

# U.S. Department of Transportation



## Chief FOIA Officer Report

March 2024

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## 2024 Chief FOIA Officer Report

This fifteenth annual Chief FOIA Officer Report shows that the Department of Transportation (DOT or Department) continues its commitment to transparency and open government through its FOIA program. This report covers the period from March 2023 to March 2024. Statistical information included within this report is based on data from DOT's Fiscal Year 2023 statistical Annual FOIA report.

### Introduction

DOT's Chief FOIA Officer is responsible for providing high-level oversight and support to the Department's FOIA programs, and recommends 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 (the components). The DOT-wide FOIA Office receives weekly reports from the components, 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 Fiscal Year 2023:

DOT Component Acronym	DOT Component Name	Number of Requests Received in FY 2023
<b>FAA</b>	Federal Aviation Administration	8,770
<b>FHWA</b>	Federal Highway Administration	263
<b>FMCSA</b>	Federal Motor Carrier Safety Administration	5,918
<b>FRA</b>	Federal Railroad Administration	399
<b>FTA</b>	Federal Transit Administration	260
<b>GLS</b>	Great Lakes St. Lawrence Seaway Corporation	16
<b>MARAD</b>	Maritime Administration	142
<b>NHTSA</b>	National Highway Traffic Safety Administration	378
<b>DOT OIG</b>	Office of Inspector General	98
<b>OST</b>	Office of the Secretary of Transportation	639
<b>PHMSA</b>	Pipeline and Hazardous Materials Safety Administration	253

## **Overview of Fiscal Year 2023 Data**

During Fiscal Year 2023, DOT expended 117 staff-years of effort on its FOIA programs, which included the work of 63 full-time FOIA staff. The remaining 54 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, GLS, MARAD, NHTSA, DOT OIG, and PHMSA 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 release determinations. Even in these decentralized programs, there is an office at headquarters that oversees the implementation of the FOIA.

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

During Fiscal Year 2023, DOT received 17,136 requests, which is a 10 percent decrease from the previous fiscal year. In addition, DOT processed 16,462 FOIA requests during Fiscal Year 2023 compared with 18,958 processed in Fiscal Year 2022. The agency processed fewer requests during this past fiscal year due to increased complexity of incoming requests during Fiscal Year 2023. The DOT backlog of FOIA requests increased from 5,362 requests at the end of Fiscal Year 2022 to 5,913 requests at the end of Fiscal Year 2023.

### ***Section I: FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENNESS***

#### **Section I: FOIA Leadership and Applying the Presumption of Openness**

**The guiding principle underlying the Attorney General's 2022 FOIA Guidelines is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.**

## **A. Leadership Support for FOIA**

**1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at or above this level?**

Yes.

**2. Please provide the name and title of your agency's Chief FOIA Officer.**

DOT's Chief FOIA Officer is Judith S. Kaleta, Deputy General Counsel.

**3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?**

The U.S. Department of Transportation Strategic Plan FY 2022-2026 includes a focus on transparency. Under the Departmental Strategic Goal of Customer Service, OST is the lead agency to "Improve transparency and promote data sharing by increasing public access to data and data analysis and visualization tools."

In addition, DOT's Operating Administrations have taken many steps to incorporate FOIA into their core missions, for example:

- The FAA has built business plan targets around backlog reduction and closing its ten oldest perfected FOIA requests.
- FHWA incorporates FOIA into its Office of Administration (HAD) unit plan and risk assessment for each fiscal year.
- While FOIA is considered a core mission within all of the Operating Administrations, FMCSA has taken additional steps to strengthen the FOIA mission by incorporating more resources to actively reduce the backlog, improving technology to ensure seamless processing, and creating and updating Standard Operating Procedures (SOPs) for consistency and standardized processes, to reduce the learning curve for new employees and to facilitate increased productivity.
- Proactive disclosure is central to all of DOT's FOIA offices. For instance, FRA proactively discloses records that inform the public on its mission of safe, reliable, and efficient movement of people and goods. FRA's safety data website makes railroad safety information, including accidents and incidents, inventory, and highway-rail crossing data, readily available to the public.
- FOIA program status is reported weekly to MARAD leadership. Also, MARAD works to incorporate FOIA provisions into agreements with outside parties to assist in the understanding of FOIA and to facilitate the efficient release of requested records.
- DOT OIG's strategic plan identifies inconsistent implementation of policies and procedures as a risk to DOT OIG's ability to meet FOIA requirements. In addition, FOIA milestones have been incorporated into the organizational assessment, which is considered in the DOT OIG Office of Chief Counsel's performance assessment.

## **B. Presumption of Openness**

**4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?**

Yes.

