U.S. Department of Transportation

Chief FOIA Officer Report

March 2020

Chief FOIA Officer: Judith S. Kaleta
                                      Deputy General Counsel

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2020 Chief FOIA Officer Report

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I am pleased to show in this eleventh annual Chief FOIA Officer Report that the Department of Transportation (DOT or Department) continues its commitment to improving its FOIA program. This report covers the period of March 2019 to March 2020. Statistical information included within this report is based on data from DOT's FY 2019 statistical annual FOIA report.

DOT's FOIA Structure

As DOT's Chief FOIA Officer, I am responsible for providing high-level oversight and support to the Department's FOIA programs, and I recommend adjustments to agency practices, personnel, and funding as may be necessary to improve FOIA administration. The DOT-wide FOIA Office, housed within the Office of the General Counsel, provides direction, leadership, guidance, and assistance to the FOIA offices throughout DOT. This office hosts a monthly DOT-wide meeting for our FOIA offices and coordinates the overall FOIA Annual Report for the Department, as well as the Chief FOIA Officer Report. The DOT FOIA Officer also serves as the FOIA Officer for the Office of the Secretary of Transportation (OST).

The following chart shows the DOT components that receive FOIA requests, along with the number of requests each received in FY 2019:

DOT Component Acronym	DOT Component Name	Number of Requests Received in FY 2019
FAA	Federal Aviation Administration	11,263
FHWA	Federal Highway Administration	349
FMCSA	Federal Motor Carrier Safety Administration	3,094
FRA	Federal Railroad Administration	306
FTA	Federal Transit Administration	291
MARAD	Maritime Administration	115
NHTSA	National Highway Traffic Safety Administration	333
OIG	Office of Inspector General	116

DOT Component Acronym	DOT Component Name	Number of Requests Received in FY 2019
OST	Office of the Secretary of Transportation	445
PHMSA	Pipeline and Hazardous Materials Safety Administration	248
SLSDC	Saint Lawrence Seaway Development Corporation	11

During FY 2019, DOT expended a total of 274 staff-years of effort on its FOIA programs, which included the work of 39 full-time FOIA staff. The remaining 235 staff-years of effort included the work of part-time FOIA professionals, contractors who worked full-time for less than the full year, detailees, program office staff who searched for records, attorneys and managers who reviewed records, and administrative support.

Many components, including FMCSA, FRA, FTA, MARAD, NHTSA, OIG, PHMSA, and SLSDC, have centralized programs, where FOIA activities are conducted by a single FOIA office. These centralized FOIA offices obtain records from their various program offices, review the documents, and make determinations regarding release of the documents. OST's FOIA activities are primarily handled by the headquarters FOIA Office; however, one OST field office at the Volpe National Transportation Systems Center in Cambridge, Massachusetts, responds directly to FOIA requests for Volpe records.

For FAA and FHWA, FOIA activities are shared among numerous field and headquarters program offices. Each of the decentralized offices receives FOIA requests, searches for records, reviews records, and makes releasability determinations. Even in these decentralized programs, there is an office at headquarters that oversees the implementation of the FOIA.

DOT has a FOIA Public Liaison for each DOT component. FOIA requesters can raise concerns to the FOIA Public Liaisons about service they have received from the FOIA offices. The FOIA Public Liaisons report to the Chief FOIA Officer on their FOIA liaison-related activities.

Overview of FY 2019 Data

During FY 2019, DOT processed 14,621 FOIA requests. DOT processed 9.1 percent fewer FOIA requests in FY 2019 than in FY 2018. Following are charts showing the number of FOIA requests processed, by component, for fiscal years 2017, 2018, and 2019.

