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Description of document: Department of Transportation (DOT) Freedom of Information Act (FOIA) Standard Operating Procedure (SOP) 2009-2011

Requested date: 23-May-2022

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Source of document: FOIA Request  
Secretary of Transportation  
1200 New Jersey Ave., SE  
W94-122  
Washington, DC 20590  
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U.S. Department  
of Transportation

Office of the Secretary  
of Transportation (OST)

1200 New Jersey Ave., S.E.  
Washington, DC 20590

OST FOIA Contact Information

FOIA Requester Service Center  
202-366-4542; [ost.foia@dot.gov](mailto:ost.foia@dot.gov)

Michael C. Bell, FOIA Officer  
202-366-5546; [michael.bell1@dot.gov](mailto:michael.bell1@dot.gov)

Fern Kaufman, FOIA Public Liaison  
202-366-8067; [fern.kaufman@dot.gov](mailto:fern.kaufman@dot.gov)

June 14, 2022

**File No.: OST-2022-0359**

This is in response to your Freedom of Information Act (FOIA) request received May 23, 2022. You requested a copy of each internal FOIA Standard Operating Procedure (SOP) for the U.S. Department of Transportation (DOT) Office of the Secretary FOIA Office.

Please find those records enclosed with this reply. Portions have been redacted pursuant to FOIA Exemption 6, which protects against a clearly unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and 49 CFR 7.23(c)(6).

I am the person responsible for this determination. If you are dissatisfied with this response, you may appeal to Judith S. Kaleta, Deputy General Counsel, U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., W94-122, Washington, D.C. 20590. Should you choose to appeal this determination, we recommend sending your appeal electronically via email to [ost.foia.appeals@dot.gov](mailto:ost.foia.appeals@dot.gov). An appeal must be received within 90 days of the date of this determination and should contain any information and arguments you wish to rely on. The Deputy General Counsel's determination will be administratively final.

You also have the right to seek dispute resolution services from the FOIA Public Liaison (contact information shown above) or the Office of Government Information Services (<https://ogis.archives.gov>) via phone - 202-741-5770/toll-free - 1-877-684-6448; fax - 202-741-5769; or email - [ogis@nara.gov](mailto:ogis@nara.gov).

Sincerely,

MICHAEL

CHARLES BELL

Digitally signed by  
MICHAEL CHARLES BELL  
Date: 2022.06.14  
17:56:04 -04'00'

Michael C. Bell  
DOT/OST FOIA Officer

## Best Practices for FOIA Appeals

### *Intake*

- Promptly upon receipt, assess the issue(s) on appeal and determine strategy for response.
- Make sure you have the complete file, including copies of search memos and redacted/unredacted copies of responsive documents.
- Talk to FOIA Office.
- Seek additional information from requester, if needed.
- FOIA Specialists working on the appeal should be someone other than the FOIA Specialist assigned to the initial decision.

### *Drafting the Appeal*

- Use of the DOJ Guide can be a good starting point for your analysis, but be sure to supplement with research specific to your issues, and confirm the holdings and citations of cases referenced in the DOJ Guide.
- Begin drafting using form legal analysis of various exemptions that have been used in the past (updated to reflect current case law, as needed), and already approved by your OA and OGC.
- Apply your facts to the law.
- Feel free to contact C-60 FOIA attorneys to discuss any aspect of the appeal.
- If your appeal involves unusual facts or novel legal issues, call or schedule time to meet with C-60 FOIA attorneys.
- Appeals must include the following statement indicating OGC concurrence: “This decision has been concurred in on behalf of the General Counsel of the U.S. Department of Transportation by [Claire McKenna/John Allread], an attorney on his staff.”

### *OGC Concurrence*

- Provide OGC counsel in C-60 with the following (1) draft appeal letter; (2) appeal; (3) incoming request; (4) provide copies (electronic or paper) of responsive records for review.
- Provide OGC with at least 24 hours to review (longer if issue involves review of voluminous redactions).



**U.S. Department  
of Transportation**

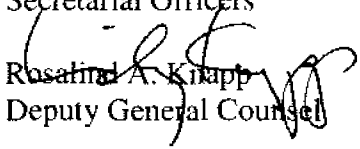
Office of the Secretary  
of Transportation

GENERAL COUNSEL

1200 New Jersey Avenue, SE  
Washington, DC 20590

November 2, 2009

MEMORANDUM TO: Heads of Operating Administrations  
Secretarial Officers

FROM:   
Rosalind A. Knapp  
Deputy General Counsel

SUBJECT: Freedom of Information Act (FOIA) and Creating a  
"New Era of Open Government"

The President, the Attorney General, and the Department of Justice's (DOJ) Office of Information Policy released guidance earlier this year designed to create a "New Era of Open Government." As Chief FOIA Officer for the Department of Transportation (DOT), I thought this would be a good time to reiterate our ongoing FOIA obligations and discuss the new FOIA standards. I encourage you to distribute this memorandum widely within your offices. For the benefit of incoming officials and as a reminder to all of us, this memorandum begins with some basic principles.

What is FOIA?

FOIA is a disclosure statute (5 U.S.C. § 552) that gives any person a right, enforceable in court, to access Federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by exemption. A requester must reasonably describe the records sought and submit the request in accordance with the agency's published FOIA regulations. The Department has promulgated its FOIA rules at 49 CFR Part 7. FOIA requires that the Department respond to FOIA requests within 20 working days of receipt, with limited exceptions as outlined in the FOIA statute.

Department's FOIA Structure

DOT has a Departmental FOIA Office located in the Office of the Secretary (OST), and FOIA Offices in each of its operating administrations and the Office of the Inspector General. In most of the Department's FOIA programs, the FOIA function is centralized, with one office (typically staffed with FOIA specialists) handling all FOIA processing. However, two of the Department's larger FOIA programs (the Federal Aviation Administration and the Federal Highway Administration) are decentralized--with FOIA specialists in a Headquarters FOIA Office providing guidance to many program and field offices (typically staffed with non-FOIA specialists) that respond directly to initial FOIA



requests. Each FOIA Office has one or more attorneys from its operating administration who provide legal support to its FOIA program. The Departmental FOIA Officer and Departmental FOIA attorneys, in the Office of Operations (C-60) within the General Counsel's Office, provide leadership, guidance, direction, and assistance to the FOIA Offices and FOIA attorneys throughout the Department. The Departmental FOIA Office also acts as the FOIA Office for OST, processing requests for OST records.

The Chief FOIA Officer provides high level oversight and support to the Department's FOIA programs, and must "recommend adjustments to agency practices, personnel, and funding as may be necessary" to improve FOIA administration. In his recent guidance, the Attorney General emphasized that Chief FOIA Officers must be active participants in their agencies' FOIA operations.

DOT also has FOIA Public Liaisons throughout the Department, who serve as officials to whom FOIA requesters can raise concerns about service they have received from the FOIA Offices. Although the FOIA Public Liaison function is a collateral duty, it is an important one. I anticipate that the role of the FOIA Public Liaisons will likely become more active and visible over the coming year. FOIA Public Liaisons report to the Chief FOIA Officer on their FOIA-related activities.

### Agency Records

For purposes of FOIA, an agency record is one created *or* obtained by an agency that is in the agency's possession or control at the time a FOIA request is made. Agencies are not required to create a record in response to a FOIA request. The term "record" has been defined broadly to include any record (draft or final) in any format maintained by an agency. This includes e-mails, memoranda, correspondence files, information contained in computer or other electronic files, certain handwritten notes, calendars, audio and videotapes, maps, and photographs.

### FOIA Processing

When a DOT FOIA Office receives a FOIA request, it first asks the appropriate program office(s) to search for responsive records. Any DOT employee receiving such a request must search for responsive records and, to the extent records are located, provide them to the FOIA Office (even if the DOT employee believes that certain records should not be released) to undergo a review. If an employee believes that any of the records, or portions thereof, may be subject to an exemption from release, the employee should indicate that to the FOIA Office when providing the records. The FOIA Offices throughout the Department have well-established FOIA review processes that include coordination with program office subject matter experts when making determinations regarding release; therefore, program office input is valued. Ultimately, however, each FOIA Office, working with FOIA counsel, must make the determination as to what records should be released, after reviewing the responsive records.

FOIA Offices should review documents and apply exemptions consistently. If a document is released to one requester, then that same document, redacted the same way, would need to be provided to all future requesters of that document. This is also true for any agency documents released by agency personnel outside the FOIA process.<sup>1</sup> Your FOIA Office and/or FOIA counsel can provide assistance in applying this “release to one, release to all” rule.

### The FOIA Exemptions

Following are brief descriptions of the FOIA exemptions mentioned above.

<b>Exemption 1</b>	properly classified national defense and foreign relations information
<b>Exemption 2</b>	internal agency rules and practices (for example, where release could risk circumvention of agency rules)
<b>Exemption 3</b>	information that is prohibited from disclosure by another Federal statute
<b>Exemption 4</b>	trade secrets and other confidential business information
<b>Exemption 5</b>	inter-agency or intra-agency communications protected by legal privileges (e.g., deliberative process, attorney-client)
<b>Exemption 6</b>	information involving matters of personal privacy
<b>Exemption 7</b>	records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
<b>Exemption 8</b>	information relating to the supervision of financial institutions
<b>Exemption 9</b>	geological information on wells

As stated above, it is the relevant FOIA office that must determine the applicability of an exemption, in coordination with FOIA counsel as appropriate.

<sup>1</sup> One important exception to this rule relates to information in a record subject to mandatory, not discretionary withholding, such as trade secrets or certain security-related information. Where an agency errs by releasing such information outside the agency, it should not repeat the mistake. However, to the extent the released information is subject only to discretionary withholding, the agency generally waives its right to assert the exemption in response to any future FOIA requests.

### Creating a “New Era of Open Government”

On January 21, 2009, President Obama issued a memorandum to the heads of all departments and agencies on FOIA. The President directed that FOIA “should be administered with a clear presumption: In the face of doubt, openness prevails.” The President also instructed agencies that information should not be withheld merely because “public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears.” Agencies are directed to respond to requests “promptly and in a spirit of cooperation.” The President also called on agencies to “adopt a presumption in favor of disclosure” and to apply that presumption “to all decisions involving FOIA.” The President’s memorandum directs agencies to take “affirmative steps to make information public,” and utilize “modern technology to inform citizens about what is known and done by their Government.” The Attorney General, in his March 19, 2009 memorandum on FOIA, established a new standard for defending agency decisions to withhold information. When a FOIA request is denied, agencies will now be defended by DOJ “only if (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the statutory exemptions, or (2) disclosure is prohibited by law.”