**5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a Glomar response. If your agency tracks Glomar responses, please provide:**

**the number of times your agency issued a full or partial Glomar response (separate full and partial if possible);**

**the number of times a Glomar response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).**

The Department has not issued any Glomar responses during this reporting period.

**6. If your agency does not track the use of Glomar responses, are you planning to track this information in the future?**

N/A

**7. Optional -- If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.**

DOT considers each request with transparency in mind and may create documents for release if that serves both the interest of the requester and the Department. For example, DOT OIG received two requests seeking voluminous records that, if processed, would have been almost entirely withheld. DOT OIG determined that they could provide the requesters with more information, in line with the spirit of the FOIA, by creating records and aggregating data in a spreadsheet format. In DOT OIG's response to these requesters, they explained how DOT OIG collected the data, and what the data represented, so that the requesters could utilize the data as desired.

## ***Section II: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION***

**The Attorney General's 2022 FOIA Guidelines provide that "[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce." The Guidelines reinforce longstanding guidance to "work with FOIA requesters in a spirit of cooperation." The Attorney General also "urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency's FOIA administration" as part of ensuring fair and effective FOIA administration.**

### **A. FOIA Training**

**1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.**

DOT FOIA leadership consistently provides opportunities for agency personnel to receive FOIA training. DOT's FOIA Officer transmits all publicized training notifications from entities such as the Department of Justice, Office of Information Policy (DOJ OIP), the Office of Government Information Services (OGIS), and the American Society of Access Professionals (ASAP) to the component FOIA officers. The component FOIA Officers ensure FOIA personnel are aware of these training opportunities and encourage all to attend. Also, the DOT FOIA Officer announces future training opportunities at the Monthly DOT FOIA

Meeting, which is open to all agency FOIA personnel to attend. Substantive FOIA training is conducted at these monthly meetings as well.

DOT's Operating Administrations have also instituted training programs that cater to each office's specific needs. For example:

- The FAA FOIA Program Management Division reminds the FAA FOIA Coordinator Practitioner Community that face-to-face training is available from the FAA FOIA Program Management Division, the FAA Office of Chief Counsel, and the DOJ. The FAA FOIA Program Management Division, in coordination with the FAA Office of Chief Counsel, publishes a training calendar at the beginning of each fiscal year. Training sessions, covering various FOIA topics, are held each month.
- FHWA maintains a five-module Virtual Learning Plan consisting of written training material and recorded videos on the agency's SharePoint page in addition to an internal FOIA site with guides, checklists and sample response letter and templates for a variety of FOIA scenarios.
- FRA regularly conducts training for agency personnel on the FOIA exemptions and how to conduct effective record searches. FRA also conducts training at orientation sessions and has introductory and advanced FOIA training online for agency personnel available on DOT Learns.
- All DOT OIG new hires are instructed on their responsibilities as federal employees under FOIA as part of a week-long new hire orientation. The entire DOT OIG FOIA team, including attorneys not usually assigned to FOIA, was trained on FOIAXpress and received formal internal training on FOIA process and requirements. In addition, DOT OIG FOIA team members attended scheduled external trainings with DOJ OIP and the American Society of Access Professionals.

**2. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?**

Yes.

**3. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.**

Agency personnel attended DOJ Online training sessions on topics including: Virtual Introduction to the Freedom of Information Act, Virtual Procedural Requirements and Fees Workshop, OIP Annual FOIA Report Training, OIP Sunshine week training, OIP Virtual Exemption 4 and 5 Workshop, OIP Virtual Privacy Considerations Workshop, OIP Virtual Continuing FOIA Education Training, and Advanced Litigation Considerations.

DOT FOIA personnel also attended the ASAP National Training Conference in New Orleans, LA.

DOT FOIA Professionals also conducted in-house FOIA training sessions throughout the year.

During this period, the DOT/OST FOIA Officer continued holding bimonthly FOIAXpress training sessions for the Department. These training sessions focused on both administrative and operational functions of the program to assist agency personnel in their usage of the system. The DOT Learning Management System also contains the following three FOIA training modules available to all DOT personnel: The Freedom of Information Act, The Freedom of Information Act (FOIA) for Federal Employees, and the Freedom of Information Act (FOIA) for FOIA Professionals.

In addition, DOT OIG staff with FOIA responsibilities, including the FOIA Public Liaison, attended DOT OIG internal FOIA training led by the Deputy Chief Counsel, FOIA Officer, and Government Information Specialist.

**4. Please provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.**

95 percent.

**5. OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.**

N/A

**6. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency’s FOIA resources, obligations and expectations during the FOIA process?**

A FOIA representative briefs all incoming DOT employees on their responsibilities under FOIA at the biweekly DOT New Employee Orientation. In addition, all DOT components conduct, as appropriate, one-on-one discussions with record holders on their obligations to furnish information under FOIA. Also, DOT provides a separate briefing to all new political appointees to ensure they are aware of their responsibilities under FOIA.

