

submitted to OMB via an Emergency Information Collection Request.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501 *et seq.*) this notice announces the Information Collection Request on DOT Form F4504—Application for Reimbursement of Bond Fees for this new ARRA DOT program. The notice is being forwarded to the Office of Management and Budget for Emergency Action and approval.

In an effort to assist the Disadvantaged Business Enterprises (DBEs) obtain transportation and infrastructure contracts at the local, state and federal levels, the Department of Transportation's (DOT) Office of the Secretary, Office of Small and Disadvantaged Business Utilization (OSDBU) has established under the American Recovery and Reinvestment Act (ARRA) of 2009, the DBE ARRA Bonding Assistance Program (BAP) Reimbursement Fee Program This program will assist DBEs become more competitive and perform on more transportation infrastructure projects receiving ARRA funding assistance from any DOT mode of transportation, such as Federal Highway Administration, (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA), Federal Railroad Administration (FRA), and the Maritime Administration (MARAD). The DBE ARRA BAP is financial assistance in the form of a bonding fee cost reimbursement. DOT will directly reimburse DBEs the premiums paid to the surety company, usually between 2–3% of the total bond amount, for performance, payment or bid/proposal bonds. In the event the DBE also obtains a bond guarantee from Small Business Administration's (SBA) Surety Bond Guarantee Program (SBGP), the DOT will also reimburse the DBE for the small business concern (principal) fee of .729% of the contract price.

**FOR FURTHER INFORMATION CONTACT:** Nancy Strine, Manager, 202–366–1930, Financial Assistance Division, Office of Small and Disadvantaged Business Utilization, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Room W56–493, Washington, DC 20590. Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except holidays.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* OMB Control Number 2105–XXXX.

*Title:* ARRA Bonding Assistance Program Reimbursement Fee Program.

*Form Number:* DOT F 4504.

*Affected Public:* Disadvantaged Business Enterprises—certified by Title 49 CFR, Part 26.

*Frequency:* One-time.

*Estimated Average Burden per Response:* 2 hours.

*Estimated Annual Burden Hours:* 3,540 hours.

*Abstract:* ARRA Bonding Assistance Program Reimbursable Fee Program.

The information collected will be from the DBE working on transportation or infrastructure ARRA funded project. The information collected will be used by DOT OSDBU to verify eligibility, process the application, and disburse the reimbursement. The information being collected relates the name of the company; full street address; the Dun and Bradstreet Number (DUNS); Central Contractor Registration along with Bank information to process their payment; DOT transportation related contract information; supporting documentation that shows the federal project number, bond information along with a copy of their bond; and proof of payment of the fee. The applicant's eligibility is determined by submitting a copy of a DBE certification and/or annual affidavit, if applicable, for bonding fee reimbursement for specific bonds. This will be verified by OSDBU staff as part of the application process. Instructions are attached along with a copy of sample letter to show how to obtain the federal project number. This information is necessary to be able to reimburse the DBE the financial assistance for the bond fees.

Issued in Washington, DC, on August 10, 2009.

**Tracey M. Jackson,**

*Office of the Chief Information Officer.*

[FR Doc. E9–19917 Filed 8–18–09; 8:45 am]

**BILLING CODE 4910–9X–P**

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

[Docket Number DOT–OST–2008–0196]

**Notice of Request for Reinstatement of an Information Collection**

**AGENCY:** Office of the Secretary.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request, abstracted below, is being forwarded to the Office of Management and Budget for renewal and comment. The ICR describes the nature of the information collection and its expected cost burden.

The **Federal Register** Notice with a sixty day comment period soliciting comments on the following collection of information was published on August 26, 2008 [FR Vol. 73, page 50396]. No comments were received.

**DATES:** Written comments on this notice should be received on or before September 18, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Robert Ashby, Acting Assistant General Counsel for Regulation and Enforcement, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Suite W94–302, Washington, DC 20590, (202) 366–9310.

*Comments:* Comments should be submitted to OMB: Attention DOT/OST Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503, with the associated OMB Approval Number 2100–0019 and Docket DOT–OST–2008–0196 or

*oira\_submission@omb.eop.gov* (e-mail).

**SUPPLEMENTARY INFORMATION:**

*Title:* Transportation for Individuals with Disabilities ; Accessibility of Over-the-Road Buses (OTRBs).

*OMB Control Number:* 2100–0019.

*Type of Review:* Reinstatement of an Information Collection.

*Respondents:* Charter/tour service operators, fixed route companies, small mixed service operators.

*Number of Respondents:* 316,226.

*Number of Responses:* Variable.

*Total Annual Burden:* 182,873 hours.

*Abstract:* The Department of Transportation (DOT), in conjunction with the U.S. Architectural and Transportation Barriers Compliance Board, issued final access regulations for privately operated over-the-road buses (OTRBs) as required by the Americans with Disability Act (ADA) of 1990. The Final Rule on Accessibility of Over-the-Road Buses has the following recordkeeping/reporting requirements: The first has to do with 48 hour advance notice and compensation. The second has to do with equivalent service and compensation. The third has to do with reporting information on ridership on accessible fixed route buses. The fourth has to do with recordkeeping for 5 years. The fifth has to do with report submission to DOT annually. The sixth has to do with reporting information on the purchase and lease of accessible and inaccessible new and used buses. When initiating the information collection as part of the rulemaking that established the requirements in question, the Department provided the estimate of

burdens set forth below. We have no reason to believe that the time necessary to comply with the information collection requirements has changed in the meantime. We would note that this estimate assumes compliance by bus operators with the information collection requirements. Reporting rates, however, have been low.

