

2140-0015  
December 2023  
Expires 12/31/2023

**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 collection of the **Waybill Sample**.

**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. In this capacity, the Board often uses the information in rail-carload waybills to carry out its responsibilities. A carload waybill is a “document or instrument prepared from the bill of lading contract or shipper’s instructions as to the disposition of the freight, and [is] used by the railroad(s) involved as the authority to move the shipment and as the basis for determining the freight charges and interline settlements.” 49 C.F.R. § 1244.1(c). From these carload waybills, the Board creates an aggregate compilation of the sampled waybills of all reporting carriers, referred to as the Waybill Sample. The Waybill Sample is the Board’s principal source of data about freight rail shipments. It has broad application in, among other things, rate cases, the development of costing systems, productivity studies, exemption decisions, and analyses of industry trends. The Board has authority to collect this information under 49 U.S.C. §§ 11144, 11145.

The information in the Waybill Sample is used by the Board, other federal agencies (the Department of Transportation, the Department of Energy, and the Department of Agriculture, for example), and industry stakeholders to monitor traffic flows and rate trends in the industry, and to develop evidence in Board proceedings. The Waybill Sample is also a major source of information for states developing state transportation plans. In addition, non-government groups seek access to Waybill Sample data for such uses as market surveys, forecasts of rail-equipment requirements, economic analyses and forecasts, and academic research.

2. Use of Data Collected. The Board uses this information to document the waybill sampling rate for carriers using a computerized system of reporting and to provide a comprehensive sampling of waybills for both the Board and other users of waybill data in a variety of contexts (e.g., increasing the reliability of parties’ evidentiary presentations in certain rate reasonableness proceedings), which will further the rail transportation policy goals of 49 U.S.C. § 10101. See 49 U.S.C. § 10101(2), (4), (6), (13).

3. Extent of automated information collection. Respondents report electronically. Currently, filers submit flat text files to the Board through an STB contractor, using the FTP or MQ protocol. The instructions for the Waybill Sample, “Procedure for Sampling Waybill Records by Computer,” are available on the Board’s website at <https://www.stb.gov/wp-content/uploads/Waybill-Sample-Directions-Statement-81-exp-9-30-2020.pdf>, and general information about the waybill may be found at <https://www.stb.gov/reports-data/waybill/>. Respondents may also contact Pedro Ramirez by phone at (202) 245-0333 or email at [Pedro.Ramirez@stb.gov](mailto:Pedro.Ramirez@stb.gov) to get instructions for submitting the Waybill Sample electronically or in paper hard copy.

4. Identification of duplication. This information is not duplicated by any other agency. The Board is the only source of waybill information.

5. Effects on small business. The Board requires a railroad to file carload waybill data for all line-haul revenue waybills terminated on its lines if: (a) it terminated at least 4,500 revenue carloads in any of the three preceding years; or (b) it terminated at least 5% of the revenue carloads terminating in any state in any of the three preceding years. 49 C.F.R. § 1244.2. In addition, a carrier need only report quarterly (rather than monthly) if it submits computerized (rather than paper) Waybill Samples or if it submits less than 1,000 waybills per year. Thus, the submitters of this collection are mostly larger railroads.

6. Impact of less frequent collections. The Waybill Sample may be submitted monthly, quarterly, or annually, depending on the size of the rail carrier required to submit waybill data. Less frequent collection would impede the access by government regulators and private stakeholders to timely information about the industry.

7. Special circumstances. No special circumstances apply to this collection. (Note: Although 49 C.F.R. § 1244.6 states that railroads submitting computerized Waybill Samples are required to retain copies of the underlying waybills for four years, that retention period conflicts with the one-year retention period for waybills provided in § 1220.6. The agency has treated § 1220.6 as controlling in this matter.)

8. Compliance with 5 C.F.R. § 1320.8. The Board published a 60-day notice requesting comments on this collection at 88 Fed. Reg. 65421 (Sept. 22, 2023). No comments were received. A 30-day notice was published concurrently with this submission to Office of Management and Budget (OMB). 88 Fed. Reg. 88211 (December 20, 2023).

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

10. Assurance of confidentiality. The Board recognizes that some of the submitted information is commercially sensitive, and thus the Board’s regulations place limitations on releasing Waybill Sample data. See 49 C.F.R. § 1244.9.

11. Justification for collection of sensitive information. No sensitive information of a personal nature is requested.

12. Estimation of burden hours for respondents.

(1) Number of respondents: 53. The Board categorizes railroads required to report Waybill Sample data as either quarterly or monthly and as either sampling their own waybills or having a third party conduct their sampling. The number of respondents for each category is set forth in Table 1 below.

*Table 1 – Respondents*

Categories of Respondents	Number of Respondents
Railroads that conduct their own sampling and report monthly	5
Railroads that conduct their own sampling and report quarterly	3
Railroads that have a third party sample their waybills and report monthly	2
Railroads that have a third party sample their waybills and report quarterly	43
Total Respondents	53

(2) Frequency of response: Approximately Eight respondents report monthly, quarterly, and annually; and approximately 45 reports quarterly and annually.

(3) Annual hour burden for all respondents: 420 hours. The estimated hourly burden for waybill samples submitted to the Board varies depending on each respondent’s particular circumstances. Respondents that are identified as reporting monthly (Class I carriers) report monthly, quarterly, and annually (or 17 times per year). All other respondents (non-Class I carriers) report quarterly and annually (five times a year). This estimated total burden hours is shown in Table 2 below.

*Table 2 – Total Burden Hours*

Categories of Respondents	Total Annual Hours for Samples Submitted
Railroads that conduct their own sampling and report monthly	150
Railroads that conduct their own sampling and report quarterly	20
Railroads that have a third	30

party sample their waybills and report monthly	
Railroads that have a third party sample their waybills and report quarterly	220
Total Annual Burden Hours	420

\* The Board pays for the third-party contractor to prepare samples.

13. Other costs to respondents. No “non-hour cost” burdens associated with this collection have been identified. Waybills are created by rail carriers in the normal course of business. Thus, this collection does not require additional record keeping.

14. Estimated costs to the Board. The Board contracts out the collection of the Waybill Sample. The annual cost of the contract is approximately \$180,000 (based on a three-year average cost). Board staff also spends time gathering, processing, and evaluating the collection of waybills for the Waybill Sample. The estimated cost to the Board is approximately 0.1 FTEs, in addition to the Board’s collection contract.

15. Changes in burden hours. The Board’s staff has reviewed the actual collection of materials, and it estimates that the reporting burden will be reduced from the last extension.

16. Plans for tabulation and publication. Waybill-Sample data, aggregated at the industry level to protect commercially sensitive information (and referred to as the Public Use Waybill Sample), is available on the Board’s website, [www.stb.gov](http://www.stb.gov) (under [Industry Data/Economic Data/Waybill](#)).

17. Display of expiration date for OMB approval. The expiration date appears on the instruction document for the collection, which is posted on the Board’s website.

18. Exceptions to Certification Statement. Not applicable.

**B. Collections of Information Employing Statistical Methods.**

Not applicable.