

U.S. Department of Transportation (DOT)

Chief FOIA Officer Report

February 2011

Introduction and Background

We are pleased to show in this second annual Chief FOIA Officer report that DOT has made good progress in reducing backlogs, making proactive disclosures, applying the presumption of openness, and ensuring that DOT has effective systems in place to respond to FOIA requests.

The DOT's Chief FOIA Officer provides high-level oversight and support to DOT's FOIA programs, and recommends adjustments to agency practices, personnel, and funding as may be necessary to improve FOIA administration, including through this annual Chief FOIA Officer Report submitted to the U.S. Department of Justice.

The Departmental FOIA Office provides direction, leadership, guidance, and assistance to the FOIA offices throughout DOT. This Office hosts a monthly DOT-wide meeting for FOIA offices throughout DOT. The DOT FOIA Officer also serves as the FOIA Officer for the Office of the Secretary of Transportation (OST). In addition, the Departmental FOIA Office coordinates the overall FOIA annual report for DOT, as well as the Chief FOIA Officer Report.

The following DOT components receive and respond to FOIA requests:

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

Many components, including FMCSA, FRA, FTA, MARAD, NHTSA, OIG, OST, PHMSA, and SLSDC, have centralized programs, where a single FOIA office processes all FOIA requests. These centralized FOIA offices obtain records from their various program offices, review the documents, and make determinations regarding release of the documents. RITA's FOIA

activities are primarily shared between a Headquarters FOIA office and one field office (Volpe National Transportation Systems Center, Cambridge, MA), with the Headquarters FOIA office coordinating RITA's portion of the annual report.

The FAA and FHWA operate their FOIA programs in a decentralized fashion, in which numerous field and Headquarters program offices process FOIA requests. Each of the decentralized offices receives FOIA requests, searches for records, reviews records, and makes releasability determinations. In each of these decentralized programs, there is an office at Headquarters that oversees the implementation of the FOIA program and coordinates its component's portion of DOT's annual FOIA report.

FOIA Public Liaisons have been designated throughout DOT, serving as officials to whom FOIA requesters can raise concerns about service they have received from the FOIA Offices. FOIA Public Liaisons report to the Chief FOIA Officer on their FOIA-related activities.

I. Steps Taken to Apply the Presumption of Openness

1. Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

a. *Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency.*

The Departmental FOIA Officer promptly forwarded electronically the President's FOIA Memorandum, the Attorney General's Memorandum, and the Office of Information Policy's (OIP) FOIA guidance to all Departmental FOIA contacts as soon as they were issued.

The Departmental FOIA Officer created a guidance document based on excerpts from the OIP guidance titled "Foreseeable Harm/Discretionary Disclosure." This document was widely distributed to employees throughout DOT.

On November 2, 2009, the Chief FOIA Officer issued a comprehensive FOIA memorandum titled "FOIA and Creating a New Era of Open Government." The memorandum was widely distributed to employees throughout DOT.

Following comprehensive reviews of each component's FOIA program in January and February 2010, the Chief FOIA Officer met with senior level officials in each of the components to discuss findings and any component-specific recommendations, to remind them of their FOIA obligations, and to encourage their continued support of the FOIA program.

In January and February 2011, the Chief FOIA Officer once again met with senior leadership of each component. The meetings included discussions of the

component's FOIA program and a reminder from the Chief FOIA Officer of the President's and Attorney General's FOIA guidance.

In daily interactions between DOT's FOIA offices and program offices, there is an emphasis on openness relative to specific FOIA requests or issues.

RITA wrote an article in its newsletter "RITA 411" that reminded staff of the President's FOIA guidance regarding openness and their obligations under the President's guidance.

- b. *What training has been attended and/or conducted on the new FOIA Guidelines?*

Training Attended

During the past year, staff from six of DOT's twelve components attended FOIA training sponsored by the U.S. Department of Justice (DOJ), and staff from four components attended FOIA training sponsored by the U.S. Department of Agriculture Graduate School. Notably, FAA sent all of the FOIA field staff from their largest program office (Air Traffic Organization) to DOJ-sponsored FOIA training. The FAA team spent additional time before and after the DOJ training discussing issues related to their specific FOIA program.

OST and FAA FOIA staff represented the DOT on DOJ-sponsored working groups on best practices and technology.

Training Provided

On December 14, 2009, the Department presented a well-attended FOIA briefing for all Administration appointees at DOT. In addition to a discussion of the Administration's new FOIA guidance, the briefing included basic FOIA information. Hand-outs to participants included the President's FOIA Memorandum, the Attorney General's FOIA Memorandum, and the Chief FOIA Officer's FOIA Memorandum.