DOT components have instituted many of their own programs to work with non-FOIA professionals within DOT. For example, the DOT offers a self-paced, self-assigned FOIA and Privacy Act training course to all employees through the agency’s electronic learning management system.

FOIA training opportunities are advertised in the FAA’s Daily Broadcast, which is distributed to all FAA employees. The training is open to all FAA employees, including contract support staff. In addition, the FAA offers a self-paced, self-assigned FOIA and Privacy Act training course to all employees through the Agency’s electronic learning management system.

FHWA’s FOIA Officer is a member of the Extended Leadership Team (ELT), meeting monthly, and Administration Leadership Advisory Group (ALAG), meeting quarterly, and provides regular briefings on the administration of FHWA’s FOIA program.

FMCSA’s FOIA staff collaborates with other program offices when processing requests when the FOIA office does not have access to the records. This includes educating the program offices on FOIA regulations, redactions, and internal agency processes.

FRA FOIA staff frequently advise employees on record search methodologies and the proper use of search terms. Also, FRA FOIA staff conducted multiple trainings for employees and contractors on the FOIA, FOIA exemptions, and the role record holders play in complying with the requirements of the FOIA.

FTA performs FOIA training for employees on an as-needed basis. It is usually one-on-one or for small groups as new employees onboard or as employees new to conducting FOIA searches are identified.

The DOT/MARAD FOIA process is explained to senior MARAD leadership and other new employees during onboarding and close coordination is provided to personnel during the processing of individual requests.

Standard operating procedures require NHTSA FOIA professionals to regularly engage with the non-FOIA professionals at NHTSA. For each FOIA request, potential custodians are provided with a notice that lists their FOIA obligations. FOIA professionals also interact on a daily basis with potential records custodian.

All DOT OIG new hires are instructed on their responsibilities as federal employees under FOIA as part of a week-long new hire orientation. DOT OIG FOIA staff also periodically brief the Deputy Inspector General (DIG) on the state of DOT OIG's FOIA program and provide written updates to other senior executives.

PHMSA FOIA Update training is provided to all attorneys in the PHMSA Office of Chief Counsel, and individual training is offered to new staff upon arrival. During the year, the FOIA Attorney/Government Information Specialist offers refresher training to any personnel when requested.

## **B. Outreach**

**7. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue and, if applicable, any specific examples.**

Yes, all DOT component FOIA Offices are encouraged to reach out to the requesters in order to clarify and better respond to requests. FOIA professionals are encouraged to do this for broad requests for voluminous records to assist the requester in crafting a request that could be processed in the "Simple" queue for faster processing times.

If a request is too broad or not clear, the Operating Administration FOIA Officers are encouraged to reach out to the requester during the intake process to better understand what the requester is seeking. The FOIA Officer will attempt to narrow the scope of the request or gain better clarity, so the FOIA analyst is clear about what is being requested. Furthermore, at any time the requester has follow-up questions, they are provided the contact information of the analyst handling their request. The analyst will also reach out to the requester to better assist with the processing of their request.

In addition, the FOIA Public Liaison for each Operating Administration is available to explain the status of requests and assist in narrowing the scope of requests when this would result in getting the response to the requester more quickly.

**8. Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? Please describe any such outreach or dialogue and, if applicable, any specific examples of how this dialogue has led to improvements in your agency's FOIA administration.**



As co-chair of the Chief FOIA Officers Council Committee on Cross-Agency Collaboration and Innovation (COCACI), the DOT/OST FOIA Officer spoke at both widely attended Chief FOIA Officers Committee meetings in 2023, which were attended by members of the public. He updated the FOIA community at-large on the Committee's progress on promoting initiatives for clear career trajectories for FOIA professionals (Government Information Specialist Job Series), taking lessons learned from the pandemic to transform FOIA Offices to thrive in a virtual environment, and providing FOIA Offices with information on accessing FOIA resources. The DOT/OST FOIA Officer also led several sessions at the ASAP National Training Conference where both the FOIA requester community and FOIA processing professionals meet to discuss current FOIA issues.

The FMCSA FOIA team worked with frequent requesters to establish a better process for delivering records through FMCSA's Secure Large File Transfer Solution. If records are not downloaded within 30 days, they will expire, and the records would have to be sent out again. This took away time from processing current requests. FMCSA's communication and collaboration have helped decrease the need to resend records multiple times.

**9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during Fiscal Year 2023 (please provide a total number or an estimate of the number for the agency overall).**

DOT FOIA Public Liaisons were contacted approximately 115 times during Fiscal Year 2023.

