

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

Office of Economics

November 15, 2021

Ms. Prithvi Deore
Southern California Association of Governments
Regional Planner
900 Wilshire Blvd
Ste. 1700
Los Angeles, CA 90017

Re: Waybill Request WB21-80

Dear Ms. Deore:

The Surface Transportation Board (STB or Board) has approved your request to extend your access to the STB Carload Waybill Samples for 2011-2019 regarding traffic that originated, terminated, interchanged in, or that passed through California, with masked revenues, originally obtained in WB20-48. This data may only be used for the purposes detailed 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) *Scott Strelecki – Southern California Association of Governments*
- b) *Prithvi Deore – Southern California Association of Governments*

The expiration date for this agreement is November 30, 2022. 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). Any request for renewal will need to provide a detailed explanation for why continued access to the data is necessary and demonstrate that you are continuing to actively use the data for the originally requested purpose.

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

Waybill Agreement WB21-80

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, the extension is granted.

Sincerely,

William Brennan

William Brennan, PhD
Chief Economist & Director
Office of Economics

Waybill Agreement WB21-80

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: Scott Strelecki

Scott Strelecki

Digitally signed by Scott Strelecki
DN: cn=Scott Strelecki, o=SCAG, ou=Goods Movement -
Transportation Finance, email=strelecki@scag.ca.gov, c=US
Date: 2021.11.16 14:31:21 -08'00'

Signature

Waybill Agreement WB21-80

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By: Prithvi Deore

**Prithvi
Deore**

Digitally signed by Prithvi Deore
DN: cn=Prithvi Deore, o=SCAG,
ou=Goods Movement,
email=deore@scag.ca.gov, c=US
Date: 2021.11.16 14:40:13 -08'00'

Signature



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November 8, 2021

Dr. William Huneke
Director, Office of Economics
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

**Subject: Request to Extend Access to 2011 through 2019 Confidential
Carload Waybill (WB19-49, WB19-54, WB19-62, WB20-48)**

Dear Dr. Huneke:

Thank you for providing the previous Confidential Carload Waybill Sample data for calendar years 2011 through 2019. I am writing on behalf of the Southern California Association of Governments (SCAG) to request extension for confidential Waybill Sample data for calendar year 2011 to 2019 (WB19-49, WB19-54, WB19-62, WB20-48) until December 31, 2022.

The justification for the use of the data remains the same as prior requests. SCAG is 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. The project's baseline year of analysis is 2019. The economic forecast portion of this study will be relying on multiple sources of information such as historical and forecast data from the Ports Los Angeles and Long Beach regarding containerized trade. The STB Waybill data will continue to provide critical piece of freight rail flows by commodity types to and out of the region, especially in distinguishing between intermodal and non-intermodal carloads for development of a Base Case for RTC simulation model runs. We continue to work directly with Class I rail operators, passenger rail operators, and the Ports of Los Angeles and Long Beach. The extended access to the data will assist in completion of the project in a timely manner.

The SCAG rail study is a highly complex project including a diverse set of freight and passenger rail stakeholders. As such, the study schedule has been modified and extended to account for the need to expand the stakeholder engagement process, as well as to consider COVID-19 pandemic impacts for certain tasks. For the study related analysis, we are again requesting the full confidential Waybill Sample data for 2011-2019 extension to December 31, 2022, with the following clarifications: this request is strictly for the state of California and this request should not include the unmasked revenue information.

We understand that there will be an administrative fee to cover the cost of extension of data access and can work with you, as we have in the past, to

ensure timely payment. If there are any questions or additional information required, please contact me at deore@scag.ca.gov or (213) 236-1950.

Best Regards,

A handwritten signature in black ink, appearing to read 'Prithvi', with a horizontal line underneath.

Prithvi Deore
Assistant Goods Movement Planner