

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

August 12, 2024

Josie Ortiz
Project Manager, Capital Planning
Harris County Toll Road Authority
7701 Wilshire Place Drive
Houston, TX 77040

Re: Waybill Request WB24-30

Dear Josie Ortiz:

This letter responds to your request under 49 C.F.R. § 1244.9(c) of June 17, 2024 for access to the unmasked 2022 Confidential Carload Waybill Sample (CCWS) for traffic that originated, terminated, or passed through Harris County, Texas. You requested the data in order “to provide a clear understanding of travel patterns, flow levels, and forecasts and compile the county’s freight profile and its impact to the local and regional economies.” Notice of your request was published in the Federal Register on July 24, 2024 (89 Fed. Reg. 142, 59955), and no objections were received.

The CCWS contains data that is highly confidential to both rail shippers and railroads. Unmasked revenue data, for example, are among the most commercially sensitive information that railroads possess. The Board has, under appropriate circumstances, granted access to the CCWS to an “Other User” when the purpose of the data request is adequately defined, and the request makes clear why the data requested are necessary and how the data will be used in the analysis. The Board’s regulations require both a complete and detailed explanation of the purpose for which the data are requested and a detailed justification for why the specific data requested are needed. See 49 C.F.R. § 1244.9(e)(1)(i-iii). Although you have provided some limited information in your letter that you would use the CCWS “to understand the modal split in the county and estimate the total inbound, outbound, within, and through rail flows,” there is not enough information for me to fully evaluate your stated need for the unmasked revenues nor discern how these data would be used in connection with your Truck Route Study. I am therefore denying your request.

To resubmit your request with the additional information discussed above, please follow the procedure detailed in 49 C.F.R. §§ 1244.9(c) and (e). In addition, pursuant to 49 C.F.R. § 1244.9(d)(4)(iii), you may appeal this determination within 10 days of the date of this letter. Under the Board’s regulations, “[a]ppeals are not favored and will be granted only in exceptional circumstances to correct a clear error of judgment or to prevent manifest injustice.” 49 C.F.R. § 1011.6(b). Replies must be filed within 10 days after the due date for appeals.

Sincerely,

**KRISTEN
MONACO**

Digitally signed by
KRISTEN MONACO
Date: 2024.08.12
15:52:25 -04'00'

Kristen Monaco, PhD
Director
Office of Economics

June 17, 2024

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 of the year 2022 confidential Carload Waybill Sample of railroad traffic originating, terminating, or passing through Harris County, TX. 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 Truck Route Study being conducted by HDR.

The project will use available data and stakeholder input to provide a clear understanding of the travel patterns, flow levels, and forecasts and compile the county's freight profile and its impact to the local and regional economies.

The 2022 confidential Carload Waybill Sample is needed to understand the modal split in the county and estimate the total inbound, outbound, within, and through rail flows.

Those S&P Global and HDR employees who will be working with the Carload Waybill Sample information will sign the standard confidentiality agreement. Please be assured that the requested data will be kept confidential and used only by those persons who need the information for the project, identified as:

- Karlis Pujats, S&P Global, karlis.pujats@spglobal.com, Consultant
- Bengt Muten, S&P Global, bengt.muten@spglobal.com, Transportation Consultant
- Mania Flaskou, HDR, mania.flaskou@hdrinc.com, Freight Transportation Planner

If you have any questions concerning this request, please contact Josie Ortiz at josie.ortiz@hctra.org. Thank you for your consideration of this request.

Sincerely,



Josie Ortiz
Project Manager, Capital Planning
Harris County Toll Road Authority

Our Mission

HCTRA operates and maintains a safe, reliable, and evolving mobility system to meet the diverse connectivity needs of all Harris County residents.

Harris County Commissioners Court

Lina Hidalgo
County Judge

Rodney Ellis
Commissioner
Precinct 1

Adrian Garcia
Commissioner
Precinct 2

Tom S. Ramsey, P.E.
Commissioner
Precinct 3

Lesley Briones
Commissioner
Precinct 4

HCTRA Executive Director

Roberto Treviño, P.E.

From: Ortiz, Josie (HCTRA) <josie.ortiz@hctra.org>
Sent: Tuesday, July 16, 2024 11:35 AM
To: Dusenberry, Alexander <Alexander.Dusenberry@stb.gov>
Cc: Mohite, Amar (HCTRA) <amar.mohite@hctra.org>
Subject: Re: STB Waybill Request 2022 - HCTRA

Alexander -

We would prefer unmasked revenues. I have attached confirmation of payment.

Please let us know if you need anything additional from us at this time.

Thank you,

JOSIE ORTIZ, AICP