2021 Chief FOIA Officer Report
Surface Transportation Board

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Section 1: Steps Taken to Apply the Presumption of Openness

The Surface Transportation Board (STB or Board) provides the public with many records on its website. Specifically, the Board daily posts all non-sensitive pleadings and all recordations (i.e., documents filed with the Board to perfect a security interest in rail or water carrier equipment).

The Board routinely posts environmental correspondence filed during any environmental review process overseen by the Board and provides the ability to search and access electronically important environmental documents, including large Environmental Assessments and Environmental Impact Statements related to proceedings before the Board.

The Board issues to the media, and posts on the Board's website, press releases for significant decisions, hearings, and other rulings. The Board also posts testimony and speeches by current and past Board Members, and information about Board meetings, hearings, and task force matters. Additionally, the Board can live-stream its meetings and hearings, including oral arguments, listening sessions, and technical workshops. These videos remain available for public viewing after the event, thereby giving the public greater access to the Board's activities

The Board provides industry economic data by posting a large number of financial and statistical reports its website. The Board also posts agency reports and independent studies, as well as the Board's fiscal year budget requests.

Finally, the Board posts reports on rail service issues and records pertaining to its two FACA committees, National Grain Car Council and Rail Energy Transportation Advisory Council, and its statutorily-created non-FACA committee (Railroad-Shipper Transportation Advisory Committee).

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

The Board has recently reached agreement to use a comprehensive FOIA management system administered by EPA known as FOIAonline.gov for its FOIA tracking system. In Spring 2021, the Board will implement FOIAonline.gov. The system will allow the public to submit FOIA requests, track the progress of our responses to requests, search for information previously made available, generate up-to-the-minute reports on FOIA

processing (including our FOIA annual report that is submitted to the Department of Justice), communicate with requestors, and manage FOIA case files as electronic records.

The Board staff also recently began using SharePoint in Microsoft Office 365 to search for and manage documents related to a large FOIA request. This program allows Board staff to more easily share and store records in response to FOIA search requests for accumulation and review by FOIA staff. For example, the program's file-sharing tool allows users to see what records have been found and thereby reduce the number of duplicative records. The program also allows FOIA staff to collaborate during their review of potentially responsive records.

Section III: Steps Taken to Increase Proactive Disclosures

The Board's FOIA Officer is keenly aware of the Board's FOIA logs and whether a record has been requested three or more times. In such instances, or if the Board anticipates that a record might be frequently requested (based upon staff's experience or its review of the Board's FOIA logs), the Board will post that record on its website.

The Board commonly prepares news releases for proactive disclosures and posts them on its website. The Board also shares its proactive disclosures by sending emails to persons who have signed up to receive such releases.

Section IV: Steps Taken to Greater Utilize Technology

As described in more detail in Section II, the Board has implemented two new programs: FOIAonline.gov and SharePoint in Microsoft 365. The Board also posts many of its reports in both XML and searchable "portable document format" (.pdf), and, where it does not involve commercially sensitive or otherwise protected information, the Board offers to the public the utilization of various programs that the Board uses in its cases and industry analysis (e.g., the Uniform Railroad Cost System). By affording these technologies to the public, interested parties can independently evaluate the Board's work.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The Board is a small agency that received fewer than 50 FOIA requests in fiscal year 2020. The Board is committed to efficiently, effectively, and timely address all requests submitted, and it continues to work to improve timeliness and clarity in responding to requests and to avoid backlogs. All FOIA requests filed in fiscal year 2020 were processed within the statutory deadline. The Board had no backlogged FOIA requests in fiscal year 2020.

VI. Success Stories

The Board can tell a success-in-the-making story through its work over the years to improve its electronic FOIA request management system. For years, the Board used Lotus Notes to maintain its FOIA database. This system worked given the small number of requests the Board typically receives annually, but Board FOIA staff, in conjunction with Board IT staff and the Board's leadership, wanted to ensure that the Board had an effective and encapsulated system in place for responding to requests, and one that would make the succession of FOIA responsibilities seamless. A couple of years ago, the Board hired a consultant to create a new FOIA request system, but it failed, and we continued with a Lotus Notes database. Recently, the Board entered an agreement with FOIAonline.gov for a more comprehensive FOIA request system. Board FOIA and IT staff are working with FOIAonline.gov this week to prepare templates and migrate FOIA data to this system. The FOIAonline.gov web interface will allow Board FOIA staff to efficiently process incoming FOIA requests, make requester communications, and prepare the Board's annual FOIA reports. It will also allow interested parties to more easily submit FOIA requests to the Board, track the status of requests, search for requests submitted by others, access previously released records, and generate Board-specific FOIA processing reports. We are looking forward to offering our FOIA requesters more transparency and functionality.