

U.S. Department of Transportation (DOT)  
Freedom of Information Act (FOIA)  
FY 2019 Annual Report

I. Basic Information Regarding the Report

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

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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

### A. Agency components that receive FOIA requests

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<p>Judy A. Shipp, FOIA Coordinator, AFN-400C  FAA Southwest Region (<a href="mailto:9-ASW-FOIA@faa.gov">9-ASW-FOIA@faa.gov</a>)  FAA Great Lakes Region (<a href="mailto:9-ASW-FOIA@faa.gov">9-ASW-FOIA@faa.gov</a>)  FAA Central Region (<a href="mailto:9-ACE-FOIA@faa.gov">9-ACE-FOIA@faa.gov</a>)  10101 Hillwood Parkway  Fort Worth, TX 76177  Tel (817) 222-5059  Fax (817) 222-5042</p>	<p>Shelly Boggs, FOIA Coordinator  FAA Regulatory Support Division, AFS-600  6500 S. MacArthur  PO Box 25082  Oklahoma City, OK 73125  Tel (405) 954-6501  Fax (405) 954-4655  <a href="mailto:9-AMC-AFS620-FOIA@faa.gov">9-AMC-AFS620-FOIA@faa.gov</a></p>
<p>Linda Chatman, FOIA Coordinator, AFN-400E  FAA Southern Region, <a href="mailto:9-ASO-FOIA@faa.gov">9-ASO-FOIA@faa.gov</a>  FAA New England Region, <a href="mailto:9-ANE-ARC-FOIA@faa.gov">9-ANE-ARC-FOIA@faa.gov</a>  FAA Eastern Region, <a href="mailto:9-AEA-FOIA@faa.gov">9-AEA-FOIA@faa.gov</a>  1701 Columbia Avenue  Atlanta, GA 30320  Tel (404) 305-5904  Fax (404) 305-5938</p>	<p>Connie Toby, FOIA Coordinator  FAA Civil Aerospace Medical Institute, AM003  6500 S. MacArthur, PO Box 25082  Oklahoma City, OK 73125  Tel (405) 954-1004  Fax (405) 954-1010  <a href="mailto:9-AMC-AAM003-FOIA@faa.gov">9-AMC-AAM003-FOIA@faa.gov</a></p>
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<p>Fabriola Mendiaz, FOIA Coordinator          FAA Air Traffic Organization – Central Service Area          10101 Hillwood Parkway          Fort Worth, TX 76177          Tel (817) 222-5511          Fax (817) 222-4963  <a href="mailto:9-ATO-CSA-AdminSvcs-FOIA@faa.gov">9-ATO-CSA-AdminSvcs-FOIA@faa.gov</a></p>	<p>Edward Drake, FOIA Coordinator          FAA Aeronautical Center, MC003          6500 S. MacArthur, PO Box 25082          Oklahoma City, OK 73125          Tel (405) 954-7327          Fax (405) 954-9964  <a href="mailto:9-AMC-FOIA-Request@faa.gov">9-AMC-FOIA-Request@faa.gov</a></p>
<p><i>Note: Up-to-date information can be found on each component's FOIA page via</i>  <a href="https://www.transportation.gov/foia">https://www.transportation.gov/foia</a></p>	

B. *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 for FY 2018 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

#### A. Agency Component Abbreviations

Component Abbreviation	Component Name
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
OIG	Office of Inspector General
OST	Office of the Secretary of Transportation
PHMSA	Pipeline and Hazardous Materials Safety Administration
SLSDC	Saint Lawrence Seaway Development Corporation

#### B. 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 entireties 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).

### C. 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

### 3. Agency Component Abbreviations

Component Abbreviation	Component Name
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
OIG	Office of the Inspector General
OST	Office of the Secretary
PHMSA	Pipeline and Hazardous Materials Safety Administration
SLSDC	Saint Lawrence Seaway Development Corporation

