

**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 approval of the regulations governing the collection of Roster of Eligible Arbitrators.

A. Justification:

1. Need for Information in Collection. Under Section 13 of the Surface Transportation Board Reauthorization Act of 2015, P.L. 114-110 (2015) (STB Reauthorization Act) (codified at 49 U.S.C. § 11708), the Board is required to “promulgate regulations to establish a voluntary and binding arbitration process to resolve rail rate and practice complaints” that are subject to the Board’s jurisdiction. Section 11708 sets forth specific requirements and procedures for the Board’s arbitration process. In a notice of proposed rulemaking, the Surface Transportation Board (Board) proposed to amend its arbitration procedures set forth at 49 C.F.R. §§ 1108 and 1115.8 to conform to the requirements of the STB Reauthorization Act. Revisions to Arbitration Procedures, Docket No. EP 730 (STB served May 12, 2016) (NPRM). The Board now plans to issue final rules consistent with the NPRM.

While the Board’s existing arbitration regulations are mostly consistent with the new statutory provisions, certain changes will be implemented through the final rules so that the Board’s regulations conform to the requirements under § 11708. Under § 11708(f), unless parties otherwise agree, an arbitrator or panel of arbitrators would be selected from a roster maintained by the Board. Thus, the Board will issue final rules to establish a process for creating and maintaining a roster of arbitrators and selecting arbitrators from the roster in accordance with the statutory requirements. The Board’s roster would provide a brief biographical sketch of each arbitrator, detailing background, experience, and geographical location, as well as general contact information, based on the information supplied by the arbitrator. Under the final rules, an initial roster would be compiled by the Chairman of the Board, who would seek notice from all interested, qualified persons who wish to be placed on the Board’s arbitration roster. The Chairman could augment the roster at any time to include other eligible arbitrators and remove from the roster any arbitrators who are no longer available or eligible.

2. Use of Data Collected. Parties interested in utilizing the Board’s arbitration program may select an arbitrator or panel of arbitrators from the arbitration roster that will be supplied by the Board. The arbitration roster would provide a brief biographical sketch of each arbitrator, detailing background, experience, and geographical location, as well as general contact information, based on the information supplied by the arbitrator.

3. Reduction through Improved Technology. The Board expects all respondents to file electronically through the Board’s e-filing system.

4. Identification of Duplication. No other federal agency collects the information in this collection, which is information from interested, qualified persons seeking to be placed on the Board's arbitration roster, nor is this information available from any other source. Therefore, there will be no duplication of information.

5. Minimizing Burden for Small Business. This collection is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. To the extent there is any impact on small businesses, it is expected that small businesses will benefit by the increased availability of a less costly and faster process for resolving disputes.

6. Consequences if Collection not Conducted or Conducted Less Frequently. Without this collection, the Board could not establish and maintain a roster of arbitrators as required under § 11708(f).

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

8. Consultation with Outside Agency. The Board published a notice in the Federal Register, providing a 28-day comment period for initial comments and an 18-day comment period for replies regarding this collection. See 81 Fed. Reg. 30229 (May 16, 2016). No comments were received.

9. Payments or Gifts. The Board does not provide any payment or gift for this collection.

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

11. Sensitive Information. This collection contains no information of a sensitive nature.

12. Estimated Burden Hours. The following information pertains to the estimate of burden hours associated with this collection:

(1) Number of respondents. 40.

(2) Frequency of response. Annually.

(3) Annual hour burden per respondent and total for all respondents. 40 hours (40 respondents X one hour per response).

13. Estimated Total Annual Cost to Respondents. No non-hour burdens have been identified.

14. Annualized Cost to the Federal Government. We estimate that the maximum cost to the Board of entering the arbitration roster into the Board's e-Library under the appropriate docket and posting the searchable pdf to the website would total no more than \$457.13 per year, which includes 10 hours (0.25 hours to add names to a roster X 40 respondents) at a GS-11 pay grade.

15. Explanation of Program Changes or Adjustments. This ICR requests a change because this is a new collection.

16. Plans for tabulation and publication. The notices required by this collection will be posted to the appropriate docket within the Board's e-Library at www.stb.dot.gov.

17. Display of expiration date for OMB approval. There is no form associated with this collection. The instructions will be found in the Board's regulations at 49 C.F.R. §§ 1108 and 1115.8. The control number and expiration date for this collection will be published in the Federal Register.

18. Exceptions to Certification Statement. Not applicable.

B. Collections of Information Employing Statistical Methods:

Not applicable.