

**U.S. Department of Transportation (DOT)
Freedom of Information Act (FOIA)
2011 Annual Report**

I. Basic Information Regarding Report

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II. MAKING A FOIA REQUEST - agency components that receive FOIA requests

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<p><i>Note: Up-to-date information can be found on each component's FOIA page via www.dot.gov/foia.</i></p>	

II. 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 FOIA 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

III. 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. **Perfected 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).

III. 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
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IV. EXEMPTION 3 STATUTES

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, 91 Stat. 319	Certain records pertaining to grand jury proceedings	<u>Sussman v. USMS</u> , 494 F.3d 1106, 1113 (D.C. Cir. 2007); <u>Fund for Constitutional Gov't v. Nat'l Archives & Records Serv.</u> , 656 F.2d 856, 867-68 (D.C. Cir. 1981); <u>Durham v. U.S. Atty. Gen.</u> , No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); <u>Cozen O'Connor v. U.S. Dep't of Treasury</u> , 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008)	OIG – 2	2
16 U.S.C. § 470w-3	National historic preservation information	N/A	FHWA – 2	2
41 U.S.C. § 253b(m)(1)	Contract proposals not incorporated in contracts	<u>Margolin v. NASA</u> , No. 09-CV-00421-LRH-VPC, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); <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)	FHWA – 3 MARAD – 1 RITA - 1	5
49 U.S.C. § 31143(b)	Identity of motor carrier safety complainants	N/A	FMCSA – 82	82
49 U.S.C. § 40110(e)	Contract proposal not incorporated into contract	N/A	FAA – 11	11
49 U.S.C. § 40115	Information harmful to U.S. international aviation negotiation or to any U.S. international air carrier	N/A	FAA – 3 OST - 1	4
49 U.S.C. § 40119	Certain information obtained or developed in ensuring transportation security if disclosure of that information would: constitute an invasion of personal privacy, reveal a trade secret or confidential commercial	<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 – 23 FMCSA – 65 PHMSA - 3	91

	or financial information, or be detrimental to transportation safety			
49 U.S.C. § 40123(a)	Aviation Safety Action Program voluntarily submitted information	N/A	FAA – 47	47
49 U.S.C. § 46102(c)	Information pertaining to aviation safety, when required for national defense	N/A	FAA – 1	1
49 U.S.C. § 46311	Information from air carrier records	N/A	OST – 1	1
49 U.S.C. § 70114	Commercial space launch information	N/A	FAA – 1	1

V. FOIA REQUESTS

A. FOIA Requests -- *Received, Processed and Pending 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	* 998	8,367	8,483	882
FHWA	59	429	410	78
FMCSA	** 168	1,774	1,586	356
FRA	109	316	362	63
FTA	9	281	272	18
MARAD	157	119	180	96
NHTSA	52	216	239	29
OIG	19	85	89	15
OST	24	257	244	37
PHMSA	43	161	167	37
RITA	*** 2	41	42	1
SLSDC	0	18	18	0
AGENCY OVERALL	****1,640	12,064	12,092	1,612

* This number is 66 lower than reported in last year's annual report as pending at the end of FY 2010. The adjustment primarily reflects requests where final action was taken by all appropriate FAA offices in FY 2010, but not all database closures were entered into the database until 2011. (Note: FOIA requests assigned to multiple FAA offices are not closed until the last FAA office responds to the requester.)

** This number is 3 higher than reported in last year's annual report as pending at the end of FY 2010. The adjustment reflects 3 additional requests that were received in FY 2010, but not logged in before the end of FY 2010.

*** This number is 1 higher than reported in last year's annual report as pending at the end of FY 2010. This adjustment reflects 1 additional request that was received in FY 2010, but not logged in before the end of FY 2010.

**** For the reasons stated above, this number is 62 lower than reported in last year's annual report as pending at the end of FY 2010.