#### IV. EXEMPTION 3 STATUTES

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
41 U.S.C. § 4702 (formerly at 41 U.S.C. § 253b(m)(1))	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	Sinkfield v. HUD, No. 10-855, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); Margolin v. NASA, No. 09-CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	OST	1	3
			MARAD	1	
			NHTSA	1	
49 U.S.C. § 40115(a)	Information harmful to the position of the United States in international aviation negotiations, or harmful to any United States international air carrier	N/A	OST	1	3
			FAA	2	
44 U.S.C. § 3501 note	Data or information acquired under a pledge of confidentiality for exclusively statistical purposes	N/A	OST	1	1
41 U.S.C. § 2102 (amending 41 U.S.C. § 423(a)(1))* (Procurement Integrity Act)	Contractor bid or proposal information: source selection information.	Legal & Safety Employer Research, Inc. v. U.S. Dep't of the Army, No. Civ. S001748, 2001 WL 34098652, at *3-4 (E.D. Cal. May 4, 2001) (dictum).	FHWA	3	6
			NHTSA	2	

			FAA	1	
49 U.S.C. § 40119(b) (Federal Aviation Act)	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 or financial information, or be detrimental to transportation safety	Pub. Citizen, Inc. v. FAA, 988 F.2d 186, 194 (D.C. Cir. 1993); Gordon v. FBI, 390 F. Supp. 2d 897, 900 (N.D. Cal. 2004).	FHWA	1	40
			FMCSA	27	
			FTA	2	
			FAA	10	
16 U.S.C. § 470w-3	Information about the location, character, or ownership of a historic resource	N/A	FHWA	1	1
49 U.S.C. § 31105(h)(1)	Names of certain motor carrier employees	N/A	FMCSA	3	3
49 U.S.C. § 31143(b)	Identities of motor carrier safety complainants.	N/A	FMCSA	227	227
5 U.S.C. app. 3 § 7(b)	Names of employees who provide information or complaints to the Inspector General	N/A	FMCSA	40	41
			OIG	1	
49 U.S.C. § 60138	Certain information contained in pipeline facility response plans	N/A	PHMSA	3	3
Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, §2, 91 Stat. 319	Certain records that would reveal some secret aspect pertaining to grand jury proceedings	Sussman v. USMS, 494 F.3d 1106, 1113 (D.C. Cir. 2007); Sorin v. DOJ, No. 18-99, 2018 WL 6431027 (2d Cir. Dec. 6, 2018) (per curium); Widi v. McNeil, No. 12-CV-00188, 2016 WL 4394724, at *23 (D. Me. Aug 16, 2016); Durham v.	OIG	2	2

		U.S. Atty. Gen., No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); Cozen O'Connor v. U.S. Dep't of Treasury, 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).			
49 U.S.C. § 20118(c)	Railroad safety analysis records	N/A	FRA	2	2
49 U.S.C. § 30172(f)	Information that could identify a whistleblower	N/A	NHTSA	1	1
49 U.S.C. § 30305(c)(1)	National Driver Register information on certain individuals	N/A	NHTSA	2	2
49 U.S.C. § 46311	Certain information from air carrier records that would either prejudice the United States in international negotiations or have an adverse effect on the competitive position of an air carrier	N/A	FAA	7	7
49 U.S.C. § 1114(f)	Any information relating to Board participation in foreign aircraft accidents, where the country conducting the investigation has not issued its report or two years have not elapsed from the date of the accident	N/A	FAA	1	1
49 U.S.C. § 40123(a)	Aviation Safety Action Program voluntarily submitted information	N/A	FAA	20	20

N/A

## V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

Agency / Component	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
OST	318	445	176	587
SLSDC	0	11	11	0
FRA	441	306	530	217
FHWA	22	349	318	53
FMCSA	576	3,094	1,972	1,698
FTA	48	291	305	34
PHMSA	99	248	254	93
MARAD	4	115	84	35
OIG	6	116	113	9
FAA	2,740	11,263	10,586	3,417
NHTSA	109	333	272	170
AGENCY OVERALL	4,363	16,571	14,621	6,313

*After reviewing its database, DOT adjusted the number of requests pending as of the start of the Fiscal Year for the following components: FAA, FTA, PHMSA, NHTSA, and SLSDC.*

# **V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS**

Agency / Component	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	
OST	53	48	4	50	1	8	0	1	0	1	4	6	176
SLSDC	3	2	0	6	0	0	0	0	0	0	0	0	11
FRA	144	117	5	80	1	178	0	0	0	0	5	0	530
FHWA	117	61	9	93	0	6	19	5	0	1	7	0	318
FMCSA	175	1,488	9	85	0	177	0	0	3	3	32	0	1,972
FTA	121	90	1	90	0	0	0	2	0	0	1	0	305
PHMSA	120	30	9	44	1	33	15	1	0	0	1	0	254
MARAD	31	22	0	23	1	4	1	0	0	0	2	0	84
OIG	4	61	14	21	3	2	0	0	0	4	4	0	113
FAA	6,702	1,375	102	2,005	5	309	20	1	50	17	0	0	10,586
NHTSA	79	92	2	73	6	15	0	3	0	0	2	0	272
AGENCY OVERALL	7,549	3,386	155	2,570	18	732	55	13	53	26	58	6	14,621

