

U.S. Department of Transportation



Chief FOIA Officer Report

March 2025

U.S. Department of Transportation

2025 Chief FOIA Officer Report

This sixteenth annual Chief Freedom of Information Act (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 2024 to March 2025. Statistical information included within this report is based on data from DOT's Fiscal Year 2024 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 Operating Administrations or 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 2024:

DOT Component Acronym	DOT Component Name	Number of Requests Received in FY 2024
FAA	Federal Aviation Administration	7,435
FHWA	Federal Highway Administration	436
FMCSA	Federal Motor Carrier Safety Administration	6,819
FRA	Federal Railroad Administration	488
FTA	Federal Transit Administration	302

DOT Component Acronym	DOT Component Name	Number of Requests Received in FY 2024
GLS	Great Lakes St. Lawrence Seaway Corporation	48
MARAD	Maritime Administration	194
NHTSA	National Highway Traffic Safety Administration	453
DOT OIG	Office of Inspector General	204
OST	Office of the Secretary of Transportation	1,626
PHMSA	Pipeline and Hazardous Materials Safety Administration	340

Overview of Fiscal Year 2024 Data

During Fiscal Year 2024, DOT expended 147 staff-years of effort on its FOIA programs, which included the work of 82 full-time FOIA staff. The remaining 65 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 their own FOIA programs, where FOIA activities are conducted by a single FOIA office. These component 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 handled primarily 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 2024, DOT received 18,345 requests, which is a 7 percent increase from the previous fiscal year. In addition, DOT processed 16,080 FOIA requests during Fiscal Year 2024 compared with 16,462 processed in Fiscal Year 2023. The agency processed fewer requests during this past fiscal year due to increased complexity of incoming requests during Fiscal Year 2024. The DOT backlog of FOIA requests increased from 5,913 requests at the end of Fiscal Year 2023 to 8,048 requests at the end of Fiscal Year 2024.

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 Department has incorporated transparency and openness, including FOIA, into its core mission. For example, in the U.S. Department of Transportation Strategic Plan FY 2022-2026 (Strategic Plan), the Department includes as an objective to "[i]mprove 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:

FAA has built business plan targets around backlog reduction and closing its ten oldest requests, ten oldest consultations, and ten oldest appeals. In addition, FAA has incorporated FOIA training into FAA's core business model at all employee levels.

FHWA incorporates FOIA into its Office of Administration unit plan and risk assessment for each fiscal year.

DOT OIG's 2022-2026 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. OST includes the following language in all responses that apply a FOIA exemption: I have considered the foreseeable harm standard when reviewing these records and in applying any applicable FOIA exemption.

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 during Fiscal Year (FY) 2024 (separate full and partial if possible);

During Fiscal Year 2024, DOT issued 21 full Glomar responses and 6 partial Glomar responses.

- the number of times a Glomar response was issued by exemption during FY 2024 (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times).

- Exemption (b)(3) (49 U.S.C. § 40123)—1 time
- Exemptions (b)(6) & (b)(7)(C) –10 times
- Exemption (b)(6) –12 times
- Exemption (b)(7)(A) – 3 times
- Exemption (b)(7)(A) & (b)(7)(C) –1 time

6. 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.

N/A

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.

All new DOT employees receive an introduction to FOIA and federal employee responsibilities under FOIA from a FOIA staff member at the biweekly DOT New Employee Orientation. 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 (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. In addition to these opportunities, DOT’s internal training system hosts three online FOIA courses of varying depth for DOT FOIA professionals and other DOT employees. And, relatedly, because properly responding to FOIA requests relies on employees following the Department’s record management rules, all employees are required to take Records Management Training.

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

Throughout Fiscal Year 2024, FAA’s FOIA Program Management Division promoted FOIA training opportunities, and best practices to assist its FOIA Coordinator Practitioner Community in the interest of

improving compliance and the overall administration of the FOIA. The FOIA Management Division regularly informed the FOIA Coordinator Practitioner Community that face-to-face training is available from the FOIA Program Management Division, the FAA Office of Chief Counsel, and virtual training opportunities provided by DOJ. FAA FOIA Coordinators are notified of the DOJ training schedule and encouraged to register. The FOIA Program Management Division, in coordination with the FAA Office of Chief Counsel, conducted monthly training sessions on FOIA-specific topics, designed for the FOIA community.

