



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

ASSISTANT GENERAL
COUNSEL

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To: The Office of Regulation and Legislation

Subject: Guidance for Collecting and Validating Information on the Impact of
Proposed Time Zone Changes (Time Guidance)

The U.S. Department of Transportation (DOT) periodically receives requests from State or local governments to change their geographic area's time zone.¹ The Office of Regulation and Legislation (C-50), a unit within the Office of the General Counsel, has historically administered these requests.

If there is sufficient information to conclude that a requested time zone change may serve the "convenience of commerce," C-50 prepares a proposed rule that would make the change and invites written public comment on the proposal. The General Counsel issues the proposed rule pursuant to authority delegated by the Secretary of Transportation (Secretary). DOT diligently reviews comments received, often holds public hearings in the affected communities, and considers all relevant information in its deliberations leading to the final determination of whether to grant a request for a time zone change. If the final determination grants the request, C-50 prepares a final rule to amend the text of the Code of Federal Regulations (CFR) and works with the Bureau of Transportation Statistics (BTS) to update, validate, store, and disseminate the Time Zone geospatial layer and Time Zone Map for cartographic, geospatial analysis, and for other geospatial purposes.

BTS advises C-50 on technical issues related to time zones, as the Director of BTS serves as the senior advisor to the Secretary on data and statistics, along with building and disseminating the transportation layer of the National Spatial Data Infrastructure (NDSI).

CONVENIENCE OF COMMERCE

The statutory standard for deciding whether to change a time zone boundary is the "convenience of commerce," which includes consideration of all the impacts upon a community that would result in a change in its standard of time. C-50 has published guidance that includes a non-exhaustive list of considerations to assist with this determination.² This new Time Guidance is designed to provide more direction to staff in the Office of the General Counsel on how to collect and evaluate

¹ 49 CFR Part 71 contains the Nation's official time zone boundaries.

² See <https://www.transportation.gov/regulations/procedure-moving-area-one-time-zone-another>

information related to the convenience of commerce factors in the context of a time zone boundary change request.

PUBLIC PROCESS

Typically, a public hearing, conducted by a senior official of the Office of the General Counsel, is held in the community requesting the time zone change so that those affected by the issue can make their views known. It may also be appropriate to have the hearing conducted by another senior official in the Office of the Secretary. The public is also given typically 60 days in which to submit their written comments on the proposal's impacts upon the "convenience of commerce." After analyzing the comments, the General Counsel decides whether the change would in fact serve the "convenience of commerce." If the General Counsel finds that it would not, he or she ends the proceeding and leaves the time zone boundary unchanged. If the General Counsel finds that it would serve the "convenience of commerce," his or her recommendation is forwarded to the Secretary, who alone has authority to change a time zone boundary.³

DOT ANALYSIS OF INFORMATION

During the public comment period on a proposed rule, public hearings, and other public proceedings undertaken to consider a time zone change request, DOT will receive information on the impact that the proposed time zone change might have on the local community. DOT will rely on the best and most relevant evidence to determine whether a time zone change would serve the "convenience of commerce." The following includes a non-exhaustive list of actions DOT staff may take to validate information collected to ensure it is the best and most relevant evidence:

- **Open a public docket.** As with all rulemaking proceedings, ensure that there is a docket accessible to the public where all information collected and received concerning the time zone change request is contained. This docket should be opened early in the rulemaking proceeding, typically at the time a determination is made that a request for a time zone changes provides sufficient information upon which to conduct a proceeding.
- **Docket all relevant information.** Ensure that all information gathered and received related to the time zone change request is docketed. When information is docketed, it is available to members of the local community that would be affected by the time zone change. These members of the public will be in the best position to validate the information and comment on its relevance and quality. Likewise, the docketed information will be available to other experts who may also have insight into the information's relevance and quality based on their own professional experience.
- **Read all public comments critically.** Some commenters might support, oppose, or supplement the information contained in another comment. It is important to keep an open mind about the information under review. One commenter might disagree with the data, information, or opinions presented by another commenter.

³ See 49 CFR 1.21(b)(1)(iv).

- **Use conventional methods to determine accuracy and relevance.** When information or data provided by commenters conflict, consider common sense methods to validate information. For example, there might be a need to visit the local community in-person to validate conflicting information first-hand and obtain personal knowledge of the affected community.
- **Consult DOT experts.** BTS’s Office of Spatial Analysis and Visualization (RTS-41) contains geospatial experts who can assist with questions related to geospatial analysis and are responsible for validating and updating DOT’s official Time Zone Map. Specifically, BTS/RTS-41 is available to participate in the review process for a change in the delineation of a time zone boundary when needed, to determine the impacts of 49 CFR Part 71 amendments to (a) ensure geospatial integrity and validity and (b) provide data, methods, and techniques to analyze impacts to commerce. After a time zone adjustment, BTS/RTS-41 will update and amend the official Time Zone geospatial layer and related mapping products.⁴

Other DOT experts to consider consulting include the Office of the Assistant Secretary for Transportation Policy, who may weigh in on the economic impacts of a time zone change and be otherwise available to assist in reviewing information on the convenience of commerce. DOT’s operating administrations might also have relevant experts where a time zone change might impact highway travel (e.g., the Federal Highway Administration), rail travel (e.g., the Federal Railroad Administration), or other modes of transportation (e.g., Federal Transit Administration for transit).

- **Consider the Paperwork Reduction Act (PRA), 44 U.S.C. 3501-3520 (1995).** The PRA requires each Federal agency to seek and obtain approval from the Office of Management and Budget (OMB) before undertaking a collection of information directed to 10 or more persons. While comments, information, and data submitted in response to general solicitations of public comments (e.g., rulemakings) are exempt from the requirements of the PRA, the surveying or sponsoring some other information collection must follow the PRA, which was designed, among other things, to “ensure the greatest possible public benefit from and maximize the practical utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government” and to “improve the quality and use of Federal information to strengthen decision-making, accountability, and openness in Government and society.”⁵
- **Consider the Information Quality Act (IQA), Pub. L. No.106-554.** The IQA directs the Office of Management and Budget to provide “guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies in fulfillment of the purposes and provisions of” the PRA.⁶ DOT has processes for substantiating the quality of the information it disseminates through documentation or other means appropriate to the

⁴ Please consult the March 30, 2023, [Information Memorandum to the Assistant General Counsel for Standard Operating Procedures for Updating the Time Zone Geospatial Layer](#).⁵ 44 U.S.C. 3501.

⁵ 44 U.S.C. 3501.

⁶ See OMB “[Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies](#),” 67 FR 8452 (Feb. 22, 2002).

information.⁷ In accordance with DOT Order 2100.6A, the preamble to the final rule implementing a time zone change should include a reasoned, final determination that the information upon which the rule is based complies with the IQA.⁸ Please consult DOT's guidelines implementing the IQA in assisting with this determination.⁹

⁷ See also OMB's "[Final Information Quality Bulletin for Peer Review](#)," (2004) and OMB and the Office of Science and Technology Policy's memorandum of September 19, 2007, on "[Updated Principles for Risk Analysis](#)" (M-07-24).

⁸ See Section 10(k)(1)(e), [DOT Order 2100.6A](#).

⁹ The Department of Transportation's Information Dissemination Quality Guidelines," (2019), *available at* <https://www.transportation.gov/sites/dot.gov/files/docs/regulations/513/dot-information-quality-guidelines-2019.pdf>