### **C. Other Initiatives**

**10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.**

In response to its incoming number of requests doubling since Fiscal Year 2016, the OST FOIA Office hired two additional Government Information Specialists to begin work in Fiscal Year 2023 to help lower the office backlog. The additional personnel helped the OST FOIA Office process over 20 percent more FOIA requests in Fiscal Year 2023 than in Fiscal Year 2022. The OST FOIA Office is also looking to utilize additional personnel from the Office of the General Counsel in a part-time capacity to help with FOIA processing.

The FAA utilized a contract vehicle which allows for individual program offices to take out task orders for office-specific FOIA processing support services.

During this reporting period, FHWA added one full-time employee in the Government Information Specialist series to the FOIA Program Office. The FHWA FOIA Program continues to utilize innovative ways to grow its team of FOIA professionals, including through a current advertisement through the Pathways Program that FHWA expects to fill by early March 2024.

FMCSA participated in an audit of the FOIA program that provided feedback as it pertained to personnel resources needed to respond to current and anticipated FOIA demands. Since then, the FMCSA FOIA Office has restructured and increased its FTEs from 8 to 13.

Due to increased agency responsibilities and programs, FRA experienced a significant increase in FOIA requests last year. FRA will monitor this increase in the coming year and its ongoing FOIA related

personnel capabilities to ensure FRA remains positioned to keep its backlog at a minimum and can respond to anticipated needs.

NHTSA continues to monitor the allocation of FOIA resources to ensure that it has sufficient contract staff to assist with current and anticipated FOIA demands.

To eliminate its backlog, DOT OIG has increased the number of attorneys assigned to assist in reviewing FOIA requests. In addition, DOT OIG intends to put out a Pathways internship announcement for additional FOIA support in Fiscal Year 2024 and is also considering contract support.

PHMSA has evaluated and spoken to senior agency leadership about its resources relative to current and future FOIA demands. In response, PHMSA is currently in the process of hiring an additional Government Information Specialist.

**11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.**

All DOT's components used the FOIAXpress system to track the processing of FOIA requests. The system allows users to generate a multitude of reports to assist with statistical analysis. The Operating Administrations generated reports to track incoming requests, closed requests, requests assigned to different analysts, status of search taskers, and consultations to other agencies. Besides simply tracking basic numbers of incoming and processed requests, these reports provided a snapshot of DOT's FOIA process as to where any bottlenecks may be located and which areas of the FOIA process could be improved.

**12. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.**

For complex or nonroutine requests, DOT OIG has begun to provide more context and information in its initial determination letter beyond what is required by DOT's FOIA regulations. As appropriate, DOT OIG describes its search process, categories of material withheld, and specific reasons for withholding decisions. DOT OIG has anecdotally found that by explaining its decision and reasoning with additional specificity that requesters are less likely to appeal initial decisions.

### ***Section III: Proactive Disclosures***

**The Attorney General's 2022 FOIA Guidelines emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and systematically in advance of any public request" and reiterate that agencies should post records "in the most useful, searchable, and open formats possible."**

**1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.**

Each Operating Administration has processes in place to identify, track, and post proactive disclosures. Agency FOIA offices primarily use data from the FOIAXpress tracking system to alert personnel when records have been requested at least three times. Each DOT FOIA office then follows its own guidelines for the internal review process and how frequently it posts proactive disclosures to its Electronic Reading

Room. Many offices create reports using FOIAXpress data to track multiple submissions and significant document releases which are to be considered for proactive disclosure. The Operating Administration FOIA Officer then makes the final call to determine which records meet the criteria for proactive disclosure.

**2. How long after identifying a record for proactive disclosure does it take your agency to post it?**

The time to post records for proactive disclosure varies among the DOT Operating Administrations, as each component maintains its own FOIA Requester Service Center. The time to post this information ranges from an average of one day to a couple weeks depending on the office.

**3. Does your agency post logs of its FOIA requests?**

Yes.

**If so, what information is contained in the logs?**

The information provided in the FOIA logs varies among the DOT Operating Administrations, as each component maintains its own Electronic Reading Room. The information provided ranges from Request ID, Received Date, Requester/Organization, Request Description to Request ID, Request Status, Received Date, Requester/Organization, Request Description, Closed Date and Exemption Cited.

**Are they posted in CSV format? If not, what format are they posted in?**

The majority of DOT Operating Administrations post the FOIA logs in PDF format, with two offices posting the FOIA logs in CSV/XLS format.

During Fiscal Year 2024, DOT will work to standardize FOIA log postings within the Department.