**V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS  
BASED ON REASONS OTHER THAN EXEMPTIONS"**

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
OST	Unable to Locate or Contact Requester	6	6
SLSDC	N/A	0	0
FRA	N/A	0	0
FHWA	N/A	0	0
FMCSA	N/A	0	0
FTA	N/A	0	0
PHMSA	N/A	0	0
MARAD	N/A	0	0
OIG	N/A	0	0
FAA	N/A	0	0
NHTSA	N/A	0	0
AGENCY OVERALL			6

**V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED**

Agency / Component	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
OST	0	0	3	13	13	35	7	0	0	0	1	0	0	0
SLSDC	0	0	0	0	2	0	0	0	0	0	0	0	0	0
FRA	0	0	2	16	20	112	3	0	75	0	0	0	0	0
FHWA	0	0	5	14	28	33	0	0	0	0	0	1	0	0
FMCSA	0	1	255	14	1	1,479	7	0	877	200	0	0	0	0
FTA	0	0	2	13	21	62	0	0	0	0	0	0	0	0
PHMSA	0	1	3	2	4	22	2	0	2	0	1	22	0	0
MARAD	0	0	1	11	13	14	0	0	0	0	0	0	0	0
OIG	0	0	3	2	32	59	16	0	43	4	9	0	0	0
FAA	0	13	41	116	343	821	73	1	43	0	11	4	0	0
NHTSA	0	0	5	26	40	85	0	0	3	0	0	0	0	0
AGENCY OVERALL	0	15	320	227	517	2,722	108	1	1,043	204	22	27	0	0

**VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS --  
RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS**

Agency / Component	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
OST	2	4	4	2
SLSDC	0	0	0	0
FRA	3	3	3	3
FHWA	1	5	6	0
FMCSA	0	3	3	0
FTA	0	4	1	3
PHMSA	0	2	2	0
MARAD	1	2	2	1
OIG	1	2	2	1
FAA	88	57	60	85
NHTSA	6	9	9	6
AGENCY OVERALL	102	91	92	101

*After reviewing its database, FAA adjusted the number of appeals pending as of the start of the Fiscal Year.*

**VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS -- ALL PROCESSED APPEALS**

Agency / Component	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
OST	0	3	0	1	4
SLSDC	0	0	0	0	0
FRA	1	2	0	0	3
FHWA	1	3	0	2	6
FMCSA	1	0	2	0	3
FTA	1	0	0	0	1
PHMSA	0	1	0	1	2
MARAD	0	0	2	0	2
OIG	1	1	0	0	2
FAA	14	12	20	14	60
NHTSA	5	2	0	2	9
AGENCY OVERALL	24	24	24	20	92

**VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED**

Agency / Component	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
OST	0	0	0	0	1	3	0	0	1	0	0	0	0	0
SLSDC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FRA	0	0	0	1	2	1	0	0	1	0	1	0	0	0
FHWA	0	0	0	0	2	1	0	0	0	0	0	0	0	0
FMCSA	0	0	0	0	1	0	0	0	0	0	0	0	0	0
FTA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PHMSA	0	0	0	0	0	0	0	0	0	0	0	1	0	0
MARAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	0	1	0	0	1	0	0	0	0	0
FAA	0	0	0	9	8	12	5	0	0	0	1	0	0	0
NHTSA	0	0	0	1	0	1	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	0	11	14	19	5	0	3	0	2	1	0	0

**VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS**

Agency / Component	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
OST	1	0	0	0	0	0	0	0	0	0	0
SLSDC	0	0	0	0	0	0	0	0	0	0	0
FRA	0	0	0	0	0	0	0	0	0	0	0
FHWA	0	0	2	0	0	0	0	0	0	0	0
FMCSA	0	0	0	0	0	0	0	0	0	0	0
FTA	1	0	0	0	0	0	0	0	0	0	0
PHMSA	0	0	1	0	0	0	0	0	0	0	0
MARAD	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	0	0	0	0	0	0	0
FAA	5	0	12	2	0	0	0	0	0	1	0
NHTSA	0	0	1	0	0	0	0	1	0	0	0
AGENCY OVERALL	7	0	16	2	0	0	0	1	0	1	0

