



SURFACE TRANSPORTATION BOARD

30-Day Notice of Intent to Seek Extension of Approval: Petitions for Declaratory Orders and Petitions for Relief Not Otherwise Specified

ACTION: Notice and request for comments.

AGENCY: Surface Transportation Board.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice of its intent to seek approval from the Office of Management and Budget (OMB) for extensions of the collections regarding petitions for declaratory orders and petitions for relief not otherwise specified, as described below.

DATES: Comments on these information collections should be submitted by August 14, 2023.

ADDRESSES: Written comments should be identified as “Paperwork Reduction Act Comments, Surface Transportation Board, Petitions for Declaratory Orders and Petitions for Relief Not Otherwise Specified.” Written comments for the proposed information collection should be submitted via www.reginfo.gov/public/do/PRAMain. This information collection can be accessed by selecting “Currently under Review - Open for Public Comments” or by using the search function. As an alternative, written comments may be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Michael J. McManus, Surface Transportation Board Desk Officer: via email at oir_submission@omb.eop.gov; by fax at (202) 395-1743; or by mail to Room 10235, 725 17th Street, N.W., Washington, DC 20503.

Please also direct all comments to Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001, or to PRA@stb.gov. When submitting comments, please refer to “Paperwork Reduction Act Comments, Petitions for

Declaratory Orders and Petitions for Relief Not Otherwise Specified.” For further information regarding this collection, contact Michael Higgins, Deputy Director, Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC), at (866) 254-1792 (toll-free) or 202-245-0238, or by emailing to rcpa@stb.gov. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: The Board previously published a notice about this collection in the Federal Register (88 FR 30827 (May 12, 2023)). That notice allowed for a 60-day public review and comment period. No comments were received.

For each collection, comments are requested concerning: (1) the accuracy of the Board’s burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board’s request for OMB approval.

DESCRIPTION OF COLLECTIONS

Collection Number 1

Title: Petitions for declaratory orders

OMB Control Number: 2140-0031

STB Form Number: None

Type of Review: Extension without change

Respondents: Affected shippers, railroads, communities, and other stakeholders that choose to seek a declaratory order from the Board to terminate a controversy or remove uncertainty

Number of Respondents: Approximately eight

Estimated Time Per Response: 180 hours

Frequency: On occasion. In calendar years 2020-2022, approximately 12 petitions for declaratory orders were filed with the Board per year.

Total Burden Hours (annually including all respondents): 2,160 hours (estimated hours per petition (180) x total number of petitions (12))

Total “Non-hour Burden” Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: Under 5 U.S.C. 554(e) and 49 U.S.C. 1321, the Board may issue a declaratory order to terminate a controversy or remove uncertainty. Because petitions for declaratory orders can encompass a broad range of issues and types of requests, the Board does not prescribe specific instructions for their filing. The collection by the Board regarding petitions for declaratory orders that parties choose to file enables the Board to meet its statutory duty to regulate the rail industry.

Collection Number 2

Title: Petitions for relief not otherwise provided

OMB Control Number: 2140-0030

STB Form Number: None

Type of Review: Extension without change

Respondents: Affected shippers, railroads, communities, and other stakeholders that seek to address issues under the Board’s jurisdiction that are not otherwise specifically provided for under the Board’s other regulatory provisions

Number of Respondents: Approximately four

Estimated Time Per Response: 25 hours

Frequency: On occasion. In calendar years 2020-2022, approximately four petitions of this type were filed with the Board per year.

Total Burden Hours (annually including all respondents): 100 hours (estimated hours per

petition (25) x total number of petitions (4))

Total “Non-hour Burden” Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: Under 49 U.S.C. 1321 and 49 CFR part 1117 (the Board’s catch-all petition provision), shippers, railroads, and the public in general may seek relief (such as waiver of the Board’s regulations) not otherwise specifically provided for under the Board’s other regulatory provisions. Under section 1117.1, such petitions should contain three items: (a) a short, plain statement of jurisdiction, (b) a short, plain statement of petitioner’s claim, and (c) request for relief. The collection by the Board of these petitions that parties choose to file enables the Board to more fully meet its statutory duty to regulate the rail industry.

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Section 3507(b) of the PRA requires, concurrent with an agency’s submitting a collection to OMB for approval, a 30-day notice and comment period through publication in the Federal Register concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: July 10, 2023.

Kenyatta Clay,

Clearance Clerk.

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