

SUPPORTING STATEMENT – Agricultural Contract Summaries

**A. Justification:**

1. Why the collection is necessary. The Surface Transportation Board (Board or STB) has statutory authority to provide economic regulatory oversight of railroads, addressing such matters as rates, service, and the construction, acquisition and abandonment of rail lines, as well as carrier mergers and the interchange of traffic among carriers (49 U.S.C. §§ 10101-11908). Under the ICC Termination Act of 1995, Public Law 104-88, railroads are required to file with the Board a summary of the nonconfidential terms of any contract for the transportation of agricultural products, even though the actual terms of a rail transportation contract are treated as confidential. See 49 U.S.C. § 10709(d).

2. How the collection will be used. Information in this collection is used by the public to obtain nonconfidential information about the terms of contracts between rail carriers and shippers of agricultural products. The information is available on the Board’s website under “Industry Data.”

3. Extent of automated information collection. This collection may be filed electronically, either by email or via the E-file option on the Board’s website. All of the respondents for this collection currently submit the collection as an email attachment.

4. Identification of duplication. The Board has exclusive jurisdiction over the economic regulation of freight railroads and has a statutory duty to collect Agricultural Contract Summaries. No other Federal agency collects this information, nor is this information available from any other source.

5. Effects on small business. The Board concludes that this collection does not have a significant economic effect on a substantial number of small entities. In 2012, for example, only two of the ten rail carriers filing these summaries were small entities.

6. Impact of less frequent collections. This collection is required by statute. Thus, failure to collect this information would impede the ability of the agency to fulfill its statutory duty. It would also affect the public’s access to timely information about contracts between shippers of agricultural commodities and rail carriers.

7. Special circumstances. No special circumstances apply to this collection.

8. Compliance with 5 C.F.R. § 1320.8. As required, the Board published a notice providing a 60-day comment period regarding this collection. See 77 Fed. Reg. 64376

(10/19/12). No comments were received. A 30-day notice was published concurrently with this submission to Office of Management and Budget (OMB). See 78 Fed. Reg. 18675 (3/27/13).

9. Payments or gifts to respondents. The Board does not provide any payment or gift to respondents.

10. Assurance of confidentiality. All information collected through this report is available to the public.

11. Justification for collection of sensitive information. This collection contains no information of a sensitive nature.

12. Estimation of burden hours for respondents. The following information pertains to the estimate of burden hours associated with this collection:

(1) Number of respondents: Approximately 10.

(2) Frequency of response: On occasion, for a total from all respondents of approximately 141 submissions per year. (This information must be submitted as soon as possible, but not longer than seven days after effective date of contract or amendment.)

(3) Annual hour burden per respondent and total for all respondents: 106 hours (141 submissions X .75 hours (45 minutes) estimated per submission). Estimate is based on staff's familiarity with the content and volume of work submitted.

13. Other costs to respondents: There are no non-hour costs associated with this collection. All of the respondents for this collection currently submit the collection as an email attachment.

14. Estimated costs to the Board: The Board performs periodic cost studies to determine the cost to the Board of various Board functions. These costs determine the various fees set by the Board, including the fees for filing agricultural contract summaries. Because the fees for filing agricultural contract summaries are set to capture the total cost of collection to the Board, the total fees collected from respondents in 2012, which is \$3,384, should reflect the total annual cost to the Board of this collection

15. Changes in burden hours. This is an existing collection without a control number. The statutory requirement for the STB to collect contract summaries has been in place since the agency's establishment in 1996.

16. Plans for tabulation and publication: This collection is posted on the Board's website under "Industry Data."

17. Display of expiration date for OMB approval. There is no form associated with this collection. Once approved, the control number and expiration date for this collection will be published in a separate notice in the Federal Register as provided in 5 C.F.R. § 1320.3(f)(3).

18. Exceptions to Certification Statement. Not applicable

**B. Collections of Information Employing Statistical Methods:**

Not applicable