

**U.S. Department of Transportation (DOT)  
Freedom of Information Act (FOIA)  
2008 Annual Report**

**I. Basic Information Regarding Report**

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

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**B.** *Electronic address for report on the World Wide Web*

[www.dot.gov/foia](http://www.dot.gov/foia)

**C.** *Person to be contacted for a copy of the report in paper form*

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## II. MAKING A FOIA REQUEST

1. *Names, addresses, and telephone numbers of individual agency components that receive FOIA requests*

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2. *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 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 Initial Requests.

### III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

#### 1. *Agency-specific acronyms or terms used in this Report*

<b>DOT</b>	Department of Transportation
<b>OST</b>	Office of the Secretary of Transportation
<b>OIG</b>	Office of Inspector General
<b>FAA</b>	Federal Aviation Administration
<b>FHWA</b>	Federal Highway Administration
<b>FMCSA</b>	Federal Motor Carrier Safety Administration
<b>FRA</b>	Federal Railroad Administration
<b>FTA</b>	Federal Transit Administration
<b>MARAD</b>	Maritime Administration
<b>NHTSA</b>	National Highway Traffic Safety Administration
<b>PHMSA</b>	Pipeline and Hazardous Materials Safety Administration
<b>RITA</b>	Research and Innovative Technology Administration
<b>SLSDC</b>	Saint Lawrence Seaway Development Corporation
<b>Remanded Appeal</b>	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.

#### 2. *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 now 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 entirety under one or more of the FOIA exemptions, or because of a procedural 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. **Perfect 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. **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).

3. *Descriptions of the nine FOIA exemptions*

<b>Exemption 1</b>	classified national defense and foreign relations information
<b>Exemption 2</b>	internal agency rules and practices
<b>Exemption 3</b>	information that is prohibited from disclosure by another federal law
<b>Exemption 4</b>	trade secrets and other confidential business information
<b>Exemption 5</b>	inter-agency or intra-agency communications that are protected by legal privileges
<b>Exemption 6</b>	information involving matters of personal privacy
<b>Exemption 7</b>	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
<b>Exemption 8</b>	information relating to the supervision of financial institutions
<b>Exemption 9</b>	geological information on wells

#### IV. EXEMPTION 3 STATUTES

##### A. Exemption 3 statutes relied upon to withhold information

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
5 U.S.C. App. 4, § 107	Confidential financial disclosure reports.	N/A	OIG - 1	1
23 U.S.C. § 403 note	The identity of individuals in highway traffic accident or research reports.	N/A	NHTSA - 1	1
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)	FHWA - 7 FMCSA - 6 OST - 2	15
49 U.S.C. § 30305(c)(1)	Certain information received pursuant to the National Driver Register Act of 1982.	N/A	NHTSA - 1	1
49 U.S.C. § 31143(b)	IDs of motor carrier safety complainants.	N/A	FMCSA - 110	110
49 U.S.C. § 40115	Information harmful to U.S. international aviation negotiation or to any U.S. international air carrier.	N/A	FAA - 3	3
49 U.S.C. § 40119	Information the release of which 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	FAA - 3 PHMSA - 1	4
49 U.S.C. § 70114	Restricted commercial space launch activities information.	N/A	FAA - 1	1
49 U.S.C. 40110	Contract offers to the FAA.		FAA - 7	7
49 U.S.C. § 40123(a)	Aviation Safety Action Program voluntarily submitted information.	N/A	FAA - 6	6



## V. FOIA REQUESTS

Charts in Section V include all “purported” FOIA requests, both perfected and non-perfected. Non-perfected requests are further reflected in various columns in Chart V, B (1) below.

### A. Received, Processed and Pending FOIA Requests

	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
<b>FAA</b>	* 1,270	6,975	7,202	1,043
<b>FHWA</b>	** 51	469	472	48
<b>FMCSA</b>	*** 254	998	1,082	170
<b>FRA</b>	103	418	392	129
<b>FTA</b>	11	212	196	27
<b>MARAD</b>	159	144	133	170
<b>NHTSA</b>	13	199	190	22
<b>OIG</b>	84	82	94	72
<b>OST</b>	197	276	408	65
<b>PHMSA</b>	94	120	168	46
<b>RITA</b>	2	46	45	3
<b>SLSDC</b>	1	19	20	0
<b>AGENCY OVERALL</b>	**** <b>2,239</b>	<b>9,958</b>	<b>10,402</b>	<b>1,795</b>

\* This number is lower than reported in last year’s annual report as pending at the end of FY 2007. The adjustment primarily reflects requests where final action was taken by all appropriate FAA offices in FY 2007, but not all database closures were entered into the database until FY 2008. (Note: FOIA requests assigned to various FAA offices are not closed until the last FAA office responds to the requester.)

\*\* This number is higher than reported in last year’s annual report as pending at the end of FY 2007. This increase is due to requests that were closed out in FY 2007 and re-opened in FY 2008.

\*\*\* This number is higher than reported in last year’s annual report as pending at the end of FY 2007. This difference is due to a calculation error that was not discovered until FY 2008.

\*\*\*\* This number is 45 higher than reported last year due to the reasons stated above.

