

of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305).

The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must specify the effective period of the exemption (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

#### **AFTC Application for Exemption**

AFTC applied for an exemption from 49 CFR 393.102, 393.106, 393.110, and 393.114 to allow alternate methods for the securement of (1) agricultural commodities transported in wood and plastic boxes and bins and large fiberglass tubs, and (2) hay, straw, and cotton bales that are grouped together into large singular units. A copy of the application is included in the docket referenced at the beginning of this notice.

On September 27, 2002, FMCSA published new cargo securement rules (67 FR 61212). The rules were based on the North American Cargo Securement Standard Model Regulation, reflecting (1) the results of a multi-year research program to evaluate U.S. and Canadian cargo securement regulations; (2) the motor carrier industry's best practices; and (3) recommendations presented during a series of public meetings involving U.S. and Canadian industry experts, Federal, State, and Provincial enforcement officials, and other interested parties.

The cargo securement rules include general securement rules applicable to all types of articles or cargo, with certain exceptions (§§ 393.100–393.114), and commodity-specific rules for cargoes that require specialized means of securement (§§ 393.116–393.136). The commodity-specific requirements take precedence over the general rules for a commodity listed in those sections. This means all cargo securement systems must meet the general requirements, except to the extent a commodity-specific rule imposes additional requirements that prescribe in more detail the securement method to be used. There are no commodity-specific rules applicable to the transportation of (1) agricultural commodities transported in wood and plastic boxes and bins and large fiberglass tubs, and (2) hay, straw, and

cotton bales that are grouped together into large singular units.

AFTC states that “For the past several years, Agricultural haulers in California have been utilizing annual exemptions granted by the CHP to continue to allow the use of previously existing cargo securement methods for hauling agricultural products. The California annual exemptions were granted because the strict application of the cargo securement requirements that FMCSA identified in a Final Rule in 2002 and became effective in 2004 would have resulted in a less secure agricultural commodity cargo securement environment.”

In support of its application, AFTC states that “We are requesting this exemption after the Federal Motor Carrier Safety Administration (FMCSA) performed testing and evaluation of various methods utilized in securing a wide variety of agricultural products for transport that occurred in 2007 and 2008. Many cargo securement methods were tested including those used to secure plastic and wood bins, large fiberglass tubs, and hay and cotton bales. The study with FMCSA was a collaborative effort with the California Highway Patrol . . . , California Department of Food and Agriculture, California Trucking Association and several of our carrier members.” A copy of the draft report has been included in the docket referenced at the beginning of this notice.

AFTC notes that the alternate securement methods for boxes, bins, and tubs are intended to apply only to the transportation of agricultural products from the field or storage to the first point of processing and the return or delivery of empty containers to the field or storage location. Additionally, loads transported in vans or that are contained on four sides by racks, or for other than agricultural operation as described above must be transported in accordance with the general cargo securement rules of §§ 393.100–393.114. AFTC states “The reason for the requested variances is because these agricultural commodities are ‘grouped’ into larger singular ‘units’ and these larger grouped units of cargo behave differently when tested to the performance requirements under 49 CFR 393.102.”

Interested parties are referred to the detailed cargo securement requirements outlined by AFTC in an attachment to its exemption application for each box/bin/tub scenario and for hay and cotton bales. The attachment includes information regarding (a) the applicability of the alternative securement methods and definitions, (b)

general provisions relating to required tiedowns and other securement devices, (c) construction of loads, and (d) securement of loads.

The exemption would apply to all commercial motor vehicle operators nationwide that transport agricultural commodities in interstate commerce as described in the attachment to the exemption application. AFTC states that the alternative securement requirements “will provide an increased level of safety and these securement techniques have been tested by the Volpe National Transportation Systems Center in cooperation with FMCSA and the California Highway Patrol.” Further, AFTC notes that granting the exemption “will provide an increased level of safety as the alternate securement methods require more cargo securement than is currently required under the California exemptions the industry has been operating under for the past few years.”

