

Freedom of Information Act (FOIA) Reference Guide (*Abbreviated Version*)

- I. [Where to Make a FOIA Request](#)
 - II. [How to Make a FOIA Request](#)
 - III. [Fees](#)
 - IV. [Fee Waivers](#)
 - V. [Expedited Processing](#)
 - VI. [FOIA Contacts in DOT](#)
 - VII. [Office of Government Information Services](#)
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I. Where to Make a FOIA Request

Your request will receive the quickest possible response if it is addressed directly to the Department of Transportation (DOT) component that has the records you are seeking. You can find a list and description of the DOT's components on our website, <https://www.transportation.gov/foia/>.

II. How to Make a FOIA Request

No special form is required by the Department of Transportation. Requests must be in writing, either handwritten or typed. Requests may be submitted by mail, fax, or e-mail to any component of the Department of Transportation.

Please Be Specific

In making your request you should be as specific as possible with regard to names, titles, dates, places, events, subjects, recipients, and the offices likely to maintain that record. If known, you should include any file designations or descriptions for the records that you want. You do not have to give a requested record's name or title, but the more specific you are about the records or types of records that you want, the more likely it will be that the Department of Transportation will be able to locate those records. Additionally, you should be aware that Department of Transportation components ordinarily will use the date upon which they begin a record search as the "cut-off" date for determining the records that are responsive

to a FOIA request.

III. Fees

There is no initial fee to file a FOIA request; in fact, for the majority of requests made to the Department of Transportation, no fees are ever charged. By law, however, an agency is entitled to charge certain fees, depending on the category of FOIA requester.

For the purposes of fees only, the FOIA divides requesters into different categories.

- *Commercial requesters* are charged fees for searching for records, reviewing them to determine the possible applicability of FOIA exemptions, and photocopying them.
- *Educational or noncommercial scientific institutions* are charged only for photocopying expenses, after the first one hundred pages of copies.
- *Representatives of the news media* are charged only for photocopying expenses, after the first one hundred pages of copies.
- *All other requesters* are charged for record searches and photocopying -- and there is no charge for the first two hours of search time or for the first one hundred pages of photocopies or their cost equivalent. The Department of Transportation charges ten cents per page for photocopying. In all cases, if the total fee does not exceed \$20.00, the Department of Transportation will not charge any fee at all.

Your request letter should indicate which fee category you are in and the basis supporting that category designation. You may always include in your request letter a specific statement limiting the amount that you are willing to pay in fees. If you do not do so, the Department of Transportation will assume that you are willing to pay fees of up to \$25.00. If a component estimates that the total fees for processing your request will exceed \$25.00, it will notify you in writing of the estimate and offer you an opportunity to narrow your request in order to reduce the fees. If you continue to want all of the records involved, you will be asked to express your commitment to pay the estimated fees and the processing of your request will be suspended until you agree to do so.

[Back to Top](#)

IV. Fee Waivers

If you expect or are advised that a fee will be charged, you may request a waiver of those fees. However, fee waivers are limited to situations in which a requester can show that the disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester. If you are requesting a fee waiver, your request should include a discussion of how your request meets this standard.

[Back to Top](#)

V. Expedited Processing

Under certain conditions, you may be entitled to have your request processed on an expedited basis. The FOIA requires that requests be processed on an expedited basis, if requested, if made by a person primarily engaged in disseminating information to the public and the information is urgently needed to inform the public concerning some actual or alleged government activity. Requests are not expedited under this provision merely on the basis that the requester is a representative of the news media. Similarly, the Department of Transportation also expedites requests when the subject is of widespread and exceptional media interest and the information sought involves possible questions about the government's integrity which affect public confidence.

A request for expedited processing must be accompanied by a statement setting forth the reasons why your request should be expedited. You should certify that the reasons you have given are true and correct.

[Back to Top](#)

VI. FOIA Contacts in DOT

As noted in Section I, you can find a list and description of DOT's components on our website, <https://www.transportation.gov/foia/>. "DOT Organizations and FOIA Contacts" contains descriptions and contact information. "FOIA Service Centers and Liaisons" contains contact information for the FOIA Service Centers in each of DOT's components. The FOIA Service Centers are the most direct way to obtain information regarding FOIA. The contact information for the FOIA Public Liaisons for each component is listed there as well. The FOIA Public Liaisons are officials who you may contact if you have concerns regarding your request or with a response you received from the FOIA Service Center.

[Back to Top](#)

VII. Office of Government Information Services

The Office of Government Information Services, an office created within the National Archives and Records Administration, offers mediation services to FOIA requesters. They may be contacted in any of the following ways:

National Archives and Records Administration
Office of Government Information Services
8601 Adelphi Road - OGIS
College Park, MD 20740-6001

Email: ogis@nara.gov

Phone: 301-837-1996

Fax: 301-837-0348

Toll-free: 1-877-684-6448

[Back to Top](#)
