

**U.S. DEPARTMENT OF TRANSPORTATION
FREEDOM OF INFORMATION ACT (FOIA) REPORT
FISCAL YEAR 2006**

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B. Brief description of the Agency's response times.

Some components of the Department of Transportation were able to respond to their FOIA requests within the statutory time frames. For a detailed breakdown of each component's response times, see Section VII of this report, Compliance With Time Limits.

C. Brief description of why some requests are not granted.

Some requested records, or portions of records, were withheld pursuant to the FOIA's exemptions. The most frequently used exemption in DOT was Exemption 6, which protects against a clearly unwarranted invasion of personal privacy. Other reasons for not granting requests included: (1) DOT did not have the records sought; (2) the requester did not seek records; rather, he or she was seeking answers to questions; or (3) the information from the records sought was publicly available.

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms or other terms.

DOT	Department of Transportation
OST	Office of the Secretary of Transportation
OIG	Office of Inspector General
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
PHMSA	Pipeline and Hazardous Materials Safety Administration
RITA	Research and Innovative Technology Administration
SLSDC	Saint Lawrence Seaway Development Corporation
SSI	Sensitive Security Information. (49 U.S.C. § 40119 and 49 C.F.R. Parts 15 and 1520.)
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.

B. Basic terms expressed in common terminology.

1. **FOIA / PA Request**—Freedom of Information Act / Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests may also be treated as FOIA requests.
2. **Initial Request**—a request to a federal agency for access to records under the FOIA.
3. **Appeal**—a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the FOIA, or any other FOIA determination such as a matter pertaining to fees.
4. **Processed Request or Appeal**—a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. **Multi-track Processing**—a system in which requests requiring relatively minimal review are classified as simple requests and are placed in one processing track and requests that are more voluminous and that require more review are classified as complex requests. Complex requests are placed in one or more other tracks. Requests within each track are processed on a first in, first out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. **Expedited Processing**—When a requestor can show there is an exceptional need or urgency for a record or records (see 49 CFR 7.31(c)), an agency will process a FOIA request before those FOIA requests that have been submitted at an earlier date.

7. **Simple Request**—An agency using multi-track processing will classify a low volume request that requires relatively minimal review as a simple request and will place it in its fastest, non-expedited track.
8. **Complex Request**— An agency using multi-track processing will classify a voluminous request that requires more review as a complex request and will place it in its slower track.
9. **Grant**—an agency decision to disclose all records in full in response to a FOIA request.
10. **Partial Grant**—an agency decision to disclose a record in part in response to a FOIA request, withholding information determined to be exempt under one or more of the FOIA exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. **Denial**—an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA exemptions, or for some procedural reason, such as no record is located in response to a FOIA request.
12. **Time Limits**—Under FOIA, the period of time within which an agency must respond to a FOIA request. Ordinarily, this period is 20 working days from proper receipt of a “perfected” FOIA request.
13. **Perfected Request**—a FOIA request for records that has been received by the FOIA office of the agency or agency component in possession of the records, which adequately describes the records sought, and for which there is no remaining question about the payment of applicable fees.
14. **Exemption 3 Statute**—a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA exemption (b)(3).
15. **Median Number**—the median number is the middle number on the list in a set of numbers listed from the least number to the greatest number. For example, of 3, 7, and 14, the median number is 7. If a set of numbers has two middle numbers, the median is the number halfway between the two numbers. For example, 3, 4, 8, 12, the median number equals $4+8 = 12/2 = 6$.
16. **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.

IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation
23 U.S.C. § 403 note	The identity of individuals in highway traffic accident or research reports.	N/A
41 U.S.C. § 253b(m)	Contract proposals not incorporated in contracts.	<i>Hornbostel v. DOI</i> , 305 F.Supp.2d 21 (D.D.C. 2003)
49 U.S.C. § 1114(f)	Foreign aircraft accident investigation information.	N/A
49 U.S.C. § 30305(c)(1)	Certain information received pursuant to the National Driver Register Act of 1982.	N/A
49 U.S.C. § 31143(b)	IDs of motor carrier safety complainants.	N/A
49 U.S.C. § 40110	Contract offers to the FAA.	N/A
49 U.S.C. § 40115	Information harmful to U.S. international aviation negotiation or to any U.S. international air carrier.	N/A
49 U.S.C. § 40119	Information that would be an unwarranted invasion of personal privacy, would reveal a trade secret or privileged or confidential information, or would be detrimental to the safety of passengers in transportation.	N/A
49 U.S.C. § 40123(a)	Aviation Safety Action Program voluntarily submitted information.	N/A

V. Initial FOIA / PA Access Requests

A. Numbers of Initial Requests

	1. Number of requests pending end of FY 2005	2. Number of requests received during FY 2006	3. Number of requests processed during FY 2006	4. Number of requests pending as of end of FY 2006
OST	143	326	310	159
OIG	46	118	76	88
FAA	*1,472	5,961	5,924	1,509
FHWA	41	268	245	64
FRA	106	457	494	69
NHTSA	9	231	238	2
FTA	11	166	164	13
SLSDC	1	24	25	0
MARAD	111	120	124	107
PHMSA	50	70	83	37
FMCSA	97	1,041	990	148
RITA	1	85	85	1
Totals	*2,088	8,867	8,758	2,197

* This number reflects an additional 16 requests than the number reported as pending at the end of the year in the FY 2005 report; the increase represents 16 requests that were closed out in FY 2005, then re-opened in FY 2006.

V. Initial FOIA / PA Access Requests

B. Disposition of Initial Requests

	1. Number of Total Grants	2. Number of Partial Grants	3. Number of Denials	4. Other Reasons for Non-Disclosure
OST	55	25	16	214
OIG	13	26	5	32
FAA	2,531	1,268	102	2,023
FHWA	122	28	29	66
FRA	218	165	4	107
NHTSA	75	84	8	71
FTA	83	31	4	46
SLSDC	8	5	0	12
MARAD	42	16	25	41
PHMSA	35	18	0	30
FMCSA	182	598	67	143
RITA	37	10	5	33
Totals	3,401	2,274	265	2,818

V. Initial FOIA / PA Access Requests
B. Disposition of Initial Requests (cont'd)

FOIA Exemptions														
	1	2	3	4	5	6	7(A)	7(B)	7(C)	7(D)	7(E)	7(F)	8	9
OST	0	2	2	3	12	27	0	0	0	0	1	0	0	0
OIG	0	18	0	2	8	22	5	0	22	0	0	0	0	0
FAA	1	36	11	158	381	607	73	7	20	0	8	1	0	0
FHWA	0	2	3	13	16	4	2	0	2	1	0	0	0	0
FRA	0	1	0	4	6	162	3	0	152	0	0	0	0	0
NHTSA	0	0	5	30	42	36	0	0	0	0	0	0	0	0
FTA	0	0	0	6	12	8	1	0	0	0	0	0	0	0
SLSDC	0	2	0	1	1	2	0	0	0	0	0	0	0	0
MARAD	1	0	0	10	6	3	0	0	1	0	0	0	0	0
PHMSA	0	0	0	3	4	3	0	0	4	5	0	0	0	0
FMCSA	0	3	12	1	1	632	24	0	293	103	3	0	0	0
RITA	0	0	0	13	3	1	0	0	0	0	0	0	0	0
Totals	2	64	33	244	492	1,507	108	7	494	109	12	1	0	0

