

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration****Phased Implementation of Informal Hearing Process**

AGENCY: Federal Motor Carrier Safety Administration, DOT.

ACTION: Notice.

SUMMARY: The FMCSA is continuing a phased implementation of a new provision related to informal hearings in the 49 CFR part 386 Rules of Practice. On March 17, 2006, this alternative was implemented in States included in the Midwest Service Center geographic area. Beginning on February 13, 2007 this alternative is being expanded to States included in the Eastern Service Center geographic area.

DATES: The first phase began on March 17, 2006. The second phase will begin on February 13, 2007.

SUPPLEMENTARY INFORMATION: The Federal Motor Carrier Safety Administration's (FMCSA) final rule revising 49 CFR part 386, "Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings" (Rules of Practice), published on May 18, 2005, (70 FR 28467) became effective on November 14, 2005. As revised, the Rules of Practice permit a respondent in a civil penalty proceeding to request an informal hearing as an alternative to either a request for a formal hearing or a request to submit written evidence without a hearing. The Rules of Practice, however, do not prescribe specific procedures for conducting informal hearings.

As the informal hearing process is a new alternative for motor carriers, FMCSA is implementing this alternative in phases to allow FMCSA time to evaluate and refine how the informal hearing process is conducted.

The informal hearing process was initially implemented on March 17, 2006, (71 FR 13894) in the States served by the Midwest Service Center. FMCSA only considered requests for an informal hearing from respondents with a principal place of business within States included in the FMCSA Midwest Service Center's geographic area. That area encompasses the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin.

The agency intended to expand implementation of the informal hearing process nationwide within a year of the effective date of the Rules of Practice. However, due to the limited number of

requests for informal hearings, the agency has not collected sufficient data to evaluate and refine this new process. Therefore, FMCSA has decided to expand the informal hearing process to States in one additional Service Center to allow for continued evaluation of the process.

At this time, FMCSA is expanding use of the informal hearing process to States included in the FMCSA Eastern Service Center geographic area. This area encompasses the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, the District of Columbia and Puerto Rico. This second phase of implementation begins on February 13, 2007. FMCSA will publish any subsequent notices of implementation in the **Federal Register**.

When an informal hearing request is granted, the hearing officer will provide written information to each respondent about the procedures that will govern the hearing.

Issued on: February 6, 2007.

John H. Hill,
Administrator.

[FR Doc. E7-2457 Filed 2-12-07; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration**

[Docket No. FRA-2007-27059, Notice No. 1]

Establishment of an Emergency Relief Docket for Calendar Year 2007

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of establishment of public docket.

SUMMARY: On August 30, 2006, FRA published an Interim Final Rule (IFR) addressing the establishment of emergency relief dockets (ERD) and the procedures for handling petitions for emergency waivers of safety regulations. 71 FR 51517. The IFR provided that each year, FRA will establish an ERD for that year and publish a notice in the **Federal Register** identifying the docket number of the ERD for that year. This Notice announces the establishment of FRA's ERD for the current year (calendar year 2007). The designated ERD for calendar year 2007 is docket number FRA-2007-27059.

ADDRESSES: See Supplementary Information section for further information regarding submitting

petitions and/or comments to Docket No. FRA-2007-27059.

SUPPLEMENTARY INFORMATION: On August 30, 2006, FRA published an IFR addressing the establishment of ERD and the procedures for handling petitions for emergency waivers of safety rules, regulations, or standards during an emergency situation or event. 71 FR 51517. As noted in the IFR, FRA's purpose for establishing the ERD and emergency waiver procedures is to provide an expedited process for FRA to address the needs of the public and the railroad industry during emergency situations or events. The IFR added § 211.45 to Subpart C of 49 CFR part 211 (49 CFR 211.45). Section 211.45(b) provides that each calendar year FRA will establish an ERD in the publicly accessible DOT Document Management System (DMS) and that FRA will publish a notice in the **Federal Register** identifying by docket number the ERD for that year. This Notice No. 1 announces that the designated ERD for calendar year 2007 is docket number FRA-2007-27059.

As detailed in the IFR, if the FRA Administrator determines that an emergency event as defined in 49 CFR 211.45(a) has occurred, or that an imminent threat of such an emergency occurring exists, and public safety would benefit from providing the railroad industry with operational relief, the emergency waiver procedures of 49 CFR 211.45 will go into effect. 70 FR 51518. In such an event, the FRA Administrator will issue a statement in the ERD indicating that the emergency waiver procedures are in effect and FRA will make every effort to post the statement on its Web site <http://www.fra.dot.gov/>. In addition, FRA will publish a notice in the **Federal Register** alerting interested parties that the emergency waiver procedures will be utilized. Any party desiring relief from FRA regulatory requirements as a result of the emergency situation should submit a petition for emergency waiver in accordance with 49 CFR 211.45(e) and (f). Specific instructions for filing petitions for emergency waivers in accordance with 49 CFR 211.45 are found at 49 CFR 211.45(f). Specific instructions for filing comments in response to petitions for emergency waivers are found at 49 CFR 211.45(h).

Privacy

Anyone is able to search all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may

review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 665, Number 7, Pages 19477–78). The statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on February 7, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E7–2401 Filed 2–12–07; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235, and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

[Docket Number FRA–2006–26718]

Applicant: CSX Transportation, Incorporated, Mr. C. M. King, Chief Engineer, Communications and Signals, 500 Water Street, SC J–350, Jacksonville, Florida 32202.

CSX Transportation, Incorporated, seeks approval of the proposed modification of the traffic control system on the single main track and siding near Woodbury, Georgia, Milepost ANB–798, on the Atlanta Division, Manchester Subdivision. The proposed changes consist of the conversion of each power-operated switch at each end of the 4,638-foot Woodbury siding to electrically locked hand operation and the discontinuance and removal of all the associated controlled signals.

The reason given for the proposed changes is that a new 10,000-foot signaled siding is being constructed approximately 4 miles south of the present Woodbury siding.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by docket number FRA–2006–26718 and may be submitted by one of the following methods:

Web site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic site;

Fax: 202–493–2251;

Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW, Nassif Building, Room PL–401, Washington, DC 20590; or Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA prior to final action being taken. Comments received after that date will be considered to the extent practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on February 7, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E7–2392 Filed 2–12–07; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Debt Service Reserve Reimbursement Pilot Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Amendment of notice establishing Debt Service Reserve Pilot Program to include a class of participant; correction.

SUMMARY: The Federal Transit Administration published in the **Federal Register** of December 28, 2006, a notice establishing the Debt Service Reserve Pilot Program as authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act—a Legacy for Users. Inadvertently, an eligible class of participant in the pilot program was omitted. This document corrects that oversight.

DATES: Effective on February 13, 2007.

FOR FURTHER INFORMATION CONTACT: Paul L. Marx, 202–366–1675; E-MAIL: paul.marx@dot.gov.

SUPPLEMENTARY INFORMATION: FTA published a notice in the **Federal Register** of December 28, 2006, at 71 FR 78267–78268, to establish a Debt Service Reserve Pilot Program that allows certain public transportation providers to seek reimbursement of their deposits of bond proceeds in a debt service account. This correction extends eligibility to apply under the pilot program to “an entity engaged by such [i.e., eligible Formula Grant Program (Section 5307) recipient] provider to design, build, operate and maintain a project eligible under Section 5307.” This eligibility is important because it provides additional opportunities for supporting public-private partnerships in public transportation. Further, typographical errors in the original notice are corrected.

1. In FR 71 published on December 28, 2006, (71 FR 78267) on page 78267, column 3, **SUMMARY**, remove “pubic” and insert in its place “public”.

2. On page 78267, column 3, A. Authority, remove “5323(d)(4)” and insert in its place “5323(e)(3)”.

3. On page 78268, column 1, section 1 (C), insert after “(Section 5307)”: “(or an eligible entity engaged by such provider to design, build, operate and maintain a project eligible under Section 5307) * * *”

4. On page 78268, column 1, section 1 (D), remove “blood” and insert in its place “bond”.

A complete version of the **Federal Register** notice, revised to incorporate the changes described above, appears on