B. (1) *Disposition of FOIA Requests – All Processed Requests*

	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	
<b>FAA</b>	2,717	1,487	73	2,226	19	490	126	17	36	11	0	0	7,202
<b>FHWA</b>	241	91	3	14	0	10	9	0	0	56	1	47	472
<b>FMCSA</b>	332	662	4	3	0	54	1	1	20	0	5	0	1,082
<b>FRA</b>	213	70	3	63	5	34	1	0	0	0	3	0	392
<b>FTA</b>	69	68	2	42	0	6	0	0	2	5	0	2	196
<b>MARAD</b>	45	8	4	46	0	9	0	0	0	1	0	20	133
<b>NHTSA</b>	106	68	0	10	0	0	3	0	0	0	0	3	190
<b>OIG</b>	3	40	0	15	1	16	0	0	1	18	0	0	94
<b>OST</b>	85	83	5	90	9	38	0	0	0	8	0	90	408
<b>PHMSA</b>	93	22	4	0	0	27	0	0	0	10	10	2	168
<b>RITA</b>	25	9	2	6	3	0	0	0	0	0	0	0	45
<b>SLSDC</b>	9	5	0	6	0	0	0	0	0	0	0	0	20
<b>AGENCY OVERALL</b>	<b>3,938</b>	<b>2,613</b>	<b>100</b>	<b>2,521</b>	<b>37</b>	<b>684</b>	<b>140</b>	<b>18</b>	<b>59</b>	<b>109</b>	<b>19</b>	<b>164</b>	<b>10,402</b>

B. (2) *Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B (1) Chart*

1. *Descriptions of the “other” reasons for full denials and the number of times each reason was relied upon*

<b>Component</b>	<b>Description of “Other” Reasons for Denials from Chart B (1) &amp; Number of Times Those Reasons Were Relied upon</b>	<b>TOTAL</b>
<b>FAA</b>	N/A	0
<b>FHWA</b>	Transferred to another DOT component - 47	47
<b>FMCSA</b>	N/A	0
<b>FRA</b>	N/A	0
<b>FTA</b>	Transferred to another DOT component – 2	2
<b>MARAD</b>	Transferred to another DOT component – 20	20
<b>NHTSA</b>	Transferred to another DOT component – 3	3
<b>OIG</b>	N/A	0
<b>OST</b>	Transferred to another DOT component – 90	90
<b>PHMSA</b>	Transferred to another DOT component – 2	2
<b>RITA</b>	N/A	0
<b>SLSDC</b>	N/A	0
<b>Agency Overall</b>		<b>164</b>

B. (3) *Disposition of FOIA Requests – Number of Times Exemptions Applied*

	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
<b>FAA</b>	0	50	20	198	505	765	68	2	7	3	8	0	0	0
<b>FHWA</b>	0	1	7	28	29	12	0	0	2	0	0	0	0	0
<b>FMCSA</b>	0	72	116	2	1	611	15	0	335	110	3	0	0	0
<b>FRA</b>	0	0	0	2	2	60	6	0	61	0	0	0	0	0
<b>FTA</b>	0	3	0	8	22	36	2	0	0	0	0	0	0	0
<b>MARAD</b>	1	0	0	2	1	5	3	0	1	0	0	0	0	0
<b>NHTSA</b>	0	0	2	16	4	15	0	0	0	0	0	0	0	0
<b>OIG</b>	0	15	1	6	26	32	4	0	27	1	0	1	0	0
<b>OST</b>	1	0	2	41	19	41	1	0	9	0	0	0	0	0
<b>PHMSA</b>	0	0	1	6	3	4	0	0	0	0	0	0	0	0
<b>RITA</b>	0	0	0	10	1	0	0	0	0	0	0	0	0	0
<b>SLSDC</b>	0	0	0	0	1	2	0	0	0	0	0	0	0	0
<b>AGENCY OVERALL</b>	<b>2</b>	<b>141</b>	<b>149</b>	<b>319</b>	<b>614</b>	<b>1,583</b>	<b>99</b>	<b>2</b>	<b>442</b>	<b>114</b>	<b>11</b>	<b>1</b>	<b>0</b>	<b>0</b>

## VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

### A. Received, Processed and Pending Administrative Appeals

	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
FAA	* 67	89	80	76
FHWA	* 9	10	8	11
FMCSA	** 4	11	9	6
FRA	1	2	2	1
FTA	0	5	3	2
MARAD	0	5	5	0
NHTSA	1	7	7	1
OIG	0	8	7	1
OST	2	4	6	0
PHMSA	** 3	1	2	2
RITA	* 0	0	0	0
SLSDC	0	1	1	0
<b>Agency Overall</b>	<b>*** 87</b>	<b>143</b>	<b>130</b>	<b>100</b>

\* This number is slightly lower than reported in last year's annual report as pending at the end of FY 2007. The adjustment reflects appeals that were closed out in FY 2007, but not captured in the database until FY 2008.

\*\* This number is slightly higher than reported in last year's annual report as pending at the end of FY 2007. This difference is due to an error on the previous year's report that was not discovered until FY 2008.

\*\*\* This number is 4 lower than reported last year due to the reasons stated above.