V. Initial FOIA / PA Access Requests
B. Disposition of Initial Requests (cont'd)

	No records	Referral	Request with-drawn	Fee related	Not reasonably described	Not a proper request	Not a record	Duplicate request	Available from another source	Referred to agency website	Other: Liti-gation*	Total
OST	46	113	25	3	0	7	8	4	8	0	0	214
OIG	16	3	6	0	0	3	0	2	2	0	0	32
FAA	1,333	22	438	141	16	54	19	0	0	0	0	2,023
FHWA	4	7	6	0	1	1	35	12	0	0	0	66
FRA	83	5	15	2	0	0	0	2	0	0	0	107
NHTSA	23	5	9	0	0	0	0	7	8	15	*4	71
FTA	41	3	1	0	0	0	1	0	0	0	0	46
SLSDC	12	0	0	0	0	0	0	0	0	0	0	12
MARAD	19	13	8	0	1	0	0	0	0	0	0	41
PHMSA	6	4	13	2	0	3	0	2	0	0	0	30
FMCSA	3	0	65	1	2	0	72	0	0	0	0	143
RITA	12	14	1	1	0	2	1	0	0	2	0	33
Totals	1,580	193	578	150	20	70	136	29	18	17	*4	2,818

* The question whether 49 U.S.C. § 30166(m)(4)(C) precludes the release of automobile early warning data, the information sought in these four FOIA cases, is pending in the United States Court of Appeals for the District of Columbia Circuit. *Public Citizen, Inc. v. Peters*, No. 06-5304. These requests represent instances where complete denials were issued and requesters were given appeal rights. Once the litigation is resolved, requesters may file a new FOIA request. Since the NHTSA does not have a backlog of pending FOIA requests, any new requests would be processed in a timely manner.

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of Appeals

B. Disposition of Appeals

	A. 1. Number of appeals received in FY 2006	A. 2. Number of appeals processed in FY 2006	B.1. Number of appeals completely upheld	B.2. Number of appeals partially upheld/partially reversed	B.3. Number of appeals completely reversed	B.4 Total Other Reasons for Non- Disclosure
OST	3	4	3	0	1	0
OIG	3	2	1	0	0	1
FAA	64	99	25	14	5	55
FHWA	6	8	1	1	4	2
FRA	3	0	N/A	N/A	N/A	N/A
NHTSA	10	9	1	4	3	1
FTA	4	6	1	4	0	1
SLSDC	0	0	N/A	N/A	N/A	N/A
MARAD	3	1	0	1	0	0
PHMSA	0	0	N/A	N/A	N/A	N/A
FMCSA	8	7	0	4	1	2
RITA	0	0	N/A	N/A	N/A	N/A
Totals	104	136	32	28	14	62

VI. Appeals of Initial Denials of FOIA/PA Requests

B. Disposition of Appeals (cont'd)

FOIA Exemptions

	1	2	3	4	5	6	7(A)	7(B)	7(C)	7(D)	7(E)	7(F)	8	9
OST	0	1	1	1	1	2	0	0	0	0	0	0	0	0
OIG	0	1	0	0	0	1	1	0	1	0	0	0	0	0
FAA	0	0	2	7	15	13	0	0	5	0	2	0	0	0
FHWA	0	0	0	0	2	0	0	0	0	0	0	0	0	0
FRA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NHTSA	0	0	3	1	2	0	0	0	0	0	0	0	0	0
FTA	0	0	0	2	3	2	1	0	1	0	0	0	0	0
SLSDC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MARAD	0	0	0	0	1	0	0	0	0	0	0	0	0	0
PHMSA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FMCSA	0	0	1	0	0	3	0	0	2	0	0	0	0	0
RITA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	0	2	7	11	24	21	2	0	9	0	2	0	0	0

VI. Appeals of Initial Denials of FOIA/PA Requests

B. Disposition of Appeals (cont'd)

	No records	Referral	Request with-drawn	Fee related	Not reasonably described	Not a proper appeal	Not an agency record	Duplicate request	Available from another source	Remanded	Total
OST	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	1	0	0	0	0	0	0	0	1
FAA	14	0	17	0	0	2	0	0	0	22	55
FHWA	0	0	1	0	0	0	0	0	0	1	2
FRA	0	0	0	0	0	0	0	0	0	0	0
NHTSA	0	0	0	1	0	0	0	0	0	0	1
FTA	1	0	0	0	0	0	0	0	0	0	1
SLSDC	0	0	0	0	0	0	0	0	0	0	0
MARAD	0	0	0	0	0	0	0	0	0	0	0
PHMSA	0	0	0	0	0	0	0	0	0	0	0
FMCSA	0	0	1	0	0	1	0	0	0	0	2
RITA	0	0	0	0	0	0	0	0	0	0	0
Totals	15	0	20	1	0	3	0	0	0	23	62

