

regarding the nature and extent of its liability insurance coverage. *See* 49 CFR 1150.23(b)(4)–(5).

This notice will be served on the Association of American Railroads (Car Service Division), as agent for all railroads subscribing to the car-service and car-hire agreement, at 425 Third Street, SW, Suite 1000, Washington, DC 20024; and on the American Short Line and Regional Railroad Association at 50 F Street NW, Suite 500, Washington, DC 20001.

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: May 31, 2022.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Eden Besera,**  
*Clearance Clerk.*

[FR Doc. 2022–11975 Filed 6–2–22; 8:45 am]

**BILLING CODE 4915–01–P**

## **SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36596]

### **Delaware and Raritan River Railroad, LLC—Lease and Operation Exemption—Consolidated Rail Corporation and New Jersey Transit Corporation**

Delaware and Raritan River Railroad, LLC (DRRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate over certain rail lines (the Lines) owned by New Jersey Transit Corporation (NJT) and Consolidated Rail Corporation (Conrail), totaling 49.9 route miles, all located in New Jersey.

According to DRRR, it has entered into two agreements: (1) A three-party agreement (Agreement) with NJT and Conrail, under which DRRR will provide common carrier service on certain NJT-owned lines, and (2) a lease agreement with Conrail, pursuant to which DRRR will lease and operate certain Conrail-owned line segments.<sup>1</sup>

The NJT-owned Lines are: (1) Two portions of the Freehold Secondary, between Freehold, N.J. (approximately milepost 17.1+/-), and Howell, N.J. (approximately milepost 20.3+/-), and between a point west of Yellowbrook Road near Farmingdale, N.J. (approximately milepost 22.3+/-) and Farmingdale, N.J. (approximately milepost 24.6+/-), a total distance of approximately 5.5 route miles; and (2) a portion of the Southern Branch between

Red Bank, N.J. (approximately milepost 38.1+/-) and South Lakewood, N.J. (approximately milepost 63.0+/-) (the Southern Secondary), a total distance of approximately 24.9 route miles.

The Conrail-owned Lines are: (1) The portion of the Freehold Secondary from and including the switch for the east and west legs of the Jamesburg wye and the grade crossing of Gatzmer Avenue in Jamesburg, N.J. (approximately milepost 5.6+/-), southeast to the end of Conrail's ownership at the west side of Broad Street (approximately milepost 17.1+/-), in Freehold, a total distance of approximately 11.5 route miles; (2) the portion of the Southern Secondary, from the beginning of Conrail's ownership at South Lakewood (approximately milepost 63.0+/-) to the end of Conrail's ownership at Lakehurst, N.J. (approximately milepost 66.0+/-), a total distance of approximately 3.0 route miles; and (3) the Toms River Industrial Track, from the connection with the Southern Secondary at or near Lakehurst (approximately milepost 65.9+/- on the Southern Secondary) to the end of Conrail's ownership of regulated main line track near Toms River, N.J. (approximately milepost 5.0+/-), a total distance of approximately 5.0 route miles.

This transaction is related to a verified notice of exemption filed concurrently in *Kean Burenga—Continuance in Control Exemption—Delaware & Raritan River Railroad*, Docket No. FD 36597, in which Kean Burenga and Chesapeake and Delaware, LLC, seek to continue in control of DRRR upon DRRR's becoming a Class III rail carrier. This transaction is also related to a verified notice for a modified certificate of public convenience and necessity in *Delaware & Raritan River Railroad—Modified Rail Certificate*, Docket No. FD 36598, in which DRRR seeks authority to operate an additional NJT-owned line segment which will connect the two NJT-owned line segments that are the subject of this verified notice.

DRRR certifies that its projected annual revenues from this transaction will not result in its becoming a Class I or Class II rail carrier and will not exceed \$5 million. DRRR also certifies that the proposed transaction does not include an interchange commitment.

The transaction may be consummated on or after June 19, 2022, the effective date of the exemption (30 days after the verified notice was filed).

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 for stay must be filed no later than June 10, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36596, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on DRRR's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606–3208.

