

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

Office of Economics

July 27, 2022

Dr. Mark L. Burton
The University of Tennessee
Knoxville, TN 37996

Re: Waybill Request WB22-33

Dear Dr. Burton:

This letter responds to your request under 49 C.F.R. § 1244.9(c) & (e) dated June 22, 2022, for access to the unmasked 2019 Confidential Carload Waybill Sample (CCWS) covering the United States. Working on behalf of the Association of American Railroads, you requested the data in order “to accurately evaluate and quantify the impacts of freight shifting from rail to truck (or from truck to rail).” In particular, you state that you require “specific commodity flows and routing data” to “estimate the future impact of automated trucking operations on rail traffic levels.” You state that the general topic of your research will be “important for [policymakers] to consider,” but you do not indicate how your specific research is intended to be used. Notice of your request was published in the Federal Register on July 1, 2022 (87 Fed. Reg. 39,585), and no objections were received.

I am denying your request at this time due to the lack of information about your research’s intended use. In U.S. Wheat (WB 20-40) and Trinity (WB 20-50), the Board confirmed that CCWS data should not be made available for private, commercial purposes, even if the requestor is an academic researcher hired by a nonprofit organization. In this case, while your request makes the clear that the *topic* of your research could be important to policymakers (such as the Department of Transportation), your request says nothing about the purpose for which your client has asked you to prepare that research or the intended use for the research. I am therefore unable to determine that your request is not made for private, commercial purposes as the Board’s decisions require me to do.

Additionally, even if an appropriate purpose had been identified, you have not adequately demonstrated your need for the entire unmasked 2019 CCWS dataset. Although you cite your need for “specific commodity flows and routing data,” you have not explained why your research additionally requires access to the broad set of unmasked confidential rail contract and rate information that also falls within the scope of your request. Nor have you explained why publicly available datasets, including the Public Use Waybill, are insufficient to your purposes.

To resubmit your request with the additional information discussed above, please follow the procedure in 49 C.F.R. § 1244.9(c) & (e). In addition, under 49 C.F.R. § 1244.9 (d)(4)(iii), you may appeal this determination to the Board within 10 days of the date of this letter.

Waybill Request WB22-33

Sincerely,

William Brennan

William Brennan, PhD
Chief Economist & Director
Office of Economics