

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration**

[Summary Notice No. 2019-71]

**Petition for Exemption; Summary of Petition Received; Cities of Mendota and Reedley, California**

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

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before December 30, 2019.

**ADDRESSES:** Send comments identified by docket number FAA-2019-0691 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at (202) 493-2251.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for

accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Linda S. Lane (202) 267-7280, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on December 3, 2019.

**Brandon Roberts,**

*Acting Executive Director, Office of Rulemaking.*

**Petition for Exemption**

*Docket No.:* FAA-2019-0691.

*Petitioner:* Cities of Mendota and Reedley, California.

*Section(s) of 14 CFR Affected:*

§§ 21.181(a)(3)(i), 21.190(a), 43.1(d), 43.3(g), 43.7(g) and (h), 61.23(c), 61.31(1)(2)(vi), 61.89(c), 61.303(a) and (b)(4), 61.305(a)(2), 61.315(a) and (c), 61.317, 61.321, 61.325, 61.327(b)(2), 61.403(b), 61.411, 61.415(e)(g) and (h), 61.417, 61.419, 61.423(a)(2)(iii)(A) and (D) and (a)(2)(iv), 61.423(b), 61.429(c), and 65.107(b) and (c).

*Description of Relief Sought:* The relief sought by the petitioners will allow them to operate four Pipistrel Alpha Electro aircraft with the issuance of a Special Light Sport Aircraft (SLSA) airworthiness certificate, to conduct flight training in the aircraft for primary and differences training.

[FR Doc. 2019-26468 Filed 12-6-19; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration**

[Docket No. FAA-2018-0649]

**Discontinuation of Hazardous Inflight Weather Advisory Service (HIWAS) in the Contiguous United States**

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

**ACTION:** Notice of final decision.

**SUMMARY:** This action sets forth the final determination by the FAA to discontinue the Hazardous Inflight Weather Advisory Service (HIWAS).

**DATES:** This action begins January 8, 2020.

**FOR FURTHER INFORMATION CONTACT:** Jeff Black, Flight Service, Federal Aviation Administration, 800 Independence

Avenue SW, Washington, DC 20591; telephone: (202) 267-6500.

**SUPPLEMENTARY INFORMATION:****Background**

Hazardous Inflight Weather Advisory Service (HIWAS) is a continuous broadcast of weather advisories over a limited nationwide network of VORs that provide pilots with meteorological information relating to hazardous weather. Since the early 1980s, the broadcast, available in various locations of the contiguous United States (CONUS) allows pilots to access hazardous weather information while inflight without going through a Flight Service specialist.

With the advent of the internet and other technology, the demand for inflight services from Flight Service specialists has declined. Staffing was 3,000+ specialists in more than 300 facilities during the early 1980s and now consists of three hub facilities. In 2018, radio contacts dropped to less than 900 per day from an average of 10,000 radio contacts per day.

Demand for inflight services has diminished since the inception of HIWAS while access has never been greater, which indicates that pilots are migrating to other means of obtaining inflight weather advisories. Multiple sources are available that provide access to weather and aeronautical information to pilots in the cockpit, often presented in a graphical format, making it easier to visualize what is going on along the route of flight. Pilots are no longer limited to only contacting a Flight Service specialist in order to adhere to 14 CFR 91.103, numerous options are available to them to help maintain awareness of hazardous weather advisories along their route of flight.

On July 23, 2018, the FAA published a notice of proposal to discontinue HIWAS in the CONUS.

**Discussions of Comments**

The FAA received 27 comments on the proposed agency action. The following summary identifies the issues raised from all the commenters to our initial proposal but does not restate each comment received. Thirteen (13) comments either supported the initiative or were neutral towards the FAA's proposal. Three (3) comments did not apply as they referred to HIWAS in Alaska, which does not exist. Of the remaining comments, a number of them focused on technology and the inability of pilots to obtain weather from alternate sources such as Electronic

Flight Bags (EFB), Flight Information Services-Broadcast (FIS-B), or similar digital products. Commenters cited costs, aging aircraft, and lack of infrastructure as reasons to retain the broadcast.

