

costs means Federal funds held on account over and above the certified eligible monthly amount, which have the potential to be used to offset commuting costs in the future. Van pool providers and/or operators that have retained funds in excess of the allotted monthly amount must return the excess funds by April 27, 2013 or 120 days from date of this notice, whichever is greater. All excess funds should be returned via the Web site *www.pay.gov*. To remit payment via *www.pay.gov*, in the "Find Public Forms" search box, type "DOTWCF" in the search field and select "DOT OST Working Capital Fund Miscellaneous Payments" from the query list. Complete all fields with the requested information. In the "reason for payment" field, select "other" and enter the following statement in the information box: "Unused van pool funding by federal participants." At the same time the funds are returned via *www.pay.gov*, the following information should also be transmitted via email to *TRANServe@dot.gov*, to assist the responsible agency in auditing transaction activity:¹

- i. Name and location of vanpool operator
 - ii. Funds origin, to include agency and location
 - iii. Dollars segregated by agency
- The email subject line should state "Pay.gov Van Pool Funds Remittance." Also include a copy of the emailed receipt you receive from *www.pay.gov*. Van Pool providers and/or operators shall encrypt the data in order to protect it during transmission. Once received, DOT shall handle the data in accordance with the security controls identified in the DOT's System of Records Notice, DOT/ALL 8 Employee Transportation Facilitation, 65 FR 19482 (April 11, 2000).

III. Minimum Internal Controls

To ensure that funds are not accumulated in excess of the allotted monthly amount, we have also worked with other federal agencies to develop the following internal controls for the management of the Federal Transit Benefit Program. These controls will ensure effective and efficient operations, reliability of financial reporting, and compliance with applicable laws and regulations. The controls are provided as tools to help federal transit benefit program and financial managers achieve results and safeguard the integrity of their programs. Federal agency program administration should be built around

these core principles and monitored accordingly. The internal controls listed are general controls and agency policy and procedure may be more prescriptive with the following internal controls serving as the minimum standard. For the purposes of this notice with respect to the minimum internal controls, the following definitions are applicable:

Federal Van Pool Driver—an individual owner or transportation servicer of a qualified IRS van pool and/or a Federal employee operating a vehicle. The Federal Van Pool Driver may be the primary member listed for qualified parking.

Federal Van Pool Operator—an individual having primary responsibility as identified through a contractual relationship with the Van Pool Provider. The Federal Van Pool operator may be the primary member listed for qualified parking.

Federal Van Pool Provider—an entity which contractually offers the use of a vehicle (van) to a Federal Van Pool Operator meeting the van pool qualifications set forth in 26 CFR § 1.132-9 26.

The minimum internal controls include the following:

1. The agency transit benefit program must provide the ability for all participants to adjust the monthly transit benefit amount.
2. With respect to van pools, the agency transit benefit program manager should verify that the van pool is registered or certified by the local transit authority, where applicable. While agency transit benefit program managers have no authority to require van pool registration or certification by local transit authorities, some State and local transit authorities require van pool registration and certification. This administrative process should be leveraged to ensure statutory and regulatory compliance as well as transit authority compliance.
3. The agency transit benefit program manager should maintain a list of van pool vendors utilized by agency participants, to include the name of the driver or operator, van pool business name, address, and phone number. The list of van pool vendors, with driver and operator identified, should be cross referenced and validated to ensure consistency and accuracy with the agency van pool participants receiving the transit benefit. Van pool operators or drivers are to provide this information directly to the agency transit benefit program manager.

4. Van pool drivers and operators who use qualified parking consistent with 26 CFR 1.132-9, or are named on a workplace parking permit, are not

eligible to receive the transit benefit. However, the allowable cost for the driver and/or operator may be covered as part of the operating expenses attributed to the van pool.

5. The transit benefit cannot be used to hold a seat on the van pool in the event of participant absence. All participants must utilize the van pool for commuting to and from work at least 50% of eligible work days.

6. The van pool must seat a minimum of 6 passengers (not including the driver), and must have at least 50% of the adult seating capacity of the vehicle (not including the driver) used for the transportation of employees to and from work representing 80% of the usage of the van.

