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December 5, 2017

BY HAND DELIVERY

William Brennan, PhD
Acting Director
Office of Economics
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Request for Permission to Use Data from STB Carload Waybill Sample

Dear Mr. Brennan:

On behalf of Trinity Industries, Inc. ("Trinity"), we hereby request that the Surface Transportation Board ("STB") take the following actions:

- grant access for Trinity and its consultant to use the specific items in the STB Carload Waybill Sample for 2016 identified at Attachment A to this letter; and
- grant an extension of Waybill Agreements WB605, WB605-1, WB605-2, WB605-3, WB605-5, WB605-6, WB605-7, WB605-8, WB605-9, WB605-10, WB605-11, WB605-12 and WB17-04 to permit continued access for Trinity and its consultant to data from the STB Carload Waybill Sample for 2003, 2004, 2005, 2006, 2007, 2008 2009, 2010, 2011, 2012, 2013, 2014 and 2015.

Our request for access to the 2016 data is made pursuant to 49 C.F.R. §1244.9(c). Specifically, we request that the STB grant access to certain data from the Carload Waybill Sample for 2016 to Trinity through its consultant, Patrick J. Krick. Trinity is a manufacturer of railcars, including tank cars, hoppers, box cars, gondolas, intermodal cars and auto carriers, as well as railcar components. In addition, Trinity provides comprehensive railcar fleet management services, including railcar leasing and financing, administration, regulatory compliance, tax preparation, and maintenance and repairs.¹ Mr. Krick is an experienced,

¹ Additional information regarding Trinity's railcar businesses is available at www.trinityrailcar.com.

independent transportation economist who has been retained by Trinity to conduct research regarding trends in rail freight traffic and equipment usage. As discussed further herein, the studies that Mr. Krick develops for Trinity are properly aggregated to safeguard the confidentiality of the Carload Waybill Sample data he has used in those studies.

I. Trinity's Request for Confidential Data Excludes Many Highly Sensitive Fields

Trinity has excluded from the list of data fields at Attachment A numerous fields of the confidential Carload Waybill Sample data file that identify cost and revenue information. Trinity has determined that these excluded fields are not of central importance to the studies to be conducted on its behalf by Mr. Krick. Moreover, Trinity has endeavored to exclude from its request all data fields that could contain or reveal other particularly sensitive and/or shipper-specific data. The data fields that Trinity has included in this request are important to the research conducted by Trinity's consultant, and Trinity's consultant adheres strictly to the STB's aggregation and confidentiality requirements when using the confidential data it receives for the narrow purposes described herein.

II. Trinity's Request for a Limited Range of Data Fields Is Tailored to Its Research Goals

The purpose of the instant request is to permit Mr. Krick to prepare analyses of (1) trends in the uses of and handling of various combinations of rail-hauled commodities by equipment types, particularly tank car traffic; and (2) the effects of various regulatory changes in equipment standards and uses that have been or may be proposed. These analyses will permit Mr. Krick to report to Trinity regarding the types of railcars required by U.S. fleets, particularly with respect to freight movements of commodities for which safety and security are key concerns.

These studies permit Trinity to enhance its understanding of the numerous types of railcars in use in the rail system as well as the range of specific uses to which this equipment is applied. These studies enhance its ability to design equipment and services that address the needs of the shipping and carrier communities more efficiently and directly, and in that way create a safer operating environment for these parties and the general public, as well. As discussed herein, the insights that Trinity gains from these studies would be impossible to develop from the Public Use Waybill file. Consequently, the selected fields identified in Attachment A provide essential information that permits Trinity's consultant to perform studies that in turn permit Trinity to better serve the U.S. freight rail industry.

III. The Board's Standard Measures Will Safeguard the Confidentiality of Released Data

Trinity is aware that the STB Carload Waybill Sample data identified in Attachment A to this request contain confidential shipper and railroad data. Consequently, Trinity understands that the use of this portion of the 2016 STB Carload Waybill Sample data would be conditioned

upon an agreement that the confidentiality of the data released would be maintained. Further, it is understood that Mr. Krick will be the sole person to have access to the Carload Waybill Sample data on Trinity's behalf, his use of the data will be limited to the purposes set forth in this letter, and that any information Mr. Krick generates from the sample for Trinity's use will conform to the aggregation requirements the Board has set forth as effective protection of confidentiality. Both Trinity and Mr. Krick are prepared to sign agreements to this effect prepared by the STB.²

Trinity submits that these procedures and commitments including the limited range of data fields identified in Attachment A, the use of which is limited to the purposes identified in this request, constitute an appropriate safeguard and effectively eliminate the potential for competitive harm posed by the release of data to Trinity's consultant.