B. *Disposition of Administrative Appeals – All Processed Appeals*

	<b>Number Affirmed on Appeal</b>	<b>Number Partially Affirmed &amp; Partially Reversed/ Remanded on Appeal</b>	<b>Number Completely Reversed/Remanded on Appeal</b>	<b>Number of Appeals Closed for Other Reasons</b>	<b>TOTAL</b>
<b>FAA</b>	22	5	2	51	80
<b>FHWA</b>	1	3	0	4	8
<b>FMCSA</b>	3	2	3	1	9
<b>FRA</b>	1	1	0	0	2
<b>FTA</b>	1	0	0	2	3
<b>MARAD</b>	4	1	0	0	5
<b>NHTSA</b>	5	2	0	0	7
<b>OIG</b>	3	4	0	0	7
<b>OST</b>	3	1	1	1	6
<b>PHMSA</b>	0	0	1	1	2
<b>RITA</b>	N/A	N/A	N/A	N/A	0
<b>SLSDC</b>	0	1	0	0	1
<b>Agency Overall</b>	<b>43</b>	<b>20</b>	<b>7</b>	<b>60</b>	<b>130</b>

C. (1) *Reasons for Denial on Appeal – Number of Times Exemptions Applied*

- Note: If an administrative appeal results in the denial of information based on exemptions and *also* based on a reason or reasons presented in Charts C (2) and C (3) below, that appeal is reported in all applicable charts.

	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
FAA	0	0	4	2	10	5	0	0	2	1	2	0	0	0
FHWA	0	0	0	0	2	1	0	0	0	0	0	0	0	0
FMCSA	0	0	1	0	0	5	0	0	2	1	0	0	0	0
FRA	0	0	0	0	0	0	1	0	0	0	0	0	0	0
FTA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MARAD	0	0	0	4	0	1	0	0	0	0	0	0	0	0
NHTSA	0	0	0	0	1	1	0	0	0	0	0	0	0	0
OIG	0	1	0	1	4	3	0	0	1	0	0	0	0	0
OST	0	0	1	1	0	1	0	0	1	1	0	0	0	0
PHMSA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RITA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SLSDC	0	0	0	1	1	0	0	0	0	0	0	0	0	0
<b>Agency Overall</b>	<b>0</b>	<b>1</b>	<b>6</b>	<b>9</b>	<b>18</b>	<b>17</b>	<b>1</b>	<b>0</b>	<b>6</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>

C. (2) *Reasons for Denial on Appeal – Reasons Other than Exemptions*

1. *Number of administrative appeals resulting in denial for reasons other than exemptions, as described in the eleven columns below*

	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
<b>FAA</b>	9	0	16	0	0	1	0	0	0	0	39
<b>FHWA</b>	1	0	3	0	0	0	0	0	0	0	0
<b>FMCSA</b>	0	0	1	0	0	0	0	0	0	0	0
<b>FRA</b>	2	0	0	0	0	0	0	0	0	0	0
<b>FTA</b>	1	0	1	0	0	0	0	0	0	0	1
<b>MARAD</b>	0	0	0	0	0	0	0	0	0	0	0
<b>NHTSA</b>	0	0	0	2	0	0	0	0	0	0	0
<b>OIG</b>	0	0	0	0	0	0	1	0	0	0	0
<b>OST</b>	3	0	1	0	0	0	0	0	0	0	0
<b>PHMSA</b>	0	0	0	0	0	0	0	0	0	0	2
<b>RITA</b>	0	0	0	0	0	0	0	0	0	0	0
<b>SLSDC</b>	0	0	0	0	0	0	0	0	0	0	0
<b>Agency Overall</b>	<b>16</b>	<b>0</b>	<b>22</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>42</b>



C. (3) *Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart*

1. *Descriptions of the “other” reasons and the number of times each reason was relied upon. (The numbers in the “Total” column must match the numbers in the “Other” column from Section VI, C (2).)*

<b>Description of “Other” Reasons for Denial on Appeal from Chart C(2) and Number of Times Those Reasons Were Relied Upon</b>		<b>TOTAL</b>
Not a FOIA Appeal	FAA – 1	1
Remanded to Region/Center/Org	FAA – 38	38
Initial request was for a final report that had not been finalized. At time of appeal, Final Report had become available and was provided to the requester.	FTA - 1	1
Moot – disclosure by initial office	PHMSA - 2	2

C. (4) *Response Time for Administrative Appeals*

1. *Median, average, and range in number of days to respond to administrative appeals*

	<b>Median Number of Days</b>	<b>Average Number of Days</b>	<b>Lowest Number of Days</b>	<b>Highest Number of Days</b>
<b>FAA</b>	39	409	<1	1,645
<b>FHWA</b>	237	350	19	751
<b>FMCSA</b>	141	208	26	690
<b>FRA</b>	94.5	94.5	87	102
<b>FTA</b>	N/A	38	26	49
<b>MARAD</b>	52	124	2	275
<b>NHTSA</b>	56	53	7	108
<b>OIG</b>	115	151	4	301
<b>OST</b>	75	259	15	1,062
<b>PHMSA</b>	304	304	300	307
<b>RITA</b>	N/A	N/A	N/A	N/A
<b>SLSDC</b>	44	44	44	44
<b>Agency Overall</b>	<b>62</b>	<b>323</b>	<b>&lt;1</b>	<b>1,645</b>

C. (5) *Ten Oldest Pending Administrative Appeals*

1. *Dates of receipt of the ten oldest pending administrative appeals, and the number of days pending*