Number of Requests **Processed** by DOT's Lower Volume FOIA Components
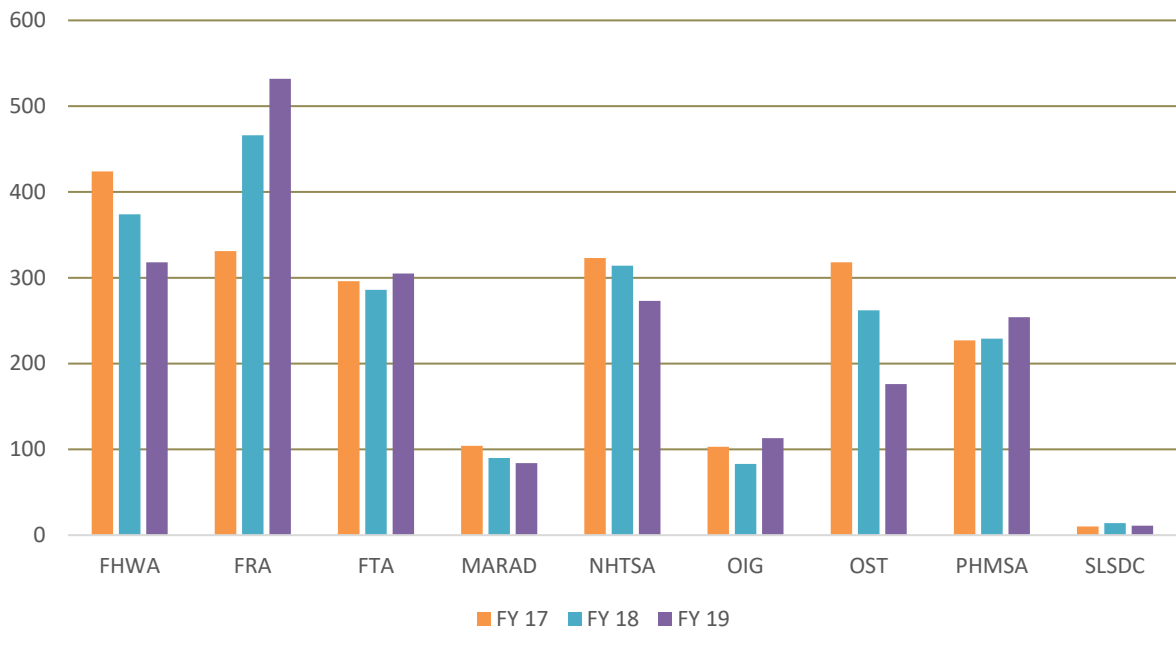
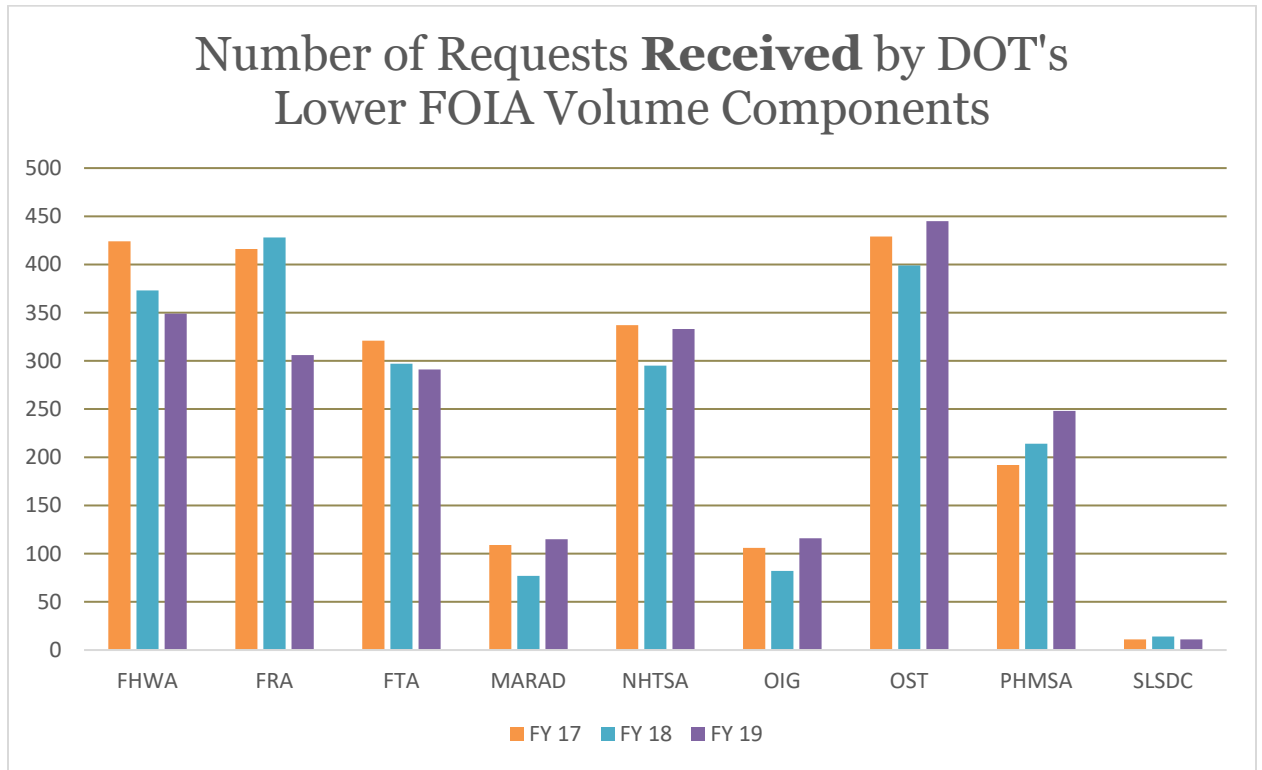Number of Requests **Processed** by DOT's Higher Volume FOIA Components
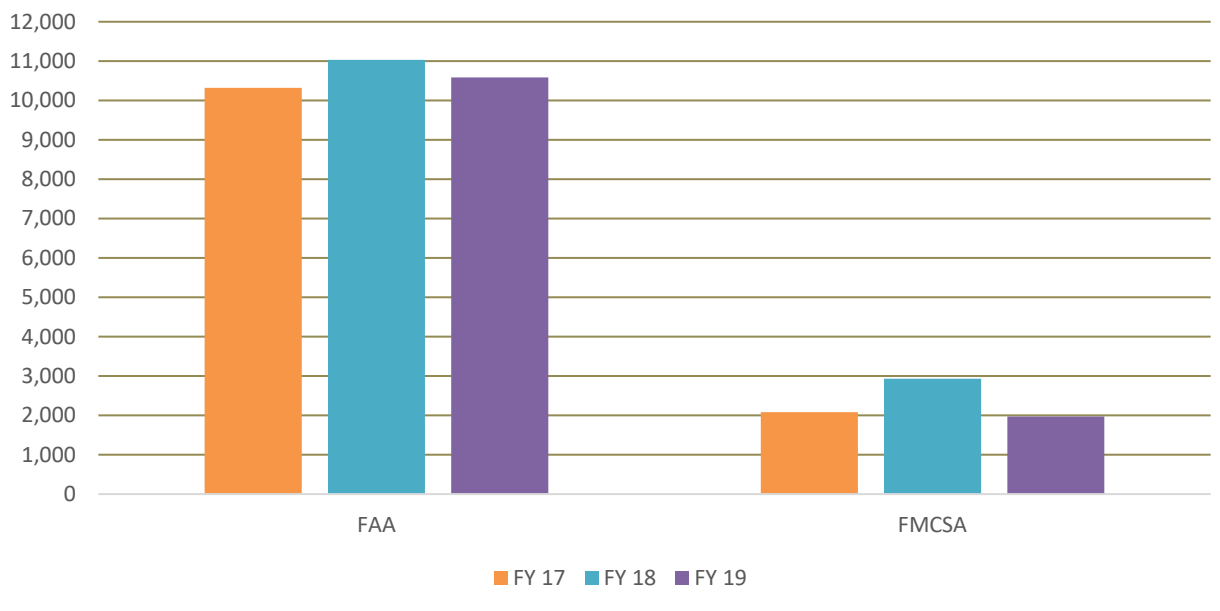
In nearly 76 percent (or 11,090) of the 14,621 cases processed, records were located and a determination was made, after considering possible exemptions, to fully release, partially release, or fully deny the records. Full or partial releases were made in nearly 99 percent of those cases.
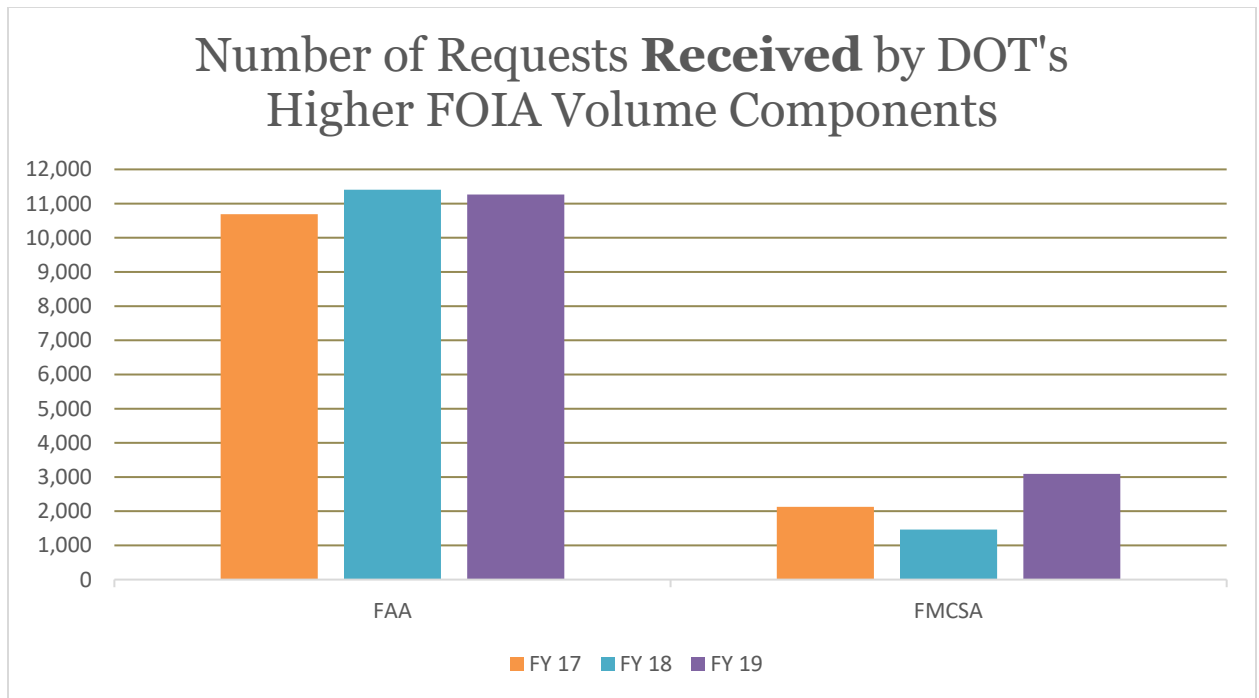
In those cases where information was partially released/partially denied or fully denied, the chart below shows the number of times each exemption was applied. As the chart demonstrates, the FOIA exemption most frequently invoked was Exemption 6, which protects the personal privacy of individuals.