FAA has provided training teleconferences for certain field offices and two training sessions for new FOIA staff in Headquarters program offices.

DOT's components report a great deal of one-on-one FOIA training, and FOIA training for specific program offices.

MARAD provided on-the-job training to FOIA contractors.

The DOT's Assistant General Counsel for Operations discussed FOIA and the presumption of openness during his presentation at a DOT legal workshop for counsel throughout DOT.

Senior OIG legal personnel gave a summary presentation of the new FOIA guidelines to all OIG Audit leaders at an Audit Managers Conference in August 2010.

PHMSA provided FOIA training via teleconference to its Pipeline Regional Directors and developed FOIA guidelines, which are posted on the PHMSA internal SharePoint site.

- c. *How has your agency created or modified your internal guidance to reflect the presumption of openness?*

The presumption of openness, and related transparency principles, are routinely discussed during the Monthly DOT-Wide FOIA Meetings.

OIG's Chief Counsel spoke about the New Era of Open Government at the OIG-wide Community of Practice event, "Working with Legal Counsel," in September 2010.

FHWA posted its FOIA training slides, which discuss the "New Era of Open Government," on its internal FOIA webpage.

To encourage discretionary disclosures, FAA added a "discretionary disclosure" sample letter to its FOIA tool kit, which is used by FOIA staff throughout FAA.

- d. *To what extent has your agency made discretionary releases of otherwise exempt information?*

The DOT has made discretionary disclosures in the past; however, in light of the new guidance, we have placed a greater emphasis on the need to make releases in cases where foreseeable harm to one of the FOIA exemptions is not found. In particular, we are finding that, across DOT, more information in the bodies of inter-agency and intra-agency e-mail messages is being released, and that fewer draft documents are being withheld in their entirety. Documents previously considered exempt in their entirety are now being reviewed, in light of the new guidance, to identify any reasonably segregable non-exempt portions that can be safely released. Explanations of withholding decisions in FOIA responses throughout DOT have improved as well.

The OIG reviewed work paper documents supporting its September 2007 audit report titled "Actions Needed to Minimize Long, On-Board Flight Delays (AV-2007-077)." The documents were made publicly available in the OIG Electronic Reading Room in September 2010. Although redactions were made based on Exemptions 5, 6, and 7(C), there was additional Exemption 5 information that was released as a matter of discretion.

Previously, FAA routinely withheld preliminary, deliberative portions of its Accident/Incident Report (FAA Form 8020-23). FAA's new practice is to presume release, only withholding information from the Report when the release would cause harm to the interests protected by Exemption 5.

- e. *What exemptions would have covered the information that was released as a matter of discretion?*

Primarily Exemption 5, although PHMSA, FMCSA, and OST have also released information that would have been covered by Exemption 7(A).

- f. *How does your agency review records to determine whether discretionary releases are possible?*

In DOT's centralized programs, the official signing the FOIA responses makes a final review to determine if all appropriate discretionary releases have been made, after consultation, where appropriate, with the office that provided the responsive records.

In FAA's and FHWA's decentralized FOIA programs, the officials signing the responses are responsible for ensuring that discretionary disclosures have been made. Both FAA and FHWA have guidance on their FOIA intranet pages encouraging discretionary releases.

- g. *Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.*

The presumption of openness is a frequent topic of conversation at our Monthly DOT-wide FOIA meetings, where we share best practices and ideas.

When the Chief FOIA Officer met with the heads of the DOT components in early 2011 to discuss their respective FOIA programs, she emphasized the President's and Attorney General's guidance as it relates to the presumption of openness.

In day-to-day conversations with program offices throughout DOT, the presumption of openness is routinely discussed.

2. Report the extent to which the numbers of requests where records have been released in full and the numbers of requests where records have been released in part has changed from those numbers as reported in your previous year's Annual FOIA Report.

Note: The following charts show both numbers and percentages. The percentages are based on the number of full grants, partial grants, and denials compared with the total number of FOIA requests processed during the fiscal year.

a. *Comparison of number and percentage of Full Releases in FY 2009 to FY 2010*

	Number of Full Grants in FY 2009	Number of Full Grants in FY 2010	Percentage of Full Grants in FY 2009	Percentage of Full Grants in FY 2010
FAA	2,867	3,671	45.5%	50.7%
FHWA	227	161	52.5%	47.2%
FMCSA	219	260	22.5%	25.2%
FRA	163	161	46.4%	41.1%
FTA	82	60	37.4%	30.6%
MARAD	35	127	44.3%	64.8%
NHTSA	120	70	43.4%	28.9%
OIG	18	5	12.9%	7.0%
OST	95	56	28.4%	23.4%
PHMSA	59	59	44.7%	46.4%
RITA	21	19	43.7%	45.2%
SLSDC	3	3	60.0%	33.3%
Agency Overall	3,909	4,652	42.11%	45.96%

b. *Comparison of number and percentage of Partial Releases in FY 2009 to FY 2010*

