

Dockets Office, PL-401, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 10 a.m. to 5 p.m., e.t., Monday through Friday, except federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard/envelope.

**FOR FURTHER INFORMATION CONTACT:** Mr. Akira Sano, Office of Civil Rights, (202) 366-4018.

**SUPPLEMENTARY INFORMATION:** Interested parties are invited to send comments regarding any aspect of these information collections, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB reinstatement of this information collection.

*Title:* Nondiscrimination as it Applies to FTA Grant Programs (*OMB Number:* 2132-0542).

*Background:* All entities receiving federal financial assistance from FTA are prohibited from discriminating against any employee or applicant for employment because of race, color, creed, sex, national origin, age or disability. To ensure that FTA's equal employment opportunity (EEO) procedures are followed, FTA requires grant recipients to submit written EEO plans to FTA for approval. FTA's assessment of this requirement shows that the formulating, submitting, and implementing of EEO programs should minimally increase costs for FTA applicants and recipients.

To determine a grantee's compliance with applicable laws and requirements, grantee submissions are evaluated and analyzed based on the following criteria. First, an EEO program must include an EEO policy statement issued by the chief executive officer covering all employment practices, including recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions of employment. Second, the policy must be placed conspicuously so that employees, applicants, and the general public are aware of the agency's EEO commitment.

The data derived from written EEO and affirmative action plans will be

used by the Office of Civil Rights in monitoring grantees' compliance with applicable EEO laws and regulations. This monitoring and enforcement activity will ensure that minorities and women have equitable access to employment opportunities and that recipients of Federal funds do not discriminate against any employee or applicant because of race, color, creed, sex, national origin, age, or disability.

*Respondents:* FTA grant recipients.

*Estimated Annual Burden on*

*Respondents:* 25 hours for each of the 93 EEO submissions.

*Estimated Total Annual Burden:* 2,325 hours.

*Frequency:* On occasion, every 3 years, annually.

*Title:* Title VI as It Applies to FTA Grant Programs (*OMB Number:* 2132-0542).

*Background:* Section 601 of Title VI of the Civil Rights Act of 1964 states: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." This information collection is required by the Department of Justice (DOJ) Title VI Regulation, 28 CFR part 42, subpart F (section 42.406), and DOT Order 1000.12. FTA policies and requirements are designed to clarify and strengthen these regulations. This requirement is applicable to all applicants, recipients, and subrecipients receiving federal financial assistance. Experience has demonstrated that a program requirement at the application stage is necessary to assure that benefits and services are equitably distributed by grant recipients. The requirements prescribed by the Office of Civil Rights accomplish that objective while diminishing possible vestiges of discrimination among FTA grant recipients. FTA's assessment of this requirement indicated that the formulation and implementation of the Title VI program should occur with a decrease in costs to such applicants and recipients.

All FTA grant applicants, recipients, and subrecipients are required to submit applicable Title VI information to the FTA Office of Civil Rights for review and approval. If FTA did not conduct pre-award reviews, solutions would not be generated in advance and program improvements could not be integrated into projects. FTA's experience with pre-award reviews for all projects and grants suggests this method contributes to maximum efficiency and cost effectiveness of FTA dollars and has kept post-award complaints to a

minimum. Moreover, the objective of the Title VI statute can be more easily attained and beneficiaries of FTA funded programs have a greater likelihood of receiving transit services and related benefits on a nondiscriminatory basis.

*Respondents:* FTA grant recipients.

*Estimated Annual Burden on*

*Respondents:* 45 hours for 114 Title IV programs. 1 hour for 202 Title VI programs (General).

*Estimated Total Annual Burden:* 5,332 hours.

*Frequency:* Annual.

Issued: March 11, 2003.

**Timothy B. Wolgast,**

*Acting Associate Administrator for Administration.*

[FR Doc. 03-6430 Filed 3-17-03; 8:45 am]

**BILLING CODE 4910-57-M**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Ex Parte No. 333]

#### Sunshine Act Meeting

**TIME & DATE:** 9:30 a.m., Friday, March 21, 2003.

**PLACE:** The Board's Hearing Room, Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423.

**STATUS:** The Board will meet to discuss among themselves the following agenda items. Although the conference is open for public observation, no public participation is permitted.

