

2140-0014
June 2020
Expires 7/31/20

**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 Board's collection of the Report of Fuel Cost, Consumption, and Surcharge Revenue.

A. Justification:

1. Why the collection is necessary. The Surface Transportation Board is, by statute, responsible for the economic regulation of common carrier freight railroads and certain other carriers operating in the United States. Under 49 U.S.C. § 10702, the Board has the authority to address the reasonableness of a rail carrier's practices. The Board has authority under 49 U.S.C. § 11144 to prescribe the form of records required to be prepared or compiled by regulated rail carriers, and to inspect and copy any record of such a carrier. Moreover, the Board has specific authority under 49 U.S.C. § 11145(a)(1) to require regulated rail carriers to file annual, periodic, and special reports containing answers to questions asked by the Board. In Rail Fuel Surcharges, EP 661 (Sub-No. 1) (STB served Aug. 14, 2007), the Board adopted this requirement to "permit the Board to monitor the current fuel surcharge practices of Class I carriers" in order to "provide an overall picture of the use of fuel surcharges" and "bring some transparency to the use of fuel surcharges by rail carriers." See 49 C.F.R. § 1243.3.

2. How the collection will be used. The Surface Transportation Board (STB or Board) requires all Class I railroads (currently seven) to report quarterly the following: (1) total fuel cost; (2) gallons of fuel consumed; (3) increased or decreased cost of fuel over the previous quarter; (4) total revenue from fuel surcharges; and (5) total revenue from fuel surcharges on regulated traffic only. This information collection permits the Board to monitor the current fuel surcharge practices of the Class I carriers.

3. Extent of automated information collection. These documents may be filed electronically by carriers.

4. Identification of duplication. The information requested does not duplicate any other information available to the Board or the public.

5. Effects on small business. There is no impact on small businesses. This collection is required to be filed only by Class I railroads, all of which have annual operating revenues of greater than \$250 million in 1991 dollars (or greater than \$489,935,956, when adjusted for inflation using the latest data from 2018).

6. Impact of less frequent collections. This information is collected quarterly. Fuel prices can fluctuate frequently. Therefore, a quarterly collection of this information is needed to provide current and relevant information to the Board.

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

8. Compliance with 5 C.F.R. § 1320.8. As required, the Board published a notice providing a 60-day comment period regarding this collection. See 85 Fed. Reg. 21496 (Apr. 17, 2020). No comments were received. A 30-day notice was published concurrently with this submission to Office of Management and Budget (OMB). See 85 Fed. Reg. 37146 (June 19, 2020).

9. Payments or gifts to respondents. The Board does not provide any payment or gift to respondents.

10. Assurance of confidentiality. No confidential information is being collected in this information collection. The collected information is posted on the Board's website.

11. Justification for collection of sensitive information. No sensitive information is requested.

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

(1) Number of respondents: Seven.

(2) Frequency of response: Quarterly.

(3) Annual hour burden per respondent and total for all respondents: It is estimated that it takes each respondent one hour each quarter to complete and submit the fuel cost report. Annually, this results in four hours per respondent and 28 hours for all respondents.

13. Other costs to respondents: None identified. Filings may be submitted electronically to the Board.

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

15. Changes in burden hours. There are no changes in burdens.

16. Plans for tabulation and publication: The collected information is 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. Not applicable.

B. Collections of Information Employing Statistical Methods:

Not applicable.