#### **Request for Comments**

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on AFTC's application for an exemption from 49 CFR 393.102, 393.106, 393.110, and 393.114. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice.

Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will continue to file relevant information in the public docket that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: December 28, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2018–00013 Filed 1–4–18; 8:45 am]

**BILLING CODE 4910–EX–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Maritime Administration**

#### **Notice of Funding Opportunity for America's Marine Highway Projects**

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice of funding opportunity.

**SUMMARY:** The Consolidated Appropriations Act of 2017, signed by

the President on May 5, 2017, appropriated \$5,000,000 to the Short Sea Transportation Program, commonly referred to as the America's Marine Highway Program (AMHP). The purpose of the appropriation is to make grants to previously designated Marine Highway Projects that support the development and expansion of documented vessels, and port and landside infrastructure. This notice announces the availability of funding for grants and establishes selection criteria and application requirements.

The U.S. Department of Transportation (Department) will award Marine Highway Grants to implement projects or components of projects previously designated by the Secretary of Transportation (Secretary) under AMHP. Only sponsors of designated Marine Highway Projects are eligible to apply for a Marine Highway Grant as described in this notice.

**DATES:** Applications must be received by the Maritime Administration by 5 p.m. EST on March 2, 2018.

**ADDRESSES:** Grant applications must be submitted electronically using *Grants.gov* (<https://www.grants.gov>). Please be aware that you must complete the *Grants.gov* registration process before submitting your application, and that the registration process usually takes 2 to 4 weeks to complete. Applicants are strongly encouraged to make submissions in advance of the deadline.

**FOR FURTHER INFORMATION CONTACT:** For further information concerning this notice, please contact Tori Collins, Office of Ports & Waterways Planning, Room W21-315, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, phone 202-366-0795 or email [Tori.Collins@dot.gov](mailto:Tori.Collins@dot.gov).

**SUPPLEMENTARY INFORMATION:** Each section of this notice contains information and instructions relevant to the application process for these Marine Highway Grants, and all applicants should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications. Applications received after the deadline will not be considered except in the case of unforeseen technical difficulties as outlined below in Section D.4.

#### Table of Contents

- A. Program Description
- B. Federal Award Information
- C. Eligibility Information
- D. Application and Submission Information
- E. Application Review Information
- F. Federal Award Administration

Information  
G. Federal Awarding Agency Contacts

#### A. Program Description

Section 55601 of Title 46, United States Code directs the Secretary to establish a short sea transportation grant program to implement projects or components of designated marine highway projects. The grant funds currently available are for projects related to documented vessels and to port and landside infrastructure.

#### B. Federal Award Information

The Secretary, through the Maritime Administration (MARAD), intends to award \$4,850,000 through grants to the extent that there are qualified applications. MARAD will seek to obtain the maximum benefit from the available funding by awarding grants to as many qualified projects as possible; however, MARAD reserves the right to award all funds to just one project. MARAD may partially fund applications by selecting discrete components of projects. The start date and period of performance for each award will depend on the specific project to which MARAD must agree. MARAD will administer each Marine Highway Grant pursuant to a grant agreement with the Marine Highway Grant recipient.

Recipients of prior Marine Highway Grants in earlier rounds of this program may apply for funding to support additional phases of a designated project. However, to be competitive, the applicant should demonstrate the extent to which the previously funded project phase has met estimated project schedules and budget, as well as the ability to realize the benefits expected for the new award.

#### C. Eligibility Information

To be selected for a Marine Highway Grant, an applicant must be an Eligible Applicant, and the project must be an Eligible Project.

##### 1. Eligible Applicants

Applicants eligible for Marine Highway Grants are sponsors of projects that the Secretary has previously designated as a Marine Highway Project under the AMHP. Project sponsors are public entities, including metropolitan planning organizations, state governments (including state departments of transportation), port authorities, and tribal governments.

