

U.S. Department of Transportation (DOT)  
Freedom of Information Act (FOIA)  
FY 2018 Annual Report

I. Basic Information Regarding the Report

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## II. Making a FOIA Request

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*Note: Up-to-date information can be found on each component's FOIA page via*  
<https://www.transportation.gov/foia>

B. *A brief description of why some requests are not granted and an overview of certain general categories of the agency's records to which the FOIA exemptions apply*

Some requested records, or portions of records, were withheld pursuant to the FOIA's exemptions. The most frequently used exemption in DOT for FY 2018 was Exemption 6, which protects against a clearly unwarranted invasion of personal privacy. Other reasons for not granting requests included: (a) DOT did not have the records sought; (b) the requester did not seek records; rather, he or she was seeking answers to questions; or (c) the information from the records sought was publicly available. For a detailed breakdown, see Section V. B of this report (Disposition of FOIA Requests).

### III. Acronyms, Definitions, and Exemptions

#### A. Agency Component Abbreviations

Component Abbreviation	Component Name
FAA	Federal Aviation Administration
FHWA	Federal Highway Administration
FMCSA	Federal Motor Carrier Safety Administration
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
MARAD	Maritime Administration
NHTSA	National Highway Traffic Safety Administration
OIG	Office of Inspector General
OST	Office of the Secretary of Transportation
PHMSA	Pipeline and Hazardous Materials Safety Administration
SLSDC	Saint Lawrence Seaway Development Corporation

#### B. Definitions of terms used in this Report

- a. Administrative Appeal – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. Average Number – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

- c. Backlog – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. Component – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. Consultation – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. Exemption 3 Statute – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. FOIA Request – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. Full Grant – an agency decision to disclose all records in full in response to a FOIA request.
- i. Full Denial – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of another reason, such as when no records could be located.
- j. Median Number – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. Multi-Track Processing – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
  - i. Expedited Processing – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.

- ii. Simple Request – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
- iii. Complex Request – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. Partial Grant/Partial Denial – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. Pending Request or Pending Administrative Appeal – a request or administrative appeal for which an agency has not taken final action in all respects.
- n. Perfected Request – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
- o. Processed Request or Processed Administrative Appeal – a request or administrative appeal for which an agency has taken final action in all respects.
- p. Range in Number of Days – the lowest and highest number of days to process requests or administrative appeals.
- q. Remanded Appeal – An appeal request, particularly a “no records” appeal, sent back to the original action office or forwarded to another office when the requester provides additional information either clarifying the documents sought or providing additional search parameters. The action office considers the request as if it were a new request, responding directly to the requester. Remanded appeal responses may again be appealed; appeal rights are provided if the remanded appeal response is a denial, partial denial, or “no records” determination.
- r. Time Limits – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).

### C. Descriptions of the nine FOIA exemptions

Exemption 1	classified national defense and foreign relations information
Exemption 2	internal agency rules and practices
Exemption 3	information that is prohibited from disclosure by another Federal law
Exemption 4	trade secrets and other confidential business information
Exemption 5	inter-agency or intra-agency communications that are protected by legal privileges
Exemption 6	information involving matters of personal privacy

Exemption 7	records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
Exemption 8	information relating to the supervision of financial institutions
Exemption 9	geological information on wells



#### IV. EXEMPTION 3 STATUTES

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
49 U.S.C. § 40115(a)	Information harmful to US position in international aviation negotiations, or harmful to any US international air carrier	N/A	FAA	1	1
49 U.S.C. § 40119(b) (Federal Aviation Act)	Certain information obtained or developed in ensuring transportation security if disclosure of that information would: constitute an invasion of personal privacy, reveal a trade secret or confidential commercial or financial information, or be detrimental to transportation safety	Pub. Citizen, Inc. v. FAA, 988 F.2d 186, 194 (D.C. Cir. 1993); <u>Gordon v. FBI</u> , 390 F. Supp. 2d 897, 900 (N.D. Cal. 2004).	FAA	12	51
			FMCSA	36	
			FRA	1	
			OIG	2	
Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, §2, 91 Stat. 319	Certain records pertaining to grand jury proceedings	Sussman v. USMS, 494 F.3d 1106, 1113 (D.C. Cir. 2007); <u>Widi v. McNeil</u> , No. 12-CV00188, 2016 WL 4394724, at *23 (D. Me. Aug 16, 2016); <u>Durham v. U.S. Atty. Gen.</u> , No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); <u>Cozen O'Connor v. U.S. Dep't of Treasury</u> ,	FAA	2	2