VII. Compliance with Time Limits

- A. Median processing time for requests processed during the fiscal year
 B. Status of pending requests.

	A.1. Simple Requests		A.2. Complex Requests		A.3. Expedited Processing		B. Status of Pending Requests	
	Number processed	Median # of days	Number processed	Median # of days	Number processed	Median # of days	Number pending	Median # of days pending
OST	113	1	197	27	0	N/A	159	65
OIG	19	10	57	142	0	N/A	88	110
FAA	4,130	5	1,736	28	58	9	1,509	100
FHWA	232	8	6	25.5	7	11	64	37
FRA	0	N/A	494	89	0	N/A	69	55
NHTSA	226	13.5	8	14	4	30	2	18.5
FTA	164	22	0	N/A	0	N/A	13	12
SLSDC	25	18	0	N/A	0	N/A	0	N/A
MARAD	124	26	0	N/A	0	N/A	107	184
PHMSA	53	36	21	174.5	9	60	37	183
FMCSA	0	N/A	987	30	3	10	148	24
RITA	75	4.5	10	15	0	N/A	1	4
Totals	5,161		3,516		81		2,197	

VIII. Comparisons with Previous Year

- A. Number of requests received in FY 2005: 9,597
 Number of requests received in FY 2006: 8,867 (decrease of 9.24 percent)
- B. Number of requests processed in FY 2005: 9,384
 Number of requests processed in FY 2006: 8,758 (decrease of 9.33 percent)
- C. Comparison of median number of days requests were pending as of the end of the fiscal year: Varies by component
- D. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public.
- The DOT received approximately 205 requests for expedited processing. Of those requests, 81 were afforded expedited processing.
 - Many DOT FOIA offices actively communicate with requesters via telephone and/or e-mail to effectively refine the scope of their request to better target more efficient searches.
 - DOT components continue to increase the types and volume of non-sensitive information available to the public on the Internet.
 - During the reporting period, FOIA personnel throughout the Department attended FOIA training from a wide range of sources, such as DOJ, USDA Graduate School, American Society of Access Professionals, and in-house (at DOT).

- FHWA's FOIA database has been fully expanded and improved. The system now permits all of its field offices to use the database to record and track requests received directly by each field office. The system is now capturing additional data and has also has been provided to another DOT component (PHMSA) for its use.

- The OIG's website is kept current and includes all publicly-issued products, such as audit and investigative reports, testimony before Congress, and significant correspondence and advisory memorandums. The OIG has regular weekly meetings with the FOIA Officer and the front office is provided with regular FOIA status report updates and timely notification of specific FOIA-related matters and/or higher profile requests. To assist with FOIA processing and legal review, the OIG is using law school student interns, especially on larger, more complex cases.

IX. FOIA Costs / Staffing

- A. Staffing Levels
- B. Total Costs (including staff and resources)