Project sponsors are encouraged to develop coalitions and public/private partnerships, which include vessel owners and operators; third-party logistics providers; trucking companies; shippers; railroads; port authorities;

state, regional, and local transportation planners; environmental organizations; impacted communities; or any combination of entities working in collaboration on a single application. However, only the public entity sponsor may be a direct recipient of Federal funds under this award.

If multiple project sponsors submit a joint application, they must identify a lead applicant as the primary point of contact. Joint applications must include a description of the roles and responsibilities of each applicant and must be signed by each applicant. Although we encourage a single award recipient, where circumstances require more than one award recipient, the application must identify the recipients of the award.

##### 2. Cost Sharing or Matching

An applicant must provide at least 20 percent of project costs from non-Federal sources. The application should demonstrate, such as through a letter or other documentation, the sources of these funds.

##### 3. Other

##### Eligible Projects

This grant program intends to create new marine highway services or to expand existing marine highway services. Only projects or their components that the Secretary has previously designated as Marine Highway Projects are eligible for this round of grant funding, and they must support the development and expansion of documented vessels, and port and landside infrastructure. The current list of designated Marine Highway Projects, and sponsors thereof, can be found on the Marine Highway website at: <https://www.marad.dot.gov/wp-content/uploads/pdf/Click-here-for-Marine-Highway-Project-Designations-1.pdf>.

#### D. Application and Submission Information

##### 1. Address To Request Application Package

Applications may be found at and must be submitted through *Grants.gov*. Applications must include the Standard Form 424 (Application for Federal Assistance), which is available on the *Grants.gov* website at <https://www.grants.gov/web/grants/forms/sf-424-family.html>.

##### 2. Content and Form of Application Submission

In addition to the SF-424, the application should include all the information requested below. MARAD reserves the right to ask any applicant

for supplemental data but expects applications to be complete upon submission. Applicants are encouraged to provide quantitative information, including baseline information that demonstrates the project's merits and economic viability.

a. *Length of Application.* The narrative portion of the application should be in the standard academic format (*i.e.*, 12 pt. font, double-spaced) and must not exceed ten pages. Documentation supporting assertions made in the narrative portion must also be provided but should be limited to relevant information. If possible, website links to supporting documentation should be provided instead of copies of these materials. At the applicant's discretion, relevant materials provided previously in support of a Marine Highway Project application may be referenced and described as unchanged. To the extent referenced, this information need not be resubmitted in support of a Marine Highway Grant application.

b. *First Page of Application Narrative.* The first page of the narrative portion of the application should provide the following items of information:

(i) Marine Highway Project name (as stated on the Marine Highway Program's list of Designated Projects);

(ii) Primary point of contact for applicant;

(iii) Total amount of the project cost in dollars and the amount of grant funds the applicant is seeking, along with sources and share of matching funds;

(iv) Summary statement of how the grant funding will be applied;

(v) Project parties; and

(vi) Unique Entity Identifier (*e.g.*, DUNS) number. Recipients of Marine Highway Grants and their first-tier sub-awardees must have Unique Entity Identifier numbers (<https://fedgov.dnb.com/webform>) and current registrations in the System for Award Management (<https://www.SAM.gov>).

c. *Contact Information.* An application must include the name, phone number, email address, and business address of the primary point of contact for the applicant. MARAD will use this information to inform applicants of our decision regarding selection of grant recipients, as well as to contact them if we need additional or supplemental information regarding an application.

d. *Grant Funds and Sources and Uses of Project Funds.* An application should include specific information about the amount of grant funding requested, sources and uses of all project funds, total project costs, the percentage of project costs that would be paid with

Marine Highway Grant funds, and the identity and percentage shares of all parties providing funds for the project.

e. *National Environmental Policy Act (NEPA) Requirement.* Projects selected for grant award must comply with NEPA and any other applicable environmental laws. If the environmental review process is underway but not complete at the time of the application, the application must detail where the project is in the process, indicate the anticipated date of completion, and provide a website link or other reference to copies of any environmental documents prepared.