		570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).			
49 U.S.C. § 46311	Certain information from air carrier records that would either prejudice the United States in international negotiations or have an adverse effect on the competitive position of an air carrier	N/A	FAA	5	5
35 U.S.C. § 205	Government inventions information	N/A	FAA	1	1
49 U.S.C. § 40110(e)	Contract proposal not incorporated into contract	N/A	FAA	2	2
49 U.S.C. § 40123(a)	Aviation Safety Action Program voluntarily submitted information	N/A	FAA	8	8
41 U.S.C. § 253b(m)(1) (currently at 41 U.S.C. § 4702)	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	Sinkfield v. HUD, No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); <u>Margolin v. NASA</u> , No. 09-CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); <u>Hornbostel v. U.S. Dep't of the Interior</u> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), <u>summary</u> affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	FHWA	3	6
			MARAD	1	
			NHTSA	1	
			SLSDC	1	

41 U.S.C. § 2102 (amending 41 U.S.C. § 423(a)(1))* (Procurement Integrity Act)	Contractor bid or proposal information; source selection information	Legal & Safety Employer Research, Inc. v. U.S. Dep't of the Army, No. Civ. S001748, 2001 WL 34098652, at *3-4 (E.D. Cal. May 4, 2001) (dictum).	FHWA	3	4
			MARAD	1	
49 U.S.C. § 31143(b)	Identities of motor carrier safety complainants	N/A	FHWA	1	121
			FMCSA	120	
49 U.S.C. § 20118(c )	Railroad safety analysis records	N/A	FRA	4	4
49 U.S.C. § 30172(f)	Information that could identify a whistleblower	N/A	NHTSA	1	1
49 U.S.C. § 30305(c)(1)	National Driver Register information on certain individuals	N/A	NHTSA	5	5
5 U.S.C. app. 3 § 7(b)	Names of employees who provide information or complaints to the Inspector General	N/A	OIG	2	2
5 U.S.C. § 7301 note § 503(e), PL 100-71	Drug test results of federal employees	N/A	OST	1	1
49 U.S.C. § 60138	Certain information contained in pipeline facility response plans	N/A	PHMSA	1	1

## V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
FAA	2,427	11,407	11,032	2,802
FHWA	23	373	374	22
FMCSA	2,045	1,463	2,932	576
FRA	479	428	466	441
FTA	40	297	286	51
MARAD	17	77	90	4
NHTSA	126	295	314	107
OIG	7	82	83	6
OST	181	399	262	318
PHMSA	113	214	229	98
SLSDC	1	14	14	1
AGENCY OVERALL	5,459	15,049	16,082	4,426

*After reviewing their databases, FAA, FMCSA, MARAD, and NHTSA updated the number of requests pending from the previous Fiscal Year.*

# **V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS**

Agency / Component	Number of Full Grants	Number of Partial Grants / Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions									TOTAL
				No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	
FAA	7,410	1,339	101	1,691	3	406	27	2	42	11	0	0	11,032
FHWA	168	79	6	79	0	17	8	2	0	1	11	3	374
FMCSA	210	1,452	1	78	2	1,141	0	0	0	1	47	0	2,932
FRA	168	82	9	95	6	104	0	0	0	0	1	1	466
FTA	118	61	1	106	0	0	0	0	0	0	0	0	286
MARAD	34	30	0	20	0	4	0	0	0	2	0	0	90
NHTSA	55	118	7	88	0	20	0	5	1	0	9	11	314
OIG	7	38	12	18	0	1	0	0	0	3	1	3	83
OST	98	84	9	51	0	14	0	0	0	0	3	3	262
PHMSA	110	36	7	31	0	23	8	6	1	2	4	1	229
SLSDC	5	7	0	2	0	0	0	0	0	0	0	0	14
AGENCY OVERALL	8,383	3,326	153	2,259	11	1,730	43	15	44	20	76	22	16,082

