

vehicle maintenance services. (Appl. 4.) Applicants state that FT's contract customers include state and local transit agencies, as well as other governmental agencies, airports, and private institutions. (*Id.*; see also Suppl. Ex. E.) The application explains that FT holds operating authority from FMCSA because it occasionally conducts regulated interstate charter operations when its vehicles and drivers are not engaged in its primary business of contract transit services. (Appl. 4.) According to the application, FT also engages in regulated intrastate transportation in California, Rhode Island, and the Washington, DC metropolitan area. (*Id.* at 4–5.) TNA's acquisition of Topco's voting securities would make FT a direct subsidiary of TNA and an indirect subsidiary of Transdev. (*Id.* at 6.)

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least (1) the effect of the proposed transaction on the adequacy of transportation to the public, (2) the total fixed charges resulting from the proposed transaction, and (3) the interest of affected carrier employees. Applicants have submitted information required by 49 CFR 1182.2, including information demonstrating that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b), see 49 CFR 1182.2(a)(7), and a jurisdictional statement under 49 U.S.C. 14303(g) that the aggregate gross operating revenues of the involved carriers exceeded \$2 million during the 12-month period immediately preceding the filing of the application, see 49 CFR 1182.2(a)(5). (See Appl. 7–9; Suppl. 2–4.)

Applicants assert that the proposed transaction is not expected to have an adverse impact on the adequacy of transportation services available to the public. (Appl. 7–9; see also Suppl. 2–4.) Applicants state that there are a large number of charter bus service companies and that barriers to entry into the passenger motor carrier business are low, and therefore the transaction will not result in any meaningful reduction in competitive charter bus services. (Appl. 7–8 (citing *All Aboard America! Holdings, Inc.—Acquis. of Control—Lux Bus America Co.*, MCF 21082 (STB served Sept. 21, 2018).) Regarding their contract services, Applicants claim that the contract-driven nature of the services involved here means that Applicants and FT will have every incentive to maintain and improve the adequacy of their services to the public. (*Id.* at 8.)

According to Applicants, this is because contract renewals in this sector involve highly visible and intense negotiations among multiple bidders, governmental bodies, unions, political activists and other interested parties, and customers always have the option of taking such operations in-house. (*Id.* at 8.) Applicants claim that a May 2022 report by Kearney & Company shows that outsourced passenger transportation services contracts are highly contestable by firms of all sizes. (*Id.* at 8; see also Suppl. Ex. H, Kearney Report.) Applicants state the report shows that the four largest companies in this sector (National Express, MV, Transdev/Veolia, and First Transit) saw a significant decline of the contracts awarded from approximately 46 percent to 34 percent, while Transdev and First Transit's combined shares fell from 31 percent to 20 percent. (Appl. 8.) At the same time, the market share of participants other than the four leading entities increased from 54 percent to 67 percent. (*Id.*) According to Applicants, this shows that the market would remain subject to intense competition even after the proposed transaction, requiring Applicants and FT to maintain high service levels to compete against a wide variety of providers. (*Id.*)

Applicants argue that, for the same reasons that the transaction will not have an adverse impact on the adequacy of transportation services available to the public, it will also not adversely affect competition. (*Id.* at 7–9; see also Suppl. 2–4.) For the charter services market, Applicants state that competitors could include virtually any regulated bus operator in the geographic area where the charter services are conducted. (Suppl. 7.) As to government contract operations, Applicants identify numerous competitors in that market. (See *id.* at 6–7.)

Applicants state that the proposed transaction will not increase fixed charges payable by FT. (Appl. 9.) Applicants explain that they intend to pay the purchase price with a combination of cash in hand and a portion of a revolving credit facility that has been in place for TNA and affiliates since 2019; FT will not be added as a co-obligor on the credit facility. (*Id.*; see also Suppl. Ex. I, Transdev Financing/“Fixed Charges.”) Applicants also represent that, given the longstanding shortage of qualified drivers and maintenance personnel, the transaction is highly unlikely to have adverse impacts on any employees or employment levels, with the possible exception of a handful of top management personnel. (Appl. 11; Suppl. 7.)

Based on Applicants' representations, the Board finds that the acquisition as proposed in the application is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6. If no opposing comments are filed by expiration of the comment period, this notice will take effect automatically and will be the final Board action.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

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

*It is ordered:*

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.
2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.
3. This notice will be effective February 22, 2023, unless opposing comments are filed by February 21, 2023. If any comments are filed, Applicant may file a reply by March 6, 2023.
4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: December 29, 2022.

By the Board, Board Members, Fuchs, Hedlund, Oberman, Primus, and Schultz.

**Tammy Lowery,**  
Clearance Clerk.

[FR Doc. 2022–28607 Filed 1–4–23; 8:45 am]

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## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36656]

### Colorado Pacific Rio Grande Railroad, LLC—Acquisition and Operation Exemption Containing Interchange Commitment—San Luis & Rio Grande Railroad, Inc.

