

the purpose of making a connection, and (3) the transaction does not involve a Class I carrier. Therefore, the 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 carriers. Because this transaction involves Class III carriers only, the Board may not impose labor protective conditions here.

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. Stay petitions must be filed no later than February 17, 2023 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36664, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing at 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on CWW's representative, James H.M. Savage, 22 Rockingham Court, Germantown, MD 20874.

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

Decided: February 7, 2023.

By the Board,

**Mai T. Dinh,**

*Director, Office of Proceedings.*

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2023-02876 Filed 2-9-23; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. EP 290 (Sub-No. 4)]**

### **Railroad Cost Recovery Procedures—Productivity Adjustment**

**AGENCY:** Surface Transportation Board.

**ACTION:** Presentation of the Board's calculation for the change in railroad productivity for the 2017–2021 averaging period.

**SUMMARY:** In a decision served on February 10, 2023, the Board proposed to adopt 1.028 (2.8% per year) as the measure of average (geometric mean) change in railroad productivity for the

2017–2021 (five-year) period. The Board's February 10, 2023 decision stated that comments may be filed addressing any perceived data and computational errors in the Board's calculation. The decision also stated that, unless a further order is issued postponing the effective date, the decision will take effect on March 1, 2023.

**DATES:** Comments are due by February 27, 2023.

**ADDRESSES:** Comments may be filed via e-filing on the Board's website at [www.stb.gov](http://www.stb.gov). Comments must be served on all parties appearing on the service list.

**FOR FURTHER INFORMATION CONTACT:** Pedro Ramirez at (202) 245-0333. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision, which is available at [www.stb.gov](http://www.stb.gov).

Decided: February 6, 2023.

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

**Stefan Rice,**

*Clearance Clerk.*

[FR Doc. 2023-02915 Filed 2-9-23; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. EP 558 (Sub-No. 26)]**

### **Railroad Cost of Capital—2022**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice.

**SUMMARY:** The Board is instituting a proceeding to determine the railroad industry's cost of capital for 2022. The decision solicits comments on the following issues: the railroads' 2022 current cost of debt capital, the railroads' 2022 current cost of preferred equity capital (if any), the railroads' 2022 cost of common equity capital, and the 2022 capital structure mix of the railroad industry on a market value basis.

**DATES:** Notices of intent to participate are due by March 21, 2023. Statements of the railroads are due by April 11, 2023. Statements of other interested persons are due by May 2, 2023. Rebuttal statements by the railroads are due by May 23, 2023.

**ADDRESSES:** Comments may be filed with the Board via e-filing on the Board's website.

**FOR FURTHER INFORMATION CONTACT:** Pedro Ramirez at (202) 245-0333. If you

require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

**SUPPLEMENTARY INFORMATION:** The decision in this proceeding is posted at [www.stb.gov](http://www.stb.gov).

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

Decided: February 7, 2023.

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

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2023-02928 Filed 2-9-23; 8:45 am]

**BILLING CODE 4915-01-P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. MCF 21104]**

### **Van Pool Transportation LLC—Acquisition of Control—Local Motion, Inc.**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice tentatively approving and authorizing finance transaction.

**SUMMARY:** On January 13, 2023, Van Pool Transportation LLC (Van Pool or Applicant), a noncarrier, filed an application for Van Pool to acquire control of an interstate passenger motor carrier, Local Motion, Inc. (Local Motion), by acquiring all of the outstanding equity shares of the shareholders of Local Motion: Bruce E. Barrows, William J. Carragher, and John R. Eaton (collectively, Sellers). The Board is tentatively approving and authorizing the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

**DATES:** Comments must be filed by March 27, 2023. If any comments are filed, Van Pool may file a reply by April 11, 2023. If no opposing comments are filed by March 27, 2023, this notice shall be effective on March 28, 2023.

**ADDRESSES:** Comments may be filed with the Board either via e-filing or in writing addressed to: Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001. In addition, send one copy of comments to Van Pool's representative: Andrew K. Light, Scopelitis, Garvin, Light, Hanson & Feary, P.C., 10 W Market Street, Suite 1400, Indianapolis, IN 46204.

