

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Parts 229, 234, 235, and 236**

[Docket No. FRA-2008-0132, Notice No. 2]

RIN 2130-AC03

Positive Train Control Systems

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of public hearing.

SUMMARY: By notice of proposed rulemaking (NPRM) published on July 21, 2009 ([CITE]), FRA proposed regulations implementing a requirement of the Rail Safety Improvement Act of 2008 that certain passenger and freight railroads install positive train control systems. The proposal includes required functionalities of the technology and the means by which it would be certified. The proposal also describes the contents of the positive train control implementation plans required by the statute and contains the proposed process for submission of those plans for review and approval by FRA. These proposed regulations could also be voluntarily complied with by entities not mandated to install positive train control systems. This document announces a public hearing being conducted in connection with this proceeding.

DATES: A public hearing will be held on August 13, 2009, from 9 a.m. to 6 p.m. at the location listed below to provide interested parties the opportunity to comment on the proposals contained in the NPRM.

ADDRESSES: (1) *Public Hearing.* A public hearing to provide interested parties the opportunity to comment on the proposals contained in the NPRM will be held at the Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.

(2) *Docket Clerk.* Written notification of a party's intent to provide oral testimony at the public hearing should identify the docket number and should be submitted to the FRA Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 1200 New Jersey Ave., SE., RCC-10, Stop 10, Washington, DC 20590 or fax to (202) 493-6068.

FOR FURTHER INFORMATION CONTACT: Thomas McFarlin, Office of Safety Assurance and Compliance, Staff Director, Signal & Train Control Division, Federal Railroad Administration, Mail Stop 25, West

Building 3rd Floor West, Room W35-332, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: 202-493-6203); or Jason Schlosberg, Trial Attorney, Office of Chief Counsel, RCC-10, Mail Stop 10, West Building 3rd Floor, Room W31-217, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: 202-493-6032).

SUPPLEMENTARY INFORMATION: Interested parties are invited to present oral statements and proffer information and views at the hearing. The hearing will be informal and will be conducted by a representative designated by FRA in accordance with FRA's Rules of Practice (49 CFR 211.25). The hearing will be non-adversarial proceedings; therefore, there will be no cross examination of persons presenting statements or proffering evidence. An FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make a brief rebuttal will be given the opportunity to do so in the same order in which the initial statements were made. Additional procedures, as necessary for the conduct of the hearing, will be announced at the hearing. The purpose of the hearing is to receive oral comments regarding the specific provisions contained in the proposed rule. A transcript of the discussions will be made part of the public docket in this proceeding.

Public Participation Procedures. Any person wishing to participate in the public hearing should notify the Docket Clerk by mail or at the address or fax number provided in the **ADDRESSES** section at least five working days prior to the date of the hearing and submit three copies of the oral statement that he or she intends to make at the proceeding. The notification should identify the party the person represents, the particular subject(s) the person plans to address, and the time requested. The notification should also provide the Docket Clerk with the participant's mailing address and other contact information. FRA reserves the right to limit participation in the hearings of persons who fail to provide such notification. FRA reserves the right to limit the duration of presentations if necessary to afford all persons with the opportunity to speak.

Issued in Washington, DC, on July 17, 2009.

Jo Strang,

Associate Administrator for Railroad Safety/Chief Safety Officer.

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

[Docket No. FWS-R2-ES-2009-0039; MO 922105 0082-B2]

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List the White-Sided Jackrabbit (*Lepus callotis*) as Threatened or Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status and critical habitat review.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the white-sided jackrabbit (*Lepus callotis*) as an endangered species and designate critical habitat under the Endangered Species Act of 1973, as amended. Following a review of the petition, we find the petition provides substantial scientific or commercial information indicating that listing this species may be warranted. Therefore, with the publication of this notice, we are initiating a status review to determine if listing this species is warranted. To ensure that the status review is comprehensive, we are requesting the public to submit scientific and commercial data and other information regarding the white-sided jackrabbit. We will make a determination on critical habitat if and when we initiate a listing action for this species.

DATES: We made the finding announced in this document on July 22, 2009. To allow us adequate time to conduct this review, we request that we receive information on or before September 21, 2009.

ADDRESSES: You may submit information by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Search for docket FWS-R2-ES-2009-0039 and then follow the instructions for submitting comments.

- U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS-R2-ES-2009-0039; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will post all information we receive on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the **Information Requested** section below for more details).