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Comptroller General  
of the United States

May 9, 2023

The Honorable Pete Buttigieg  
Secretary of Transportation  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

**Priority Open Recommendations: Department of Transportation**

Dear Mr. Secretary:

The purpose of this letter is to update you on the overall status of the Department of Transportation's (DOT) implementation of our recommendations and to call your continued personal attention to areas where open recommendations should be given high priority.<sup>1</sup> In November 2022, we reported that, government-wide, 77 percent of our recommendations made 4 years ago were implemented.<sup>2</sup> DOT's recommendation implementation rate was 67 percent. As of April 2023, DOT had 178 open recommendations. Fully implementing these open recommendations could significantly improve agency operations.

Since our July 2022 letter, DOT has implemented one of our 16 open priority recommendations. In March 2023, GAO confirmed the Federal Highway Administration (FHWA) had issued memorandums requiring division offices to document the rationale for classifying projects as emergency repairs, including a description of why the repair is necessary and which alternative strategies or repairs were considered. By taking these steps, FHWA is better positioned to provide greater oversight of federal funds and ensure division offices will appropriately document emergency repair decisions.

We ask for your continued attention to the remaining 15 priority recommendations. We are also adding five new recommendations related to drones, traffic safety efforts, cargo preference requirements, and privacy. This brings the total number of current priority recommendations to 20. (See the enclosure for the list of recommendations.)

The 20 priority recommendations fall into the following six major areas.

**Developing Comprehensive Plans.** Comprehensive planning can help ensure that agencies achieve their priorities and manage risks. By implementing the three priority recommendations

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<sup>1</sup>Priority recommendations are those that we believe warrant priority attention from heads of key departments or agencies. They are highlighted because, upon implementation, they may significantly improve government operations, for example, by realizing large dollar savings; eliminating mismanagement, fraud, and abuse; or making progress toward addressing a high-risk or duplication issue.

<sup>2</sup>GAO, *Performance and Accountability Report: Fiscal Year 2022*, [GAO-23-900398](#) (Washington, D.C.: Nov. 15, 2022).

in this area—developing a national aviation preparedness plan for future communicable disease threats; developing a comprehensive plan for DOT initiatives on automated vehicles; and developing a comprehensive drone integration strategy—DOT would be better positioned to address these critical issues.

**Addressing Safety Risks.** The nation’s surface transportation system, vital for the economy, faces risks to the safety of roads and natural gas pipelines. We have identified three priority recommendations in this area, which include ensuring that DOT uses accurate and sufficient data for motor carrier safety performance assessments; requiring DOT to review regulations for the transportation of liquefied natural gas; and directing DOT to assess skill gaps in its workforce overseeing automated transportation technologies. Implementation of our recommendations would help improve DOT’s safety oversight.

**Reducing Fraud and Abuse Risks.** Proactively managing risks, including from fraud and abuse, helps ensure taxpayer dollars and government services are being used for their intended purposes. For example, fraud and abuse of the Federal Aviation Administration’s (FAA) U.S. aircraft registry hinders the ability of law-enforcement and safety officials to use the registry to identify aircraft and their owners who might be involved in illicit or unsafe operations. We identified two priority recommendations in this area, which include verifying applicants’ and dealers’ registration eligibility and information, and increasing aircraft registration and dealer fees to ensure the fees cover the costs of collecting and verifying applicant information. Implementation of these recommendations would address potential risks of fraud and abuse in the aircraft registration process and ensure there are appropriate resources available for verifying applicant information.

**Improving Transparency and Communication.** Agencies can ensure the accountability of policy and program decisions by increasing transparency and more clearly communicating information to the public. Implementing the seven priority recommendations in this area, including one to create clearer, department-wide guidance for discretionary grants, and another to document and share details of DOT’s decision-making process for changing new car safety assessments, would increase the transparency of these decisions to the public and stakeholders.

**Managing Cybersecurity Risks and Information Technology (IT).** Federal agencies and our nation’s critical infrastructures—including transportation systems—are dependent on IT systems and electronic data to carry out operations and to process, maintain, and report essential information. The security and privacy of transportation systems and data is vital to public safety and national security. By implementing the four priority recommendations in this area, which include fully developing a cybersecurity risk management strategy and addressing shortfalls in IT workforce-planning, DOT could improve cybersecurity across the transportation sector. As a sector risk management agency for transportation systems, we urge you to implement these recommendations related to critical infrastructure protection.