When full disclosure of a record is not possible, agencies should always consider making a partial disclosure. The Attorney General reminded agencies that they “should always be mindful that the FOIA requires them to take reasonable steps to segregate and release nonexempt information.” In addition to reviewing records to see if portions are reasonably segregable as non-exempt, agencies should also review records to see if portions that are technically exempt can be released as a matter of discretion. The determination of whether an agency reasonably foresees harm from release of a particular record, or record portion, goes hand-in-hand with the determination of whether to make a discretionary release of information. The age of the record and sensitivity of its content, the nature of the decision at issue, the status of the decision, and the personnel involved are all factors that should be analyzed in determining whether a discretionary release is appropriate.

As the Attorney General states in his March 19 memorandum, “At the same time, the disclosure obligation under the FOIA is not absolute. The Act provides exemptions to protect, for example, national security, personal privacy, privileged records, and law enforcement interests.” Therefore, discretionary release of records covered by certain exemptions is not possible where the information must be withheld under some other legal authority. For example, records protected by the exemptions covering national security (Exemption 1), commercial and financial information (Exemption 4), personal privacy (Exemption 6), and information protected by statute (Exemption 3) are generally not subject to discretionary release.

### FOIA Reporting

The FOIA statute requires a consolidated, comprehensive Department-wide annual statistical report that is posted on the Department’s FOIA home page ([www.dot.gov/foia](http://www.dot.gov/foia)).

The Departmental FOIA Office prepares the report after receiving the required data from DOT's FOIA Offices, which have historically provided complete, timely, and reliable data for the report.

The Attorney General has directed that beginning early next year, in addition to the consolidated DOT-wide Annual FOIA Report, I must submit a separate Chief FOIA Officer report to DOJ addressing steps taken to improve transparency in our Department. In particular, the report must address: (1) steps taken to apply the presumption of openness; (2) steps taken to ensure that DOT has an effective system for responding to requests; (3) steps taken to increase proactive disclosures; (4) steps taken to increase the use of technology; and (5) steps taken to reduce backlogs and improve timeliness in responding to FOIA requests.

DOT's FOIA personnel already have discussed many of these issues at their regular monthly meetings led by the Departmental FOIA Officer. In addition, I have asked the Departmental FOIA Officer to conduct reviews of each DOT FOIA Office over the next several months to assess the effectiveness of each DOT FOIA program and identify potential recommended improvements. (This includes OST's FOIA program.) After the reviews have been completed, I will meet with senior officials in each operating administration to discuss the findings and any recommendations specific to that DOT component. I will also seek input on how the Departmental FOIA Office can improve its service to DOT's FOIA Offices. With this information in hand, and in keeping with the Attorney General's request, I will recommend adjustments to our FOIA work, as appropriate, and submit the required report to DOJ. You and your staff will have input on the report.

### Closing

In his March memorandum, the Attorney General emphasized that each agency must be fully accountable for its FOIA operation and that all agency personnel have a role in the FOIA process. As you widely distribute this memorandum within your organization, please emphasize the need for all of the personnel in your agency to cooperate fully with our FOIA personnel in administering the FOIA program as directed by the President.

If you have questions regarding FOIA, please feel free to contact me. The Departmental FOIA Officer and Departmental FOIA attorneys, as well as your operating administrations' FOIA Offices, are also available to answer any questions you may have regarding FOIA.

cc: The Secretary  
The Deputy Secretary  
Chief of Staff  
Deputy Chief of Staff



**U.S. Department of  
Transportation**

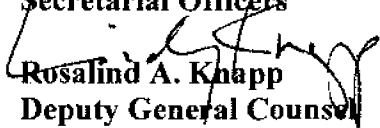
Office of the Secretary  
of Transportation

# Memorandum

General Counsel

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**To:** Heads of Operating Administrations  
Secretarial Officers  
DEC 14 2009

**From:**   
Rosalind A. Khapp  
Deputy General Counsel

**Subject:** FOIA Requests for Agency Communications with Congress

The Freedom of Information Act (FOIA) requires the release, upon request, of most communications between the U.S. Department of Transportation (DOT) and Congressional staff, including incoming requests for technical assistance on potential legislation and the technical assistance itself. Such communications do not qualify as “pre-decisional” material subject to the deliberative process privilege protected under FOIA’s “Exemption 5.” 5 U.S.C. § 552(b)(5).

Exemption 5 applies only to records that remain “internal” to the Executive Branch of the Federal Government. Subject to certain exceptions, records shared outside the Executive Branch lose any Exemption 5 protection. Stated another way, Congress is not an “agency” under FOIA, and thus communications between an agency and Congress do not constitute “intra- or inter-agency” pre-decisional records under Exemption 5.<sup>1</sup> In late September, the United States District Court for the Northern District of California confirmed the principle that agency communications with Members of Congress and their staffs discussing potential legislation do not fall within the scope of the deliberative process privilege protected by Exemption 5. *Electronic Frontier Foundation v. Office of the Director of National Intelligence*, Case No. 3:08-cv-01023-JSW (N.D. Cal. September 24, 2009).

The general rule, therefore, is that information DOT receives from or discloses to Congress, including technical assistance, should be released to a FOIA requester. There are two important exceptions, however.

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<sup>1</sup> FOIA defines “agency” as “any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.” 5 U.S.C. § 552(f)(1). Entities outside the Executive Branch include, among others, Congress, the Government Accountability Office (GAO), Courts, and Presidential transition teams.

First, there is an exception for information exempt from release under FOIA, but which an agency provides to Congress under compulsion. The FOIA statute provides that its exemptions are “not authority to withhold information from Congress.” 5 U.S.C. § 552(d). Information relates to such a compelled request only if it pertains to a formal request from a House of Congress or a Chairman or Head of a relevant Committee or Subcommittee. In such cases, delivery of the information to Congress does not act as a “waiver” of any FOIA exemption applicable to information in the record provided, because the agency does not “choose” to make the disclosure. A “relevant” Committee or Subcommittee is one that was established in the current Congress, with jurisdiction over the subject matter of the requested information. Most Congressional requests that DOT receives, however, come from an individual Congressional staff member or individual Member of Congress. Moreover, this exception applies only to information within a record that is otherwise covered by a FOIA exemption; providing non-exempt information to Congress under compulsion does not thereby render it exempt from release to a FOIA requester. For this reason, the “compulsion” exception will rarely, if ever, affect technical assistance, which by its nature involves communications outside the Executive Branch, and thus falls outside the scope of Exemption 5.

The second exception to the general rule that information provided to Congress must be released under FOIA applies to “Congressionally-controlled” communications between Congress and an agency. In these cases, the exception applies because the information remains within Congress’ control, and thus never becomes an “agency” record subject to a FOIA request.<sup>2</sup> Information is Congressionally-controlled (*i.e.*, does not become an agency record) only if—and to the extent that—the Congressional request is a “formal” one (see above), *and* Congress expresses an intent to control disclosure of the information. Congress’ expression of intent must be “clear,” “specific,” and “contemporaneous,” both as to any incoming or outgoing information.<sup>3</sup> Thus, an informal request from an individual Congressional staff member or individual Member of Congress that DOT treat technical assistance as confidential does not render the record (or the incoming request for technical assistance) a “Congressionally-controlled” document, outside of FOIA’s reach. Where DOT provides technical assistance on draft legislation that never comes into DOT’s possession, however—such as during a meeting with Congressional staff members, who retain all copies of the drafts—the fact that a DOT employee saw the draft legislation does not convert it into an “agency record” subject to FOIA.

The third exception to the general rule that information provided to Congress must be released under FOIA applies where an agency *voluntarily* (and thus improperly) releases, to individual Members of Congress or Congressional staff, records that include information subject to *mandatory* withholding—such as trade secrets or security-related information protected by DOT regulations. In that case, the “waiver” principle often will not apply to those portions of

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<sup>2</sup> FOIA includes only a limited definition of “record” at 5 U.S.C. Section 552(f)(2). The U.S. Supreme Court has defined “agency records” as “records that are created or obtained by an agency and under agency control at the time of the FOIA request.” *DOJ v. Tax Analysts*, 492 U.S. 136, 144-45 (1989).

<sup>3</sup> *United We Stand America v. IRS*, 359 F.3d 595, 602 (D.C. Cir. 2004).

the records subject to mandatory withholding. As a result, the agency should not compound the problem by releasing the protected information to a FOIA requester, certainly not without consulting FOIA counsel beforehand.

We ask that you advise personnel within your office or organization of the rules described in this memorandum. If you have any questions, please contact the Departmental FOIA Attorney, Beth Kramer, at x-69154.

*Ensuring consistent implementation of the new FOIA guidelines throughout the U.S. DOT***Topic: Foreseeable Harm and Discretionary Releases**

(Excerpted from DOJ's FOIA Post: Creating a "New Era of Open Government" –  
(<http://www.usdoj.gov/oip/foiapost/2009foiapost8.htm>)

When a FOIA request is denied, agencies will now be defended by the Department of Justice "only if (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the statutory exemptions, or (2) disclosure is prohibited by law."

Records should be reviewed in light of the presumption of openness with a view toward determining what can be disclosed, rather than what can be withheld. For every request, for every record reviewed, agencies should be asking "Can this be released?" rather than asking "How can this be withheld?"

When full disclosure of a record is not possible, agencies should always consider making a partial disclosure. The Attorney General reminded agencies that they "should always be mindful that the FOIA requires them to take reasonable steps to segregate and release nonexempt information."

In addition to reviewing records to see if portions are reasonably segregable as non-exempt, agencies should also be reviewing records to see if portions that are technically exempt can be released as a matter of discretion.