**VI.C.(3). REASONS FOR DENIAL ON APPEAL -- "OTHER" REASONS**

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
OST	N/A	0	0
SLSDC	N/A	0	0
FRA	N/A	0	0
FHWA	N/A	0	0
FMCSA	N/A	0	0
FTA	N/A	0	0
PHMSA	N/A	0	0
MARAD	N/A	0	0
OIG	N/A	0	0
FAA	N/A	0	0
NHTSA	N/A	0	0
AGENCY OVERALL			0

**VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS**

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
OST	79.50	70.00	25.00	99.00
SLSDC	0.00	0.00	0.00	0.00
FRA	146.00	130.00	67.00	176.00
FHWA	20.00	29.00	1.00	101.00
FMCSA	11.00	14.00	5.00	26.00
FTA	97.00	97.00	97.00	97.00
PHMSA	7.00	7.00	<1	14.00
MARAD	116.00	116.00	53.00	179.00
OIG	258.50	258.00	12.00	505.00
FAA	39.50	215.00	<1	1,066.00
NHTSA	58.00	87.78	30.00	241.00
AGENCY OVERALL	42.50	229.19	<1	1,066.00

#### VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS

[illegible]

	Number of Days Pending	0	0	0	0	0	0	0	0	0	40
FAA	Date of Appeal	2016-08-23	2016-08-23	2016-08-17	2016-05-25	2015-11-24	2015-11-19	2015-11-19	2015-09-21	2015-09-18	2015-07-17
	Number of Days Pending	778	778	782	840	966	969	969	1010	1011	1055
NHTSA	Date of Appeal	N/A	N/A	N/A	N/A	2019-06-19	2019-04-30	2019-03-20	2019-01-31	2018-08-21	2018-03-14
	Number of Days Pending	0	0	0	0	71	106	135	168	278	390
AGENCY OVERALL	Date of Appeal	2016-08-23	2016-08-23	2016-08-17	2016-05-25	2015-11-24	2015-11-19	2015-11-19	2015-09-21	2015-09-18	2015-07-17
	Number of Days Pending	778	778	782	840	966	969	969	1010	1011	1055

## VII.A. FOIA REQUESTS -- RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

Agency / Component	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
OST	36	70	<1	657	70.5	128	<1	664	N/A	N/A	N/A	N/A
SLSDC	8	10	2	25	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	350	360	1	1297	N/A	N/A	N/A	N/A
FHWA	15	17	<1	158	17	29	<1	198	13	22	<1	93
FMCSA	45	48	<1	285	191	169	<1	599	N/A	N/A	N/A	N/A
FTA	20.5	42	1	516	27	27	27	27	N/A	N/A	N/A	N/A
PHMSA	12	56	<1	999	259	400	1	1353	N/A	N/A	N/A	N/A
MARAD	5.5	6.63	1	19	57.5	74.06	23	282	N/A	N/A	N/A	N/A
OIG	16.5	19	<1	65	39	66	5	254	N/A	N/A	N/A	N/A
FAA	15	18	<1	1646	39	76	<1	1839	13	15	6	27
NHTSA	26	55.09	<1	700	243	263	20	633	N/A	N/A	N/A	N/A
AGENCY OVERALL	15	18.52	<1	1646	70	210.83	<1	1839	12.5	14.5	<1	93

**VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED**

Agency / Component	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
OST	36	43	<1	171	71	118	<1	615	N/A	N/A	N/A	N/A
SLSDC	10	13	7	25	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	167	337	1	1297	N/A	N/A	N/A	N/A
FHWA	19	23	1	158	20	35	1	198	20	25	<1	93
FMCSA	46	49	<1	285	164	156	1	359	N/A	N/A	N/A	N/A
FTA	25	46	1	429	27	27	27	27	N/A	N/A	N/A	N/A
PHMSA	26	73	<1	999	330	446	1	1353	N/A	N/A	N/A	N/A
MARAD	3	5.9	1	19	57.5	79.23	23	282	N/A	N/A	N/A	N/A
OIG	21	23	6	62	42	79	18	254	N/A	N/A	N/A	N/A
FAA	16	20	<1	1646	40	74	1	1839	12	10	6	13
NHTSA	37	71.28	5	700	234	227.41	20	458	N/A	N/A	N/A	N/A
AGENCY OVERALL	16	19.58	<1	1646	40	74.02	<1	1839	12	10.33	<1	93

**VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS**

Agency / Component	<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
OST	8	4	5	2	0	0	1	0	1	0	0	0	1	22
SLSDC	10	1	0	0	0	0	0	0	0	0	0	0	0	11
FRA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FHWA	135	25	8	1	0	2	1	1	0	0	0	0	0	173
FMCSA	407	254	482	216	98	58	18	7	6	11	20	0	0	1,577
FTA	150	72	31	11	11	4	4	5	2	0	4	3	5	302
PHMSA	116	31	8	12	6	9	2	3	2	1	4	1	7	202
MARAD	52	0	0	0	0	0	0	0	0	0	0	0	0	52
OIG	55	29	4	2	0	0	0	0	0	0	0	0	0	90
FAA	8,138	951	172	103	48	23	10	14	9	5	25	3	25	9,526
NHTSA	102	60	33	17	5	5	8	2	2	3	7	1	5	250
AGENCY OVERALL	9,173	1,427	743	364	168	101	44	32	22	20	60	8	43	12,205

**VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS**

Agency / Component	<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
OST	31	20	16	18	15	9	6	4	1	2	9	5	17	153
SLSDC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FRA	66	41	24	19	13	11	11	12	6	1	43	46	237	530
FHWA	86	25	2	3	5	2	7	0	1	2	0	0	0	133
FMCSA	31	27	23	20	18	16	13	18	18	30	159	17	2	392
FTA	0	1	0	0	0	0	0	0	0	0	0	0	0	1
PHMSA	7	5	1	2	0	0	0	2	0	0	10	3	21	51
MARAD	0	10	6	8	3	0	2	0	1	0	2	0	0	32
OIG	6	6	4	1	1	0	0	3	0	1	1	0	0	23
FAA	213	303	165	104	46	35	24	18	16	14	36	6	24	1,004
NHTSA	1	1	1	0	1	0	0	1	3	0	4	2	5	19
AGENCY OVERALL	441	439	242	175	102	73	63	58	46	50	264	79	306	2,338

### VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

[illegible]

## VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS

Agency / Component	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
OST	14	66	141	571	212	256	2	355	355
SLSDC	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
FRA	0	N/A	N/A	217	164	201	0	N/A	N/A
FHWA	28	21	23	25	29	34	0	N/A	N/A
FMCSA	1145	54	57	552	149	151	0	N/A	N/A
FTA	34	39	144	0	N/A	N/A	0	N/A	N/A
PHMSA	51	78	164	42	324	423	0	N/A	N/A
MARAD	30	95	108	5	19	65	0	N/A	N/A
OIG	5	19	54	4	68	60	0	N/A	N/A
FAA	2705	347	454	711	320	477	1	1230	1230
NHTSA	121	43	95	40	350	469	0	N/A	N/A
AGENCY OVERALL	1307	347	454	1413	536	572.22	3	664	646.67

