

Chief FOIA Officer's Report

March 2010



**NATIONAL RAILROAD PASSENGER CORPORATION (“AMTRAK”)
CHIEF FOIA OFFICER’S REPORT
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Part I. Steps taken to apply the Presumption of Openness

A. Amtrak has taken the following steps in ensuring that the presumption of openness is being applied to all decisions involving the FOIA:

1. In FY09, Amtrak’s FOIA Office provided corporate wide training regarding President Obama’s memo on FOIA, which encourages openness and accountability. Employees were encouraged to review the memo and use it as a reference when providing records for incoming FOIA requests.
2. In keeping with the President’s presumption of openness, Amtrak has released as a discretionary disclosure, records which were determined to be predecisional, such as drafts used for producing reports and forecasting.
3. On occasion, requesters have sent Amtrak inquiries about locomotive horn blowing at stations; and trains passing through certain properties, types of trains, train speed, etc. More than often, the requests do not ask for records but are simply questions. Although under the FOIA, Amtrak is not required to answer or research such inquiries, as a courtesy, the FOIA Office has provided this information to requesters.

B. Report whether your agency shows an increase in the number of requests where records have been released in full or where records have been released in part when compared with those numbers in the previous year’s Annual Report.

Amtrak’s numbers for full and partial grants for FY09 and FY08 are listed below:

Fiscal Year	Number of full grants	Number of partial grants/partial denials
FY09	40	45
FY08	35	28

Amtrak has shown an improvement over the number of full grants that have been given over last year's numbers. In FY09, Amtrak received a great number of requests that were extremely complex and involved records that contained security related information, such as requests seeking Amtrak's security procedures at certain stations. Due to the threat of terrorist activity, the release of this information could have an adverse impact on the safety of Amtrak's employees and passengers as well as its infrastructure. This information was therefore withheld.

Part II. [Steps taken to ensure that Your Agency has an Effective System for Responding to Requests](#)

Amtrak has instituted the following system to ensure that requests are responded to effectively:

Incoming FOIA requests are screened by the FOIA Office to ensure that all requirements are satisfied. The requests are entered in the FOIAXpress tracking system, which allows the FOIA Officer to keep an accurate count of the number of incoming requests as well as their status. The FOIAXpress system has several capabilities, such as scanning, redacting, producing customized reports as well as Amtrak's FOIA Annual Report.

To ensure that requests are being responded to effectively, the FOIA Officer attends FOIA training hosted by the U.S. Department of Justice (DOJ), which provides guidance on responding to requesters as well as addressing such FOIA-related issues as disclosure, litigation, administration, and instructions on rules and regulations governing the FOIA. Additional training has also been provided by the American Society of Access Professionals (ASAP), which hosts training conferences on the FOIA.

The FOIA Officer references the DOJ FOIA Guide for procedural requirements, exemptions and litigation as well as LexiNexis for case law, in responding to requests. In addition, the FOIA Officer is also supported by the Amtrak Law Department and when appropriate consults with legal counsel in making determinations regarding requests.

The FOIA Officer and personnel are provided with support from Amtrak's Information and Technology (IT) Department. IT is responsible for installing up-to-date revisions and patches for the FOIAXpress software system.

Amtrak receives numerous FOIA requests from requesters that have asked Amtrak to provide responsive records in particular formats, such as XML, CSV or other computer readable formats. IT has provided assistance in conversion of records to the above-referenced formats for release to requesters.

IT is also responsible for posting and updating information on Amtrak's FOIA website.

Part III. Steps taken to Increase Proactive Disclosure

Describe the steps your agency has taken to increase the amount of material that is available on your agency's website, including examples of proactive disclosures that have been made since issuance of the new FOIA guidelines.

