

[16 U.S.C. 470(f) et seq.]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources*: Clean Water Act [33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319)]; Coastal Barrier Resources Act [16 U.S.C. 3501–3510]; Coastal Zone Management Act [16 U.S.C. 1451–1465]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. *Hazardous Materials*: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

9. *Executive Orders*: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139 (I)(1).

Issued on: September 29, 2006.

**Clarence W. Coleman,**

*P.E., Operations Engineer, Raleigh, North Carolina.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. FHWA–2005–23112]

#### Motorcyclist Advisory Council to the Federal Highway Administration

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of meeting of advisory committee.

**SUMMARY:** This document announces the first meeting of the Motorcyclist Advisory Council to the Federal Highway Administration (MAC–FHWA). The purpose of this meeting is to advise the Secretary of Transportation, through the Administrator of the Federal Highway Administration, on infrastructure issues of concern to motorcyclists, including (1) barrier design; (2) road design, construction, and maintenance practices; and (3) the architecture and implementation of intelligent transportation system technologies, pursuant to Section 1914 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU).

**DATES:** The first meeting of the MAC–FHWA is scheduled for October 24, 2006, from 8:30 a.m. until 4:30 p.m.

**ADDRESS:** The first MAC–FHWA meeting will be held at the Holiday Inn Capitol, 550 C Street, SW., Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Halladay, the Designated Federal Official, Office of Safety, 202–366–2288, ([michael.halladay@dot.gov](mailto:michael.halladay@dot.gov)), or Dr. Morris Oliver, Office of Safety, 202–366–2251, ([morris.oliver@dot.gov](mailto:morris.oliver@dot.gov)), Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 10, 2005, the President signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59, 119 Stat. 1144). Section 1914 of SAFETEA–LU mandates the establishment of the Motorcyclist Advisory Council as follows: “The Secretary, acting through the Administrator of the Federal Highway Administration, in consultation with the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, shall appoint a Motorcyclist Advisory Council to coordinate with

and advise the Administrator on infrastructure issues of concern to motorcyclists, including—

- (1) barrier design;
- (2) road design, construction, and maintenance practices; and
- (3) the architecture and implementation of intelligent transportation system technologies.”

In addition, Section 1914 specifies the membership of the council: “The Council shall consist of not more than 10 members of the motorcycling community with professional expertise in national motorcyclist safety advocacy, including—

- (1) at least—
  - (A) one member recommended by a national motorcyclist association;
  - (B) one member recommended by a national motorcycle riders foundation;
  - (C) one representative of the National Association of State Motorcycle Safety Administrators;
  - (D) two members of State motorcyclists’ organizations;
  - (E) one member recommended by a national organization that represents the builders of highway infrastructure;
  - (F) one member recommended by a national association that represents the traffic safety systems industry; and
  - (G) one member of a national safety organization; and

(2) at least one, and not more than two, motorcyclists who are traffic system design engineers or State transportation department officials.”

To carry out this requirement, the FHWA published a notice of intent to form an advisory committee in the **Federal Register** on December 23, 2005 (70 FR 76353). This notice, consistent with the requirements of the Federal Advisory Committee Act (FACA), announced the establishment of the Council and invited comments and nominations for membership.

A total of forty-four (44) nominations were received to the docket for the motorcyclist advisory council; thirty-nine (39) were for specific individuals and five (5) nominated specific organizations. Many nominations came with multiple endorsements from Congress, motorcyclist organizations, and motorcycle companies. In addition, there were twenty-three (23) self-nominations. The FHWA selected the members based on elements such as consistency with the Congressional direction on the composition of the advisory council; recommendations received from associations and other organizations, Congressional recommendations; experience related to motorcyclist safety and transportation infrastructure; and geographical representation among the States. The

ten (10) selected members, their roles, and who nominated them are as follows:

Ed Moreland, Vice President, Government Relations, American Motorcyclist Association (AMA), will serve as a member recommended by a national motorcyclist association. Mr. Moreland was recommended by Senator James Inhofe and Representatives Sherwood Boehlert, Peter DeFazio, Sam Graves and Thomas Petri, as well as Wayne T. Curtin (Harley Davidson Motorcycles) and Robert Razor (AMA). Mr. Moreland was also self-nominated.

