

1 Supporting Statement for Paperwork Reduction Act Submission

OMB Control No. 2140-0017
Expires May 31, 2015

Notifications of Trails Act Agreement

A. Justification

1. Why Collection is Necessary.

Under 16 U.S.C. § 1247(d), the Surface Transportation Board (Board or STB) must “preserve established railroad rights-of-way for future reactivation of rail service” by prohibiting abandonment where a trail sponsor offers to assume managerial, tax, and legal responsibility for a right-of-way for use in the interim as a trail. Pursuant to this authority, the Board will issue a Certificate of Interim Trail Use (CITU) or Notice of Interim Trail Use (NITU) to a prospective trail sponsor that submits a statement of willingness to assume responsibility for management, legal liability, and payment of taxes, and an acknowledgement that interim trail use is subject to restoration of rail service at any time. 49 C.F.R. §§1152.29(a), (d). The CITU/NITU permits parties to negotiate for a 180-day period a railbanking agreement. If parties reach an agreement, the CITU/NITU automatically authorizes railbanking/interim trail use. If no agreement is reached, then upon expiration of the negotiation period, the CITU/NITU authorizes the railroad to exercise its option to fully abandon the line by consummating the abandonment without further action by the Board.

In this information collection, the parties (trail sponsor and railroad) must notify the Board when a trail use agreement has been reached, and must identify the exact location of the right-of-way subject to the agreement, including a map and milepost marker information. They must also file a petition to modify or vacate the CITU/NITU if the trail use agreement applies to less of the right-of-way than covered by the CITU/NITU. These submissions will ensure that the agency and the public have accurate information about the status of property after interim trail use conditions have been issued.

2. Uses of Information. This information collection ensures that the agency and the public have accurate information about the status of property where a CITU/NITU has been issued.

3. Reduction of Burden. This information may be e-filed by parties on the Board’s website, <www.stb.dot.gov>.

4. Identification of Duplication. The STB is the only agency tasked with this ministerial authority under the Trails Act. Therefore, this information collection does not duplicate any other information available to the Board or to the public.

5. Impact on Small Business. There will not be a significant economic impact on a substantial number of small entities. The information collection should involve little time and expense to draft and file, and thus should have little economic impact on a small-entity filer. The requirement is limited to only those small entities or small businesses who choose to be parties to interim trail use agreements.
6. Consequence if Collection Not Conducted or Less Frequent. CITU/NITUs are self-executing. Therefore, collection of this information is needed to provide current and relevant information to the Board and the public.
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, the Board provided a 60-day comment period (see 80 Fed. Reg. 11262 (3/2/2015)). No comments were received. As required, the Board is now providing a 30-day comment period (see 80 Fed. Reg. 261435 (5/6/2015)) regarding this collection.
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 sensitive information of a personal nature is requested.
12. Collection Burden to Respondents. Based on the Board's experience with similar requirements, the Board estimates that it will take a respondent approximately 1 hour per response and that the Board will receive approximately 40 submissions per year, for a total annual labor burden of 40 hours.
13. Annual Cost to Respondents. There are no filing fees, unless a party petitions to modify or vacate a CITU/NITU. A filing fee of \$300 applies to petitions to modify or vacate a CITU/NITU. No non-labor costs are anticipated.
14. Annualized Cost to Federal Government. Staff estimates an annual burden to the agency of 50 labor hours. This entails 20 hours of labor for receipt and posting to the Board's website of an estimated 40 notices, which is performed by the Board's support staff (GS-12 level) at \$41.48 per hour. For an estimated 10 petitions to modify or vacate a CITU/NITU pursuant to the proposed rules, this entails 20 hours of labor for drafting a revised CITU/NITU, which is performed by professional staff (GS-13 level) at \$49.32 per hour and 10 hours of labor for reviewing the draft, which is performed by professional staff (GS-15 level) at \$68.56 per hour. Therefore, the estimated annualized cost to the Board is \$2,501.60.
15. Changes in Burden Hours. No changes are sought.

16. Publication of Results. Individual submissions will be published on the Board's website, <www.stb.dot.gov>. There are, however, no plans to publish for statistical use information derived from this collection.

17. Display of Expiration Date for OMB Approval. There is no form associated with this collection. When approved, the control number and expiration date for this collection will be published in the Federal Register.

18. Exceptions to the Certification for Paperwork Reduction Act Submissions. No exceptions are sought.

B. Collection of Information Employing Statistical Methods

Not Applicable.