EXEMPTION USE
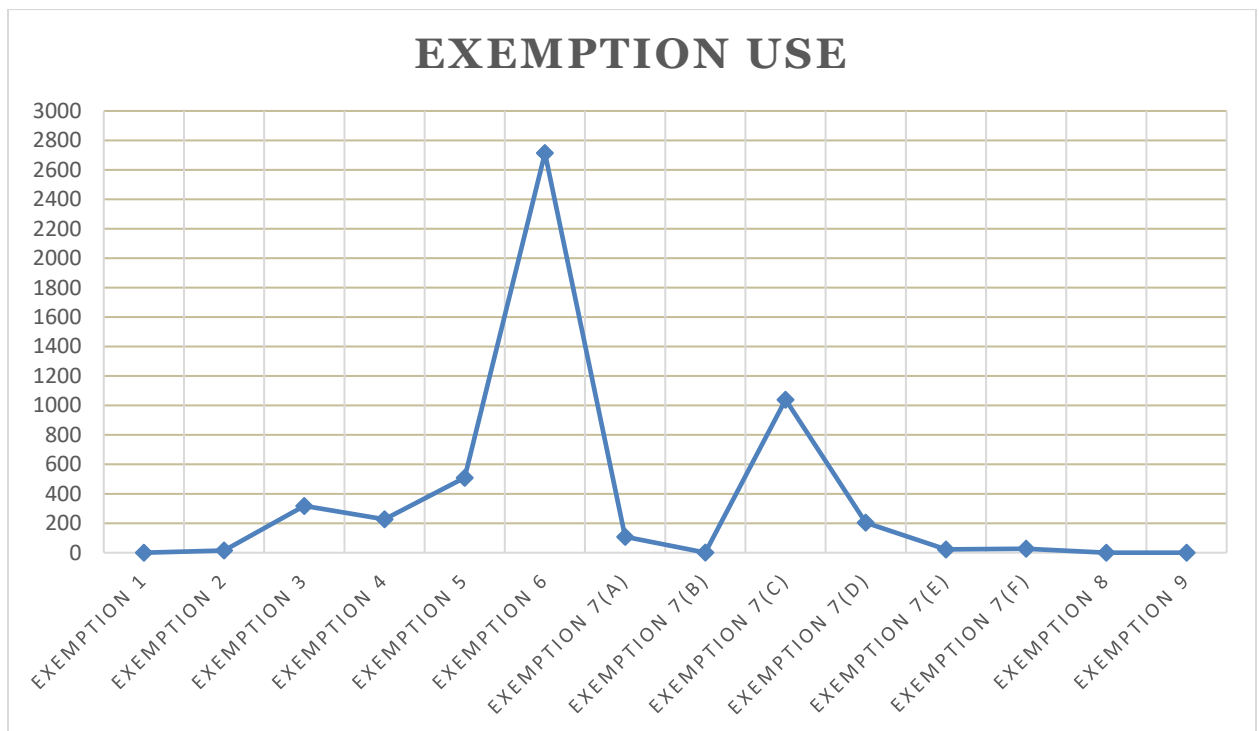
In approximately 17.6 percent (or 2,570) of the 14,621 cases processed, no records were located. Approximately half of the cases processed where no responsive records were identified were requests for information from FAA's airmen database. Often, companies ask for enforcement and accident histories for pilots or mechanics they are considering hiring. A "no records" response indicates that the particular pilot or mechanic had no enforcement or accident history. Other requesters may seek air traffic control tapes. These are recycled after 15 days, so if a FOIA request arrives asking for a tape past that time, FAA ordinarily would have no responsive records. The Department also receives requests for correspondence between DOT and a particular individual or company for which we sometimes have no responsive records.

