

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