

**SUPPORTING STATEMENT
FOR REQUEST OF OMB APPROVAL
UNDER THE PAPERWORK REDUCTION ACT AND 5 CFR 1320**

The Surface Transportation Board (STB or Board) requests a 3-year extension of approval of the procedures requiring rail carriers to submit maps in all abandonment-exemption proceedings.

A. Justification

1. Statutory and Regulatory Basis. The Interstate Commerce Act, 49 U.S.C. 10903, mandates that railroads subject to the Board's jurisdiction shall not abandon any part of their lines or discontinue service over any portion of their lines unless authority to do so is first obtained from the Board. Under section 10502, the Board is required to exempt a transaction or service from full regulatory requirements when the Board finds that: (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not necessary to protect shippers from the abuse of market power. The Board's abbreviated procedures for obtaining abandonment or discontinuance authority pursuant to this exemption authority are codified at 49 CFR 1152 and require a railroad to submit a map in sufficient detail to identify the exact location of the rail line over which service is to be abandoned or discontinued, as well as the line's relation to other rail lines in the area, highways, water routes, and population centers. See sections 1152.22(a)(4); 1152.50(d)(iv)(2); 1152.60(b).

2. Uses of Information. The maps are used by the Board to determine the precise location of the rail line, on which service is proposed to be abandoned or discontinued. When a petition for exemption is filed under 49 U.S.C. 10502, the subject maps help the Board to determine the scope of the proposed abandonment and, to some degree, the impact of the proposal on shippers on the line. Without this information, the Board could not make the required statutory findings. In addition, the maps are posted on the Board's website as part of the Board's E-Library, a permanent resource for the public, and help to ensure that the public will have adequate notice of the proposed abandonment so that interested persons can participate in the proceeding. For example, this information serves as a form of notice to current and/or potential shippers, and to persons who might want either to make an offer to continue rail service under 49 U.S.C. 10904; to acquire the line as a trail under the National Trails System Act, 16 U.S.C 1247(d); or to acquire the line for another public purpose under 49 U.S.C. 10905.

3. Reduction of Burden. To reduce the burden of producing this map, the Board permits carriers to render the map in the form of their choice. The required map may be hand drawn, printed, or produced by any available technology.

4. Identification of Duplication. The information requested does not duplicate any other information available to the Board.

5. Impact on Small Business. The Board has determined that the map requirement does not place any great burden on any party to any abandonment-exemption proceeding. In most

abandonment-exemption proceedings prior to the adoption of the rules, railroads had provided maps. A map may be hand drawn provided it shows the location of the rail line at issue and its relation to other rail lines in the area, highways, water routes, and population centers.

6. Consequence if Collection Not Conducted or Less Frequent. These maps are only required when a carrier initiates a proceeding to seek authority to abandon or discontinue service on a line. If carriers did not submit such a map, the Board would lack the information that it needs for reasoned decisionmaking, and members of the public would lack notice regarding discontinuation and abandonment proposals that potentially affect them.

7. Special Circumstances. The Board's general practice, codified at 49 CFR 1104.3(a), is to require a party to any proceeding to submit an original and 10 copies of every document filed by that party in that proceeding. The Board has found that a minimum of ten copies are necessary so that copies can be disseminated to the numerous staff and Board members who are involved in drafting and approving decisions, with a copy placed as well in the Board's public reading room. Requiring ten copies reduces the burden on the Board of producing additional copies and helps the Board keep within the deadline for processing requests for authorization under the expedited abandonment-exemption procedures. Pursuant to the Independent Offices Appropriations Act and OMB Circular Number A-25, were the Board to reduce the number of copies required, the filing fee associated with this collection would have to be increased, to reflect the additional cost to the Board.

8. Outside Consultations. The map regulations were first developed through a public rulemaking in 1991. On July 16, 1991, notice of the final rulemaking implementing the map requirement was published in the Federal Register at 56 FR 32336. Revisions to the abandonment provisions, which were adopted after notice and comment in 1996, retained the map requirement, and were published in the Federal Register at 61 FR 67876.

9. Payment or Gift to Respondents. No payments or gifts to respondents are made.

10. Confidentiality. No assurances of confidentiality are made in connection with the filing of the maps.

11. Sensitive Information. No information of a sensitive nature is requested.

12. Hourly Collection Burden to Respondents. The Board estimates that map preparation takes an average of one hour per abandonment-exemption proceeding. This estimate is based on our own understanding of the mechanics of map preparation, and is confirmed by the result of an informal survey of respondents. In our survey of a sample of respondents, fifty per cent indicated that production of the map required less than one half hour. The map can be a fairly simple (printed, drawn, or otherwise rendered on paper). In addition, for their own reasons most railroads maintain maps of their lines, and these maps are frequently used by railroads at no additional cost to them to meet the Board's map filing requirement. Thus, the cost of producing any single such map is often very small and copying costs are minimal. Prior to the Board's

adoption of the rule requiring the maps, most railroads in their own interests provided maps as a routine part of their filing.

13. Total Annualized Non-hourly Cost to Respondents. There are no known non-hourly costs associated with this collection.

14. Annualized Cost to the Federal Government and Respondents. This collection does not result in increased costs to the government and may actually decrease costs. Even if maps were not required as part of a respondents' filings, Board personnel (both clerical and professional) would need to process abandonment-exemption proceedings. Therefore, little or no additional cost to the government is involved in the processing of the map. On the other hand, because the maps clarify the proposal for those involved in the decisionmaking process, the maps may provide cost savings to the Board.

For respondents, the map requirement need not present any non-hourly burden.

15. Changes in Burden Hours. In our 2003 request for approval, we estimated that we would receive maps from 54 respondents, which at an average of one hour per response resulted in a total of 54 burden hours. The actual average number of respondents between 2002 and 2004 has been 91. Therefore, the total annual burden hours for respondents is now estimated at 91 hours. The entire increase in burden hours, is due to an increase in the estimated total number of respondents.

16. Statistical Use. Not applicable. There are no plans to publish for statistical use information derived from these maps.

B. Collection of Information for Employing Statistical Methods.

Not applicable. This collection of information does not employ statistical methods.

MATERIAL SUBMITTED WITH THE SUPPORTING STATEMENT

Copies of the following items are being submitted with the supporting statement:

- (1) 49 U.S.C. 10903
- (2) 49 U.S.C. 10502
- (3) 49 CFR 1152.22
- (4) 49 CFR 1152.50
- (5) 49 CFR 1152.60