

**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 collection of the Expedited Relief for Service Emergencies.

A. Justification:

1. Need for Information in Collection. Under the Interstate Commerce Act, as amended by the ICC Termination Act of 1995, the Board is responsible for the economic regulation of common carrier rail transportation. Pursuant to the rail transportation policy of 49 U.S.C. § 10101, in regulating the railroad industry, it is the policy of the United States Government to promote a safe and efficient rail transportation system, § 10101(3); ensure the development of a sound rail transportation system to meet the needs of the public, § 10101(4); foster sound economic conditions in transportation, § 10101(5); and provide for the expeditious handling and resolution of all proceedings, § 10101(15). Poor rail service can harm productivity in important sectors of the economy and can have significant ripple effects throughout the rail network, both of which undermine sound rail transportation and economic conditions. The Board's rules and corresponding collection, and its recent amendments, advance the rail transportation policy goals by enabling the Board to order temporary relief in emergency situations more quickly and effectively, to more rapidly ensure that localized problems do not spread to other parts of the network, and to give parties involved in emergency situations (both rail carriers and shippers) more certainty on the resolution of those issues.

The standards reflect what the Board believes to be the minimal level of rail service that is compatible with the public need. On the other hand, the Board has concerns as to whether an accelerated directed service process would allow the Board sufficient information by which to ascertain whether its order would impair substantially the ability of a rail carrier to serve its own customers adequately, or to fulfill its common carrier obligations. 49 U.S.C. §§ 11101, 11123(c)(2).

In recent years, the Board has heard informally from a broad range of stakeholders about inconsistent and unreliable rail service and issued two orders mandating service in urgent situations. Stakeholder concerns have included railroad crew shortages and inability to move trains, tight car supply and unfilled car orders, delays in transportation for carload and bulk traffic, increased origin dwell time for released unit trains, missed switches, and ineffective customer assistance. As a result of these issues, the Board held a hearing in Spring 2022, on current rail service problems impacting the network and the recovery efforts involving several Class I carriers. In addition, in recent years Board staff held informal meetings with stakeholders who observed that the existing regulations governing expedited relief for service emergencies are inadequate and the process is too prolonged, resulting in the regulations being rarely used, even when shippers' interests have been threatened with severe adverse consequences. These service

issues have made clear the need for the Board to better provide the opportunity for shippers to receive swift action, when warranted, to ensure that the nation's freight rail traffic continues to move.

2. Use of Data Collected.

In response to service challenges in the rail sector, the Surface Transportation Board (STB or Board) is amending its emergency service regulations. Based on additional review of the feedback received during hearings and the informal stakeholder communications, consideration of the current service problems, and further consideration of the current regulations, the Board issued a notice of proposed rulemaking proposing to amend its emergency service regulations. Revisions to Reguls. for Expedited Relief for Serv. Emergencies (NPRM), EP 762 (STB served Apr. 22, 2022).

In the NPRM, the Board proposed to: (1) amend procedures for parties seeking a Board order directing an incumbent carrier to take action to remedy a service emergency; (2) indicate that the Board may act on its own initiative to direct emergency service; (3) modify the informational requirements for parties in emergency service proceedings; (4) shorten the filing deadlines in emergency service proceedings and establish a timeframe for Board decisions; and (5) establish an accelerated process for certain acute service emergencies.

In a final rule published on January 24, 2024, the Board finalized its proposed rules where affected shippers or railroads may file a petition for relief before the Board when there has been a substantial, measurable deterioration or other demonstrated inadequacy in rail service provided by the incumbent carrier. It must include a detailed explanation and support. If the Board prescribes alternative rail service, then the incumbent carrier may file a petition to terminate that relief, containing a full explanation with supporting evidence that it is providing adequate service.

In addition to the petition for relief, affected shippers or railroads may seek accelerated temporary interim relief for substantial, measurable deterioration or other demonstrated inadequacy in rail service provided by the incumbent carrier that presents imminent significant harm and threatens potentially severe adverse consequences. This petition for accelerated relief must meet the circumstances for relief, including particularized information (limited to five substantive pages). All filings must be served on the other parties. Generally, these are the steps that provide for the collection of information under the PRA. For more detail, please see 49 CFR § 1146.

3. Reduction through Improved Technology. The Board expects all respondents to file 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. Affected shippers or railroads may seek the relief under part 1146, and the proposed changes would enable the Board to provide temporary relief from serious, localized service problems more quickly and effectively. This collection and corresponding rules will benefit small businesses. Therefore, the collection and corresponding rules would not have a significant economic impact on a substantial number of small entities within the meaning of RFA.

6. Consequences if Collection not Conducted or Conducted Less Frequently. Without these collections, the Board may be limited in its statutory duty to address the emergence of emergency rail service issues.

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

8. Compliance with 5 C.F.R. § 1320.8. The Board published the NPRM provided Comments are due by May 23, 2022. Reply comments are due by June 6, 2022. See 87 Fed. Reg. 25609 (May 2, 2022). No comments were received relevant to the request for approval.

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

10. Assurance of Confidentiality. Although the information collected, as described above, is available to the public, some of the information collected may be protected and treated as confidential.

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

12. Estimated Burden Hours. 2,710 hours. As provided in *Table – Total Estimated Annual Burden Hours* below.

Table – Total Estimated Burden Hours for Respondents

Type of filing	Hours per response	Annual number of filings	Total annual burden hours
Petition for Relief	140	10	1,400
Petition to Terminate Relief	50	2	100
Petition (accelerated relief)	70	12	840
Appeal to Entire Board	50	5	250
Stay of Relief	40	3	120
Total Annual Burden Hours			2,710

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 is a total of 95 hours, as provided in *Table – Total Estimated Cost for the Federal Government* below.

Table – Total Estimated Cost for the Federal Government

Type of filing	Employee GS- or ES level	Total Govt hours/Costs for Collection
Petition for Relief	GS-14/GS-15	35
Petition to Terminate Relief	GS-14/GS-15	6
Petition (accelerated relief)	GS-14/GS-15	30
Appeal to Entire Board	GS-14/GS-15	15
Stay of Relief	GS-14/GS-15	9
Total Govt Cost of Collection		95 hours

15. Explanation of Program Changes or Adjustments. This ICR is due to the Board amending existing regulations collecting information without an OMB Control number.

16. Plans for tabulation and publication. The information in this collection may be posted on the Board's website, located at www.stb.gov, if it is not deemed confidential or sensitive.

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.