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Larry W. Minor,

Associate Administrator for Policy.

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### **FY16 Competitive Funding Opportunity: Grants for Buses and Bus Facilities and Low or No Emission Grant Programs; 5339(b) Grants for Buses and Bus Facilities Program and 5339(c) Low or No Emission Program—Correction**

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

**ACTION:** Notice; correction.

**SUMMARY:** On March 29, 2016, the Federal Transit Administration (FTA) published a Notice of Funding Opportunity (NOFO) in the **Federal Register** announcing the availability of approximately \$211 million for Grants for Buses and Bus Facilities and \$55 million for Low or No Emission Grants. The notice provided incomplete information regarding FTA's Buy America and Disadvantage Business Enterprise (DBE) requirements. Additionally, the NOFO was missing information in one place about how to submit applications through [www.grants.gov](http://www.grants.gov). This notice corrects the March 29 notice.

**FOR FURTHER INFORMATION CONTACT:** For the Bus Program, contact Sam Snead, FTA Office of Program Management, 202-366-1089, or [samuel.snead@dot.gov](mailto:samuel.snead@dot.gov). For the Low-No Program, contact Tara Clark, same office, 202-366-2623, or [tara.clark@dot.gov](mailto:tara.clark@dot.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Need for Correction**

The FTA notice published in the **Federal Register** on March 29, 2016 (81 FR 17553), FR Doc. 2016-07027, contained errors. In subsection *F. Federal Award Administration, iii. Administrative and National Policy Requirements, iii. Buy America* and *iv. Disadvantaged Business Enterprise*, the notice provides incomplete information and refers to projects that involve passenger ferries, which are not eligible for funding under the Bus Program or Low-No Program. In section G, Technical Assistance and Other Program Information, the NOFO is missing the date by which applications must be submitted through [www.grants.gov](http://www.grants.gov).

Therefore, FR Doc. 2016-07027 is corrected as follows:

1. On page 17560, in the 2nd column, subsection *F. Federal Award Administration, iii. Administrative and National Policy Requirements, iii. Buy America* is corrected to read as shown below:

##### *iii. Buy America*

The FTA requires that all capital procurements meet FTA's Buy America requirements, which require that all iron, steel, or manufactured products be produced in the U.S. These requirements help create and protect manufacturing jobs in the U.S. The Bus Program and Low-No Program will have a significant economic impact toward meeting the objectives of the Buy America law. The FAST Act amended the Buy America requirements to provide for a phased increase in the domestic content for rolling stock. For FY16 and FY17, the cost of components and subcomponents produced in the United States must be more than 60 percent of the cost of all components. For FY18 and FY19, the cost of components and subcomponents produced in the United States must be more than 65 percent of the cost of all components. For FY20 and beyond, the cost of components and subcomponents produced in the United States must be more than 70 percent of the cost of all components. There is no change to the requirement that final assembly of rolling stock must occur in the United States. FTA will be issuing guidance on the implementation of the phased increase in domestic content in the near future. Any proposal that will require a waiver must identify the items for which a waiver will be sought in the application. Applicants should not proceed with the expectation that waivers will be granted, nor should applicants assume that selection of a project under the Low-No Program that includes a partnership with a manufacturer, vendor, consultant, or other third party constitutes a waiver of the Buy America requirements for rolling stock applicable at the time the project is undertaken.

2. On page 17560, in the 2nd column, subsection *F. Federal Award Administration, iii. Administrative and National Policy Requirements, iv. Disadvantaged Business Enterprise* is corrected to read as shown below:

##### *iv. Disadvantaged Business Enterprise*

The FTA requires that its recipients receiving planning, capital and/or operating assistance that will award prime contracts exceeding \$250,000 in FTA funds in a Federal fiscal year

comply with the Disadvantaged Business Enterprise (DBE) program regulations at 49 CFR part 26. Applicants should expect to include any funds awarded, excluding those to be used for vehicle procurements, in setting their overall DBE goal. Note, however, that projects including vehicle procurements remain subject to the DBE program regulations. The rule requires that, prior to bidding on any FTA-assisted vehicle procurement, entities that manufacture vehicles, perform post-production alterations or retrofitting must submit a DBE Program plan and goal methodology to FTA. The FTA will then issue a transit vehicle manufacturer (TVM) concurrence/certification letter. Grant recipients must verify each entity's compliance with these requirements before accepting its bid. A list of compliant, certified TVMs is posted on FTA's Web page at <https://www.fta.dot.gov/regulations-and-guidance/civil-rights-ada/eligible-tvms-list>. Please note, that this list is nonexclusive and recipients must contact FTA before accepting bids from entities not listed on this web-posting. Recipients may also establish project specific DBE goals for vehicle procurements. The FTA will provide additional guidance as grants are awarded. For more information on DBE requirements, please contact Jennifer Riess, Office of Civil Rights, 202-366-3084, email: [jennifer.riess@dot.gov](mailto:jennifer.riess@dot.gov).

3. On page 17560, in the 3rd column, section G, *Technical Assistance and Other Program Information* is corrected to insert a deadline for complete applications of 11:59 p.m. EDT on May 13, 2016.

Matthew J. Welbes,

Executive Director.

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Safety Advisory 16-1]

#### **Stop Signal Overruns**

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

**ACTION:** Notice of Safety Advisory.

**SUMMARY:** The Federal Transit Administration (FTA) issued Safety Advisory 16-1 regarding stop signal overruns on rail fixed guideway public transportation systems, and an accompanying letter to the State Safety Oversight (SSO) program managers and

the chief safety officers of rail transit systems, seeking data and information on stop signal overruns during 2015. Safety Advisory 16–1 and the accompanying letter are available in their entirety on the FTA public Web site at <http://www.fta.dot.gov/tso.html>.

