

section of USH 18 & 151 (Verona Rd) which will be reevaluated by the proposed SDEIS. The proposed SDEIS will evaluate No Build, Interim Improvements, and Freeway Conversion alternatives for this section of USH 18 & 151. Possible improvements for the other two focus areas may be re-evaluated as separate independent environmental studies at some future date.

Participation by the public, local officials, state and federal regulatory agencies, American Indian Tribes and other interested parties are being solicited through public information meetings, agency coordination meetings, and public hearings. Opportunities to be participating and/or cooperating agencies and to provide input on the project's coordination plan and impact assessment methodology are also being provided under Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

This study shall comply with Title VI of the Civil Rights Act and of Executive Order 12898, which prohibits discrimination on the basis of race, color, age, sex, or country of national origin in the implementation of this action. To ensure that the full range of issues related to this proposed action is addressed, and all substantive issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action should be directed to FHWA or WisDOT at the addresses provided below (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction.)

**FOR FURTHER INFORMATION CONTACT:** Johnny Gerbitz, Field Operations Engineer, Federal Highway Administration, 525 Junction Road, Suite 8000, Madison, WI 53717-2157; Telephone: (608) 829-7500, Ext "O". You may also contact Eugene Johnson, Director, Bureau of Equity and Environmental Services, Wisconsin Department of Transportation, P.O. Box 7916, Madison, Wisconsin, 53707-7916; Telephone: (608) 267-9527.

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**Authority:** 23 U.S.C. 315; 49 CFR 1.48

Issued on: November 17, 2009.

**Johnny M Gerbitz,**

*Field Operations Engineer, Federal Highway Administration, Madison, Wisconsin.*

[FR Doc. E9-28452 Filed 11-27-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Establishment of the Federal Transit Administration Advisory Committee for Transit Safety

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of intent to establish a Federal Advisory Committee.

**SUMMARY:** On November 23, 2009, the Secretary of Transportation authorized the establishment of a Federal Advisory Committee to address transit safety issues. The Transit Rail Advisory Committee for Safety (TRACS) will consist of up to 25 voting members and will provide recommendations to the Secretary of Transportation through the Federal Transit Administrator regarding transit safety and other issues.

**DATES:** This charter is effective on December 8, 2009.

**FOR FURTHER INFORMATION CONTACT:** Mike Flanigan, Director, Office of Safety and Security, Federal Transit Administration, 202-366-0235 or [Mike.Flanigan@dot.gov](mailto:Mike.Flanigan@dot.gov).

#### SUPPLEMENTARY INFORMATION

##### I. Background

Nationwide, rail transit is considered one of the safest modes of transportation with more than 7 million people boarding rail transit vehicles in the United States each day. Transit agencies have fewer fatalities and injuries than does any other mode of transportation. Over the last five years, however, the industry's safety record, while still low, has deteriorated. Rates per million passenger miles between 2003 and 2008 on rail transit systems, not regulated by Federal Railroad Administration are as follows:

Derailment rates are up from 0.23 to 0.38. Collision rates are up from 0.2 to 0.8.

Passenger Fatality rates are up from 0.43 to 0.60 (all causes except suicide).

Passenger fatality rates from train collisions have held steady at 1 per year (9 in 2009).

Employee right of way fatalities are steady at 3 per year (double the average number during the previous 15 years).

Major accidents in Chicago, Washington, DC, San Francisco, and Boston have captured the attention of

the public and raised widespread concern regarding the industry's commitment to the safety of its passengers and employees. For example, the 2006 derailment of a CTA Blue Line train in Chicago involved aging infrastructure that did not meet agency safety standards and yet remained in service.

In response to this series of accidents, the Secretary of Transportation established the Rail Transit Safety Work Group, an internal Departmental work group with representatives from several administrations, to evaluate the Federal role in transit safety. After deliberating, the work group recommended that the Secretary establish an advisory committee for transit safety. The Secretary accepted the recommendation and authorized the establishment of an advisory committee for the purpose of analyzing transit safety issues and developing recommendations for minimum, national transit safety standards.