	10 <sup>th</sup> Oldest Appeal	9 <sup>th</sup>	8 <sup>th</sup>	7 <sup>th</sup>	6 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>	3 <sup>rd</sup>	2 <sup>nd</sup>	Oldest Appeal
<b>FAA</b>	10/5/06 529 days	11/29/05 743 days	11/23/05 746 days	6/8/05 862 days	6/8/05 862 days	5/20/05 874 days	10/28/04 1,014 days	4/22/04 1,145 days	2/5/04 1,199 days	5/2/03 1,389 days
<b>FHWA</b>	9/18/08 8 days	9/15/08 11 days	8/14/08 32 days	7/18/08 51 days	4/23/08 111 days	4/2/08 126 days	7/19/07 302 days	4/20/07 364 days	3/8/07 395 days	2/1/07 419 days
<b>FMCSA</b>	N/A	N/A	N/A	N/A	9/3/08 19 days	8/19/08 29 days	8/8/08 36 days	8/8/08 36 days	4/25/08 109 days	4/4/08 124 days
<b>FRA</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/22/08 7 days
<b>FTA</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	4/1/08 164 days	11/16/07 255 days
<b>MARAD</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>NHTSA</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	6/20/08 61 days
<b>OIG</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	10/24/07 342 days
<b>OST</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>PHMSA</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	6/25/08 67 days	1/18/05 922 days
<b>RTA</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>SLSDC</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Agency Overall</b>	<b>11/29/05</b> <b>743 days</b>	<b>11/23/05</b> <b>746 days</b>	<b>6/8/05</b> <b>862 days</b>	<b>6/8/05</b> <b>862 days</b>	<b>5/20/05</b> <b>874 days</b>	<b>1/18/05</b> <b>922 days</b>	<b>10/28/04</b> <b>1,014 days</b>	<b>4/22/04</b> <b>1,145 days</b>	<b>2/5/04</b> <b>1,199 days</b>	<b>5/2/03</b> <b>1,389 days</b>

## VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

- Charts in Section VII include response times for only perfected requests. Counting days begins from the date of receipt of the perfected request.

### A. *Processed Requests – Response Time for All Processed Perfected Requests*

#### 1. *Median, average and range in number of days to process all perfected requests*

	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
FAA	6	27	<1	1,393	28	71	<1	1,060	19	111	<1	1,646
FHWA	13	28	<1	422	80	90	5	252	72	72	2	142
FMCSA	39	47	2	722	49	92	14	637	50	150	4	522
FRA	N/A	N/A	N/A	N/A	41	113	1	557	N/A	N/A	N/A	N/A
FTA	17	24	<1	282	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MARAD	21	160	1	805	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NHTSA	22	15	2	30	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OIG	261	247	<1	723	479	443	100	723	N/A	N/A	N/A	N/A
OST	8	46	<1	644	178	287	<1	1,531	2	2	2	2
PHMSA	78	205	<1	1,513	89	88	15	158	153	168	10	403
RITA	12	20	<1	79	160	160	160	160	N/A	N/A	N/A	N/A
SLSDC	14	25	7	155	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	<b>16</b>	<b>37</b>	<b>&lt;1</b>	<b>1,513</b>	<b>36</b>	<b>101</b>	<b>&lt;1</b>	<b>1,531</b>	<b>31</b>	<b>126</b>	<b>&lt;1</b>	<b>1,646</b>

B. *Processed Requests – Response Time for Perfected Requests in Which Information Was Granted*

1. *Median, average and range in number of days to process all perfected requests in which information was granted. (“Granted” refers to full grants and partial grants.)*

	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
FAA	9	24	<1	1,075	28	73	<1	1,060	13	21	<1	157
FHWA	15	27	<1	346	91	87	5	221	142	142	142	142
FMCSA	39	45	9	417	47	71	14	390	34	57	4	229
FRA	N/A	N/A	N/A	N/A	43	80	1	460	N/A	N/A	N/A	N/A
FTA	17	43	1	120	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MARAD	16	28	1	224	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NHTSA	23	19	6	45	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OIG	479	443	100	723	90	90	90	90	N/A	N/A	N/A	N/A
OST	67	156	6	462	141	231	<1	1,531	2	2	2	2
PHMSA	46	85	5	871	15	15	15	15	82	82	10	153
RITA	12	20	<1	79	160	160	160	160	N/A	N/A	N/A	N/A
SLSDC	14	28	7	155	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AGENCY OVERALL	<b>21</b>	<b>33</b>	<b>&lt;1</b>	<b>1,075</b>	<b>56</b>	<b>82</b>	<b>&lt;1</b>	<b>1,531</b>	<b>82</b>	<b>62</b>	<b>&lt;1</b>	<b>229</b>

C. *Processed Requests – Response Time in Day Increments*

*Simple Requests*

	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
FAA	4,347	450	97	45	20	24	14	6	11	6	30	16	94	5,160
FHWA	309	73	27	6	10	8	1	3	1	1	6	4	1	450
FMCSA	43	295	196	46	13	6	2	3	4	0	8	0	2	618
FRA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FTA	120	47	14	5	4	4	1	0	0	0	1	0	0	196
MARAD	64	15	6	4	2	0	6	0	1	1	6	3	25	133
NHTSA	149	40	1	0	0	0	0	0	0	0	0	0	0	190
OIG	24	3	2	0	2	0	0	1	0	2	8	9	19	70
OST	91	12	4	2	3	1	0	2	2	0	2	2	4	125
PHMSA	42	15	3	28	8	3	3	0	1	3	12	14	25	157
RITA	27	7	6	4	0	0	0	0	0	0	0	0	0	44
SLSDC	17	0	1	0	0	1	0	1	0	0	0	0	0	20
<b>AGENCY OVERALL</b>	<b>5,233</b>	<b>957</b>	<b>357</b>	<b>140</b>	<b>62</b>	<b>47</b>	<b>27</b>	<b>16</b>	<b>20</b>	<b>13</b>	<b>73</b>	<b>48</b>	<b>170</b>	<b>7,163</b>

