

## **SURFACE TRANSPORTATION BOARD FOIA PLAN UNDER EXECUTIVE ORDER 13,392**

### **A. NATURE OF STB'S FOIA OPERATIONS**

With less than 140 employees, the Surface Transportation Board (STB) is a member of the Small Agency Council. The STB receives on average less than 30 FOIA requests per year, each of which is assigned a tracking number within the agency's in-house computerized FOIA tracking system. All FOIA requests are handled by one attorney, our FOIA/Privacy Act Officer, who also runs the Requester Service Center. In addition, our Deputy General Counsel serves as Chief FOIA Officer, as well as FOIA Public Liaison. Both the Deputy General Counsel and the FOIA/Privacy Act Officer have program responsibilities in addition to their FOIA duties, but because our FOIA load is small, the agency has almost always been able to complete FOIA requests within the statutory deadlines. The STB has never had a FOIA backlog, and the median time reported for completing FOIA requests for each of the last two years was 10 days.

The agency accepts requests by email, fax, and regular mail. Unless the request can be handled within a few days, an acknowledgement letter is sent out, usually by the following day. Current resources are sufficient to permit the FOIA Officer to promptly contact a requester by phone and/or email to seek any clarification that might be necessary concerning a request, or to direct the requester to another agency or to the Board's website if appropriate. The current FOIA staff prides itself on courtesy and efficiency, and the STB has received no complaints in this regard.

### **B. AREAS SELECTED FOR REVIEW**

The following potential improvement areas were reviewed:

- FOIA web page
- FOIA reference guide
- Program staff search process
- Affirmative disclosure opportunities

## C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW

1. **Web page/Reference Guide.** The web page was reviewed for compliance with E-FOIA and for ease of use. While the web page was found generally to comply with E-FOIA requirements, a few shortcomings were identified. First, the required public records are posted on the Board's website, but they were not specifically labeled as "Reading Room" records. Second, while requesters can learn how to file a FOIA request by reading the posted STB FOIA regulations, there is currently no link to a more user-friendly FOIA Reference Guide for requesters, nor is such a guide available. Finally, the STB's FOIA web page did not provide a link to FOIA Resources available on DOJ's FOIA page (as suggested in DOJ's Spring 1998 FOIA Update).

2. **Affirmative disclosure.** The Board appears to be doing a good job in this area. In addition to the public records that E-FOIA requires to be posted on agency websites, beginning in 2002, the STB has provided links to proactively disclose all non-confidential pleadings and correspondence filed in its proceedings. Furthermore, a review by the STB's Office of Congressional and Public Affairs concluded that the STB website currently provides links to all disclosable information frequently requested of that office. And, a review of the FOIA requests filed during the last three years did not turn up additional frequently requested documents that should be added to the Reading Room.

3. **Program staff search process.** While the STB is generally able to process requests well within the statutory time limit of 20 working days, we recognize that there is always room for improvement. Therefore, STB staff who have been involved in FOIA-related searches were asked to comment about whether there are any improvements that could be made (either by the FOIA Officer or the agency itself) in the way that the STB processes FOIA requests, including any changes that could make staff's searching easier. No problems that flow from either Board or FOIA Office procedures were identified. However, a number of responders identified procedures that they have used to organize documents in a way that made any subsequent FOIA search easier. The types of documents discussed were primarily those that are typically withheld under Exemptions 4 and 5.

## D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR AGENCY PLAN

FOIA web page/Reading Room records  
FOIA Reference Guide  
FOIA staff search process

## E. IMPROVEMENT AREA PLANS

### 1. Web page improvement/FOIA Reference Guide

**Goal:** The publicly available records already posted will be identified as “Reading Room” records. **This goal was met on May 3, 2006.**

**Goal:** The FOIA page will provide a link to the FOIA reference materials available on DOJ’s FOIA homepage. **This goal was met on May 26, 2006.**

**Goal:** A FOIA Reference Guide will be posted on the FOIA web page. **Target completion: December 31, 2006.**

#### Steps:

FOIA Reference Guides used by other agencies will be gathered as models. **To be completed by June 30, 2006.**

A draft STB FOIA Reference Guide will be written. **To be completed by September 30, 2006.**

The STB FOIA Reference Guide will be posted on the web page, and a press release will be issued announcing its availability. **To be completed by December 31, 2006.**

The STB FOIA web page will be reviewed quarterly to ensure that it stays up-to-date. **To be completed March 31, 2007 and by the end of every quarter thereafter.**

The FOIA Reference Guide will be reviewed annually to ensure that it remains up-to-date. **To be completed December 31, 2007 and by the end of every year thereafter.**

### 2. Staff search process.

**Goal:** A Memo to STB Staff outlining “Best Practices” for maintaining/storing documents that may be the subject of a FOIA request will be developed and distributed.

**Steps:**

Further confer with staff members, and perhaps other FOIA Officers, about successful practices used by staff to store documents typically requested but withheld under Exemptions 4 and 5. **To be completed by September 30, 2006.**

Draft memo summarizing “Best Practices.” **To be completed by October 31, 2006.**

Finalize and distribute memo. **To be completed by November 30, 2006.**

**F. IMPROVEMENT AREAS SUMMARIZED BY TARGET YEAR OF COMPLETION**

All improvements will be completed by December 31, 2006.

To ensure that the FOIA web page and Reference guide remain up-to-date, these items will be reviewed on a quarterly or annual basis as noted above.