any other railroads in the CEI corporate family; (2) the proposed continuance in control is not part of a series of anticipated transactions that would connect the carriers with each other or any railroad in their corporate family; and (3) the transaction does not involve a Class I carrier. Therefore, pursuant to 49 CFR 1180.2(d)(2), the proposed transaction is exempt from the prior approval requirements of 49 U.S.C. 11323.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under §11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than December 9, 2016 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36072, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on William A. Mullins, Clearance Clerk.

Department and notices are available on our website at www.stb.gov.

Decided: November 28, 2016.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay, Clearance Clerk.
DEPARTMENT OF TRANSPORTATION
Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), 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 steel components of Airport Transit System (ATS) vehicles, ATS guideway switches, and ATS rails to be incorporated into the Chicago O’Hare International Airport ATS Expansion & Modernization Project.

DATES: The effective date of the waiver is December 5, 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. For legal questions, please contact Mr. William Winne, FHWA Office of the Chief Counsel, (202) 366–1397, or via email at William.Winne@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


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 steel components of ATS vehicles, ATS guideway switches, and ATS rails to be incorporated into the Chicago O’Hare International Airport ATS Expansion & Modernization Project.

In accordance with Division K, section 122 of the “Consolidated and Further Continuing Appropriations Act, 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=125 on April 26th. The FHWA received two comments in response to the publication. Frank Johnson opposed granting a waiver and suggested that all products should be made in the United States. Brian Abbott of Voestalpine Nortrak claimed that Nortrak has the capability of manufacturing guideway switches domestically. The City of Chicago consulted with Nortrak and explored the possibility for domestic procurement of guideway switches. The City of Chicago determined that the guideway switches manufactured by Voestalpine Nortrak were not compatible with Chicago O’Hare Airport Transit System ATS. Chicago’s June 28th response indicates that they coordinated with Voestalpine Nortrak regarding compatibility issues and provided a reasonable explanation of why a waiver is appropriate considering their project circumstances. Based on all the information available to the agency, FHWA concludes that there are no domestic manufacturers of ATS vehicles, ATS guideway switches, and ATS rails for the Chicago O’Hare International Airport ATS Expansion & Modernization Project.

In accordance with the provisions of section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572), FHWA is providing this notice as its finding 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.