

acquire certain physical assets to allow construction and operation of a passenger rail transit system. The notice states that the transaction would be consummated no sooner than the December 1, 1997 effective date of the exemption. The accompanying motion to dismiss indicates that the transaction is expected to be consummated by December 31, 1997.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. A petition to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. An original and 10 copies of all pleadings, referring to Finance Docket No. 33524, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Oppenheimer Wolff & Donnelly, 1020 Nineteenth Street, N.W. Suite 400, Washington, DC 20036-6105.

Decided: December 3, 1997.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Bureau of Transportation Statistics

#### Agency Information Collection; Activity Under OMB Review; Report of Passengers Denied Confirmed Space, BTS Form 251

**AGENCY:** Bureau of Transportation  
Statistics (BTS), DOT.

will address the jurisdictional issue raised by the motion to dismiss in a subsequent decision.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, Pub. L. 104-13, the Bureau of Transportation Statistics (BTS) invites the general public, industry and other Federal Agencies to comment on the continuing need for and usefulness of DOT requiring U.S. and foreign air carriers that operate scheduled passenger service with over 60-seat aircraft to submit reports on their oversales practices. Such carriers must submit the quarterly Form 251 "Report of Passengers Denied Confirmed Space." However, carriers do not report data from inbound U.S. international flights because the protection of Part 250 "Oversales" do not apply to these flights. The Department uses Form 251 data to monitor the compliance by U.S. and foreign air carriers to the oversales provisions of Part 250.

**DATES:** Written comments should be submitted by February 9, 1998.

**ADDRESSES:** Comments should be directed to: Office of Airline Information, K-25, Room 4125, Bureau of Transportation Statistics, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

**COMMENTS:** Comments should identify the OMB # 2138-0018 and a duplicate copy should be submitted to the address listed above. Commenters wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on OMB # 2138-0018. The postcard will be date/time stamped and returned to the commenter.

**FOR FURTHER INFORMATION CONTACT:** Bernie Stankus, Office of Airline Information, K-25, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590-0001, (202) 366-4387.

**SUPPLEMENTARY INFORMATION:** OMB Approval No. 2138-0018.

**Title:** Report of Passengers Denied Confirmed Space Part 250.

**Form No.:** 251.

**Type of Review:** Extension of a currently approved requirement.

**Respondents:** Large U.S. and foreign passenger air carriers.

**Number of Respondents:** 140.

**Total Annual Burden:** 2,438 hours.

**Needs and Uses:** BTS Form 251 is a one-page report on the number of passengers denied boarding voluntarily or involuntarily, whether the bumped passengers were provided alternate transportation and/or compensation, and the amount of the payment. The report allows the Department to monitor the effectiveness of its oversales rule and take enforcement action when necessary. The involuntary denied-boarding rate has decreased over the years from 4.38 per 10,000 passengers in 1980 to 1.16 per 10,000 passengers for the nine months ended September 1997. These statistics demonstrate the effectiveness of the "volunteer" provision, which has reduced the need for more intrusive regulation.

The rate of denied boarding can be examined as an air carrier continuing fitness factor. This rate provides an insight into a carrier's policy on treating overbooked passengers and its compliance disposition. A rapid sustained increase in the rate of denied boarding often is an indicator of operational difficulty.

Because the rate of denied boarding is released quarterly, travelers and travel agents can select carriers with low bumping incidents when booking a trip. This information is made available to the public through the Air Travel Consumer Report, which the Department publishes. The report is sent to newspapers, magazines, and trade journals.

**Timothy E. Carmody,**

*Director, Office of Airline Information,  
Bureau of Transportation Statistics.*

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