

Railroad Annual Reports

Section 116 of the New York State Transportation Law requires that every common carrier file an annual report with the Commissioner of Transportation. Further regulations regarding the filing of Annual Reports are found at 17 NYCRR Part 960.

NYS DOT recently transitioned the Railroad Annual Report to an on-line web form, available through the link below:

[ANNUAL REPORT FORM](#)

Instructions for completion of the Railroad Annual Report in Adobe Sign:

There are three user roles established in Adobe Sign for completion of the Annual Report. Any individual may perform as many roles as required by your organizational structure.

“Form Initiator” is the individual who will initiate preparation of the report.

“Form Filler” is the individual who will complete all the data fields within the report.

“Signer” is the individual who will sign the attestation at the end of the form.

All participants should add adobesign@adobesign.com to their address book or safe list to ensure they receive email notifications.

FORM INITIATOR:

Completion of the Annual Report form will begin with the *“Form Initiator.”* Click on the link above to open the Annual Report form in Adobe Sign.

Enter the name of the responding railroad, the date for the end of the calendar year of the report and their contact information.

Select the **“Submit”** button at the bottom of the screen. This will initiate the form and enable auto-save of all data subsequently entered in the form.

Adobe Sign will then ask the *“Form Initiator”* to enter the name and email address for the individuals who will perform the *“Form Filler”* and *“Signer”* roles (labeled as “Participant 2” and “Participant 3,” respectively). If the *“Form Initiator”* will also perform either of the other roles, they should enter their own name and email address in the appropriate fields. Once complete, the *“Form Initiator”* will select **“Next.”**

The *“Form Initiator”* then enters their own name and email address, then select **“Submit.”**

Adobe Sign will send an email to the *“Form Initiator”* to confirm their email address. Open the email and select **“Confirm my email address.”**

Adobe Sign will send an email to the *“Form Filler”* indicating that the Annual Report is ready for them to enter data and a link to the Annual Report form.

FORM FILLER:

The *“Form Filler”* will receive an email from Adobe Sign with a hyperlink to the Annual Report form. Clicking on the link will open the Annual Report form in their web browser.

The *“Form Filler”* will complete all fields in Parts A thru K.

Required fields are highlighted with a red asterisk.

All sub-total and total fields within the form automatically calculate.

Most required fields in Parts F thru I are pre-filled with \$0.00, however a few required fields are left blank to ensure the “*Form Filler*” reviews each page of the form. Complete all fields as appropriate.

Use “**Next Required Field**” in the upper right-hand corner to identify any missing required fields.

Once all fields in Parts A thru K have been completed:

- Select the “**Submit**” button at the bottom of the page.

Adobe Sign will send an email to the “*Signer*” with a link to the document.

SIGNER:

Clicking on the link in the email will open the Annual Report form.

The “*Signer*” will complete the two required signatory exception notes in Part L. Enter “None” or “n/a” if applicable.

The Railroad Annual Report Form is not set up for e-notarization at this time. Therefore, it is necessary to print, sign, scan and upload the Annual Report form to complete the submission process. Follow the instructions below to complete submission of the form.

After all fields are complete:

- Select the “**Options**” dropdown menu in the upper left-hand corner of the page.
- Select “**Print, sign and upload.**”
- Adobe Sign will ask to confirm that you want to proceed and select “**Continue.**”
- Close the “3 Simple Steps...” dialog box, then select “**Next**” at the bottom of the page, then select “**Download**” in the dialog box.
- Open the downloaded .pdf and print the Annual Report.
- Complete the signature and notarization in Part L.
- Scan the entire signed Annual Report and save it as a .pdf file.
- Select “**Upload to Submit**” button.
- Select the correct file and Adobe Sign will automatically upload the file, which completes the submission process. (Adobe Sign will confirm the page count matches the downloaded document. If they don’t match, Adobe Sign will reject to document and return to the file upload page.)

Adobe Sign will send an email to the “*Signer*” with the completed report attached for your records. A copy of the completed report will automatically be forwarded to the NYSDOT’s Rail Safety Bureau and the NYS Department of Taxation and Finance, Office of Real Property Services.