V. 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	5,047	1,375	109	1,189	22	452	200	16	48	25	0	0	8,483
FHWA	177	90	4	75	1	12	4	5	0	7	17	18	410
FMCSA	613	702	6	164	0	48	11	6	7	0	29	0	1,586
FRA	155	91	1	84	0	27	0	1	0	0	3	0	362
FTA	103	83	0	78	0	7	0	0	0	0	0	1	272
MARAD	122	19	4	13	3	16	1	0	2	0	0	0	180
NHTSA	69	52	14	61	2	8	13	10	2	3	5	0	239
OIG	3	33	8	26	0	3	0	6	1	2	4	3	89
OST	85	43	1	35	1	5	3	1	0	6	2	62	244
PHMSA	83	45	4	19	0	10	1	0	1	2	2	0	167
RITA	18	8	2	10	0	2	0	0	0	1	1	0	42
SLSDC	7	3	0	7	0	1	0	0	0	0	0	0	18
AGENCY OVERALL	6,482	2,544	153	1,761	29	591	233	45	61	46	63	84	12,092

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

Component	Description of “Other” Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	TOTAL
FHWA	Transferred within DOT	18
FTA	Transferred within DOT	1
OIG	Transferred within DOT	3
OST	Transferred within DOT	62
Agency Overall		84

V. 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	4	76	85	174	567	871	113	8	22	6	7	4	1	0
FHWA	0	7	5	26	27	20	1	0	0	2	2	0	0	0
FMCSA	0	69	147	13	2	694	9	0	418	69	0	0	0	0
FRA	0	0	0	18	3	76	3	0	75	0	0	0	0	0
FTA	1	0	0	18	11	53	1	0	0	0	0	0	0	0
MARAD	2	0	1	17	5	8	0	0	0	0	0	0	0	0
NHTSA	0	1	0	35	18	53	1	0	0	0	0	0	0	0
OIG	0	0	3	4	17	32	4	0	31	0	3	0	0	0
OST	0	0	3	12	11	33	2	0	3	0	1	0	0	0
PHMSA	0	2	2	17	22	13	12	0	0	0	0	0	0	0
RITA	0	0	1	7	0	0	0	0	0	0	0	0	0	0
SLSDC	0	0	0	0	0	2	0	0	0	0	0	0	0	0
AGENCY OVERALL	7	155	247	341	683	1,855	146	8	549	77	13	4	1	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	* 69	106	128	47
FHWA	12	8	6	14
FMCSA	4	7	6	5
FRA	0	2	2	0
FTA	0	7	2	5
MARAD	** 3	1	4	0
NHTSA	0	11	10	1
OIG	0	4	4	0
OST	1	5	4	2
PHMSA	0	2	2	0
RITA	1	0	1	0
SLSDC	0	0	0	0
Agency Overall	90	154	169	74

* The number of appeals is one less than reported at the end of FY 2010. This is the result of an appeal that was closed in FY 2010, but not closed out in the system by the end of FY 2010.

** The number of MARAD appeals pending at the beginning of the fiscal year is one more than reported at the end of FY 2010. This is the result of an appeal that was received in FY 2010, but not logged into the system by the end of FY 2010.

VI. 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	36	14	46	32	128
FHWA	0	1	1	4	6
FMCSA	0	3	0	3	6
FRA	2	0	0	0	2
FTA	1	0	0	1	2
MARAD	0	4	0	0	4
NHTSA	4	4	0	2	10
OIG	1	1	1	1	4
OST	1	1	1	1	4
PHMSA	0	1	0	1	2
RITA	0	0	0	1	1
SLSDC	0	0	0	0	0
Agency Overall	45	29	49	46	169

VI. 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	1	1	1	11	18	1	0	5	3	0	0	0	0
FHWA	0	1	0	1	2	1	0	0	0	0	0	0	0	0
FMCSA	0	0	0	1	0	3	0	0	2	0	0	0	0	0
FRA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FTA	0	0	0	0	1	0	0	0	0	0	0	0	0	0
MARAD	0	0	0	4	0	0	0	0	0	0	0	0	0	0
NHTSA	0	1	0	1	3	2	1	0	0	0	0	0	0	0
OIG	0	0	0	0	0	2	0	0	2	0	0	0	0	0
OST	0	1	2	1	1	0	0	0	0	0	0	0	0	0
PHMSA	0	0	1	0	0	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	0	4	4	9	18	26	2	0	9	3	0	0	0	0