*Complex Requests*

	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
<b>FAA</b>	699	633	196	96	56	37	30	34	18	16	81	32	75	2,003
<b>FHWA</b>	7	1	1	1	1	2	2	0	1	1	3	0	0	20
<b>FMCSA</b>	9	126	142	43	23	8	6	8	12	1	23	13	18	432
<b>FRA</b>	113	78	70	35	9	10	9	10	8	7	17	9	17	392
<b>FTA</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>MARAD</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>NHTSA</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>OIG</b>	0	0	2	1	1	0	0	1	0	1	4	6	8	24
<b>OST</b>	36	25	16	12	10	10	11	13	8	7	26	22	85	281
<b>PHMSA</b>	1	1	1	0	0	0	1	2	0	0	0	0	0	6
<b>RITA</b>	0	0	0	0	0	0	0	1	0	0	0	0	0	1
<b>SLSDC</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>AGENCY OVERALL</b>	<b>865</b>	<b>864</b>	<b>428</b>	<b>188</b>	<b>100</b>	<b>67</b>	<b>59</b>	<b>69</b>	<b>47</b>	<b>33</b>	<b>154</b>	<b>82</b>	<b>203</b>	<b>3,159</b>

*Requests Granted Expedited Processing*

	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
FAA	21	9	1	1	1	0	1	1	0	0	0	0	4	39
FHWA	1	0	0	0	0	0	0	1	0	0	0	0	0	2
FMCSA	7	7	3	1	3	2	0	0	0	1	2	0	6	32
FRA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FTA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MARAD	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NHTSA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OST	2	0	0	0	0	0	0	0	0	0	0	0	0	2
PHMSA	2	0	0	0	0	0	0	1	0	0	1	0	1	5
RITA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SLSDC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	33	16	4	2	4	2	1	3	0	1	3	0	11	80



D. Pending Requests – All Pending Perfected Requests

1. Number of perfected requests pending as of the end of the fiscal year, and the median and average number of days those requests had been pending. If an agency is unable to determine whether all of its pending requests are perfected, the agency must include all pending requests and include a footnote that it has done so.

	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
<b>FAA</b>	794	86	198	189	52	106	9	42	62
<b>FHWA</b>	42	44	81	5	264	220	1	577	577
<b>FMCSA</b>	66	20	55	102	24	52	2	32	32
<b>FRA</b>	0	N/A	N/A	129	34	152	0	N/A	N/A
<b>FTA</b>	26	22	51	0	N/A	N/A	0	N/A	N/A
<b>MARAD</b>	169	282	298	0	N/A	N/A	0	N/A	N/A
<b>NHTSA</b>	22	8	17	0	N/A	N/A	0	N/A	N/A
<b>OIG</b>	70	181	204	3	11	11	0	N/A	N/A
<b>OST</b>	7	336	284	57	172	244	1	486	486
<b>PHMSA</b>	45	106	292	1	226	226	0	N/A	N/A
<b>RITA</b>	3	56	49	0	N/A	N/A	0	N/A	N/A
<b>SLSDC</b>	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
<b>AGENCY OVERALL</b>	<b>1,244</b>	<b>21</b>	<b>197</b>	<b>486</b>	<b>32</b>	<b>124</b>	<b>13</b>	<b>259</b>	<b>129</b>

*E. Pending Requests – Ten Oldest Pending Perfected Requests*

1. *Dates of receipt of the ten oldest perfected requests pending as of the end of the fiscal year, and the number of days those requests had been pending*

