

Project 08-54

Best Methods and Practices of Data Integration for Transportation Departments

Research Field: Transportation Planning
Source: AASHTO Standing Committee on Planning
Allocation: \$50,000
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Accurate and timely data are needed to assist in making effective decisions. The location and types of data collected and stored by the various transportation departments vary widely. Often the availability and format of this data make it difficult to utilize in the decision-making process. States are looking for ways to better manage their data so that decision makers can receive needed information in a timely fashion.

In some cases, the data are simply not available, but, in others, the issue is data sharing among agencies. State departments of transportation are sometimes reluctant to share data with other agencies and local government units due to concern of liability consequences. However, providing a robust safety management system is dependent on complete, accurate, and timely data to identify and predict safety problems and to measure the effects of safety countermeasures. Furthermore, research is currently being conducted that seeks methods and tools for predicting future accident problems and the safety consequences of alternative roadway facilities and designs. The data required for these tools may be subject to the same access limitations.

The objective of this study is to provide state departments of transportation with guidance on how to best integrate their existing data into "user-friendly" formats to support more effective decision making.

The study tasks would include (1) identifying current state practice with regard to sharing data; (2) providing an analysis of the Guillen decision in terms of its probable impact on data sharing (this task would provide a description of the Guillen decision and legal analysis of the various possible impacts on data sharing in the states); (3) conducting a survey to document, summarize, and report the stated reasons for sharing and not sharing data with particular attention to the relationship of state tort liability statutes to state practice; (4) documenting best practices of various states in presenting data in an effective manner to decision makers and achieving data-driven decision making; and (5) creating guidelines for best practices in data sharing and protecting state and local agencies from liability exposure.

Note: The AASHTO Standing Committee on Research directed that the original scope and funds be reduced to that of a synthesis.

US Supreme Court rules traffic accident information compiled or collected for federal highway safety program not available for discovery and trial use.

A unanimous Supreme Court ruled January 14 that traffic accident information, compiled or collected by state and local agencies for use in the federal Hazard Elimination Program, is both exempt from discovery and from use in federal and state court proceedings for damages.

This case arose out of a 1996 fatal traffic accident in Pierce County. In a suit for damages, the victim's husband sought accident information to help prove that while the county was aware of safety problems at the site of the accident, it failed to take corrective action. The county denied the discovery requests, citing an exemption provided by federal law for information compiled or collected to identify, evaluate, or plan highway safety enhancements. See 23 U.S.C. § 409. The trial court ruled in favor of the husband. An appeal was brought to the court of appeals and then to the state supreme court. The state supreme court ruled that a 1995 amendment to the federal law exceeded Congress's authority and, accordingly, only information created for the hazard elimination program was protected from discovery or use, leaving other information, such as lists of accidents and collision diagrams, available to the plaintiff. The county appealed the state decision to the U.S. Supreme Court.

Justice Clarence Thomas wrote for the Court. After disposing of a jurisdiction issue, the Justice relied on the intent of the 1995 amendment and held that accident information both compiled and collected by an agency for the purposes of the federal act was exempt from discovery and use in court proceedings. Other accident information, however, was not covered by the exemption, if it was created or gathered for reasons other than the federal act. (Thus, for example, an accident report was submitted to a law enforcement agency, it would not be exempt from disclosure; if, however, the report was later obtained by the public works department to be used for as an exhibit for a federal grant application under 23 U.S.C. § 409, it would be exempt from disclosure.) The Court also held that the federal hazard elimination program was a proper exercise of congressional power.

[Pierce County v. Guillen, Slip Docket No. 01-1229 \(2003\)](#)