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

	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	16	0	21	0	0	12	0	0	0	0	37
FHWA	1	0	3	0	0	0	0	0	0	0	0
FMCSA	0	0	0	0	0	0	0	0	0	0	0
FRA	2	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	0	0	0	0	0	0	0	0	0
NHTSA	0	0	1	0	0	1	0	0	0	0	0
OIG	1	0	0	0	0	0	0	0	0	0	0
OST	0	0	0	1	0	0	0	0	0	0	0
PHMSA	0	0	1	0	0	0	0	0	0	0	0
RITA	0	0	1	0	0	0	0	0	0	0	0
SLSDC	0	0	0	0	0	0	0	0	0	0	0
Agency Overall	20	0	27	1	0	13	0	0	0	0	37

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

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)	Number of Times Those Reasons Were Relied Upon	TOTAL
Remanded to Region/Center/Org	FAA - 37	37

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

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	107	198	<1	1,131
FHWA	478	531	232	980
FMCSA	146	165	71	318
FRA	31.5	31.5	30	33
FTA	143.5	143.5	20	267
MARAD	129	187	47	446
NHTSA	23	27	<1	59
OIG	25	24	1	30
OST	98	89	37	123
PHMSA	67	67	31	103
RITA	131	131	131	131
SLSDC	N/A	N/A	N/A	N/A
Agency Overall	95	189	<1	1,131

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

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

	10 th Oldest Appeal	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Appeal
FAA	2-24-10 404 days	9-1-09 522 days	7-9-09 560 days	6-30-09 566 days	6-17-09 575 days	3-30-09 631 days	1-22-09 677 days	12-9-08 706 days	12-8-08 707 days	7-30-08 796 days
FHWA	8-29-11 130 days	3-28-11 131 days	10-6-10 247 days	9-21-10 258 days	7-21-10 301 days	6-8-10 331 days	4-5-10 376 days	3-12-10 392 days	1-12-10 427 days	10-13-09 488 days
FMCSA	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	8-9-11 37 days	8-1-11 43 days	6-21-11 61 days	5-27-11 87 days	10-18-10 240 days
FRA	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
FTA	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	9-21-11 7 days	8-12-11 34 days	7-6-11 61 days	5-25-11 89 days	5-2-11 105 days
MARAD	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
NHTSA	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	9-7-11 17 days
OIG	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
OST	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	9-29-11 1 day	9-19-11 9 days
PHMSA	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
RITA	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
SLSDC	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
Agency Overall	10-13-09 488 days	9-1-09 522 days	7-9-09 560 days	6-30-09 566 days	6-17-09 575 days	3-30-09 631 days	1-22-09 677 days	12-9-08 706 days	12-8-08 707 days	7-30-08 796 days

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

A. Processed Requests – *Response Time for All Processed 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	16	22	<1	1,296	30	74	<1	1,121	22.5	26	<1	92
FHWA	12	43	<1	500	13	31	,1	345	8	17	<1	58
FMCSA	39	36	1	150	39	39	4	366	16	35	10	100
FRA	31	82	1	626	N/A	N/A	N/A	N/A	11.5	11.5	1	22
FTA	17	20	<1	123	12	12	12	12	N/A	N/A	N/A	N/A
MARAD	146	239	1	849	529	450	13	895	20	20	20	20
NHTSA	18	32	<1	136	33	64	<1	674	N/A	N/A	N/A	N/A
OIG	27	56	<1	239	194	159	8	340	N/A	N/A	N/A	N/A
OST	4	13	<1	136	33	64	<1	674	N/A	N/A	N/A	N/A
PHMSA	5	8	<1	74	19	54	<1	540	23	28	<1	118
RITA	9	16	<1	94	N/A	N/A	N/A	N/A	193	193	193	193
SLSDC	12	12	3	21	61	63	29	100	N/A	N/A	N/A	N/A
AGENCY OVERALL	16	26.73	<1	1,296	33	62.55	<1	1,121	22.5	28.67	<1	193