**V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS  
BASED ON REASONS OTHER THAN EXEMPTIONS"**

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
FAA	N/A	0	0
FHWA	Request Opened in Error	3	3
FMCSA	N/A	0	0
FRA	Directed Requester to Publicly Available Information	1	1
FTA	N/A	0	0
MARAD	N/A	0	0
NHTSA	Misdirected Request	9	11
	Directed Requester to Another Entity Subject to the FOIA	2	
OIG	Request Opened in Error	3	3
OST	Request Opened in Error	3	3
PHMSA	Request Opened in Error	1	1
SLSDC	N/A	0	0
AGENCY OVERALL			22

**V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED**

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
FAA	0	10	31	90	344	802	60	0	29	1	23	4	0	0
FHWA	0	0	6	19	38	29	0	0	1	0	0	0	0	0
FMCSA	0	0	148	23	5	1,439	10	0	965	120	4	0	0	0
FRA	0	0	5	8	10	16	5	0	59	0	0	0	0	0
FTA	0	1	0	12	13	30	0	0	0	0	0	0	0	0
MARAD	0	0	1	21	11	21	0	0	0	0	0	0	0	0
NHTSA	0	0	7	37	53	112	0	0	10	0	0	0	0	0
OIG	0	0	4	2	22	36	13	0	26	4	9	0	0	0
OST	0	0	1	16	27	72	6	0	0	0	0	0	0	0
PHMSA	0	1	1	0	8	19	1	0	0	0	1	20	0	0
SLSDC	0	0	1	1	2	5	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	12	205	229	533	2,581	95	0	1,090	125	37	24	0	0

**VI. A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS --  
RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS**

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
FAA	98	38	49	87
FHWA	2	9	10	1
FMCSA	1	0	1	0
FRA	4	5	6	3
FTA	1	3	4	0
MARAD	3	3	5	1
NHTSA	3	9	6	6
OIG	1	2	2	1
OST	0	4	2	2
PHMSA	1	4	5	0
SLSDC	0	0	0	0
AGENCY OVERALL	114	77	90	101

*After reviewing their databases, FAA, FRA, and NHTSA updated the number of appeals pending from the previous Fiscal Year.*



**VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS -- ALL PROCESSED APPEALS**

Agency / Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
FAA	5	8	9	27	49
FHWA	6	3	0	1	10
FMCSA	0	1	0	0	1
FRA	4	2	0	0	6
FTA	1	3	0	0	4
MARAD	2	1	0	2	5
NHTSA	3	0	2	1	6
OIG	1	0	0	1	2
OST	1	0	0	1	2
PHMSA	0	1	4	0	5
SLSDC	0	0	0	0	0
AGENCY OVERALL	23	19	15	33	90

# **VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED**

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
FAA	0	0	1	2	5	6	1	0	0	1	0	0	0	0
FHWA	0	0	0	0	3	0	0	0	0	0	0	0	0	0
FMCSA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FRA	0	0	1	0	1	1	0	0	1	0	0	0	0	0
FTA	0	0	0	0	2	1	0	0	0	0	0	0	0	0
MARAD	0	0	0	1	0	1	0	0	0	0	0	0	0	0
NHTSA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OIG	0	0	1	0	0	0	0	0	0	0	0	0	0	0
OST	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PHMSA	0	0	0	0	0	0	0	0	0	0	0	1	0	0
SLSDC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	3	3	11	9	1	0	1	1	0	1	0	0

## VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS

Agency / Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
FAA	3	0	24	0	0	2	0	0	0	1	0
FHWA	0	0	1	0	0	0	0	0	0	0	0
FMCSA	0	0	0	0	0	0	0	0	0	0	0
FRA	0	0	0	0	0	0	0	0	0	0	0
FTA	1	0	0	0	0	0	0	0	0	0	0
MARAD	0	0	2	0	0	0	0	0	0	0	0
NHTSA	1	0	0	0	0	0	0	0	0	0	0
OIG	1	0	0	0	0	0	0	0	0	0	0
OST	1	0	0	0	0	0	0	0	0	0	0
PHMSA	0	0	0	0	0	0	0	0	0	0	0
SLSDC	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	7	0	27	0	0	2	0	0	0	1	0

