

proceedings, the Blanca Spur was transferred from IPH to SLRG without Board authority, (*id.*, Ex. C), before the bankruptcy trustee for SLRG sold the Blanca Spur to CP Rio Grande under a purchase and sale agreement in January 2023, also without prior Board authority as required by 11 U.S.C. 1172. (*Id.* at 5.)

CP Rio Grande indicates Mr. Vondrak cannot be located, and according to the Illinois Secretary of State's listing of businesses registered in Illinois, IPH was involuntarily dissolved on June 10, 2022.<sup>3</sup> There is no indication that any former IPH personnel are involved with CP Rio Grande. Similarly, PBR is listed as having been dissolved on October 8, 2021,<sup>4</sup> and SLRG's bankruptcy was discussed in greater detail in *Colorado Pacific Rio Grande Railroad*, FD 36656, slip op. at 1–2 (STB served Jan. 5, 2023). Under these circumstances, the Board will not require any further action regarding the earlier acquisitions and transfers of the Blanca Spur.

The acquisition of a rail line by a Class III carrier requires prior approval from the Board under 49 U.S.C. 10902(a). Under 49 U.S.C. 10502(a), however, the Board must exempt a transaction or service from regulation upon finding that (1) the regulation is not necessary to carry out the rail transportation policy (RTP) under 49 U.S.C. 10101 and (2) either the transaction or service is of limited scope or regulation is not needed to protect shippers from the abuse of market power.

The Board finds that an after-the-fact exemption should be granted for CP Rio Grande's acquisition of the Blanca Spur. Detailed scrutiny of the proposed transaction through an application for review under 49 U.S.C. 10902 is not necessary here to carry out the RTP, and an exemption would promote the RTP by minimizing the need for regulatory control over the transaction (49 U.S.C. 10101(2)), ensuring the development and continuation of a sound rail transportation system able to compete with other modes of transportation and meet the needs of the public and national defense (49 U.S.C. 10101(4)), minimizing the need for regulatory barriers for entry into and exit from the

industry (49 U.S.C. 10101(7)), encouraging honest and efficient management of railroads (49 U.S.C. 10101(9)), and providing for the expeditious handling and resolution of proceedings required or permitted to be brought under this part (49 U.S.C. 10101(15)). Other aspects of the RTP will not be adversely affected.

Regulation of the transaction is not needed to protect shippers from an abuse of market power. CP Rio Grande purchased the Blanca Spur out of bankruptcy for the purpose of investing in the track and developing business for existing and new shippers. Granting the exemption would ensure that service along the Blanca Spur can continue because CP Rio Grande will have a common carrier obligation to provide service upon reasonable request along the track.

Under 49 CFR 1105.6(c)(1), this action, which will not result in significant changes in carrier operations, is categorically excluded from environmental review. Similarly, under 49 CFR 1105.8(b)(1), no historic report is required because the subject transaction is for continued rail service, CP Rio Grande has indicated no plans to alter railroad properties 50 years old or older, and any future abandonment of the Blanca Spur would be subject to Board jurisdiction.

*It is ordered:*

1. Under 49 U.S.C. 10502, the Board exempts CP Rio Grande's acquisition and operation of the Blanca Spur from the prior approval requirements of 49 U.S.C. 10902.

2. Notice of this exemption will be published in the **Federal Register**.

3. This decision will be effective on October 18, 2023. Petitions for stay must be filed by September 28, 2023. Petitions to reopen must be filed by October 9, 2023.

Decided: September 11, 2023.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.

**Regena Smith-Bernard,**

*Clearance Clerk.*

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**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA–2023–0002–N–25]

### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Request (ICR) summarized below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On July 5, 2023, FRA published a notice providing a 60-day period for public comment on the ICR.

**DATES:** Interested persons are invited to submit comments on or before October 18, 2023.

**ADDRESSES:** Written comments and recommendations for the proposed ICR should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find the particular ICR by selecting “Currently under Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Ms. Joanne Swafford, Information Collection Clearance Officer, at email: [joanne.swafford@dot.gov](mailto:joanne.swafford@dot.gov) or telephone: (757) 897–9908 or [arlette.mussington@dot.gov](mailto:arlette.mussington@dot.gov) or telephone: (571) 609–1285.

