

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
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January 28, 2020
Part of
Public Record

Docket No. EP 385 (Sub-No. 8)

WAYBILL SAMPLE REPORTING

COMMENTS OF CSX TRANSPORTATION, INC. ("CSX")

By a Notice of Proposed Rulemaking (NPRM) served November 29, 2019, the Board proposed to amend its regulations with respect to the Waybill Sample data that railroads are required to submit to the Board, and requested comments on this proposed action. CSX generally supports an increase in waybill sampling rates, joins in the comments of the Association of American Railroads (AAR) as to suggested modifications to the Board's proposal,¹ and respectfully submits the following individual comments for the Board's further consideration.

I. Potential Changes to the Procedure for Sampling Waybill Methods by Computer

In footnote 15 of the NPRM, the Board notes that if it ultimately adopts changes to 49 C.F.R. part 1244, it will publish notice of a revised edition of Statement No. 81-1, Procedure for Sampling Waybill Methods by Computer (2009 edition). While certain revisions to Statement No. 81-1 would be expected in light of a revised rule (e.g., an update to the sample rates listed in Table 1), the NPRM does not detail what additional revisions the Board might make. CSX respectfully submits that actual carrier time and cost burdens, which the Board has estimated in

¹ In particular, CSX supports the retention of the current sampling rates for the 16 to 60, 61 to 100, and 101 and over strata.

Appendix B of the NPRM, will vary greatly depending on the breadth of these potential procedural changes.

As one example, Appendix A of the NPRM suggests that the Board intends to retain the 5 current strata, and add the two new intermodal samples as strata 6 and 7.² Assuming that the Board (i) retains the existing 5 strata; (ii) does not propose any changes to the Kth interval and random starts for the existing 5 strata, and (iii) utilizes existing Kth interval and random start tables for the two new strata (as opposed to creating two new tables/intervals), CSX would estimate its one-time burden associated with implementation of the two new strata at 200 hours. If, however, the Board intends to add new tables/intervals for the new strata and update the random start and Kth intervals for the existing strata in light of the updated sampling rates, CSX's one-time burden would be increased by approximately 50 hours. Other procedural changes are likely to have a similar additive effect.³

Accordingly, while CSX appreciates that it will have the opportunity to comment on the Board's revised procedure, CSX respectfully requests at the outset that the Board limit its procedural revisions to the extent such limitation is possible.

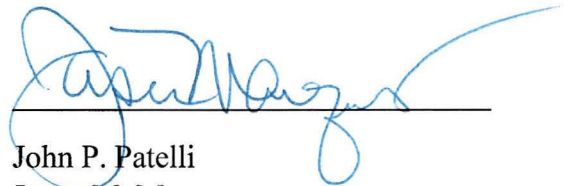
² CSX is supportive of this approach, as there is analytical value in retaining the existing strata and doing so would reduce the programming requirements associated with the new sampling rates. In contrast, elimination of the existing strata would cause an increase in CSX's time burden.

³ See fn. 2, *infra*.

II. Timeframe for Implementation of Proposed Changes

CSX respectfully requests that the Board allow carriers a minimum of 90 days from the date of a Final Rule to perform the programming necessary to implement any revision to 49 CFR part 1244. In the event the Board makes extensive procedural changes to Statement 81-1, CSX would respectfully request no less than 60 additional days.

Respectfully submitted,



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Dated: January 28, 2020