During FY 2019, 6 of DOT's 11 components received more FOIA requests than they received the previous fiscal year. However, the DOT component receiving the second largest number of requests, FMCSA, received more than 111 percent more requests in FY 2019 (3,094) compared to the previous fiscal year (1,463), which is reflected in the chart below. The increase in requests to FMCSA during this fiscal year led to DOT receiving approximately 10.1 percent more requests in FY 2019 (16,571) as in FY 2018 (15,049).

Number of Requests **Received** by DOT's Lower FOIA Volume Components

Number of Requests **Received** by DOT's Higher FOIA Volume Components

Legend: FY 17, FY 18, FY 19 (categories: FAA, FMCSA)

Section I: Steps Taken to Apply the Presumption of Openness

The following are examples of steps that DOT has taken to ensure that the presumption of openness is being applied to all decisions involving FOIA, and that DOT FOIA professionals are appropriately trained.

FOIA Leadership

By delegation of the Secretary at 49 CFR Section 127a(c), the career Deputy General Counsel, a position at or above the Assistant Secretary level, serves as the Department's Chief FOIA Officer. DOT's Chief FOIA Officer is Deputy General Counsel Judith S. Kaleta.

FOIA Training

DOT employees in various components attended a wide variety of FOIA training sessions. This included formal training sponsored by the Department of Justice's Office of Information Policy (DOJ/OIP), such as *Introduction to the FOIA, FOIA for Attorneys and Access Professionals, FOIA Litigation Seminar, Annual FOIA Report Refresher Training, Chief FOIA Officer Report Refresher Training, and Advanced FOIA Seminar*. In addition, many DOT FOIA professionals attended the annual 3-day National Training Conference sponsored by the American Society of Access Professionals (ASAP), viewed various ASAP-sponsored FOIA educational webinars, and attended ASAP-sponsored luncheon

seminars. Finally, the components sent representatives to the 2019 FOIAXpress Training Conference, which trained attendees on FOIA software functions, as well as relevant FOIA issues in the news.