	Number of Partial Grants in FY 2009	Number of Partial Grants in FY 2010	Percentage of Partial Grants in FY 2009	Percentage of Partial Grants in FY 2010
FAA	1,418	1,382	22.5%	19.1%
FHWA	51	70	11.8%	20.5%
FMCSA	530	599	54.5%	58.2%
FRA	64	93	18.2%	23.7%
FTA	76	83	34.7%	42.3%
MARAD	11	13	13.9%	6.6%
NHTSA	52	101	18.8%	41.7%
OIG	60	20	43.1%	28.1%
OST	66	56	19.7%	23.4%
PHMSA	19	40	14.4%	31.5%
RITA	6	10	12.5%	23.8%
SLSDC	1	0	20.0%	0%
Agency Overall	2,354	2,467	25.36%	24.37%

c. Comparison of number and percentage of Full Denials from FY 2009 to FY 2010

	Number of Full Denials Based on Exemption in FY 2009	Number of Full Denials Based on Exemption in FY 2010	Percentage of Full Denials Based on Exemption in FY 2009	Percentage of Full Denials Based on Exemption in FY 2010
FAA	105	100	1.668%	1.381%
FHWA	5	6	1.160%	1.759%
FMCSA	12	1	1.232%	0.009%
FRA	2	1	0.569%	0.025%
FTA	11	4	5.023%	2.040%
MARAD	0	1	0	0.510%
NHTSA	20	11	7.246%	4.545%
OIG	13	5	9.352%	7.042%
OST	8	6	2.395%	2.510%
PHMSA	3	0	2.272%	0
RITA	4	2	8.333%	4.761%
SLSDC	0	1	0	11.111%
Agency Overall	183	138	1.971%	1.363%

As the charts above show:

- The number of full releases increased by 743, and the percentage increased by 9 percent.
- The number of partial releases increased by 113, but the percentage of partial releases decreased by almost 4 percent.
- The number of full denials (based on an exemption) decreased by 45, and the percentage decreased by 30.84 percent.

Note: Over 90 percent of all “partial denials” and “full denials based on exemption” are based on non-discretionary exemptions (Exemptions 3, 4, 6, and 7(C)).

There are many factors that account for the number and percentage of full and partial releases. The DOT does not believe the measure, particularly of partial releases, is an accurate reflection of our additional releases. Although the measure shows the number of partial releases, it does not account for the increasing amount of information that DOT has been providing through those partial releases over the past year, with fewer and fewer redactions. Also, as DOT proactively releases more and more information, many requests that would have been full releases will no longer require a FOIA request.

II. Steps Taken to Ensure that Your Agency has an Effective System in Place for Responding to Requests

Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient. This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests.

The DOT recognizes the importance of all agency personnel who affect the FOIA program – from the Chief FOIA Officer, the FOIA staff in the components, the FOIA Public Liaisons, agency staff who search for records, attorneys, managers, IT support, and others.

- a. *Do FOIA professionals within your agency have sufficient IT support?*

All twelve of DOT's components reported having sufficient IT support for their respective FOIA programs.

- b. *Describe how your agency's FOIA professionals interact with your Open Government Team.*

At the Departmental level, the Departmental FOIA Officer works very closely with the Open Government Team. On DOT's Open Government FOIA Sub-group, we had FOIA representatives from the components, as well as a representative from the Open Government Data.gov subgroup. In addition, the Departmental FOIA Officer is a member of DOT's Data.gov subgroup.

- c. *Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.*

The Departmental FOIA Officer conducted comprehensive reviews of DOT's FOIA programs in January 2010. In December 2010, smaller-scale reviews were conducted of all DOT components' FOIA programs. Recommendations were made to components related to resources, among other things, based on those reviews. The Chief FOIA Officer discusses any component-specific recommendations with the heads of each component in her annual one-on-one meetings with them. In response to the recommendations, FAA added a staff member to its National FOIA Team. FHWA and NHTSA have backfilled FOIA positions. Additionally, OST converted a detail position in its FOIA office to a permanent position during the reporting period. MARAD and NHTSA have brought in contractor staff, and OIG hired a part-time employee to assist in the process of responding to FOIA requests.

When the President's Chief of Staff and the Counselor to the President issued a memorandum in March 2010 regarding FOIA resources, the Chief FOIA Officer again assessed FOIA staffing throughout DOT. At that time, she determined that, with actions currently being taken or planned by components, current staffing was sufficient.

