

U.S. Department of Transportation

Freedom of Information Act (FOIA)

Action Improvement Plan

June 9, 2006

Developed in accordance with Executive Order 13392, "Improving Agency Disclosure of Information"

U.S. Department of Transportation

A. CHARACTERIZE OVERALL NATURE OF AGENCY'S FOIA OPERATIONS.

The U.S. Department of Transportation has a department-level FOIA office in the Office of the Secretary and FOIA offices in each of its operating administrations (OAs) and in the Office of the Inspector General:

- Office of the Secretary (OST)
- Federal Aviation Administration (FAA)
- Federal Highway Administration (FHWA)
- Federal Motor Carrier Safety Administration (FMCSA)
- Federal Railroad Administration (FRA)
- Federal Transit Administration (FTA)
- Office of the Inspector General (OIG)
- Maritime Administration (MARAD)
- National Highway Traffic Safety Administration (NHTSA)
- Pipeline and Hazardous Materials Safety Administration (PHMSA)
- Research and Innovative Technology Administration (RITA)
- St. Lawrence Seaway Development Corporation (SLSDC)

The OST, FMCSA, FRA, FTA, OIG, MARAD, and SLSDC have centralized programs, where all FOIA responsibilities and activities are conducted by a central FOIA office.

The FAA and FHWA operate their FOIA programs in a decentralized fashion, where FOIA responsibilities and activities are shared among numerous field and Headquarters program offices.

The NHTSA's FOIA responsibilities and activities are conducted by the primary FOIA office, as well as one other Headquarters program office.

The PHMSA's FOIA responsibilities and activities are shared among several Headquarters program offices and a central FOIA office.

The RITA's FOIA responsibilities and activities are primarily shared between a Headquarters FOIA office and a field office, with a second field office performing a small number of FOIA activities.

B. LIST ALL AREAS SELECTED FOR REVIEW.

The Departmental FOIA office (OST) conducted a comprehensive review of the FOIA operations throughout the Department. Among the areas reviewed were organization and staffing; receipt of FOIA requests; communication with requesters; acknowledgement letters; expedited processing; multi-track processing; fees and fee waivers; response

letters; frequently requested records; FOIA databases; training; backlogs; appeals; FOIA websites of the OAs; and communication (within each OA and throughout the Department).

C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW.

The FOIA offices throughout the U.S. Department of Transportation handle a broad range of FOIA requests, reflecting the broad range of programs administered by the Department.

Although there are many things that the FOIA offices are “doing right,” the review showed that there are many opportunities for improvement in the Department’s FOIA programs and operations.

A major area of concern for several OAs is the number of FOIA requests pending from previous fiscal years. Although five OAs (FTA, MARAD, NHTSA, RITA, and SLSDC) have no backlogs from previous fiscal years, the remaining OAs did have pending requests from previous fiscal years. The resolution of these old cases is a major focus of our action plan.

During the review process, it became evident that the Departmental FOIA Office (OST) needed to improve its guidance, oversight, and assistance to the departmental FOIA offices. The review also showed that better FOIA-related communication is needed within the individual OAs, as well as throughout the Department.

The review also revealed that the organization, automation, training, backlogs, and the processes for expedited processing, multi-tracking, fees, fee waivers, and appeals varied greatly throughout the Department. Although there are legitimate reasons for a good deal of the variance, best practices can be incorporated to improve selected areas in some of the OAs.

We found that each headquarters FOIA office in the OAs provides the option of submitting FOIA requests via e-mail (including through the website). However, in the decentralized offices, not all field offices accept FOIA requests electronically.

D. LIST ALL AREAS CHOSEN AS IMPROVEMENT AREAS FOR AGENCY PLAN.

- Affirmative disclosure under subsection (a)(2) and proactive disclosure of information
- Improvements to FOIA websites and FOIA reference guides
- Automated tracking systems
- Electronic FOIA – electronic payment of FOIA fees
- Electronic FOIA – receiving requests electronically
- Multi-track processing
- Expedited processing
- Backlog reduction/elimination
- Acknowledgement letters and other forms of communication with requesters
- System of handling referrals and consultations

- Process by which necessary cooperation is obtain from agency “program personnel”
- Training (including politeness and courtesy training)
- Centralization/decentralization – organization structure
- Recycling of improvement information gleaned from FOIA Requester Service Centers and FOIA Public Liaisons

E. FOR EACH IMPROVEMENT AREA PROVIDE: (1) name, (2) brief statement of goals/objectives; (3) list of all distinct steps planned to be taken; (4) time milestones; and (5) means of measurement of success.

