

TABLE—ESTIMATED HOURS PER RESPONSE

Type of filing	Number of hours per response under 49 U.S.C. 10901–03 and 11323–26
Applications .....	524
Petitions * .....	58
Notices * .....	19

\* Under § 10502, petition for exemptions and notices of exemption are permitted in lieu of an application.

*Total “Non-hour Burden” Cost* (such as filing fees): None identified. Filings are submitted electronically to the Board.

*Needs and Uses:* Under the Interstate Commerce Act, as amended by the ICC Termination Act of 1995, Public Law 104–88, 109 Stat. 803 (1995), persons seeking to construct, acquire or operate a line of railroad and railroads seeking to abandon or to discontinue operations over a line of railroad or, in the case of two or more railroads, to consolidate

their interests through merger or a common-control arrangement are required to file an application for prior approval and authority with the Board. See 49 U.S.C. 10901–03 and 11323–26. Under 49 U.S.C. 10502, persons may seek an exemption from many of the application requirements of §§ 10901–03 and 11323–26 by filing with the Board a petition for exemption or notice of exemption in lieu of an application. The collection by the Board of these applications, petitions, and notices enables the Board to meet its statutory duty to regulate the referenced rail transactions. See *Table—Statutory and Regulatory Provisions* below.

*Retention Period:* Information in these collections is maintained by Board for 10 years, after which it is transferred to the National Archives as permanent records.

**DATES:** Comments on this information collection should be submitted by September 4, 2015.

**ADDRESSES:** Direct all comments to Chris Oehrle, Surface Transportation

Board, 395 E Street SW., Washington, DC 20423–0001, or to [PRA@stb.dot.gov](mailto:PRA@stb.dot.gov). When submitting comments, please refer to “Statutory Licensing and Consolidation Authority.” For further information regarding this collection, contact [PRA@stb.dot.gov](mailto:PRA@stb.dot.gov) or Chris Oehrle at (202) 245–0271. [Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.] Filings made in responses to this collection are available on the Board’s Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

**SUPPLEMENTARY INFORMATION:** Under §§ 10901–03 and 11323–26, an application is required to seek authority under these sections, unless an applicant receives an exemption under 49 U.S.C. 10502. Respondents seeking such authority from the Board must submit certain information required under the Board’s related regulations. The table below shows the statutory and regulatory provisions under which the Board requires the information collections that are the subject of this notice.

TABLE—STATUTORY AND REGULATORY PROVISIONS \*

Certificate required	Statutory provision	Regulations
Construct, Acquire, or Operate Railroad Lines .....	49 U.S.C. 10901 .....	49 CFR Part 1150.
Short Line purchases by Class II and Class III Rail Carriers .....	49 U.S.C. 10902 .....	49 CFR 1150.41–45.
Abandonments and Discontinuances .....	49 U.S.C. 10903 .....	49 CFR Part 1152.
Railroad Acquisitions, Trackage Rights, and Leases .....	49 U.S.C. 11323–26 ..	49 CFR Part 1180.

\* STB regulations may be viewed on the STB Web site under E-Library > Reference: STB Rules ([http://www.stb.dot.gov/stb/elibrary/ref\\_stbrules.html](http://www.stb.dot.gov/stb/elibrary/ref_stbrules.html)).

Under the PRA, a Federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under § 3506(c)(2)(A) of the PRA, Federal agencies are required to provide, prior to an agency’s submitting a collection to OMB for approval, a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: June 29, 2015.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2015–16447 Filed 7–2–15; 8:45 am]

**BILLING CODE 4915–01–P**

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

**Information Collection Activities: Statutory Authority To Preserve Rail Service**

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** 60-day notice and request for comments.

**SUMMARY:** As required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3519 (PRA), the Surface Transportation Board (STB or Board) gives notice of its intent to seek from the Office of Management and Budget (OMB) an extension of the information collections required under 49 U.S.C. 10904–05 and 10907, and 16 U.S.C. 1247(d).

Under these statutory provisions, the Board administers programs designed to preserve railroad service or rail rights-of-way. When a line is proposed for abandonment, affected shippers, communities, or other interested persons may seek to preserve rail

service by filing with the Board: An offer of financial assistance (OFA) to subsidize or purchase a rail line for which a railroad is seeking abandonment (49 U.S.C. 10904), including a request for the Board to set terms and conditions of the financial assistance; a request for a public use condition (§ 10905); or a trail-use request (16 U.S.C. 1247(d)). Similarly, when a line is placed on a system diagram map identifying it as an anticipated or potential candidate for abandonment, affected shippers, communities, or other interested persons may seek to preserve rail service by filing with the Board a feeder line application to purchase the identified rail line (§ 10907). When a line is so placed on the map, the feeder line applicant need not demonstrate that the public convenience and necessity require or permit the sale of the line, but need only pay the constitutional minimum value to acquire it. Additionally, the railroad owning the rail line subject to abandonment must, in some circumstances, provide

information to the applicant or offeror. The relevant information collections are described in more detail below.

