

two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On August 24, 2009, FRA published a 60-day notice in the **Federal Register** soliciting comment on this ICR that the agency was seeking OMB approval. 74 FR 42732. FRA received no comments in response to this notice.

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507 (b)-(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summary below describes the nature of the information collection requirement (ICR) and the expected burden for the ICR being submitted for clearance by OMB as required by the PRA.

Title: ARRA Solicitation of Applications and Notice of Funds Availability for High-Speed Rail Corridors and Intercity Passenger Rail Service—Capital Assistance and Planning Grants Program.

OMB Control Number: 2130-0583.

Type of Request: Regular Approval of an Emergency Clearance.

Affected Public: 50 States and Amtrak.

Abstract: On June 23, 2009, FRA published a Notice of Funds Availability (NOFA) and Interim Guidance for the High-Speed Rail (HSR)/Intercity Passenger Rail (IPR) Grant Program. *See* 74 FR 29900. The NOFA and Interim Guidance documents and additional information about the HSR/IPR Grant Program are available on FRA's public Web site at <http://www.fra.dot.gov/us/content/2243>. FRA plans on publishing a Final Guidance shortly in the **Federal Register**, and will also then place the Final Guidance on its Web site. The HSR/IPR Grant Program builds upon President Obama's "Vision for High-Speed Rail in America," which was issued on April 16, 2009, and which describes a

collaborative effort among the Federal Government, States, railroads and other key stakeholder to transform America's transportation system by investing in an efficient, high-speed passenger rail network of 100 to 600 mile intercity corridors.

The Interim/Final Guidance documents detail HSR/IPR Grant Program funding opportunities as well as specific application requirements and procedures. The evaluation and selection criteria are intended to prioritize projects that deliver transportation, economic recovery and other public benefits, including energy independence, environmental quality, and livable communities; ensure project success through effective program management, financial planning and stakeholder commitments; and emphasize a balanced approach to project types, locations, innovation, and timing. The program grant funds are being made available under the American Recovery and Reinvestment Act of 2009 (ARRA) and the Department of Transportation Appropriations Act of fiscal years 2008 and 2009. ARRA established the HSRIIPR Program—a new program that provides \$8 billion to support the Administration's vision for developing high-speed rail in America.

Form Number(s): FRA F 6180.132; FRA F 6180.133; FRA F 6180.134; FRA F 6180.135; FRA F 6180.138; FRA F 6180.139; SF-424; SF-424A; SF-424C; SF-424D; SF-LLL.

Annual Estimated Burden Hours: 47,450 hours.

Addressee: Send comments regarding this information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC, 20503, Attention: FRA Desk Officer. Comments may also be sent via e-mail to OMB at the following address: oir-submissions@omb.eop.gov.

Comments are invited on the following: 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.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on October 28, 2009.

Kimberly Coronel,

Director, Office of Financial Management,
Federal Railroad Administration.

[FR Doc. E9-26445 Filed 11-2-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35237]

City of Davenport, IA—Construction and Operation Exemption—in Scott County, IA

AGENCY: Surface Transportation Board, DOT.

ACTION: Change of title to the Notice of Availability of the Environmental Assessment.

SUMMARY: This document contains a change to the title of the Notice of Availability of the Environmental Assessment served and published in the **Federal Register** on Monday, October 26, 2009 (74 FR 55085) by the Board's Section of Environmental Analysis. That notice, published in this docket, was titled "Eastern Iowa Industrial Center Rail Project—Construction and Operation Exemption—City of Davenport, Iowa." The title should read, "City of Davenport, IA—Construction and Operation Exemption—in Scott County, IA."

FOR FURTHER INFORMATION, CONTACT: Christa Dean, (202) 245-0299.

[Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877-8339.]

SUPPLEMENTARY INFORMATION: On October 26, 2009, the Board served a Notice of Availability of the Environmental Assessment in this docket. The notice is related to a petition filed on July 21, 2009, by the City of Davenport, IA, seeking an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct¹ approximately 2.8 miles of rail line in Scott County, IA. The Board instituted a proceeding in this matter under 49 U.S.C. 10502(b) by decision served October 19, 2009.

Decided: October 28, 2009.

¹In an amendment filed on September 8, 2009, the City clarified that it also seeks operation authority.

By the Board, Anne K. Quinlan, Acting Secretary.

Kulunie L. Cannon,
Clearance Clerk.

[FR Doc. E9-26364 Filed 11-2-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35293]

Pinsly Railroad Company—Control Exemption—Warren & Saline River Railroad Company

By petition filed on September 9, 2009, Pinsly Railroad Company (PRC) seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 11323–25 to acquire control of Warren & Saline River Railroad Company (WSR) through the purchase of all WSR stock from Potlatch Land & Lumber, LLC (PLL). PRC seeks expedited action of this petition.¹ The Board will grant the exemption and the request for expedited action.