1. Affirmative disclosure under subsection (a)(2) and proactive disclosure of information.

a. Credit card holder listings will be posted on each OA’s FOIA website (includes all HQ and field locations) by 11/30/06.

Action Office	Target Date for Posting	If already posted, target date for updating	Actual Date of Completion	Follow-up Action: Target Date for Updating	Actual Date of Updating
OST	11/30/06	N/A		5/31/07	
FAA	11/30/06	N/A			
FHWA	11/30/06	N/A			
FMCSA	11/30/06	N/A			
FRA	N/A	11/30/06			
FTA	N/A	11/30/06			
OIG	11/30/06	N/A			
MARAD	N/A	11/30/06			
NHTSA	11/30/06	N/A			
PHMSA	N/A	11/30/06			
RITA	11/30/06	N/A			
SLSDC	N/A	11/30/06			

b. Conduct a review of the Department’s policies and procedures as they relate to making public information available. Educate the OAs about the requirements of 5 U.S.C. 552 regarding public documents.

Action	Target date for completion	Actual date of completion
The Departmental FOIA Office (OST) will review the OAs' policies and practices relating to the availability of public information through websites and other means, including the use of websites to make records described in 5 U.S.C. 552(a)(2) available.	3/31/07	
The Departmental FOIA Office (OST) will review the OAs' policies and practices relating to proactively posting information on its public website, with a focus on looking for "best practices" within the Department.	3/31/07	
The Departmental FOIA Officer will report the findings of the reviews of regarding "(a)(2)" and "proactive" postings to the Chief FOIA Officer, including recommendations for improvement.	4/15/07	
The DOT Chief FOIA Officer will send a memorandum to the heads of the OAs describing what the reviews found and outlining the statutory responsibilities of each OA related to making public information available and recommendations for improvement.	5/15/07	
The DOT Chief FOIA Officer memorandum to the OAs will be posted on the Department's FOIA website.	5/31/07	
The Departmental FOIA Officer will review progress of the OAs and report to the DOT Chief FOIA Officer.	11/30/07	
The DOT Chief FOIA Officer will report progress to the heads of the OAs.	12/31/07	
The DOT Chief FOIA Officer memorandum to the OAs will be posted on the Department's FOIA website.	1/15/08	

2. **Improvements to FOIA websites and FOIA reference guides.** Need to be customer-friendly and up-to-date. Review to determine if updates/improvements need to be made; implement updates/improvements.

Action: Department-wide FOIA meeting to discuss best practices and to provide guidance for website and FOIA reference guide improvements. Action office: OST

Target date for completion: 6/30/06
 Actual date of completion: _____

Action: Each OA conducts a review of its FOIA website, then implements updates/improvements. See below.

Action Office	Target Date for Completion of Review	Actual Date of Completion	Target Date for Implementing Improvements	Actual Date of Completion
OST	07/31/06		11/30/06	
FAA				
FHWA				
FMCSA				
FRA				
FTA				
OIG				
MARAD				
NHTSA				
PHMSA				
RITA				
SLSDC				

Action: Each OA conducts a review of its FOIA reference guide, then implements updates/improvements. See below.

Action Office	Target Date for Completion of Review	Actual Date of Completion	Target Date for Implementing Improvements	Actual Date of Completion
OST	07/31/06		11/30/06	
FAA				
FHWA				
FMCSA				
FRA				
FTA				
OIG				
MARAD				
NHTSA				
PHMSA				
RITA				
SLSDC				

3. Automated tracking systems.

The PHMSA and OST need to install new FOIA tracking systems.

The PHMSA is well on its way to acquiring and installing an updated automated tracking system. The agency has aggressively researched and selected a new automated tracking system. After executing a Memorandum of Agreement, and pilot testing the new system, PHMSA will operate the new system by 9/30/06.

Steps: Execute a Memorandum of Understanding

Target date: 6/30/06

Actual date completed: _____

Pilot test the system

Target date: 8/15/06

Actual date completed: _____

Full implementation of system

Target date: 9/30/06

Actual date completed: _____

The OST is in the early phases of obtaining an updated automated tracking system. Due to the years-out budget planning cycle, implementation date is uncertain. This action item will be updated in the future.

- 4. Electronic FOIA – electronic payment of FOIA fees.** Offer all requesters the opportunity to pay electronically (through pay.gov). Four of the OAs (FRA, OIG, MARAD, and NHTSA) already offer electronic payment of FOIA fees. Our goal is to have all Departmental FOIA offices offer requesters that opportunity by 6/30/07. Two additional OAs (FAA and PHMSA) have agency accounts with pay.gov, although not yet specific accounts for FOIA payments.