**MATTERS TO BE DISCUSSED:** STB Docket No. 42054, *PPL Montana, LLC v. The Burlington Northern and Santa Fe Railway Company.*

STB Docket No. 42056, *Texas Municipal Power Agency v. The Burlington Northern and Santa Fe Railway Company.*

STB Docket No. 42069, *Duke Energy Corporation v. Norfolk Southern Railway Company.*

STB Docket No. 42070, *Duke Energy Corporation v. CSX Transportation, Inc.*

STB Ex Parte No. 589, *Calculation of Variable Costs in Rate Complaint Proceedings Involving Non-Class I Railroads.*

STB Section 5a Application No. 118 (Sub-No. 2), *EC-Mac Motor Carriers Service Association, Inc., et al.*

#### Embraced Cases:

Section 5a Application No. 22 (Sub-No. 8), *Pacific Inland Tariff Bureau, Inc.—Renewal of Agreement.*

Section 5a Application No. 25 (Sub-No. 9), *The New England Motor Rate Bureau, Inc.*

Section 5a Application No. 34 (Sub-No. 10), *Middlewest Motor Freight,—Renewal of Agreement*.

Section 5a Application No. 45 (Sub-No. 16), *Niagara Frontier Tariff Bureau, Inc.*

Section 5a Application No. 46 (Sub-No. 21), *Southern Motor Carriers Rate Conference, Inc.*

Section 5a Application No. 55 (Amendment No. 2), *Motor Carriers Traffic Association—Agreement*.

Section 5a Application 58 (Sub-No. 4), *Machinery Haulers Association Inc.—Agreement*.

Section 5a Application 60 (Sub-No. 11), *Rocky Mountain Tariff Bureau, Inc.*

Section 5a Application 63 (Sub-No. 4), *Nationwide Bulk Trucking Association, Inc.—Agreement*.

Section 5a Application No. 70 (Sub-No. 12), *Western Motor Tariff Bureau, Inc.—Agreement*.

STB Section 5a Application Agreement No. 116 (Sub-No. 1), *Willamette Tariff Bureau, Inc.—Renewal of Agreement*.

Section 5a Application No. 61 (Sub-No. 6), *National Classification Committee—Agreement*.

STB Finance Docket No. 34276, *Massachusetts Port Authority-Acquisition Exemption-Certain Assets of Boston and Maine Corporation*.

*Embraced Case:*

STB Docket No. AB-32 (Sub-No. 92), *Boston and Maine Corporation-Abandonment-in Suffolk County, MA*.

STB Finance Docket No. 34210, *Sunflower Rail Company, LLC-Construction and Operation Exemption-Finney County, KS*.

STB Finance Docket No. 34305, *The Burlington Northern and Sante Fe Railway Company-Construction and Operation-Merced County, CA*.

**FOR FURTHER INFORMATION CONTACT:** A. Dennis Watson, Office of Congressional and Public Services, Telephone: (202)565-1596. FIRS: 1-800-877-8339.

Dated: March 14, 2003.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 03-6571 Filed 3-14-03; 2:17 pm]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Docket Nos. AB-565 (Sub-No. 13X) and AB-55 (Sub-No. 628X)]**

#### **New York Central Lines, LLC—Abandonment Exemption—in Bronx County, NY; CSX Transportation, Inc.—Discontinuance of Service Exemption—in Bronx County, NY**

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) have filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* for NYC to abandon and CSXT to discontinue service over an approximately 1.5-mile line of railroad between milepost QVP 0.0 at Melrose Avenue and milepost QVP 1.5 near the southernmost edge of the tunnel at Southern Boulevard in Bronx County, NY. The line traverses United States Postal Service Zip Codes 10454, 10455, and 10456.

NYC and CSXT have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the abandonment or discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on April 17, 2003, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal

expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 28, 2003. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 7, 2003, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicants' representative: Natalie S. Rosenberg, Counsel, CSX Transportation, Inc., 500 Water Street, J150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemptions are void *ab initio*.

Applicants have filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by March 21, 2003. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1552. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NYC shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by NYC's filing of a notice of consummation by March 18, 2004, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

Decided: March 11, 2003.

exemptions' effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemptions' effective date.

<sup>2</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,100. See 49 CFR 1002.2(f)(25).

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the