

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

Office of Economics

January 18, 2024

Mr. Dain Maher
Manager, Logistics & Railroad Strategy
Utah Inland Port Authority
60 E South Temple, 3rd Floor
Salt Lake City, Utah 84111

Re: Waybill Request WB23-72

Dear Mr. Maher:

The Surface Transportation Board (STB) has received your request under 49 C.F.R. § 1244.9(c) of December 20, 2023 for permission to access certain data from the 2021 confidential Carload Waybill Sample (CCWS). Specifically, from the 2021 CCWS, you requested data for traffic that originated, terminated, or passed through the entire state of Utah. Your request explained that access to the CCWS is needed so that your consultants can provide a Transearch commodity flow database product for the state of Utah. The Transearch product will provide the detailed Utah county-level commodity flow information necessary to inform your planning effort. The Notice of your request was published in the *Federal Register* on December 27, 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 state of Utah. 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) Dain Maher – Utah Inland Port Authority*
- b) Taslima Akter – CPCS Transcom Inc.*
- c) Kamol Chandra Roy – CPCS Transcom Inc.*
- d) Eric Oberhart – CPCS Transcom Inc.*
- e) Marc Hoecker – WSP*
- f) Karlis Pujats – S&P Global*
- g) Bengt Muten – S&P Global*

The expiration date for this agreement is January 31, 2025. 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).

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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

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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 **\$434 (\$62 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,

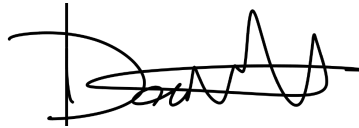
Francis X. O'Connor

Francis O'Connor
Acting Director
Office of Economics

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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: Dain Maher

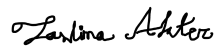
A handwritten signature in black ink, appearing to read 'Dain Maher', written over a horizontal line.

Signature

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By: Taslima Akter



Signature

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By: Kamol Chandra Roy



Signature

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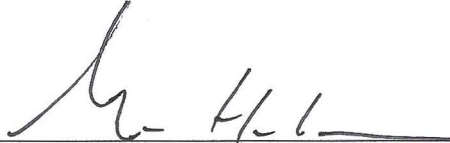
By: Eric Oberhart

A handwritten signature in red ink, appearing to read "Eric Oberhart", written over a horizontal line.

Signature

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By: Marc Hoecker



Signature

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By: Karlis Pujats

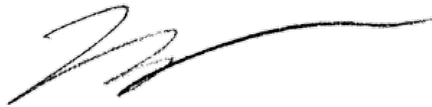


Signature

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By: Bengt Muten

A handwritten signature in black ink, appearing to be 'Bengt Muten', written over a horizontal line.

Signature



Mr. Alexander Dusenberry
Office of Economics, Environmental Analysis and Administration
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Dear Mr. Dusenberry:

We hereby request one copy each of the year 2021 confidential Carload Waybill Sample of railroad traffic originating, terminating, or passing through the state of Utah. In addition, we ask that access to the requested data be granted to S&P Global, so that the firm can provide a database connected to the Utah Statewide Logistics Study being conducted by the Utah Inland Port Authority.

Project Purpose

The Utah Inland Port Authority (UIPA) is a state corporation of Utah, established by the state legislature in 2018 under S.B.234 to maximize long-term economic benefits in Utah by developing and optimizing economic project areas and logistics-based infrastructure. In support of its mission, UIPA is currently developing the Utah Statewide Logistics Strategy, which will guide UIPA's partnerships and investments in logistics-related projects. The objectives of this strategy include documenting current commodity flows and logistics infrastructure assets in Utah, identifying logistics needs, issues, and opportunities, identifying potential partnerships, and developing a statewide logistics strategy as well as individualized strategies for select project areas within Utah.

To create this strategy, UIPA and its consultants (CPCS Transcom Inc. and WSP) need information on the movement of commodities into, out of, and through counties in Utah. This commodity flow information is foundational to understanding the current operation of Utah's freight and logistics system and provides context for strategic planning efforts such as commodity flow mapping, Strengths, Weaknesses, Opportunities, and Threats analysis, and development of strategy recommendations.

Necessity of the Confidential Carload Waybill Sample

Access to the Confidential Carload Waybill Sample data is necessary because of the level of geographic detail it provides. UIPA will be developing tailored logistics strategies for specific regions of Utah, which include some individual Utah counties and select groups of Utah counties. In order for these county- and region-level strategies to be effective, they must be tailored to the unique logistics context of each area. Therefore, the Confidential Carload Waybill Sample is necessary because it provides the geographic detail required to create estimates of county-level railroad commodity flows into, through, and out of Utah's counties. Utah's counties vary in size and economic composition, therefore, the level of detail present in the public waybill sample is insufficient for this county-level commodity flow analysis.

How the Confidential Carload Waybill Sample will be Used

UIPA and its consultants have engaged with S&P to purchase S&P's Transearch commodity flow database product for the state of Utah. The Transearch product will provide the detailed Utah county-level commodity flow information necessary to inform this planning effort. As part of creation of the Transearch dataset for Utah, S&P will analyze the 2021 Confidential Carload Waybill Sample data in conjunction with the application of S&P's own proprietary commodity flow models and data to create an estimate the total railroad-borne commodity tonnage and commodity value originating and terminating in Utah's counties, as well as routing of commodities to origin and destination regions elsewhere in the United States. A finished commodity flow database including this synthesized county-level railroad commodity flow information will be provided to UIPA and CPCS for use in the strategy development process.

The specific confidential waybill information will remain confidential; any findings that use STB confidential waybill sample data will be presented in compliance with STB confidentiality rules and shared with STB for approval prior to publication.

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

Dain Maher: dainmaher@utah.gov
Taslima Akter: takter@cpcstrans.com
Kamol Chandra Roy: kcroy@cpcstrans.com
Eric Oberhart: eoberhart@cpcstrans.com
Marc Hoecker: marc.hoecker@wsp.com
Karlis Pujats: karlis.pujats@spglobal.com
Bengt Muten: bengt.muten@spglobal.com

Data years needed: Only 2021 data is needed for this application.

Geography requested: Utah

If you have any questions concerning this request, please contact Dain Maher. Thank you for your consideration of this request.

Sincerely,



Dain Maher
Manager, Logistics & Railroad Strategy
Utah Inland Port Authority
dainmaher@utah.gov
(801) 641-6772