



U.S. Department
of Transportation

**Federal Highway
Administration**

**Massachusetts Division
55 Broadway, 10th Floor
Cambridge, MA 02142**

June 6, 2006

In Reply Refer To:
HCA-MA

Mr. Scott Amey
Project on Government Oversight
666 Eleventh Street, NW
Suite 500
Washington, DC

Dear Mr. Amey:

This responds to your May 17, 2006 Freedom of Information Act (FOIA) request for two items. The second item, Bechtel Resident Engineer's logs for I-93 from C09-C19 since 1990, is not currently nor never was in the possession of the Federal Highway Administration (FHWA).

The first item, FHWA construction reports for I-93 from C09-C19 since 1990, is in FHWA's possession. The information you requested is contained in the fifty-five project files you have identified and are in paper form that would require a manual search. FHWA has determined that eleven of those files are currently in the records center and would need to be retrieved. It is estimated that the records needed to be reviewed to locate the documents you requested, if placed end to end would be 165 feet in length and 300,000 sheets of paper. It is estimated your request would generate approximately 1000 individual pieces of paper. Our estimate for completing your requested search is \$10,000 and it is estimated it would take one year to complete this task.

Additionally, your letter requested a waiver of the fees. Your request seems to be for a very specific purpose. As you are not a representative of the news media, an educational institution, or a scientific institution and FHWA fails to see how disclosure of this material will contribute to public understanding of Federal Government operations or activities, your request to waive fees is denied.

However, as an alternate, we would be happy to make the entire project files you identified in your letter available for your review at our office in Massachusetts. The documents selected can then be copied and sent to you.



Pursuant to the regulations of the Department of Transportation, 49 CFR 7.21, you have the right to appeal this determination to Mr. Michael Vecchietti, Director of Administration, Federal Highway Administration, 400 Seventh St, S.W., Room 4316, Washington, DC 20590. Should you wish to appeal, this must be done in writing within 30 days after receipt of this letter, and must include all information and arguments relied upon in making the appeal. His administrative decision will be final.

If you wish to discuss any of these issues with the undersigned or wish to visit our office to review these records, I can be reached at 617 494-3546 during normal business hours. Please inform me if or how you wish to proceed in this matter.

Sincerely yours,



Carl L. Gottschall
CA/T Project Administrator

bc: Michael Vecchietti with incoming
Carl
Refer file to Stan_____

File in CA/T file PI: FOIA's (CA/T – Gen)

Project On Government Oversight

Exposing Corruption Exploring Solutions www.POGO.org

May 17, 2006

Sent by Fax to (202) 366-1938

HQ: Federal Highway Administration
Attn: FOIA Officer
400 Seventh Street, SW., Room 4428
Washington, D.C. 20590

Re: Freedom of Information Act Request

Dear FOIA Officer:

I am making this request under the Freedom Of Information Act ("FOIA"), 5 U.S.C. § 552. Please provide copies of:

1. FHWA construction reports for I 93 from C09-C19 since 1990.
2. All Bechtel resident engineer's logs for I 93 from C09-C19 since 1990.

I request a waiver of all costs associated with fulfilling this submission pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure of the requested records will further the "public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest" of POGO. Specifically, POGO intends to use the requested records to highlight the federal government's involvement and oversight of the Big Dig. POGO believes that the requested materials will contribute to public understanding of the operations or activities of the the Department of Transportation, the Federal Highway Administration, and the Interstate Highway System.

POGO investigates, exposes, and seeks to remedy systemic abuses of power, mismanagement, and subservience by the federal government to powerful special interests. Founded in 1981, POGO is a politically-independent, nonprofit watchdog that promotes a government that is accountable to the citizenry. POGO disseminates information about its activities to thousands of concerned citizens, policymakers, and the media via email, direct mail, and its web site <http://www.pogo.org>, which receives over 500,000 hits monthly. The information provided by the agency will be used for the following activities: publication by email and on our website; publication in reports and newsletters issued by POGO; publication in the newsletters of affiliated nonprofit organizations; efforts to educate Congress, the Executive Branch, and other policymakers in Washington, DC; or investigational projects conducted in conjunction with the news media.

If this request is denied in full or in part, please cite the exemptions pursuant to 5 U.S.C. § 552(b) that justify the denial. If an exemption applies, however, please consider

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20001-4542
Phone: 202-347-1122
Fax: 202-347-1116

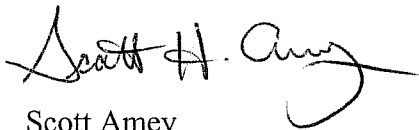
www.POGO.org
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exercising the agency's discretionary release powers to disclose the records. Additionally, please release all reasonably segregable portions of the records that do not meet an exemption.

I look forward to your response within 20 days of the receipt of this request, unless, in the case of "unusual circumstances," the time limitation is "extended by written notice." I am aware that I have a right to appeal if this request is wholly or partially denied or if the agency fails to respond within 20 days, and that, if successful, a federal district court may assess "reasonable attorney fees and other litigation costs." 5 U.S.C. § 552(a)(4)(E).

Please contact me if this request requires further clarification. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Scott H. Amey". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Scott Amey
General Counsel
scott@pogo.org