

**DEPARTMENT OF TRANSPORTATION****Federal Transit Administration****[Docket No. FTA-2011-0064]****Notice of Proposed Buy America Waiver****AGENCY:** Federal Transit Administration (FTA), DOT.**ACTION:** Notice of proposed Buy America waiver.

**SUMMARY:** The Philadelphia Center City District (CCD) has asked the Federal Transit Administration (FTA) to waive its Buy America requirements as applied to a proposed contract award for the renovation of Dilworth Plaza adjacent to City Hall in Philadelphia, Pennsylvania. More specifically, CCD is seeking a waiver for the procurement of glass panels needed to construct two structural glass pavilions covering stairs leading from the surface level to underground transit stations operated by the Southeastern Pennsylvania Transportation Authority.

**DATES:** Comments must be received by November 23, 2011. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** Please submit your comments by only one of the following means, identifying your submissions by docket number FTA-2011-0064. All electronic submissions must be made to the U.S. Government electronic site at <http://www.regulations.gov>. Commenters should follow the instructions below for mailed and hand-delivered comments.

(1) *Web site:* <http://www.regulations.gov>. Follow the instructions for submitting comments on the U.S. Government electronic docket site;  
 (2) *Fax:* (202) 493-2251;  
 (3) *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M-30, Room W12-140, Washington, DC 20590-0001.

(4) *Hand Delivery:* Room W12-140 on the first floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must make reference to the "Federal Transit Administration" and include docket number FTA-2011-0064. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties making submissions responsive to this notice should consider using an express mail firm to

ensure the prompt filing of any submissions not filed electronically or by hand. Note that all submissions received, including any personal information therein, will be posted without change or alteration to [www.regulations.gov](http://www.regulations.gov). For more information, you may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or visit <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Jayme L. Blakesley at (202) 366-0304 or [jayme.blakesley@dot.gov](mailto:jayme.blakesley@dot.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to seek public comment on whether the Federal Transit Administration should waive its Buy America requirements of 49 CFR part 661 to permit the Center City District to award a construction contract for the renovation of Dilworth Plaza, located adjacent to City Hall in Philadelphia, Pennsylvania, where no proposal submitted to CCD included a valid Buy America Certificate of Compliance.

The FTA's general requirements concerning domestic preference for the procurement of manufactured products are set forth in 49 U.S.C. 5323(j). Under 49 U.S.C. 5323(j)(2)(B), and the implementing regulation, 49 CFR 661.7(c), those requirements may be waived if the goods produced in the United States are not produced in a sufficient and reasonably available amount. The FTA will presume that conditions exist to grant a non-availability waiver if no responsive and responsible bid is received that offers the items produced in the United States. 49 CFR 661.7(c)(1).

Structural glass is a manufactured product. As such, it must comply with the standard set forth at 49 CFR 661.5(d): All of the manufacturing processes for the product must take place in the United States. A manufacturing process requires the alteration of materials or elements resulting in either added value or transformation of those materials or elements into a functionally different end product.

On September 20, 2011, CCD received proposals from nine general contractors. The proposals included glass panels to be utilized in the construction of two structural glass pavilions as part of the renovations. Based on research conducted in early 2011, CCD's design team concluded that no glass manufacturer had the capability to fabricate the glass panels in the United States. This is due to the size of the panels and the laminated glass make-up

and edge polishing requirements. Although five proposals included a Buy America Certificate of Compliance, CCD determined that each proposer certifying compliance offered glass panels that included at least one manufacturing process occurring outside the United States.

The two all-glass entry pavilions are to be comprised of structural glass panels including glazing and other systems as follows:

- a. Pavilion Walls (52 total panels): Frameless 5-ply (10 mm ply) laminated heat strengthened low iron glass panels with ionoplast interlayer, DuPont™ SentryGlas or approved equal. The manufacturer must be capable of fabricating the described panel with the following dimensions—61" x 232".
- b. Pavilion Roof Panels (36 total panels): Frameless 7-ply (10 mm ply) laminated heat strengthened low iron glass panels with ionoplast interlayer DuPont™ SentryGlas or approved equal. The manufacturer must be capable of fabricating the described panel with the following dimensions—56" x 202".

The glass edges of single plies must be machine-polished. The panels must be fabricated so that all sealant joints are capable of withstanding tensile and shear stresses imposed, and capable of withstanding joint movements imposed without failing adhesively or cohesively.

To ensure consistent quality of appearance and performance, CCD has specified that the glass panels must be produced by a single manufacturer or fabricator for each kind and condition of glass indicated in the specifications, and composed of primary glass obtained from a single source for each type and class required. Heat-Treated Float Glass must be fabricated to ASTM C 1048; Type I; Quality-Q3; Class I (clear). Wall panels must be fabricated by horizontal (roller-hearth) process with roll-wave distortion parallel to bottom edge of glass as installed.