- d. *Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.*

The FAA National FOIA Team has established Standard Operating Procedures for responding to FOIA requests. In addition, the FAA FOIA process has begun the International Organization for Standardization (ISO) 9001 certification process. The FAA National FOIA Team worked with FAA program offices that had the oldest requests and backlogs to help them close old cases and reduce backlogs. The largest

FAA organization (Air Traffic Organization) added an additional staff member and reduced its backlog by 30 percent.

FHWA, as well as seven other DOT components, are using FHWA's in-house-developed database (through an interagency agreement) to effectively track and monitor requests.

In January 2011, the Departmental FOIA Office began to regularly monitor the log of all complaints received by the Office of Government Information Services (OGIS) in general, and all complaints to OGIS involving DOT, in particular. We will monitor and evaluate the data to look for patterns and to develop best practices in serving FOIA requesters.

III. Steps Taken to Increase Proactive Disclosures

Describe here the steps your agency has taken to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines.

a. *Has your agency added new material to your agency website since last year?*

Yes. Every component within DOT has posted a wealth of new material on its website during the past year. Also, many components have redesigned their main websites to increase usefulness to the public.

b. *What types of records have been posted?*

Throughout DOT, a large amount of information, in a variety of formats, has been posted. Some examples include the following:

In April 2010, NHTSA launched a new, improved, more consumer-friendly website (nhtsa.gov) to allow our partners, the highway safety community, consumers, and others to more easily find information on all of NHTSA's program activities. In October 2010, NHTSA launched an updated website (safercar.gov) that provides one stop shopping to consumers looking for information related to vehicles, including safety ratings, defects, recalls, child safety seats, and tires. Additionally, NHTSA's National Center for Statistical Analysis posted research, data, and other analyses on its website, which also offers the public the ability to search its databases to perform their own research.

FTA posted Reports to Congress, Federal Register Notices, News Releases, Current Policy and Program Developments, Congressional testimony, Administrator's speeches, and American Recovery and Reinvestment Act of 2009 (ARRA) information. Additionally, FTA provides a "Contact Us" link on its Internet Home Page. FTA strives to answer "Contact Us" inquiries within 48 hours of receipt with complete responses.

When records are requested, FTA provides specific information to the web visitor on its FOIA procedures and how to submit a FOIA request.

The OIG posted audit reports, audit announcement letters, investigative summaries, Congressional testimony, Congressional correspondence, ARRA Advisories, ARRA financial and activity reports, Semiannual Reports, and DOT Top Management Challenges.

FAA posted a video titled “Installing a Forward Facing Child Restraint in an Aircraft.”

PHMSA recently posted hazardous material incident data and summary statistics for previous years in a new easy-to-navigate format. The PHMSA website (<http://www.phmsa.dot.gov/hazmat/library/data-stats/incidents>) makes available a series of hazmat reports which provide statistical information on incidents by type, year, geographical location, and other factors. Some of the reports include interactive graphs. Also during the reporting period, PHMSA made proactive disclosures by posting these records: (a) Pipeline Safety Program’s Failure Investigation Reports; (b) the Pipeline Safety Program’s historical state waivers dating back to 1968; and (c) the PHMSA Administrator’s Congressional testimony.

FMCSA’s “Protect Your Move” website provides the public with useful information on moving household goods.

FHWA’s website includes national traffic and road closure information.

MARAD has posted, among other things, U.S.-flag carriers listings, the Horn of Africa Piracy Advisory to Mariners, and information on Marine Highway Program Tiger Grants for American’s Marine Highways.

During FY 2010, SLSDC posted news releases, Seaway notices, radio messages, Seaway regulations, reports, studies, presentations, speeches, articles, and budget documents.

FRA redesigned the Office of Safety Analysis Web Site. This site was established to make railroad safety information readily available to a broad constituency, which includes FRA personnel, railroad companies, research and planning organizations, and the general public. Visitors have access to railroad safety information including accidents and incidents, inspections, and highway-rail crossing data. From this site, users can run dynamic queries, download a variety of safety database files, publications and forms, and view current statistical information on railroad safety.

- c. *Give examples of the types of records your agency now posts that used to be available only by making a FOIA request for them.*

The OST FOIA Office now posts its FOIA logs in its Electronic Reading Room. FOIA logs are currently posted for fiscal years 2007-2010.

FAA now proactively posts audio tapes from high profile aircraft accidents and incidents where it may be reasonably determined that there will be public interest.

PHMSA hazmat incident data previously had to be requested through an on-site contractor and manually manipulated in response to FOIA requests. With the new features added to the page, requesters no longer need to go through the FOIA process.

