

**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 three-year extension of approval of the regulations governing the filing by regulated rail carriers of system diagram maps.

A. Justification

1. Statutory and Regulatory Basis. The Interstate Commerce Act, 49 U.S.C. 10903, mandates that railroads subject to the STB's jurisdiction shall not abandon any part of their lines or discontinue service over any portion of their rail lines without the Board's authorization. Section 10903(c)(2) requires a carrier to "maintain a complete diagram of the transportation system operated, directly or indirectly, by the carrier" (commonly referred to as a system diagram map (SDM)), and to "submit to the Board and publish amendments to its diagram that are necessary to maintain the accuracy of its diagram." That section further provides that the carrier's diagram "include a detailed description of each of its railroad lines potentially subject to abandonment" and "identify each railroad line for which the carrier plans to file an application [for abandonment or discontinuance]." In addition, the feeder line provisions of 49 U.S.C. 10907(b)(1)(ii) provide procedures that can only be used to purchase a railroad line that has been identified (for at least 60 days) on an SDM as a likely candidate for abandonment.

The Board's regulations at 49 CFR 1152.10 require each regulated railroad to keep on file with the Board a current SDM, which identifies all lines by categories including the following : (1) all lines or portions of lines that the carrier anticipates will be the subject of abandonment or discontinuance within a three-year period; (2) all lines or portions of lines that are potentially subject to abandonment; (3) all lines or portions of lines for which abandonment or discontinuance is pending before the Board; (4) all lines or portions of lines that are being operated under the rail service continuation provisions of 49 U.S.C. 10904; and (5) all other lines or portions of lines that the carrier owns and operates, directly or indirectly. 49 CFR 1152.10(b)(1)-(5). The maps must be drawn to scale and clearly show the location of the lines, as well as the location of every city with a population of 5,000 or more within 5 air miles of a rail line owned or operated by the carrier. 49 CFR 1152.10(d). An exception is provided for smaller railroads to file, in lieu of the SDM, a narrative description of its lines that provides all required information. 49 CFR 1152.10(a). In addition, all carriers filing either an SDM or narrative description must separately list and describe all lines or portions of lines that fall within categories 1 through 3 above, by category and state, including counties in which the line is located, mileposts delineating each line or portion of line, and terminal stations located on each line or portion of line with milepost designations. 49 CFR 1152.11. Thereafter, carriers have a continuing obligation to keep the SDM or narrative information accurate. 49 CFR 1152.13. Carriers are also required to notify the states in which they operate and to publish a notice in a newspaper of general circulation in each county containing category 1 through 3 lines being revised. 49 CFR 1152.12. The SDM or alternative narrative is available to the public from the carrier by request. 49 CFR 1152.12(c)(3).

2. Uses of Information. The information sought in this collection constitutes advance notice to the Board and the public about likely decreases in the availability of rail service, and provides a valuable planning tool for the Board and the shipping public. It facilitates informed decision making by the Board, and permits shippers to participate in Board proceedings that may affect them; to submit timely proposals for continuing rail service under the feeder-line acquisition program (49 U.S.C. 10907(b)(i)); and/or to plan for alternative means of transportation. The maps are maintained permanently by the Board.

3. Reduction of Burden. Electronic filing of this information is permitted.

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

5. Impact on Small Business. The 1996 revision to the regulations implementing this collection eased the burden on carriers in several material respects. See 61 FR 67876 (Dec. 24, 1996). First, the revised rules give small carriers (those with operating revenues of less than \$20 million in 1991 dollars) the option of filing a narrative description of their lines, in lieu of a map. Second, the revised rules reduced the frequency of the collection by eliminating the annual filing requirement and substituting a one-time filing requirement (by March 24, 1997 for existing carriers; within 60 days for new carriers), after which a carrier is required to file only amendments, as necessary to update the SDM or description as line designations. Finally, the rules reduced from six to three the number of copies that need to be filed with the Board.

6. Consequence if Collection Not Conducted or Less Frequent. This information is only collected as necessary to keep current the information available to the Board and the public. If the Board did not require this information, the ability of the Board and the shipping public to predict the availability of rail service would be severely impaired. In addition, interested parties would not have adequate notice of pending and anticipated abandonments and an opportunity to present their views, nor could they use the feeder-line program, 49 U.S.C. 10907(b)(1)(ii), to continue rail service on lines that might otherwise be abandoned. Finally, because the Board is required by statute to collect this information, failure to do so would expose the Board and taxpayers to costly litigation.

7. Special Circumstances. No special circumstances require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5.

8. Outside Consultations. The Board published a 60-day notice requesting comments on this collection on July 21, 2006, at 71 Fed. Reg. 41513. The one comment received emphasized the importance of the system diagram map requirement in providing advance notice to the public about rail service that is likely to be abandoned, particularly with reference to the feeder-line program, 49 U.S.C. 10907(b)(1)(ii), under which financially responsible persons may acquire rail lines that might otherwise be abandoned. In addition, an informal survey of responders was conducted by phone to get objective information regarding the burden of this collection on responders.

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

10. Confidentiality. One of the purposes of this collection is to provide notice to the public of anticipated changes in the availability of freight rail service. Thus, all information collected through the filing of system diagram maps is available to the public, and no assurances of confidentiality are made in connection with this report .

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

12. Collection Burden to Respondents. There are approximately 500 respondent rail carriers. Under the current rules, rail carriers initially had to file with the Board a revised and updated SDM and line descriptions, or narrative, on or before March 24, 1997. Each new rail carrier is required to comply with the filing requirements within 60 days after it becomes a carrier. Thereafter, each carrier is only required to to update its SDM or narrative as line designations change.

On average, four system diagram maps or amendments were filed in each of the previous three fiscal years. Our experience has shown that railroads tended to group changes to their SDM into single filings. In addition, affiliated carriers tend to file a consolidated SDM or amendments. Therefore, for present purposes, it shall be estimated that there will be, each year, four respondents making one response each. The average reported hourly burden associated with this collection was 4.5 hours. Thus, the annual burden from the collection of the information is estimated at 18 hours.

13. Annual Cost to Respondents. The cost to railroads to prepare an SDM or amendment varies greatly for a number of reasons including, among other things, the size and class of the carrier, the extent of the carrier's operations geographically, and the number and size of affiliates (if any). Based on an informal survey of several railroads, we estimate the costs as ranging from \$60 for smaller railroads filing simple maps or descriptions to \$2,550 for the largest carriers filing maps depicting extensive rail systems. For larger carriers, the bulk of the non-hourly cost consists of fees for cartographers and printing, as well as expenditures to comply with the publication requirements of 49 CFR 1152.12 . For smaller railroads, the only non-labor costs would be the cost of publication. There is no filing fee at the Board.

14. Annualized Cost to Federal Government. The information required of regulated carriers is processed by the Board's support personnel and does not involve the Board's legal staff. The average time to process an SDM or an amendment is one hour by the staff (GS-9 level) at \$23.64 per hour. The fully distributed cost to the Board to process one system diagram map is \$59.81. Based on an estimated 4 filings, the estimated annualized cost to the Board is \$239.24.

15. Changes in Burden Hours. In our 2003 request for OMB review, the total burden for filing an SDM was based on 13 annual responses, taking on average 9 hours to complete. The decrease in the estimated annual hourly burden from 117 in 2003 to 18 in 2006 reflects both the

decrease in respondents and the smaller size of the respondent rail carriers.

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. 10907
- (3) 49 CFR 1152.10-1152.13