**Applying the "Foreseeable Harm" Standard**

Under the Attorney General's Guidelines, before withholding a record, the agency must reasonably foresee that disclosure would harm an interest protected by one of the exemptions. Thus, FOIA professionals should examine individual records with an eye toward determining whether there is foreseeable harm from release of that particular record, or portion thereof. **Each record should be reviewed by agencies for its content, and the actual impact of disclosure for that particular record, rather than simply looking at the type of document or the type of file the record is located in.**

For example, a requested record might be a draft, or a memorandum containing a recommendation. Such records might be properly withheld under Exemption 5, but that should not be the end of the review. Rather, the content of that particular draft and that particular memorandum should be reviewed and a determination made as to whether the agency reasonably foresees that disclosing that particular document, given its age, content, and character, would harm an interest protected by Exemption 5. In making these determinations, agencies should keep in mind that mere "speculative or abstract fears" are not a sufficient basis for withholding. Instead, the agency must reasonably foresee that disclosure would cause harm. Moreover, agencies must be mindful of the President's directive that in the face of doubt, openness prevails.



## Discretionary Release

The determination of whether an agency reasonably foresees harm from release of a particular record, or record portion, goes hand-in-hand with the determination of whether to make a discretionary release of information.

For records covered by certain exemptions, however, discretionary disclosures are not possible because the information is required to be withheld by some other legal authority. **Specifically, records protected by the exemptions covering national security (Exemption 1), commercial and financial information (Exemption 4), personal privacy (Exemption 6), and information protected by statute (Exemption 3), are generally NOT subject to discretionary releases.**

When reviewing documents to determine whether Exemptions 1, 3, 4, 6, and 7(C) apply, agencies should carefully review all portions of the documents to determine whether they fall within the scope of the claimed exemption. In addition, agencies should strive to reasonably segregate any non-exempt information from such documents in order to make a partial disclosure if possible.

### Factors to Consider in Making a Discretionary Release

Documents protected by the remaining exemptions, Exemptions 2, 5, and 7, can all be subjects of discretionary release. Agency FOIA professionals must use their judgment in making such determinations for each document, but they should be guided by the “fundamental commitment to open government” that the Attorney General directed should be “realized in practice.” In reviewing a record, the agency must **first** ensure that any portion being considered for withholding fits all requirements of the exemption being considered. If the exemption applies, the agency should then take the **second** step of determining whether to make a discretionary release of the record or a portion of the record. For all records, the age of the document and the sensitivity of its contents are universal factors that need to be evaluated in making a decision whether to make a discretionary release.

For the subparts of Exemption 7 other than 7(C), agencies should ensure that before invoking the exemption they are not basing the withholding on “speculative or abstract fears,” but instead are withholding because they reasonably foresee that disclosure would harm an interest protected by one of the subparts of Exemption 7. **There are certainly opportunities to make discretionary disclosures for records covered by Exemption 7.** For example, agencies should consider whether records that reference a law enforcement technique or procedure are now outdated, or no longer sensitive, or not specific enough to cause harm. Agencies can review their practices in this area to look for additional cases where greater information can be released as a matter of discretion.

There is no doubt that records protected by Exemption 5 hold the greatest promise for increased discretionary release under the Attorney General’s Guidelines. Such releases will be fully consistent with the purpose of the FOIA to make available to the public records which reflect the operations and activities of the government. Records covered by the deliberative process privilege in particular have significant release potential. **In addition to the age of the record and sensitivity of its content, the nature of the decision at issue, the status of the decision, and the personnel involved, are all factors that should be analyzed in determining whether a discretionary release is appropriate.** Documents protected by other Exemption 5 privileges can also be subject to discretionary disclosures.



**U.S. Department  
of Transportation**

**General Counsel**

1200 New Jersey Ave., S.E.  
Washington, DC 20590

Office of the Secretary  
of Transportation

**To: Heads of Operating Administrations and Secretarial Officers**

**From: Judith S. Kaleta  
Deputy General Counsel**

**Subject: FOIA Requests for Agency Communications with Congress**

The U.S. Department of Transportation (DOT) communicates with Congress in a number of ways. For example, we respond to inquiries from Congressional committees or individual Members of Congress, and provide technical assistance on potential legislation. This memorandum provides guidance on the disclosure of these communications under the Freedom of Information Act (FOIA).

### **General Rule**

When the DOT receives a FOIA request for communications with Congress, the general rule is that both the incoming and outgoing communications must be released. There are three important exceptions to this general rule, however.

### **Exceptions**

First, FOIA does not mandate release of information that (1) is exempt from disclosure under FOIA, and (2) was provided to Congress *under compulsion*. Information is provided to Congress under compulsion if it is in response to a *formal* request from a House of Congress, or a Chairman or Head of a Committee or Subcommittee with jurisdiction over the subject matter of the requested information. Under these circumstances, DOT's release to Congress does not waive any FOIA exemptions, because the release was not voluntary.

Second, the FOIA does not mandate release of information that (1) is subject to a *mandatory* prohibition on public release, such as trade secrets or sensitive security information, and (2) that the DOT, nevertheless, previously released to an individual Member of Congress or staff,<sup>1</sup> perhaps unaware that the release was not compulsory. In this case, rather than compound the problem, DOT often may continue to withhold those portions of the records subject to mandatory withholding. Should this circumstance arise, counsel should be consulted for guidance.

And, third, the FOIA does not mandate release of "Congressionally-controlled" communications between Congress and DOT. Information is Congressionally-controlled only if—and to the extent that—the Congressional request is a "formal" one (see above), and Congress expresses an

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<sup>1</sup> Requests from individual Members of Congress or their staffs are FOIA requests and thus, the disclosure of FOIA exempt records may act as a waiver of those exemptions.

intent to control disclosure of the information. These situations are extremely rare: Congress' expression of intent must be "clear," "specific," and "contemporaneous" as to any incoming or outgoing information.<sup>2</sup> Moreover, this situation only applies where Congress requests the agency to create "new" records, to be "controlled by Congress."

We ask that you advise personnel within your office or organization of the rules described in this memorandum. If you have any questions, please contact Departmental FOIA Attorneys John Allread at x61428, [john.allread@dot.gov](mailto:john.allread@dot.gov), or Claire McKenna at x60365, [claire.mckenna@dot.gov](mailto:claire.mckenna@dot.gov).

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<sup>2</sup> United We Stand America v. IRS, 359 F.3d 595, 602 (D.C. Cir. 2004).

## **Assigning a Request in FOIAXpress**

- Select Request to assign
- Select "Assign Users" from menu on left-hand side of screen
  - To change the Primary User, click on the box to the right of the current Primary User name
    - Scroll down the list of available users and highlight new Primary User
    - Click Select
    - On new screen confirm Primary User (sending e-mail is optional) and then click Assign at bottom right of screen
  - To add Secondary Users, click on Add Users button
    - Scroll down list of available users and click box(es) next to the user(s) you want to add
    - Click Select
    - On new screen confirm users (sending e-mail is optional) and then click Assign at bottom right of screen

## **Creating a New Request in FOIAXpress**

- Click on the "Requests" Tab (Located on Top Center Menu Bar)
- Click Create Request (Top Menu Bar)
  - Enter Requester (Click button to the right of the space to bring up the search menu)
  - Search system for the Requester
    - If Requester is in system, highlight and click Select
  - If Requester is not in the system, click "Create Requester" at top of box
    - Enter Requester data and click Save at bottom of box
  - Select Request Type (Usually FOIA-OST or Consultation)
  - Select Multi-Track Type
  - Input Requested Date
  - Enter Request Description
  - Upload Request Letter/e-mail, if applicable
    - Click and drag the file/e-mail into the Drag and Drop Zone

OR

- Click the Attach File Button to right of the page
  - Click Browse and search for the request from computer drive
  - Once located, click Attach File
- Check Yes if Expedited Processing or Fee Waiver is requested
- Enter Willing Amount of Fees from request
  - Check Fee Waiver Requested, if applicable
- Click Save

## **Creating Folders/Uploading and Redacting Records in FOIAXpress**

- Select Document Management from Upper Menu Bar
  - o Select Create New Folder
  - o Select File Cabinet Name (For Example: OST—Bell Work Folder)
  - o Enter New Folder Name (All folder names should begin with case number: OST-2021-0123)
  - o Click Create Folder button and confirm
- Newly Created Folder should be at bottom of screen.
  - o Check box to left of folder name
  - o Click Open Folders button
- Opened folder is on the upper left hand side of Document Management Screen
  - o Right Click on Folder Name from list on left hand side of screen and select Add Pages (creating sections is not necessary)
  - o You may click and drag files into the Drag and Drop Zone

OR

- o Click Attach Files button
- o Browse your drives and double click on records file to be uploaded
  - Repeat step as necessary for uploading multiple files to folder
- When all files to be added are listed, click Add Button
- To create additional folders, right click on File Cabinet drawer, select create folder and follow steps above
- To redact pages, click on page you wish to review/redact
  - o Click appropriate redact tool button from menu on right hand side
  - o Draw redaction box/shape over information to be redacted
  - o Select redaction code, if not already entered by default
    - Right Click on redaction box to select or change redaction code
  - o When you exit page, you will be asked to create a Review Layer.
  - o Name Review Layer with your name. For example, "Bell Review"
  - o Click Save
  - o To manually save review layer at any time, use Save Review Layer button on Top Menu
  - o Always ensure layer is saved before exiting

## Final Actions After Mgt Approval in FOIAXpress

- Receive notification from Reviewer that response is approved
- Select Request
- Select Actions from Top Menu bar
  - o Select Add/Search Documents-From Review Log-View
  - o Click on Folder(s)
    - Click Yes to Load Existing Review Layer
    - Select OS Mgt Review and click Load
    - Check box next to File Cabinet Drawer
      - All folders should have boxes checked
    - Click button on Top Menu named Add Folder to Request Folder
    - Verify all information in pop-up box is accurate and all folders are listed and checked
    - Click Add Folder(s) button
      - You do not have to Set Review Status
  - o Close Document Management
- Select Final Actions from Left-Hand Menu Bar
  - o If records produced, FOIA Exemptions and Case Disposition should be listed
  - o If no records being produced, double click on bar under Request Descriptions
    - Select Disposition from dropdown menu (Other Reasons for No Records or Withdraw)
    - Select applicable code
    - Click Save
  - o Click Save
  - o Request Status is now Disposition Accepted
- If sending records to requester:
  - o Select Deliver Documents from Left-Hand Menu Bar
    - Conduct final check of pages to ensure accuracy
    - Check box next to appropriate File Cabinet Drawer
      - All folders should have boxes checked
    - Right click on File Cabinet Drawer
      - Click Select Pages With
      - Ensure only types of pages going to requester are checked (Do not check duplicate, not relevant, or not reviewed)
  - o Click Deliver Documents button on Top Menu
    - Select Document Delivery Type from drop down menu at top of screen
    - Check box next to Final Response Letter
      - Select Customize and Save
      - Conduct final review of letter for accuracy
      - Click Save

