

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****49 CFR Part 234**

[DOCKET No. FRA-2018-0096, Notice No. 3]

RIN 2130-AC72

**State Highway-Rail Grade Crossing Action Plans; Correction**

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

**ACTION:** Correcting amendment.

**SUMMARY:** On December 14, 2020, FRA published a final rule amending FRA's grade crossing safety standards. In preparing the final rule for publication, an error was made that resulted in a cross-reference to the wrong paragraph. FRA is correcting that inadvertent error.

**DATES:** Effective on February 23, 2021.

**FOR FURTHER INFORMATION CONTACT:** Kathryn Gresham, Attorney Adviser, U.S. Department of Transportation, Federal Railroad Administration, Office of the Chief Counsel (email: [kathryn.gresham@dot.gov](mailto:kathryn.gresham@dot.gov), telephone: 202-493-6063).

**SUPPLEMENTARY INFORMATION:** In § 234.11 of FRA's December 14, 2020, final rule requiring States and the District of Columbia to develop and implement highway-rail grade crossing action plans, paragraph (d) erroneously referenced paragraph (d)(2) for a list of 10 States required to submit their updated highway-rail grade crossing action plans and implementation reports electronically through FRA's website in Portable Document Format (PDF). 85 FR 80648, 80660. The referenced list is actually contained in paragraph (c)(3) of § 234.11; there is no paragraph (d)(2) in § 234.11. Therefore, FRA is issuing this correction amending paragraph § 234.11(d) to refer to the actual regulatory provision (§ 234.11(c)(3)) that contains the list of 10 States required to submit their updated highway-rail grade crossing action plans and implementation reports to FRA. FRA is proceeding directly to a final rule as it finds public notice and comment to be unnecessary per the "good cause" exemption in 5 U.S.C. 553(b)(3)(B) for this clearly inadvertent error.

**List of Subjects in 49 CFR Part 234**

Highway safety, Penalties, Railroad safety, Reporting and recordkeeping requirements, State and local governments.

**The Final Rule**

For the reasons discussed in the preamble, FRA amends part 234 of chapter II, subtitle B of title 49, Code of Federal Regulations, with the following correcting amendment:

**PART 234—GRADE CROSSING SAFETY**

■ 1. The authority citation for part 234 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20152, 20160, 21301, 21304, 21311; Sec. 11401, Div. A, Pub. L. 114-94, 129 Stat. 1679 (49 U.S.C. 22501 note); and 49 CFR 1.89.

■ 2. In § 234.11, revise paragraph (d) to read as follows:

**§ 234.11 State highway-rail grade crossing action plans.**

\* \* \* \* \*

(d) *Electronic submission of updated Action Plan and implementation report.* Each of the 10 States listed in paragraph (c)(3) of this section shall submit its updated highway-rail grade crossing action plan and implementation report electronically through FRA's website in PDF form.

\* \* \* \* \*

Issued in Washington, DC.

**Brett A. Jortland,**

*Acting Chief Counsel.*

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 660**

[Docket No. 210205-0012]

RIN 0648-BJ50

**Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Salmon Bycatch Minimization**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** This rule implements salmon bycatch minimization measures to minimize incidental take of Endangered Species Act-listed salmon by vessels in the Pacific Coast groundfish fishery. The rule establishes additional management tools to minimize incidental Chinook and coho salmon bycatch to keep fishery sectors within guidelines,

establishes rules to allow industry to access the Chinook salmon bycatch reserve, and creates Chinook salmon bycatch closure thresholds for the trawl fishery. This rule fulfills the terms and conditions of a 2017 National Marine Fisheries Service Biological Opinion. This rule is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Pacific Coast Groundfish Fishery Management Plan, and other applicable laws, including the Endangered Species Act.

**DATES:** This final rule is effective March 25, 2021.

**ADDRESSES:** This rule is accessible via the Office of the Federal Register website at <https://www.federalregister.gov/>. Background information and documents, including a Biological Opinion and a Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA) (Analysis), which addresses the statutory requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), Executive Order 12866, and the Regulatory Flexibility Act (RFA), are available at the NMFS West Coast Region website at <https://www.fisheries.noaa.gov/region/west-coast> and at the Pacific Fishery Management Council's (Council) website at <http://www.pcouncil.org>.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to Barry A. Thom, Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070. Attn: Brian Hooper, and to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain).

**FOR FURTHER INFORMATION CONTACT:** Brian Hooper, phone: (206) 526-6117, or email: [brian.hooper@noaa.gov](mailto:brian.hooper@noaa.gov).

**SUPPLEMENTARY INFORMATION:****Background**

The purpose of this final rule is to minimize interactions between Endangered Species Act (ESA)-listed salmon species and Pacific Coast groundfish fishing gear. On the West Coast, vessels fishing under the Pacific Coast Groundfish Fishery Management Plan (FMP) use gear types (e.g. midwater and bottom trawl, fixed gear, and hook-and-line) that interact with listed Evolutionary Significant Units (ESUs) of coho and Chinook salmon. The seasonality and geographic extent, including fishing depth and north/south distribution of the different target strategies and gear types, result in