

average markup that the railroad would need to collect from all of its “potentially captive traffic” (traffic with a revenue-to-variable-cost ratio above 180%) to earn adequate revenues as measured by the Board under 49 U.S.C. 10704(a)(2) (*i.e.*, earn a return on investment equal to the railroad industry cost of capital). *Simplified Standards—Taxes in RSAM*, EP 646 (Sub-No. 2), slip op. at 1. In *Simplified*

Standards—Taxes in RSAM, EP 646 (Sub-No. 2), slip op. at 3, 5, the Board modified its RSAM formula to account for taxes, as the prior formula mistakenly compared pre-tax and after-tax revenues. In that decision, the Board stated that it would institute a separate proceeding in which Class I railroads would be required to submit the annual tax information necessary for the

Board’s annual RSAM calculation. *Id.* at 5–6.

Pursuant to 49 CFR 1135.2, AAR is required to annually calculate and submit to the Board the weighted average state tax rate for each Class I railroad for the previous year. On May 26, 2022, AAR filed its calculation of the weighted average state tax rates for 2021, listed below for each Class I railroad:

WEIGHTED AVERAGE STATE TAX RATES

Railroad	2021 (percent)	2020 (percent)	% Change
BNSF Railway Company	5.068	5.119	–0.051
CSX Transportation, Inc.	5.010	5.101	–0.091
Grand Trunk Corporation	7.904	8.124	–0.220
The Kansas City Southern Railway Company	5.164	5.139	0.025
Norfolk Southern Combined Railroad Subsidiaries	5.671	5.713	–0.042
Soo Line Corporation	7.827	8.122	–0.295
Union Pacific Railroad Company	5.451	5.598	–0.147

Pursuant to 49 CFR 1135.2(b), notice of AAR’s submission will be published in the **Federal Register**. Any party wishing to comment on AAR’s calculation of the 2021 weighted average state tax rates should file a comment by July 5, 2022. *See* 49 CFR 1135.2(c). If any comments opposing AAR’s calculations are filed, AAR’s reply will be due by July 25, 2022. *Id.* If any comments are filed, the Board will review AAR’s submission, together with the comments, and serve a decision within 60 days of the close of the record that either accepts, rejects, or modifies AAR’s railroad-specific tax information. *Id.* If no comments are filed by July 5, 2022, AAR’s submitted weighted average state tax rates will be automatically adopted by the Board, effective July 6, 2022. *Id.*

It is ordered:

1. Comments on AAR’s calculation of the 2021 weighted average state tax rates for the Class I railroads are due by July 5, 2022. If any comments opposing AAR’s calculations are filed, AAR’s reply is due by July 25, 2022.

2. If no comments are filed, AAR’s calculation of the 2021 weighted average state tax rates for each Class I railroad will be automatically adopted by the Board, effective July 6, 2022.

Decided: May 31, 2022.

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

Kenyatta Clay,
Clearance Clerk.

[FR Doc. 2022–11970 Filed 6–2–22; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36598]

Delaware and Raritan River Railroad, LLC—Modified Rail Certificate

Delaware and Raritan River Railroad, LLC (DRRR), a noncarrier, has filed a notice for a modified certificate of public convenience and necessity under 49 CFR part 1150 subpart C—*Modified Certificate of Public Convenience and Necessity*, to operate a rail line from Howell, N.J. (approximately milepost 20.3+/-) to a point west of Yellowbrook Road near Farmingdale, N.J. (approximately milepost 22.3+/-), all in Monmouth County, New Jersey (the Line). DRRR states that the Line is owned by New Jersey Transit Corporation (NJT).

According to DRRR, the Line was formerly owned and operated by Penn Central Corporation. DRRR states that, pursuant to the Final System Plan, the Line was part of a larger segment that was not designated for transfer to the Consolidated Rail Corporation (Conrail), and that the Line was therefore authorized to be abandoned without further regulatory approval. DRRR further states that NJT subsequently acquired the Line for potential, future railroad operations, but the Line has remained inactive for many years.

According to DRRR, NJT and DRRR have entered into an agreement (the Agreement) for DRRR to operate over the Line,¹ along with other portions of

rail lines for which DRRR seeks operating authority in *Delaware & Raritan River Railroad—Operation Exemption—Consolidated Rail Corporation*, Docket No. FD 36596. This proceeding is related to a concurrently filed notice of exemption 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 authority to continue in control of DRRR upon its becoming a Class III rail carrier. According to DRRR, although it could commence modified certificate operations over the Line immediately, it does not intend to do so until it can begin operations pursuant to the operating authority sought in Docket No. FD 36596.

The notice states that the Line connects with other sections of track owned by NJT and over which DRRR is seeking operating authority and that, by way of those lines, DRRR will be able to connect to and interchange traffic with Conrail.

The Line qualifies for a modified certificate of public convenience and necessity. *See Common Carrier Status of States, State Agencies & Instrumentalities & Political Subdivisions*, FD 28990F (ICC served July 16, 1981); 49 CFR 1150.22.

DRRR states that no subsidy is involved and there are no preconditions that shippers must meet to receive rail service, although service is subject to the restoration of the track along the Line. DRRR also provides information

¹ DRRR notes that Conrail is a party to the Agreement because it holds certain rights on portions of other rail lines that DRRR will operate under the Agreement, but that Conrail holds no

rights to operate over the Line that is the subject of this proceeding.

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.

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.¹

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.

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

¹ 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.