

participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATE:** Comments on this petition must identify the petition docket number involved and must be received on or before March 7, 2011.

**ADDRESSES:** You may send comments identified by Docket Number FAA-2011-0049 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

- *Fax:* Fax comments to the Docket Management Facility at 202-493-2251.

- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy:* We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477-78).

*Docket:* To read background documents or comments received, go to <http://www.regulations.gov> at any time or to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Keira Jones (202) 267-4025, Tyneka Thomas (202) 267-7626 or David Staples (202) 267-4058, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on February 17, 2011.

**Pamela Hamilton-Powell,**

*Director, Office of Rulemaking.*

#### Petition for Exemption

*Docket No.:* FAA-2011-0049.  
*Petitioner:* Pinnacle Airlines, Inc.  
*Section of 14 CFR Affected:* 14 CFR 120.109(a)(1), (b), 120.115(c), 120.217(c), 120.223(a)(1), and 120.223(a)(1)(i).

#### Description of Relief Sought

Pinnacle seeks relief from conducting pre-employment testing, training, and the drug and alcohol records check for 1,000 safety-sensitive employees they plan to hire from Mesaba Aviation, Inc. d.b.a. Mesaba Airlines (Mesaba) following a transfer of assets. Pinnacle contends that both airlines have been operating safely under the listed regulations, and an exemption from these regulations would not affect safety and would be in the public interest.

[FR Doc. 2011-4102 Filed 2-23-11; 8:45 am]

**BILLING CODE 4910-13-P**

### DEPARTMENT OF TRANSPORTATION

#### Surface Transportation Board

[Docket No. EP 558 (Sub-No. 14)]

#### Railroad Cost of Capital—2010

**AGENCY:** Surface Transportation Board.  
**ACTION:** Notice of decision instituting a proceeding to determine the railroad industry's 2010 cost of capital.

**SUMMARY:** The Board is instituting a proceeding to determine the railroad industry's cost of capital for 2010. The decision solicits comments on the following issues: (1) The railroads' 2010 current cost of debt capital; (2) the railroads' 2010 current cost of preferred equity capital (if any); (3) the railroads' 2010 cost of common equity capital; and (4) the 2010 capital structure mix of the railroad industry on a market value basis. Comments should focus on the various cost of capital components listed above using the same methodology followed in *Railroad Cost of Capital—2009*, EP 558 (Sub-No. 13) (STB served Oct. 29, 2010).

**DATES:** Notices of intent to participate are due by March 8, 2011. Statements of the railroads are due by April 29, 2011. Statements of other interested persons are due by May 19, 2011. Rebuttal statements by the railroads are due by June 8, 2011.

**ADDRESSES:** Comments may be submitted either via the Board's e-filing system or in the traditional paper

format. Any person using e-filing should comply with the instructions at the E-FILING link on the Board's Web site, at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: Docket No. EP 558 (Sub-No. 14), 395 E Street, SW., Washington, DC 20423-0001.

#### FOR FURTHER INFORMATION CONTACT:

Pedro Ramirez at (202) 245-0333. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** The Board's decision is posted on the Board's Web site, <http://www.stb.dot.gov>. Copies of the decision may be purchased by contacting the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0236. 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 the conservation of energy resources.

**Authority:** 49 U.S.C. 10704(a).

Decided: February 18, 2011.

By the Board, Chairman Elliott, Vice Chairman Nottingham, and Commissioner Mulvey.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2011-4157 Filed 2-23-11; 8:45 am]

**BILLING CODE 4915-01-P**

### DEPARTMENT OF TRANSPORTATION

#### Surface Transportation Board

[Docket No. FD 35466]

#### BNSF Railway Company—Temporary Trackage Rights Exemption—Union Pacific Railroad Company

Pursuant to a written trackage rights agreement dated January 25, 2011, Union Pacific Railroad Company (UP) has agreed to grant local trackage rights to BNSF Railway Company (BNSF) over UP lines extending between: (1) UP milepost 93.2 at Stockton, Cal., on UP's Oakland Subdivision, and UP milepost 219.4 at Elsey, Cal., on UP's Canyon Subdivision, a distance of approximately 126.2 miles; and (2) UP milepost 219.4 at Elsey, Cal., and UP milepost 280.7 at Keddie, Cal., on UP's Canyon Subdivision, a distance of 61.3 miles.<sup>1</sup>

<sup>1</sup> BNSF states that the trackage rights being granted here are only temporary rights, but, because

The transaction is scheduled to be consummated on or after March 10, 2011, the effective date of the exemption (30 days after the exemption is filed).

The trackage rights agreement will permit BNSF to move empty and loaded ballast trains to and from the ballast pit at Elsey, Cal., which is adjacent to the UP rail line. The trackage rights are temporary in nature and are scheduled

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they are "local" rather than "overhead" rights, they do not qualify for the Board's class exemption for temporary trackage rights at 49 CFR 1180.2(d)(8). See *R.R. Consolidation Procedures*, 6 S.T.B. 910 (2003). Therefore, BNSF concurrently has filed a petition for partial revocation of this exemption in Docket No. FD 35466 (Sub-No. 1), *BNSF Railway Company—Temporary Trackage Rights Exemption—Union Pacific Railroad Company*, wherein BNSF requests that the Board permit the proposed local trackage rights arrangement described in the present proceeding to expire at midnight on December 10, 2011, as provided in the parties' agreement. The petition will be addressed by the Board in a separate decision.

to expire at midnight on December 10, 2011.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease and Operate—California Western Railroad*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the 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. Stay petitions must be filed by March 3, 2011 (at least 7 days

before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35466, 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 Karl Morell, Of Counsel, Ball Janik LLP, Suite 225, 1455 F Street, NW., Washington, DC 20005.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: February 17, 2011.

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

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2011-4105 Filed 2-23-11; 8:45 am]

**BILLING CODE 4915-01-P**