Pursuant to 49 C.F.R. §1244.9(e)(2), we are filing an original and two copies of the instant request. Pursuant to 49 C.F.R. §1002.2(f),³ Trinity is enclosing with this letter a check for \$558 which covers the fee for processing the paperwork related to this request (\$450) and the fees for access to the 2016 STB Carload Waybill Sample for Mr. Krick (\$54) and for an officer of Trinity (\$54). Finally, we have enclosed a copy of the first page of this request. Please stamp this page with the date of receipt by your office, and return it to me in the enclosed self-addressed stamped envelope.

Please contact the undersigned if you require any additional information.

Sincerely,


John B. Totaro, Jr.

Encl.

² Assuming that the STB grants the access to the 2016 Carload Waybill Sample data requested in this letter, Trinity requests that the STB release these data directly to Mr. Krick. Mr. Krick's street address is 312 Willow Ridge Road, Fort Worth, TX 76103, and his email address is pjkrick@charter.net.

³ Revised by *Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—2017 Update*, 82 Fed. Reg. 35906, 35909 (August 2, 2017).

ATTACHMENT A

Trinity Industries, Inc., requests permission for its consultant to use the following data fields from the STB Carload Waybill Sample for 2016:

<u>Item</u>	<u>Name</u>
1	Unique Serial Number
2	Waybill Number
3	Waybill Date
4	Accounting Period
5	Number of Carloads
6	Car Initial
7	Car Number
8	Intermodal TOFC/COFC Service Code
9	Number of TOFC/COFCs
10	TOFC/COFC Initial
11	TOFC/COFC Number
12	Commodity Code (STCC)
13	Billed Weight
14	Actual Weight
18	Inter/Intra State Code
19	Transit Code
20	All Rail/Intermodal Code
21	Type Move (import/export)
22	Type Move Via Water
23	Substituted Truck for Rail
24	Shortline Miles
25	Rebill Code
26	Stratum Identification
27	Subsample Code
28	Intermodal Equipment Flag
30	Waybill Identifier (MRI only)
31	Reporting Railroad
32	Origin FSAC
33	Origin Railroad
34	Interchange #1 Rule 260
35	First Bridge RR
36	Interchange #2 Rule 260
37	Second Bridge RR
38	Interchange #3 Rule 260
39	Third Bridge RR
40	Interchange #4 Rule 260
41	Fourth Bridge RR
42	Interchange #5 Rule 260
43	Fifth Bridge RR

ATTACHMENT A to Trinity Industries, Inc. Request (cont.)

44	Interchange #6 Rule 260
45	Sixth Bridge RR
46	Interchange #7 Rule 260
51	Termination Railroad
52	Termination FSAC
53	Population Count
54	Stratum Count
55	Reporting Period Length
58	Car Capacity
59	Nominal Car Capacity
60	Tare Weight of Car
61	Outside Length
62	Outside Width
63	Outside Height
64	Extreme Outside Height
65	Type of Wheel Bearings and Brakes
66	Number of Axles
67	Draft Gear
68	Number of Articulated Units
69	Pool Code Number
70	AAR Equipment Type
71	Mechanical Designation
72	Licensing State (TOFC)
73	Maximum Weight on Rail
76	STCC w/o Hazardous (49) Codes
77	Origin Railroad Alpha
78	First Interchange RR Alpha
79	Second Interchange RR Alpha
80	Third Interchange RR Alpha
81	Fourth Interchange RR Alpha
82	Fifth Interchange RR Alpha
83	Sixth Interchange RR Alpha
86	Termination Railroad Alpha
87	Junction Frequency
88	Theoretical Expansion Factor
89	Routing Error Flag
90	STB Car Type
92	AAR/RAILINC Error Codes
93	Car Ownership
94	AAR TOFC/COFC Unit Type
95	Deregulation Date
96	Deregulation Flag
97	Service Type
98	Expanded Carloads

ATTACHMENT A to Trinity Industries, Inc. Request (cont.)

99	Billed Weight in Tons
100	Expanded Tons
101	Expanded Trailer/Container Count
113	First Railroad Distance
114	Second Railroad Distance
115	Third Railroad Distance
116	Fourth Railroad Distance
117	Fifth Railroad Distance
118	Sixth Railroad Distance
119	Seventh Railroad Distance
122	Termination Railroad Distance
123	Total Distance
124	Origin State Alpha
125	First Junction State Alpha
126	Second Junction State Alpha
127	Third Junction State Alpha
128	Fourth Junction State Alpha
129	Fifth Junction State Alpha
130	Sixth Junction State Alpha
131	Seventh Junction State Alpha
134	Termination State Alpha
135	Origin BEA Area
136	Termination BEA Area
156	State Through Indicators
157	International Harmonized Code
158	Standard Industrial Classification
159	International S. I. C.
160	Dominion of Canada Code
161	CS54 Group Code
182	Exact Expansion Factor
193	Transborder Flag