

**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 an existing collection in use without an OMB Control Number.

**A. Justification:**

1. Need for Information in Collection. Title XI of the Fixing America's Surface Transportation Act of 2015, Pub. L. No. 114-94 (signed Dec. 4, 2015) (FAST Act), entitled "Passenger Rail Reform and Investment Act of 2015," adds to the Board's existing passenger rail adjudicatory responsibilities related to the National Railroad Passenger Corporation (Amtrak). Title XI gives the Board jurisdiction to resolve cost allocation and access disputes between Amtrak, the states, and potential non-Amtrak operators of intercity passenger rail service. The FAST Act directs the Board to establish procedures for the resolution of certain of these disputes, "which may include the provision of professional mediation services." 49 U.S.C. §§ 24712(c)(2), 24905(c)(4). The Board adopted final rules to implement these procedures in Dispute Resolution Procedures Under the Fixing America's Surface Transportation Act of 2015, EP 734 (STB served Nov. 29, 2016).<sup>1</sup> The Board provides for mediation and alternative dispute resolutions at 49 C.F.R. § 1109 (including the new provisions at § 1109.5).

2. Use of Data Collected. Amtrak or a State member of the State Supported Route Committee established under 49 U.S.C. 24712 may request that the Board informally assist in securing outside professional mediation services in order to resolve disputes. To do so, parties may submit a request letter to the Director of the Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) with a concise description of the issues for which outside professional mediation services are sought. OPAGAC responds to the request within 14 days.

3. Reduction through Improved Technology. Filings may be submitted electronically to the Board.

4. Identification of Duplication. No other Federal agency collects the information, nor is this information available from any other source.

5. Minimizing Burden for Small Businesses. The new regulations do not mandate or circumscribe the conduct of small entities.

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<sup>1</sup> Due to a technical omission in the notice of proposed rulemaking in EP 734 under the PRA, the Board is seeking OMB approval for this collection in this notice. Any comments received by the Board from this notice will be forwarded to OMB for its review and will be posted on the Board's website under the docket in EP 734.

6. Consequences if Collection Not Conducted or Conducted Less Frequently. Without the collection, the Board will not be able to assist parties in securing outside professional mediation services and fulfill its statutory duty.

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 60-day comment period regarding this collection. See 82 Fed. Reg. 1421 (Jan. 5, 2017). No comments were submitted. A 30-day notice was published concurrently with this submission to Office of Management and Budget (OMB). See 82 Fed. Reg. 15781 (Mar. 30, 2017).

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

10. Assurance of Confidentiality. There are no plans to publish the letters requesting assistance unless the party includes the letter in a formal filing.

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. Approximately three

(2) Frequency of response. On occasion

(3) Annual hour burden per respondent and total for all respondents. 3 (estimated hours per response (1) x total number of responses (3))

13. Estimated Total Annual Cost to Respondents. None identified. Filings may be submitted electronically to the Board.

14. Annualized Cost to the Federal Government. We estimate that annually it takes 48 hours (GS 14/10 hourly rate with benefits of \$90.46) to handle three requests for assistance per year, resulting in a total cost to the Board of \$4,342.08.

15. Explanation of Program Changes or Adjustments. This is a recently created collection without a control number.

16. Plans for tabulation and publication. There are no plans to publish the letters requesting assistance unless the party includes the letter in a formal filing.

17. Display of expiration date for OMB approval. No form is used for this collection. 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. Not applicable.

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

Not applicable.