

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

Office of Economics

February 21, 2023

Muhammad Baksh
Cross Harbor Freight Program Tier II
4 World Trade Center
150 Greenwich Street, 17th Floor
New York, NY 10007

Re: Waybill Request WB23-11

Dear Mr. Baksh:

The Surface Transportation Board (STB or Board) has approved your request to extend your access to the STB Carload Waybill Samples with masked revenues for 2016-2017 all fields, and records for traffic originating, terminating, or traveling through the state of New York, New Jersey, Pennsylvania, and Connecticut originally obtained in WB18-19, WB20-28, WB21-46, and WB22-36. This data may only be used for the purposes outlined 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) *Muhammad Baksh – Port Authority of New York and New Jersey*
- b) ~~*Douglas Jones – Port Authority of New York and New Jersey*~~
- c) *Jean-Philippe Magron – HDR*
- d) *Yiannoulla Charalambous – HDR*
- e) *Christopher Lamm – Cambridge Systematics*
- f) *Lisa Destro – Cambridge Systematics*
- g) *Paul Ciannavei – IHS Markit*
- h) *Karlis Pujats – IHS Markit*
- i) *Bengt Muten – IHS Markit*
- j) *Mei Mei Lee – AKRF, Inc.*
- k) *Christina Hidalgo – STV, Inc.*

The expiration date for this agreement is February 29, 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 *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.

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.

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.

Prior payment of processing and mailing cost of **\$60**(\$60 per signature of a new individual – Douglas Jones) 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. After all parties have signed and returned this agreement, and the payment has been made, the extension is granted.

Sincerely,

William Brennan

William Brennan, PhD
Chief Economist & Director
Office of Economics

Waybill Agreement WB23-11

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: Muhammad Baksh



Signature

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By: Jean-Philippe Magron

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

Signature

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By: Yiannoulla Charalambous



Signature

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By: Christopher Lamm

A handwritten signature in black ink, appearing to read 'Chris Lamm', with a long horizontal flourish extending to the right.

Signature

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By: Lisa Destro

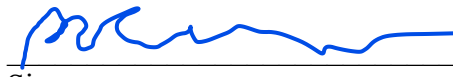
Lisa Destro

Signature

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By: Paul Ciannavei



Signature

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By: Karlis Pujats

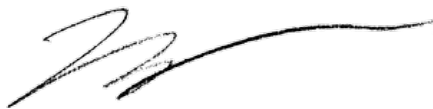


Signature

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By: Bengt Muten



Signature

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By: Mei Mei Lee

Signature 

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By: Christina Hidalgo

Christina M Alexiou-Hidalgo

Signature

From: [Magron, JeanPhilippe](#)
To: [Dusenberry, Alexander](#)
Cc: [Baksh, Muhammad](#)
Subject: RE: WB21-46 Extension Request
Date: Friday, February 17, 2023 11:38:15 AM
Attachments: [image001.png](#)
[image002.png](#)

Sure thing Mr. Dusenberry. See below and let me know if sufficient.

In essence, the use of the data will still be used for the same PANYNJ Project (called the Cross Harbor Freight Program - CHFP) to support the regional freight model associated with the future FHWA's Tier II NEPA EIS. The Draft EIS was scheduled to be published in 2020 but then the pandemic (COVID19) put a halt on project given the imposed financial constraints at the time. Since the resumption of political endorsement in February 2022 by Governor Kathy Hochul and Congressman Jerry Nadler (see [NYS Statement on CHFP](#)), the PANYNJ has been re-organizing the project team and respective subcontracting arrangements. At this time in February 2023, the technical analyses and NEPA Process are ready to be resumed.

Also see this local article for further background as needed. <https://www.amny.com/transit/cross-harbor-freight-tunnel-environmental-review-resumes-after-covid-pause/>

I appreciate your attention on the matter and feel free to call Mr. Baksh at the PANYNJ (here cc'd and contact info below) if you need any further information. As a reminder, my company (HDR)'s role is program management for the PANYNJ and also provide technical oversight on the future NEPA EIS and studies.

Muhammad A Baksh | P.E. | LEED Green Associate

Program Manager, Major Capital Projects



(212)-435-5304 (office) | 646-628-4380 (mobile)
One Liberty Plaza, 22nd Floor, New York, NY 10006

Best JP

JP Magron

D (862) 236.1711 **M** (212) 671.0180

hdrinc.com/follow-us

From: Dusenberry, Alexander <Alexander.Dusenberry@stb.gov>
Sent: Friday, February 17, 2023 10:59 AM
To: Magron, JeanPhilippe <JP.Magron@hdrinc.com>
Cc: Baksh, Muhammad <mbaksh@panynj.gov>
Subject: RE: WB21-46 Extension Request

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All,

The Director is asking for a short description about why the extension is needed.

Please let me know!

Happy Friday,
Alexander Dusenberry
Alexander.Dusenberry@stb.gov
(202)245-0319

From: Magron, JeanPhilippe <JP.Magron@hdrinc.com>
Sent: Wednesday, February 15, 2023 5:40 PM
To: Dusenberry, Alexander <Alexander.Dusenberry@stb.gov>
Cc: Baksh, Muhammad <mbaksh@panynj.gov>; Magron, JeanPhilippe <jp.magron@hdrinc.com>
Subject: RE: WB21-46 Extension Request

Hello Mr. Dusenberry – with our current agreement expiring this coming June, we would like to get started on another extension. Can you please provide us with another template document for execution? Thanks JP

JP Magron
D (862) 236.1711 M (212) 671.0180

hdrinc.com/follow-us

RE: WB21-46 Extension Request



Magron, JeanPhilippe <JP.Magron@hdrinc.co>

To Dusenberry, Alexander

Cc Baksh, Muhammad



Mon 1:42 PM

Retention Policy Default 10 Year Delete from Archive (10 Expires 3/17/2033



Follow up. Start by Monday, March 20, 2023. Due by Monday, March 20, 2023.



WB23-11 Port Authority NYNJ Extension SignedByDir.pdf
654 KB

Received, thank you.

Thank you for letting me know.

Great, thank you so much!

Mr. Dusenberry – find attached our fully executed copy of the agreement.

We decided to not include Mr Jones as a signatory for administrative ease and also because he wont need access to the data afterall.

Please let us know if you have any questions. JP