

# Supporting Statement for Paperwork Reduction Act Submission

OMB Control No. 2140-0022  
Expires May 31, 2026

## Statutory Authority to Preserve Rail Service

The Surface Transportation Board (STB or Board) requests a three-year extension of approval for the Board’s existing collection for those seeking statutory authority to preserve rail service (OMB Control Number 2140-0022).

### 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. The Interstate Commerce Act, *as amended*, provides various mechanisms for preserving rail service and infrastructure. In addition, the Board’s regulations at 49 C.F.R. § 1152.29 implementing Section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d) (Trails Act), provide a mechanism for interested persons to negotiate and reach voluntary agreements with railroads for interim trail use of railroad rights-of-way subject to potential reactivation.

When a line is authorized for abandonment, affected shippers, communities, or other interested persons may seek to preserve rail service or infrastructure by filing with the Board: an offer of financial assistance (OFA) to subsidize or purchase a rail line for which a railroad is seeking abandonment (49 U.S.C. § 10904), including a request for the Board to set terms and conditions of the financial assistance; a request for a public use condition (§ 10905); or a Trails Act request (16 U.S.C. § 1247(d)). Similarly, when a line is placed on a “system diagram map” identifying it as an anticipated or potential candidate for abandonment, affected shippers, communities, or other interested persons may seek to preserve rail service by filing with the Board a “feeder line application” to purchase the identified rail line (§ 10907). Additionally, the railroad owning the rail line subject to abandonment must, in some circumstances, provide information to the applicant or offeror.

The collection by the Board of these filings and submissions allows the Board to meet its statutory duty to regulate or facilitate the referenced rail transactions. The table below shows the statutory and associated regulatory provisions under which the Board requires this collection of information.

*Table – Statutory and Regulatory Provisions*

Information Required	Statutory Provision	Regulations
Offer of Financial Assistance	49 U.S.C. § 10904	49 C.F.R. § 1152.27

Request for Public Use Condition	49 U.S.C. § 10905	49 C.F.R. § 1152.28
Trails Act Request	16 U.S.C. § 1247(d)	49 C.F.R. § 1152.29
Feeder Line Application	49 U.S.C. § 10907	49 C.F.R. pt. 1151

2. How the collection will be used. When a person seeks to preserve rail service or infrastructure through one of the provisions outlined above, the applicable statute or regulation requires that certain information be filed or submitted to the Board or to another party. Under 49 U.S.C. § 10904, the filing of an OFA starts a process of negotiations to quantify the financial assistance needed to purchase or subsidize the rail line sought for abandonment. Once the OFA is filed, the offeror may request additional information from the railroad, which the railroad must provide. If the parties cannot agree to the sale or subsidy, either party also may file a request for the Board to set the terms and conditions of the financial assistance. Under § 10905, a public use request allows the Board to impose an 180-day public use condition on the abandonment of a rail line, permitting the parties to negotiate a public use (other than a trail) for the rail line.

Under the Board’s regulations implementing the Trails Act, if a rail carrier agrees to negotiate in response to an interim trail use statement of willingness filed in an abandonment proceeding, the Board issues a Notice of Interim Trail Use (NITU) or Certificate of Interim Trail Use (CITU). The CITU/NITU permits a period during which parties may negotiate a voluntary interim trail use agreement. The parties may request extensions of the negotiating period. If parties reach an trail use agreement, then they must jointly notify the Board of that fact and must identify the exact location of the right-of-way subject to the agreement, including a map and milepost marker information. They must also notify the Board of any modification or vacancy of the agreement. The Board has also provided for: (1) an initial term for a CITU or NITU of one year; (2) up to three one-year extensions of the initial period if the trail sponsor and the railroad agree; and (3) additional one-year extensions if the trail sponsor and the railroad agree and extraordinary circumstances are shown.

Finally, under § 10907, a feeder line application provides the basis for authorizing an involuntary sale of a rail line for the purpose of continuing freight rail transportation.

