2020 Chief FOIA Officer Report
Surface Transportation Board

Craig M. Keats,
General Counsel and Chief FOIA Officer

Section 1: Steps Taken to Apply the Presumption of Openness

The Surface Transportation Board (STB or Board) provides the public with many records on its website. Specifically, the Board posts all pleadings filed with the Board (except materials containing sensitive personal or commercial information) (https://prod.stb.gov/proceedings-actions/). It also posts all recordations required to be filed with the Board (i.e., documents filed with the Board to perfect a security interest in rail or water carrier equipment) (https://prod.stb.gov/proceedings-actions/e-filing/recordations/). These records are posted daily.

The Board routinely posts environmental correspondence filed during any environmental review process overseen by the Board (https://prod.stb.gov/proceedings-actions/environmental-comments/) and provides links to important environmental documents, including large Environmental Assessments and Environmental Impact Statements related to proceedings before the Board (https://prod.stb.gov/search-stb-records/).

The Board issues to the media, and posts on the Board's website, press releases for significant decisions, hearings and other rulings (https://prod.stb.gov/news-communications/latest-news/), and posts testimony and speeches by current Board Members (https://prod.stb.gov/news-communications/testimony-speeches/).

The Board provides industry economic data by posting a large number of financial and statistical reports on its website (https://prod.stb.gov/reports-data/economic-data/). Additionally, the Board posts agency reports and independent studies, including, but not limited to, its Fiscal Year 2020 budget request (https://prod.stb.gov/wp-content/uploads/STB-FY-2020-Budget-508-compliant.pdf).

The Board also posts a large number of rail service issue reports (https://prod.stb.gov/reports-data/rail-service-data/), industry economic data (https://prod.stb.gov/reports-data/economic-data/), and records pertaining to its two FACA committees, National Grain Car Council (https://prod.stb.gov/resources/stakeholder-committees/grain-car-council/) and Rail Energy Transportation Advisory Council (https://prod.stb.gov/resources/stakeholder-committees/retac/), and its statutorily-created non-FACA committee (Railroad-Shipper Transportation Advisory Committee (https://prod.stb.gov/resources/stakeholder-committees/rstac/).

Finally, the Board often live-streams a number of meetings and hearings, including oral arguments, listening sessions, and technical workshops (https://prod.stb.gov/news-communications/meetings-hearings/). These videos remain available for public viewing subsequent to the event, thereby giving the public greater access to the Board's activities.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

The Board has recently migrated to a new agency web interface, under which Board employees began working on FOIA-related matters using SharePoint in Microsoft Office 365 to facilitate file sharing and collaboration among users. The program allows Board staff to more easily share and store records in response to FOIA search requests for accumulation and review by FOIA staff. For example, the program's file-sharing tool allows users to see what records have been found and thereby reduce the number of duplicative records. The program also allows FOIA staff to collaborate during their review of potentially responsive records.

Section III: Steps Taken to Increase Proactive Disclosures

The Board's FOIA officials are aware of the Board's FOIA logs and whether a record has been requested three or more times. In such instances, or if the Board anticipates that a record might be frequently requested (based upon staff's experience or its review of the Board's FOIA logs), the Board posts that record on its website.

The Board commonly prepares news releases of its proactive disclosures and posts them on its website (https://prod.stb.gov/news-communications/latest-news/). Additionally, the Board shares its proactive disclosures by sending emails to persons who have signed up to receive such releases.

Section IV: Steps Taken to Greater Utilize Technology

As noted in Section II, the Board recently began using SharePoint in Microsoft Office 365, which provides collaboration and file-sharing tools that will make FOIA record searches and review more efficient.

To greater utilize technology, the Board posts many of its reports in both XML and searchable "portable document format" (.pdf). Also, the Board offers to the public the utilization of various programs that the Board uses in its cases and industry analysis (e.g. the Uniform Railroad Cost System (https://prod.stb.gov/reports-data/uniform-rail-costing-system/)). By affording these technologies to the public, interested parties can independently evaluate the Board's work.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The Board has continued to work to improve timeliness in responding to requests and to avoid backlogs during this reporting period. As noted above, the Board is a small agency that received less than 50 FOIA requests in fiscal year 2019. According to the Board's fiscal year 2019 annual FOIA report, all simple requests were processed, on average, within 8.03 days (there were no complex requests processed during the fiscal year). Furthermore, there were no backlogged FOIA requests. The Board's FOIA staff's processing time reflects staff's commitment to efficiently and effectively address all requests submitted.

VI. Success Stories

The Board can tell a success-in-the-making story through its initiation of a request to use FOIAonline.gov for the management of its FOIA requests. The Board currently uses Lotus Notes to maintain a FOIA database. Based on the number of requests the Board receives, this system works, but Board FOIA staff, in conjunction with Board IT staff, want to ensure that the Board has the most effective system in place for responding to requests. Board FOIA staff attended a walkthrough of FOIAonline.gov functionality and hopes to begin using it soon. The FOIAonline.gov web interface will allow Board FOIA staff to fully process incoming FOIA requests, make requester communications, and prepare the Board's annual FOIA reports. It will also allow interested parties to efficiently submit FOIA requests to the Board, track the status of requests, search for requests submitted by others, access previously released records, and generate agency-specific FOIA processing reports.