The FHWA FOIA program is a decentralized program with 71 offices throughout the United States. As such, each office has the authority to independently process and directly respond to FOIA requests. To better support this type of decentralized program, the FHWA FOIA Program office has refined its FOIA training program to include on-demand individual training, on-demand team training (addressing specific issues with larger/complex requests), FOIA training for Senior Leadership, FOIA virtual training through a SharePoint site which is available at the user's convenience, quarterly training for FOIA Coordinators, and maintaining FOIA Open Office hours throughout the year to allow employees to seek guidance from FOIA offices on any FOIA-related issues.

FMCSA provides an annual FOIA refresher training session as well as training throughout the year. If there are any changes to the FOIA, or FMCSA's operations or processes, training is immediately provided to ensure that all employees are kept abreast of changes affecting them. FMCSA FOIA staff are also encouraged to seek outside FOIA training to be approved based on availability of funds.

FRA regularly conducts training for agency personnel on the FOIA, its exemptions, and how to conduct effective record searches. FRA also conducts FOIA training at new hire orientation sessions. FRA specifically tailored these training sessions for the types of records most often used by employees in different offices. FRA employees also have access to FOIA training online on DOT Learns.

All DOT OIG new hires are instructed of their responsibilities under FOIA as federal employees as part of a one-week new hire orientation.

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 Anaheim, California. DOT FOIA personnel participated in sessions covering FOIA topics such as FOIA Exemption Workshops, Deep Dive Discussions of Recent Court Decisions, An In-Depth Look at Foreseeable Harm, Customer Service Training, Privacy Act Overview, and Roundtable Discussions with Senior Governmental FOIA Leaders.

DOT FOIA professionals also conducted in-house FOIA training sessions throughout the year for DOT personnel.

During this period, the DOT/OST FOIA Officer held 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.

The DOT/OST FOIA Office hosted two FOIA training sessions during Sunshine Week 2024. The widely attended sessions were open to both the FOIA and legal communities at DOT. In addition to these training sessions as part of Sunshine Week's celebration of FOIA and transparency in government, openness and transparency were discussed during sessions including Secrecy and Transparency in the

Manhattan Project, An Overview of Controlled Unclassified Information by the DOT Office of Security, and a Records Management Tutorial from the OST Records Management Office.

Throughout Fiscal Year 2024, the FAA FOIA community attended various FOIA training sessions. FAA provided the following information sessions: Basic FOIA Processing 1, Basic FOIA Processing 2, How to Properly Scope a FOIA Request, FOIA Annual Reporting Compliance and Self Assessments, Adequacy of Search and E-Discovery Tools, Records Management and Redactions, FAA FOIA Legal Review Process, FOIA Appeal Process, FOIA Exemptions and FOIA/PA Overlap, FAA Intake and Assignment Process, and Estimated Dates of Completion.

In addition, DOT OIG staff with FOIA responsibilities, including the FOIA Public Liaison, attended DOT OIG internal FOIA training led by DOT OIG's 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.

90 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 non-career employees 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 Department offers a self-paced, self-assigned FOIA and Privacy Act training course to all employees through the agency's electronic learning management system.

FAA offers FOIA training opportunities that are advertised in the FAA's Daily Broadcast, which is distributed to all FAA employees. These training opportunities are 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), which meets monthly, and Administration Leadership Advisory Group (ALAG), which meets 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 FMCSA's program offices on FOIA regulations, redaction policies, and internal agency processes.

FRA's FOIA staff members frequently advise employees on record search methodologies and the proper use of search terms. Also, FRA FOIA staff conducted multiple training sessions 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.

MARAD FOIA staff brief senior MARAD leadership and new employees on the DOT and MARAD FOIA processes during onboarding. MARAD FOIA staff coordinates closely with MARAD personnel who are potential custodians when processing individual FOIA 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 custodians.

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 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 requesters 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 unclear, the responding FOIA Officer is 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 information specialist understands exactly what is requested. Furthermore, at any time the requester has follow-up questions, they are provided the contact information of the information specialist handling their request. The assigned information specialist 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.

