

(202) 366-4104, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

**Federal Highway Administration (FHWA)**

*Title:* Utility Use and Occupancy Agreements.

*OMB Number:* 2125-0522.

*Type of Request:* Reinstatement, without change, of a previously approved collection for which approval has expired.

*Affected Public:* Highway authorities.

*Abstract:* In carrying out the requirements of 23 USC 116 to assure Federal-aid highway projects are being properly maintained, the Secretary of Transportation is authorized by 23 USC 315 to prescribe and promulgate rules and regulations. This authority is delegated to the Federal Highway Administrator at 49 CFR 1.48. Further, 23 CFR 1.23 and 1.27 establish the authority and responsibility of the Administrator to prescribe policies and procedures for the use, occupancy, and maintenance of the rights-of-way of Federal-aid projects. Under the Federal-aid highway program, States, or their political subdivisions, actually own the highway rights-of-way. State and/or local highway authorities are responsible for maintaining the highway rights-of-way, which includes controlling utility use of it. The FHWA regulations found in 23 CFR part 645, subpart B require that in controlling utility use on Federal-aid highway projects, the highway authority is to document the terms under which the utility is to cross or otherwise occupy highway rights-of-way. This documentation, consisting of a use and occupancy agreement, is to be in writing and must be contained in the highway authority's files. No submission to the FHWA is required. The use and occupancy agreement issued by the highway authority serves to document the arrangements made between it and a utility to allow the utility to use public right-of-way under the control of the highway authority. These agreements are reviewed periodically by the FHWA to determine whether or not the State is effectively maintaining the highway right-of-way and fulfilling its responsibilities under its utility accommodation policy. The use and occupancy agreements are an important means of controlling the installation of utilities in order to provide a safe environment for highway users.

*Estimated Annual Burden Hours:* 552,000.

*Number of Respondents:* 4,600.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer. Comments are invited on: 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.

Issued in Washington, DC, on August 8, 1997.

**Vanester M. Williams,**

*Clearance Officer, United States Department of Transportation.*

[FR Doc. 97-21568 Filed 8-13-97; 8:45 am]

BILLING CODE 4910-62-P

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[STB Finance Docket No. 33438]

**Alabama & Gulf Coast Railway, LLC—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company**

The Alabama & Gulf Coast Railway LLC of Dallas, TX (ALA), a noncarrier, filed a verified notice of exemption under 49 CFR 1150.31 *et seq.* to acquire from The Burlington Northern and Santa Fe Railway Company (BNSF) and operate a 140.58-mile rail line between milepost 776.10 near Kimbrough, AL, and milepost 916.68 in Pensacola, FL. ALA will also acquire incidental trackage rights over 13.6 miles of BNSF's line between milepost 776.10 near Kimbrough, AL, and milepost 762.5 near Magnolia, AL. ALA will also be temporarily assigned trackage rights over a 43.1-mile line of CSX Transportation, Inc., between milepost L621.7 near Atmore, AL, and milepost L635.4 near Catonment, FL, pending completion of repairs to the line to be acquired from BNSF. The transaction is scheduled to be consummated on or after September 1, 1997.

This proceeding is related to *Kauri, Inc., and StatesRail LLC—Continuance in Control Exemption—Alabama & Gulf Coast Railway LLC*, STB Finance Docket

No. 33439, in which Kauri, Inc. and StatesRail LLC have concurrently filed a verified notice of exemption to continue in control of ALA when it becomes a Class III railroad.

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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33438 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Fritz R. Kahn, Suite 750 West, 1100 New York Avenue, N.W., Washington, DC 20005-3934.

Decided: August 5, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 97-21551 Filed 8-13-97; 8:45 am]

BILLING CODE 4915-00-P

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[STB Finance Docket No. 33436]

**Corpus Christi Terminal Railroad, Inc.—Lease and Operation Exemption—Port of Corpus Christi Authority of Nueces County, Texas, Union Pacific Railroad Company, Southern Pacific Transportation Company, The Texas Mexican Railway Company and The Burlington Northern and Santa Fe Railway Company**

Corpus Christi Terminal Railroad, Inc. (CCPN), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate all of the lines (lines) owned by Port of Corpus Christi Authority of Nueces County, Texas (Authority), within the Corpus Christi, TX terminal area, a distance of approximately 20 route miles.<sup>1</sup> In

<sup>1</sup> The lines are currently operated by the Corpus Christi Terminal Association and its member railroads (currently Union Pacific Railroad Company (UP), Southern Pacific Transportation Company (SP), The Texas Mexican Railway Company (TM), and The Burlington Northern and Santa Fe Railway Company (BNSF)). With the consent, and at the request of Authority, UP, SP, TM, and BNSF will assign all of their existing operating rights (except for specified nonexclusive rights to provide unit train service to facilities that may be built on or adjacent to Authority's trackage after commencement of CCPN's operations) over the lines to CCPN and will discontinue their current operations with respect to the Authority's terminal facilities.