

burdens set forth below. We have no reason to believe that the time necessary to comply with the information collection requirements has changed in the meantime. We would note that this estimate assumes compliance by bus operators with the information collection requirements. Reporting rates, however, have been low.

The purpose of the information collection requirements is to provide data that the Department can use in reviewing the provisions of its rule and to assist the Department in its oversight of compliance by bus companies. In particular, the data will be used to assist the Department in conducting the reevaluation of the requirements of the over-the-road bus rule mentioned in the regulation itself.

**Burden Statement:** The amount of data sought is held to the minimum amount necessary to ensure compliance with the regulation. As suggested in comments from both the bus industry and disability community commenters during the rulemaking leading to this rule, recordkeeping and reporting of this kind would be useful for the purpose of ensuring compliance. The cumulative total burden for the information collection is between 167,889 hours (low estimate) and 182,873 hours (high estimate).

**Comments are invited on:** (a) Whether this collection of information (third party notification) is necessary for the proper performance of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including through the use of automated techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Issued in Washington, DC on August 13, 2009.

**Tracey M. Jackson,**

*Office of the Chief Information Officer.*

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**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-1035]

#### Lake County, Oregon—Adverse Discontinuance of Rail Service—Modoc Railway and Land Company, LLC and Modoc Northern Railroad Company

On July 30, 2009, Lake County, OR (County) filed an application under 49 U.S.C. 10903 asking the Board to authorize the third-party, or "adverse," discontinuance of operating authority of Modoc Railway and Land Company, LLC (MR&L) and Modoc Northern Railroad Company (MNRR) over a 55.41-mile rail line between milepost 456.89 at or near Alturas, CA, and milepost 512.30 at or near Lakeview, OR.

The line includes no stations and traverses United States Postal Service ZIP codes 96101, 96108, 97635, and 97630.

According to the County, the line was constructed and operated for many years by Southern Pacific Transportation Company (SP). In 1985, the Board's predecessor, the Interstate Commerce Commission, authorized SP to abandon the line.<sup>1</sup>

The County acquired the line from SP after its abandonment. Through its Railroad Commission, the County contracted with The Great Western Railway Company (GWR) to operate the line pursuant to a modified certificate of public convenience and necessity. The County terminated rail operations by GWR, effective November 1, 1997. Thereafter, the County obtained its own modified certificate and commenced operation of the line through its Lake County Railroad division.<sup>2</sup>

In 2007, the County leased the line to MR&L and MNRR.<sup>3</sup> In 2009, according to the County, MR&L and MNRR materially breached their lease agreement with the County. The County further claims that, after the breach was not cured within the notice period required by that lease, it terminated the lease, effective May 7, 2009. The County states that it has resumed operation of the line pursuant to its residual

<sup>1</sup> See *Southern Pac. Transp. Co.—Aband.—in Modoc County, CA and Lake County, OR*, Docket No. AB-12 (Sub-No. 84) (ICC served Oct. 20, 1985).

<sup>2</sup> See *Lake County Railroad—Modified Rail Certificate*, STB Finance Docket No. 33581 (STB served Apr. 24, 1998).

<sup>3</sup> See *Modoc Railway and Land Company, LLC—Acq. & Oper. Exempt.—in Lake County, OR*, STB Finance Docket No. 34995 (STB served Feb. 28, 2007); and *Modoc Northern Railroad Co.—Acq. & Oper. Exempt.—in Lake County, OR*, STB Finance Docket No. 34996 (STB served Feb. 28, 2007).

common carrier authority, with Lake Railway acting as the County's agent for the provision of rail service on the line.

The County now seeks Board permission through an adverse discontinuance proceeding to terminate the regulatory authority of MR&L—MNRR to lease and operate the line so that it can proceed to remove them from the line.

In a decision served in this proceeding on June 15, 2009, the Board granted a petition filed by the County for exemptions from several statutory provisions and for waivers of certain Board regulations governing rail line discontinuances.<sup>4</sup>

The County states that the line does not contain federally granted rights-of-way. Any documentation in the County's possession will be made available promptly to those requesting it. The County's entire case in chief for adverse discontinuance was filed with the application.

