<sup>38</sup> The responsibilities of FTA, originally known as the Urban Mass Transportation Administration, were first carried out by the Department of Housing and Urban Development. In 1968, these responsibilities were transferred to DOT. The Urban Mass Transportation Administration was renamed FTA in 1991.

The head of FTA is the administrator, appointed by the President by and with the advice and consent of the Senate.<sup>39</sup> The administrator reports directly to the Secretary of Transportation. According to law, “the Administrator shall carry out duties and powers prescribed by the Secretary.”<sup>40</sup> The delegation of authorities from the Secretary of Transportation to FTA and the FTA administrator are provided in 49 C.F.R. §1.80, 49 C.F.R. §1.90, and 49 C.F.R. §1.91. According to 49 C.F.R. §1.90, FTA is responsible for

- (a) Providing grants that support the development of safe, comprehensive and coordinated public transportation systems;
- (b) Creating and implementing a national public transportation safety program that includes the development of safety practices and standards;
- (c) Assisting public transportation systems to achieve and maintain their infrastructure, equipment and vehicles in a state of good repair;
- (d) Promoting the environmental benefits of public transportation through continuing, cooperative, and comprehensive planning that improves the performance of the intermodal transportation system.
- (e) Supporting research, development, demonstration, and deployment projects dedicated to assisting in the delivery of safe, efficient and effective public transportation service;
- (f) Supporting, in coordination with FHWA and FRA, strong connections between public transportation and other modes of transportation, including bicycle/pedestrian facilities and station-area development that strengthen local communities; and
- (g) Maximizing the positive impacts on the U.S. economy by encouraging domestic manufacturing on transit projects through the enforcement of Buy America provisions.

## National Highway Traffic Safety Administration

NHTSA is primarily responsible for automobile safety. In 1966, two laws—the National Traffic and Motor Vehicle Safety Act (P.L. 89-563) and the National Highway Safety Act (P.L. 89-564)—established highway and vehicle safety regulatory agencies. These laws created the National Traffic Safety Agency (NTSA) and the National Highway Safety Agency (NHSA). These agencies were initially part of DOC and were moved to FHWA when DOT was established in 1967.<sup>41</sup> NTSA and NHSA were later unified to become the National Highway Safety Bureau (NHSB). The Highway Safety Act of 1970 (P.L. 91-605) reestablished NHSB as NHTSA and granted it autonomous operating power as a subagency under DOT, removing it from under

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<sup>38</sup> 49 U.S.C. §107(a).

<sup>39</sup> 49 U.S.C. §107(b).

<sup>40</sup> 49 U.S.C. §107(c).

<sup>41</sup> Richard Weingroff, “A Moment in Time: Highway Safety Breakthrough,” *FHWA News*, November 1, 2021, [https://www.fhwa.dot.gov/highwayhistory/moment/highway\\_safety\\_breakthrough.cfm](https://www.fhwa.dot.gov/highwayhistory/moment/highway_safety_breakthrough.cfm).

FHWA. The Highway Safety Act of 1970 empowered NHTSA to execute safety programs to reduce traffic fatalities, injuries, and monetary losses.<sup>42</sup>

Under Title 49, Chapter 1, Section 105, of the *U.S. Code*, the administrator (who is to be appointed by the President by and with the advice and consent of the Senate) is the head of NHTSA.<sup>43</sup> The NHTSA administrator is to carry out relevant duties and powers found in Title 23, Chapter 4, of the *U.S. Code*, which covers highway safety, and additional duties and powers prescribed by the Secretary of Transportation.<sup>44</sup> The Secretary may carry out Title 49, Chapter 301, of the *U.S. Code*, which covers motor vehicle safety, through the NHTSA administrator.<sup>45</sup> NHTSA also administers statutory authority of programs related to the National Driver Register, consumer information, bumper standards, odometers, automobile fuel economy, and theft prevention.<sup>46</sup> NHTSA is delegated the authority to issue federal motor vehicle safety standards under Title 49, Part 571, of the *Code of Federal Regulations*, which is authorized under Title 49, Chapter 301, of the *U.S. Code*.<sup>47</sup>

