

February 26, 2025

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Via E-filing

Kristen Monaco, PhD
Director, Office of Economics
U.S. Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

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Office of Proceedings
February 27, 2025
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Public Record

Re: Waybill Data Request 25-04

Dear Dr. Monaco:

In a letter entered February 3, 2025, a researcher at the University of Toronto requested access to the full unmasked confidential carload waybill sample (CCWS) from 1984-2022 to research “implications of flood risk to transportation infrastructure...[and] how disruptions to rail service impact commodity flows and prices.” Letter from Derek Thiele, Ph.D. Student, University of Toronto to Dr. William Brennan [sic], Director, Office of Economics, at 1 (Feb. 3, 2025) (Request). Notice of the Request was served on February 12, 2025. The Request seeks access to waybill data to “develop and estimate a structural economic geography model that captures flood risk to rail infrastructure and the economic forces relevant to measuring the costs and benefits of rail infrastructure at each location.” *Id.* at 2. The stated objective of the research is to determine “[w]hat are the economic costs associated with the flooding of railroad infrastructure, and what does this tell us about how investments should be made considering climate risks?” *Id.* The Request is broad, covering 38 years, and includes unmasked revenues, cost, and other confidential information.

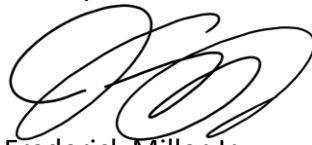
By this letter, the Association of American Railroads (AAR), on behalf of its freight railroad members, strongly objects to the release of waybill data pursuant to the Request. Entities seeking access to CCWS under the “other users” provision have a demanding standard to meet. *Procedures on Release of Data from the ICC Waybill Sample (Waybill Procedures)*, 4 I.C.C.2d 194, 1987 ICC LEXIS 377 at 5 (1987) (noting “confidential waybill data generally will not be released to other users”). As explained in *Waybill Procedures*, other users must show that “a particular and legitimate need” for the data and, generally, then one must show that there are no reasonable alternatives to obtaining the data. *Waybill Procedures* at 6.

There is no particular and legitimate need for this broad amount of information, especially revenue-related information, to be released. The Request covers 38 years of *all* CCWS data, and the data does not even appear to serve the stated purpose of the research.

Information pertinent to research about flooding is not contained in the CCWS. While there is origin, destination, interchanges, and mileage information in the CCWS, the CCWS does not reveal the routing of any traffic. There may be multiple different ways in which a movement could be routed, and that routing cannot be derived from the CCWS. The CCWS also does not reveal the exact date on which a movement was in a particular place. Further, the Request does not even attempt to limit itself to specific origins, destinations, or other areas of known flooding events, nor does it limit the timeframe of the Request for when such flooding events may have occurred. It is also unclear from the Request why all unmasked revenues data – some of the most sensitive data in the Board's possession – is necessary to conduct the research. The revenue-related data would not indicate impacts on price from flooding or routing changes due to flooding, as prices are established prior to the movement. The Request should be denied. It is too broad, and it provides no particular or legitimate need for the information contained in the CCWS, especially the unmasked revenues, costs, and other confidential information, much less 38 years' worth of that information.

For these reasons, the Request should be denied. I appreciate your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'JFM', written in a cursive style.

J. Frederick Miller Jr.

Counsel for the Association of American Railroads