

**U.S. DEPARTMENT OF TRANSPORTATION (DOT)
IMPLEMENTATION OF THE FREEDOM
OF INFORMATION ACT (FOIA)
FISCAL YEAR 1998**

I. Basic Information Regarding Report

- A. Person to be contacted with questions about the report: Ann E. Ross, Acting Chief, Freedom of Information Act Division, C-12/5432, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, (202) 366-4542.
- B. Electronic address for report on the World Wide Web:
<http://www.dot.gov/ost/ogc/org/foia/annual.htm>
- C. Person to be contacted for a copy of the report in paper form: Ann E. Ross, Acting Chief, Freedom of Information Act Division, C-12/5432, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, (202) 366-4542.

II. How to Make a FOIA Request

- A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

Name/Title	Address	Telephone/ Facsimile No. ¹
Ann E. Ross, Acting Chief FOIA Division Office of the Secretary	C-12/5432 400 Seventh Street, SW Washington, DC 20590	(202) 366-4542 (202) 366-8536
Joseph T. O'Neill FOIA Officer Office of Inspector General	JC-1/9208 400 Seventh Street, SW Washington, DC 20590	(202) 366-1971
Commandant G-SII-2/6106 United States Coast Guard	2100 Second Street, SW Washington, DC 20593	(202) 267-1086
Valerie Collins, Manager National FOIA Staff, ARC-40 Federal Aviation Administration	800 Independence Avenue, SW Washington, DC 20591	(202) 267-3108

¹ If one telephone number appears, it represents the office telephone number.

Ms. Jean Mahoney, FOIA Coordinator FAA Alaskan Region, AAL-7	222 West 7 th Avenue, #14 Anchorage, AL 99513-7587	(907) 271-5269 (907) 271-2800
Ms. Veronica Bailey, FOIA Coordinator FAA Central Region, ACE-40	601 East 12 th Street Kansas City, MO 64106	(816) 426-5975 (816) 426-3124
Ms. Mary Antney FAA Eastern Region	JFK International Airport Fitzgerald Federal Building Jamaica, NY 11430	(718) 553-3398 (718) 995-5663
Ms. Violet Kurylak, FOIA Coordinator FAA Great Lakes Region, AGL-4	2300 E. Devon Avenue Des Plaines, IL 60018	(847) 294-7825 (847) 294-7184
Ms. Carol Goodsell, FOIA Coordinator FAA New England Region, ANE-40	12 New England Exec. Park Burlington, MA 01803	(781) 238-7393 (781) 238-7380
Ms. Connie Coleman-Lacadie, FOIA Coordinator, FAA Northwest Mountain Region, ANM-4	1601 Lind Avenue SW Renton, WA 98055-4056	(425) 227-2065 (425) 227-1004
Ms. Doris Little, FOIA Coordinator FAA Southern Region, ASO-65D	Post Office Box 20636 Atlanta, GA 39329	(404) 305-5904 (404) 305-5854
Ms. Nancy Reilly, FOIA Coordinator FAA Southwest Region, ASW-41A	2601 Meacham Boulevard Ft. Worth, TX 76193-0041	(817) 222-5450 (817) 222-5952
Ms. Debbie Reed-Turley, FOIA Coordinator, FAA Southwest Region, AWP-7	Post Office Box 92007 World Postal Center Los Angeles, CA 90009	(310) 725-7102 (310) 536-8407
Ms. Beth Henson, FOIA Coordinator FAA Civil Aeromedical Institute Office of Aviation Medicine, AAM-3	Post Office Box 25082 Oklahoma City, OK 73132	(405) 954-1002 (405) 954-1010
Ms. Maureen Carroll, FOIA Coordinator FAA Technical Center, ACT-4	Atlantic City International Airport, NJ 08405	(609) 485-4854 (609) 485-4011
Mr. Doug Burdette, FOIA Coordinator, FAA Mike Monroney Aeronautical Center Flight Standards Service	Operational Services Branch, AFS-600 Post Office Box 25082 Oklahoma City, OK 73125	(405) 954-6501 (405) 954-4655