**FOR FURTHER INFORMATION CONTACT:** Amy Ziehm at (202) 245-0391. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

**SUPPLEMENTARY INFORMATION:** According to the application, Van Pool is a limited liability company organized under

Delaware law and headquartered in Wilbraham, Mass. (Appl. 2.) Van Pool states that it indirectly owns and controls all of the equity and voting interest in the following interstate passenger motor carriers (collectively, the Affiliate Regulated Carriers) that hold interstate passenger motor carrier authority, (*id.* at 2–6):<sup>1</sup>

- NRT Bus, Inc., which primarily provides non-regulated student school bus transportation services in Massachusetts (Essex, Middlesex, Norfolk, Suffolk, and Worcester counties), and occasional charter services;

- Trombly Motor Coach Service, Inc., which primarily provides non-regulated school bus transportation services in Massachusetts (Essex and Middlesex counties), and occasional charter services;

- Salter Transportation, Inc., which primarily provides non-regulated school bus transportation services in Massachusetts (Essex County) and southern New Hampshire, and occasional charter services;

- Easton Coach Company, LLC, which provides (i) intrastate paratransit, shuttle, and line-run services under contracts with regional transportation authorities and other organizations, primarily in New Jersey and eastern Pennsylvania, and (ii) private charter motor coach and shuttle services (interstate and intrastate), primarily in eastern Pennsylvania;

- F.M. Kuzmeskus, Inc., which provides (i) non-regulated school bus transportation services in western Massachusetts and southern Vermont, (ii) intrastate and interstate motor coach and limousine charter services, and (iii) limited intrastate and interstate charter services;

- Alltown Bus Service, Inc., which primarily provides non-regulated school bus transportation services in the metropolitan area of Chicago, Ill., and occasional charter services; and

- DS Bus Lines, Inc., which primarily provides non-regulated school bus transportation services in Kansas (Beloit, Kansas City, Lincoln, Olathe, and Shawnee), Missouri (Belton and Smithville), Colorado (the metropolitan area of Denver), and Oklahoma (the metropolitan area of Tulsa), and intrastate employee shuttle services in Colorado and Texas.

According to the application, Van Pool also has operating subsidiaries that

provide transportation services that do not involve regulated interstate transportation or require interstate passenger authority (together with the Affiliate Regulated Carriers, the Applicant Subsidiaries), primarily in the northeastern portion of the United States. (Appl. 2–3; *id.* at Ex. B.) Van Pool states that it is indirectly owned and controlled by investment funds affiliated with Audax Management Company, LLC, a Delaware limited liability company. (*Id.* at 8.)<sup>2</sup>

The application explains that Local Motion, the carrier being acquired, is a Massachusetts corporation that provides the following services: (i) non-regulated school bus transportation services under contracts with schools in the metropolitan area of Boston, Mass. (Greater Boston); (ii) motor coach and mini-bus charter services to the traveling public in Greater Boston; (iii) contract shuttle services for employers and colleges in Greater Boston; and (iv) transportation services for students attending summer camps, all originating in Greater Boston. (*Id.* at 6–7.) The application states that, in providing its services, Local Motion utilizes approximately 20 motor coaches, 130 school buses, 10 mini-buses, and 12 vans, and approximately 185 drivers. (*Id.* at 7.) The application further states that Local Motion holds interstate carrier operating authority under FMCSA Docket No. MC–338541 and has a safety rating of “Satisfactory.” (*Id.* at 6.) According to the application, all the Sellers are individuals domiciled in Massachusetts, none of the Sellers is a carrier, and none of the Sellers has control of any federally regulated passenger motor carrier other than Local Motion. (*Id.*) Van Pool represents that, through this transaction, it will acquire all the outstanding equity shares from Sellers, the effect of which will be to place Local Motion under the control of Van Pool. (*Id.* at 1, 8.)

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 that result from the proposed transaction, and (3) the interest of affected carrier employees. Van Pool has submitted the information required by 49 CFR 1182.2, including information to demonstrate 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. 9–14.)

Van Pool asserts that the proposed transaction will not have a material, detrimental impact on the adequacy of transportation services available to the public. (*Id.* at 10.) Van Pool states that Local Motion will continue to provide the same services it currently provides under the same name, but will operate as a subsidiary of Van Pool, which is experienced in passenger transportation operations. (*Id.*) Van Pool explains that it is experienced in the same market segments served by Local Motion (school bus transportation, private charter transportation, employer and college shuttle services, and summer camp transportation), and that the transaction is expected to result in improved operating efficiencies, increased equipment utilization rates, and cost savings derived from economies of scale, all of which will help ensure the provision of adequate service to the public. (*Id.*) Van Pool also asserts that adding Local Motion to its corporate family will enhance the viability of Van Pool’s organization and the Applicant Subsidiaries. (*Id.*)

