

**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 approval of the information collection contained in proposed regulations governing the disclosure of rail interchange commitments. Under the proposed regulations, whenever a carrier or other person seeks authority, through the Board's abbreviated exemption procedures, to acquire (through sale or lease) or to operate a rail line, that carrier or other person would be required to submit a copy of the agreement that contains such a commitment.

A. Justification

1. Statutory and Regulatory Basis. Under 49 U.S.C. 10901, 10902, and 11323, carriers or other persons seeking to acquire (through purchase or lease) or to operate a rail line must obtain authority from the Board. Pursuant to section 10502, the Board has abbreviated procedures under which that authority may be obtained by seeking an exemption from the otherwise applicable full application procedures. Under section 721, the Board may require a person or business to submit information that the Board needs to carry out its statutory duties.
2. Uses of Information. The proposed collection of the underlying agreements containing interchange commitments would facilitate the Board's monitoring of their case-specific usage.
3. Reduction of Burden. These documents may be faxed or e-filed by carriers. However, because they contain confidential commercial information, we expect that carriers will prefer to submit them under seal by more traditional means.
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. Because the burden to respondents of submitting documents already in their possession is small, minimal impact on small businesses is expected.
6. Consequence if Collection Not Conducted or Less Frequent. The underlying agreements will be collected only when a carrier or other person seeks by exemption authority to acquire or to operate a rail line under an agreement that includes an interchange commitment. Failure to collect this information will impede the Board's ability to monitor the use of such agreements.
7. Special Circumstances. None
8. Outside Consultations. As required under 44 U.S.C. 1320.11, the Board has requested public comments on this collection in its notice of proposed rulemaking in the Federal Register.
9. Payment or Gift to Respondents. None

10. Confidentiality. The proposed rules regarding the collection of these agreements state that the agreements “may be filed with the Board under 49 CFR 1104.12(a) and will be kept confidential without need for the filing of an accompanying motion for a protective order under 49 CFR 1104.14(b). Under the proposed rule, a shipper or other affected party may obtain access to such confidential documents only by filing and serving upon the party that has filed the requested document a “Motion for Access to Confidential Documents,” containing (i) an explanation of the [requester’s] need for the information and (ii) an appropriate draft protective order and confidentiality undertaking(s) that will ensure that the documents are kept confidential.

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

12. Collection Burden to Respondents. The Board estimates that the annual labor burden for an estimated 65 potential respondents will total 16.25 hours. The estimated annual burden is based on 65 respondents submitting 1 filing in a year, with an hourly burden per response of less than 15 minutes to do the following: (1) copy the existing agreement; and (2) mail, fax, email or otherwise deliver the agreement to the STB.

13. Annual Cost to Respondents. No non-labor costs are anticipated, other than the possible cost of mailing or delivering the agreement to the STB.

14. Annualized Cost to the Federal Government and Respondents. The Board estimates the use of approximately 45 minutes of professional staff time (GS-14) at a cost of \$50.95 per hour (with a fully distributed cost to the Board per hour of \$61.14) to monitor the information in each of the estimated 65 agreements collected per year. This would result in an annualized cost to the government of \$2,980.25.

15. Changes in Burden Hours. A new reporting requirement is proposed. If adopted, we estimate that each respondent will experience an increased hourly burden of 15 minutes or less.

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

B. Collection of Information for Employing Statistical Methods. Not applicable. This collection of information does not employ statistical methods.