

**Surface Transportation Board, DOT**

**§ 1244.4**

(b) The revenue associated with contract shipments may be encrypted (masked) to safeguard the confidentiality of the contract rates.

(1) Upon written request, the Board will provide a masking procedure for a railroad's use or will mask the contract revenues when the Waybill Sample is filed with the Board.

(2) When a railroad intends to use its own proprietary masking procedure, those procedures, and any changes in those procedures, must be approved by the Board thirty (30) days prior to their use.

(3) All railroads that use a proprietary masking procedure, and intend to continue to use the same procedure, must certify, by letter to the Board, prior to January 31 each year, that the contract revenue masking procedures are unchanged.

(4) All correspondence and certifications concerning masking procedures should be addressed to: Director, Office of Economics, Environmental Analysis, and Administration, Surface Transportation Board, Washington, DC 20423-0001, ATTN: WAYBILL COORDINATOR.

(c) Railroads moving traffic on the U.S. rail system to the Canadian or Mexican border shall include a representative sample of such international export traffic in the Waybill Sample.

(d) Railroads shall identify (flag) such movements as international traffic in the waybill records.

(e) Railroads may report information on the complete rail routing or report only information related to the U.S. portion of the movement.

(f) Railroads may mask revenue divisions associated with cross-border traffic following the masking procedures set forth in paragraphs (a) and (b) of this section.

[65 FR 37711, June 16, 2000, as amended at 66 FR 53735, Oct. 24, 2001]

**§ 1244.4 Sampling of waybills.**

(a) Subject railroads shall file waybill sample information in one of the following two ways. (1) Authenticated copies of a sample of audited revenue waybills—the manual system (§1244.3(b)). (2) A computer tape containing specified information from a

sample of waybills—the computerized system (§1244.3(c)).

(b) *The Manual System.* (1) The sample of subject waybills shall be as follows:

(i) All waybills with less than 6 carloads per waybill whose serial numbers are 1 or end in 01,

(ii) All waybills with 6 to 25 carloads per waybill whose serial numbers end in 1; and,

(iii) All waybills with 26 or more carloads per waybill whose serial numbers end in 1 or 7.

(2) The expected sampling rates for the manual system are as follows:

Numbers of carloads on waybill	Expected sample rate
1 to 5 .....	1/100
6 to 25 .....	1/10
26 and over .....	1/5

(3) Upon giving the subject roads 60 days notice, the Board may require random serial number endings in lieu of the respective endings shown in §1244.3(b). These random serial number endings would have the expected sample rates shown in §1244.3(b)(2).

(4) If the subject waybills have no waybill numbers or serial numbers, or have seriously flawed waybill or serial numbers, then the subject railroad should serialize those documents in blocks of 1,000 or blocks of multiples of 1,000 (e.g., 1, 2, . . . 1,000; 1, 2, . . .) and use these constructed serial numbers for selection purposes.

(c) *The Computerized System.* (1) The tape shall be required to conform to the standards and format specified in Statement No. 81-1, *Procedure for Sampling Waybill Records by Computer*, issued by the Surface Transportation Board, which may be revised from time to time.

(2) The sampling rates for the computerized system are as follows:

Number of carloads on waybill	Sample rate
1 to 2 .....	1/40
3 to 15 .....	1/12
16 to 60 .....	1/4
61 to 100 .....	1/3
101 and over .....	1/2

(d) *Controls and Annual Counts.* (1) Each subject railroad shall maintain a control procedure to ensure complete and accurate reporting for the waybill

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sampling. All pertinent waybill data shall be included on hard copy waybill submissions including inbound references for transit waybills. All such pertinent waybill data shall be legible.

(2) All subject railroads shall maintain a record of the number of line-haul revenue carloads that terminated on their line in a calendar year and shall furnish this number when requested by the Board.

(3) All subject railroads using the manual system of reporting shall furnish the Board, in accordance with instructions on the Transmittal Form OPAD-2, the total counts of line-haul revenue waybills terminated in each reporting period for the following three categories:

(i) Waybills, with less than six carloads per waybill,

(ii) Waybills with 6 to 25 carloads per waybill, and

(iii) Waybills with 26 or more carloads per waybill.

(4) All subject railroads on the computerized system of reporting shall furnish the Board the control counts and tape specification information as required by the Statement No. 81-1.

(5) Certification by a responsible officer of the subject railroad as to the completeness and accuracy of sample shall be made once a year in accordance with the instructions on the Transmittal Forms OPAD-1 or OPAD-2.

[46 FR 26784, May 15, 1981, as amended at 46 FR 45141, Sept. 10, 1981. Redesignated at 65 FR 37711, June 16, 2000]

### § 1244.5 Date of filing.

(a) The reporting period for which subject railroads submit waybill sample information shall be the audit (accounting) month except as specified below:

(1) Subject railroads using the computerized system may submit waybill sample information quarterly as specified in Statement 81-1.

(2) Subject railroad using the manual system may submit waybill sample information quarterly if it submits fewer than 1,000 waybills per year.

(b) Waybill sample information shall be forwarded no later than 60 days from the end of the reporting period to the Board.

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(c) When the submitted waybill sample information is returned to the submitting railroad for correction, that railroad shall resubmit corrected data to the Board promptly but no later than 60 days after its receipt.

(d) *Transmittal Forms.* (1) Subject railroads using the manual system of reporting shall complete the Transmittal Form OPAD-2, to accompany each waybill sample submission.

(2) Subject railroads using the computerized system of reporting shall complete the Transmittal Form OPAD-1, to accompany each waybill tape submission.

[46 FR 26784, May 15, 1981. Redesignated at 65 FR 37711, June 16, 2000]

### § 1244.6 Retention of files.

(a) Subject railroads which submit waybill sample data by the computerized system instead of the manual system shall retain the underlying hard copy waybills or facsimilies capable of producing legible copies, which shall be complete including inbound references for transit waybills, for a minimum period of four years.

(b) This file of retained waybills shall be maintained in such a manner that the railroads on the computerized system may readily retrieve waybill copies using the waybill identifier code as shown on the submitted computerized waybill record.

[46 FR 26784, May 15, 1981. Redesignated at 65 FR 37711, June 16, 2000]

### § 1244.7 Special studies.

(a) Although routine submission of hard copy waybills is eliminated when a railroad reports under the computerized system, the Board may order that railroad to submit hard copies of the underlying waybills for special studies.

(b) The Board may order the subject railroads to supply additional data for submitted waybill copies or records for special studies.

[46 FR 26784, May 15, 1981. Redesignated at 65 FR 37711, June 16, 2000]

### § 1244.8 Analysis of waybill data.

Users of the waybill sample when presenting waybill analysis before the Board shall ensure that the appropriate