### VI.C.(3). REASONS FOR DENIAL ON APPEAL -- "OTHER" REASONS

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
FAA	N/A	0	0
FHWA	N/A	0	0
FMCSA	N/A	0	0
FRA	N/A	0	0
FTA	N/A	0	0
MARAD	N/A	0	0
NHTSA	N/A	0	0
OIG	N/A	0	0
OST	N/A	0	0
PHMSA	N/A	0	0
SLSDC	N/A	0	0
AGENCY OVERALL			0

**VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS**

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
FAA	114.00	174.00	0.00	686.00
FHWA	20.00	17.00	2.00	21.00
FMCSA	31.00	31.00	31.00	31.00
FRA	172.00	195.17	57.00	524.00
FTA	0.00	0.00	0.00	0.00
MARAD	212.00	233.00	65.00	380.00
NHTSA	26.00	70.50	20.00	233.00
OIG	20.50	20.00	19.00	22.00
OST	16.00	16.00	11.00	21.00
PHMSA	27.00	22.00	10.00	29.00
SLSDC	0.00	0.00	0.00	0.00
AGENCY OVERALL	31.00	143.00	0.00	760.00

#### VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS

[illegible]

OST	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2018-09-18	2017-12-02
	Number of Days Pending	0	0	0	0	0	0	0	0	8	190
PHMSA	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
SLSDC	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	Date of Appeal	2015-11-19	2015-11-19	2015-11-19	2015-11-19	2015-10-13	2015-09-28	2015-09-21	2015-09-18	2015-07-17	2014-08-11
	Number of Days Pending	718	718	718	718	744	754	759	760	804	1038

## VII.A. FOIA REQUESTS -- RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
FAA	14	18	<1	1665	35	83	<1	2100	487	550	7	1218
FHWA	16	14	<1	68	15	19	<1	223	21	17	<1	34
FMCSA	163	146	<1	502	291	284	<1	850	N/A	N/A	N/A	N/A
FRA	N/A	N/A	N/A	N/A	121.5	280.05	1	1075	N/A	N/A	N/A	N/A
FTA	21	30	<1	268	95	95	95	95	N/A	N/A	N/A	N/A
MARAD	6	8.67	<1	65	67	79.91	23	238	N/A	N/A	N/A	N/A
NHTSA	26	90.62	<1	661	403	418.12	71	963	N/A	N/A	N/A	N/A
OIG	7	10	<1	37	37	49	<1	165	N/A	N/A	N/A	N/A
OST	31	58	<1	304	51	101	<1	836	N/A	N/A	N/A	N/A
PHMSA	18	67	<1	809	560	507	1	1155	N/A	N/A	N/A	N/A
SLSDC	6	17.13	<1	106	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AGENCY OVERALL	15	45	<1	1665	88	171	<1	2100	29	198	<1	1218



**VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED**

Agency / Component	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
FAA	15	17	<1	1139	36	75	<1	2100	76	327	7	897
FHWA	17	16	1	68	20	25	2	223	22	20	3	34
FMCSA	156.5	138	<1	453	268.5	243	1	652	N/A	N/A	N/A	N/A
FRA	N/A	N/A	N/A	N/A	96	156	1	1075	N/A	N/A	N/A	N/A
FTA	23	32	2	268	95	95	95	95	N/A	N/A	N/A	N/A
MARAD	6.5	7.57	<1	27	61	72.75	23	238	N/A	N/A	N/A	N/A
NHTSA	47	117.05	<1	617	287	357.91	71	963	N/A	N/A	N/A	N/A
OIG	14.5	4	1	37	38	54	12	165	N/A	N/A	N/A	N/A
OST	38	88	1	304	60	110	<1	836	N/A	N/A	N/A	N/A
PHMSA	22	79	<1	809	566	568	13	1155	N/A	N/A	N/A	N/A
SLSDC	6	17	<1	106	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AGENCY OVERALL	16	38	<1	1139	51	130	<1	2100	31	137	3	897