	<b>10<sup>th</sup> Oldest Request and Number of Days Pending</b>	<b>9<sup>th</sup></b>	<b>8<sup>th</sup></b>	<b>7<sup>th</sup></b>	<b>6<sup>th</sup></b>	<b>5<sup>th</sup></b>	<b>4<sup>th</sup></b>	<b>3<sup>rd</sup></b>	<b>2<sup>nd</sup></b>	<b>Oldest Request and Number of Days Pending</b>
<b>FAA</b>	2/14/05 942 days	1/28/05 953 days	12/20/04 979 days	12/09/04 986 days	11/26/04 995 days	11/12/04 1,004 days	9/3/04 1,051 days	8/19/04 1,062 days	6/17/04 1,106 days	6/5/03 1,366 days
<b>FHWA</b>	2/27/08 151 days	1/3/08 188 days	12/7/07 205 days	11/16/07 219 days	10/29/07 232 days	9/12/07 264 days	8/28/07 274 days	8/16/07 282 days	7/10/07 309 days	6/14/06 577 days
<b>FMCSA</b>	12/31/07 190 days	12/13/07 201 days	12/5/07 207 days	11/26/07 214 days	11/26/07 214 days	11/19/07 218 days	10/31/07 230 days	10/19/07 238 days	10/10/07 245 days	9/27/07 253 days
<b>FRA</b>	4/17/07 367 days	4/6/07 374 days	4/2/07 378 days	3/20/07 387 days	3/9/07 394 days	3/5/07 379 days	2/28/07 382 days	2/22/07 386 days	1/23/07 405 days	1/16/07 409 days
<b>FTA</b>	N/A	N/A	9/14/08 18 days	8/28/08 22 days	8/4/08 40 days	7/14/08 55 days	5/1/08 105 days	4/21/08 113 days	3/12/08 141 days	2/4/08 167 days
<b>MARAD</b>	6/14/06 577 days	5/30/06 612 days	3/30/06 627 days	3/30/06 627 days	1/23/06 654 days	9/25/05 721 days	9/20/05 724 days	9/15/05 731 days	9/1/05 776 days	4/30/05 855 days
<b>NHTSA</b>	9/30/08 0 days	9/30/08 0 days	9/30/08 0 days	9/30/08 0 days	9/30/08 0 days	9/30/08 0 days	9/26/08 2 days	9/18/08 8 days	9/15/08 11 days	9/3/08 19 days
<b>OIG</b>	3/20/07 387 days	3/8/07 395 days	2/28/07 401 days	2/1/07 419 days	1/30/07 421 days	1/11/07 433 days	12/27/06 443 days	12/18/06 449 days	11/21/06 467 days	3/27/06 633 days
<b>OST</b>	1/17/07 430 days	1/11/07 433 days	12/14/06 451 days	11/28/06 463 days	11/7/06 476 days	10/24/06 486 days	8/15/06 534 days	6/26/06 569 days	2/15/06 660 days	2/3/06 668 days
<b>PHMSA</b>	2/28/08 150 days	2/1/08 168 days	11/6/07 227 days	9/19/07 259 days	9/17/07 261 days	8/3/07 291 days	5/25/07 339 days	3/31/07 392 days	10/1/06 502 days	1/18/05 931 days
<b>RITA</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9/13/08 17 days	9/3/08 27 days	8/27/08 34 days
<b>SLSDC</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Agency Overall</b>	<b>2/14/05</b> <b>942 days</b>	<b>1/28/05</b> <b>953 days</b>	<b>12/20/04</b> <b>979 days</b>	<b>12/09/04</b> <b>986 days</b>	<b>11/26/04</b> <b>995 days</b>	<b>11/12/04</b> <b>1,004 days</b>	<b>9/3/04</b> <b>1,051 days</b>	<b>8/19/04</b> <b>1,062 days</b>	<b>6/17/04</b> <b>1,106 days</b>	<b>6/5/03</b> <b>1,366 days</b>

## VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

- Provides information for adjudicated requests for expedited processing or adjudicated requests for a fee waiver, i.e., requests for expedited processing or requests for a fee waiver which were granted or denied. It does not include requests for expedited processing or requests for a fee waiver which became moot for various reasons and, as a result, were neither granted nor denied.

### A. *Requests for Expedited Processing*

1. Includes requests for expedited processing made both at the initial request level and, when applicable, at the administrative appeal level.
2. Calculating days: Count only the days spent adjudicating the request for expedited processing. Count calendar days, not working days.
3. Note: The response time portion of this new reporting requirement captures the time taken to decide whether to grant or deny a request for expedited processing. This does not cover the FOIA requests which have already been granted expedited status, placed in the “expedited processing” track, and reported elsewhere in this Report. Rather, this new requirement reflects the time taken to make a determination (i.e., adjudicate) whether a request for expedited processing should be granted or denied. The FOIA requires agencies to determine within ten calendar days whether a request satisfies the standards for expedited processing.

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
<b>FAA</b>	29	61	<1	2	86
<b>FHWA</b>	2	2	2	2	1
<b>FMCSA</b>	20	4	1	1	2
<b>FRA</b>	0	0	N/A	N/A	N/A
<b>FTA</b>	0	0	N/A	N/A	N/A
<b>MARAD</b>	0	1	270	270	0
<b>NHTSA</b>	0	0	N/A	N/A	N/A
<b>OIG</b>	0	0	N/A	N/A	N/A
<b>OST</b>	0	1	2	2	1
<b>PHMSA</b>	3	4	1	1	2
<b>RITA</b>	0	0	N/A	N/A	N/A
<b>SLSDC</b>	0	0	N/A	N/A	N/A
<b>AGENCY OVERALL</b>	<b>54</b>	<b>73</b>	<b>&lt;1</b>	<b>3.86</b>	<b>92</b>

B. *Requests for Fee Waiver*

1. Includes requests for a waiver of fees made both at the initial request level and, when applicable, at the administrative appeal level.
2. Calculating days: Count only the days spent adjudicating the fee waiver request. Count working days. Do not include additional days that may precede consideration of the fee waiver request, e.g., days the request waits in a processing queue, processing time which precedes commencement of adjudication of fee waiver request, etc.

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
<b>FAA</b>	40	10	<1	3
<b>FHWA</b>	0	0	N/A	N/A
<b>FMCSA</b>	0	0	N/A	N/A
<b>FRA</b>	0	0	N/A	N/A
<b>FTA</b>	0	0	N/A	N/A
<b>MARAD</b>	2	1	<1	90
<b>NHTSA</b>	0	4	1	1
<b>OIG</b>	0	0	N/A	N/A
<b>OST</b>	0	0	N/A	N/A
<b>PHMSA</b>	0	0	N/A	N/A
<b>RITA</b>	6	0	<1	<1
<b>SLSDC</b>	1	0	46	46
<b>AGENCY OVERALL</b>	<b>49</b>	<b>15</b>	<b>&lt;1</b>	<b>7</b>

## IX. FOIA PERSONNEL AND COSTS

- *Number of “Full-Time FOIA Staff” by adding the number of “Full-Time FOIA Employees” and the number of “Equivalent Full-Time FOIA Employees.” Also costs expended by the agency both for processing and litigating FOIA requests.*