DOT components also conducted many different types of in-house FOIA training or had personnel attend professional development courses.

FOIA professionals throughout DOT attended OST-sponsored monthly meetings that included FOIA updates, training, and discussions of current issues affecting FOIA processing.

The FAA FOIA Program Management Division conducted webinars on FOIA Exemptions 4 and 5, which were broadcast to the entire FAA FOIA Community. Additionally, FAA offered DOJ FOIA Training videos for view in its electronic learning management system. Finally, FAA hosted the DOJ/OIP to conduct in-person training on DOJ's Exemption 4 guidance issued following the Supreme Court's 2019 Exemption 4 decision.

FHWA employees watched a full-day training video, which was created jointly by FHWA and DOJ/OIP.

FMCSA FOIA employees attended sessions conducted at the Graduate School USA.

DOT has also taken many steps to ensure that non-FOIA professionals are made aware of their FOIA obligations, including making the DOJ/OIP online training module, designed specifically for non-FOIA professionals, available to all DOT employees.

During this reporting period, DOT continued a process for ensuring that all new DOT employees understand their FOIA responsibilities. New employees in seven components (FMCSA, FRA, FTA, MARAD, NHTSA, OST, and PHMSA) are given an in-person introduction to FOIA by a FOIA professional during the consolidated onboarding training for those seven components, and new employees receive a copy of the latest DOJ-created FOIA infographic. The remaining four components (FAA, FHWA, OIG, and SLSDC) also provide FOIA information to new employees as part of the onboarding process.

When an FHWA office that is unfamiliar with the FOIA is assigned a FOIA request in its decentralized system, the FOIA Team Lead or another FOIA employee provides an individualized FOIA orientation and overview to the responsible manager and any staff who will be responsible for processing the FOIA request, and shares with them the FOIA videos and help page that FHWA makes available to its employees.

The FRA FOIA staff conducted multiple training sessions for FRA employees and contractors on the FOIA, FOIA exemptions, search methodologies, search terms, and the role that record holders play in complying with the requirements of the FOIA.

NHTSA standard operating procedure calls for FOIA professionals to regularly engage with the non-FOIA professionals at NHTSA. For each FOIA request, each potential custodian is provided with a notice that lists the custodian's FOIA obligations.

OIG FOIA personnel attended the 2019 Federal Privacy Summit, as well as meetings of the Federal Privacy Council and Federal Privacy Roundup Group.

PHMSA has undertaken several training efforts to inform non-FOIA professionals of their obligations under FOIA. Specifically, PHMSA conducted FOIA training sessions for attorneys, including refresher training focused on matters of interest, and training for new attorneys; conducted FOIA training sessions focused on matters of interest for the program staff in multiple Regional Offices; and required FOIA training in the electronic training management system for all new PHMSA Federal employees. This past year, PHMSA designed an in-person training session for the entire PHMSA workforce in PHMSA's Office of Chief Counsel's "Legal Briefs" Series: attendees watched a slideshow titled, "Transparency Through FOIA." Finally, PHMSA designed a training session for supervisors and managers participating in PHMSA's Advanced Leadership Development Program: "What You Need to Know About FOIA as a Leader - Real World Scenarios and Enterprise Risk Management."

Percentage of FOIA Professionals Trained

Using the methods described above, as well as on-the-job training, DOT achieved DOJ's goal of providing substantive FOIA training to at least 80 percent of DOT FOIA professionals during the reporting period.

Outreach

DOT has posted in its FOIA Reading Room logs of incoming Congressional correspondence received from 2005 through 2019. The DOT/OST FOIA Office has reached out to its FOIA requesters who frequently request this type of information and provided them with a link to the Congressional Correspondence logs. We have received positive feedback from requesters, and the number and scope of the requests for this information has been reduced.

The DOT/OST FOIA Officer served as a speaker for four training sessions at the 2019 ASAP National Training Conference. He was the co-leader of a training seminar covering the Foreseeable Harm Standard with a representative of a leading requester organization. During the 3-day conference, he interacted with, and answered questions from, many members of the FOIA requester community.

The FMCSA FOIA team frequently received requests from motor carrier drivers seeking information pertaining to their driving record. The team provided guidance via e-mail to this group on

the documents needed to process these types of requests so that future requests will be submitted with required information.

<div align="center">***Other Initiatives***</div>

All DOT components conducted, as appropriate, one-on-one discussions with record holders on their obligations to furnish information under FOIA.

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

To ensure continued improvement to the effective and efficient management of our FOIA program, several years ago, I initiated an annual FOIA work plan. The annual plan, which is developed each year in coordination with the Departmental FOIA Office, identifies a series of objectives for our DOT FOIA program. The objectives are designed to provide more efficient and user-friendly service to FOIA requesters and improve the overall management of DOT's FOIA program. Many of the objectives are based on goals detailed in the annual Chief FOIA Officer Report. I personally oversaw progress on the work plan through monthly meetings with the DOT/OST FOIA Officer and his supervisors. The DOT/OST FOIA Officer discussed best practices related to FOIA processes, as well as progress related to the work plan in monthly DOT-wide FOIA meetings.

