

SURFACE TRANSPORTATION BOARD SEEKS COMMENTS ON PROPOSAL TO CHANGE WAYBILL SAMPLE PROCEDURES

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has initiated a proceeding to consider modifying its regulations governing the annual railroad Carload Waybill Sample. The changes being considered would require identification of contract movements, establish procedures to ensure the confidentiality of contract revenue information in the Waybill Sample, and limit the period during which the Waybill Sample will remain confidential.

Most large and mid-sized railroads are required to report data, including revenues, on individual movements contained in a sampling of their traffic. This Waybill Sample is used for a variety of purposes by the Board, parties appearing before the agency, and the public in general. However, the majority of railroad movements are conducted under confidential transportation contracts. Many of these contract movements are identified, or "flagged," in the carriers' samples, with the contract revenue information "masked" to protect its confidentiality. Some carriers, however, do not flag contract movements, and as a result, the Board is unable to develop complete information on contract traffic.

To ensure that it has more accurate data to carry out statutorily mandated functions, to provide reports to Congress, and to perform internal studies of the rail industry, the Board has concluded that it needs to review its regulations to provide that all carriers identify contract movements. To protect the confidentiality of the contracts, the Board in its advance notice of proposed rulemaking suggests a procedure under which, instead of providing in the final Waybill Sample actual revenues, movements would reflect average revenues for broadly aggregated movements of comparable commodities in comparable service. Finally, in light of an expression by the National Archives and Records Administration (Archives) of its interest in maintaining historic Waybill Sample records for future studies, the Board has suggested setting a limit to the period during which waybill data will be considered confidential.

The Board's decision, which seeks comments by **July 1, 1999**, was issued today in *Modification of the Carload Waybill Sample and Public Use File Regulations*, STB Ex Parte No. 385 (Sub-No. 4). It is available on the Board's web site at **www.stb.dot.gov**.

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