

**U.S. Department of Transportation (DOT)
Freedom of Information Act (FOIA)
2009 Annual Report**

I. Basic Information Regarding Report

A. *Person to be contacted with questions about the report*

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B. *Electronic address for report on the World Wide Web*

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C. *Person to be contacted for a copy of the report in paper form*

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II. MAKING A FOIA REQUEST

1. *Names, addresses, and telephone numbers of individual agency components that receive FOIA requests*

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<p>Judi Kane, Info. Services Team Leader (HAIM-12) Federal Highway Administration 1200 New Jersey Avenue, SE, Room E66-304 Washington, DC 20590 Tel (202) 366-0534 Fax (202) 366-1938 foia.officer@fhwa.dot.gov</p>	<p>Tiffanie C. Coleman, FOIA Officer Federal Motor Carrier Safety Administration Management Information & Directives Division 1200 New Jersey Avenue, SE (W66-458) Washington, DC 20590 Tel (202) 366-2960 Fax (202) 366-3518 foia@fmcsa.dot.gov</p>
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<p>Marilyn Burke, FOIA Officer (PHH-2) Pipeline & Hazardous Materials Safety Administration 1200 New Jersey Avenue, SE, Room E21-318 Washington, DC 20590 Tel (202) 366-6119 Fax (202) 366-5713 marilyn.burke@dot.gov</p>	<p>Salvatore Pisani Senior FOIA Official Saint Lawrence Seaway Development Corporation 180 Andrews Street, PO Box 520 Massena, NY 13662-0520 Tel (315) 764-3209 Fax (315) 764-3235 foia.request@sls.dot.gov</p>
<p>Robert A. Monniere, Deputy Chief Counsel Research and Innovative Technology Administration 1200 New Jersey Avenue, SE, Room E35-330 Washington, DC 20590 Tel (202) 366-5498 Fax (202) 366-1134 robert.monniere@dot.gov</p>	<p>Andrea Griswold, Volpe FOIA Officer Research and Innovative Technology Administration 55 Broadway, Room 1274, RTV-1B Cambridge, MA 02142 Tel (617) 494-2718 Fax (617) 494-3005 andrea.griswold@dot.gov</p>

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<p>Tracey Hegna, FOIA Coordinator FAA Alaskan Region, AAL-4 222 West 7th Avenue, #14 Anchorage, AL 99513 Tel (907) 271-4609 Fax (907) 271-5961 9-AAL-FOIA@faa.gov</p>	<p>Veronica Bailey, FOIA Coordinator FAA Central Region, ACE-2B 901 Locust Street Kansas City, MO 64106 Tel (816) 329-2425 Fax (816) 329-3067 9-ACE-FOIA@faa.gov</p>
<p>Trina Hankerson FAA Eastern Region, AEA-60 1 Aviation Plaza Jamaica, NY 11434 Tel (718) 553-3361 Fax (718) 995-5663 9-AEA-FOIA@faa.gov</p>	<p>Mary Kay Howlett, FOIA Coordinator FAA Great Lakes Region, AGL-30 2300 E. Devon Avenue Des Plaines, IL 60018 Tel (847) 294-7324 Fax (847) 294-7184 9-AGL-FOIA@faa.gov</p>
<p>Carol Goodsell, FOIA Coordinator FAA New England Region, ANE-30 12 New England Executive Park Burlington, MA 01803 Tel (781) 238-7393 Fax (781) 238-7380 9-ANE-ARC-FOIA@faa.gov</p>	<p>Mark Collins, FOIA Coordinator FAA Northwest Mountain Region, ANM-030 1601 Lind Avenue SW Renton, WA 98055 Tel (425) 227-2929 Fax (425) 227-1005 9-ANM-FOIA@faa.gov</p>
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<p>Dolores Corpus, FOIA Coordinator FAA Western-Pacific Region, AWP-31 PO Box 92007 Los Angeles, CA 90009-2007 Tel (310) 725-3809 Fax (310) 725-6825 9-AWP-FOIA@faa.gov</p>	<p>Connie Toby, FOIA Coordinator FAA Civil Aerospace Medical Institute, AAM-3 PO Box 25082 Oklahoma City, OK 73125 Tel (405) 954-1002 Fax (405) 954-1010 9-AMC-AAM003-FOIA@faa.gov</p>

