

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

March 6, 2025

Derek Thiele
Economics PhD Student
Department of Economics
University of Toronto
150 St George Street
Toronto, ON M5S 3G7

Re: Waybill Request WB25-04

Dear Mr. Thiele:

This letter responds to your request under 49 C.F.R. § 1244.9(c) of February 03, 2025, for access to the unmasked, Confidential Carload Waybill Sample (CCWS) for the years of 1984-2022. You requested the data for academic research, specifically, 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 investments at each location.” Notice of your request was published in the Federal Register on February 12, 2025 (90 Fed. Reg. 28, 9491), and an objection from American Association of Railroads (AAR) was received on February 26, 2025. AAR objected to your request as “[i]t is too broad, and it provides no particular or legitimate need for the information contained in the CCWS.”

I have reviewed your request and AAR’s objection. The CCWS contains data that is highly confidential to rail shippers and railroads. Unmasked revenue data, in particular, are among the most commercially sensitive information that railroads possess. The Board has, under appropriate circumstances, granted access to the CCWS for academic professionals who are working on a research project where the proposed project 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 about your proposed use of the full, unmasked CCWS data, your request does not provide sufficient information to justify the release of such a broad and sensitive dataset (all CCWS records for nearly 40 years). I am therefore denying your request.

First, the CCWS does not provide detailed routing information or timing information that would be required to map the CCWS data to pre- and post-flood events as you propose to do, and it is therefore unclear why the requested data would be necessary to your research. Second, you have not justified the breadth of your request in connection to your research purpose. For example, even assuming that the CCWS data contains relevant and necessary information, it is unclear why all 38 years of data from all geographic locations are needed, as opposed to a more limited subset that is linked to known flood events. Third, although you state that access to all unmasked revenue and rate information is necessary “to ensure precise estimates and avoid sample selection bias,” you have not explained how the data that you seek would enable you to do so or why other less intrusive alternatives could not reasonably serve this purpose.

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To resubmit a request with additional detailed information and/or a narrower scope, 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**

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Kristen Monaco, PhD
Director
Office of Economics