When a complex request is received, or a preliminary search has resulted in a large volume of responsive records, FOIA coordinators are advised to contact the requester to inform them of the unusual circumstances; advise the requester as to how to narrow the scope of the request; and/or request an

extension that includes an estimated completion date. Further, the Department's FOIA Public Liaisons engage regularly with requesters to address questions, concerns, and status.

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.

The DOT/OST FOIA Officer spoke at both widely attended Chief FOIA Officers Committee meetings in 2024, which were also attended by members of the public. He updated the FOIA community on initiatives to create clear career trajectories for FOIA professionals (Government Information Specialist Job Series) and providing FOIA offices with information on accessing FOIA resources. The DOT/OST FOIA Officer also led several sessions at the 2024 ASAP National Training Conference where both the FOIA requester community and FOIA processing professionals gathered to discuss current FOIA issues.

In November 2024, OST and FAA FOIA representatives participated in a Celebration of FOIA and Career Fair at the George Washington University Law School. The team engaged with law students, answered questions, and promoted careers in FOIA and at DOT.

The FMCSA FOIA team worked with frequent requesters to establish a better process for delivering records through FMCSA's Secure Large File Transfer Solution. The FMCSA FOIA team found that they spent time re-sharing records with requesters due to the expiration of links and that the efforts of reposting records detracted from processing current requests. The FMCSA FOIA team communicated and collaborated with frequent requesters and successfully reduced the need to reshare records.

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 2024 (please provide a total number or an estimate of the number for the agency overall).

DOT FOIA Public Liaisons were contacted approximately 600 times during Fiscal Year 2024.

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.

Yes. In response to an increasing amount of FOIA requests submitted each year, the OST FOIA Office has reorganized the team's Government Information Specialists into new roles to help lower the office backlog. One of the new information specialists has been assigned to help a senior information specialist process the oldest FOIA requests in the OST backlog. In addition, another experienced information specialist has been tasked to focus on complex newer requests. The personnel shift helped the OST FOIA Office process 64 percent more FOIA requests in Fiscal Year 2024 than in Fiscal Year 2023.

FAA FOIA utilizes a contract vehicle which allows for individual program offices to acquire contract support for FOIA program management support.

FHWA FOIA has developed rotational assignment positions within the FOIA team to enable them to expand its intake, records review, and customer service capabilities.

The FMCSA Office of Information Services that oversees the administration of agency's FOIA program has realigned as a stand-alone office and added 5 additional FTE positions.

Due to increased agency responsibilities and programs, FRA experienced a significant increase in FOIA requests last year. They are monitoring this increase into the coming year and its FOIA related personnel capabilities to ensure they remain positioned to keep its backlog at a minimum and can respond to anticipated needs.

FTA added an intern part-time to assist with its FOIA responses.

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 hired a part-time Pathways intern for additional support in Fiscal Year 2024. DOT OIG also issued a FOIA contract in Fiscal Year 2024.

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 of DOT's components use 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. DOT Operating Administrations tracked incoming requests, closed requests, request assignments among staff, status of search taskers, and consultations with other agencies. These reports provide a snapshot of DOT's FOIA process as to where any bottlenecks may be located and which areas of the FOIA process can be improved.

12. The federal FOIA Advisory Committee, comprised of agency representatives and members of the public, was created to foster dialogue between agencies and the requester community, solicit public comments, and develop recommendations for improving FOIA administration. Since 2020, the FOIA Advisory Committee has issued a number of recommendations. Please answer the below questions:

Is your agency familiar with the FOIA Advisory Committee and its recommendations?

Yes.

Has your agency implemented any of its recommendations or found them to be helpful? If so, which ones?

Per recommendation 2024-03, the OST FOIA Office began increasing its use of interim responses in Fiscal Year 2024. This change helped reduce incoming FOIA litigation by providing records on a rolling basis for some complex requests. Also, the OST FOIA Office is currently updating its letter templates and plans to add language to its acknowledgement letters to proactively offer requesters the opportunity to discuss their request with an agency representative (per Recommendation 2024-02). The DOT FOIA Officer will recommend all component FOIA offices consider implementing these recommendations during Fiscal Year 2025.

Yes, FRA releases documents on the FRA eLibrary and the FRA Electronic Reading Room in open, legible, machine-readable and machine-actionable formats, to the extent feasible.