**DATES:** The FTA is asking the directors of the SSO programs to submit the requested data and information by July 2016.

**FOR FURTHER INFORMATION CONTACT:** For program matters, Mr. Sam Shelton, Office of System Safety, telephone (202) 366–0815 or [Sam.Shelton@dot.gov](mailto:Sam.Shelton@dot.gov). For legal matters, Scott Biehl, Senior Counsel, telephone (202) 366–0826 or [Scott.Biehl@dot.gov](mailto:Scott.Biehl@dot.gov).

**SUPPLEMENTARY INFORMATION:** Across the rail transit industry, many if not most operators keep a database on the number of instances in which their passenger or maintenance vehicles over run a stop signal. In some instances, State Safety Oversight Agencies (SSOAs) have identified stop signal overruns as event data a Rail Fixed Guideway Public Transportation System (RFGPTS) must record and report to the SSOA, as part of the hazard management process in the System Safety Program Plans required by the FTA rules at 49 CFR part 659. The FTA considers stop signal overruns to be significant events, creating safety risks, with potentially catastrophic consequences. The FTA now seeks to better understand the prevalence of stop signal overruns throughout the industry. The FTA issued Safety Advisory 16–1, “Stop Signal Overruns,” which is eliciting data and information on stop signal overruns at RFGPTSs that occurred during calendar year 2015.

Specifically, FTA is requesting that each SSOA provide FTA with: (1) the total number of stop signal overruns that occurred during 2015 at each RFGPTS within the SSOA’s oversight; (2) each RFGPTS’s definition of stop signal overrun; (3) each RFGPTS’s definition of a stop signal/stop aspect (e.g., hand signal, stop sign, cab signal); (4) a description of the process each RFGPTS uses to internally detect stop signal overruns; and, (5) a description of the process each RFGPTS uses to report stop signal overruns to the SSOA. The FTA is requesting this data and information by July 2016. The FTA is making this request in accordance with its authority to request State Safety Oversight program information, codified at 49 CFR 659.39(d). Safety Advisory 16–1 and an accompanying letter addressed to the SSO program managers, and the chief safety officers of RFGPTSs, are available in their entirety

on the FTA public Web site at <http://fta.dot.gov/tso.html>.

Also, FTA is aware that a number of RFGPTSs keep data and information on stop signal overruns on their own volition, for the purpose of enhancing the safety of their operations, albeit they are not required to report that data and information to their SSOAs. The FTA seeks to develop as complete a database as practical, thus, FTA would appreciate these RFGPTSs submitting their data and information to their SSOAs, and in turn, the SSOAs providing that material to FTA. The cooperation of the entire rail transit industry would be very helpful in developing a better understanding of stop signal overruns, and in due course, a strategy for mitigating the safety risks created by stop signal overruns.

**Matthew J. Welbes,**

*Executive Director.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0029; Notice 2]

#### Mercedes-Benz USA LLC, Denial of Petition for Decision of Inconsequential Noncompliance

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Denial of petition.

**SUMMARY:** Mercedes-Benz USA LLC (MBUSA), on behalf of itself and its parent company Daimler AG (DAG), collectively referred to as “Mercedes” has determined that certain model year (MY) 2015 Mercedes-Benz C-Class (205 Platform) passenger cars do not fully comply with paragraph S10.18.4 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*. Mercedes has filed a report dated February 9, 2015, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Mercedes then petitioned NHTSA under 49 CFR part 556 requesting a decision that the subject noncompliance is inconsequential to motor vehicle safety.

**ADDRESSES:** For further information on this decision contact Mike Cole, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–2334, facsimile (202) 366–5930.

#### SUPPLEMENTARY INFORMATION:

*I. Mercedes’ Petition:* Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, Mercedes has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of Mercedes’ petition was published, with a 30-day public comment period, on April 16, 2015 in the **Federal Register** (80 FR 20571). No comments were received. To view the petition and all supporting documents, log onto the Federal Docket Management System (FDMS) Web site at: <http://www.regulations.gov/>. Follow the online search instructions to locate docket number “NHTSA–2015–0029.”

*II. Vehicles Involved:* Affected are approximately 9,137 MY 2015 Mercedes-Benz C-Class (205 Platform) passenger cars manufactured from June 18, 2014 through September 5, 2014 at Mercedes’ Tuscaloosa, Alabama plant.

*III. Noncompliance:* Mercedes explains that the subject vehicles were manufactured with horizontal adjustment-visually aimed headlamps that have a lower beam and a horizontal adjustment mechanism that was not made inoperative at the factory. Specifically, the horizontal adjustment screw was not properly sealed off with non-removable sealing caps as necessary to fully meet the requirements of paragraph S10.18.4 of FMVSS No. 108.

*IV. Rule Text:* Paragraph S10.18.4 of FMVSS No. 108 requires in pertinent part:

S10.18.4 *Horizontal adjustment-visually aimed headlamp.* A visually/optically aimed headlamp that has a lower beam must not have a horizontal adjustment mechanism unless such mechanism meets the requirements of this standard for on vehicle aiming as specified in S10.18.8.

*V. Summary of MBUSA’s Analyses:* Mercedes stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

(A) Mercedes believes that new manufacturing methods, including the use of optical image processing to adjust the horizontal and the vertical illumination levels of headlamps in addition to the reduction in assembly tolerances for headlamp assemblies, has resulted in optimal headlamp adjustments on vehicles leaving their manufacturing plants. As a result, on-vehicle aiming devices are no longer common in the industry. Mercedes believes that this has led to the elimination of the need for horizontal headlamp adjustment on in-use