RITA proactively posts contracts on its website.

- d. *What system do you have in place to routinely identify records that are appropriate for posting?*

The FOIA offices in the components routinely review their FOIA logs to determine if particular records are receiving a high level of interest. If they discover such records, the FOIA office either posts the records in the FOIA Electronic Reading Room, if appropriate, or suggests that the program office post the records on the component's main web page.

When they are finalized, the OIG routinely posts audit reports, audit announcement letters, investigative summaries, Congressional testimony statements, Congressional correspondence, ARRA Advisories, ARRA financial and activity reports, Semiannual Reports, and DOT Top Management Challenges.

NHTSA has a standard clearance process that is used to identify materials that are appropriate for posting.

- e. *How do you utilize social media in disseminating information?*

Secretary of Transportation Ray LaHood uses social media extensively to get DOT's message out. Entries are made on the Secretary's blog, the Fast Lane (<http://fastlane.dot.gov>), every business day. The Secretary also uses Facebook and Twitter and has a large following on both. The DOT also has a YouTube Channel. The use of social media has enabled the Secretary and DOT to reach larger audiences. For example, press releases are issued the typical way, and are also released via Twitter and Facebook, reaching a more diverse audience. The Administrators of the components are often "guest bloggers" on the Secretary's blog. In addition, DOT also actively seeks opportunities to "cross post" information on outside organization websites, to gain a broader audience. Several of the components also use Twitter, Facebook, and YouTube accounts.

When NHTSA is promoting behavioral campaigns related to drunk driving, seat belt use, and child safety seats, they host Twitter parties with appropriate audiences to generate conversations on the issue. NHTSA also tweets when it posts press releases.

Really Simple Syndication or RSS Feed is in use across DOT and offers the simplest avenue to public notification. Users self-identify as stakeholders by subscribing to a component's RSS feed.

The most transparent simultaneous outreach medium currently available is webcasting, given available resources. This tool allows DOT to include not only a larger audience, but a more diverse audience with no geographic boundaries. Both webcasts and podcasts can be posted for repeated viewing at the public's convenience. New additions to a video channel can trigger an RSS announcement for stakeholders and other subscribers. This has been done successfully by OST and RITA with the Secretary's Distracted Driving Summit and by FRA with its High Speed Rail Manufacturing Summit. The Distracted Driving Summit not only reached viewers across the country, but across the world.

- f. *Describe any other steps taken to increase proactive disclosures at your agency.*

The Departmental Office of Public Affairs holds weekly meetings with their counterparts in the DOT components. One topic at that weekly meeting is discussing records that have a high level of interest that may be appropriately proactively posted.

DOT's Open Government Phase One Transparency Objective is to increase agency transparency and accountability by (1) presenting in a clear manner DOT information about programs and objectives; and (2) continuing to release DOT data in a timely manner by proactively making it available online in consistent, open formats, while ensuring accuracy and protecting privacy, security, and confidentiality.

The Department completed a comprehensive DOT-wide data inventory, to support the data set selection and release process on September 30, 2010. The list identifies a large set of raw data and other information we hope will be of interest to the public. The DOT high-value data inventory will be regularly updated as DOT continues its data inventory activities and builds its release management capabilities. The inventory currently lists over 150 data sets. The DOT welcomes feedback on its data inventory (<http://www.dot.gov/open/data>).

DOT will establish timelines for publication of appropriate information not yet available for download in open formats and set specific target dates for release. Once those target dates are formalized, they will be included in the next iteration of the DOT Open Government Plan.

Some examples of high-value data sets that are publicly available now, but not in open formats, include data on safety defects, car recalls, transit ridership, selected air carrier data, and selected transportation fatality data. These data sets are being considered in the data inventory prioritization process that is currently under way.

In addition to creating a process for releasing data from DOT and developing a data inventory, the Department also has developed a method to prioritize data sets for

release. More details about this method can be found at <http://www.dot.gov/open/pdf/identpriorguidelines1.0.pdf>. To assess relevance, DOT's guidelines evaluate a data set's alignment to the agency's mission and strategic priorities, its usefulness to application developers, its value in improving accountability, and the scope of its coverage – whether it can be useful at an individual, State, local, and/or Federal level. To assess availability, the guidelines consider whether a data set is frequently requested – either through public consultation, through the normal reporting process (Congressional or annual reports), or through FOIA requests. Finally, the guidelines consider existing demand for data sets already released on DOT websites.

We are considering enhancing usability by also indicating whether a high-value data set was previously unavailable, available only with a FOIA request, available only for purchase, or available but in a less user-friendly format.

DOT is also developing a platform, known as VisualDOT, that will allow topical data to be visualized geographically and put into the context of priority DOT initiatives (i.e., distracted driving, highway infrastructure, etc.).