## Federal Motor Carrier Safety Administration

FMCSA was established by the Motor Carrier Safety Improvement Act of 1999 (MCSIA; P.L. 106-159). FMCSA became operational on January 1, 2000, and assumed almost all responsibilities and personnel of DOT's Office of Motor Carrier Safety, which operated from October 9 through December 31, 1999, and replaced the FHWA Office of Motor Carriers. Leading up to the creation of FMCSA, numerous organizations, including DOT's Office of Inspector General (OIG), the General Accounting Office (now the Government Accountability Office), and many industry associations, raised a variety of concerns during hearings in the 106<sup>th</sup> Congress (1<sup>st</sup> session) about the effectiveness of the federal truck and bus safety programs. The congressional debate leading to FMCSA's creation included several arguments for separating the motor carrier safety functions out of FHWA and creating a separate modal administration. Some Members maintained that FHWA's focus, funds, and responsibilities were primarily directed toward stewardship over the federal Highway Trust Fund and not the improvement of commercial vehicle safety. Those wanting to establish FMCSA thought that a separate organization headed by an administrator confirmed by the Senate and with dedicated and sufficient resources was needed to improve and strengthen federal truck and bus safety programs.<sup>48</sup> Those supporting this position maintained that creation of FMCSA would increase DOT's attention to truck and bus safety.

FMCSA issues and enforces the Federal Motor Carrier Safety Regulations (FMCSR), which govern many aspects of commercial trucking and intercity and transit bus operations. For example, FMCSR govern the interstate operation and maintenance of commercial vehicles, and

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<sup>42</sup> National Archives, "Records of the National Highway Traffic Safety Administration [NHTSA]," 1995, <https://www.archives.gov/research/guide-fed-records/groups/416.html>; 23 U.S.C. §401; and Federal Register, "National Highway Traffic Safety Administration," accessed May 1, 2025, <https://www.federalregister.gov/agencies/national-highway-traffic-safety-administration>.

<sup>43</sup> 49 U.S.C. §105.

<sup>44</sup> 49 U.S.C. §105; 23 U.S.C. §401.

<sup>45</sup> 49 U.S.C. §301.

<sup>46</sup> NHTSA, "Laws and Regulations," accessed February 20, 2025, <https://www.nhtsa.gov/laws-regulations>. See also 49 U.S.C. §301; 49 U.S.C. §303; 49 U.S.C. §321; 49 U.S.C. §325; 49 U.S.C. §327; 49 U.S.C. §329; and 49 U.S.C. §331.

<sup>47</sup> 49 U.S.C. §301; 49 C.F.R. §571.

<sup>48</sup> U.S. Congress, Senate Committee on Commerce, Science, and Transportation, Subcommittee on Surface Transportation and Merchant Marine, *S. 1501, The Motor Carrier Safety Improvement Act of 1999*, hearing, 106<sup>th</sup> Cong., 1<sup>st</sup> sess., September 29, 1999, S. Hrg. 106-1024.

the regulations specify requirements that must be met by drivers of these vehicles. FMCSA also conducts compliance reviews of truck and bus companies and safety assurance audits of new entrants into the industry. Additionally, as it pertains to moving the functions of FMCSA to another agency, Section 101(a) of the MCSIA states, “A duty or power specified in subsection (f)(1) may only be transferred to another part of the Department when specifically provided by law.”

## Maritime Administration

MARAD was established in 1950 within DOC and assumed some powers previously held by the U.S. Maritime Commission.<sup>49</sup> MARAD was transferred to DOT by the Maritime Act of 1981.<sup>50</sup> The powers of the U.S. Maritime Commission were divided between MARAD and another new agency, the Federal Maritime Board. The Federal Maritime Board primarily retained powers related to economic regulation of the shipping industry (which today is carried out by the Federal Maritime Commission). MARAD is a lender and grantor of funds to shipyards, vessel operators, and merchant marine academies. The House committee report to the 1981 Maritime Act explains the reasoning for transferring MARAD to DOT.

Placing MARAD in DOT is a logical and desirable step. This action will allow one department to be responsible for all aspects of transportation policy. While various transportation modes—air, rail, highway, ocean waterborne—all have problems special to themselves, they must be viewed as parts of an overall national transportation network. To deal with the concerns of one mode separately is to invite unintended, perhaps adverse, consequences for other modes. The advent of intermodalism—where freight packed in a container is shipped from one point to another via two or more different modes at a single quoted price—has further intertwined the individual parts of the transportation network. Having MARAD in the Department of Transportation will make it easier to see maritime issues as part of larger transportation issues.<sup>51</sup>

The House committee report also states that “the Secretary of Transportation Drew Lewis, speaking for the Administration on June 4, 1981 announced its intent to shift the Maritime Administration (MARAD) from the Department of Commerce to the Department of Transportation (DOT).”<sup>52</sup> All duties and powers of MARAD are vested in the Secretary of Transportation.<sup>53</sup>

MARAD’s mission is to improve and strengthen the U.S. marine transportation system to meet the economic, environmental, and security needs of the nation.<sup>54</sup> MARAD currently promotes the shipping industry by supporting the U.S. Merchant Marine Academy and similar state academies, incentivizing domestic shipbuilders, subsidizing the U.S.-flagged merchant fleet, and promoting the movement of freight using inland waterways.

