

PRISON POLICY INITIATIVE

ALISON WALSH

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69 Garfield Ave, Floor 1
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www.prisonpolicy.org

Kathy Ray
Office of the Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Ave., SE
W94-122
Washington, DC 20590
(202) 366-4542
ost.foia@dot.gov
Re: Freedom of Information Act request

March 29, 2016

Dear Ms. Ray,

Pursuant to the Freedom of Information Act (5 U.S.C. § 552), I write to request:

1. Written certification from the governors of Delaware and Georgia stating that they are opposed to the enactment or enforcement of a law that conforms with 23 U.S.C. § 159(a)(3)(A), relating to the revocation, suspension, issuance or reinstatement of drivers' licenses to convicted drug offenders, and
2. Written certification that the legislatures of Delaware and Georgia have adopted resolutions expressing their opposition to the law that conforms with 23 U.S.C. § 159(a)(3)(A), relating to the revocation, suspension, issuance or reinstatement of drivers' licenses to convicted drug offenders.

If the Office of the Secretary of Transportation does not maintain these public records, please let me know who does and include the proper custodian's name and address or email address.

I would prefer the information in a pdf format but would accept paper or other electronic formats. I agree to pay any reasonable copying and postage fees of not more than \$50. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

By way of background, Prison Policy Initiative is a national nonprofit that specializes in criminal justice research (tax exempt under Internal Revenue Code § 501(c)(3)). Due to the public-interest focus of our work, and the complete lack of any profit motive, we respectfully ask that any fee for this document request be waived.

If you choose to deny any part of this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

As provided by the open records law, I will expect your response within twenty working days.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Alison Walsh". The signature is fluid and cursive, with the first name "Alison" and the last name "Walsh" clearly distinguishable.

Alison Walsh

Policy & Communications Associate



U.S. Department
of Transportation

General Counsel

1200 New Jersey Ave., S.E.
Washington, DC 20590

Office of the Secretary
of Transportation

April 12, 2016

Alison Walsh
Policy and Communications Associate
Prison Policy Initiative
69 Garfield Avenue, Floor 1
Easthampton, MA 01027

File No.: FY 2016-158

Dear Ms. Walsh:

This is in response to your Freedom of Information Act (FOIA) request that was received on March 29, 2016. You requested:

- Written certification from the governors of Delaware and Georgia stating that they are opposed to the enactment or enforcement of a law that conforms with 23 U.S.C. § 159(a)(3)(A), relating to the revocation, suspension, issuance or reinstatement of drivers' licenses to convicted drug offenders, and
- Written certification that the legislatures of Delaware and Georgia have adopted resolutions expressing their opposition to the law that conforms with 23 U.S.C. § 159(a)(3)(A), relating to the revocation, suspension, issuance or reinstatement of drivers' licenses

The U.S. Department of Transportation (DOT) does not have nor maintain the information you are requesting. Therefore, we have no responsive records. You may want to contact the states of Delaware and Georgia as they may have the information you are seeking.

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 Ave., S.E., Washington, DC 20590. If you prefer, your appeal may be sent via electronic mail to ost.foia.appeals@dot.gov. An appeal must be received within 45 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.

Sincerely,

JEFFREY W DAVIS

Digitally signed by JEFFREY W DAVIS
DN: cn=JEFFREY W DAVIS, o=U.S. Government, ou=DOT
Headquarters, ou=OSTHCL, c=JEFFREY W
DAVIS
Date: 2016.04.12 16:36:28 -0400

for Kathy Ray
FOIA Officer

PRISON POLICY INITIATIVE

ALISON WALSH

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FHWA Headquarters
1200 New Jersey Ave., SE
Washington, DC 20590
Foia.officer@fhwa.dot.gov

Re: Freedom of Information Act request

April 22, 2016

To Whom It May Concern:

Pursuant to the Freedom of Information Act (5 U.S.C. § 552), I write to request an updated list for FY2015 of the states that have opted out of enforcing 23 U.S.C. § 159. See the attached certification tables for earlier versions of this list.

I would prefer the information in a Word doc format but would accept paper or other electronic formats.

By way of background, Prison Policy Initiative is a national nonprofit that specializes in research on the criminal justice system (tax exempt under Internal Revenue Code § 501(c)(3)). Due to the public-interest focus of our work, and the complete lack of any profit motive, we respectfully ask that any fee for this document request be waived.

