

Office of the Chairman

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

March 28, 2012

Emily Schleicher Bremer
Attorney Advisor
Administrative Conference of the United States
1120 20th Street, NW
Suite 706 South
Washington, D.C. 20036

Dear Ms. Bremer:

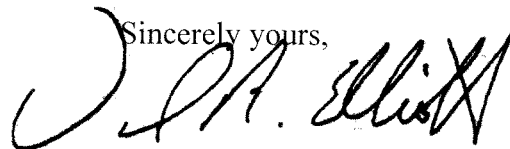
This responds to your inquiry dated March 21, 2012, inviting agency comments regarding draft recommendations for reforming the Paperwork Reduction Act. The Surface Transportation Board (Board) is an independent federal agency with broad authority over matters relating primarily to the economic regulatory oversight of freight railroads. The Board currently has 18 information collections that are reviewed by the Office of Management and Budget, and several more for which we are in the process of seeking approval. I have reviewed the draft recommendations, and my comments, on behalf of the Board, are as follows:

As a small agency with limited resources, we support the recommendation to consider crafting a more lenient standard for information collections that are certified by the agency to be needed to perform a regulatory analysis required by law. While these collections may be improved through a public comment period, they are inherently “needed” and “useful,” and therefore, should not be subjected to the degree of scrutiny appropriate for an information collection that is entirely discretionary. Similarly, we support the suggestion to streamline the public participation requirements for the renewal of collections with no significant changes. In particular for these collections, we support the suggested elimination of the 60-day comment period (one of two comment periods currently required to renew a collection).

We also support the recommendation to grant OMB discretion to approve collections for up to five years, rather than the current three. As an agency that has had significant success streamlining the regulatory process by exempting from full regulatory review certain categories of transactions that are typically without controversy, we also support the suggestion that OMB exempt from the PRA process collections below a certain burden threshold unless they raise novel legal, policy, or methodological issues.

Finally, given the pervasive use of agency websites and social media that has developed since the PRA regulations were first promulgated, we would support efforts to use alternative means of engaging the public (in addition to a formal Federal Register notice) during the comment period if those alternative means are appropriate to the targeted respondent group and consistent with available resources. Adoption of the reforms noted above, which would streamline the existing PRA process, would presumably free up agency resources that could be used to expand public participation in more meaningful ways.

Should you need further information, I have asked Marilyn Levitt, an attorney in the General Counsel's Office with extensive expertise in the PRA, to serve as the Board's contact on any questions you may have related to our comments. Marilyn can be reached at Marilyn.Levitt@stb.dot.gov or at (202) 245-0269.

Sincerely yours,

Daniel R. Elliot III
Chairman