**SUPPLEMENTARY INFORMATION:** The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On July 5, 2023, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICR for which it is now seeking OMB approval. See 88 FR 43002. FRA received no comments related to the proposed collection of information.

Before OMB decides whether to approve the proposed collection of information, it must provide 30 days for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR

<sup>3</sup> *Business Entity Search*, Ill. Sec'y of State, [apps.ilsos.gov/businessentitysearch/](https://apps.ilsos.gov/businessentitysearch/) (click “Name” under “Choose a Search Method” and enter “Iowa Pacific Holdings” in the “Search for” box, click submit, then click the “IOWA PACIFIC HOLDINGS, LLC” entity which has “INVOLUNTARY DISSOLUTION” next to it) (last visited Sept. 5, 2023).

<sup>4</sup> *Id.* (click “Name” under “Choose a Search Method” and enter “Permian Basin Railways” in the “Search for” box, click submit, then click the “PERMIAN BASIN RAILWAYS, INC.” entity with “DISSOLVED” next to it) (last visited Sept. 5, 2023).

1320.12(a); see also 60 FR 44978, 44983 Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

*Title:* Railroad Communications.

*OMB Control Number:* 2130-0524.

*Abstract:* The railroad communications regulations in 49 CFR part 220 prescribe the minimum requirements governing wireless communications used in rail operations as well as establish the prohibitions, restrictions, and requirements that apply to the use of personal and railroad-supplied cellular telephones and other electronic devices. FRA amended its radio standards and procedures to: promote compliance by making the regulations more flexible; require wireless communications devices, including radios, for specified classifications of railroad operations and roadway workers; and retitle this part to reflect its coverage of other means of wireless communications, such as cellular telephones and data radio terminals, to convey emergency and need-to-know information. The amended regulations established safe, uniform procedures covering the use of radio and other wireless communications within the railroad industry.

*Type of Request:* Extension without change (with changes in estimates) of a currently approved collection.

*Affected Public:* Businesses.

*Form(s):* N/A.

*Respondent Universe:* 746 railroads.

*Frequency of Submission:* On occasion.

*Total Estimated Annual Responses:* 4,119,004.

*Total Estimated Annual Burden:* 95,902 hours.

*Total Estimated Annual Burden Hour Dollar Cost Equivalent:* \$6,048,539.14.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

*Authority:* 44 U.S.C. 3501-3520.

**Christopher S. Van Nostrand,**

*Acting Deputy Chief Counsel.*

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**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[FTA Docket No. FTA 2023-0021]

#### Agency Information Collection Activity Under OMB Review: Title VI as It Applies to Federal Transit Administration (FTA) Grant Programs

**AGENCY:** Federal Transit Administration, Department of Transportation.

**ACTION:** Notice of request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve the extension of a currently approved information collection: Title VI as it Applies to FTA Grant Programs.

**DATES:** Comments must be submitted before November 17, 2023.

**ADDRESSES:** To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Website:* [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments on the U.S. Government electronic docket site. (Note: The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at [www.regulations.gov](http://www.regulations.gov). Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202-366-7951.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30,

West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

*Instructions:* You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to internet users, without change, to [www.regulations.gov](http://www.regulations.gov). You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit [www.regulations.gov](http://www.regulations.gov). Docket: For access to the docket to read background documents and comments received, go to [www.regulations.gov](http://www.regulations.gov) at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Andrew Golba at (202) 366-1065, or email: [Andrew.Golba@dot.gov](mailto:Andrew.Golba@dot.gov).

**SUPPLEMENTARY INFORMATION:** Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) the necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

**Title: Title VI as It Applies to FTA Grant Programs OMB Number: 2132-0540.**

*Background:* Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) states:

“No person in the United States shall, on the grounds of race, color, or national