# **VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS**

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
FAA	8,883	757	151	59	25	28	4	7	3	2	24	4	52	9,999
FHWA	156	34	2	1	0	0	0	0	0	0	0	0	0	193
FMCSA	168	38	49	199	136	81	106	150	283	287	382	27	13	1,919
FRA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FTA	141	89	26	12	3	6	1	2	0	2	3	0	0	285
MARAD	42	2	0	1	0	0	0	0	0	0	0	0	0	45
NHTSA	118	52	12	18	9	12	6	2	8	5	20	15	12	289
OIG	57	8	0	0	0	0	0	0	0	0	0	0	0	65
OST	8	5	0	1	0	1	0	0	0	0	0	2	0	17
PHMSA	93	31	19	7	6	3	3	0	0	1	7	1	10	181
SLSDC	11	1	1	0	0	1	0	0	0	0	0	0	0	14
AGENCY OVERALL	9,677	1,017	260	298	179	132	120	161	294	297	436	49	87	13,007

## VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
FAA	159	429	145	81	40	22	14	10	11	4	21	5	44	985
FHWA	122	36	6	2	2	1	0	0	0	1	1	0	0	171
FMCSA	33	22	15	19	17	14	15	23	23	20	341	325	146	1,013
FRA	118	45	14	12	20	24	14	18	10	15	34	15	127	466
FTA	0	0	0	0	1	0	0	0	0	0	0	0	0	1
MARAD	1	11	9	8	6	2	2	0	2	1	3	0	0	45
NHTSA	0	0	0	1	0	0	0	3	0	1	2	1	8	16
OIG	4	7	1	1	2	1	1	0	0	0	0	0	0	17
OST	74	37	26	20	12	7	9	7	5	6	21	15	6	245
PHMSA	7	1	0	1	2	1	0	0	0	0	0	1	27	40
SLSDC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	518	588	216	145	102	72	55	61	51	48	423	362	358	2,999

#### VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

[illegible]

## VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS

Agency / Component	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
FAA	2160	298	381	641	239	382	1	979	979
FHWA	7	25	40	10	19	36	5	29	45
FMCSA	185	34	47	391	102	105	0	N/A	N/A
FRA	0	N/A	N/A	441	268	325.48	0	N/A	N/A
FTA	50	42.5	137	0	N/A	N/A	0	N/A	N/A
MARAD	4	20.5	41	0	N/A	N/A	0	N/A	N/A
NHTSA	66	45.5	112	32	289.5	367	0	N/A	N/A
OIG	3	6	5	3	35	46	0	N/A	N/A
OST	10	85	150	307	243	274	1	601	601
PHMSA	49	123	215	49	293	399	0	N/A	N/A
SLSDC	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
AGENCY OVERALL	2523	233	351	1875	300	391	7	31	242

## VII.E. PENDING REQUESTS -- TEN OLDEST PENDING PERFECTED REQUESTS

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
FAA	Date of Receipt	2012-12-12	2012-11-15	2012-10-26	2012-10-12	2012-06-21	2012-06-18	2012-05-15	2012-01-24	2011-12-21	2011-09-06
	Number of Days Pending	1454	1472	1485	1495	1573	1576	1599	1678	1699	1772
FHWA	Date of Receipt	2018-07-25	2018-08-31	2018-06-01	2018-07-26	2018-08-22	2018-08-17	2018-08-15	2018-08-13	2018-06-04	2018-03-28
	Number of Days Pending	16	19	19	24	26	29	31	33	82	129
FMCSA	Date of Receipt	2017-09-15	2017-09-13	2017-07-26	2017-06-23	2017-04-12	2016-06-09	2017-03-31	2016-11-14	2016-08-16	2016-08-16
	Number of Days Pending	260	262	296	318	369	374	377	471	532	532
FRA	Date of Receipt	2015-02-20	2014-12-12	2014-12-03	2014-11-04	2014-09-08	2014-08-11	2014-07-28	2014-06-19	2014-05-20	2014-04-22
	Number of Days Pending	908	954	961	973	1020	1039	1049	1075	1096	1116
FTA	Date of Receipt	2017-12-13	2017-11-27	2017-10-17	2017-10-05	2017-10-04	2017-09-14	2017-08-29	2017-07-24	2017-07-24	2017-07-05
	Number of Days Pending	201	213	240	247	248	262	273	299	299	312
MARAD	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	2018-09-14	2018-09-04	2018-08-27	2018-04-19
	Number of Days Pending	0	0	0	0	0	0	10	18	23	113
NHTSA	Date of Receipt	2016-12-29	2016-08-10	2016-07-19	2016-07-01	2015-12-01	2015-01-30	2014-07-22	2014-05-27	2014-02-26	2014-01-28
	Number of Days Pending	440	536	552	563	711	921	1052	1091	1154	1174
OIG	Date of Receipt	N/A	N/A	N/A	N/A	2018-09-28	2018-09-26	2018-09-20	2018-09-18	2018-08-09	2018-05-04
	Number of Days Pending	0	0	0	0	0	2	6	8	35	102

