



FR-4915-01-P

SURFACE TRANSPORTATION BOARD

30-day notice of intent to seek extension of approval and merger of collections: Statutory Licensing Authority

ACTION: Notice and Request for Comments

AGENCY: Surface Transportation Board

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (STB or Board) gives notice that it is requesting from the Office of Management and Budget (OMB) an extension of approval for the information collections required from those seeking licensing authority under 49 U.S.C. 10901-03 and consolidation authority under sections 11323-26. The Board is also seeking approval to merge into this collection (OMB Control Number: 2140-0023) the collection of information about interchange commitments (OMB Control Number: 2140-0016).

The Board previously published a notice about this collection on January 26, 2017 in the Federal Register. That notice allowed for a 60-day public review and comment period. No comments were received.

DATES: Comments on this information collection should be submitted by June 21, 2017.

ADDRESSES: Written comments should be identified as “Paperwork Reduction Act Comments, Surface Transportation Board: Statutory Licensing Authority.” These comments should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Chad Lallemand, Surface Transportation

Board Desk Officer, by email at oria_submission@omb.eop.gov; by fax at (202) 395-6974; or by mail to Room 10235, 725 17th Street, N.W., Washington, DC 20503. Please also direct comments to Chris Oehrle, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001, or to pra@stb.gov.

FOR FURTHER INFORMATION, CONTACT: For further information regarding this collection, contact Michael Higgins, Deputy Director, Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0284 or at Michael.Higgins@stb.gov. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: The Board currently collects information from those seeking licensing authority under OMB Control Number 2140-0023 and, under that collection, requires the disclosure of information about rail interchange commitments, which is also addressed under OMB Control Number 2140-0016. This request proposes to combine collections under Control Numbers 2140-0016 and 2140-0023 with 2140-0023 being the survivor. The Board will request to discontinue Control Number 2140-0016 upon OMB approval of the merger.

For each collection, 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 1

Title: Statutory Licensing Authority

OMB Control Number: 2140-0023

STB Form Number: None

Type of Review: Extension with change (The number of respondents increased from 74 to 76. The number of applications decreased from 2 to 1; the number of petitions decreased from 18 to 12; and the number of notices increased from 103 to 113.)

Respondents: Rail carriers and non-carriers seeking statutory licensing or consolidation authority or an exemption from filing an application for such authority

Number of Respondents: 76¹

Estimated Time Per Response:

Estimated Hours per Response

Type of Filing	Number of hours per response under 49 U.S.C. 10901-03 and 11323-26
Applications	524
Petitions*	58
Notices*	19

* Under section 10502, petitions for exemption and notices of exemption are permitted in lieu of an application.

Frequency: On occasion

Number of Responses in FY 2015

¹ Approximately 40% of the filings are additional filings submitted by railroads that had already submitted filings during the time period.

Type of Filing	Number of filings under 49 U.S.C. 10901-03 and 11323-26
Applications	1
Petitions*	12
Notices*	113

* Under section 10502, petitions for exemption and notices of exemption are permitted in lieu of an application.

Total Burden Hours (annually including all respondents): 3,367 (sum of estimated hours per response x number of responses for each type of filing)

Total “Non-hour Burden” Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: As mandated by Congress, persons seeking to construct, acquire or operate a line of railroad and railroads seeking to abandon or to discontinue operations over a line of railroad or, in the case of two or more railroads, to consolidate their interests through merger or a common-control arrangement are required to file an application for prior approval and authority with the Board. *See* 49 U.S.C. 10901–03, 11323–26. Under 49 U.S.C. 10502, persons may seek an exemption from many of the application requirements of sections 10901–03 and 11323–26 by filing with the Board a petition for exemption or notice of exemption in lieu of an application. The collection by the Board of these applications, petitions, and notices (including collection of disclosures of rail interchange commitments under 49 CFR 1121.3(d), 1150.33(h), 1150.43(h), and 1180.4(g)(4)) enables the Board to meet its statutory duty to regulate the referenced rail transactions.

DESCRIPTION OF COLLECTION 2

Title: Disclosure of Rail Interchange Commitments

OMB Control Number: 2140-0016

STB Form Number: None

Type of Review: Merger

Respondents: Noncarriers and carriers seeking an exemption to acquire (through purchase or lease) or to operate a rail line, if the proposed transaction would create an interchange commitment.

Number of Respondents: Four

Estimated Time Per Response: Eight hours

Frequency: On occasion

Total Burden Hours (annually including all respondents): 32 hours

Total “Non-hour Burden” Cost: None identified. Filings may be submitted electronically to the Board.

Needs and Uses: Under 49 U.S.C. 10502, noncarriers and carriers may seek an exemption from the prior approval requirements of sections 10901, 10902, and 11323 to acquire (through purchase or lease) or to operate a rail line. These transactions may create agreements with interchange commitments. If the interchange commitments limit the future interchange of traffic with third parties, then certain information must be disclosed to the Board about those commitments. 49 CFR 1121.3(d), 1150.33(h), 1150.43(h), 1180.4(g)(4). The collection of this information facilitates the case-specific review of interchange commitments and enables the Board's monitoring of their usage generally.

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. Section 3507(b) of the PRA requires, concurrent with an agency's submitting a collection to OMB for approval, a 30-day notice and comment period through publication in the Federal Register concerning each proposed collection of information.

Dated: May 17, 2017.

Jeffrey Herzig

Clearance Clerk

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