

2140-0025
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 recordation of liens by regulated rail or water carriers.

A. Justification:

1. Need for Information in Collection. Under 49 U.S.C. § 11301 and 49 C.F.R. § 1177, persons with a property interest in water carrier vessels, railroad cars, locomotives, or other rolling stock, or accessories used on such railroad cars, locomotives, or other rolling stock (including superstructures and racks) intended for the use of interstate transportation, may file with the Board for recordation the lien instrument (such as a mortgage, lease, equipment trust agreement, conditional sales agreement) that evidences their property interest. Recording such documents at the Surface Transportation Board (STB or Board) protects the property interest created by the agreement against subsequent claims on the property. Supplements, including a release, discharge, or satisfaction of any part of security interest, must also be filed with the Board to protect those interests. Recordation at the Board obviates the need for recording such a lien in individual states. 49 U.S.C. § 11301(e). (However, a lien recorded in another country by a company domiciled in that country is accorded equal recognition under 49 U.S.C. § 11301(d).)

2. Use of Data Collected. Information in this collection is used by parties holding liens on such property to perfect their property interest. The Board records the document along with the date and hour that the document was filed and assigns an official number to the document. The Board provides a service by registering legal documentation of ownership of property (rail cars, rail equipment, water carrier vessels, etc.), and the documentation is secured where it cannot be lost or altered fraudulently.

The Board also maintains an index in alphabetical order by the party's name and by number so that the public may search the index to help determine whether there is a lien on specific rail equipment and water carrier vessels. This information is searchable via the Board's E-Library, located at <https://prod.stb.gov/proceedings-actions/recordations-main/> (or go to <https://prod.stb.gov/>, select "Proceedings and Actions," and then select "Recordations" from the dropdown).

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. The Board is required by statute to administer this collection. No other Federal agency collects the information reported in this collection.

5. Minimizing Burden for Small Businesses. This collection reduces the burden on any small business that holds a lien on the relevant property because recording a lien at the STB obviates the need to record such a lien in individual states and to navigate their often-disparate requirements. See 49 U.S.C. § 11301(e).

6. Consequences if Collection not Conducted or Conducted Less Frequently. Failure to record a lien at the STB may result in an unperfected property interest in the relevant property.

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

8. Consultation with Outside Agency. As required, the Board published a notice providing a 60-day comment period regarding this collection. See 84 Fed. Reg. 67991 (Dec. 12, 2019). 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. 11442 (Feb. 27, 2020).

9. Payments or Gifts. The Board does not provide any payment or gifts 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. Approximately 50

(2) Frequency of response. On occasion. Over the last three years, approximately 50 respondents have filed an average of 1,750 responses per year. The same number of filings is expected during each of the next 3 years.

(3) Annual hour burden per respondent and total for all respondents. 437.50 hours (1,750 submissions X .25 hours estimated per response). The information filed consists of an existing document, which may be filed electronically.

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

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 is an existing collection,

which is being adjusted to update the burdens and costs based on the actual number of liens recorded since the last approval of this collection by OMB in 2017. Since then, the number of liens recorded at the Board has decreased from 1,831 to 1,750.

16. Plans for tabulation and publication. This information is posted on the Board's website (as linked above).

17. Display of expiration date for OMB approval. No form is used for this collection. The instructions for filing a recordation can be found on the Board's website and in the Code of Federal Regulations at 49 C.F.R. § 1177.1-.5. 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