

**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 the approval for the information collection of **Urgent Rail Service Issues**.

A. Justification:

1. Need for Information in Collection. This collection was originally approved as a request for emergency clearance for a new information collection to address the acute and unanticipated service issues currently facing the U.S. rail industry and network. These issues have persisted, and the Board is extending this collection. The collection of this information continues to be essential to the Board's mission of regulating the nation's railroads and facilitating reliable rail service. See 49 U.S.C. § [11101\(a\)](#). Congress has expressly empowered the Board to address immediate service issues. See, e.g., 49 U.S.C. §§ [1321\(b\)](#), [11123](#), and [11145\(a\)](#). The Board is collecting this information so that it may continue to timely deal with the unanticipated and urgent service issues facing the U.S. rail system. Moreover, timely receipt of this information collection is critical for the Board to be able to use its statutory powers to help remediate the immediate service issues, to guard against continuing rail service issues, and to promote the reliability of the U.S. rail system.

On April 26 and April 27, 2022, the Board held a two-day public hearing on the recent significant performance deterioration of the freight rail industry. At the hearing, the Board heard compelling testimony from shipper and labor witnesses about the severity and dire impacts of substandard rail performance, in addition to insights presented by U.S. Secretary of Transportation Pete Buttigieg and U.S. Deputy Secretary of Agriculture Jewel H. Bronaugh. The Board also heard testimony from BNSF Railway Company (BNSF), CSX Transportation, Inc. (CSX), Norfolk Southern Railway (NSR), and Union Pacific Railroad (UP) about the causes, extent, and likely duration of service disruptions, and their remedial initiatives. A recording of the Board's April 26 and 27, 2022 hearing in Urgent Issues in Freight Rail Service may be viewed on the [Board's YouTube page](#).

In response to the extensive problems described at the hearing, on May 6, 2022, the Board issued an [order](#) requiring the four largest U.S. railroads – BNSF, CSX, NSR, and UP – to file service recovery plans that would specifically describe their key remedial initiatives and promote a clearer vantage point into operating conditions on the rail network. Unfortunately, these four carriers submitted plans that were perfunctory and lacked the level of detail that was mandated by the Board's order. The plans generally omitted important information needed to assure the Board and rail industry stakeholders that the largest railroads are addressing their deficiencies and have a clear and measurable trajectory for doing so. Of particular concern was the fact that UP and NSR flatly refused to provide the six-month targets for achieving their

performance goals explicitly required by the Board's order. Because of the plans' shortcomings, the Board found it necessary to require the railroads to supplement their plans and provides explicit further instruction on the critical information they must include.

On June 13, 2022, the Board issued an [order](#) directing BNSF, CSX, NSR, and UP to correct deficiencies in their rail service recovery plans filed in response to a Board order issued on May 6, 2022. The Board requested that these carriers to provide additional information on their actions to improve service and communications with their customers as well as additional detailed information to demonstrate their monthly progress in increasing the size of their work forces to levels needed to provide reliable rail service.

Most recently, in a [decision served on October 28, 2022](#), the Board extended the temporary reporting period for all seven Class I carriers and required certain updated information from UP, BNSF, CSXT, and NS. The Board directed these four carriers to continue to submit biweekly service progress reports for an additional six-month period, until May 5, 2023. The Board also directed all Class I railroads to submit weekly performance data during this period.

Although not all Class I carriers are experiencing service problems to the same degree, the U.S. rail system is an interconnected network and problems in one geographic area can quickly spread elsewhere. The application of certain reporting requirements to all Class I carriers allows the Board to assess the current service issues across the entire rail network. All Class I carriers must also continue to submit monthly employment data in this docket, as described in the May 6 Order. Specific instructions for this information collection and analysis of recent data are provided in the [October 28 order](#).

2. Use of Data Collected. As noted, this collection is critical for the Board to continue to monitor the urgent rail service issues that impact the nation's supply chain and to identify and address rising service issues to mitigate their effect on the nation's economy. This collection continues to include the collection of more detailed service recovery plans from the four largest U.S. rail carriers along with bi-weekly progress reports for the next six months in an effort to address service deficiencies that are currently impacting the public, businesses, and the U.S. economy. It also requires all seven of the Class I (large) rail carriers operating in the United States to report more comprehensive and customer-centric performance metrics and employment data for a six-month period.