<p>Ms. Geneva Renz (WS-JA1) FAA Air Traffic Organization – Western Service Area FAA ATO-WSA, Mailcode: AJ02-W52 1601 Lind Avenue, SW Renton, WA 98057 Tel (425) 203-4145 Fax (425) 203-4134 9-ATO-WSA-FOIA@faa.gov</p>	<p>Douglas Burdette, FOIA Coordinator FAA Regulatory Support Division, AFS-600 6500 S. MacArthur PO Box 25082 Oklahoma City, OK 73125 Tel (405) 954-6501 Fax (405) 954-5759 9-AMC-AFS620-FOIA@faa.gov</p>
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<p>Paula Watson (ES-JA1) FAA Air Traffic Organization – Eastern Service Area 1701 Columbia Avenue PO Box 20636 Atlanta, GA 30320 Tel (404) 305-5432 Fax (404) 305-5599 9-ATOE-ESA-FOIA@faa.gov</p>	<p>Lynda Parra (CS-JA1) FAA Air Traffic Organization – Central Service Area 2601 Meacham Boulevard Fort Worth, TX 76193 Tel (817) 222-5527 Fax (817) 222-4299 9-ATO-CSA-AdminSvcs-FOIA@faa.gov</p>
<p>Note: <i>Up-to-date information can be found on each component’s FOIA page via www.dot.gov/foia.</i></p>	

2. *A brief description of why some requests are not granted and an overview of certain general categories of the agency’s records to which the FOIA exemptions apply*

Some requested records, or portions of records, were withheld pursuant to the FOIA’s exemptions. The most frequently used exemption in DOT was Exemption 6, which protects against a clearly unwarranted invasion of personal privacy. Other reasons for not granting requests included: (a) DOT did not have the records sought; (b) the requester did not seek records; rather, he or she was seeking answers to questions; or (c) the information from the records sought was publicly available. For a detailed breakdown, see Section V, B of this report, Disposition of Initial Requests.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. *Agency-specific acronyms or terms used in this Report*

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

2. *Definitions of terms used in this Report*

- a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **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.
- c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or

concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of another reason, such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **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 granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
 - i. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - ii. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
 - iii. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.

- n. **Perfect Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
- p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
- q. **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.
- r. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

3. *Descriptions of the nine FOIA exemptions*

Exemption 1	classified national defense and foreign relations information
Exemption 2	internal agency rules and practices
Exemption 3	information that is prohibited from disclosure by another federal law
Exemption 4	trade secrets and other confidential business information
Exemption 5	inter-agency or intra-agency communications that are protected by legal privileges
Exemption 6	information involving matters of personal privacy
Exemption 7	records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
Exemption 8	information relating to the supervision of financial institutions
Exemption 9	geological information on wells

IV. EXEMPTION 3 STATUTES

A. Exemption 3 statutes relied upon to withhold information

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
5 U.S.C. app. § 107(a)	Confidential financial disclosure reports.	<u>Meyerhoff v. EPA</u> , 958 F.2d 1498, 1500-02 (9 th Cir. 1992); <u>Concepcion v. FBI</u> , 606 F. Supp. 2d 14, 33 (D.D.C. 2009)	FAA - 1	1
5 U.S.C. § 574(j)	Restricted alternate dispute resolution communications.	N/A	FHWA - 1	1
41 U.S.C. § 253b(m)	Contract proposals not incorporated in contracts.	<u>Hornbostel v. DOI</u> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), <u>summary affirmance granted</u> , No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004)	OST – 3 FAA – 8 FHWA – 7 NHTSA – 1 RITA - 1	20
49 U.S.C. § 31143(b)	IDs of motor carrier safety complainants.	N/A	FMCSA - 97	97
49 U.S.C. § 40115	Information harmful to U.S. international aviation negotiation or to any U.S. international air carrier.	N/A	FAA - 1	1
49 U.S.C. § 40119	Information the release of which would be an unwarranted invasion of personal privacy, would reveal a trade secret or privileged or confidential information, or would be detrimental to the safety of passengers in transportation.	<u>Pub. Citizen, Inc. v. FAA</u> , 988 F.2d 186, 194 (D.C. Cir. 1993); <u>Gordon v. FBI</u> , 390 F. Supp. 2d 897, 900 (N.D. Cal. 2004)	FAA – 11 FMCSA - 5	16
49 U.S.C. § 40123(a)	Aviation Safety Action Program voluntarily submitted information.	N/A	FAA - 13	13
49 U.S.C. § 46102(c)	Aviation safety, when requested for national defense	N/A	RITA - 1	1