f. *Other Federal, State, and Local Actions.* An application must indicate whether the proposed project is likely to require actions by other agencies (*e.g.*, permits), indicate the status of such actions, provide a website link or other reference to materials submitted to the other agencies, and demonstrate compliance with other Federal, state, or local regulations and permits as applicable.

g. *Certification Requirements.* For an application to be considered for a grant award, the Chief Executive Officer, or equivalent, of the applicant is required to certify, in writing, the following:

(i) That, except as noted in this grant application, nothing has changed from the original application for formal designation as a Marine Highway Project;

(ii) The project sponsor will administer the project and any funds received will be spent efficiently and effectively; and

(iii) Applicant will provide information, data, and reports as required.

h. *Protection of Confidential Commercial Information.* Applicants should submit, as part of or in support of an application, publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards to the extent possible. If the application includes information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission contains "Confidential Commercial Information (CCI)"; (2) mark each affected page "CCI"; and (3) highlight or otherwise denote the CCI portions. MARAD will protect such information from disclosure to the extent allowed under applicable law. In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR

7.29 will be followed. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

### 3. *Unique Entity Identifier and System for Award Management (SAM)*

MARAD will not make an award to an applicant until the applicant has complied with all applicable Unique Entity Identifier and SAM requirements. Each applicant must be registered in SAM before applying, provide a valid Unique Entity Identifier number in its application, and maintain an active SAM registration with current information throughout the period of the award. Applicants may register with the SAM at [www.SAM.gov](http://www.SAM.gov). Applicants can obtain a Unique Entity Identifier number at <http://fedgov.dnb.com/webform>. If an applicant has not fully complied with the requirements by the time MARAD is ready to make an award, MARAD may determine that the applicant is not qualified to receive a Federal award under this program.

### 4. *Submission Dates and Times*

Applications must be received by 5 p.m. EST on March 2, 2018. Late applications that are the result of failure to register or comply with *Grants.gov* application requirements in a timely manner will not be considered. Applicants experiencing technical issues with *Grants.gov* that are beyond the applicant's control must contact [MH@dot.gov](mailto:MH@dot.gov) or Tim Pickering at 202-366-0704 prior to the deadline with the user name of the registrant and details of the technical issue experienced. The applicant must provide: (1) Details of the technical issue experienced; (2) screen capture(s) of the technical issue experienced along with the corresponding "Grant tracking number" that is provided via *Grants.gov* (3) the "Legal Name" for the applicant that was provided in the SF-424; (4) the name and contact information for the person to be contacted on matters involving submission that is included on the SF-424; (5) the Unique Entity Identifier number (*e.g.*, DUNS) associated with the application; and (6) the *Grants.gov* Help Desk Tracking Number.

### 5. *Funding Restrictions*

MARAD will not allow reimbursement of any pre-Federal award costs that may have been incurred by an applicant.

Grant funds may only be used for the purposes described in 46 U.S.C. 55601(b)(1) and (3) and may not be used as an operating subsidy.

## 6. Other Submission Requirements

Grant applications must be submitted electronically using *Grants.gov* (<https://www.grants.gov>).

## E. Application Review Information

### 1. Selection Criteria

When reviewing grant applications, MARAD will consider how the proposed service could satisfy, in whole or in part, 46 U.S.C. 55601(b)(1) and (3) and any of the following criteria found at 46 U.S.C. 55601(g)(2)(B):

- (i) The project is financially viable;
- (ii) The funds received will be spent efficiently and effectively; and
- (iii) A market exists for the services of the proposed project as evidenced by contracts or written statements of intent from potential customers.

In awarding grants under the program, MARAD will give preference to those projects or components that present the most financially viable marine highway transportation services and require the lowest total percentage Federal share of the costs. MARAD will also give special consideration to projects which emphasize improved infrastructure condition, or facilitate economic or competitiveness in rural areas.

