

2022 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](#). It provides five major pulldown menus for [proceedings & actions](#), [reports & data](#), [resources](#), [news & communications](#), and other information in [about STB](#). 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 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](#).

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.

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, the [Railroad-Shipper Transportation Advisory Committee](#).

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

In April 2021, the Board began using FOIAonline.gov for its FOIA tracking system. The FOIAonline.gov system was the Board's attempt to automate its FOIA tracking to allow the public to submit FOIA requests, track the progress of their requests, and search for information previously made available. For Board FOIA staff, it was intended to

generate reports on FOIA processing (including our FOIA annual report that is submitted to the Department of Justice), to communicate with requestors, and to manage FOIA case files as electronic records. (As you know, the FOIAonline.gov system is being sunset by 2023. Therefore, the Board is currently seeking a replacement system and is considering returning to an internal system under standard operating procedures.)

For the second year, Board staff is 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 proactively works with other Board offices to post nonexempt materials requested. He is quick to make significant records public when they are requested so that everyone can benefit from significant information, rather than just the requester. In such instances, or if the Board anticipates that a nonexempt record might be frequently requested (based upon staff's experience or its review of the Board's FOIA logs) or if it is considered significant, 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 Better Use Technology

As described in more detail in Section II, the Board is using two 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 use of various programs that the Board uses in its cases and industry analysis (e.g., the [Uniform Railroad Cost System](#)). Affording these technologies to the public enables interested parties to 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 2021. The Board is committed to efficiently, effectively, and timely addressing 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 2021

were processed within the statutory deadline. The Board had no backlogged FOIA requests in fiscal year 2021.

VI. Success Stories

The Board can tell a success story in our effort to post records containing important data and information on our website upon receiving a FOIA request for nonexempt records. As our report shows, the Board posts a large amount of its work on its website for public access. But the FOIA office, working with other Board offices, also proactively post additional materials when we receive a FOIA request indicating additional needs of the public or segments of the industry that the Board regulates. Of course, our proactive approach to such information may well explain why we rarely have multiple requesters seeking the same records. One recent example illustrates our commitment to release of nonexempt information.

The FOIA office received a request for an index study regarding railroad rates and related data that the Board traditionally uses internally. The [periodic study report](#) summarizes trends in freight railroad rates and staff's preparation of a rail rate index. The index study uses the STB's Confidential Carload Waybill Sample data for all traffic to calculate an index to show how rates are changing over time across the entire rail industry. While this has traditionally been an internal process, the Board considered its significance to the public and the industry and determined to make it public, along with its [Excel worksheets](#). The Board's FOIA office is always looking for materials to offer the public and the industry to provide more transparency and functionality. While our agency's offices are very good at proactively posting records and information, where appropriate, the FOIA office supports this effort for additional records where significant records are brought to its attention by our FOIA requesters.