V. FOIA REQUESTS

A. Received, Processed and Pending FOIA Requests

	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
FAA	* 1,024	6,169	6,294	899
FHWA	48	433	431	50
FMCSA	** 149	932	974	107
FRA	** 127	373	351	149
FTA	27	201	219	9
MARAD	170	109	79	200
NHTSA	22	267	276	13
OIG	72	88	139	21
OST	65	294	334	25
PHMSA	46	100	132	14
RITA	** 1	47	48	0
SLSDC	0	5	5	0
AGENCY OVERALL	*** 1,751	9,018	9,282	1,487

* This number is lower than reported in last year's annual report as pending at the end of FY 2008. The adjustment primarily reflects requests where final action was taken by all appropriate FAA offices in FY 2008, but not all database closures were entered into the database until FY 2009. (Note: FOIA requests assigned to various FAA offices are not closed until the last FAA office responds to the requester.)

** This number is lower than reported in last year's annual report as pending at the end of FY 2008. The adjustments reflect cases that were closed in FY 2008, but not closed out in the database until FY 2009.

*** For the reasons stated above, this number is 44 lower than reported in last year's annual report as pending at the end of FY 2008.

B. (1) *Disposition of FOIA Requests – All Processed Requests*

	Number of Full Grants	Number of Partial Grants/ Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in chart below	
FAA	2,867	1,418	105	1,192	21	491	124	12	41	23	0	0	6,294
FHWA	227	51	5	83	2	11	4	0	0	0	3	45	431
FMCSA	219	530	12	96	0	58	8	8	1	13	29	0	974
FRA	163	64	2	80	0	40	1	0	0	0	1	0	351
FTA	82	76	11	47	0	1	0	0	0	0	1	1	219
MARAD	35	11	0	16	0	5	0	0	1	0	1	10	79
NHTSA	120	52	20	30	1	9	19	3	4	8	0	10	276
OIG	18	60	13	32	1	4	0	0	1	1	4	5	139
OST	95	66	8	60	0	28	3	0	0	4	0	70	334
PHMSA	59	19	3	20	1	18	8	0	0	0	0	4	132
RITA	21	6	4	8	0	2	0	0	0	0	0	7	48
SLSDC	3	1	0	1	0	0	0	0	0	0	0	0	5
AGENCY OVERALL	3,909	2,354	183	1,665	26	667	167	23	48	49	39	152	9,282

B. (2) *Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B (1) Chart*

1. *Descriptions of the “other” reasons for full denials and the number of times each reason was relied upon*

Component	Description of “Other” Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	TOTAL
FAA	N/A	0
FHWA	Request referred to another DOT component - 45	45
FMCSA	N/A	0
FRA	N/A	0
FTA	Request referred to another DOT component – 1	1
MARAD	Request referred outside of DOT – 7 Referral to website – 3	10
NHTSA	Request referred to another DOT component – 10	10
OIG	Request referred to another DOT component – 5	5
OST	Request referred to another DOT component – 70	70
PHMSA	Request referred to another DOT component – 4	4
RITA	Request referred to another DOT component – 2 Referral to website - 5	7
SLSDC	N/A	0
Agency Overall		152

B. (3) *Disposition of FOIA Requests – Number of Times Exemptions Applied*

	Ex.1	Ex.2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex.8	Ex.9
FAA	2	47	34	181	536	731	89	3	18	0	2	1	0	0
FHWA	0	4	8	16	12	7	2	0	3	0	0	0	0	0
FMCSA	0	27	102	25	5	504	13	0	278	92	0	0	0	0
FRA	0	0	0	0	1	59	3	0	56	0	0	0	0	0
FTA	0	0	0	21	18	48	0	0	0	0	0	0	0	0
MARAD	3	0	0	7	2	4	0	0	0	0	0	0	0	0
NHTSA	0	3	1	26	5	18	1	0	1	0	0	1	0	0
OIG	0	27	0	13	45	61	9	0	55	4	2	0	0	0
OST	0	2	3	20	6	51	4	0	6	0	0	0	0	0
PHMSA	0	1	0	5	16	7	8	0	0	0	1	2	0	0
RITA	0	0	2	7	1	0	0	0	0	0	0	0	0	0
SLSDC	0	0	0	0	1	1	0	0	0	0	0	0	0	0
AGENCY OVERALL	5	111	150	321	648	1,491	129	3	417	96	5	4	0	0