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

	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	16	19	<1	1,022	30	76	<1	1,121	24.5	26	<1	92
FHWA	17	39	<1	486	23	34	1	119	8	16	1	58
FMCSA	40	37	3	150	40	41	4	366	13	41	10	100
FRA	34	77	1	626	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FTA	20	22	<1	123	12	12	12	12	N/A	N/A	N/A	N/A
MARAD	144	224	1	849	499	414	13	895	20	20	20	20
NHTSA	18	37	2	316	29	72	8	257	N/A	N/A	N/A	N/A
OIG	117	114	3	239	206	169	8	340	N/A	N/A	N/A	N/A
OST	17	28	<1	136	46	576	1	674	N/A	N/A	N/A	N/A
PHMSA	5	9	<1	74	19	55	<1	540	17	19	<1	69
RITA	11	21	<1	94	N/A	N/A	N/A	N/A	193	193	193	193
SLSDC	15	15	7	21	65	65	29	100	N/A	N/A	N/A	N/A
AGENCY OVERALL	16	22.89	<1	1,022	34	62.29	<1	1,121	30	70.42	<1	193

VII. 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	5,775	835	213	65	24	13	13	12	11	7	29	15	33	7,045
FHWA	245	69	6	3	2	3	3	4	1	0	9	6	11	362
FMCSA	246	240	393	37	8	0	0	1	0	0	0	0	0	925
FRA	141	67	38	21	8	9	5	6	14	14	16	13	16	368
FTA	156	78	14	9	2	0	1	0	0	0	0	0	0	260
MARAD	43	16	5	4	8	1	4	5	1	2	14	20	42	165
NHTSA	134	32	13	5	3	4	1	4	1	1	2	2	0	202
OIG	35	10	10	4	3	3	3	3	3	2	3	0	0	79
OST	97	16	2	0	4	0	1	0	0	0	0	0	0	120
PHMSA	42	2	0	1	0	0	0	0	0	0	0	0	0	45
RITA	32	5	2	1	1	0	0	0	0	0	0	0	0	41
SLSDC	14	1	0	0	0	0	0	0	0	0	0	0	0	15
AGENCY OVERALL	6,960	1,371	696	150	63	33	31	35	31	26	73	56	102	9,627

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

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	439	518	167	57	39	18	19	18	8	12	30	26	55	1,406
FHWA	25	8	1	3	0	2	0	0	0	0	0	1	0	40
FMCSA	125	249	240	30	3	2	1	0	0	2	4	1	0	657
FRA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FTA	1	0	0	0	0	0	0	0	0	0	0	0	0	1
MARAD	2	1	1	0	0	0	0	0	0	0	0	1	9	14
NHTSA	8	18	2	0	2	0	0	0	0	2	3	2	0	37
OIG	1	0	1	2	0	0	0	0	0	1	4	1	0	10
OST	47	20	20	8	8	3	7	2	1	0	3	3	2	124
PHMSA	57	13	8	3	9	6	3	1	1	0	4	3	1	109
RITA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SLSDC	0	1	0	1	1	0	0	0	0	0	0	0	0	3
AGENCY OVERALL	705	828	440	104	62	31	30	21	10	17	48	38	67	2,401

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

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	14	15	1	0	2	0	0	0	0	0	0	0	0	32
FHWA	5	2	1	0	0	0	0	0	0	0	0	0	0	8
FMCSA	3	0	0	0	1	0	0	0	0	0	0	0	0	4
FRA	1	1	0	0	0	0	0	0	0	0	0	0	0	2
FTA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MARAD	0	1	0	0	0	0	0	0	0	0	0	0	0	1
NHTSA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OST	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PHMSA	5	6	0	1	0	1	0	0	0	0	0	0	0	13
RITA	0	0	0	0	0	0	0	0	0	1	0	0	0	1
SLSDC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	28	25	2	1	3	1	0	0	0	1	0	0	0	61

VII. D. Pending Requests – All Pending Perfected Requests

	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	576	13	97	158	30	82	4	22	52
FHWA	64	13	60	11	29	63	3	13	16
FMCSA	248	24	24	106	24	29	2	1	1
FRA	63	126	142	0	N/A	N/A	0	N/A	N/A
FTA	18	15	21	0	N/A	N/A	0	N/A	N/A
MARAD	93	255	259	3	234	234	0	N/A	N/A
NHTSA	19	11	31	10	26	44	0	N/A	N/A
OIG	9	53	71	6	160	152	0	N/A	N/A
OST	1	1	1	36	136	172	0	N/A	N/A
PHMSA	0	N/A	N/A	34	166	161	3	70	75
RITA	1	12	12	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	1,092	43	69.6	364	48	119.21	12	22	30.54

