

alternative under 23 CFR 650.113 and 650.115.

- E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- E.O. 13112, Invasive Species, as amended by E.O. 13751, Safeguarding the Nation from the Impacts of Invasive Species
- E.O. 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- E.O. 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis
- E.O. 14008, Tackling the Climate Change Crisis at Home and Abroad
- E.O. 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All

Other Executive Orders not listed, but related to railroad projects

The proposed MOU would allow the State to act in the place of FRA in carrying out the environmental review-related functions described above, except with respect to Government-to-Government consultations with federally recognized Indian Tribes. The State would continue to handle routine consultations with the Tribes and understands that a Tribe has the right to direct consultation with FRA upon request. The State may assist FRA with Government-to-Government consultations, with consent of a Tribe, but FRA remains responsible for the consultation.

In addition, the State would not assume FRA's responsibilities for conformity determinations required under section 176 of the CAA (42 U.S.C. 7506), or any responsibility under 23 U.S.C. 134 or 135, or under 49 U.S.C. 5303 or 5304.

FRA will consider the comments submitted on the State's application and the proposed MOU. A copy of the application package and proposed MOU may be viewed on the docket (FRA-2024-0096) at www.regulations.gov. A copy also may be viewed on ODOT's website at: <https://www.transportation.ohio.gov/programs/nepa-odot/nepa-assignment-documentation>. Any final MOU approved by FRA may include changes based on comments and consultations relating to the proposed MOU and will be made publicly available.

Authority: 23 U.S.C. 327; 42 U.S.C. 4331, 4332; 23 CFR part 773; 40 CFR 1507.3; and 49 CFR 264.101.

Marlys Osterhues,

Director, Office of Environmental Program Management, Office of Railroad Administration.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Project—Operations and Maintenance Facility South, Federal Way, King County, Washington

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

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) regarding the Operations and Maintenance Facility South, Federal Way, King County, Washington. The purpose of this notice is to publicly announce FTA's environmental decisions on the subject project, and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: A claim seeking judicial review of FTA actions announced herein for the listed public transportation project will be barred unless the claim is filed on or before February 6, 2025.

FOR FURTHER INFORMATION CONTACT: Kathryn Loster, Assistant Chief Counsel, Office of Chief Counsel, (312) 705-1269, or Saadat Khan, Environmental Protection Specialist, Office of Environmental Programs, (202) 366-9647. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions subject to 23 U.S.C. 139(l) by issuing certain approvals for the public transportation project listed below. The actions on the project, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA environmental project files for the project. Interested parties may contact either the project sponsor or the relevant

FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at <https://www.transit.dot.gov/about/regional-offices/regional-offices>.

This notice applies to all FTA decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA (42 U.S.C. 4321-4375), Section 4(f) requirements (49 U.S.C. 303), Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), Endangered Species Act (16 U.S.C. 1531), Magnuson-Stevens Fisheries Conservation and Management Act (16 U.S.C. 1801), Migratory Bird Treaty Act (16 U.S.C. 703-712), Clean Water Act (33 U.S.C. 1251), the Uniform Relocation and Real Property Acquisition Policies Act (42 U.S.C. 4601), Coastal Zone Management Act (16 U.S.C. 1451-1462) and the Clean Air Act (42 U.S.C. 7401-7671q). This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The project modifications and actions that are the subject of this notice follow:

Project name and location: Operations and Maintenance Facility South (Project), Federal Way, King County, Washington.

Project sponsor: Central Puget Sound Regional Transit Authority (Sound Transit), Seattle, King County, Washington.

Project description: The Project would construct and operate a light rail operations and maintenance facility (OMF) in its South Corridor. The OMF would be constructed on 66 acres and provide capacity to receive, test, commission, store, maintain, and deploy an expanded fleet of light rail vehicles (LRVs) to support the Link light rail system expansion goal as part of Sound Transit 3: The Regional Transit System Plan for Central Puget Sound (Sound Transit 3). The facility will include the OMF building, Maintenance of Way (MOW) building, the Link System-Wide Storage building, OMF tracks that provide staging for LRVs, parking (480 spaces), training tracks, and yard areas. The Project also involves construction of new mainline track (1.4 miles), a 0.9-mile test track running parallel to the mainline tracks, and a tail track connecting the facility to the light rail system.

Final agency actions: Section 106 no adverse effect determination, dated October 31, 2023; Section 4(f) *de minimis* impact determination, dated October 31, 2023; and Operations and

Maintenance Facility South Record of Decision (ROD), dated August 7, 2024.

Supporting documentation:

Operations and Maintenance Facility South Project Final Environmental Impact Statement (FEIS), dated June 7, 2024, and Operations and Maintenance Facility South Project Draft Environmental Impact Statement (DEIS) dated September 22, 2023. The ROD, FEIS, DEIS and associated documents can be viewed and downloaded from: <https://www.soundtransit.org/system-expansion/operations-maintenance-facility-south>.