7. The agency transit benefit program manager must be provided a published price list by the Federal van pool driver or operator, which is applicable to all riders (federal and non-federal). As established by the Federal van pool driver or operator, the published costs should include all necessary fees. Updated price lists should be provided to the agency transit benefit program manager as prices are changed or modified.

8. In the event a transit program receives a rider subsidy from a transit authority, the appropriate participant offset must be applied to the individual monthly benefit amount.

9. A van pool invoice or receipt is required to document the actual commuting cost for individual van pool participants.

The internal controls described above should prevent individuals from accruing transit benefits in excess of the allotted monthly amount, as required by 26 CFR 1.132-9.

Issued in Washington, DC on December 27, 2012.

Marie Petrosino-Woolverton,

Director, Office of Financial Management & Transportation Services.

[FR Doc. 2012-31384 Filed 12-28-12; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA 2012-0006-N-18]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Notice and request for comments.

¹ Pursuant to 5 CFR 1320.3(h), this is not considered to be information as defined under the Paperwork Reduction Act, 44 U.S.C. chapter 35.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking approval of the following proposed information collection activities. Before submitting this proposed information collection request (ICR) for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than March 1, 2013.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 25, Washington, DC 20590, or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number 2130-New" and should also include the title of the collection of information. Alternatively, comments may be transmitted via facsimile to (202) 493-6216 or (202) 493-6497, or via email to Mr. Brogan at Robert.Brogan@dot.gov, or to Ms. Toone at Kimberly.Toone@dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 25, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Kimberly Toone, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(I)-(iv); 5 CFR 1320.8(d)(1)(I)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below is a brief summary of the proposed Information Collection Request (ICR) that FRA will submit for clearance by OMB as required under the PRA:

Title: Electronic Device Distraction (EDD) Survey

OMB Control Number: 2130-New

Abstract: Operating railroad equipment while being distracted by the use of electronic devices (e.g., phones, game consoles, personal computers, etc.) is known to be a factor in some accidents and suspected of being the cause of many others in the railroad industry. It is also known that such use is dangerous, as evidenced by several high profile accidents in the railroad industry, and by research on distraction in other transportation modes. Consequently, the Department of Transportation (DOT) and the Federal Railroad Administration (FRA) have a keen interest in devising counter measures to reduce the incidence of electronic device distraction (EDD) in the railroad industry. In order to devise effective countermeasures, FRA believes a survey of select rail employees would be extremely beneficial. Therefore, FRA proposes to sample railroad employees spread across the jobs of conductors, engineers, signalmen, maintenance of way, car repair personnel, machinists, and supervisors. The agency's interest is shared by rail labor and management representatives, who are strongly supporting this survey and cooperating in its administration. All involved realize that effective counter measures to EDD must be based on a trustworthy understanding of the following: (1) Who is engaged in EDD, (2) under what circumstances they use these devices, (3) which devices are used, (4) reasons for use, and (5) frequency of use for each kind of device. Effective interventions cannot be designed, implemented, or evaluated without accurate information on these topics. The proposed survey is designed to provide this information, first as a baseline, and, in four subsequent years, as a way of tracking and evaluating change. For reasons of effectiveness and efficiency, the survey will be conducted primarily via the Web, augmented as needed with email communications.

Form Number(s): FRA F 680.158.

Affected Public: Railroad Employees.

Respondent Universe: 11,000 Railroad Employees.

Frequency of Submission: On occasion.

Reporting Burden:

	CFR section	Respondent universe	Total annual responses	Average Time per response
Form FRA F 6180.158	11,000 Railroad Employees.	11,000 forms/surveys.	20 minutes ...	3,667

Total Responses: 11,000.
Estimated Total Annual Burden: 3,667 hours.

Type of Request: Approval of a New Information Collection.

Status: Regular Review.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. §§ 3501–3520.

Issued in Washington, DC on December 21, 2012.

Rebecca Pennington,

Chief Financial Officer, Federal Railroad Administration.

[FR Doc. 2012–31382 Filed 12–28–12; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2000–7257; Notice No. 73]

Railroad Safety Advisory Committee; Notice of Meeting Postponement

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Railroad Safety Advisory Committee (RSAC) Meeting Postponement.