Amtrak has created a Procurement website which contains information on current requests for bids and proposals in connection with the American Recovery and Reinvestment Act of 2009. Amtrak has also posted information regarding finances, performance, environmental issues and Amtrak's operations. Amtrak's Government Affairs and Corporate Communications Department also has a website which informs the public of relevant legislation. In addition, the website also posts prepared statements, Congressional testimonies and other written material by Amtrak's senior executive staff and other top-level managers.

The above referenced websites can be found at www.amtrak.com, click on "Inside Amtrak" located at the bottom of the screen.

Listed below is some of the more recent information which has been posted on Amtrak's website:

1. American Recovery and Reinvestment Act Budget (ARRA) Documents
 - Amtrak ARRA Section 1512 Labor Report by Location – 12/31/09
 - Narrative Summary Report – 3/21/2009
 - Project Description Summary – 09/30/2009
 - Project Summaries by State 09/30/2009
2. Passenger Rail Reinvestment and Improvement (PRRIA) Act Submissions and Reports

- Interim Assessment of Achieving Improved Times on the Northeast Corridor – PRRIA Section 212 10/12/2009
 - Northeast Coast Hiawatha Service Study – PRRIA Section 224 10/16/2009
 - Pennsylvania Service Studies – PRRIA Section 224 10/16/2009
 - Pioneer Service Study – PRRIA Section 224 10/16/2009
3. Grants and Legislative Requests
 - Fiscal Year 2011 Grant and Legislative Request
 - Fiscal Year 2010 Grant and Legislative Request
 4. Comprehensive Business Plan
 - FY2010-2014 Five Year Financial Plan
 - Fleet Strategy Plan -02/2010
 - FY11 Business Plan - 01/2010
 - FY11 Business Plan Appendix
 5. Monthly Performance Reports
 - January 2010 Monthly Performance Report

Part IV. [Steps taken to Greater Utilize Technology](#)

Please answer the following questions:

- A. Does your agency currently receive requests electronically?

Yes, FOIA requesters can submit requests via e-mail at Foiarequests@amtrak.com.

- B. Electronic tracking of requests

Does your agency track requests electronically?

Yes, Amtrak uses the FOIAXpress software to track all FOIA requests electronically.

- C. Electronic processing of requests?

Does your agency use technology to process requests.

Yes, the FOIAXpress software system is also used in processing requests.

- D. Electronic Preparation of Annual FOIA Report

Does your agency utilize technology to prepare your agency Annual FOIA Report?

Yes, Amtrak utilizes the FOIAXpress software system for producing its Annual FOIA Report.

Part V. [Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests](#)

If you have a backlog, report here whether your backlog is decreasing. That reduction should be measured both in terms of:

1. Numbers of backlogged requests and administrative appeals that remain pending at the end of the fiscal year, and
2. Age of these requests and appeals

There was a significant reduction in Amtrak's backlog. In FY09 there was a backlog of 10 pending requests, the oldest was 936 days old (3/06/06). In FY08 there were a total of 28 backlog pending requests, the oldest was 671 days old (03/06/06). There was one appeal, received 02/11/09, pending as of the current fiscal year.

Amtrak has taken the following steps in reducing the backlog and timeliness:

- The FOIA Officer has initiated and executed a project to work on the oldest requests and progress them to completion.
- Amtrak's utilization of the FOIAXpress software system for tracking and processing requests. The FOIAXpress system has the capability of electronically scanning and redacting documents, which cuts down on processing time. FOIAXpress also has the capability of producing the Annual Report electronically, which allowed more time for the FOIA Officer to spend reducing the backlog and processing requests.
- Corporate wide training was provided to Amtrak personnel advising them on the importance and urgency of providing responsive records to the FOIA Office by the requested date so that we are able to comply with the FOIA's statutory time limits.
- Amtrak has setup a new internal system whereby appeals are also entered into the FOIAXpress system so that they are more easily tracked.

- The Appeals Officer actively pursues resolutions in making determinations on appeals in accordance with President Obama's and Attorney General Holder's guidelines, which encourages transparency and openness.