



Virginia Department of Transportation

FREEDOM OF INFORMATION ACT (FOIA) ADMINISTRATIVE UPDATE

Records Policy and Procedures

Joshua Heslinga

Director, Governance & Legislative Affairs

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FOIA Background

- **Va. Code § 2.2-3700(B):**

FOIA “ensures the people of the Commonwealth have ready access to public records in the custody of a public body or its officers and employees, and free entry to meetings of public bodies wherein the business of the people is being conducted. The affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government.”

- **Two main areas of FOIA:**

1. production of “public records” (prepared by / in possession, in any format)
2. access to “meetings” (gatherings of 3+ members that incl. public business)

- **Default rule is openness / transparency (for both)**

FOIA – CTB Responsibilities

- **FOIA sets forth duties of each “public body”**
 - CTB, like other boards, is a public body
- **Public bodies must post on their website a variety of info regarding rights and responsibilities. (Va. Code § 2.2-3704.1)**
 - CTB website has this: <https://ctb.virginia.gov/foia/>
- **In 2023, FOIA was amended to require public bodies to adopt particular policies related to charges**
 - The required info is posted, but CTB has not yet formally adopted such a policy

CTB FOIA Policy Needed – Charges for Requests

- **FOIA provides that a public body may make reasonable charges not to exceed its actual cost on records requests, and must make reasonable efforts to supply at lowest possible cost**
- **FOIA requires a “written policy (i) explaining how the public body assesses charges ... and (ii) noting the current fee charged, if any...” (Va. Code § 2.2-3704.1(A)(7))**
- **Proposed policy:**
 - Use the established rates of VDOT and DRPT for staff time
 - No charge for member time, other than ex officio
 - Ability to waive charges, where appropriate

Records Reminder & Next Steps

Reminder: For emails related to the business of the CTB, follow one of two practices:

- Use your CTB email account, *OR*
- Always copy CTBadmin@vdot.virginia.gov

Next Steps:

- At the April 2026 meeting, the CTB will be presented with a Resolution to formally adopt a FOIA Policy



Attachment A

Commonwealth Transportation Board (CTB) FOIA Policy

The Freedom of Information Act (FOIA) ([Chapter 37 of Title 2.2](#) of the *Code of Virginia*) provides that “public bodies may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost.” Virginia Code § 2.2-3704.1(A)(7) requires public bodies to develop a written policy explaining how the public body assesses charges for accessing or searching for records and note the current fee charged.

The CTB, the Virginia Department of Transportation (VDOT), and the Department of Rail and Public Transportation (DRPT) are separate public bodies.

The CTB’s FOIA policy may be found on the CTB website at <https://ctb.virginia.gov/foia/> .

The CTB will assess charges as permitted by FOIA, but the Chair has the discretion to waive fees in appropriate circumstances, as permitted by FOIA. *See* Virginia Code § 2.2-3704(F). If the Chair is vacant or unavailable for more than four (4) business days, the Assistant Secretary of the Board may waive fees in appropriate circumstances, as permitted by FOIA.

Where charges are not waived, the CTB will make reasonable efforts to supply the requested records at the lowest possible cost. Except for ex officio members, the CTB will not charge for time that a member may spend accessing, duplicating, supplying, or searching for the requested records. For staff time, the CTB will use VDOT’s Central Office rate, as posted on VDOT’s website at: <https://www.vdot.virginia.gov/policies/foia/> . Should time from DRPT staff be needed to fulfill a FOIA request to the CTB, the CTB will apply the DRPT FOIA policy, as posted on the DRPT website: <https://drpt.virginia.gov/foia/> .