Under 49 U.S.C. §§ [1321\(b\)](#), [11123](#), and [11145\(a\)](#) and 49 C.F.R. part [1250](#), the Board will use the data collected to address the acute and unanticipated rail service issues currently facing the U.S. rail industry and network. The Board will use the more comprehensive and customer-centric performance metrics and employment data to better inform its assessment of actions that may be warranted to address the acute service issues facing the rail industry. Failure to receive emergency approval could impede the Board's continuing efforts to help facilitate the resolution of the rail-related supply-chain issues impacting the U.S. rail network and the U.S. economy as a whole.

Specifically, in its May 6 decision, the Board required that the carriers file service recovery plans that do the following:

1. Explain the specific actions that each carrier will take to improve service. As part of this information, the Board made clear its expectation that each carrier:
 - a. Explain how it intends to remedy its current labor shortage and avoid future labor shortages; and
 - b. Report on any plans to lift current velocity restrictions, as well as any plans to increase the power on through trains—rather than to limit the use of that power—so that each such train has the capacity to travel at track speed, and if there is no such plan, to explain why.
2. Identify the specific metrics—and associated targets—by which each carrier will evaluate its progress toward improvements in service. The Board directed that each carrier:
 - a. Explain the carrier’s selection of each key service performance indicator, including: (i) how each is defined, (ii) what it indicates, and (iii) why it is selected;
 - b. Submit a time series of key service performance indicators for the past 36 months;
 - c. Include a target that the carrier expects to hit at the end of the six-month reporting period for each indicator selected;
 - d. Include, at a minimum, an indicator and target for FMLM service and trip plan compliance (TPC) performance; and
 - e. Explain how the carrier arrived at, and will meet, each target.

In its May 6 decision, the Board explained that the service recovery plans would “promote industry-wide transparency, *accountability*, and improvements in rail service.” But, after the carriers provided insufficient data, the Board issued a follow-up decision on June 13, 2022, providing additional guidance. Among other things, the June 13 decision required the carriers to provide labor force targets for employees actually on the job in six months and in one year (using the same timeframe starting point as their key service performance indicator targets), broken out by transportation (train and engine), maintenance of way and structures, maintenance of equipment and stores, customer service employees, and all remaining personnel.

The Board also ordered the carriers to provide detailed information about their plans to incentivize hiring and retention, including identifying—with specificity—the policies and incentives they intend to use to maintain an adequate labor supply along with an explanation of how those measures will attract and retain personnel. Further, the carriers were required to report data about trainees and employee absences, and the carriers were required to include, in their monthly employment data and service recovery plans: (i) how many trainees entered training; (ii) how many trainees dropped out of training; (iii) how many trainees completed

training; and (iv) how many trainees are currently in training. Finally, the Board directed the carriers to provide additional context for their employment numbers, such as by including data in their plans and progress reports on the daily average number of employees not available for service, and if feasible, the cause for such unavailability (e.g., vacation, COVID-related, unexcused absences).

The carriers were also directed to supplement their original responses and to specifically address the following issues: (1) whether utilizing additional power on through trains would allow the railroad to maintain velocity when power at existing levels breaks down; and (2) whether removing velocity restrictions, or otherwise adding power, would improve service and reduce congestion, and, if not, why. The Board is requesting this collection of information so that it and the public will have a clearer sense as to the carriers' pre-pandemic performance and week-to-week variability and will allow the Board and others to better evaluate the immediate adequacy of the carriers' service and ongoing recovery.

The service recovery plans, together with the additional requested information, are crucial components of the Board's active monitoring of the Nation's freight rail industry and particularly the Board's focused efforts to ensure that the largest carriers overcome the significant service challenges affecting many rail users and the public. The Board will use the data collected to ensure the railroads are doing everything within their means to transport commodities that are crucial to the public welfare, such as animal feed, food ingredients, fuel products and fertilizers, and critical chemicals.

As the Board indicated in its October 28 decision, additional time is needed to track rail service and, as the respondents admit, service recovery and normalization will take time. Accordingly, the Board directed the respondents to continue to submit biweekly service progress reports. The Board also directed all Class I railroads to submit weekly performance data in this docket during this additional period. These reporting requirements allows the Board to assess the current service issues across the entire rail network. All Class I carriers must also continue to submit monthly employment data in this docket, as described in the May 6 Order.

