

## SURFACE TRANSPORTATION BOARD INFORMATION QUALITY GUIDELINES

1. Purpose. The Surface Transportation Board (Board or STB) is committed to ensuring and maximizing the quality, utility, objectivity, and integrity of all information it disseminates to the public. To accomplish this objective, the Board has developed information resource management procedures and guidelines for reviewing and substantiating the quality of information before it is disseminated. In addition, the Board has established a procedure by which an affected person may obtain correction of information disseminated by the agency that does not comply with these STB guidelines or those of the Office of Management and Budget (OMB) designated below.
  
2. Authority. Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. No. 106-554; 114 Stat. 2763) directed each agency subject to the Paperwork Reduction Act (44 U.S.C. Chapter 35) to issue customized Information Quality Guidelines (I.Q. Guidelines) conforming to the general guidelines issued by OMB. Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, 67 Fed. Reg. 8452 (Feb. 22, 2002). The goal of these I.Q. Guidelines is to ensure that information disseminated by the Board will be:
  - a. Useful to the intended users of the information;
  - b. Presented in an accurate, clear, complete, and unbiased manner; and
  - c. Protected from unauthorized access or revision.

These guidelines are not a regulation. While the Board is committed to ensuring information quality through consistent use of these guidelines, they do not create any legal rights of judicial review.

3. Designated Official, I.Q. Guidelines. Christopher J. Oehrle, Information Quality Officer.
  
4. Effective Date. The Board's obligation to conduct pre-dissemination information quality reviews began with information disseminated on or after October 1, 2002. The STB will continue to rely upon some information disseminated before that date as official government data. Information that is not characterized as archival is, in effect, being continuously disseminated. Affected persons may request correction of errors contained in information either newly or continuously disseminated, as defined here and below.
  
5. Definitions.
  - a. **Information**. Any communication or representation of knowledge such as facts or data, conveyed in any form or medium, including textual, numerical, graphic, cartographic, narrative, or audiovisual, whether on paper, film, or electronic media, and whether disseminated via fax, recording, machine-readable data, or website. Information does not include hyperlinks provided to information originated by or in the custody of someone other than the Board. It also does not include opinion, unless that opinion is the Board's official point of view.

- b. **Dissemination.** Intentional distribution of information to the public that is initiated or sponsored by the Board as its official findings, point of view, or data. The Board “sponsors” distribution of information if it collects it, causes another agency to collect it, contracts or enters into a cooperative agreement with a person to collect it, or requires a person to provide information to someone else or the public on its behalf. It also sponsors information if it causes someone else to obtain, solicit, or require disclosure of information by or for the Board to third parties or the public.

“Dissemination” does not include the simple pass-through of public filings or other information received from third parties by the Board and made available for public review via the Board’s website (or at the Board’s office), without the Board’s official endorsement of its content. However, these guidelines may apply to third-party information adopted or endorsed by the Board, or used to formulate or support a regulation, guidance, or other Board decision or position.

Even if distributed by the Board, and regardless of the medium, the following types of information fall outside OMB’s definition of “dissemination” and are not subject to these guidelines:

- 1) dissemination intended to be limited to the Board’s adjudicative decisions or declaratory orders, whether ex parte or involving specific parties;
  - 2) STB archival records;
  - 3) information released to or by government employees, agency contractors, or grantees, and not intended for public release;
  - 4) information intended only for intra- or inter-agency communications;
  - 5) information released under the Freedom of Information Act (FOIA), the Privacy Act, the Federal Advisory Committee Act, or similar law;
  - 6) STB correspondence;
  - 7) information presented to Congress, such as testimony by Board members, containing information that the STB has previously disseminated to the public;
  - 8) press releases or similar communications that announce or give public notice of information the Board has disseminated elsewhere; and
  - 9) subpoenas.
- c. **Quality.** For purposes of these I.Q. Guidelines, the three main aspects of information quality are utility, objectivity, and integrity, as described below.
- d. **Utility.** Usefulness to its intended users of disseminated information, measured by reference to established criteria, such as accessibility or timeliness.

- e. **Objectivity.** Accuracy, completeness, reliability, clarity, and lack of bias in the collection, manipulation, and contextual presentation and substance of information, with appropriate levels of statistical or scientific objectivity for the type and importance of the information disseminated.
  - f. **Integrity.** Refers to protection of information from corruption or falsification by unauthorized access or revision.
6. Emergency Exception. During situations posing an imminent threat to public health or welfare, the environment, the national economy, or homeland security, the requirements of these I.Q. Guidelines may be temporarily waived.
7. Correction of Errors in Information Disseminated by the Board.

a. **Information Correction Requests.**

In accordance with these guidelines and those of OMB, affected persons may submit a written Request for Correction of errors in information disseminated by the Board to Christopher J. Oehrle, Designated Official, at

E-mail: Information.Quality@stb.gov

Fax: (202) 245-0456

Mail: Attention: Christopher J. Oehrle,  
Designated Official, I.Q. Guidelines  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

Requests for Correction must include the following information:

- 1) an explanation of how the requestor is affected by the information error;
  - 2) a description of the factual error or noncompliance with STB or OMB guidelines, including the name or number of the document in which it appears and how it was disseminated to the affected person;
  - 3) the factual basis for the assertion that Board-disseminated information contains an error, including a recommended correction, if possible;
  - 4) contact information for the affected person, including name, address, daytime telephone number, and e-mail address.
- b. **Processing Information Correction Requests.** Once an affected person provides the information required above, the Designated Official will ensure that the information originator or custodian reviews the request, makes corrections as appropriate, and responds in writing within 60 calendar days of receipt by the STB. If the request will require more than 60 calendar days to resolve, the Designated Official will so inform

the requestor, explain why, and indicate an estimated decision date. The burden of proof that the request is not frivolous, or that the correction is necessary, lies with the requesting affected person. If correction is appropriate, the STB will inform the requestor and indicate how the correction will be published.

- c. **Requests for Reconsideration.** Affected persons dissatisfied with the STB's response to an Information Correction Request may submit a Request for Reconsideration within 30 calendar days of the dated response to the original request. Requests must be directed to the Designated Official at any of the addresses in item 7.a above, and must include the following:

- 1) an explicit request for reconsideration;
- 2) a copy of the original Information Correction Request;
- 3) a copy of the STB's response to the Correction Request.

As a neutral party who neither originates nor collects information, the Designated Official will review the Request for Reconsideration, discuss the STB's response with the person who made it, decide whether to revise the STB's original response, and respond to the affected person within 60 days of receipt of the Request for Reconsideration. If the request will require more than 60 calendar days to resolve, the Designated Official will so inform the requestor, explain why, and indicate an estimated decision date. If correction is appropriate, the STB will inform the requestor and indicate how the correction will be published.

- d. **Disseminations Not Correctable Through This Process.** Disseminations already subject to a comprehensive public comment process – e.g., notices of proposed rulemaking (NPRM), environmental documents produced in compliance with NEPA, or requests for comment on information collections subject to the Paperwork Reduction Act – may not be corrected through this process. A parallel or subsequent complaint or appeal process would be unfair to those who submit timely comments through the prescribed process.

However, the STB will accept an Information Correction Request related to such a proceeding when an affected person shows a reasonable likelihood of suffering actual and imminent harm, other than from an adverse decision in the proceeding, if alleged information errors remain uncorrected prior to the end of the public comment period or final agency action. The burden of proof that the correction is necessary, and that the harm is both actual and imminent, lies with the requesting affected person.

At its discretion, the STB may also consider an Information Correction Request related to such a proceeding, if doing so is appropriate and will not delay the final action, when the effect of the alleged error upon the requestor results from the information itself, rather than the rule or final action.

If correction is appropriate, the STB will publish advance notice of it through the same medium used to disseminate the incorrect information.

8. Annual Reporting. The Board will prepare an annual fiscal-year report to OMB providing information, both quantitative and qualitative, where appropriate, on the numbers, nature, and resolution of complaints received by the agency regarding its perceived or confirmed failure to comply with these I.Q. Guidelines. As part of these reports, the Board will describe to OMB its chosen response mechanism.
9. Quality Standards for Disseminated Information. The Board reviews information for its quality (including objectivity, utility, and integrity) before it is disseminated. A basic standard of quality will be ensured and established for all information prior to its dissemination. In addition, on-going disseminated information will be reviewed on a regular basis to ensure all information is current and that it complies with these guidelines. OMB's guidelines define "quality" as an encompassing term comprising utility, objectivity, and integrity. Therefore, the guidelines sometimes refer to these three terms, collectively, as "quality." For the purpose of the Board's guidelines, the definitions set forth below will apply, consistent with the OMB Guidelines which will also apply.

Utility: The Board will assess the usefulness of the information to be disseminated to the public. Utility is achieved by continuously monitoring information needs and developing new information sources or by revising existing methods, models, and information products where appropriate.

Objectivity: The Board will ensure that disseminated information, as a matter of substance and presentation, is accurate, reliable, and unbiased. Objectivity is achieved by using reliable data sources, sound analytical techniques, and documenting methods and data sources.

Integrity: The Board will ensure that information is protected from unauthorized access, corruption, or revision (i.e., make certain disseminated information is not compromised through corruption or falsification). To ensure integrity of information disseminated, the Board has in place programs and policies for securing its information as required by the Computer Security and Government Information Security Reform Acts, and it is highly protective of information collected under pledges of confidentiality.

### **Information Quality Request Correspondence and Annual Reports**

Specific Information Quality Requests and Information Quality Annual Reports are available upon written request to Christopher J. Oehrle, Designated Officer, at the contact information provided in paragraph 7.a. above.

### **Peer Review Disclaimer**

The STB does not produce or sponsor the distribution of influential scientific information (or highly influential scientific assessments). As a result, the STB has no agenda of forthcoming influential scientific disseminations to post on its website in accordance with OMB's requirements concerning Peer Review of such information.

*Revised September 2018*