Ms. Stacy Flowers, FOIA Coordinator, FAA Mike Monroney Aeronautical Center Civil Aviation Registry, AFS-700	Post Office Box 25082 Oklahoma City, OK 73125	(405) 954-4331 (405) 954-5759
Ms. Margaret Fee, FOIA Coordinator FAA Mike Monroney Aeronautical Center Aviation System Standards	Post Office Box 25082 Oklahoma City, OK 73125	(405) 954-8926 (405) 954-3436
Ms. Judi Kemler, FOIA Coordinator FAA Mike Monroney Aeronautical Center, Office of Flight Program Oversight, ASW-280	Post Office Box 25082 Oklahoma City, OK 73125	(405) 954-5460 (405) 954-9187
Ms. Joey Muth, FOIA Coordinator Mike Monroney Aeronautical Center, AMC-2	Post Office Box 25082 Oklahoma City, OK 73125	(405) 954-5054 (405) 954-3360
FOIA Officer Federal Highway Administration	HMS-10/4428 400 Seventh Street, SW Washington, DC 20590	(202) 366-0534
Dolores Jones FOIA Officer Federal Railroad Administration	1120 Vermont Avenue, NW Washington, DC 20590	(202) 493-6039
Heidi Coleman, Assistant Chief Counsel for General Law, National Highway Traffic Safety Administration	NCC-30/5219 400 Seventh Street, SW Washington, DC 20590	(202) 366-1834
Minnie Davis FOIA Officer Federal Transit Administration	TPA-1/9400 400 Seventh Street, SW Washington, DC 20590	(202) 366-4043
Edmund Sommer FOIA Officer Maritime Administration	MAR-224/7221 400 Seventh Street, SW Washington, DC 20590	(202) 366-5181
Helen Hagin FOIA Office, Research and Special Programs Administration	DCR-1/8419 400 Seventh Street, SW Washington, DC 20590	(202) 366-9638

Mary C. Fregoe FOIA Officer, St. Lawrence Seaway Development Corporation	Post Office Box 520 Massena, NY 13662-0520	(315) 764-3210
David Mednick FOIA Officer Bureau of Transportation Statistics	K-10/3430 400 Seventh Street, SW Washington, DC 20590	(202) 366-8871

A. Brief description of the agency's response-time ranges.

Most components in DOT administer a decentralized FOIA program. FOIA coordinators and responding program offices acknowledge receipt of FOIA requests promptly. Response time for a request varies according to the clarity and complexity of the request, the volume of documents requested and the number of facilities assigned to respond to the request. Response time is facilitated when requesters are specific about the records they seek, and include the organization(s) where the records may be located. Program offices contact requesters by telephone or in writing to clarify any uncertainties in a FOIA request, and to resolve any fee issues with the request, so that they may provide a response as soon as possible.

C. Brief description of why some requests are not granted.

Reasons why requests may not be granted include: the request inadequately describes records sought; the request poses questions rather than seeks documents; the information is already publicly available; the request should more properly be answered under another Act, such as the Privacy Act or the Pilot Records Improvement Act of 1996; fees for previous requests have not been paid.

Other reasons for not granting requests include: requested reports were not available at time of request. Records were non-existent. No records were found. Records were destroyed. Records revealed investigative techniques, were part of the deliberative process; constituted a clearly unwarranted invasion of personal privacy, or were duplicate requests.

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms or other terms.

DOT	Department of Transportation
OST	Office of the Secretary
OIG	Office of Inspector General
FAA	Federal Aviation Administration
USCG	United States Coast Guard
NHTSA	National Highway Traffic Safety Administration
FHWA	Federal Highway Administration
FRA	Federal Railroad Administration

FTA	Federal Transit Administration
SLSDC	Saint Lawrence Seaway Development Corporation
MARAD	Maritime Administration
RSPA	Research and Special Programs Administration
BTS	Bureau of Transportation Statistics
Remanded Appeal	An appeal request, particularly a “no records” appeal, sent back to the original action office or forwarded to another office when the requester provides additional information either clarifying the documents sought or providing additional search parameters. The action office considers the request as if it were a new request, responding directly to the requester. Remanded appeal responses may again be appealed; appeal rights are provided if the remanded appeal response is a denial, partial denial or “no records” determination.

B. Basic terms expressed in common terminology.

1. **FOIA/PA Request** -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests.
2. **Initial Request** -- a request to a federal agency for access to records under the Freedom of Information Act (FOIA).
3. **Appeal** -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the FOIA, or any other FOIA determination such as a matter pertaining to fees.
4. **Processed Request or Appeal** -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. **Multi-track Processing** -- a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first in/first out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. **Expedited Processing** -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.