Note: Attachments in Part C are limited to 20 Mb and 500 pages per file attachment.

Applicable Laws and Regulations

NYS Transportation Law § 116. Reports of common carriers.

Every common carrier shall file an annual report with the commissioner verified by the oath of the president, vice-president, treasurer, secretary, general manager or receiver, if any, of such carrier or by the person required to file the same. The verification shall be made by said official holding office at the time of the filing of the said report, and if not made upon the knowledge of the person verifying the same shall set forth the sources of his information and the grounds of his belief as to any matters not stated to be verified upon his knowledge.

The commissioner shall prescribe the form of such reports and the character of the information to be contained therein, and may from time to time make such changes and such additions in regard to form and contents thereof as he may deem proper, and on or before June thirtieth in each year shall furnish a blank form for such annual reports to every such carrier and person. The contents of such report and the form thereof shall conform in the case of railroad companies as nearly as may be to that required of common carriers under the provisions of the act of congress, entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the acts amendatory thereof and supplementary thereto.

The commissioner may require such report to contain information in relation to rates or regulations concerning fares or freights, agreements or contracts affecting the same, so far as such rates or regulations pertain to transportation within the state. When the report of any such carrier or person is defective, or believed to be erroneous, the commissioner shall notify the carrier or person to amend the same within a time prescribed by the commissioner. The originals of the reports, subscribed and sworn to as prescribed by law, shall be preserved in the office of the commissioner. The commissioner may also require such carriers and persons to file periodic reports in the form, covering the period and at the time prescribed by the commissioner. The commissioner may require of any such carrier or person specific answers to questions upon which the commissioner may need information. The annual report required to be filed by a common carrier shall be so filed at the time prescribed by the commissioner or within such extended time as the commissioner shall allow.

If such carrier or person shall fail to make and file the annual report within the time above specified or within the time as extended by the commissioner, or shall fail to amend such report within such reasonable time as may be prescribed by the commissioner, or shall fail to make specific answer to any question, or shall fail to make the periodic reports when required by the commissioner as herein provided, within the time and in the form prescribed by the commissioner for the making and filing of any such report or answer, such carrier or person shall forfeit to the state the sum of one hundred dollars for each and every day it shall continue to be in default with respect to such annual report, amendment, answer or periodic report. Such forfeiture shall be recovered in an action brought by the commissioner in the name of the people of the state of New York. The amount recovered in any such action shall be paid into the state treasury and credited to the general fund.

17 NYCRR Part 960 Annual Reports

960.1 Annual report required.

Except as otherwise ordered or permitted by the commissioner, every common carrier subject to the jurisdiction of the commissioner is hereby directed to file annually with the commissioner a report for each calendar year on forms to be furnished by the department, in accordance with instructions of the commissioner.

(b) As used herein, the term common carrier shall be defined as set forth in subdivision 7 of section 2 of the Transportation Law.

960.2 Filing of annual reports.

(a) Each common carrier required to file an annual report shall file such report as soon as possible after December 31st of the year covered by the report, but no later than March 31st next following the end of such calendar year.

(b) All forms required by this Part may be obtained, upon request, at the principal office of the department. Failure of a common carrier to obtain a copy of any form or the instructions with respect thereto shall not be, in any respect, a reason or excuse for failure to file any report when due.

(c) All requests for waivers or modifications of all or part of the requirements of this Part shall be made in writing.

960.3 Supplementary information.

(a) Except as otherwise ordered or permitted by the commissioner each Class I, Class II and Class III railroad subject to the jurisdiction of the commissioner is required to furnish such supplemental information as the commissioner might direct and to file such supplemental information for each calendar quarter of each calendar year on forms to be furnished by the department in accordance with the instructions of the commissioner.

(b) Each railroad required to file such supplemental information shall file one copy thereof, and such additional copies as the commissioner may direct not later than 30 days after the last day of the third calendar monthly covered thereby.

(c) All forms required by this Part may be obtained, upon request, at the principal office of the department. Failure of a railroad to obtain a copy of any form or the instructions with respect thereto shall not be in any respect, a reason or excuse for failure to file any report when due.

(d) All requests for waivers or modifications of all or part of the requirements of this Part shall be made in writing.