

burden of intrastate CMV drivers because the Agency believed that the HOS burden imposed on these drivers was not subject to reporting under the PRA. The Agency estimated that 2.84 million drivers were subject to the IC requirements of the HOS rules.

The agency received one comment in response to the notice. The National Ready Mixed Concrete Association (NRMCA) asked the Agency to amend the “short-haul” exception of section 395.1(e)(1) so that more CMV drivers could operate under its terms. As explained above, short-haul drivers are not required to maintain a RODS or supporting documents on board the CMV. NRMCA pointed out that expanding the number of drivers qualifying as “short-haul” drivers would reduce the overall paperwork burden of this ICR. The Agency will take the NRMCA suggestion under advisement. By law, formal rulemaking is required to amend Federal regulations, including publication of the proposed amendment in the **Federal Register** and an opportunity for public comment.

On September 12, 2014, FMCSA published the second notice of this ICR as required by law, and asked the public to submit comments to OMB on its IC burden estimate of 106.89 million hours (79 FR 54776). Subsequently, the OMB directed FMCSA to account for the IC burden imposed on intrastate drivers and their motor carriers by State HOS laws. It concluded that this burden was subject to reporting under the PRA because FMCSA requires its State grantees to adopt compatible HOS rules as a condition of receiving funding under the Agency’s Motor Carrier Safety Assistance Program. Today, FMCSA publishes this 30-day notice to revise its burden estimate for this IC and provide for public comment on it. The Agency today includes approximately .82 million intrastate drivers and revises its estimate of the total population of interstate and intrastate CMV drivers subject to the recordkeeping requirements of the HOS rules—3.66 million. Accordingly, the Agency revises its estimate of the IC burden of the HOS rules—137.89 million hours. These estimates supersede those set forth in the September 12 notice.

The Agency’s request for OMB approval of its amended estimate of the IC burden of the HOS rules is not the result of amendment of those rules. Aside from the 2014 adjustments related to the HOS burden of intrastate CMV drivers, the Agency’s estimate is the result of two program adjustments. The first program adjustment is revised estimates of the number of drivers

operating CMVs in interstate and intrastate commerce and of the number of CMV drivers subject to the HOS rules. The approved 2011 ICR estimated that 7.0 million CMV drivers operated in interstate and intrastate commerce and that 4.6 million of those drivers were subject to the recordkeeping requirements of the HOS rules. Today the Agency estimates that 5.7 million CMV drivers operate in interstate and intrastate commerce and that 3.66 million of these drivers are subject to the recordkeeping requirements of the HOS rules (2.04 million CMV drivers qualify as “short haul” drivers and do not incur any HOS recordkeeping burden). The second program adjustment is an Agency estimate of the use of AOBDRs in the industry to record, transfer and store HOS information electronically. AOBDRs automate several IC tasks required of CMV drivers and motor carriers by the HOS rules. The currently-approved 2011 burden estimate did not account for AOBDR usage. FMCSA data today indicates that an average of 0.37 million CMV drivers will be employing electronic technology for HOS purposes over the three years that are the subject of this IC estimate. The Agency estimate submitted to OMB for approval is 137.89 million burden hours. It combines an estimate of the IC burden imposed on those using paper RODS or logs (3.29 million CMV drivers) and a separate estimate of the IC burden imposed on those using AOBDRs (0.37 million CMV drivers).

**Public Comments Invited:** You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on December 10, 2014.

**G. Kelly Regal,**

*Associate Administrator, Office of Research and Information Technology, Chief Information Officer.*

[FR Doc. 2014–29861 Filed 12–19–14; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35888]

#### The Great Lake Port Corporation D/B/ A Grand River Railway—Acquisition and Operation Exemption—CSX Transportation, Inc.

The Great Lake Port Corporation d/b/a Grand River Railway (GRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to permit it to acquire and operate as a common carrier approximately 2.56 miles of CSX Transportation, Inc. (CSXT) track. The track runs between Painesville, former B&O Valuation Station 2535+40, and Grand River, at the end of the track, former Conrail Valuation Station 45+01, in Lake County, Ohio (the Line).<sup>1</sup>

According to GRR, it will soon enter an agreement to purchase the Line from CSXT. GRR intends to rehabilitate the Line and commence common carrier service to Morton Salt, which is located at the end of the Line, and any other shipper that requests service. GRR will interchange traffic with CSXT, the only railroad that connects to the Line.

According to GRR, the agreement between GRR and CSXT does not contain an interchange commitment. GRR certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed \$5 million.

This transaction may be consummated on or after January 7, 2015, the effective date of the exemption (30 days after the verified notice was filed).<sup>2</sup>

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 to stay must be filed no later than December 29,

<sup>1</sup> In 2003, the Board permitted the abandonment and discontinuance of service over the Line. See *N.Y. Cent. Lines—Aban. Exemption—in Lake Cnty., Ohio*, AB 565 (Sub-No. 11X), *et al.* (STB served Jan. 31, 2003). CSXT consummated the abandonment in 2004, see CSXT letter, *N.Y. Cent. Lines—Aban. Exemption—in Lake Cnty., Ohio*, AB 565 (Sub-No. 11X) (filed Dec. 29, 2004), and, according to GRR, reclassified it as industry track.

<sup>2</sup> GRR hopes to consummate its transaction on December 26, 2014. In furtherance of this goal, GRR has filed a petition for partial waiver of 49 CFR 1150.32(b) to permit the exemption to become effective on December 26, 2014, instead of the standard 30 days after the verified notice was filed. The waiver request will be addressed in a separate Board decision.