**4. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.**

- 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](#), OST has posted current news, speeches, and links to multimedia pages.
- The OST FOIA Office posted resources such as the [Annual FOIA Reports to Congress](#), [Quarterly FOIA Reports](#), and [Chief FOIA Officer Reports](#) on its FOIA website.
- OST recently started proactively posting the Secretary's past public schedule: [Past Public Schedule of U.S. Secretary of Transportation | US Department of Transportation](#)
- The following FAA records can be accessed at this link: [https://www.faa.gov/foia/electronic\\_reading\\_room/](https://www.faa.gov/foia/electronic_reading_room/):

- Air Traffic Controller Workforce
  - [Air Traffic Controller Workforce Plan](#)
  - [Last Chance Decisions](#)
  - [Overtime Hours & Costs](#)
  - [Hotline Complaints Summary, January 2022-July 2023](#)
- [Aircraft usage for FAA aircraft N1, N2, and N3 from 1-20-21 to 12-13-22 | Federal Aviation Administration Freedom of Information Act \(FOIA\) Logs | Federal Aviation Administration \(faa.gov\)](#)
- Minority Serving Institutions
  - [Internship Program Overview and Demographic Analysis 2023](#)
  - [Minority Serving Institutions Internship Response to U.S. House of Representatives Report 117-99 \(2022\)](#)
  - [Demographic Data Analysis 2021-2022](#)
  - [Summer Internship Program 2020](#)
- [FAA Purchase Card Holders | Federal Aviation Administration Stale-dated & Uncashed Checks | Federal Aviation Administration \(faa.gov\)](#)
- Unmanned Aerial System (UAS) & Small Unmanned Aerial System (sUAS)
  - [Geographic Listing of Hobbyist & Non-hobbyist Small Unmanned Aircraft Systems \(sUAS\) Registry Enrollments & Registrants](#)
  - [Reported Encounters with Unmanned Aircraft Systems \(UAS\)](#)
  - [Unmanned Aircraft Systems \(UAS\) Facility Maps](#)
  - [Unmanned Aircraft Systems \(UAS\) Remote ID Data Exchange Cohort](#)
  - [Unmanned Aircraft System \(UAS\) Waivers](#)
    - [Recommended Functions](#)
- FHWA proactively publishes its fiscal year FOIA Logs and list of Small Purchase Credit Card holders at <https://www.fhwa.dot.gov/foia/cclist.cfm>
- FMCSA publishes the Electronic Field Operations Training Manual (eFOTM) that was developed for providing 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 regularly publishing this in the electronic reading room. The latest version was published this year. [Electronic Field Operations Training Manual Appendices \(eFOTM, version 7.0.8\) Part 2 | FMCSA \(dot.gov\)](#)
- FRA publishes railroad safety information including accidents and incidents, inventory and highway-rail crossing data. Site users can run dynamic queries, download a variety of safety database files, publications and forms, and view current statistical information on railroad safety. <https://safetydata.fra.dot.gov/offivceofsafety/default.aspx>.
- Particular items published by FRA include:
  - East Palestine Derailment <https://railroads.dot.gov/about-fra/resource-center/freedom-information-act/electronic-reading-room>
  - Safety Advisories: [https://railroads.dot.gov/elibrary-search?f%5B%5D=document\\_series%3A14976](https://railroads.dot.gov/elibrary-search?f%5B%5D=document_series%3A14976)
  - Compliance Manuals: [https://railroads.dot.gov/elibrary-search?f%5B%5D=document\\_series%3A14801](https://railroads.dot.gov/elibrary-search?f%5B%5D=document_series%3A14801)
  - Technical Bulletins: [https://railroads.dot.gov/elibrary-search?f%5B%5D=document\\_series%3A14821](https://railroads.dot.gov/elibrary-search?f%5B%5D=document_series%3A14821)
  - FRA FY 2020 FOIA Log: <https://railroads.dot.gov/elibrary/foia-log-fy-2020>
  - Accident Investigations: [https://railroads.dot.gov/elibrary-search?f%5B%5D=document\\_series%3A14786](https://railroads.dot.gov/elibrary-search?f%5B%5D=document_series%3A14786)
  - Enforcement and Litigation Information: [https://railroads.dot.gov/elibrary-search?f%5B%5D=document\\_series%3A14746](https://railroads.dot.gov/elibrary-search?f%5B%5D=document_series%3A14746)