DOT OIG reviews FOIA Advisory Committee recommendations and applies them when warranted and feasible. In Recommendation 2024-01, the FOIA Advisory Committee published its Model Determination Letter. The DOT OIG FOIA team reviewed and began to include certain elements of the Model Determination Letter in our responses to requesters. For example, we began to provide more information about our search methods.

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

The DOT OIG FOIA team creates records when they find it to be more efficient, provides the requester with the information actually sought, and reduces the chances of an appeal.

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 rather than issuing blanket withholdings, requesters are less likely to appeal initial decisions. For example, a requester with a history of appealing did not appeal a large, complex production with many withholdings.

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.

FAA implemented guidance on proactive disclosures to ensure program offices consistently utilize standard procedures for posting relevant information to the FAA FOIA Reading Library. In coordination with each program office, the FAA monitors requests to ensure frequently requested issues/matters will be posted to the FAA FOIA Reading Library. FAA is making great strides to ensure transparency by encouraging the FAA FOIA Coordinator Practitioner Community to make publicly available, frequently requested records, via the FAA FOIA Reading Library.

2. 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 includes Request ID, 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 three offices posting the FOIA logs in CSV/XLS format.

Please provide a link to the page where any FOIA logs are posted. If applicable, please provide component links.

[FOIA Electronic Reading Room - Category Four | US Department of Transportation](#)

[FAA Electronic Reading Room | Federal Aviation Administration](#)

[FHWA FOIA Request Logs | Federal Highway Administration](#)

[Frequently Requested Records | FMCSA](#)

[Electronic Reading Room | FRA \(dot.gov\)](#)

<https://www.transit.dot.gov/foia/foia-electronic-reading-room>

[Electronic Reading Room | MARAD](#)

<https://www.nhtsa.gov/about-nhtsa/electronic-reading-room>

[PHMSA FOIA Logs | PHMSA](#)

3. Provide examples of any material (with links) 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).

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.

The DOT Office of Aviation Consumer Protection posted information throughout the year to provide information and updates to commercial aviation consumers:

[2024 Airline Submissions on Complaints Received By Airlines in 2023 | US Department of Transportation](#)

[2023 Airline Submissions on Complaints Received By Airlines in 2022 | US Department of Transportation](#)

[Air Travel Consumer Reports | US Department of Transportation](#)

[What's New | US Department of Transportation](#)

[Aviation Enforcement Orders | US Department of Transportation](#)

[Service Animals | US Department of Transportation](#)

[Aviation Consumer Protection Advisory Committee | US Department of Transportation](#)

[Air Carrier Access Act Advisory Committee \(ACAA Advisory Committee\) | US Department of Transportation](#)

FAA proactively posted the high-interest document linked below:

[Administrator's Letter to Congress on the Controller Workforce Plan | Federal Aviation Administration](#)

FHWA posts the following records which had in the past generated numerous FOIA requests:

[FHWA Small Purchase Cardholders | Federal Highway Administration](#)

[FHWA Review of ET-Plus | Federal Highway Administration](#)

[Reduce Crash Severity | FHWA](#)

FMCSA received many requests pertaining to data on motor carriers. With the implementation of its data hub, they can direct requesters to it for faster access to the data they are requesting:

[Catalog | Department of Transportation - Data Portal](#)

All DOT OIG audit reports and Congressional correspondence are presumed appropriate for release and are proactively disclosed on the DOT OIG website, unless the report contains controlled unclassified information (CUI) or exempt information:

<https://www.oig.dot.gov/foia-electronic-reading-room>

In addition, DOT OIG posts final audit reports to oversight.gov a website operated and maintained by the Council of the Inspectors General on Integrity and Efficiency (CIGIE) that house reports from approximately 70 Federal Inspectors General offices. Investigative outcomes (indictments and convictions) are considered for release, depending upon the subject matter of the investigation and whether there is substantial public interest in the information: (<https://www.oversight.gov/>)

In Fiscal Year 2024 PHMSA posted records on the following topics:

FY 22 Bipartisan Infrastructure Law (BIL) Grant Awards:

[City of Graysville \(AL\)](#)

[City of New Albany \(MS\)](#)

[City of Carencro \(LA\)](#)

[City of Hawkinsville \(GA\)](#)

[City of Lanett \(AL\)](#)

[City of Morgan \(LA\)](#)