**Improving Climate Resilience.** Changes in the climate pose a risk to the safety and reliability of the U.S. transportation system, and climate-related damages to paved roads may cost up to \$20 billion annually by the end of the century.<sup>3</sup> After identifying 10 options for FHWA to further enhance the climate resilience of federally funded roads, including integrating climate resilience

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<sup>3</sup>According to the 2018 *Fourth National Climate Assessment*, changes in the climate pose a risk to the safety and reliability of the U.S. transportation system. See U.S. Global Change Research Program, *Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment*, vol. 2 (Washington, D.C.: 2018).

into agency policy and guidance, we made one recommendation in this area for the agency to consider how it would implement options to enhance the climate resilience of federally funded roads. Implementing this priority recommendation would help DOT manage climate risks to federal investments in U.S. roads and improve the safety and reliability of the U.S. transportation system.

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In April 2023, we issued our biennial update to our [High-Risk List](#).<sup>4</sup> This list identifies government operations with greater vulnerabilities to fraud, waste, abuse, and mismanagement. It also identifies the need for transformation to address economy, efficiency, or effectiveness challenges. One of our high-risk areas—[funding the nation’s surface transportation system](#)—requires congressional action to develop a sustainable plan while also centering on DOT and the agency’s ability to maximize existing resources.

Several other government-wide high-risk areas have direct implications for DOT and its operations. These include (1) [ensuring the cybersecurity of the nation](#), (2) [improving the management of IT acquisitions and operations](#), (3) [improving strategic human capital management](#), (4) [managing federal real property](#), and (5) [managing the government-wide security clearance process](#).<sup>5</sup>

We urge your attention to funding the nation’s surface transportation and other government-wide, high-risk issues as they relate to DOT. Progress on high-risk issues has been possible through the concerted actions and efforts of Congress, the Office of Management and Budget, and the leadership and staff in agencies, including DOT. In March 2022, we issued a report on key practices to successfully address high-risk areas, which can be a helpful resource as your agency continues to make progress to address high-risk issues.<sup>6</sup>

In addition to your continued attention on these issues, Congress plays a key role in providing oversight and maintaining focus on our recommendations to ensure they are implemented and produce their desired results. Legislation enacted in December 2022 includes a provision for GAO to identify any additional congressional oversight actions that can help agencies implement priority recommendations and address any underlying issues relating to such implementation.<sup>7</sup>

There are various strategies Congress can use in addressing our recommendations, such as incorporating them into legislation. Congress can also use its budget, appropriations, and

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<sup>4</sup>GAO, *High-Risk Series: Efforts Made to Achieve Progress Need to be Maintained and Expanded to Fully Address All Areas*, [GAO-23-106203](#) (Washington, D.C.: Apr. 20, 2023).

<sup>5</sup>With regard to cybersecurity, we also urge you to use foundational information and communications technology supply chain risk management practices set forth in our December 2020 report. GAO, *Information Technology: Federal Agencies Need to Take Urgent Action to Manage Supply Chain Risks*, [GAO-21-171](#) (Washington, D.C.: Dec. 15, 2020).

<sup>6</sup>GAO, *High-Risk Series: Key Practices to Successfully Address High-Risk Areas and Remove Them from the List*, [GAO-22-105184](#) (Washington, D.C.: Mar. 3, 2022).

<sup>7</sup>James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Pub. L. No. 117-263, § 7211(a)(2), 136 Stat. 2395, 3668 (2022); H.R. Rep. No. 117-389 (2022) (accompanying Legislative Branch Appropriations Act, H.R. 8237, 117th Cong. (2022)).

oversight processes to incentivize executive branch agencies to act on our recommendations and monitor their progress. For example, Congress can hold hearings focused on DOT's progress in implementing GAO's priority recommendations, withhold funds when appropriate, or take other actions to provide incentives for agencies to act. Moreover, Congress could follow up during the appropriations process and request periodic updates. Congress also plays a key role in addressing any underlying issues related to the implementation of these recommendations. For example, Congress could pass legislation providing an agency explicit authority to implement a recommendation or requiring an agency to take certain actions to implement a recommendation.

Copies of this report are being sent to the Director of the Office of Management and Budget and the appropriate congressional committees. In addition, the report will be available on the GAO website at <http://www.gao.gov>.

I appreciate DOT's continued commitment to these important issues. If you have any questions or would like to discuss any of the issues outlined in this letter, please do not hesitate to contact me or David Trimble, Managing Director, Physical Infrastructure, at [TrimbleD@gao.gov](mailto:TrimbleD@gao.gov) or 202-512-2834. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Our teams will continue to coordinate with your staff on all of the 178 open recommendations, as well as those additional recommendations in the high-risk areas for which DOT has a leading role. Thank you for your attention to these matters.