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. *Received, Processed and Pending Administrative Appeals*

	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
FAA	* 77	115	110	82
FHWA	11	20	20	11
FMCSA	6	2	8	0
FRA	1	6	4	3
FTA	2	0	2	0
MARAD	0	5	3	2
NHTSA	1	7	8	0
OIG	1	12	10	3
OST	0	3	1	2
PHMSA	2	1	3	0
RITA	0	3	3	0
SLSDC	0	0	0	0
Agency Overall	* 101	174	172	103

* This number is one higher than reported in last year's annual report as pending at the end of FY 2008. The adjustment reflects one appeal that was logged in after the beginning of the fiscal year.

B. *Disposition of Administrative Appeals – All Processed Appeals*

	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/ Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
FAA	50	14	11	35	110
FHWA	10	5	0	5	20
FMCSA	0	3	3	2	8
FRA	4	0	0	0	4
FTA	1	1	0	0	2
MARAD	0	1	1	1	3
NHTSA	4	3	1	0	8
OIG	0	6	1	3	10
OST	0	0	0	1	1
PHMSA	1	1	0	1	3
RITA	1	1	0	1	3
SLSDC	0	0	0	0	0
Agency Overall	71	35	17	49	172

C. (1) *Reasons for Denial on Appeal – Number of Times Exemptions Applied*

	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
FAA	0	7	0	2	12	20	1	0	4	0	0	0	0	0
FHWA	0	1	1	1	3	2	0	0	0	0	0	0	0	0
FMCSA	0	0	3	0	0	5	0	0	2	2	0	0	0	0
FRA	0	0	0	0	0	2	1	0	2	0	0	0	0	0
FTA	0	0	0	2	1	0	0	0	0	0	0	0	0	0
MARAD	1	0	0	0	1	0	0	0	0	0	0	0	0	0
NHTSA	0	0	0	3	0	2	0	0	0	0	0	0	0	0
OIG	0	1	0	0	3	6	0	0	7	0	1	0	0	0
OST	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PHMSA	0	0	1	1	2	0	0	0	0	0	0	0	0	0
RITA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SLSDC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Agency Overall	1	9	5	9	22	37	2	0	15	2	1	0	0	0

C. (2) *Reasons for Denial on Appeal – Reasons Other than Exemptions*

1. *Number of administrative appeals resulting in denial for reasons other than exemptions, as described in the eleven columns below*

	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
FAA	19	0	9	0	0	2	1	0	0	0	23
FHWA	2	0	1	0	2	0	0	0	0	0	0
FMCSA	0	0	0	0	0	1	0	0	0	0	1
FRA	1	0	0	0	0	0	0	0	0	0	0
FTA	0	0	0	0	0	0	0	0	0	0	0
MARAD	0	0	1	0	0	0	0	0	0	0	0
NHTSA	2	0	0	1	0	0	0	0	0	0	0
OIG	1	0	0	0	0	0	1	0	0	0	1
OST	0	0	1	0	0	0	0	0	0	0	0
PHMSA	0	0	1	0	0	0	0	0	0	0	0
RITA	0	0	0	0	0	0	1	1	0	0	0
SLSDC	0	0	0	0	0	0	0	0	0	0	0
Agency Overall	25	0	16	1	2	2	3	1	0	0	25

C. (3) *Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart*

1. *Descriptions of the “other” reasons and the number of times each reason was relied upon*

Description of “Other” Reasons for Denial on Appeal from Chart C(2) and Number of Times Those Reasons Were Relied Upon		TOTAL
Remanded to Region/Center/Org	FAA – 23	23
Not a denial; clarified previous FOIA response	FMCSA – 1	1
Not a denial; clarified previous FOIA response	OIG - 1	1

C. (4) *Response Time for Administrative Appeals*

1. *Median, average, and range in number of days to respond to administrative appeals*