VII. E. Pending Requests – *Ten Oldest Pending Perfected Requests*

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

	10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
FAA	10-26-06 1,272 days	10-26-06 1,272 days	10-26-06 1,272 days	10-25-06 1,273 days	10-25-06 1,273 days	10-19-06 1,277 days	10-10-06 1,284 days	10-4-06 1,287 days	9-18-06 1,299 days	9-11-06 1,304 days
FHWA	1-12-11 69 days	1-3-11 173 days	12-20-10 202 days	9-29-10 252 days	9-28-10 253 days	9-17-10 260 days	7-21-10 301 days	5-2-10 355 days	3-3-10 399 days	2-1-10 414 days
FMCSA	6-22-11 70 days	6-20-11 72 days	6-14-11 76 days	6-13-11 77 days	6-7-11 81 days	5-27-11 87 days	5-23-11 91 days	3-14-11 141 days	2-15-11 159 days	12-10-10 209 days
FRA	9-22-10 258 days	9-21-10 259 days	6-22-10 322 days	5-18-10 346 days	4-30-10 358 days	4-16-10 368 days	4-14-00 370 days	4-9-10 373 days	3-3-10 381 days	1-26-10 421 days
FTA	9-14-11 12 days	9-6-11 18 days	9-6-11 18 days	9-6-11 18 days	9-6-11 18 days	9-2-11 19 days	8-26-11 24 days	8-10-11 36 days	7-1-11 63 days	6-15-11 75 days
MARAD	7-15-09 556 days	6-24-09 570 days	6-4-09 584 days	3-19-09 638 days	3-18-09 639 days	2-17-09 654 days	2-15-09 660 days	10-30-08 732 days	3-19-08 889 days	11-2-07 980 days
NHTSA	8-24-11 26 days	8-22-11 28 days	8-16-11 32 days	8-2-11 42 days	7-13-11 49 days	5-5-11 103 days	4-6-11 124 days	3-10-11 143 days	2-24-11 153 days	2-22-11 155 days
OIG	6-13-11 69 days	5-24-11 90 days	4-4-11 126 days	3-21-11 136 days	3-18-11 137 days	3-10-11 143 days	2-14-11 160 days	1-12-11 182 days	1-4-11 188 days	12-15-10 200 days
OST	11-11-10 223 days	9-15-10 262 days	9-13-10 264 days	8-12-10 285 days	5-10-10 351 days	5-6-10 353 days	5-4-10 355 days	4-9-10 372 days	12-4-09 454 days	4-10-09 618 days
PHMSA	9-30-10 265 days	8-31-10 272 days	8-31-10 272 days	8-24-10 276 days	8-11-10 286 days	8-3-10 292 days	7-15-10 305 days	6-21-10 322 days	5-4-10 355 days	3-23-10 356 days
RITA	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	9-14-11 12 days
SLSDC	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
Agency Overall	10-26-06 1,272 days	10-26-06 1,272 days	10-26-06 1,272 days	10-25-06 1,273 days	10-25-06 1,273 days	10-19-06 1,277 days	10-10-06 1,284 days	10-4-06 1,287 days	9-18-06 1,299 days	9-11-06 1,304 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	24	224	1	4	232
FHWA	9	5	2	17	11
FMCSA	6	0	1	1	6
FRA	0	0	N/A	N/A	N/A
FTA	0	0	N/A	N/A	N/A
MARAD	1	0	1	1	1
NHTSA	1	0	1	1	1
OIG	0	2	1	1	2
OST	0	0	N/A	N/A	N/A
PHMSA	15	5	1	1	20
RITA	0	1	3	3	1
SLSDC	0	0	N/A	N/A	N/A
AGENCY OVERALL	56	237	1	3.027	274

VIII. B. *Requests for Fee Waiver*

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
FAA	49	84	1	6
FHWA	17	11	3	18
FMCSA	3	0	1	1
FRA	0	0	N/A	N/A
FTA	0	0	N/A	N/A
MARAD	0	0	N/A	N/A
NHTSA	0	4	7	24
OIG	4	2	1	1
OST	0	0	N/A	N/A
PHMSA	27	1	1	1
RITA	6	0	1	1
SLSDC	0	0	N/A	N/A
AGENCY OVERALL	106	102	1	4.919