Jeff Hennie, Vice President Government Relations, Motorcycle Riders Foundation, will serve as a member recommended by a national motorcycle riders foundation. Mr. Hennie was self-nominated.

Ken Kiphart, Chairperson and a member of the Executive Committee of the National Association of State Motorcycle State Administrators and Administrator of the Nevada Department of Public Safety, will serve as a representative of the National Association of State Motorcycle Safety Administrators. Mr. Kiphart was self-nominated.

Darrel Killion, State Coordinator for A Brotherhood for Awareness, Training and Education (ABATE) of South Dakota, will serve as a member of a State motorcyclist organization. Mr. Killion was recommended by Senators John Thune and Tim Johnson and Representative Stephanie Herseth. Mr. Killion was self-nominated.

Steven P. Zimmer, State Executive Director, American Bikers Aimed Toward Education (ABATE) of Ohio, will serve as a member of a State motorcyclist organization. Mr. Zimmer was recommended by Representative Ted Strickland. Mr. Zimmer was also self-nominated.

Gerald J. Salontai, P.E. President and CEO of Kleinfelder, Inc., will serve as a member recommended by a national organization that represents the builders of highway infrastructure. Mr. Salontai was recommended by the American Road and Transportation Builders Association (ARTBA).

Robert J. McClune, Executive Vice President and General Manager of North American Potters Industries, will serve as a member recommended by a national association that represents the traffic safety systems industry. Mr. McClune was recommended by the American Traffic Safety Services Association (ATSSA).

Kathy Van Kleeck, Vice President, Government Relations, Motorcycle Safety Foundation (MSF), will serve as a member of a national safety

organization. Ms. Van Kleeck was recommended by Senator James Inhofe.

Mark Bloschock, P.E., Manager, Special Projects Branch, Texas Department of Transportation (TXDOT), will serve as a member who is a motorcyclist and a traffic systems design engineer or State transportation department official. Mr. Bloschock was recommended by the American Association of State Highway and Transportation Officials (AASHTO).

Donald Vaughn, Chief Engineer/Deputy Director of Operations Alabama Department of Transportation, will serve as a member who is a motorcyclist and a traffic systems design engineer or State transportation department official. Mr. Vaughn was recommended by the American Association of State Highway and Transportation Officials (AASHTO).

The FHWA anticipates that the MAC-FHWA will meet at least once a year, with meetings held in Washington, DC, and the FHWA will publish notices in the **Federal Register** to announce the times, dates, and locations of these meetings. Meetings of the Council are open to the public and time will be provided in each meeting's schedule for comments by members of the public. Attendance will necessarily be limited by the size of the meeting room. Members of the public may present oral or written comments at the meeting or may present written materials by providing copies to Ms. Fran Bents, Westat, 1650 Research Boulevard, Rockville, MD 20850-3195, (240) 314-7557, ten (10) days prior to the meeting.

The agenda topics for the meetings will include a discussion of the following issues: (1) Barrier design; (2) road design, construction, and maintenance practices; and (3) the architecture and implementation of intelligent transportation system technologies.

*Conclusion:* The first meeting of the Motorcyclist Advisory Council to the Federal Highway Administration will be held on October 24, 2006, at the Holiday Inn Capitol, 550 C Street, SW., Washington, DC 20024 from 8:30 a.m. until 4:30 p.m.

(Authority: Section 1914 of Pub. L. 109-59; Public L. 92-463, 5 U.S.C., App. II § 1.)

Issued on: September 29, 2006.

**J. Richard Capka,**

*Federal Highway Administrator.*

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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 with 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.

#### **Blacklands Railroad (Waiver Petition Docket Number FRA-2006-25629)**

The Blacklands Railroad (BLR) seeks a waiver of compliance from certain provisions of safety glazing standards, 49 CFR 223.11, that requires certified glazing for one locomotive, BLR 4014. The BLR is located in Sulphur Springs, Texas. BLR states that they operate limited service in a rural territory at speeds of 10 mph. The locomotive is generally not used for freight service but operates primarily to move cars back and forth at a trans-load site for grain products. At other times, it operates between Greenville, Texas, and Mt. Pleasant, Texas, in northeastern Texas.

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 2006-25629) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. 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