IV. Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. In 2010 agencies reported widespread use of technology in handling FOIA requests.

1. Electronic receipt of FOIA requests:

	Received electronically in FY 2009	Received electronically in FY 2010	Method of electronic receipt
FAA	Yes	Yes	FOIA e-mail boxes and website
FHWA	Yes	Yes	FOIA e-mail boxes and individual e-mail boxes
FMCSA	Yes	Yes	E-mail to FOIA box
FRA	Yes	Yes	E-mail to FOIA Officer
FTA	Yes	Yes	Email to FOIA box
MARAD	Yes	Yes	FOIA e-mail box
NHTSA	Yes	Yes	FOIA e-mail box
OIG	Yes	Yes	FOIA E-mail box and website
OST	Yes	Yes	E-mail to FOIA box
PHMSA	Yes	Yes	E-mail to FOIA Officer
RITA	Yes	Yes	E-mail to FOIA offices
SLSDC	Yes	Yes	E-mail to FOIA box
Agency Overall	100%	100%	

2. *Electronic tracking of FOIA requests:*

	Tracked electronically in FY 2009	Tracked electronically in FY 2010	Method of electronic tracking
FAA	Yes	Yes	FAA-developed FOIA database
FHWA	Yes	Yes	FHWA-developed FOIA database
FMCSA	Yes	Yes	FHWA-developed FOIA database
FRA	Yes	Yes	COTS correspondence control manager
FTA	Yes	Yes	FHWA-developed FOIA database
MARAD	Yes	Yes	COTS FOIA product
NHTSA	Yes	Yes	FHWA-developed FOIA database
OIG	Yes	Yes	FHWA-developed FOIA database
OST	Yes	Yes	FHWA-developed FOIA database
PHMSA	Yes	Yes	FHWA-developed FOIA database
RITA	Yes	Yes	FHWA-developed FOIA database
SLSDC	Yes	Yes	Data processing software
Agency Overall	100%	100%	

3. *Electronic processing of FOIA requests:*

	Electronically processed in FY 2009	Electronically processed in FY 2010	Method(s) of electronic processing
FAA	Yes	Yes	E-mail FOIA responses; electronic redaction tools; upload incoming requests; 16 portals to distribute (using tracking system)
FHWA	Yes	Yes	Electronic redaction; e-mail FOIA responses
FMCSA	Yes	Yes	Electronic searching via Electronic Document Management System; electronic redactions; e-mail FOIA responses
FRA	Yes	Yes	E-mail FOIA responses; CDs
FTA	Yes	Yes	E-mail FOIA responses; CDs
MARAD	Yes	Yes	E-mail FOIA responses; electronic redaction, workflow, scan incoming, outgoing, and docs into system
NHTSA	Yes	Yes	Electronic redaction; CDs; shared drive for program offices to place records review by FOIA office
OIG	Yes	Yes	Electronic redaction; e-mail FOIA responses; CDs
OST	Yes	Yes	Electronic redaction; e-mail FOIA responses; CDs
PHMSA	Yes	Yes	E-mail FOIA responses; CDs and DVDs; regions upload documents onto share drive for HQ FOIA review
RITA	Yes	Yes	E-mail FOIA responses; CDs for large requests
SLSDC	Yes	Yes	E-mail FOIA responses
Agency Overall	Yes	Yes	

4. *Electronic preparation of your Annual FOIA Report:*

	Electronic preparation of annual report in FY 2009	Electronic preparation of annual report in FY 2010	What type of technology does your agency use to prepare the annual report (FOIA-specific or a generic data processing system) Method of electronic preparation of annual report
FAA	Yes	Yes	FAA-developed FOIA database
FHWA	Yes	Yes	FHWA-developed FOIA database
FMCSA	Yes	Yes	FHWA-developed FOIA database
FRA	Yes	Yes	COTS correspondence control manager
FTA	Yes	Yes	FHWA-developed FOIA database
MARAD	Yes	Yes	COTS FOIA Product
NHTSA	Yes	Yes	FHWA-developed FOIA database
OIG	Yes	Yes	FHWA-developed FOIA database
OST	Yes	Yes	FHWA-developed FOIA database
PHMSA	Yes	Yes	FHWA-developed FOIA database
RITA	Yes	Yes	FHWA-developed FOIA database
SLSDC	Yes	Yes	Data processing software

Overall, the components are satisfied with their tracking capabilities.

Note: Another electronic initiative that the Department is proud of is that all DOT components offer requesters the opportunity to pay FOIA fees electronically (via pay.gov).

