

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Fifteenth Meeting: RTCA Special Committee 203/Unmanned Aircraft Systems**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 203, Unmanned Aircraft Systems.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 203, Unmanned Aircraft Systems.

DATES: The meeting will be held October 13–15, 2009 from 9 a.m.–5 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L Street, NW., Suite 805, Washington, DC 20036. Point of Contact: RTCA Secretariat, POC: Rudy Ruana, Telephone: 202–833–9339, E-mail: rruana@rtca.org.

FOR FURTHER INFORMATION CONTACT: (1) RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site <http://www.rtca.org>.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 203/Unmanned Aircraft Systems meeting. The agenda will include:

October 13:

- Opening Plenary Session.
 - Introductory Remarks and Introductions.
 - Approval of Fourteenth Plenary Summary.
- Plenary Presentations:
 - Leadership Updates.
 - Chairperson Update.
 - Designated Federal Official (DFO) Update.
 - Overview of SC–203 Terms of Reference (TOR's).
 - Work Plan Status.
 - Work Group Update.
 - Work Product(s) flow into MASPS Overview.
 - Plenary consideration of Operational Services and Environmental Definition (OSED) Product for Final Review and Comment (FRAC).
 - Overview of Product Team Breakout Sessions.
 - Closing Plenary Session.
 - Date, Place, and Time for Plenary 16.
- Plenary Adjourns.
- Product Team Breakout Sessions.
 - Requirements/Architecture Product Team.

- Operational Services and Environmental Definition (OSED) Product Team.
- Control & Communications (C&C) Product Team.
- Sense & Avoid (S&A) Product Team.

October 14:

- Product Team Breakout Sessions.
 - Requirements/Architecture Product Team.
 - Operational Services and Environmental Definition (OSED) Product Team.
 - Control & Communications (C&C) Product Team.
 - Sense & Avoid (S&A) Product Team.

October 15:

- Product Team Breakout Sessions.
 - Requirements/Architecture Product Team.
 - OSED Product Team.
 - C&C Product Team.
 - S&A Product Team.
- Product Team Back Briefs.
- Closing Plenary Session (Other Business, Date, Place, and Time for Plenary, Adjourns).

Note: Dress Business Casual.

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the “**FOR FURTHER INFORMATION CONTACT**” section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 14, 2009.

Francisco Estrada C.,
RTCA Advisory Committee.

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BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****Petition for Waiver of Compliance**

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Ballard Terminal Railroad Company, LLC (Waiver Petition Docket Number FRA–2009–0029)

The Ballard Terminal Railroad Company, LLC (BTRC) of Seattle, WA, has petitioned for a permanent waiver of compliance for one locomotive (BDTL 98) and one caboose (MSN 10056) from the requirements of the Railroad Safety Glazing Standards, Title 49 CFR part 223, which require certified glazing in all windows. BTRC operates two small freight railroads, namely 3-mile long Ballard Terminal Railroad (BDTL) since 1998, and 5-mile long Meeker Southern Railroad (MSN) since 2000, in western Washington state. BTRC states that they have been completely accident and incident free.

The subject locomotive BDTL 98 on the BDTL line is a 1940 EMC SW–1 600 hp switching locomotive whose side windows conform to Title 49 CFR 223.11 glazing requirements; however, the front and rear windows do not. The front and rear windows are glazed with ¼ inch laminated safety glass that is in good condition with no discoloration. BTRC states that this very early EMC locomotive has different window geometry from the “post war” locomotives of the same series. As such, the cost of a set of custom windows meeting FRA requirements is basically prohibitive for their small company.

The subject caboose MSN 10056 on the MSN line is an ex-BNSF all steel caboose with cupola that is used primarily as a “shoving platform.” BTRC states that when they acquired the caboose, all of the windows were covered up with sheet metal. Upon removal of the sheet steel, it was discovered that all of the windows were old and damaged such that they were nearly opaque. Due to uncertainty of spare parts and cost considerations, BTRC replaced all of them with ¼ inch laminated safety glass which does not comply with Title 49 CFR 223.13 glazing requirements. However, the installed glass remains in good condition with no discoloration.

BTRC states that they operate in a primarily agricultural area, which is a very benign environment. In 8 years, they have not experienced any rock throwing or shooting damage to the equipment. BTRC's maximum operating speed is 10 mph, and their trains average five cars in length. BTRC further states that the expense of retrofitting the subject locomotive and caboose to comply with FRA Safety Glazing Standards would impose an undue financial burden on their small company to protect against situations they do not encounter.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2009-0029) and may be submitted by any of the following methods:

- **Web site:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 202-493-2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, 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 before final action is taken. Comments received after that date will be considered as far as 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://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and 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).

Issued in Washington, DC, on September 14, 2009.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Tri-County Metropolitan Transportation District of Oregon (Waiver Petition Docket Number FRA-2009-0072)

The Tri-County Metropolitan Transportation District of Oregon (TriMet) seeks two waivers of compliance from certain provisions of the Railroad Locomotive Safety Standards, 49 CFR part 229, and the Use of Locomotive Horns at Public Highway-Rail Grade Crossings, 49 CFR part 222. TriMet is seeking waivers to allow the volume of locomotive horns to be lower than the minimum requirement of 96 dB(A) and to not be required to routinely sound locomotive horns when approaching public highway-rail grade crossings on a specific line segment. Specifically, TriMet is seeking: (1) A 5-year waiver from the provisions of 49 CFR 229.129(a), which require the lead locomotive to be equipped with a locomotive horn that produces a minimum sound level of 96 dB(A) and a maximum sound level of 110 dB(A) at 100 feet forward of the locomotive in its direction of travel; and (2) a permanent waiver from the provisions of 49 CFR 222.21(a) and 222.21(b)(2), which require locomotive horns to be sounded when approaching public highway-rail grade crossings, using the "long-long-short-long" pattern that begins 15 to 20 seconds before the locomotive reaches the crossing, but no further than ¼ mile from the crossing.

TriMet is a municipal corporation that was created in 1969 for the purpose of taking over the local bus systems and providing regional transit in the Portland, OR, metropolitan area. Its district is composed of the Greater Portland area, including Multnomah, Clackamas and Washington counties. TriMet's systems include buses, light rail, and beginning in 2009, commuter rail. On February 2, 2009, TriMet began Westside Express Service (WES) operations over a 14.7-mile rail line

between Wilsonville and Beaverton. WES service uses self-propelled diesel multiple-unit rail cars. WES currently runs 32 trains per weekday. The Portland & Western Railroad (P&W) also operates four to five freight trains per day over the line. P&W operates WES trains and also dispatches the trains for both railroads. The waiver petition applies only to WES trains.

Since commencement of WES revenue service, TriMet has received numerous complaints from citizens regarding locomotive horn noise at crossings. There are 34 public highway-rail grade crossings on the rail line. Newspaper articles and correspondences from State legislators have expressed complaints and urged that TriMet take action to quiet the horns. TriMet continues to work with the local cities to find ways to lessen the impact of locomotive horns. This includes investigating and demonstrating the use of wayside horns and planning for the creation of quiet zones. The purpose of the waiver is to seek temporary relief while these remedies are put in place.

Title 49 CFR 229.129(a) reads as follows: "Each lead locomotive shall be equipped with a locomotive horn that produces a minimum sound level of 96 dB(A) and a maximum sound level of 110 dB(A) at 100 feet forward of the locomotive in its direction of travel. The locomotive horn shall be arranged so that it can be conveniently operated from the engineer's usual position during operation of the locomotive." TriMet is requesting a 5-year waiver of the decibel requirements. It proposes to equip WES trains with an electronic warning device that generates both a horn and bell sound that can be sounded continuously; the horn will sound at 80 dB(A) at a distance of 100 feet. The trains are also equipped with a 96 dB(A) horn that the operator will have discretion to sound in cases of emergencies or other situations. The bell will ring at a minimum of 60 dB(A) at a distance of 100 feet. When the locomotive on a WES train approaches a public highway-rail grade crossing, the horn on the lead locomotive will begin to sound at 80 dB(A) in the required long-long-short-long blast pattern at least 15 seconds (but no more than 20 seconds) before the locomotive enters the crossing.

TriMet asserts that this will not compromise safety because an alternative procedure for equivalent safety will be in place. WES trains will sound an 80 dB(A) horn and follow the sounding procedures as provided in 49 CFR 222.21, except in the Lombard segment (see the second part of the