OST	Date of Receipt	2017-01-23	2017-01-13	2017-01-06	2017-01-03	2016-12-27	2016-12-23	2016-12-23	2016-12-22	2016-11-23	2016-11-23
	Number of Days Pending	425	430	435	438	442	443	443	444	464	464
PHMSA	Date of Receipt	2015-08-11	2015-07-20	2015-05-22	2015-03-09	2015-02-19	2014-12-18	2014-09-23	2014-02-20	2014-01-31	2013-11-21
	Number of Days Pending	787	803	842	896	908	949	1008	1165	1171	1218
SLSDC	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days Pending	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	Date of Receipt	2012-12-12	2012-11-15	2012-10-26	2012-10-12	2012-06-21	2012-06-18	2012-05-15	2012-01-24	2011-12-21	2011-09-06
	Number of Days Pending	1454	1472	1485	1495	1573	1576	1599	1678	1699	1772

## VIII.A. REQUESTS FOR EXPEDITED PROCESSING

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
FAA	2	258	1	1	259
FHWA	4	3	1	5	6
FMCSA	0	0	N/A	N/A	0
FRA	0	21	1	1	21
FTA	0	0	N/A	N/A	0
MARAD	0	1	10	10	1
NHTSA	0	2	15.5	15.5	1
OIG	0	0	N/A	N/A	0
OST	0	0	N/A	N/A	0
PHMSA	0	5	10	51	3
SLSDC	0	0	N/A	N/A	0
AGENCY OVERALL	6	290	0	5	291



## VIII.B. REQUESTS FOR FEE WAIVER

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
FAA	0	110	1	1
FHWA	4	3	1	5
FMCSA	0	0	N/A	N/A
FRA	52	0	1	1
FTA	0	0	N/A	N/A
MARAD	2	0	1	0
NHTSA	0	0	N/A	N/A
OIG	2	0	1	1
OST	0	0	N/A	N/A
PHMSA	3	0	1	1
SLSDC	0	0	N/A	N/A
AGENCY OVERALL	63	113	1	13

## IX. FOIA PERSONNEL AND COSTS

Agency / Component	PERSONNEL			COSTS		
	Number of "Full- Time FOIA Employees"	Number of "Equivalent Full- Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
FAA	21	33.88	54.88	\$6,642,736.46	\$268,642.92	\$6,911,379.38
FHWA	1	4.51	5.51	\$976,448.00	\$0.00	\$976,448.00
FMCSA	7	3.35	10.35	\$1,007,669.00	\$0.00	\$1,007,669.00
FRA	3	1.95	4.95	\$807,824.00	\$0.00	\$807,824.00
FTA	0	2.3	2.3	\$246,578.00	\$0.00	\$246,578.00
MARAD	2	0.5	2.5	\$226,916.88	\$0.00	\$226,916.88
NHTSA	3	6.5	9.5	\$782,681.00	\$0.00	\$782,681.00
OIG	1	0.9	1.9	\$258,617.00	\$4,288.00	\$262,905.00
OST	4	2.2	6.2	\$820,765.00	\$4,288.00	\$825,053.00
PHMSA	1	2.15	3.15	\$281,036.00	\$1,286.50	\$282,322.50
SLSDC	0	0.015	0.015	\$2,263.73	\$0.00	\$2,263.73
AGENCY OVERALL	43	58.255	101.255	\$12,053,535.07	\$278,505.42	\$12,332,040.49