Action Office	Target date to set up Agency Account	Actual Date Completed	Target date to set up pay.gov for FOIA payments	Actual Date Completed	Target date to be up-and-running	Actual Date of Final Completion
OST	8/31/06		10/31/06		12/31/06	
FAA	N/A	N/A	10/31/06		12/31/06	
FHWA	12/31/06		3/31/07		6/30/07	
FMCSA	12/31/06		3/31/07		6/30/07	
FRA	N/A	N/A	N/A	N/A	N/A	
FTA	12/31/06		3/31/07		6/30/07	
OIG	N/A	N/A	N/A	N/A	N/A	
MARAD	N/A	N/A	N/A	N/A	N/A	
NHTSA	N/A	N/A	N/A	N/A	N/A	
PHMSA	N/A	N/A	10/31/06		12/31/06	
RITA	12/31/06		3/31/07		6/30/07	
SLSDC	12/31/06		3/31/07		6/30/07	

- 5. Electronic FOIA – receiving requests electronically.** All DOT FOIA offices (HQ and field) will offer the opportunity to send in FOIA requests electronically. This is already being done by all of the primary FOIA offices within the Department (HQ offices). However, our goal is to extend this to all field locations in the OAs where FOIA responsibilities and activities are decentralized – FAA and FHWA.

	Target date for completion	Actual date of completion
FAA – all field locations	6/30/07	
FHWA – all field locations	6/30/07	

- 6. Multi-track processing.** The Departmental FOIA office will conduct an in-depth review to glean best practices regarding (a) the different types of tracks used, (b) the distinctions between the tracks, and (c) educating requesters about the same.

Action	Target date for completion	Actual date of completion
Review multi-tracking processes within DOT	7/31/06	
Review multi-tracking processes within selected Federal agencies	12/31/06	
Implement a pilot test of multi-tracking best practices in at least one Departmental OA	3/31/07	
Evaluate the pilot test	9/30/07	
Expand multi-tracking best practices, as appropriate, in other Departmental OAs	3/31/08	

- 7. Expedited processing.**

Action	Target Date	Actual Completion Date
Departmental FOIA Officer will host a meeting to discuss the requirements regarding expedited processing, as well as best practices used throughout the Department	8/31/06	
Departmental FOIA Officer will follow-up with “best practices” guidance for expedited processing	9/15/06	
All OAs will begin measuring the number of days it takes to process requests which have been granted expedited processing	10/1/06	
OAs will report to the Departmental FOIA Officer the number of days it took to process each request granted expedited processing to determine the baseline for improvement	6/30/07	
Goals will be established based on the data collected from the OAs	9/30/07	
Improvement goals go into effect	10/1/07	
Improvement goals are measured	9/30/08	

8. Backlog reduction/elimination. Schedule for closing out FOIA requests from previous fiscal years (FY 2005 and earlier). These charts address all FOIA requests from pending fiscal years throughout the Department.

Pending requests and schedule for closing out for **OST**:

	# closed out by 6/30/06	# closed out by 9/30/06	# closed out by 12/31/06	# closed out by 3/31/07	# closed out by 6/30/07	# closed out by 9/30/07	Number pending as of 9/30/07
FY 2005 – 76	0	10	15	15	15	21	0
FY 2004 – 58	0	10	10	10	10	18	0
FY 2003 – 12	2	2	2	2	2	2	0
FY 2002 – 6	0	2	2	2	0	0	0
FY 2000 - 2	1	1	0	0	0	0	0

Pending requests and schedule for closing out for **FHWA**:

	# closed out by 6/30/06	# closed out by 9/30/06	# closed out by 12/31/06	# closed out by 3/31/07	# closed out by 6/30/07	# closed out by 9/30/07	Number pending as of 9/30/07
FY 2005 – 5	0	1	1	1	1	1	0

Pending requests and schedule for closing out for **FMCSA**:

	# closed out by 6/30/06	# closed out by 9/30/06	# closed out by 12/31/06	# closed out by 3/31/07	# closed out by 6/30/07	# closed out by 9/30/07	Number pending as of 9/30/07
FY 2004 – 1	0	0	1	0	0	0	0

Pending requests and schedule for closing out for **FRA**:

	# closed out by 6/30/06	# closed out by 9/30/06	# closed out by 12/31/06	# closed out by 3/31/07	# closed out by 6/30/07	# closed out by 9/30/07	Number pending as of 9/30/07
FY 2005 – 16	3	3	3	3	3	1	0

Pending requests and schedule for closing out for **OIG**:

	# closed out by 6/30/06	# closed out by 9/30/06	# closed out by 12/31/06	# closed out by 3/31/07	# closed out by 6/30/07	# closed out by 9/30/07	Number pending as of 9/30/07
FY 2005 – 65	9	9	9	9	9	9	11
FY 2004 – 3	0	1	2	0	0	0	0
FY 2003 – 2	1	1	0	0	0	0	0

Pending requests and schedule for closing out for **PHMSA**:

	# closed out by 6/30/06	# closed out by 9/30/06	# closed out by 12/31/06	# closed out by 3/31/07	# closed out by 6/30/07	# closed out by 9/30/07	Number pending as of 9/30/07
FY 2005 – 12	5	4	1	1	1	0	0
FY 2004 – 2	0	0	1	0	1	0	0

Pending requests and schedule for closing out for **FAA**: *

FAA Headquarters :

	# closed out by 9/30/06	# closed out by 12/31/06	# closed out by 3/31/07	# closed out by 6/30/07	# closed out by 9/30/07	# closed out by 12/31/07	# closed out by 3/31/08	Number pending as of 3/31/08
FY 2004 – 53	0	0	0	0	13	20	20	0
FY 2003 – 45	0	0	0	15	15	15	0	0
FY 2002 – 35	0	0	0	10	10	15	0	0
FY 2001 – 34	0	4	0	15	0	15	0	0
FY 2000 – 13	0	3	0	10	0	0	0	0
FY 1999 – 12	0	0	0	12	0	0	0	0
FY 1998 – 9	0	9	0	0	0	0	0	0
FY 1997 – 3	3	0	0	0	0	0	0	0

FAA Regional Offices:

	# closed out by 9/30/06	# closed out by 12/31/06	# closed out by 3/31/07	# closed out by 6/30/07	# closed out by 9/30/07	# closed out by 12/31/07	# closed out by 3/31/08	Number pending as of 3/31/08
FY 2004 – 22	0	0	0	11	0	11	0	0
FY 2003 – 23	0	0	0	11	0	12	0	0
FY 2002 – 26	0	0	6	10	0	10	0	0
FY 2001 – 9	0	0	4	5	0	0	0	0
FY 2000 – 4	0	0	4	0	0	0	0	0
FY 1999 – 2	0	2	0	0	0	0	0	0
FY 1998 – 2	0	2	0	0	0	0	0	0

FAA Air Traffic Organization Service Areas: **

	# closed out by 9/30/06	# closed out by 12/31/06	# closed out by 3/31/07	# closed out by 6/30/07	# closed out by 9/30/07	# closed out by 12/31/07	# closed out by 3/31/08	Number pending as of 3/31/08
FY 2004 – 34	0	0	10	0	0	10	14	0
FY 2003 – 37	0	0	10	0	0	27	0	0
FY 2002 – 14	0	0	4	10	0	0	0	0
FY 2001 – 1	0	0	0	0	1	0	0	0
FY 2000 – 11	1	2	0	0	8	0	0	0
FY 1999 – 32	11	0	7	14	0	0	0	0

* The FAA has 324 pending requests from FY 2005. While the agency will be working to reduce the number of pending requests from FY 2005, priority is being given to closing out the pending requests from FY 2004 and earlier.

** The Air Traffic Organization (ATO) Service Area FOIA requests have been separated from the others because ATO is currently undergoing a reorganization (merging of several existing offices). Because several ATO field offices are closing and relocating, it is going to be more difficult to locate records and respond to older requests. The FAA will make every effort to meet the close-out dates given for these requests.

9. Acknowledgement letters and other forms of communication with requesters.

Forms of communication with requesters. The majority of the OAs routinely communicate with requesters via telephone. The FAA encourages their FOIA offices to acknowledge FOIA requests in the same way the request was submitted (e.g., if a requester e-mails a FOIA request, the acknowledgement would be sent via e-mail).

Acknowledgement letters. Effective 6/30/06, all acknowledgement letters from all Departmental FOIA offices (HQ and field) will have a telephone contact number provided. Many of the FOIA offices are already doing this. This is a best practice passed along to the offices not already doing so.

In a combined session with Politeness and Courtesy (see item #12 – training; target date 6/30/06), the OAs will share their practices relating to acknowledgement letters and other forms of communication with requesters and receive feedback and best practices ideas from the group. Improvements in this area will be implemented immediately.

Follow-up action: Meeting to discuss implementation of improvements and any feedback received from requesters regarding the implemented changes regarding acknowledgement letters and other forms of communication with requesters.

Target date for meeting: 12/30/06

Actual date of meeting: _____

10. System of handling referrals and consultations.

- a. Referrals. Immediate action: If not “based on established precedent,” OST will call the OAs to confirm proper routing prior to forwarding.

