



U.S. Department
of Transportation

Office of the Secretary
of Transportation (OST)

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Washington, DC 20590

OST FOIA Contact Information

FOIA Requester Service Center
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April 22, 2022

Mr. Reed D. Rubinstein
America First Legal Foundation
600 14th Street, NW
5th Floor
Washington, DC 20005

File No.: OST-2022-0269

Dear Mr. Rubinstein:

This is in response to your Freedom of Information Act (FOIA) request received March 30, 2022. You requested the U.S. Department of Transportation's (DOT) *Equity Action Plan* and *Equity Assessment*, both of which were required pursuant to Executive Order 13985.

DOT's *Equity Action Plan* is publicly available at <https://www.transportation.gov/priorities/equity/equity-action-plan>. DOT's *Equity Assessment* is withheld in full (68 pages) pursuant to the deliberative process privilege outlined in FOIA Exemption 5, which protects materials that are both pre-decisional and deliberative. 5 U.S.C. § 552(b)(5) and 49 CFR 7.23(c)(5). I have considered the foreseeable harm standard when reviewing these records and in applying any FOIA applicable exemption.

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. 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.

Sincerely,

Michael C. Bell
FOIA Officer