

located in Section 35, Township 18S, Range 9E.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(l)(1).

Issued on: February 22, 2012.

**David K. Kennedy,**

*Environmental Program Manager, Federal Highway Administration, Vancouver, Washington.*

[FR Doc. 2012-4623 Filed 2-27-12; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** Maritime Administration, DOT.

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

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and approval. The nature of the information collection is described as well as its expected burden. The **Federal Register** Notice (76 FR 67250) with a 60-day comment period soliciting comments on the following collection of information was published on October 31, 2011, and comments were due by December 30, 2011. As such, no comments were received. The total number of response hours reported in the prior 60-day **Federal Register** Notice was 4,075 hours. As reflected below, this number has decreased to 606 hours due primarily to a change in the number of Listening Sessions from five (5) to one (1) and a change in the number of One-on-One Interviews from 80 to 30.

**DATES:** Comments must be submitted on or before March 29, 2012.

**FOR FURTHER INFORMATION CONTACT:** Ms. Yvette M. Fields, Director, Office of Deepwater Ports and Offshore Activities, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202-366-0926; or Email: [Yvette.Fields@dot.gov](mailto:Yvette.Fields@dot.gov). Copies of this information collection can be obtained from that office.

**SUPPLEMENTARY INFORMATION:** Maritime Administration.

**Title:** Maritime Administration's Panama Canal Expansion Study Outreach Program.

**OMB Control Number:** 2133-NEW.

**Type of Request:** New Information Collection.

**Affected Public:** Federal Government; State, Local, or Tribal Governments; Shippers; Maritime Related Organizations and Associations; Local Municipal Planning Organizations; Rail and Land Transportation Companies.

**Forms:** Shipper Survey.

**Abstract:** This three-tiered information collection process will directly support the Maritime Administration's efforts to evaluate and assess the impacts of the Panama Canal Expansion on U.S. Ports and infrastructure when the expansion of the Panama Canal is completed in 2014. First, as part of its Panama Canal Outreach Program, the Maritime Administration will conduct one public Listening Session to provide a forum for stakeholders to present their views on the issues that the Maritime Administration should consider in the development of the Panama Canal Expansion Study, and to assess the various infrastructure requirements that will be associated with future trade involving the Panama Canal. Second, the Maritime Administration will conduct one-on-one interviews with key executives from various U.S. ports, port operators, and transportation service providers to identify their specific plans, investment strategies, and perspectives concerning market trends, which are a critical part of the subject Study. Finally, the Maritime Administration will conduct an on-line Panama Canal Shipper Survey in an effort to garner information regarding the current decision processes used by "Beneficial Cargo Owners" (i.e., international shippers) to determine potential changes to their logistics, networks and the contingency plans that have been developed (or will be developed) to address the potential impacts on their costs and routing strategies as a result of the expansion project.

**Annual Estimated Burden Hours:** 606.

**Addresses:** Send comments regarding these information collection activities to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street NW., Washington, DC 20503, Attention: MARAD Desk Officer. Alternatively, comments may be sent via email to the Office of Information and Regulatory Affairs (OIRA), Office of Management

and Budget, at the following address: [oir.submissions@omb.eop.gov](mailto:oir.submissions@omb.eop.gov).

**Comments Are Invited On:** 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; the accuracy of the agency'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. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

**Authority:** 49 CFR 1.66.

Issued in Washington, DC, on February 22, 2012.

**Julie Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2012-4586 Filed 2-27-12; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35592]

**RailAmerica, Inc., Palm Beach Holding, Inc., RailAmerica Transportation Corp., RailTex, Inc., Fortress Investment Group, LLC, and RR Acquisition Holding, LLC—Control Exemption—Marquette Rail, LLC**

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

**ACTION:** Notice instituting proceeding and request for comments.

**SUMMARY:** RailAmerica, Inc. (RailAmerica), Palm Beach Holding, Inc. (Palm Beach), RailAmerica Transportation Corp. (RTC), RailTex, Inc., Fortress Investment Group, LLC (Fortress), and RR Acquisition Holding, LLC (RR Acquisition) (collectively, Petitioners), seek an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 11323-25 to acquire control of Marquette Rail, LLC (Marquette Rail), a Class III rail carrier. The Board seeks comments on Petitioners' proposed acquisition of control of Marquette Rail.

**DATES:** Comments are due by March 19, 2012. Replies are due by March 26, 2012.

**ADDRESSES:** Comments may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should

attach a document and otherwise comply with the instructions found on the Board's Web site at [www.stb.dot.gov](http://www.stb.dot.gov) at the E-FILING link. Any person submitting a filing in the traditional paper format should send an original and ten (10) copies referencing Docket No. FD 35592 to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. Additionally, send one copy of any comments to Petitioners' representative: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

**FOR FURTHER INFORMATION CONTACT:**

Marc Lerner at (202) 245-0390. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** On February 3, 2012, Petitioners filed a petition for exemption pursuant to 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 11323-25 to acquire control of Marquette Rail. Under 49 U.S.C. 11323(a)(5), the acquisition of control of a rail carrier by a person that is not a rail carrier, but that controls any number of rail carriers, requires the approval of the Board. Because Petitioners are noncarriers that control a number of rail carriers, and because they seek to acquire control of Marquette Rail, the proposed transaction is within the jurisdiction of the Board. Petitioners request expedited handling of this petition.