[City of Donaldsville \(LA\)](#)

[Town of Woodworth \(LA\)](#)

[Waterworks and Gas Board of the City of Cordova \(AL\)](#)

The Mountain Valley Pipeline:

[Consent Agreement/Consent Order](#)

[Inspection Records](#)

[Equitrans Midstream Corporation, CPF No.1-2023-053-NOPSO](#)

[First Quarterly Report \(January 3, 2024\)](#)

[Additional Released Records 04-03-2024](#)

[PHMSA Inspection Reports \(May 28, 2024\)](#)

[Additional Released Records \(May 30, 2024\)](#)

[Additional released records \(July 18, 2024\)](#)

[Equitrans Midstream Corporation, CPF No.1-2023-053-NOPSO First Quarterly Report \(January 3, 2024\)](#)

[Additional Released Records \(June 12, 2024\)](#)

[Equitrans Midstream Corporation, CPF No.1-2023-053-NOPSO Second Quarterly Report \(March 29, 2024\)](#)

[Equitrans Midstream Corporation Second Quarterly Report \(March 29, 2024\) Additional Released Records \(June 10, 2024\)](#)

[The 3rd Party Metallurgical Testing Final Report for MVP Hydro Failure on May 1, 2024](#)

4. Please provide a link (or component links, if applicable) where your agency routinely posts its frequently requested records.

[FOIA Electronic Reading Room - Category Four | US Department of Transportation](#)

[FAA Electronic Reading Room | Federal Aviation Administration](#)

[FHWA FOIA Electronic Reading Room | Federal Highway Administration](#)

[Frequently Requested Records | FMCSA](#)

[Electronic Reading Room | FRA \(dot.gov\)](#)

<https://www.transit.dot.gov/foia/foia-electronic-reading-room>

[Electronic Reading Room | MARAD](#)

<https://www.nhtsa.gov/about-nhtsa/electronic-reading-room>

<https://www.oig.dot.gov/foia-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? If yes, please provide examples of such improvements, such as steps taken to post information in open and machine-readable formats. If not taking steps to make posted information more useful, please explain why.

Yes.

OST regularly 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 has begun to convert its FOIA logs into a CSV format in order to better serve the requester community with records searching.

As the majority of FMCSA's requesters are legal offices representing individuals who have been in a motor carrier accident, the FMCSA FOIA office has published motor carrier safety records to support these requesters.

FRA is redesigning its website, including portions containing publicly accessible information-such as the FOIA page and FRA Electronic Reading Room, to make accessing agency information easier for the public.

MARAD often communicates with requesters in advance, and after the release of significant records, to assist in requesters' understanding of the released records.

NHTSA's safety ratings and safety Issues (Recalls, Investigations, Consumer Complaints and Manufacturer Communications) information that is published to www.nhtsa.gov has been made more useful to individuals by increasing search options such as by Vehicle Identification Number (VIN), Make, Model & Model year. A new date range search feature to identify recalls and investigations is another important feature that NHTSA's customers rely on regularly.

DOT OIG's Office of Auditing and Evaluation makes recommendations to the Department of Transportation and a few independent federal transportation entities to correct deficiencies and encourage improvements in the safety, economy, efficiency, and management of their programs and operations. DOT OIG audit report findings and conclusions explain the basis for the specific recommendations for corrective actions. 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. Since 2016, the information in the Recommendation Dashboard has been downloadable into a comma-separated values (CSV) file for use by Department officials, reporters, researchers, public interest groups, Congressional staff, OMB, and others. The Recommendation Dashboard allows the public to view, compare, and parse recommendation data through interactive visualizations, (<https://www.oig.dot.gov/recommendation-dashboard-charts>). Finally, DOT OIG added an "Active Audits" page (<https://www.oig.dot.gov/active-audits>) in Fiscal Year 2024, which allows the public to view DOT OIG's active audit projects. Previously, it was difficult for non-agency employees to identify which audits were ongoing.

6. 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 that may benefit requesters is posted outside the FOIA process. For example, the Office of Aviation Consumer Protection regularly posts

information of benefit to airline customers on its Airline Customer Service Dashboard (<https://www.transportation.gov/airconsumer>). In addition, the OST FOIA Office works with the Office of the Chief Information Officer to post records in the Electronic Reading Room.