The interests of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any interested person may file written comments concerning the proposed adverse discontinuance or protests (including protestant's entire opposition case) by September 14, 2009. The County shall file a reply, if any, by September 28, 2009. Because the County is providing for continued service on the line, all interested persons should be aware that this application is for adverse discontinuance and will not result in the abandonment of existing operations. Therefore, as discussed in the Board's June 15 decision, the Board has exempted this proceeding from the offer of financial assistance (OFA) requirements at 49 U.S.C. 10904 and waived its OFA regulations at 49 CFR 1152.27, and the Board will not entertain requests for a public use condition under 49 U.S.C. 10905 (49 CFR 1152.28) or a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29).

Persons opposing the proposed adverse discontinuance who wish to participate actively and fully in the process should file a protest. Persons who may oppose the adverse discontinuance but who do not wish to participate fully in the process by

<sup>4</sup> In response to a Board query in that decision regarding a slight discrepancy between the milepost numbers for the line in STB Finance Docket No. 33581 and in this proceeding, Lake County explains that it is using the milepost numbers set forth in STB Finance Docket Nos. 34995 and 34996 in which MR&L—MNRR obtained Board authority to lease and operate the line.

submitting verified statements of witnesses containing detailed evidence should file comments. Parties seeking information concerning the filing of protests should refer to 49 CFR 1152.25.

All filings in response to this notice must refer to STB Docket No. AB-1035 and must be sent to: (1) Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001; and (2) Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112. Filings may be submitted either via the Board's e-filing format or in the traditional paper format. Any persons using e-filing should attach a document and otherwise comply with the instructions found on the Board's <http://www.stb.dot.gov> Web site, at the "E-FILING" link. Any person submitting a filing in the traditional paper format should send the original and 10 copies of the filing to the Board with a certificate of service. Except as otherwise set forth in 49 CFR 1152, every document filed with the Board must be served on all parties to this adverse discontinuance proceeding. See 49 CFR 1104.12(a).

Persons seeking further information concerning abandonment/discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0230 or refer to the full abandonment/discontinuance regulations at 49 CFR 1152. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

The Board's June 15 decision waived compliance with its environmental and historic review regulations because the Board found that it was unlikely that the discontinuance would result in any environmental impacts or salvage. Accordingly, no environmental or historic assessment will be prepared in this proceeding.

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

Decided: August 13, 2009.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**Kulunie L. Cannon,**  
Clearance Clerk.

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2009-0106]

### Petition for Declaratory Order by Fullington Trailways, LLC

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of Petition for Declaratory Order; extension of comment period.

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) extends the reply comment period for a Petition for Declaratory Order that was published on June 4, 2009, until September 14, 2009.

**DATES:** Reply comments are due on or before September 14, 2009. The Agency will only consider reply comments responding directly to issues raised in the initial round of comments. Commenters may not use reply comments to raise new issues.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System Docket Number in the heading of this document by any of the following methods. Do not submit the same comments by more than one method. However, to allow effective public participation before the comment period deadline, the Agency encourages use of the Web site that is listed first. It will provide the most efficient and timely method of receiving and processing your comments.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

- *Hand Delivery:* Ground floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

**Instructions:** All submissions must include the Agency name and docket number for this regulatory action. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Refer to the Privacy Act heading on <http://www.regulations.gov> for further information.

**Docket:** Comments and material received from the public, as well as

background information and documents mentioned in this preamble, are part of docket FMCSA-2009-0191, and are available for inspection and copying on the Internet at <http://www.regulations.gov>. You may also view and copy documents at the U.S. Department of Transportation's Docket Operations Unit, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

**Public Participation:** The regulations.gov system is generally available 24 hours each day, 365 days each year. You can find electronic submission and retrieval help and guidelines under the "help" section of the Web site. For notification that FMCSA received the comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments on line. Copies or abstracts of all documents referenced in this notice are in the docket: FMCSA-2009-0106. For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Initial comments received after the initial comment closing date will not be considered.

#### FOR FURTHER INFORMATION CONTACT:

Genevieve D. Sapir, Office of the Chief Counsel, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366-7056.

**SUPPLEMENTARY INFORMATION:** On June 4, 2009 (74 FR 26917), FMCSA published a petition submitted by Fullington Trailways, LLC (Fullington) for a declaratory order requesting that FMCSA find that certain regularly scheduled passenger bus service provided by Fullington is in interstate commerce and not subject to the jurisdiction of the Pennsylvania Public Utilities Commission. We provided the public with a 60-day period for initial comments that expired on August 3, 2009, and a 30-day period for reply comments that expires on September 2, 2009. At least one timely filed submission during the initial comment period was not immediately available in the docket. To provide the public adequate time to respond to all timely filed initial comments, FMCSA extends