Comments are requested concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

**Description of Collections**

*Title:* Statutory Authority to Preserve Rail Service.

*OMB Control Number:* 2140-0022.

*STB Form Number:* None.

*Type of Review:* Extension without change.

*Respondents:* Affected shippers, communities, or other interested persons seeking to preserve rail service over rail lines that are proposed or identified for abandonment, and railroads that are required to provide information to the offeror or applicant.

*Number of Respondents:* 40 (including informational filings required of railroads).

*Frequency:* On occasion.

**TABLE—NUMBER OF YEARLY RESPONSES**

Type of filing	Number of filings
Offer of Financial Assistance	1
OFA—Railroad Reply to Request for Information .....	2
OFA—Request to Set Terms and Conditions .....	1
Request for Public Use Condition .....	1
Feeder Line Application .....	1
Trail-Use Request .....	27
Trail-Use Request Extension	94

*Total Burden Hours* (annually including all respondents): 612 hours (sum total of estimated hours per response X number of responses for each type of filing).

**TABLE—ESTIMATED HOURS PER RESPONSE**

Type of filing	Number of hours per response
Offer of Financial Assistance	32 hours
OFA—Railroad Reply to Request for Information .....	10 hours
OFA—Request to Set Terms and Conditions .....	4 hours
Request for Public Use Condition .....	2 hours
Feeder Line Application .....	70 hours
Trail-Use Request .....	4 hours
Trail-Use Request Extension	4 hours

*Total "Non-hour Burden" Cost:* None identified. Filings are submitted electronically to the Board.

*Needs and Uses:* Under the Interstate Commerce Act, as amended by the ICC Termination Act of 1995, Public Law 104-88, 109 Stat. 803 (1995), and Section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), persons seeking to preserve rail service may file pleadings before the Board to acquire or subsidize a rail line for continued service, or to impose a trail use or public use condition. Under 49 U.S.C. 10904, the filing of an OFA starts a process of negotiations to define the financial assistance needed to purchase or subsidize the rail line sought for abandonment. Once the OFA is filed, the offeror may request additional information from the railroad, which the railroad must provide. If the parties cannot agree to the sale or subsidy, either party also may file a request for the Board to set the terms and conditions of the financial assistance. Under § 10905, a public use request allows the Board to impose a 180-day public use condition on the abandonment of a rail line, permitting the parties to negotiate a public use for the rail line. Under § 10907, a feeder line application provides the basis for authorizing an involuntary sale of a rail line. Finally, under 16 U.S.C. 1247(d), a trail-use request, if agreed upon by the abandoning carrier, requires the Board to condition the abandonment by issuing a Notice of Interim Trail Use (NITU) or Certificate of Interim Trail Use (CITU), permitting the parties to negotiate an interim trail use/rail banking agreement for the rail line.

The collection by the Board of these offers, requests, and applications, and the railroad's replies (when required), enables the Board to meet its statutory duty to regulate the referenced rail transactions. See *Table—Statutory and Regulatory Provisions* below.

*Retention Period:* Information in these collections is maintained by the Board

for 10 years, after which it is transferred to the National Archives as permanent records.

**DATES:** Comments on this information collection should be submitted by September 4, 2015.

**ADDRESSES:** Direct all comments to Chris Oehrle, Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001, or to [PRA@stb.dot.gov](mailto:PRA@stb.dot.gov). When submitting comments, please refer to "Statutory Authority to Preserve Rail Service." For further information regarding this collection, contact [PRA@stb.dot.gov](mailto:PRA@stb.dot.gov) or Chris Oehrle at (202) 245-0271. [Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877-8339.] Filings made in responses to this collection are available on the Board's Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

**SUPPLEMENTARY INFORMATION:**

Respondents seeking authority from the Board to preserve rail lines must submit certain information required under the Board's related regulations and, in some circumstances, railroads seeking to abandon a line must disclose certain information to the offeror or applicant.