The establishment of an advisory committee for transit safety serves the public interest by providing a forum for the development, consideration, and communication of information from knowledgeable and independent perspectives. The level of expertise and balanced viewpoints of this committee will enable early identification of potential problem areas and accelerate corrective actions, thereby creating greater safety and public confidence in the Nation's public transportation systems.

In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. 2 (FACA), the Federal Transit Administration (FTA) is publishing this notice to announce the Secretary's intent to establish an advisory committee. The Transit Rail Advisory Committee for Safety (TRACS) will have the objective to provide advice and recommendations to the Administrator of FTA regarding transit safety issues.

No determination of fact or policy will be made by the TRACS. The TRACS will meet as necessary to carry out its duties, but is expected to meet at least twice a year. Meetings of subcommittees or work groups may occur more frequently. The FTA Administrator on behalf of the Secretary of Transportation will name an Executive Director for the committee who will also serve as the Designated Federal Official responsible for ensuring compliance with the requirements of FACA. Members of the public may review the draft charter for TRACS at FTA's Web site located at <http://fta.dot.gov>.

Issued this 24th day of November, 2009, in Washington, DC.

**Peter M. Rogoff,**  
Administrator.

[FR Doc. E9-28532 Filed 11-24-09; 4:15 pm]

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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.

#### Mohawk Adirondack and Northern Railroad Corporation

[Waiver Petition Docket Number FRA-2009-0063]

The Mohawk Adirondack and Northern Railroad (MHW), a Class III railroad, seeks a waiver of compliance from the requirements of 49 CFR 223.11 Requirements for existing locomotives. Specifically, MHW has petitioned FRA for a waiver for one 80-ton, 470 horsepower diesel electric locomotive numbered 1670. This locomotive was built for the United States Air Force by General Electric in March 1952.

MHW operates this locomotive on a terminal/switching railroad at the former Griffiss Air Force Base in Rome, New York, presently called the Griffiss Industrial Park. MHW operates at speeds of 10 miles per hour (or less) and hauls 1-3 cars on a twice weekly basis. The locomotive is equipped with safety laminate glass (AS-1, AS-2) and is serviced & maintained by MHW at Rome, New York. MHW states that the railroad is private and will occasionally interchange to the general system which is accomplished with CSX Railroad interchange tracks at Rome, NY.

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-2009-0063) 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 document (or signing the document, 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 (65 FR 19477) or at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC on November 23, 2009.

**Grady C. Cothen, Jr.,**

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E9-28483 Filed 11-27-09; 8:45 am]

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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.

#### Association of American Railroads

[Waiver Petition Docket Number FRA-2009-0102]

The Association of American Railroads (AAR) has petitioned, on behalf of its member railroads, for a temporary waiver of compliance from the requirements of 49 CFR 232.109(g)(2), which state that locomotives placed into service for the first time on or after October 1, 2007, shall display in real-time in the cab of the controlling (lead) locomotive the total train dynamic brake retarding force available in the train. AAR petition seeks relief due to conflicts found in the common communication channel, known as "C-Band" shared by the dynamic brake system reporting (DBSR) and Electronic Controlled Pneumatic (ECP) brake systems. AAR requests this relief until January 1, 2011, to allow it the time to have conversion modules manufactured and installed on its members' locomotives.

AAR states that when locomotives equipped with ECP brakes were placed in service, it was discovered that operation of the ECP systems and DBSR conflicted due to the sharing of a common communications band, the C-Band. Consequently, AAR developed a standard (S-5509) in February 2008, providing for using the A-Band for DBSR. During the period of modification and conversion of its members' locomotives, there will be times when the total train dynamic brake retarding force required by 49 CFR 232.109(g)(2) cannot be displayed in the controlling locomotive because some locomotives will be equipped to transmit on A-Band and some on C-Band. AAR further states that during the period of conversion, the engineer shall be provided with a record of dynamic brake operational status as required by 49 CFR 232.109(a).

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-