- Current Environmental Reviews: <https://railroads.dot.gov/environment/current-environmental-reviews/current-environmental-reviews>
  - Completed Environmental Reviews: <https://railroads.dot.gov/environment/completed-environmental-reviews/completed-environmental-reviews>
  - General reports and other FRA information not mentioned above: <https://railroads.dot.gov/elibrary-search>
- MARAD publishes successful PIDP Grant Applications ([https://www.maritime.dot.gov/about-us/foia/electronic-reading-room?title=&field\\_topic\\_target\\_id=All&field\\_subject\\_target\\_id=1286](https://www.maritime.dot.gov/about-us/foia/electronic-reading-room?title=&field_topic_target_id=All&field_subject_target_id=1286)) and FOIA Logs ([https://www.maritime.dot.gov/about-us/foia/electronic-reading-room?title=foia&field\\_topic\\_target\\_id=1091&field\\_subject\\_target\\_id=All](https://www.maritime.dot.gov/about-us/foia/electronic-reading-room?title=foia&field_topic_target_id=1091&field_subject_target_id=All))
  - All DOT OIG audit reports and Congressional correspondence are presumed appropriate for release and are proactively disclosed on the DOT OIG website [Home | DOT OIG](#), unless the report contains controlled unclassified information (CUI) or exempt information. In addition, DOT OIG posts final audit reports and associated audit recommendations to Oversight.gov (<https://www.oversight.gov/>), a website operated and maintained by the Council of the Inspectors General on Integrity and Efficiency (CIGIE) that houses reports from multiple Federal Inspectors General offices. Investigative records are considered for release, depending upon the subject matter of the investigation and whether there is substantial public interest in the information.
  - PHMSA has proactively posted all records requested at least three or more times in the Electronic Reading Room. <https://www.phmsa.dot.gov/foia/phmsa-electronic-reading-room>

**5. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency’s website?**

Yes.

**6. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.**

OST posts its FOIA Logs, Congressional Correspondence Logs, and Purchase Card Holder Information in Excel/ comma-separated values (CSV) format in the OST Electronic Reading Room to provide easier access to the data.

FHWA takes steps to post information in multiple formats when possible, such as Excel/CSV and PDF, including ensuring posted material is 508 (c) compliant when applicable. In addition, FHWA maintains several Data Dashboards on public webpages that allow viewers to organize and display the data for their particular needs.

FRA has redesigned its website and portions containing publicly accessible information, including the FOIA page, making it easier for the public to access agency information.

NHTSA has made its safety ratings and safety issues (recalls, investigations, consumer complaints and manufacturer communications) information, which is published to [www.nhtsa.gov](http://www.nhtsa.gov), more user-friendly

through increased search capability such as by Vehicle Identification Number (VIN), Make, Model & Model year. A new date range search feature for recalls and investigations is another important feature.

DOT OIG's Office of Auditing and Evaluation makes recommendations to DOT and certain independent transportation entities to correct deficiencies and encourage improvements in the safety, economy, efficiency, and management of their programs and operations. The office's audit report findings and conclusions explain the basis for the specific corrective actions recommended. The "Recommendation Dashboard" on DOT OIG's website (<https://www.oig.dot.gov/recommendation-dashboard>) provides detailed information about the current status of DOT OIG recommendations. The Recommendation Dashboard is updated on a weekly basis, and since 2016, the information has been downloadable into a CSV file for use by reporters, researchers, public interest groups, Congressional staff, OMB, and others. DOT OIG's website also includes a Recommendation Dashboard Page (<https://www.oig.dot.gov/recommendation-dashboard-charts>), which allows the public to view, compare, and parse recommendation data through interactive visualizations.

**7. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.**

The OST FOIA Office works with several outside offices in the proactive disclosure process. First, the office coordinates with OST program offices to learn when material is posted outside the FOIA process that may benefit requesters. For example, the Office of Aviation Consumer Protection regularly posts information of benefit to airline customers on its Airline Customer Service Dashboard ([Airline Customer Service Dashboard | US Department of Transportation](#)). In addition, the OST FOIA Office works with the Office of the Chief Information Officer to post records in the Electronic Reading Room.

The FAA operates a decentralized FOIA program. As such, individual program offices receive FOIA requests for processing from the FAA's FOIA Program Management; each program office is responsible for processing the requests and responding directly to the requestor. As FOIA Coordinators within the individual program offices become aware that records are being requested multiple times or if current events of public interest may spark an influx of FOIA requests, they contact the FAA FOIA Program Management Division to arrange for the records to be posted to the FOIA Library. In addition, the FAA's FOIA Program Management Division works with the FAA Office of Communications and Chief Counsel to proactively disclose records that are the subject of press releases and/or civil penalties/settlement agreements to coincide with the press announcements.

FRA Information posted in the Electronic Reading Room is coordinated through the Public Affairs office and must be posted by the webmaster for the FRA web page.

The DOT OIG FOIA team collaborates with the DOT OIG Government and Public Affairs team and the audit and investigative lines of business to post proactive disclosures on the DOT OIG website.

PHMSA collaborates with the programs to ensure no records are released that would affect the outcome of any ongoing investigation or legal proceedings. All postings in the Frequently Requested Records section are provided to the Webmaster in the IT department and posted.