*Offer of Financial Assistance.* When a rail line would otherwise be approved for abandonment (or discontinuance), any financially responsible person may seek to acquire the line for continued rail service (after abandonment has been approved), or may seek to temporarily subsidize continued operations by the incumbent railroad (after abandonment or discontinuance has been approved), by filing an OFA under 49 U.S.C. 10904 and 49 CFR 1152.27. An OFA may be submitted to the Board as soon as the railroad seeks abandonment (or discontinuance) authority. Once an OFA is submitted, the abandoning railroad must, upon request, promptly provide to any party considering an OFA and to the Board an estimate of the annual subsidy or minimum purchase price; a report on the physical condition of line; and data on traffic, revenues, net liquidation value, and the cost to rehabilitate to class I (minimum) track standards. If the parties are not able to agree upon the purchase price or subsidy, then, to move forward, either party may ask the Board to set the price or subsidy, which will be binding upon the parties if the offeror chooses to accept the terms set by the Board and proceed with the purchase.

*Public Use Request.* Any person may request that the Board prohibit an abandoning railroad from disposing of the right-of-way—for up to 180 days—without first offering the right-of-way (on reasonable terms) for other suitable public purposes (such as mass transit,

pipeline, transmission lines, recreation, etc.). Such requests are governed by 49 U.S.C. 10905 and 49 CFR 1152.28.

**Feeder Line Application.** When a line has been identified on a railroad's system diagram map as a potential candidate for abandonment (or discontinuance), but before abandonment (or discontinuance) authority has been sought, any financially responsible person (other than a Class I or II railroad) may, by filing a feeder line application under 49 U.S.C. 10907 and 49 CFR 1151, seek to acquire the line for continued rail service under the forced sale provisions of the feeder railroad development program.

**Trail-Use Request.** The Trails Act provides a mechanism whereby any interested person may seek to "railbank" a rail right-of-way that has been approved for abandonment and use the property in the interim as a recreational trail. The Board has a ministerial role in this process; under 49 CFR 1152.29, interested persons may submit a request to the Board for a trail-use condition, and if the statutory conditions are met, the Board must authorize the parties to negotiate a trail-use agreement by issuing a CITU, or, in an exemption proceeding, a NITU. The CITU or NITU typically permit negotiations for 180 days, but the negotiations can be extended upon request to the Board. Under the Trails Act, trail-use agreements are consensual, not forced. The abandoning railroad is free to choose whether or not to enter into or continue negotiations to transfer (all or part of) the right-of-way to a trail sponsor.

Under the PRA, a Federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under § 3506(c)(2)(A) of the PRA, Federal agencies are required to provide, prior to an agency's submitting a collection to OMB for approval, a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: June 29, 2015.

**Jeffrey Herzig,**  
Clearance Clerk.

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. AB 290 (Sub-No. 327X)]

#### Norfolk Southern Railway Company— Abandonment, Discontinuance of Trackage Rights and Discontinuance of Service—in Cleveland and Rutherford Counties, NC, and Cherokee County, SC

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments and Discontinuance of Service* for NSR to abandon and discontinue trackage rights and service as follows: (1) NSR will abandon approximately 11.85 miles of rail line, consisting of two line segments, one of which is located between milepost SB 144.55 and milepost SB 154.50 and the other between milepost SB 158.10 and milepost SB 160.00; (2) NSR will discontinue trackage rights granted to it by CSX Transportation, Inc. (CSXT) over approximately 22.8 miles of CSXT track, located between milepost SF 384.6 and milepost SF 407.4;<sup>1</sup> and (3) NSR will discontinue service over approximately 3.20 miles of rail line, extending between milepost SB 144.55 and milepost SB 141.35 (collectively, the Line).<sup>2</sup> The Line traverses United States Postal Service Zip Codes 28073, 28152, 28150, 28089, 28114, 28040, 28018, 28043, and 29702.

NSR has certified that: (1) No local traffic has moved over the Line for at least two years; (2) no overhead traffic has moved over the Line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; (3) no formal complaint has been filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line, and no such complaint is either pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the

<sup>1</sup> The CSXT track over which NSR has trackage rights connects the two line segments that NSR seeks to abandon.

<sup>2</sup> NSR states that, although there are different line segments involved, it operates over them as if they were a single line.

abandonment or discontinuance shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on August 5, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>3</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>4</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 16, 2015. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 27, 2015, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001.<sup>5</sup>

A copy of any petition filed with the Board should be sent to NSR's representative: William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

NSR has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. OEA will issue an environmental assessment (EA) by July 10, 2015. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877-8339. Comments on environmental and historic preservation matters must be

<sup>3</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>4</sup> Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 CFR 1002.2(f)(25).

<sup>5</sup> NSR states that it may not have title to the entire right-of-way underlying the rail line segments proposed for abandonment, which could limit the availability of the corridor for other public purposes.