According to the petition, RTC entered a Purchase and Sale Agreement dated January 30, 2012 (the Agreement), with Marquette Rail, Marquette Rail Corp., Farmrail System, Inc., Transportation Solutions, Inc., RC Rail Investments, LLC, Progressive Rail, Inc., JG-MQT-RR Holdings, LLC, and Richard W. Jany (collectively, Sellers). Under the Agreement, RTC will acquire control of Marquette Rail from the Sellers.

Fortress' noncarrier affiliate, RR Acquisition, currently owns about 60% of the publicly traded shares and controls the noncarrier RailAmerica, which directly controls the noncarrier Palm Beach, which directly controls the noncarrier RTC.

RailAmerica states that it controls the following Class III rail carriers: (1) Alabama & Gulf Coast Railway LLC; (2) Arizona & California Railroad Company; (3) Bauxite & Northern Railway Company; (4) California Northern Railroad Company; (5) Cascade and Columbia River Railroad Company; (6) Central Oregon & Pacific Railroad, Inc.; (7) The Central Railroad Company of Indiana; (8) Central Railroad Company

of Indianapolis; (9) Connecticut Southern Railroad, Inc.; (10) Conecuh Valley Railway, LLC; (11) Dallas, Garland & Northeastern Railroad, Inc.; (12) Delphos Terminal Railroad Company, Inc.; (13) Eastern Alabama Railway, LLC; (14) Huron & Eastern Railway Company, Inc.; (15) Indiana & Ohio Railway Company; (16) Indiana Southern Railroad, LLC; (17) Kiamichi Railroad Company, LLC; (18) Kyle Railroad Company; (19) The Massena Terminal Railroad Company; (20) Mid-Michigan Railroad, Inc.; (21) Missouri & Northern Arkansas Railroad Company, Inc.; (22) New England Central Railroad, Inc.; (23) North Carolina & Virginia Railroad Company, LLC; (24) Otter Tail Valley Railroad Company, Inc.; (25) Point Comfort & Northern Railway Company; (26) Puget Sound & Pacific Railroad; (27) Rockdale, Sandow & Southern Railroad Company; (28) San Diego & Imperial Valley Railroad Company, Inc.; (29) San Joaquin Valley Railroad Company; (30) South Carolina Central Railroad Company, LLC; (31) Three Notch Railway, LLC; (32) Toledo, Peoria & Western Railway Corporation; (33) Ventura County Railroad Corp.; and (34) Wiregrass Central Railway, LLC.

Further, Fortress, on behalf of other equity funds managed by it and its affiliates, directly controls the noncarrier FECR Rail LLC, which directly controls FEC Rail Corporation, which directly controls Florida East Coast Railway, LLC, a Class II rail carrier.

Petitioners state that Mid-Michigan Railroad, Inc. (MMRR), which is controlled by RailAmerica, operates between milepost 137.8 at Lowell, Mich., and milepost 159.5 at Walker, Mich., and is crossed by CSX Transportation, Inc. (CSXT) at MMRR milepost 2.9. Marquette Rail's line<sup>1</sup> physically ends north of the MMRR line at Turner Avenue NW. Thus, to facilitate interchange with CSXT, Marquette Rail uses CSXT's track that crosses the MMRR line to reach CSXT's Wyoming Yard, the point of interchange for cars received from Marquette Rail. According to Petitioners, the only way for Marquette Rail to reach Wyoming Yard is by operating over the CSXT line. Petitioners further state that the diamond over the MMRR track is used by Marquette Rail solely for the purpose of interchanging traffic with CSXT at Wyoming Yard and that Marquette Rail

<sup>1</sup> The Board previously granted Marquette Rail an exemption to lease from CSXT approximately 129.03 miles of rail line in *Marquette Rail, LLC—Lease & Operation Exemption—CSX Transp., Inc.*, FD 34728 (STB served Oct. 26, 2005).

has no other rights to use the crossing track.

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). Comments on the proposed acquisition of control may be filed as set forth above.

Board decisions and notices are available on our Web site at "[www.stb.dot.gov](http://www.stb.dot.gov)".

Decided: February 23, 2012.

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

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. 2012-4679 Filed 2-27-12; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35496]

#### Denver & Rio Grande Railway Historical Foundation d/b/a Denver & Rio Grande Railroad, L.L.C.—Petition for Declaratory Order

**AGENCY:** Surface Transportation Board.

**ACTION:** Institution of declaratory order proceeding.

**SUMMARY:** In response to a petition filed by the Denver & Rio Grande Railway Historical Foundation, Inc. (DRGHF) on July 12, 2011, the Board is instituting a declaratory order proceeding under 49 U.S.C. 721 and 5 U.S.C. 554(e). DRGHF requests that the Board issue an order declaring that municipal zoning law is preempted with respect to DRGHF's activities on a parcel of land leased by DRGHF in Monte Vista, Colo.

**DATES:** DRGHF's opening evidence is due by March 26, 2012. Replies are due by April 26, 2012. DRGHF's rebuttal is due by May 11, 2012.

**ADDRESSES:** Any filing submitted in this proceeding must be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's Web site, at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies (and also an electronic version), referring to Docket No. FD 35496, to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, 1 copy of each filing in this proceeding must be sent to each of the following: (1) Donald H. Shank, Denver & Rio Grande Railway Historical