



ASSOCIATION OF AMERICAN RAILROADS

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Via E-mail

Dr. William Brennan
Director
Office of Economics
U.S. Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: Waybill Data Request WB 20-48

Dear Dr. Brennan:

In a letter dated October 5, 2020, the Southern California Association of Governments (SCAG) requested “the confidential Waybill Sample data for calendar year 2019, and to consolidate and extend previous agreements (WB19-49, WB19-54, WB19-62) to December 31, 2021.” Letter from Scott Strelecki, Senior Goods Movement Planner, SCAG, to Dr. William Huneke [sic], Director, Office of Economics, at 1 (Oct. 5, 2020) (SCAG Letter). Notice of this request was published in the *Federal Register* on October 19, 2020. The request seeks access to 2019 waybill data and continued access to prior-year data because “performing a comprehensive integrated passenger and freight rail study for most of southern California, which is focused on identifying freight and passenger mainline funding strategies for needed capacity and operational improvements.” *Id.* SCAG also explains that “this request is strictly for the state of California and this request should not include the unmasked revenue information.” *Id.* Noting delays associated with the COVID-19 pandemic, SCAG requests a continuation of its prior requests.

By this letter, the Association of American Railroads (“AAR”), on behalf of its freight railroad members, seeks to clarify the release of waybill data pursuant to this new and consolidated request. AAR agrees with Director Brennan in his grant of access to waybill data in WB 19-49 that the request should be limited to traffic that “was originated, terminated, interchanged in, or that passed through California, with no revenue information, for 2011-2015.” Letter from Dr. William Brennan, Director, Office

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of Economics, to Scott Strelecki, Regional Planner, SCAG, at 1 (Dec. 4, 2019).¹ As AAR did in that proceeding, we continue to object to the release of any revenue data pursuant to the requests and support constraining the request to only California traffic. Therefore, in consolidating the three prior requests and in granting the request for data for 2019, the order should similarly constrain the grant of access to traffic originated, terminated, interchanged in, or that passed through California, and not include any revenue information.

Thank you for considering the views of the AAR and its members.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JFM', with a stylized, cursive flourish extending to the right.

J. Frederick Miller Jr.
(admitted in Maryland)
Counsel for the Association
of American Railroads

¹ A search of the STB's website does not produce a decision for the request referenced by SCAG numbered WB 19-54. The letter decision in WB 19-62 granted the request for "traffic originating, terminating, passed through, or interchanged in the state of California" and the request did not include revenue information. Letter from Dr. William Brennan, Director, Office of Economics, to Scott Strelecki, Regional Planner, SCAG, at 1 (Feb. 6, 2020).