

1997, <http://www.fhwa.dot.gov/programadmin/contracts/122297.cfm>). A waiver of the Buy America requirement without any regard to where the vehicle is assembled would diminish the purpose of the Buy America requirement. Moreover, in today's economic environment, the Buy America requirement is especially significant in that it will ensure that Federal Highway Trust Fund dollars are used to support and create jobs in the U.S. This approach is similar to the conditional waivers previously given for various vehicle projects. Thus, so long as the final assembly of the 34 State projects occurs in the U.S., applicants to this waiver request may proceed to purchase these vehicles and equipment consistent with the Buy America requirement.

In accordance with the provisions of section 117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Technical Corrections Act of 2008 (Pub. L. 110-244), FHWA is providing this notice of its finding that a public interest waiver of Buy America requirements is appropriate on the condition that the vehicles and equipment identified in the notice be assembled in the U.S. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to FHWA's Web site via the link provided to the waiver page noted above.

**Authority:** 23 U.S.C. 313; PL 110-161; 23 CFR 635.410.

Issued on: May 9, 2016.

**Gregory G. Nadeau,**  
Administrator, Federal Highway  
Administration.

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Buy America Waiver Notification

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic motor and machinery brakes (maximum torque 100 ft-lb, wheel size 8 inches) for the rehabilitation of a bascule bridge in Port Clinton, Ohio.

**DATES:** The effective date of the waiver is May 18, 2016.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, 202-366-1562, or via email at [gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov). For legal questions, please contact Ms. Jennifer Mayo, FHWA Office of the Chief Counsel, 202-366-1523, or via email at [jennifer.mayo@dot.gov](mailto:jennifer.mayo@dot.gov). Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register's** home page at <http://www.archives.gov> and the Government Printing Office's database at <http://www.access.gpo.gov/nara>.

##### Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for use of non-domestic motor and machinery brake systems (maximum torque 100 ft-lb, wheel size 8 inches) for rehabilitation of a bascule bridge in Port Clinton, Ohio.

In accordance with Division K, section 122 of the Consolidated and Further Continuing Appropriations Act of 2015 (Pub. L. 113-235), FHWA published a notice of intent to issue a waiver on its Web site (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=121>) on March 22nd. The FHWA received no comments in response to the publication. Based on all the information available to the agency, FHWA concludes that there are no domestic manufacturers of motor and machinery brake systems (maximum torque 100 ft-lb, wheel size 8 inches) for rehabilitation of the bascule bridge in Port Clinton, Ohio.

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244), FHWA is providing this notice that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding

for an additional 15 days following the effective date of the finding. Comments may be submitted to FHWA's Web site via the link provided to the waiver page noted above.

**Authority:** 23 U.S.C. 313; Public Law 110-161, 23 CFR 635.410.

Issued on: May 9, 2016.

**Gregory G. Nadeau,**  
Administrator, Federal Highway  
Administration.

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA-2016-0025]

#### Notice of Proposed Buy America Waiver for Minivans

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of proposed Buy America waiver and request for comment.

**SUMMARY:** The Federal Transit Administration (FTA) received a formal request from the Pace Suburban Bus Division of the Regional Transportation Authority (Pace) for a Buy America non-availability waiver to purchase 188 Dodge Caravan minivans for its vanpool program. Minivans are considered rolling stock and are subject to the Buy America waiver set forth in 49 U.S.C. 5323(j)(2)(C), which requires that minivans (i) contain more than 60 percent domestic content, and (ii) final assembly of the vehicles occurs in the United States. Although initially Pace sought only a waiver of the requirement that final assembly take place in the United States, Pace now seeks a waiver of both requirements. Because FTA is aware of at least four manufacturers that can meet the final assembly requirement, however, FTA is proposing a waiver of only the domestic content requirement for non-ADA-accessible minivans. This waiver would apply to all procurements of non-ADA-accessible minivans by any FTA grantee and would be limited to contracts entered into before September 30, 2019 or until a fully compliant domestic source becomes available, whichever is earlier. In accordance with 49 U.S.C. 5323(j)(3)(A), FTA is providing notice of this proposed waiver and seeks public and industry comment on whether FTA should grant the waiver.

**DATES:** Comments must be received by May 31, 2016. Late-filed comments will be considered to the extent practicable.