3. Extent of automated information collection. These documents may be e-filed on the Board’s website, located at [www.stb.gov](http://www.stb.gov). The public may also access these filings on the Board’s website. Additionally, records provided to others may be transmitted via email.

4. Identification of duplication. The information requested does not duplicate any other information available to the Board or the public.

5. Effects on small business. The information collection for filings and submissions by persons seeking to preserve rail service does not have a significant economic impact on a

substantial number of small entities. While some of the estimated 15 respondents may be small businesses, any submission from such businesses requires a relatively limited amount of time and expense for drafting and transmission. Furthermore, filers may seek a waiver of filing fees due to hardship.

6. Impact of less frequent collections. Under the statutes referenced above, the Board is required to regulate, or provide for, various transactions to preserve rail service and infrastructure. This collection is required only when a respondent is seeking the benefit of the use of a rail line that might otherwise be abandoned. A less frequent collection would not be feasible, as the collection is triggered only by a respondent's desire to show that it meets the eligibility standards to obtain the benefit it is seeking. Therefore, without this collection, respondents could not obtain the benefits to which they might be entitled, and the Board could not fulfill its statutory responsibilities.

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

8. Compliance with 5 C.F.R. § 1320.8. The Board published a 60-day notice requesting comments on this collection at 91 Fed. Reg. 13692 (March 20, 2026). No comments were received. The Board has also published a 30-day notice that comments about this collection be sent to OMB. See 91 Fed. Reg. 30365 (May 22, 2026).

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

10. Assurance of confidentiality. Although most of the information collected, as described above, is available to the public, some of the information collected may be protected and treated as confidential. At times, persons requesting to preserve rail service under 49 U.S.C. §§ 10904-05, 10907 and 16 U.S.C. § 1247(d) may wish to file commercially sensitive information. To protect such information, parties may mark documents or portions of documents as "confidential" or "highly confidential" and simultaneously file a motion for a protective order. See 49 C.F.R. § 1104.14. Generally, the Board will issue a protective order (sometimes with modifications), limiting access to confidential pleadings to parties who demonstrate a need for the information and adequately ensure that the documents will be kept confidential. See 49 C.F.R. §§ 1121.3(d), 1150.33 (h), 1150.43(h), 1180.4(g)(4).

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

12. Estimation of burden hours for respondents. The number of annual responses is shown in *Table – Number of Yearly Responses* below. The estimated annual burden hours for 25 respondents making 27 responses are 281 hours (total of estimated hours per response X number of responses for each type of filing).

*Table – Estimated Total Annual Burden Hours*

Type of filing	Estimated annual average number of filings (2023-2025)	Number of hours per response	Total estimated burden hours
Offer of Financial Assistance (and related filings)	2	46 hours	92 hours
Request for Public Use Condition	1	4 hours	4 hours
Feeder Line Application	1	70 hours	70 hours
Trail Use Request (with extensions)	23	5 hours	115 hours
Total burden hours			281 hours

Of course, the actual hourly burden to respondents will depend on the facts and complexity of each situation in which they seek rail authority.

13. Other costs to respondents. Because Board collections are submitted electronically to the Board, there is no cost for filing with the Board. However, respondents are sometimes required to send consultation letters to various other governmental agencies. Copies of these letters are part of an environmental and historic report that must be filed with this collection (unless waived by the Board). Because some of these other agencies may require hard copy letters, there may be some limited mailing costs, which staff estimates in total to be approximately \$1,800.00.

14. Estimated costs to the Board: We estimate that the maximum cost to the Board to process these requests under the appropriate docket, posting the searchable pdfs to the website, and review and analysis of the filings would total no more than 125 staff hours at an average GS-13 pay grade.

15. Changes in burden hours. This is an existing collection, which is being adjusted to update the burdens and costs based on the number of responses for each filing type for the years 2023-2025 and averaged for an annual estimate. Due to increase in responses related to Trail Use Requests, the Board now estimates that there will be an increase in trail use requests annually going forward and corresponding total burden hours.

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](http://www.stb.gov). However, as discussed above, when these filings contain confidential information, only a public, redacted version is published on the Board's website.

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.