

2140-0033  
March 2020  
Expires 6/30/2020

**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 modification, as part of a notice of proposed rulemaking, and a three-year extension of approval of the regulations governing the collection of the **United States Rail Service Issues-Performance Data Reporting**.

**A. Justification:**

1. Why the collection is necessary. The Board is, by statute, responsible for economic regulation of common carrier railroads operating in the United States. The shipping public and the Nation's economy as a whole depend upon reliable, consistent, and efficient freight rail service. In 2014, the Board created regulations requiring all Class I railroads, and the CTCO, through its Class I members, to report certain service performance metrics on a periodic basis. See U.S. Rail Service Issues—Performance Data Reporting, EP 724 (Sub-No. 4) (STB served Nov. 30, 2016). The regulations require railroads to report certain railroad service performance metrics on a weekly basis and certain other information on quarterly, semiannual, and occasional basis. They provide a set of performance data that allows the agency to monitor current service conditions in the industry and improve the Board's ability to identify and help resolve future regional or national service disruptions more quickly, should they occur.

2. Why the modification is necessary. In Pet. for Rulemaking to Amend 49 C.F.R. Part 1250 (NPRM), EP 724 (Sub-No. 5) (STB served Sept. 30, 2019) (84 Fed. Reg. 53375), the Board is proposing, at the request of parties, to amend the performance data reporting regulations to include chemical and plastics (STCC 28, except fertilizer) traffic as a distinct reporting category for the cars-held metric at 49 C.F.R. § 1250.2(a)(6). It is thought that the proposed modification would increase transparency.

3. Extent of automated information collection. Respondents report electronically.

4. Identification of duplication. The Board is the only agency tasked with economic regulation of freight railroads. This information is not duplicated by any other agency.

5. Effects on small business. No small entities will be affected by the collection of this information. Only Class I railroads, which have operating revenues in excess of \$250 million (1991 dollars) adjusted for inflation, will be subject to this reporting requirement.

6. Consequences if collection not conducted or conducted less frequently. Less frequent

collection would fail to provide as near real-time information about rail service issues and thus would hinder the Board's ability to address these issues in a manner timely enough to make a difference. Less frequent collection would also deprive the Board of insight into variations in performance, so that potential problems may be addressed. Indeed, the entire purpose of this collection is to obtain more frequent data on freight rail service, data that is collected in a manner that is consistent with the respondent railroad's current operations. (In fact, some respondents, if not all of them, could provide the data daily without significant burden.)

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

8. Consultation with outside agency. Compliance with 5 C.F.R. § 1320.8. The Board published its proposed rule change in the NPRM (84 Fed. Reg. 53375 (Oct. 7, 2019), which provided for a 60-day comment period (and an additional 31-day period for reply comments) regarding this collection, with specific reference to concerns detailed in the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3521 and Office of Management and Budget (OMB) regulations at 5 C.F.R. § 1320.8(d)(3).

1

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. No sensitive information of a personal nature is requested.

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

*Number of Respondents:* Seven

*Estimated Time per Response:* 696 hours per year. The proposed rules seek three related responses, as indicated in the table below.

*Table – Estimated Time per Response*

<u>Type of Responses</u>	<u>Estimated Time per Response</u>
Weekly	1.5 hours
Quarterly	1.5 hours

On occasion	1.5 hours
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*Frequency:* The frequencies of the three related collections sought under the proposed rules are set forth in the table below.

*Table – Frequency of Responses*

<b><u>Type of Responses</u></b>	<b><u>Frequency of Responses</u></b>
Weekly	52/year
Quarterly	4/year
On occasion	2/year

*Total Burden Hours* (annually including all respondents): The recurring burden hours are estimated to be no more than 591 hours per year, as derived in the table below. In addition, there are some one-time, start-up costs of approximately 45 hours for each respondent that must be added as a one-time burden due to the programming changes to add the additional reporting category. To avoid inflating the estimated total annual hourly burden, the 45-hour start-up burden has been divided by three and spread over the three-year approval period. Thus, the total annual burden hours for each of the three years are estimated at no more than 696 hours per year.

*Table – Total Burden Hours (per Year)*

<b><u>Type of Responses</u></b>	<b><u>Number of Respondents</u></b>	<b><u>Estimated Time per Response</u></b>	<b><u>Frequency of Responses</u></b>	<b><u>Total Yearly Burden Hours</u></b>
Weekly	7	1.5 hours	52/year	546 hours
Quarterly	7	1.5 hours	4/year	42 hours
On occasion	1	1.5 hours	2/year	3 hours
One-Time	7	15 hours (45 hours/3 years)	1/year	105 hours

<b>Total</b>				<b>696 hours</b>
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13. Estimated total annual cost to respondents. There are no non-hourly burdens for respondents. The data will be submitted electronically by email.

14. Estimated costs to the Board: There will be no cost beyond the normal labor costs for Board staff.

15. Changes in burden hours. This is an existing collection with an OMB control number (2140-0033), which is being adjusted to take into consideration the NPRM, clarifying that railroad performance data reporting regulations include chemical and plastics traffic as a distinct reporting category for the “cars-held” metric. The NPRM proposes a one-time change estimated at a total annual non-hourly burden of 105 hours per year. This extension request, however, narrows the estimated total annual non-hourly burden due to technology improvements over our estimates from 2017.

16. Plans for tabulation and publication. The collected data will be posted on the Board’s website.

17. Display of expiration date for OMB approval. The control number and expiration date for this collection will appear on the form.

18. Exceptions to certification statement. No exceptions are sought.

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

Not applicable.