

**SUPPORTING STATEMENT
FOR REQUEST OF EXTENSION WITHOUT CHANGE
UNDER THE PAPERWORK REDUCTION ACT AND 5 CFR 1320**

Report of Fuel Cost, Consumption, and Surcharge Revenue

The Surface Transportation Board (STB or Board) requires all Class I railroads (defined as carriers having revenues in excess of 250 million dollars in 1991 dollars) to report quarterly the following: (1) total fuel cost; (2) gallons of fuel consumed; (3) increased or decreased cost of fuel over the previous quarter; (4) total revenue from fuel surcharges; and (5) total revenue from fuel surcharges on regulated traffic only.

A. Justification

1. Statutory and Regulatory Basis. Under 49 U.S.C. § 10702, the Board has the authority to address the reasonableness of a rail carrier's practices. The Board has authority under 49 U.S.C. § 11144 to prescribe the form of records required to be prepared or compiled by regulated rail carriers, and to inspect and copy any record of such a carrier. Moreover, the Board has specific authority under 49 U.S.C. § 11145(a)(1) to require regulated rail carriers to file annual, periodic, and special reports containing answers to questions asked by the Board. In Rail Fuel Surcharges, EP 661 (Sub-No. 1) (STB served Aug. 14, 2007), the Board adopted this requirement to "permit the Board to monitor the current fuel surcharge practices of Class I carriers" in order to "provide an overall picture of the use of fuel surcharges" and "bring some transparency to the use of fuel surcharges by rail carriers."
2. Uses of Information. This information collection permits the Board to monitor the current fuel surcharge practices of the Class I carriers.
3. Reduction of Burden. These forms may be faxed or e-filed by carriers.
4. Identification of Duplication. The information requested does not duplicate any other information available to the Board or to the public.
5. Impact on Small Business. There is no impact on small businesses. This collection is required to be filed only by Class I railroads (currently 7), all of which have revenues in excess of 250 million dollars (in 1991 dollars) adjusted for inflation.
6. Consequence if Collection Not Conducted or Less Frequent. This information is collected quarterly. Fuel prices can fluctuate frequently. Therefore, a quarterly collection of this information is needed to provide current and relevant information to the Board.
7. Special Circumstances. No special circumstances require the collection to be conducted in a manner inconsistent with the guidelines in 5 C.F.R. § 1320.5.

8. Outside Consultations. As required under 44 U.S.C. § 3506(c)(2)(a), the Board published in the Federal Register a 60-day notice requesting public comments on this collection. No comments were received. During the notice and comment period preceding the adoption of this rule, however, the Board received several comments, which were summarized in the final rule. In response to those comments, the Board, in its 2007 final rule, reduced the frequency of the report, extended the deadline for reporting, and added one line item designed to increase the utility of the report. As also required, the Board published a 60-day notice on June 29, 2010, requesting public comments on this collection. No comments were received. The Board then published a 30-day notice on October 6, 2010, requesting comments, and a corrected 30-day notice on October 29, 2010. No comments have been received.

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

10. Confidentiality. No confidential information is being collected in this information collection. The collected information is posted on the Board's website.

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

12. Collection Burden to Respondents. The Board estimates a total annual labor burden for all 7 respondents of 84 hours (excluding a one-time, initial expenditure of not more than 8 hours that may be required to program existing computer systems to generate the required information). The estimated 84-hour total annual labor burden is based on a quarterly response time for each of the 7 respondents of no more than 3 hours of labor required to do the following: (1) collect data from within their operating systems; (2) calculate fuel cost increase/decrease each quarter; (3) post figures to report; (4) independently verify and sign; and (5) mail, fax, or e-file the report to the STB.

13. Annual Cost to Respondents. No non-labor costs are anticipated. There is no filing fee at the Board for this report.

14. Annualized Cost to Federal Government. Staff estimates an annual burden to the agency of 16 labor hours. This entails 12 hours labor for receipt and posting to the Board's website of an estimated 28 reports, which is performed by the Board's support staff (GS-12 level) at \$35.88 per hour (with a fully distributed cost to the Board per hour of \$44.49), and an additional 4 hours for review by professional staff (GS-15 level) at a cost of \$59.35 per hour (with a fully distributed cost to the Board per hour of \$65.23). Therefore, the estimated annualized cost to the Board is \$972.76.

15. Changes in Burden Hours. There is no change in burden hours associated with this request.

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.