Of the manufacturing processes described above, it is FTA's understanding that facilities do not exist in the United States to perform one or more of the manufacturing processes. CCD has requested a non-availability waiver that would allow certain processes to occur outside the United States. If granted, the non-availability waiver for this project would be limited to the specific manufacturing processes that cannot be done in the U.S. All other manufacturing processes would need to take place in the United States, as required by the Buy America rules.

In the interest of transparency, FTA has published copies of CCD's request to

the docket. Interested parties may access these materials by visiting the docket site at <http://www.regulations.gov>, docket number FTA-2011-0064. Before deciding whether to grant CCD's request, FTA seeks comment from all interested parties. FTA requests that commenters describe the manufacturing process for structural glass and identify the processes that can and cannot be performed in the United States. Please submit comments by November 23, 2011. Late-filed comments will be considered to the extent practicable.

Issued this 8th day of November, 2011.

**Dorval R. Carter, Jr.,**

*Chief Counsel.*

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**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[U.S. DOT Docket No. NHTSA-2011-0162]

#### Reports, Forms, and Recordkeeping Requirements

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

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes an Information Collection Request (ICR) for which NHTSA intends to seek OMB approval.

**DATES:** Comments must be submitted on or before January 17, 2012.

**ADDRESSES:** Direct all written comments to the U.S. Department of Transportation Dockets, 1200 New Jersey Ave. SE., Washington, DC 20590. You may also submit comments electronically at <http://www.regulations.gov>. All comments should refer to the Docket No. NHTSA-2011-0162.

**FOR FURTHER INFORMATION CONTACT:** Jessica Cicchino, Ph.D., Contracting Officer's Technical Representative, Office of Behavioral Safety Research (NTI-131), National Highway Traffic

Safety Administration, 1200 New Jersey Ave. SE., W46-491, Washington, DC 20590. Dr. Cicchino's phone number is (202) 366-2752 and her email address is [jessica.cicchino@dot.gov](mailto:jessica.cicchino@dot.gov).

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

**Title:** Instrumented On-Road Study of Motorcycle Riders.

**Type of Request:** New information collection request.

**OMB Clearance Number:** None.

**Form Number:** This collection of information uses no standard forms.

**Requested Expiration Date of Approval:** 3 years from date of approval.

**Summary of the Collection of Information:** In this study, the National Highway Traffic Safety Administration (NHTSA) will be conducting on-road instrumented vehicle data collection with a total of 160 motorcycle riders to examine motorcycle riders' behaviors as they typically ride. Volunteers will be recruited to have their motorcycles outfitted for one year with instrumentation such as cameras, GPS, and accelerometers that will capture data on normal riding behavior whenever their motorcycles are ridden.

Before participating in the on-road portion of the study, participating motorcycle riders will be asked to complete intake questionnaires that will ask about their demographics, riding history, self-reported behavior, and perceptions. After completing the on-road study, participants will be asked to complete a short debriefing interview that will focus on their experiences riding with the instrumentation in the past year. If a participant is involved in a motorcycle crash during the study, he or she may be asked additional questions about the circumstances surrounding the crash. This subjective data will be combined with the objective data from the instrumentation on actual riding behavior to help NHTSA develop a better understanding of if a rider's demographic characteristics, riding history, self-reported behavior, and perceptions are linked to his or her behavior on the road.

**Need and Use of Information:** The National Highway Traffic Safety Administration (NHTSA) was established to reduce the mounting number of deaths, injuries, and economic losses resulting from motor vehicle crashes on the Nation's highways. As part of this statutory mandate, NHTSA is authorized to conduct research as a foundation for the development of motor vehicle standards and traffic safety programs.

Motorcycle fatalities have increased over the past decade at an alarming rate. In 2009, 4,462 motorcycle riders were killed in the US. This marks the first time the number of motorcycle fatalities has decreased after steadily increasing over 11 years; however, even with this decline, the number of motorcycle fatalities in 2009 was nearly double that from a decade earlier. Motorcycles made up 3% of the registered vehicles in the US in 2009 but motorcyclists accounted for 13% of the total traffic fatalities.

Knowledge of both how riders successfully avoid crashes and of behaviors that correlate with and contribute to crash risk is crucial to developing effective countermeasures to reduce motorcycle crashes and fatalities. Data describing actual events are difficult to collect. Riders and law enforcement officers are not always aware of what caused a crash after the fact. It is even more difficult to identify behavioral factors associated with safe riding, and the actions of riders during evasive maneuvers that did not result in a police-reportable crash. Studies using instrumented vehicles to collect data on the real-world driving of passenger car and truck drivers have provided unprecedented information describing