<div align="center">***Processing Procedures***</div>

In addition to the analysis conducted by the DOT/OST FOIA Officer in conjunction with the Annual Statistical Report, several components conducted self-assessments of their FOIA programs during the reporting period.

The FAA FOIA Program Management Division reviewed the reporting methodology used to track FOIA requests. While some reporting provides real-time data, an effort was made to create reports that mined data from start-of-day (0000 hours) to end-of day (2359 hours). The latter allows for direct comparison of corresponding data for specific periods of time.

FHWA conducted a self-assessment of its FOIA program prior to the close of the fiscal year, when it evaluated whether additional FOIA requests could be closed by the end of the fiscal year, and if not, why not. FHWA continued this self-assessment during its annual report preparation, when it reviewed the annual report data to assess whether any corrections needed to be made (for instance, whether FOIAs were properly categorized as simple vs. complex). After completion of the annual report, the FHWA FOIA Team Lead conducted a comparison of the FOIA program's performance during the past year compared to other years, resulting in an analysis of both areas of strength and areas for possible improvement for the program.

The FRA FOIA team regularly conducted assessments of its FOIA program. The team discussed fee assessment procedures, reviewed responsibilities of team members, and reviewed the status of the agency's FOIA backlog by generating reports and performing comparisons to similar reports prepared in previous years. These assessments of the FRA FOIA program led to a reorganization of responsibilities and workflow, implementation of a new efficient fee assessment process, and reduction of FRA's FOIA backlog from 414 cases at the end of FY 2018, to 192 cases at the end of FY 2019.

Following one of its program self-assessments, PHMSA developed criteria for determining whether a FOIA request should be placed in the simple or complex processing track. PHMSA also created steps for FOIA processors to ensure uniform entry of requests into the FOIA tracking system, and finalized a one-page FOIA process workflow.

For FY 2019, the average number of days for DOT to adjudicate requests for expedited processing was 1.2 days.

Requester Services

During the reporting period, FOIA Public Liaisons throughout the Department have reported approximately 235 contacts with requesters. Due to the large number of requests the FAA received and processed, approximately one half of these interactions were with FAA's FOIA Public Liaison.

Other Initiatives

In May 2019, the FMCSA FOIA Office implemented new processing procedures to respond quickly to smaller simple requests. These are requests that seek a single document or less than 5 responsive documents. Implementing these procedures reduced the average processing days for simple requests.

Section III: Steps Taken to Increase Proactive Disclosures

During this reporting period, DOT has taken concrete steps to increase the amount of "in demand" material on our website using collaborative teams in each DOT component.

In December 2019, DOT published a final rule on Administrative Rulemaking, Guidance, and Enforcement Procedures (see 84 FR 71714). This final rule incorporated and reflected the Department's current policies and procedures relating to the issuance of rulemaking documents. In addition, this rule codified the Department's internal procedural requirements governing the review and clearance of guidance documents and the initiation and conduct of enforcement actions. Among its major provisions, this final rule codified the Department's policy relating to public availability of guidance documents. All of the Department's effective guidance documents must be available online in a single, searchable, indexed database and in accordance with the Department's FOIA regulations. These public access

requirements will provide clarity to our regulated entities regarding what guidance documents apply to them, increase transparency, and make it easier for the public to find DOT guidance documents.

Posting Material

All DOT components proactively posted information about high-visibility/high-impact programs on their main pages and/or program pages. Within the [main DOT briefing room](#), we have posted [press releases](#), regular [blog posts by the Secretary of Transportation](#), and [speeches](#). The main DOT briefing room also contains links to [featured DOT social media sites](#).

Examples of Information Posted

Following are just a few examples of records posted or updated during the reporting period:

DOT components posted their most recent FOIA logs.

FAA posted Unmanned Aircraft System information, including a [Geographic Listing of sUAS Registry Enrollments and Registrants](#) and [Reported Encounters with Unmanned Aircraft Systems](#) (UAS). FAA also continued to update on a weekly basis its [aircraft tail number search](#) feature and posted [settlement agreements](#).

FHWA posted a list of Small Purchase Credit Card Holders, and FHWA's Safety Strategy regarding ET-Plus Guardrail End Terminals in the [FHWA Electronic Reading Room](#). FHWA also posted safety data from the second [Strategic Highway Research Project](#) (SHRP2).

FMCSA posted the most recent edition of the [Electronic Field Operations Training Manual](#) (eFOTM Version 6.3).

[FRA's eLibrary](#) continued to provide a wealth of FRA documentation, containing over 5,000 documents searchable by date, subject, and type. The eLibrary contains Safety Advisories, statistical information regarding railway safety, Compliance Manuals, Technical Bulletins, Accident Investigations, and Environmental Reviews. The [Rail Network Development webpage](#) includes a map created using Geographic Information Systems (GIS), allowing users to view and print precise maps of passenger rail, freight stations, grade crossings, and more through an interactive interface.