FAA operates a decentralized FOIA program. As such, individual program offices receive FOIA requests for processing from FAA's FOIA Program Management Division; each program office is responsible for processing the requests and responding directly to the requester. 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 coordinate posting in the FOIA Library. In addition, 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 press announcements.

FHWA FOIA works extensively with its Technology and Data Services and the program offices involved with high volumes of FOIA requests to increase the amount and quality of information available to the public. They are also working with the IT team to develop a new internal tracking database to help organize new and closed requests. The IT team is also beta testing a program to help FHWA FOIA more efficiently organize files sent to them by collaborating offices.

The FMCSA FOIA office regularly collaborates with the agency's webmaster for assistance publishing frequently requested information.

Information posted to the FRA eReading Room is coordinated through its Public Affairs office and must be posted by the webmaster for the FRA web page.

The FTA FOIA Office collaborates with both FTA's Office of Chief Counsel and the Office of Communications and Public Affairs regarding the posting of Frequently Requested Records.

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 FOIA collaborates with the program offices to ensure records that would affect the outcome of any ongoing investigation or legal proceedings are not prematurely released. All postings on the eReading Room webpage are coordinated with the Webmaster in the IT division.

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

Section IV: Steps Take 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.

In the Department's latest contract to use the FOIAXpress system, DOT purchased Electronic Document Review (EDR) licenses for all users, as well as a Collaboration Portal. The EDR licenses will allow all users to deduplicate records and to more efficiently sort voluminous sets of documents and emails. The Collaboration Portal will allow all DOT FOIA Offices to better coordinate with non-FOIA offices and individuals in the Department who do not have FOIAXpress licenses.

FAA utilizes the Nuix e-discovery tool. Nuix supports the FOIA program by allowing for a comprehensive and adequate data retrieval process. FAA is also exploring the use of Smartsheets and artificial intelligence (AI) to further enhance FAA's FOIA program.

FHWA created a new SharePoint database that is helping FHWA track all existing and closed requests. FHWA is also developing a new MS Teams site that will be accessible to all of its FOIA Coordinators and will contain training sessions, templates, procedures and newest memos regarding the FHWA FOIA program.

The DOT OIG FOIA team has direct access to DOT OIG's eDiscovery system. They conduct searches without intermediaries and perform iterative searches to ensure they capture the information requested.

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 Microsoft Purview to conduct email searches for certain requests. Conducting these centralized email 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.

FAA FOIA is exploring Robotics Process Automation and AI strategies to enhance the Intake and Assignment process utilized within its decentralized FOIA program. The AI will assist with increased accuracy related to the assignment of requests and associated timelines for responsiveness.

FHWA is currently beta testing a new process/program that will automatically run large batches of files, convert them to PDF, and organize the files according to FOIA guidelines which will assist the FHWA FOIA office to increase its efficiency when conducting document reviews.

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 2024 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 2025.

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 2023 Annual FOIA Report and, if available, for your agency's Fiscal Year 2024 Annual FOIA Report.

Fiscal Year 2023 Annual FOIA Report Raw Data:

<https://www.transportation.gov/resources/individuals/foia/2023-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.

FAA and FMCSA are the only DOT components that receive a significant number of first-party records requests.

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.

The FMCSA FOIA Office processes first-party requests with proper identification and/or authorization outside of the agency's multi-tracking processes. These requests are processed immediately and are usually completed within 10 working days.

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

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

B. Timeliness

4. For Fiscal Year 2024, 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 2024 Annual FOIA Report.

85 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 2024 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.

This issue was briefed at the January 2025 DOT Monthly FOIA Meeting for action by the departmental FOIA Officers. This briefing followed up on an e-mail sent to all DOT component FOIA Officers emphasizing the importance of adjudicating expedited processing requests within 10 calendar days or less. The DOT FOIA Officer will follow-up quarterly to assess OA 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 2024?

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 2024 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.

82 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 2024, 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 2023?

No.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2024 than it did during Fiscal Year 2023?

No.