**8. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.**

N/A

#### *Section IV: Steps Taken To Greater Utilize Technology*

**A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's 2022 FOIA Guidelines emphasize the importance of making FOIA websites easily navigable and complying with the FOIA.gov interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.**

**1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?**

Yes.

**2. Please briefly describe any new types of technology your agency uses to support your FOIA program.**

During the period covered by this report, DOT achieved interoperability between the final two Operating Administrations and FOIA.gov.

**3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.**

All of DOT's Operating Administrations were able to use the FOIAXpress Electronic Document Review (EDR) function to deduplicate large volumes of records. The EDR also identifies the representative document from sets of contained e-mail chains among the reviewed records. These functions saved many hours of review time when reviewing large sets of documents. Finally, the system possesses a "Find and Redact" feature that allows users to search responsive records for keywords or specific types of information such as phone numbers or Social Security Numbers.

The OST FOIA Office used the eDiscovery function in Office 365 to conduct e-mail searches for certain requests. Conducting these centralized e-mail searches saves the time of individual custodians to conduct the search. In addition, a centralized search allowed the FOIA Office to document the criteria used during the search.

**4. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?**

Yes.

**5. Did all four of your agency's quarterly reports for Fiscal Year 2023 appear on FOIA.gov?**

Yes.

**6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2024.**

N/A

**7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2022 Annual FOIA Report and, if available, for your agency's Fiscal Year 2023 Annual FOIA Report.**

Fiscal Year 2022 Annual FOIA Report Raw Data:

<https://www.transportation.gov/resources/individuals/foia/2022-annual-foia-report-congress-raw-data>

**8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?**

Yes.

**9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.**

N/A

***Section V: Steps Taken To Remove Barriers To Access, Improve Timeliness In Responding to Requests, And Reduce Backlogs***

The Attorney General's 2022 FOIA Guidelines instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

**A. Remove Barriers to Access**

**1. Has your agency established alternative means of access to first-party requested records, outside of the typical FOIA or Privacy Act process?**

Yes.

**2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.**

The FAA receives numerous requests for airmen medical records and certificates. Processing these types of requests is routine, as the records are collected from a specific system of record. Airmen can request copies of their complete airman's file by mailing a specific request form to the FAA or by submitting a written request stating their name, date of birth, and social security number or certificate number.



MARAD has a separate process for USMMA cadets to request their records without going through the FOIA process.

**3. Please describe any other steps your agency has taken to remove barriers to accessing government information.**

Whenever possible, the agency makes records Section 508 compliant and proactively posts records in the Electronic Reading Room.

**B. Timeliness**

**4. For Fiscal Year 2023, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2023 Annual FOIA Report.**

12.2 days.

**5. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2023 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

DOT reduced the average number of days to adjudicate requests for expedited processing from over 31 days in Fiscal Year 2022 to just over 12 days in Fiscal Year 2023. DOT will apply lessons learned from this effort to reduce the average number of days to within ten calendar days or less. At the January 2024 DOT Monthly FOIA Meeting, this issue was briefed for the departmental FOIA Officers. In addition, OST sent an e-mail reminding the FOIA Officers of the importance of adjudicating expedited processing requests within 10 calendar days or less and will check in intermittently to assess progress.

**6. Does your agency utilize a separate track for simple requests?**

Yes.

**7. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2023?**

No.

**8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?**

No.

**9. Please provide the percentage of requests processed by your agency in Fiscal Year 2023 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.**

87 percent.

**10. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?**

N/A

### **C. Backlogs**

#### **Backlogged Requests**

**11. If your agency had a backlog of requests at the close of Fiscal Year 2023, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2022?**

No, the backlog at the conclusion of Fiscal Year 2023 did not decrease compared to Fiscal Year 2022.

**12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2023 than it did during Fiscal Year 2022?**

No, the agency did not process more requests during Fiscal Year 2023 than it did in Fiscal Year 2022.

**13. If your agency's request backlog increased during Fiscal Year 2023, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:**

**An increase in the number of incoming requests**

**A loss of staff**

**An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)**

### **Litigation**

**Any other reasons – please briefly describe or provide examples when possible**

The agency's backlog increased primarily due to an increase in the complexity of the requests received. During Fiscal Year 2023, there were several transportation-related stories that made national news. OST, FAA, FRA, and PHMSA received numerous complex requests for information regarding these stories. In addition, FAA received several complex requests for records spanning several years and that were maintained by multiple offices across FAA.

**14. If you had a request backlog, please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2023. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."**

34.5 percent.

### **Backlogged Appeals**

**15. If your agency had a backlog of appeals at the close of Fiscal Year 2023, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2022?**

No.

**16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2023 than it did during Fiscal Year 2022?**

Yes.