Sincerely yours,

A handwritten signature in black ink, reading "Gene L. Dodaro". The signature is fluid and cursive, with a long horizontal stroke extending to the right from the end of the name.

Gene L. Dodaro  
Comptroller General  
of the United States

Enclosure

cc: The Honorable Shalanda Young, Director, Office of Management and Budget  
Polly Trottenberg, Deputy Secretary, DOT  
Sophie Shulman, Deputy Administrator, National Highway Traffic Safety Administration  
Billy Nolen, Acting Administrator, FAA  
Shailen Bhatt, Administrator, FHWA  
Robin Hutcheson, Administrator, Federal Motor Carrier Safety Administration  
Tristan Brown, Deputy Administrator, Pipeline and Hazardous Materials Safety Administration  
Rear Admiral Ann C. Phillips, US Navy (Ret.), Administrator, Maritime Administration  
Gary Middleton, Director, Audit Relations and Program Improvement, Office of the Secretary, DOT

## Enclosure

### Priority Open Recommendations to the Department of Transportation (DOT)

#### Developing Comprehensive Plans

*Air Travel and Communicable Diseases: Comprehensive Federal Plan Needed for U.S. Aviation System's Preparedness.* [GAO-16-127](#). Washington, D.C.: December 16, 2015.

**Year Recommendation Made:** 2016

**Recommendation:** To help improve the U.S. aviation sector's preparedness for future communicable disease threats from abroad, the Secretary of Transportation should work with relevant stakeholders, such as the Department of Health and Human Services, to develop a national aviation-preparedness plan for communicable disease outbreaks. Such a plan could establish a mechanism for coordination between the aviation and public health sectors and could provide clear and transparent planning assumptions for a variety of types and levels of communicable disease threats.

**Actions Needed:** Initially, DOT partially concurred with this recommendation. Agency officials agreed that an aviation-preparedness plan was needed, but noted that the recommendation was primarily a matter of public health emergency preparedness. DOT stated that agencies that had the legal authority and expertise in this area should lead any efforts to address planning for communicable disease outbreaks, including for transportation. In June 2020, GAO urged Congress to take legislative action to require the Secretary of Transportation to work with relevant agencies and stakeholders to develop a national aviation-preparedness plan to ensure safeguards are in place to limit the spread of communicable disease threats from abroad while at the same time minimizing any unnecessary interference with travel and trade. In March 2022, DOT changed its position and planned to take the lead, working closely with the Departments of Health and Human Services (HHS) and Homeland Security (DHS), to develop an aviation-preparedness plan. In December 2022, the Consolidated Appropriations Act, 2023 included a requirement for the Secretary of Transportation, in coordination with the Secretary of Health and Human Services, the Secretary of Homeland Security, and the heads of other federal departments or agencies as the Secretary of Transportation considers appropriate, to develop a national aviation-preparedness plan for communicable disease outbreaks, as we recommended.

According to agency officials, efforts are underway to develop a national aviation-preparedness plan. DOT met with the National Security Council in December 2022 and secured its assistance for interagency coordination with HHS and DHS. As of March 2023, DOT aims to complete the preparedness plan by the end of 2023, according to agency officials. To fully implement the recommendation, DOT should complete an aviation-preparedness plan that incorporates such elements as protocols for responding to disease threats and coordination among stakeholders. Such a plan could help maximize an effective response to a public health threat, while minimizing potential inefficiencies in the national response effort and unnecessary disruptions to the national aviation system.

**Director:** Heather Krause

**Contact Information:** [KrauseH@gao.gov](mailto:KrauseH@gao.gov) and (202) 512-2834

*Automated Vehicles: Comprehensive Plan Could Help DOT Address Challenges.* [GAO-18-132](#). Washington, D.C.: November 30, 2017.

**Year Recommendation Made:** 2018

**Recommendation:** The Secretary of Transportation should develop and implement a comprehensive plan to better manage departmental initiatives related to automated vehicles. This plan should include leading principles such as goals, priorities, steps to achieve results, milestones, and performance measures to track progress.

**Actions Needed:** DOT agreed with this recommendation, but stated that it would be premature to publish a comprehensive plan at the time. DOT indicated that it would begin by pursuing an iterative framework to manage DOT’s activities addressing automated vehicle challenges. For example, in 2022, DOT announced six “innovation principles” and released a strategic plan that describes the agency’s vision and goals, including those related to emerging technologies such as automated vehicles. As of February 2023, DOT had not established key elements of a comprehensive plan, such as performance measures to gauge progress. To fully implement this recommendation, DOT needs to formulate and document these elements in a comprehensive plan. Until these steps are completed, it continues to be unclear whether DOT is adequately addressing automated vehicle challenges.