In addition to the specific issues addressed, the Board ordered each of the four respondents to include an interim update with the following information:

1. Because the Board is extending the temporary reporting period for another six months, the Four Carriers are directed to submit targets that they expect to meet at the end of the extended temporary reporting period for each of their key performance indicators.
2. CSXT and NSR may, if necessary, update their labor force targets submitted in response to the June 13 Order. BNSF and UP must update their labor force targets for the reasons described above. Each carrier is also directed to include an explanation for any labor force target modifications.

3. If any of the four respondents have made other modifications to their service recovery plans as submitted to the Board, those carriers should provide the Board with details about changes they have made or intend to make to achieve their longer-term success. If a carrier does not intend to make any changes, those carriers should so indicate.

Based on the progress shown in the ensuing reporting from the respondents, the Board will determine whether any further actions are warranted, and the Board will seek modification of this collection, as necessary.

3. Reduction through Improved Technology. The Board expects all respondents to file each collection electronically.

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. No small entities will be affected by the collection of this information. This reporting requirement applies only to Class I railroads, which have operating revenues in excess of \$900,000,000.

6. Consequences if Collection not Conducted or Conducted Less Frequently. Without this collection, the Board could not regulate the rail industry at this time of urgent and unanticipated rail service issues and could not ensure the rail network reliability, which is a critical part of the Board's mission.

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

8. Compliance with 5 C.F.R. § 1320.8. For its request for emergency clearance, the Board published a Federal Register notice (87 Fed. Reg. 33868 (June 3, 2022)), which provided for a 14-day comment period. After the Board's June 13 decision, the Board published an amended and updated Federal Register notice (87 Fed. Reg. 36569 (June 17, 2022)), which provided for an additional 14-day comment period regarding this collection, with specific reference to concerns detailed in the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3521 and Office of Management and Budget (OMB) regulations at 5 C.F.R. § 1320.8(d)(3).

For this request for regular clearance, the Board published a 60-day notice requesting comments on this collection at 87 Fed. Reg. 66345 (November 11, 2022). No comments were received. The Board has also published a 30-day notice that comments about this collection be sent to OMB. See 88 Fed. Reg. 2151 (January 12, 2023).

9. Payments or Gifts. The Board does not provide any payment or gifts for this collection.

10. Assurance of Confidentiality. The information in this collection will be filed in Docket No. EP 770 (Sub-No. 1) and will be publicly available and searchable [here](#).

11. Sensitive Information. No sensitive information of a personal nature is requested.

12. Estimated Burden Hours. 3,024 hours, as provided in *Table – Total Estimated Burden Hours* below (using the sum of estimated hours per response x number of annual responses for each type of filing)

Table – Total Estimated Burden Hours

Type of filing	Estimated Hours per Response	Number of Respondents	Estimated Frequency	Total burden hours
Service Progress Reports	8	4	13	416
Weekly Performance Data	8	7	26	1,456
Monthly Employment Data	16	7	6	672
Interim Update	120	4	1	480
Total Burden Hours				3,024

13. Estimated Total Cost to Respondents. There are no non-hourly burden costs for this collection. The itemized collections may be filed electronically.

14. Annualized Cost to the Federal Government. As provided in *Table – Total Government Hours/Costs* below, we estimate that the maximum cost to the Board of receiving and reviewing the filings listed would total no more than 1,512 staff hours (based on 2022 hourly rates, approximately \$129,260.88).

Table – Total Estimated Cost for the Federal Government

Type of Filing	Estimated Hours per Response	Number of Respondents	Estimated Frequency	Total Burden Hours	Wage Rate	Cost Burden
Service Progress Reports	4	4	13	208	\$85.49	\$17,781.92
Weekly Performance Data	4	7	26	728	\$85.49	\$62,236.72
Monthly Employment Data	8	7	6	336	\$85.49	\$28,724.64
Interim Update	60	4	1	240	\$85.49	\$20,517.60
Total				1,512		\$129,260.88

15. Explanation of Program Changes or Adjustments. As discussed above, the Board sought and received emergency clearance for this collection. Due to continuing service issues,

the Board has extended and modified this collection, resulting in the changes described above. In sum, this ICR is due to the Board seeking to better understand and react to urgent and unanticipated rail service issues.

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. An 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.