

whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

#### Description of Collection

*Title:* Arbitration "Opt-in" Notices.

*OMB Control Number:* 2140-0020.

*Form Number:* None.

*Type of Review:* Extension without change.

*Respondents:* All regulated rail carriers.

*Number of Respondents:* 2.

*Estimated Time per Response:* 0.5 hours.

*Frequency:* Annually.

*Total Burden Hours* (annually including all respondents): 1.0 hours.

*Total "Non-Hour Burden" Cost:* None identified. Filings are submitted electronically to the Board.

*Needs and Uses:* Under the Interstate Commerce Act, as amended by the ICC Termination Act of 1995, Public Law No. 104-88, 109 Stat. 803 (1995), the Board is responsible for the economic regulation of common carrier rail transportation. Under 49 CFR 1108.3, rail carriers subject to the Board's jurisdiction may agree to participate in the Board's arbitration program by filing a notice with the Board to "opt in." Once a rail carrier is participating in the Board's arbitration program, it may discontinue its participation only by filing a notice to "opt out" with the Board, which would become effective 90 days after its filing.

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under 44 U.S.C. 3506(c)(2)(A), federal agencies are required to provide, prior to an agency's submitting a collection to OMB for approval, a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: December 9, 2019.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2019-26782 Filed 12-11-19; 8:45 am]

**BILLING CODE 4915-01-P**

## SURFACE TRANSPORTATION BOARD

### 60-Day Notice of Intent to Seek Extension of Approval: Rail Depreciation Studies

**AGENCY:** Surface Transportation Board.

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

**SUMMARY:** As required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice of its intent to seek approval from the Office of Management and Budget (OMB) for an extension of the collection of Rail Depreciation Studies, described below.

**DATES:** Comments on this information collection should be submitted by February 10, 2020.

**ADDRESSES:** Direct all comments to Chris Oehrle, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, or to [PRA@stb.gov](mailto:PRA@stb.gov). When submitting comments, please refer to "Paperwork Reduction Act Comments, Rail Depreciation Studies." For further information regarding this collection, contact Pedro Ramirez at (202) 245-0333 or [pedro.ramirez@stb.gov](mailto:pedro.ramirez@stb.gov). Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** Comments are requested concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

#### Description of Collection

*Title:* Rail Depreciation Studies.

*OMB Control Number:* 2140-0028.

*Form Number:* None.

*Type of Review:* Extension without change.

*Respondents:* Class I railroads.

*Number of Respondents:* 7.

*Estimated Time per Response:*

Approximately 250 hours per study (estimating that studies will require between 125 hours and 375 hours depending on the extent to which the carrier provides assistance to outside

consultants performing the study for them).

*Frequency of Response:* Bi-annual. (Under 49 CFR part 1201, §§ 4-1 to 4-4, the Board requires all Class I (large) carriers to submit depreciation studies no less than every three years for equipment property and every six years for road property. That means that for any given six-year period, the Class I railroads must submit no less than three depreciation reports, or the equivalent of 0.5 depreciation reports per year.)

*Total Annual Hour Burden:* 875 hours (250 hours × 0.5 studies/year × 7 Class I railroads).

*Total Annual "Non-Hour Burden"*

*Cost:* Approximately \$175,000 per year. Board staff estimates that each study will cost between \$20,000 and \$80,000, which equals a cost of approximately \$10,000-\$40,000 per year. Using an average cost (\$25,000 per year × 7 Class I railroads), the non-hour burden cost is estimated to be approximately \$175,000 per year.

*Needs and Uses:* Under 49 CFR part 1201, §§ 4-1 to 4-4, the Board is required to identify those classes of property for which rail carriers may include depreciation charges under operating expenses, and the Board must also prescribe a rate of depreciation that may be charged to those classes of property. Under 49 U.S.C. 11145, Class I rail carriers are required to submit Depreciation Studies to the Board. Information in these studies is not available from any other source. The Board uses the information in these studies to prescribe depreciation rates. These depreciation rate prescriptions state the period for which the depreciation rates therein are applicable. Class I railroads apply the prescribed depreciation rates to their investment base to determine monthly and annual depreciation expense. This expense is included in the railroads' operating expenses, which are reported in their R-1 reports (OMB Control Number 2140-0009). Operating expenses are used to develop operating costs for application in various proceedings before the Board, such as in rate reasonableness cases and in the determination of railroad "revenue adequacy."

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under 44 U.S.C. 3506(c)(2)(A), federal agencies are

required to provide, prior to an agency's submitting a collection to OMB for approval, a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Information from certain schedules contained in these reports is available at the Board's website at [WWW.STB.GOV](http://WWW.STB.GOV) by navigating to "Reports & Data" and clicking on "Economic Data." Information in these reports is not available from any other source.