**Director:** Elizabeth Repko

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*Drones: FAA Should Improve Its Approach to Integrating Drones into the National Airspace System.* [GAO-23-105189](#). Washington, D.C.: January 26, 2023.

**Year Recommendation Made:** 2023

**Recommendation:** The Administrator of the Federal Aviation Administration (FAA) should develop a drone integration strategy that includes all seven elements of a comprehensive strategy.

**Actions Needed:** FAA agreed with this recommendation. Further, FAA officials said that they were in the process of developing a draft strategy intended to guide the direction and priorities of the agency’s drone integration efforts going forward. As of March 2023, FAA officials said that the strategy is expected to be completed by June 30, 2023. To fully implement this recommendation, FAA needs to finalize and issue its strategy, and ensure that the strategy fully includes all seven key elements that are necessary for a strategy to be comprehensive. Without developing a strategy that incorporates all key elements of a comprehensive strategy, FAA risks not having the information it needs to effectively lead and manage its drone integration efforts, make well-informed decisions, and direct limited resources where they could be most beneficial.

**Director:** Heather Krause

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**Addressing Safety Risks**

*Federal Motor Carrier Safety: Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers.* [GAO-14-114](#). Washington, D.C.: February 3, 2014.

**Year Recommendation Made:** 2014

**Recommendation:** To improve the Compliance, Safety, Accountability program, the Secretary of Transportation should direct the Federal Motor Carrier Safety Administration's (FMCSA) Administrator to revise the Safety Measurement System (SMS) methodology to better account for limitations in drawing comparisons of safety performance information across carriers. In doing so, the Secretary of Transportation should direct the FMCSA Administrator to conduct a formal analysis that specifically identifies limitations in: (1) the data used to calculate SMS scores including variability in the motor carrier population and the quality and quantity of data available for carrier safety performance assessments, and (2) the resulting SMS scores, including their precision, confidence, and reliability for the purposes for which they are used.

**Actions Needed:** FMCSA did not agree with this recommendation, and has requested that we close the recommendation as not implemented. However, in response to a similar 2017 review by the National Academy of Sciences, FMCSA developed and tested a new methodology to compare safety performance across motor carriers. We believe the new methodology could account for the data and other limitations we identified in our report. In February 2023, FMCSA published proposed changes to the SMS methodology for comment. To fully implement this recommendation, FMCSA should ensure that the methodology used to compare safety performance across motor carriers addresses the limitations we identified. Without a new methodology, FMCSA's ability to target unsafe motor carriers is hindered by insufficient information not accounted for in the current SMS methodology, such as variability in the motor carrier population.

**Director:** Elizabeth Repko

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*Natural Gas Exports: Updated Guidance and Regulations Could Improve Facility Permitting Processes.* [GAO-20-619](#). Washington, D.C.: August 6, 2020.

**Year Recommendation Made:** 2020

**Recommendation:** The Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA) should conduct a standards-specific review of regulations that incorporate standards and, if necessary, update the regulations or document its decision for not updating them.

**Action Needed:** PHMSA agreed with this recommendation. As of March 2023, according to PHMSA officials and documents, the agency is conducting a standards-specific review of the eight liquefied natural gas standards incorporated by reference, and plans to update regulations using those standards by issuing a proposed rule in September 2023. A standards-specific review considers updates to technical standards used by federal agencies to ensure the safe design and operation of export facilities for liquefied natural gas. To fully implement this recommendation, the agency should complete and document its standards-specific review and update the regulations as necessary. Without reviewing and updating regulations, PHMSA cannot ensure its regulations remain effective at ensuring safety.

**Director:** Frank Rusco

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*Automated Technologies: DOT Should Take Steps to Ensure Its Workforce Has Skills Needed to Oversee Safety.* [GAO-21-197](#). Washington, D.C.: December 18, 2020.

**Year Recommendation Made:** 2021

**Recommendation:** The Director of DOT's Department of Human Resources should assess skill gaps in key occupations that are involved in overseeing the safety of automated technologies.

