

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

Office of Economics

May 24, 2023

Becky A. Bradley, AICP
Executive Director,
Lehigh Valley Planning Commission
961 Marcon Blvd, Ste 310
Allentown, PA 18109

Re: Waybill Request WB23-29

Dear Ms. Bradley:

The Surface Transportation Board (STB) has received your request under 49 C.F.R. § 1244.9(c) of April 27, 2023 for permission to access certain data from the 2021 confidential Carload Waybill Sample (CCWS) with masked revenues. Specifically, from the 2021 CCWS, you requested the volume, commodity, and masked revenues fields for records where the traffic originated, terminated, and went “in and around” various counties in Pennsylvania. Your request explained that access to the CCWS is needed so that the data can be applied to the Eastern Pennsylvania Freight Infrastructure Plan to comply with various federal regulations for metropolitan planning organizations, including understanding rail activity in the region, the markets railways connect to and interconnectivity of freight modes. Notice of your request was published in the *Federal Register* on May 4, 2023, and no objections were received

Based on the complete and sufficiently detailed explanations and justifications contained in your request, your request to access the requested data will be authorized. The CCWS does not identify which counties rail traffic traverses. Because you have indicated that your analysis requires data concerning freight activity “in and around” the specific Pennsylvania counties identified in your request, you will have access to the full 913-byte masked 2021 confidential Carload Waybill Sample for traffic that originated, terminated, or passed through the state of Pennsylvania. This data may only be used for the purpose detailed in your request. ***This approval becomes effective when signed agreements from the individuals listed below are received by the STB:***

- a) *Patrick Osei – Lehigh Valley Planning Commission*
- b) *David Jan – Lehigh Valley Planning Commission*
- c) *Brian Hite – Lehigh Valley Planning Commission*
- d) *Stephen Chiaramonte – WSP*
- e) *Sebastian Guerrero – WSP*
- f) *Shashank Pulikanti – WSP*

Waybill Agreement WB23-29

The expiration date for this agreement is May 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).

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 @ <https://www.stb.gov/reports-data/waybill/>.

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.

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 2 and 3 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

Waybill Agreement WB23-29

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, please contact Mr. Dusenberry (202) 245-0319 to make the necessary arrangements to have a copy of the data sent to you. The STB will provide the data by email through file transfer protocol. Prior payment of processing and mailing cost of **\$240 (\$60 per confidentiality agreement)** is required. Payment can be made through the Board's electronic payment system, Pay.gov. Your payment through Pay.gov will generate a unique Pay.gov transaction number, which you will need to provide with your signed agreement. Pay.gov accepts payment through bank accounts, credit cards, debit cards with a MasterCard or Visa logo, and digital wallet. Payment can also be made directly to the Board via check or money order.

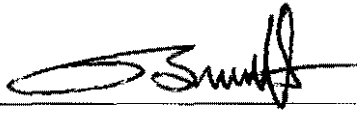
Sincerely,

William Brennan

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

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: Brian Hite

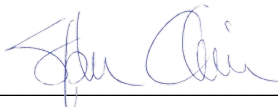
A handwritten signature in black ink, appearing to read 'Brian Hite', written over a horizontal line.

Signature

Waybill Agreement WB23-29

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By: Stephen Chiaramonte



Signature

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By: Sebastian Guerrero

A handwritten signature in black ink, appearing to read "Sebastian Guerrero", written over a horizontal line.

Signature

Waybill Agreement WB23-29

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: Shashank Pulikanti

A handwritten signature in black ink, appearing to read 'Shashank', with a stylized flourish at the end.

