

**DEPARTMENT OF TRANSPORTATION****Research and Innovative Technology Administration**

[Docket ID Number RITA 2008-0002]

**Agency Information Collection; Activity Under OMB Review; Report of Passengers Denied Confirmed Space—BTS Form 251**

**AGENCY:** Research & Innovative Technology Administration (RITA), Bureau of Transportation Statistics (BTS), DOT.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, Public Law 104-13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of BTS collecting reports on the number of passengers holding confirmed reservations that voluntarily or involuntarily give up their seats when the airline oversells the flight. Comments are requested concerning whether (a) The collection is still needed by the Department of Transportation, (b) BTS accurately estimated the reporting burden; (c) there are other ways to enhance the quality, utility and clarity of the information collected; and (d) there are ways to minimize reporting burden, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted by June 25, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Bernie Stankus, Office of Airline Information, RTS-42, Room E36-303, RITA, BTS, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001, Telephone Number (202) 366-4387, Fax Number (202) 366-3383 or e-mail [bernard.stankus@dot.gov](mailto:bernard.stankus@dot.gov).

**Comments:** Comments should identify the associated OMB approval #2138-0018 and Docket ID Number RITA 2008-0002. Persons wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on OMB #2138-0018, Docket—RITA 2008-0002. The postcard will be date/time stamped and returned.

**SUPPLEMENTARY INFORMATION:**

*OMB Approval No.* 2138-0018.  
*Title:* Report of Passengers Denied Confirmed Space.  
*Form No:* BTS Form 251.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Large certificated and foreign air carriers.

*Number of Respondents:* 18.

*Number of Responses:* 72.

*Total Annual Burden:* 960 hours.

*Needs and Uses:* BTS Form 251 is a one-page report on the number of passengers denied seats either voluntarily or involuntarily, whether these bumped passengers were provided alternate transportation and/or compensation, and the amount of the payment. U.S. air carriers that account for at least 1 percent of domestic scheduled passenger service must report all operations with 30 seat or larger aircraft that depart a U.S. airport. Carriers do not report data from inbound international flights because the protections of 14 CFR part 250 *Oversales* do not apply to these flights. The report allows the Department to monitor the effectiveness of its oversales rule and take enforcement action when necessary. While the involuntarily denied-boarding rate has decreased from 4.38 per 10,000 passengers in 1980 to 1.09 for the quarter ended December 2009, the rate is up from the 0.89 attained for the nine month period that ended on September 30, 2005. The publishing of the carriers' individual denied boarding rates has negated the need for more intrusive regulation. The rate of denied boarding can be examined as a continuing fitness factor. This rate provides an insight into a carrier's customer service practices. A rapid sustained increase in the rate of denied boarding may indicate operational difficulties. Because the rate of denied boarding is released quarterly, travelers and travel agents can select carriers with lower incidences of bumping passengers. This information is available in the *Air Travel Consumer Report* at: <http://airconsumer.ost.dot.gov/reports/index.htm>. The *Air Travel Consumer Report* is also sent to newspapers, magazines, and trade journals. Without Form 251, determining the effectiveness of the Department's oversales rule would be impossible.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for

review, analysis and possible use in regulatory and other administrative matters.

**Anne Suissa,**

*Director, Office of Airline Information.*

[FR Doc. 2010-9557 Filed 4-23-10; 8:45 am]

**BILLING CODE 4910-HY-P**

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236**

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236, as detailed below.

[Docket Number FRA-2010-0081]

**Applicant:** Mr. D. C. Francis, Canadian National—North America, System Senior Manager S&C Design/Standards, 17641 South Ashland Avenue, Homewood, Illinois 60430.

The Canadian National—North America (CN) seeks temporary relief from § 236.301, where signals shall be provided, relative to CN's EJ&E Griffith Connection project involving the Matteson Subdivision and the South Bend Subdivision. CN has planned construction of a connection at Griffith, Station Sign 36.2, on the Matteson Subdivision to route trains to and from Kirk Yard via the South Bend Subdivision. CN is seeking expedited temporary relief of § 236.301 to allow movements to and from Kirk Yard via the South Bend Subdivision using hand-throw switches within the interlocking on a proposed new connecting track until final construction is complete and the interlocking plant is fully in compliance. Upon completion, the hand-throw switches are to be replaced with power-operated switches. During the temporary installation of the connecting track, train operations will be governed as follows: A speed restriction of 20 mph on all routes over the hand-throw switches on the connecting track; switch circuit controllers on the connecting track, which will open the OST input to the appropriate microprocessor and put all signals to stop when one or both switches are greater than 1/4" from normal to full reverse; a temporary track

circuit will be inserted to cover the trap circuit operation for the diamond on the Matteson Subdivision (North Side); fouling circuits will be effective on the new connection track; and derails will be installed on both ends of the new connecting track. A mandatory directive (GBO) will be issued covering the following: No signals will be given for trains routed over the new connecting track. All trains routed over the new connecting track will be talked by the appropriate Red signal governing movements into the interlocking. Highway-rail crossing starts on the Matteson Subdivision and South Bend Subdivision will be covered by Order.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning this proceeding should be identified by Docket Number FRA-2010-0081 and may be submitted by one of the following methods:

- **Web site:** <http://www.regulations.gov>. Follow the instructions for submitting comments on the DOT electronic site;
- **Fax:** 202-493-2251;
- **Mail:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590; or
- **Hand Delivery:** Room W12-140 of the U.S. Department of Transportation West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual

submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on April 20, 2010.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator, for Safety Standards and Program Development.*

[FR Doc. 2010-9631 Filed 4-23-10; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35087]

#### Canadian National Railway Company and Grand Trunk Corporation—Control—EJ&E West Company<sup>1</sup>

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice.

**SUMMARY:** The Surface Transportation Board will hold a public hearing beginning at 1 p.m. on Wednesday, April 28, 2010, in the Hearing Room on the first floor of the Board's headquarters in Washington, DC. The purpose of the hearing is for Canadian National Railway Company (CN) to explain why CN's submissions to the Board on crossing blockages of 10 minutes or more differ from data automatically reported in its own crossing gates, and why CN did not disclose that it had such information. The meeting will be open for public observation but not public participation.

**DATES:** The meeting will take place on Wednesday, April 28, 2010, beginning at 1 p.m.

**ADDRESS:** The meeting will be held in the Hearing Room on the first floor of the Board's headquarters at Patriot's Plaza, 395 E Street, SW., Washington, DC 20423-0001.

**FOR FURTHER INFORMATION CONTACT:** Amy Ziehm, Office of Proceedings, Telephone: (202) 245-0391. [Assistance

<sup>1</sup> This decision also embraces *Elgin, Joliet & E. Ry.—Corporate Family Exemption—EJ&E W. Co.*, FD 35087 (Sub-No. 1); *Chi., Cent. & Pac. R.R.—Trackage Rights Exemption—EJ&E W. Co.*, FD 35087 (Sub-No. 2); *Grand Trunk W. R.R.—Trackage Rights Exemption—EJ&E W. Co.*, FD 35087 (Sub-No. 3); *Ill. Cent. R.R.—Trackage Rights Exemption—EJ&E W. Co.*, FD 35087 (Sub-No. 4); *Wis. Cent. Ltd.—Trackage Rights Exemption—EJ&E W. Co.*, FD 35087 (Sub-No. 5); *EJ&E W. Co.—Trackage Rights Exemption—Chi., Cent. & Pac. R.R.*, FD 35087 (Sub-No. 6); and *EJ&E W. Co.—Trackage Rights Exemption—Ill. Cent. R.R.*, FD 35087 (Sub-No. 7).

for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877-8339.]

**SUPPLEMENTARY INFORMATION:** In a decision served December 24, 2008, the Board approved, subject to numerous environmental and other conditions, the acquisition of control by CN of EJ&E West Company, a wholly owned, noncarrier subsidiary of Elgin, Joliet and Eastern Railway Company (EJ&E). See *Canadian Nat'l Ry. & Grand Trunk Corp.—Control—EJ&E W. Co. (Approval Decision)*, FD 38057, et al. (STB served Dec. 24, 2008). As part of the *Approval Decision*, the Board established a 5-year monitoring and oversight period to allow the Board to examine closely various aspects of the transaction, including community concerns about post-acquisition increased delay and blockages at the numerous highway/rail at-grade crossings (places where rail lines cross streets at the same level, rather than going over or under the streets) on the former EJ&E line. As part of that oversight process, CN must file monthly status reports on certain operational matters related to the acquisition, including "the date and descriptive information about each crossing blocking occurrence on the [former] EJ&E rail line that exceeds 10 minutes in duration." *Id.* at 26. CN also must file quarterly reports on the implementation of the environmental conditions.

CN reported in its November 2009 operational report that 4 street crossing blockages of 10 minutes or more occurred because of stopped CN trains on the former EJ&E line. CN's December 2009 operational report stated that 10 street crossing blockages of 10 minutes or more had occurred as a result of stopped CN trains.

Citizens and communities along the former EJ&E line began to voice concerns about the accuracy and completeness of CN's reports. To investigate, the Board tasked its independent third-party contractor, HDR, Inc. (HDR), to review and audit information provided by CN in its monthly reports for November and December 2009. HDR was specifically instructed to review the information reported by CN on the number of trains operating on the former EJ&E line that caused blockages at highway/rail at-grade crossings for 10 minutes or more.<sup>2</sup>

HDR's independent audit report, prepared at the Board's request, presents

<sup>2</sup> The audit also involved vehicle delay and traffic congestion at at-grade crossings; train volumes; noise and vibration caused by CN trains; operational accidents; and appropriate public grade crossing signs.