**Actions Needed:** DOT agreed with this recommendation. As of February 2023, DOT officials noted that the agency had finished identifying which of its positions that oversee the safety of automated technologies require cybersecurity skills. DOT officials also noted that they plan to build a tool to assess competencies and skill gaps within these positions. However, due to contractual changes involved with developing the tool, DOT was no longer on track to complete this effort by February 2023 as previously planned and has not identified a new completion date. While cybersecurity skills are important for overseeing the safety of automated technologies, other skills—such as data analysis—are also important.

To fully implement this recommendation, DOT needs to complete its plan to assess skill gaps related to cybersecurity and assess skill gaps in relevant data analysis positions. Implementing this recommendation would help DOT better understand the expertise that exists within its workforce and enable DOT to address any gaps to ensure that its workforce can effectively oversee the safety of automated technologies.

**High Risk Areas:** [Strategic Human Capital Management](#), [Ensuring the Cybersecurity of the Nation](#)

**Director:** Heather Krause

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### **Reducing Fraud and Abuse Risks**

*Aviation: FAA Needs to Better Prevent, Detect, and Respond to Fraud and Abuse Risks in Aircraft Registration.* [GAO-20-164](#). Washington, D.C.: March 25, 2020.

**Year Recommendations Made:** 2020

**Recommendation:** The Administrator of FAA should verify aircraft registration applicants' and dealers' eligibility and information.

**Recommendation:** The Administrator of FAA should increase aircraft registration and dealer fees to ensure the fees are sufficient to cover the costs of FAA efforts to collect and verify applicant information while keeping pace with inflation.

**Actions Needed:** FAA agreed with both recommendations. In January 2023, FAA officials reported that the agency had released the Civil Aviation Registry Electronic Services 1.0 system in December 2022. The system requires a valid form of government identification for an applicant or dealer to register an aircraft. However, the data are not permanently saved in the system and FAA officials said that collection of data for verification purposes would require rulemaking. To fully implement this recommendation, the agency needs to initiate rulemaking that includes collection of needed data and verification of applicant and dealer information and



eligibility. Without a process to verify applicants' information and eligibility, FAA is limited in its ability to prevent fraud and abuse of its aircraft registry.

In addition, in January 2023, FAA officials told us that the agency plans to add functionality to the Civil Aviation Registry Electronic Services system in 2024 that will allow it to collect fee-related data, such as labor and resources used to process aircraft registrations. Additionally, FAA is planning to develop a rulemaking submission to modify aircraft fee schedules in December 2024. To fully implement this recommendation, FAA needs to complete its rulemaking to ensure the new fees cover the costs of FAA's application verification efforts and can be adjusted further to keep pace with inflation. Without a change to these fees, FAA's registration costs continue to be borne by the public and limit resources available for applicant's and dealer's verification.

**Director:** Rebecca Shea

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### **Improving Transparency and Communication**

*DOT Discretionary Grants: Problems with Hurricane Sandy Transit Grant Selection Process Highlight the Need for Additional Accountability.* [GAO-17-20](#). Washington, D.C.: December 14, 2016.

**Year Recommendation Made:** 2017

**Recommendation:** Given DOT's new discretionary grant programs and similar challenges we have found with previous DOT programs, the Secretary of Transportation should issue a directive that governs department-wide and modal administration discretionary grant programs. Such a directive should include requirements to: (1) develop a plan for evaluating project proposals in advance of issuing a notice of funding availability that defines the stages of the process, including how the process will be overseen to ensure a consistent review of applications; (2) document key decisions, including the reason for any rating changes and the officials responsible for those changes, and how high-level concerns raised during the process were addressed; and (3) align stated program purpose and policy priorities with the evaluation and selection process.

**Actions Needed:** DOT agreed with this recommendation. DOT issued a memo to some discretionary grant programs to update their policies and procedures in response to our recommendation. However, as of February 2023, this memo did not define how key decisions will be documented, as we recommended, and exempted some of the agency's largest discretionary grant programs. According to DOT officials, in 2022, DOT established the Office of Grants and Financial Assistance which is responsible for providing department-wide guidance on discretionary grants, among other things. DOT officials stated that they plan to hire a Director for the Office by September 2023, and this Director will lead the effort to develop department-wide guidance on discretionary grant programs. To fully implement this recommendation, DOT needs to create a comprehensive, department-wide approach to ensure that its discretionary grant programs are consistently and transparently administered. Such a directive would help to ensure the integrity of future DOT discretionary grant award decisions and that awarded projects align with identified agency priorities.

**High Risk Area:** [Funding the Nation's Surface Transportation System](#)

**Director:** Elizabeth Repko

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*Air Ambulance: Data Collection and Transparency Needed to Enhance DOT Oversight.* [GAO-17-637](#). Washington, D.C.: July 27, 2017.