Follow-up action: The OST will request feedback from the OAs to determine if this is being done and also on the effectiveness of this approach.

Target date for collecting feedback: 3/31/07

Actual date: _____

- b. Consultations. The OIG frequently needs to consult with various OAs within DOT. This action is meant to improve responsiveness from the OAs back to the OIG.

Immediate action: When forwarding documents for review by the various OAs, the OIG will provide a deadline date for the return of the reviewed documents. The OIG will follow-up by telephone or e-mail if they have not received a response by the deadline.

Follow-up action: The OIG will determine whether this approach is effective.

Target date for effectiveness review: 6/30/07

Actual date for effectiveness review: _____

11. Process by which necessary cooperation is obtained from agency “program personnel.” Improved cooperation from program personnel will, in turn, enable the FOIA offices be more responsive to FOIA requesters.

Initial action: Department-wide FOIA meeting / brainstorming session to discuss best practices for obtaining necessary cooperation from program personnel. Action office: OST

Target date: 1/31/07

Actual date: _____

Action: Each OA will implement best practices as appropriate.

Follow-up action: Determine if implemented improvements are effective. If improvements are found to be effective, continue following those practices. If improvements are not having the desired effect, examine and implement other improvements.

Action Office	Target date for implementing appropriate best practices	Actual date implemented	Target date for determining if implemented improvements are effective	Actual Date
OST	3/31/07		12/31/07	
FAA				
FHWA				
FMCSA				
FRA				
FTA				
OIG				
MARAD				
NHTSA				
PHMSA				
RITA				
SLSDC				

Follow-up action: Department-wide FOIA meeting to discuss implemented best practices for obtaining necessary cooperation from program personnel and determine if there are newer best practices that could be employed by the OAs. Action office: OST

Target date: 1/31/08

Actual date: _____

12. Training (including politeness and courtesy training).

Action: Departmental FOIA Officer will arrange various training “mini-sessions” for FOIA and program staff. Meeting notes will be sent out within 1 week of each training session to all FOIA contacts throughout the Department.

Training Topic	Target date for training	Actual completion date	Actual date meeting notes sent out
(1) Politeness and courtesy – how to better serve the FOIA requester community; (2) acknowledgement letters and other forms of communication with FOIA requesters – best practices	6/30/06		
New requirements for the annual report	9/30/06		
Basic FOIA – Procedural Requirements	12/30/06		
FOIA Fees	3/31/07		
Exemption (b)(4) and submitter notices	6/30/07		
Best practices for preparing OA input to the annual report	9/30/07		
Exemption 3 – The Proper Application of DOT’s exemption 3 statutes	12/30/07		
Politeness and courtesy – how to better serve the FOIA requester community	3/31/08		
Exemption 5	6/30/08		
Basic FOIA – Procedural Requirements	9/30/08		
Exemption 6	12/31/08		

Action: Departmental FOIA Officer will ensure that Departmental FOIA staff are aware of available training (DOJ, USDA, Departmental, on-the-job, etc.)

Target date: 7/31/06
 Actual date completed: _____

- 13. Centralization/decentralization – organization structure.** Based on the review, the DOT Chief FOIA Officer determined that two OAs should examine the organizational structure of their FOIA programs to ensure maximum effectiveness, including consistency in administering the FOIA throughout the OA.

Action	Target completion date	Actual completion date	Target date for implementation of any necessary improvements	Actual date of implementation of any necessary improvements
Departmental FOIA Officer will meet with the two OAs	6/30/06		N/A	N/A
The FHWA will conduct a review of its FOIA program	9/30/06		3/31/07	
The PHMSA will conduct a review of its FOIA program	9/30/06		3/31/07	

14. Recycling of improvement information gleaned from FOIA Requester Service Centers and FOIA Public Liaisons.

The Departmental FOIA Office will meet with the FOIA Requester Service Centers to see what information they have learned from requesters that could be helpful to other OAs.

Target date: 3/31/07

Actual date: _____

The DOT Chief FOIA Officer will meet with the FOIA Public Liaisons to review and discuss the types of calls being placed to the Public Liaisons.

Target date for meeting: 3/31/07

Actual date of meeting: _____

Based on that meeting, the DOT Chief FOIA Officer and FOIA Public Liaisons will meet with the Departmental FOIA Office to discuss and suggest potential improvements needed at the various FOIA Requester Service Centers.

Target date for meeting: 4/30/07

Actual date of meeting: _____

Target date for implementation of suggested improvements: 5/31/07

Actual date of implementation: _____