7. **Simple Request** -- a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
8. **Complex Request** -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. **Grant** -- an agency decision to disclose all records in full in response to a FOIA request.
10. **Partial Grant** -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. **Denial** -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA exemptions, or for some procedural reason (such as no record is located in response to a FOIA request).
12. **Time Limits** -- the time period pursuant to the FOIA for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a “perfected” FOIA request).
13. **Perfected Request** -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. **Exemption 3 Statute** -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. **Median Number** -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
16. **Average Number** -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. **Exemption 3 Statute**

- A. List of Exemption 3 statutes relied on by agency during current fiscal year.
 1. Brief description of type(s) of information withheld under each statute.

5 U.S.C. App. 3	The identity of individuals who provided information concerning allegations of wrongdoing to OIG, or who were subjects of investigations.
23 U.S.C. §403 (note; §106 Highway Safety Act of 1996)	Prohibits the disclosure of personal identifiers contained in reports of crash investigations.
23 U.S.C. §409 ²	Discovery and admission as evidence of certain reports and surveys.
41 U.S.C. §253b	Contractor proposal material which was not incorporated into the contract.
49 U.S.C. §30305(c)(1)	Authorizes disclosure of personal information about problem drivers only to individuals and entities specifically authorized to receive such information under the Act.
49 U.S.C. §31143(b)	Identification of motor carrier safety complainants.
49 U.S.C. §40115	Information harmful to US position in international aviation negotiations, or harmful to any US international air carrier.
49 U.S.C §40119(b)	Aviation sensitive security information.

2. Statement of whether a court has upheld the use of each statute.

There are no instances where a court has reviewed an exemption 3 statute applied by the Department.

V. Initial FOIA/PA Access Requests

A. Numbers of Initial Requests.

1. Number of requests pending as of end of preceding fiscal year: 1,292
2. Number of requests received during current fiscal year: 20,476
3. Number of requests processed during current fiscal year: 17,406
4. Number of requests pending as of end of current fiscal year: 4,362

² This statute was incorrectly cited as an exemption 3 statute. We will correct this error.

B. Disposition of initial requests.

1. Number of total grants: 8,918
2. Number of partial grants: 2,047
3. Number of denials: 476
 - a. Number of times each FOIA exemption used (counting each exemption once per request).

(1)	Exemption 1	6
(2)	Exemption 2	85
(3)	Exemption 3	169
(4)	Exemption 4	382
(5)	Exemption 5	673
(6)	Exemption 6	687
(7)	Exemption 7(A)	174
(8)	Exemption 7(B)	62
(9)	Exemption 7(C)	617
(10)	Exemption 7(D)	100
(11)	Exemption 7(E)	30

4. Other reasons for nondisclosure (total): 5,965

a.	No records ³	4,180
b.	Referrals	457
c.	Request withdrawn ⁴	684
d.	Fee-related reason	164
e.	Records not reasonably described	72
f.	Not a proper FOIA request for some other reason ⁵	253
g.	Not an agency record	107
h.	Duplicate request	32
i.	Available from other source	15
j.	Incorrect address provided	1

³ The Department's "no records" determinations are not included with its denials. However, we will include "no records" determinations with denials in future reports. All components did not report that data in the same way. The FAA has a significant number of "no records" determinations that result from requests from airlines for accident/incident histories of prospective airline pilots.

⁴ The FAA has a substantial number of requests "withdrawn" when requesters learn that they can readily obtain the same information outside the FOIA program.

⁵ The FAA has many "not a proper FOIA request" determinations that result from requests that are properly answered under the Pilot Records Improvement Act of 1996.

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of appeals.

1. Number of appeals received during fiscal year: 266
2. Number of appeals processed during fiscal year: 334

B. Disposition of appeals.

1. Number completely upheld: 202
2. Number partially reversed: 32
3. Number completely reversed: 34

a. number of times each FOIA exemption used:

(1)	Exemption 3	5
(2)	Exemption 4	14
(3)	Exemption 5	17
(4)	Exemption 6	13
(5)	Exemption 7(A)	2
(6)	Exemption 7(C)	2

4. Other reasons for nondisclosure (total): 75

a.	No records	6
b.	Request withdrawn	46
c.	Not a proper FOIA request for some other reason	1
d.	Duplicate request	2
e.	Remanded appeals	20

VII. Compliance with Time Limits/Status of Pending Requests⁶

A. Median processing time for requests processed during the year⁷.

1. Simple requests (if multiple tracks used).

⁶ The FAA instituted a new national FOIA tracking system during FY 1998. The system now has the capability both to determine when a request is perfected and to differentiate simple from complex requests. These features, however, were not initially fully developed, and system users have varied in their familiarity and use of the features. As a result, the simple request count in this report actually includes a significant number of complex requests, and the number of days processed for both simple and complex requests frequently includes time before the request was perfected. OST, OIG, FAA, and RSPA used multi-track processing.