Van Pool claims that neither competition nor the public interest will be adversely affected by the proposed transaction. (*Id.* at 11–14.) Van Pool explains that the school bus transportation market is very competitive in eastern Massachusetts, and there are a large number of school bus service providers in that market area. (*Id.* at 13 (listing multiple competitors).) As to charter services, Van Pool states that there are a number of passenger transportation arrangers or brokers for charter services that operate and serve Greater Boston, including Academy Bus Charter, Cavalier Coach, Bloom Bus, and Paul Revere Bus. (*Id.*) Van Pool notes that all charter service providers, including Local Motion, also compete with other modes of passenger transportation, including rail, low-cost airlines, and passenger transportation network companies. (*Id.*) In addition, Van Pool explains that Local Motion competes with a number of providers of employer and college shuttle services in Greater Boston, and competes with many of the school bus service providers and charter service providers in providing transportation services for summer camps. (*Id.*) Van Pool also notes that the Local Motion service areas are

<sup>1</sup> Additional information about these motor carriers, including U.S. Department of Transportation (USDOT) numbers, motor carrier numbers, and USDOT safety fitness ratings, can be found in the application. (*See id.* at 2–6; *id.* at Ex. A.)

<sup>2</sup> Further information about the Applicant’s corporate structure and ownership can be found in the application. (*See* Appl. 8; *id.* at Ex. B.)

generally geographically “dispersed” from the service areas of the Affiliate Regulated Carriers in regard to their respective service offerings, and states that there is virtually no overlap in the service areas and/or customer bases among the Affiliate Regulated Carriers and Local Motion. (*Id.*)

Van Pool states that the proposed transaction will increase fixed charges in the form of interest expenses because funds will be borrowed to assist in financing the transaction; however, Van Pool maintains that the increase will not impact the provision of transportation services to the public. (*Id.* at 11.) Van Pool also asserts that it does not expect the transaction to have substantial impacts on employees or labor conditions, and it does not anticipate a measurable reduction in force or changes in compensation levels or benefits at Local Motion. (*Id.*) Van Pool submits, however, that staffing redundancies could result in limited downsizing of back-office and/or managerial-level personnel. (*Id.*)

Based on Van Pool’s 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 in this proceeding.

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 March 28, 2023, unless opposing comments are filed by March 27, 2023. If any comments are filed, Applicant may file a reply by April 11, 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: February 7, 2023.

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

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2023-02927 Filed 2-9-23; 8:45 am]

**BILLING CODE 4915-01-P**

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## SUSQUEHANNA RIVER BASIN COMMISSION

### Commission Meeting

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Notice.

**SUMMARY:** The Susquehanna River Basin Commission will conduct its regular business meeting on March 16, 2023 in Harrisburg, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. Also the Commission published a document in the **Federal Register** on January 11, 2023, concerning its public hearing on February 2, 2023, in Harrisburg, Pennsylvania.

**DATES:** The meeting will be held on Thursday, March 16, 2023, at 9 a.m.

**ADDRESSES:** This public meeting will be conducted in person and digitally from the Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, Pennsylvania 17110.

**FOR FURTHER INFORMATION CONTACT:** Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: 717-238-0423; fax: 717-238-2436.

**SUPPLEMENTARY INFORMATION:** The business meeting will include actions or presentations on the following items: (1) approval of contracts, grants and agreements; (2) a motion to release a proposed general permit for public comment (3) and actions on 18 regulatory program projects.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the **Federal Register** after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

The meeting will be conducted both in person at the Susquehanna River Basin Commission Harrisburg headquarters and digitally. The public is invited to attend the Commission’s business meeting. You can access the Business Meeting remotely via Zoom: <https://us02web.zoom.us/j/82472805136?pwd=VlpHaElpeWF2U0RhWVFRHhTbU40UT09>; Meeting ID 824 7280 5136; Passcode: SRBC4423! or via telephone: 309-205-3325 or 312-626-6799; Meeting ID 824 7280 5136.

Written comments pertaining to items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110-1788, or submitted electronically through [www.srb.com/about/meetings-events/business-meeting.html](http://www.srb.com/about/meetings-events/business-meeting.html). Such comments are due to the Commission on or before February 13, 2023. Comments will not be accepted at the business meeting noticed herein.

**Authority:** Pub. L. 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: February 6, 2023.

**Jason E. Oyler,**  
General Counsel and Secretary to the Commission.

[FR Doc. 2023-02819 Filed 2-9-23; 8:45 am]

**BILLING CODE 7040-01-P**

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Notice of Conforming and Technical Amendments: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

**AGENCY:** Office of the United States Trade Representative (USTR).

**ACTION:** Notice.

**SUMMARY:** This notice makes one conforming amendment and one technical amendment to the reinstated exclusions in the Section 301 investigation of China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation.

**DATES:** The conforming amendment announced in Annex I to this notice applies as of January 1, 2023. The technical amendment announced in Annex II to this notice is retroactive to the date of publication of the original exclusion.

**FOR FURTHER INFORMATION CONTACT:** For general questions about this notice, contact Associate General Counsel Philip Butler or Assistant General