

2023 Chief FOIA Officer Report Surface Transportation Board

Craig M. Keats,
General Counsel and Chief FOIA Officer

Section 1: Steps Taken to Apply the Presumption of Openness

The Surface Transportation Board (STB or Board) provides the public with a large number of 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

Since 2021, the Board has used FOIAonline.gov for its FOIA tracking system. As is widely known, the FOIAonline.gov system is being sunset after FY 2023. Therefore, the Board is currently evaluating vendors for a new FOIA tracking system and anticipates having a tracking system in place before the end of FY 2023.

The Board can also use SharePoint in Microsoft Office 365 to search for and manage documents related to 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 works with the relevant office 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, when appropriate.

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 reviewing new programs suitable to the Board to replace FOIAonline.gov, and we continue to use 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 100 FOIA requests in fiscal year 2022. 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 2022 were processed within the statutory deadline.

VI. Success Stories

The Board can tell a continuing success story about our effort to proactively post records containing vital data and information on our website. These materials are often complicated and of significant interest to our stakeholders and the public.

As our report shows, the Board posts a large amount of its work on its website for public access. The Board also prepares various internal analyses and third-party studies that can be complicated and can use sensitive data or information. The sensitivity of the data or information can complicate the decision to post these records as well. This is particularly true for our Office of Economics (OE), which prepares many of these data-driven and important records.

The Board is cognizant, however, that these records are of interest to the public. For FY 2022, the Board posted several of these complicated records. In December, the Board posted an [important study](#) on its Uniform Rail Costing System (URCS). The 203-page study by Laurits R. Christensen Associates identified and evaluated alternatives to URCS that could be used as a replacement general purpose costing methodology to generate railroad-specific variable costs for regulatory purposes. Shortly after posting the study, the Board received a FOIA request (FOIA Request No. STB-2023-000041) seeking the appendices to the study that had not been posted yet. The Board granted the request and posted the [appendices](#).

Recently, OE began posting urgent rail service data collected by the Board from the nation's largest railroad (including all individual files and a weekly compilation that harmonizes the data with other service data). This data, which is crucial for overseeing and protecting the nation's supply chain, and which is updated with new information, after it is filed and reviewed, may be found [here](#). Because service issues can be tied to the unavailability of sufficient railroad personnel to operate the system, OE began posting employment data (including all individual files and a monthly compilation that harmonizes the data with the STB Form C collection). This important economic data may be found [here](#).

In sum, the Board's FOIA staff, working with other Board offices and where appropriate, posts materials when we receive a FOIA request indicating additional needs of the public or segments of the industry that the Board regulates or when it is likely to be sought by stakeholders or the public. Of course, our proactive approach to such information may well explain why we rarely have multiple requesters seeking the same records.