SUMMARY: FRA recently announced the forty-eighth meeting of the RSAC, a Federal Advisory Committee that develops railroad safety regulations through a consensus process (77 FR 73734). This meeting has been postponed until further notice and will be rescheduled at a future date.

DATES: The RSAC meeting scheduled to commence at 9:30 a.m. on Wednesday, January 9, 2013, is hereby postponed and will be rescheduled at a future date.

ADDRESSES: To be rescheduled at a future date and location.

FOR FURTHER INFORMATION CONTACT:

Larry Woolverton, RSAC Administrative Officer/Coordinator, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493–6212; or Robert Lauby, Deputy Associate Administrator for Regulatory and Legislative Operations, FRA, 1200 New Jersey Avenue SE., Mailstop 25, Washington, DC 20590, (202) 493–6474.

SUPPLEMENTARY INFORMATION: The RSAC was established to provide advice and recommendations to FRA on railroad safety matters. The RSAC is composed of 54 voting representatives from 32

member organizations, representing various rail industry perspectives. In addition, there are non-voting advisory representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, the National Transportation Safety Board, and the Federal Transit Administration. The diversity of the Committee ensures the requisite range of views and expertise necessary to discharge its responsibilities. See the RSAC Web site for details on prior RSAC activities and pending tasks at: <http://rsac.fra.dot.gov/>. Please refer to the notice published in the **Federal Register** on March 11, 1996 (61 FR 9740), for additional information about the RSAC.

Issued in Washington, DC, on December 31, 2012.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2012–31383 Filed 12–28–12; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 33 (Sub-No. 309X);
Docket No. AB 980 (Sub-No. 2X)]

Union Pacific Railroad Company— Abandonment of Freight Easement Exemption—in Alameda County, Cal. (San Jose Industrial Lead); Santa Clara Valley Transportation Authority— Abandonment of Residual Common Carrier Obligation Exemption—in Alameda County, Cal. (San Jose Industrial Lead)

On December 12, 2012, Union Pacific Railroad Company (UP) and Santa Clara Valley Transportation Authority (SCVTA) jointly filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 for UP to abandon its freight operating easement on, and for SCVTA, the owner of the line, to abandon its residual common carrier obligation for, a portion of the San Jose Industrial Lead between mileposts 5.38 and 7.35 near the Warm Springs freight rail station in the City of Fremont, a distance of 1.97 miles, in Alameda County, Cal. Petitioners state that the involved segment of rail line is contiguous to the segment between mileposts 7.35 and 16.30 in Alameda and Santa Clara Counties, Cal., for which the Board granted abandonment authority in July 2012.¹ The line

traverses United States Postal Service Zip Codes 94538 and 94539.

In addition to an exemption from the provisions of 49 U.S.C. 10903, petitioners seek an exemption from 49 U.S.C. 10904 (offer of financial assistance (OFA) provisions) and 49 U.S.C. 10905 (public use provisions). In support, petitioners state that the line is to be abandoned for freight rail service, but will be retained and rebuilt for future inclusion in the Bay Area Rapid Transit System. Petitioners assert that the right-of-way is thus needed for a valid public purpose and that there is no overriding public need for continued freight rail service. These requests will be addressed in the final decision.

According to petitioners, the line does not contain Federally granted rights-of-way. Any documentation in petitioners' possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by April 1, 2013.

Any OFA under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,600 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than January 22, 2013. Each trail use request must be accompanied by a \$250 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to Docket Nos. AB 33 (Sub-No. 309X) and AB 980 (Sub-No. 2X) and must be sent to: (1) Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001; and (2) petitioners' representatives, Mack H. Shumate, Jr., 101 North Wacker Drive, Suite 1920, Chicago, IL 60606 (UP), and Allison I. Fultz, 1001 Connecticut Ave. NW., Suite 800, Washington, DC 20036 (SCVTA). Replies to the petition are due on or before January 22, 2013.

¹ See *Union Pac. R.R.—Aban. of Freight Easement—in Alameda and Santa Clara Cnty. Cal.*, AB 33 (Sub-No. 303X) and *Santa Clara Valley*

Transp. Auth.—Aban. of Common Carrier Service—in Alameda and Santa Clara Counties, Cal., AB 980 (Sub-No. 1X) (STB served July 23, 2012).