

enhance the quality of the collection, to Dr. Radwan Saade, Economist, Office of Advocacy, Small Business Administration, 409 3rd Street SW., Suite 7800, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Dr. Radwan Saade, Economist, 202-205-6878 or Curtis B. Rich, Management Analyst, 202-205-7030.

**SUPPLEMENTARY INFORMATION:**

*Title:* "Costs of Litigation to Small Business".

*Form No:* N/A.

*Description of Respondents:* Small Businesses.

*Annual Responses:* 100.

*Annual Burden:* 50.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. 03-7123 Filed 3-25-03; 8:45 am]

**BILLING CODE 8025-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

**[STB Ex Parte No. 290 (Sub No. 5) (2003-2)]**

**Quarterly Rail Cost Adjustment Factor**

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

**ACTION:** Approval of rail cost adjustment factor.

**SUMMARY:** The Board has approved the second quarter 2003 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The second quarter 2003 RCAF (Unadjusted) is 1.020. The second quarter 2003 RCAF (Adjusted) is 0.522. The second quarter 2003 RCAF-5 is 0.502.

**DATES:** April 1, 2003.

**FOR FURTHER INFORMATION CONTACT:** H. Jeff Warren, (202) 565-1533, Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dã 2 Dã Legal, Suite 405, 1925 K Street, NW., Washington, DC 20006, phone (202) 293-7776. [Assistance for the hearing impaired is available through FIRS: 1-800-877-8339.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities

within the meaning of the Regulatory Flexibility Act.

Decided: March 19, 2003

By the Board, Chairman Nober, Vice Chairman Burkes, and Commissioner Morgan.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 03-7065 Filed 3-25-03; 8:45 am]

**BILLING CODE 4915-00-M**

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

**[STB Finance Docket No. 34321]**

**Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company**

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) over BNSF's rail lines between BNSF milepost 143.2 near Los Angeles, CA, and BNSF milepost 10.5 near Riverside, CA,<sup>1</sup> a distance of approximately 57.2 miles.<sup>2</sup>

The transaction was scheduled to be consummated on March 14, 2003 (7 days after the notice was filed). The temporary trackage rights will allow UP to conduct maintenance work on its lines.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C.

<sup>1</sup> On March 7, 2003, UP concurrently filed a petition for partial revocation of this class exemption in STB Finance Docket No. 34321 (Sub-No. 1), *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, wherein UP and BNSF request that the Board permit the proposed overhead trackage rights arrangement described in the present proceeding to expire on or about May 12, 2003. That petition will be addressed by the Board in a separate decision.

<sup>2</sup> The original notice of exemption stated that the distance involved is 52.2 miles. By letter filed March 12, 2003, UP states that the correct distance for the trackage rights is 57.2 miles. By letter filed March 13, 2003, UP explains that the milepost designations of the trackage rights segment (between BNSF mileposts 143.4 and 10.5) do not reflect the actual length of the segment between Los Angeles and Riverside because the trackage includes portions of two BNSF subdivisions that have noncontiguous milepost designations.

10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34321, must be filed with the Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Robert T. Opal, 1416 Dodge Street, Room 830, Omaha, NE 68179.

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

Decided: March 18, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 03-6921 Filed 3-25-03; 8:45 am]

**BILLING CODE 4915-00-P**

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

**[STB Finance Docket No. 34320]**

**Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company**

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) over a BNSF line of railroad between BNSF milepost 203.0 near Keddie, CA, and BNSF milepost 0.0 near Klamath Falls, OR,<sup>1</sup> a distance of approximately 203.0 miles.<sup>2</sup>

The transaction was scheduled to be consummated on March 16, 2003. The purpose of the temporary trackage rights is to facilitate maintenance work on UP's lines.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

<sup>1</sup> On March 7, 2003, UP and BNSF filed a petition for partial revocation of this class exemption in STB Finance Docket No. 34320 (Sub-No. 1), *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, wherein UP and BNSF request that the Board permit the proposed overhead trackage rights arrangement described in the present proceeding to expire on or about May 22, 2003. That petition will be addressed by the Board in a separate decision.

<sup>2</sup> By amendment filed March 12, 2003, a representative of UP indicates that the correct distance of the involved trackage is 203.0 miles in lieu of 202.5 miles as initially stated.

This notice is filed under 49 CFR 1180.2(d)(7). If the 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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34320, must be filed with the Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Robert T. Opal, 1416 Dodge Street, Room 830, Omaha, NE 68179.