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	18	39.48	57.48	\$6,453,433	\$77,674	\$6,531,107
FHWA	1	2.81	3.81	\$414,235	0	\$414,235
FMCSA	6	1	7	\$731,525	0	\$731,525
FRA	1	1.5	2.5	\$226,384	0	\$226,384
FTA	0	2.6	2.6	\$277,500	0	\$277,500
MARAD	1	2	3	\$437,017	\$17,820	\$454,837
NHTSA	2	2.1	4.1	\$490,359	0	\$490,359
OIG	2	.5	2.5	\$199,075	0	\$199,075
OST	4	.55	4.55	\$520,497	0	\$520,497
PHMSA	1	1.098	2.098	\$254,036	\$6,595	\$260,631
RITA	1	1.9	2.9	\$312,580	0	\$312,580
SLSDC	0	.115	.115	\$12,201	0	\$12,201
AGENCY OVERALL	37	55.653	92.653	\$10,328,842	\$102,089	\$10,430,931

X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
FAA	\$255,412.92	3.96
FHWA	\$12,885.18	3.11
FMCSA	\$16,056.13	2.19
FRA	\$2,314.50	1.02
FTA	0	0
MARAD	\$5,577.74	1.28
NHTSA	\$13,342.05	2.72
OIG	0	0
OST	\$3,217.30	0.62
PHMSA	\$5,114	2.01
RITA	\$108	0.03
SLSDC	0	0
AGENCY OVERALL	\$314,027.82	3.04

XI. FOIA REGULATIONS

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=62afd1be927ed203cc284F3204bc919&tpl=/ecfrbrowse/Title49/49cfr7_main_02.tpl

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	251	42
FHWA	28	14
FMCSA	214	5
FRA	51	0
FTA	4	4
MARAD	87	0
NHTSA	10	0
OIG	17	0
OST	33	0
PHMSA	29	0
RITA	0	0
SLSDC	0	0
AGENCY OVERALL	724	65

XII. B. *Consultations on FOIA Requests*

	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at DOT 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 DOT During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at DOT as of <u>End</u> of the Fiscal Year
FAA	1	0	1	0
FHWA	0	0	0	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	7	5	2
OST	0	6	6	0
PHMSA	0	1	1	0
RITA	0	0	0	0
SLSDC	0	0	0	0
AGENCY OVERALL	1	14	13	2

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

	10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
FAA	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
FHWA	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
FMCSA	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
FRA	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
FTA	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
MARAD	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
NHTSA	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
OIG	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	8-11-11 28 days	3-21-11 136 days
OST	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
PHMSA	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
RITA	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
SLSDC	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days
Agency Overall	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	N/A 0 days	8-11-11 28 days	3-21-11 136 days

XII. D. (1) *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	7,424	8,367	7,237	8,483
FHWA	352	429	341	410
FMCSA	1,087	1,774	1,029	1,586
FRA	352	316	392	362
FTA	196	281	196	272
MARAD	156	119	196	180
NHTSA	281	216	242	239
OIG	69	85	71	89
OST	238	257	239	244
PHMSA	156	161	127	167
RITA	43	41	42	42
SLSDC	9	18	9	18
AGENCY OVERALL	10,363	12,064	10,121	12,092

XII. D. (2) *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	347	251
FHWA	42	28
FMCSA	91	214
FRA	72	51
FTA	0	4
MARAD	151	87
NHTSA	35	10
OIG	12	17
OST	13	33
PHMSA	23	29
RITA	1	0
SLSDC	0	0
AGENCY OVERALL	787	724

XII. E. (1) *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	108	106	124	128
FHWA	8	8	7	6
FMCSA	10	7	6	6
FRA	1	2	4	2
FTA	1	7	1	2
MARAD	2	1	6	4
NHTSA	16	11	16	10
OIG	3	4	6	4
OST	6	5	7	4
PHMSA	3	2	3	2
RITA	1	0	0	1
SLSDC	0	0	0	0
AGENCY OVERALL	159	153	180	169

XII. E. (2) *Number of backlogged administrative appeals*

	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	66	42
FHWA	11	14
FMCSA	4	5
FRA	0	0
FTA	0	4
MARAD	2	0
NHTSA	0	0
OIG	0	0
OST	1	0
PHMSA	0	0
RITA	0	0
SLSDC	0	0
AGENCY OVERALL	84	65

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 2012) Chief FOIA Officer's report.