	PERSONNEL			COSTS		
	Number of “Full-Time FOIA Employees”	Number of “Equivalent Full- Time FOIA Employees”	Total Number of “Full-Time FOIA Staff”	Processing Costs  (At initial request and appeal levels)	Litigation- Related Costs	Total Costs
<b>FAA</b>	17	32.44	49.44	\$5,431,396	\$21,665	\$5,453,061
<b>FHWA</b>	2	3.5	5.5	\$577,656	\$8,855	\$586,511
<b>FMCSA</b>	6	2	8	\$627,842	\$41,173	\$669,015
<b>FRA</b>	1	2.25	3.25	\$329,959	\$5,000	\$334,959
<b>FTA</b>	0	1.75	1.75	\$174,735	0	\$174,735
<b>MARAD</b>	1	1.5	2.5	\$279,507	0	\$279,507
<b>NHTSA</b>	2	1.01	3.01	\$387,372	\$22,040	\$409,412
<b>OIG</b>	1	1.40	2.40	\$227,430	0	\$227,430
<b>OST</b>	3	2.25	5.25	\$509,509	\$39,842	\$549,351
<b>PHMSA</b>	1	1	2	\$226,363	0	\$226,363
<b>RITA</b>	1	1.25	2.25	\$208,580	0	\$208,580
<b>SLSDC</b>	0	.18	.18	\$21,882	0	\$21,882
<b>AGENCY OVERALL</b>	<b>35</b>	<b>50.53</b>	<b>85.53</b>	<b>\$9,002,231</b>	<b>\$138,575</b>	<b>\$9,140,806</b>

## X. FEES COLLECTED FOR PROCESSING REQUESTS

- Dollar amount of fees collected from FOIA requesters for processing their requests. Also the percentage of total processing costs (from the “Processing Costs” column in the Section IX chart) that those fees represent.

	<b>Total Amount of Fees Collected</b>	<b>Percentage of Total Costs</b>
<b>FAA</b>	\$172,108	3%
<b>FHWA</b>	\$26,767	4%
<b>FMCSA</b>	\$17,133	2.5%
<b>FRA</b>	\$1,190	.03%
<b>FTA</b>	0	0
<b>MARAD</b>	\$1,586	.05%
<b>NHTSA</b>	\$2,375	.05%
<b>OIG</b>	0	0
<b>OST</b>	\$2,387	.04
<b>PHMSA</b>	\$4,470	1.9%
<b>RITA</b>	0	0
<b>SLSDC</b>	0	0
<b>AGENCY OVERALL</b>	<b>\$228,016.00</b>	<b>.06%</b>

## XI. FOIA REGULATIONS

[www.dot.gov/foia](http://www.dot.gov/foia)

## XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

### A. Backlogs of FOIA Requests and Administrative Appeals

1. Number of FOIA requests and administrative appeals that were pending beyond the statutory time period as of the end of the fiscal year. (Such requests and appeals are considered “backlogged.”)
2. Note: The statutory time period is ordinarily twenty working days from receipt of a perfected request, see 5 U.S.C. § 552(a)(6)(A)(i), but may be extended up to ten additional working days when “unusual circumstances” are present, see id. § 552(a)(6)(B)(i).

	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
<b>FAA</b>	884	67
<b>FHWA</b>	48	11
<b>FMCSA</b>	145	6
<b>FRA</b>	105	0
<b>FTA</b>	27	2
<b>MARAD</b>	170	0
<b>NHTSA</b>	22	1
<b>OIG</b>	72	1
<b>OST</b>	63	0
<b>PHMSA</b>	46	2
<b>RITA</b>	1	0
<b>SLSDC</b>	0	0
<b>AGENCY OVERALL</b>	<b>1,583</b>	<b>90</b>

B. *Consultations on FOIA Requests – Received, Processed, and Pending Consultations*

- The consultation portions of the Annual Report require information about consultations received from other agencies, not sent to other agencies.

1. *Number of consultations received from other agencies, those processed, and those pending as described in Columns 1 through 4.*

	<b>Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>Start</u> of the Fiscal Year</b>	<b>Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year</b>	<b>Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Your Agency During the Fiscal Year</b>	<b>Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>End</u> of the Fiscal Year</b>
<b>FAA</b>	0	0	0	0
<b>FHWA</b>	0	0	0	0
<b>FMCSA</b>	0	0	0	0
<b>FRA</b>	0	0	0	0
<b>FTA</b>	0	1	1	0
<b>MARAD</b>	0	0	0	0
<b>NHTSA</b>	0	0	0	0
<b>OIG</b>	0	0	0	0
<b>OST</b>	25	8	32	1
<b>PHMSA</b>	0	0	0	0
<b>RITA</b>	0	1	1	0
<b>SLSDC</b>	0	0	0	0
<b>AGENCY OVERALL</b>	<b>25</b>	<b>10</b>	<b>34</b>	<b>1</b>



C. *Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at DOT*

1. *Dates of receipt of the ten oldest consultations received from other agencies pending at DOT as of the end of the fiscal year.*