Signature

STEVEN GLICKMAN
Chair
CHRISTOPHER AMATO
Vice Chair
KEVIN SCHMIDT
Treasurer



LAMONT G. MCCLURE, JR.
Chair, Coordinating Committee
BRENDAN COTTER
Chair, Technical Committee
BECKY A. BRADLEY, AICP
Executive Director, LVPC
Secretary, LVTS

April 27, 2023

Mr. William Brennan
ATTN: Alexander Dusenberry
Office of Economics
Surface Transportation Board
395 E. Street SW
Washington, DC

I am writing you to request access to the confidential waybill sample under 49 CFR 1244.9 (c) Other Users, in support of research being conducted by contractor WSP on behalf of the Lehigh Valley Planning Commission/Lehigh Valley Transportation Study Metropolitan Planning Organization (LVPC). I am the Executive Director. This study is being advanced by the Eastern Pennsylvania Freight Alliance, a consortium that includes LVPC, the Reading Area Transportation Study (RATS), Lebanon County Metropolitan Planning Organization (LEBCO MPO), Lackawanna/Luzerne MPO, and Northeastern Pennsylvania Alliance (NEPA). I am requesting this data on behalf of the Alliance and its partner agencies.

The data is to be applied to the Eastern Pennsylvania Freight Infrastructure Plan to comply with various federal regulations for metropolitan planning organizations, including understanding rail activity in the region, the markets railways connect to and interconnectivity of freight modes. The Federal Highway Administration's Freight Analysis Framework (FAF) data is unable to cover rail volumes at a granular enough detail to facilitate regional analysis of rail, so a more detailed source is being sought. Public versions of the Surface Transportation Board Waybill are too aggregate and suppressed to enable rigorous analysis of localized rail movements and their role in the local economy, necessitating this request.

The critical variables needed are as follows:

- Origin - Destination County region sufficient to cover freight activity in and around:
 - o Lehigh County, Pennsylvania
 - o Northampton County, Pennsylvania
 - o Berks County, Pennsylvania
 - o Lebanon County, Pennsylvania
 - o Carbon County, Pennsylvania
 - o Schuylkill County, Pennsylvania
 - o Monroe County, Pennsylvania
 - o Pike County, Pennsylvania
 - o Lackawanna County, Pennsylvania
 - o Luzerne County, Pennsylvania

- Expanded tonnage
- International harmonized system code/ STCC commodity classification
- Year-1 year (2021): sufficient for understanding volumes of rail activity

We are requesting access to the masked data to try and represent the most accurate depiction of goods movement as possible without unnecessary detail involving sensitive cost/price. The data itself would not be published - any results stemming from the analysis would not be circulated subject to any concerns you might have on divulging information in accordance with the requirements of Title 49 USC §1244 of the Surface Transportation Board.

The names and contact information of staff who will be utilizing this data are:

- Stephen Chiaramonte, WSP
- Sebastian Guerrero, WSP
- Shashank Pulikanti, WSP
- Patrick Osei, LVPC
- David Jan, LVPC
- Brian Hite, LVPC

Thank you in advance as the data is crucial to our transportation planning efforts. If you have any questions I may be reached at (610) 264-4544 or bbradley@lvpc.org. You may also contact our consultant team Project Manager, Stephen Chiaramonte, at (609-) 865-3930 or s.chiaramonte@wsp.com.

Sincerely,



Becky A. Bradley, AICP
Executive Director, Lehigh Valley Planning Commission
Secretary, Lehigh Valley Transportation Study

From: Chiaramonte, Stephen <s.chiaramonte@wsp.com>
Sent: Wednesday, June 28, 2023 8:29 AM
To: Dusenberry, Alexander <Alexander.Dusenberry@stb.gov>
Subject: RE: STB Waybill Data Request

Alexander-

I have attached the signed confidentiality agreements – two of the expected users (Osei and Jan) are no longer with LVPC, thus we will only need agreements from the following users:

- a) ~~Patrick Osei – Lehigh Valley Planning Commission~~
- b) ~~David Jan – Lehigh Valley Planning Commission~~
- c) Brian Hite – Lehigh Valley Planning Commission
- d) Stephen Chiaramonte – WSP
- e) Sebastian Guerrero – WSP
- f) Shashank Pulikanti – WSP

I have made payment for \$240 (\$60 per user) to pay.gov and attached the receipt.

Please let me know if you need anything else. Thank you again for the help and patience getting us through this.

--Steve