## VII.E. PENDING REQUESTS -- TEN OLDEST PENDING PERFECTED REQUESTS

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
OST	Date of Receipt	2017-02-21	2017-02-21	2017-02-17	2017-02-06	2017-02-06	2017-02-03	2017-02-01	2017-02-01	2017-01-23	2017-01-03
	Number of Days Pending	654	654	655	664	664	665	667	667	674	687
FRA	Date of Receipt	2017-12-27	2017-12-20	2017-11-07	2017-10-17	2017-09-15	2017-06-29	2017-06-29	2017-04-12	2016-10-11	2016-04-04
	Number of Days Pending	444	448	477	492	513	567	567	622	747	879
FHWA	Date of Receipt	2019-07-18	2019-07-11	2019-07-10	2019-07-10	2019-07-03	2019-07-03	2019-06-21	2019-06-13	2019-06-11	2019-02-25
	Number of Days Pending	51	56	57	57	61	61	69	75	77	152
FMCSA	Date of Receipt	2018-04-03	2018-02-26	2018-02-26	2018-01-08	2017-12-05	2017-11-03	2017-07-26	2017-04-12	2017-03-31	2016-11-14
	Number of Days Pending	374	400	400	433	455	475	545	618	626	720
FTA	Date of Receipt	2018-11-13	2018-10-31	2018-05-30	2018-02-07	2018-01-30	2018-01-30	2018-01-30	2017-11-27	2017-10-05	2017-09-14
	Number of Days Pending	221	246	334	412	420	420	420	463	497	512
PHMSA	Date of Receipt	2016-12-19	2016-12-19	2016-11-23	2016-04-11	2016-01-13	2015-08-28	2015-08-12	2015-02-19	2014-01-31	2013-11-21
	Number of Days Pending	698	698	713	870	931	1023	1035	1157	1420	1467
MARAD	Date of Receipt	2019-03-15	2019-02-07	2018-11-28	2018-11-28	2018-11-28	2018-11-28	2018-11-28	2018-11-28	2018-11-28	2018-11-06
	Number of Days Pending	138	163	211	211	211	211	211	211	211	225
OIG	Date of Receipt	N/A	2019-09-24	2019-09-16	2019-09-11	2019-09-03	2019-06-24	2019-06-24	2019-05-06	2019-05-06	2019-03-29
	Number of Days Pending	0	4	10	13	19	68	68	101	101	128
FAA	Date of Receipt	2013-03-28	2013-03-13	2013-03-04	2013-01-08	2012-10-12	2012-06-21	2012-06-18	2012-01-24	2011-12-21	2011-09-06

	Number of Days Pending	1634	1645	1652	1689	1746	1824	1827	1929	1950	2023
NHTSA	Date of Receipt	2017-05-25	2017-04-25	2017-04-21	2016-07-19	2015-12-01	2015-01-30	2014-07-22	2014-05-27	2014-02-26	2014-01-28
	Number of Days Pending	589	611	613	803	962	1172	1303	1342	1405	1425
AGENCY OVERALL	Date of Receipt	2013-03-28	2013-03-13	2013-03-04	2013-01-08	2012-10-12	2012-06-21	2012-06-18	2012-01-24	2011-12-21	2011-09-06
	Number of Days Pending	1634	1645	1652	1689	1746	1824	1827	1929	1950	2023

### VIII.A. REQUESTS FOR EXPEDITED PROCESSING

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
OST	0	0	N/A	N/A	0
SLSDC	0	0	N/A	N/A	0
FRA	0	0	N/A	N/A	0
FHWA	6	0	0	2	5
FMCSA	0	4	0	0	4
FTA	0	0	N/A	N/A	0
PHMSA	0	4	5	8	3
MARAD	0	2	2	2	2
OIG	0	0	N/A	N/A	0
FAA	4	329	0	1	320
NHTSA	0	4	15	15.5	2
AGENCY OVERALL	10	343	0	1.19	336

## VIII.B. REQUESTS FOR FEE WAIVER

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
OST	0	0	N/A	N/A
SLSDC	0	0	N/A	N/A
FRA	0	6	1	1
FHWA	43	2	20	2
FMCSA	0	0	N/A	N/A
FTA	0	0	N/A	N/A
PHMSA	0	1	N/A	N/A
MARAD	6	0	1	6
OIG	1	0	1	1
FAA	13	117	0	4
NHTSA	0	1	6	6
AGENCY OVERALL	63	127	0	4.46

## IX. FOIA PERSONNEL AND COSTS

Agency / Component	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
SLSDC	0	0.02	0.02	\$2,396.00	\$0.00	\$2,396.00
FRA	2	3.52	5.52	\$873,395.00	\$0.00	\$873,395.00
FHWA	1	3.41	4.41	\$1,074,650.00	\$0.00	\$1,074,650.00
FMCSA	5	3.43	8.43	\$973,998.06	\$0.00	\$973,998.06
FTA	0	2	2	\$235,911.00	\$0.00	\$235,911.00
PHMSA	0	4	4	\$532,356.16	\$0.00	\$532,356.16
MARAD	2	0.5	2.5	\$312,658.16	\$0.00	\$312,658.16
OIG	2	0.9	2.9	\$345,421.00	\$4,123.00	\$349,544.00
FAA	19	209	228	\$6,915,549.00	\$109,643.00	\$7,025,192.00
NHTSA	3	8	11	\$849,341.00	\$67,664.00	\$917,005.00
OST	5	0.2	5.2	\$731,087.00	\$33,989.00	\$765,076.00
AGENCY OVERALL	39	234.98	273.98	\$12,846,762.38	\$215,419.00	\$13,062,181.38

