



U.S. Department
of Transportation

**Federal Transit
Administration**

1200 New Jersey Ave., SE
Washington, DC 20590

Headquarters

FTA FOIA Contact Information

FOIA Requester Service Center
202 366-4007; FTA.FOIA@dot.gov

Nancy Sipes, FOIA Officer
202 366-2496; nancy.sipes@dot.gov

David Longo: FOIA Public Liaison
202 366-2496; david.longo@dot.gov

February 11, 2019

Elijah Kaplan
MuckRock News
DEPT MR 51129
411A Highland Ave.
Somerville, MA 02144-2516

Dear Mr. Kaplan:

Our File No.: FY18-0149

This letter is in response to your e-mail of March 15, 2018, requesting information under the Freedom of Information Act (FOIA). Specifically, you requested copies of “All documents regarding the redevelopment of the Long Branch pier, including budgets”.

FTA has searched its records and finds that it has documents responsive to your request which are enclosed. FTA is withholding one table because it is proprietary information that is not releasable. We have based this withholding of information on Exemption 4 of the FOIA, 5 U.S.C. Section 552(b)(4) as implemented by the Department of Transportation regulations 49 CFR Section 7.13(c)(4). Exemption 4 protects from disclosure information that is “commercial or financial, obtained from a person that is privileged or confidential.” We are also withholding some information under Exemption 5, of the FOIA, 5 USC § 552 (b)(5), as implemented by the Department of Transportation’s regulations, 49 CFR § 7.13(c)(5). Exemption 5 incorporates the attorney-client privilege, attorney work product doctrine and the deliberative process privilege, all of which protect documents from disclosure. The basis for the deliberative process privilege is to protect these working documents and to encourage open, frank exchange of opinions and recommendations between government personnel, to protect against premature disclosure of proposed policies before they are finally adopted, and to protect against public confusion that might result from disclosure of reasons and rationale that are not in fact ultimately the grounds for an agency’s action. The persons responsible for this determination are the undersigned and Scheryl Portee, an attorney in FTA’s Office of Chief Counsel.

To the extent that FTA is withholding some information, this is a partial denial of your request. If you are not satisfied with this response, you may appeal by writing to the Deputy Administrator of the Federal Transit Administration, 1200 New Jersey Avenue, S.E., East

Building, 5th Floor, Washington, D.C. 20590. If you prefer, your appeal may be sent via electronic mail to FTA.FOIA.Appeals@dot.gov. An appeal must be received within ninety calendar days from the date the initial determination is signed and should include the FTA file or reference number assigned to the request and any information and arguments upon which you may wish to rely. The envelope in which a mailed appeal is sent or the subject line of an appeal sent electronically should be prominently marked "FOIA APPEAL." The Deputy Administrator'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>) vis phone - 202-741-5770 / toll-free – 1-877-684-6448; fax – 202-741-5769; or e-mail – ogis@mara.gov.

Sincerely,



Nancy Sipes
Office of Management Planning

Enclosure