**17. If your agency's appeal backlog increased during Fiscal Year 2023, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:**

**An increase in the number of incoming appeals**

**A loss of staff**

**An increase in the complexity of the requests received (if possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase)**

### **Litigation**

**Any other reasons – please briefly describe or provide examples when possible**

The Department saw an increase in the complexity of appeals received. For example, the FAA continued to receive many appeals involving the production of records from multiple program offices, with some requests being assigned to as many as five different program offices for processing and response. In addition, the OST FOIA Office received several appeals requiring outside consultation with other federal agencies prior to DOT's appellate determination.

**18. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2023. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2023 and/or has no appeal backlog, please answer with "N/A."**

293.6 percent.

### **D. Backlog Reduction Plans**

**19. In the 2023 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2022 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2023?**

Yes, the four components with backlogs implemented plans to reduce backlogs.

OST implemented a plan to reduce its backlog by bringing on two new FOIA analysts to process incoming requests and thus freeing up an experienced analyst to focus efforts on specifically processing requests in the backlog. While this did not reduce the OST FOIA Office's backlog, the OST FOIA Office processed 557 FOIA requests in Fiscal Year 2023, which is a 23 percent increase over the 452 requests processed in Fiscal Year 2022.

The FAA previously established coordinated business plan targets, shared with those program offices contributing to the backlog. This added a level of awareness both at the processing level and at the organizational leadership level.

FMCSA realigned its FOIA Office and increased full time employees (FTE). The Office of Information Services that oversees the FOIA program is a temporary stand-alone division in the Office of Administrations, and the staff has grown from 8 to 13 FTEs. With the new hires, training has been a priority.

PHMSA focused its efforts on the ten oldest backlog lists and proactive disclosures. PHMSA is also hiring an additional Government Information Specialist to help lower the backlog.

**20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2023, please explain your agency's plan to reduce this backlog during Fiscal Year 2024.**

The Department will focus on better use of technology to reduce its overall backlog during Fiscal Year 2024. DOT will take better advantage of technology currently available to the Operating Administrations by using the capabilities of the FOIAXpress system to receive and respond to requests through a Public Access Link, increase use of deduplication capabilities, and better use of automated records reviews using "Find and Redact" functions.

The OST FOIA Office will spearhead the increased use of technology in the Department's FOIA operations by conducting training sessions on using existing technology and encouraging its use in the Operating Administrations. Also, OST will focus more on automated document searches to process clusters of backlogged requests for similar subjects.

The FAA will continue its practice of using the coordinated business plan targets with those program offices contributing to the backlog.

In Fiscal Year 2024, the FMCSA FOIA office will be fully staffed and expects an increase in production.

**E. Reducing the Age of Requests, Appeals, and Consultations**

**Ten Oldest Requests**

**21. In Fiscal Year 2023, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2022 Annual FOIA Report?**

Yes.

**22. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2022 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.**

N/A

**23. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.**

The OST FOIA Office has assigned an analyst whose primary duty is to communicate with requesters, review, and close the oldest requests within OST's backlog.

Internal to the FMCSA FOIA Division, annual goals were set to reduce the number of older requests, specifically those received in Fiscal Year 2019 and 2020. These pending requests have been reduced by 29 percent and 74 percent respectively.

**Ten Oldest Appeals**

**24. In Fiscal Year 2023, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2022 Annual FOIA Report?**

No.

**25. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2022 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.**

None of the ten oldest appeals in the agency's backlog were closed.

**26. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.**

N/A

**Ten Oldest Consultations**

**27. In Fiscal Year 2023, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2022 Annual FOIA Report?**

No.

**28. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2022 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.**

DOT closed one of the ten oldest consultations in the agency's backlog.

## **Additional Information Regarding Ten Oldest**

**29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2024.**

The FAA, which owned DOT’s ten oldest requests, appeals, and consultations, closed all of its ten oldest requests, none of its ten oldest appeals, and one of its oldest consultations from Fiscal Year 2023. The primary obstacles encountered by the FAA in closing the agency’s oldest appeals and consultations can be attributed to the age of the appeals and consults, staff-turnover, and locating the original requests and records for consultation.

## **F. Additional Information about FOIA Processing**

**30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and backlog. If possible, please indicate:**

**The number and nature of requests subject to litigation**

**Common causes leading to litigation**

**Any other information to illustrate the impact of litigation on your overall FOIA administration**

The agency received 12 FOIA litigation complaints during Fiscal Year 2023. Most of these complaints alleged that DOT did not respond to the FOIA requests within a timely manner. During the past fiscal year, OST, FAA, and FHWA were the components most impacted by FOIA litigation. These FOIA Offices met multiple litigation production deadlines during the year. To make these productions on time, these offices had to reassign senior personnel to conduct searches, review a voluminous amount of records, and coordinate responses with litigation attorneys and other agencies.