Surface Transportation Board

2012 Chief FOIA Officer Report
Through 3/1/2012 (due no later than 2/1/2012)

Section I. Steps Taken to Apply the Presumption of Openness

1. The Surface Transportation Board (Board or STB) did not hold an agency-wide FOIA conference. However, the Board continued to train a second FOIA professional to provide more consistent coverage when the FOIA Officer is on leave and to ensure a smooth succession when the current FOIA Officer retires.

2. The Board's new FOIA professional attended two courses offered by the Department of Justice: the Office of Information Policy Refresher Training on the Guidelines for Preparation of Annual FOIA Reports and the two-day National Advocacy Training FOIA for Lawyers Seminar.

3. Although the Board's FOIA Office affirmatively seeks to make discretionary releases of exempt records, the Board did not have the opportunity to do so during the reporting period. The Board denied records only twice (out of 38 requests received by the Board) in Fiscal year (FY) 2012, and both denials were only partial denials that were not amenable to discretionary release.

4. N/A.

5. The FOIA Officer reviews all requests covered by exemptions to determine whether discretionary releases are possible.

6. As described in more detail below, the Board increased its proactive release of economic data through postings on its website in user friendly formats.

7. Yes. There was an increase in full grants both numerically and proportionally. In FY 2010, the Board fully granted 2 out of the 7 FOIA requests received (29% of requests), and, in FY 2011, it fully granted 21 of the 38 requests received (55% of requests).

8. Yes. The partial grants doubled from 1 in FY 2010 to 2 in FY 2011.

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

1. At the STB, the FOIA Officer has long enjoyed the support of the Board's CIO and IT staff in responding to FOIA requests. Several years ago, an efficient and low-cost database, including templates for staff-search requests and responses to requesters, was developed by the STB's IT staff to track the relatively small

number of FOIA requests received by the agency. During the reporting period, the IT staff has continued to work cooperatively with the FOIA Officer to ensure that the templates are consistent with efforts to increase the agency's transparency. In addition, IT staff continues to assist the FOIA Office by formatting responsive documents for the most cost-effective transmittal to requesters.

2. The two FOIA professionals regularly consult with the Chief FOIA Officer.

3. The FOIA Officer is a member of the Agency's Open Government Team, which has been working to identify additional information that should be posted on our website and to increase the usability of the information that is already posted there. In FY 2011, at the Team's recommendation, the Board posted for the first time on the Board's website several quarterly and annual reports submitted by the railroads: the Quarterly Condensed Balance Sheet (CBS) Report, the Quarterly Revenue, Expense, and Income (RE&I) Report, the Annual and Quarterly Freight Commodity Statistics (QCS) Report, and the Quarterly Wage A&B data Reports. In addition, the Board is in the process of posting QCS data. Additionally, the Board posted for the first time in searchable format the R-1 (Annual Reports filed by the Class I (large) Railroads) and QCS data reports.

4. In FY 2011, the Board experienced a 6-fold increase in the number of FOIA requests over the previous year. As in 2010, however, the FOIA Office was able to respond within the statutory time-limits to the still relatively small number of FOIA requests that the agency receives. Nevertheless, the agency has recently taken steps (described in II.5. below) to further ensure the efficiency of its FOIA operations.

5. During the reporting period, the agency detailed an experienced attorney to assist in FOIA work. That detail has been converted to a full-time position that includes FOIA responsibilities. These steps will provide more consistent coverage when the FOIA Officer is on leave and will ensure a smooth succession when the current FOIA Officer retires.

Section III. Steps Taken to Increase Proactive Disclosures

1. Yes. The Board has added new material to its website since last year.

2. For example, the agency converted several datasets of economic data collected from Class I (large) railroads to XML format and posted them on the Board's website in both human readable and open formats. These include the following: R-1 Annual Reports; Quarterly RE&I Reports; Quarterly CBS Reports; QCS Reports; and Quarterly and Annual Wage (A&B) Reports. The agency also added an open format version for some of its own compiled reports, including Annual Wage Statistics (Form A-300), Monthly Employment Compilations, and Quarterly Selected Earnings. In addition, the Board expects to launch its new

website on March 19, 2012. The new website will have greatly improved search capabilities, giving interested parties easier to access to all correspondence, filings, and decisions relating to Board cases.

3. The Board aims for transparency in all of its proceedings by posting on its website all pleadings filed with the Board, except those that contain sensitive personal or commercial information. Specifically, the STB's Management Information and Legal Support Services (MILSS) paralegals and legal technicians post original and subsequent pleadings filed in cases brought before the Board. The MILSS also posts all recordations (documents filed with the Board to perfect a security interest in rail or water carrier equipment). With the launch of the new website, all Congressional correspondence will also be posted and searchable.

