

Surface Transportation Board
Washington, D.C. 20423-0001

Office of Economics

December 6, 2023

Mr. Frank A Wolak
Director, Program on Energy and
Sustainable Development
Department of Economics
University of Oregon
Eugene, OR 97403-1285

Re: Waybill Request WB23-68

Dear Mr. Wolak:

The Surface Transportation Board (STB or Board) has approved your request to extend your access to the STB Carload Waybill Samples with unmasked revenues for 2017-2021 originally obtained in WB22-62. This data may only be used for the purposes outlined in your request and may not be used for any other purpose such as private, commercial consulting. ***This approval becomes effective when signed agreements from the individuals listed below are received by the STB:***

- a) *Wesley Wilson – University of Oregon*
- b) *Frank A. Wolak – Stanford University*
- c) *Rodrigo Naumann – Stanford University Graduate Student*

The expiration date for this agreement is December 31, 2024. Unless you seek and obtain a renewal from the STB, this agreement upon expiration obligates you to return or destroy all copies of the data (see item 6 of the agreement). Any request for renewal will need to provide a detailed explanation for why continued access to the data is necessary and demonstrate that you are continuing to actively use the data for the originally requested purpose.

Several aspects of the CCWS limit the conclusions that may be drawn from analysis of the CCWS: 1) the CCWS is a sample, and 2) the CCWS is based on terminating shipments from relatively large carriers. Only those railroads with more than 4,500 annual terminating carloads are included in the sample. The limited sampling of small railroads may have a substantial effect on studies covering areas served predominately by non-sampled railroads. For additional information on the CCWS, see *Reference Guide* @ <https://www.stb.gov/reports-data/waybill/> on the Board's website.

The rules for release of waybill data are codified at 49 C.F.R. § 1244.9. The CCWS contains confidential shipper and railroad data. As a result, the CCWS is commercially sensitive and has the potential to cause competitive harm to shippers and railroads if disclosed. Therefore,

Waybill Agreement WB23-68

the following agreement must be signed, and a copy of the signature pages returned to the STB, before any waybill data can be used.

Your signature acknowledges your agreement to comply with the following:

1. You will use the CCWS data released to you solely for the purpose requested.
2. Absent permission from the STB, you shall make the information contained in the CCWS (including work product and analyses derived from the CCWS) available only to the individuals identified above. The STB may approve access for additional individuals within your entity working on the particular project or study requiring the waybill data. Each such additional individual must review and sign this agreement, and return a copy of the signature page to the STB.
3. You will not release any CCWS data (including work product and analyses derived from the CCWS) to anyone who has not signed this agreement and been approved for access by the STB until the STB has had the opportunity to review the materials proposed for disclosure to ensure confidentiality.
4. You acknowledge that, in addition to the restrictions described in paragraphs 1 and 2 above, you are bound by the STB's rules governing use and disclosure of CCWS data. These include the confidentiality provisions of 49 C.F.R. §§ 1244.9(f)(1)-(3), which require that "[a]ny shipper data obtained from the Waybill Sample shall not be publicly released unless the data are aggregated to include at least three shippers." In addition, you agree not to disclose CCWS data that permits identification of an individual railroad.
5. You will refer any requests for CCWS data in your possession (including work product and analyses derived from the CCWS) to the STB for processing and will inform the requesting party of such referral to the STB. If you are compelled by law or order of a governmental or judicial body to release CCWS data, you shall notify the Board in writing within three days of any determination that CCWS data must be released, and in no event later than five days before the CCWS data is scheduled to be released.
6. In order to retain access to the CCWS beyond the expiration date specified above, you must submit a written request for an annual extension of the agreement no later than thirty days prior to the expiration date and the renewal request must be approved by the Office of Economics. **If an annual agreement is not signed and approved, you must certify by no later than the expiration date that all CCWS data (including all work product and analyses derived from the CCWS) obtained under this agreement has been destroyed or returned to the STB.**

7. Failure to request an extension (if necessary), or destroy or return CCWS data when required, may prevent any future release of CCWS data to you. Violations of this agreement may subject you to sanctions by the Board.

After all parties have signed and returned this agreement, the extension is granted.

Sincerely,

Francis X. O'Connor

Francis O'Connor
Acting Director
Office of Economics

Waybill Agreement WB23-68

I have read and understand the conditions for release of the CCWS data. I agree to comply fully with these conditions and the provisions of this confidentiality agreement. No later than thirty days before the agreement expires, I will request an extension of this agreement, if necessary. If no extension is requested, I will return or destroy all CCWS data and certify that I have done so. I have the authority to sign this agreement.

By: Wesley Wilson

A handwritten signature in cursive script that reads "Wesley Wilson".

Signature

Waybill Agreement WB23-68

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By: Frank A. Wolak

Frank Wolak

Signature

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By: Rodrigo Naumann

Rodrigo Naumann
Signature

Dusenberry, Alexander

From: Frank A Wolak <wolak@stanford.edu>
Sent: Friday, December 1, 2023 6:09 PM
To: Dusenberry, Alexander; wwilson@uoregon.edu
Subject: Extension for Access to Waybill Data
Attachments: WB22-62 Confidentiality Agreement.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Mr. Dusenberry,

I would like to request an extension of our access to the Waybill data under Waybill Agreement WB22-62 until December 31, 2024. I am attaching a copy of the signed letter initially granting us access to the data and stating that we could request this extension.

Our work on the project was significantly delayed because the process of negotiating the research contract between Stanford University and the USDA for this project took substantially longer than usual due to COVID-19. The Stanford University contracting office lost a significant fraction of its staff because of COVID-19, so that a contracting process that usually might have taken one month took more than six months to complete.

Since the contract between Stanford and the USDA was signed, we have been hard at work on the project using the Waybill data. If you need any more information from me in order to grant this extension, please let me know.

Frank Wolak

Frank A. Wolak
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Co-Director, Stanford Natural Gas Initiative
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