*FHWA - costs include \$439,120.00 for maintenance of FOIA database used by several DOT components.*

## X. FEES COLLECTED FOR PROCESSING REQUESTS

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
OST	\$2.00	0.00%
SLSDC	\$0.00	0.00%
FRA	\$700.00	0.08%
FHWA	\$19,840.20	1.85%
FMCSA	\$0.00	0.00%
FTA	\$0.00	0.00%
PHMSA	\$1,451.50	0.27%
MARAD	\$1,407.00	0.45%
OIG	\$0.00	0.00%
FAA	\$299,876.73	4.34%
NHTSA	\$114.00	0.01%
AGENCY OVERALL	\$323,391.43	2.52%

## XI.A. NUMBER OF TIMES SUBSECTION (C) USED

Agency / Component	Number of Times Subsection Used
SLSDC	0
FRA	0
FHWA	0
FMCSA	0
FTA	0
PHMSA	0
MARAD	0
OIG	0
FAA	0
NHTSA	0
OST	0
AGENCY OVERALL	0

## XI.B. NUMBER OF SUBSECTION (A)(2) POSTINGS

Agency / Component	Number of Records Posted by the FOIA Office	Number of Records Posted by Program Offices
SLSDC	0	0
FRA	0	3
FHWA	0	0
FMCSA	2	675
FTA	0	110
PHMSA	8	275
MARAD	1	2,447
OIG	1	258
FAA	8	0
NHTSA	0	0
OST	20	0
AGENCY OVERALL	40	3,768

## XII.A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
OST	542	2
SLSDC	0	0
FRA	192	3
FHWA	30	0
FMCSA	1,423	0
FTA	19	3
PHMSA	71	0
MARAD	30	1
OIG	5	1
FAA	1,140	84
NHTSA	126	6
AGENCY OVERALL	3,578	100

## XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

Agency / Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the 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 the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>End</u> of the Fiscal Year
OST	2	18	13	7
SLSDC	0	0	0	0
FRA	0	2	2	0
FHWA	0	6	6	0
FMCSA	0	0	0	0
FTA	0	0	0	0
PHMSA	0	5	5	0
MARAD	0	2	1	1
OIG	0	10	8	2
FAA	7	17	14	10
NHTSA	0	0	0	0
AGENCY OVERALL	9	60	49	20

*After reviewing its database, FAA adjusted the number of consults pending as of the start of the Fiscal Year.*

## XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY

[illegible]

AGENCY OVERALL	Date	2019-03-06	2019-02-20	2018-01-23	2017-11-07	2016-12-07	2016-09-15	2015-10-27	2015-07-22	2014-09-08	2014-09-08
	Number of Days	145	155	423	475	706	762	985	1052	1270	1270

**XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED**

Agency / Component	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
OST	399	445	262	176
SLSDC	14	11	14	11
FRA	428	306	466	530
FHWA	373	349	374	318
FMCSA	1,463	3,094	2,932	1,972
FTA	297	291	286	305
PHMSA	214	248	229	254
MARAD	77	115	90	84
OIG	82	116	83	113
FAA	11,407	11,263	11,032	10,586
NHTSA	295	333	314	272
AGENCY OVERALL	15,049	16,571	16,082	14,621

**XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED REQUESTS**

Agency / Component	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
OST	300	542
SLSDC	0	0
FRA	414	192
FHWA	7	30
FMCSA	473	1,423
FTA	30	19
PHMSA	81	71
MARAD	2	30
OIG	2	5
FAA	1,243	1,140
NHTSA	83	126
AGENCY OVERALL	2,635	3,578

**XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED**

Agency / Component	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
OST	4	4	2	4
SLSDC	0	0	0	0
FRA	5	3	6	3
FHWA	9	5	10	6
FMCSA	0	3	1	3
FTA	3	4	4	1
PHMSA	4	2	5	2
MARAD	3	2	5	2
OIG	2	2	2	2
FAA	38	57	49	60
NHTSA	9	9	6	9
AGENCY OVERALL	77	91	90	92

**XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS**

Agency / Component	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
OST	1	2
SLSDC	0	0
FRA	3	3
FHWA	0	0
FMCSA	0	0
FTA	0	3
PHMSA	0	0
MARAD	1	1
OIG	1	1
FAA	86	84
NHTSA	6	6
AGENCY OVERALL	98	100

