

(202) 366-9212, [keith.williams@dot.gov](mailto:keith.williams@dot.gov), FHWA, 1200 New Jersey Avenue, SE., 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 rider's 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. The FHWA announced the ten members selected to the Council in the **Federal Register** on October 5, 2006 (71 FR 58903). An electronic copy of this document and the previous **Federal Register** notices associated with the MAC-FHWA can be downloaded through the Federal eRulemaking Portal at: <http://www.regulations.gov> and the Office of the Federal Register's home page at: [http://www.archives.gov/federal\\_register](http://www.archives.gov/federal_register).

The FHWA anticipates that the MAC-FHWA will meet at least once a year, with meetings held in the Washington, DC, metropolitan area 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 seventh meeting of the Motorcyclist Advisory Council to the Federal Highway Administration will be held on November 5, 2009, at the Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA 22202 from 9 a.m. until 5 p.m.

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

Issued on: October 19, 2009.

**Victor M. Mendez**,  
Administrator.

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Eleventh Meeting: RTCA Special Committee 216: Aeronautical Systems Security**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of RTCA Special Committee 216: Aeronautical Systems Security meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 216: Aeronautical Systems Security.

**DATES:** The meeting will be held November 18-19, 2009 from 9 a.m. to 5 p.m. and November 20, 2009 from 9 a.m. to 12 p.m. Foreign nationals planning to attend should register one week in advance and contact RTCA for SC-216 registration details.

**Note:** Foreign nationals will need to provide ([Daniel.p.johnson@honeywell.com](mailto:Daniel.p.johnson@honeywell.com)) with the following information at least one week prior to the meeting:

- First Name.
- Last Name.
- Company Name.
- Address of their Company.
- Phone Number.
- Honeywell EID (if applicable)—this can be left blank.
- Citizenship.
- Green Card, Asylee/Refugee number (only if they have one).
- Passport Number.
- Passport Expiration Date.
- VISA Number (only if they have one).
- VISA Type (only if they have one).
- VISA Expiration Date (only if they have one).
- Age (enter only if under the age of 18).
- Did this guest work directly for Honeywell in the past as an employee? Answer "Yes" or "No."
- Does this guest work in a sales capacity for their company? Answer "Yes" or "No."

**ADDRESSES:** The meeting will be held at Honeywell Aerospace Deer Valley Facility, 21111 N. 19th Avenue, Phoenix, AZ. Check-in at Visitor's Entrance, you will be directed from there.

**FOR FURTHER INFORMATION CONTACT:** 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 216/Aeronautical Systems Security meeting. The agenda will include:

- Welcome/Introductions/ Administrative Remarks.
- Agenda Overview and Approval of the Summary of the 10th meeting held September 1, 2009, (RTCA Paper No. 213-09/SC216-021).
- Report on the PMC/ICC action on TOR.
- EUROCAE WG-72 Report.
- Subgroup and Action Item Reports.
- Subgroup Meetings/Break-outs.
- Subgroup Reports on Break-outs.
- Establish Dates, Location, and Agenda for Next Meeting(s).
- Any Other Business.

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 October 14, 2009.

**Meredith Gibbs,**

*Staff Specialist, RTCA Advisory Committee.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. MC-F-21037]

#### **Francis W. Sherman—Control—Evergreen Trails, Inc., Horizon Coach Lines, Ltd., and Cabana Coaches, LLC**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice tentatively approving finance transaction.

**SUMMARY:** Francis W. Sherman (FWS), a noncarrier, has filed an application under 49 U.S.C. 14303 to acquire indirect control (through stock purchase) of Evergreen Trails, Inc. (Evergreen), and Horizon Coach Lines, Ltd. (Horizon), and to continue in control of Cabana Coaches, LLC (Cabana). Persons wishing to oppose the application must follow the rules at 49 CFR 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

**DATES:** Comments must be filed by December 7, 2009. Applicant may file a

reply by December 22, 2009. If no comments are filed by December 7, 2009, this notice is effective on that date.

**ADDRESSES:** Send an original and 10 copies of any comments referring to STB Docket No. MC-F-21037 to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, send one copy of comments to applicant's representatives: Michael L. Jennings, Esq., Ober Kaler Grimes & Shriver, a Professional Corporation, 120 East Baltimore Street, Baltimore, MD 21202, and Edward D. Greenberg, Esq., GKG Law, P.C., 1054 Thirty-First Street, NW., Washington, DC 20007.

**FOR FURTHER INFORMATION CONTACT:** Julia Farr, (202) 245-0359 [Federal Information Relay (FIRS) for the hearing impaired: 1-800-877-8339].

**SUPPLEMENTARY INFORMATION:** FWS currently controls one Federal Motor Carrier Safety Administration (FMCSA) registered passenger carrier, Cabana (MC-646780), a Florida limited liability company. Under the proposed transaction, FWS is seeking to acquire indirect control of Evergreen (MC-107638), a Washington corporation, and Horizon (MC-144339), a corporation formed under the laws of the Province of British Columbia, Canada (collectively, the acquired carriers),<sup>1</sup> both of which are FMCSA registered motor passenger carriers, and to continue in control of Cabana. According to FWS, pursuant to the Board's rules at 49 CFR 1013, all of his interests in Cabana currently are being held in a voting trust to avoid any unlawful control pending disposition of this proceeding. FWS states that the annual aggregate gross operating revenues of Cabana and the acquired carriers exceed the \$2 million jurisdictional threshold of 49 U.S.C. 14303(g).

Following approval and consummation of the transaction, FWS states that he will indirectly own all of the outstanding shares of stock in Evergreen and Horizon through his ownership of all of the outstanding shares of stock in TMS West Coast, Inc. (TMS), a Washington corporation, and TMS Canada Holdings Ltd. (TMS-CA), a British Columbia corporation. FWS

<sup>1</sup> FWS states that, prior to this transaction, the acquired carriers were a part of the common control structure of Holland America Line Inc. See *Holland America Line Inc.—Acquisition—Royal Hyway Tours, Inc.*, STB Docket No. MC-F-21033 (STB served Apr. 3, 2009); *Holland America Line Inc.—Control—Westours Motor Coaches, Inc., Evergreen Trails, Inc., Westmark Hotels of Canada, Ltd., Horizon Coach Lines, Ltd., and Discover Alaska Tours, Inc.*, STB Docket No. MC-F-21026 (STB served Mar. 21, 2008).

indicates that TMS will acquire all of the outstanding shares of Evergreen and TMS-CA will acquire all of the outstanding shares of Horizon.

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) The effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

Applicant has submitted information, as required by 49 CFR 1182.2(a)(7), to demonstrate that the proposed acquisition of control is consistent with the public interest under 49 U.S.C. 14303(b). Applicant states that the proposed transaction will have no impact on the adequacy of transportation services available to the public, that the operations of the carriers involved will remain unchanged, that there are no fixed charges associated with the proposed transaction, and that no carrier employees will be adversely affected by the transaction, except for a small number of administrative employees who may lose their positions so that the acquired carriers can operate with increased efficiency. In addition, applicant has submitted all of the other statements and certifications required by 49 CFR 1182.2. Additional information, including a copy of the application, may be obtained from applicant's representatives.

On the basis of the application, we find that the proposed acquisition of control is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated, and unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action.

Board decisions and notices are available on our website at <http://www.stb.dot.gov>.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

*It is ordered:*

1. The proposed finance transaction is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this notice will be deemed as having been vacated.