Dated: December 9, 2019.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2019-26783 Filed 12-11-19; 8:45 am]

**BILLING CODE 4915-01-P**

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36275]

### Middletown & New Jersey Railroad, L.L.C.—Lease and Operation Exemption Containing Interchange Commitment—Norfolk Southern Railway Company

Middletown & New Jersey Railroad, L.L.C. (M&NJ), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to continue to lease and operate approximately 36.15 miles of rail line from Norfolk Southern Railway Company (NSR) in New York (collectively, the Lines). The Lines consist of the continued lease of the following rail lines from NSR: (1) The Hudson Secondary located between milepost LX 2.1 and milepost LX 20.6 (18.5 miles in length); (2) the Walden Secondary located between mileposts DJ 5.0 through DJ 10.5 and milepost WI 29.1 through WI 32.9 (9.3 miles in length); (3) the Maybrook Industrial Track located between milepost RT 1.3 and milepost RT 7.5 (6.2 miles in length); (4) the Greycourt Industrial Track located between milepost IL 52.5 and milepost IL 53.4 (1.0 mile in length); and (5) the EL Connection Track located between milepost QK 0.0 and milepost QK 0.8 (0.8 miles in length). The Lines also consist of the continued sublease to M&NJ of NSR's lease operations over the connecting track owned by the New York, Susquehanna & Western Railway (NYS&W) located between milepost JS 63.14 and milepost LX 2.1 (approximately 0.35 miles in length), at Hudson Junction, N.Y. In conjunction with leasing (or subleasing) the Lines to M&NJ, NSR also: (1) Granted M&NJ incidental overhead trackage rights over NSR's rail line

located between milepost JS 67.50 and milepost JS 63.14 (4.36 miles in length); and (2) partially assigned to M&NJ all of NSR's rights under the NYS&W Trackage Rights Agreement for NYS&W's continued trackage rights operations over the Hudson Secondary track between Hudson Junction and Warwick, N.Y.

M&NJ entered into a lease agreement with NSR in 2010. *See Middletown & N.J. R.R.—Lease & Operation Exemption—Norfolk S. Ry.*, FD 35412, slip op. at 1-2 (STB served Sept. 16, 2010). The verified notice states that M&NJ recently entered into an amended lease agreement with NSR (Amended Agreement) that, among other things, extended the term of the lease to December 31, 2028.

M&NJ certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class I or Class II rail carrier and will not exceed \$5 million. As required under 49 CFR 1150.43(h)(1), M&NJ has disclosed in its verified notice that the Amended Agreement contains an interchange commitment.<sup>1</sup> M&NJ has provided additional information regarding the interchange commitment as required by 49 CFR 1150.33(h).

The transaction may be consummated on or after December 26, 2019, the effective date of the exemption (30 days after the verified notice of exemption was filed).

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 for stay must be filed no later than December 19, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36275, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on M&NJ's representative, Karl Morell, Karl Morell & Associates, 440 1st Street NW, Suite 440, Washington, DC 20001.

According to M&NJ, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

<sup>1</sup> A copy of the Amended Agreement with the interchange commitment was submitted under seal. See 49 CFR 1150.33(h)(1).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: December 9, 2019.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Eden Besera,**  
Clearance Clerk.

[FR Doc. 2019-26768 Filed 12-11-19; 8:45 am]

**BILLING CODE 4915-01-P**

## SURFACE TRANSPORTATION BOARD

### 60-Day Notice of Intent To Seek Extension of Approval: Information Collection Activities—Recordations (Rail and Water Carrier Liens), Water Carrier Tariffs, and Agricultural Contract Summaries

**AGENCY:** Surface Transportation Board.

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

**SUMMARY:** As required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice of its intent to seek approval from the Office of Management and Budget (OMB) for an extension of the collection required by statute for rail or water carrier equipment liens (recordations), water carrier tariffs, and rail agricultural contract summaries, as described in more detail below.

**DATES:** Comments on this information collection should be submitted by February 10, 2020.

**ADDRESSES:** Direct all comments to Chris Oehrle, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, or to [PRA@stb.gov](mailto:PRA@stb.gov). When submitting comments, please refer to "Paperwork Reduction Act Comments, Recordations (Rail and Water Carrier Liens), Water Carrier Tariffs, and Agricultural Contract Summaries." For further information regarding this collection, contact Michael Higgins, Deputy Director, Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0284 or [michael.higgins@stb.gov](mailto:michael.higgins@stb.gov). Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** Comments are requested concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether the