

**SUPPORTING STATEMENT
FOR REQUEST OF OMB APPROVAL
UNDER THE PAPERWORK REDUCTION ACT AND 5 C.F.R. 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. Why the collection is necessary. 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 SDM that are necessary to maintain the accuracy of its SDM. That section further provides that the carrier's SDM 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 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 C.F.R. § 1152.10 require each regulated railroad to keep on file with the Board a current SDM, which identifies all lines by the following categories: (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 C.F.R. § 1152.10(b)(1)-(5). The SDM 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 C.F.R. § 1152.10(d). An exception is provided for Class III (small) railroads to file, in lieu of the SDM, a narrative description of its lines that provides all required information. 49 C.F.R. § 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 C.F.R. § 1152.11. Thereafter, carriers have a continuing obligation to keep the SDM or narrative information accurate. 49 C.F.R. § 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 C.F.R. § 1152.12. The SDM or alternative narrative is available to the public from the carrier by request. 49 C.F.R. § 1152.12(c)(3).

2. How the collection will be used. 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 and are posted on the Board's website.

3. Extent of automated information collection. Electronic filing of this information is permitted.

4. Identification of duplication. The Board has a statutory duty to collect this information. The information requested does not duplicate any other information available to the Board or the public.

5. Impact on small businesses. The Board's regulations minimize the burden on carriers in several material respects. First, Class III carriers have the option of filing a narrative description of their lines, in lieu of a map. Second, carriers are required to file the map only once (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 change.

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 impaired. In addition, interested parties might not have adequate notice of pending and anticipated abandonments and an opportunity to present their views, nor would they receive the statutory notice, provided for in 49 U.S.C. § 10907(b)(1)(ii), that they could use the feeder-line program 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 could 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 C.F.R. § 1320.5.

8. Outside consultations. An informal survey of less than 10 respondents was conducted by phone to get feedback regarding the burden of this collection on respondents. The Board published a 60-day notice requesting comments on this collection at 78 Fed. Reg. 3968 (1/17/13). No comments were received. The Board has also published a 30-day notice that comments about this collection be sent to OMB. See 78 Fed. Reg. 18421 (3/26/13)

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 SDMs is available to the public, the SDMs are posted on the Board's website, and no assurances of confidentiality are made in connection with this report.

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

12. Estimation of burden hours for respondents. A new rail carrier is required to file with the Board an accurate SDM or narrative, and line descriptions as appropriate, within 60 days after it becomes a carrier. Thereafter, carriers are only required to update their SDMs or narratives and descriptions as line designations change.

In recent years, the Board has received an average of one system-diagram map per year. Our experience has shown that railroads tend to group changes to their SDM into single filings. In addition, affiliated carriers tend to file a consolidated SDM or amendments. In a recent survey, the average reported hourly burden associated with this collection was 7.1 hours. Thus, the annual burden from the collection of the information is estimated at 7.1 hours.

13. Other costs 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. With only seven Class I rail carriers and eight Class II carriers, the burden for most carriers skews toward that of the smaller carriers. On the other hand, larger carriers are more likely to change their system in a manner that requires the filing of a SDM. During the last two years, one SDM was filed by a Class I carrier, and one SDM was filed by a small carrier. Therefore, we estimate the annual cost to respondents at \$1,305, which is the average between the cost to the largest and smallest carriers. 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 C.F.R. § 1152.12. For smaller railroads, the only non-labor costs would be the cost of publication. There is no filing fee for SDMs 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 \$35.05 per hour (2012 level). Thus, the fully distributed cost to the Board to process one system diagram map is \$35.05. Based on an estimated one filing annually, the estimated annualized cost to the Board is \$35.05.

15. Changes in burden hours. In our 2010 request for extension of this collection, the total burden for filing an SDM was based on three annual responses, taking on average one hour to complete. The decrease in the estimated annual hourly burden, from 21 hours in 2010 to seven hours in 2013, is attributable entirely to the decrease in respondents.

16. Plans for tabulation and publication. This collection is posted on the Board's website.

17. Display of expiration date for OMB approval. No form is used for this collection. The instructions for this collection are found at 49 C.F.R. § 1152.10. Once the collection is approved, the Board will display the control number and expiration date of the collection by publishing a special notice in the Federal Register stating the control number and expiration date of the collection as provided in 5 C.F.R. § 1320.3(f)(3).

18. Exceptions to Certification Statement. No exceptions are sought.

B. Collection of Information for Employing Statistical Methods.

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