

effective January 12, 2010. Under 49 U.S.C. section 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by the State of Hawaii. The documentation that constitutes the "noise exposure maps" as defined in section 150.7 of Part 150 includes: Exhibit 1, Existing Conditions (2008) Noise Exposure Map and Exhibit, Future Condition (2013) Noise Exposure Map. The Noise Exposure Maps contain current and forecast information including the depiction of the airport and its boundaries, the runway configurations, land uses such as residential, noise sensitive institutions, a school, non noise-sensitive land uses, and growth risk areas, and also those areas within the noise contours. Estimates for the number of people within these contours, for the year 2008 is shown in Table 4C. Estimates of the future number of people within the 2013 noise contours is shown in Table 4F. Flight tracks for the existing and the five-year forecast Noise Exposure Maps are found in Exhibits 3E, 3F, 3G, and 3H. The type and frequency of aircraft operations (including nighttime operations) are found in Tables 3A and 3B for the existing conditions (2008) and the future conditions (2013). The FAA has determined that these noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on January 12, 2010.

FAA's determination on an airport operator's noise exposure maps is

limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration,  
Western-Pacific Region, Airports  
Division, Room 3012, 15000 Aviation  
Boulevard, Hawthorne, California  
90261;

Federal Aviation Administration,  
Honolulu Airports District Office, 300  
Ala Moana Boulevard, 7-128,  
Honolulu, Hawaii 96850;

State of Hawaii, Department of  
Transportation, Airports Division, 400  
Rodgers Boulevard, Suite 700,  
Honolulu, Hawaii 96819-1880;

Kona International Airport at Keahole,  
73-200 Kupipi Street, Kailua-Kona,  
Hawaii 96740-2645.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California on January 12, 2010.

**Mia Paredes Ratcliff,**

*Acting Manager, Airports Division, AWP-600,  
Western-Pacific Region.*

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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.

#### Peninsula Corridor Joint Powers Board-Caltrain

[Waiver Petition Docket Number FRA-2009-0124]

The Peninsula Corridor Joint Powers Board (JPB) seeks a waiver of compliance from certain provisions of Title 49 CFR Part 238 *Passenger Equipment Safety Standards*. Specifically, JPB is considering purchasing non-FRA compliant high-efficiency electric multiple unit (EMU) vehicles, constructed to European safety standards for its Caltrain commuter rail service between San Francisco, CA, and Gilroy, CA. JPB seeks relief from the requirements of § 238.204 Static End Strength; § 238.205 Anti-Climbing Mechanism; § 238.207 Link Between Coupling Mechanism; § 238.211 Collision Posts; and § 238.213 Corner Posts.

JPB, which owns and operates the Caltrain commuter rail service between San Francisco, CA, and Gilroy, CA [MilePost (MP) 51.9], is currently considering a program that increases system capacity by removing constraints within the system. This program, referred to as "Caltrain 2025," will allow Caltrain to expand service and reduce costs while providing a measurably safer transportation network. Along with electrification of mainline tracks and implementation of an enhanced positive train control system, a key component of this program involves the operation of some non-FRA compliant high-efficiency EMU vehicles constructed to European safety standards that feature Crash Energy

Management capabilities. Also, Caltrain will temporally separate freight operations from passenger operations between San Francisco, CA, and Santa Clara (MP 44.6), by limiting freight movements to the exclusive freight period hours of midnight–5 a.m. Only from MP 44.6–MP 51.9 will freight service commingle with Caltrain commuter equipment during revenue service.

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–2009–0124) 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 January 19, 2010.

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

*Deputy Associate Administrator for Safety Standards and Program Development.*

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#### Utah Transit Authority

[Supplement to Waiver Docket Number FRA–1999–6253]

As a supplement to the Utah Transit Authority's (UTA) Petition for Approval of Shared Use and Waiver of Certain FRA Regulations (the original shared use waiver was granted by the FRA Railroad Safety Board on August 19, 1999, for the Sandy/Salt Lake TRAX LRT line), UTA is amending the terms and conditions of the original waiver by constructing the Daybreak/Test Track Segment portion of the Mid-Jordan LRT line extension of the Sandy/Salt Lake TRAX LRT line. This Test Track will be an exclusive light rail segment, featuring a limited connection to the general freight system at an interlocking. UTA submits that this request is consistent with the waiver process for Shared Use. *See Statement of Agency Policy Concerning Jurisdiction Over the Safety of Railroad Passenger Operations and Waivers Related to Shared Use of the Tracks of the General Railroad System by Light Rail and Conventional Equipment*, 65 FR 42529 (July 10, 2000); *see also Joint Statement of Agency Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit Systems*, 65 FR 42626 (July 10, 2000).

UTA is expanding its original Sandy/Salt Lake TRAX LRT line by building the 10.6-mile Mid-Jordan LRT line extension on the active Union Pacific Railroad (UPRR) Bingham Branch,

which is a single track used solely for freight operations. As part of this Mid-Jordan extension, UTA will reconstruct this existing track and add a new parallel track. This construction will allow that portion of the Mid-Jordan LRT line that runs on the Bingham Branch to utilize two (2) tracks for light rail operations during the temporally separated passenger period. UPRR will continue to operate on the Bingham Branch only during the freight period. UTA anticipates petitioning FRA at a future date for a supplemental waiver of compliance from certain portions of Title 49 of the CFR for shared use temporal separation operations on this Mid-Jordan LRT line extension.

This petition pertains to UTA's intent to first construct an initial 2-mile portion of this Mid-Jordan extension called the Daybreak/Test Track Segment, which will be used exclusively by UTA TRAX LRT equipment. This track initially will be used to commission new LRV equipment and to train LRV operators. This Daybreak/Test Track segment will be an exclusive light rail portion of the Mid-Jordan LRT line extension, with a limited connection to UPRR Bingham Branch at address 5600 West. This connection will be composed of four electrically locked hand throw switches interlocked with UTA's Signal & Train Control System. In addition to this, UTA will temporarily employ portable derail devices to separate any possible incursions of UPRR equipment onto this Daybreak/Test Track equipment. Derails will be permanently removed once UTA has completed testing and begun pre-revenue service on the entire Mid-Jordan line.

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–1999–6253) 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