⁷ Median days are primarily based on calendar days as reported by most of the Department with the exception of the FAA that reported working days.

- a. number of requests processed: 7,988
 - b. median number of days to process: 14
- 2. Complex requests (specify for any and all tracks used).
 - a. number of requests processed: 1,680
 - b. median number of days to process: 40
- 3. Requests accorded expedited processing.
 - a. number of requests processed: 7
 - b. median number of days to process: 9
- 4. Requests not using multi-track processing.
 - a. Number of requests processed: 9,575
 - b. Median number of days to process: 30
- B. Status of pending requests.
 - 1. Number of requests pending as of end of current fiscal year: 4,362
 - 2. Median number of days that such requests were pending as of that date: 38

VIII. Comparisons with Previous Year(s)(optional)

- A. Comparison of numbers of requests received: FY 1997--data was not collected.
- B. Comparison of numbers of requests processed: FY 1997--data was not collected.
- C. Comparison of median number of days requests were pending at the end of fiscal year: FY 1997--data was not collected.
- D. Other statistics significant to agency--we have nothing to report.
- E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records).

The OST FOIA tracking system has become even more efficient with the addition of new/upgraded hardware and software. We are able to access information about

requests at individual workstations and not have each staff member go to a stand-alone computer. We can readily input data and answer telephone inquiries. Finally, our tracking system uses software that enables us to generate form letters and reports. We continue to improve this system. Since the last reporting period, the FOIA Division staff has been reduced by 50 percent. With a limited budget, we take advantage of every training opportunity that is offered at no cost and meets the needs of the FOIA Division. On-the-job training is provided to junior staff. Docketed records are maintained on the DOT web site and are often requested under FOIA. Since we have put the Department's Five-Year Strategic Plan on our web site, we no longer receive requests for that document. Finally, decisions concerning disadvantaged business enterprises are requested under FOIA and are now available on our web site.

Implementation by the FAA of a national FOIA tracking system this year facilitates the tracking of FOIA requests throughout the FAA for accurate, timely responses. The FAA continues to increase the types and volume of information available on its web site. Two popular examples are an on-line guide to FAA publications and safety database information.

The USCG created a FOIA web site and receives FOIA requests via e-mail. The Central FOIA office remands appeals to the original processor for reconsideration when it is determined that the original processor failed to follow procedures. This improves the quality and timeliness of responses, while preserving requesters' appeal rights.

The RSPA has complied with the requirement of an FOIA electronic data system through its web site. With this new system in place, RSPA has put a significant amount of publications, enforcement documents, and information on its web site for easy access by the general public. The system has eliminated the need for some individuals to utilize the FOIA process. It has also lowered the number of hours used to conduct computer and manual searches since the information is readily available in electronic format.

Information pertaining to FTA credit card holders, its FY97 FOIA Annual Report and FOIA Guidelines has been placed on the Internet. The public can now e-mail their FOIA requests.

Not all DOT components maintain an electronic tracking system. Thus, the act of compiling FOIA statistical information is more labor intensive for some components. However, in the future, the Department plans to encourage those components that do not track FOIA requests electronically to implement an electronic tracking system. This would require additional resources.

Finally, OST has created a DOT FOIA web site which links to web sites of all agency components. Hopefully, information at these sites will be helpful to the public.

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel: 40
2. Number of personnel with part-time or occasional FOIA duties: 177.64
3. Total number of personnel: 217.64

B. Total costs (including staff and **all resources**).

1. FOIA processing (including appeals): \$10,682,433.13
2. Litigation-related activities (estimated): \$61,135.00⁸
3. Total costs: \$10,743,568.13
4. Comparison with previous year(s) (including percentage of change)(optional)
:

C. Statement of additional resources needed for FOIA compliance (optional).

The USCG needs full-time FOIA positions, especially at the Marine Safety Office. The OST needs full-time FOIA positions.

X. Fees

A. Total amount of fees collected by agency for processing requests: **\$113,941.61**

B. Percentage of total costs:

XI. FOIA Regulations (Including Fee Schedule).

Attached is a copy of the Department of Transportation FOIA Regulations, 49 CFR Part 7, Public Availability of Information; Electronic FOIA Amendment, dated Thursday, July 16, 1998.

⁸ The FAA, FHWA and NHTSA incurred litigation costs.