

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

Office of Economics

April 11, 2023

Mr. Mike Alexander
Chief Operating Officer
International Tower
229 Peachtree St, NE Suite 100
Atlanta, Georgia 30303

Re: Waybill Request WB23-21

Dear Mr. Alexander:

The Surface Transportation Board (STB) has received your request under 49 C.F.R. § 1244.9(c) of March 15, 2023 for permission to access the 2013 and 2019 confidential Carload Waybill Sample (CCWS) with masked revenues. Specifically, you requested the 2013 and 2019 CCWSs, all fields, masked revenues, and records for traffic originating, terminating, or traveling through the state of Georgia. Your request explained that the Atlanta Regional Commission (ARC) has contracted with the subconsultant CPCS Transcom Inc (CPCS) of ICF International to work on the 2024 Atlanta Regional Freight Mobility Plan. CPCS will analyze U.S. Rail traffic to complete the task of updating commodity flow of the tonnage and value of goods moved via railroad, to, from, and through the Atlanta region. Notice of your request was published in the *Federal Register* on March 24, 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 900-byte masked 2013 and 2019 Carload Waybill Sample for traffic originating, terminating, passed through, or interchanged in the state of Georgia. 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) *Moshe Haspel – Atlanta Regional Planning Commission*
- b) *Taslima Akter – CPCS Transcom*

The expiration date for this agreement is April 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).

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

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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

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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 **\$120 (\$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

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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: Moshe Haspel



Signature

Waybill Agreement WB23-21

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: Taslima Akter

A handwritten signature in cursive script, reading "Taslima Akter", written in black ink.

Signature



Atlanta Regional Commission

March 15, 2023

Mr. William Brennan, Director
Attn: Alexander Dusenberry
Office of Economics
Surface Transportation Board

Dear Mr. Brennan:

The Atlanta Regional Commission (ARC) is currently working on the 2024 Atlanta Regional Freight Mobility Plan. ARC serves as the Metropolitan Planning Organization (MPO) for all of 13 counties and portions of 7 counties in the Atlanta area, and also serves as the state designated regional commission for 11 counties. ARC is working with a number of partner organizations, including the Georgia DOT, local jurisdictions, and the private sector.

We hereby request 2013 and 2019 Waybill samples of railroad traffic originating, terminating, or passing through Georgia on behalf of our consultant, CPCS Transcom Inc.

ARC has contracted with a consultant team led by ICF International, which includes CPCS Transcom Inc as a subconsultant. The 2024 Atlanta Regional Freight Mobility Plan will conduct a broad analysis of freight activity in the Atlanta Region, and this plan will serve as an input to the Atlanta Metropolitan Transportation Plan. The STB carload waybill sample will allow CPCS to analyze US rail traffic required for the following tasks:

- Conducting an updated commodity flow analysis of the tonnage and value of goods moved via railroad to, from, and through the region.

This specific information will remain confidential; any findings that use STB confidential waybill sample data will be shared with STB for approval prior to publication.

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

- Moshe Haspel, Atlanta Regional Commission, mhaspel@atlantaregional.org
- Taslima Akter, CPCS Transcom, takter@cpcstrans.com

Thank you for your assistance with accessing this data. If you have any questions concerning this request, please contact Daniel Studdard at dstuddard@atlantaregional.org or 470.378.1593.

Sincerely,

A handwritten signature in black ink, appearing to read 'MA', is positioned above a horizontal line.

Michael Alexander (Mar 17, 2023 10:10 EDT)

Mike Alexander
Chief Operating Officer