	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
FAA	5	16	<1	341
FHWA	49	110	1	646
FMCSA	104	112	31	218
FRA	39	46	21	86
FTA	58	58	58	58
MARAD	47	108	6	137
NHTSA	62	60	38	71
OIG	48	47	10	94
OST	8	8	8	8
PHMSA	122	169	18	366
RITA	31	42	2	94
SLSDC	N/A	N/A	N/A	N/A
Agency Overall	12	41	<1	646

C. (5) *Ten Oldest Pending Administrative Appeals*

1. *Dates of receipt of the ten oldest pending administrative appeals, and the number of days pending*

	10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
FAA	1/30/07 707 days	12/13/06 739 days	11/30/06 747 days	11/9/06 760 days	11/9/06 760 days	10/5/06 785 days	6/8/05 1,118 days	6/8/06 1,118 days	4/22/04 1,401 days	2/5/04 1,455 days
FHWA	8/25/09 25 days	6/28/09 66 days	6/18/09 72 days	6/15/09 75 days	6/8/09 80 days	7/18/08 302 days	4/2/08 377 days	7/19/07 553 days	4/20/07 615 days	2/1/07 670 days
FMCSA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FRA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	7/21/09 51 days	5/18/09 95 days	1/9/09 184 days
FTA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MARAD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2/1/08 458 days	10/16/06 781 days
NHTSA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OIG	N/A	N/A	N/A	N/A	N/A	N/A	N/A	8/31/09 21 days	4/2/09 126 days	2/4/09 166 days
OST	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/29/09 2 days	6/30/09 65 days
PHMSA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
RITA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SLSDC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Agency Overall	12/13/06 739 days	11/30/06 747 days	11/9/06 760 days	11/9/06 760 days	10/16/06 781 days	10/5/06 785 days	6/8/05 1,118 days	6/8/06 1,118 day	4/22/04 1,401 days	2/5/04 1,455 days

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

A. Processed Requests – Response Time for All Processed Perfected Requests

1. Median, average and range in number of days to process all perfected requests

	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
FAA	5	30	<1	1,172	23	48	<1	1,086	13.5	23	<1	291
FHWA	16	28	1	434	103	147	18	366	5	6	1	11
FMCSA	34	39	<1	324	42	52	<1	354	17	34	1	124
FRA	31	86	1	657	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FTA	18	25	<1	233	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MARAD	6	137	3	146	77	137	47	261	N/A	N/A	N/A	N/A
NHTSA	20	23	<1	168	30	30	21	39	7	8	<1	17
OIG	84	136	<1	553	411	346	121	473	N/A	N/A	N/A	N/A
OST	3	19	<1	581	43	152	<1	784	3	3	3	3
PHMSA	13	131	<1	3,543	438	438	438	438	1	2	<1	1
RITA	10	12	<1	48	14	14	14	14	19	19	16	21
SLSDC	19	46	4	179	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AGENCY OVERALL	11	37	<1	3,543	27	58	<1	1,086	12.5	22	<1	291

B. *Processed Requests – Response Time for Perfected Requests in Which Information Was Granted*

1. *Median, average and range in number of days to process all perfected requests in which information was granted. (“Granted” refers to full grants and partial grants.)*

	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
FAA	7	29	<1	665	24	51	<1	1,086	11	22	<1	291
FHWA	18	30	1	225	67	72	18	158	5	6	1	11
FMCSA	34	36	8	95	43	51	6	354	12	24	1	124
FRA	32	73	1	519	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FTA	17	24	<1	233	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MARAD	16	28	1	224	77	137	47	261	N/A	N/A	N/A	N/A
NHTSA	20	24	<1	89	30	30	21	39	7	8	<1	17
OIG	115	148	1	489	411	370	121	473	N/A	N/A	N/A	N/A
OST	3	21	<1	581	43	120	<1	784	3	3	3	3
PHMSA	11	58	<1	441	438	438	438	438	1	1	<1	1
RITA	11	14	1	48	14	14	14	14	16	16	16	16
SLSDC	20	56	6	179	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AGENCY OVERALL	14	34	<1	665	13	38	<1	1,086	7.5	17.45	<1	291