### 2. Review and Selection Process

Upon receipt, MARAD will evaluate the application using the criteria outlined above. Upon completion of the technical review, MARAD will forward the applications to a Department inter-agency review team (Intermodal Review Team). The Intermodal Review Team will include members of MARAD, other Operating Administrations, and representatives from the Office of the Secretary of Transportation. The Intermodal Review Team will assign ratings of “highly recommended,” “recommended,” “not recommended,” “incomplete,” or “not eligible” for each application based on the criteria set forth above. The Intermodal Review Team will provide their findings to the Program Office. The Program Office will use those findings to inform the recommendations that will be made to the Maritime Administrator and the Secretary.

Prior to making a Federal award over the simplified acquisition threshold of \$150,000 MARAD will review and consider any information about the applicant that is in the designation integrity and performance system accessible through SAM (currently the Federal Awardee Performance Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself. MARAD will

consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant’s integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

## F. Federal Award Administration Information

### 1. Federal Award Notices

Following the evaluation outlined in Section E, we will announce the selected projects on the MARAD website (<https://www.marad.dot.gov>).

### 2. Administrative and National Policy Requirements

All awards must be administered pursuant to the “Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards” found at 2 CFR part 200, as adopted by the Department at 2 CFR part 1201. Additionally, all applicable Federal laws and regulations will apply to projects that receive Marine Highway Grants. The period following award that a project is expected to expend grant funds and start construction, acquisition, or procurement will be considered on a case-by-case basis and will be specified in the project-specific grant agreement. We reserve the right to revoke any award of Marine Highway Grant funds and to award such funds to another project to the extent that such funds are not expended in a timely or acceptable manner and in accordance with the project schedule. Federal wage rate requirements included at 40 U.S.C. 3141–3148 apply to all projects receiving funds under this program and apply to all parts of the project, whether funded with other Federal funds or non-Federal funds.

### 3. Reporting

Award recipients are required to submit quarterly reports to the Program Office to keep MARAD informed of all activities during the reporting period. The reports will indicate progress made, planned activities for the next period, and a listing of any purchases made with grant funds during the reporting period. In addition, the report will include an explanation of any deviation from the projected budget and timeline. Quarterly status reports will also contain, at a minimum, the following: (1) A statement as to whether the award recipient has used the grant funds consistent with the terms contemplated in the grant agreement; (2) if applicable, a description of the budgeted activities not procured by recipient; (3) if

applicable, the rationale for recipient’s failure to execute the budgeted activities; (4) if applicable, an explanation as to how and when recipient intends to accomplish the purposes of the grant agreement; and (5) a budget summary showing funds expended since commencement, anticipated expenditures for the next reporting period, and expenditures compared to overall budget.

### 4. Requirements for Domestic Content (“Buy American,” “Buy America,” and “Cargo Preference”)

Consistent with the requirements of section 410 of Title IV of Division K, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2017, of the Consolidated Appropriations Act of 2017 (Pub. L. 115–31), the Buy American requirements of Chapter 83 of Title 41 U.S.C. apply to funds made available under this Notice of Funding Opportunity. Depending on other funding streams, the project may be subject to “Buy America” requirements. If a project intends to use any product with foreign content or of foreign origin, this information should be listed and addressed in the application. If certain foreign-content is granted an exception or waiver from Buy American or Buy America requirements, a Cargo Preference requirement may apply.

## G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact Tori Collins, Office of Ports & Waterways Planning, Room W21–315, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, phone 202–366–0795 or email [Tori.Collins@dot.gov](mailto:Tori.Collins@dot.gov). To ensure applicants receive accurate information about eligibility, the program, or in response to other questions, applicants are encouraged to contact MARAD directly, rather than through intermediaries or third parties.

\* \* \* \* \*

Dated: January 2, 2018.

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2018–00033 Filed 1–4–18; 8:45 am]

**BILLING CODE 4910–81–P**