FTA regularly posted Project Management Oversight Contractor Monthly Monitoring Reports for New York's Metropolitan Transit Authority's Second Avenue Subway and East Side Access. Also, FTA continued to post its [inspection reports](#), and updated [summary inspection data](#), and [Corrective Action Plan status.](#)

NHTSA disclosed large amounts of information ranging from grant funding tables ([2013](), [2014](), [2015](), [2016,]() [2017, 2018,]() and [2019]()) to enforcement cases involving allegedly defective or noncompliant motor vehicles and equipment.

OIG continued to post information regarding its [audits]() and [investigations]().   Also, in response to the anticipation of receiving multiple FOIA requests regarding the FAA's oversight of Boeing, the OIG FOIA team posted a 2012 Report of Investigation conducted concerning the FAA Transport Airplane Directorate (TAD) and its impact on the oversight of Boeing. ([https://www.oig.dot.gov/foia-electronic-reading-room]()) Finally, the OIG's Office of Congressional and Public Affairs frequently posted information and updates to the agency's website. From 2019 to present, 256 items have been posted to the website.

OST continued to post information related to its [Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grants program,]() and information regarding [drug and alcohol testing]() of transportation personnel who perform safety-sensitive functions transportation employees in aviation, trucking, railroads, mass transit, pipelines, and other transportation industries.

PHMSA posted numerous documents with significant public interest in its FOIA Electronic Reading Room. The PHMSA FOIA Office proactively posted 8 records during FY 2019, an example of which is the [TC Energy Corrective Action Order](). PHMSA, other than the FOIA Office, proactively posted 275 records during FY 2019, an example of which is the Office of Pipeline Safety's listing of [Final Orders and Opinions]().

SLSDC posted an [interactive shipping map and shipping schedule]() for vessels transiting the Great Lakes-St. Lawrence Seaway System.

Publicizing Posted Material and Making This Material More Useful

Many components reported publicizing important proactive disclosures for public awareness, including through various [DOT social media]() outlets. Several components sent e-mails to readers who asked via a site-wide subscription process to receive news and information on specific topics or subjects. In addition to traditional press releases, events and press calls, many DOT components employed Facebook, Twitter, YouTube, Instagram, and Vine to further the reach of their messages.

NHTSA created a dedicated [Takata recall spotlight page](), which published an abstract list of affected vehicles and interactive visual charts along with a frequently asked questions (FAQ) 's for the consumers.

DOT currently relies on each component to use its internal tracking system to identify records that have been requested and released three or more times. The Agency plans to implement a DOT-wide system in 2020, which will allow this determination to be made in a centralized way.

FMCSA published quarterly the Electronic Field Operations Training Manual (eFOTM) that was developed to provide a comprehensive guide to enforcement staff when conducting or managing investigations, audits, and roadside inspections. This document was requested 3 to 5 times a year before it was regularly published in the electronic reading room.

FRA redesigned its website, including the FRA FOIA page, making it easier for the public to access agency information.

The OIG FOIA Office continued to use state of the art software to redact documents, as well as eDiscovery software to search for emails and minimize duplicative records.

Section IV: Steps Taken to Make Greater Use of Technology

DOT is in the final phases of acquiring a DOT-wide FOIA tracking and redacting software system. Once implemented, the new system will enable the Department to better coordinate and share information between components, improve data collection and reporting to DOJ, and allow interoperability with the National FOIA Portal at FOIA.gov.

DOT regularly reviewed its FOIA websites to ensure the most up-to-date information is available to requesters.

The FAA FOIA Program Management Division partnered with DOT's Benchmarking and Metrics Division to develop a dashboard which mines data from the FAA's official FOIA Request tracking system. The dashboard provided the FAA FOIA Program Management Division a snapshot of where and how many FOIA requests are assigned across the agency.

NHTSA added eDiscovery technology to quickly filter, de-duplicate, rank, and categorize responsive content in large volumes of emails, attachments, or virtually any file type.

PHMSA continued to leverage e-discovery tools that increase processing efficiencies on requests with large electronic record sets to evaluate for responsiveness and FOIA exemption application.

Other Initiatives

As required by DOJ, DOT successfully posted all the required quarterly FOIA reports for FY 2019.

Also, DOT has posted raw data through FY 2018 (Please note the FY 2019 raw data will be posted upon DOJ approval of the FY 2019 Annual FOIA Report):

https://www.transportation.gov/individuals/foia/dot-annual-foia-reports-congress

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

DOT recognizes the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction.

Simple Track Requests

As of FY 2019, all components placed simple requests in a separate track.

During FY 2019, the average number of days to process simple requests was 18.5 days. Of DOT's 14,621 requests processed, approximately 83.5 percent were placed in the simple track.

Backlog of Initial Requests

Five components (FAA, FRA, FTA, PHMSA and SLSDC) either reduced their backlogs or held steady from the previous year. In the remaining six components (FHWA, FMCSA, MARAD, NHTSA, OIG and OST), backlogs increased, in some cases significantly. FMCSA's backlog increased by 200 percent, and OST's increased by 81 percent. However, several components produced significant backlog reduction. FRA reduced its backlog by 54 percent, while FTA reduced its backlog by 33 percent. However, the Department's backlog increased by 36 percent in FY 2019 following a 32 percent reduction in FY 2018.