On December 20, 2022, the Colorado Pacific Rio Grande Railroad, LLC (CP Rio Grande), a non-carrier, filed a verified notice of exemption under 49

CFR 1150.31 to acquire and operate the following railroad track and other assets of the San Luis & Rio Grande Railroad, Inc. (SLRG): (1) from milepost 299.30 near Derrick, Colo., to milepost 180.00 near Walsenburg, Colo., comprising SLRG's Alamosa Subdivision, and (2) between milepost 251.7 at Alamosa, Colo., and milepost 281.78 at Antonito, Colo. (the Antonito Subdivision), a total distance of approximately 149.38 miles (collectively, the Line).<sup>1</sup> According to the verified notice, CP Rio Grande is also acquiring incidental trackage rights conveyed to SLRG by UP in the vicinity of Walsenburg between milepost 180.00 and milepost 175.00.

According to the verified notice, the proposed transaction is the culmination of involuntary Chapter 11 bankruptcy proceedings before the United States Bankruptcy Court for the District of Colorado. The verified notice states that, on November 17, 2022, KCVN LLC (KCVN) was the successful bidder at auction for substantially all the assets of SLRG, and an Asset Purchase Agreement was executed between SLRG and KCVN "or its permitted assignee." The verified notice further states that the Bankruptcy Court approved the sale to KCVN or its permitted assignee pursuant to the Asset Purchase Agreement on November 29, 2022. According to the verified notice, on December 19, 2022, KCVN assigned all of its rights in the Asset Purchase Agreement to CP Rio Grande.<sup>2</sup>

CP Rio Grande certifies that its projected annual revenues from this transaction will not exceed \$5 million and will not result in CP Rio Grande becoming a Class II or Class I rail carrier. CP Rio Grande further certifies that the transaction involves an interchange commitment that would limit future interchange with a third-party carrier other than UP in Walsenburg Yard,<sup>3</sup> and CP Rio Grande

has provided additional information regarding the interchange commitment as required by 49 CFR 1150.33(h).

The transaction may be consummated on or after January 19, 2023, 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 January 12, 2023 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36656, 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 SLRG's representative: Thomas W. Wilcox, Law Office of Thomas W. Wilcox, LLC, 1629 K Street NW, Suite 300, Washington, DC 20006.

According to CP Rio Grande, 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: December 30, 2022.

By the Board,

**Mai T. Dinh,**

*Director, Office of Proceedings.*

**Stefan Rice,**

*Clearance Clerk.*

[FR Doc. 2022-28644 Filed 1-4-23; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2022-1739]

#### Agency Information Collection

#### Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Airport Grants Program

**AGENCY:** Federal Aviation Administration (FAA), DOT.

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB)

approval to renew an information collection. The collection involves gathering data from airport sponsors and planning agencies to determine eligibility, ensure compliance with Federal requirements, and ensure proper use of Federal funds and project accomplishments for the Airport Improvement Program. Submission is required to receive funds.

**DATES:** Written comments should be submitted by March 6, 2023.

**ADDRESSES:** Please send written comments:

*By Electronic Docket:*  
[www.regulations.gov](http://www.regulations.gov) (Enter docket number into search field).

*By mail:* Carlos Fields, Office of Airports Planning and Programming, APP, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

*By fax:* 202-267-5302.

#### FOR FURTHER INFORMATION CONTACT:

Carlos Fields by email at: [Carlos.Fields@faa.gov](mailto:Carlos.Fields@faa.gov); phone: 202-267-8826.

#### SUPPLEMENTARY INFORMATION:

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

*OMB Control Number:* 2120-0569.

*Title:* Airport Grants Program.

*Form Numbers:* FAA Forms 5100-100, 5100-101, 5100-108, 5100-110, 5100-126, 5100-127, 5100-128, 5100-129, 5100-130, 5100-131, 5100-132, 5100-133, 5100-134, 5100-135, 5100-136, 5100-137, 5100-138, 5100-139, 5100-140, 5100-141, 5100-142, 5100-143, 5100-144, 5100-145, 5370-1.

*Type of Review:* Renewal of an information collection.

*Background:* Codification of certain U.S. Transportation laws at 49 U.S.C., repealed the Airport and Airway Improvement Act of 1982, as amended, and the Aviation Safety and Noise Abatement Act of 1979, as amended, and re-codified them without substantive change at Title 49 U.S.C., which is referred to as the "Act." The Act provides funding for airport planning and development projects at airports included in the National Plan of Integrated Airport Systems. The Act also authorizes funds for noise compatibility

<sup>1</sup> The verified notice states that SLRG acquired the Line from the Union Pacific Railroad Company (UP) in 2003. See *San Luis & Rio Grande R.R.—Acquis. & Operation Exemption—Union Pac. R.R.*, FD 34350 (STB served July 18, 2003).

<sup>2</sup> KCVN is the parent company of Colorado Pacific Railroad, LLC (CRX), a Class III carrier. CP Rio Grande is an independent entity that is not owned or controlled by KCVN. According to the verified notice, the intention is for CP Rio Grande to continue the operations of the SLRG separate and apart from KCVN and CRX.

<sup>3</sup> According to the verified notice, the incidental trackage rights being acquired by CP Rio Grande are subject to an existing interchange commitment between SLRG and UP that was created when UP conveyed the Line to SLRG. However, the existence of the interchange commitment was not disclosed in the verified notice of exemption for that transaction because the regulations at 49 CFR 1150.33(h) requiring such disclosure were not in effect yet. See *San Luis & Rio Grande R.R.*, Docket No. FD 34350.