**Year Recommendation Made:** 2017

**Recommendation:** To increase transparency and obtain information to better inform decisions on whether to investigate potentially unfair or deceptive practices in the air ambulance industry, the Secretary of Transportation should assess available federal and industry data and determine what further information could assist in the evaluation of future complaints or concerns regarding unfair or deceptive practices.

**Actions Needed:** DOT did not agree with this recommendation. In written comments, DOT noted that when determining whether a complaint alleges conduct that could constitute an unfair or deceptive practice, DOT's analysis is based on the unique facts of each case rather than aggregate data. However, the FAA Reauthorization Act of 2018 directed the establishment of an Advisory Committee on Air Ambulance and Patient Billing and required the committee to make recommendations on a variety of topics, including an assessment of additional data from air ambulance providers and other sources to be collected by DOT to improve its understanding of the industry.<sup>8</sup> On March 18, 2022, the committee's report recommended that DOT collect additional industry information in part to increase transparency of market conditions impacting air ambulance services. After the submission of the committee's report, DOT was required by the FAA Reauthorization Act of 2018 to submit a report to Congress on air ambulance oversight that included a description of the information sources DOT will use to conduct oversight of air ambulance providers. DOT officials told us that they intend to issue the report to Congress on or before September 30, 2023.

To fully implement this recommendation, DOT needs to address our and the committee's recommendations to increase transparency and obtain information to better inform decisions on whether to investigate potentially unfair practices in the air ambulance industry. Without doing so, DOT is missing important information needed to put complaints into the context of the overall industry, which could affect its assessment on whether to pursue investigations.

**Director:** Heather Krause

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*Pedestrian Safety: NHTSA Needs to Decide Whether to Include Pedestrian Safety Tests in Its New Car Assessment Program.* [GAO-20-419](#). Washington, D.C.: April 23, 2020.

**Year Recommendations Made:** 2020

**Recommendation:** The Administrator of the National Highway Traffic Safety Administration (NHTSA) should document the overall process for making changes to the New Car Assessment

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<sup>8</sup>FAA Reauthorization Act of 2018, Pub. L. No. 115-254, § 418(a), 132 Stat. 3186, 3334 (2018).

Program, including established criteria and milestones for decisions, and share this process with external stakeholders.

**Recommendation:** The Administrator of NHTSA should decide whether to include pedestrian safety tests in the New Car Assessment Program and NHTSA should communicate this decision and rationale to relevant stakeholders and the public.

**Actions Needed:** NHTSA agreed with both recommendations. In March 2022, NHTSA requested public comments on proposed changes to the New Car Assessment Program including proposals to add pedestrian automatic emergency braking testing and to establish a 10-year roadmap for future updates to the program. According to NHTSA, the roadmap will set forth near-term and longer-term strategies for upgrading the program gradually. As of February 2023, NHTSA has yet to issue a final decision on whether to include pedestrian safety tests in the program or finalize its roadmap. NHTSA officials told us that they received more than 4,000 comments on the proposed changes and are currently analyzing them. According to NHTSA officials, the agency plans to finalize and publish its roadmap and issue a final decision notice updating the program later this year.

To fully implement these recommendations, the agency needs to (1) issue a final roadmap for updates to the New Car Assessment Program over the next 10 years with milestones for key actions, and (2) make a final decision on whether to include pedestrian safety tests in the program with the rationale for that decision. Not having a documented process for updating the program, such as through a finalized roadmap, affects NHTSA's ability to ensure its safety tests are regularly updated. In addition, in the absence of a decision on including pedestrian safety tests in the New Car Assessment Program and rationale for that decision, stakeholders—including the public—lack clarity on whether NHTSA is using all of the policy tools at its disposal to address emerging safety risks and achieve its strategic objectives.

**Director:** Andrew Von Ah

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*Traffic Safety: Implementing Leading Practices Could Improve Management of Mandated Rulemakings and Reports.* [GAO-22-104635](https://www.gao.gov/products/GAO-22-104635). Washington, D.C.: April 26, 2022.

**Year Recommendation Made:** 2022

**Recommendation:** The NHTSA Deputy Administrator should update NHTSA's rulemaking procedures to require the use of leading project schedule management practices for the activities needed to draft a proposed rule.

**Actions Needed:** NHTSA agreed with this recommendation. In January 2023, NHTSA reported that it would update its procedures for drafting a proposed rule to include leading project schedule management practices by December 30, 2023. These practices, which include establishing milestones and sequencing activities, can help manage project timeframes and reduce delays. To fully implement this recommendation, NHTSA needs to update its procedures to require the use of project schedule management leading practices for all stages of the rulemaking process. Without the timely issuance of mandated rules, improvements to important safety features such as seat belts and child car seats may be delayed.