Authority: 23 U.S.C. 139(l)(1).

Megan Blum,

Deputy Associate Administrator for Planning and Environment.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA-2024-0009]

Notice of Proposed Buy America Waiver and Request for Comment

AGENCY: Federal Transit Administration, Department of Transportation.

ACTION: Notice; request for comment.

SUMMARY: The Federal Transit Administration (FTA) received a request from the Detroit Transportation Corporation (DTC) for a Buy America nonavailability waiver for the procurement of special trackwork turnout switch components needed to keep the DTC's Elevated Guideway in a state of good repair. FTA is providing notice of the nonavailability waiver request and seeks public comment before deciding whether to grant the request. If granted, the waiver would apply for the switch components identified in the waiver request.

DATES: Comments must be received by September 24, 2024. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Please submit all comments electronically to the Federal eRulemaking Portal. Go to <https://www.regulations.gov> and follow the instructions for submitting comments.

Instructions: All submissions must refer to the Federal Transit Administration and the docket number of this notice. Note that all submissions received, including any personal information provided, will be posted without change and will be available to the public on <https://www.regulations.gov>. You may review

DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000 (65 FR 19477), or at <https://www.transportation.gov/privacy>.

FOR FURTHER INFORMATION CONTACT:

Jason Luebbbers, FTA Attorney-Advisor, at (202) 366-8864 or Jason.Luebbbers@dot.gov.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to seek public comment on whether the FTA should grant a nonavailability waiver for the Detroit Transportation Corporation (DTC) for the procurement of replacement special trackwork turnout switch components (the "switch").

Background

With certain exceptions, FTA's Buy America requirements prevent FTA from obligating an amount that may be appropriated to carry out its program for a project unless "the steel, iron, and manufactured goods used in the project are produced in the United States." 49 U.S.C. 5323(j)(1). A manufactured product is considered produced in the United States if: (1) all of the manufacturing processes for the product take place in the United States; and (2) all of the components of the product are of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents. 49 CFR 661.5(d).

FTA may waive Buy America requirements for a product if, among other reasons, a compliant version of the product is not produced in a sufficient and reasonably available amount or is not of a satisfactory quality. 49 U.S.C. 5323(j)(2)(B). FTA cannot deny a request for a nonavailability waiver unless it can provide the waiver applicant with a written certification that: the item is produced in the United States in a sufficient and reasonably available amount; the item produced in the United States is of a satisfactory quality; and includes a list of known manufacturers in the United States from which the item can be obtained. 49 U.S.C. 5323(j)(6).

DTC is the owner and operator of the Detroit People Mover, which is the largest municipal rail system in Michigan. It is an automated light rail system that operates twelve rail cars on an elevated single track in a 2.9-mile loop with thirteen passenger stations in Detroit's central business district.

The existing switches were installed as original equipment in 1987 and designed to European standards, using AREMA 115RE rail throughout the turnout with a special EN60E1A1 switch point section. The proper

operation of the switch is essential for the continued, safe operations of DTC vehicles. DTC seeks a waiver for the switch because there are no known domestic manufacturers of the switch. DTC previously sought and received a Buy America waiver from FTA for two replacement switches from Delta Railroad Construction, Inc. (Delta), on April 19, 2016 (81 FR 23077).

On January 19, 2023, DTC issued a request for proposals (RFP) (No. 1-19-2023, for DTC Sub-Package 7), which includes the special track switch described above, and received two responses. Both bidders certified that the switches they could provide would not comply with the FTA Buy America requirements. Following the RFP, DTC submitted a nonavailability waiver request to FTA for the noncompliant switch components. 49 U.S.C. 5323(j)(2) and 49 CFR 661.7(c)(2).

The product that requires a waiver is one pair of EN60E1A1 switch point rails and all appurtenances associated with its installation; four transition head machined rails for connection to frog and turnout rails; and one set of switch point rods consisting of two drive rods and two detector rods. FTA estimates the total cost of goods subject to this proposed waiver is less than \$300,000.

Proposed Waiver

FTA proposes waiving the Buy America requirement for the special trackwork switches DTC seeks to procure under Sub-Package 7. The proposed waiver would apply only to the switch described above that is procured after a notice of final waiver is published. The waiver would not apply to any other products or any other projects besides Sub-Package 7. The proposed waiver would be effective from the effective date of the final waiver through the period of performance and closeout of FTA's financial assistance for the project, which is estimated to be March 30, 2030.

Request for Comment

This notice satisfies FTA's requirement to publish any proposed Buy America waiver in the **Federal Register** and provide the public with a reasonable period of time for notice and comment. 49 U.S.C. 5323(j)(3) and section 70937(b)(1) of the Build America, Buy America Act (Pub. L. 117-58).

FTA seeks public and industry comment from all interested parties. In particular, FTA seeks comment regarding whether the waiver should be approved, and, if so, whether it should be modified from FTA's proposal and