- Select Delivery Mode
- Ensure sticky note is not checked
- Ensure Output Format is PDF Tagged (508 Compliant)
- Headers and Footers may be left as default (change on case by case basis)
- Click Deliver Documents button
- Close Document Management
- Select Close Request from Left Hand Menu
  - Enter Closed Date
  - Enter Number of Records for Public Inspection
- Click Save
- Click Yes to confirm closure



# OST FOIAXpress Process

# FOIAXpress®

Bell, Michael Help Sign Out

Home Requesters Requests Document Management Administration Reports

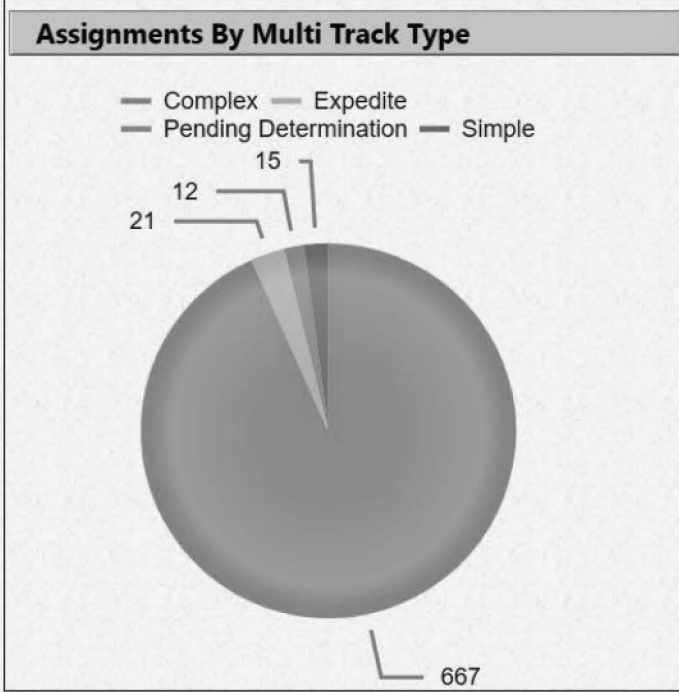
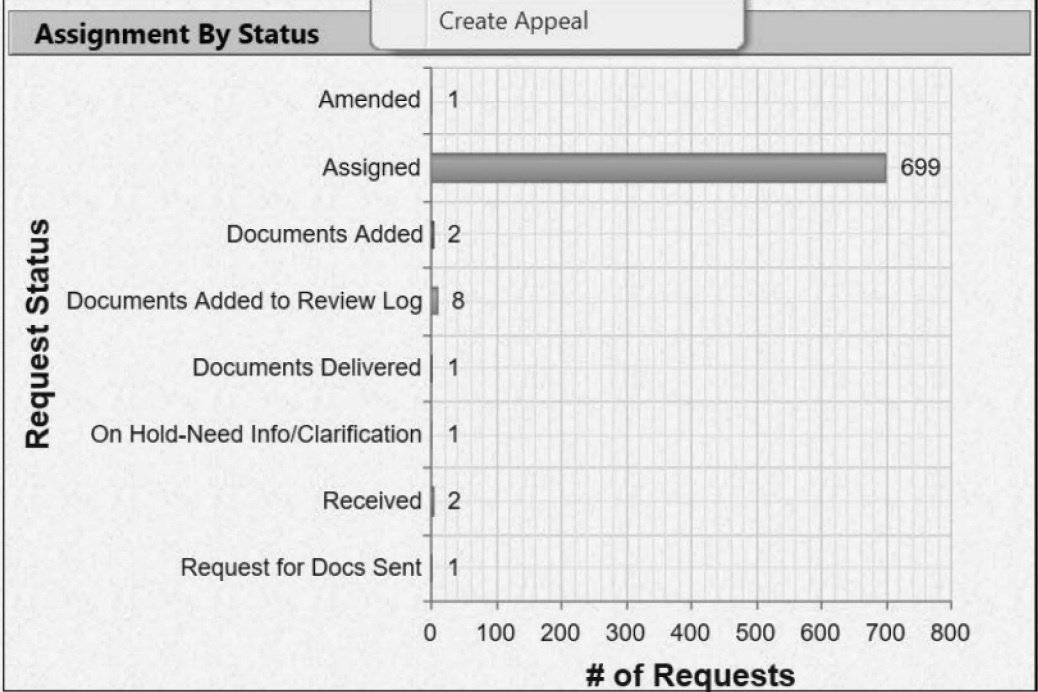
Request # [Search]

Home

Dashboard Last Updated on 11/2/2021 1:38:00 PM

Dashboards Action Office Manager Dashboard

- Search Requests
- Create Request
- Create Appeal

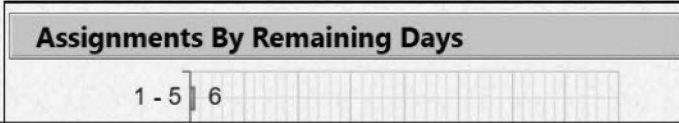


### My Work Summary

Primary Assignments	551
Secondary Assignments	160
Requests I Own	0
Pending Requests for Documents	2
Pending Consultations	8
Pending Expedite Determination	2
My Jobs (0 Pending 0 Failed)	

### Workload for

<https://foiaexpress.dot.gov/FOIAXpress/Request/EditRequest.aspx?from=home> [View More](#)



### Messages

Task Reminders Due/Overdue	1
----------------------------	---

### Group Queue Assignments

Admin - OST	0
-------------	---

### Search Requesters

**Search Requesters** | **Create Requester**

**Search Criteria** Wild card searches (\*) are supported

First Name : *	Email Address : *
Last Name : *	City : *
Organization : *	Country : United States
Category : <i>Select Category</i>	State : All
Delinquent : <input checked="" type="radio"/> N/A <input type="radio"/> No <input type="radio"/> Yes	

**+ Custom Fields**

Search Requesters

Category : [dropdown]

State : All [dropdown]

Delinquent :  N/A  No  Yes

+ Custom Fields

Search Clear Close

Select

Requesters

Last Name	First Name	Organization	Address	Delinquent	Email	Category	Created By	Created Date
<a href="#">Bell</a>	Michael		(b)(6)	No	(b)(6)	Other	Bell, Michael	08/23/2021
<a href="#">Bell</a>	Michael		(b)(6)	No	(b)(6)	Commercial O...	Admin 3, Admi...	08/20/2021
<a href="#">Bell</a>	Michael	Austal USA	(b)(6)	No	(b)(6)	Commercial O...	Larimore, Andr...	04/06/2021
<a href="#">Bell</a>	Michael	OST	Washington District o...	No	michael.bell1@do...	Federal Gover...	Larimore, Andr...	10/07/2019
<a href="#">Grabell</a>	Michael	ProPublica	(b)(6)	No	(b)(6)	Commercial O...	Riddick, Jeann...	06/04/2009

Page size 100

5 items in 1 pages

Select

Note: Click on hyperlink to view/edit requester profile. To select Requester click on line item and double-click or use 'Select' button.

Received Date\* : 11/2/2021

Home >> Create Request

Note: \* fields are mandatory

Create Request

Spell Check Refresh Save

Requester Details

Requester\* : [text input]

Organization :

Category\* : Select Category

On Behalf Of : [text input]

+ Address Details

+ Other Address Details

Request Details

Action Office\* : OST

Primary Assigned\* : Bell, Michael

Request Type\* : Select Request Type

Priority : Select Priority

Received Mode : FOIA-LOG

Delivery Mode : Select Delivery Mode

Multi-Track Type : FOIA-NHTSA

Method of Payment : Select Method of Payment

Requested Date\* : FOIA-OST

Received Date\* : FOIA-PHMSA

Description\*

Restricted

- FOIA-PA
- Misc-NHTSA
- NON-FOIA
- Other
- PA
- Restricted Access

Drag and Drop Zone

**Request Details**

Action Office\* : OST

Request Type\* : Training--OST

Received Mode : *Select Received Mode*

Multi-Track Type :

Requested Date\* :

Received Date\* : 11/2/2021

Primary Assigned\* : Bell, Michael

Priority : Normal

Delivery Mode : *Select Delivery Mode*

Method of Payment : *Select Method of Payment*

**Description\***

Restricted

Date Range for Record Search: From  To

**Drag and Drop Zone**

Incoming Request Letter(s):

Notes: Only Incoming Request Letters are Searchable Attachments

Selecting the 'Restricted' checkbox will replace the field content in all the reports with '<<Restricted>>'

**+ Sub Requests**

Selecting the 'Restricted' checkbox will replace the field content in all the reports with '<<Restricted>>'

**+ Sub Requests**

**- Custom Fields**

Referred From:

Referrred To:

On Behalf Of:

**- Position**

Position:

**Expedite Requested**  Yes  No

**Fee Waiver Requested**  Yes  No

**Fee Details**

Willing Amount\* \$ :

Willing to Pay All Fees

**+ Link Request(s)**

**Comments**

Empty text area for comments

## Create Request

### Requester Details

Requester\* :   
Category\* :

### + Address Details

### + Other Address Details

### Request Details

Action Office\* :   
Request Type\* :   
Received Mode :   
Multi-Track Type :   
Requested Date\* :

Primary Assigned\* :   
Priority :   
Delivery Mode :   
Method of Payment :

**Save Request**

Your request is created with Request # 'OSTTRN202200003'.  
Do you want to Send Correspondence to Requester?