13. If your agency's request backlog increased during Fiscal Year 2024, 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 largest factor in DOT's backlog increase was an increase in the number of incoming requests. Ten of DOT's 11 Operating Administrations received more FOIA requests in Fiscal Year 2024 than in Fiscal Year 2023. Some of the offices received a significant number of incoming requests compared to the previous fiscal year. For example, the number of requests received by the OST FOIA Office increased from 639 in Fiscal Year 2023 to 1,626 in Fiscal Year 2024. FMCSA's total received requests increased from 5,918 to 6,819 over that same time period. Finally, FHWA and DOT OIG both saw their number of received requests approximately double in a single year.

While the number of incoming requests increased, the complexity of the requests remained high. Many of the requests required comprehensive records searches going back years. The increase in requests taxed DOT's FOIA resources and led to the increase in DOT's backlog.

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 2024. 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."

44 percent.

Backlogged Appeals

15. If your agency had a backlog of appeals at the close of Fiscal Year 2024, 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 2023?

Yes. The DOT Appeals Backlog decreased from Fiscal Year 2023 to Fiscal Year 2024.

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2024 than it did during Fiscal Year 2023?

N/A

17. If your agency's appeal backlog increased during Fiscal Year 2024, 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.

N/A

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 2024. 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 2024 and/or has no appeal backlog, please answer with "N/A."

136 percent.

D. Backlog Reduction Plans

19. In the 2024 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2023 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 2024?

Yes.

DOT implemented a backlog reduction plan that focused on increased use of technology to reduce the backlog. DOT took better advantage of technology available to the Operating Administrations by using the capabilities of the FOIAXpress system to receive and respond to requests through a Public Access Link, increased the use of deduplication capabilities, and made better use of automated records reviews using “Find and Redact” functions. While these methods did not reduce DOT’s backlog, 8 of 11 Operating Administrations increased the number of processed requests from Fiscal Year 2023 to Fiscal Year 2024.

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2024, please explain your agency’s plan to reduce this backlog during Fiscal Year 2025.

DOT will continue to focus on better use of the technology available to the Department. DOT FOIA offices will conduct more centralized records searches for requests seeking a large volume of communications. In addition, the Department will use the new features of our FOIA tracking and redaction system to decrease review time by speeding review and coordination of records.

The Department also will establish coordinated business plan targets with the Operating Administrations. Each Operating Administration will work with OST to set processing goals for Fiscal Year 2025. The agency FOIA Officer will follow-up with and discuss these goals quarterly with the relevant FOIA Officers.

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

Ten Oldest Requests

21. In Fiscal Year 2024, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2023 Annual FOIA Report?

No.

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 2023 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

DOT closed 6 of the 10 oldest FOIA requests from the Fiscal Year 2023 Annual FOIA Report.

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 information specialist whose primary duty is to communicate with requesters, review, and process the oldest requests within OST's backlog.

For older requests and those requests seeking records whose usefulness may have been overtaken by events, FOIA practitioners may, on rare occasion, inquire with the requester if they are still interested in receiving the records. Likewise, FOIA practitioners are advised to determine if the records being sought have been made publicly available (since the date of the initial request), and if so, to inform the requester as to where they can locate said records.

Ten Oldest Appeals

24. In Fiscal Year 2024, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2023 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 2023 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

DOT closed 9 of the 10 oldest FOIA appeals from the Fiscal Year 2023 Annual FOIA Report.

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

A dedicated team member was assigned to focus on the ten oldest appeals for the last 6 months of the Fiscal Year.

Ten Oldest Consultations

27. In Fiscal Year 2024, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2023 Annual FOIA Report?

Yes, DOT closed the ten oldest consultations from the Fiscal Year 2023 Annual FOIA Report.

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 2023 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A

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 2025.

The Department closed 6 of its 10 oldest requests, 9 of its 10 oldest appeals, and 10 of its 10 oldest consultations in Fiscal Year 2024. The primary obstacles encountered in closing the Agency’s remaining oldest requests and appeals can be attributed to the lack of a complete case file due to the age of the requests and appeals. Tracking down previous actions and updates can be difficult if an up-to-date case file was not maintained by the original information specialist. However, the Department has a system in place for Fiscal Year 2025 to continue its progress in closing the oldest requests, appeals, and consultations.

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 13 FOIA litigation lawsuits during Fiscal Year 2024. 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 meet these deadlines, the offices had to reassign senior personnel to conduct searches, review a voluminous number of records, and coordinate responses with litigation attorneys and other agencies.