X. Fees Collected

	IX.A. Number of full-time Personnel	IX.A. Number of Personnel with Part-time or occasional FOIA duties <i>(in total work-years)</i>	IX.A. Total Number of Personnel (In work-years)	IX.B. FOIA Processing	IX.B. Litigation-related costs	IX.B. TOTAL Costs	X. Fees Collected	X. % of total costs
OST	3	2.07	5.07	\$511,505	\$55,069	\$566,574	\$90	2.8
OIG	1	.765	1.765	\$194,659	\$1,980	\$196,639	0	
FAA	8	32	40	\$4,642,886	\$45,086	\$4,687,972	\$173,040	
FHWA	2	2.4	4.4	\$402,475	0	\$402,475	\$15,783	
FRA	1	2.25	3.25	\$247,958	0	\$247,958	\$1,277	
NHTSA	2	1.5	3.5	\$361,147	\$7,713	\$368,860	\$4,394	
FTA	0	1.4	1.4	\$125,608	0	\$125,608	\$210	
SLSDC	0	.2	.2	\$22,024	0	\$22,024	0	
MARAD	1	1.55	2.55	\$221,850	0	\$221,850	\$4,330	
PHMSA	1	1	2	\$196,622	0	\$196,622	\$2,250	
FMCSA	5	1	6	\$482,674	0	\$482,674	\$10,207	
RITA	1	.5	1.5	\$90,942	0	\$90,942	\$642	
Totals	25	46.635	71.635	\$7,500,350	\$109,848	\$7,610,198	\$212,223	

XI. DOT FOIA Regulations (including fee schedule) – 49 CFR Part 7

(http://www.dot.gov/foia/regulation_foia.html)

XII. Report on Executive Order 13392 Implementation

On December 14, 2005, the President issued Executive Order 13392, "Improving Agency Disclosure of Information," which established a "citizen-centered" and "results-oriented" approach to administration of the Freedom of Information Act. The Executive Order required each agency to: (1) conduct a review of its FOIA operations, (2) develop an agency-specific plan for improving its administration of the Act, and (3) include a description of its progress in meeting the milestones and goals established in its improvement plan in its annual report.

This section of the annual FOIA report contains the Department of Transportation's description of its progress in implementing the milestones and goals of the Department's FOIA Improvement Plan, including highlights of the Department's achievements.

The reporting period for Section XII is different from that used for the rest of this report, which is based on data compiled for FY 2006. The reporting period for this section concerning Executive Order implementation activities includes progress made by Department of Transportation components through January 2007.

A. Description of supplementation/modification of agency improvement plan

Not applicable.

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

The Department is proud of the work we have accomplished in implementing improvements to our FOIA programs. Among our successes are the following:

In the area of backlog reduction, tremendous progress was made throughout the Department in closing out FOIA requests from previous fiscal years. During this initial reporting period, the Department closed 254 cases from previous fiscal years, as follows: 3 cases from FY 1997 closed; 11 cases from FY 1998 closed; 46 cases from FY 1999 closed (although 33 of these cases were not scheduled to be closed out until the second reporting period, FAA was able to close them out ahead of schedule); 8 cases from FY 2000 closed; 4 cases from FY 2001 closed; 4 cases from FY 2002 closed; 8 cases from FY 2003 closed; 24 cases from FY 2004 closed; and 146 cases from FY 2005 closed.

In the areas of training and customer service, the Departmental FOIA office developed and presented a well-received "FOIA 101" training course for 60 participants throughout the Department. In addition, a session on politeness and courtesy--improving our interactions with requesters--was held.

In the area of improving all FOIA web pages throughout the Department, each component within the Department has made customer-friendly improvements to its FOIA web page. Improvements include the prominent posting of each component's FOIA Requester Service Center telephone number and the name and telephone number of its FOIA Public Liaison. In addition, each component has posted or updated its listing of small purchase credit card holders. Finally, the Department completely revised and updated its DOT FOIA Reference Guide, with each component linking to it from its respective FOIA web page.

In the area of information technology-related improvements, the Department is making excellent progress in bringing more components onto “pay.gov,” a system that allows FOIA requesters to make electronic payments of FOIA fees. The components currently accepting electronic payment of FOIA fees are: FRA, OIG, MARAD, NHTSA, and PHMSA. OST and FHWA are in final testing; FAA is actively working on implementation; and FMCSA, FTA, RITA, and SLSDC will begin working with the Departmental FOIA office on implementation steps in February 2007. We hope to have all Departmental components up-and-running by our scheduled target date of June 2007.