The increase in the backlog occurred as several components faced staffing issues due to the influx of new FOIA personnel, who had to be trained on Department policies and procedures. Additionally, as FOIA requests became more complex and FOIA litigation became more common, the Department needed to divert more experienced FOIA professionals to process these complex requests. Having the Department's more experienced FOIA analysts working these time-consuming requests hindered DOT's ability to reduce the backlog of FOIA requests.

DOT's backlog of initial requests is 21.6 percent of the number of requests received during FY 2019.

Backlog of Appeals

At the end of FY 2019, the backlog of appeals increased by 2 percent (from 98 appeals to 100 appeals). DOT's backlog of appeals is 110 percent of the number of appeals received during FY 2019.

Backlog Reduction Plans

Between FY 2018 and FY 2019, our backlog of initial requests and appeals increased by 36 percent and 2 percent respectively. FMCSA saw its backlog increase from 473 to 1,423 in FY 2019. The increase can be traced to two factors: (1) FMCSA received 111 percent more requests than last year (3,094 in FY 2019 compared to 1,463 in FY 2018); and (2) the FMCSA FOIA Office had to fill several FOIA staff vacancies. In FY 2020, FMCSA has filled two government vacancies and two contractor vacancies to reduce its backlog of requests. The OST initial request backlog rose from 56 to 542 in three years. This is due to increased interest in OST records, as the number of requests received increased from 266 in FY 2016 to 445 FY 2019. The complexity of the requests submitted to OST also increased. At the end of FY 2016 OST had 69 complex requests pending. That number increased to 571 complex requests pending at the end of FY 2019. OST plans to bring in additional personnel to help lower the OST backlog in FY 2020. The OST FOIA Office will continue to utilize one FOIA professional on a rotating detail from within DOT (discussed below), and will receive additional help from part-time and full-time interns assigned to the Office of the General Counsel (where the FOIA Office is located), who will be assigned work on FOIA matters in addition to their other work. These individuals will assist the office in reducing the FOIA backlog and in processing requests that are in litigation.

The Department is preparing to acquire a FOIA software system that could be used to track, task, and process FOIA requests for all components of the Agency. An enterprise system would benefit the entire Agency, but especially OST with its Department-wide responsibilities. Additionally, OST will report to me on its progress in better tracking the status of pending requests. Tracking will allow the component to better target which actions need to be completed for each request in order to complete processing.

Status of Ten Oldest Requests, Appeals, and Consultations

In FY 2019, we closed four of the ten oldest requests that were pending as of the end of FY 2018. Of the four that were closed, one was withdrawn. There was no interim response issued for that one withdrawn request. Of the remaining ten oldest requests, none remain open due to a pending consultation with another agency.

In addition to addressing our ten oldest requests, steps taken to reduce the overall age of our request backlog include an increased focus specifically on those older pending requests. Methods to reduce the age of our request backlog include more persistent follow-up activities with the program offices from whom we are awaiting records, implementing more efficient search methods for records, and reorienting FOIA staff work-flow to add emphasis to closing those older requests.

In FY 2019, we closed 8 of the ten oldest appeals that were pending as of the end of FY 2018.

In FY 2019, we closed 2 of the 7 pending consultations.

Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

Six initial requests, two appeals, and five consultations on the "10 oldest" lists were not closed in FY 2019. This was due to staffing vacancies, the complexity and volume of the responsive records, and competing priorities.

DOT's remaining "10 oldest" initials and appeals from FY 2019 are assigned to the FAA. The "10 oldest" consultations are assigned to FAA and OST.

Backlog Reduction Plan for Closing "10 Oldest" Requests, Appeals, and Consultations

Our backlog reduction plan for closing the "10 oldest" requests, appeals, and consultations will focus on FAA and OST, as they currently have the "10 oldest" initial requests, appeals, and consultations. The DOT/OST FOIA Office will have in-person meetings to discuss the progress of closing the oldest initial requests, appeals, and consultations. I will personally reach out to senior FAA program managers and the OST FOIA Officer to discuss their needs to make additional progress in closing the oldest requests.

Success Story

- At the Departmental level, this past year the General Counsel established a new program that affords personnel from DOT's Operating Administrations the opportunity to serve four-month details with the DOT/OST FOIA Office. The program is designed to address the increase in the number of FOIA requests (and their complexity) received by OST. Under the program, the DOT/OST FOIA Office welcomes a new detailee every four months from a DOT component to help with the DOT/OST FOIA backlog and complex requests. The program began in the Fall of 2019. The program has already yielded benefits, as our Fall/Winter detailee provided much needed assistance on a particularly complex request involving thousands of records.   The program also highlights the importance of FOIA to personnel throughout DOT, and provides an opportunity for DOT personnel to gain additional expertise in FOIA and learn more about the Department's overall FOIA program.
- The FRA reduced its initial FOIA backlog from 414 at the end of FY 2018 to 192 at the end of FY 2019. To achieve this result, the FRA FOIA Office conducted self-assessments of its FOIA Program throughout the year, which led to a workflow reorganization and restructuring of responsibilities within the office. Along with these changes, leadership in the FRA FOIA Office emphasized the importance of "team approach" to the office's work. The 54 percent reduction in the FRA FOIA backlog demonstrates how new approaches can yield positive results.