C. *Processed Requests – Response Time in Day Increments*

Simple Requests

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
FAA	3,504	385	133	59	40	23	19	15	23	17	52	41	66	4,377
FHWA	280	71	20	12	7	3	12	2	3	2	4	1	1	418
FMCSA	54	313	139	18	5	0	0	0	0	0	6	2	0	537
FRA	133	83	31	12	16	7	12	6	3	3	18	4	23	351
FTA	135	64	8	3	2	0	1	1	0	1	4	0	0	219
MARAD	2	0	0	0	0	0	0	0	8	8	6	5	0	29
NHTSA	157	94	12	4	2	0	0	1	1	0	0	0	0	271
OIG	23	12	16	11	14	6	6	2	5	4	11	13	8	131
OST	156	9	4	2	1	0	0	0	0	1	3	0	2	178
PHMSA	73	15	0	4	4	4	1	3	1	6	6	4	8	129
RITA	36	8	1	0	0	0	0	0	0	0	0	0	0	45
SLSDC	4	0	0	0	0	0	0	0	1	0	0	0	0	5
AGENCY OVERALL	4,557	1,054	364	125	91	43	51	30	45	42	110	70	108	6,690

Complex Requests

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
FAA	798	628	183	55	41	24	9	18	14	7	32	12	34	1,855
FHWA	1	1	0	1	1	1	0	1	0	0	0	2	0	8
FMCSA	29	173	149	40	2	7	5	1	4	3	10	4	0	427
FRA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FTA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MARAD	0	0	0	0	0	6	6	0	0	0	10	12	16	50
NHTSA	0	2	0	0	0	0	0	0	0	0	0	0	0	2
OIG	0	1	0	0	0	0	1	0	0	0	0	1	5	8
OST	50	23	16	4	6	4	4	1	1	4	11	8	23	155
PHMSA	0	0	0	0	0	0	0	0	0	0	0	0	1	1
RITA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
SLSDC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	879	828	348	100	50	42	25	21	19	14	63	39	79	2,507

Requests Granted Expedited Processing

	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
FAA	42	15	2	0	1	1	0	0	0	0	1	0	0	62
FHWA	5	0	0	0	0	0	0	0	0	0	0	0	0	5
FMCSA	7	0	0	2	0	0	0	1	0	0	0	0	0	10
FRA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FTA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MARAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NHTSA	3	0	0	0	0	0	0	0	0	0	0	0	0	3
OIG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OST	1	0	0	0	0	0	0	0	0	0	0	0	0	1
PHMSA	2	0	0	0	0	0	0	0	0	0	0	0	0	2
RITA	1	1	0	0	0	0	0	0	0	0	0	0	0	2
SLSDC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	61	16	2	2	1	1	0	1	0	0	1	0	0	85

D. Pending Requests – All Pending Perfected Requests

1. Number of perfected requests pending as of the end of the fiscal year, and the median and average number of days those requests had been pending

	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
FAA	678	67	191	187	59	112	6	46	59
FHWA	46	40	99	2	524	524	2	424	424
FMCSA	47	9	21	58	18	40	2	26	26
FRA	149	136	183	0	N/A	N/A	0	N/A	N/A
FTA	9	8	18	0	N/A	N/A	0	N/A	N/A
MARAD	132	47	95	68	137	274	0	N/A	N/A
NHTSA	13	12	15	0	N/A	N/A	0	N/A	N/A
OIG	17	44	127	2	150	150	1	153	153
OST	0	N/A	N/A	25	30	68	0	N/A	N/A
PHMSA	14	22	66	0	N/A	N/A	0	N/A	N/A
RITA	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
SLSDC	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
AGENCY OVERALL	1,105	92	161	342	325	138	11	40	127

E. Pending Requests – Ten Oldest Pending Perfected Requests

1. *Dates of receipt of the ten oldest perfected requests pending as of the end of the fiscal year, and the number of days those requests had been pending*

