

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

Office of Economics

June 27, 2023

Dr. Charles Moul
Mr. Aaron Garner
Department of Economics
Miami University Farmer School of Business
800 E. High St.
Oxford, OH 45056

Re: Waybill Request WB23-37

Dear Sirs:

The Surface Transportation Board (STB or Board) has approved your request to extend your access to the STB Carload Waybill Samples for the unmasked 1984-2019 confidential Carload Waybill Sample (CCWS) originally obtained in WB21-40 and later extended in WB22-24. This data may only be used for the academic purpose detailed 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) *Charles Moul – Miami University*
- b) *Aaron Garner – Miami University*

The expiration date for this agreement is June 30, 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, the following agreement must be signed, and a copy of the signature pages returned to the STB, before any waybill data can be used.

Waybill Agreement WB23-37

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.**

Waybill Agreement WB23-37

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,

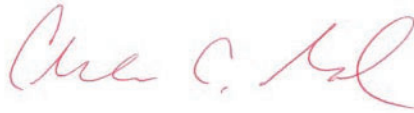
William Brennan

William Brennan, PhD
Chief Economist & Director,
Office of Economics

Waybill Agreement WB23-37

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: Charles Moul



Signature

Waybill Agreement WB23-37

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: Aaron Garner

A handwritten signature in cursive script that reads "Aaron P. Garner". The signature is written in dark ink and is positioned above a horizontal line.

Signature

June 26, 2023

William Brennan, Director
Office of Economics
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Subject: Extension Request for Unmasked Waybill Sample Data

Dear Dr. Brennan:

Due to a scheduling error, we mistakenly believed we had to resubmit an extension request for continued CCWS access under WB22-24 by June 30, 2023. This error arose as our previous contract, WB21-40, expired mid-summer 2022, and we created a reminder to review our existing contract by June 30 of this year. However, after reviewing our current contract on June 25 with the purpose to prepare a draft request for extension, we now recognize our existing contract WB22-24 expired April 30, 2023.

Over the last year, we revised an article previously submitted for confidentiality review to the STB before publication. After making substantive edits, we prepared another draft of this article to send out for peer-review later this year. Thus, to navigate the peer-review process which will likely proceed into 2024 and require further robustness checks requested by reviewers and editors, we will need continued CCWS access into next year.

We request extended access to the CCWS for another year to continue our research. We apologize for our scheduling mistake, and we appreciate your consideration in this matter.

Sincerely,



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