FAA air traffic controllers (ATC) will continue to advise pilots of hazardous weather that may affect operations within 150 nautical miles of their sector or area of jurisdiction. Hazardous weather information includes Airmen's Meteorological Information (AIRMET), Significant Meteorological Information (SIGMET), Convective SIGMET (WST), Urgent Pilot Reports (UUA), and Center Weather Advisories (CWA). ATC will also direct pilots to contact a Flight Service Specialist through an air-to-ground radio frequency if they need additional information.

A number of commenters, including the Aircraft Owners and Pilots Association (AOPA), cited safety concerns with the removal of this service because pilots may unexpectedly encounter hazardous weather and have no other means to obtain the information. In addition, AOPA surveys indicated that a small segment of pilots rely on HIWAS to satisfy their need for adverse weather information while en route. The FAA instituted FIS-B as a replacement for this legacy system that provides a range of aeronautical information products and often in a graphical format, which is not available via HIWAS. For pilots who choose not to equip their aircraft with this new technology, as noted earlier, a Flight Service Specialist is still available over a radio outlet.

A Safety Risk Management Panel was held on February 26, 2019 to review this proposal and address the concerns raised by stakeholders.<sup>1</sup> The panel consisted of representatives throughout the FAA and industry, including AOPA. The panel reviewed all comments noted above and the participants were unanimous in their opinion that removing the legacy service would not add any additional risk to the National Airspace System.

To the extent that AOPA expressed concerns that FAA should update its guidance material to address the discontinuance of HIWAS, the FAA notes that all FAA documents, exams, and orders will be updated to reflect this change. The FAA published articles and safety team emails to inform pilots of this change and will issue Notices to Airmen (NOTAMs) for every outlet where the service is to be discontinued

prior to removal from the charts and other publications.

### Final Decision

In accordance with the above, the FAA will discontinue the Hazardous Inflight Weather Advisory Service in the contiguous United States, effective January 8, 2020.

As part of FAA efforts to modernize and streamline service delivery, the agency will discontinue the Hazardous Inflight Weather Advisory Service. The FAA will issue Notices to Airmen (NOTAM) and conduct outreach to inform pilots that the service is no longer available.

Issued in Washington, DC, on: December 3, 2019.

**Steven Villanueva,**

*Flight Service Director, Federal Aviation Administration.*

[FR Doc. 2019-26386 Filed 12-6-19; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0139]

#### Entry-Level Driver Training: United Parcel Service, Inc. (UPS); Application for Exemption

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition; denial of exemption.

**SUMMARY:** FMCSA announces its decision to deny United Parcel Service, Inc.'s (UPS) application for exemption from two provisions in the entry-level driver training (ELDT) final rule published on December 8, 2016. UPS requests a five-year exemption from the following provisions in the ELDT final rule: The requirement that a driver training instructor hold a Commercial Driver's License (CDL) and have two years' experience driving a commercial motor vehicle (CMV), as set forth in the definitions of "behind-the-wheel (BTW) instructor" and "theory instructor;" and the requirement to register each training location in order to obtain a unique Training Provider Registry (TPR) number applicable to that location. FMCSA has analyzed the exemption application and the public comments and determined that the applicant has not demonstrated that it would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent the requested exemptions.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Telephone: 202-366-4325; Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov). If you have questions on viewing or submitting material to the docket, contact Docket Services at (202) 366-9826.

### SUPPLEMENTARY INFORMATION:

#### I. Public Participation

##### Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to [www.regulations.gov](http://www.regulations.gov) and insert the docket number, FMCSA-2019-0139 in the "Keyword" box and click "Search." Next, click the "Open Docket Folder" button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

#### II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The Agency's decision must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption and the regulatory provision from which the exemption is granted. The notice must specify the effective period (up to 5 years) and explain its terms and conditions. The exemption may be renewed (49 CFR 381.300(b)).

#### III. Request for Exemption

United Parcel Service, Inc. (UPS) seeks an exemption from the following

<sup>1</sup> The SRMP was held after the close of the comment period to address concerns raised by commenters.