If you choose to deny any part of this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

As provided by the open records law, I will expect your response within ten (10) business days.

Thank you for your assistance.

Sincerely,



Alison Walsh

Policy & Communications Associate



U.S. Department
of Transportation
**Federal Highway
Administration**

4/26/2016

1200 New Jersey Ave., SE
Washington, D.C. 20590

FOIA Control Number:
2016-0208
In Reply Refer To:
FHWAHQ

Alison Walsh
Prison Policy Initiative
69 Garfield Ave
Floor 1
Easthampton, MA - 01027

Dear Ms. Walsh:

The Federal Highway Administration has received your Freedom of Information Act (FOIA) request dated 4/22/2016, for which you requested an updated list for FY2015 of the states that have opted out of enforcing 23 USC Sec. 159. Your request was received by our office on 4/25/2016 and has been assigned FOIA Control Number 2016-0208.

After reviewing your request, we have determined that any responsive records, if they exist, would likely reside in the FHWA HQ Office Of The Chief Financial Officer (HCF). Your request has been forwarded to that office for action, and you will receive a response from FHWA HQ Office Of The Chief Financial Officer (HCF) directly. The point of contact in HCF is Michelle Morman and she can be reached at 202-366-2826.

Pursuant to 49 CFR part 7, the FHWA may be required to charge fees for processing your FOIA request. These fees may cover search, review, and duplication costs. Please do not send any payment at this time. The FHWA will notify you if your request requires payment of fees. Multiple FOIA requests for clearly related matters may be aggregated for purposes of assessing fees. Your request may be narrowed in scope to reduce the total amount of fees. Your request will be processed after you agree to pay any fee assessed by the FHWA. The FHWA may require payment of fees before the release of requested documents. Failure to pay fees may result in the agency closing your request without further action.

If you have any questions with regard to this letter, please feel free to contact me at 202-366-0948.

Sincerely,

Manizheh Boehm
FHWA FOIA Specialist

Cc: FHWA HQ Office Of The Chief Financial Officer (HCF)

CY 2015 Section 159 Certification – Affecting Fiscal Year 2016

	State	Enforcing	Non Enforcing
1.	Alabama	11/03/14	
2.	Alaska		12/30/14
3.	Arizona		11/04/14
4.	Arkansas	11/03/14	
5.	California		09/22/14
6.	Colorado		11/20/14
7.	Connecticut		10/31/14
8.	Delaware		07/18/14
9.	District of Columbia	12/01/14	
10.	Florida	12/31/14	
11.	Georgia	12/08/14	
12.	Hawaii		09/30/14
13.	Idaho		12/17/14
14.	Illinois		11/24/14
15.	Indiana	12/19/14	
16.	Iowa	12/08/14	
17.	Kansas		12/14/14
18.	Kentucky		11/20/14
19.	Louisiana		11/24/14
20.	Maine		12/08/14
21.	Maryland		12/12/14
22.	Massachusetts	11/14/14	
23.	Michigan		12/19/14
24.	Minnesota		12/18/14
25.	Mississippi	12/22/14	
26.	Missouri		10/23/14
27.	Montana		10/24/14
28.	Nebraska		10/21/14
29.	Nevada		12/17/14
30.	New Hampshire		01/12/15
31.	New Jersey	12/31/14	
32.	New Mexico		12/22/14
33.	New York	12/10/14	
34.	North Carolina		12/11/14
35.	North Dakota		10/03/14
36.	Ohio		12/19/14
37.	Oklahoma	12/29/14	
38.	Oregon		12/04/14
39.	Pennsylvania	12/30/14	

CY 2015 Section 159 Certification - Affecting Fiscal Year 2016			
	State	Enforcing	Non Enforcing
40.	Puerto Rico	12/22/14	
41.	Rhode Island		12/23/14
42.	South Carolina		12/18/14
43.	South Dakota		12/17/14
44.	Tennessee		11/24/14
45.	Texas	12/11/14	
46.	Utah		12/09/14
47.	Vermont		10/29/14
48.	Virginia	12/2/14	
49.	Washington		10/30/14
50.	West Virginia		12/10/14
51.	Wisconsin		12/22/14
52.	Wyoming		10/22/14
	TOTALS	16	36