

CERTIFICATION

I, the undersigned, _____
of (Title of officer in charge of accounts) _____

(Full name of reporting company) _____

certify that during the calendar year 19_____
the branch line accounting system data were
collected and maintained for each line that
met the criteria set forth in 49 CFR 1201,
Subpart B, section 920(a), Lines For Which
Data Collection Is Required, (Docket No.
36366).

Signature _____

Date _____

The lines covered by this certification are
described below: (Describe each branch line
separately using the following format as set
forth in 49 CFR 1152.11.)

(a) Carrier's designation for line (Ex.
Zanesville Secondary Track);

(b) State or states in which line is located;

(c) County or counties in which line is lo-
cated;

(d) Milepost delineating each line or por-
tion of line;

(e) Agency or terminal station(s) located
on line or portion of line with milepost des-
ignations;

(f) Current category designation and date
placed in that category; and

(g) Previous category.

[44 FR 9730, Feb. 14, 1979, as amended at 47
FR 49596, Nov. 1, 1982]

PARTS 1202-1219 [RESERVED]

**Parts 1220-1239—Preservation of
Records**

NOTE: Section 20(7)(b) of the Interstate
Commerce Act includes the following provi-
sion:

Any person who shall knowingly and will-
fully make, cause to be made, or participate
in the making of, any false entry in any an-
nual or other report required under this sec-
tion to be filed, or in the accounts of any
book of accounts or in any records or memo-
randa kept by a carrier, or required under
this section to be kept by a lessor or other
person, or who shall knowingly and willfully
destroy, mutilate, alter, or by any other
means or device falsify the record of any
such accounts, records, or memoranda, * * *
shall be deemed guilty of a misdemeanor and
shall be subject, upon conviction in any
court of the United States of competent ju-
risdiction to a fine of not more than five
thousand dollars or imprisonment for not
more than two years, or both such fine and
imprisonment: *Provided*, That the Board may

in its discretion issue orders specifying such
operating, accounting, or financial papers,
records, books, blanks, tickets, stubs, cor-
respondence, or documents of such carriers,
lessors, or other persons as may, after a rea-
sonable time, be destroyed, and prescribing
the length of time the same shall be pre-
served.

**PART 1220—PRESERVATION OF
RECORDS**

Sec.

1220.0 Applicability.

1220.1 Records required to be retained.

1220.2 Protection and storage of records.

1220.3 Preservation of records.

1220.4 Companies going out of business.

1220.5 Waiver of requirements of these regu-
lations.

1220.6 Schedule of records and periods of re-
tention.

AUTHORITY: 49 U.S.C. 721, 11144, 11145.

SOURCE: 50 FR 10775, Mar. 18, 1985 and 51 FR
22083, June 18, 1986, unless otherwise noted.

§ 1220.0 Applicability.

The preservation of record rules con-
tained in this part shall apply to the
following:

- Railroad companies
- Electric railway companies
- Express companies
- Persons furnishing cars to railroads
- Ratemaking organizations

This part applies also to the preserva-
tion of accounts, records and memo-
randa of traffic associations, demur-
rage and car service bureaus, weighing
and inspection bureaus, and other joint
activities maintained by or on behalf of
companies listed in the above para-
graph of this subpart.

[50 FR 1075, Mar. 18, 1985 and 51 FR 22083,
June 18, 1986, as amended at 51 FR 44297, Dec.
9, 1986; 62 FR 50525, Sept. 26, 1997]

**§ 1220.1 Records required to be re-
tained.**

Companies subject to this part shall
retain records for the minimum reten-
tion periods required by § 1220.6, Sched-
ule of records and periods of retention.
After the required retention periods,
the records may be destroyed at the
discretion of each company's manage-
ment. It shall be the obligation of the
subject company to maintain records
that adequately support financial and

Surface Transportation Board, DOT

§ 1220.6

operational data required by the Board. The company may request a ruling from the Board on the retention of any record. The provisions of this part shall not be construed as excusing compliance with the lawful requirements of any other governmental body prescribing longer retention periods for any category of records.

§ 1220.2 Protection and storage of records.

(a) The company shall protect records subject to this part from fires, floods, and other hazards, and safeguard the records from unnecessary exposure to deterioration from excessive humidity, dryness, or lack of ventilation.

(b) The company shall notify the Board if prescribed records are substantially destroyed or damaged before the term of the prescribed retention periods.

§ 1220.3 Preservation of records.

(a) All records may be preserved by any technology that is immune to alteration, modification, or erasure of the underlying data and will enable production of an accurate and unaltered paper copy.

(b) Records not originally preserved on hard copy shall be accompanied by a statement executed by a person having personal knowledge of the facts indicating the type of data included within the records. One comprehensive statement may be executed in lieu of individual statements for multiple records if the type of data included in the multiple records is common to all such records. The records shall be indexed and retained in such a manner as will render them readily accessible. The company shall have facilities available to locate, identify and produce legible paper copies of the records.

(c) Any significant characteristic, feature or other attribute that a particular medium will not preserve shall be clearly indicated at the beginning of the applicable records as appropriate.

(d) The printed side of forms, such as instructions, need not be preserved for each record as long as the printed mat-

ter is common to all such forms and an identified specimen of the form is maintained on the medium for reference.

[50 FR 10775, Mar. 18, 1985, as amended at 56 FR 30874, July 8, 1991]

§ 1220.4 Companies going out of business.

The records referred to in these regulations may be destroyed after business is discontinued and the company is completely liquidated. The records may not be destroyed until dissolution is final and all pending transactions and claims are completed. When a company is merged with another company under jurisdiction of the Board, the successor company shall preserve records of the merged company in accordance with these regulations.

§ 1220.5 Waiver of requirements of these regulations.

A waiver from any provision of these regulations may be made by the Board upon its own initiative or upon submission of a written request by the company. Each request for waiver shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, procedures, or techniques, or that compliance with such prescribed requirements would impose an unreasonable burden on the company.

§ 1220.6 Schedule of records and periods of retention.

The following schedule shows periods that designated records shall be preserved. The descriptions specified under the various general headings are for convenient reference and identification, and are intended to apply to the items named regardless of what the records are called in individual companies and regardless of the record media. The retention periods represent the prescribed number of years from the date of the document and not calendar years. Records not listed below shall be retained as determined by the management of each company.