

MEMORANDUM

Date: August 8, 2022

To: Michael McManus
Desk Officer
Office of Information and Regulatory Affairs
Office of Management and Budget

From: Patricia Hu, Director
Bureau of Transportation Statistics
Office of the Assistant Secretary for Research and Technology
U.S. Department of Transportation

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Subject: Ocean Shipping Reform Act (OSRA) Pilot Data Collection – Request for
Emergency Review and Clearance

Summary

The Bureau of Transportation Statistics (BTS) Office of the Assistant Secretary for Research and Technology (OST-R), U.S. Department of Transportation seeks emergency clearance from the OMB to conduct a pilot test to collect information from each port, marine terminal operator, and chassis owner or provider with a fleet of over 50 chassis that supply chassis for a fee to produce statistics on the total street dwell time from all causes of intermodal shipping containers (ISO 668) and chassis and the average out of service percentage of chassis as mandated in the *Ocean Shipping Reform Act of 2022*. BTS is requesting an emergency clearance to meet the statutory deadline outlined in OSRA 22.

Background

In response to the supply chain challenges, Congress passed the Ocean Shipping Reform Act of 2022 (OSRA 22). Section 16 of the OSRA 22 mandates BTS to produce statistics on the total street dwell time from all causes of marine containers and chassis and the average out of service percentage of chassis. BTS was granted the authority to collect data from “each port, marine terminal operator, and chassis owner or provider with a fleet of over 50 chassis that supply chassis for a fee” (OSRA 22) as deemed necessary to produce these statistics.

BTS is tasked with establishing a new data collection. Per the law, BTS must produce the first monthly report no later than February 10, 2023 (240 days from the request). As part of establishing a new data collection, BTS needs to establish a sample frame and research available data sources and data items from in scope ports, terminals, and intermodal equipment providers. A pilot test will build a foundation upon which a national program can be built.

The Data Collection

BTS proposes to conduct an OSRA 22 pilot data collection to scope intermodal marine container and chassis data sources and data items through the process of exploratory interviews to determine the feasibility of producing monthly statistics on marine container and chassis street dwell time and chassis out of service rates. The population of interest will include approximately 190-265 respondents representing the approximate set of 90 chassis owners, motor carriers, and/or intermodal equipment providers (IEPs), as well as the top 25 ports and inland ports and their approximately 75-150 intermodal terminal facilities, inland dry ports, intermodal terminal facilities operators (e.g., ICTF = Intermodal Container Transfer Facility). The data of interest will yield statistics on the total intermodal marine container and chassis street dwell time and the chassis out of service rate to satisfy the OSRA 22 mandate.

BTS will protect the confidentiality of the data under its own confidentiality statute (49 U.S.C. 6307(b)), the *Confidential Information Protection and Statistical Efficiency Act* (CIPSEA) (44 U.S.C. § 3501), and the *Foundations for Evidence-Based Policymaking Act* of 2018 (Title 3 of Public Law 115-438). Only regional or national statistics will be shared, not the raw data and appropriate disclosure avoidance methods will be applied if there is any disclosure risk.

Request for Emergency Clearance

The collection of this information has been mandated by OSRA 22. Under the law, BTS is tasked with establishing a new data collection and producing the first monthly report no later than 240 days from the request. BTS is requesting an emergency clearance to meet the statutory deadline outlined in OSRA 22.

We have reviewed the requirements for emergency clearance outlined in 5 CFS 1320.13 and believe that the situation meets the criteria outlined therein. We thus request emergency clearance to collect this information immediately upon OMB approval.