The paralegals in MILSS use a case management software to identify documents and post them to the Board's website. This software is not FOIA-specific. The process is as follows: MILSS paralegals enter data about a document into the Board's case management system; the system generates an ID number for each document; MILSS legal technicians use the ID number to scan the document and create a PDF; MILSS legal technicians validate the document (i.e., review the document for quality control); and, once validated, the document automatically propagates to the website.

The STB's Office of Economics places useful economic data (except data that includes confidential commercial information) on the website as received, or as compiled by the Board. That Office also participates in the agency's Open Government Team, working to identify additional useful economic data that can be posted on the website.

Finally, FOIA professionals monitor the FOIA request log to identify "frequently requested" records.

4. As noted above, the redesign of the agency's website will enable users to more readily access the information that we post. In addition, the agency's Open Government Team continues to identify records currently posted on the website that can be reformatted and posted in a more useful open format. Finally, a working group is reviewing the feasibility of scanning and posting on the web older microfiche documents that are currently available to the public only at the agency's headquarters.

5. With the launch of our new website, we will begin to use social media to educate the public about the mission of our agency as well as the activities we are undertaking to fulfill our congressional mandate.

Section IV. Steps Taken To Greater Utilize Technology

1. FOIA requesters can submit FOIA requests through the Board's website or through E-gov.

2. The Board does not process FOIA requests on a decentralized basis. All FOIA requests come through the FOIA Office for processing, given the small size of the agency.

3. FOIA requesters cannot track their requests on line. However, because the Board's response time averages about 9 working days, the Board has not had a backlog and receives few, if any, inquiries regarding the status of requests. In addition, FOIA professionals are generally able to respond to any email and telephone questions from requesters within 24 hours.

4. For the reasons noted in IV. 3. above, the STB is not taking steps to establish an electronic tracking system for FOIA requesters. Given the relatively small number of requests received (usually less than 40 per year) and the absence of a FOIA backlog, the Board has determined that a program to allow requesters to track their FOIA requests online is not necessary or cost-effective at this time.

5. As discussed in III. above, the Board proactively makes available on its website many of the Board's records, including all non-confidential filings. Because of the agency's current ability to efficiently process the small number of records it receives, an investment in additional technology is not warranted at this time.

6. The Board's new website will feature improved document searches and allow the public to create personal tracking folders and notifications to make records of interest immediately available to them.

Section V. Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs

1. Whether the agency uses a separate track for simple FOIA requests?

    a. The Board does not utilize a separate track for simple requests.

    b. N/A.

    c. Yes. The average response time for the agency was 9 days.

2. Whether the agency has a backlog of FOIA requests?

    a. The agency did not have a backlog of requests at the close of FY 2011.

    b. There was no backlog of administrative appeals at the end of FY 2011.

    c. Yes. In FY 2011, the agency closed the one FOIA request that was pending at the end of FY 2010. That request had been submitted at the end of the FY and was responded to in the first month of FY 2011.

  d. There were no administrative appeals pending at the end of FY 2010.

3. The Board did not answer any of the questions in V. 2. above, "no."

Describe the steps your agency is taking to make improvements in timeliness.

1. Yes. The Board monitors the progress of its FOIA caseload using the agency's FOIA database. Given the STB's limited size and small FOIA caseload, the STB is able to comply with FOIA deadlines. Nevertheless, the STB's FOIA Office routinely discusses ways to better facilitate FOIA searches, improve our response time, and increase transparency.

2. Yes. The Board is presently in the process of adding a permanent part-time attorney advisor to assist the FOIA Officer. This will increase the efficiency of the FOIA Office, particularly when the FOIA Officer is out of the office, and will also address succession-planning issues.

3. Yes. The Board's new website will greatly enhance the public's ability to search and retrieve documents available on our website, including all non-confidential filings and Congressional correspondence. Additionally, the Board's new FOIA professional gained training and access to the FOIA database and FOIA email mailbox.

4. The Board rarely receives FOIA consultations from other agencies and did not receive any consultations in FY 2010 or FY 2011.

Use of FOIA's Law Enforcement "Exclusions"

1. No. The STB did not invoke a statutory exclusion during FY 2011.

2. N/A.

Spotlight on Success

The STB redesigned its website with the sole purpose of increasing the Board's transparency. Every decision that has been made regarding the website involves improving the user experience and making the STB's publicly released records more accessible to the public. The new website is set to launch in March, 2012.

Submitted by

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Surface Transportation Board
February 1, 2012