

Approved: March 12, 1999.

Raymond W. Kelly,
Commissioner of Customs.

John P. Simpson,
Deputy Assistant Secretary of the Treasury.
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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 244

[FRA Docket No. 1999-4985, Notice No. 3]

Surface Transportation Board

49 CFR Part 1106

[STB Ex Parte No. 574]

RIN 2130-AB24

Regulations on Safety Integration Plans Governing Railroad Consolidations, Mergers, Acquisitions of Control, and Start Up Operations; and Procedures for Surface Transportation Board Consideration of Safety Integration Plans in Cases Involving Railroad Consolidations, Mergers, and Acquisitions of Control

AGENCIES: Federal Railroad Administration, DOT, Surface Transportation Board.

ACTION: Notice of proposed rulemaking; date and location of public hearing; extension of comment period.

SUMMARY: By notice of proposed rulemaking (NPRM) published on December 31, 1998 (63 FR 72225), the Federal Railroad Administration (FRA) and the Surface Transportation Board (STB or Board) proposed a joint rule establishing procedures for developing and implementing safety integration plans by railroads proposing to engage in certain specified merger, consolidation, or acquisition of control transactions with another railroad. In that notice, the agencies announced that

they did not intend to convene a public hearing on the rulemaking action, but invited interested persons to request a public hearing to enable them to comment on issues addressed in the NPRM. One commenter timely filed a request for a public hearing, and pursuant to that request, FRA and the Board have agreed to convene a public hearing as an opportunity for oral comment. Consistent with this decision, FRA and the STB also will extend the comment period to the date of the public hearing to solicit additional written comments on the respective proposed rules. The agencies request interested persons not to re-submit comments or arguments advanced during the first comment period.

DATES: Comments: Submit written comments on or before May 4, 1999.

Public Hearing: The public hearing will be held on Tuesday, May 4, 1999, beginning at 9:00 a.m., in Washington, DC. Any person wishing to participate in the public hearing should notify *both* the FRA Docket Clerk ((202) 493-6030 or by mail) and the STB Secretary ((202) 565-1650 or by mail) at least five working days before the date of the hearing, and submit 10 copies of the oral statement that he or she intends to make at the hearing. The notification should identify the party the person represents and the particular subject(s) the person plans to address. The notification should also provide the FRA Docket Clerk and the STB Secretary with the participant's mailing address. FRA and the Board reserve the right to limit participation in the hearing by persons who fail to provide such notification.

ADDRESSES: (1) *FRA Docket Clerk:* Submit one copy of the notification identifying the docket number to the Department of Transportation Central Docket Management Facility located in room PL-401 at the Plaza level of the Nassif Building, 400 Seventh Street, S.W., Washington, DC 20590. All docket material on the FRA rule will be available for inspection at this address

and on the Internet at <http://dms.dot.gov>. (Docket hours at the Nassif Building are Monday-Friday, 10 a.m. to 5 p.m., excluding Federal holidays.)

(2) *The STB Secretary:* Send an original and 10 paper copies referring to STB Ex Parte No. 574 to Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, NW, Washington DC 20423. In addition to paper copies, each party must also submit its respective notification and pleadings to the Board on a 3.5-inch diskette formatted for WordPerfect 7.0 (or in a format readily convertible into WordPerfect 7.0). All such pleadings will be posted on the Board's website (<http://www.stb.dot.gov>).

(3) *Public Hearing:* The venue for the public hearing scheduled for May 4, 1999, will be at the Nassif Building, 400 Seventh Street, S.W., Room 2230, in Washington DC.

(4) *Written Comments:* The procedures for filing written comments with FRA and the Board are the same as provided in the NPRM published on December 31, 1998. 63 FR 72225 (December 31, 1998).

FOR FURTHER INFORMATION CONTACT: Jon Kaplan, Trial Attorney, Office of Chief Counsel, FRA, 1120 Vermont Avenue, Mailstop 10, Washington, DC 20590 (telephone: (202) 493-6053); or Evelyn G. Kitay, Office of the General Counsel, STB, 1925 K Street, NW, Washington, DC 20423 (telephone: (202) 565-1563) [TDD for the hearing impaired: (202) 565-1695].

Issued in Washington, DC, on April 12, 1999.

Jolene Molitoris,
Federal Railroad Administrator.

Decided: April 7, 1999.

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

Vernon A. Williams,
Secretary.

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