Note: \* fields are mandatory

Training--OST - Request: OSTTRN202200003

Remaining Days: 20

Status: Received

NEXT >

Request Information

Assign Users

Correspondence

Electronic Document Review (0/0)

Fees/Billing

Final Actions

Stop the Clock

Notes (0)

Task Reminders (0/0)

Extensions (0/0)

Transfer Request

Appeals (0)

Send Correspondence

Receive Correspondence

Correspondence Log

Name	Source	Size	Delete
There are no attachments			

Add From

Letter Template

Pending Letter (0)

Disk

Scanner

Correspondence Log

Invoice Log

Print Requester Address

Dispatch Mode :  Email  Print  Save to Disk Delivery Mode : E-mail Dispatch Date : 11/02/2021

Email Options

From Email Type\* :  User Email  User Action Office Email

From\* : ost.foia@dot.gov

Template : Select Email Template

Add Attachment from Letter Template - OSTTRN202200003

Select Action Office : OST

Select Letter Template :

- OST FOIA Search Memo
- OST--Acknowledgement Letter
- OST--Davis Response Template
- OST--Hudson Response Template
- OST--Jones Response Template
- OST--No Records Resp--JH

Note: \* fields are mandatory

Close

Add Attachment from Letter Template - OSTTRN202200003

Select Action Office : OST  
Select Letter Template : OST--Acknowledgement Letter

Customize Customize for Pending Customize for Final Response Close

Note: \* fields are mandatory

[Empty content area for letter template customization]

Add Attachment from Letter Template - OSTTRN202200003

FILE HOME INSERT PAGELAYOUT VIEW

Paste Cut Copy Undo Redo

Arial 10 B I U S Borders A

X, X' A A Aa ab

Font

Pages

Styles

Normal Heading 1

Find Replace Show Next Show Previous Select All Go to Footer Go to Header View

Freedom of Information Act (FOIA), 5 U.S.C. 552. You requested this is a test.

Please be advised that all FOIA requests will be handled on a first-in/first-out basis. Your request will be addressed in the order it was received. We regret any inconvenience caused by the delay.

Processing fees may apply for FOIA requests as set forth in the Department of Transportation's (DOT) FOIA regulation (49 CFR Part 7.41).

If you have questions concerning your request, please call our FOIA Request Service Center at (202) 366-4542.

Sincerely,

*Darlene A. Wallace*  
 Darlene A. Wallace  
 Office of the Secretary

Add to List Close

- Assign Users
- Correspondence**
- Electronic Document Review (0/0)
- Fees/Billing
- Final Actions
- Stop the Clock
- Notes (0)
- Task Reminders (0/0)
- Extensions (0/0)
- Transfer Request
- Appeals (0)
- Logs/Reports
- More Actions

Name	Source	Size	Delete
<a href="#">OST--Acknowledgement Letter.docx</a>	Template	15.46 KB	X

- Add From**
- Letter Template
  - Pending Letter (0)
  - Disk
  - Scanner
  - Correspondence Log
  - Invoice Log
  - Print Requester Address

Dispatch Mode :  Email  Print  Save to Disk Delivery Mode : E-mail Dispatch Date : 11/02/2021

**Email Options**

From Email Type\* :  User Email  User Action Office Email

From\* : ost.foia@dot.gov

Template : *Select Email Template*

Subject\* : OST--Acknowledgement Letter - OSTTRN202200003

Read Receipt  Delivery Receipt

Requester  Other

To\* : michael.bell1@dot.gov

To:

Cc:

Bcc:

Note: Email addresses should be separated by a semicolon ','

Rich text editor toolbar: "Segoe UI", A... 3 B I U abc A [bulleted list] [numbered list] [indent] [outdent] [undo] [redo]

Here is your acknowledgement letter

Send Email

- Request Information
- Assign Users**
- Correspondence
- Electronic Document Review (0/0)
- Fees/Billing
- Final Actions
- Stop the Clock
- Notes (0)
- Task Reminders (0/0)
- Extensions (0/0)
- Transfer Request
- Appeals (0)
- Logs/Reports

**Primary User**

Current Primary User of this Request is **Bell, Michael**

Change the Primary User for the request to\* :    Send Email Notification

**Secondary Users**

Name	Type	Group Name	Office	Email	<input checked="" type="checkbox"/> Send Email?	Action
Bell, Michael	User	Admin - OST	Office of the Se...	michael.bell1@dot.gov	<input type="checkbox"/>	
Davis , Jeff	User	FOIA Office - O...	OST	Jeffrey.Davis@dot.gov	<input checked="" type="checkbox"/>	X
Hudson , Jacqueline	User	FOIA Office - O...	OST	jacqueline.hudson@d...	<input checked="" type="checkbox"/>	X
Jones , David	User	FOIA Office - O...	OST	david.jones@dot.gov	<input checked="" type="checkbox"/>	X
Wallace , Darlene	User	FOIA Office - O...	OST	Darlene.A.Wallace@d...	<input checked="" type="checkbox"/>	X

**Assignment Note: (will be included in assignment email notification)**

Attach Request Report (PDF) to the Email notification sent to the assignees

# FOIAXpress®

Bell, Michael Help Sign Out

Home Requesters Requests Document Management Administration Reports

Request # [Search]

Home >> Create Request >> OSTTRN202200003 - Request

Training--OST - Request: OSTTRN202200003 Remaining Days: 20 Status: Assigned NEXT

- Request Information
- Assign Users
- Set Perfect Status
- Correspondence
- Request for Documents (0/0)**
- Electronic Document Review (0/0)
- Add/Search/View Documents (0/0)
- Fees/Billing
- Final Actions

### Request for Documents

Action	Location(s) Referred	Request D:	Sent Da	Due Da	Completed I	Status
There are no Request for Document records.						

Navigation: [K] [Left] [1] [Right] [X] Page size: 100 0 items in 1 pages

Buttons: New Take Action View Delete Send Email/Reminder Send Reminder by Print Action(s) Log



New Request for Documents - Step 1 New Request for Documents - Step 2

**Request for Documents Information**

Request Date \* :

Comments :

Spell Check

Due Date \* :   Add Reminder

Priority :

**Send To : Program Offices** Add Program Offices

Action Office	Program Office	Contact Name	Phone	Contact Address	Email	Has RX?	Actions
There are no offices selected.							

**Dispatch Mode\***

Email  Print  Save to Disk

Delivery Mode

Dispatch Date :

**Send To : Other Email Recipients**

Create/Search Program Office/Consultancy

Search Criteria Wild card searches (\*) are supported

Basic Information

Program Office : \*

Action Office : OST

Active :  All  No  Yes

Category :  Program Office  Consultancy Location  Both

Edit Search Clear Close

<input type="checkbox"/>	Name	Contact Name	Phone Number	Has RX	Action Office	Category
<input type="checkbox"/>	<a href="#">FAA FOIA Officer</a>	Goodman, Dedra	202.267.3799	No	OST	Both
<input type="checkbox"/>	<a href="#">OST--BUILD/TIFIA/RRIF/PA...</a>	Bergstein, Shira		No	OST	Program Office
<input type="checkbox"/>	<a href="#">OST--CIO Office</a>	Gorman, Karyn		No	OST	Program Office
<input type="checkbox"/>	<a href="#">OST--Consumer Complaints</a>	Harvey, Regina		No	OST	Both
<input checked="" type="checkbox"/>	<a href="#">OST-M Correspondence</a>	Kenner, Jo-Elle		No	OST	Program Office
<input type="checkbox"/>	<a href="#">OST--Office of Administrati...</a>	Kenner, Jo-Elle		No	OST	Both

Page size 100 6 items in 1 pages

Email  Print  Save to Disk Delivery Mode E-mail Dispatch Date: 11/2/2021

Send To : Other Email Recipients

Previous

Due Date \* : 11/9/2021 Add Reminder

Priority :

Send To : Program Offices

Add Program Offices

Action Office	Program Office	Contact Name	Phone	Contact Address	Email	Has RX?	Actions
---------------	----------------	--------------	-------	-----------------	-------	---------	---------

There are no offices selected.

Dispatch Mode\*

Email Print Save to Disk

Delivery Mode E-mail

Dispatch Date : 11/2/2021

Send To : Other Email Recipients

michael.bell1@dot.gov

Add Email Manually

Remove Selected

Next

Note: \* fields are mandatory

New Request for Documents - Step 1 New Request for Documents - Step 2

Attachments to RFD

Name	Source	Size	Delete
There are no attachments			

**Add From**

- Memo Template
- Pending Memo (0)
- Disk
- Scanner
- Correspondence Log
- Invoice Log

Print Requester Address

Email Options

From Email Type\* :  User Email  User Action Office Email  Other Email

From\* :

Template :

Subject\* :

Previous

Add Attachment from Memo Template

Select Action Office : OST  
Select Memo Template : OST FOIA Search Memo

Customize Customize for Pending Close

Note: \* fields are mandatory

Add Attachment from Memo Template

Rich text editor toolbar with options: Paste, Clipboard, Edit, Font, Pages, Styles, View.

are located, please indicate so in the box below. Finally, if you believe responsive records may be in the custody of another office, or if there is another reason the record cannot be produced, please indicate in the comment field below.  
Thanks!

No Records

Responsive Records Attached

Comments:

\_\_\_\_\_  
Print Name and Phone Number of Individual Certifying the Above

\_\_\_\_\_  
Routing Symbol

(April, 2021)

Add to List Close

Note: \* fields are mandatory

<p>OST FOIA Search Memo.doc</p>	<p>Template</p>	<p>27.5 KB</p>
---------------------------------	-----------------	----------------

- Memo Template
- Pending Memo (0)
- Disk
- Scanner
- Correspondence Log
- Invoice Log
- Print Requester Address

**Email Options**

From Email Type\* :  User Email  User Action Office Email  Other Email

From\* :

Template :

Subject\* :

Read Receipt  Delivery Receipt

To\* :

Cc :

Bcc :

Bcc :

Note: Email addresses should be separated by a semicolon ';'.

Rich text editor toolbar with options for font face (Segoe UI), size (3), bold, italic, underline, text color (abc), background color, bulleted list, numbered list, decrease indent, increase indent, and text color.

Please search for records...