According to DRRR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: May 31, 2022.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Eden Besera,**  
*Clearance Clerk.*

[FR Doc. 2022–11973 Filed 6–2–22; 8:45 am]

**BILLING CODE 4915–01–P**

## **SURFACE TRANSPORTATION BOARD**

### **Two-Week Notice of Request for Emergency Approval of Information Collection: Urgent Rail Service Issues**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (Board) gives notice of its intent to request from the Office of Management and Budget (OMB) emergency approval for an existing collection without an OMB Control Number, as described below. If granted, the emergency approval is only valid for up to 180 days. If necessary, the Board will follow this emergency request with a submission for a 3-year approval through OMB's normal PRA clearance process.

**DATES:** Comments on this information collection should be submitted by June 17, 2022.

**ADDRESSES:** Direct all comments to Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001, or to

<sup>1</sup> DRRR filed a copy of the Agreement in conjunction with a motion for protective order pursuant to 49 CFR 1104.14. The motion for protective order will be addressed in a separate decision.

*PRA@stb.gov*. When submitting comments, please refer to “Urgent Rail Service Issues.” For further information regarding this collection, contact Ian Anderson at (202) 245-0337 or *Ian.Anderson@stb.gov*. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** Comments are requested concerning each collection as to (1) whether the particular collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility; (2) the accuracy of the Board’s burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of

information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate. Submitted comments will be included and summarized in the Board’s request for OMB approval.

*Subjects:* In this notice, the Board is requesting comments on the following information collection:

**Description of Collection**

*Title:* Urgent Rail Service Issues.  
*OMB Control Number:* 2140-XXXX.  
*STB Form Number:* None.  
*Type of Review:* Emergency approval of an existing information collection without an OMB control number.  
*Respondents:* Class I (Large) Railroads.  
*Number of Respondents:* Seven.

*Estimated Time Per Response:* See Table below.

TABLE—ESTIMATED HOURS PER RESPONSE

Type of filing	Estimated hours per response
Service Recovery Plans * .....	42
Historical Data * .....	8
Service Progress Reports * ..	8
Individual Conference Calls * ..	0.5
Weekly Performance Data ...	8
Monthly Employment Data ...	8
Supplement to April 2022 Employment Data .....	8

\* These sub-collections only apply to the four largest Class I railroads.

*Frequency:* One-time, bi-weekly and monthly, as provided in Table below.

TABLE—ESTIMATED NUMBER OF RESPONSES

Type of filing	Number of respondents	Estimated frequency
Service Recovery Plans * .....	4	1
Historical Data * .....	4	1
Service Progress Reports * .....	4	13
Individual Conference Calls * .....	4	6
Weekly Performance Data .....	7	26
Monthly Employment Data .....	7	6
Supplement to April 2022 Employment Data .....	7	1

\* These sub-collections only apply to the four largest Class I railroads.

*Total Burden Hours* (annually including all respondents): 2,476 (sum of estimated hours per response × number of annual responses for each type of filing), as provided in Table below.

TABLE—TOTAL ESTIMATED BURDEN HOURS

Type of filing	Estimated hours per response	Number of respondents	Estimated frequency	Total annual burden hours
Service Recovery Plans * .....	42	4	1	168
Historical Data * .....	8	4	1	32
Service Progress Reports * .....	8	4	13	416
Individual Conference Calls * .....	0.5	4	6	12
Weekly Performance Data .....	8	7	26	1,456
Monthly Employment Data .....	8	7	6	336
Supplement to April 2022 Employment Data .....	8	7	1	56
<b>Total Annual Burden Hours</b> .....				<b>2,476</b>

\* These sub-collections only apply to the four largest Class I railroads.

*Total Annual “Non-hour Burden” Cost:* There are no non-hourly burden costs for this collection. The itemized sub-collections may be filed electronically.

*Needs and Uses:* Under the Interstate Commerce Act, as amended by the ICC Termination Act of 1995, the Board is responsible for the economic regulation of common carrier rail transportation. Under 49 U.S.C. 1321(b), 11123, and 11145(a), the Board is empowered to

address immediate service issues. Collecting this information will enable the Board to take necessary action to timely deal with the unanticipated and urgent service issues affecting the U.S. rail system. These measures are meant to inform the Board’s assessment of further actions that may be warranted to address the acute service issues facing the rail industry and to promote industry-wide transparency,

accountability, and improvements in rail service.