**Director:** Elizabeth Repko

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*Maritime Administration: Actions Needed to Enhance Cargo Preference Oversight*, [GAO-22-105160](#). Washington, D.C.: September 12, 2022.

**Year Recommendations Made:** 2022

**Recommendation:** The Administrator of the Maritime Administration (MARAD) should publicly report, on an annual basis, the cargo preference data it receives to provide information on the total cargo volumes and amounts shipped on U.S.- and foreign-flag vessels for each federal agency.

**Recommendation:** The Administrator of MARAD should take steps to develop regulations to oversee and enforce compliance with cargo preference requirements. These steps should include evaluating options for overcoming challenges to developing such regulations, such as: (1) using a negotiated rulemaking as a means to address challenges achieving consensus on how to implement cargo preference requirements, and (2) developing and communicating a legislative proposal to address statutory challenges MARAD has identified.

**Actions Needed:** DOT agreed with our recommendations. As of February 2023, MARAD officials described steps the agency plans to take to implement the two recommendations. For example, MARAD officials stated that the agency sent letters to 72 civilian federal agencies to notify them that MARAD intends to publish data demonstrating the agencies' use of U.S.- and foreign-flag vessels for the carriage of cargoes generated by the agencies' activities and sponsored programs.

To fully implement the first recommendation, MARAD needs to publicly report the cargo volume data it receives from federal agencies. To fully implement the second recommendation, MARAD should take additional steps to develop and issue a final rule to implement and enforce cargo preference regulations. The James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, enacted in December 2022, requires MARAD to issue such a final rule. If implemented, these recommendations would provide an important accountability incentive for federal agencies to monitor their shipping activities and demonstrate that they are meeting cargo preference requirements, as well as better position MARAD to oversee and enforce cargo preference requirements.

**Director:** Andrew Von Ah

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### **Managing Cybersecurity Risks and Information Technology (IT)**

*Critical Infrastructure Protection: Additional Actions Are Essential for Assessing Cybersecurity Framework Adoption*. [GAO-18-211](#). Washington, D.C.: February 15, 2018.

**Year Recommendation Made:** 2018

**Recommendation:** The Secretary of Transportation, in cooperation with the Secretary of Homeland Security, should take steps to consult with respective sector partner(s), such as the sector coordinating council, the Department of Homeland Security, and the National Institute of

Standards and Technology, as appropriate, to develop methods for determining the level and type of framework adoption by entities across their respective sector.

**Actions Needed:** DOT agreed with this recommendation. As of January 2023, DOT, in coordination with the Department of Homeland Security, developed a survey to determine the level and type of framework adoption among the transportation systems sector. According to officials from DOT's Office of Intelligence, Security, and Emergency Response, the survey was distributed to 10 transportation systems subsector coordinating council leads, along with dozens of federal sector stakeholders. However, officials have yet to fully analyze the results of the survey and were unable to provide us with an expected date of completion. To fully implement this recommendation, DOT should assess the results of the survey to determine framework adoption among entities within the sector. Until DOT obtains a more comprehensive understanding of the use of the cyber framework by entities across the transportation systems sector, the agency will be limited in its ability to understand the success of protection efforts or determine where to focus limited resources for cyber risk mitigation.

**High Risk Area:** [Ensuring the Cybersecurity of the Nation](#)

**Director:** Dave Hinchman

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*Cybersecurity: Agencies Need to Fully Establish Risk Management Programs and Address Challenges.* [GAO-19-384](#). Washington, D.C.: July 25, 2019.

**Year Recommendation Made:** 2019

**Recommendation:** The Secretary of Transportation should fully develop a cybersecurity risk management strategy that includes the key elements identified in this report.

**Actions Needed:** DOT agreed with this recommendation. As of March 2023, DOT officials stated that they were completing a pilot of their risk program and planned to update relevant policies and strategies before the end of fiscal year 2023. To fully implement this recommendation, the agency needs to develop a cybersecurity risk management strategy that includes key elements, including a discussion of the agency's risk tolerance and how it intends to assess, respond to, and monitor risks. Implementing our recommendation would help DOT address the growing number of cyber threats to systems and data by taking a risk-based approach to cybersecurity by effectively identifying, prioritizing, and managing DOT's cyber risks.