Previous Email



- Request Information
- Assign Users
- Set Perfect Status
- Correspondence
- Request for Documents (0/1)**
- Electronic Document Review (0/0)
- Add/Search/View Documents (0/0)
- Fees/Billing
- Final Actions
- Deliver Documents
- Stop the Clock

Request for Documents

Action	Location(s) Referred	Request D:	Sent Da	Due Da	Completed I	Status
14774	Other(michael.bell1...	11/02/2...	11/0...	11/0...		Request for Docu... N

Navigation: [K] [left] [1] [right] [X] Page size: 100 1 items in 1 pages

Buttons: New Take Action View Delete Send Email/Reminder Send Reminder by Print Action(s) Log

# FOIA

Help Sign Out

## Request For Documents Action

### New Action - Request for Documents -14774

Location : Other(michael.bell1@dot.gov)

Action Date\* : 11/2/2021

Status\* : Documents Located

Comments :

Due Date\* : 11/9/2021

Completed

Completed Date\* : 11/2/2021

#### Drag and Drop Zone

Attachment :

● 2020-308A Response jsk.pdf × Remove

Print Barcode

[4d302449-5f8d-442f-9...](#)

NEXT >

1 items in 1 pages

Action(s) Log

Note: \* fields are mandatory

Training--OST - Request: OSTTRN202200003 Remaining Days: 20 Status: Request for Docs Sent [NEXT]

- Request Information
- Assign Users
- Set Perfect Status
- Correspondence
- Request for Documents (1/1)
- Electronic Document Review (0/0)
- Add/Search/View Documents (0/0)
- Fees/Billing
- Final Actions
- Deliver Documents

Review Log Documents

Add Documents Add Documents From DM Add From Correspondence Log Refresh

<input type="checkbox"/>	File Cabinet	GUID	Document	Created Date	Date Added	Sections	Pages	Redacted	Recent Layer Modified By
--------------------------	--------------	------	----------	--------------	------------	----------	-------	----------	--------------------------

There are no review logs to display

Navigation controls: [K] [left] [1] [right] [X] Page size: 100 0 items in 1 pages

Open Documents Open All Documents

Note: To remove documents from the Review Log you must select and Open the document(s) in Document Management.

Request Folder Documents

Add Documents Add Documents From DM Add From Correspondence Log Refresh

<input type="checkbox"/>	File Cabinet	GUID	Document	Created Date	Date Added	Sections	Pages	Redacted?	Delivery Status
--------------------------	--------------	------	----------	--------------	------------	----------	-------	-----------	-----------------

There are no request folders to display

Navigation controls: [K] [left] [1] [right] [X] Page size: 100 0 items in 1 pages

**Add Documents**

**Document management Options**

File Cabinet Drawer\* : OST--Bell Work Folder (24)

**Option for Adding Pages**

- Add each file as a separate folder
- Add all files to a single folder : OSTTRN202200003 Records
  - Add files directly to the folder
  - Add each file as a separate section under the folder

**Document Format (Image/Native)**

- Add pages in Image Format (Redaction Enabled)
- Add files in Native format (Redaction Disabled)

**Other Option**

Create Folder to Manually Create Sections and Add Files

---

**Add Documents**

- Add to the Review Log Request #OSTTRN202200003
- Open in Document Management upon Job Completion

Use one of the methods below to upload a file, then click the Add Button

**Drag and Drop Zone**

Scan File

Attach Files

Print Barcode

**Files List**

2020-308A Response jsk.pdf	▲
Draft FY 2022 Work Plan.pdf	▼
Monthly Meeting Agenda October 2021.pdf	▲
	▼
	X

There are no request folders to display

# FOIAXpress®

Bell, Michael ▾ Help ▾ Sign Out

Home Requesters ▾ Requests ▾ Document Management ▾ Administration Reports

Request #

Home >> Create Request >> OSTTRN202200003 - Request

Note: \* fields are mandatory

Training--OST - Request: OSTTRN202200003 Remaining Days: 20 Status: Documents Added to Review Log

- Request Information
- Assign Users
- Set Perfect Status
- Correspondence
- Request for Documents (1/1)
- Electronic Document Review (0/0)
- Add/Search/View Documents (1/0)
- Fees/Billing
- Final Actions

### Review Log Documents

✓	File Cabinet	GUID	Document	Created Date	Date Added	Sections	Pages	Redacted	Recent Layer Modified By
✓	OST--Bell Work F...	00000074250	OSTTRN202200003 Rec...	11/02/2021	11/02/2021	0	9	No	

Page size: 100 1 items in 1 pages

Note: To remove documents from the Review Log you must select and Open the document(s) in Document Management.

### Request Folder Documents

■	File Cabinet	GUID	Document	Created Date	Date Added	Sections	Pages	Redacted?	Delivery Status
---	--------------	------	----------	--------------	------------	----------	-------	-----------	-----------------

There are no request folders to display

- OSTTRN202200003 - Review Log
  - OST--Bell Work Folder
    - OSTTRN202200003 Records
      - Page 1 [11/02/2021] <\*
      - Page 2 [11/02/2021]
      - Page 3 [11/02/2021]
      - Page 4 [11/02/2021]
      - Page 5 [11/02/2021]
      - Page 6 [11/02/2021]
      - Page 7 [11/02/2021]
      - Page 8 [11/02/2021]
      - Page 9 [11/02/2021]



**U.S. Department of Transportation**

Office of the Secretary of Transportation

(b)(6)  
General Counsel

1200 New Jersey Ave., S.E.  
Washington, DC 20590

September 1, 2020

Antonio Vozzolo, Esq.

(b)(6)

Re: FOIA Appeal 2020-308A

Toolbar with icons for Add Folder(s) to..., Show, and various navigation and editing tools.

- OSTTRN202200003 - Review Log
  - OST--Bell Work Folder
    - OSTTRN202200003 Records
      - Page 1 [11/02/2021] <\*
      - Page 2 [11/02/2021] <N
      - Page 3 [11/02/2021] <N
      - Page 4 [11/02/2021] <N
      - Page 5 [11/02/2021] <N
      - Page 6 [11/02/2021] <N
      - Page 7 [11/02/2021] <N
      - Page 8 [11/02/2021] <N
      - Page 9 [11/02/2021] <N

Add Folder(s) to Request Folder

**Add Folders To Request Folder**

Request No	Request Type	Requester	Organization	Primary User	Received Date	Target Date	Request Status	Description
OSTTRN202200003	Training--OST	Bell, Michael	OST	Bell, Michael	11/02/2021	12/01/2021	Documents Added t...	

**Folders**

<input checked="" type="checkbox"/>	Folder Name	File Cabinet
<input checked="" type="checkbox"/>	OSTTRN202200003 Records	OST--Bell Work Folder

**Review Status Details**

Review Status :

Notes :

Add Folder(s) Close



- Request Information
- Assign Users
- Correspondence
- Request for Documents (1/1)
- Electronic Document Review (0/0)
- Add/Search/View Documents (0/1)**
- Fees/Billing
- Final Actions
- Deliver Documents
- Stop the Clock
- Notes (0)
- Task Reminders (0/0)
- Extensions (0/0)

### Review Log Documents

<input type="checkbox"/>	File Cabinet	GUID	Document	Created Date	Date Added	Sections	Pages	Redacted	Recent Layer Modified By
--------------------------	--------------	------	----------	--------------	------------	----------	-------	----------	--------------------------

There are no review logs to display

Page size: 
0 items in 1 pages

Note: To remove documents from the Review Log you must select and Open the document(s) in Document Management.

### Request Folder Documents

<input type="checkbox"/>	File Cabinet	GUID	Document	Created Date	Date Added	Sections	Pages	Redacted?	Delivery Status
<input type="checkbox"/>	OST--Bell Work F...	00000074250	OSTTRN202200003 Records	11/2/2021	11/2/2021	0	9	Yes	No Pages Del...

Page size: 
1 items in 1 pages

Note: To remove documents from the Request Folder you must select and Open the document(s) in Document Management.

# FOIAXpress®

Bell, Michael | Help | Sign Out

Home Requesters Requests Document Management Administration Reports

Request # [input] [search icon]

Home >> Create Request >> OSTTRN202200003 - Request

Note: \* fields are mandatory

Training--OST - Request: OSTTRN202200003 Remaining Days: 20 Status: Documents Added [NEXT]

- Request Information
- Assign Users
- Correspondence**
- Request for Documents (1/1)
- Electronic Document Review (0/0)
- Add/Search/View Documents (0/1)
- Fees/Billing
- Final Actions
- Deliver Documents

Send Correspondence | Receive Correspondence | Correspondence Log

Name	Source	Size	Delete
There are no attachments			

- Add From**
- Letter Template
  - Pending Letter (0)
  - Disk
  - Scanner
  - Correspondence Log
  - Invoice Log
  - Print Requester Address

Dispatch Mode:  Email  Print  Save to Disk Delivery Mode: E-mail Dispatch Date: 11/02/2021

Add Attachment from Letter Template - OSTTRN202200003

Select Action Office : OST

Select Letter Template :

- OST FOIA Search Memo
- OST--Acknowledgement Letter
- OST--Davis Response Template
- OST--Hudson Response Template
- OST--Jones Response Template
- OST--No Records Resp--JH

Close

Note: \* fields are mandatory

Add Attachment from Letter Template - OSTTRN202200003

Select Action Office : OST  
Select Letter Template : OST--Davis Response Template

Customize Customize for Pending Customize for Final Response Close

Note: \* fields are mandatory

[Large empty form area for letter customization]

Add Attachment from Letter Template - OSTTRN202200003

Microsoft Word ribbon with tabs: FILE, HOME, INSERT, PAGELAYOUT, VIEW. Includes groups for Clipboard, Edit, Font, Pages, Styles, and View.

If you have any questions concerning your request, please contact Jeff Davis at (202) 366-5531, or by email at Jeffrey.Davis@dot.gov.  
  
