

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

Office of Economics

August 23, 2023

Ms. Denise Bulat
 Executive Director
 Bi-State Regional Commission
 1504 Third Avenue, Third Floor
 Rock Island Illinois 61201

Re: Waybill Request WB23-45

Dear Ms. Bulat:

The Surface Transportation Board (STB) has received your request under 49 C.F.R. § 1244.9(c) of July 25, 2023 for permission to access the 2021 confidential Carload Waybill Sample (CCWS) with masked revenues. Specifically, you requested the 2021 CCWSs, all fields, masked revenues, and records for traffic originating, terminating, or traveling through the state of Illinois and Iowa. Your request explained that the Bi-State Regional Commission has contracted with CPCS Transcom Inc (CPCS) of ICF International which includes WSP USA, Inc. as a subconsultant to work on the Bi-State Regional Freight Plan Addendum. This work will refresh freight data, provide an updated understanding of good movements, and develop modal profiles. In return, this will allow for commodity flow analysis of the tonnage and number of carloads/units moved via railroad to, from, and through the region (the Davenport Iowa and Illinois urbanized area). Notice of your request was published in the *Federal Register* on August 3, 2023, and no objections were received.

Based on the complete and sufficiently detailed explanations and justifications contained in your request, you will be authorized to access the requested data. Specifically, you will have access to the full 913-byte masked 2021 Carload Waybill Sample for traffic originating, terminating, passed through, or interchanged in the states of Illinois and Iowa. 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) Gena McCullough – Bi-State Regional Commission*
- b) Alex King – WSP*
- c) Sebastian Guerrero – WSP*
- d) Matt Stratton – WSP*

The expiration date for this agreement is August 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 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,

Francis X. O'Connor

Francis O'Connor
Acting Director
Office of Economics

Waybill Agreement WB23-45

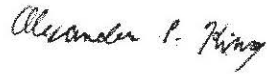
I have read and understand the conditions for release of the CCWS data. I agree to comply fully with these conditions and the provisions of this confidentiality agreement. No later than thirty days before the agreement expires, I will request an extension of this agreement, if necessary. If no extension 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: Gena McCullough


Signature

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: Alex King



Signature

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: Sebastian Guerrero

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

Signature

Waybill Agreement WB23-45

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: Matt Stratton



Signature



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Executive Director

Denise Bulat

July 25, 2023

Mr. Francis O'Connor

Acting Director

Office of Economics, Surface Transportation Board

Attn: Mr. Alexander Dusenberry

395 E Street, SW

Washington, D.C. 20423-0001

Dear Mr. O'Connor,

Bi-State Regional Commission is currently working on the Bi-State Regional Freight Plan Addendum. Bi-State Regional Commission is a local, voluntary organization of five counties and 47 municipalities covering the area around the "Quad Cities" centered on Davenport and Bettendorf in southeastern Iowa, and Rock Island, Moline, and East Moline in northwestern Illinois. Within the Bi-State Regional Commission is the Quad Cities Metropolitan Planning Organization (MPO), which serves as the MPO for the Davenport, IA-IL urbanized area.

We hereby request the 2021 Carload Waybill Sample of railroad traffic originating, terminating, or passing through Illinois and Iowa on behalf of our consultants, CPCS, and WSP USA, Inc.

The Bi-State Regional Commission has contracted with a consultant team led by CPCS, which includes WSP USA, Inc. as a subconsultant. The Bi-State Regional Freight Plan Addendum will refresh freight data, provide an updated understanding of goods movements, and develop modal profiles. The Carload Waybill Sample will allow CPCS and WSP USA to analyze North American freight rail traffic required for the following task:

- Conducting an updated commodity flow analysis of the tonnage and number of carloads/units moved via railroad to, from, and through the region.

This specific information will remain confidential. Any findings that use the Confidential Waybill Sample will be shared with the STB for approval prior to publication.

The names of staff who will work directly with the data are:

- Alex King, WSP
- Sebastian Guerrero, WSP
- Matt Stratton, WSP

Thank you for your assistance in accessing this data. If you have any questions concerning this request, please contact Gena McCullough, AICP at gmccullough@bistateonline.org, (309)793-6300, Ext. 1146.

Sincerely,

Denise Bulat

Executive Director

DB/sdg

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