

relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

Title: Uniform Criteria for State Observational Surveys of Seat Belt Use.

OMB Control Number: 2127-0597.

Affected Public: The 50 States, the District of Columbia, Puerto Rico and the territories of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam and the Virgin Islands.

Form Number: N/A.

Abstract: This collection would require the respondents, which are the States, the District of Columbia, Puerto Rico and the territories, to provide seat belt use survey information to NHTSA before they receive grant money. The Secretary of Transportation may not approve a State highway safety program which does not provide satisfactory assurance that the State will implement an annual statewide safety belt use survey in accordance with criteria established by the Secretary for the measurement of State safety belt use rates to ensure that the measurements are accurate and representative. The

surveys must be completed by the end of the calendar year and submitted to NHTSA by March 1 of the following calendar year.

Estimated Annual Burden: 19,354.

Estimated Number of Respondents: 56.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Marlene Markison,

Associate Administrator for Regional Operations and Program Delivery.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35189]

Sierra Northern Railway—Acquisition and Operation Exemption—BNSF Railway Company

Sierra Northern Railway (SNR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire, by purchase from BNSF Railway Company (BNSF), and to operate two rail lines, totaling approximately 6.5 miles of rail line in Riverbank and Oakdale, Stanislaus County, CA. SNR will acquire: (1) The Oakdale Branch located between milepost 1.0, in Riverbank, and the end of BNSF's line at milepost 7.1, in Oakdale (including the Hershey Spur); and (2) the Riverbank Industrial Park Lead, Track 7959, between Engineer's Station 8+60 and Engineer's Station 38+02, at the end of BNSF's line at the plant gate, including BNSF's sidings and related trackage.

Pursuant to the purchase agreement,¹ BNSF will grant to SNR limited overhead rights to operate over segments of BNSF's rail corridor between the two acquired lines and within the Riverbank Yard complex. BNSF will also assign to SNR certain trackage rights of Union Pacific Railroad Company (UP) over the Oakdale Branch

¹ SNR's purchase agreement was filed under seal pursuant to 49 CFR 1150.43(h)(ii).

between BNSF's Riverbank Yard and Oakdale, to the extent such UP trackage rights and obligations are related to the subject lines. SNR has disclosed that the purchase agreement contains a provision that may limit future interchange with a third-party connecting carrier. SNR states that the affected interchange point is Riverbank, CA.

The transaction is scheduled to be consummated on or shortly after the effective date of this exemption. The earliest this transaction can be consummated is November 27, 2008, the effective date of the exemption (30 days after the exemption is filed).

SNR certifies that its projected annual revenues as a result of this transaction will not result in SNR becoming a Class II or Class I rail carrier and will not exceed \$5 million.

Pursuant to the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: Collecting, storing, or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting, and shredding). The term "solid waste" is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions 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 effectiveness of the exemption. Petitions to stay must be filed no later than November 20, 2008 (7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35189 must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy must be served on David Magaw, President, Sierra Northern Railway, 341 Industrial Way, Woodland, CA 95776.

Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

Decided: November 6, 2008.

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

Kulunie L. Cannon,
Clearance Clerk.

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