Sincerely,  
  
Michael C. Bell  
DOT FOIA Officer

Save as Pending Close

- Final Actions
- Deliver Documents
- Stop the Clock
- Notes (0)
- Task Reminders (0/0)
- Extensions (0/0)
- Transfer Request
- Appeals (0)
- Logs/Reports
- More Actions

Print Requester Address

Dispatch Mode :  Email  Print  Save to Disk Delivery Mode : E-mail Dispatch Date : 11/02/2021

**Email Options**

From Email Type\* :  User Email  User Action Office Email

From\* : michael.bell1@dot.gov

Template : Select Email Template

Subject\* : Request OSTTRN202200003 Response is Ready

Read Receipt  Delivery Receipt  
 Requester  Other

To\* : Michael.bell1@dot.gov

Cc :

Bcc :

Note: Email addresses should be separated by a semicolon ;

"Segoe UI", A... 3 B I U abc A

Response letter is ready for review

- Correspondence
- Request for Documents (1/1)
- Electronic Document Review (0/0)
- Add/Search/View Documents (0/2)**
- Fees/Billing
- Final Actions
- Deliver Documents
- Close Request
- Stop the Clock
- Notes (0)
- Task Reminders (0/0)
- Extensions (0/0)
- Transfer Request
- Appeals (0)

<input type="checkbox"/>	File Cabinet	GUID	Document	Created Date	Date Added	Sections	Pages	Redacted	Recent Layer Modified B...
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There are no review logs to display

Page size: 
0 items in 1 pages

Note: To remove documents from the Review Log you must select and Open the document(s) in Document Management.


### Request Folder Documents

<input type="checkbox"/>	File Cabinet	GUID	Document	Created Date	Date Added	Sections	Pages	Redacted?	Delivery Status
<input type="checkbox"/>	OST--Bell Work F...	00000074251	OSTTRN202200003 Final Resp...	11/2/2021	11/2/2021	0	2	No	No Pages Del...
<input type="checkbox"/>	OST--Bell Work F...	00000074250	OSTTRN202200003 Records	11/2/2021	11/2/2021	0	9	Yes	No Pages Del...


Page size: 
2 items in 1 pages


Note: To remove documents from the Request Folder you must select and Open the document(s) in Document Management.

- Request Information
- Assign Users
- Correspondence
- Request for Documents (1/1)
- Electronic Document Review (0/0)
- Add/Search/View Documents (0/2)
- Fees/Billing
- Final Actions
- Deliver Documents**
- Close Request
- Stop the Clock

  
Deliver/View - All Documents

  
Deliver/View - Documents Not Delivered

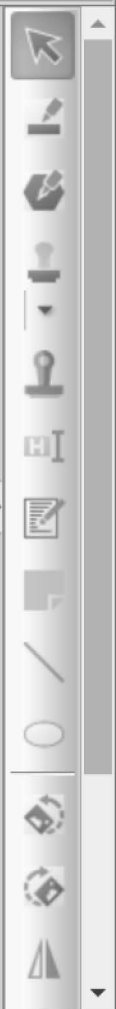
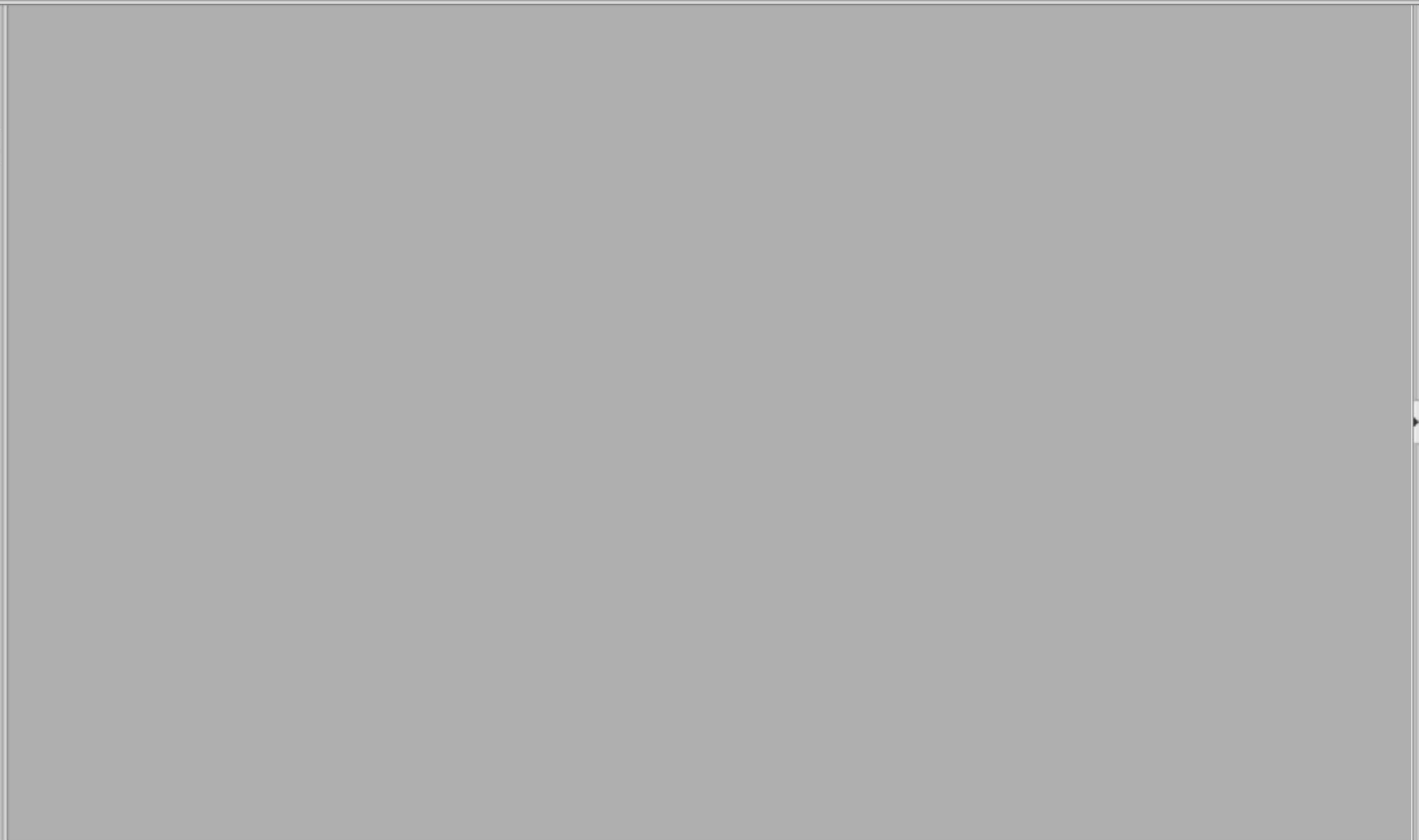
  
Deliver/View - Documents Partially Delivered

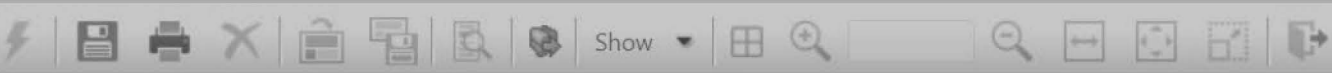
  
Deliver/View - Documents Delivered





- OSTTRN202200003 - Document Delivery
  - OST--Bell Work Folder
    - OSTTRN202200003 Records <Not Delivered> (9)
    - OSTTRN202200003 Final Response Letter <Not D





- OSTTRN202200003 - Document Delivery
  - OST--Bell Work Folder
    - OSTTRN202200003 Records <Not Delivered> (9)
    - OSTTRN202200003 Final Response Letter <Not D

**Select Pages**

Page Range

All Pages  
 Selection  
 Pages List

Enter page numbers and/or page ranges separated by commas. For example: 1,3,5-12.

Deliver without Documents

OK Cancel

### Deliver Documents - OSTTRN202200003

Document Delivery Type \* **Final**

**Include:**

- Invoice
- Include Final Response Letter
  - Select a Letter Format
  - Action Office: **OST**
  - Letter Templates:
  - Select Default/Pending Final Response Letter **Customize & Save**
  - From Local Disk/Network

If your file appears in red or not at all then it is of an invalid correspondence format

**Include Review Objects:**

- Comments Box
- Highlight
- Straight Line
- Ellipse
- Stamp

**Other Options:**

- Include Fully Redacted Pages
- Hide Codes
- Hide Redaction Borders [Note](#)
- Black & White
- Include Document Review Flags