Background

PRC is a noncarrier holding company that currently controls five Class III rail carriers.² WSR is a Class III rail carrier, and wholly-owned subsidiary of PLL, which owns and operates approximately 5 route miles of rail line extending south and west from Warren, AR. PLL is the only active shipper on the WSR line. PRC states that AKMD leases and operates a rail line that connects with WSR at Warren.

PRC states that it executed a Stock Purchase Agreement with PLL on September 4, 2009, to acquire all of WSR's stock and assume control of WSR.³ Following consummation, PRC plans to coordinate the rail operations of

WSR and AKMD, with service continuing 5 days per week as traffic warrants. PRC seeks expedited consideration of the petition so that it can concurrently finalize its acquisition of WSR and PNW no later than December 30, 2009.

In support of its petition, PRC states that no shipper will lose rail service or any existing competitive options as a result of the proposed transaction. PRC also states that all WSR traffic, which currently moves over AKMD's line out of Warren, will continue to do so after PRC assumes control of WSR. Finally, PRC states that it, along with AKMD, will provide administrative and other support for WSR's operations when WSR and AKMD become affiliated carriers.

Discussion and Conclusions

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 prior approval by the Board under 49 U.S.C. 11323(a)(5). Under 49 U.S.C. 10502(a), however, the Board must exempt a transaction or service from regulation if it finds that: (1) Regulation is not necessary to carry out the rail transportation policy (RTP) of 49 U.S.C. 10101; and (2) either (a) the transaction or service is limited in scope; or (b) regulation is not needed to protect shippers from the abuse of market power.

An exemption from the prior approval requirements of 49 U.S.C. 11323–25 is consistent with the standards of 49 U.S.C. 10502. Detailed scrutiny of the proposed transaction through an application for review and approval under 49 U.S.C. 11323–25 is not necessary to carry out the RTP. Rather, an exemption will promote that policy by minimizing the need for Federal regulatory control over the proposed transaction, promoting a safe and efficient rail transportation system, ensuring that a sound rail transportation system will continue to meet the needs of the shipping public, and reducing regulatory barriers to entry [49 U.S.C. 10101(2), (3), (4), and (7)]. Also, by allowing PRC to integrate WSR into its existing family of Class III carriers, with attendant experience, resources, capital, and administrative support, an exemption will foster sound economic conditions in transportation, ensure effective competition and coordination between rail carriers, and encourage efficient management [49 U.S.C. 10101(5) and (9)]. Other aspects of the RTP will not be adversely affected.

Regulation of this transaction is not needed to protect shippers from an abuse of market power. PRC has

indicated that there will be no adverse impacts on rail transportation or lessening of rail competition. PRC will simply be incorporating WSR into its family of short line carriers without materially changing the operations of WSR. As a result, shippers potentially will benefit from greater efficiencies while receiving the same service. No shipper located on WSR's line is expected to lose rail service options as a result of the control transaction. The more likely result will be enhanced rail service, as shippers will benefit from the substantial experience and resources of PRC and from the connection between WSR and the other PRC-controlled carriers. Given our finding regarding the probable effect of the transaction on market power, we need not determine whether the transaction is limited in scope.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all the carriers involved are Class III rail carriers.

The acquisition of control is exempt from environmental reporting requirements under 49 CFR 1105.6(c)(2)(i) because it will not result in any significant change in carrier operations. Similarly, the transaction is exempt from the historic reporting requirements under 49 CFR 1105.8(b)(3) because it will not substantially change the level of maintenance of railroad properties.

In this proceeding, PRC has requested expedited handling of its petition to enable it to consummate the acquisition of control of WSR in conjunction with its acquisition of another Class III carrier, PNW, in a separate proceeding. PRC has requested that its acquisition of WSR become effective no later than December 30, 2009. PRC's authority to acquire PNW became effective on October 9, 2009. PRC's request is reasonable in light of the fact that the acquisition of the two Class III carriers was finalized under a single Stock Purchase Agreement. PRC's request for expedited action will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Under 49 U.S.C. 10502, the Board exempts from the prior approval

¹ PRC concurrently filed a verified notice of exemption in *Pinsly Railroad Company—Control Exemption—The Prescott and Northwestern Railroad Company*, STB Finance Docket No. 35292 (STB served Sept. 25, 2009), to obtain control of The Prescott and Northwestern Railroad Company (PNW), a Class III rail carrier, through the purchase of all PNW's stock from PLL. That exemption became effective on October 9, 2009.

² These carriers are: Pioneer Valley Railroad Company, Inc. (PVR), which operates in Massachusetts; Florida Central Railroad Company, Inc. (FCR), Florida Midland Railroad Company, Inc. (FMR), and Florida Northern Railroad Company, Inc. (FNR), each of which operates in Florida; and Arkansas Midland Railroad Company, Inc. (AKMD), which operates several disconnected line segments in Arkansas.

³ PRC has concurrently filed a motion for protective order pursuant to 49 CFR 1104.14(b) in STB Finance Docket No. 35292 to allow PRC to file the unredacted Stock Purchase Agreement under seal. The motion was addressed in a separate decision served on October 6, 2009.