

waiver petition). WES trains are equipped with a 96 dB(A) horn that can be used in an emergency. TriMet points out that WES trains are equipped with FRA-compliant headlights and auxiliary lights that form a triangular pattern for conspicuity to motorists. All of the public crossings are equipped with automatic warning devices consisting of flashing lights and gates, except for four crossings that do not have gates. WES and P&W trains will both sound the locomotive horns in the same pattern, thus providing a consistent warning to motorists and pedestrians. In an emergency, WES train engineers will retain the ability to sound the FRA-compliant horn of 96 dB(A). TriMet believes that these alternative audible warnings, coupled with the crossing protections and operating conditions, provide an equivalent level of safety.

Title 49 CFR 222.21(a) reads as follows: "Except as provided in this part, the locomotive horn on the lead locomotive of a train, lite locomotive consist, individual locomotive or lead cab car shall be sounded when such locomotive or lead cab car is approaching a public highway-rail grade crossing. Sounding of the locomotive horn with two long blasts, one short blast and one long blast shall be initiated at a location so as to be in accordance with paragraph (b) of this section and shall be repeated or prolonged until the locomotive occupies the crossing. This pattern may be varied as necessary where crossings are spaced closely together." Title 49 CFR 222.21(b)(2) reads as follows: "Except as provided in paragraphs (b)(3) and (d) of this section, or when the locomotive horn is defective and the locomotive is being moved for repair consistent with § 229.9 of this chapter, the locomotive horn shall begin to be sounded at least 15 seconds, but no more than 20 seconds, before the locomotive enters the crossing. It shall not constitute a violation of this section if, acting in good faith, a locomotive engineer begins sounding the locomotive horn not more than 25 seconds before the locomotive enters the crossing, if the locomotive engineer is unable to precisely estimate the time of arrival of the train at the crossing for whatever reason."

TriMet is requesting a permanent waiver from these two subsections of 49 CFR 222.21 for trains operating on the Lombard segment. WES operates in the street for approximately 2,000 feet outside the Beaverton Transit Center (the Lombard segment). Freight trains do not operate on the Lombard segment. There are three crossings on the Lombard segment. One is equipped with crossing warning devices consisting of

bells, flashing lights, and gates. The other two crossings are equipped with traffic signals, flashing lights, and bells. The maximum train speed on the Lombard segment is 10 mph. TriMet proposes that when the lead unit on a WES train approaches a grade crossing on the Lombard segment, the bells on the lead unit will begin to sound at 60 dB(A) at least 15 seconds before the lead car enters the crossing. The bells will sound continuously, in lieu of the locomotive horn, until the last car in the WES train clears the grade crossing.

TriMet states that safety is not compromised as the alternative procedure previously described will provide an equivalent level of safety. TriMet asserts that the bell sounding procedure described, plus the fact that all three crossings are equipped with automatic warning devices, will provide the same level of safety. Furthermore, WES trains operate at a maximum of 10 mph over the Lombard segment and are equipped with a 96 dB(A) horn that may be used in an emergency.

TriMet requests expedited consideration in order to provide relief as soon as possible. There have been a large number of complaints received about the train horns. Since the establishment of quiet zones takes significant time and considerable expense, the approval of this waiver petition is the quickest source of relief.

TriMet states that it is not filing a joint waiver petition with the involved public authorities in the interest of expediency. The waiver petition includes letters of support from Washington County and the Cities of Beaverton, Tigard, and Tualatin. TriMet has also provided copies of the waiver petition to the Oregon Department of Transportation, P&W, and the City of Wilsonville, and asked that these entities provide FRA with letters of support.

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-2009-0072) 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 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).

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**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) 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.

**Livonia, Avon & Lakeville Railroad Corporation (Waiver Petition Docket Number FRA-2002-13250)**

The Livonia, Avon & Lakeville Railroad Corporation (LAL) of Lakeville, New York, has petitioned for a permanent waiver of compliance for one business car, LAL 100 (Traveler), from the requirements of the Railroad Safety Glazing Standards, Title 49 CFR part 223.15(c), which require certified glazing in all windows and a minimum of four emergency windows. LAL purchased this business car from the Arkansas & Missouri Railroad and is the ex-Canadian National Railways business car 65. LAL indicates that the car is equipped with non-compliant glazing, is not air-conditioned and is used only about 3 or 4 times a year at speeds not exceeding 25 mph. The car operates on LAL, B&H Rail Corporation, and the Western New York & Pennsylvania Railroad lines.

LAL states that the design of the window sachets (wood) makes installation of glazing a costly item. All windows (25 total) open (up) eight inches. LAL requests that due to the prohibitive cost and little use of the car that the certified glazing requirements be waived for the business car LAL 100 (Traveler).

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-2002-13250) 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 THE TREASURY**

**Community Development Financial Institutions Fund**

**Proposed Collection: Comment Request**

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Community Development Financial Institutions Fund ("the Fund") within the Department of the Treasury is soliciting comments concerning the Certification of Material Events Form. This specific information collection will capture information related to Community Development Entity (CDE)/New Markets Tax Credit material events, as well as Community Development Financial Institutions (CDFI) material events, in a single form. The revised document will provide a more comprehensive list of potential material events to inform CDEs and CDFIs of the events that need to be

reported to the CDFI Fund and will require the CDE or CDFI to affirmatively indicate, through a series of specific questions, whether or not the event will have an impact on areas of operations that are of particular concern to the CDFI Fund. This information will enable the CDFI Fund to better manage the Material Events review process and monitor the effects of Material Events on certification or compliance status.

**DATES:** Written comments should be received on or before November 20, 2009 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bob Ibanez, Financial and Program Analyst, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005. Written comments may also be sent by fax to (202) 622-7754, or by e-mail to [cdfihelp@cdfi.treas.gov](mailto:cdfihelp@cdfi.treas.gov). Please include the Subject line "Comments on the Certification of Material Events Form".

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to Bob Ibanez, Financial and Program Analyst, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005, by e-mail to [cdfihelp@cdfi.treas.gov](mailto:cdfihelp@cdfi.treas.gov), or by phone to (202) 927-6232 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

*Title:* Certification of Material Events Form.

*OMB Number:* Pending OMB Approval.

*Abstract:* This specific information collection will capture information related to Community Development Entity (CDE)/New Markets Tax Credit material events, as well as Community Development Financial Institutions (CDFI) material events, in a single form. The revised document will provide a more comprehensive list of potential material events to inform CDEs and CDFIs of the events that need to be reported to the CDFI Fund and will require the CDE or CDFI to affirmatively indicate, through a series of specific questions, whether or not the event will have an impact on areas of operations that are of particular concern to the CDFI Fund. This information will enable the CDFI Fund to better manage the Material Events review process and monitor the effects of Material Events on certification or compliance status.

*Current Actions:* Currently revising and redesigning the Certification of Material Events Form.