**Requester Information:**

Request Shipping Address: **Print Address**

Mr. Michael Bell  
OST  
Washington,DC

Address information can be edited

**Delivery Options**

Delivery Mode \* **E-mail**

Email Template \*: **OST--FOIA Response E-mail** **Customize**

From: **ost.foia@dot.gov**

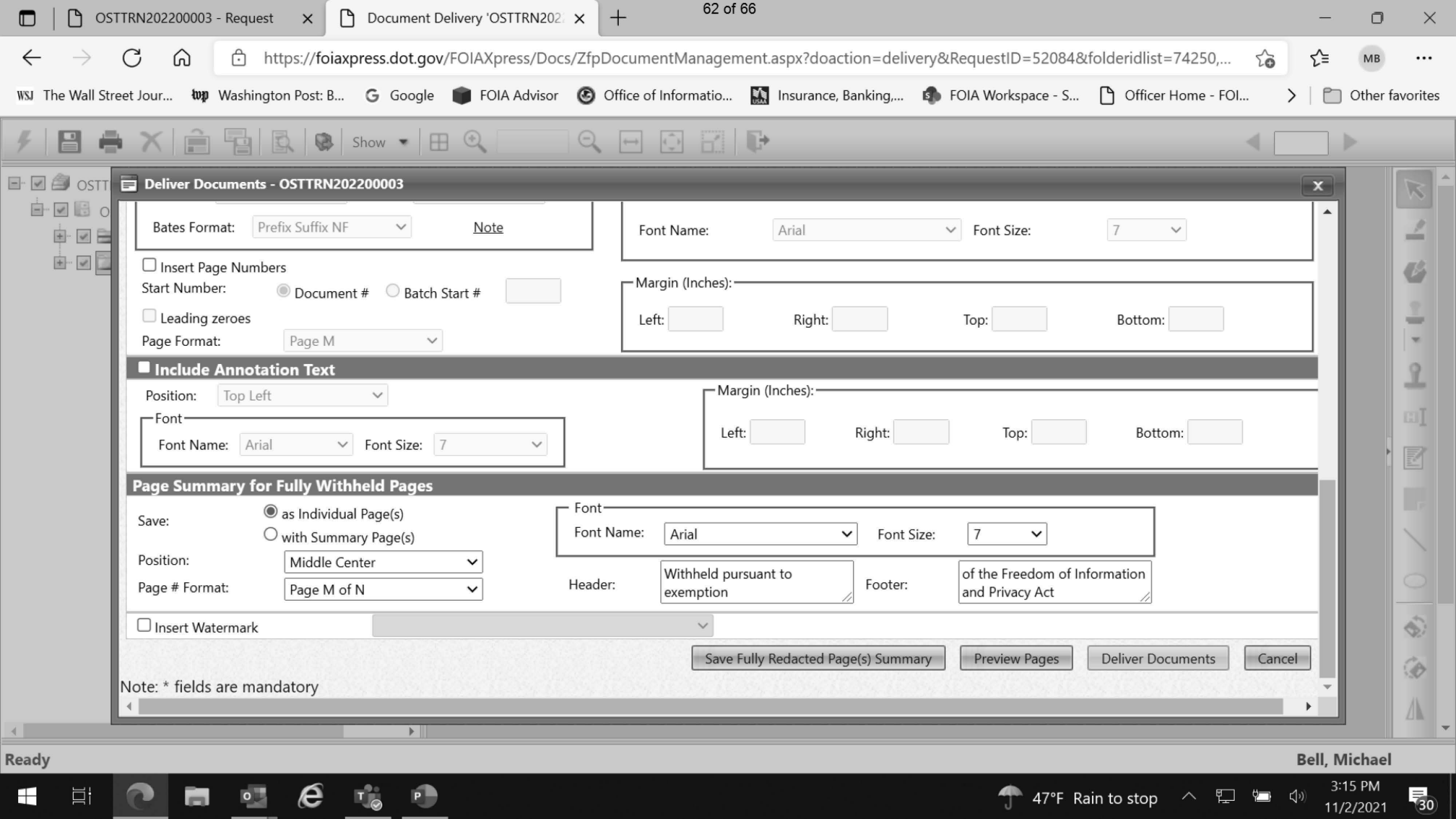
To \*:  Requester Email  Other Email  
**michael.bell1@dot.gov**

Cc:

Bcc:

Separate Email By ;

Output Format \* **PDF** Dispatch Date: **11/2/2021**



**Deliver Documents - OSTTRN20220003**

Bates Format: Prefix Suffix NF Note  
 Insert Page Numbers  
Start Number:  Document #  Batch Start #   
 Leading zeroes  
Page Format: Page M

Font Name: Arial Font Size: 7

Margin (Inches):  
Left:  Right:  Top:  Bottom:

**Include Annotation Text**

Position: Top Left  
Font Name: Arial Font Size: 7

Margin (Inches):  
Left:  Right:  Top:  Bottom:

**Page Summary for Fully Withheld Pages**

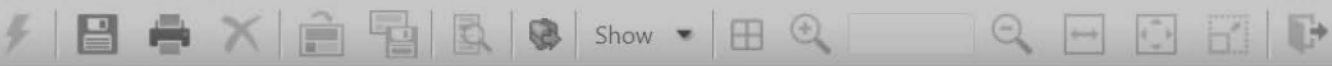
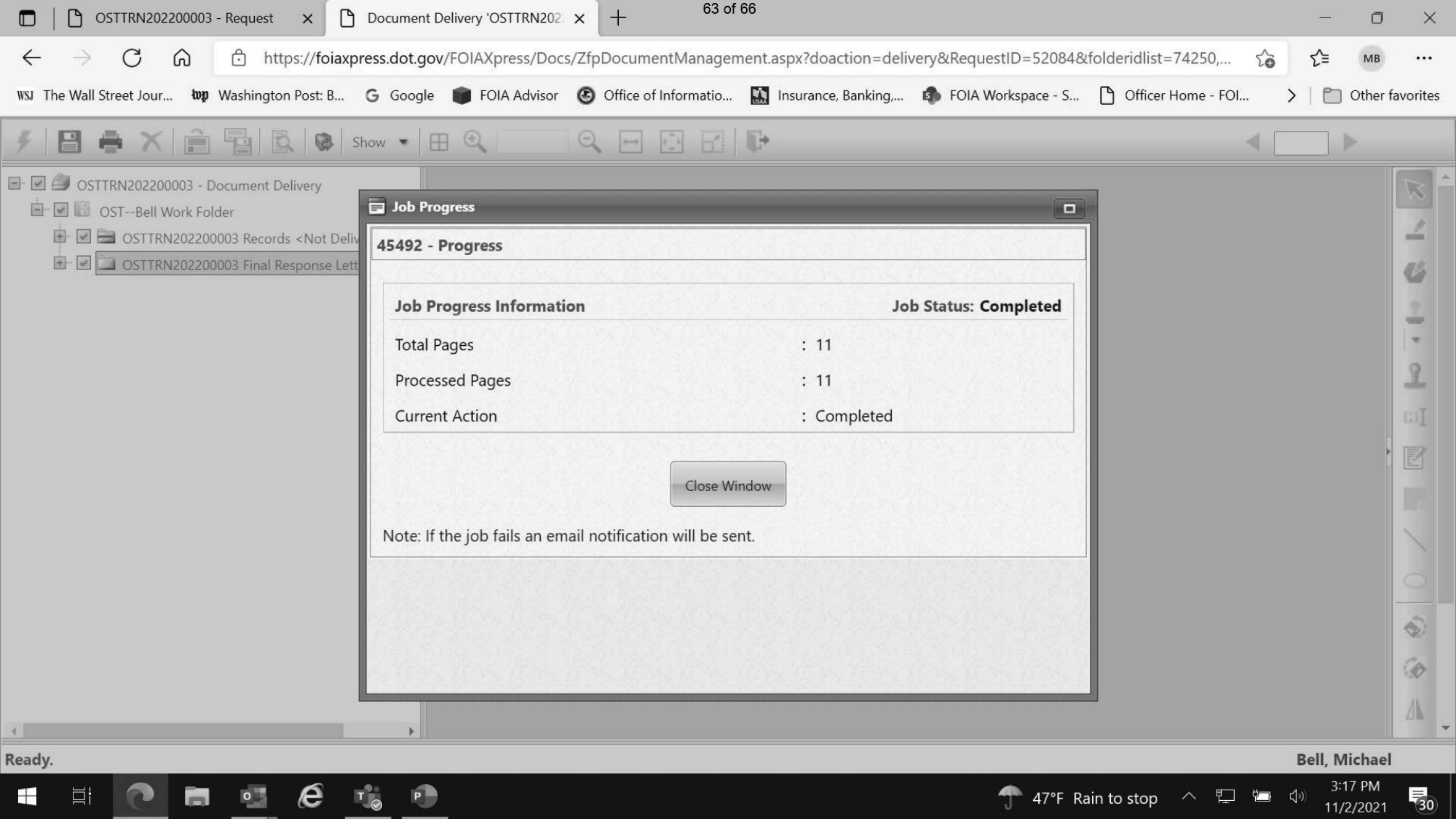
Save:  as Individual Page(s)  with Summary Page(s)  
Position: Middle Center  
Page # Format: Page M of N

Font Name: Arial Font Size: 7  
Header: Withheld pursuant to exemption Footer: of the Freedom of Information and Privacy Act

Insert Watermark

Save Fully Redacted Page(s) Summary | Preview Pages | Deliver Documents | Cancel

Note: \* fields are mandatory



- OSTTRN202200003 - Document Delivery
- OST--Bell Work Folder
- OSTTRN202200003 Records <Not Deliv...
- OSTTRN202200003 Final Response Lett...

**Job Progress**

**45492 - Progress**

Job Progress Information		Job Status: Completed
Total Pages	:	11
Processed Pages	:	11
Current Action	:	Completed

Close Window

Note: If the job fails an email notification will be sent.

- Request Information
- Assign Users
- Correspondence
- Request for Documents (1/1)
- Electronic Document Review (0/0)
- Add/Search/View Documents (0/2)
- Fees/Billing
- Final Actions
- Deliver Documents
- Close Request**
- Stop the Clock
- Notes (0)
- Task Reminders (0/0)

**Closed Details**

Requester : Bell, Michael

Organization : OST

Fee Waiver : N/A

Balance Due : \$ 0.00

Received Date : 11/2/2021

Disposition Accepted Date : 11/2/2021

Closed Date\* : 11/2/2021

Final Disposition : Granted/Denied in Part

Review Status : *Select Review Status*

Multi-Track Type : Simple

Number of Pages Released\* : 11 Generated Count : 11

Number of Pages Reviewed\* : 11 Generated Count : 11

Number of Records Posted for Public Inspection\* : 0

**Notes**

REVIEW Status :

Multi-Track Type : Simple

Number of Pages Released\* :  Generated Count : 11

Number of Pages Reviewed\* :  Generated Count : 11

Number of Records Posted for Public Inspection\* :

- Deliver Documents
- Close Request**
- Stop the Clock
- Notes (0)
- Task Reminders (0/0)
- Extensions (0/0)
- Transfer Request
- Appeals (0)
- Logs/Reports
- More Actions

**Notes**

Notes: Balance Due value in **red color** implies balance amount to be received from the Requester.

Balance Due value in **blue color** implies balance amount to be paid to the Requester.

No. of Pages Released reflects the number of pages delivered using Document Delivery.

No. of Pages Reviewed reflects the total number of pages in the Request Folder.

Save

Training--OST - Request: OSTTRN202200003
Processed Days: 0
Status: **Closed - Granted/Denied in Part**
NEXT

- Request Information**
- Assign Users
- Correspondence
- Request for Documents (1/1)
- Add/Search/View Documents (0/2)
- Fees/Billing
- Deliver Documents
- Notes (0)
- Task Reminders (0/0)
- Appeals (0)
- Logs/Reports
- More Actions

[Spell Check](#)

**Requester Details**

Requester\* :

Organization : OST

Category\* :

On Behalf Of :

**+ Address Details**

**+ Other Address Details**

**Request Details**

Action Office\* :

Request Type\* :

Received Mode :

Multi-Track Type :

Requested Date\* :

Received Date\* :

Target Date :

Estimated Date of Completion :

Extensions -

Primary Assigned\* :

Priority :

Delivery Mode :

Method of Payment :

Original Received Date\* :

Original Target Date :

Perfected : Yes