**High Risk Area:** [Ensuring the Cybersecurity of the Nation](#)

**Director:** Marisol Cruz Cain

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*IT Workforce: Key Practices Help Ensure Strong Integrated Program Teams; Selected Departments Need to Assess Skill Gaps.* [GAO-17-8](#). Washington, D.C.: November 30, 2016.

**Year Recommendation Made:** 2017

**Recommendation:** To facilitate the analysis of gaps between current skills and future needs, the development of strategies for filling the gaps, and succession planning, the Secretary of Transportation should require the Chief Information Officer, Chief Human Capital Officer, and other senior managers as appropriate to address the shortfalls in IT workforce planning noted in this report, including the following actions: (1) establish a time frame for when the department is to finalize its draft workforce-planning process and maintain that process; (2) develop staffing requirements for all positions; (3) assess competency and staffing needs regularly for all positions; (4) assess gaps in staffing for all components of the workforce; (5) develop strategies and plans to address gaps in competencies and staffing; (6) implement activities that address gaps, including an IT acquisition cadre, cross-functional training of acquisition and program personnel, a career path for program managers, and use of special hiring authorities, if justified and cost-effective; (7) monitor the department's progress in addressing competency and staffing gaps; and (8) report to department leadership on progress in addressing competency and staffing gaps.

**Actions Needed:** DOT agreed with this recommendation. In January 2020, DOT officials told us the agency had established a workgroup to lead and conduct workforce-planning activities, and had defined the strategic goals and objectives for the agency's IT workforce. As of January 2023, DOT has implemented three of the eight recommended IT workforce-planning activities—developing competency and staffing requirements, assessing gaps in competencies and staffing, and developing strategies and plans to address gaps in competencies and staffing. DOT officials stated that the agency is continuing its efforts to implement the recommendation and plans to complete final actions by November 2023. To fully address this recommendation, DOT should complete the remaining five IT workforce planning activities. Until the agency completes these activities, it risks not adequately assessing and addressing gaps in knowledge and skills that are critical to the success of major IT acquisitions.

**High Risk Areas:** [Ensuring the Cybersecurity of the Nation, Improving the Management of IT Acquisitions and Operations](#)

**Director:** Dave Hinchman

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*Privacy: Dedicated Leadership Can Improve Programs and Address Challenges.* [GAO-22-105065](#). Washington, D.C.: September 22, 2022.

**Year Recommendation Made:** 2022

**Recommendation:** The Secretary of Transportation should fully define and document a process for ensuring that the senior agency official for privacy or other designated privacy official is involved in assessing and addressing the hiring, training, and professional development needs of the agency with respect to privacy.

**Actions Needed:** DOT agreed with this recommendation. As of March 2023, DOT officials stated that DOT's Office of the Chief Information Officer is expected to implement a defined workforce process in which the DOT Chief Privacy Officer has a role in the review and approval of the hiring of privacy professionals within the Office of the Secretary. The Chief Privacy Officer will also have a role in the professional development of those individuals. DOT officials added that they expect this process to be implemented during fiscal year 2023. To fully implement this recommendation, the department needs to update its policies and procedures to include

requirements and a process for involving the senior agency official for privacy, or other designated privacy official, in planning for the department's privacy workforce needs. Addressing our recommendation would help DOT better identify its privacy staffing needs and ensure that it has a sufficient and well-qualified privacy workforce.

**High Risk Area:** [Ensuring the Cybersecurity of the Nation](#)

**Director:** Jennifer R. Franks

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**Improving Climate Resilience**

*Climate Resilience: Options to Enhance the Resilience of Federally Funded Roads and Reduce Fiscal Exposure.* [GAO-21-436](#). Washington, D.C.: September 22, 2021.

**Year Recommendation Made:** 2021

**Recommendation:** The Secretary of Transportation should consider how the Federal Highway Administration (FHWA) plans to implement options to enhance the climate resilience of federally funded roads, such as the options identified in this report, when prioritizing actions on climate change in policy-making, as called for in Executive Order 14008.

**Actions Needed:** DOT agreed with this recommendation. In January 2023, DOT officials told us that the agency is on track to identify and implement the relevant options that we recommended by November 30, 2023. To fully implement this recommendation, DOT should assess which options to exercise and determine how it plans to implement them. Implementing our recommendation would help DOT manage risks to federal investments in U.S. roads posed by climate change and ensure the safety and reliability of the U.S. transportation system.

**High Risk Area:** [Limiting the Federal Government's Fiscal Exposure by Better Managing Climate Change Risks](#)

**Director:** J. Alfredo Gómez

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