2014, unless the Board grants GRR's petition for partial waiver of 49 CFR 1150.32(b) to permit the exemption to become effective on December 26, 2014, in which case the due date for stays will be established in the Board's decision acting on GRR's petition.

An original and 10 copies of all pleadings, referring to Docket No. FD 35888, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Louis E. Gitomer, Esq., Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Board decisions and notices are available on our Web site at [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

Decided: December 17, 2014.

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

**Brendetta S. Jones,**  
*Clearance Clerk.*

[FR Doc. 2014-29866 Filed 12-19-14; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. EP 290 (Sub-No. 5) (2015-1)]

#### Quarterly Rail Cost Adjustment Factor

**AGENCY:** Surface Transportation Board.

**ACTION:** Approval of rail cost adjustment factor.

**SUMMARY:** The Board has approved the first quarter 2015 Rail Cost Adjustment Factor (RCAF) and cost index filed by the Association of American Railroads. The first quarter 2015 RCAF (Unadjusted) is 0.946. The first quarter 2015 RCAF (Adjusted) is 0.405. The first quarter 2015 RCAF-5 is 0.383.

**DATES:** *Effective Date:* January 1, 2015.

**FOR FURTHER INFORMATION CONTACT:** Pedro Ramirez, (202) 245-0333. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877-8339.

#### SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision, which is available on our Web site, <http://www.stb.dot.gov>. Copies of the decision may be purchased by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Assistance for the hearing impaired is available through FIRS at (800) 877-8339.

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

Decided: December 16, 2014.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.

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

[FR Doc. 2014-29863 Filed 12-19-14; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35873]<sup>1</sup>

#### Norfolk Southern Railway Company—Acquisition and Operation—Certain Rail Lines of the Delaware and Hudson Railway Company, Inc.

**AGENCY:** Surface Transportation Board, Department of Transportation.

**ACTION:** Decision No. 1 in Docket No. FD 35873; Notice of Acceptance of Primary Application and Related Filings; Issuance of Procedural Schedule.

**SUMMARY:** The Surface Transportation Board (Board) is accepting for consideration the application filed November 17, 2014, by Norfolk Southern Railway Company (NSR or Applicant), and two related filings. The primary application seeks Board approval under 49 U.S.C. 11323-25 of the acquisition of control of 282.55 miles of rail line owned by Delaware and Hudson Railway Company, Inc. (D&H), a wholly owned, indirect subsidiary of Canadian Pacific Railway Company (CP), by NSR, a Class I railroad. This proposal is referred to as the Control Transaction.

The related filings are two notices of exemption filed by NSR to modify existing trackage rights agreements. The notice of exemption filed in FD 34209 (Sub-No. 1) provides for the modification of an existing trackage rights agreement granted by D&H to NSR. This modification would allow NSR to retain trackage rights over approximately 17.45 miles of rail line between milepost 484.85 ± in the vicinity of Schenectady, N.Y., and CPF 467 in the vicinity of Mechanicville, N.Y., including the right to use such tracks within D&H's Mohawk Yard. The notice of exemption filed in FD 34562 (Sub-No. 1) provides for the modification of the Saratoga-East Binghamton Trackage Rights Agreement granted by D&H to NSR. This modification would allow NSR to retain trackage rights between milepost 37.10

<sup>1</sup> This decision also embraces *Norfolk S. Ry.—Trackage Rights Exemption—Delaware & Hudson Ry.*, FD 34209 (Sub-No. 1), and *Norfolk S. Ry.—Trackage Rights Exemption—Delaware & Hudson Ry.*, FD 34562 (Sub-No. 1).

± of D&H's Canadian Main Line in Saratoga Springs, N.Y., and CPF 484 at Schenectady. Both of these notices of exemption would remove from the respective trackage rights agreements rail lines that NSR would purchase under the Control Transaction, and would allow NSR to retain needed trackage rights over the remaining lines. Neither notice of exemption would provide for new trackage rights.

The Board finds that the application is complete and that the Control Transaction is a minor transaction based upon the preliminary determination that the Control Transaction clearly will not have any anticompetitive effects and that, to the extent any anticompetitive effects exist, they will clearly be outweighed by the transaction's anticipated contribution to the public interest in meeting significant transportation needs. 49 CFR 1180.2(b)(1), (c). The Board makes this preliminary determination based on the evidence presented in the application and the record to date. The Board emphasizes that this is not a final determination, and may be rebutted by subsequent filings and evidence submitted into the record for this proceeding. The Board will give careful consideration to any claims that the Control Transaction would have anticompetitive effects that are not apparent from the application and the record to date.

**DATES:** The effective date of this decision is December 16, 2014. Any person who wishes to participate in this proceeding as a party of record (POR) must file, no later than December 29, 2014, a notice of intent to participate. All comments, protests, requests for conditions, and any other evidence and argument in opposition to the primary application and related filings, including filings by the U.S. Department of Justice (DOJ) and the U.S. Department of Transportation (DOT), must be filed by January 15, 2015. Responses to comments, protests, requests for conditions, other opposition, and rebuttal in support of the primary application or related filings must be filed by March 31, 2015. See Appendix A (Procedural Schedule). A final decision in this matter will be served no later than May 15, 2015. Further procedural orders, if any, will be issued by the Board as necessary.

**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 found on the Board's Web