	10 th Oldest Request and Number of Days Pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Request and Number of Days Pending
FAA	4/18/05 962 days	4/20/05 1,045 days	11/26/05 1,080 days	3/24/05 1,115 days	11/19/04 1,197 days	11/12/04 1,197 days	3/26/04 1,245 days	9/1/04 1,251 days	8/16/04 1,262 days	6/14/04 1,309 days
FHWA	9/10/08 265 days	5/28/08 338 days	5/6/08 353 days	3/25/08 383 days	2/27/08 402 days	10/29/07 483 days	9/12/07 515 days	8/16/07 533 days	7/10/07 560 days	6/14/06 828 days
FMCSA	9/14/09 12 days	8/24/09 26 days	8/24/09 26 days	7/17/09 52 days	7/15/09 54 days	6/5/09 81 days	6/5/09 81 days	6/4/09 82 days	2/24/09 153 days	12/3/08 208 days
FRA	2/13/08 426 days	12/12/07 471 days	11/15/07 490 days	11/6/07 497 days	10/30/07 502 days	10/22/07 508 days	10/17/07 511 days	10/15/07 512 days	10/15/07 512 days	10/10/07 516 days
FTA	N/A	<1 day	<1 day	<1 day	<1 day	1 day	1 day	2 days	7 days	34 days
MARAD	12/16/05 867 days	11/25/05 883 days	10/24/05 905 days	10/18/05 909 days	9/30/05 920 days	9/30/05 920 days	7/26/05 967 days	5/16/05 1,016 days	4/12/05 1,161 days	4/12/05 1,161 days
NHTSA	9/30/09 <1 day	9/30/09 <1 day	9/29/09 1 day	9/29/09 1 day	9/22/09 6 days	9/15/09 11 days	9/14/09 12 days	9/14/09 14 days	9/8/09 16 days	7/16/09 53 days
OIG	4/23/09 65 days	6/5/09 81 days	5/12/09 98 days	3/20/09 135 days	2/24/09 153 days	2/2/09 168 days	1/5/09 187 days	12/30/08 190 days	1/7/08 437 days	3/27/06 884 days
OST	8/19/09 29 days	8/10/09 36 days	7/28/09 45 days	7/28/09 45 days	7/6/09 61 days	5/26/09 89 days	4/10/09 120 days	2/4/09 166 days	8/25/08 276 days	5/27/08 339 days
PHMSA	9/30/09 <1 day	9/30/09 <1 day	9/30/09 <1 day	9/22/09 6 days	9/8/09 16 days	8/11/09 35 days	8/11/09 35 days	6/10/09 77 days	6/4/09 79 days	5/14/09 93 days
RITA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SLSDC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Agency Overall	11/26/05 1,080 days	3/24/05 1,115 days	4/12/05 1,161 days	4/12/05 1,161 days	11/19/04 1,197 days	11/12/04 1,197 days	3/26/04 1,245 days	9/1/04 1,251 days	8/16/04 1,262 days	6/14/04 1,309 days

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. *Requests for Expedited Processing*

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
FAA	55	227	<1	6	244
FHWA	5	0	1	2	5
FMCSA	10	1	<1	1	11
FRA	0	0	N/A	N/A	N/A
FTA	0	0	N/A	N/A	N/A
MARAD	0	0	N/A	N/A	N/A
NHTSA	3	2	<1	8	4
OIG	0	0	N/A	N/A	N/A
OST	1	0	3	3	1
PHMSA	2	2	<1	10	3
RITA	2	0	3	3	2
SLSDC	0	0	N/A	N/A	N/A
AGENCY OVERALL	78	232	<1	6	270

B. *Requests for Fee Waiver*

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
FAA	130	39	<1	5
FHWA	10	2	1	5
FMCSA	2	1	1	1
FRA	0	0	N/A	N/A
FTA	0	0	N/A	N/A
MARAD	10	2	18	20
NHTSA	1	1	2	2
OIG	0	0	N/A	N/A
OST	1	0	2	4
PHMSA	4	0	2	6
RITA	2	0	<1	<1
SLSDC	0	0	N/A	N/A
AGENCY OVERALL	160	45	<1	6

IX. FOIA PERSONNEL AND COSTS

	PERSONNEL			COSTS		
	Number of “Full-Time FOIA Employees”	Number of “Equivalent Full- Time FOIA Employees”	Total Number of “Full-Time FOIA Staff”	Processing Costs (At initial request and appeal levels)	Litigation- Related Costs	Total Costs
FAA	16	50.22	66.22	\$5,625,624	\$6,194	\$5,631,818
FHWA	2	3	5	\$613,560	\$14,056	\$627,616
FMCSA	6	1	7	\$627,466	\$27,448	\$654,914
FRA	1	1.83	2.83	\$286,545	0	\$286,545
FTA	0	1.9	1.90	\$198,415	0	\$198,415
MARAD	1	1.5	2.50	\$293,482	0	\$293,482
NHTSA	2	1.02	3.02	\$435,689	\$14,897	\$450,586
OIG	1	1.80	2.80	\$276,721	0	\$276,721
OST	3	2.15	5.15	\$569,201	\$8,885	\$578,086
PHMSA	1	.5	1.5	\$237,060	\$16,240	\$253,300
RITA	1	1.65	2.65	\$299,723	0	\$299,723
SLSDC	0	.16	.16	\$16,676	0	\$16,676
AGENCY OVERALL	34	66.73	100.73	\$9,480,162	\$87,720	\$9,567,882

X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
FAA	\$159,122	2.8
FHWA	\$21,775	3.5
FMCSA	\$13,507	2
FRA	\$1,348	.04
FTA	0	0
MARAD	\$2,157	.05
NHTSA	\$4,369	1
OIG	0	0
OST	\$1,250	.2
PHMSA	\$6,206	2.4
RITA	\$968	0
SLSDC	0	0
AGENCY OVERALL	\$210,702	2%

XI. FOIA REGULATIONS

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XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. *Backlogs of FOIA Requests and Administrative Appeals*

	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
FAA	857	77
FHWA	29	10
FMCSA	38	0
FRA	126	3
FTA	3	0
MARAD	194	2
NHTSA	3	0
OIG	15	3
OST	15	1
PHMSA	4	0
RITA	0	0
SLSDC	0	0
AGENCY OVERALL	1,284	96

Discuss/explain the backlog here (optional).

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>End</u> of the Fiscal Year
FAA	0	2	1	1
FHWA	0	1	1	0
FMCSA	0	0	0	0
FRA	0	0	0	0
FTA	0	0	0	0
MARAD	0	0	0	0
NHTSA	0	0	0	0
OIG	0	0	0	0
OST	1	4	5	0
PHMSA	0	0	0	0
RITA	0	0	0	0
SLSDC	0	0	0	0
AGENCY OVERALL	1	7	7	1

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at DOT

	10 th Oldest Consultation and Number of Days Pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Consultation and Number of Days Pending
FAA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/3/09 18 days
FHWA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FMCSA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FRA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FTA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MARAD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NHTSA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OIG	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OST	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PHMSA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
RITA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SLSDC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Agency Overall	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/3/09 18 days

D. *Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged*

	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
FAA	6,975	6,169	7,202	6,294
FHWA	469	433	472	431
FMCSA	998	932	1,082	974
FRA	418	373	392	351
FTA	212	201	196	219
MARAD	144	109	133	79
NHTSA	199	267	190	276
OIG	82	88	94	139
OST	276	294	408	334
PHMSA	120	100	168	132
RITA	46	47	45	48
SLSDC	19	5	20	5
AGENCY OVERALL	9,958	9,018	10,402	9,282

3. *Number of backlogged requests as of the end of the fiscal year from the previous Annual Report and the number of backlogged requests as of the end of the fiscal year from the current Annual Report*

	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
FAA	884	857
FHWA	48	29
FMCSA	145	38
FRA	105	126
FTA	27	3
MARAD	170	194
NHTSA	22	3
OIG	72	15
OST	63	15
PHMSA	46	4
RITA	1	0
SLSDC	0	0
AGENCY OVERALL	1,583	1,284

E. *Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged*

	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
FAA	89	115	80	110
FHWA	10	20	8	20
FMCSA	11	2	9	8
FRA	2	6	2	4
FTA	5	0	3	2
MARAD	5	5	5	3
NHTSA	7	7	7	8
OIG	8	12	7	10
OST	4	3	6	1
PHMSA	1	1	2	3
RITA	0	3	0	3
SLSDC	1	0	1	0
AGENCY OVERALL	143	174	130	172

3. *Number of backlogged administrative appeals as of the end of the fiscal year from the previous Annual Report and the number of backlogged administrative appeals as of the end of the fiscal year from the current Annual Report*

	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
FAA	67	77
FHWA	11	10
FMCSA	6	0
FRA	0	3
FTA	2	0
MARAD	0	2
NHTSA	0	0
OIG	1	3
OST	0	1
PHMSA	2	0
RITA	0	0
SLSDC	0	0
AGENCY OVERALL	89	96

F. *Discussion of Other FOIA Activities (Optional)*

Information regarding the Department of Transportation's efforts to improve FOIA administration will be included in the upcoming (March 15, 2010) Chief FOIA Officer's report.