The purpose of the information collection requirements is to provide data that the Department can use in reviewing the provisions of its rule and to assist the Department in its oversight of compliance by bus companies. In particular, the data will be used to assist the Department in conducting the reevaluation of the requirements of the over-the-road bus rule mentioned in the regulation itself.

**Burden Statement:** The amount of data sought is held to the minimum amount necessary to ensure compliance with the regulation. As suggested in comments from both the bus industry and disability community commenters during the rulemaking leading to this rule, recordkeeping and reporting of this kind would be useful for the purpose of ensuring compliance. The cumulative total burden for the information collection is between 167,889 hours (low estimate) and 182,873 hours (high estimate).

**Comments are invited on:** (a) Whether this collection of information (third party notification) is necessary for the proper performance of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including through the use of automated techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Issued in Washington, DC on August 13, 2009.

**Tracey M. Jackson,**

*Office of the Chief Information Officer.*

[FR Doc. E9-19922 Filed 8-18-09; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-1035]

#### Lake County, Oregon—Adverse Discontinuance of Rail Service—Modoc Railway and Land Company, LLC and Modoc Northern Railroad Company

On July 30, 2009, Lake County, OR (County) filed an application under 49 U.S.C. 10903 asking the Board to authorize the third-party, or “adverse,” discontinuance of operating authority of Modoc Railway and Land Company, LLC (MR&L) and Modoc Northern Railroad Company (MNRR) over a 55.41-mile rail line between milepost 456.89 at or near Alturas, CA, and milepost 512.30 at or near Lakeview, OR.

The line includes no stations and traverses United States Postal Service ZIP codes 96101, 96108, 97635, and 97630.

According to the County, the line was constructed and operated for many years by Southern Pacific Transportation Company (SP). In 1985, the Board's predecessor, the Interstate Commerce Commission, authorized SP to abandon the line.<sup>1</sup>

The County acquired the line from SP after its abandonment. Through its Railroad Commission, the County contracted with The Great Western Railway Company (GWR) to operate the line pursuant to a modified certificate of public convenience and necessity. The County terminated rail operations by GWR, effective November 1, 1997. Thereafter, the County obtained its own modified certificate and commenced operation of the line through its Lake County Railroad division.<sup>2</sup>

In 2007, the County leased the line to MR&L and MNRR.<sup>3</sup> In 2009, according to the County, MR&L and MNRR materially breached their lease agreement with the County. The County further claims that, after the breach was not cured within the notice period required by that lease, it terminated the lease, effective May 7, 2009. The County states that it has resumed operation of the line pursuant to its residual

<sup>1</sup> See *Southern Pac. Transp. Co.—Aband.—in Modoc County, CA and Lake County, OR*, Docket No. AB-12 (Sub-No. 84) (ICC served Oct. 20, 1985).

<sup>2</sup> See *Lake County Railroad—Modified Rail Certificate*, STB Finance Docket No. 33581 (STB served Apr. 24, 1998).

<sup>3</sup> See *Modoc Railway and Land Company, LLC—Acq. & Oper. Exempt.—in Lake County, OR*, STB Finance Docket No. 34995 (STB served Feb. 28, 2007); and *Modoc Northern Railroad Co.—Acq. & Oper. Exempt.—in Lake County, OR*, STB Finance Docket No. 34996 (STB served Feb. 28, 2007).

common carrier authority, with Lake Railway acting as the County's agent for the provision of rail service on the line.

The County now seeks Board permission through an adverse discontinuance proceeding to terminate the regulatory authority of MR&L—MNRR to lease and operate the line so that it can proceed to remove them from the line.

In a decision served in this proceeding on June 15, 2009, the Board granted a petition filed by the County for exemptions from several statutory provisions and for waivers of certain Board regulations governing rail line discontinuances.<sup>4</sup>

The County states that the line does not contain federally granted rights-of-way. Any documentation in the County's possession will be made available promptly to those requesting it. The County's entire case in chief for adverse discontinuance was filed with the application.

The interests of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any interested person may file written comments concerning the proposed adverse discontinuance or protests (including protestant's entire opposition case) by September 14, 2009. The County shall file a reply, if any, by September 28, 2009. Because the County is providing for continued service on the line, all interested persons should be aware that this application is for adverse discontinuance and will not result in the abandonment of existing operations. Therefore, as discussed in the Board's June 15 decision, the Board has exempted this proceeding from the offer of financial assistance (OFA) requirements at 49 U.S.C. 10904 and waived its OFA regulations at 49 CFR 1152.27, and the Board will not entertain requests for a public use condition under 49 U.S.C. 10905 (49 CFR 1152.28) or a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29).

Persons opposing the proposed adverse discontinuance who wish to participate actively and fully in the process should file a protest. Persons who may oppose the adverse discontinuance but who do not wish to participate fully in the process by

<sup>4</sup> In response to a Board query in that decision regarding a slight discrepancy between the milepost numbers for the line in STB Finance Docket No. 33581 and in this proceeding, Lake County explains that it is using the milepost numbers set forth in STB Finance Docket Nos. 34995 and 34996 in which MR&L—MNRR obtained Board authority to lease and operate the line.