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

Decided: March 18, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 03-6922 Filed 3-25-03; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34298]

#### **Chattahoochee & Gulf Railroad Co., Inc.—Acquisition and Operation Exemption—Line of Central of Georgia Railroad Company**

Chattahoochee & Gulf Railroad Co., Inc. (CGR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31,<sup>1</sup> to acquire and operate an approximately 24.2-mile line of the Central of Georgia Railroad Company (CGA) extending from approximately milepost J357.8 at the Hilton, GA station to approximately milepost J382.0 at the Dothan, AL station in Early County, GA, and Houston and Henry Counties, AL. In addition, CGR will acquire approximately 2.8 miles of incidental overhead trackage rights over CGA extending from milepost J355.0 to milepost J357.8 at or near Hilton, for the purpose of interchange with the Chattahoochee Industrial Railroad.<sup>2</sup>

<sup>1</sup> CGR subsequently filed an "Errata Sheet," amending the verified notice.

<sup>2</sup> This proceeding is related to *Gulf & Ohio Railways Holding Co., Inc.; H. Peter Claussen and Linda C. Claussen—Continuance in Control Exemption—Chattahoochee & Gulf Railroad Co., Inc.*, STB Finance Docket No. 34299, wherein Gulf & Ohio Railways Holding Co., Inc., and H. Peter Claussen and Linda C. Claussen, all noncarriers, have concurrently filed a petition for exemption to continue in control of CGR upon CGR's becoming a carrier.

CGR certifies that its projected annual revenues will not exceed those that would qualify it as a Class III rail carrier and that its annual revenues are not projected to exceed \$5 million.

CGR states that it is close to reaching an agreement with CGA, a subsidiary of Norfolk Southern Railway Company, concerning the involved transaction; the transaction was scheduled to be consummated on or after March 7, 2003 (7 days after the exemption was filed).

If the 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 transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34298, must be filed with the Surface Transportation Board, 1925 K Street N.W., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on: Troy W. Garris, Weiner Brodsky Sidman Kider PC, 1300 19th Street, NW., Fifth Floor, Washington, DC 20036-1609.

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

Decided: March 19, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 03-7235 Filed 3-25-03; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Finance Docket No. 30186 (Sub-No. 3)]

#### **Tongue River Railroad Co.—Construction and Operation—Western Alignment**

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

**ACTION:** Amended Notice of Intent to Prepare a Supplement to the Final Environmental Impact Statement and Request for Comments on the Adequacy of the Final Scope of the Supplement Dated February 3, 1999.

**SUMMARY:** On March 11, 2003, the Surface Transportation Board (Board) issued a decision giving notice that it would allow the Tongue River Railroad Company (TRRC) to supplement the application it filed on April 27, 1998 ("*Tongue River III*"), pursuant to 49 U.S.C. 10901, to construct and operate a 17.3-mile line of railroad known as the

"Western Alignment" in Rosebud and Big Horn Counties, Montana, to be built from Decker, Montana to a point 17.3 miles north of Decker. The Western Alignment is an alternative routing for a portion of the 41-mile Ashland to Decker, Montana rail line approved for construction on November 8, 1996 in Finance Docket No. 30186 (Sub-No. 2), and referred to as "*Tongue River II*." The *Tongue River III* proceeding had been held in abeyance at the applicant's request since March 2, 2000, but it is again active. Accordingly, the purpose of this notice is to announce that the environmental review of *Tongue River III* will also resume, and to request comments from the public on its final scope, which was published on February 3, 1999, and on whether there is new environmental information that warrants inclusion in the Supplemental Environmental Impact Statement (SEIS) that will be prepared.

In 1996, in *Tongue River II*, the Board approved TRRC's application to build a 41-mile line of railroad between Ashland and Decker, MT.<sup>1</sup> The line would connect with an 89-mile railroad line between Miles City and two termini located near Ashland that TRRC was previously authorized to construct, but has not yet built.<sup>2</sup> Together, this 130-mile line would provide a new, shorter route than is currently available to transport coal from the Montana Powder River Basin to eastern destinations.

In the *Tongue River II* proceeding, the Board, following issuance of a Final Environmental Impact Statement addressing environmental concerns that had been raised, approved construction and operation of a routing for the southernmost portion of the Ashland to Decker line—the Four Mile Creek Alternative.<sup>3</sup> *Tongue River III* involves a 17.3-mile alternate routing, called the Western Alignment, to the Four Mile Creek Alternative approved in *Tongue River II*.

On July 10, 1998, the Board's Section of Environmental Analysis (SEA) issued a notice of intent to prepare a SEIS to address the proposed new routing. A final scoping notice, published in the **Federal Register** on February 3, 1999

<sup>1</sup> That decision is currently on appeal before the U.S. Court of Appeals for the 9th Circuit, with judicial review held in abeyance pending resolution of the instant *Tongue River III* application. See *Northern Plains Resource Council, Inc., et al. v. Surface Transportation Board*, No. 97-70037 (9th Cir. Filed Jan. 7, 1997).

<sup>2</sup> *Tongue River Railroad Company—Rail Construction and Operation—in Custer, Powder River, and Rosebud Counties, Montana*, Finance Docket No. 30186 (Sub-No. 1) (STB served May 9, 1986) (*Tongue River I*).

<sup>3</sup> The authority was subject to extensive environmental conditions.