Another information technology-related accomplishment is the full implementation of an automated FOIA database tracking system for PHMSA. Also, the Office of the Secretary (OST) is currently pilot testing a new FOIA database.

In the area of process review, two components (FHWA and PHMSA) conducted reviews of their FOIA programs. Based on the reviews, FHWA and PHMSA have identified many organizational, administrative, process, and automation-related opportunities for improvement. Many of the identified improvements have already been implemented, and others will be implemented over the next few months.

C. Identification and discussion of any deficiency in meeting plan milestones

Although the Department made strong progress in implementing its improvement plan, several milestones were not met by the specified date. The vast majority of those missed deadlines were corrected by the end of January 2007. It appears that portions of the Department’s action plan were overly ambitious for the resources we had available.

Although all listings of small purchase credit card holders are now posted on the web pages of the respective components, one component (OIG) posted after the 11/30/06 deadline. This was due to OIG’s practice of not posting such information. Subsequently, OIG’s policy was changed to meet the requirement of the Department’s improvement plan.

Although all components have made improvements to their FOIA web pages, two components (OST and NHTSA) missed the 11/30/06 deadline. The deadline slip for NHTSA was due to miscommunication and was promptly corrected. The deadline slip for OST was due to an administrative oversight--improvements were posted in January 2007.

Initially, each component was scheduled to revise its FOIA reference guide. However, during implementation, we determined that one DOT FOIA Reference Guide covering the entire Department would be more customer-friendly. Therefore, we developed a single Departmental guide and posted it the main DOT FOIA web page. Each component now provides a link to the Departmental Guide from its respective FOIA web page. The revised DOT FOIA Reference Guide was scheduled to be posted by 11/30/06; however, because of competing executive order implementation priorities for the Departmental FOIA Officer, and the change of direction described above, it was not posted on DOT’s FOIA web page until 1/18/07.

Although good progress is being made by the Department in implementing “pay.gov” electronic payments for all DOT FOIA by June 2007, several interim deadlines have been

missed. The Departmental FOIA office is serving as the facilitator between U.S. Treasury and the FOIA offices throughout the Department. We underestimated the complexity of this process, especially in the midst of our other executive order implementation activities. We still hope to meet our overall goal of having all Departmental components offering electronic payment of FOIA fees by June 2007.

The Departmental FOIA Officer was scheduled to review multi-track processing practices of selected Federal agencies by 12/31/06. Competing demands in executive order implementation prevented the timely completion of this item. We now expect to complete this action by end of the March 2007.

Good progress is also being made with regard to addressing backlog reduction/elimination issues. For FMCSA, which had only one pending FOIA request from a previous fiscal year, the scheduled close-out date was 12/31/06. However, due to the complexity of the case, the coordination involved, and the large volume of duplication, this request was not closed as originally scheduled. FMCSA continues to work diligently to manage the request and progress towards closing it.

Also, during this reporting period, the OIG was scheduled to close out 32 of its FOIA requests from previous fiscal years. Two of the cases scheduled to be closed out by 12/31/06 were not closed accordingly to schedule. These cases were more complex than originally anticipated and required outside coordination. One of the cases has since been closed out. We anticipate closing out the remaining case by the end of February 2007.

Finally, during this reporting period, the FAA was scheduled to close out 37 requests from FY 1997 through FY 2001. Although all 37 requests are now closed, 10 of the requests were not closed out within the originally scheduled timeframes. The delay was due to extensive coordination that was required on these particular cases with the Departmental FOIA office and the need to duplicate audiotapes and a large volume of documents.

D. Additional narrative statements regarding other executive order-related activities (optional)

Not applicable.

E. Concise descriptions of FOIA exemptions

The exemptions authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (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; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

F. Additional statistics

1. Time range of requests pending, by date of request. As of 1/31/07, the time range of pending requests was August 29, 2000 – January 29, 2007.
2. Time range of consultations pending with other agencies at this time.

Not applicable.

G. Attachment

DOT's FOIA Action Improvement Plan