	<b>10<sup>th</sup> Oldest Consultation and Number of Days Pending</b>	<b>9<sup>th</sup></b>	<b>8<sup>th</sup></b>	<b>7<sup>th</sup></b>	<b>6<sup>th</sup></b>	<b>5<sup>th</sup></b>	<b>4<sup>th</sup></b>	<b>3<sup>rd</sup></b>	<b>2<sup>nd</sup></b>	<b>Oldest Consultation and Number of Days Pending</b>
<b>FAA</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>FHWA</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>FMCSA</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>FRA</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>FTA</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>MARAD</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>NHTSA</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>OIG</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>OST</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	8/28/07 272 days
<b>PHMSA</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>RITA</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>SLSDC</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Agency Overall</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<b>8/28/07</b> <b>272 days</b>

D. *Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged*

1. *Number of requests received and the number of requests processed during the fiscal year from last year’s Annual Report and the number of those received and processed during the fiscal year from the current Annual Report.*
2. *Numbers in Columns 1 and 2 must match the “Number of Requests Received in Fiscal Year” from Section V, A of the Annual Report from last year and from this year respectively. The numbers in Columns 3 and 4 must match the “Number of Requests Processed in Fiscal Year” from Section V, A of the Annual Report from last year and from this year respectively.*

	<b>NUMBER OF REQUESTS <u>RECEIVED</u></b>		<b>NUMBER OF REQUESTS <u>PROCESSED</u></b>	
	<b>Number Received During Fiscal Year from Last Year’s Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year’s Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
<b>FAA</b>	6,837	6,975	6,923	7,202
<b>FHWA</b>	318	469	306	472
<b>FMCSA</b>	1,142	998	1,033	1,082
<b>FRA</b>	485	418	450	392
<b>FTA</b>	102	212	104	197
<b>MARAD</b>	120	144	65	133
<b>NHTSA</b>	181	199	170	190
<b>OIG</b>	94	82	96	93
<b>OST</b>	255	276	293	408
<b>PHMSA</b>	84	120	27	168
<b>RITA</b>	57	46	56	45
<b>SLSDC</b>	20	19	19	20
<b>AGENCY OVERALL</b>	<b>9,695</b>	<b>9,958</b>	<b>9,542</b>	<b>10,402</b>

3. *Number of backlogged requests as of the end of the fiscal year from the previous Annual Report and the number of backlogged requests as of the end of the fiscal year from the current Annual Report.*

	<b>Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report *</b>	<b>Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report</b>
<b>FAA</b>	---	884
<b>FHWA</b>	--	48
<b>FMCSA</b>	--	145
<b>FRA</b>	--	105
<b>FTA</b>	--	27
<b>MARAD</b>	--	170
<b>NHTSA</b>	--	22
<b>OIG</b>	--	72
<b>OST</b>	--	63
<b>PHMSA</b>	--	46
<b>RITA</b>	--	1
<b>SLSDC</b>	--	0
<b>AGENCY OVERALL</b>	--	<b>1,583</b>

\* The Department was not collecting this information prior to FY 2008.

E. *Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged*

1. *Number of administrative appeals received and the number of administrative appeals processed during the fiscal year from last year’s Annual Report and the number of those received and processed during the fiscal year from the current Annual Report.*
2. *Numbers in Columns 1 and 2 must match the “Number of Administrative Appeals Received in Fiscal Year” from Section VI, A of the Annual Report from last year and from this year respectively. The numbers in Columns 3 and 4 must match the “Number of Administrative Appeals Processed in Fiscal Year” from Section VI, A of the Annual Report from last year and from this year respectively.*

Column 1	Column 2		Column 3		Column 4
	<b>NUMBER OF APPEALS <u>RECEIVED</u></b>		<b>NUMBER OF APPEALS <u>PROCESSED</u></b>		
	<b>Number Received During Fiscal Year from Last Year’s Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year’s Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>	
<b>FAA</b>	70	89	117	80	
<b>FHWA</b>	7	10	4	8	
<b>FMCSA</b>	7	11	7	9	
<b>FRA</b>	2	2	4	2	
<b>FTA</b>	4	5	4	3	
<b>MARAD</b>	7	5	7	5	
<b>NHTSA</b>	5	7	4	7	
<b>OIG</b>	5	8	5	7	
<b>OST</b>	4	4	6	6	
<b>PHMSA</b>	4	1	2	2	
<b>RITA</b>	1	0	0	0	
<b>SLSDC</b>	0	1	0	1	
<b>AGENCY OVERALL</b>	<b>116</b>	<b>143</b>	<b>160</b>	<b>130</b>	

3. *Number of backlogged administrative appeals as of the end of the fiscal year from the previous Annual Report and the number of backlogged administrative appeals as of the end of the fiscal year from the current Annual Report.*

	Column 1	Column 2
	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report *</b>	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report</b>
<b>FAA</b>	--	67
<b>FHWA</b>	--	11
<b>FMCSA</b>	--	6
<b>FRA</b>	--	0
<b>FTA</b>	--	2
<b>MARAD</b>	--	0
<b>NHTSA</b>	--	0
<b>OIG</b>	--	1
<b>OST</b>	--	0
<b>PHMSA</b>	--	2
<b>RITA</b>	--	0
<b>SLSDC</b>	--	0
<b>AGENCY OVERALL</b>		<b>89</b>

\* The Department was not collecting this data prior to FY 2008.

F. *Discussion of Other FOIA Activities (Optional)*

1. *Provide here any further information about the agency's efforts to improve FOIA administration.*

During FY 2008, the Department and its components made a significant collective effort to update and bring into compliance each component's electronic reading room. These updated electronic reading rooms can be accessed through the Department's main FOIA web page ([www.dot.gov/foia](http://www.dot.gov/foia)).