## X. FEES COLLECTED FOR PROCESSING REQUESTS

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
FAA	\$333,561.83	5.02%
FHWA	\$77,872.20	7.98%
FMCSA	\$0.00	0.00%
FRA	\$0.00	0.00%
FTA	\$0.00	0.00%
MARAD	\$214.50	0.09%
NHTSA	\$1,957.00	0.25%
OIG	\$0.00	0.00%
OST	\$300.00	0.04%
PHMSA	\$1,085.00	0.39%
SLSDC	\$0.00	0.00%
AGENCY OVERALL	\$414,990.53	3.44%

## XI.A. NUMBER OF TIMES SUBSECTION (C) USED

Agency / Component	Number of Times Subsection Used
FAA	0
FHWA	0
FMCSA	0
FRA	0
FTA	0
MARAD	0
NHTSA	0
OIG	0
OST	0
PHMSA	0
SLSDC	0
AGENCY OVERALL	0

## XI.B. NUMBER OF SUBSECTION (A)(2) POSTINGS

Agency / Component	Number of Records Posted by the FOIA Office	Number of Records Posted by Program Offices
FAA	89,687	13,458
FHWA	2	0
FMCSA	2	687
FRA	1	32
FTA	0	107
MARAD	1	3,093
NHTSA	3	171
OIG	0	285
OST	16	0
PHMSA	2	111
SLSDC	0	0
AGENCY OVERALL	89,714	17,944

## XII.A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
FAA	1,243	86
FHWA	7	0
FMCSA	473	0
FRA	414	3
FTA	30	0
MARAD	2	1
NHTSA	82	6
OIG	2	1
OST	300	1
PHMSA	81	0
SLSDC	0	0
AGENCY OVERALL	2,634	98

## XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

Agency / Component	Number of Consultations Received from Other Agencies that were Pending at the Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed</u> by the Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that were Pending at the Agency as of <u>End</u> of the Fiscal Year
FAA	3	3	1	5
FHWA	0	2	2	0
FMCSA	0	0	0	0
FRA	0	1	1	0
FTA	0	0	0	0
MARAD	0	0	0	0
NHTSA	0	0	0	0
OIG	0	3	3	0
OST	0	6	4	2
PHMSA	1	4	5	0
SLSDC	0	0	0	0
AGENCY OVERALL	4	19	16	7

*After reviewing their database, FAA updated the number of consultations pending from the previous Fiscal Year.*

**XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY**

[illegible]



SLSDC	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	Date	N/A	N/A	N/A	2018-04-20	2018-01-23	2017-11-07	2016-12-07	2016-09-15	2015-10-27	2015-07-22
	Number of Days	0	0	0	112	174	224	455	511	734	801

**XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED**

Agency / Component	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
FAA	10,690	11,407	10,320	11,032
FHWA	424	373	424	374
FMCSA	2,129	1,463	2,083	2,932
FRA	416	428	331	466
FTA	321	297	296	286
MARAD	109	77	104	90
NHTSA	0	295	0	314
OIG	106	82	103	83
OST	429	399	318	262
PHMSA	192	214	227	229
SLSDC	11	14	10	14
AGENCY OVERALL	14,827	15,049	14,216	16,082

**XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED REQUESTS**

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
FAA	1,082	1,243
FHWA	3	7
FMCSA	1,935	473
FRA	453	414
FTA	11	30
MARAD	10	2
NHTSA	0	82
OIG	1	2
OST	148	300
PHMSA	98	81
SLSDC	1	0
AGENCY OVERALL	3,742	2,634

**XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED**

Agency / Component	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
FAA	83	38	51	49
FHWA	10	9	8	10
FMCSA	1	0	0	1
FRA	6	5	8	6
FTA	4	3	4	4
MARAD	6	3	3	5
NHTSA	14	9	10	6
OIG	4	2	3	2
OST	9	4	10	2
PHMSA	3	4	2	5
SLSDC	1	0	1	0
AGENCY OVERALL	141	77	100	90

**XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS**

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
FAA	94	86
FHWA	0	0
FMCSA	1	0
FRA	5	3
FTA	1	0
MARAD	2	1
NHTSA	3	6
OIG	1	1
OST	0	1
PHMSA	0	0
SLSDC	0	0
AGENCY OVERALL	107	98