

**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 for the information collections of the **Joint Notice of Intent to Arbitrate** and **Notice of Availability for Arbitrator Roster**.

A. Justification:

1. Need for Information in Collection. Under 49 U.S.C. § 11708, the Board is required to “promulgate regulations to establish a voluntary and binding arbitration process to resolve rail rate and practice complaints” that are subject to the Board’s jurisdiction. Under 49 CFR §1108.3(a)(2), the Board allows parties to file, in lieu of a written complaint, a joint notice to arbitrate. The joint notice indicates the parties’ consent to submit an issue in dispute to the Board’s arbitration program. Under 49 CFR § 1108.6(b), the Board provides for an arbitration roster from which parties agreeing to arbitration can choose.

2. Use of Data Collected. In the joint notice, parties inform the Board of the issue(s) that they are willing to submit to arbitration. The notice must contain a statement that would indicate that all relevant parties are participants in the Board’s arbitration program pursuant to § 1108.3(a), or that the relevant parties are willing to arbitrate voluntarily a matter pursuant to the Board’s arbitration procedures, and the relief requested. The notice must also indicate whether parties have agreed to a three-member arbitration panel or a single arbitrator and must indicate whether the parties have mutually agreed to a lower amount of potential liability in lieu of the monetary award cap that would otherwise be applicable. The notice is used to inform the Board, and other interested persons, that certain parties have an issue in dispute and have agreed to participate in the arbitration program.

Under 49 CFR § 1108.6(b), an arbitration roster is compiled by the Chairman. Qualified persons who wish to be placed on the Board’s arbitration roster must submit notice of their availability to be added to the roster. The Chairman may augment the roster at any time to include eligible arbitrators and may remove from the roster any arbitrators who are no longer available or eligible. Potential arbitrators must also update their availability and information annually if they wish to remain available for the arbitration roster. The arbitration rosters are available to the public on the Board’s website at <https://prod.stb.gov/resources/litigation-alternatives/arbitration/> (look under “Resources,” and click on “Roster of Arbitrators”).

3. Reduction through Improved Technology. The Board expects all respondents to file the notices electronically through the Board’s e-filing system.

4. Identification of Duplication. No other federal agency collects the information in these collections, and the information in these collections is not available from any other source.

5. Minimizing Burden for Small Business. Neither of these collections will have a significant economic impact on a substantial number of small entities. The joint notice and arbitration roster allow parties to resolve potential disputes more quickly and efficiently.

6. Consequences if Collection not Conducted or Conducted Less Frequently. Without these collections, the Board could not encourage greater use of its arbitration program, and rail carriers and shippers would not have access to the Board’s dispute resolution program in some situations.

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. 54615 (Sept. 2, 2020). No comments were received. A 30-day notice was published concurrently with this submission to Office of Management and Budget (OMB). 85 Fed. Reg. 70704 (November 5, 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 will be subject to the Board’s confidentiality procedures.

11. Sensitive Information. This collection may contain sensitive information, but it is necessary to process information for the Board’s arbitration program, and sensitive information is collected and handled consistent with the Board’s rules.

12. Estimated Burden Hours. 15 hours. As provided in *Table – Total Estimated Annual Burden Hours* below, respondents are expected to file with the Board one joint notice and 14 responses to the arbitration roster annually based on an actual three-year average (FY 2017-19) of filings and each response is estimated to take one hour.

Table – Total Estimated Annual Burden Hours

Type of response	Estimated average responses per year	Estimated hours per response	Total annual burden hours
Joint notices of intent to arbitrate	1	1	1
Arbitration roster responses	14	1	14
Total annual burden hours	--	--	15

Frequency: On occasion

13. Estimated Total Annual Cost to Respondents. The filings may be made electronically. No non-hour burdens have been identified.

14. Annualized Cost to the Federal Government. We estimate that the maximum cost to the Board of entering the joint notices into the Board's e-Library under the appropriate docket and posting the searchable pdf's to the website would total no more than 15 staff hours (one hour per notice X 15 notices filed (both a joint notice and 14 arbitration roster notices)) at a GS-12 pay grade.

15. Explanation of Program Changes or Adjustments. This ICR requests a change because this is an existing collection without an OMB control number.

16. Plans for tabulation and publication. The information in this collection that is not confidential will be posted on the Board's website, located at www.stb.gov.

17. Display of expiration date for OMB approval. The new expiration date for this collection will be published in the Federal Register when the collection is approved by OMB.

18. Exceptions to Certification Statement. Not applicable.

B. Collections of Information Employing Statistical Methods.

Not applicable.