

2140-0020
February 2020
Expires 3/31/2020

**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 three-year extension of approval of the regulations governing the filing by parties before the Board of arbitration option notices.

A. Justification:

1. Need for Information in Collection. Under 49 C.F.R. § 1108.3, rail carriers may agree to participate in the Board's arbitration program by filing a notice with the Board to "opt in." Once a rail carrier is participating in the Board's arbitration program, it may discontinue its participation by filing a notice to "opt out" with the Board, which would become effective 90 days after its filing.

The Board has authority to collect information from rail carriers under 49 U.S.C. § 11145(a). Failure to collect this information could impede the Board's arbitration program.

2. Use of Data Collected. The opt-in (and opt-out) notices will be used to inform the Board, and other interested persons, which rail carriers have agreed to participate in the proposed arbitration program.

3. Reduction through Improved Technology. This collection may be filed electronically by use of the E-filing option on the Board's website.

4. Identification of Duplication. No other federal agency collects the information in this collection, which is information from rail carriers regarding their willingness to participate in the Board's arbitration program, nor is this information available from any other source. Therefore, there will be no duplication of information.

5. Minimizing Burden for Small Business. The notice will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. The arbitration program provides faster resolution of disputes before the Board at a lower cost than could be obtained through use of the Board's existing formal adjudicatory procedures.

6. Consequences if Collection not Conducted or Conducted Less Frequently. Without this collection, the Board would suffer some detriment to its arbitration program. This would also harm stakeholders, rail carriers and shippers, who would not have this simple access to a

less costly dispute resolution program.

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

8. Consultation with Outside Agency. The Board published a 60-day notice requesting comments on this collection at 84 Fed. Reg. 67989 (December 12, 2019). No comments were received. The Board has also published a 30-day notice that comments about this collection be sent to OMB. See 85 Fed. Reg. ____ (Feb. __, 2020).

9. Payments or Gifts. No payments or gifts to respondents are made.

10. 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. Two

(2) Frequency of response. On occasion. Since the “opt-in” notice was initiated in 2013, only a limited number of notices have been filed. Staff estimates that two notice will be filed per year.

(3) Annual hour burden per respondent and total for all respondents. 1.0 hours (2 submission X 0.5 hours estimated per response).

13. Estimated Total Annual Cost to Respondents. There are no non-hour costs associated with this collection.

14. Annualized Cost to the Federal Government. There will be no cost beyond the normal labor costs for Board staff.

15. Explanation of Program Changes or Adjustments. This ICR reflects actual experience where fewer respondents have filed “opt-in” notices than was anticipated.

16. Plans for tabulation and publication. This collection is posted on the Board’s website.

17. Display of expiration date for OMB approval. No form is used for this collection. The instructions for this collection are found at 49 C.F.R. § 1152.10. 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. Collection of Information for Employing Statistical Methods.

Not applicable.