V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

1. If your agency has a backlog, report here whether that backlog is decreasing. That reduction should be measured in two ways. First, report whether the number of backlogged requests and backlogged administrative appeals that remain pending at the end of the fiscal year decreased or increased, and by how many, when compared with last fiscal year.

	Number of backlogged initial requests at end of FY 2009	Number of backlogged initial requests at end of FY 2010	Number of backlogged appeals at end of FY 2009	Number of backlogged appeals at end of FY 2010
FAA	857	347	77	66
FHWA	29	42	10	11
FMCSA	38	91	0	4
FRA	126	72	3	0
FTA	3	0	0	0
MARAD	194	151	2	2
NHTSA	3	35	0	0
OIG	15	12	3	0
OST	15	13	1	1
PHMSA	4	23	0	0
RITA	0	1	0	0
SLSDC	0	0	0	0
Agency Overall	1,284	787	96	84

Second, report whether your agency closed in Fiscal Year 2010 the ten oldest of those pending requests and appeals from Fiscal Year 2009, and if not, report how many of them your agency did close.

	Ten Oldest Initial requests from FY 2009 report closed?	Ten Oldest Appeals from FY 2009 report closed?	Current status	Explanation
FAA	Yes	Yes	N/A	N/A
FHWA	Yes	No	5 of the 10 oldest appeals were closed as of 9/30/10; 3 additional appeals have been closed as of 1/31/11	Vacant positions have been filled; expect good progress in FY 2011
FMCSA	Yes	N/A	N/A	N/A
FRA	Yes	Yes	N/A	N/A
FTA	Yes	N/A	N/A	N/A
MARAD	Yes	Yes	N/A	N/A
NHTSA	No	N/A	5 of the 10 oldest initials were closed as of 9/30/10; 1 additional request has been closed as of 1/31/11	Vacant position has been filled; expect good progress in FY 2011
OIG	Yes	Yes	N/A	N/A
OST	No	Yes	8 of the 10 oldest initials were closed as of 9/30/10	Added an additional permanent FOIA staff member; expect good progress in FY 2011
PHMSA	No	N/A	9 of the 10 oldest initials were closed as of 9/30/10	Additional FOIA resources required in FY 2011
RITA	N/A	N/A	N/A	N/A
SLSDC	N/A	N/A	N/A	N/A
Agency Overall	Yes	No		

Summary of "all backlog measures" -- as of 9/30/10

	Reduced backlog of initial requests?	Reduced backlog of pending appeals?	Closed 10 oldest initials?	Closed 10 oldest appeals?
FAA	Yes	Yes	Yes	Yes
FHWA	No	No	Yes	No
FMCSA	No	N/A	Yes	Yes
FRA	Yes	N/A	Yes	Yes
FTA	Yes	N/A	Yes	Yes
MARAD	Yes	No	Yes	Yes
NHTSA	No	N/A	No	Yes
OIG	Yes	N/A	Yes	Yes
OST	Yes	No	No	Yes
PHMSA	No	Yes	No	Yes
RITA	No	N/A	Yes	Yes
SLSDC	N/A	N/A	N/A	N/A
Agency Overall	Yes	Yes	Yes	No

Comparison of dates of Oldest Initial Pending Requests and Oldest Pending Appeals (as of 9/30/10)

	Date of Receipt of Oldest pending initial request at end of FY 09	Date of Receipt of Oldest pending initial request at end of FY 10	Date of Receipt of Oldest pending appeal at end of FY 09	Date of Receipt of Oldest pending appeal at the end of FY 10
FAA	6/14/04	4/26/05	2/5/04	2/28/07
FHWA	6/14/06	4/14/09	2/1/07	2/1/07
FMCSA	12/8/08	4/4/09	N/A	2/16/10
FRA	10/10/07	1/21/09	1/9/09	N/A
FTA	8/12/09	9/10/10	N/A	N/A
MARAD	4/12/05	7/3/07	10/16/06	3/5/10
NHTSA	7/16/09	9/8/09	N/A	N/A
OIG	3/27/06	11/6/09	2/4/09	N/A
OST	5/27/08	8/25/08	6/30/09	6/3/10
PHMSA	5/14/09	5/29/09	N/A	N/A
RITA	N/A	1/26/10	N/A	9/10/10
SLSDC	N/A	N/A	N/A	N/A
Agency Overall	6/14/04	4/26/05	2/5/04	2/1/07

2. If there has not been a reduction in the backlog as measured by these metrics, describe why that has occurred.

Five of DOT's twelve components (FAA, FRA, FTA, OIG, and SLSDC) either had no backlogs or reduced their backlogs of initial requests and appeals, as well as closed out their ten oldest initial requests and appeals. Following is information for the remaining seven components.