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<sup>49</sup> “Reorganization Plan No. 21 of 1950,” 15 *Federal Register* 3179, May 25, 1950. The U.S. Maritime Commission was established by the Merchant Marine Act of 1936 to replace the U.S. Shipping Board, an older regulatory agency created in 1916.

<sup>50</sup> P.L. 97-31.

<sup>51</sup> H.Rept. 97-199, p. 3.

<sup>52</sup> H.Rept. 97-199, pp. 2 and 3.

<sup>53</sup> 49 U.S.C. §109(d).

<sup>54</sup> See the Maritime Administration’s web page, available at <https://www.maritime.dot.gov/>.

## Pipeline and Hazardous Materials Safety Administration

The Pipeline and Hazardous Materials Safety Administration (PHMSA) was established on November 20, 2004, under the Norman Y. Mineta Research and Special Programs Improvement Act of 2004 (P.L. 108-426). As stated in statute, PHMSA is directed to “consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in pipeline transportation and hazardous materials transportation.” The statute creating PHMSA also states that the duties and powers of PHMSA “may be transferred to another part of the Department of Transportation or another government entity only if specifically provided by law.”<sup>55</sup>

Before the creation of PHMSA, the Office of Pipeline Safety handled pipeline safety, and the Office of Hazardous Materials Safety handled hazmat transport safety; both offices were within the DOT Research and Special Programs Administration (RSPA) and are now separate offices within PHMSA. The research functions of RSPA were succeeded by the Research and Innovative Technologies Administration created in P.L. 108-426. As explained in the House committee report,<sup>56</sup>

The need to clarify the role of RSPA with respect to both research and pipeline safety, as well as the need to avoid Department-wide research duplication and inefficiency, lead to the conclusion that RSPA should be reorganized into two new Administrations.

## Great Lakes St. Lawrence Seaway Development Corporation

GLSDC is a wholly owned government corporation that operates and maintains two St. Lawrence Seaway locks in Massena, NY, as well as other aspects of navigation infrastructure. (Canada owns and operates the other 13 locks on the seaway). GLSDC’s budget is entirely funded from the Harbor Maintenance Tax, which is an ad valorem tax on imported and domestic cargo shipped through U.S. coastal and Great Lakes ports. The first Trump Administration proposed to privatize GLSDC (see “[Introduction](#)”). GLSDC was prohibited from assessing tolls beginning in 1986 when Congress created the Harbor Maintenance Trust Fund; Congress has since used that fund for the seaway’s infrastructure needs.<sup>57</sup> Without a statutory change, GLSDC is prohibited from tolling as a means of accessing private capital.

## Other Transportation Elements

Within the Office of the Secretary of Transportation (OST), the Bureau of Transportation Statistics compiles and publishes data on the domestic transportation system. The Volpe National Transportation Systems Center in Cambridge, MA, provides research, engineering, and technical expertise to DOT on a fee-for-service basis. OST administers some grant and financing programs and overseas airline consumer protection in addition to setting overall transportation policy

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<sup>55</sup> 49 U.S.C. §108(g).

<sup>56</sup> H.Rept. 108-749.

<sup>57</sup> 33 U.S.C. §998a.

priorities for the department.<sup>58</sup> OST houses the Office of the Under Secretary for Policy, which oversees the Offices of Transportation Policy; Multimodal Freight and Infrastructure Policy; and Research, Development, and Technology.

Independent transportation agencies include DOT OIG and NTSB. NTSB was created by the DOT Act and assumed the accident investigation powers formerly located in CAB. In 1974, Congress reestablished NTSB, originally housed within DOT, as a stand-alone, independent agency.<sup>59</sup> The Federal Maritime Commission oversees economic competition among ocean container carriers carrying the nation's exports and imports. The Surface Transportation Board primarily oversees economic competition in the freight railroad industry.

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<sup>58</sup> 49 U.S.C. §102.

<sup>59</sup> The Independent Safety Board Act of 1974 (P.L. 109-443); NTSB, "History of the National Transportation Safety Board," <https://www.nts.gov/about/history/Pages/default.aspx>.