At the Board’s April 26 and 27, 2022 public hearing in *Urgent Issues in Freight Rail Service*, the Board received extensive testimony on severe rail service issues reported by a wide range of witnesses—including agricultural, energy, and other shippers, as well as government officials, rail labor, and rail experts. The Board has also continued to review and monitor weekly rail

service performance data that indicated substantial deterioration in service. This information collection focuses on the adequacy of service recovery efforts involving BNSF Railway Company (BNSF), CSX Transportation (CSXT), Norfolk Southern Railway Company (NS), and Union Pacific Railroad Company (UP), and it requires more comprehensive and customer-centric reporting of all Class I (large) railroads' service metrics.

In a decision served on May 6, 2022, the Board found that immediate action was needed to address the significant service problems, and it ordered certain railroads to immediately submit relevant information. This information collection directs the four largest U.S. rail carriers—UP, BNSF, CSX, and NS—to submit service recovery plans, along with bi-weekly progress reports for the next six months, in an effort to address service deficiencies that are impacting the public, businesses, and the U.S. economy. This collection also requires all Class I rail carriers operating in the United States to report more comprehensive and customer-centric performance metrics and employment data, also for a six-month period. The Board is taking this action to better inform its assessment of actions that may be warranted to address the acute service issues described above.

The information received by the Board from this collection will be filed in Docket No. EP 770 (Sub-No. 1) and will be publicly available at [www.stb.gov](http://www.stb.gov) and may be found by a search in that docket under the “proceedings and dockets” pull-down menu.

The Board makes this submission because, under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under 5 CFR 1320.13, emergency processing is appropriate here and the Board is providing a two-week comment period through publication in the **Federal Register** concerning each proposed collection of information.

Dated: May 31, 2022.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2022–11981 Filed 6–2–22; 8:45 am]

BILLING CODE 4915–01–P

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36597]

### Kean Burenga and Chesapeake and Delaware, LLC—Continuance in Control Exemption—Delaware and Raritan River Railroad, LLC

Kean Burenga (Burenga), an individual and noncarrier, and Chesapeake and Delaware, LLC (CAD), a noncarrier holding company, (collectively, Applicants) filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Delaware and Raritan River Railroad, LLC (DRRR), a noncarrier, upon DRRR's becoming a Class III rail carrier.

This notice of exemption is related to a concurrently filed notice of exemption in *Delaware & Raritan River Railroad—Operation Exemption—Consolidated Rail Corporation*, Docket No. FD 36596, in which DRRR seeks authority to operate over certain rail lines owned by New Jersey Transit Corporation (NJT) and to lease and operate certain rail lines owned by Consolidated Rail Corporation (Conrail), totaling 49.9 miles in New Jersey, and a concurrently filed notice of modified certificate of public convenience and necessity in *Delaware & Raritan River Railroad—Modified Rail Certificate*, Docket No. FD 36598, in which DRRR seeks to operate over an additional NJT-owned line segment in New Jersey.

The transaction may be consummated on or after June 19, 2022, the effective date of the exemption (30 days after the verified notice was filed).

According to the notice, CAD currently controls two Class III railroads, Dover and Rockaway River Railroad, LLC (DRRV) and Dover and Delaware River Railroad, LLC (DDRR), and Burenga has authority to control DRRV, DDRR, Belvidere & Delaware River Railway Company, Inc. (BDRV), and Black River & Western Corp. (BRW).<sup>1</sup>

Applicants represent that: (1) DRRR will not connect with any of the

<sup>1</sup> DRRV, DDRR, BDRV, and BRW collectively are referred to as the Burenga Railroads. The verified notice states that Burenga has a controlling interest in BDRV and that he recently acquired a controlling interest in BRW, but that he only possesses a minority equity interest in DDRR and DRRV, although he is a director for both railroads and currently holds a management position in each. According to the verified notice, Burenga will assume a similar minority stake in DRRR and will hold a like directorship in, and management position with, DRRR, and that Burenga “seeks permissive control authority for DRRR out of an abundance of caution.”

Burenga Railroads; (2) the transaction is not part of a series of anticipated transactions that would connect DRRR with any of the Burenga Railroads or any of the Burenga Railroads with each other; and (3) the transaction does not involve a Class I rail carrier. Therefore, the proposed transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

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 June 10, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36597, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Applicants' representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606–3208.

According to Applicants, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: May 31, 2022.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Eden Besera,**

Clearance Clerk.

[FR Doc. 2022–11974 Filed 6–2–22; 8:45 am]

BILLING CODE 4915–01–P