	Increase in number of incoming requests or appeals?	Increase caused by loss of staff?	Increase caused by an increase in the complexity of the requests received?	Other causes of increase in backlog
FHWA	No	Yes	Yes	N/A
FMCSA	Yes	No	Yes	FOIA Officer's time during FY 2010 diverted on other matters
MARAD	Yes	No	Yes	N/A
NHTSA	Yes	Yes	Yes	Huge interest (FOIA, Congressional, and media) in vehicle recalls
OST	No	No	Yes	N/A
PHMSA	Yes	No	Yes	Huge interest (FOIA, Congressional, and media) in high profile pipeline explosions
RITA	No	No	Yes	N/A

3. Describe the steps your agency is taking to reduce any backlogs and to improve timeliness in responding to requests and administrative appeals.

- a. *Does your agency routinely set goals and monitor the progress of your FOIA caseload?*

Yes. All DOT components routinely set goals and monitor the progress of their FOIA caseloads. For example, several components run weekly and/or monthly FOIA reports that are shared with managers. Also, FOIA staff in several of the components meet weekly or monthly to assess and manage workload, and others use their FOIA databases to monitor overdue requests. Additionally, FAA has business plan goals related to FOIA compliance.

- b. *Has your agency increased its FOIA staffing?*

The FAA added a staff member to its National FOIA Team as well as its Air Traffic Organization FOIA staff. Additionally, FHWA and NHTSA have backfilled FOIA positions. NHTSA also contracted for support for its FOIA program during the reporting period and used detailees while backfilling a vacancy. OST converted a detail position in its FOIA office to a permanent position during the reporting period. MARAD hired two contractors to help with the

FOIA process, and the OIG hired a part-time administrative assistant to assist the FOIA staff.

- c. *Has your agency made IT improvements to increase timeliness?*

The FAA is in the process of making its National FOIA Tracking System web-based, which will increase timeliness and allow users remote access.

- d. *Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?*

The Chief FOIA Officer has been actively engaged in overseeing DOT's FOIA program and its capacity to process requests. The Chief FOIA Officer: (1) makes recommendations to the components regarding resources and processes in response to reviews of their respective FOIA programs; (2) monitors DOT's overall FOIA progress throughout the year; (3) participates in DOT-wide FOIA meetings; (4) hosts FOIA Public Liaison meetings; (5) meets directly with the leaders of each DOT component regarding their FOIA programs; and (6) personally attends all DOJ-sponsored Chief FOIA Officer meetings.

Timeliness – Comparison of FY 2009 and FY 2010 of percentage of requests processed within 20 working days and within 40 working days

	Percentage of requests processed in 1-20 working days in FY 2009	Percentage of requests processed in 1-20 working days in FY 2010	Total percentage processed within 1-40 working days in FY 2009	Total percentage processed within 1-40 working days in FY 2010
FAA	69	74.75	85.30	89.95
FHWA	66	70.95	82.77	87.07
FMCSA	9	14.77	38.56	72.20
FRA	37.89	23.98	61.53	44.90
FTA	61.64	55.61	90.84	87.24
MARAD	2.50	18.36	2.50	25.50
NHTSA	57.97	47.93	92.75	85.94
OIG	16.54	50.70	28.08	63.37
OST	61.97	56.06	71.55	69.45
PHMSA	56.80	52.75	68.16	71.64
RITA	79.16	80.95	97.91	92.85
SLSDC	80	100	80	100.00
Agency Overall	59.22	63.62	79.67	84.03

As indicated in the chart above, the percentage of requests processed within 20 working days, as well as the percentage of requests processed within 40 working days, increased from FY 2009 to FY 2010.

Spotlight on Success

Out of all the activities undertaken by your agency in this last year to increase transparency, describe here one success story that you would like to highlight as emblematic of your efforts.

One transparency initiative that the DOT is especially proud of is DOT’s American Recovery and Reinvestment Act of 2009 (ARRA) Geographic Information System (GIS) website (www.dot.gov/recovery). The site provides mapping capabilities for the ARRA programs. The website includes an interactive map, grant information, the number of projects, the amount of approved funds, detailed grant announcements, Secretarial decision memorandums, the list of selected projects, frequently asked questions, State and other ARRA funding certifications, the capital grant recipients, and the planning grant recipients. Through this webpage, the public can track projects by mode of transportation (aviation, highway, rail), location, or Congressional district. Also featured on the site are “Voices of the Recovery Act” videos, accessible through links tied to the location of the projects. A person can use the interactive map to see what projects have been funded by the Recovery Act in his/her area and see listings and descriptions of all applicants for discretionary ARRA grant funds. Stimulus funding information is updated every Monday.